



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

SENATE—Wednesday, January 5, 2011

The fifth day of January being the day prescribed by Public Law 111-289 for the meeting of the 1st Session of the 112th Congress, the Senate assembled in its Chamber at the Capitol and at 12:04 p.m. was called to order by the Vice President (Mr. BIDEN).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who has placed us here and gives us work to do at the opening of the 112th Congress, we pause to thank You for sustaining this Nation from generation to generation, in prosperity and in adversity. We praise You for this new year with its new horizons, fresh challenges, and high duties.

May the solemn induction of some of our lawmakers become the renewal of vows for all. Give our Senators the wisdom to exert their best efforts for the security of this land we love. In the words of the prophet Micah, may they do justly, love mercy, and walk humbly with You. Join them in heart, mind, and soul to build a better world.

Lord, guide by Your high wisdom the President, the Vice President, the Members of the Senate and the House of Representatives, that they may ever seek to know and do Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The VICE PRESIDENT led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CERTIFICATES OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fulfill an unexpired term and the certificates of election for 34 Senators elected for 6-year terms beginning January 3, 2011. All certificates, the Chair is advised, are in the

form suggested by the Senate or contain all essential requirements of the form suggested by the Senate. If there is no objection, the reading of the certificates will be waived and they will be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATE OF NEW HAMPSHIRE Executive Department

To the President of the Senate of the United States:

This is to certify that on the second day of November, two thousand and ten Kelly Ayotte was duly chosen by the qualified electors of the State of New Hampshire to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, two thousand and eleven.

Witness, His Excellency, Governor John H. Lynch and the Seal of State of New Hampshire hereto affixed at Concord, this seventeenth day of November, in the year of Our Lord two thousand and ten.

JOHN H. LYNCH,
Governor.

By the Governor, with advice of the Council:

WILLIAM M. GARDNER,
Secretary of State.

[State Seal Affixed]

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the Second day of November, 2010, Michael F. Bennet was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 2011.

Witness: His Excellency our Governor Bill Ritter, Jr., and our seal hereto affixed at Denver, Colorado this Ninth day of December, in the year of our Lord 2010.

By the Governor:

BILL RITTER, Jr.,
Governor.
BERNIE BUESCHER,
Secretary of State.

[State Seal Affixed]

STATE OF CONNECTICUT Executive Department

To the President of the Senate of the United States:

This is to Certify that on the second day of November, two thousand and ten Richard

Blumenthal was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January two thousand and eleven.

Witness: Her Excellency our Governor; M. Jodi Rell and our seal hereto affixed at Hartford, this twenty-fourth day of November, in the year of our Lord two thousand ten.

M. JODI RELL,
Governor.
SUSAN BYSIEWICZ,
Secretary of the State.

[State Seal Affixed]

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Roy Blunt was duly chosen by the qualified electors of the State of Missouri a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His Excellency our Governor Jeremiah W. (Jay) Nixon, and our seal hereto affixed at the City of Jefferson this 1st day of December, in the year of our Lord 2010.

By the Governor:

JEREMIAH W. (JAY) NIXON,
Governor.
ROBIN CARNAHAN,
Secretary of State.

[State Seal Affixed]

STATE OF ARKANSAS

To the President of the Senate of the United States:

Know Ye, That Whereas, It appears that John Boozman was duly elected to the U.S. Senate, in and for the State of Arkansas at an election held on the second day of November, Two Thousand Ten.

Therefore, I, Mike Beebe, Governor of the State of Arkansas in the name and by authority of the people of the State of Arkansas, vested in me by the Constitution and the laws of said State do hereby certify that John Boozman was duly chosen by the qualified electors of the State of Arkansas to the office of U.S. Senate in and for the State of Arkansas for the term of six years, beginning on the 3rd of January, 2011.

Witness: His excellency our governor Mike Beebe, and our seal hereto affixed at Little Rock, Arkansas this 3rd day of December, in the year of our Lord 2010.

MIKE BEEBE,
Governor.
CHARLIE DANIELS,

Secretary of State.
[State Seal Affixed]

STATE OF CALIFORNIA
Executive Department

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Barbara Boxer was duly chosen by the qualified electors of the State of California as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of December, 2010.

ARNOLD SCHWARZENEGGER,
Governor of California.

Attest:

DEBRA BOWEN,
Secretary of State.

[State Seal Affixed]

STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Richard Burr was duly chosen by the qualified electors of the State of North Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

In Witness Whereof, I have hereunto signed my name and caused to be affixed the Great Seal of the State, at the Capital City of Raleigh, this the 8th day of December, 2010.

BEVERLY EAVES PERDUE,
Governor.

ELAINE F. MARSHALL,
Secretary of State.

[State Seal Affixed]

STATE OF INDIANA

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

Be it known by these presents:

Whereas, according to certified statements submitted by the Circuit Court Clerks of the several counties to the Election Division of the Office of the Secretary of State of Indiana, and based upon the tabulation of those statements performed by the Election Division, the canvass prepared by the Election Division states that at the General Election conducted on the second day of November, 2010, the electors chose Dan Coats to serve the People of the State of Indiana as United States Senator from Indiana.

Now therefore, in the name of and by the authority of the State of Indiana, I certify the following in accordance with Title 2 United States Code Section 1:

To the President of the Senate of the United States:

This is to certify that on the second day of November 2010, Dan Coats was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our Governor Mitchell E. Daniels, Jr. and our seal hereto affixed at Indianapolis, this the twenty-second day of November, in the year, 2010,

By the Governor:

M. E. DANIELS, Jr.,
Governor.

Attest:

TODD ROKITA,
Secretary of State.

[State Seal Affixed]

STATE OF OKLAHOMA

Office of the Secretary of State

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Tom Coburn was duly chosen by the qualified electors of the State of Oklahoma a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our Governor Brad Henry, and our seal hereto affixed at Oklahoma City, Oklahoma this 18th day of November, in the year of our Lord 2010.

By the Governor:

BRAD HENRY,
Governor.
M. SUSAN SAVAGE,
Secretary of State.

[State Seal Affixed]

STATE OF IDAHO

Office of the Secretary of State

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Mike Crapo was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our Governor C.L. "Butch" Otter, and our seal hereto affixed at Boise, Idaho this 17th day of November, in the year of our Lord 2010.

By the Governor:

C.L. "BUTCH" OTTER,
Governor.
BEN YSURA,
Secretary of State.

[State Seal Affixed]

STATE OF SOUTH CAROLINA

By His Excellency

The Governor and Commander-In-Chief in and Over the State Aforesaid

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the Second Day of November, 2010, A.D. James W. DeMint was duly chosen by the qualified electors of the State of South Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third Day of January 2011.

Witness: His Excellency our Governor, Mark Sanford, and our Seal hereto affixed at Columbia, South Carolina this Seventeenth Day of November, in the Year of Our Lord, 2010.

MARK SANFORD,
Governor.
MARK HAMMOND,
Secretary of State.

[State Seal Affixed]

STATE OF NEW YORK
Executive Chamber

To the President of the United States:

This is to certify that on the second day of November, two thousand ten, Kirsten Gilli-

brand was duly chosen by the qualified electors of the State of New York a Senator for the unexpired term ending at noon on the third day of January, 2013, to fill the vacancy in the representation of such State in the Senate of the United States caused by the resignation of Hillary Rodham Clinton upon her appointment as Secretary of State.

Witness: His excellency our Governor David A. Paterson and our seal hereto affixed at Albany, New York this seventeenth day of December in the year two thousand ten.

By the Governor:

DAVID A. PATERSON,
Governor.
RUTH NOEMI COLON,
Secretary of State.

[State Seal Affixed]

STATE OF IOWA

Executive Department

In The Name and By The Authority of The State of Iowa

CERTIFICATE OF ELECTION TO THE SENATE OF THE UNITED STATES FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2010, Chuck Grassley was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2011.

Witness: His excellency our Governor Chester J. Culver, and our seal hereto affixed at Des Moines this 29th day of November, in the year of our Lord two thousand ten.

CHESTER J. CULVER,
Governor of Iowa.

Attest:

MICHAEL A. MAURO,
Secretary of State.

[State Seal Affixed]

STATE OF NORTH DAKOTA

Secretary of State

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2010, John Hoeven was duly chosen by the qualified electors of the State of North Dakota to represent North Dakota in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2011.

In witness whereof, we have set our hands at the Capitol City of Bismarck this 16th day of November 2010, and affixed the Great Seal of the State of North Dakota.

JOHN HOEVEN,
Governor.
ALVIN A. JAEGER,
Secretary of State.

PENNY MILLER,
State Canvassing Board.

[State Seal Affixed]

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
To the President of the Senate of the United States:

This is to certify that on the second day of November, 2010, Daniel K. Inouye was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the 3rd day of January, 2011.

Witness, Her excellency our governor, Linda Lingle, and our seal hereto affixed at Honolulu this 22nd day of November, in the year of our Lord 2010.

By the governor:

LINDA LINGLE,
Governor.
SCOTT T. NAGO,
Chief Election Officer.

[State Seal Affixed]

STATE OF GEORGIA

By his Excellency Sonny Perdue, Governor of said state

To the honorable Johnny Isakson Greetings:

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Johnny Isakson was duly chosen by the qualified electors of the State of Georgia, a Senator from said State to represent said State in the Senate by the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our Governor Sonny Perdue, and the Great Seal of the State of Georgia hereto affixed at the Capitol, in the city of Atlanta, the ninth day of November, in the year of our Lord Two Thousand and Ten.

By the Governor,

SONNY PERDUE,
Governor.
BRIAN P. KEMP,
Secretary of State.

[State Seal Affixed]

STATE OF WISCONSIN

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 2nd of November, 2010, Ron Johnson was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our governor Jim Doyle, and our seal hereto affixed at Madison this 2nd day of December 2010.

By the Governor:

JIM DOYLE,
Governor.
DOUGLAS LA FOLLETTE,
Secretary of State.

[State Seal Affixed]

STATE OF ILLINOIS

Executive Department

To the President of the Senate of the United States:

This is to Certify that on the Second day of November, Two Thousand and Ten, Mark Steven Kirk was duly chosen by the qualified electors of the State of Illinois a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, Two Thousand and Eleven.

Witness: His Excellency Our Governor, Pat Quinn, and our seal hereto affixed at the City of Springfield, Illinois, this Third day of December, in the year of our Lord Two Thousand and Ten.

By the Governor:

PAT QUINN,
Governor.
JESSE WHITE,
Secretary of State.

[State Seal Affixed]

STATE OF VERMONT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Patrick Leahy was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His Excellency our Governor, James H. Douglas, and our seal hereto affixed at Montpelier this 12th day of November, in the year of our Lord 2010.

JAMES H. DOUGLAS,
Governor.
DAVID M. CORIELL,
Secretary of Civil and
Military Affairs.
DEBORAH L. MARKOWITZ,
Secretary of State.

[State Seal Affixed]

STATE OF UTAH

To the President of the Senate of the United States:

This is to certify that on the second day of November, 2010, Mike Lee was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd of January 2011.

Witness: His excellency our governor Gary R. Herbert, and our seal hereto affixed at Salt Lake City, this 22nd day of November, in the year of our Lord 2010.

GARY R. HERBERT,
Governor.
GREG BELL,
Lieutenant Governor.

[State Seal Affixed]

STATE OF ARIZONA

Department of State

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2010, John McCain was duly chosen by the qualified electors of the State of Arizona a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd Day of January 2011.

Witness: Her excellency the Governor of Arizona, and the Great Seal of the State of Arizona hereto affixed at the Capitol in Phoenix this 29th day of November 2010.

JANICE K. BREWER,
Governor.
KEN BENNETT,
Secretary of State.

[State Seal Affixed]

STATE OF MARYLAND

Executive Department

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Barbara A. Mikulski was duly chosen by the qualified electors of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our governor Martin O'Malley, and our seal hereto affixed at Annapolis, Maryland this 7th day of December, in the year or our Lord 2010.

By the governor:

MARTIN O'MALLEY,
Governor.

Attest:

JOHN P. McDONOUGH,
Secretary of State.

[State Seal Affixed]

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Jerry Moran was duly chosen by the qualified electors of the state of Kansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2011.

Witness: His excellency our governor Mark Parkinson, and our seal hereto affixed at Topeka, Kansas this 29th day of November, in the year of our Lord 2010.

By the governor:

MARK PARKINSON,
Governor.
CHRIS BIGGS,
Secretary of State.

[State Seal Affixed]

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Lisa Murkowski was duly chosen by the qualified electors of the state of Alaska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our governor Sean R. Parnell, and our seal hereto affixed at Juneau this 30th day of December, in the year of our Lord 2010.

By the Governor:

SEAN R. PARNELL,
Governor.

By the Lieutenant Governor:

MEAD TREADWELL,
Lieutenant Governor.

[State Seal Affixed]

STATE OF WASHINGTON

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to Certify that at the General Election held in the State of Washington on the 2nd day of November, 2010, Patty Murray was duly chosen by the qualified electors of the State of Washington as United States Senator from the state of Washington to represent the state of Washington in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: Her excellency our Governor Christine Gregoire, and our seal hereto affixed at Olympia, Washington this 2nd day of December, 2010.

By the Governor:

CHRISTINE GREGOIRE,
Governor.

Attest:

SAM REED,
Secretary of State.

[State Seal Affixed]

COMMONWEALTH OF KENTUCKY

To all to Whom These Presents shall Come, Greeting:

Know Ye That Honorable Rand Paul having been duly certified, that on November 2,

2010 was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd day of January 2011.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the 23rd day of November in the year of our Lord two thousand and ten and in the 219th year of the Commonwealth,

By the Governor:

STEVEN L. BESHEAR,
Governor.

TREY GRAYSON,
Secretary of State.

[State Seal Affixed]

STATE OF OHIO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM
U.S. Senator

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2010, Rob Portman was duly elected by the qualified electors of the State of Ohio as the Senator from said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2011.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State of the Ohio to be hereto affixed at Columbus, Ohio, this 7th day of December, in the year of our Lord 2010.

By the Governor:

TED STRICKLAND,
Governor.

Countersigned:

JENNIFER BRUNNER,
Secretary of State.

[State Seal Affixed]

STATE OF NEVADA

Executive Department
CERTIFICATE OF ELECTION
United States Senate

This is to certify that at a general election held in the State of Nevada on Tuesday, the second day of November, two thousand ten Harry Reid was duly elected as a Member of the United States Senate, in and for the State of Nevada, for a term of six years from and after the third day in January, two thousand eleven;

Now, Therefore, I Jim Gibbons, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, do hereby Commission him, the said Harry Reid as a Member of the United States Senate, for the State of Nevada, and authorize him to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.

In Testimony Thereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 14th day of December, two thousand ten.

JIM GIBBONS,
Governor of the State
of Nevada.

ROSS MILLER,
Secretary of State of
Nevada.

[State Seal Affixed]

STATE OF FLORIDA

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Marco Rubio was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our governor, Charlie Crist, and our seal hereto affixed at Tallahassee, the Capital, this 29th day of November, in the year of our Lord 2010.

By the Governor:

CHARLIE CRIST,
Governor.

DAWN K. ROBERTS,
Interim Secretary of
State.

[State Seal Affixed]

STATE OF NEW YORK

Executive Chamber

To the President of the United States:

This is to certify that on the second day of November, two thousand ten, Charles E. Schumer was duly chosen by the qualified electors of the State of New York a Senator from said State to represent the State in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand eleven.

Witness: His excellency our Governor David A. Paterson and our seal hereto affixed at Albany, New York this seventeenth day of December in the year two thousand ten.

By the Governor:

DAVID A. PATERSON,
Governor.

RUTH NOEMI COLON,
Secretary of State.

[State Seal Affixed]

STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Richard C. Shelby was duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 3rd day of January, 2011.

Witness: His excellency our governor Bob Riley, and our seal hereto affixed at Montgomery this 22nd day of November, in the year of our Lord 2010.

By the Governor:

ROB RILEY,
Governor.

BETH CHAPMAN,
Secretary of State.

[State Seal Affixed]

STATE OF SOUTH DAKOTA

Office of the Secretary of State

CERTIFICATE OF ELECTION

This is to certify that on the second day of November, 2010, at the general election, John R. Thune was elected by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning on the third day of January, 2011.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 22nd day of November, 2010.

M. MICHAEL ROUNDS,
Governor.

Attested by:

CHRIS NELSON,
Secretary of State.

[State Seal Affixed]

COMMONWEALTH OF PENNSYLVANIA

Governor's Office

To the President of the Senate of the United States:

This is to certify that on the second day of November, 2010, Pat Toomey was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 2011.

Witness: His excellency our Governor, Edward G. Rendell, and our seal hereto affixed at Harrisburg this ninth day of December, in the year of our Lord, 2010.

EDWARD G. RENDELL,
Governor.

BASIL L. MERENDA,
Secretary of the Commonwealth.

[State Seal Affixed]

STATE OF LOUISIANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, David Vitter was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2011.

Witness: His Excellency our Governor, Bobby Jindal, and our seal hereto affixed at Baton Rouge, Louisiana this 12th day of November, in the year of our Lord, 2010.

By the Governor:

BOBBY JINDAL,
Governor.

TOM SCHEDLER,
Secretary of State.

[State Seal Affixed]

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2010, Ron Wyden was duly chosen by the qualified electors of the State of Oregon, a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 2011.

Witness: His excellency our Governor, Theodore Kulongoski, and our seal hereto affixed at Salem, Oregon, this 2nd day of December, 2010.

By the Governor:

THEODORE KULONGOSKI,
Governor.

KATE BROWN,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF
OFFICE

The VICE PRESIDENT. If the Senators to be sworn in will now present themselves to the desk in groups of four as their names are called in alphabetical order, the Chair will administer the oath of office.

The clerk will read the names of the first group.

The legislative clerk (Kathleen Alvarez Tritak) called the names of Ms. AYOTTE of New Hampshire, Mr. BENNET of Colorado, Mr. BLUMENTHAL of Connecticut, and Mr. BLUNT of Missouri.

These Senators, escorted by Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. DODD, Mr. LIEBERMAN, Mr. BOND, and Mrs. MCCASKILL, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mr. BOOZMAN of Arkansas, Mrs. BOXER of California, Mr. BURR of North Carolina, and Mr. COATS of Indiana.

These Senators, escorted by Mr. PRYOR, Mr. REID, Mrs. HAGAN, Mr. Faircloth, Mrs. Dole, Mr. Broyhill, Mr. LUGAR, and Mr. Quayle, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mr. COBURN of Oklahoma, Mr. CRAPO of Idaho, Mr. DEMINT of South Carolina, and Mrs. GILLIBRAND of New York.

These Senators, escorted by Mr. INHOFE, Mr. RISCH, Mr. GRAHAM, and Mr. SCHUMER, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mr. GRASSLEY, Mr. HOEVEN, Mr. INOUE, and Mr. ISAKSON.

These Senators, escorted by Mr. HARKIN, Mr. CONRAD, Mr. ANDREWS, Mr. AKAKA, and Mr. CHAMBLISS, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. LEAHY, and Mr. LEE.

These Senators, escorted by Mr. KOHL, Mr. Kasten, Mr. DURBIN, Mr. INOUE, and Mr. HATCH, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mr. MCCAIN, Ms. MIKULSKI, Mr. MORAN, and Ms. MURKOWSKI.

These Senators, escorted by Mr. KYL, Mr. CARDIN, Mr. SARBANES, Mr. BROWNBACK, Mr. ROBERTS, Ms. MURKOWSKI, and Mrs. Dole, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mrs. MURRAY, Mr. PAUL, Mr. PORTMAN, and Mr. REID.

These Senators, escorted by Ms. CANTWELL, Mr. MCCONNELL, Mr. BROWN of Ohio, and Mr. Laxalt, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next four Senators.

The legislative clerk called the names of Mr. RUBIO, Mr. SCHUMER, Mr. SHELBY, and Mr. THUNE.

These Senators, escorted by Mr. Martinez, Mr. NELSON of Florida, Mrs. GILLIBRAND, Mr. SESSIONS, and Mr. JOHNSON of South Dakota, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next three Senators.

The legislative clerk called the names of Mr. TOOMEY, Mr. VITTER, and Mr. WYDEN.

These Senators, escorted by Mr. CASEY, Ms. LANDRIEU, and Mr. MERKLEY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Hoeven	Portman
Blumenthal	Inhofe	Pryor
Blunt	Inouye	Reed
Boozman	Isakson	Reid
Boxer	Johanns	Risch
Brown (OH)	Johnson (WI)	Roberts
Burr	Johnson (SD)	Rockefeller
Cantwell	Kirk	Rubio
Cardin	Klobuchar	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Collins	Lee	Tester
Conrad	Lieberman	Thune
Coons	Lugar	Toomey
Corker	Manchin	Udall (CO)
Cornyn	McCain	Udall (NM)
Crapo	McCaskill	Vitter
DeMint	McConnell	Warner
Durbin	Menendez	Webb
Enzi	Merkley	Wicker
Franken	Mikulski	Wyden

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATE

ALABAMA
Richard C. Shelby and Jeff Sessions
ALASKA
Lisa Murkowski and Mark Begich
ARIZONA
John McCain and Jon Kyl
ARKANSAS
Mark L. Pryor and John Boozman
CALIFORNIA
Dianne Feinstein and Barbara Boxer
COLORADO
Mark Udall and Michael F. Bennet
CONNECTICUT
Joseph I. Lieberman and Richard Blumenthal
DELAWARE
Thomas R. Carper and Christopher A. Coons

FLORIDA

Bill Nelson and Marco Rubio

GEORGIA

Saxby Chambliss and Johnny Isakson

HAWAII

Daniel K. Inouye and Daniel K. Akaka

IDAHO

Mike Crapo and James E. Risch

ILLINOIS

Richard J. Durbin and Mark Kirk

INDIANA

Richard G. Lugar and Dan Coats

IOWA

Tom Harkin and Chuck Grassley

KANSAS

Pat Roberts and Jerry Moran

KENTUCKY

Mitch McConnell and Rand Paul

LOUISIANA

Mary L. Landrieu and David Vitter

MAINE

Olympia J. Snowe and Susan M. Collins

MARYLAND

Barbara A. Mikulski and Benjamin L. Cardin

MASSACHUSETTS

John F. Kerry and Scott P. Brown

MICHIGAN

Carl Levin and Debbie Stabenow

MINNESOTA

Amy Klobuchar and Al Franken

MISSISSIPPI

Thad Cochran and Roger F. Wicker

MISSOURI

Claire McCaskill and Roy Blunt

MONTANA

Max Baucus and Jon Tester

NEBRASKA

Ben Nelson and Mike Johanns

NEVADA

Harry Reid and John Ensign

NEW HAMPSHIRE

Jeanne Shaheen and Kelly Ayotte

NEW JERSEY

Frank R. Lautenberg and Robert Menendez

NEW MEXICO

Jeff Bingaman and Tom Udall

NEW YORK

Charles E. Schumer and Kirsten E. Gillibrand

NORTH CAROLINA

Richard Burr and Kay R. Hagan

NORTH DAKOTA

Kent Conrad and John Hoeven

OHIO

Sherrod Brown and Rob Portman

OKLAHOMA

James M. Inhofe and Tom Coburn

OREGON

Ron Wyden and Jeff Merkley

PENNSYLVANIA

Robert P. Casey, Jr., and Pat Toomey

RHODE ISLAND

Jack Reed and Sheldon Whitehouse

SOUTH CAROLINA

Lindsey Graham and Jim DeMint

SOUTH DAKOTA

Tim Johnson and John Thune

TENNESSEE

Lamar Alexander and Bob Corker

TEXAS

Kay Bailey Hutchison and John Cornyn

UTAH

Orrin G. Hatch and Mike Lee

VERMONT

Patrick J. Leahy and Bernard Sanders

VIRGINIA

Jim Webb and Mark Warner

WASHINGTON

Patty Murray and Maria Cantwell

WEST VIRGINIA

John D. Rockefeller, IV, and Joe Manchin, III

WISCONSIN

Herb Kohl and Ron Johnson

WYOMING

Michael B. Enzi and John Barrasso

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID. Mr. President, I have a resolution at the desk. I ask it now be considered.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 1) reads as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. REID. I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Pursuant to S. Res. 1, the Chair appoints the Senator from Nevada, Mr. REID, and the Senator from Kentucky, Mr. MCCONNELL, as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and the Congress is ready to receive any communication that he may be pleased to make.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID. Mr. President, I have another resolution at the desk. I ask it be considered.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 2) reads as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. REID. Mr. President, I move to reconsider that vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID. Mr. President, I have a resolution at the desk and ask it be reported.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 3) read as follows:

S. RES. 3

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HONORING SENATOR MIKULSKI AS SHE BECOMES THE LONGEST SERVING FEMALE SENATOR

Mr. REID. Mr. President, I have another resolution at desk. I ask it be now considered.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) honoring Senator BARBARA MIKULSKI for becoming the longest serving female Senator in history.

(Applause, Senators rising.)

The VICE PRESIDENT. Without objection, the resolution is approved and the preamble is agreed to.

The resolution (S. Res. 4) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 4

Whereas the Honorable Barbara Mikulski has had a long and distinguished career as a United States Senator from the State of Maryland;

Whereas Senator Mikulski was first elected to the United States Congress as a member of the House of Representatives in 1976, where she served until winning election to the Senate in 1986;

Whereas Senator Mikulski is the first woman to be elected to statewide office in Maryland;

Whereas in the 103rd Congress, Senator Mikulski was the first woman to be elected Assistant Senate Democratic Floor Leader;

Whereas Senator Mikulski was the first woman in the Senate Democratic Leadership, serving as Secretary of the Senate Democratic Conference in the 104th through the 108th Congresses;

Whereas in 1997, Senator Mikulski became the most senior woman serving in the Senate;

Whereas Senator Mikulski is the first woman to serve on the Appropriations Committee of the Senate and the first woman to chair the Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies;

Whereas Senator Mikulski has not only had a path breaking career, but has won the admiration and respect of colleagues on both sides of the aisle for her hard work, passionate and effective advocacy, commitment to social and economic justice, and willingness to serve as a mentor and role model to other Senators; and

Whereas Senator Mikulski has now surpassed the record of former Senator Margaret Chase Smith as the longest serving female Senator in the history of the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors Senator Barbara Mikulski for becoming the longest-serving female Senator in history.

Mr. REID. I move to reconsider the vote by which the resolution was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I now ask unanimous consent the following Senators be recognized to speak on this resolution and Senator MIKULSKI's historic milestone—I would note for Senators, we will be in a period of morning business when we complete the business of today—REID of Nevada for 2 minutes, MCCONNELL for 2 minutes, CARDIN for 2 minutes, SNOWE for 2 minutes, and MIKULSKI for 3 minutes. I ask unanimous consent.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REID. Mr. President, I came to the Senate in January 1987, in the same class as BARBARA MIKULSKI. Every sixth January since, including today, BARBARA MIKULSKI and I have been sworn in together. Taking that oath is humbling and meaningful for every

Senator, but it is a little more meaningful this time around for Senator MIKULSKI, for Maryland, and for our country. She is now the longest serving woman Senator in our Nation's history.

She has had a pathbreaking career, and that is an understatement. She was the first woman to serve in the Senate Democratic leadership when we elected her our caucus secretary and she was the first woman ever to serve on the Senate Appropriations Committee.

The woman whose record she breaks was a significant Senator in her own right. Margaret Chase Smith of Maine was the first woman to be elected to both the House and the Senate.

I know Senator MIKULSKI very well. She is my friend and my confidant. I know that more than any records, she is most proud of what she has done with that time, time she has dedicated to tireless, passionate, and effective advocacy for those who need a voice or even a hand.

She is as committed to social and economic justice as any Senator who has ever served in this great Chamber and she has won the admiration and respect of her colleagues, both Democrats and Republican, especially those for whom she has given her time and her advice as a mentor and a role model.

Alongside all her records and accomplishments, I will always admire the way she led us in one of our darkest days. As evening fell on Washington, DC, for the first time after the Twin Towers fell in New York, hundreds of Members of Congress, from the House and the Senate, walked outside to the steps of the Capitol. We joined hands. Then, in a moment of silence, Senator MIKULSKI suggested we all sing "God Bless America." We did. I will never forget that moment.

I will always remember a speech this good woman gave more than two decades ago. Senator MIKULSKI, Senator John Glenn, and I went on a trip to Poland, back when it was behind the Communist Iron Curtain. John Glenn, who, of course, was an international celebrity in addition to being a Senator, captivated the crowd. We were in a basement, meeting with some dissidents. Knowing Senator MIKULSKI is of Polish descent, I asked if she could speak next, after Senator Glenn. I thought she would say a few words about her heritage. I have heard a lot of speeches in my life, but none has ever moved me more than the speech BARBARA MIKULSKI gave in that basement in Warsaw, Poland.

Congratulations to my friend, Senator BARBARA MIKULSKI, and the State of Maryland for returning such a strong public servant to the Senate on their behalf.

The VICE PRESIDENT. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I, too, rise to honor our colleague, the

senior Senator from Maryland, on becoming the longest serving female Senator in the history of the Senate. In achieving this milestone, BARBARA passes Margaret Chase Smith, as the majority leader indicated, who served the people of Maine from 1949 to 1973. As was indicated, she is also only the second woman to be elected to both the Senate and the House.

When first elected to the Senate in 1986, BARBARA was only the 16th woman to ever serve. Today, there are more female Senators than that in the 112th Congress alone.

BARBARA has served as a role model and mentor to many of them, and I know they are grateful for it. She has been a champion of the space program, scientific research, welfare reform, major transportation, homeland security, and environmental issues in Maryland.

I think BARBARA would be the first to tell you that becoming the longest serving female Senator wasn't easy. Like all streaks, including that of another Marylander Cal Ripken, there are a lot of bumps in the road. But she has made it through it all and we are happy to share in this milestone with her today.

I wish to recognize BARBARA not only for her accomplishment as the longest serving female in the Senate history but also for all of her many accomplishments as a Senator and for the pioneering model she has been to so many women in her distinguished career. Again, congratulations, Senator MIKULSKI.

The VICE PRESIDENT. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, Marylanders take pride in their Hall of Famers, from Cal Ripkin, our "Iron Man," to Brooks Robinson with the Golden Gloves, to Johnny Unitas with the Golden Arm, to Frank Robinson, who was an All-Star in both the American and National Leagues. Now we add to that list our own Senator BARBARA MIKULSKI, the longest serving woman Senator in Senate history.

Marylanders are proud of Senator BARB not because of her length of service but for what she has done as a Senator and throughout her entire career. If you ask any Marylander what they think about Senator MIKULSKI, they will start off by saying: She is a fighter. Then they will say: We are glad she is on our side.

She is an effective fighter for the people. From protecting neighborhoods from an unwanted highway to keeping jobs in Maryland from being shipped overseas, there is no more effective fighter than Senator BARBARA MIKULSKI.

She has protected our national security from her position on the Intelligence Committee, she has strengthened the U.S. Space Program in her position on the Appropriations Committee, she provided equity in health

care from the HELP Committee, and she stands up for our Federal workers, advancing gender equity issues, and the list goes on and on and on.

She has taken her social worker background, her political training from ward politics in east Baltimore, and her hard work ethic from her parents and her own common sense to be the voice for working families in the Halls of the Senate.

On a personal note, I thank my friend for always being there for me, working together as a team for the people of Maryland. On behalf of my two granddaughters, my daughter, my wife, and all Americans, thank you, Senator MIKULSKI, for living the American dream and making that dream a reality for so many Americans.

The VICE PRESIDENT. The Senator from Maine.

Ms. SNOWE. Mr. President, there are certain occasions in the life of our Nation and this esteemed institution that are so steeped in history they remain indelibly etched in our minds and upon our hearts. This is one of those iconic moments as we share in recognizing Senator MIKULSKI's venerable achievement with her colleagues, her family, loved ones, friends, constituents, staff, and indeed the Nation.

This is also a special day of pride most especially for those of us who are women Senators for whom Senator MIKULSKI has been a role model and mentor as well as coleading numerous efforts with Senator HUTCHISON, our senior Republican woman, to foster camaraderie among all of us.

Having been privileged to know Senator MIKULSKI for more than 30 years, beginning with our mutual service in the House of Representatives, I cannot conceive of anyone I would rather witness overtaking such a sacrosanct milestone than the senior Senator from Maryland, a beloved, vigorous champion of the people of her State and unquestionably the women of America.

Indisputably, for both of her Maine colleagues, Senator COLLINS and me, the landmark occasion we are commemorating is all the more personal and poignant given we are both colleagues and dear friends of Senator MIKULSKI and also direct inheritors and beneficiaries of Senator Margaret Chase Smith's groundbreaking service. It is in that light that I am deeply privileged today to stand at the very desk she once graced, and having sat across her desk when I first met her in Washington years ago, to also pay tribute to Senator Smith by wearing her pin given to me by a very good friend from Maine, Susan Longley, one of the actual pins in which Senator Smith would famously place the trademark rose she wore daily on the floor of the Senate.

Indeed, there are numerous similarities between Senator Margaret Chase Smith and Senator MIKULSKI that tran-

scend longevity. They both live the ideals of hard work and earning their own way in life. Senator MIKULSKI, the proud descendent of Polish immigrants, worked in her parents' grocery store during her formative years in Baltimore, and years later, after she graduated from college, acquired a master's degree and pursued the noble calling of social work.

Senator Smith was a textile worker, telephone operator, newspaper woman, teacher, and an office manager. The point is, neither started at the top, but they most certainly arrived there. Senator Smith rose from the humblest beginnings to represent Maine in the House of Representatives and the Senate for more than 32 distinguished years with unequalled courage, civility, compassion, and integrity. She was a visionary of endless firsts, but, undoubtedly, Senator Smith will best be remembered for the moment during her only second year in the Senate, with truly uncommon courage and principled independence, she telegraphed the truth about McCarthyism during the Red Scare of the 1950s with her renowned "Declaration of Conscience" speech on the Senate floor. In 15 minutes she had done what 94 of her colleagues, male colleagues I might add, had not dared to do, and in so doing slayed a giant of demagoguery prompting American financier Bernard Baruch to say: Had a man made that speech, he would have become the next President of the United States.

Yet even as Senator Smith was a political pioneer, she never deliberately set out to establish some sort of precedent for women. Rather, what her life proved is that gender was not the key factor in public service but dedication and energy, confidence, ability, and sheer guts were. If those foundational qualities do not also encapsulate the essence of the public service of Senator BARBARA MIKULSKI, then I do not know what does.

It is, therefore, all the more appropriate and fitting that of anyone it would be a person of Senator MIKULSKI's legislative stature who would exceed Senator Smith's length of service in the Senate.

As if this benchmark established today were not enough, on March 17, 2012, we will all be back on the floor of the Senate because Senator MIKULSKI will become the longest serving female Member in the history of the Congress, House or Senate. She probably did not even have a chance to think about that one.

Moreover, like Senator Smith, Senator BARBARA MIKULSKI has always brought an unyielding tenacity, a cornerstone of her fighting spirit and character, that has time and again been reflected in her legislative fight on behalf of the people she represents. This will not be a news flash to my colleagues or even those, our new col-

leagues, who will soon discover that taking no for an answer is simply not in Senator MIKULSKI's vocabulary nor her DNA. As she has often said, she is not "caffeine free." And nowhere have I witnessed that ardent focus and commitment more intensely than in Senator MIKULSKI's signature battle for equity in women's health research, one that Congresswoman Pat Schroeder and I were waging from the House side as well.

We all set aside our partisan labels at a time when, incredibly, women and minorities were systematically excluded from clinical medical trials at the National Institutes of Health, trials that often made the difference between life and death.

At a pivotal juncture, Senator MIKULSKI tackled this travesty head on and launched a key panel of stakeholders, as she can do, to explore the shocking discriminatory treatment which further galvanized national attention, and, in the end, we produced watershed policy changes that to this day are resulting in lifesaving medical discoveries for America's women.

Ultimately, what we are celebrating today are two legislative juggernauts who have defined the standard of principled public service by exemplifying a special bond of trust that should exist between the governing and the governed. They have seen problems confronting their constituencies and the Nation and left no stone unturned to solve them. They recognized injustice and acted boldly to quell it. They have given a voice to the voiceless, power to the powerless, and they were always at one with those they represent because they never ever forgot their roots.

That is why, as Senators from the State of Maine, where Senator Margaret Chase Smith's legacy has been forever enshrined, Senator COLLINS and I are profoundly honored to share in this rarified moment as Senator MIKULSKI assumes the historic mantle of longest serving woman in the Senate. Indeed, it bodes well for the venerable institution of this Senate and our great Nation to have the senior Senator from Maryland to be at the vanguard of our ranks.

Congratulations.

Mr. LEAHY. Mr. President, the Senate boasts many persuasive voices, but there are few stronger than that of Senator BARBARA MIKULSKI. To call her a trailblazer does not do justice to her long and storied career in Congress, representing the people of Maryland and advancing women's rights, civil rights, and justice for all Americans. This week, she becomes the Senate's longest serving woman Senator in U.S. history.

First elected to the House of Representatives in 1976, and to the Senate in 1986, Senator MIKULSKI has served the people of Maryland with honor and

distinction. In Congress, she has remained committed to her roots in public service, which began as a social worker in Baltimore, helping at-risk children and helping seniors. After 5 years on the Baltimore City Council, Marylanders in the State's third congressional district sent Senator MIKULSKI to Congress, where she has continued her hard work and tireless advocacy for women and families.

Atop her list of priorities has been giving voice to issues concerning women's health. She worked to establish the National Institutes of Health Office of Women's Health and to implement standards to ensure that all women have access to quality mammography. She fought to expand access to maternity care. Most recently, through Senator MIKULSKI's leadership, the historic Affordable Care Act included strong antidiscrimination provisions to ensure that being a woman is no longer a pre-existing condition.

In early 2009, Senator MIKULSKI further proved she is, in fact, a force to be reckoned with, when her tireless efforts to advance the Lilly Ledbetter Fair Pay Act resulted in that legislation being one of the first laws to be signed by President Obama. Since the Supreme Court's 2007 decision in *Ledbetter v. Goodyear Tire*, Senator MIKULSKI worked relentlessly to restore congressional intent and reverse the Court's decision to give employers blanket immunity for their discriminatory pay practices. The Ledbetter Fair Pay Act restored victims' ability to file suit for pay discrimination, and was an important step forward in ensuring that all workers receive equal pay for equal work.

I have been honored to work with Senator MIKULSKI in her capacity as chairwoman of the Senate Appropriations Subcommittee on Commerce, Justice and Science, where she has championed important programs to support state and local law enforcement, crime victims, and critical support programs for victims of domestic violence. I share her commitment to investing in the men and women who are charged with keeping our communities safe, and providing important support to victims of violence.

There is no question that Senator MIKULSKI is a leader in the Senate. As the dean of the Women of the Senate, she serves as a mentor to other women Senators who join the Chamber. She is a dedicated public servant, a strong voice for women, a consensus builder. She has said she is "first and foremost the Senator from Maryland and the Senator for Maryland." For more than three decades, many of us have been proud to call her a friend.

I join with many others in congratulating Senator MIKULSKI on this historic achievement.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. FEINSTEIN. Mr. President, I rise to congratulate my friend and colleague, BARBARA MIKULSKI, who is now the longest-serving woman in the history of the U.S. Senate.

BARBARA has been a forceful advocate for the people of her beloved Maryland and a role model for women everywhere—beginning with her election to the Baltimore City Council in 1971, to her election to the House of Representatives in 1976, to her election to the Senate in 1986.

BARBARA is a pace-setter in the fight for equality for women. When I first ran for the Senate in 1992, BARBARA reached out to me to offer her support, for which I am grateful, and she welcomed me when I joined the Senate.

BARBARA is indomitable, not only in the fight for equality for women but in the broader fight for human rights for all mankind. I am proud to have worked alongside BARBARA in opposing tyranny in Burma, in pushing to restrict cluster munitions that pose a grave threat to innocent people around the world, and in pushing to free Burmese democratic leader Aung San Suu Kyi.

And I am proud to work with her on the Senate Select Committee on Intelligence, which I chair, where I know I can count on BARBARA to do the hard work required to oversee America's intelligence agencies and keep America safe.

Any discussion of BARBARA would be incomplete without acknowledgment of her effort to improve bipartisanship in the Senate—something sorely needed right now—an effort aided by her monthly bipartisan dinners for women Senators.

These dinners bring us together and make the Senate a more hospitable place for women. But they are more than that. These dinners are a way to forge relationships and friendships that transcend party lines. These gatherings have created a community of interests among Senators of divergent backgrounds and political views. I think that is a very big contribution.

So I want to salute you, BARBARA. I am proud to call you colleague and friend. And I look forward to working with you for many more years to come.●

Mrs. BOXER. Mr. President, I rise today to pay tribute to my colleague and friend, Senator BARBARA MIKULSKI.

Earlier today, when Senator MIKULSKI took the oath in this Chamber to serve, protect, and defend the U.S. Constitution, she became the longest serving woman in the history of the Senate.

Senator MIKULSKI is no stranger to making history, and today she has made history once again.

When Senator MIKULSKI was first sworn in as a Senator in 1987, she was the first Democratic woman Senator elected in her own right. And, along

with Senator Kassebaum, she was one of only two women in the Senate at the time.

Today, 17 women were sworn in on the Senate floor and I know many of us might not be here today without Senator MIKULSKI's support and encouragement. She truly is the dean of the women in the Senate.

Senator MIKULSKI and I became very close friends when I joined the House of Representatives in 1983. She was always someone I respected because she was always focused on making life better for the middle- and working-class people she serves.

When I first thought about running for the Senate, Senator MIKULSKI was the first person I went to see, and she gave such sage advice. She said "You'll love it here in the Senate because you have an ability to help the people you serve." Senator MIKULSKI told me it would be the toughest thing and the best thing I would ever do.

I give Senator MIKULSKI such credit. That is the role she has played with so many women Senators from both sides of the aisle. She regularly brings the women of the Senate—together Republicans and Democrats—for a friendly dinner.

One of Senator MIKULSKI's wonderful gifts is her humor. When she and I served together in the House, women were unable to use the main facilities of the House gym. Along with Geraldine Ferraro, OLYMPIA SNOWE, Barbara Kennelly and others, we worked together to "integrate" the House gym.

At the House gym, a friend would lead us in exercises. One time, she said to us: "OK everyone, hands on your hips." Senator MIKULSKI retorted, "If I had hips, I wouldn't be here."

That is so typical of her style—warm, funny and to the point. It brought us all together.

And it is one reason why this daughter of east Baltimore has been such an inspiration to millions of women across our country.

Senator MIKULSKI is an accomplished legislator and leader who knows how to get the job done.

She has long fought to protect the health and well-being of women and their families.

Not only did she support the historic health care reform legislation that is making sure every American has access to quality, affordable insurance, but Senator MIKULSKI fought to make the legislation stronger for women. I was proud to stand with her to pass an amendment that guarantees women will have access to the preventive care they need such as screenings for breast, ovarian and cervical cancer.

Senator MIKULSKI championed the Mammography Quality Standards Act, which requires mammography facilities across the Nation to meet uniform quality standards. This law has saved lives by improving preventive care that

can lead to early diagnosis and treatment of breast cancer.

When we saw how little health science and research addressed women's health, Senator MIKULSKI and I helped lead the fight for health equity. We helped create the National Institutes of Health Office of Women's Health to study women's needs and health issues.

Senator MIKULSKI believes everyone should be fairly paid for a hard day's work. We stood together as vocal advocates for the Lilly Ledbetter Fair Pay Act—a historic bill by Senator Kennedy that is now the law of the land.

And, as a member of the Appropriations Committee, Senator MIKULSKI has fought for critical funding to clean up and protect Maryland's treasured Chesapeake Bay.

Senator MIKULSKI's tenacity is undeniable. Several years ago, she was mugged one evening outside her home in Baltimore. A man pushed her to the ground and grabbed her purse.

Even though she is only 4 feet 11 inches, Senator MIKULSKI fought back and defended herself.

Yes, Senator MIKULSKI stands up for herself and stands up for the people of Maryland. She has fought hard for change and equal rights. As she likes to say, there are times when you need to "(s)quare your shoulders, suit up, put on your lipstick and get ready for battle."

Senator MIKULSKI has always been out in front. She has used her role as the senior woman in the Senate to focus on issues that matter to her constituents. Her power lies in her ability to organize people. That is one reason she is so beloved by her colleagues—we love it when she brings us together on issues.

I stand today to honor my good friend, a trailblazer and a mentor, Senator MIKULSKI.

Mr. WARNER. Mr. President, it is a great honor to join in recognizing and celebrating my colleague, the senior Senator from Maryland. Senator BARBARA MIKULSKI became the longest serving woman Senator in our Nation's history today when she completed the oath to begin her fifth term in the Senate. Indeed, this is not the first time Senator MIKULSKI's name will be etched in history for her groundbreaking service: she was the first woman elected to statewide office in Maryland and the first female Democrat to serve in both Chambers of Congress.

During her 24 years in the Senate, she has won the admiration of her colleagues for her resolve, hard work and dedication to her constituents. It is an honor to call Senator MIKULSKI a friend. As representatives of neighboring States, we have often had the opportunity to work together on issues of regional importance. I can never thank her enough for her commitment

to NASA-Wallops, one of many examples in this regard.

Today marks a special milestone in the Senate's history. I join my colleagues in commending Senator MIKULSKI, not only for her enormous service to this body and to our country but as someone who has been a tireless advocate for her home State of Maryland.

Mr. LEVIN. Mr. President, I want to add my voice to the many others heaping deserved praise onto Senator BARBARA MIKULSKI, who sets a record today as the longest serving woman in the history of the U.S. Senate.

Tough but compassionate, an effective advocate for Maryland and for the national interest, Senator MIKULSKI has achieved more than just longevity. She has been an energetic and effective advocate for the interests of children, a staunch ally of seniors, a defender of services for our veterans, and a supporter of efforts to involve all Americans in solving our Nation's problems through service and voluntarism. Her support of education and scientific research promises benefits that will last long after we all have departed the Senate.

I have been a proud partner with her on making commonsense changes to our Nation's immigration system. She also has been a strong advocate for Federal programs that promote manufacturing, such as the Commerce Department's Manufacturing Extension Program and the Technology Innovation Program.

Senator MIKULSKI is rightly seen as a mentor and leader of women who come to the Senate. The successes of the many female Senators who have been the beneficiaries of her guidance stand as a testament to the power of her example.

Senator MIKULSKI has admirably brought the lessons of her early career as a social worker to her work in the Senate, understanding that real families with real problems are looking to us for solutions.

The people of Maryland and of this Nation are fortunate to have the benefit of her service. I am proud to call her a colleague and a friend. I congratulate her on her accomplishment and I await the many more achievements I know are to come.

Ms. COLLINS. Mr. President, it is a great pleasure to offer my heartfelt congratulations to Senator BARBARA MIKULSKI on becoming the longest-serving woman in Senate history. While this is a milestone to celebrate, the true cause for celebration is not just Senator MIKULSKI's decades of service to this chamber, but her lifetime of service to her beloved Baltimore, her state of Maryland, and our Nation.

This occasion has a special meaning for Senator SNOWE and me. As she begins her 25th year in the Senate, Senator MIKULSKI now surpasses my per-

sonal role model in public service, Senator Margaret Chase Smith. Just as the Great Lady from Maine inspired Senator SNOWE and me as well as countless other young women of my generation to serve, Senator MIKULSKI inspires the young women of today.

As a new Senator in 1997, I was one of those tutored by Senator MIKULSKI. She taught me the ropes of the appropriations process and instituted regular bipartisan dinners for the women of the Senate.

It has been a privilege to work with Senator MIKULSKI for 14 years. During that time, I have come to know her as a fighter, a trailblazer, and as a dear friend. She is committed to the people of her state and of America.

Senator MIKULSKI is, above all, a hard worker. Growing up in East Baltimore, she learned the value of hard work at her family's grocery store. Her commitment to making a difference in her neighborhood led her to become a social worker, helping at-risk children and the elderly.

Her activism and understanding of community needs led to her first successful run for public office, the Baltimore City Council in 1971. Five years later, she came to Washington as a member of Congress, representing Maryland's 3rd District.

After 10 years of service in the House, she was elected to the Senate in 1986. In so doing, she became the first Democratic Senator elected in her own right. The people of Maryland wisely returned her to office in 1992, 1998, 2004, and again in 2010.

Senator MIKULSKI's longevity is only the preface to her story of exceptional accomplishment. She has fought for increased access to higher education and for improved health care for our seniors. I am proud to have fought at her side on those issues, as well as for increased Alzheimer's research, improved women's health care, and enhanced educational opportunities for nurses.

Working with her on the Appropriations Committee, I have witnessed firsthand how seriously she takes her responsibility to the American taxpayers.

Throughout her life in public service, Senator MIKULSKI has lived by one guiding principle: her obligation is to help our people meet the needs of today as she helps our Nation prepare for the challenges of tomorrow. It is an honor to congratulate the Great Lady from Maryland for her many years of service, and to wish her many more.

Mr. SHELBY. Mr. President, I rise to honor a distinguished colleague, Senator BARBARA MIKULSKI, who is celebrating a major milestone—today becoming the longest serving female in Senate history.

Elected to the House in 1976 and the Senate in 1986, Senator MIKULSKI is the first woman to win statewide office in Maryland, the first female Democrat to

serve in both the House and the Senate, and the first female Democrat elected to the Senate in her own right.

As one of the most effective Senators, Senator MIKULSKI used her experience as a social worker and activist to ardently work on behalf of her constituents giving them a strong voice in the U.S. Senate. A leader in the Senate she has successfully fought for a variety of issues ranging from women's rights to protecting our law enforcement.

Throughout our 8 years of serving together in the House and 24 years in the Senate, Senator MIKULSKI and I have worked on many issues together. We have a strong bipartisan relationship that is reflected in the numerous accomplishments we have achieved working together as the chair and ranking member on the CJS appropriations subcommittee. I have always appreciated Senator MIKULSKI's candor, sense of humor, and willingness to cross party lines to work in the best interest of our Nation.

Mr. President, I congratulate Senator MIKULSKI on reaching this historic milestone today. I am honored to call Senator BARBARA MIKULSKI my colleague but prouder to call her my friend.

Mrs. GILLIBRAND. Mr. President, I rise today to join my colleagues in honoring the Senator from Maryland, BARBARA MIKULSKI—the longest serving woman in the history of the U.S. Senate.

It has been an honor to serve with Senator MIKULSKI in my 2 years in this body. She quickly became a dear friend and a valuable mentor—just as she has been for all of her other female colleagues as the dean of the women Senators.

It wasn't until 1932 that Hattie Caraway became the first woman ever elected to the U.S. Senate. And it wasn't until a half century later—1986—that against all odds, BARBARA MIKULSKI became the first Democratic woman ever elected to the Senate in her own right.

Now the longest serving woman in this Chamber's entire history, Senator MIKULSKI is showing just what is possible when you ignore conventional wisdom, never stop fighting for what is right and just, and honor our commitment to the families that elect us every single day.

One of her hallmark battles has been the fight for equal pay for equal work for women. This is not only an issue of justice, but an economic imperative. Even today, for every dollar a man makes, a woman makes just 78 cents—a disparity that is even worse for women of color. Latino women make just 53 cents, and African-American women make just 62 cents for every dollar a man makes. I know Senator MIKULSKI won't give up until we correct this outrageous injustice.

She also fought to strengthen our laws against domestic violence, and open up access to health screenings and treatment that can save lives. And, she led the fight against insurance companies that made being a woman a pre-existing condition.

Senator MIKULSKI has always fought to protect women's health and a woman's right to choose. Last year, I was proud to stand with her to defeat the dangerous Stupak amendment that would have denied lifesaving reproductive care for the women of this country—a victory we would not have won without Senator MIKULSKI.

In the words of Eleanor Roosevelt, "the battle for the individual rights of women is one of long standing, and none of us should countenance anything which undermines it."

It is that spirit—never backing down in the face of injustice—Senator MIKULSKI is one of the strongest voices we have for women in this country and women around the world.

And every single day she's paving the way for more women in leading roles in America. There still may only be 17 women serving in the Senate today, but with her leadership and her strong voice, Senator MIKULSKI is showing the young women and young girls of this country that women's voices matter and are needed in the public debate.

Whether it is here on Capitol Hill or in State capitols around the country or heading small business or the boardrooms of major companies, Senator MIKULSKI is helping to inspire the next generation of women leaders by showing that our voices solve problems and lead to change.

Each of us owe her a debt of gratitude for her vision and pioneering spirit.

Thank you, Senator MIKULSKI, and congratulations on your historic achievement. It is an honor to work with you, and I hope to serve with you for many years to come.

Mrs. MCCASKILL. Mr. President, I rise today to recognize Senator BARBARA MIKULSKI for her trailblazing career in the U.S. Senate. As we begin the 112th Congress today, Senator MIKULSKI will begin her fifth consecutive Senate term making her the longest serving female Senator in American history. She joins legendary Maine Senator Margaret Chase Smith in the history books today. This accomplishment is a testament to her dedication to the State and the people of Maryland, and a commitment to serve which I aim to emulate with my constituents in Missouri. She is, quite simply, a remarkable, dedicated, focused and perseverant woman and these attributes have led to this wonderful moment in her continued service.

Starting out as a social worker in Baltimore, and later becoming a member of the Baltimore city council, Senator MIKULSKI went on to become a

U.S. Representative for the Third Congressional District of Maryland for 10 years. In 1986, she was elected to the U.S. Senate where she has served ever since.

BARBARA MIKULSKI has continuously broken barriers for women and made history in her over 40 years as an elected official. And yet, in this 112th Congress, even as we mark this historic moment for women in the Senate, Senator MIKULSKI carries on her career in such a way that sets aside the pomp and circumstance of making history and instead remains focused on the most basic, pure and selfless form of public service.

In closing, although Senator MIKULSKI's tenure in the Senate as a woman is an important milestone, I believe that it will ultimately be the Senator's leadership fighting for women, children, seniors and veterans which will be her lasting legacy in Congress. I have had the fortunate opportunity to work with Senator MIKULSKI on some of this historic legislation for women and families, including the Lily Ledbetter Fair Pay Restoration Act to protect against pay discrimination, and the TRICARE Dependent Coverage Extension Act which expanded health insurance for military families.

I want to congratulate Senator MIKULSKI on her pioneering career in civil service and on making history in the U.S. Senate today; I am humbled to be working on historic legislation alongside my colleague from Maryland.

Mr. ROCKEFELLER. Mr. President, I want to join my colleagues in congratulating Senator BARBARA A. MIKULSKI as she becomes the longest serving female Senator in American history.

Senator MIKULSKI and I began our Senate careers in the 1980s, and it has been my privilege to serve with her. We have worked together on many, many issues, including 975 bills. Two hundred eighty-five of those bills passed the Senate and 184 were signed into law, including the Lilly Ledbetter Fair Pay Act of 2009 in the last Congress. I am proud of our combined accomplishments and to call her my colleague and friend.

It is a great honor to serve with Senator MIKULSKI. Senator MIKULSKI and I have more in common than some know. My life-changing experience with the VISTA program in the 1960s fueled my commitment to public service in much the same way Senator MIKULSKI's experience as a social worker in Baltimore fueled hers. Our early experiences remain the foundation of our shared commitment to quality health care for all people. Senator MIKULSKI and I have worked tirelessly together to expand access to cancer screenings and increase funding for medical research, including Alzheimer's disease. I was proud to stand with Senator MIKULSKI last year to pass historic health care

reform. Her commitment to opening doors for all members of our society is to be commended.

Even though she stands at 4'11" and I at 6'7", we have stood eye-to-eye in supporting our veterans. And, we had many opportunities for collaboration as she was working on the Appropriations Committee and I chaired the Veterans' Affairs Committee. It is easy to work with someone like Senator MIKULSKI who is so committed to her values and the people she represents.

The first female senator, Rebecca Latimer Felton of Georgia, only held office for 1 day in 1922, having been appointed by Governor Thomas Hardwick upon the death of Senator Thomas Watson. During her first and last Senate address, she said "When the women of the country come in and sit with you, though there may be but a very few in the next few years, I pledge that you will get ability, you will get integrity of purpose, you will get exalted patriotism, and you will get unstinted usefulness." Rebecca Felton's words forecast Senator MIKULSKI. There is no question that she has brought all of these skills and attributes, and much more, to the U.S. Senate over these last 24 years.

In some ways it is hard to believe Senator MIKULSKI is now the Senate's longest serving female Senator. She does a great job, and I understand she takes on the additional role of mentor to many new female Senators. I am thankful for that contribution which surely strengthens our entire Senate.

The people of Maryland made a wise choice in reelecting this remarkable Senator. I look forward to celebrating her next milestone in just over 2 years when she will become the longest serving female Member in the history of Congress.

Mrs. MURRAY. Mr. President, I rise to recognize and congratulate my good friend from Maryland, Senator BARBARA MIKULSKI, on today becoming the longest serving female Senator in the history of the Senate. This is an achievement that takes courage and passion and commitment, three things all of us who know her so well know she has in abundance.

Even more important than honoring my friend on the length of her service today, I believe it is important to recognize what she has done with that service. The senior Senator from Maryland, over her 24 years, has established herself as a trailblazer, a legislator, a leader, and, above all, a fighter for her people and her State. But to me and to all the other women Senators who have followed in her footsteps, she is simply a mentor. She is the Senator who has offered us guidance, taught us to be fearless, and who has set a standard for all women Senators to follow.

From the first time I ever spoke to Senator MIKULSKI, one thing was clear. She didn't run for the Senate to be one

woman Senator. She ran to be one of many. I first came to the Senate in 1992, the so-called year of the woman. I can remember a lot of the press that year being about how our incoming class of four women Senators would open the door to changes in the culture of the Senate. But when I got here, I quickly realized that door had not only already been opened, it had been broken down by Senator MIKULSKI. She was the first female Democrat to serve on the Senate Appropriations Committee, and she was also the very first one to take all the new women Senators under her wing. Senator MIKULSKI realized back then there was no rule book for women in the Senate. So she took it upon herself to help guide the way. She drew on her own experiences to make the transition for all of us easier. She organized seminars, taught us about working together, taught us about the legislative process and the rules on the floor and the many more subtle rules off the floor. In short, she showed us the ropes, and she has been doing it ever since.

But her work doesn't end with helping women Senators get their foot in the door. I don't know if it is because she was a social worker before she came to Washington, but one thing Senator MIKULSKI knows is that relationships matter. That is why she has worked to make sure that once women Senators get here, we are working together on both sides of the aisle. It is why she brings Republican and Democratic women together for dinners, so we can find common ground and help solve problems. While Senator MIKULSKI knows it is important and courageous to be the first, she also understands the first ones have to be responsible and successful so others can and will follow. It is because she has done her job so well that other women have been able to follow in her footsteps, and she has done her job well.

Senator MIKULSKI is here today as the longest serving woman Senator not by accident or by happenstance. She is here because she earned it, because the people of her State know she is an indispensable champion for their causes, because she works across party lines, because she delivers results and because, as she has said to us so many times, she is always ready to square her shoulders, put on her lipstick, and suit up for the people who need it most.

Whether it is leading the fight for the very first bill President Obama signed into law that guarantees women cannot be paid less than men for doing the same job or fighting for seniors who rely on Social Security or delivering investments for firefighters, police officers, and first responders or standing up for all those in Maryland who depend on her State's environmental resources for their livelihood, there are few others I want in my corner like her and there are few others who work as

hard as she does to give a voice to those who would not otherwise have it.

Since Senator MIKULSKI was elected in 1986, she has helped guide the way for 22 more women Senators. Today there are 17. But she will also be the first one to tell us we are not yet where we need to be, that more women need to serve in this body. That is why she has built a team of women Senators behind her that continues to grow—every generation, every election, every year.

Today, Senator MIKULSKI makes history by serving longer than any other woman. But I know many years from now women will have achieved a larger, more representative role in this body than we now have, Senator MIKULSKI will be at the very top of the list of people to thank, the person who not only cut the path but who went back and guided so many of us down it. Thanks to her, one day the remarkable accomplishment we are celebrating today may no longer be such a remarkable thing for a woman to achieve; it will be commonplace. That will be her true and lasting legacy.

Mrs. HAGAN. Mr. President, I am honored to join my colleagues in honoring my mentor and dear friend, Senator BARBARA MIKULSKI, on becoming the longest serving woman in the history of the Senate. For more than 24 trailblazing years, Senator MIKULSKI has been one of the Senate's fiercest advocates for women, families, and for the people of Maryland who have now elected her to the Senate for five consecutive terms. Before she arrived in Washington in 1977 as the Representative from the Third District of Maryland, Senator MIKULSKI already had a distinguished career in public service, working in Baltimore as a social worker, then a community activist, and as a city council member. When she was first sworn in as a Member of the House of Representatives, she was one of just 18 female Members. When she entered the Senate 10 years later as the first Democratic woman Senator elected in her own right, she was one of just two women in this upper Chamber. But while those numbers have intimidated most, they only motivated and emboldened Senator MIKULSKI. She soon impressed her colleagues, as she continues to do today, with her work ethic, determination, keen understanding of issues, humor, and her commitment to her constituents.

She has broken many barriers in her career. She was the first woman ever elected statewide in Maryland, the first to chair an appropriations subcommittee, and the first woman to serve in the Democratic leadership. If we are no longer surprised today when we see women in power in Washington, it is only because we had pioneers such as BARBARA MIKULSKI. As she recently told CNN: "I might be the first, but I don't want to be the last."

There are now 17 women serving in the Senate, and Senator MIKULSKI, the

dean of the women, is our leader and our champion. I was both humbled and honored to have her escort me when I was sworn in as a Senator 2 years ago. That was just the beginning of her ongoing mentorship. Although the Senate can often be bogged down by partisanship, I appreciate that Senator MIKULSKI encourages and creates an environment of teamwork, respect, and friendship. But while we today mark her place in history as a woman Senator, she is widely regarded as one of the most respected, accomplished, and effective public servants in all of Congress. To use Senator MIKULSKI's own words, she showed it is not about gender, it is about agenda.

She is one of the Senate's strongest advocates for science and technology and the importance of investing in innovation to spur our economy. In fact, earlier this year, I was watching a 3D movie about the Hubble telescope at the Smithsonian with my daughter, a scientist, and there was Senator MIKULSKI featured in the movie for her role in preserving the telescope's budget, a feat she calls one of her proudest accomplishments.

She also wrote the Spousal Anti-Improvement Act, which protects seniors across our country from going bankrupt while paying for a spouse's nursing home care.

She shepherded through the Lilly Ledbetter Act, which helps to ensure that no matter your gender, your race, your national origin, religion, age, or disability, you will receive equal pay for equal work.

She fought tenaciously for her important amendment to health care reform legislation ensuring that a comprehensive list of women's preventive services, such as screenings for breast and cervical cancer, would be covered with no added out-of-pocket expenses.

I thank Senator MIKULSKI for her mentorship, her leadership, and her fierce belief in the empowerment of women in our communities and in public office. I congratulate her on this tremendous accomplishment, and I join my colleagues in looking forward to many more years of her distinguished service.

Mr. SCHUMER. Mr. President, I want to say a few words about my dear friend, dear colleague, someone I so admire—Senator BARBARA MIKULSKI—on her remarkable accomplishments. Today, she took the oath of office, the Senator from Maryland, and made history as few others can make. Senator MIKULSKI has long been affectionately known here in the Senate as the dean of the women. Now she is officially the longest serving female Senator in the history of this great Nation.

This distinction adds to the considerable respect and admiration I already have for Senator MIKULSKI and who she is and what she does. BARB, like me, came from a decidedly middle-class be-

ginning. We often talk about her dad, Willie, who owned a grocery store in east Baltimore, and my grandfather and dad—Jake and Abe—who were exterminators. They were similar because they were people of the community. BARB would tell me that people would come in during difficult times—they had lost their job—and Willie would say, pay me when you can. It wasn't quite the same with my family, but my grandfather and then father, like him, felt people who had roaches or rats crawling through their little houses and apartments, when they couldn't pay, shouldn't have that service cut off for them.

So we were both infused with that great upwardly mobile, middle-class, help your neighbor, be part of a neighborhood, be part of a community feeling. BARB started her career as a social worker and made a name for herself when she led the fight to stop a highway project from destroying a historic section of her community. That is what launched her into politics. Like our best politicians, she came from the community. She didn't decide to be a politician, she came from the community, took on a fight, and saw how she could make government a friend to the people. So she went from the Baltimore City Council to the House of Representatives, and then, of course, to this august Chamber.

Throughout that time, she has never lost sight of from where she came. She has fought tirelessly and effectively to protect Maryland's seniors, ensuring they have access to an affordable, healthy, and happy environment. She has been a leading advocate of medical research, securing billions in funding for cutting-edge research into things as diverse as breast cancer and Alzheimer's. She has helped countless women and veterans get the health care they need, and the list goes on and on.

Let me say one other thing. As somebody who believes that we have to focus on the middle class, talk to the middle class, and have middle-class feelings and values infused in our bones, no other Senator does that as well as Senator MIKULSKI because it is who she is and because—being the essentially humble and modest person she is—she has never lost sight of where she has come from.

So Senator BARB—as her constituents know her—you are beloved here as much as you are beloved in your home State of Maryland. Your sense of humor, your tenacity, your work ethic, your love of community, and your mother's crab cake recipe are unrivaled.

It is an honor to serve alongside such an accomplished woman. Senator MIKULSKI, congratulations again. You are a great Senator and a great friend.

Ms. LANDRIEU. Mr. President, today, Senator BARBARA MIKULSKI of

Maryland becomes the longest-serving female Senator in the history of our country. Breaking this record, which was set by an extraordinary woman in her own time Margaret Chase Smith of Maine—is only one of many milestones BARBARA MIKULSKI has reached during her tenure in elective office. Additional milestones are: first female Democrat to serve in both Chambers of Congress; the first female Democrat elected to the Senate without succeeding a husband or a father; and the first female to chair one of the most sought-after Appropriations subcommittees. The history books will rightly mark these achievements for the benefit of generations to come.

In addition, BARBARA MIKULSKI is known and will be remembered as a fierce fighter for the people of Maryland, an advocate for working families, the small business owner, and seniors looking for help and support in their later years. Her advocacy for and in defense of Federal workers is legendary. They may be faceless bureaucrats to some, but to Senator MIKULSKI they are her friends and neighbors. And they most certainly have found a champion in BARBARA MIKULSKI. Every day, she brings that definitive fighting spirit to the Senate, championing the causes she holds dear—women's health, extended access to higher education, the concerns of our Nation's veterans and the advancement of our space program, to name just a few. She is renowned in the Halls of Congress for her toughness and tenacity, commanding the respect and appreciation of her constituents and people across the country.

Besides these milestones and significant legislative accomplishments, it is also important to note Senator MIKULSKI's unique willingness and enthusiasm for mentoring others. I have been the beneficiary of her special attention, guidance and sage advice, as have many of my peers. She has helped us find our footing and navigate the peculiar ways of the Senate. It is truly extraordinary—and one of her most admirable qualities—that someone of her stature, who wields so much influence, always seems to be able to find the time to help and take interest in others, women in particular. Senator MIKULSKI is a remarkable leader in that way. She continues to serve as an inspiration to us all. I know she will remain a pathfinder, a visionary and a courageous leader for the people of Maryland and for our Nation. Another Barbara—Barbara Coloroso, the international bestselling author on parenting and teaching—once observed that “the beauty of empowering others is that your own power is not diminished in the process.” That truth holds special meaning for those of us fortunate enough to have been empowered through our association and friendship with the senior Senator from Maryland.

Mr. WHITEHOUSE. Mr. President, as we embark on a new year and a new Congress, I stand here today to congratulate my colleague, BARBARA MIKULSKI, on becoming the longest serving female Senator in our Nation's history. Her work in these Halls has made our country stronger. And in a place where partisan rancor too often rules the day, she has established a legacy of service that stands as an example to us all.

Her political career began in the late 1960s when she launched a campaign to stop the construction of a highway over historic neighborhoods in Baltimore. Once she won that battle, she decided to run for the Baltimore City Council in 1971. Forty years later, and following a successful stint in the U.S. House of Representatives, BARBARA MIKULSKI continues to blaze an impressive trail. During her 26 years in the Senate, she became the first woman to sit on the Senate Appropriations Committee, the first Democratic woman elected to Senate leadership, and now has crossed yet another milestone, passing Senator Margaret Chase Smith of Maine as the longest serving female Senator.

It is not just the length of her service that we celebrate, it is its quality. No one is better at drilling down to the gist of an issue, and expressing it in punchy unforgettable terms. No one cheers us more than when she tells us to "stand tall, square our shoulders, put on our lipstick and rise to the occasion." No one better combines the idealism of politics with the proactive abilities of government. As she told me once with a twinkle in her eye, "I'm a reformer, and a bit of a ward heeler too." More than anything, she never forgot her roots as a champion for those who need one.

In her years in the Senate, BARBARA MIKULSKI's dedication to her constituents and women's rights has been clear: from becoming a champion of women's health issues and abortion rights, to organizing training seminars for women of both parties elected to the Senate, to sponsoring and pushing through the Lilly Ledbetter Fair Pay Act of 2009.

During my 4 years as a U.S. Senator, I have had the great privilege to work with her to pass landmark health care reform legislation out of the HELP Committee. I also serve with her on the Intelligence Committee, and worked closely with her on the Senate Intelligence Committee's Cyber Task Force to evaluate cyber threats and issue recommendations to the full committee.

And, while Rhode Island and Maryland are hundreds of miles apart, BARBARA and her staff are truly my neighbors here in the Senate. Her office is next door to mine in the Hart Building. From a friendly hello to each other as we pass in the hall, to accompanying each other as we walk to the Senate

floor, to the delicious treats her wonderful receptionist Mrs. O'Malley occasionally makes for our office, it has truly been a pleasure to share our little corner of the Hart Building.

I know that all of us here in this Chamber are proud to call "Senator BARB" our colleague and friend as she makes history. Her hard work and independent spirit have enriched the Senate and I wish her all the best in the years to come. On behalf of all Rhode Islanders, I congratulate you for this milestone in our Nation's history.

The VICE PRESIDENT. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank my colleagues for their very warm words. Today, when I walked down the aisle, escorted by my esteemed partner, BEN CARDIN, my former and beloved colleague, Senator Paul Sarbanes—when I walked down that aisle, I walked into the history books.

I never set out to do that and, for me, it is a great honor to join Margaret Chase Smith in the history books. As Senator SNOWE has said, and also Senator COLLINS on a number of occasions, Margaret Chase Smith and I share many things in common. Today they wear the rose, but those two outstanding Senators from Maine also wear the values of Maine and the values of Margaret Chase Smith: a strong belief in constituent service, staying close to the people, focusing on jobs for the State, being a strong supporter of innovation, and a fearless, unrelenting streak of independence. I hope I am like her. I know they bear that same set of characteristics.

For me, it is not how long I serve but how well I serve. Service for me is about being connected, connected to my constituents, staying close to them so they do not fall between the cracks, meeting their day-to-day needs and also looking at the long-range needs of the Nation.

Nobody comes here by themselves. Later on today I will thank my friends and supporters. But I want to thank the wonderful people who shaped me, the wonderful nuns who taught me, the school Sisters of Notre Dame and the Sisters of Mercy who taught me about leadership, who taught me about service, who taught me about my faith in Matthew 5, the Beatitude that said hunger and thirst after justice.

But today as I stand here, I also think about my mother and father. I am filled with great emotion. I wish my mother and father were here today. They worked so hard for my sisters and I to have an education. But though they are not here with me today in the Senate gallery, I know they are in my heart. I want them to know they are with me when I fight for what we believed in.

My father ran a small grocery store. Everybody loved my father and moth-

er. They were known for honesty and integrity. When my father opened the grocery store every morning, he would say: Good morning. Can I help you? And that is the kind of values I bring to the Senate.

Our family came from Poland. When my great-grandmother arrived in this country she had little money in her pocket, but she had a big dream in her heart. That dream was the American dream where through hard work, hard work and dedication, you could make something of yourself. You could own a home, you could have a job, you could get an education for your family. She did not even have the right to vote, and in this great country of ours, in three generations, I joined the Senate. She knew about hard work in terms of economic opportunity. She did not think too much about the Constitution, but I do—particularly that first amendment.

I got into politics fighting a highway. In other countries they put dissidents in jail. In the United States of America, because of the first amendment, they put you in the United States Senate. God bless America.

When I came to the Senate, though I was all by myself, I said I was never alone because of the wonderful way the men have treated me. The history of the women in the Senate is short—I might add, 4-foot-11 short. But everything we have done we have been able to work on together.

I fought for seniors to try to pass, and passed, the Spousal Impoverishment Act to make sure the very cruel rules of our government did not force people into bankruptcy when they had to turn to a nursing home. I worked to pass the Lilly Ledbetter bill to give equal pay for equal work; our wonderful work on women's health, where we broke barriers in terms of research. We know we have saved lives because of what we have done in research in our preventive health amendment, and for young people in national service.

I have also fought for Maryland—whether it is cleaning up the bay or fighting for jobs in the Port of Baltimore, whether it is looking out for the Goddard Space Agency or doubling the funding at the National Institutes of Health. For me, again, it is all about service. I am fighting for a stronger economy and a safer America. For me it is not about the past, it is about the future. Though I break one record today, I want to work with all of you on both sides of the aisle to break other records.

Let's break that high record of unemployment in our country. Let's break that record of low graduation rates in our high schools. Let's break the record of the longest war in American history and bring our troops home as safely as we can. I want to build a strong economy.

I am going to work to build a strong economy, an innovation economy so we

are able to move ahead. Today when I took my oath, I pledged that I want to help America be great again with a renewed self-confidence and achievement. I want us to be a global leader in this innovation economy. I want to help America be excellent again so we not only win Nobel Prizes—and I want us to win lots of them—but win international markets and win lots of them. I want to promote a sense of community where we look out for each other and for our community and where the people of the United States know they have a government on their side.

I will close with a quote from George Bernard Shaw.

I am convinced that my life belongs to the whole community; and as long as I live, it is my privilege to do for it whatever I can, for the harder I work, the more I live.

I rejoice in life for its own sake. Life is no brief candle to me. It is a sort of splendid torch which I got hold of for a moment, and I want to make it burn as brightly as possible before turning it over to future generations.

Someday in the future, someone else will break this record. Let's work together to break those other records.

Thanks for everything. God bless America.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

ELECTING GARY B. MYRICK AS THE SECRETARY FOR THE MAJORITY

Mr. REID. Mr. President, I have a resolution at the desk, and I ask that it now be considered.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) electing Gary B. Myrick, of Virginia, as Secretary of the Majority of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 5) reads as follows:

S. RES. 5

Resolved, That Gary B. Myrick of Virginia be, and he is hereby, elected Secretary for the Majority of the Senate.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF SENATE LEGAL COUNSEL

The VICE PRESIDENT. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95-521, appoints Morgan J. Frankel as Senate legal counsel for a term of service to expire at the end of the 113th Congress.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) to make effective appointment of Senate Legal Counsel.

The VICE PRESIDENT. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 6) reads as follows:

S. RES. 6

That the appointment of Morgan J. Frankel of the District of Columbia to be Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of January 7, 2011, and the term of service of the appointee shall expire at the end of the One Hundred Thirteenth Congress.

APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

The VICE PRESIDENT. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95-521, appoints Patricia Mack Bryan as deputy Senate legal counsel for a term of service to expire at the end of the 113th Congress.

Mr. REID. Mr. President, it is my understanding that the President pro tempore will now assume the presidency of the Senate.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 7) to make effective appointment of Deputy Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) reads as follows:

S. RES. 7

That the appointment of Patricia Mack Bryan of Virginia to be Deputy Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of January 3, 2011, and the term of service of the appointee shall expire at the end of the One Hundred Thirteenth Congress.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENTS

Mr. REID. Mr. President, I send to the desk en bloc 12 unanimous-consent requests, and I ask for their consideration en bloc, that the requests be agreed to en bloc, that the motions to reconsider the adoption of these requests be laid upon the table, and that they appear separately in the RECORD.

Before the Chair rules, I would like to point out that these requests are routine and are done at the beginning of each new Congress. They entail issues such as authority for the Ethics Committee to meet and other such matters.

Mr. President, I ask unanimous consent that for the duration of the 112th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 112th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10 minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the 112th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his four assistants be given the privileges of the floor during the 112th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 112th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 112th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and joint resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 112th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United

States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages from the House of Representatives, that they be appropriately referred and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 112th Congress, Senators be allowed to leave at the desk with the journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 112th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Mr. President, I ask unanimous consent that for the duration of the 112th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions and simple resolutions, for referral to appropriate committees.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WORKING GROUP—LOWER LEVEL EXECUTIVE NOMINATIONS

Mr. REID. One of the issues we must reform is the confirmation process in the Senate. I have heard from a number of Senators on both sides of the aisle who think we should address this.

Clearly, all Presidents are entitled to choose well-qualified individuals to serve in their administration. In the vast majority of instances, the individuals nominated by the President are not controversial, but many have faced delays before assuming their positions. These delays mean critical decision-makers are not in place. And, the delays make it harder to find qualified people—many great nominees simply cannot wait around for months as the stress and uncertainty affects their families and careers. We need to do better in the 112th Congress. According to the Congressional Research Service, the Senate has a constitutional duty to exercise “advice and consent” on more than 1,215 executive branch nominees. That is a large number. Is my friend from Kentucky aware of that the Senate confirms more than 1,215 executive branch nominees?

Mr. McCONNELL. I am aware that the number of presidential appointees has grown substantially. According to the bipartisan Commission on Public Service report from 2003, President Kennedy took office in 1960 with only 286 positions to fill by Presidential appointment. Many of those required

Senate confirmation. About 40 years later, President George W. Bush faced a total of 3,361 Presidential appointment slots to fill. I am sure the current President faced a similar number of appointments.

Mr. REID. I remember the Public Service Commission well and its Chairman Paul Volcker. We may need a new working group in the Senate to examine the confirmation process and ways to improve, streamline, and in some cases perhaps eliminate the confirmation process for lower level nominees. I would like to propose a new working group on executive nominations headed by Chairman SCHUMER and Ranking Member ALEXANDER of the Rules Committee. We will develop the details of this effort in the coming weeks, but I think a Senate level working group is a good place to start. And I would also recommend that Senators SCHUMER and ALEXANDER work on this effort in conjunction with Senators LIEBERMAN and COLLINS. The Homeland Security and Government Affairs Committee has held hearings on the confirmation process in the past, and Senators LIEBERMAN and COLLINS have been engaged in this issue for some time. They can bring a valuable perspective here.

Mr. McCONNELL. I agree the Senate should establish a working group to examine this issue. Surely, Senators LIEBERMAN and COLLINS have bipartisan respect and should be a part of any such group on executive nominations. Senators ALEXANDER and SCHUMER are good choices to spearhead this effort. I look forward to working with the majority leader and my colleagues in the coming weeks as we finalize this proposal.

FIRST DAY FOR INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Mr. REID. Mr. President, I ask unanimous consent that the first day for the introduction of bills and joint resolutions in the 112th Congress be Tuesday, January 25, 2011.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. I have a concurrent resolution at the desk. I ask the clerk to report the same.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) providing for a conditional recess or adjournment of the Senate and adjournment of the House of Representatives.

The PRESIDENT pro tempore. The concurrent resolution is considered and agreed to.

The concurrent resolution (S. Con. Res. 1) was agreed to, as follows:

S. CON. RES. 1

Resolved, by the Senate of the United States (the House of Representatives concurring), That

(a) when the Senate adjourns or recesses on any day from Wednesday, January 5, 2011, through Monday, January 10, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned or recessed until 10 a.m. on Tuesday, January 25, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and

(b) when the House adjourns on the legislative day of Wednesday, January 12, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, January 18, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on any legislative day from Wednesday, January 26, 2011, through Friday, January 28, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 8, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate, or his designee, after consultation with the Minority Leader of the Senate, or his designee, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

Mr. REID. Mr. President, I move to reconsider that vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE PROCEDURE

Mr. REID. Mr. President, happy new year to you. And happy new year to all my colleagues, those returning to the Senate and those taking office today for the first time.

I am honored, humbled, and will forever be grateful that the people of Nevada have entrusted me with another term as a Senator. I will continue working hard to create jobs for the people of my State and our country and get our country back on track. I am also grateful for the continued support and confidence of my caucus, which has given me the honor of serving as its leader. Neither title—Senator nor majority leader—is a responsibility I take lightly or for granted.

They say you can never step in the same river twice; new water flows in

replacing the old and continually renewing the river. The Senate is the same. This body never stops changing. Every 2 years—occasionally more frequently—new Senators take their seats in this Chamber. They join the Senate family in this ever-evolving team of 100 tasked with moving the country forward. Our fundamental responsibilities and traditions anchor us in that river. Our respect and reverence for the people we serve and this institution never wavers or changes.

According to academics, pundits, and Congress watchers, the 111th Congress was the most productive in American history. But many challenges and opportunities still lie ahead for this new Congress that starts today. We have to do even more to help middle-class families, to create jobs, to hasten our energy independence, to improve our children's education, and to fix our broken immigration system. We also have to make sure the Senate can operate in a way that allows the people's elected legislators to legislate.

We will soon debate some reforms to Senate procedure, reforms proposed not for the sake of change itself or for partisan gain but because the current system has been abused and abused gratuitously. The filibuster in particular has been abused and in truly unprecedented fashion. There are strong passions on both sides of this debate on this issue. There are nearly as many opinions about what to do about these abuses as there are Senators. But let's start the conversation with some facts.

There were about as many filibusters in the last two Congresses as there were in the first six and a half decades the cloture rules existed. There were nearly as many filibusters in just the last 2 years as there were in the 1920s, 1930s, 1940s, 1950s, 1960s, and half of the 1970s, all combined. In the entire 19th century, the Senate saw fewer than 12 filibusters. Now we see that many in a single month. Many of these recent filibusters were terribly unproductive. Many of them prevented us from even holding debate on a bill, let alone an up-or-down vote. After we wasted hour after hour, day after day, sometimes weeks, many of those bills passed and many of those nominations were confirmed overwhelmingly and sometimes unanimously.

I have been forced to use my right as majority leader to fill what we call the amendment tree more than I would have liked to, but it has been for a simple reason. Rather than offer amendments to improve legislation or compromise for the greater good, as Members of this body have done for generations, the current minority has offered amendments simply to waste time, delay us from proceeding to a bill or for scoring political points. The American people love government, but they don't like too much politics in government.

Finally, these rules are central to the Senate, but they are not sacrosanct. Senate procedures and rules have changed since the Senate was founded at the beginning of this country when necessary and after serious consideration. Those decisions have never been made without great deliberation, and no future change should be made any differently.

The recent abuses we have seen have hurt the Senate and hurt our country. They have hurt our economic recovery, and they hurt middle-class families. They hurt the institutions that lead and shape America because they keep public servants and judges from these posts for no reason other than partisanship. Even Chief Justice Roberts criticized the Senate a few days ago for how few judges we confirmed and how slowly we do even the few we confirm. His criticism and concern are well founded. I hope all my colleagues consider the Chief Justice's warning and what it means for the pursuit of justice.

Here is the bottom line: We may not agree yet on how to fix the problem, but no one can credibly claim problems don't exist. No one who has watched this body operate since the current minority took office can say it functions just fine. That wouldn't be true. It would be dishonest. No one can deny that the filibuster has been used for purely political reasons, reasons far beyond those for which this protection was invented and intended.

I say through the Chair to my distinguished Republican counterpart, my friend, Senator MCCONNELL, in the coming days, let's come together to find a solution. That is why we are here. I say to the 16 new Senators, we need to do some things to correct some of the things that have taken place. The Senate must solve problems, not create them. I am going to work to the best of my ability with my friend, the Senator from Kentucky, to work this out, to work out a compromise.

The last time Congress convened without Senator Robert Byrd as a Member, Harry Truman was President of the United States and 42 of our 100 Senators had not even been born. No one knew the Constitution better than Robert Byrd, and no one revered it more. He taught many of us many things. Among them, he taught me to carry the Constitution with me every day.

I do that, Mr. President. I always have this copy of our founding document in my pocket, signed by Senator Byrd, one of the most fervent defenders of the Constitution. He has given me two of them. The first one wore out, but I have it in my desk in Searchlight. I have such fondness looking at what Senator Byrd wrote in it. As we all know, in his later years he had a benign tremor, and he shook a little bit when he wrote. But he wrote this, and

I will always, always remember Senator Byrd, that fervent defender of this Constitution.

He loved the Constitution. This coal miner's son loved the Constitution. Just like everyone in America, whether you are a coal miner's son or an academic's son, we all should love this Constitution, not just because of what is written in it but how those words were written and how it all came together.

Senator Byrd knew our Constitution was created through compromise. At a moment of particular partisan strife, 15 years ago Senator Byrd came to this floor and said the following:

I hope that we will all take a look at ourselves on both sides of this aisle and understand also that we must work together in harmony and with mutual respect for one another. This very charter of government—

Talking about the Constitution—

under which we live was created in a spirit of compromise and mutual concession. And it is only in that spirit that a continuance of this charter of government can be prolonged and sustained.

That is what he said.

Our friends in the House have decided to begin their daily business by reading the Constitution. In these first few minutes of the new Senate session, I think we should reflect on Senator Byrd's wise reminder of this Constitution's history. Like the Constitution, the agreement that established two separate and different Houses in the legislative branch was itself a compromise.

Mr. President, it is written to be the Great Compromise that allowed us to have a Constitution. As much as ever before, our two branches need to find common ground if we are going to be productive for the people we serve and serve together.

In that same speech a decade and a half ago, Senator Byrd reminded us that "the welfare of the country is more dear than the mere victory of [a political] party." I think we would do well to heed those words as we debate and decide how to best serve the Nation and its people in this new year.

Senators come and go. Majorities and minorities rotate like a rolling wheel, and records of service are written and rewritten. The only constant in this great democracy is change—a change we never anticipate. Sometimes we do, but most often we do not. Sixteen Senators who were here just a few days ago have moved on, and 16 new ones now take their seats. Laws that govern this Nation and the rules that govern this body continually evolve carefully and by necessity.

But the most important change we can make in the 112th Congress is to work better and more closely as teammates, not as opponents; as partners, not as partisans; to fulfill our constitutional responsibility to pursue a more perfect union, establish justice, ensure

domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Republican leader is recognized.

OPENING THE 112TH CONGRESS

Mr. MCCONNELL. Mr. President, first, I would like to take a moment to welcome back all of my colleagues and particularly the 13 new Republican Senators whom we officially swore in just a few moments ago.

Americans are looking for creative, principled leaders. I am confident this impressive class of new Republicans will not disappoint.

I would also like to welcome my good friend, the majority leader. At a time when some people think the two parties in Washington cannot even agree on the weather, I will note that Senator REID and I get along just fine. I expect it will stay that way, and I look forward to working with him again throughout this Congress.

The biggest changes today are, of course, happening across the dome, and I would like to welcome the many new Republican Members of Congress who have come to Washington to change the way things are done around here. In this, they will be led by a very talented and determined Ohioan, whom I now have the great honor of referring to as Speaker BOEHNER. I congratulate Speaker BOEHNER and the new Republican majority in the House, and I wish them great success in achieving the kinds of reforms and policies the last election was all about.

Americans want lawmakers to cut Washington spending, tackle the debt, rein in the government, and to help create the right conditions for private sector job growth. They also want us to reform the way laws are made. They are looking to Republicans to provide an alternative to the kind of lawmaking we have seen too much of around here in the past few years—a vision that disregards the views of the public in favor of an elite few, a vision that tells people they can look at legislation after it is passed, that Washington knows best. In short, Americans are looking for an entirely different approach.

The new Republican majority in the House has shown every sign that they have heard the public on all of this, and Senate Republicans join them in their efforts, conscious of the limitations and the opportunities that our minority status and the President's veto pen involve. We will press the majority to do the things the American people clearly want us to do, and we

will insist in every possible way that the voices of our constituents are heard, realizing at the same time that the best solutions are forged through consensus not through confrontation.

Fortunately, the Senate was designed as a place where consensus could and would be reached. Look through modern history. The Social Security Act of 1935 was approved by all but six Members of the Senate. The Medicare and Medicaid Acts of 1965 were approved by all but 21. And all but eight Senators voted for the Americans with Disabilities Act 21 years ago this year.

The lesson is clear: Americans believe on issues of this importance, one party should not be allowed to force its will on anyone else. Thanks to the Senate, it rarely has.

That is why a recent proposal to change the Senate's rules by some on the other side is such a bad idea. For 2 years, Americans have been telling us they are tired of being shut out of the legislative process. They want to be heard. The response they are now getting from some on the other side instead is a proposal to change the Senate rules so they can continue to do exactly what they want with fewer Members than before. Instead of changing their behavior in response to the last election, they want to change the rules.

Well, I would suggest this is precisely the kind of approach a supermajority standard is meant to prevent. It exists—it exists—to preserve the Senate's role as the one place where the voices of all of the people will, in the end, be heard. As a result, it has helped ensure that most major agreements enjoy the broad support of the public and the stability that comes with it.

Regrettably, the current majority has too often lost sight of this important truth. Since assuming control of the Senate in 2007, it has sought to erode the traditional rights of the minority, and, by extension, the rights of our constituents. The nonpartisan Congressional Research Service has looked into the way the current majority has run the Senate. Its conclusions are revealing.

Here are just a few: The current majority has denied the minority the right to amend legislation a record 44 times or more often than the last six majorities combined. It has moved to shut down debate the same day measures are considered nearly three times more often, on average, than the previous six majorities. And its unprecedented denial of the rights of the minority to debate and amend on the floor is compounded by its practice of regularly bypassing Senate committees. All too often the majority has chosen to write bills behind closed doors, depriving Americans of yet another opportunity to have a say in the legislative process. The current majority has set the record here as well, by-

passing committees 43 times or double the previous average.

Now, the goal of all of this, of course, is to pass the most partisan legislation possible while at the same time avoiding difficult votes. To listen to the leaders of the Democratic Party over the past several months, they have had some success at it. The President, the former Speaker, and the majority leader have all described the past Congress as the most successful in memory. Yet the most vocal elements of their party remain frustrated. They say the Senate is broken, even though the same people are describing it as the most successful in memory.

Why? Their primary complaints appear to be these: The stimulus passed, but it was not big enough; the health care bill passed, but it did not include the government plan; the Senate extended unemployment benefits and cut payroll taxes but was blocked from raising taxes on small business owners in the process.

In other words, the majority may have been able to achieve most of what it wanted, but because it did not achieve everything it wanted some are not happy. They are not happy that those Americans who have a different view of things actually had a say in how some of the legislation they have passed over the past 2 years turned out.

The impulse to change the rules is, in some ways, understandable. No one likes to take difficult votes, but that is nothing new. As the majority whip often says: "If you don't like fighting fires, then don't become a fireman." If you don't like casting votes, don't come to the Senate.

Some have also suggested that one's view of the filibuster depends on where one sits. It is true that when I was in the majority, I opposed filibustering judicial nominees. But I opposed doing so when I was in the minority as well. I opposed doing so regardless of who was in the White House. In short, I was against expanding the use of the filibuster into an area in which it traditionally had not been used, period.

One can agree with that view or not, but it is one thing to disagree with expanding the use of the filibuster into nontraditional areas, regardless of who is President and who is in the minority, it is another thing altogether to be in favor of expanding it when one is in the minority, and then turn around and urge its elimination when one is in the majority.

When it comes to preserving the right to extended debate on legislation, Republicans have been entirely consistent. What is being considered is unprecedented. No Senate majority has ever—I am going to say this twice—no Senate majority has ever changed the rules except by following those rules; that is, with the participation and the agreement of the minority.

I am going to say it one more time. No Senate majority has ever changed

the rules except by following those rules; that is, with the participation and the agreement of the minority. But it also promises to frustrate those who would approve it.

First, it is stating the obvious, that anything that passes in the Senate with a narrower majority than 60 is going nowhere—absolutely nowhere—in the newly Republican House. So any short-term gain ends halfway across the dome. Second, a change in the rules aimed at benefitting the Democrats today could just as easily be used to benefit Republicans tomorrow. Do our friends across the aisle want to create a situation where 2 or 4 or 6 years from now they suddenly find themselves completely powerless to prevent Republicans from overturning legislation they themselves have worked so hard to enact, particularly over the last 2 years?

But the larger point is this: The Founders crafted the Senate to be different. They crafted it to be a deliberate, thoughtful place. Changing the rules in the way that has been proposed would unalterably change the Senate itself. It will no longer be the place where the whole country is heard and has the ability to have its say, a place that encourages consensus and broad agreement. In short, it would make this place even less like the place Americans want it to be.

So it is my hope that our friends on the other side will put aside their plans, respect the rules of the Senate and, more importantly, the voice of the people those rules are meant to protect. Then we can get about the business the people sent us here to do.

Today is a day to renew our purpose and our commitment to bipartisanship, not to double down on a partisan approach that has too often marred lawmaking in Washington over the past 2 years. It is a day to look ahead to what we can achieve together, prompted by the urgings of an electorate that has made its views very clear, and united by a love for this institution and this Nation. The problems we face are enormous—once-in-a-generation challenges that will require vision, hard work, and a commitment to work together to reach consensus, and the Senate is the place for that. At its best, it is a workshop where the Nation's most difficult challenges are faced squarely and addressed with civility and goodwill. At a time like our own, when 1 in 10 working Americans is looking for a job and can't find one, when the national debt threatens the American dream itself, when the solvency of the social safety net is threatened, we must come together. We must find a way to forget the petty skirmishes of the past and forge a new, more hopeful path. We must be motivated by a determination to seek solutions, not mere partisan advantage.

Americans are looking for Republicans to address the problems we face,

but Republicans cannot solve them alone. The problems are too big, too demanding for one party, and we will never succeed in solving them if we retreat to our corners until another election comes around. If our predecessors had done that, they would have never solved anything at all, and this institution would have lost its relevance a long time ago. But they didn't, and neither can we.

The men who established this place have left us the right tools for the job. It is my hope that in the weeks and months ahead, we will use them to renew the promise that inspired them and that continues to inspire Americans even in difficult times. That promise is the American dream. It is what unites everyone in this Chamber. Preserving it must be our common task.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that there be 30 minutes for tributes regarding Senator MIKULSKI's milestone; that upon conclusion of MIKULSKI-related remarks, there be 45 minutes for Senator HARKIN; that upon the conclusion of Senator HARKIN's remarks, the Republican leader or his designee control the next 35 minutes; further, that following that time controlled by the Republican leader, Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING SENATOR MIKULSKI

Mr. HARKIN. Mr. President, I wish to make some remarks regarding my dear friend and seatmate on the Appropriations Committee and a member of my Health, Education, Labor, and Pensions Committee.

I join with the entire Senate family in saluting my good friend, the distinguished senior Senator from Maryland, on becoming the longest serving woman in the history of the Senate. This is truly a remarkable milestone.

I note that Cal Ripken, the former star of Senator MIKULSKI's hometown

Baltimore Orioles, became known as the "Iron Man" for going 16 consecutive years without missing a game. Now perhaps Senator MIKULSKI has earned the title of "Iron Woman" for going 24 consecutive years in this body without ever deviating from her role as a fierce advocate for Marylanders and for working people across our country.

I hasten to add that the measure of a Senator is not how many years he or she serves in the body but what he or she accomplishes during those years. That is where Senator MIKULSKI has truly distinguished herself over the last quarter of a century.

I especially salute her activism and leadership on the Committee on Health, Education, Labor and Pensions, formerly chaired, of course, by Senator Kennedy and which I am now privileged to chair. She has been a leading champion of Pell grants and for expanding access to higher education for students of modest means. Of course, as has been stated, she has been the Senate's leading voice on women's health issues, fighting to ensure women are included in clinical trials and medical research at the National Institutes of Health, and securing access to breast and cervical cancer screenings for women without health insurance.

Senator MIKULSKI took the lead in writing the sections of the new health reform law that focus on improving the quality of care. At every turn in the drafting of that historic legislation, she fought to ensure that the unique health needs of women were fully recognized and accommodated.

As chair of the Subcommittee on Retirement and Aging, Senator MIKULSKI has been an outspoken advocate for seniors, focusing especially on combating elder abuse and neglect. I know she is especially proud of authoring the Spousal Anti-Impoverishment Act, which keeps seniors from going bankrupt while paying for a spouse's nursing home care. I might also add, no one has been a more fierce supporter and defender of the right for people to have an attorney through the legal aid system in America. She has fought very hard to make sure we strengthened the National Legal Services Corporation and to make sure it receives adequate funding so people who have no money aren't barred from the courthouse door.

We admire the work of BARBARA MIKULSKI not as a female Senator per se but as one of 100 Senators. On this day we also recognize that she was the first woman elected to the Senate whose husband or father did not serve in high office. We salute her as the proud dean among Senate women who has gone to extraordinary lengths for so many years to mentor and guide newly elected women Senators of both parties.

I join my colleagues in congratulating Senator MIKULSKI as our longest

serving female Senator and wishing her many more years of accomplishment and service in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to add my voice to those of my colleagues as we commemorate an extraordinary milestone for a remarkable woman. Today, Senator BARBARA MIKULSKI becomes the longest serving woman Senator.

For anyone who has had the privilege of working with or for Senator MIKULSKI, this milestone comes as no surprise. She is a devoted public servant and a dogged advocate for her constituents. She has spent the vast majority of her life in public service as a social worker, as a member of the Baltimore City Council, then as a Member of the House of Representatives, and finally as a Senator. With each step, her constituency got larger and she worked even harder to fight for the people of Maryland.

Senator MIKULSKI is no stranger to celebrating firsts or milestones. She was the first Democratic woman to be elected to the Senate in her own right without succeeding a spouse or a father. She was also the first woman to serve on the Senate Appropriations Committee.

It is also worth reflecting on how far we have come in the 24 years since Senator MIKULSKI was first elected. She was one of only two women in the Senate in 1987. In the next Senate, as in the last Senate, we are now up to 17 female Senators, meaning that they can no longer call us "Sweet 16."

As the dean of women Senators, Senator MIKULSKI has always been ready to help women who are thinking about running for the Senate and then help newly arrived women Senators when they get here. Her wise counsel is absolutely invaluable. Senator MIKULSKI has always reached across the aisle to bring women Senators together. As she puts it: "Women in the Senate understand issues not just on the macro level, but on the macaroni and cheese level."

Two years ago around this time, I went to the Senate floor with several of my women colleagues to speak about the importance of passing the Lilly Ledbetter Fair Pay Act. Senator MIKULSKI had championed the bill for years. I remember Senator MIKULSKI bringing us all together and I will always remember her words. She would say:

To the women of America: Suit up, square your shoulders, put your lipstick on. We're ready for a revolution.

Senator MIKULSKI has always been a master of words and quips. She did it again, and we passed that bill.

On that issue, as on so many others, the cause that Senator MIKULSKI championed was victorious due in large part

to her tremendous work ethic and her devoted advocacy.

Senator MIKULSKI, today we salute you for suiting up and squaring your shoulders for 24 years and counting, and we look forward to so many more.

I see my great colleague Senator STABENOW from the State of Michigan is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I am so pleased to be here today. I appreciate the words of the great Senator from Minnesota. I am very pleased to rise with colleagues on both sides of the aisle to pay tribute to somebody who is much more than a colleague—someone who is also a mentor and a great friend, the Senator from Maryland, BARBARA MIKULSKI.

Today, as we all know, she became the longest serving woman Member of the Senate in the history of our Nation. I have a 3-year-old granddaughter Lilly who will be able to read now in the history books about not only her grandmother but the woman who holds this record, Senator BARBARA MIKULSKI, and all she has done and all she means to each of us, particularly as a role model for my granddaughter and other young children, other young women who will be coming after all of us.

She is here today because she is bold and fearless and determined, as we all know. In 1986, when she first ran for the Senate, she looked for inspiration from her own great-grandmother who came to the United States from Poland with no money and no job. But her great-grandmother knew the importance of hard work and she built a life for her family here, a new beginning, and in so doing opened the door for future generations. I know today she is looking down from a special place with tremendous pride.

When Senator MIKULSKI won that election, becoming the first Democratic woman to win a Senate seat in her own right, she carried on her great-grandmother's legacy—opening doors for future generations of women to follow in her footsteps. Thanks to that, there are more women serving in the Senate today than have ever served in the entire history of our great country. When Senator MIKULSKI was elected in 1986, from the moment she arrived in this august body, she has been a tireless champion of working families in Maryland and across the country. I am proud to have partnered with her on so many important efforts to make sure we are building things in America again and supporting the people who have built the great middle class of this country by their hard work.

She grew up working in her parents' grocery store and understands the struggles of working families who want nothing more than to create a better

life for their children and their grandchildren.

She got her start in politics fighting to save the Fells Point neighborhood in Baltimore, stopping a proposed highway that would have divided a neighborhood and destroyed that community. Today, because of Senator MIKULSKI, Fells Point is a thriving residential and commercial community. She has continued from that day, every day, fighting for neighborhoods and families and standing for the men and women who work hard every day to make a better life for themselves and their families.

When BARBARA first arrived in the Senate, she was one of only two women Senators, as we know. Before then, women were appointed to the worst committees, were locked out of the "old boys' club" and didn't have much of a voice. But she changed all that.

She got appointed to the powerful Appropriations Committee—the first Democratic woman to do so, giving the women of America a voice, for the first time, on how we set our priorities for the investments of our country. More importantly, she learned how to build coalitions, to work with colleagues on both sides of the aisle, and get things done for the people who sent her here to work for them.

Today, as dean of the women Senators, BARBARA continues that leadership. Thanks to her, the women of the Senate get together—both Democrats and Republicans—for fellowship and friendship on a regular basis. Now, following in her footsteps, there are woman Members on every single committee in the Senate. That is important to the operation of our country's business.

Her example shows us all the importance of hard work, determination, and courage.

I congratulate my friend, Senator BARBARA MIKULSKI, today on her great accomplishment and, most importantly, on a distinguished record of public service on behalf of the people of Maryland and our country. I thank her for all she has done for me personally and for all the other women in the Senate—the ones who have already followed in her footsteps and the many who are still to come.

This is an exciting day for the history books—as some of us like to say, it is another step in "herstory"—BARBARA's story—which is a special one for our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, parliamentary inquiry: Under the unanimous consent agreement, there was a period of 30 minutes for tributes to Senator MIKULSKI. Is there any of that time remaining?

The PRESIDING OFFICER. Time has been consumed.

Mr. HARKIN. If I am not mistaken, under the unanimous consent agreement, I was deemed to have 45 minutes.

The PRESIDING OFFICER. That is correct.

FILIBUSTER RULE

Mr. HARKIN. Mr. President, I have a resolution for myself, Senator DURBIN, Senator MIKULSKI, and Senator SHAHEEN, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 8) amending the Standing Rules of the Senate to provide for cloture to be invoked with less than three-fifths majority after additional debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I had a good discussion with the Senator from Iowa. This is a longstanding proposal of his. He has thoughtfully considered it. Even though I admire him, I do not admire the proposal.

What we would like to do is let the Senator from Iowa make his proposal. I will listen, and when he has made the proposal, I will ask him to yield me a few minutes and we may have a little discussion back and forth on the merits of the proposal. With that in mind, I object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rules.

Mr. HARKIN. Mr. President, I am sorry my good friend from Tennessee had to object, but I understand. We are going to engage for some time now on the Senate floor in a discussion on the filibuster, something that has been around a long time but which, in the last several years, few years—I would not say “several”—in the last 20, 30 years, has gotten to the point where it has paralyzed the Senate and has paralyzed the country.

I intend to make some remarks for a while. I appreciate my friend from Tennessee and also my friend from Kansas who is here. I hope we can engage in a nice colloquy and a discussion about this in a back-and-forth way. I look forward to doing that. I do wish to take some time to at least lay out my case, as I did 15 years ago—I am sorry, 16 years ago. On January 4, 1995, I sub-

mitted this same resolution. I was a member of the minority party in the Senate for the first time in 8 years. When I first came to the Senate, the Republicans were in charge and then the Democrats got in charge and then the Republicans got in charge and then the Democrats got in charge and then the Republicans got in charge and then the Democrats got in charge. Since I have been here, since 1985, five times the Senate has changed hands.

I note that at the beginning of that Congress in 1995, the Republicans outnumbered Democrats 53 to 47, the same majority-minority ratio that exists today, just on the other side. Even though I was opposed to the then-majority party's agenda, I submitted the same basic resolution to change the Senate rules regarding the filibuster.

My plan would have ensured ample debate and deliberation. The stated purpose of a filibuster is to have debate and deliberation. But it would also have allowed a bill or nominee to receive a “yes” or “no” vote. Unfortunately, my proposal did not pass. It received 19 votes. My cosponsors were Senator LIEBERMAN, Senator Pell, and Senator Robb of Virginia.

I submitted my bill—and if you care to go back and read that debate, it is the January 4, 1995, CONGRESSIONAL RECORD in the Senate. I saw an escalating arms race, where each side ratcheted up the use of the filibuster. That is what I called it then.

Sadly, in the intervening years, my prediction has been fulfilled. The sad reality is that today, because of the indiscriminate use of the filibuster, the ability of our government to legislate and to address problems is severely jeopardized. Sixteen years after I first submitted my proposal, it is even more apparent that for our government to properly function, we must reform and curb the use of the filibuster.

The filibuster was once an extraordinary tool used in the rarest of circumstances. When many people think of the filibuster, many times it brings to mind the classic film of “Mr. Smith Goes to Washington.” It is ironic that in 1939, the year Frank Capra filmed “Mr. Smith,” there were zero filibusters in the Senate. From 1917 across the entire 19th century—for 100 years—there were 23 filibusters in 100 years. Indeed, through 1879, there were only four. From 1917, when the Senate first adopted rules to end the filibuster, until 1969, there were fewer than 50—less than 1 filibuster a year. Unfortunately, since then, the number has skyrocketed.

The current concerns I raise are not new. The problem has become far more serious. In 1982, my good friend and colleague, Senator Dale Bumpers of Arkansas, said this about the filibuster: “Unless we recognize that things are out of control and procedures have to be changed, we’ll never be an effective legislative body again.” That was 1982.

During the 2 years of that Congress, there were 31 filibusters as measured by the number of cloture motions filed. In 1985, former Senator Thomas Eagleton of Missouri remarked:

The Senate is now in the state of incipient anarchy. The filibuster, once used, by and large, as an occasional exercise in civil rights matters, has now become a routine frolic in almost all matters. Whereas our rules were devised to guarantee full and free debate, they now guarantee unbridled chaos.

That was 1985, my first year here. But during that Congress there were 40 filibusters.

Again, I wish to refer to the number of filibusters as a visual aid to see what has happened.

As we go back to 88th, 89th, 90th, and on up, we can see the number of filibusters escalating from less than 10 a year—4 or 5—up to almost 140, 139. In 1994, former Republican Senator Charles Mathias of Maryland said:

Today, filibusters are far less visible but far more frequent. The filibuster has become an epidemic.—

An epidemic. That is former Republican Senator Charles Mathias—

used whenever a coalition can find 41 votes to oppose legislation. The distinction between voting against legislation and blocking a vote between opposing and obstructing has nearly disappeared.

That was Senator Mathias of Maryland.

During that Congress, again right before I first submitted legislation to modify the filibuster, there were 80 filibusters that year. If I may quote myself, 1 year after Senator Mathias made his statement about the filibuster, this is what I said in 1995:

It is used, Mr. President, as blackmail, for one Senator to get his or her way on something they could not rightfully win through the normal process. I am not accusing any one party of this. It happens on both sides of the aisle.

I said that in 1995. Quoting myself from the RECORD:

Mr. President, I believe each Senator needs to give up a little of our pride, a little of our prerogatives, and a little of our power for the good of this Senate and the good of this country. I think the voters of this country were turned off by the constant bickering, the arguing back and forth that goes on in this Senate Chamber, the gridlock that ensued here, the pointing of fingers of blame. Sometimes in the fog of debate, like the fog of war, it is hard to determine who is responsible for slowing something down. It is like shifting sand. People hide behind the filibuster. I think it is time to let the voters know that we have heard their message in the last election.

I said this in 1995.

They did not send us here to bicker and to argue and to point fingers. They want us to get things done to address the concerns facing this country. They want us to reform this place. They want this place to operate a little better, a little more openly, and a little more decisively.

I said that when the Republicans were in charge.

With all those filibusters, it was not until the 110th and 111th Congress that the true scope of the filibuster abuse would truly be realized. In the 110th Congress, there were an astonishing 139 motions to end filibusters. In the 111th, there were 136–275 filibusters in just 4 years.

The fact is, in successive Congresses, Democrats and Republicans have made the filibuster an everyday weapon of obstruction, not as a way to ensure debate and deliberation but as a way of obstruction. I say both sides have done it. I said that in 1995. I predicted an escalating arms race. I said: If we do not do something about it, it is going to get worse—and, unfortunately, it has.

On almost a daily basis, one Senator is able to use just the threat of a filibuster to stop bills from coming to the floor for debate and amendment. In the past Congress, we started seeing the minority filibuster bills they did not even object to solely in order to slow down unrelated measures they did oppose. The result is a legislative process that is simply overwhelmed, squeezing out the ability to do important, relatively noncontroversial legislation.

It is no accident that Norm Ornstein, the esteemed congressional scholar, wrote an article, titled “Our Broken Senate,” in which he wrote that “the expanded use of formal rules on Capitol Hill is unprecedented and is bringing the government to its knees.”

Just the other day, I received a petition signed by nearly 300 top historians, legal scholars, and political scientists urging Senators “to restore majority rule to the United States Senate.” I ask unanimous consent to have this petition printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 4, 2011.

“We, the undersigned, American historians, political scientists, and legal scholars, call upon our senators to restore majority rule to the United States Senate by revising the rules that now require the concurrence of 60 members before legislation can be brought to the floor for debate and restoring majority vote for the passage of bills.

Joyce Appleby, UCLA, retired; Katy Harriger, Wake Forest University; Senator Gary Hart, University of Colorado, Denver; Sanford Levinson, University of Texas Law School; Lawrence Lessig, Harvard Law School; Peter Onuf, University of Virginia; Jack Rakove, Stanford University; David RePass, University of Connecticut, retired; John K. White, Catholic University; Richard D. Lamm, Gov. of Colorado, 1975–1987; Coit D. Blacker, Stanford University; James Gelvin, UCLA; H. Robert Baker, Georgia State University; Darryl Holter, University of Southern California; Robert Rapetto, Yale University; David Orr, Oberlin College; Manuel J.R. Montoya, University of New Mexico; Kathleen M. Beatty, University of Colorado, Denver; Morton T. Tenzer, University of Connecticut; David S. Tannenhaus, University of Nevada, Las Vegas.

Robert H. Abzug, University of Texas, Austin; David H. Hall, Harvard University; Carrie Menkel-Meadow, Georgetown Law

School, University of California, Irvine; Carla Gardina Pestana, Miami University, Ohio; Michael Zucker, University of Notre Dame; Thomas A. Foster, De Paul University; John Kukla, Richmond, Virginia; Corey Robin, Brooklyn College and City University of New York Graduate Center; David Thelen, University of Indiana; T.H. Breen, Northwestern University; Jonathan D. Varat, UCLA Law School; Michael Koppedge, University of Notre Dame; Michael Johnson, Johns Hopkins University; Toby L. Ditz, Johns Hopkins University; Teofilo Ruiz, UCLA; Laurel Ulrich, Harvard University; Pauline Maier, Massachusetts Institute of Technology; Anne Lombard, California State University, San Marcos; Gabrielle M. Spiegel, Johns Hopkins University.

Robert A. Hill, UCLA; Buie Seawell, University of Denver; Edward Countryman, Southern Methodist University; Sara Berry, Johns Hopkins University; Thomas Bender, New York University; David Hollinger, University of California, Berkeley; Franklin W. Knight, Johns Hopkins University; Lucia Stanton, Monticello; Alan Trachtenberg, Yale University; Warren M. Billings, University of New Orleans; James Drake, Metropolitan State College of Denver; M. Gregory Kendrick, UCLA; Benjamin H. Johnson, Southern Methodist University; Kenneth Karst, UCLA Law School; Robert Johnson, University of Illinois, Chicago; Thomas S. Hines, UCLA; Herbert Sloan, Barnard College, Columbia University; Alexis McCrossen, Southern Methodist University; Ira Berlin, University of Maryland; Fred G. Noteheller, UCLA, emeritus.

Gerald L. Weinberg, University of North Carolina; Richard M. Pious, Barnard College, Columbia University; Thomas J. Knock, Southern Methodist University; Michelle Nickerson, University of Texas, Dallas; John Chavez, Southern Methodist University; Gabriel Piterberg, UCLA; John P. Kaminski, University of Wisconsin, Madison; Graham A. Peck, Saint Xavier University; Jonathan Gross, De Paul University; Jean R. Sunderland, Lehigh University; Dennis D. Cornell, Southern Methodist University; James M. Banner, Washington DC; David D. Leon, Howard University; Jeremy Adams, Southern Methodist University; Fred M. Woodward, Lawrence, Kansas; Hal S. Barron, Harvey Mudd College; Glenna Mathews, independent scholar; Carl Karsen, University of Michigan; David DuFault, San Diego State University, retired; Jess Stoddard, San Diego State University, retired.

Philip Flemion, San Diego State University, retired; Gregg Herken, University of California, Merced; Karl Inderfurth, Center for Strategic and International Studies; Natalie Zemon Davis, Princeton University, emeritus; Edward A. Alpers, UCLA; John Snetsinger, California Polytechnic State University, San Luis Obispo; Kenneth T. Jackson, Columbia University; Margaret Jacob, UCLA; Simone Weil David, University of Toronto; Margaret Hunt, Amherst College; Charles Capper, Boston University; Ellen Carol DuBois, UCLA; Olivier Zunz, University of Virginia; John R. Chavez, Southern Methodist University; Joanne Ferraro, San Diego State University; Mary F. Corey, UCLA; Joseph Kett, University of Virginia; Ralph E. Luker, Morehouse College, retired; Gregory L. Kaster, Gustavus Adolphus College.

Michael Kazin, Georgetown University; Jeremy Young, Indiana University; James Brewer Stewart, Macalester College; Mary Beth Norton, Cornell University; Steven Conn, Ohio State University; John Carson,

University of Michigan; Ruth Perry, Massachusetts Institute of Technology; Akhil Reed Amar, Yale Law School; Peter Reill, UCLA; Robert E. Bieder, Indiana University; Robert E. Mutch, Washington, D.C.; Edwin G. Burrows, Brooklyn College; Jeffrey K. Tulis, University of Texas, Austin; Fredrika J. Teute, Omohundre Institute of Early American History and Culture; Francis H. Stites, San Diego State University; Albert O'Brien, San Diego State University; John H. Coatsworth, Columbia University; Jack M. Balkin, Yale Law School; Christopher Bates, California Polytechnic State University, Pomona.

Iryne Black, Newport Beach, California; Timothy Black, Newport Beach, California; Walter LaFeber, Cornell University; Maeva Marcus, George Washington University Law School; Isaac Kramnick, Cornell University; Michael Meranze, UCLA; Ross Frank, University of California, San Diego; Ron Hayduk, Queens College; Lucas A. Powe, Jr., University Texas Law School; Paul Finkelman, Albany Law School; Stanley N. Katz, Princeton University; Susan Strasser, University of Delaware; Claudrena Harold, University of Virginia; Pauline Maier, Massachusetts Institute of Technology; Jeremy I. Adelman, Princeton University; Ann Heiney, Newport Beach, California; Anthony Grafton, Princeton University; Charles S. Maier, Harvard University; James Kloppenberg, Harvard University; Trace B. Strong, University of California, San Diego.

Jeffrey C. Isaac, Indiana University; Jay Driskell, Hood College; Nancy Fraser, New School for Social Research; Ellen Schrecker, Yeshiva University; Stephen W. Feldman, University of Wyoming; Frances Fox Piven, City University of New York; Alyson M. Cole, Queens College, CUNY Graduate Center; Thomas Dunim, Amherst College; Joshua Freeman, Queens College, CUNY Graduate Center; Hendrik Hartog, Princeton University; Rick Perlstein, Chicago; Thomas Geoghegan, Desprese, Schwartz & Geoghegan; John Majewski, University of California, Santa Barbara; Anne Norton, University of Pennsylvania; Eric Alterman, Brooklyn College, CUNY; Maximilian E. Novak, UCLA, emeritus; Rogers M. Smith, University of Pennsylvania; Andrew Sabl, UCLA; Carol W. Lewis, University of Connecticut.

Kate Wittenstein, Gustavus Adolphus College; Ruth Anne Baumgartner, Fairfield University and Central Connecticut State University; Ronald Walters, Johns Hopkins University; Charles Venator, University of Connecticut; John R. Wallack, Hunter College and CUNY Graduate Center; Herbert Kaufman, formerly Yale University; Ed Edelman, former Los Angeles County Supervisor; Peter Truowitz, University of Texas, Austin; Ruth Bloch, UCLA; Catherine Allgor, University of California, Riverside; David L. Richards, University of Connecticut; Naomi Merzey, Georgetown University Law Center; Philip Green, New School for Social Research; Robert Westman, University of California, San Diego; Nancy Unger, Santa Clara University; Joseph Lowndes, University of Oregon; Michael Holt, University of Virginia; Neil Sapper, Armadillo College, retired; Alan Lessoff, Illinois State University; Peter Kingstron, University of Connecticut.

David Gerber, University of Buffalo, SUNY; Philip Rubio, North Carolina Arts and Technology University; Philip Nord, Indiana University; Aziz Rana, Cornell Law School; John R. Bowman, Queens College and CUNY Graduate Center; Todd Gitlin, Columbia University; Sandra Moats, University

of Wisconsin, Parkside; James M. McPherson, Princeton University; Jason Frank, Cornell University; Charles Pastel, San Francisco State University; Jill Lepore, Harvard University; Jane Kamensky, Brandeis University; Alejandro E. Camacho, University of California, Irvine Law School; Donald Kennedy, president emeritus, Stanford University; Paul Seaver, Stanford University; Geoffrey Symcox, UCLA; Leslie E. Gerwin, Princeton University; Richard H. Kohn, University of North Carolina; Michael D. Wilson, Vanguard University of Southern California; Karl Mannheim, Loyola Law School.

Berry M. Sax, Department of Defense Administrative Judge retired; David Montgomery, Yale University; Michael Holt, University of Virginia; Lisa Jacobson, University of California, Santa Barbara; Walter Giger, Jr., University of Hartford; Julie Novkov, University of Albany, SUNY; Denis Z. Davidson; Adolph Grundman, Metropolitan State College of Denver; Brian Balogh, University of Virginia; John A. Mears, Southern Methodist University; Bennett Ramberg, Los Angeles; Shanti Singham, Williams College; Steve Hochstadt, Illinois College; Charles Tandy, Ria University Institute for Advanced Study; Nancy F. Cotton, Harvard University; Jon Butler, Yale University; Eric Thomas, Jacksonville University; Elaine Tyler May, University of Minnesota; Jonathan McLeod, San Diego Mesa Community College; Thomas Zoumaras, Truman State University.

Michelle Mart, Pennsylvania State University, Berks; Mitch Kachun, Western Michigan State University; Bill Chafe, Duke University; Walter Nugent, University of Notre Dame; Elizabeth Cohen, Harvard University; Judith Smith, University of Massachusetts, Boston; Gary Gerstle, Vanderbilt University; Elizabeth Cohgen, Syracuse University; Allen W. Trelease, University of North Carolina, Greensboro; Tera W. Hunter, Princeton University; James H. Merrell, Vassar College; Peter Novick, University of Chicago; Craig Steven Wilder, Massachusetts Institute of Technology; Seth L. Schein, University of California, Davis; Jenna Gibbs, Florida International University; Michael Latham, Fordham University; Michael Green, College of Southern Nevada; Martin Kaplan, University of Southern California; Valerie Matsumoto, UCLA; Sanford M. Jacoby, UCLA.

Alexander Saxton, UCLA emeritus; Thomas J. Sugrue, University of Pennsylvania; Thomas S. Hines, UCLA; Albion M. Urdank, UCLA; James Grossman, University of Chicago; Lynn Hunt, UCLA; Ron Pagnucco, College of St. Benedict, St. John's University; David Konig, Washington University at St. Louis; Brenda Stevenson, UCLA; Linn Shapiro, Washington, DC; Peter Loewenberg, UCLA; Christian McMillen, University of Virginia; Estelle B. Freedman, Stanford University; Daniel Howe, UCLA; Ann C. McGinley, University of Nevada, Las Vegas; Mary La France, University of Nevada, Las Vegas; Christopher Blakesley, University of Nevada, Las Vegas; Thomas B. McAfee, University of Nevada, Las Vegas; Robert Brenner, UCLA; Gail Cline, University of Nevada, Las Vegas; George Rabinowitz, University of North Carolina, Chapel Hill.

Norton Wise, UCLA; Patricia Bonomi, New York University; Jon Wiener, University of California, Irvine; Paul Finkelman, Albany Law School; Joseph Miller, University of Virginia; James MacGregor Burns, Williams College; Susan Dunn, Williams College; Lori Anne Ferrell, Claremont Graduate University; David Warren Sabean, UCLA; Isabel V.

Hull, Cornell University; Edward Ayers, Richmond University; Tom Donnelly, Harvard Law School; Donald Kersey, San Jose State University; Peter H. Wood, Duke University; Joseph Scott Miller, Lewis and Clark Law School; Jonathan Lurie, Rutgers University; Maxine N. Lurie, Rutgers University; Elizabeth Fenn, Duke University; Richard Worthington, Pomona College.

Richard Olsen Harvey, Mudd College; Thomas Zoumaras, Truman State University; Anne K. Nelson, American University; Peter Kuznick, American University; Howard M. Wasserman, Florida International University; Diane Mazur, University of Florida Levin College of Law; David K. Robinson, Truman State University; John Wintterle, San Jose State University; William Marotti, UCLA; Peter Brandon Bayer, University of Nevada, Las Vegas; Stephen Aron, UCLA; Ediberto Roman, Florida International State University; Melissa Stockdale, University of Oklahoma; David W. Levy, University of Oklahoma; Elyssa Faison, University of Oklahoma; Robert Savage, Florida International University Law School; Ronald Steel, University of Southern California, retired; Robert Dawidoff, Claremont Graduate University; Judith S. Lewis, University of Oklahoma.

Steve Raphael, University of California, Berkeley; Robert Garwin, Chula Vista, California; Ann Caylor, Ranchos de Taos, New Mexico; Thomas McClendon, Southwestern University; Kim Lane Scheppele, Princeton University; Ira Chernus, University of Colorado, Boulder; Mark Cammack, Southwestern Law School; Myra Rich, University of Colorado, Denver; Tim Borstelmann, University of Nebraska, Lincoln; Sara Evans, University of Minnesota, retired; Gowri Ramachandran, Southwestern Law School; Vicki Ruiz, University of California, Irvine; Fay A. Yarbrough, University of Oklahoma; Harry Watson, University of North Carolina, Chapel Hill; Pamela W. Laird, University of Colorado, Denver; Gloria Main, University of Colorado, Boulder, emerita; Thomas R. Clark, California Assembly Judiciary Committee; Joshua Goode, Claremont Graduate University; Marjorie Cohn, Thomas Jefferson Law School.

Mr. HARKIN. Mr. President, last month, our former colleagues, Gary Hart, a Democrat, and Chuck Hagel, a Republican, published an essay in *Time* magazine calling on us to “restore democracy to the U.S. Senate” by reforming the filibuster. In their words, the abuse of the filibuster “is no way to govern a great democracy.”

I ask unanimous consent to have that essay printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Time*, Dec. 21, 2010]

RESTORING DEMOCRACY TO THE U.S. SENATE
(By Chuck Hagel and Gary Hart)

Few principles are as central to democracy and the ideals of the American Republic as majority rule. Though James Madison and his colleagues in *The Federalist* acknowledged the necessity of protecting the rights of minorities, the course of our nation was to be determined by the will of the majority. No other system consistent with democracy would prove workable.

There is nothing in the United States Constitution that permits a minority to frustrate the will of the majority.

Yet in the early 21st century, the will of the majority of Americans, expressed on a daily basis by our elected representatives in Congress, is consistently thwarted by a minority in the United States Senate. This minority resorts to the Senate rule requiring a three-fifths vote—60 votes—to close (invoke cloture on) debate.

Article One, Section five, of the U.S. Constitution provides that “Each house [of Congress] may determine the rules of its proceedings. . . .” Based upon Thomas Jefferson’s notion that the Senate was to be the saucer in which controversies cooled, Senators have, from the beginning, been at liberty to express their views at such length as they wish. (Jefferson, it should be noted, was the author of the *Manual of Parliamentary Procedures for the Use of the Senate of the United States in 1801*.) But the Senate has always recognized that even the principle of unlimited speech has its conditions based upon comity and common sense.

Yet today the Senate conducts its business, or not, under the constant threat of a filibuster. Important legislative measures having to do with the vital interests of our nation and the rights of our citizens will not even be introduced if a minority of Senate members refuse to permit them to be considered. Thus, a rule to protect debate is systematically used to prevent debate. Even worse, secret “holds” by individual Senators prevent confirmation of federal judges and administration officials.

Though the Senate filibuster rose to prominence during civil rights debates in the 1950s and ‘60s, it ran its course and the majority prevailed. Today, it is commonplace and a matter of course for such a lock-step minority systematically to prevent consideration of the clear majority will.

The Constitution prevails over congressional rules. Can it be seriously argued that the Senate could adopt a rule that individual Senators could only vote on every other bill or that they could only vote on trade issues, for example, in the fourth year of their term?

Rules of the Senate cannot trump the obvious intention of the Founding Fathers that legislation passed by majorities of both houses, except for the explicit exceptions for ratification of treaties, becomes the law of the land. This is not a partisan question; today the filibuster, real or threatened, dominates virtually every significant issue confronting the Senate and our nation. The law of political payback will ensure that today’s Senate majority, once it becomes the minority, will exact its revenge on today’s opposition minority party.

Examples of recent abuse of the cloture rule include the 53 to 36 Senate vote to end tax cuts for the wealthy. Regardless, the measure, like so many others (including an earlier attempt to repeal the military’s “Don’t Ask, Don’t Tell” policy), failed under the threat of a filibuster. These and other examples are clear violations of the fundamental principle of majority rule.

This is no way to govern a great democracy, not to say also a democracy seeking to democratize other nations.

We believe the abuse of the cloture rule ending debate is a violation of fundamental Constitutional principles. Should a judicial test of this notion occur, it will at the least prove which of the current Supreme Court Justices are, or are not, true “originalists.” Resolutions have been introduced in the Senate to alter the cloture rule and permit majority rule, while continuing to protect the rights of individual Senators.

In the interest of the nation and the U.S. Constitution, the Senate must once again become a democratic institution.

Mr. HARKIN. Mr. President, editorialists from across the country have recognized the filibuster must end. The Concord Monitor of New Hampshire called on the Senate to “Remove the Senate filibuster roadblock,” noting, “The filibuster rule has rendered the Senate dysfunctional and harmed the nation’s ability to deal with pressing issues.”

The Los Angeles Times said “. . . both parties should be willing to eliminate such anti-democratic practices as the filibuster. . . .”

Editorials throughout the country have called for reform of the filibuster. I ask unanimous consent to have printed in the RECORD these editorials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Concord Monitor, Dec. 17, 2010]

REMOVE THE SENATE FILIBUSTER ROADBLOCK
(By Anonymous)

On Jan. 5, 2011, the first day of the first session of the 112th Congress, Iowa Sen. Tom Harkin and other Democrats promise to hold a historic vote to change the Senate’s 60-vote cloture rule. The vote to end the filibusters that have made the Senate a place where needed legislation and presidential appointments go to die could be the first of Senator-elect Kelly Ayotte’s career. How she votes will be telling.

A super-majority voting requirement makes sense in rare circumstances, ratifying a treaty for example or overriding a presidential veto. But the filibuster rule is not in the Constitution; it’s an artifact that may have worked once but has broken and jammed the Senate. When used judiciously, as it was throughout most of its history, the filibuster rule safeguards the rights of the minority. But when abused, as it has been by Senate Republicans who have called for 87 such votes to end debate so far this year, it creates a tyranny of the minority.

There are divisions in both parties on the issue, in part because there are dangers for both parties. Republicans are currently filibustering to stop any and all legislation—and will not vote to end debate until they succeed in winning tax breaks for the nation’s wealthiest citizens. Change the filibuster rule—one proposal calls for a simple majority vote—and Republicans will not so easily be able to block legislation supported by the next session’s 53-Democrat majority. But if Republicans take the Senate in 2012—and especially if there’s also Republican in the White House—Democrats could sorely regret their loss of the ability to filibuster.

When, in his capacity as president of the Senate, Vice President Joe Biden calls for the Senate to write the rules governing the next session, Harkin and others believe that they will have at least 51 votes. Some of them may come from Republicans. The filibuster rule has rendered the Senate dysfunctional and harmed the nation’s ability to deal with pressing issues. Ayotte should vote to change the filibuster rule, so the Senate can once again be an effective legislative body worthy of respect.

[From the Los Angeles Times, Dec. 28, 2010]

A NUCLEAR SENATE

The U.S. Senate, once proudly known as the world’s greatest deliberative body, has in

recent years degenerated into something else: The place where legislation goes to die. It earned that distinction after Democrats won a majority in 2006 and Republicans took unprecedented advantage of long-standing Senate rules allowing the minority to block progress.

There’s a good chance Democrats won’t hold the majority much longer, however. That’s why both parties should be willing to eliminate such anti-democratic practices as the filibuster and the placing of secret holds on legislation. And an opportunity to do so, which only comes along once every two years, is about to arrive.

The filibuster originated in 1806, when the Senate eliminated a rule that had allowed the chamber to end debate by majority vote; in effect, that meant a senator or group of senators could delay progress by simply talking incessantly. But that hardly ever happened in the 19th century. It wasn’t until 1917 that the Senate decided to limit these stemwinders by imposing a rule that debate could be ended by a supermajority vote. Since then there have been some other rule changes altering the vote threshold, along with frequent arguments about whether the Senate should go back to its original rule allowing debate to be ended with a simple majority vote. We think it should.

Under the current system, senators don’t even have to stand up and speak until they’re hoarse in order to filibuster a bill; a party leader just has to refuse to allow a bill to be brought up by unanimous consent, forcing supporters to find 60 votes in favor of a motion to end debate. Southern Democrats were the first to seriously misuse this tactic during the civil rights era, but Republicans have perfected such abuse in the last three years. According to the good-government advocacy group Common Cause, which once defended the filibuster rule but now aims to eliminate it, 8% of major legislation was affected by threatened or actual filibusters in the 1960s, compared with 70% since 2006. The result is gridlock, which will only get worse now that the balance of partisan power is close to even.

Secret holds are another serious problem. They allow senators to anonymously block bills or confirmations of presidential nominees from reaching the floor for an unlimited time span, making naked obstructionism politically safe. It’s largely thanks to such holds that more than one in 10 federal judge-ships remain vacant and federal departments still lack key staff two years into the Obama administration. Abuse of holds has become endemic in recent years, sometimes allowing a single senator to take the entire chamber hostage by placing holds on important legislation until backers agree to support that senator’s pet project.

The Constitution gives each chamber the power to choose the rules governing its procedures at the beginning of the two-year congressional session, slated this year for Jan. 5. So why doesn’t the majority simply do away with the filibuster rule, or amend it? Because changing a long-standing rule requires a two-thirds vote, an impossibly high hurdle. Yet that supermajority rule may be invalid, as argued by then-Vice President Richard Nixon in 1957: “The right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress,” he wrote. This is the basis of the so-called nuclear option (or as supporters prefer to call it, the “constitutional option”).

Sen. Tom Udall (D-N.M.) is leading a push to reform the filibuster rules on Jan. 5, a fight joined by assorted good-government groups and labor unions. Last week, all the returning Senate Democrats sent a letter to Majority Leader Harry Reid (D-Nev.) expressing frustration with the filibuster and urging a change to the rules, though they weren’t specific about solutions (and it’s unlikely many would favor eliminating the filibuster entirely—most seem to support weaker reforms such as a lowering of the 60-vote threshold). In order to change the rules by a simple majority vote, they would also need the backing of Vice President Joe Biden, because as president of the Senate, the vice president has traditionally ruled when constitutional questions about procedures are raised.

Biden hasn’t taken a position, and not a single Republican has joined the effort. The apparent partisan split seems odd given that it was Republicans who most recently brought up the nuclear option when they were in the majority in 2005 and Democrats were blocking President Bush’s judicial nominees, but a form of amnesia often sets in when a party is in the minority. For conservatives, opposition is all the more shortsighted given that twice as many Democratic-held seats are up for reelection in 2012 as Republican seats.

Partisan fears about losing a cherished power have prevented the Senate from going nuclear for decades, but abuses of the filibuster and anonymous holds have never been so rampant. The resulting dysfunction is a big part of the reason Congress’ approval rating has fallen to 13%, the lowest in the history of the Gallup Poll. The chamber has a chance to save itself from itself on Jan. 5, and it should take it.

Mr. HARKIN. Mr. President, 275 filibusters in 4 years is not just a cold statistic; it represents the minority blocking measures that sometimes—not all the time but sometimes—enjoy broad support among the American people. Just in the last Congress, the filibuster was used to kill many bills that enjoyed majority and often bipartisan support. Need I mention the DREAM Act? It had broad bipartisan support and big support among the American people. There was the DISCLOSE Act, which polls showed that over 80 percent of the American people supported. We had a majority vote here for it, but we didn’t have a supermajority. So it is no surprise that Americans are fed up and angry with their Federal Government. In too many critical areas, people see a legislature that is simply unable to respond effectively to the most urgent challenges of our time.

Make no mistake, the problem goes beyond the sheer number of filibusters. This once-rare tactic is now used or threatened to be used on virtually every measure and nominee, even those who may enjoy near universal support. In the past Congress, for nearly 8 months, the minority filibustered confirmation of Martha Johnson as Administrator of the General Services Administration—certainly a relatively noncontroversial position. She was ultimately confirmed 96 to 0. So what was that filibuster all about? And for nearly 5 months, the minority filibustered confirmation of Barbara Keenan

to the Fourth Circuit Court of Appeals. She was ultimately confirmed 99 to 0.

What was that filibuster all about?

Again, to quote Norm Ornstein:

The Senate has taken the term “deliberative” to a new level, slowing not just contentious legislation but also bills that have overwhelming support.

Secondly, the filibuster has increasingly been used to prevent consideration of bills and nominees. Rather than to serve to ensure the representation of minority views and to foster debate and deliberation, by filibustering motions to proceed, the minority has been allowed to prevent debate and prevent deliberation. The filibuster has been used to defeat bills and nominees without their ever receiving a discussion here on the floor of the Senate. In other words, the Senate, which was formerly renowned as the world’s greatest deliberative body, has now become the world’s greatest nondeliberative body. We can’t even debate important national issues.

That is why I fully support the commonsense proposals to reform the filibuster and restore the Senate to a body in which issues can be fully debated and deliberated. I support eliminating the filibuster on the motion to proceed, and I believe those who are filibustering a bill or a nominee should be required to come to the floor, hold the floor, and make their case to their colleagues and the American people. Senators should not be able to hide behind a curtain of secret holds. The reality is, however, because of the filibuster, the minority has unchecked veto power in this body.

Now, I want to make it clear, when I say “the minority,” I am not talking about the Republicans; I am talking about the minority. It may be the Democrats or it may be the Republicans. As I said, five times it has changed since I have been—since 1985. When I say “the minority,” I mean the minority; I don’t mean a political party.

This is what James Madison noted when rejecting a supermajority requirement to pass legislation:

... it would no longer be the majority that would rule, the power would be transferred to the minority.

Unfortunately, Madison’s prediction has come true. We are the only Democratic body that I know of in the world where the minority, not the majority, controls. In today’s Senate, American democracy is turned on its head. The minority rules; the majority is blocked. The majority has responsibility and accountability but lacks the power to govern. The minority has power but lacks accountability and responsibility. This means the minority can block bills that would improve the economy, create jobs, and turn around and blame the majority for not fixing the economy. The minority can block popular legislation and then accuse the majority of being ineffective.

I repeat, when I say “the minority,” I am not saying Republicans or Democrats; I am saying the minority, whoever it may happen to be. Both parties have abused the filibuster in the past, and both will, absent real reform, abuse the filibuster in the future. Although Republicans are currently in the minority, there is no question that control of this body will change, as it periodically does.

The fact is, reform is urgently needed. That is why I am reintroducing my proposal which would permit a decreasing majority of Senators over a period of days to invoke cloture on a given matter. Under my proposal, a determined minority could slow down any bill. Senators would have ample time to make their arguments and attempt to persuade the public and a majority of their colleagues. This protects the rights of the minority to full and vigorous debate and deliberation, maintaining the hallmark of the Senate. But at the end of ample debate, the majority should be allowed to act. There should be an up-or-down vote on legislation or a nominee. As former Senator Henry Cabot Lodge, a Republican, stated many years ago, “To vote without debating is perilous, but to debate and never vote is imbecile.”

My plan has another advantage. The fact is that right now, the minority has no incentive to compromise. Not only do they know they have the power to block legislation, but they can go out and campaign on the message that the majority can’t get anything done. In contrast, if the minority knows that at the end of a period of time a bill or nominee will be subject to majority vote, they will be more willing to come to the table and negotiate seriously. Likewise, the majority would want to compromise because they want to save time. There is nothing more valuable to the majority party in the Senate than time.

So under my proposal, on the first cloture vote, you would need 60 votes. If you don’t get 60 votes, you would have another vote in 3 days and you would need 57 votes; in 3 more days, 54 votes; 3 more days, 51 votes. So the majority would finally act, but you would chew up almost 2 weeks of time. So on the first vote, let’s say 53 Senators voted for cloture. Well, the minority would know that in several days or maybe in a couple weeks’ time, 53 Senators will get cloture. The minority then would go to the majority and say: Look, we can drag this out for a couple of weeks, chew up all your time, but we have some things we would like to have considered. The majority—and I say there is nothing more important to the majority than time here—not wanting to spend a couple weeks on a bill, on a cloture or a filibuster, would say: OK, maybe we can make an agreement. We will collapse the timeframe, the minority gets some of the things they want,

and the majority is able then to have a vote. So I see my proposal as a means of encouraging compromise. Right now, there is no reason to compromise for the minority.

Again, I am not talking about Republicans or Democrats; I say “the minority” because they know they can absolutely block it.

I have changed my resolution since I introduced it in 1995, and I have changed it because Republicans have said and I heard the minority leader say earlier that they have done this because Democrats in the majority—the majority this time—have employed procedural matters to deprive the Republicans of the right to offer amendments. Well, I am very sympathetic to this argument. That is why I included in this resolution a guaranteed right to offer germane amendments to the minority, filed in advance of the cloture vote so everyone would know what was coming. Again, the minority should have the right to offer some amendments that are germane to the bill. No matter who the majority is, both parties are concerned about amendments from the minority. Perhaps you have a bill dealing with housing and someone wants to offer an amendment dealing with abortion. Well, there may be a time and place for that but not on that bill. So that is why I say it should be germane to the bill. If the minority has ideas to improve the bill, strike something from the bill, that would be germane to that bill.

I have heard it said—and I heard it on the radio this morning driving in—that this is something like a power grab by a Democratic Senator reacting to recent elections in which my party lost numerous seats. Well, I want to make clear that the reforms I advocate are not about one party or one agenda gaining an unfair advantage; it is about the Senate as an institution operating more fairly, effectively, and democratically. Again, I wish to point out that I first offered this in 1995 when I was in the minority. So to use the legal term, I come here with clean hands. The truth is, with Republicans controlling the House, any final legislation will need to be bipartisan with or without the filibuster.

So I don’t see reform of the filibuster as a Democratic or Republican issue. Indeed, it was former Republican majority leader Senator Frist who, when he nearly shut this body down over the use of filibusters on a handful of judges, said:

This filibuster is nothing less than a formula for tyranny by the minority.

That was in 2004, Senator Frist, the Republican majority leader at that time.

Well, as I said, one of the problems here was this was done in the middle of a term. See, I think the Senate ought to be able to set its rules at the beginning, on the first legislative day, which

we are in now and which will extend for some time. The Senate ought to be able to set its rules at the beginning of a Congress. You can't go changing the rules every month, but you should be able to set the rules at the beginning of a Congress so that you know for 2 years what the rules are that you are operating under.

So it is time for the arms race to end. That is what this is—it is an arms race. I daresay that if we don't do anything about this, if the Republicans take control of the Senate, as they think they will in 2 years, well, Democrats are going to do the same thing to them. Guarantee it. Guarantee it. The Republicans did—what did I say?—136 filibusters—139? Bet your bottom dollar, if we don't change the rules, Democrats will match them. You wait and see.

Well, a lot of people sometimes say: Well, HARKIN, what you are advocating is the Senate would become like the House. I ask my friends and any Senator on either side of the aisle, since when did the Senate become defined by rule XXII, which is the filibuster? Why does that define the Senate? I thought the Senate was defined by the fact that you get two Senators from every State—two Senators from North Dakota, two Senators from California, two Senators from New York, two Senators from Iowa. I thought the Senate was defined by the fact that we have unlimited debate. When a Senator gets the floor, you can't take it away from him. We operate under unanimous consent. The power of one single Senator would remain. But in the Senate, what do we do? We do treaties, we do nominations, we sit in judgment on impeachments. The Senate is not like the House. And just because we don't have the filibuster as we have known it for the last 94 years does not mean the Senate becomes like the House. Eliminating the filibuster will not change the basic nature of the Senate. So I say to those who say the Senate would be like the House if we did away with this filibuster, would they also suggest that the Senate of Henry Clay or Daniel Webster or Lyndon Johnson or Everett Dirksen was the same as the House of Representatives? I don't think so.

The fact is, what was never intended was that a supermajority of 60 votes would be needed to enact virtually any piece of legislation or for any nominee. In fact, the Framers of the Constitution were very clear about where a supermajority is required. There were only five in the original Constitution: ratification of a treaty, override of a veto, votes of impeachment, passage of a constitutional amendment, and expulsion of a Member. If they wanted to have supermajorities, they would have said so. But it is not in the Constitution. The filibuster is not in the Constitution.

The first Senate expressly included a rule permitting the majority to end de-

bate and bring a measure to a vote by moving the previous question. I repeat: The first Senate—the first Senate—had a rule that permitted the majority to end debate. Alexander Hamilton explained that a supermajority requirement would mean a small minority could “destroy the energy of government.”

Hamilton said that the government would be subject to the “caprice or artifices of an insignificant, turbulent or corrupt junta.” Those are Hamilton's words.

Moreover, reform of filibuster rules stands squarely within the tradition of updating Senate rules as needed to foster an effective government that can respond to the challenges of the day. The Senate has adopted rules that forbid the filibuster in certain cases, such as the War Powers Act and the budget. Imagine that. What should be more debatable than the budget? But our rules do not permit a filibuster of the budget. So we passed rules here limiting the filibuster.

Since 1917, we have passed four significant reforms concerning the filibuster. The fact is, as Senator TOM UDALL has powerfully made clear, article I, section 5, clause 2 of the Constitution specifies that “each House may determine the rules of its proceedings.”

As Senator Robert Byrd, who was opposed to filibuster reform—he and I had a great debate back in 1995 on this—as he emphasized, and he said this—Senator Byrd: “At any time that 51 Senators are determined to change the rule . . . that rule can be changed.”

I am reading here from what Senator Byrd said. He said at that time:

The Constitution in article I, section 5 says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

“The dead hand.”

I listened to the minority leader when he said we have—the majority has never changed rules except by following those rules. The rules set down by a Congress a long time ago, by a Senate a long time ago, said that in order to change the rules, you need a two-thirds vote of the Senate. I submit that is unconstitutional. I submit that this Congress, this Senate, on this first legislative day, does not have to abide by that. What if, in some Senate, one party got 90 Senators one time, and they adopted a rule that said that from here on out, you have to have 90 votes in order to change the rules, here are the rules, and they set up rules that pretty much made it impossible for the minority to ever become the majority? Would that be constitutional? I don't think so.

Senator Byrd said we are not obliged to be bound by the dead hand of the past. The first Senate, Senator Byrd

said, which met in 1789, approved 19 rules by majority vote. Those rules have been changed from time to time. So the Members of the Senate who met in 1789 and approved that first body of rules did not for one moment think or believe or pretend that all succeeding Senates would be bound by that Senate.

Here is the essence of what Senator Byrd said:

It is my belief—which has been supported by rulings of Vice Presidents of both parties and by votes of the Senate—in essence upholding the power and right of a majority of the Senate to change the rules of the Senate at the beginning of a new Congress.

I would say Senator Byrd has not been alone in his views or tactics. The constitutional option has been endorsed by three Vice Presidents and three times by the Senate itself. Why was it not used? Because Senators then reached a compromise, and therefore we never had the constitutional option. But that does not mean we cannot use that. The Constitution is very clear. I think three votes of the Senate and three former Vice Presidents have made clear in their rulings that at the beginning of a Congress, we can set the rules.

Chief Justice John Marshall once said:

Any enduring Constitution must be able to respond to the various crises of human affairs.

I said many times that I don't believe we can be a 21st-century superpower bound by archaic rules of the 19th century. We have to have a responsive government, responding to the challenges of our time.

I am not afraid. I say to my friends on the Republican side, I am not afraid. What the minority leader said—he said that at some time the Republicans might be in charge, and they might want to undo what the Democrats did, and the Democrats better be careful. That was in his op-ed piece in the Post this morning. I am not afraid of democracy. I am not afraid of the votes of the people. If the people vote to put certain conservatives in power, then they ought to have the right to govern. They ought to have the right to respond to the people of this country. The minority—I would be in the minority at that time—I think the minority ought to have the right to be heard, we ought to have the right to debate, we ought to have the right to amend, but we should not have the right to totally obstruct. I am not afraid.

People say that the tea party in the House—they are going to do all this stuff. I am sorry, I am not afraid. The people voted. There ought to be things that happen because people vote a certain way. No wonder so many people are frustrated. They vote, they think things are going to happen, they don't happen, and they say: A pox on both your Houses.

So, yes, I don't know why we should be so afraid of each other. Why should I be afraid that the Republicans are going to institute legislation I don't like? They have in the past, and our country has endured. I would say there are times when the Democrats have passed legislation Republicans did not like and our country has endured. So I just do not like this fear, that we have to be afraid that somehow the majority is going to do things.

What we want to make sure of is that the rights of the minority are guaranteed—the right to be heard, the right of the minority to offer amendments. But I don't think it ought to be the right of the minority to obstruct, and I don't think it ought to be the right of the minority to demand that their views be implemented. That is the right of the majority.

I close where I began, and I thank my friends for this indulgence. I believe the bedrock of the principle of our Constitution, our Founders, was majority rule with respect for minority rights. But I say this, and I have said it many times. It is kind of the dirty little secret of the Senate. And here is the dirty little secret: The power of an individual Senator comes not by what he can do but by what he can stop. That is the dirty little secret of the Senate. One Senator can stop something, can block it. I say that each Senator—each of us needs to give up a little of our privilege, give up a little of our power, give up a little of our prerogatives for the greater good of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Iowa for his consistency over the years with his proposal. I wonder if I can make a few remarks on his proposal, and if he has time, if he is still here, maybe I will pose a question to him. I see the Senator from Kansas is also here. He spent a lot of time on the Rules Committee on this subject. He is one of our most forceful speakers on the matter, and I would defer to him, and then I know there are other Senators—the Senator from Oregon, the Senator from New Mexico—who have some proposals to offer. There may be other Senators on the Republican side who come to the floor.

First, I ask unanimous consent to have printed in the RECORD an address I made yesterday at the Heritage Foundation entitled “The Filibuster: Democracy's finest show . . . the right to talk your head off.”

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. I borrowed those words from H.V. Kaltenborn and “Mr. Smith Goes to Washington.”

I am a little amused by the suggestion the Senator from Iowa made and others made that somehow the Senate

has been paralyzed for the last couple of years. Most of the people I know are concerned about what the Senate did do, not what it did not do. It is hard to say you are paralyzed when you pass a \$1 trillion stimulus bill, health care law, financial regulation law, et cetera, et cetera.

As far as the claim that Republicans are holding things up goes, I have a few comments. We did not have a budget last year. Most households have to have budgets. The Senate ought to have one. Why didn't we have a budget? It wasn't the Republicans holding it up. As the Senator from Iowa said, under our rules, it only takes 51 votes to pass a budget. During the last couple of years, the Democrats had 59 or 60 votes. So the reason we did not have a budget is because the Democrats did not want to pass a budget, or at least that they did not pass a budget. It had nothing to do with the Senate being “broken.”

The Senator from Iowa made this Rules proposal in 1995. He has made some modifications in his proposal but basically this is the same as he offered in 1995. I remember those days pretty well. It was right after the so-called Gingrich revolution, in 1994. Republicans took control of the Senate and of the House of Representatives. The Senator from Iowa made his proposal to diminish the effectiveness of a filibuster. What did the Republicans do? The Republicans, had the most to gain—at least temporarily—from being able to get their agenda through the Senate. But every single one opposed the proposal. Every single Republican Senator in 1995 said: No, we may love our agenda, but we do not want to change the Senate. We don't want to jeopardize the Senate as a forum for forcing consensus and protecting minority rights and letting the voices of all of the people be heard on the Senate floor.

Not only the Republican Senators in 1995 had that opinion. Here are some things that were said mostly in 2005 by Democratic leaders. There were some Republicans who had the same idea the Senator from Iowa has about diminishing the effectiveness of the filibuster. In this case, they wanted to diminish the use of filibusters on judicial nominations. There was great consternation because Democrats decided to filibuster President Bush's judges. I didn't like that either. This is what has been said by Democrats.

Senator Robert Byrd in his last testimony before the Rules Committee:

We must never, ever, ever, ever tear down the only wall, the necessary fence, that this Nation has against the excesses of the Executive Branch.

What is that necessary fence? That necessary fence is anchored in the filibuster.

Senator SCHUMER of New York in 2005:

The checks and balances which have been at the core of this Republic are about to be evaporated.

This was in response to the Republicans who were trying to diminish the effectiveness of the filibuster in 2005. “The checks and balances” Senator SCHUMER said, “which say that if you get 51 percent of the vote, you don't get your way 100 percent of the time.”

Former Senator Hillary Clinton:

You've got majority rule. Then you've got the Senate over here where people can slow things down, where they can debate, where they have something called the filibuster. You know, it seems like it's a little less than efficient. Well, that's right, it is. And deliberately designed to be so.

Senator Dodd more recently:

I'm totally opposed to the idea of changing the filibuster rules. I think that's foolish, in my view.

Senator Byrd:

That's why we have a Senate, to amend and debate freely.

Senator Dodd:

I can understand the temptation to change the rules that make the Senate so unique and simultaneously so terribly frustrating. But whether such temptation is motivated by a noble desire to speed up the legislative process or by pure political expediency, I believe such changes would be unwise . . .

Therefore, to my fellow Senators who never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules.

Just two more.

Senator REID, who was then the Democratic leader but the minority leader, said in 2005:

The filibuster is far from a “procedural gimmick.” It's part of the fabric of this institution that we call the Senate. For 200 years we've had the right to extend the debate. It's not procedural gimmick. Some in this chamber want to throw out 214 years of Senate history in the quest for absolute power. They want to do away with Mr. Smith, as depicted in that great movie, being able to come to Washington. They want to do away with the filibuster. They think they're wiser than our Founding Fathers. I doubt that's true.

Then there was one other Senator who spoke and who said this, the Senator from Illinois, Senator Obama:

Then if the majority chooses to end the filibuster, if they choose to change the rules and put an end to the Democratic debate, then the fighting and the bitterness and the gridlock will only get worse.

I think the last 2 years in the Senate have been an aberration. We have had no incentive for the majority to take the ideas of the minority because the majority had these huge majorities, nearly 60 votes here, and a Democratic President.

So when Senator CORKER, my colleague from Tennessee, began to work on the financial regulation bill, there came a time in the process where the Democrats said: Well, you know, we like CORKER, and he has got some good ideas, but we do not need his vote to pass this bill. We have got the votes.

We won the election. We will write the bill.

So the Senate has had no consensus. Instead, we had a Democratic financial regulation bill. We had a Democratic health care bill. We had a mostly Democratic stimulus bill. We might have had one or two Republicans vote for it.

For the last 2 years, we have not had any experience in working across party lines. What the filibuster does is say, you are not going to pass anything in the Senate unless at least some Republicans and some Democrats agree. You will not pass anything unless you get a consensus.

Then that will change behavior, and people say, okay, let's bring a No Child Left Behind bill to the floor. But it has got to have the support of Senator ENZI and Senator HARKIN or it is not going anywhere, because it has got to have 60 votes to move forward. What is the advantage of that? The advantage of that is the comparison of the Civil Rights bill in 1964, and the health care law of 2009.

In 1964, after a bitter fight led by Senator Russell of Georgia, the Civil Rights bill passed the Senate, overcoming a filibuster. The bill was written in the Republican leader's office. It was not just sent over there in the middle of the night during Christmas, it was written in his office. You had President Johnson, a Democrat, and Senator Dirksen saying, this is good for the country. A lot of people hated the bill. And some people thought it did not go far enough.

What did Senator Russell do, who had fought that bill for his whole term here? He went home to Georgia and said, I did everything I could to stop it, but it is the law, and we must obey it. So not only does the Senate need a consensus to get a better bill, we need a bill that the country will accept.

Compare that to the health care law in 2009. A lot of good intentions went into the health care law. I know that. Senator HARKIN was in the middle of that, but the fact of the matter was that it was a Democratic bill. It was rammed through Christmas Eve in the middle of the night. We barely had a chance to look at the bill, and it passed with a solely partisan vote.

And what happened? Instead of everybody going home and saying, it is the law of the land, we support it, an instant movement was created to repeal it and replace it. I hope we will not do what Senator HARKIN suggests. I think his proposal will create a situation where the majority says: well, we are going to hang you, but we will hang you in 3 days instead of tonight. They will narrow it down until they can pass a measure with 51 votes.

So if the Republican House of Representatives passes a bill to repeal the health care law, then you know Senate Republicans would pass it, too, if we

have got 51 votes. Or if the Democratic House, as they did last year, passes a bill to repeal the ballot in secret elections then the Democrats over here will pass it, too, if they have 51 votes. But when a consensus is required, if bills such as that come from the House to the Senate, we in the Senate say, whoa, let's think this over. We do not pass it. We do not pass it unless we have some kind of consensus.

That does not mean all the Republicans and all of the Democrats must always agree. We had almost all of the Republicans and some of the Democrats on the tax agreement that was passed in December. On the New START treaty, we had almost all of the Democrats and some of the Republicans support it. But in each case, at least you had substantial consensus from both parties, and I think the country respects and appreciates that.

I think the Framers knew what they were doing when they created a majoritarian House, in other words, the freight train that can run through whatever the result of election is. And when they created a different kind of Senate. A different kind of Senate that Senator Byrd eloquently has said has been one where we can say, you are not going to pass anything unless we do it together. That is called consensus. That is called cooperation. I think the American people would be greatly relieved.

My question I wish to pose through the Chair to Senator HARKIN is, what is a filibuster? Senator SANDERS was on the floor for several hours on the tax debate last month. He spoke for 8 or 9 hours. I guess that is a filibuster in the traditional sense. But I think the kind of filibuster the Senator from Iowa is counting is this: let's say Senator REID brings a health care bill to the floor, and I rush over to offer an amendment to the health care bill, and Senator REID says: Sorry, I am going to cut off your amendment. Then I object. Senator REID calls what I tried to do a filibuster.

If we are just talking and amending and debating, that is not a filibuster. It is not a filibuster until the majority leader cuts off debate and amendments. So what the Democrats are counting as filibusters is the number of times they have cut us off from doing what we are supposed to do, which is, amend and debate.

It is like being invited to sing on the Grand Ole Opry, and getting there and you are not allowed to sing. The people of Tennessee do not expect me to come up here and sit on a log just because the distinguished majority leader says he does not want my amendments. What was traditional in the Senate is that Senators could offer amendments and debate, at almost any time, on almost any bill. In the days of Senator Byrd and Senator Baker, they would have 300 amendments filed. They would

start voting. So some Senators would say, well, it is Thursday, don't we go home? The Leaders would say no, we are going to vote, unless you want to give up your amendment. Instead of doing that, we did not vote on one Friday in the Senate this past year, and a lot of Senators on both sides of the aisle do not want to vote on controversial issues. If we look for consensus, if we were willing to vote on controversial issues, and if we ended the 3-day work week, if the majority thinks the minority is abusing the filibuster, they can confront it. They can sit over there and they can say to us, okay, Senator ALEXANDER, 60 of us are ready to cut this off. We are ready to get on to a vote. So you have got 7 hours that you can speak, then you have got to get 23 other Senators to take the other hours. If you stop talking, we are going to put the question to a vote, and we have got some motions we can make about your being dilatory. In other words, we can make life miserable for you, because we are going to do this all night long.

Senator Byrd said in his last testimony: The rules exist today to confront a filibuster.

So my question to the Senator from Iowa which I would pose through the Chair is: What is a filibuster? Is a filibuster when I come down to the floor to amend the health care bill, and the majority leader says, sorry, I am going to use my powers to cut it off? You cannot amend the bill. And then he files cloture.

That is what he calls a filibuster, I think. What I call it is cutting off my right to amend, right to debate, right to do my job.

EXHIBIT 1

THE FILIBUSTER: "DEMOCRACY'S FINEST SHOW . . . THE RIGHT TO TALK YOUR HEAD OFF"

(Address by Senator Lamar Alexander, Heritage Foundation, Jan. 4, 2011)

Voters who turned out in November are going to be pretty disappointed when they learn the first thing some Democrats want to do is cut off the right of the people they elected to make their voices heard on the floor of the U.S. Senate.

In the November elections, voters showed that they remember the passage of the health care law on Christmas Eve, 2009: midnight sessions, voting in the midst of a snow storm, back room deals, little time to read, amend or debate the bill, passage by a straight party line vote.

It was how it was done as much as what was done that angered the American people. Minority voices were silenced. Those who didn't like it were told, "You can read it after you pass it." The majority's attitude was, "We won the election. We'll write the bill. We don't need your votes."

And of course the result was a law that a majority of voters consider to be an historic mistake and the beginning of an immediate effort to repeal and replace it.

Voters remembered all this in November, but only 6 weeks later Democratic senators seemed to have forgotten it. I say this because on December 18, every returning Democratic senator sent Senator Reid a letter asking him to "take steps to bring [Republican] abuses of our rules to an end."

When the United States Senate convenes tomorrow, some have threatened to try to change the rules so it would be easier to do with every piece of legislation what they did with the health care bill: ram it through on a partisan vote, with little debate, amendment, or committee consideration, and without listening to minority voices.

The brazenness of this proposed action is that Democrats are proposing to use the very tactics that in the past almost every Democratic leader has denounced, including President Obama and Vice President Biden, who has said that it is “a naked power grab” and destructive of the Senate as a protector of minority rights.

The Democratic proposal would allow the Senate to change its rules with only 51 votes, ending the historical practice of allowing any senator at any time to offer any amendment until sixty senators decide it is time to end debate.

As *Investor's Business Daily* wrote, “The Senate Majority Leader has a plan to deal with Republican electoral success. When you lose the game, you simply change the rules. When you only have 53 votes, you lower the bar to 51.” This is called election nullification.

Now there is no doubt the Senate has been reduced to a shadow of itself as the world's greatest deliberative body, a place which, as Sen. Arlen Specter said in his farewell address, has been distinctive because of “the ability of any Senator to offer virtually any amendment at any time.”

But the demise of the Senate is not because Republicans seek to filibuster. The real obstructionists have been the Democratic majority which, for an unprecedented number of times, used their majority advantage to limit debate, not to allow amendments and to bypass the normal committee consideration of legislation.

To be specific, according to the Congressional Research Service:

1. the majority leader has used his power to cut off all amendments and debate 44 times—more than the last six majority leaders combined;

2. the majority leader has moved to shut down debate the same day measures are considered (same-day cloture) nearly three times more, on average, than the last six majority leaders;

3. the majority leader has set the record for bypassing the committee process bringing a measure directly to the floor 43 times during the 110th and 111th Congresses.

Let's be clear what we mean when we say the word “filibuster.” Let's say the majority leader brings up the health care bill. I go down to the floor to offer an amendment and speak on it. The majority leader says “no” and cuts off my amendment. I object. He calls what I tried to do a filibuster. I call what he did cutting off my right to speak and amend which is what I was elected to do. So the problem is not a record number of filibusters; the problem is a record number of attempts to cut off amendments and debate so that minority voices across America cannot be heard on the floor of the Senate.

So the real “party of no” is the majority party that has been saying “no” to debate, and “no” to voting on amendments that minority members believe improve legislation and express the voices of the people they represent. In fact, the reason the majority leader can claim there have been so many filibusters is because he actually is counting as filibusters the number of times he filed cloture—or moved to cut off debate.

Instead of this power grab, as the new Congress begins, the goal should be to restore

the Senate to its historic role where the voices of the people can be heard, rather than silenced, where their ideas can be offered as amendments, rather than suppressed, and where those amendments can be debated and voted upon rather than cut off.

To accomplish this, the Senate needs to change its behavior, not to change its rules. The majority and minority leaders have been in discussion on steps that might help accomplish this. I would like to discuss this afternoon why it is essential to our country that cooler heads prevail tomorrow when the Senate convenes.

One good example Democrats might follow is the one established by Republicans who gained control of both the Senate and House of Representatives in 1995. On the first day of the new Republican majority, Sen. Harkin proposed a rule change diluting the filibuster. Every single Republican senator voted against the change even though supporting it clearly would have provided at least a temporary advantage to the Republican agenda.

Here is why Republicans who were in the majority then, and Democrats who are in the majority today, should reject a similar rules change:

First, the proposal diminishes the rights of the minority. In his classic *Democracy in America*, Alexis de Tocqueville wrote that one of his two greatest fears for our young democracy was the “tyranny of the majority,” the possibility that a runaway majority might trample minority voices.

Second, diluting the right to debate and vote on amendments deprives the nation of a valuable forum for achieving consensus on difficult issues. The founders knew what they were doing when they created two very different houses in Congress. Senators have six-year terms, one-third elected every two years. The Senate operates largely by unanimous consent. There is the opportunity, unparalleled in any other legislative body in the world, to debate and amend until a consensus finally is reached. This procedure takes longer, but it usually produces a better result—and a result the country is more likely to accept. For example, after the Civil Rights Act of 1964 was enacted, by a bipartisan majority over a filibuster led by Sen. Russell of Georgia, Sen. Russell went home to Georgia and said that, though he had fought the legislation with everything he had, “As long as it is there, it must be obeyed.” Compare that to the instant repeal effort that was the result of jamming the health care law through in a partisan vote.

Third, such a brazen power grab by Democrats this year will surely guarantee a similar action by Republicans in two years if Republicans gain control of the Senate as many believe is likely to happen. We have seen this happen with Senate consideration of judges. Democrats began the practice of filibustering President Bush's judges even though they were well-qualified; now Democrats are unhappy because many Republicans regard that as a precedent and have threatened to do the same to President Obama's nominees. Those who want to create a freight train running through the Senate today, as it does in the House, might think about whether they will want that freight train in two years if it is the Tea Party Express.

Finally, it is hard to see what partisan advantage Democrats gain from destroying the Senate as a forum for consensus and protection of minority rights since any legislation they jam through without bipartisan support will undoubtedly die in the Republican-controlled House during the next two years.

* * *

The reform the Senate needs is a change in its behavior, not a change in its rules. I have talked with many senators, on both sides of the aisle, and I believe most of us want the same thing: a Senate where most bills are considered by committee, come to the floor as a result of bipartisan cooperation, are debated and amended and then voted upon.

It was not so long ago that this was the standard operating procedure. I have seen the Senate off and on for more than forty years, from the days in 1967 when I came to the Senate as Sen. Howard Baker's legislative assistant. That was when each senator had only one legislative assistant. I came back to help Sen. Baker set up his leadership office in 1977 and watched the way that Sen. Baker and Sen. Byrd led the Senate from 1977 to 1985, when Democrats were in the majority for the first four years and Republicans were the second four years.

Then, most pieces of legislation that came to the floor had started in committee. Then that legislation was open for amendment. There might be 300 amendments filed and, after a while, the majority would ask for unanimous consent to cut off amendments. Then voting would begin. And voting would continue.

The leaders would work to persuade senators to limit their amendments but that didn't always work. So the leaders kept the Senate in session during the evening, during Fridays, and even into the weekend. Senators got their amendments considered and the legislation was fully vetted, debated and finally passed or voted down.

Sen. Byrd knew the rules. I recall that when Republicans won the majority in 1981, Sen. Baker went to see Sen. Byrd and said, “Bob I know you know the rules better than I ever will. I'll make a deal with you. You don't surprise me and I won't surprise you.” Sen. Byrd said, “Let me think about it.”

And the next day Sen. Byrd said yes and the two leaders managed the Senate effectively together for eight years.

What would it take to restore today's Senate to the Senate of the Baker-Byrd era?

Well, we have the answer from the master of the Senate rules himself, Sen. Byrd, who in his last appearance before the Rules Committee on May 19, 2010 said: “Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady [abuse of the filibuster]. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn. . . . I also know that current Senate Rules provide the means to break a filibuster.”

Sen. Byrd also went on to argue strenuously in that last speech that “our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators,” he said, “have understood this since the Senate first convened.”

Sen. Byrd then went on: “In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were ‘first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led. . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and

passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.' That fence," Sen. Byrd said in that last appearance, "was the United States Senate. The right to filibuster anchors this necessary fence. But it is not a right intended to be abused."

"There are many suggestions as to what we should do. I know what we must not do. We must never, ever, ever, ever tear down the only wall—the necessary fence—this nation has against the excess of the Executive Branch and the resultant haste and tyranny of the majority."

What would it take to restore the years of Sens. Baker and Byrd, when most bills that came to the floor were first considered in committee, when more amendments were considered, debated and voted upon?

1. Recognize that there has to be bipartisan cooperation and consensus on important issues. The day of "we won the election, we jam the bill through" will have to be over. Sen. Baker would not bring a bill to the floor when Republicans were in the majority unless it had the support of the ranking Democratic committee member.

2. Recognize that senators are going to have to vote. This may sound ridiculous to say to an outsider, but every Senate insider knows that a major reason why the majority cuts off amendments and debate is because Democratic members don't want to vote on controversial issues. That's like volunteering to be on the Grand Ole Opry but then claiming you don't want to sing. We should say, if you don't want to vote, then don't run for the Senate.

3. Finally, according to Sen. Byrd, it will be the end of the three-day work week. The Senate convenes on most Mondays for a so-called bed-check vote at 5:30. The Senate during 2010 did not vote on one single Friday. It is not possible either for the minority to have the opportunity to offer, debate and vote on amendments or for the majority to forcefully confront a filibuster if every senator knows there will never be a vote on Friday.

There are some other steps that can be taken to help the Senate function better without impairing minority rights.

One bipartisan suggestion has been to end the practice of secret holds. It seems reasonable to expect a senator who intends to hold up a bill or a nomination to allow his colleagues and the world know who he or she is so that the merits of the hold can be evaluated and debated.

Second, there is a crying need to make it easier for any President to staff his government with key officials within a reasonable period of time. One reason for the current delay is the President's own fault, taking an inordinately long time to vet his nominees. Another is a shared responsibility: the maze of conflicting forms, FBI investigations, IRS audits, ethics requirements and financial disclosures required both by the Senate and the President of nominees. I spoke on the Senate floor on this, titling my speech "Innocent until Nominated." The third obstacle is the excessive number of executive branch appointments requiring Senate confirmation. There have been bipartisan efforts to reduce these obstacles. With the support the majority and minority leaders, we might achieve some success.

Of course, even if all of these efforts succeed there still will be delayed nominations, bills that are killed before they come to the floor and amendments that never see the

light of day. But this is nothing new. I can well remember when Sen. Metzenbaum of Ohio put a secret hold on my nomination when President George H.W. Bush appointed me education secretary. He held up my nomination for three months, never really saying why.

I asked Sen. Rudman of New Hampshire what I could do about Sen. Metzenbaum, and he said, "Nothing." And then he told me how President Ford had appointed him to the Federal Communications Commission when he, Rudman, was Attorney General of New Hampshire. The Democratic senator from New Hampshire filibustered Rudman's appointment until Rudman finally asked the president to withdraw his name.

"Is that the end of the story?" I asked Rudman.

"No," he said. "I ran against the [so-and-so] and won, and that's how I got into the Senate."

During his time here Sen. Metzenbaum would sit at a desk at the front of the Senate and hold up almost every bill going through until its sponsor obtained his approval. Sen. Allen of Alabama did the same before Metzenbaum. And Sen. John Williams of Delaware during the 1960's was on the floor regularly objecting to federal spending when I first came here forty years ago.

* * *

I have done my best to make the argument that the Senate and the country will be served best if cooler heads prevail and Democrats don't make their power grab tomorrow to make the Senate like the House, to permit them to do with any legislation what they did with the health care law. I have said that to do so will destroy minority rights, destroy the essential forum for consensus that the Senate now provides for difficult issues, and surely guarantee that Republicans will try to do the same to Democrats in two years. More than that, it is hard to see how Democrats can gain any partisan advantage from this destruction of the Senate and invitation for retribution since any bill they force through the Senate in a purely partisan way during the next two years will surely be stopped by the Republican-controlled House of Representatives.

But I am not the most persuasive voice against the wisdom of tomorrow's proposed action. Other voices are. And I have collected some of them, mostly Democratic leaders who wisely argued against changing the institution of the Senate in a way that would deprive minority voices in America of their right to be heard:

From Mr. Smith Goes to Washington

Jimmy Stewart: Wild horses aren't going to drag me off this floor until those people have heard everything I've got to say, even if it takes all winter.

Reporter: H.V. Kaltenborn speaking, half of official Washington is here to see democracy's finest show. The filibuster—the right to talk your head off.

Sen. Robert Byrd's final appearance in the Senate Rules Committee

SENATOR ROBERT BYRD: We must never, ever, ever, ever, tear down the only wall, the necessary fence, that this nation has against the excesses of the Executive Branch.

SEN. CHUCK SCHUMER: The checks and balances which have been at the core of this Republic are about to be evaporated. The checks and balances which say that if you get 51% of the vote, you don't get your way 100% of the time.

FORMER SEN. CLINTON: You've got majority rule. Then you've got the Senate over

here where people can slow things down where they can debate where they have something called the filibuster. You know it seems like it's a little less than efficient, well that's right, it is. And deliberately designed to be so.

SEN. DODD: I'm totally opposed to the idea of changing the filibuster rules. I think that's foolish in my view.

SEN. BYRD: That's why we have a Senate, is to amend and debate freely.

SEN. ALEXANDER: The whole idea of the Senate is not to have majority rule. It's to force consensus. It's to force there to be a group of Senators on either side who have to respect one another's views so they work together and produce 60 votes on important issues.

SEN. DODD: I can understand the temptation to change the rules that make the Senate so unique and simultaneously so terribly frustrating. But whether such temptation is motivated by a noble desire to speed up the legislative process or by pure political expediency, I believe such changes would be unwise.

SEN. ROBERTS: The Senate is the only place in government where the rights of a numerical minority are so protected. A minority can be right, and minority views can certainly improve legislation.

SEN. ALEXANDER: The American people know that it's not just the voices of the Senator from Kansas or the Senator from Iowa that are suppressed when the Majority Leader cuts off the right to debate, and the right to amend. It's the voices that we hear across this country, who want to be heard on the Senate floor.

SEN. GREGG: You just can't have good governance if you don't have discussion and different ideas brought forward.

SEN. DODD: Therefore to my fellow Senators, who have never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules.

SEN. REID: The Filibuster is far from A 'Procedural Gimmick.' It's part of the fabric of this institution that we call the Senate. For 200 years we've had the right to extend the debate. It's not procedural gimmick. Some in this chamber want to throw out 214 years of Senate history in the quest for absolute power. They want to do away with Mr. Smith, as depicted in that great movie, being able to come to Washington. They want to do away with the filibuster. They think they're wiser than our Founding Fathers, I doubt that's true.

FORMER SEN. OBAMA: Then if the Majority chooses to end the filibuster, if they choose to change the rules and put an end to Democratic debate, then the fighting and the bitterness and the gridlock will only get worse.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I will respond to my friend from Tennessee who makes cogent arguments, as he always does. He is a good friend of mine, and we have worked together on a lot of things. I hope this is the beginning of some colloquies we can have here. I do want to indulge and let other Senators have their say because they were so kind to let me have my say too. But I intend to be here as long as anybody wants to say anything or to engage in some colloquies here on the Senate floor.

I say to my friend from Tennessee, that as I listened to him, and I did very

carefully, there are a couple of things I want to point out in terms of this idea of a filibuster and being able to amend things. My friend referred many times to the health care bill. I do not know if my friend said this, but I have heard it said that we wrote it behind closed doors and all of that kind of stuff.

Let me point out that when it came to our committee, the HELP Committee, we had 13 days of markup, 54 hours. We allowed any amendment to be offered. The Senator is a member of that committee. We allowed any Senator on our committee to offer any amendment. We adopted 161 Republican amendments, either through some votes, which they won, or through just adopting the amendments. Then after that, after all of that, all Republicans voted no. That is fine. There are a lot of times I know in the past when I have had an amendment on a bill which I thought improved it, but overall I did not like the bill, and I voted against it. I think that is the right of the minority. But then to obstruct it and to try to obstruct it to keep it from even being enacted I do not think is right. So I would say to my friend that I do not think the health care bill is a good example.

I say to my friend, he quoted someone, I think maybe it may have been Senator REID, saying, do people think they are wiser than our Founding Fathers. Please show me where our Founding Fathers ever set up a system where the Senate could have unlimited debate? They never did that. It is not in the Constitution.

As I pointed out, the first Senate actually had the motion, the previous question, to cut off debate. And they did not set up a majoritarian House. Article I section 5, I say to my friend from Tennessee, article I, section 5 is very clear. Each House sets up its rules. If the new majority in the House wanted to, they could set up rules to be like the Senate. They could do that. They could set up rules however they wanted, as long as they were constitutional. I suppose someone could take it to court to see if it was constitutional. But they do not have to operate under those rules. We do not have to operate under these rules. The Constitution gives us the right to change those rules.

Our Founding Fathers never set up this system, by the way, never. There is no mention of it anywhere in the Constitution. They did not set up a majoritarian House, they set up article I, section 5, which said each House can set up its own rules. But then in the Constitution, they outlined certain prerogatives. The Senate has certain prerogatives, the House has certain prerogatives, such as, for example, all bills of revenue have to originate in the House, not in the Senate. Treaties are done by the Senate, not by the House. But they never set up any kind of majoritarian type of thing.

I say to my friend, on the filibuster, I think there is a reason for a filibuster. I think there ought to be filibusters. I think there ought to be times when the minority can slow down things in order to get their views heard, or in order for them to be able to offer amendments, to make the bill better, in their views. That is the right of the minority.

I do not think it is the right of any minority—I say minority. When I say that, I am not talking about Republicans. I am saying any minority here. I do not think it is the right of any minority here to say, if I do not get my way, I am going stop everything. That is kind of what I see happening around here. If I do not get my way, one Senator can stop things.

I point out one other bill, I say to my friend from Tennessee, that I thought was a great bipartisan bill. We worked hard on it in our committee. The Senator from Tennessee was instrumental. That was the food safety bill. We reported it out of our committee a year ago in November, unanimous vote. Everyone voted for it, Republicans and Democrats on our committee. We got it out. But there were some things in the bill that Senators not on our committee, and maybe one Senator on our committee, did not like. So we had to work through the ensuing months to get everybody onboard and to work it out, which is fine. I have no problems with that. That is the legislative process. I have patience. As my friend from Kansas knows, I have a lot of patience working on farm bills. They take time.

But we worked it all out. And yet one Senator, one Senator who really disagreed with it, was able to hold it up from coming on the floor. We finally got it on the floor, but it took almost a year. One Senator was able to do that.

So I say, one Senator should be able to have the right to offer amendments, to be heard, but not to stop everything. I guess that is what I come down to. I say to my friend from Tennessee, that there ought to be a—I think there is a reason and a good reason for the Senate to be that saucer that cools things down, the story about Jefferson and Washington. But it should be at some point in time where the majority has not only the authority but the power to act after a due consideration and a due period of time.

I believe, I say to my friend in all sincerity, that will promote more compromise than the present system. You may disagree, but I feel that would. I am not trying to take away compromise. I believe in compromise. I believe in working things out. As chairman of the Agriculture Committee for two farm bills, we worked things out. I am sure there were things in the farm bill that the Senator from Kansas did not like, and there were things in there that I did not like, even though I was

chairman. But you work these things out. You compromise and you get things done. So I believe in that spirit of compromise. But I think what we have here now—and that escalating arms race—is doing away with that spirit of compromise and working things out and moving things. That is why I think we have to change the rules.

I do not know if I adequately responded to my friend from Tennessee, but these were my thoughts at the end. I am looking forward to other comments from other Senators and engaging in our colloquies. I promise I will not take so long.

THE PRESIDING OFFICER. The Senator from Kansas.

MR. ROBERTS. Mr. President, I thank my colleagues for their pertinent remarks.

The Senator from Iowa said in the past he had entered into a colloquy with colleagues on our side of the aisle where they wandered over into each other's pastures. I am going to put down this microphone for a moment and speak from here in a gesture of bipartisanship on how we can improve the Senate.

I know we have heard a lot of talk about Robert C. Byrd, a beloved individual. I know the Presiding Officer was very close to the former Senator. The last time Bob Byrd spoke publicly was in the rules committee, when he rose to the occasion in a very passionate way. The chairman, of course, **CHUCK SCHUMER**, the Senator from New York, with great deference recognized Senator Byrd. We were all on the edge of our chairs. The Senator from Tennessee has already gone over what Senator Byrd said at that time and previously. But I remember when I first came to the Senate, it was required that we go to school, so to speak, and Senator Byrd talked to all of the freshmen at that particular time.

The keeper of the institutional flame was the tag I put on Senator Byrd. My wife Franki and I became very close friends of the Senator. At any rate, he recounted the story attributed to Jefferson and Washington, he would tell every incoming class about the role of the people's House and perhaps what happened, when they put the coffee pot on in regards to legislation, that the coffee was so hot it would boil over, and it was the Senate's duty to act as the saucer, as folks did back in West Virginia in the earlier days, or Kansas or Iowa or Tennessee or Texas, that they would pour the coffee out in the saucer and let it cool off a little bit so they could put their biscuit in it and actually eat it, and then the legislation would pass.

The problem is, sometimes on our side maybe we want tea, maybe we want to start over. I think the Senator from Tennessee basically hit the nail on the head with the massive three. If

we are going to talk about getting things done or not getting things done, there are three massive things that have happened with regard to legislation. I say "massive" because they were so overreaching, so overwhelming, we are now just learning what their implications are. The massive three are financial regulatory reform, the health care act, and the stimulus.

Now the health care act, I have a personal feeling about that in that I had 11 amendments, all on rationing.

By the way, the Senate never confirmed the nomination of Dr. Donald Berwick, the head of CMS, the Center for Medicare and Medicaid Services. We planned to ask a lot of questions to the doctor because of statements he made in the past. Obviously, that confirmation did not happen. He was a recess appointment. That is something I think we ought to deal with as well.

Now, the health care act, it was 12:30 in the morning in the Finance Committee. I had several amendments, all on rationing. Finally, we got to the last two. I said: Why don't we consider them en bloc? I had about a minute or two to explain each amendment. They were voted down automatically on a party-line vote. By the time we got to 12:30 or 1 o'clock and my amendments, I noticed Senator SCHUMER was in the room so I stuck on one of his amendments along with mine. It was defeated on a party-line vote. Then I let Senator SCHUMER know that we had defeated his amendment as well. He wasn't too happy with that.

I just showed that the process has broken down to the point that even in committee, if you had two amendments, if you had five, if you had one, you were simply ignored. Then the health care act came to the floor and worked its way. I think the Senator from Tennessee brought up the "Grand Ole Opry." I saw it as making a bill behind closed doors. That is a famous country western song. We didn't like that process at all.

I finally had only one other recourse and that was to go to the reconciliation process, which I knew was not going to be successful, but I had several amendments, all were defeated. My main concerns about the health care bill were not allowed, as far as I was concerned, on the floor of the Senate, and that has happened a lot.

Now we are seeing an effort to repeal the health care act and also an effort to try to fix it, if we possibly can. I am not as upset about that as some people are because I think we could get the proper kind of debate, but the debate must proceed in regular order and under the standing rules of the Senate as a continuing body.

I am not going to go into the quotes by Senator Byrd. That has already been done by Senator ALEXANDER. But I would like to quote Senator Dodd in his valedictory speech.

The history of this young democracy, the Framers decided, should not be written solely in the hand of the majority.

This isn't about the filibuster. That is the most important statement he made.

What will determine whether this institution works or not is whether each of the 100 Senators can work together.

How can we do that? Here is a classic example. Right before Christmas, there were several bills the majority wanted to pass without allowing the minority and the American people the right to debate or amend them. So the tree was filled, and that is the parliamentary language to say: I am sorry, we are going to cut off debate. In the first three years and four months of this majority, the use of filling the tree went up over 300 percent compared to the average for the previous 22 years. Ninety-eight times in the 110th Congress, cloture was filed the moment the question was raised on the floor. A debate was not even allowed to take place. So on one hand you can talk about filibusters; the other hand is filling the tree, or not allowing Members to offer amendments, and same day clotures.

The Senator from Tennessee offered the classic example. Let's go back to a few days ago, right before Christmas. The DREAM Act was a House bill. I know the Senate leadership wanted to pass it. It never had a legislative hearing in the House, never had a markup in the House. The Senate version of the DREAM Act had not had a markup since 2003. In sum, the DREAM Act, a controversial measure with very passionate beliefs on both sides of the aisle and within the parties as well had not had an amendment offered to it in either House of Congress either in committees or on the floor.

Some may believe the DREAM Act is perfect or certainly is the best bill possible and would not need any amendments to improve it. But, obviously, our constituents don't feel that way. It is a very controversial bill. Instead of addressing their concerns, the majority shut down debate and amendments and in the process shut down the rights of Americans to be heard. As a result, the minority refused to end debate and, obviously, there was a filibuster. It would be interesting to know, of the times that bills have been filibustered, what was being filibustered.

Contrast this with the approach taken on the 9/11 bill which the majority sought to pass just a few days later. The goal of providing help to the victims of 9/11 is one Members of both parties share, but Senate Republicans noted that the particular version of the bill Senate Democrats supported was problematic in regards to how much money we were spending and certainly would need improvement.

So we insisted on having our concerns addressed. Most of them were ad-

dressed with a revised bill on which we did provide input. That bill passed the Senate by unanimous consent, and even the proponents of the original legislation would admit that the final bill is a better one and now enjoys broader support due to the minority's input.

What I think the majority needs to do is involve the minority like it did on the 9/11 bill, not shut us out, not shut us down as it did on the DREAM Act and other acts.

If that happened, if we did not fill the tree, I think possibly 75 percent, 80 percent of the filibusters would go away. There are some who would like to filibuster anything, I know. But it gets back to what the Senator asked: Why are we here? It is important to pass legislation. But it is equally important to prevent bad legislation from passing or, if you have an alternative you would like to offer, to at least have the ability to do so.

In the last 2 years that process has simply broken down. Why can't we work together? That is what Senator Dodd said. He asked whether each of the 100 Senators can work together. That was on the question of filibusters.

We can stop this business of secret holds. It seems to me we could have a timely pace on nominations. It seems to me we could certainly end these recess appointments where people who should be confirmed have to go through the confirmation process instead of all of a sudden parachuting somebody in who is controversial and now we have over 100,000 regulations pouring out of the Department of HHS. Health care providers throughout the Nation—in Iowa, Tennessee, Kansas—are wondering what on Earth is happening.

When I go home, I don't get the question of why a bill didn't pass. I get the question: What on Earth are you guys doing back there passing all the legislation with all the regulatory stuff that I have to put up with, taxes I have to pay, et cetera, et cetera?

As a matter of fact, when they pose that question, I say: I am not a you guy; I am an us guy. Then we have a debate, but it is a debate that should have taken place on the floor of the Senate instead of on the plains of Kansas. Unfortunately, because of the majority, we were not able to have that debate here, on the floor.

The question I have for the distinguished Senator from Iowa—and I appreciate his reference to our work in previous farm bills. We were able to work it out. Sometimes it was very contentious, and sometimes the farm bill would come to the floor, and it would take a week and a half. Then we would have an appropriations bill, and then the appropriators would think they could rewrite the farm bill and take another week and a half. But we worked through it. Nobody filled the tree and said: I am sorry, you can't have that amendment.

I am making a speech instead of asking the question. I apologize for that.

I am in agreement on secret holds. I think there should be timely pace on nominations. I do think we should go through the regular confirmation process.

But I do feel exactly as the Senator from Tennessee has put out, that once you get on this business of ending the filibuster or going down on the number of requisite votes, you are on a slippery slope, and then you are into the tyranny of the majority, and that is not what the Senate is all about.

I will stop at this point and ask the Senator from Iowa if he has any comments.

THE PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my friend from Kansas. I think he makes some good points.

I would say to my friend, I think we ought to go through processes in our committees to have hearings on nominees to flush out things such as that. So to that extent, the Senator from Kansas is right. We should not have, especially if there is any controversy at all—I suppose some of them are non-controversial—but if there is some controversy out there, yes, I think the committees ought to have the responsibility to bring them forward. Let the committees question them. We did that in our HELP Committee, I say to my friend from Kansas. I am trying to remember the person we had—oh, a lot of controversy about Craig Becker, I think, who was going to the NLRB.

Mr. ROBERTS. If the Senator will yield, I think the Senator is exactly right. I am on the HELP Committee, as the Senator may recall, and I was trying to get one amendment to say that we would prohibit the use of rationing to achieve cost containment, and it involved several of the commissions that have been in the bill. I regret that bill sort of sat somewhere and collected dust. We never got a score. I thought it was, quite frankly, a better bill than the one in the Finance Committee.

I say to the Senator, you recognized me, and I had an opportunity to offer some amendments. At least there was some debate. And I think it was a much more bipartisan effort. So I give the chairman—

Mr. HARKIN. If it was out of our committee, obviously it was a better bill than coming out of the Finance Committee. But I say to my friend, again, that—

Mr. ROBERTS. Senator CORNYN wants to be heard, so I am going to be quiet and listen to you.

Mr. HARKIN. I thought there were some things we should talk about. I say to my friend, in listening to my friend from Kansas say this, it occurred to me that certain of his amendments were allowed. The Senator was allowed to debate them and offer them,

but they were not adopted. It seems to me, as I have said before, the right of the minority ought to be to offer amendments, to have them considered, to have them voted on, but it does not mean it is the right of the minority to win every time on those amendments.

I say to my friend, on that financial services bill, I had an amendment too and I could not get it in. I was on the majority side, and they would not let me offer one either. So both sides have some legitimate points.

I also say to my friend from Kansas, and others, we can get into this tit for tat, who started it. I think we have to kind of quit that. I could come back and say: Well, yes, in the last 2 years, the tree was filled 44 times. In this last session, 44 times the tree was filled, but there were 136 filibusters. Why wouldn't there be 44 filibusters? Why were there 136? We can get into that tit for tat, who did what to whom. I wish to forget about all that. We could go back, probably, to the 18th century—tit for tat, who did what to whom at some point in time.

I ask my friend from Kansas, who has been here a long time—we served together in the House; my friend was chairman of the Agriculture Committee in the House. We have done a lot of legislation together—does my friend from Kansas feel the Senate is operating today in the best possible way? Does my friend from Kansas believe there could be some things done to make the Senate operate a little bit more openly and fairly with rights for the minority to be protected but without letting the minority—and I do not mean Republicans when I say “minority,” I mean whoever happens to be in the minority—to keep the minority from obstructing things? Does my friend feel there could be some changes made?

Mr. ROBERTS. I will answer the question, no. I do not think we are doing the job we could do, and we should do better, and I stand ready to work with all concerned to see if we can do that.

But my time is up, and I am going to cease here and allow the Senator from Texas to be recognized.

THE PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, may I inquire how much more time there is on our side?

THE PRESIDING OFFICER. Three-and-a-half minutes.

Mr. CORNYN. Madam President, I am going to ask unanimous consent, with the indulgence of my colleagues, to allow me to speak for up to 10 minutes. I probably will speak about 5 minutes or so, unless I get particularly wound up, which could take 10 minutes. But I ask unanimous consent for an additional 10 minutes.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

Madam President, I think we are playing with fire when we talk about amending the Senate rules. All of us have been here for different periods of time. I have been here for 8 years, which actually sounds like a long time, but in the life of the Senate is not very long at all in an institution that has existed for more than 200 years.

I have been here when our side was in the majority. As a matter of fact, we had the White House, we had both Houses of Congress. And I have been here when we have had President Obama in the White House and Democrats controlling both Houses of Congress. I can tell you, unequivocally, it is a whole lot more fun to be here when you are in the majority.

But there are certain temptations that the majority has which I think are exacerbated when, for example, during most of the last 2 years, one party or the other has the ability in the Senate to basically pass legislation by essentially a party-line vote; in other words, as I recall on that morning at 7 a.m. on Christmas Eve a year ago, when the vote on the health care bill came up where all 60 Democrats voted for the bill and no Republicans voted for the bill.

My point being: The temptation is, when you have such a large majority—60 or more—there is a huge temptation in both parties—not just the Democrats; Republicans, I am sure, would be tempted as well—to try to go it alone. Thus, I think it detracts from what is one of the great strengths of this institution, which is that this institution's rules force consensus, and unless there is consensus, things do not happen. We are, thus, the saucer that cools the tea from the cup, and all the various analogies we have heard.

But the important thing is not how this affects us as individual Senators. This is not just an abstract discussion about the rules. This is about what is in the best interests of a country of more than 300 million people. I would submit any time one party or the other is not only tempted but yields to that temptation to go it alone to try to push legislation through without achieving that consensus, I think it hurts the institution and I think it provokes a backlash, much as we saw on November 2. Because the American people understand that checks and balances are important.

When we do not have checks and balances, either through the self-restraint of the majority or through recognizing the rights of the minority to offer amendments, to have debates, to contribute to legislation, then the American people are going to fix that by changing the balance of power, as they did on November 2.

Here again, I do not want to be misunderstood as making a partisan argument. I think Republicans would be

just as tempted as Democrats to do the same thing. But I think that is where we have to show self-restraint and where, if we do not show self-restraint, then the American people will change the balance of power and establish those checks and balances.

Here again, I think for most people who are listening—if there is anyone listening out there on C-SPAN or elsewhere to this debate—this should not be about us. This should not be about the arcana of these rules. This should be about the rights of the American people to get legislation that affects all 300-plus million of us debated, amended, in a way to try to achieve that consensus and, thus, achieves broad support by the American people. Because anytime, again, we yield to the temptation to go it alone to do things on a partisan basis, it will ultimately provoke the kind of backlash we have seen over the health care bill, to mention one example.

This is not a small thing. I have the honor of representing 25 million people in the Senate, and this is not just about my rights as an individual Senator or even the minority's rights, this is about their right—their right to be heard through an adequate time for debate, their right to have an opportunity to change or amend legislation, and then to have a chance to have it voted on.

I understand the frustration of our colleagues when the majority leader, due to his right of prior recognition, can get the floor. He can put something on the Senate calendar that has not gone through a committee markup and that sort of due process and fair opportunity for amendment and participation; and then again, if he has 60 votes on his side to be able to push it through, then deny us any opportunity to offer amendments, much less to have a fulsome debate on these important issues.

I think our country suffers from that. I think the American people suffer when we are denied on their behalf an opportunity to have a fulsome debate and to offer amendments.

I do not doubt the good faith of our colleagues who are offering some of these propositions. There are even some of them that I find somewhat attractive. The idea of secret holds, for example—if there ever was a time for that, that time is long past gone. I know we are not going to agree on everything. But we ought to at least have an opportunity for everyone to be heard, and for individual Senators' rights to be respected, not because they are Senators but because they represent a large segment of the American people, and it is their rights that are impinged when the majority leader, for whatever reason, decides to deny a Senator a right to offer an amendment and a right to have a fulsome debate on the amendment in the interest of getting legislation passed.

Although Senator REID said this morning the 111th Congress has to go down in history as being one of the most productive Congresses, at the same time, he complained about Republicans filibustering legislation. There seems to be kind of an inherent contradiction there. But I suggest the explanation for that is the fact that our friends on the other side have had such a large supermajority, they have been able to muster the 60 votes and to go it alone. Again, I think that is yielding to a temptation that everyone would understand, and the American people have now since corrected that as a result of the November 2 election.

I would suggest, in closing, to all of our friends on both sides of the aisle, again, I recognize the sincerity of those who have offered these proposals, but I would suggest there is not a malfunction, or should I say the rules themselves are not broken, but the rules contemplate that the rules will not be abused. I think the temptation to abuse those rules by going it alone is understandable but something that needs to be avoided. I think because of the election now—since we are more evenly divided so nobody will be able to get to 60 votes unless there is a bipartisan consensus, to the extent that 60 votes are needed—that the American people have sort of fixed the problem some of our colleagues have perceived.

I thank the Chair.

Mr. HARKIN. Madam President, will the Senator yield for a question?

Mr. CORNYN. I am happy to yield for a question.

Mr. HARKIN. I thank my friend from Texas. Again, he and I have worked together on some legislation in the past too. He is a thoughtful Senator and a good legislator.

I ask my friend from Texas this: In listening to him, I almost have the feeling that my friend from Texas is saying we ought to have a supermajority to pass anything, that we should have 60 votes in order to pass anything.

I ask my friend, is that what my friend really means or implies, that everything should have 60 votes before it can go through here? Is that what my friend is suggesting?

Mr. CORNYN. I appreciate the question from my friend, the Senator from Iowa. That is not what I am suggesting. But I do think we need to have a process which allows for an opportunity for amendments and debate. And if we do not have a process requiring a threshold of 60 votes, the temptation is going to be, again, for the majority leader to deny the opportunity for amendments, constrict time allowed for an amendment, for debate, by filing cloture, and we are going to see things shooting through here that have not had an adequate opportunity for deliberation.

This institution has famously been called the world's greatest deliberative

body, but I daresay we have not demonstrated that in recent memory. And, again, I think, as the Senator from Tennessee and others have observed, this is not a problem with the rules. This is the way the rules have actually been implemented. I think we have learned an important lesson from this and one I hope will help us respect the rights of all Senators, whether they be in the majority or the minority, to offer amendments and to debate these amendments not because they are about our rights but because they are about the rights, for example, of the 25 million people I represent. They have the right to be heard. They have a right to have any suggestions or improvements to legislation be considered. That is all I am saying.

Mr. HARKIN. Madam President, if my friend will yield further, again, in my resolution there is a guarantee that the minority has the right to offer amendments—absolute guarantee. As I said, that is something I have urged since 1995. I am very sympathetic to the argument that people are cut out from offering amendments. I know because that has happened to me by the majority at times. So I believe there ought to be rights for the minority. I always hasten to add when I say “minority” I am not saying Republicans, I am saying the minority. It may be us pretty soon. It goes back and forth, as my friends knows. There ought to be the right for the minority to offer amendments and to have their voice heard and to, as the Senator says, represent the people of our States adequately.

But I ask my friend again, what happens when we have one or two or three or four Senators who don't want to see a bill passed in any form—some bill, just take any bill—that maybe has been worked on by both Republicans and Democrats, has broad bipartisan support maybe to the tune of even 70 or so Senators, but there is one or two or three Senators who don't want it to pass anyway, and they are able to gridlock the place under rule XXII. I know the Senator talked about exercising self-restraint, and I say that is fine. But what if we had that situation where we have two or three Senators saying: I don't care how many Senators are on it I don't want it to move. And they invoke their rights under rule XXII. How do we get over that hurdle?

Mr. CORNYN. Madam President, I would say to my friend the people who came before us thought achieving consensus was good, not unanimity, perhaps recognizing it is impossible to get 100 Senators to agree. So I would say to my friend I sometimes am as frustrated as he is when one or two or three or four Senators say: We are going to force this to a cloture vote because we are just not going to agree. I think that is frustrating to all of us, depending on which foot the shoe is on.

But I would say that is a small price to pay, that frustration, to insist on assuring the rights of the minority—again, not because of an individual Senator because we aren't all that important. It is the rights of our constituents whom we represent that are so important, and it is so important we get it right because there is nobody else after we get through who gets to vote. It becomes the law of the land, and unless it is unconstitutional not even the Supreme Court of the United States can set it aside. So it is very important we get it right. I am just saying that we take the time necessary, and I think that is what the rules are designed to provide for.

Mr. HARKIN. Madam President, if the Senator would indulge me for one more moment, so it is not the position of my friend from Texas that everything needs 60 votes in which to move in the Senate; is that correct?

Mr. CORNYN. Madam President, there are a long list of bills that pass on a regular basis by unanimous consent, and it is like—we are almost focused on the exception rather than the rule. There are many times—a lot of times; I can't quantify it—where legislation will pass by unanimous consent because it has gone through the committees, people have had an opportunity to offer amendments, both sides have had an opportunity to contribute to it, and then it passes without objection. Again, I can't quantify that, but the ones we seem to be focused on are the ones that seem to be more or less the exception to the rule where there are genuine disagreements, when there is a need to have a more fulsome debate and the opportunity for amendments.

So I think the current rules serve the interests of our constituents and the American people well.

I thank the Chair and I thank my colleague.

The PRESIDING OFFICER. The Senator from Oregon.

ORDER OF PROCEDURE

Mr. WYDEN. Madam President, Senator UDALL and Senator MERKLEY have waited at great length to make their remarks. I wish to propound a unanimous consent at this time. At this point, Senator UDALL would be the next speaker. There would be a Republican who would speak next. I am very hopeful it will be Senator GRASSLEY because he and I have been partners for almost 14 years in this effort to force the Senate to do public business in public and get rid of these secret holds. So after Senator UDALL, there would be Senator GRASSLEY. After Senator GRASSLEY, there would be my friend and colleague Senator MERKLEY who would speak. At that time there would be a Republican who would be next in the queue to speak.

So my unanimous consent request at that point is—I would like to be able, for up to 30 minutes, to have the bipartisan sponsors of the effort to get rid of secret holds once and for all, including the distinguished Presiding Officer, to have up to 30 minutes for a colloquy on this bipartisan effort to eliminate secret holds.

The PRESIDING OFFICER. Are there any time limits on the UC motion for any Senators other than the 30 minutes designated for the cosponsors of the secret hold legislation?

The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, in addition to his UC, we have myself for 15 minutes, Senator MERKLEY for 15 minutes, and I believe Senator WYDEN has asked for 30, and then to accommodate the Republicans, our UC would say if there is a Republican seeking recognition that we alternate between the two sides and they be under the same time limitations as listed above. So Senator ALEXANDER can see I would speak for 15, and then he would have a block for 15, and then Senator MERKLEY, and then it would be 30 for Senator WYDEN.

Mr. WYDEN. Then, after Senator MERKLEY, there would be another Republican who would be in a position to speak for 15 minutes, and at that point under the unanimous consent request we would be able to discuss this bipartisan effort to eliminate secret holds for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Madam President, I wonder if the Senator would mind a slight modification to that. One of the things I thought we were kind of getting into today were colloquies wherein we could ask a question and have a response in a reasonable manner. I would ask to modify the unanimous consent request to say that any colloquies entered into—questions propounded to a Senator through the Chair—not be detracted from the time allotted to that Senator.

Mr. WYDEN. I am very open to that. I think it is an excellent suggestion.

Mr. UDALL of New Mexico. I very much agree with that. I have been sitting here following the debate, and I think Senator ALEXANDER, among others, has propounded some very good questions. I actually have another question I was going to ask on top of his question of what is a filibuster. So I am looking forward to that portion of it. Senator HARKIN, thank you very much for that.

Mr. WYDEN. Madam President, I think Senator HARKIN has made an excellent suggestion. Unless Senator ALEXANDER or anyone on the other side has a problem with that, let's modify the unanimous consent request I have made to incorporate Senator HARKIN's suggestion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
The Senator from New Mexico.

AMENDING SENATE RULES

Mr. UDALL of New Mexico. Madam President, I submit on behalf of myself and Senators HARKIN, MERKLEY, DURBIN, KLOBUCHAR, BROWN, BEGICH, BLUMENTHAL, GILLIBRAND, SHAHEEN, BOXER, TESTER, CARDIN, MIKULSKI, WARNER, and MANCHIN a resolution to amend rule VIII and rule XXII of the Standing Rules of the Senate, and I ask unanimous consent to proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Madam President, reserving the right to object, I have had a number of discussions with the Senator from New Mexico and the Senator from Oregon. I respect their proposals and will have more to say about them, but I think since they have waited such a long time to make their presentations I will merely state my objection now and have more to say later. So I object.

The PRESIDING OFFICER. The objection having been heard, the resolution will go over under the rule.

Mr. UDALL of New Mexico. Madam President, let me just inquire through the Parliamentarian, it is my understanding that by objecting to this resolution being immediately considered now, the result is the resolution will go over under the rule, allowing it to be available to be brought up at a future time. Is that understanding correct?

The PRESIDING OFFICER. That is correct.

Mr. UDALL of New Mexico. Thank you very much.

Madam President, I rise today to introduce the resolution I just mentioned. I have worked very hard with all of my colleagues, including my two colleagues from Iowa and Oregon, Senators HARKIN and MERKLEY, to reform the rules of this unique and prestigious body. I do so after coming to the floor last January—January 25, in fact, now almost 1 year ago—to issue a warning, a warning because of partisan rancor and the Senate's own incapacitating rules, that this body was failing to represent the best interests of the American people. The unprecedented abuse of the filibuster, of secret holds, and of other procedural tactics routinely prevent the Senate from getting its work done. It prevents us from doing the job the American people sent us here to do.

Since that day in January things haven't gotten better. In fact, I would say they have gotten worse—much worse. Here in the Senate open and honest debate has been replaced with secret backroom deals and partisan gridlock. Up-or-down votes on important issues have been unreasonably delayed and blocked entirely at the whim

of a single Senator. Last year, for example, one committee had almost every piece of legislation held up by holds from one Senator.

The Senate is broken. In the Congress that just ended, because of rampant and growing obstruction, not a single appropriations bill was passed. There wasn't a budget bill. Only one authorization bill was approved, and that was only done at the very last minute. More than 400 bills on a variety of important issues were sent over from the House. Not a single one was acted upon. Key judicial nominations and executive appointments continue to languish.

The American people are fed up with it. They are fed up with us, and I don't blame them. We need to bring the workings of the Senate out of the shadows and restore its accountability. That begins with addressing our own dysfunction, specifically the source of that dysfunction—the Senate rules.

Last year the Senate Rules Committee took a hard look at how our rules have become so abused and how this Chamber no longer functions as our Founders intended. I applaud Chairman SCHUMER and his excellent staff for devoting so much time to this important issue. I thank Senator ALEXANDER and Senator ROBERTS. We have some very good Republican colleagues on the committee, and we have had some good exchanges. They know we had six hearings and heard from some of the most respected experts in the field.

But these hearings demonstrated that the rules are not broken for one party, or for only the majority. Today the Democrats lament the abuse of the filibuster and the Republicans complain they are not allowed to offer amendments to legislation. Five years ago, those roles were reversed. Rather than continue on this destructive path, we should adopt rules that allow a majority to act while protecting the minority's right to be heard. Whichever party is in the majority, they must be able to do the people's business.

I think that is what Senator HARKIN spoke so persuasively to in his comments on the filibuster—that the majority has to be able to govern. The way the filibuster is being used the minority thwarts the majority's ability to govern.

At a hearing in September, I testified before the committee about my procedural plan for amending the Senate's rules—the constitutional option. Unlike the specific changes to the rules proposed by other Senators and experts, my proposal is to make the Senate of each Congress accountable for all of our rules. This is what the Constitution provides for, and it is what our Founders intended.

Rule XXII is the most obvious example of the need for reform. Last amended in 1975, rule XXII demonstrates what

happens when the Members of the current Senate have no ability to amend the rules adopted long ago—rules that get abused.

I have said this before, but it bears repeating. Of the 100 Members of the Senate, only two of us have had the opportunity to vote on the cloture requirement in rule XXII—Senators INOUE and LEAHY.

So if 98 of us haven't voted on the rule, what is the effect? Well, the effect is that we are not held accountable when the rule gets abused, and with a requirement of 67 votes for any rules change that is a whole lot of power without restraint.

But we can change this. We can restore accountability to the Senate. Many of my colleagues, as well as constitutional scholars, agree with me that a simple majority of the Senate can end debate—that is the first step—and adopt its rules at the beginning of a new Congress.

Critics of my position argue that the rules can only be changed in accordance with the current rules, and that rule XXII requires two-thirds of Senators present and voting to agree to end debate on a change to the Senate rules.

Since this rule was first adopted in 1917, members of both parties have rejected this argument on many occasions.

In fact, advisory rulings by Vice Presidents Nixon, Humphrey, and Rockefeller, sitting as President of the Senate, have stated that a Senate, at the beginning of a Congress, is not bound by the cloture requirement imposed by a previous Senate. They went on to say that each new Senate may end debate on a proposal to adopt or amend the standing rules by a majority vote. That bears repeating—by a majority vote—cloture and amendment, majority vote.

Even in today's more partisan environment I hope my colleagues will extend to us the same courtesy, and our constitutional rights will be protected as we continue to debate the various rules reform proposals at the beginning of this Congress.

In 2005, Senator HATCH—someone who understands constitutional issues perhaps better than any other Member of this Chamber—wrote the following:

The compelling conclusion is that, before the Senate readopts Rule XXII by acquiescence, a simple majority can invoke cloture and adopt a rules change. This is the basis for Vice President Nixon's advisory opinion in 1957. As he outlined, the Senate's right to determine its procedural rules derives from the Constitution itself and, therefore, "cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress." So it is clear that the Senate, at the beginning of a new Congress, can invoke cloture and amend its rules by a simple majority.

That was Senator HATCH's quote. As Senator ALEXANDER and Senator

CORKER know, he was for many years chairman of the Judiciary Committee, and I think that is a very powerful quote.

This is the basis for introducing our resolution today, just as reformers have done at the beginning of Congresses in the 1950s, 1960s, and 1970s, and it is why I am here on the floor on the first day—to make clear I am not acquiescing to the rule XXII adopted by the Senate over 35 years ago. That Senate tried to tie the hands of all future Senates by leaving the requirement in rule XXII for two-thirds of the Senate to vote to end a filibuster on a rules change. But this is not what our Founders intended.

Article I, section 5 of the Constitution clearly states that "each House may determine the Rules of its Proceedings." There is no requirement for a supermajority to adopt our rules, and the Constitution makes it very clear when a supermajority is required to act. Therefore, any rule that prevents a majority in future Senates from being able to change or amend rules adopted in the past is unconstitutional.

The fact that we are bound by a supermajority requirement that was first established 93 years ago also violates the common law principle that one legislature cannot bind its successors.

This principle goes back hundreds of years and has been upheld by the Supreme Court on numerous occasions. This is not a radical concept. The constitutional option has a history dating back to 1917, and it has been a catalyst for bipartisan rules reform several times since then. The constitutional option is our chance to fix rules that are being abused—rules that have encouraged obstruction like none ever seen before in this Chamber.

Amending our rules will not, as some have contended, make the Senate no different than the House. While many conservatives claim that the Democrats are trying to abolish the filibuster, our resolution maintains the rule but addresses its abuse. But, more importantly, the filibuster was never part of the original Senate. The Founders made this body distinct from the House in many ways, but the filibuster is not one of them.

So here we are today on the first day of a new Congress offering a resolution to reform the Senate's rules. We don't intend to force a vote today; in fact, we hope that we can return from the break and spend some time on the floor debating our resolution, considering amendments to make it better, and debating other resolutions. This should not be a partisan exercise. I think almost every one of us who have spoken today have said that. We know both sides have abused the rules, and now it is time for us to work together to fix them.

But we believe the Senate of the 112th Congress has two paths from

which to choose. There is the first path: We do nothing and just hope the spirit of bipartisanship and deliberation returns—the truth is we have been on this path for a while now, and I think the results are pretty clear—or we can take a second path: We can take a good, hard look at our rules, how they incentivize obstructionism, how they inhibit rather than promote debate, and how they prevent bipartisan cooperation, and then we should implement commonsense reforms to meet these challenges, reforms that will restore the uniquely deliberative nature of this body, while also allowing it to function more efficiently.

I contend that we not only should but have a duty to choose the second path. We owe it to the American people and to the future of this institution we all serve.

The reform resolution we introduce today is our attempt at the second path. It contains five reforms that should garner broad, bipartisan support—if we can act for the good of the country and not the good of our parties.

The first two provisions in our resolution address the debate on motions to proceed and secret holds. These are not new issues. Making the motion to proceed nondebateable or limiting debate on such a motion has had bipartisan support for decades and is often mentioned as a way to end the abuse of holds.

I was privileged to be here for Senator Byrd's final Rules Committee hearing, where he stated:

I have proposed a variety of improvements to Senate rules to achieve a more sensible balance, allowing the majority to function while still protecting minority rights. For example, I have supported eliminating debate on the motion to proceed to a matter . . . or limiting debate to a reasonable time on such motions.

In January, 1979, Senator Byrd—then-majority leader—took to the Senate floor and said unlimited debate on a motion to proceed “makes the majority leader and the majority party the subject of the minority, subject to the control and the will of the minority.”

Despite the moderate change that Senator Byrd proposed—limiting debate on a motion to proceed to 30 minutes—it did not have the necessary 67 votes to overcome a filibuster.

At the time, Senator Byrd argued that a new Senate should not be bound by that rule, stating:

The Constitution, in Article I, Section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent for another 2 minutes—also recognizing the Republican side has speakers—to wrap up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, efforts to reform the motion to proceed have continued since. In 1984, a bipartisan Study Group on Senate Practices and Procedures recommended placing a 2-hour limit on debate of a motion to proceed. That recommendation was ignored.

In 1993, Congress convened the Joint Committee on the Organization of Congress. That was a bipartisan, bicameral attempt to look at Congress and determine how it can be a better institution. My predecessor, Senator Domenici, was the co-vice chairman of that committee. He was a long-time Republican here, and he supported that.

The third provision in the resolution is included based on the comments of Republicans at last year's Rules Committee hearings. Each time Democrats complained about filibusters on motions to proceed, Republicans responded that it was their only recourse because the majority leader fills the amendment tree and prevents them from offering amendments. Our resolution provides a simple solution, guaranteeing the minority the right to offer amendments.

The fourth provision in the resolution, which Senator MERKLEY will cover extensively, is regarding the talking filibuster. We want to replace a silent filibuster with a talking filibuster.

Finally, our resolution reduces postcloture time on nominations from 30 hours to 1. Postcloture time is meant for debating and voting on amendments—something that is not possible on nominations.

Instead, the minority now requires the Senate use this time simply to prevent it from moving on to other business.

These reforms will not, as some have contended, make the Senate the same as the House. We understand, and respect, the Framers' intent in structuring the Senate to be a uniquely deliberative body. Minority rights are a critical piece to its unique operations. Which is exactly why they remain protected in our reform resolution.

But the current rules have done away with any deliberation and we have instead become a uniquely dysfunctional body.

Our resolution will make actual debate a more common occurrence. It would bring our legislative process into the light, and hopefully, it would help restore the Senate's role as the “world's greatest deliberative body.”

With that, I will sum up and say that reform is badly needed. We have a responsibility to the Constitution and to the American people to come together and fix the Senate. We were sent to Washington to tackle the Nation's problems. But we find that the biggest problem to tackle is Washington itself.

With that, I ask unanimous consent that an editorial on the filibuster that appeared in the Washington Post, and an op-ed piece in the New York Times by Walter Mondale be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 2, 2011]

REFORM AND THE FILIBUSTER

The new Senate will face one of its most momentous decisions in its opening hours on Wednesday: a vote on whether to change its rules to prohibit the widespread abuse of the filibuster. Americans are fed up with Washington gridlock. The Senate should seize the opportunity.

A filibuster—the catchall term for delaying or blocking a majority vote on a bill by lengthy debate or other procedures—remains a valuable tool for ensuring that a minority of senators cannot be steamrolled into silence. No one is talking about ending the practice.

Every returning Democratic senator, though, has signed a letter demanding an end to the almost automatic way the filibuster has been used in recent years. By simply raising an anonymous objection, senators can trigger a 60-vote supermajority for virtually every piece of legislation. The time has come to make senators work for their filibusters, and justify them to the public.

Critics will say that it is self-serving for Democrats to propose these reforms now, when they face a larger and more restive Republican minority. The facts of the growing procedural abuse are clearly on their side. In the last two Congressional terms, Republicans have brought 275 filibusters that Democrats have been forced to try to break. That is by far the highest number in Congressional history, and more than twice the amount in the previous two terms.

These filibusters are the reason there was no budget passed this year, and why as many as 125 nominees to executive branch positions and 48 judicial nominations were never brought to a vote. They have produced public policy that we strongly opposed, most recently preserving the tax cuts for the rich, but even bipartisan measures like the food safety bill are routinely filibustered and delayed.

The key is to find a way to ensure that any minority party—and the Democrats could find themselves there again—has leverage in the Senate without grinding every bill to an automatic halt. The most thoughtful proposal to do so was developed by Senator Jeff Merkley of Oregon, along with Tom Udall of New Mexico and a few other freshmen. It would make these major changes:

NO LAZY FILIBUSTERS

At least 10 senators would have to file a filibuster petition, and members would have to speak continuously on the floor to keep the filibuster going. To ensure the seriousness of the attempt, the requirements would grow each day: five senators would have to hold the floor for the first day, 10 the second day, etc. Those conducting the filibuster would thus have to make their case on camera. (A cloture vote of 60 senators would still be required to break the blockade.)

FEWER BITES OF THE APPLE

Republicans now routinely filibuster not only the final vote on a bill, but the initial motion to even debate it, as well as amendments and votes on conference committees. Breaking each of these filibusters adds days

or weeks to every bill. The plan would limit filibusters to the actual passage of a bill.

MINORITY AMENDMENTS

Harry Reid, the majority leader, frequently prevents Republicans from offering amendments because he fears they will lead to more opportunities to filibuster. Republicans say they mount filibusters because they are precluded from offering amendments. This situation would be resolved by allowing a fixed number of amendments from each side on a bill, followed by a fixed amount of debate on each one.

Changing these rules could be done by a simple majority of senators, but only on the first day of the session. Republicans have said that ramming through such a measure would reduce what little comity remains in the chamber.

Nonetheless, the fear of such a vote has led Republican leaders to negotiate privately with Democrats in search of a compromise, possibly on amendments. Any plan that does not require filibustering senators to hold the floor and make their case to the public would fall short. The Senate has been crippled long enough.

[From the New York Times, Jan. 1, 2011]

RESOLVED: FIX THE FILIBUSTER

(By Walter F. Mondale)

MINNEAPOLIS, MN—We all have hopes for the New Year. Here's one of mine: filibuster reform. It was around this time 36 years ago—during a different recession—that I was part of a bipartisan effort to reform Senate Rule 22, the cloture rule. At the time, 67 votes were needed to cut off debate and thus end a filibuster, and nothing was getting done. After long negotiations, a compromise lowered to 60 the cloture vote requirement on legislation and nominations. We hoped this moderate change would preserve debate and deliberation while avoiding paralysis, and for a while it did.

But it's now clear that our reform was insufficient for today's more partisan, increasingly gridlocked Senate. In 2011, Senators should pull back the curtain on Senate obstruction and once again amend the filibuster rules.

Reducing the number of votes to end a filibuster, perhaps to 55, is one option. Requiring a filibustering senator to actually speak on the Senate floor for the duration of a filibuster would also help. So, too, would reforms that bring greater transparency—like eliminating the secret “holds” that allow senators to block debate anonymously.

Our country faces major challenges—budget deficits, high unemployment and two wars, to name just a few—and needs a functioning legislative branch to address these pressing issues. Certainly some significant legislation passed in the last two years, but too much else fell by the wayside. The Senate never even considered some appropriations and authorization bills, and failed to settle on a federal budget for all of next year. Votes on this sort of legislation used to be routine, but with the new frequency of the filibuster, a supermajority is needed to pass almost anything. As a result the Senate is arguably more dysfunctional than at any time in recent history.

People give lots of reasons for not reforming the filibuster. The minority often claims that it needs the filibuster to ensure that its voice is heard, even though the filibuster is now used to prevent debate from ever beginning. What really gets me, though, is when opponents to reform point to the provision left in Rule 22 after 1975 saying that the Sen-

ate cannot change any of its rules without a two-thirds supermajority to end debate.

This requirement cannot constrain any future Senate. A long-standing principle of common law holds that one legislature cannot bind its successors. If changing Senate rules really required a two-thirds supermajority, it would effectively prevent a simple majority of any Senate from ever amending its own rules, which would be unconstitutional. Article I, Section 5 of the Constitution states: “Each House may determine the rules of its proceedings.” The document is very explicit about the few instances where a supermajority vote is needed—and changing the Senate's procedural rules is not among them. In all other instances it must be assumed that the Constitution requires only a majority vote.

In other words, the fact that one Senate, decades ago, passed the two-thirds majority rule does not mean that all future Senates are bound by it. This year's new Senate could use this “constitutional option” to force a vote on any change to Senate rules, including Rule 22, and change them with a simple majority.

At the very opening of Congress in 1975, my colleagues and I announced our proposal to amend Rule 22, and threatened to force a majority vote to end a filibuster on the change if the minority tried to block it. In the end, we reached the 60-vote compromise, and never had to use the constitutional option after all. A similar strategy would likely work today.

Tom Udall, Democrat of New Mexico, has said that in a few days, at the beginning of the 112th Congress, he will call on the Senate to exercise its constitutional right to change its rules of procedure, including Rule 22, by a simple majority vote. I wholeheartedly support his effort and encourage both Democrats and Republicans to cooperate with him. The filibuster need not be eliminated, but it must no longer be so easy to use.

Mr. UDALL of New Mexico. I know my colleague, AMY KLOBUCHAR, is here. Senator Mondale was a distinguished former Vice President and leader in the Senate, and he wrote the very passionate piece in the New York Times that I have just had printed in the RECORD.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, my colleagues and any of the public watching the debate today know there is a great partisan divide thus far. Senator WYDEN has already referred to the motion he and I are putting before the Senate. Senator WYDEN, a Democrat, and I, a Republican, are joined also by Senator MCCASKILL, who is the Presiding Officer now, as well as Senator COLLINS, in this effort. It is the only bipartisan issue before the Senate this particular day. I emphasize that because I think the public ought to know that not everything in the Senate is partisan.

Senator WYDEN and I have been chipping away at the informal, backroom process known as secret holds in the Senate. We have been working on this for well over 10 years. So it should not surprise anybody that we are back again at the start of another Congress,

joined, as I said, by Senator MCCASKILL of Missouri, who was very helpful in our pushing this issue to the forefront at the end of the last Congress, and, as I said, I am pleased that we have Senator COLLINS onboard again.

There has been a lot of talk lately about the possibility of far-reaching reforms to how the Senate does business that have been hastily conceived and could shift the traditional balance between the rights of the majority and the rights of the minority parties.

In contrast, our resolution by Senator WYDEN and this Senator is neither of those two things. In other words, it does not shift any balance between the majority and the minority.

This resolution is well thought out, a bipartisan reform effort that has been the subject of two committee hearings and numerous careful revisions over several years. In no way does it alter the balance of power between the minority and majority parties, nor does it change any rights of any individual Senator. This is simply about transparency, and with transparency you get a great deal of accountability.

I wish to be very clear that I fully support the fundamental right of any individual Senator to withhold his consent when unanimous consent is requested. In the old days when Senators conducted much of their daily business from their desks on the Senate floor and were on the Senate floor for most of the day, it was quite a simple matter for any Senator at that time to stand up and say “I object” when necessary, if they really objected to a unanimous consent request, and that was it. That stopped it. Now, since most Senators spend most of their time off the Senate floor because of the obligation of committee hearings, the obligation of meeting with constituents, and a lot of other obligations we have, we now tend to rely upon our majority leader in the case of the Democrats or the minority leader in the case of the Republicans to protect our rights, privileges, and prerogatives as individual Senators by asking those leaders or their substitutes to object on our behalf.

Just as any Senator has the right to stand on the Senate floor and publicly say “I object,” it is perfectly legitimate to ask another Senator to object on our behalf if he cannot make it to the floor when unanimous consent is requested. By the same token, Senators have no inherent right to have others object on their behalf while at the same time keeping their identity secret, thus shielding their legislative actions from the public, because that is not transparency and it is obviously not being accountable.

What I object to is not the use of the word “holds” or the process of holding up something in the Senate, but I object to what is called secret holds. The adjective “secret” is what we are fighting. If a Senator has a legitimate reason to object to proceeding to a bill or

a nominee, then he or she ought to have the guts to do so publicly.

A Senator may object because he does not agree to the substance of a bill and therefore cannot in good conscience grant consent or because the Senator has not had adequate opportunity to review the matter at hand. Regardless, we should have no fear of being held accountable by our constituents if we are acting in their interest, as we are elected to do. I have practiced publicly announcing my holds for many years, and it has not hurt one bit. In fact, some of the Senators who are most conscientious about protecting their prerogatives to review legislation before granting consent to its consideration or passage are also quite public about it.

In short, there is no legitimate reason for any Senator, if they place a hold, to have that hold be secret.

How does our proposal achieve transparency and the resultant accountability? In our proposed standing order, for the majority or minority leader to recognize a hold, the Senator placing the hold must get a statement in the RECORD within 1 session day and must give permission to their leader at the time they place the hold to object in their name, not in the name of the leader. Since the leader will automatically have permission to name the Senator on whose behalf they are objecting, there will no longer be any expectation or pressure on the leader to keep the hold secret.

Further, if a Senator objects to a unanimous consent request and does not name another Senator as having the objection, then the objecting Senator will be listed as having the hold. This will end entirely, once and for all, the situation where one Senator objects but is able to remain very coy about whether it is their own objection or some unnamed Senator. All objections will have to be owned up to.

Again, our proposal protects the rights of individual Senators to withhold their consent while ensuring transparency and public accountability. In Congress, as well as almost anyplace in the Federal Government—except maybe national security issues—the public's business always ought to be public and the people who are involved in the public's business ought to stand behind their actions. As I have repeatedly said, the Senate's business ought to be done more in the public than it is, and most of it is public, but this secret hold puts a mystery about things going on in Washington that hurts the credibility of the institution.

This principle of accountability and transparency is a principle that I think the vast majority, if not all, of Senators can get behind. I believe the time has come for this simple, commonsense reform.

I yield the floor. Under the UC, if it is permissible to retain the remainder of our time, I do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oregon.

Mr. MERKLEY. Madam President, the Senate is broken. During the course of my first 2 years in this body, there have been only a couple serious debates in this Chamber. The first one happened just a couple weeks ago, and that was an impeachment trial of a judge. The magic began because the cameras were turned off. Senators were not speaking to the camera; they were speaking to each other. Second, they were required to be on the floor, so they were required to listen to each other. After all the evidence had been presented, Senators started to engage back and forth about their interpretations of the evidence, about the standards that would constitute grounds for conviction. One would not have been able to tell who was a Republican or who was a Democrat. We had a real debate, but it took 2 years to have that first debate. Then we had a debate over the START treaty. That was a pretty good debate too. That also happened just a couple weeks ago. For the balance of 2 years, there has virtually never been a serious debate on this floor with Senators hearing each other out, listening to each other, considering the pros and cons, addressing each other's amendments.

That is a tremendously different Senate from the Senate I first witnessed when I came here as a young man, as an intern for Senator Hatfield in 1976. I was up in the staff section. I would come down to meet Senator Hatfield on a particular tax reform bill that had a series of amendments. I would brief him on the amendment that was being debated. He would come in, talk it over with folks, and vote. An hour later, there would be another vote, and an hour later, another vote, with debate in between, back and forth, with enormous respect and courtesy among the Members to the principle of the Senate being a body of deliberation, a body of debate. But today, that respect is gone. The most visible sign of the decrease in the mutual accord has been the abuse of the filibuster.

"Filibuster" is a common term we use for a decision to oppose the termination of debate and oppose voting with a straight majority as envisioned in the Constitution. That starts from a principle of mutual respect, that is, as long as any individual has an opinion that bears on the issue at hand, that Senator should be able to express that opinion and we as a body should be able to hear it. Out of that would come a better policymaking process. Unfortunately, over time, that mutual respect has been yielded more and more as an

instrument of obstruction because each time a Senator objects to a simple majority vote, under the rules they create a 1-week delay and a supermajority hurdle. If one objects 50 times a year, they have wiped out every single week of the year.

This chart gives some indication of how grossly the principle of mutual respect and debate has been corrupted and abused.

From 1900 through 1970, there was an average of a single use of the filibuster each year—an average of 1 per year over that 70-year period. In the 1970s, that climbed to an average of 16 per year; in the 1980s, an average of 21 per year; in the 1990s, an average of 36 per year; between 2000 and 2010, this last decade, 48 per year; and in the last 2 years I have served in the Senate, 68 per year—an average of 68 per year or roughly 135, 136 in that 2-year period. If each one of these absorbs 1 week of the Senate's time, one can see how this has been used to essentially run out the clock and obstruct the very dialog on which the Senate would like to pride itself.

There is a statement about the Senate: the world's greatest deliberative body. But today in the modern Senate, that incredible tribute to this Chamber has been turned into an exclamation of despair. Where did that deliberative body go—not only not the greatest deliberative body but virtually devoid of deliberation due to this abuse. We went from mutual respect to essentially mutual legislative destruction using this filibuster.

In 2010, this last year past, not a single appropriations bill passed. We have a huge backlog of nominations. Our role of advice and consent has been turned into obstruct and delay in terms of nominations for the executive branch and the judiciary. We have a constitutional responsibility to express our opinion, but this body, by using the filibuster, has prevented Senators from advising and consenting, either approving or disapproving these nominations. It certainly is terrible to have our responsibilities as a legislature damaged, but not only have we done that, we have proceeded to damage the executive branch and the legislative branch—quite an intrusion on the balance of powers envisioned in our Constitution. Then we have the hundreds of House bills that are collecting dust on the floor because they cannot get to this Chamber because of this abuse.

All of this needs to change. When I first came here in the 1970s, when there was a challenge in 1975, there was a huge debate, and it resulted in changing the level required to overcome the filibuster from 67 Senators to 60 Senators. Yet in 1973 and 1974, the 2 years that preceded, there was only an average of 22 filibusters a year, not 68. We have more than tripled the dysfunction that led to the last rules debate.

That is why we are here today—to find a path forward. There are so many who have been so instrumental in this debate. So many Members of the class of 2006, 2008, and now Members of 2010 are engaged in this effort. My hat goes off to Senator SCHUMER for leading the hearings in the Rules Committee and trying to find that balance between every Senator's right to be heard and our collective responsibility for the majority to legislate. Senator UDALL has done this enormous investigation of the constitutional process for amending the rules and so many others.

The first key part in the package of reforms a number of us—16, I believe, now have cosponsored this resolution—is the talking filibuster. The talking filibuster reform is essentially to make the filibuster what all Americans believe it is; that is, if you believe so strongly that this Chamber is headed in a direction that is misguided, you should be willing to come and take this floor and make your case to the American people.

Let's take a look at our image of that. Here we are: Jimmy Stewart playing the role of Jefferson Smith, who comes to this Chamber where I now stand and says: I will take this floor to oppose the abuses that otherwise might go forward, and he held that floor until he collapsed.

That is what the American people believe a filibuster is all about. You want to make your case before the American people. But today we don't have a talking filibuster in the Senate. We have the silent filibuster.

Let's take a look at what that looks like. This is the way it works: A Senator takes their phone—maybe an old or modern phone—they call the cloakroom, and they say: I object to a majority vote, and then they go off to dinner. They do not take the floor with principle and conviction to say to the American people: Here is why I am delaying the Senate. Here is why I am going to hold this floor. This is not a situation we can allow to go forward and I am going to stand here and make my case and, American citizens, please join me and help me convince the other Senators in this room. That is the talking filibuster. But now we have the silent filibuster.

My good colleague from Tennessee spoke earlier, and he said: I would like to have the talk-your-head-off proposal. I am glad to hear him back the talking filibuster—the Jimmy Stewart filibuster. That is what this reform does. It says, when folks object to concluding debate, it is because they have something to say, and so we are going to require they come to the floor and say it. It is that simple. When nobody has anything left to say, then we will proceed with a majority vote. We don't change the number of Senators required one bit. It is still 60, which com-

pletely honors that principle established in 1975.

The second main proposal is the right to amend. A number of our colleagues on both sides of the aisle have been very concerned about the fact that issues come to this floor and you can only amend if you get unanimous consent to put an amendment forward, and that only works, largely, if there is a deal that has been worked out between the majority and the minority leaders. Some of my colleagues across the aisle say they are offended by their inability to amend.

I can assure my colleagues across the aisle that I am equally offended. I wanted desperately to be able to offer amendments to President Obama's tax package that came through here because I think we could have improved it, and I think we should have seen amendments from the other side. This is an issue of concern from both sides. This proposal addresses that and says there will be a guaranteed set of amendments that the minority leader can pick from among the minority members and a guaranteed set of amendments the majority leader can pick from among the majority members, but we get the process of amendments going.

If they want to have unanimous consent to increase that number to a higher level, get more for the minority or the majority side, that would be terrific, but at least they can't say no amendments. No leader can block the principle that each side has the opportunity to amend.

The third point is on nominations. Right now, we have this huge backlog. This resolution makes a modest change in nominations. It says the period following cloture will be reduced from 30 hours to 2 hours. We have already had the debate over the individual, let's have the vote. That is what that says. This means Senators will be less tempted to use the filibuster on nominations as an instrument to delay and obstruct the Senate. It is not a completely pure reform but a step forward in the right direction.

Our fourth is the ban on secret holds. Senator GRASSLEY has spoken to this, and Senator WYDEN will speak to it. Senator MCCASKILL has joined with them and others, and I believe at one time point there were as many as 70 Senators expressing in a letter their support to get rid of the secret hold. Anyone who wants to hold up legislation should have to stand on this floor and present their objection to this Chamber, to their colleagues, and to the American people.

When folks have to take a position on this floor, whether it be through the talking filibuster or through publicly announced holds, then the American public can weigh in. Then you are taking the business out of the back rooms and onto the floor of this Chamber and

American citizens can say: You are a hero for your actions or you are a bum for what you are doing.

The fifth point is a clear path to debate. Right now, a lot of times we suffer through just getting to debate; that is, getting onto a bill to begin with or proceeding to a bill. There is probably no better example of the abuse of the filibuster—which was supposed to be mutual respect for debate—being used to prevent debate. So under this proposal, there would be 2 hours of debate over whether to proceed to a bill and then we would vote. We would either go to the bill or we would not. If Senators then want to filibuster on the bill, they can do it, but it would be a talking filibuster, where we are not in the back rooms, we are out here making our case.

These five concepts are not radical concepts. They are modest steps toward saying that in this incredibly partisan environment we now operate in, where so many press outlets are attacking on each side all the time and so on and so forth, we have to set ourselves on the path to taking ourselves out of that hyperpartisan atmosphere and start to restore the Senate as a place of dialog and debate. Perhaps these are modest steps but modest steps in the right direction, and that is an extremely important way to go. So I call on my colleagues on both sides of the aisle—colleagues who have said there should be amendments, colleagues who have spoken in favor, on both sides of the aisle, of the Jimmy Stewart model of holding this floor and having talking filibusters—to approve this. Let's use the start of this 2-year period to acknowledge that something is deeply wrong when, in a 2-year period, we have 135 or 138 filibusters eating up all the floor time and preventing modest bills from moving forward and keeping us on this path to gridlock. The Senate is broken. Let's fix it.

I thank the Chair.

THE PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I have enjoyed this extensive opportunity to hear my colleagues on a very important subject about what the nature of the Senate will be. I am going to have about 10 minutes of remarks on the comments of Senators MERKLEY and UDALL, and then I will yield to Senator WYDEN, for his comments.

If I could say anything from deep down within me to my colleagues who are so exercised about this, it would be this: Before we change the rules, use the rules.

We talk about Senator Byrd a lot because he understood the rules so well. I have often told the story of when Senator Baker became the Republican majority leader in 1981. He went to see Senator Byrd, the Democratic leader, and said: Senator Byrd, I am suddenly the majority leader. I will never know

the rules as well as you do, so I will make a deal with you. If you will not surprise me, I will not surprise you. Senator Byrd said: Let me think about it. The next morning he told Senator Baker he would do that.

The reason I mention those two Senators is because, before we get too mired down in our differences, let us think for a moment about what our goal ought to be. The goal for the Senate, to me, is to return the Senate to the way it operated during those 8 years when Senator Byrd and Senator Baker were the leaders of their parties. Four years Senator Byrd was the majority leader and 4 years Senator Baker was the majority leader.

I have talked to staff members, some of whom are still around. Senator MERKLEY's history goes back to Senator Hatfield in 1976, but I first came in 1967 as Senator Baker's legislative assistant, when there was only one legislative assistant per Senator. In 1977, I came back and spent 3 months with Senator Baker when he became the Republican leader, and I followed him pretty closely during the next 8 years.

Here is the way it worked back then.

The majority leader—whether it was Senator Byrd or Senator Baker—would bring a bill to the floor. He would get the bill to the floor because Senators knew they were going to get to debate and amend the bill. The Senator from Oregon is talking about no debates occurring today. Well, of course there are no debates, because when Republicans come down here with amendments, the majority leader doesn't let us offer them. All those cloture motions he is talking about means the majority leader is cutting off my right to represent my people and offer an amendment in a debate. They are calling a filibuster a cutoff. It wouldn't be a filibuster if the majority leader weren't cutting off my right, which he has done more than the last six majority leaders combined.

But let's go back to what our goal should be. Senators Byrd or Baker would say: OK. The Energy bill or the education bill is up, everybody get their amendments in. They might get 300 amendments filed. At some point, the majority leader would say: I ask unanimous consent that the amendments be cut off. Of course, they would get that after a while because everybody had all the amendments in that they could think of.

You didn't go to the majority leader down on your knees and say: Mr. Majority Leader, may I please offer this amendment or that amendment. You just put your amendment out there, and then they started voting.

Then Senators Byrd and Baker did something else we don't do today, which is why I am talking about using the rules before we change the rules. They debated, they voted; they debated, they voted; they debated; they voted. Of course, 300 amendments are a

lot of amendments to get through. So the leaders and the staff would say to the Senator from North Carolina or the Senator from Oregon: Are you sure you want 25 amendments? It is Wednesday night. No, 10 will be enough. On Thursday night they might say: Are you sure you want these five amendments? It is Thursday night. We are going to be here Friday, and we are going to finish this bill. We will be here Saturday if we have to be, and we will be here Sunday. You are going to get your amendments, and we are going to vote on it, but we are going to finish the bill. That is what the leaders did.

Sometimes there would be a piece of legislation that would come up where one side or the other wanted to kill it and so they would try to kill it. That's just like we would do today, if Democrats were to bring up a bill to abolish the secret ballot in union elections. We would do everything we could to kill it. If the House passes a bill and brings it over here to repeal the health care law, the Democrats are going to do everything they can to kill it. That is separate. But most of the time under the leadership of Senators Byrd and Baker, the bill came to the floor, there was bipartisan cooperation, and there were amendments.

Why was there bipartisan cooperation? Because the leaders knew that unless they had it, they wouldn't move an inch. Being good Senators, they wanted to do their jobs. In fact, Senator Baker would often tell his Republican chairmen: Don't even bring the bill to the floor unless the ranking member, the Democrat, is with you. So most of the time, you would have the Democrat and the Republican there together and they would allow amendments, would fight other amendments off, and they would get to a conclusion. There weren't so many filibusters because the majority leader wasn't cutting off the right to debate and calling it a filibuster. This is a word trick is what this is.

I have talked to a lot of my friends on the Democratic side and a lot of Republicans and I think we basically want the same thing. I think we want a Senate that works better. I think it is now a mere shadow of itself. I agree with Senator MERKLEY about that but not because of filibusters. It is because the majority leader is cutting off debate and calling it a filibuster.

The majority leader and the Republican leader I commend today because they have been talking about how we can do better. We all know that changing our behavior will be more lasting than changing the rules. I am glad Senators REID and MCCONNELL are working on this. They have asked Senator SCHUMER and me to work on it some more, and we are going to do that. We have had several meetings and we have another this afternoon and we will keep working. We will consider care-

fully these proposals or any others that come, and we will see if we can come to some agreement about how to move ahead.

My heartfelt plea is before we change the rules, let's use the rules. Going down through the list of reform suggestions:

The motion to proceed—that is a difficult one for many of us because if you are in the minority the motion to proceed is your weapon to require the majority to give you amendments.

Secret holds—Senator WYDEN tells me he and Senator GRASSLEY have been working on that for 15 years. They have Republican support and Democratic support for it. Maybe this is the time to deal with secret holds. I make my holds public. When I was nominated for the U.S. Education Secretary by President Bush, the Senator from Ohio held me up for 3 months and never said why. I went around to see the Senator Rudman from New Hampshire and asked him what to do. He said when he was nominated by President Ford to the Federal Communications Commission, the Senator from New Hampshire held him up. Finally Rudman withdrew his name and ran for the Senate against the Senator and beat him. That is how Senator Rudman got in the Senate. Secret holds is an area that has had a lot of work and bipartisan support.

The right to offer amendments—the problem I have with altering the current rules is that offering amendments is what we do. I went to see Johnny Cash one time in the 1980s, and I asked him a dumb question, I said: Johnny, how many nights are you on the road? He said: Oh, 200. I said: Why do you do that? He said: That is what I do. If you are on the Grand Ole Opry, you sing. If you are in the Senate, you offer amendments and you debate. That is what we do, that is what we are supposed to do. Yet we have not been allowed to do it.

Talking filibusters—if we are talking about the postcloture period, the problem with that is the majority has not used the rules. If I object to going forward with a bill, the majority, if they think I am abusing the rules, can say OK, Senator ALEXANDER, get down there on the floor because we are going to be here all night. And you can only get 7 hours and then you have to line up 23 other Senators to take 1 hour each, and if you stop talking we are going to put the question to a vote. If you do a number of certain other things we are going to make a dilatory motion. In other words, the majority can make it really hard for a Senator who objects.

Someone said one, two, three, or four Senators can hold this place up. They cannot hold it up. Because if you have 60 votes you can pass anything. If you have 60 votes you can pass anything and Senator Byrd said in his last testimony before the Rules Committee that

you can confront a filibuster by using the rules.

The last two things we could do are, No. 1, we could stop complaining about voting. It happens on the Republican side and the Democratic side. If somebody offers an amendment that is controversial and everybody runs up to the leader and says we don't want to vote on that, then too bad. We are here to vote. That is why we are here so we should do that.

The third thing we can do, and Senator Byrd suggested this in his last testimony, is let's get rid of the 3-day work week. There is not enough time for all the Senators to offer their amendments and there is not enough time for the majority to confront the minority if they think the filibuster is being abused if we have a 3-day work week, and we never vote on Friday. We did not vote on Friday one time last year.

Let's use the rules. If you think we are holding something up improperly, confront that Senator. Run over him. You can do it. You have the power to do it if you have 60 votes. In this new Congress there will be plenty of opportunities there.

Finally I am going to take these five suggestions and work with Senator SCHUMER and work with my friends on the other side. They are very thoughtful. Senator UDALL spent a lot of time on this, Senator WYDEN and Senator GRASSLEY spent 15 years. Senator MERKLEY used to be a speaker. We have talked a number of times. I greatly respect his work in his State and the fact that he has seen the Senate for a long period of time. I am taking very seriously everything that is said here. I am just worried about turning the Senate into the House.

We have a majoritarian organization over there. They can repeal the health care law or they can get rid of the secret ballot in union elections with a majority vote. If you turn this place into that, you just go bam, bam and it is done. The Senate is the place for us to say: Whoa, whoa, let's see if we can get a consensus before we do anything.

When we get a consensus we not only get a better bill, but usually, the country accepts it better. The American people like to see us cooperating. They like to see us coming up with a tax bill or treaty or civil rights bill or a health care bill or a financial regulation bill, where we all have something in it. They feel better about that product. It is the check and the balance that is the genius of our system.

Obviously we can do some things better around here. I am committed to trying. I thank my friends for the amount of time and effort they have given. I am going to take everything they have said very seriously and in the spirit they have offered it. But I hope a part of our solution is that we use the rules before we change the

rules because this is the forum to protect minority rights, this is the forum to force a consensus, and we dare not lose that. We dare not lose that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of the bipartisan Wyden-Grassley-McCaskill-Collins resolution to end secret holds, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Madam President, reserving the right to object, as I said earlier, Senator WYDEN and Senator GRASSLEY and Senator MCCASKILL and others have worked on this, some of them for as long as 15 years. They have made significant progress in gaining bipartisan support. I am going to object but only for the reason that this is one of the items we will be discussing and working on over the next few weeks with the hope that perhaps we can get agreement over here and agreement over there. It has been mentioned by all of the speakers today. It is a very serious proposal. But because we do not want to resolve it today, I object.

The PRESIDING OFFICER. Objection having been heard, the resolution will go over under the rule.

The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, let me thank Senator ALEXANDER for the discussions he has had with me on this issue. Senator MCCONNELL has also spoken with me about this. I wish we were getting this done today, largely because this would give us a chance on the first day of the Senate's new session to send a message that once and for all we were deep-sixing secrecy, that we were saying public business ought to be done in public. I wish it were being done today but I understand completely the sentiments of the Senator from Tennessee and the fact that he is willing to work with me is something I appreciate.

As I have indicated, there are obviously significant differences between the parties about how to reform the rules of the Senate. What I hope will be done—certainly the very first day that the Senate comes back and is in a position to formally act, which appears to be January 24—is once and for all we would bring Democrats and Republicans together around an extraordinarily important change in the Senate procedures that Senator GRASSLEY and I have been trying to change for literally 15 years. Particularly with the energy and enthusiasm Senator MCCASKILL has brought to the cause, I think we are now on the cusp of being able to finally get this done.

It has been clear that if you walk up and down the Main Streets of this country, people do not know what a se-

cret hold is. Probably a lot of people think it is a hair spray. The fact of the matter is there are practically more versions of secret holds in the Senate than there are in pro wrestling. But what a secret hold is really all about, it is one of the most extraordinary powers an individual Senator has here in the Senate and it can be exercised without any transparency and without any accountability whatsoever. What a secret hold is all about is one Senator can block the American people, the entire country, from learning about a piece of legislation that can involve billions of dollars, scores and scores of people, or a nomination with the ability to influence the lives of all Americans. One Senator can block that consideration without owning up to the fact that Senator is the one who is defying the public's right to know about how Senate business is blocked.

That is wrong. It is not about how Republicans see it, or Democrats see it, it is just common sense. Most people say, when you tell them that a Senator can block an enormously important piece of legislation or a nomination that affects millions of people and they can do it in secret, I can't believe you have those kinds of rules.

The fact is, that is the way the Senate operates. Suffice it to say it is getting worse. A few days ago, for example, Chief Justice Roberts said that the number of vacancies on our courts is creating a judicial emergency. Those are the words of Chief Justice Roberts.

At least 19 Federal judges have been approved by the Senate Judiciary Committee unanimously or near unanimously and never got a vote on the floor of the Senate. Not one Senator has publicly taken responsibility for worsening the judicial crisis that Chief Justice Roberts has been decrying over the last few days. Think about that. The Chief Justice of the United States during the Christmas holidays included in his annual report on the Judiciary that the delay in confirming federal judges is creating an emergency in the judicial system.

Chief Justice Roberts, in my view, is correct. I think we do have an emergency. We have been trying to get several judges in the State of Oregon approved, Senator MERKLEY and I have been working to get this done. But these nominees and others have been blocked and no Member of the Senate will publicly take responsibility for worsening this crisis that Chief Justice Roberts is appropriately so concerned about.

We have tried in the past with legislation to end secret holds. We actually got a law passed at one time to get rid of secret holds. We have tried with pledges from the leadership of both political parties. In every instance, the defenders of secrecy have found their way around the requirements and, in my view, the public interest.

I will make two points and then I want to allow Senator McCASKILL to have a chance to address this issue. There are two points with respect to why this effort to end secret holds would be different. The first is that every hold here in the Senate, after the passage of this bipartisan resolution, would have a public owner. Every single hold would have a public owner. Second, there would be consequences. In the past, there have not been consequences for the individual who would object anonymously. In fact, the individual who would object would usually send someone else out to do their objecting for them and there would be complete anonymity for, essentially, all concerned because the person who would be objecting would be in effect saying this is not my doing, I am doing it for somebody else.

The heart of this bipartisan compromise is to make sure that every hold has a public owner and there would be consequences. There may be a Senator around here who becomes known as "Senator Obstruction." Senator Obstruction is the one who is trying to block public business. Let him explain it to the American people.

I will have more to say about it in a little bit, and there is the possibility of other colleagues coming to speak. But Senator McCASKILL has brought the kind of energy and passion to this that has made it possible for us to, as I say, be on the cusp of finally forcing, here in the Senate, public business to be done in public. I thank her for all her help and will allow her to take the time. She said she thought she might speak for around 10 minutes. Senator KLOBUCHAR, who has also been a great and passionate advocate of open government, will also speak, and for colleagues who have an interest we have 30 minutes of time.

I say to Senator McCASKILL, with appreciation for all she has done, the time is hers.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Madam President, when I arrived in this Chamber 4 years ago at this time, I had no idea what the ways of the Senate were. I had an idea that this was a place where people came to debate and to have a collegial relationship with fellow Senators across the aisle. There had been a lot of problems with ethical issues in the Capitol. So one of the first things that happened to the class of 2006 was S. 1, and S. 1 was a far-reaching ethics bill that included things such as no more free flights on corporate jets. It included new requirements in terms of gifts from lobbyists, and it also included a provision that I did not know at the time had been worked on by Senator WYDEN and Senator GRASSLEY for many years.

That provision said we were not going to have secret holds anymore. So

imagine how great I felt on January 18, 2007, that we had done this comprehensive ethics bill that was going to clean up our act, and that we were not going to have secret holds. Well, I find it ironic that Senator ALEXANDER says: Well, just use the rules. Just use them.

Well, so when I started figuring out that the game around here in the last 18 months had developed into a game of secret holds, I asked my staff: Hey, did we not have something in S. 1 about secret holds? Not knowing really the relationship that language had to Senator WYDEN and Senator GRASSLEY.

So my staff pulled out the legislation and we looked at it. I said: Well, right here it says they cannot do it. So I began coming down to the floor and using the law.

I did exactly what Senator ALEXANDER recommended. I came down here and began making motion after motion, which under the language of that statute would seem to indicate all of the Senators supported—except for a handful—that once you made these motions people would have to come out of the shadows and claim their holds.

Well, that is when I discovered the people who voted for this, or a bunch of them, did not mean it. They did not mean it. It was window dressing. They were not sincere about ending secret holds because we discovered, when we started trying to use that language, some of the folks who voted for it were doing the old switcheroo. When they were called upon under the law to reveal their holds, they would just hand their hold off to someone else.

That is when I began getting frustrated with the games that were being played. I thank Senator WYDEN and Senator GRASSLEY and others who have worked on this, but I will tell you what is the most depressing thing I have heard today: that this is something that has been worked on for 15 years.

Now, seriously, think about that. We have allowed people to secretly hold nominations and the people's business, and there have been Members trying to clean it up for 15 years. We wonder why we are having trouble with our approval ratings.

Nothing is more hypocritical than all of the sanctimonious stuff I am hearing down the hall about the new era, no more business as usual, no more. We are going to have accountability and transparency. But yet we seem to be embroiled, down at this end of the hall, with not even being able to get beyond a secret hold. This should not be hard; this should be easy.

Now, some of the other provisions that are being debated today, I understand there is concern about the power of the minority in the Senate. I think those concerns have been addressed in the resolution that has been presented by Senator MERKLEY and Senator UDALL and Senator HARKIN from Iowa.

But if we cannot get 67 votes to end secret holds and amend the rules, how

seriously can we take anybody who claims they want accountability and transparency in government? I mean, this is the hall of fame of hypocrisy. This is not just hypocrisy, it is the hall of fame. So that is why I think we have to get busy and get the secret hold provision done.

I would like to see us get all of these reforms done. I wanted to spend a second on what Senator ALEXANDER's suggestion was. His suggestion was to use the rules. Well, honestly, does he think the way to solve this problem is to force the majority to stay here all night, with staff, spending the taxpayers' money to force someone over and over again to say, "I object"?

We cannot make the minority talk. So that means the majority, whether it is Democrats or Republicans, has to stay all night and call the question. They do not have to have—I mean, we could do live quorum calls, but that is what we need to do to make this place work? That is his suggestion, to force the people who are objecting and the staff and the people around here to stay here all night every night until someone breaks? That is a good idea?

I think that means someone has probably been around here too long. It does not sound like a good idea, that it is not a commonsense idea that we would be promoting on Main Street in Missouri. I think it makes more sense, if you are the minority and you want to block legislation that you own it. Just own it. Block it. That is what the Senate is about. The minority can continue to block legislation whether the Democrats are in the minority or the Republicans are in the minority. They can block all the legislation they want. They just have to own it. They have to be willing to say they are blocking this for the following reasons—because we think it is important—and let the people decide.

Same thing with holds. You want to hold something, hold it. But let the people decide whether you are being reasonable or whether you are—really what I was disgusted to learn is how many people were using secret holds. In fact, they brag about it. They are using secret holds to get something else. I am going to hold this nominee in this department because I want money for a community center in my town. If you do not give me money for a community center in my town, you cannot get the Deputy Secretary of the Interior through. I mean, I am making up this example, but this was actually going on. It is like you secretly hold something so that you can get them to give you something else. That is the essence of the backroom dealing that people are disgusted with. Own it. Be proud of it. Defend it. Debate it. But do not hide it. That is what this is all about.

I thank all of my colleagues who have worked on this. I just want to

close with this comment: Bad habits have consequences, and if we do not take this opportunity to fix what is going on in the Senate—this is not the way the Senate has operated for hundreds of years. If we do not change this path, then we are going to be on this path forever. And if the minority now does not think that when the time comes they may not be in the minority anymore, if we do not think we have not learned from them—seriously?

This place is going to be dysfunctional as far as the eye can see because they will fill the tree and we will just block everything. Then they will block everything and we will fill the tree. This is going to go on forever until there are enough people around here who are willing to set aside the political maneuvering and do what is right for the future of deliberations in a body that we all want to be proud of. But right now we cannot be so proud of the way we operate.

I thank the Senator from Oregon and all of the Senators who have worked on this issue. I hope we can pull back from the brink because that is where we are. We are about ready to institutionalize a way of operating around here that is not something that any of us should be proud of.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. WYDEN. Madam President, I yield 5 minutes to the Senator from Minnesota.

Ms. KLOBUCHAR. I thank Senator WYDEN for his leadership.

Madam President, as we begin the 112th Congress, I first congratulate my colleagues on how we ended the 111th Congress. We had an incredibly productive lameduck session, ensuring that taxes were not raised on the middle class during an economic downturn, ratifying the START treaty, among other things. We worked together to solve problems. This was not always the case during the last Congress. But we ended on a high note.

As our work begins today anew, we all know there is still a great deal of work to be done. We have a lot of work ahead of us to ensure that American workers can find jobs, to get our private sector economy back on track, to find long-term solutions to our mounting deficit. Because of the urgent business that is in front of us, I am hopeful that my fellow Senators and my colleagues across the aisle will agree that it is time for change, that it is not time for business as usual.

We have heard from so many of my colleagues who have been working on this issue—Senator UDALL from New Mexico, Senator MERKLEY, Senator HARKIN, Senator WYDEN, Senator

MCCASKILL, and also Senator GRASSLEY, which is important work on the secret holds.

The elections on November 2 sent a message to every Member of Congress that the American people are not interested in partisan bickering or procedural backlogs or the gamesmanship and gridlock that prevents elected officials from doing their job. We were not hired by our constituents to hide behind outdated Senate rules as an excuse for not accomplishing things or not taking tough votes. That is just what the current Senate rules are allowing us to do.

I heard a lot from my friend from Tennessee about how we should use the current rules. But the problem I have is that too many people have been abusing the current rules. First, as Senator WYDEN, Senator MCCASKILL, Senator GRASSLEY have so eloquently stated, we have to permanently end the practice known as secret holds, which basically allows one or two Members of the Senate to prevent nominations or legislation from reaching the Senate floor without identifying themselves.

We thought we had this done, as Senator MCCASKILL pointed out, with the ethics bill we passed when we first came into this Chamber. But, unfortunately, once again, those rules were abused. There are some Senators who are playing games with the rules. They are following the letter but not the spirit of the reforms we adopted.

Look at the kind of secret holds we have seen, secret holds preventing the President from assembling the team he needs to run the executive branch. This summer, for example, secret holds were placed on two members of the Marine Mammal Commission for months. The Marine Mammal Commission—held secret in a hold while the Deepwater Horizon oil spill was continuing to play out in the gulf region.

A second example of what we have to get done is filibuster reform. It is a long-standing tradition in the Senate that one Senator can, if he or she chooses, hold the floor to explain objections to a bill. We think of Jimmy Stewart's character, Jefferson Smith, in "Mr. Smith Goes to Washington," as a shining example of how individual conscience can matter because an individual can stay on the Senate floor to the point of exhaustion in order to stymie a corrupt piece of legislation.

Well, that is not how the filibuster works in practice today. Today, an individual Senator virtually has the power to prevent legislation from being considered by merely threatening a filibuster. At that point, the majority leader must file a cloture motion in order to move to that piece of legislation. This adds a great deal of time to an already crowded Senate calendar. This is not governing. This is not how we do the people's business. This is not how we come together to find practical solutions to our common problems.

Our current system is a far cry from Jimmy Stewart. That is why a group of us have been working to get some legislation passed to change the rules going forward. When you think about the history of the Senate—and I listened with great respect as my colleagues talked about the tradition and the importance of the rules of the Senate, about protecting the rules of the minority. None of these proposals will interfere with the rights of the minority to filibuster any piece of legislation.

But when you look at the history of the Senate, it is about tradition. As time goes forward, there have been changes to the Senate rules. Every few decades there are changes to the Senate rules. Look at my former colleague, Vice President Mondale, a great leader who made significant changes to the Senate rules.

This is all about transparency and accountability. I urge my colleagues to support this resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from Oregon.

Mr. WYDEN. Mr. President, I do not see any of our colleagues who want to speak on the bipartisan efforts to end secret holds, so let me make a couple of comments in wrapping up.

The first is, Senator GRASSLEY and I and others who have been at this for so long have been willing in the past to just put a statement in the CONGRESSIONAL RECORD when, in the handful of instances, we thought it was important to block a particular piece of legislation or a nomination. We felt it was important to be publicly accountable.

All we are asking is that principle of openness, transparency, and government in the sunshine apply to all Members of the Senate.

The fact is, secrecy has real consequences. I mentioned the fact that Chief Justice Roberts has been so concerned about the judicial emergency he has seen develop in the court system. I saw during the lameduck session, on a bipartisan bill Senator CORNYN and I spent many months on to combat sex trafficking, the consequences of a secret hold. When our bill passed the Senate, it went over to the House of Representatives, was passed in the House, and then came back to the Senate and was blocked secretly. And this was a bipartisan bill to allow us to strengthen the tools law enforcement would have in order to fight sex trafficking, to provide urgently needed shelters to sex trafficking victims. A bipartisan bill Senator CORNYN and I spent many months on did not become law during the lameduck session because of a secret hold.

A lot of Senators have seen exactly these kinds of problems with judges and U.S. attorney candidates. We had both from my home State, two judges

who couldn't be considered because of a hold and we could not identify who was objecting, the same with the U.S. attorney nominee. These are the real consequences of secret holds.

The big winners in these secret holds are the lobbyists. The lobbyists benefit tremendously from secret holds. Practically every Senator has received requests from a lobbyist asking if the Senator would put a secret hold on a bill or a nomination in order to kill it without getting any public debate and without the lobbyist's fingerprints appearing anywhere. If you can get a Senator to go out and put an anonymous hold on a bill, you have then hit the lobbyist jackpot. No lobbyist can win more significantly than by getting a Senator to secretly object because the Senator is protected by the cloak of anonymity, but so is the lobbyist. With a secret hold, Senators can play both sides of the street. They can give a lobbyist a victory for their clients without alienating potential or future clients.

Given the number of instances where I have heard of lobbyists asking for secret holds, I wish to say that those who oppose our efforts to end secret holds are basically saying we ought to give lobbyists an extra tool, an extension of the tools they already have in order to advocate for their clients and defy public accountability.

We passed stricter ethics requirements with respect to lobbyists. But it looks to me to be the height of hypocrisy if the Senate adopts a variety of changes to curtail lobbying, as has been done in the past, and at the same time allows lobbyists to continue to benefit, as so many special interests have, from secret holds.

This is the opportunity, after a decade and a half, for the public to get a fair shake and for the public interest to come first. We have tried this in the past. We have tried this in the past with pledges and by passing a law and each time the supporters of secrecy found ways around it. But I think the public has caught on.

Suffice to say, there are going to be plenty of differences between Democrats and Republicans with respect to how to reform the rules of the Senate. What I think has come to light is, it doesn't pass the smell test to keep arguing that Senate business ought to be done in secret. The American people don't buy that anymore. They think this ought to be an open institution, a place where every Senator is held accountable.

This time it is going to be different. There are going to be public owners of any hold. There are going to be consequences for any Senator who tries to block a bill or a nomination in secret. This is going to be an important vote when we come back, a very important vote, and finally one that will require that public business in the Senate be done in public.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. MURRAY and Mrs. HAGAN are printed in today's RECORD under "Morning Business.")

Mrs. HAGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, with the process we are in right now—and we have had questions back and forth on this whole issue of Senate rules reform—I want to respond to Senator ALEXANDER because Senator ALEXANDER raised some questions, and some of those questions were not answered on our side. So I want to put in a couple responses here.

Senator ALEXANDER asked the question: What is a filibuster? He was asking our side. He was asking in this debate, what is a filibuster? Well, all of us know and we have heard in this debate what a true filibuster is. We saw a hero here on our side in terms of a true filibuster when it came to BERNIE SANDERS just a week or so ago, where he stood up for 8 hours to oppose a tax package on principle. He took the floor and he spoke and spoke passionately.

I say to Senator HARKIN, another example of a true filibuster is from a movie the American public knows the best, a Jimmy Stewart movie, "Mr. Smith Goes to Washington." Senator MERKLEY earlier had some charts on that, and he showed Mr. Smith on the floor, surrounded by other Senators, where he spoke until he collapsed.

Then you have the old-time tales of the Southern Democrats when civil rights legislation was being pushed in the 1950s and 1960s, when a number of what you would say were Northern Senators were pushing an anti-lynching law because lynching was going on in the South. So they were trying to say you cannot do that, and Southern Senators would stand up—I think sometimes the record was in the range of 20 hours or 25 hours where they were completely exhausted from speaking on the floor.

So that is what the American public thinks about a filibuster.

Well, we know that is not what is happening here. I have been here for 2 years, and the only real filibuster I saw was the BERNIE SANDERS filibuster. I

asked one of the historians, I think: When was the last one? And they said: Well, you would go back to 1992 and Alfonse D'Amato, where he took 12 hours to talk about an issue in New York that he was passionate about.

So when Senator ALEXANDER asked us, What is a filibuster, that is my description of what a filibuster is.

But what I think the real question is—and I would like Senator ALEXANDER, when he returns, to answer this—is, What impact has the threat of a filibuster had? What impact has the threat of a filibuster had? So people are probably asking: What are we talking about when we say "the threat of a filibuster"? Well, actually we have been talking about it all day.

First of all, it is the secret holds. As our Presiding Officer, who sits on the Judiciary Committee, knows, they work very hard in the Judiciary Committee. They produce a bipartisan result on these judicial nominations. These judicial nominations come out. They are put on the calendar. Then months and months and months later some of them get up for a vote.

I do not know about the exact number, but my understanding is that we had to send back to the President a number of judicial nominations that had received bipartisan support from the committee. We finished our business in December, and we sent those nominations back, only to have to have the President send them back down again because it is a new Congress. We are going to have to have hearings all over. This is the kind of situation we are in. So that is one specific case of the threat of a filibuster. And we have these all the time.

One of the ones that is the most remarkable to me—and I am not going to pick out the Senator or the exact committee—but a number of us, as Senators, saw a stack of bills, a stack of legislation that had come out, on a bipartisan basis, from one of our committees that was very thick, and it was legislation from 2 years—2 years—of that committee legislating in a bipartisan way, and those Democrats and Republicans working together and doing the hard work, and one Senator—one Senator—held up all of that legislation this last Congress, held it up completely.

That is the threat of a filibuster. You may say: Well, how did that happen? What happens is, the legislation comes out of committee, and a Senator—whom we do not even know; a lot of us suspect after various things that have happened over time, but the Senator comes down and says, in a secret way to his leader: Well, if you bring any of those bills to the floor, I am going to filibuster.

That is what the threat of a filibuster is. But that is an agreement that none of us knows about. So the threat of a filibuster has had an enormous impact on this institution.

Let me describe a couple of other things.

I talked about judicial nominations. As to executive nominations, I come from the era when my father was Secretary of the Interior. I was a kid. I remember when he went into office. In visiting with him about that later, I said: We can't get executive people in place. They don't have their team. He said: TOM, I had my whole team in place the first 2 weeks. So you are talking about the whole team for the Department of the Interior in the first 2 weeks.

I remember the Washington Post did an extensive study of the first year of the Obama administration. So imagine: President Obama takes office. He goes through a year, and he only had 55 percent of his executive nominations in place. So he only had 55 percent of his team.

Those of us who believe in government, believe that government does good things out there, find that appalling because we believe if you put people in place, they will be responsive to citizens on the particular issues of those departments. So that is very important, I believe, getting executive nominations in place. So that is what the threat of a filibuster ends up doing.

I see my colleague from Mississippi, and I do not know whether he is going to step in for Mr. ALEXANDER and ask questions. We are in this questioning back and forth period. Senator HARKIN may want to say something on the question issue here too. What impact has the threat of a filibuster had?

We can hear the argument—Senator ALEXANDER has made this a number of times—look at all the great things you accomplished in the lameduck and look at all the great things you feel you accomplished in terms of health care, the stimulus package, and financial reform. But the reality is, in order to accomplish those in the constant filibuster we were in, we have basically destroyed our institution. As some of the more senior Senators here have told me, the Senate is kind of a shadow of itself.

What I do mean: "We have destroyed the institution"? Well, it used to be that our big oversight function was to look over the money bills for the government, the appropriations bills. Guess what. Last year we did not do a single appropriations bill on the floor of the Senate. You do not have to go back very far when we used to bring all 12 of those bills to the floor, and we would have 2 or 3 days of lively debate. Every Senator could put in amendments.

Senator HARKIN knows because he is one of the cardinals, he is the chairman of one of these committees. It is a very helpful process, one for the agency to know that all Senators are overlooking that agency, and for a person in Senator HARKIN's position, as the chair of

the committee, to know what the concern of the entire body is. But we have given that up. We do not do that anymore, and it is because of the constant filibuster and the threat of filibuster. So you have that situation.

I would think my friend from Mississippi, the Senator from Mississippi, would be very concerned about this one: We did not do a budget last year. The one way we can impact—if you talk about fiscal responsibility, and you talk about keeping the government under control, and guiding it in the right direction, the one thing you want to do is a budget. You want to pass a budget and set some outlines there.

Well, we did not do a budget last year because we were in a constant filibuster, the threat of a filibuster. And the story goes on and on.

So I say to Senator HARKIN, we are in the question phase right now. I am going to yield the floor. I am sure there is time still on the other side. But I think the question is not, as Senator ALEXANDER raised it, What is a filibuster? The real question out there—for when Senator ALEXANDER returns—is, What impact has the threat of a filibuster had on this institution we love of the Senate?

I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I hope the Senator from New Mexico will stay on the floor. I wish to engage in a colloquy with the Senator from New Mexico on the topic on which he just spoke.

I say to my friend from New Mexico, the Senator from Tennessee, as I understand, had propounded the question, what is a filibuster? The Senator from New Mexico has been very eloquent in responding to that, talking about the filibuster. But I think the better question is, what has a filibuster become, because as the Senator pointed out and as Senator MERKLEY pointed out, this whole image of someone standing on the floor and speaking until they drop such as Senator D'Amato or Senator Thurman back in the old days on the civil rights bills or even Senator SANDERS a few weeks ago, that is not really a filibuster any longer. So what has a filibuster become?

Let me go back again a little bit in history. In the 19th century, in the 1800s, the filibuster was used, if I am not mistaken, about 20 times during that whole 100 years. But it was used under a different set of circumstances. In the 1800s, a Senator or a Congressman was elected in November, but the session of Congress lasted until March. The Senators or Congressmen elected in November actually did not take their seats here until a year and a month later, in December of the following year. So sometimes, in this "lameduck" session that ended in March, people in the majority party—

especially if they had lost the election—would try to ram through a lot of stuff. The minority party would speak until the session ended in March so that nothing would get done, and then they would pick it up in December when the new Senate and House would meet. So it was a means of stopping onerous legislation for a short period of time.

That was in the 19th century. We have a different situation now. So the filibuster is not used to speak now and to slow up one piece of legislation or to stop one piece of legislation; it is used to slow down everything. One case in point: We had before my committee last year a nominee by the name of Patricia Smith to be Solicitor General of the Department of Labor. We had our hearings, I say to my friend from Kansas who is not here right now. We had our hearings in committee. She answered questions, answered written questions. We reported her out of committee. We came here to the floor. We had to file cloture on Patricia Smith to be Solicitor of Labor, so we filed cloture. We got the 60 votes. But as we know, under postcloture you get 30 hours. Well, the minority forced us to use the 30 hours. Senator ENZI, our ranking member, came and spoke for 15 minutes and left, and I sat here for 30 hours and no one spoke. So for 29 hours and 45 minutes we sat here doing nothing, unable to do anything, on a nominee who had over 60 votes. At that time, the record will show, I kept asking: Why are we here?

Why are we using 30 hours of the Senate's time, when nobody is even speaking and we already have the 60 votes for Patricia Smith? That is an example of what the filibuster has become. It has become a tool in order to slow everything down.

For example, nominees. We had nominees who got through here on a 99-to-0 vote after being held up for 6 months. Well, what if, I ask, we have to file cloture on every nominee and then every nominee has a vote on cloture and then you have 30 more hours. If you did that on every nominee, I believe the majority leader said we would be here from January through August doing nothing every day of the week except nominations. How would we ever get anything else done?

The question is, What has the filibuster become? It has become a means whereby a few—this, I guess, would be the question I might propound to my friend from New Mexico or at least suggest that he might respond. Has not the filibuster or the threat of a filibuster become a tool by which one or two or three or four Senators can absolutely slow down or stop things from coming to the Senate? Has not the filibuster become a tool by which one Senator who publicly announces that his goal is total gridlock of the Senate—total gridlock—has not the filibuster

then become the tool by which one Senator can impose gridlock on the Senate? Is that not what the filibuster has become?

Mr. UDALL of New Mexico. The Senator from Iowa makes an excellent point. I was here for his talk earlier, where the Senator led with the filibuster and laid it out and Senator ALEXANDER came back and asked these questions. I think the key question is the one the Senator just asked, which is: What has a filibuster become? The Senator seemed to be defending the old-fashioned filibuster that no longer exists. That is the situation we have.

Some of our friends on the other side—I hear them talk about this—are saying this is the filibuster of the past; it is a very pure thing and a wonderful thing. But it has been distorted, manipulated. The filibuster has been twisted in a way that it does exactly what the Senator is talking about—slowing everything down. It is an attempt, in a way, to defeat the majority from governing.

I think the Senator cited the Federalist Papers. One of the biggest dangers in a democracy is if you give the power to the minority to shut down the ability of the majority to govern. If you do that, you have rendered your democracy useless because then you get yourself into a situation, as the Senator from Iowa knows, where they can prevent the majority from doing anything and then run in a campaign and say: Well, they didn't do anything, which is kind of a hypocritical way to approach legislating.

One of the things that is remarkable to me—and I served over in the House of Representatives for 10 years and I know we don't have to take up every House bill the way it is written and we don't have to respond to every bill, but when you hear the fact that 400 House of Representatives bills in 2 years—the last session of Congress—were sent over here and we ended up—the younger Members of the Senate were interested in some of these bills. We looked into them. We found out that these were on veterans issues and many were good bills. We found out they had to do with small business, and they were good bills. We found out they had to do with building the economy and economic growth and those kinds of things and that they were good bills. But we didn't have the time to act upon them because the way the filibuster is being utilized is to defeat our ability to move forward.

The one other area I wish to mention—and I know this is something that concerns our friends on the other side—if you are talking about making government responsible, fiscally responsible, doing oversight over government—and they say they are going to do all this oversight in the House—one of the best ways to do oversight is in an authorization bill. As everybody

knows, we have an authorization process, and we have an appropriations process. Well, apparently now, with the studies being done at the Center for American Research—and Senator HARKIN would know this more than others because he serves on the Appropriations Committee—a major part of our appropriations are unauthorized now. I think the figure I saw was close to 40 percent. So that means if these are unauthorized appropriations, it means the side of our Senate and the side of our Congress that deals with authorization, that is an oversight. You go in there in the authorization process and look at an agency and you say: How is this program functioning? Is this program effective, a good program, something that is working?

If the answers come back and you have evidence it is not working, you write in the authorization we are getting rid of that. If you don't do any authorizations at all and the authorization doesn't come to the Senate floor and all Senators don't have an opportunity to participate, then you are giving up that kind of essential oversight. I would think they would be for that. Guess how many authorizations we did last year. How many? We did one. We did it at the very last minute as we went out of town, and that was the Defense Department authorization. That was held up with a filibuster because it had don't ask, don't tell in the bill.

So here we are at war—we have two wars going on. As Chairman LEVIN said, a lot of the things in that bill were to help the military do a better job and help the fighters on the ground in these two wars and we weren't able to get them done at the start of the fiscal year and move forward. So we were able to get it done before we left. I was happy about that. How about intelligence and the huge agencies that run the health care programs and all those? We have not done that oversight.

To the Senator's question what has the filibuster become, it has become something pretty horrible in the history of the Senate. If we don't fix this, we are going to be in a bad way. The way to fix it is the constitutional option. That is the wonderful thing about where we are today.

Today, we are in the first legislative day of the beginning of the 112th Congress. What everybody has told us on that first legislative day is that we can have all these rules proposals. The Senator from Iowa has one and Senator MERKLEY and myself have one and Senator WYDEN. Guess what. If we round up 51 Senators—and they don't have to be only Democrats—who say, No. 1, here are rules changes we want to make with 51 Senators, we can cut off debate on those changes and 51 Senators—a majority—can vote those rules in, and we can fix the situation we have all been talking about here.

I think the Senator's question is the right one. The filibuster has become a procedural morass.

Mr. HARKIN. I thank my friend from New Mexico. I also thank him for his great leadership on the constitutional option. I am a cosponsor of his resolution, which he sent to the desk earlier today. He is right on target. The dead hand of the past cannot bind us. Every Congress, on the first legislative day—as Senator Byrd said himself in the past—has the authority, with 51 Senators, to set our rules—not two-thirds, just 51. We are on that first legislative day today.

I understand the leader will put us into recess so we will stay in the first legislative day when we come back. So we will be on this issue when we come back on January 25.

I wonder if I might explore a little bit with my friends who are here—and the Senator from Oregon has been a great leader in this effort. As a former speaker of the legislature in Oregon, he has lent a great deal of expertise to our thinking and in evolving how we modify our rules to make this place function a little better. I thank Senator MERKLEY for his leadership. A lot of what was in the measure that Senator UDALL sent to the desk earlier today is what Senator MERKLEY has devised. These are things we need to do.

I ask again to bring this up here for maybe a brief discussion, if I might. This is something Senator CORNYN and I got into a little bit earlier. He went on at length about building consensus; that we want to build consensus and have bills over here with a consensus. Well, I agree with that. You try to get as much consensus as possible. Obviously, if you can get 100 Senators, that is nice—or 80 or 70. It is always nice to get as many as possible. I ask my friends, isn't it sometimes true that legislation comes up that can be contentious, and you can open it—I think it ought to be opened in the committee process for amendments. I pointed to the health care bill that we had in our HELP Committee, and the occupant of the chair was so vitally involved with that. We had 54 hours and 13 days of open markup and open session. No Senator was denied the opportunity to offer any amendment on that bill—Republicans or Democrats. Senator Dodd was chairing at the time. We adopted 161 Republican amendments. Imagine that, over 13 days, 161 Republican amendments. As I said, nobody was cut off.

Yet at end of that, when we finally brought it up for a vote, not one Republican voted for it, even though they had a big hand in shaping it. So whenever I hear comments that “we didn't have a hand in shaping the health care bill,” I don't understand that. I know in the Finance Committee Senator BAUCUS bent over backward to make sure Senators on both sides could offer

amendments and be a part of the process. I say, if they don't want to vote for it in the end, fine; that is their right and privilege. People can vote their conscience and on behalf of their constituents. But we weren't able to get a consensus on it.

So if you have a bill on which you can't get a consensus, does that mean we should stop? As I asked the Senator from Texas, does that mean every bill has to have 60 votes? Is that what we have become—no bill will pass here unless it has 60 votes or more? The Senator from Texas pointed out, correctly, that some bills pass here by unanimous consent. Fine. That is 100 votes. So do they mean we have to have a minimum of 60 to 100 votes in order for anything to pass? What happened to majority rules? What happened to the idea that you only need 51 percent? Isn't that sort of the basis of a democratic government?

Again, I ask my friends about this idea of consensus. Yes, we all want to get that. We all want as many Senators as possible on legislation, and we try hard to do that. But if that is not possible, does that mean that 53 or 54 or 55 or 56 Senators cannot then vote to pass a piece of legislation or an amendment?

I ask my friends, what about this idea of consensus? Have we come to where we have to have a supermajority? Is that the situation we are in now?

Mr. UDALL of New Mexico. The Senator from Iowa and my good friend, the Senator from Oregon, want to speak. The Senator mentioned—and I want to put this quote in the RECORD—the Senator from Texas, Mr. CORNYN, who came to the floor and talked today. One of the reasons I have a real belief that we might have some common ground is he was a judge before he came to the Senate. I think he was on the supreme court in the State of Texas. On this issue of the constitutional option, he wrote a law review article in the Harvard Journal of Law and Public Policy. The name of the article was “Our Broken Judicial Confirmation Process and the Need for Filibuster Reform.”

Listen to this. This is Senator JOHN CORNYN of Texas:

Just as one Congress cannot enact a law that a subsequent Congress could not amend by majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by majority vote. Such power, after all, would violate the general common law principle that one parliament cannot bind another.

He is basically driving home the point that we have the authority today, on the first day of the 112th Congress, the first legislative day, to pull together and take a hard look at the rules. The Senator from Iowa raised a very important issue on consensus. I am going to pass this off to Senator MERKLEY in this colloquy and let him

answer that point. Maybe he may have another question.

I wish our friends on the other side of the aisle were here for this discussion. Senator ALEXANDER was here earlier. We had Senator WICKER. But nobody is here to answer the questions we are putting that way, but we are answering the ones this way.

Mr. HARKIN. Mr. President, hopefully, I say to my friend from New Mexico, when we come back on the 25th we will engage in more of this discussion.

I should yield the floor. I wanted to raise that question about consensus because it sounds so good, and we all love consensus. Of course we do. But sometimes we cannot get it. Does that mean then that the majority cannot act if they do not get consensus of over 60? Does that mean the majority simply cannot act?

Mr. President, I leave the question hanging and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, continuing the conversation, my colleague from New Mexico pointed out the challenge with authorization bills. We should add to that, during 2010, the Senate did not manage to pass a single appropriations bill. It is dysfunction on top of dysfunction. That is why we are here today.

I put back up the chart of Jimmy Stewart in the well because I think at the heart of this conversation is a notion that, yes, every Senator should be able to hold forth, to share their idea, to advocate that in which they believe, to persuade their colleagues, but not to simply lodge an objection and walk away and never present their case before the American people.

Our good colleague from Tennessee said he wanted to see—how did he put it?—something to the effect of a “talking your heads off” form of filibuster, and he referred to Jimmy Stewart.

There is a sense of commonality in our views that if one is going to vote to continue debate, then the debate should continue—it is that simple—so the citizens can see if you have a case to make that makes sense, and they can weigh in and help turn the tide in the direction of the Senator, or that you have no case to make and they want you to sit down and have the Senate get on with its business. That is simple.

There are many ideas for much more radical steps—steps in which we would proceed to say, yes, we will do something different. We will eliminate the filibuster. But that is not the proposal I am speaking to today. It is not the proposal to which many of us are speaking. We are saying, yes, you can keep speaking, but you have to speak. You cannot go on vacation. You cannot hide from the American people. You cannot object and hide. That is not in the tradition of the Senate.

There is a Wall Street Journal article that came out yesterday. I am not sure if it was an editorial or an op-ed, so I will not attribute it to anyone specifically. But it said there is no chance for filibuster reform to address the filibusters on legislation because the Democrats will not want to imperil their ability to obstruct the Republicans when the Republicans are in power someday.

Here we are, we are Democrats, and we are saying we are talking about rules that we have placed against the test of whether we can support these rules, whether in the majority or in the minority. The proposal we signed onto today—the five reforms we have laid out—we have run through the test of saying: Will this meet a fairness standard? Would this be fair if we were in the minority?

One of the proposals is to make sure the minority and the majority get to have amendments. That is a valuable protection for whichever party is in the minority.

Another piece of it is to say, yes, the filibuster can still be used. But you have to invest time and energy and make your case before the American people.

We have believed we can live with that in the minority. If we are going to obstruct the Senate, we are willing to take this floor. We are willing to make our case. But we are saying a Senator should not be able to obstruct and hide. They should not be able to engage in the silent, the secret filibuster but should have to have the talking filibuster.

I applaud my colleague from Iowa, my colleague from New Mexico, and my colleagues who are about to speak—Senator MARK UDALL from Colorado—and say we have a couple weeks now in America to have a debate on the dysfunction and brokenness of the Senate. We are asking the American public to engage, to call your Senators, to share your concerns about a Senate that cannot do authorizations, that has not done appropriations, that leaves hundreds of House bills on the floor, and that cannot fulfill its constitutional responsibility to advise and consent on nominations, thereby undermining our other two branches of government.

This has to be addressed. That is why we are here.

The PRESIDING OFFICER. (Mr. MANCHIN). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Oregon for his leadership. I want to rephrase my question that I left hanging when I yielded the floor the last time. I see our great friend from New York is here to speak. I will not take more than a minute or two. I want to rephrase the question.

I asked the question: What has the filibuster become? And I further asked a question about consensus. If you do

not get a consensus—that is, over 60 people—to agree on something, should then the majority not have the right to act? I want to rephrase that question and put it this way: If consensus—meaning over 60 Senators—if over 60 Senators cannot agree on something, then should the minority have the absolute total veto power over what the majority is proposing? That is the essence of it. If you cannot get a consensus, should the minority have the total, absolute power to determine the outcome?

That is what has happened in the Senate. That is what has become of this filibuster. The end result has become the fact that 41 Senators—if you do not have 60 Senators or more—41 Senators decide what we do, what we vote on, what comes before this body. How does that square with the principle of democratic government and majority rule?

I leave that out there: Should we have and continue to have, if we cannot reach a consensus, should we continue to have veto power by the minority?

I also see the Senator from Colorado here to speak.

I also want to publicly thank the Senator from New York who I see is about ready to speak, the chairman of our Rules Committee. Senator SCHUMER has spent so many hours and so many days this past year on this issue of reforming the Senate rules. He was kind enough to let me testify before his committee and kind enough to actually let me sit with his committee to listen to others.

Senator SCHUMER has been in harness on this issue trying to get us to the point where we can have meaningful changes in the rules so that this place can function a little bit better and a little bit more democratically—with a small “d,” not democratically in terms of political affiliation.

I know in the next few weeks Senator SCHUMER is going to be very much involved as one on our leadership team, along with Senator REID and others, seeing what we can do to work things out so we can have a meaningful change in the rules.

Again, I am all for getting rid of secret holds, but that seems to be kind of a no-brainer. That would probably get close to 100 votes. But if that is all we are going to do, that is not a very meaningful change in the rules.

I submit that what Senator UDALL, Senator MERKLEY, and others have introduced, or I submitted myself going on for 15 years now, that is meaningful change in the rules. I know Senator SCHUMER is going to be very much involved in that discussion. I applaud him for his efforts and leadership. We will be back on January 25 to take up this cause again. I know I speak for my friend from Oregon that he is going to be here on the 25th, and my friend from

New Mexico and everyone else. We are going to be here because we cannot let this go. We cannot permit the Senate to be so dysfunctional that we cannot respond to the urgent needs of America and our place in the world today. We cannot continue to go downhill as a country and cannot continue to let the Senate be a dumping ground and nothing ever gets done.

These rules need to be changed. We will be back on the 25th to do so. I thank my friend from Colorado for his indulgence.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that Senator SCHUMER be recognized after me for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, before I speak on the matter today, which the group of Senators today so eloquently and powerfully outlined for all of us, I want to acknowledge that the 111th Congress was one of the most productive in history. Legislation we passed will make real changes for American families who are struggling through a tough economy, as the Presiding Officer knows, and with rising health care costs. What we did also will make our military and Nation safe and stronger. We should be proud of the work we accomplished in the previous Congress.

But I have to also say that the last 2 years was a time of unprecedented obstruction and partisanship. If you do not want to take my word for it, you do not have to go very far to listen to many impartial observers of the Congress who will tell you that it was exactly the case.

I rise today to add my voice to the growing number of Coloradans and Members of the Senate who are deeply concerned about the gridlock that at times has paralyzed our Chamber and prevented meaningful debate.

Many of us read with dismay an article by George Packer in the *New Yorker* magazine several months ago, which detailed examples of Senate dysfunction.

Americans from both political parties—and Independents as well—have asked whether the rules of the Senate are working to help solve these problems that face us. Some of my colleagues have understandably sought to change or eliminate the filibuster to make it easier to pass important legislation supported by a majority of Senators.

I come to this debate from a somewhat different perspective than my colleagues. I come to this debate with this guiding principle; that is, any attempt to limit the power of the minority by eliminating or weakening the ability to filibuster will simply lead to a further breakdown in what is already a fractured partisan relationship.

While I share much of the frustration expressed by many of our colleagues, I believe we must be thoughtful about how we approach changes to the Senate rules.

Several years ago, Minister Robert Fulghum had everyone using the phrase, “everything I need to know I learned in kindergarten.” His essays made the point that the simple rules we teach children about getting along, about being kind to one another, about cleaning up after ourselves apply throughout life.

On one level, you could boil down the debate we are engaging in this week and say what we need are rules that will help us get along better in the Senate’s sandbox, and we need to talk with each other more and we need to listen even more than we talk. Why? Because the consequences, if we cannot find a way to work together, are extremely serious.

No problem we face is more troubling or urgent than our economic future. Our unemployment rate is still above 9 percent, and it is much higher in some regions of the country. Home foreclosures are still expected to rise. Even more troubling is this fact: Americans are less optimistic about their economic prospects than they were during the Great Depression. That is a very serious situation.

On top of those grim statistics, we face a massive budget deficit and a crippling debt that not only threaten our long-term economic stability but darken the horizon in a way that discourages investment and innovation that we need to spur American job creation today.

Moreover, our apparent inability to squarely address the problem in a partisan way is a signal to the American people—as if they need further proof—that their institutions of government are not working. And that, in my opinion, is as dangerous as any attack on our country.

Many have remarked that it is past time to have a serious discussion about how to turn our economic situation around. I have faith we can do that, but only if we are able to set aside the ideological differences that have sidetracked our politics, and frankly our policymaking, up to now.

We can’t reach the level of bipartisan cooperation we need in this body if we prevent substantive debate and cut off the rights of the minority. But neither can we make necessary progress if Members of the Senate continue to be able to use technical loopholes and procedural gymnastics to hijack the Senate—literally—for days and, in some cases weeks at a time.

That is why today’s debate—so ably led by colleagues from across the country—is more than just an esoteric debate about the Senate’s rules. It is a critical turning point, and it is why today I am again introducing a resolution which I believe can help reduce

the opportunity for gridlock while also encouraging both sides to work together on the most important issues we face in our Nation.

I developed this proposal after listening to and talking with experts on Senate procedure from both sides of the aisle, including the noted congressional scholar Norm Ornstein of the Conservative American Enterprise Institute.

In a nutshell, I propose that by eliminating unnecessary opportunities for delay—without making changes that would jam through legislation at the expense of the minority party—we can improve the way the Senate works and make it more effective and fairer for the American people.

If I might, I want to make a couple of comments on some of the specifics of what I am proposing, similar to what the Senators from Oregon, New Mexico, Iowa, and others have put on the table.

I would first level the playing fields between the majority and the minority on cloture votes and require Senators actually vote in opposition to the bill they are filibustering. Currently, cloture is invoked when three-fifths of the Chamber votes yes, so staying home is the same as voting no, and Members can simply threaten to filibuster and skip town with no recourse.

My proposal would require that Senators show up, debate, and actually vote against a bill if they are conducting a filibuster, by changing the rules to invoke cloture not on three-fifths of the Chamber but invoking cloture when three-fifths of those voting to end debate create an incentive to actually have a meaningful discussion. If Members don't show, the threshold is lowered accordingly—three-fifths of 90 is 54 votes to end debate, three-fifths of 80 is 48 votes to cut off a filibuster, and so on.

Second, I would reduce the number of votes required in debate on a single bill. The Senate rules now allow for a filibuster on a motion to proceed to a bill, a substitute amendment to a bill, final passage after we have already overcome a filibuster on the exact same text—and the list continues. There are three separate opportunities to filibuster before sending a bill to a conference committee. My proposal would eliminate all these opportunities to filibuster except for final passage.

Third, I would shorten the timeframe required to invoke cloture. I would propose we vote 24 hours after cloture is filed, instead of waiting 2 days, as is required today. I would also allow the 30 hours of postcloture debate to be split between the parties, to avoid needless delays. In total, we could shorten the time required for cloture by nearly 40 hours for a single cloture motion.

Fourth, I would end the requirement that amendments be read in their entirety if they have been made available on line at least 24 hours in advance.

Fifth, I would end the requirement that Senate committees seek consent to meet.

Sixth, after I propose that we change the rules to move more quickly on judicial nominations—allowing a final vote immediately after cloture is invoked on a nomination.

Finally, I would provide a way to call up an amendment when a majority leader has filled the amendment tree.

The Senate is famous for great debates and a free amendment process. But in recent years the process of presenting amendments has frequently been shut off by the majority party. So my proposal would, on a limited basis, give Senators the opportunity to present their amendments when they are otherwise being blocked from doing so.

The Senate has been called the world's greatest deliberative body. But what happens if we don't deliberate? I am afraid we risk turning the Senate into an extension of the 24-hour political spin cycle, which seeks to separate us rather than allowing us to work out solutions to the problems we face.

Every day, proud Americans come to our Capitol hoping to watch debates such as those of years past. Many are increasingly dismayed to see a small number of Senators, such as those here today, debating among themselves in an empty Chamber. We don't even require Senators to attend their own filibusters—no “Mr. Smith Goes to Washington,” no actual debate.

I want the Senate to work the way Americans envision it does—where Members discuss their differences, cooperate, vote on amendments, and improve legislation for the good of the country.

With that in mind, I hope our colleagues will join me to seize the opportunity we have before us. Let's work together to improve the way the Senate operates. I want to extend my hand to the Republicans to ask for ideas in how we can improve the way the Senate operates. I want to work with anybody, as I think all my colleagues do, to solve these problems in front of us. We have a responsibility to work together to bring about the cooperation and the problem solving Americans expect and deserve.

Mr. President, I appreciate your attention, I appreciate the important work all my colleagues have undertaken, and I look forward to working with the 99 other Members of the Senate to make the Senate a Senate we know and love and believe is the greatest deliberative body in the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to talk a little about the issue we have been discussing, and first let me congratulate my colleagues who have been on the floor on this issue, particularly

the Senator from New Mexico, Senator UDALL; the Senator from Oregon, Senator MERKLEY; the Senator from Colorado, also named UDALL; and the Senator from Iowa, Senator HARKIN; and many others who have participated in this debate. They have done a great job today.

The other thing I think I appreciated—and Senator HARKIN helped do this—is there was not just debate, there was actual discussion, even when we didn't agree. I thought it was pretty interesting watching on the TV in my office when Senator ROBERTS came and stood by a desk here on the Democratic side, a desk away from Senator HARKIN, and they didn't agree on the issues but they debated the issues. What a great first-step metaphor for the kind of debates we want to have here on the Senate floor. So this has been a very positive and hopefully prescient opening of the debate to change the rules because we all know that in the last Congress the Senate didn't function effectively and the time for change has come. I want to salute the leaders, as well as Senator KLOBUCHAR, Senator FRANKEN, Senator LAUTENBERG, and so many others, who have been so involved in our discussion and for the work they have done.

I also want to say to my colleagues this is not something that has just happened recently. This idea that all of a sudden this has popped up in the Senate is wrong. Last year, the Rules Committee—and I was urged by Senator UDALL to do this among the first days of the session 2 years ago, and I think we did a pretty extensive and good job—held six hearings that examined the history of the filibuster, trends in the use of the filibuster, secret holds, stalled nominations, and proposals for change. In those hearings, we heard from Senators from both parties who have valuable ideas about the need to reform the filibuster. Senators HARKIN, LAUTENBERG, WYDEN, GRASSLEY, UDALL, UDALL, MCCASKILL, GREGG, and BENNET all testified at the hearings. We also brought former Senators of both parties, scholars, and former Senate staff of both parties to come and testify.

In the first half of the 20th century, filibusters and filibuster threats were relatively rare events. That has been documented already, and our hearings documented it extensively. But since that time, the number has continued to dramatically increase. When you face an average of two cloture motions per week—which is what has happened currently—then we know there is a problem, and it is no mystery that the Senate has been labeled as “dysfunctional.”

Between 1917 and 1971, there was an average of one cloture motion filed per year. In the 110th and 111th, we had more than 70 cloture motions. These cloture motion counts are a response

to the filibuster, and it is distorting the way the Senate does business.

For the legislative branch, hundreds of bills passed by the House in the 111th Congress were not considered, even though they had passed the House by voice vote or with a majority of House Republicans voting yes. The Senate is supposed to be a cooling saucer, not an ice box.

In the executive branch and the judiciary, dozens of judicial appointments were delayed or blocked from floor consideration for months and months in the last Congress. Many of these were approved unanimously by both Democrats and Republicans in committee, yet sat on the Executive Calendar for months because of secret holds. This is dangerous at a time when we need a Federal Government using all its resources to fight terrorism, protect our country, and address our economic needs.

I salute Senators WYDEN, MCCASKILL, and GRASSLEY for focusing our attention on this issue. It is important to end anonymous or secret holds and shine some light on the kinds of long-term delays that can hold up a nomination or a bill for weeks or months or even longer.

Also, during the fiscal year 2010, half of all nondefense spending—\$290 billion—was appropriated without legal authority because Congress hadn't reauthorized the programs. The unprecedented threat of a filibuster—not even the actual use of the filibuster—has prevented debate with such frequency that extended deliberation is a dying commodity. Make no mistake about it, the everyday threat of the filibuster does not ensure debate, it restricts it.

Reforming the rules in a thoughtful way would clear the way for more legislating, not less. Filibusters provide a minority of Senators a way to make their voices heard, but they should not provide a way for a minority of Senators or even a single Senator to grind the Senate to a halt regardless of whether they are Democrats, Republicans, or Independents.

Reform will engage the American people and reenergize this institution. This will not end the filibuster or cut off debate. On the contrary, it will pull back the curtain and show the American people what we actually believe and what our deliberations are really about.

There have been many ideas for reform presented by my colleagues that are worthy of discussion. The Senator from New Jersey, Mr. LAUTENBERG, testified before the Rules Committee about his plan, which he called the "Mr. Smith Goes to Washington" proposal. Senator MERKLEY, Senator UDALL, and others have developed their own versions of this important concept, which I call the talking filibuster. This talking filibuster idea would require filibustering Senators to

keep speaking on the floor after cloture fails, to show clearly their wish to continue debate and to allow them to talk for as long as they wish.

Currently, the only evidence that a Senator is facing a filibuster is the vote on cloture. The Senate floor has evolved into a place where the majority assumes that each bill will be opposed and that little actual debate will occur on legislation. The rules require a vote of three-fifths of the Senators chosen and sworn to end debate on a matter or measure. The very question that is posed to the Senate in a cloture vote is, Is it the sense of the Senate that debate should be brought to a close? Those are the words. If it turns out that enough Senators answer that question: No, we want more debate, then those Senators should actually be required to debate. It is difficult to explain to the American people that the Senators who voted for additional debate are silent when then given that opportunity. If they want to debate, well, then let's debate.

One way we can guarantee fair and meaningful debate after Senators vote on cloture to continue debate—and cloture fails—the Senate remains on that measure and Senators must actually debate the bill. Senators may be recognized one after the other, as long as debate is continuous. If no more Senators seek to debate the issue, then the majority leader can move to close debate.

Obviously, there are technical things that have to be worked out—and we are working hard to do that—to make sure this proposal works and is viable. In the past, attempts at debate have been frustrated by quorum calls or unnecessary motions, all aimed at avoiding actual debate. If we change the rules to encourage extended debate after cloture fails, then the priority during this period will be to either debate the matter or move forward and not play parliamentary games. The American people deserve better of their elected officials than what the Senate has been giving them. Governing is not a game of charades.

The majority will not choose to waste floor time on a matter the minority is committed to stop. But will the minority choose to filibuster every single piece of legislation if actual debate is required? I don't think so.

That would apply whether Republicans are in the majority or Democrats are in the majority.

In addition to the other worthy options proposed for reform, I think this proposal is strong because it allows the minority the same ability to debate and block legislation—so long as they actually debate. If there is no actual debate, there can be no filibuster, and the Senate can proceed to do its business for the American people.

I believe this modest proposal is one on which both Democrats and Republicans should agree. It could be a point

of bipartisan agreement, and I will present it in the bipartisan negotiations happening over the next few weeks.

Of course there are other good-faith proposals that my colleagues have put forward. Many of them are thoughtful. Most all of them would represent meaningful change without altering in a too jarring way the rules of this institution. Nobody wants us to become the House of Representatives. Everyone understands that we should not rule simply by majority vote on every issue. However, we can pull the curtain back and make sure that when people say they want more debate, they debate.

In the next 2 weeks, we should look at these proposals—all of them. During the recess, we need to talk to each other, Democrats and Republicans, about genuine ways to reform this body, to restore the Senate to its traditional role as the world's greatest deliberative body, and to do so in a way that encourages full and open debate—both for the majority which proposes and for the minority which wishes to modify what the majority proposes.

I believe we owe it to the American people to reform the Senate so it functions in a way that best represents their interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, first, let me thank the Senator from New York for his very distinguished leadership of the Rules Committee and for the very open and thorough way in which he engaged that committee on these issues of addressing the filibuster and problems that have been caused by its current abuse on the Senate floor. Let me also thank Senators UDALL and MERKLEY, who worked so hard to organize this and who have put together what I think is a very good proposal.

At the outset of my remarks, I ask unanimous consent that I be added as a cosponsor to the rules resolution that is here, at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. The distinguished Senator from Oregon, Mr. MERKLEY, showed a photograph a little while ago of Jimmy Stewart in "Mr. Smith Goes to Washington." That has become the sort of emblematic, signature demonstration of the American Senate filibuster.

There is a scene in that movie that I am sure the Senator is familiar with where a reporter is up in the galleries and is describing the action down here on the Senate floor, is describing Jimmy Stewart—the Senator he represents engaging in the filibuster. The reporter describes the filibuster as "democracy's finest show . . . the right to talk your head off . . . the American privilege of free speech in its most dramatic form . . . one lone and single

American holding the greatest floor in the land . . . bleary-eyed, voice gone." That is what we think of when we think of the traditional Senate filibuster. In those days, you stood up and you filibustered against a bill because you were opposed to it, because you hated it, because on principle you wanted to stand and fight against it. That was the old filibuster.

Now when this Chamber is engaged in a filibuster, how does the American public know? When they are watching this floor on C-SPAN and they are looking for a filibuster, they don't see democracy's finest show, they don't see anybody talking their head off, they don't see the American privilege of free speech in its most dramatic form. What they see is a droning, tedious quorum call as the parliamentary staff read off, one by one, the names of Senators who are not present, and this Chamber stands useless during that period. Why is that? Partly it is because when Jimmy Stewart was undertaking his filibuster, he was exercising the right of an individual Senator to take this floor and to hold it and to speak. What is different is that when it is filibuster by party rather than filibuster by one individual Senator, then there is a whole array of procedural mechanisms the minority party has to provoke the majority leader to file for cloture.

Cloture is the filing that allows the majority leader to bring debate to a conclusion and to limit amendments. When cloture is filed, then there is 30 hours mandatory for debate. What has happened here is that the 30 hours mandatory for debate has become the prize, has become the goal of the modern filibuster. That explains why we are no longer filibustering bills we are opposed to when we are in the minority. The minority actually filibusters bills their Members support. They filibuster nominees who get voted through unanimously when the vote is finally held.

What is the filibuster about? It is about forcing cloture and forcing those 30-hour increments of time to be burned up. If you are filibustering the bill itself and you are filibustering the motion to proceed, you have a dual filibuster, and if you are filibustering amendments, you can load on an awful lot of 30-hour periods to the Senate floor and you can prevent anything from being done in those 30-hour periods just by sitting back and doing nothing and objecting when the majority party tries to move to the vote. All it takes is one person waiting in the cloakroom for the minority to force that 30-hour period to run. If you stacked up dozens and dozens of 30-hour periods, what you do is you take up the entire time available to the Senate and you impede this institution in its ability to get its work done.

That is what we are doing right now. That is why I think it is so important

that the changes we are recommending restore the Senate to the traditional filibuster. We do it in two ways. First of all, if these rule changes pass, you will not get to filibuster the motion to proceed to the bill and then get to filibuster all over again on the bill and double the filibuster. If you really care about the bill, if you are really opposed to the bill, if you really hate the bill, you can come and talk your head off, but you don't get to do it twice—once on a pure parliamentary measure. That will cut down some of the wasted time, some of these droning hours that you watch on C-SPAN with nothing happening in the Senate and the time being wasted, locked in the filibuster.

There is another rules change that I believe is important. The 30-hour period is called the period for debate. What this rule change would do is, when the debate stops, the 30-hour period stops. Whoever is presiding would simply note that there is no longer debate and would call the vote. You can still debate the whole 30 hours if you want to come here and debate, but when the talking stops, you vote. You are not in a position where you can commandeer 30 hours of Senate time, force the Senate into quorum calls, and defend against going to the vote with one lone Senator back in the cloakroom, able to come out and object whenever the majority tries to move the Senate to a vote and get the Senate back in its business again.

These are two simple repairs to the cloture rule that will make it less of a prize for the minority, that will prevent us from spending all these 30-hour increments droning away in 30-hour filibuster quorum calls, and put the Senate back to where it should be—the great chamber of debate where people actually have to come to the floor, say their piece, and when they are done, we go on to the next piece of work.

I commend everybody who has worked on this. I think it is a very valuable step we are taking. I don't think it is a change away from the traditions of the Senate; I see it as returning to the real traditions of the Senate, of real debate, not just wasting time for wasting time's sake but allowing the Senate to be productive while also allowing Members who have opposition to a bill to state it as forthrightly as they wish, to engage in, as the reporter said in "Mr. Smith Goes to Washington," democracy's finest show, the right to talk your head off, the American privilege of free speech in its most dramatic form.

I thank all Senators present for entertaining my thoughts.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. First, I wish to say I am so pleased to be with col-

leagues who are standing up for activity on behalf of the citizens, the constituents we represent, to get things done.

I doubt many of us would be happy with a report card we got in either high school or college or whatever education we got beyond that—I doubt we would be proud of any report card that resembles that which we have obtained in this facility, in this great house of debate, in this distinguished body of legislators, one of the most prominent—the most prominent—let me qualify that—legislative body across the world and the envy of so many who think the United States is still one great country.

We want to do the right thing. But here what has happened, we find ourselves in a morass of dilatory activities, things that do nothing but stop progress, and that is the mission we see. I congratulate my colleagues who have taken hold here to make sure we do whatever we can to change the facility.

I have here my picture of Jimmy Stewart, "Mr. Smith." While I am not anxious to admit it, I do, I remember seeing the picture. We need not discuss the precise date, but it was some time ago when I saw this, and it left a vivid impression in my mind. But I cannot tell you what it was about, except that he was one trouser, that he stood on his feet, so many hours it is hard to understand how the body responded to the opportunity, trying to clean things up.

The date of the film was somewhere around the end of the 1930s, 1939, most likely. That was not the exact date, but in that vicinity. Even then, they were discussing what could be done to move things along and how the kind of effort he gave as Mr. Smith was required to honor the people, the responsibility he had to the people.

So we know what kind of report card the legislators here and in the House have gotten from the American people because they are sick and tired of seeing all this empty space, listening to words I could describe more in the vernacular as gobbledygook-gook, not understanding what is going on but knowing very well that nothing is happening that is benefiting them.

So when we see this low public opinion from Americans all across the country, it is because they do not believe we are getting things done that they sent us here for. Each one of us who has been elected, I do not care how popular or how remote, the fact is, you had to work hard to get elected and so proud—and I look today, as I saw person after person hold up their hand to take the oath. I have done it five times here and each time was a thrill. Even as I watched colleagues walk up there and heard their names called and saw them raise their hand, and to feel the pride they felt, I do not care Republican or Democrat, to feel the pride

they felt, to be able to take this job on their hands, to get the support of the public in their States, enough to win an election, and then we show the public a lack of activity.

We have been through discussions, speeches made earlier, good ones, describing the number of times the filibuster has been used. If I might ask the majority whip, is it the record number of filibusters ever in the history of the Senate? The Senator from Illinois confirms that. Here we are, and the need has never been greater to get something done to let the American people know their government is there to help them through a crisis, to help them regain their jobs and regain their pride in themselves.

Make no mistake about it; the absence of progress in the Senate promotes bitterness and anger among the American people. Make no mistake; an empty Senate Chamber is no way to respond to the public's needs. All too often this is what happened because the minority now has simply been abusing Senate rules. They can do it. But it is an abuse of the process.

Last year we were locked in a constant struggle to help jobless Americans. Several times we attempted to bring legislation to the floor to extend unemployment benefits for millions of people who had no other source of income, who were in jeopardy of losing their homes and losing their opportunity to care for their families and being personally humiliated and disgraced about that and we could not get an agreement to pass an unemployment benefits bill until it was included with other legislation that had to pass.

Back in June, 59 Senators wanted to restore aid for those workers who had gone without income for weeks. Our colleagues on the other side of the aisle objected and delayed the vote, then left town for a week-long break. By the way, I keep on reminding those hearing me that this is under the disguise of a filibuster, a legal process that is permitted by the Senate rules to be engaged in when there is a disagreement about a piece of legislation or a process that has to take place.

We left more than 1 million Americans in limbo for several agonizing weeks. Our opponents said they were simply filibustering the bill. In other words, they wanted to talk more about the substance. But they did not want to talk about the substance. They did not want the public to hear the truth about their views. But they did not even want to talk on the floor. They just left the Senate empty and silent.

That is why I reintroduced my "Mr. Smith" bill. I brought this up initially last March. It is almost a year now since I brought Mr. Smith back to this Chamber. As we know, the legislation is named for Jimmy Stewart's character in the classic movie, "Mr. Smith Goes to Washington." Frankly, we now

look, the names are different, the mission is the same. There are those who want to make progress and those who want to do nothing more than delay progress.

As I said earlier, Mr. Smith wanted to make a point, spoke for 23 hours. These days, Senators simply object to the proceeding, walk away, and leave an empty Chamber behind. How are we supposed to create jobs in an empty Chamber? How are we supposed to increase educational opportunities in an empty Chamber? How are we supposed to help keep people in their homes in an empty Chamber?

The "Mr. Smith" Act will bring deliberations back to purportedly the world's greatest deliberative body. It will make lawmaking more transparent and Senators more accountable. Members of this body will no longer be able, if we pass this rule change, to be able to launch a filibuster and then skip town, leaving the Senate in a stalemate.

If you have the courage, stand and explain to the American people why you are objecting to things that can help the average family. This is still a recession. Yes, there are a lot of people at the top making lots and lots of money. We have seen it in the newspapers. We have seen the list of billionaires who make that much money in a single year. But we do not see the same pictures of people who are forlorn because they cannot help themselves, and they look to the government to be there with them.

I know from personal experience that my life changed radically when I got out of the Army and was afforded the GI bill. My father died after I enlisted. My mother was a 37-year-old widow. My father was sick for 13 months with cancer. At the time, there were not the products that make pain less acute or that provide more help for recovery. It was not there.

So we had not only the loss of a father—I had joined the Army. When I was 18 years old, I enlisted—we had bills and bankruptcy and life was miserable. The GI bill made the difference in my life. I was able to join two other people in my home city, friends of mine, in creating a company, three of us.

Now it employs 45,000 people. The company is called Automatic Data Processing, better known as ADP, because I got help when we desperately needed it, when my family and I could never think about my going to college. I wound up going to Columbia University, something so far out of sight I never dreamed it was possible. But it was there. There are times when people across the country say to our leadership: Please, give us a chance. Give us a chance to stay in our home. Give us a chance to educate my son and my daughter. They can learn. We do not have the money.

Make sure health care is available, that no matter what your condition of being is, you cannot be precluded from getting insurance. That is what is proposed in the health care bill that right now is in danger of being repealed, if the House takes the action as purported.

So what we are talking about, to summarize, is that we have to get busy and show the people across the country that this is not just a ring for showing how clever a speech can be or cute an idea might be, when all that is being done is stopping progress. Progress. They object to bills being even moved along so they can be considered—anything they can do to obstruct movement.

So we may be unable to bring Mr. Smith back, but we can write real accountability for filibusters and for the sake of a functioning democracy—more than a functioning democracy, a degree of dignity and hope for people who have been hurt by an unemployment record never before seen in the country, with the number of people out of work in the multiple millions, and they say: Mr. Senator, help us. Be there to help us now. We are not looking for charity. We are looking for a hand that will get us started, get this economy going. We owe it to them.

I say to those who want to obstruct it, be brave enough to stand and tell the people here or the people on television or those who read about what we are doing, tell them why it is you are objecting, and then we will restore a degree of confidence in those who serve here, those who work so hard to be elected, and those who can represent the people well.

But we cannot sit in silence, just wasting time. I hope we will come to our senses, make the changes in the rules that will stop the filibuster from being a disguise for inaction.

I yield the floor.

THE PRESIDING OFFICER. (Mr. MERKLEY.) The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak to the issue which has been considered on the floor today by my colleagues. I thank, especially, the Senators from Utah, Oregon, and Colorado, as well as many others, for their leadership in discussing the procedures of the Senate.

When I went home over the break, I spent my time back in Illinois with my wife in my hometown of Springfield and a lot of time around the house and a lot of things had to be considered. I left the decisions of war and peace behind in Washington, DC, and went home to face the real decisions: Are we going to change our cable TV service? Are we paying too much for the Internet? Things that my wife finally put in front of me and said: We need some decisions here.

As I considered those weighty decisions, particularly when it came to

cable television and what we would receive in Springfield, I could not help but reflect on the fact that, similar to many Americans, we like to have C-SPAN so we can follow the House and Senate.

You may know in West Virginia, as I know in Illinois, there are people who are obviously suffering from insomnia who watch C-SPAN all the time and find it very restful and sleep inducing.

If they watch the Senate, it is something else. It is not only sleep inducing because of so little activity on the floor of the Senate, it is, in fact, an unfair economic situation that someone is paying a cable TV bill for C-SPAN covering the Senate when we do so little. They ought to get a refund. Families across America are entitled to a refund if they tune in to C-SPAN, Senate version, and watch us day after weary day, with our delightful and talented staff people slowly reading the quorum call and names of the Senators. That is it. If you have watched C-SPAN in the Senate for the last several years, you will see that more often than not, a lot of people say to me: Senator, why is not anything going on in the Senate? When you talk in the Senate, why isn't anybody there? Basic questions an average person might ask. They reflect on what has happened to the Senate, and that is why we are here with this discussion this evening. I thank the Senators who have been involved, including Senator LAUTENBERG.

One of the things that surprised me when I first came to the Senate, I heard this was the world's most deliberative body. This was the place to come to debate the big issues. Today when there was a swearing in of the Senator from North Carolina, one of his predecessors was here, Senator Lauch Faircloth. He was the first Senator I faced off with on the floor over an issue when I was elected 14 years ago. It was an issue involving tobacco which I had been following pretty closely in my congressional career, and he was from the State of North Carolina where tobacco is a big issue. He didn't like my amendment, and he came to the floor. I was offering my first amendment. There was a lady who worked in the Senate named Lula Davis. I had served in the House for 14 years, but I didn't quite know the Senate procedures as well.

I said to her: How much time do I have?

She said: You have 1 hour.

I said: Is that equally divided?

She said: No, Senator, you have 1 hour.

House Members don't get an hour for anything. Five minutes is the usual course, 15 minutes if it is a great deal or if they want to stick around until midnight, they might get a special order for an hour.

Here I was with an hour on the Senate floor to debate my amendment.

Senator Faircloth sat on the other side. I stumbled through it. I asked unanimous consent to allow the time to be equally divided between myself and Senator Faircloth so we could debate the amendment. I thought that was fairly reasonable. Senator Faircloth said: I object.

I was stunned. Clearly, here I am with my amendment being as fair as can be, and he is not interested in the debate.

I am not going to pick on him because he reflected the feelings of many Senators here: that they are here on the floor to give speeches, many of them written by very talented staff people, and then leave the floor and go off and do something else. There is very little debate on the floor of the Senate, real debate. I could count on one hand the times I have in 14 years engaged another colleague in an actual debate that went back and forth over the merits of an issue.

One of the things we are discussing tonight is what to do with the rules of the Senate so we engage in more debate—we need it—so that we have less time that is being wasted in the Senate, fewer hours that are being ticked off a clock to reach 30 hours or whatever it happens to be on a cloture motion, and more actual debate so Senators with differing points of view can state their points of view and debate them back and forth and other Senators can then listen, certainly the public can listen and those in the gallery and can decide who has the merits of the debate.

Debate isn't something we should shy away from. It is an important part of the Senate that we should value and that we should honor to make sure the rules create that opportunity.

The Presiding Officer from the State of Oregon has suggested, along with others, that we have more debate and more votes. I think we should. For a time there was this feeling that we had to protect Members of the Senate from controversial votes. That is behind a lot of the decisionmaking that has taken place and brought us to this moment in the history of the Senate.

Perhaps I have a different view of it. But having been on Capitol Hill for a long time in the House and the Senate, I have stacked up many controversial votes, tens of thousands of them. It will be fair game. For any political opponent ever running against me in the future, there is plenty to work with. I don't need to give them something new to beat me over the head with. I have plenty of votes in my past. I think I can defend them for the most part, and I am prepared to do so. I am not afraid of tomorrow's controversial vote. In fact, I think it is part of why we are here.

There was a man who served here many years ago from Oklahoma, Mike Synar of Muskogee. He was one of my

closest friends. Synar was an unusual character in the House. He was one who, faced with the choice between taking an easy, noncontroversial way out or a controversial, confrontational approach, would always choose the confrontational approach. He would walk right into the wall of fire and welcome it because he thought it was part of what he was elected to the House to do. He used to stand up in the caucuses of House Democrats when they would be whining and crying over the thought of facing a controversial vote and say to them: What is wrong with you people? If you don't want to fight fires, don't become a firefighter. If you don't want to cast controversial votes, don't run for the House of Representatives or, in this case, the Senate.

I think the same is true today. Although some of my colleagues face tough election campaigns in tougher States than my home State of Illinois, the fact is, coming here and casting tough and even controversial votes is part of why we were elected and why the people expect us to come and face the music on difficult issues.

Bringing debate back to the floor, bringing more votes to the floor certainly is a move in the right direction.

I say to the Senators from New Mexico, Oregon, and others that their proposal that would allow germane amendments as part of the regular order of the Senate is a move in the right direction. That way the minority and majority get an opportunity to amend a bill. Can it be abused? It can. But making these germane and relevant amendments makes a difference. I can recall one colleague on the other side of the aisle who kept coming to the floor repeatedly, day after day and week after week, to offer the same amendment over and over, even when he was passing the amendment. Sometimes he would pass it; sometimes he wouldn't. But he couldn't help himself. He just had to keep offering it over and over. As he offered this amendment, it didn't enhance the bill. It didn't enhance the debate. It gave him a chance to put out a press release.

One can abuse that process. So making sure the amendments are limited to those that are relevant certainly is a reasonable thing to do.

Let me say a word about the 60-vote margin. The 60-vote margin, as former Vice President Mondale wrote in his guest column recently—I believe, in the Washington Post—was a compromise. In days gone by it took 67 votes to end a filibuster, to bring cloture. Then in the 1970s, Vice President Mondale, then a Senator, joined with others on a bipartisan basis and lowered that to 60 votes. But it was still a rare and unusual thing to do, to filibuster and need a cloture vote of 60 votes. Unfortunately, that 60-vote standard has been corrupted into a new standard for passage of legislation.

Allow me to give two examples. We considered a Wall Street reform bill. There were dozens of amendments offered. The Senator from Oregon had a controversial amendment and waited for days, maybe weeks, for a chance for his day on the floor of the Senate. After about 25 amendments had been offered and considered to the Wall Street reform bill with a standard of a majority vote, I had an amendment relative to interchange fees on debit cards, a controversial amendment. Credit card companies and big banks hated it.

At that point the announcement was made unilaterally, incidentally, the Durbin amendment will require 60 votes. Everything else had been a majority vote to that point. There was no way for me to challenge that. If I wanted my amendment to come to the floor, I had to accept a higher margin to pass it than all the other amendments that had preceded it.

Why? Because the threat of a filibuster was there, a filibuster against my amendment. That threat alone raised the margin and standard for that vote to 60. From the other side's point of view, many of whom opposed my amendment, it is a pretty easy thing to start a filibuster if you don't have to engage personally or make a personal commitment to it. They tossed it out as a standard. Sixty votes became the requirement. Fortunately for me, I had 64 votes and passed it.

The same is not true of another provision which means an awful lot to me, the DREAM Act. The DREAM Act is a reform of our immigration laws that is long overdue for children brought to the United States who are asking for a chance to become legal. They can do it through military service or by education, achieving at least 2 years of college. I have tried for 10 years to pass this measure and repeatedly have had majority support on the floor of the Senate. It has been ruled not enough. You need 60 if you are going to pass the DREAM Act. Just in the last 3 weeks, we had it considered again. It failed by not reaching 60 votes but had 55 votes. So the fact is, establishing this new 60-vote margin has become too commonplace for anything that anyone wants to brand as controversial that might require a filibuster. That has to change. Sixty-vote requirements should be rare in this body. They should be used sparingly, and they should not be applied on a daily basis to any amendment or bill that I or any other Senator at any given moment objects to.

Let me also say when it came to unemployment insurance, I had a little debate with the former Senator from Kentucky, Jim Bunning, now retired, and insisted that he stay on the floor as I repeatedly asked for unanimous consent to extend unemployment benefits. Some Republicans came to the

floor and charged that was unfair to ask the Senator from Kentucky to stay on the floor so that he could object to my unanimous consent requests. I am sorry. There were millions of Americans who were not receiving unemployment benefits, and I think it is not unfair to say to the Senator who is objecting to those benefits: Stick around, miss that basketball game you want to see tonight, which he had announced on the floor. Stick around and suffer a little bit because you happen to believe that is the right thing to do.

Eventually, after a matter of days, unemployment benefits were extended. But the point I am getting to is that we have reached a point here that is way beyond the protection of the minority. It is the protection of what I consider to be an indolent approach to the Senate where we want the easiest way around things. We don't want to debate them. We don't want to vote on them. We don't want to face a majority vote that we might lose. So we have contrived a new set of standards, procedures, and rules that we are addressing today as part of this reform conversation.

Many times when Senators file a cloture motion or an objection that is noted by their side of the aisle and then the clock starts to run, the 30 hours, before there is a vote, many times those Senators leave. Before the Senator from Oregon arrived in this body there was one Senator who objected to our moving to a measure, forcing the Senate to stay in session until Saturday, when in the afternoon the time expired and a vote was called. The Senator who objected didn't show up. He wasn't there. We asked where he was. He had to go to a wedding. Really? The rest of us stayed here and waited for the vote that he demanded while he went off to a family social obligation. That is not right.

The good part of the rules changes that are being discussed now would require Senators like that Senator, if they believe the business of the Senate should stop or be delayed, to invest themselves personally in the conversation—to be here. Is that too much to ask? As the Senator from Pennsylvania once said: Earn it and own it. If you believe the business of the Senate should come to a halt for 30 hours, then for goodness' sake have at least the decency and the personal commitment to park yourself at your desk and argue your point of view. If you are too tired to do it or too distracted or can think of something better to do with your time, be my guest and walk through the doors and let the Senate proceed with its business. But if it is important enough for you to stop the business of the Senate, I happen to agree with those who are calling for rules reforms; we should have that change.

We should make those who are invested in it stay and invest their time,

their personal commitment to that undertaking.

Finally, the nomination process has been corrupted to a point I don't even recognize. When Chief Justice Roberts chastises the Senate for all of the judicial vacancies in America, I know what he is talking about. In my home district of Illinois, the central district, in normal times there are four district court judges. Currently, we have three vacancies. One judge, Mike McCuskey, is running all over downstate Illinois from courthouse to courthouse to try to keep the criminal calendar going. I am afraid he has little or no time for the civil calendar because of three vacancies.

Two of those vacancies the President nominated judges to fill. The judges were considered by the Senate Judiciary Committee, reported unanimously by the Senate Judiciary Committee to the Executive Calendar, and I literally begged the Republican side of the aisle and leadership to allow these two to come up for a voice vote since there was no controversy attached with them and a judicial emergency existed in that central Illinois district. They refused. They refused, despite repeated efforts.

I then went to the other side and said: All right, you must have Republican Senators facing the same thing in their States. I found Senator CORNYN of Texas, with exactly the same circumstance. I said: JOHN, you have a noncontroversial nominee. Let's team up together, make it bipartisan so there is no question that we are trying to do anything for a partisan advantage. He said: I am with you. It was not enough. The Republican leadership still objected to filling these vacancies when a judicial emergency existed, though I asked for it repeatedly. That to me is an abuse of the process. If either of those nominees had been controversial, if this was a situation where it was a new, extra judge, some question of whether it was needed, that is another story completely. But we need a nomination process where those who are not controversial are brought up and considered in a timely fashion.

I commend my colleagues because I think each and every one of them has added to this conversation—Senators WYDEN, GRASSLEY, and MCCASKILL, on a bipartisan basis, to do away with Senate holds. Senator UDALL of New Mexico, Senator HARKIN of Iowa, and Senator MERKLEY of Oregon, who is now presiding, I think have had an excellent proposal here of five different changes that would make this a more effective Senate. Senator LAUTENBERG, who spoke just moments ago, had his own proposal. Senator UDALL of Colorado and Senator HARKIN each have a proposal.

It is time for us to sit down on a bipartisan basis to protect the rights of the minority within the Senate, but to

bring the Senate procedure into a more efficient and more effective way, not just so C-SPAN viewers are not short-changed when they sign up for C-SPAN Senate and all they get is an occasional "Akaka" or some other name being listed in the quorum call, but actually hear the Senate working for its money.

We can do better. I know what is going to happen now. We are likely to recess for some period of time, and an opportunity presents itself for the leaders on both sides to come together. There is room for us to reach agreement. We can say to the minority: You are going to get your chance for amendments. You always want that. You are going to get it. And we can say to our side: You are going to face some votes on amendments, like it or not. That is part of why we are here. We can have some real debate. We can have an investment in the cloture process that means it is real and personal, and that those who believe in it are taking the time to make sure the Senate continues to function as a responsible part of our government.

Mr. President, at this point I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me first say to our majority whip, Mr. DURBIN of Illinois, that I very much appreciate his long-term effort in looking at rules. I know he signed on to several proposals today. I know he is on the one Senator MERKLEY and I are on, and he is also on the Harkin proposal.

The Senator was here back in those days, and he has seen how much the Senate has changed. So we really appreciate the Senator's contribution to this effort and the remarkable job he has done trying to lead us in these difficult times we are in. It must be tough for somebody like him, who came to a Senate and saw it change over time, and change in the wrong way and get hyperpartisan. I want to say that to the Senator.

I also want to say several of our speakers mentioned things, and I think it is very appropriate to put them in the RECORD because I think when people read the CONGRESSIONAL RECORD, and things are mentioned, it is important they be able to find them quickly.

So the first one is from George Packard, who is a writer with the New Yorker magazine. He wrote a piece called "The Empty Chamber" dated August 9, 2010. I commend to my colleagues that article. It was mentioned in the course of the debate and it is an excellent article. He is a very good writer.

Secondly, one of the big scholars on Congress—there are a couple of people out there who study Congress over and over and write books and articles and monitor what we are doing, and one of them is a gentleman by the name of

Norm Ornstein. Norm wrote—this was also mentioned in the course of the debate by one of the Senators—and Norm wrote a piece in the New York Times called "A Filibuster Fix." That was on August 27, 2010. I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 27, 2010]

A FILIBUSTER FIX

(By Norman Ornstein)

WASHINGTON.—After months of debate, Senate Democrats this summer broke a Republican filibuster against a bill to extend unemployment benefits. But the Republicans insisted on applying a technicality in the Senate rules that allowed for 30 more hours of floor time after a successful vote to end debate. As a result, the bill—with its desperately needed and overdue benefits for more than 2 million unemployed Americans—was pointlessly delayed a few days more.

The Senate, once the place for slow and careful deliberation, has been overtaken by a culture of obstructionism. The filibuster, once rare, is now so common that it has inverted majority rule, allowing the minority party to block, or at least delay, whatever legislation it wants to oppose. Without reform, the filibuster threatens to bring the Senate to a halt.

It is easy to forget that the widespread use of the filibuster is a recent development. From the 1920s to the 1950s, the average was about one vote to end debate, also known as a cloture motion, a year; even in the 1960s, at the height of the civil rights debates, there were only about three a year.

The number of cloture motions jumped to three a month during the partisan battles of the 1990s. But it is the last decade that has seen the filibuster become a regular part of Senate life: there was about one cloture motion a week between 2000 and 2008, and in the current Congress there have been 117—more than two a week.

Even though there might be several motions for cloture for each filibuster, there clearly has been a remarkable increase in the use of what is meant to be the Congressional equivalent of a nuclear weapon.

Filibusters aren't just more numerous; they're more mundane, too. Consider an earlier bill to extend unemployment benefits, passed in late 2009. It faced two filibusters—despite bipartisan backing and its eventual passage by a 98-0 margin. A bill that should have zipped through in a few days took four weeks, including seven days of floor debate. Or take the nomination of Judge Barbara Milano Keenan to the United States Court of Appeals for the Fourth Circuit: she, too, faced a filibuster, even though she was later confirmed 99 to 0.

Part of the problem lies with today's partisan culture, in which blocking the other party takes priority over passing legislation or confirming candidates to key positions. And part of the problem lies with changes in Senate practices during the 1970s, which allowed the minority to filibuster a piece of legislation without holding up other items of business.

But the biggest factor is the nature of the filibuster itself. Senate rules put the onus on the majority for ending a debate, regardless of how frivolous the filibuster might be.

If the majority leader wants to end a debate, he or she first calls for unanimous con-

sent for cloture, basically a voice vote from all the senators present in the chamber. But if even one member of the filibustering minority is present to object to the motion, the majority leader has to hold a roll call vote. If the majority leader can't round up the necessary 60 votes, the debate continues.

Getting at least 60 senators on the floor several times a week is no mean feat given travel schedules, illnesses and campaign obligations. The most recent debate over extending unemployment benefits, for example, took so long in part because the death of Senator Robert Byrd, a Democrat from West Virginia, left the majority with only 59 votes for cloture. The filibuster was brought to an end only after West Virginia's governor appointed a replacement.

True, the filibuster has its benefits: it gives the minority party the power to block hasty legislation and force a debate on what it considers matters of national significance. So how can the Senate reform the filibuster to preserve its usefulness but prevent its abuse?

For starters, the Senate could replace the majority's responsibility to end debate with the minority's responsibility to keep it going. It would work like this: for the first four weeks of debate, the Senate would operate under the old rules, in which the majority has to find enough senators to vote for cloture. Once that time has elapsed, the debate would automatically end unless the minority could assemble 40 senators to continue it.

An even better step would be to return to the old "Mr. Smith Goes to Washington" model—in which a filibuster means that the Senate has to stop everything and debate around the clock—by allowing a motion requiring 40 votes to continue debate every three hours while the chamber is in continuous session. That way it is the minority that has to grab cots and mattresses and be prepared to take to the floor night and day to keep their filibuster alive.

Under such a rule, a sufficiently passionate minority could still preserve the Senate's traditions and force an extended debate on legislation. But frivolous and obstructionist misuse of the filibuster would be a thing of the past.

Mr. UDALL of New Mexico. Let me finally say to the Senator from Oregon, the Presiding Officer, that I very much appreciate his support both in working with me on the constitutional option and sorting out the details and making sure we have things right and also for his incredible work in terms of pulling together the talking filibuster part of this. I was here today when he showed his charts, and he took our five ideas and, in the most simple form so the American people could understand it, capsulized those in those five charts.

I have been telling my staff—and you need to do this by the end of the debate—we need to find a way to shrink those and put those in the RECORD also because here we are sitting on the floor and we have these charts and we need to somehow have those be a representation also.

So with that, I yield the floor.

RULES REFORM

Mr. BENNET. Mr. President, I rise today in support of reasonable efforts

to reform the Senate Rules. The American people expect us to work together to find solutions to the problems of the day. Yet anyone watching this body can plainly see that a few Senate rules no longer work.

I believe we should all be cautious and fair about respecting Senate tradition. But blindly adhering to tradition when the American people need us to take a fresh look helps no one. The rules have been changed before, when they needed to be.

Anyone watching this place over the last 2 years will tell you that a few of the rules no longer serve us. They need to be reformed.

We have seen consensus bills, supported by 80 or 90 Senators, get held up for many months because of a single Senator's secret objections.

And we have moved well beyond the intended use of the filibuster for exceptional circumstances and to provide for extended debate. In fact, the filibuster has been so corrosive to this body that we rarely ever even have debate during filibusters. The average American turns on their TV and only sees endless live quorum calls.

The American people are counting on us to get past the tired partisan bickering. This is not about Democrats and Republicans. It has to be about the American people, what is in their interests. Whether one Senator secretly holding up a nominee's career for a year is in their interests. Whether promoting filibusters that stifle, rather than promote debate, is in their interests. Whether we have to waste valuable Senate calendar days watching time run in silence, on bills everyone knows are going to pass, because the rules require it, is in the American people's interests.

In my short time in the Senate, I have offered a number of reforms which would improve the ability of this body to function and help fix our broken politics.

I introduced a rules reform proposal and have testified before our Rules Committee to explain it to colleagues on the Committee. My proposal would eliminate the filibuster on motions to proceed, that are used to stifle, rather than promote debate. I am all for extended debate, yet filibustering motions to even proceed to measures has the result of actually preventing the Senate from even addressing the important issues of the day.

My resolution would also eliminate secret holds and place a time limit on all holds by individual Senators.

And it would require filibustering Senators to actually show up and vote in order to continue to block legislation. As it is now, if you want to obstruct Senate business, you can just go home. How does this promote debate? My commonsense proposal only requires you to stand up and be counted if you want to filibuster a bill or a nomination.

I don't have a monopoly on good ideas for reform. We have colleagues who have been here for many years with a lot to add to this discussion. And it is also healthy that so many new Members are introducing their own ideas. I am hopeful that we can achieve some consensus for the good of the country.

The PRESIDING OFFICER. The Senator from Mississippi.

RUSSIA

Mr. WICKER. Mr. President, I am speaking today on a very important international foreign policy issue. That will be the subject of my address today. I wanted to come down here the first day of this legislative session, this 112th Congress, and talk about the deteriorating situation with regard to oppression and the rule of law in Russia. I have come to this floor a number of times to share my concern on this subject. I wish to begin this Congress by once again expressing my deep concern for what we see happening just in the recent days in Russia.

I remember looking back in 1990 and 1991 at the hope we had, the optimism we in the West had as we watched the Iron Curtain fall, as we watched the wall tumble in Berlin, and we watched with hope that this would be a new day for people behind the Iron Curtain and a new opportunity for freedom and openness in that society. Unfortunately, year after year, month after month, we have seen since the fall of the Soviet Union a very regrettable and disturbing deterioration in the rule of law in Russia and a move back to the authoritarian rule of old we all remember so well. Recent events in Russia once again cause us to believe this problem is escalating and have caused me to come to the floor today on this subject.

Last month, the leadership of this Senate pushed through, I think in haste, the New START treaty with Russia. I had concerns over the treaty, and I ultimately voted against it. We had a lot more debate that needed to take place. We had dozens of amendments that went undebated and unconsidered and not voted upon by this body, and I regret that. I always thought nuclear arms policy and treaties with regard to our nuclear stockpile should be based on the security of the American people and that the primary issue should be what is in the best interests of the United States. What we saw a lot of in the debate last month was instead an emphasis on New START as the centerpiece of this administration's effort to reset relations with Russia. I certainly support the resetting of our relations with Russia, but I do not believe the New START treaty was the best way to advance this.

But it should concern all of us, it should concern everyone within the

sound of my voice, regardless of how we voted on New START that within 2 weeks' time of this body approving the New START treaty, a Russian court issued a second spurious guilty verdict against Mikhail Khodorkovsky and Platon Lebedev. Almost simultaneously, authorities in Russia arrested prominent Russian opposition figure, former Deputy Prime Minister Boris Nemtsov. These events took place within days of each other.

What do these recent events mean? To me, they are two other examples of the way the current Russian leadership does not respect universal values such as the rule of law or freedom of expression and assembly. The Russian Government does not share our commitment to international norms or fostering modernization. Resetting U.S.-Russian relations will be exceedingly difficult while these differences persist.

During the last Congress, I spoke several times on the trial of Mikhail Khodorkovsky and Platon Lebedev. I concluded my most recent remarks by saying that I hoped Russia would choose the right path and somehow justice would prevail in that case. Sadly, it did not. A Russian court issued another politically motivated guilty verdict against these two Russian dissidents. This disturbing verdict reveals that the Russian judiciary lacks independence and that Russian authorities can act above the law at will. This latest verdict was not only sad for Mikhail Khodorkovsky, Platon Lebedev, and their families, but also for all people, for all of us who seek a more open Russia based on the rule of law.

Prime Minister Vladimir Putin's comments on the case before the verdict was even issued were very troubling indeed. According to the Associated Press, Russia's Prime Minister said that the crimes of the former oil tycoon have been proven—he said this before the verdict was even issued—and that a “thief should sit in jail.” Mr. Putin said Khodorkovsky's present punishment is more liberal than the 150-year prison sentence handed down in the United States to financier Bernard Madoff.

Citing the years of advocacy and statements from global leaders, the very respected publication *The Economist* explained that Putin's comments were “a humiliating slap in the face of all those foreign dignitaries . . . who had lobbied Dmitry Medvedev, Russia's president, to stop persecuting Mr. Khodorkovsky.” I agree with the comments contained in the publication *The Economist*.

In a democracy, courts are independent and the executive branch acts as a separate branch of government with no say in final court decisions. Prime Minister Putin's statement demonstrates that this separation does not exist in Russia.

As if the Khodorkovsky verdict did not make it clear enough that opposition will not be tolerated in Russia, Russian authorities arrested opposition leader and former Deputy Prime Minister Boris Nemtsov on New Year's Eve. This took place during a reportedly peaceful antigovernment rally in Moscow. Approximately 70 others were also arrested. A Moscow court sentenced former Deputy Prime Minister Nemtsov to 50 days in jail for allegedly disobeying police. This arrest was a tremendous disappointment, but it certainly was not a surprise. The Russian Government had recently begun granting permission for semiregular protests. I use the term "semiregular" because it was granted only for the last day of months with 31 days.

I met with Mr. Nemtsov last March when he was here in Washington. He came to my office, and we had a very enlightening discussion about the future of Russia. I admired his dedication and commitment to promoting democracy in Russia, and I hope and pray for his safety during the remaining days in a Moscow jail cell.

Sadly, we have learned that not all those who opposed the Russian Government do, in fact, return from Russian jails. Sergei Magnitsky, who was a young Russian anticorruption lawyer employed by an American law firm in Moscow who blew the whistle on the largest tax rebate fraud in Russian history perpetrated by high-level Russian officials, is an example. Magnitsky was arrested shortly after he testified to authorities. He was held in detention for nearly a year without trial, under torturous conditions, and he died in an isolation cell on November 16, 2009, in Russia.

During the 111th Congress, I joined Senators CARDIN and MCCAIN in cosponsoring the Justice for Sergei Magnitsky Act, which would freeze assets and block visas to Russian individuals responsible for Mr. Magnitsky's unfortunate death. In this, the 112th Congress, I will continue to highlight the treatment of opposition figures in Russia and the regrettable erosion of the rule of law.

I urge President Obama and Secretary of State Clinton to make the treatment of opposition figures a central part of our efforts to reset relations with Russia. In order to make progress on other issues, Russia needs to prove it is truly committed to the rule of law and the human rights of all of its citizens, including those who disagree with the government. Without this, our efforts to find common ground on other issues of mutual concern will continue to be undermined.

Mr. President, I yield the floor.

REMEMBERING ELIZABETH RIDGWAY

Mr. DURBIN. Mr. President, I wish to say a few words about Elizabeth

Ridgway, an Illinoisan, educator, and hard-working employee of the Library of Congress who recently passed away. Elizabeth died on December 23, 2010, at the young age of 41.

In her role leading the Library's Educational Outreach Division, Elizabeth advocated for America's teachers and worked to provide them with better and expanded resources. In this capacity, she was responsible for administering the Teaching with Primary Sources program. In 2005, I secured authorization language to establish Teaching with Primary Sources to share with students and teachers the educational treasures of the Library of Congress. Many Illinois educators and educational facilities have participated in this program since its inception and, under Elizabeth's guidance, have been instrumental in the expansion of the program.

The numerous programs she directed now reach tens of thousands of teachers nationwide, providing them with important classroom materials, workshops, online and graduate courses, mentoring and grants. Countless students across our nation are benefitting from the Library's collections as a result of Elizabeth's work.

Librarian of Congress James H. Billington said Elizabeth "was a pioneering humanistic educator of the Internet Age." He continued, "she was admired and beloved by colleagues at all levels of the Library—and by many local librarians and K-12 teachers all over America. . . . We will deeply miss her infectious enthusiasm and selfless dedication."

I offer my deepest condolences to Elizabeth's family, colleagues, and friends. My thoughts are with all of you. Established by her family since her untimely passing, the Elizabeth Ridgway Education Fund at the Library will help continue her legacy. The lives that she has touched, and the teachers and students who her work has empowered, will be a lasting tribute to her life and her love of education. She inspired many with her dedication and leadership, and I have every confidence that others will continue the work Elizabeth loved so much.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, in the closing days of the 111th Congress, a brief flurry of activity led to the confirmation of 19 long-pending judicial nominations. Regrettably, the stalemate that had prevented the Senate from confirming a single nomination between September 13 and December 16 resumed when Senate Republicans denied action on 19 other well-qualified, consensus judicial nominations reported by the Senate Judiciary Committee. Ultimately, these nominations were returned to the President, includ-

ing 15 nominations that received unanimous or near unanimous support in the committee. I suspect that when the President renominates these qualified individuals, they will be confirmed with overwhelming bipartisan support. The only question will be why we were unable to take action on them sooner.

In his "Year-End Report on the Federal Judiciary," Chief Justice Roberts rightly called attention to the problem facing many overburdened district and circuit courts across the country. The rise in judicial vacancies, which topped 110 in 2010, and an increasing number of judicial emergencies is of great concern to all Americans who seek justice from our courts.

Unfortunately, the unprecedented obstruction of judicial nominations seen in the last Congress, and the dramatic departure from the Senate's longstanding tradition of regularly considering consensus, noncontroversial nominations, marked a new chapter in what Chief Justice Roberts calls the "persistent problem" of filling judicial vacancies. A New York Times editorial from January 4, 2011, refers to Senate Republicans' "refusal to give prompt consideration to noncontroversial nominees" a "terrible precedent." I agree, and I will ask that the Times' editorial be printed in the RECORD.

Nearly all of the mere 60 district and circuit court nominations the Senate was allowed to consider last year were confirmed with the overwhelming, bipartisan support of the Senate. Yet nearly a third of these nominations—19—were held up for more than 100 days, only to be confirmed unanimously. As the Times editorializes, "apart from partisan gamesmanship, there was no reason that Republicans held up these nominations for months only to unanimously approve nearly all of them in the waning days of the lame duck session." Among these nominations was that of Kimberly Mueller, nominated to fill a vacancy in the Eastern District of California. Chief Justice Roberts cited this confirmation as one of the most sorely needed. Yet for more than 7 months, the Senate was prevented from considering the nomination to fill this vacancy. Judge Mueller's nomination was unanimously reported by the Judiciary Committee in May; her nomination was unanimously confirmed on December 16. No Senator objected to her qualifications, her record, or her fitness to serve. This sort of delay is the real crisis facing the Federal judiciary.

Lifetime appointments to the Federal bench should not be granted without due consideration. No Senator, Democrat or Republican, should simply rubberstamp the nominations of any President. In the first Congress of the Bush administration, the Democratic majority worked to confirm 100 judicial nominations, turning the page on the Republicans' pocket-filibusters of

the 1990s. We proceeded with regular consideration of noncontroversial, consensus nominations, most of which received unanimous support in the Senate. We confirmed 20 nominations during the lameduck session in 2002, including two controversial circuit court nominations which were favorably reported by the Senate Judiciary Committee in the lameduck session. Senate Republicans' decision in December to object to consideration of 19 judicial nominations favorably reported by the Judiciary Committee—including 15 nominations with overwhelming bipartisan support—has established a new low with regard to judicial nominations. They set back the progress we have tried to make in confirming judges.

I suspect that President Obama will renominate these qualified individuals. I hope to work with the Judiciary Committee's new ranking Republican, Senator GRASSLEY, to promptly consider and report these nominations to the full Senate. I hope that Senator GRASSLEY will work with me to ensure the timely confirmation of these and other noncontroversial, consensus nominations, which will help reduce vacancies and address the judicial crisis.

The American people turn to our courts for justice. Likewise, the Senate must return to the time-honored traditions of the Senate, and work together to secure the confirmation of the President's judicial nominations. Judicial vacancies hinder the Federal judiciary's ability to fulfill its constitutional role. Working together, we can restore the judicial confirmation process.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 3, 2011]

THE MISSING JUDGES

The annual report on the federal judiciary by the chief justice of the United States is not a place you would normally go for political agitation. But that is just what Chief Justice John Roberts Jr. offered by using a portion of his year-end review to deplore the "acute difficulties" created for the justice system by the Senate's slowness in approving President Obama's nominees for federal judgeships.

Justice Roberts is right to be concerned that mounting federal court vacancies are creating crushing caseloads in some jurisdictions and hampering courts' ability to fulfill their vital role. Given his office, we understand why he did not point a partisan finger in his report. But he diluted his message a bit by suggesting that blame for this undermining of the judicial branch rests evenly with both parties. The main culprit is an unprecedented level of Republican obstructionism.

Democrats sought to block a handful of President George W. Bush's controversial nominees for circuit court seats, but were

open about stating their objections, and promptly allowed up or down votes on other nominees once approved by the Judiciary Committee.

In the last Congress, Republicans typically refused to publicly explain their opposition to individual nominees and their prolonged blockade of candidates who had cleared the committee either unanimously or with just a couple of negative votes. Between Congress's return from its August recess and the start of the lame duck session, Senate Republicans consented to vote on just a single judicial nomination.

Before adjourning, Senate Republicans allowed action on 19 well-qualified nominees—some of whom had been left in limbo for nearly a year after clearing the Judiciary Committee. That was welcome progress. But apart from partisan gamesmanship, there was no reason that Republicans held up these nominations for months only to unanimously approve nearly all of them in the waning days of the lame duck session.

Partisan obstruction was also the only plausible reason that Republicans declined to allow confirmation of 15 other nominees who were considered noncontroversial and were cleared by the committee after the November election. Those nominations have been returned to the president, ensuring further delays in filling seats when those individuals are renominated and a newly reconstituted Judiciary Committee must hold new hearings.

Four other nominees approved by the committee by a party-line vote were also denied Senate consideration. That list includes Goodwin Liu, a well-qualified law professor and legal scholar whose main problem for Republicans, it seems, is his potential to fill a future Supreme Court vacancy.

The dismal net result, laments Senator Patrick Leahy, the Judiciary Committee chairman, is that the Senate confirmed just 60 district and circuit court judges—the smallest number of judges for the first two years of a presidency in more than three decades.

The Republicans' refusal to give prompt consideration to noncontroversial nominees sets a terrible precedent. It gives Democrats something to consider as they weigh possible rules changes in the Senate to curb the autopilot filibusters and secret holds that mindlessly delay essential business, like the confirmation of federal judicial nominees.

MEDICARE

Mr. GRASSLEY. Mr. President, as we begin the 112th Congress I want to discuss one of my continuing concerns with the Medicare Program. For the last 10 years, I have served most recently as ranking member and previously as the chairman of the Senate Committee on Finance, which has jurisdiction over Medicare. During this time I have led efforts to reform the Medicare payment system and realign incentives in Medicare to promote higher quality and more efficient care. Today, I would like to address one of the flaws in the Medicare payment system: the inaccuracy of the Medicare geographic adjustment factors used for physician practice expense and the adverse impact they have on rural Medicare beneficiaries' access to care. This flaw has for many years resulted in un-

fairly low payments to high quality areas like my own home State of Iowa and many other rural States.

Medicare payment varies from one area to another based on the geographic adjustments known as the geographic practice cost indices or GPCIs. These geographic adjustments are intended to equalize physician payment by reflecting differences in physician's practice costs. But they do not accurately represent those costs in Iowa or other rural States. They have failed to do the job. They penalize rather than equalize Medicare reimbursement in rural States and discourage physicians from practicing in areas like New Mexico, Arkansas, Missouri, and Iowa because of their unfairly low Medicare rates. Iowa is widely recognized as providing some of the highest quality care in the country yet Iowa physicians receive some of the lowest Medicare reimbursement in the country due to these inequitable geographic disparities.

I introduced legislation to correct these unwarranted geographic payment disparities in the 110th Congress, the Medicare Physician Payment Equity Act of 2008. In the 111th Congress, I introduced the Medicare Rural Health Access Improvement Act of 2009. And when the Senate Finance Committee conducted its markup of health reform legislation in the fall of 2009, I offered an amendment to reform the practice expense geographic adjustment, PE GPCI, that has caused unduly low payments in rural areas due to the inaccurate data and methodology that is used. My amendment provided more equity and accuracy in calculating this adjustment, and it provided a national solution to the problem. It was accepted unanimously by the Senate Finance Committee, and it was included in the Senate health reform bill, the Patient Protection and Affordable Care Act, PPACA, that was enacted last year.

The goal of my amendment was to assure that the statutory mandate of the Social Security Act is met and that the most recent and relevant data is used for these geographic adjusters. The language of section 3102(b) is very specific. It requires a transitional 2-year period of limited relief to reduce the impact of the current, inequitable practice expense formula in rural areas while a broader analysis of the methodology and evaluation of the data is conducted by the Department of Health and Human Services, HHS. The Secretary is mandated to limit the impact of the existing adjustments by reflecting only one-half of the geographic differences in employee wages and rents in the PE GPCI adjustment for 2010 and 2011 and to hold harmless those localities that would otherwise see a reduction as a result of this adjustment. Most importantly, the provision requires that a longer term solution be implemented in 2012, at which time the

Secretary must make appropriate adjustments to the formula to ensure accurate geographic practice expense adjustments.

This 2-year transition in 2010 and 2011 was provided to allow time for a focused, in-depth study by the Centers for Medicare and Medicaid Services, CMS, on the data and methodology used to support a revised PE GPCI formula that would be implemented by January 1, 2012. However, to date CMS has failed to make any significant changes in the sources of the data or the methodology used in calculation of the practice expense adjustment. Although CMS has acknowledged its obligations for an additional study as called for by section 3102(b), they continue to claim that their "analysis of the current methods of establishing PE GPICs and [their] evaluation of data that fairly and reliably establish distinctions in the cost of operating a medical practice in the different fee schedule areas meet the statutory requirements" of section 3102(b), Federal Register, November 29, 2010, Page 73254. I strongly disagree.

When the current Medicare payment system was established, Congress decided that geographic adjustments would be appropriate to equalize physician payment by reflecting differences in physicians' practice costs, and it established the geographic practice cost indices, GPICs, for physician work, practice expenses, and malpractice premiums. Congress also mandated that HHS use the most recent data available relating to practice expenses in calculating the geographic adjustments for physician practice costs.

However, CMS has long relied upon proxy data sources that bear little to no relevance to actual practice costs, such as using Housing and Urban Development, HUD, apartment rental data to calculate physician office rent. This doesn't have any connection with the cost of office space, let alone a physician's office. Also, the current formula only counts employee wages in four occupations: nurses, clerical personnel and medical technicians but it should reflect employee wages more accurately by also taking into account physician assistants, office administrators, and other more highly compensated specialists commonly employed in practices today. The third category, of "other" expense, is considered to be a national market and not adjusted. It should include expenses like office furniture and information technology that cost the same, no matter where you live, but it doesn't. And the weights used by CMS in their methodology are outdated and fail to represent physician practice expenses accurately.

Unfortunately, the more accurate calculation of practice expense costs that was intended to be achieved by my amendment also has been jeopardized

by a special interest provision that was added to PPACA behind the closed doors of the majority leader during the Senate floor consideration of health reform. It addresses geographic disparities in Medicare payment but it helps just 5 States at the expense of the other 45 States. It is what I call the "Frontier Freeloader" provision. It improves Medicare reimbursement in these frontier States by establishing floors for the hospital wage index and the physician practice expense GPCI. A frontier State is defined as one with 50 percent or more frontier counties, defined as counties with a population per square mile of less than six.

This special deal will ensure that higher payments go to just five rural States in 2011—North Dakota, South Dakota, Montana, Wyoming and Nevada—at the expense of every other State. But the Frontier Freeloader is even more egregious because Iowa and other States like Arkansas and New Mexico that don't benefit from this provision are paying for it! So, taxpayers in your State and mine all the other 45 States—will kick in to pay for this unfair \$2 billion Frontier Freeloader carve-out for five States that ends up harming all the other rural States. And that is just the cost for the next few years. The frontier States deal does not sunset, and it is not time-limited. It will continue to benefit so-called "frontier States" forever while taxpayers in your State and mine continue to pay the bills. It's another example of how the lack of transparency and the deals made behind closed doors to garner votes last year led to bad policies. And it became law when the President signed the health care reform bill.

I introduced legislation to eliminate the inequitable frontier freeloader provision in the last Congress and to improve Medicare beneficiaries' access to care in all rural States. The Medicare Rural Health Care Equity Act of 2010 would have eliminated this special Medicare reimbursement rate for frontier States and provided additional funds from its repeal to improve reimbursement in all rural States. Iowa provides some of the highest quality care in the country but it does not meet the definition of a frontier State. Certainly Iowa should have been helped since Medicare reimbursement for hospitals and physicians is lower in Iowa than in most of these so-called "frontier" States. Medicare also pays much lower rates in other rural States, like Arkansas and New Mexico, but they don't benefit from the Frontier Freeloader because they don't meet the definition of a frontier State. We should improve physician payments for all rural States, not just a select few. And it's unfair to improve hospital payments for just a few States. My legislation would have eliminated those special payments for just five States, and

I will be reintroducing that legislation again soon.

The Institute of Medicine, IOM, has been asked by HHS to evaluate the accuracy of the existing geographic adjustment factors and whether the current measures and data are representative of the costs. I have prepared a statement for consideration by the IOM committee charged with this review, the Committee on Geographic Adjustment Factors in the Medicare Program. I urge the IOM to address the inaccuracy of the current geographic adjusters used for physician practice expense, the methodology and data used in their calculation, and the adverse effect of the existing practice expense geographic adjustment factor on rural access to care. I also urge IOM to review the frontier States provision and provide HHS and Congress with recommendations on specific factors that could be used to determine physician practice costs in those States in lieu of the inequitable frontier States floor.

It is my hope that the IOM will carefully consider these comments as it proceeds with its review and develops recommendations and a report to be submitted to HHS and the Congress later this year. I ask unanimous consent that my statement to the IOM be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHUCK GRASSLEY

(Institute of Medicine, Committee on Geographic Adjustment Factors in the Medicare Program, Jan. 5, 2011)

As the senior senator from Iowa and the Ranking Member of the United States Senate Committee on Finance in recent years, I appreciate the opportunity to provide this statement to the Institute of Medicine (IOM) on a study that the IOM has undertaken at the request of the Secretary of the Department of Health and Human Services (HHS) regarding the accuracy of the geographic adjustment factors used for Medicare payment.

For the last ten years, I served either as Ranking Member or as the Chairman of the Senate Committee on Finance, which has jurisdiction over Medicare. During this time, I led congressional efforts to establish more accurate geographic adjusters for Medicare physician payment and to realign incentives in Medicare to promote higher quality and more efficient care. This IOM committee has been asked to evaluate the accuracy of the geographic adjustment factors and to provide their recommendations as to whether the current measures and data are representative of the costs. I would like to address the inaccuracy of the current Medicare geographic adjustment factors used for physician practice expense, the methodology and data used in their calculation, and the adverse effect of the existing practice expense geographic adjustment factors on rural access to care. I offer these comments for consideration by the committee as it proceeds with its review and develops its recommendations and report to HHS and Congress later this year.

MEDICARE'S FLAWED GEOGRAPHIC ADJUSTMENT FACTORS

Medicare's payment system for physicians is flawed in many ways. One of those flaws is the unjustified geographic disparities in payment that has for many years given unfairly low payments to high quality areas like my home state of Iowa and other rural states. Geographic equity in Medicare payment has been a longstanding issue of major concern to me. The new health care reform law, the Patient Protection and Affordable Care Act (PPACA), includes a provision I authored that makes some much needed changes in the calculation of the geographic adjustment factors that is intended to provide more equitable payments to physicians in rural areas and to improve access to health care for Medicare beneficiaries in rural states.

Medicare payment differences from one area to another based on the geographic adjustments known as the Geographic Practice Cost Indices (GPCIs) are intended to equalize physician payment by reflecting differences in physician's practice costs but they do not accurately represent those costs in Iowa or other rural states. They have been a dismal failure, in fact. They discourage physicians from practicing in rural areas because they create unfairly low Medicare reimbursement rates.

I introduced legislation to correct these unwarranted geographic payment disparities in the 110th Congress, the Medicare Physician Payment Equity Act of 2008, as well as the Medicare Rural Health Access Improvement Act of 2009 in the 111th Congress. In the fall of 2009, I also offered an amendment in the Senate Finance Committee markup of health reform legislation to reform the practice expense geographic adjustment that has caused unduly low payments to physicians in rural areas due to the inaccurate data and methodology that is used.

My amendment was intended to provide more equity and accuracy in calculating this adjustment as well as to provide a national solution to the problems that have arisen from the current unwarranted disparities in Medicare payment due to these geographic adjustments. The amendment was accepted unanimously by the Senate Finance Committee during markup of Senate health reform legislation in September 2009. Section 3102(b) of the Patient Protection and Affordable Care Act (PPACA) that passed the Senate and became law is based on this amendment. It requires HHS to improve the accuracy of the Practice Expense Geographic Practice Cost Index (PE GPCI) data and methodology and to examine the feasibility of using actual data or reliable survey data on office rents and non-physician staff wages. These two PE GPCI inputs, which are the only inputs adjusted to reflect local costs, currently do not measure physician costs. Instead, they rely upon proxies. The current input adjustments are not credible because of their reliance on proxy data sources rather than actual physician practice costs. As a result, some physicians are paid more and others are paid significantly less for the very same service with the same time, effort, and expertise needed to furnish that service to a Medicare beneficiary.

I urge the committee to note the wide differences in physician payment under the GPCIs as currently constructed. At the beginning of calendar year 2010, before the transitional adjustments required by PPACA, a 38.894% difference in Medicare physician payment on average existed between the highest paid and the lowest-paid Medicare Part B payment locality (Alaska

and Puerto Rico) for the same Medicare service. The PE GPCI disparity for this same period was even greater, ranging from 1.441 (San Francisco) for the highest to 0.694 for the lowest (Puerto Rico) and 0.821 for the second lowest (the rest of Missouri), with 1.0 being the average. The PE GPCI for Iowa was 0.870. This means that physicians in San Francisco received a PE GPCI adjustment that was 144 percent of the average, while Iowa physicians received an adjustment of just 87 percent.

Survey findings of the American Medical Association (AMA) and others challenge this significant range in payment disparity by showing little measurable distinction in physician practice expenses throughout the country. The AMA PPIS is based on actual physician data, rather than the proxy data upon which CMS relies. Geographic distinctions in physician practice expense payment in rural areas should be supported by accurate and reliable data and calculations. I urge the committee to address this discrepancy between credible surveys, based on real physician cost data, and the PE GPCI range established by CMS.

Section 3102(b) requires a transitional two-year period of limited relief to reduce the impact of the current, inequitable practice expense formula in rural areas while a broader analysis of the methodology and evaluation of the data is conducted by HHS. The Secretary is mandated to limit the impact of the existing adjustments by reflecting only one half of the geographic differences in employee wages and rents in the PE GPCI adjustment for 2010 and 2011 and to hold harmless those localities that would otherwise see a reduction as a result of this adjustment. The provision requires that a longer-term solution be implemented in 2012, at which time the Secretary must make appropriate adjustments to the formula to ensure accurate geographic practice expense adjustments. These statutory adjustments were intended to moderate the negative effects of the existing inaccurate GPCI disparities on low-paid Medicare regions while allowing time for a focused, in-depth study by the Centers for Medicare and Medicaid Services (CMS) on the inputs, weights, and data used in the PE GPCI to support a revised formula that would be implemented as of January 1, 2012.

Congress agreed at the inception of the current Medicare payment system that, to the extent physicians practicing in the various Medicare payment localities face higher or lower practice expense burdens, reasonable distinctions in Medicare payment would be appropriate, and it established the Geographic Practice Cost Indices (GPCIs) for physician work, practice expenses, and malpractice premiums to do so. To support the PE GPCI, Congress directed the Department of Health and Human Services to "use the most recent data available relating to practice expenses . . . in different fee schedule areas." (Social Security Act, Section 1848(e)(1)(D)). The statutory requirement makes it clear that there must be a nexus between data sources and actual physician practice expenses as represented by the inputs of the PE GPCI.

However, CMS has long relied upon proxy data sources that bear little to no relevance to actual practice costs. Furthermore, the weights used by CMS are outdated and fail to represent accurately the relativity in expenses in this dynamic and ever-changing field. It is my understanding that the PE GPCI, in particular, is currently supported by data that is neither relevant to physician practices nor credible to physicians. Physi-

cians who serve the Medicare population must bear the burden of their true practice costs while the Medicare payment system upon which they rely fails to reflect those same practice expense costs fairly and accurately.

The goal of Section 3102(b) is to assure that the statutory mandate of the Social Security Act is met and that the most recent and relevant data is used for these geographic adjusters. The language of Section 3102(b) is very specific in its directions but so far CMS has failed to make significant changes in the methodology or data used in calculation of the PE GPCI. The final CMS CY 2011 Medicare physician payment rule sets forth the results of CMS' sixth 3-year GPCI review. Although CMS acknowledged its obligations for an additional PE GPCI study under Section 3102(b) of PPACA, they stated that their "analysis of the current methods of establishing PE GPCIs and [their] evaluation of data that fairly and reliably establish distinctions in the cost of operating a medical practice in the different fee schedule areas meet the statutory requirements" of Section 3102(b) (Federal Register, November 29, 2010, Page 73254).

The most recent CMS review and analysis does not provide a new analysis and evaluation of data but merely treads old ground, looking at the PE GPCI underlying data and its weights along the lines of what other studies have already examined. For example, CMS continues to rely, with little justification, on Housing and Urban Development (HUD) section 8 apartment rent data as a proxy for physician rent even though Section 3102(b) directs CMS to evaluate "the feasibility of using actual data or reliable survey data developed by medical organizations on the costs of operating a medical practice, including office rents and non-physician staff wages in different fee schedule areas." If no suitable nationwide data on rental rates for physician office space currently exist, the IOM should recommend other approaches for CMS to use in studying this issue to come up with more reliable data than HUD apartment rents.

CMS acknowledged in the final physician payment rule for CY 2011 that there is much ongoing analysis of the PE GPCI data that could form the basis of future GPCI changes. They stated that they would "review the complete findings and recommendations from the Institute of Medicine's study of geographic adjustment factors for physician payment" along with other HHS activities and continue to study the issues as required by Section 3102(b) (Federal Register, November 29, 2010, Page 73256). CMS will consider the GPCIs for CY 2012 again in the context of their annual physician fee schedule rule-making beginning in CY 2011 based on information that is available then.

A significantly more comprehensive analysis and detailed evaluation should be conducted for the PE GPCI study mandated by Section 3102(b) than what has been detailed by CMS in its final CY 2011 Medicare physician payment rule. New studies, data, and other approaches must exist or be developed to facilitate reliability and accuracy in identifying actual physician practice expenses and setting weights among those expenses. That is why a two-year transition was provided: to ensure that CMS would have sufficient time to do additional studies, if needed, and come up with more meaningful data than, for example, continuing to use apartment rental data which bears no relation to the cost of a physician's office. I urge the committee to provide CMS with specific recommendations for more accurate methodology that could be used to determine the PE

GPCIs and obtain more reliable actual or survey data sources to be used in these calculations.

THE INEQUITABLE FRONTIER STATES PROVISION

Unfortunately, the more accurate calculation of practice expense costs that was intended to be achieved by Section 3102(b) has been jeopardized by a special interest provision that was added to PPACA behind closed doors during the Senate floor consideration of health reform. The "frontier states" provision addresses geographic disparities but helps just five states at the expense of the other 45. It improves Medicare reimbursement in the so-called frontier states by establishing a permanent 1.0 floor for the PE GPCI as well as for the hospital wage index, effective January 1, 2011. A frontier state is defined as one with 50 percent or more frontier counties, defined as counties with a population per square mile of less than six. The frontier states provision ensures that higher Medicare physician payments resulting from a higher PE GPCI adjustment go to just five states in 2011—Montana, Wyoming, North Dakota, South Dakota, and Nevada.

Iowa provides some of the highest quality care in the country but it does not meet the definition of a frontier state. Yet Medicare reimbursement for hospitals and physicians is lower in Iowa than in most of these so-called frontier states. Medicare also pays much lower rates in other rural states that do not meet the definition of a frontier state.

The frontier states provision is even more egregious because taxpayers in all 50 states will help pay the estimated \$2 billion cost for a provision that benefits just five states. That amount is the Congressional Budget Office cost estimate of the frontier states provision for the next ten years. A practice expense floor for rural states may be warranted but it should not be an adjustment for just a few select states. This automatic pay increase for frontier state physicians could result in reduced access for Medicare beneficiaries in nearby rural states that do not have the 1.0 PE floor if physicians migrate to those rural areas where Medicare payment has been significantly increased.

Last spring I introduced legislation, the Medicare Rural Health Care Equity Act of 2010, to eliminate the special Medicare reimbursement rates for frontier states. It is imperative to reduce unwarranted geographic disparities and base physician practice expense costs on actual or reliable survey data, not by legislative fiat that improves physician payments for just a few states. Although legislative action would be required to make changes in this regard, I urge the IOM to review this situation and provide recommendations to HHS on whether specific factors should be considered to determine physician practice costs in frontier states if such a floor did not exist.

CONCLUSION

The practice expense geographic adjustment factor has a significant impact on the health care workforce in rural areas, because it plays a major role in the ability to recruit and retain physicians in rural areas who see more patients and work longer hours for correspondingly lower pay. This in turn can result in Medicare beneficiaries in rural areas having reduced access to physicians and other health care practitioners. Twenty percent of the population lives in rural America yet only nine percent of physicians practice there. Shortages of primary care and specialty physicians currently exist in many rural areas yet unwarranted geographic payment disparities make it difficult to improve

access for rural Medicare beneficiaries and other patient populations.

The existing inaccurate geographic adjustments by CMS result in unwarranted and unduly low rural reimbursement rates. More current, relevant, and accurate data sources exist and should be used by CMS to make geographic adjustments to Medicare payments, especially in the area of physician practice expense. The current geographic disparities in payment are not based on actual or reliable data, and they put rural Medicare beneficiaries at risk. I urge the committee to recommend that CMS use actual practice cost data rather than the current inaccurate proxies to ensure that Medicare payment reflects true geographic differences in physician practice costs.

START TREATY

Mr. COBURN. Mr. President, the Constitution of the United States is an amazing document. Every day I appreciate the foresight of our Founding Fathers who knew that future Presidents, of any political philosophy, would seek to expand their power and try to impose their will over the legislative branch, the branch closest to the citizens of the United States.

For this reason they added an important clause in article 2, section 2 that says "He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;"

Negotiators for the Strategic Arms Reduction Treaty on both sides know the terms of our Constitution, which predates both the Russian Federation and the Soviet Union it replaced.

However, as the Senate considered the Strategic Arms Reduction Treaty, or the START treaty, supporters of the treaty seemed to say that the Senate should abandon its role of advice and just focus on consent. It was repeated many times that any change, no matter how minor or no matter how much it improved the treaty, would be considered a treaty-killer as further negotiation with Russia was inexplicably taken off the table as an option.

The reasonable amendments offered by Republican Senators were all rebuffed. The supporters of the treaty repeated many times how reasonable the amendments were but that the treaty was not the appropriate time to be debating such matters. Authors of amendments involving ensuring a robust missile defense, improving verification to prevent Russia from cheating, and merely mentioning the existence of tactical nuclear weapons were all told that another day is the best time to discuss those matters. However, one of the greatest threats to United States national security is the acquisition of a tactical nuclear weapon by a terrorist organization. Since Russia has a preponderance of the world's tactical nuclear weapons, how can it be that a treaty dealing with nuclear weapons control is not the time to discuss this issue?

Supporters of the START treaty say that after it is ratified the President will be able to go and negotiate further agreements with the Russians on matters important to the United States' interest such as the tactical nuclear weapons. However, both opponents and supporters of the treaty know that there is no intention of this administration to pursue follow-on nuclear agreements with the Russian Federation. There are several reasons for this. We now have no leverage with the Russian Federation since they have already gotten a treaty favorable to their interests. Further, we will be pressing the Russians on other issues impacting our national security such as sanctions on Iran. Supporters of the treaty believe that Russia will be more amenable to our requests when history shows that Russia will act in their interest and are not concerned with existential threats to our national security.

Finally, one of the purposes of any arms treaty is to clarify and inform signatories to the treaty about capabilities and intentions of each side. However, the new START treaty neither clarifies nor informs anyone about the United States' capability and intentions with regards to a national missile defense program. It is clear that the negotiators wanted to avoid this difficult topic knowing that Russia opposes the concept of the United States being able to defend itself from a rogue missile attack. However, by avoiding the topic completely, Russia is forced to consider the mixed messages of the Obama administration withdrawing missile defense capability from Poland and statements by administration officials and Congress calling for a robust four-phase missile defense program. The treaty as written can only cause further instability and confusion on the critical issue of missile defense between the United States and the Russian Federation. Clarifying amendments from Republican Senators regarding missile defense and the United States' intention to deploy technologies against all four phases of ballistic missile flight would have helped the treaty, not killed it. Instead, the lone statement on missile defense in the preamble of the treaty clearly implies that the United States should limit its missile defense in an attempt to limit the need for offensive missiles. The United States has no intention of doing so as it is a national security threat for us to ignore the dangers posed by North Korea and Iran in this area.

Because of these many reasons, I voted against the new Start treaty. While it did pass over my objections, I hope that future Senators will not use the debate we just held in this lame-duck session of Congress as precedent to abdicate their constitutional role for international agreements.

REMEMBERING SENATOR CHARLES SUMNER

• Mr. BROWN of Massachusetts. Mr. President, today I rise to celebrate the bicentennial, January 6, 2011, of the birth of U.S. Senator Charles Sumner, who so ably represented the Commonwealth of Massachusetts in this body from 1851 until his death in 1874. While I am honored to serve the people of Massachusetts from the physical desk once occupied by Senator Sumner, I rise today in recognition of Charles Sumner's tireless and often solitary quest for racial equality, education reform, and social justice.

By all accounts, Senator Sumner was one of this body's greatest orators; Sumner didn't give speeches, he unleashed them. According to Henry Wadsworth Longfellow, Sumner delivered remarks "like a cannoneer ramming down cartridges." The target of Sumner's verbal fusillade was almost always injustice, especially slavery and the men and institutions that sought to expand or perpetuate it. Yet, even among fellow mid-19th century abolitionists, Charles Sumner's views on racial equality were considered utopian. Years before the Emancipation Proclamation, Sumner called for the abolition of slavery. Decades before the 15th amendment declared that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude" and nearly a century before the Voting Rights Act, Sumner insisted that all Black men should have the rights of citizenship.

Charles Sumner was not born into a powerful or wealthy Massachusetts family; his upbringing in Boston was at best modest. Yet his parents insisted that Charles receive the best education available, and he was fortunate enough to attend the acclaimed Boston Latin School, where he excelled and went on to receive degrees from Harvard College and Harvard Law School. Sumner spent his late twenties travelling through Europe and England, where his intellect and education impressed leading officials with whom he formed lasting relationships that proved invaluable to the Union years later when Sumner served on the Foreign Relations Committee.

In May of 1856, Sumner became the victim of one of the most unfortunate incidents in Senate history. Days after Sumner delivered a vitriolic speech against Kansas-Nebraska Act coauthor Andrew Pickens Butler, the South Carolina Senator's nephew, a Member of the House of Representatives, approached Sumner while he was sitting at his Senate desk and beat him unconscious with a metal tipped cane. The attack left Sumner gravely injured, and he did not return to the Senate for 3 years. Sumner's "Crime Against Kansas" speech, and the violent retribu-

tion for it, further eroded the already strained relations between representatives of free and slave States. In his day, Senator Charles Sumner was considered an extreme, a wild-eyed dreamer whose vision of a society free of institutional racism seemed as unachievable as it was radical. Today, 200 years after his birth, we are the heirs of Charles Sumner's vision. Dozens of streets, schools, and towns across our country bear the name of this outspoken Senator from Massachusetts.

Today, the issue of education reform looms large in our Nation's consciousness. Too many of our public school systems are failing our children. We would be wise to look at the legacy of Senator Sumner. He was one of his era's most vocal advocates for high-quality public schools and argued in the Massachusetts courts for the integration of the Commonwealth's schools. He based his argument on the—at the time—novel concept that the inferior schools to which many children were relegated had lasting effects on their development. In fact, a century later this very argument would underpin our Nation's most famous civil rights case. In 1954, a young Black girl named Linda Brown was prevented from enrolling in an all-White public school that was much closer to her home than the all-Black school she was forced to attend. Her father joined a class action suit against the city's school board, and the resulting case would forever transform American society. The city was Topeka, KS. The case was *Brown v. Board of Education*. Ironically, the school where she had been denied was known as the Sumner Elementary School. Peering down from somewhere on high, Senator Sumner must have been pleased that injustice was not allowed to stand in his name.

At the time of his death in 1874, Sumner was still agitating for school reform and Federal legislation to repeal all discriminatory laws against Blacks and the tens of thousands of Asians who had immigrated to America and helped build our transcontinental railroad system. The late Senator Robert C. Byrd, a noted historian of the Senate, once wrote, "After Clay, Calhoun and Webster, no nineteenth-century senator stood higher on the political horizon than did Charles Sumner, nor did any garner more praise, condemnation and controversy than that eloquent Massachusetts senator." Today, I am proud to celebrate the bicentennial of Sumner's birth and his incredible service in the U.S. Senate.●

ADDITIONAL STATEMENTS

TRIBUTE TO DARRELL BELL

• Mr. BAUCUS. Mr. President, today I congratulate Darrell Bell for his recent

appointment as the U.S. Marshal for the District of Montana. I was pleased to see my colleagues unanimously support the nomination of such an outstanding public servant, and I am confident he will serve the State of Montana admirably. As the former Deputy Chief of Police for the City of Billings—Montana's largest community—Darrell possesses the qualities necessary to successfully lead Montana's U.S. Marshal's Office.

For the last three and a half decades, Darrell has served Montana's law enforcement community with passion and expertise. Since 2006, Darrell has served as a criminal investigator for the Montana Department of Justice, Gambling Control Division. Darrell served over 30 years with the Billings Police Department, including 5 years as the Deputy Chief of Police. Originally from Joliet, Darrell graduated from the Montana Law Enforcement Academy and began his career with the Billings Police Department as a patrolman in 1974. Working his way up the ranks, Darrell has served as a sergeant and then lieutenant of the Operations Division as well as captain for the Investigations, Training, and Support Services Division. Upon the request of the Billings city administrator in 2005, then-Deputy Chief of Police Bell stepped in to become the Interim Chief of Police. Darrell has served Montana and his community on the executive boards for High-Intensity Drug Trafficking Areas and the Montana Chiefs of Police.

I received an outpouring of support for Darrell when he was nominated. After reading just a couple of these outstanding letters, I knew that we had the right man for the job. Darrell's peers described him as the "consummate professional," a "first-class leader," and as a person who "is not afraid to sit down face to face and debate an issue to find a resolution." One letter stated that he "leads by example and many people find his enthusiasm and dedication both inspiring and motivating." Montana law enforcement is clearly in good hands.

Darrell has a proven track record of bringing folks together, and working with local, State, and Federal law enforcement officials to provide a safe environment for Montana's communities. Darrell's experience and leadership in law enforcement will truly be an asset for Montana's U.S. Marshal's Office. I again congratulate Darrell and his family, wife Dawn, son Brent, and daughter Lindsay on his appointment, and I applaud his continued service to the State of Montana.●

TRIBUTE TO GENERAL CARROL H. CHANDLER

• Mr. INHOFE. Mr. President, today I wish to recognize and pay tribute to GEN Carrol H. Chandler for over 36 years of exceptional service and dedication to the U.S. Air Force. He will be

retiring from Active Duty on March 1, 2011.

He currently serves as the Vice Chief of Staff of the U.S. Air Force, Washington, DC. As Vice Chief, he presides over the Air Staff and serves as a member of the Joint Chiefs of Staff Requirements Oversight Council and Deputy Advisory Working Group. He assists the Chief of Staff with organizing, training, and equipping 680,000 Active-Duty, Guard, Reserve and civilian forces serving in the United States and overseas.

A command pilot with more than 3,900 flying hours in the F-15, F-16, and T-38, GEN "Howie" Chandler has commanded a major command, a numbered air force, two fighter wings, a support group and a fighter squadron—a true testament to his exceptional airmanship, leadership, and judgment. His staff assignments include tours at Headquarters Pacific Air Forces, the Pentagon, Headquarters U.S. Pacific Command, Headquarters U.S. Military Training Mission in Saudi Arabia, and Headquarters Allied Air Forces Southern Europe.

General Chandler grew up in Carthage, MS. He entered the Air Force in 1974 after graduating from the U.S. Air Force Academy. Following graduation, he attended undergraduate pilot training at Laughlin AFB, TX. He excelled throughout his training and after earning his wings was selected to remain at Laughlin AFB to teach future pilots as a T-38 instructor pilot and flight examiner. He continued as an instructor pilot and assistant operations officers at Randolph Air Force Base, TX. Then, as a testament to Captain Chandler's achievements as a T-38 instructor pilot, he was selected to fly the Air Force's premier air superiority fighter, the F-15 Eagle. Stationed at Kadena Air Base, Japan with the 67th Tactical Fighter Squadron, he continued to shine in the air and on the ground as a squadron standardization officer, flight commander, and wing flight examiner. His prowess in the air earned him a selection to become the chief of Air-to-Air Tactics Branch at Headquarters Pacific Air Forces, Hickam Air Force Base, HI. His talents were quickly realized, and he was selected to become the aide-de-camp to the commander-in-chief of U.C. Pacific Command at Camp H.M. Smith, HI, and then the Air Force aide to the Chairman of the Joint Chiefs of Staff, the Pentagon, Washington, DC, positions for which only the elite are selected. Following his assignment at the Pentagon, he was once again stationed at Kadena, where he flourished at every position he held: assistant operations officer of the 44th Tactical Fighter Squadron, chief of standardization and evaluation, operations officer of the 67th Tactical Fighter Squadron, and commander of the 44th Fighter Squadron. Having demonstrated his impec-

cable leadership, he was selected to be the chief of the Operations Inspection Division at Headquarters Pacific Air Forces at Hickam Air Force Base, HI, and then he deployed to Riyadh, Saudi Arabia, as the chief of Air Force Division, U.S. Central Command Forward, from 1992 to 1994.

In 1994, Colonel Chandler was selected for back-to-back-to-back commands, commanding the 554th Support Group at Nellis Air Force Base, NV, the 33rd Fighter Wing at Eglin Air Force Base, FL, and the 56th Fighter Wing at Luke Air Force Base, AZ. Now, Brigadier General Chandler was selected to become the chief of headquarters staff followed by assistant chief of staff for operations, A-3 Division, of Headquarters Allied Air Forces Southern Europe, Naples, Italy. After being promoted, Major General Chandler returned to Washington, DC to become the director for expeditionary aerospace force implementation, followed by the director of operational plans, deputy chief of staff for air and space operations. Moving from the Pentagon to Langley Air Force Base, VA, he became the director of aerospace operations. General Chandler continued to demonstrate excellence and was selected for promotion to lieutenant general and selected to command Alaskan Command, Alaskan North American Aerospace Defense Command Region, 11th Air Force and Joint Task Force, Elmendorf Air Force Base, AK. Following this assignment, he returned to Washington, DC, to lead as the deputy chief of staff for operations, plans and requirements, Headquarters U.S. Air Force. General Chandler was selected for the rank of general and asked to return once again to the Pacific theater to command the Pacific Air Forces at Hickam Air Force Base, HI. Finally, he was selected to become the second highest ranking officer in the Air Force as the Vice Chief of Staff of the Air Force, where he has served for over a year.

Under General Chandler's leadership, the Air Force handled some of our most challenging issues, including the \$40 billion KC-X acquisition program, creation of Air Force Cyber Command, force structure realignment, and creation of Air Force Global Strike Command. Finally, General Chandler led the drive for what I consider the Air Force's most pressing issue: recapitalization. Through General Chandler's leadership, the Air Force secured a budget of \$1.7 billion for bomber and air-to-ground weapons, acquired \$8.2 billion for fighter and munitions programs, and laid the foundation for \$200 million in supplemental munitions funding. The leadership, insight, and dedication of General Chandler have been instrumental in building lasting and trusting relationships with the U.S. Congress, resulting in an overall increase in U.S. national security.

The breadth and depth of General Chandler's assignments and the professionalism with which he has carried them out reflect a keen intellect, an unwavering dedication to the Air Force mission, and an unrivaled grasp of national security policies developed through both personal experience and academic instruction. General Chandler earned a master's degree in management, attended the Executive Program for General Officers at the John F. Kennedy School of Government at Harvard, and the Navy Senior Leader Business Course at the University of North Carolina at Chapel Hill. While he has received many distinguished awards and decorations, it is General Chandler's commitment and sacrifice to this Nation that make him stand out among his peers.

I have the utmost trust in and respect for General Chandler, gained over the past several years through our personal interaction during numerous meetings and hearings, including the annual Altus Quail Breakfast and meetings of the U.S. Air Force Academy's board of visitors, which I have been honored to attend. I will miss his honesty and frankness, a trait that has served him, the Air Force, and this Nation well during his time as a senior Air Force leader.

On behalf of Congress and the United States of America, I thank General Chandler, his wife Eva-Marie, and their three children, Carl, Rose-Marie, and Thomas, for their commitment, sacrifice, and contribution to this great Nation. I congratulate General Chandler on the completion of an exemplary Active-Duty career and wish him and his family Godspeed in the next phase of his life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE APPORTIONMENT POPULATION FOR EACH STATE AS OF APRIL 1, 2010, AND THE NUMBER OF REPRESENTATIVES TO WHICH EACH STATE WOULD BE ENTITLED—PM 1

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

To the Congress of the United States:

Pursuant to title 2, United States Code, section 2a(a), I transmit herewith the statement showing the apportionment population for each State as of April 1, 2010, and the number of Representatives to which each State would be entitled.

BARACK OBAMA.

THE WHITE HOUSE, January 5, 2011.

MESSAGES FROM THE HOUSE SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on December 23, 2010, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 3903. An act to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo.

S. 3481. An act to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 4036. An act to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury.

S. 4058. An act to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosures.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mrs. LINCOLN).

Under authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that pursuant to section 491 of the High Education Act (20 U.S.C. 1098(c)), as amended, and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a term of 4 years, upon the recommendation of the Majority Leader: Ms. Deborah Stanley of Bowie Maryland.

The message also announced that pursuant to section 205(a) of the Vietnam Education Foundation Act of 2000 (Public Law 106-554), and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Board of Directors of the Vietnam Education Foundation, upon the recommendation of the Majority Leader: Ms. LORETTA SANCHEZ of California.

The message further announced that pursuant to section 106 of the Higher

Education Opportunity Act (Public Law 110-315) and the order of the House of January 6, 2009, the Speaker appoints the following member of the House of Representatives to the National Advisory Committee on Institutional Quality and Integrity for a term of 6 years, upon the recommendation of the Majority Leader: Dr. George T. French of Fairfield, Alabama.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on December 23, 2010, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 847. An act to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

H.R. 2142. An act to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

H.R. 2751. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

H.R. 5809. An act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

H.R. 5901. An act to amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees.

H.R. 6517. An act to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

H.R. 6523. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. WEBB).

MESSAGE FROM THE HOUSE

At 4:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to H. Res. 1, resolving that Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives, and that Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives, and that Daniel J. Strodel of the District of Columbia, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives, and that Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

The message also announced that the House has agreed to H. Res. 2, resolving that the Senate be informed that a quorum of the House of Representatives has assembled, that JOHN A. BOEHNER, a Representative from the State of Ohio, has been elected Speaker, and Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Twelfth Congress.

The message further announced that pursuant to House Resolution 3, the Speaker appoints the following Members of the House of Representatives to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make: Mr. CANTOR of Virginia and Ms. PELOSI of California.

MEASURES HELD OVER/UNDER RULE

The following resolutions were read, and held over, under the rule:

S. Res. 8. A resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

S. Res. 10. A resolution to improve the debate and consideration of legislative matters and nominations in the Senate.

S. Res. 11. A resolution to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter.

ENROLLED BILLS PRESENTED SUBSEQUENT TO SINE DIE ADJOURNMENT

The Secretary of the Senate reported that, subsequent to the sine die adjournment of the Senate, she had presented to the President of the United States the following enrolled bills:

On December 23, 2010:

S. 4058. An act to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure.

On December 28, 2010:

S. 118. An act to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 841. An act to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for means of alerting blind and other pedestrians of motor vehicle operation.

S. 1481. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 3036. An act to establish the National Alzheimer's Project.

S. 3243. An act to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic

background reinvestigations of certain law enforcement personnel, and for other purposes.

S. 3447. An act to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3481. An act to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3592. An act to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the "First Lieutenant Robert Wilson Collins Post Office Building".

S. 3874. An act to amend the Safe Drinking Water Act to reduce lead in drinking water.

S. 3903. An act to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo.

S. 4036. An act to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Designated Reserve Ratio" (RIN3064-AD69) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-2. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AD68) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-4. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-5. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of the Netherlands; to the Committee on Banking, Housing, and Urban Affairs.

EC-6. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Prevention of Significant Deterioration Final Determination for Russell City Energy" (FRL No. 9245-9) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-7. A communication from the Director of the Regulatory Management Division, Of-

fice of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program" (FRL No. 9246-3) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-8. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Attainment Plan for Libby, MT PM2.5 Non-attainment Area and PM10 State Implementation Plan Revisions" (FRL No. 9246-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-9. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida; Control of Large Municipal Waste Combustor (LMWC) Emissions From Existing Facilities" (FRL No. 9246-6) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-10. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan" (FRL No. 9245-3) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-11. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas-Emitting Sources in State Implementation Plans; Final Rule" (FRL No. 9244-9) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-12. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program" (FRL No. 9245-2) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-13. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Action to Ensure Authority to Implement Title V Permitting Programs under the Greenhouse Gas Tailoring Rule" (FRL No. 9245-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-14. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi: Prevention of Significant Deterioration; Gas Tailoring Rule Revision" (FRL No. 9244-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-15. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision" (FRL No. 9244-5) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-16. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision" (FRL No. 9244-6) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

EC-17. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases" (FRL No. 9244-7) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID of Nevada (for himself and Mr. MCCONNELL):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. REID of Nevada (for himself and Mr. MCCONNELL):

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. REID of Nevada (for himself and Mr. MCCONNELL):

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. REID of Nevada (for himself, Mr. McCONNELL, Mr. CARDIN, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 4. A resolution honoring Senator Barbara Mikulski for becoming the longest-serving female Senator in history; considered and agreed to.

By Mr. REID of Nevada:

S. Res. 5. A resolution electing Gary B. Myrick, of Virginia, as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. REID of Nevada (for himself and Mr. McCONNELL):

S. Res. 6. A resolution to make effective appointment of Senate Legal Counsel; considered and agreed to.

By Mr. REID of Nevada (for himself and Mr. McCONNELL):

S. Res. 7. A resolution to make effective appointment of Deputy Senate Legal Counsel; considered and agreed to.

By Mr. HARKIN (for himself, Mr. DURBIN, Ms. MIKULSKI, and Mrs. SHAHEEN):

S. Res. 8. A resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate; submitted and read.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. Res. 9. A resolution to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased; to the Committee on Rules and Administration.

By Mr. UDALL of New Mexico (for himself, Mr. HARKIN, Mr. MERKLEY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. BEGICH, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mrs.

SHAHEEN, Mrs. BOXER, Mr. TESTER, Mr. CARDIN, Ms. MIKULSKI, Mr. WARNER, Mr. MANCHIN, Mr. COONS, Ms. STABENOW, Mrs. HAGAN, Mr. ROCKEFELLER, Mr. CASEY, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. FRANKEN, and Mr. UDALL of Colorado):

S. Res. 10. A resolution to improve the debate and consideration of legislative matters and nominations in the Senate; submitted and read.

By Mr. WYDEN (for himself, Mr. GRASSLEY, Mrs. MCCASKILL, Ms. COLLINS, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. DURBIN, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WHITEHOUSE, Mr. BINGAMAN, and Mr. MANCHIN):

S. Res. 11. A resolution to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter; submitted and read.

By Mr. UDALL of Colorado (for himself, Mr. DURBIN, and Mrs. SHAHEEN):

S. Res. 12. A resolution to amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process of the Senate; to the Committee on Rules and Administration.

By Mr. FRANKEN:

S. Res. 13. A bill to require a two-fifths threshold to sustain a filibuster; to the Committee on Rules and Administration.

By Mr. REID of Nevada:

S. Con. Res. 1. A concurrent resolution providing for a conditional recess or adjournment of the Senate and an adjournment of the House of Representatives; considered and agreed to.

By Mr. KERRY:

S. Con. Res. 2. A concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy; considered and agreed to.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of

the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 4—HONORING SENATOR BARBARA MIKULSKI FOR BECOMING THE LONGEST-SERVING FEMALE SENATOR IN HISTORY

Mr. REID of Nevada (for himself, Mr. McCONNELL, Mr. CARDIN, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 4

Whereas the Honorable Barbara Mikulski has had a long and distinguished career as a United States Senator from the State of Maryland;

Whereas Senator Mikulski was first elected to the United States Congress as a member of the House of Representatives in 1976, where she served until winning election to the Senate in 1986;

Whereas Senator Mikulski is the first woman to be elected to statewide office in Maryland;

Whereas, in the 103rd Congress, Senator Mikulski was the first woman to be elected Assistant Senate Democratic Floor Leader;

Whereas Senator Mikulski was the first woman in the Senate Democratic Leadership, serving as Secretary of the Senate Democratic Conference in the 104th through the 108th Congresses;

Whereas in 1997, Senator Mikulski became the most senior woman serving in the Senate;

Whereas Senator Mikulski is the first woman to serve on the Appropriations Committee of the Senate and the first woman to chair the Appropriations Committee's Subcommittee on Commerce, Justice, Science, and Related Agencies;

Whereas Senator Mikulski has not only had a path breaking career, but has won the admiration and respect of colleagues on both sides of the aisle for her hard work, passionate and effective advocacy, commitment to social and economic justice, and willingness to serve as a mentor and role model to other senators; and

Whereas Senator Mikulski has now surpassed the record of former Senator Margaret Chase Smith as the longest serving female Senator in the history of the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors Senator Barbara Mikulski for becoming the longest-serving female Senator in history.

SENATE RESOLUTION 5—ELECTING GARY B. MYRICK, OF VIRGINIA, AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. REID of Nevada submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That Gary B. Myrick of Virginia be, and he is hereby, elected Secretary for the Majority of the Senate.

SENATE RESOLUTION 6—TO MAKE EFFECTIVE APPOINTMENT OF SENATE LEGAL COUNSEL

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 6

That the appointment of Morgan J. Frankel of the District of Columbia to be Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of January 7, 2011, and the term of service of the appointee shall expire at the end of the One Hundred Thirteenth Congress.

SENATE RESOLUTION 7—TO MAKE EFFECTIVE APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 7

That the appointment of Patricia Mack Bryan of Virginia to be Deputy Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of Janu-

ary 3, 2011, and the term of service of the appointee shall expire at the end of the One Hundred Thirteenth Congress.

SENATE RESOLUTION 8—AMENDING THE STANDING RULES OF THE SENATE TO PROVIDE FOR CLOTURE TO BE INVOKED WITH LESS THAN A THREE-FIFTHS MAJORITY AFTER ADDITIONAL DEBATE

Mr. HARKIN (for himself, Mr. DURBIN, Ms. MIKULSKI, and Mrs. SHAHEEN) submitted the following resolution; which was submitted and read:

S. RES. 8

Resolved,

SECTION 1. SENATE CLOTURE MODIFICATION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yeas-and-nays vote the question: 'Is it the sense of the Senate that the debate shall be brought to a close?' And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to

table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the majority and minority leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the majority or minority leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

"(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

"(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

SEC. 2. SPECIAL CONSIDERATION OF AMENDMENTS POSTCLOTURE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided."

SENATE RESOLUTION 9—TO PERMIT THE SENATE TO AVOID UNNECESSARY DELAY AND VOTE ON MATTERS FOR WHICH FLOOR DEBATE HAS CEASED

Mr. LAUTENBERG (for himself, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 9

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by—

(1) inserting after the second undesignated subparagraph the following:

"Following the filing of the cloture motion and prior to the cloture vote, as long as the matter on which cloture has been filed remains the pending matter—

"(1) there shall be no dilatory motion, including dilatory quorum calls, in order; and

"(2) if, at any time, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to put the question on cloture as long as any applicable filing deadline for first degree amendments has passed."; and

(2) inserting after the fifth undesignated subparagraph (after the amendment by paragraph (1)) the following:

"If, at any time after cloture is invoked on an executive nomination or a motion to proceed, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to put the question on which cloture has been invoked."

SENATE RESOLUTION 10—TO IMPROVE THE DEBATE AND CONSIDERATION OF LEGISLATIVE MATTERS AND NOMINATIONS IN THE SENATE

Mr. UDALL of New Mexico (for himself, Mr. HARKIN, Mr. MERKLEY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. BEGICH, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mrs. BOXER, Mr. TESTER, Mr. CARDIN, Ms. MIKULSKI, Mr. WARNER, Mr. MANCHIN, Mr. COONS, Ms. STABENOW, Mrs. HAGAN, Mr. ROCKEFELLER, Mr. CASEY, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. FRANKEN, and Mr. UDALL of Colorado) submitted the following resolution; which was submitted and read:

S. RES. 10

Resolved,

SECTION 1. DEBATE ON MOTIONS TO PROCEED.

Rule VIII of the Standing Rules of the Senate is amended by striking paragraph 2 and inserting the following:

"2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter, which shall not be debatable."

SEC. 2. ELIMINATING SECRET HOLDS.

Rule VIII of the Standing Rules of the Senate is amended by inserting at the end the following:

"3. No Senator may object on behalf of another Senator without disclosing the name of that Senator."

SEC. 3. RIGHT TO OFFER AMENDMENTS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided."

SEC. 4. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) by striking the second undesignated paragraph and inserting the following:

"Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then cloture has been invoked. If that question shall be decided in the negative the Senate shall enter a period of continuous debate on the measure, motion, or other matter pending before the Senate, or the unfinished business. A period of continuous debate shall continue as long as the subject of the cloture vote is the pending business. During a period of continuous debate, if a Senator seeks recognition to speak, that Senator shall be recognized and the Presiding Officer shall not entertain any motion or quorum calls. If during a period of continuous debate, no Senator seeks recognition, then the Presiding Officer shall note that the period of continuous debate has ended and cloture shall be considered invoked."; and

(2) in the last undesignated paragraph by inserting "or during a period of continuous debate" after "is invoked".

SEC. 5. POST CLOTURE DEBATE ON NOMINATIONS.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following: "If the matter on which cloture is invoked is a nomination, the period of time for debate shall be 2 hours."

SENATE RESOLUTION 11—TO ESTABLISH AS A STANDING ORDER OF THE SENATE THAT A SENATOR PUBLICLY DISCLOSE A NOTICE OF INTENT TO OBJECTING TO ANY MEASURE OR MATTER

Mr. WYDEN (for himself, Mr. GRASSLEY, Mrs. McCASKILL, Ms. COLLINS, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. DURBIN, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WHITEHOUSE, Mr. BINGAMAN, and Mr. MANCHIN) submitted the following resolution; which was submitted and read:

S. RES. 11

Resolved,

SECTION 1. ELIMINATING SECRET SENATE HOLDS.

(a) IN GENERAL.—

(1) COVERED REQUEST.—This standing order shall apply to a notice of intent to object to the following covered requests:

(A) A unanimous consent request to proceed to a bill, resolution, joint resolution, concurrent resolution, conference report, or amendment between the Houses.

(B) A unanimous consent request to pass a bill or joint resolution or adopt a resolution, concurrent resolution, conference report, or the disposition of an amendment between the Houses.

(C) A unanimous consent request for disposition of a nomination.

(2) RECOGNITION OF NOTICE OF INTENT.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent to object to a covered request of a Senator who is a member of their caucus if the Senator—

(A) submits the notice of intent to object in writing to the appropriate leader and grants in the notice of intent to object permission for the leader or designee to object in the Senator's name; and

(B) not later than 1 session day after submitting the notice of intent to object to the appropriate leader, submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section described in subsection (b).

(3) FORM OF NOTICE.—To be recognized by the appropriate leader a Senator shall submit the following notice of intent to object:

"I, Senator _____, intend to object to _____, dated _____. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 1 session day and I give my permission to the objecting Senator to object in my name." The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date that the notice of intent to object is submitted.

(b) CALENDAR.—Upon receiving the submission under subsection (a)(2)(B), the Legislative Clerk shall add the information from the notice of intent to object to the applicable Calendar section entitled "Notices of Intent to Object to Proceeding" created by Public Law 110-81. Each section shall include the name of each Senator filing a notice under subsection (a)(2)(B), the measure or matter covered by the calendar to which the notice of intent to object relates, and the date the notice of intent to object was filed.

(c) REMOVAL.—A Senator may have a notice of intent to object relating to that Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator _____, do not object to _____, dated _____. The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date of the submission to the Congressional Record under this subsection.

(d) OBJECTING ON BEHALF OF A MEMBER.—If a Senator who has notified his or her leader of an intent to object to a covered request fails to submit a notice of intent to object under subsection (a)(2)(B) within 1 session day following an objection to a covered request by the leader or his or her designee on that Senator's behalf, the Legislative Clerk shall list the Senator who made the objection to the covered request in the applicable "Notice of Intent to Object to Proceeding" calendar section.

SENATE RESOLUTION 12—TO AMEND THE STANDING RULES OF THE SENATE TO REFORM THE FILIBUSTER RULES TO IMPROVE THE DAILY PROCESS OF THE SENATE

Mr. UDALL of Colorado (for himself, Mr. DURBIN, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 12

Whereas the Senate has operated under the cloture rules for many decades;

Whereas there has been a marked increase in the use of the filibuster in recent years;

Whereas sweeping, monumental legislation affecting economic recovery, reform of the healthcare system, reform of the financial regulatory system, and many other initiatives all were enacted in the 111th Congress after overcoming filibusters;

Whereas both parties have used the filibuster to prevent the passage of controversial legislation and confirmation of qualified nominees;

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas there are many areas where the rules of the Senate have been abused, and can make way for changes that will improve the daily process of the Senate; and

Whereas bipartisan cooperation can overcome nearly any obstacle in the United States Senate, changing the Senate rules must also be done with bipartisan cooperation: Now, therefore, be it

Resolved,

SECTION 1. CHANGING VOTE THRESHOLD TO PRESENT AND VOTING.

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking "duly chosen and sworn" and inserting "present and voting".

SEC. 2. MOTIONS TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended to read as follows:

"2. Debate on a motion to proceed to the consideration of any matter, and any debat-

able motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

"(1) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

"(2) a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable."

SEC. 3. NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to a final disposition of the measure without intervening action or debate except one quorum call if requested."

SEC. 4. NO FILIBUSTER RELATED TO COMMITTEES ON CONFERENCE.

Rule XXVIII of the Standing Rules of the Senate is amended by inserting at the end the following:

"10.(a) Upon the majority leader making a motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees on the part of the Senate, debate on the motion, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(b) A motion made by the majority leader pursuant to subparagraph (a) shall not be divisible and shall not be subject to amendment."

SEC. 5. TIME PRECLOTURE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) in the first subparagraph of paragraph 2, by striking "one hour after the Senate meets on the following calendar day but one" and inserting "24 hours after the filing of the motion"; and

(2) in the third undesignated paragraph, by striking the second sentence and inserting "Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree."

SEC. 6. DIVISION OF TIME POSTCLOTURE.

The fourth undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting "(to be equally divided between the majority and the minority)" after "thirty hours of consideration".

SEC. 7. ELIMINATING DEBATE TIME POSTCLOTURE ON NOMINATIONS.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following: "If the matter on which cloture is invoked is a nomination, the Senate shall immediately proceed to

vote on final disposition of the nomination upon invoking cloture on the nomination under this paragraph."

SEC. 8. ALLOWING COMMITTEES TO MEET WITHOUT CONSENT.

Paragraph 5 of rule XXVI of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a); and

(2) redesignating subparagraphs (b) through (e) as subparagraphs (a) through (d), respectively.

SEC. 9. READING OF AMENDMENTS.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended by inserting at the end the following:

"(c) The reading of an amendment may be waived by a nondebateable motion if the amendment has been printed in the Congressional Record and available for at least 24 hours before the motion."

SEC. 10. ALLOWING AMENDMENTS WHEN AMENDMENTS PENDING BY A LIMITED MOTION.

Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

"6.(a) If an amendment is pending and except as provided in subparagraph (b), a nondebateable motion shall be in order to set aside any pending amendments in order to offer another germane amendment. No Senator shall offer more than 1 such motion in any calendar day and the Senate shall consider not more than 5 such motions in any calendar day.

"(b)(1) A nondebateable motion shall be in order to waive the requirement of germaneness under subparagraph (a).

"(2) A waiver motion under this subparagraph shall require three-fifths of the Senators duly chosen and sworn.

"(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the chair on a point of order raised under this paragraph."

SENATE RESOLUTION 13—A BILL TO REQUIRE A TWO-FIFTHS THRESHOLD TO SUSTAIN A FILIBUSTER

Mr. FRANKEN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 13

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking "And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn" and inserting "And if that question is decided in the affirmative and there are not negative votes by more than two-fifths of the Senators duly chosen and sworn".

SENATE CONCURRENT RESOLUTION—PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID of Nevada submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

Resolved, by the Senate of the United States (the House of Representatives concurring), (That (a) when the Senate adjourns or recesses on any day from Wednesday, January 5, 2011, through Monday, January 10, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned or recessed until 10 a.m. on Tuesday, January 25, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and

(b) when the House adjourns on the legislative day of Wednesday, January 12, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, January 18, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on any legislative day from Wednesday, January 26, 2011, through Friday, January 28, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 8, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate, or his designee, after consultation with the Minority Leader of the Senate, or his designee, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 2—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT MARKING THE 50TH ANNIVERSARY OF THE INAUGURAL ADDRESS OF PRESIDENT JOHN F. KENNEDY

Mr. KERRY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51 p.m., a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that Kayti Fan be granted the privilege of the floor for the remainder of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that Josh Davis, a legislative fellow on my staff, be granted privileges of the floor during the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2010 fourth quarter Mass Mailings is Tuesday, January 25, 2011. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

AUTHORIZING USE OF THE ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 2.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, we run through these resolutions, and sometimes don't understand the importance of what we do to individuals. I just read about a half an hour ago one of the nicest letters I have ever received from Caroline Kennedy regarding this. When I think of Ted Kennedy, when I came to the Senate he was somebody I could never believe I would be working

with. As you come into my Capitol office, as you walk in the door, I have a letter that was sent to me by President Kennedy between the time he was elected and before he was inaugurated. Ted used to come in to my office and many times he would look at that letter from his brother. He said, "And that's his real signature." It was a letter to me congratulating me on establishing the first Young Democrat Club at Utah State University. And then to have this wonderful letter from Caroline.

These things we do affect people and there is no better example than that nice letter I got from Caroline today regarding her father and saying thanks for doing this for my father.

I further ask that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 2) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 2

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51 p.m., a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, after consultation with the chairman of the Select Committee on Intelligence, and pursuant to the provisions of Public Law 107-306, as amended by Public Law 111-259, announces the appointment of the following individuals to serve as members of the National Commission for Review of Research and Development Programs of the United States Intelligence Community:

Gilman Louie of California and Troy Wade of Nevada.

BEGINNING THE 112TH CONGRESS

Mr. REID. Mr. President, this has been an exciting day, the beginning of the 112th Congress. It has been I think a historic day. The debate has been very good. The exchange between the Republican leader and I set the stage, I hope—at least that is what I believe—for the conversation that came later from Democrats and Republicans about how this place is going to run. I think that has been very constructive for the Senate and for the country.

ORDERS FOR TUESDAY, JANUARY 25, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess under the provisions of S. Con. Res. 1, until 10 a.m. on Tuesday, January 25; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each; I finally ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus meetings on that date.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, rollcall votes are possible on Tuesday, January 25. Senators will be notified when votes are scheduled.

RECESS UNTIL TUESDAY, JANUARY 25, 2011, AT 10 A.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:33 p.m., recessed until Tuesday, January 25, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JIMMIE V. REYNA, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE HALDANE ROBERT MAYER, RETIRED.

VICTORIA FRANCES NOURSE, OF WISCONSIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE TERENCE T. EVANS, RETIRED.

GOODWIN LIU, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 110-117, APPROVED JANUARY 7, 2008.

JAMES E. GRAVES, JR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE RHESA H. BARKSDALE, RETIRED.

CAITLIN JOAN HALLIGAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

EDWARD CARROLL DUMONT, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE PAUL R. MICHEL, RETIRED.

BERNICE BOUE DONALD, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RONALD LEE GILMAN, RETIRED.

SUSAN L. CARNEY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE BARRINGTON D. PARKER, RETIRED.

ARENDA L. WRIGHT ALLEN, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE JEROME B. FRIEDMAN, RETIRED.

ANTHONY J. BATTAGLIA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE M. JAMES LORENZ, RETIRED.

CATHY BISSEON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE THOMAS M. HARDIMAN, ELEVATED.

JAMES EMANUEL BOASBERG, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE THOMAS F. HOGAN, RETIRED.

VINCENT L. BRICCIETTI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE KIMBA M. WOOD, RETIRED.

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

CLAIRE C. CECCHI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH A. GREENAWAY, ELEVATED.

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARTIN J. JENKINS, RESIGNED.

MAX OLIVER COGBURN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE LACY H. THORNBURG, RETIRED.

MAE A. D'AGOSTINO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

ROY BALE DALTON, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HENRY LEE ADAMS, JR., RETIRED.

SARA LYNN DARROW, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JOE B. MCDADE, RETIRED.

EDWARD J. DAVILA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARILYN HALL PATEL, RETIRED.

CHARLES BERNARD DAY, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PETER J. MESSITTE, RETIRED.

MARCO A. HERNANDEZ, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE GARR M. KING, RETIRED.

PAUL KINLOCH HOLMES III, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS, VICE ROBERT T. DAWSON, RETIRED.

MARK RAYMOND HORNAK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE DONETTA W. AMBROSE, RETIRED.

AMY BERMAN JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE GLADYS KESSLER, RETIRED.

RICHARD BROOKE JACKSON, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE PHILLIP S. FIGA, DECEASED.

STEVE C. JONES, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE ORINDA D. EVANS, RETIRED.

JOHN A. KRONSTADT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE FLORENCE—MARIE COOPER, DECEASED.

ROBERT DAVID MARIANI, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE JAMES M. MUNLEY, RETIRED.

MARINA GARCIA MARMOLEJO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE SAMUEL B. KENT, RESIGNED.

JOHN J. MCCONNELL, JR., OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE ERNEST C. TORRES, RETIRED.

SUE E. MYERSCOUGH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JEANNE E. SCOTT, RESIGNED.

JOHN ANDREW ROSS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE CHARLES A. SHAW, RETIRED.

ESTHER SALAS, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE KATHARINE SWEENEY HAYDEN, RETIRED.

DIANA SALDANA, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE GEORGE P. KAZEN, RETIRED.

JAMES E. SHADID, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE MICHAEL M. MIHM, RETIRED.

KEVIN HUNTER SHARP, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE ROBERT L. ECHOLS, RETIRED.

MICHAEL H. SIMON, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE ANGER L. HAGGERTY, RETIRED.

AMY TOTENBERG, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE JACK T. CAMP, JR., RETIRED.

MICHAEL FRANCIS URBANSKI, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE NORMAN K. MOON, RETIRED.

KATHLEEN M. WILLIAMS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE DANIEL T.K. HURLEY, RETIRED.

DEPARTMENT OF JUSTICE

VIRGINIA A. SEITZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

ANDREW L. TRAVER, OF ILLINOIS, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, (NEW POSITION)

DENISE ELLEN O'DONNELL, OF NEW YORK, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE, VICE DOMINGO S. HERRAIZ, RESIGNED.

TIMOTHY J. FEIGHERY, OF NEW YORK, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2012, VICE MAURICIO J. TAMARGO, TERM EXPIRED.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

JAMES XAVIER DEMPSEY, OF CALIFORNIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2016. (NEW POSITION)

ELISEBETH COLLINS COOK, OF ILLINOIS, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2014. (NEW POSITION)

DEPARTMENT OF JUSTICE

JAMES MICHAEL COLE, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ATTORNEY GENERAL, VICE DAVID W. OGDEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF DEFENSE

MICHAEL VICKERS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE, VICE JAMES R. CLAPPER.

JO ANN ROONEY, OF MASSACHUSETTS, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE MICHAEL L. DOMINGUEZ.

FEDERAL RESERVE SYSTEM

PETER A. DIAMOND, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000, VICE FREDERIC S. MISHKIN.

DEPARTMENT OF COMMERCE

KATHRYN D. SULLIVAN, OF OHIO, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PHILLIP A. SINGERMAN.

MARINE MAMMAL COMMISSION

FRANCES M.D. GULLAND, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2012, VICE VERA ALEXANDER, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

ANN D. BEGEMAN, OF VIRGINIA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2015, VICE CHARLES D. NOTTINGHAM, TERM EXPIRED.

DEPARTMENT OF ENERGY

PETER BRUCE LYONS, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY), VICE WARREN F. MILLER, JR., RESIGNED.

DEPARTMENT OF THE INTERIOR

DANIEL M. ASHE, OF MARYLAND, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE SAMUEL D. HAMILTON.

UNITED STATES TAX COURT

MAURICE B. FOLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

JENNI RANE LECOMPTE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MICHELE A. DAVIS, RESIGNED.

DEPARTMENT OF STATE

KURT WALTER TONG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL FOR THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JAMES A. TORREY, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2013, VICE DIANNE I. MOSS, TERM EXPIRED.

DEPARTMENT OF STATE

JOSEPH M. TORSSELLA, OF PENNSYLVANIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

JOSEPH M. TORSSELLA, OF PENNSYLVANIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

DAVID BRUCE SHEAR, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

DEPARTMENT OF VETERANS AFFAIRS

ALLISON A. HICKEY, OF VIRGINIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE PATRICK W. DUNNE, RESIGNED.

DEPARTMENT OF STATE

DANIEL L. SHIELDS III, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

PAMELA L. SPRATLEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ERIC G. POSTEL, OF WISCONSIN, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JACQUELINE ELLEN SCHAFER, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

TERRY LEWIS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DE-

CEMBER 17, 2011, VICE C. WILLIAM SWANK, TERM EXPIRED.

TERRY LEWIS, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2014. (REAPPOINTMENT)

DEPARTMENT OF STATE

NILS MAARTEN PARIN DAULAIRE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION, VICE JOXEL GARCIA.

SUE KATHRINE BROWN, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONTENEGRO.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTHA WAGNER WEINBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE HERMAN BELZ, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

CLYDE E. TERRY, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE JOHN R. VAUGHN, RESIGNED.

DEPARTMENT OF LABOR

LEON RODRIGUEZ, OF MARYLAND, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP.

NATIONAL SCIENCE FOUNDATION

CORA B. MARRETT, OF WISCONSIN, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE KATHIE L. OLSEN.

NATIONAL COUNCIL ON DISABILITY

JANICE LEHRER-STEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE VICTORIA RAY CARLSON, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

KELVIN K. DROEGEMEIER, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PAULA BARKER DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE HARVEY KLEHR, TERM EXPIRED.

AARON PAUL DWORKIN, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE KAREN LIAS WOLFF, TERM EXPIRED.

CATHY N. DAVIDSON, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE MARVIN BAILEY SCOTT, TERM EXPIRED.

CONSTANCE M. CARROLL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE TAMAR JACOBY, TERM EXPIRED.

ALBERT J. BEVERIDGE III, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE JAMES DAVISON HUNTER, TERM EXPIRED.

NATIONAL MEDIATION BOARD

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013, VICE ELIZABETH DOUGHERTY, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED.

LAKE E. SOLOMON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD, VICE RONALD E. MEISBURG, RESIGNED.

OFFICE OF SPECIAL COUNSEL

CAROLYN N. LERNER, OF MARYLAND, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF FIVE YEARS, VICE SCOTT J. BLOCH, RESIGNED.

OFFICE OF THE DIRECTOR OF NATIONAL

INTELLIGENCE

STEPHANIE O'SULLIVAN, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE, VICE DAVID C. GOMPERT, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

STEVE L. MURO, OF CALIFORNIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS, VICE WILLIAM F. TUEK, RESIGNED.

HOUSE OF REPRESENTATIVES—Wednesday, January 5, 2011

This being the day fixed by Public Law 111-289, pursuant to the 20th amendment to the Constitution of the United States, for the meeting of the 112th Congress of the United States, the Representatives-elect met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Lorraine C. Miller.

The Reverend Daniel P. Coughlin offered the following prayer:

Come Holy Spirit, fill the hearts of Your faithful believers. Enkindle within them the fire of Divine Love; that they may be truly open to respond to Your Word and the needs of Your people.

Lord, send forth Your spirit and renew the face of the Earth. May the spirit of the living God descend upon this Chamber; that from here may come forth good news for the poor, healing for the broken-hearted, and renewed hope in the Nation. Let there go forth a proclamation to the people that captivity is ended, and the action of true politics will set this Nation free.

By setting single-minded self-interest aside in the search for the common good, may a just society flourish with the gifts of Your spirit and be recognized by others for its equal justice, unity, and peace.

Lord, may the 112th Congress of the United States of America be an instrument of Your goodness with abiding laws embraced and clarity in policy statements, reaching beyond institutional thinking and public opinion polls. May every human life in this country be renewed with dignity and purpose so we may truly glory in Your name as the free children of God made in Your image and conformed to Your saving grace, both now and forever.

Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Representatives-elect and their guests will please remain standing and join in the Pledge of Allegiance.

The Clerk led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. As directed by law, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 112th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accord

with the laws of their respective States or of the United States will be called.

The Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by State, beginning with the State of Alabama, to determine whether a quorum is present.

Representatives-elect will have a minimum of 15 minutes to record their presence by electronic device.

Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—434

ALABAMA

Aderholt
Bachus
Bonner

Brooks
Roby
Rogers

Sewell

ALASKA

Young

ARIZONA

Flake
Franks
Giffords

Gosar
Grijalva
Pastor

Quayle
Schweikert

ARKANSAS

Crawford
Griffin

Ross
Womack

CALIFORNIA

Baca
Bass
Bilbray
Becerra
Berman
Bono Mack
Calvert
Campbell
Capps
Cardoza
Chu
Costa
Davis
Denham
Dreier
Eshoo
Farr
Filner
Gallegly

Garamendi
Harman
Herger
Honda
Hunter
Issa
Lee
Lewis
Lofgren, Zoe
Lungren, Daniel E.
Matsui
McCarthy
McClintock
McKeon
McNerney
Miller, Gary
Miller, George
Napolitano

Nunes
Pelosi
Richardson
Rohrabacher
Roybal-Allard
Royce
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Sherman
Speier
Stark
Thompson
Waters
Waxman
Woolsey

COLORADO

Coffman
DeGette
Gardner

Lamborn
Perlmutter
Polis

Tipton

CONNECTICUT

Courtney
DeLauro

Himes
Larson

Murphy

DELAWARE

Carney

FLORIDA

Adams
Bilirakis
Brown
Buchanan
Castor
Crenshaw
Deutch

Diaz-Balart
Hastings
Mack
Mica
Miller
Nugent
Posey

Rivera
Rooney
Ros-Lehtinen
Ross
Southerland

Stearns
Wasserman
Schultz

Webster
West
Wilson

Young

GEORGIA

Barrow
Bishop
Broun
Gingrey
Graves

Johnson
Kingston
Lewis
Price
Scott, Austin

Scott, David
Westmoreland
Woodall

HAWAII

Hanabusa

Hirono

IDAHO

Labrador

Simpson

ILLINOIS

Biggert
Costello
Davis
Dold
Gutierrez
Hultgren
Jackson

Johnson
Kinzinger
Lipinski
Manzullo
Quigley
Roskam
Rush

Schakowsky
Schilling
Schock
Shimkus
Walsh

INDIANA

Bucshon
Burton
Carson

Donnelly
Pence
Rokita

Stutzman
Visclosky
Young

IOWA

Boswell
Braley

King
Latham

Loeb sack

KANSAS

Huelskamp
Jenkins

Pompeo
Yoder

KENTUCKY

Chandler
Davis

Guthrie
Rogers

Whitfield
Yarmuth

LOUISIANA

Alexander
Boustany
Cassidy

Fleming
Landry
Richmond

Scalise

MAINE

Michaud

Pingree

MARYLAND

Bartlett
Cummings
Edwards

Harris
Hoyer
Ruppersberger

Sarbanes
Van Hollen

MASSACHUSETTS

Capuano
Frank
Keating
Lynch

Markey
McGovern
Neal
Oliver

Tierney
Tsongas

MICHIGAN

Amash
Benishek
Camp
Clarke
Conyers

Dingell
Huizenga
Kildee
Levin
McCotter

Miller
Peters
Rogers
Upton
Walberg

MINNESOTA

Bachmann
Cravaack
Ellison

Kline
McCollum
Paulsen

Peterson
Walz

MISSISSIPPI

Harper
Nunnelee

Palazzo
Thompson

MISSOURI

Akin
Carnahan
Clay

Cleaver
Emerson
Graves

Hartzler
Long
Luetkemeyer

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MONTANA			Neugebauer Olson Paul	Poe Reyes Sessions	Smith Thornberry
NEBRASKA			UTAH		
Fortenberry	Smith	Terry	Bishop	Chaffetz	Matheson
NEVADA			VERMONT		
Berkley	Heck	Heller	Welch		
NEW HAMPSHIRE			VIRGINIA		
Bass	Guinta		Cantor Connolly Forbes Goodlatte	Griffith Hurt Moran Rigell	Scott Wittman Wolf
NEW JERSEY			WASHINGTON		
Andrews	LoBiondo	Runyan	Dicks	Larsen	Reichert
Frelinghuysen	Pallone	Sires	Hastings	McDermott	Smith
Garrett	Pascarella	Smith	Herrera Beutler	McMorris	
Holt	Payne		Inslee	Rodgers	
Lance	Rothman		WEST VIRGINIA		
NEW MEXICO			Capito	McKinley	Rahall
Heinrich	Luján	Pearce	WISCONSIN		
NEW YORK			Baldwin	Moore	Ryan
Ackerman	Higgins	Owens	Duffy	Petri	Sensenbrenner
Bishop	Hinche	Rangel	Kind	Ribble	
Buerkle	Israel	Reed	WYOMING		
Clarke	King	Serrano	Lummis		
Crowley	Lee	Slaughter	□ 1234		
Engel	Lowe	Tonko			
Gibson	Maloney	Towns			
Grimm	McCarthy	Velázquez			
Hanna	Meeks	Weiner			
Hayworth	Nadler				
NORTH CAROLINA					
Butterfield	Kissell	Price			
Coble	McHenry	Shuler			
Ellmers	McIntyre	Watt			
Foxx	Miller				
Jones	Myrick				
NORTH DAKOTA					
Berg					
OHIO					
Austria	Jordan	Ryan			
Boehner	Kaptur	Schmidt			
Chabot	Kucinich	Stivers			
Fudge	LaTourette	Sutton			
Gibbs	Latta	Tiberi			
Johnson	Renacci	Turner			
OKLAHOMA					
Boren	Lankford	Sullivan			
Cole	Lucas				
OREGON					
Blumenauer	Walden				
Schrader	Wu				
PENNSYLVANIA					
Altmire	Fitzpatrick	Pitts			
Barletta	Gerlach	Platts			
Brady	Holden	Schwartz			
Critz	Kelly	Shuster			
Dent	Marino	Thompson			
Doyle	Meehan				
Fattah	Murphy				
RHODE ISLAND					
Cicilline	Langevin				
SOUTH CAROLINA					
Clyburn	Gowdy	Scott			
Duncan	Mulvaney	Wilson			
SOUTH DAKOTA					
Noem					
TENNESSEE					
Black	Cooper	Fincher			
Blackburn	DesJarlais	Fleischmann			
Cohen	Duncan	Roe			
TEXAS					
Barton	Doggett	Hall			
Brady	Farenthold	Hensarling			
Burgess	Flores	Hinojosa			
Canseco	Gohmert	Jackson Lee			
Carter	Gonzalez	Johnson, E. B.			
Conaway	Granger	Johnson, Sam			
Cuellar	Green, Al	Marchant			
Culberson	Green, Gene	McCaul			

former small businessman will lead the House to pass policies to encourage job creation.

At a time when all agree our Nation is on an unsustainable fiscal course, a fiscal reformer will ensure that this House never mortgages the torch of liberty in order to pay our debts.

At a time when too many doubt that their children can enjoy a brighter future in our country, he has lived the American dream, and will protect it for our posterity like few others before him.

This proud son of Ohio—one of 12 children born into a working-class family—has waited tables, mopped floors, tended bar, worked construction, worked his way to a college degree at night school, led a thriving company. And through his faith, his hard work, his values, he is now poised to become the next Speaker of the House of Representatives. He knows firsthand that unlimited opportunity can only arise from limited constitutional government.

Madam Clerk, as chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of Speaker of the House of Representatives for the 112th Congress the name of the Honorable JOHN A. BOEHNER, a Representative-elect from the State of Ohio.

The CLERK. The Clerk now recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Clerk, as chairman of the Democratic Caucus, I am directed by the vote of that caucus to present for election to the Office of Speaker of the House of Representatives for the 112th Congress a person who gives me great honor and privilege, who has led with decency and dignity. I submit on behalf of this caucus the name of the Honorable NANCY D'ALESSANDRO PELOSI, a Representative-elect from the great State of California.

The CLERK. The names of the Honorable JOHN A. BOEHNER, a Representative-elect from the State of Ohio, and the Honorable NANCY PELOSI, a Representative-elect from the State of California, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk appoints the following tellers:

The gentleman from California (Mr. DANIEL E. LUNGREN);

The gentleman from Pennsylvania (Mr. BRADY);

The gentlewoman from Ohio (Ms. KAPTUR); and

The gentlewoman from Florida (Ms. ROS-LEHTINEN).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate

The CLERK. The quorum call closes that 434 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. Credentials, regular in form, have been received showing the election of:

The Honorable PEDRO R. PIERLUISI as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2009;

The Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia;

The Honorable MADELEINE Z. BORDALLO as Delegate from Guam;

The Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands;

The Honorable ENI F. H. FALEOMAVAEGA as Delegate from American Samoa; and

The Honorable GREGORIO SABLAN as Delegate from the Commonwealth of the Northern Mariana Islands.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and precedent, the next order of business is the election of the Speaker of the House of Representatives for the 112th Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Clerk, every Congress represents a sacred responsibility to write a new and greater chapter in our Republic's history. Be it providence or destiny, a unique man of uniquely American values is now called to lead this effort.

At a time when far too many of our countrymen remain unemployed, a

by surname the nominee of their choos-
ing.

The Reading Clerk will now call the
roll.

The tellers having taken their places,
the House proceeded to vote for the
Speaker.

The following is the result of the
vote:

[Roll No. 2]

BOEHNER—241

Adams	Goodlatte	Nugent
Aderholt	Gosar	
Akin	Gowdy	Nunnelee
Alexander	Granger	Olson
Amash	Graves (GA)	Palazzo
Austria	Graves (MO)	Paul
Bachmann	Griffin (AR)	Paulsen
Bachus	Griffith (VA)	Pearce
Barletta	Grimm	Pence
Bartlett	Guinta	Petri
Barton (TX)	Guthrie	Pitts
Bass (NH)	Hall	Platts
Benishkek	Hanna	Poe (TX)
Berg	Harper	Pompeo
Biggert	Harris	Posey
Blibray	Hartzler	Price (GA)
Bilirakis	Hastings (WA)	Quayle
Bishop (UT)	Hayworth	Reed
Black	Heck	Rehberg
Blackburn	Heller	Reichert
Bonner	Hensarling	Renacci
Bono Mack	Herger	Ribble
Boustany	Herrera Beutler	Rigell
Brady (TX)	Huelskamp	Rivera
Brooks	Huizenga (MI)	Roby
Broun (GA)	Hultgren	Roe (TN)
Buchanan	Hunter	Rogers (AL)
Buchson	Hurt	Rogers (KY)
Buerkle	Issa	Rogers (MI)
Burgess	Jenkins	Rohrabacher
Burton (IN)	Johnson (IL)	Rokita
Calvert	Johnson (OH)	Rooney
Camp	Johnson, Sam	Ros-Lehtinen
Campbell	Jones	Roskam
Canseco	Jordan	Ross (FL)
Cantor	Kelly	Royce
Capito	King (IA)	Runyan
Carter	King (NY)	Ryan (WI)
Cassidy	Kingston	Scalise
Chabot	Kinzing (IL)	Schilling
Chaffetz	Kline	Schmidt
Coble	Labrador	Schock
Coffman (CO)	Lamborn	Schweikert
Cole	Lance	Scott (SC)
Conaway	Landry	Scott, Austin
Cravaack	Lankford	Sensenbrenner
Crawford	Latham	Sessions
Crenshaw	LaTourette	Shimkus
Culberson	Latta	Shuster
Davis (KY)	Lee (NY)	Simpson
Denham	Lewis (CA)	Smith (NE)
Dent	LoBiondo	Smith (NJ)
DesJarlais	Long	Smith (TX)
Diaz-Balart	Lucas	Southerland
Dold	Luetkemeyer	Stearns
Dreier	Lummis	Stivers
Duffy	Lungren, Daniel	Stutzman
Duncan (SC)	E.	Sullivan
Duncan (TN)	Mack	Terry
Ellmers	Manzullo	Thompson (PA)
Emerson	Marchant	Thornberry
Farenthold	Marino	Tiberi
Fincher	McCarthy (CA)	Tipton
Fitzpatrick	McCaul	Turner
Flake	McClintock	Upton
Fleischmann	McCotter	Walberg
Fleming	McHenry	Walden
Flores	McKeon	Walsh (IL)
Forbes	McKinley	Webster
Fortenberry	McMorris	West
Fox	Rodgers	Westmoreland
Franks (AZ)	Meehan	Whitfield
Frelinghuysen	Mica	Wilson (SC)
Gallely	Miller (FL)	Wittman
Gardner	Miller (MI)	Wolf
Garrett	Miller, Gary	Womack
Gerlach	Mulvaney	Woodall
Gibbs	Murphy (PA)	Yoder
Gibson	Myrick	Young (AK)
Gingrey (GA)	Neugebauer	Young (FL)
Gohmert	Noem	Young (IN)

PELOSI—173

Green, Gene	Payne
Grijalva	Pelosi
Gutierrez	Perlmutter
Hanabusa	Peters
Harman	Peterson
Hastings (FL)	Pingree (ME)
Heinrich	Polis
Higgins	Price (NC)
Himes	Quigley
Hinche	Rahall
Hinojosa	Rangel
Hirono	Reyes
Holt	Richardson
Honda	Richmond
Hoyer	Rothman (NJ)
Inslee	Roybal-Allard
Israel	Ruppersberger
Jackson (IL)	Rush
Jackson Lee	Ryan (OH)
(TX)	Sanchez, Linda
Johnson (GA)	T.
Johnson, E. B.	Sanchez, Loretta
Kaptur	Sarbanes
Keating	Schakowsky
Kildee	Schiff
Kucinich	Schwartz
Langevin	Scott (VA)
Larsen (WA)	Scott, David
Larson (CT)	Serrano
Lee (CA)	Sewell
Levin	Sherman
Lewis (GA)	Sires
Loeb sack	Slaughter
Lofgren, Zoe	Smith (WA)
Lowey	Speier
Lujan	Stark
Lynch	Sutton
Maloney	Thompson (CA)
Markey	Thompson (MS)
Matsui	Tierney
McCarthy (NY)	Tonko
McCollum	Towns
McDermott	Tsongas
McGovern	Van Hollen
McNerney	Velázquez
Meeks	Visclosky
Miller (NC)	Walz (MN)
Miller, George	Wasserman
Moore	Schultz
Moran	Waters
Murphy (CT)	Watt
Nadler	Waxman
Napolitano	Weiner
Neal	Welch
Oliver	Wilson (FL)
Owens	Woolsey
Pallone	Wu
Pascarell	Yarmuth
Pastor (AZ)	

SHULER—11

Holden	Michaud
Kissell	Ross (AR)
Matheson	Shuler
McIntyre	

LEWIS (GA)—2

Giffords

COSTA—1

Cardoza

CARDOZA—1

Costa

COOPER—1

Kind

KAPTUR—1

Lipinski

HOYER—1

Schrader

ANSWERED "PRESENT"—1

Bishop (GA)

NOT VOTING—2

DeFazio

□ 1341

The CLERK. The tellers agree in
their tallies that the total number of

votes cast by surname is 432, of which
the Honorable JOHN A. BOEHNER of the
State of Ohio has received 241, the Hon-
orable NANCY PELOSI of the State of
California has received 173, the Honora-
ble DENNIS CARDOZA of the State of
California has received 1, the Honora-
ble JIM COOPER of the State of Ten-
nessee has received 1, the Honorable
JIM COSTA of the State of California
has received 1, the Honorable STENY
HOYER of the State of Maryland has re-
ceived 1, the Honorable MARCY KAPTUR
of the State of Ohio has received 1, the
Honorable JOHN LEWIS of the State of
Georgia has received 2, the Honorable
HEATH SHULER of the State of North
Carolina has received 11, with 1 re-
corded as "present."

Therefore, the Honorable JOHN A.
BOEHNER of the State of Ohio, having
received the majority of the votes cast,
is duly elected Speaker of the House of
Representatives for the 112th Congress.

The Clerk appoints the following
committee to escort the Speaker-elect
to the chair:

The gentleman from Virginia (Mr.
CANTOR)

The gentlewoman from California
(Ms. PELOSI)

The gentleman from California (Mr.
MCCARTHY)

The gentleman from Maryland (Mr.
HOYER)

The gentleman from Texas (Mr. HEN-
SARLING)

The gentleman from South Carolina
(Mr. CLYBURN)

The gentleman from Texas (Mr. SES-
SIONS)

The gentleman from Connecticut
(Mr. LARSON)

The gentleman from Georgia (Mr.
PRICE)

The gentleman from California (Mr.
BECERRA)

The gentlewoman from Washington
(Mrs. MCMORRIS RODGERS)

The gentleman from New York (Mr.
ISRAEL)

The gentleman from Texas (Mr. CAR-
TER)

The gentleman from Maryland (Mr.
VAN HOLLEN)

The gentlewoman from South Dakota
(Mrs. NOEM)

The gentleman from California (Mr.
GEORGE MILLER)

The gentleman from South Carolina
(Mr. SCOTT)

The gentlewoman from Connecticut
(Ms. DELAURO)

The gentleman from Oregon (Mr.
WALDEN)

The gentleman from Texas (Mr.
CUELLAR)

The gentleman from California (Mr.
DREIER)

The gentlewoman from Florida (Ms.
WASSERMAN SCHULTZ)

The gentleman from Illinois (Mr.
ROSKAM)

The gentlewoman from California
(Ms. BASS)

And the Members of the Ohio delegation:

Ms. KAPTUR
Mr. LATOURETTE
Mr. KUCINICH
Mr. TIBERI
Mr. RYAN
Mr. TURNER
Mrs. SCHMIDT
Ms. SUTTON
Mr. LATTA
Mr. JORDAN
Ms. FUDGE
Mr. AUSTRIA
Mr. CHABOT
Mr. GIBBS
Mr. JOHNSON
Mr. RENACCI, and
Mr. STIVERS

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 112th Congress, who was escorted to the chair by the Committee of Escort.

Ms. PELOSI. It is a high honor to welcome all Members of Congress and their families to the House of Representatives.

To the new Members and their families, a special congratulations and welcome to you. We all wish you great success. Congratulations to you.

We all come here to represent our constituents. Our respect for each other is founded in our respect for the people that we represent.

This month, we will celebrate the 50th anniversary of the inauguration of John F. Kennedy as President of the United States.

As a student, I was there in the freezing cold. For some of you, you have read about it in the history books, but to Bob and me, it was our youth.

Right, Bob?

I was there in the freezing cold and heard the stirring address that inspired generations of Americans to public service.

In his 1962 State of the Union Address, right from here, from this dais, President Kennedy said to the Congress: the Constitution makes us all trustees of the American people, custodians of the American heritage.

Today, as we take the oath of office to support and defend our Constitution, we do so as trustees of America's best hopes and as custodians of America's highest values. However we may differ, let us never lose sight of our common laws for this exceptional Nation and our shared obligation to the way forward.

I started off by acknowledging and welcoming and congratulating the Members and their families. Our families have always helped light the way forward for all of us. With a full and grateful heart, I want to thank my family: my husband of 47 years, Paul Pelosi; my children, Nancy Corinne,

Christine, Jacqueline, Paul, and Alexandra; and my grandchildren. I am proud, too, to be from a large family—the youngest of seven—and to acknowledge my brother, Thomas D'Alesandro III, the former mayor of Baltimore, Maryland.

Welcome, Thomas.

Let me thank my constituents in San Francisco, whom I am proud to represent in the spirit of the anthem of our city of Saint Francis—the song of Saint Francis—and I am so pleased that that was recited by all of us at the interdenominational service this morning.

I am grateful to my colleagues for their commitment to equality, which is both our heritage and our hope, giving me the historic honor of being the first woman Speaker of the House of Representatives. Now more doors are wide open for all of America's daughters and granddaughters.

I am also honored to be the first Italian-American Speaker. Like many Americans, our heritage is a source of great pride and of deeply ingrained patriotism which summons us to build a stronger Nation. We recognize that the proudest title we will ever hold is not accorded on this floor. It is the simple dignity of the title "American"—part of our great democracy that continues to be the greatest hope of liberty and progress for the entire world.

When I was first elected Speaker, I called the House to order on behalf of America's children; and now, as I prepare to hand the gavel over to Speaker BOEHNER, I know one thing above all else: Thanks to you, we have stood with those children and for their families—for their health, their education, the safety of the air they breathe, the water they drink, and the food they eat.

Thanks to you, for those children and their families, we have made the largest ever commitment to making college more affordable, enacted Wall Street reform with the greatest consumer protections in history, and passed a strong Patients' Bill of Rights. It means that children with preexisting conditions can get care; young people can stay on their parents' policies until they are 26; pregnant women and breast and prostate cancer patients can no longer be thrown off their insurance; our seniors are paying less for their medical prescriptions. Taken together, it will save taxpayers \$1.3 trillion.

Thanks to you, thanks to all of us, we advanced the defining American cause of "equality for all" from the first days of the Congress with the passage of the Lilly Ledbetter Fair Pay Act to the last days with the repeal of the Don't Ask, Don't Tell policy.

And thanks to you, we achieved more for America's veterans than at any time since the passage of the GI Bill of Rights in 1944. Because of our coura-

geous troops and our veterans, we will always be the land of the free and the home of the brave.

Let us now salute our men and women in uniform.

To honor them, we must build a future worthy of their sacrifice, which includes good-paying jobs when they come home. It is not enough that we staved off a depression. Much more needs to be done to open up the American Dream and lift up the American economy. The only acceptable outcome is to fully and finally restore fair prosperity that good-paying jobs provide.

□ 1400

Our most important job is to fight for American jobs, to make it in America—STENY—and so Democrats will judge what comes before Congress, from either side of the aisle, as to whether it creates jobs, strengthens the middle class, and reduces the deficit, not burdening future generations. When the new Speaker of the House, JOHN BOEHNER, and the new Republican majority—and congratulations, again—come forward with solutions that will address these American challenges, you will find us a willing partner.

As we congratulate Speaker BOEHNER and our Republican colleagues, as we wish them success, we must stand ready to find common ground, to solve problems, and to build a more secure future for all Americans.

And as we take the oath of office today to support and defend the Constitution, we must be ever mindful that it makes us trustees for the American people, with an obligation to do what is right for them, and custodian of the American heritage—our great values.

Thank you, my colleagues, for the honor of serving in that tradition as the Speaker of the House of Representatives. I thank you, my colleagues.

Again, I want to congratulate all of the new Members of Congress, all of you who have been reelected, but especially the new majority and the new Speaker of the House, JOHN BOEHNER.

Now, the House will be led by a proud son of Ohio, a man of conviction, a public servant of resolve, and a legislative leader of skill. Speaker BOEHNER is a leader who has earned the confidence of his conference and the respect of his colleagues in the Congress. He is a man of faith: faith in God, faith in our country, and faith in his family.

It is very important for us, in acknowledging that, for us to acknowledge his family, his wife, Mrs. Boehner. As we congratulate him, we congratulate and thank Debbie for sharing him with us and Lindsay and Trisha and, indeed, the entire Boehner family. Thank you and congratulations to all of you.

Now, recognizing our roles under the Constitution, united in our love of our country, we now engage in a strong symbol of American democracy, the

peaceful and respectful exchange of power. I now pass this gavel, which is larger than most gavels here, but the gavel of choice of Speaker BOEHNER—I now pass this gavel and the sacred trust that goes with it to the new Speaker. God bless you, Speaker BOEHNER. God bless this Congress and God bless America.

Mr. BOEHNER. Thank you. It's still just me.

Madam Speaker, thank you for your kind words, and thank you for your service to this institution.

Secondly, I want to welcome all of our new Members and their families on what is a very special day. All of us who have been here remember vividly that first day that we served here, and I think any of us can tell you that you will never forget today.

My own family is here as well. I think you just met Debbie, and next to Debbie are Lindsay and Trisha, our two daughters. Welcome. We're glad that you're here. Ten of my 11 brothers and sisters and sisters-in-law and brothers-in-law are here as well, and my poor brother Greg who runs a restaurant down in Georgia was unable to be here, but I wanted to acknowledge him.

I also want to acknowledge some of my close friends that are here from the other side of the Capitol: MITCH MCCONNELL, the Senate Republican leader is here; and two of my best buds, RICHARD BURR from North Carolina, SAXBY CHAMBLISS from Georgia, along with, you know, my buddy LATHAM. Thank you for being here, gentlemen. I appreciate it.

I am honored and humbled to represent a great, hardworking community in Congress. The people of Ohio's Eighth Congressional District continue to afford me the privilege to serve, for which I am deeply grateful.

We gather here today at a time of great challenges, when nearly one in 10 of our neighbors is out of work. Health care costs are still rising for American families. Our spending has caught up with us, and our debt soon will eclipse the entire size of our national economy. Hard work and tough decisions will be required of the 112th Congress. No longer can we fall short. No longer can we kick the can down the road. The people voted to end business as usual; and, today, we begin to carry out their instructions.

In the Catholic faith, we enter into a season of service by having ashes marked on our head. The ashes remind us that life, in all of its forms, is very fragile; our time on this Earth fleeting. But as the ashes are delivered, we hear those humbling words: remember, you are dust and to dust you shall return.

The American people have humbled us. They have refreshed our memories to just how temporary the privilege of serving is. They've reminded us that everything here is on loan from them. That includes this gavel, which I ac-

cept cheerfully and gratefully, knowing that I am but its caretaker. After all, this is the people's House. This is their Congress. It's about them, not about us. What they want is a government that's honest, accountable, and responsive to their needs, a government that respects individual liberty, honors our heritage, and bows before the public that it serves.

Let's start with the rules package that the House will consider today. If passed, it will change how this institution operates, with an emphasis on real transparency, greater accountability, and a renewed focus on our Constitution. Our aim will be to give the government back to the American people.

□ 1410

In seeking this goal, we will part with some of the rituals that have come to characterize this institution under majorities, both Republican and Democrat alike. We will dispense with the conventional wisdom that bigger bills are always better, that fast legislating is good legislating, that allowing amendments and open debate makes the legislative process "less efficient" than our Forefathers had intended.

These misconceptions have been the basis for the rituals of modern Washington. In my opinion, the American people have not been served well by them. Today, mindful of the lessons of the past, we open a new chapter.

Legislators and the public will have 3 days to read a bill before it comes to a vote. Legislation will be more focused, properly scrutinized, and constitutionally sound. Committees, once bloated, will be smaller with a renewed mission, including oversight. Old rules that have made it easy to increase spending will be replaced by new rules that make it easier to cut spending. And we will start by cutting Congress' own budget.

Above all else, we will welcome the battle of ideas, encourage it, and engage in it—openly, honestly, and respectfully. As the Chamber closest to the people, the House works best when it is allowed to work its will. And I ask all Members of this body to join me in recognizing this common truth.

To my colleagues in the majority, my message is this: We will honor our pledge to America, built through a process of listening to the American people. We will stand firm on our constitutional principles that built our party and built a great Nation. We will do these things, however, in a manner that restores and respects the time-honored right of the minority to an honest debate and a fair, open process.

And to my friends in the minority, I offer a commitment: Openness, once a tradition of this institution but increasingly scarce in recent decades, will be the new standard. There were no open rules in the House in the last Congress. In this one, there will be many.

But with this restored openness, however, comes a restored responsibility. You will not have the right to willfully disrupt the proceedings of the people's House, but you will always have the right to a robust debate in open process that allows you to represent your constituents, to make your case, offer alternatives, and be heard.

In time I believe this framework will allow the House to be a place where the people's will is done. It will also, I hope, rebuild trust among us and the people we serve and, in so doing, provide a guidepost for those who follow us in the service of our Nation.

To our new Members, Democrat and Republican alike, as you take the oath today, I know that you do so mindful of this shared goal and the trust placed in you by your constituents.

As Speaker, I feel part of my job is to help each of you do your job well, regardless of your political party. My hope is that every new Member, and, indeed, every Member, will be comfortable with approaching me with regard to matters of the House.

We will not always get it right, and we will not always agree on what is right. There is a great deal of scar tissue that has been built up on both sides of the aisle. We can't ignore that, nor should we. My belief has always been that we can disagree without being disagreeable. That is why it's critical that this institution operate in a manner that permits a free exchange of ideas and resolves our honest differences through a fair debate and vote. We may have different, sometimes very different, ideas about how to go about achieving the common good. It is why we serve.

Let us now move forward, humble in our demeanor, steady in our principles, dedicated to proving worthy of the trust and confidence that has been placed in each of us. If we brace ourselves to do our duty and do what we say we're going to do, I don't think that, together, there is anything that we can't accomplish, again, on behalf of the people we serve.

More than a country, America is an idea; and it's our job to pass that posterity of blessings that have been bestowed on us to those generations that follow us.

I want to wish all of you the very best. Welcome to the people's House. Welcome to the 112th Congress.

I am now ready to take the oath of the office, and I ask the Dean of the House, the Honorable JOHN DINGELL of Michigan, to administer the oath of office.

Mr. DINGELL then administered the oath of office to Mr. BOEHNER of Ohio, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance

to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

(Applause, the Members rising.)

Mr. DINGELL. Congratulations, Mr. Speaker.

SWEARING IN OF MEMBERS

The SPEAKER. According to precedent, the Chair will swear in the Members-elect en masse.

The Members-elect will rise and raise their right hands.

The Members-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now Members of the 112th Congress.

□ 1420

MAJORITY LEADER

Mr. HENSARLING. Mr. Speaker, as chairman of the Republican Conference, I have been directed to report to the House that the Republican Members have selected as majority leader the gentleman from Virginia, the Honorable ERIC CANTOR.

MINORITY LEADER

Mr. LARSON of Connecticut. Congratulations to you, Mr. Speaker, and congratulations to my colleague and chair of the Republican Conference.

Mr. Speaker, as chairman of the Democratic Caucus, I am directed by that conference to notify the House of Representatives officially that the Democratic Members have selected as minority leader the gentlewoman from California, the Honorable NANCY D'ALESSANDRO PELOSI.

MAJORITY WHIP

Mr. HENSARLING. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as their majority whip the gentleman from California, the Honorable KEVIN MCCARTHY.

MINORITY WHIP AND ASSISTANT DEMOCRATIC LEADER

Mr. LARSON of Connecticut. Mr. Speaker, as chair of the Democratic Caucus, I am directed by that conference to notify the House of Representatives officially that the Democratic Members have selected as minority whip the gentleman from Maryland, the Honorable STENY HOYER; and as assistant Democratic leader, the gentleman from South Carolina, the Honorable JAMES CLYBURN.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER AND CHAPLAIN

Mr. HENSARLING. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood of the Commonwealth of Virginia be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives;

That Daniel J. Strodel of the District of Columbia be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. HENSARLING. Mr. Speaker, I wish to congratulate my counterpart on his re-election.

I yield to the gentleman from Connecticut (Mr. LARSON) for the purpose of offering an amendment.

Mr. LARSON of Connecticut. Mr. Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Speaker, I offer an amendment to the remainder of the resolution.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LARSON of Connecticut:

That John Lawrence of the State of New Jersey be, and is hereby, chosen Clerk of the House of Representatives;

That Alexis Covey-Brandt of the State of Maryland be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives; and

That Yelberton Watkins of the State of South Carolina be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Texas.

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers of the House.

The officers presented themselves in the well of the House and took the oath of office as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

□ 1430

SWEARING IN OF MEMBER

The SPEAKER. Will the gentleman from Oklahoma please present himself in the well.

Mr. SULLIVAN appeared at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

NOTIFICATION TO THE SENATE

Mr. CANTOR. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that John A. Boehner, a Representative from the State of Ohio, has been elected Speaker; and that Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Twelfth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY PRESIDENT

Mr. CANTOR. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, pursuant to House Resolution 3, the Chair announces the Speaker's appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Virginia (Mr. CANTOR) and

The gentlewoman from California (Ms. PELOSI).

There was no objection.

AUTHORIZING THE CLERK TO IN- FORM THE PRESIDENT OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DINGELL. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected John A. Boehner, a Representative from the State of Ohio as Speaker, and Karen L. Haas, a citizen of the State of Maryland as Clerk, of the House of Representatives of the One Hundred Twelfth Congress:

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

Mr. CANTOR. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Elev-

enth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Eleventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Twelfth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3, 4, and 5.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) CITING AUTHORITY UNDER THE CONSTITUTION.—

(1) In clause 7 of rule XII, add the following new paragraph:

“(c)(1) A bill or joint resolution may not be introduced unless the sponsor submits for printing in the Congressional Record a statement citing as specifically as practicable the power or powers granted to Congress in the Constitution to enact the bill or joint resolution. The statement shall appear in a portion of the Record designated for that purpose and be made publicly available in electronic form by the Clerk.

“(2) Before consideration of a Senate bill or joint resolution, the chair of a committee of jurisdiction may submit the statement required under subparagraph (1) as though the chair were the sponsor of the Senate bill or joint resolution.”.

(2) In clause 3(d) of rule XIII—

(A) strike subparagraph (1) (and redesignate the succeeding subparagraphs accordingly); and

(B) in subparagraph (2), as redesignated, strike “subparagraph (2)” each place it appears and insert (in each instance) “subparagraph (1)”.

(b) THREE-DAY AVAILABILITY FOR UNREPORTED MEASURES.—In rule XXI, add the following new clause:

“11. It shall not be in order to consider a bill or joint resolution which has not been reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which such measure has been available to Members, Delegates, and the Resident Commissioner.”.

(c) TRANSPARENCY FOR HOUSE AND COMMITTEE OPERATIONS.—

(1) STANDARDS FOR ELECTRONIC DOCUMENTS.—In clause 4(d)(1) of rule X—

(A) in subdivision (C), strike “and”;

(B) in subdivision (D), strike the period and insert “; and”; and

(C) add the following new subdivision:

“(E) establish and maintain standards for making documents publicly available in electronic form by the House and its committees.”.

(2) ENSURING THAT TEXT IS PUBLICLY AVAILABLE IN ELECTRONIC FORM.—In rule XXIX, add the following new clause:

“3. If a measure or matter is publicly available in electronic form at a location designated by the Committee on House Administration, it shall be considered as having been available to Members, Delegates, and the Resident Commissioner for purposes of these rules.”.

(3) MINIMUM NOTICE PERIOD FOR COMMITTEE MEETINGS AND HEARINGS.—In rule XI, amend clause 2(g)(3) to read as follows:

“(3)(A) The chair of a committee shall announce the date, place, and subject matter of—

“(i) a committee hearing, which may not commence earlier than one week after such notice; or

“(ii) a committee meeting, which may not commence earlier than the third day on which members have notice thereof.

“(B) A hearing or meeting may begin sooner than specified in subdivision (A) in either

of the following circumstances (in which case the chair shall make the announcement specified in subdivision (A) at the earliest possible time):

“(i) the chair of the committee, with the concurrence of the ranking minority member, determines that there is good cause; or

“(ii) the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business.

“(C) An announcement made under this subparagraph shall be published promptly in the Daily Digest and made publicly available in electronic form.

“(D) This subparagraph and subparagraph (4) shall not apply to the Committee on Rules.”.

(4) MINIMUM PERIOD FOR AVAILABILITY OF COMMITTEE MARKUP TEXT.—In clause 2(g) of rule XI, insert the following new subparagraph, and redesignate the succeeding subparagraphs accordingly:

“(4) At least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of an announcement under subparagraph (3)(B) made within 24 hours before such meeting, the chair of the committee shall cause the text of such legislation to be made publicly available in electronic form.”.

(5) AVAILABILITY OF VOTES IN ELECTRONIC FORM.—In clause 2(e)(1)(B)(i) of rule XI—

(A) in the first sentence, before the period at the end thereof insert “and also made publicly available in electronic form within 48 hours of such record vote”; and

(B) in the second sentence, strike “for public inspection”.

(6) AVAILABILITY OF THE TEXT OF AMENDMENTS IN ELECTRONIC FORM.—In clause 2(e) of rule XI, add the following new subparagraph:

“(6) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by a committee, the chair of such committee shall cause the text of each such amendment to be made publicly available in electronic form.”.

(7) AVAILABILITY OF “TRUTH IN TESTIMONY” INFORMATION IN ELECTRONIC FORM.—In clause 2(g)(5) of rule XI, as redesignated, add the following new sentence: “Such statements, with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.”.

(8) AVAILABILITY OF COMMITTEE RULES IN ELECTRONIC FORM.—In clause 2(a) of rule XI, amend subparagraph (2) to read as follows:

“(2) Each committee shall make its rules publicly available in electronic form and submit such rules for publication in the Congressional Record not later than 30 days after the chair of the committee is elected in each odd-numbered year.”.

(9) AUDIO AND VIDEO COVERAGE OF COMMITTEE HEARINGS AND MEETINGS.—In clause 2(e) of rule XI, add the following new subparagraph:

“(5) To the maximum extent practicable, each committee shall—

“(A) provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings; and

“(B) maintain the recordings of such coverage in a manner that is easily accessible to the public.”.

(10) RECORD VOTES IN THE COMMITTEE ON RULES.—In clause 3(b) of rule XIII, strike “a report by the Committee on Rules on a rule, joint rule, or the order of business or to”.

(11) ELIMINATION OF DUPLICATIVE PROGRAMS.—In clause 2(d)(1) of rule X—

(A) in subdivision (D), strike “and”;

(B) in subdivision (E), strike the period and insert “; and”; and

(C) add the following new subdivision:

“(F) include proposals to cut or eliminate programs, including mandatory spending programs, that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments.”.

(d) INITIATIVES TO REDUCE SPENDING AND IMPROVE ACCOUNTABILITY.—

(1) CUT-AS-YOU-GO.—In rule XXI, amend clause 10 to read as follows:

“10.(a)(1) Except as provided in paragraphs (b) and (c), it shall not be in order to consider a bill or joint resolution, or an amendment thereto or a conference report thereon, if the provisions of such measure have the net effect of increasing mandatory spending for the period of either—

“(A) the current year, the budget year, and the four fiscal years following that budget year; or

“(B) the current year, the budget year, and the nine fiscal years following that budget year.

“(2) For the purpose of this clause, the terms ‘budget year’ and ‘current year’ have the meanings specified in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985, and the term ‘mandatory spending’ has the meaning of ‘direct spending’ specified in such section 250 except that such term shall also include provisions in appropriation Acts that make outyear modifications to substantive law as described in section 3(4)(C) of the Statutory Pay-As-You-Go Act of 2010.

“(b) If a bill or joint resolution, or an amendment thereto, is considered pursuant to a special order of the House directing the Clerk to add as new matter at the end of such bill or joint resolution the entire text of a separate measure or measures as passed by the House, the new matter proposed to be added shall be included in the evaluation under paragraph (a) of the bill, joint resolution, or amendment.

“(c)(1) Except as provided in subparagraph (2), the evaluation under paragraph (a) shall exclude a provision expressly designated as an emergency for the Statutory Pay-As-You-Go Act of 2010, in the case of a point of order under this clause against consideration of—

“(A) a bill or joint resolution;

“(B) an amendment made in order as original text by a special order of business;

“(C) a conference report; or

“(D) an amendment between the Houses.

“(2) In the case of an amendment (other than one specified in subparagraph (1)) to a bill or joint resolution, the evaluation under paragraph (a) shall give no cognizance to any designation of emergency.”.

(2) REQUIRING A VOTE ON RAISING THE DEBT LIMIT.—Rule XXVIII is amended to read as follows:

“RULE XXVIII

“(RESERVED).”.

(3) CLARIFYING THE ROLE OF THE CHAIR OF THE COMMITTEE ON THE BUDGET.—In rule XXIX, add the following new clause:

“4. Authoritative guidance from the Committee on the Budget concerning the impact of a legislative proposition on the levels of new budget authority, outlays, direct spending, new entitlement authority and revenues may be provided by the chair of the committee.”.

(4) HIGHWAY FUNDING.—In rule XXI—

(A) amend clause 3 to read as follows:

“3. It shall not be in order to consider a general appropriation bill or joint resolution, or conference report thereon, that—

“(a) provides spending authority derived from receipts deposited in the Highway Trust Fund (excluding any transfers from the General Fund of the Treasury); or

“(b) reduces or otherwise limits the accruing balances of the Highway Trust Fund, for any purpose other than for those activities authorized for the highway or mass transit categories.”; and

(B) in clause 3, strike the caption.

(5) LIMITATION ON INCREASES IN DIRECT SPENDING IN RECONCILIATION INITIATIVES.—In rule XXI, amend clause 7 to read as follows:

“7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law such that the reconciliation legislation reported pursuant to such directives would cause an increase in net direct spending (as such term is defined in clause 10) for the period covered by such concurrent resolution.”.

(e) OTHER CHANGES TO HOUSE OPERATIONS.—

(1) TWO-MINUTE VOTING.—In clause 6 of rule XVIII—

(A) in paragraph (f), strike “five minutes” and insert “not less than two minutes”; and

(B) in paragraph (g), strike “five minutes” and insert “not less than two minutes”.

(2) USE OF ELECTRONIC DEVICES ON THE FLOOR.—In clause 5 of rule XVII, amend the penultimate sentence to read as follows: “A person on the floor of the House may not smoke or use a mobile electronic device that impairs decorum.”.

(3) UPDATING RULES GOVERNING THE MEDIA.—

(A) In clause 2 of rule VI, strike the penultimate sentence, and amend the last sentence to read as follows: “The Speaker may admit to the floor, under such regulations as the Speaker may prescribe, not more than one representative of each press association.”.

(B) In clause 3 of rule VI, strike the last sentence and insert “The Speaker may admit to the floor, under such regulations as the Speaker may prescribe, not more than one representative of each media outlet.”.

(C) In clause 4(f)(7) of rule XI, strike the first sentence.

(4) VOTING BY DELEGATES AND THE RESIDENT COMMISSIONER IN THE COMMITTEE OF THE WHOLE.—

(A) In clause 3(a) of rule III, strike the first sentence.

(B) In rule XVIII—

(i) in clause 1, strike “, Delegate, or the Resident Commissioner”; and

(ii) in clause 6, strike paragraph (h).

(5) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—In rule XVIII, strike clause 11 (and redesignate the succeeding clause accordingly).

(6) CLARIFYING JURISDICTION OVER CERTAIN CEMETERIES.—In clause 1(c) of rule X, add the following subparagraph:

“(16) Cemeteries administered by the Department of Defense.”.

(7) DESIGNATING COMMITTEE ON EDUCATION AND THE WORKFORCE.—In rule X—

(A) in clause 1(e), strike “Committee on Education and Labor” and insert “Committee on Education and the Workforce”; and

(B) in clause 3(d), strike “Committee on Education and Labor” and insert “Committee on Education and the Workforce”.

(8) DESIGNATING COMMITTEE ON ETHICS.—

(A) In the standing rules, strike “Committee on Standards of Official Conduct”

each place it appears and insert (in each instance) “Committee on Ethics”.

(B) In clause 1 of rule X, insert paragraph (q) after paragraph (f) (and redesignate the succeeding paragraphs accordingly).

(C) In the standing rules, strike “clause 1(j)(1) of rule X” each place it appears and insert (in each instance) “clause 1(k)(1) of rule X”.

(9) DESIGNATING THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—In rule X—

(A) in clause 1(p), as redesignated, strike “Committee on Science and Technology” and insert “Committee on Science, Space, and Technology”; and

(B) in clause 3(k), strike “Committee on Science and Technology” and insert “Committee on Science, Space, and Technology”.

(10) ELIMINATING THE SELECT INTELLIGENCE OVERSIGHT PANEL.—In clause 4(a) of rule X, strike subparagraph (5).

(11) ADJUSTING THE SIZE OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE.—In clause 11(a)(1) of rule X, strike “22” and insert “20” and strike “13” and insert “12”.

(12) RESTORING THE TERM LIMIT RULE FOR COMMITTEE CHAIRS.—In clause 5 of rule X, redesignate paragraph (c) as subparagraph (c)(1) and add the following new subparagraph:

“(2) Except in the case of the Committee on Rules, a member of a standing committee may not serve as chair of the same standing committee, or of the same subcommittee of a standing committee, during more than three consecutive Congresses (disregarding for this purpose any service for less than a full session in a Congress).”.

(13) COMMITTEE ACTIVITY REPORTS.—In clause 1 of rule XI, amend paragraph (d) to read as follows:

“(d)(1) Not later than the 30th day after June 1 and December 1, a committee shall submit to the House a semiannual report on the activities of that committee.

“(2) Such report shall include—

“(A) separate sections summarizing the legislative and oversight activities of that committee under this rule and rule X during the applicable period;

“(B) in the case of the first such report, a summary of the oversight plans submitted by the committee under clause 2(d) of rule X;

“(C) a summary of the actions taken and recommendations made with respect to the oversight plans specified in subdivision (B);

“(D) a summary of any additional oversight activities undertaken by that committee and any recommendations made or actions taken thereon; and

“(E) a delineation of any hearings held pursuant to clauses 2(n), (o), or (p) of this rule.

“(3) After an adjournment sine die of a regular session of a Congress, or after December 15, whichever occurs first, the chair of a committee may file the second or fourth semiannual report described in subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

“(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

“(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.”.

(14) MODIFYING STAFF DEPOSITION AUTHORITY.—In clause 4(c)(3)(B) of rule X—

(A) in item (i), strike “and”;

(B) in item (ii), strike the period and insert “; and”; and

(C) add at the end the following new item:

“(iii) shall, unless waived by the deponent, require the attendance of a member of the committee.”.

(f) TECHNICAL AND CLARIFYING CHANGES.—
(1) In clause 3(a) of rule III, strike “of the House”.

(2) In rule IV—

(A) in clause 1, strike “The Speaker may not entertain a motion for the suspension of this clause.”; and

(B) in clause 2(b), after “clause” insert “or clauses 1, 3, 4, or 5”.

(3) In clause 3(o)(2) of rule XI, after “investigation” insert “when”.

(4) In clause 7 of rule XII, strike “primary sponsor” each place it appears and insert (in each instance) “sponsor”.

(5) In clause 6(c) of rule XIII, strike “Senate bill or resolution” and insert “Senate bill or joint resolution”.

(6) In clause 2(c) of rule XV—

(A) strike “Clerk shall make signatures” and insert “Clerk shall make the signatories”; and

(B) strike “published with the signatures” and insert “published with the signatories”.

(7) In clause 6(c) of rule XXIII, strike “a campaign accounts” and insert “a campaign account”.

(8) In clause 13 of rule XXIII, strike “Clerk shall make signatures” and insert “Clerk shall make the signatories”.

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

(1) During the One Hundred Twelfth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Twelfth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Twelfth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Twelfth Congress, except as provided in subparagraph (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subparagraph (A) is sustained, the Chair shall put the question: “Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?”. Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subparagraph (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subparagraph (B) on a given bill.

(D) If a question under subparagraph (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chair or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) BUDGET ENFORCEMENT.—

(1) The chair of the Committee on the Budget (when elected) shall include in the Congressional Record budget aggregates and allocations contemplated by section 301 of the Congressional Budget Act of 1974 and allocations contemplated by section 302(a) of that Act for fiscal year 2011, and the period of fiscal years 2011 through 2015.

(2) The aggregates and allocations specified in subsection (1) shall be considered as contained in a concurrent resolution on the budget for fiscal year 2011 and the submission thereof into the Congressional Record shall be considered as the completion of congressional action on a concurrent resolution on the budget for fiscal year 2011.

(c) EMERGENCIES AND CONTINGENCIES.—

(1) EMERGENCIES.—Until adoption of a concurrent resolution on the budget for fiscal year 2012, if a bill or joint resolution is reported, or amendment thereto is offered or a conference report thereon is filed, that provides new budget authority and outlays or reduces revenue, and such provision is designated as an emergency pursuant to this section, the chair of the Committee on the Budget shall not count the budgetary effects of such provision for purposes of titles III and IV of the Congressional Budget Act of 1974 and the Rules of the House of Representatives.

(2) EXEMPTION OF CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM.—For any bill or joint resolution, or amendment thereto or conference report thereon, that makes appropriations for fiscal year 2011 for contingency operations directly related to the global war on terrorism, then the new budget authority or outlays resulting therefrom shall not count for purposes of titles III or IV of the Congressional Budget Act of 1974.

(d) DEFICIT-NEUTRAL REVENUE RESERVE.—Until the adoption of a concurrent resolution on the budget for fiscal year 2012, if any bill reported by the Committee on Ways and Means, or amendment thereto or conference report thereon, decreases revenue, the chair of the Committee on the Budget may adjust the allocations, the revenue levels, and other aggregates referred to in subsection (b)(1), provided that such measure would not increase the deficit over the period of fiscal years 2011 through 2021.

(e) LIMITATION ON ADVANCE APPROPRIATIONS.—

(1) Except as provided by paragraph (2), any general appropriation bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide advance appropriations.

(2) Advance appropriations may be provided—

(A) for fiscal year 2012 for programs, projects, activities, or accounts identified in the Congressional Record under the heading “Accounts Identified for Advance Appropria-

tions” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority, and for 2013, an aggregate amount not to exceed \$28,852,000,000 for accounts separately identified under the same heading; and

(B) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(3) In this subsection, the term “advance appropriation” means any new discretionary budget authority provided in a general appropriation bill or any new discretionary budget authority provided in a joint resolution making continuing appropriations for fiscal year 2011 that first becomes available for a fiscal year after fiscal 2011.

(f) COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.—

(1) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(2) SPECIAL RULE.—For purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

(g) LIMITATION ON LONG-TERM SPENDING.—

(1) It shall not be in order to consider a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or an amendment thereto or a conference report thereon, if the provisions of such measure have the net effect of increasing mandatory spending in excess of \$5,000,000,000 for any period described in paragraph (2).

(2)(A) The applicable periods for purposes of this clause are any of the first four consecutive 10-fiscal-year periods beginning with the first fiscal year following the last fiscal year for which the applicable concurrent resolution on the budget sets forth appropriate budgetary levels.

(B) In this paragraph, the applicable concurrent resolution on the budget is the one most recently adopted before the date on which a committee first reported the bill or joint resolution described in paragraph (a).

(h) EXEMPTIONS.—

(1) Until the adoption of the concurrent resolution on the budget for fiscal year 2012, the chair of the Committee on the Budget may adjust an estimate under clause 4 of rule XXIX to—

(A) exempt the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

(B) exempt the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

(C) exempt the budgetary effects of measures—

(i) repealing the Patient Protection and Affordable Care Act and title I and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010;

(ii) reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010; or

(iii) reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010 and the payment rates and related parameters in accordance with section 1848 of the Social Security Act;

(D) exempt the budgetary effects of measures that adjust the Alternative Minimum Tax exemption amounts to prevent a larger number of taxpayers as compared with tax year 2008 from being subject to the Alternative Minimum Tax or of allowing the use of nonrefundable personal credits against the Alternative Minimum Tax, or both as applicable;

(E) exempt the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010;

(F) exempt the budgetary effects of measures providing a 20 percent deduction in income to small businesses; and

(G) exempt the budgetary effects of measures implementing trade agreements.

(2) A measure may only qualify for an exemption under subsection (h)(1)(C)(ii) or (iii) if it does not—

(A) increase the deficit over the period of fiscal years 2011 through 2021; or

(B) increase revenues over the period of fiscal years 2011 through 2021, other than by—

(i) repealing or modifying the individual mandate (codified as section 5000A of the Internal Revenue Code of 1986); or

(ii) modifying the subsidies to purchase health insurance (codified as section 36B of the Internal Revenue Code of 1986).

(i) DETERMINATIONS FOR PAYGO ACTS.—In determining the budgetary effects of any legislation for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010 (including the required designation in PAYGO Acts), the chair of the Committee on the Budget may make adjustments to take into account the exemptions and adjustments set forth in subsection (h).

(j) SPENDING REDUCTION AMENDMENTS IN APPROPRIATIONS BILLS.—

(1) During the reading of a general appropriation bill for amendment in the Committee of the Whole House on the state of the Union, it shall be in order to consider en bloc amendments proposing only to transfer appropriations from an object or objects in the bill to a spending reduction account. When considered en bloc under this clause, such amendments may amend portions of the bill not yet read for amendment (following disposition of any points of order against such portions) and are not subject to a demand for division of the question in the House or in the Committee of the Whole.

(2) Except as provided in paragraph (1), it shall not be in order to consider an amendment to a spending reduction account in the House or in the Committee of the Whole House on the state of the Union.

(3) It shall not be in order to consider an amendment to a general appropriation bill proposing a net increase in budget authority in the bill (unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI).

(4) A point of order under clause 2(b) of rule XXI shall not apply to a spending reduction account.

(5) A general appropriation bill may not be considered in the Committee of the Whole House on the state of the Union unless it includes a spending reduction account as the last section of the bill. An order to report a

general appropriation bill to the House shall constitute authority for the chair of the Committee on Appropriations to add such a section to the bill or modify the figure contained therein.

(6) For purposes of this subsection, the term “spending reduction account” means an account in a general appropriation bill that bears that caption and contains only a recitation of the amount by which an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of new budget authority proposed by the bill.

(k) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Twelfth Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(l) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Twelfth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term “Member” includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

(m) NUMBERING OF BILLS.—In the One Hundred Twelfth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker and the second 10 numbers for bills (H.R. 11 through H.R. 20) shall be reserved for assignment by the Minority Leader.

(n) TRANSITION RULE.—Pending the designation of a location by the Committee on House Administration pursuant to clause 3 of rule XXIX, documents may be made publicly available in electronic form at the following locations:

(1) with respect to consideration by the House, the majority website of the Committee on Rules; and

(2) with respect to consideration by a committee, the majority website of the committee.

SEC. 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES.

(a) HOUSE DEMOCRACY PARTNERSHIP.—House Resolution 24, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such resolution applied in the One Hundred Tenth Congress except that the commission concerned shall be known as the House Democracy Partnership.

(b) TOM LANTOS HUMAN RIGHTS COMMISSION.—Sections 1 through 7 of House Resolution 1451, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such provisions applied in the One Hundred Tenth Congress, except that—

(1) the Tom Lantos Human Rights Commission may, in addition to collaborating closely with other professional staff members of the Committee on Foreign Affairs,

collaborate closely with professional staff members of other relevant committees; and

(2) the resources of the Committee on Foreign Affairs which the Commission may use shall include all resources which the Committee is authorized to obtain from other offices of the House of Representatives.

(c) OFFICE OF CONGRESSIONAL ETHICS.—Section 1 of House Resolution 895, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such provision applied in the One Hundred Tenth Congress, except that the Office of Congressional Ethics shall be treated as a standing committee of the House for purposes of section 202(I) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)) and references to the Committee on Standards of Official Conduct shall be construed as references to the Committee on Ethics.

(d) EMPANELING INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON ETHICS.—The text of House Resolution 451, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such provision applied in the One Hundred Tenth Congress, except that references to the Committee on Standards of Official Conduct shall be construed as references to the Committee on Ethics.

SEC. 5. ADDITIONAL ORDERS OF BUSINESS.

(a) READING OF THE CONSTITUTION.—The Speaker may recognize a Member for the reading of the Constitution on the legislative day of January 6, 2011.

(b) PROVIDING FOR CONSIDERATION OF CERTAIN MOTIONS TO SUSPEND THE RULES.—It shall be in order at any time on the legislative day of January 6, 2011, for the Speaker to entertain motions to suspend the rules related to reducing the costs of operation of the House of Representatives, except that notwithstanding clause 1(c) of rule XV such motion shall be debatable for two hours, equally divided and controlled by the proponent and an opponent.

Mr. CANTOR (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO REFER

Ms. NORTON. Mr. Speaker, I rise to offer a motion that is at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. Norton moves to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political party, with instructions not to report back the same until it has conducted a full and complete study of, and made a determination on, the constitutionality of the provision that would be eliminated from the Rules that granted voting rights in the Committee of the Whole to the Delegates from the District of Columbia, American Samoa, Guam, the Virgin Islands and the Northern Mariana Islands and the Resident Commissioner from Puerto Rico, including the decision of the United States Court of Appeals for the District of Columbia in *Michel v. Anderson* (14 F.3d 623 (D.C. Cir. 1994)), which upheld the constitutionality of these voting rights.

MOTION TO TABLE

Mr. CANTOR. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Cantor moves to lay on the table the motion to refer.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 188, not voting 20, as follows:

[Roll No. 3]

YEAS—223

Adams	Gohmert	Miller (MI)
Aderholt	Goodlatte	Miller, Gary
Akin	Gosar	Mulvaney
Alexander	Gowdy	Murphy (PA)
Amash	Granger	Myrick
Austria	Graves (GA)	Neugebauer
Bachmann	Graves (MO)	Noem
Bachus	Griffin (AR)	Nugent
Bartlett	Griffith (VA)	Nunnelee
Barton (TX)	Grimm	Olson
Bass (NH)	Guinta	Palazzo
Benishek	Guthrie	Paul
Biggert	Hall	Paulsen
Billray	Hanna	Pearce
Bilirakis	Harper	Pence
Bishop (UT)	Hartzler	Petri
Black	Hastings (WA)	Pitts
Blackburn	Hayworth	Platts
Bonner	Heck	Poe (TX)
Bono Mack	Heller	Pompeo
Boustany	Hensarling	Posey
Brady (TX)	Herger	Price (GA)
Brooks	Herrera Beutler	Quayle
Broun (GA)	Huelskamp	Reed
Buchanan	Huizenga (MI)	Rehberg
Bucshon	Hultgren	Reichert
Burgess	Hunter	Renacci
Burton (IN)	Hurt	Ribble
Calvert	Issa	Rigell
Camp	Jenkins	Rivera
Campbell	Johnson (IL)	Roby
Canseco	Johnson (OH)	Roe (TN)
Cantor	Johnson, Sam	Rogers (AL)
Capito	Jones	Rogers (KY)
Carter	Jordan	Rogers (MI)
Cassidy	King (IA)	Rohrabacher
Chabot	King (NY)	Rokita
Chaffetz	Kingston	Rooney
Coble	Kline	Ros-Lehtinen
Coffman (CO)	Labrador	Roskam
Cole	Lamborn	Ross (FL)
Conaway	Lance	Royce
Cravaack	Landry	Runyan
Crenshaw	Lankford	Ryan (WI)
Culberson	Latham	Scalise
Davis (KY)	LaTourette	Schilling
Dent	Latta	Schmidt
DesJarlais	Lee (NY)	Schock
Diaz-Balart	Lewis (CA)	Schweikert
Dold	LoBiondo	Scott (SC)
Dreier	Long	Scott, Austin
Duffy	Lucas	Sensenbrenner
Duncan (TN)	Luetkemeyer	Shimkus
Emerson	Lummis	Shuster
Farenthold	Lungren, Daniel	Simpson
Flake	E.	Smith (NE)
Fleischmann	Mack	Smith (NJ)
Fleming	Manzullo	Smith (TX)
Flores	Marchant	Southerland
Forbes	Marino	Stearns
Fortenberry	McCarthy (CA)	Stivers
Fox	McCauley	Stutzman
Franks (AZ)	McClintock	Sullivan
Frelinghuysen	McHenry	Terry
Gallegly	McKeon	Thompson (PA)
Gardner	McKinley	Thornberry
Garrett	McMorris	Tiberi
Gerlach	Rodgers	Tipton
Gibbs	Meehan	Turner
Gibson	Mica	Upton
Gingrey (GA)	Miller (FL)	Walden

Walsh (IL)
West
Whitfield
Wilson (SC)

Wittman
Wolf
Womack
Woodall

NAYS—188

Ackerman	Gonzalez
Altmire	Green, Al
Andrews	Green, Gene
Baca	Grijalva
Baldwin	Gutierrez
Barrow	Hanabusa
Bass (CA)	Harman
Becerra	Hastings (FL)
Berkley	Heinrich
Berman	Higgins
Bishop (GA)	Himes
Bishop (NY)	Hinchee
Blumenauer	Hinojosa
Boren	Hirono
Boswell	Holden
Brady (PA)	Holt
Braley (IA)	Honda
Brown (FL)	Hoyer
Butterfield	Inslee
Capps	Israel
Capuano	Jackson (IL)
Cardoza	Jackson Lee
Carmahan	(TX)
Carney	Johnson (GA)
Carson (IN)	Johnson, E. B.
Castor (FL)	Kaptur
Chandler	Keating
Chu	Kildee
Clarke (MI)	Kind
Clarke (NY)	Kissell
Clay	Kucinich
Cleaver	Larsen (WA)
Clyburn	Larson (CT)
Cohen	Lee (CA)
Connolly (VA)	Levin
Conyers	Lewis (GA)
Cooper	Lipinski
Costa	Loebuck
Costello	Lofgren, Zoe
Courtney	Lowe
Critz	Lujan
Crowley	Lynch
Cuellar	Maloney
Cummings	Markey
Davis (CA)	Matheson
Davis (IL)	Matsui
DeGette	McCarthy (NY)
DeLauro	McCollum
Deutch	McDermott
Dicks	McGovern
Dingell	McIntyre
Doggett	McNerney
Donnelly (IN)	Meeke
Doyle	Michaud
Ellison	Miller (NC)
Engel	Miller, George
Eshoo	Moore
Farr	Moran
Fattah	Murphy (CT)
Finer	Nadler
Frank (MA)	Napolitano
Fudge	Neal
Garamendi	Oliver
Giffords	Owens

NOT VOTING—20

Barletta	Edwards	McCotter
Berg	Ellmers	Nunes
Buerkle	Fincher	Walberg
Cicilline	Harris	Webster
Crawford	Kelly	Westmoreland
Denham	Kinzinger (IL)	Wilson (FL)
Duncan (SC)	Langevin	

□ 1511

Messrs. LEVIN, BRADY of Pennsylvania, HINOJOSA, ALTMIRE, CARDOZA, and Mrs. MALONEY changed their vote from “yea” to “nay.”

Mr. JONES, Mrs. MYRICK, Mrs. BACHMANN, and Ms. HAYWORTH changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. ELLMERS. Mr. Speaker, on rollcall No. 3, had I been present, I would have voted “yea.”

Ms. BUERKLE. Mr. Speaker, on rollcall No. 3, I was unavoidably detained. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia is recognized for 1 hour.

Mr. CANTOR. Madam Speaker, I yield the hour to the gentleman from California (Mr. DREIER), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 1 hour.

There was no objection.

Mr. DREIER. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Rochester, New York (Ms. SLAUGHTER).

Pending that, I yield 1 minute to the distinguished majority leader.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, it is a great honor to call up the rules package for the 112th Congress. Two months ago, voters sent a clear message of repudiation against a government that failed to deliver results.

Government for too long has operated under the flawed assumption that growing bigger and controlling more is necessarily better. Consequently, Washington has grown inefficient, unfocused and wasteful. Spending has gone progressively higher while results for all Americans have not been realized.

Our new majority stands for a different and better way. We believe in a government that controls less and spends less but accomplishes more. We believe in a smarter government, a more efficient government, a more focused government. The new House majority will be about “cut and grow.” We are going to cut spending and job-killing government regulations, and grow the economy and private-sector jobs.

Madam Speaker, each day, we will hold ourselves accountable by asking the following questions:

Are our efforts addressing job creation and the economy? Are they cutting spending? Are they shrinking the size of the Federal Government while protecting and expanding individual liberty? If not, why are we doing it?

This rules package reflects these priorities.

We establish a Constitution-focused House of Representatives, which starts by reading the Constitution of the United States on the House floor and requiring that every bill be accompanied by a statement of constitutional authority.

We make in order our first spending cut—a reduction of at least 5 percent

to Congress' own budget, including Members, leadership, and committees. We replace PAYGO with "cut as you go" to ensure that all spending increases are offset by spending cuts elsewhere in the budget. And on all appropriations bills, Members can now offer spending reduction amendments, which will help ensure that savings actually go toward cutting the deficit rather than being spent elsewhere.

In this spirit, over the coming weeks, we will pass a repeal of last year's health care bill to remove the strain on job creators. We will cut spending in the current fiscal year back down to 2008 pre-bailout levels, and we will identify and eliminate job-killing regulations that are impeding capital formation in America.

Madam Speaker, these actions will send a credible signal to families, businesses, and financial markets that we are dead serious about getting spending under control and regaining our competitive footing in America.

Our majority will return America to prosperity by promoting a culture of success. Our mission is not to redistribute wealth or tell people how to live their lives, but instead to lift people up by giving them opportunity and encouraging them to take responsibility.

By passing this rules package, we will take a significant step in the right direction. It will put us on the road to weaning America off its dependence on debt and government programs as an economic lifeline, and it will help us build a new, more hopeful future rooted in limited government, long-term investment, innovation, and entrepreneurship.

Ms. SLAUGHTER. I am pleased to say this morning that I am delighted to be here.

I want to give my congratulations to Mr. DREIER on reclaiming the Rules seat, and we are very keen on our side to make our case before you today.

Madam Speaker, actually, my head is somewhat spinning because, not 20 minutes ago, the new Speaker of the House of Representatives stood where you are and said he was going to be listening to people, but the first order of business before the House came from the delegates whom this rule disenfranchises—not only the delegate of the District of Columbia but all of the Territories. They didn't get to say a word. So my head is somewhat spinning at this point, and we hope to try to at least give them unanimous consent so that they can try to get some message into the RECORD.

It is again part of the rhetoric from the last campaign that keeps spinning in our heads: All we want to do, they said, is to bring down the deficit. We're going over a cliff, and we've got to bring down the deficit.

As we stand here today, on the brink of a new session of Congress, the con-

cern about deficits has disappeared from everything but the press releases. Under the new majority rules, the other side will essentially gut PAYGO—the pay-as-you-go rules adopted by Democrat majorities in the House and Senate in 2007 under which tax cuts or increases in entitlement spending must be offset by tax increases or entitlement cuts. Under President Clinton, it gave us the biggest surplus we have ever had. It was a hallmark of Democrat leadership, and we are proud of it. We adhered to responsible spending levels and affordable tax cuts, and we took sensible steps towards controlling the deficit.

But not today.

Their talk about belt-tightening and deficit reduction is going to be thrown out the window so that they can free themselves to hand out even more tax credits to their friends, the corporations. Under these proposed rules, notes *The Washington Post*, tax cuts for the wealthiest are fully protected, but tax help for those at the other end of the income spectrum? Forget about it.

Obviously, *The New York Times*, *The Washington Post* and other respected news organizations have cried foul at this sleight of hand. In recent days, editorials have appeared slamming this hypocrisy and phony attempt at fiscal austerity.

What seems crystal clear to me is that the other side has doubled down and adopted the mentality of former Vice President Dick Cheney, who responded to the 2002 midterm elections by advocating in favor of more than \$1 trillion in tax cuts. "Reagan proved that deficits don't matter. We won the midterm elections. This is our due," said the Vice President. The other side now wants to adopt the posture of budget cutters, but when it gets right down to it, they want to be able to make sweetheart deals without having to pay for them.

Nor is their sleight of hand or hypocritical actions an isolated event. It was less than a month ago that Republicans successfully held unemployment benefits for Americans hostage until they got their wish—more Bush-era tax cuts for the people making more than \$1 million a year. That package added another \$140 billion to the deficit, but that didn't seem to bother them either, obviously, as they have told the world it is their number one priority.

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Just this week, Republican new Members ushered in the new Congress with a \$2,500 a plate fundraiser at the W Hotel in downtown Washington. Lobbyists, political action committee members, and other exclusive guests were treated to a night of drinks and entertainment by country singer LeAnn Rimes. Those who donated \$50,000 were treated to a VIP suite at

the W, along with the rest of the night's entertainment.

Last month, the incoming chairman of the House Financial Services Committee offered his own assessment of Republican oversight. He told the *Birmingham News* in Alabama, "In Washington, the view is that the banks are to be regulated, and my view is that Washington and the regulators are there to serve the banks."

And according to *Politico*, the incoming chairman of the House Oversight and Government Reform Committee is looking for ways to make government more responsive to Wall Street and their corporate allies like Big Oil, Big Pharma, and Big Health.

Instead of all this business as usual—and we are headed right back into where we were before 2006—what I'd like to see is an honest attempt to create a set of rules that provide for openness, transparency, and good government. This set of rules is not that document. And I hope that the other side—and I believe they have good intentions—will join us in supporting this effort.

DEFICIT HYPOCRISY

[From the *New York Times*, Dec. 29, 2010]

It was not long ago that Republicans succeeded in holding unemployment benefits hostage to a renewal of the high-end Bush-era income tax cuts and—as a little bonus—won deep estate tax cuts for America's wealthiest heirs. Those cuts will add nearly \$140 billion to the deficit in the near term, while doing far less to prod the economy than if the money had been spent more wisely.

That should have been evidence enough that the Republican Party's one real priority is tax cuts—despite all the talk about deficit reduction and economic growth. But here's some more:

On Dec. 22, just before they left town for the holidays, House Republican leaders released new budget rules that they intend to adopt when they assume the majority in January and will set the stage for even more budget-busting tax cuts.

First, some background: Under pay-as-you-go rules adopted by Democratic majorities in the House and Senate in 2007, tax cuts or increases in entitlement spending must be offset by tax increases or entitlement cuts. Entitlements include big health programs like Medicare and Medicaid, for which spending is on autopilot, as well as some other programs for veterans and low-income Americans. (Discretionary spending, which includes defense, is approved separately by Congress annually.)

The new Republican rules will gut pay-as-you-go because they require offsets only for entitlement increases, not for tax cuts. In effect, the new rules will codify the Republican fantasy that tax cuts do not deepen the deficit.

It gets worse. The new rules mandate that entitlement-spending increases be offset by spending cuts only—and actually bar the House from raising taxes to pay for such spending.

Say, for example, that lawmakers want to bolster child credits for families at or near the minimum wage. One way to help pay for the aid would be to close the tax loophole that lets the nation's wealthiest private equity partners pay tax at close to the lowest

rate in the code. That long overdue reform would raise an estimated \$25 billion over 10 years, but the new rules will forbid being sensible like that.

Even worse, they direct the leader of the House Budget Committee to ignore several costs when computing the budget impact of future actions, as if the costs are the natural course of politics for which no payment is required.

For example, the cost to make the Bush-era tax cuts permanent would be ignored, as would the fiscal effects of repealing the health reform law. At the same time, the new rules bar the renewal of aid for low-income working families—extended temporarily in the recent tax-cut deal—unless it is fully paid for.

House Republicans obviously believe they have a good thing going with voters by sanctifying tax cuts and demonizing spending. That's been their approach for 30 years after all, and it unflinchingly rallies their base.

The challenge for President Obama and Democratic lawmakers is not to get drawn into that warped mind-set. They need to present an alternative, including investments—in energy, technology, infrastructure and education. They also need a plan for long-term deficit reduction that recognizes what the Republicans ignore: Never-ending tax cuts make the deficit worse. Prudent tax increases need to be part of the solution.

NEW PAY-GO RULES REVEAL GOP'S MISPLACED PRIORITIES

[From the Washington Post, Jan. 3, 2011]

Are House Republicans serious about dealing with the deficit? You could listen to their rhetoric—or you could read the rules they are poised to adopt at the start of the new Congress. The former promises a new fiscal sobriety. The latter suggests that the new GOP majority is determined to continue the spree of unaffordable tax-cutting.

The ominous signs come in the wording of the new majority's version of its pay-as-you-go rules, which normally require that new programs or tax initiatives be covered with cuts to other programs or new revenue. In the GOP concept, pay-as-you-go applies only to spending programs. When it comes to tax cuts, it's all go, no pay. Taxes can be cut, and the national debt increased, without any offsetting savings.

If you thought the sticker shock of the latest tax deal served as a useful reminder that tax cuts cost the Treasury money, think again. Deficit financing is fine, it seems, when it comes to tax cuts. But that's not all. Under the new rules, not only are tax cuts exempted from the pay-go concept, but the only way to pay for spending increases is with spending cuts elsewhere. No tax increases allowed—not even in the form of eliminating loopholes or cutting back on tax breaks. Of course, if you wanted to expand the loopholes, no problem. No need to pay for that.

Having made clear that no tax cuts need be paid for, the rules then take the extra step of specifying which deficit-busting tax cuts the new majority has in mind. They assume the continuation of all the Bush tax cuts; extension of the new version of the estate tax; and the creation of a big tax break to let “small businesses,” which can be expansively defined, take a deduction equal to 20 percent of their gross income.

Tax cuts for the wealthiest are fully protected. But tax help for those at the other end of the income spectrum? Forget it. The expansion of the Earned Income Tax Credit and the Child Tax Credit, programs that help

keep low-income working parents and children out of poverty, are not assumed to continue and would have to be paid for—with, of course, spending cuts. This is about as upside-down a set of priorities as can be imagined.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, congratulations. It's very nice to see you in the chair.

I would like to insert a section-by-section analysis of the resolution to appear at this point in the RECORD.

SECTION 1. RESOLVED CLAUSE.

This section provides that the Rules of the 112th Congress are the Rules of the 112th Congress, except with the amendments contained in section 2 of the resolution, and orders contained in sections 3, 4, and 5.

SECTION 2. CHANGES TO THE STANDING RULES.

Citing Authority under the Constitution. Paragraph (a) creates a new clause 7 in rule XII providing that a Member may not introduce a bill or joint resolution unless the sponsor also submits a statement citing as specifically as practicable the power or powers under the Constitution authorizing the enactment of that bill or joint resolution. The statement will appear in a separate section in the Congressional Record and be made available to the public in electronic form.

While the rule requires that a Member submit the statement at the same time as the bill is introduced, there is nothing in the rule to prevent the sponsor of the bill from submitting an additional statement later in the process if he or she wants to revise the initial statement. With regard to electronic availability, appearance in the electronic version of the Congressional Record will initially satisfy the electronic availability requirement of this paragraph. However, ultimately the intention is that the Clerk will make the statements available in a searchable, sortable, and downloadable database as soon as practicable.

With respect to Senate bills, the provision authorizes the chair of a committee of jurisdiction, prior to consideration of the Senate bill, to submit a statement as if the chair were the sponsor. Finally, the provision also repeals the current requirement for a similar statement in committee reports.

When a Member introduces a bill or joint resolution, the Clerk must ensure that a statement required under this paragraph accompanies the measure. However, the Clerk is not required to evaluate the content of the statement or its adequacy; those are matters to be considered by Members during consideration of the legislation.

Three-Day Availability for Unreported Bills. This provision adds a new clause to rule XXIX establishing a point of order against consideration of a bill or joint resolution that has not been available for three calendar days. This provision mirrors existing layover rules prohibiting consideration of bills reported by a committee or conference reports.

Transparency for House and Committee Operations. Subparagraph (1) directs the Committee on House Administration to establish and maintain standards for documents made available in electronic form by the House and its committees. Subparagraph (2) provides that a measure or matter will have been considered as having been “available” within the meaning of the rules if it was publicly available in electronic form at a location designated by the Committee on House Administration.

The intention of these provisions is to ensure that Members and the public have easy access to bills, resolutions, and amendments considered in committee and by the House. The standard for electronic documents is intended to evolve over time. While the standard may initially include more static formats such as a searchable PDF, the intention is to eventually transition to more flexible structured data formats, such as XML, as the tools become available to ease the creation and ensure the integrity of House documents. With respect to availability, the provision is intended to place electronic distribution on par with traditional printing; rather than entirely replace it. Finally, the rule contemplates a singular location that will direct Members and the public to the text of measures to be considered by the House and its committees.

Subparagraph (3) amends clause 2(g)(3) of rule XI to provide for a minimum notice period of 3 days for a committee meeting. This joins the current requirement for 7 days notice for a committee hearing. The provision maintains the current ability of the Chair, with the concurrence of the ranking minority member, to waive both notice periods if they find good cause to start the hearing or meeting sooner. The provision can also be waived by a majority vote of the committee.

Subparagraph (4) requires that the chair of the committee make the text of the measure or matter being marked up publicly available in electronic form at least 24 hours prior to commencement of the meeting. This provision is intended to ensure that members have the text of the measure or matter in sufficient time to review the measure and draft any amendments. Accordingly, if the committee is considering a committee print, or the Chair of a committee intends to use an amendment in the nature of a substitute as the base text for purposes of further amendment, circulation of that text will satisfy this requirement. While the rule requires that the text be circulated at least 24 hours in advance of the meeting, that text should be circulated as early as possible to provide members the maximum amount of time to review the measure or matter and draft any desired amendments.

Subparagraph (5) requires that the chair of a committee make the results of any record vote publicly available in electronic form within 48 hours of the vote, while subparagraph (6) requires that the text of any adopted amendment be made similarly available, along with the text of the measure being marked up, within 24 hours of commencement of the markup or adoption of the amendment.

Subparagraph (7) requires the posting of non-governmental witness “truth-in-testimony” information (with appropriate redactions, such as a home address or phone number, to protect the privacy of the witness). Subparagraph (8) requires public availability in electronic form of the committee rules.

Subparagraph (9) requires each Committee, to the maximum extent practicable, to provide audio and video coverage of each committee hearing or meeting and maintain recordings that are easily accessible to the public. This subparagraph is not intended to require audio and video coverage in situations where it would be technically impracticable, such as where a hearing or meeting is held in a room without audio and video broadcast equipment, or create a defect with a hearing or meeting if a webcast or recording is not available due to technical issues.

Subparagraph (10) strikes an exception, adopted in the 110th Congress, for the Committee on Rules to accurately report its

votes in committee reports to accompany a rule, joint rule, or a special order of business.

Subparagraph (11) amends clause 2(d)(1) of rule X to require committees, during development of their oversight plan, to include proposals to cut or eliminate mandatory and discretionary programs that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments.

Initiatives To Reduce Spending and Improve Accountability. Subparagraph (d)(i) replaces the current “pay-as-you-go” requirements with a “cut-as-you-go” requirement. The provision prohibits consideration of a bill, joint resolution, conference report, or amendment that has the net effect of increasing mandatory spending within a five-year or ten-year budget window. This provision continues the current practice of counting multiple measures considered pursuant to a special order of business which directs the Clerk to engross the measures together after passage for purposes of compliance with the rule and provides a mechanism for addressing “emergency” designations.

Subparagraph (2) strikes the “Gephardt rule” that provides for the automatic engrossment and transmittal to the Senate of a joint resolution changing the public debt limit, upon the adoption by Congress of the budget resolution, thereby avoiding a separate vote in the House on the public debt-limit legislation. Subparagraph (3) adds a new clause to rule XXIX that clarifies that the chair of the Committee on the Budget, rather than the entire committee, is authorized to provide guidance to the presiding officer on the budgetary impact of legislative proposals. This change reflects the current practice under majorities of both parties.

Subparagraph (4) modifies clause 3 of rule XXI, pertaining to transportation obligation limitations, to protect the balances of the Highway Trust Fund by establishing a point of order against consideration of any general appropriation bill or joint resolution, or accompanying conference report, that provides spending authority from balances in the trust fund (other than those from transfers from the General Fund of the Treasury) or reduces or limits the accruing balances of that trust fund for anything other than activities authorized for the highway or mass transit programs.

Subparagraph (5) modifies clause 7 of rule XXI, which places restrictions on reconciliation directives contained in a budget resolution. The new modification would specify that it would not be in order to consider a budget resolution or amendments thereto, or a conference thereon which would have the effect of increasing net direct spending.

Other Changes to House Operations. Paragraph (e)(1) provides the Chair of the Committee of the Whole with authority to employ two minute voting during a series of votes.

Subparagraph (2) changes the current rule regarding electronic devices, which prohibits the use of mobile phones and personal computers on the floor, to prohibit the use of any mobile electronic device that is disruptive of the decorum. This change will give the Speaker greater latitude in deciding which mobile electronic devices may or may not be used by Members on the floor.

For historical purposes, it is important to note that the use of electronic devices in the chamber of the U.S. House of Representatives is governed by the rules of the House. In the 111th Congress, the fourth sentence of clause 5 of rule XVII read as follows: “A person may not smoke or use a wireless tele-

phone or personal computer on the floor of the House.”

The House first adopted a rule prohibiting the use of “personal, electronic office equipment (including cellular phones and computers)” on the floor in 1995. The rule was specifically changed in 2003 to prohibit the use of “a wireless telephone or personal computer,” thereby tacitly permitting a smartphone (e.g., a BlackBerry) to be used on the floor.

No formal ruling has been made by the Speaker on whether an electronic-tablet device (e.g., an iPad) might constitute a “personal computer” within the meaning of the version of the rule in 111th Congress. Members of the House have used them on the floor, both informally and even while under recognition, without reprimand. The Parliamentarian has informally advised that they may be used unobtrusively pending review of the broader questions their proliferation might engender. Wi-Fi service has not been enabled in the chamber of the House. However, like many smartphones, some electronic-tablet devices have wireless-data capability that enables internet access in the chamber.

As the popularity of electronic-tablet devices increases, the House has observed how Members use them and their effect on decorum and has evaluated whether the use of electronic-tablet devices poses either audible or visual impairments to decorum in the chamber. Unlike bulkier notebook and laptop computers, electronic-tablet devices can be used without obscuring the Member behind a screen or creating the visual of a sea of screens across the chamber. In addition, these devices are implemented with silent keyboards that limit audible disruptions.

The House has reconsidered the way it regulates the use of such devices. Rather than continuing to address devices by category (e.g., “phones” or “computers”), the current rule will instead will address them by their attributes (e.g., form-factor or character). The rule speaks generally of devices that are disruptive of the decorum of the House and leaves it to the Speaker to enunciate policies to react to changes in technology. (This approach already has been employed to extend the prohibition on the use of wireless telephones also to the wearing of wireless headsets while in the chamber.)

Subparagraph (3) updates the House rules governing the media to eliminate references to specific media organizations.

Subparagraph (4) ends the ability of delegates and the Resident Commissioner to vote in, and preside over, the Committee of the Whole House on the state of the Union.

Subparagraph (5) strikes clause 11 of rule XVIII, which allows a motion to strike a provision from a bill that is asserted to be an unfunded mandate, even if the amendment would not otherwise be in order during consideration of the bill.

Subparagraph (6) clarifies the Armed Services Committee jurisdiction over Department of Defense administered cemeteries. The jurisdiction of the Committee on Veterans’ Affairs with respect to cemeteries for veterans remains unchanged.

Subparagraphs (7) through (9) change, respectively, the name of the Committee on Education and Labor to the Committee on Education and the Workforce, the Committee on Standards of Official Conduct to the Committee on Ethics, and the Committee on Science and Technology to the Committee on Science, Space, and Technology. Subparagraph (10) eliminates the Se-

lect Oversight Panel of the Committee on Appropriations.

Subparagraph (11) reduces the size of the Permanent Select Committee on Intelligence from a total of 22 members (13 from the majority party) to 20 members (12 from the majority party). The next subparagraph restores the term limit rules for committee chairs to the same state it existed in the 109th Congress.

Subparagraph (13) increases the frequency of committee activity reports from once per congress to four times per congress. This provision is intended to provide the House with more frequent updates regarding the oversight and legislative activities of the committees.

Subparagraph (14) modifies existing staff deposition authority for the Committee on Oversight and Government Reform by requiring the committee to adopt a rule requiring that a member of the committee be present at any deposition conducted by a staff member. The deponent is permitted to waive this requirement.

Technical and Clarifying Changes. These provisions correct a host of typographic and other simple errors. Subparagraph (1) corrects a typographic error, and subparagraph (2) corrects an errant reference to simple resolutions. The next subparagraph corrects an unintentional narrowing of the circumstances regarding the Speaker’s regulation of access to the floor, and the following provision corrects another word that was inadvertently removed during the recodification of the House rules in the 106th Congress. Lastly, the provision eliminates unnecessary usage of “Members of the House” and makes clear that the Clerk does not have to disclose actual Member signatures, just their names, when making a disclosure under clause 13 of rule XXIII.

SECTION 3. SEPARATE ORDERS.

Budget Matters. Subparagraphs (a)(i) through (3) clarify that section 306 of the Budget Act (prohibiting consideration of legislation with the Budget Committee’s jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple or concurrent resolutions. It also makes a section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as an original bill by a special rule. Specified or minimum levels of compensation for Federal office will not be considered as providing new entitlement authority.

Subparagraph (4) prevents the Committee of the Whole from rising to report a bill to the House that exceeds an applicable allocation of new budget authority under section 302 (b) (Appropriations subcommittee allocations) as estimated by the Budget Committee and creates a point of order.

Budget Enforcement. Subsections (b)(1) and (2) require the chair of the Committee on the Budget to submit for printing in the Congressional Record budget aggregates and allocations contemplated by section 301 (Content of the Concurrent Resolution on the Budget) for 2011, and 2011 through 2015. Publication of these aggregates and allocations will be considered to be the adoption of a concurrent resolution on the budget for fiscal year 2011. This provision is intended to give the Chair of the Committee on the Budget authority to set aggregates and allocations to complete the unfinished fiscal year 2011 budget resolution cycle, taking into account the latest CBO baseline, including its 5-year projections.

Emergencies and Contingencies. Subparagraphs (c)(1) and (2) provide for exemptions

for designated emergencies and the continuation of contingency operations related to the Global War on Terror.

Deficit-Neutral Revenue Reserve. Paragraph (d) allows the Budget Committee to make appropriate budget adjustments prior to the adoption of a budget resolution to account for the repeal or modification of the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010.

Limitation on Advanced Appropriations. Subparagraphs (e)(1) through (3) restrict the ability to provide advanced appropriations by establishing an aggregate spending ceiling.

Compliance with Section 13301 of the Budget Enforcement Act of 1990. Paragraph (f) provides temporary budget enforcement for matters related to certain off budget trust funds.

Limitation on Long-term Spending. Subparagraphs (g)(1) and (2) prohibit the consideration of measure which increase mandatory spending above \$5,000,000,000 for any 10 year window within a 40 year period.

Exemptions. Subparagraphs (h)(1) through (7) authorize the Budget Committee Chair, prior to the adoption of a budget resolution, to exempt from estimates the budgetary effects of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003. It also exempts the budgetary effects of the repeal of the Patient Protection and Affordable Care Act and Education Affordability Reconciliation Act of 2010. The budgetary effects of AMT relief, estate tax, trade agreements and small business tax relief are also exempted. The exemption is limited to measures which do not increase the deficit or revenues over the ten-year budget window, except for increases in revenue which meet certain specific criteria.

Determinations for PAYGO Acts. Paragraph (i) allows the Chairman of the Budget Committee to take into account the exemptions provided under paragraph (h) for the purpose of complying with Statutory PAYGO.

Spending Reduction Amendments in Appropriations Bills. Paragraph (j) requires that in each general appropriations bill there be a "spending reduction" account, the contents of which is a recitation of the amount by which, through the amendment process, the House has reduced spending in other portions of the bill and indicated that such savings should be counted towards spending reduction. It provides that other amendments that propose to increase spending in accounts in a general appropriations bill must include an offset of equal or greater value.

Certain Subcommittees. This section waives clause 5(d) of Rule X to allow the Committees on Armed Services and Foreign Affairs up to seven subcommittees each, and the Committee on Transportation and Infrastructure up to six subcommittees. This is a standard provision carried in the rules package during the last several congresses.

Exercise Facilities for Former Members. This section continues the prohibition on access to any exercise facility which is made available exclusively to Members, former Members, officers and former officers of the House and their spouses to any former member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995.

Numbering of Bills. This provision reserves the first 10 numbers for bills (H.R. 1 through H.R. 10) for assignment by the Speaker and the second 10 numbers (H.R. 11 through H.R. 20) for assignment by the Minority Leader.

SECTION 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES

Subparagraphs (a) and (b) reauthorize the House Democracy Partnership and the Tom Lantos Human Rights Commission.

Subparagraph (c) reauthorizes the Office of Congressional Ethics for the 112th Congress.

Subparagraph (d) continues House Resolution 451, 110th Congress, directing the Committee on Standards of Official Conduct (now Ethics) to empanel investigative subcommittees within 30 days after the date a Member is indicted or criminal charges are filed.

SECTION 5. ADDITIONAL ORDERS OF BUSINESS

Reading of the Constitution. This paragraph allows the Speaker to recognize Members for the reading of the Constitution on the legislative day of January 6, 2011.

Providing for Consideration of Certain Motions to Suspend the Rules. This provision provides that on January 6, 2011 the Speaker may entertain motions to suspend the rules related to reducing the costs of operation of the House and allow two hours of debate equally divided and controlled by the proponent and an opponent.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

As we've seen here today, Madam Speaker, we are marking an important turning point in the history of the United States House of Representatives. We have before us a package of reforms that will bring greater transparency and accountability to this House, and it will once again give the American people the opportunity to participate in the legislative process. They've made clear to us that what their priorities are—job creation, economic growth, and a smaller, more accountable Federal Government—must be done. The reforms included in the rules package are designed to ensure that those priorities are met and that we are held responsible for our actions to do the people's work.

Madam Speaker, I want to thank each and every one of my colleagues who have worked tirelessly on this rules package. Never before in history has there been the kind of Member involvement—bipartisan Member involvement—in an opening day rules package. I particularly want to thank my good friends GREG WALDEN, who led our transition team, and ROB BISHOP, who led the rules reform effort, as well as the other members of our transition working group. We had four new Members of Congress who right after the election got involved in working on this very, very important transition, and I want to express my appreciation.

As I said, Madam Speaker, this has for the first time ever been bipartisan. I don't want to claim that my Democratic colleagues are supportive of this rules package, but I will say that when we began the process, I'm happy that former Speaker PELOSI designated as liaisons to work with us through the transition process the distinguished former chair of the Administration Committee, the gentleman from Pennsylvania (Mr. BRADY), and the gentleman from New Jersey (Mr. AN-

DREWS), and I want to express my appreciation to them again for their hard work.

As we looked for ways to chart a new course and reduce congressional waste, we knew that we had to consider good ideas from both political parties, and that's why I'm happy to say we had input from both Democrats and Republicans in fashioning this opening day rules package. Our Democratic liaisons were tremendous partners, and again, I express my appreciation to my Democratic colleagues for joining with us in this effort.

Now, having completed our transition work, we are now beginning a new Congress. Each of us faces the new beginning with the knowledge that congressional approval ratings are abysmally low. It's rare that the Congress is held in high esteem by the American people—we all know that—but it is even rarer to have an approval rating that is as low as it is right now.

Now, why is it that this body has become so unpopular? The reason is that the American people felt that they were not being listened to. They have sent us here to conduct the 112th Congress differently than any Congress of the past. I'm not going to just talk about the last two Congresses, Madam Speaker; I'm going to say that they sent us here this year to perform differently than any Congress of the past. What's more, they have given us, as Speaker BOEHNER likes to say, some pretty simple and clear and direct marching orders when it comes to our work: fulfill our constitutional duties in an open and transparent way.

Now, Madam Speaker, this rules package that we have before us provides us the tools to do just what the American people have asked: to perform our constitutional duties in a transparent and open way. Because our highest priorities are job creation and economic growth, we must rein in the government spending that has spiraled out of control over the past several years. We're taking several steps to meet that goal.

For starters, we're requiring that any new spending be offset for five 10-year budget windows. If a bill increases the deficit by more than \$5 billion in any of these 10-year windows, it will be subjected to a point of order. In other words, we're changing the rules of the House to ensure that we look at short, medium, as well as long-term consequences to Federal spending. We should not, and cannot, consider legislation that pushes the Federal budget deficit and the problems down the road.

We will also be reforming the spending process by replacing PAYGO with CutGo. Rather than pairing spending with tax increases, job-killing tax increases, we will pair it with spending cuts. It's often been said that we don't have a revenue problem; we have a spending problem. These new rules will

make it easier to reduce spending rather than increase it. In fact, the idea behind this package is to focus on ways in which we can increase the opportunity to reduce spending rather than increase it.

Now, Madam Speaker, we're also taking important steps to make us more accountable to the American people, the people whom we're so honored to represent. We won't be voting on bills unless they've been available for at least 3 calendar days. We will be returning much of the legislative work back to the committees where greater transparency will be required. The work product, the recorded votes, and the video archives of all committees are required by these rules to be posted online. No longer will massive legislation be written behind closed doors, regardless of political party, and rammed through the House before anyone has the chance to review or amend the text. Our work will be done in an open way that affords all Members the opportunity to participate and scrutinize.

Another key reform by this rules package is the creation of an electronic format for legislation. This represents a dramatic change in how legislation is made available, not just to Members but to the public and the press as well. Now, Madam Speaker, for the last two centuries, legislation was considered available when a paper copy was dropped off in the document room across the street. Now it will be considered available when anyone with access to the Internet can look it up.

This new format will evolve over time, and there's work ahead that still has to be done as we implement these rules changes, but no Member should consider this vote as the end of the reform efforts of this Congress. Again, what we're doing here today is simply the first step in what is going to be a one-year, 2-year process of reform.

We will not be wed to the way we used to do things. Rather, we will be looking for new and different ways to do our jobs and to do them in the most transparent and accountable way. And let me say again, Madam Speaker, it is very important for us to ensure that we have the input of my friend from Rochester (Ms. SLAUGHTER) and other Democrats, as well as Republicans, in this process.

□ 1530

Madam Speaker, this rules package is a very significant first step. We have learned the hard way that bad process inevitably results in bad outcomes. We need look no further than our ailing economy and spiraling deficit, not to mention Congress' abysmal approval rating, to see that that is true.

By reforming the rules of the House, we set the stage for reforming the entire Federal Government. Ultimately, we ensure fidelity to the original rules document, that being the Constitution.

And I am so pleased that tomorrow on the House floor, led by our friend from Virginia (Mr. GOODLATTE), we will be having a bipartisan reading of the Constitution.

Madam Speaker, our Founders understood better than anyone the importance of restraining Federal power. I think that Thomas Jefferson put it best when he said, "In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

Now, Madam Speaker, in this Congress, we will refocus our efforts on fulfilling our constitutional duties in a transparent and responsible way. We will be reform-minded and accountability-oriented, and we will be driven by the number one concern of the American people—getting our economy back on track. Madam Speaker, form dictates function, and these new rules will set us on the path toward greater economic growth and confidence for the American people.

With that, I urge support of this very important resolution and reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON) who, as I said, is disenfranchised by this rule. Millions of Americans will be underrepresented.

Ms. NORTON. I thank the gentlelady from New York for yielding.

Madam Speaker, for myself and for the Delegates from American Samoa, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, the resident commissioner of Puerto Rico, I offered a motion earlier that the House conduct a full and complete study of the constitutionality of the vote in the Committee of the Whole for the Delegates which is eliminated by this rule. This is nearly the same motion that the Republicans offered when we first were granted the right to vote on the House floor. The delegate vote was challenged by the Republicans in the courts and found to be constitutional, however.

Madam Speaker, this vote is a mere recognition of our American citizenship. The Delegates are no different from others in this House. It is one thing not to have the vote. It is quite another to be stripped of your vote. The vote is said to be symbolic by some. Well, to us it is symbolic. It is symbolic of the American citizenship of our constituents. It meant everything to us. There are differences among us, of course, but we ask you to think again about this vote and to restore the vote of the Delegates on the floor in the Committee of the Whole.

Mr. DREIER. Madam Speaker, at this time I am very pleased to yield 2 minutes to the gentleman from Auburn, Washington, Sheriff REICHERT, our distinguished colleague and a

member of the Ways and Means Committee.

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, I am excited to be here today. And I thank my constituents for the opportunity to once more serve them again as their Representative here in the United States Capitol.

In the days ahead, Congress will debate and pass proposals that will affect the health, the livelihood, and the well-being of every American citizen. Today, as Mr. DREIER said, we are setting the tone now for how well we will serve them in this Congress. Our service should, first and foremost, be transparent and be respectful, be inclusive, work together.

So I am proud that legislation that I authored a couple of years ago is now included in this rules package that we are about to vote on today. My bill requires each of the 21 standing committees in this House to post recorded votes on their Web sites within 48 hours because Americans deserve to know how bills take shape at every step along the way. They deserve easy access to votes taken not just on the floor but also in the committee.

Government transparency is essential to a healthy democracy. By using existing committee Web sites, we can offer this information in a fiscally responsible and easily accessible way. And I am pleased that my work was included in this bill.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Puerto Rico (Mr. PIERLUISI).

Mr. PIERLUISI. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, I rise in strong opposition to the Republican rules package, because it sends a message of exclusion and indifference to my constituents and those of my fellow delegates from the other U.S. territories and the District of Columbia.

As the Resident Commissioner from Puerto Rico, I represent nearly four million U.S. citizens, far more than any other member of this Chamber. Together, the delegates from the other U.S. territories and the District of Columbia represent over one million people. Our constituents are part of the American family. They pledge allegiance to the same flag as their fellow Americans in the 50 states. They fight—and many of them have died—in defense of our nation.

Under a rule in place for the last three Democratic-controlled Congresses, the Representatives from the territories and the District were given a single, extremely circumscribed privilege on the House floor. We were permitted to vote on amendments when the House resolved into the Committee of the Whole, a parliamentary device designed to allow greater participation by Members in debate. The rule provided for an automatic revote to be held in the exceedingly rare instance where our votes affected the outcome. This rule was upheld by the federal courts and did not impede the work of this House in any way.

This simple privilege promoted responsible and transparent government. By obligating us to take public stands on issues of importance, it enabled our constituents to better evaluate both our governing philosophy and the quality of our representation. The privilege also sent a clear moral message—a message of inclusiveness—conveying to our constituents that their voices counted.

In a move that is as unnecessary as it is unjust, the Republican package will deprive us of this privilege, which may have been small in their eyes, but which held significant meaning for us and those we represent. The Republican package dishonors men and women from the territories and the District of Columbia. And in so doing, it does grave damage to the principles of equality and justice that our constituents, side by side with all of your constituents, fight to defend here at home and in distant lands. This is a true shame.

Ms. SLAUGHTER. I yield to the Delegate from Guam, Delegate BORDALLO.

Ms. BORDALLO. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, the Republican rules package makes this body less transparent and less responsive to the American people. By obligating the Delegates to take public stands, our limited vote showed our constituents where we stood on important issues. Our vote also helped ensure legislation considered by the House took our constituents into account. When an amendment came forward last Congress regarding the transfer of detainees from Guantanamo into the U.S., the territories were initially excluded from the prohibition. Our vote compelled the House to address our concerns. This is precisely how representative democracy is meant to work.

Ms. SLAUGHTER. I yield to the Delegate from the Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to the Rules Package which once again removes the opportunity for Delegates to Congress and the Resident Commissioner to vote on amendments in the Committee of the Whole. It was our privilege in the past two Congresses to vote along with our colleagues on issues of importance to all Americans, especially the over 4 million of us who live and work in the U.S. territories.

The people of the U.S. territories are a diverse group, much like their fellow citizens on the mainland. Some are born in the territories under the American flag, some have migrated there and embraced our culture and our values before naturalization, others were born in the states and have chosen by virtue of their chosen occupation or by love of our islands to make the territories their home. All are Americans in every sense of the word, except for full representation in the House of Representatives and the ability to vote for the President of the United States.

Mr. Speaker, the people of the U.S. territories have served their country in all of its conflicts from the American Revolution to the recent conflicts in Iraq and Afghanistan. They have given their youth, their time and even their lives for our country. We had hoped through our participation to obtain the good will of all of our colleagues to ensure full participation in the democratic process for all citi-

zens of our country. The events of this week have proved to us once more that we still have a long way to go to ensure equality and justice for all.

Ms. SLAUGHTER. I yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, on behalf of the tens of thousands of our men and women in military uniform from the U.S. territories, I just ask my good friend, the Honorable Speaker, restore our symbolic vote. That's all we are asking for.

Mr. Speaker, the proposed rules by the Republicans for the 112th Congress give unfair treatment to some 5 million Americans residing in the U.S. territories. In particular, it eliminates the rule that allows the Delegates to vote when the House resolves into the Committee of the Whole, and that provides for an automatic revote in the full House when such vote is the deciding margin.

The U.S. Court of Appeals has upheld the Delegate vote on the basis that there is automatic reconsideration of votes in the House when the Delegate vote is decisive. Automatic reconsideration preserves the House proper as the sole arbiter for changes made in the legislation that the House considers.

During the three Congresses in which the rule has been in place, the record shows that the Delegate vote in the Committee of the Whole has not in any way hindered the work of the House. From 1993 to 2010, the House had a total of 132 separate votes demanded in the House on first degree amendments reported from the Committee of the Whole. In the same period, only four such amendments were reconsidered as a result of the Delegates being the deciding votes. This proves that the Delegates vote does not impede the work of the House.

While symbolic, the Delegate vote is important for transparency and political accountability. It compels us, representatives of the U.S. Territories, to make public our views and positions on issues of national interest that are important to our constituents. Hence, the constituents are able to make an informed decision to elect those that better represent their views.

Above all, the Delegate vote underscores fairness and has moral implications for the institution and this great nation. As part of the American family, a disproportionate number of our sons and daughters are fighting in the U.S. military in defense of the values and principles upon which this country was founded.

A statistical profile of Americans killed in the war in Iraq shows my district, the U.S. Territory of American Samoa, has the highest rate of deaths per 1 million population in all of the United States. Just last month, I attended the funeral of another soldier from my district killed in Iraq. Staff Sergeant Loleni Gandy, originally from American Samoa, was 36 years old, and has served in the U.S. Army for 17 years. He is survived by his wife and four young sons who now have to cope with the loss of their father. Like Americans in other States, the love and loyalty my people feel for the United States remains unchanged.

It is disconcerting therefore that under the new rules proposed for the 112th Congress,

the Delegates are stripped of the power to vote in the Committee of the Whole. This is an affront to the tremendous sacrifice made by Americans in the Territories and further restricted what modest representation they have in Congress.

I urge my friends on the other side to reverse course and reinstate the rule to allow the Delegates to vote in the Committee of the Whole.

CONGRESSIONAL RESEARCH SERVICE,

December 29, 2010.

To: House Subcommittee on Insular Affairs, Oceans and Wildlife, Attention: Jed Bullock.

From: Christopher M. Davis, Analyst on Congress and the Legislative Process.

Subject: Amendments Reported from the Committee of the Whole Subject to a Demand for a Separate House Vote or Automatic House Reconsideration: 103rd–111th Congress

This memorandum responds to your request for statistical information about amendments adopted in the Committee of the Whole House on the State of the Union from 1993 to the present on which a demand for a separate vote was subsequently made in the House of Representatives or which were subject to automatic reconsideration in the House because the votes of the Delegates and the Resident Commissioner were decisive in the Committee.

SEPARATE VOTES AND AUTOMATIC RE-VOTES IN THE HOUSE

Under the longstanding practice of the House of Representatives, first degree amendments adopted in the Committee of the Whole House of the State of the Union and reported to the House are not considered finally adopted until agreed to by the House. The philosophy underlying this practice is that the Committee of the Whole is only recommending amendments to the House; the House proper is the sole arbiter of changes made in the legislation it considers and, as such, must act to approve or disapprove the recommendations made by the Committee.

For this reason, when the Committee of the Whole rises and reports legislation to the House, the House must vote on any first degree amendments included in measure as reported. In the vast majority of cases, the House, by unanimous consent, acts to approve all of the committee reported amendments en gros by voice vote, before quickly moving to the final parliamentary steps of considering a measure. It is the right of any Member, however, to demand a separate vote in the House on any first degree amendment reported from the Committee of the Whole, and Members sometimes avail themselves of this right. There may be various motivations for a Member demanding what is often essentially a "re-vote" in the House on an amendment which a majority of Members voted for only a short time earlier in the Committee of the Whole. These motivations include, but are not limited to, hoping to defeat an amendment unexpectedly agreed to by the Committee and to force the House to expend time in taking recorded votes.

As you know, there also exists in House rules a separate and unique parliamentary mechanism by which an amendment receiving a vote in the Committee of the Whole is subject to immediate and automatic reconsideration in the House when it has been determined that the votes of the Delegates and the Resident Commissioner have made the difference in the vote's outcome. Provisions contained in clause 6 of House Rule XVIII, as adopted in the 111th Congress (2009–2010),

state that when the House is sitting as the Committee of the Whole House on the State of the Union, the Delegates and Resident Commissioner have the same right to vote as Representatives, subject to immediate and automatic reconsideration in the House when their recorded votes “have been decisive” in the committee. Rules related to the votes of the Delegates and Resident Commissioner which were identical in effect were in force in the 110th (2007–2008) and 103rd (1993–1994) Congresses.

RESULTS AND RESEARCH METHOD

At your request, CRS conducted a search to identify first-degree amendments reported from the Committee of the Whole which were subject to a demand for a separate vote in the House from the 103rd (1993–1994) through the 111th (2009–2010) Congress. These amendments were identified by searching the universe of House amendments in the Legislative Information System of the U.S. Congress (LIS) using the term “separate vote.” These results were cross-checked with demands for a separate vote noted in individual issues of the Congressional Record Daily Digest.

CRS has also previously identified amendments that were subject to automatic reconsideration in the House pursuant to the terms of clause 6 of House Rule XVIII, described above. Table 1 presents the number of amendments falling into these two categories over the period examined. Material identifying the specific amendments in question is provided under separate cover.

TABLE 1—FIRST DEGREE AMENDMENTS REPORTED FROM THE COMMITTEE OF THE WHOLE ON WHICH A DEMAND FOR A SEPARATE VOTE WAS MADE IN THE HOUSE OR WHICH WERE SUBJECT TO AUTOMATIC RECONSIDERATION PURSUANT TO CLAUSE 6 OF HOUSE RULE XVIII

[103rd–111th Congress (1993–2010)]

Congress & Years	Separate Votes Demanded in the House on First Degree Amendments Reported from the Committee of the Whole	Amendments Reconsidered in the House Pursuant to Clause 6 of House Rule XVIII
103rd (1993–1994)	70	3
104th (1995–1996)	5	—
105th (1997–1998)	29	—
106th (1999–2000)	5	—
107th (2001–2002)	1	—
108th (2003–2004)	4	—
109th (2005–2006)	1	—
110th (2007–2008)	13	0
111th (2009–2010)	6	1
Total	132	4

Source: CRS analysis of information from the Legislative Information System of the U.S. Congress and the Congressional Record Daily Digest.

Notes: Congresses in which Delegates and the Resident Commissioner were not permitted to vote in Committee of the Whole subject to an automatic reconsideration in the House are noted with a dash.

I trust this information is responsive to your needs.

[Congressional Research Service, Dec. 23, 2010]

PARLIAMENTARY RIGHTS OF THE DELEGATES AND RESIDENT COMMISSIONER FROM PUERTO RICO

(By Christopher M. Davis, Analyst on Congress and the Legislative Process)

SUMMARY

As officers who represent territories and properties possessed or administered by the United States but not admitted to statehood, the five House Delegates and the Resident Commissioner from Puerto Rico are not Members of Congress, and do not enjoy all the same parliamentary rights as Members. They may vote and otherwise act similarly to Members in legislative committee; may not vote in the House, but may participate

in debate and make most motions there; and, under the rules of the 111th Congress (2009–2010), may preside over, and vote in, Committee of the Whole subject to an immediate revote in the House if their votes are decisive.

A proposed rules change for the 112th Congress (2011–2012) released by the House Republican leadership in December of 2010 would, if subsequently adopted by the House, eliminate the right of the Delegates and Resident Commissioner to vote in, or preside over, the Committee of the Whole.

This report will be updated as circumstances warrant.

INTRODUCTION

The offices of the Resident Commissioner from Puerto Rico and the Delegates to the House of Representatives from American Samoa, the District of Columbia, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands are created by statute, not by the Constitution. Because they represent territories and associated jurisdictions, not states, they are not Members of Congress and do not possess the same parliamentary rights afforded Members. This report examines the parliamentary rights of the Delegates and the Resident Commissioner in legislative committee, in the House, and in the Committee of the Whole House on the State of the Union.

IN LEGISLATIVE COMMITTEE

Under Clause 3 of Rule III, the Delegates and the Resident Commissioner are elected to serve on standing committees in the same manner as Representatives and have the same parliamentary powers and privileges as Representatives there—the right to question witnesses, to debate, offer amendments, vote, offer motions, raise points of order, include additional views in committee reports, accrue seniority, and chair committees and subcommittees. The same rule authorizes the Speaker to appoint Delegates and the Resident Commissioner to conference committees as well as to service on select and joint committees.

IN THE HOUSE

The Delegates and the Resident Commissioner may not vote in or preside over the House. While they take an oath to uphold the Constitution, they are not included on the Clerk's roll of Members-elect, and may not vote for Speaker. They may not file or sign discharge petitions. They may, however, sponsor and cosponsor legislation, participate in debate, including managing time, and offer any motion which a Representative may make, except the motion to reconsider. A Delegate or Resident Commissioner may raise points of order and questions of personal privilege, call a Member to order, appeal rulings of the chair, file reports for committees, object to the consideration of a bill, and move impeachment proceedings.

IN COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Under Rule III and Rule XVIII, as adopted in the 111th Congress (2009–2010), when the House is sitting as the Committee of the Whole House on the State of the Union, the Delegates and Resident Commissioner have the same right to vote as Representatives, subject to immediate reconsideration in the House when their recorded votes “have been decisive” in the Committee. House rules also authorize the Speaker to appoint a Delegate or the Resident Commissioner to preside as Chairman of the Committee of the Whole.

The rules of the 111th Congress are identical in effect to those in force in the 110th

Congress (2007–2008) and before that, in the 103rd Congress (1993–1994), which permitted the Delegates and the Resident Commissioner to vote in, and to preside over, the Committee of the Whole. These provisions were stricken from the rules as adopted in the 104th Congress (1995–1996) and remained out of effect until readopted in the 110th Congress. At the time of the adoption of the 1993 rule, then-Minority Leader Robert H. Michel and 12 other Representatives filed suit against the Clerk of the House and the territorial delegates, seeking a declaration that the rule was unconstitutional. The constitutionality of the rule was ultimately upheld on appeal based on its inclusion of the mechanism for automatic reconsideration of votes in the House. A draft of the proposed rules package for the 112th Congress (2011–2012) released by the House Republican leadership on December 23, 2010, would amend Rules III and XVIII to eliminate the ability of the Delegates and the Resident Commissioner to vote in, or preside over, the Committee of the Whole.

The votes of the Delegates and the Resident Commissioner were decisive, and thus subject to automatic revote by the House, on three occasions in the 103rd Congress. There were no instances identified in the 110th Congress in which the votes of the Delegates and the Resident Commissioner were decisive. In the 111th Congress, the votes of the delegates were decisive, and subject to an automatic revote, on one occasion.

The rule governing voting in the Committee of the Whole by Delegates and the Resident Commissioner has not been interpreted to mean that any recorded vote with a difference of six votes or less is subject to automatic reconsideration. In determining whether the votes of the Delegates and the Resident Commissioner were decisive, the Chair follows a “but for” test—namely, would the result of a vote have been different if the Delegates and the Commissioner had not voted? If the votes of the Delegates and the Resident Commissioner on a question are determined to be decisive by this standard, the committee automatically rises and the Speaker puts the question to a vote. The vote is first put by voice, and any Representative may, with a sufficient second, obtain a record vote. Once the final result of the vote is announced, the Committee of the Whole automatically resumes its sitting.

Ms. SLAUGHTER. I yield for the purpose of a unanimous consent request to the gentleman from the Northern Mariana Islands (Mr. SABLÁN).

Mr. SABLÁN. Mr. Speaker, the people of the Northern Mariana Islands are citizens of the United States. And the Constitution declares we are “subject to the jurisdiction thereof.”

But today the majority's Rules exclude us from even symbolic representation in our government.

The Pledge to America declared the majority would fight those who whisper America's standing as the world leader of democracy is ending.

But today the majority breaks its own Pledge with Rules that take away the vote from 5 million Americans.

What a sad way to begin this new Congress.

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I rise in opposition to this rule not for small

reasons of this rule or that rule but because it authorizes trillions of dollars of new debt without paying for it.

There are two ways to create debt: You can buy things and not pay for it, or you can simply cut revenues and make yourself unable to pay for things. Statutory PAYGO was designed to accomplish the objective of having us do what is difficult to do—pay for what we buy. If we are honest with one another, it doesn't matter whether you want to spend or simply cut revenues. If you don't do both—cut spending and either maintain or cut revenues consistent with your cutting of spending—then you will inevitably create new debt.

Now, all of you have heard about my three children, my three grandchildren, and my one great-granddaughter. They, frankly, won't care how the debt was created, whether it was created because we cut revenues but didn't cut spending, which is what happened, of course, in the 2000s, or what happened in the eighties, where we incurred trillions of dollars of additional debt. During the Clinton administration, we didn't do that, and we restrained spending. Our Republican colleagues were very helpful in doing that, obviously, and we continued to pay for what we bought. We created 4 years of surplus. So I oppose this rule because of the trillions of dollars that it will authorize, be incurred in new debt.

Secondly, I oppose this rule, as do my friends from the various territories, from Puerto Rico, from the Virgin Islands, the District of Columbia, and the Pacific Islands. We talked about, during the course of the campaign, listening to people. We have almost 5 million people who are American citizens. How do we listen to them? We listen to them when their Representatives put their green or red on the board.

I will be introducing a resolution tomorrow, which will be referred to the Rules Committee, and I hope you will consider it.

The SPEAKER pro tempore (Mr. LATHAM). The time of the gentleman from Maryland has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. HOYER. I thank the gentlelady.

I was telling my friend, the chairman of the Rules Committee, congratulations to him for his obtaining the chairmanship. A thoughtful and hardworking Member of this House will chair the Rules Committee. I am going to be introducing an amendment to the rules that, my presumption is, we will adopt today which will return this symbol of respect, this symbol of inclusion, this symbol of collegiality, if you will, to our six representatives of American citizens.

□ 1540

I hope my friend will hold hearings on that. I would like to testify on that issue.

And I say to my friends that I hope we reject these rules so that we can correct both the trillions of dollars of exposure that it creates and to ensure the inclusion, in a real and meaningful way, but not constitutionally objectionable way, our friends who represent the District of Columbia and our territories.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume, and I would like to respond to some of the comments made by my very good friend, the minority whip.

On the issue of CutGo versus PAYGO, I think it's important to note that in the bipartisan agreement that was put together just last month, supported by President Obama, there was an actual embrace of the John F. Kennedy vision of recognizing that economic growth and an enhanced level of revenues to the Federal Treasury come about by keeping marginal rates low.

Now I will say, Mr. Speaker, that was a bipartisan agreement; and so what we've said is that as we look at growing the economy, we are very enthused at the fact that job creators are going to be able to have revenues focused on job creating, therefore enhancing the opportunity for more revenues coming to the Federal Treasury.

Second, I think it's also very important for us to realize that the focus does need to be on spending; and we believe very passionately that, in the last 4 years since we've seen a 92 percent increase, a 92 percent increase, Mr. Speaker, in nondefense discretionary spending, that we need to have a laser-like focus on that.

Now, Democrats and Republicans, Mr. Speaker, have come together to decry both the lack of jobs that exist in our economy, as well as deficit spending. There's clear bipartisan agreement on that. We all want to create more private sector jobs, and we all want to see the deficit reduced.

Now, how is it, Mr. Speaker, that we deal with those two issues?

The single most important thing that we can do to ensure that we address that is to ensure economic growth. And so the notion behind PAYGO, which would, in fact, bring about, unfortunately, an increase in taxes that dramatically would stall this recovery—and even Keynesian economists, those through the 1930s, 1940s—John Maynard Keynes died in 1950—there are many people who have followed his economic model, that being stimulating through greater Federal spending.

Keynesian economists, Mr. Speaker, acknowledge that increasing taxes, when you're dealing with a difficult economy, in fact, undermines the potential for economic growth.

Now, let me take the second issue that my friend mentioned, Mr. Speaker, and that issue has to do with the question of our delegates. They're all friends of mine and I respect—I've vis-

ited most of the territories, if not all, and I will say that these are very diligent, hardworking Members.

But we all know what the bottom line comes to here. The bottom line comes down to that the vote here in the Committee of the Whole counts until it doesn't count, and it doesn't count if it counts. And that's why I understand. And my friend, Mr. FALEOMAVAEGA, said correctly, this is a symbol. It is a symbol. And I think that their membership and participation on committees is important, and there is a great deal of camaraderie that does go on with our friends.

But the fact is, when you have a structure where the vote counts until it doesn't count and doesn't count if it counts, it seems to me that that is not the proper route for us to take; and so that's the reason that this action has been taken.

Mr. Speaker, I am happy to yield to my very good friend, the distinguished minority whip.

Mr. HOYER. I thank the chairman of the Rules Committee for yielding.

I tell my friend, you and I have been here some period of time.

Mr. DREIER. I've actually been here a few months longer than my friend has.

Mr. HOYER. Well, that's true, so I'll be very respectful.

I've heard that argument that you just made made in 1981, in 1989, and again in 2001. I tell my friend, my experience has been that it hasn't worked, and we have incurred substantial trillions of dollars of debt pursuing the Rules Committee philosophy that is represented in your rule.

On the other hand, a bill that you opposed, and every member of your party opposed in 1993, which you say was pursuing a job-killing policy, in fact created more jobs than any other administration since you and I have served here, some 22 million jobs and, additionally, balanced the budget. Did we work together to do that? We did.

But I will tell you my experience and yours has been that we did, in fact, balance the budget on the philosophy of statutory PAYGO.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I would say that I began by talking about a great Democratic President, John F. Kennedy, who used this model. And the notion of simply looking at 1981, 1989, and 2001 is not the simple basis for the argument that I'm propounding. I'm beginning, if you look at modern history, with John F. Kennedy as President of the United States.

And I will also say that, in looking at the 1993 bill, I am convinced, as I stand here today, that if we had had simply that tax increase and not put into place the measures that we did in 1994, 1995, 1996 that focused on job creation and economic growth, reducing the top rate on capital gains and, in fact,

bringing about marginal rate reduction, we would not have enjoyed that tremendous period of growth that we experienced through the decade of the 1990s which, as we all know, was the time that the Republicans were, in fact, in control here.

We've had a nice exchange. If I could reserve the balance of my time. I would love to hear further from my friend if Ms. SLAUGHTER would yield to him.

Ms. SLAUGHTER. Mr. Speaker, at the end of this debate, if we defeat the previous question, Mr. VAN HOLLEN of Maryland will offer an amendment to restore fiscal discipline in the House.

I yield 4 minutes to the ranking member of the Budget Committee now, so that he may explain his amendment.

Mr. VAN HOLLEN. Mr. Speaker, on this opening day of the new Congress I know that we all hope to work together to tackle the major problems that face our country. We heard that sentiment expressed by the outgoing Speaker, NANCY PELOSI, and by the incoming Speaker, JOHN BOEHNER. That is why the rules package, the plan put forth by the Republican majority not less than 2 hours after those comments were made, is so disappointing, because after months on the campaign trail telling the American people that they want to reduce deficits and the debt, this rule opens the door to larger deficits and a bigger national debt. It is a fiscally reckless blueprint, and the American people deserve better.

Why do I say that?

Because this plan guts the existing pay-as-you-go rule that limits mandatory spending and tax breaks that add to our deficits.

It also creates a mechanism to do an end run against the pay-as-you-go law recently signed by President Obama that will limit increases in our national debt.

How does this proposal do that?

The rule and the laws we've been operating on say you can't add to the deficit by adding new spending entitlements. This rule, properly, keeps that restraint, as it should.

But the rule being proposed, the plan being proposed, also eliminates provisions that says you can't add to the deficit by creating special interest tax breaks. The proposal before us eliminates that limitation. It says that the Congress will ignore the deficit impact of tax breaks whether they're for hedge funds or for other special interests.

Now, Mr. Speaker, every small business knows that there are two sides to balancing the books: the costs incurred by the business and the revenue the business brings in.

□ 1550

This one-sided rule ignores half of that equation. No small business could operate and survive that way in the United States and neither can the Federal Government.

Mr. Speaker, if we defeat the previous question, I plan to offer an amendment to the Republican plan that is very simple. It says that a measure may only qualify for an exemption under this subsection if it does not increase the deficit over the period of fiscal years 2011 through 2021 beyond the exemptions permitted under the current law of the land, under statutory PAYGO. And, at the appropriate moment, we will offer that.

Mr. ANDREWS. Will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I think the gentleman, Mr. Speaker, aptly points out, the majority promised accountability but they are delivering hypocrisy.

They said that their number one goal would be job creation. There is not a bill, not a word, not an idea about job creation the first 2 weeks of the new Congress.

They said they were running on reducing the debt and the deficit. Well, as Mr. VAN HOLLEN very accurately points out, this rule says, We will reduce the deficit, except when we deal with health care or tax cuts for the wealthy, in which case we'll pretend it doesn't exist. We'll pretend there is no deficit when it comes to health care, the largest Federal expenditure, at least one of the largest, and tax cuts for the wealthy.

Then finally, hours ago, the majority said: We're going to cut \$100 billion from this year's budget. And then they said, well, we didn't really mean \$100 billion. We're going to cut something, but we'll tell you later what it is.

Americans who are concerned about the debt and the deficit should be very concerned about the lack of accountability they are seeing here today: A rule that blows open the deficit, a procedure that ignores job creation, and a \$100 billion promise that just vanished like the champagne bubbles at their fund raiser last night.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to our very distinguished new Republican whip, my good friend and fellow Californian, the gentleman from Bakersfield, Mr. MCCARTHY.

Mr. MCCARTHY of California. Mr. Speaker, I thank the new chairman of the Rules, Mr. DREIER, for yielding.

We are debating the rules package. Why is it important to have a rules package? Because structure dictates behavior.

For America, we know that, for far too long, the structure of this House was dictating a behavior that the American public did not care for nor did they want. They watched for too long bills written by a few come to the floor where Members have not even read it, the public has not even been able to see it, and a debate and a vote, then passed. We watched where we

didn't even have an open rule. Not one freshman in this building that became a sophomore ever saw a open rule. But today is a new day. Today is a new opportunity.

Now, what went into the rules package and how did you come about crafting it and creating it? Well, it wasn't crafted today, and it wasn't crafted with one side of the aisle. We reached out to both sides. But we reached beyond this House. We reached where this House was supposed to go, to the people.

Last fall, our new Speaker BOEHNER asked us to open up to the American people and ask them what they needed from here. We created America Speaking Out. Anybody could come in and give you an idea, and not once did we ask them what party they were registered or affiliated with. Just the power of the idea should win at the end of the day.

And do you know what they said? They said a bill shouldn't come to the floor but it should have 3 days so that not only Members of Congress could read it but the American public. You know what? It's in the rules.

They said you have a \$1.3 trillion deficit and, for the first time since the Budget Act of 1974 was passed, you don't even have a budget. So you should make it harder to spend and easier to cut. Well, that's what this rule package does.

This rule package gives us an opportunity to do exactly what President Lincoln wanted, a House of the people, for the people, by the people. And the structure at the end of the day will make it more open, more transparent, and more accountable. That's what the people asked for, and that's what we were sent here to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Well, Mr. Speaker, that didn't take long. Our Republican friends have been in charge of the House for about 1 hour, and already they are up to their old discredited tricks.

They promised the American people that they were serious about deficit reduction. Apparently that promise was for campaign purposes only, because the Republicans' rule package before us today paves the way for a huge explosion in our national debt to the tune of \$5 trillion. That's trillion with a "t".

The new Republican majority is attempting to drag this country back to their supply-side fantasyland where deficits either don't matter or could be addressed by giving huge tax breaks to the very, very wealthy. Back here in the real world their proposals would do real harm to real middle class families. They want to slash funding for education, for infrastructure, for investments and new technology, for medical

research, for job training. You name it. If the new program benefits working families, it's on the chopping block.

But if you are a wealthy hedge fund manager or a huge defense contractor or a playboy son of a dead multimillionaire, you are in luck. Your tax breaks are safe. As *The Washington Post* said in a recent editorial, When it comes to tax cuts, it's all go, no pay.

I would say to my Republican friends, if you care about deficit reduction, if you meant what you said on the campaign trail, then vote against this misguided rules package. If you want transparency, then do away with the smoke and mirrors. If you want accountability, then stop the hypocrisy. This rules package is shameful.

This new Republican majority appears determined to do what they have done in the past, and that is dig this country deeper and deeper into debt. It is the wrong thing to do. Vote "no."

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to the gentleman who led our effort to bring about reform of the rules and help put this package together, my very good friend, Mr. BISHOP, the gentleman from Utah.

Mr. BISHOP of Utah. Madam Speaker, I appreciate the gentleman from California recognizing me.

Every time we talk about rules, I realize for the majority of people, their eyes kind of glaze over. But every kid who has spent time in an elementary yard realizes that the rules are important to the game.

We are here, though, on this floor doing the people's business, and it is not a game, and the rules become significant. And the rules are significant because they are responsive to what the people have said.

People told us very clearly they are interested in jobs, they are interested in spending. The rules package before us right now facilitates the growth of the former and helps in the limitation of the latter.

True, PAYGO will be replaced in this rule. PAYGO was the process that was honored in its breach and suspension as often as its application, and it is replaced with CutGo, a process that zeroes in on the real problem, which is spending. And if indeed we suspend CutGo as frequently as PAYGO was suspended, then it would be justified to criticize us at that particular time.

This rule says committees are important. It's not just a box you check to say you have done regular order. We have now provided for time for committees to do their job. We have provided for pre-meeting requirements and post-meeting requirements and accountability, and respect for the product of the committees will be here on the floor.

Once again, in this rule the Constitution is now in vogue again, and the bills coming to the floor will become

readable so that you will never see again a multihundred-page amendment coming before this body in the wee hours of the morning of its actual debate.

Many of us who worked on these rules have had legislative experience in our home States. We brought different ideas, realizing that a better process equals a better policy. We have changed the schedule so that time management will be seriously considered. We have added to transparency for what takes place on the committee as well as on the floor. We, to use clichés, thought outside of the box. But in so doing, we included more Members than ever before, Republicans and Democrats, who were invited to give specific input into what we indeed are doing.

The SPEAKER pro tempore (Mrs. CAPITO). The time of the gentleman has expired.

Mr. DREIER. I am happy to give my friend an additional 30 seconds.

Mr. BISHOP of Utah. We reached consensus. We found that making the right decisions is not necessarily a difficult process. All you need to do is throw strikes.

Satchel Paige, when he was advising a young pitcher who was having a problem with his control trying to hit the corners simply looked at him and said, "Just throw strikes. Home plate don't move."

This rule is strikes, because home plate don't move. Will it change Washington and the way we do business? Yes. And appropriately so.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida, a former member and missed member of the Rules Committee, Ms. CASTOR.

□ 1600

Ms. CASTOR of Florida. Madam Speaker, I thank the gentlewoman for yielding time.

As a former member of the Rules Committee, I felt compelled to come to the floor of the House now because the Republican rules package is asking us to vote on a huge deception of the American people. Over the last year, we have had a robust debate about deficits and debt in this country, and yet the first significant vote the Republicans are asking us to vote on will add to burgeoning deficits and debt.

Here is a good example: No matter how you feel about the health reform law, the nonpartisan CBO says that that health reform law will cut the deficit by \$143 billion over the next few years. What the Republican rules package says is, when they bring up repeal of health reform next week, they are not going to count that money; they are going to add that again to the debt. So the first significant vote they are asking us to take on the floor is one that will set us on a course to adding \$143 billion to the deficit and debt.

I urge everyone to oppose the rules package.

Mr. DREIER. Madam Speaker, I am happy to yield 45 seconds to the distinguished new chair of the Committee on Transportation and Infrastructure, the gentleman from Florida (Mr. MICA).

Mr. MICA. I would like to rise to engage Chairman DREIER in a brief colloquy regarding the highway funding point of order that is included in this rules package as clause 3 of rule XXI.

It is my understanding that this point of order makes no change in the manner in which highway, highway safety, motor carrier safety, and transit programs are currently funded, which is through contract authority derived from the highway trust fund and provided in authorization acts. Rather, the new point of order provides that Members will have the ability under House rules to offer amendments to reduce funding for such programs, if they choose to do so.

In the interest of clarity and mutual understanding, I want to be assured that my understanding of this proposed change to clause 3 of rule XXI is correct.

Mr. DREIER. If the gentleman would yield, I would say, Madam Speaker, the gentleman from Florida is absolutely correct. Clause 3 of rule XXI, as amended, does not change the way in which the underlying programs are funded, which is through contract authority provided by authorization acts.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Transportation.

Mr. RAHALL. I thank the distinguished gentlelady for yielding the time.

While I regret I did not hear all of the previous colloquy, I do want to express my strong reservation and opposition to these rule changes because of the effects it would have on transportation-related issues.

The Republican rules package eliminates the current rules' direct tie between revenues to the highway trust fund, paid by the users through gas taxes at the pump, and the level of investment for these programs.

Currently, House rules provide that appropriators must fund highway and transit programs at levels set forth in surface transportation authorizations. This provision was championed by a Republican, our former colleague Bud Shuster, and was put into place to prevent funds building up in the highway trust fund to be used to mask the true size of the Federal deficit. The provision was intended to stop the same old smoke-and-mirrors game of Federal spending.

As their very first act as the majority, I find it incredible that Republicans would want to pursue a job-killing proposal like this, one that not

only threatens jobs, but which could lead to dramatic reductions in spending for very necessary and worthy highway projects throughout the Nation.

Americans understand and they support paying motor fuel taxes at the pump, so long as they are guaranteed that those funds will be spent on transportation. The Republican rules package smears that guarantee and will have a potentially devastating effect on the level of Federal investment in vital highway and transit programs.

After more than a decade of effort by the Committee on Transportation and Infrastructure, the House adopted the current rule in 1998. The principle was simple: Gas taxes collected to improve highway and transit systems must be used for that purpose. The previous rule restored trust to the trust fund, and it has served the House and our Nation well for the past 12 years.

Today, the House Republican majority breaks that trust. They are returning to the ways of old—no hearings, no public debates, no discussion with any Member on this side of the aisle on the effects of the proposed rule on transportation investment.

Regrettably, these issues are steeped in arcane budget rules, so, therefore, many Members, especially new Members, are not aware of what they are voting on and its consequences.

I urge my colleagues to oppose this rules change, as do so many highway contractors and the U.S. Chamber of Commerce.

Mr. RAHALL. Madam Speaker, I rise in strong opposition to H. Res. 5, the new Republican Majority's proposed rules for the House of Representatives.

The Republican Rules package eliminates the current Rule's direct tie between revenues to the Highway Trust Fund—paid by users through gas taxes at the pump—and the level of investment for surface transportation programs. This rules change will have a devastating effect on transportation and infrastructure investment.

Currently, House Rules provide that appropriators must fund highway and transit programs at levels set forth in surface transportation authorizations. This provision was championed by a Republican, our former colleague Bud Shuster, and was put into place to prevent funds building up in the Highway Trust Fund to be used to mask the true size of the federal deficit.

As their very first act in the Majority, I find it incredible that Republicans would want to pursue a job-killing proposal like this. One that not only threatens jobs but which could lead to dramatic reductions in spending for very necessary and worthy highway projects throughout the Nation.

Americans understand, and support, paying motor fuel taxes at the pump so long as they are guaranteed that those funds will be spent on transportation. The Republican Rules package smudges that guarantee and will have a potentially devastating effect on the level of Federal investment in vital highway and transit programs.

After more than a decade of effort by the Committee on Transportation and Infrastructure, the House adopted the current rule in 1998. The principle was simple: gas taxes collected to improve highway and public transit systems must be used for that purpose. The Rule restored "trust" to the Trust Fund, and it has served the House well for the past 12 years.

Today, the new Republican Majority breaks that trust. We will soon return to the days where gas taxes are collected and used not to invest in infrastructure, but to hide the size of the deficit.

The new Republican Majority also institutes a new "Cut-Go" rule to cut spending. However, in the process, the Republicans have obliterated the basic premise of the Highway and Airport and Airway Trust Funds. Under the new Republican rule, the Committee on Transportation and Infrastructure cannot bring a bill to the Floor that increases highway, public transit, or airport infrastructure investment (contract authority) financed by revenues from the appropriate trust fund, unless the bill makes cuts to other mandatory programs. It does not matter if the Trust Fund has the resources to finance the investment; the Committee still has to provide offsetting cuts. The basic premise of the transportation trust funds—user fees are collected to finance infrastructure improvements—is obliterated.

Regrettably, because these issues are steeped in arcane budget rules, I fear that Members are voting on this package without understanding its consequences. I regret that the Republican Leadership, which has talked so much about transparency and openness, begins this Congress, on its first day, with the ways of old: no hearings, no public debate, and no discussion with any Member on this side of the aisle on the effects of the proposed rule on transportation investment.

You do not have to take my word for it, listen to the transportation community: State Departments of Transportation, public transit agencies, highway contractors, equipment manufacturers, the trucking industry, moving companies, the U.S. Chamber of Commerce, highway users, and construction workers all vigorously oppose the rules.

And you can listen to what Wall Street thinks of the effect on Republican Rules package on highway construction companies: although the Dow Jones Industrial Average went up yesterday, highway contractors and material suppliers took a significant hit throughout the day: Martin Marietta, down 6.5 percent; Vulcan Materials, down 5.2 percent; Granite Construction, down 4.4 percent; CRH Oldcastle, down 4.4 percent.

As one Wall Street analyst who downgraded two of these firms stated in a written investment report specifically citing the Republican's Rules package:

"... [T]his is not an encouraging signal from the new [Republican] congressional leadership in terms of its commitment to infrastructure spending. . . ."; and

"... a move to allow revenues previously set aside for road spending to be spent elsewhere would not only act to reduce total [highway] spending levels but also limit visibility amid an already constrained outlook by the lack of a multi-year highway bill."

Madam Speaker, it is a sad day for transportation. The Republican Rules package cre-

ates uncertainty in an industry that cannot afford it. The Republican Rules package will hurt highway, transit, and airport construction companies and kill jobs.

I urge my colleagues to join me and defeat H. Res. 5. Let us go back to the drawing table and work together to help the American people.

Mr. DREIER. Madam Speaker, I yield 2 minutes to the very distinguished chairman of our transition committee, my friend from Hood River, Oregon (Mr. WALDEN).

Mr. WALDEN. Madam Speaker, I want to thank the chairman of the Rules Committee.

I wanted to talk just briefly about the transition itself, and I want to thank members of both parties who participated in very meaningful ways in our transition. I think it was an unprecedented effort in terms of its size and inclusiveness. Four members of our team were incoming freshmen. We offered Democrats the opportunity to participate both formally and informally, an act of bipartisanship that has been missing, frankly, from prior organizations going back over both parties' tenure in leadership.

I asked Speaker PELOSI to designate two Democratic participants. We distributed surveys to every Member, chief of staff, and scheduler on both sides of the aisle to get as many ideas as possible to reform the people's House. Let us always remember that this is the people's House. It is their business. It is the taxpayers' money, and the public has the right to observe and participate in this process. The outcome is the rules package before us today. The transition team received more than 2,000 suggestions from the general public submitted through our Web site.

And what did we accomplish? Bills will now be posted online in a searchable format at least 3 days before receiving a vote on the House floor. No longer will bills be dropped in the middle of the night and voted on the next day. We require that all bills include a citation of constitutional authority so Congress respects the limits imposed on it by the founding document.

To begin to control the explosion in spending, we are clamping down on budgetary sleights of hand that hide spending beyond the first 10-year window of a bill; any legislation projected to increase the deficit by more than \$5 billion in any single 10-year window out to 50 years will be subject to a point of order; a new CutGo rule requiring any suspension bill that increases authorizations or creates new programs to make equal or greater cuts elsewhere; a legislative calendar to ensure Members will be back home listening to the people who sent us here at least a week every month; ending the practice of passing comprehensive or omnibus bills that package unrelated legislation together in an effort

to avoid public scrutiny; and will require every committee to Webcast their hearings and markups and make them available online.

Transparent, open, accountable. This is the rules package to change the House.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Madam Speaker, I thank the Member from New York.

Let me start by acknowledging two things: One, the Republican majority won the election and has the right to bring this rules package with changes to the floor. Number two, there are some good provisions in this. Mr. WALDEN just described several. But, three, there is a time bomb in this.

The major responsibility that we have in Congress is to debate taxes and spending—taxes and spending. The provision that basically will protect privileged tax breaks so that we cannot have a debate about whether or not a hedge fund billionaire should pay at least the same rate of income tax as his or her chauffeur or cook; the fact we cannot have a debate as to whether mature and profitable industries should continue to get taxpayer subsidies, like the oil industry, instead of being able to divert them to emerging technologies; the fact that these are off the table so that the only outcome will be cuts in spending that affect every single person without any debate, that is the problem. And when Mr. MCCARTHY said that the rules dictate behavior, he left out that the rules dictate outcome as well.

Mr. DREIER. May I inquire of the Chair how much time remains on each side?

The SPEAKER pro tempore. The gentleman from California has 4¼ minutes remaining, and the gentlewoman from New York has 11½ minutes.

Mr. DREIER. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, today was a glorious day, but as we begin to discuss the rules that are now taking place, I raise questions.

I would like to understand, if we are going to go forward in a fiscally responsible way, and I have heard so much about the Tea Party and I welcome certainly the expressions of those who have been elected as Republicans of those views, but we stand in this House, Republican and Democrat and some Independent, to work on issues for the American people.

□ 1610

How do you in fact then eliminate, in some sense, the pay-as-you-go rule, which we have all been committed to, which allows us to pay for what we want to encourage the American people

to have. But now we have a rule that says that you cannot raise revenue. So if your soldiers on the battlefield need more resources, you can only get it by cutting spending of some other vulnerable population. What sense does that make?

When we speak of open rules, what sense does it make to have a rule tomorrow that indicates that we're repealing the health care bill under a closed rule, where we'll be saving some \$143 billion over 3 years, but that rule would not allow that. This is a rules package that needs fixing, and I hope that we can go back to the drawing board.

Mr. DREIER. Madam Speaker, I yield 2 minutes to the distinguished chair of the Committee on the Budget, the gentleman from Janesville, Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman from Los Angeles, California, for yielding.

Madam Speaker, it's a good day because we're bringing some fiscal sanity back to this institution. What governed this place with the rules in the last two Congresses was a rule called PAYGO. Let me walk you through what PAYGO accomplished. Before we had the Democrats' PAYGO rule, the deficit was \$161 billion. Now it's \$1.4 trillion. Its report card wasn't so good. After the last two Congresses, PAYGO was gimmicked or waived 32 times, to the net total of \$932 billion in extra deficit spending. But when PAYGO was used, when it was invoked, it was more often used to raise taxes.

Madam Speaker, we do not have a revenue problem. We have a spending problem. And that is why this brings CutGo—cut-as-you-go. If you want new spending, you better cut spending somewhere else to pay for it.

This does a couple of other things. It gets rid of a gimmick which was used very artfully in the last Congress to use reconciliation procedures to grow more government and create new spending programs. It also adds a new rule that says we need to look at the fiscal consequences in the future of what we're doing—not just in 5 years, not just in 10 years, but in the out years—because the debt crisis is coming, mark my words.

It also gets rid of the automatic debt increase. We used to call this the Gephardt rule. Congress has to vote a clear up-or-down as to whether or not to vote the debt limit. And what also happened last session for the first time since the 1974 Budget Act passed is that the House didn't even propose, let alone pass, a budget. That is why this gives us an interim authority to actually put a budget in place so that we can have a mechanism to actually police the budget. We have no budget; we have no limits; no restraints; no priorities whatsoever because of the failure of the leadership in the last Congress.

And that is why this interim authority occurs: so that we can actually put some numbers in from the CBO to police and actually have budget enforcement until the new budget arrives.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Thank you, Madam Ranking Member.

I come to the floor opposing the rule only because there's a provision in it that indicates that our delegates from all over the globe will not be allowed to exercise any of their voting privileges that they had earlier. And when my friend, Mr. DREIER, the distinguished chairman of this committee, indicated it was all symbolic, I just would hope that if we do get a chance to pull this out of the package and perhaps vote on this in a separate way, that you might see your way clear to understand that these Americans and citizens who volunteer and fight for this great country and support our flag, and in many cases have per capita more of their young people killed in action and wounded in action than those of us on the mainland, that I think it deserves a better classification than to say that it's respecting their friends and it's symbolic.

Mr. DREIER. Will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California.

Mr. DREIER. I will simply say I was quoting Mr. FALEOMAVAEGA and Mr. HOYER when they used that term.

I thank my friend for yielding.

I reserve the balance of my time, Madam Speaker.

Ms. SLAUGHTER. I am pleased to yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentlelady and ranking member for the time.

I rise in opposition to this rule, but in one way I'm thankful for it because it does help to go right to the heart of the matter, right to the thing that divides us most. On the one hand, Republicans want to give tax cuts to the wealthiest Americans and shrink government services. On the other hand, Democrats want to have adequate funds to fund services that are necessary for the American people.

Under this rule, which I ask all Members to oppose, the Republican rule, tax cuts will no longer have to be paid for. They don't have to be budget neutral. So tax cuts passed by the House can increase the deficit. Also, under the Republican rule, increases to mandatory spending must be paid for by reducing spending somewhere else. Therefore, if the House wanted to extend the child tax credit to minimum-wage families, then the Republican new rules would not allow this to be paid for by closing a corporate loophole. Instead, they

would have to be paid for by taking away from some other group of people. This is wrong. And it speaks to the heart of what divides us. And I'm glad we're doing this today.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Today's rules package reveals only one thing—and that is hypocrisy. Despite all the rhetoric about the deficit, the Republicans' first act in the majority will be to allow a legislative process that goes back to exploding our national debt. The Republicans' new plan will replace a strict pay-as-you-go policy with a much weaker one-sided policy known as cut-as-you-go, under which mandatory spending still needs to be paid for, but tax cuts do not. And this means that Republicans can cut taxes for the rich and increase the deficit while doing it.

But, Madam Speaker, it only gets worse. The Republicans know that the new health care reform bill reduces the deficit by a trillion dollars over the next two decades, and they've put a special exemption in their rule that says as long as we're repealing health care reform, we can increase the deficit.

Republicans will be judged on the promises they make to the American people. And so far they're already failing to live up to the standard that they've set for themselves.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to another gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. The question that will be before the ladies and gentlemen of the House on this rules package is: Do you want to honor the commitment to reduce the deficit or abandon it? The rules plan permits an abandonment of the promise to reduce the deficit because it ignores the fiscal consequences of the repeal of the health care bill, which the Congressional Budget Office has said will reduce the deficit by more than a trillion dollars over the next 20 years, and it ignores the fiscal consequences of permanently extending the tax cuts of 2001 and 2003 for the wealthiest Americans.

This is not a question of liberal or conservative, Republicans or Democrat. It's a question of honoring a promise or abandoning it. To those who wish to honor the promise of deficit reduction, the right vote on this rules package is "no."

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

□ 1620

Ms. SLAUGHTER. I am pleased to yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, on day one of this new Congress, these Republicans take a giant step backwards. They profess such great concern about their ability to cut wasteful spending.

First off, they abandon pay-as-you-go budgeting, returning to the Bush-Cheney approach of endless borrowing. They claim they could cut so much, but they reject a rule that requires them to cut spending as one way to offset revenue losses for each new tax break they approve. Their misleading CutGo just cuts fiscal discipline and says to go borrow from the Chinese. These Republicans are like the fellow who bellies up to the bar and says, Just one more round of tax breaks for my buddies. Put it on my tab.

Except it's our tab.

All Americans will pay for their endless borrowing for endless tax breaks. They are indifferent to our national debt except when it comes to cutting vital initiatives that they wanted to weaken or eliminate in the first place.

We need pay-as-you-go budgeting just like a family that faces a high credit card debt and knows it can't balance its budget by cutting off its income or by simply cutting school lunches or other necessities. Neither can America afford to distort this budget.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, deficit reduction requires tough choices, and PAYGO helps us make those tough choices because, if you increase spending, you have to pay for it—either raise the money or cut spending somewhere else. If you cut taxes, you have to raise somebody else's taxes or cut some programs. You have to pay for it.

In 1993, under PAYGO and a tough Democratic budget, we eliminated the deficit and were on our way to paying off the national debt. We created millions of jobs. Unfortunately, 50 Democrats lost their seats in a budget that the Democrats voted for but that not a single Republican voted for. These are tough choices. Unfortunately, this package fails to make those tough choices because it exempts trillions of dollars from PAYGO.

Mr. Speaker, you are simply not having a serious discussion about deficit reduction when the discussion begins with massive tax cuts which will add trillions of dollars to the national debt without beginning to pay for them at all. We need to get serious about deficit reduction, and this package does not do it.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. As I listen to this debate, I want to say that I and many

of my colleagues agree that we must take the deficit seriously; but to do so, we have to not only examine spending cuts. We have to look at tax expenditures.

This new rule that is being presented is literally less than 3 hours old. Since the Republicans have taken control, they have said simply—and so most Americans understand this—that they will look at spending cuts as really being cost-savers for the government, but tax expenditures—tax cuts—maybe for the wealthiest Americans, maybe for certain companies—maybe some good, maybe some we would even agree with—will not be counted as part of a cost to government, as a reduction in the amount of revenue that we get into the government. They will simply ignore it, and the expenditures will just get added to the deficit.

Just last week—and for weeks and weeks before that—they said deficit reduction was at the top of their agenda. It took them 3 hours to make that an untrue statement. They have simply already set up a situation where they can add trillions and trillions of dollars to the national deficit, and we can do nothing about it.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, the American people did not bargain for a plan in the first 24 hours of the new Congress that would blow a hole in the deficit and expand the debt.

The chairman of the Rules Committee mentioned the recent bipartisan tax agreement. We also recently had a bipartisan commission on the deficit and debt reduction. It looked at both sides of the equation—spending and the fact that we have created lots of tax loopholes that have lost revenue to special interests. What this plan does, what the rule does, is say that that doesn't matter, that it doesn't count against the deficit.

In fact, the existing rules under the House say that you cannot use the budget reconciliation process to add to the deficit. Your rule specifically eliminates that restriction. Your rule says go ahead and use the budget reconciliation process to add to the deficit and debt. You strike it. You give a green light. This rule also contains, on page 28, a little noticed provision that opens the door to politically motivated, Enron-style accounting as a means to do an end run around the pay-as-you-go law signed by President Obama.

The current practice of this Congress has been that we will use the budget estimates of the nonpartisan Congressional Budget Office to determine the deficit impact on the laws that we pass here in this body for the purpose of

pay-as-you-go. That is because, while we should have a vigorous debate over policy, we don't want politicians inventing self-serving budget numbers.

Now, the Congressional Budget Office serves as our umpire. They call the balls and the strikes, as you know. Sometimes we don't like the calls they make. Sometimes we do. Yet what this rule says is we are going to take the umpire off the field when it comes to statutory PAYGO. We are going to substitute our accounting for the folks whose professional job it is to determine the deficit impact of different legislation that we pass.

I think when the American people find out that this opens the door to this kind of fun and games, they are going to ask themselves: Is this something I really bargained for?

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. VAN HOLLEN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me just say to the commission that I think it is very important to note that they argued that there should be a reduction to 26 percent as the top corporate rate and 23 percent as the top tax rate.

I thank my friend for yielding.

Mr. VAN HOLLEN. Reclaiming my time, I think my friend knows they did that as part of a whole tax reform package that closed the tax loopholes that your proposal would open.

Ms. SLAUGHTER. I yield myself the balance of my time.

Mr. Speaker, I ask Members on both sides of the aisle to vote "no" on the previous question so that we can take serious action described by Mr. VAN HOLLEN to decrease the deficit rather than to simply make it easier to give tax breaks to billionaires.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge a "no" vote on the previous question and on the rule, and I yield back the balance of my time.

Mr. DREIER. I yield myself the balance of my time.

Mr. Speaker, everyone is very enthused about today. It is a great day. We have 96 new Members of this institution—87 Republicans and nine Democrats—nearly 100 new Members. They are here having carried a very strong and powerful message from the American people, which is we have got to create jobs, get our economy growing, reduce the size and scope and reach of government, and do it in a more transparent, open and accountable way.

Mr. Speaker, that is exactly what we are doing. That is exactly what we are doing with this rules package.

Now, there seems to be a little disagreement on the notion of dealing with spending and taxes. The fact of the matter is we all know—several of us have said it through the debate—that we don't have a revenue problem. We have a spending problem. What we need to do is to focus on reducing spending, and we are absolutely committed with a laser-like approach to doing that. It is going to be tough. It is going to be painful. I hope that, as we reached out and had bipartisan input on this rules package for the first time ever, that we will be able to do the exact same thing, Mr. Speaker, when we deal with the question of getting our economy growing and the other challenges that lie ahead of us.

□ 1630

We never before have had the opportunity that we are going to have in just a few minutes. The Rules Committee is going to meet after we are seated, and when I came to the Rules Committee two decades ago, I was told by the dean of the Washington press corps, David Broder, that the Rules Committee hearing room was small by design. Why? To keep us out, Mr. Broder said to me.

Well, Mr. Speaker, for the first time in this quest for transparency, we are going to have online streaming of our Rules Committee meeting that will take place after we are seated here.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all of our Members have 5 legislative days in which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to express my concern about the failure of the Republican Majority's Rules package to fix jurisdiction over homeland security.

In July 2004, the 9/11 Commission Report recommended that there be not more than one authorizing Committee in the House for the Department of Homeland Security.

They argued that consolidated jurisdiction would provide the newly-established Department of Homeland Security with the same kind of strong Congressional partner that the Department of Defense has in the Committee on Armed Services.

Upon establishment of the Committee on Homeland Security in 2005, Republican Leadership rebuffed this critical recommendation when it failed to designate the Committee on Homeland Security as the "principal point of oversight and review for homeland security."

I can tell you—from first-hand experience—that fractured jurisdiction results in absurd outcomes—with referrals of homeland security bills often bypassing the Committee on Homeland Security altogether.

More than a few of you would probably be surprised to hear that the following three bills

were not referred to the Committee on Homeland Security: a bill authorizing the protection of federal buildings from terrorist attacks and other threats—a Department of Homeland Security responsibility; a bill providing resources for DHS to prepare for and respond to acts of terrorism; and a bill to require airports to mitigate against the threat of a terrorist attack.

The absurd and damaging effect of fractured jurisdiction has not gone unnoticed over the past six years.

Every Secretary of Homeland Security—from Tom Ridge to Michael Chertoff to Janet Napolitano—has expressed concerns about fractured jurisdiction over the Department of Homeland Security.

Indeed, in April 2010, Secretary Napolitano wrote that fractured jurisdiction has negatively impacted the Department's ability to fulfill its mission.

Then, in May 2010, 9/11 Commission Chair Tom Kean testified that fractured jurisdiction over the Department of Homeland Security risks making the country less safe.

The 111th Congress, under the leadership of Speaker PELOSI, approved a Rules package that included new language to underscore that the Committee on Homeland Security is the lead congressional committee for homeland security matters within the House.

While this change represented progress, there was still a pressing need for legislative jurisdiction over homeland security to be consolidated.

The Rules package under consideration today does nothing to end fractured jurisdiction over homeland security.

Inexplicably, the package only changes the jurisdictional statement for the Committee on Armed Services—a committee that already has sweeping jurisdiction over the Defense Department.

I am disappointed to see that the newly-minted House Leadership, despite assurances from the incoming Chairman of the Committee on Homeland Security that Republican Leadership would do so, refuses to tackle what the 9/11 Commission said of all its recommendations was "the most difficult and important."

For this reason, I cannot support House Resolution Five (H. Res. 5) and urge my colleagues to join me in opposing this measure that knowingly turns a blind eye to a glaring deficiency in the House Rules that three Secretaries of Homeland Security, the 9/11 Commission and scores of homeland security experts have identified.

Ms. MCCOLLUM. Mr. Speaker, I rise in strong opposition to the rules package proposed by the new Republican majority in the House.

The very first vote in the 112th Congress reveals the extent of the Republicans' fiscal hypocrisy. The new House rules create a huge loophole that allows Republicans to pass billions in additional tax cuts without finding savings elsewhere in the federal budget. These rules are a major step backward in our effort to solve the federal budget crisis. No Member who votes for this fiscally reckless rules package is serious about deficit reduction.

The public backlash against the new Republican rules started days before today's vote. In a December 29, 2010 editorial titled "Deficit Hypocrisy," the New York Times said the new

rules proposed by the incoming majority “will codify the Republican fantasy that tax cuts do not deepen the deficit.”

The bi-partisan Committee for a Responsible Budget expressed “serious concerns” about the Republican rules package saying that “because many of these new rules would apply to only the spending side of the budget (replacing rules that applied to both the tax and spending side), this new rules package could actually weaken, rather than strengthen, our ability to deal with the debt.”

By exempting the cost of tax cuts and the repeal of the health care reform law from budget restrictions, the Republican majority makes it clear that they embrace—not oppose—deficit spending. H. Res. 5 enables Republicans to return to their discredited economic policies of the past decade that exploded deficits with tax cuts, two wars and a huge new prescription drug entitlement program all financed with borrowed money.

What the Republicans do oppose and promise to cut are the investments that strengthen American communities and support the most vulnerable citizens in our Nation. Under the new rules, the American middle class will be forced to live with less while the wealthy and special interests have it all. In the weeks ahead, Republicans will target America’s middle class with unsustainable cuts to education, transportation, public safety, clean energy and advanced research and technology. The Washington Post editorial board said that the rules reflect “about as upside-down a set of priorities as can be imagined.”

I reject the skewed priorities expressed in this rule package. I refuse to abandon America’s families and communities when they most need the support of their government. And I will continue fighting for the federal investments our communities need to compete in the 21st century.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to H. Res. 5, the House Republican rules proposal for the 112th Congress. As some of my Democratic colleagues have argued before me, this rules package is fiscally irresponsible, will balloon the national debt, and threatens the stability of government services that are critically important to millions of Americans.

Mr. Speaker, the Republican proposed rules package sets our country down a path of unaffordable tax cuts and threatens to suppress long-term economic growth and job creation. While many of my new Republican colleagues were elected on the platform of reducing the deficit, the new rules introduced by the Republican leadership will significantly increase the national debt by changing the House pay-as-you-go rules, “PAYGO”.

The Republican proposed House rules package adds to the deficit by exempting tax cuts and the deficit increasing effects of selectively repealing the health care reform law from the PAYGO rules. On the other hand, the Republican rules package prohibits the House from raising revenue or closing tax loopholes to help pay for new spending entitlementments for low and middle income Americans.

Unlike the deficit neutral PAYGO rules that the 111th Congress operated under, the proposed rules package will allow for taxes to be cut without having to pay for them. But as the

National Commission on Fiscal Responsibility and Reform has pointed out, “tax expenditures are simply spending by another name and should not be exempt from scrutiny.”

Substituting cut-as-you-go, “CUTGO”, for PAYGO is bad economics and worse policy. As the Committee for a Responsible Federal Budget has noted, “Replacing the two-sided PAYGO rules with a one-sided CUTGO rule will not only make it harder to offset legislation, but also exempt potentially budget-busting tax cuts from any discipline.” CUTGO is unwise, irresponsible, will result in economic stagnation, and substantially increase the debt burden on our children and grandchildren.

In addition to its fiscal irresponsibility, the proposed House rules package fails to address homeland security jurisdiction despite repeated calls for reform from the 9/11 Commission and every Secretary of Homeland Security. Failing to consolidate legislative jurisdiction over homeland security in the House Committee on Homeland Security will continue to complicate oversight and review of critical homeland security issues.

I also oppose the proposed rules package for the 112th Congress because it severs the user-financed basis of the Highway Trust Fund, and subjects necessary federal highway and transit investments to the vagaries of the annual appropriations process. This proposal will exacerbate the instability already being experienced by the U.S. transportation construction marketplace. Transportation projects are long-term in nature and require stable and predictable sources of funding. Subjecting them to the appropriations process creates a precarious and unaccommodating market for investments in infrastructure projects.

Finally, the Republican rules package disenfranchises residents of the District of Columbia and U.S. territories by ending the ability of delegates and the Resident Commissioner of Puerto Rico to vote in, and preside over, the Committee of the Whole House on the State of the Union. This would deliver a terrible blow not only to the symbolic vote of the delegates, but also to the voices of the five million residents of these areas who deserve to be heard.

Mr. Speaker, this ill-considered and fiscally irresponsible rules package was crafted by the new Republican majority in secret without meaningful involvement or input from members on this side of the aisle. Had such an opportunity been afforded to the minority, this rules package would be far superior and fiscally sounder.

For these reasons, I urge my colleagues to join me in opposing H. Res. 5.

Mr. BLUMENAUER. Mr. Speaker, I am deeply disappointed in the Rules package assembled by my Republican colleagues. In their campaigns, they promised to improve transparency and to reduce the deficit. These Rules break those promises.

Under these Rules, the new Republican majority will enact a draconian budget without a single hearing, without any input from the Budget Committee, without any outreach to Congressional Democrats, and without a direct vote by the House of Representatives. Merely by entering a statement into the record, the Budget Chairman can subject all spending beyond whatever levels he deems appropriate to

a point of order. This level of concentrated authority runs contrary to the premise of transparency that Republicans campaigned on, and, given its disregard for scrutiny, runs the risk of greatly damaging our economy and the welfare of millions.

The rules themselves make a mockery of prudent budgeting. While the Republican rhetoric has been laudable in some instances, their “Cut-as-you-go” rule is riddled with loopholes. For instance, it allows tax cuts for corporations to be deficit financed, while programs like child tax credits must find offsets. In fact, these rules forbid eliminating even the narrowest special interest tax loophole to find revenue for effective government programs.

The most casual glance at the origin of this country’s debts illustrates the fallacy of their approach. Without finding a dime to offset the cost to our Nation, these rules make it possible to both make permanent the 2001 and 2003 Bush tax cuts for the highest-income taxpayers and to repeal the Affordable Care Act, which not only saves nearly \$150 billion during the next 10 years, but reduces healthcare costs by nearly a trillion dollars during the following decades.

In no way do these rules result in the type of prudent budgeting that my Republican colleagues campaigned on, nor does it resemble anything like what any hardworking American family must do. At a time when the Republican majority is pledging greater openness, the Rules are also anti-democratic by depriving 600,000 taxpaying D.C. residents of their ability to have their voice heard in the Committee of the Whole.

The Rules package also undermines opportunities to continue investing in America.

By eliminating the point of order guarding Highway Trust Fund balances this Republican majority threatens investments in communities large and small across the country. Historically, this point of order ensured that Congress delivered on the transportation investments promised in the transportation authorization, and that States and communities could count on the long-term commitments made in that legislation. By removing this point of order, and allowing Highway Trust Fund balances to accrue and mask the actual deficit, the Republicans are engaging in budget gimmickry that undermines our economy and the safety of our communities.

Organizations from the Chamber of Commerce to the American Association of Highway Transportation Officials have expressed their strong concern about destabilizing transportation funding, and have urged the Republican Conference to make changes. I join with these organizations in expressing my concern and disappointment.

At a time when the need to invest in our communities is higher than ever, these rules will make it possible for the Republican Congress to decrease our investment in infrastructure, undermining efforts to rebuild and renew communities across the country. In addition to the new rule regarding the Highway Trust Fund, these Republican rules also limit the ability of the House to raise revenue for the Highway Trust Fund. At a time when our needs are greater than ever, and individuals and organizations across the country are calling on Congress to upgrade our Nation’s

roads, bridges, and transit systems, limiting our options—as these Rules do—is shortsighted and foolhardy.

Ms. BROWN of Florida. Mr. Speaker, I rise today to comment on clause 7 of House Rule XII, which requires that Members submit a statement citing the constitutional authority for any bill introduced in the House of Representatives. Every member of this body takes an oath to support and defend the Constitution. Therefore, this new rule adds nothing to the responsibilities we have already pledged to undertake. It does, however, add to the costs of government. Publishing each statement in the CONGRESSIONAL RECORD will cost the taxpayers an estimated \$570,000 each year for supplies, labor and delivery.

Furthermore, this requirement is a solution in search of a problem. According to the Congressional Research Service, only about two hundred and twenty acts of Congress have been held unconstitutional by the Supreme Court since 1789. In the past ten years, the Court has struck down laws a mere seventeen times. The number of acts courts have upheld is surely in the thousands. So I ask, what is the Constitutional crisis this requirement addresses?

The rule itself demonstrates the lack of urgency here. It requires a perfunctory statement without explanation. Committees need not consider the statement, no Member will ever vote on it, and Senate bills can be considered without one. By omitting any teeth, the rule clearly indicates that Members are already capable of ensuring that bills comply with the Constitution. In the rare instance we go too far, the courts are perfectly capable of correcting us.

Sometimes, the Constitution itself must be corrected. For example, the original Constitution expressly allowed for slavery and counted slaves as three-fifths of a person. Certainly, I would not be here to make this statement if no one had challenged those provisions. Without the Fourteenth Amendment, the Constitution would not guarantee the rights to due process and equal protection that are now fundamental principles throughout American life. For over one hundred years, until 1920, it failed to ensure that women had a right to vote. Imagine a country in which only white, land-owning men could vote—that is the world we would live in if we were bound by the words of the Constitution as written.

Finally, while we respect the Constitution's limits on governmental action, we must remember that the framers purposely created a living document and intended it to grow and change with the country. The Constitution is a work in progress and what we do in Congress can help push it forward. Clauses we cite now may not exist or may be understood differently in the future. Pretending otherwise through empty (and costly) formalities does a disservice to its spirit and the causes of freedom and justice.

Ms. MOORE. Mr. Speaker, I rise today to sound the alarm about the hypocrisy and reckless budget policies the Republicans have rolled out this week.

The Republican leadership has declared that a new day is dawning—a day of so-called “fiscal discipline.” But even a child could see that their new “cut-go” budget loopholes just

compound irresponsibility with more irresponsibility. Republicans want free rein to cut taxes but not pay for them and to ignore the fact that health care reform saves us \$143 billion, according to the Congressional Budget Office.

These GOP accounting gimmicks will not get our fiscal house in order, but instead will move us closer to the precipice. Before we know it, safety net programs for our most vulnerable populations—like Social Security, and Medicare—will be first on the chopping block. We saw their opening gambit last month when Republicans held the unemployed hostage to win bloated tax breaks for the wealthiest Americans, adding billions to the budget deficit.

Now they are saying that when they give more tax cuts to the super rich, they don't have to pay for them. The gimmick should be called “cut-go, tax cut go-go-go.” I voted against the tax cut package because it was irresponsible, and it was inequitable. These new budget loopholes will only accelerate the erosion of our social safety net. I thought that the Republicans wanted to balance the Federal budget. But this trick takes us in the opposite direction. I urge you to vote against these rule changes.

The material previously referred to by Ms. SLAUGHTER is as follows:

AMENDMENT TO H. RES. 5

Page 28, after line 10, insert the following:
(3) A measure may only qualify for an exemption under this subsection if it does not increase the deficit over the period of fiscal years 2011 through 2021 beyond the exemptions permitted in the Statutory Pay-As-You-Go Act of 2010.

Mr. DREIER. It is with a great deal of zeal, enthusiasm, and gratitude that I move the previous question and yield back the balance of my time.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 188, not voting 7, as follows:

[Roll No. 4]

YEAS—236

Adams	Brooks	Crenshaw
Aderholt	Broun (GA)	Culberson
Akin	Buchanan	Davis (KY)
Alexander	Bucshon	Denham
Amash	Buerkle	Dent
Austria	Burgess	DesJarlais
Bachmann	Burton (IN)	Diaz-Balart
Bachus	Calvert	Dold
Bartlett	Camp	Dreier
Barton (TX)	Campbell	Duffy
Bass (NH)	Canseco	Duncan (SC)
Benishek	Cantor	Duncan (TN)
Berg	Capito	Ellmers
Biggart	Carter	Emerson
Bilbray	Cassidy	Farenthold
Bilirakis	Chabot	Fincher
Bishop (UT)	Chaffetz	Flake
Black	Coble	Fleischmann
Blackburn	Coffman (CO)	Fleming
Bonner	Cole	Flores
Bono Mack	Conaway	Forbes
Boustany	Cravaack	Fortenberry
Brady (TX)	Crawford	Foxx

Franks (AZ)	LaTourette	Roby
Frelinghuysen	Latta	Roe (TN)
Gallegly	Lee (NY)	Rogers (KY)
Gardner	Lewis (CA)	Rogers (MI)
Garrett	LoBiondo	Rohrabacher
Gerlach	Long	Rokita
Gibbs	Lucas	Rooney
Gibson	Luetkemeyer	Ros-Lehtinen
Gingrey (GA)	Lummis	Roskam
Gohmert	Lungren, Daniel	Ross (FL)
Goodlatte	E.	Royce
Gosar	Mack	Runyan
Gowdy	Manzullo	Ryan (WI)
Granger	Marchant	Scalise
Graves (GA)	Marino	Schilling
Graves (MO)	McCarthy (CA)	Schmidt
Griffin (AR)	McCaul	Schock
Griffith (VA)	McClintock	Schweikert
Grimm	McCotter	Scott (SC)
Guinta	McHenry	Scott, Austin
Guthrie	McKeon	Sensenbrenner
Hall	McKinley	Shimkus
Hanna	McMorris	Shuster
Harper	Rodgers	Simpson
Harris	Meehan	Smith (NE)
Hartzler	Mica	Smith (NJ)
Hastings (WA)	Miller (FL)	Smith (TX)
Hayworth	Miller (MI)	Southerland
Heck	Miller, Gary	Stearns
Heller	Mulvaney	Stivers
Hensarling	Murphy (PA)	Stutzman
Herger	Myrick	Sullivan
Herrera Beutler	Neugebauer	Terry
Huelskamp	Noem	Thompson (PA)
Huizenga (MI)	Nugent	Thornberry
Hultgren	Nunes	Tiberi
Hunter	Nunnelee	Tipton
Hurt	Olson	Turner
Issa	Palazzo	Upton
Jenkins	Paul	Walberg
Johnson (IL)	Paulsen	Walden
Johnson (OH)	Pearce	Walsh (IL)
Johnson, Sam	Pence	Webster
Jones	Petri	West
Jordan	Pitts	Westmoreland
Kelly	Platts	Whitfield
King (IA)	Poe (TX)	Wilson (SC)
King (NY)	Pompeo	Wittman
Kingston	Posey	Wolf
Kinzinger (IL)	Price (GA)	Womack
Kline	Quayle	Woodall
Labrador	Rehberg	Yoder
Lamborn	Reichert	Young (AK)
Lance	Renacci	Young (FL)
Landry	Ribble	Young (IN)
Lankford	Rigell	
Latham	Rivera	

NAYS—188

Ackerman	Conyers	Harman
Altmire	Cooper	Hastings (FL)
Andrews	Costa	Heinrich
Baca	Costello	Higgins
Baldwin	Courtney	Himes
Barrow	Critz	Hinchee
Bass (CA)	Crowley	Hinojosa
Becerra	Cuellar	Hirono
Berkley	Cummings	Holden
Berman	Davis (CA)	Holt
Bishop (GA)	Davis (IL)	Honda
Bishop (NY)	DeGette	Hoyer
Blumenauer	DeLauro	Inslee
Boren	Deutch	Israel
Boswell	Dicks	Jackson (IL)
Brady (PA)	Dingell	Jackson Lee
Braley (IA)	Doggett	(TX)
Brown (FL)	Donnelly (IN)	Johnson, E. B.
Butterfield	Doyle	Kaptur
Capps	Edwards	Keating
Capuano	Ellison	Kildee
Cardoza	Engel	Kind
Carnahan	Eshoo	Kissell
Carney	Farr	Kucinich
Carson (IN)	Fattah	Langevin
Castor (FL)	Filner	Larsen (WA)
Chandler	Frank (MA)	Larson (CT)
Chu	Fudge	Lee (CA)
Cicilline	Garamendi	Levin
Clarke (MI)	Giffords	Lewis (GA)
Clarke (NY)	Gonzalez	Lipinski
Clay	Green, Al	Loebsock
Cleaver	Green, Gene	Lofgren, Zoe
Clyburn	Grijalva	Lowe
Cohen	Gutierrez	Lujan
Connolly (VA)	Hanabusa	Lynch

Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Perlmutter

Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell

Sherman
Shuler
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—7

Barletta
Johnson (GA)
Reed

Rogers (AL)
Serrano
Speier

Wilson (FL)

□ 1657

Messrs. GEORGE MILLER of California, HOLT, CUELLAR, KILDEE, Ms. LEE of California, Messrs. GUTIERREZ, CARSON of Indiana, and CONYERS changed their vote from “yea” to “nay.”

Mr. SULLIVAN changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

MOTION TO COMMIT

Mr. CROWLEY. Madam Speaker, I have a motion to commit at the desk.

The SPEAKER pro tempore (Mrs. BIGGERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. Crowley moves that the resolution (H. Res. 5) be committed to a select committee composed of the Majority Leader and the Minority Leader with instructions to report it forthwith back to the House with the following amendment:

At the end of rule XXVI, add the following new clause:

“4.(a) Not later than 15 days after taking the oath of office, a Member, Delegate, or Resident Commissioner shall notify the Clerk of whether that Member, Delegate, or Resident Commissioner elects to participate in the Federal Employees Health Benefits Program.

“(b) The notifications made pursuant to paragraph (a) shall be made under the same terms as the financial disclosure statement required under this rule.”.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CROWLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 238, not voting 2, as follows:

[Roll No. 5]

YEAS—191

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NAYS—238

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishchek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner

Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble

Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher

Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foss
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador

Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert

Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—2

Ellison
Walsh (IL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1717

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ELLISON. Madam Speaker, on January 5, 2011, I inadvertently missed rollcall No. 5. Had I been present I would have voted “yea.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 191, not voting 2, as follows:

[Roll No. 6]

YEAS—238

Adams Gosar Nugent
 Aderholt Gowdy Nunes
 Akin Granger Nunnelee
 Alexander Graves (GA) Olson
 Amash Graves (MO) Palazzo
 Austria Griffin (AR) Paul
 Bachmann Griffith (VA) Paulsen
 Bachus Grimm Pearce
 Bartlett Guinta Pence
 Bartlett Guthrie Petri
 Barton (TX) Hall Pitts
 Bass (NH) Hanna Platts
 Benishek Harper Poe (TX)
 Berg Harris Pompeo
 Biggart Hartzler Posey
 Bilbray Hastings (WA) Price (GA)
 Bilirakis Hayworth Quayle
 Bishop (UT) Heck Reed
 Black Heller Rehberg
 Blackburn Hensarling Reichert
 Bonner Herger Renacci
 Bono Mack Herrera Beutler
 Boustany Huelskamp Ribble
 Brady (TX) Huizenga (MI) Rigell
 Brooks Hultgren Roby
 Broun (GA) Hunter Roe (TN)
 Buchanan Hurt Rogers (AL)
 Bucshon Issa Rogers (KY)
 Buerkle Jenkins Rogers (MI)
 Burgess Johnson (IL) Rohrabacher
 Burton (IN) Johnson (OH) Rokita
 Calvert Johnson, Sam Rooney
 Camp Jones Ros-Lehtinen
 Campbell Jordan Roskam
 Canseco Kelly Ross (FL)
 Cantor King (IA) Royce
 Capito King (NY) Runyan
 Carter Kingston Ryan (WI)
 Cassidy Kinzinger (IL) Scallise
 Chabot Kline Schilling
 Chaffetz Labrador Schmidt
 Coble Lamborn Schock
 Coffman (CO) Lance Schweikert
 Cole Landry Scott (SC)
 Conaway Lankford Scott, Austin
 Cravaack Latham Sensenbrenner
 Crenshaw LaTourette Shimkus
 Culberson Latta Shuster
 Davis (KY) Lee (NY) Simpson
 Denham Lewis (CA) Smith (NE)
 Dent LoBiondo Smith (NJ)
 DesJarlais Long Smith (TX)
 Diaz-Balart Lucas Southerland
 Dold Luetkemeyer Stearns
 Dreier Lummis Stivers
 Duffy Lungren, Daniel Stutzman
 Duncan (SC) E. Sullivan
 Duncan (TN) Mack Terry
 Ellmers Manzullo Thompson (PA)
 Emerson Marchant Thornberry
 Farenthold Marino Tiberi
 Fincher McCarthy (CA) Tipton
 Flake McCaul Turner
 Fleischmann McClintock Upton
 Fleming McCotter Walberg
 Flores McHenry Walden
 Forbes McKeon Walsh (IL)
 Fortenberry McKinley Webster
 Foxx McMorris West
 Franks (AZ) Rodgers Westmoreland
 Frelinghuysen Meehan Whitfield
 Gallegly Mica Wilson (SC)
 Gardner Miller (FL) Wittman
 Garrett Miller (MI) Wolf
 Gerlach Miller, Gary Womack
 Gibbs Mulvaney Woodall
 Gibson Murphy (PA) Yoder
 Gingrey (GA) Myrick Young (AK)
 Gohmert Neugebauer Young (FL)
 Goodlatte Noem Young (IN)

NAYS—191

Ackerman Bishop (GA) Capuano
 Altmire Bishop (NY) Cardoza
 Andrews Blumenauer Carnahan
 Baca Boren Carney
 Baldwin Boswell Carson (IN)
 Barrow Brady (PA) Castor (FL)
 Bass (CA) Braley (IA) Chandler
 Becerra Brown (FL) Chu
 Berkley Butterfield Cicilline
 Berman Capps Clarke (MI)

Clarke (NY) Jackson (IL)
 Clay Jackson Lee
 Cleaver (TX)
 Clyburn Johnson (GA)
 Cohen Johnson, E. B.
 Connolly (VA) Kaptur
 Conyers Keating
 Cooper Kildee
 Costa Kind
 Costello Kissell
 Courtney Kucinich
 Critz Langevin
 Crowley Larsen (WA)
 Cuellar Larson (CT)
 Cummings Lee (CA)
 Davis (CA) Levin
 Davis (IL) Lewis (GA)
 DeGette Lipinski
 DeLauro Loebsack
 Deutch Lofgren, Zoe
 Dicks Lowey
 Dingell Lujan
 Doggett Lynch
 Donnelly (IN) Maloney
 Doyle Markey
 Edwards Matheson
 Ellison Matsui
 Engel McCarthy (NY)
 Eshoo McCollum
 Farr McDermott
 Fattah McGovern
 Filner McIntyre
 Frank (MA) McNerney
 Fudge Meeks
 Garamendi Michaud
 Giffords Miller (NC)
 Gonzalez Miller, George
 Green, Al Moore
 Green, Gene Moran
 Grijalva Murphy (CT)
 Gutierrez Nadler
 Harman Napolitano
 Hastings (FL) Neal
 Heinrich Oliver
 Higgins Owens
 Himes Pallone
 Hinchey Pascrell
 Hinojosa Pastor (AZ)
 Hirono Payne
 Holden Pelosi
 Holt Perlmutter
 Honda Peters
 Hoyer Peterson
 Inslee Pingree (ME)
 Israel Polis
 Yarmuth

NOT VOTING—2

Crawford Hanabusa

□ 1734

Mr. BERMAN changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a stray numeral “3” is stricken on page 26, line 10.

There was no objection.

A motion to reconsider was laid on the table.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. HENSARLING. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Lucas, Chairman.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Rogers of Kentucky, Chairman; Mr. Young of Florida; Mr. Lewis of California; Mr. Wolf; Mr. Kingston; Mr. Frelinghuysen; Mr. Latham; Mr. Aderholt; Mrs. Emerson; Ms. Granger; Mr. Simpson; Mr. Culberson; Mr. Crenshaw; Mr. Rehberg; Mr. Carter; Mr. Alexander; Mr. Calvert; Mr. Bonner; Mr. LaTourette; Mr. Cole; Mr. Flake; Mr. Diaz-Balart; Mr. Dent; Mr. Austria; Mrs. Lummis; Mr. Graves of Georgia; Mr. Yoder; Mr. Womack; and Mr. Nunnelee.

(3) COMMITTEE ON ARMED SERVICES.—Mr. McKeon, Chairman.

(4) COMMITTEE ON THE BUDGET.—Mr. Ryan of Wisconsin, Chairman.

(5) COMMITTEE ON EDUCATION AND THE WORK-FORCE.—Mr. Kline, Chairman.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Upton, Chairman.

(7) COMMITTEE ON ETHICS.—Mr. Bonner, Chairman; Mr. McCaul; Mr. Conaway; Mr. Dent; and Mr. Harper.

(8) COMMITTEE ON FINANCIAL SERVICES.—Mr. Bachus, Chairman.

(9) COMMITTEE ON FOREIGN AFFAIRS.—Ms. Ros-Lehtinen, Chairman.

(10) COMMITTEE ON HOMELAND SECURITY.—Mr. King of New York, Chairman.

(11) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Daniel E. Lungren of California, Chairman; Mr. Harper; Mr. Gingrey of Georgia; Mr. Schock; Mr. Rokita; and Mr. Nugent.

(12) COMMITTEE ON THE JUDICIARY.—Mr. Smith of Texas, Chairman.

(13) COMMITTEE ON NATURAL RESOURCES.—Mr. Hastings of Washington, Chairman.

(14) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Issa, Chairman.

(15) COMMITTEE ON RULES.—Mr. Dreier, Chairman; Mr. Sessions; Ms. Foxx; Mr. Woodall; Mr. Nugent; Mr. Scott of South Carolina; and Mr. Webster.

(16) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Mr. Hall, Chairman.

(17) COMMITTEE ON SMALL BUSINESS.—Mr. Graves of Missouri, Chairman.

(18) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Mica, Chairman.

(19) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Miller of Florida, Chairman.

(20) COMMITTEE ON WAYS AND MEANS.—Mr. Camp, Chairman; Mr. Herger; Mr. Sam Johnson of Texas; Mr. Brady of Texas; Mr. Ryan of Wisconsin; Mr. Nunes; Mr. Tiberi; Mr. Davis of Kentucky; Mr. Reichert; Mr. Boustany; Mr. Heller; Mr. Roskam; Mr. Gerlach; Mr. Price of Georgia; Mr. Buchanan; Mr. Smith of Nebraska; Mr. Schock; Mr. Lee of New York; Ms. Jenkins; Mr. Paulsen; Mr. Berg; and Mrs. Black.

Mr. HENSARLING (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 2

In the Senate of the United States, January 5, 2011.

Resolved, That the Secretary inform the House of Representative that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 1. Concurrent resolution providing for a conditional recess or adjournment of the Senate and an adjournment of the House of Representatives.

The message also announced that pursuant to Public Law 95-521, the Chair, on behalf of the President pro tempore, appoints Morgan J. Frankel as Senate Legal Counsel for a term of service to expire at the end of the 113th Congress.

The message also announced that pursuant to Public Law 91-521, the Chair, on behalf of the President pro tempore, appoints Patricia Mack Bryan as Deputy Senate Legal Counsel for a term of service to expire at the end of the 113th Congress.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CAPUANO. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Peterson of Minnesota.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Dicks.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Smith of Washington.

(4) COMMITTEE ON THE BUDGET.—Mr. Van Hollen.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. George Miller of California.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Waxman.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank of Massachusetts.

(8) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Berman.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi.

(10) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Brady of Pennsylvania.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Conyers.

(12) COMMITTEE ON NATURAL RESOURCES.—Mr. Markey.

(13) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Cummings.

(14) COMMITTEE ON RULES.—Ms. Slaughter, Mr. McGovern, Mr. Hastings of Florida, and Mr. Polis.

(15) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Ms. Eddie Bernice Johnson of Texas.

(16) COMMITTEE ON SMALL BUSINESS.—Ms. Velázquez.

(17) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Rahall.

(18) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Filner.

(19) COMMITTEE ON WAYS AND MEANS.—Mr. Levin.

Mr. CAPUANO (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE DESIGNATION OF CERTAIN MINORITY EMPLOYEES

Mr. CAPUANO. Madam Speaker, I offer a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the resolution is as follows:

H. RES. 8

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 2011, until otherwise ordered by the House, to-wit: John Lawrence, George Kundanis, Richard Meltzer, Wyndee Parker, Wendell Primus, and Nadeam Elshami, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to 3 further minority employees.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. DREIER. Madam Speaker, let me first say it is great to see you presiding over this great deliberative body.

I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That unless otherwise ordered, before Tuesday, February 1, 2011, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; 10 a.m. on Wednesdays and Thursdays; and 9 a.m. on all other days of the week; and from Tuesday, February 1, 2011, until the end of the first session, the hour of daily meeting of the

House shall be 2 p.m. on Mondays; noon on Tuesdays (or 2 p.m. if no legislative business was conducted on the preceding Monday); noon on Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. DREIER. Madam Speaker, I offer a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Twelfth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING THE 112TH CONGRESS

Mr. CANTOR. Madam Speaker, I ask unanimous consent that during the 112th Congress, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEEOUS MATERIAL IN THE CONGRESSIONAL RECORD DURING THE 112TH CONGRESS

Mr. CANTOR. Madam Speaker, I ask unanimous consent that during the 112th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1740

MAKING IN ORDER MORNING-HOUR DEBATE

Mr. CANTOR. Madam Speaker, I ask unanimous consent that during the first session of the 112th Congress:

(1) on legislative days of Monday or Tuesday when the House convenes pursuant to House Resolution 10, the House shall convene 2 hours earlier than the time otherwise established by the resolution for the purpose of conducting morning-hour debate;

(2) on legislative days of Wednesday or Thursday beginning on February 1, 2011, when the House convenes pursuant to House Resolution 10, the House shall convene 2 hours earlier than the time otherwise established by the resolution for the purpose of conducting morning-hour debate;

(3) when the House convenes pursuant to an order other than H. Res. 10, the House shall convene for the purpose of conducting morning-hour debate only as prescribed by such order;

(4) the time for morning-hour debate shall be allocated equally between the parties and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House; and

(5) the form of proceeding for morning-hour debate shall be as follows:

(a) the prayer by the Chaplain, the approval of the Journal, and the Pledge of Allegiance to the flag shall be postponed until resumption of the session of the House;

(b) initial and subsequent recognitions for debate shall alternate between the parties;

(c) recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader;

(d) no Member may address the House for longer than 5 minutes, except the majority leader, the minority leader, or the minority whip;

(e) no legislative business shall be in order except the filing of privileged reports; and

(f) following morning-hour debate, the Chair shall declare a recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. CANTOR. Madam Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion at the outset of a Congress to announce her policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements concerning:

- first, privileges of the floor;
- second, introduction of bills and resolutions;
- third, unanimous-consent requests for the consideration of legislation;
- fourth, recognition for 1-minute speeches;
- fifth, recognition for Special Order speeches;
- sixth, decorum in debate;
- seventh, conduct of votes by electronic device;
- eighth, use of handouts on the House floor;
- ninth, use of electronic equipment on the House floor; and
- tenth, use of the Chamber.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Chair intends to continue in the 112th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

Without objection, the announcements will be printed in the RECORD.

There was no objection.

1. PRIVILEGES OF THE FLOOR

The Chair will make the following announcements regarding floor privileges, which will apply during the 112th Congress.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO STAFF

Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 21, 1986, January 3, 1985, January 25, 1983, and August 22, 1974, and as stated in Chapter 10, section 2, of House Practice, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the

consideration of measures within the jurisdiction of their committees. The Chair is making this statement and reiterating this policy because of Members' past insistence upon strict enforcement of the rule. The Chair requests each committee chair, and each ranking minority member, to submit to the Speaker a list of those staff who are allowed on the floor during the consideration of a measure reported by their committee. The Sergeant-at-Arms, who has been directed to assure proper enforcement of rule IV, will keep the list. Each staff person should exchange his or her ID for a "committee staff" badge, which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him.

Furthermore, as the Chair announced on January 7, 2003, in accordance with the change in the 108th Congress of clause 2(a) of rule IV regarding leadership staff floor access, only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that his approval be narrowly granted on a bipartisan basis to staff from the majority and minority side and only to those staff essential to floor activities.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO FORMER MEMBERS

The Speaker's policy announced on February 1, 2006, will continue to apply in the 112th Congress.

ANNOUNCEMENT BY THE SPEAKER, FEBRUARY 1, 2006

The SPEAKER. The House has adopted a revision to the rule regarding the admission to the floor and the rooms leading thereto. Clause 4 of rule IV provides that a former Member, Delegate or Resident Commissioner or a former Parliamentarian of the House, or a former elected officer of the House or a former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and the rooms extending thereto if he or she is a registered lobbyist or an agent of a foreign principal; has any direct personal pecuniary interest in any legislative measure pending before the House, or reported by a committee; or is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

This restriction extends not only to the House floor but adjacent rooms, the cloak-rooms and the Speaker's lobby.

Clause 4 of rule IV also allows the Speaker to exempt ceremonial and educational functions from the restrictions of this clause. These restrictions shall not apply to attendance at joint meetings or joint sessions, Former Members' Day proceedings, educational tours, and other occasions as the Speaker may designate.

Members who have reason to know that a person is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant-at-Arms promptly.

2. INTRODUCTION OF BILLS AND RESOLUTIONS

The policy that the Chair announced on January 3, 1983, with respect to the introduction and reference of bills and resolutions will continue to apply in the 112th Congress. The Chair has advised all officers and employees of the House who are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be

that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

3. UNANIMOUS-CONSENT REQUESTS FOR THE CONSIDERATION OF LEGISLATION

The policy the Chair announced on January 6, 1999, with respect to recognition for unanimous-consent requests for the consideration of certain legislative measures will continue to apply in the 112th Congress. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills, resolutions, and other measures only when assured that the majority and minority floor leadership and the relevant committee chairs and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for the unanimous-consent requests chronicled in section 956 without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

4. RECOGNITION FOR ONE-MINUTE SPEECHES

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO ONE-MINUTE SPEECHES

The Speaker's policy announced on August 8, 1984, with respect to recognition for one-minute speeches will apply during the 112th Congress. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

5. RECOGNITION FOR SPECIAL-ORDER SPEECHES

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO SPECIAL-ORDER SPEECHES

The Speaker's policy with regard to special-order speeches announced on February 11, 1994, as clarified and reiterated by subsequent Speakers, will continue to apply in the 112th Congress, with the following modifications.

The Chair may recognize Members for special-order speeches for up to 4 hours. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, the Chair will not recognize for any special-order speeches beyond 10 o'clock in the evening.

The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first

hour for respective leaderships or their designees. The second hour reserved to each party will be divided into two 30-minute periods. Recognition for one-hour periods and for 30-minute periods will alternate initially and subsequently between the parties each day.

The allocation of time within each party's 2-hour period (or shorter period if prorated to end by 10 p.m.) will be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than one week prior to the special order. Additional guidelines may be established for such sign-ups by the respective leaderships.

Before February 1, 2011, the Chair may recognize Members for 5-minute special-order speeches following the conclusion of legislative business, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair may then recognize Members for longer special-order speeches. A Member recognized for a 5-minute special-order speech may not be recognized for a longer special-order speech.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a "crawl" indicating the conduct of morning-hour debate or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. The Chair may announce other adaptations during this period.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII and includes the ability to withdraw recognition for longer special-order speeches should circumstances warrant.

6. DECORUM IN DEBATE

The Chair's announced policies of January 7, 2003, January 4, 1995, and January 3, 1991, will apply in the 112th Congress. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but also to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; to address the Chair while standing and only during, and not beyond, the time recognized, and not to address the television or other imagined audience; to refrain from passing between the Chair and a Member speaking, or directly in front of a Member speaking from the well; to refrain from smoking in the Chamber; to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid "personalities" in debate with respect to ref-

erences to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248 and was reiterated on January 19, 1995.

7. CONDUCT OF VOTES BY ELECTRONIC DEVICE

The Speaker's policy announced on January 4, 1995, with respect to the conduct of electronic votes will continue in the 112th Congress with modifications as follows.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary record vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by record votes. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber. Members will be given a reasonable amount of time in which to accurately record their votes. No occupant of the Chair would prevent a Member who is in the well before the announcement of the result from casting his or her vote. The Speaker believes the best practice for presiding officers is to await the Clerk's certification that a vote tally is complete and accurate.

8. USE OF HANDOUTS ON HOUSE FLOOR

The Speaker's policy announced on September 27, 1995, which was prompted by a misuse of handouts on the House floor and made at the bipartisan request of the Committee on Standards of Official Conduct, will continue in the 112th Congress. All handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the Record. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff is prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

9. USE OF ELECTRONIC EQUIPMENT ON HOUSE FLOOR

The Speaker's policy announced on January 27, 2000, as clarified on January 6, 2009, and as modified by the change in clause 5 of rule XVII in the 112th Congress, will continue in the 112th Congress, with the following modifications. All Members and staff are reminded of the absolute prohibition contained in clause 5 of rule XVII against the use of mobile electronic devices that impair decorum. Those devices include wireless telephones and personal computers. The Chair wishes to note that electronic tablet devices do not constitute personal computers within the meaning of this policy and thus may be unobtrusively used in the Chamber. No device may be used for still photography or for audio or video recording.

The Chair requests all Members and staff wishing to receive or make wireless telephone calls to do so outside of the Chamber. The Chair further requests that all Members and staff refrain from wearing telephone headsets in the Chamber and to deactivate any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II and clause 5 of rule XVII, to enforce this prohibition.

10. USE OF CHAMBER

The Speaker's policy announced on January 6, 2009, with respect to use of the Chamber will continue in the 112th Congress with modifications as follows.

The Chair will announce to the House the policy of the Speaker concerning appropriate comportment in the chamber when the House is not in session.

Under clause 3 of rule I, the Speaker is responsible to control the Hall of the House. Under clause 1 of rule IV, the Hall of the House is to be used only for the legislative business of the House, for caucus and conference meetings of its Members, and for such ceremonies as the House might agree to conduct there.

When the House stands adjourned, its chamber remains on static display. It may accommodate visitors in the gallery or on the floor, subject to the needs of those who operate, maintain, and secure the chamber to go about their ordinary business. Because outside "coverage" of the chamber is limited to floor proceedings and is allowed only by accredited journalists, when the chamber is on static display no audio and video recording or transmitting devices are allowed. The long custom of disallowing even still photography in the chamber is based at least in part on the notion that an image having this setting as its backdrop might be taken to carry the imprimatur of the House.

The imprimatur of the House adheres to the Journal of its proceedings, which is kept pursuant to the Constitution. The imprimatur of the House adheres to the Congressional Record, which is kept as a substantially verbatim transcript pursuant to clause 8 of rule XVII. The imprimatur of the House adheres to the audio and visual transmissions and recordings that are made and kept by the television system administered by the Speaker pursuant to rule V. But the imprimatur of the House may not be appropriated to other, ad hoc accounts or compositions of events in its chamber.

APPOINTMENT—HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2001, and the order of the House of today, the Chair announces the Speaker's appointment of the gentleman from Virginia (Mr. CANTOR) and the gentlewoman from California (Ms. PELOSI) as members of the House Office Building Commission to serve with himself.

APPORTIONMENT POPULATION AND NUMBER OF REPRESENTATIVES, BY STATE: 2010 CENSUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-5)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committees on the Judiciary and Oversight and Government Reform and ordered to be printed:

To the Congress of the United States:

Pursuant to title 2, United States Code, section 2a(a), I transmit herewith the statement showing the apportionment population for each State as of April 1, 2010, and the number of Representatives to which each State would be entitled.

BARACK OBAMA.

THE WHITE HOUSE, January 5, 2011.

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 5, 2011.

Hon. KAREN L. HAAS,
Clerk of the House of Representatives, The Capitol, Washington, DC.

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative Eric Cantor of Virginia to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, or any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

JOHN A. BOEHNER,
Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the Speaker has delivered to the Clerk a letter dated January 5, 2011, listing Members in the

order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That (a) when the Senate adjourns or recesses on any day from Wednesday, January 5, 2011, through Monday, January 10, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned or recessed until 10 a.m. on Tuesday, January 25, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and

(b) when the House adjourns on the legislative day of Wednesday, January 12, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, January 18, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on any legislative day from Wednesday, January 26, 2011, through Friday, January 28, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 8, 2011 or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate, or his designee, after consultation with the Minority Leader of the Senate, or his designee, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official business in the district.

ADJOURNMENT

Ms. FOXX. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, January 6, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Assistant Secretary, Department of Defense, transmitting a report on Department of Defense counter-terrorism activities, pursuant to Public Law 111-84, section 1022; to the Committee on Armed Services.

2. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Participation in Acquisitions in Support of Operations in Afghanistan (DFARS Case 2009-D012) (RIN: 0750-AG80) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Minority and Women Inclusion (RIN: 2590-AA28) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Portfolio Holdings (RIN: 2590-AA22) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Housing Goals (RIN: 2590-AA16) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6. A letter from the Secretary, Department of Health and Human Services, transmitting a report to Congress on Preventive and Obesity-Related Services Available to Medicaid Enrollees, pursuant to Public Law 111-148, section 4004(i); to the Committee on Energy and Commerce.

7. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Final FY 2009 and Preliminary FY 2011 Disproportionate Share Hospital Allotments, and Final FY 2009 and Preliminary FY 2011 Institutions for Mental Diseases Disproportionate Share Hospital Limits [CMS-2321-N] (RIN: 0938-AQ44) received December 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8. A letter from the Secretary, Department of Health and Human Services, transmitting a report to Congress on activities related to the regulation of free samples of tobacco products; to the Committee on Energy and Commerce.

9. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Pacific Junction, Iowa) [MB Docket No.: 10-108] received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

11. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-108, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

12. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Publicly Available Mass Market Encryption Software and Other Specified Publicly Available Encryption Software in Object Code [Docket No.: 100108014-0121-01] (RIN: 0694-AE82) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

13. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report on foreign military or defense ministry civilian involvement in the International Military Education and Training (IMET) program, pursuant to Section 549 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

14. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-120, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

15. A letter from the Inspector General, Department of the Treasury, transmitting a report to Congress entitled "Significant Problems Still Exist With Internal Revenue Service Efforts to Identify Prisoner Tax Refund Fraud", pursuant to Public Law 110-428; to the Committee on Oversight and Government Reform.

16. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-48; Introduction [Docket: FAR 2010-0076, Sequence 10] received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

17. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's Performance and Accountability Report for fiscal year 2010, pursuant to Public Law 106-531; to the Committee on Oversight and Government Reform.

18. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

19. A letter from the Assistant Attorney General, Department of Justice, transmitting annual report pursuant to the Military and Overseas Voter Empowerment Act, pursuant to Public Law 111-84, section 587; to the Committee on House Administration.

20. A letter from the Clerk, U.S. House of Representatives, transmitting List of reports

pursuant to Clause 2(b), Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 112-4); to the Committee on House Administration and ordered to be printed.

21. A letter from the Principal Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Department's "Major" final rule — Non-discrimination on the Basis of Disability in State and Local Government Services [CRT Docket No.: 105; AG Order No. 3180-2010] (RIN: 1190-AA46) received December 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

22. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Waiver for Ineligible Nonimmigrants under INA 212(d)(3)(A), As Amended; Applicants Ineligible Under INA 212(a)(3)(E)(iii) [Public Notice:] received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

23. A letter from the Secretary, Judicial Conference of the United States, transmitting a letter on the adequacy of the rules prescribed by the Supreme Court to protect privacy and address security concerns relating to electronically filed documents in the federal courts, pursuant to Public Law 107-347, section 205(c)(3)(C); to the Committee on the Judiciary.

24. A letter from the Deputy Assistant Secretary for Import Administration, Department of Commerce, transmitting the Department's annual report for fiscal year 2009 on the activities of the Foreign-Trade Zones Board, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following actions occurred on December 30, 2010]

Mr. FILNER: Committee on Veterans' Affairs. Activities Report of the Committee on Veterans' Affairs, 111th Congress (Rept. 111-697). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. Summary of Activities of the Committee on Science and Technology for the 111th Congress (Rept. 111-698). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. Report on Legislative and Oversight Activities of the House Committee on Homeland Security for the 111th Congress (Rept. 111-699). Referred to the Committee of the Whole House on the State of the Union.

[The following actions occurred on January 3, 2011]

Mr. OBEY: Committee on Appropriations. Report on Activities of the Committee on Appropriations, 111th Congress (Rept. 111-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. Report on Legislative and Oversight Activities of the Committee on Natural Resources During the 111th Congress (Rept. 111-701). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. Report on the Activity of the Committee on Financial Services for the 111th Congress (Rept. 111-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON: Committee on Agriculture. Report of the Committee on Agriculture on Activities During the 111th Congress (Rept. 111-703). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPRATT: Committee on the Budget. Activities and Summary Report of the Committee on the Budget, 111th Congress (Rept. 111-704). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. Activities of the House Committee on Oversight and Government Reform for the 111th Congress (Rept. 111-705). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. Report on the Activity of the Committee on Energy and Commerce, 111th Congress (Rept. 111-706). Referred to the Committee of the Whole House on the State of the Union.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. Summary of Activities of the Committee on Standards of Official Conduct for the 111th Congress (Rept. 111-707). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEVIN: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means During the 111th Congress. (Rept. 111-708). Referred to the Committee of the Whole House on the State of the Union.

Mr. MARKEY of Massachusetts: Final Staff Report for the 111th Congress from the Select Committee on Energy Independence and Global Warming (Rept. 111-709). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKELTON: Committee on Armed Services. Report of the Activities of the Committee on Armed Services for the 111th Congress (Rept. 111-710). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 111th Congress (Rept. 111-711). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CANTOR (for himself, Mr. CAMP, Mr. KLINE, Mr. UPTON, Mr. SMITH of Texas, Mr. RYAN of Wisconsin, Mr. GRAVES of Missouri, Mr. MCCARTHY of California, Mr. ROSKAM, Mr. HENSARLING, Mr. SESSIONS, Mr. PRICE of Georgia, Mrs. McMORRIS RODGERS, Mr. CARTER, Mr. WALDEN, Mr. DREIER, Mrs. ADAMS, Mr. ADERHOLT, Mr. AKIN, Mr. AMASH, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BENISHEK, Mr. BERG, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACK, Mrs. BLACKBURN, Mr.

BONNER, Mrs. BONO MACK, Mr. BOUTSTANY, Mr. BRADY of Texas, Mr. BUCHANAN, Mr. BUCSHON, Ms. BUERKLE, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CRAVAACK, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENHAM, Mr. DENT, Mr. DIAZ-BALART, Mr. DUNCAN of Tennessee, Mrs. ELLMERS, Mrs. EMERSON, Mr. FARENTHOLD, Mr. FLAKE, Mr. FLEISCHMANN, Mr. FLORES, Mr. GALLEGLY, Mr. GARDNER, Mr. GARRETT, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES of Georgia, Mr. GRIFFITH of Virginia, Mr. GRIMM, Mr. GUTHRIE, Mr. HARPER, Mr. HASTINGS of Washington, Mr. HELLER, Mr. HERGER, Mr. HUELSKAMP, Mr. HUIZENGA of Michigan, Mr. HURT, Ms. JENKINS, Mr. JOHNSON of Ohio, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KING of Iowa, Mr. KINZINGER of Illinois, Mr. LABRADOR, Mr. LAMBORN, Mr. LANCE, Mr. LANDRY, Mr. LANKFORD, Mr. LATOURETTE, Mr. LATTI, Mr. LEE of New York, Mr. LEWIS of California, Mr. LOBIONDO, Mr. LUCAS, Mr. LUTHEMEYER, Mrs. LUMMIS, Mr. MACK, Mr. MARCHANT, Mr. MARINO, Mr. McKEON, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NUGENT, Mr. NUNNELEE, Mr. OLSON, Mr. PALAZZO, Mr. PAUL, Mr. PEARCE, Mr. PENCE, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POMPEO, Mr. POSEY, Mr. REHBERG, Mr. RENACCI, Mr. RIVERA, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. ROSS of Florida, Mr. ROYCE, Mr. SCALISE, Mrs. SCHMIDT, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of South Carolina, Mr. SHUSTER, Mr. SIMPSON, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. THORNBERRY, Mr. TIBERI, Mr. TURNER, Mr. WALBERG, Mr. WEST, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOODALL, Mr. CONAWAY, Mr. SMITH of Nebraska, Mr. FRELINGHUYSEN, Mr. GOHMERT, Mr. ISSA, Mr. MULVANEY, and Ms. HAYWORTH):

H.R. 2. A bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT (for himself, Mr. CHAFFETZ, Mr. SIMPSON, Mrs. BLACKBURN, Mr. COFFMAN of Colorado, Mr. ROE of Tennessee, Mr. JONES, Mr. BROWN of Georgia, Mr. BARTLETT, Mr. MCKINLEY, Ms. HAYWORTH, Mr. MILLER of Florida, Mr. POSEY, Mr. WESTMORELAND, Mr. CRENSHAW, Mr. GINGREY of Georgia, Mr. CULBERSON, Mr. BISHOP of Utah, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. MCCLINTOCK, Mr. NUGENT, Mr. REHBERG, Mr. GARY G. MILLER of

California, Mr. PETRI, Mr. DENT, Mr. BURGESS, Mr. MCCOTTER, Mr. TERRY, Mr. FRANKS of Arizona, and Mr. LAMBORN):

H.R. 21. A bill to amend the Internal Revenue Code of 1986 to repeal the mandate that individuals purchase health insurance; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Mrs. NAPOLITANO, Mr. STARK, Mr. HONDA, Ms. LEE of California, Mr. THOMPSON of California, and Mr. GARAMENDI):

H.R. 22. A bill to amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 23. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

By Mr. JONES:

H.R. 24. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. WOODALL (for himself, Mr.

PRICE of Georgia, Mr. BOREN, Mr. KING of Iowa, Mr. AKIN, Mr. BILBRAY, Mr. CARTER, Mr. CONAWAY, Mr. DUNCAN of Tennessee, Ms. FOXX, Mr. MCCAUL, Mr. OLSON, Mr. THORNBERRY, Mr. SULLIVAN, Mr. GINGREY of Georgia, Mr. BARTLETT, Mr. YOUNG of Alaska, Mr. CRENSHAW, Mr. WESTMORELAND, Mr. BILIRAKIS, Mr. POE of Texas, Mr. GRAVES of Georgia, Mr. NEUGEBAUER, Mr. MILLER of Florida, Mr. WITTMAN, Mr. KINGSTON, Mr. STUTZMAN, Mr. FLAKE, Mr. LONG, Mr. STEARNS, Mr. WALBERG, Mr. ROSS of Florida, Mr. ISSA, Mr. BROOKS, Mr. NUGENT, Mr. SCOTT of South Carolina, Mr. FARENTHOLD, Mr. DUNCAN of South Carolina, Mr. BISHOP of Utah, Mr. PENCE, Mrs. ADAMS, Mr. MICA, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. CULBERSON, Mr. LANKFORD, Mr. POMPEO, and Mr. GARY G. MILLER of California):

H.R. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 26. A bill to direct the Secretary of Defense to adopt a program of professional and confidential screenings to detect mental health injuries acquired during deployment in support of a contingency operation and ultimately to reduce the incidence of suicide among veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE (for himself, Mr. McDERMOTT, Mr. SMITH of Washington, Mr. PETERSON, Mr. RUPPERSBERGER, Mr. PRICE of North Carolina, Mr. LANGEVIN, Mr. BECERRA, Mr. DOGGETT, Mr. SERRANO, and Ms. DEGETTE):

H.R. 27. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. MCINTYRE:

H.R. 28. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCINTYRE:

H.R. 29. A bill to provide for the withdrawal of the United States from the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. WALSH of Illinois, and Mr. MANZULLO):

H.R. 30. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BIGGERT:

H.R. 31. A bill to require the Inspector General of the Federal Housing Finance Agency to submit quarterly reports to the Congress during the conservatorship of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; to the Committee on Financial Services.

By Mrs. BIGGERT:

H.R. 32. A bill to amend the definition of "homeless person" under the McKinney-Vento Homeless Assistance Act to include certain homeless children and youth; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 33. A bill to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act; to the Committee on Financial Services.

By Mrs. BIGGERT:

H.R. 34. A bill to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. BIGGERT:

H.R. 35. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for certain expenses of elementary and secondary school teachers to \$500 and to extend it through 2013; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 36. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to raise awareness of eating disorders and to create educational programs concerning the same, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 37. A bill to amend the Internal Revenue Code of 1986 to improve and expand education savings accounts; to the Committee on Ways and Means.

By Mr. FLEMING:

H.R. 38. A bill to rescind funds appropriated to the Health Insurance Reform Implementation Fund under the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 39. A bill to delist the polar bear as a threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. CONYERS:

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 41. A bill to designate certain Federal lands in San Diego County, California, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. ISSA:

H.R. 42. A bill to provide for a credit for certain health care benefits in determining the minimum wage; to the Committee on Education and the Workforce.

By Mr. ISSA:

H.R. 43. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Ms.

LORETTA SANCHEZ of California, Mr. ANDREWS, Ms. HIRONO, Mr. CUMMINGS, Mr. BISHOP of Georgia, Ms. RICHARDSON, Mr. GRIJALVA, Mr. SABLAN, Mrs. CHRISTENSEN, Mr. FALOMAVAEGA, Mr. PIERLUISI, Mr. JONES, Mr. HOYER, Ms. JACKSON LEE of Texas, Mr. LOEBACK, Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. BECERRA, Ms. NORTON, Mr. BARTLETT, Mr. RAHALL, Mr. WILSON of South Carolina, Mr. NADLER, and Mr. MICHAUD):

H.R. 44. A bill to implement the recommendations of the Guam War Claims Review Commission; to the Committee on Natural Resources.

By Mr. ISSA:

H.R. 45. A bill to amend section 276 of the Immigration and Nationality Act to impose mandatory sentencing ranges with respect to aliens who reenter the United States after having been removed, and for other purposes; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 46. A bill to amend the Immigration and Nationality Act to provide for non-immigrant status for an alien who is the parent or legal guardian of a United States citizen child if the child was born abroad and is the child of a deceased member of the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 47. A bill to provide a civil penalty for certain misrepresentations made to Congress, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CONNOLLY of Virginia:

H.R. 48. A bill to amend title 5, United States Code, to provide that payments under the Federal employees' group life insurance program shall be made in a lump sum, unless the insured or the recipient elects otherwise; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 49. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 50. A bill to reauthorize the African Elephant Conservation Act, the Rhinoceros and Tiger Conservation Act of 1994, and the Asian Elephant Conservation Act of 1997; to the Committee on Natural Resources.

By Mr. CONNOLLY of Virginia:

H.R. 51. A bill to reduce the heat island effect and associated ground level ozone pollution from Federal facilities; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia (for himself and Mr. TONKO):

H.R. 52. A bill to amend the Outer Continental Shelf Lands Act to require that treatment of the issuance of any exploration plans, development production plans, development operation coordination documents, and lease sales required under Federal law for offshore drilling activity on the outer Continental Shelf as a major Federal action significantly affecting the quality of the human environment for the purposes of the National Environmental Policy Act of 1969, and for other purposes; to the Committee on Natural Resources.

By Mr. CONNOLLY of Virginia (for himself and Mr. TONKO):

H.R. 53. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for removal costs and damages for which taxpayers are liable under the Oil Pollution Act of 1990; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia (for himself and Mr. TONKO):

H.R. 54. A bill to amend the Oil Pollution Act of 1990 to extend liability to corporations, partnerships, and other persons having ownership interests in responsible parties, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONNOLLY of Virginia (for himself and Mr. MORAN):

H.R. 55. A bill to authorize alternatives analysis and preliminary engineering for new Metrorail capital projects in Northern Virginia and surrounding areas; to the Committee on Transportation and Infrastructure.

By Mr. SCALISE (for himself, Mr. BOUTSTANY, Mr. LANDRY, Mr. CASSIDY, Mr. ALEXANDER, and Mr. RICHMOND):

H.R. 56. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill,

and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE:

H.R. 57. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make improvements in the provision of Federal disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCALISE (for himself and Mr. BOREN):

H.R. 58. A bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions; to the Committee on the Judiciary.

By Mr. SCALISE (for himself, Mr. OLSON, Mr. GARRETT, Mr. CHAFFETZ, Mr. CARTER, Mr. BROWN of Georgia, Ms. JENKINS, Mr. MANZULLO, Mr. ROGERS of Kentucky, Mr. BARTON of Texas, Mr. JONES, Mrs. BLACKBURN, Mr. GINGREY of Georgia, and Mr. PITTS):

H.R. 59. A bill to define advisors often characterized as Czars and to provide that appropriated funds may not be used to pay for any salaries and expenses associated with such advisors; to the Committee on Oversight and Government Reform.

By Mr. SCALISE:

H.R. 60. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. SCALISE:

H.R. 61. A bill to amend title 5, United States Code, to require Federal employees to use coach-class air travel in the United States except in limited circumstances, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. DOGGETT:

H.R. 62. A bill to amend the Internal Revenue Code of 1986 to reduce international tax avoidance and restore a level playing field for American businesses; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself and Ms. SCHAKOWSKY):

H.R. 63. A bill to amend the Internal Revenue Code of 1986 and title XIX of the Social Security Act to reform the provision of long-term care insurance; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT:

H.R. 64. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from exploiting tax treaties to evade taxation of United States income; to the Committee on Ways and Means.

By Mr. DOGGETT:

H.R. 65. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of smokeless tobacco products sold as discrete single-use units; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, and Mr. HOLT):

H.R. 66. A bill to amend the Internal Revenue Code of 1986 to provide for an invest-

ment tax credit for waste-to-energy facilities; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan:

H.R. 67. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 29, 2012; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN:

H.R. 68. A bill to amend the Communications Act of 1934 to prohibit Federal funding for the Corporation for Public Broadcasting after fiscal year 2013; to the Committee on Energy and Commerce.

By Mr. LAMBORN:

H.R. 69. A bill to prohibit Federal funding of certain public radio programming, to provide for the transfer of certain public radio funds to reduce the public debt, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCINTYRE:

H.R. 70. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Ms. JACKSON LEE of Texas:

H.R. 71. A bill to increase the number of Federal air marshals for certain flights, require criminal investigative training for such marshals, create an office and appoint an ombudsman for the marshals, and for other purposes; to the Committee on Homeland Security.

By Ms. JACKSON LEE of Texas:

H.R. 72. A bill to authorize the Secretary of Labor to make grants to States, units of local government, and Indian tribes to carry out employment training programs; to the Committee on Education and the Workforce.

By Ms. JACKSON LEE of Texas:

H.R. 73. A bill to designate the facility of the United States Postal Service located at 4110 Alameda Road in Houston, Texas, as the "George Thomas 'Mickey' Leland Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. JACKSON LEE of Texas:

H.R. 74. A bill to require non-Federal prisons and correctional facilities holding Federal prisoners under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to make available; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 75. A bill to prohibit certain restraints of competition adversely affecting automobile dealers; to the Committee on Energy and Commerce.

By Ms. JACKSON LEE of Texas:

H.R. 76. A bill to authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Education and the Workforce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for con-

sideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 77. A bill to provide for emergency deployments of United States Border Patrol agents and to increase the number of DEA and ATF agents along the international border of the United States to increase resources to identify and eliminate illicit sources of firearms into Mexico for use by violent drug trafficking organizations and for other lawful activities, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 78. A bill to designate the facility of the United States Postal Service located at 1900 West Gray Street in Houston, Texas, as the "Hazel Hainsworth Young Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. JACKSON LEE of Texas:

H.R. 79. A bill to amend title 38, United States Code, to provide certain abused dependents of veterans with health care; to the Committee on Veterans' Affairs.

By Ms. JACKSON LEE of Texas:

H.R. 80. A bill to improve efforts of the United States Government to ensure that developing countries have affordable and equitable access to safe water and sanitation, and for other purposes; to the Committee on Foreign Affairs.

By Ms. JACKSON LEE of Texas:

H.R. 81. A bill to promote and encourage the valuable public service, disaster relief, and emergency communications provided on a volunteer basis by licensees of the Federal Communications Commission in the Amateur Radio Service, by undertaking a study of the uses of amateur radio for emergency and disaster relief communications, by identifying unnecessary or unreasonable impediments to the deployment of Amateur Radio emergency and disaster relief communications, and by making recommendations for relief of such unreasonable restrictions so as to expand the uses of amateur radio communications in Homeland Security planning and response; to the Committee on Energy and Commerce.

By Ms. JACKSON LEE of Texas:

H.R. 82. A bill to reauthorize and amend part EE of the Omnibus Crime Control and Safe Streets Act of 1968 relating to drug courts; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 83. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require the Attorney General to establish guidelines to prevent and address occurrences of bullying, to provide for grant funding to States for programs to prevent and address occurrences of bullying, and to reauthorize the Juvenile Accountability Block Grants program; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 84. A bill to amend title 28, United States Code, to grant to the House of Representatives the authority to bring a civil action to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with any subpoena or order issued by the House or any committee or subcommittee of the House to secure the production of documents, the answering of any deposition or interrogatory, or the securing of testimony,

and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 85. A bill to amend the Higher Education Act of 1965 to expand teacher loan forgiveness; to the Committee on Education and the Workforce.

By Mrs. BACHMANN (for herself, Mr. KING of Iowa, and Mr. SCHILLING):

H.R. 86. A bill to prevent pending tax increases, permanently repeal estate and gift taxes, and permanently repeal the alternative minimum tax on individuals, and for other purposes; to the Committee on Ways and Means.

By Mrs. BACHMANN (for herself, Mr. MCCLINTOCK, Mr. POSEY, Mr. AKIN, and Mr. ISSA):

H.R. 87. A bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, the Judiciary, the Budget, Oversight and Government Reform, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT:

H.R. 88. A bill to amend the Internal Revenue Code of 1986 to change the deadline for income tax returns for calendar year taxpayers from the 15th of April to the first Monday in November; to the Committee on Ways and Means.

By Mr. BARTLETT:

H.R. 89. A bill to amend the Immigration and Nationality Act and title IV of the Social Security Act to provide for the denial of family classification petitions filed by an individual who owes child support arrearages; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT:

H.R. 90. A bill to provide for Federal research, development, demonstration, and commercial application activities to enable the development of farms that are net producers of both food and energy, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mrs. BLACKBURN, Mr. BURGESS, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. COBLE, Mr. PAUL, Mr. AKIN, Ms. BUEKLE, Mrs. LUMMIS, Mr. SCALISE, Mr. BROUN of Georgia, Mr. BURTON of Indiana, and Mr. STEARNS):

H.R. 91. A bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 92. A bill to amend title XVIII of the Social Security Act to provide payments under the Medicare Program to licensed health care practitioners for unscheduled telephone consultation services in the case that such payments are determined to be cost and quality effective; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN:

H.R. 93. A bill to make 10 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2011 and 2012; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 94. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2011 and 2012; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 95. A bill to make 15 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2011 and 2012; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. WILSON of South Carolina, Mr. TERRY, Mrs. BONO MACK, Mr. GARRETT, Mr. BURGESS, Mrs. MYRICK, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. CONAWAY, Mr. SESSIONS, Mr. LUETKEMEYER, Mr. SULLIVAN, Mr. LATTA, Mr. STEARNS, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. WALDEN, Mr. ROGERS of Michigan, Mr. HALL, Mr. WHITFIELD, Mr. PITTS, Mr. GINGREY of Georgia, Mr. SCALISE, Mr. OLSON, Mr. BILBRAY, Mrs. MCMORRIS RODGERS, Mr. CASSIDY, Mr. GUTHRIE, Mr. BURTON of Indiana, Mr. ROE of Tennessee, Mr. MANZULLO, Mr. LAMBORN, Ms. FOXX, Mr. JORDAN, Mr. POMPEO, Mr. GRAVES of Georgia, Mr. ROYCE, Mr. GOHMERT, Mr. POE of Texas, Mr. NEUGEBAUER, Mrs. SCHMIDT, Mr. FLEMING, Mrs. BACHMANN, Mr. REED, Mr. STUTZMAN, Mr. PENCE, Mr. BUCHANAN, Mr. MARCHANT, Mr. MURPHY of Pennsylvania, Mr. HUNTER, Mr. HARPER, Mr. BOREN, Mr. BONNER, Mr. CULBERSON, Mr. GARDNER, Mr. GARY G. MILLER of California, Mr. BASS of New Hampshire, and Mr. KINZINGER of Illinois):

H.R. 96. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. ALEXANDER, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mrs. BONO MACK, Mr. BOREN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. CAPITO, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. DAVIS of Kentucky, Mr. GARRETT, Mr. GOHMERT, Mr. GRAVES of Missouri, Mr. HALL, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. KINGSTON, Mr. LEE of New York, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MARCH-

ANT, Mr. MCCLINTOCK, Mrs. MCMORRIS RODGERS, Mrs. MYRICK, Mr. OLSON, Mr. PAUL, Mr. PETRI, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROHRBACHER, Mr. SCALISE, Mr. SEN-SENRENNER, Mr. SHUSTER, Mr. SIMPSON, Mr. TERRY, and Mr. YOUNG of Alaska):

H.R. 97. A bill to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DREIER (for himself, Mr. REYES, Mr. BILBRAY, Mr. CALVERT, Mr. GALLEGLY, Mr. ISSA, Mr. MCCAUL, Mr. GARY G. MILLER of California, and Mrs. MYRICK):

H.R. 98. A bill to amend the Immigration and Nationality Act to enforce restrictions on employment in the United States of unauthorized aliens through the use of improved Social Security cards and an Employment Eligibility Database, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Homeland Security, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 99. A bill to amend the Internal Revenue Code of 1986 to reduce taxes by providing an alternative determination of income tax liability for individuals, repealing the estate and gift taxes, reducing corporate income tax rates, reducing the maximum tax for individuals on capital gains and dividends to 10 percent, indexing the basis of assets for purposes of determining capital gain or loss, creating tax-free accounts for retirement savings, lifetime savings, and life skills, repealing the adjusted gross income threshold in the medical care deduction for individuals under age 65 who have no employer health coverage, and for other purposes; to the Committee on Ways and Means.

By Mrs. BLACKBURN:

H.R. 100. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mrs. BLACKBURN:

H.R. 101. A bill to amend subtitle IV of title 40, United States Code, regarding county additions to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN:

H.R. 102. A bill to provide that only certain forms of identification of individuals may be accepted by the Federal Government and by financial institutions; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. ROE of Tennessee, Mr. PENCE, Mr. SESSIONS, and Mr. PAUL):

H.R. 103. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible

health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. COURTNEY, Mr. GENE GREEN of Texas, Mr. SIMPSON, Ms. BORDALLO, Mr. PAUL, Mr. SCALISE, Mr. NADLER, Mrs. MCMORRIS RODGERS, Mr. MCCAUL, Mr. OLSON, Ms. RICHARDSON, Mr. ALEXANDER, Mr. LYNCH, Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. CUMMINGS, Ms. SUTTON, Mr. CAPUANO, Mrs. CAPPS, Mr. SIRE, Mr. THOMPSON of California, Ms. FUDGE, Mr. BONNER, Mr. CALVERT, Mr. STARK, and Ms. LEE of California):

H.R. 104. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 105. A bill to repeal the Patient Protection and Affordable Care Act and related health-care provisions and to enact in its place incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Budget, Education and the Workforce, Natural Resources, House Administration, Ways and Means, the Judiciary, Rules, Appropriations, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 106. A bill to amend title 18, United States Code, to provide increased imprisonment for certain offenses by public officials; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 107. A bill to amend title 18, United States Code, to prevent the election practice known as caging, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 108. A bill to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, and Mr. JONES):

H.R. 109. A bill to establish a national commission on presidential war powers and civil liberties; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Mr. MANZULLO):

H.R. 110. A bill to amend the Internal Revenue Code of 1986 to allow manufacturing businesses to establish tax-free manufacturing reinvestment accounts to assist them in providing for new equipment and facilities and workforce training; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. BARTON of Texas, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Mr. BARROW, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mrs. CAPPS, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CRITZ, Mr. DINGELL, Mr. DONNELLY of Indiana, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Mr. FARR, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GRIJALVA, Mr. HIMES, Ms. HIRONO, Mr. HOLT, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KILDEE, Mr. KIND, Mr. KISSELL, Mr. LANGGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBBACH, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEKS, Mr. MILLER of North Carolina, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. OLVER, Mr. PASTOR of Arizona, Mr. PAYNE, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABLAN, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mrs. SCHMIDT, Ms. SCHWARTZ, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Ms. SUTTON, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WELCH, Mr. WU, Mr. YARMUTH, Mr. YOUNG of Alaska, Ms. PINGREE of Maine, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Mr. CHANDLER, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 111. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. SIRE, and Ms. CLARKE of New York):

H.R. 112. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

By Mr. DREIER (for himself and Ms. CHU):

H.R. 113. A bill to provide for additions to the Cucamonga and Sheep Mountain Wilder-

ness Areas in the Angeles and San Bernardino National Forests and the protection of existing property rights in such additions, to require the Secretary of Agriculture to take steps to prevent and prepare for wildfires in the Cucamonga, Sheep Mountain, and San Gabriel Wilderness Areas and address the backlog of maintenance in the Angeles and San Bernardino National Forests, and for other purposes; to the Committee on Natural Resources.

By Mr. DREIER (for himself and Mr. WHITFIELD):

H.R. 114. A bill to provide a biennial budget for the United States Government; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 115. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program; to the Committee on Veterans' Affairs.

By Ms. FOXX:

H.R. 116. A bill to direct the Federal Trade Commission to revise the regulations regarding the Do-not-call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on that registry; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 117. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FLEMING:

H.R. 118. A bill to amend the Patient Protection and Affordable Care Act to permit a State to elect not to establish an American Health Benefit Exchange; to the Committee on Energy and Commerce.

By Mr. FLEMING:

H.R. 119. A bill to prohibit the hiring of additional employees by the Internal Revenue Service to implement, administer, or enforce health insurance reform; to the Committee on Ways and Means.

By Ms. FOXX (for herself, Mr. WESTMORELAND, Mr. KISSELL, Mr. BISHOP of Utah, Mrs. LUMMIS, and Mr. TERRY):

H.R. 120. A bill to amend title 38, United States Code, to provide for eligibility for housing loans guaranteed by the Department of Veterans Affairs for the surviving spouses of certain totally-disabled veterans; to the Committee on Veterans' Affairs.

By Mr. GINGREY of Georgia (for himself, Mr. BASS of New Hampshire, Mr. GOWDY, Mr. SCALISE, Mr. AUSTIN SCOTT of Georgia, Mr. STIVERS, and Mr. WALBERG):

H.R. 121. A bill to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. GINGREY of Georgia (for himself, Mr. HARPER, Mrs. MCMORRIS RODGERS, Mr. WESTMORELAND, Mr. KINGSTON, Mr. ROSS of Florida, Mr. DUNCAN of Tennessee, Mr. BURTON of Indiana, Mr. CHAFFETZ, Mr. ROE of Tennessee, Mr. BARTON of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. BROWN of Georgia, Mr. BARTLETT, Mr. MACK,

Mr. LATTA, Mr. KLINE, Mr. RIBBLE, Mr. STEARNS, Mr. MILLER of Florida, Mr. GARY G. MILLER of California, Mr. CRAWFORD, Mrs. BACHMANN, Mr. SCALISE, Mr. PITTS, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, and Mr. BRADY of Texas):

H.R. 122. A bill to amend title 5, United States Code, to limit the circumstances in which official time may be used by a Federal employee; to the Committee on Oversight and Government Reform.

By Mr. GINGREY of Georgia:

H.R. 123. A bill to amend the Internal Revenue Code of 1986 to make certain tax relief permanent, and to repeal the estate tax; to the Committee on Ways and Means.

By Mr. GINGREY of Georgia:

H.R. 124. A bill to provide that rates of pay for Members of Congress shall not be adjusted under section 601(a)(2) of the Legislative Reorganization Act of 1946 in the year following any fiscal year in which outlays of the United States exceed receipts of the United States; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mrs. BACHMANN, Mr. BACHUS, Mr. BASS of New Hampshire, Mrs. BLACKBURN, Mr. BILBRAY, Mr. BISHOP of Utah, Mr. CARTER, Mr. CONAWAY, Mr. GARRETT, Mr. HELLER, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. LAMBORN, Mr. McCAUL, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. POSEY, Mr. ROE of Tennessee, Mr. ROSS of Florida, Mr. AUSTIN SCOTT of Georgia, Mr. TERRY, Mr. WALBERG, and Mr. WESTMORELAND):

H.R. 125. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mrs. BACHMANN, Mr. BARTLETT, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CARTER, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. MARCHANT, Mr. PAUL, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROSS of Arkansas, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 126. A bill to require the Bureau of Alcohol, Tobacco, Firearms, and Explosives to make video recordings of the examination and testing of firearms and ammunition, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Georgia (for himself, Mr. WESTMORELAND, Mr. COFFMAN of Colorado, Mr. CHAFFETZ, Ms. JENKINS, Mr. MANZULLO, Mr. JONES, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. CULBERSON, and Mr. BROUN of Georgia):

H.R. 127. A bill to deauthorize appropriation of funds to carry out the Patient Pro-

tection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 128. A bill to direct the Secretary of Labor to revise regulations concerning the recording and reporting of occupational injuries and illnesses under the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H.R. 129. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H.R. 130. A bill to prevent the nondisclosure of employer-owned life insurance coverage of employees as an unfair and deceptive Act or practice under the Federal Trade Commission Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 131. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension for the real property standard deduction and to adjust such deduction for inflation; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Mr. KIND):

H.R. 132. A bill to amend the Internal Revenue Code of 1986 to increase the credit for research expenses for 2011 and 2012 and to allow the credit to be assigned; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Ms. LINDA T. SANCHEZ of California):

H.R. 133. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in high technology small business concerns; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 134. A bill to amend the Internal Revenue Code to make permanent the credit for increasing research activities; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 135. A bill to amend the Internal Revenue Code of 1986 to encourage teachers to pursue teaching science, technology, engineering, and math subjects at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. BOSWELL, Ms. SUTTON, and Mr. WU):

H.R. 136. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 137. A bill to amend the Communications Act of 1934 to require radio and tele-

vision broadcasters to provide free broadcasting time for political advertising, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 138. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 139. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Natural Resources.

By Mr. KING of Iowa (for himself, Mr. GINGREY of Georgia, Mr. GARY G. MILLER of California, and Mr. WOODALL):

H.R. 140. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself and Mrs. BACHMANN):

H.R. 141. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KISSELL:

H.R. 142. A bill to establish a national Strategic Gasoline Reserve; to the Committee on Energy and Commerce.

By Mr. LATTA (for himself, Mr. BURTON of Indiana, Mrs. MILLER of Michigan, Mr. JONES, Mrs. McMORRIS RODGERS, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BARTLETT, Mr. MCKINLEY, Mr. HUNTER, Mr. BISHOP of Utah, and Mr. LAMBORN):

H.R. 143. A bill to amend the Internal Revenue Code of 1986 to repeal the estate tax and retain stepped-up basis at death; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. SCHILLING, Mr. SCOTT of South Carolina, Mr. SENSENBRENNER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. STIVERS, Mr. TERRY, Mr. WEBSTER, Mr. WOLF, Mr. WOMACK, Mr. WOODALL, Mr. YODER, Mr. YOUNG of Alaska, Mr. RUPPERSBERGER, Mr. CRITZ, Mr. CARDOZA, Mr. MATHESON, Mr. BENISHEK, Mr. BONNER, Mr. BROOKS, Mr. BUCHSON, Mr. CONAWAY, Mr. CULBERSON, Mr. FLAKE, Mr. GOSAR, Mr. GRIFFIN of Arkansas, Mr. LATTA, Mr. REED, Mr. ROSS of Arkansas, Mr. Tipton, Ms. TSONGAS, Mr. ALEXANDER, Mr. MCHENRY, Mr. NUGENT, Mr. PETRI, Mr. WALBERG, Mr. DESJARLAIS, Mr. DUFFY, Mrs.

ELLMERS, Mr. FRELINGHUYSEN, Mr. DOLD, Mr. DREIER, Mr. DUNCAN of Tennessee, Mrs. EMERSON, Mr. FARENTHOLD, Mr. FITZPATRICK, Mr. FLEISCHMANN, Mr. FLORES, Mr. GALLEGLY, Mr. GERLACH, Mr. GIBSON, Mr. GRIFFITH of Virginia, Mr. HANNA, Mr. HELLER, Mr. HULTGREN, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KINZINGER of Illinois, Mr. LANCE, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LOBONDO, Mr. LONG, Mr. MARINO, Mr. MCKINLEY, Mr. MEEHAN, Mrs. MILLER of Michigan, Mr. MULVANEY, Mr. MURPHY of Pennsylvania, Mr. NUNNELEE, Mr. PAUL, Mr. PAULSEN, Mr. PLATTS, Mr. REICHERT, Mr. RENACCI, Mr. RIBBLE, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROHRBACHER, Mr. ROSS of Florida, Mrs. LUMMIS, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OLSON, Mr. POE of Texas, Mr. POSEY, Mr. ROE of Tennessee, Mr. ROONEY, Mr. ROYCE, Mr. SCALISE, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SHIMKUS, Mr. SMITH of Texas, Mr. STEARNS, Mr. SULLIVAN, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. BARLETTA, Mr. BASS of New Hampshire, Mrs. BIGGERT, Mr. BOUSTANY, Mr. CALVERT, Mr. CANSECO, Mrs. CAPITO, Mr. CRAWFORD, Mr. CRENSHAW, Mr. DENHAM, Mr. DENT, Mr. DIAZ-BALART, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CARTER, Mr. CASIDY, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COLE, Mr. DAVIS of Kentucky, Mr. FORBES, Mr. FORTENBERRY, Mr. GARRETT, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRAVES of Missouri, Mr. GRAVES of Georgia, Mr. GUTHRIE, Mr. HALL, Mr. HARPER, Mr. HUNTER, Mr. ISSA, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KLINE, Mr. LAMBORN, Mr. GOWDY, Ms. HAYWORTH, Mr. LATHAM, Mr. PENCE, Mr. WALDEN, Mrs. BLACK, Mr. PRICE of Georgia, Mr. FRANKS of Arizona, Mr. GARY G. MILLER of California, Ms. HERRERA BEUTLER, Mr. TIBERI, Mr. RAHALL, Mr. GARDNER, Mr. KELLY, Mr. LEE of New York, Mr. CRAVACK, Mr. ROSKAM, Mr. QUAYLE, Mr. REHBERG, Mr. LUCAS, Mrs. BONO MACK, Mr. RYAN of Wisconsin, Mr. MICA, Mr. LABRADOR, and Mr. PITTS):

H.R. 144. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. MACK:

H.R. 145. A bill to repeal the Patient Protection and Affordable Care Act (Public Law 111-148) and related health-care provisions; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by

the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 146. A bill to amend title 31, United States Code, to provide for the issuance of War on Debt Bonds; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 147. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 148. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively that wages earned, and self-employment income derived, by individuals who are not citizens or nationals of the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title, and to provide the President with authority to enter into agreements with other nations taking into account such limitation on crediting of wages and self-employment income; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 149. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 150. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 151. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. BRADY of Texas, Mr. GOHMERT, Mr. ROYCE, Mr. ROE of Tennessee, Mr. HALL, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. STUTZMAN, Mr. STEARNS, and Mr. LATTA):

H.R. 152. A bill to utilize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes; to the Committee on Armed Services.

By Mr. POE of Texas (for himself, Mr. BRADY of Texas, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. HALL, Mr. ROE of Tennessee, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. STUTZMAN, Mr. AKIN, Mr. COLE, Ms. FOXX, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mrs. LUMMIS, Mr. MCKEON, Mr. PAUL, and Mr. LATTA):

H.R. 153. A bill to prohibit funding for the Environmental Protection Agency to be used to implement or enforce a cap-and-trade program for greenhouse gases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Mr. BRADY of Texas, Mr. COFFMAN of Colorado, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. ROE of Tennessee, Mr. HALL, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. MCCLINTOCK, Mr. SIMPSON, Mr. OLSON, Mr. BURTON of Indiana, Mr. REHBERG, Mr. JONES, and Mrs. MCMORRIS RODGERS):

H.R. 154. A bill to prohibit the use of funds for implementation or enforcement of any Federal mandate to purchase health insurance; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H.R. 155. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient Executive agencies; to the Committee on Oversight and Government Reform.

By Mr. ROYCE:

H.R. 156. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 157. A bill to improve access to emergency medical services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SESSIONS:

H.R. 158. A bill to amend the Internal Revenue Code of 1986 to repeal certain limitations on the expensing of section 179 property, to allow taxpayers to elect shorter recovery periods for purposes of determining the deduction for depreciation, and for other purposes; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 159. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to carry out a pilot program under which the Secretaries make payments for certain treatments of traumatic brain injury and post-traumatic stress disorder; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER:

H.R. 160. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. SHULER:

H.R. 161. A bill to amend the Internal Revenue Code of 1986 to allow Head Start teachers the same above-the-line deduction for supplies as is allowed to elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 162. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two judicial circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

H.R. 163. A bill to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho; to the Committee on Natural Resources.

By Mr. STEARNS:

H.R. 164. A bill to amend title 49, United States Code, to direct the National Highway

Traffic Safety Administration to require the disclosure of information relating to the fair market value and safety of damaged motor vehicles; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 165. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 166. A bill to prohibit the Federal Communications Commission from regulating information services or Internet access services absent a market failure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 167. A bill to provide that no Federal funds may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States unless the President transmits to Congress a certification that the United Nations has adopted internationally recognized best practices in contracting and procurement; to the Committee on Foreign Affairs.

By Mr. STEARNS:

H.R. 168. A bill to direct the Secretary of Veterans Affairs to improve the prevention, diagnosis, and treatment of veterans with chronic obstructive pulmonary disease; to the Committee on Veterans' Affairs.

By Mr. STEARNS:

H.R. 169. A bill to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website; to the Committee on Veterans' Affairs.

By Mr. STEARNS:

H.R. 170. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain interest amounts received by individuals; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 171. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 172. A bill to provide that no automatic pay adjustment for Members of Congress shall be made in the year following a fiscal year in which there is a Federal budget deficit; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 173. A bill to amend titles XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare Program and to increase the amount of the surety bond required for suppliers of durable medical equipment; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 174. A bill to enhance homeland security, including domestic preparedness and collective response to terrorism, by amending the Homeland Security Act of 2002 to establish the Cybersecurity Compliance Division and provide authorities to the Department of Homeland Security to enhance the security and resiliency of the Nation's cyber and physical infrastructure against terrorism and other cyber attacks, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 175. A bill to amend the Post-Katrina Emergency Management Reform Act of 2006 to direct the Administrator of the Federal Emergency Management Agency to develop lifecycle plans and tracking procedures for housing units provided to individuals and households to respond to disaster-related housing needs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 176. A bill to enhance homeland security, including domestic preparedness and collective response to terrorism, by improving the Federal Protective Service, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself,

Mr. ISSA, Mr. YOUNG of Alaska, Mr. BACHUS, Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. OLSON, Mr. ROGERS of Kentucky, Mr. BARTON of Texas, Mr. SESSIONS, Mr. HALL, Mr. FLEMING, Mr. BROUN of Georgia, Mr. BILBRAY, Mr. ROGERS of Alabama, Mr. CONAWAY, Mr. SMITH of Texas, and Mr. CULBERSON):

H.R. 177. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 178. A bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan for military surviving spouses to offset the receipt of veterans dependency and indemnity compensation; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 179. A bill to amend title 10, United States Code, to eliminate the requirement that certain former members of the reserve components of the Armed Forces be at least 60 years of age in order to be eligible to receive health care benefits; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 180. A bill to amend the National Guard Youth Challenge Program under title 32, United States Code, to exclude non-defense funds made available by other Federal agencies for the Program from the matching requirements of the Program; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 181. A bill to amend title 10, United States Code, to ensure that members of the

reserve components of the Armed Forces who have served on active duty or performed active service since September 11, 2001, in support of a contingency operation or in other emergency situations receive credit for such service in determining eligibility for early receipt of non-regular service retired pay, and for other purposes; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 182. A bill to establish a National Commission on American Recovery and Reinvestment; to the Committee on Education and the Workforce.

By Mr. WILSON of South Carolina:

H.R. 183. A bill to direct the Secretary of Veterans Affairs to carry out a study on the acquisition of land adjacent to Beaufort National Cemetery, Beaufort, South Carolina; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina:

H.R. 184. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 185. A bill to amend the Internal Revenue Code of 1986 to permanently reduce individual income tax rates; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 186. A bill to amend title 10, United States Code, to expand the eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all members of the uniformed services who are retired under chapter 61 of such title for disability, regardless of the members' disability rating percentage; to the Committee on Armed Services, and in addition to the Committees on the Budget, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 187. A bill to provide that rates of pay for Members of Congress shall not be subject to automatic adjustment; and to provide that any bill or resolution, and any amendment to any bill or resolution, which would increase Members' pay may be adopted only by a recorded vote; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOODALL:

H.R. 188. A bill to limit the total discretionary appropriations for fiscal year 2011 to the level set by the Continuing Appropriations Act, 2011; to the Committee on the Budget.

By Mr. WOODALL:

H.R. 189. A bill to repeal the Troubled Asset Relief Program and to prevent future bailouts; to the Committee on Financial Services.

By Ms. WOOLSEY (for herself, Mr.

GEORGE MILLER of California, and Ms. HIRONO):

H.R. 190. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims or their family members, and for other purposes; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. STARK, Mr. OLVER, Ms. LEE of California, Ms. MOORE, Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. JOHNSON of Georgia, Ms. EDWARDS, Mr. HINCHAY, Ms. ZOE LOFGREN of California, Mr. HONDA, Mr. ACKERMAN, Mr. MURPHY of Connecticut, Mr. WEINER, Mr. ELLISON, Mr. CAPUANO, Ms. MATSUI, Mr. GARAMENDI, Mr. ROTHMAN of New Jersey, Ms. DELAURO, Mr. SARBANES, Ms. HIRONO, Mr. FATTAH, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mr. NADLER, Mr. FARR, Ms. PINGREE of Maine, Mr. FILNER, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Mr. RYAN of Ohio, Ms. BALDWIN, Mr. TONKO, Ms. SLAUGHTER, Mr. GUTIERREZ, Mr. HOLT, Mr. GRIJALVA, Ms. TSONGAS, Mr. LUJÁN, Mr. HIGGINS, Mr. THOMPSON of California, and Mr. COHEN):

H.R. 191. A bill to amend the Patient Protection and Affordable Care Act to establish a public health insurance option; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself and Mr. THOMPSON of California):

H.R. 192. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Natural Resources.

By Mr. GOODLATTE (for himself, Mr. HENSARLING, Mr. KINGSTON, Mr. SMITH of Texas, Mr. COFFMAN of Colorado, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BACHUS, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BROOKS, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CARTER, Mr. CHAFFETZ, Mr. CONAWAY, Mr. CRAWFORD, Mr. DENT, Mr. DUNCAN of Tennessee, Mrs. EMERSON, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARDNER, Mr. GOHMERT, Mr. GRIFFITH of Virginia, Mr. HALL, Mr. HERGER, Mr. HULTGREN, Mr. HURT, Mr. ISSA, Mr. JORDAN, Mr. KING of Iowa, Mr. LAMBORN, Mr. LANCE, Mr. LATTI, Mr. LUETKEMEYER, Mr. MACK, Mr. MANZULLO, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUGENT, Mr. OLSON, Mr. PENCE, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. REHBERG, Mr. RIGELL, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROSKAM, Mr. ROSS of Florida, Mr. ROYCE, Mr. SCALISE, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SULLIVAN, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. UPTON, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. YOUNG of Alaska, Ms. FOX, Mr. RIBBLE, Mrs. BLACKBURN, Mr. FARENTHOLD, Mr. GRAVES of Missouri, Mr. PEARCE, Mr. PITTS, Mr. POMPEO, Mr. BARTLETT, Mr. GARRETT, and Mr. CHABOT):

H.J. Res. 1. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. HENSARLING, Mr. SMITH of Texas, Mr. COFFMAN of Colorado, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTON of

Texas, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BONNER, Mr. BOREN, Mr. BOUTSANY, Mr. BRADY of Texas, Mr. BROOKS, Mr. BROUN of Georgia, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CARTER, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COBLE, Mr. COLE, Mr. CONAWAY, Mr. CRAWFORD, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENT, Mr. DIAZ-BALART, Mr. DUNCAN of Tennessee, Mrs. EMERSON, Mr. FLEMING, Mr. FLORES, Mr. FORBES, Mr. FORTENBERRY, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARDNER, Mr. GARRETT, Mr. GERLACH, Mr. GOHMERT, Mr. GRIFFITH of Virginia, Mr. HALL, Mr. HARPER, Mr. HELLER, Mr. HERGER, Mr. HULTGREN, Mr. HURT, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JORDAN, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. LANCE, Mr. LATTI, Mr. LOBIONDO, Mr. LUCAS, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MANZULLO, Mr. MARINO, Mr. MATHESON, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. MCKEON, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. MURPHY of Pennsylvania, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUGENT, Mr. OLSON, Mr. PENCE, Mr. PETERSON, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. REED, Mr. REHBERG, Mr. REICHERT, Mr. RIBBLE, Mr. RIGELL, Mrs. ROBY, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS of Florida, Mr. ROYCE, Mr. SCALISE, Mr. SCHILLING, Mr. AUSTIN SCOTT of Georgia, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SULLIVAN, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. UPTON, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. WOLF, Mr. YOUNG of Alaska, Mr. GARY G. MILLER of California, Mr. MEHEAN, Mrs. BLACKBURN, Mr. CALVERT, Mr. FARENTHOLD, Mr. GRAVES of Missouri, Mr. HUNTER, Mr. LEWIS of California, Mr. PEARCE, Mr. PITTS, Mr. POMPEO, Mr. SCHOCK, Ms. GRANGER, Mr. WALDEN, Mr. CUELLAR, Mr. BARTLETT, and Mr. CHABOT):

H.J. Res. 2. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FLEMING:

H.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.J. Res. 4. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HENSARLING (for himself, Mr. PENCE, and Mr. CAMPBELL):

H.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States waiving the application of the

first article of amendment to the political speech of corporations and other business organizations with respect to the disbursement of funds in connection with public elections and granting Congress and the States the power to establish limits on contributions and expenditures in elections for public office; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States waiving the application of the first article of amendment to the political speech of corporations and other business organizations with respect to the disbursement of funds in connection with public elections; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States relating to limitations on the amounts of contributions and expenditures that may be made in connection with campaigns for election to public office; to the Committee on the Judiciary.

By Mr. DREIER:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; considered and agreed to.

By Mr. ISSA:

H. Con. Res. 2. Concurrent resolution establishing the Congressional Commission on the European Union, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. BARTON of Texas, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mrs. LUMMIS, Mr. MANZULLO, Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. OLSON, Mr. REHBERG, Mr. ROGERS of Kentucky, Mr. SHIMKUS, and Mr. YOUNG of Alaska):

H. Con. Res. 3. Concurrent resolution expressing the sense of Congress that the President should issue, and Congress should hold hearings on, a report and a certification regarding the responsibilities, authorities, and powers of his "czars"; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR:

H. Con. Res. 4. Concurrent resolution expressing the sense of Congress that the Supreme Court misinterpreted the First Amendment to the Constitution in the case of *Buckley v. Valeo*; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina:

H. Con. Res. 5. Concurrent resolution supporting the reunification of Jerusalem; to the Committee on Foreign Affairs.

By Mr. HENSARLING:

H. Res. 1. A resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. CANTOR:

H. Res. 2. A resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. CANTOR:

H. Res. 3. A resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. DINGELL:

H. Res. 4. A resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. CANTOR:

H. Res. 5. A resolution adopting rules for the One Hundred Twelfth Congress; considered and agreed to.

By Mr. HENSARLING:

H. Res. 6. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CAPUANO:

H. Res. 7. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CAPUANO:

H. Res. 8. A resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. DREIER (for himself, Mr. BRADY of Texas, Mr. LANKFORD, Mr. PITTS, and Mr. CONAWAY):

H. Res. 9. A resolution instructing certain committees to report legislation replacing the job-killing health care law; to the Committee on Rules.

By Mr. DREIER:

H. Res. 10. A resolution fixing the daily hour of meeting of the First Session of the One Hundred Twelfth Congress; considered and agreed to.

By Mr. RUSH (for himself, Ms. CLARKE of New York, Mr. TOWNS, and Ms. JACKSON LEE of Texas):

H. Res. 11. A resolution recognizing the 50th anniversary of the Peace Corps and expressing support for designation of March 2011 as Peace Corps Month; to the Committee on Foreign Affairs.

By Mr. BARTLETT:

H. Res. 12. A resolution expressing the sense of the House of Representatives that the United States, in collaboration with other international allies, should establish an energy project with the magnitude, creativity, and sense of urgency that was incorporated in the "Man on the Moon" project address the inevitable challenges of "Peak Oil"; to the Committee on Energy and Commerce.

By Mr. BARTLETT:

H. Res. 13. A resolution expressing the sense of the House of Representatives regarding the recognition, protection, promotion, and facilitation of the annual JFK 50 Mile; to the Committee on Natural Resources.

By Mr. GINGREY of Georgia:

H. Res. 14. A resolution amending the Rules of the House of Representatives to require that standing committees make available the record of recorded votes within 48 hours after that vote; to the Committee on Rules.

By Mr. GINGREY of Georgia (for himself, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. MCCAUL, Mr. BILBRAY, Mr. POSEY, Mr. MANZULLO, Mr. JONES, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mrs. MCMORRIS RODGERS, Mrs. BACHMANN, Mr. BISHOP of Utah, Mr. HARPER, Mr. SAM JOHNSON of Texas, Mr. LAMBORN, Mr. GARRETT, Mr. MCCLINTOCK, Mr. ROE of Tennessee, Mr. SHIMKUS, and Mr. POE of Texas):

H. Res. 15. A resolution amending the Rules of the House of Representatives to require that general appropriations for military construction and veterans' affairs be considered as stand-alone measures; to the Committee on Rules.

By Mr. ROYCE (for himself, Ms. ZOE LOFGREN of California, Mr. SMITH of New Jersey, Ms. LORETTA SANCHEZ of California, Mr. ROHRBACHER, and Mr. WOLF):

H. Res. 16. A resolution calling on the State Department to list the Socialist Re-

public of Vietnam as a "Country of Particular Concern" with respect to religious freedom; to the Committee on Foreign Affairs.

By Mr. SESSIONS:

H. Res. 17. A resolution expressing the sense of the House of Representatives that the Commissioner of Food and Drugs should evaluate the scientific evidence on the question of whether to add more folic acid to enriched grain products and expand folic acid fortification into cornmeal and corn-based food products to help prevent further serious birth defects; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H. Res. 18. A resolution expressing the sense of the House of Representatives with respect to pregnancy resource centers; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H. Res. 19. A resolution calling for the adoption of a smart security platform for the 21st century; to the Committee on Foreign Affairs.

By Ms. WOOLSEY (for herself, Mr. SCHIFF, Mr. TOWNS, Mr. ACKERMAN, Mrs. MALONEY, Ms. LEE of California, Ms. JACKSON LEE of Texas, Mr. WU, Mr. CAPUANO, Mr. HINCHEY, Ms. SCHWARTZ, Mr. CROWLEY, Ms. MOORE, Mr. COHEN, Mr. CUMMINGS, Ms. BERKLEY, Mr. FALOMAVAEGA, Mr. PAYNE, Mr. FARR, Mr. MORAN, Ms. EDWARDS, Mr. HASTINGS of Florida, Mr. LOEBSACK, Mr. OLVER, Ms. BROWN of Florida, Ms. TSONGAS, Mr. PASCRELL, Mr. GRIJALVA, Ms. ZOE LOFGREN of California, Mr. CARNAHAN, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Ms. KAPTUR, Mr. MICHAUD, Ms. DELAURO, Mr. SMITH of Washington, Ms. BORDALLO, Mr. AL GREEN of Texas, Mr. RUSH, Mr. GEORGE MILLER of California, Ms. HIRONO, Mr. BISHOP of Georgia, Mr. CONYERS, Ms. SPEIER, Mr. BLUMENAUER, Mr. HONDA, Ms. SUTTON, Mr. VAN HOLLEN, Ms. HARMAN, Mr. SERRANO, Mr. SIRES, and Mr. YARMUTH):

H. Res. 20. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Affairs.

By Ms. WOOLSEY (for herself, Mr. GRIJALVA, Mr. HOLT, Mr. MARKEY, Mr. HONDA, Mr. FATTAH, Ms. BALDWIN, Mr. OLVER, and Mr. SERRANO):

H. Res. 21. A resolution recognizing non-proliferation options for nuclear understanding to keep everyone safe (NO NUKES); to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATOURETTE:

H.R. 193. A bill for the relief of Zdenko Lisak; to the Committee on the Judiciary.

By Mr. PASTOR of Arizona:

H.R. 194. A bill for the relief of Martha Palmillas de Morales; to the Committee on the Judiciary.

By Mr. PASTOR of Arizona:

H.R. 195. A bill for the relief of Nery Antonio Velasquez-Roblero; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CANTOR:

H.R. 2.

Congress has the power to enact this legislation pursuant to the following:

For over 200 years, the Congress, the Executive, and the Judiciary have acted according to the principle of coordinate branch construction based on their respective obligations to ensure that all their actions are constitutional. This is the clear meaning of the Vesting Clauses of Articles I, II, and III along with the Supremacy Clause of Article VI, as well as of the Oath of Office that each constitutional officer of the Federal government must take pursuant to Article VI. James Madison made this clear in 1834 stating, "As the Legislative, Executive, and Judicial departments of the United States are co-ordinate, and each equally bound to support the Constitution, it follows that each must in the exercise of its functions be guided by the text of the Constitution according to its own interpretation of it."

The "Repealing the Job Killing Health Care Law Act" repeals the Patient Protection and Affordable Care Act and title I and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010, which included several specific provisions that extend beyond the enumerated powers granted to Congress by the Constitution, including, in particular, the Commerce, Taxing, and the Spending Clauses of Article I, Section 8, as well as the Necessary and Proper Clauses contained therein, and that otherwise improperly extend authority to Federal agencies in a manner inconsistent with the Vesting Clause of Article I, Section 1.

The general repeal of this legislation is consistent with the powers that are reserved to the States and to the people as expressed in Amendment X to the United States Constitution.

By Mr. GARRETT:

H.R. 21.

Congress has the power to enact this legislation pursuant to the following:

This bill seeks to strike a provision from the Patient Protection and Affordable Care Act, the so-called "individual mandate," which is unconstitutional.

The Patient Protection and Affordable Care Act requires individuals to purchase private health insurance—health insurance that has been approved by the federal government—or pay a fine. While Congress is granted the authority to "regulate commerce . . . among the several states," and the Supreme Court has allowed Congress to regulate and prohibit "economic" activities that are not, strictly speaking, commerce, this is the first time in our nation's history that Congress has sought to regulate inactivity. And for the first time, Congress has

mandated that individuals purchase a private good, approved by the government, as the price of citizenship. This requirement is plainly unconstitutional, and, as Federal District Court Judge Henry Hudson recently wrote in his opinion striking down the individual mandate, “is beyond the historical reach of the Commerce Clause.”

By Ms. SPEIER:

H.R. 22.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Mr. FILNER:

H.R. 23.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper to execute these powers.

By Mr. JONES:

H.R. 24.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. WOODALL:

H.R. 25.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which reads: “The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States.”

By Ms. SPEIER:

H.R. 26.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. MCINTYRE:

H.R. 27.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MCINTYRE:

H.R. 28.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. MCINTYRE:

H.R. 29.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. BIGGERT:

H.R. 30.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I.

By Mrs. BIGGERT:

H.R. 31.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 1 (relating to the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18.

By Mrs. BIGGERT:

H.R. 32.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).

By Mrs. BIGGERT:

H.R. 33.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate foreign and interstate commerce).

By Mrs. BIGGERT:

H.R. 34.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).

By Mrs. BIGGERT:

H.R. 35.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 (“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises . . .”), and the 16th Amendment.

By Mrs. BIGGERT:

H.R. 36.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I.

By Mrs. BIGGERT:

H.R. 37.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 (“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises . . .”), and the 16th Amendment.

By Mr. FLEMING:

H.R. 38.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Clause 7 of Section 9 of Article I of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 39.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. CONYERS:

H.R. 40.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Section 5 of the Fourteenth Amendment to the United States Constitution, Congress shall have the power to enact appropriate laws protecting the civil rights of all Americans.

By Mr. ISSA:

H.R. 41.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution, which is the Commerce Clause.

By Mr. ISSA:

H.R. 42.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, the Interstate Commerce Clause.

By Mr. ISSA:

H.R. 43.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization.

By Ms. BORDALLO:

H.R. 44.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make all rules and regulations respecting the Territories and possessions as enumerated in Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. ISSA:

H.R. 45.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clauses 4 and 18 of the United States Constitution.

By Mr. ISSA:

H.R. 46.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4; 14th Amendment.

By Mr. ISSA:

H.R. 47.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8; 4th Amendment.

By Mr. CONNOLLY:

H.R. 48.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. YOUNG of Alaska:

H.R. 49.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2.

By Mr. YOUNG of Alaska:

H.R. 50.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mr. CONNOLLY:

H.R. 51.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. CONNOLLY:

H.R. 52.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. CONNOLLY:

H.R. 53.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. CONNOLLY:

H.R. 54.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. CONNOLLY:

H.R. 55.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. SCALISE:

H.R. 56.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SCALISE:

H.R. 57.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18 of the Constitution of the United States.

By Mr. SCALISE:

H.R. 58.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution, Article I, Section 8, Clause 18 of the United States Constitution, and Amendment II of the United States Constitution.

By Mr. SCALISE:

H.R. 59.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. SCALISE:

H.R. 60.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SCALISE:

H.R. 61.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. DOGGETT:

H.R. 62.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. DOGGETT:

H.R. 63.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DOGGETT:

H.R. 64.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. DOGGETT:

H.R. 65.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. DOGGETT:

H.R. 66.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. ROGERS of Michigan:

H.R. 67.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. LAMBORN:

H.R. 68.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. LAMBORN:

H.R. 69.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. MCINTYRE:

H.R. 70.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Amendment XVI, of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 71.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 72.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 73.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 74.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 75.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 76.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 77.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 78.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 79.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 80.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 81.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 18 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 82.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 83.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 84.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 5 of the United States Constitution, which gives Congress the authority to set rules for its proceedings.

By Mr. BACA:

H.R. 85.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the Constitution; and Article I, Section 8, Clause 1 of the Constitution.

By Mrs. BACHMANN:

H.R. 86.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution Article I Section 8.

By Mrs. BACHMANN:

H.R. 87.

Congress has the power to enact this legislation pursuant to the following:

This bill makes specific changes to existing law in a manner that returns power to the States and to People, in accordance with Amendment X to the U.S. Constitution.

By Mr. BARTLETT:

H.R. 88.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BARTLETT:

H.R. 89.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 4.

The Congress shall have Power . . . To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Mr. BARTLETT:

H.R. 90.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1.

. . . provide for the common Defence and general Welfare of the United States.

By Mr. BARTON of Texas:

H.R. 91.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. BIGGERT:

H.R. 92.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Article 1, Section 8.

By Mrs. BLACKBURN:

H.R. 93.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 9, Clause 7 of the United States Constitution.

By Mrs. BLACKBURN:

H.R. 94.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 9, Clause 7 of the United States Constitution.

By Mrs. BLACKBURN:

H.R. 95.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 9, Clause 7 of the United States Constitution.

By Mrs. BLACKBURN:

H.R. 96.
Congress has the power to enact this legislation pursuant to the following:

We submit this bill under the Constitutional authority of Article I, Section 8, Clause 3 protecting interstate commerce across the Internet. Additionally, we cite Clause 14 of Section 8 to make rules for the federal government.

By Mrs. BLACKBURN:

H.R. 97.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. DREIER:

H.R. 98.
Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the Constitution.

By Mr. DREIER:

H.R. 99.
Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I and Amendment XVI of the Constitution.

By Mrs. BLACKBURN:

H.R. 100.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1; Article I, Section 8, Clause 14; and Article IV, Section 3, Clause 2.

By Mrs. BLACKBURN:

H.R. 101.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 8, Clause 14.

By Mrs. BLACKBURN:

H.R. 102.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3; Article I, Section 8, Clause 14; and Article IV, Section 3, Clause 2 of the United States Constitution.

By Mrs. BLACKBURN:

H.R. 103.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3; Article I, Section 8, Clause 14.

By Mr. BOUSTANY:

H.R. 104.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BURTON of Indiana:

H.R. 105.
Congress has the power to enact this legislation pursuant to the following:

Clause 1, Clause 3, and Clause 18 of Section 8 and Clause 7 of article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. CARDOZA:

H.R. 106.
Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to its authority under clause 9 of section 8 of article I and section 1 of article III of the Constitution to establish and regulate federal courts.

By Mr. CONYERS:

H.R. 107.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution. This provision permits Congress make or alter the regulations pertaining to Federal elections.

By Mr. CONYERS:

H.R. 108.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution. This provision permits Congress make or alter the regulations pertaining to Federal elections.

By Mr. CONYERS:

H.R. 109.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 and 18, among others.

By Ms. DELAURO:

H.R. 110.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. DELAURO:

H.R. 111.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution and Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DOGETT:

H.R. 112.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. DREIER:

H.R. 113.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3 of the United States Constitution.

By Mr. DREIER:

H.R. 114.
Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. FILNER:

H.R. 115.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Ms. FOXX:

H.R. 116.
Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution which states "Congress shall have power to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. FILNER:

H.R. 117.
Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of article I of the Constitution.

By Mr. FLEMING:

H.R. 118.
Congress has the power to enact this legislation pursuant to the following:

This bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance to Amendment X of the United States Constitution.

By Mr. FLEMING:

H.R. 119.
Congress has the power to enact this legislation pursuant to the following:

Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Clause 7 of Section 9 of Article I of the United States Constitution.

By Ms. FOXX:

H.R. 120.
Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, section 8 of the United States Constitution, the bill is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

By Mr. GINGREY of Georgia:

H.R. 121.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution that states, "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts . . ."

By Mr. GINGREY of Georgia:

H.R. 122.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution states "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article I, Section 8, Clause 18 of the Constitution states "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. GINGREY of Georgia:

H.R. 123.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution that states, "The Congress shall have Power to lay and collect Taxes . . ."

Amendment XVI of the Constitution that states, "The Congress shall have power to lay and collect taxes on incomes . . ."

By Mr. GINGREY of Georgia:

H.R. 124.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6, Clause 1 of the Constitution that states "The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States."

The 27th Amendment to the Constitution states "Now law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

By Mr. GINGREY of Georgia:

H.R. 125.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2 of the Constitution that states, "Each House may determine the Rules of its Proceedings"

By Mr. GINGREY of Georgia:

H.R. 126.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution that states that Congress shall have Power "To regulate Commerce with foreign Nations, and among the several States . . ."

By Mr. GRAVES of Georgia:

H.R. 127.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of Section 9 of Article 1 of the Constitution—No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

By Mr. GENE GREEN of Texas:

H.R. 128.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, the Commerce Clause.

By Mr. GENE GREEN of Texas:

H.R. 129.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, the Commerce Clause.

By Mr. GENE GREEN of Texas:

H.R. 130.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, the Commerce Clause.

By Mr. HOLT:

H.R. 131.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. HOLT:

H.R. 132.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. HOLT:

H.R. 133.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. HOLT:

H.R. 134.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. HOLT:

H.R. 135.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. ISRAEL:

H.R. 136.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Ms. KAPTUR:

H.R. 137.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 and Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. KAPTUR:

H.R. 138.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 and Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. MARKEY:

H.R. 139.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

By Mr. KING of Iowa:

H.R. 140.

Congress has the power to enact this legislation pursuant to the following:

Section 5 of the Amendment XIV to the Constitution and Section 8 of Article I of the Constitution.

By Mr. KING of Iowa:

H.R. 141.

Congress has the power to enact this legislation pursuant to the following:

This bill makes specific changes to existing law in a manner that returns power to the States and to the People, in accordance with Amendment X of the United States Constitution.

By Mr. KISSELL:

H.R. 142.

Congress has the power to enact this legislation pursuant to the following:

Spending Authorization
Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LATTA:

H.R. 143.

Congress has the power to enact this legislation pursuant to the following:

Taxation: Article 1, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises

shall be uniform throughout the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 144.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1 Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

By Mr. MACK:

H.R. 145.

Congress has the power to enact this legislation pursuant to the following:

The legislation repeals provisions of the Patient Protection and Affordable Care Act and of the Health and Education Reconciliation Act of 2010 that, in part, were enacted pursuant to section 8 of article I and other provisions, of the Constitution but some provisions of which, including the individual mandate, were enacted in excess of constitutional authority.

By Mr. OWENS:

H.R. 146.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sections 7 and 8, of the United States Constitution.

By Mr. PAUL:

H.R. 147.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authorization for the Prescription Drug Affordability Act is found in Article 1, Section 8, and Clause 3 of the Constitution giving the Congress the authority to regulate commerce.

By Mr. PAUL:

H.R. 148.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for the Social Security Preservation Act is article 1 section 9, clause 7 giving Congress the authority to control the expenditures of the federal government.

By Mr. PAUL:

H.R. 149.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for the Social Security Beneficiary Tax Reduction Act is found in Article 1, section 8 which gives Congress power to lay and collect taxes.

By Mr. PAUL:

H.R. 150.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for the Senior Citizens' Tax Elimination Act is found in Article 1, section 8 which gives Congress power to lay and collect taxes.

By Mr. PAUL:

H.R. 151.

Congress has the power to enact this legislation pursuant to the following:

The constitutionality of the seniors' Health Care Freedom Act is the Fifth Amendment to the United States Constitution, which protects American citizens from having their rights to life, liberty or property abridged without due process of law. Forcing seniors into a federal program they do not want, and forcing them from forming private contracts, violates their right to liberty and property.

By Mr. POE of Texas:

H.R. 152.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8, of Article 1, in the United States Constitution.

By Mr. POE of Texas:

H.R. 153.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 7, of Article 1 of the United States Constitution.

Clause 7, Section 9, of Article 1 of the United States Constitution.

By Mr. POE of Texas:

H.R. 154.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 7, of Article 1 and Clause 7, Section 9 of Article 1 of the United States Constitution.

By Mr. ROYCE:

H.R. 155.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. ROYCE:

H.R. 156.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate Commerce with foreign Nations, provided by Article 1, Section 8, Clause 3, which reads: To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

The Vietnam Human Rights Sanctions Act imposes sanctions on individuals who are nationals of Vietnam that the President determines are complicit in human rights abuses committed against nationals of Vietnam or their family members. Sanctions include prohibition of entry and admission to the United States and imposition of the International Emergency Economic Powers Act, including blocking of property, and restricting or prohibiting financial transactions and the exportation and importation of property by the individual.

By Mr. SESSIONS:

H.R. 157.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8 Congress has the power to regulate Commerce.

By Mr. SESSIONS:

H.R. 158.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8 Congress has the power to regulate Commerce.

By Mr. SESSIONS:

H.R. 159.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. SHULER:

H.R. 160.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1 gives Congress the authority to "provide for the common defense and general welfare of the United States."

By Mr. SHULER:

H.R. 161.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1—"The Congress shall have power to lay and collect taxes".

By Mr. SIMPSON:

H.R. 162.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 9, which states "The Congress shall have Power . . . To constitute Tribunals inferior to the supreme Court." In addition, Article III, Section 1 states that "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

By Mr. SIMPSON:

H.R. 163.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. STEARNS:

H.R. 164.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 165.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 166.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 167.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 168.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 169.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 170.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 171.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 172.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 173.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. THOMPSON of Mississippi:

H.R. 174.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Mr. THOMPSON of Mississippi:

H.R. 175.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Mr. THOMPSON of Mississippi:

H.R. 176.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article I, Section 8.

By Mr. THORNBERRY:

H.R. 177.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 of the United States Constitution.

By Mr. WILSON of South Carolina:

H.R. 178.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the Service of the United States.

By Mr. WILSON of South Carolina:

H.R. 179.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the Service of the United States.

By Mr. WILSON of South Carolina:

H.R. 180.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the Service of the United States, reserving to the States, respectively, the appointment of officers, and the authority of training the militia according to the discipline prescribed by Congress.

By Mr. WILSON of South Carolina:

H.R. 181.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a

Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the Service of the United States.

By Mr. WILSON of South Carolina:

H.R. 182.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 of the United States Constitution, which states no money shall be drawn from the Treasury, but in consequence of appropriation made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

By Mr. WILSON of South Carolina:

H.R. 183.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 16 of the United States Constitution, which grants Congress the power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States.

By Mr. WILSON of South Carolina:

H.R. 184.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the Constitution which gives Congress the power to lay and collect taxes on incomes.

By Mr. WILSON of South Carolina:

H.R. 185.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the Constitution which gives Congress the power to lay and collect taxes on incomes.

By Mr. WILSON of South Carolina:

H.R. 186.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the Service of the United States.

By Mr. WILSON of South Carolina:

H.R. 187.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 which states that no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time. The Appropriations Clause provides Congress with a mechanism

to control or to limit spending by the federal government.

By Mr. WOODALL:

H.R. 188.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the procedural power granted to the House of Representatives pursuant to Article I, Section 7, Clause 1 of the United States Constitution.

This bill is enacted pursuant to the appropriations powers enumerated to Congress in Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. WOODALL:

H.R. 189.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted in fidelity to the powers vested in Congress in Article I, Section 1 of the United States Constitution and to prohibit encroachment of individual rights granted in Amendment IX and state's rights granted in Amendment X of the United States Constitution.

By Ms. WOOLSEY:

H.R. 190.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Ms. WOOLSEY:

H.R. 191.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Ms. WOOLSEY:

H.R. 192.

Congress has the power to enact this legislation pursuant to the following:

Article 1.

By Mr. LATOURETTE:

H.R. 193.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 4 of the U.S. Constitution.

By Mr. PASTOR of Arizona:

H.R. 194.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 4 of the United States Constitution.

By Mr. PASTOR of Arizona:

H.R. 195.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 4 of the United States Constitution.

By Mr. GOODLATTE:

H.J. Res. 1.

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution.

By Mr. GOODLATTE:

H.J. Res. 2.

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution.

By Mr. FLEMING:

H.J. Res. 3.

Congress has the power to enact this legislation pursuant to the following:

Article V—The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

By Mr. BUCHANAN:

H.J. Res. 4.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this joint resolution rests is the power of Congress as enumerated in Article V of the United States Constitution.

By Mr. HENSARLING:

H.J. Res. 5.

Congress has the power to enact this legislation pursuant to the following:

Under Article V of the United States Constitution, which states: "The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution. . ."

Ms. KAPTUR:

H.J. Res. 6.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

By Ms. KAPTUR:

H.J. Res. 7.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

By Ms. KAPTUR:

H.J. Res. 8.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

EXTENSIONS OF REMARKS

HONORING THE DICKSON STRING QUARTET AT THE UNIVERSITY OF MISSOURI-ST. LOUIS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. CLAY. Mr. Speaker, I rise today to recognize the members of the Dickson family who are committed to their education and love for the art of music. That is why parents Raymond and Theresa Dickson chose to simultaneously enroll four of their children at the University of Missouri-St. Louis. Music Majors Ashley, Benjamin, Brandon and Daniel Dickson receive lessons and recite together as a string quartet, under the tutelage of the "Arianna String Quartet", the University's quartet-in-residence. It is believed to be the only resident quartet in a public university in the United States. The Dickson family chose Florissant, Missouri to maintain a strong support structure for their University students.

Prior to moving to Florissant, Raymond, Theresa and their ten children had been living in Battle Ground Washington a suburb of Portland, Oregon for several years. The children were home-schooled. Most of them elected to learn an instrument. Over time, four of the eldest Dickson's began performing together as the Dickson String Quartet.

While honing their skills at the Britt Festival in Jacksonville, Oregon, they caught the collective ears of the Arianna String Quartet, who were guest instructors at the two-week string quartet academy. "When people hear them, I don't think they can help but be drawn in," Arianna violist Joanna Mendoza told University of Missouri-St. Louis Magazine.

The feeling was mutual for the Dickson's, who desired a continuation of their studies with the Arianna. Working with the university, members of the Arianna were able to create an opportunity for the four Dicksons to enroll together and learn as an ensemble with University of Missouri-St. Louis' resident quartet.

With the Dickson String Quartet ranging in age from 16 to 20 and never having attended a public school at the time of their enrollment at University of Missouri-St. Louis, Raymond and Theresa decided to move their family to maintain a support structure for the new university students.

The Dickson students have thrived at University of Missouri-St. Louis. They've quickly established a reputation as leaders and role models in the Department of Music and Pierre Laclede Honors College. They participate in several performance ensembles, play together as "the quartet for worship" at their local church and have several standing ovations through their performances as a sibling quartet.

Mr. Speaker, I am honored to pay tribute to the Dickson family and I urge my colleagues to join me in honoring them.

JUSTICE AND EQUITY FOR MEMBERS OF THE UNITED STATES MERCHANT MARINE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. FILNER. Mr. Speaker and colleagues, I rise today to correct an injustice that has been inflicted upon a group of World War II veterans, the World War II United States Merchant Mariners.

World War II Merchant Mariners suffered the highest casualty rate of any of the branches of service while they delivered troops, tanks, food, airplanes, fuel, and other needed supplies to every theater of the war.

Compared to the large number of men and women serving in World War II, the numbers of the Merchant Mariners were small, but their chance of dying during service was extremely high. Enemy forces sank over 800 ships between 1941 and 1944 alone.

Unfortunately, this group of brave men was denied their rights under the G.I. Bill of Rights that Congress enacted in 1945. All those who served in the Army, Navy, Marine Corps, Air Force or Coast Guard were recipients of benefits under the G.I. Bill. The United States Merchant Marine was not included.

The Merchant Marine became the forgotten service. For four decades, no effort was made to recognize the contribution made by this branch of the Armed Services. The fact that Merchant Seamen had borne arms during wartime in the defense of their country seemed not to matter.

No legislation to benefit Merchant Seamen was passed by Congress until 1988 when the Seaman Acts of 1988 finally granted them a "watered down" G.I. Bill of Rights. Some portions of the G.I. Bill have never been made available to veterans of the Merchant Marine.

In addition, they still have not received proper recognition as veterans for Social Security purposes. If they had the "veteran" designation, their Social Security would be calculated as if they had earned \$160 more a month than they did earn during their time in service in the Merchant Marines. Of course, what this means is a smaller Social Security check, now that they are retired.

While it is impossible to make up for over 40 years of unpaid benefits, I propose a bill that will acknowledge the service of the veterans of the Merchant Marine and offer compensation for years and years of lost benefits. H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2011," will pay each eligible veteran a monthly benefit of \$1000, and that payment would also go to their surviving spouses. It will also give them the Social Security that they are due by providing them with the status of "veteran" under the Social Security Act.

The average WWII-era Merchant Marine is now well into his 80s. Many have outlived their savings. An increase in their Social Security and a monthly benefit to compensate for the loss of nearly a lifetime of ineligibility for the G.I. Bill would be of comfort and would provide some measure of security for veterans of the Merchant Marine.

I urge my colleagues to join me in supporting and co-sponsoring this legislation. We can fix the injustices endured by our Nation's Merchant Marines by passing H.R. 23 as quickly as possible.

HONORING TANNER JOSEPH DALMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Tanner Joseph Dalman. Tanner is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Tanner has been very active with his troop, participating in many scout activities. Over the many years Tanner has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Tanner has earned the rank of Senior Patrol Leader. Tanner has also contributed to his community through his Eagle Scout project. Tanner designed and constructed an open shelter for Jesse James Park in Kearney, Missouri, a task that included many long weekends this past fall.

Mr. Speaker, I proudly ask you to join me in commending Tanner Joseph Dalman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE SENIORS' HEALTH CARE FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. PAUL. Mr. Speaker, I rise to introduce the Seniors' Health Care Freedom Act. This act protects seniors' fundamental right to make their own health care decisions by repealing federal laws that interfere with seniors' ability to form private contracts for medical services. This bill also repeals laws which force seniors into the Medicare program

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

against their will. When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, the Balanced Budget Act of 1997 prohibits any physician who forms a private contract with a senior from filing any Medicare reimbursement claims for two years. As a practical matter, this means that seniors cannot form private contracts for health care services.

Seniors may wish to use their own resources to pay for procedures or treatments not covered by Medicare, or to simply avoid the bureaucracy and uncertainty that comes when seniors must wait for the judgment of a Center from Medicare and Medicaid Services (CMS) bureaucrat before finding out if a desired treatment is covered.

Seniors' right to control their own health care is also being denied due to the Social Security Administration's refusal to give seniors who object to enrolling for Medicare Part A Social Security benefits. This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join an additional government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits or to use his own resources to obtain health care.

Forcing seniors into government programs and restricting their ability to seek medical care free from government interference infringes on the freedom of seniors to control their own resources and make their own health care decisions. A woman who was forced into Medicare against her wishes summed it up best in a letter to my office, ". . . I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the right of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Seniors' Health Care Freedom Act.

INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL COMMISSION ON PRESIDENTIAL WAR POWERS AND CIVIL LIBERTIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. CONYERS. Mr. Speaker, today I introduce a bill that will create a national commission to examine fundamental questions regarding national security, civil liberties, and the rule of law. These include: What actions are permitted in the name of national security? What rights and liberties should a free people demand? Can the so-called Imperial Presidency be controlled?

These questions take on greater significance every year. The power of the Presidency seems to grow and grow under both parties, and the ability of our democratic institutions to constrain it seems more and more uncertain.

In the current political atmosphere, I believe that an expert commission with appointments made by both branches and individuals of both parties would be uniquely positioned to evaluate the issues and propose steps that the Congress can take to enhance both our liberty and our security for generations to come.

INTRODUCTION OF THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. GOODLATTE. Mr. Speaker, I rise to reintroduce legislation that will amend the United States Constitution to force Congress to rein in spending by balancing the federal budget.

We have a spending addiction in Washington, D.C., and it has proven to be an addiction that Congress cannot control on its own and which is bringing dire consequences. We have gone in a few short years from a deficit of billions of dollars to a deficit of trillions of dollars. We are printing money at an unprecedented pace, which presents serious risks of massive inflation. Our national debt recently surpassed an astonishing \$14 trillion and continues to rapidly increase, along with the waste associated with paying the interest on that debt.

Our first Secretary of State, Thomas Jefferson, warned of the consequences of out-of-control debt when he wrote: "To preserve [the] independence [of the people,] we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude." Unfortunately, it increasingly appears that Congress has chosen the latter path.

Our current Secretary of State, Hillary Clinton, issued a similar warning when she recently declared: "I think that our rising debt levels [sic] poses a national security threat, and it poses a national security threat in two

ways. It undermines our capacity to act in our own interest, and it does constrain us where constraint may be undesirable. And it also sends a message of weakness internationally." Despite these warnings, Congress has refused to address this crisis.

Congress' spending addiction is not a partisan one. It reaches across the aisle and afflicts both parties, which is why neither party has been able to master it. We need outside help. We need pressure from outside Congress to force us to rein in this out-of-control behavior. We need a balanced budget amendment to our Constitution.

That is why I am introducing this legislation, which garnered 179 bipartisan cosponsors in the 111th Congress. This bill would amend the Constitution to require that total spending for any fiscal year not exceed total receipts and require the President to propose budgets to Congress that are balanced each year. It would also provide an exception in times of war and during military conflicts that pose imminent and serious military threats to national security.

Furthermore, the legislation would make it harder to increase taxes by requiring that legislation to increase revenue be passed by a true majority of each chamber and not just a majority of those present and voting. Finally, the bill requires a 3/5 majority vote for any increases in the debt limit.

Our federal government must be lean, efficient and responsible with the dollars that our nation's citizens worked so hard to earn. We must work to both eliminate every cent of waste and squeeze every cent of value out of each dollar our citizens entrust to us. Families all across our nation understand what it means to make tough decisions each day about what they can and cannot afford and government officials should be required to exercise similar restraint when spending the hard-earned dollars of our nation's citizens.

By amending the Constitution to require a balanced budget, we can force the Congress to control spending, paving the way for a return to surpluses and ultimately paying down the national debt, rather than allow big spenders to lead us further down the road of chronic deficits and in doing so leave our children and grandchildren saddled with debt that is not their own.

This concept is not new—49 out of 50 states have a balanced budget requirement.

Our nation faces many difficult decisions in the coming years, and Congress will face great pressure to spend beyond its means rather than to make the difficult decisions about spending priorities. Unless Congress is forced to make the decisions necessary to create a balanced budget, it will always have the all-too-tempting option of shirking this responsibility. The Balanced Budget Constitutional amendment is a common sense approach to ensure that Congress is bound by the same fiscal principles that guide America's families each day.

I urge support of this important legislation.

THE ILLEGAL IMMIGRATION ENFORCEMENT AND SOCIAL SECURITY PROTECTION ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. DREIER. Mr. Speaker, the roots of our broken immigration and employer verification system can be traced to three underlying factors: too many unreliable documents, including the Social Security card; a faulty employment verification system; and lax enforcement. The cornerstone of any immigration and border security reform plan must include an effective employment verification system and enhanced enforcement of our immigration laws. My bill, H.R. 98, the Illegal Immigration Enforcement and Social Security Protection Act, provides a strong foundation on which to build upon.

The 1986 Immigration Reform and Control Act created the I-9 system for employers to verify the work authorization status of prospective employees. Currently, there are 26 documents that individuals can use in 102 different combinations to establish work authorization status in the U.S. While well intentioned, this program forces employers to be identification experts while allowing unscrupulous employers to hire illegal immigrants.

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act sought to improve reliability of the I-9 system by creating the Basic Pilot Program, now known as E-Verify, which allows employers, on a voluntary basis, to use an online system to verify the work authorization status of new employees by checking validity of the Social Security numbers with the Social Security Administration. The implementation of this program has been a step in the right direction. However, several studies have found that the E-Verify program is unable to detect identity fraud, allowing those with valid, but stolen documents, to secure employment.

H.R. 98 builds on the E-Verify program by creating an easy to use electronic verification system based on a secure, tamper-proof Social Security card, which employers can use to electronically verify the work authorization status of prospective employees. The new card includes a digitized photo of the cardholder, as well as an encrypted electronic signature strip, allowing employers to instantaneously verify a prospective employee's work authorization status with the Department of Homeland Security's Employment Eligibility Database, either through a toll-free number or electronic card-reader.

H.R. 98 also increases penalties for employers who hire illegal immigrants or fail to verify their employment eligibility by increasing fines to \$50,000 from \$2,000, applying jail sentences of up to 5 years per offense, and requiring the employer to pay for deportation. In addition, the bill adds 10,000 new DHS personnel whose sole responsibility will be to enforce employer compliance and prosecute those who illegally employ illegal immigrants.

Mr. Speaker, with newly improved document standards, employers will have a much higher degree of confidence in their hiring decisions. This will help to prevent the hiring of unauthorized workers and stop illegal immigration.

HONORING DANIEL FRANCIS BURKE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Daniel Francis Burke. Daniel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Daniel has earned the rank of Senior Patrol Leader. Daniel has also contributed to his community through his Eagle Scout project. Daniel designed and constructed an open shelter for Jesse James Park in Kearney, Missouri, a task that included many long weekends this past fall.

Mr. Speaker, I proudly ask you to join me in commending Daniel Francis Burke for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING THE SOCIAL SECURITY BENEFICIARY TAX REDUCTION ACT AND THE SENIOR CITIZEN'S TAX ELIMINATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. PAUL. Mr. Speaker, today I am pleased to introduce two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the Federal Government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens' Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of double taxation. Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a shell game which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending the practice of using trust fund monies for

other programs. This is why I am also introducing the Social Security Preservation Act, which ensures that all money in the Social Security trust fund is spent solely on Social Security. At a time when Congress' inability to control spending continues to threaten the Social Security trust fund, the need for this legislation has never been greater. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senior Citizens' Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

INTRODUCING THE CAGING PROHIBITION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. CONYERS. Mr. Speaker, today I rise to introduce the Caging Prohibition Act of 2011, a much needed reform to our election system. I believe that we should continue to focus on improvements to our election system in this Congress leading up to the presidential cycle next year. As we begin to focus election fixes and greater voter protections, this legislation can make a critical contribution to such efforts. Prohibitions on voter caging will ensure that our democracy lives up to the belief that every eligible citizen is entitled to the right to vote.

Voter caging, though just recently given media attention, is a disenfranchisement tactic that has been around for over 50 years. This undemocratic tactic often involves sending mail to voters at the addresses at which they are registered to vote. Should such mail be returned as undeliverable or without a return receipt, voters' names are placed on a "caging list," that list then being used to challenge voters' eligibility.

Those suggesting that voter caging is necessary to weed out ineligible voters must recognize this practice is unreliable and dangerous for such purposes. Mail may be returned as undeliverable for any number of reasons unrelated to an individual's eligibility to vote. For example, mail is returned due to typos, transposed numbers, new street names, and improper deliveries.

Voters in my home state of Michigan have been subjected to voter caging controversies in the last two Presidential elections. In the 2008 Election, a voter caging strategy meant to politically capitalize on the subprime mortgage crisis was identified. Those voters whose homes had been subjected to foreclosure were targets for caging on the basis that they no longer resided at the addresses at which they registered to vote.

During the 2004 Election, challengers monitored every single one of Detroit's 254 polling

stations. This strategy was consistent with a Michigan lawmaker's effort to "suppress the Detroit vote." It was widely accepted that this statement was synonymous with "suppress the Black vote," as Detroit is 83 percent African American.

Our most vulnerable voters—racial minorities, language minorities, low-income people, the homeless, and college students—always seem to be targeted for caging and other voter suppression campaigns. However, all voters are susceptible to voter intimidation and suppression. For example, during the 2004 election, Ohio and Florida caging lists included the names of soldiers whose mail had been returned as undeliverable because they were stationed overseas.

It is because no one is immune to caging and other disenfranchisement tactics, that I have introduced the Caging Prohibition Act. This bill is really quite simple, as it one, requires election officials to corroborate their caging documents with independent evidence before a voter can be deemed ineligible. And two, limits all other challenges that do not come from election officials to those based on personal, first-hand knowledge.

By eliminating caging tactics, we restore what has been missing from our elections—fairness, honesty, and integrity. I ask that my colleagues in the Congress join me in supporting the Caging Prohibition Act of 2011. Please stand with me in protecting the very core of our democracy.

HONORING ALAN ROBERT WILKIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alan Robert Wilkin. Alan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Alan has been very active with his troop, participating in many scout activities. Over the many years Alan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alan has earned the rank of Assistant Patrol Leader. Alan has also contributed to his community through his Eagle Scout project. Alan helped record names and other information for Mt. Olivet Cemetery in Kearney, Missouri in an effort to help genealogists and locate one particular lost plot for the trustees.

Mr. Speaker, I proudly ask you to join me in commending Alan Robert Wilkin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF DR. DEAN WYATT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. KUCINICH. Mr. Speaker, I rise to pay tribute to an outstanding public servant, Dr. Dean Wyatt. For 18 years, Dr. Wyatt worked as a public health veterinarian with the USDA's Food Safety and Inspection Service. At great risk to his own career, Dr. Wyatt distinguished himself as an advocate of improved federal oversight of food safety and humane handling rules at regulated slaughter plants. His tragic death from a brain tumor is a terrible loss to the country.

I had the honor of receiving Dr. Wyatt's testimony before the House Oversight Committee's Subcommittee on Domestic Policy in March of last year. He stepped forward to call attention to animal cruelties that he had observed at federally regulated slaughter facilities and to deep-seated problems in USDA's enforcement of the Humane Methods of Slaughter Act.

Even after he was diagnosed with his fatal illness, Dr. Wyatt continued to advocate for reform. His proposal to establish an ombudsman at the agency, which USDA is now implementing, is just one of many ways he has made a lasting impact.

Dr. Wyatt's truth-telling did not make him popular with his agency superiors. Indeed, over the years he endured their disapproval and condemnation. Yet he spoke up: not just for animals but also for fellow inspectors and veterinarians in USDA. He spoke up for all of those who are dedicated to ensuring meaningful compliance with the law, over the resistance of corporate interests and, at times, the agency itself. He remained true to his mission until his death. He will be deeply missed, and his spirit will live on as an inspiration to those whose lives he graced.

INTRODUCTION OF THE SOCIAL SECURITY PRESERVATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. PAUL. Mr. Speaker, I rise to protect the integrity of the Social Security trust fund by introducing the Social Security Preservation Act. The Social Security Preservation Act is a rather simple bill which states that all monies raised by the Social Security trust fund will be spent in payments to beneficiaries, with excess receipts invested in interest-bearing certificates of deposit. This will help keep Social Security trust fund monies from being diverted to other programs, as well as allow the fund to grow by providing for investment in interest-bearing instruments.

The Social Security Preservation Act ensures that the government will keep its promises to America's seniors that taxes collected for Social Security will be used for Social Security. When the government taxes Americans to fund Social Security, it promises the Amer-

ican people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

Everyone acknowledges that the federal deficits are unsustainable. Social Security reform is necessary to ensure the federal debt does not create a serious economic crisis that could devastate those, like Social Security recipients, living on fixed incomes. Preventing the use of Social Security trust fund monies for non-Social Security purposes is a necessary first step in reforming Social Security in a manner that does not hurt those currently relying on the system. I therefore call upon all my colleagues, to stand up for America's seniors and taxpayers by cosponsoring the Social Security Preservation Act.

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT RIGHTS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. CONYERS. Mr. Speaker, today I rise to introduce the Voting Opportunity and Technology Enhancement Rights or VOTER Act of 2011. I introduce this legislation, more than 200 years after the founding of our democracy, because we have yet to realize a government that is truly representative of the principle, "of the people, by the people." Not until every eligible voter has the opportunity to cast a ballot and have that ballot counted, will we have a truly democratic government.

Though the 2010 elections did not present the widespread irregularities and improprieties that were witnessed during the 2000 and 2004 elections, it was still an election in which voter disenfranchisement was attempted and accomplished. Voters' names were still missing from voter rolls. Voter harassment and intimidation complaints were still registered with Federal officials.

In fact, over the years, the methods that are used to disenfranchise voters have become more sophisticated as evidenced during the 2008 Election. For example, in my home state of Michigan, in the midst of the current subprime mortgage crisis, a strategy to challenge a voter's eligibility based on home foreclosure status was devised.

In Virginia, a flyer telling Democrats to vote on Wednesday, November 5, 2008, circulated. Similar tactics were present last fall, with complaints coming in from areas as diverse as Harris County, Texas, and even the state of Kansas.

We should recognize that anything short of a perfect election system is unacceptable and work on a bipartisan basis in seeking corrective action. To that end, I have introduced VOTER so that we may work towards a more perfect system, one that reflects legitimacy, integrity, and inclusivity. VOTER will protect and expand voting rights in Federal elections, as well as ensure the proper administration of Federal elections.

VOTER will: (1) provide for a uniform Federal write-in absentee ballot; (2) require states to provide for a verified audit trail; (3) count

provisional ballots cast in the proper state; (4) properly allocate voting machines and poll workers; (5) provide for election day voter registration; (6) protect against improper purging of registration lists; (7) mandate early voting; (8) require verification and audit ability for punch cards; (9) simplify voter registration requirements; (10) allow voter identification by written affidavit; (11) provide for a study of nonpartisan election boards; (12) strengthen the EAC with funding and resources; (13) mandate the use of publicly available open source software; (14) restrict voting machine companies from engaging in political activities; (15) give greater deference to voter intent during recounts; (16) prohibit deceptive practices and intimidation; (17) prohibit caging and other questionable challenges; (18) restore voting rights to former felons; and (19) treat Election Day as a Federal holiday.

Some of these initiatives have already been implemented by states, the success of which was observed during the 2010 elections. There are 32 states that currently provide early voting, including Florida, a state that witnessed over 1 million voters turn out to the polls the weekend before the 2008 election. There are also 29 states that currently provide no-excuse absentee voting by mail.

Such practices were critical to managing an unprecedented voter turnout in the 2008 elections. More than 130 million people turned out to vote, the highest turnout in any presidential election. With this many longtime and new voters engaged in the 2008 election process, I suspect that voter participation will only increase in 2012.

As such, we must pledge to fight for election reform this Congress. The right to vote and to have that vote counted is one of our democracy's most fundamental principles. It is with VOTER that I intend to protect this fundamental principle, and I ask that my colleagues in this Congress join me in this fight for fair and just elections.

SUPPORTING THE JAMES
ZADROGA 9/11 HEALTH AND COM-
PENSATION ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to speak in support of the 9/11 Health and Compensation Act.

We all know where we were on that fateful morning. If we were lucky, we were safe and with loved ones and far from Ground Zero.

But there are thousands of others who were not so fortunate, and who are reminded of those attacks every day—whether that's because they lost a family member or a friend, or because they cannot breathe after spending weeks cleaning the rubble of our fallen Twin Towers.

It is those first responders whose health we have a solemn obligation to watch over, and they number in the thousands—over 13,000 sick World Trade Center responders, more than 53,000 whose health is being monitored and 71,000 who were exposed to poisonous toxins.

They are firefighters, police officers, EMTs, construction workers and volunteers—just people who saw a fire and ran towards it to see how they could help—ran into the fire—and they remain in need.

They come from every single state in the Union and nearly every Congressional District. The health of these men and women is truly a national duty. With this bill, we can fulfill that duty.

It establishes the World Trade Center Health Program to monitor and treat responders whose injuries were caused by exposure to airborne toxins or any other adverse condition resulting from the attacks, and ensures that there is a network of health care providers around the country to care for anyone enrolled in the program. The bill also sets up the World Trade Center Survivor Program to provide screenings, treatment and follow-up monitoring to survivors and those living in the surrounding areas.

No one asked these men and women to go do what they did. They shouldn't have to ask us for quality health care. I strongly urge my colleagues to vote yes.

THE UDALL-EISENHOWER ARCTIC WILDERNESS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. MARKEY. Mr. Speaker, 50 years ago, on December 6, 1960, President Dwight D. Eisenhower set aside the core of the Arctic National Wildlife Refuge in Alaska. In so doing, President Eisenhower began the bipartisan legacy of protecting this majestic national treasure. 20 years later, in 1980, Representative Mo Udall succeeded in doubling the size of the Refuge.

Now it is time that we finish the job these great Americans began 50 years ago. Now it is time to permanently protect the Coastal Plain. The Congress needs to pass legislation designating it as wilderness.

If we don't enact permanent protections for the Refuge, oil companies and their allies in Congress will continue to push for short-sighted plans to drill one of our last pristine wild places.

Just last year, the BP Deepwater Horizon disaster led to more than 4 million barrels of oil spilling into the Gulf of Mexico. It was the worst oil spill in the history of the United States. The blobs of oil washing up on Gulf beaches recalled the ghosts of Valdez, and of Santa Barbara.

As we learned from the BP oil spill, the oil companies are prepared to drill ultra-deep, but they are not prepared to do it ultra-safe. Or respond ultra-quick.

What we did discover is that their response plans for a Gulf oil spill included plans to evacuate walrus from the warm waters off Louisiana, even though they had not called the Gulf home for 3 million years.

This disaster was born from boosterism from the oil industry. Boosterism led to complacency. And complacency led to disaster.

When it comes to the Arctic Refuge, we've heard the same boosterism for years. The oil

companies and their allies repeat a list of talking points: Drilling has a small footprint. It will not spoil habitats. Drilling can be done in an environmentally safe manner.

Now the oil companies and their allies want to open the Refuge and undo 50 years of protections and eons of solitude, all for less than a couple pennies at the pump more than two decades from now.

Instead of looking for the last drops of oil on Earth, we should be harnessing the wind and the sun to power our economy and create new, safe American jobs.

And unlike an oil well, you don't need a blowout preventer on a solar panel. There's no such thing as a "tragic wind spill."

When we look upon the Refuge decades from now, will we see a monument to America's commitment to our natural heritage, or will we see the abandoned wells and spilled oil as a monument to our insatiable thirst for oil? Will the Refuge remain a monument to America's wisdom or will our children and grandchildren only be able to see polar bears, caribou and other iconic animals carved in stone, monuments to our lack of foresight and innovation?

Now is the time to create a refuge for the American people from hundreds of billions of dollars we spend every year on foreign oil. Now is the time to create a refuge from the fossil fuel policies that have devastated the economy of the Gulf. Now is the time to protect the Arctic Refuge.

STATEMENT ON SENATOR BARBARA MIKULSKI

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. HOYER. Mr. Speaker, today, Senator BARBARA MIKULSKI, my colleague from the State of Maryland, becomes the longest-serving woman Senator in American history. It's a fitting milestone for a public servant who has been a trailblazer for her entire career. From her beginnings as a social worker and community activist, Senator MIKULSKI's career has always been motivated by a deep commitment to open doors of opportunity, to serve the people of Maryland, and to carry their voices to Washington.

In 1986, Senator MIKULSKI became the first Democratic woman elected to the Senate in her own right, as well as the first woman elected to statewide office in Maryland's history. Since then, her constituents have returned her to office four times—a sign of the seriousness and skill she brings to her work in the Senate. For decades, BARBARA MIKULSKI has been an inspiration and a role model to women in public life, mentoring generations of women leaders. I congratulate her on today's important milestone, and I wish her all the best in her continuing service to our State and its people.

INTRODUCING THE IDENTITY
THEFT PREVENTION ACT**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. PAUL. Mr. Speaker, today I introduce the Identity Theft Prevention Act. This act protects the American people from government-mandated uniform identifiers that facilitate private crime as well as the abuse of liberty. The major provision of the Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier by requiring the Social Security Administration to issue all Americans new Social Security numbers within 5 years after the enactment of the bill. These new numbers will be the sole legal property of the recipient, and the Social Security Administration shall be forbidden to divulge the numbers for any purposes not related to Social Security Administration. Social Security numbers issued before implementation of this bill shall no longer be considered valid federal identifiers. Of course, the Social Security Administration shall be able to use an individual's original Social Security number to ensure efficient administration of the Social Security system.

Mr. Speaker, Congress has a moral responsibility to address this problem because it was Congress that transformed the Social Security number into a national identifier. Thanks to Congress, today no American can get a job, open a bank account, get a professional license, or even get a driver's license without presenting his Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license!

One of the most disturbing abuses of the Social Security number is the congressionally authorized rule forcing parents to get a Social Security number for their newborn children in order to claim the children as dependents. Forcing parents to register their children with the state is more like something out of the nightmares of George Orwell than the dreams of a free republic that inspired this Nation's founders.

Congressionally mandated use of the Social Security number as an identifier facilitates the horrendous crime of identity theft. Thanks to Congress, an unscrupulous person may simply obtain someone's Social Security number in order to access that person's bank accounts, credit cards, and other financial assets. Many Americans have lost their life savings and had their credit destroyed as a result of identity theft. Yet the Federal Government continues to encourage such crimes by mandating use of the Social Security number as a uniform ID!

The Identity Theft Prevention Act also prevents the Federal Government from establishing any form of national ID. In 2005, Congress attempted to turn state driver's licensing into a national ID; however, resistance to this unconstitutional and costly mandate on the states has been so intense that today, for all intents and purposes, the Real ID mandate has been nullified. The Identity Theft Preven-

tion Act simply puts the nail in the coffin of the Real ID and similar schemes, thus protecting Americans from having their liberty, property, and privacy violated by private and public sector criminals.

Some members of Congress will claim that the federal government needs the power to monitor Americans in order to allow the government to operate more efficiently. I would remind my colleagues that, in a constitutional republic, the people are never asked to sacrifice their liberties to make the jobs of government officials easier. We are here to protect the freedom of the American people, not to make privacy invasion more efficient.

Mr. Speaker, while I do not question the sincerity of those members who suggest that Congress can ensure that citizens' rights are protected through legislation restricting access to personal information, the only effective privacy protection is to forbid the federal government from mandating national identifiers. Legislative "privacy protections" are inadequate to protect the liberty of Americans for a couple of reasons.

First, it is simply common sense that repealing those federal laws that promote identity theft is more effective in protecting the public than expanding the power of the federal police force. Federal punishment of identity thieves provides cold comfort to those who have suffered financial losses and the destruction of their good reputations as a result of identity theft.

Federal laws are not only ineffective in stopping private criminals, but these laws have not even stopped unscrupulous government officials from accessing personal information. After all, laws purporting to restrict the use of personal information did not stop the well-publicized violations of privacy by IRS officials or the FBI abuses of the Clinton and Nixon administrations.

In one of the most infamous cases of identity theft, thousands of active-duty soldiers and veterans had their personal information stolen, putting them at risk of identity theft. Imagine the dangers if thieves are able to obtain the universal identifier, and other personal information, of millions of Americans simply by breaking, or hacking, into one government facility or one government database?

Second, the federal government has been creating proprietary interests in private information for certain state-favored special interests. Perhaps the most outrageous example of phony privacy protection is the "medical privacy" regulation, that allows medical researchers, certain business interests, and law enforcement officials access to health care information, in complete disregard of the Fifth Amendment and the wishes of individual patients! Obviously, "privacy protection" laws have proven greatly inadequate to protect personal information when the government is the one seeking the information.

Any action short of repealing laws authorizing privacy violations is insufficient primarily because the federal government lacks constitutional authority to force citizens to adopt a universal identifier for health care, employment, or any other reason. Any federal action that oversteps constitutional limitations violates liberty because it ratifies the principle that the federal government, not the Constitution, is

the ultimate judge of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress to follow Thomas Jefferson's advice and "bind (the federal government) down with the chains of the Constitution."

Mr. Speaker, those members who are not persuaded by the moral and constitutional reasons for embracing the Identity Theft Prevention Act should consider the American people's opposition to national identifiers. The numerous complaints over the ever-growing uses of the Social Security number show that Americans want Congress to stop invading their privacy. Furthermore, according to a survey by the Gallup company, 91 percent of the American people oppose forcing Americans to obtain a universal health ID.

In conclusion, Mr. Speaker, I once again call on my colleagues to join me in putting an end to the federal government's unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers threaten all Americans by exposing them to the threat of identity theft by private criminals and abuse of their liberties by public criminals, while diverting valuable law enforcement resources away from addressing real threats to public safety. In addition, national identifiers are incompatible with a limited, constitutional government. I, therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Identity Theft Prevention Act.

THE ANGELES AND SAN
BERNARDINO NATIONAL FOR-
ESTS PROTECTION ACT**HON. DAVID DREIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. DREIER. Mr. Speaker, I have the honor of representing the Foothill communities at the base of the San Gabriel Mountains. Included in my district are the Angeles and the San Bernardino National Forests. These National Forests are two of the most widely visited forests in the Nation. In addition, they provide over 30 percent of the drinking water for Los Angeles County alone. Unfortunately, this area is also prone to devastating wildfires. Ensuring the public safety of our first responders and residents remains a top priority of mine. That is why I have been working for over a year with multiple parties on a proposal to assist our firefighters and preserve recreational activities in the region.

It is also vital that we continue to care for our natural resources. The Angeles and San Bernardino National Forests Protection Act, which I am introducing today, adds approximately 17,700 acres of forest lands to the Cucamonga and Sheep Mountain Wilderness Areas. With their close proximity to dozens of communities, the Angeles and San Bernardino National Forests provide residents with an opportunity to easily enjoy the public lands in their own backyard. It is my hope that this legislation will protect this area for the benefit of future generations.

Throughout this entire process, my number one focus has been to protect our firefighters

and other first responders who are responsible for keeping lives, homes and communities safe from approaching fires. I have worked closely with the Los Angeles and the San Bernardino County fire departments and have incorporated their suggestions on how we can make their job easier and safer. I am pleased that this legislation has the support of both the Los Angeles County and the San Bernardino County fire departments as well as the support of local fire chiefs. I will continue to work with our fire departments to ensure they have the resources needed to do their job as safely and effectively as possible.

This legislation also calls on the Forest Service to reduce the severe maintenance backlog that exists in both the Angeles and San Bernardino National Forests and to restore valuable recreational opportunities that were lost in the devastating 2009 Station Fire. Numerous facilities and trail markers were damaged during this fire and my legislation calls on the Forest Service to restore the facilities impacted in the Station Fire. This will allow individuals and families to enjoy our public lands for many years to come.

I also want to take this opportunity to note that this legislation will not impact any existing private property or water rights in this area. Multiple recreational uses, including horseback riding as well as hiking currently occur in these National Forests and these activities must be allowed to continue.

As this legislation works its way through the legislative process, I will keep working with all of the interested parties to ensure that our first responders can safely and securely protect our communities from forest fires while also preserving recreational opportunities for everyone.

HONORING INLAND HOSPITAL

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the accomplishments of Inland Hospital in Waterville, Maine.

Inland Hospital is a 48-bed, not-for-profit, community hospital that was founded in 1943 by a group of osteopathic physicians with a vision of providing compassionate care that focused on the whole patient, not just the disease. Today, that patient-centered approach is alive and well at Inland, where staff provide the kind of care we all want for our own families. Patients are treated with respect and dignity and benefit from an open communication process that delivers an extraordinary experience and the best possible medical outcome.

Inland Hospital has been recently recognized as one of the nation's top rural hospitals by the Washington, DC based Leapfrog Group. The Leapfrog Survey, which launched in 2001, focuses on four critical areas of patient safety: the use of computer physician order entry to prevent medication errors, standards for doing high-risk procedures, protocols and policies to reduce medical errors and other safe practices recommended by the National Quality Forum and adequate nurse

and physician staffing. In addition, hospitals are measured on their progress in preventing infections and other hospital-acquired conditions and adopting policies on the handling of serious medical errors, among other things.

Inland Hospital has displayed a tremendous commitment to providing the best quality health care for their patients. I am proud to congratulate the employees, providers, board members and volunteers for their dedication to providing the best care to our rural communities. Their skills, compassion and dedication make this hospital a well-deserved award recipient.

Mr. Speaker, please join me in recognizing Inland Hospital for their devotion to ensuring that patients and families receive the best possible health care.

A TRIBUTE TO ROGER MILLIKEN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. WILSON of South Carolina. Mr. Speaker, South Carolina has lost a titan of industry and a visionary to establish the modern Republican Party with the loss of Roger Milliken of Spartanburg.

On this historic day of swearing-in the largest number of Republican Congressmen from South Carolina is more than 130 years, it is fitting to recognize the benefactor of establishing the two-party system in our state with an editorial from The Spartanburg Herald-Journal published December 31, 2010.

ROGER MILLIKEN LEFT HIS IMPRINT ON MOST ASPECTS OF LIFE IN THE UPSTATE

ENDURING LEGACY

No one in the 20th century had the impact on Spartanburg that Roger Milliken did.

The businessman, philanthropist, political mover and conservationist, who died Thursday, affected most aspects of life in the Upstate.

Spartanburg has the business climate it enjoys today because of Milliken. He saw the potential in this area and brought his corporate headquarters and his research center here. Milliken's presence and leadership led to the tremendous investment that European textile equipment manufacturers made in Spartanburg, and that international presence helped bring BMW here.

Milliken doggedly fought to protect the nation's textile industry and American jobs from foreign competition. At the same time, he rebalanced his own business to adjust to world markets, finding new areas in which to compete. His foresight included knowing when to step down from the leadership of his company and paving the way for it to continue without him.

Milliken was a political leader, supporting candidates in local, state and national politics. Long before South Carolina enjoyed its early spot in the presidential primary season, national candidates came to Spartanburg, raising the community's profile, because of the need to secure Milliken's support.

He invested in the educational life of this community. Wofford and Converse colleges would not be the institutions they are today without his generous support. He helped found Spartanburg Day School.

Milliken recognized that this region would need first-class air transportation to compete with other areas and attract industry. He helped establish Greenville-Spartanburg International Airport, and the airport commission, for the first time in its more than 50-year history, now has to look for a new chairman. It would be appropriate for the airport to be renamed in Milliken's honor.

He also left his mark on Spartanburg in a very visible way. He was passionate about trees, creating arboretums at his research center and on the Wofford campus. His Noble Tree Foundation has helped to improve the environment in many cities.

One of Spartanburg's most popular parks is not a public park at all. It is the grounds of the Milliken Research Center, a beautiful landscape planted with a multitude of diverse trees. It has been open to the public so that generations of Spartanburg families have been able to enjoy feeding ducks at the pond or walking the sunny grounds.

Many wealthy businessmen focus on building their companies, their wealth and their power. Milliken was accomplished in these areas, but he also focused on building this community and region.

His legacy includes the education and transportation systems we rely on today, an economic climate that enabled Spartanburg to weather the loss of the textile industry and even much of the beauty of this community.

Milliken left instructions that his epitaph would read simply, "Builder." It is accurate. More than anyone else in the previous century, Roger Milliken built Spartanburg.

INTRODUCING THE PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. PAUL. Mr. Speaker, I rise to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My act removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by federal regulation.

The Prescription Drug Affordability Act brings competition to the market for pharmaceutical products by allowing anyone wishing to import a drug to simply submit an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the U.S. or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Mr. Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Congress has responded to these demands by repeatedly passing legislation liberalizing the rules governing the importation of pharmaceuticals. However, implementation of

this provision has been blocked by the federal bureaucracy. It is time Congress stood up for the American consumer and removed all unnecessary regulations on importing pharmaceuticals.

The Prescription Drug Affordability Act also protects consumers' access to affordable medicine by forbidding the federal government from regulating any Internet sales of FDA-approved pharmaceuticals by State-licensed pharmacists.

As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the federal government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on Web sites that sell pharmaceuticals. Any federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Mr. Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Prescription Drug Affordability Act.

**MARDEE XIFARAS: SOUTHCOAST
WOMAN OF THE YEAR**

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, the New Bedford Standard Times, an excellent newspaper, regularly recognizes leaders of the community that it serves by designating a SouthCoast Woman of the Year and a SouthCoast Man of the Year. This year's SouthCoast Woman of the Year is an extraordinary person, who is a leader in so many fields of endeavor that I think the Standard Times must have been tempted to call her "Women of the Year."

MarDee Xifaras is an able attorney, who has been a leader politically, economically, educationally, and in civic affairs in general. Most recently she has been a spearhead in getting the State of Massachusetts to take over the Southern New England Law School, creating for the first time in Massachusetts a state university law school, to the great benefit of the population of that area, and I believe to the practice of law in Massachusetts, by providing a source of socially-conscious graduates for years to come.

MarDee Xifaras is an extraordinary force for a wide range of good causes, and I am delighted that she has been recognized by the New Bedford Standard Times, but not surprised. I've had the benefit of her advice, counsel and friendship, as did my late and much-missed predecessor, Gary Studts, whose work in this body benefitted enormously from her input, as has mine.

Mr. Speaker, as an example of what citizenship is at its best, at a time when we very much need that, I ask that the New Bedford Standard Times article about Woman of the Year MarDee Xifaras be printed here.

[From SouthCoastToday.com, Jan. 2, 2011]

MARDEE XIFARAS: SOUTHCOAST WOMAN OF THE YEAR

(By Jack Spillane)

A bogus study pretending to be an independent report. Last-minute telephone calls from an incumbent governor twisting arms.

The smearing of a small law school's reputation by people on the boards of competing larger schools.

And ultimately, the slurring of an entire region of the state as not having enough of a talent pool to merit a public law school.

Margaret "MarDee" Xifaras dealt with every conceivable insult and underhanded political tactic when it came to the unsuccessful 2004-2005 fight to merge the Southern New England School of Law with the University of Massachusetts Dartmouth. But she did not get down into the gutter with her opponents.

Instead, Xifaras, the then-chairman of the SNESSL board of trustees, went back to work running the small, private Dartmouth law school in the same determined way that it had operated for more than two decades.

She also went to work leading the effort to meticulously document the legal and financial case that would make a 2009-2010 effort to absorb the school into UMass Dartmouth unassailable.

MarDee Xifaras' leadership achieved what very few SouthCoast political or public officials of any kind have done over the last half century. She went up against the state's Boston-centric power establishment and won.

And she won hands down.

For her efforts coordinating the campaign to establish a state law school in Massachusetts, a school that has now been located in Southeastern Massachusetts, Margaret D. Xifaras is the 2010 Standard-Times SouthCoast Woman of the Year.

Nominations for the award came from the community and members of the newspaper staff. Recipients were selected by a newsroom committee.

LEARNING LESSONS

"Out of the '04, '05 negativity and bad experience, came some lessons," Xifaras remembered of that first law school fight.

The impulse of some might have been to sue the private law schools—Suffolk University and New England School of Law—that coordinated the effort to prevent UMass from competing with them.

Instead, Xifaras waited for an opportune time when the numbers worked for the establishment of a state law school. And then she coordinated with SNESSL Dean Robert Ward and UMass Dartmouth Chancellor Jean MacCormack to devise a new financing plan under which the state law school would be a self-sustaining arm of the university, needing no assistance from the government.

Both savvy and practical, Xifaras hired O'Neil & Associates, the state's best-wired P.R. firm to help her navigate the state's notoriously provincial political waters. She also kept an eye on her own governing board, re-documenting for them once again the case as to why SNESSL donating \$23.5 million worth of its own assets to the state made sense for the school's development in the long run.

Xifaras' skill in coalition-building ultimately helped UMass and SNESSL build an iron-clad case that convinced Secretary of Education Paul Reville, Commissioner of Higher Education Richard Freeland, and finally Gov. Deval Patrick himself that a UMass law school was the right thing to do.

In effect, they convinced the powers-that-be to give access to legal education to

middle- and working-class students previously disenfranchised in Massachusetts. And they convinced them that the most cost-effective way to do it was by accepting SNESSL's existing Dartmouth campus as a donation.

"If there's anything we were over the years, it was determined," said Xifaras.

THE STUDENT FACTOR

Xifaras and the UMass and SNESSL boards had one more huge asset: the SNESSL students themselves—the primarily working- and middle-class students who had risen up 25-odd years ago, and with the help of interested area lawyers, created a fledgling law school out of little more than their own imaginations and desire.

After being victimized by the 2005 stealth political campaign, the SNESSL Student Bar Association hired one of the school's most successful graduates, Lee Blais, and sued Suffolk University, along with a onetime official of the Romney administration.

They sued for nothing less than public corruption.

They charged that Suffolk and a former Romney official turned lobbyist, Charles Chieppo, had colluded to try to keep the proposed UMass law school from competing with a lower-priced public school.

And though the case was never settled, the Board of Higher Education as much as admitted wrongdoing in the merger application process. It agreed to write a "letter of understanding" pledging the state to a fair, rigorous and documentable process when, and if SNESSL and UMass ever tried to unite again.

"They succeeded because of the basic unfairness, and violation of due process that occurred," Xifaras said.

And because of the tenacity of the students and their lawyer.

"We didn't allow ourselves to get out-litigated," Xifaras said.

"Lee Blais, at every turn was doing depositions, fighting back motions to dismiss, fighting back motions for dismissal for lack of standing."

Blais may have been taking the depositions, but it was Xifaras, according to Blais, who was the general planning the battle.

"She's someone who can plot out a strategy and implement a strategy," he said. "She's one of the most effective leaders I've ever met."

Blais also credited Xifaras with having the necessary political skills and vision.

She understood the politics of the state of Massachusetts—who could help and who couldn't, what would work and what wouldn't, he said.

Further, she understood the great rationale for a public law school itself in Massachusetts—a school that could focus on the need for lawyers to devote some segment of their careers to public service.

"Her skills, not only in the area of politics, but in the area of public policy, are just incredible," Blais said.

THE POLITICAL MAVEN

Robert Ward, the longtime dean of SNESSL, said Xifaras recommended a key change in approach for the second application.

It would be all about UMass and the need for a public law school, and not about addressing SNESSL's need for American Bar Association accreditation (a process that usually demands the resources of a larger school.) "That subtle twist is the kind of thing that really good lawyers do," said Ward. "You look into the dominant narrative and, you sort of find a way to tell your story in a way that resonates."

At the time of the second merger application, the nation was consumed by a large debate over health insurance, Xifaras noted, and whether there should be "a public option" for health insurance. In the same way, she decided, UMass would argue for a public option for an affordable legal education.

Xifaras said the SNESSL board had been inspired by the establishment of the state medical school in Worcester 40 years ago, also for students of limited means. And in 2009, the time was ripe for making an argument that Massachusetts needed an affordable, public law school, a school that, like UMass Medical, would train lawyers to dedicate at least part of their careers to public service.

Already, the new public law school has awarded 35 scholarships for that purpose.

"It was up to MarDee to rethink the rationale of going forward," Ward said.

"There has to be someone to find the right note. And that, again—because of her political savvy—that's what happened," he said.

UMass Dartmouth Chancellor Jean MacCormack said that while it was clear that SNESSL's \$23.5 million campus and experienced law-school faculty offered an opportunity to the university, the university brought to SNESSL the size and the resources necessary to win accreditation.

But Xifaras' charisma and political skills, MacCormack said, allowed the vision to happen. "She's incredibly optimistic in the face of huge obstacles," she said.

And the dividends of the state law school being located in Southeastern Massachusetts will be even more apparent in the future, MacCormack predicted.

"This is going to be a legacy activity," she said. "You're going to see more people coming to the South Coast. Already, of these students, 50 percent of them come from out of state."

A PERSONAL BATTLE

Winning the battle to establish a state law school was impressive under any circumstances, but few knew that Xifaras won it while beating back a flare-up of the breast cancer she first defeated some 14 years ago.

Xifaras, 65, is amazingly matter-of-fact about her life-or-death battles.

Although she admits to some personal, private moments of emotion, in the end, she said she simply didn't want to waste time or energy feeling sorry for herself.

She just did what needed to be done with the cancer—on the first round she had chemotherapy, radiation therapy and a stem-cell transplant—and last year, she had two more nodes removed.

Xifaras maintains a busy work schedule that's complemented not just by her effort to establish the law school, but by her long-time work as a sought-after political operative for the Democratic Party.

She has played key campaign management roles in the presidential efforts of everyone from Ted Kennedy to John Kerry to Barack Obama, not to mention local political efforts like the congressional campaigns of Paul and Niki Tsongas.

On top of all that, Xifaras works in a busy law practice (she's one of Mayor Scott Lang's law partners), and fills in as grandma for her daughter Amy, a law school student with a four-month old.

By the way, that's a throwback to Xifaras' own career when back in the mid-1970s she used to put in 10-plus hour days traveling back and forth to Boston University law school, while she had two children still in diapers and one who was in pre-school.

"I think back on it—if this alternative (a local law school) had been available to me at

that time, clearly I would have gone," she said.

Xifaras said she didn't need to attend a big-name school for the public-service career she had in mind. She needed a school like UMass Law.

"My orientation was always more of a community-based orientation. Doing regular work for regular folks in a terrific, down-to-earth setting," she said.

BELOVED BY HER PEOPLE

If you ask the people who've worked closely with MarDee Xifaras how she pulled off leading the charge for the state law school, or any of her other impressive life accomplishments, they'll tell you she just has this remarkable ability to "connect" with people.

By the way, Xifaras has also been a Peace Corps volunteer in Africa; a fellow at the Fletcher School of Diplomacy at Tufts; an MBA from UMass Dartmouth; a grassroots political organizer and one of the moving forces behind Gerry Studds' first anti-war campaign for Congress.

Xifaras is startlingly, and charmingly, straightforward. She seems to understand that human beings are not perfect entities, and she has the ability to meet them where they live and inspire them to be better.

"It is the privilege of a lifetime to work with her," Ward said. "The quality of my life improved dramatically when I met her."

Jay Lynch, Xifaras' vice chairman on the SNESSL board, said that often it was only Xifaras' personal connections that kept the public law school dream alive.

"She never gave up on it," he said.

Xifaras succeeds, Lynch said, because she reaches people. She never badmouths folks, even opponents—either in public or in private—he noted.

"I think it was her unique ability to connect with everyone involved," he said.

Perhaps the most impressive endorsement comes from Michelle Keith, a 2009 graduate of SNESSL, and one of the mid-life law students for whom Xifaras seems to have fashioned the public law school.

Keith met Xifaras at a Women's Bar Association event, one of the many ongoing community events that Xifaras has made sure take place at SNESSL over the years.

Keith, a homemaker who had home-schooled her two children; said she went to SNESSL because she loves both Greater New Bedford and the school's public service ethic.

She passed the bar on her first try.

She compares MarDee Xifaras to George Bailey in the Christmas film classic "It's a Wonderful Life." And she calls SNESSL the "Savings and Loan" bank that, in the classic movie, granted mortgages to low-income and middle-class people.

Xifaras, Keith said, really looks out for the school's students and advocates with them for public service to the community.

"There's a lot of successful people out there, but they go about it without any sense of honor," she said.

MarDee "has an inherent sense of honor and that's rare."

HONORING ROBERT JOSEPH PENCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Robert Joseph

Pence. Robert is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Robert has earned the rank of Assistant Patrol Leader. Robert has also contributed to his community through his Eagle Scout project. Robert aided the City of Kearney, Missouri by repainting many of the town's fire hydrants.

Mr. Speaker, I proudly ask you to join me in commending Robert Joseph Pence for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING A REMARKABLE PUBLIC SERVANT, THE HONORABLE TOM VANDERGRIFF

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. BURGESS. Mr. Speaker, I rise today to remember a remarkable public servant, the Honorable Tom Vandergriff. Judge Vandergriff began his 55 year long public service career as the youngest elected mayor of Arlington, Texas. There he made great strides to bring economic opportunity and expansion to the area with the luring of a General Motors plant, Six Flags theme park, and by bringing the Texas Rangers to the city.

These developments were no small task as it took thirteen years to bring Major League Baseball to North Texas and the positive effects can be felt through the vitality of Arlington as well as the Dallas-Ft. Worth Metroplex to this day.

Six years later, he went on to become the first Congressman of the 26th district of Texas in 1983. Although he only served one term, he played a fundamental role in establishing the office and representing the district.

For more than 25 years, Vandergriff served as County Judge of Tarrant County which includes more than 1.7 million residents and is one of the most populous in the United States. He retired from his role in 2007.

It is my great honor to recognize Judge Tom Vandergriff for his dedication, innovation, and insight that he has contributed to the North Texas region. I will always remember those exciting radio broadcasts when Judge Vandergriff was "the voice of the Texas Rangers" in the 1970s. My thoughts and prayers are with his family and friends. He was a great public servant, and all North Texans are thankful for his servitude.

CREATING JOBS, NOT EXPLODING
THE DEFICIT**HON. RICK LARSEN**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. LARSEN of Washington. Mr. Speaker, day one of the 112th Congress and House Republicans are already violating their campaign promises and the needs of the American people. The set of rules they introduced today will explode our debt and deficit, kill our economic recovery and make the House of Representatives less transparent.

Like a lemming, the set of budget rules contained in this package will push us further off the deficit cliff. It breaks the promise so many of us made to reduce the deficit and control the debt by refusing to pay for tax cuts for the wealthiest of Americans and forces future generations to foot the bill. Over the cliff like a lemming; but I suppose there is nothing like a little lemming to go with tea.

Instead of transparency, this set of rules confers "King for a Day" status to one Member of the House of Representatives—allowing him to set the entire budget for the federal government without any public input.

The last time this country allowed that was never. Only before we were a country did a king set our budget. And now Republicans are set to give this authority again to one person, the Chairman of the House Budget Committee, a person I admire as a Member of Congress—as a King, not so much.

And, in the next few days, the new House majority wants to repeal help for seniors on prescription drugs and take away consumer protections from families battling insurance problems. This effort will add \$143 billion to the deficit over the next ten years.

This is all happening while we should be focusing on the economic recovery that is underway thanks to the tough decisions that the last Congress made. We need to redirect our focus to the economy and stop exploding the deficits and debt.

INTRODUCING THE SOCIAL SECURITY
FOR AMERICAN CITIZENS
ONLY ACT**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. PAUL. Mr. Speaker, today I introduce the Social Security for American Citizens Only Act. This act forbids the Federal Government from providing Social Security benefits to non-citizens. It also ends the practice of totalization. Totalization is where the Social Security Administration takes into account the number of years an individual worked abroad, and thus was not paying payroll taxes, in determining that individual's eligibility for Social Security benefits.

Hard as it may be to believe, the United States Government already provides Social Security benefits to citizens of 17 other countries. Under current law, citizens of those

countries covered by these agreements may have an easier time getting Social Security benefits than public school teachers or policemen.

Obviously, this program provides a threat to the already fragile Social Security system, and the threat is looming larger. The prior administration actually proposed a totalization agreement that would have allowed thousands of foreigners to qualify for U.S. Social Security benefits even though they came to, and worked in, the United States illegally. Adding insult to injury, this proposal could have allowed the Federal Government to give Social Security benefits to non-citizens who worked here for as little as 18 months. Estimates of what this totalization proposal would cost top \$1 billion per year.

Despite a major public outcry against extending Social Security benefits to those who entered this country illegally, a version of this proposal actually passed the other body in the 109th Congress. That the executive branch would propose, and part of the legislative branch would endorse, using Social Security monies to reward those who have willingly and knowingly violated our own immigration laws is an insult to the millions of Americans who pay their entire working lives into the system and now face the possibility that there may be nothing left when it is their turn to retire.

Even if the current Congress rejects all proposals to allow those who entered the country illegally to receive Social Security benefits, the only way to guarantee a future administration will not revive this scheme is for Congress to put an end to totalization once and for all. I therefore call upon my colleagues to stop the use of the Social Security Trust Fund as yet another vehicle for foreign aid by cosponsoring the Social Security for American Citizens Only Act.

STATEMENT OF SUPPORT FOR
H.R. 44, THE GUAM WORLD WAR
II LOYALTY RECOGNITION ACT**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Ms. BORDALLO. Mr. Speaker, today I have introduced H.R. 44, the Guam World War II Loyalty Recognition Act, a bill that would implement the findings of the Guam War Claims Review Commission. Since being elected to the House of Representatives 8 years ago, I have introduced a version of this legislation in each Congress. Last Congress, this bill titled H.R. 44 passed the House on four separate occasions, once as standalone legislation and three times as part of the annual National Defense Authorization Acts.

This bill would implement the recommendations of the Guam War Claims Review Commission, which was appointed by Secretary of the Interior Gale Norton and established by an Act of the 107th Congress (Public Law 107-333). The Review Commission, in a unanimous report to Congress in June 2004, found that there were significant disparities in the treatment of war claims for the people of Guam as compared with war claims for other

Americans. The Review Commission also found that the occupation of Guam was especially brutal due to the unflinching loyalty of the people of Guam to the United States of America. The people of Guam were subjected to forced labor, forced marches, internment, beatings, rapes and executions, including public beheadings. The Review Commission recommended that Congress remedy this injustice through the enactment of legislation to authorize payment of claims in amounts specified. Specifically, the bill would authorize discretionary spending to pay claims consistent with the recommendations of the commission.

It is important to note that the Review Commission found that the United States Government seized Japanese assets during the war and that the record shows that settlement of claims was meant to be paid from these forfeitures. Furthermore, the United States signed a Treaty of Peace with Japan on September 8, 1951, which precludes Americans from making claims against Japan for war reparations. The treaty closed any legal mechanism for seeking redress from the Government of Japan, and the United States Government has settled claims for U.S. citizens and other nationals through various claims programs authorized by Congress.

The House of Representatives has continually been supportive of this legislation, passing the bill with bi-partisan support in 110th and 111th Congresses. The issue continues to stall in the Senate despite support from the administration and supportive Senators. In the 111th session of Congress, I worked to add the text of H.R. 44 to the National Defense Authorization Act for fiscal year 2010. This was unsuccessful because of the objections of Senators regarding the precedent that this legislation may establish notwithstanding the findings of the Guam War Claims Review Commission, which found that no new precedent was being made and that its recommendations were based on similar claims programs for similar circumstances. However, as a compromise, report language was added to the final statement of managers which called for additional hearings to review Guam War Claims matter in the 2nd Session of the 111th Congress. The House Armed Services Committee upheld its commitment and held a hearing on December 2, 2009 to further investigate the purpose and need for enacting H.R. 44. Last year, I worked again to include compromise language for H.R. 44 in National Defense Authorization Act for fiscal year 2011. Given the time constraints for floor time at the end of the session, the Guam War Claims provision had to be removed by the Senate in order for the final defense authorization bill to pass by unanimous consent in the Senate.

However, during negotiations on the defense authorization bill for fiscal year 2011 there was agreement that payment of claims to descendants of survivors of the Japanese occupation who suffered personal injury should be removed from the legislation. I accepted this compromise because I felt it was important to bring closure to this issue and that the objections to this provision by some Senators cannot be overcome at this time. As such, the bill I introduce today is compromise language that removes such claims payments and reflects the agreed upon compromise

reached during negotiations on last year's defense authorization bill.

Congressional passage of this bill this Congress has a direct impact on the future success of the military build-up. The need for Guam War Claims was brought about because of mishandling of war claims immediately following World War II by the Department of the Navy. The long-standing inequity with how Guam was treated for war reparations lingers today. If we do not bring this matter to a close I believe that support for the military build-up will erode and impact the readiness of our forces and the bilateral relationship with Japan.

Mr. Speaker, resolving this issue is a matter of justice. This carefully crafted compromise legislation addresses the concerns of several Senators, and has the approval of both Senator JOHN MCCAIN and Senator CARL LEVIN. This bill represents a unique opportunity to right a wrong because many of the survivors of the occupation are nearing the end of their lives. It is important that the Congress act on the recommendations of the Guam War Claims Review Commission to finally resolve this longstanding injustice for the people of Guam.

THE FAIR AND SIMPLE TAX ACT
OF 2011

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. DREIER. Mr. Speaker, our top priority is to get our economy going again. Helping families keep more of their hard-earned money and providing businesses with additional resources to invest in their operations will help create jobs and get our economy back on track.

The Fair and Simple Tax (FAST) Act is a commonsense plan that will provide certainty in the tax code and a boost to the economy. The bill cuts the current 6-bracket tax structure in half and employs three simple rates of 10, 15, and 30 percent. By reducing marginal rates and preserving major deductions, including mortgage interest, charitable, state and local taxes, the child tax credit and the personal exemption, the FAST Act provides working Americans with more money for their needs.

The FAST Act also addresses the need to get our economy moving again by providing important investment incentives and creating new opportunities for workers and job creators alike. As American businesses continue to participate in the global economy, the FAST Act makes domestic employers more competitive by reducing the corporate tax rate from the highest in the world to a more competitive rate. In order to encourage innovation and boost entrepreneurship, the FAST Act provides a permanent extension of the Research and Development Tax Credit. In addition, under the FAST Act, the tax code rewards, not penalizes, success by reducing the individual capital gains tax rate from 15 percent to 10 percent and indexing the tax for inflation.

The FAST Act is based on the principle that Americans deserve a tax code that is fair and

easy to understand. This year, Americans are projected to spend \$392 billion preparing their taxes. To make this process easier, the FAST Act creates a simple, one-page tax filing form that employs the simplified marginal rate structure.

This bill brings a sense of fairness to the tax code by permanently repealing the Death Tax and indexing the Alternative Minimum Tax (AMT) to inflation. In doing so, the FAST Act ensures that fewer taxpayers will be impacted by the AMT each year. In addition, the bill permanently extends the 2001 and 2003 tax relief measures.

As Americans seek to save money for retirement, education and other needs, the FAST Act provides incentives to encourage individuals to save more. The FAST Act creates three new, tax-free savings accounts: the Retirement Savings Account, the Lifetime Savings Account, both providing a \$5,000 tax-free contribution, and the Lifetime Skills Savings Account, which provides a \$1,000 tax-free contribution. Each provides Americans with additional ways to save money for their future needs.

Americans should have more control, not less, over their health care expenses. That is why the FAST Act creates a \$7,500 tax deduction for individuals and a \$15,000 tax deduction for families who do not have access to employer-sponsored health coverage. This expanded deduction provides individuals and families with additional assistance to purchase health care and allows unspent funds to be allocated to a Health Savings Account (HSA).

Mr. Speaker, the FAST Act reforms the tax code to provide permanent tax relief and clarity for American families and businesses, while encouraging innovation and entrepreneurship vital to our economic recovery. I encourage all my colleagues to join me in this pro-growth economic policy.

HONORING SEBASTICOOK VALLEY
HOSPITAL

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the accomplishments of Seabasticook Valley Hospital in Pittsfield, Maine.

Founded in 1963, the Seabasticook Valley Hospital was started by local citizens who were concerned about the health and well-being of their families, neighbors and employees of the region. The hospital continues to honor that legacy and commitment by being accountable at all levels of the organization in meeting the changing health care needs of the local communities. Seabasticook Valley continues to strive for improvement in services and to ensure that their patients receive the best possible service for their health care needs.

Seabasticook Valley Hospital has been recently recognized as one of the nation's top rural hospitals by the Washington, DC-based Leapfrog Group. The Leapfrog Survey, which launched in 2001, focuses on four critical

areas of patient safety: the use of computer physician order entry to prevent medication errors, standards for doing high-risk procedures, protocols and policies to reduce medical errors and other safe practices recommended by the National Quality Forum and adequate nurse and physician staffing. In addition, hospitals are measured on their progress in preventing infections and other hospital-acquired conditions and adopting policies on the handling of serious medical errors, among other things.

Seabasticook Valley Hospital has displayed a tremendous commitment to providing the best quality health care for their patients. I am proud to congratulate the employees, providers, board members and volunteers for their dedication to providing the best care to our rural communities. Their skills, compassion and dedication make this hospital a well-deserved award recipient.

Mr. Speaker, please join me in recognizing Seabasticook Valley Hospital for their devotion to ensuring that patients and families receive the best possible health care.

INTRODUCTION STATEMENT: H.R.
40, THE COMMISSION TO STUDY
REPARATION PROPOSALS FOR
AFRICAN-AMERICANS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. CONYERS. Mr. Speaker, I am pleased to re-introduce H.R. 40, the Commission to Study Reparations Proposals for African-Americans Act. Since I first introduced H.R. 40 in 1989, we have made substantial progress in elevating this issue in the national consciousness. Through legislation, state and local resolutions and litigation, we are moving closer to a full dialogue on the role of slavery in building this country.

At this time, however, I must acknowledge the passing of a major voice in the reparations debate, Dr. Ronald Walters. From his position in the academy—Professor at the University of Maryland and head of its African American Leadership Institute—Dr. Walters led the debate on reparation that touched both the grassroots and scholarly communities. His wisdom and clarity will be missed, but never forgotten.

As evidenced by recent events, the sin of slavery is one that continues to weigh heavily upon us. Following the lead of other churches, the Episcopal Church formally apologized for its role in slavery on October 4, 2008. Florida became the sixth state to apologize for slavery on March 26, 2008, following Virginia, Maryland, North Carolina, Alabama and New Jersey. During the internationally renowned Sundance Film Festival, *Traces of the Trade*, a documentary in which descendants of the largest U.S. slave trading family confront this painful history, screened in January of 2008.

In the 110th Congress, the House passed a slavery apology bill on July 29, 2008, in which the House issued a formal apology for slavery. The Senate followed on July 18, 2009, with the passage of S. Con. Res. 26 which was sponsored by TOM HARKIN of Iowa. Moreover,

in recognition of the 200th anniversary of the abolition of the transatlantic slave trade on January 1, 1808, both the House and Senate passed legislation creating a commemoration commission, which was signed into law on February 5, 2008, and is currently awaiting funding. I believe that such Federal efforts are significant steps toward proper acknowledgment and understanding of slavery and its implications, but our responsibilities on this matter are even greater.

The establishment a commission to study the institution of slavery in the United States, as well as its consequences that reach into modern day society, is our responsibility. This concept of a commission to address historical wrongs is not unprecedented. In fact, in recent Congresses, commission bills have been put forward.

In 1983, a Presidential Commission determined that the internment of Japanese Americans during World War II was racist and inhumane, and as a result, the 1988 Civil Liberties Act provided redress for those injured by the internment. However, the internment of Japanese Latin Americans in the United States during World War II was not examined by the Commission, resulting in legislation calling for a commission to examine this oversight. Legislation establishing a commission to review the injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II has also been proposed.

H.R. 40 is no different than these other commission bills. H.R. 40 establishes a commission to examine the institution of slavery and its legacy, like racial disparities in education, housing, and healthcare. Following this examination, the commission would recommend appropriate remedies to Congress, and as I have indicated before, remedies does not equate to monetary compensation.

In the 110th Congress, I convened the first Congressional hearing on H.R. 40. With witnesses that included Professor Charles Ogletree, Episcopal Bishop M. Thomas Shaw, and Detroit City Councilwoman JoAnn Watson, we began a formal dialogue on the legacy of the transatlantic slave trade. This Congress, I look forward to continuing this conversation so that our Nation can better understand this part of our history.

Attempts to eradicate today's racial discrimination and disparities will be successful when we understand the past's racial injustices and inequities. A commission can take us into this dark past and bring us into a brighter future. As in years past, I welcome open and constructive discourse on H.R. 40 and the creation of this commission in the 112th Congress.

INTRODUCTION OF A 3-PART BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 5, 2011

Mr. GOODLATTE. Mr. Speaker, I rise to introduce legislation that will amend the United

States Constitution to force Congress to rein in spending by balancing the federal budget.

We have a spending addiction in Washington, D.C., and it has proven to be an addiction that Congress cannot control on its own and which is bringing dire consequences. We have gone in a few short years from a deficit of billions of dollars to a deficit of trillions of dollars. We are printing money at an unprecedented pace, which presents serious risks of massive inflation. Our national debt recently surpassed an astonishing \$14 trillion and continues to rapidly increase, along with the waste associated with paying the interest on that debt.

Our first Secretary of State, Thomas Jefferson, warned of the consequences of out-of-control debt when he wrote: "To preserve [the] independence [of the people,] we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude." Unfortunately, it increasingly appears that Congress has chosen the latter path.

Our current Secretary of State, Hillary Clinton, issued a similar warning when she recently declared: "I think that our rising debt levels [sic] poses a national security threat, and it poses a national security threat in two ways. It undermines our capacity to act in our own interest, and it does constrain us where constraint may be undesirable. And it also sends a message of weakness internationally." Despite these warnings, Congress has refused to address this crisis.

Congress' spending addiction is not a partisan one. It reaches across the aisle and afflicts both parties, which is why neither party has been able to master it. We need outside help. We need pressure from outside Congress to force us to rein in this out-of-control behavior. We need a balanced budget amendment to our Constitution.

That is why I am introducing this legislation, which is a common sense, 3-part balanced budget Constitutional amendment. This bill would (1) amend the Constitution to require that total spending for any fiscal year not exceed total receipts; (2) require that bills to raise revenues pass each House of Congress by a 3/5 majority; and (3) establish an annual spending cap such that total federal spending could not exceed 1/5 of the economic output of the United States.

The bill would also require a 3/5 majority vote for any increases in the debt limit.

The legislation provides an exception in times of war and during military conflicts that pose imminent and serious military threats to national security.

Our federal government must be lean, efficient and responsible with the dollars that our nation's citizens worked so hard to earn. We must work to both eliminate every cent of waste and squeeze every cent of value out of each dollar our citizens entrust to us. Families all across our nation understand what it means to make tough decisions each day about what they can and cannot afford and government officials should be required to exercise similar restraint when spending the hard-earned dollars of our nation's citizens.

By amending the Constitution to require a balanced budget, establish measurable spend-

ing limits, and make it harder to raise taxes, we can force the Congress to control spending, paving the way for a return to surpluses and ultimately paying down the national debt, rather than allow big spenders to lead us further down the road of chronic deficits and in doing so leave our children and grandchildren saddled with debt that is not their own.

49 out of 50 states have a balanced budget requirement, and it is time that the federal government had one too.

Our nation faces many difficult decisions in the coming years, and Congress will face great pressure to spend beyond its means rather than to make the difficult decisions about spending priorities. Unless Congress is forced to make the decisions necessary to create a balanced budget, it will always have the all-too-tempting option of shirking this responsibility. A Constitutional balanced budget requirement, combined with the spending and tax limitations in this legislation, will set our nation's fiscal policies on the right path. This is a common sense approach to ensure that Congress is bound by the same fiscal principles that guide America's families each day.

I urge support of this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 6, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED JANUARY 7

9:30 a.m.
Budget

To hold hearings to examine the United States economic outlook focusing on challenges for the monetary and fiscal policy.

SH-216

HOUSE OF REPRESENTATIVES—Thursday, January 6, 2011

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 111TH CONGRESS 2D SESSION AND FOLLOWING PUBLI- CATION OF THE FINAL EDITION OF THE CON- GRESSIONAL RECORD OF THE 111TH CONGRESS 2D SESSION

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Lorraine C. Miller, Clerk of the House reports that on December 29, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 6523. To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2751. To amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

H.R. 5809. To amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

H.R. 5901. To amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees.

H.R. 2142. To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 6, 2011.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

You, O God, are our refuge and our strength. History has taught us You are a helper close at hand in times of distress. We shall not fear, even when the whole Earth is unstable and seems to rock. Our human frailty has revealed that we can easily be shaken. Nations are in tumult, mountains of power fall, and economic waves rage and foam.

You alone, Lord God, cannot be shaken. Each dawning day finds You as our stronghold. Your voice works wonders over all the Earth. Wars are pushed to an ending, but You alone break the bows and snap the spears that pierce the soul. You burn off our shields with Your fire, and we hear once again Your voice: "Be still and know that I am God; supreme over all the nations, supreme over all the Earth."

O God, be our stronghold, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches from each side.

THE HISTORIC SOUTH CAROLINA DELEGATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to welcome the four new members of the South Carolina delegation to the 112th Congress.

This past election, the voters of South Carolina let their voices be heard. The message was loud and clear: limit spending, with the largest Republican South Carolina delegation in over 130 years. The voters can rest assured the message was heard in Washington.

These four conservative, successful small business leaders were elected based on their principles. Promises to reduce spending, limit government, and attain fiscal responsibility will now be real priorities.

The people of South Carolina will benefit the most from this dynamic young team. The enthusiasm they bring is energizing. Congressmen TIM SCOTT, JEFF DUNCAN, TREY GOWDY and MICK MULVANEY are welcome to Federal public service. We will work together in making this the most accessible and accountable delegation for the people of South Carolina.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PROMOTING THE GENERAL WELFARE

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, the new Republican majority has decided that today we will read the United States Constitution, which I guess is a good thing. But like every other American, I can and do read it for myself. In fact, I did it this morning and came across the phrase "promote the general welfare."

Next week, the new Republican majority will put forward a bill to repeal health care reform; to tell seniors, go back to a world where you can choose between your prescriptions and your food; to tell our children, go back to a world where an insurance company can deny you coverage because you had the misfortune to be born with a disease. That is what they are doing next week.

Listen hard, listen hard today to those words, "promote the general welfare."

THIS ILLEGAL ACT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, this new Congress must be committed to listening to the will of the people and following the Constitution. Immediately we must right a wrong that has been forcibly placed like chains on the American people.

The unhealthy national health care bill bruises the doctrine of the Constitution. The people don't want the government stealing their individual liberty to make health decisions. Congress must repeal this totalitarian act.

In a few moments, Congress this day, on this new day, will read the Constitution on the House floor, the sacred rule of law for this Nation. Nowhere in this document of wisdom does the Federal Government have the omnipotent authority to force any American to buy any product or face criminal penalties, whether it is a car, health insurance, or a box of donuts.

The nationalized health care bill is an unconstitutional oppression of the American citizen. We will repeal this injustice. On this new day, we stewards of the Constitution must right this wrong, this illegal law that has been coerced upon the people without their consent.

And that's just the way it is.

CONDEMNING THE NEW YEAR'S DAY ATTACK ON A COPTIC CHURCH IN EGYPT

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, I rise today to condemn the senseless and heinous attack that took place on New Year's Day in Alexandria, Egypt, during a Coptic Christian mass ushering in the new year.

The suicide bombing that took place 20 minutes into 2011 took the lives of 23 Christians and wounded more than 90 others. Although no one has claimed responsibility for the attack, the Egyptian Government has linked the al-Qaeda terrorist organization to this brutal attack. Whoever the perpetrators may be, their actions epitomize the definition of evil and remind us of

the constant struggle around the world against terrorism. Security must remain a priority in Egypt and all freedom-fighting nations.

This event illuminates the unprecedented prejudice facing this minority population and the evident inter-religious struggle and violence that is plaguing Egypt. This deplorable act of violence is yet another example of the escalation of violence against Egypt's Coptic Christians, who make up about 10 percent of the population.

I offer my condolences to the families of victims who perished in the bombing, and I hope the Egyptian Government honors their promise with a swift and thorough investigation of this vicious crime.

AMERICAN ENERGY, AMERICAN JOBS

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, well, here we go again. Gasoline: \$3, \$4, and soon \$5 a gallon. Oil at \$100 a barrel. Yet America's offshore resources total more than 86 billion barrels of oil and 420 trillion cubic feet of natural gas, enough oil to replace imports from Saudi Arabia and Venezuela for the next 80 years. But the administration's moratorium says "no" to American oil and "yes" to OPEC.

We don't have to buy hundreds of billions of dollars worth of oil from OPEC, borrow \$900 billion from China, run a massive trade deficit or raise taxes. The revenues and leases from offshore exploration can bring up to \$3.7 trillion in Federal revenue to slash our deficit, build clean power plants, clean up our air and water, increase renewables, and rebuild our crumbling highways and bridges—all while creating millions of jobs and trillions in economic output.

I hope my colleagues will join me as I reintroduce the bipartisan American Conservation and Clean Energy Independence Act so we can work on securing America's prosperity and American jobs using American resources.

Stop talking; start building.

VOTE "NO" ON REPEALING THE AFFORDABLE CARE ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to speak against the reckless attempt to repeal the Affordable Care Act.

The new law has already put in place critical protections to help our families across this country. I want to tell the story of one family in my district whose life has been dramatically

helped by this law, the Strong family of Santa Barbara.

Bill and Victoria Strong's daughter, Gwendolyn, was diagnosed at age 6 months with a rare disease, muscular spinal atrophy. Her care is extremely expensive; and before the new law, the Strong's lived in constant fear that Gwendolyn would reach her policy's lifetime limit, no longer be covered for treatments and be uninsurable because of her pre-existing condition.

The elimination of lifetime caps has given the Strong's peace of mind. They are guaranteed Gwendolyn will receive the care she needs and their family is protected from bankruptcy.

Repealing these safeguards will take that security away. It would put this courageous little girl at risk of having her health care cut off when she needs it most and it would put this inspiring family at risk of bankruptcy.

I urge my colleagues to stand for all those who are benefiting from the law, as the Strong family is. Vote "no" on repealing the Affordable Care Act.

□ 1010

ROADMAP TO ECONOMIC RECOVERY

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, while this is my first opportunity to address the House, it won't be my last. The people of eastern and southeastern Ohio sent me here to be their voice, and I intend to be that voice. On their behalf, I will speak out—loud and clear—on the issues that matter to the working people of my district.

People sent me here for one primary reason: They think Congress has lost its way. And my constituents gave me a map they want us to use to get back on the right path. It's a simple map, drawn in bold, unmistakable strokes. Americans want us to be true to our founding principles, and the roads are open for all. But there are no shortcuts for special interests.

But, most of all, this roadmap was made in America and paid for upfront. That's how our spending must be. We owe it to taxpayers to disclose what our votes will cost and be clear about how they're paid for.

And, finally, Mr. Speaker, the map my citizens gave me leads in one very clear direction—toward economic recovery for every American. That's the way I'm headed. And I will cast my votes here with that in mind.

HEALTH CARE REPEAL AND IMPACT ON JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. All throughout Congress, the Republicans consistently asked, "Where are the jobs?" They asked this last year. Yet in their first major action, the House Republicans are showing their true colors: playing politics at the expense of hardworking Americans.

Under the Republican plan to repeal health reform, small businesses will not be able to receive \$40 billion in tax credits that will allow them to cover employees; insurance premiums will continue to rise, forcing businesses to cut benefits and lay off employees; and they will add to the deficit, exploding it to \$1 trillion over the next 20 years, creating more uncertainty in our economy.

Instead of serving hardworking American families, Republicans would rather have American small businesses serve greedy health insurance companies. Republicans are proving yet again that they are indeed the party of "no"—no relief, no health care, no jobs.

I urge my colleagues to stand with American small businesses and workers and resist any attempt to repeal health reform.

HOLD ON TO THE CONSTITUTION

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of Arizona. Mr. Speaker, in a few moments, the United States Constitution will be read for the first time in a long time in this Chamber. And I, for one, Mr. Speaker, am glad to see this welcomed day come.

I know there are those that will dismiss it as symbolic. But I remember the words of Daniel Webster when he said, "Hold on, my friends, to the Constitution and to the Republic for which it stands. Miracles do not cluster, and what has happened once in 6,000 years may never happen again. Hold on to the Constitution, for if the American Constitution should fail, there will be anarchy throughout the world."

Mr. Speaker, I hope, as we go forward in this new Congress, that we will all hold Mr. Webster's words in our hearts.

DON'T TAMPER WITH HIGHWAY TRUST FUND

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, despite repeated warnings yesterday from groups as diverse as the U.S. Chamber of Commerce, the Ironworkers, the Laborers, the American Trucking Association, even the Motorcycle Riders of America, Republicans adopted a new rule which allows Congress to tamper with the transportation authorization fund and the highway trust fund. And despite the protests from the majority

that it wasn't doing it, yesterday, UBS-PaineWebber put out a stock advisory that transportation construction companies were being downgraded because of the damage that the Congress did yesterday.

Mr. Speaker, the transportation and construction sector of our country is in a depression. There is 25 percent unemployment. The last thing this country needs is to tamper with the highway trust fund. And yesterday, that's what the new majority did.

The Democrats will fight to restore the transportation authorization fund, make sure that America has the transportation system that it needs, and get people back to work in the hardest-hit sector in the American economy.

TIME TO GET TO WORK FOR THE AMERICAN PEOPLE

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, yesterday we began a very important new chapter in the history of this great Nation as we began the 112th Congress. I was so proud to join so many of our new Members in taking the oath of office. The enthusiasm and the commitment that was shown by our new colleagues, as well as those of us who were honored enough to be re-elected, to take on the great challenges facing our Nation, I think, will be remembered as a historic pivot for our country.

The Constitution, which we will soon read here on the floor of the House, states that one of the primary purposes of the Federal Government is to "preserve the blessings of liberty for ourselves and our posterity." For far too long, the Federal Government has been mortgaging those blessings for our prosperity by burying them under a mountain of debt. And that must end.

We have a responsibility, Mr. Speaker, to make the tough decisions to cut spending, to eliminate the Federal deficit and begin to pay down the immense debt that threatens the opportunities that will be available for our children and our grandchildren. Our work will be difficult but it must be done. Let us all face up to these challenges and get to work.

TAKING THE OPPOSITE APPROACH

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Yesterday a new Congress was sworn into office, and just like the one before it, a top priority is to get our economy moving in the right direction. I'm profoundly disappointed, though, that the new majority of the Republicans has decided

to take the opposite approach: skyrocketing the debt, denying rights, and making sure we kill jobs.

Seniors in my district now have access to better preventative care and help with paying for expensive drugs. Americans who have worked long and hard throughout their life have earned that peace of mind. Young people in my district are now being put back on their parents' insurance after being denied for preexisting conditions. Repealing the health care bill will take those benefits away, will kill jobs, will skyrocket the debt, and will ensure that insurance company CEOs make health decisions for you, not you and your doctor.

Many of you may know I represent the world-famous Mayo Clinic in my district. They provide the highest quality patient-centered and affordable care the world has ever known, and I would like to leave you with a short quote they put out right before we voted on the health care bill last year: "Reforming health care in America is essential. The status quo is not sustainable."

MILLARD SOUTH HIGH SCHOOL

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, yesterday afternoon a suspended student at Millard South High School in suburban Omaha opened fire. Assistant Principal Vicki Kaspar was killed, and Principal Curtis Case remains in serious condition. After fleeing the school, the student killed himself.

This morning Nebraska has been blanketed by a profound wave of shock and sorrow. My heart goes out to the victims and their families and the innocent schoolchildren whose first day back at school was shattered by this nightmarish act. Today school is closed as counselors begin to help the community to try to cope and make sense out of what can be considered a senseless act of violence.

I ask for this body's thoughts and prayers, Mr. Speaker, to be with those students and teachers, their families, and all members of the Millard South community in the aftermath of this horrific tragedy.

REJECTING REPEAL OF AFFORDABLE CARE ACT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise today on behalf of my constituent, David Zoltan-Breiger, 33 years old, who now has coverage under Illinois' Pre-Existing Condition Plan thanks to the Affordable Care Act.

David has diabetes. Because of his preexisting condition, he couldn't get

insurance for over 2 years after losing his job. David is absolutely elated that he no longer has to wait for hours in the emergency room to get lifesaving insulin. Without coverage, the ER was his only option. Instead, he now has regular visits with the doctor and can avoid the medical crises that had become a frequent nightmare.

What happens to David under repeal of the bill? He, like so many others, would lose coverage and once again be at the mercy of insurance companies.

We cannot go back. We must reject the Republican call for repeal of the Affordable Care Act.

□ 1020

THE TRAGEDY AT MILLARD SOUTH

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I want to follow up with my colleague JEFF FOR-TENBERRY's thoughts.

The school in my district, Millard South, endured the ultimate tragedy when a student, who was suspended, returned with a gun. He walked into the assistant principal's office and shot her. Ms. Kaspar later died.

My profound sorrow of this incident—the ultimate parents' nightmare. My kids attend that school district; so we were getting the call about the lockdown. I don't think there is anything more disturbing to a parent anywhere than when the veil of safety of a school has been pierced by such violence.

The principal, who was also shot, is going to survive. He is also a neighbor of ours, and so I am glad that he will be fine.

I ask this floor and our colleagues on both sides of the aisle to join the Omaha community in expressing the depth of our sorrows. I ask for your prayers for not only the students of that school but for all of the teachers, for the family of the assistant principal who died, and for the principal who is fighting for his life right now. I appreciate everyone's concern.

THE HYPOCRISY OF THE ELIMINATION OF PAYGO

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Horrible tragedies like that cited by the two previous speakers remind us that there are simply too many guns too readily available to too many children. It has got to stop.

On a very different subject, though, Mr. Speaker, when Ronald Reagan ran for President, he said that any President who does not submit a balanced

budget should be impeached. He never did balance a budget. In fact, the only times that our budget has been balanced was during the Clinton administration as a result of what is called PAYGO—that you don't increase spending without increasing a concomitant amount of revenue; and you don't cut taxes without immediately cutting the same amount of spending. That worked. We had three successive years of budget surpluses, and we passed on a \$5.6 trillion projected surplus to the Bush administration.

Yet, as soon as the new Republican Congress came in at the beginning of the 21st century, they eliminated PAYGO. Two wars, two deep tax cuts and a massive expansion of Medicare were never paid for. As a result, we had a \$9 trillion fiscal reversal. When the Democrats came back in, we reinstated it; but yesterday the new Republican Congress exempted \$5 trillion from PAYGO—\$4 trillion of unpaid-for tax cuts and \$1.3 trillion of savings we could have gotten from health care reform.

It is the height of hypocrisy and deeply disappointing.

THE 14TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. I first want to extend the sympathies of Colorado and of the Representatives to our friends from Nebraska. We suffered the Columbine tragedy a number of years ago, so we definitely understand how painful something like this is.

Mr. Speaker, the purpose for me rising today is to talk about what has been given to this country in the form of the Constitution, particularly in the 14th Amendment.

I would say to my friend from Texas, "nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Until we passed that affordable health care act, people with pre-existing conditions were being denied equal protection of the laws. We passed that. They now have freedom from discrimination. Yet my friends on the Republican side of the aisle want to take away that freedom. That's wrong. That's wrong for people in my district and for millions of people across the country because they, their kids, their families, and their friends have different physical conditions that require attention and must be covered and not discriminated against.

THE SUPREME COURT NEEDS A LESSON

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, in a few minutes, we are going to have the reading of the United States Constitution—a show for the American public—for anybody who knows anything about constitutional law knows that it is up to nine men and women as to what the Constitution says.

When the Constitution was originally drafted—and I love it and I defend it—it didn't give women the right to vote, and it said slavery was permissible. Until the vilified Warren Court, in its correct decision in *Brown v. Board of Education*, it said separate was equal, and we knew it wasn't. African Americans were held back with Jim Crow laws.

Five people on the Supreme Court, not the whole nine, can make decisions that change the way the Constitution is interpreted.

Bush v. Gore, an abomination of a case that determined the Presidency for 8 years and took away States' rights. The *Citizens United* case funded the opposition that turned in the majority that the Republicans now have.

Making corporations the equal of people and putting money into politics poisoned the political system. The Supreme Court should read the Constitution. They need a lesson.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is a violation of the rules of the House.

CALL OF THE HOUSE

Mr. CONAWAY. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. Under clause 7(b) of rule XX, the Chair confers recognition for that purpose.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 7]

Answered "Present"—404

Ackerman	Barrow	Black
Adams	Bartlett	Blackburn
Aderholt	Barton (TX)	Blumenauer
Akin	Bass (CA)	Bonner
Alexander	Bass (NH)	Bono Mack
Altmire	Becerra	Boren
Amash	Benishiek	Boswell
Andrews	Berg	Boustany
Austria	Berkley	Brady (PA)
Baca	Berman	Brady (TX)
Bachus	Biggert	Braley (IA)
Baldwin	Bishop (GA)	Brooks
Barletta	Bishop (NY)	Brown (FL)

Buchanan
Buonshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Cravack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Giffords

Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis

Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmuter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce

Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shimkus
Shuler

Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Sutherland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez

Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (FL)
Young (IN)

PARLIAMENTARY INQUIRIES

Mr. INSLEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. INSLEE. Mr. Speaker, we appreciate the leadership shown to bring this document for reading today; but I do want to inquire of the Chair and perhaps the gentleman who is the author of this effort today, Mr. GOODLATTE. The language, as I understand it, that we will be reading today does not include some of the original language of the Constitution of the United States. On multiple occasions amendments have purported to change some of the intent of the original document.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. INSLEE. I do have. My parliamentary inquiry is, will we be reading the entire original document without deletion, or will we be reading a document with deletions that may or may not have been accomplished by respective amendments?

The SPEAKER pro tempore. Pursuant to section 5(a) of House Resolution 5, the Chair recognizes the gentleman from Virginia to read the Constitution of the United States.

Mr. INSLEE. And may I inquire of the gentleman, if I may inquire before we start this process, if he would explain to us so that we will all be on the same page.

The SPEAKER pro tempore. The gentleman is not recognized for that purpose.

Mr. INSLEE. I ask unanimous consent to ask the gentleman to yield for a question.

The SPEAKER pro tempore. The gentleman from Virginia is not recognized for debate. This is not a debate.

Mr. INSLEE. I will wait till Mr. GOODLATTE is recognized, and I will ask him to yield so we can have clarity of this.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for the reading of the Constitution, not for debate.

Mr. INSLEE. If I may ask unanimous consent to ask Mr. GOODLATTE to yield for just a question so we all understand the reading.

The SPEAKER pro tempore. Does the gentleman from Washington have a parliamentary inquiry?

Mr. INSLEE. Yes. My parliamentary inquiry is, may I ask the gentleman to yield for 30 seconds to ask a question of the derivation of this language that we will all be reading in good faith and in good spirits today?

The SPEAKER pro tempore. That is not in order at this point.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, as a part of the opening remarks, I will explain and I hope answer the question of the gentleman from Washington.

SWEARING IN OF MEMBER

The SPEAKER (during the call). While the call of the House will continue and Members are coming to record their presence, it is the intention of the Chair to administer the oath of office to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO appeared at the bar of the House, and the Speaker administered the oath of office to him as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The Speaker. Congratulations.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of Rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Oregon, the whole number of the House is 435.

The call of the House will continue.

□ 1054

The SPEAKER pro tempore. On this rollcall, 404 Members have recorded their presence.

A quorum is present.

READING OF THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to section 5(a) of House Resolution 5, the Chair now recognizes the gentleman from Virginia (Mr. GOODLATTE) for the reading of the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that they should not traffic the well while Members are under recognition.

This morning, for the first time in the history of the House of Representatives, we will read aloud the full text of the Constitution of the United States. We hope this will inspire many more Americans to read the Constitution.

The text we are reading today reflects the changes to the document made by the 27 amendments to it. Those portions superseded by amendment will not be read.

In order to ensure fairness for all those interested in participating, we have asked Members to line up on a first-come first-served basis. I will recognize Members based on this guidance.

In order to ensure relative parity and fairness, I may recognize Members out of order to ensure bipartisanship and balance. Two Members, one from each party, will be recognized out of order. Each Member will approach the podium and read the passage laid out for him or her.

The Speaker and two members of the leadership of each party will begin the reading, and then I will recognize Members in order. I thank the Members of both parties in advance for their participation in this historic event.

□ 1100

PARLIAMENTARY INQUIRIES

Mr. HONDA. Mr. Chairman, a point of parliamentary procedure.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. HONDA. Now that the process has started, would the gentleman from Washington's original question about parliamentary procedure be in order at this time?

The SPEAKER pro tempore. In light of the modicum of debate by the gentleman from Virginia, that would be appropriate.

Mr. INSLEE. If I may make a unanimous consent to ask Mr. GOODLATTE a question so that we all do understand the nature of the language that we will be reading today, I think it would be very helpful to us on a bipartisan basis.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia may yield for that purpose.

Mr. INSLEE. I thank the Speaker.

Mr. GOODLATTE, could you explain to us the decision-making process about which language to read today?

And the reason I ask is, through our American history, we have had a series of amendments that were intended to change the original document, but the amendments do not make specific deletions to specific language in the original document, and it has been up to us to ascertain the intent of the amendments to figure out which language is operative or not. But the language has not specifically been deleted by the amendment, so it could be subject to some interpretation of which language really has been removed and which has not.

So I think it would be helpful to the Members if you explain to us how the determinations of what to read have been made or not made so that we will all be on the same page as to congressional intent.

Mr. GOODLATTE. I thank the gentleman for his question.

We have consulted with the Congressional Research Service of the Library of Congress. The Library of Congress actually maintains a copy of the Constitution which includes those sections that have been superseded by amendment. So we are not reading those sections that have been superseded by amendment. And we have arrived at that determination based upon our consultation with the Congressional Research Service.

Mr. INSLEE. And would the gentleman accept the premise that since we have not been able to review the exact language we will be reading today—I will wait for a moment, Mr. Speaker. We do want to have a good bipartisan success here today, and this is a special moment for us all.

So I guess the question is: I take it that since we have not had discussion about which language to read or not, that this is not intended to create any statement of congressional intent about the language but, rather, to do our best to have a moment of comity to read the language as best as we can ascertain it. Is that correct?

Mr. GOODLATTE. I think the gentleman has stated that very well.

Mr. INSLEE. I thank you. And I very much appreciate your leadership in bringing this to our attention today.

Mr. GOODLATTE. I thank the gentleman.

Mr. JACKSON of Illinois. Mr. Speaker, if I may ask unanimous consent to address Mr. GOODLATTE.

The SPEAKER pro tempore. Does the gentleman from Virginia yield for that purpose?

Mr. GOODLATTE. I yield to the gentleman.

The SPEAKER pro tempore. Without objection, the gentleman is recognized. There was no objection.

Mr. JACKSON of Illinois. I thank the gentleman for his kindness.

Let me first begin by saying that I think every Member of this body is approaching the reading of their Constitution with the most sacred possible spirit in what is clearly an unprecedented moment in the history of the Congress of the United States. And I don't take it lightly when my colleague or when others, before we begin the reading of our sacred document, are raising questions about what we would be specifically reading, what specifically will be redacted based upon amendments or based upon the recommendations of Libraries of Congress.

But I also want to be very clear, Mr. Speaker and Mr. GOODLATTE, I recognize that this is a request, that in read-

ing those redacted—and this is very emotional for me. This is very emotional, I know, for a number of Members, given the struggle—and I am not trying to give a shot at the process. Mr. GOODLATTE knows me and he knows the spirit in which I'm approaching this—given the struggle of African Americans, given the struggle of women, given the struggles of others to create a more perfect document, while not perfect, a more perfect document, to hear that those elements of the Constitution that have been redacted by amendment are no less serious, no less part of our ongoing struggle to improve the country and to make the country better, and our sense in our struggle and whom we are at the Congress of the United States at this point in American history and our desire to continue to improve the Constitution, many of us don't want that to be lost upon the reading of our sacred document.

So with that said, I thank the gentleman for yielding. And I just wanted to indicate that this is done with sincerity. It is not done to take a shot at the idea of reading the Constitution. But certainly, when we were informed, for example, that the three-fifths clause would not be mentioned and that other elements of the Constitution which justify why some of us fight for programs in the Congress will not be written in the redacted version, it is of consequence to whom we are.

Mr. GOODLATTE. I thank the gentleman for his comments, and I take them very much to heart as has our leadership.

In fact, in recognition of the gentleman's concern, I mentioned in my comments that only two Members would be recognized out of order to read sections. One is the gentleman from Texas (Mr. SMITH), the chairman of the Judiciary Committee, who will read the first article of section 3 dealing with the judiciary. The other is the gentleman from Georgia (Mr. LEWIS), who many regard as the foremost advocate for civil rights in the Congress, he will read the 13th Amendment. In that regard, we hope to address the concern that you raised.

Mr. GOHMERT of Texas. Mr. Speaker, if I may ask unanimous consent to address the gentleman from Virginia.

The SPEAKER pro tempore. Will the gentleman yield for that purpose?

Mr. GOODLATTE. I yield to the gentleman from Texas.

The SPEAKER pro tempore. Without objection, the gentleman is recognized. There was no objection.

Mr. GOHMERT. Out of the same deference and respect for this document that we revere, I think it is important that we use the language of the Constitution itself. They are not deletions; they are amendments. And, in that respect, we go by the "amended" document, not by the "deleted" document.

There are too many that have fought and died for those amendments to call them deletions.

Mr. GOODLATTE. It is an amended document. We are going to read the document as amended.

I thank the members of both parties in advance for their participation in this historic event, and I thank the leadership and Members for providing for this reading in the rules of the House.

It is now my distinct honor to yield to the Speaker of the House to begin the reading.

Mr. BOEHNER. "We the People, of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Mr. GOODLATTE. I now yield to the minority leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Article I, section 1: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Mr. GOODLATTE. I now yield to the majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Article I, section 2: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"No person shall be a Representative who shall not have attained to the age of 25 years and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

"The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct."

Mr. GOODLATTE. I now yield to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Article I, continuation of section 2: "The number of Representatives shall not exceed one for every 30,000, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

"When vacancies happen in the representation from any State, the execu-

tive authority thereof shall issue writs of election to fill such vacancies.

"The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment."

□ 1110

Mr. GOODLATTE. I now yield to the gentleman from California, the majority whip, Mr. MCCARTHY.

Mr. MCCARTHY of California. Article I, section 3: "The Senate of the United States shall be composed of two Senators from each State for 6 years; and each Senator shall have one vote."

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. "Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. "No person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

Mr. GOODLATTE. I now yield to the gentleman from Georgia (Mr. DAVID SCOTT).

Mr. DAVID SCOTT of Georgia. "The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States."

Mr. GOODLATTE. I now yield to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. "The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the Members present."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. "Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject

to indictment, trial, judgment and punishment, according to law."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Section 4: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the place of choosing Senators."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Section 5: "Each House shall be the judge of the elections, returns and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide."

Mr. GOODLATTE. I now yield to the gentleman from Arkansas (Mr. WOMACK).

Mr. WOMACK. "Each House may determine the rules of its proceedings, punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member."

Mr. GOODLATTE. I now yield to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. "Each House shall keep a Journal of its proceedings and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House on any question shall, at the discretion of one-fifth of those present, be entered on the Journal."

Mr. GOODLATTE. I now yield to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. "Neither House during the session of Congress shall, without the consent of the other, adjourn for more than 3 days nor to any other place than that in which the two Houses shall be sitting."

Mr. GOODLATTE. I now yield to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Section 6: "The Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. "No Senator or Representative shall during the time for which he was elected be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office."

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Section 7: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

Mr. GOODLATTE. I now yield to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. "Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated who shall enter the objections at large on their Journal, and proceed to reconsider it."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. "If after such consideration two-thirds of that House shall agree to pass the bill, it shall be sent together with the objections to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law."

Mr. GOODLATTE. I now yield to the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. "But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively."

Mr. GOODLATTE. I now yield to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. "If any such bill shall not be returned by the President within 10 days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law."

□ 1120

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. "Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be pre-

sented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

Mr. GOODLATTE. I now yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Section 8: "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. "To borrow money on the credit of the United States; to regulate commerce with foreign nations, and among the several States, and with the Indian Tribes; to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States."

Mr. GOODLATTE. I now yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post offices and post roads."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Mr. GOODLATTE. I now yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. "To constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations."

Mr. GOODLATTE. I now yield to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. "To provide and maintain a navy; to make rules for the government and regulation of the land and

naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. "To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Mr. GOODLATTE. I now yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. "To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."

Mr. GOODLATTE. I now yield to the gentleman from Florida (Mr. WEST).

Mr. WEST. "And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Mr. GOODLATTE. I now yield to the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. Section 9: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding 10 dollars for each person."

Mr. GOODLATTE. I now yield to the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. No bill of attainder or ex post facto law shall be passed."

Mr. GOODLATTE. I now yield to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. "No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken. No tax or duty shall be laid on articles exported from any State."

Mr. GOODLATTE. I now yield to the gentlewoman from Washington (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or

from, one State, be obliged to enter, clear, or pay duties in another."

Mr. GOODLATTE. I now yield to the gentleman from California (Mr. HONDA).

Mr. HONDA. "No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

Mr. GOODLATTE. I now yield to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. "No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State."

Mr. GOODLATTE. I now yield to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Section 10: "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility."

□ 1130

Mr. GOODLATTE. I now yield to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. "No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

Mr. GOODLATTE. I now yield to the gentlewoman from New York (Ms. HAYWORTH).

Ms. HAYWORTH. Article II, section 1: "The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of 4 years and together with the Vice-President chosen for the same term, be elected as follows:"

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under United States shall be appointed an elector."

Mr. GOODLATTE. I now yield to the gentleman from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. "The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States."

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. "No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

The Chair notes a disturbance in the gallery in contravention of the law and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order in the gallery.

The gentleman from New Jersey.

Mr. PALLONE. "Neither shall any person be eligible to that office who shall not have attained to the age of 35 years and been 14 years a resident within the United States."

Mr. GOODLATTE. I now yield to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. "The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them."

Mr. GOODLATTE. I now yield to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. "Before he enter on the execution of his office, he shall take the following oath or affirmation: I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

Mr. GOODLATTE. I now yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Section 2: "The President shall be Commander in Chief of the Army and Navy of the United

States and of the militia of the several States when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."

Mr. GOODLATTE. I now yield to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

Mr. GOODLATTE. I now yield to the gentleman from Louisiana (Mr. CASSIDY).

Mr. CASSIDY. "But the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Mr. GOODLATTE. I now yield to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

Mr. GOODLATTE. I now yield to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Section 3: "He shall from time to time give the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them."

Mr. GOODLATTE. I now yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. "With respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed and shall commission all the officers of the United States."

Mr. GOODLATTE. I now yield to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Section 4: "The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. SMITH), the chairman of the Judiciary Committee.

Mr. SMITH of Texas. Article 3, Section 1: "The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

□ 1140

Mr. GOODLATTE. I now yield to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Section 2: "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority, to all cases affecting ambassadors, other public ministers and consuls, to all cases of admiralty and maritime jurisdiction."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. Farenthold).

Mr. FARENTHOLD. "To controversies to which the United States shall be a party, to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens or subjects."

Mr. GOODLATTE. I now yield to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. "In all cases affecting ambassadors, other public ministers and consuls and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Mr. GOODLATTE. I now yield to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. "The trial of all crimes, except in cases of impeachment, shall be by jury and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Section 3: "Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be

convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

Mr. GOODLATTE. I now yield to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. "The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted."

Mr. GOODLATTE. I now yield to the gentleman from Delaware (Mr. CARNEY).

Mr. CARNEY. Article IV, section 1: "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof."

Mr. GOODLATTE. I now yield to the gentleman from Maryland (Mr. HARRIS).

Mr. HARRIS. Section 2: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Mr. GOODLATTE. I now yield to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. "A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled be delivered up, to be removed to the State having jurisdiction of the crime."

Mr. GOODLATTE. I now yield to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Section 3: "New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. NADLER).

Mr. NADLER. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Mr. GOODLATTE. Section 4: "The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

Article V: "The Congress, whenever two-thirds of both Houses shall deem it

necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States . . ."

I now yield to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. ". . . or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

Mr. GOODLATTE. I now yield to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Article VI: "All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation."

Mr. GOODLATTE. I now yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. "This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding."

Mr. GOODLATTE. I now yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. "The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

Mr. GOODLATTE. I now yield to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Article VII: "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

Mr. GOODLATTE. I now yield to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. "The word 'the' being interlined between the seventh and eighth lines of the first page; the word 'thirty' being partly written on an

erasure in the 15th line of the first page; the words 'is tried' being interlined between the 32nd and 33rd lines of the first page; and the word 'the' being interlined between the 43rd and the 44th lines of the second page."

Mr. GOODLATTE. I now yield to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. "Done in convention by the unanimous consent of the States present the 17th day of September in the year of Our Lord 1787 and of the independence of the United States of America the 12th in witness whereof we have hereunto subscribed our names."

□ 1150

Mr. GOODLATTE. I now recognize the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Signers of the Constitution. George Washington, President and Deputy from Virginia.

Delaware: George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

Maryland: James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

Virginia: John Blair, James Madison, Jr.

Mr. GOODLATTE. I now yield to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. From the State of North Carolina: William Blount, Richard Dobbs Spaight, Hugh Williamson.

From South Carolina: John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

From Georgia: William Few, Abraham Baldwin.

Mr. GOODLATTE. I now yield to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. New Hampshire: John Langdon, Nicholas Gilman.

Massachusetts: Nathaniel Gorham, Rufus King.

Connecticut: William Samuel Johnson, Roger Sherman.

New York: Alexander Hamilton.

Mr. GOODLATTE. I now yield to the gentleman from Kansas (Mr. YODER).

Mr. YODER. New Jersey: William Livingston, David Brearley, William Paterson, Jonathan Dayton.

From Pennsylvania: Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, and Gouverneur Morris.

Mr. GOODLATTE. I now yield to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. The Preamble to the Bill of Rights: "Congress of the United States, begun and held at the City of New York on Wednesday, the 4th of March 1789."

Mr. GOODLATTE. I now yield to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. "The conventions of a number of the States, having at the time of their adopting the Constitution expressed a desire in order to prevent

misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the government will best ensure the beneficent ends of its institution."

Mr. GOODLATTE. I now yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS of Arkansas. "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the legislatures of the several States, as amendments to the Constitution of the United States . . ."

Mr. GOODLATTE. I now yield to the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. ". . . all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes as part of the said Constitution."

Mr. GOODLATTE. I now yield to the gentlewoman from Hawaii (Ms. HANABUSA).

Ms. HANABUSA. "Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth Article of the original Constitution."

Mr. GOODLATTE. I now yield to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. The First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

Mr. GOODLATTE. I now yield to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. The Second Amendment: "A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed."

Mr. GOODLATTE. I now yield to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. The Third Amendment: "No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Amendment Four: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Mr. GOODLATTE. I now yield to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. The Fifth Amendment: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger."

Mr. GOODLATTE. I now yield to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. "Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Mr. GOODLATTE. I now yield to the gentlewoman from California (Ms. SPEIER).

□ 1200

Ms. SPEIER. The Sixth Amendment: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

Mr. GOODLATTE. I now yield to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. "And to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Mr. GOODLATTE. I now yield to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Amendment Seven: "In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. FLORES).

Mr. FLORES. Amendment Eight: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Mr. GOODLATTE. I now yield to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. The Ninth Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Mr. GOODLATTE. Amendment 10: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

I now yield to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Amendment 11: "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state."

Mr. GOODLATTE. I now yield to the gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Amendment 12: "The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. "And they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate."

Mr. GOODLATTE. I now yield to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President."

Mr. GOODLATTE. I now yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. "The House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice."

Mr. GOODLATTE. I now yield to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. "The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President."

Mr. GOODLATTE. I now yield to the gentlewoman from California (Ms. CHU).

Ms. CHU. "A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States."

Mr. GOODLATTE. I now yield to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Amendment 13, section 1: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Section 2: "Congress shall have power to enforce this article by appropriate legislation."

Mr. GOODLATTE. I now yield to the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. Amendment 14: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Mr. GOODLATTE. I now yield to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. "Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Mr. GOODLATTE. I now yield to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Section 2: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

Mr. GOODLATTE. I now yield to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Section 3: "No person shall be a Senator or Rep-

resentative in Congress or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States or as a Member of any State legislature."

Mr. GOODLATTE. I now yield to the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. "Or as an executive or judicial officer of any State, to support to the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Section 4: "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void."

Mr. GOODLATTE. I yield to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Section 5: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Amendment 15, section 1: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Section 2: "The Congress shall have power to enforce this article by appropriate legislation."

Amendment 16: "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Amendment 17: "The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

Mr. GOODLATTE. I now yield to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. "When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: provided, that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

Mr. GOODLATTE. I now yield to the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. Amendment 19, passed by Congress June 4, 1919, ratified August 18, 1920: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

"Congress shall have power to enforce this article by appropriate legislation."

Mr. GOODLATTE. I now yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Amendment 20: "The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin."

Mr. GOODLATTE. I now yield to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Section 2: "The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day."

Section 3: "If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice President-elect shall become President."

Mr. GOODLATTE. I now yield to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. "If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified."

Mr. GOODLATTE. I now yield to the gentleman from Virginia (Mr. HURT).

Mr. HURT. Section 4: "The Congress may by law provide for the case of the death of any of the persons from whom

the House of Representatives may choose a President whenever the right of choice shall have devolved upon them and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Section 5: "Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article."

Section 6: "This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Amendment 21, passed by Congress February 20, 1933, ratified December 5, 1933:

Section 1: "The 18th article of amendment to the Constitution of the United States is hereby repealed."

Section 2: "The transportation or importation into any State, Territory or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited."

□ 1220

Mr. GOODLATTE. I now yield to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Section 3: "The article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within 7 years from the date of the submission hereof to the States by the Congress."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Amendment 22, passed by Congress on March 21, 1947.

Section 1: "No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than 2 years of a term to which some other person was elected President shall be elected to the office of the President more than once."

Mr. GOODLATTE. I now yield to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. "But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of Presi-

dent or acting as President during the remainder of such term."

Mr. GOODLATTE. I now yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. "But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term."

Mr. GOODLATTE. I now yield to the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. Section 2: "This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress."

Mr. GOODLATTE. I now yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Amendment 23, passed by Congress June 16, 1960; ratified March 29, 1961.

Section 1: "The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

"A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State . . ."

Mr. GOODLATTE. I now yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. ". . . but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the 12th article of amendment."

Section 2: "The Congress shall have power to enforce this article by appropriate legislation."

Mr. GOODLATTE. I now yield to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Amendment 24, passed by Congress August 27, 1962; ratified January 23, 1964.

Section 1: "The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

Section 2: "The Congress shall have power to enforce this article by appropriate legislation."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Amendment 25, passed by Congress July 6, 1965.

Section 1: "In case of the removal of the President from office or of his death or resignation, the Vice President shall become President."

Section 2: "Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."

Mr. GOODLATTE. I now yield to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Section 3: "Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Section 4: "Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President."

Mr. GOODLATTE. I now yield to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. "Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide . . ."

Mr. GOODLATTE. I now yield to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. "... transmit within 4 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon, Congress shall decide the issue, assembling within 48 hours for that purpose if not in session."

Mr. GOODLATTE. I now yield to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. "If the Congress, within 21 days after receipt of the latter written declaration, or, if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office."

Mr. GOODLATTE. I now yield to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. Amendment 26, passed by Congress March 23, 1971; ratified July 1, 1971.

Section 1: "The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

Section 2: "The Congress shall have power to enforce this article by appropriate legislation."

□ 1230

Mr. GOODLATTE. I now yield to the gentleman from Tennessee (Mr. FINCHER) who will read the last amendment of the Constitution.

Mr. FINCHER. Amendment 27, originally proposed September 25, 1789; ratified May 7, 1992.

"No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened."

Mr. GOODLATTE. Mr. Speaker, with apology to those few Members who were waiting to read, we have now completed the first reading aloud of the United States Constitution.

Mr. JACKSON of Illinois. Mr. Speaker, our expectation was that the new Republican majority would read the Constitution as written and its subsequent amendments. There is a broad body of law and interpretation that has developed from 1787 until the adoption of the last Amendment in 1992 that has turned our Constitution into a living document, paid for by the blood, sweat and tears of millions of Americans from the Revolutionary War, through the Civil War to even our current conflicts.

The new Republican majority and their redacted Constitutional reading gives little deference to the long history of improving the Constitution and only seeks an interpretation of our Constitution based on the now, not the historic, broad body of law and struggle that it has taken to get there. It leaves out the need to continue to refine the Constitution so that we have a more perfect union.

The 10th Amendment remains the center of conservative ideology. It reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The 112th Congress' Republican majority is building its agenda around the 10th Amendment. It is determined to limit the scope of

Congress' activity to legislation "reserved" to the United States. Then, all other rights are in the purview of the states. Under this historic logic, slavery was a state right protected by the Constitution and the 10th Amendment. But slavery by definition is not a human right, and therefore states rights cannot be human rights. That is why for the last five Congresses, I've introduced a series of Constitutional amendments that would improve the document for all Americans by guaranteeing essential rights.

Currently, the right to vote is a state right—subject to local interpretations of who should vote and how. That results in thousands of different systems, all with different rules and different regulations. It means education is a state right, which means a child's likelihood of success is based on where he or she is born and the quality of schools that happen to be there. It means health care is a right, and God help you if your state, county or city cannot provide access to high quality care.

I will soon reintroduce the following amendments, in the hopes of creating a more perfect union:

H.J. Res. 28—Guaranteeing the right to vote to all Americans

H.J. Res. 29—Guaranteeing the right to an education of equal high quality

H.J. Res. 30—Guaranteeing the right to health care of equal high quality

H.J. Res. 31—Guaranteeing the right to equality and to reproductive rights to women

H.J. Res. 32—Guaranteeing the right to high quality housing

H.J. Res. 33—Guaranteeing the right to a clean and safe environment

H.J. Res. 34—Guaranteeing progressive taxation

H.J. Res. 35—Guaranteeing the right to full employment and balanced growth

H.J. Res. 36—Abolishing the electoral college, and providing direct election of the President and Vice President

I hope my Republican and Democratic colleagues will join me in converting a reverence for the Constitution into a movement to improve it on behalf of all Americans.

APPOINTMENT—PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 11 of rule X and clause 11 of rule I, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. ROGERS, Michigan, Chairman.

RESOLUTION TO CUT CONGRESS' BUDGET

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 22) reducing the amount authorized for salaries and expenses of Member, committee, and leadership offices in 2011 and 2012.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 22

Resolved,

SECTION 1. REDUCTION IN MEMBERS' REPRESENTATIONAL ALLOWANCE.

(a) ALLOWANCES ADOPTED IN 2011 AND 2012.—The amount of any Members' Representational Allowance established in accordance with section 101 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b) for 2011 or 2012 may not exceed 95 percent of the amount of the Allowance so established for 2010.

(b) INTERIM REDUCTION PENDING ADOPTION OF NEW ALLOWANCE.—Until a Members' Representational Allowance is established in accordance with section 101 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b) for 2011, the amount of such Allowance, as in effect on the date of the adoption of this resolution, is reduced by 5 percent.

SEC. 2. REDUCTION IN AMOUNT AUTHORIZED FOR SALARIES AND EXPENSES OF HOUSE LEADERSHIP OFFICES IN 2011 AND 2012.

(a) REDUCTION.—The head of any House leadership office may not authorize the disbursement of any amounts appropriated for salaries and expenses of such office during calendar year 2011 or fiscal year 2012 at a rate exceeding 95 percent of the rate provided for such salaries and expenses for fiscal year 2010.

(b) DEFINITION.—In this section, a "House leadership office" is any office whose salaries and expenses were appropriated for fiscal year 2010 under the heading "House leadership offices" in the Legislative Branch Appropriations Act, 2010.

SEC. 3. REDUCTION IN AMOUNT AUTHORIZED FOR EXPENSES OF COMMITTEES IN 2011 AND 2012.

(a) PRIMARY EXPENSE RESOLUTIONS.—The aggregate amount authorized for expenses of committees of the House of Representatives for 2011 and 2012 under primary expense resolutions adopted by the House under clause 6 of rule X of the Rules of the House of Representatives may not exceed 95 percent of the aggregate amount provided for expenses of committees under such resolutions for 2009 and 2010.

(b) INTERIM FUNDING PENDING ADOPTION OF PRIMARY EXPENSE RESOLUTIONS.—Notwithstanding paragraph (c) of clause 7 of rule X of the Rules of the House of Representatives, each committee described in paragraph (a) of such clause shall be entitled for each month during the period specified in paragraph (a) of such clause to 95 percent of the amount otherwise determined under paragraph (c) of such clause.

SEC. 4. REDUCTION IN AMOUNT AUTHORIZED FOR SALARIES AND EXPENSES OF COMMITTEE ON APPROPRIATIONS IN 2011 AND 2012.

The chair of the Committee on Appropriations may not authorize the disbursement of any amounts appropriated for salaries and expenses of the Committee during fiscal year 2011 or fiscal year 2012 at a rate exceeding 91 percent of the rate provided for such salaries and expenses for fiscal year 2010.

The SPEAKER pro tempore. Pursuant to section 5(b) of House Resolution 5, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Pennsylvania (Mr. BRADY) each will control 1 hour.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a momentous day. We are all here together as Members of a new Congress and, more importantly, at the cusp of a new era in America's political life. I find it humbling and most appropriate that while yesterday we were ceremonially sworn in in this historic House Chamber and appropriately voted on a transparency-enhancing rules package, today we began our proceedings with a reading of the United States Constitution. The Constitution not only establishes our polity and our framework of government, it enshrines as our fundamental law the proper role of government.

Mr. Speaker, as we promised in our Pledge to America, today's reading was an affirmation of our commitment to return this government back to its proper role—a smaller, less costly, more accountable one.

Mr. Speaker, the resolution before us, introduced by my colleague from Oregon, is extremely important to today's affirmation. And it is no accident that this is our first piece of legislative business in this the 112th Congress.

This legislation is significant because, along with our other activities here on the House floor this week, this bill committing ourselves to a more responsible and efficient stewardship of the taxpayers' dollars demonstrates, we hope, to the American people that we are listening.

Mr. Speaker, the people's House should act first and lead by example. Everybody knows that across this country families and small businesses have cut their spending, are paying off their debt, and are striving to live within their means. We should do the same, and this legislation is a beginning. It will do that by having an immediate impact, and I would like to thank the gentleman from Oregon (Mr. WALDEN) and his transition team for their hard work and their constructive ideas.

Under this resolution, each leadership, committee and Member office in the 112th Congress will receive no more than 95 percent of its 111th Congress funding level. In fiscal year 2011, this will mean a savings of \$1 million from leadership offices, a savings of \$8.1 million from committee budgets, and a savings of \$26.1 million from, collectively, the Members' office budgets. For those who may not know, the Members' office budgets are the specific amounts that are given to Mem-

bers so that they can carry out their functions as Members of Congress. It includes the ability to communicate with their constituents, it includes paying for their staff, it includes paying for their transportation from their district to Washington, D.C. and back; it includes the rental on their district offices. In other words, it is the money that is utilized for Members to carry out their official activities. These are important jobs that Members are required to do if in fact we are to represent our people appropriately. Nonetheless, even though these are important things that we do, we should try to be even more efficient in the way that we do them. That is the purpose of this legislation before us.

Mr. Speaker, these are substantial cuts in budgets, in budgets that frankly cannot continue indefinitely on an upward trajectory. We must all find ways to do more with less, to enhance our productivity, and to ferret out waste or inefficiencies wherever they may be. With that being said, this initial savings is only a down payment on future efforts. My colleagues and I on House Administration are dedicated to continuing savings and reductions in spending in other areas as well. Thus, for fiscal year 2012, we have committed to keeping this 5 percent reduction in place. We are also directing all House officers, such as the Clerk, the Sergeant at Arms and the Chief Administrative Officer, to find savings within their own organizations without sacrificing their services and the excellence they pride themselves on maintaining; in other words, to do what all Americans are attempting in their own lives, finding ways to do more with less. We look forward to hearing from these and other House offices in specificity as to what their cost-savings plans will be.

As has been said by our Speaker, we have committed to cutting domestic spending and returning non-security discretionary spending to 2008 levels. If we could live on that level of spending a mere 2 years ago, surely we can find ways to do so again. Again, American families are doing it. American businesses are doing it. We must try as well.

Mr. Speaker, listening to the American people and restoring the proper role of government means decreasing spending, ending our deficit mentality, and fostering job creation. These are the virtues that have made this country great and will sustain us in the future.

I want to publicly thank my colleague from Oregon (Mr. WALDEN) and his transition team for the efforts that they have put into this legislation, and I would urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a staunch advocate for strong, accountable stewardship of hard-earned taxpayer dollars, I applaud any effort to responsibly address this concern. I travel back and forth to my district every day in the city of Philadelphia, and I spend a large portion of every day listening to constituents as they voice their concerns over our economy and the real impact it has on their day-to-day lives. Certainly this House must take steps to ensure that resources are effectively utilized, administered and accounted for. To that end, I support this resolution and encourage my colleagues to do so as well.

During the 111th Congress, significant steps were taken by the House leadership to expand transparency and responsible use of taxpayer dollars. At the direction of Speaker PELOSI, the Committee on House Administration under my chairmanship worked with the office of the CAO to introduce the House statement of disbursements in an online, electronic format. For the first time, constituents, the media and other concerned individuals could review every penny spent by Members, committees and leadership offices.

Through the Green the Capitol initiative and with the cooperation of the Architect of the Capitol, we rolled out enhancements designed to increase the energy efficiency of the Capitol Complex, resulting in cost savings.

Under the Democratic majority, we put in place requirements that only vehicles meeting lower greenhouse emissions standards were eligible for MRA-funded lease payments. Not only does this have a positive environmental impact, it also reduces fuel costs, since these vehicles are generally more fuel efficient.

The cost savings that were introduced were done so responsibly and with a constant eye on ensuring that Members have the resources they need also to be able to serve their constituency. That's ultimately the reason why we are here. I look forward to exploring additional, responsible cost savings opportunities with Chairman LUNGREN in the spirit of bipartisanship cooperation that we have enjoyed for many years, and I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1240

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN) who spent an enormous amount of time beginning immediately after the elections to bring us to this point.

Mr. WALDEN. Mr. Speaker, I want to thank the chairman of the House Administration Committee for his help and assistance as we worked through the transition. I also want to thank the ranking member the gentleman from

Pennsylvania (Mr. BRADY) and the gentleman from New Jersey (Mr. ANDREWS) as well who were designated by then-Speaker PELOSI to be a formal conduit for us on the transition. They were most helpful and gave us good insights. And I want to thank all the Members who participated and the staff whom we reached out to in a survey across this campus to say, How can we do this better? How can we be more efficient with our time and the taxpayers' money? Where can we cut costs?

Today is that first installment. There is an old saying that the journey of a thousand miles begins with a single step. Ladies and gentlemen, this is a single step forward, but it is a \$35 million first step. We think we can at least save that in this effort today, and leadership really starts at the top.

The American people have spoken loudly and clearly. They are very concerned about the economy and their jobs and their communities and they are equally and deeply concerned about the deficits that have been racked up by both parties over time. We have to turn that around, or we end up looking like some of these countries elsewhere around the globe that are facing financial ruin if they don't change. We have to change, too, and we are asking ourselves to take the first step here and save at least \$35 million.

As the gentleman from Pennsylvania has pointed out and the gentleman from California has pointed out, this is the first installment. Our management team in this organization is looking at each department on how they can achieve additional savings. As you know, we have an Inspector General that looks at everything on Capitol Hill and identifies ways we can improve safety and security and cut costs and be more efficient, so we are letting them do their management piece.

Now, I was a small business owner for 22 years with my wife out in Oregon. I understand that if you don't watch the pennies and the nickels, you will never get to the dollars. You have to look at everything you do in real time to try and squeeze out efficiency, and I think we have done that.

As Republicans, our pledge to America was to do exactly that across the government, and you will see oversight hearings about policy, oversight hearings about job-killing regulations because we want to get America working again. And I know my colleagues on the other side of the aisle share that view, that it is the private sector jobs that we have to get restored in this country. We have to grow the economy and create jobs and put Washington's fiscal house back in order, and we will take the first steps today with this legislation and this resolution.

So, specifically, we cut we believe \$35 million out of our own budgets. It is a 5-percent reduction, except, I should

point out, the Appropriations Committee will actually suffer a 9-percent reduction, and they came forward with that level. I applaud them for that.

This is firm, but flexible. Members will still determine within their budgets how they are spent. We don't micromanage here. We treat you as adults, and we are going to treat government agencies as adults. But we will expect results because the American people spoke clearly in November and said, we want transparency, we want openness, we want accountability, we want you to cut deficit spending, and we want you to create private sector jobs.

So, Mr. Chairman, I think we have begun that process today. I thank my colleagues on the other side of the aisle for supporting this bipartisan effort.

Mr. BRADY of Pennsylvania. I also would like to thank Mr. WALDEN for allowing us to participate, myself and Mr. ANDREWS from New Jersey.

I certainly do not want to get you in any kind of trouble here today, but we did have some ideas that happened to fall into and come into implementation of your plan. I know that was just great minds thinking alike. It wasn't that it was our idea that did that. But I am talking especially toward the schedule. I do appreciate that. I appreciate you allowing us to participate in what you have done there and look forward again to working with you in the future.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Appropriations Committee.

Mr. ROGERS of Kentucky. I thank the chairman for yielding.

Mr. Speaker, this is a historic time for this Congress, this House and my committee. I can say without a moment's hesitation that this day represents a crucial turning point for our Nation as this new Congress begins a path to fiscal sanity.

With this resolution today, Congress will begin immediately to reduce spending, starting here and now with our own office budgets and our committee budgets and the like.

To demonstrate my strong commitment to slashing spending, reducing our national deficit and getting our economy back on track, I have directed my own committee budget to be cut not by 5 percent, Mr. Speaker, but by 9 percent, nearly double the amount of reduction proposed for other House offices. What the Appropriations Committee is saying to all other committees is, we see your five; we raise you four. So we are cutting 9 percent.

This year, the Appropriations Committee will be ground zero for a wide range of reductions across the Federal Government; and by cutting our own

budget first, Mr. Speaker, we are showing we are willing to lead by example.

This is a critical time for the Appropriations Committee, as we will carry out the most expansive reduction of discretionary spending in the history of this country. Under my watch, the Appropriations Committee will be an instrument of change, to enforce the will of the American people.

My Republican colleagues on the committee and I are ready to stand and fight for the American people and show that we are serious about our commitment to rein in government spending and control our exploding deficits. Yet it is important to remember that slashing spending to save taxpayer dollars and reducing the size of government is a means to an end. We must always keep our eyes on the ultimate goal—improving our economy, getting our people back to work and safeguarding the Nation's financial security for the future.

The one and only mandate that we received from the American people in November, in my judgment, was to put our economy and jobs first. This is why people came to the polls and voted for a change in this body, and this is the duty that we must fulfill.

To this end, it is clear that this Congress cannot let favored, yet troublesome, programs slip by or allow turf battles to cloud our shared interest in protecting the taxpayer. Our budget ax will swing wide and true, and no area of the Federal Government will be immune from our scrutiny and cuts. Sacred cows are, for all intents and purposes, extinct.

Mr. Speaker, we have a big job ahead of us. While this resolution is a small step forward, it is a giant leap to show, in a very personal and practical way, the commitment we have to reducing spending and getting our economy back on track. The first drawn blood is ours.

Mr. BRADY of Pennsylvania. I continue to reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I want to thank the gentleman for yielding the time.

I rise in strong support of this resolution. What does it do? You have heard quite simply that it saves the American taxpayers millions of dollars. How does it do it? Quite simply, it says we are going to spend less money in this House.

These are difficult times, and we can't just keep on doing things like we have always done them. We have got to change things. No more perks, no more privileges, no more waste. We have a chance with this resolution to, in the House, look at ourselves in the mirror and say we are going to lead by example.

□ 1250

The American people have been making these tough choices all along. I think it's time that this House put its own house in order. But we have to remember that actions speak louder than words. Difficult times mean leaders have to lead. We have a chance to take a bold step to say that we're going to try to stop this culture of spending that we've all gotten used to and say, Let's start a culture of savings.

Now, that's not going to be easy. It's going to be hard. It's going to be painful. It's going to be difficult. It's going to be tough. But we must do it. And that's where we begin to start. That's what this resolution does. It says that we're going to take the first step. We're going to cut our own spending. We're going to do more with less. And I think right now we can do a whole lot more with a whole lot less. I know that, you know that, and I think the American people know that. But we all know that we need money to provide services.

Right now, it seems to me that government needs something more. We need discipline to rein in spending. We need courage to make the right decisions, even when they're hard. And we need to seize the challenge to provide services in these difficult times. We've got to make sure that every task of government is accomplished more efficiently and more effectively than it ever has been before, because if life is going to change in America, life has to change here in Washington. And this is the first step.

So I urge the adoption of this resolution.

Mr. DANIEL E. LUNGREN of California. At this time I would like to yield 3 minutes to the gentlewoman from Alabama (Mrs. ROBY), a member of the transition team.

Mrs. ROBY. Mr. Speaker, our Nation is on an unsustainable path. Over the last 2 years, all we have seen from Washington is more spending, more borrowing, and more debt. The American taxpayer has been burdened with \$3 trillion worth of bailouts and buyouts. Never before has the government spent so much while the people received so little. One of the goals of the transition team was to restore fiscal responsibility to Congress. And I would like to thank the gentleman from Oregon (Mr. WALDEN) for his leadership on that transition team.

Working families all across America have been forced to tighten their belts during this economic downturn. The Congress should be no different. Our proposal would cut Members' representational allowances by 5 percent. It will save the American taxpayer at least \$35 million annually over the next year.

No one is suggesting that this is a silver bullet. In fact, it is far from it. Reducing our soaring debt will require

this Congress to deeply commit to the tough choices that will be required to put our Nation back on track. But, in many ways, our budget woes began in this Chamber. And so, too, should they end. This resolution is a symbolic start to this process.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Speaker, I would yield 3 minutes to the gentleman from South Carolina (Mr. SCOTT).

Mr. SCOTT of South Carolina. On the campaign trail for the last several months we've heard two things from people. We've heard: cut spending, cut spending, cut spending. And the other thing we heard consistently was: live by the decisions that you make in Congress.

Well, today we have a great opportunity before us. We have an opportunity to do both—to start cutting spending—\$35 million-plus in spending cuts—starting with us. It means that we start first and foremost by living with the decisions that we make. A 5-percent deduction in our MRAs gives us an opportunity to not spend the money so that other folks in families and small businesses have an opportunity when not paying taxes to invest more money in the future of their country and their families.

Second, as we consistently live under our own decisions, we tell the American people that we are simply "listening." I heard constantly that the American people want a Congress that listens; that hears what they're saying; that understands their pain and then does something about it. The first step in that direction is for us to start living within our own means and to tell the American people that we hear them.

If we want to restore the confidence of the American people in their elected officials, we must start by doing things like this—cutting ourselves first and asking the rest of the government to follow.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time it is my pleasure to yield 3 minutes to the gentleman from Colorado (Mr. GARDNER), a member of the transition team.

Mr. GARDNER. I thank the gentleman from California.

Mr. Speaker, today I am glad to support a resolution that puts away the knives of politics and instead pulls out the shears of budget cutting. Thank you to Representative WALDEN for your work on the transition committee to again restore accountability and transparency by leading by example in one of the most historic institutions this world has ever witnessed.

Throughout my time in the State legislature of Colorado and throughout the past several months I have talked to constituents around the Fourth Congressional District of Colorado about the need to lead by example—the need to start in our own backyard first to

cut our budgets to make sure that we are leading by example. Just a couple of rows from here in this Chamber when we took the oath, my 7-year-old daughter accompanied me to witness the transition of power. But that means nothing if we cannot lead by example. And I will have failed her as a 7-year-old child, and every child like her, if we do not lead by example—and we start today by cutting our own budgets.

The 5 percent cut to our budget is not massive, but it is monumental. And it's something that we must all take seriously, our efforts to begin leading the American people. Around this country, citizens of the United States are looking to Congress for signs of hope—signs of hope that we have learned a lesson that this Congress has spent too much, grown too much, and that we will put our own house in order.

Mr. Speaker, today I have the honor of standing in support of a resolution that says to the American people we will indeed lead by example. We will begin in our house first.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time it gives me a great deal of pleasure to yield 1 minute to the majority leader of the House of Representatives, the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from California.

Mr. Speaker, our new majority will be a results-driven Congress with one clear goal: to create jobs and generate economic growth. Our defining principle will be "cut-and-grow." Cut spending and job-killing regulations and grow jobs and the economy.

Our mission is urgent. For the economy to grow, families, businesses, and financial markets need to know that we are serious about cutting spending. If we don't act, the threat of future tax increases, inflation, and higher borrowing costs will continue to serve as an anchor on the economy.

Beginning the new Republican majority by cutting our own congressional operating budgets sends the right message. The days of families and small businesses tightening their belts while the Federal Government goes on a spending spree are over. This self-imposed 5-percent cut to our own House operating budgets will save American taxpayers more than \$35 million immediately. I hope that Federal agencies across the spectrum will follow suit and find ways to cut their own budgets.

This legislation is a small, but significant, step toward promoting a culture of opportunity, responsibility, and success. I urge my colleagues to support it.

□ 1300

Mr. BRADY of Pennsylvania. I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time, I

would like to yield 3 minutes to another gentleman who served us well on the transition team, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today in strong support of House Resolution 22. In fact, it is an honor to give my first speech in the House of Representatives on this issue.

When I went around in the campaign, I heard from the people of the 11th District of Illinois repeatedly about a number of things, but at the forefront, it was "cut spending." We have a massive deficit. We have lived the last few years acting like we can just spend money and never worry about it; but we saw a massive change in the last few months, and it is time for us to heed that message. How better to do it than to lead by example?

As well as hearing about our needing to cut spending, I heard about humility a lot and about a majority that needs to lead with a sense of humbleness. I think this is key, to lead by example, but we need to wrestle the beast of spending. I don't have kids yet, but someday I will, and when I do, I don't want to live with the responsibility that I continue to shovel debt and debt on top of them and make them have to handle that now.

As a member of the military—and I've been doing that for 8 years—I also understand what sacrifice is, and I understand that folks have been fighting on the outside for the defense of our country. It is time for us now to fight on the inside for the defense of our country. \$35 million isn't going to solve all of our budget problems, but it's a good first step. This is the first step in a probably very painful process where we have to understand and wrestle with this beast and where everybody is going to have to sacrifice, but it is the first step and a very necessary step to ensure that we are leaving our children a Union, a country, far better than the one we inherited.

So to the people of the 11th District of Illinois and to the people of America, let me say the freshman class and the Republican majority have heard your voice. We heard what you said on November 2. We are going to seriously cut spending, and we are going to start with our own budget. We are proud to do it, and we are going to step forward and lead and make you proud.

Thank you so much for the opportunity to address this issue.

Mr. BRADY of Pennsylvania. I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. At this time, I would like to yield 3 minutes to the gentleman from Mississippi (Mr. HARPER), a member of the House Administration Committee.

Mr. HARPER. Thank you, Mr. Chairman, for yielding.

Mr. Speaker, I am eager to enact the Republican governing agenda that focuses on creating jobs, driving down

spending and shrinking the size of the Federal Government.

Republicans will take swift action to turn America from the failed economic policies of the last 2 years to the conservative principles to promote prosperity through individual freedoms and liberties. Our plan includes initiatives to pay down the national debt and put the Federal Government back on a path to a balanced budget. This goal can be achieved by employing fiscally conservative policies—just like this.

Mr. Speaker, the Federal Government is broke, borrowing 41 cents of every dollar that we spend. Nearly one in 10 American workers is unemployed while the Federal Government has added 100,000 new jobs. Washington continues to record trillion dollar deficits despite the fact that family budgets get smaller and smaller. The government cannot continue to grow while Americans' wallets shrink.

As lawmakers, we must lead by example. For this past Congress, my first term, my congressional office has come in under budget, voluntarily returning approximately 10 percent of the Members' representational allowance. This gesture has not impacted the quality of our representation and our constituent services. During this time period, my office has replied to over 37,000 emails and letters and has connected with nearly 82,000 constituents via teleconference.

I urge Congress to follow this example by providing taxpayers with a fiscally responsible operating budget. Our path to a balanced budget begins today, and it begins with this vote.

Mr. BRADY of Pennsylvania. I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time, it is my privilege to yield 3 minutes a new member of our House Administration Committee but a veteran of this House, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. I thank the gentleman for yielding. I thank Mr. LUNGREN. I thank Mr. BRADY. I thank Mr. WALDEN and the members of the transition team, many of whom have spoken on this issue.

Mr. Speaker, clearly, it is time for us—we Members of Congress of the House of Representatives—with House Resolution 22, to show good faith and regard to tightening our belts. It has been said by other Members that cutting the Members' representational allowance is kind of routine for a lot of the Members.

I know that, this past year, I returned something like \$160,000 of the MRA to the Treasury and, over the course of my 8 years in Congress, in the aggregate, some \$900,000. Quite honestly, that is more than a 5 percent cut. So it can be done, and many Members have done that as well.

We have concerns, of course, as to where that money goes to. Does it go

to truly reducing the deficit and long-term debt?

I will be introducing, Mr. Speaker, legislation later on today that by law requires that that money that is turned back in goes back to the taxpayer. Yet this piece of legislation, House Resolution 22, is something that I think will have wide, if not unanimous, bipartisan support.

As I say, the former chairman of this committee, Mr. BRADY, now the ranking member of the current chairman's committee, my good friend DAN LUNGREN from California, is of the same mind in regard to fiscal responsibility and doing what is right for the American people.

On November 2, they were telling us, Look, we are sick and tired of you guys who just keep throwing money at things, like the \$1 trillion cost of the stimulus bill and another \$1 trillion for the Patient Protection and Affordable Care Act. Some people recognize that better as ObamaCare. But, you know, when you've got \$1.4 trillion worth of deficit for 2 or 3 years in a row, no wonder you add \$5 trillion to the long-term debt, and you get up to something like \$14 trillion.

So, Mr. Speaker, at a time when there is a 9.8 percent unemployment rate and when families across the country are forced to tighten their belts, I wholeheartedly believe that Congress should lead by example. That is what we are doing with this bill.

I appreciate my colleagues giving me time to weigh in on this. I fully support it, and I look forward to being a member of the committee.

Mr. BRADY of Pennsylvania. I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time, I would like to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER), who has done great work in the past about the operations of this House.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, we have a spending problem here in the Congress of the United States. We know it. All the Members here know it, and certainly the American people know it as well. Over the past few years, we have run deficits of over \$1 trillion each year, and we have driven our national debt to over \$14 trillion.

On November 2, 2010, the American people spoke out in a very loud and clear voice: Stop the reckless spending. The Republican majority elected on November 2 heard the call of the American people, and we will start the spending cuts today by cutting our own budgets by 5 percent.

You know, since my election to Congress, I have always tried to be a good steward of the money that is appropriated to my budget to serve my constituents. In the last Congress, I re-

turned, actually, about 11 percent of the money that was allotted. In 2009, I returned nearly 8 percent to the Treasury, and in 2010, I expect that return to be almost 14 percent. I am sure that many Members can make similar claims here.

A cut of 5 percent for Members, for leadership offices, and for committees is a very important first step in getting our spending under control. Some may say that 5 percent doesn't cut nearly enough, but certainly, it is a welcomed change, and we are going in the right direction rather than in the wrong direction of increasing these Members' allowances that we have seen for too many years.

If we cannot cut our own budgets, how can the American people expect us to start cutting spending?

I urge all of my colleagues to join me in sending this important message to the American people that we are very serious about cutting spending. We get it. We heard what the American people said in this last election, and we are starting here, right now, with ourselves.

□ 1310

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would make an inquiry as to whether the gentleman has further requests for time.

Mr. BRADY of Pennsylvania. I don't think so, no.

Mr. DANIEL E. LUNGREN of California. If the gentleman is going to yield back the balance of his time after his statement, I will do the same on this side.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge the adoption of this resolution, and I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman, my friend from the great State of Pennsylvania, who has worked on a bipartisan basis, most of the time, and what I mean by that is about 85 percent or 90 percent of the work we do on our committee has to do with making this place work, helping Members do the job that they were elected to do to represent their constituents, and making sure this institution of the House of Representatives works. There is a sense of a pride of the institution that I think marks our committee, and we try in a very real way to work, both on the Democratic and Republican sides, to ensure the productivity of the membership here and to ensure that, frankly, the people get their money's worth.

About 10 or 15 percent of what we have to do has to do with election law, and I might say that that's not always as obviously bipartisan, but we've always done it in the spirit of civility and always done it in the spirit of re-

spect for one another, and for that, I would like to thank the gentleman from Pennsylvania.

Mr. Speaker, this is an important vote. In comparison to a trillion-dollar budget and trillion-dollar deficit people might say this is a small amount. It is not a small amount. It is a serious 5 percent cut with respect to the operations of this House in very, very significant ways. It is a down payment on the future actions of this House with respect to other operations of the House, but as we scan across the entire Federal Government, this marks the down payment on that new vision.

So I would once again like to thank the Congressman from Oregon (Mr. WALDEN).

I have just discovered that I do have another speaker here, and with the indulgence of my friend on the other side, I would like to yield 3 minutes to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. I apologize. I snuck up on you there.

I rise today to support H. Res. 22 in the House. We were elected this past fall to do what we said we were going to do: To lead by example when it comes to spending and tightening our own belts. Following through on this key pledge that we made in the Pledge to America I think is vital. We're taking the first step before we ask others to tighten their own belts, and it's important to understand this is a first step, hopefully, in an ongoing effort to continue to cut costs.

This will impact each and every one of us, and I think it's very important to the American people that they see we are talking the talk and walking the walk.

Mr. CONYERS. Mr. Speaker, today, I rise in strong opposition to the House Resolution 22, which would cut Congress's budget by five percent in 2011 and 2012. The proposed cut undermines Members of Congress's ability to serve their constituents and perform official duties.

Today, many communities around the Nation are recovering from the Great Recession. Members' offices are flooded with phone calls from constituents who are facing foreclosure and having problems with their Social Security and Medicare. Furthermore, millions are looking toward Members of Congress for information on government programs, help on constituent casework, finding contracting opportunities with the federal government, and how to apply for federal grants. Lastly, it is imperative constituents can voice their opinion on proposed legislation to our staff. Today's draconian attempt to reduce Members of Congress's budget would hamper their ability to fulfill these essential tasks for our fellow Americans.

At a time of economic crisis, a well functioning democracy cannot survive the "starve the beast" syndrome. Specifically, Congress needs talented staff to properly and judiciously advise Members on proposed legislation and help communicate our work to our constituents. A recent article in Politico found that the

majority of congressional staff has not had an effective pay increase in many years. If we go down this road, eventually we will not be adequately staffed to fulfill the critical needs for Members.

The resolution today extends the failed mantra that government is the problem. In the run up to the Great Recession, many important federal regulatory agencies were severely underfunded and could not carry out their vital missions. The House of Representatives needs to reflect on this lesson and reject this failed right wing philosophy. I urge my colleagues to oppose today's proposal.

Mr. BLUMENAUER. Mr. Speaker, today I voted for H. Res. 22, to cut the House operating budget by 5%. It is important for the government to lead by example, especially during these tough economic times.

I would hope that having demonstrated that even the legislature itself is not exempt from budget cuts, that the Republican leadership would reconsider its decision to declare off limits major areas of government spending and savings.

Repealing the Affordable Care Act would be inconsistent with these efforts to reduce costs. The non-partisan Congressional Budget Office said that repealing health care would cost the American taxpayers \$240 billion over the next 10 years. This is in addition to raising the average cost of health care for most Americans and leaving 32 million uninsured, and is something our economy cannot afford.

This is especially important when looking at defense spending. The Pentagon budget, growing at a rate far above inflation, is also the source of the greatest waste and inefficiency. GAO studies have documented tens of billions of dollars of waste, inefficiency, and in some cases, money that can't be accounted for at all.

Even the Pentagon itself is making commitments for budget reduction and efficiency. Just today, Secretary Gates reached out to members of Congress to outline how he intends to trim \$100 billion from within the Pentagon over the next five years. I hope these conversations don't fall on deaf ears.

Every part of the budget deserves careful attention. I'm pleased that we're starting with the legislative budget; I hope it will serve as a symbol that no part of the budget should be off limits, making the Defense Department the next source of inquiry, and not the last.

I look forward to working with all members, on both sides of the aisle, to help the government lead by example, improve efficiency and improve our fiscal standing.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of this resolution to Cut Congress's Budget. The American people are hurting and they deserve responsible leadership. This legislation, however, is an effort to deceive the American people into thinking that this new Congress is making a real effort to reduce the deficit. In fact this Congress is on a path to grow the deficit even further without providing any help to the American people.

As families cut their budgets to get their fiscal house in order, Congress should do the same. I have returned \$109,000 to the Treasury since I took office and will take further efforts this year to save taxpayer money. That is why I am confident that a five percent reduc-

tion in the budget for Congress will be manageable for Members and staff and good for the United States.

I understand why this bill is on the floor today and I support this bill. Unfortunately, it is a symbolic and purely political gesture.

This majority recently passed rules that will exempt tax cuts from complying with the PayGo rule, guaranteeing a ballooning of the government's debt. In addition, they repeal a rule that prohibits reconciliation bills from increasing the deficit, further paving the way for tax cuts, regardless of the impact on the deficit. The hypocrisy continues with an exception for the cost of repealing health reform. In fact, repealing health reform explodes the federal deficit by \$230 billion over the next ten years and \$1 trillion over the next two decades, while stripping Americans of important benefits. It's pure hypocrisy to add \$1 trillion to the deficit, and then tell the American people we are doing something about the deficit by cutting our own budgets by 5%.

I would remind the new majority that PayGo rules in the 1990s led to enormous budget surpluses. It was the Republican controlled Congress that repealed the PayGo rules allowing Republicans and President Bush to cut taxes and engage in two wars without concern for the deficit. We are paying for their mistakes today and we will be paying for them for generations. I regret that today's Republican majority appears to be the same as the old.

I urge my colleagues to support this bill and then to fight for real fiscal responsibility that puts the middle class first.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H. Res. 22, a resolution that will reduce House budgets by 5% across the board for the 112th Congress. I commend the author of this legislation—my colleague from the Energy and Commerce Committee, Mr. WALDEN—for his leadership on this resolution and for the work he has done over the past few months in leading the Republican transition efforts.

On November 2, 2010, the American people spoke very clearly at the ballot box to stop the out-of-control spending here in Washington. They were rightfully tired of the \$1 trillion so-called "Stimulus" bill and the \$1 trillion ObamaCare bill.

As you know, Mr. Speaker, these bills are largely to blame for \$1.4 trillion deficit for Fiscal Year 2010 that has ballooned our national debt to \$14 trillion.

Mr. Speaker, at a time when there is 9.8% unemployment and families across the country are forced to tighten their belts, I wholeheartedly believe that Congress should lead by example.

H. Res. 22 provides for a 5% reduction for each Member's MRA, which I—as a new Member of the House Administration Committee—believe is a good starting point for us to rein in federal spending.

I know that some of my colleagues across the aisle will criticize this proposal for being an act of political theater or not going far enough, so I would ask them a simple question. If—as Members of Congress—we cannot support proposals to cut our own budgets, then how can the American people trust us to make much more difficult budget decisions down the road to reduce our massive debt?

Mr. Speaker, as families across the country continue to struggle financially, it is imperative that we show fiscal restraint, and there is no better place to start than here in the halls of Congress.

I ask all of my colleagues to support H. Res. 22.

Mr. LEVIN. Mr. Speaker, I rise in support of the resolution before the House today to reduce the budgets for Members' offices as well as leadership and committee offices in the House of Representatives.

At a time when so many of our constituents are struggling to make ends meet in a difficult economy, and with the federal deficit as high as it is, the House and Senate must keep looking for ways to tighten our belts. During the last Congress, under the leadership of Speaker PELOSI, we voted to freeze the salaries of Members of Congress in 2010 and again for 2011. The resolution before the House today would save an additional \$35 million.

While this resolution saves \$35 million, the Republican leadership will be bringing a health care reform repeal bill to the Floor next week that will blow a one trillion dollar hole in the budget. Not only would the Republican repeal bill turn back the clock on the significant reforms and consumer protections and jeopardize health care for millions of Americans, their repeal bill would also add \$230 billion to the deficit over the next 10 years, and a jaw-dropping \$1 trillion of red ink over 20 years. These are not my figures, but those of the non-partisan Congressional Budget Office.

In a word, if cutting \$35 million from Congress' budget is a step in the right direction towards reducing the deficit, adding \$1 trillion to the deficit by repealing health care reform takes us about 28,570 steps in the wrong direction.

I urge support for the resolution before the House today and strong opposition to the Republican health care repeal bill next week.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I urge all Members to support this resolution. Let's make it a bipartisan effort. Let's show that we have the commitment of the membership here towards responding to the reality of our times.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and agree to the resolution, H. Res. 22.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 13, not voting 11, as follows:

[Roll No. 8]

YEAS—408

Adams	Akin	Altmire
Aderholt	Alexander	Amash

Andrews	Dingell	Kaptur	Peterson	Rush	Thompson (CA)
Austria	Doggett	Keating	Petri	Ryan (OH)	Thompson (MS)
Baca	Dold	Kelly	Pingree (ME)	Ryan (WI)	Thompson (PA)
Bachmann	Donnelly (IN)	Kildee	Pitts	Sánchez, Linda	Thornberry
Bachus	Doyle	Kind	Platts	T.	Tiberi
Baldwin	Dreier	King (IA)	Poe (TX)	Sanchez, Loretta	Tierney
Barletta	Duffy	King (NY)	Polis	Sarbanes	Tipton
Barrow	Duncan (SC)	Kingston	Pompeo	Scalise	Tonko
Bartlett	Duncan (TN)	Kinzinger (IL)	Posey	Schiff	Tsongas
Barton (TX)	Edwards	Kissell	Price (GA)	Schilling	Turner
Bass (CA)	Ellmers	Kline	Price (NC)	Schmidt	Upton
Bass (NH)	Emerson	Kucinich	Quayle	Schock	Van Hollen
Becerra	Engel	Labrador	Quigley	Schrader	Velázquez
Benishkek	Eshoo	Lamborn	Rahall	Schwartz	Visclosky
Berg	Farenthold	Lance	Rangel	Schweikert	Walberg
Berkley	Farr	Landry	Reed	Scott (SC)	Walden
Berman	Fattah	Langevin	Rehberg	Scott (VA)	Walsh (IL)
Biggert	Fincher	Lankford	Reichert	Scott, Austin	Walz (MN)
Bilbray	Flake	Larsen (WA)	Renacci	Scott, David	Wasserman
Bishop (GA)	Fleischmann	Larson (CT)	Reyes	Sensenbrenner	Schultz
Bishop (NY)	Fleming	Latham	Ribble	Serrano	Waters
Bishop (UT)	Flores	LaTourette	Richardson	Sewell	Watt
Black	Forbes	Latta	Richmond	Sherman	Webster
Blackburn	Fortenberry	Lee (NY)	Rigell	Shinkus	Weiner
Blumenauer	Fox	Levin	Roby	Shuler	Welch
Bonner	Frank (MA)	Lewis (CA)	Roe (TN)	Shuster	West
Bono Mack	Franks (AZ)	Lewis (GA)	Rogers (AL)	Simpson	Westmoreland
Boren	Frelinghuysen	Lipinski	Rogers (KY)	Sires	Whitfield
Boswell	Fudge	LoBiondo	Rogers (MI)	Slaughter	Wilson (FL)
Boustany	Galleghy	Loeb	Rohrabacher	Smith (NJ)	Wilson (SC)
Brady (PA)	Garamendi	Lofgren, Zoe	Rokita	Smith (TX)	Wittman
Brady (TX)	Gardner	Long	Rooney	Smith (WA)	Wolf
Briley (IA)	Garrett	Lowey	Ros-Lehtinen	Southerland	Womack
Brooks	Gibbs	Lucas	Roskam	Speier	Woodall
Brown (GA)	Gibson	Luetkemeyer	Ross (AR)	Stearns	Wu
Brown (FL)	Giffords	Lujan	Ross (FL)	Stivers	Yarmuth
Buchanan	Gingrey (GA)	Lummis	Rothman (NJ)	Stutzman	Yoder
Bucshon	Gohmert	Lungren, Daniel	Roybal-Allard	Sullivan	Young (FL)
Buerkle	Gonzalez	E.	Royce	Sutton	Young (IN)
Burgess	Goodlatte	Mack	Ruppersberger	Terry	
Burton (IN)	Gosar	Maloney			
Butterfield	Gowdy	Manzullo			
Calvert	Granger	Marchant	Ackerman		Schakowsky
Camp	Graves (GA)	Marino	Clarke (NY)	Honda	Towns
Campbell	Graves (MO)	Markey	Conyers	Jackson (IL)	Woolsey
Canseco	Green, Al	Matheson	Ellison	Lee (CA)	
Cantor	Green, Gene	Matsui	Filner	Moran	
Capito	Griffin (AR)	McCarthy (CA)		Payne	
Capps	Griffith (VA)	McCarthy (NY)			
Capuano	Grijalva	McCaul			
Cardoza	Grimm	McClintock			
Carnahan	Guinta	McCollum	Bilirakis	Pence	Stark
Carney	Guthrie	McCotter	Gerlach	Rivera	Waxman
Carson (IN)	Gutierrez	McDermott	Lynch	Runyan	Young (AK)
Carter	Hall	McGovern	Paul	Smith (NE)	
Cassidy	Hanabusa	McHenry			
Castor (FL)	Hanna	McIntyre			
Chabot	Harman	McKeon			
Chaffetz	Harper	McKinley			
Chandler	Harris	McMorris			
Chu	Hartzler	Rodgers			
Cicilline	Hastings (FL)	McNerney			
Clarke (MI)	Hastings (WA)	Meehan			
Clay	Hayworth	Meeks			
Cleaver	Heck	Mica			
Clyburn	Heinrich	Michaud			
Coble	Heller	Miller (FL)			
Coffman (CO)	Hensarling	Miller (MI)			
Cohen	Herger	Miller (NC)			
Cole	Herrera Beutler	Miller, Gary			
Conaway	Higgins	Miller, George			
Connolly (VA)	Himes	Moore			
Cooper	Hinchey	Mulvaney			
Costa	Hinojosa	Murphy (CT)			
Costello	Hirono	Murphy (PA)			
Courtney	Holden	Myrick			
Cravaack	Holt	Nadler			
Crawford	Hoyer	Napolitano			
Crenshaw	Huelskamp	Neal			
Critz	Huizenga (MI)	Neugebauer			
Crowley	Hultgren	Noem			
Cuellar	Hunter	Nugent			
Culberson	Hurt	Nunes			
Cummings	Inslee	Nunnelee			
Davis (CA)	Israel	Olson			
Davis (IL)	Issa	Olver			
Davis (KY)	Jackson Lee	Owens			
DeFazio	(TX)	Palazzo			
DeGette	Jenkins	Pallone			
DeLauro	Johnson (GA)	Pascrell			
Denham	Johnson (IL)	Pastor (AZ)			
Dent	Johnson (OH)	Paulsen			
DesJarlais	Johnson, E. B.	Pearce			
Deutch	Johnson, Sam	Pelosi			
Diaz-Balart	Jones	Perlmutter			
Dicks	Jordan	Peters			

extraneous materials and a statement entered into the RECORD directly after the reading of the Constitution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 2. Concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The message also announced that pursuant to provisions of Public Law 107-306, as amended by Public Law 111-259, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence, announces the appointment of the following individuals to serve as members of the National Commission for Review of Research and Development Programs of the United States Intelligence Community:

Gilman Louie of California.

Troy Wade of Nevada.

WELCOME HOME 101ST AIRBORNE DIVISION'S TASK FORCE RAKKASAN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I humbly rise today to welcome home the heroic soldiers of the 101st Airborne Division's Task Force Rakkasan after a year's deployment in Afghanistan.

Mr. Speaker, this morning we read aloud the document we are all sworn to protect and defend. None defend that document and our freedom better than those deployed in harm's way. Many of the members of the Rakkasan have been deployed five times since September 11. They are part of the most deployed unit in the history of the U.S. Army. They have my profound gratitude for that service.

These brave soldiers served in and around Khost, Afghanistan. Together with their Afghan allies, they took 2,000 insurgents out of the fight and cleared the way for expanded Afghan governance. The Rakkasans arrived in a region that was controlled by the Taliban. They leave an area where children are free to go to school, play cricket, fly kites, all activities that the Taliban forbade.

Tomorrow, Tennessee will welcome these heroes home. We will open our arms and embrace them and thank

NAYS—13

NOT VOTING—11

□ 1339

Messrs. ELLISON, MORAN, and HONDA changed their vote from "yea" to "nay."

Ms. CORRINE BROWN of Florida and Mr. MEEKS changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 8 I was unavoidably delayed. Had I been present, I would have voted "yes."

Mr. RUNYAN. Mr. Speaker, on rollcall No. 8 I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. GERLACH. Mr. Speaker, on rollcall No. 8 due to a bell malfunction in my office, I was unable to get to the floor to vote. Had I been in attendance, I would have voted "aye."

□ 1340

PERMISSION TO INCLUDE EXTRANEIOUS MATERIALS

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to include

them for their service and their sacrifice. We will also remember those who are not returning. I hope that my colleagues in this body will take a moment today to reflect on how our service should honor the service of those who serve us so well.

GEORGIA STATE TROOPER FIRST CLASS CHADWICK LECROY

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in memory of Georgia State Patrol Trooper First Class Chadwick LeCroy, of Marietta, Georgia, my hometown, who was killed in the line of duty by an unrepentant thug on Monday, December 27.

At the young age of 38, Mr. LeCroy was a highly respected husband, father, and public servant. He graduated from the 85th Georgia State Patrol Trooper School in August of 2008 and had been a highly respected law enforcement officer in the Atlanta area ever since.

Trooper First Class LeCroy is the 27th Georgia State Trooper to be killed in the line of duty, and he leaves behind his wife and two young sons.

A hero like Trooper First Class LeCroy will not be forgotten, and I join his family and friends in mourning this momentous loss to them. I ask my colleagues to join me in remembering this loyal and heroic Georgian.

FIRST ANNUAL DAN MARINO FOUNDATION WALKABOUT AUTISM EVENT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on Saturday, January 29, the Dan Marino Foundation will host its first annual WalkAbout Autism event at Sun Life Stadium in Miami from 10 a.m. to 2 p.m. One hundred percent of the proceeds will benefit our south Florida community-based programs that help children with autism and their families.

The Centers for Disease Control states that one out of every 110 children in the U.S. has autism. Autism impairs social interactions and communication skills. While some autistic children will grow up to function in society, others, many others, will need some level of professional care all of their lives.

Since its creation in 1992, the Dan Marino Foundation has raised over \$30 million to support research, services, and treatment serving children and young adults.

I urge all south Floridians to participate and help make this first annual WalkAbout Autism event a success.

Our combined efforts will help assure that all money raised here stays here and benefits programs in our south Florida community.

Let's all WalkAbout Autism.

□ 1350

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMEMBERING TOM VANDERGRIFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, Judge Tom Vandergriff was a Member of the House of Representatives from January 1982 until December 1984. He was defeated for reelection in November of 1984 by Dick Armey, moved back to Texas, and switched parties from the Democrat Party to the Republican Party. In 1990 he was elected county judge in which he served from 1990 until 2007. He passed away on December 30, 2010. His memorial service is tomorrow afternoon at the University of Texas at Arlington's Texas Center from 1 till 3.

Judge Vandergriff was a personal friend of mine. When I first was given part of Arlington in the redistricting process in 1992, he agreed to be my co-chairman for my campaign. He was just an absolute gentleman and helped in every way possible. One of the most unique things about Judge Vandergriff is that in his entire political career, which spanned from 1951 until 2007, he never held a political fund-raising event for himself. He did actually accept political contributions obviously but he never solicited and he never held an organized political event that he himself organized on his behalf. I thought that was astounding in the modern political era to be as successful politically as he was without having to go out and do the numerous fund-raisers that most of us have to do.

We are going to miss Judge Vandergriff. He's got a list of accomplishments a mile long. He was mayor of Arlington from 1951 until 1967. During his tenure as mayor, he was able to get the General Motors assembly plant located in Arlington; he helped get the Texas Rangers, which were then the Washington Senators, to move to Arlington, and was able to attend the World Series this past October in which he saw the Texas Rangers first of all win the American League and then fight valiantly against the San Francisco Giants who ultimately won the World Series.

He wanted to be a broadcaster. He went to USC in Los Angeles, applied for a broadcasting job in 1947, and was not successful in getting that broadcasting job. It went to somebody named Chet Huntley, who later became an anchorman on NBC News. Judge Vandergriff returned to Texas to assume a role in his family's Chevrolet dealership with his father, which he maintained that dealership except for times when he was a U.S. Congressman in some capacity.

We're going to miss Judge Vandergriff. We give our condolences to his family. Again, he was a Member of Congress from 1982 until 1984 and he will be missed.

On December 30, 2010, Texas lost a lion. Tom Vandergriff, former mayor of Arlington, Texas, former County Judge of Tarrant County, and former Member of the United States Congress, left this life at the age of 84. All of us in North Texas will mark time from the moment we heard of the loss. The loss is monumental.

Few people have had such a positive impact on the development and quality of life of North Texas, and no one has had a greater impact on Arlington. His friends and admirers are legion, his accomplishments legendary. He was the personification of an ideal, the ideal of a selflessly devoted public servant who always put the people ahead of personal gain or ambition.

Arlington history is generally divided into two epochs: BV and AV, Before Vandergriff and After Vandergriff. He first sought and won elective office in 1951 when he became the "boy mayor" of Arlington at the age of 25. At the time Arlington was a small town on the railroad midway between Dallas and Fort Worth. Vandergriff saw the town's potential and set out to make it a center of prosperity in its own right while fostering a new spirit of cooperation within the North Texas region. Arlington, now the 49th largest city in the U.S. with 370,000 people, would never be the same, and neither would North Texas. Indeed, it was Vandergriff who coined the phrase, "Metroplex", which is still the term usually applied to describe the Dallas-Fort Worth area.

His first major achievement was convincing General Motors executives to locate their new automobile assembly plant in Arlington. His family owned a Chevrolet dealership in town, which gave him access to General Motors Corp. Upon hearing that GM planned to build a plant in North Texas, he sold Arlington as a superior location by telling GM, as he would later tell the story, that if they put the plant in Dallas, it would make Fort Worth angry; if they put it in Fort Worth, it would make Dallas angry. He ended his pitch by convincing them that if they put it in Arlington, everybody would be happy. The plant produced its first automobile in 1954 and today is the only GM plant in the U.S. that makes full-size SUVs.

The GM plant began a building boom in Arlington that has lasted more than 55 years. Knowing a small town on well water could not sustain rapid growth nor accommodate the needs of industry, Vandergriff convinced the voters of Arlington to pass an initiative to build a large reservoir to meet the town's future

needs. The effort proved to be as controversial as it was monumental for a small town, but the initiative passed, and Lake Arlington was built. The project was ridiculed by many in Arlington and dismissed by others in the region as “Vandergriff’s Folly”, but the folly became “the miracle lake” upon its completion. Large equipment was being removed from the site in 1957 when one of the worst and longest droughts in Texas history broke, and it began to rain. The lake, which experts believed would take years to fill, was full in 18 days. The lake ensured the explosive growth that came in the decades of the ‘60s, ‘70s, and ‘80s that made Arlington, Texas one of the fastest growing cities in America.

As a college student at the University of Southern California, Vandergriff was very familiar with Anaheim and by the late 1950s was aware of the tremendous economic impact tourism had on the city after the opening of Disneyland theme park in 1955. He knew, because of Arlington’s central location, that the same benefits could accrue to his city with a product of similar appeal. It came as no surprise to those familiar with the Vandergriff vision for Arlington when he became instrumental in establishing the Six Flags Over Texas theme park in 1961. The park was an instant hit, and people all over the southwestern United States began traveling to Arlington for family styled entertainment. The first of the Six Flags parks, it still operates at its original location in Arlington.

But Vandergriff didn’t stop there. A devoted baseball fan, he was determined to bring professional baseball to North Texas. The effort took years and saw hopes dashed time and again before he finally convinced owner Bob Short to move his Washington Senators to Arlington in 1972. The effort did not endear him to the people of the Nation’s capital. On one of his many visits to meet with Short, he was unceremoniously kicked out of a taxicab when he made the mistake of telling the cabbie why he was in town. The Washington Senators became the Texas Rangers Ball Club, and Tom Vandergriff became the team’s biggest fan and supporter. When his beloved Rangers won their first American League Pennant by beating the New York Yankees in Arlington last October, Vandergriff was there in the ballpark he helped build to cheer them on.

Today, Arlington is host to more than seven million visitors each year and is the second most popular tourist destination in the state, bringing millions of dollars in revenue to the city annually. The city’s entertainment district boasts Six Flags theme park, the Texas Rangers Ballpark, a new Dallas Cowboys football stadium, the National Bowling Congress and Museum, Hurricane Harbor water park, and clusters of shops and restaurants that make Arlington the City of Wow for millions of Texans.

In his 26 years as mayor, two years as a member of Congress, and 16 years as County Judge of Tarrant County, Vandergriff championed two more causes relentlessly: regional communication and cooperation and helping the University of Texas at Arlington become a major institution of higher learning. Believing that everyone in North Texas would succeed if they worked together for the good of the region, Vandergriff spent decades finessing, ca-

joling, and winning over the leaders of other cities in the region. He led the effort to establish and became the president of the North Central Texas Council of Governments which today is the Metropolitan Planning Organization for all of North Texas. He was a strong advocate for regionalism well into his eighties, and the economic might of the region is a testament to that effort.

Vandergriff’s efforts on behalf of his hometown university are equally impressive. When he became mayor, Arlington College was a tiny two-year institution affiliated with Texas A&M that was formerly a military school and then an agricultural college. Vandergriff knew it could be more, and if Arlington were to succeed as a city, so must its college. He led the effort to make the college a four-year university. Working with then-governor John Connally, he succeeded when the college became a full university within the University of Texas system in 1964. Today, the University of Texas at Arlington is the largest UT campus outside of Austin and the fastest growing university in the state. It is quickly becoming a major research facility and contributes more to the local economy than any industry in the city.

There is more, of course, much more. In a life lived as fully and as well as his, there is always more to tell: his unwavering support and leadership of Arlington Memorial Hospital, his support and leadership of the Arlington Chamber of Commerce, his support of local public schools, his support of a long list of non-profit agencies, his decades as an active member of the United Methodist Church, and his roles as husband, father, grandfather, and mentor to a very long list of aspiring leaders. All of this almost didn’t happen, at least not in Texas.

Vandergriff was born on January 29, 1926, to W. T. and Charles Vandergriff in Carrollton, Texas. The family relocated to Arlington when Tom was 12. After graduating from Arlington High School Vandergriff attended USC where he earned a bachelor’s degree in 1947. He married his high school sweetheart, Anna Waynette Smith in 1949. Blessed with a deep, sonorous voice that he used with perfect diction, he prepared for a career in radio and broadcast journalism. After graduation he applied for and was a finalist in the competition for what he thought would be the job of his dreams, but he lost out to another young applicant. Vandergriff returned to Texas to join his father’s automobile dealership, disappointed and convinced that he was a better candidate for the broadcast job. The young man who got the job was Chet Huntley.

Chet Huntley would gain fame as an NBC news anchor and reach millions of listeners nationwide, but the loser in that early competition, Tom Vandergriff, would touch millions in North Texas in ways that were deeper and arguably more significant. Many have their own stories to tell about Vandergriff, many humorous because he possessed a wonderful sense of humor, many thankful because he touched so many with acts of kindness large and small, and many inspirational because he inspired us, goaded us, and led us to be greater than we thought we were and achieved things we never thought possible. All in North Texas are better off today because Tom Vandergriff

was here, and our children and grandchildren will have better lives even though they will never know him. Those of us who did will never forget him.

Well done, good and faithful servant.

I now yield to Congresswoman KAY GRANGER of Texas who wishes to speak also on behalf of Judge Vandergriff.

Ms. GRANGER. Today we remember with great fondness Tom Vandergriff. Tom was a leader in everything he did. He was a man who saw challenges and tried to solve them. He found opportunities and made them work for us. He had a vision that he always reached for. He never accepted the status quo. He was always working for what ought to be.

As a successful businessman, a mayor, a Member of Congress and a county judge, he did so much to promote economic development and opportunities to make Tarrant County, Texas what it is today. Just think of this: Starting as, what he was called, the boy mayor, he was 25 years old. He served his community, helping Texas bring General Motors, Six Flags Over Texas, the Texas Rangers, all to north Texas. He had a vision to anticipate the needs of a growing community and population. But more than that, he was a decent and kind man. His grace was matched only by his courage, and his personal character was exceeded only by his compassion for others. He was the epitome of a great public servant. He will be missed but not forgotten; and our thoughts and prayers are with his family.

Mr. BARTON of Texas. I yield to the gentleman from Denton, Congressman BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

As a member of the Tarrant County delegation, I also want to stand in remembrance of Tom Vandergriff and his 55-year career in public service. Thirteen years it took him to bring major league baseball to Arlington, Texas, and he took the team from Washington, DC that was then known as the Senators; had to fight two Presidents in a bipartisan fashion, both Lyndon Johnson and Richard Nixon.

Judge Vandergriff was the original representative from the 26th District of Texas when it was formed after the 1980 census. My fondest memory of Judge Vandergriff is, however, as the voice of the Texas Rangers. Along with Dick Risenhoover, he would do the broadcasts. They were spellbinding and exciting and kept me away many times from my graduate school studies.

To his family, we offer our prayers and condolences. Thank you, Judge Vandergriff, for 55 excellent years in public service.

Mr. BARTON of Texas. Mr. Speaker, I know we have a new protocol for recognizing former Members who have passed away. Is it appropriate under our rules to have a moment of silence

for Judge Vandergriff? And if so, how would I request such a moment of silence?

The SPEAKER pro tempore. The Chair would recommend that the gentleman from Texas consult with the leadership on making such requests.

Mr. BARTON of Texas. So it would not be appropriate at this time?

The SPEAKER pro tempore. The gentleman is correct, and the gentleman's time has expired.

□ 1400

THE MINDLESS REPEAL OF THE ACCOUNTABLE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we have a new leader in the House and a new majority, and next week they are going to begin their legislative activity with a stunt. It is a stunt they are bringing out here to pretend that they are repealing the Accountable Care Act that was passed in the last session. They know it won't pass the Senate, they know the President isn't going to accept it, so it is being done simply for their base. Now, I object to doing stunts like this when they affect real people's lives.

I just would ask you for a minute to consider what the repeal of this means to middle class families in this country. I am a physician. There are other physicians on the floor. They know how this repeal will affect people in this country.

In September, we already had go into effect the ability of families to put their children on their health insurance up to the age of 26. This repeal will say, if you have got a 25-year-old who has cystic fibrosis and is on your health care plan and getting their medications through your health care plan, we are going to take it away from you. That is what they are saying in this.

They are saying for preexisting conditions, if you were trying to get a health care plan and your wife or your son or you have a preexisting condition, you can be denied by an insurance company. We have already passed a law that says that can't happen. It went in in September. Yet the Republicans are going to come out here and say to the middle class in this country, we are going to take away your protection against insurance companies denying you coverage.

It goes on and on and on, but I want to focus on one particular part of this bill. This bill has the largest middle class tax cut in history—the largest tax cut for the middle class in history—because the tax cuts in this health care bill to help the middle

class are used for giving credits to people when they buy insurance. People buy insurance, they get a tax credit. It is the largest one in history.

Let me say that again so you get it: They are going to vote next week. They are going to stand out here with a straight face and vote to repeal the largest middle class tax cut in the history of this great Nation that will be worth \$110 billion that they will take away from the middle class.

Now, a few weeks ago we passed a tax bill out of here and we had to give tax cuts to people who make millions and millions of dollars—millions. They said if you don't give the tax cuts to the rich, we are not going to give them to the middle class. The entire Republican Caucus voted against tax cuts unless millionaires got them. Well, we should have learned from that that this repeal will be just more of the same—take \$110 billion away from the middle class by taking a repeal of this law.

You don't have to take it from me. This isn't me making this up. Families USA, a nonpartisan group, has put out this information, and everybody understands it. Now, upstairs in the Rules Committee right now, I could be up there talking but I decided I will talk here first and then go up there and try to get this amendment offered in the bill that will be on Friday. ALLYSON SCHWARTZ and GWEN MOORE are up there already working on this. But it would prevent a repeal effort from increasing taxes on moderate-income or low-income individuals, including through the elimination of tax credits for health care premiums as provided under the health care reform law. We would exempt that one part out of the repeal.

I don't know what success I will have up there, but we will go and try, because it is worth trying. It is worth pointing out how absolutely unthinkable this is. It is a mindless thing to come out here with this repeal.

IMPLEMENTING REAL GOVERNMENT REFORM

The SPEAKER pro tempore (Ms. HERRERA BEUTLER). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Madam Speaker, my remarks will be about saving money, but I can't help but take an opportunity to respond to the previous speaker, my good friend, the gentleman, the good doctor from the State of Washington.

I would say to him, Madam Speaker, and to my colleagues, when we repeal ObamaCare, which we will do in this House next Wednesday, parents will once again be able to afford a health insurance policy on which to include their adult children. That is what we will be doing.

As far as this \$110 billion worth of savings we lose in repealing ObamaCare, Madam Speaker, we spent \$1.1 trillion to save \$110 billion. Hey, Madam Speaker, it is true that you can indeed go broke trying to save money.

With that, Madam Speaker, let me get on to my 5-minute discussion.

I rise today to encourage my colleagues to recall the conversations they had with their constituents during the recent campaign season. As we begin the 112th Congress, to remember that the American people spoke with a resounding voice, didn't they, on November 2. They told us to abide by the Constitution, to rein in spending, bring about economic stability, create jobs, and end the culture of crafting legislation in the dark of night, 2,400 pages on the health care bill, outside of the view of the public.

In order to fulfill this mandate, we must fundamentally change the way we do business here in Washington. I have taken the first steps by introducing several legislative initiatives this week, and they are all centered around the pursuit of meaningful government reform.

Madam Speaker, transparency is an integral part of this package and a necessary element for real government reform. For the first time, the Constitution, a document critical to understanding our parameters and responsibility, was read right here in the House today, on the House floor.

I am proud to have introduced a bill as part of my initiative stating that any legislation brought to the floor must cite its constitutional authority. Many may find it surprising to know, Madam Speaker, that while votes taken on the floor of the House are available on the Net to view, or on the Web site, that is not necessarily the case in committee. Therefore, my package also contains a committee transparency bill. It would require committee votes to be posted online, on the committee Web site, within 48 hours, so the American people are kept better informed of what their Members are doing and how they are voting in committee.

Madam Speaker, the rejection by the American people of the Democrats' reckless spending emphasizes the importance of fiscal responsibility, doesn't it? This is the reason I incorporated the Congressional Budget Accountability Act into my plan.

Each year, my colleagues and I receive a fixed budget for all office expenses. We call that the MRA, or the Members' Representational Allowance. This bill would codify that our unused MRA funds must be returned to the Treasury for debt and deficit reduction.

Along these lines, I have also included what is called the Fiscal Responsibility Act, which will preclude any Member of Congress from being eligible for a pay adjustment, a so-called

COLA, if we have incurred a budget deficit in the previous fiscal year.

We may not have a balanced budget amendment, Madam Speaker, but that doesn't mean we can't balance the budget, and I want to hold our feet to the fire. This is yet another way that we can do that.

Also in the package, Madam Speaker, is a bill to prevent Federal employees from engaging in union activity on official time. It is amazing that this goes on, but we have estimated that in a 5-year period of time we could save the taxpayer over \$600 million and \$1.2 billion in a 10-year period of time.

Put simply, it is unacceptable that government employees paid with, yes, your tax dollars, are currently permitted to spend time during their workday performing union activities. I have already given you the savings.

Equally unacceptable is that legislators in Washington commonly attach legislation that cannot pass on its own merits to unrelated must-pass bills. Let me give you an example, Military Construction-VA.

A couple of years ago, we passed that out of committee with an almost 100 percent bipartisan vote. The Democratic majority held that bill up for 100 days because they wanted to attach an unpopular bill, something like the Dream Act or Don't Ask, Don't Tell, some controversial bill, and put our veterans at jeopardy. They literally held them hostage. This bill, Madam Speaker, would say from now on, no attaching unpopular bills to good standalone bills, especially if they are for our veterans and the military.

Madam Speaker, in conclusion, while these bills may seem like a small start compared to the big challenges we have ahead of us in this Congress, the 112th, it is a pathway to start changing business as usual in Washington and fulfill the promises we made on November 2 to the American people.

□ 1410

THE PROSPERITY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, I rise today to express my hope that historians will look back on the 112th Congress as the session that restored American prosperity and to express my strong agreement with the new leaders of this House who have declared that every action of this body must be measured against this goal.

We speak of jobs, jobs, jobs, but jobs are merely a byproduct of prosperity. And prosperity is the product of freedom. Government does not create jobs or wealth. It merely redistributes them. Jobs and wealth can only be created through the free exchange of

goods and services in a free market. Government's role is to create and protect the conditions which promote prosperity.

If I give you a dollar for a cup of coffee, what's going on in that transaction? I'm telling you that your cup of coffee is worth more to me than my dollar. And at the same time, you're telling me that my dollar is worth more to you than your cup of coffee. We make that exchange and both of us go away with something of greater value than we took in. Each of us goes away richer. That's the freedom that creates prosperity. That simple exchange, whether it's for a cup of coffee or a multibillion-dollar acquisition, is what creates wealth.

But now suppose some third party butts its nose into this transaction: Oh, no, the coffee has got to be between 110 and 130 degrees and it has to include a swizzle stick; it has to be consumed more than 25 feet from the point of sale. And on and on and on. Every one of these restrictions reduces the value of that exchange for the one or the both of us.

That's the fundamental problem that we face today. Our government has not only failed to protect the freedom that creates prosperity, but it has become destructive of that freedom. To create jobs, we must restore prosperity; and to restore prosperity, we must restore freedom. We must restore the freedom of choice that gives consumers the ultimate say over the output of our economy. In a free and prosperous society, consumers vote every day with their own dollars on what kind of light bulbs they prefer or on how they want to get to work or what foods they like or how much water they want to put in their toilets or what kind of cars they want or what kind of housing they desire. These consumer choices signal every day what things are actually worth and what our economy will actually produce.

Government is destroying the elegant simplicity of this process, and Congress must reverse this destruction. We must restore the freedom of individuals to enjoy the fruits of their own labor so that they can make these decisions for themselves once again. That's why excessive government spending is so destructive to prosperity. It destroys the freedom of individuals to make their own decisions over what to spend and where to invest their own money. It robs them of both the ability and the incentives to create prosperity.

Presidents like Coolidge, Truman, Reagan, and Clinton, who have reduced government spending relative to GDP, all produced dramatic increases in productivity and prosperity and the general welfare of our Nation. And Presidents like Hoover, Roosevelt, Bush, and Obama, who have increased government spending relative to GDP, all produced or prolonged or deepened pe-

riods of economic recession and hardship and malaise. Our government is now embarked upon the latter course, and this Congress must reverse this direction.

Government has an important role to play in the marketplace. It's there to ensure that representations are accurate and that contracts are enforced. You have to tell the truth. You have to keep your promises. And government has an important role to play in ensuring that. Government exists to ensure that the currency is stable and reliable and that property rights are secure. When it fulfills this fundamental role, it maximizes the freedom that a buyer and seller have to assess their own needs and resources and to make those exchanges that allow both to go away better off than they were.

Madam Speaker, let us together revive and restore the freedom and prosperity of this Nation and fulfill that sacred command inscribed on our Liberty Bell: "To proclaim liberty throughout all the land, and unto all the inhabitants thereof."

REPEAL OF HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. This coming Wednesday, in really the first order of real business of the House, we are voting on health care reform repeal. The new Republican majority has decided that this is the most important issue, even though they know that it's political theater, a charade. It may pass the House, but it won't pass the Senate, and certainly the President would veto it. So this is not becoming law.

At a time when we have so many pressing issues, I am really saddened that the majority wants to conduct this political charade. If there are problems with the health care law, we don't have to repeal it. We could change parts of it. We could tweak it. We could put out of the bill what we don't like and keep in the bill what we do like. But, unfortunately, the attitude and the decision has been made to try to repeal the whole bill.

My constituents understand that as we speak now the Rules Committee is discussing what kind of amendments to allow. And we know no real meaningful amendments, if anything, are going to be allowed. The Republican majority coming in says they're going to have open rules. And we're not going to have really an open rule on the first bill that they're going to attempt to pass, which is a repeal of health care reform. I think that's wrong. I think there are many of us who feel strongly that there ought to be some amendments that we can put in to ensure that the good coverage that we have achieved in the health care bill is kept.

Surely, it's not everything that's wrong with the health care bill which my colleagues oppose. I want to ask them, since they want to repeal the bill, are they against the part of the bill which says that you can keep your child on your health care coverage until age 26? I think my constituents like that, and I think theirs do as well. Do they want to repeal the part that says that an insurance company can no longer deny you coverage because of a so-called preexisting condition? I think that's something that all constituents like and appreciate. Do the people that want to repeal the health care reform bill want to say to insurance companies that it's okay to put caps on people, so when they pay their premium year in and year out and then they finally get sick and ask for coverage, the insurance companies can tell them, Well, sorry. Not only do you have a preexisting condition, but there's also a cap on benefits, either an annual cap or a lifetime cap. So, therefore, we're not going to cover you at all. I don't think anybody's constituents want that part to be repealed.

And what about the doughnut hole for seniors in Medicare part D? Seniors have found it very, very difficult. They get part of their prescription drugs paid for and then there's a doughnut hole which is for a long time. They have to pay for everything themselves while at the same time still paying their monthly premiums to the government. And then, at the end, they get the government to come in and help them. That has put a tremendous burden on seniors. And what the health care bill which was passed by the last Congress does is it eventually removes that doughnut hole for seniors. Seniors can get back money, and it starts right away, where they can get back money to pay for those prescription drugs.

So I think that we hear a lot about the lame-duck session and how we all work together and how the big question of the new Congress is going to be: Is it going to be a stalemate; is it going to be gridlock; or is it going to be people coming together in a bipartisan fashion to try to work together? If the first bill that the Republican majority is putting on the floor is any indication, it seems to me that they have chosen gridlock. And I'm really sorry about that. Because I will admit there are some things in the new health care law that should be changed, and that we should work across the aisle together to make sure that changes. But to repeal the provisions that benefit my constituents and everyone else's constituents all across America, to me makes no sense whatsoever.

The big insurance companies have had it too big, too long. And my Republican colleagues, unfortunately, are right in bed with them. And I think that is something that the American people ought to see. Who do we care

about, the big insurance companies? Or do we care about the average American who is struggling day in and day out to get health care coverage? We have almost 50 million Americans without coverage. And it's not only the people who are not covered now, but it's working people who will find out in the days and months ahead if there is no health care bill, that they will be added to the rolls of people who are uncovered, and that people working hard will find out that the 50 million will swell to 60 million, 70 million, and maybe even more.

□ 1420

So it is going to affect all of us because the health care costs have been rising way, way beyond the rate of inflation, and that is why we needed to have health care reform.

I would say to my friends on the other side of the aisle: Let's not posture politically. Let's try to put our heads together and work in a bipartisan fashion to do something for the American people. If there is something in the bill that needs to be changed, then we should change it, but repeal is not the answer.

Every major bill, from Social Security, to the Civil Rights bills of the 1960s, to Medicare and Medicaid, all had to be tweaked after they were passed. All had to be changed a little bit. It is the same thing with this bill. We should not repeal it. We should fix it.

OMISSION FROM READING OF THE UNITED STATES CONSTITUTION—ARTICLE IV, SECTION 4; ARTICLE V

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Madam Speaker, earlier today, the historic occasion of the first reading of the United States Constitution here on the floor of the House took place, and it was a very good bipartisan occasion where nearly one-third of all the Members of the House of Representatives participated in that reading. Unfortunately, during the reading, one of the Members, while he was reading from the notebook at the podium, turned two of the pages, and two pages of the Constitution were not read.

So I ask unanimous consent that I now read those pages and that they be placed into the reading of the Constitution as it occurred earlier today so that we have a complete reading of the Constitution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. I will now read at the end of article IV, section 4.

"The United States shall guarantee to every State in this Union a Repub-

lican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

Article V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States."

That is the portion that was omitted earlier and that, by unanimous consent, is now included in the reading of the Constitution.

OUR HOMELAND, THE FORGOTTEN THIRD FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, more border agents are being sent to the border. The border, as we all know, is violent, dangerous, and it is not safe. Drugs and guns and people and money cross back and forth across the border because two nations do not have operational control of that border. The border is desolate. It is hard. It is a war zone—but Madam Speaker, I am not talking about the border of the United States with Mexico. I am talking about the southern border, or the border with Pakistan and Afghanistan.

That's right. Border Patrol agents from the United States are going to Afghanistan to protect the Afghan border from the Taliban coming in from Pakistan. It is a war zone over there, and the Secretary of Homeland Security, Janet Napolitano, has said we are going to contribute Border Patrol agents to protect the border of Afghanistan. There are already 25 there, and more are on the way.

Now, Madam Speaker, why are Border Patrol agents from the United States going to Afghanistan?

The marines and our soldiers and our troops over there can do the job. More importantly, we need the Border Patrol agents over here. "Homeland security" means that the Secretary of Homeland Security protects the American homeland, not the homeland of some other nation.

We need the help.

In fact, we need the military on our southern border. Our border is a war zone. Drugs and people and money crisscross our border with Mexico. It is a violent place. It is the third front. More recently, we have had several people murdered on the battlefield on our border. Let me relate three of those.

One of those was a 27-year-old female police chief in Mexico—right on the border with the United States. Chief Hermila Garcia was on the job for 51 days, and she was shot down, shot seven times by the drug cartels. A recent homicide on the border.

Border Patrol Agent Brian Terry was shot in the back while he was protecting our border. Ironically, he had been to Iraq and Afghanistan as a soldier, as a marine, and now he was back here, killed on our border.

Then David Hartley, a citizen, was murdered on Falcon Lake, in Texas, when he was with his wife, Tiffany, as they were viewing an old mission. Shot and killed by the drug cartels.

Our homeland is not protected adequately, and it is time that we put Border Patrol agents on our border but also that we put the National Guard on our southern border. It is the third front. Homeland Security should protect it.

And that's just the way it is.

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, today, I have a photograph of Tyler Jordan, whose father, Phillip, was a marine gunnery sergeant killed in Iraq. I saw this photograph about 5 years ago in a national paper, and I felt that I needed to have this photograph for myself to be able to be reminded of war and the pain of war.

On Tuesday, I had the privilege and humbling experience to visit the wounded warriors at Walter Reed. I saw the pain these heroes were experiencing from the severe injuries they received fighting for this country. That's why today I show you the photograph of Tyler Jordan's pain as he holds a folded flag at his father's funeral. This boy's pain and the pain of the heroes at Walter Reed are the reasons I've joined my colleagues in both parties in asking President Obama to bring our troops home.

Madam Speaker, this country has many problems. Maybe I am wrong, but sadly, it seems to me, the war in Afghanistan seems to be on the back burner.

Before Christmas, I read from a Washington Post article that quoted President Karzai as saying he now has three main enemies—the Taliban, the United States and the international community. He said in that article that, if he had to choose sides today, he would choose the Taliban.

There have been many articles written questioning the success of our troops in Afghanistan, but our troops have been successful. So why keep them in a country, risking their lives, when the President of that country supports the enemy?

The Afghan Government is corrupt. Not one American life should be sacrificed for such a dysfunctional, corrupt government.

In mid-December, President Obama released a review of the American strategy in Afghanistan that painted a positive picture of the progress being made there. This review is, at best, dubious. I agree with two national intelligence reports that were also released with a more realistic, negative assessment on the state of the war and our chance for success.

As I have said before, we are spending approximately \$7 billion a month, which is \$234 million a day, to fight a winless war for a corrupt government. Why do we continue to spend \$234 million a day so that some other child has to know Tyler's pain?

In closing, I would like to ask God, as I do every day on the floor when I speak, to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

I ask God, please bless this House and Senate that we will do what is right in the eyes of God for the American people; and I will ask God to give wisdom, strength, and courage to the President of the United States that he will do what is right in the eyes of the American people.

And I will say three times: God, please, God please, God, please continue to bless America.

□ 1430

THE PEOPLE'S HOUSE SHOULD LISTEN TO THE PEOPLE: BRING OUR TROOPS HOME FROM AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, this week as the 112th Congress begins, there is a lot of talk from the Republicans about ending business as usual and doing things differently than before. But for all the supposed change afoot, there's one critical matter on which the new majority is fully embracing the status quo—the war in Afghanistan that is now nearly a decade old. This war has been going on so long that 55 percent of my colleagues weren't here when it started.

We've heard plenty about changing the House rules, about changing the way we conduct the Nation's business, about changing the relationship between the government and the people. We've even heard about how a new law that will provide affordable health care to all Americans is somehow the greatest threat to the Republic and the constitutional order.

But on the subject of war—a disastrous war that has taken the lives of more than 1,400 Americans in Afghanistan and cost taxpayers some \$366 billion—the new congressional majority is interested in no change whatsoever.

In his speech yesterday, Speaker BOEHNER spoke of giving government back to the people. In his speech he talked about honesty, accountability, and responsiveness. Look, if he meant that, he should be listening to the 60 percent of people who believe the war in Afghanistan is not worth fighting. A clear majority of Americans realize what so many in Washington refuse to acknowledge—that this war represents an epic failure, a national embarrassment, and a moral blight on our Nation.

On this matter of life and death, this issue that will determine how history judges the United States, most of the Representatives in the House, in the people's House at that, have told the people that their point of view doesn't matter, that we know better than what they know. As usual, the people are way ahead of their policymakers, just as they were 4 years ago on Iraq. They may hear reassuring platitudes from Washington about how we're on track, but they can see the news for themselves. They can see that the security situation is in decline, that casualties are up, that the Taliban is strong, and that Afghan governance is ineffective at the very best and corrupt at the worst.

So I can't think of anything more patronizing than to tell them not to worry their pretty little heads about the war, that us grown-ups in Washington have it all taken care of. We're not bowing before them, Madam Speaker; we're sticking our finger in their eyes.

Do we truly believe it's about them and not us? Do we truly believe that we are caretakers whose only legitimacy derives from our employers who elected us? If that's true, then it's time for the Representatives of the people's House to start listening to the people.

With that, it's time to bring our troops home.

SPENDING CUTS IN THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. AKIN. Madam Speaker, I appreciate an opportunity to talk about a subject that I think has been on a lot of Americans' minds over particularly the last couple of years, and it's the subject of spending cuts in the Federal Government.

Now, unless people are perhaps tuned in to some other planet, they realize

that the Federal Government is spending more money than we take in, and so we're running all of these deficits. Therefore, the idea is that we need to do some spending cuts. So that's what we wanted to talk about here for a little while, and I'm joined by some good friends and some very trusted Congressmen on this subject.

Just to try to frame what we're talking about a little bit—and I usually have some charts to go along with this, but the charts haven't been printed yet—if you take a look, these are pretty simple numbers. If you take a look at the spending projection for 2011, it's \$3.834 trillion, and the income projection is \$2.567 trillion. The two numbers aren't the same, as you notice, and basically we're spending more than a trillion, close to a trillion, trillion and a half dollars that we don't have. And that suggests, for most Americans that have some level of common sense, that we're going to have to make some cuts in spending. So that's the overall subject, and I think it's one that gets everybody's attention and that we need to give some thought to.

Now, obviously, right off the beginning of the bat, the new party, the Republicans, are running the House, and we're trying to start off setting a good note in being fiscally responsible. There's a fund that's allocated to each Congressman for them to run their office, to make their airplane flights, to pay phone bills, and things like that. We cut that 5 percent just as, in the sense, an indication of the fact that we're serious about doing this spending cut. That certainly doesn't get us to where we have to go, but at least it's a start.

There are a number of different ways we can approach this subject, but one of the other things that we'll be voting on this week, aside from the 5 percent cut in congressional budgets, is the fact that we want to get rid of this tremendously expensive government takeover of the health care in America. It's known as ObamaCare, I suppose. And I'm joined by good friend who has joined me on the floor many times in the past 2 years, a medical doctor from Georgia, Dr. GINGREY, and he is somebody who knows, inside and out, not only the medical profession but this bill which has the government taking over all of health care.

Now, as you can imagine, that would be expensive. It would be expensive to American citizens. It would be expensive to businesses and expensive to the Federal Government. So, one place we can start talking about spending cuts is what we'll be voting on before too long, which is to get rid of this government takeover of health care, and for that reason, I would like to recognize my good friend, Dr.—Congressman—GINGREY from Georgia.

Mr. GINGREY of Georgia. Madam Speaker, I appreciate the gentleman

from Missouri yielding, and I know that when he was referring to my medical expertise in regard to knowing that subject inside and out, no pun was intended when he mentioned that.

I do know a lot more about health care, probably, than I do about government spending, but one thing's for sure, Madam Speaker, as the gentleman pointed out: We are spending way too much money. And I think the figures today, this year, last year, we spent a third more than we took in. I mean, you know, we have a revenue stream from taxation of the American people, and yet we went beyond that by \$1 trillion of borrowed money; and, of course, of the nondomestic creditors, the largest one is China. They hold a lot of our debt. They happen to be, now, the second largest economy in the world at \$9 trillion GDP.

We had about a \$15 trillion GDP, but the thing that is so scary and frightening about that is we owe \$14 trillion. So our debt to GDP ratio is approaching 100 percent. So, you know, when we stand up, Madam Speaker, as we're doing right now and talk about this issue, we're almost in panic, and we should be because we're right on the precipice, right on the edge of becoming part of the PIGS acronym—Portugal, Italy, Ireland, Greece, Spain.

□ 1440

And, you know, we point the finger at them. But goodness gracious, it's like the Bible scripture that I'm sure the Representative from Missouri probably knows by heart. But it goes something like, If you've got a plank in your own eye, you shouldn't be pointing out the speck in somebody else's. We've got a plank in our own eye. And this is why in this 112th Congress, we have a huge challenge, don't we, my colleagues? We have a huge challenge. We're up to it. We're up to it, and I hope that we are going to be up to it on both sides of the aisle.

Mr. AKIN. So let's say that we get what you've been working for, and let's just say by some great miracle that we were able to stop that ObamaCare. Now that would save a whole, whole lot of money, wouldn't it, in terms of—

Mr. GINGREY of Georgia. Well, reclaiming the time that the gentleman yielded to me, Madam Speaker. Absolutely. The gentleman from Washington, our esteemed colleague, a physician, Mr. McDERMOTT was on the floor a little earlier talking about, well, what we were trying to do in repealing ObamaCare, or the formal recognition of that bill, Patient Protection and Affordable Care Act.

Mr. AKIN. I call it socialized medicine. That's easier, but go ahead.

Mr. GINGREY of Georgia. That's a lot easier, socialized medicine, Madam Speaker; but that's essentially what it is. That is essentially what the former majority party was pushing towards.

But the gentleman who spoke said, Well, it's a stunt. These Republicans know they can't repeal ObamaCare. And, furthermore, even if they did, it would be at a cost of \$200 billion. And what I pointed out to him, Madam Speaker, as he was leaving the floor was, You know, that's really interesting. It's going to cost us \$200 billion, if that's accurate, to repeal while it cost us \$1.1 trillion to enact. So you can literally go broke saving money, can't you. And by golly, we're going to repeal it because that's what the American people want.

If we fall short in our efforts, despite 110 percent on this side of the aisle or, well, in this body and in the other body, then we have a backup plan B. And I know my colleagues would like to talk about that.

So I will yield back to the gentleman from Missouri, and let's continue the discussion.

Mr. AKIN. Well, I appreciate your medical expertise and your overview. Obviously, if the Federal Government isn't jumping into taking over all of health care, there is going to be a lot more in the private sector. We will maybe get into that a little bit about what really should the Federal Government be doing, and what should we allow States to do, and what should we allow the free market economy to do.

It seems like the way things are working today, we've got Georgia very well represented. And Congressman TOM GRAVES from Georgia has joined us before on the floor. You always have an interesting and articulate perspective. This is kind of a pet topic for a lot of us that think that government isn't a servant anymore, but it's the master. So if you say, Hey, let's start cutting government, that's kind of an interesting topic. I would like you to join us, please, TOM.

Mr. GRAVES of Georgia. Well, I thank the gentleman from Missouri. And you're right. I mean, today, what a breath of fresh air to hear the syllables of the Constitution recited from Members all throughout this body, leading into this topic and this discussion because we really want to address spending cuts and the proper role of government. What better way to start it than reciting the Constitution today. And hopefully Members of this body listened and heard. They didn't get up and just read a sentence or two or an amendment. They actually consumed it in their mind and are starting to understand what it means. Because for too long, the Federal Government has been kicking the can down the road on spending. Saying, Oh, elect me; elect me, and we will cut spending. When you look at the data, it's clear: deficit spending has occurred at an average, just in the last fiscal year, of probably \$110 billion a month deficit spending.

Mr. AKIN. Oh, wait. And \$110 billion a month. That used to be the deficit in a whole year.

Mr. GRAVES of Georgia. Right.

Mr. AKIN. Wow, we are setting all kinds of records in the wrong direction.

Mr. GRAVES of Georgia. You are right. And that leads up to this discussion that we are hearing now in the media which I don't know where they've been over the last several months talking about the debt ceiling. Well, the reason we're approaching and about to pierce the debt ceiling is this deficit spending that has occurred from the previous leadership here in the House as well as the administration who is still there.

And as we approach this debt ceiling, we have got to push spending cuts more and more and more. And I'm thankful that I just was sworn in for the second time yesterday—

Mr. AKIN. We're glad to have you back again, and we thank the good people of Georgia for making a good decision there.

Mr. GRAVES of Georgia. Well, thank you. But being appointed to the Appropriations Committee, it is clear, and I have made it clear to my constituents, that I am not going on as a spender. I'm going on as a saver. It seems for far too long Members would seek to be on appropriations because they wanted to spend money. Well, guess what. It's a new day, a new era. And it's a just fresh day when you have Members going on to say, Here is how we are going to save money. So what a great debate we are going to have in the next several weeks.

Mr. AKIN. That's good. Now, let's get on to this just a little bit more. Let's try to get into the details in terms of procedurally. Okay, now you've got a new Congress. Republicans are in the majority, and we've got the problem. When you take a look at the numbers and we're spending a third more than what we're taking in, we know we've got to do some cutting. But yet one of the things that people want to pin us down on, okay, you guys are such big mouths about cutting spending, what are you not going to fund? Because there is going to be some group that is going to get mad at you. So how are you going to approach it?

And one thing that I know in State governments they do sometimes is they say, Well, what we've got to do is, we're 10 percent over budget, so we need to cut 10 percent off of everything. That makes it seem to be fair. And that would be one way you might approach what we've got going on.

Mr. GRAVES of Georgia. Oh, you are absolutely right. I think what we've heard about repealing ObamaCare—yesterday I introduced the legislation again to defund it, to take away all authorizing funds going to the legislation as well, which is another step forward. You know, why don't we defund some

czars. That's a whole other discussion that we've all seen.

And then as we move back to those 2008 levels, and we might need to go even just a little bit further and begin cutting more and more and more, I mean, are the decisions going to be difficult? Sure, they are. But that's why your constituents and mine elected us to come here and make those tough decisions.

Mr. AKIN. Congressman GRAVES, let me lay out two ways you could approach it. If you've got just a little bit you've got to cut, you could maybe take a little bit from everything. But there's another way you could take a look at it when you've got to cut one-third. One way you could do it would be to say, What are the essential functions that the Federal Government has to do, and what are things that we really don't have to do because a State could do it or the private sector could do it?

I yield to the Chair.

SWEARING IN OF MEMBERS

The SPEAKER. If Representative SESSIONS of Texas and Representative FITZPATRICK of Pennsylvania would present themselves in the well.

Messrs. SESSIONS and FITZPATRICK appeared at the bar of the House, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now officially Members.

The SPEAKER pro tempore (Ms. HERRERA BEUTLER). The gentleman from Missouri may resume.

Mr. AKIN. So we were just talking about now you've got the situation with the Federal Government spending a third more than it takes in. So we've got to figure out some way of how we're going to skin this cat.

And one way is to just try to take a certain 10 percent or whatever the percentage is. Actually, it would be 33 percent off of everything or whatever. Or what you could say would be, what are the things that we have to do, and what are the things that maybe are nice but we can't afford it, and what are the things that may be actually unconstitutional. And I suspect when you're one-third over budget, it's going to be hard to just do a set percentage across the board. I suspect we're going to get into, I think, some very interesting questions about what's really constitutional and does the Federal Government really have to do that

function? Maybe it's an important thing to get done, but maybe the Federal Government shouldn't do it. So I just wondered if you wanted to jump in on that subject.

Mr. GRAVES of Georgia. Yes, I would be happy to just add a little bit more to that.

I think a few approaches you could take when you ask the question, Is it duplicative? Is it occurring somewhere else? Is another agency or Department doing it? And that is after you've cleared the hurdle. Is it a role of the Federal Government in general itself? Then you could also ask, is it something you could devolve back to the States? Have we usurped the States in which I would think many Members of our conference here would probably agree. In some cases, the Federal Government has overstepped its bounds, and it's time to remove ourselves from the States and allow the States to take over.

But you know, from a business owner's perspective, what if you looked at the Department heads or the agency heads, and you said, You go back and you cut 25 percent and you bring back your recommendations; and then you show us a budget estimate with 20 percent cuts and then one with 10 percent, empower those agency heads to make those decisions, to analyze their Departments and come back.

□ 1450

While we're also on the theme of physicians, we're taking a surgical approach as well as pulling out those unnecessary programs. So that would be some approaches I would take.

Mr. AKIN. Well, those are some great recommendations here. To reinforce what you've said, I didn't have time to get some of the charts that we normally have printed, but here's some examples.

We've got 342 economic development programs. Do you think we really need 342 of them? Talk about duplicative. That seems to make your point.

Mr. GRAVES of Georgia. With unemployment at what?

Mr. AKIN. 10 percent or whatever. 130 programs serving the disabled. Do we need 130? Maybe it would be better to consolidate, just do a couple of good ones.

And then 130 programs serving at-risk youth. And so these are all of these things where you say it doesn't even make common sense. We have to really start getting into analyzing, first of all, should we even be doing it, and then, if we should, do we need hundreds of programs doing something that should be done with one or two.

I see that Dr. GINGREY is back at it again. He just couldn't sit still when we talk about cutting things. So just welcome to the discussion.

Mr. GINGREY of Georgia. Madam Speaker, I appreciate the gentleman

yielding back to me. And I know we've got two other colleagues on the floor that want to speak. I can only stay for a few more minutes because of a prior engagement, so thank you for giving me an opportunity kind of in front of the queue, if you will.

But I'll tell you, one of the things in regard to how you cut, is it by picking and choosing, or in one fell swoop across the board?

You know, we just passed a bill, last vote of the day, in regard to our own budgets. And that was a 5 percent across-the-board cut, Madam Speaker, in our member representational account, our expense account that we're allotted each year to pay the salaries of our staff members, and to have a round trip flight back to our districts once a week. And those budgets vary a little bit, depending on, obviously somebody from California is going to have more travel expense than somebody like myself and Representative GRAVES from Georgia. But we just basically voted to cut 5 percent.

And I, quite honestly, and this question that has come up, Madam Speaker, my colleagues talk about, well, how do you do it? I just think we more and more need to look at this thing and say there are no sacred cows. And let these Departments make their case for why maybe there shouldn't be an across-the-board, 2 percent, 3 percent, 4 percent cut. I know I voted in favor of that every time it comes up on these appropriations bills. We didn't get to vote on any in the 111th Congress because our Democratic colleagues didn't get their work done. But this is something we need to really look at carefully.

I know that most people, Madam Speaker, are reluctant to talk about cutting Homeland Security and cutting national defense, particularly when we have two wars going on and certainly not wanting to cut the veterans benefits. But there's waste, fraud and abuse and duplication of things across every spectrum of this Federal Government. If we're going to get serious about it, we need to have an adult conversation.

And, Madam Speaker and my colleagues, that includes entitlements as well, because if we don't address entitlements, we're looking at one-sixth of the budget; and we're never going to get there just addressing that small portion of the budget.

With that, I yield back and continue to listen to my colleagues.

Mr. AKIN. Hey, Doctor, it's a treat to have you on the floor. And I'm going to run over to, moving a little bit from Georgia to the West, to the great State of Utah, and Congressman BISHOP, you've joined us on the floor a number of times. And one of the questions that—let's say that you were on the Budget Committee or something, and you're trying to prioritize, how are you going to—guns and butter, how are you

going to prioritize defense versus endowment for the arts or whatever it is?

How do we crack this nut about trying to reduce Federal spending? I would appreciate your perspective.

Mr. BISHOP of Utah. Let me try and hit, for just one moment, two potential areas to address that particular question, and it goes back to the fact that we did read the Constitution on the floor today.

You know it's amazing, as P.J. O'Rourke once said, that the Constitution is 16 pages, which is the operator's manual for 300 million people. The operator's manual for the Toyota Camry, in contrast, is four times as large, and it only seats five.

But you also contrast that with what we have done in the lame duck session when the Senate's omnibus spending bill, it's not 16 pages, it was 1,924 pages. Those are the kinds of issues we're talking about. And I think if we really want an answer of how we make those decisions, we go back to the document that was read this morning.

The general welfare clause today usually puts the emphasis on the word "welfare." When they wrote that thing, they put the emphasis on the word "general." What the Federal Government should do is that which affects all of us.

Monroe, Madison, Jackson vetoed road projects because they said those road projects didn't meet the general welfare. When Savannah burned to the ground, Congress had a great deal of empathy for Savannah, but it did not actually appropriate any money for Savannah because they said giving money to Savannah to rebuild would simply help Savannah and was not general welfare.

Now, I made this speech once on the floor a couple of years ago, and I got a nice letter, kind of, from a lady in Alabama who took me to task and listed all the programs that she thought were viable and good and she wanted continued. And I said, ma'am, you actually missed the ultimate point. The point is not should these programs be available for citizens. The point is, who should be responsible for providing those programs?

Not every idea has to germinate, be funded, be appropriated, be regulated from Washington. The States are equally competent. And if, indeed, we divided our responsibilities together, we could provide better services for the people for a cheaper price.

Now, Mr. AKIN, if I could just give one second of a simple example. David Walker has written a great book called "The Rebirth of Federalism," where he simply made the effect that dangling money we don't have in front of cash-starved States does not necessarily help out the States or us, or the taxpayers who have to foot the bill for both levels of government.

For example, he said when we put conditional grants to States with

strings attached that eventually become regulations and mandates, it undercuts both the inter-level cooperation between those two bodies, and it is a term he invented called "creeping conditionalism," which means the cost to the taxpayer actually increases.

By doing his estimates, the Safe Drinking Water Act of 1986 cost the States \$2 billion to \$3 billion more than the States would have spent to provide their own safe drinking water. From '83 to '90 he estimated that the regulations imposed by the Federal Government was \$9 billion to \$13 billion more in local taxes that did not provide a benefit to the citizens. It was just the creeping cost to them.

So our mandates, supposedly with free money given to States, end up costing the taxpayer not only for the free money we don't have, but costs the States to do more than they would have done or needed to do to actually address the problem.

Mr. AKIN. To meet the mandates. You know, interestingly, and I can't help but piggy back just a little bit on your point, gentleman, it used to be a very boring place to be a Congressman down here because there were almost no laws on the books. Do you know the Federal laws, to begin with, in terms of laws about right and wrong, were, one of them was a law against piracy on the high seas. Another one was against counterfeiting. Another one was a law against espionage. Those three laws were the main laws on the books federally. And what did they have in common? Well, just exactly your point. Piracy, counterfeiting and espionage against our country were against the general welfare. They were laws that affected everything. So laws against murder and rape and stealing and all that kind of stuff were all State laws because the States made all those laws. So you had a very limited jurisdiction federally.

And now, as you say, we've got all of these different sorts of creeping red tape which keep costing. In an insidious way, everybody's cost of living keeps slipping up, but you don't really know why, who's nibbling all the money out of your wallet. But it's because of a lot of those things that you're talking about. And I appreciate that perspective you shared with us.

I promised my good friend from Louisiana, Congressman SCALISE, he has become, this last year or two, an expert on oil rigs and oil spills and everything, but good on many other topics as well. And when we start talking about government, I've got to let you have a piece of the action, my friend.

□ 1500

Mr. SCALISE. I want to thank my friend from up the Mississippi River in Missouri, Madam Speaker, for yielding to me and talking about this important issue, because there seems to be a lot

of energy as we are talking about energy in this House.

I think yesterday was so exciting to see not only the gavel ceremoniously passed from NANCY PELOSI to now Speaker BOEHNER, but also that these principles that are in the Constitution be restored to the people.

This is the people's House, and it should operate as the people's House. And I think now it's starting to get back to those principles that we articulated today when we read the Constitution, a real uplifting experience. It is sad, unfortunately, to note as we look through history that this was the first time that the entire U.S. Constitution was read on the House floor. I think this should be an event that occurs every new Congress so that we reestablish and remind ourselves just what we are up here to uphold.

As we talk about the spending issues of the country, I think one area that shows you where spending has gotten out of control is, if you go to the 10th Amendment of the Constitution, as I know my friend from Utah is such a proud proponent: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

And yet, if you look, so many of the things that we are doing up here in Washington, that this Federal Government has gotten so expansive in doing, have absolutely nothing to do with powers that were delegated in the Constitution.

In fact, one of the big debates we are going to have here this week, our first week here under this new Congress, is about this government takeover of health care that a Federal court just ruled is not constitutional. The Federal Government, under Federal court ruling now, does not have the authority to mandate that American citizens have to buy a private product as a condition of citizenship.

So I think the fact that not only today did we put our money where our mouths are by voting to cut our own budgets, because as we are talking about cutting all throughout government where there is duplication, where there are departments that shouldn't even exist, these czars, these 30 or so shadow government figures that are running their own, almost, cabinets, like a secret cabinet that is running out there, and every one of them has multimillion dollar budgets and staffs, and they are not accountable to anybody except the President—not to the people, not to the Senate, that the Constitution says they should be doing. We are going to be going and looking at all of those areas to make serious cuts.

But then we also have to look—and of course tomorrow we will be voting on the start of the process—to repeal ObamaCare and do what the courts

have already said—this isn't constitutional; it shouldn't be on the books—and get rid of that constitutional mandate with all the bad taxes and other things that go with it.

But then we have got to look at creating jobs. And I think that's where you get into an area where, while we are cutting spending, which we need to do aggressively, we also need to unleash the potential of the individual.

It is not government here in Washington that makes this a great country, and really the greatest country in the history of the world. It's the power of our people back home—the small business owner, the stay-at-home mom who is raising a family—the people that actually make this country work. And there is no place I don't think any more evident of what is wrong with Washington and hurting that opportunity than in my home State where you have got this permitorium going on since after the BP disaster in the Gulf of Mexico. It's the President's policies, not the actions and failures of BP. It's the President's policies that, according to the White House, have put 12,000 people out of work through what is called a permitorium.

The government has said all of the companies that didn't do anything wrong, the companies that played by the rules, that follow all the best safety guidelines in the world and had no problems, now the government has shut them down, put them out of work, and they are not even issuing permits.

Mr. AKIN. I can't help but just jump in a little bit.

It just keeps coming back to my mind, as you talk about the particular situation of the job-killing mandates that are coming from the administration, I keep thinking an awful lot of Americans must be starting to feel the same way I do: that the government is not a servant anymore; that it's a fearful master.

We were warned by the forefathers that if you let your government, your Federal Government get out of control, it will become a fearful master. It seems to me that that's kind of what is starting to happen. And I think the last election was an understanding across the whole country that this government needs to be put back in its proper place, being a servant of the people and doing programs that are constitutional instead of things that people just think of, wow, it would be a great idea if we mandate this or mandate that.

And here you have an example of an area that's already had a tough hit from the oil spill, and we are going to take businesses that have done nothing wrong and we're going to basically shut them down because of some mandate. Somehow or another, I just don't see that as being government of the servant. Do you?

Mr. SCALISE. In fact, it's exactly the opposite of the government being

the servant. It's the government being the oppressor. And as I mentioned, 12,000 jobs have already been lost in south Louisiana alone. And these aren't my numbers; this is the White House. And the White House and the President's response to that was, well, they could just go get unemployment.

These aren't people who want to get on unemployment rolls. They are hard-working people who love and have a great, strong work ethic. They want to be contributing to America's energy security. But it's this administration that has shut them down and not allowed them to go back to work drilling safely.

And I'm not talking about BP. I'm talking about the companies who have played by the rules all along, who have never had any safety problems because they follow a higher standard. They are the ones that have been shut down and put out of work.

And not only is it affecting Louisiana in terms of the 12,000 jobs; it has now affected America's energy security, because right now, nationally, this is a time, once you get out of the summer, where gas prices typically start falling again. But what are we seeing? We are seeing the opposite of that. Now gas prices are breaking over the \$3-a-gallon mark in many States because, in part, this administration has changed our energy policies where we have shut off more areas of energy production in America, which means these Middle Eastern countries, many of whom don't like us, other foreign countries are now producing the energy that we need, which reverses our trade balance. It sends billions of dollars and thousands of jobs to foreign countries out of America, and then it makes our country less secure, which is why we are approaching \$100-a-barrel gasoline now, because the Americans have basically said through President Obama's policies: We are going to shut off most of our sources of known energy. But, of course, our demand for energy hasn't dropped in the country, so that means we are now going to have to be more reliant on many of these foreign countries who don't like us.

So it has not only devastating consequences in terms of 12,000 lost jobs in south Louisiana, but also devastating effects on America's energy security which now we are seeing reflected in these gas prices that are now breaking \$3 a gallon.

Mr. AKIN. Congressman, you have talked about Louisiana, and I appreciate that perspective, and that's the specifics.

If we sort of back up a little bit from what you have said and take a look, and the subject here that we are talking about today is cutting government. If you take a look at the Department of Energy, the Department of Energy was founded years and years ago with the purpose of making sure that we were not dependent on foreign oil.

Now, that department has grown with more and more and more buildings and bureaucrats and people in it I'm sure with well-meaning intention. But as the Department has grown, we have become more dependent on foreign oil. Now, there is something in that equation that's fundamentally nuts, so we have to take a really good look at this subject.

I am interested, too, and sometimes I point out to my constituents, I think people don't understand this, but our opinions in this Chamber are pretty divided. If I were to say to some of my constituents that there is a big difference between Republicans and Democrats on the abortion issue, they would go, Gee, whiz, no big surprise. But they may be surprised to know that if you look at voting records, there is a bigger difference on development of American energy between Republicans and Democrats than there is on the abortion issue. So there is a difference of opinion as to whether or not we need to become energy independent in this country.

And I'm glad you've got the common sense to say we need to be energy independent; we need to develop all of our resources for energy. And the fact that you have taken a strong stand on that, Steve, I think you are doing a great job for Louisiana, and it's a treat to have you joining us here today and bringing that expertise.

I am going to run back over to Georgia in a little bit and jump over here to Representative GRAVES. Jump in, please.

Mr. GRAVES of Georgia. Well, thank you for yielding some time. And, Madam Speaker, this should be the final few minutes of my discussion as I am going to leave and yield to the gentleman from Utah. I sort of want to follow up on what he said. But before I do, I want to point out that the Republican Study Committee, which I believe all of us are members of and actively a part of, is putting together a rescissions plan which has \$2.6 trillion in cuts identified already that would occur over the next 10 years and an amazing set of proposals that, to me, as we stand here today in the majority, JOHN BOEHNER as our Speaker that we nominated, we elected, and we are still talking about spending being the number one issue. That's how committed we are.

Going back to the gentleman's statement, he was referring to the Constitution and the general welfare clause in the Preamble there. I thought I would bring up an interesting point, because it says to "promote the general welfare," not "provide the general welfare." An interesting distinction there. And what a notion we have taken from a central government role to want to provide for everyone.

But if you go one clause prior to that, it says, "provide for the common

defense." Not "promote," but "provide" common defense and "promote" general welfare. Two distinct differences and clauses. And we have certainly mistaken that second clause there.

□ 1510

Mr. AKIN. That is such a good point. I don't think it does any harm to repeat that. Let's go back to it again. We are talking about the preamble to the U.S. Constitution, it sets the whole framework for what this country rests on, and you've got two words that are loaded with meaning. The first one is the general defense. That's national security. The general defense is general. It's security for every State, for every American, rich or poor, black or white, male or female. When Americans are secure, Americans are secure; and we use Federal money to do something that is general. And it's not to encourage it; it's to provide for that defense.

Mr. GRAVES of Georgia. Clearly the word is provide for common defense.

The next phrase or clause is then promote general welfare. Not provide. Promote the general welfare.

Mr. AKIN. Now I think there were Federalist papers that were written to help make that point and to define the fact that to promote general welfare is not a clause big enough to run tanks through and say that anything that seems like a nice thing to do for somebody is constitutional.

Mr. GRAVES of Georgia. You're right. I will wrap up with this, two quotes from two very different Presidents. Ronald Reagan once said: "Revenue is not the problem; spending is the problem." We all know that. But then another quote is this: "Increasing America's debt weakens us domestically and internationally. Leadership means the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and our grandchildren. America has a debt problem and a failure of leadership."

Mr. AKIN. Now who was it who said that? Was that Ronald Reagan?

Mr. GRAVES of Georgia. "Americans deserve better." End quote. That was then-Senator Barack Obama on the Senate floor.

Mr. AKIN. So there's a big difference between Senate and Presidency apparently.

Mr. GRAVES of Georgia. A big difference.

But he is absolutely correct that America has a debt problem and a failure of leadership. Mr. President, here is your opportunity.

Mr. AKIN. And the interesting thing is that if you take George Bush's biggest deficit year, which was when Speaker PELOSI was here in Congress, 2009, his biggest deficit was one-third of the first Obama, which was \$1.4 trillion. So what is the connection be-

tween the quote and the action? I think what we need to do is to take a very, very good look at what really is constitutional.

Mr. GRAVES of Georgia. I think the connection is in his quote—a failure of leadership.

Mr. AKIN. A failure of leadership. His own words.

Thank you, Congressman. It has been a treat to have you joining us here this afternoon.

I want to run back over to Utah to my good friend, Congressman BISHOP.

Mr. BISHOP of Utah. Thank you.

I do appreciate the Congressman from Georgia talking about the difference between "provide" and "promote."

Let me just go with one historical example of how that works, because I think in one of your earlier questions it was said, How are we actually going to handle this spending problem? Part of it is we have to think outside the box and make some things that have been common assumptions not necessarily have to survive.

And instead of going with some issues that we're funding right now, which may be too close to people, let me just go back to history. In most of the history books that I do, that I have seen, when we taught high school history, they always talk about how this nation came together with the uniting of the railroads, the UP and the Central Pacific joining together and how the Federal Government subsidized that process and was the only viable way of getting that done. We provided the railroad system.

One of the concepts, though, as I was reading another book that took a closer look on this issue is that not only did the Federal Government help with this railroad building craze but the idea that the Federal Government became involved changed the mechanism in which railroads were built and the kinds of ways they were built.

We paid railroads for every mile of track that was laid, which meant you gave them more money if they went to a mountainous route than on flat land. So many of those routes took a very circuitous route going through some elevated terrain because they got more money than if they had just taken a simpler flat route. One of the, I won't mention which one but they refused to put up masonry supports. They put up wooden culverts only for their train tracks. In the winter they laid track over ice which meant as soon as the thaw came, the tracks disappeared. Much of our railway system had to be rebuilt within 2 years of its actual completion.

I live in the State of Utah and my only national monument is the Golden Spike National Monument in my district in which both the Union Pacific and the Central Pacific came and they passed one another continuing to lay

track because they were paid for it by the Federal Government, until Congress finally told them knock the crap off and link up somewhere; and they picked Promontory Summit which is in the State of Utah in my county to finally link up.

Ironically enough, in 1893 James Hill built—maybe the Madam Speaker has the name of this railroad—Northern Railroad that went from Chicago to Seattle. He did that without any government subsidies whatsoever. He paid private property for running his lines even during the panic. It survived. It was functional. It was profitable.

Sometimes we make assumptions that only the Federal Government has the ability of doing things when in reality we don't. And we forget that once again if we were to make States a true partner with us in projects, States have the ability of being creative, much more than we do; they have the ability of providing justice for its circumstances much more than we do; and more importantly if the States make a mistake, it doesn't harm the entire country. I think ObamaCare may be one of those particular examples, where State creativity was going on a proper road with some wonderful ideas that were stopped dead in their tracks, no pun intended, by ObamaCare.

Mr. AKIN. It is interesting that you talk about, there was a great little short book, and I don't remember the title of it, gentleman, that came out with some of the very facts that you just mentioned, and it was a study of how the government in the 1800s got involved in the six major industries in America because the assumption was that the Federal Government has to get involved in these big industries to make us competitive in an industrial world. They got involved in the oil industry, the steamship industry, the steel industry; of course the railroad industry.

The example you're talking about, again the government created this incentive that you're paid by the mile. So among other things they did, they used cheap steel rails which wore out right away and wooden ties that were not treated, and also they wouldn't blast which was expensive to go up a steep route but they would make these long grades back and forth. The result was the company that used all the government money had a rail line that you couldn't maintain it. And, as you said, the northern route was done totally with private money. They had to scrimp and borrow. They built a little piece at a time. At the end of what they could build, they would form a little town and they would give them free shipping to encourage the trade and they built the railroad in pieces that way using the cash that they had. And that, like the other industries, the steamship, steel and the oil industries,

the same pattern occurred where the Federal Government got involved, the businesses that were using Federal money all went bankrupt.

So there was an example where again you think the government's got to get involved. The answer was every time the government got involved, the companies went bankrupt. That's a good principle.

Let's get over, though, to take a look at this big picture of how in the world do we deal with the budget. One of the big things that everybody has been taking a look at, and I know you know this, gentleman, and that is that we have this new category that are called entitlements. That is, we passed some law; the law then runs like a machine and spits out money to people. If you get enough of those machines going spending money, pretty soon you've spent a lot of money. We've gotten to the point now where Medicare and Medicaid, Social Security, are spending almost half of the revenue that the government is taking in.

So when you deal with that, as we take a look at overspending, people have projected that if you let Social Security, Medicare and Medicaid continue as they are, there will come a time when there will be no money for anything else in the budget at all. These are some of the hard choices that we have to face.

It seems to me, gentleman, as we have made an emphasis on the Constitution; in fact, in the rules package that was passed yesterday, we have created a new mandate that every bill that comes to this floor has to have a constitutional justification. I think that's the start of where we really have to get at this problem, and that is, what really is the job of the Federal Government and can we afford to be all things to all people.

I just wanted to let you piggyback on that.

□ 1520

Mr. BISHOP of Utah. I appreciate that very well, because, to be very honest, this is not an easy task which this Congress faces. We have spent probably eight or nine decades digging the hole which we are in. To think that there is a simple way of getting out of it is naive. To think that in one year we could get out of this is maybe also naive. We have to think in terms of moving forward in a general direction that would go there.

I am very proud that the rules that were passed yesterday will enable this body, if we decide to do it, to take the time to think outside the box with new ideas. The idea that for the first time since the 1960s we have set aside a specific time during the day so that the committees could function will allow every Member on this floor to sit and work in a committee to come up with ideas to reach this goal of how we can

control or at least limit the runaway spending that we have had.

Mr. AKIN. I need to stop and interrupt just a minute here, because you will never say this, but, Congressman BISHOP, you were one of the main people that helped put that rule in place and I think the whole country needs to say a big "thank you" to you, because what you are doing is trying to make Congress just a little more efficient and do a few commonsense things.

A lot of people might not say this thinking outside the box, but the box is small down here sometimes, and you have provided us with the idea that we are actually going to get into some of these questions and we are going to approach them in a systematic kind of way. We are going to take time and not have votes running all day long so people can't focus on their work, and say now, systematically, what do we have to do to deal this problem?

I congratulate you on the first step, and also the rules package that says you have got to have a constitutional justification for everything you bring to the floor. I think we are starting on the right spot.

Mr. BISHOP of Utah. You make me embarrassed right here. I wish I could take full credit for the time management plans that we are implementing here. I may have said it, but somebody else had to make the decision to go forward with it. I think it was the right thing to do because it requires us, instead of running around in circles like a bunch of squirrels on a treadmill or chipmunks on a treadmill wasting a lot of time, we try to focus our energies so that when we are on the floor it makes some kind of difference.

Let me just give one other historical example of what I think we need to be doing and dedicate ourselves, since I have been throwing out too many already.

I believe it was in the first Congress that the issue came up of postal roads, where to draw the line, where would the postal roads for the new Post Office go. There is some kind of economic benefit of having actually mail dropped along a route.

But Congress, eager to get out, said let's just allow the President, the executive branch, to decide where the postal routes will be, which seems to be a logical thing to do. And I believe it was Congressman Paige, I hope from Virginia, who stood up and said, no, our job of Congress is to legislate, which includes taking the time to agree on where those postal routes will go. It is not our responsibility to give it to an executive branch or a bureaucracy or some other group to come up with all the details. And he forced Congress to stay there, and they did their job.

Too often we as Members simply have the tendency of coming up with a grand and noble idea, and they say all

right, we will empower. I think the language in the TARP bill is a perfect example of where we empowered the Secretary of the Treasury to make all kinds of decisions which were legislative decisions by their very nature.

Well, I hope what this schedule allows us to do and what you were talking about is to say we have a great deal of work to be done here. We are still looking at ideas. I am sure there are great ideas that are out there that will be coming from the people as time goes on, but we have to make sure we dedicate the time to not simply running around in circles playing silly games, but coming here and zeroing in on our task.

It was said by you, it was said by the gentleman from Georgia as well as the gentleman from Louisiana, it is the spending. That is our problem. That is what is hurting jobs, that is what is hurting Americans, that is what is bloating our budget. We need to zero in on that, and until we do that, we will never come close to meeting what the American people expect the Congress to do, nor what we really morally need to do.

I yield back to the gentleman.

Mr. AKIN. Well, I think that Ronald Reagan, you know, he had a way of putting complicated things in simple words. He said we are buying more government than we can afford. That is not a bad summary of the situation. And it hasn't gotten better since Ronald Reagan was here—we are buying more government than we can afford.

I appreciate your historic examples. Of course, there is no way Congress can do the example of the postal roads that you made out when we are trying to basically do everything under the sun, be all things to all people. We are going to have to make some decisions saying this is a nice thing to do, but it could be done by a State government or it could be done by the private sector.

We are going to have to make some of those choices and just say, look, there are some things that the private sector and the States cannot do and we better fund that first. Certainly, providing for the common defense is one that has to be up at the front end, because the other governments can't do that, and the individual citizens can't do that. Whereas when it comes to some of the other kinds of things, such as in the energy areas or education or insurance or a lot of those things, they could be done by other governments.

When we start to get into this, hey, let's start to do something that feels good about this subject and turn it over to a bunch of administration bureaucrats, we have really lost control of where we are, and I appreciate your bringing us back to ground zero.

Now, there have been some shifts. Here is one that is kind of interesting, and it is the tradeoff. They always talk about the tradeoff between guns and

butter, between defense and basically welfare programs.

If you go back to 1965, the entitlement spending was 2.5 percent of GDP of the overall budget, 2.5 percent in 1965 was entitlement. Defense was 7.4 percent. Now we have shifted to 2010, the estimate is 4.9 percent is national defense. We have gone from 7.4 down to 4.9 percent, while entitlements has gone from 2.5 percent to 9.9 percent in entitlements.

That is getting to that area where if the entitlements continue to climb, if you just look at demographics, there will be no money for defense or anything else and the budget will be dominated by just simply Medicare, Medicaid and Social Security.

So we are going to have to ask ourselves what are the top priorities. We are going to have to fund those and do a good job at those. That is what I was getting at. I don't think we can have the mentality of just saying we are going to take 10 percent out of everything or 30 percent out of everything. I think we are going to have to make some decisions. Some we may not want to cut, we just want to make them more efficient and leave that amount of money in it, and other ones we may say it is not a matter of cutting it, we don't even need the thing at all. Let's just get rid of that entire functional area. That is where we have to be going.

But, again, where we started today is the right place, with the U.S. Constitution, and making the key distinctions that the Constitution makes so clear. There is a difference for providing for defense and then basically encouraging general welfare.

I appreciate your very specific historic examples. If you remember the name of the book, there was a book, I don't know if it was the same one you were quoting from, but it had examples of those six industries. All of them where the government was in subsidizing the corporations, there was all kinds of corruption and the companies all failed, and the ones that stayed away from government funding were the ones that stayed in business. Just a fascinating study.

Mr. BISHOP of Utah. If I could just add one comment to that as well. I think it is very clear that we need to say it is not that the Federal Government will always be bad and is incompetent at doing things. The problem the Federal Government has is the size of the Federal Government.

Any big industry has waste, fraud, and abuse, and that is one of the reasons why if we could coordinate and work with local governments—that is why the old cliché that the government that is best is the one that is closest to the people. It is not necessarily that they are smarter or better; it is because they don't have the problem of size in a one-size-fits-all issue and they have the freedom to be creative.

As you were talking about, especially with the entitlements, this is an area in which creativity is going to be the most important element. And some things, especially with the cost of Medicare, are driven by one-size-fits-all Federal mandates and Federal decisions, when allowing creativity could help us solve this problem.

I also want to say one other thing too when your comment about the general defense is so significant. It is not because we are funding for the defense of the America today. The decisions we make, the plans we make for defense today will not come to fruition for another 10 to 15 years, and indeed, the ability for us to have diplomacy in the future depends on wise decisions that we make today.

I appreciate the gentleman from Missouri coming with this issue. This is something that the people care about, something that the Congress cares about. I think the fact that we just passed a 5 percent cut on ourselves with overwhelming bipartisan support says that this is the direction we should be taking, and we should continue to talk about this over and over and over again. I appreciate you allowing me to be part of this.

□ 1530

Mr. AKIN. It's just a treat, Congressman BISHOP, to have you here with us today talking about a very important subject, something that is on the front of the minds, I think, of many Americans, understanding that we are buying way too much government than we can afford. Certainly, the guiding compass and the guiding light for us has got to be the U.S. Constitution. And the fact is that we had hundreds of years of history, or at least a hundred of years of history, where the Constitution has stood us in very good stead. And when we get away from our foundational documents and principles, that's when we really start to get into trouble.

The principle on defense that was just made—I have to underscore, I'm on the Armed Services Committee. We deal with defense issues day in and day out. And the problem in defense is that the things that are on the drawing board today won't be fielded for probably 10 years in the future. So decisions that we're making today are going to have their effect a long way out. And that's why we have to be particularly careful. The situation in defense is one that, as you take a look around the world, we are rapidly being challenged by China and Russia, and we are not keeping up in those arms situations where we do not have the capability diplomatically to have options that were otherwise available before when we had put enough funding into defense.

And so as we see entitlements increasing way, way, way up and defense being cut down as a percentage of GDP,

we are risking not doing the most fundamental principle in the preamble of the U.S. Constitution, which is providing for the national defense. And our objective, of course, is not parity. We're not trying to be equal with other nations. Our objective is to be overwhelmingly superior. That's why we don't have wars, because of the fact that people say, We don't want to take on the United States. And it's why we can be a great Nation of peacekeeping, because of the fact that we have been strong and successful and set a good example for other nations.

So what we have before us is a very difficult question. It is the question of politics in America. If you take a look at all of the fights, the debates, the discussions that go on in politics in America, most of it revolves around this question, and that is: What should the Federal Government be doing? Should it be spending more or less? Should it be doing that at all? Or, are we doing a good enough job? That's what the discussion and debate is about. And until we get back to the Constitution, until we start asking the question, "Is it necessary for the Federal Government to do this function?" we will never solve this problem of overspending.

The current Congress—and this is my opinion, but one that I think other Congressmen that I have discussed this with share, and that is we have another problem, and that is the House and the Congress is a product of a lot of time. There are various fiefdoms and ways that we have gotten accustomed to doing things which may not be very logical or practical.

I've been here 10 years. I have learned about authorization and appropriations and about the Budget Committee and the way we do things. But if we're going to seriously get at this problem, other than shaving a few percent here or there, if we're going to seriously get at the problem of having to radically reduce our appetite for spending, it's going to require changes in the structure of this Congress. And that will be one of the things that you can see we've already started on and are continuing and pledging to continue to do—to take a look at our rules and how the organization is set up so that we can make those hard choices and decisions.

There has been a commitment that those decisions will be made in a transparent way; in a way that everybody who is elected to be a Congressman, so that every district in this country will have somebody that can stand up and have an opportunity to weigh in and have an opinion. You won't see, as we had in the last Congress, bills that are being written in the Speaker's office and brought to the floor and rammed through in the dead of night. You're going to hear open debate, a lot of discussion, and a lot of ideas being discussed. I think that's a good thing and

a proper thing. But, ultimately, we have to deal with the question: What are the essential functions that must happen in Federal Government?

Now, I've just heard that there are going to be some very significant cuts in defense. That's very concerning to me. Why would we be taking the Defense Department and doing major cuts there and no other department in government is being looked at? This is something that some of us will probably react to some because we believe we have to control spending, but why do you single out the Department of Defense? We're fighting two wars. Why are you going to whack that budget when you have all these other budgets that have never been touched whatsoever? And so we have to take a look at those percentages. When you see entitlements going very, very high, defense budget going low, that signals that we've got to be careful about the choices we're making, because the choices we make today, 10 years from now, your sons or daughters or my grandsons and my granddaughters may be affected by those choices.

So we start out a new Congress, I think, on the right foot. Emphasis on the U.S. Constitution; emphasis on the fact that we have to be responsible; emphasis on the fact that everybody in every congressional district is going to have a piece of the action; and the fact that we're going to have to be responsible, we're going to have to be cutting Federal spending. You cannot run, as we have in the first 2 years of the Obama administration, with \$1.4 trillion deficit. And that will stop.

REPEAL OF THE AFFORDABLE HEALTH CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Madam Speaker, it's a great privilege to be here on the floor with you. Congratulations to you and the other new Members of the Republican Party.

We have some extraordinarily important tasks ahead of us. This afternoon, I'm going to be joined by some of my colleagues. We've just heard a very useful discussion on the role of the Constitution and how it plays into it. And indeed, today we did spend about 3 hours reading through the Constitution, and I think it was to all of our benefit. We started off with the new Speaker actually reading the preamble. I think that's a good place for us to start, because we're going to discuss health care today and we're going to discuss an effort by the majority party, the Republicans, to repeal the Affordable Health Care Act that was passed last session. And this issue has become

a constitutional issue, so reading the preamble to the Constitution and Article I, section 8 is useful.

"We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare"—promote the general welfare—"and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States." And then later, in article I, section 8, "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States."

It's about the general welfare of the United States that we'll be discussing in this next hour, and that's the welfare of the people of the United States. It speaks to us, the citizens—all of us—whether we are a newborn baby or a senior in the last of life—how do we provide for that general welfare?

Last year, in a major step forward, the first time in more than nearly four decades, this Congress, together with the Senate and the President, passed the Affordable Health Care Act, a very, very important and extremely useful step in providing for the welfare—that is, the general welfare—of the American population. It's a law that makes life better from birth to retirement. Part of this law, a very, very important part of it, deals with what we call the Patient's Bill of Rights—the Patient's Bill of Rights, vis-à-vis, the insurance industry.

I think all of us can go back to our districts, to our homes, and even to our own lives and find numerous episodes where the insurance industry has said, No, you cannot have this procedure; or, No, you cannot have coverage because you have a preexisting condition.

□ 1540

Today, we are going to talk about the Patients' Bill of Rights and the Republican effort that is now underway in the Rules Committee in this building, as we speak, to write a rule that they will bring to the floor next week, without one hearing, to completely wipe out this extraordinarily important effort to provide for the general welfare of the American people. We are going to discuss that in great detail.

Now, for me, this is a very important part of my life. I spent 8 years of my life as the insurance commissioner in California, taking on the insurance companies, trying to force them to honor their commitments, to force the insurance companies to pay the claim of a patient who had undergone chemotherapy, to provide insurance that was contracted for and not to rescind that health care policy. I cannot even begin to count the number of cases that came before me as insurance commissioner

where the insurance companies would rescind a policy because the person suddenly became ill and had a very expensive episode.

The Patients' Bill of Rights prohibits that. We are going to talk about that. I want to start here, and then I'm going to turn this over to my colleagues.

I am going to give an example of a very dear friend who lived here in Washington. He was a Peace Corps volunteer, married. He was working here in Washington, DC, as the director of the National Peace Corps Association, the returned volunteers. He had a child. That child had a severe disability—kidneys didn't work. He was insured. His wife was insured. The pregnancy was insured. The delivery was insured. But that child, on the day the child was born with that pre-existing condition of kidney failure, was uninsurable under the parents' policy.

That kind of action is prohibited by the Patients' Bill of Rights. No more would that happen to men and women, families, pregnant women across this country who deliver babies that have some problem. Those babies will be insured whatever the condition might be.

Our colleagues on the Republican side will bring to this floor next Wednesday, without one hearing in any relevant policy committee, a repeal of the Patients' Bill of Rights. What of the babies that are born in the future that have some issue? How will they be provided for?

The rest of the story is this family has spent 20 years now struggling to provide the health care services that their child needed. They have been close to bankruptcy many, many times. They have struggled through it. The child is no longer a child—a young adult—and under the law today, he has health insurance.

Is that what the American public wants from the Republican Party—the repeal of that Bill of Rights that guarantees coverage for that young man? I think not.

Let me now turn to our colleague from the great State of Virginia.

BOBBY SCOTT, would you please share with us your own views and how this is going to affect the general welfare of the American people.

Mr. SCOTT of Virginia. Thank you, and I appreciate your hard work. Thank you for organizing this Special Order so we can discuss the problems with repealing health care.

You have gone all through the need for health care during your life and how the bill provides assistance for those with preexisting conditions. It limits insurance company abuses, like what's called a "recision," when you have paid your premiums all these years and then finally get sick, and they want to cancel your policy right when you need it. There are lifetime

and annual limits on benefits where they pay a certain amount, and once they get to that, you can be in the middle of a treatment, and they're not going to pay another dime for the rest of your life or at least for the rest of that year. There are many people with chronic diseases who hit up upon these limits very frequently.

You have talked about young people on their parents' policies, who are working, who finally get jobs. They don't cover benefits. Up to 26 years old, they can stay on their parents' policies.

We have talked about prevention, the importance of prevention. A lot of people, because of copayments and deductibles, can't afford their annual checkups. This bill provides for annual checkups without copayments and deductibles.

For those senior citizens in the doughnut hole, where they get no benefits, adding insult to injury, they have to continue paying their premiums, and get no benefit. We have assistance for them.

It is outrageous that they would elect to try to repeal this. No hearings. No nothing. Just put a label on it and call it "ObamaCare" and then expect people to go along with the repeal. You just can't label things and expect people, by virtue of the label, to take action. They call it "government-run health care." No. Government-run health care was the single-payer plan. That was defeated.

The option of a public option would have been nice. People talk about choice. Well, in the plan that's on the books today, they have the choice of all the plans of anybody who wants to sell insurance in their States. They have a choice of all of them. It would be nice to have an additional choice—a choice of a public option where you have the choice of a policy that is not run by a for-profit corporation with a financial interest in denying you coverage or canceling your policy. It would be nice to have that option. You don't have to pick it, but it's just nice to have that option.

One of the things that we want to make sure is that we have as many options as possible, including a public option if we can ever get there; but when we talk about repeal and replace, there is no replace tomorrow in the rule that they are suggesting. They just want it repealed. We want to know what they're going to replace it with and what they're going to leave out.

Are they going to leave out the part where people with preexisting conditions can get covered? Are they going to say, "No, you can't get covered"? Does the insurance company get to decide who has the privilege? Are health insurance companies going to tell young people under 26 to get off their parents' policies? Are they going to tell those in the doughnut hole to get back

in the doughnut hole where they belong? Are they going to talk about those who can't afford prevention to get prevention? Are they going to tell those who are going to run out of coverage because of the limits, "No, that's enough. You've had enough, and you can't get any more coverage"??

What are they going to tell all of these people?

We need to make sure that we keep this policy, all of these provisions, intact. I have no idea what they want to replace it with, but I think, if they went step by step and if the people looked at the provisions of the bill, they would elect to keep everything that's in the bill today.

Now, there are some things that people don't like. When you have a good plan, you have to pay for it. Unfortunately, they're not paying for it. We were fiscally responsible. When we passed it, we were under PAYGO. They've repealed a lot of that so that they can go trillions of dollars in the ditch without paying for it. We paid for it. In fact, the CBO originally said that the first 10 years of the program would reduce the deficit by \$140 billion. Now the estimate is \$200-some billion in the next 10 years. So it is fiscally responsible.

There are things we can do better together than everybody out for their own. We need to oppose the repeal of this health care to make sure that people have the protections and the Patients' Bill of Rights that they have under this legislation.

Mr. GARAMENDI. Thank you very much.

You've raised about seven of the major issues that are involved in this repeal that the Republicans will bring to this floor next Wednesday without one hearing in any relevant policy committee, a repeal that will affect every single American—that will affect their well-being, their health, their ability to get health insurance, and their ability to stay healthy.

□ 1550

So we have an enormous issue before us and we want the American public to be aware of what's going on here. It is the repeal of the Patient's Bill of Rights.

Let me move on to one of our other colleagues from Tennessee. Mr. STEVEN COHEN, if you will join us, please.

Mr. COHEN. Thank you. I appreciate the opportunity to share with you, and I want to first start because this day has been a day that started with the reading of the Constitution which is a document that we all revere. I have a little pocket copy of it right here, and we revere it. We pledge when we take our oath of office to protect and defend and support the Constitution, but we all know that it's interpreted by our Supreme Court, and it's Supreme Court history would have been better today for people to understand.

And you mention that the foundation of the particular health care bill is in the preamble: We, the people of the United States, to form a more perfect union, establish justice, et cetera, promote the general welfare.

Also, in article I, which is the legislative article, section 8, it says that the Congress shall have the power to regulate commerce among the several States; and further, it says in article I that the Congress shall have the authority to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution of the Government of the United States, in either Department or office thereof. So, in my opinion—I'm a lawyer, but there's lawyers on both sides—there's plenty of justification for this health care bill.

Do you know next week when the Republicans will try to repeal this opportunity for Americans to get health care and wipe out these pre-existing conditions clauses, et cetera, will they be coming under the idea that health care is not part of the general welfare? Will they be coming basically on a constitutional argument that they may make that this wasn't allowed to require a person to buy insurance even though we can, of course, require a person to sign up for the draft and lose their liberty for a while and serve in the Army—and we can do that, we can conscript soldiers, but we can't make them buy insurance. Is that what they're going to say, or are they going to come and talk about these things that Mr. SCOTT talked about and say that we don't think it's good policy for parents to have their children on their insurance until they're 26 or it's not good policy for women with breast cancer to get treatment at a certain amount? What are their tactics?

Mr. GARAMENDI. Well, I would assume that they will try to go into their interpretation of the Constitution and avoid the very difficult argument of forcing or eliminating the Patient's Bill of Rights and allowing the insurance companies to engage in gross discrimination based upon sex. Clearly, women are discriminated against by the health insurance companies unless the Patient's Bill of Rights is there to protect them. Similarly, the two examples that you gave, pre-existing conditions, I cannot imagine that they would even attempt to successfully or even would be unsuccessful to argue that somehow these protections for the individual are not worth having.

I think they will go into some obscure interpretation of the Constitution. We'll see. There's going to be a debate on the floor. Unfortunately, there will be no hearings to precede that, and there will not be a discussion of the details.

Mr. COHEN. And they will control the amendments that will be permitted

to be discussed on this floor. I know Speaker BOEHNER said we were going to be able to have amendments and be able to have good discourse.

Mr. GARAMENDI. As you know—I saw you in Rules Committee earlier today—it is my impression that the Rules Committee is going to prohibit any amendments on the floor. We'll see. I mean, that has yet to be decided by the Rules Committee. We don't know, but surely the one amendment I would propose is: don't do it, maintain the Patient's Bill of Rights, maintain these protections that we all need.

There's not a person in this Nation that is not subject to the possibility of an incident that would become a reason for rescission. That's my experience. Eight years hammering the insurance industry, you have got to honor your contract. Yet because of the laws, they were able to wiggle out of an expensive incident.

Mr. COHEN. When I was a child, I had polio when I was 5 years old in 1954. I was fortunate. My father was a doctor, and so sometimes professional courtesy, but I'm sure he had insurance that covered my hospitalization. But there were years later, I think it was 11 years later I had a tendon-lengthening operation that was immediately related to my polio and necessary on my Achilles tendon. That wouldn't have been permitted necessarily if they could use the pre-existing condition such as polio to have denied coverage; and whether or not how my father dealt with the expense and whether it's because he was a physician, I don't know; but I'd hate to see children in the same situation and parents in the same situation not be permitted to get that type of coverage later on.

Mr. GARAMENDI. I don't know if you were a Member of Congress at the time, but we all under this law would have the same policy that every American would have. We wouldn't have any different policy than the American public would have, and the question about rescission, and you're a prime candidate should you lose office, which you shouldn't, to be uninsurable if the Patient's Bill of Rights were repealed.

Under the Patient's Bill of Rights, if you were to leave Congress, you could get an insurance policy because the pre-existing condition that you have, polio, and an operation resulting from the polio would go into play as a pre-existing condition, and you would not be able to get an insurance policy.

Mr. COHEN. Let me, if I can, read something that I've had prepared for today that came from a constituent's story, John Hopkins; and I know John Hopkins. He's a very important and active member in my community and contemporary. He sent me an email, and Mr. Hopkins requests I share this story with the House as we consider repeal of the Affordable Care Act. I want to share it with everybody here on C-SPAN.

John was diagnosed with two unrelated cancers during his life. If you know anything about cancer, getting it twice for unrelated reasons is almost unheard of, but it happened to John Hopkins. Midway through his first bout with cancer, he was, of course, dropped from his health insurance plan. He was left with a medical bill that wiped out his and his wife's entire retirement savings, as well as the value of their house. They were never able to repay the debt in their lifetime. When he was diagnosed with a second bout of cancer 2 years later, he had no health insurance because there was no insurer anywhere in the market who would offer him a policy because of the pre-existing condition.

He got some coverage in Tennessee because of a plan called Access Tennessee for uninsurables, but it was limited to \$250,000 a year. As we all know, annual limits are set to be phased out by 2014 because of this law, and lifetime limits are already a thing of the past. A quarter of a million dollars may seem like a lot of coverage; but when somebody needs something like a bone marrow transplant to cure their leukemia, that single treatment would exceed the annual cap.

My Republican colleagues have decided their first priority as the new majority will be repealing the Affordable Care Act; and when they vote to do this, they will be voting for the following: denying Mr. Hopkins the ability to enroll in a health insurance plan that doesn't discriminate against him for daring to be diagnosed with cancer again. They will deny John Hopkins the ability to enroll in a health plan that will actually continue to cover his treatment after he exhausts the current annual cap of \$250,000, an amount that many cancer patients meet in a matter of weeks upon diagnosis, let alone those who are fighting two cancers over a number of years.

And it will send a message to John Hopkins and every other single American who has ever been diagnosed or will ever be diagnosed with a disease like cancer that they're on their own when it comes to coverage, that sure they're free to get treatments and meet with their doctors, undergo laborious and life-saving surgeries year after year, just so long as they can foot the bill or try to keep it under the annual cap, because when it comes to cancer, budgeting your treatment should surely take precedence over anything else. Right?

Mr. GARAMENDI. I am ashamed that we are considering repeal of this affordable health care bill; and when I see these numbers about \$250,000 and I think of the fact that the Republicans were against any caps on taxes, they realize \$250,000 annual income in many places is a middle-income salary, but for limitations on health care, they think the insurance company should

determine that and that's enough; and if you have got cancer, it's not enough.

Another friend of mine Facebooked me, Jimmy Barrasso. Jimmy worked for a long time for a company in Memphis. He's always been successful. He lost his job with that corporation. Because he had high cholesterol, he had difficulties getting insurance, and it took him a long time to find private insurance because of that pre-existing condition. He just sent me this on Facebook. He was friending me and he mentioned it, and I wanted to relate it.

There are so many people in this country who are getting benefits and will get benefits and many of the benefits don't go into effect until 2014, and the idea that this Congress, the 112th, as its first act would do such harm to the general welfare of the American public is hard to fathom.

□ 1600

Mr. GARAMENDI. Mr. COHEN, thank you so very much. Your closing sentence needs to be repeated. That the very first piece of legislation taken up by the new Republican majority in the 112th Congress is to repeal the Patients Bill of Rights. It's unfathomable.

Let me now call on FRANK PALLONE, our colleague from the great State of—yes, it is—New Jersey.

Mr. PALLONE. Well, first of all, let me thank you, my colleague from California, and each of the other speakers here for the contribution they have made tonight, and particularly when I listened to my colleague from Tennessee talk about those particular cases of individuals that were impacted, because that's really what this is all about.

Again, it is amazing to me that the first act of this new Republican majority is to try to repeal a bill, health care reform, that really is making a difference for people on a personal level, particularly with the patient protections.

You know, I thought to myself when I was coming down here: Who benefits from repeal? Who could possibly benefit from repeal? Because, as many of you talked about, all the people who are going to be harmed by it, who would benefit from it? And the only group I could think of that would benefit from the repeal are the big insurance companies because, if you think about it, what do they want to do? They want to keep increasing premiums. I read that in your State—I don't know, you may have already mentioned it—Blue Cross/Blue Shield, whatever, is talking about a 50-something percent increase. I cannot fathom these double-digit increases.

And, of course, as this health care reform kicks in, it's going to be more and more difficult for the types of increases that we've seen in premiums that these big health insurance companies have put forward. And the reason the insur-

ance companies want to get rid of the Patients' Bill of Rights and reinstitute all of these discriminatory practices, whether it be denying care because of preexisting conditions or reinstituting lifetime caps or, you know, the different protections that we've seen kick in, the reason they want to do that is also money-oriented. In other words, they have to pay out money. You talked about the cancer person.

I was up at the Rules Committee earlier, and Ms. SLAUGHTER was talking about someone who had cancer and was treated and ran into the lifetime cap, and then the cancer reoccurred and she didn't have any more coverage because she had hit the lifetime cap. And that's a perfect example. They want to have lifetime caps. They want to have annual caps. They don't want preexisting conditions. They don't want your kids on your policy because it saves them money. The way that they make profits and pay dividends to their shareholders is by raising premiums and having discriminatory practices that eliminate the people that cost money because they need health care. I mean, it's that simple.

And already, and just in the last few weeks, provisions have kicked in that go against that. The President announced—or the White House announced, I think around Christmas-time, new regulations that say that any premium increase that's over 10 percent will be scrutinized. And under the provisions of this bill and the new regulations, these increases are not allowed to go above 10 percent. On January 1, the provisions kicked in that said that 80 percent of your premium costs had to be used for benefits, couldn't be used for insurance company profits, couldn't be used to pay back dividends to the shareholders. So all of these initiatives that are already kicking in, they basically make it more difficult for the insurance companies to make a big profit, and the consequence of that is that health insurance becomes more affordable.

I was up at the Rules Committee earlier. It was interesting because, I think you mentioned, my colleague from California, or one of you mentioned that we, under this bill, under the health care reform that's in place now that they want to repeal, we get the same health insurance, as Congressmen, as any other American.

You know, I still have people write to me and say, well, you know, You have your own policy, but you want to give me this lousy coverage that I'm going to get under the health care reform. And I have to write back and say, No, that's not true. You may hear that on some TV station or something, but it's simply not true.

We specifically wrote into the bill that we have to go into the exchanges just like everybody else. We are going to be different from other Federal em-

ployees, as Congressmen, because we go into the exchanges.

So, at the Rules Committee today, one of the Republican Members who is very supportive of repeal said that he specifically wasn't going to take health insurance as a Congressman, and he wanted me to know that because he was voting for repeal. And I said, Well, that's very nice and that's commendable for you, but I, frankly, think that every Member of Congress who votes for repeal should say, I don't want health insurance from the Federal Government, because if you are going to deny it to everyone else, you should deny it to yourself. Just the way we're saying that we are going to get the same coverage as everyone else, well, if you don't want anyone else to have the coverage, then you shouldn't get it yourself.

And I know that some Members have already taken issue. There was one Member from Maryland who came to the orientation, a Republican Member from Maryland who apparently was a big advocate for repeal. And he said that he was inquiring because his Federal health insurance didn't take effect, as a Congressman, until February 1. We were sworn in yesterday, but I guess it takes 30 days before the insurance actually kicks in. He was complaining about the fact that had he to wait until February 1 to get his health insurance, as a Congressman. Well, you know, again, if you're going to vote for repeal next week, you shouldn't be worried about when it's going to kick in. You shouldn't be taking it at all, in my opinion.

So there is a lot of—I don't know what the phrase is—smoke and mirrors or whatever the word is that is going on around here on the other side of the aisle in how they are viewing this. And my point is, you know, there is a lot of protection here for people. Don't deny them that unless you're going to deny it to yourself. But more than that, think about who is helped by this repeal—only the big insurance companies. They are the only ones that are going to benefit.

I know you were the insurance commissioner, and so you know exactly what I'm talking about.

Mr. GARAMENDI. I do have some experience on that. I wanted to deal with that. It's called the medical loss ratio, and the insurance companies have cut a fat check for themselves over the years by taking a big premium and then paying a very small amount of it out for the medical coverages.

In this legislation, the Patients' Bill of Rights, and in the Affordable Health Care Act, they can't do that. They've got to pay, for the individual policies, 80 percent and, for the group policies, 85 percent for medical services.

So what was the very first thing they did after this bill was signed into law? We passed it last year, and the President signed it. The very first thing

they did was to run down to the Health and Human Services Department and say, Oh, but our advertising ought to be included as a medical expense, and, Oh, these expenses for these kinds of employees, mostly statisticians and the like, that's a medical expense. Fortunately, the administration said, No, we think not.

So what we're trying to do with this legislation is make sure that when we pay a dollar, at least we get 80 cents back in medical services. Our friends on the other side would repeal that and allow the insurance companies to take that money—or at least a larger portion of that money—put it in their pockets, give it to their CEOs, whatever, but not use it for medical services. Medical loss ratio is really important.

And the other thing you mentioned needs to be understood also, and that is the ability of the governments to review, not to say “no,” but to shine that big, bright spotlight onto the insurance company premium increases. Is it justified? Yes? No? What are your costs and so forth? What ratios are you using in medical losses and the like? So that spotlight of information is required under the law. Many, many things in the law.

Mr. COHEN, I see you stood up, anxious to make a comment here, so please do. And then I notice behind you our colleague from Maryland has joined us. And eventually, I want to start talking about seniors. So please, Mr. COHEN, go forth.

Mr. COHEN. I wanted to ask you a question. Because I had said, and I was, I think, incorrect, when I suggested that the first thing the Republicans wanted to do was repeal the affordable health care bill. It's one of their first major priorities. But the first thing they did was today, and we joined with them. It was bipartisan. It was to cut 5 percent from our Members' representational allowances, a small amount of money in the big picture, of course. But the deficit was the issue that they were highlighting.

What would the repeal of the Affordable Health Care Act do to the deficit? That's the big issue, because that's one of our big issues.

Mr. GARAMENDI. Well, Mr. COHEN, it just happens that we prepared this little blue chart here. Actually, it probably ought to be in the red. The repeal of the Affordable Health Care Act obviously deals with the Patients' Bill of Rights, but it also deals with the deficit.

□ 1610

This week, the Congressional Budget Office, nonpartisan, not Democrat, not Republican, they answer to neither party. They answer to the general public. They said that the repeal of the Affordable Health Care Act will increase the deficit by \$230 billion, \$230 billion

in the next 9 years, and in the out years, the next 10 years, well over a \$1.2 trillion increase in the deficit.

Mr. COHEN. And that's money we owe China; is that right? So it's okay to issue these securities and pay the Chinese the interest to be able to finance it, and our children and their grandchildren will be paying this if they don't have preexisting conditions where they can get insurance to cover the illnesses they may have to stay alive to pay these taxes.

Mr. GARAMENDI. Our children, grandchildren, and indeed those of us that are living for another 10 to 15, 20 years, we're going to pay twice. We're going to pay the insurance cost, the health care cost that's not covered by the insurance programs. The example you gave of the individual with two bouts of cancer going to pay the full cost of that because the limitation goes back into place, so you get to pay for your health care, and you're going to have to pay off the deficit also, makes no sense whatsoever. But, hey, that's what they want to do, without one hearing by any of the relevant committees.

Mr. COHEN. Consistency is the hobgoblin. Right? Thank you, sir.

Mr. GARAMENDI. I notice that our colleague from Maryland has joined us, Ms. EDWARDS, Ms. DONNA EDWARDS. I know you were interested in this. You were talking about it earlier today on the floor and in committee, so please.

Ms. EDWARDS. I'm so pleased to join you today and to talk about health care. And I feel very personally about health care, as somebody who went for a long time without any health care coverage and worried like Americans do all across this country. They did prior to our really investing in reform for the American people. And so I know that anxiety.

And I was thinking about some of our constituents, constituents in Maryland's Fourth Congressional District, and around the country, who, today because of what we did in the Democratic-led Congress in passing landmark health care reform legislation, are better off today. And we haven't even fully implemented the benefits for the American people.

I think about a letter that I got from a gentleman who lives in my district in Olney, Maryland, a small town, Olney, Maryland. And he writes to me that his son, Mike, was 25 going on 26, and he could receive health care insurance coverage. When he wasn't able to get it, he needed it and he couldn't get it. And he got a letter from Blue Cross/Blue Shield saying to him that his son could continue to be covered until his 26 birthday. And what he did was he did what a lot of American families do, they're wiping the sweat from their brow because they know that they can now keep their young people on their health care plan until they're 26. I have

a 22-year-old. I was feeling exactly the same way.

I got another letter from a woman who actually does health care policy, but she lives in my district; and what she said to me is that her daughter had a preexisting condition and she was very concerned, but she was an older young person, 20-some years old, 20 years old with a preexisting condition, really worried that she wouldn't be able to provide health care. And then she got the notice for COBRA coverage, which we've all said, you know, the backup is COBRA. It turned out that that was going to be an extra \$400 to \$500 a month for her to have COBRA coverage to make sure that she didn't lose her health care when she actually lost her job.

Well, now, this parent, actually, for the cost of about \$70 or \$80, as opposed to \$400 or \$500 a month, can keep their young person, their child, their young person on their health care coverage.

I think this is a great benefit for America's families, for families who work every day and actually have health care coverage.

I heard us earlier discussing premium increase hikes, and I want to tell you something. I know when we were working on health care reform, and many of us, very concerned about people who don't have insurance and need coverage. But most Americans all across the country actually do have some form of health care coverage. And you know what they're worried about? They're worried about those premiums going up at astronomical rates. And I've heard from my constituents, 20, 30 percent premium hikes.

Well, because of what we did in this health care package, insurance commissioners, like you were a commissioner, insurance commissioners all across the country now have the power vested in them to be able to actually say, you know what? We're going to put a check on these companies. And so in States like California, a big State like California and Connecticut and Maine and Colorado and Maryland, all across the country, that's what these insurance commissioners are doing. And they're not saying the Feds do it for them; it's the States.

And of course we heard here this morning, as we read the Constitution, a reminder that States are in a great position to look at what insurance companies are doing in their States, to regulate what's happening in their States, and to say to them, you have to stop taking money away from consumers, away from patients by raising your premiums excessively.

And so these are real accomplishments for the American people and for people who go to work every day. And so I'm glad to be here actually talking about these benefits with the American people.

Mr. GARAMENDI. Thank you so very, very much. Before I turn to our

colleague from Virginia, you reminded me of two very quick stories. One, on Monday I was at the inaugural for the Governor of California. Jerry Brown is back again. And a lobbyist that I knew when I was insurance commissioner representing health insurance companies came up to me and he put his finger in my chest and he said, don't let them repeal the law. Now, I'm not going to give his name. He'd lose his job immediately.

And I said, I'll do everything I can, but why? You represent them. Why?

And he said, I have two children. Both are type 1 diabetics. They're approaching 23 years of age. They will be out of luck. They will never be able to get an insurance policy if this bill is repealed. The Patient's Bill of Rights gives that lobbyist for the health insurance industry an opportunity to see his children get health insurance.

Now, I have six children of my own. Patty and I do. All six of them have gone through that age of 23. It is the scariest time for a parent. You graduate, you get a diploma, and you also get an exit from the insurance that you've had perhaps for your entire life. This law provides another 3 years after you graduate, that period of time where it's almost impossible nowadays to find a job that provides insurance to give that insurance.

Mr. SCOTT, please join us once again.

Mr. SCOTT of Virginia. Thank you very much. And I appreciate your hard work and leadership on this. You've talked about the problems in health care with government. It's just not a government problem. If you ask any human resources executive about the major problems they have and benefits package, it's the ability to afford health care. Health care costs are going out of control. If you have an employee with a preexisting condition and he's in the group, then they do the actuarial study, you start getting bills that you can't pay. You ask any human resources what's happened to their insurance costs over the years. It's just going through the sky. And if you look at the employee portion of health care, it goes from zero participation to a little bit more copays, more deductibles, more cost for the family, on and on and on. Everyone has a great deal of insecurity about their ability to do health care.

And then you look at the idea, what happens if you lose a job? If you have a preexisting condition, you will not be able to get health care until this bill passed.

With all this insecurity, your ability to get health care, your ability to be able to afford it in the future, all of these problems, all of these problems in the future, what is the response from the other side about what to do about that kind of insecurity?

They say, well, just be strong and go without insurance like me. Well, that

is not a particularly attractive solution for those that don't have an alternative, don't have a spouse where you can just jump, you know, you can say I'm not going to take government policy; I'm going to use my spouse's policy; we have an alternative. Or if they're so wealthy, they don't need the insurance.

□ 1620

Most Americans aren't in that situation. They need health insurance. And this is what is provided. You have access to it, and it is affordable.

Everyone in America will be able to afford health insurance in 2014 because those that can't afford it will have subsidies to make sure that they can. So everybody will be able to get it.

If you make less than \$88,000, you can get health care for less than 10 percent of your salary. That is not the case now. If you are in the \$20,000, \$40,000, \$50,000 a year bracket, if you can get insurance, it's going to be a lot more than that.

So with this bill people have the security of health insurance that they don't have now. And the bizarre suggestion, just go without insurance, is not particularly nice when you have children that may have a little ear infection. Rather than have them lose their hearing, you can deal with it when it is a little infection, these problems don't grow out of control. We need that security. This bill provides it.

And in terms of seniors, seniors are particularly helped under this legislation. Those that can't afford the copays and deductibles can get their annual checkups without any copays and deductibles. We are helping fill in the doughnut hole. It will take a little time, but eventually there will be no doughnut hole where they fall in and have to pay all of the drug costs. We provide more community health centers so they will have better access. We are training more doctors and nurses so they will have more professionals. You have a chart that extends Medicare. Medicare is extended. We know that Medicare will go broke if we don't do anything. It extends the solvency of Medicare. It lowers prescription drug costs. All of these things that seniors have a particular interest in, all of that will be lost if this bill is repealed.

Mr. GARAMENDI. If I might interrupt you for just a moment, Mr. SCOTT. You are into an issue, an area that is profoundly important to the seniors of America.

The discussion last year as this bill was passing was that somehow this piece of legislation would harm seniors by taking away Medicare benefits. It was not true last year. It is not true this year. However, if our Republican colleagues are successful in repealing it, they, the seniors, will be seriously harmed.

I want to make this point very, very clear and ask my colleagues to join us perhaps from their own personal experience in their districts. You started going through this list here. This legislation actually extends the solvency of Medicare by reining in the costs and by giving seniors specific pre-illness care so that they will be able to get preventative care free, free annual checkups. They can't get it today, but under this legislation seniors can get free annual checkups, which reduces the cost, because you get to the illness quicker.

Mr. SCOTT of Virginia. You said that people were scared about what might happen. They also said things about small business, this would bankrupt small businesses.

First, small businesses are exempt from the requirements under the bill, so it can't possibly hurt them. But those small businesses that want to provide health care for their employees are given tax credits to help them do so. So it can't possibly be hurting small business. But for the senior citizens, they have all of the benefits that you have listed on the chart that will be lost if this bill is repealed.

Mr. GARAMENDI. You mentioned the doughnut hole, the prescription drug doughnut hole. Every senior that was in the prescription drug doughnut hole last year, 2010, received a \$250 check to help them pay for their drugs. In going forward, the doughnut hole will be lessened and lessened, and eventually, 9 years from now, will disappear. There will be no doughnut hole.

You talked about the quality of care. Extremely important, quality of care. Thank you for bringing that up. More primary doctors, more geriatric care from nurses and doctors, an extraordinary important part of the legislation, not just only for seniors. You also mentioned the community-based and of course the preventative care. All of these things are there, and all of them will disappear if the Republicans are successful with their legislation next Wednesday that will be brought to this floor without one hearing to discuss any of these issues in a relevant policy committee.

Mr. COHEN, please join us.

Mr. COHEN. Let me ask a question. I was just thinking here, it's an honor to be in the House of Representatives and with a Constitution that's so beautiful that it says we are to promote the general welfare.

We are among other industrialized nations on this earth. What do the other industrialized nations on the earth do about health care for their citizens?

Mr. GARAMENDI. Well, I'm not sure I heard your question, so please say it again.

Mr. COHEN. What do the other industrialized nations in the world do for health care? Do they program policies like ours, where 32 million people don't

have health insurance reform and they are not mandated to get insurance? What do they do?

Mr. GARAMENDI. Well, I think you are asking me a rhetorical question, because you know the answer and I think most Americans know the answer, that all the industrialized nations—we are not talking about China, but we are talking about Korea, Japan, the European countries, the European Union. All of those countries provide universal health insurance coverage. Universal.

Everyone, including tourists who happen to show up—and this I know from one of my daughters who fell off a stair at the Leaning Tower of Pisa. She fell, went into an emergency room, they took an MRI, bandaged her up, and said, “Get out of here.” And she said, “Well, I haven’t paid.” “Well, you are covered.” That was in Italy.

Mr. COHEN. And does the United States not have one of the greatest discrepancies of wealth between the richest and the poorest in the industrialized world as well? So are we saying to our wealthy people, “You can afford health insurance so you can get it,” but for those people who are poor, “Too bad”?

Mr. GARAMENDI. The other countries of the world don’t look at it that way. They look at it as a right for their citizens to have access to health care, and they provide the health insurance. There are different ways of doing it. Germany, France, Britain, Canada all do it differently, but they all do it.

Incidentally, the health statistics in all of those countries are considerably better than America, and America is placed at the bottom of the industrialized countries in terms of our health care, how healthy we are, how long we live, how sick we get. We are at the bottom. In fact, we are often with developing countries in the statistics. We spend almost twice as much as any of those other countries.

So the Affordable Health Care Act goes after many, many things beyond the Patients Bill of Rights and the senior issues. Thank you so very much for raising that issue.

We have about maybe 10 more minutes. Mr. PALLONE.

Mr. PALLONE. Well, I just wanted to talk a little bit about prevention, and particularly in terms of seniors, which you mentioned, and what it means in terms of people’s health and also the cost to the government, because some of the things that we’ve mentioned with regard to seniors have already taken place.

This summer under the bill, seniors who fell into the doughnut hole got a \$250 rebate. Beginning January 1, they get a 50 percent discount on brand-name drugs if they fall into the doughnut hole in 2011.

You mentioned the copays for preventative care, whether it’s your an-

nual wellness treatment or other kinds of tests like mammograms or colonoscopies, for example. The reason that we are eliminating the 20 percent copay for these things, the reason we are trying to fill up the doughnut hole, it all goes back to prevention. Because if people get their drugs and they don’t end up getting sick and going to the hospital, if they get these tests or they have the annual wellness checks, they stay healthy, they don’t go to the hospital. And when they go to the hospital, if they are on Medicare, it just costs the government more money.

So this is the way we save money. We save money. And what does that mean? It means that the debt is decreased. It means that the solvency of Medicare you have on the chart is extended.

I don’t know if we have talked much about that. One of my amendments in the Rules Committee today is—a lot of seniors tell me, they come up to me and say they are worried about the fact that Medicare may become insolvent and there wouldn’t be enough money in the trust fund to pay for it. The bottom line is that the health care reform bill extends the judgment day, if you will, when the solvency problem becomes an issue much further. And if you have the repeal, the solvency problem hits us 6 years from now, in 2017, from what I understand.

So another problem with repeal is not only does it increase the deficit, but it also is only 6 years from now that we would have to deal with this Medicare solvency problem. And what is that going to mean? That is going to mean probably cutbacks in benefits for senior citizens. Because if you don’t have the money, you are going to have to cut back on the benefits. It is amazing to me how they can continue to talk about this repeal.

The other thing they keep saying on the other side of the aisle, the Republicans say, well, the reason we want the repeal is because this health care reform is killing jobs. Nothing could be further from the truth.

□ 1630

The fact of the matter is that under this health care reform because the cost of health care premiums for employers will be significantly reduced, they will be able to hire more people. Part of the problem that we have with competition with other countries, you mentioned all these other countries, all these other industrial countries that have free health care, universal health care. That means that the employers don’t carry the burden of that. So when they hire someone if the government is paying for it, they don’t have to worry about that for their employees necessarily. If the cost of premiums go down, then the costs of hiring somebody goes down in the United States.

In addition to that, there are all kinds of jobs created in the health care

professions because, as everyone gets covered and everybody needs a primary care doctor, you’re going to need more doctors, more nurses, more health aides because people will get that kind of preventative care. So there are jobs created with the preventative care in handling people, to make sure they stay healthy or they stay well.

It is unbelievable to me when they talk about repeal. What the Republicans should be doing is spending the first few days of this session talking about how to improve the economy and create jobs, not repealing health care. I think the American people have moved on. They don’t want to hear this. They want to know what this Congress is going to do to create jobs and improve the economy. We’ve already dealt with the health care issue and they want us to move on.

Mr. GARAMENDI. We have about, maybe 3 minutes, 4 minutes, and I am going to turn now to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I just wanted to add one thing. Thank you.

The gentleman from New Jersey brought up an issue, and he said that it was not true that it was costing jobs. There is some respected group, I think it’s called PolitiFact. They were on national news giving the biggest lies told in politics in the last year. The number one biggest lie—this independent group—was the Republican mantra of government run or government mandated health care. It’s just a fact. That’s the biggest lie told the American public. And it came from the leaders on the other side, it came from these halls where they are immune from defamation suits. Because it’s not government run health care. It’s unheard of, unfathomable, that the other side would use the fact that they’re immune from prosecution in any other jurisdiction or court for words that aren’t true to do that and in politics to say it was government run health care, the biggest lie of 2010, and it comes to the floor next week.

Mr. GARAMENDI. We are going to wrap this one up. I see the gentleman from Kentucky is here and he will probably carry on with health insurance. Maybe a couple of us will be asked to join him.

We have really today focused on a broad range of issues: The patients’ bill of rights; the way in which the repeal would harm individuals who have pre-existing conditions; young children from infancy; the 23- to 26-year-old coverage.

We also discussed a little bit about how this affects business and, of course, we went into some detail about senior citizens. All of these are critically important issues. We will be discussing these in the days ahead. I do hope the American public will really pay attention, because this next week, particularly as we move towards

Wednesday, is going to be absolutely critical to the American people. It's a question about will all of us in America be able to get health care coverage that is affordable and provides us with the opportunity to have the health care that we need.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEBSTER). Members are reminded that remarks in debate are properly addressed to the Chair rather than any perceived television viewing audience.

HEALTH CARE DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I can tell you that I am pleased to address you, Mr. Speaker, here on the floor of the United States House of Representatives and welcome you to this great deliberative body which becomes instantly far more deliberative than it has been over the last 4 years. This is part of it.

As I deliberate and I listened to the gentleman from Tennessee, I have to make the point that when you challenge the mendacity of the leader, or another Member, there is an opportunity to rise to a point of order, there is an opportunity to make a motion to take the gentleman's words down. However, many of the Members are off in other endeavors. I would make the point that the leader and the Speaker have established their integrity and their mendacity for years in this Congress, and I don't believe it can be effectively challenged, and those who do so actually cast aspersions on themselves for making wild accusations.

I came to this floor, though, Mr. Speaker, to talk about the weather, and as I listened to the speeches that have gone on before in this previous half-hour or hour, it actually changed the subject for me. I think there are many things that need to be brought out and clarified, given this, that we have debated this health care bill. We debated this health care bill for, oh, close to a year. It was announced in Rules Committee earlier today that there were, I believe they said, 100 hours of markup in committee. Well, it wasn't the bill that passed. It was 100 hours of debate and markup on a different bill. They switched bills at the end. That's a matter of public record and fact, also.

But the American public understands what happened. They understand that the Speaker of the House said, We have to pass the bill—meaning ObamaCare, Mr. Speaker—in order to find out

what's in it. When that bill was passed, to set the record also straight, I don't think there is another time in the history of this Congress that there was a bill of this magnitude—in fact I'm certain there is not—that passed the House of Representatives without the majority support of the House of Representatives for the bill that was before us.

It is a fact of record, it's a fact of judgment, it's a fact of history, that there had to be conditions that were attached in order to achieve the votes necessary to squeak that bill by and pass ObamaCare here in the House on that day last March. If people forget, Mr. Speaker, what I'm talking about, it's this: Remember, there was a switch on the bill. The bill that was marked up in committee is not the bill that came to the floor, not the bill that had hearings on it and had markup. But there were also conditions. We should remember there were the Stupak Dozen, the Stupak Dozen who said we insist that there be an amendment brought forward that will protect so that the language that's in the bill doesn't fund abortion through a Federal mandate. They held out on that to get that vote. Little did I know up until that Saturday afternoon that the gentleman who was doing the negotiating had already committed to vote for the bill, and the Stupak Dozen were anonymous people. Furthermore, they had negotiated with the President of the United States who made a commitment and followed through on it to sign an executive order that would pacify or mollify the anonymous Stupak Dozen under the presumption, unconstitutionally and completely outside the bounds of the separation of powers, that the President of the United States could effectively amend legislation by executive order and promise he's going to do so before the bill was even brought to the floor for a vote. That happened in this Congress.

Another condition of that was, this is a condition that came after the then-chairman of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER), had offered the idea that they should just deem that the bill passed so they didn't have to go on record of voting for this bill; because they knew how bad it was. They knew how politically vulnerable they were. They knew that Speaker PELOSI was making many of them walk the plank. A lot of those people are not here in this 112th Congress because of that action. But as I talked about why this bill didn't have the support of the Congress and in the form that was before us, why the majority did not support it, the majority votes that day in its form, because there also had to be another deal on top of this. This was the deal that the Senate had to pass a reconciliation package which was designed to amend the bill that had not yet been brought

to the floor of the House for a vote. I don't know that it's the first time in history that there's been a shenanigan like that played, but it's the first time in my knowledge that there has been a bill certainly of that magnitude that came before this Congress that was not the bill that came through committee, that was pledged to be, I put it in quotes, amended by a Presidential executive order, and further amended by a reconciliation bill that would later pass the United States Senate.

That's what we have before us with ObamaCare. And it became the law of the land on that date of March 30, 2010; passed over here in the House, if I remember correctly, on the late evening of March 21 or the early morning of March 22, Sunday night. I remember my long walk home that night. I remember telling myself, I'm going to sleep until I'm all rested up and then I'm going to wake up and figure out what to do.

I didn't sleep very long. I couldn't sleep with that policy imposed upon the American people with the realization that it would become the law of the land. And about 2½ hours later, I got up and went to my word processor and typed up a request for a bill to repeal ObamaCare. I filed that request at the opening of business that day, the first opportunity in the first minutes of that day.

□ 1640

I want to thank and congratulate MICHELE BACHMANN. I didn't know it, she was awake in the middle of the night doing the same thing, and her bill draft came down within 3 minutes of mine, exactly the same words. That bill draft was turned into a discharge petition with this huge Pelosi majority in the 111th Congress, and the discharge petition gathered 173 signatures, bipartisan by the Pelosi definition at least, Mr. Speaker. And that was part of the foundation that I think actually did shake this country.

There was a statement made in the Rules Committee when they were deliberating on the rule for H.R. 2 that we had said that the sky would fall if ObamaCare became the law of the land, and they said the sky didn't fall. Well, Chairman UPTON, now chairman of the Energy and Commerce Committee, said, yes, it did. The sky did fall.

When you look at the 87 freshmen new Republicans that are seated over on this side, the nine freshmen Democrats on this side, I think that any political pundit would tell you there was a political earthquake in America that was brought about in large part by the imposition of this liberty-stealing unconstitutional ObamaCare bill that is before this Congress now.

This Congress was elected to come here and repeal ObamaCare, get a handle on the debt and the deficit and lay the foundation so that private enterprise can start to have faith in the future of this country again and they can

create the jobs under the framework that we are hopeful we will be able to bring through.

But we are truthfully not in a position yet where the House of Representatives can lay all of the economic foundation that is necessary for free enterprise to have enough faith and confidence to invest our capital in a robust fashion.

What we are in a position to do now with a new Congress and a new Speaker is to be able to play an effective defense against the existing majority in the United States Senate and the President of the United States, who has frantically been digging holes through his Keynesian economics-on-steroids theory and dug such a deep hole that we have watched NANCY PELOSI preside over an additional \$5.2 trillion in debt, and we have watched the Obama administration run that up under their term of only a couple of years of about \$3 trillion.

And it has got to stop. The American people did this. They were looking at President Gulliver Obama, and they were the Lilliputians that came to the polls on November 2 and tied him up with all their little electoral ropes and said to the new freshmen class, join those incumbent Republicans that are there and any discerning Democrats that are willing to join, and there will be some join on this vote tomorrow and on Wednesday to repeal ObamaCare, and take the shovel out of the hands of the President and certainly take the gavel out of the hand of NANCY PELOSI. That is what happened.

Now, I take you back through this history, because it is being rewritten again. How can they go before the Rules Committee, stand here on the floor of the House before the American people, Mr. Speaker, and take the position that somehow if they just explain it one more time and one more way, that the American people will now have some left-wing light bulb come on in their head? It is not going to happen.

The American people have seen clearly. They washed the lenses off and they have looked down through the lens of the Constitution and fiscal responsibility and common sense and they were appalled at that liberty-stealing bill of ObamaCare, and they said repeal that monstrosity, because the destiny of America will be forever diminished unless we do.

This is the charge that this new Congress has. It is the voice of the American people, and it is the respect that we must have, and my gratitude for God's gift to America, the freshman class that was elected in 2010 and sworn in here right here on this floor yesterday afternoon, and they will affect the agenda of this country for many Congresses to come; and it will be a responsible agenda that brings us to a balanced budget and begins to reduce

the deficit that this country has, not just the deficit spending, but reduce the national debt.

We must get to the point where we can begin to pay down the national debt, and we start with this Congress. We start by rolling back the spending to 2008 levels. We started here today with a vote that cut our own budgets by 5 percent. It is not a lot of money; and, yes, it is symbolic, but it is the symbolism that compels us to follow through. If it is good enough now for those of us in this Congress that voted on that, it is also good enough to bring that policy back through the United States of America.

Well, so what I have heard is the Members on the other side of the aisle that still stand here and defend ObamaCare, the ones that are left, they have four talking points about the bill that they think are compelling, and they must believe that it offsets all of the horrible things about ObamaCare.

First they say that, well, remember, the President had all of these promises about what he was going to do with ObamaCare. And he is the first one that I know of that attached the word "ObamaCare" to it in a public way. It was at the Blair House during the health care summit, February 25, 2010, when the President of the United States referred to his own bill as ObamaCare. So that is the shorthand version for all this long thing. They don't want to say ObamaCare. I don't know why. That is how everybody knows it, and that is how everybody understands it.

So under ObamaCare, they say there are four—they don't list only four, they just give you the four—four redeeming components to ObamaCare that apparently offset all the horrible things about it, and these four redeeming conditions are these:

That it requires insurance companies all across America with a Federal mandate to provide for policies that must keep your children on there up until age 26. They think that is something that America has fallen in love with as a really good brainy solution.

Now, I know there are Republicans that support the idea of insurance policies being extended to age 26; but, Mr. Speaker, what a lot of people don't know in this country is there are at least two Members in this Congress that were elected before age 26, and had ObamaCare been implemented before they were elected to office, they would have, could have, been on their parents' health insurance plan.

Now, isn't that a nice thing, when you wean them off of their parents' health insurance plan and you transition them over and put a pin on their lapel and say, now, run the country. They haven't had a single minute of their own health insurance policy until we get here, and actually we have a responsibility for it here. We pay our

chunk of the premiums, like any other Federal employee.

But I just think it is ironic that there would be such a strong argument that people elected to Congress could come here, walk in that door, come down here before the Speaker's rostrum, raise their hand and take the oath of office, and at that moment still be on their mommy and daddy's health insurance policy.

I wanted my kids to grow up. When they turned 18, I told them my responsibilities are now done. I am going to nurture you and give you advice and counsel you, and I will help you where I can. But I am not obligated, guys. We did our best for the first 18 years. We will do our best for every year. We will love you all our lives, but you got to start pulling your own load. Now I look at three grown sons in their thirties, all married, five grandkids, each an entrepreneur in their own right, pulling their own load, and I am glad that they didn't have to stay unweaned until age 26.

But if the insurance companies want to do that, you should be able to buy the policy. If States want to mandate, I think it is not a good policy, but they can do so constitutionally, and then if a person is tired of paying those kind of premiums, you can move to another State and vote with your feet. There are some States in the Union here that I would move out of because I can't afford the health insurance in them. There are other States one could think about moving to because of the opposite.

Here is the second point: preexisting conditions. They always tie this preexisting conditions in with the word "discrimination" because it is like a civil rights code word. So if an insurance company says I don't want to provide insurance policies to people who have preexisting conditions who wait until they get sick before they buy a policy, the health insurance purchasing equivalent of waiting for your house to be on fire before you go buy property and casualty insurance, how many rational people, Mr. Speaker, in this country, would make the case that we ought to have a guaranteed issue for our fire insurance on our house? Couldn't we then just, you know, set up our little BlackBerry with an automatic send and wait for the fire alarm to go off, and on the way down the steps to bail out of the burning house, you just click "send," and automatically they have to give you a policy so that your house could be rebuilt if it is on fire.

We wouldn't do that. It is ridiculous because it defeats the logic of insurance. The logic of insurance is you want to be insured against a catastrophe, and you want to share that risk with other people who want to be insured against a catastrophe. It is true for fire insurance, it was true for flood

insurance until the Federal Government took it over, and it needs to be true with health insurance.

But we will address preexisting conditions; and we will have a legitimate debate on preexisting conditions here in this Congress, in committee hearings, before committees, amendments offered, amendments allowed and amendments offered and debated and voted up and down.

My position is that if the States want to prohibit the consideration of preexisting conditions, they may do so. Our State has a high-risk pool, and we fund part of those premiums with the high-risk pool out of the State treasury.

□ 1650

I think that's a good idea. I have worked to develop that and expand that in my time in the State legislature. I think it's worthy of consideration that the Federal Government could take a look at those State high-risk pools and find ways to help those States provide those kind of backstops because there will always be people that are unfortunate. It won't always just be those that are irresponsible. There are also those that are unfortunate. And so we need to take that into consideration. But to have the whole debate about just those that are unfortunate and not take into consideration those that are responsible, those that are taxpayers, those that are funding, those that are the engine of our economy that are being discouraged by these kind of Big Government, socialized medicine, unconstitutional policies like ObamaCare.

Here's the third one. A 26-year-old with insurance, preexisting conditions. Oh, yes, the discriminatory preexisting conditions policy. It's not discriminatory. It's logical and rational. Would you say that it's a discriminatory policy to not allow people to buy property and casualty insurance if their house is on fire? It's not discrimination. It defies common sense. So I'm not going to let them get by with that word.

Here's another thing, though. Doughnut hole. They say they fixed the doughnut hole and we would unfix the doughnut hole. The truth is that low-income people have that fix. There is a backstop for that doughnut hole. It's not the hole that they say it is. Furthermore, they raise fees elsewhere to fill the doughnut hole. So it's not fixed. It's just another transfer. So some people are beneficiaries and other people pay the extra money. I am not particularly animated about that, although I thought we should not have had that doughnut hole created here in 2003.

In any case, their next argument is against lifetime caps. If States want to provide lifetime caps, let them do that. But if individuals want to buy policies that have lifetime caps because the premiums are lower, let them make

that decision as well, Mr. Speaker. But I envision the day that we have free markets that are engaged in this. We want to preserve the doctor-patient relationship. We want to preserve the free market effect of this so that when people make decisions about their health and their lives, they have some tools to work with.

I want to be able to in this Congress, this 112th Congress, advance the idea and seek to pass legislation that's pretty consistent with Chairman DREIER's. I would expand it a little more. He's advanced the medical savings accounts. I would add we need to advance health savings accounts, HSAs. In 2003, with the expansion of part D, we put language in that established HSAs, health savings accounts. It allowed in the first year for a couple to establish a health savings account with a maximum amount in it of \$5,150, indexed for inflation so it could grow. I don't remember what those numbers are today, but that's the calculus, from \$5,150 on up.

Well, that's a good deal. ObamaCare slashed that in less than half and capped the HSA maximum amount at \$2,500. Why? Because they don't want people to be independent, and they don't want them to be able to make their own decisions. If they do that, then they might undermine this effort of expanding the dependency class in America, which is what ObamaCare is designed to do, because expanding the dependency class expands the Democrat Party, and that increases the political base. And it seems illogical to the people. Well, there's the logic I've just applied to it, and now, Mr. Speaker, they do understand that this is about politics. It's about expanding the dependency class. And it's about diminishing the independence and the spirit of Americans.

And so the lifetime caps piece is the fourth one. Twenty-six year olds, preexisting conditions, doughnut hole, lifetime caps. That's the things they talk about. Four things. That's it? Do they redeem those 2,500 pages of disaster? Do they then overrule and trump the Constitution of the United States of America? I say no, Mr. Speaker. They cannot, they must not, they should not. And I hear this debate also about an increase in our deficit of the number, I think it was \$232 billion, if—not if anymore, it's when—we repeal ObamaCare.

Well, that deficit, and they want to know, Will you offset that deficit with spending cuts? Yes, sir. We will be happy to offset a deficit with spending cuts. But I would make this argument instead. When you have an unconstitutional bill in front of you, and if you're weighing \$232 billion and you want to debate whether or not that's a reason or not to repeal an unconstitutional bill. You can set no price on the Constitution of the United States of Amer-

ica. If it's a trillion dollars, you repeal the bill anyway because it's unconstitutional. And you don't sit back and twiddle your thumbs and wait for the court to resolve this for you. I'm glad that there's litigation going on in the judicial branch. I'm glad that Judge Hudson found with Virginia on the constitutional component of the Interstate Commerce Clause. I'm glad there are efforts out there in the States to deny the implementation of ObamaCare. All of these things going on.

But we took an oath to preserve, protect, and defend the Constitution of the United States here yesterday. We took it all in good faith. We said so. And when we have an unconstitutional bill before us, Mr. Speaker, it is our obligation to repeal that bill. Our judgment of the Constitution is not a judgment that defers across and down the line of Independence Avenue. We don't go to the Supreme Court and genuflect and say, If you change the meaning of the Constitution, my oath applies. Our oath applies to our understanding and conviction of the text in the original understanding of the Constitution and the various amendments as they were adopted. That's what the Constitution has to mean or it is no guarantee whatsoever to the people in this country.

They rose up and they changed this majority in this House, and they did so because they're a whole group of millions of constitutional conservatives, including the Tea Party groups, and they said, Enough unconstitutional activity, enough of this theft of our liberty. We are not going to pass the debt and deficit on to the succeeding generations. And it was \$230 billion was the point, not \$232 billion, to make it accurate.

But I noticed today in the Republican Study Committee that chairman JIM JORDAN read from an article written by Tony Blankley in The Washington Times, December 20, 2010. And it caught my ear. And so I looked it up. And I'd like to just close with this concept that was delivered by Tony Blankley shortly before Christmas this year. He wrote about an experience in China and how they were worried that if they don't keep the growth going in China that they will create expectations and the peasants in China will be unruleable. If you give them expectations, then you have to meet those expectations. Well, we in America, we trust in our expectations.

And so he writes this. He said what happened on November 2, was that the American people went to the polls and said, I want more liberty and less government. I want more liberty and less security about my future. And he puts it in these words. And I think they're excellent words. No other people in the world would have responded to economic danger by seeking more liberty and less government protection. No other people would have thought to

themselves, if I have to suffer economically in order to not steal from my grandchildren, so be it.

I pray we would have come to that decision a generation ago instead of a couple of months ago, Mr. Speaker. But this Congress has come to that decision at the direction and the effectiveness of the American people. And we will follow through on that pledge, and we'll ask them, Keep sending us more people like this freshman class to help get this job done so that in our time we can hand the keys of this Chamber and this government over to the next generation in sound fiscal fashion, sound constitutional fashion, not with diminished liberty, but with expanded liberty, and the pillars of American exceptionalism refurbished by our generation, thanks to the will of the American people.

REPEALING HEALTH CARE

The SPEAKER pro tempore (Mr. FLEISCHMANN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 30 minutes.

Mr. YARMUTH. Thank you, Mr. Speaker, and congratulations on your election.

It's a great pleasure to be here today. I could spend the next half hour responding to my colleague from Iowa. I think it's fascinating just that one comment, that he talks about reading the Constitution and then talks about how this is an unconstitutional bill. Well, obviously, he apparently stopped at article II and didn't get to article III, which stipulates that the judiciary and the Supreme Court ultimately decide what is constitutional in this country, not Members of Congress.

The Constitution was read today. I'm glad it was. It's always good to remind ourselves of this great foundational document that we all respect, that all of us—all 435 Members of the House—swore to protect and defend yesterday.

□ 1700

In the Constitution, in article I, section 5, it says each House may determine the rules of its proceedings. Yesterday, the Republican majority in the House put forth a group of rules changes that will determine how this Congress will operate over the next 2 years.

It was fascinating, in light of our discussion about health care, in light of our discussion about the costs of health care, that one of the things it did, these rules changes that Republicans passed, was basically to vest extraordinary power on one Member of the House of Representatives to determine essentially what the cost, what the deficit or the debt, the budget implications on a particular piece of legislation might be, and the relevance of this to the debate we are in now about

the Republicans' proposal to take away all of the privileges of rights and benefits granted by the Affordable Care Act that we passed in the 111th Congress and that I was proud to support.

One of the things that it said was, if there is a vote to repeal the health care bill, the Affordable Care Act that we passed last year, that we basically decide that we don't have to abide by PAYGO rules—in other words, saying that, just because the Congressional Budget Office determined that the Affordable Care Act will save the taxpayers \$230 billion over the next 6, 7 or 8 years and then another \$1 trillion in the following 10 years, we don't have to make the same kind of adjustments that we do for other kinds of additional expenditures. The Republican philosophy is, if you reduce revenues in any way to the government, that's fine; and it doesn't affect the deficit.

Now, a lot of the debate we had in the last Congress over the health care act I heard time, after time, after time, and we heard this with tax cuts and many other things: oh, a business can't operate like this. A family can't operate like this. Well, in fact, I think, in this particular case, that analogy is really relevant because, if I have a family, a two-income family, and all of a sudden one of us loses our job and loses our income, it's really interesting that we could take the position that, oh, it didn't affect our budget, and it didn't affect the family deficit. Just that loss of revenue didn't matter. All we're concerned about is how much we spent. All we're concerned about is the expense side.

What the Republicans have basically done under this new regime, with this new set of rules that they passed yesterday, is to say that there are two separate ledgers—one dealing with expenditures, one dealing with revenue—and that they don't affect each other. It is an astounding philosophy of operation that we are about to embark on.

Under this new rule, when the Bush tax cuts for the very wealthy expire in 2 years, we would not have to account for that loss in revenue to the Federal deficit even though, when we start writing checks and we start trying to borrow money to pay for the deficit, we are going to have to come up with that money. They say, no, it doesn't affect the deficit.

If we repeal the Affordable Care Act, which the CBO says will save \$1.3 trillion over the next two decades, that's money that we aren't going to have to borrow from somebody else. They say, oh, that's not part of the budget. We don't have to compensate for that.

So it's fascinating that they basically set up these two sets of books, and now they give the power to the chairman of the Budget Committee, who in this case is Mr. RYAN of Wisconsin—a very thoughtful, honest man. You give him the power, however, to

make a decision that whatever the CBO says doesn't matter. He can deem, or decide, exactly what the impact of any provision or any act of Congress is on the budget. One person.

Now, I come from Kentucky. We're a big basketball State. Last week, we had a game, a big-game rivalry. Kentucky and Louisville played. It didn't come out the way I would have liked it to. But I had to think, when we set up these rules, that would be like Louisville and Kentucky playing and saying to Coach Pitino of Louisville or Coach Calipari from Kentucky, You get to make all the calls in this game. Our players are going to play. They're going to compete hard, but Coach Pitino, we're taking the refs off the field. You're the one who's going to call fouls. You're going to make all the decisions.

That's basically what the Republicans have done.

What they also said and decided in this process is that the health care reform bill—changing it, repealing it—will have no impact on the deficit, no impact on the budget. That's fascinating because, for the last year and a half, when we debated the Affordable Care Act, they kept talking about how this was going to balloon the deficit, how it was going to explode the deficit. Trillions of dollars it was going to cost the American taxpayer. Well, now they say, No, it has no impact at all on the deficit because you have to understand, if it costs nothing to repeal it, then there was no cost to passing it.

So one has to question who has been honest in this debate. Who has been honest in this debate?

I understand that finding referees as to who is right and who is wrong and what facts are salient and which facts are accurate has been a difficult process. My colleague Mr. KING said that, you know, all of a sudden, we keep talking about this, and expect a liberal light to go on in people's heads. Well, we need some light on this subject because there have been billions and billions of dollars spent to create darkness about the impact of this bill, and that process proceeds today.

So I think, as we debate this proposal of the Republicans to do away with many of the benefits which we are so proud of and which millions of Americans are beginning to feel now, we should have the kind of discussion that is honest, that is open, and that sheds light on the subject. No one can do that better than my colleague from the great State of Maryland, DONNA EDWARDS.

Ms. EDWARDS. Thank you for yielding, Mr. YARMUTH.

You know, as I listened to this discussion, I thought, I wonder what taxpayers are thinking about with this discussion. I wonder about those taxpayers who go to work every day but who, through no fault of their own,

can't afford to buy health insurance even though they work every day and they pay taxes every day.

I thought, well, under the Affordable Care Act, indeed, for those people, we get to, you know, put a little bottom under them so they can be covered, so they can, you know, go to work and take care of their families and can also have the security of knowing that their families are going to be covered with health care.

I thought about the discussion earlier on this floor where our colleagues on the other side of the aisle talked, you know, somewhat disparagingly of the young people who maybe finish college or trade school and go to get jobs, but there is a gap in health care coverage because they've turned 22 or 23 years old. They're working for a living, doing what they need to do. They've gone to school. They've gotten trades, maybe, and they can't afford health care coverage. So their parents get to say, You know what? For all of our peace of mind and for your security, we're going to, you know, pay for that health care coverage under our plan.

Mr. Speaker, as I stand here today, I think about my son, who has just gotten a job. There was this period, and I remember when I received that notice from our health insurance company. That notice, you know, was a shocker to me because it basically said, You're done.

Had we not had this provision in the Affordable Care Act that enables parents like me and other parents around the country to have the peace of mind of being able to keep our children, our young people, our young working people on our health care plans, I don't know what working families would do out there.

Mr. Speaker, I thought also about a conversation that I'm going to share with you, a conversation with some seniors that I had, as I was spending New Year's Eve with friends. One of the seniors said to me, as we were talking about health care, You know, I have a medical condition. I'm spending thousands of dollars, and I've fallen into the doughnut hole, and it is really taking a chunk out of our pocket.

I had the privilege on December 31 of saying to this family, Do you know that, as of January 1, as of the next day, in 2011, your prescription drug that has fallen into that doughnut hole will actually receive a 50 percent discount?

□ 1710

They had no idea. I was glad to be able to share it with them. They're not my constituents. They live in somebody else's State, but it's great to be able to share that with them. And that's the experience many of our seniors all across the country are having right now as they realize that they won't have to bear the burden of out-

of-pocket costs for prescription drugs that fall through a doughnut hole because they can't afford it anymore. Their young people will be able to be covered until they're 26. If you experience domestic violence in a handful of States, that's a preexisting condition. Guess what? Insurance companies will no longer, as we move into the implementation of our health care reform bill, be able to call that a preexisting condition.

And so I will close and allow you some additional opportunity in your time, but I do want to say that it was really compelling to read the Constitution here on the floor of the House of Representatives today, and again, a very important reminder of our obligation as elected officials to look out for the general welfare of the people, and I can think of no better way to do that than making sure that we protect the health insurance, the health care that Americans have been guaranteed because of what we were able to accomplish with the Affordable Care Act.

Mr. YARMUTH. I thank the distinguished Congresswoman from Maryland for her comments, and I'm actually kind of glad that Congressman KING brought up these major benefits which are now helping families across this country.

Ms. EDWARDS talked about the benefit of adding your son or daughter under 26 to your policy, and Mr. KING basically pooch-pooched that—I don't know if that's exactly a good legislative term, but kind of ridiculed that. And then he talked about lifetime limits and how lifetime limits were not necessarily something that we should worry about in spite of the fact that almost a million Americans a year, historically, over the last few years, have gone bankrupt because they either had no insurance or their insurance was inadequate and they lost everything they had because of health care costs, because of a cancer diagnosis or serious accident. These are real-life stories. These are not abstractions.

And I understand that we have many colleagues on the other side of the aisle who believe, with almost a religious zeal, in certain things like the perfection of the marketplace, in spite of the fact that we've seen time after time after time in this country, not too long ago with the financial system, how our markets often fail, how we have created or allowed to be created enormous sources of power and concentrations of economic power in this country that have basically distorted the marketplaces, and that is very, very true in the area of health insurance.

We have many, many States in which one company, one company, one insurer will dominate the insurance market, 85, 90 percent of the insurance in that State sold through one insurance company. That is not something that the drafters of the Constitution envi-

sioned. So it's nice to believe in free market principles—and I think Democrats believe in free market principles as well as Republicans do—but the fact is, in real life, not in a history philosophy book or political science philosophy book, in real life markets fail, markets get distorted, and that is when the government is responsible for protecting the general welfare of the population as the Constitution says.

Because we've been joined by another colleague, we want to return to this issue of rules because, again, the budgetary rules that the Republicans have set up to govern this next Congress are creating some incredibly difficult situations for our States, our localities, and our people. And one of those areas in which this has been particularly true—and I know I've been contacted by transportation officials in Kentucky about how dangerous they think these new rules may be, and JOE COURTNEY from Connecticut has joined us to talk about that implication of the new rules that we are going to be operating under.

So I yield to gentleman from Connecticut.

Mr. COURTNEY. Thank you, Mr. YARMUTH, and I appreciate the fact that you are putting the spotlight on this issue which is really extraordinary in terms of what's just happened in the last 24 hours.

As you know and as Congresswoman EDWARDS knows, the real workhorse infrastructure transportation funding in this country is the highway trust fund. That is a mechanism which was set up by the Congress. It has a dedicated revenue source, gas taxes, and since 1998, there has been a rule which the Congress has operated under which says that the 5-year transportation plan authorized by the Congress cannot be tampered with by a bill that's brought to floor of the House. If it is, then that bill is ruled out of order. And the purpose of that is to make sure that the transportation plan, which is done on a 5-year increment, has sanctity, has consistency so that State DOT's like yours in Kentucky or Maryland or Connecticut can actually move forward on multiyear projects which, of course, most road construction, bridge construction falls into that timeline.

Well, you know, this has been the operating rules of the House since 1998. Yesterday, the Republican rule which was adopted astonishingly rescinded that protection in terms of procedure for the transportation trust fund, again, the mechanism which ensures that States get appropriate funding for highways.

So a coalition grew up over the last 3 days, including Laborers' International Union, Ironworkers, the U.S. Chamber of Commerce, the American Trucking Association, the Motorcycle Riders of America, people who actually care about making sure that our roads

and bridges have the adequate support to make sure that, again, as a growing country we are going to be able to move people and goods from one place to the other in appropriate fashion.

By the way, our competitors around the world are moving past us at Mach speed in terms of their transportation infrastructure investment.

Nonetheless, this coalition warned the new majority that this new rule was going to upset, again, the consistency which transportation funding requires. The new majority went ahead with that rule, adopted it, claims that they, in fact, were not doing that to the transportation trust fund, but interestingly, the markets say otherwise.

UBS-PaineWebber issued a downgrade to transportation construction companies on the Wall Street stock exchanges, and their stocks declined yesterday in the wake of the adoption of this rule. And again I, earlier today, submitted press accounts that describe, in fact, the sequence of what actually happened.

We are talking here about a sector of the U.S. economy that's not in a recession; it's in a depression. The construction trades right now are looking at unemployment rates of 25 percent. Rather than shrinking and inhibiting the transportation and infrastructure of this country, we should be investing in it. And let's be very clear here. There is not going to be any private investment that's going to fill the gap that's being created by undercutting the sanctity of the highway trust fund.

The fact of the matter is this is done through public dollars, and every generation going back to, really, Jefferson has understood that this is essential to have an economy that can actually thrive and grow. And as I said, we have now left the highway funding of this country subject to the whims of the annual appropriations process. That is not the type of horizon in which planning can actually take place at State DOTs, and it doesn't surprise me that the folks in Kentucky have contacted you. The people at DOT in Connecticut have certainly done the same, and all across the country. Again, management, labor, public sector groups that care about highways, they are just incredulous, particularly at this time with the weakness of this economy, that this House has adopted that type of rule.

Mr. YARMUTH. I thank the gentleman.

And reclaiming my time, the analogy I used earlier was with families, and we all know we're in a difficult budgetary situation. We know we're running huge deficits right now, and we know that the money that we are spending, a large portion of it we are borrowing because tax revenues can't support it. This Republican majority now has basically taken the position that they're going to strangle this government and

put a cap on expenditures. And certainly I understand that's part of their honestly held philosophy, but if you're a family and you've got two kids high school age and two income earners, one of them loses their job, are you going to then say under no circumstances am I going to borrow money to help pay for the college education of my two teenagers so they can have a better life and they can be prepared to meet the demands of the future; I'm just going to keep cutting expenses?

□ 1720

And that analogy seems to be working here, particularly with regard to transportation as well and the investment that we have to make.

Mr. COURTNEY. That's right. And families make that decision to make capital investments along exactly the same lines, whether it's to fix a roof, you know, put a new driveway in, buy a house. Again, that's done through financing, debt financing. And it's, again, the way that particularly the middle class kind of deals with those challenges. But there's no question that in terms of our own country's history, going back in time, again, even to the beginning of our government, even during the Civil War when the finances of this country were completely going from almost day to day, Abraham Lincoln did not pull back in terms of the need for us to invest in rail, land-grant colleges.

Again, this was in the middle of the worst conflict in the history of this country, but yet he still saw the need for us, as a Nation, to still continue to invest in the future, and we borrowed funds. Because those types of investments, investing in people through education or investing in infrastructure comes back to benefit the economy long term, and the multiplier effect is much higher than the actual pricetag of those initial investments.

Mr. YARMUTH. I thank the gentleman. Again, I go back to these rules that have been adopted now in the House, and they basically give extraordinary unprecedented power to one person to set these budget limits to decide the budgetary impact of an investment in infrastructure or a health care law, the repeal of a health care law or, for instance, the repeal of many of the advances we made in terms of education funding during the 111th Congress.

And it seems to me that, as I read through the Constitution, the Founding Fathers probably didn't anticipate that we would basically disenfranchise 434 Members of Congress in making these incredibly important decisions about how we raise revenue, which is specifically a power that has been given for initiation to the House of Representatives, or to spend tax revenue, that that kind of power would vest in one person and that you would set up a set of rules that sets up two

sets of books and say, If you drop revenue, if you cut taxes, if you have a loss in revenue, that has no budget implications; but everything you spend has to be offset somewhere along the line.

And I think in terms of not just investment in infrastructure but also investment in research, medical research which probably is the real answer to our long-term health care financing costs. If we can control or cure diabetes and cancer and make an impact on heart disease, these are the things that are really going to help us in the future. But to set up these kind of rules which basically, again, disenfranchise not just 434 Members of Congress but, in the process, virtually every American citizen from the process of deciding what money should be spent and invested in some very, very important aspects of the general welfare.

And I would like to yield to the gentlewoman from Maryland, DONNA EDWARDS.

Ms. EDWARDS. I thank the gentleman for yielding. And it occurred to me as we heard this discussion—and thank you to Mr. COURTNEY for raising these issues with us, Mr. Speaker. Because it occurred to me that while we should be spending our time focused on job creation—and we know that a core for job creation for the 21st century for this country is in our investment in our transportation infrastructure, really putting people back to work. And instead, we are relitigating what the American people thought we had finished with—health care.

So here we are with a rule that then says to us, Even as the bipartisan debt commission has said that we need to invest in the Nation's infrastructure—those are investments that create jobs, jobs where taxpayers are paying into the system so that we have revenue, so that we can invest in our infrastructure—that we are going to be constrained from doing it. And I am reminded that in the last Congress, in the 111th Congress, every Member, I believe, of our Transportation and Infrastructure Committee wrote to the President of the United States saying, We need to do a long-term transportation and infrastructure bill so that our States can begin to really put people back to work. And here we are in the 112th Congress, led by the Republicans who have put forth a rules package that will constrain our ability to create jobs in this country.

Mr. YARMUTH. I thank you for that contribution. And we've also been joined by the gentleman from Tennessee, Congressman COHEN, and I would like to yield to him.

Mr. COHEN. Thank you, Mr. YARMUTH.

Indeed, the issues that Mr. COURTNEY brought forward in his 1 minute today

were alarming to me because my hometown of Memphis depends upon transportation. That's what makes it America's distribution center, the roads, the rivers, the runways, and the rails. And if we don't have moneys to go into helping our airports—where Federal Express is located in my district, and in your district, Mr. YARMUTH, UPS—because that's how we move products all over the world. From those hubs, we move commerce. And that is why it's so important that we have an FAA Reauthorization Act passed, a lot of which would be expenses to modernize the structure and the transportation bills that Mr. Oberstar, who was one of the great Members of this House but is no longer a Member, tried to get passed last year to both stimulate the economy in the short run and in the long run, as Mr. COURTNEY said, with that multiplier effect by creating jobs. It's roads that take goods to market, that move commerce, that move raw materials. And I was hoping and do hope that we will have bipartisan efforts to have transportation, FAA reauthorization bills pass that will move this economy forward.

The economy is still in a difficult spot, and we can't really see that the economy is improving if we continue to cut spending, particularly in places such as transportation, infrastructure, and the airport infrastructures. That's so important. So it was distressing news to see this happen.

It is difficult to see how we can get ourselves out of this near depression that was caused by the Bush administration with cutting spending. I know Paul Krugman has people who don't think he is correct all the time. I happen to think he is correct most of the time. And the Nobel Prize people aren't always correct. But when they gave him the Nobel Prize for economics, some of the brighter people in the world thought he was pretty good on economics. And it's his belief that we need to do more spending, and I concur with him. I would hate to see us lead this economy—it's about to get out of the ditch—put it back in the ditch.

Mr. YARMUTH. I thank you for that.

As we wind down, pursuing the analogy with families and also with small businesses, I mean, people legitimately borrow money, and businesses legitimately borrow money for two reasons. One is for survival, to eat, to pay salaries if you are a small business. And they borrow money for investments. We have plenty of investments that we can make in this country that are desperately needed. Infrastructure being one, education being another, medical research being a third category.

And we basically have been told by the Republicans that there is no basis, no justification for spending any more money. And because we're in a deficit situation, borrowing more money—except when it comes to giving tax

breaks for very, very wealthy Americans, millionaires, billionaires hedge fund managers, and the like, that's okay. We can do that, and we can balloon the national debt to do that, but we can't do it to help people, to provide people's health care, to invest in needed infrastructure, to invest in the things that will make this American economy the kind of economy that we will all be proud of, that will work for everyone, that will truly live up to the ambitions of the Founding Fathers when they wrote the Constitution that we read today, to create a more perfect union. That's what we are all about. And we'll continue, as Democrats and now as Members of the loyal opposition in this body, anyway, to fight for the kind of balanced and intelligent investment and restraint of spending that will get us to the world that we all envision.

So I thank my colleagues for joining me today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

ISSUES FACING THE 112TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Mr. Speaker, I appreciate the opportunity to address the House on this historic day, this historic day when we have had the entire body read the Constitution of the United States. As that process went on, there was some wonderment in the audience about why we were doing it and what it would mean. But as I listened to the different bipartisan Members reading the Constitution, I felt a gravity come through the institution that we began to listen to and hear and read the words of our Founding Fathers as they set us on this great experiment called the American Republic, the Republic which was turned loose for the first time, a government of the people, by the people, and for the people.

□ 1730

And on this historic day, we have to contemplate what our tasks are as they lie ahead. For myself, I see the most important thing in front of us as being economic growth, jobs; and we have to wonder what we're going to do about that.

As I traveled around the district, after the election, we did—we have 18 counties, and we did 18 different town hall meetings, listening to the people of the district after the election. And

the overriding concern is what are we going to do about jobs and what are we going to do about the economic future of the country.

I think people are alarmed at the policies that they have seen come out of Washington. They're alarmed at the spending. They're angry that Washington has not been listening, and they're just upset with the policies in general.

The last election sent two very clear messages: number one, you, in Washington are not listening to us; number two is that we don't like what you've been doing.

So, as we contemplate the future, we have to try to get our hands around the economic growth question, and we have to ask ourselves why do we not have job creation at this time in our history.

As a business owner, I can tell you that the most important thing that we face right now is uncertainty. Now, that uncertainty originates from inside the government, so our government is doing the things which freeze our job creation in its place.

The uncertainty arises on two basic fronts. First of all, taxation, and second, regulation.

And so our friends across the aisle were just asking, why are we talking about the health care bill when that's been debated and discussed? If we narrow it down to job creation, if we narrow it down to the economic uncertainty or certainty, I hear business owners every day saying, we're going to have to lay off one or two people, maybe up to 10 percent of our workforce. Maybe we're going to have to lay off more to get below that threshold because we cannot afford the mandates that are given to us in this health care bill.

So, number one, that's taxation and uncertainty all in one piece. The health care bill hires 16,000 IRS agents, but does not hire one doctor. You can always tell by the functionality, not by the name of a bill, what it does, but by the functionality. And when it hires 16,000 IRS agents and no doctors, you can guess that it's more about taxing the American public than it is about providing health care. And we're seeing that play out in the job market across the United States.

People are frozen into place, wondering what it's going to mean in additional cost for their companies. So rather than leaving those people on the payroll, they're actually shrinking the payroll at a time when we need employment; 9½ to 10 percent unemployment for extended periods of time is not what makes people secure about the future. So that's one piece of the health care bill.

The second piece of the health care bill that is freezing job growth and job creation in its tracks is the regulatory environment. This is a time with baby

boomers moving into retirement age, retirement age brings more expenses, more health care costs, and we should be seeing a growth in jobs in the health care industry nationwide. But instead that industry is frozen regulatorily. People don't know what the future is going to bring, and so that job growth that should be occurring to take care of our seniors is actually frozen in place by the regulations in this bill.

So, again, we began with the idea that we want to create jobs and grow the economy. We have to assess those things, those elements which are creating the impediments to growth, taxes and regulation. Then we can walk through our economy one section at a time to find the same thing is occurring, and we would begin to understand more clearly and more definitely that our government is the problem in job creation.

For instance, if we took a look offshore, we all saw the problems with BP. That was on the TV every day. And I think BP should be 100 percent accountable and responsible.

It was my business—my wife and I had a service company, we fixed and repaired down-the-hole problems in oil wells. So we're familiar with the things, the decisions that were being made by the company out there as that well progressed towards a catastrophic failure.

Now, I do not believe—even though I think BP should be accountable—I do not believe that we should have killed one job in relation to that. When an airliner crashes, we don't stop all airlines. We bring the Nation's best people together, we determine what happened, and we determine how to make it not happen again. That's what we should be doing offshore. We should be bringing the Nation's best together, letting them analyze the problem, and then making sure it does not occur again.

But instead, the Obama administration implemented a moratorium, and that moratorium shut down the drilling offshore. We have 33 deepwater platforms. Those deepwater platforms cost billions to make, sometimes 15 years to manufacture them, and we have now shut them down; no economic activity at all.

Now, any business will tell you that they've got to have revenue from their investment. And so now then those deepwater rigs are beginning to steam away at about two or three knots per hour to foreign countries. Some have already gone to Africa, South America; and those jobs will never occur offshore in the U.S. again. I think that that's an over-response from the Obama administration, and I believe that one of the things this Congress should do is pull the pendulum back to the middle.

Yes, we should protect our environment. Yes, we should hold the companies accountable; but, no, we should not have killed one job. So I think in

the early days of this Congress, we should make that a clear differentiation between the parties or between philosophical views of how to return the country. I think that we should make those clear distinctions that this group of people should be back on the payroll; and, yes, we should keep our environment clean, and we will hold those who make problems accountable.

And I think the American people are looking for that balance, that pendulum to come back toward the middle to where we say we can protect, we can preserve and we can create jobs simultaneously. And that is one of my sincere hopes that we begin to do this in these early days.

There's an economic truism that says when you raise taxes, you kill jobs. When you lower taxes, you create jobs. People would say, well, how do we create more jobs? The answer is, if you really want to do it, you should lower taxes. And that's what this bill was saying right at the end in the lame duck session to extend the Bush tax cuts. It was saying that we should not raise taxes on any single American.

Now, you have the partisan debate that says we shouldn't be lowering taxes on billionaires. Well, frankly, there are very few of those. Many of the people who fall in that \$250,000-a-year and above income are simply small business people.

For instance, just last week, we had a dairy owner saying, you know, we run \$1 million a month through my small dairy. We only have 50 or 60 employees, but it costs us \$1 million a month to milk cows, to pay the feed and, hopefully, we get enough revenue. And yet these are people that you're going to drive the taxes up on. As you drive taxes up on your job creators, what you do is you take away their ability to create more jobs.

Now, if any of you have any cash left in the bank, which is questionable at this point, you wouldn't know that cash in the bank has almost zero worth. You get 0.0025. You get one-quarter of 1 percent interest on your money in the bank. So any company today is looking to reinvest its money to create cash flow, rather than holding cash in the bank.

But the uncertainty, the tax uncertainty and the regulatory uncertainty causes us to be uncertain about the future, and it causes us not to create jobs. And so we, in this body, have a tremendous obligation and a tremendous responsibility and even the—we can create the right perception, the right certainty if we'll simply take the right steps to just cause the mental framework of America to say, yes, we now know where we're going in the future; we now can invest with a certain amount of predictability.

And I think that it is our God-given responsibility at this point in our history, to do everything we can to start

rebuilding our economy. So there are those who would say, but we can't do that. We might take jobs back from some foreign country.

The entire world's economy takes its heartbeat from the U.S. economy. We're about 25 percent of the world's economy.

I was in Germany several years ago to visit the soldiers in Landstuhl who had been wounded. In the evening time we met with about 100 different German corporations and they said, please fix your economy. When you, the U.S., sneeze economically, we, the world catch flu economically.

□ 1740

So that gives you some understanding of our responsibility to fix our economy. So, systemically, I think that we should walk through each industry one at a time to see what this government has been doing to kill or freeze jobs. I think that once we look offshore and realize that we are killing those jobs, we are sending those jobs to, say, Venezuela—I'm not sure who among us would want to do that, but that's, in effect, what is happening—I think that we should do what it takes to bring those jobs back.

I think then, systemically, as we work our way through the country, we should ask ourselves about the 27,000 farmers in the San Joaquin Valley, 27,000 farmers that used to make their way, make their payments to the bank, make payroll, buy fertilizer, buy seeds, buy new tractors, invest in diesel, invest in repairs of the tractors. That's the whole growing economy. But a couple of years ago, because of the 2-inch silvery minnow, that entire economic region was simply shut down; that is, we are choosing all on behalf of a species preservation and none on behalf of the human species' job creation.

I think that the American people are expecting us to find the balance. I think they are expecting us to keep the species alive, maybe in holding ponds and release them by the millions into the rivers, but I think they are expecting us to find a solution to the job creation in the country. And I think that we can do it better than by simply saying, by some judge's order, that an entire economic subculture is simply going to disappear.

Now, the farmers haven't been working in a couple of years. Many are on assistance. They are not making their payments for the land. The banking system is less stable in the region. And, in the process, we are importing food which is far less safe to consume. We are importing from Central America, South America, maybe Mexico, and we have no control over what pesticides they use. So we have been seeing increasing inputs of food into our economic system here in the U.S. which are less safe. We saw the lead poisoning from China. We see these

things every day. Why we would do that on behalf of some rigid philosophical viewpoint is simply exasperating Americans at this point.

Another issue in which we should look, if we are systemically looking at the way our economy is being frozen in its tracks, is our entire timber industry. We used to have a thriving timber industry here in this country. In New Mexico, we had a thriving timber industry that was almost as big as the oil and gas industry. We employed 20,000 people in the timber industry at one point. Today, New Mexico, like many of the other States, employs zero. We have nobody working in the timber industry.

Now, in full disclosure, during the last campaign I did have a guy come up and say, "That's incorrect. We have eight." He said, "I started a small lumber mill, and we are processing small diameter trees and we hired eight people."

But imagine what would be going on in New Mexico if we had our communities with those timber jobs that used to be there. Our tax base would increase, the number of jobs would increase. We would have people paying Federal income tax, State income tax. But instead, those economic potentials have been shifted away to another country.

Now, I love the Canadians, but I think that we should have the jobs in New Mexico that we shipped to Canada. The idea, when we put the spotted owl regulations into effect, was that we were going to send these jobs to third-world countries. That's not what happened. They went to the economically closest neighbor, the one with the least transportation costs, and we gave the jobs to them.

I think that in this country people are tired of our government choking down the job base, the economic base for different regions, and we can work our way across the country and assess these.

I think the American people are expecting us in this new Congress, as we go through the Constitution as we read it on the floor, I think they are expecting us to redesign and reinvent government. I think they are expecting us to take a fresh look, do a forensic audit of the entire government to see what is working properly and what is working improperly. And when we do that, I think they expect us to cause efficiencies to occur in the government and cause efficiencies in the regulatory framework to where we can protect the species, protect the environment, protect the worker, and have the job creation on the other side of the pendulum, find that spot in the middle where we can do both.

I think Americans are alarmed, I think that they are afraid, and I think that they are angry over the way that Washington has been functioning. The

last election said so. I do not think the last election was about Republican politics. I think it was a message that we want things to straighten up in America.

If we are going to straighten things up in America, the most important thing to do is set about job creation and economic growth. If we will grow the economy about 3 percent to 3.5 percent—and that's what we have averaged for the last 70 years, so understand that that's not an unachievable goal. But if we will grow our economy in that range, then all the problems begin to dissipate. The shortages and budgets in the Federal Government begin to dissipate. The shortages in our State budgets begin to dissipate. That is the only answer. I have never seen a company save its way to prosperity.

So I agree with our leaders and I agree with the Republican Party that we should be looking at spending cuts throughout our government. We should be finding more efficient, more effective ways to find governance. But I do not think we can find our way to prosperity in simply the budget cuts, but instead we have to look at tax certainty and regulatory certainty to create the economic growth that is there.

Now, I said earlier that tax cuts create jobs, and you might want to know how that actually plays out. One guy in Artesia, in New Mexico, Mr. Swift, said it most clearly. He said: "I drive bulldozers. For me to create one job takes \$340,000. Now," he said, "if the government is taxing away my profits, then it takes longer to accumulate the \$340,000." He said, as I mentioned earlier, "That money in the bank is absolutely no use right now. I would rather have it in the bulldozers. But the government takes it and taxes it away, and then it takes me longer to create a job."

So you see this stagnant economy one job at a time because we are taxing too high, we are spending too frivolously as a government. And the American people are looking for solutions, and I think that we, as Republicans, have the right idea in tax certainty, regulatory certainty. And the job creation will begin then from the private companies.

Now, people have asked: What about the stimulus bill? Well, the stimulus bill was never going to create jobs, because what it does is it taxes away from that bulldozer operator who was going to create the job with his \$340,000, and then it gives that tax money over here to someone else. And they create jobs, but just for a short time, because if they only created jobs with that input of stimulus money, then that's not a legitimate long-term job in the first place.

What we are looking for is sustained economic growth from jobs that come by private companies investing private capital. This is a capitalist society.

Capital is the building block, and capital is generated by profits. As we tax away the capital, then we convert ourselves into a stagnant, nongrowing economy.

It's all fairly basic, but it just gets confusing when we here in Washington want to take the money from our job creators and spend it ourselves. There is something in politicians that seems to thrive on taking your money and putting it here to create our idea of right and wrong. Let the American people free. Let the American people have their tax money back and they will begin to invest it in growth opportunities.

How many of us are involved in the stock market? We do not want to invest our money in uncertain stocks or uncertain bonds. So the idea of certainty plays out all the way through the investment spectrum, from just your basic small guy buying into the stock market to your small business person who wants to invest in a piece of equipment, a pickup truck, a new room in his office, a new office for someone to provide some service at, a new computer so he can bring on a new IT person. Those are all examples of private investment, private capital creating jobs in the private market.

□ 1750

Now people always say, Well, what about those jobs? If we raise taxes, we can create more jobs over here in, say, teaching in our schools. Or maybe hire more government agents over here in the Department of Transportation or wherever.

Again the basis of any economy cannot begin at government spending. It has to begin in the private market. When we in the public sector, when we in government take more than generally somewhere in the range of 20 to 22 or 23 percent, what we do is we stifle growth of the economy.

You can look at the full state-run economies. The USSR was a good example. They were above 50, 60 percent. Their government took in that much of the gross domestic product. They eventually collapsed because there was no growth in jobs, no growth in revenue, and then we had a simple failure of the economic system.

Now as we convert from more a private market into a government market, we're going to see the increased pressures of stagnant economies because, again, we're taxing away that ability for private firms to invest private capital. We can never take money from private companies, put it into the government and have the government to run companies.

I give an example that if the government thinks it can run a company, let's let it fix the post office first. That's a business operation that it's in. Maybe you think the post office is running well, but many would disagree that it does.

Another example of why government shouldn't be in business is Medicare, Medicaid. We have been told here in this body that Medicare loses about 20 percent to fraud every year. That's about \$90 billion. Another \$60 billion a year on Medicaid fraud. That's just fraud. That's not waste. That's people cheating the system.

The example was given by 60 Minutes a couple of years ago by a guy in Florida who was making \$400,000 a month selling things he didn't really own to clients of the Medicare system. Now they did exist and they had numbers. And so he had a store front because he said the government inspectors would drive by and they would drive by to see that I actually was there and had a store front but he said I never owned any inventory. So he never had any inventory, selling fictitious things to real Medicare patients, he makes \$400,000 a month. He said on this TV interview, yeah, you caught me and I'm going to jail for 12 years. But there are 2,000 people just like me here in Miami. While I'm in jail, I'm going to lease my list, my mailing list of Medicare patients, to someone else who's going to do the same thing.

If a business were to do that, they would be out of business within the month. But government doesn't ever go out of business. All they do is increase your taxes and you as a private citizen are sitting there trying to figure out around the dining room table how are we going to make ends meet and the government is simply pouring more money into a system that is leaking it so badly through the fraud and through the abuses that we're never able to have the program function correctly.

The government at this point needs overhaul in a serious way. I think, then, in addition to growing the economy, in addition to creating certainty in regulations and in taxation, one of the great responsibilities this Congress has is in oversight. In that oversight capacity, I suspect that we need to deal with these leakages out of the system that are being taxed away from hard-working families struggling to make ends meet and maybe, maybe just going down a bit on their taxes where they're not trying to sink underwater themselves.

One of the regulatory things that we should do is take a look at the way our banking regulators are operating. What our local banks are being told by the regulators that come from here in Washington, D.C., is that if you make one bad loan, we're going to come take your bank away from you. What that has done is frozen our banks completely in their tracks. They're afraid to lend because that might just be the loan that goes bad on them and then they lose their entire bank. We've seen examples like that across the country. And so our regulators right now again are creating great uncertainty among

banks who would be giving the loans that would keep small businesses going; but instead they're afraid, they're uncertain, they don't make loans, and small businesses have the capital that they need to keep operating choked off by a regulatory framework that is wrong.

These are the things that I think compel us in this Congress to do the right thing. Americans are not expecting magic. They're not expecting for us to do the unimaginable. Just start choking off the abuses, choke off the fraud, create a little certainty in the economy so that people can begin to hire, so that our economy will begin to grow, and as it grows, Medicare begins to work better again, Social Security begins to work better if we grow the economy, local and State budgets begin to work better if we grow the economy, and our national budget begins to work better if we choose as a Congress, and there will be many choosing here to obstruct that because they feel that it is somehow wrong to give tax cuts. If they choose to obstruct it, I think we have deep economic troubles lying ahead.

So for me, it's an easy question. If we don't grow, you have great troubles lying ahead, then let's grow. Let's pull out the stops, let's find those balance points in regulation, let's find the taxes where we can lower them to create more certainty and more job growth, let's begin to pull those manufacturing jobs back from around the world that have disappeared. We've driven them out through our overregulation and overtaxation. And I think when we do that, we will begin to see that this economy will grow and the world economy will grow along with us. If we choose not to do it, I think that we have those troubled waters ahead with higher unemployment, higher taxes, greater dislocation in our budgets nationally. I think then that we're going to see more printing of money. As they print money, then we find that the money in your savings accounts begins to dissipate. We've seen almost \$2.6 trillion printed in the last year and a half or two by Mr. Bernanke. I think that Americans are alarmed at the prospect of hyperinflation.

So, Mr. Speaker, as I conclude tonight, I would just like for this body to really contemplate the risks on the one side that we face but the potential for optimism on the others. I believe that prosperity is possible, but I believe prosperity is a choice. It's going to be a choice on the part of this body as we move forward through the next months.

So our friends on the other side of the aisle will complain about our consideration of health care, and yet all we are trying to do is create tax certainty and regulatory certainty. All we're trying to do is reverse a govern-

ment takeover of part of the economy in order to create jobs. To me it makes sense. And I understand the arguments from the other side and appreciate that they come with a different point of view.

But I think Americans are looking for us to set aside the partisan differences that we have and to work as Americans. We run as Republican, Independent or Democrat. That's accepted in the American political spectrum. But what's not expected is that we come here and operate with those same partisan viewpoints.

So let's set aside the partisanship now at this point, let's begin to work as Americans to do the right thing, grow the economy, create jobs, give the younger generations a sense that they have a place in the future, that the things they are working for will actually materialize, that there is a ray of hope.

For myself, I have an absolute belief that our economy in the future is going to be better and that there are great days ahead. Winston Churchill's quote gave me that belief. He says, "You Americans always do the right thing."

"After you've tried everything else," he says. We've been in the process over the last 50 years of trying everything else. Now it's time for us to get serious and do the hard work of getting the government in control, shrinking the spending, lowering taxes, creating regulatory certainty, so that this free market can continue to grow and expand through the next generations.

□ 1800

HEALTH CARE AND THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Vermont (Mr. WELCH) is recognized for 30 minutes.

Mr. WELCH. Thank you, Mr. Speaker, and welcome. I want to also thank the gentleman from New Mexico and welcome him back. Your comments about trying to work together and bipartisanship, that all makes an awful lot of sense to me and I hope to all of us. But welcome back, sir.

We are going to have an opportunity, Mr. Speaker, to use this Special Order half-hour to talk about health care and also about the deficit. We do want to be bipartisan, but we also want to be real. Our job, as you know, is to legislate, and we will be judged by our actions, by our deeds, more than by our rhetoric.

Let me just say that the aspirations that have been enunciated by many of our Republican leaders are ones I quite admire; an open and transparent Congress, more open rules, fiscal discipline, things that are absolutely, fundamentally important to this country, and the question now is whether there

is going to be a follow-through on those stated goals. The best way to start looking at it is what is going on with the health care bill, and the decision of the leadership is to repeal health care.

Now, that is a very radical decision, because as much as there are legitimate issues, many legitimate issues about that health care bill, a wholesale repeal as a policy is going to do real damage to real families in this country, in every district in this country, and it is also going to immediately increase the deficit by \$230 billion.

As is known, that is not the opinion of a Democrat or Republican; that is the conclusion of the impartial arbiter, the Congressional Budget Office. So if we are dedicated to fiscal discipline, if we have got to bring down spending, how can we have as our first act as a Congress passing a bill that the Congressional Budget Office says will increase the deficit by \$230 billion? It doesn't add up, obviously.

I am going to pause here because I have some of my colleagues who are going to be called to other locations. I want to start, if I could, with the gentleman from Colorado, Mr. PERLMUTTER.

Mr. PERLMUTTER. I thank my friend from Vermont.

I want to piggyback on something that you just said. I hope that we can and we will work with the Republican majority on a lot of issues to get people back to work in America, to stop outsourcing jobs to other countries, to stop importing oil at tremendous price to this country so that money continues to flow away from the U.S. instead of into the U.S. I want to work with them on those kinds of things.

But what I am concerned about is something you just mentioned. The ideology and the radical approach that they are taking to repeal something that was put into place over the last 2 years but has been needed by this country for decades is something that I will fight. Ideological, radical extreme positions are not what the American people want. They want practical, solid solutions where people are treated fairly and equally.

In the health legislation, the Affordable Health Care Act that we passed, the guts of that legislation is about treating people equally. What I mean by that is we stop discriminating against people with preexisting conditions. They are now free from that kind of discrimination. That is so important.

We talked a lot today about the Constitution. Well, prior to the Constitution we had the Declaration of Independence, and the Declaration of Independence starts off, "We hold these truths to be self-evident, that all men are created equal." It probably should have added "women" at that point, but back then it was "all men are created equal."

That is carried forward in the 14th Amendment to the Constitution, and I have prepared a chart of this, of the language, which says no State shall deny to any person within its jurisdiction the equal protection of the laws.

People with prior illnesses, with physical conditions, have been discriminated against because of those conditions and illnesses. That is wrong, it is immoral, and in my opinion it is unconstitutional.

In my district, I was standing at a gas station. A guy comes up to me and he says, You all have to pass that legislation. My daughter has Crohn's disease. I am in a roofing company. I want to start my own roofing company, but because she has this disease, I have to stay here. Otherwise, she will be uninsurable because of her prior condition, and I am stuck in that job.

Well, this bill, the heart of this bill is to give freedom from that kind of discrimination against her prior illness, freedom to that roofer so he can go start his business. That is at the heart of the American way.

In my own situation, I have a daughter with epilepsy. She didn't ask to have epilepsy; that is just part of her makeup. But because of the epilepsy, she is uninsurable, unless she is part of some big group policy.

So in the Affordable Health Care Act, we have done away with that kind of discrimination. We have freed people from that kind of discrimination. The Republican majority, ideologically, radically driven, wants to take that freedom away, and I will fight that today, tomorrow, and next week.

With that, I yield back to my friend from Vermont.

Mr. WELCH. I welcome the gentleman from Maryland, Congresswoman EDWARDS.

Ms. EDWARDS. I thank the gentleman. I am so pleased to be here again. I have been here in the House on this floor for the last hour and a half because I feel passionately, as we all do, about health care. There is not one among us, either personally, as the gentleman from Colorado has expressed, or one of our constituents, who doesn't have a health care story to share.

So I thought that I would actually share with you a story today, Mr. Speaker, from a constituent of mine who lives in the Fourth Congressional District in Maryland. She writes to me that her daughter graduated from college in 2008 and lost coverage under my—this is from her—my health insurance.

She got a job in August 2008 that provided her with health insurance coverage. When she lost that job in June 2009, as millions of Americans have lost their jobs, she was eligible for COBRA, the continuation of her health care. Mr. Speaker, she writes that the COBRA subsidy made it possible for

her to continue with that insurance. But then when that subsidy ended in September of 2010, they had to make a family decision, she says, to continue to pay for her COBRA coverage until the end of 2010 when it expired. It was an affordability question.

She continues on: We knew she would become eligible for my insurance at the start of the plan year in January 2011.

And why is that? Because under the Affordable Care Act, she would be able to cover her daughter for her health insurance and would no longer have to COBRA that care.

She continues on: The unsubsidized COBRA premium was over \$400 a month, actually closer to \$500 a month, and it is going to cost me only \$60 to \$70 to add my daughter, now 24, to my employer plan. And some of her doctors who were not in the network under her COBRA plan are in network for my plan, meaning we will not have to pay for their full cost of out-of-pocket costs.

Vicki—I won't say her last name—says to me: I am in the sandwich generation and help with the care of my stepmother who lives in Florida. She falls into the part D prescription doughnut hole every year, so now on January 1 her costs will be reduced because of the health reform legislation as well.

Mr. Speaker, what I am saying to you and what we say to the American people today is that this isn't about numbers and statistics; it is about real people like Vicki and her daughter and her stepmother that she cares for. It is about real people who, in their lives, work every single day or are trying to find work and they don't have health care coverage.

We cannot repeal the Affordable Care Act, because that would be like throwing ice water on the American people.

With that, I yield back.

□ 1810

Mr. WELCH. I want to talk about this question of will promises made be promises kept. It was the recurring question that was asked by our colleagues on the other side of the aisle when we were in the majority. Sometimes it may be uncomfortable because it's a legitimate question. And we have had to be judged according to our deeds and whether they matched our promises.

But there's this rules process under way on this health care bill. There are three issues that have come up. Number one, the fiscal issue. The Congressional Budget Office has said that this legislation will increase the deficit by \$230 billion. And the Congressional Budget Office is the neutral arbiter. And we either—both sides—go by the CBO estimates, or we just say we're going to play this game without a referee and we're going to make up whatever numbers suit our political agenda.

That is absolutely wrong. We cannot afford to add \$230 billion to the deficit. My colleagues on the Republican side agree with us on the Democratic side that we cannot do that. It's irresponsible to do it. And this legislation that repeals health care will add \$230 billion to the deficit.

Secondly, there's this question of the open process. As the Member from Maryland said, if we're going to have an open process, there has to be an opportunity for you, for the Member of Colorado, for every Member to offer their amendments, yes-or-no, on whether we can continue protection to folks whether they have a preexisting condition or not.

Right now, the law is if you have cancer, you can go out and buy insurance. Right now, the law is if you have a son or daughter getting out of college or getting out of high school, going into the labor force, they can stay on your policy. Right now, the law is if you have a mom or dad who's on Medicare and you're trying to get preventive care, they can get it for free. Right now, the law is that if you have diabetes or you have cancer, you have a serious long-term medical condition, there's no lifetime cap to cover the medical care that you need.

The repeal legislation would take away from every single American who now enjoys those insurance protections. It would take it away from them suddenly, abruptly, and with nothing to replace it. That's not right.

Now, this is real, by the way. Congresswoman EDWARDS gave a couple of stories—and we all have them in all of the districts, including those who are advocating for repeal. I spoke to Donna Watts who's from Plainfield, Vermont. She works in Burlington, Vermont, with 20 other employees. Four of those people that she works with, along with her, now have their children on their health care policies. Her son got out of high school, got a \$10-an-hour job that came without health care, as most entry-level jobs do.

And the worst happened. He had a car crash: \$20,000 in medical bills. Those are still largely unpaid—and this family takes seriously their obligation to pay their bills. They didn't have insurance. With the passage of the legislation last year on health care reform, Donna Watts was able to put her son, still uninsured, on her insurance. And she is asking me, PETER, does this really mean if we repeal health care that my son loses insurance? And the answer is: Yes. That's not right. We do not need to do this.

And it raises the other question, if this has not got a political agenda attached to it, we have gone from a campaign to governing. And the majority did a great job in the campaign and beat us up pretty good and have the majority now. But with that, of course, comes the responsibility of governing

in a responsible way. If you're acting responsibly when you see a problem, you fix it. You don't abolish everything. You don't abolish a banking system in order to correct the problems in the financial world. You don't abolish all of the good things in this health care bill to deal with the things that need to be addressed.

So this is a very, very serious decision that's being made. It's going to be a template for the future of this 112th Congress. Are we going to actually deal with fiscal discipline even when that's inconvenient with our political agenda? The answer to that for the American people has to be: Yes. Are we going to protect the progress that we have made that benefits all of our constituents when it comes to these insurance reforms, and are we going to have an open process in this body so that those of us who have a different point of view are going to have an opportunity for an up-or-down vote?

By the way, that's not about giving us the opportunity to present our amendments. That's about letting our constituents know where we stand. Because at the end of the day that's the only basis upon which they can decide whether to send us back here or send us packing.

At this time I would like to recognize the gentleman from North Carolina, Representative PRICE.

Mr. PRICE of North Carolina. I thank the gentleman for yielding and also for engaging in this dialogue with other Members about the challenge that we're facing to reduce this country's deficit spending and reduce the accumulating debt and at the same time to make certain that quality, affordable health care are available to all of our citizens.

As the gentleman has pointed out very, very ably, those two challenges are intricately related. In fact, one of the main reasons for supporting health insurance reform is because we simply must reduce our deficit spending and must reduce this country's debt. One of the main contributors to our country's escalating debt is the kind of increasing of health care costs that we have seen in recent years. It's one of the greatest threats to families, to businesses, to the overall economy. Health care has become the fastest growing component of the Federal budget, as the gentleman well knows. Last year, health care accounted for 17 percent of GDP. That's more than twice the average of other developed nations.

Now, the Patient Protection and Affordable Care Act corrects the failures of the current system without compromising the many strengths that we know that it has. And so it's very disconcerting here in this first week of the new Congress to see our Republican colleagues not only going after the protections in the health care law, but also almost immediately abandoning their commitment to fiscal discipline.

Now, the figures that I saw this morning show that the Congressional Budget Office, the nonpartisan arbiter of budgets decisions for this body, the Congressional Budget Office has said that the repeal of health insurance reform as proposed by the Republicans would cost the Federal budget \$230 billion over the next 10 years. That's a revised estimate, I understand—even greater than was earlier thought. That is an astounding figure.

Our Republican friends have made a big show out of their commitment to deficit reduction, but they have made an exception. They have clearly made an exception for the repeal of health insurance reform. So not only is this bad health care; not only would it, for example, say to families who only now are being able to insure their children with preexisting conditions, No, we're going to go back to the old way where the insurance companies can deny coverage to your children. What about those families that now are able to include their 24-, 25-year-olds on their families' policies? No, they're saying go back to the old way where that wasn't possible. What about our Medicare recipients who finally are going to get some relief from these uncovered drug expenses, the so-called doughnut hole? They're saying, Oh, no, you're going to have to once again pay those full expenses.

So it's certainly bad policy in terms of health care. But then, to add insult to injury, adding \$230 billion to this country's debt burden over the next 10 years, and to do that without batting an eye, without any kind of recognition that this has an impact on the budget deficit, that's just almost unbelievable that the Republicans would be so audacious as to propose this in the first week of a new Congress.

And then to add another insult to injury, they're violating their very own pledge of openness in the way this is going to be considered. I'm sure this gentleman has been watching, as I have, the Rules Committee all day today. It's astounding. Yesterday, there was this commitment to open rules, to open debate, to the offering of amendments. Today, they're saying, We're going to shut it down. It's an up-or-down vote. Maybe we'll get around later to some of these other questions, some of the repair aspect of repeal and repair, but right now we're just going to repeal it and let the chips fall.

□ 1820

That is horrible procedure. It's a shutting down of this Congress before we even start. It's horrible budget policy. It's horrible health policy. It's a very, very bad way to start this Congress.

I appreciate the gentleman for calling us together tonight to talk about this, because we need to talk about it. We need to think about it. We need to fight it in every way we can.

Mr. WELCH. Thank you very much, Mr. PRICE.

I recognize the gentleman again from Colorado.

Mr. PERLMUTTER. Well, I'd say to my friend from North Carolina that he was talking about the fact that seniors will see this doughnut hole, their prescription drug prices go back up, the costs go back up; but even, I think, more worrisome than that is the fact that, under the Affordable Care Act, those same seniors receive \$250.

In my district in Colorado, the suburbs of Denver, 31,000 seniors received this past fall \$250 in assistance to payments of their prescription drugs. Even with that, we still save the \$230 billion that you were talking about. Yet, when the Republicans repeal this in kind of an "all or nothing" situation, do those seniors have to pay that \$250 back, each of them? I don't know. I think they ought to be worried about that, and that's why this is such an extreme measure.

They are taking away freedoms that belong to the people, that belong to Americans. They are doing it in a radical and ideological way. When they said during the campaign, you know, Let's put people back to work, and let's not spend too much money, they're spending more. They're taking away freedoms, and I am concerned that those seniors are going to have to pay that \$250 back, per senior. The seniors should be concerned as well.

This is a radical act, Mr. Speaker and Mr. PRICE. We have got to fight it. I hate fighting these battles right out of the box, but if they're going to take these kinds of radical positions, we have no choice.

With that, I would yield to my friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you. I appreciate the gentleman's courtesy for permitting me to speak just as I appreciate my colleagues coming to the floor to spotlight something that each and every American needs to be deeply concerned about.

I listened, for example, for the last 4 years, as a member of the Budget Committee, to my dear friend and colleague Mr. RYAN talk about the skyrocketing problem of escalating entitlement under Medicare. Absolutely right. There are 79 million of the geezer baby boomers like me who are going to start collecting Medicare—10,000 a day starting this week and continuing for 19 years—and because of the development of more improvements in health care, not only are there more of us, but we are going to want more complex and expensive care.

My Republican friends were talking about an entitlement crisis. The irony was—and we all heard it on the campaign trail—they talked about slashing Medicare, which they want to repeal starting next week. A great deal of irony. As the independent score-

keeper—the Congressional Budget Office—has pointed out and as you have repeated on the House floor, the legislation will, in fact, save several hundred billion dollars. More important than that, it puts in place reforms that will further reduce entitlement spending.

I know my good friend from Vermont is well familiar with the Dartmouth Atlas in dealing with health care disparities around the country. I come from a part of the country where one of the problems we have is that Medicare needs to be reformed, which is what we started in this legislation. They're relatively modest steps, but they're going to save a couple hundred billion dollars. We need to do more. Rather than repealing these reforms, like stopping unnecessary hospital re-admissions—just that item costs over \$12 billion a year—these reforms could enable us to bend the cost curve. If everybody practiced medicine the way it's practiced in metropolitan Portland, Oregon, which is half the price of McAllen, Texas, or Miami, Florida, there wouldn't be an entitlement crisis for decades to come.

I appreciate my colleagues focusing on the hypocrisy and on the recklessness of trying to repeal health care reform that makes a difference for 32 million uninsured Americans and that provides more benefit for the seniors with their prescription drugs. Most important and under-appreciated is that it would reform Medicare so that, instead of driving us off a cliff over the next 20 years, it would, in fact, help us change how medicine is practiced to provide incentives for value, medical value, rather than just volume.

Mr. WELCH. Thank you, the gentleman from Oregon.

Mr. Speaker, may I inquire as to how much time I have?

The SPEAKER pro tempore. The gentleman has 3 minutes remaining.

Mr. WELCH. All right. Let me just ask the gentleman from North Carolina, Would you like to make any closing remarks and then yield to the gentleman from Colorado?

Mr. PRICE of North Carolina. I thank the gentleman.

I would like to just underscore what our colleague from Oregon has just said.

There is so much concern, obviously—and for good reason—about the future of Medicare. The most conservative estimate I have seen is that health care reform extends the fiscal solvency of Medicare by 8 years, and some estimates are much more than that. So to simply throw that overboard as well as to talk about this doughnut hole—these thousands of dollars that senior citizens are paying full freight on for medicines they simply must have—and this gap in coverage is ridiculous, and we are finally fixing it. What insurance policy do any of us know about that would have that kind of gap in coverage?

As the gentleman from Colorado said, \$250 payments this year. I mean, I guess this raises the question as to whether even that might be taken back; but in future years, we are going to close that doughnut hole, and we are going to extend the solvency of Medicare. Anybody concerned about the health care for this country's senior citizens simply has to be very, very alarmed about what is going on in this House right now.

Mr. WELCH. Thank you, the gentleman from North Carolina.

I yield for the final word from the gentleman from Colorado.

Mr. PERLMUTTER. Sure. I appreciate my friends.

You know, instead of amending or repairing, as Mr. PRICE from North Carolina described it, they want to repeal, just take it away.

Well, they're taking away freedoms. They're taking away the freedom from discrimination for prior illnesses, like my daughter with epilepsy, like the daughter who had Crohn's disease, or the friend at the gas station. It's taking away the freedom from cancellation because you get sick, you know, and lose your insurance. You know, it's taking away the freedom to move jobs so you're not stuck in a job, so you can move jobs and not fear losing your insurance. I mean, they're taking away a lot—and maybe this \$250 that went to the seniors. It is a radical move to take these freedoms away, and I hope they think twice and don't vote to repeal.

With that, I would yield back to my friend from Vermont for his final remarks.

Mr. WELCH. Well, I thank my colleagues for being here.

The bottom line is, anytime we pass a major piece of legislation, we should have the humility to acknowledge it can be improved—and we all do. We can make it better. We can make it stronger. But this totally destroys things that we have been fighting for decades to achieve on behalf of the American people: help for seniors with their prescription drugs, extending the financial viability of Medicare, changing and encouraging a new way of delivering health care services, moving away from fee-for-service, volume-driven to patient-centered, performance-based care, and then insurance reforms that put the patients in charge, which acknowledge that we are all in it together. This takes away the absolute unilateral power of for-profit insurance companies to decide whether your daughter or mine has health care.

Thank you, Mr. Speaker. I appreciate your consideration.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2331

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WEBSTER) at 11 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION INSTRUCTING CERTAIN COMMITTEES TO REPORT LEGISLATION REPLACING THE JOB-KILLING HEALTH CARE LAW, AND FOR OTHER PURPOSES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-1) on the resolution (H. Res. 9) instructing certain committees to report legislation replacing the Job-Killing Health Care Law, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, REPEALING THE JOB-KILLING HEALTH CARE LAW ACT; PROVIDING FOR CONSIDERATION OF H. RES. 9, INSTRUCTING CERTAIN COMMITTEES TO REPORT LEGISLATION REPLACING THE JOB-KILLING HEALTH CARE LAW, AND FOR OTHER PURPOSES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-2) on the resolution (H. Res. 26) providing for consideration of the bill (H.R. 2) to repeal the Job-Killing Health Care Law Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010; providing for consideration of the resolution (H. Res. 9) instructing certain committees to report legislation replacing the Job-Killing Health Care Law; and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FITZPATRICK), the whole number of the House is 435.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today and January 7, 11, and 12.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. McCLINTOCK, for 5 minutes, today and January 7.

Mr. BURTON of Indiana, for 5 minutes, today and January 7.

Mr. JONES, for 5 minutes, today and January 7, 11, and 12.

Mr. BARTON of Texas, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Friday, January 7, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

25. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Supplemental Nutrition Assistance Program (SNAP): Clarifications and Corrections to Recipient Claim Establishment and Collection Standards [FNS-2008-0034] (RIN: 0584-AD25) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

26. A letter from the Under Secretary, Department of Defense, transmitting authorization of 33 officers to wear the authorized insignia of the grade of major general and brigadier general; to the Committee on Armed Services.

27. A letter from the Under Secretary, Department of Defense, transmitting the Department's FY 2009 report on Foreign Language Skill Proficiency Bonus; to the Committee on Armed Services.

28. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Continuous Construction-Permanent Loan Guarantees Under the Section 538 Guaranteed Rural Rental Housing Program (RIN:

0575-AC80) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

29. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Consumer Products: Waiver of Federal Preemption of State Regulations Concerning the Water Use or Water Efficiency of Showerheads, Faucets, Water Closets and Urinals [Docket No.: EERE-2010-BT-STD-WAV-0045] received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

30. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Safeguarding Child Support Information received December 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

31. A letter from the Secretary, Department of Health and Human Services, transmitting the 2010 Actuarial Report on the Financial Outlook for Medicaid, pursuant to Public Law 111-3, section 506(c); to the Committee on Energy and Commerce.

32. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Mortgage Assistance Relief Services (RIN: 3084-AB18) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

33. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting a report entitled "Evaluation of the Technical Basis for Extended Dry Storage and Transportation of Used Nuclear Fuel — Executive Summary"; to the Committee on Energy and Commerce.

34. A letter from the Deputy Secretary, Department of Defense, transmitting a letter from the department on the intention to implement the U.S. District Court for the District of Columbia's November 19, 2009 order to release; to the Committee on Foreign Affairs.

35. A letter from the Assistant Secretary, Department of State, transmitting a report in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

36. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

37. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures [Docket No.: 090428799-9802-01] (RIN: 0648-BA44) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

38. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the South Atlantic States; Emergency Rule To Delay Effectiveness of the Snapper-Grouper Area Closure [Docket No.: 101124587-0586-01] (RIN: 0648-BA47) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

39. A letter from the Acting Chief, Trade and Commercial Regulations, Department of Homeland Security, transmitting the Department's final rule — Technical Correction: Completion of Entry and Entry Summary — Declaration of Value (RIN: 1515-AD61) (Formerly 1505-AB96) received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

40. A letter from the Director, office of Regulations, Social Security Administration, transmitting the Administration's final rule — Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Dedicated Accounts and Installment Payments for Certain Past-Due SSI Benefits [Docket No.: SSA-2008-0050] (RIN: 0960-AE59) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

41. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; End-Stage Renal Disease Quality Incentive Program [CMS-3206-F] (RIN: 0938-AP91) received December 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

42. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled "Department of Health and Human Services Study of Urban Medicare-Dependent Hospitals"; jointly to the Committees on Energy and Commerce and Ways and Means.

43. A letter from the Chair, Board of Directors, Office of Compliance, transmitting the biennial report on recommendations for improvements to the Congressional Accountability Act, pursuant to section 102(b) of the Congressional Accountability Act of 1995, pursuant to 2 U.S.C. 1302; jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 9. Resolution instructing certain committees to report legislation replacing the job-killing health care law (Rept. 112-1). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 26. Resolution providing for consideration of the bill (H.R. 2) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010; providing for consideration of the resolution (H. Res. 9) instructing certain committees to report legislation replacing the job-killing health care law; and for other purposes (Rept. 112-2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LORETTA SANCHEZ of California (for herself, Ms. FOX, and Mr. BOSWELL):

H.R. 196. A bill to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary,

and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself and Mr. CARNAHAN):

H.R. 197. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIMM (for himself, Mr. MICHAUD, Mr. KING of New York, and Mr. LANCE):

H.R. 198. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy; to the Committee on Veterans' Affairs.

By Mrs. CAPITO (for herself, Mr. SHIMKUS, Mr. MCKINLEY, and Mr. RAHALL):

H.R. 199. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mrs. NAPOLITANO):

H.R. 200. A bill to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. GALLEGLY:

H.R. 201. A bill to amend section 12 of the United States Housing Act of 1937 to treat income changes resulting from welfare program requirements for families residing in housing receiving project-based subsidies under section 8 of such Act similarly to such changes for families residing in public housing or receiving tenant-based assistance under such section; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 202. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to extend and increase the authority for the ombudsman under the Energy Employees Occupational Illness Compensation Program; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 203. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mr. KISSELL, Mr. CRITZ, Ms. SPEIER, Mr. LOEBACK, Mr. SMITH of Washington, Mr. BOSWELL, Mr. PAUL, Mr. DEFAZIO, Mr. ALTMIRE, Ms. TSONGAS, Mr. CARNAHAN, Mr. OWENS, Mr. DONNELLY of Indiana, Ms. HANABUSA, Mr. COSTA, Mr. BARROW, Mr. SCHRADER, and Mr. SHULER):

H.R. 204. A bill to provide for a 5 percent reduction in the rates of basic pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEINRICH (for himself, Mrs. BONO MACK, and Mrs. LUMMIS):

H.R. 205. A bill to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. NEUGEBAUER (for himself,

Mr. CHAFFETZ, Mr. KING of Iowa, Mr. GARRETT, Mr. MCCAUL, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. PAUL, Mr. LAMBORN, Ms. FOX, Mr. BARTLETT, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mr. BURGESS, Mr. STEARNS, Mr. COFFMAN of Colorado, Mr. SIMPSON, Mr. BROWN of Georgia, Mr. McKEON, Mr. MILLER of Florida, Mr. LATTI, Mr. BISHOP of Utah, Mr. POE of Texas, Mr. CRAWFORD, and Mr. MARCHANT):

H.R. 206. A bill to amend the Internal Revenue Code of 1986 to prevent pending tax increases, and for other purposes; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. WOLF, and Mr. YOUNG of Alaska):

H.R. 207. A bill to clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations; to the Committee on Education and the Workforce.

By Mr. ROONEY (for himself and Mr. KISSELL):

H.R. 208. A bill to amend title 10, United States Code, to authorize the reimbursement of mental health counselors under TRICARE, and for other purposes; to the Committee on Armed Services.

By Ms. SPEIER:

H.R. 209. A bill to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. SPEIER:

H.R. 210. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CARTER (for himself and Mr. COLE):

H.J. Res. 9. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; to the Committee on Energy and Commerce.

By Mr. CUELLAR:

H.J. Res. 10. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H. Con. Res. 6. Concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy; to the Committee on House Administration.

By Mr. WALDEN:

H. Res. 22. A resolution reducing the amount authorized for salaries and expenses of Member, committee, and leadership offices in 2011 and 2012; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and agreed to.

By Mr. CHAFFETZ (for himself, Mrs. MCMORRIS RODGERS, Mr. LAMBORN, Mr. NUNES, and Mr. FLAKE):

H. Res. 23. A resolution expressing the sense of the House of Representatives that the Federal Government should not bail out State and local government employee pension plans or other plans that provide post-employment benefits to State and local government retirees; to the Committee on Education and the Workforce.

By Mr. HOYER:

H. Res. 24. A resolution amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the State of the Union; to the Committee on Rules.

By Mr. GARY G. MILLER of California (for himself, Mr. CALVERT, Mr. MEEKS, Mr. MANZULLO, Mr. HINOJOSA, and Mr. BACA):

H. Res. 25. A resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTER introduced a bill (H.R. 211) for the relief of Roberto Luis Dunoyer Mejia, Consuelo Cardona Molina, Camilo Dunoyer Cardona, and Pablo Dunoyer Cardona; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. LORETTA SANCHEZ of California:

H.R. 196.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. AKIN:

H.R. 197.

Congress has the power to enact this legislation pursuant to the following:

The Fifth Amendment to the United States Constitution provides, “. . . nor shall private property be taken for public use, without just compensation.” The United States Constitution, Article I, §8, cl. 1, vests Congress with the exclusive power “to pay the Debts . . . of the United States.” The Constitution, thus, grants to Congress the exclusive power and authority to define the jurisdiction of the Court of Federal Claims and “the power to waive the res judicata effect of a prior judgment entered in the Government’s favor on a claim against the United States. . . . Congress may recognize its obligation to pay a moral debt not only by direct appropriation, but also by waiving an otherwise valid defense to a legal claim against the United States” United States v. Sioux Nation, 448 U.S. 371, 397 (1980) citing, Cherokee Nation v. United States, 270 U.S. 476 (1926) and United States v. Realty, Co. 163 U.S. 427 (1896).

By Mr. GRIMM:

H.R. 198.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 12/13/14.

By Mrs. CAPITO:

H.R. 199.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and Article 1, Section 8, Clause 14—To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. BACA:

H.R. 200.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution.

By Mr. GALLEGLY:

H.R. 201.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution, amending conditional grants-in-aid under the spending for the general welfare.

By Mr. GALLEGLY:

H.R. 202.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8, Article I of the Constitution.

By Mr. GALLEGLY:

H.R. 203.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8, Article I of the Constitution.

By Ms. GIFFORDS:

H.R. 204.

Congress has the power to enact this legislation pursuant to the following:

Congress is required by Article I, Section 6, of the Constitution to determine its own pay. This legislation is also consistent with the Twenty-Seventh Amendment of the Constitution.

By Mr. HEINRICH:

H.R. 205.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. NEUGEBAUER:

H.R. 206.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to lay and collect

Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Sixteenth Amendment—The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. PETRI:

H.R. 207.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. ROONEY:

H.R. 208.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, “To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years: To provide and maintain a Navy”.

By Ms. SPEIER:

H.R. 209.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Ms. SPEIER:

H.R. 210.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. HUNTER:

H.R. 211.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority for this legislation is found in Article 1, Section 8, Clause 4 which explicitly provides Congress the power to “establish a uniform Rule of Naturalization.”

By Mr. CARTER:

H.J. Res. 9.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CUELLAR:

H.J. Res. 10.

Congress has the power to enact this legislation pursuant to the following:

Under Article 5 of the United States Constitution, seen below, this legislation falls within Congress’s Constitutional Authority:

Article 5—The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BILBRAY, Mr. CANSECO, Mr. GRIFFIN of Arkansas, Mr. MCKINLEY, Mr. REED, Mr. WALSH of Illinois, Mr. WITTMAN, Mr. CASSIDY, Mr. YOUNG of Florida, Ms. FOXX, Mr. FINCHER, Mr. NEUGEBAUER, Mr. YOUNG of Indiana, Mr. SCHOCK, Mr. CHABOT, Mr. TIPTON, Mr. ALEXANDER, Mrs. HARTZLER, Mr. RUNYAN, and Mr. GOSAR.

H.R. 21: Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Ms. BUERKLE, Mr. HUELSKAMP, Mr. WEST, Mr. WALSH of Illinois, Mr. PEARCE, and Mr. GIBBS.

H.R. 25: Ms. GRANGER.

H.R. 38: Mr. FRANKS of Arizona, Mr. MCCLINTOCK, Mr. ROGERS of Alabama, Mr. PEARCE, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. SOUTHERLAND, Mr. AKIN, Mr. BROOKS, Mr. MULVANEY, Mr. MARCHANT, and Mr. BROUN of Georgia.

H.R. 44: Ms. ZOE LOFGREN of California and Mr. SERRANO.

H.R. 111: Mr. GENE GREEN of Texas, Mr. PASCRELL, and Mr. HASTINGS of Florida.

H.R. 121: Mr. GRAVES of Missouri, Mr. MANZULLO, Mr. WALSH of Illinois, Mr. PEARCE, Mr. FORBES, Mr. MCCLINTOCK, Mr. HANNA, Mrs. MILLER of Michigan, and Mr. GERLACH.

H.R. 122: Mr. LAMBORN, Mr. OLSON, Mr. BILBRAY, Mr. GIBBS, Mr. FRANKS of Arizona,

Mr. MCCLINTOCK, Mr. PEARCE, Mrs. SCHMIDT, Mr. HUNTER, and Mr. SCHOCK.

H.R. 144: Mr. PETERSON, Mr. UPTON, Mrs. ADAMS, and Mr. WITTMAN.

H.R. 155: Mr. GARRETT.

H.J. Res. 3: Mrs. BLACKBURN, Mr. MCKEON, Mr. ROE of Tennessee, Mr. OLSON, Mr. PENCE, Mr. BILBRAY, Mr. POSEY, Mr. YOUNG of Alaska, Mr. HALL, Mr. LATOURETTE, and Mr. BURGESS.

H. Res. 9: Mr. SESSIONS, Mr. SCALISE, Mr. HURT, and Mr. NUGENT.

H. Res. 11: Mr. COHEN and Ms. LEE of California.

H. Res. 15: Mr. ISSA, Mr. SENSENBRENNER, Mr. MARCHANT, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. ROGERS of Alabama, Mr. PEARCE, Mr. WALSH of Illinois, Mr. WEST, Mr. BARTLETT, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. HUNTER, Mr. HUELSKAMP, and Mr. RIBBLE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DREIER

The provisions that warranted a referral to the Committee on Rule in H.R. 2 do not con-

tain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. HASTINGS OF WASHINGTON

The provisions that warranted a referral to the Committee on Natural Resources in H.R. 2 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. KLINE

The provisions that warranted a referral to the Committee on Education and the Workforce in H.R. 2 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 2 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SMITH OF TEXAS

The provisions that warranted a referral to the Committee on Judiciary in H.R. 2 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE SCHOOL FOOD RECOVERY ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. PETRI. Mr. Speaker, the purpose of this legislation is to make clear that schools participating in the school lunch program are legally allowed to donate excess food to local food banks.

In 1996, Congress passed the Bill Emerson Good Samaritan Act, which protects donors who give to food banks in good faith from all liability except in cases of gross negligence or intentional misconduct. This landmark law has allowed businesses and civic organizations to donate critically-needed food to local food banks and food pantries.

Despite this law, many schools and school districts have been hesitant to donate excess food from school lunches, primarily due to a misperception that U.S. Department of Agriculture regulations don't allow for excess food to be donated.

Loudoun County, Virginia, in Congressman FRANK WOLF's district, has expressed these reservations. That is why Congressman WOLF, an original cosponsor of this bill, reached out to work with me to help address this issue. I'm sure there are many other examples in congressional districts across the country.

This is unfortunate as excess food is being thrown away rather than provided to food banks to support those in need. In many cases, students who rely on school lunches also rely on support from local food banks.

The purpose of this bill is straightforward: to keep excess school food out of the garbage and get it into food banks. The bill will clarify that schools and school districts are permitted to donate excess food and that they are covered under the Good Samaritan Act when doing so.

HONORING NEW YORK PRES- BYTERIAN HOSPITAL, THE NEW YORK BLOOD CENTER AND THEIR OUTSTANDING PARTNER- SHIP FOR LIFE-SAVING BLOOD DONATIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the New York Presbyterian Hospital and the New York Blood Center for their outstanding partnership to increase life-saving blood donations in our nation's greatest city. Thanks to donations from thousands of New Yorkers from all walks of life, this outstanding

collaborative effort has helped provide nearly 14,000 blood donations over the past five years, representing an immeasurable contribution to saving and improving the quality of countless lives. The outstanding leadership of both Dr. Herbert Pardes, the Chief Executive Officer of New York Presbyterian Hospital, and Dr. Christopher Hillyer, the Chief Executive Officer of the New York Blood Center, have helped make this joint initiative so extraordinarily successful.

Under the leadership of Dr. Pardes, New York Presbyterian Hospital has done a spectacular job of encouraging its employees to donate blood. As a result, it is the largest hospital donor group in New York City and the third largest donor group in Manhattan. The hospital has increased the number of donations it generates every year for at least a decade. Each pint donated saves three lives. Last year, it generated more than 3,500 donations through its various blood drives, saving more than 10,000 lives. And for the first five months of this year, donations are up 50% over the same period last year. Blood donated by New York Presbyterian Hospital is distributed by the Blood Center to more than 200 hospitals in the greater New York metropolitan area.

Established in 1964, the New York Blood Center (NYBC) has become one of the nation's largest non-profit, community-based blood centers. For more than forty-five years, it has provided donated blood, transfusion products and services to nearly 200 hospitals in the New York/New Jersey metropolitan area. In 2009, the NYBC set a personal record after receiving nearly 3,500 blood donations. It is also home to the National Cord Blood Center, the world's largest public cord bank. The Cord Blood Center provides adults and children with life-threatening illnesses with stem cell transplants from unrelated donors.

New York hospitals need a diverse range of blood donations to match the diverse nature of New York's population. With the help of the participation in blood drives of New York Presbyterian Hospital's diverse employee population, the Blood Center is able to ensure that local hospitals have blood available to serve patients with sickle cell anemia and other diseases that disproportionately affect minority communities.

One of New York City's most respected health care institutions, New York Presbyterian Hospital is the product of a partnership that was formed in 1998 between The New York Hospital, founded in 1771, and The Presbyterian Hospital, founded in 1868. As a merged institution, New York Presbyterian Hospital has provided first rate medical care to untold numbers of New Yorkers. With two affiliated medical schools, New York Presbyterian is recognized as one of the greatest academic health centers in the world. With more than 13,000 employees and 2,298 patient beds, the hospital is ranked among

America's best by U.S. News and World Report. It has centers of excellence in AIDS care, digestive diseases, gene therapy, preventive medicine, reproductive and fertility medicine, vascular medicine and others. The William Randolph Hearst Burn Center is the largest and busiest burn center in the country. New York Presbyterian is also the first hospital to establish special centers and programs for women's health.

The most important reason for the success of New York Presbyterian Hospital's blood drive is the strong support of senior officials at the hospital. From the lowest clerk to Dr. Pardes himself, blood donation is part of the culture at New York Presbyterian Hospital.

Mr. Speaker, I ask that my colleagues join me in recognizing the New York Blood Center, New York Presbyterian Hospital, Dr. Herbert Pardes and Dr. Christopher Hillyer for their enormous contributions to New York's health care system. Their collaboration has saved innumerable lives. New York Presbyterian Hospital and the New York Blood Center serve as an example of our nation's health care system at its best.

FALL RIVER FIRE CHIEF FORD DOCUMENTS IMPORTANCE OF FEDERAL ASSISTANCE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important things this Congress should be doing in 2011 is to continue the assistance we have provided to local communities, hard hit by a recession that they had no part in bringing about, so that they can maintain the essential public services necessary for the safety of their citizens.

Earlier this week, I received a letter from the Fire Chief of the City of Fall River, Paul Ford, which explains exactly how important this is. I ask that Chief Ford's eloquent, persuasive letter, noting the lifesaving role played by the SAFER grant, be inserted here, and I hope that our colleagues will be instructed by it.

FIRE DEPARTMENT HEADQUARTERS,

OFFICE OF THE FIRE CHIEF,

Fall River, MA, December 23, 2010.

Congressman BARNEY FRANK,

558 Pleasant Street #309, New Bedford, MA

DEAR CONGRESSMAN FRANK: As you are aware, the Fall River Fire Department has received a SAFER award which has allowed us to rehire laid-off firefighters and hire 46 new firefighters, bringing our compliment up to 2008 levels. This return of staffing levels has allowed us to reopen Engine 6, Engine 9, and Heavy Rescue 1.

The previously laid-off firefighters were assigned to fire companies on September 26, 2010, the start of the SAFER grant performance period. The new firefighters graduated

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from our training academy on December 17, 2010 and were assigned to individual fire companies on December 19, 2010.

Let me take this opportunity to share with you the following story to illustrate how the SAFER grant has had an immediate impact on protecting property and saving lives as a result of adequate fire staffing:

On the morning of December 21, 2010, a fire was reported in one of the city's congested south-end residential neighborhoods. Upon arrival, Acting District Chief David Levesque was confronted with a six family, brick and wood structure, with fire showing in one first floor apartment. The fire had exited out into the interior stairway and was traveling upwards toward the second floor. Initial reports indicated that a person was trapped on the third floor.

Taking command of the fire scene, A/DC Levesque initiated a coordinated, combined fire attack and rescue operation. Engine companies were ordered to attack the fire on the first floor and check for extension and protect the second floor. Heavy Rescue 1 was immediately sent to the third floor for rescue operations.

Rescue 1, which had previously been out of service due to reduced staffing, had a crew of three firefighters. This included Acting Lieutenant Matt Camara and Firefighter Mark Medeiros, both of whom were laid-off and returned through the SAFER grant. The third Medeiros, both of whom were laid-off and returned through the SAFER grant. The third member was Probationary Firefighter Glen Edington, also a SAFER awardee, serving his first tour of duty with the Fall River Fire Department.

Upon entering the structure and making their way to the third floor, all three members began a primary search of that floor. PFF Edington, utilizing a thermal imaging camera, located the victim lying on the floor. He and FE Medeiros followed their training, quickly removed the victim from the apartment, and descended down two flights of stairs to awaiting medical rescue crews. At the time of this writing, while in critical condition, the victim is alive.

If this fire had taken place prior to the funding of the SAFER grant, neither they nor any Heavy Rescue crew would have been on scene that morning. The outcome for that victim and her family could have been much different.

Furthermore, the additional staffing afforded to this department allowed us to continue to protect the rest of the city's citizens without calling in emergency overtime firefighters or utilizing the increased mutual aid responses we had come to rely on. This mutual aid, while appreciated, was further reducing the firefighting forces in those communities due to our decreased staffing levels.

This situation is a clear example of why adequate staffing is so vital to the mission of the fire service in general, and specifically to this city and department.

I thank you, on behalf of the citizens of this city and the members of this fire department, for your support with this much needed grant opportunity.

Sincerely,

PAUL D. FORD,
Fire Chief.

IN RECOGNITION OF THE LATE DR. MARY MARANGOS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to honor the late Dr. Mary Marangos, a longtime activist in the Hellenic American community and dedicated congressional staff member who passed away last month after a valiant struggle with breast cancer. A career educator and public servant, Mary Marangos touched the hearts and bettered the lives of countless individuals from all walks of life.

As the Member of Congress representing Astoria, New York, home to the largest population of persons of Hellenic descent anywhere in the United States, I have depended on Mary Marangos to serve as my eyes and ears in that thriving, bustling community for the last seventeen years. In addition, Dr. Marangos represented me at an international conference held in Cyprus and Greece in 2002, which was fitting, as she had been active in the Cyprus Liberation Movement since the island's illegal occupation in 1974.

Mary Marangos was a whirlwind of activity in the Hellenic-American community of our Nation's greatest city, leading me to bestow upon her the nickname "the Greek Cannonball." She was active in and helped organize events for countless organizations such as the Panpaphian Association and the Women's Issues Network of the Pancyprian Association. She worked closely with local organizations such as the Greek-American Homeowners Association, the Cretan Association, and the Federation of Hellenic Societies on important activities such as citizenship and voter registration drives. She proudly accompanied me as we marched each year in the Greek Independence parade on Fifth Avenue in Manhattan, and was deeply involved in every aspect of the life of the Hellenic-American community, from being a booster of Greek-American soccer clubs to supporting arts and the humanities to increasing awareness and appreciation of the splendors of Greek civilization, past and present.

Mary Marangos' dedication to public service and helping others started much earlier than her tenure as a congressional staff member. She was an educator, administrator and coordinator at the vocational/alternative high school level in the New York City public school system, serving as a coordinator of the GED program at the Vocational Training Center at LaGuardia Airport. She coordinated the AIDS Prevention Program on the high school level, training teachers on how to teach HIV prevention and holding conferences on the epidemic. Dr. Marangos also fostered staff development initiatives for elementary school teachers and administrators.

A graduate of New York City public schools, Mary Marangos earned a Bachelor of Science degree from the New York State Education Department, a Master's Degree in high school administration and supervision from Fordham University, and a doctorate in International-Intercultural Developmental Education from Florida State University under a full fellowship from the U.S. Department of Education.

Mary Marangos was the loving and devoted daughter of Pantelis Marangos from Kalavassos, Cyprus and Despina Kyriacou from Lesvos, Greece and Cyprus. She was devoted to them and steadfast in her care of both in their later years.

Dr. Marangos has been an important leader of the Hellenic American community. Her assertiveness, intelligence, willingness to help are only a few of the characteristics that make her such a special person. Time and time again she has gone out of her way to help members of our community in need. She truly epitomizes the spirit of the Hellenic American woman—strength of character, activism, intelligence and compassion.

Mr. Speaker, I request that my esteemed colleagues join me in paying tribute to the late Dr. Mary Marangos for her extraordinary contributions to the civic life of our Nation.

HONORING CLARK COUNTY SHERIFF'S DEPUTY SUZANNE WAUGHTEL HOPPER

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. AUSTRIA. Mr. Speaker, while we can never fully express the depth of our appreciation for those who give their lives to protect us, I rise today on behalf of the constituents of Ohio's Seventh Congressional District to recognize and honor the life of Clark County Sheriff's Deputy Suzanne Waughtel Hopper.

Hopper, 40, was killed in the line of duty on New Year's Day while responding to shots fired in a local community. Even in her last moments, Deputy Hopper showed her courage and bravery as she was the first to respond to the scene. Because of her decisive action, lives were saved.

Deputy Hopper joined the Clark County Sheriff's Office in 1999 and protected residents for 12 years. She received numerous commendations, citations and awards. Hopper was an outstanding deputy and a strong leader. She was often described as having a "motherly" demeanor, full of encouragement and compassion.

Beyond her dedication to service, Hopper was a loving and devoted wife and mother. In her spare time she continued to serve others by working with local charities and service organizations. She had a passion to serve, a kind spirit and always cared about others.

Suzanne Waughtel Hopper is survived by her husband, two children, two step-children and her parents. Her life was taken suddenly while she unselfishly protected the community to which she dedicated her life's work. The impact she had on the community, and in the lives of her family and friends will never be forgotten.

Thus, today I ask my colleagues to join me and the constituents of the Ohio's Seventh Congressional District in honoring the life and memory of Deputy Suzanne Waughtel Hopper, a true hero.

IN RECOGNITION OF THE CONTRIBUTIONS OF RABBI JOSEPH STAMM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to recognize the extraordinary contributions of Joseph Stamm, who is celebrating his 25th anniversary at the helm of the New York County Health Services Review Organization (NYCHSRO). Mr. Stamm has been largely responsible for the unparalleled growth and success of NYCHSRO and its subsidiary, MedReview Inc. (MedReview).

NYCHSRO was among the first organizations registered as a certified Utilization Review agent in New York. NYCHSRO has conducted over 2 million peer reviews to evaluate clinical decisions and services rendered by medical practitioners at all levels of the health care continuum. Its clients include state and local governmental organizations, managed care organizations, health insurers and third party payors.

In 1998, under Mr. Stamm's leadership, NYCHSRO created MedReview, which provides independent medical reviews and medical claims audits to self-insured plan sponsors. With offices in Cleveland, Denver, Orlando, Tampa and Thomasville, GA, today MedReview is one of America's premier medical and claims-related auditing organizations, helping clients manage health care costs more effectively, and avoid overpayment. MedReview boasts that it manages to recover millions of dollars in claims overpayments annually. MedReview's clients include some of America's largest and most respected organizations including Corporate Express, Mack/Volvo Trucks, Nissan, Oregon School Boards, ServiceMaster, UBS Financial and Ingersoll Rand, as well as many non-profit and government organizations.

Mr. Stamm served in various other capacities at NYCHSRO/MedReview, starting out as Director of Ambulatory Care Review and Associate Executive Director for Planning and Development and then as Deputy Executive Director responsible for Hospital Review, Ambulatory Care, Medical Care Evaluation, Data and Home Care Review. Mr. Stamm was instrumental in developing and implementing monitoring programs for Medicaid, Medicare and the private sector at all care levels — inpatient, ambulatory, long-term health care and home care, both in the state and nationally.

Prior to his tenure at NYCHSRO/MedReview, Mr. Stamm spent several years at the New York City Department of Health in various capacities, including Director of Investigation and Enforcement, Director of Program Planning and Development and Assistant Director of Health Evaluation.

Mr. Stamm is a recognized expert in the medical review industry and is on the faculty of Columbia University School of Public Health. He has lectured nationally and internationally and has been published on health care-related topics in scholarly journals such as Mount Sinai Journal of Medicine, the New York Academy of Medicine Journal and the

Journal of Community Health. He is also a member of a number of health care associations, as well as a fellow of the New York Academy of Medicine.

Mr. Stamm is a strong supporter of and a frequent visitor to Israel. In 2006, at the request of Assemblyman Dov Hikind, he traveled to war-torn Israel on a fact-finding and humanitarian mission. The mission members met with mayors of northern Israel and the leaders of health care organizations such as Rambam Hospital, the largest hospital in northern Israel. Mr. Stamm has also been very active in the Beitar Foundation and in 2007, he received the HaTov U'Meitiv Man of the Year Award at the Annual Beitar Foundation Dinner. Joseph Stamm received his rabbinical ordination from the Rabbi Jacob Joseph Yeshiva in New York City and earned his MPA from New York University.

Mr. Speaker, I ask my distinguished colleagues to join me in recognizing the many achievements of Joseph Stamm, a business leader, innovator and strong supporter of Israel and the Jewish community.

HONORING THE LIFE OF A
LIGHTING PIONEER

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. POSEY. Mr. Speaker, it is with great sadness that I bring to the attention of the House the loss of a husband, a father, and an industrial pioneer. On January 3, 2011, Zachary S. Gibler passed away from injuries sustained in a biking accident. He was just 44 years old. Gibler is survived by his wife, Mary, and daughter, Rachel.

Zach Gibler was the Chairman and CEO of the nation's largest LED lighting manufacturer, Lighting Science Group (LSG), which is headquartered in Satellite Beach, Florida and employs 400 workers. Specifically, the Lighting Science Group designs, develops, manufactures and markets LED light bulbs that are environmentally friendlier and more energy efficient than traditional lighting products.

Gibler had quickly become a leader in a budding industry that will play a key in our nation's future. His pioneering efforts have grown operations in Florida from 35 employees to more than 400 in less than two years.

Known for his passion for helping those in need, Gibler hired many former NASA workers who had been laid off due to the transitions in our nation's human space flight program and utilized their skills to manufacture American-made LED lights that are highly energy efficient and are very competitive to foreign-made LED competitors. Just walk into Home Depot or any other hardware store and you'll find LED bulbs that are made by the Lighting Science Group—it's an American product built by American workers.

In June of 2009, Zachary Gibler became CEO of Lighting Science Group and was made president just a few months later in September of 2009. Gibler was then named Chairman of the Lighting Science Group in March 2010. He was a lighting industry vet-

eran having previously held a variety of senior roles at Acuity Brands.

Gibler effectively worked to shape Lighting Science Group into the LED lighting manufacturer it is today, which is continuing to create additional, good-paying jobs in my home state of Florida and making a significant contribution to making America more energy efficient.

Our thoughts and prayers are with Zach's family and friends as they cope with this unexpected loss at the beginning of the year.

IN HONOR OF JERRY
KUROWYCKYJ, SR.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay special tribute to the late Jerry Kurowyckyj, Sr., a dedicated community leader, activist, and local business owner in New York City, who passed away last year. Known as the "Mayor of Ukraine," his extensive commitment to serving others was profoundly appreciated by the Lower Manhattan community he loved. Sadly, New York has lost a neighborhood leader and a food-lovers icon.

For nearly three decades, Mr. Kurowyckyj helped manage his family-owned business, Kurowyckyj Meats, Inc., in Manhattan's East Village neighborhood, a commercial and cultural hub for New Yorkers of Ukrainian and Polish descent during the post-World War II era. Founded in 1955 by Mr. Kurowyckyj's father, the shop became an integral part of the neighborhood, and a mecca for gourmands throughout the tri-state area. Kurowyckyj Meats was acclaimed throughout New York not only for its delicious, fresh pork products such as bologna, frankfurters, rolled bacon, sweet sausages, spicy salami, trays of smoked hams, and homemade kovbasa, but also for its personal customer service. It was praised by the New York Times as an "East Village haven" and written up glowingly in respected periodicals such as Gourmet and Food and Wine magazines. The shop was one of the last in the city to operate an original smokehouse, which lent a unique flavor to the store's delicacies. Sadly, the store closed in 2007, a victim of changing times and tastes.

Remembered for his continuous generosity, Mr. Kurowyckyj made immeasurable contributions to the civic life of his community. For much of his life, Mr. Kurowyckyj was a dedicated and energetic member of New York's Community Board 3, applying his strong leadership abilities and lifelong devotion to Lower Manhattan to maintaining and improving the quality of life in the neighborhood he loved.

Among his many volunteer efforts, Mr. Kurowyckyj dedicated his time and attention to several local institutions in the community, including the St. George Ukrainian Church. His enterprising initiative and dogged perseverance were instrumental in enabling the church to move into its current location on East 7th Street, and its site remains a testament to his efforts.

As a distinguished leader of his community, Mr. Kurowyckyj not only reached out to local

residents, but to recent immigrants as well. Upon their arrival in the neighborhood, Mr. Kurowyckj provided assistance and knowledge to help them establish themselves in New York. His compassion and individual attention exerted a strong positive impact on the lives of countless individuals.

Mr. Kurowyckj's proud devotion to his Ukrainian heritage is carried on today by his wife, Iryna Kurowyckj, President of the National Board of the Ukrainian National Women's League of America. Mr. Kurowyckj is also survived by his son, Jerry, Jr., and daughter, Oksana.

Mr. Speaker, I salute the life and work of Mr. Jerry Kurowyckj and I ask that my distinguished colleagues in this House join me in recognizing his extraordinary service to others and immeasurable contributions to the civic and business life of our nation's greatest city.

REMEMBERING COREY ANKUM

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today to remember a Chicago hero. On Dec. 23, firefighter Corey Ankum tragically lost his life in the line of duty when the roof of a South Shore building collapsed. Corey was just 34 years old.

A former member of the Chicago Police Department, Corey had been a firefighter for just 18 months. He left the Police force to follow in the footsteps of his close relative, Gerald Glover, a veteran firefighter. Gerald, who rushed to the scene of the burning building in South Shore, remembered Corey as someone who "loved helping people."

Whether it was battling the flames of a burning building or helping to keep neighborhoods safe, Corey spent his life serving Chicago and protecting Chicagoans. His selflessness will live on through his memory, and the lives of his surviving wife and children.

I join the rest of Chicago in mourning the loss of one of our own. The city Corey gave his life to protect will never forget him.

May he rest in peace.

IN RECOGNITION OF DR. BHUPENDRA PATEL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Bhupendra Patel, M.D., a remarkable man who has dedicated himself in service to others. The Chief of the Department of Medicine at the Mount Sinai Hospital in Queens, Dr. Patel is also an important and inspirational voice for the thriving Indian-American community of our nation's greatest city. A selfless advocate for his patients as well as a dedicated and generous philanthropist, "Bhupi" Patel is truly an example and role model for the community, and I am proud to call him my friend.

Dr. Bhupendra Patel has demonstrated a lifelong passion for the study and practice of medicine. Born and raised in Kenya, he earned an MBBS from Baroda Medical College in India. The political unrest there, coupled with immigration of many of his friends to the United States, inspired Dr. Patel to conduct his medical internship and residency at the Long Island Jewish Hospital, where he worked as an internist. Dr. Patel continued to make important contributions to the field of medical education by serving as an Assistant Clinical Professor of Medicine at the renowned Mount Sinai School of Medicine in New York.

Throughout his career, Dr. Patel has striven successfully to help serve the needs of the growing Asian-American community in New York City, serving as the President of the Gujarati Samaj of Greater New York and helping found the Nargis Dutt Memorial Foundation. As President of the Gujarati Samaj, Bhupendra Patel helped raise money for a new community center to serve the local Gujarati community. The Nargis Dutt Foundation that he helped found has committed itself to improving medical care for cancer patients throughout India for the past decade, supplying critically needed medical equipment to healthcare facilities there. Dr. Patel also serves on the board of "SHAREing and CAREing," an organization in Queens that for the last sixteen years has provided essential services to those afflicted with breast cancer, helping to ensure the quality of their medical and social services and providing them with critical tools to help them in their moment of need.

Dr. Patel's activism extends beyond the world of medicine. As President of the Indian-American Center for Political Awareness, he has worked not only to improve bilateral relations between India and America, but to increase political awareness of and boost the participation of the Indian American community. In so doing, he has helped pave the way for second generation Americans of Indian descent, urging them to remain involved and build on earlier progress. Dr. Patel's considerable contributions to medicine and philanthropy have been widely acknowledged; he has been honored by the Gujarati Samaj of Greater New York, the Indian Dental Association of the United States, and 100 Black Men, and was presented the "Outstanding Asian American" award by former New York Governor Mario Cuomo, as well as the prestigious 2008 Ellis Island Medal of Honor.

Mr. Speaker, in recognition of a lifetime of service to others, I request that my colleagues join me in paying tribute to Dr. Bhupendra "Bhupi" Patel, a great New Yorker and a great American who made immeasurable improvements to the quality of life of his fellow New Yorkers. Dr. Patel's selfless and enduring dedication to serving others and to the civic life of our nation serves as an inspiration to us all.

HONORING STATE SENATOR DAVE ARONBERG

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. DEUTCH. Mr. Speaker, I rise today in honor of a dedicated public servant, fierce consumer advocate, and my dear friend, State Senator Dave Aronberg.

A native of Miami, Dave attended Harvard College and Harvard Law School. Shortly after graduation, Dave began his work with the office of the State Insurance Commissioner taking on foreign insurance companies that refused to honor World War II era policies issued to victims of the Holocaust.

Dave's passion for public service next took him to the office of the Attorney General, where he became an Assistant Attorney General. It was in this capacity that Dave was responsible for prosecuting consumer fraud and led the lawsuits against "Miss Cleo's" fraudulent business holdings.

In 2000, Dave was chosen to participate in the prestigious White House Fellows program as a Special Assistant to the Secretary of the Treasury for international money laundering. During his fellowship, Dave represented the Treasury Department at a global summit on money laundering and the laundering of terrorist assets in Malaysia. He then traveled as part of an official White House delegation to meet with foreign officials and to visit refugee camps in both Pakistan and Afghanistan.

After his fellowship, Dave returned to South Florida and in 2002 was elected to represent the 27th District of Florida in the State Senate. During his 8 years in the Senate, Dave continued his advocacy for strong consumer protections, was a member of Florida's Medicaid task force, and led the fight that successfully secured federal funding for the Everglades Restoration Project.

Recently, Dave has announced that he will continue his work for strong consumer protections by becoming Special Counsel to Attorney General Pam Bondi. As a special counsel, Dave will oversee the effort to eliminate pain clinics and "pill mills" in Florida.

I would like to congratulate Dave on his appointment in the Attorney General's office and wish him luck as he continues his dedication to public service and consumer advocacy. It has been a privilege working with him as an attorney, in the State legislature, and as a Congressman. I look forward to many years of continued service for South Florida alongside Dave.

IN HONOR OF NEW YORK CITY COUNCILMAN DANIEL DROMM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to honor New York City Council Member Daniel Dromm, a pioneering figure in the political history of Queens, the most diverse county in the

nation. An educator, community organizer, union leader, and political activist, Daniel Dromm's experience and dedication led voters in New York City's 25th City Council District to elect him by an overwhelming margin last year to serve as their new Council Member. Last month, Councilman Dromm was honored by the Queens Lesbian & Gay Pride Committee at its annual Winterpride celebration in Astoria.

A graduate of St. Mary's Elementary and Boys' High School in Manhasset, NY and Marist College in Poughkeepsie, NY, Daniel Dromm went on to earn a Master's Degree from City College of the City University of New York. Prior to his career as an award-winning New York City public school teacher, he served as Educational Director of the Grant Day Care Center in Harlem, where he developed his legendary organizing skills fighting for the rights of the poor to affordable childcare, social services and quality education. He instructed and inspired thousands of students at PS 199Q in Queens. In 2006, Dromm was named "Outstanding Teacher of the Year" by his school's principal and in 2009, he was chosen as "Educator of the Year" by the Sunnyside Kiwanis Club. In 1992, Danny courageously came out as an openly gay teacher, becoming a role model for equality—and front-page news in daily newspapers in our nation's greatest city.

Deeply committed to civil rights and social justice, Dromm has established himself a fighter against prejudice, discrimination and violence as the founder and former co-chairperson of the Queens Lesbian and Gay Pride Committee. Fifteen years ago, he organized the first Queens LGBT Pride Parade and Festival, that takes place every year on the first Sunday in June in the vibrant Jackson Heights neighborhood. Dromm co-founded the Queens Chapter of Parents, Families and Friends of Lesbians and Gays (P-FLAG), helped establish the Queens Pride House, and co-founded the Generation Q Youth Services Program in Astoria. His dedication to the communities he serves is broad and deep, inspiring his efforts on behalf of the Kiwanis Club of Jackson Heights, his tenure on the Board of Directors of the Corona-based Community Conciliation Network, his active membership in the 115th Precinct Community Council, and his volunteer duty with the Jackson Heights Beautification Group. He has been honored by the Sociedad Puertorriquena de Queens for his commitment to the Latino community, and serves as a member of the NAACP Corona/East Elmhurst chapter. He has been honored by the Korean-American Association of Central Queens, by the Times/Ledger newspapers with its Community Leadership Award, and by the United Federation of Teachers with its Marsh-Raimo Award, a fitting tribute to a dedicated labor activist.

Mr. Speaker, I ask that my distinguished colleagues rise to join me in honoring the extraordinary contributions to the political and civic life of our nation's greatest city made by the pioneering political activist and elected official, New York City Council Member Daniel Dromm.

IN HONOR OF BARBARA FIFE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to recognize the achievements of the Honorable Barbara Fife, Director of External Affairs at the School of Public Affairs at Baruch College of the City University of New York, Co-Director of its Center for Innovation and Leadership in Government, and a distinguished public servant who served as a Deputy Mayor of the City of New York. Last month, Ms. Fife's sixteen years of devoted service to Baruch College were celebrated by her colleagues and friends.

An accomplished and respected public servant in her earlier career, Ms. Fife served as New York City's Deputy Mayor for Planning and Development during the administration of former Mayor David Dinkins. As Deputy Mayor, she oversaw and was responsible for the operations of several major agencies of the nation's largest municipal government, including the Departments of City Planning, Housing Preservation & Development, Environmental Protection, Parks & Recreation, and Cultural Affairs and Libraries, as well as the Landmarks Preservation Commission. In this capacity, Ms. Fife helped manage and implement one of the Dinkins' administration's signature achievements: she oversaw and helped manage the New York Public Library system's move to extend access to its facilities by keeping libraries open six days a week—for the first time since 1947. She held a seat on the Metropolitan Transportation Authority and chaired its Real Estate Committee and served as a member of the New York City Water Board and as Vice Chair of the Hudson River Park Conservancy. She also represented Mayor Dinkins on the Boards of the New York Public Library, the Brooklyn Museum and the Lincoln Center for the Performing Arts.

Barbara Fife previously served as the Senior Special Assistant and acting Chief of Staff to then-Manhattan Borough President Dinkins. From 1982 to 1984, she directed the Internship Programs in the Department of Urban Planning at Hunter College of the City University of New York. She was a Democratic National Committeewoman from 1980 to 1990 and was elected and re-elected to the New York State Democratic Committee ten times.

Ms. Fife has served on the boards of many non-profit organizations, including the Museum of the City of New York, the Public Art Fund, Regional Plan Association, Project FIND, the Community Service Society, the Settlement Housing Fund, the New York League of Conservation Voters, and the Manhattan Theatre Club. She is a former President of the Parks Council and a former Vice President of the Clinton Housing Association. She graduated cum laude from Bryn Mawr College and holds a Master's degree in Urban Planning from Hunter College.

Throughout her distinguished career, Barbara Fife has remained devoted to her family. She and her beloved late husband Martin raised four sons, Stephen, Richard, Howard, and Andrew, and she is devoted to their beloved grandchildren.

Mr. Speaker, I ask that my distinguished colleagues rise to join me in saluting the extraordinary contributions of the Honorable Barbara Fife to the political and civic life of our nation's greatest city.

PRESIDENT RICK BENDER AND SECRETARY-TREASURER ALAN LINK RETIRING FROM THE WASHINGTON STATE LABOR COUNCIL (WSLC)

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to recognize the powerful contributions made by Washington State Labor Council (WSLC) President Rick S. Bender and Secretary-Treasurer Alan O. Link to policies that benefit working families. Throughout their lengthy and distinguished service, they have done much to advance the cause of organized labor in Washington State and, thereby, to improve significantly the lives of our residents. Thanks to steadfast support of its labor movement by Rick Bender and Al Link, Washington State today is the fourth most unionized state in the nation, with the state's 574,000 union members accounting for 20.2% of its overall workforce.

Rick Bender became President of the Washington State Labor Council in 1993, after serving as WSLC Vice President (1988–1993); Executive Secretary of the King County Labor Council (1991–1993); and Executive Secretary of the Seattle Building and Construction Trades Council (1987–1991). He is a member of Laborers Local 242 and Elevator Constructors Local 19, and he began his career with organized labor as an apprentice with Cement Masons Local 528 in 1966. In addition to his exceptional service to organized labor, Rick also served the citizens of the State of Washington for many years as an elected member of the State Legislature; I was fortunate to serve with Rick in the Washington State Senate, where he was much respected for his expertise, his hard work, and his commitment to fairness.

Al Link also is a giant in the Washington State labor community. He served in numerous leadership positions in that community prior to his 1994 election as WSLC Secretary-Treasurer, including President of the Spokane County Central Labor Council (1989–94) and President of Steelworkers Local 329 (1991–94), when he represented workers at the Kaiser Aluminum plant in Spokane. Al has been a member of the United Steelworkers of America since 1961.

Together, Rick Bender and Al Link provided bold leadership to the Washington State Labor Council as it achieved many proud accomplishments: they crafted a far-sighted and effective legislative platform to promote pro-working family laws and policies in Washington state government; these included passage of long-sought collective bargaining rights for state employees, protection and

strengthening of Washington's model unemployment insurance and workers' compensation systems, promotion of innovative apprenticeship programs, and development of affordable health care and family leave policies.

Intent on highlighting labor's importance to our democratic political process, Mr. Bender and Mr. Link created a groundbreaking grassroots political program featuring the "Labor Neighbor" program, a highly successful effort that became a national model for engaging union activists and volunteers in the election process and informing rank-and-file members of labor's endorsements.

They also led successful campaigns for pro-worker ballot measures, including the nation's first indexed minimum wage law, which began as an initiative filed by Rick Bender; it was approved by the voters of Washington State in 1998 following an exciting campaign co-chaired by Rick and especially memorable because it relied entirely on volunteer signature gatherers.

Mr. Speaker, the formidable team of Rick Bender and Al Link leaves a vital legacy that will strengthen the lives of working people and their families for decades to come. On the occasion of their retirement from the Washington State Labor Council, I join thousands of union members, working families, and appreciative citizens across Washington State in thanking them for their vision, their bold leadership, and their dedicated service. We wish them good fortune and much satisfaction in the coming years.

IN RECOGNITION OF BARUCH COLLEGE AND ITS 2010 BERNARD BARUCH DINNER HONOREES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Baruch College of the City University of New York. Last year the College honored several remarkable leaders on the occasion of the 21st Annual Bernard Baruch Dinner at Cipriani 42nd Street in Manhattan.

A senior college in the City University of New York (CUNY), Baruch College is ranked among the top 15% of U.S. colleges and was named one of the 50 public colleges offering the "best value" to students. Currently led by Interim President Stan Altman, Baruch College honored five distinguished women in 2010, for the first time ever. Each is a prominent leader in New York City's real estate industry, chosen by Baruch College's trustees for their remarkable achievements in professional life and their extraordinary devotion to serving their communities. In addition, the Bernard Baruch Dinner last year honored the women of the College's Class of 1940, who were the first female students admitted after a 1933 ban on women students was ended in 1936, and who served as pioneering trailblazers for the generations of women who followed in their footsteps at Baruch. Appropriately, the former Secretary of the U.S. Department of Health & Human Services, Donna Shalala, a former President of Hunter College at CUNY, served as a dinner presenter.

The five women who were recognized at the 2010 Bernard Baruch Dinner are truly deserving honorees. The Bernard Baruch Medal for Business and Civic Leadership was presented to four outstanding leaders, Suzanne Sunshine, Louise M. Sunshine, Sylvia J. Smith, and Doris W. Koo, and the Distinguished Alumna Award was presented to Dolly Lenz.

Suzanne Sunshine is the President of S. Sunshine & Associates, which provides commercial and residential real estate brokerage and consulting services to non-profit organizations and their personnel, donating a percentage of its fees back to each non-profit client.

Louise M. Sunshine has enjoyed extraordinary success in the worlds of business, politics and government. After serving as a trusted top advisor to New York State Assembly Majority Leader Al Blumenthal and New York Governor Hugh Carey, in 1986, she launched the Sunshine Group firm focusing on residential real estate, where she coined the phrase, "All Square Feet Are Not Created Equal." Today, she serves as a consultant to Alexico Group, LLC, and is playing a leading role at Domineum, a firm offering global real estate solutions.

Sylvia Smith, FAIA, LEED AP, is a Senior Partner at FXFOWLE Architects, a leading firm that also provides planning and interior design services. She is the founder of the firm's Cultural & Educational Studio and is currently leading the redesign of public spaces at Lincoln Center, the Juilliard School expansion, and the Alice Tully Hall renovation, and recently completed award-winning Bronx Zoo projects.

Doris W. Koo is a nationally respected leader with nearly three decades' experience in affordable housing and community development. President and CEO of Enterprise Community Partners, she also chairs the board of the Enterprise Community Loan Fund, a national leader in providing development capital, financial solutions, public policy advocacy, and technical expertise to create affordable housing.

Dolly Lenz is the Vice Chair of Prudential Douglas Elliman, one of the leading real estate firms in our Nation's greatest city. The daughter of an immigrant from Spain, she has risen to dizzying heights in her profession and is truly a worthy recipient of Baruch College's Alumna of the Year Award.

Mr. Speaker, I ask that my distinguished colleagues rise to join me in paying tribute to Baruch College of the City University of New York and the five outstanding honorees it recognized at the 21st Annual Bernard Baruch Dinner.

HONORING THE 2ND PLATOON, COMPANY B, 2ND BATTALION, 162ND INFANTRY REGIMENT, 41ST INFANTRY BRIGADE COMBAT TEAM, OREGON NATIONAL GUARD

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. SCHRADER. Mr. Speaker, today I rise in honor of the 2nd Platoon, Company B, 2nd

Battalion, 162nd Infantry Regiment, 41st Infantry Brigade Combat Team, Oregon National Guard for their heroic action during the Battle of Fallujah in November of 2004. The unit will soon be awarded the Presidential Unit Citation for their gallantry in combat. This will be the first award of the Presidential Unit Citation to a unit of the Oregon National Guard in over six decades. The last time a unit of the Oregon National Guard received this distinction was for their valor during the Second World War.

The Presidential Unit Citation reads: "On 03 November 2004, the unit was placed under the operational control of the 1st Regimental Combat Team of the 1st Marine Division, to execute offensive operations in the central Iraqi city of Fallujah. The unit was selected for the initial attack on the city and tasked with penetrating the enemy's defenses and isolating the Jolan District in northwestern Fallujah. The Jolan District was believed to be the strongest of the enemy's defenses. The unit's rapid penetration deep into the city overwhelmed enemy positions, leading the way for further exploitation by the Marines. Throughout the remainder of the battle, the unit continued to isolate western Fallujah while attacking and destroying numerous enemy strong points. The unit's heroic Soldiers, and their expert use of combined arms firepower, led to the destruction of the insurgents in Fallujah."

The soldiers of 2nd Platoon, Company B, 2-162nd Infantry have demonstrated the kind of courage, determination, and skill exemplifying the highest standards of the United States Armed Forces and reflect great credit upon themselves, the Oregon National Guard, and the United States Army.

The Oregon National Guard has deployed 8,917 citizen soldiers worldwide in combat and counter-terrorist operations since September 11, 2001. As our citizen soldiers have repeatedly demonstrated their dedication to the United States of America, we in Congress must reaffirm our support for the men and women who bravely serve our Country.

IN RECOGNITION OF THE TERENCE CARDINAL COOKE HEALTH CARE CENTER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Terence Cardinal Cooke Health Care Center, a continuing-care facility founded more than three decades ago by the Archdiocese of New York. I am pleased to recognize the outstanding work of the Center as it continues to provide medical support and rehabilitative services to residents and patients of all backgrounds, while simultaneously encouraging their independence and self-sufficiency. Tonight we celebrate the hard work of the Center's generous staff, as well as the contributions to civic life of several noteworthy community leaders. I join you in saluting last year's honorees for their devotion to quality health care.

A long-standing presence in the community, the Terence Cardinal Cook Health Care Center has been committed to providing compassionate medical treatment since 1890. With respect for human life and dignity as its principal focus, the Center strives to maintain a broad range of high-quality health care services for its residents and patients in its long-term 729-bed facility and two outpatient clinics. The Center operates many clinical programs that address a wide variety of health issues, from developmental disabilities to chronic illnesses. While upholding its high standard for compassion and kindness, the Center provides comprehensive and innovative treatment to the community.

Last month, the Center held its annual Flower Ball at the Pierre Hotel in Manhattan. I congratulate last year's honorees, Michael J. Brescia, M.D., Executive Director of Calvary Hospital; Victoria L. Sharp, M.D., Director of the HIV Center at St. Luke's-Roosevelt Hospital Center; J. Anthony SanFillippo, M.D.; and David Kamp, President of Dirworks Landscape Architecture.

Each of last year's honored guests is an exceptional civic leader whose life work reflects the mission of the Center. Almost 50 years ago, Dr. Michael Brescia helped develop the AV fistula, one of the most popular methods of vascular access for hemodialysis in the world. After assuming the position of Director of the HIV Center at St. Luke's-Roosevelt in 1997, Dr. Victoria Sharp has tirelessly worked on behalf of those living with HIV/AIDS, including many of society's most disadvantaged citizens and incarcerated individuals. Dr. J. Anthony SanFillippo has been a dedicated board member of the Terence Cardinal Cooke Health Care Center for many years and will receive the Partnership Award for his hard work, dedication, and extraordinary service. Over the years, David Kamp and his company have generously offered their time and expertise on a pro bono basis to render the gardens of the Center a welcome oasis of beauty and tranquility in a densely urban environment.

In serving the Center, each of the honorees has demonstrated remarkable dedication, and has been an inspiration not only to staff and patients, but to all New Yorkers. In devoting their time and energy so generously to others, they remind us that every individual can make a difference.

Mr. Speaker, I ask that my distinguished colleagues rise to join me in paying tribute to the Terence Cardinal Cooke Health Care Center and its distinguished 2010 honorees.

HONORING THREE KINGS DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. RANGEL. Mr. Speaker, I rise to ask my colleagues to spend some time today to remember the Christian feast of the Epiphany, or as many in my community know it, Three Kings Day.

For millions around the world, especially Latinos, the final curtain on the holiday season doesn't begin to fall until today, January 6.

From El Barrio through Mexico, and the Caribbean all the way down to the tip of South America, communities find their own unique ways to celebrate the Biblical journey of Balthasar, Melchior, and Caspar.

Like Christmas, Three Kings Day is a day for kids and family, a time to not just exchange gifts, but also appreciate what we have. In the East Harlem section of my congressional district, the day has been marked for 34 years by a children's parade organized by El Museo del Barrio. Mr. Speaker, seeing these children in costumes and coats walking the streets of Fifth Avenue, you would be instantly reminded about how special they each are and the special responsibility we have in making sure that they have just as many opportunities to succeed—if not more—than any of us standing in these great walls.

Balthasar, Melchior, and Caspar traveled on the wings of hope, believing that a better future lay in the hands of a humble child in the manger. They did not dismiss him because he was a carpenter's son or because he was poor. They did not ask about his immigration status or whether his parents had proper paperwork. They crossed deserts and overcame hurdles because they believed that his future was as bright and limitless as the stars that adorned the sky.

Unfortunately, not enough of today's children have been given such investment of time and energy. Despite the tireless work of many parents and educators, far too many are falling through the cracks in schools that are ill-equipped to teach them the skills necessary for work and life.

So on this last weekend of the holiday season, let all of us remember the greatness that lies in each of our children. Let us renew our commitment to our next generation by developing partnerships that will equip them with the tools they will need to realize their goals and dreams.

Let us remember that acts of kindness and generosity should extend well into the year and that the future of this great land depends on the opportunities we create for our children to shine and reach their full potential.

IN RECOGNITION OF THE HONORABLE CONRAD FOA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Honorable Conrad Foa, an outstanding New Yorker who has distinguished himself as a leader in the worlds of business, philanthropy, and civic and political affairs. A Member of the New York State Democratic Committee, Mr. Foa's contributions to the community were recognized at the annual dinner gala of the Lexington Democratic Club last month. As the first "reform club" in New York City, the Lexington Democratic Club strives for inclusive civic participation in our nation's greatest metropolis, and Conrad Foa is a proud heir to that great reform tradition.

As the Democratic State Committee Member representing the 73rd Assembly District on

the East Side of Manhattan, and as a Member of Manhattan Community Board 8, Conrad Foa has distinguished himself as a dynamic and forceful leader for his community. He and his wife Linda Foa were both born in Manhattan, as were both of their sons Justin and Barrett. As a lifelong resident of Manhattan's Upper East Side, Conrad Foa has volunteered his time and effort to maintaining and improving the quality of life for his fellow Upper East Siders, and has thrown himself in public life by twice running for a seat in the New York State Senate. In recognition of his outstanding leadership abilities, the Democratic voters of New York's 73rd Assembly District elected Conrad Foa to the New York State Democratic Committee in 2006.

Conrad Foa has also distinguished himself as a premier leader in the insurance industry. As the principal of Chairman of Foa & Son, a leading insurance brokerage firm which negotiates insurance coverage on behalf of the consumer, he ushered his family-owned enterprise into the twenty-first century. The firm's proud tradition is now being carried on by its President, Conrad and Linda's son Justin, who is the fifth generation Foa to head the firm, which will be celebrating its sesquicentennial anniversary next year.

Conrad Foa's leadership and achievements have been recognized on many occasions by his colleagues and peers. He is a past President and Director of the Insurance Brokers Association of the State of New York, and was instrumental in getting two pro-consumer bills passed to keep jobs and holding insurance premiums down. He was named a member of several prestigious and exclusive associations for business leaders, including the Young Presidents Organization, the World Presidents Organization, and the Chief Executives Organization. Mr. Foa is Founder of the International Executives Association and a past President and Director of Executives' Association of Greater New York, a networking organization which promotes New York businesses. A dedicated philanthropist, he also served as Member of the Board of Directors of the Federation of Protestant Welfare Agencies. He is a graduate of the Wharton School of Business at the University of Pennsylvania and received a Master's Degree in Economics from The London School of Economics.

Despite all his activity in business, civic, and political life, Conrad Foa has always remained dedicated above all to his family. He and his wife Linda are the proud parents of their sons Justin and Barrett, an accomplished actor and performer, and doting grandparents to Justin's son, Max.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to our civic and political life made by the Honorable Conrad Foa, a great New Yorker and a great American.

HONORING THE ACADEMIC ACCOMPLISHMENTS OF DANIEL LAGE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to recognize a young man

from south Florida, Daniel Lage, who has made headlines with his remarkable academic achievements at the young age of twenty-one.

Daniel's family history is a sadly familiar story for many of us in south Florida; that of being forced to flee the Castro dictatorship of Cuba for the land of freedom and opportunity: the United States.

I too come from this same background—and I know that the struggles of his family served to strengthen this young man's passion to succeed.

There is no better path to success than that of a driven individual pursuing a sound education.

I know that Daniel demonstrated his eagerness to learn and his matching intellect every day in the classroom. Through his hard work and with the support of his loving family by the time he graduated Gulliver Preparatory School he had been named Valedictorian and had earned the prestigious Silver Knight Award.

Later, Daniel was accepted into Harvard University, where he has pursued a degree in history and science and will graduate in May. Never forgetting his roots, Daniel has been the president of Harvard's Cuban American Undergraduate Association and remains committed to the idea of a free and prosperous Cuba.

Daniel embodies the noble values, unshakable integrity, and sheer determination that we all should aspire to match. Many people and institutions have certainly taken note.

Daniel has received the incredibly prestigious Rhodes Scholarship where he will study at the world renowned Oxford University in England. Winners are selected for many defining qualities including high academic achievement, personal integrity, and leadership potential. Impressively, he is one of only seventy Floridians to ever receive this scholarship.

At Oxford, Daniel expects to pursue a Master of Science—with a focus on different nations' approaches to caring for the chronically ill. Sadly, this focus is not arbitrary, and again both he and my family share a solemn common bond. His grandfather, Eugene, was recently diagnosed with Alzheimer's disease. I know firsthand the terrible effects of this debilitating disease on an individual. My mother, Amanda, has been fighting a losing battle against the disease over these last few years.

I know that my personal experiences with this horrific disease have prompted me to take action in the fight against Alzheimer's; so too have Daniel's experiences. He has partnered with the Alzheimer's Association as an advocate and has every intention and expectation of becoming both a physician and a policymaker in his future. I understand this deep-seated passion for geriatric medicine and certainly expect that his strong resolve will play an important part in unlocking the mysteries of this terrible disease and finally finding a cure.

I know Daniel fully recognizes the immeasurable value of his ongoing education, and in doing so I am confident he will accomplish many great things for our community in south Florida, our magnificent United States, and above all continue to make his family immensely proud.

So once again, Daniel, from a former Florida certified teacher and a firm proponent of

education as a lifelong journey: I congratulate you on all you have accomplished—you are a fine example of the best and brightest in south Florida and I wish you truly all the best on all you hope to accomplish in the future.

THE WALK FOR HEALTHCARE:
HEALTHCARE STORIES FROM
WEST VIRGINIA AND PENNSYLVANIA
COLLECTED BY OGAN
GUREL, M.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following stories, collected by Dr. Ogan Gurel.

"Tom described a situation in which he was buying two batteries for a scooter. Since he was paying out-of-pocket, they discounted the price \$30 below the price they charged Medicare. 'Something fishy is going on,' he said." Tom—Chester, 7/14/2009

"I met Sharyn at the DaVinci salon. No, I wasn't going in for a pedicure, which, with the condition my feet were in wouldn't have been easy anyway. Actually, she peeked out the door and asked, 'Are you that doctor walking from Chicago to DC?' and invited me in for a glass of water. Being busy with clients, there was no opportunity to get any stories. But they all were supportive of the Walk. 'We sure need healthcare reform,' Sharyn said, as her co-workers gathered about along with the clients reclining in their chairs nodded in agreement." Sharyn—Chester, 7/14/2009

"Gayla told me that she and her husband have been 'very lucky.' They've had employer-provided insurance through Verizon—'pretty good insurance,' she told me. But Frontier is buying the West Virginia assets of the company, so in the transition, as she put it, they have no idea what it'll mean for them. This is important because her stepson has cystic fibrosis (CF). At age 23 he's a real survivor. He's done well but lately, from an insurance standpoint, it's gotten very complicated. Based on doctor's orders, he's strictly limited to very light work, at a maximum of 30 hours a week. So essentially, as Gayla told me, 'He's stuck with a part-time employment status. Insurance on his own is not a possibility,' she added. 'And he can't get SSI because he actually can work a little.' And while Verizon promised to cover him (as part of their employer-based coverage) even into adulthood, Gayla and her husband don't know if that agreement will be honored by the new company. She doubts that it will be. It sounds like there are so many cracks in the system, I said. 'Yes. It's a real problem. And it's not abstract—my son's life depends on it.'" Gayla—Hagerstown, 7/22/2009

"'I've got no money for insurance,' Shirley, working behind the counter at Reeve's marketplace, told me. 'Just Medicare, pretty healthy. I'm lucky.' She told me how she didn't sign up for the AARP prescription medication plan. 'It didn't make sense,' she said. 'AARP wasn't really paying and they seemed to be getting the higher priced drugs anyway.'" Shirley—Hookstown, 7/14/2009

"As I entered Pittsburgh, Deb, working the counter at the Mile's BP convenience store, told me she has no insurance. She'll only go to the doctor if absolutely necessary. 'Basically,' she told me, 'healthcare is just not available.'" Deb—Pittsburgh, 7/15/2009

"Robin, whose smile brightened up my day after a long day walking, told me the story about her girlfriend in Chicago. 'She was doing well, but then lost her job. She lost her health insurance and last year, at age 50, was diagnosed with multiple myeloma.' So how did she deal with that? 'Well, she had to come up with \$689/month for her insurance, the hospital would not provide healthcare otherwise.' As her condition got even more serious, all of their mutual friends and sorority sisters (Delta Sigma Phi) have been raising funds and sending her money for her care. 'I guess,' Robin told me, 'if it wasn't for us, she could be dead.' She said it without ego or braggadocio but rather out of sadness (even with our bright smile) that it had to be that way." Robin—Pittsburgh, 7/15/2009

"Rhonda returned to Pennsylvania to take care of her elderly family. She's had self-pay insurance via Highmark, the major insurer in the Pittsburgh market. 'It's alright so long as you don't get sick.' Regarding the recent debates in Congress, she also added, 'If you believe anything those execs put out, then you're a fool.' She had a situation last year of right upper-quadrant abdominal pain. She went to the ER, which was an ordeal. They started the work-up, a GI consult, surgical consult, ultrasound, HIDA scan were ordered and was admitted for overnight observation. She told me all the tests returned negative. And then, Highmark ended up denying the \$7,000 for the hospital stay and all the radiology consults deeming that it was all medically unnecessary. 'There was no way for me to know they wouldn't cover it.' The hospital called for pre-approval, but the insurance company still had denied it. But Rhonda fought it, saying either the hospital was practicing fraudulent medicine or the company was wrong. 'They finally backed-off and paid.' Rhonda also described a story from a friend of hers who worked as a dental assistant. She had attended a conference on billing which the whole point of which was how to bill so the insurance company could deny the claim: what diagnostic categories to use, etc. The percentage of people who would not fight was estimated at 70%." Rhonda—Pittsburgh, 7/16/2009

"As an ambulance driver, John definitely notes that, 'the uninsured come to us in a more severe state. They don't have a family doctor and so in the ER people end up having to wait more because these critically ill patients come in.' He told me it was not uncommon for them to wait six months to a year before seeking any medical attention." John—Braddock, 7/16/2009

"As an EMT, Christina's seen diabetics without medications coming into the ER two to three times a week because their sugar gets out of whack. They really don't have any health care access otherwise." Christina—Braddock, 7/16/2009

"Zenobia has to see a doctor regularly for her prescriptions. 'It's really hard, because I have no insurance,' she said. 'And I work hard. But since I'm part-time, Medicaid says I'm not eligible.' But since she's working only 25 hours a week, she doesn't apparently qualify for insurance through her employer either. 'According to Medicaid, you're working,' she said. But according to her employer, 'You're not working.' The cracks in the system she was facing, seemed, from her expression, to be more like gaping chasms, with no way out. When she heard public assistance was no longer available for her, she called them, crying, 'Why have I been dropped?' To which they answered, 'You make more than \$200 a month.' So she makes do with a hodge-podge of different programs

and deals. She's able to keep her medication bill down to \$60 a month because the pharmacy has a special plan but her various other medical bills have accumulated to close to \$6,000. 'It's all a mess, all so complicated,' she told me. 'And if I really get hurt, I'm pretty much screwed.'" Zenobia—North Braddock, 7/16/2009

"At the tail end of a monstrous thunderstorm, seeking some shelter, even though I was soaking wet anyway, I met Mary at the Wendy's just west of Greensburg. She was there with her daughter and grandson. We talked about the Walk and about health care reform. Mary shared with me the story of her son, Jim. 'He works in a plant nursery. He's got no insurance but suffers from symptomatic dystrophy, you know what that is, right?' Yes, I replied. 'He's self-pay but basically he just suffers in pain. It breaks my heart.'" Mary—Greensburg, 7/17/2009

"You can reach out for help, but if you have no health insurance you're nobody.' That's how Rebecca concluded the story she told me about the death of her boyfriend. It's a complicated story but basically the 24-year-old was off and on in a Methadone rehab program. He was doing well in rehab when his treatment was about 1/2 done, his insurance ran out. Because of this, 'The rehab facility, kicked him out,' Rebecca told me. She explained how, with withdrawal symptoms kicking in, he arrived home very sick. Two days later, near-comatose he was taken to the hospital where he was admitted to the ICU with liver failure but, according to Rebecca, they, 'really didn't do anything.' At the time of his death, she said, with incredulity, that the staff was joking in front of her, laughing even. The trauma continued, even after his death. She described how the coroner came in and started accusing people. 'Then a doctor arrived, and asked if the decedent had insurance.' Rebecca shook her head. 'No, I answered. And the doctor asked if I wanted to see the body. I said, yes, but he told me that they had taken it away to make room for the next body.' Rebecca told me it was all very sarcastic and cruel. But the nightmare was not over. Then the bills started arriving. They were not married but the rehab center (which kicked him out) and the hospital demanded payment. 'They fraudulently indicated that I signed the bills,' said Rebecca. 'It's been two years now and they're still sending bills. Between the doctor and the financial games, I never had a chance to grieve over his death.' Rebecca's eyes saddened as I asked her to sign for her consent. 'You can reach out for help, but if you have no health insurance you're nobody.'" Rebecca—Greensburg, 7/17/2009

"Ryan is a young American. 24 years old, sporting an unassuming t-shirt and buzz cut, he exudes a personality simultaneously reserved and forthright. He has a gracious smile, offered with a twist of the head but then when he looks at you, with a piercing gaze, his face turns serious. As a writer, he seeks to deeply understand people, yet some things, like healthcare insurance, elude even his keen comprehension. Brought up in a family who never had health insurance, Ryan is, nevertheless, a man with energetic ambitions. After an early honorable discharge from the Army—for medical reasons—and a fruitless search for a job, he is working to finish his first novel, *Ever Street Road*, a parable, as he calls it, for the choices in life that one makes. Yet, in this great country, bursting with infinite possibility, Ryan has few, if any, choices. Infinity meets finitude—this is America. The future is but an illusion. Not knowing whether

there will be healthcare for all or only healthcare for some, Ryan and I, sharing dinner, are focused on the present and the past. This is the only thing we truly know. The future, a future where the young ambitions of earnest, yet thwarted souls, might reach their full potential, is only a dream. Reality is how I met Ryan and what brought him to run up the hill to meet me on US 30 as 18-wheelers thundered past. Just east of North Versailles, about 25 miles beyond my initial walking point, the last few miles trundled on through with pain. My feet—a jumble of collapsing arches, exploding blisters, and hemorrhaging nail beds—were beyond rebellion. I would have ordinarily arranged a pick-up to take me to the next hotel—now about eight miles east—but this had not materialized. And the transport for the bag—the 70 pound suitcase monstrosity—from which I live, had not been arranged. And despite the physical tribulations of walking nearly 24 miles a day, the most challenging part of the Walk has been the logistics. Lodging, pick-up (often the bunk down place is not necessarily on my walking route), and bag transport had all to be arranged. If any one of these elements fell through, the Walk would come to a standstill. At this point, I was not worried so much about that. With the sun now setting, knowing that I would soon be walking in the dark—the time when sounds become more important than sights—I was worried about my survival, concerned about arriving at the motel—if I made it at all—well after midnight. At the bottom of the hill, I had stopped at a McDonald's to replenish myself with water and recharge my phone batteries. I slipped on my safety vest and grimly headed up the hill. A young man, gasping for breath, came up beside me. Cars rushed by and instinctively motioned him towards the narrow shoulder. 'Are . . . are you Doctor Gurel?' he asked, wide-eyed, disbelieving. I was on the phone, still working feverishly to arrange transport of my bag. Too tired to be surprised, I smiled at him, and nodded. 'I was following you on Twitter and . . . and I just had to come and meet you.' I hung up the phone, and out of habit continued on forward, as the young man joined me. 'I'm Ryan, Ryan Trump,' he added. Oh yes! From Facebook! 'Yes,' he said, his face twisting, searching for words to describe a situation for which there was no precedent. 'Wow, I can't believe this.' What? 'That I met you here.' I chuckled. 'Crazy, isn't it?' Ryan and I had exchanged some e-mails during the past few weeks on Facebook, and it was strange indeed that an entirely electronic friendship had materialized here on the not-so-isolated Lincoln Highway east of Pittsburgh. And so we talked—talked with amazement about the GPS tracking technology that had brought Ryan to my very spot. We talked about healthcare. But I had to interrupt him. Ryan, I have a problem. 'What's that?' My motel is about seven miles up, in Irwin. I have no pick-up to get there. Could you help out? 'That's the least I can do!' I smiled weakly. Deliverance, in the form of Ryan Trump, shy but forthright, gracious but ambitious, had arrived. I was grateful for the wonders of technology and even more for the grace of initiative and real, not electronic, fellowship. And so, after a couple of hours of back-and-forth driving, Ryan and I delivered the suitcase and myself to the motel in Irwin. But that was the present. The following evening I had dinner with Ryan and we talked about the past. The present and the past: while this is what we know, we spoke out of hope for the future. A future with healthcare for all, and not just

for some. A future where the imagined infinitude of possibilities cross with the crushing reality of no possibility. 'My family has never had health insurance,' Ryan told me. 'My father worked in maintenance at the hospital for 36 years. And we never had health insurance but we could get care through the hospital.' That's good, I replied. 'Then the hospital closed, back in 2006, and he got laid off . . . but he was close to retirement anyway.' So what do you do now? 'It's difficult. My mom's got a heart condition, had a heart attack back in 2000. You know it could always happen again. She's got four types of drugs.' How do you pay for it? 'It's all out-of-pocket.' But you told me that you had troubles with the bank. 'That's just the way it goes—you pay for the medications when you can.' I shook my head. And how about for you? What's it like to not have insurance? Ryan, who would usually look straight at me with those forthright, almost aggressive eyes, glanced down. 'Well, you got aches and pains, but you think, do I deal with the pain or do I go to the hospital and suffer accumulated debt? I'm 24 years old and my credit score is probably garbage. Can't do anything in life with that, you know.' I figured, listening between the lines, that Ryan had, in fact, gotten some healthcare, and the 'accumulated debt' he had referred to was real. How's the asthma? I asked. (This was the reason for the honorable, medical discharge from the service.) 'Oh, that's not too bad. But there was this other situation.' What was that? Ryan thought for a moment, then looked up. 'Well, I had a lump,' he said, pointing below the table. 24 year old young man, I realized that he was likely referring to testicular cancer—a condition made widely known by Lance Armstrong's experience, and survival. Did you get it checked out? 'Well, I was holding off for the longest time. But it was quickly getting bigger.' My heart sank, but the fact of the rapid enlargement, encouragingly suggested to me that it wasn't cancer. And? 'So I did go to the doctor eventually.' Ryan smiled and sighed. 'He said it was some sort of hydrocele.' Oh yes, that's good news. 'They did an ultrasound . . . and, of course, I got all the bills. There was no way I could pay for them so I didn't even open them up.' An odd mix, a contradiction even, that with the wonderful news—namely that one did not have cancer—there came delivered a message of debt peonage that inspired even more despair than the dreaded diagnosis itself. It was almost as if the healthcare system itself was the cancer.'" Ryan—Greensburg, 7/17/2009

"Bob has worked for the government for 44 years. He told me that he's always had health insurance (BC/BS via the government plan). 'Why is it not possible to make that available to all?' he wondered. 'It's the same plan as that for Congressmen and Senators.' He added that it was a big pool and that 'it would bring in younger people, make the insurance for all more affordable.' But, he explained, 'It's different with corporate America. I'm retired now but I still get the same coverage as those who are still employed in government.'" Bob—Greensburg, 7/18/2009

"Terry's here in Greensburg visiting from Philadelphia. She shared with me the story of her mother's untimely death, which resulted, in her estimation, from a nightmarish confluence of administrative barriers and inhumane insurance policies. The story goes as follows. Her mother underwent a liver biopsy. This was on a Friday. As Terry explained to me, 'She was done as an outpatient, but even though the surgeon said it was complicated, with bleeders, she was not

permitted by her insurance to stay overnight.' She returned home for the weekend. On Sunday, she went to the emergency room with escalating pain but was sent home again being told it was a gallbladder problem. The pain still unbearable, she returned to the ER within three hours. 'From what we learned,' Terry said, 'there was a blood clot pressing on the bile duct.' She progressed rapidly downhill from there ending up three-and-a-half weeks in the ICU (battling sepsis). Six weeks after the biopsy she died. Terry finished the story. 'If only the insurance had been more flexible, had considered true medical necessity, in observing my mother the first night after her procedure, perhaps she would still be with us now.' Terry—Greensburg, 7/19/2009

"I haven't had health insurance since '92,' Ed told me, when I asked him if he had any healthcare stories. 'That's when Bethlehem Steel closed down—so, no insurance, for me.' I nodded. I can understand. I don't have insurance either. I don't think Ed really heard me as he continued, 'I'm glad I'm healthy because if not, I'd be dead.' Ed plays quite a bit of soccer (he's wearing his soccer t-shirt now) and he told me of an injury he had a few years back. He got hit pretty hard at a soccer game at the Y. 'Got myself a gash on my head and some sort of shoulder injury.' And so he went to the emergency room. When he told them he lacked insurance, Ed told me that the doctor basically said, 'Stitch him up and send him home.' Ed had an angry look on his face. 'I got 27 stitches but they did nothing about my shoulder.' I suppose I could understand his displeasure as with all that he got a bill for \$2,300. 'I still haven't paid it, and I never will be able to,' he said. Despite these distressing stories, Ed was not really as sour as his tale would make him to be. We talked about quite a few other topics and he wished me well on my journey, closing in now, on Washington, DC." Ed—Stoystown, 7/19/2009

"Karl, a volunteer Ambassador at the Flight 93 Memorial, told me he doesn't believe in a government-run system. According to him, the free-market is the best though he acknowledged that having insurance linked to employment was a problem. 'Empower the individual,' Karl explained to me. So how about your own situation, I asked. 'We're not well-to-do,' he said. 'I get my health insurance from the state, a plan called Special Care which is in between Medicaid and private insurance.' And how's it going with that? 'Very well actually,' he answered. 'It's not connected to employment status so I have the freedom to change jobs without changing my health coverage.' [On a side note, Karl, in his presentation to the thirty some-odd gathered visitors at the memorial explained how about \$40 million more was needed to complete the permanent Flight 93 Memorial. I recalled how anti-reform industry groups were spending (as reported by the Wall Street Journal) about \$1.4 million a day in their selfish and grasping efforts to thwart (or worse manipulate) healthcare reform. That means that about a month of that spending (the time it took for me to walk from Chicago to DC) would cover the remaining cost of the Memorial—a tribute, as most know, to Americans who gave the last full measure of sacrifice for their fellow citizens.]" Karl—Shanksville, 7/19/2009

"Kay's a part-owner of a small business—all of three people. Because of the high cost of health insurance, the deductibles, and all that, 'they've got no discretionary income,' she told me. They're with Highmark and the premium went up \$100 a month within the

past few months alone. Her husband has had two heart surgeries (done at the Cleveland Clinic). The cost was \$4,000 a day but they ended up paying \$700. 'That was a relief,' she said. 'But we're lucky. We can afford healthcare insurance—barely—but that leaves us with no extra money.' Clearly up-to-date on various health reform proposals, she added, 'It would be nice if I could deduct it as a tax credit. But here's the real problem,' Kay continued. 'If my husband—or I—couldn't work then we wouldn't be able to maintain the income to pay for any insurance. How will we be able to pay for health insurance when we actually need it most? That's what doesn't make sense.' I was readying to leave when Kay interrupted. 'One more thing. I think much of these premium monies are being wasted.' How so? I asked. 'I went to a Pirates game and they were giving out free bobblehead dolls. Guess who sponsored all that?' Who? 'Highmark. That's where health insurance premiums go—to advertising.' And so my experience came full circle as I recalled the giant Highmark billboards scattered among Pittsburgh's downtown when I had been there four days earlier." Kay—Bedford, 7/20/2009

"I met with Eric in Jim's living room (at the home where I stayed that night). Jim had invited several neighbors to stop by for a discussion of healthcare reform and Eric was gracious enough to share his story with me. First, he does not have health insurance. He looked into it, reviewed the policies from three companies and saw that there was essentially no difference among them. 'It was 80/20 coverage and no doctors were covered,' he told me. The premiums started off at \$300 a month and went up to \$900 a month within a year. 'Worse than the cable company!' And so he dropped the coverage. As it turns out, Eric did have a serious health issue last year—a pituitary adenoma (a form of benign, but still very dangerous, brain tumor). One morning he woke up nearly blind—all he could see was a tiny pin-prick of light (an extreme form of a condition called 'tunnel vision'). He had himself taken to the emergency room. To make a long story short, he was treated at UPMC. He told me 'Hershey refused to talk because he had no insurance.' Being without insurance, he now, after all was said and done, owed \$160,000. He was able to make deals with the doctors but the hospital, he told me, 'was never cooperative—a monster to deal with. And there was no negotiation.' He told me about his ongoing struggles with the hospital. 'And the billing was so strange,' he added. As someone who checks things out carefully, he told me how an MRI at UPMC cost \$7,000 but the same scan, on the same machine, cost \$2,000 in the nearby town of Altoona. 'And a single Tylenol pill cost \$10! It's a crazy system.'" Eric—Bedford, 7/20/2009

"Gloria is the owner of Hollinshead grocery. She told me how the grocery, a family business, has been in Harrisonville for over a hundred years. Being self-employed, she hasn't had health coverage for more than twenty years, ever since her husband's company went out of business. 'It's just too expensive to get insurance being self-employed,' she told me. Three years ago, her husband had a heart attack and died. She explained that paying for his care, even in the midst of grieving, was not easy. 'A Harrisonburg doctor accepted a payment plan,' and she also applied for Hill-Burton funds to pay for testing and other hospital costs. 'Things were not easy,' she added, with a touch of melancholy." Gloria—Harrisonville, 7/21/2009

"Mike, a customer at Hollinshead's Grocery, lost his job at Caterpillar in February

and is now without insurance. 'COBRA was much too expensive,' he said. His unemployment check was \$325 a week and health coverage cost over \$400 a month. His children, 'fortunately,' he told me, are covered through the state (ACCESS program). He seemed calm as he explained this predicament. 'My wife just got diagnosed with Lyme disease, though—a tick-bite right here in our back yard.' Eyes perked up among the others sitting about the grocery. He told me, 'We're paying cash for the lab bill.' It had originally been \$307 but they were able to get it discounted to \$187. 'The doctor's bill was \$80—and that's just for the diagnosis,' he added. 'For the actual treatment, we're dependin' on free samples.'" Mike—Harrisonville, 7/21/2009

"Martin has been out-of-work since last year. 'Obviously I have no insurance,' he said. He has insulin-dependent diabetes and gets some healthcare through the Pennsylvania ACCESS card. He explained that, 'If I go back to work, however, I'll lose my medical care.' That's a disincentive to work, I said. 'Sure is . . . I need to stay under twenty hours a week to get medical care. If I work more, there's no job, no way I could pay for the healthcare and medicines. I can't just drop the insulin.'" Martin—Harrisonville, 7/21/2009

"I would call myself a fiscal conservative,' Jim told me as we sat together discussing healthcare in his living room. 'I believe that health savings accounts, HSAs, and patient involvement in the decisions will be important to bring costs under control.' He added that in his experience, once health benefits are provided, it's 'very difficult to backtrack.' He's worked in government for 32 years and is currently retired. 'Personally, I think the government plan, if made available to all, would work well. I think that would be easy to implement. It allows choice, there's already a mechanism to collect premiums and there could be some income tiering.'" Jim—Bedford, 7/21/2009

"I think that it's possible to have a very basic plan as a public good.' Jo told me she's seen examples of that and she 'believes it's a good use of taxpayer money.' But she also realizes how it could get out-of-hand. 'It all depends on how and what "basic" is defined as,' she said. 'Sometimes that's too abstract.'" Jo.—Bedford, 7/21/2009

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Thursday, January 6, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following stories, collected by Dr. Ogan Gurel.

"Tamara told me, 'She was lucky having health insurance.' Knowing generally that lack of insurance was a problem, she didn't have any particular personal stories to share. But when I asked about health reform, she said, simply enough, that, 'More should be done.'" Tamara—Hagerstown, 7/22/2009

"Patrick has been on and off insurance all his life. 'More off than on,' he further clarified for me. 'My credit rating is trashed because of medical stuff.' And in the 80s he had a skull injury. 'I actually had insurance but

not everything was covered so I just couldn't pay.' He seemed relaxed for someone for whom the system seemed not to work—forced into debt, even with insurance, and now suffering the consequence of ruined credit. But perhaps one gets used to such predicament." Patrick—Hagerstown, 7/22/2009

"Tiffany doesn't have a job, nor does she have health insurance. As a single mom, her daughter gets assistance through the state. For herself, she did have to go to the emergency room one time last year but as she didn't fill out the form for medical assistance in time (there was a three-month time limit), she ended up owing \$4,000. Now she's being taken to court by the hospital, Washington County. 'I get phone calls every day from the bill collectors,' she tells me. 'And I'm scared to go back to the doctor for anything including my frozen shoulder.' With some trepidation, she told me she knew somebody who was threatened with jail for not responding to court summons for a medical bill. 'It's not a good situation to be in,' she told me. Despite her unhappy troubles, Tiffany insisted on smiling when I took her picture." Tiffany—Hagerstown, 7/23/2009

"I met Terry at the Oriole Club, a local bar where I stopped in during a ferocious thunderstorm to take a water break. Terry believes in preventative medicine, eating right, exercising—being positive. She doesn't have insurance and with two kids, she's busy providing them with a home and feeding them right. Last year she got very sick but nobody would take her. Because she has no primary care doctor, it costs \$250 just to get in the door. The others seated along the bar gave knowing looks. She told me she prayed a lot, especially when her temperature hit 104. 'But I survived,' she said with a smile. 'But, if you don't have insurance,' she told me, 'you're treated different.'" Terry—Middletown, 7/23/2009

"Sonny told me the story of a girl in town. Many of the others seated at the bar recognized her plight. 'She's worked for ten years, without insurance,' Sonny told me. And she got sick with a gallbladder problem and, 'probably because she couldn't work on account of her illness,' she was laid off. She needs a gallbladder removal but the doctor keeps putting her off. 'Nobody wants to treat her,' he added. 'And she went to see the specialist but he wanted \$300 up front.' Karen, sitting alongside, squirmed in disapproval. 'Everyone's giving her the run-around . . . And there seems to be no way out of her situation.'" Sonny—Middletown, 7/23/2009

"Chris works at the Days Inn in Frederick. He's an insulin-dependent diabetic (that's his supplies he's proudly showing me). He has insurance but 'it sucks, only covers so much,' he told me. 'They don't cover even the supplies I have here. And if you go to the hospital for low blood sugar, or see a specialist, it costs several hundred dollars.' He was previously under his parent's coverage but now his own insurance, which 'bad as it is,' he added, has been further downgraded because of the economy. 'But,' he said, 'I don't have much choice unless I get another job, and that's not at all easy these days.'" Chris—Frederick, 7/23/2009

"Frank's story centers around his fiancée. She's a breast cancer survivor. The chemotherapy, according to Frank, 'cured the cancer but devastated her body. She continues to have health problems,' he told me. These include diabetes and psoriatic arthritis for which she is treated with methotrexate and Enbrel injections. She had been getting her medications through PAC (Physicians Assistance Care of Maryland) but, as Frank ex-

plained to me, 'Only the diabetes medicines qualified and those she got through this program were less effective than what she was previously taking.' Now that she is working, she is no longer eligible for the program (which requires an income of less than \$1,400 a month). Her new job offers health insurance but, 'the premiums are so high that if she gets the policy, there'd be no money for anything else.' Getting health insurance, would 'make it impossible for her to live,' Frank told me. 'And, even with the policy, the medications would be too expensive. Basically,' Frank summarized for me, 'without healthcare, she has pain and suffering, can't get out of bed and so could lose the job.' That's terrible, I said. 'Oh, it could be worse I guess,' he replied, shaking his head." Frank—Frederick, 7/23/2009

"I met Howard and Taunya over breakfast at the Days Inn. Howard told me that they've generally been OK, but even with insurance, 'deductibles have been increasing and out-of-pocket expenses also going up.' But Howard wished to share a story from twenty years ago. 'It actually relates to what's happening today,' he told me. He was between jobs, he explained, having left a position with health insurance for a higher-paying job that did not, however, offer health benefits. Soon after, his wife had a tubal pregnancy and with the hospital bills he ended up having to taking out a loan for \$8,000 ('a huge chunk of change in those days,' he added). The doctor forgave his fee and he was able to negotiate a half-price with the anesthesiologist. 'I sure don't know what would happen if it were today.'" Howard—Frederick, 7/24/2009

"Brenda's story is about her father who died two months ago. She told her story with a mix of disbelief and quiet anger though she was heartened to be able to share with others what she felt was a true health insurance horror story. Her late father had diabetes since 1995. His illness was complicated by neuropathy and multiple foot infections resulting in an amputation of one great toe. Earlier this year, his insurance company, Group Health, told him that they were dropping him for medical noncompliance although Brenda, who's a nurse, said this was patently a lie and they had medical proof, including doctor's attestations, that he was in compliance. And then he had a stroke, which was compounded with multiple complications. He came down with sepsis, had to have another amputation, this time below-the-knee. Though the MD said everything was OK, the operation was, in fact, a 'was a disaster,' Brenda told me. It turned out he was left unattended in the hallway, coded in recovery, had a head bleed, was given CPR, put on a ventilator and admitted to the ICU. He never regained consciousness. He was taken to a Palliative Care unit and though he was put on a morphine drip, he survived for two more tortuous months. All during this time, people from the hospital kept coming by telling his already grieving wife that she would be responsible for the bill. 'The total bill is \$69,000 and still going up,' she said." Brenda—Gaithersburg, 7/24/2009

"Shayla's been newly enrolled in a PPO. Supposedly better than an HMO, she had high expectations. 'But,' she told me, 'I don't understand why it's so good. First, you pay more,' she explained, 'and second, you still get a bill AFTER the co-pay.' And then she told me about the prescription plan, which requires you to mail away for the medications and it often takes 4 to 6 weeks for delivery. She shook her head. 'That just doesn't make sense!'" Shayla—Gaithersburg, 7/25/2009

"Keith is one of the founders of the ubiquitous Food Not Bombs organization. His organization has protested around the world and now he's in front of the White House delivering his message to all those gathered. His story is simple: he's got fibromyalgia, which he says he acquired after being tortured by the CIA during one of his several incarcerations for illegally delivering free food. With his income and this sort of pre-existing condition, he can never get health insurance." Keith—Washington, 7/26/2009

"Doris, from New York, is here in DC visiting. 'No insurance, can't afford it.' She said, 'and doesn't ever go to a doctor. I'm otherwise lucky,' she said, with a smile and went off with her friends." Doris—Washington, 7/26/2009

CELEBRATING THE GRAND OPENING OF TERRY'S HOUSE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. COSTA. Mr. Speaker, I rise today to recognize Community Regional Medical Center on the occasion of the grand opening of Terry's House, a new, state-of-the-art facility in downtown Fresno, California, which will provide much needed support and housing to allow families to stay close to sick and injured loved ones in the hospital. Located in the heart of the Fresno medical district, this new 15,874 square-foot, two-story family house with twenty guest suites will be the first hospitality house in the Greater Fresno Area.

This residential facility is named in honor of Terry Richards who suffered and survived a serious trauma at the age of five when he was injured in a car accident. For nearly five months, his mother was forced to travel nearly 80 miles a day to see her son while he was recovering in the hospital. Currently, family members of patients must seek accommodations miles from the hospital, and many who cannot afford lodging sleep in waiting rooms, in their cars or try their best to find a spot in a busy hospital. Often, patients' loved ones have no alternative but to leave the hospital and make the long drive home. Now families have Terry's House, their home away from home, while their loved ones receive care.

Terry's House was made possible by the tireless work of Terry Richards' brother, Tom Richards, a local community developer and CEO of the Penstar Group. With the dedication of Tom Richards, Leta Ciavaglia, the Terry's House Development Council, the Community Regional Medical Center Foundation and many generous members of the community, a family dream has become a reality.

Mr. Speaker, I applaud Terry's House and its many supporters for their efforts to create a facility which keeps families together during times of need. I ask my colleagues to join me in commending Tom Richards and the community members of Fresno who have worked unrelentingly to make the opening of Terry's House possible.

THE WALK FOR HEALTHCARE:
HEALTHCARE STORIES FROM IL-
LINOIS AND INDIANA COL-
LECTED BY OGAN GUREL, M.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following stories, collected by Dr. Ogan Gurel.

"Martha finds it shameful that America can't provide basic health care for its citizens, like any other developed country does. 'Civilized nations care for those in need,' she said. She especially noted that the connection of health care insurance to employment status was a big problem. 'It doesn't make sense. If you get sick, you have a greater chance of being unemployed.'" Martha—Chicago, 6/27/2009

"Addison, on the right, is Martha's older son. He's a student in college who, with evident pride, told me that in the past election he had just voted for the first time. As he embarks on study abroad in Italy this coming fall, he is, despite his glowing patriotism, embarrassed that health care for all, as he has learned is the case in Italy, doesn't exist here in America." Addison—Chicago, 6/27/2009

"I met Ron along Martin Luther King Drive. He was working at painting a fence. He waved his hand towards the south side streets beyond and said, 'Yes, there's many people here without health insurance.' With a serious look, he turned back towards me. 'Yes, without health care.' He shared a story of an old lady from the neighborhood. She had a change in coverage that now made it too expensive to get her insulin for her diabetes. 'It was all very fishy business,' Ron told me. This lady, on Medicare, was in the hospital for some time. An insurance salesman came to her hospital bed and convinced her to change her coverage (Ron couldn't recall the exact name but he told me it sounded, 'Something like Well Care'). What happened was that this 'new' plan didn't cover the old lady's particular type of insulin so, with her 'brand-new' private supplemental insurance plan in place, she ended up now spending \$129 a month, out-of-pocket, for her medication. The insurance salesman is gone and now she's struggling, Ron tells me, on top of her fight to stay well, to piece together her wrecked insurance and financial situation." Ron—Chicago, 6/27/2009

"Stopping by the Chicago Baptist Institute, I met Rev. Joseph Felker, the Chairman of that organization. A crowd was gathered and they were hosting an outdoor event—a 'Healthy Walk' event actually. He told me, 'We should have had health care for the uninsured years ago. It is a travesty, a true travesty, but hopefully the change we are seeing is a start.'" Joseph—Chicago, 6/27/2009

"Sitting next to Rev. Felker was Rev. Dr. Tyler. He concurred, saying that, 'Health care reform is long overdue. With the wealth of this country, it's a shame that people don't have health care.' They, and the others, were all very nice. They passed me a couple bottles of water and many best wishes (and prayers) for the journey onward to Washington, DC." Clifford—Chicago, 6/27/2009

"Roderick from the hotel told me, 'Everyone should have health care and it should be provided by the government, not by for-profit companies.' I asked him if he thinks the current reform proposals are enough. He shook his head, 'No.'" Roderick—Hammond, 6/28/2009

"As I walked along 25th Avenue (on the way to Gary), I heard a honk from the road. They stopped, I looked over. 'Hey, Doc—weren't you on TV last night?' And so I headed over to say hello and get the next story of the day. With traffic zooming on by, we didn't have much time for chitchat. But he, Chris was his name, told me, 'We need help, it's rough out here for everybody—not just the elderly. There's drugs and alcohol problems, no treatment and the price of medications is too much.' I asked if he could share a specific example. 'Sure,' he replied, while the older gentleman in the passenger seat with him nodded in acknowledgement. 'My mother's got Alzheimer's and her medications are \$500 to \$600 dollars a month. It's impossible . . .'" Chris—Hammond, 6/28/2009

"Eric shared his brother's story. He had had an eye accident, lost his job on account of that and being without health insurance had to file for bankruptcy. 'That about tells it all,' he said." Eric—Wheeler, 6/28/2009

"With parched throat, I stopped into the Indiana University police station hoping to find a water fountain. John, the officer-on-duty at the front desk, greeted me. 'It's a critical situation,' he told me. 'Especially now that people are losing jobs. But keeping prices down is important. Even with the insured, prices are inflated, they're sky-high.' I nodded in reply. 'So, it's hard to stay healthy if you can't afford health care.'" John—Gary, 6/28/2009

"Six miles later, now in Hobart, I stopped into United States Security (a private security service) for some water. I talked with Ed, the Director. 'Definitely things need to change,' he said. 'But it's more like tweaking. I'm 100% against something like the Canadian system.' I asked what he thought of the health care reform debate in Washington. 'Well, I don't like the idea of the upper brass fat-cats reaping rewards. They need to be dissolved or at least held accountable . . . and take another bottle for the road,' he added." Ed—Hobart, 6/28/2009

"Kyle's story is a bit complicated. He's a senior in college (at Purdue in Hammond) but he started college a couple years after graduating from high school. Because of this unusual transition, it ended up that he had missed the deadline for getting insurance through his mother's policy. 'I was working to put myself through college with a bunch of part-time jobs. None of them, though, provided insurance . . . then I got sick—very sick.' He was bedridden for several days with fatigue and fever. He finally went to his family doctor who took a blood test. Two days later, his mother received an urgent call from the doctor saying, demanding almost, that Kyle go to the emergency room immediately. Kyle told me, 'it was the highest white blood count he had ever seen,' and he was concerned Kyle had leukemia. So, at the behest of the doctor, and actually feeling better by this time, they went the emergency room. It turned out, thankfully, not to be leukemia, but Kyle ended up with a \$9,000 emergency room bill (he was never even admitted to the hospital). 'My mother and I spent months fighting and negotiating,' he told me. 'Luckily the Church organization affiliated with St. Mary's finally—yes, finally—helped take care of the bill.' Shaking his head in disbelief at the Kafkaesque ordeal, Kyle concluded, 'It was something—and I'm not talking about the illness—I never, ever want to go through again.'" Kyle—Valparaiso, 6/28/2009

"John actually had two stories. First, his wife has diabetes, lupus, and fibromyalgia and he feels that the drug companies are just

pushing drugs . . . through the doctors. 'The drugs don't work,' he told me. 'She doesn't seem to get better and all that seems to happen is that she gains weight.' He then shared his second health care story which happened after his first son was born. The \$11,000 dollar bill forced his family into bankruptcy, again, soon after his wife gave birth. 'It was like the bill was padded but there was nothing I could do about it.'" John—Wheeler, 6/28/2009

"Erin's mother (Dianne) has multiple sclerosis but doesn't qualify for SSI (Social Security disability) or Medicare. Her medication costs are so high that there's no money left for anything else. Her symptoms involve significant diplopia (double vision) and she can't work. Erin shook her head, 'It's a difficult situation and I don't really know what to do.'" Erin—Valparaiso, 6/29/2009

"Jack has good insurance. But his story starts with unexplained pain in both of his feet. He went to dozens of doctors, podiatrists, and other specialists but nothing seemed to help except painkillers and these were prescribed only sparingly. It was a terrible problem and he could barely walk and was at risk of losing his job. 'Then there was this neurologist who gave me two injections in the back—L4, L5, I think it was—and that worked!' I nodded, realizing that his foot pain was clearly related to the back (perhaps spinal stenosis or a herniated disc) rather than the feet. 'But, guess what, the insurance company wouldn't pay for the one thing that worked and now I owe \$6,000!' I grimaced at the story. 'Oh yes,' he added, 'before, several years ago, I didn't have insurance and I had to declare bankruptcy.'" Jack—Wheeler, 6/28/2009

"Michael told me he had no insurance. 'Do you get sick?' I asked. 'Well, I try not to,' he answered. 'If I must, I go to these clinics, but the appointments are way off, there are long waits, and sometimes it's impossible. I mean I can't miss much work, either . . . And dental is really expensive. I could have gotten a job that provided insurance but I'd actually end up making much less.'" Michael—Wanatah, 6/29/2009

"A few years back Keith had lost his job at the yogurt factory in town. This provided health insurance but now as an owner of a three taxi cab small business, he doesn't have health insurance. He has significant heart disease and has had six heart attacks, the first one at age 32. For this he's gotten seven stents (a device placed in the coronary arteries that keeps them open). The first two were covered by insurance but since then he's racked up \$56,000 in bills which he has paid down to \$12,000. [Interpretative note: I know a bit about stents and I was surprised to hear he had so many. But he did tell me that they continually get blocked up and he takes Plavix—a form of 'blood thinner'—to prevent further blockage. I didn't ask him but perhaps he has the less-expensive, bare-metal stents as compared to the much more expensive drug-eluting stents which are designed to reduce the possibility of blockage, or restenosis. While only speculative, I would not be surprised if bare metal stents were to be preferentially used for patients without insurance. Unfortunately that might mean less cost per operation but it typically results in more operations, ending up in even greater cost.] Keith—Hanna, 6/29/2009

"Ginny lost work and took early retirement at 62 but, she told me, 'The bad thing about that is that there's no health insurance.' I nodded. 'I make too much for the Indiana health care program, but not enough to pay for medical insurance. It costs at least \$300 a month. I've got diabetes and high

blood pressure and five grandchildren that live with me. My daughter is legally blind so if something happens to me, I don't know what will happen, who will care for, the children.' Perhaps that explains why I look pretty grim in the picture. I'm inspired, and humbled, by the bravery of regular, hard-working Americans." Ginny—Plymouth, 6/30/2009

"Jay is the manager of the Days Inn in Plymouth. He told me the story of his uncle (a U.S. citizen by the way) who had a heart attack and required a triple bypass operation. 'He didn't have insurance, though and the operation would cost about \$118,000.' There was no way that he could pay that money—the money that would save (or at least extend) his life. And so he ended up having the operation in India which, with airfare, cost about \$35,000. Jay shook his head. 'It doesn't make sense how America can't take care of Americans.'" Jay—Plymouth, 6/30/2009

"Mike's the fiancée of the front desk attendant. He doesn't have insurance having recently lost his job. I still owe a bunch of doctor's bills,' he told me. 'I broke my hand and right now it's better but I owe \$12,000.'" Mike—Plymouth, 6/30/2009

"Val is 58. She told me, 'My husband and I have worked all our lives, had insurance all our lives and we were both laid off in November. We're looking for jobs and this is the first time we've had no health insurance.' She looked at me with unbelieving eyes. 'We're hard-working people, too young for Medicare. We just don't know what we'll do.'" Val—Plymouth, 6/30/2009

"I believe government should not be in health care,' Brian told me, though he added that he'd like to see some regulatory changes to actually increase competition, ensure personal responsibility and decrease prices. 'The system is sure not working,' he told me." Brian—Etna Green, 7/1/2009

"Gruff but friendly, and with a face that oozed sincerity, Harold answered, 'the insurance—80/20, but my wife is totally disabled so she's on the Medicaid . . . and I got a \$5,000 deductible! Every year, it just tears me up. We get good care over there at Lutheran in Ft. Wayne but it's outrageous. When the doctor gives a regular prescription—not the generic stuff, and the pharmacist automatically gives you the generic, makes you sick and then you have to go back to the doctor to get the right stuff to send to the pharmacist, that don't make no sense.' I asked Harold if he had any choice of coverage or if this was the only insurance offered. 'There's no choice,' he told me. Indeed . . ." Harold—Warsaw, 7/1/2009

"Scott told me that, 'There should be less government involvement. I really think it should be left in the hands of the people.' He added that he used to work in the orthopedic device industry (there are many in Warsaw). 'What I feel that would do, if health care was nationalized, is that it would undervalue the products they are making. In the end, I think it would work out as what they would lose in sales, they would get in volume, but I really feel that the health care scenario needs to be left to people, not the government.'" Scott—Warsaw, 7/1/2009

"Meeting Krystal in front of the Courthouse on Center Street, I explained my walk, its purpose. Krystal asked how many pairs of shoes I have and so I showed her the extra pair strapped in a bag to my backpack and told her of the several more in the luggage at the hotel. And with that, we began talking about health care. 'Insurance rates are sky high,' she told me, lamented further that,

'like I was talking with my doctor, you almost have to call the insurance companies to get the approval for what drugs you can prescribe—insurance companies are driving the show . . . they give the discounts or I think they're in the cahoots with some of the drug companies. They say 'Oh, we're having a special on Lipitor' and so they push Lipitor.' We talked about the pharmaceutical companies and that drug costs just seemed to be too high." Krystal—Warsaw, 7/1/2009

"Being self-employed, and that business was not so good this year, Upendra cannot afford health coverage. He is not insured, nor is any of the staff. He has diabetes and gets his insulin, when he can, as free drug samples from his brother, who is a retired doctor. I was humbled by his generosity, the complimentary room and the \$20 donation, his wife (and hotel co-operator) Sheila, gave me when I checked out the following morning." Upendra—Warsaw, 7/1/2009

"Brittany, on the left, told me she has no insurance. She said, 'I think everybody should have insurance. You never know what will happen. I've been sick and had to pay cash and it's not cheery.'" Brittany—Warsaw, 7/1/2009

"Amanda, like Brittany on the left, also has no insurance and now has 'tons of medical bills.' She told me she is slowly—'very slowly,' she put it—paying for them." Amanda—Warsaw, 7/1/2009

"Ed was in the service, in the Philippines during World War II. He was later an electrician at the Harvard Cyclotron in Cambridge (on Oxford Street). He has had many medical problems but hasn't had any difficulties being on Medicare. Some things are not paid for but by-and-large, he's happy. He has often thought that universal health care insurance should be provided by the government and that higher taxes were likely necessary. 'If the government managed its budget better, there'd be money to pay for it,' he added. He also said, 'People without health care insurance live under handicapped conditions. With insurance, a wage-earner can be free to concentrate on his family, his education, and think more clearly.' He was very happy I met with him and concluded, 'I'm so surprised at the opportunity to talk.'" Ed—Warsaw, 7/1/2009

"The most telling story came to us in a Mexican store down the street. I spoke with one of the counter people, who wished not to be identified. She told us that she did have insurance (through her husband) and that she was happy with the system and that she would not change anything. Then, next to the register, I noticed a posted sign with a picture of a young boy in a hospital bed pleading for \$100,000 to help with a kidney transplant. Doesn't that tell it all?" Warsaw, 7/1/2009

"I'm unemployed,' Scott told me, 'and don't have no insurance. But, I've been pretty healthy, 'cept my teeth here—gotta work on that sometime.' I nodded. 'The difficult story is with my girlfriend. She works part-time and also no insurance. She makes too much for HIP (Indiana public assistance program) so that's that. A few months ago, she had a kidney stone and the local hospital wouldn't take care of her so they sent her to Indianapolis. The pain was so bad and she ended up having some operation there.' He said that there was no way they could pay any of the bills being that they were barely making ends meet. We drove by the trailer park that was their home and he told me how they were lucky, that the next trailer park up in Columbia City had been recently hit by a tornado and a few homes destroyed.

Throughout the trip Scott was glowingly optimistic. But as he was about to drop me off, his face turned sour. 'Tell those knuckleheads in Washington to get with it out here.'" Scott—Columbia City, 7/2/2009

"Last December Trushar had fallen down in an ice storm, breaking his left wrist. He was without health insurance and making do with the pain, waited a week—by this time it had become considerably swollen—to have it eventually seen by a family friend, who happened to be a doctor. The family ended up spending about \$500 for various x-rays, the visit to the doctor was free, but he was told that if it had gotten worse, the surgery for it would cost about \$25,000. If that came to pass, they decided that Trushar (who is a U.S. citizen) would go back to India to have the surgery." Trushar—Ft. Wayne, 7/2/2009

"Hina's one of the workers at the hotel—doubles up as back-up front desk and housekeeping. In fact, it seemed like everyone had a hand in all aspects of the operation. Hina's had what she called a 'muscle lock' in her neck, which sounded to me like a cervical muscle spasm, perhaps even a herniated cervical disk—hard to tell. In any case, she's had no insurance and hasn't seen a doctor or been to a hospital for it. She remains in pain, housekeeping work is hard, and this is making it harder. She looks warily around. I know that this hotel staff is like family, and they likely wouldn't fire her for a situation that is undoubtedly compromising her productivity. But in a crueler world (which is quite common), she'd be out, replaced by someone else healthier, but also without insurance. Hina, in a way, is lucky." Hina—Ft. Wayne, 7/2/2009

"It was back in 2002 that Bonnie lost her job of 22 years. At that time, she had been on COBRA though, 'it was incredibly expensive,' she recalled. She has insulin-dependent diabetes, high blood pressure, and 'Charcot joints.' Her insurance and medications cost \$1,500 a month. 'When you don't have insurance you don't have any choices,' she said." Bonnie—Ft. Wayne, 7/3/2009

"Pat shared with me a friend's story. Her daughter, diagnosed with severe rheumatoid arthritis since the age of 26 had been suffering for many years. A six-week course of Remicade cost her \$7,200 and, as Pat told me, 'Her mother has cashed in her 401K,' to pay for that. 'Nothing should cost \$7,200.'" Pat—Ft. Wayne, 7/3/2009

"Nate's a young and relatively healthy guy. 'Last year, in December, I came down with pneumonia,' he told me. He's a diabetic and so his illness was complicated by diabetic ketoacidosis, acute kidney failure, staph infections, and 'cardiac issues.' 'I was in the ICU for twelve days, unconscious for a week,' he told me. Even though he just been laid off from his job, he told me, 'he was lucky in the timing of things . . . like a 'roll-of-the-dice,' that he happened to have insurance just when he had gotten deathly ill. And hopefully he won't get so sick again, since COBRA, which he cannot now afford, costs \$800/month especially with his pre-existing conditions . . . and especially being unemployed.'" Nate—Ft. Wayne, 7/3/2009

"Jessica and her husband were laid off from their RV company (based in Elkhart, Indiana) this past August. They have four kids under the age of 10. They lost all their health coverage and cannot afford COBRA which cost \$1,200/month. The kids are now on Medicaid but they, the parents, are uninsured. 'If something happens to them,' she asked, 'how'll the kids be taken care of?' This is Noah and Chris in the picture also. Today was Noah's birthday too and thanks

to the Ft. Wayne rally, he had a big turnout for his party!" Jessica—Ft. Wayne, 7/3/2009

"Cameron's a 4th year medical student but on a leave of absence to pursue a law degree. He's planning for a career in health advocacy—at the intersection of health and law. As a student, however, he cannot afford, at \$220/month, the health insurance offered to him. But he's lucky because he gets coverage through his wife who's a resident. In his medical school experiences, he's come across many patients who have foregone medical care because of a lack of health insurance and this has inspired him to help to solve this problem." Cameron—Ft. Wayne, 7/3/2009

"Terri—an older member of the workforce," as she put it—is currently unemployed. She has no health insurance and with several chronic conditions, chronic sinusitis and hypertension included, she's 'in a difficult situation,' Terri tells me. Her prescriptions have 'ran out' and without insurance, her doctor won't see her. Even though she asked about a payment plan, 'They told me, they take payment in full.' Terri's an informed person. 'High blood pressure is a silent killer,' she adds, and 'I don't want to be silently killed because I can't get the treatment.' She reminded me that she's certainly not the only one in such a predicament, but told me, 'I'm just speaking out, because everybody has to speak. If you don't speak on it, no one would ever know.'" Terri—Ft. Wayne, 7/3/2009

"Deb works at the Subway in New Haven, just east of Ft. Wayne. Her health coverage costs \$600/month through her husband's union plan (he's a carpenter). 'If I got the insurance on my own,' she told me, 'it'd cost \$850 a month.' She shook her head and said, 'Even though I consider myself lucky, this is crazy!'" Deb—New Haven, 7/3/2009

IN RECOGNITION OF THE 40TH WEDDING ANNIVERSARY OF THOMAS AND CAMILLE OGIBA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 40th wedding anniversary of Thomas and Camille Ogiba. This event will take place on January 16, 2011, but family and friends are celebrating the event on January 14, 2011.

Thomas Henry Ogiba was born on January 24, 1947, in Stamford, Connecticut, to Henry and Rose Ogiba. His wife, Camille Caruso Ogiba, was born on January 18, 1946, in Stamford, Connecticut, to Pete and Rose Caruso. Mr. and Mrs. Thomas Ogiba were married on January 16, 1971, at St. Mary's Catholic Church in Stamford, Connecticut. Together they raised two children, Thomas and Jena.

Thomas and Camille currently reside in Naples, Florida. I salute this lovely couple on the 40th year of their life together and join their friends and family in honoring them on this special occasion.

RECOGNIZING THE UNIVERSITY OF MICHIGAN-FLINT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. KILDEE. Mr. Speaker, I rise today to recognize the University of Michigan-Flint for being designated an "Engaged University" by the Carnegie Foundation for the Advancement of Teaching. The Carnegie Foundation announced this classification yesterday and a formal presentation will take place on the University of Michigan-Flint campus on Monday, January 10.

The Carnegie Foundation for the Advancement of Teaching created the "Engaged University" classification to acknowledge the achievements of schools throughout the United States that have created institutional practices of community involvement. Universities apply for the classification and are granted the classification based upon their mission, culture, leadership, resources and practices.

The University of Michigan-Flint was able to demonstrate the integration of curricular engagement, outreach, the exchange of knowledge, and partnerships, with the larger community to the benefit of both groups. The school has an established practice of honoring faculty for their involvement, encouraging students to extend the education process outside classroom walls, and utilizing the school's resources to enhance the community.

Mr. Speaker, please join me in congratulating the chancellor, Dr. Ruth Person, the provost, Dr. Gerard Voland, the faculty, staff, students and community for their vision, enthusiasm and commitment to this partnership. I commend the University of Michigan-Flint for their hard work and for receiving this classification from the Carnegie Foundation for the Advancement of Teaching.

THE WALK FOR HEALTHCARE: HEALTHCARE STORIES FROM OHIO COLLECTED BY OGAN GUREL, M.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following stories, collected by Dr. Ogan Gurel.

"Jean doesn't want socialized medicine. But she also adds that the current system doesn't pay (or reward) for preventative care. But it wasn't clear to her how either the free-market or government could change that. 'People have to take responsibility for their health,' she told me." Jean—Van Wert, 7/4/2009

"Todd recently lost his job as a machinist. His wife gets health coverage as a school teacher but 'It's not good insurance,' he tells me. 'The out-of-pocket payments are ridiculous,' he added. They have two kids—two and four years old—and he wonders what will happen if they get sick. 'It's a great thing you're doing,' he said, as I shook his hand, thanking him, too, in return." Todd—Van Wert, 7/4/2009

"Mike, in the middle, shared with me his father's situation. 'He's 52 years-old, a retired GM, Delphi employee, salaried, he was.' Mike looked at me to make sure I understood. 'He was a salaried worker,' he repeated. 'Which means they took away all his health benefits last April. Wage-earners got to keep their benefits, you know.' I nodded in acknowledgment. 'So, he's too young for Medicare, and now has a bad, bad situation.'" Mike—Van Wert, 7/4/2009

"John, on the right, told me 'I have good insurance but premiums have gone up 30% in the last year.' He took me in to his garage, out from drizzle, to meet his family and friends. 'I'm not happy with the healthcare situation,' he told me." John—Van Wert, 7/4/2009

"Serving up a cup of coffee, Holly, at the Rooster coffee shop, told me she doesn't have health insurance. 'I hope basically not to get sick,' she said with a serious look beyond her youth. 'Pretty much that's it.'" Holly—Middle Point, 7/4/2009

"Tara, the cook at the Rooster truck stop near Middle Point, Ohio, has no insurance. 'It's just too much . . . that's the situation.'" Tara—Middle Point, 7/4/2009

"Dee told me the story of her uncle. He had a heart attack a few years back resulting in cardiac surgery and a bill for \$145,000. 'Dee, I'm dying,' he said, not clear, as Dee told me, whether he was referring to his health troubles or the financial burdens. Dee told her uncle to change his diet, do yoga, lots of walking, and other things to improve his lifestyle and health. And so he heeded her advice and actually, to do these things, went back to India. Returning some months later, he proudly called Dee telling her that he was healthier, no longer had diabetes, and no hypertension. But, he lamented, 'I still owe \$145,000.'" Dee—Van Wert, 7/5/2009

"Jim drove out from Ft. Wayne (after hearing the news) and met up with me near Middle Point on his bike. We walked together for seven miles talking healthcare and healthcare reform along with many other topics. He's a Yale grad, which goes to show that even traditional rivalries can walk together towards a common goal. He believes in basic care for all but, as he told me, 'the definition of what is basic becomes problematic. And those that can afford more than the basic,' he added, 'should be able to get it.'" Jim—Gomer, 7/5/2009

"Nancy is 60, without work and without health insurance. She has recently moved in with her mother. She has two prescriptions which cost her \$140 a month and works odd jobs to pay for one of these. She lives one day at a time and hopes that there'll be healthcare reform. 'So people like me can get the prescriptions we need.' We met on a porch in Gomer (she was helping to clean up someone's home) where she brought me some juice. Here she is on the roadside near Lima, later that afternoon, bringing me a glass of water as she was driving to her mother's place." Nancy—Gomer, 7/5/2009

"Gloria's husband died three years ago. She now has \$1,600 a month between Social Security and the Ford pension. 'It's a good plan,' with prescriptions at \$2 each, she told me. Her other story, which bothered her deeply, was about her son. He had retired after 22 years of distinguished service in the Navy—the highly stressful submarine service once dueling daily, in secret, with the Soviet Navy. He had a quadruple bypass and also an abdominal aneurysm operation. 'All that went well,' she said, 'but he had a very tough time getting reimbursed, especially since his operations left him very sick and weak.' He

had to fight to reimbursed while lying in bed recovering. 'I've seen other veterans have the same struggles,' Gloria told me. 'And it's a real shame we treat our heroes this way.'" Gloria—Lima, 7/5/2009

"Grace, the youngest, hasn't had any healthcare troubles and is hoping to get insurance as a student when she enrolls in college. She does believe that some sort of healthcare reform is necessary." Grace—Lima, 7/5/2009

"Kimberly has a brain aneurysm, which, she told me, 'they are watching.' She's also had a falling bladder problem, which they are not doing surgery on. In terms of insurance, she's on Medicaid and Medicare but told me, 'I can't afford the medicines'. Otherwise, it's not been a problem. Everybody,' she added smiling with a serious look, 'should have insurance.' Her effervescent daughter, Tiffany, gave her mother a hug." Kimberly—Lima, 7/5/2009

"Steve, a financial consultant, wants the government out of healthcare. He believes that health insurance should be private (and through the employer). 'Government messes everything up,' he tells me. 'Actually, I make my living fixing up government accounting troubles,' he added. But he does believe that the healthcare system could be much more efficient." Steve—Lima, 7/6/2009

"Brad, the manager at the Lima Holiday Inn, was enormously helpful and supportive of the Walk. When I met him, he agreed that it's important to get the story out and told me, 'it is really terrible with all the uninsured. Even if you have insurance,' he added, 'I've seen how difficult it is dealing with the insurance companies.'" Brad—Lima, 7/6/2009

"With an angry look on his face, Roger told me very clearly that does not like the Obama plan at all. But he also doesn't like corporate interests driving reform. 'We do need some change—it's incredibly expensive,' he told me further, citing his father's case. He had gotten a pacemaker and defibrillator and, 'Everything cost more than \$200,000!'" Roger—New Stark, 7/6/2009

"Kara's 19 years old and had most recently been just under her parent's health coverage. 'But after nineteen, they take you off,' she told me, and she's now in the process of re-enrolling in her own plan. During this switch, she's actually without coverage. She sighed, 'My current job doesn't pay enough to afford insurance and then, when I'm in college, two years from now, I'll have to re-apply.' She's got asthma and fibromyalgia. It's a real problem, she told me as she's 'really worried' about pre-existing conditions disqualifying her or making her insurance too expensive." Kara—Lima, 7/6/2009

"Kate's insurance costs her \$200/month. She threw her hands up and exclaimed, 'That's a car payment!' She looked me in the eye and continued, 'So, I'm 55 and no business not having insurance but I can't afford it.' She told me about her carpal tunnel syndrome, that she had had a mild stroke and a nagging rotator cuff injury. For the rotator cuff, she can't afford the MRI. 'Actually,' she added, 'HCAP, a state program, can take care of the actual MRI but not the reading. So,' she said with a sigh, 'I can't afford it.' Her husband doesn't have health insurance either. 'He's got two bulging discs in his spine but can't do anything about it. So he can't work and spends the day reclining on the couch.'" Kate—Lima, 7/6/2009

"Heather (on the right) is 23 and recently divorced. She had good insurance through the marriage and actually had significant gastrointestinal problems for which she had four surgeries. She had a gall bladder oper-

ation, colonoscopies, 'they looked down my stomach too,' and also sinus surgery. She now works two jobs (the one at Applebee's provides insurance but takes up the entire paycheck). 'It's so strange,' she adds, 'I have to get a money order to actually cover it and send it to the health insurance company headquarters—\$120/month. But I went to the dentist and still paid \$30. But without insurance it cost \$40, the dentist told me.' She looked over at her friend, who nodded in sympathy. 'I don't think insurance makes sense at all.'" Heather—Lima, 7/6/2009

"Joe, the flagger at the construction site, believes in individual responsibility and accountability. 'The government always messes things up,' he said, but he likes the Walk—"you're doing a good thing," and concluded by saying, 'some change is definitely needed.'" Joe—New Stark, 7/7/2009

"I met John, a traveling salesman, at dinner. He's got coverage, for which he is grateful for. He's been pretty healthy but feels that 'it is important that all people have health insurance.'" John—Lima, 7/7/2009

"Reuben actually stopped by the roadside to walk with me. He told me the story of his nephew, who's an Ob-Gyn doctor in Maryland. 'His entire paycheck nearly all goes to malpractice insurance,' Reuben told me. 'Insurance companies are trying to get everyone who can pay, even by coercion.' He told me he thinks it's important to keep the profit mongering out of the health insurance business. 'It's devastating,' he added. In terms of his own health insurance, as a child he survived Hodgkin's disease but has recently been diagnosed non-Hodgkin's lymphoma. 'It's a risk factor of childhood Hodgkin's disease,' I told him. 'Yes, I know.' Though his insurance was '80/20,' as he put it, he did pretty well. 'That's good,' I said as we took a rest by the roadside." Reuben—Upper Sandusky, 7/8/2009

"Donna is the director of the Lighthouse homeless shelter (where I had stayed, while in Bucyrus). It was a nice, clean place which, as she told me, 'helps people when their most in need. The men here have gotta be clean of drugs, no criminal history, but they're otherwise down-and-out.' Her husband, 73 years old, is now on Medicare/SSI and had a complicated cardiac condition. He suffered a heart attack during a cath procedure and was taken by air ambulance to Columbus. He had a quadruple bypass and they ended up with \$250,000 in medical bills. Medicare went to 80%. They lost all their retirement in the stock market and now survive only on Social Security. They are filing for bankruptcy. 'The angel of the poor has, apparently, become poor herself because of our healthcare system.' In terms of herself, Donna has no health insurance. She's got atrial fibrillation (a heart rhythm abnormality) as well as diabetes and she pays for medicines out-of-pocket. But, thinking always of those less fortunate than her, she knows of many people all around who do without their medications because they can't afford them." Donna—Bucyrus, 7/8/2009

"Gary thinks we're way over-prescribed. As he put it, 'Too much medicines and pharmaceutical costs are skyrocketing.' He's been a retiree for the past eleven years and initially his health coverage was good. But premiums have steadily increased over the years so that by now more than two-thirds of his retirement income goes towards health insurance. I asked Gary if I could take his picture, to which he replied, 'Sure, why not? They can't punish me anymore.'" Gary—Bucyrus, 7/8/2009

"Todd's a forklift operator and has generally been very healthy. He once had foot

surgery but had insurance. He believes that hospitals gouge people because there's, 'No healthcare system in place, no choice, and so they can overcharge those who pay, especially if out-of-pocket.' I observed an interesting story with the cat, a metaphorical commentary on how our healthcare system treats people. It turns out the cat is near death with a urinary tract infection. He could not urinate for days and the vet told them that the pet, quiet hiding the entire time I was there, could die any day now. As I got ready to leave, I suddenly heard some desperate moaning, followed by a piercing yelp. I turned around to see the cat urinating right on the floor in front of his food. 'Looks like he'll live another day,' said Todd, standing over the now exhausted cat. Todd looked over at me and added, 'If he wasn't so sick, I'd slap him for peeing on the floor.' It's tragically ironic that with people, so many stories play out exactly the opposite: people get slapped around precisely because they ARE sick." Todd—Bucyrus, 7/8/2009

"'As a single mom, healthcare has always been a struggle for me and my children,' Kim tells me. 'I have worked many jobs, as a social worker, in a hospital, and now as a reporter. These are good jobs but with the pay, healthcare premiums are just too expensive.' Her daughter has both bipolar disorder and ADHD and she was on her father's insurance until January. But as Kim can't her own coverage, her daughter must do with Medicaid. 'Easier said than done,' Kim said. It took two months for her to get approved and in the meantime, Kim paid out-of-pocket over \$400 for her daughter's various medications. 'It put us in a real financial hardship with the house payment, utilities, and all that.'" Kim—Bucyrus, 7/9/2009

"According to George, 'public delivery of health care sounds like a good but it could go bad.' He added that, 'Our system is way over priced but if you're on a plan, you're golden.'" George—Mansfield, 7/9/2009

"This gentleman had Stage IV melanoma with metastases to the brain. He had extensive treatments and his life was saved but the biggest problem, he told me, 'Was the clerical and billing side. The paperwork and scheduling was horrible.' He summarized his very complicated tour through the healthcare system as follows: 'the clinical side was wonderful, the administrative a disaster.'" Mansfield, 7/9/2009

"I met Linda at the drugstore during one of my regular visits for antibiotic ointment. People often wonder why I buy five or six tubes at a time. She told me she's OK now but previously had Aetna as her health insurance carrier. 'It was a real problem,' she said, as no providers in her vicinity were covered: 'There was no choice, I had to go all the way to Columbus for my care.'" Mansfield, 7/10/2009

"I stopped at Mr. T's coffee shop on the eastside of Mansfield. 'I have no healthcare,' Richard told me. 'My doctor bills are \$60 and they, Medicare, pays \$15. We definitely need some healthcare reform.'" Richard—Mansfield, 7/10/2009

"Glendale's a World War II vet (Coast Guard). He tells me that being in the VA system, he's had no problems with health care. He had a heart attack six years ago with a quadruple bypass but, 'now,' he said, 'I'm doing fine.' He's been retired for 23 years, gets his medications from the VA and also receives Medicare and retirement benefits. 'I hope they get that healthcare in this country worked out, there's so many people without it,' he said. This is a man who fought for

freedom; has his fight been in vain?" Glendale—Mansfield, 7/10/2009

"On a hot afternoon, Jane's store, Munchies, was a godsend. After downing water and ice cream, I asked her if she had any healthcare stories. She didn't offer any, but did say, 'I hope something gets done for everyone to have some health care insurance without hardship . . . especially for our seniors.'" Jane—Mansfield, 7/10/2009

"On this hot afternoon, along the long road east of Mifflin, I began getting desperately thirsty. A generous family answered my knock and I spoke with three generations of whom the oldest, Clara, told me her story. She described a situation with Aetna (Medicare supplemental plan) where her husband had gotten an infection and required a ten-day course of antibiotics—ten pills. 'But Aetna would only authorize four pills at a time,' she told me. This meant that for each time, in order to fulfill the full ten-day course, they had to drive forty minutes. That made three round-trips in total. Such a 'ridiculous expense and hassle,' she said." Clara—Ashland, 7/10/2009

"I had just entered Mifflin, when a woman sitting on her porch waved and asked, 'Are you the doctor in the newspaper?' She stood up holding the newspaper in her hand as I answered, yes, and approached the steps to her home. She offered me water. 'That's incredible, I was just reading about you—what karma.' And we talked about healthcare. 'The high deductibles in health insurance are ridiculous,' she said. 'There's a lack of coverage, and you need to keep changing plans to get a decent rate.'" Sharon—Mifflin, 7/10/2009

"Dave has Type I diabetes (insulin-dependent) after suffering a bout of pancreatitis a few years ago. 'Coverage keeps dropping and the cost keeps going up,' he said." Dave—Mifflin, 7/10/2009

"Danelle (pictured here with her two lovely children) described a situation with her cousin, Barbara. She had a hysterectomy which turned out to be a very bloody operation and lasted over four hours. The insurance only allowed a 36-hour hospital stay and the doctor said that she needed more. 'But,' Danelle told me wistfully, 'she was kicked out anyway.'" Danelle—Mansfield, 7/10/2009

"I've had no insurance most of the last year," said Ida. She herself has diabetes and her husband has a spinal problems. 'They were very fortunate,' she told me, because her husband 'got his surgery at the Cleveland Clinic under a special program.' It had been an extensive operation involving multiple spinal levels as well as titanium rods being inserted. 'But,' she said, 'all medical expenses were covered.' That's great, I said. 'Well, otherwise, healthcare has been a disaster.'" Ida—Orrville, 7/11/2009

"I met Kenneth at McDonald's over breakfast. A retiree, he told me he's been generally pretty healthy. Except for last year when, 'He came down with a serious case of pneumonia.' How'd that go, I asked. 'Not good. I don't feel as strong as before. And, when I returned home, there was a stack of bills waiting for me.' Did you have insurance? 'Yes. But, the insurance pays only what they think is necessary. All sorts of specialists came to see me, and how would I know if it was necessary or not? I ended up owing \$1,800.' He hasn't declared bankruptcy quite yet but, 'I'm getting a lawyer,' he told me. 'And I'm not fully recovered!'" Kenneth—Canton, 7/12/2009

"I met Andrew and his family at the Dairy Queen in Minerva. They have a complicated

story. First, there are four members of the family. The youngest daughter who was too shy to get her picture taken (even with her parents and older sister holding the camera) is hidden behind the three. So she's in the picture, but invisible (a parable for the uninsured). Her story will come soon enough. First, Andrew. He's a trucker, worked for CR England for four years and during his employment (when he had health insurance) he had an operation for a total hip replacement. 'I've had this problem for years,' he told me. 'Pain in the hip—both hips actually—and it became dangerous to use pain-killers for a long time. So, I was glad to have the operation.' But the company laid him off ten days after the surgery and he lost his insurance. The complained for wrongful termination and he was actually offered a job to return (Andrew knew the company was at fault) but this new job did not offer any healthcare insurance. So he had to quit. 'My recovery is still slow,' and with such a complicated surgery, follow-up is necessary. But Andrew can't afford the \$300 fee for any of the appointments with the surgeon. Now the story of the little girl. I didn't get her name—let's call her Jane Doe. Her mother told me, 'She's got a terrible problem with her teeth, the dentist said bacteria is eating at her teeth and it could go to her brain.' But because the family lost their coverage, 'We've had to cancel the operation.' So, why is Jane Doe hiding from the camera? Is it because she's a shy four year-old? Or because she's already old enough to be embarrassed about her teeth? Or perhaps she's traumatized by the whole situation, even if she doesn't fully understand it. Or is she simply invisible much like many of the other uninsured.'" Andrew—Minerva, 7/12/2009

"Joyce shared this story about her ex-husband. He had recently had an accident at work. This was covered by Workmen's Compensation. The emergency visit went fine but he needed two heparin shots in follow-up visits to the doctor. The doctor wanted \$1,000 up-front even though they knew that Workmen's Comp would cover it (although the receiving the reimbursement often took months). 'They wouldn't give him the shots without the up-front payment,' and it ended up that his boss loaned him the money. 'See,' Joyce added, 'even when you do have insurance sometimes it doesn't mean nothing.'" Joyce—Lisbon, 7/13/2009

"For the past eleven years, Gary has had Type I diabetes (insulin-dependent diabetes). Up until recently, he has never had insurance. But thankfully, 'the doctors have taken care of me,' he said. He did tell me about a knee operation that cost him about \$10,000. 'But now,' he said, 'his wife has a job, which comes with insurance, and so I'm covered.'" Gary—Lisbon, 7/13/2009

IN TRIBUTE TO GENERAL CARROLL H. "HOWIE" CHANDLER ON THE OCCASION OF HIS RETIREMENT FROM THE UNITED STATES AIR FORCE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to recognize and commend General Carroll "Howie" Chandler for his distinguished 36 years of service and commitment to the United

States Air Force. General Chandler has dedicated his life to the service of this great Nation and I appreciate his leadership efforts with the Air Force particularly in the Pacific area of responsibility.

I had the privilege of working with General Chandler on several initiatives that directly improved the quality of lives of our men and women in uniform on Guam and the Western Pacific. He was instrumental in ensuring the Administration budgeted for several key military construction projects on Guam that directly improved the quality of life for airmen at Andersen Air Force Base. His directive to renovate Building 21000 on Andersen Air Force Base will be critical to more effectively and efficiently using space and facilities to meet mission requirements.

Further, I particularly appreciated General Chandler's leadership in granting local base commanders with the authority and flexibility to address a variety of local issues. Chief among those issues was resolution of access for landlocked private property landowners in northern Guam. General Chandler recognized the importance of empowering local commanders on the ground to identify solutions to longstanding problems that go a long way towards improving the civilian and military community relationship on Guam. He recognized the importance of working together as a key to strengthening bonds in the community.

General Chandler also recognized Guam's strategic importance to our Nation's defense. As Commander of Pacific Air Forces and then as Vice Chief of Staff of the U.S. Air Force, General Chandler has consistently demonstrated through allocation of resources that Guam and Andersen Air Force Base remain vital to the protection of our national interests and stability, through force projection, in the Asia-Pacific region.

Mr. Speaker, General Chandler has demonstrated exceptional meritorious service during his career with the United States Air Force and has become a distinguished leader to airmen stationed on Guam, Guam Air Guardsmen, indeed all airmen and women across this country. I wish the very best to General Chandler; his wife Eva-Marie; and their three children, Carl, Rose-Marie, and Thomas.

A TRIBUTE TO THOMAS S.
"TOMMY" SAMPSON

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to honor the memory of a remarkable Kentuckian, Mr. Thomas S. "Tommy" Sampson, Jr. Over the course of his life, Tommy truly exemplified what it meant to help others.

He dedicated his life to public service, serving as coroner, deputy sheriff, police chief and ambulance driver. Tommy is most widely known for being a pioneer in emergency medicine as the founder and longtime director of Shelby County's Emergency Medical Services.

Throughout all his roles, Tommy was known for his kindness, cheerfulness and passion for helping others.

Tommy was not only dedicated to his community, but also to his family, and enjoyed spending time with his wife Beverly, his son Clark and daughter-in-law Melinda, and his grandchildren Jimmy, Collin and Madison.

While Kentucky may never again see one of its finest sons, the evidence of his legacy will be visible in the countless lives that he touched.

I ask my colleagues to join me in honoring Tommy Sampson for his many great contributions to the Commonwealth of Kentucky. He will forever be appreciated and remembered by a grateful community.

IN HONOR OF DR. OGAN GUREL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Dr. Ogan Gurel, M.D., for the Walk for Healthcare, in which he walked from Chicago, Illinois to Washington, D.C., in June and July of 2009.

Dr. Gurel received his M.D. from Columbia University, where he started his career in health care. He has held a variety of jobs in the industry, including positions in medical research, media, and consulting. During his 700-mile, month-long journey, he spoke with ordinary people, many of whom were uninsured and struggling to pay for their health care, about what they thought of health care reform. He collected their stories and took their pictures.

Mr. Speaker and colleagues, please join me in honoring Dr. Ogan Gurel for the dedication and persistence he demonstrated in his Walk for Healthcare. Regardless of party or position on health care policy, Dr. Gurel's trek of over 700 miles in one month is admirable, and the lives of the people he met along the way will be remembered forever through his monumental effort.

REMEMBERING TOM
VANDERGRIFF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. BARTON of Texas. Mr. Speaker, I, along with Representatives BURGESS, GRANGER and MARCHANT, wish to inform the House that on December 30, 2010, the great State of Texas lost a lion. Tom Vandergriff, former mayor of Arlington, Texas, former County Judge of Tarrant County, and former Member of the United States Congress, left this life at the age of 84. All of us in north Texas will mark time from the moment we heard of the loss. The loss is monumental.

Few people have had such a positive impact on the development and quality of life of north Texas, and no one has had a greater impact on Arlington. His friends and admirers are legion, his accomplishments legendary. He was the personification of an ideal, the ideal of

a selflessly devoted public servant who always put the people ahead of personal gain or ambition.

Arlington history is generally divided into two epochs: BV and AV, Before Vandergriff and After Vandergriff. He first sought and won elective office in 1951 when he became the "boy mayor" of Arlington at the age of 25. At the time Arlington was a small town on the railroad midway between Dallas and Fort Worth. Vandergriff saw the town's potential and set out to make it a center of prosperity in its own right while fostering a new spirit of cooperation within the north Texas region. Arlington, now the 49th largest city in the U.S. with 370,000 people, would never be the same, and neither would north Texas. Indeed, it was Vandergriff who coined the phrase, "Metrolplex," which is still the term usually applied to describe the Dallas-Fort Worth area.

His first major achievement was convincing General Motors executives to locate their new automobile assembly plant in Arlington. His family owned a Chevrolet dealership in town, which gave him access to General Motors Corp. Upon hearing that GM planned to build a plant in north Texas, he sold Arlington as a superior location by telling GM, as he would later tell the story, that if they put the plant in Dallas, it would make Fort Worth angry; if they put it in Fort Worth, it would make Dallas angry. He ended his pitch by convincing them that if they put it in Arlington, everybody would be happy. The plant produced its first automobile in 1954 and today is the only GM plant in the U.S. that makes full-size SUVs.

The GM plant began a building boom in Arlington that has lasted more than 55 years. Knowing a small town on well water could not sustain rapid growth nor accommodate the needs of industry, Vandergriff convinced the voters of Arlington to pass an initiative to build a large reservoir to meet the town's future needs. The effort proved to be as controversial as it was monumental for a small town, but the initiative passed, and Lake Arlington was built. The project was ridiculed by many in Arlington and dismissed by others in the region as "Vandergriff's Folly," but the folly became "the miracle lake" upon its completion. Large equipment was being removed from the site in 1957 when one of the worst and longest droughts in Texas history broke, and it began to rain. The lake, which experts believed would take years to fill, was full in 18 days. The lake ensured the explosive growth that came in the decades of the '60s, '70s, and '80s that made Arlington, Texas one of the fastest growing cities in America.

As a college student at the University of Southern California, Vandergriff was very familiar with Anaheim and by the late 1950s was aware of the tremendous economic impact tourism had on the city after the opening of Disneyland theme park in 1955. He knew, because of Arlington's central location, that the same benefits could accrue to his city with a product of similar appeal. It came as no surprise to those familiar with the Vandergriff vision for Arlington when he became instrumental in establishing the Six Flags Over Texas theme park in 1961. The park was an instant hit, and people all over the southwestern United States began traveling to Arlington for family style entertainment. The first

of the Six Flags parks, it still operates at its original location in Arlington.

But Vandergriff didn't stop there. A devoted baseball fan, he was determined to bring professional baseball to north Texas. The effort took years and saw hopes dashed time and again before he finally convinced owner Bob Short to move his Washington Senators to Arlington in 1972. The effort did not endear him to the people of the nation's capital. On one of his many visits to meet with Short, he was unceremoniously kicked out of a taxicab when he made the mistake of telling the cabbie why he was in town. The Washington Senators became the Texas Rangers Ball Club, and Tom Vandergriff became the team's biggest fan and supporter. When his beloved Rangers won their first American League Pennant by beating the New York Yankees in Arlington last October, Vandergriff was there in the ballpark he helped build to cheer them on.

Today, Arlington is host to more than seven million visitors each year and is the second most popular tourist destination in the state, bringing millions of dollars in revenue to the city annually. The city's entertainment district boasts Six Flags theme park, the Texas Rangers Ballpark, a new Dallas Cowboys football stadium, the National Bowling Congress and Museum, Hurricane Harbor water park, and clusters of shops and restaurants that make Arlington the City of Wow for millions of Texans.

In his 26 years as mayor, two years as a member of Congress, and 16 years as County Judge of Tarrant County, Vandergriff championed two more causes relentlessly: regional communication and cooperation and helping the University of Texas at Arlington become a major institution of higher learning. Believing that everyone in north Texas would succeed if they worked together for the good of the region, Vandergriff spent decades finessing, cajoling, and winning over the leaders of other cities in the region. He led the effort to establish and became the president of the north Central Texas Council of Governments which today is the Metropolitan Planning Organization for all of north Texas. He was a strong advocate for regionalism well into his eighties, and the economic might of the region is a testament to that effort.

Vandergriff's efforts on behalf of his hometown university are equally impressive. When he became mayor, Arlington College was a tiny two-year institution affiliated with Texas A&M that was formerly a military school and then an agricultural college. Vandergriff knew it could be more, and if Arlington were to succeed as a city, so must its college. He led the effort to make the college a four-year university. Working with then-governor John Connally, he succeeded when the college became a full university within the University of Texas system in 1964. Today, the University of Texas at Arlington is the largest UT campus outside of Austin and the fastest growing university in the state. It is quickly becoming a major research facility and contributes more to the local economy than any industry in the city.

There is more, of course, much more. In a life lived as fully and as well as his, there is always more to tell: his unwavering support and leadership of Arlington Memorial Hospital,

his support and leadership of the Arlington Chamber of Commerce, his support of local public schools, his support of a long list of non-profit agencies, his decades as an active member of the United Methodist church, and his roles as husband, father, grandfather, and mentor to a very long list of aspiring leaders. All of this almost didn't happen, at least not in Texas.

Vandergriff was born on January 29, 1926, to W. T. and Charles Vandergriff in Carrollton, Texas. The family relocated to Arlington when Tom was 12. After graduating from Arlington High School, Vandergriff attended USC where he earned a bachelor's degree in 1947. He married his high school sweetheart, Anna Waynette Smith in 1949. Blessed with a deep, sonorous voice that he used with perfect diction, he prepared for a career in radio and broadcast journalism. After graduation he applied for and was a finalist in the competition for what he thought would be the job of his dreams, but he lost out to another young applicant. Vandergriff returned to Texas to join his father's automobile dealership, disappointed and convinced that he was a better candidate for the broadcast job. The young man who got the job was Chet Huntley.

Chet Huntley would gain fame as an NBC news anchor and reach millions of listeners nationwide, but the loser in that early competition, Tom Vandergriff, would touch millions in north Texas in ways that were deeper and arguably more significant. Many have their own stories to tell about Vandergriff, many humorous because he possessed a wonderful sense of humor, many thankful because he touched so many with acts of kindness large and small, and many inspirational because he inspired us, goaded us, and led us to be greater than we thought we were and achieved things we never thought possible. All in north Texas are better off today because Tom Vandergriff was here, and our children and grandchildren will have better lives even though they will never know him. Those of us who did will never forget him.

Well done, good and faithful servant.

HONORING THE CITY OF GLADSTONE, OREGON, ON ITS 100TH ANNIVERSARY

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. SCHRADER. Mr. Speaker, I rise today to honor the City of Gladstone, Oregon, on the occasion of its 100th anniversary. From its perch at the confluence of the mighty Willamette and Clackamas rivers, Gladstone has for 100 years kept a watchful eye on Oregon as our fine state has grown from humble pioneer beginnings.

The land that Gladstone residents call home today was originally a meeting place for local Native American tribes—namely the Clackamas and Multnomah Tribes. The famous Pow Wow Tree, where tribes from all over the region would gather to trade and conduct important community proceedings, still stands today near Clackamas Boulevard. This

ancient tree serves as a significant reminder that Gladstone's history as an important place to come together long predates the founding of our Union.

Pioneers arrived in Oregon via the Oregon Trail and began settling the Willamette Valley in the 1840s. The Cason and Rinearson families were granted the original donation land claims in what is now known as Gladstone. In fact, the boundary between the Cason and Rinearson settlements, now known as Portland Avenue, serves as a prominent municipal boundary today. Although the area would continue to serve as an important regional gathering place, hosting the first Oregon State Fair in 1861, the official founding of the City of Gladstone would not happen for more than 60 years.

After purchasing portions of the original Cason family land claim in the 1880s, Clackamas County Judge Harvey Edward Cross set about platting a town and offering parcels of his land for sale. On January 10, 1911, the city was officially founded. Judge Cross chose as the new city's namesake, the famed four-time British Prime Minister and Chancellor of the Exchequer, William Ewart Gladstone.

In 1894, local author and Chautauqua movement proponent, Eva Emory Dye, enlisted Judge Cross's help to bring Chautauqua to the Gladstone area. Judge Cross concurred that Chautauqua would bring great cultural enrichment; therefore, he agreed to lease his Gladstone Park to the Willamette Valley Chautauqua Association for a term of 50 years. After the first festival was rained out in 1894, an assembly hall with seating for 3,000 was constructed on site. The Gladstone Chautauqua ran for many years and hosted appearances by such famous Americans as John Philip Sousa, Theodore Roosevelt and William Jennings Bryan. Although crowds could swell to as large as 50,000 in certain years, dwindling attendance eventually forced the Willamette Valley Chautauqua Association into bankruptcy and closure in 1927.

Today, Gladstone continues its tradition as an important community gathering place. The spirit of the Pow Wow Tree and early Chautauqua events can be felt every summer at the City's Chautauqua Festival and parade. Despite urban encroachment, Gladstone has retained a small town character and strong sense of community that make it an ideal place for families young and old to live, work and play. With a strong sense of its history and an eye toward the future, I am confident that Gladstone will continue to thrive for another 100 years.

Mr. Speaker, I am honored to be the representative of the fine community of Gladstone, Oregon. I congratulate the citizens of Gladstone on their centennial, and I look forward to sharing in the celebration.

IN HONOR OF THE LIFE AND CAREER OF VAN R. RICHMOND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. KUCINICH. Mr. Speaker, please join me in honor and memory of Van R. Richmond, a

giant in the Greater Cleveland Community. Although his name rarely appeared in print, his work as Page 1 editor for the Cleveland Plain Dealer meant that he had a hand in shaping almost every major story affecting residents of Northeast Ohio during his tenure until his retirement in 1994.

Van Richmond grew up in Chicago, Wisconsin and New York before joining the service in 1943. After serving in the Army, Mr. Richmond attended Villanova University and majored in engineering. Ultimately, Mr. Richmond found his true calling and transferred to the University of Iowa to study journalism.

Mr. Richmond put his first marks on the field of journalism at Rockford Register Republic in Rockford, Illinois, where he worked for ten years before taking a job at the Cleveland Plain Dealer in 1960. He worked in several jobs as an editor before rising to become the Page 1 editor. Known to his friends and colleagues as an opinionated, hard working man, Mr. Richmond became a legend in the newsroom. He left a reputation for his quick wit and his dedication to the job.

Mr. Richmond will be loved and remembered by many, especially his widow, Elizabeth; his son and daughter, Jerome and Anne; his stepchildren, Michelle Miller, James Anderson and Kathryn Harttrup; and eight grandchildren.

Mr. Speaker and colleagues, please join me in honor and memory of a man who, through his work, helped the residents of Northeast Ohio learn the events of the world and our place in them. He was a man who was driven not by fame or accolades, but the sense of hard work and a job well done. He will be missed by his friends, colleagues and all who knew him. I wish peace and happiness to his family.

A TRIBUTE TO THE LATE JACK KYSER

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize the late John A. "Jack" Kyser. Born in Huntington Park in the 34th Congressional District, he was a leader in the community and someone who was often called "the voice" or "the guru" of the Los Angeles economy. Mr. Kyser passed away unexpectedly on December 6 at the age of 76 at his home in Downey, CA.

As the "go to" economy expert in Los Angeles County, Mr. Kyser was respected and admired by a diverse group of people—from industry experts to television viewers—who appreciated his ability to make complicated facts and figures understandable as well as his in-depth knowledge about the local and national economy.

Mr. Speaker, as my fellow Angelenos prepare to attend his memorial service on January 12 at the Millennium Biltmore Hotel in Los Angeles, I ask my colleagues to please join me in recognizing Mr. Kyser's lifetime contributions to Los Angeles and the Southern California region.

To further pay respect to him, I would like to submit into the CONGRESSIONAL RECORD excerpts from the following December 7 Los Angeles Times obituary which provides a thorough and touching overview of Mr. Kyser's life and many accomplishments.

JOHN A. 'JACK' KYSER DIES AT 76; EXPERT ON L.A. ECONOMY

(By Roger Vincent and Hugo Martin)

John A. "Jack" Kyser, the dean of Los Angeles economists who spoke as an expert on Southern California to observers around the world, has died. He was 76.

Kyser devoted his long career to focusing on the workings of the region's economy. As the former chief economist of the Los Angeles County Economic Development Corp. he was in steady demand as a speaker at business events and a reliable source who was quick with an insightful quote for reporters on deadline.

"Jack was truly the authority on L.A.'s economy," said Mark Liberman, president of LA Inc., the Los Angeles Convention and Visitors Bureau. "If he said it, you knew it was true, because his voice influenced every projection about L.A.'s economy."

Kyser moved among the business elite but often spoke comfortably of his humble upbringing in working-class Downey.

He was born April 20, 1934, in Huntington Park and raised in Vernon and Downey, where he lived much of his life.

Kyser earned a bachelor of science degree in 1955 and an MBA in 1968 from USC, but was not formally trained as an economist. His street-level knowledge of the local economy was unsurpassed, though, and helped make him a confidant to the powerful.

"Generations of leaders in L.A.—including mayors, councilmen and governors—relied on him as an advisor and counselor, and benefited from his wisdom," said Bill Allen, chief executive of the Los Angeles County Economic Development Corp.

Kyser found work after his undergraduate years as a forecaster for Union Pacific Railroad in Omaha, but was laid off four years later during an economic downturn. He found paid work anchoring a news show at a local public radio station where he had been volunteering.

Kyser returned to Southern California in about a year to work for United California Bank, then spent eight years as an economist with the Los Angeles Chamber of Commerce. Kyser began with the economic development corporation in 1991, when it had no economics research department.

Kyser retired from the economic development organization in June, but returned to the public eye almost immediately as an economic spokesman for the Southern California Assn. of Governments.

Kyser's opinions were sought because "he had credibility," said Carol Schatz, president of the Central City Assn., a Los Angeles business advocacy group. "He remained independent through the political pressure that plays a role with economic forecasting."

The president of the Los Angeles Sports and Entertainment Commission, Kathryn Schloessman, said Kyser "was the person our industry went to when asked about economic impact of anything happening in this city. He was a Los Angeles treasure."

HONORING DAVE HUINKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the achievement of Dave Huinker of Decorah, Iowa, who was recently presented the Heritage Award during the International Association of Fairs and Expositions (IAFE) 120th annual convention in Las Vegas, Nevada.

The IAFE is a non-profit organization dedicated to promoting the development and improvement of fairs and expositions around the world. Their influence covers said events from the county level to the national and international level. Although it was first organized in 1885 to represent a half dozen fairs, it has expanded to represent over 1,300 fairs, shows, and expositions today. To be selected for Heritage Award by the IAFE, a person has to have over ten years of fair management experience, cannot receive more than \$2,000 annually for their work in the position, must be nominated by their fair, and must be a current member of the IAFE.

Dave has a long history of involvement in Iowa's fairs. As a member of the 4-H from a young age, Dave spent much of his time exhibiting livestock and community service projects at his local fair. Dave served on the Iowa State Fair Board for 30 years, serving two terms of that time as board president and helping to establish the Blue Ribbon Foundation. He has served as a judge at numerous county and state fairs across the country and as an agricultural director to Decorah State Bank. Dave has also spent time as an auxiliary member of the Winneshiek County Fair Board and served on the Winneshiek County Extension Council.

The IAFE could not have chosen a better person to receive the Heritage Award. I commend Dave Huinker for his dedication to continuing and preserving our fairs and the rich culture that they represent. I know my colleagues in the United States Congress will join me in congratulating him in being selected to receive this award. I wish him the best of luck in the future.

SUPPORT OF A RESOLUTION TO PERMIT DELEGATES AND THE RESIDENT COMMISSIONER TO THE CONGRESS TO CAST VOTES IN THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Ms. BORDALLO. Mr. Speaker, I rise in support of the resolution introduced by my good friend and colleague, Minority Whip STENY HOYER of Maryland that would restore the voting rights for the Delegates and Resident Commissioner during Committee of the Whole proceedings during the 112th Congress.

As I stated yesterday, the rules for the 112th Congress leave this body less transparent and less responsive to our constituents. Eliminating the right for Delegates and the Resident Commissioner to vote in the Committee of the Whole deprives our constituents with the understanding of how we stand on important issues. The fact that our vote in the Committee of the Whole is symbolic is further evidence of why such a right does not diminish the role of other Members of the House of Representatives; in fact, allowing us the right to a symbolic vote enhances long-cherished values of this body.

Moreover, affording us the right to vote in the Committee of the Whole ensures that equities of our constituents are covered in legislation that is pending or being debated by this body. In June 2009 the House of Representatives debated and voted on H.R. 2346, the Supplemental Appropriations Act for Fiscal Year 2009. The bill contained language that allowed the transfer of detainees from Guantanamo Bay to any of the territories and it did not provide the Governor of each respective territory with the right to be notified of any such transfer. Our right to vote in the Committee of the Whole afforded us the opportunity to raise this matter before the entire body and subsequent legislation that contained such transfer prohibition language did expressly include the territories. Our right to vote in the Committee of the Whole afforded us all the ability to represent the interests of our respective territories. Our voice was heard and changes were made.

Many men and women in uniform come from the territories and the District of Columbia. Many have sacrificed for our country, and, in fact, the per capita rate of deaths for servicemembers from the territories is higher than most states. Yet despite the patriotism and service that men and women from the territories show, the new leadership of the House of Representatives saw it fit to take away one of our most basic rights—the right to vote and effectively represent the needs of our constituents.

I also enter into the RECORD letters the Delegates and the Resident Commissioner sent to the leaders requesting an opportunity to address this rules change prior to the convening of the 112th Congress. Regrettably, the opportunity to address this matter prior to yesterday's convening was not presented. Therefore, and based on the action taken yesterday, I stand in support of the resolution introduced today by Mr. HOYER and hope that it will be brought to the floor for a vote in the near future.

CONGRESS OF THE UNITED STATES,

Washington, DC, December 22, 2010.

HON. JOHN A. BOEHNER,
Speaker-designate, House of Representatives,
The Capitol, Washington, DC.

DEAR SPEAKER-DESIGNATE BOEHNER: Now that a summary of proposed Rules for the 112th Congress is circulating and we find that the rule enabling the Delegates and Resident Commissioner to vote in the Committee of the Whole is slated for elimination, we write to express our concern and renew our request for a meeting with you to discuss this matter prior to January 5, 2011.

You will no doubt recall that we wrote last month to urge retention of this rule. We reiterate that this symbolic exercise of our

country's democratic principles has great meaning to our more than four million constituents, who fight and die alongside their fellow Americans residing in the 50 States to secure the right to vote for people residing in such distant lands as Iraq and Afghanistan.

While this issue has been viewed through a partisan lens in the past, largely because none of us is a member of the Republican Conference, we respectfully submit that this fact should not be used to preclude us from exercising this most fundamental function of representative democracies, especially through a procedure which by its design can never be determinative of any vote.

Therefore, we ask that you retain this existing rule in the Rules package your Conference is preparing for adoption on opening day of the 112th Congress. Thank you in advance for your attention to this matter. We look forward to continuing to work with you on behalf of our constituents, your fellow Americans residing in the U.S. territories.

Sincerely,

PEDRO R. PIERLUISI.
MADELEINE Z. BORDALLO.
ENI F.H. FALEOMAVAEGA.
DONNA M. CHRISTENSEN.
GREGORIO KILILI CAMACHO
SABLAN.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 19, 2010.

Hon. JOHN A. BOEHNER,
*Speaker-designate, House of Representatives,
The Capitol, Washington, DC.*

DEAR SPEAKER-DESIGNATE BOEHNER: As the Republican Conference prepares its package of proposed House Rules for consideration on the opening day of the 112th Congress, we respectfully urge you to retain the rule that enables the Delegates and the Resident Commissioner to vote when the House resolves into the Committee of the Whole, and that provides for an automatic revote in the full House when the votes of the Delegates or the Resident Commissioner are decisive.

This rule has been found to pass constitutional muster by the U.S. Court of Appeals for the District of Columbia. See *Michel v. Anderson*, 14 F.3d 623 (D.C. Cir. 1994). It has not impeded the work of the House during the three Congresses in which it has been in place: the 103rd Congress (1993-1994), the 110th Congress (2007-2008), and the current 111th Congress (2010-2011). The rule has been carefully crafted to allow the Majority to decide when it is appropriate for legislation to be considered in the Committee of the Whole and, more specifically, to be subject to delegate voting. Therefore, if the Majority determines that a particular bill is better considered without delegate voting, the Rules Committee can report a rule that provides for voting to be structured accordingly—as occurred in several instances during the 110th and 111th Congresses. We deeply appreciate that your Conference did not seek to repeal or otherwise alter this rule when the Ranking Republican Member of the Rules Com-

mittee offered his Motion to Commit with instructions at the start of the 111th Congress. We hope that your proposed Rules package for the 112th Congress will be consistent with that prior position.

There are compelling reasons to retain the rule. First, we know that your Conference, like our Caucus, values and seeks to promote open and transparent government. Our constituents can more effectively hold us accountable if there is a record of how we vote on legislation considered by the House. Although we recognize that the vote conferred upon us by this rule is essentially symbolic, it has genuine meaning for those we represent. The rule obligates us to take public positions on issues of national importance that will affect the lives of our constituents. This enables our constituents to better evaluate the quality of our representation.

In addition, we believe this is an issue of fundamental fairness with profound moral implications. Our constituents are part of the American family. They pledge allegiance to the same flag and serve alongside their fellow countrymen in our nation's armed forces. To deprive their duly elected representatives of this small privilege, which does no harm to this institution, would send a message of exclusion to Americans living in the territories and in the District of Columbia. We implore you not to send that message.

Sincerely,

PEDRO R. PIERLUISI.
MADELEINE Z. BORDALLO.
ENI F.H. FALEOMAVAEGA.
DONNA M. CHRISTENSEN.
GREGORIO KILILI CAMACHO
SABLAN.

REMEMBERING EDWARD STRINGER

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today to remember the courage and honor the life of firefighter Edward Stringer. Edward was killed in the line of duty on Dec. 23, when the roof of a burning South Shore building collapsed. He was 47 years old.

Edward often joked that he was the guy running into burning buildings when everyone else was running out. That was the case on the afternoon of the tragedy that took his life. Worried there might be a homeless man or woman seeking shelter from the cold in the abandoned building, his commitment to the Chicagoans he swore to protect was far stronger than any sense of self-preservation.

A 12-year veteran of the Chicago Fire Department, Edward worked out of the firehouse

at 63rd and Dorchester. He was a lifetime South Sider, a proud Chicagoan and an American hero. His bravery will never be forgotten by the city he gave his life to protect.

May Mr. Stringer rest in peace.

HONORING ELLSWORTH COMMUNITY COLLEGE IN IOWA FALLS, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the achievement of Ellsworth Community College in Iowa Falls, Iowa for the success of its agriculture program. This program was designed by assistant professor of agriculture Kevin Butt, and it was selected on December 1, 2010 at the National Association of Agricultural Educators (NAAE) convention in Las Vegas, Nevada to receive the National Association of Agricultural Educators Outstanding Postsecondary/Adult Agricultural Education Program Award.

Kevin designed the agriculture program at Ellsworth Community College shortly after he began working there in 2004. The goal of this program is to not only provide students with theoretical and scientific knowledge about agriculture, but also to provide those students with hands-on opportunities and situations where they can apply that knowledge. Through the implementation of this program, Kevin has succeeded in helping these students to develop their communication, leadership, and citizenship skills, all of which will be beneficial to their careers in agriculture and to their futures as civic-minded citizens.

The NAAE, which began in 1948, is a nationally-renowned organization that promotes agricultural education and the professional growth of agricultural teachers. Every year it selects six different programs, one in each of its six regions, to receive this award. Kevin's program at Ellsworth Community College was selected from the third region, which includes the states of Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, and Nebraska.

I commend Kevin Butt and Ellsworth Community College for their unwavering commitment to providing quality education to their students in the field of agriculture. I know my colleagues in the United States Congress will join me in congratulating them for their selection to receive this award. I wish them the best of luck in the future.

HOUSE OF REPRESENTATIVES—Friday, January 7, 2011

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

January 7, 2011.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, our God, You have shown us Your glory. You have redeemed Your people by the revelation of Your eternal Word.

Let Your light now shine within us. Guide us, that we may be led through the darkness found in this world to the radiant joy of Your presence, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

OUR UNCONSCIONABLE NATIONAL DEBT

(Mr. COFFMAN of Colorado asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$14.01 trillion. It rolled over to above \$14 trillion for the first time on New Year's Eve last week. On January 6, 2009, the start of the 111th Congress, the national debt was at \$10.63 trillion. This means the national debt has increased by \$3.38 trillion since then—in just 2 short years. This debt and its interest payments we are passing to our children and to all future Americans.

I have been submitting, and will continue to submit, this debt to the CONGRESSIONAL RECORD daily, and I will continue to do so until Washington takes responsibility and ends its reckless spending addiction.

SEND YOUR RESUMES

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACKSON of Illinois. Madam Speaker, as we enter 2011, we find ourselves in the same jobs situation as in 2010. In order to show the huge need for jobs, I will be collecting resumes from Americans who are unemployed or underemployed. I'll submit them for the CONGRESSIONAL RECORD. Unfortunately, submitting these resumes for the RECORD will not get anybody a job.

By collecting these resumes, I hope to dramatize the shameful condition of unemployment and compel Congress to do something about it. I hope to remind my colleagues every day that we work for those Americans who have been left behind but who want to work.

Today, I call on my fellow Americans to send me your resume and your story to resumesforAmerica@mail.house.gov. ResumesforAmerica@mail.house.gov. If you are out of work, send me your resume and story so that I can use it to remind our government of the need to act.

Martin Luther King, Jr. once said: America has issued us a bad check. It has come back marked "insufficient funds." But the vault of opportunity of this Nation is not bankrupt.

Madam Speaker, sending a resume to me will not put you first in line for any job, but it will put you up front and center to remind our government of the need to act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

HEALTH CARE

(Mr. BENISHEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENISHEK. Madam Speaker, while campaigning this fall, people in northern Michigan made it clear that they are not happy with the government takeover of health care. That's why I'm pleased that one of my first votes in Congress will allow me to keep a promise to my constituents and vote to repeal that legislation.

As a surgeon who spent more than 30 years working directly with patients, I view the government takeover of our health care system as an attack on the doctor-patient relationship. Now, as a member of the freshman class of 2011, I invite all Members to join us in repealing this law and developing realistic health care reform that lowers costs, improves insurance options, and puts patients, not government bureaucrats, at the center of health care.

HIGHWAY TRUST FUND

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, the Republican rules package passed Wednesday included a change that could be extremely damaging to our Nation's highway and transit systems over the long term—and to the construction industry, where record unemployment remains twice the national average. Simply put, this rule is a job killer.

The new rule will treat highway trust fund revenue as general spending, tearing down firewalls that prevent funds from being siphoned off for unrelated projects. Removing the "trust" in the highway trust fund will severely inhibit States' ability to plan large, multiyear transportation projects to improve this Nation's aging infrastructure over the long term and to create construction jobs in the process.

But don't take my word for it. The rule change is also opposed by business, labor, and industry organizations alike, such as the U.S. Chamber of Commerce, the American Association of State Highway and Transportation

Officials, the Associated General Contractors of America, and the American Trucking Association.

Madam Speaker, this is the wrong time to back away from investments in our infrastructure and job creation; yet this is exactly what will result from this job-killing rule.

BORDER PATROL AGENTS ON THE MOVE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Madam Speaker, more Border Patrol agents are being sent to the southern border. The border is violent, desolate, and dangerous. Drugs and people are going north. Money and weapons are going south. And the border is a war zone.

Madam Speaker, I'm not talking about the southern border of the United States with Mexico. No. I'm talking about the Afghanistan-Pakistan border. That's correct. Secretary of Homeland Security Napolitano has said, "We are going to contribute Border Patrol agents to protect the border of Afghanistan."

Now, why is Homeland Security making this uninformed decision? Our southern border is a war zone and our Border Patrol agents are needed there. In fact, they need more help. We should send more National Guard troops there to help them stop the invasion of the violent drug cartels.

Homeland Security should protect our homeland, not somebody else's. This ill-advised move by the Department of Homeland Security shows how blissfully ignorant Washington is about reality and the battle on the third front, the southern border of the United States.

And that's just the way it is.

HEALTH CARE REPEAL IS NO GAME FOR AMERICANS

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. In the middle of the health care debate, a gentleman came into my office in Waterbury, Connecticut, and delivered a petition signed by 3,000 people. He was fighting two battles—one against the cancer that was ravaging his body and another to keep his health insurance to prevent himself from going bankrupt. This is a situation faced by millions of Americans who have a condition and a disease that is also potentially contributing to the downfall of their entire household. This is a situation that they shouldn't be in.

This is no game, this debate over whether we continue or repeal health care. But it seems to be a game to my

Republican friends. This bill isn't going to pass. It's going nowhere. When a CBO estimate emerges saying it's going to cost taxpayers \$230 billion, they just throw it away and come up with their own numbers.

The stakes here couldn't be more serious for that constituent and the 3,000 others who walked into my office in Waterbury, Connecticut. This isn't a game to them. It's a matter of life and death. And the stakes over repeal could not be higher.

□ 0910

A TRIBUTE TO DON TYSON

(Mr. WOMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOMACK. Madam Speaker, I rise today with great sadness to remember one of America's great entrepreneurs, Don Tyson of Springdale, Arkansas, who passed away Thursday, January 6, 2011, following a brief illness.

The son of Tyson Foods, Incorporated, founder John W. Tyson, Don was former chairman of the board and CEO of a company that began as a family business, supplying feed and baby chicks to local producers. It became a global food enterprise with annual sales in excess of \$28 billion, over 115,000 team members, and operations in five countries. He founded the Tyson Family Foundation and is well-known for his philanthropy in the fields of education, conservation, and the arts.

Don Tyson's "no bad days" outlook on life personifies the true definition of the pursuit of the American Dream. The State of Arkansas and the United States of America have lost an original, and we mourn the passing of this industry legend.

THOU SHALT NOT BEAR FALSE WITNESS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, today is the beginning of a process by which the Republicans will try to repeal the affordable health care bill. It is about 50/50 in popularity in America.

How can a bill with such individual constituent elements that are so popular, such as keeping young people on your insurance until they're 26, eliminating the doughnut hole, and seeing to it that there are more community health centers, be so unpopular? Because the Republican mantra has been—and it was even said today—that it is a government takeover of health care.

PolitiFact, the 2009 Pulitzer Prize-winning journalistic group from the St. Petersburg Times—a nonpartisan

group—said that was the biggest lie in political 2010.

Instead of reading the Constitution yesterday, maybe we should have just repeated "do not bear false witness."

THE AMERICAN PEOPLE, THIS IS YOUR WEEK

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Welcome to the 112th Congress.

While there was much pomp and ceremony this week in welcoming all of the new Members to the House of Representatives, this week belonged to the American people.

The American people sent a deafening message on November 2. It was that they wanted to see this national government end this era of borrowing and spending and of bailouts and takeovers and turn our national government back in the direction of fiscal responsibility and limited government.

Madam Speaker, I rise this morning to say in this first week of this new Congress, if House Republicans got the message, we will keep our promises to the American people and more.

If House Republicans got the message, we won't just extend tax rates for a couple of years; we will extend them permanently.

If House Republicans got the message, we won't just find \$100 billion in cuts; we will find more than \$100 billion in cuts, and we will bring about the kind of long-term reform to change the size and scope of government.

If House Republicans got the message, we won't just vote once to repeal ObamaCare; we will vote to repeal ObamaCare again and again until we consign their government takeover of health care to the ash heap of history—where it belongs.

So welcome to the 112th Congress. The American people, this is your week.

THE CONSEQUENCES OF REPEALING HEALTH CARE REFORM

(Mr. SCOTT of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Madam Speaker, those who want to repeal health care reform should be clear and candid about what they are doing. You just can't expect the people to understand the effect of repeal just because you put a label on it like "ObamaCare" or misrepresent job-creating legislation as a "job killer" or misrepresent legislation that doesn't even have a public option in it as a "government takeover."

Health care reform will close the doughnut hole. It allows young adults

to stay on their parents' policies. It means that those with preexisting conditions can get insurance. It provides tax credits to small businesses to help them cover their employees. It creates community health centers and additional health professionals. It prohibits insurance company abuses, like cutting off coverage in the middle of illnesses or unreasonable increases in rates. It means that, in 2014, all Americans will have the security of knowing that they can have health care insurance.

You just don't call or put a label on it or recite a poll-tested slogan. Tell the public what will happen to the doughnut hole, to young adults, to those with preexisting conditions, to small businesses. Tell the public what is going to happen if we repeal health care reform.

PROVIDING FOR CONSIDERATION OF H.R. 2, REPEALING THE JOB-KILLING HEALTH CARE LAW ACT; PROVIDING FOR CONSIDERATION OF H. RES. 9, INSTRUCTING CERTAIN COMMITTEES TO REPORT LEGISLATION REPLACING THE JOB-KILLING HEALTH CARE LAW; AND FOR OTHER PURPOSES

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 26 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 26

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010. All points of order against consideration of the bill are waived. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) seven hours of debate, with 30 minutes equally divided and controlled by the Majority Leader and Minority Leader or their respective designees, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 9) instructing certain committees to report legislation replacing the job-killing health care law. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules or their respective designees; (2) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Matheson of Utah or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which may not contain instructions.

SEC. 3. Upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a resolution, if offered by the Majority Leader or his designee, relating to the status of certain actions taken by Members-elect. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except four minutes of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Madam Speaker, it is a great honor for me, for the first time in 4 years, to say, for the purpose of debate only, I yield the customary 30 minutes to my very good friend and Rules Committee colleague, the gentlewoman from Rochester, New York (Ms. SLAUGHTER). During consideration of the resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. DREIER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. I yield myself such time as I may consume.

□ 0920

Madam Speaker, House Resolution 26 provides for a closed rule for consideration of H.R. 2 and self-executes an amendment by the majority leader, which is required under the Statutory Pay-As-You-Go Act of 2010. This is routinely required and is similar to many provisions that have been self-executed since the enactment of statutory PAYGO.

The resolution provides for 7 hours of debate on H.R. 2, equally divided and controlled by the chairman and ranking member of six committees and the majority leader and minority leader.

It also provides the minority a motion to recommit H.R. 2 with or without instructions.

House Resolution 26 provides for consideration of H. Res. 9 under a structured rule that provides an hour of debate and makes in order an amendment, if offered by Representative MATHESON of Utah. It also provides for one motion to recommit H. Res. 9 without instructions.

Lastly, the rule provides for the consideration of a resolution if offered by the majority leader or his designee relating to the status of certain actions taken by Members-elect under a closed rule.

Madam Speaker, it was just before midnight that my great new colleague Mr. WEBSTER and I were here in this Chamber, and we filed this rule following a lengthy 12-hour hearing upstairs in the Rules Committee, and I have to say that there were many, many discussions that took place on a wide range of issues, but I think it's very important for us to note that there are those who argue that we should not be taking up this issue because of the fact that we should be focusing on job creation and economic growth.

Well, Madam Speaker, we know that the overwhelming message that came from the American people is that we have to get our economy back on track, we have to create jobs, we have to make sure that those people who are struggling to get onto the first rung of the economic ladder are able to do just that. And that's why, when we look at a \$2.7 trillion expansion of the Federal Government, \$2.7 trillion in new spending, we recognize something that is common sense, and that is, if you're going to expand the size and scope and reach of the Federal Government by that magnitude, it clearly is going to kill the effort to create jobs and get our economy back on track.

And so that's why today, Madam Speaker, we are taking the first step in fulfilling a key promise that we have made to the American people. With this rule, we are setting in motion an effort to repeal President Obama's job-killing health care bill and replace it with real solutions, and I underscore that again because all the attention is focused on the fact that we are going to be trying to kill good provisions that are out there. Madam Speaker, we want to start with a clean slate. We are going to repeal President Obama's job-killing health care bill and replace it with real solutions.

This rule takes two important steps. The first is to allow for consideration of a bill to hit the reset button, so to speak, on the very damaging legislation that was passed last year under the guise of health care reform. The second is a resolution directing each of the committees of jurisdiction to craft responsible, effective, and economically viable health care solutions.

Madam Speaker, the resolution lays out very clearly what real reform looks like. Real reform will help, not hinder, in our goal towards creating jobs. Real reform will lower health care premiums by enhancing competition and patient choice. It will preserve the right of patients to keep their existing coverage if they so choose. It will ensure access to quality care for those suffering from preexisting conditions. It will implement meaningful lawsuit abuse reform so that resources can go to patients and doctors and not to trial lawyers. In short, it will increase access to health care for all Americans without compromising quality or hurting the very important small business sector of our Nation's economy.

Madam Speaker, the underlying replace resolution which I've offered will begin a robust committee process to tackle the difficult but essential work of achieving these goals and crafting true reform for the American people. This will be a process in which each and every Member, Democrat and Republican alike, will have an opportunity to participate.

Madam Speaker, as Speaker BOEHNER said the day before yesterday when he accepted the gavel, we are returning to regular order. Once again, our committees will be the laboratories, the centers of expertise that they were intended to be. Rank-and-file Members of both parties will play an active role in crafting legislation, scrutinizing proposals, offering amendments, participating in real debate. Critical legislation is not going to be written behind closed doors by a select few.

Today's rule sets in motion a process that will be both transparent and collaborative, but we cannot get to that very important step without clearing the first hurdle, which is to undo the damage that has already been done.

Now, we will hear people say why is it you're considering this under a closed rule. Madam Speaker, this was a clear promise that was made throughout last year leading up to the very important November 2 election. Everyone acknowledges that elections have consequences. The commitment was made that we would have an up-or-down vote on repeal, and that's exactly what we are doing. We must repeal last year's bill before we proceed with replacement.

Just as predicted, the so-called reform bill is having very real negative consequences for our economy and our job market. It is putting enormous burdens on job creators, particularly small businesses, at a time that is already one of the most difficult that we have faced, imposing significant new burdens and penalties while the unemployment rate remains above 9 percent. We got the news just a few minutes ago that it's at 9.3 percent. We're encouraged by that positive drop, but only 105,000 jobs were created, not the 150,000

jobs necessary to be created just to sustain the position that we are in right now. So we still are dealing with very, very serious economic challenges, and that's why we need to take a commonsense approach to, first, repeal this measure and then deal with solutions.

Above all, I will say that the onerous, unworkable mandates that have been imposed are adding greater uncertainty, which is job creation's biggest enemy. Anyone who has spent any time talking with small business owners knows this to be the case. While the economic impact is already quite apparent, the fiscal consequences are looming down the road.

While the bill's authors used a host of accounting gimmicks—and I'm going to get into those further, as I'm sure I'm going to be challenged on this, and I look forward to talking about the accounting gimmicks that have been utilized—while the authors used a host of accounting gimmicks, as I said, to mask the true costs of this measure, an honest and realistic assessment of the impact on the deficit shows a much clearer and, tragically, a far worse picture.

The Budget Committee has demonstrated the real cost of the health care bill, as I said when I opened, is a staggering \$2.7 trillion once it is fully implemented. It will add over \$700 billion to our deficit in the first 10 years. The words "reckless" and "unsustainable" hardly begin to cover it. This bill is an economic and fiscal disaster of unprecedented proportions. The time to undo it before any more damage is done is quickly running out. Republicans promised the American people we would act swiftly and decisively, and that's exactly what we're doing.

So my friends on the other side of the aisle have asked why there will be no amendments to the repeal bill. Frankly, there is nothing to amend. There is nothing to amend, Madam Speaker, to the repeal bill. Either we're going to wipe the slate clean and start fresh or we're not. Now, that's not to say there aren't some good provisions in this measure, but it is so onerous, nearly 3,000 pages, that we believe that the best way to do this is to wipe the slate clean, have an open and transparent process, and do everything we can to ensure that every single American has access to quality health care and health care insurance.

□ 0930

Now, once that slate is completely wiped clean, we will be ready for this open and collaborative process to develop the real solutions that we have talked about. That's what we promised the American people as we led up to last November 2, and that's exactly what we will deliver here today.

Madam Speaker, first, we undo the damage; then we work together to im-

plement real reform and real solutions. I urge my colleagues to support this rule and then, after we've gone through the 3-day layover requirement next week, which is in compliance with another promise that we made to the American people, I urge my colleagues to support the underlying legislation, H.R. 2, which our colleague, the new majority leader, Mr. CANTOR, has offered, and H. Res. 9, which I have introduced, that calls for our committees to work in a bipartisan way to develop solutions to the challenges that we have out there in ensuring that every American has access to quality health care. With that, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I appreciate my gentleman friend, Mr. DREIER, yielding me time, and I yield myself such time as I may consume.

What a week it's been. Since being sworn in on Tuesday, the speed in which the Republican Party is working their promises has been dizzying. Speaking of the Republicans' first days in office, tea party spokesman Mark Meckler summed the week up nicely when he said, "I actually don't think it would be possible to fall from grace any faster than this."

In November, the Republican leadership, led by Speaker BOEHNER, traveled to suburban Virginia and made a Pledge to America. Their constituents, including tea party patriots like Mr. Meckler, listened intently as the Republican Party pledged to be fiscally responsible and serve the will of the American people. On page 6 of the Republicans' Pledge to America, the party states: "With commonsense exceptions for seniors, veterans, and our troops, we will roll back government spending to pre-stimulus, pre-bailout levels, saving us at least \$100 billion in the first year alone and putting us on a path to balance the budget and pay down the debt."

The pledge was solemnly made by the Republican leadership despite being largely panned as a political stunt. Despite their promise to follow through on their pledge, on Tuesday, aides to the Republican majority said that the pledge to cut \$100 billion was "hypothetical."

Now today they are moving forward to do the exact opposite of the actions they pledged, as they introduce legislation to repeal the Affordable Care Act. If successful, the Republican legislation will add \$230 billion to the deficit by 2021. This extra \$230 billion won't be spent rebuilding our crumbling infrastructure, teaching our children, or providing for the millions without jobs. Instead, the \$230 billion will be added to our deficit in order to take health care benefits and protections from those who need them the most.

For example, starting this year, the Affordable Health Care Act will begin to close the doughnut hole for seniors.

Under the law, Medicare beneficiaries who fall in the doughnut hole will be eligible for 50 percent discounts on covered brand-name prescription drugs. Repeal this law, and seniors receive no help and will be forced to pay their rising drug costs alone. Those are the types of protections that I fight for today.

Fiscally, Members of Congress face a \$300 billion choice. According to the Congressional Budget Office, we have two options: one, do we keep the Affordable Health Care Act and save \$130 billion by 2021? Or, two, do we repeal the Affordable Health Care Act and add \$230 billion to our deficit by 2021? That may be trouble for some; but for most of us, it is easy. For me, the answer is clear; and I assume to most Americans, it's clear as well.

Because they can't win by simply judging apples to apples, the Republican leadership has taken to discrediting the Congressional Budget Office. Yet a quick bit of research will reveal that Republicans have long valued the nonpartisan and reliable work of the Congressional Budget Office and have publicly supported the agency before. In fact, in 2009 Speaker BOEHNER repeatedly referred to the CBO as a nonpartisan institution and relied on their estimates to argue against the Affordable Care Act at the time. But now that the CBO's estimates are detrimental to their political goals, they have taken to questioning the work.

Republican Senator JOHN CORNYN warned against dismissing the work of CBO just because it's inconvenient. Two years ago he said, "I believe the professionals at the Congressional Budget Office are doing a difficult but unpopular work. They are speaking the truth to power here in Washington and making the folks who would pass these enormous unfunded bills that impose this huge debt on generations hereafter somewhat unhappy."

"But I think they are doing an important service by telling us the facts. Last week, I commended the director of the CBO, Dr. Doug Elmendorf, for saying that the CBO will 'never adjust our views to make people happy.' God bless Dr. Elmendorf for his integrity and commitment to telling the truth. We need to learn how to deal with the truth, not try to remake it or cover it up."

Now, I couldn't agree more with that. The deficit estimates provided by the CBO are the singular authoritative figures upon which we make all of our decisions and have for decades. Even if some don't like what the numbers tell us, we know that numbers don't lie.

I will remind my colleagues that today's actions are not "hypothetical." We truly face a \$300 billion choice. We can choose to provide invaluable benefits to millions of Americans while paying down our national deficit—remember that it will save \$143 billion

over 10 years—or we can choose to end valuable health care protections for millions of Americans and add \$230 billion to the Nation's deficit.

Madam Speaker, today we are considering the first measure from the Rules Committee of this new Congress, and my Republican friends have already produced one for the record books. Let me give you some of the highlights. First of all, the resolution includes a completely closed process for two separate pieces of legislation. That means we get two closed rules in one. Maybe my Republican friends think they can save taxpayers money by rolling all the closed rules into a single resolution. I think that's what they meant by bringing efficiency to government.

The first closed rule on the health care repeal bill does most of the heavy lifting. It blocks every single germane amendment submitted to the Rules Committee. Well, that's not exactly right, though. It actually slips in one change without allowing the House to vote on it. This special amendment, slipped in with the famous deem-and-pass maneuver, is very interesting. It allows the House to pretend that the repeal bill is free, even though the Budget Office says it will raise the deficit by over \$1 trillion. That's a neat trick; and now we know the secret weapon for reducing the deficit: a blindfold.

This closed process is especially troubling on the health care repeal because this Republican bill has had no public hearings, no committee consideration, and is not paid for. The second closed rule in this two-for-one package blocks all amendments to another resolution to correct a flaw in the swearing-in process. Apparently the vice chairman of the Rules Committee was conducting legislative business before he was actually a Member of Congress. Maybe amendments are not important here because no Member in the House has seen this resolution, since the rule allows the majority leader to make changes until the moment it is introduced.

But if any of my colleagues are concerned about not having enough time to read this surprise resolution, don't worry: the rule allows the House to debate it for 4 full minutes, 4 minutes. Have you ever heard of a bill debated for 4 minutes? Fortunately, the rule generously gives the minority 2 of those 4 minutes, and I guess that qualifies as both efficiency and bipartisan ship.

Finally, the rule allows the House to consider a sweeping press release from the Republican leadership, a resolution to replace real patient protections with vague rhetoric.

Madam Speaker, this is a very disappointing day for the House Rules Committee. Our first action of the new Congress violates the promises that we heard from our Republican friends: no

public hearings, no committee consideration, a completely closed process, legislative text no Member has read, 4 minutes of debate on an important constitutional issue, and so on.

For all those Members who were sent to Washington, like I was, to repair our Nation's finances, create jobs for millions of the unemployed, help the millions of Americans in need, the decision should be simple. I encourage my colleagues to reject the efforts of Republican leadership, keep our promises to our constituents, and vote to keep the affordable health care law.

I reserve the balance of my time.

□ 0940

Mr. DREIER. Madam Speaker, I yield myself 10 seconds to say that Thomas Jefferson said that two thinking people can be given the exact same set of facts and draw different conclusions. Well, I've just heard what my friend from Rochester has said. I will say that this is a great day for the people's House because we are going to, in fact, be implementing the commitment that was made to focus on getting our economy back on track.

Madam Speaker, I yield 2 minutes to our new colleague from North Charleston, South Carolina (Mr. SCOTT), a very hardworking and thoughtful member of the Rules Committee who was with us for 12 hours up until late last night.

Mr. SCOTT of South Carolina. Madam Speaker, Mr. Chairman, I will say that it's truly an honor to serve on the Rules Committee. My first experience was a 12-hour experience last night and all day yesterday. What a wonderful opportunity to serve the American people.

This is a great opportunity for all of us in America to kill the jobs-killing health care bill that is taking jobs away from the private sector. I simply want to make six quick points.

The first point is that we all recognize that the cost of insurance is only going up, up and up. There is a misnomer that this bill somehow reduces the cost of insurance. It is simply categorically not true. Shifting who pays for the insurance, the health care cost, does not make the health care cost go down; it is simply going to continue to rise.

Second point, when you design a bill that has tax increase after tax increase after tax increase and say that you are reducing the deficit by increasing taxes, it is inconsistent with the reality that the American people want from their Congress.

Third, the individual mandate is simply unconstitutional. And if the individual mandate is not a part of the bill, if we don't force every single American to buy insurance, this Ponzi scheme simply doesn't work.

Number four, bringing 10 years of revenue in and paying out 6 years of benefit and calling that equal, that's a farce.

Number five, the lifetime benefits, challenging the lifetime benefits. We want everyone in America to have the access to health care without any question. The question we ask ourselves is, from an actuarial perspective, can we pay for it, a \$2.7 trillion expansion, a new entitlement when we have a \$76 trillion unfunded liability on the current entitlements?

We simply cannot continue to dig a hole and call ourselves compassionate. There is nothing compassionate about increasing our entitlements by jeopardizing the future entitlements of all Americans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, I yield my friend an additional 30 seconds.

Mr. SCOTT of South Carolina. Finally, the seventh point, we've heard lots of rhetoric about what we're doing to senior citizens and women. What we are facing is an opportunity to stop robbing future generations, to stop the unnecessary impact, the intergenerational cost. Without even taking into consideration the intergenerational costs, we consistently impact unborn Americans with legislation that passed under the former House.

It is good to be in the House with a brand-new Speaker. And thank you, Mr. Chairman, for allowing me to be a part of the Rules Committee.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, the American people made it very clear in the last election that they want us to focus on one thing, jobs. But the new Republican majority has instead chosen to reopen an old ideological battle. I think that's a mistake.

But the good news is that the American people will have the opportunity, right at the outset of this new Congress, to see the clear differences between Democrats and Republicans.

Democrats believe that insurance companies should be prohibited from discriminating on the basis of pre-existing conditions. Republicans do not.

Democrats believe that we should close the doughnut hole and reduce prescription drug prices for our seniors. Republicans do not.

Democrats believe that young people should be allowed to remain on their parents' health insurance plan until the age of 26. Republicans do not.

Democrats believe we should provide tax breaks to small businesses and subsidies to low-income Americans to help them pay for health insurance for their workers and their families. Republicans do not.

And Democrats believe that we need to seriously address the budget deficit. Republicans do not, as the Congressional Budget Office made abundantly clear. The CBO told us yesterday that the bill to repeal health insurance re-

form would add \$230 billion to the deficit over the next 10 years and another \$1.2 trillion in the following 10 years.

As far as I can tell, this is the most expensive one-page bill in American history: 114 words, that's \$2 billion per word.

And rather than address those budgetary facts, the new Republican majority has simply decided to ignore them, to cover their ears and pretend that the laws of arithmetic do not apply to them.

In their first order of legislative business, the Republicans want to take health insurance reform and toss it in the trash. And how many hearings have they held on the impact of this repeal? Zero. How many mark-ups did they have? Zero. And, most shockingly, how many amendments will they consider in this bill? Zero.

The new majority whip, Mr. MCCARTHY, said after the election last November, and I quote: "When you look at the Pledge to America that the Republicans have laid out, there is a cultural change in there. There is something that opens up the floor that hasn't been done for quite some time, where bills won't be written in the back room, where the bills have to be laid out for 72 hours, where bills actually have an open rule, where people can bring up amendments on the floor."

So much for that. And instead of thoughtful, reasoned legislative language that addresses the health care issues, the Republicans' replace part of their repeal-and-replace strategy is just a list of happy-talk sound bites. It's no more than a press release.

So again, Madam Speaker, I believe we should be focusing on jobs and the economy. And in the meantime, I urge my colleagues to reject this rule and the underlying, reckless bill.

Mr. DREIER. Madam Speaker, we have 87 new Republicans in the House of Representatives. There's no more impressive group than the four who are serving with us on the House Rules Committee, among them former Sheriff NUGENT. I yield 2 minutes to the gentleman from Brooksville, Florida.

Mr. NUGENT. Mr. Chairman, we were there last night in the Rules Committee for 12 hours hearing testimony from a number of individuals on the Democratic side and also on the Republican side.

But let me talk to you about this. Over the past year, I've met with thousands of people from throughout Florida's Fifth Congressional District, whether they be small business owners, veterans, or Medicare recipients. They asked me to promise, promise to repeal ObamaCare. It's clear that the American people know more than our Democratic leadership in regards to what Americans want.

ObamaCare eliminates millions of American jobs, cuts hundreds of millions of dollars from Medicare, raises

taxes by almost \$500 billion over 10 years for 6 years' worth of coverage.

Everybody knows that the health care system is broken and that reform is needed. However, the unconstitutional, job-killing mandates of ObamaCare are not the answer.

House Resolution 9 is an important step in Congress working with the American public to find real, meaningful solutions to our Nation's health care needs. This is the people's House, and we should be listening to the people.

House Resolution 9 will allow us to foster economic growth, job creation, lower health care premiums and protect Medicare, and reform the medical malpractice system that is bankrupting America. For all these reasons, I'm grateful to my colleague from California, Mr. DREIER, for introducing House Resolution 9; and I'm proud to be an original cosponsor of that resolution.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. Madam Speaker, I rise in opposition to the rule and the underlying bill, the most expensive one-page bill in the history of Congress, and it costs the taxpayers a little over \$200 billion the first 10 years alone, and over \$1 trillion overall.

Not only have the Republicans, as the first bill that we are doing a rule on and facing here on the floor, put forward the most expensive one-page bill in the history of Congress, but it is not paid for, Madam Speaker.

In addition to not being paid for, they have waived many of the notice-for-transparency requirements, the regular order that they sought to establish with regard to the way that this Congress is run.

Madam Speaker, there were many good ideas and good amendments that were brought forward by Members of both parties yesterday during our session of the Rules Committee. I want to talk about a few in particular.

One, my colleague from Michigan, GARY PETERS, brought a proposal that would have made sure that this biggest one-page expenditure in the history of Congress did not raise taxes on small businesses. Unfortunately, that amendment is not made in order under this rule, and therefore H.R. 2 will be raising taxes on small businesses across the country that are now receiving tax credits for providing health care for their employees.

□ 0950

There was also a lot of discussion, and I think it is important that the American people know, with regard to people with preexisting conditions. Now, we all want to do something for people with preexisting conditions. There was talk yesterday, and, in fact,

when we are talking about H.R. 9, there might be discussion in the future with regard to agreeing on high-risk pools for people with preexisting conditions. But what this body is being asked to do today and next week is effectively replace something that works for people with preexisting conditions, namely, eliminating pricing discriminations, with some vague assurance on paper that perhaps some day some committee, some chairman might consider, we ask them kindly to consider something that will do something for people with preexisting conditions. Well, Madam Speaker, that is simply not enough for the people that have the preexisting conditions today, for those who will in the future.

If we want to talk about improving upon health care, there is ample room to do it, but not by eliminating any protections that exist.

Mr. DREIER. Madam Speaker, at this time I am very privileged to yield 3 minutes to the distinguished former chairman of the Republican conference, my friend from Columbus, Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of the rule, but I rise from my heart with a deep sense of gratitude to the American people to urge my colleagues in both parties to join us as we keep our promise to the American people and next week vote to repeal their government takeover of health care lock, stock, and barrel.

I know Democrats said at the time that they had made history. I said at the time I thought we broke with history. We broke with some of our finest traditions: Limited government, personal responsibility, and, most profoundly, the consent of the governed.

On a late Sunday night in March, the last majority had their say. On a Tuesday in November, the American people had their say. And that brings us to this moment.

It is remarkable, though, to hear Members in the minority explaining their opposition to this bill. A year ago, only in Washington, D.C., could you say you were going to spend trillions of dollars and save people money. And this morning, only in Washington, D.C., could you say that repealing a \$2.7 trillion government takeover of health care is actually going to cost money.

Mr. DREIER. Will the gentleman yield?

Mr. PENCE. I am pleased to yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I wonder if he might repeat that line. I think he said that only in Washington, D.C., can there be an interpretation that cutting \$2.7 trillion in spending is actually going to end up costing the American people.

Is that what the gentleman was saying? I thank my friend for yielding.

Mr. PENCE. I thank the gentleman.

Reclaiming my time, yes. It must be mystifying for people looking in this morning to hear about the most expensive one-page bill in American history.

I say again. Only in Washington, D.C., could a Congress vote to repeal a \$2.7 trillion government takeover of health care and the minority says it costs the American people money.

Now, I know they don't like us to call it that, but let me explain. When you mandate that every American buy government-approved insurance whether they want it or need it or not, when you create a government-run plan paid for with job-killing tax increases, when you provide public funding for abortion for the first time in American history, that is a government takeover of health care that violates the principles, the ideals, and the values of millions of Americans, and the American people know it.

Now, look. After we repeal Obamacare next week, we can start over with commonsense reforms that will focus on lowering the cost of health insurance without growing the size of government.

Republicans will waste no time in bringing greater freedoms to the American people to purchase health insurance the way they buy life insurance, the way they buy car insurance. We will deal with responsible litigation reform. We will even use the savings to cover preexisting conditions.

I urge my colleagues to join me in support of this rule. Join us as we keep our promise to the American people and repeal their government takeover of health care once and for all.

Ms. SLAUGHTER. Madam Speaker, this is not a dispute between Republicans and Democrats about the \$1.3 trillion. CBO, the nonpartisan Congressional Budget Office, is saying that.

I now yield 2 minutes to the gentleman from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentleman for yielding me time.

Madam Speaker, I rise in strong opposition to the rule and the bill before us. The bill would increase the national deficit by \$230 billion, increase costs to individuals, families, and small business owners, and deny the American public the consumer protections they have been seeking for years.

Repeal of the health care law would also mean that young adults would not be able to stay on their parents' plan. This is something that would have devastating effects on constituents of mine such as Elizabeth. Shortly after graduating college, she was dropped from her parents' plan and soon developed a severe thyroid condition. As a result, she had to purchase her own individual insurance plan, which proved to be a severe financial hardship for her and her parents. Thankfully, she

was able to re-enroll under her parents' plan as of January 1 because of this health reform bill.

Repeal would also mean that senior citizens in Sacramento would not see any relief from the Medicare part B doughnut hole. The health reform bill would close the doughnut hole, which is critical to seniors in my district. One such senior, Gary, regularly pays over \$2,000 a month for his prescription drugs. Repeal would mean that Gary and the thousands of other seniors in my district would see no relief from this part D doughnut hole. This is unacceptable.

Madam Speaker, a vote against this rule and against this bill is a vote to protect the American public from unfair insurance company practices, to provide relief to young and old alike, and to stay on the path to a fiscally responsible future. I urge my colleagues to vote down this rule and vote against the underlying legislation.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to a hard-working member of the Energy and Commerce Committee, which will be one of those committees, when we pass H. Res. 9, that will be dealing with ensuring that every single American has access to quality health insurance, our friend from Brentwood, Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Speaker, today we do begin a very important process, and it is a solid first step. And I stand to support this rule and to support repeal of this law, because we have on the books a law that doesn't improve the quality of health care. It will not reduce the cost of health care, and it is going to add billions to the exploding national debt.

We have listened to the American people. They are smart, and they know that this law is unworkable. It won't deliver on the promises that they made, and the American people voted in overwhelming numbers to repeal it and replace it. That is the action that we are going to take.

Congress cannot wait any longer to get this irresponsible law out of our doctors' offices, out of our lives, and off the books.

We in Tennessee have lived through the experiment of government-run health care called TennCare. Tennessee could not afford it, and the American people know that this Nation cannot afford a TennCare-type program on a national level.

I support the rule.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Michigan, our ranking member of Ways and Means, Mr. LEVIN.

Mr. LEVIN. This is what the Republicans are after, what their repeal would mean: It would take away from millions of Americans coverage for kids with preexisting conditions, coverage for young adults under 26. Recommended preventive care would be

taken away. It would take away lower drug costs for seniors. And this is what the Republican repeal would do. It would give back to insurance companies unreasonable premium increases, unjust policy terminations, rescissions. It would take away this. It would give back profits and CEO salaries to insurance companies, not health care benefits.

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It would give back annual and lifetime limits on benefits. It gives back to insurance companies discrimination ability against women.

These are concrete reasons to vote "no" on this repeal, a misfortune for the United States of America.

Mr. DREIER. Madam Speaker, at this time I yield 2 minutes to another hardworking member of the Energy and Commerce Committee, our friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Madam Speaker, we have heard a lot of arguments on the other side of the aisle in regard to the \$230 billion cost, and on our side of the aisle, of course, only in America can something actually cost \$1.15 trillion and eliminating it then all of a sudden costs \$230 billion. But, yes, Ms. SLAUGHTER, only in America, only in this Congress, numbers do lie.

Let me just say that what we have been talking about on this side of the aisle, of course, is the voice of the American people.

You know, it was about 3,000 years ago that a little shepherd boy walked into that valley of death looking up at all of those Philistines and that 9-foot giant Goliath from Gath. He had that coat of mail, he had the sword, he had the shield, he had the javelin. And what did little David have? He had a little pouch and a handful of stones. But he hit that giant right between the eyes, brought him to his knees, and then cut off the head of the snake.

That pouch and those little pebbles represent the voice of the American people. That is what we have on this side of the aisle. That is why we are going to pass H. Res. 9 and we are going to pass H.R. 2 next week, and we are going to deliver our promise to the American people to eliminate, to repeal ObamaCare.

The American people spoke loudly. They don't like this bill. The Democratic majority in the Senate and the President have one last chance to make amends. I think they will do it.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. This debate is about health care versus don't care.

The Democrats' health care law lowers prescription drug costs, helps middle class families pay for health coverage for their sick children, and ex-

pands health care for 32 million more Americans, reducing the deficit by \$143 billion. The Democrats' health care law helps grandma afford her prescription drugs.

The Republicans don't care about grandma. They want to take back the drug benefits in the new law. GOP used to stand for Grand Old Party; now it stands for "grandma's out of prescriptions." The Republicans' "don't care" repeal shows they don't care about sick children with medical bills pushing families into bankruptcy, that they don't care about grandma and grandpa who need help paying for prescription drugs.

Vote down this rule so that we can help grandma, sick children, and middle class families struggling to pay for health care.

Mr. DREIER. Madam Speaker, at this point I am happy to yield 1 minute to another hardworking member of this freshman class, my new friend from San Antonio, Texas (Mr. CANSECO).

Mr. CANSECO. Madam Speaker, I rise today in support of the rule and in support of the underlying legislation, the repealing of the job-killing health care act.

Ten months ago, President Obama and his allies in the Democrat-controlled House and Senate committed legislative malpractice when they jammed through the Congress and into law a Washington takeover of health care. They did so despite the overwhelming opposition of the American people. Since its enactment into law, what was already a unpopular law has only continued to become more unpopular.

There is no doubt that we need to reform health care in America. However, it is not done by assaulting individual liberties guaranteed in our Constitution, bankrupting our children and grandchildren, and putting Washington bureaucrats in the personal relationships between our doctors and our patients.

Repealing the health care bill will also help encourage job growth to get our economy back on track. Our economy is not suffering from a capital crisis; it is suffering from a confidence crisis.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Madam Speaker, I am happy to yield my friend an additional 30 seconds.

Mr. CANSECO. Policies enacted in Washington, like the health care bill, have injected uncertainty into our economy that has eroded the confidence of Americans to start new businesses or expand current ones to create jobs.

The American people have made it clear they want the health care law repealed and replaced with commonsense alternatives that will lower the cost of health care while also increasing qual-

ity and access. After meeting and speaking with thousands of Texans in the 23rd District over the past year, this is their message.

Repealing and replacing the health care bill is one of the promises made to the American people in the Pledge to America. Today, we are making good on that promise as we begin the work of repealing the health care law and replacing it to ensure that the American people can get the health care that they need, when they need it, and at a price they can afford—without the Federal Government coming between them and their doctor.

I support the rule.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, this is nothing but a gag rule. I and so many of my colleagues on the Democratic side went up to the Rules Committee yesterday and asked for amendments, and they were almost all excluded from this rule.

The Republican chairman of the committee says there is transparency. He says that there is an opportunity for participation. He can say it as many times as he wants, but it is simply not true.

He also said that this was a commitment to the American people. There is no commitment to the American people here. The only commitment is to the insurance companies. They are the only ones that are going to gain from repeal of this very important legislation, because they want to increase premiums, and they want to institute discriminatory practices again against women, a woman perhaps who has breast cancer and a preexisting condition and can't get insurance, or bring back those lifetime caps, or bring back those annual caps where people lose their insurance if they have had a serious operation and they try to go back again and they don't have insurance, or perhaps the child who is up to 26 and who also will not be able to get on their parents' insurance policy again.

Let me tell you here, the only one who benefits is the insurance company, not the American people.

Mr. DREIER. Madam Speaker, may I inquire of my friend on the other side of the aisle how many speakers she has remaining?

Ms. SLAUGHTER. Madam Speaker, we have got every minute taken. I am not sure everybody is going to show up.

Mr. DREIER. I am told there are 11 minutes remaining on your side.

I reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to yield 1 minute to the gentleman from Michigan (Mr. DINGELL), the dean of the House and our leader on health care.

Mr. DINGELL. Madam Speaker, if you listen to the Republicans today, they are telling us don't bother them

with the facts. Their minds are made up.

They are unaware of the fact that the Congressional Budget Office says that this is going to create 4 million jobs in the health care legislation. They don't tell us that the same Congressional Budget Office says that passage of H.R. 2 is going to increase the deficit by \$140 billion. And they also are telling us the American people want this repeal. They don't.

They understand what this means. It means that no longer are people going to get the protections that the health insurance bill gives. No more protection, if the Republicans get their way, against preexisting conditions and rescissions denying people health care because of something that happened to them down the road before. No longer will Americans be protected against frivolous and improper behavior by the insurance companies.

This is a bad rule. It is bottomed not on facts, but on fiction. And if this body is to legislate and legislate well, we have to have the facts, not fiction, not deceit, not misleading statements by our Republican colleagues.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

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Mr. DOGGETT. If you're hit by a truck this afternoon or your child contracts a dread disease, your future ought not to depend on the fine print in an insurance policy you didn't have anything to do with writing. No insurance monopoly should stand between you and your doctor.

Unfortunately, the Republican Party has become little more than an arm of the insurance monopolies. They ask for a vote to further empower those monopolies, and we ask for a vote to empower American families. A vote to repeal is a vote to maintain health care costs as the leading cause of bankruptcy and credit card debt in this country. It is a vote to require seniors to pay more, more for prescription drugs, and more for diabetes and cancer screenings.

We can stand with American families today or we can kneel to the insurance monopolies. The choice is clear—let's vote for American families.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Vermont, former member of the Rules Committee, Mr. WELCH.

Mr. WELCH. I thank the gentlelady from New York.

I say, Madam Speaker, to my Republican colleagues, you campaigned effectively, you beat us good, you ran on

the agenda of defeating health care and repealing it. Now you're doing it. Own it. Admit what it is you are doing.

This is not a campaign. We're playing with fire. We're taking away health care benefits that make a real difference to our families.

Number one, this bill will raise the deficit by \$230 billion. Fiscal responsibility, out the window.

Second, things that matter to families; their kids, starting out getting a \$10 an hour job without health care. They have it now on their parent policies. We're taking it away.

Preexisting conditions. You have cancer and you want to buy insurance, you can. Repeal, you can't. You lose it.

Lifetime caps. If you are with cancer or diabetes and you need that insurance, you lose it before you can go without it.

And preventive care we're taking it away from seniors who are trying to take care of themselves, get those free mammograms, keep the cost of health care down. You are taking it away.

Admit it. Own it. State it proudly. It's what you campaigned on. It's what you're doing. But don't try to sugarcoat what this is about.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, the issue facing the country is jobs. Instead of repealing health care, we should bring up a jobs bill like the China currency reform. And so I rise in strong opposition to the rule and the underlying bill.

Today I speak on behalf of the millions of Americans who are currently benefitting from the law and yet have been shut out of the legislative process. The way in which this legislation has been brought to this floor is a travesty. Before the Affordable Care Act became law, in the House alone we held nearly 80 hearings on the merits of reform. But this bill to repeal this lifesaving law has not had a single hearing. Not one amendment has been allowed for an up or down vote here today. That's probably because the majority knows hearings would show that the law is already a real success.

While we may disagree on the policy, we should be able to agree on the process. And this, my friends, is not the way to move legislation in the House of Representatives. We've all agreed upon that. That is why I urge my colleagues—especially the new Members who ran on the promise of ensuring an open Congress—to vote against this rule.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Thank you.

There is a lot of talk here on the floor about job killers. Actually this bill, the affordable health care bill, creates some 400,000 jobs. The repeal of it is actually a killer of human beings. Some 40,000 Americans die every year for lack of health insurance. That's the reality. Repeal this bill and you're going to find more Americans dying. Also, you're doing away, with this repeal of the Affordable Health Care Act, of the patients' bill of rights. I was the insurance commissioner in California. I know exactly what the insurance companies will do if this repeal goes forward. They will continue to rescind policies. They will continue to deny coverage. They will continue to make sure that those 23-year-old children that have graduated from college will no longer be able to be on their parents' policies.

This repeal is perhaps the worst thing you can do to Americans in their health care. Besides that, you will significantly increase the deficit, by \$230 billion.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I would like to insert into the RECORD the figures from today's jobs report showing that since the enactment of health reform in March 2010, the economy has created 1.1 million private sector jobs.

UPDATE ON JOB GROWTH UNDER HEALTH REFORM

Today's jobs report exposes the fatal flaw in the Republicans' argument that health reform is "job killing."

Since the enactment of health reform in March 2010, the economy has created more than 1.1 million private-sector jobs.

That's an average of 123,000 jobs created per month in the private sector since the enactment of health reform, compared to an average of 7,000 jobs lost per month in the private sector during the Bush Administration, when our health care system was in a downward spiral and insurers had free rein to raise premiums on families and small businesses by double digits and deny or limit coverage with no accountability or recourse.

12 Straight Months of Job Growth in the Private Sector More Than 1.3 Million Private-Sector Jobs Created in 2010 Unemployment Rate Drops From 9.8% to 9.4%.

113,000 private-sector jobs were created in December, the 12th straight month of private-sector job growth.

In all, more than 1.3 million private-sector jobs were created in 2010. That's a dramatic turnaround from the situation President Obama inherited in early 2009, when we were losing 750,000 jobs a month.

The November private-sector jobs number was revised up 29,000 to 79,000 private-sector jobs created, and the October number was revised up 33,000 to 193,000 private-sector jobs created.

Government employment declined slightly in November; as a result, net payroll growth for the public and private sector combined was 103,000 in December.

The unemployment rate fell to 9.4% in December.

I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Speaker, I rise in strong opposition to this rule that we're taking up today instead of focusing on jobs.

The new majority in the House ran on the platform of fiscal responsibility. This bill flies in the face of that promise by adding \$230 billion in the short run and over \$1 trillion in the long run to our deficit.

As important, under repeal, the Medicare trust fund will become insolvent in 2017. That's just 6 years away. Pushing Medicare over the cliff by passing this repeal breaks a sacred trust with our Nation's seniors to help provide health care coverage in retirement after a lifetime of working and paying taxes.

That is why I went to Rules Committee last night with two colleagues and offered an amendment to guarantee that repeal will not go forward unless it is certified that that repeal will not shorten the life of the Medicare trust fund. Sadly, the Rules Committee didn't allow us to help protect America's seniors. They didn't allow that amendment, we will not be able to vote for that amendment on the floor, and I urge a "no" vote on this rule.

Mr. DREIER. Madam Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 7½ minutes remaining. The gentlewoman from New York has 5½ minutes remaining.

Mr. DREIER. Madam Speaker, then, in light of that, I am very happy to yield 1 minute to a physician, another hardworking member of this freshman class, the gentlewoman from Mount Kisco, New York (Ms. HAYWORTH).

Ms. HAYWORTH. Madam Speaker, as a physician, I understand the profound importance of the goals of the health care bill passed last year—to assure that all Americans have affordable, portable health insurance, providing access to good medical care.

I also understand the disruptions that this law is already causing to our economy—the predictable side effects of legislative bad medicine, and the reason we must repeal and replace it. The bill we will be considering is in no way merely symbolic. It represents the true will of the American people, the majority of whom have stated time after time to this day that they reject this law. The House's vote to repeal is the first step towards assuring that all Americans will have the quality, choice, and innovation in health care that they expect and deserve. We need to proceed expeditiously, according to the rule on which we vote today, with the understanding that we are taking meaningful and crucial action.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

The previous speaker is right. This is not symbolic. It's real. In fact, the Republicans are going to allow the return of the worst abuses of the health insurance industry. Preexisting condition exclusions. Taking away your policy when you get sick. Lifetime and annual caps. Throwing your kids off your policies. The Republican repeal of this bill would enable all those things for their very, very generous benefactors in the insurance industry.

I haven't had a single constituent—and I know you haven't—beg you to bring back these abuses. Is that what you're doing? Is that what they want? You could take steps right now in fact to rein in this industry, and 400 people in this House voted for it last year. Let's take away their unfair exemption from antitrust laws so they can't collude to drive up prices, they can't collude to take away your insurance, they can't collude to throw your kids off; and all the other anticompetitive things that industry does.

I offered that amendment to Rules last night. The Republicans, despite the chairman of the committee and others having voted for it last year, would not allow it. This is an insurance industry bill plain and simple.

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Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to another hardworking physician, a member of this new freshman class, the gentleman from South Pittsburg, Tennessee, Dr. DESJARLAIS.

Mr. DESJARLAIS. Madam Speaker, today I rise to support the rule and to support the repeal of the Obama health care law. As a physician who has practiced medicine in rural Tennessee under the onerous TennCare law, I know firsthand that this law does not work. It restricts access to health care, it increases the cost, and it does not deliver on the promises the minority made when they passed the law.

The American people have had their say. They do not want this bill. They want it repealed, and they want to see health care reform that will increase access and lower costs.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I thank my colleague from the Rules Committee for allowing me to speak.

I rise in strong opposition to this rule on H.R. 2, the Patients' Rights Repeal Act. Just yesterday, the Congressional Budget Office said that this repeal would cost \$230 billion in additional Federal debt. It's amazing, this is our first major piece of legislation and the Republicans are already adding to the national debt.

The issue facing our country is jobs. Instead of repealing health care, we

should be bringing up a jobs bill like the China currency reform. Where is that bill on the floor with the new majority?

Let me tell you what this bill will do. At least in Texas, we will see tragedy happen. 161,000 young adults will lose their insurance coverage through their parents' health care plan—that's only in Texas—and 2.8 million Texans who have Medicare coverage will be forced to pay copays now for preventative services like mammograms and colonoscopies. Medicare will no longer pay for the annual visit of nearly 2.8 million Texans—and many more Americans for Medicare—and 128,682 Texans on Medicare will receive higher prescription costs if this law is repealed.

Madam Speaker, yesterday Congressional Budget Office said "over the 2012–2021 period, the repeal of health care reform on federal deficits . . . will cost \$230 billion."

Texas and the rest of the nation cannot afford to add an additional \$230 billion in deficit spending.

The issue facing the country is jobs. Instead of repealing health care, we should bring up a jobs bill like China currency reform.

The Republicans came into office promising to reduce federal spending and reduce the deficit, but their first act in the Majority is to try to pass a Rule that would exempt H.R. 2 for statutory PAYGO.

In addition to adding billions in dollars to the deficit, consideration of H.R. 2 would jeopardize the current and future health care benefits of my constituents. The negative effects repealing the Affordable Care Act will have on Texas and all Americans.

Up to 161,000 young adults would lose their insurance coverage through their parents' health plans. Nearly 11.8 million residents of Texas with private insurance coverage would suddenly find themselves vulnerable again to having lifetime limits placed on how much insurance companies will spend on their health care.

Insurance companies would once again be allowed to cut off someone's coverage unexpectedly when they are in an accident or become sick because of a simple mistake on an application. This would leave more than 1.1 million people in Texas at risk of losing their insurance.

More than 1.1 million residents of Texas would not know if they are receiving value for their health insurance premium dollars, as insurers in state would no longer be required to spend at least 80 to 85 percent of premium dollars on health care rather than CEO salaries, bonuses, and corporate profits.

Nearly 2.8 million seniors in Texas who have Medicare coverage would be forced to pay a co-pay to receive important preventive services, like mammograms and colonoscopies.

Medicare would no longer pay for an annual check-up visit, so nearly 2.8 million seniors in Texas who have Medicare coverage would have to pay extra if they want to stay healthy by getting check-ups regularly.

A total of 128,682 Texans on Medicare would see significantly higher prescription drug costs. In Texas, Medicare beneficiaries received a one-time, tax-free \$250 rebate to

help pay for prescription drugs in the “donut hole” coverage gap in 2010. Medicare beneficiaries who fall into the “donut hole” in 2011 will be eligible for 50 percent discounts on covered brand name prescription drugs.

Madam Speaker, when Texans and all Americans will soon be finally free from worrying that affordable coverage will not be available to them and their families when they need it the most, repealing the Affordable Care Act would be devastating.

I strongly urge my colleagues to vote no on the rule to consider H.R. 2.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS), the ranking member of Government Oversight and Reform.

Mr. CUMMINGS. I rise in fervent opposition to this rule. Despite ardent promises from Republicans that all bills would be considered under regular order, this resolution has neither been debated nor voted on by a single committee of jurisdiction.

Additionally, the recently passed Republican rules package requires that all legislation be fully paid for—and yet the Republican leadership has already publicly declared that they have no intention of paying for what is estimated to be a \$230 billion increase in the deficit that the repeal of health reform would create by 2021, according to the Congressional Budget Office.

Worse than the Republicans’ already broken promises are what this rule and the underlying resolution would do to children, to seniors, and to all Americans who are suffering from illnesses.

I strongly oppose this rule.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 1 minute to another great new Member, the gentleman from Archie, Missouri (Mrs. HARTZLER), my home State.

Mrs. HARTZLER. Members on the opposite side of the aisle said we need to be passing a jobs bill. Well, this is a jobs bill, because I can testify, as a person who’s newly elected and been on the campaign trail for a while, that in the Fourth District we had small businesses that are not hiring and not expanding because of the health care bill. We have got to repeal this so that we can create more jobs.

I am a small business owner myself, and I can tell you, since this has passed, that health insurance premiums have skyrocketed in anticipation of the mandate that is going to be forced on them. So, if we want to get serious about creating jobs, we need to start by repealing this.

This is also a bill to rein in the runaway spending that is devastating our country, and it’s mortgaging our children’s future. As a mother, that’s important to me. This bill put another \$1.2 trillion of debt on our country. We cannot afford that.

Lastly, this is a freedom bill. The people in my district do not want the

government telling them they have to buy a private product and then mandating what is in that product. That is unconstitutional. By passing this last year, you have taken away my freedom, the freedom of the people of the Fourth District, and the freedom of this country. We deserve better.

Ms. SLAUGHTER. I would like to yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. The issue facing this country is jobs. Instead of rushing to the aid of the insurance industry to re-instate their right to engage in egregious discriminatory practices of discriminating against adults and children alike based on preexisting conditions, instead of allowing the doughnut hole to continue to bear down on our seniors, we should be passing real jobs legislation.

Urgently, we should be bringing up jobs bills that will make a real difference, like putting an end to China’s currency manipulation. We’ve heard the numbers: 2.4 million jobs lost across the country, 92,000 jobs lost in Ohio, and 5,700 jobs have been lost in my congressional district due to China’s deliberate and abusive trade policies. We can do something about this issue today, and we should. It makes a real difference.

I hope that our friends across the aisle will stand with American businesses and American workers and put an end to the abusive practice of China’s currency manipulation.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I thank the gentlewoman for yielding.

Madam Speaker, I rise in opposition to the rule.

Madam Speaker, after Democrats took a shellacking on November 2, I concluded then and now that it was because of the fragile economy and because they thought just perhaps Republicans would have some new ideas about fiscal discipline.

Well here’s what we get. We get a Republican majority that is more concerned about political theatre and messaging to the Tea Party than they are in creating jobs and reducing the deficit. We need a Jobs bill. Now.

The CBO on yesterday told us what we already suspected. Repeal will increase, yes increase, the deficit by \$230 billion. It will result in 32 million Americans losing their health insurance. And what eclipsed this whole episode was a Republican Rule that exempts Repeal from Pay-as-you-Go rules.

Shame on the Republican majority. Shame on you.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. There are 15 million Americans unemployed as we meet this

morning. They do not want us to play politics with health care; they want us to work together to create jobs.

There is a job killer loose in America. The job killer is unfair trade practices that force the outsourcing of our jobs.

There is a proposal that has broad agreement between Republicans and Democrats to bring fair trade back to America. If we defeat the previous question, we will move to amend the rule to make in order the Currency Reform for Fair Trade Act, which simply says this: As the Chinese have been slamming the door shut on our workers and products, we’ve been opening our shelves in American department stores. No more of that. No more outsourcing of jobs. No more unfair trade practices. A fair and level playing field for American workers.

Let’s work together to create jobs and stop the politics and the waste of time of health care. Vote “no” on the previous question.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. I yield for the purpose of making a unanimous consent request to the gentleman from New York, Mr. ELIOT ENGEL.

Mr. ENGEL. I rise in opposition to this amendment. It seems that the openness the new majority promised us lasted half a day. And the more things change, the more they remain the same. I urge my colleagues to vote “no.”

□ 1030

Ms. SLAUGHTER. Madam Speaker, if we are able to defeat the previous question, I will move to amend the rule to make in order a bill (H.R. 2378) from the last Congress, the Currency Reform for Fair Trade Act, which invokes our anti-dumping laws and provides relief for American workers and companies injured by unfair exchange rate policies.

I yield to the gentleman from New York for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WEINER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WEINER. Madam Speaker, what is the current whole number of Members of the House?

The SPEAKER pro tempore. The whole number of the House is 435.

Mr. WEINER. Madam Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WEINER. Can the Speaker certify that all 435 Members have been correctly and duly sworn and have taken the oath of office as required under the Constitution?

The SPEAKER pro tempore. The Chair is under the information and belief that all 435 Members have been sworn.

Ms. SLAUGHTER. I yield back the balance of my time.

Mr. DREIER. I yield myself the balance of my time.

Madam Speaker, this is the first act of the 112th Congress, and I have to say that I am particularly gratified that we have had six new Members of this 87-Member Republican class participate in this debate because, Madam Speaker, they have come here with a very, very strong, powerful message from the American people.

That message is that we have to make sure that we create jobs and get our economy back on track.

Even though we have gotten this positive news of the reduction of the unemployment rate from 9.8 to 9.3 percent this morning, tragically last month only 105,000 new jobs were created. That is not enough to sustain our economy. You have to create at least 150,000 jobs just to be treading water.

We know that the American people are continuing to suffer, and the message that has come from the American people through these 87 new Members is that we have to have a laser-like focus on creating jobs, getting our economy back on track, and reducing the size and scope and reach of the Federal Government.

My friend Mr. PENCE and I had an exchange in which we said only in Washington, D.C., can saying that cutting a \$2.7 trillion increase—eliminating that, scrapping that—will, in fact, cost money. It's absolutely crazy, but that is what they are arguing; and through their sleight of hand, with the Congressional Budget Office, they are going to continue to claim that it will somehow save money.

Madam Speaker, we are doing what we told the American people we would do. It is very simple. Beginning last year, we said we would have a very clean up-or-down vote:

Should we maintain this \$2.7 trillion expansion with government mandates and increased taxes, or should we repeal it? That's what we are going to be voting on after the 3-day layover next week; and, Madam Speaker, are we, in fact, committing ourselves to doing everything that we possibly can to ensure that every single American has access to quality, affordable health care and health insurance?

That's what the resolution that I have introduced, H. Res. 9, will do. It will direct the six committees of jurisdiction to begin immediately working on ways in which we can drive the cost of health insurance down.

I personally believe that we need to allow for the purchase of insurance across State lines, which is now forbidden under the McCarran-Ferguson Act. I believe that it is very important for us to have associated health plans so that small businesses can come together and get lower rates. We need to have pooling to deal with preexisting

conditions. We need to expand medical savings accounts. And yes, Madam Speaker, the fifth thing we need to do is we need to have meaningful lawsuit abuse reform so that resources can go towards doctors and not trial lawyers.

These are the kinds of things that these new Members are telling us need to be done, and that is exactly what passage of this rule will make happen.

Now, Madam Speaker, let me say I urge support of this rule, and I urge support of the underlying legislation.

Mr. REYES. Madam Speaker, I rise today to express opposition to the rule and the irresponsible move by the Republicans to dismantle health care reform for millions of Americans. There are a multitude of reasons why I am opposing this rule and why it is an affront to the democratic process, but I will focus on three today.

First, this rule shuts out any attempt to change the Republican proposal. After promising a transparent process and an honest attempt to engage Members across the aisle, Republicans went back on their word and closed the door on any meaningful conversation. Yesterday's Rules Committee meeting serves as an example of the extreme tactics being used by the majority to shut out opposition. Thirty Democratic amendments were submitted for consideration, including several that I co-sponsored, aimed at preserving key consumer protections in the health care reform law. One of the most notable provisions includes prohibiting insurance companies from rescinding an individual's health coverage due to illness or imposing annual or lifetime limits. The Democratic amendments would also preserve access to primary care and the medical loss ratio (MLR) provision. This provision requires insurance companies in the individual and small group markets to spend at least 80 percent of the premiums on medical care and quality improvement activities. Finally, the amendments would prohibit repeal if it increases cost sharing or otherwise reduces access to preventive health benefits such as mammograms, colonoscopies, and diabetes screenings. All 30 Democratic amendments were rejected by the Republicans, leaving no room for dialogue or reform.

My second concern is that Republicans are trying to turn back the clock on the Democratic reforms that have allowed millions of Americans to access affordable quality health care across the country. In my state alone, preliminary estimates suggest that 161,000 young people under the age of 26 will become ineligible to remain on their parents' health insurance, 2.8 million Medicare patients will pay more for preventative services, and 128,682 Medicare recipients will pay higher prescription costs. Moreover, Republicans are ignoring warnings from the non-partisan Congressional Budget Office that repealing the Affordable Care Act will add \$230 billion over the next 10 years to the already massive budget deficit.

Third and most importantly, there is an incredible amount of business to be done, and the American people expect that the Republicans will get to work with Democrats and the President to create jobs and build on the progress of the past two years. Instead of obsessing over the repeal of the health care

law, Republicans should focus on revitalizing communities like mine on the border by passing bills that strengthen infrastructure and security. I urge Republicans to take a look at my PORTS Act as an example of bi-partisan legislation that accomplishes both of these goals and will actually benefit the American people. In short, we need to work together to get it done.

I hope that this rule is not the beginning of a session marked by continual efforts to thwart debate and stifle opposition.

I urge my colleagues to vote against this closed rule.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong opposition to the rule for the consideration of H.R. 2, the Repealing the Jobs-Killing Health Care Law Act.

Instead of focusing on job creation and other efforts to grow our economy again, House Republicans have set the tone for the beginning of the 112th Congress by attempting to ram through a repeal of the most comprehensive health care reform legislation in our history.

They want to "repeal and replace" the Affordable Care Act, but have yet to share with us and the American people what exactly they want to replace it with.

"Just trust us," they say. Well, their idea of trust is voting to strip middle class, working poor, and other vulnerable Americans of their access to affordable, quality health care now, and worrying about the costs later.

What they call a "job-killing health care law" actually creates much-needed jobs and cuts the deficit.

In fact, according to a preliminary estimate from Director Elmendorf of the nonpartisan Congressional Budget Office (CBO), repeal of the Affordable Care Act will explode federal budget deficits by \$230 billion through 2021 and by billions more in the following decade.

The bottom line is that Republicans would rather help themselves by taking away over 32 million Americans' health care than help put our nation back to work.

Simply put, a vote in favor of "repeal and replace" is a vote to:

Take coverage away from young adults looking for jobs, children with pre-existing conditions, and low-income families;

Impose lifetime limits on coverage;

Allow insurance companies to spend more on CEO salaries, bonuses, and corporate profits than health care; and

Increase preventive care and prescription drug costs for seniors under Medicare.

Madam Speaker, yesterday in the Rules Committee, I asked all those in attendance whether their health insurance premiums over the past 20 years had gone down. Not one single person, and that would include my Republican colleagues, raised their hands. Need I say more?

I urge a "no" vote on the rule and underlying bill.

Mr. COSTELLO. Madam Speaker, I rise today in opposition to H. Res. 26, a rule to provide for debate on H.R. 2, the Republican attempt to repeal the Affordable Care Act.

In September 2010, the Republican Party offered a "Pledge to America." They outlined their promises to create a more transparent and open Congress; to bring bills to the floor

under regular order, following consideration by committee; to allow a bipartisan debate under open rules allowing any member to come forward and have an up or down vote on amendments to major pieces of legislation; and to reject bills that increase the deficit. Most importantly, Republicans promised to work in the best interest of American families.

Just two days after Republicans have taken over the majority in the House, we are back to business as usual under Republican control. This hypocritical rule violates each promise made by Republicans during their campaign and in the rules they adopted for the 112th Congress.

The rule brings to the floor a bill that has never been considered in committee but will repeal a law that was discussed and debated for over a year in committees in both houses of Congress. That is not the regular order Republicans promised.

Democrats brought 30 amendments to the House Rules Committee, seeking an up or down vote to preserve provisions of the Affordable Care Act that prevent insurance companies from denying coverage for those with pre-existing conditions, from canceling insurance coverage for young adults up to age 26, from dropping individuals when they get sick, from maintaining the Medicare Part D Coverage gap. Not one amendment was made in order. That is not the open and bipartisan debate Republicans promised.

The non-partisan Congressional Budget Office estimates the bill this rule brings to the floor will increase the deficit by \$230 billion over 10 years, a cost Republicans conveniently excused themselves from ever having to pay in their rules for the 112th Congress. That is not the fiscal responsibility Republicans promised.

The rule will bring to the floor a bill that takes away health insurance from 32 million people, raises health insurance premiums for millions of American families, increases out-of-pocket expenses and prescription drug costs for Medicare beneficiaries, and puts control over health care decisions back in the hands of insurance companies. That is not the best interest of America's families and seniors Republicans promised.

For these reasons, I strongly oppose this rule that violates the promises made by Republicans and the promises we each made to represent the best interest of our constituents. I urge my colleagues to oppose this rule and the underlying bill.

Mr. DREIER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 16, as follows:

[Roll No. 9]

YEAS—236

Adams	Gosar	Nunnelee
Aderholt	Gowdy	Olson
Akin	Granger	Palazzo
Alexander	Graves (GA)	Paul
Amash	Graves (MO)	Paulsen
Bachmann	Griffin (AR)	Pence
Bachus	Griffith (VA)	Petri
Barletta	Grimm	Pitts
Bartlett	Guinta	Platts
Bass (NH)	Guthrie	Poe (TX)
Benishhek	Hall	Pompeo
Berg	Hanna	Posey
Biggert	Harper	Price (GA)
Bilbray	Harris	Quayle
Bilirakis	Hartzler	Reed
Bishop (UT)	Hastings (WA)	Rehberg
Blackburn	Hayworth	Reichert
Bonner	Heck	Renacci
Bono Mack	Heller	Ribble
Boren	Hensarling	Rigell
Boustany	Herger	Rivera
Brady (TX)	Herrera Beutler	Roby
Brooks	Huelskamp	Roe (TN)
Broun (GA)	Huizenga (MI)	Rogers (AL)
Buchanan	Hultgren	Rogers (KY)
Bucshon	Hunter	Rogers (MI)
Buerkle	Hurt	Rohrabacher
Burgess	Issa	Rokita
Burton (IN)	Jenkins	Rooney
Calvert	Johnson (IL)	Ros-Lehtinen
Camp	Johnson (OH)	Roskam
Campbell	Johnson, Sam	Ross (AR)
Canseco	Jordan	Ross (FL)
Cantor	Kelly	Royce
Capito	King (IA)	Runyan
Carter	King (NY)	Ryan (WI)
Cassidy	Kingston	Scalise
Chabot	Kinzinger (IL)	Schilling
Chaffetz	Kline	Schmidt
Coble	Labrador	Schock
Coffman (CO)	Lamborn	Schweikert
Cole	Lance	Scott (SC)
Conaway	Landry	Scott, Austin
Cravaack	Lankford	Sensenbrenner
Crawford	Latham	Sessions
Crenshaw	LaTourrette	Shimkus
Culberson	Latta	Shuster
Davis (KY)	Lee (NY)	Simpson
Denham	Lewis (CA)	Smith (NJ)
Dent	LoBiondo	Smith (TX)
DesJarlais	Lucas	Southerland
Diaz-Balart	Luetkemeyer	Stearns
Dold	Lummis	Stivers
Dreier	Lungren, Daniel	Stutzman
Duffy	E.	Sullivan
Duncan (SC)	Mack	Terry
Duncan (TN)	Manzullo	Thompson (PA)
Ellmers	Marchant	Thornberry
Emerson	Marino	Tiberi
Farenthold	McCarthy (CA)	Tipton
Fincher	McCaul	Turner
Fitzpatrick	McClintock	Upton
Flake	McCotter	Walberg
Fleischmann	McHenry	Walden
Fleming	McKeon	Walsh (IL)
Flores	McKinley	Webster
Forbes	McMorris	West
Fortenberry	Rodgers	Westmoreland
Fox	Meehan	Whitfield
Franks (AZ)	Mica	Wilson (SC)
Frelinghuysen	Miller (FL)	Wittman
Galleghy	Miller (MI)	Wolf
Gardner	Miller, Gary	Womack
Garrett	Mulvaney	Woodall
Gerlach	Murphy (PA)	Yoder
Gibbs	Myrick	Young (AK)
Gibson	Neugebauer	Young (FL)
Gingrey (GA)	Noem	Young (IN)
Gohmert	Nugent	
Goodlatte	Nunes	

NAYS—182

Ackerman	Bishop (GA)	Carnahan
Altmire	Bishop (NY)	Carney
Andrews	Blumenauer	Castor (FL)
Baca	Brady (PA)	Chandler
Baldwin	Braley (IA)	Chu
Barrow	Brown (FL)	Clarke (MI)
Bass (CA)	Butterfield	Clarke (NY)
Becerra	Capps	Clay
Berkley	Capuano	Clyburn
Berman	Cardoza	Cohen

Connolly (VA)	Johnson (GA)	Quigley
Conyers	Johnson, E. B.	Rahall
Cooper	Kaptur	Rangel
Costa	Keating	Reyes
Costello	Kildee	Richardson
Courtney	Kind	Richmond
Critz	Kissell	Rothman (NJ)
Crowley	Kucinich	Roybal-Allard
Cuellar	Langevin	Ruppersberger
Cummings	Larsen (WA)	Rush
Davis (CA)	Larson (CT)	Ryan (OH)
DeFazio	Lee (CA)	Sánchez, Linda
DeGette	Levin	T.
DeLauro	Lewis (GA)	Sanchez, Loretta
Deutch	Lipinski	Sarbanes
Dicks	Loeb sack	Schakowsky
Dingell	Lofgren, Zoe	Schiff
Doggett	Lowey	Schrader
Donnelly (IN)	Lujan	Schwartz
Doyle	Lynch	Scott (VA)
Edwards	Markey	Scott, David
Ellison	Matheson	Serrano
Engel	Matsui	Sewell
Eshoo	McCarthy (NY)	Sherman
Farr	McCollum	Shuler
Fattah	McDermott	Sires
Filner	McGovern	Slaughter
Frank (MA)	McIntyre	Smith (WA)
Fudge	McNerney	Speier
Garamendi	Meeks	Stark
Giffords	Michaud	Sutton
Gonzalez	Miller (NC)	Thompson (CA)
Green, Al	Miller, George	Thompson (MS)
Green, Gene	Moore	Tierney
Gutierrez	Moran	Tonko
Hanabusa	Murphy (CT)	Towns
Harman	Nadler	Tsongas
Hastings (FL)	Napolitano	Van Hollen
Heinrich	Neal	Velázquez
Higgins	Olver	Visclosky
Himes	Owens	Walz (MN)
Hinchoy	Pallone	Wasserman
Hinojosa	Pascarell	Schultz
Hirono	Pastor (AZ)	Waters
Holden	Payne	Watt
Holt	Pelosi	Waxman
Hoyer	Perlmutter	Weiner
Inslee	Peters	Welch
Israel	Peterson	Woolsey
Jackson (IL)	Pingree (ME)	Wu
Jackson Lee	Polis	Yarmuth
(TX)	Price (NC)	

NOT VOTING—16

□ 1056

Messrs. RUSH, COURTNEY, HOLT, Mrs. MCCARTHY of New York, Messrs. GENE GREEN of Texas, CONYERS, and PASCARELL changed their vote from "yea" to "nay."

Mr. LUETKEMEYER changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mrs. BLACK. Madam. Speaker, on rollcall No. 9 I was unavoidably detained. Had I been present, I would have voted "yes."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WEINER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 181,

answered “present” 2, not voting 15, as follows:

[Roll No. 10]

AYES—236

Adams Gowdy Nunes
Aderholt Granger Nunnelee
Akin Graves (GA) Olson
Alexander Graves (MO) Palazzo
Amash Griffin (AR) Paul
Bachmann Griffith (VA) Paulsen
Bachus Grimm Pence
Barletta Guinta Petri
Bartlett Guthrie Pitts
Bass (NH) Hall Platts
Benishek Hanna Poe (TX)
Berg Harper Pompeo
Biggert Harris Posey
Bilbray Hartzler Price (GA)
Bilirakis Hastings (WA) Quayle
Bishop (UT) Heck Reed
Black Heller Rehberg
Blackburn Hensarling Reichert
Bonner Herger Renacci
Bono Mack Herrera Beutler Ribble
Boren Huelskamp Rigell
Boustany Huizenga (MI) Rivera
Brady (TX) Hultgren Roby
Brooks Hunter Roe (TN)
Broun (GA) Hurt Rogers (AL)
Buchanan Issa Rogers (KY)
Bucshon Jenkins Rogers (MI)
Buerkle Johnson (IL) Rohrabacher
Burgess Johnson (OH) Rokita
Burton (IN) Johnson, Sam Fudge
Calvert Jordan Rooney
Camp Kelly Ros-Lehtinen
Campbell King (IA) Roskam
Canseco King (NY) Ross (AR)
Cantor Kingston Ross (FL)
Capito Kinzinger (IL) Royce
Carter Kissell Runyan
Cassidy Kline Ryan (WI)
Chabot Labrador Scalise
Chaffetz Lamborn Schilling
Coble Lance Schmidt
Coffman (CO) Landry Schock
Cole Lankford Schweikert
Conaway Latham Scott (SC)
Cravaack LaTourette Scott, Austin
Crawford Latta Sensenbrenner
Crenshaw Lee (NY) Shimkus
Culberson Lewis (CA) Shuster
Davis (KY) LoBiondo Simpson
Denham Long Smith (NJ)
Dent Lucas Smith (TX)
DesJarlais Luetkemeyer Southerland
Diaz-Balart Lummis Stearns
Dreier Lungren, Daniel Stivers
Duffy E. Stutzman
Duncan (SC) Mack Sullivan
Duncan (TN) Manzullo Terry
Ellmers Marchant Thompson (PA)
Emerson Marino Thornberry
Farenthold McCarthy (CA) Tiberi
Fincher McCaul Tipton
Flake McClintock Turner
Fleischmann McCotter Upton
Fleming McHenry Walberg
Flores McIntyre Walden
Forbes McKeon Walsh (IL)
Fortenberry McKinley Webster
Fox McMorris West
Franks (AZ) Rodgers Westmoreland
Frelinghuysen Meehan Whitfield
Gallegly Mica Wilson (SC)
Gardner Miller (FL) Wittman
Garrett Miller (MI) Wolf
Gerlach Miller, Gary Womack
Gibbs Mulvaney Woodall
Gibson Murphy (PA) Yoder
Gingrey (GA) Myrick Young (AK)
Gohmert Neugebauer Young (FL)
Goodlatte Noem Young (IN)
Gosar Nugent

NOES—181

Ackerman Berkley Butterfield
Altmire Berman Capps
Andrews Bishop (GA) Capuano
Baca Bishop (NY) Cardoza
Baldwin Blumenauer Carnahan
Barrow Brady (PA) Carney
Bass (CA) Braley (IA) Carson (IN)
Becerra Brown (FL) Castor (FL)

Chandler Inslee Price (NC)
Chu Israel Quigley
Clarke (NY) Jackson (IL) Rahall
Clay Jackson Lee Rangel
Cleaver (TX) Reyes
Clyburn Johnson (GA) Richardson
Cohen Johnson, E. B. Richmond
Connolly (VA) Kaptur Rothman (NJ)
Conyers Keating Ruppertsberger
Cooper Kildee Rush
Costa Kind Ryan (OH)
Costello Kucinich Sanchez, Linda
Courtney Langevin T.
Critz Larsen (WA) Sanchez, Loretta
Crowley Larson (CT) Sarbanes
Cuellar Lee (CA) Schakowsky
Cummings Levin Schiff
Davis (CA) Lewis (GA) Schrader
DeFazio Lipinski Schwartz
DeGette Loeb sack Scott (VA)
DeLauro Lofgren, Zoe Scott, David
Deutch Lowey Serrano
Dicks Lujan Sewell
Dingell Lynch Sherman
Doggett Markey Shuler
Donnelly (IN) Matheson Shires
Doyle Matsui Slaughter
Edwards McCarthy (NY) Smith (WA)
Ellison McCollum Speier
Engel McDermott Stark
Eshoo McGovern Sutton
Farr McNeerney Thompson (CA)
Fattah Meeks Thompson (MS)
Finler Michaud Tierney
Frank (MA) Miller (NC) Tonko
Fudge Miller, George Towns
Giffords Moore Tsongas
Gonzalez Moran Van Hollen
Green, Al Murphy (CT) Velázquez
Green, Gene Nadler Visclosky
Grijalva Napolitano Walz (MN)
Gutierrez Neal Wasserman
Hanabusa Oliver Schultz
Harman Owens Waters
Hastings (FL) Pallone Watt
Heinrich Pascrell Waxman
Higgins Pastor (AZ) Weiner
Himes Payne Welch
Hinchey Pelosi Wilson (FL)
Hinojosa Perlmutter Woolsey
Hirono Peters Wu
Holden Peterson Yarmuth
Holt Pingree (ME)
Hoyer Polis

ANSWERED “PRESENT”—2

Fitzpatrick Sessions

NOT VOTING—15

Austria Davis (IL) Jones
Barton (TX) Dold Maloney
Boswell Garamendi Pearce
Cicilline Hayworth Roybal-Allard
Clarke (MI) Honda Smith (NE)

□ 1104

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. McGOVERN. Madam Speaker, I am standing on the floor of the House of Representatives where Members of Congress get sworn in, and I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. McGOVERN. Madam Speaker, under the rules of the House and the United States Constitution, can a committee of the House be presided over by someone who is not a Member of the House of Representatives and who is not a member of that committee?

The SPEAKER pro tempore. No. Only sworn Members may serve on committees.

RELATING TO THE STATUS OF CERTAIN ACTIONS TAKEN BY MEMBERS-ELECT

Mr. DREIER. Madam Speaker, pursuant to House Resolution 26, I send to the desk as the designee of the majority leader a resolution and ask for its immediate consideration.

Mr. WEINER. I reserve a point of order, Madam Speaker.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 27

Whereas, Representative-elect Sessions and Representative-elect Fitzpatrick were not administered the oath of office pursuant to the third clause in article VI of the Constitution until after the completion of legislative business on January 6, 2011; and

Whereas, the votes cast by Representative-elect Sessions and Representative-elect Fitzpatrick on rollcalls 3 through 8 therefore were nullities; Now, therefore, be it

Resolved, That—

(1) the votes recorded for Representative-elect Sessions and Representative-elect Fitzpatrick on rollcalls 3 through 8 be deleted and the vote-totals for each of those rollcalls be adjusted accordingly, both in the Journal and in the Congressional Record;

(2) the election of Representative-elect Sessions to a standing committee and his participation in its proceedings be ratified;

(3) the measures delivered to the Speaker for referral by Representative-elect Sessions be considered as introduced and retain the numbers assigned;

(4) any submissions to the Congressional Record by Representative-elect Sessions or Representative-elect Fitzpatrick be considered as valid;

(5) any cosponsor lists naming Representative-elect Sessions or Representative-elect Fitzpatrick be considered as valid; and

(6) any non-voting participation by Representative-elect Sessions or Representative-elect Fitzpatrick in proceedings on the floor be ratified.

POINT OF ORDER

Mr. WEINER. Madam Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WEINER. Madam Speaker, I make a point of order that the consideration of this resolution is in violation of the House rules that we just passed in which a new section was created to rule XXI that required at least 3 days' notice to consider legislation, that it be posted on the Internet and we have a chance to review it. It is particularly important in this case since we're dealing with a constitutional issue, one that is without precedent, and I insist on the point of order.

The SPEAKER pro tempore. The Chair must observe that the rule cited applies to bills and joint resolutions; and pursuant to House Resolution 26, all points of order are waived.

PARLIAMENTARY INQUIRY

Mr. WEINER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEINER. Am I to understand that under the rules that were just passed, they are already exempting this resolution, which is of a question of the interpretation of the Constitution of the United States, that it is already being waived, that that new rule requiring 3 days is already being waived?

The SPEAKER pro tempore. The rule that the gentleman cites applies only to bills and joint resolutions.

□ 1110

Pursuant to section 3 of House Resolution 26, the gentleman from California (Mr. DREIER) and the gentleman from New York (Mr. WEINER) each will control 2 minutes.

The Chair recognizes the gentleman from California.

Mr. DREIER. Madam Speaker, I am the only speaker on my side, so I will reserve the balance of my time.

Mr. WEINER. Madam Speaker, I yield myself such time as I may consume.

I thought that the chairman was going to say that he was going to be brief. Well, he had no choice with this rule. It's a pretty short one.

I just want to say in the brief 2 minutes that we have here that this is a pretty important issue that we are faced with. And I should say just at the outset that I have the greatest respect for my friend, Mr. SESSIONS. I consider him to be a friend. I hope to get to know Mr. FITZPATRICK as well and to call him a friend as well. But what we are dealing with today is perhaps the most basic test that we have of whether we're going to take legislation seriously.

To the great credit of the maker of this resolution, which we just got, it stipulates right in the first couple of sections, we violated the Constitution on our very first day. The constitutional requirement for oath was violated. And I give you great credit for recognizing that in the resolution.

Now you do say that it created nullities, which is, frankly, a way of saying we operated outside this document on the same day we were reading it. When Mr. SESSIONS and Mr. FITZPATRICK stood up in front of a television set and held their right hand up—not unlike about 2,000 of my constituents, I suspect—they were violating a very important part of these proceedings, and yet we have a grand total of 2 minutes on each side, Mr. DREIER, and to my colleagues, in which to debate how to fix that infirmity.

Mr. SESSIONS presided over the Rules Committee during a large portion in which he was not even a duly sworn Member of the United States Congress.

Yet we are doing nothing to go back and see would that participation influence proceedings at all.

I strongly urge my colleagues to vote against this resolution, not because Mr. FITZPATRICK and Mr. SESSIONS are not Members of Congress, they clearly are and I congratulate them, but because for the first time in American history, the first time in the history of this body, we are going to pass a fix of a constitutional infirmity with—wait for it—4 minutes of debate when we didn't have the bill until just now. I strongly urge my colleagues to think about the precedent this sets.

I ask the consent of the chairman for an additional 1 minute so we can have an understanding.

Mr. DREIER. I have no authority to do that. We are living under this rule that was passed by the House.

Mr. WEINER. The gentleman may yield to a unanimous consent request.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. WEINER. Only does Mr. DREIER have the ability to accede to a unanimous consent request.

The SPEAKER pro tempore. Does the gentleman from California yield for such a request?

Mr. DREIER. I have my time, and I will be utilizing that, Madam Speaker.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from California.

Mr. DREIER. Madam Speaker, I appreciate the fact that my friend from New York has stated his respect for Mr. SESSIONS and Mr. FITZPATRICK.

These two individuals were in this Capitol. They were in this Capitol when they took the oath of office. They didn't happen to be in this exact room. Under the standard of collegiality in Jefferson's Manual, it is indicated that they have to be within the proximity of the Speaker.

Madam Speaker, any Member who does not vote in favor of this resolution is allowing the problem to persist. This resolution rectifies the problem which we all realize has happened. I believe that we have a responsibility to this institution, we have a responsibility to the Constitution, we have a responsibility to the American people, and this resolution rectifies a problem that has existed.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

PARLIAMENTARY INQUIRY

Mr. WEINER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEINER. Madam Speaker, under the rules of the House, are the Members of Congress who are not duly

sworn entitled to be paid for the days of service in which they were here and were not sworn in?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Pursuant to section 3 of House Resolution 26, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WEINER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 159, answered “present” 3, not voting 15, as follows:

[Roll No. 11]

AYES—257

Adams	Dreier	King (NY)
Aderholt	Duffy	Kingston
Akin	Duncan (SC)	Kinzinger (IL)
Alexander	Duncan (TN)	Kline
Altmire	Ellmers	Labrador
Amash	Emerson	Lamborn
Bachmann	Farenthold	Lance
Bachus	Fattah	Landry
Barletta	Fincher	Lankford
Barrow	Flake	Latham
Bartlett	Fleischmann	LaTourette
Bass (NH)	Fleming	Latta
Benishek	Flores	Lee (NY)
Berg	Forbes	Lewis (CA)
Biggart	Fortenberry	Lipinski
Bilbray	Fox	LoBiondo
Bilirakis	Franks (AZ)	Long
Bishop (UT)	Frelinghuysen	Lucas
Black	Galleghy	Luetkemeyer
Blackburn	Gardner	Lummis
Bonner	Garrett	Lungren, Daniel
Bono Mack	Gerlach	E.
Boren	Gibbs	Manzullo
Boustany	Gibson	Marchant
Brady (PA)	Gingrey (GA)	Marino
Brady (TX)	Gohmert	McCarthy (CA)
Brooks	Goodlatte	McCaul
Broun (GA)	Gosar	McClintock
Buchanan	Gowdy	McCotter
Bucshon	Granger	McHenry
Buerkle	Graves (GA)	McKeon
Burgess	Graves (MO)	McKinley
Burton (IN)	Green, Al	McMorris
Calvert	Griffin (AR)	Rodgers
Camp	Griffith (VA)	Meehan
Campbell	Grimm	Mica
Canseco	Guinta	Michaud
Cantor	Guthrie	Miller (FL)
Capito	Hall	Miller (MI)
Cardoza	Hanna	Miller, Gary
Carter	Harper	Mulvaney
Cassidy	Harris	Murphy (CT)
Castor (FL)	Hartzler	Murphy (PA)
Chabot	Hastings (WA)	Myrick
Chaffetz	Hayworth	Neugebauer
Chandler	Heck	Noem
Coble	Heller	Nugent
Coffman (CO)	Hensarling	Nunes
Cole	Herger	Nunnelee
Conaway	Herrera Beutler	Olson
Costa	Himes	Palazzo
Costello	Holden	Paulsen
Cravaack	Huelskamp	Pence
Crawford	Huizenga (MI)	Peterson
Crenshaw	Hultgren	Petri
Critz	Hunter	Pitts
Cuellar	Hurt	Platts
Culberson	Jenkins	Poe (TX)
Davis (KY)	Johnson (IL)	Polis
Denham	Johnson (OH)	Pompeo
Dent	Johnson, E. B.	Posey
DesJarlais	Johnson, Sam	Price (GA)
Diaz-Balart	Jordan	Quayle
Dold	Kelly	Reed
Donnelly (IN)	King (IA)	Rehberg

Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (WI)
Schilling

Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shinkus
Shuler
Shuster
Simpson
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi

Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—159

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Green, Gene
Grijalva
Gutierrez

Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell

Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

ANSWERED "PRESENT"—3

DeFazio Fitzpatrick Sessions

NOT VOTING—15

Austria
Barton (TX)
Boswell
Cicilline
Davis (IL)
Honda
Issa
Jones
Mack
Maloney
Paul
Pearce
Scalise
Smith (NE)
Speier

□ 1132

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AUSTRIA. Madam Speaker, had I been present for votes, I would have voted for the previous question and for adoption of the rule to repeal the Democrats' job-killing health care law, and for H. Res. 27.

PERSONAL EXPLANATION

Mr. HONDA. Madam Speaker, on Friday, January 7th, I was unavoidably detained on account of official business in California and was not present for three rollcall votes on that day.

Had I been present I would have voted: "Nay" on rollcall No. 9 on ordering the previous question on H. Res. 26; "nay" on rollcall No. 10 on passage of H. Res. 26, rule providing for consideration of H.R. 2, Patients Rights Repeal Act, H. Res. 9, Instructing certain committees to report legislation replacing the Affordable Care Act, and H. Res. 27, Session/Fitzpatrick Clean up Resolution; and "nay" on rollcall No. 11 on passage of H. Res. 27, Session/Fitzpatrick Clean up Resolution.

PERSONAL EXPLANATION

Mr. BOSWELL. Mr. Speaker, I regret my absence in the House today as I was in my district attending to personal business. Had I been present, I would have voted "no" on rollcall votes 9, 10, and 11.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Robert Reeves, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 112th Congress or until modified by me. With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, I congratulate the gentleman from Virginia on his election as majority leader of

his party. He and I have had the opportunity to work together over the recent years. It's been a positive relationship, and I look forward to continuing that positive relationship, albeit in my diminished status.

I yield to my friend to inquire about the schedule for the coming week.

Mr. CANTOR. Madam Speaker, I thank the gentleman from Maryland for those kind remarks. I want to also reiterate my pleasure of being able to develop a positive working relationship with him, understanding full well there will be disagreements, but there is probably a lot more that we can agree on, and I look forward to exploring those avenues. I want to congratulate him on his election to the position of Democratic whip, and I look forward to working in this relationship. I know that these roles have been reversed now in these colloquies, so I look forward to that as well.

Madam Speaker, on Monday, the House is not in session. On Tuesday, the House will meet at 12 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday, the House will meet at 9 a.m. for legislative business. On Thursday and Friday, the House will not be in session to accommodate the Republican retreat.

On Tuesday, we will consider at least one bill under suspension of the rules, which will be announced later today. We will also begin consideration of H.R. 2, the Repealing the Job-Killing Health Care Law Act. I expect the House to complete debate on H.R. 2 Wednesday afternoon.

Also, on Wednesday, Madam Speaker, the House will consider H. Res. 9, instructing certain committees to report legislation replacing the job-killing health care law.

Mr. HOYER. I thank the gentleman for outlining the schedule. There was an interesting article in The Washington Post today about your job-killing comments always being attached to the health care bill. There are obviously some of us who know full well that that was not part of the title, as I'm sure the gentleman would admit, and that in fact it does not do that at all. In fact, we think it creates jobs. But, in any event, I thank the gentleman for announcing the schedule.

I want to say we're disappointed, however, as he was when he was in my position, that we don't have a committee process for this very important piece of legislation. I think it's important from your perspective and it's important from our perspective, although we may have different perspectives on whether it should pass or fail. But it is an important piece of legislation. There was no committee process and no hearings; no opportunity for the public to be heard on the bill; no opportunity for the Members to testify with respect to that bill; no witnesses were

heard. Furthermore, under the rule, of course we have been given no opportunity to amend.

The gentleman, when he was in my position, repeatedly indicated how disappointed he was that there were no amendments allowed on certain bills. I want to reiterate that concern. And given the lack of amendments, I want to clarify when he believes will be the finishing of votes on Wednesday. I understand debate will begin on Tuesday and it will conclude on Wednesday.

Mr. CANTOR. I would ask the gentleman to repeat the question.

Mr. HOYER. What time do you expect to conclude business on Wednesday?

Mr. CANTOR. I would say to the gentleman, Madam Speaker, that it is our intention to conclude by 7 p.m. on Wednesday.

Mr. HOYER. I thank the gentleman for that response.

In light of the fact that your side has made a pledge to allow ample time for Members to read and consider it, and notwithstanding that they have already not pursued that as vigorously as I think you would have hoped and perhaps we would have hoped as well in the 112th Congress, I was wondering if the gentleman can enlighten us on what he expects to consider the rest of January, after next week, so that Members might have opportunities to anticipate issues that you're going to be bringing forward.

Mr. CANTOR. As to the inquiry about openness and the ability for Members to have time to read the bills as well as for the public to realize its right to know, we on our side believe in making sure there is that adequate time, and we posted on Monday legislation coming to the floor for this week and next. So I would say to the gentleman from Maryland, Madam Speaker, that it is our intention to uphold our commitment to the 3-day rule to allow for the public's right to know, as well as Members themselves to understand, what it is we're voting for.

As to the gentleman's comments regarding the up-or-down vote on ObamaCare repeal, if the gentleman has looked at the postings online, he will know that the repeal resolution is a page and a half. This is a repeal of a bill that was the subject of significant legislative time and other over the course of the last 2 years. It is clear that the public has litigated and, in essence, has decided its position on that bill, given the results of November's election.

□ 1140

It comes down to whether you are for ObamaCare or you are against it. That is what the vote is.

Again, a page and a half is what the bill is, so we have committed to continuing in the vein of an open process when it comes to trying to get it right

as far as replacing the health care status quo. We have committed and the Speaker has committed to making sure that our committees will go through regular order. Members of the minority and majority will have ample time to engage and participate in the discussions around what type of health care Americans deserve and what type of health care they want, which is how we will proceed when it comes to the so-called "replacement" resolution and its implementation.

I would also point out to the gentleman from Maryland that the Rules Committee has accepted the amendment proposed by the gentleman from Utah as far as a suggestion that he had regarding the SGR formula and the reimbursements for physicians under the Medicare program.

Again, we are trying to work in a fashion that is as open and as inclusive as we can. As the Speaker said in his remarks—and he was correct—we had no open rules under the last Congress. We intend for that not to be the case here. I know that the gentleman joins me in the desire for us to be able to work together, and we believe that that will provide the best way forward for that.

As to the gentleman's question about the remainder of January, Madam Speaker, we intend to focus on the theme of this Congress, which is "cut and grow." We are going to be talking about ways to cut spending. We are going to live up to our commitment to bring a spending cut bill to the floor each and every week, Madam Speaker.

We also intend to focus on what it is that is impeding job growth in the economy, and we will be asking our committees to begin focusing on regulations that are being promulgated and pursued throughout the administration and its agencies that are precluding job growth. It is our hope, though, Madam Speaker, that these committees—our committees—will be fully organized by the end of the month so we can begin a process of regular order.

Mr. HOYER. I thank the gentleman for his comments.

Obviously, the health care bill that he and his party seek to repeal had probably more consideration, more open debate, more transparency, more amendments, and more hearings than almost any bill that I have considered as a Member of this Congress over the last three decades—full and open consideration, amendments offered from both sides in committee on a very ample basis; but I am glad to hear that you agree that there has been ample debate time for that. There has not been any debate time in committees—or amendments—on the repeal of that law.

I am certainly hopeful that the gentleman does not mean to say that if the majority party concludes that the American people have already decided

on the issue that that will be the exception to the rule that you have put forth in terms of full and ample notice, debate, the amendment process, and transparency. I would certainly hope that that would not be the case. I don't expect it will be the case, and I hope it won't be.

Let me say in addition that I am very pleased that the majority party allowed in order the amendment by Mr. MATHESON. As you know, we tried to have a permanent fix to the reimbursement of doctors who took Medicare patients. Unfortunately, the minority party in the Senate, which had the opportunity to do that, precluded us from accomplishing that objective. So I am pleased. That needs to be done. We need to have a stable funding expectation by doctors when they provide services to Medicare patients—to seniors—as we want them to do and as we want them to continue to do. So I am pleased that you allowed that amendment, and I would hope Members on your side will be supporting that amendment as we will on this side.

Let me ask you now, Mr. Majority Leader, as I am very concerned, and I expressed this on the floor. Your rules, in my view, provide for some \$5 trillion to be incurred in additional deficits. They allow that because you have exempted almost all of the possible reductions in revenues—tax cuts, reductions in revenues—notwithstanding no reduction in spending. Well, if you reduce revenues and you don't reduce spending commensurately, inevitably, you will create large deficits, which inevitably will be paid by future generations.

That has been the experience that, again, I have had when we had significant tax cuts in the 1980s and in the last decade of 2000–2001 to 2003—when we created very large deficits.

My presumption is that you will be finding commensurate reductions in spending to your tax cuts that you will want to continue. If you don't do that, deficits will inevitably follow. The majority party has not done that in years past. Is it your expectation that that will occur in the future?

The question I want to ask you as well is that you have provided in your rules for essentially ignoring CBO scores—the nonpartisan Congressional Budget Office, which has issued a preliminary score for the Republican Patients' Bill of Rights. They believe it will increase the deficit by \$230 billion in the first 10 years by repeal and \$1.2 trillion in the second 10 years.

My question is: Having deemed in the rule today a provision allowing the chair of the Budget Committee, Mr. RYAN, to ignore the CBO score, will the majority continue to ignore CBO scores on legislation for the rest of Congress or will we be fiscally responsible, in my view, and adhere to the advice and counsel we receive from CBO?

I yield to my friend.

Mr. CANTOR. I thank the Democratic whip.

Madam Speaker, I respond to his first question by saying that Washington doesn't have a revenue problem; it has a spending problem. We believe that it is better to allow folks to keep more of their hard-earned money so we can see a return to growth in our economy, and we are dedicated to making sure we deal with the spending problem here in Washington.

As I said before to the gentleman, we are intending and will bring to the floor each and every week a bill to cut spending. We are very focused, as you know, on bringing spending down to 2008 levels to make sure that we are abiding by our commitment to live according to the same rules that everyone else does. While businesses and families are living within their means and tightening their belts, there is no reason in the world that Washington can't as well. I am sure the gentleman agrees with me on that.

As for the issue surrounding the CBO, the issue that we have and the dispute we have is not with the Congressional Budget Office. The CBO score is what is put in front of them, and the reality is the ObamaCare bill, Madam Speaker, relied on smoke and mirrors and budgetary shell games in order to present the picture that it presents or alleges to represent.

Madam Speaker, there is nothing that has changed about the flawed assumptions underlying the old score of the ObamaCare bill. Only the dates have changed. These are the same gimmicks, producing more false deficit reduction and, in fact, real spending increases. In fact, as the gentleman knows, Medicare's chief actuary says that the ObamaCare bill represents a maze of mandates, tax hikes, and subsidies that will push costs up. The bottom line, Madam Speaker, is we need to stop arguing about "inside baseball" budget gimmicks.

□ 1150

There's no question that a new, open-ended entitlement program will grow unsustainably fast, will drive costs up, and could potentially bankrupt this Federal Government, as well as our States.

Mr. HOYER. I want to say to my friend, the continuing rhetoric is Washington doesn't have a revenue problem, it has a spending problem. Americans in every family that I know understand that their revenues directly impact on their spending and vice versa, and if they don't, they have a real problem. If they don't have enough revenue to meet their expenditures, they've got a problem, and if their spending exceeds their revenue, they have a problem.

I tell my friend, I understand what you're saying, and I've heard this rhetoric all of my career here in the Con-

gress. When President Reagan was President, we never overrode a Presidential veto of an appropriation bill because it spent too much. If he vetoed it, it spent too much, he never had a veto overridden. Nevertheless, we incurred an additional \$1.5 trillion in deficits. Under President George H.W. Bush, we didn't override any veto of his, and we incurred an additional \$1 trillion. That was \$2.5 trillion plus.

Under the Clinton administration, of course, in the economic program as you and I both know that your party universally opposed, we had a surplus, the only President in your lifetime and I think in mine, which is substantially longer, that's had 4 years of surplus. Now, I know you say, the response that Mr. DREIER gave to me, is that, well, yes, we took over the Congress in 1995. That's correct. And of course not only did you take over the Congress in 1995, but in 2000, you took over the Presidency as well and controlled the House and the Senate and the Presidency.

And during that period of time, we didn't pass any appropriation bills on our side. You were in full charge during the Bush administration's first six years, and \$3.5 trillion of deficit spending was incurred, making a total of over \$5 trillion of deficit spending during the time that your party took the position that we didn't have a revenue problem, we had a spending problem.

Well, it ended up being a \$5 trillion deficit problem, adding to the deficit for our children and for my grandchildren and for my great-granddaughter, and I'm concerned about that. And that is why I'm so concerned about statutory PAYGO, sticking with CBO scores, and accommodating our spending and revenue. They are both related, obviously, and to ignore that eliminating revenue without eliminating spending does cause deficits I think is to ignore reality.

So I would hope my friend would talk to Mr. RYAN of the Budget Committee and bring us legislation which would, in fact, do what you and I want to do; that is, eliminate the deficit. If we've got two messages during this past election, in my view, it was, A, focus on creating jobs. We've got to get to work. Americans are hurting. We had some good job numbers this month. We've created over 1.3 million jobs this past year as opposed to losing almost 4 million jobs in the last year of the Bush administration. That's progress. But as I've said so often, it's not success. Success will be when every American who wants a job, willing to work, can find a job, and they can support him or her and their families.

But we need to not pretend that revenues and spending are not inextricably related, and that if we give up revenues before we do the difficult thing, the tough thing, the adult thing, as Mr. BOEHNER said, and cut the spending, then cut the revenues if Americans are

buying it, then we ought to be paying for it and not passing along the bill to our grandchildren, and I would hope the gentleman would pursue that.

If the gentleman wants to respond to that, I want to say something about health care briefly.

Mr. CANTOR. You know, Madam Speaker, the gentleman and I have gone through these discussions for the last 2 years, and when we get into discussing the past, I normally posit a quote from Winston Churchill when he said, If we open a quarrel between the past and the present, we shall find we have lost the future.

And what my response is, Madam Speaker, we are looking to see that we do take the tough steps and cut spending. So I'm hopeful with all the renewed enthusiasm that all of us have gained after the election towards fiscal sanity that the gentleman and his caucus can join us and vote with us in terms of the spending cuts that we'll be bringing to the floor every week.

The gentleman speaks about revenues, and absolutely, as an ongoing concern, this government has to be concerned with that. But we first and foremost must understand—and I think both of us realize, Madam Speaker, that in order to have revenues, we've got to have a growing economy—and so there is balance, and that is where perhaps our two visions diverge, but it is my hope that we can work together by putting priorities in place, cutting spending, growing the economy. And that's the formula by which we will be operating, and I'm hopeful we can operate in that formula together.

Mr. HOYER. I appreciate the gentleman's comment, and briefly in closing, Madam Speaker, let me say this. I hope we can cooperate, but we do have a divergence, as my friend pointed out, and that's of course the nature of what the House of Representatives does, debates different points of view. Frankly, my experience, as I have said, is that when we diverged in a point of view in 1993, when my Republican friends took the position that accommodating revenues to spending would, in fact, from their perspective, be a job killer—they talk a lot about job-killing legislation. They all voted against that legislation in 1993, and in fact, some of my colleagues on my side of the aisle lost their election because of voting for that piece of legislation. In fact, however, it helped create the most robust economy anybody in this Chamber has experienced in their lifetime. It created over 22 million jobs, as opposed to losing 8 million jobs in the last administration under President Bush, so that there was a substantial difference which you can see, touch, and feel and read about and know about.

So I tell my friend, yes, there's a difference of opinion, but there's no difference of opinion on what happened, and when Winston Churchill, who you

quoted before and of whom I'm a great fan, one of the things that Winston Churchill was most known for was trying to remind his British friends: don't forget what dictators and despots do—and I make no aspersions, I want to make that clear. I'm simply saying he believed strongly in learning from the past and not continuing to make mistakes and not continue to do what failed in years before.

So I agree with the gentleman in looking at the past for instruction on how to make the future better and to create those jobs that both he and I want to create and that America certainly is looking for us to create.

I thank the gentleman for this colloquy.

HR OF MEETING

Mr. CANTOR. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1200

COLOMBIA FREE TRADE AGREEMENT

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Madam Speaker, I rise today for the first time to address the House and express my strong support for passage of a free trade agreement with Colombia. Colombia is America's fourth-largest trading partner in Latin America, and the U.S. Department of Commerce estimates that 9,000 American companies trade with Colombia, most of which are small businesses and many of which operate in my district in south Florida.

While 90 percent of Colombian goods enter the U.S. duty free, American companies still pay tariffs for U.S. goods to enter Colombia. The Colombia Free Trade Agreement would eliminate obstacles and immediately boost U.S. exports to Colombia. By passing a free trade agreement with Colombia, U.S. GDP would increase by roughly \$2.5 billion and exports by over \$1 billion, creating thousands of jobs in the United States. The Colombia Free Trade Agreement is also a positive foreign policy gesture to one of our most reliable allies in the region and the oldest continuously functioning democracy in all of South America.

Madam Speaker, it's time to stand with one of our best allies in Latin America and create thousands of jobs here at home with passage of a Colombia Free Trade Agreement.

NO HEALTH CARE REPEAL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I am wondering whether many people understand what we did today. Frankly, we gave permission for more Americans to die from a lack of good health care. In fact, as I presented my amendments to the Rules Committee last evening, I was reminded, if you will, of those who really suffer because of a lack of access to good health care. I offered an amendment to ensure that H.R. 2, to repeal this good health care bill, would not eliminate what we call community health clinics and deny rural and urban areas of good doctors and nurses who treat the children and seniors. And then I asked that we protect the middle class and not have the insurance rates go up. And finally, an amendment to make sure that we don't have Medicaid and Medicare fraud and abuse and to protect those who need Medicaid, as my State of Texas is going to eliminate it. So people will die as we proceed in this untimely and ludicrous process.

But I'm glad that Pastor D.Z. Cofield in my district will ascend to the presidency of the NAACP in our local community. I believe with all of these good thinking people, we will be able to rise up and save the lives and oppose any repeal of this good affordable care bill.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLEISCHMANN). Under the Speaker's announced policy of January 5, 2011, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE WOLF IN SHEEP'S CLOTHING FOLLIES ACT OF 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, those who are watching this today may wonder what just happened in the House of Representatives. And I want to talk a little bit about it so they understand what goes on next week on the floor of this House. Today we set the stage for the passage of the Republican health care plan. It won't be a repeal of what the Democratic Congress did before. It will be returning us to the status quo where the health care insurance industry in this country is totally in control of the private insurance industry.

Now, yesterday I was on a conference call with groups that represent 18,000 physicians who want us not to act and repeal the Affordable Health Care Act

next week. They have taken resolutions in every district around this country among physicians. They have delivered them to the Speaker's Office, Mr. BOEHNER in Cincinnati. They have taken them to Mr. CANTOR's office in Virginia. Because doctors know what this act really does.

I listened to a couple of my colleagues who are physicians, and I heard them say they wanted to repeal it all. But the 18,000 physicians who I was talking to, or their representatives, on the phone yesterday were talking about what the real experience is out in the doctors' offices, not on the floor of the House or not in some political arena where we are making points, but when you are actually dealing with patients.

I am a physician. I have been there. I have done it also. I have had phone calls from Omaha, Nebraska, about whether I could continue to see a patient. And every doctor who has practiced in this country in the last 30 years knows that is what goes on. They know that patients don't have health insurance because they have a pre-existing condition. They know that people who thought they had insurance suddenly get an illness and then find out their insurance company won't cover them because of some technicality or whatever they find. They worry about their own children who finish college at age 21 or 22 and can no longer be covered on their insurance policy. But with the bill that we passed last year, those young people can be covered from age 22 to 26 until they get a job where they have health care benefits. Those are the reasons why doctors want to see this bill stay in place and be enacted.

Now, what we're going to see out here next week is political theater. I call it the Wolf in Sheep's Clothing Follies Act of 2011. We have a piece of legislation which we weren't told about today. It is exactly one page long and repeals everything that happened. It repeals the prohibition against pre-existing condition exclusions. It allows insurers to no longer cover children over the age of 22. It sets lifetime limits again on people's insurance policies. All of that occurs here in one single piece of paper, with no debate, no committee hearings, no effort to find out what's going on out there in the community. It's a political document for a political purpose for a part of the Republican Party. It is not what the American people are actually feeling.

Now, what you will hear next week is even more interesting because we are going to get a fraudulent piece of legislative hot air. They will say, Well, yes, we are repealing ObamaCare. You know, it's strange. They never call Medicare "Johnson Medicare." It passed under President Johnson. I wonder why not. Because it was for all Americans. It's not the President. It's

the body that sits here that passes the legislation that covers all Americans. And yet we are now, next week, going to be offered this piece of fraudulent hot air. It's House Resolution 9. They will say, Yes, we're repealing that, but we have this.

□ 1210

And when you read H. Res. 9, it's one page of nothing. Read it. You've got the weekend.

THE U.S. FOREST SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, much of my district comprises forests managed by the U.S. Forest Service. Over the last 2 years, I have received a growing volume of complaints protesting the increasingly exclusionary and elitist policies of this agency. These complaints charge the Forest Service, among other things, with imposing inflated fees that are forcing the abandonment of family cabins held for generations, charging exorbitant new fees that are closing down long-established community events upon which many small and struggling mountain towns depend for tourism, expelling longstanding grazing operations on specious grounds, causing damage both to the local economy and to the Federal Government's revenues, and obstructing the sound management of our forests through a policy that can only be described as benign neglect, creating both severe fire dangers and massive unemployment.

Practiced in the marketplace, we would renounce these taxes as predatory and abusive. In the public sector, they are intolerable.

Combined, these actions evince an ideologically driven hostility to the public's enjoyment of the public's land and a clear intention to deny the public the responsible and sustainable use of that land.

Most recently, the Forest Service has placed severe restrictions on vehicle access to the Plumas National Forest, despite volumes of public protests. Supervisor Bill Connelly, chairman of the Butte County Board of Supervisors writes that "the restriction applies to such activities as collecting firewood, retrieving game, loading or unloading horses or other livestock and camping."

He goes on to write: "The national forests are part of the local fabric. The roads within the national forests are used by thousands of residents and visitors for transportation and recreation. These activities generate revenue for our rural communities which is critical for their survival."

Mr. Speaker, this is not a small matter. The Forest Service now controls

193 million acres within our Nation, a land area equivalent to the size of Texas.

During the despotic eras of Norman and Plantagenet England, the Crown declared one-third of the land area of southern England to be the royal forest, the exclusive preserve of the monarch, his forestry officials and favored aristocrats. The people of Britain were forbidden access to and enjoyment of these forests under harsh penalties. This exclusionary system became so despised by the British people that in 1215 no less than five clauses of the Magna Carta were devoted to redress of grievances that are hauntingly similar to those that are now flooding my office.

Mr. Speaker, the attitude that now permeates the U.S. Forest Service from top to bottom is becoming far more reminiscent of the management of the royal forests during the autocracy of King John than of an agency that is supposed to encourage, welcome, facilitate and maximize the public's use of the public's land in a Nation of free men and free women.

After all, that was the vision of the Forest Service set forth by its legendary founder, Gifford Pinchot, in 1905: "To provide the greatest amount of good for the greatest amount of people in the long run."

In May of 2009 and April of 2010, some of my California colleagues and I sent letters to the Forest Service expressing these concerns. I've also personally met with senior officials of that agency on several occasions in which I have referenced more than 500 specific complaints of Forest Service abuses received by my office.

All that I have received to date from these officials are smarmy assurances that they will address these concerns, assurances that their own actions have belied at every turn.

Mr. Speaker, it is time for Congress to conduct a top-to-bottom review of the abuses by this increasingly unaccountable and elitist agency to demand accountability for the damage it has done and is doing to our forests' health, to the public's trust, to the government's revenues and to the Nation's economy, and to take whatever actions are necessary to restore an attitude of consumer-friendly public service, which was Gifford Pinchot's original vision, and for which the U.S. Forest Service was once renowned and respected.

HEALTH CARE ACT—SIGNED WITH BLOOD, SWEAT AND TEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I was there when the President of the United States of America signed

into law the health care act that is sought to be repealed. I was within 20 feet or so of the President; and at the time he signed it, there was a feeling of great jubilation, but also there was a feeling of great consternation because, as he signed it, in ink, I knew that it was written in tears, written in the tears of the many parents who saw their children with preexisting conditions and could not get insurance for the illness that their children had; signed in ink, written in tears, but it was also written in sweat, the sweat of the many persons who toiled for more than 50 years to get health care for all Americans; signed in ink, written in sweat, tears and in blood, written in the blood of the millions of people who suffered because they couldn't get health care, and also of the many who died because they could not get the insurance that would afford them health care.

I was there. I knew what the circumstances were. At the time the bill was signed, we were spending \$2.5 trillion per year on health care; \$2.5 trillion is \$79,000 a second on health care. That was approximately 17.6 percent of our GDP. And by 2018 it would have become \$4.4 trillion per year, which would have been more than 20 percent of GDP and \$139,000 a second. Signed in ink, written in blood, sweat and tears.

I knew where we were at the time it was signed. In my State, we had 6 million uninsured, 1.1 million in Harris County, and 20 percent of the children in Texas uninsured when that bill was signed. Still in America we have millions that are not getting the proper attention that they need, but there is the potential to get it because of this bill.

At the time it was signed, we had more than 40 million people uninsured. The bill covered some 30-plus million people. We had 21 million people who were working full-time and did not have insurance; 45,000 people per year were dying because they didn't have insurance. That's one person every 12 minutes. Twenty-one million people were working full-time and did not have insurance. That bill brought people under the umbrella of health care and health insurance.

The greatness of America is not going to be measured by how many great buildings we build and how many people we can cut out of health care. It's not going to be measured by the people that we can put in the streets of life. The greatness of America will be measured by how we treat people in the streets of life. This bill addresses people in the streets of life, real people who can die because they don't get the health care that the richest country in the world can provide.

□ 1220

I respect those who vote however they choose. But as for me, I am going

to stand with those people who need health care and who are going to get it under this bill because preexisting conditions no longer exist.

And for edification purposes, for those who do not know, pregnancy was a preexisting condition at the time the bill was signed. For those who do not know, children under the age of 26, many of them required to get health care because they couldn't stay on their parents' policies, they can now stay with their parents. The doughnut hole for seniors is being closed with this bill. The doughnut hole, for edification purposes, is that point in time when a senior has to pay for all of the pharmaceuticals that a senior might receive and need. And these pharmaceuticals are expensive. This bill addresses these things.

This bill is a lifeline for many persons in this country. I will support it and I will say more about it in the future. I stand with the American people who need health care.

REINTRODUCTION OF TITLE X ABORTION PROVIDER PROHIBITION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, the largest abortion provider in America should not also be the largest recipient of Federal funding under title X.

Today, with the support of more than 120 of my colleagues, I introduced the Title X Abortion Provider Prohibition Act. I am grateful for the support of my colleagues within this House and the support of millions of Americans who long to see this Congress take this decisive action on behalf of our values.

The Title X Abortion Provider Prohibition Act would deny any family planning funds under title X from going to Planned Parenthood or other organizations that perform abortions. It would ensure that abortion providers are not subsidized with Federal tax dollars.

Now, let me say, to be very clear, Mr. Speaker, this legislation does not cut one penny from title X family planning funding. I applaud much of the important work that is done at title X clinics across this country: breast cancer screening, HIV protection, education, counseling, pregnancy diagnosis. This legislation simply prevents family planning funding from aiding organizations that profit from the abortion industry.

Federal funding should reflect the priorities and the values of a majority of the American people. Whatever people think about abortion across this country since *Roe v. Wade*, survey after survey has shown that an overwhelming majority of Americans oppose the use of taxpayer dollars to support, subsidize, or promote abortion at

home or abroad. It is for that reason that I would assume that most Americans would be surprised, if not shocked, to learn that the largest abortion provider in America is also the largest recipient of Federal funding under title X. But that is most certainly the case.

According to their own annual report, Planned Parenthood received more than \$363 million in government funding in 2009 alone. During that time, they performed an unprecedented 324,008 abortions, a heartbreaking statistic. Planned Parenthood of America continues to receive a greater amount of Federal funding each year while simultaneously taking over an increasing share of the devastating abortion market in this country.

Now, look, Planned Parenthood and its defenders will claim that the money they have received from the government has not been used to fund abortions, but that is only technically true. Current law prohibits the use of title X family planning funds "in programs where abortion is a method of family planning." Therein lies the loophole.

While title X money cannot directly be used to fund abortions, common sense says there is no question that taxpayer dollars received by Planned Parenthood are used to cover allowed expenses, like overhead, operational costs, thus freeing up other money for the clinics that do provide abortion. And in many of our largest cities, title X clinics run by Planned Parenthood are literally just steps away from abortion clinics operated by Planned Parenthood, many times in the same building.

This legislation would close that loophole that has forced millions of pro-life Americans to subsidize the Nation's leading abortion provider sustaining and underwriting this nefarious trade.

I urge my colleagues to support the Title X Abortion Provider Prohibition Act. I urge our new majority to bring this legislation forward with all deliberative speed.

Let me say again. The largest abortion provider in America should not also be the largest recipient of Federal funding under title X.

For the sake of American taxpayers, for the sake of the important work being done at title X clinics across this country, and, most importantly, for the sake of the defenseless unborn and vulnerable young women who find themselves in a crisis pregnancy, we must enact the Title X Abortion Provider Prohibition Act and end the day of taxpayer support for these organizations.

CAMPAIGN FUNDRAISING AND SPENDING IS OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, campaign fundraising and spending is way out of control. We need a constitutional amendment to fix it. The American people have to help this Congress, because it will not do it by itself.

Many years ago, Will Rogers, whose statue sits just outside the doors to this Chamber, joked, "We have the best Congress money can buy." Unfortunately, that joke has not grown old.

After witnessing this past election cycle, the campaign money expended to elect this Congress, both Chambers, is way out of bounds. The Center for Responsive Politics estimates that a record-breaking \$4 billion was spent in the 2010 midterm elections.

Now, \$4 billion equals 4,000 millions. So 4,000 millions was spent to elect the current sitting Congress. The number of Members being elected didn't change. The amount of money being raised changed. It skyrocketed. The opportunity for people of ordinary means with great talent to gain election to office in our country is disappearing election after election. It's very hard for talented people of ordinary means to raise 4,000 millions.

To put that number in perspective, 4 billion, or 4,000 millions, divides up to about \$8.5 million spent on each of the 435 seats in this Chamber and those who are up for election in the other; \$8,500,000 having to be raised every 2 years. Yes, an average of \$8.5 million per Member was expended in each of the races. That is 50 times more than the amount of money the job pays. We would be better off to say to the American people, "We're going to get rid of all of this campaign donation stuff and just beg our salaries from the public." It would be a lot cheaper, and we wouldn't have to spend it on all those ridiculous ads. Imagine the outrageous amount of fundraising that sits on the head of every single Member in this Chamber.

This past congressional election, in fact, was more expensive than even the last Presidential cycle in which \$2 billion was spent. And they said that that was the most expensive race in U.S. history, and Wall Street financiers were the major contributor in that Presidential race.

How is it that as our country is fighting to recover from near economic collapse and the average American is struggling to make ends meet, with national unemployment still at 9.4 percent, somehow billions and billions of dollars were able to be thrown by big interests to affect the election? It is because, unlike the average American, big financial players, big business, multinational corporations, all kinds of well-funded ideological groups have deep pockets, and they do try to buy access and influence what happens. And this situation makes it much more difficult for ordinary Americans to have their voices heard here.

□ 1230

The American people know this. They are frustrated. These big interests should not outweigh the American people's voice nor vote. The American people should have the primary access and influence here, not deep-pocketed interests. Truly the American campaign finance system is out of control. We all know it, and we all know it needs to be fixed, and that ought to be a priority of this new Congress.

Real campaign finance reform thus far has been unattainable because neither party wants to stop the money chase because they both think that next time out they might be the ones to really grab all those gold rings. Too much of that money is playing insider politics, and that is why the American people feel that they are being forced to the sidelines rather than the front lines in our elections. They feel like they are pushing a big boulder up the hill, and every time they cast their vote, that somehow that boulder comes right back down on them.

Reform is being thwarted again and again by outside interest groups and deep-pocket interests. The Congress is unwilling and seemingly unable to act on its own, along with Supreme Court rulings like *Citizens United v. FEC* and *Buckley v. Valeo*.

Mr. Speaker, I have introduced H.R. 8, a new constitutional amendment that I put in every session to bring this system under control. There could be no more important priority to our country than giving our politics back to the American people again.

MARINE FIGHTS FOR OLD GLORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, history, heritage and symbols of the United States are constantly under criticism in this country. Even yesterday when we read the Constitution of the United States on the House floor, the first time it has ever been done in 200 years, there were some who complained that it is irrelevant. It is kind of like folks in church that cover their ears when certain sections of the Bible are read. They don't want to hear it because it may apply to them.

People go to court nowadays to try to remove our national motto, In God We Trust. It is above the flag, Mr. Speaker, although television very seldom shows our national motto.

Then there are those who are offended by the American flag, Old Glory. It is not even displayed in parts of the United States because it offends some people. Some people that are included in the group are foreigners who are offended by the American flag.

Now we get to today, a report by the Houston Chronicle about Marine Mi-

chael Merola, a 60-year-old vet from the United States Marine Corps, and he flies, here he is, he still looks like a Marine, this is a photograph from the Chronicle that shows Old Glory and, of course, the Marine flag, flying in his backyard on a 20-foot flagpole.

No one has complained. His neighbors like it. Kids walk by and actually compliment him on flying Old Glory and the Marine flag. But the neighborhood association has complained and sued.

Now, who is this guy? Well, he served in the United States Marines from 1969 to 1977. He trained with the United States Navy SEALs. After he left the Marine Corps, he was responsible as sergeant of the guard for raising the flag at NSA right down the road. He is from New York, but he got to Texas as fast as he could, and he has no intention of taking down this flag or flagpole. He is a passionate American. He is a marine.

But the association doesn't like it, and here is what they have said in their lawsuit: the flagpole is a detriment to the association. It causes imminent harm and irreparable injury to the association. The problem with the flagpole of that height and that significance is it flaps in the wind and causes noise to other homeowners. That is their problem. So they sued him.

Now, first of all, we have an issue of freedom of speech. The Supreme Court has said it is a right to fly the flag. Speech includes the flying of the American flag. It is the symbol of everything that is good and right about America. That is why it is behind you, Mr. Speaker, when we go into session every day.

Marines and sailors and soldiers and members of the Coast Guard have fought under that flag all over the world and have died for that flag so the association can exist down there in northwest Houston. Right now we are engaged in two wars, in Afghanistan and Iraq, and members of our military are fighting under that flag. But it is flying in the breeze and offends the association because the flapping causes irreparable injury.

Well, flapping in the breeze has brought safety to the United States. The flag flying throughout the world and the noise, if we can use that word, the sound of freedom, is the sound of that flag flying in the United States and throughout the world. It is freedom of speech, and it trumps the elitist concept that the flag and the flagpole are offensive to the association.

You know, Mr. Merola is a marine. Once a marine, always a marine. And we are proud of our marines in the United States. They are a unique bunch. That was best said by an Army general about the Marines, "There are only two groups that understand the marines—the marines, and the enemy." And that is correct.

So good for you, Mike Merola. Keep your flagpole up. Fly Old Glory. Fly

the marine flag. We are proud of you. Keep fighting for the flag, because freedom of flying the flag trumps the concept that it is offensive to some people.

God bless our marines, God bless you, Mike Merola, and semper fi.

And that's just the way it is.

HEALTH CARE AND OTHER ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Thank you, Mr. Speaker. I very much appreciate the privilege to address you here on the floor of the House in this leadership hour designated by the majority leader.

There are a number of subjects I wanted to take up this afternoon, but I am first inspired by the statement made by the gentleman from Texas, Judge, Congressman, Mr. POE, about Marine Mike Merola.

This is one of these recurring stories that we hear across the country. Somebody that is an ACLU individual, somebody that thinks somehow they get indignant because there is something somewhere that would allow them to vent some of their prepackaged hyperventilation against patriotism or the truth or life or the Constitution or the Declaration of Independence or American values or the values of Western Civilization or Judeo-Christianity, all those people out there are full of indignities.

So an American flag and a marine flag offends somebody? I say tough. I am glad you are there. Fly that flag. Fly it proud and fly it long.

I especially appreciate the statement made by Mr. POE about the sound of that flag. My flag is on a flagpole about that same height, 20 foot. I step out my door in the morning, I check the wind and the weather and I look at that flag, and I listen to that sound. And there is times I am sitting there in the dark at night on my deck and I am hearing that flag from the light that shines on it around the corner just a little bit, and I hear that ripple of Old Glory. It gives me comfort and it gives me pride, and it reminds me of the privilege of serving here, anywhere you can serve Americans anywhere on this globe.

I think of a time also on March 18, 2003, where I went out here to Pershing Park, this side of the White House, when there was an antiwar demonstration that took place. I actually walked around through the Mall, around the Washington Monument as they prepared their demonstration. I remember former chairman of the Judiciary Committee, JOHN CONYERS, standing on a little stage there with great big speakers calling for the impeachment of President Bush because it looked like there was an impending liberation of Iraq. And I saw a man there.

Every kind of discontented, counter-cultural, anti-American group was represented in those thousands of people that came here that day. I saw the Japanese communist flag. I saw Vegetarians for Peace. I saw every counter-culturalist group you can imagine. And I saw a man there, an aging hippie. He had on a jacket. He was a photographer, you could tell, and he was taking pictures with great pride of this anti-Americanism.

He reached in his pocket of his jacket, a worn leather jacket, and pulled out of his pocket a flag, an American flag, a silk American flag, a small flag, and he used it to wipe the lens of his camera. That is an image I will never forget.

But no one stepped up to say he couldn't do that. Where were they then? Where were the critics of Mr. Merola then? When flags are used as grease rags to scrub the lens of a camera that is taking pictures of anti-Americans joined together to protest the saving of our freedom that Marine Merola has stepped up to defend.

Those actions against him are offensive to me, and I say guard the flag, defend the flag, and I will stand with you, and I know Judge POE will too. Thanks for bringing this up. I appreciate it, Judge.

□ 1240

I came here to talk about a number of things tonight. One of them is the repeal of ObamaCare. Freedom-loving Americans fought this for a long time. It began to roll out at us in the summer of—I've got to roll my years back now—in the summer of 2008, when President Obama was elected. I should actually take you back through a little bit of this history, Mr. Speaker, because there's some of these components that the American people forget about.

There was a relatively unknown State senator from Illinois named Barack Obama, and he gave a speech before a national convention of the Democratic Party. That elevated him into some level of national prominence. There were those that decided they wanted to move him forward to become President of the United States. Hillary Clinton also decided she wanted to be President of the United States. And these two found themselves—actually, after John Edwards, anyway—locking horns, the two of them, for the nomination of the Presidency of the United States under the Democrat Party. I know a little bit about this. Barack Obama's movement began in Iowa. He brought his people over from Chicago and they started a movement and they did battle with Hillary Clinton in Iowa. John Edwards was there, of course. That went on for 4 years.

But we have to remember that here, in 1993 and 1994, when Bill Clinton was elected President, remember, he said you get at twofer—you get Hillary and

you get Bill. Well, I wasn't all that happy getting Bill, let alone Hillary. But he assigned Hillary the job of writing a national health care act. And this was a complete takeover of our health care in the United States. Socialized medicine in an even purer form than ObamaCare is today.

We watched as this unfolded and she set up closed-door meetings and they cooked up this bill. And I recall the flow chart of the HillaryCare bill. I had a laminated copy of it in my office, my construction office in Odebolt, Iowa. And it gives me chills to think yet about the expansion of government that emerged from the HillaryCare proposal.

But we need to remember, Mr. Speaker, the relevant component of that is yes, a government takeover of health care that had been advanced and advocated in this country for quite a few years. But America's rejection of HillaryCare was resounding. And if Bill Clinton were going to maintain his capital as a President, they had to pull that bill down. The American people were against HillaryCare. I was against it. It actually animated me into getting engaged in politics. I do not think I would be here today if it weren't for Bill Clinton and Hillary Clinton deciding they were going to step in and take our liberty.

But, in any case, Hillary Clinton's credentials, now Secretary of State—and with all due respect, and I mean that honestly—her credentials on health care were greater than those of Barack Obama. He had to build himself foreign policy credentials and he had to build himself health care credentials. And so they turned the Presidential nomination debate into a health care debate, a health insurance debate. And as they battled their ideas out, they had to find ways that they could separate themselves from each other and still remain Democrats.

And so we heard all kind of statements out of Barack Obama as he competed for credibility on the policy of health care. And in the process of doing that, they convinced the American people that they were in a health care crisis in America. They intentionally and willfully, and I'm talking about Democrats in general, conflated two terms. They ended up duping the American people. They conflated the term health care and the term health insurance, to the point now where, when we hear someone say health care, we don't know whether they're saying health insurance or whether it's actually taking care of someone's health.

I recall then the newly elected Governor of Iowa, Chet Culver, now just voted out of office, came out here to the Capitol to sit down with the congressional delegation meeting, the Iowa congressional delegation. We sat in a conference room over in the Senate. And he said, There are 40,000 kids

in Iowa that don't have health care. We've got to get them health care. And I looked at him and I said, Governor, I don't think that's true. I don't think there are any kids in Iowa that don't have health care. Could you give me an example of a child in Iowa that doesn't have health care. Well, no, he couldn't do that. Neither could he actually even tell me that he really meant health insurance. I had to feed that line to him so he could understand the difference. It was so embedded in his head that health care and health insurance, the conflated terms, could be used interchangeably.

Mr. Speaker, if people are having trouble understanding this, I'd use another example of conflated terms—the difference between immigrant and illegal immigrant. I was asked earlier today what do I have to say about people that accuse me of being anti-immigrant. I said, That's offensive. There isn't anybody in this entire Congress that's anti-immigrant. And the reporter stopped. Well, what kind of a statement is that? Surely there are. I said, No, there isn't anybody in this entire United States Congress that's anti-legal immigrant. Everybody I know in here—and there's a new class I don't know that, but I suspect they'd fit the same mold—everybody I know in here is supportive of legal immigrants. We cheer them. We're proud of them. When they take the oath of naturalization, I often go and give a little speech and welcome them to being citizens of the United States of America. It is a proud time. I present them Constitution, and I sign. I want them to revere it the way I do, the way many of us do.

But they have conflated the term “immigrant” with “illegal immigrant” and then they have the audacity to accuse people of being anti-immigrant, when everybody I know is pro-immigrant—pro-legal immigrant. And everybody in here ought to be anti-illegal immigrant. But that's how they use the language to distort the argument and get people confused on where they stand on the issue.

So they did that with health care and health insurance. And when Barack Obama was establishing his credentials on health care, they began to convince the American people that we had 47 million people in this country that are uninsured. Well, that actually may be true. It may have been true. And you can start down through the list of 47 million and start to subtract from that the numbers that are here that are here illegally. That's at least 12 million, 12.1 million. I believe it's more than 20 million, but I'll take the 12 million. And I have to guess at the totals here because it's been a little while since I've run through these.

But, generally speaking, you take 47 million that are listed as uninsured by the Democrats and you subtract from that those that are here illegally, those

that qualify for Medicaid but don't bother to sign up, those that make over \$75,000 a year and presumably could provide their own health insurance, those that qualify under their employer but have turned down that opportunity for that health insurance. And when you get done subtracting those that do have options, including affordable options, and you narrow the 47 million down to those who do not have their own health insurance policy and do not have affordable options, that's 12 million. That's actually the 12.1 million number I reached to remember.

That's less than 4 percent of the United States population without their own health insurance policy and without an affordable option. Less than 4 percent. What percent of the health care industry did they want to take over in order to address that less than 4 percent, those 12.1 million? A hundred percent. Barack Obama proposed to take over 100 percent of our health care industry in America in order to get at those less than 4 percent that are uninsured, without an affordable option.

He told us—remember these things—We're in an economic crisis. We're in an economic crisis, and we can't fix this economic crisis—Barack Obama—unless we first fix health care. And how do we do that? Well, the argument against it by him, and Hillary Clinton as well: We spend too much money on health care. What's their solution? Spend a lot more. Throw a trillion dollars at health care. He also argued that if you like your policy, you can keep it. If you like your doctor, can you keep him. And when he said it, he knew that that commitment could not be kept. You can't keep your health insurance policy if the policy doesn't exist any longer. You can't keep your health insurance policy if the company doesn't exist any longer.

The President said we needed to have more competition in the health insurance industry. The demagoguery's been going on here for the last couple of days about not turning over this country to the health insurance companies, again who get accused of being vipers. Well, they're in a free market system. They need to be able to compete against each other. The President wants to have—and was not successful in this component—wants to have a Federal health insurance policy, a program, to compete against the health insurance companies. He argued that there needed to be more competition in the health insurance industry.

And so, what does he do? He wants to have the Federal Government do that. Does the President even know how many health insurance companies we have or had at the passage of ObamaCare? Probably not. He's probably not watching C-SPAN right now, Mr. Speaker, but if any of his staff are out there, I can tell you what that

number was: 1,300 health insurance companies in America. 1,300 companies competing against each other. Not all of them against each other, not one competing against all the other 1,299, because there's a McCarran-Ferguson Act that allows the States to protect the insurance companies within their States and set up monopolies or quasi-monopolies within the States.

□ 1250

I think we should repeal that.

If we repeal that, we will allow then people to buy insurance across State lines, and we would instantly put those 1,300 health insurance companies in competition with each other. That would achieve the goal to lower the costs and increase the options and provide for people to have more choices themselves, and it would help sustain the doctor-patient relationship at the same time.

Mr. Speaker, of the 1,300 health insurance companies, how many policy varieties existed a year ago? 100,000 health insurance policy varieties existed a year ago. That's not enough competition—1,300 companies and 100,000 policies? The President wanted a new Federal company to compete against them. Now, that's because he understands this pattern.

We've seen this pattern happen several times in the past. It happened most recently with the Student Loan Program. The Federal Government took it all over. They started out with the argument that they needed to have another option—a public option—for school loans, student loans, so that they could provide a little more honest competition with the free market.

What do we get out of GEORGE MILLER, NANCY PELOSI, Barack Obama, and HARRY REID?

We get the complete takeover of the Student Loan Program over a little period of time. A great, giant leap came down this hallway in a reconciliation package from the Senate, actually threaded right into this ObamaCare bill.

What's another pattern?

There was a time—let's just say, oh, at about the time of the Bay of Pigs—when the Federal Government wasn't engaged in flood insurance. All of the property and casualty flood insurance in America was privately provided in the marketplace. We know what free enterprise does. If there is a demand, somebody will come up with a business idea to supply that demand. That was going on in the early part of the 1960s until the Federal Government decided that, really, they needed to get in and compete with that a little bit, so they set up the Federal Flood Insurance Program.

So what did they do? They drove out all of the private sector competition.

Today, if you're worried about your house being flooded or your factory

being flooded, you have to buy flood insurance from the Federal Government. In order for them to compete with the private market, they passed legislation that, if there were a real estate loan from a Federal bank, they were compelled to buy flood insurance. So they wired in a customer base; they set the premium rates, and they drove everybody out of the flood insurance industry.

While all that's going on, what do we get out of that? We get a Federal Flood Insurance Program that's \$19.2 billion in the red and no private sector competition whatsoever and no way to judge, actually, the risk because the industry hasn't developed.

You know what government does: it atrophies. Anybody who doesn't have competition atrophies. They don't develop the technology. They don't develop the new approaches and the innovative ways to market, and they don't streamline. They don't have to find savings. They just raise fees or borrow money from a general fund. That's where the \$19.2 billion came from. Then, of course, that's the American people going into debt for \$19.2 billion.

Why? Because the Federal Government decided they wanted to go in and provide a little competition so that they could keep the private sector flood insurance industry honest because the people who passed that are not free market personnel. They are anti-capitalists. They are not capitalists. They are not free enterprise people.

So we have some of the pattern that's there. We've got the flood insurance pattern. We've got the pattern of the student loan program. Then we have the pattern of the President wanting to step in and drive out the competition in the health insurance industry.

The American people have watched that component. They've watched the statements about: you can keep your health insurance policy. If you like your policy, you can keep it. Yet the Federal Government under ObamaCare regulates every single health insurance policy, and they will decide which policies you can keep and which policies are banned by regulations to be written later by a gentleman by the name of Berwick, who believes that we should ration health care and not spend money on the lives of people who may be at the end of their lives.

Now, Sarah Palin called that "death panels." If you have to put something down in a Twitter that explains it all, I think she did that.

We've seen the manifestation of that out of the Obama administration—with his appointments, with the actions, with their taking the initiative to want to pay doctors to counsel people to accept death when there is medicine there that may save them or extend their lives. I don't think that's the

business of the Federal Government to pay people to counsel others to die quicker. That's what turns out of that policy, and I'm glad that they rescinded it. I am hopeful that it isn't something that creeps back again, but if you've got a Dr. Donald Berwick there, it is going to creep back on us. That's his philosophy. He is there for a reason.

ObamaCare cannot be allowed to stay in this code. It must go. It has got to be repealed, and we are about to do that.

The first legislative steps on this took place yesterday with the rules debate upstairs—hours of debate on the rule, on how this debate would go on. We debated the rule here on the floor today, and it passed. The chairman of the Rules Committee, Mr. DREIER, did an outstanding job of ushering this all through; and he has been useful, I think, in also negotiating the types of language that allow for a legitimate debate on the floor of the House—far more legitimate than the debate that actually crammed ObamaCare down the throats of the American people.

So, Mr. Speaker, I come here to celebrate the opportunity to begin taking back a significant measure of American liberty, that is, the repeal of ObamaCare—pulling it out by the roots lock, stock and barrel. We must pull it all out, and we can't leave one visage of it in.

This ObamaCare the American people understand. They diagnosed it. They looked at it. They felt it and they ran the tests on it. They began to find out what was in it. Remember Speaker PELOSI saying we have to pass this bill in order to find out what's in it? Well, there is actually some truth in that because no matter how brilliant people are, no matter what their experience, there is not one person alive who could have shut themselves up in a room for I don't care how long they would want—a week, a month, a day, or a year—and read through those 2,500 pages of ObamaCare and actually understand each component of it and do an analysis and be able to comprehend the implications of that monstrosity that has now become the albatross around the neck of the President and the Democrat Party in the United States of America.

No, no one could understand it. It is that complicated; but over time, we began to see the implications. Republicans predicted many of the implications that were in the bill. We pointed to a lot of the parts of it that were bad; but there wasn't time, and there weren't enough people and enough voices to raise all of the issues that are bad about something of this nature.

When you take away people's liberty, that is a big deal, Mr. Speaker—when you take away the right of people to buy a health insurance policy of their choice. No matter what money they

have, no matter what their health, you have to buy a health insurance policy that is approved by Uncle Sam.

Now, I kind of like Uncle Sam. I like his image. I like his colors—red, white and blue—but I don't like the tarnished image that he was given by ObamaCare. I don't like the idea of besmirching the memory of Madison and Washington and Franklin and Jefferson. I don't like the idea that these God-given rights that we have, that clearly our Founding Fathers defined with precision that do come from God, can be besmirched and can take away the freedom of a freedom-loving people.

But the American people don't like it either. The American people rose up, Mr. Speaker.

Those who argued that they wanted to offer a whole series of amendments on the repeal of ObamaCare said it's not an open rule; it's not an open process, that they want to come down here and be able to offer amendment after amendment under an open rule. Then they think that somehow, by doing so, they can perfect a bad piece of legislation. Well, in their piece of legislation, even they can only name four things that they are willing to defend in 2,500 pages. Of course, they'll demagogue us on every single one of those.

The four things that they defend are: Preexisting conditions language. Republicans will address preexisting conditions, not with socialized medicine, but with a practical, constitutional, free market approach. That's fine. We need to have that debate and advance that kind of policy, and that has been part of our agenda all along, for several years now. That's the first one.

The second one is they claim they closed the doughnut hole. Well, I thought the doughnut hole was a bad idea in 2003. It was there because of the constraint in the funding that was available; but they closed the doughnut hole by increasing fees and taxing others, and low-income people are already exempt from it.

□ 1300

So it isn't of significance from a policy standpoint. It is philosophically and politically, and so they make their second argument, doughnut hole.

Third one is they think that something that we just couldn't do without, that should take us all down because we're willing to repeal the idea that insurance policies must all have a Federal mandate in them that your children shall stay on there until they're 26 years old. Now, I'm astonished by this. I'm astonished that Republicans would think that's a good idea. I can actually name you two Republicans that were elected to Congress at age 25. Now, I don't know what kind of pride they would have in their newfound adulthood to walk down the aisle, like they did here a couple of days ago to swear into the new 112th Congress, and up

until the moment they take the oath of office, they're still on Mommy and Daddy's health insurance.

Now, that's how bad this idea is that we would raise kids up and give them the keys to the car at age 16, and give them the right to vote and choose the next leader in the free world at age 18, and give them the right to drink at age 21, and keep them on Mom and Daddy's insurance until they're 26. Why?

I wanted my kids to grow up. I announced to them when they were 18 that I'm now legally off the hook, guys. We nurtured you as long as we can. We're still doing that. We don't have to anymore. I'm so proud of what they've accomplished and what they've promised to accomplish, but I wanted my kids to grow up, and that should be our goal when we're raising them, not to keep them children forever, keep them on our insurance until age 26. To what purpose? Can't they defend themselves and find a way?

And by the way, insurance companies, if there's a market for this, isn't there going to be a policy out there that you can buy, at your own choice, that will allow you to keep insurance on until your kids are 26? If there's a market for it, keep them on there until they're eligible for Medicare. It's all right if it's driven by the free market. It's actually constitutional if the States want to impose such a ridiculous mandate, but it's not constitutional and it's not all right if the Federal Government imposes such a thing because it raises the cost of everybody's premium, and it limits our choices and it taxes people that don't have any kids, people that are on individual policies.

So there's three things in ObamaCare that they are proud of, and I'm not particularly proud of any of those three. Actually, the fourth one may come to me and I'll bring it up in a moment, Mr. Speaker, but here's another rub.

ObamaCare wipes out more than half of the health savings accounts opportunity that's there. We established health savings accounts in part D in 2003. A young couple could start in today with \$5,150 in their health savings account, and let's just say they got married—fell in love, got married, age 20. I can do the math, which is why I use the age 20, Mr. Speaker. And they maxed out on their health savings account at \$5,150 that first year. It's adjusted for COLA, and so we go up, that amount would go up each year as they went through their happy married bliss for the next 45 years until they qualified for Medicare.

Now, I'd like to see that expanded, but here's how this works. If you look historically back over the last 30 or 40 years, you will see that that type of an investment like an HSA would accrue at a 4 percent compounded interest rate, not over the last 2 or 3 but over the last 30 or 40. That's a reasonable

number to predict. And so your couple that started with an HSA with \$5,150 and deposited the max in it every year and spent \$2,000 a year out for normal medical expenses would arrive at Medicare eligibility age with about \$950,000 in their health savings account. Boy, what a glorious opportunity that is.

The Federal Government's interested in that \$950,000 because they want to tax it. They want to tax it as ordinary income when it's taken out of the health savings account if it's not used for health along the way.

I suggest this. Why wouldn't we say to that couple, take the money that's in your health savings account, buy a Medicare replacement policy, a paid-up-for-life Medicare replacement policy—be worth about \$72,000 per person at this point, so \$144,000 out of this \$950,000, and so you get what, \$806,000 left over. That's the change.

I would say to Americans who had that kind of responsibility and prudence, Keep the change. Take yourself off the Medicare entitlement rolls when you're eligible by buying a paid-up replacement policy, annuitized policy. Keep the change tax free. Travel the world. Will it to your kids. Do what you want to do.

And if we do that, we turn health savings accounts into life management accounts, Mr. Speaker, these kind of accounts that young people would savor the day that they could start their account in their health savings account, and they would nurture it and protect it and want it built up to the point where it's 20, 30, 40, \$50,000, \$100,000. They would be there in this private market of insurance that we must preserve and protect—actually got to go back and restore it by repealing ObamaCare.

They would be in that marketplace saying, I want a \$10,000 deductible policy. I want a major medical deductible policy. I can have a higher copayment policy. I need lower premiums. I have the prospect of good health. I exercise. I watch my diet. I watch my weight. I get regular checkups, and so I'm willing to—and, in fact, it'd be prudent to have catastrophic policies with high deductibles and potentially a higher copayment for people who have the funds in their health savings accounts so that they are protected by insurance for its proper form.

Insurance should not be for hangnails. It should not be for the little things. Insurance should be for the things that we can't fund ourselves. That's why it's there. It's protection so that you don't go broke when something catastrophic happens.

We would have people not only managing their health; they'd be managing their health insurance premiums. They'd be advocating for lower premiums. They'd be saving more money in their health savings account, managing their health for a lifetime while

their health savings account transitions into a pension plan.

This is a full lifetime management account, and why can't we do that in the United States of America? These free people that we are, why can't we do that in the United States of America?

Well, ObamaCare goes in and cuts out more than half of the amount that they can contribute into their health savings account because ObamaCare is about, yes, a Federal takeover of our health care, and a health insurance industry eventually, but it's about also expanding the dependency class in America. It's about causing people to give up on trying and taking care of themselves and just finally sighing and get in the herd with the rest of the sheep and go submit to the government-run health care plan. And when they tell you you can't have a test, then you don't go for a second opinion; you've already been trained to accept the rule of the State. So they either test you or they don't; they give you treatment or they don't.

You can look up to Canada to see the waiting list times for hip replacements, knee replacements. One of those, I believe it's the knee replacement, is 194 days that you wait. The hip replacement then is three-hundred-and-some days. It's possible it's the other way around, but we're dealing with half a year or more, almost a year in waiting time.

I remember a presentation that was given downstairs in HC-9 a year or so ago. A doctor from northern Michigan, Dr. Jansma as I recall, has written a book on this, but he went up across the border to work within the emergency room in a hospital in Canada, and he had done a lot of orthopaedic surgery. And there was an individual that tore up a leg playing ball, came in. He looked at it, diagnosed it. He needed to have surgery. He said, I can schedule you for surgery in the morning. We should move on this quickly.

Well, the surgery couldn't be scheduled. He didn't know it at the time, but he didn't meet the government regulations. They had to go through and get another bureaucrat to approve it, and they had to wait to get it approved, and then they had to wait to schedule the surgery. This young man, in the prime of health, had a job, couldn't do it with his leg torn up. It took 6 months to schedule this young man to go before the specialist to do the secondary diagnosis to approve the need for the surgery so that they could rationalize spending taxpayer dollars to fix his leg. So it's going to be free health care up there, but you don't get it unless the right doctor, the one who's appointed by the State, approves the surgery.

So from the day of the time his knee was torn up and they took him into the emergency room, they had to patch

him up, put him on crutches, and he had to limp around for 6 months with a torn-up knee to go in and have the government doctor look at his knee and approve that he needed surgery.

Well, then you would think that that surgery might happen, oh, the next day like it would in America. But it didn't happen until another 6 months. Mr. Speaker, 6 months to wait for government approval for surgery that would have happened the next day in the United States of America with this doctor, another 6 months just to approve, then another 6 months to get the schedule to work through to get the knee surgery. And how much rehab does it take to put somebody back in shape after their leg is atrophied for a year and they have drug it around on crutches?

□ 1310

So he's out of work for a year and a half. His productivity has been stopped. And additionally, his development professionally has been diminished substantially. This is the kind of thing that happens when government gets involved setting up formulas. It's what the people on that side of the aisle want to do. And that's why the roof caved in, and there was a cataclysmic electoral change that took place on November 2, the election when the American people said, Enough, enough to the ruling troika, the Obama, Pelosi, and Reid ruling troika. Enough to the liberty-stealing legislation that was coming out of this Congress one after another after another, with cap-and-trade and government takeover of businesses, and the government takeover of the health care industry, including their massive regulation of the health insurance industry.

The American people rejected ObamaCare. The American people came to this city by the tens of thousands to protest against ObamaCare. The American people, for the first time, I believe, in the history of this country, came to this Capitol in such massive numbers that they not only crowded out here on the west lawn by the tens of thousands, there were so many people, they surrounded the Capitol. They formed a human chain to surround the Capitol and say, Keep your hands off of our health care. And it wasn't just a stretched human chain where people were barely hanging onto each other by their fingertips. They were six- and eight-deep all the way around the Capitol building saying, Keep your hands off our health care. They were shoulder-to-shoulder, and they were six and eight deep, a full doughnut.

Talk about the doughnut hole. The Capitol of the United States of America was in the doughnut hole of the freedom-loving, constitutional, and conservative people who came here to reject ObamaCare, to petition the government peacefully for redress of grievances. That's what happened. And still,

their hearts were hardened. Still, the regal Speaker PELOSI marched through the throngs with her magnum gavel in her "let them eat cake" moment, and still they don't get the message.

We swore in 87 new freshmen Republicans here, nine freshman Democrats. The majority changes, every gavel changes hands in the entire Capitol. It's amazing. It's amazing that it's so hard for them to hear the message from the American people. Do they still have the level of arrogance? Is it still an intellectual elitism of liberalism, the leftists that think that they have apparently some kind of gift of intelligence that supersedes the common sense and the wisdom of the American people? I reject that. The American people rejected that. And we have 87 new faces over here that I believe are God's gift to America, Mr. Speaker.

And I so look forward to the impact. We have already seen the impact. We have seen the impact in the rules package vote. We have seen the impact in the rules vote here today. And we'll see the impact on the repeal of ObamaCare on Wednesday after this rule that provides for—I guess I didn't keep it with me—but this rule that provides for I believe 7 hours of debate, 7 hours. NANCY PELOSI would give us an hour split, 30 minutes on each side, no amendments. Seven hours of debate, a debate on the rule, full debate up in the Rules Committee. And we are going to start this process of repealing ObamaCare. It began with the rules votes here yesterday in the Rules Committee and here on the floor today. We have begun the long, hard slog of the repeal of ObamaCare, Mr. Speaker.

It is, I believe, a new precedent to see the American people rise up this instantaneously to reject a piece of legislation that was passed. I recall when it was passed here November 7 out of the House, it went back to be worked through the—let me say worked through the procedures. I withdrew that "shenanigan" word and replaced it with the "procedures" in the United States Senate.

But in an unprecedented fashion, they put that legislation together in the Senate. And on Christmas Eve morning, they circumvented the filibuster, and they pushed through on a reconciliation package, they called it, a piece of legislation that had to come through to marry up with the House legislation in order to, some say in the press, "buy the votes" to get barely enough to pass ObamaCare here in the House. Well, that legislation, their version of ObamaCare, passed in the Senate on Christmas Eve morning. Around 9 o'clock was when they opened the vote. They had a chance procedurally—the Republicans did—to delay that vote until 9 o'clock Christmas Eve. I argued vociferously that they should use every procedural tool at

their disposal to delay that vote to the maximum amount, and perhaps something would happen. Like what if a blizzard would have come along and shut this Capitol down, and they wouldn't have been able to put the votes together? Look how close that came, if you look back upon it.

But in any case, when ObamaCare passed the Senate, I asked a question to one of the senior Senators over there who opposed ObamaCare, and did so well: What do we do now? What's our next step? We had 9 more hours we could have fought, or 12 more hours we could have fought. We didn't fight all 12 of those hours. What do we do next? His answer was, Well, we pray, and we pray for a victory in the special election in the Senate race in Massachusetts.

Well, at that time, a lot of people in America didn't know the name SCOTT BROWN, and I thought that that was a pretty big reach, to think we were going to put our stakes in saving America's liberty in a special election U.S. Senate race in Massachusetts. Massachusetts had a full, at the time, 100 percent congressional delegation of all Democrats, the strongest Democrat State in the Nation that I know of. So I thought it was a bit of a presumptuous thing to talk about asking the Lord to intervene in Massachusetts, which was the message that I got. But I took a look and I decided, that's our best chance. I ended up going to Massachusetts, and I spent 3 days there.

On January 19, SCOTT BROWN was elected to fill what's commonly known as "the Kennedy seat" in the United States Senate, from Massachusetts. He had pledged to vote "no" and kill ObamaCare. That made it the veto-proof Republican minority in the Senate. Most people thought on that night that ObamaCare was dead, and that was January 19 last year.

Well, subsequent to that, the President held a health care summit at the Blair House February 25. That's where he identified his health care plan as "ObamaCare." And in that health care summit, there were certain selected Republicans who were invited to sit with the Democrats around this big table. And there were rules. Of course the rules applied to people differently. The President interrupted Republicans 72 times. Somehow he got his mojo back. Somehow they put together this legal maneuvering to be able to bring legislation here and say they got it—and actually, they got it passed. I'm not taking that issue.

The then-chair of the Rules Committee wanted to just deem ObamaCare passed because they didn't want to take a vote on it. They couldn't get the votes out of their own conference because there were 12 anonymous individuals in a list called the Stupak Dozen that would not vote for a bill that would use Federal funding for abortion.

So they sat with their coalition. The President of the United States promised to sign an Executive order that they seemed to think would amend legislation after it passed the House. And even that wasn't enough. They had to have their reconciliation package out of the Senate that would be married up with and effectively amend some of the ObamaCare legislation itself.

So, Mr. Speaker, the convolution of all of this, it was a legislative circus of every legislative shenanigan that I can think of to put this together in such a way that they finally got stuff to the President's desk signed in the proper sequence and order so that the attorneys and the constitutional scholars could look at that and say, Well, actually there is a piece of legislation that somebody's going to have to follow the direction of.

So we had a Presidential Executive order that was designed to amend legislation passed by the people's House and the United States Senate that was promised before the legislation was presented to the floor as a condition of its passage here so they could get the votes from the Stupak Dozen and others. And there was a reconciliation package from the Senate that amended the legislation. They passed it out of the Senate before the legislation was brought before the House. When do you ever bring legislation that is designed to amend legislation that's not yet passed? You only do that if you don't have the support of the majority of the people in either body.

And I will tell you this, Mr. Speaker: On the day ObamaCare passed, as stand-alone legislation, that big 2,500-page package, if there are no extraneous issues, like promises of Executive orders from the President or a reconciliation package in the Senate that amends it, if it was ObamaCare stand-alone, 2,500 pages dropped here in the House of Representatives for an up-or-down vote, anybody that was here, any student of what was here knows, Mr. Speaker, they did not have the majority votes to pass ObamaCare.

□ 1320

It was done on the condition that the President would sign an executive order and the Senate reconciliation package would be brought in the form that they demanded it.

So, we watch all this process and we think it's making sausage. You don't want to eat the sausage when you watch them make it. I'm happy to eat the sausage when they make it. I really don't want to eat this one. The American people didn't want to eat this one either. The American people rejected it. The American people brought their voice and their effort.

And I went home that night, the last one to leave this Capitol. And I told myself I will lay down, and I'm going to sleep until I'm completely rested up,

and I'll wake up fresh in the morning, and I'll retool, and I'll start a new plan and see what I can do to save America, see what I can do to save what's left of America, because our liberty had been ripped out. Our Constitution had been violated. And I knew the bill was going to be signed eagerly by President Obama, which he did on March 30.

So I laid down and slept for about 2½ hours, and it was the sleep of the exhausted. And I woke up. I sat down at my computer and I wrote up a request for a bill to repeal ObamaCare. That bill draft request went in at the opening of business that following morning. It was waiting for them to unlock the doors, my staff was. And that request turned into a draft within a couple of hours, and got back into my hand, 40 words, 40 words. And those 40 words are included in this repeal that is coming, that is now before this House that will be debated on Wednesday of next week.

I introduced those 40 words into the legislation and ironically, coincidentally and perhaps providentially, MICHELLE BACHMANN of Minnesota was doing the same thing at perhaps the same time and put in a bill draft request almost simultaneously, and our bills came down within 3 minutes of each other, exactly the same 40 words that said the same thing: pull ObamaCare out by its roots. That's not the quote; that's the summary, Mr. Speaker. And, actually, I'm not going to summarize the bill this time. We don't have 2,500 pages in this repeal, but I would just say a few more words about that.

We started then the repeal process within hours of the passage of ObamaCare and it being messaged to the President within hours. And people said, well, that's just throwing a tantrum. You're just frustrated. You've lost. Why can't you just pack up your things and move on? We've got to move on. Put that behind us. That debate's over with.

Well, the debate's not over with when a Congress defies the will of the American people. And this Congress, the 111th Congress, the one just passed, defied the will of the American people. And the result was 87 new freshmen Republicans courageous, bold, principled, constitutional conservatives, young, vigorous, with ideology, driven people, statesmen and women in the group that will emerge as national leaders.

I believe there's a Speaker in that class. I know there are committee chairs in that class. I believe there's a reasonable chance that there's a President of the United States in this class that was elected in 2010. There may be more than one. We have leaders there. They came to this Congress to repeal ObamaCare. And the filing of the repeal of ObamaCare on that late March day, that early morning of the late March day, started the process. The start of that process began within

hours of the passage of ObamaCare and well before its actual signing into law, it was introduced before the President actually signed it into law to repeal it.

And MICHELLE BACHMANN and I and CONNIE MACK and, let me see, Parker Griffith, they come to mind as people that have introduced legislation to repeal, and we worked that together with many others. There wasn't hesitation. Republicans wanted to sign on to the repeal, and they did so quickly. And over a period of time, the numbers of signatures accumulated to about 86, and 86 were ready to sign for repeal.

Then we decided, let's turn this into a discharge petition. NANCY PELOSI won't let this come forward until it does. So we did that. And I filed a discharge petition here on the floor, Mr. Speaker, and Members began to go down and sign the discharge petition. And the numbers of signatures went up on the discharge petition, when they said it was impossible to repeal ObamaCare, all the way up to 173; and it became bipartisan with the signature of Gene Taylor, whom, I believe, would have been re-elected to this Congress had he not voted for NANCY PELOSI. He did lose his election. And he served well here in this Congress.

But the result of this is that the existence of the bill to repeal ObamaCare in the last Congress was inspiring to new candidates that ran for office. It was inspiring to their supporters. It was inspiring to their constituents and their voters. And the discharge petition, with 173 signatures said, Republicans have the resolve to repeal ObamaCare. Republicans have the resolve.

And so the inspiration and the resolve, along with a fairly long list of anti-free market, anti-freedom things that took place out of the Pelosi Congress and the Obama administration, all contributed to give us the inertia to get to this point to where we are today.

But the legislation that I introduced then, actually amended at the end of the last Congress because it needed to consider the reconciliation package that came from the Senate after the bill was passed. It wasn't possible for me to introduce legislation to repeal that because it hadn't passed. So packaged it up together and put that in as a squared away, on point, full 100 percent repeal of ObamaCare legislation that I introduced, again with MICHELLE BACHMANN on the last day of the last Congress, and on the first day of this Congress. And that's the legislation, that's the language that is considered before this Congress and will be voted on Wednesday of next week and will result in the House repealing ObamaCare, Mr. Speaker.

And so it's a 2,500-page bill. I wouldn't presume to come to the floor and read a 2,500-page bill, Mr. Speaker. But I would do this: I think it's a delightful experience to read a bill that's

short and to the point. And this is H.R. 2; H.R. 2, the repeal of ObamaCare. And I'm going to just read this into the RECORD, Mr. Speaker, aside from the titles, just down to the meat of the bill. And it won't take very long. It's actually, altogether now, 131 words.

But it reads this way: "Effective as of the enactment of Public Law 111-148, such act is repealed, and the provisions of law amended or repealed by such act are restored or revived as if such act had not been enacted."

Boy, that sounds pretty good, doesn't it? Now, that's just the first part.

And it repealed, effective as of the enactment of the law, ObamaCare, such act is repealed, and the provisions of law amended are repealed by such act are restored or revived as if such act had not been enacted. It doesn't take a lot of complicated language to say pull it all out by the roots as if it had never been there. That's what we get with the repeal that's before us now that will be debated on and voted on Wednesday of next week.

This is the language that I introduced long back when people said it's just a frustrating, political exercise. You will never repeal ObamaCare. You can't get a vote on ObamaCare, so why are you going through the motions? It's just a legislative tantrum. No, it's not. It's tangible. It's not a tantrum. It's tangible. It's here. It's here before us now.

Here's the second component of it. This is the reconciliation package that couldn't be addressed on the day it passed but can now. It says this: "Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010," the Senate Reconciliation Act, "Public Law 111-152, title I and subtitle B of title II of such act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted."

Once again, the repetition of that language, for the two major components of ObamaCare now, they are repealed, and the provisions of law amended or restored by such title or subtitle, respectively, are restored or revived as if such title or subtitle had not been enacted.

□ 1330

Well, isn't that refreshing, Mr. Speaker, that we have a piece of legislation here that's not 2,500 pages. It's not so long and complicated that we can't read it here on the floor. It's not so complicated that anybody that might be sitting in the gallery or watching on C-SPAN or might be reading through the CONGRESSIONAL RECORD can understand what is going on here. This is in the full light of day with the support of the American people.

Sixty percent of the American people, according to a Rasmussen poll here

sometime back, support the repeal of ObamaCare, as do I. And, Mr. Speaker, I look forward to the debate on Wednesday. I look forward to the vote going up on the board on Wednesday. I look forward to the beginning of the repeal of ObamaCare.

The press asked me a question on that earlier today: If you pass the repeal of ObamaCare—we will pass the repeal of ObamaCare—is that the end? No. To reflect back on Winston Churchill, it's not the end. It's not even the beginning of the end of ObamaCare, but it is perhaps the end of the beginning of the end of ObamaCare. That's what I believe is coming.

I heard the gentleman from Texas bring up Churchill when he said, "sweat, blood, and tears." There are some people out there that bring some quotes to mind that stand out for me, and one of them is the Congressman from Indiana, MIKE PENCE. His statement on our persistence and due diligence in bringing about ObamaCare is this—and I wrote it down because it impressed me, not the words but the manner in which he says it. It is always superior to my delivery. But it is this, Mr. Speaker. Congressman PENCE of Indiana said, if House Republicans got the message from the American people last November, "we won't just vote once to repeal ObamaCare; we will vote to repeal ObamaCare again and again until we consign their government takeover of health care to the ash heap of history—where it belongs."

Nice quote, MIKE PENCE. It sounds like Ronald Reagan to me. "We will vote . . . again and again until we consign their government takeover of health care to the ash heap of history—where it belongs."

I intend to stay with this with an even heightened level of persistence, Mr. Speaker, to bring about the final and complete repeal of ObamaCare, Mr. Speaker, to be able to one day watch as the President of the United States, the next President probably, puts an end to ObamaCare. It will take persistence on our part. It will take determination. We will pass this out of the House. We can pass it again and again, send it over to the Senate where HARRY REID gets a hot potato on his lap that gets hotter and bigger each time.

We have appropriations bills coming through here. We have a CR that ends March 4th, and everything that funds our government, we should put into that language that prohibits any of the dollars from being used to implement or enforce ObamaCare. We can shut off all of the implementation of ObamaCare. If this House stands resolute and determined, there is not a dime that can be spent by the Federal Government without our approval. So we can shut off the funding that implements or enforces ObamaCare, and we must. And we must stick with it.

We must stick with it with the determination that comes from people like

MIKE PENCE, with the tone that comes from Ronald Reagan that comes from his mouth, and I think the determination that comes from Winston Churchill. We will fight on this. We will fight until the end. We have the majority to start with now in the House. We shall not flag or fail. We shall go on to the end. We shall fight with growing confidence and growing strength, whatever the cost may be. We shall never surrender. We will carry on this struggle until, in God's good time, with all His power and might, He steps forth to the rescue and liberation of our God-given American liberty. That's what will happen in this Congress.

The day will come, Mr. Speaker, that the next President of the United States, I pray, stands on the west portico of the Capitol here in this building down that hallway and off to the left to take the oath of office. And when the Chief Justice steps forward and he takes his oath on the Bible, I want to see that next President of the United States take that oath with pen in hand, Mr. Speaker, and I want him to take the oath, "preserve, protect, and defend the Constitution of the United States, so help me God." And before he even shakes the hand of the Chief Justice to be congratulated as the next President of the United States, I want that pen in that hand to come down on the podium and sign into law the final repeal of ObamaCare as the first act of office of the next President of the United States, and I will support the man or woman that's willing to do that.

Mr. Speaker, I appreciate your attention and the honor to address you.

I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1342

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLEISCHMANN) at 1 o'clock and 42 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. CANTOR) for today on account of personal reasons.

Mr. SMITH of Nebraska (at the request of Mr. CANTOR) for today on account of attending his grandmother's funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. BARTLETT, for 5 minutes, January 11 and 12.

Mr. PAUL, for 5 minutes, January 11 and 12.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 11, 2011, at noon for morning-hour debate and 2 p.m. for legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

44. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tobacco Transition Payment Program; Tobacco Transition Assessments (RIN: 0560-AH30) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

45. A letter from the Associate General Counsel for Legislation and Regulations Division, Department of Housing and Urban Development, transmitting the Department's final rule — Conforming Changes to Applicant Submission Requirements; Implementing Federal Financial Report and Central Contractor Registration Requirements [Docket No.: FR-5350-F-02] (RIN: 2501-AD50) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

46. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Corporate Credit Unions, Technical Corrections (RIN: 3133-AD58) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

47. A letter from the Secretary, Securities and Exchange Commission, transmitting the

Commission's final rule — Temporary Rule Regarding Principal Trades with Certain Advisory Clients (RIN: 3235-AJ96) received December 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

48. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to Form ADV; Extension of Compliance Date (RIN: 3235-A117) received December 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

49. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Amendments to General Regulations of the Food and Drug Administration [Docket No.: FDA-2010-N-0560] (RIN: 0910-AG55) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

50. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Rule Extension, Pollock Catch Limit Revisions [Docket No.: 100427197-0207-01] (RIN: 0648-AW86) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

51. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Book-Entry Treasury Bonds, Notes and Bills Held in Legacy Treasury Direct and Regulations Governing Securities Held in Treasury Direct received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

52. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Nuclear Decommissioning Funds [TD 9512] (RIN: 1545-BF08) received December 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

53. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Amendments to Regulations Regarding Withdrawal of Applications and Voluntary Suspension of Benefits [Docket No.: SSA 2009-0073] (RIN: 0960-AH07) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROWN of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. CARTER, Mr. CHAFFETZ, Mr. COLE, Mr. CONAWAY, Mr. FLEMING, Mr. FORBES, Ms. FOX, Mr. FRANKS of Arizona, Mr. GARRETT, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. JONES, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAMBORN, Mr. LATTI, Mr. MANZULLO, Mr. MARCHANT, Mr. MCHENRY, Mr. MCKINLEY, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OLSON, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROONEY, Mr. SCALISE, Mr. SCHOCK, Mr. TERRY, Mr.

THOMPSON of Pennsylvania, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. BURTON of Indiana, Mr. RYAN of Wisconsin, Mr. GARY G. MILLER of California, Mr. ADERHOLT, Mr. BACHUS, Mr. CRAWFORD, Mr. LONG, Mr. PEARCE, Mrs. BLACK, Mr. GIBBS, Mr. HUELSKAMP, Mr. LUETKEMEYER, Mr. ROKITA, and Mr. WITTMAN):

H.R. 212. A bill to provide that human life shall be deemed to begin with fertilization; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mrs. MYRICK, and Mr. BURTON of Indiana):

H.R. 213. A bill to establish a moratorium on regulatory rulemaking actions, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 214. A bill to establish a Congressional Office of Regulatory Analysis, to require the periodic review and automatic termination of Federal regulations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 215. A bill to repeal the Patient Protection and Affordable Care Act and title I of the Health Care and Education Reconciliation Act of 2010 while preserving the reauthorization of the Indian Health Care Improvement Act; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, House Administration, Rules, the Judiciary, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LORETTA SANCHEZ of California:

H.R. 216. A bill to require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices, and for other purposes; to the Committee on Homeland Security.

By Mr. PENCE (for himself, Mrs. BACHMANN, Mr. SCALISE, Mr. OLSON, Mr. ROGERS of Kentucky, Mrs. McMORRIS RODGERS, Ms. JENKINS, Mr. ROE of Tennessee, Mr. STUTZMAN, Mrs. BLACKBURN, Mr. MCKEON, Mr. JONES, Mr. SULLIVAN, Mr. GARRETT, Mr. MCCLINTOCK, Mr. NEUGEBAUER, Mr. BILIRAKIS, Mr. AKIN, Mr. BURTON of Indiana, Mr. JORDAN, Mr. MANZULLO, Mr. TURNER, Mr. CHAFFETZ, Mr. RYAN of Wisconsin, Mr. GARY G. MILLER of California, Mr. WESTMORELAND, Mr. PAUL, Mr. BARTLETT, Mr. PITTS, Mr. POE of Texas, Mr. BACHUS, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. ADERHOLT, Mr. TERRY, Mr. DAVIS of Kentucky, Mr. CONAWAY, Mr. MILLER of Florida, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. SIMPSON, Mr. FLAKE, Mrs. MILLER of Michigan, Mr. HENSARLING, Mr. HERGER, Mr. FRANKS of Arizona, Mr. CRAWFORD, Mr. SMITH of New Jersey, Mr. JOHN-SON of Ohio, Mr. GARDNER, Mr.

CANSECO, Mr. CHABOT, Mr. THOMPSON of Pennsylvania, Mr. ROSS of Florida, Mr. POMPEO, Mr. BUCSHON, Mr. FLEMING, Mr. COLE, Mr. LATTI, Mr. MCHENRY, Mr. MARCHANT, Mr. DUFFY, Mr. CAMPBELL, Mr. MURPHY of Pennsylvania, Mr. RIGELL, Mr. BUCHANAN, Mr. DUNCAN of South Carolina, Mr. MCCAUL, Mr. MCKINLEY, Mr. GOSAR, Mr. CRAVAACK, Mr. WALSH of Illinois, Mr. REED, Mr. PEARCE, Mr. ROGERS of Alabama, Mr. GIBBS, Mr. LONG, Mr. KLINE, Mr. PRICE of Georgia, Mr. LUETKEMEYER, Mr. COFFMAN of Colorado, Mr. YOUNG of Indiana, Ms. BUEKLE, Mr. HALL, Mrs. ELLMERS, Mr. HUELSKAMP, Mr. WEST, Mr. RIBBLE, Mr. NUNNELEE, Mr. MULVANEY, Mr. BROOKS, Mr. SOUTHERLAND, Mrs. SCHMIDT, Mr. HUNTER, Mrs. BLACK, Mr. MCCOTTER, Mr. FORBES, Mr. QUAYLE, Mr. DUNCAN of Tennessee, Mr. GRAVES of Georgia, Mr. CALVERT, Mr. HUIZENGA of Michigan, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. SHUSTER, Mr. POSEY, Mrs. HARTZLER, Mr. GOWDY, Mr. HARPER, Mr. SCHOCK, Mr. GOODLATTE, Mr. SHIMKUS, Mr. GOHMERT, Mr. WALBERG, Mr. MICA, Mr. RENACCI, Mr. LAMBORN, Mr. CARTER, Mr. CULBERSON, Mr. ROKITA, Mr. PLATTS, and Mr. LANKFORD):

H.R. 217. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACA:

H.R. 218. A bill to amend the Immigration and Nationality Act to provide for naturalization for certain high school graduates; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 219. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 220. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 221. A bill to amend title 18, United States Code, to provide penalties for displaying nooses in public with intent to harass or intimidate a person because of that person's race, color, religion, or national origin; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 222. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures

to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 223. A bill to amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 224. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 225. A bill to provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 226. A bill to strengthen the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 227. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 228. A bill to provide for the collection of data on traffic stops, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 229. A bill to amend title 23, United States Code, to establish national standards for State safety inspections of motor vehicles, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON LEE of Texas:

H.R. 230. A bill to authorize the Secretary of Energy to make loan guarantees for cellulosic ethanol production technology development; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 231. A bill to increase the evidentiary standard required to convict a person for a drug offense, to require screening of law enforcement officers or others acting under color of law participating in drug task forces, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.R. 232. A bill to recognize the extraordinary performance of the Armed Forces in achieving the military objectives of the United States in Iraq, to terminate the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), to require congressional reauthorization to continue deployment of the Armed Forces to Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 233. A bill to reform the provisions requiring "one-strike" eviction from public and federally assisted housing; to the Committee on Financial Services.

By Mrs. BLACKBURN (for herself, Mr. AKIN, Mr. CARTER, and Mr. MANZULLO):

H.R. 234. A bill to amend title II of the Social Security Act to establish a Social Security Surplus Protection Account in the Federal Old-Age and Survivors Insurance Trust Fund to hold the Social Security surplus, to provide for suspension of investment of amounts held in the Account until enactment of legislation providing for investment of the Trust Fund in investment vehicles other than obligations of the United States, and to establish a Social Security Investment Commission to make recommendations for alternative forms of investment of the Social Security surplus in the Trust Fund; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 235. A bill to reduce unsustainable spending; to the Committee on Appropriations, and in addition to the Committees on Foreign Affairs, Financial Services, Natural Resources, Oversight and Government Reform, House Administration, Education and the Workforce, Ways and Means, Transportation and Infrastructure, Science, Space, and Technology, Armed Services, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCHANAN:

H.R. 236. A bill to provide that rates of pay for Members of Congress shall not be adjusted under section 601(a)(2) of the Legislative Reorganization Act of 1946 in the year following any fiscal year in which outlays of the United States exceeded receipts of the United States; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia:

H.R. 237. A bill to amend the Homeowners Assistance Program of the Department of Defense to give the Secretary of Defense flexibility regarding setting the commencement date for homeowner assistance for members of the Armed Forces permanently reassigned during the mortgage crisis; to the Committee on Armed Services, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 238. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit

to military retirees for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 239. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 240. A bill to amend title 38, United States Code, to promote jobs for veterans through the use of sole source contracts by Department of Veterans Affairs for purposes of meeting the contracting goals and preferences of the Department of Veterans Affairs for small business concerns owned and controlled by veterans; to the Committee on Veterans' Affairs.

By Mr. GALLEGLEY:

H.R. 241. A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; to the Committee on Natural Resources.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, Mr. MCCARTHY of California, and Mr. DANIEL E. LUNGREN of California):

H.R. 242. A bill to clarify the implementation and enforcement of Subpart B of the Travel Management Rule (36 C.F.R. 212), relating to the designation of roads, trails, and areas for motor vehicle use, in administrative units of the National Forest System in California, and for other purposes; to the Committee on Natural Resources.

By Mr. LATTA:

H.R. 243. A bill to amend title 35, United States Code, to modify the penalty for false marking, and for other purposes; to the Committee on the Judiciary.

By Mr. LATTA (for himself, Ms. JENKINS, and Mr. TURNER):

H.R. 244. A bill to prohibit the use of certain stimulus and disaster relief funds for business relocation incentives; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE:

H.R. 245. A bill to amend the Federal Reserve Act to remove the mandate on the Board of Governors of the Federal Reserve System and the Federal Open Market Committee to focus on maximum employment; to the Committee on Financial Services.

By Mr. PLATTS:

H.R. 246. A bill to repeal the provision of law that provides for automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself and Ms. SUTTON):

H.R. 247. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Natural Resources.

By Mr. SERRANO:

H.R. 248. A bill to provide for identification of members of the Armed Forces exposed

during military service to depleted uranium, to provide for health testing of such members, and for other purposes; to the Committee on Armed Services.

By Mr. SERRANO:

H.R. 249. A bill to permit Members of Congress to administer the oath of allegiance to applicants for naturalization; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 250. A bill to provide discretionary authority to an immigration judge to determine that an alien parent of a United States citizen child should not be ordered removed, deported, or excluded from the United States; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 251. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Oak Point and North Brother Island in the Bronx in the State of New York as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. SERRANO:

H.R. 252. A bill to require an annual report on Federal funds distributed by Federal agencies through grant programs, formula programs, or otherwise, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H.R. 253. A bill to amend the Internal Revenue Code of 1986 to provide a business credit relating to the use of clean-fuel and fuel efficient vehicles by businesses within areas designated as nonattainment areas under the Clean Air Act; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 254. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 255. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 256. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 257. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate income tax overpayments as contributions to the United States Library Trust Fund; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be

subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN:

H.R. 258. A bill to require the Office of Management and Budget to prepare a cross-cut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. BURTON of Indiana, Mr. DUNCAN of Tennessee, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. JONES, Mr. PITTS, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. LONG, Mr. GIBBS, Mr. WEST, Mr. GRAVES of Missouri, and Mr. BASS of New Hampshire):

H.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to balance the Federal budget; to the Committee on the Judiciary.

By Ms. JACKSON LEE of Texas:

H.J. Res. 12. A joint resolution denouncing the practices of female genital mutilation, domestic violence, "honor" killings, acid burnings, dowry deaths, and other gender-based persecutions, expressing the sense of Congress that participation, protection, recognition, and equality of women is crucial to achieving a just, moral and peaceful society, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. EMERSON:

H.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 14. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. PLATTS:

H.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself and Mr. WOODALL):

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to repeal the sixteenth article of amendment; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. TERRY:

H.J. Res. 18. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. EMERSON:

H. Con. Res. 7. Concurrent resolution expressing the sense of Congress regarding the

need to prevent the closure or consolidation of post offices; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H. Con. Res. 8. Concurrent resolution entitled the "English Plus Resolution"; to the Committee on Education and the Workforce.

By Mr. DREIER:

H. Res. 27. A resolution relating to the status of certain actions taken by Members-elect; considered and agreed to.

By Ms. JACKSON LEE of Texas:

H. Res. 28. A resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with existing law, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation; and for other purposes; to the Committee on Homeland Security.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. ZOE LOFGREN of California, and Mr. ROYCE):

H. Res. 29. A resolution calling for Internet freedom in Vietnam; to the Committee on Foreign Affairs.

By Mr. DEUTCH:

H. Res. 30. A resolution amending the Rules of the House of Representatives to require that plain English section by section analyses be posted on the Internet for bills and joint resolutions reported by committees; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KING of New York introduced a bill (H.R. 259) for the relief of Alemseghed Mussie Tesfamical; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BROUN of Georgia:

H.R. 212.

Congress has the power to enact this legislation pursuant to the following:

Section five of the 14th article of Amendment to the Constitution of the United States, which states "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Section two of this article states "... nor shall any State deprive any person of life, liberty, or property, without due process of law . . ."

By Mr. YOUNG of Alaska:

H.R. 213.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article 1 of the Constitution.

By Mr. YOUNG of Alaska:

H.R. 214.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article 1 of the Constitution.

By Mr. YOUNG of Alaska:

H.R. 215.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Ms. LORETTA SANCHEZ of California:

H.R. 216.

Congress has the power to enact this legislation pursuant to the following:

Section 1 of Amendment Number 4 of the Constitution.

By Mr. PENCE:

H.R. 217.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. BACA:

H.R. 218.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4.

By Mr. PAUL:

H.R. 219.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for the Social Security Preservation Act is Article 1, Section 9, Clause 7 giving Congress the authority to control the expenditures of the federal government.

By Mr. PAUL:

H.R. 220.

Congress has the power to enact this legislation pursuant to the following:

The Identity Theft Prevention Act is constitutional because it protects the American people's rights to be free from federal violations of their privacy as protected by the fourth and ninth amendments to the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 221.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 222.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 223.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 224.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 225.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 226.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 18 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 227.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 18 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 228.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 229.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 18 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 230.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 18 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 231.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 232.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the Power granted to Congress under Article 1, Section 8, Clause 12.

By Ms. JACKSON LEE of Texas:

H.R. 233.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Mrs. BLACKBURN:

H.R. 234.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1; Article 1, Section 8, Clause 3; and Article 1, Section 8, Clause 14.

By Mr. BRADY of Texas:

H.R. 235.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. BUCHANAN:

H.R. 236.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this joint resolution rests is the power of Congress as enumerated in Article I, Section 9 of the United States Constitution.

By Mr. CONNOLLY of Virginia:

H.R. 237.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests in at least two clauses enumerated in Article I, Section 8 of the United States Constitution.

Clause 14 grants the power of Congress "to make Rules for the Government and Regulation of the land and naval Forces."

Clause 18 grants the power of Congress "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof," as enumerated in Article I, Section 8, Clause 18 of the United States Constitution.

Specifically, this bill amends the Demonstration Cities and Metropolitan Development Act of 1966 to expand access to Department of Defense (DOD) homeowners assistance for qualified members of the Armed Forces permanently reassigned during a designated mortgage crisis to allow the Secretary of Defense greater flexibility regarding the dates of the availability of such assistance.

By Mrs. EMERSON:

H.R. 238.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to raise and maintain armed forces, as enumerated in Article I, Section 8, Clauses 12, 13, and 14 of the United States Constitution, as well as the power to lay and collect taxes, provide for the common defense and general welfare, as enumerated in Article I, Section 8, Clause 1.

By Mrs. EMERSON:

H.R. 239.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to provide for the general welfare, as enumerated in Article I, Section 8, Clause 1.

By Mr. FILNER:

H.R. 240.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mr. GALLEGLY:

H.R. 241.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution, relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress. Also this legislation can be enacted under the authority granted in Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. HERGER:

H.R. 242.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of Section 9 of Article I of the Constitution, and Clause 2 of Section 3 of Article IV of the Constitution.

By Mr. LATTA:

H.R. 243.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 8 of the Constitution: The Congress shall have the power to enact this legislation to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

By Mr. LATTA:

H.R. 244.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have

power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. PENCE:

H.R. 245.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 5 of Section 8 of Article I of the United States Constitution.

By Mr. PLATTS:

H.R. 246.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6—The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

And Amendment XXVII—Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

By Mr. RYAN of Ohio:

H.R. 247.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. SERRANO:

H.R. 248.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14, which gives Congress the power "To make Rules for the Government and Regulation of the land and naval Forces," and Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Mr. SERRANO:

H.R. 249.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which gives Congress the power "To establish a uniform Rule of Naturalization," and Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Mr. SERRANO:

H.R. 250.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which gives Congress the power "To establish a uniform Rule of Naturalization," and Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Mr. SERRANO:

H.R. 251.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. SERRANO:

H.R. 252.

Congress has the power to enact this legislation pursuant to the following:

This legislation is introduced pursuant to Article IV, Section 3, Clause 2 of the United States Constitution, which states that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States . . ." In addition, this legislation is introduced pursuant to Article I, Section 8, Clause 18, which states that Congress shall have the power "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

By Mr. SERRANO:

H.R. 253.

Congress has the power to enact this legislation pursuant to the following:

This legislation is introduced pursuant to Article I, Section 8, Clause 1 of the Constitution, which states that "The Congress shall have power to lay and collect taxes, duties, imposts and excises . . ." In addition, this legislation is introduced pursuant to Article I, Section 8, Clause 18 of the Constitution, which states that Congress shall have the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

By Mr. SERRANO:

H.R. 254.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution—

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

In addition, Congress has the power to enact this legislation pursuant to the following: Clause 18 of section 8 of article I of the Constitution—

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SERRANO:

H.R. 255.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which gives Congress the power "To regulate Commerce with foreign Nations," and Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Mr. SERRANO:

H.R. 256.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which gives Congress the power "To regulate Commerce with foreign Nations," Article I, Section 8,

Clause 4, which gives Congress the power "To establish a uniform Rule of Naturalization," and Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Mr. SERRANO:

H.R. 257.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States. (Article I, Section 8, Clause 1)

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof. (Article 1, Section 8, Clause 18)

By Mr. WITTMAN:

H.R. 258.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. KING of New York:

H.R. 259.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4—The Congress shall have Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Mr. BROUN of Georgia:

H.J. Res. 11.

Congress has the power to enact this legislation pursuant to the following:

Article Five of the Constitution of the United States, which states "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . ."

By Ms. JACKSON LEE of Texas:

H.J. Res. 12.

Congress has the power to enact this legislation pursuant to the following:

This bill in enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Mrs. EMERSON:

H.J. Res. 13.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mrs. EMERSON:

H.J. Res. 14.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to propose Amendments to the Constitution, as enumerated in Article V of the United States Constitution.

By Mr. PLATTS:

H.J. Res. 15.

Congress has the power to enact this legislation pursuant to the following:

Article V.—The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several

States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

By Mr. KING of Iowa:

H.J. Res. 16.

Congress has the power to enact this legislation pursuant to the following:

This joint resolution is enacted pursuant to the power granted to Congress to propose amendments to the Constitution under Article V of the United States Constitution.

By Mr. SERRANO:

H.J. Res. 17.

Congress has the power to enact this legislation pursuant to the following:

This proposed constitutional amendment is introduced pursuant to Article V of the Constitution. In *Whitehill v. Elkins* (1967), the Supreme Court's majority opinion stated that "there is no restraint on the kind of amendment that may be offered," under Article V of the Constitution. In addition, this proposed constitutional amendment is introduced in relation to the 22nd Amendment to the Constitution, which this joint resolution seeks to repeal.

By Mr. TERRY:

H.J. Res. 18.

Congress has the power to enact this legislation pursuant to the following:

Article Five of the Constitution—The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the

Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. SCHOCK, Ms. JENKINS, Mr. HUNTER, Mr. ROKITA, Mr. WALBERG, and Mr. RENACCI.

H.R. 23: Ms. BORDALLO and Mr. KING of New York.

H.R. 27: Mr. KILDEE, Mr. SARBANES, Mr. HOLDEN, Mr. ISRAEL, Mr. DAVID SCOTT of Georgia, and Mr. CARNAHAN.

H.R. 38: Mr. HUNTER and Mr. RENACCI.

H.R. 44: Ms. LEE of California, Mr. FILNER, and Mr. SCOTT of Virginia.

H.R. 53: Mr. WELCH.

H.R. 54: Mr. WELCH.

H.R. 61: Mr. WITTMAN, Mrs. LUMMIS, Mr. DUNCAN of South Carolina, Mr. GRAVES of Georgia, Mr. COFFMAN of Colorado, Mr. BILBRAY, Mr. CHAFFETZ, Mr. MCHENRY, Mr. LATTA, Mr. COLE, Mr. KLINE, Mr. GIBBS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. MCCLINTOCK, and Mr. PEARCE.

H.R. 96: Mr. MCKINLEY, Mr. MILLER of Florida, and Mrs. ELLMERS.

H.R. 97: Mr. SCHOCK, Mr. NEUGEBAUER, Mr. MACK, Mr. LUETKEMEYER, Mr. LAMBORN, Mrs. BIGGERT, Mr. POE of Texas, Mr. DUNCAN of South Carolina, Mr. YOUNG of Indiana, Mr. MCKINLEY, Mrs. ELLMERS, Mr. GERLACH, Mr. GINGREY of Georgia, Mrs. HARTZLER, Mr. GALLEGLY, Mr. FLORES, Mr. SHIMKUS, and Mr. SULLIVAN.

H.R. 103: Mr. ROHRABACHER.

H.R. 104: Mr. FILNER.

H.R. 111: Ms. BORDALLO and Ms. KAPTUR.

H.R. 120: Mr. MCGOVERN, Mr. ROGERS of Kentucky, and Mr. WITTMAN.

H.R. 121: Mr. LANKFORD.

H.R. 140: Mr. CAMPBELL, Mr. BARTLETT, Mr. BURTON of Indiana, Mr. WEST, Mr. BILBRAY, Mr. BROUN of Georgia, Mr. HUNTER, Mrs. SCHMIDT, Mr. STUTZMAN, Mr. HALL, Mr. GARRETT, Mr. WOMACK, Mr. MCKINLEY, Mr. JONES, Mr. COFFMAN of Colorado, Mr. FLEMING, Mr. POSEY, Mr. AKIN, Mr. CALVERT, Mr.

CARTER, Mr. ROSS of Florida, Mr. WESTMORELAND, and Mr. CRAWFORD.

H.R. 143: Mrs. LUMMIS, Mr. HUELSKAMP, Mr. RIBBLE, Mrs. BLACKBURN, Mrs. SCHMIDT, and Mr. ROKITA.

H.R. 144: Mr. KING of New York, Mr. SCHOCK, Mr. HUELSKAMP, Ms. GRANGER, and Ms. BERKLEY.

H.R. 168: Mr. LEWIS of Georgia.

H.R. 178: Mr. JONES.

H.R. 192: Ms. LEE of California, Mr. SCHIFF, Mr. STARK, Mrs. NAPOLITANO, Ms. SPEIER, Mr. GEORGE MILLER of California, Mr. HINCHAY, Mrs. CHRISTENSEN, Ms. RICHARDSON, Mr. FARR, Mr. BERMAN, Mr. HONDA, Ms. ZOE LOFGREN of California, and Mrs. CAPPS.

H.J. Res. 3: Mr. MANZULLO, Mr. ROGERS of Alabama, Mr. MCHENRY, Mr. GOHMERT, Mr. KING of Iowa, and Mr. BURTON of Indiana.

H.J. Res. 9: Mr. BURTON of Indiana and Mr. POE of Texas.

H. Con. Res. 3: Mr. HALL, Mr. WITTMAN, and Mr. SCHOCK.

H. Res. 19: Ms. LEE of California, Mr. RUSH, and Ms. MOORE.

H. Res. 20: Mr. BERMAN, Ms. FUDGE, Mr. McDERMOTT, Mr. MARKEY, and Mr. BUTTERFIELD.

H. Res. 21: Mr. CONYERS and Mr. STARK.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 2 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

OFFERED BY MR. ROGERS OF KENTUCKY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 2 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. UPTON

The provisions that warranted a referral to the Committee on Energy and Commerce in H.R. 2 do not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

HONORING HARRELL FLETCHER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. CAPPS. Mr. Speaker, I rise today to mark the passing of an exemplary citizen of California's Central Coast: Mr. Harrell Fletcher.

Mr. Fletcher lived in the Santa Maria Valley for 80 years, moving to the area from Arkansas as a young boy. He attended San Luis Obispo High School and California State Polytechnic University, San Luis Obispo. He moved to Santa Maria with the architecture firm responsible for building Camp Cook, now Vandenberg Air Force Base, in the early 1940's.

Over his decades in the Santa Maria Valley, he seemed to fill every role in the community at one time or another: local business owner, County Supervisor, school board member, founding member of the Los Padres National Bank, Fair board member and Coastal Commission member. He was the most senior land use consultant in the region and was the longest serving member of the Santa Maria Valley Chamber of Commerce. Mr. Fletcher also served on literally dozens of other groups, organizations and committees over the years, with each organization benefiting from his strong work ethic and unique insight into our community.

Mr. Fletcher and his wife Betty have been acknowledged frequently for their pivotal role in the growth of Santa Maria Valley community. In March 2004, the City of Santa Maria, in honor of Harrell and Betty Fletcher, dedicated "Fletcher Park" on their behalf. In 2009, the City Council declared July 24, 2009 as "Harrell Fletcher Day."

On a personal note, Mr. Fletcher always extended a gracious hand when working with both me and my late husband U.S. Rep. Walter Capps on a range of issues. We may have been of different political parties but that did not matter to Mr. Fletcher. He was always generous and affable, and always interested in addressing the issues to make life better for Santa Marians. Like my late husband, I considered it an distinct honor and privilege to work with someone so dedicated to his community, and who influenced so much of its growth for so many years.

Harrell Fletcher is survived by his wonderful wife of almost 60 years, Betty, and their children, grandchildren and great grandchildren. I thank them for sharing Harrell and his many talents with us these many years and offer my deepest condolences on their loss.

CONGRATULATORY REMARKS FOR
THE UNIVERSITY OF CENTRAL
FLORIDA

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. ADAMS. Mr. Speaker, I would like to congratulate the University of Central Florida on their historic victory over the Georgia Bulldogs on December 31, 2010 in the Liberty Bowl. The Knights edged out the Bulldogs 10-6 in a fantastic game that demonstrated what this young athletic program has to offer to the world of collegiate sports.

This was UCF's first bowl game victory capping off an astonishing year of being ranked for the first time in school history in the top 25 of the AP Poll, USA Today Coaches Poll, Harris Poll and finishing their season at number 25 in the BCS Standings. These achievements are a testament to the determination and strength of the young people that this university is turning out as the future leaders in our community and country.

As the second largest university in the Nation, and my district's flagship university, UCF has been breaking barriers and earning its place at the top of every measure of student achievement, and this year was no exception. I offer my warmest congratulations to the players of this championship team, Coach O'Leary and the entire Administrative staff for all their determination and hard work.

IN HONOR OF THE REVEREND
NORMAN EDDY AND THE LATE
REVEREND MARGARET EDDY
FOR THEIR DECADES OF DEDICATED AND FAITHFUL SERVICE
TO THE EAST HARLEM COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Reverend Norman Eddy and his late wife, the Reverend Margaret Eddy. Norman and Margaret Eddy devoted themselves to the Manhattan community of East Harlem, one of the most underserved and impoverished communities in our Nation. Graduates of the Union Theological Seminary, they went on to minister to congregations at the East Harlem Protestant Parish and The Church of the Resurrection, helping countless individuals and families better their lives.

At the end of February, the decades of service to others by Norman and Margaret Eddy were recognized at twin celebrations held at the New York Theological Seminary and at

The Church of the Resurrection. Celebrants learned about the effort to launch a Program Center for Spiritual Coordination and Community Well-Being at the New York Theological Seminary, viewed the premiere showing of a film about their East Harlem ministries directed by the award-winning producer/director Jan Albert, shared heart-warming and sometime light-hearted reminiscences about Norman and Margaret, and celebrated Norm's 90th Birthday over a communal meal at the Church.

The celebrations are richly deserved, because the devotion of Norman and Margaret Eddy to the well-being of East Harlem residents is truly remarkable. I came to know them during the nine years I served as the New York City Council Member representing a district that included all of East Harlem. As ministers of the East Harlem Protestant Parish on East 100th Street and later of The Church of the Resurrection on East 1051st Street, they were involved in a myriad of community organizations that formed a vital network in "El Barrio." These included but were not limited to the East Harlem School of Faith, East Harlem Healing Community, the East Harlem Churches, the Community Urban Center, and East Harlem School of Faith, and East Harlem Interfaith. They also led a local neighborhood committee to help those who became addicted to narcotics. Each was an open, friendly, and vital presence who readily warmed to others and infected others with their laughter and positive spirits. When Norman and Peg Eddy ministered to others in need, no matter how dire their circumstances, they always maintained a sense of joy and optimism that proved infectious. With courage and compassion, they reached out to those suffering from HIV and AIDS at a time when misinformation and a lack of public awareness created an impenetrable stigma around those infected with the virus.

In recognition of their outstanding contributions to the well-being of the people they served and their extraordinary civic life of our Nation's greatest city, I ask that my distinguished colleagues join me in honoring the Reverends Norman and Margaret Eddy.

HONORING THE LIFE OF
KATHERINE C. KELLY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life of a great American, Katherine C. Kelly, a lifelong champion of human rights and universal health care, who died on the morning of January 6, 2011 at the age of 86.

Katherine was a good friend and supporter for more than 40 years. Over the course of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

her life, she and her late husband, Edward M. Kelly, were prominently active in the civil rights movement, the fight for women's rights, gay rights, and every progressive movement in the United States. Katherine dedicated her life to the Democratic Party, serving as State Committeewoman from Palm Beach County for 26 years.

Additionally, she was named to the Electoral College and served as a delegate to five Democratic National Conventions.

She also served as the Legislative Director for Florida NOW, as Vice President of the Florida Women's Political Caucus, as a Board member for NARAL, and as Development Director of Women Leaders Online. Her continued dedication to political and progressive causes led to recognition as the Outstanding Feminist 2001 by Florida NOW and Woman of the Year in 2008 by the Democratic Women's Club Palm Beach County.

Mr. Speaker, Katherine was deeply loved and widely respected by everyone who knew her. Today, our nation has lost someone who represented all that is good in the world.

IN RECOGNITION OF THE
PANPAPHIAN ASSOCIATION OF
AMERICA ON THE OCCASION OF
ITS ANNUAL DINNER-DANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the PanPaphian Association of America for its tremendous contributions to our cultural and civic life. Founded more than two decades ago by Hellenic Cypriot Americans of Paphian ancestry, the Association has carried out its vital educational, cultural, charitable, and humanitarian mission while helping promote peace, unity, and understanding on the occupied island of Cyprus.

The PanPaphian Association of America held the Ninth Evagoras Pallikarides Award of Merit dinner-dance last month. The Evagoras Pallikarides Award of Merit was bestowed upon Mr. Alkinoos Ioannidis for his dedication to promoting Hellenic culture through music and song. Born and raised in Nicosia, Cyprus, Mr. Ioannidis studied classical guitar at the European Conservatory, moved to Athens, and was signed by Universal Music at age 23. He went on to pursue a successful career in acting and music, eventually focusing his efforts as a thriving musical performer and composer with many successful recordings. Influenced by traditional Cypriot music, the Greek composers of the last decades, and classical, jazz and rock genres. He often performs with orchestras and ensembles. Above all, he remains devoted to the Cypriot people, their culture, and their struggle for justice, donating his time and talent to numerous concerts and performances benefitting various Hellenic organizations and causes associated with justice for Cyprus.

The PanPaphian Association awarded the Distinguished Fellow Cypriot Award to Mr. Polys Kyriacou, a distinguished poet and lyricist who has distinguished himself in his pas-

sionate commitment to justice for Cyprus and his love for Hellenic culture. Born in Nicosia, he served in the Cyprus National Guard before his studies at Panteios University in Athens. He came to New York City in 1982 to earn a Master's Degree in Communication and Graphic Design at the Pratt Institute and then worked as an Art Director at the Proini daily newspaper. He served for many years on the board of the Cyprus Federation of America and the Justice for Cyprus Committee, published two volumes of poetry, including *Sximata*, which won First Prize for a Young Poet from the Cyprus Ministry of Education. A Member of the Board of Directors of Cosmos FM Radio, he hosts his own program every Sunday morning and remains deeply involved in New York City's vibrant Hellenic community.

The Member of the Year Award was given to Mr. George Kouspos. Born and raised in Paphos on Cyprus, he came to the United States in 1984 after serving as an officer in the Cyprus National Guard. He earned a Bachelor of Science degree in Electrical Engineering from the City College of New York and an M.B.A. degree from Adelphi University while working his way through school. He became a principal at CY Electric Corp. Throughout his studies and his subsequent professional success, he has remained extraordinarily devoted to the cause of justice for Cyprus; to the PanPaphian Association, which he has served as Vice President, Cultural Officer, and Treasurer; and above all to his beloved family, Nancy (Nafsika), who was born in Asgata, Cyprus, and his beautiful daughters, Demetra and Maria.

Mr. Speaker, I ask that my distinguished colleagues rise to join me in paying tribute to the PanPaphian Association of America, the recipients of its awards, and all its many contributions to the civic life of our Nation.

TRIBUTE TO CLARK COUNTY
SHERIFF'S DEPUTY SUZANNE
WAUGTEL HOPPER

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. AUSTRIA. Mr. Speaker, today I will be traveling back to Ohio to express my sympathy to the family of Clark County Sheriff's Deputy Suzanne Waughtel Hopper. Deputy Hopper's funeral will be at 11:00 a.m. on Friday, January 7, 2011.

Deputy Hopper was killed in the line of duty on New Year's Day while responding to shots fired in a local community. Because of her decisive action, courage and bravery lives were saved. She is a true American hero.

IMAN ABBASI

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. POE of Texas. Mr. Speaker, in just a few days, on January 9, Iraqi authorities will

deport the Abbasi family to Iran where they face certain persecution.

The Abbasis are political refugees. Their father got in trouble in Iran because he dared to write that Iranians actually deserve freedom. He wrote that every man should be able to have a say in who governs them. This simple idea is the very foundation on which our great Nation was built and the fundamental, universal human right of all mankind. But the tiny tyrant of Iran did not like that. He saw Mr. Abbasi as a threat to his power.

The regime, having tasted power, is doing whatever it can to keep it. That includes imprisoning, torturing, and murdering anyone who so dares speak against it. But these are desperate actions from a desperate regime. When a regime loses respect for its own people, its days are numbered.

As he has done with thousands of other Iranian freedom fighters, Ahmadinejad came after Mr. Abbasi. So Mr. Abbasi fled to Sweden. But when he did, Iranian authorities started going after his family still in Iran. So they fled too, but could only get to Iraq before being imprisoned by Iraqi authorities for not having their immigration papers. Now the Iraqi government wants to deport his daughter, Iman Abbasi, back to Iran, which is all but a death sentence for her. I talked to the State Department about Iman today and they are working on making sure that Iman is allowed to remain in Iraq until they can sort out her refugee status.

We have seen enough of Iraqi authorities doing favors for its neighbor to the East. At Camp Ashraf, a camp in the middle of the Iraqi desert full of freedom fighters from Iran, Iraqis and their Iranian buddies psychologically torture the residents. They put up dozens of loudspeakers surrounding the camp and shout at residents around the clock, telling them to go home to their motherland and stop being traitors.

We must send a clear message to Iraq: as long as it is ruled by the tiny tyrant and his henchmen, Iran is not a friend you can trust. If you side with them, then you side with oppression and tyranny. So stop imprisoning political refugees and stand up for the freedom that so many of our countrymen and yours have given their lives for.

RECOGNIZING THE ACTIVISM OF
MS. YOLANDA DE VENANZI IN
RAISING HIV/AIDS AWARENESS
AND EDUCATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in honor of Ms. Yolanda De Venanzi and her efforts to raise HIV/AIDS awareness and education within the Hispanic community in South Florida.

Yolanda De Venanzi is an outreach worker with the Comprehensive AIDS Program of Palm Beach County, working within the Hispanic community to help promote HIV/AIDS awareness, testing, and prevention. Among her many activities, she organizes discussion

groups and distributes literature throughout the County. Her efforts indeed reach far and wide, including barbershops, the El Sol migrant labor center in Jupiter, and the Caridad Center in Boynton Beach, which provides health services to Hispanic farm workers.

Furthermore, Yolanda also trains volunteers to spread information about HIV/AIDS prevention. One of her ideas that has proven extremely successful is recruiting drivers who work for the Golden Cab Company to distribute packets containing condoms and brochures about the disease. As with all volunteers, they are trained to discuss and promote behavior that helps prevent the spread of HIV/AIDS. This creative approach is truly a stroke of genius.

A native of Venezuela, Yolanda has had a varied career, working as a psychology teacher and a mental health counselor. This experience has no doubt benefitted her in her work with the Comprehensive AIDS Program. In addition, she still teaches online classes in stress reduction and coping for Empire State College.

Mr. Speaker, Ms. De Venanzi's compassion, concern, devotion, and brilliance are to be lauded. Moreover, her efforts represent the kind of community activism that is key to addressing the serious public health challenge that is HIV/AIDS.

PERSONAL EXPLANATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 8, I was unavoidably detained due to celebration of the Greek Orthodox Epiphany. Had I been present, I would have voted, "yes."

IN RECOGNITION OF PETER PAPANICOLAOU

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to my good friend, Mr. Panayiotis (Peter) Papanicolaou, the distinguished President of the Cyprus Federation of America. Last month, Mr. Papanicolaou was being honored by the Asgata Association at its annual Dinner at Towers on the Green in Floral Park, New York.

Peter Papanicolaou was born and raised in Nicosia, Cyprus, where he received his primary and secondary education. Following two years of service with the National Guard of Cyprus, he came to the United States to pursue a higher education. He attended the New Jersey Institute of Technology (NJIT), enrolling in a special program for honors students. He earned a Bachelor of Science degree in Civil Engineering and a Master of Science degree in Construction Engineering and Construction Management.

He launched his business career with a research position at NJIT, where he developed

new technology for industrial sites and military bases for the cleanup of soils contaminated by toxins. He is now a principal of J.F. Contracting, a Brooklyn-based construction and engineering firm. He is professionally affiliated with the American Society of Civil Engineers, the National Society of Professional Engineers, and he is a member of the Civil Engineering Honor Society.

Peter Papanicolaou is the Supreme President of the Cyprus Federation of America, an umbrella organization for all Cypriot Americans. He is also president of the Archdiocesan Metropolitan Youth Choir, a member of the Greek Orthodox Archdiocesan Council, and a member of the Advisory Board of Queens College, the Saint Basil's Academy, the Albert Dorman Honors College at NJIT, and the Harvard School of Public Health. He is a member of the board of the Cyprus—U.S. Chamber of Commerce, and Vice President of the Cyprus Children's Fund.

Peter is widely recognized as a leader with significant civic and humanitarian achievements. In 1995 he was named Businessman of the Year, Borough of Bronx and in 1996 he was presented with the Ellis Island Medal of Honor for his contributions to our national identity while preserving the distinct values and heritage of our ancestors. In 1998 he became an Archon of the Ecumenical Patriarchate, an honor conferred upon individuals for their services and dedication to the Greek Orthodox Church. He is a member of Leadership 100 and a founding member of the Faith Endowment of Orthodoxy. Peter was honored by various Greek American organizations, churches and professional associations.

Peter continues to serve tirelessly various causes of the Greek American community. He resides in Brooklyn, New York, with his wife Nasia. They have two daughters, Elizabeth and Elena.

Mr. Speaker, I ask that my distinguished colleagues rise and join me in honoring Mr. Panayiotis "Peter" Papanicolaou, a great New Yorker and a great American who has made outstanding contributions to the civic life of our Nation.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. SMITH of Washington. Mr. Speaker, yesterday morning, Thursday, January 6, 2011, I was unable to record my presence on the Floor of the House at the quorum call, rollcall No. 7, because I was unavoidably detained in a meeting related to my role on the House Armed Services Committee.

TRIBUTE TO ROBERTO ALOMAR

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to one of the greatest players in

the history of baseball, Roberto Alomar. This week, Alomar was inducted into the Baseball Hall of Fame, a recognition for the many years he played the sport at its very highest level.

To many, being a 12-time All-Star, a 10-time Gold Glove recipient and a four-time Silver Slugger and batting over .300 nine times would suffice, but for Roberto Alomar, these were simply milestones along his route to the Hall of Fame. Induction into the Hall of Fame is a time-honored tradition in America reserved only for the game changers. It is not merely that these men played the sport with superior skill, it is that they so often transformed the game and our conception of what is possible. Roberto Alomar revolutionized the position of second baseman. He combined offensive power and consistency with a range and fielding ability few had ever seen and fewer still have been able to emulate.

Roberto is part of a Puerto Rican baseball dynasty that deserves recognition, too. His father and brother, Sandy Alomar and Sandy Alomar Jr. had distinguished careers in Major League Baseball. They must realize that their guidance and support helped guide Roberto to his great career and that they, too, deserve recognition as he is inducted into baseball's most elite and hallowed club.

I am sure that the joy of winning the World Series twice was quite indescribable for Roberto, but the thrill of being inducted into the Hall of Fame must be just as sweet. It is a fitting end to a great career. Along with the rest of the baseball world and millions of Puerto Ricans on the island and in the 50 states, I applaud Roberto Alomar and look forward to seeing his plaque placed among baseball's other legends.

Mr. Speaker, induction into the Hall of Fame is more than the highest honor a player can receive—it is how fans and lovers of organized baseball are able to say "thank you" to their heroes. Thank you, Roberto, for so many wonderful memories. Thank you for pushing the sport to new heights. Thank you for giving millions of people so many reasons to smile and celebrate and feel joy. Mr. Speaker, I ask that my colleagues now join me in saying thank you to Roberto Alomar, a player whose character and quality we may never see again.

SANCTITY OF HUMAN LIFE ACT

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. BROUN of Georgia. Mr. Speaker, today, I am honored to introduce as my first bill in the 112th Congress H.R. 212, the Sanctity of Human Life Act, with the support of 54 original cosponsors. My bill will simply define human life as beginning with fertilization and guarantees the constitutional right to life in each human being.

The right to life is our most important fundamental right. Unfortunately, the judicial branch through court decisions has created a complex formula of when life can be taken. My bill makes clear that section two of the 14th Amendment of the Constitution, which prohibits any state from depriving any person of

life without due process of law, affords the right to life of each human being at conception.

As a physician, I know on the basis of medical and scientific evidence, that human life begins with fertilization, and I hope other Members of Congress will join me in supporting the Sanctity of Human Life Act.

IN RECOGNITION OF THE PARK AVENUE CHRISTIAN CHURCH ON THE OCCASION OF ITS BICENTENNIAL CELEBRATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Park Avenue Christian Church in New York City. The Church began commemorating its 200th anniversary year last year at its 2010 Homecoming Celebration.

The Park Avenue Christian Church began as a group of nine members of the Ebenezer Baptist Church who branched off to form the Disciples of Christ on October 10, 1810. This makes them one of the oldest Disciples of Christ Churches in America. They were able to establish themselves as a permanent fixture on Manhattan's Upper East Side as the Park Avenue Christian Church in 1945, at a site that formerly housed the South Dutch Reformed Church and later the Park Avenue Presbyterian Church. The Park Avenue Christian Church has since become a blessed sanctuary for Disciples of Christ and a familiar and beloved institution in the community.

The Church's design by Ralph Adams Cram, Bertram Goodhue & Frank Ferguson provided a church of the purest gothic revival style, inspired by the famous Sainte Chapelle in Paris. It is constructed of local New York stone, salvaged from the construction of Central Park, with its spire surmounting the edifice, arches and fluted pilasters supporting the rounded ceiling that covered three naves, a wide cornice extending around the nave and at the middle height of the apse, soaring stained glass windows designed by Louis Comfort Tiffany, a majestic 52-rank William Jackson Jarman Memorial Organ, and an impressive approach of church-wide steps. The building's cornerstone at 1010 Park Avenue at the corner of East 85th Street was laid in 1909, and the new Church was completed two years later.

The Park Avenue Christian Church remains a thriving, vibrant institution to this day, offering spiritual sanctuary, education, social services, and a wide range of other programs to the people of our Nation's greatest city. In 1963, the church opened a day school, which has since become a top private nursery school in the area. Its "Camp Ten Ten" has provided children from diverse backgrounds with a safe and educational summer programming experience. The Church's lively musical programming, including several choirs, concert series, and other musical ensemble performances provide a wonderful outlet for community members. Its Saturday Community Lunch Program provides hot meals and warm compan-

ionship to some of the most vulnerable New Yorkers. Park Avenue Christian Church's interfaith program with the Temple of Universal Judaism has provided an invaluable forum for interfaith discussion and relationships. Under the able stewardship of the Reverend Dr. Alvin O'Neal Jackson, the Park Avenue Christian Church continues to uphold its proud and historic tradition of seeking justice, embracing diversity, and inspiring the imagination.

Mr. Speaker, I ask that my distinguished colleagues rise to join me in recognizing the extraordinary contributions to the civic and spiritual life of New York City made by the historic Park Avenue Christian Church and its parishioners, past, present and future.

AMERICAN CONSTITUTION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Ms. CHU. Mr. Speaker, I rise today in support of the reading of the American Constitution on the Floor of the House of Representatives. Our founding fathers spent nearly four months debating the original Constitution during the summer of 1787. They spent the following two and a half years securing the support of each of the thirteen original colonies. Since the constitutional convention in Philadelphia, the Constitution has been debated and successfully amended a total of 27 times. Today, we take an important step by recognizing this important history of debate and change.

When it was originally drafted, the American Constitution laid out a framework of government that reflected their best of understanding of the world as it existed in 1787. That document included many important insights and compromises, but the drafters realized that the Constitution—and the great Nation it created—would only last if the Constitution could adapt and change to meet the challenges of the day. That is why the drafters included a mechanism in the Constitution to change the very document they spent months crafting.

As we are all aware, the first exercise of this amendment mechanism concluded in December 1791 when our young Country ratified the Bill of Rights. Those ten amendments embody some of our most important protections from government power including the freedom of speech, protection from unreasonable searches and seizures, and the guarantee of due process.

During the 19th and 20th Centuries the American people amended the Constitution by adding to Congress's express constitutional powers and ensuring Congress has all the tools necessary to address national problems and protect the rights of all Americans. Shortly after the U.S. Civil War, the Constitution was amended to abolish slavery, guarantee the equal protection of the law to all Americans, and guaranteeing the right to vote. With these changes, "We the People" expanded the power to Congress to protect the promises of freedom and equality for all Americans.

I could go on, but my point is not to give a history of the Constitution but to explain how

the Constitution has changed for the better. Without these changes, a Chinese-American woman, like me, would never be able to vote in this Country much less serve as a member of Congress. With these powers, Congress has not only been given great power by the American people, it has also been given great responsibility. That responsibility includes ensuring that all Americans, regardless of race, ethnicity, religion, creed, gender, gender identification, or sexual orientation, have the opportunity to pursue their own version of happiness.

I welcome this reading today as a symbol of the Constitution as a living document. Our understanding of the Constitution is constantly changing and evolving just as the words of the constitution have changed over time. If anything has remained constant, it is the principles espoused by that great document. Those principles ensure that we will have a representative government, "of the people, by the people, and for the people," and that this government will protect the core values of liberty, equality, and opportunity. I look forward to working with my friends across the aisle to ensure this Congress uses its broad powers to promote these values.

RECOGNIZING THE ACHIEVEMENTS OF REV. DR. NELSON "FUZZY" THOMPSON

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. CLEAVER. Mr. Speaker, today I have the great pleasure of recognizing the remarkable achievements of Reverend Doctor Nelson "Fuzzy" Thompson. Rev. Thompson is a minister, community activist, humanitarian, and resident of the Fifth District of Missouri, which I proudly represent.

Rev. Thompson graduated from Lincoln University in Jefferson City, Missouri, with a Bachelor of Science in Education, and received a Master of Divinity and Doctorate of Ministry at St. Paul School of Theology.

"Fuzzy," as he is affectionately known, has represented the Fifth District of Missouri in an exemplary manner locally and nationally. In service to our community, Fuzzy was an original Board Member of Black Adoption Program and a member of the Executive Committee of the Kansas Children's Service League, showing a commitment to our community's youth. During my term as Mayor, he also served as member and chair of the Human Rights Commission. "Fuzzy" now serves as President of the Southern Christian Leadership Conference of Greater Kansas City.

Politically, Rev. Thompson served as a Regional Coordinator for Rev. Jesse Jackson's Presidential Campaign in 1984 and Missouri State Coordinator for Rev. Jackson's 1988 presidential campaign. Furthermore, he was a delegate to the Democratic National Convention from 1984–2000.

Reverend Thompson has also represented our nation on an international platform. At the request of Bishop Desmond Tutu, President Nelson Mandela, and the South African Council of Churches, he was one of 22 U.S. ministers that traveled to South Africa on a fact-

finding educational exchange. Reverend Thompson traveled to South Africa a second time as an official observer for the first election held in South Africa granting the right to vote to all races. He called the experience humbling, as he watched people line up for blocks in order to exercise their right to vote for the first time. He was also one of three U.S. ministers to conduct Easter services for hostages being held in Tehran, Iran.

As well as a strong advocate for human rights around the globe, he is just as strong an advocate for civil rights and economic rights within our community. When South Africa was a nation which practiced apartheid, Dr. Thompson helped organize a protest against a Frank Sinatra concert. The purpose was to draw attention to American celebrities who performed in racially exclusive venues. He has organized pickets in opposition to monies from the local school district awarded to contractors who had failed to include minority contractors.

Mr. Speaker, please join me in expressing our appreciation to Reverend Dr. Nelson "Fuzzy" Thompson for serving the State of Missouri and our nation. He is a true role model to the citizens of our country and his successes serve as a stepping stone for many others eager to serve. I offer this small token of appreciation to an exceptional civil servant for all of the work he has done, taking strength from the many lives he has touched throughout our community.

REMEMBERING FORMER CON-
GRESSMAN WILLIAM RATCH-
FORD

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay tribute to Congressman William Ratchford who passed away on Sunday at the age of 76. He served in this body for three terms from 1979 to 1985 representing Connecticut's fifth congressional district. Bill was born in Danbury, Connecticut in 1934 and led a remarkable life that was most notable for putting public service first. His father was a hat-factory worker and Bill went on to graduate from the University of Connecticut and then to Georgetown University Law School. After graduating from law school, he became a lawyer in Danbury and served in the Connecticut National Guard. He was first elected to office in 1962 as a representative in the Connecticut General Assembly where he served for six terms and rose to the position of Speaker of the House during his last four years. While in the State House, he became involved in the issue of aging, which came to define his legacy. He made a tremendous contribution to the state as chairman of the Governors' Blue Ribbon Committee on Nursing Homes, and in 1977 he was tapped by Governor Ella Grasso to become the state commissioner on aging.

In 1979, Bill won a seat in the U.S. House of Representatives in the Fifth Congressional District in Northwestern Connecticut. During his three terms in Congress, he served on the

committees on appropriations, transportation, education and labor, and interior. Bill continued to have an active career after leaving Congress, remaining involved in government and teaching at Georgetown University. He was appointed by President Clinton to be assistant administrator at the General Services Administration where he served until 2001.

Bill Ratchford was an honest public servant who cared deeply about making the world around him a better place and advocating for the issues that he passionately cared about. He will always be remembered for his focus on senior citizens and children and will be missed by all who knew him. I offer my deep condolences to his wife Barbara of 53 years, his three sons, and to his family and friends.

CONGRATULATING JEAN HARPER
ON HER 90TH BIRTHDAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Jean Harper on the occasion of her 90th birthday. Jean was born on January 14, 1921 to David and Alda Sims Hart in Avondale, North Carolina. At a young age, Jean relocated to her home of Washington, District of Columbia.

For thirty-two years, Jean served as a diligent employee at Freedman's Hospital as a Dietitian. While working at Freedman's Hospital, Jean met the love of her life, James "Jimmy" Harper. The couple soon married and had one daughter, Barbara Jean. In 1954, Jean and Jimmy moved to Taylor Street where she currently resides. Jean is a proud member of Trinity A.M.E. Zion Church where she serves as a missionary and works actively in the Pastor's Aide Club.

In addition to working enthusiastically in her church, Jean devotes the majority of her time to her family. Invariably, she can be found with her daughter, her grandchildren, and her great grandson. Jean enjoys traveling, shopping, cooking, and socializing with friends and extended family.

For her commitment to her family, to her community, and to her Nation, it is my privilege to wish Jean Harper a very happy 90th birthday.

IN TRIBUTE TO QUEENSVIEW ON
THE OCCASION OF ITS 60TH AN-
NIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Queensview, a cooperative apartment complex in the borough of Queens in the district that I represent. Queensview celebrated its 60th anniversary last month.

Initially organized as the Joint Queensview Housing Enterprises Inc., under the Redevelopment Companies Law of New York State,

Queensview was created as a model of middle class housing. The co-op's founders were a group of public-spirited New Yorkers, including Louis H. Pink, who was then president of the New York State Housing Board and State Superintendent of Insurance, and Gerard Swope, former president of General Electric and former chairman of the New York City Housing Authority.

Queensview's first Board of Directors included Mr. Pink (who was President of Queensview), Mr. Swope (Chairman of the board of Queensview), and such prominent citizens as Henry Morgenthau, Jr., former U.S. Secretary of the Treasury; David Sarnoff, chairman of the board of RCA; Mary K. Simkhovitch, director emeritus of Greenwich House; Thomas J. Watson, vice-president of IBM; Howard S. Cullman, chairman of the New York Port Authority; Bernard Gimble, president of Gimble Brothers; Howard C. Shepard, president of National City Bank (now Citibank); the Very Reverend E. Roberts Moore, formerly of the New York City Housing Authority; Mrs. Yorke Allen of the Citizens Housing and Planning Council; Albert Lasker of the Lasker Foundation; Beardsley Ruml, chairman of the Board of Macy's; and G. Howland Shaw, president of the Welfare Council of New York.

The complex, which opened its doors on November 14, 1950, is comprised of 14 buildings, with 52 apartments per building (726 apartments in all). Each building has 4 apartments per floor, meaning that every tenant can enjoy a corner apartment, with views in two directions. The buildings are situated on 9 acres of land. The apartment buildings themselves occupy only 14% of the property, leaving the rest available as open space. There are two playgrounds (which are used by the entire community), large lawns and beautiful landscaping. Some of the land has been made available for on-site parking, an amenity that is a great convenience for residents. Several buildings have community or club rooms that are used by a variety of local groups. As a mark of gratitude, the cooperators dedicated the community rooms in Buildings 7 and 14 to Queensview's founders, Mr. Pink and Mr. Swope.

In 1987, Queensview paid off its initial mortgage. In 1989, Queensview reconstituted as a private corporation known as Queensview, Inc., but since it is a limited equity corporation, prices remain affordable. As a cooperative, Queensview is a self-governing organization, overseen by the Queensview Council. The Council consists of two representatives and an alternate elected by each building. Residents make decisions about management of the building, including the nature of the amenities, upkeep of the building, staffing and security. As a result of their diligence and conscientiousness, Queensview is impeccably maintained and is a wonderful place to live.

Queensview is a naturally-occurring retirement community (NORC), meaning that a significant number of residents are seniors. The NORC program, operated by Selfhelp Community Services, provides residents with a wide range of on-site services including health and wellness, case management, counseling, social, recreational, educational, home care, technology, transportation, community trips and volunteer opportunities.

Since 1951, the Queensview Nursery School & Kindergarten has provided day care and early education. Currently serving children aged 2.9–5, the Queensview Nursery School & Kindergarten gives parents peace of mind by providing a caring and nurturing environment for their children.

Mr. Speaker, I ask my distinguished colleagues to join me in recognizing the success of Queensview, a warm, welcoming and gracious community and a terrific place to live.

PERSONAL EXPLANATION

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. REED. Mr. Speaker, on rollcall No. 4 I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted "yea."

A TRIBUTE TO SUSAN PETERS, CARMICHAEL CHAMBER OF COMMERCE'S 2011 PERSON OF THE YEAR

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to recognize and honor Susan Peters, who on January 7, 2011, the Carmichael Chamber of Commerce honored as its 2011 Person of the Year.

Susan Peters is currently serving her second term on the Sacramento County Board of Supervisors representing the third district, which includes the community of Carmichael. Susan was first elected in 2004, re-elected in 2008, and chosen by her colleagues to be chair in 2009.

Susan also serves on a number of boards including the Sacramento Area Flood Control Agency, which she chaired in 2009, the Sacramento Area Council of Governments, where she currently serves as vice chair, and the Sacramento Transportation Authority, where she served as chair in 2006.

Her career started in banking, leading her to serve as treasurer of McCuen Properties beside her late husband, Peter McCuen. Susan also served as Board Chair of the Sacramento Metropolitan Chamber of Commerce, where she was a forceful voice for business and private enterprise in the region. At the chamber, she worked to locate Raley Field in West Sacramento and was the founding chair of the Chamber's "Perspectives" program, an annual conference hosting national and world leaders discussing topical subjects.

In addition to her duties as a member of the Sacramento County Board of Supervisors, Susan currently serves as Board Chair of the Leland Stanford Mansion Foundation which restored the historic home of California's eighth governor.

Susan has worked tirelessly to improve the quality of life for the Sacramento region in

both the private and public sectors. She is a true public servant who is always accessible to her constituents.

It has been my pleasure to know Susan Peters and more importantly, to call her my friend. I am pleased to congratulate her on being named the Carmichael Chamber of Commerce's 2011 Person of the Year.

"EXPERTS LETTER ON DEFENSE SPENDING"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, I have been encouraged to see some signs that the mind set that would not only exclude the military budget from deficit reduction efforts but would in fact inflate an already excessive allocation has been weakening. Secretary Gates' statement on Thursday, January 6, of a recognition of many to take the deficit into account in budgeting for the Pentagon is encouraging, although he does not go far enough. I think that there is no issue more important than to recognize that reducing the extent to which America engages in an extremely expensive worldwide subsidy for many of our wealthy allies in the area of defense has contributed significantly to our deficit, and it is clear that we can substantially reduce military spending without in any way reducing the security of the United States.

In November of last year, a wide-ranging group of people very knowledgeable about national security needs met. I am encouraged that the Commission recognized the importance of including military spending restraints, although I did not agree with their proposal to increase healthcare costs for retirees. And I believe that the thoughtful letter that they received from this wide-ranging coalition of experts on national security and military spending should be shared with our colleagues so I ask that it be printed here.

EXPERTS LETTER ON DEFENSE SPENDING TO THE NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM, NOVEMBER 18, 2010

DEAR CO-CHAIRMAN BOWLES AND CO-CHAIRMAN SIMPSON: We are writing to you as experts in national security and defense economics to convey our views on the national security implications of the Commission's work and especially the need for achieving responsible reductions in military spending. In this regard, we appreciate the initiative you have taken in your 10 November 2010 draft proposal to the Commission. It begins a necessary process of serious reflection, debate, and action.

The vitality of our economy is the cornerstone of our nation's strength. We share the Commission's desire to bring our financial house into order. Doing so is not merely a question of economics. Reducing the national debt is also a national security imperative.

To date, the Obama administration has exempted the Defense Department from any budget reductions. This is short-sighted: It makes it more difficult to accomplish the task of restoring our economic strength, which is the underpinning of our military power.

As the rest of the nation labors to reduce its debt burden, the current plan is to boost the base DOD budget by 10 percent in real terms over the next decade. This would come on top of the nearly 52 percent real increase in base military spending since 1998. (When war costs are included the increase has been much greater: 95 percent.)

We appreciate Secretary Gates' efforts to reform the Pentagon's business and acquisition practices. However, even if his reforms fulfill their promise, the current plan does not translate them into budgetary savings that contribute to solving our deficit problem. Their explicit aim is to free funds for other uses inside the Pentagon. This is not good enough.

Granting defense a special dispensation puts at risk the entire deficit reduction effort. Defense spending today constitutes over 55 percent of discretionary spending and 23 percent of the federal budget. An exemption for defense not only undermines the broader call for fiscal responsibility, but also makes overall budget restraint much harder as a practical economic and political matter.

We need not put our economic power at risk in this way. Today the United States possesses a wide margin of global military superiority. The defense budget can bear significant reduction without compromising our essential security.

We recognize that larger military adversaries may rise to face us in the future. But the best hedge against this possibility is vigilance and a vibrant economy supporting a military able to adapt to new challenges as they emerge.

We can achieve greater defense economy today in several ways, all of which we urge you to consider seriously. We need to be more realistic in the goals we set for our armed forces and more selective in our choices regarding their use abroad. We should focus our military on core security goals and on those current and emerging threats that most directly affect us.

We also need to be more judicious in our choice of security instruments when dealing with international challenges. Our armed forces are a uniquely expensive asset and for some tasks no other instrument will do. For many challenges, however, the military is not the most cost-effective choice. We can achieve greater efficiency today without diminishing our security by better discriminating between vital, desirable, and unnecessary military missions and capabilities.

There is a variety of specific options that would produce savings, some of which we describe below. The important point, however, is a firm commitment to seek savings through a reassessment of our defense strategy, our global posture, and our means of producing and managing military power.

Since the end of the Cold War, we have required our military to prepare for and conduct more types of missions in more places around the world. The Pentagon's task list now includes not only preventive war, regime change, and nation building, but also vague efforts to "shape the strategic environment" and stem the emergence of threats. It is time to prune some of these missions and restore an emphasis on defense and deterrence.

U.S. combat power dramatically exceeds that of any plausible combination of conventional adversaries. To cite just one example, Secretary Gates has observed that the U.S. Navy is today as capable as the next 13 navies combined, most of which are operated by our allies. We can safely save by trimming our current margin of superiority.

America's permanent peacetime military presence abroad is largely a legacy of the Cold War. It can be reduced without undermining the essential security of the United States or its allies.

The wars in Iraq and Afghanistan have revealed the limits of military power. Avoiding these types of operation globally would allow us to roll back the recent increase in the size of our Army and Marine Corps.

The Pentagon's acquisition process has repeatedly failed, routinely delivering weapons and equipment late, over cost, and less capable than promised. Some of the most expensive systems correspond to threats that are least prominent today and unlikely to regain prominence soon. In these cases, savings can be safely realized by cancelling, delaying, or reducing procurement or by seeking less costly alternatives.

Recent efforts to reform Defense Department financial management and acquisition practices must be strengthened. And we must impose budget discipline to trim service redundancies and streamline command, support systems, and infrastructure.

Change along these lines is bound to be controversial. Budget reductions are never easy—no less for defense than in any area of government. However, fiscal realities call on us to strike a new balance between investing in military power and attending to the fundamentals of national strength on which our true power rests. We can achieve safe savings in defense if we are willing to rethink how we produce military power and how, why, and where we put it to use.

Sincerely,

Gordon Adams, American University; Robert Art, Brandeis University; Deborah Avant, University of California, Irvine; Andrew Bacevich, Boston University; Richard Betts, Columbia University; Linda Bilmes, Kennedy School, Harvard University; Steven Clemons, New America Foundation; Joshua Cohen, Stanford University and Boston Review; Carl Conetta, Project on Defense Alternatives; Owen R. Cote Jr., Security Studies Program, Massachusetts Institute of Technology; Michael Desch, University of Notre Dame; Matthew Evangelista, Cornell University; Benjamin H. Friedman, Cato Institute; Lt. Gen. (USA, Ret.) Robert G. Gard, Jr., Center for Arms Control and Non-Proliferation; David Gold, Graduate Program in International Affairs, The New School; William Hartung, Arms and Security Initiative, New America Foundation.

David Hendrickson, Colorado College; Michael Intriligator, UCLA and Milken Institute; Robert Jervis, Columbia University; Sean Kay, Ohio Wesleyan University; Elizabeth Kier, University of Washington; Charles Knight, Project on Defense Alternatives; Lawrence Korb, Center for American Progress; Peter Krogh, Georgetown University; Richard Ned Lebow, Dartmouth College; Walter LaFeber, Cornell University; Col. (USA, Ret.) Douglas Macgregor; Scott McConnell, The American Conservative; John Mearsheimer, University of Chicago; Steven Metz, national security analyst and writer; Steven Miller, Kennedy School, Harvard University and International Security; Janne Nolan, American Security Project.

Robert Paarlberg, Wellesley College and Harvard University; Paul Pillar, Georgetown University; Barry Posen, Security Studies Program, Massachusetts Institute of Technology; Christopher Preble, Cato Institute; Daryl Press, Dartmouth College; Jeffrey Record, defense policy analyst and author; David Rieff, author; Thomas Schelling, University of Maryland; Jack Snyder, Columbia

University; J. Ann Tickner, University of Southern California; Robert Tucker, Johns Hopkins University; Stephen Van Evera, Security Studies Program, Massachusetts Institute of Technology; Stephen Walt, Harvard University; Kenneth Waltz, Columbia University; Cindy Williams, Security Studies Program, Massachusetts Institute of Technology; Daniel Wirls, University of California, Santa Cruz.

IN TRIBUTE TO STUART APPELBAUM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Stuart Appelbaum, an extraordinary man and my good friend, who has served with distinction as President of the Retail, Wholesale and Department Store Union, representing thousands of working men and women across our nation. Last month, Mr. Appelbaum was honored by the venerable Americans for Democratic Action (ADA) organization at its annual Roosevelt Day Dinner at the Roosevelt Hotel in midtown Manhattan.

Stuart Appelbaum became President of the Retail, Wholesale and Department Store Union on May 1, 1998, and has been re-elected to the position twice since then. He previously served as International Secretary-Treasurer, Vice President, Executive Board Member, Assistant to the President and Coordinator of Special Projects for the union. Stu Appelbaum is also an International Vice President and member of the Executive Board of the 1.4 million-member United Food and Commercial Workers International Union. He is the President of the Jewish Labor Committee, and an officer of two global union federations: the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations and Union Network International. He is a Vice President of the Consortium for Worker Education.

Mr. Appelbaum has also served as a Vice President of the national AFL-CIO, a member of the federation's Executive Council from 1998 until 2005, vice president of the New York State AFL-CIO and of the New York City Central Labor Council. An honors graduate of Brandeis University and Harvard Law School, he previously served as Chief House Counsel of the Democratic National Committee and as Executive Assistant to the Secretary of the State of Connecticut.

A skilled and tireless political activist who has dedicated his life to progressive causes, Stu Appelbaum was elected a Delegate to the 1996, 2000, 2004, and 2008 Democratic National Conventions and an Alternate Delegate to the 1992 Democratic National Convention. In 2008, he served as a member of the Electoral College as an Obama elector from New York.

By honoring Stuart Appelbaum last month, ADA is upholding its finest progressive traditions. Founded by Eleanor Roosevelt, John Kenneth Galbraith, Walter Reuther, Arthur Schlesinger, and Reinhold Niebuhr, the ADA seeks to promote and preserve Franklin D.

Roosevelt's vision for a New Deal for the American people resulting in a more just society.

With the election of President Obama, the ADA's mission of promoting progressive American values has gained renewed momentum. Past presidents of the ADA include several of my distinguished colleagues in this House: BARNEY FRANK, CHARLES RANGEL, JOHN LEWIS, and JIM McDERMOTT. Stuart Appelbaum is a proud heir to the ADA's long and honored tradition, and it is therefore entirely fitting that his lifetime of extraordinarily effective and passionate advocacy has been recognized by Americans for Democratic Action.

Mr. Speaker, I ask that my distinguished colleagues join me in honoring Stuart Appelbaum, a great American and a great New Yorker whose life's work has improved the lives and working conditions of countless individuals.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. PENCE. Mr. Speaker, I was unavoidably detained on the legislative day of January 6, 2011 and missed rollcall vote 8. Had I been present, I would have voted "yea."

RECOGNIZING THE CONTRIBUTIONS OF DR. BILLY TAYLOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. RANGEL. Mr. Speaker, it brings me sadness and honor to pay final tribute to Dr. Billy Taylor. He died Tuesday, December 28, 2010, of heart failure in Riverside, New York. He was 89.

For eight decades, Dr. Taylor remained vigorously dedicated to nurturing jazz and creating new forums and opportunities for the artists who perform it. He encompassed that rare combination of creativity, intelligence, vision, commitment and leadership, all qualities that made him one of our most cherished national treasures.

Dr. Billy Taylor began his career in New York City in 1942 in Harlem playing with Ben Webster's quartet at the Three Deuces alongside Webster, Big Sid Catlett and Charlie Drayton opposite the Art Tatum Trio. He immersed himself in the jazz scene over the next few years, playing with many jazz greats of the day, such as Slam Stewart, Eddie South, Stuff Smith, Coleman Hawkins, Jo Jones and Roy Eldridge.

1949 marked the beginning of his two-year stint as house pianist at Birdland, the legendary New York City jazz club. He played with everybody—Charlie Parker, Dizzy Gillespie, Miles Davis, Oscar Pettiford, Art Blakey, Milt Jackson, Zoot Sims, Roy Haynes, and Kenny Dorham. He often played opposite such bands as Duke Ellington, Count Basie, Stan Kenton and Lennie Tristano. Birdland

provided Taylor one of his greatest learning experiences.

During the 1950s Dr. Taylor made some recordings with his own group for such labels as Prestige, Riverside, ABC Paramount, and Capital Records. He also recorded albums with Quincy Jones, Sy Oliver, Mundell Lowe, Neal Hefti, Eddie "Lockjaw" Davis, Sonny Stitt, Lucky Thompson, Coleman Hawkins and Dinah Washington. He started his own music publishing company, Duane Music, Inc.

Dr. Taylor worked regularly with his trio and hosted his own daily radio show on New York's WLIB during the 1960s. He made guest shots on various TV shows and recordings for Capital Records. Taylor started writing about jazz and giving lectures/clinics to music teachers interested in teaching jazz.

He was a strong advocate for the arts. Taylor concentrated many of his efforts on generating funding for the arts and humanities. He focused on radio and television in order to gain better exposure for America's classical music. He helped to facilitate many local and national broadcasts featuring jazz artists in live performances.

Dr. Taylor was tapped by Charles Kuralt to become arts correspondent for the popular television program, "CBS Sunday Morning" in the early 1980s.

In the 90s, Dr. Taylor was named Artistic Advisor for Jazz to the Kennedy Center for the Performing Arts in Washington, D.C. Since 1994, under the umbrella of Jazz at the Kennedy Center, he developed numerous concert series including the Art Tatum Pianorama, the

Louis Armstrong Legacy series, the annual Mary Lou Williams Women in Jazz Festival, Beyond Category, Betty Carter's Jazz Ahead, and the Jazz Ambassadors Program.

"Dr. Taylor was a remarkable musician and humanitarian. He was a primary advisor for both the creation of the National Endowment for the Arts Jazz Masters program in 1982 and was invaluable as the agency sought to strengthen its support for the jazz field in 2004," said Wayne Brown, Director, Music & Opera Programs, NEA. Dr. Billy Taylor was named an NEA Jazz Master in 1988.

Throughout his career, Dr. Billy Taylor was one of those rare artists who was also a scholar of his art. He was a premiere pianist and an elegant stylist. Many acclaimed him as the most exciting pianist in the jazz world.

Dr. Billy Taylor will be remembered as one of the jazz world's historians, master musicians, an educator, storyteller, sage, and jazz virtuoso.

I extend my sincere condolences to his family for this tremendous loss and share their enormous pride in all that he accomplished.

AMENDMENT TO BALANCE FEDERAL BUDGET

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 7, 2011

Mr. BROUN of Georgia. Mr. Speaker, today, I am honored to introduce H.J. Res. 11, an

Amendment to the Constitution to balance the federal budget. This Amendment to the U.S. Constitution will require Congress and the President to balance the federal budget every fiscal year.

To prevent our national debt from increasing above the already unsustainable \$14 trillion current level, my Amendment simply does what 49 other States have required—keep spending levels equal to tax revenues. Unlike other similar Amendments that require a simple majority or 3/5 majority vote in both Chambers of Congress to allow an excess of federal outlays over receipts or to raise the debt ceiling, my Amendment requires a 2/3 majority vote. Also, it limits spending growth of the entire budget to no more than population growth plus inflation and only allows for waivers of these strict requirements during actual Declarations of War by Congress. Additionally, it forces the next fiscal year to account for any imbalance in the previous fiscal year's estimates by placing such amount in the spending column for the following fiscal year. Lastly, my Amendment will return all excess revenue at the end of the fiscal year to the American taxpayer.

It is past time that the federal government put in place responsible budgeting measures. In order to restore the public trust that Congress can indeed budget their tax dollars wisely, we must pass a balanced budget amendment.

HOUSE OF REPRESENTATIVES—Tuesday, January 11, 2011

The House met at noon and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 11, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, we praise You and thank You for another day to offer You humble worship privately and publicly in this land of freedom.

We ask Your blessing upon our work and the common good of this Nation.

Help those in most need of our prayers and attention.

Touch with healing power those who are sick, grieving or wounded. Grant peace to those who have died suddenly and consoling love to all who mourn,

for You have promised to be with us in our every need both now and forever.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alaska (Mr. YOUNG) come forward and lead the House in the Pledge of Allegiance.

Mr. YOUNG of Alaska led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 31

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran, Mr. Olver, Mr. Pastor of Arizona, Mr. Price of North Carolina, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Mr. Fattah, Mr. Rothman of New Jersey, Mr. Bishop of Georgia, Ms. Lee of California, Mr. Schiff, Mr. Honda, and Ms. McCollum.

(2) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Dingell, Mr. Markey, Mr. Towns, Mr. Pallone, Mr. Rush, Ms. Eshoo, Mr. Engel, Mr. Gene Green of Texas, Ms. DeGette, Mrs. Capps, Mr. Doyle, Ms. Harman, Ms. Schakowsky, Mr. Gonzalez, Mr. Inslee, Ms. Baldwin, Mr. Ross of Arkansas, Mr. Weiner, Mr. Matheson, Mr. Butterfield, Mr. Barrow, and Ms. Matsui.

(3) COMMITTEE ON ETHICS.—Ms. Zoe Lofgren of California.

(4) COMMITTEE ON WAYS AND MEANS.—Mr. Rangel, Mr. Stark, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal, Mr. Becerra, Mr. Doggett, Mr. Thompson of California, Mr. Larson of Connecticut, Mr. Blumenauer, Mr. Kind, Mr. Pascrell, Ms. Berkley, and Mr. Crowley.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, JANUARY 5, 2011, AT PAGE 74

Rush Schakowsky	Schilling Schock	Shimkus Walsh
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INDIANA

Bucshon Burton Carson	Donnelly Pence Rokita	Stutzman Visclosky Young
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IOWA

Boswell Braley	King Latham	Loeb sack
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KANSAS

Huelskamp Jenkins	Pompeo Yoder
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KENTUCKY

Chandler Davis	Guthrie Rogers	Whitfield Yarmuth
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LOUISIANA

Alexander Boustany Cassidy	Fleming Landry Richmond	Scalise
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MAINE

Michaud	Pingree
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MARYLAND

Bartlett Cummings Edwards	Harris Hoyer Ruppersberger	Sarbanes Van Hollen
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MASSACHUSETTS

Capuano Frank Keating Lynch	Markey McGovern Neal Olver	Tierney Tsongas
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MICHIGAN

Amash Benishek Camp Clarke Conyers	Dingell Huizenga Kildee Levin McCotter	Miller Peters Rogers Upton Walberg
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MINNESOTA

Bachmann Cravaack Ellison	Kline McCollum Paulsen	Peterson Walz
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MISSISSIPPI

Harper Nunnelee	Palazzo Thompson
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MISSOURI

Akin Carnahan Clay	Cleaver Emerson Graves	Hartzler Long Luetkemeyer
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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MONTANA			Neugebauer	Poe	Smith
Rehberg			Olson	Reyes	Thornberry
NEBRASKA			Paul	Sessions	
Fortenberry			UTAH		
Smith			Bishop	Chaffetz	Matheson
NEVADA			VERMONT		
Berkley			Welch		
HECK			VIRGINIA		
NEW HAMPSHIRE			Cantor	Griffith	Scott
Bass			Connolly	Hurt	Wittman
NEW JERSEY			Forbes	Moran	Wolf
Andrews			Goodlatte	Rigell	
Frelinghuysen			WASHINGTON		
Garrett			Dicks	Larsen	Reichert
Holt			Hastings	McDermott	Smith
Lance			Herrera Beutler	McMorris	
NEW MEXICO			Inslee	Rodgers	
Heinrich			WEST VIRGINIA		
NEW YORK			Capito	McKinley	Rahall
Ackerman			WISCONSIN		
Bishop			Baldwin	Moore	Ryan
Buerkle			Duffy	Petri	Sensenbrenner
Clarke			Kind	Ribble	
Crowley			WYOMING		
Engel			Lummis		
Gibson					
Grimm					
Hanna					
Hayworth					
NORTH CAROLINA			ADJOURNMENT		
Butterfield			Mr. YOUNG of Alaska. Mr. Speaker, I		
Coble			move that the House do now adjourn.		
Ellmers			The motion was agreed to; accord-		
Foxy			ingly (at 2 o'clock and 3 minutes p.m.),		
Jones			the House adjourned until tomorrow,		
NORTH DAKOTA			Wednesday, January 12, 2011, at 10 a.m.		
Berg					
OHIO			EXECUTIVE COMMUNICATIONS,		
Austria			ETC.		
Boehner			Under clause 2 of rule XIV, executive		
Chabot			communications were taken from the		
Fudge			Speaker's table and referred as follows:		
Gibbs			54. A letter from the Acting Secretary,		
Johnson			Federal Trade Commission, transmitting the		
OKLAHOMA			Commission's fourth interim report on an		
Boren			ongoing study of the accuracy and complete-		
Cole			ness of information contained in consumer		
OREGON			reports prepared or maintained by consumer		
Blumenauer			reporting agencies and methods for improv-		
Schrader			ing the accuracy and completeness of such		
PENNSYLVANIA			information, pursuant to Section 319 of the		
Altmire			Fair and Accurate Credit Transactions Act		
Barletta			of 2003; to the Committee on Financial Serv-		
Brady			ices.		
Critz			55. A letter from the Secretary, Depart-		
Dent			ment of the Treasury, transmitting as re-		
Doyle			quired by section 401(c) of the National		
Fattah			Emergencies Act, 50 U.S.C. 1641(c), and sec-		
RHODE ISLAND			tion 204(c) of the International Emergency		
Cicilline			Economic Powers Act, 50 U.S.C. 1703(c), a		
SOUTH CAROLINA			six-month periodic report on the national		
Clyburn			emergency with respect to North Korea that		
Duncan			was declared in Executive Order 13466 of		
SOUTH DAKOTA			June 26, 2008, pursuant to 50 U.S.C. 1641(c); to		
Noem			the Committee on Foreign Affairs.		
TENNESSEE			56. A letter from the Chief Administrative		
Black			Officer, transmitting the quarterly report of		
Blackburn			receipts and expenditures of appropriations		
Cohen			and other funds for the period October 1, 2010		
TEXAS			through December 31, 2010 as compiled by the		
Barton			Chief Administrative Officer, pursuant to 2		
Brady			U.S.C. 104a Public Law 88-454; (H. Doc. No.		
Burgess			112—6); to the Committee on House Adminis-		
Canseco			tration and ordered to be printed.		
Carter			57. A letter from the Acting Director, Of-		
Conaway			fice of Sustainable Fisheries, NMFS, Na-		
Cuellar			tional Oceanic and Atmospheric Administra-		
Culberson			tion, transmitting the Administration's final		

States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XA070) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

58. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Retention Standard; Emergency Rule [Docket No.: 101203602-0602-1] (RIN: 0648-BA29) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

59. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures [Docket No.: 100803319-0565-02] (RIN: 0648-BA04) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

60. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon MC252 Oil Spill; Amendment 3 [Docket No.: 100510220-0581-04] (RIN: 0648-AY90) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

61. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 17A [Docket No.: 0907271170-0576-03] (RIN: 0648-AY10) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

62. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the second quarter of fiscal year 2010, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

63. A letter from the Secretary, Judicial Conference of the United States, transmitting a report on the continuing need for bankruptcy judgeships, pursuant to 28 U.S.C. 153(b)(3); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on January 3, 2011]

Mr. CONYERS: Committee on the Judiciary. Report on the Activities of the Committee on the Judiciary During the 111th Congress (Rept. 111-712). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SIREs (for himself, Mrs. NAPOLITANO, Mr. CARNAHAN, and Mr. CAPUANO):

H.R. 260. A bill to amend titles 23 and 49, United States Code, to enhance employer involvement in transportation planning and to create and expand commuter benefit programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Mr. GARAMENDI, and Ms. CASTOR of Florida):

H.R. 261. A bill to amend the Outer Continental Shelf Lands Act to prohibit the leasing of any area of the outer Continental Shelf for the exploration, development, or production of oil, gas, or any other mineral; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut:

H. Res. 31. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

CONSTITUTIONAL AUTHORITY
STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SIREs:

H.R. 260.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. PALLONE:

H.R. 261.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2:

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.”

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mrs. NOEM, Mr. MCCOTTER, Mr. RIGELL, Mr. FITZPATRICK, Mr. HUNTER, and Mr. GUINTA.

H.R. 21: Mr. ROSS of Florida and Mr. FLORES.

H.R. 25: Mr. ALEXANDER, Mr. POSEY, and Mr. FLEMING.

H.R. 61: Mr. HUNTER.

H.R. 136: Mr. KING of New York.

H.R. 152: Ms. FOXX.

H.R. 206: Mr. HUELSKAMP, Mr. RENACCI, Mr. HUNTER, and Mr. WALBERG.

H.R. 217: Mr. FLORES and Mr. MCINTYRE.

H. Res. 11: Mr. SCHIFF, Ms. BORDALLO, Ms. MOORE, Ms. WOOLSEY, Ms. HIRONO, Mr. GRIJALVA, Mr. CONYERS, Mr. FILNER, and Ms. NORTON.

H. Res. 30: Mr. BRALEY of Iowa.

EXTENSIONS OF REMARKS

IN RECOGNITION OF MS. MARY
SABIK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Ms. Mary R. Sabik, municipal clerk of Union Beach, New Jersey. In 2010, Ms. Sabik retired from her position as municipal clerk after serving the residents of Union Beach for 45 years. She quickly adapted to the various demands and responsibilities as municipal clerk, performing above and beyond expectations. Today, I congratulate Ms. Sabik for her exceptional work and extend my best wishes as she begins to enter the next chapter of her life.

Sworn into office in 1966 as municipal clerk, Ms. Sabik has firsthand experience with local government and the development of the Union Beach community. During her tenure, she served under six different mayors: Alfred Hennessy, Jr.; Fred Varlese; Vincent Farley; Carmen Stoppiello; Richard Ellison; and current mayor, Paul Smith, Jr. Her responsibilities also included serving as assessment searcher, assistant recycling coordinator and election clerk. Ms. Sabik continues to supersede her expectations. Her honorable actions are undoubtedly deserving of this body's recognition.

Ms. Sabik is an inspirational and strong cancer survivor and volunteers her time with the American Cancer Society. She continues to assist with fundraising for cancer research and education. The "Love Lights a Tree" exhibit is displayed annually at Union Beach Borough Hall to honor survivors and victims of cancer during the holiday season. The exhibit is a result of Ms. Sabik's hard work and dedication toward this cause. Ms. Sabik has also admirably served on the borough's Heritage Committee and participated in various bicentennial celebrations throughout the community. Ms. Sabik currently resides in Union Beach, New Jersey. She has two daughters, Charlene and Allison, and five grandchildren ranging from ages 12 to 18 years old. She enjoys reading biographies, boating, cooking and relaxing with a movie in the evening.

Mr. Speaker, please join me in congratulating Ms. Sabik for her 45 years of service to the borough of Union Beach. Her continued hard work and dedication are an example of what steadfast commitment and dedication can accomplish.

HONORING GENESEE GARDENS
VETERANS' WALL OF HONOR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 2011

Mr. KILDEE. Mr. Speaker, tomorrow Genesee Gardens Independent Retirement Community will unveil its Wall of Honor in recognition of the veterans that have served our nation. The residents of Genesee Gardens that have served in our Armed Forces and will be honored are: Joseph Almassy, United States Navy; James Bean, United States Army; Harold Blight, United States Air Force; George Booker, USMC; Donald DeSilva, United States Army; Ralph Dreyer, United States Navy-Air Force; Lotof Farah, United States Navy; Alan Flesher, United States Army; Tomas Garza, USMC; Kenneth George, United States Army; Earl Graves, United States Army; Bernard Green, United States Army; Leon Hannah, United States Army; Bernard Hendriksen, Army Air Force; John "Jack" Houton, United States Army; Matthew Kvintus, United States Army; Saver Mrdutt, United States Army-Air Force; Donald Nichols, United States Army-Air Force; David Trajano, United States Navy; Charles Wallace, United States Navy-Air Force; Robert Wenzel, United States Army; Gordon Wilson, United States Army; Richard Wittum, United States Army; Charles Wyatt, United States Navy; William Yehle, USMC.

Mr. Speaker, I ask the House of Representatives to join with me in applauding these individuals for their bravery, sacrifice and commitment to preserving our freedom. We owe them our gratitude for answering the call of duty. Their steadfast devotion to safeguarding our nation serves as a shining example for future generations and I thank them for their faithful service.

ROSE STABILE REMEMBERED

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 2011

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of Rose Ceroli Stabile. Rose died peacefully with her family at her side on Tuesday, Nov. 2, 2010 at the age of 88.

Rose was born April 20, 1922, in Niles, Ohio the daughter of Carmen and Basilica Meroli Ceroli.

She was employed at Packard Electric, a homemaker and a member of Our Lady of Mount Carmel Catholic Church in Niles.

She enjoyed cooking, spending time with family and friends, and was well-known for baking pitzels and fancy cookies with her girlfriends for weddings.

Her husband, LeRoy A. Stabile, whom she married Feb. 14, 1942, died Dec. 12, 1999.

She will be deeply missed by a son, LeRoy M. Stabile of Arizona, who traveled home to Niles to help care for her; two daughters, Anna Lee Williams and her husband, Joseph, of Niles and attorney Sandra Stabile Harwood and her husband, Thomas, of Niles; seven grandchildren, Christopher Stabile, Bryan Stabile, Nicole Stabile, Timothy Waddell, Tiffany Waddell Redman, Kristen Wolfe and Joseph J. Williams; eight great-grandchildren, Darrin, Dawn, Ryan, Joseph, Jeffery, Joshua, Haley and Timothy; and one great-great-grandchild, Carmen.

She was preceded in death by two brothers, Nicholas Ceroli and Joseph Ceroli; and a sister, Mary Lucarelli.

She lovingly and enthusiastically supported the endeavors and interests of her loved ones. She could be found many weekends at car shows with her husband, where their antique cars won many awards, and accompanying her musician husband at his performances. She hosted band rehearsals in her home, cooking and feeding band members and also thoroughly enjoyed the countless hours she spent working on her daughter state Rep. Sandra Harwood's political campaigns. Mr. Speaker, it is my honor to speak on behalf of such a beloved woman who will be missed dearly by the many whose lives she touched.

HONORING BRADLEY UNIVERSITY
PRESIDENT JOANNE K. GLASSER

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in support to honor the groundbreaking accomplishments of Bradley University President Joanne K. Glasser.

A native of Baltimore, Maryland, President Glasser is a graduate of George Washington University, the University of Maryland School of Law, and the Harvard University Graduate Institute of Education for Higher Education Management.

Joanne grew up in a diverse Baltimore neighborhood and has had friends and neighbors of different cultures, different religions and different backgrounds. That personal history, and the inclusive example set by her mother and father, has inspired President Glasser to strive to provide educational opportunities for all students, no matter their race, religion or economic circumstance. She believes in promoting diversity and advances it by actively recruiting students who, without her leadership, would not have the chance to attend a private university.

President Glasser is an inspiration to many for creating history where ever she goes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

President Glasser became the first woman president at Eastern Kentucky University in 2001. She repeated that honor in 2007 when she was named president of Bradley University in Peoria, Illinois, an institution founded in 1897 by another trailblazing woman, Lydia Moss Bradley. Earlier in her career, Ms. Glasser was the first woman to be labor commissioner of Baltimore County.

Today, we honor the work President Glasser has done in further closing the achievement gap among low-socioeconomic and Latino students throughout Orange County. She is committed to broadening both regional and ethnic diversity at Bradley University. Her staff has worked tirelessly to find ways for low-socioeconomic students to afford the top-notch education that Bradley University offers.

Pricilla Merritt-Bravo, a junior at Bradley University and vice president of the Bradley Speech Team, explains, "President Glasser is small in stature, but the power that is felt when she comes into a room is great. She is an inspiration not only to women like myself but the entire student body. She believes in dreaming big dreams and striving to achieve them. For myself, going to college was a dream and graduating was a fantasy. President Glasser believed in me and made it possible for me to be here and demonstrate that, if given the chance, those of us who come from limited means can fly."

Once again, I rise in support of the accomplishments of President Joanne Glasser and Bradley University for furthering education for all people. Joanne's commitment to diversity and the well-being of her students is unprecedented.

RECOGNIZING MRS. EVELYN HOWARD ON THE OCCASION OF HER RETIREMENT FROM PUBLIC SERVICE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 2011

Mr. BUTTERFIELD. Mr. Speaker, I rise in recognition of the distinguished public service career of Mrs. Evelyn Howard. Mrs. Howard has dutifully served the Town of Ahoskie in Hertford County, North Carolina for 28 years, and will retire on January 31, 2011.

Mrs. Howard is a native of Ahoskie, graduating from Ahoskie High School. She then attended Shaw University where she graduated Summa Cum Laude. At Shaw University, Mrs. Howard earned a Bachelor of Science Degree in Business Administration with a major in Business Management and a minor in Public Administration. She was a member of the Alpha Kappa Mu and Alpha Chi Honor Societies, and was included in the 2000 Edition of Who's Who Among Students in American Universities and Colleges. She also received the United Negro College Fund/Avon Scholarship, The Carol Wilson Caldwell Memorial Legal Scholarship, Aramark Scholarship, the Pinnacle Award, and the Gold Award. A lifelong learner, Mrs. Howard also earned several certifications from the University of North Carolina—Chapel Hill Institute of Government.

Mrs. Howard began her career with the Town of Ahoskie in 1982 as an Office Clerk, and over her 28-year career she progressed professionally to serve as Deputy Town Clerk and Deputy Finance Officer, Town Clerk and Chief Finance Officer, and Interim Town Manager. Ultimately she would rise to become Ahoskie's Assistant Town Manager.

During her career, Mrs. Howard was an avid participant in several professional affiliations including the North Carolina Association of Municipal Clerks, the North Carolina Finance Officers Association, and she served on the board of the State Employees Credit Union.

Mrs. Howard is married to Mr. Earnest Howard. Together, the two have reared two daughters, Earnika and Etoria. They have been

blessed with three granddaughters and two grandsons. Mrs. Howard thoroughly enjoys spending time with her family and being involved in her grandchildren's activities.

Mrs. Howard's nearly three-decade career in public service deserves the highest appreciation and commendation. I ask that my colleagues join me in congratulating Mrs. Evelyn Howard on the completion of a successful career, and in wishing her happiness in her retirement.

COMMEMORATING THE LIFE OF
THOMAS J. DEVERIN

HON. ALBIO SIRE

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 11, 2011

Mr. SIRE. Mr. Speaker, I rise today to commemorate the life of Thomas J. Deverin, a lifelong public servant in New Jersey.

Mr. Deverin recently passed away in Edison, New Jersey.

Born in Perth Amboy, he lived in Carteret for 60 years, the town in which he would later become Mayor.

He served as a legislator in the New Jersey State Assembly for eleven terms, serving as a member of the Assembly Joint Ethical Standards Committee, the Banking and Insurance Committee and the Health and Human Services Resources Committee throughout his tenure.

Additionally, he led the Assembly in various different capacities including Majority Leader Pro Tem, Minority Leader Pro Tem, Speaker Pro Tem and Majority Conference Chairman.

He not only faithfully served the district, he also served the country as a member of the U.S. Navy during World War II in the European and Asiatic Theaters of War.

Mr. Deverin dedicated his life to public service and the legacy he leaves behind in New Jersey will certainly not be forgotten.

HOUSE OF REPRESENTATIVES—Wednesday, January 12, 2011

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

With the psalmist, we pray for this Congress and the Nation:

“Come, let us bless the Lord at all times. Let praise always be on our lips. If the Lord is your boast, be humble, listen and be moved.

Glorify the Lord with me. Together let us reverence the Holy Name. When in difficulty, we looked for the Lord. Then from all our terrors we were set free.

When most vulnerable, we called out to the Lord, and we were rescued from all our difficulties.

So reverence the Lord with all the saints, for those who revere the Lord will lack no blessing.”

In the midst of everything, let us seek the Lord both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. HENSARLING. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 33

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Goodlatte, Mr. Johnson of Illinois, Mr. King of Iowa, Mr. Neugebauer, Mr. Conaway, Mr. Fortenberry, Mrs. Schmidt, Mr. Thompson of Pennsylvania, Mr. Rooney, Mr. Stutzman, Mr. Gibbs, Mr. Austin Scott of Georgia, Mr. Fincher, Mr. Tipton, Mr. Southerland, Mr. Crawford, Mrs. Roby, Mr. Huelskamp, Mr. DesJarlais, Mrs. Ellmers, Mr. Gibson, Mr. Hultgren, Mrs. Hartzler, Mr. Schilling, and Mr. Ribble.

(2) COMMITTEE ON ARMED SERVICES.—Mr. Bartlett, Mr. Thornberry, Mr. Jones, Mr. Akin, Mr. Forbes, Mr. Miller of Florida, Mr. Wilson of South Carolina, Mr. LoBiondo, Mr. Turner, Mr. Kline, Mr. Rogers of Alabama, Mr. Franks of Arizona, Mr. Shuster, Mr. Conaway, Mr. Lamborn, Mr. Wittman, Mr. Hunter, Mr. Fleming, Mr. Coffman of Colorado, Mr. Rooney, Mr. Platts, Mr. Rigell, Mr. Gibson, Mrs. Hartzler, Mr. Heck, Mr. Schilling, Mr. Runyan, Mr. Austin Scott of Georgia, Mr. Griffin of Arkansas, Mr. Palazzo, Mr. West, Mrs. Roby, Mr. Brooks, and Mr. Young of Indiana.

(3) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Barton of Texas, Mr. Stearns, Mr. Whitfield, Mr. Shimkus, Mr. Pitts, Mrs. Bono Mack, Mr. Walden, Mr. Terry, Mr. Rogers of Michigan, Mrs. Myrick, Mr. Sullivan, Mr. Murphy of Pennsylvania, Mr. Burgess, Mr. Bilbray, Mr. Bass of New Hampshire, Mrs. Blackburn, Mr. Gingrey of Georgia, Mr. Scalise, Mr. Latta, Mrs. McMorris Rodgers, Mr. Harper, Mr. Lance, Mr. Cassidy, Mr. Guthrie, Mr. Olson, Mr. McKinley, Mr. Gardner, Mr. Pompeo, Mr. Kinzinger of Illinois, and Mr. Griffith of Virginia.

(4) COMMITTEE ON FINANCIAL SERVICES.—Mr. King of New York, Mr. Royce, Mr. Lucas, Mr. Paul, Mr. Manzullo, Mr. Jones, Mrs. Biggert, Mr. Gary G. Miller of California, Mrs. Capito, Mr. Hensarling, Mr. Garrett, Mr. Neugebauer, Mr. McHenry, Mr. Campbell, Mrs. Bachmann, Mr. Marchant, Mr. McCotter, Mr. McCarthy of California, Mr. Pearce, Mr. Posey, Mr. Fitzpatrick, Mr. Westmoreland, Mr. Luetkemeyer, Mr. Huizenga of Michigan, Mr. Duffy, Ms. Hayworth, Mr. Renacci, Mr. Hurt, Mr. Dold, Mr. Schweikert, Mr. Grimm, Mr. Canseco, and Mr. Stivers.

(5) COMMITTEE ON RULES.—Mr. Bishop of Utah, to rank immediately after Ms. Foxx.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Young of Alaska, Mr. Petri, Mr. Coble, Mr. Duncan of Tennessee, Mr. LoBiondo, Mr. Gary G. Miller of California, Mr. Johnson of Illinois, Mr. Graves of Missouri, Mr. Shuster, Mrs. Capito, Mrs. Schmidt, Mrs. Miller of Michigan, Mr. Hunter, Mr. Reed, Mr. Harris, Mr. Crawford, Ms. Herrera Beutler, Mr. Guinta, Mr. Hultgren, Mr. Barletta, Mr. Cravaack, Mr. Farenthold, Mr. Bucshon, Mr. Long, Mr. Gibbs, Mr. Meehan, Mr. Hanna, Mr. Fincher, Mr. Landry, Mr. Southerland, Mr. Denham, and Mr. Lankford.

Mr. HENSARLING (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Texas?

Mr. PASTOR of Arizona. I object. I would like to have the resolution read, if possible.

The SPEAKER pro tempore. Objection is heard.

The Clerk will report the resolution.

Mr. PASTOR from Arizona. I withdraw the objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE REGARDING ARIZONA SHOOTING

Mr. CANTOR. Madam Speaker, I ask unanimous consent that it shall be in order at any time on the legislative day of January 12, 2011, to consider in the House without intervention of any point of order a resolution relating to recent events in Tucson, Arizona, if offered by the Speaker or his designee; such resolution shall be debatable for 6 hours equally divided and controlled by the majority leader and the minority leader or their respective designees; and the previous question shall be considered as ordered on such resolution and any preamble thereto to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOEHNER. Madam Speaker, pursuant to the order of the House of today, I offer a resolution (H. Res. 32) expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011, and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 32

Whereas on January 8, 2011, an armed gunman opened fire at a “Congress on your Corner” event hosted by Representative Gabrielle Giffords in Tucson, Arizona, killing 6 and wounding at least 14 others;

Whereas Christina Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman lost their lives in this attack;

Whereas Christina Taylor Green, the 9-year-old daughter of John and Roxanna Green, was born on September 11, 2001, and was a third grader with an avid interest in government who was recently elected to the student council at Mesa Verde Elementary School;

Whereas Dorothy Morris, who was 76 years old, attended the January 8 event with

George, her husband of over 50 years with whom she had 2 daughters, and who was also critically injured as he tried to shield her from the shooting;

Whereas John Roll, a Pennsylvania native who was 63 years old, began his professional career as a bailiff in 1972, was appointed to the Federal bench in 1991, and became chief judge for the District of Arizona in 2006, and was a devoted husband to his wife Maureen, father to his 3 sons, and grandfather to his 5 grandchildren;

Whereas Phyllis Schneck, a proud mother of 3, grandmother of 7, and great-grandmother from New Jersey, was spending the winter in Arizona, and was a 79-year-old church volunteer and New York Giants fan;

Whereas Dorwan Stoddard, a 76-year-old retired construction worker and volunteer at the Mountain Avenue Church of Christ, is credited with shielding his wife Mavy, a longtime friend whom he married while they were in their 60s, who was also injured in the shooting;

Whereas Gabriel Matthew Zimmerman, who was 30 years old and engaged to be married, served as Director of Community Outreach to Representative Gabrielle Giffords, and was a social worker before serving with Representative Giffords;

Whereas Representative Gabrielle Giffords was a target of this attack, and remains in critical condition at an Arizona hospital;

Whereas 13 others were also wounded in the shooting, including Ron Barber and Pamela Simon, both staffers to Representative Giffords; and

Whereas several individuals, including Patricia Maisch, Army Col. Bill Badger (Retired), who was also wounded in the shooting, Roger Sulzgeber, Joseph Zimudio, and Daniel Hernandez, Jr., helped apprehend the gunman and assist the injured, thereby risking their lives for the safety of others, and should be commended for their bravery: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the horrific attack which occurred at the “Congress on your Corner” event hosted by Representative Gabrielle Giffords in Tucson, Arizona, on January 8, 2011;

(2) offers its heartfelt condolences to the families, friends, and loved ones of those who were killed in that attack;

(3) expresses its hope for the rapid and complete recovery of those wounded in the shooting;

(4) honors the memory of Christina Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman;

(5) applauds the bravery and quick thinking exhibited by those individuals who prevented the gunman from potentially taking more lives and helped to save those who had been wounded;

(6) recognizes the service of the first responders who raced to the scene and the health care professionals who tended to the victims once they reached the hospital, whose service and skill saved lives;

(7) reaffirms the bedrock principle of American democracy and representative government, which is memorialized in the First Amendment of the Constitution and which Representative Gabrielle Giffords herself read in the Hall of the House of Representatives on January 6, 2011, of “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”;

(8) stands firm in its belief in a democracy in which all can participate and in which in-

timidation and threats of violence cannot silence the voices of any American;

(9) honors the service and leadership of Representative Gabrielle Giffords, a distinguished member of this House, as she courageously fights to recover; and

(10) when adjourning today, shall do so out of respect to the victims of this attack.

□ 1010

The SPEAKER pro tempore. Pursuant to the order of the House of today, the resolution shall be debatable for 6 hours equally divided and controlled by the majority leader and the minority leader or their designees.

The gentleman from Virginia (Mr. CANTOR) and the gentleman from Arizona (Mr. PASTOR) each will control 3 hours.

The Chair recognizes the gentleman from Virginia.

Mr. CANTOR. Madam Speaker, I yield 1 minute to the Speaker of the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker and my colleagues, today we are called here to mourn.

An unspeakable act of violence has taken six innocent lives, and left several more—including our colleague, GABRIELLE GIFFORDS—battling for theirs. These are difficult hours for our country.

Among the fallen is Gabe Zimmerman, a member of Congresswoman GIFFORDS’ staff—a public servant of the highest caliber—one of our own. Even in our shock, we are composed and determined to fulfill our calling to represent our constituents. This is the great cause for which Gabe gave his life.

Like us, Gabe swore an oath to uphold and defend the Constitution. At the time of the attack, he was engaged in the most simple and direct of democratic rituals: listening to the people, listening to his neighbors.

The brutality that shattered Saturday morning’s calm was devastating, but brief. Bravery and quick thinking prevented a larger massacre, turning innocent bystanders into heroes.

The service and skill of first responders and medical professionals saved lives. Law enforcement officials are working to ensure swift justice. Look to Tucson right now, and you will be reminded that America’s most plentiful source of wealth and strength is her people.

We are so thankful GABBY is still with us. We are so thankful that two of her staffers who were also wounded—Ron Barber and Pam Simon—are still with us as well.

In her stead, GABBY’s staff has pressed on, opening for business Monday morning right on schedule. The men and women who faithfully serve the people of Arizona’s Eighth Congressional District have signaled that no act—no matter how heinous—will stop us from doing our duty and being among the people we serve.

To all of the dedicated professionals that we rely on to make this institution work, to each of you: thank you for what you do. And to GABBY’s staff—and their families: please know that our hearts and prayers go out to each of you.

This body has yet to fully register the magnitude of this tragedy. We feel a litany of unwanted emotions no resolution could possibly capture.

We know that we gather here without distinction of party. The needs of this institution have always risen above partisanship. And what this institution needs right now is strength—holy, uplifting strength. The strength to grieve with the families of the fallen, to pray for the wounded, and to chart a way forward, no matter how painful and difficult it may be.

Today it is not ceremony, but tragedy that stirs us to renew our commitment to faithfully fulfill our oath of office. Let us not let this inhuman act frighten us into doing otherwise.

The free exchange of ideas is the lifeblood of our democracy, as prescribed by the First Amendment, that beacon of free expression Congresswoman GIFFORDS recited in this well just days ago.

These rights have not been handed down by dictate; they have been preserved and protected through generations of hard sacrifice and commitment. We will continue that unfinished work.

We will do it for Christina Taylor Green, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard, ordinary citizens who died participating in their democracy. And we will do it for Judge John Roll. And we will do it for Gabe Zimmerman. And we will do it for—and God willing, with—GABRIELLE GIFFORDS.

Our hearts are broken, but our spirit is not. This is a time for the House to lock arms in prayer for those fallen and the wounded, and in resolve to carry on the dialogue of democracy.

We may not yet have all the answers, but we already have the answer that matters most: that we are Americans, and together we will make it through this difficult period. We will have the last word.

God bless this House. God bless this Congress. And God bless America.

Mr. PASTOR of Arizona. Madam Speaker, I yield 1 minute to the minority leader, Ms. PELOSI.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, and extend my condolences to him, Mr. PASTOR, the senior member of the Arizona delegation, and to all of the members of the Arizona delegation.

Madam Speaker, I am saddened, greatly saddened, to join the Speaker of the House, Mr. BOEHNER, in coming together in sadness today to share our prayers and indeed our hopes for those who have lost so much because of the

tragedy in Arizona involving our colleague, Congresswoman GABBY GIFFORDS, her staff, and innocent bystanders.

Words are inadequate at a time like this, but I hope it is a comfort to those who have lost loved ones or who were injured on Saturday that so many people mourn the losses but also pray for the survivors and care for them at this very difficult time.

I think the resolution in its description of what happened and the context with which it happened is an excellent resolution; and I hope people will read it, pray over it, and be grateful that we have this opportunity to comment on it.

Today, we will say many prayers for our country and for the victims of this horrific event. We think of our colleague, Congresswoman GABBY GIFFORDS, fighting to recover, and the 14 others who were injured and remember the six who were killed. Their names are mentioned, and they are described in the resolution. The Speaker has mentioned their names, but I think acknowledging them bears repetition.

How do you explain the death of 9-year-old Christina Taylor Green who had recently been elected to the student council in her school, Mesa Verde Elementary School, and the unbearable grief of John and Roxanna Green? Again, we pray for them and will carry Christina as an inspiration in our hearts.

Dorothy Morris was married for more than 50 years to her high school sweetheart and was the mother of two.

Federal Judge John Roll had just come from mass, which he attended every day.

Phyllis Schneck, mother of three, grandmother of seven, and a great-grandmother. And I know that the New Yorkers like to hear she was a Giants fan, snowbird in Arizona carrying that dedication west.

Dorwan Stoddard died shielding his wife, Mavy. Shielding his wife, Mavy.

And as has been mentioned in the resolution, and we have mourned, Congresswoman GABBY GIFFORDS' director of community outreach, Gabriel Matthew Zimmerman. One of his colleagues, his coworker, said: "Gabe helped people for a living."

As we honor the heroes who risked their lives to protect others, among them some who were injured, Patricia Maisch, for one, who grabbed the full magazine of ammunition from the killer as he attempted to reload. Just think of how many more we could have lost.

Roger Sulzgeber and Joseph Zimudio tackled and subdued the suspect. Imagine the courage.

□ 1020

And Daniel Hernandez, Jr., 20 years old—an intern who had just been on the job for 4 days. When he heard gunshots,

he ran toward them—he ran toward them—and attended to Congresswoman GIFFORDS, helping to staunch her bleeding with his own hands.

We pray for the recovery of other members of Congresswoman GIFFORDS' staff—Ron Barber, Pam Simon. We commend Pia Carusone and the entire GIFFORDS staff for carrying on.

Those heroes at the scene were joined by first responders from county and municipalities, arriving just 3 minutes after the first 911 call, who performed excellently, and in doing so, saved lives. We also pay tribute to the skilled professionals at Arizona's University Medical Center, whose role is ongoing in healing the victims of this tragedy.

Tonight, the University of Arizona community joins with Tucson, the State of Arizona and, indeed, the entire Nation to acknowledge together Saturday's tragedy. Appropriately, this remembrance is called "Together we thrive: Tucson and America."

"Together we thrive: Tucson and America" will be an opportunity to grieve, and it will be a demonstration of our strength: a strength in community—a strength in community that was demonstrated last Saturday, a strength in community there that is ongoing. Tucson demonstrated its strength on Saturday when the city was full of heroes—ordinary citizens, victims, first responders—coming together in the spirit of community.

Madam Speaker, our colleague Congresswoman GIFFORDS was the primary target of this cowardly act; and as she recovers, we honor her as a brilliant and courageous Member of Congress. She has brought to Congress an invigoration—the thinking of a new generation of national leaders. As a businesswoman and State legislator, she came to Congress full of ideas, and we will long continue to be blessed by them. I look forward to when she is present with us on the floor. She has spoken out courageously and led boldly when the times have demanded it.

It is especially tragic that those who lost their lives and those who were wounded had come together, as the resolution presents, to participate in an activity that reflects the best of our democratic tradition—a Representative of the people, of GABBY GIFFORDS and her staff hearing directly from the men and women she represents.

American democracy is founded on our commitment to a contest of ideas, not violence. Political disagreement and dissent must never violate our Nation's values, as expressed in the Constitution, of free expression, speech and peaceful assembly. GABBY spoke to that right here from the floor last week.

In this hour of anguish, we seek a renewed commitment to hope, to civility, to peace among the American people. In many of our churches, we sing on Sunday and on other days of the

week: let there be peace on Earth, and let it begin, not just with us but with me—with each of us, within each of us.

In speaking as one House today, coming together in peace, we offer our thoughts and support, our prayers for the health of our colleague, Congresswoman GABRIELLE GIFFORDS, and for all of the injured. We share the stories of the heroes of this tragedy and mourn those who perished. Let their actions and their memories be a blessing to our country.

We don't know why God saw this to be necessary, but let this be something that we cherish as an opportunity as we mourn the heartbreaking horror of it all. This resolution is a fitting tribute. It is a great resolution. Please read it again and again. Carry those names in your heart. Remember each of these people because, again, a tragic accident took lives and wounded people in the free expression of ideas. May this resolution remind us of the urgent need to uphold our democratic values, to treat one another with courtesy and with respect, and to act as Congresswoman GIFFORDS has always done and always will do—in a manner that reflects the best of American leadership.

As our thoughts and prayers go out to the families of all who were affected, I want to call special attention to Commander, Navy Captain Mark Kelly, GABBY's husband, who has been a source of strength to all of us in this difficult time. We pray for him. We thank him for his and GABBY's service to our country. God truly blessed America with their leadership, with their service, and with their love for each other.

Mr. CANTOR. I yield myself such time as I may consume.

Madam Speaker, this week, most Members of the House will gather briefly here in Washington, but our hearts and spirits will be in Arizona. The unspeakable tragedy in Tucson last Saturday came as a complete shock, casting a pall over the entire Nation.

With this resolution, we join 300 million Americans and millions of others around the world in showing our solidarity with Congresswoman GIFFORDS and the rest of the victims. GABBY serves Arizona's Eighth District with distinction and thoughtful leadership, and we are all praying for her speedy recovery.

Saturday's cowardly crime was more than just an attack on dozens of innocent Americans at a grocery store. It was an attack on the very essence of democracy and representative government—an assault on the open exchange of ideas between legislators and the people to whom they are accountable.

This resolution honors the memory of Christina Taylor Green, Dorothy Morris, Judge John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman. The slain represent

a broad cross-section of the American public—young and old; men, women and child; friends, brothers, sisters, and children. They will be missed but not forgotten.

This inexplicable crime reminds us that there is evil in the world. Yet, as we look for light in a thicket of darkness, our Nation has drawn inspiration from the bravery and quick thinking displayed by the heroes on the scene. Were it not for their efforts, there likely would have been many more victims.

The outpouring of support, prayer, and solidarity also reminds us that America is a country of compassion, community, and empathy. We will stand with the victims and their families, and pray and mourn with them as they cope with this horrific tragedy.

Madam Speaker, I also want to offer my thoughts of comfort to GABBY GIFFORDS' staff and want them to know that our hearts hang heavy, and our thoughts and prayers are with them as they try and persevere through this very difficult time.

I would also like to add my thanks to the brave law enforcement that has helped our Nation over the last several days and every day—the law enforcement under the directorship of Director Mueller of the FBI, the local law enforcement in Arizona and, from our perspective, most especially, the Capitol Police, the Office of the Sergeant at Arms and the Sergeant at Arms, himself—for the tremendous job that they are undergoing each and every minute as we try and cope with this tragedy.

Madam Speaker, this resolution affirms the point all of us want to make. Our hearts are heavy. We mourn with the victims, and I urge my colleagues to support it.

□ 1030

Madam Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. FLAKE), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from Arizona will control the time.

There was no objection.

Mr. PASTOR of Arizona. Madam Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from Arizona for yielding.

Madam Speaker, this week, we pause the work of the House to mourn the lost lives of six of our fellow citizens—one of those born on that day of tragedy and carnage when thousands were slain in an equally indiscriminate, heinous act of hate—citizens shot dead on Saturday in Tucson in pursuit of the "right to peaceably assemble," the amendment which GABBY GIFFORDS read on this floor. We come as well to honor those who risked their lives to save others, to pray for the lives of the

wounded, and to pray for our colleague and friend, Congresswoman GABRIELLE GIFFORDS.

Today, this temple of representative democracy is a sadder place. But Congresswoman GIFFORDS' intelligence and her toughness, her public spirit and her charm will, God willing, and with the extraordinary medical care she is receiving, soon return to this body and again be a practitioner and a model for the principles of civil debate and thoughtful deliberation on which this temple is founded.

Congresswoman GIFFORDS was attacked doing the work that is the heart of democracy, as has been so eloquently observed by our Speaker, Mr. BOEHNER: Listening to her neighbors, listening to those who sent her here to Washington to reflect their views.

Each one of us have done that work. Each one of us has come back bearing their fears and their hopes, their convictions and their visions for the future. Some, of course, are everyday hopes; some are matters of life and death. But in each case, we bring these hopes here and speak to our neighbors as best we can. That is what Congresswoman GIFFORDS was doing.

We do not know, of course, the specific motive which led the perpetrator of this crime to act, nor can we draw conclusions as to specific causes, but it seems to me it is a time for us to reflect on the heightened anger being projected on our public debate and the daily denigration of those with whom we disagree. And it is appropriate, therefore, that the wrenching, shocking, senseless violence of that day compel us to reflect on our own responsibility to temper our words and respect those with whom we disagree, lest the failure to do so give incitement to the angriest and most unstable among us.

Let us speak for our neighbors in a spirit of unity, not a false and shallow unity, not a unity that wishes away our differences or our discords, but a unity founded on our reverence for our democracy's most precious, most fragile gift—its power to resolve without violence our weightiest questions.

In a much darker time than ours, from the edge of a great war, President Lincoln addressed these words to the men and women whom, even in the war's depths, he refused to see as anything other than his fellow Americans. He said this: "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

There are, in every society and in every culture and every nation, those who reflect that creed, but if we love our country, if we honor our oath to country, Constitution, and to our Nation of laws, we must live by those words. There is, perhaps, nothing we can do that will prevent the mindless violence committed by the few, but we can and must appeal to the best instincts of the many.

To the families of the fallen, we extend our sympathy. To the survivors, we extend our prayers for a full and speedy recovery. And to our colleague, to our beloved colleague, GABBY, we extend our love and our hopes for her early return to the Chamber and our ranks.

All of us in this time have come together, reached out to one another, comforted one another, and lifted one another up. May that sentiment not pass quickly from this body or from this country.

Mr. FLAKE. Madam Speaker, I yield myself such time as I may consume.

I want to thank Speaker BOEHNER and the leadership on both sides of the aisle for bringing this resolution to the floor. This is indeed Congress at its best.

None of us will ever forget the feeling we had when we heard the news of the shooting last Saturday—one of the victims which was our dear friend and colleague, GABBY GIFFORDS. A few hours after the first news broke, I was in attendance at the press conference in Tucson at the medical center. Amid the turmoil and the anguish of the occasion, there were audible expressions of joy and relief around that room and around the country when Dr. Rhee announced that GABBY could listen and respond. GABBY's progress over the past few days has been measured in much the same manner—the squeeze of a hand, the raising of two fingers, a thumbs-up sign, each gesture letting us know that she hears, that she is listening and responding. These traits, listening and responding, have defined GABBY GIFFORDS' career as a legislator.

Let me give but one example borne of another tragedy just 10 months ago. Longtime Arizonan Bob Krentz, known to provide assistance to those he found in need, was murdered on his ranch near Arizona's southern border. Farmers and ranchers in Arizona were understandably alarmed. GABBY listened and responded. Over and over she contacted and visited those affected, reassuring them that help was on its way. She convened monthly conference calls for the farming and ranching communities involving the Border Patrol, Immigration and Customs Enforcement, the Justice Department and other Federal agencies, each month broadening the circle to include more stakeholders.

We learned of her efforts in delegation meetings here in Washington, where she enlisted additional support. Last August, much as a result of GABBY's persistent efforts, the Congress acted, providing unprecedented resources to improve security in the area. GABBY listened, she responded, and, in the end, Congress responded as well.

We are responding here today by giving thanks for the service of Federal Judge John Roll and Gabe Zimmerman

for the public service they have rendered. We are responding today by recognizing the heroic lifesaving efforts of people like Daniel Hernandez, who delivered aid to Congresswoman GIFFORDS; to those who tackled the gunman; to Dorwan Stoddard, who shielded his wife from the gunfire, selflessly giving his own life that she might live. We are responding today by joining John and Roxanna Green in mourning the loss of their 9-year-old daughter, Christina, as well as the friends and families of Dorothy Morris and Phyllis Schneck.

We in the Arizona delegation are proud of the wonderful State that we, together with more than 6 million of our friends and neighbors, call home. Arizona is defined not by the actions of a lone crazed gunman, but by the heroism and bravery of those who left us on Saturday and those, like our friend and colleague, GABBY GIFFORDS, who will continue to lead us in the future.

Madam Speaker, I reserve the balance of my time.

Mr. PASTOR of Arizona. Madam Speaker, I yield 3 minutes to the leader of the caucus, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I thank the gentleman from Arizona.

Shakespeare tells us in Othello that when Iago whispers mistruths in the ear of Othello, something beautiful dies.

□ 1040

Something beautiful died in Tucson, Arizona, this past Saturday. People who came to an event, to hear their congresswoman speak—one little girl, 9 years old—all beautiful, all celebrating the great beauty and majesty of our democracy, passed on that day.

Who knows what mistruths were bouncing around in the head of the assassin. Who could know that? But something beautiful died. Democracy died just a little that day.

But beauty has a way of coming back. It resides in people like GABRIELLE GIFFORDS. She epitomizes all that is good and rich about serving in the United States Congress. From her very demeanor, to her graciousness, to the way she carried herself in committee, with her legislation, and how she held forth with her constituents in an accountable manner that has become so much a fabric of our democracy—our Congress on the Corner.

She truly is a beautiful person. And that beauty had others responding that day with acts of heroism that have already been recounted on this floor. And that beauty lies with her husband by her side and with the fervent prayers of a Nation in hope, knowing and feeling confident that she will return from this awful incident and be back here with us gracing us with her beauty and dignity and vision and purpose.

One of her last remarks, in speaking to Mr. Trey Grayson, director of the

Harvard Institute of Politics, was to say, I would love to talk about what we can do to promote centrism and moderation. I think we need to figure out how to tone down our rhetoric and the partisanship that exists here.

Mr. FLAKE. I yield such time as he may consume to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman.

Madam Speaker, the tragedy this week in Arizona has been a reminder to all of us of the brevity and delicate nature of this earthly life. It is my prayer this morning that God would grant all of the victims named in this resolution, as well as the grieving families and loved ones who are mourning the loss of the six precious lives that were taken that day, the comfort, the peace, and the restoration that only He can give.

Madam Speaker, it happens that the only one of those victims that I knew well personally was our own GABBY GIFFORDS. Madam Speaker, GABBY and I are from different parties. And on past and happier days, many in Arizona would often joke about the differences in our politics.

But I can testify to you this morning, Madam Speaker, that in the 4 years that I have known GABBY GIFFORDS there has never been one unkind or acrimonious or even terse word passed between us.

GABBY GIFFORDS is a precious, warm, caring, decent human being whose warmth and charm touched the hearts of all who know her. And the testimony of her life and work is proof that true tolerance is not in pretending that we have no differences; it is being kind and decent to each other in spite of those differences.

And it strikes me as more than a poignant coincidence that only days before the tragedy, we all listened to GABBY GIFFORDS as she stood at this very podium and read the words of the Constitution's First Amendment, which protects the right of the people to peaceably assemble.

And then only days later, Madam Speaker, as she was exercising that right and faithfully doing her job as a Member of the United States Congress, one bereft of heart, human compassion, and respect for innocent human life mindlessly shattered her life and the lives of so many others around her.

Madam Speaker, the last words I had with GABBY GIFFORDS were spoken not 10 feet from this podium when we exchanged simple but genuine and heartfelt words and best wishes for the new year and the new Congress. And, Madam Speaker, I will tell you that when I heard the news of this tragedy and the false report that GABBY had died, I felt such an overwhelming sense of grief in my soul to think that those were the last words that I would ever speak to her.

And it was a reminder to me, Madam Speaker, of the brevity and preciousness of human life and freedom and just how important it really is for each of us to seize every moment and to speak kind and loving words to each other while we still can.

So, Madam Speaker, it is my prayer that God would comfort the Giffords family and all of the victims of this horrible tragedy and hold them closely in His arms as only He can, and that He would some day very soon return a smiling GABBY GIFFORDS to this Chamber and to all of us, as clear eyed and as whole as when she left us.

Mr. PASTOR of Arizona. I yield myself such time as I may consume.

I also join my colleague from Arizona, JEFF FLAKE, in thanking the leadership in bringing this resolution here this morning. I also want to recognize that Representative GIFFORDS' staff is in the gallery with us this morning. So we want to wish them the best.

Madam Speaker, it is with great sadness I rise today to pay tribute to six innocent and precious Arizonans who, while participating in a public event designated to strengthen our democracy, so tragically lost their lives in a senseless act of violence last Saturday. I also want to pay tribute to those 14 Arizonans, including our dedicated and beloved colleague, and my personal friend, GABBY GIFFORDS, who were wounded.

These Americans, all dedicated to freedom and all loving their country so much that they chose to use their Saturday morning to participate in a public event to make their government better, are recovering at different paces and with unique and different needs. The city of Tucson, Pima County, and the entire State of Arizona stand poised to assist and welcome these brave heroes back to our communities once they have recovered.

GABBY continues to fight, literally fight, every minute for her life. And we are all reaching toward our God in prayer, contemplation, and silent whispers in our unified effort to bring about her quick recovery and return to us here in this House of Representatives.

Those who perished—Phyllis Schneck, Dorothy Morris, Gabe Zimmerman, Christina Taylor Green, Dorwan Stoddard, and John Roll—will be missed by their families, their colleagues, their friends, and all Arizonans.

□ 1050

Phyllis Schneck was described by her New Jersey hometown paper as a lifelong conservative, yet she was there to see GABBY because she admired her. This is a perfect example of someone who wanted to step beyond the current vitriol in modern-day politics and bring us together.

Dorothy Morris was married to a former Marine Corps pilot, who was

also wounded and recovering. We all know the patriotism and love of country every spouse of a marine exhibits, and she was no exception.

Gabe Zimmerman was one of us. A dedicated staff member to GABBY, it is said that he literally lived to serve his community. Sadly, he perished, but he perished fulfilling his calling and doing what he loved—helping the people of his town.

Christina Taylor Green was just starting her political career. She had just been elected to her school's student council and wanted to come see it done at the highest level. She wanted to see a pro, so she came to see GABBY. She was a special little girl who kept reaching for the stars in politics, dance, baseball, and whatever her heart desired.

Dorwan Stoddard died shielding his wife, who was also wounded but expected to recover. Following their regular Saturday outing, Dorwan brought his wife, Mavy, to GABBY because reportedly she wanted to tell GABBY what a good job she was doing. High school sweethearts who were reconnected after many years apart, they were a pillar of their church community. And we know Mavy will continue on, saddened and burdened, but hopefully not broken.

Finally, Judge Roll had been working with GABBY and several of us in the delegation for the past several months trying to make the courts in Arizona more efficient and more responsive to both the victim and the accused. I knew him to be a fair, dedicated, charming, professional, and loyal person. He loved his family; he loved his profession; he loved his job, his community, and his country. Arizona and the Nation will be a different place without him.

Again, I am encouraged by the reports concerning all the wounded. These individuals are the perfect example of the strength of Arizonans and all Americans. They will recover, we pray, and they will not shy from continuing to serve their community.

This is most true for GABBY. GABBY is a special person among us here in Congress. We all know that. We all love her pragmatism, her bipartisanship, her willingness to learn, her dedication to give, her compassion for her job and for each of us, and her spirit to continue striving to make the Eighth Congressional District of Arizona and America a better place to live and work.

Hopefully, it won't be much longer until we see her here, her smiling face with us again, doing what she loves, and working hard for the people of our country.

Our prayers go to GABBY, all the victims, and the families of the deceased.

I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Speaker, it is with a heavy heart that I come to the floor today to offer these thoughts on this tragic event this past Saturday outside Tucson that took the lives of John M. Roll, Christina Taylor Green, Dorwan Stoddard, Dorothy Morris, Gabe Zimmerman, and Phyllis Schneck, and gravely injured our colleague, Congresswoman GABBY GIFFORDS.

It was just last week that my wife and I had the opportunity to visit with GABBY in Statuary Hall before the ceremonial swearing in. And as so many of you know, our interactions with her were gracious, energetic, and she was willing to help us as we were setting up our freshman office. We took a few photos. We talked about ways we could work together, and of course we engaged in the banter and teasing of Arizona's favorite rivalry, ASU versus U of A.

GABBY takes enormous pride in the job in representing the communities of southern Arizona. And my wife and I send our thoughts and prayers to Mark during this difficult time. We deeply appreciate the gift Mark generously shares with all of us here in Washington and back in Arizona.

It is also important not to forget the individuals who lost their lives or who were injured while they were exercising their right to participate and have a say in this Republic. Indeed, they became victims while exercising a fundamental right that has served as a backbone of this country since its founding, a right our Nation's Founders sacrificed so dearly for, just as the victims this last Saturday have tragically also sacrificed for.

We are stunned by the tragedy, but we remain resolute in our commitment to assemble peacefully, engage civilly in the types of discourse that are fundamental to maintaining this Republic. Although words may not sufficiently capture the sorrow and grief we are experiencing, particularly in Arizona, Joyce and I send our thoughts, our prayers to GABBY; Mark; Roxanna and John Green, the parents of little Christina Taylor Green; and the loved ones of Judge Roll, Dorwan Stoddard, Dorothy Morris, Gabe Zimmerman, Phyllis Schneck, the community of Tucson and southern Arizona, all Arizona, this Nation. Our hearts are heavy, but our prayers are with all of you.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. We are one as we pay tribute to Congresswoman GIFFORDS and all the other victims of violence in Tucson. Our gathering reflects the truth of America's first motto, which is above this Chamber, *E Pluribus Unum*—Out of Many, We Are One.

It is vital that we acknowledge our oneness, not just as a Congress, but as a Nation and as a world. In that appre-

ciation for oneness, we find human sympathy, compassion, and love. It is an awareness of the imperative of human unity which can bring us to the threshold of understanding our power to bring an end to the violence which is consuming our loved ones. It is an awareness of the imperative of human unity which can help us to create a new America where the omnipresence of violence is understood as a challenge to be met, not as an unyielding truth of the human condition to be accepted.

Our hearts are open now as we recognize the victims. So let us be open to a new direction, where we in this Nation can take an organized approach to deal with the causes of violence, not just the effects. We are one with our sister, Congresswoman GIFFORDS, and all the other victims. Let us continue to be one with each other as we struggle to bring light to this moment of darkness.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

□ 1100

Mr. QUAYLE. I thank the gentleman from Arizona for yielding.

Mr. Speaker, I rise today in support of House Resolution 32 and to honor the victims of the senseless act of violence that took place in Tucson on Saturday. All Arizonans and all Americans mourn the six souls that lost their lives. They will never be forgotten.

They were model citizens, actively engaged in their community and with their government, just chatting with their Representative on a Saturday morning.

Mr. Speaker, peaceful discourse and participation is a precious part of our society and one of the things that makes our country great. We must not allow an act of violence to inhibit the free exchange of thoughts and concerns.

The six that lost their lives died because they loved America. They wanted to be involved in the process. In recent days, we have heard their inspiring stories from family and friends. We shouldn't have to wonder what the future had in store for them. They are the friends, neighbors, and colleagues that our communities depend upon.

Mr. Speaker, we pray for our friend and colleague, Congresswoman GABBY GIFFORDS. That she survived her wounds is a miracle but no surprise to those who know her and admire her spirit, determination, and conviction.

Congresswoman GIFFORDS was attacked while doing her job to the best of her ability. She wasn't in an ornate congressional hearing room or on the floor of the House. She was back home, on the sidewalk of a supermarket, listening to the concerns of her constituents. That too, Mr. Speaker, is what makes this country great. That, too, must never change.

In our great State of Arizona, there is much to mourn after Saturday's

tragedy. But make no mistake, there are also many things that elicit great pride.

We are proud of the brave civilian and professional first responders whose quick response time and decisive actions prevented more loss of life and greater injury. We are proud of the amazing work performed by the surgeons and the medical teams at the University of Arizona Medical Center, whose skill and expertise shined during trying times.

And above all, Mr. Speaker, we are proud of the six who perished and of Congresswoman GIFFORDS, all of whom were simply doing their duty as good Americans: they as active citizens and she as their worthy Representative.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan.

Mr. LEVIN. We all come together in the aftermath of the overwhelming tragedy at Tucson to remember all of the victims and also to fervently hope, still in disbelief.

Our colleague, GABRIELLE GIFFORDS, epitomizes what a public servant should be—fully dedicated, principled, caring and reaching out to all constituents and to all our colleagues. Time will tell with clarity exactly what are the appropriate lessons for all of us to learn from the Tucson tragedy.

In the meanwhile, our focus is, indeed, very personal. In the holiday card that GABBY sent to me, she wrote her best wishes for a joyful new year and continued writing that we will have our work cut out for us.

The new year is now far, far less joyful. So our hope in the prayer we are sending with love to GABBY and to Mark is that GABBY will be able to join us as we take on the work cut out for us to which, GABBY, you have devoted your whole self so fully.

Mr. FLAKE. Mr. Speaker, let me just say how nice it is to have you presiding and another Arizonan controlling time on that side and so many in the delegation here today. We are a close delegation.

I yield such time as he may consume to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I stand here today with a heavy heart as I give my prayers to Representative GIFFORDS and her family, as well as my condolences to the other victims of the rampage in Tucson. I speak not just for myself and for my family, but for the citizens of my district in Arizona and so many others who are saddened and outraged by this senseless act.

GABBY is more than Arizona's third female Congresswoman. She is first and foremost an American who devoted much of her life to public service. There are risks with public service. We cannot deny that. But GABBY has powerful beliefs, and she came to DC to represent the people of her district, and everyone knows she is tireless.

GABBY has the grit of a fighter and the tenacity of a woman on a mission. It is that heart and that grit and that tenacity that I pray will continue to serve her well and speed her recovery.

I hope the day is coming soon that I get to greet GABBY with open arms and welcome her back to the floor of this House. There is so much that we have yet to do together for Arizona, for this country. I look forward to working with GABBY on the issues of our day and hearing her spirited voice.

Let me add further the acts of a criminal will not stop us from meeting our people. We will not be deterred. We will not be intimidated, and we will not abandon the people of Arizona because of the murderous acts of a deranged killer.

GABBY read the First Amendment on the floor of the House just days before she was shot. That amendment provides that the people shall have the right to petition their government, and gives the people of this Nation a voice to speak on the issues important to them. GABBY did not just read the First Amendment; she lived it. She was living it on the very day someone tried to kill her.

Let us continue to pray for the recovery of the wounded. Let us pray for the full recovery of GABBY. Let us pray for the families who lost a loved one. Let us pray for the mothers and fathers who lost a child, and let us pray that God will continue to guide us in everything we do.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise today to honor and offer prayers for my friend and colleague, Congresswoman GABRIELLE GIFFORDS, her staff and all the victims of the tragic and senseless shooting in Tucson.

She is a brilliant and caring public servant. She loves this country as all Members of Congress do.

At times like these, words are always inadequate to express the full extent of our grief. What we can do is pray, reflect, and seek to gain some meaningful perspective from this time of great sorrow.

Mr. Speaker, this terrible act, whatever the cause, does violence to the democratic principles our country was founded on.

As I pray for the victims of this terrible event, I also pray that our country can move forward from this tragedy with that love and respect that GABRIELLE GIFFORDS has for human dignity.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, tragedy is always accompanied by so many thoughts and emotions. The irrational violence visited upon our Nation last Saturday in Tucson brought a new

wave, shock at learning the news of the carnage; incredulity at even the possibility of such a senseless act; sadness for those injured or killed and for their families; confusion by this inexplicable violence; anger at the lunatic responsible for this; inadequacy to comprehend the mind that conceives such an act; respect for those expert hands and minds working to heal the casualties; honor for those who sacrificed and helped in a moment of real crisis; hope for a full recovery for Congresswoman GABRIELLE GIFFORDS and all battling their injuries; recognition that life and liberty are precious and fleeting; love of our country and the blessing of liberty that we all enjoy; steadfast in our commitment to preserving our great Nation; humbled by our mutual responsibility as citizens charged with that preservation; reverence for our Lord, the only one who knows the answer to the why, and strength from His grace and His love and His mercy.

So we resolve to use this unspeakable and senseless tragedy as an opportunity to better ourselves as a people, to recommit ourselves to the tireless preservation of our Republic and to reaffirm those fundamental principles of liberty and American representative government.

May God place His healing hand on all affected by this heinous event, and may God bless the United States of America.

□ 1110

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of the resolution before us today and think it is fitting and proper that we take this opportunity to pause and remember those who lost their lives and were wounded in the tragedy that occurred last Saturday in Tucson, Arizona.

It is really hard to comprehend how such senseless acts of violence can happen. And yet while we may not be able to fathom why this tragedy occurred, the harsh reality is that six innocent people were killed, including a 9-year-old child, and another 14 individuals were wounded, including our own friend and colleague, Representative GABRIELLE GIFFORDS. As we speak, she remains in critical condition in the intensive care unit at the University Medical Center in Tucson, fighting for her life.

Those of us who know GABBY know that she is a real fighter and that gives us optimism that the final outcome will be a good one and that she will be returning to this institution that she loves and still fight for what she believes in.

A number of my colleagues have spoken about the many ways in which

Representative GIFFORDS has touched their lives here in Congress, and I would like to echo some of those sentiments. As the ranking member on the Science, Space, and Technology Committee, I have seen firsthand the way her passion, commitment and competence have been used to voice her help for our Nation to move forward in a positive way. She has been very active as a member of the committee sponsoring and cosponsoring numerous pieces of legislation relating to research, innovation, renewable energy, space exploration, and math and science education. They have included the Solar Technology Roadmap Act, the Science Parks Research and Innovative Technologies Act, the NASA Authorization Act of 2010, and America COMPETES, as many other important pieces. She has been tireless in carrying out her oversight responsibilities.

As chairman of the Space and Aeronautics Subcommittee in the 111th Congress, she conducted numerous hearings on a wide range of issues related to NASA, civil and commercial space activities, international cooperation in space, civil aviation, and earth observations, among others. Her willingness to work hard, to get the facts and exercise tough love on the agencies she oversees has earned her the respect of Members on both sides of the aisle. In addition, while she is not afraid to express her views directly, she always has done so with civility and grace.

Mr. Speaker, Congresswoman GABRIELLE GIFFORDS, the one I know and respect, we hope to see her return soon. It is still hard for me to comprehend that such evil could befall her and the other victims of last Saturday. I know I speak for all Members in saying that our thoughts and prayers are with each of them and their families. We look forward to the day when we can welcome Ms. GIFFORDS back to the House floor and join together with her to do the Nation's business.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I join with my colleagues today with respect to the delegation from Arizona who suffers and yet today comes to the floor of the House of Representatives to do their duty. To the colleagues of Ms. GIFFORDS who today join in support, not only in prayerful support but as we stand together we speak clearly to say that the support for Congresswoman GIFFORDS and all the victims of this tragic shooting and their families need to be remembered, and we offer full support.

I was deeply shocked and saddened by these heartbreaking events and I join my colleagues and I know all of America looked on TV on Saturday as we all condemned not only in our own hearts but also as our families spoke around

the tables about what had happened. We condemn this senseless act of violence.

Congresswoman GIFFORDS is a dedicated public servant and has served the people of Arizona for over 10 years. She was elected to the House of Representatives in 2006. She is known as a steadfast leader in Congress for her constituents. I would see her often on the airplane as we would travel back every weekend. She is known by each of us as a kind and wonderful person who serves with honor and who is a very deeply genuine and a warm person with friends on both sides of the aisle.

All Members of this body understand the high honor it is to serve our constituents every single day and I would like to join my colleagues in standing together today to guarantee that the inhumane acts of this last Saturday will not deter us from our duty. This heartbreaking event has left Americans astonished and speechless. Those participating as Members of Congress today should stand up and say that we will stand behind GABRIELLE and look forward to her safe return to be with her colleagues. We offer a prayer for her support.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I am very grateful to join my colleagues on both sides of the aisle to mourn the tragic loss of six lives and the many who were injured who wanted nothing more than to participate in a simple but precious opportunity to meet directly with their Congresswoman, GABRIELLE GIFFORDS.

There will be time to reflect on potential remedies that could prevent or diminish the threat that has so personally touched us all, but today I simply want to send my love to GABBY and to Mark and the rest of their family. We have all had the opportunity to focus on you, GABBY, the brilliant, effective, warm, courageous person and leader that you are. You brought us together to focus on just how meaningful your friendship is to us, to me.

I also want to take this opportunity to thank my dedicated staff here in Washington and at home in the district and all the staff that work with us. Thank you for your daily efforts and sacrifices, the long hours and the commitment to your constituents, our constituents. The tragedy of this event and the loss of Gabe Zimmerman and the wounded staff has brought home just how important you are to all of us and to everything that we do here.

Let us take this sad moment to seek peace and love, to honor those who were killed, and fervently pray for those who were injured, including our beloved colleague GABRIELLE GIFFORDS and look forward to the day when she will return to us in full health.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I come over here today because about 3 weeks ago, 4 weeks ago, on a plane coming back from Washington, DC, flying to Dallas, where I changed planes and also GABRIELLE GIFFORDS changed planes, was my first opportunity to interact with this young lady. I watched her visit with the fellow travelers on the plane. She espied a couple of her constituents and talked with them. She visited with me. And then as we shared a cart to our changing gates, I was just touched by what a really, really nice person she was.

We interact in this building and we have our debates and so forth, but I got a chance to just ride and talk about family and talk about life with a charming, intelligent and quite honestly captivating young lady. And that's why I came down here today, because you don't cross paths with individuals like that very often. And when you do, it's a blessing that comes into your life.

And then when I turned on the television and discovered that this blessing had been attacked by this vicious, vicious attack that took place in Arizona, and not only was this sweet life placed at risk but a 9-year-old child was killed senselessly, others were murdered, others were wounded on the streets of Tucson in the United States of America at a congressional event.

□ 1120

It makes you stop and pause and think. We have to get back together and work on these issues. We have to get civility into the world.

And I am concerned about the violence. Violence has entered our House and injured one of our own and killed one of our own. I hope justice is swift and I hope justice is severe. But as we go forward, we need to work together to secure not only this House, but to secure this Nation.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland.

Ms. EDWARDS. Mr. Speaker, I rise today in honor and prayer for our friend and colleague, Congresswoman GABRIELLE GIFFORDS, a delightful personality, a dedicated legislator, and a powerful advocate for her constituents. Sitting next to her on the Science and Technology Committee, you only had to be there to know and feel her passion for NASA, solar technology, innovation and research. It has rubbed off.

As we pause to reflect on the terrible tragedy that took place in Tucson, we know that Congresswoman GIFFORDS was simply doing what she does so well, meeting with the constituents of Arizona's Eighth Congressional District and hearing their different points of view. This is a sentiment that is reflected in Congresswoman GIFFORDS'

own words when she said, "My position . . . is to listen to my constituents . . . then ultimately make sound, rational decisions that are going to be beneficial for the Eighth Congressional District. That's my job."

Mr. Speaker, I join the Nation in expressing my sorrow for the senseless and tragic loss of life—Christina Taylor Green, Dorothy Morris, U.S. District Court Judge John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman—and to all those injured, including our friend and colleague, GABRIELLE GIFFORDS, and her staff. We will keep you and your families in our hearts, thoughts, and prayers.

We are deeply grateful for the heroes, sung and unsung, who showed great courage and sacrifice and continue to do so in caring for their friends, family, and community.

To GABBY; to Mark Kelly, her husband; her staff, we pray that your burdens are lifted and that the dark days become light. May God bless you and strengthen you. May God bless this Congress, and may God bless America.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Speaker, I rise on behalf of the people of Oregon's Second District to offer my deepest sympathies to the families of the victims of Saturday's senseless shooting in Tucson. Americans see each of us taking this personally, because Congresswoman GIFFORDS and her staff were doing what each of us does in our own way: We go home; we reach out to listen to people who agree and disagree, and we practice the art of democracy. It is a practice so fundamental to our Nation that families bring their young children who are interested in public service; senior judges attend to discuss Federal policy, and citizens come to get help with their Medicare or Veterans Affairs benefits. No one comes thinking such a despicable act of violence will occur.

Despite deep philosophical differences, sometimes argued vigorously and vociferously in our meetings, Americans share a common belief that violence has no place in democratic discourse.

In Romans 12:1, Paul writes, "Don't be overcome by evil, but overcome evil with good." We stand together across America committed to this calling and in the belief that the great good in America will always overcome the isolated evil.

May God's healing hand be on our colleague and those affected and bring comfort to all.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, as GABBY's colleagues, we all have had moments with her, so many memories

that we recall vividly and fondly. For me, she is a refreshing, frank, and inspiring younger member of the House sisterhood. She is whip smart and a serious and disciplined legislator. She is the kind of person we need so badly in this Chamber doing the people's business without rancor or vitriol.

Though the attack occurred in Tucson, it was an attack on all of us, and it strikes very close to home. Just a week ago today, I sat near GABBY at a New Democrat lunch in the Capitol Visitor Center. The group was assessing the recent election, and her contribution to the discussion was personal, impressive, and well delivered. But 7 days is a long time in politics, and our world here is in upheaval.

Beyond the heroic efforts of Tucson's emergency and medical teams, the FBI, and the Capitol Police, the alleged gunman must be fairly and swiftly prosecuted. But there is more. The Congress family must take additional, prudent steps to protect our staffs and constituents from random violence at our public events or offices. I serve here, as we all do, in loco parentis and take this very seriously.

And finally, we should revisit sensible Federal laws to control access to guns and ammunition. At a minimum, I believe we must promptly restore the expired Federal ban on extended magazine clips. I personally would urge us also to reenact the 1994 ban on assault weapons, which I was proud to support, and to bar sales of Saturday night specials.

Mr. Speaker, we can't roll back last Saturday, but we can and must learn its lessons.

Mr. FLAKE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, I rise in support of this resolution. I rise to add the voice of the people of Wyoming to the chorus of united Americans reaching out in prayer to the victims in Arizona and to the families of those whose lives were stolen from them.

On January 6, Representative GABRIELLE GIFFORDS took to the floor of this House and eloquently read to us the First Amendment of our Constitution. She gave her own strong emphasis to the phrase that grants Americans the right to peaceably assemble. Two days later, she and her constituents have had their God-given rights violently taken from them.

In the midst of our national grief, the desire to make sense of the senseless is profound. We err if we attempt to rationalize what is wholly irrational and to understand what cannot be understood. The Apostle Paul writes, "Now we see but a poor reflection as in a mirror."

Instead, let us all stand with the gentlelady from Arizona in her time of trial and in defense of the Constitution which she is striving to uphold. Let us

stand with our 9-year-old daughters who are fostering a budding interest in our representative democracy. Let us stand with our 76- and 79-year-old mothers and fathers who seek only to forge a relationship with their elected representatives and to impart a wisdom that comes with long life as a citizen of this country. And let us stand with our servant leaders of all ages and parties and to spend every day in a passionate effort to better a great Nation and a beautiful ideal.

We do them honor if we continue, not with idle speculation, but with a renewed commitment to exercise the rights of liberty and freedom. We begin the long road to healing by fervently praying for peace in our world, peace in our country, and peace in our hearts.

God bless the victims of Saturday's violence and their families. God bless America. And now may the peace of God which surpasses all human understanding and all human misunderstanding be with us all.

□ 1130

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise in support of the resolution today and to honor the six individuals who lost their lives; and my friend and my colleague, GABBY GIFFORDS, who is currently fighting for her life; and the 13 other wounded victims of Saturday's tragic shooting in Tucson. Gabe Zimmerman, Federal Judge John Roll, Dorothy Morris, Phyllis Schneck, Dorwan Stoddard, and the innocent 9-year-old Christina Taylor Green, all who passed away on Saturday in such a senseless act of violence that was a direct attack on our democracy.

Being the extraordinary public servant she is, GABBY had taken her first opportunity in the 112th Congress to organize an event to learn of her constituents' concerns and their hopes. The victims had all peacefully gathered at a local mall to participate in the democratic process. The basic exercise of democracy was interrupted by a disturbed individual bent on anger at the system. This needless and despicable act of violence has no place in our society and should give us all cause to reflect on the level of political discourse in this country.

But while we recognize the tragedy that occurred and pray for the quick recovery of those injured and those who died, let us not overlook the many acts of bravery and heroism on Saturday.

As we piece together the events of last Saturday, my thoughts and prayers go out to GABBY and the others who have been killed or injured. Let this tragic event serve as a reminder of the obligation that we have as elected Representatives of the people to be responsible in our leadership and be careful of the words that we choose.

I will keep the victims and their families in my thoughts and prayers, and I know that all of my colleagues will do so as well.

GENERAL LEAVE

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 32.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CANTOR. Mr. Speaker, it is now my honor to yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank our leader for the time.

Just a few days ago, one of our own, Congresswoman GABRIELLE GIFFORDS, was gravely injured as a result of a terrible act of an unbalanced individual. Americans were profoundly shocked and saddened and continue to be by this deplorable act of violence which resulted in the unjust deaths of six innocent individuals and a struggle to survive for others, including our own GABBY.

Among those who lost their lives, we know that the list is lamentably long: the Honorable John Roll, a Federal judge who went by just to say hi to his friend, GABBY; and Christina Taylor Green, a 9-year-old girl, who had just been chosen to serve in her school's student council and was taken to GABBY's "Congress on Your Corner" event by a family friend who wanted to get her interested in public affairs; and Gabe Zimmerman, a member of GABBY's loyal staff who had an enormous heart and was recently engaged to be married.

It is difficult to make sense of this tragedy, but all Americans stand with GABBY and her family and the families of all the victims throughout this painful time. Many of us count GABBY not just as a colleague but as a friend. I had the privilege of getting to know GABBY as a member of our Foreign Affairs Committee. She has always demonstrated a strong commitment to serving her constituents, our men and women of our Armed Forces and our Nation. And that is exactly what we must do. We must not waver in our duties to serve those whom we are proudly and yet humbly asked to serve.

Our Republic was founded on the premise that the people have the right and the duty to petition their Representatives and to express their views, and GABBY truly embodies that principle. She has always been accessible. She has always been eager to listen to her constituents. Representatives like GABBY are what has made America an example of freedom and democracy the world over. It is truly reprehensible to

think these noble intentions were exploited to carry out such a terrible tragedy.

To quote Dr. Martin Luther King, Jr.: "We must disagree without becoming violently disagreeable."

The thoughts and prayers of the residents of Florida's 18th Congressional District are with GABBY's family and with the families of all those affected by this senseless tragedy.

Mr. PASTOR of Arizona. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise today to honor the victims of the Tucson shooting, including our colleague and friend, GABBY GIFFORDS. I have seen GABBY's commitment and dedication to her constituents firsthand. I have had the pleasure to work with her as we promoted efforts to restore our Nation's competitiveness and specifically to help create clean energy jobs.

GABBY is smart, courageous, disciplined, and effective. And as we have all seen over the last few days, her strength is unwavering.

Last Saturday, GABBY organized an event to talk to her constituents about their priorities, about their concerns and their hopes. It is heartbreaking and a tragedy that six innocent people lost their lives and an additional 13 have been critically wounded, all while trying to participate in and strengthen our democracy.

We are all now reflecting on what brought our country to this point and how to move forward. As everyone in this Chamber can attest, being a Representative is more than a job title. It is what we do, and it is who we are. We meet with our constituents. We listen to them. We advocate for their best interests.

Mr. Speaker, I would also like to take a moment to honor the other victims of this horrific tragedy: 9-year-old beautiful Christina Taylor Green, recently elected to the student council; Gabe Zimmerman, a dedicated staffer who was just on the cusp of his own life, recently engaged; Federal Judge John Roll, a highly respected jurist who just came by to thank GABBY for her support of the judiciary; Phyllis Schneek, who was a tireless volunteer at her local church; Dorwan Stoddard who shielded his dear wife; and Dorothy Morris who was married to her husband a long time who was also there but who survived.

My thoughts and prayers remain with GABBY and with each victim and their families.

Mr. CANTOR. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Madam Speaker, I appreciate the opportunity to be here to offer my thoughts and prayers for GABBY, our colleague. Like all of us, any interaction I ever had with her was always pleasant and memorable, and I

look forward to her returning. I pray for her return. I am praying for her staff and praying for the other victims.

I just want to hold up one victim this morning. I didn't know Dorwan Stoddard, but through a close network of friends, I had the opportunity to learn a little bit about Dorwan Stoddard. He shielded his wife with his own body, saving her life but losing his own. He and his wife were having breakfast and decided they wanted to go to the "Congress on the Corner" to give GABBY encouragement for the new year and the new Congress to encourage her.

He loved the Bible. He loved the scriptures in their simplest and purest form and just wanted to internalize them and live them, which is evidenced in his life. He was very involved in church work. He ran the Benevolence Program, which lived up to Christ's challenge to feed the hungry and clothe the poor. We know that he internalized the scripture because of his last act. And I don't know this, but I think I can say without fear of contradiction there were many times he was probably sitting in church, the minister was delivering a sermon on marriage, and I am sure the text was Ephesians 5:25 when it said: Husbands, love your wives, as Christ loved the church and gave himself up for her. What love he had for his wife, and what faith he had in God.

□ 1140

Throughout his life, he aspired to do good. Through his life, let us all aspire to do our best.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Texas.

Mr. AL GREEN of Texas. Madam Speaker, today we are one, and we are resolute.

We are one because we understand that there really is but one race, and that is the human race. We are one because, as Dr. King put it, all of humanity was created by one common Creator to live in harmony—from a bass black to a treble white.

We are one, and we are resolute.

We are resolute in our belief that one day our friend, our sister, will return to the floor of this Congress, to this Hall, and she will stand at this podium, and she will be welcomed by her colleagues as she returns and takes her rightful place in the Halls of the Congress of the United States of America.

We are one, and we are resolute because we believe that an innocent baby was taken from us. That innocent baby, though she is not with us in the physical, will forever be with us in the spiritual as long as we remember who she was and never forget that we cannot allow the innocent to be stolen from us without our taking the time to pause and be grateful for the time that we had with the innocent.

We are one, and we are resolute.

We must also be resolute in a basic premise that Dr. King called to our attention, and that is that we must learn

to live together as brothers and sisters, or we will perish together as fools.

We are one, and we are resolute.

Mr. CANTOR. Madam Speaker, I now yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Madam Speaker, I rise today in tribute to my friend and colleague, Representative GABRIELLE GIFFORDS, one of many victims of a very senseless act of violence this past Saturday.

I have had the pleasure of knowing GABBY and her husband, astronaut Mark Kelly, for several years—even before either of us stepped foot in this Chamber. In my district office, there is a photo of GABBY, myself, and others who were part of an Aspen Institute-Rodel fellowship program, which was created to explore the responsibilities of public leadership; advance thoughtful, civil, bipartisan dialogue; and help America's young leaders achieve their full potential. GABBY is so much about all of these ideals.

Quite often, I found myself looking at this photo over the last few days; and I couldn't help but think that all of our communities could use a few more individuals like GABBY, whose bright smile and kind heart have come to define her tenure here in Congress.

For many of us here today, the news of the tragedy was gut-wrenching. It's hard to believe that, just a few days before this senseless attack, my family and I were out visiting at the Air and Space Museum at Dulles Airport when we heard someone shout out my name. I turned around, and it was GABBY's husband, Mark, with GABBY and her parents in tow. We spent the next several minutes sharing a positive outlook about the new Congress that was upcoming and, as friends often do, recalling some of our good memories, such as when I joined GABBY with two of my daughters at one of Mark's space shuttle launches in Florida.

Over the past few days, there have been many moving tributes to GABBY, and all of them are true. She leads by example with her fighting spirit, her diligent work ethic and friendly, constant smile. It is my hope that we can follow in GABBY's footsteps over the next several weeks and, as hard as it may be, can show the same bright smile and kind heart that she has shown all of us.

My thoughts and prayers remain with GABBY, her husband, Mark; and their family; and with GABBY's staff—all of the victims and their families who are a part of this tragedy.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, I, as some of the future speakers here, are members of the class of 2006, which Representative GIFFORDS was a member of. We had the opportunity to go through the orientation with her, to

meet with Speaker PELOSI on many occasions, and to share many activities.

GABRIELLE GIFFORDS is a tremendous Member of this House—bright, caring, beautiful—and we all pray for her recovery and that she comes back and works with us.

I listened to her remarks on television when she talked about words having consequences and her brother-in-law, who is up in space, saying the same thing. It's true. Words have consequences, and we all need to be more concerned about how we speak about political opponents or people who have different perspectives than we do on political issues.

We are all Americans. We are all human beings. We all have similar goals and similar aspirations; and even though we may differ on philosophy, that doesn't make us communists or socialists or Birchers or whatever. We are all trying to make this government work.

One thing that we know about the person who did this shooting, besides the fact that he needed mental health treatment and was obviously crazy, is that he didn't like government. Government is good, and one thing we should learn from this is that government can be and is a good force. It is a lot about what America is. People who tear down government are doing a disservice to all of us, and they provide an atmosphere in which people think that anarchy is an answer. It is never an answer. Orwellianism is a philosophy that ought to be followed, and it isn't.

GABBY works as a Congressperson to make government work for her people, and that's what she was doing with her program on Saturday. The staffers who were there were working on the weekend, as many staffers do, and they work long hours. They love government and they love people, and they try to make a difference.

So I think we just need to remember that we are all human beings, that we all have similar goals and aspirations, that government can and is good, and it is the representative body of the United States of America. If you don't like the government, you don't like the country, and I love the country and so did GABBY.

Mr. CANTOR. Madam Speaker, I now yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. I thank the gentleman. Madam Speaker, we gather here today in this House and as a Nation to mourn the tragic events in Tucson, Arizona; to honor those who lost their lives and those still fighting for them; to honor the heroic acts on that dark day; and to condemn the perpetrator for this senseless act of violence.

The last few days have been surreal. When I first heard the news, I was shocked and disturbed that one of our own had been shot—someone I am privileged to call a friend and a colleague.

As the Speaker said, when one of us is attacked, all of us are attacked. This experience has been painful to all of us and hits too close to home.

Professionally, I was fortunate to have worked with GABRIELLE GIFFORDS, or GABBY, as she is affectionately called. We both serve on the Science and Technology and Foreign Affairs Committees. She is passionate, bright, and a delight to be around. GABBY is a talented lawmaker who always works effectively across the aisle to get things done for the American people. I am honored to have been one of those she chose to work with.

She always told me Arizona and Texas are sunshine States and we need to harness that energy. I agreed with her, and together we introduced and passed the Solar Technology Roadmap Act. She often talked about being from border States and that we needed security to protect our way of life. We passed a \$600 million appropriation for more resources on the border.

As everybody knows, she is a staunch advocate for NASA, and she is married to an astronaut. She passionately defended the space program; and we worked together, with many others, to save the Human Spaceflight Program. In fact, the last time I saw GABBY, a week ago, we were getting off the elevator over there to vote on the floor here, and we talked about NASA.

She said in her classic way, Yeah, but we can always do better. That was her spirit—we can always do better.

We often talked about putting together a delegation of Members to witness the last shuttle flight, the one that her husband, Mark, is commanding. I hope we will still have that opportunity.

So when I received the news that she had been shot, it had a profound and personal impact upon me—for, above all, she is my friend. She is a bright ray of sunshine in what is too often a dark world.

Coming out of a tough election, she often talked about moderation and of toning down the partisan rhetoric to get things done for the American people. I know that it is her sincere hope that, as her wounds heal, so, too, will the wound inflicted upon this Nation and that the political discourse in this country will be restored to one of civility.

□ 1150

I pray for her and all those affected by this horrible tragedy. I pray that one day she will return to this floor and join her colleagues, and I am confident that she will. For above all, she is a passionate fighter and an eternal optimist.

So keep fighting, GABBY, for we need you and more people like you in this world. May God bless you, and may He hold you in the palm of His hand.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend from Arizona for yielding me this time.

First, Madam Speaker, I want to recognize and give thanks to the leadership of the House—in particular NANCY PELOSI, and more so this morning to Speaker JOHN BOEHNER—for this beautiful resolution that we have before us today. I said on Sunday that his remarks were appropriately brief when he said, “An attack upon one of us is an attack upon all of us.” It could not have been better said in reflection upon what took place in our country on Saturday. Judge John Roll, Gabe Zimmerman, Christina Green, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard all were taken from us too soon by a crazed and depraved individual.

I wanted to take a moment to also mention the wonderful staff of GABBY GIFFORDS. I had the opportunity on Saturday afternoon, being in Washington, to stop by her office and immediately was moved by the palpable sense of love and affection that was throughout their room, not only for GABBY, but for all the victims and particularly their fellow colleagues.

I also want to take this opportunity to thank all of our staffs—whom maybe many of us in Congress take for granted—for their tireless work and their efforts to serve the people of our constituency and of our great country, not always reflecting upon sometimes the danger that we can't avoid.

GABBY GIFFORDS and I go back even prior to her getting elected. I had the great opportunity to endorse her early in her primary because I was so moved by the moxie and the strength of GABBY GIFFORDS when I visited Arizona. She often would say to me when she was around Mark, you know: Mark always tells me, JOE CROWLEY, that I'm his second favorite Member of Congress and you're the first. She said that, I think, because she knows how I was unabashed about my admiration for her.

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The time of the gentleman has expired.

Mr. PASTOR of Arizona. Madam Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. CROWLEY. The last conversation I had prior to this incident was last Friday when she asked me: JOE, can I chair the new Dem Task Force on Energy? She was trying to convince me somehow that I had to let her do this. And I just said: GABBY, you're not a freshman Member of the House. Yeah, you're going to do that. Don't worry about that.

But she was always trying to convince. She's a star. We know it. Every Member here knows it, Democrat and Republican. This woman has something that many of us wish we had, and that is an inner beauty. And if we can take something away from this event, this tragic event, aside from the issues of rhetoric and aside from the issues of

gun control—and mental illness, which we do not give enough time to in this country—it is the beauty of this woman and what she reflects upon this institution.

Mr. CANTOR. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, GABRIELLE GIFFORDS is always a bright spot in this rather dull, moody, self-absorbed body called Congress. She is easy to work with no matter on which side of the aisle we happen to be. We all find ourselves being criticized, but few of us have been able to respond with the grace and class with which GABBY has.

Today, we mourn the loss of all those killed during the evil shooting spree in Tucson. I know we are praying for the victims' families, that somehow, through their devastating loss and heartbreak, they may still find that peace that passes all understanding. For those who have survived the assault, may they find healing in the shadow of the Almighty.

Hearing so much these days about the need for congenial discourse, we might look at GABBY GIFFORDS as a living example of how we go about discerning the roadmap to get to the desired decorum. I'm sure both sides of the aisle wish the other side worked with others as well as GABBY does. She makes people here in Congress smile just by showing up.

Her flights to and from Washington, D.C., often had us on the same flight to and from the Dallas/Fort Worth airport hub. GABBY knows I love chocolate, so when she sees me on her flight, she always lights up and says something like: LOUIE, I was hoping you would be on my flight. I need some chocolate.

GABBY always finds something for which she can look forward. Our prayers remain with her.

This is no time for assigning blame to anyone but the gunman. This is a time to note the positive influences from those who were harmed. This is a time to note and perpetuate the good in their lives so that they live on whether their heart beats or not. This is a time to learn from GABBY, who has a heart that both still beats and still inspires. We can learn from her attributes and her ability to smile even at those of us with whom we disagree as we pray for the opportunity for her smile to regain its vitality so she can go back to spreading her sunshine to all the places that need it.

May God bless GABBY GIFFORDS and all of those who are suffering because of this heinous attack as only He knows their most specific needs. May God further provide the comfort and peace that only comes from the embrace of His loving arms.

Let me just close by saying that when I see her again, I'm going to have plenty of chocolate just for her.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the assistant to the leader, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I thank the gentleman for yielding me the time.

Madam Speaker, the Book of Micah, the religion that GABBY practices, raises a question: What would the Lord require of thee?

And the question is answered in Micah 6:8: To do justly, love mercy, and walk humbly.

I cannot think of anybody whom I have ever served with who personified that passage more than GABBY GIFFORDS.

In my faith, I practice that which is found in the Book of Luke, the 10th chapter, where we get the story of the Good Samaritan. The question was asked of the lawyer who wanted to know what was required to have life everlasting. In the answer, the master said to him: In this and other things, love thy neighbor as thyself.

GABBY GIFFORDS is our neighbor, not just here in this body, but she is our neighbor on this great planet, because we learn from that story that being one's neighbor is not dependent upon one's religion, nor is it dependent upon one's ethnicity.

□ 1200

Being one's neighbor is dependent upon whether or not we have the capacity to show compassion. GABBY GIFFORDS is our neighbor, and I'm pleased to honor her today.

Mr. CANTOR. Madam Speaker, I now yield 2 minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Madam Speaker, I rise today in support of this resolution.

We come together to extend our thoughts and prayers to those who were killed and to those who were wounded during the horrific attack in Tucson on Saturday.

As we gather in the people's House, we pray for the recovery of our colleague, Representative GIFFORDS, and the others who were wounded, including those who serve the public in the Congresswoman's office. We mourn the loss of Judge Roll; Gabriel Zimmerman; the 9-year-old girl, Christina Taylor Green; and the others who were senselessly killed that terrible morning.

While the horrific events in Tucson provide a stark reminder of the fragility of human life, we are also reminded that we meet on the floor of the House of Representatives in what Franklin Roosevelt, and more recently George W. Bush, have called “the warm courage of national unity.” We have heard the inspiring stories of those whose selflessness protected the lives of others.

Violence has no place in the life of the American Nation. This tragedy will strengthen, not weaken, our resolve to serve the true principles of democracy.

May God bless those who are fighting for their lives as a result of this attack, and may the souls of those who were lost be received in His loving embrace.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Speaker, last Wednesday, this Nation and the world witnessed the orderly transfer of power in this House when NANCY PELOSI passed the Speaker's gavel on to Speaker JOHN BOEHNER. That simple act occurred without violence. It occurred without soldiers in the streets or a massive show of force by the police. For most Americans, indeed for most people working in this building, the day was rather ordinary.

Our lack of political violence, our tradition of resolving policy arguments in the legislature and the courtroom is one of the greatest gifts that the Founders and all of the generations that followed them have left to us. But, as we were so cruelly reminded last Saturday, our peaceful civil discourse can never be taken for granted. It is a gift that must be safeguarded.

Last Saturday, our colleague, GABBY GIFFORDS, set up shop outside a local Safeway in Tucson to engage her constituents to perform the central role of representative democracy—listening to the people. The hatred exhibited by the would-be assassin, before and during the shooting, was an assault on that connection between those of us who have the honor to serve and those we represent.

My heart goes out to GABBY, her family and staff, and to the families and friends of Federal Judge John Roll, Congress staffer Gabe Zimmerman, Phyllis Schneck, Dorwan Stoddard, Dorothy Morris, and Christina Taylor Green, who was born on September 11, 2001, and who deserved a longer life than this.

And to GABBY and her staff here in the gallery today, there is one day that we look forward to above all others, and that is the day that GABBY walks back onto this House floor and stands before this podium and is recognized.

We know that day will come, and we pray that it comes soon.

Mr. CANTOR. Madam Speaker, I now yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Madam Speaker, it was a Saturday morning, clear skies, and a wonderful day, and GABBY GIFFORDS was doing what really she liked to do best, what many of us like to do best—talking to people that we represent and listening to those people back home.

Friday, before she left for Tucson and I left for southeast Texas, we were talking here on the House floor. GABBY and I are friends. I have been to Iraq with her. And we were talking about border security. In fact, she had invited

me to Tucson to see what takes place there and go to the border. I, likewise, have already invited her to Texas to see our border. And we work quite well together. She works with everybody quite well. And then she was off to the airport, going home.

Many people don't realize that most Members of Congress go home every weekend. We don't live in Washington. We work in Washington, and we commute. And she was headed to the airport, excited to go back and see the people that she represents.

And then Saturday morning, an evil-doer came to a public gathering and attacked GABBY. He really attacked our Nation, because there was a crowd of citizens, old and young, that was peaceably assembling to learn more about America—to participate in the American process in dealing with their representative, GABBY GIFFORDS.

We should remember the victims that were shot and killed that day. The evil-doer, his name is not important. He should be held personally accountable for his actions. His trial should be swift. If convicted, his punishment should be severe. But it is the victims that we honor, that we remember in this cruel episode of evil.

You know, Christina Taylor Green, a 9-year-old girl, just elected to the student council in her third grade class. She liked politics. She wanted to be more involved, and that's why she was there Saturday morning with GABBY GIFFORDS. She was born on 9/11, a 9-year-old girl, her life stolen in her youth.

All of us who are parents, grandparents, we never want to see our child or someone else's child taken before their time. But that's what happened to Christina Taylor Green, apparently a wonderful, wonderful young person.

You know, GABBY GIFFORDS is a fighter, and she fights for her beliefs, make no question about it. Everybody who knows her, knows where she stands on issues. My grandmother described her years ago without even knowing it. My grandmother was probably the most influential person in my life. My friends on that side of the aisle would appreciate the fact that she was a Yellow Dog Democrat and never forgave me for being a Republican. But she made a comment about people like GABBY. She said, "There is nothing more powerful than a woman that has made up her mind." GABBY GIFFORDS is that woman.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANTOR. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. POE of Texas. She's made up her mind about her beliefs. She's made up her mind about the will to represent the people in Arizona. And I believe she's made up her mind to survive, because only 5 percent of gunshot wounds

to the head, those people, survive. And she will be one of them.

So we recognize her; we honor her, and we look forward to seeing her on this House floor again, being that strong-willed woman, that feisty woman from Arizona.

And that's just the way it is.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman for yielding.

Congresswoman GIFFORDS loved America, and she loved America's values, and America blessed her with opportunities. American values give us all the opportunity to do our best and to be our best. Last Saturday, Congresswoman GIFFORDS was at her best—meeting the people of Arizona, of Tucson, and the United States of America.

But Congresswoman GIFFORDS would also ask us to do our best. And as the Bible has said, she was a woman who used her talents well.

She would also want us to acknowledge the Americans who have poured out their hearts during this tragedy all over this Nation.

□ 1210

Americans did their best Saturday. And good Americans lost their lives being good Americans. We know of those who lost their lives and offered to us a sacrifice: Christina Taylor Green, Dorothy Morris, Judge John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman of her staff.

We are well aware of what happened. And we say to Congresswoman GIFFORDS, keep on fighting for your life, along with others who were wounded, while the heroes of that day, Mr. Hernandez and others, reflect on the horror. But hopefully, they know that they did their best.

Now it is time for us to do our best, to be a servant leader, giving to others first, showing by example. It is so very important that we do so in her name. To Captain Kelly, a brave American and family, we stand by you, we stand by your side. You will not stand by yourself. To Congresswoman GIFFORDS' staff, we stand with you, and we pray for you and your loss and those who are wounded.

We are committed to both our freedom of expression and our job to create a more perfect Union. And yes, in the words of Scott Kelly, as I offer them today, Mark's twin brother, "We have a unique vantage point here aboard the international space station. As I look out the window, I see a very beautiful planet that seems very inviting and peaceful. Unfortunately, it is not. These days, we are constantly reminded of the unspeakable acts of violence and damage we can inflict upon one another, not just with our actions

but also with our irresponsible words. We are better than this. We must do better."

I agree, we can do better. And we can follow these words.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PASTOR of Arizona. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. Non-violence is a powerful and just weapon which cuts without wounding and ennobles the man who wields it as a sword that heals. Let us use non-violence in our expression. Let us denounce violence. And as Martin Luther King would tell us, that we can be a people of peace. And I know that we know the words of John Lennon, "Let it be." But the truth will let us be free. And I look forward to the gentle lady from Tucson, Arizona, being here with us. God bless you, and God bless America.

I rise today to voice my strongest, sincerest and most heartfelt support for House Resolution 32, "Expressing the Sense of the House of Representatives with Respect to the Tragic Shooting in Tucson, Arizona, on January 8, 2011." This resolution rightly condemns the horrific attack which occurred that fateful Saturday at the "Congress on Your Corner" event held by our beloved colleague, Representative GABRIELLE GIFFORDS. Representative GIFFORDS was doing something she loved to do; something so fundamentally important to which every member of Congress can relate. She and her dedicated staff were truly bringing Congress home to the constituents on "Main Street" and making sure that they knew their national government was accessible to them, cared about them, was there to listen to their concerns and to work together with them to make this country a better place, beginning with their own community.

It is only fitting, that on the opening day of the 112th Congress, Representative GIFFORDS read from the First Amendment of the Constitution which states that "Congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This devastating tragedy touched the hearts and minds of not only the good people of Tucson, Arizona, but indeed the very hearts and minds of all Americans. At that moment, everyone in America, and in many places throughout the world, collectively identified with the good people of Tucson. We felt their shock, we felt their pain and we shared their anguish over the senseless killing and injury of innocent people who simply gathered at a comfortable, well known local establishment to participate in our great democracy with their friend and Congresswoman, GABRIELLE GIFFORDS. We mourn the needless loss of life and condemn this atrocious infliction of pain, injury and suffering. We pray for the swift healing of all wounds, both physical and spiritual, for those who suffered from this tragedy. We pay tribute to the value and sanctity of every life, and we count our blessings.

Among those blessings, I am privileged to count the time I spent serving alongside Con-

gresswoman GABRIELLE GIFFORDS in the House of Representatives, and I look forward to serving with her again very soon. She embodies the kind of goodness, selflessness, caring and passion for helping others that make her constituents in Tucson and throughout the state of Arizona justly proud.

Congresswoman GABRIELLE GIFFORDS loves her district, the state of Arizona, and loves our great country. She loves America's values and America blessed her with opportunities. America's values give us all the opportunity to do our best and to be our best, and Congresswoman GIFFORDS did just that, making the most of her talents. Congresswoman GIFFORDS was at her best last Saturday meeting with the people. She is truly a "servant-leader" like all of us, in this august legislative body.

Congresswoman GIFFORDS would also ask us to do our best and to acknowledge the Americans who poured their hearts out during this tragedy. Americans in Tucson and across the country did their best to respond to this tragedy last Saturday, and many good Americans lost their lives being heroic Americans.

I pay tribute to the six individuals who lost their lives on Saturday, January 8, 2011, at the "Congress on Your Corner" event in Tucson, Arizona. The assassin's bullets did not discriminate; they took the lives of young and old alike. We mourn the loss of Gabriel Zimmerman, the Community Outreach Director who shared Representative GIFFORDS's passion for personally connecting with constituents at the local level to improve the quality of their lives and to simply be a good friend and neighbor. We mourn the loss of nine-year-old Christina Taylor Green, who lost her life on that tragic day. She serves as an example for us all. She had just been elected to her school student council, and she attended the "Congress on Your Corner" event with great interest. At the tender age of 9, she was already a leader with a promising future. We also pay our most sincere tribute to and mourn Federal Judge John Roll, Dorothy Morris, Phyllis Schneek and Dorwan Stoddard, who also needlessly lost their lives that day while exercising their right to peaceably assemble and participate in our democracy.

Furthermore, I pay tribute to the many heroes of all ages who demonstrated the most unselfish bravery and came to the aid of all those in attendance at the "Congress on Your Corner" event. Among those, we admire the 61 year old Patricia Maisch, who bravely risked the loss of her own life and effectively disarmed the shooter as several men pounced on him and threw him to ground. As they struggled to hold him down, Maisch joined the group of people wrestling on the ground, clinging to the gunman's ankles, and she grabbed the gunman's bullet clip before he could reload and continue his savage attack. Patricia Maisch humbly said, "I am not a hero. The other guys are. I just assisted getting the clip."

Congresswoman GIFFORDS is also close to her family and married to Captain Mark Kelly, who honors this great nation with his service as a NASA Astronaut at the Johnson Space Center in Houston. This tragic event occurred on the eve of Mark Kelly's planned command of the last shuttle mission to the Space Station. His twin brother, Captain Scott Kelly, also

honors this nation with his service as a NASA Astronaut.

Space station Commander Scott Kelly led NASA in a moment of silence Monday January 11, 2011, as he struggled with the senseless shooting of his sister-in-law, GABRIELLE GIFFORDS. He was in outer space at the time of the shooting. Flight controllers in Houston fell silent as Scott Kelly spoke via radio from space. "We have a unique vantage point here aboard the International Space Station," he said. "As I look out the window, I see a very beautiful planet that seems very inviting and peaceful. Unfortunately, it is not. These days, we are constantly reminded of the unspeakable acts of violence and damage we can inflict upon one another, not just with our actions, but also with our irresponsible words. We're better than this. We must do better."

Congresswoman GIFFORDS is now fighting for her life along with others who were wounded on that fateful day while the heroes of that day reflect on the horrible tragedy that occurred and hopefully, remaining cognizant that they did their best in the most trying of circumstances. Now it is time for us to do our best, to be servant-leaders giving to others first and leading by example.

To Captain Kelly and his family, we stand by your side; you do not stand alone. To Congresswoman GIFFORDS' staff, we stand with you too and extend our heartfelt condolences on the loss of your fellow staff member, Gabriel Zimmerman, and our prayers for your wounded fellow staff members.

We are committed to both our freedom of expression and our Constitution's constant pursuit to create a more perfect union. We as a nation are better than what occurred in Tucson on Saturday, and we are showing it today and must continue to show it every day henceforth. As we approach the holiday commemorating the life of slain civil rights leader, Dr. Martin Luther King, Jr., I am reminded of his commitment to nonviolence. Dr. King's timeless words ring especially true at this time. He reminds us that "Nonviolence is a powerful and just weapon, which cuts without wounding and ennobles the man who wields it. It is a sword that heals."

In the wake of this shocking event and at this crucial moment in our nation's history, I call for a commitment from all of my colleagues in the United States Congress to act and speak with a renewed and inspired sense of civility and respect for one another in our discourse. I call for a restoration of the time honored history and tradition of this great legislative chamber, which includes an atmosphere of decorum, comity, collegiality, and respect, even while we discuss the most hotly debated issues of our day.

We have before us a great opportunity to lead by example and remind the people of this nation and throughout the world about what makes our democracy truly unique and special. We need only recall that we are here as the duly elected Members of Congress to represent the people of our districts, our states and this country. We can demonstrate we truly reflect the voices of the people who sent us here. As we go about conducting the nation's business, we can comport ourselves with respect and dignity toward one another even when we disagree. A nation is watching. What

we do at this critical time is of great importance.

We have the rare opportunity to honor those tragic victims of January 8, 2011, by setting a new national tone of civility. Then, our constituents will know that we truly speak for them. I urge my colleagues to join me in this commitment.

Mr. CANTOR. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Madam Speaker, I am saddened to take part in today's tribute to our colleague GABRIELLE GIFFORDS, who was so senselessly shot this weekend; her outreach coordinator, Gabe Zimmerman, who was killed in the line of duty during the incident; two other staff who were wounded while supporting the Congresswoman; and all of those who were killed, wounded, and impacted by this terrible tragedy.

Congresswoman GIFFORDS was performing the most fundamental duty of a Member of Congress, listening to her constituents. All Members of Congress take the role of being an advocate for their constituents seriously. For Congresswoman GIFFORDS, it's promoting solar energy production to boost the local economy, or being a voice for military families, and working to secure the border with Mexico.

Today I stand here to say not as a Republican, not as a Democrat, but as an American that violence has no place in our society. And I wish and pray for peace and justice for all of those who have been involved in this tragedy.

My thoughts and prayers, as well of those of my family and the people of Ohio's Third District, remain with Congresswoman GIFFORDS, her staff, her constituents, and their families.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Madam Speaker, our hearts and prayers go out to our colleague and friend GABBY GIFFORDS and her family. And equally noted are six of her constituents and fellow Americans who died as a result of this tragic incident, and several others who were injured and wounded at this time. We also pray for God's good grace and comforting Spirit to be upon them as well.

I deeply appreciate the initiative and leadership of both parties to bring this resolution to the floor for consideration, not only to give special tribute to our colleague and friend GABBY GIFFORDS, for her courage and commitment to public service, but to also give us all an opportunity to seriously reflect on what we need to do to change the atmosphere, if you will, of what we do and say not only among ourselves, but to our fellow Americans through-out this great Nation of ours.

I'm not much for giving speeches, Madam Speaker. But today I felt it was

important that our friend and colleague GABBY GIFFORDS needs to know how much we all appreciate her friendship and admire her character and her courage to be an example of what true public service is about. One great lesson I learned from GABBY GIFFORDS is her comment that words do have consequences. And I have also learned a couple more phrases—cut the rhetoric, let's lower the temperature in our discourse with one another.

And there is also an island expression that goes like this: E pala le ma'a ae le pala le tala—meaning while rocks and stones may deteriorate or erode, words never die. I pray we will find that balance and move our country forward to solve the problems our country is greatly confronted with at this time.

Mr. CANTOR. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished majority leader for yielding time.

Like every American, I will never forget where I was last Saturday. My wife and I were shocked and saddened when we learned of the attack on our colleague GABBY GIFFORDS, her staff, and her constituents. GABBY's a hard worker, a talented legislator. But as has been said poignantly on this floor so much better than I will ever be able to today, she is a dear person and a unique individual who is universally liked in the House of Representatives.

We are praying for her recovery, the recovery of all those injured, and the comfort of the families of the fallen. I rise with gratitude to the leadership of both parties in this institution for moving this thoughtful resolution to the floor. Today the American people speak with one voice. We will condemn these unspeakable and evil acts. We will remember the injured and the lost. And we will gently reaffirm our ideals.

This act was an unspeakable act of violence. And those responsible must be prosecuted to the fullest extent of the law. But as we mourn with those who mourn, two words of gentle admonition. First, we cannot fear free assembly because of the acts of a single assailant. We live in an open society and enjoy representative democracy under our Constitution. Our system depends on regular and informal contact with our elected Representatives. And neither the public nor its servants should be dissuaded from participating in public assembly because of the despicable acts of a single deranged person.

Lastly, I understand the pain that Saturday last has caused for so many in this body and around the country. But we cannot fear free and open debate. Democracy depends on heavy doses of civility. And as my colleagues know, I have always sought to model that, here on the floor and elsewhere. We should always refrain from engag-

ing in personal verbal attacks against those with whom we differ on important questions of the day.

But let me say we must also resist, in these moments of heartache, the temptation to assign blame to those with whom we differ for the acts of others. No expressed opinion on the left or the right was to blame for Saturday's attack. And we must resist efforts to suggest otherwise. Because to do so has the potential to inhibit and erode our freedom.

So we rise to mourn with those who mourn, to grieve with those who grieve. We cannot fail to be moved by the tragic events in Arizona. We must not fail to pray earnestly for all those affected. And we will not fail to defend our freedom lest it be one more victim of the horrific event in Tucson on Saturday last.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS).

□ 1220

Mr. HIGGINS. I thank the gentleman for yielding.

Madam Speaker, the outpouring of support from every corner of western New York for the victims of the attack in Tucson has been overwhelming and inspiring.

It is on behalf of western New York that I offer our prayers to my friend and colleague, GABBY GIFFORDS, and to all the injured and our sympathies to the families and friends of Gabe Zimmerman, John Roll, Phyllis Schneck, Dorwan Stoddard, and Christina Taylor Green.

Some are suggesting that violence-themed political rhetoric contributed to this tragedy. I think it would be wise to reflect on how we characterize our political opponents and how we conduct our debate. Undoubtedly our debate could benefit from more light and less heat, from more humility and less hostility.

But this attack was carried out by a man who appears to have been severely mentally ill, and we may never understand why he did what it is he did.

Our best response to this atrocity is to reject fear and intimidation and to embrace the work in our communities with joy, openness, and dedication. That is the type of public service that GABBY believes in, and I urge my colleagues to follow her example.

Mr. CANTOR. Madam Speaker, I yield 2 minutes to the chairman of the Education and Workforce Committee, the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. I thank the gentleman for yielding.

Madam Speaker, Saturday was a dark day for the residents of Tucson, Arizona, and our Nation.

In the blink of an eye the lives of men, women and children who were going about their daily routines were

forever changed. One troubled, twisted soul robbed six innocent individuals of their lives and cast a dark shadow over a fundamental right of our democracy, the exchange of ideas between a Representative and the community she represents.

Madam Speaker, in an effort to find meaning in this tragedy, it is tempting to assign blame or to draw conclusions in support of a larger pattern, but what we witnessed this weekend is void of rationale. We must recognize the disaster for the senseless act it is, but we should not stop there.

As the men and women we represent mourn those who were lost and rally to support a brave public servant who is battling for her life, we in this body have a responsibility to lead the way. We must demonstrate our resolve to continue the important work of listening to our constituents and legislating on their behalf. We must press on, undeterred by panic, in carrying out the work we have been elected to do. We must demonstrate that America is strong, her institutions are unshakeable, and her people are brave and determined.

Madam Speaker, I join my colleagues in expressing condolences to the family and friends of the victims of this tragedy and sending my prayers to our colleague, GABBY GIFFORDS, in her time of need. May she find the strength to recover and join us in leading the way forward.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Madam Speaker, this House and this entire Nation extend our support, love and best wishes to our colleague, Representative GABRIELLE GIFFORDS, and to all those wounded in Saturday's shooting. We also mourn the deaths, the tragic senseless deaths of six Americans who were participating in street-corner democracy with their Congresswoman.

My Minnesota constituents feel the pain and loss inflicted by a few seconds of gun violence. A St. Paul constituent visited my office on Monday and wrote a note to Congresswoman GIFFORDS, and the note said: "I pray for your recovery. I want you to be strong and continue to be the fighter that you are so you can continue to serve the people of America."

I too am praying for you, GABBY, for Mark, for your family, and for all of the families who are in pain and those in mourning.

May such unspeakable acts of violence end in this country, and may all Americans find the strength to live in peace.

Mr. CANTOR. Madam Speaker, it is now my honor to yield 3 minutes to the majority whip, the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. I thank the gentleman.

Madam Speaker, I recall a short time ago, after the election in 2006, I came in a freshman class. All the Members here, when they come here together right after the election, they get together as freshmen. You have gone through a debate, you have gone through an election, and you look around and you are meeting people from across the country.

I remember in that class when we looked across there were a lot of different people, but GABBY's smile just lights up the room. She didn't sit back to wait to talk to everybody on different sides of the aisle. She did it just as she has done every day on this floor, walked right up, introduced herself and says how can we work together. When you look just last week, GABBY was sitting on this floor, standing right in this well, reading the Constitution, the First Amendment, going home, doing what she has done many times before, listening to her constituents, what all of us do.

What has transpired, we cannot let happen. We cannot be deterred, just from that same aspect that GABBY gives the strength as she fights right now, and we cannot forget those that lost their lives.

We cannot forget the Federal Chief District Justice John Roll; Gabe Zimmerman, working for GABBY's staff; 9-year-old Christina Taylor Green, being elected in student council, just wanting to meet her Representative and a neighbor taking her down; also Dorothy Morris, Dorwan Stoddard or Phyllis Schneck, doing what they thought was every American's right to do and give their opinion.

That's what this floor has to be committed to, that's what this floor has to continue to fight. That is exactly what GABBY continues to fight for and will continue as we go.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, on behalf of the men and women of the 10th Congressional District, I rise in support of this resolution and bring to this floor their condolences and prayers for the six who were murdered in Tucson and for GABBY and for her speedy recovery.

Patti and I send along our own special prayers and condolences. For those of us that have had the privilege of working with GABRIELLE, I add my own special thoughts.

I came to the Committee on Science and Technology where she was the chairwoman of the Subcommittee on Space and immediately saw her incredible intelligence, her charm and wit as she conducted numerous hearings, and came to understand her commitment to America's science and technology and space as she led our committee to the reauthorization of the NASA programs.

I look forward to her speedy recovery and her return to this floor, where she can once again provide her talents and her leadership as she would once again lead us in our efforts to bring about a better understanding, not only of the space and this role of our planet in the cosmos, but also our own personal understanding to each other and to our constituents.

It was a sad day on Saturday, and it will be a bright future when GABRIELLE returns to this floor.

Mr. CANTOR. Madam Speaker, it is now my honor to yield 3 minutes to the chairman of the Republican Conference, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I appreciate the gentleman from Virginia, the distinguished majority leader, for yielding.

Madam Speaker, I haven't come to the House floor with any prepared remarks. Frankly, I am not sure my vocabulary, I am not sure my thoughts can do the moment justice.

I would say, in the victim that we know, Congresswoman GIFFORDS, GABBY, if there is a sweeter, a kinder, a more gentle Member of the House, I know not their name.

So many of us consider her to be a friend. I think if there were a poll of Members of the House, she would probably be voted least likely to offend any human being, which makes this incident, this tragedy so unfathomable. We all pray for her full recovery. This House is not whole without her smile, without her voice, without her presence.

Madam Speaker, I did not know Gabe Zimmerman; but I know a lot of great Americans, young people, who decide to dedicate themselves to public service and work on my staff, and I know how they are a part of my extended family.

□ 1230

I didn't know Dorwan Stoddard, Phyllis Schneck, Dorothy Morris, but they're parents, they're grandparents, they're spouses, and we think of our own family. I didn't know Judge John Roll. But, again, somebody who committed their life to public service. And last but not least I don't know Christina Taylor Green. I didn't have that pleasure. A 9-year-old child thrilled to learn about our representative democracy and brought down in an act of evil. I never met her. But I think about my 8-year-old daughter, and I think about my 7-year-old son, and how they learn about their father's business.

And so all of us come together in this time of mourning but this time of resolution. We mourn the loss of these great American citizens, but we resolve that the representative democracy, that the traditions of the House will not be a casualty of this tragedy. The people's House will be open. The Members representative will be accessible. It can be no different in this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANTOR. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. HENSARLING. We cannot allow the tragedy to be compounded by changing the way we conduct the people's business. This cannot happen. And so we come here today to mourn, but we come here to be resolved that this individual who is responsible for a heinous, evil act will not succeed in interfering with the people's business in the people's House. Godspeed in her recovery to GABBY, our colleague.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

Madam Speaker, we come to the floor with respect, compassion and yes, love for those who have lost loved ones in Tucson last Saturday and for those who are recovering from the physical and psychological wounds. We also come to pay tribute and show love and send our best wishes to Representative GIFFORDS and to Mark Kelly. I hope they feel our love. Our colleague is a beautiful person and everything one would want in a congressional representative—thoughtful, engaged, compassionate, optimistic and a genuinely good person. We also recognize those who responded, staff members quietly going about making democracy work, bystanders, medical responders and surgeons, ordinary people doing extraordinary things.

This hits us on more than a personal level, though. Each year, there are many thousands of Americans felled by gunfire. Each is a personal tragedy to the victim's loved ones. The Tucson shooting strikes a blow to our ability to govern ourselves, to maintain a peaceful society. The rights to assembly peaceably and to speak freely are preserved not just for their own sake, but, as the geniuses who established this country recognized, it is through those rights that we can create a society that protects and extends life, liberty and happiness.

There are lessons to be drawn from the events about our understanding of people with mental illness and their screening and treatment. There are lessons to be drawn about our gun crazy culture. There are lessons to be drawn about the ever-present inflammatory, dehumanizing rhetoric, but let us defer those discussions for the moment and recognize that we are a strong, prosperous and supportive country because of our representative democracy and our freedom to assemble and speak.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield the gentleman an additional 30 seconds.

Mr. HOLT. Let us in Congress not withdraw. Let us hold more outreach, more town halls, more sidewalk office

hours. And let us, in the words of Representative GIFFORDS delivered here on the floor of the House, let us agree to forgo some of our individual interests and intemperance to allow the space for open dialogue, debate and discussion.

Mr. CANTOR. Madam Speaker, it is now my honor to yield 2 minutes to the chief deputy whip on the Republican side of the aisle, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Madam Speaker, I thank the leader for yielding.

You know, one of the untold stories of the House of Representatives is the connections that Members have with one another that really never show up, except among ourselves. I had a unique connection with GABRIELLE GIFFORDS, I still do, and that is when we came in in this class of 2006, we were both invited to participate, one on one or two together, in a series of interviews that was hosted by National Public Radio, the show All Things Considered. I had not met GABRIELLE before that and we started this dialogue back and forth and really enjoyed that. And I found that she had this very refreshing and winsome approach, as we all know, to how she would handle herself and how she conducts herself.

So it's really no surprise to me that we're hearing hopeful news about her medical condition based on a disposition of perseverance. And I thought that the conversations that I was involved in with her brought a brightness to public life and brought something that as I heard from constituents that would listen to her, they would say to me, I can see how you would like serving with people like that. And that is sort of the lost lead, I think, in some ways about the House of Representatives.

We were heartsick on Saturday when we heard that news. I know many of my constituents who are to their knees in prayer for GABRIELLE and for the victims of that shooting. And so as I think we all reflect on the gift that we have been given, we have a great example in GABRIELLE GIFFORDS in somebody who understands the nature of democracy and real willingness to serve, and we wish her the very best and pray for her complete recovery.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentleman from Arizona.

Madam Speaker, I had the opportunity to know GABBY before we were elected to the Congress. She was in the State legislature in Arizona; I was in the State legislature in Colorado. She was one of the youngest people ever elected to the State legislature there in Arizona and she has been a friend of mine for some time now. I am having a hard time processing what actually oc-

curred last Saturday to her and to those other people. Our prayers obviously are with her, with the families of those who were murdered, and for the swift recovery of everybody who was injured in that shooting. I rise in support of the resolution and I thank the leadership for bringing it.

The second paragraph of the resolution says, Whereas on January 8, 2011, an armed gunman opened fire at a "Congress on Your Corner" event hosted by Representative GABRIELLE GIFFORDS in Tucson.

I want to explain what it was she was doing, because it's at the heart of our democracy. We've heard about it from other speakers. We do something like GABBY's "Congress on Your Corner," which we call, "Government in the Grocery." Other Congressmen and women do similar things. It's about listening to your constituents. It's about being accessible in a less formal setting than on the floor of the House of Representatives or in an assembly hall but where people feel comfortable talking to you. So comfortable and so successful was her "Congress on the Corner" that she had the littlest, most innocent person in Christina Taylor Green, a 9-year-old, to one of Arizona's most powerful, experienced people, in the chief district judge, John Roll, coming to a very informal setting, at a grocery store, to talk about America, to talk about their hopes, their desires, their concerns. This is what it's all about.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield the gentleman an additional 30 seconds.

Mr. PERLMUTTER. This woman was conducting something so essential to the fabric of our democracy.

□ 1240

And to the grocery stores, the coffee shops, and the flea markets, those that provide these venues where people feel comfortable to come and express their views, just, thank you.

I do these kinds of events every other Saturday. We obviously have to work with the different grocery stores and law enforcement to see if we can continue to operate in these fashions, but this is what it's all about.

GABBY GIFFORDS is as good as they get. We pray for her speedy recovery, and we thank her for her service.

Mr. CANTOR. Madam Speaker, it's now my honor to yield 2 minutes to the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I appreciate our distinguished majority leader for yielding me this time.

Madam Speaker, obviously, this is, as everyone has said, an extraordinarily challenging time for this institution. And we have to remember that this institution is the people's House, and so,

by extension, this is a challenging time for the United States of America.

When we think about the victims ranging in age from age 9 to 79, and when we think about our colleague, who is at this moment wounded and recovering, it is, as my friend from Colorado has just said, extraordinarily far reaching. And we need to expend time and energy soul-searching. And I think that last Saturday's tragedy is going to lead all of us to do that.

I do believe that engaging in civil discourse is something that is essential, and I believe it is what our framers wanted us to do. I regularly say in this House that James Madison wanted there to be a clash of ideas, and I think that we need to make sure that that continues.

But at the same time, I think it's important for us to remember that we are not dealing, based on every shred of evidence we have now, with anything political as it relates to what took place on Saturday. As George Will said over the weekend, there are 308 million Americans, and a few of them are unhinged. And we need to remember that. But while we remember that, I think it's imperative for us to do everything that we can to remember the responsibility that we have, to remember the great people who are public servants and serve as our staff members and are regularly on the front line, and to do everything that we can to ensure, as we proceed as an institution, that we do our job and, as Speaker BOEHNER has said, don't do anything that will impinge on our responsibility to the American people.

Our thoughts and prayers are with our colleague, GABBY GIFFORDS, and with all of those who were victimized last Saturday.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this resolution will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1355

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BONO MACK) at 1 o'clock and 55 minutes p.m.

EXPRESSING SENSE OF HOUSE REGARDING ARIZONA SHOOTING

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, pro-

ceedings will now resume on the resolution (H. Res. 32) expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 4 hours and 6 minutes of debate remained on the resolution.

The gentleman from California (Mr. DANIEL E. LUNGREN) has 2 hours remaining, and the gentleman from Arizona (Mr. PASTOR) has 2 hours and 6 minutes remaining.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. I thank the gentleman for yielding the time.

I think like everyone else who is here, I'm here today in support of this resolution, not only because it recognizes what happened in that tragic situation that just shocked and saddened all of us on Saturday, but I think most people in America were really just in a state of shock and not actually knowing what to do at that time when we saw what was happening, not just to our friend, GABBY GIFFORDS, who is a friend with everyone here, but also to all of the other families that were touched by this.

It goes so deep in the Tucson community when you look at the six people who gave their lives and the people who are still in the hospital fighting for their lives and all the heroes of that day. We keep hearing story after story after story of the heroes that emerged, just ordinary, everyday Americans who do what we do in situations like that. We don't think about ourselves, but we come forward to help the other person. And there were so many people like that who literally saved lives, GABBY's staff members, who were so heroic at this time, and just the shock that all of them I know are still going through. But I know that they are really heartened by the fact that most people in America are just reaching out to them, and people are saying, what can I do, how can I help, where can I be of service to this situation?

And that's what we do in America is we come together. We pull together. We say, okay, we need to be Americans and Americans first. And I think that's what we're seeing out of this. And I just hope that we, throughout this country, can continue to maintain that feeling of goodwill toward one another, of wanting to help one another, of wanting to reach out to one another and wanting to work together no matter where we are in the country, because that's what makes us great.

So our prayers and our support are with GABBY and with the others, and they will continue to be. The reports

appear to continue to be good, which is so gratifying and so heartening to all of us. And we all look forward to the day when she's back here standing on this floor with the rest of us.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank Mr. PASTOR for yielding.

Madam Speaker, on behalf of my community in Florida, the Tampa Bay area, I rise to honor my friend and colleague, GABRIELLE GIFFORDS, her staff and the other victims of the Arizona shooting tragedy. The arc of time of Congresswoman GIFFORDS' service to her community and in the U.S. House so far has proven to be a time of change and challenge.

□ 1400

Through it all, Representative GIFFORDS has been a model public servant. When we were sworn in 4 years ago, Congresswoman GIFFORDS and I arrived as part of a class, Republican and Democrat, that had very high ideals. She was a leader from the very beginning. We adopted ethics reform. We bolstered veterans. We sought modern solutions for energy challenges. We helped more students attend college. And she, particularly, promoted scientific innovation.

She sought a seat on the Armed Services Committee at a time when our country was struggling with the war in Iraq. She sought that seat because she wanted to ensure that the military personnel and the bases in her district had a champion—and did they ever.

Congresswoman GIFFORDS rose quickly to become a leader on solar energy and on immigration reform. GABBY works to strike a balance with pragmatic policies that actually work. And whether it was President Bush or President Obama, Congresswoman GIFFORDS spoke up boldly for additional resources on the U.S. border.

I know it sounds like a modern fairy tale, that a beautiful, smart congresswoman marries an astronaut, but a love of science and a love of their country brought them together. She was a champion for NASA and space exploration before she married Captain Mark Kelly, but she has become one of the greatest advocates for the mission of NASA.

In 2007, our economy began to contract and people lost jobs, and Representative GIFFORDS stood up to fight for them, for help for the Tucson area and for our great country. It has not been easy, but GABBY does not give up. As one of the more youthful Members of Congress, Congresswoman GIFFORDS has served at a time when the first President of our generation was elected.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PASTOR of Arizona. I yield the gentlewoman an additional 15 seconds.

Ms. CASTOR of Florida. It is a time of hope and promise, but in the middle of a time of great economic challenge for Arizona, for Florida, and for all of America. But GABBY GIFFORDS has an optimistic eye to the future. She believes that working together we can solve many of the challenges before us. And in her honor we must recommit to doing so.

From the stories of the victims and the heroes in Tucson, it is obvious that it is a community composed of remarkable individuals. And it may explain why the Tucson area has sent such a remarkable public servant to represent them.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana, Dr. FLEMING.

Mr. FLEMING. I thank my friend from California.

Madam Speaker, I rise today in support of House Resolution 32. Last week, in an act of cowardly violence, our friend and colleague, GABBY GIFFORDS, was gunned down at a public event intended to give her constituents a forum to express their opinions. While our Nation honors, mourns, and remembers those hurt and killed in this senseless tragedy, it is imperative that we strengthen our resolve as public servants to not let these acts deter us from the important work we do and from who we are.

America was founded on the idea that the people have direct access to their elected representatives, and as long as I serve, I plan to continue that tradition. As Speaker BOEHNER so eloquently put it, no act, no matter how heinous, must be allowed to stop us from our duty.

Our thoughts and prayers are with Congresswoman GIFFORDS, her family, and all those who suffered from last week's events.

Finally, God bless GABBY GIFFORDS. God bless the victims of this tragedy. God bless this institution. And God bless the United States of America.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank the gentleman for yielding me this time.

On behalf of the people of the Fifth Congressional District of Minnesota, let me offer my heartfelt condolences to those brave Americans who lost their lives in the tragedy at Tucson, and let me offer wishes of a very speedy recovery for those people who are wounded, including our own friend and colleague, GABBY GIFFORDS. And also, let me offer congratulations to those heroic people who jumped up to help their fellow Americans at a time of tragedy and need.

It would be very human for anyone to be a little bit shy about coming to a public event after hearing about a tragedy like this. But I think that in the

spirit of GABBY GIFFORDS, we should reaffirm and rededicate ourselves to public access, public engagement.

I don't think it would be honoring her great work that she and we expect for her to carry on if we didn't get right back out there and engage in a spirited conversation about the shape and destiny of our democracy. And so I think it is important to make a very bold statement that we will reaffirm our dedication to having a robust, open access, and free democracy by not letting forces of fear and hatred, desperation and madness deter us from this very important and noble enterprise.

God bless America, and we wait for and we look forward to a speedy recovery from our colleague, GABRIELLE GIFFORDS.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Speaker, I wish I didn't have to rise today in support of this resolution because it was a sad day for America last Saturday.

But let me say this: On behalf of the people of the 19th Congressional District, whom I represent, we send our heartfelt condolences to the families and the friends and the loved ones of those who were killed in this senseless attack.

We also offer our prayers for GABBY and the others who are making recovery from this act as well. You know, as I read through this resolution, and as many of you like I have been watching TV, Saturday was a bad day. It was a horrible day for America. Dana and I were in the grocery store shopping when I got the notice that my friend GABBY, our colleague GABBY, had been shot, along with others. It was terrible. As we have gotten an opportunity to watch over the last few days, what we learned is that out of this horrific act, we saw some of the things that make America great. We saw people tackle the attacker. We saw people offer assistance to GABBY and others. We saw a man shield his wife from the attacker. We saw the first responders do remarkable work in getting people to the hospital in what would be record time. We saw so many of the good things about America at a time when we saw one of the bad things.

You know, as I was walking over here, I was thinking about Wednesday, I guess a week ago today, coming down on the elevator with Mark and GABBY and her parents. We had a wonderful visit. I have had an opportunity to serve on the Science Committee with GABBY. I went to lunch with her. She has a little interest in space, in case you didn't know it. And how sometimes we take for granted our friends and acquaintances and life itself, and how in just a moment life can change.

So today we offer this resolution to recognize some good things about our

country, to wish our good friend GABBY a complete recovery and to come back here, and we offer our thoughts and prayers for our country. God bless America.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, many of us have just come from a congressional prayer service for the victims of the terrible tragedy in Arizona where we sang "Heal Us Now."

We all know in this body that GABBY GIFFORDS is one of our brightest lights: smart, fair, courageous, and considerate of people of all points of view. She is a very effective legislator and a caring and thoughtful friend. And the people of Arizona could not have a better representative in this United States Congress.

On Saturday, she was doing the job she loves so dearly and takes so seriously: meeting with her constituents and listening to their concerns when this senseless act of violence occurred.

We come together to grieve for those who were killed, including GABBY's talented and energetic outreach director, Gabe Zimmerman; to pray for the quick recovery of those injured; and to honor those who, in a moment of chaos and violence, took heroic actions that saved the lives of many, including GABBY.

□ 1410

GABBY GIFFORDS is a person who is always thinking of others—her constituents, her staff, her colleagues. I spoke with her frequently during the very tough campaign she went through, and she was always just asking how were her colleagues doing. Today, in that same way, GABBY would want us to be thinking and praying for the others—for her fallen and injured constituents and for her heroic staff.

Gabe Zimmerman died doing what he loved, serving the people of Arizona. His many good works are a testament to the selfless works of public service performed by congressional staff every day for the people of our districts and our Nation.

GABBY GIFFORDS has always conducted herself in a manner that brings honor on this people's House. She passionately advocates for the positions and issues she cares so deeply about but always in a way that is respectful of opposing views. She is a fierce competitor, but is always considerate of others.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield the gentleman an additional 30 seconds.

Mr. VAN HOLLEN. That is why she was such a good role model for Christina Taylor Green—the 9-year-old girl born on that terrible day of September 11, 2001, and who was gunned down on another awful day for our Nation.

Christina Taylor Green, Gabe Zimmerman, and four others are, tragically, no longer with us. As we mourn their loss, we also pray for the full recovery of those who were injured.

GABBY GIFFORDS' light continues to shine, and she will continue to inspire young and old throughout Arizona and our Nation. God bless GABBY GIFFORDS and all the victims of this horrible tragedy.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Madam Speaker, you know, we all get to know a person through the words of others. For our colleague GABRIELLE GIFFORDS and for everyone affected by the violence in Tucson, the outpouring of prayer and emotion really tells the story of how we are all touched by these sad events.

I think all of us draw strength from one another in hearing the personal stories of relationships that they have had with GABBY, and it really does help us. I thought it would be important for us to also hear just a couple of stories, just a couple of sentiments, from some of GABBY's friends and supporters back home because they know GABBY, perhaps, in a little different way than we do.

Carol Frazier writes, "Many prayers and much love to you and all the victims of this stupid tragedy. GABBY, you are what we need in Congress. I was so impressed with meeting you—that you looked me in the eye and truly listened to what I was saying."

A high school friend, Erika Noebel, writes, "Your entire UHS family is pulling for you. We just love you so much and are so proud to be your constituents."

Scott Smith writes, "I hadn't even heard of you until this tragic event, GABBY, but you are in my thoughts, and I very much hope you pull through this, especially because you were doing your job talking to your constituents when this happened."

I think, like all of us here in the House of Representatives, Cathy Paredes expresses her sentiments best: "Love you, Gabby. Stay strong. We are here for you."

God bless GABBY GIFFORDS.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Madam Speaker, I am from San Antonio, and in my hometown, about a year and a half ago, a convenience store owner was murdered by a robber.

The brother of the slain owner observed that both his brother and the murderer got up that same morning and made conscious choices: His brother chose to go to work and support his family—a right and a good thing. The murderer made a choice to rob and kill—an evil and a destructive thing.

On January 8, 2011, in Tucson, many people got up that morning and made a choice to do the right and good thing. Only one person got up that morning and decided to do an evil and destructive thing.

We cannot and will not allow the cruelty of one person to overshadow the goodness that each of his victims represents. We in this Chamber are not helpless. We offer our prayers for those who died and for a speedy recovery for those who have survived.

And, to GABBY, I know we all join in saying: Hurry back. This House needs you. We love you.

But we can do more. We can set an example that creates a fertile environment for constructive discourse that extends beyond the confines of this Capitol.

Despite the heartache and the tragedy of last Saturday, we find solace and inspiration that, in our Nation, the United States of America, the goodness of the many will always triumph over the evil of the few.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. MACK).

Mr. MACK. Madam Speaker, I rise today with sadness in my heart and a bit of anger about what happened in Tucson.

I cannot help but think that, on that morning, a colleague of ours was doing what she enjoyed, doing what is expected of a Member of Congress—meeting with her constituents, talking about the important issues of the day. She went to work that morning, to the grocery store, to listen to her constituents. For someone to show up and pull the trigger is something that I don't think any of us will ever forget.

I pray for GABBY. My thoughts and prayers go to all of the family members who have been affected by this tragedy.

We hope and we cannot wait for that day when GABBY comes back to this floor—when she walks through that door, when she joins us again, when she casts a vote. Most importantly, though, I cannot wait to see that smile on her face. No matter who you are, whenever you met GABBY, she always greeted you with a smile, with kindness in her heart, with determination and strength.

GABBY, we are praying for you. We pull for you. Our hearts and prayers are with you. You are missed, and we look forward to seeing you back on the floor of the House.

Thank you and God bless you.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Indiana.

Mr. DONNELLY of Indiana. On behalf of all of the people of northern Indiana, we want to express our prayers and thoughts for the victims and the families of those killed and injured in Arizona.

To the staff of Congresswoman GABBY GIFFORDS, we want to thank you for your service to our country and for your sacrifice to our country.

To my friend GABBY GIFFORDS, who I came into Congress with in 2006, we love you and Mark. We miss you and Mark terribly. We are praying for your recovery. We know you are getting stronger every day, and we can't wait to see you back here in the House again in the very, very near future.

May God bless you, and may God bless our beloved country.

□ 1420

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank my colleague from California.

Madam Speaker, I rise today in support of the resolution before the House and to pay tribute to my colleague and dear friend, GABBY GIFFORDS. I have been privileged to call her a friend as the chairwoman of the Space and Aeronautics Subcommittee while I was the ranking member.

We found that we share a deep passion for space and NASA, and we have worked closely on these issues together. In sitting in a hearing that GABBY was running with your eyes closed, you would be hard pressed to know who was the Republican and who was the Democrat. And as a freshman Member in Congress, it was heartening to know that while the controversial issues of the day may divide us, there is also room for collaboration and unity on both sides of the aisle. That was because of GABBY.

I have no better bipartisan friend in the Congress than GABBY GIFFORDS. Madam Speaker, she is warm and kind, but the GABBY I know is also tough. She will pull through this with her husband, Mark, by her side. I wouldn't bet against her.

Other Members of our House family need our support too. I would like to say a prayer for Gabe Zimmerman and his family, GABBY's staffer who lost his life, as well as Ron Barber and Pam Simon, her other staffers who were victims in this horrible, horrible tragedy.

We must also remember the others who lost their lives or were seriously injured. They are in our hearts and prayers as the Nation begins the healing process.

Madam Speaker, I am going to close my remarks by talking to my friend as if she was here because in many ways she is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. OLSON. I thank my colleague from California.

GABBY, I know you feel things and you hear things. When asked, you

squeeze a hand, you hold two fingers up, and you hold a "thumbs up." I know you feel the love and prayers of a Congress, a Nation, and a world that only wants you to have a full and speedy recovery. My friend, right back at you. I will see you when you get back in this Chamber.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlelady from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, I rise today to express my deep sympathy for the victims of the tragedy in Tucson, Arizona, this past Saturday. Like all of us, I mourn for the grievous harm that came to those who attended Congresswoman GIFFORDS' Congress on Your Corner; for our colleague, GABBY, a courageous and conscientious lawmaker whose recovery and good health we all yearn for today; for a 9-year-old child bursting with innocent enthusiasm and great promise; for a respected jurist engaged in a simple act of friendship; for a kind and accomplished staffer; for a loving husband who instinctively shielded his wife from the rain of bullets, and for a husband, also lovingly protective, who was unable to stave them off; and, finally, a widowed retiree still giving to her community, all so abruptly and violently losing their lives; and for those who are thankfully recovering, all engaged in the abiding promise of democracy, coming to talk with their Congresswoman, gathering in the parking lot of a local supermarket on a Saturday morning.

This horrific incident has raised many serious questions about appropriately identifying and caring for those who suffer from mental illness, about the accessibility of violent weapons, about the tone and language of our politics today, and about the solemn obligations of elected office in a democratic society—of those serving, of their staff, and of constituents eager to participate and be heard.

But today we honor with our words those who tragically lost their lives and those harmed by this senseless act of violence. We pray for GABBY and all those still recovering; and we remember their families and loved ones now struggling with the immensity of their losses. In the days ahead, however, we must honor and remember them with our actions.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. I want to thank my friend for yielding.

Madam Speaker, I rise and join my colleagues—and in fact fellow citizens from across this Nation—in thought and prayer following the tragic assault on GABBY GIFFORDS and 19 others in Tucson. I pray that in these critical hours GABBY GIFFORDS will heal and begin the path to a fuller recovery.

Just yesterday, I was privileged to join a large number of my freshmen colleagues as we went on a visit to the Walter Reed Army Hospital where we were humbled and inspired by the remarkable strength of severely injured military heroes who are fighting to recover from their wounds. I pray that GABBY GIFFORDS will be provided with a similar resolve.

I pray for those who lost their lives and the families of their loved ones who now struggle with grief. And I think particularly, having been a former prosecutor, of Judge John Roll, whose loss is being deeply felt by our colleagues in their public service from the judiciary. While this tragedy was not related to his duties per se, it is a reminder that our judges too often face threats that impinge on the independence that they must be accorded for our system of government and freedom and, just as importantly, justice, to prosper.

Lastly, I want to express deep condolences to the family of Christina Taylor Green, whose grandfather, Dallas Green, is a member of the Philadelphia community. This tragic incident brought it home in a very personal way to the people of my region. Let us allow this horrible tragedy to inspire all Americans to become better instruments of peace.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I concur in expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011.

Like all Americans, on Saturday morning I was not only saddened, but I was sick to my stomach while I watched the horrible attack against my colleague, my office mate for 2 years, Congresswoman GIFFORDS—known as "GABBY" to me—and her staff, her constituents, and all Americans.

We know now that on January 8 Congresswoman GIFFORDS reached out and sought "new ways to reduce the highly partisan divisive tone that all too often dominates our public discourse." Today, I am going to do exactly that, not in words of criticism, but thoughts of observation and a desire to help.

For lawmakers, whether Federal, State or local, this tragic incident must make us reevaluate our spending priorities and accept the fact that our continued failure to adequately fund mental illness is a mistake. For agencies, whether they be educational, military or private vendors and businesses, we must be diligent in connecting the dots and making use of good technology to have real-time information.

For parents, whether your child, who will always be your child regardless of

their age, should not be allowed under our own roofs to turn their rooms, garages or backyards into private areas where we're even afraid to tread. For protectors and preservers of the law, it's not okay to tell me that nothing is wrong with receiving an email that says, "I'm concerned and looking for a good old-fashioned lynching." For those who debate and protest, it's not okay to spit, to say racial slurs, to say reload, or to arm, in reference to debate, and it's also not okay to say a group other than yourself is a Neanderthal and they want people to die quickly.

□ 1430

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PASTOR of Arizona. I yield the gentlelady an additional minute.

Ms. RICHARDSON. For our courts, even in 1919 and 1931 in the cases of *Schenk v. United States* and *Near v. Minnesota*, our forefathers had the wisdom to know that the most stringent protection of free speech would not protect a man in falsely shouting "fire" in a theater and causing panic.

So who would tell me that it would be appropriate that on August 17, 2009, that it would be appropriate for a man to carry an AR-15 rifle and a pistol only feet from our President.

And now, for those of us who are here today, we turn to the resolution on the floor.

On page 4, sections 7 and 8, the resolution says that we would have the right of people to peaceably assemble and that all would participate without being silenced for fear of intimidation. I'm sad to say that, yes, even in this own Chamber on these grounds, I don't think we've always fulfilled those words of "peaceable assembly free of intimidation."

We, too, must not react. But it's time to act, not just in legislation, but to do what Congresswoman GIFFORDS asked us to do—to reduce the divisive tone in this country. Maybe if we start as leaders, others will follow.

I express condolences. I pray for those on their recovery, and I also commit to work on this issue and to work with my colleagues.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the gentleman for yielding.

Madam Speaker, I rise today on behalf of the people in upstate New York to express our deepest condolences and sympathies to all of those affected by this horrific tragedy. We pray for those who lost their lives and for the recovery of those wounded in the attack.

I first met GABRIELLE GIFFORDS many years ago at Cornell University where we were graduate students together in the mid-1990s. I did not know

her well, but we shared mutual friends who always spoke of her in the kindest of terms. Last night I heard from one of GABBY's good friends, Colin Forth, and he shared the following:

"GABRIELLE is a strongly principled person who, at Cornell, continually worked toward improvement, finding a way to reach a positive agreement. I found myself continually impressed with her ability to see workable solutions to issues, even when we did not agree on the issue. GABBY is fun, passionate, intelligent, highly competent, and focused. She is a person who turns words into action, something that should be valued now more than ever."

GABBY, Cornell prays for you, and the citizens of upstate New York are reaching out to all of those families affected by this senseless act of violence and praying that they may find peace, comfort, and healing.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. I come here today shaken by an act of horrific proportions and yet heartened by bountiful acts of the human spirit. We are comforted that in these times, the pain and the shock can be lightened, if only temporarily, by knowing that the good overwhelms the bad. I think that is how GABBY would want us to reflect today.

We grieve for the losses and the pain felt in the community of Tucson for ordinary people who we learned are quite extraordinary.

We know the tireless efforts of our own staff who come to work every day with one goal in mind—to help people. That's why we mourn the loss of Gabe Zimmerman.

But most of all, I come here today to send, in the most public way I can, my love and Mi Shebeirach—a Hebrew prayer for the sick which celebrates the spirit of healing to those recovering from their wounds, and particularly to my dear friend and colleague, Congresswoman GABRIELLE GIFFORDS.

People beyond GABBY's district are learning about the political acumen of this talented and engaging leader. As public servants, we do our jobs by listening to the American people—by looking constituents in the eye, assuring them that we want to help, letting them know that we understand with a nod, a handshake, and most often a hug, as GABBY frequently was known to do. To have that important connection so shaken by the attempted assassination of our colleague and friend is devastating.

But GABBY, of all people, was an example of what it means to be connected to your district. I know she wouldn't stand for this kind of violence, but she also wouldn't stand for allowing it to stop us from our service.

Whenever she talked about her constituents, she prefaced it with, "I real-

ly understand where they are coming from, and we need to solve this problem."

Her constituents are fortunate to have such a representative with such energy and skill who cares about them so deeply.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PASTOR of Arizona. I yield the gentlelady an additional 30 seconds.

Mrs. DAVIS of California. She cares about their concerns, fears, and hopes and knows how to work with people from all political persuasions.

My heart goes out to everyone affected by this massacre, and the shock from it reverberates throughout my community and our country.

So I am listening to my constituents that hope that this tragedy will engage us anew in serious and civil discourse on how we can leave a better world for our children and our grandchildren. That is what GABBY strived to do daily. It is what she would want us to be doing right now.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I rise today with a heavy heart to join my colleagues in support of this resolution and to honor the innocent Americans whose lives were so senselessly and tragically altered by the events in Tucson last week.

GABRIELLE GIFFORDS was embodying the very essence of what it means to be an elected Representative in our great Republic by meeting and listening to her constituents last Saturday. Gabe Zimmerman, Ron Barber, and Pamela Simon were there, too, doing their jobs like thousands of other dedicated congressional staffers who support us and the work we do here every day in Washington and especially back in our districts.

The Americans who lost their lives on Saturday and the innocent victims who were wounded were performing their civic duty to take an active role in their government, and among them were 9-year-old Christina Taylor Green and Pittsburgh native Judge John Roll.

In our disbelief of the events last week, let us not forget the heroism of those who subdued the attacker preventing further loss of life. They put their own lives on the line to protect their neighbors. They represent the best of America and shine in our darkest hour.

We will not allow this tragedy to weaken our resolve or to undermine the sacred responsibility that we as elected officials have to serve the people we represent. To allow this act of violence to keep us from our duties would be a disservice to the people we honor today, especially GABBY.

GABBY was a friend of mine. We first became friends when I looked at her

bio and realized that her family and she were operators and owners of a tire business just as my family was. So not only could GABBY and I talk policy, but we could talk tire; and there are few women that can talk tire like GABBY.

Also, I served on the Armed Services Committee and got to know her very well. We traveled on two trips—one to Afghanistan and one to Iraq. It was the week before her wedding to Mark that we traveled, and she talked about looking forward to her marriage and to future trips. And just last week, we discussed going to Afghanistan again.

So I look forward to GABBY's speedy recovery, for her return here to the House, and for that trip that we will take to Afghanistan to go greet our men and women in harm's way.

May God bless GABBY. May God continue to bless the United States of America.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the opportunity to come together to express our sorrow and support for our friend and colleague, GABBY GIFFORDS, and the 19 other victims of this senseless rampage.

I cherish the time I spent with GABBY in Tucson to promote the livability of her community. There I've seen firsthand the respect Congresswoman GIFFORDS commanded from the entire civic leadership. I witnessed the emotional connection between GABBY and her political supporters. They knew that she was somebody special, and you could see that she treated each and every one of them the same way.

□ 1440

Then there is the bond between GABBY and her terrific team. It makes it so jarring, the loss of Gabe Zimmerman, the wounding of Rod Barber and Pam Simon of her office. Her outstanding staff is representative of the amazing men and women, over 10,000 in all, here on Capitol Hill and back home, who make the government process possible. They are like family, not just for GABBY. We must do all we can to protect the safety of staff and the employees who serve our country every day.

Finally, this is about our relationship with GABBY and our responsibility to heal and repair. The path forward is illustrated by GABBY herself, the best example I know of someone who uses her intelligence, charm, passion, and commitment to bring people together. Then they can sort out the difficult issues that way, and move forward with the same good humor, skill, and results as GABBY. As she recovers, I hope we can honor her service and sacrifice by doing all that we can to restore that spark, that civility, and that commitment to civilized discourse.

Madam Speaker, that's a tall order. Can we beat the odds? Our dear friend GABBY will show us how, as she is beating the odds right now. I am confident her recovery will be a triumph of her spirit, will, and intellect, and be a further inspiration to us all.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. REED).

Mr. REED. Madam Speaker, I rise today without a script, but to send my thoughts and prayers, and those of all of the thousands of people from my district, out to the Congresswoman's family, to the Congresswoman herself, and to all the families that were affected by such a tragic day in our Nation's history.

We shall never forget what happened last Saturday. But as I walked into work today, and I saw the sun breaking as it was coming up and shining on the dome of the Capitol, it was a glorious sight. Because what it reminded me is that even in our darkest days this Nation always will rise again. And as we stand here rightfully and pay our respects to our dear colleague and the families that suffered so much, and are suffering as we speak, let us not forget that this Nation will rise, and we will persevere.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. The great State of New York certainly sends their wishes and their prayers to the great State of Arizona. New York State went through a horror the same as Arizona is going through now. It's so parallel it's scary. Six killed, 20 injured, my husband dying, murdered, my son shot. But this is really a message of hope because my son did survive. Many of the victims survived.

But I think the wonderful thing that needs to be out there are the prayers that came through from all parts of this country.

GABBY's staff, you are suffering terribly. Those that have died, your families are suffering terribly. And those that have been wounded have to go through the pain to heal. What I will say to all of you, time will heal you. You will never forget, but time will make you smile again.

GABBY would be so proud of this Chamber today. One of the things that GABBY is known for is how bipartisan she is. And she has brought this Chamber together. It's just a shame that a tragedy has to bring us all together. You know, GABBY's going to be fine, and she will be back here. And she'll be over there hugging people, talking to people. But that's what we as a Nation have to learn. We can disagree, but we need to work together. That is what GABBY wants, and that's what she'll push when she gets back here.

So with that, the prayers of this Nation go to all. God bless our country, God bless the victims.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 3 minutes to the gentlelady from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize and honor our colleague GABBY GIFFORDS and to mourn the loss of those that died in Tucson on Saturday, and to also pray for those who have been affected by this great tragedy, and to applaud the courage of those who risked their own lives so that others might live, and to thank the first responders and the health care professionals whose quick action and work saved their lives.

You know, Madam Speaker, nobody ever thought Saturday would happen, especially GABBY. She was just out there doing her job. And when you think of the 20 families, and the community and the Nation, and how we have been affected by this act of violence, you think of the little girl that went there to meet her Congresswoman who never came home. You think about the person that took her, that wonderful neighbor who now will always think about what if I hadn't done this, what if I hadn't said would you like to come?

Madam Speaker, there are so many people affected by this tragedy. And no one can ever understand the mind of a person that would do this random act of violence. But we as a Nation can come together. We can recognize the courage of those that helped stop him. We can recognize the courage of those that are fighting for their lives, especially our GABBY. We can pray especially that this Nation will never again see that kind of tragedy.

And most importantly, Madam Speaker, we as a Nation—and I know people have said to me, well, what can we do? We as a Nation can pray. Get down on our knees every morning and every night. Pray for GABBY. Pray for her family. Pray for those folks that are suffering in the hospital. Pray for those moms and those dads and those brothers and those sisters and those aunts and those uncles and those grandparents that will never touch the family members again. Pray for GABBY's staff. Mourn the loss of her staffer. Mourn the loss of all six who perished. But most importantly, to pray that the folks that have been affected can have the courage to go on.

You know, we had a prayer service. And Cantor Leon Sher wrote a beautiful song. And at the end of the song he says:

We pray for healing of the people,

We pray for healing of the land.

And peace for every race and nation,
Every child, every woman, every man.

I don't think any words can sum up what we need to do here now today. So

let us pray for GABBY that she comes back and she fights for what she believes in.

I welcome her spirited debate and her smile and her Pollyanna point of view. But let us hope that all of those that have been touched by this tragedy can heal and heal in a short run. Thank you. God bless this country, and God bless all in it.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman from Arizona for yielding.

Madam Speaker, my wife, Vivian, and I were shocked and saddened to learn of the awful events in Tucson, Arizona, last Saturday. First and foremost, our prayers are with GABBY GIFFORDS, her family, her staff, and the other victims of the senseless tragedy.

Since she was first elected in 2006, GABBY GIFFORDS has been one of the brightest lights in this Congress. I have gotten to know her personally in the Blue Dog Coalition, and she is my friend. I have been especially impressed by her intelligence, her warm personality, and her singular ability to bridge differences and bring people together. These qualities, and the fact that she was attacked while serving her constituents, make the situation all the more heartbreaking.

In the book of Isaiah, it is written, "Come let us reason together." Let us then take this opportunity to pause and reflect on the lives of the victims, the heroism of the first responders, and the bedrock principle of American democracy—reaffirmed in the resolution before us today—the right to assemble peacefully and to petition the government for the redress of grievances.

□ 1450

We must not let violence or the threat of violence deter us from representing our constituents and doing the Nation's business. God bless GABBY GIFFORDS, the other injured, the families of those who were killed, the people of Arizona and the United States of America.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is my privilege to yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Madam Speaker, Saturday was indeed a grim day for our Nation. It was the day our beloved colleague, GABRIELLE GIFFORDS, was attacked while doing her job listening to her constituents. It was GABBY herself who aptly said just last year that the term "representative" is more of a job "description" than a job "title."

As we all work to represent our constituents and our States and Nation, the Speaker is correct when he said that "an attack on one who serves is an attack on all who serve." Last

weekend, GABBY's efforts to serve her constituents brought her staff, herself and her constituents into a line of fire from a deranged man who shot 21 defenseless, innocent citizens.

Six people died and many were wounded. Phyllis Schneck was a 79-year-old native of New Jersey who lived during the summer on Old Lake End Road in the Green Pond section of Rockaway Township in my congressional district. She was one of those. Mrs. Schneck and her late husband, Ernie, lived for years in Towaco, and they were active members of the Oak Ridge Presbyterian Church. She was a member of the Montville Women's Club. She was a mother, grandmother and great grandmother. Hers, as were the others, were lives well lived.

Madam Speaker, our minds reel from Saturday's violence. Our hearts ache for those slain and injured and their families and friends. However, as is so often the case when an act of random cruelty bewilders and depresses us, exceptional displays of generosity, courage and heroism can serve as a potent counterweight. These acts are a reminder of the extraordinary selflessness that people are capable of.

Let's remember and salute those acts today. Mark and GABBY, we are thinking of you. We are behind you all the time. We love you.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I rise in support of the resolution and join my dear colleagues and on behalf of the people of northern Ohio, who join citizens across our Nation in pouring out compassion and healing to the families and citizens of Arizona who have been so harmed and wounded at liberty's doorstep, the U.S. House of Representatives.

Let our prayers and comfort flow to the victims, to the healers, to those who must carry forward with full memory and understanding of what has transpired and why. Let us strive to do and to be so much better as a people. Our collective feeling of brotherly and sisterly love and the unity that flows from it holds the power to heal.

We all feel that desire. Our constituents feel that desire. Congresswoman GABBY GIFFORDS, our beloved colleague, is fighting to show us the way forward. We pray for her and her family. We pray for all victims and their families. We pray for all those who are taking this difficult journey with them.

What a remarkable young woman GABBY is. She represents the highest aspirations of America. She is kind, talented, highly motivated, effervescent and so in love with her husband, Mark. We know GABBY is a fighter and so very enjoyable to be with.

We embrace her, her family, her staff with the same affection as would she.

And if GABBY were able at this moment, we know she would be embracing the victims of the fallen and their loved ones.

This is a moment for America to take stock of itself. No one should have to endure what these citizens have had to endure. Frankly, no one should have had to endure the mean-spirited and inciteful political campaigns GABBY did.

In the sweep of history, this attack was an attack on liberty. It desecrates our worth as a people. We must all search our souls. How could such a heinous act transpire?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PASTOR of Arizona. I yield the gentlelady an additional 30 seconds.

Ms. KAPTUR. If the evidence shows that unaddressed mental illness, coupled with guns and disturbing Internet postings were contributing factors, as when two Capitol Police officers were gunned down just a decade ago outside this Chamber, then Congress must finally, finally engage that which to date it has been unwilling to fully embrace and understand. When human tragedy falls at your knees, do you look away, or do you stoop to pick up the pieces and ask why? Why?

May God bless America. May the campaigns of 2012 be conducted in a manner that brings credit to our Nation's highest aspirations, mindful of the suffering that has occurred. And may God give America and her leaders and her people great wisdom in the days ahead.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Madam Speaker, I rise today with a heavy heart to express my condolences to the families and loved ones of Congresswoman GABRIELLE GIFFORDS, her staffer, Gabe Zimmerman, and all the victims of last Saturday's shooting.

Like all my colleagues here today, I have struggled to make sense out of this horrible tragedy since first hearing the news that our good friend and colleague had been viciously attacked. As I watched the news and learned about the innocent lives that had been cut short, it became painfully clear to me that nothing will ever be able to explain such an atrocity.

Politics is the art of genteel disagreement. Actions like those we witnessed last Saturday have no place, no excuse, no explanation, nor rationalization in our democratic system.

What I do know is that GABBY is fighting hard for her life, fighting with the same tenacity that fueled her passion for public service, and I take comfort in the knowledge that my friend is winning that battle.

Like GABBY, we must never stop fighting for our great democracy and

the time-honored traditions that keep it strong. Neither we nor our constituents, all 300-plus million of them, will be intimidated by the violent actions of the few.

As Americans, we will come together and mourn for those who lost their lives that day, and we will honor the survivors and heroes of this tragedy that stood strong together in the face of madness.

Madam Speaker, I join all my colleagues here today to express my support for this resolution, and I know I speak for all of my constituents in the 13th District of Illinois when I say that we share in the loss of our friends from Arizona, and our thoughts and prayers are with their families at this difficult time.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the gentleman from Arizona for yielding.

Madam Speaker, I rise in support of this bipartisan resolution and to offer my thoughts and prayers for the swift healing and complete recovery of my friend and colleague, Congresswoman GABBY GIFFORDS.

In addition to the dedicated members of her staff who were also wounded and all of the other innocent victims of this unconscionable act of violence, I want to express my sincere sympathies to the families of U.S. District Court Judge John Roll, Gabe Zimmerman, a valued member of our congressional family, Dorwan Stoddard, Dorothy Morris, Phyllis Schneck and most especially Christina Taylor Green, a remarkable 9-year-old child who had just won her first election to the student council and wanted to speak to her Congresswoman about a career in public service.

Madam Speaker, as Speaker BOEHNER so aptly noted just moments after this tragedy occurred, an attack on one who serves is an attack on all who serve. I would venture to say that all of us who have the high honor of serving in this body, the people's House, have searched our souls to try to understand the nature of this attack on the very core of our democracy.

Like most of us, Congresswoman GIFFORDS knows that there is simply no substitute for spending time with your constituents. The plain truth is that you cannot effectively represent your community in Congress unless you make time to interact with the people who hired you for this job.

And as for me, I will continue to do that because I truly believe that even in the face of this kind of mindless violence, constituents have a right to question their Members of Congress directly. And we, who have been entrusted with the honor of public service, must never allow fear or threats to undermine that fundamental principle.

□ 1500

Mr. DANIEL E. LUNGREN of California. Madam Speaker, so we may be able to equalize the remaining time, I reserve the balance of my time.

Mr. PASTOR of Arizona. I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. On behalf of the Fourth Congressional District of western Pennsylvania, I rise to pay tribute and offer our deepest sympathy and condolences to the 20 victims of the tragedy in Tucson. And as a member of the class of 2006, I grew to know GABBY quite well, and we look forward to the day, hopefully very soon, when she will join us back here in this Chamber. And I know her well enough to know that her first priority on a day like today would be to honor the 19 constituents who were taken and affected by this tragedy, especially the six who lost their lives.

So it is in that spirit that I honor, and we all honor in this Chamber, 63-year-old U.S. district judge John Roll, a Pittsburgh native, an active Catholic parishioner; 9-year-old Christina Green, a Pennsylvania native, third grader who had already told her parents she was looking forward to a career in public service and attending college, she hoped and said, at Penn State; 30-year-old Gabe Zimmerman, Gabrielle's staffer, newly engaged, master of social work, who dedicated his life to public service; 79-year-old Phyllis Schneck, New Jersey native, church volunteer, loved cooking and spending time with her family; 76-year-old Dorwan Stoddard, devout Christian, survivor of 17 heart stents, who died saving the life of his wife, a grade school friend; and 76-year-old Dorothy Morris. We pay tribute to them all, and we thank them for their service to this country.

And we will not let this attack deter us from carrying on the business of the American people and engaging in civil discourse in our representative democracy.

Mr. PASTOR of Arizona. Madam Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Madam Speaker, what does the Lord require? Do justice, love mercy, and walk humbly with God. These words from the prophet Micah are as true today as they were when first spoken. They provide guidance to how we in Congress can lead by example for everyone in this country as we try to come to terms with the tragedy in Arizona.

We can work with each other with justice, with mercy and humility in our hearts. When Micah said these words, they were guidance. Today they are a plea. And I know that we can heed these words.

Madam Speaker, I ask that we keep all the victims and the families of this

tragedy in our prayers, and I especially ask that we keep GABBY in our hearts.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Madam Speaker, I rise today in support of House Resolution 32.

I had the opportunity to work with Representative GABRIELLE GIFFORDS over the last 2 years on the House Armed Services Committee, and I have always admired the gentlelady from Arizona for her dedication to her constituents and to our Nation.

This resolution before us today condemns in the strongest possible terms the horrific attack which occurred last Saturday in Tucson, Arizona. This resolution offers the heartfelt condolences to the families, friends, and loved ones of those who were killed in that attack. It expresses a hope for the rapid and complete recovery of those wounded in the shootings. It applauds the bravery and quick thinking exhibited by those who prevented the gunman from potentially taking more lives. It recognizes the service of the first responders to race to the scene, and the health care professionals who tended to the victims.

This resolution stands firm in the belief in a democracy in which all can participate and in which intimidation and threats of violence cannot silence the voices of any American.

This resolution honors the service and leadership of Representative GABRIELLE GIFFORDS, a distinguished Member of this House, as she courageously fights to recover.

Madam Speaker, when adjourning today, let us do so out of respect for the victims of this attack.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Speaker, we know GABRIELLE GIFFORDS as a colleague and a friend, a member of our congressional class of 2006, the majority makers. She is an outstanding public servant whose sole and constant commitment is to help make her district and our Nation as great as it can be.

The shooting that has left GABBY fighting to recover and that has claimed the lives of her outreach director, Gabe Zimmerman, and five other innocent victims was horrific and stunning. Our thoughts and prayers go out to GABBY, her husband, Mark, and their family and to all of the victims and their families.

In recent days the Nation has learned much about GABBY and her commitment to kindness and service. We've learned also of other extraordinary Americans present on that day. We learned of Christina Taylor Green, a child full of grace born on 9/11, taken

away far too soon but who will be remembered always not only by her beautiful family, but by a grieving Nation that glimpsed her spirit, leaving her goodness impressed forever on our collective memory.

America has learned of Gabe Zimmerman, a faithful public servant who used his life to make a difference in his country and for his community; and of Judge Roll, husband and father, committed to justice and the rule of law; of Dorothy Morris, beloved wife of George Morris, who also was critically wounded as he tried to shield her from the bullet; and of Phyllis Schneck, loving mother of three and beloved grandmother of seven; and of Dorwan Stoddard, who acted with great love in giving his life to save his wife.

We remember these extraordinary people and the others who were injured, and we remember the heroes who came to the aid of fellow citizens, these ordinary yet great Americans reflecting the best of our Nation and its citizenry. And we join together today to condemn this violent rampage.

But let us also join together to express our appreciation for those who offered themselves up in service, like GABBY, Gabe and Judge Roll, and all who were there participating in our representative Republic. Let us reach out one to another in common purpose. It has been said, God has not called us to see through each other, but to see each other through. Let it be so.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I am shocked and saddened by the senseless act of violence that occurred Saturday against Congresswoman GABRIELLE GIFFORDS, her staff and members of the Tucson community. Just 2 days before this horrific attack, GABBY joined me and many other Members of Congress in reading aloud the U.S. Constitution on the House floor. It was my honor to yield to GABBY to read the First Amendment. And on Saturday, she and those participating in her Congress on the Corner event were exercising their First Amendment freedoms of free speech and to peaceably assemble.

It is unconscionable that anyone would take violent action to deprive someone of their life and liberty. Our thoughts and prayers are with GABBY, her family, her staff and others who were affected by Saturday's tragic events in Tucson. While this tragedy serves as an unfortunate reminder of evil actions, it must also remind us of the good in people as we hear the stories of the heroes of that day, people who gave their lives, people who saved other lives.

We as Members of Congress cannot allow this senseless act of violence that occurred against Congresswoman GIFFORDS to deter us from our jobs or

deter the American people from exercising their precious freedoms.

□ 1510

I read again the words that Ms. GIFFORDS read on the floor on Thursday.

Amendment I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Madam Speaker, I don't know if Ms. GIFFORDS spoke on the floor after that. Those may have been the last words she uttered on the floor of the House. I join my colleagues in praying that we will see her again on this floor exercising her precious freedoms.

God bless her and all of the victims of this tragedy.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, on Saturday morning in Tucson, it started out in a very good way. It started out with a number of people who wanted to engage in one of the great American traditions, a tradition of our government which is that we have a discussion of ideas. That is what America is about, a competition of ideas. And so we had Congresswoman GIFFORDS and we had her staff and we had members of the community gather. That is a positive start to that day. Of course that positive start was destroyed by the tragic acts which have been recounted by so many on the floor.

We all step back in shock and horror and sadness at what took place in Tucson. It is an attack on the individuals that clearly affects all of their lives. It is also an attack on what this country is about. It is important that as we hope and pray for the recovery of the victims, and we hope and pray for understanding for the families of the victims, and we mourn the loss of those who perished that day, it is important that we also recognize that they were great Americans who were there to exercise their right of assembly, and the great American tradition which represents what this government is all about, which is we can sit down and have discussions. We can disagree with each other. It is okay to disagree with each other. That is the strength of this country. That is the idea behind America, that we have the opportunity to look for the best ideas from wherever they come.

When it comes to public service, it would be good for all of us to recognize the ideals of our colleague, GABBY GIFFORDS. She was a good friend, a good colleague, someone who had the right ideas and motivations when she first got to Congress, and continues to represent those motivations. She is someone who is smart, articulate, looking

to solve problems, and someone who knew how to be compassionate for her constituents.

I think everybody in this well probably knows a story where GABBY talked to them about her constituents in Tucson and an issue that mattered to her. That is what impresses me about Representative GIFFORDS. It is a model that I think we can all remember and continue to follow as we do our best for our constituents.

Madam Speaker, I close by saying I wish all the best to the families, the victims, and our thoughts and prayers are with them.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Madam Speaker, let me preface my remarks by saying I barely know GABBY. As a freshman Member of the House, I was sworn in last week with a lot of colleagues I hope to get to know over the coming days. But I rise today in concert with my friends and colleagues on both sides of the aisle to express the sadness and grief that all in our country feel over the loss of life in Tucson this past weekend.

The citizens of South Carolina mourn with our Nation, and we lift up in prayer the family and friends of the victims in Arizona. Much of the coverage and attention has been centered around our wounded colleague, GABBY. My family and I join in praying for her healing, and for the others who have been wounded.

I also want to celebrate the lives of the six who were lost: 9-year-old Christina Taylor Green, an inspiration to us all; Judge John Roll; congressional staffer Gabriel Zimmerman; Pastor Dorwan Stoddard; Dorothy Morris; and Phyllis Schneck.

While we mourn their loss, we also remember what they meant to their families, their friends, and to their communities. I join with all of my fellow Americans in honoring their lives and in praying that God's comfort may rest upon their families. May God bless them and may He continue to bless America.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the dean of the Congress, the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my dear friend for yielding me this time.

Madam Speaker, I rise, as do all of my colleagues, with sincere condolences to the families who lost loved ones in the horrific events of last Saturday. The victims amongst them were a young student, a number of congressional staff members, one of our dear friends and colleagues who has served with distinction and remarkable ability and grace, and an outstanding Federal judge.

During my career in Congress, I have witnessed horrific events: the assassinations of President Kennedy and

Martin Luther King and Robert Kennedy. I have seen firsthand anger brought on by landmark life-changing legislation such as the civil rights bill. Like other Members, I have found the current state of affairs is also somewhat new to me.

One of my colleagues, as we were going to the memorial service, observed to me that he had as a judge sent large numbers of people off to jail, but he had never been as concerned about his own personal safety and that of his family as he is today. Our Founding Fathers wanted our system of government to be a vigorous one, full of enthusiastic and vibrant debate. But I don't believe that they wanted to see the kind of debate and discussion that we are seeing both in this place and in other places of public assembly.

I want to read a few of the statements that I have seen that I find to be pretty awful. Here is one:

"People are really looking toward those Second Amendment remedies and saying, my goodness, what can we do to turn this country around? I'll tell you, the first thing we need to do is to take (blank) out." That blank is for the name of the person.

The next one: "I want people in (blank) armed and dangerous on this issue of the energy tax because we need to fight back."

"I want to kill (blank) with a shovel."

"Every night I get down on my knees and pray (blank) will burst into flames."

"Our Nation was founded on violence. The option is on the table. I don't think that we should ever remove anything from the table as it relates to our liberties and our freedoms."

"Don't retreat, reload!"

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield the gentleman an additional 30 seconds.

Mr. DINGELL. I thank the gentleman.

I would observe, we saw the district of GABRIELLE GIFFORDS had crosshairs put on it. As a lifetime rifleman and shooter, I know what crosshairs signify when you put them on somebody, and I know what happened.

One other quotation: "If ballots don't work, bullets will."

So here we have a denigration of the great debate and the system of government of ours where threats are made. Members of this body have a duty to speak out, as do members of the media who have been saying these kinds of things and leading us into a time when we create a threat not just to the lives and well-being of our Members but also to the lives and well-being of this country and its debates.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last week GABBY GIFFORDS did speak the words of the First Amendment here on the floor. They talk about the right of citizens of the United States to come and plead their case to their Members of Congress and to seek the redress of their grievances. I think our Founding Fathers anticipated that we would be involved in robust and vigorous debate, but they also hoped that we would utilize some sense of civility as we did so.

I would like to read an e-mail that I received in my office from a constituent that I think would bring a smile to the lips of GABBY GIFFORDS, and it responds in some way to what the gentleman from Michigan has just said.

These are those words:

"Dear Representative LUNGREN: I write to share with you my feelings upon hearing the news of the terrible shooting in Tucson, Arizona. I find I am overwhelmed by emotions. In the past, and I suspect in the future, I have disagreed with you on many of the political things that you have said and done. I have voted against you. I have even felt and expressed frustration and anger about you. I wish now to state that if unlikely circumstances arose and I were in a position to protect you from physical attack, I would do whatever I possibly could to preserve your safety and your person at whatever risk to myself.

□ 1520

"Our democracy and freedom cannot survive if elected officials feel threatened and find themselves having to consider their physical safety as they make the decisions and fill the responsibilities of office. Please continue to do your job as a Member of Congress as best you can. I will continue to disagree with you when and as needed. I am just one man, but all of us citizens can only do what we can do.

"I, for one, will never threaten, encourage or resort to any violence whatsoever while debating, disputing, and arguing politics. For whatever tiny weight I count for in the great sea of Americans, I want you to feel safe from any harm.

"Make your decisions, and vote your votes in Congress—please try and not be such an idiot Republican about it—and know that you are safe in the Third District for all of your life if I shall have any say in the matter.

"Thanks for all the work that you do. Most sincerely . . ."

That's a message that I know GABBY would want us to embrace and one that would not only give her resolve but would, hopefully, attract her sense of humor as well.

I reserve the balance of my time.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. FUDGE).

Ms. FUDGE. I thank the gentleman for yielding.

Madam Speaker, it is with a heavy heart I stand today to support this resolution and to encourage Congresswoman GABBY GIFFORDS, her family and all victims of the Arizona shooting. I am in prayer for their well-being, their healing and their peace.

GABBY and I served together on the Science and Technology Committee, and we lived in the same DC apartment building. I learned of her passion for people and for her commitment to service. In her honor, I call for a return to compassion and an abandonment of hate-laden rhetoric.

Dr. Martin Luther King, Jr., said, "Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out hate; only love can do that."

If I could speak directly to the American people, I would ask them to combat this great darkness with love, not with fear. I would ask them to combat this great darkness with a tide of hope and faith and perseverance and to understand our unity.

Mr. DANIEL E. LUNGREN of California. I reserve the balance of my time.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Madam Speaker, I rise today to recognize and lift up in our prayers my friend and colleague from Arizona, Congresswoman GABBY GIFFORDS; the dedicated public servants on her staff and the citizens engaged in the most fundamental practice of our American democracy—meeting with their Representatives at a Congress on Your Corner public event. In the aftermath of this horrific attack, we have learned a lot about the lives and actions of the victims and heroes of last Saturday. They reflect the very best of America.

GABBY not only spoke out regarding the importance of government by the people, but she lived it every day. Last week, I sat here on this floor of the House, in line with GABBY and our colleagues, as we read the U.S. Constitution. The section that she read from this very podium was the First Amendment, which protects the right of the people to peaceably assemble and to petition the government for a redress of grievances.

I remember thinking to myself what an ideal section for GABBY to read because of her great example as an engaged public servant and as truly being a Representative who stays close to the people.

This resolution before us today is necessary and appropriate but, by itself, will not be long remembered. What will be remembered is our resolve, our unified national resolve, to stand against extreme and divisive rhetoric and against building barriers between citizens and their Representa-

tives that would weaken our democracy and diminish our way of life. An attack on one citizen, while engaging in our representative democracy, is an attack on all citizens and the very foundation of our democracy.

Let us resolve, in honor of all the victims in Tucson, that every Representative and every citizen continue to meet on corners across America to work through our differences, to find common ground and to make progress working together.

To GABBY and every person impacted by this tragedy, we resolve today to always be in your corner.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Madam Speaker, I rise on this sad day to join my colleagues in recognizing the lives of those affected by the horrible tragedy in Tucson, Arizona, this past weekend.

As we reflect on this tragic event, the one thing that must be remembered is that our colleague from Arizona, Congresswoman GIFFORDS, was simply doing her job, a job that she loves to do. Meeting with her constituents and providing them with assistance is the basic duty of any Member of Congress. The best and only way for Members of Congress to carry out their oaths is to be with, listen to, and see what our constituents are experiencing. The nameplates on the front of our offices read "Representative." Congresswoman GIFFORDS was doing just as we do day in and day out—representing our citizens at home and here in Washington.

The loss of life and injury suffered by the victims will always be remembered by this body. Whether it was Federal Judge John Roll; Gabe Zimmerman, Congresswoman GIFFORDS' staff member; or 9-year-old Christina Taylor Green, all of those who lost their lives or who were injured will hold a special place in our hearts, thoughts, and prayers.

We cannot let this random act of heinous violence deter us from our duty to serve our constituents, and I know we will move forward together as a stronger united House.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Madam Speaker, last Saturday in Tucson and across the country, so many Americans, including myself, were horrified and deeply saddened by the mass shooting at a congressional outreach event hosted by U.S. Representative GABRIELLE GIFFORDS. The senselessness, the violence and the magnitude of death and injury were stunning and alarming.

It is a personal tragedy. It is a national tragedy. It is heartbreaking and

wrenching because we all share in the pride of our representative democracy. Members reaching out to their constituents and constituents having the opportunity formally and informally to talk to their Representatives of Congress is at the core of our responsibilities and is a value we all hold as Americans. So even as we mourn, as Americans, we cannot allow this to diminish or deter our civic interactions.

I ask for my colleagues to join together in honoring those who were killed. My thoughts and my deepest sympathies are with them and with their loved ones.

And, to GABBY, GABBY is our colleague and she is our friend. I share in acknowledging and honoring her commitment to public service and her principled leadership on behalf of her constituents. She has a deep passion for who we are as Americans and for working to find that common ground to meet our Nation's challenges. Her inner strength, determination, and her good spirit are all serving her well as she struggles to recover from her wounds. Reports from her doctors have been remarkably positive.

So my heartfelt thoughts and prayers are with GABBY and with all those injured, and I wish them swift and full recoveries. I extend those thoughts and prayers to her husband, Mark; to all the families and friends of the victims; to GABBY's staff; and to all those affected by this senseless shooting.

I love this country deeply and the values we all share. It is my hope that our Nation will come together to honor those who perished and to affirm our commitment to move forward in a way that allows us to voice our differences and to debate the solutions to our challenges while respecting our shared love and dedication to our great Nation.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. GRIFFIN).

□ 1530

Mr. GRIFFIN of Arkansas. I thank the gentleman for yielding me time.

Madam Speaker, I rise today in memory of the victims and in support of my colleague from Arizona, her staff, the loved ones of the victims, and those who bravely and skillfully responded to the attack.

My freshmen colleagues and I have only been here for a few short days, but in Representative GIFFORDS we see the temperament and dedication needed to be good representatives of the people. She embodies these qualities and is an example for everyone here in the people's House.

Let us not forget the personal side of this tragedy. Those lost include two dedicated public servants, a devoted great-grandmother and a loving wife, a heroic husband whose last action was protecting his wife, and a 9-year-old in-

terested in public service. They will all be missed.

In the wake of this tragedy, we find solace and we find power in prayer. My prayers are for the families of the victims, for the speedy recovery of Congresswoman GIFFORDS and all others who were wounded. I pray for law enforcement investigating this cowardly attack. I pray for the medical workers, that their work heals those who have been injured. I pray for this House, its leaders, fellow Members and their staffs. And I pray for our country, asking God for His blessings during this time of grief.

This attack hits each of us in a personal way, but we must resolve to move forward, representing the men and women who sent us here to do our Nation's work.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Madam Speaker, I rise to express my sincere condolences to the families of the victims of this senseless tragedy and to the family of our colleague, Congresswoman GABBY GIFFORDS. I hope and pray for her quick recovery. And to the people of the Eighth Congressional District of Arizona, we know what you're going through: the life of a 9-year-old who wanted to be a student council representative and was elected to that, Christina Taylor Green; Federal Judge John Roll, father and grandfather; Phyllis Schneck, a former Jerseyite who still loved the New York Giants who, as you may know, play in New Jersey; Gabriel Zimmerman, commander of outreach, who did such a great job for her; and two 76-year-olds, Dorothy Morris and Dorwan Stoddard, who shielded his wife so that she would live.

I thank the leadership for bringing forth this resolution, first acknowledging the victims of the tragic shooting in Tucson, Arizona, and also condemning the act of violence which was a product of hatred that threatens the democracy of this Nation in which all can participate and in which intimidation and threats of violence cannot silence the voices of any American. Congresswoman GIFFORDS, her staff members, and constituents were exercising this very privilege on Saturday, January 8, as well as the right afforded to all of us under the First Amendment of the Constitution.

It is ironic that gun violence has, throughout our history, brought down leaders—Abraham Lincoln, 150 years ago, who said all people should be free; our President, John F. Kennedy in 1963, during that time; his brother, Bobby Kennedy, 5 years later; Mohandas Gandhi, who brought India into independence; Tom Mboya, a Kenyan who talked about a united Africa; Yitzhak Rabin, who, if he had lived, I think there would be peace in the Middle

East; and then, of course, Dr. Martin Luther King.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield the gentleman an additional 30 seconds.

Mr. PAYNE. So as we think about the tragedy of so many outstanding Americans who have lost their lives, I implore each and every one of us to continue in the spirit of unity, support, and love that often overflows during tragic events. May we continue in such spirits to prevent further acts, for we all know that only love drives out hatred and only good drives out evil.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, we gather here today to honor the victims and the heroes of the tragic shooting that took place in Arizona this past weekend.

GABBY GIFFORDS is one of the best this institution has to offer. I have had the honor of working with her on NASA issues in support of human spaceflight.

GABBY embodies the type of public servant many of us strive to be: smart, kind, and dedicated, fulfilling her duty representing her constituents. That's why she was holding a public meeting on the first weekend of the new session.

I pray for her strong recovery and for her family and staff, and I look forward to working with her once more in this body.

I think in the darkest moments in our history we also see the brightest stars. Those stars are the men who wrestled the gunman to the floor, the woman who kicked the magazine away, the loved ones who protected their spouses and children, the intern who had enough first aid training to put pressure on GABBY's head wound, the first responders who responded to that scene, and the medical teams that got most of the victims into the operating rooms in under 38 minutes.

GABBY's staff so clearly reflects her character and leadership. Gabe Zimmerman lost his life fulfilling his duty, and two others were wounded. We pray for their recovery and for Gabe's family and friends in this time of tragedy. The efforts of her intern, Daniel Hernandez, may very well have saved GABBY's life, and we will always be grateful for his quick actions.

We also pray for the other victims of this unspeakable act of violence: for Christina Taylor Green, Dorothy Morris, Phyllis Schneck, Dorwan Stoddard, and Judge John Roll. We pray for swift and fair justice for them as well.

As we stand here today, Democrats and Republicans, we are steadfast in our determination to keep representing our constituents. We will not let the tragic events in Tucson change the way

we represent the people. We will instead look to Saturday's heroes as a reminder of the real strength that is America.

As Americans, we know that adversity, however tragic, makes us stronger and brings us closer together. That is what GABBY would want. We look forward to the day we welcome her back to this Chamber. God bless America and all her citizens hurting in the wake of this tragedy.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

In the last few days, I have run into scores of people of my district, the Third District of Maryland, who have expressed their shock and their sadness at the events that occurred in Tucson last weekend. On their behalf and for myself, I want to express our deep condolences to the families of all those who were victimized by this tragedy.

A word about GABBY GIFFORDS, our colleague. She and I came in together in the same class. We began in January of 2007. She is everything that a Representative in this body should be. She is thoughtful. She is hardworking. She is compassionate and, to a fault, she is attentive to the concerns of her constituents. That is why she was there at that supermarket last Saturday.

We pray for her speedy recovery. We pray for the recovery of all those who survived this terrible event. We mourn the loss of those who perished, and we send our thoughts and prayers to their families.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Washington, the former distinguished sheriff of King County, Mr. REICHERT.

Mr. REICHERT. I thank the gentleman.

Madam Speaker, there are a few words that have touched me over the last few days that I would like to share. First, thankfulness, thoughtfulness, prayerfulness, patience, wisdom, and hope.

□ 1540

First we should remember those who have lost loved ones, keep them in your thoughts and prayers. They'll not need them just today, but they'll need them in the weeks, the months, and the years to come. A pain that will never leave their hearts.

Second, thankfulness. We sure thank God for GABBY's remarkable recovery and pray that her recovery continues in a speedy way and in a way that causes her to recover to the point where she can return to this House and work with us again.

And I think of patience and wisdom—and I'm addressing the Speaker but asking the Members of this body to think about patience and wisdom in a

moment because first of all, let's respect the investigation that's being conducted by the law enforcement officers across this country, the Federal, local, and State agencies. Let's respect their continued efforts in weeding through the information that they're gathering. Let's be patient when we think about legislation and laws that we might be passing that could inhibit that investigation or maybe even inhibit some of the freedoms that we today enjoy, patience in allowing them to gather the needed information where we can base good decisions on building good laws that protect the citizens of this great Nation.

And lastly hope. Hope, which is a thing we all hold near and dear to our hearts, hope that this country continues to maintain its freedom, hope in the American people, hope that we can all stand together after this tragedy. If there is a silver lining in this tragedy, it is the hope and the strength and the trust that the people of this country can build together to keep this country free.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I want to first say I'm so proud of all of my colleagues on both sides of the aisle who have spoken today. GABBY has brought us all together as never before.

I'm a good friend of GABBY GIFFORDS. She's a good friend of mine. I first met her before she ran for Congress when a mutual friend said to me, You ought to meet this lady. She wants to run for Congress and wants some advice. Would you give it to her? I called GABBY. She called me back. We spoke. And she decided to run, and we've been good friends ever since.

My colleagues have all said it today: GABBY is as kind and as sweet and as nice a person as you could ever meet. She's considerate, she's thoughtful, she's caring, smart, hardworking. It's hard to believe that anyone would want to harm her. She was doing what she always did—going out in service of her constituents, helping her constituents, going out to a shopping center.

You know, I have another connection with GABBY. My son Jonathan attended the University of Arizona, just graduated this year. And she and I spoke many times about Tucson. I have been to Tucson many, many times in these past 5 years. I've even shopped in the Safeway, tragically, where the gunman shot all of the people, including GABBY.

You know, GABBY said something to me this past August as we recessed. I served as the chair of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee and GABBY served on my subcommittee, and we talked about having a field hearing in Tucson. And when I said to her, Let's try to do it in September or October of this year, she said to me,

No. You know, the speech, the language has gotten very hostile and people's attitudes toward Washington have been very hostile, and I don't really want to do anything that would show that I'm the Washington person. That's how bad the atmosphere is.

I couldn't help but thinking about that when I heard about the shooting on Saturday.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield the gentleman an additional 30 seconds.

Mr. ENGEL. You know, in this country we do our political discourse with balance, not bullets. And although the assassin tried to murder a U.S. Congresswoman, he really was trying to stick a stake or murder American democracy. All of us on both sides of the aisle are not going to let him. We are going to continue to do what we've done before—going out in the street, meeting people, taking care, and helping our constituents. We are going to continue to attend town hall meetings and do the kinds of things that GABBY would want us to do.

I look forward to GABBY returning here. I look forward to working with her again. GABBY GIFFORDS is the best America has to offer, and we honor her and all of the other victims of the shooting today.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Madam Speaker, it is with a heavy heart today that I join my colleagues in paying respects to the victims of the senseless tragedy that took place last weekend in Arizona. I extend my prayers to the families of those who lost their lives, to the wounded, and the recovering, and to our dear colleague, GABBY GIFFORDS.

GABBY is an energetic Member of Congress who works and enjoys and treats all of those she meets with decency and kindness. I was here with her just last week while we read the United States Constitution on the floor of this House. GABBY so eloquently read from that bedrock of our democracy the First Amendment. In a direct reflection of her passion for interacting with those she represents, GABBY read of the established right of the people to peaceably assemble.

All of those gathered in Tucson on Saturday were engaging in what should have been a peaceful activity that is absolutely fundamental to our form of government—spending time with the gentlelady who so proudly advocates on their behalf here in the United States House of Representatives.

Among the fallen were Phyllis Schneck, a great-grandmother; Dorothy Morris, a devoted wife; Gabe Zimmerman, a public servant; John Roll, an honorable judge; Christina Taylor Green, a 9-year-old girl who just wanted to learn more about government;

and Dorwan Stoddard, a man who gave his life protecting and saving his wife. They are all in our thoughts and prayers.

Our Founding Fathers made no mistake when they included the right to peaceably assemble among the first tenets of democracy. The inexplicable violence of last Saturday is a stark, tragic reminder that we must never waver in our steadfast support of the First Amendment and the precious freedoms it affords us every day.

As our colleague, GABBY, and all of those directly affected by this tragedy continue to heal from Saturday's incomprehensible events, let us remember the victims and their loved ones in our thoughts and in our prayers and in our actions. As those of us here have known, and as people all throughout the Nation are witnessing, GABBY GIFFORDS is a fighter. Let's keep in our prayers the hope that she once again joins us back here on the floor of this, the people's House.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Madam Speaker, Congresswoman GABBY GIFFORDS is one of the kindest, most thoughtful and hardest working elected officials anywhere. It is a shame that it took a despicable act to shine this bright spotlight on GABBY. She is what virtually every American would say they want in a Member of Congress—smart, open, friendly, intellectually honest, and very brave. She cares passionately about all of her constituents and, as she was demonstrating on Saturday, what they think.

Speaker BOEHNER was absolutely correct when he said an attack on one Member of Congress is an attack on all, but Saturday's attack was more than an assault on a Congresswoman. It was an attack on American democracy. GABBY was doing what her job title implied—listening to her constituents at an event set up like hundreds before, conducting the business essential to effective representation. Dozens of citizens were actively participating in our democracy, asking questions and expressing themselves. The attack on GIFFORDS was an attack on them as well.

Earth-shaking tragedies sometimes create the opportunity for our society to have a reasoned discussion on critically important issues that we often cannot have under normal circumstances. In the wake of catastrophe, our hope is that such a discussion can strengthen our democracy and help our Nation emerge stronger.

Responsibility for this weekend's shooting in Tucson rests solely on the shoulders of the madman who pulled the trigger. However, it is our responsibility, as citizens in the world's strongest democracy, to seriously consider the impact that the accessibility of

high-capacity weapons and the increased vitriol of public dialogue have on impressionable or unstable individuals and our society as a whole.

For all of the pain and agony caused by this tragedy, it could also be a turning point for the country. Already leaders from across the political spectrum are discussing the vital need to turn down the rhetorical volume and dial back extremism for the sake of our Nation.

□ 1550

We all are praying for GABBY's recovery and for the families of those who were killed and wounded Saturday. Let each of us resolve to do all we can to protect our democracy from those who would deny and subvert it.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRIMM).

Mr. GRIMM. I thank the gentleman from California for yielding.

Madam Speaker, I thank you for the opportunity to come to the House floor to honor the victims of the tragic shooting in Arizona. The six individuals killed and the 14 wounded, including Congresswoman GABRIELLE GIFFORDS, were victims of a heinous and despicable act of violence. On behalf of the constituents of the 13th District of New York, I want to extend my deepest sympathies to the victims, their families and friends, and to the staff of Congresswoman GIFFORDS. We will continue to keep them in our thoughts and prayers.

As we come together as a Congress and a country to mourn and reflect, I urge my colleagues not to lose sight of what we have been called here to do and what we are here to accomplish. Congresswoman GIFFORDS was doing the exact thing I hope we will all continue to do—going out into her community and taking the time to meet with, to talk to, and most of all, to listen to her constituents. This is what keeps us connected to the heartbeat of our district. This is what allows us to effectively serve our constituents and our country. This is what democracy is all about. This is what we have been elected to do.

Additionally, I implore my colleagues to resist the innate temptation to enact reactionary legislation or call for extreme measures that could adversely impact the institution of the House of Representatives. Giving due respect to the Capitol Police and the FBI, we should allow them to do their jobs, to thoroughly investigate, and afford them the time to offer us recommendations for our safety and that of our staff and constituents.

I hope that moving forward we will not let this incident create distance between ourselves and those we have been sent here to represent. We cannot let this senseless, this completely

senseless act of violence keep us from serving our districts as effectively as possible.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman an additional 30 seconds.

Mr. GRIMM. As we move forward, let us remember that, while we should remain aware of the danger around us, we cannot live in fear or isolate ourselves in a bubble. Today, I mourn with my colleagues and the Nation, and I will continue to pray for those lost and to pray for Congresswoman GIFFORDS and the others injured in the attack and that they will have a full and speedy recovery.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Speaker, it is with a heavy heart that I take to the floor of the House today to pay tribute to the fallen, but also to honor the heroes, to express grief in the wake of tragedy, but also to express my heartfelt gratitude to those who showed incredible bravery in the face of evil.

Madam Speaker, I come to the floor of the House today to honor my colleague and friend GABBY GIFFORDS, because I want every American to know that she exemplifies what every American wants to see in their Member of Congress. The GABBY I know is smart and hard working. The GABBY that southern Arizona knows is personable and accessible. The GABBY we all know is dedicated and humble.

GABBY takes her job representing Arizona seriously. She works hard to effect change on the issues that matter most to her southern Arizona constituents. We both served on the Committee on Science and Technology in the last Congress, and I was privileged to be able to collaborate with GABBY on her signature issue—solar energy development. She worked tirelessly to create not only clean energy for America, but also new jobs for Americans.

We are both residents of border States, albeit different borders, and I was proud to cosponsor her legislation to help give businesses the tools necessary to enforce immigration standards. I admired her strong commitment to our national defense and her tireless dedication to the men and women who serve our country in uniform. But even more than her legislative prowess, it is her smile and friendly nature that makes her a beloved figure here in the Halls of Congress as well as in her home district. And we all pray for her speedy recovery.

We also mourn the loss of those who were senselessly murdered while participating in the most fundamental democratic tradition—talking with the people who represent us; victims like 9-year-old Christina Taylor Green, who

was just elected to her student council. Christina attended Representative GIFFORDS' Congress on Your Corner event because she cared about her community, and a neighbor thought she would enjoy it.

But while this tragedy has extinguished lives of promise, it has also revealed some incredible heroes. Today we stand shoulder to shoulder and pray for the speedy recovery of our friend and the other wounded victims.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield the gentleman an additional 30 seconds.

Mr. PETERS. And I just say to all, God bless the victims and their families; God bless all those who are grieving, and God bless America.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman from California for yielding.

Madam Speaker, I stand today in support of the resolution; I stand today in support of the victims of the devastating events of last Saturday, and I stand today in honor of one of our own, Congresswoman GABRIELLE GIFFORDS.

Congresswoman GIFFORDS was the youngest woman elected to the Arizona State Senate and now, at the Federal level, continues to serve the constituents of her hometown with enthusiasm and distinction. It was in this spirit of statesmanship that she participated in her Congress on Your Corner event at the grocery store in Tucson, Arizona. This event characterizes the Congresswoman's approach to her constituents. She recognizes the importance of remaining open to the people—retail representation—absolutely necessary in order to fully grasp the extent of the needs and views of those she served.

Congresswoman GIFFORDS epitomizes the term "public servant," understanding that she works for the people first, last, and always.

Congresswoman GIFFORDS was doing the work of the American people when her life was threatened. And after she recovers, I have no doubt that she will return with that same energy and determination.

I look forward to working with her again. I had the opportunity to partner with her on the Congressional Motorcycle Caucus in support of motorcycle safety awareness, and I saw that energy and enthusiasm firsthand.

One of our primary freedoms that our forefathers upheld was the right to life. After years of fighting on behalf of others, Congresswoman GIFFORDS must now fight for her own life. And let us also remember the doctors and the nurses, the first responders who played such a pivotal role in preventing an even greater loss of life last Saturday.

I will keep Congresswoman GIFFORDS and those who were injured and their

families in my prayers. I also offer my deepest condolences to the families of Christina Taylor Green, U.S. District Judge John M. Roll, Gabe Zimmerman, Phyllis Schneck, Dorothy Morris, and Dorwan Stoddard.

Mr. PASTOR of Arizona. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman from Arizona for yielding.

Madam Speaker, the violence in Tucson and the shooting of my very good friend GABBY GIFFORDS is not a time for partisanship and it is not a time for politics. It is a time for reflection, and I have three brief reflections to share with my colleagues.

I knew GABBY pretty well. We weren't best friends, but we were good friends. I was with her and her husband, Mark, on the day that Mark proposed to her. We were in New York, and GABBY and I had several events to do. And Mark kept asking if GABBY could leave early, and I kept saying no. And finally, Mark said, There is no choice. She's leaving early.

I later learned that the reason that she had to leave these events early was because Mark took her to the Merchant Marine Academy in Kings Point and proposed to her. Most of my constituents now know GABBY GIFFORDS. Few know that this important day in her life occurred on Long Island.

Second reflection, I believe that GABBY would have been uncomfortable with the attention that she is getting today and over the past several days. I believe she would want Americans more focused on the 9-year-old girl who was killed, on the Federal judge who was killed, on the congressional staffer who lost his life, on the others who were killed and wounded.

And my final reflection is this: I believe that we should reject the notion that GABBY's colleagues in Congress need to hide from our constituents, that we should reduce our exposure. This is not the time for us to hide from our constituents. This is the time for us to reassert our connection with our constituents. And this isn't the time for us to hide our opinions.

This is a time for us to reassert our opinions, but to do it without vilifying one another. There is a way to have opinions without necessarily demeaning one another. We have the right to our opinions, but not to be called any more or less of an American with a different opinion.

Opinions and the expression of those opinions are the essence of democracy. They are American. And it is fitting that GABBY GIFFORDS on this floor, at that podium last week, read the First Amendment in the Constitution, which talks about our right to have opinions.

□ 1600

We should continue to express those opinions but do it in a way that would

make our children proud of us, do it in a way that is respectful and tolerant. That is exactly what GABBY GIFFORDS did while she was here, and it is exactly what she will do when she returns.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Madam Speaker, I rise in support of the resolution.

The tragedy we discuss today is of enormous consequence to the families of those who were killed and wounded and, of course, our hearts go out to them, especially to the member of our own family, congressional family, to the Giffords, but all those who were killed or wounded in this senseless violence that took place in Arizona. This, of course, is not just of great consequence to them but of great consequence to all of us.

There are things that we must learn, and there are events like this that happen that will help us shape what we will do in the future. One thing we must not let this do is to reduce the actual contact between the American people and their elected representatives.

We will not let the acts of a demented individual reduce the right of the American people to have direct contact with their Member of the House of Representatives, and we will not let this senseless act of violence diminish or in some way stampede us into in some way diminishing the freedom and reducing the freedom of the American people themselves.

Finally, let me just say there is a positive lesson to be learned from this tragic event, and that is we must make sure that we treat each other better here in Congress, and those of us who are active in the political arena need to understand we need to be kinder to each other. Even as we disagree with each other fervently on policy, there is no reason for us to have insinuations about negative values of the person on the other side of the argument.

We need to make sure that we exemplify for the American people that people can disagree on fundamental issues, even have basic differences in value systems and what their goal is for our government, but still respect the other person's opinion and treat the other person with kindness and dignity. That's one lesson that we need to learn and to make sure the American people see us as an example of that.

Ronald Reagan used to say, be really tough when it comes to policy but, DANA, be really nice to people. Well, that's how Ronald Reagan ended the Cold War. He was really tough on communism, but he was very kind to those people who worked in the Soviet Union, which later led to that disintegration.

Today we need to be kinder to each other. We need to be respectful of the

fact that people on the other side of issues are as intelligent as we are and as moral as we are, but that doesn't mean we shouldn't use tough language about those issues. Let's be kinder to each other and let's send that as a present, a get-well message to GABBY, because there is no one else that exemplified that better than her. We know that.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 1 additional minute.

Mr. ROHRBACHER. Congresswoman GIFFORDS and I were on separate sides of a major issue, an issue of great concern to me. I have been on the Science Committee for 22 years, and she was for a totally different approach to the American space program than I have been on. We had some very serious debate on that issue.

I will tell you not only was she kind and articulate, but she was brilliant—which of course I didn't necessarily want her to show that brilliance in her arguments against my arguments. But I remember right here on this floor, after a major debate that we had, I walked over to her when the gavel went down and people were leaving, and I said, you know, you did a great job for your position today. I really respect you more than some of the people on my side of the issue, because you were articulate, you took your responsibility seriously, you have presented your arguments. I just want you to know how much I admire that in you. Keep it up and I know you will be Speaker someday—and I shouldn't say that to my colleagues over here. I don't say that often to my colleagues on the other side of the aisle.

But that's the type of spirit that she had, and I would hope that we send that message to GABBY and to the rest of the American people today.

Mr. PASTOR of Arizona. Madam Speaker, I yield myself such time as I may consume.

On behalf of Congresswoman GABBY GIFFORDS, the families of the victims, the people recovering in Tucson and my fellow Arizonans, I want to express a sense of gratitude to all the Members here who have spoken and will speak, for your prayers, for your condolences and your affection you have given all of us.

We thank you very much from the bottom of our hearts. We hope that some of the expressions you have given of showing respect, more respect to each other, more love for each other and disagreeing, debating, but not being disagreeable, will help us do the business of this House.

Madam Speaker, I yield the balance of my time to the distinguished gentleman from Iowa (Mr. BRALEY), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from Iowa (Mr. BRALEY) will control the time.

There was no objection.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Madam Speaker, I rise today to honor the victims of Saturday's shooting in Tucson and pray with all of us for them and their families.

This senseless tragedy has struck at the very foundation of the United States of America, attacking a representative to Congress, a congressional staffer, innocent bystanders in front of a grocery store. But there were heroes who showed up that day: the intern, Daniel Hernandez, who came to GABRIELLE GIFFORDS' aid; the witnesses who immediately tried to help those who were injured; the civilians who bravely stopped the shooter from injuring and inflicting more harm on others; the emergency room personnel; the emergency personnel overall whose decisive action saved other lives. These are the true examples of the spirit of what America is all about.

It's important to remember that this was an outrageous act by a deranged individual. Despite all the talk about tone and rhetoric, it's important to remember that we all on this House floor can disagree without being disagreeable.

The fact is that as public officials, Madam Speaker, being accessible to the public is an important part of our jobs, and we cannot let this tragedy stop us from doing our important work. We are Members of the people's House, and the minute we start separating ourselves from the people is the minute that we weaken our Republic.

The events in Tucson remind us how fragile our lives are. We pray again for the victims and their families, and we remember what really matters and that civility should rule the day.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. I thank my colleague from Iowa for yielding the time.

Madam Speaker, it's hard, after a long day like this when all of us are feeling so sad and discouraged about the challenges that have been faced by GABBY and her family and others, to actually think of anything that hasn't been said. But I want to reiterate what so many of my colleagues have said, so many of us who consider ourselves friends of GABBY, who are so proud of the work that she has done, who know what a hard fighter GABBY is and hope that she continues to pull through every day.

I sit near GABBY on the Armed Services Committee, and I have never seen GABBY walk into a hearing room without a pile of letters that she plans to

sign, a few things that she is going to read, prepared to ask good questions and keep her eye on the conversation and the debate the whole time we are in there. That is just GABBY; she is always working, she is always thinking.

□ 1610

You turn to her and ask her a question. She always has a smile or a little joke or is ready to make a plan for some kind of an outing or a field trip or something that we could all do together. She is a wonderful colleague, as we can see today, well respected by both sides of the aisle, well regarded by all colleagues, whether they agree or disagree, and highly well regarded back in her home community where she had another hard-fought election but came through.

Our thoughts and prayers are with her. I know GABBY is on the Armed Services Committee because she's a fighter. She's a fighter for the people she represents, and I do believe she's fighting in her hospital room today, fighting for her life alongside her husband.

Our thoughts and prayers are with the others who died alongside where GABBY was lying, who came to that event and were injured, innocent victims—a young woman and a staff member who was dedicated.

Many of us realize when we take this job on that we take a risk, but we often forget the risk of those who serve with us, those young people who come out and stand beside us, the risk that they are also taking just to be with us everywhere we go.

I also want to mention someone else who I was asked to mention who wasn't appearing in the resolution that we talked about earlier today, but Dr. Steven Rayle, a former emergency room physician was just a few feet away from GABBY when the shooting began. In the terrifying moments after the shooting, Rayle was able to use his trained first responder skills to triage what I can only imagine was a terrifying scene. And we owe him a great deal of gratitude.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRALEY of Iowa. I yield the gentlewoman 30 additional seconds.

Ms. PINGREE of Maine. I just again want to thank Dr. Rayle for his heroism and for his being there with GABBY in the first possible moments. We owe him our gratitude, and everyone else who worked so hard to make sure that people were safe as quickly as possible at that scene.

And I echo the remarks of my earlier colleague, DANA ROHRBACHER. I hope this all reminds us to think about how we speak, to think about how we speak with each other, how we conduct our business, and how we move forward. This is a solemn week. We will have many solemn weeks ahead of us, and we have a lot of work to do.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 3 minutes to the gentlewoman from California, a distinguished presiding officer of this body, Mrs. BONO MACK.

Mrs. BONO MACK. I thank the gentleman for yielding.

Madam Speaker, I rise today to offer a prayer for our Nation. President Abraham Lincoln, during the height of the Civil War and during a very low point in American civility, once told a hushed crowd: "My dream is of a place and a time where America will once again be seen as the last best hope of Earth."

My friend, all of our friend, Arizona Congresswoman GABRIELLE GIFFORDS, has believed in that dream for her entire life. Today, she represents a beacon of hope, perhaps "our" last best hope, to restore some measure of civility to the important public debates of our day.

This is not a time to be finger pointing. Rather, this is a time, in memory of all those who died or who were injured during this dark day in our history, to start talking again like friends and neighbors.

Right now, we should be praying for GABBY and all of the other victims of this horrible ordeal. We should be searching our soul as a Nation, asking one important question, a question Abraham Lincoln confronted every single day of his Presidency: How have we allowed hateful rhetoric to paralyze our national debates?

Yes, we all have different points of view, but we should discuss them, and we should debate them without resorting to name-calling or questioning each other's motives. GABBY has always stood for civility. She is the most delightful and the kindest Member of Congress, and I think we've all said that. Her never-ending smile and her unfailing willingness to work in our Nation's best interests have earned her the respect of people everywhere.

I, like all of my colleagues, cannot wait for the day when GABBY walks back onto this floor and she joins us. She is a strong woman with a very unbreakable spirit and a passion for life, her family, her friends, and our great Nation.

Let us all pray to give GABBY the strength to carry her through the difficult days ahead. I believe with all of my heart that GABBY was put on Earth by God to make a difference. And she has. I know, because she's made a difference in my life.

So the next time that a debate heats up and threatens to get ugly, let's remember our responsibilities as leaders. Let's remember what Abraham Lincoln said. Let's take a deep breath and "agree to disagree agreeably." Let's do that for GABBY.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank my colleague and friend from Iowa for recognizing me.

Madam Speaker, I join my colleagues, my constituents, and all Americans in mourning for those who lost their lives in this weekend's heinous event and in praying for those, including our dear friend and colleague, Congresswoman GIFFORDS, who are fighting to recover.

I have had the honor to serve with GABBY, like many in this body, on the Armed Services Committee since we were both elected in 2006, and I've always been struck by her intelligence and by her commitment to her constituents.

When she and her constituents were attacked on Saturday, she was carrying out the most central of our responsibilities as elected representatives, as was already mentioned, and that is making ourselves available to our constituents. That this horrific attack occurred in the middle of a gathering that is the basis of our representative democracy is a reminder to us all that we must all remain constantly committed to upholding the principles upon which our great Nation was founded.

As we come together to offer our prayers to all those involved, I hope that we will carry forward the sentiment that so many have expressed in the last few days, including on the floor of this House of Representatives, that our country's commitment to passionate debate is the heart of our democracy, but that debate must also be rooted in civil discourse and mutual respect. We can, and we should, debate with vigor the pressing challenges facing our Nation, but we must do so in a way that moves our country forward and that is constructive. In part, that will require us to recommit ourselves—recommit ourselves—to civil discourse and honest debate as well as to remaining accessible to our constituents and listening to all viewpoints.

We are a Nation, I believe, that rejects violence. And on a day when we saw really the very worst of humanity, we also saw the very best: individuals who were willing to lay down their lives to save others. Let those folks serve as our inspiration, and let us continue to keep all those affected in our thoughts and prayers and continue to move forward in America in a constructive, positive, and mutually respectful manner.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am privileged to yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Speaker, I haven't gotten to know GABRIELLE GIFFORDS very well yet, and I thank God that by His grace I haven't lost the chance to do so. I

didn't know the Americans who came to speak with her that day. But what I do know is that they gathered last Saturday to do something uniquely American.

GABRIELLE GIFFORDS was reaching out and listening to her employers, the American people, and they had come to offer her their guidance, advice, and counsel. In this respect, the attack on GABRIELLE GIFFORDS and her constituents struck at the very heart of our process of representative democracy, that very point where the American people communicate their views to their elected representatives. That is the linchpin in the entire process of self-government.

This was not only an attack on those who serve; it was an attack on every citizen who steps forward to offer honest advice and counsel and, yes, even criticism to those they have selected to serve them and to serve the Nation.

It is the nature and strength of participatory democracy to have sincere and passionate differences of opinion. But in moments like this, we see the very best of the American people come forward. We put aside our differences and disagreements, and we stand together as one Nation, the American Nation; one race, the American race; one people, the American people. Men and women of goodwill cease to be Republicans or Democrats. We suspend our political agendas; we silence the partisan recriminations, and we stand together as Americans.

By doing so, we pay supreme honor to our fellow citizens who were felled in the exercise of their rights and responsibilities as a free people. We salute the heroes who, without a moment's hesitation, rose to resist and stop this craven and depraved attack, and we assure the world, as Lincoln said, that "government of the people, by the people, for the people, shall not perish from the Earth."

Mr. BRALEY of Iowa. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas, another colleague from the Armed Services Committee, Mr. REYES.

□ 1620

Mr. REYES. I thank my colleague for yielding.

Madam Speaker, today I rise on behalf of the people of the 16th Congressional District of Texas to express our community's profound sadness in the wake of Saturday's senseless act of violence that claimed the lives of six Americans and has left our esteemed colleague, GABBY GIFFORDS, fighting for her life and has affected 13 others.

Ironically enough, last week on Thursday we had a meeting of the Border Caucus. GABBY came to that meeting, and we discussed the agenda for the 112th Congress. I can tell you that she is a tireless champion on border issues. She is an incredible Member,

dedicated to representing the people of her district, and I have had the pleasure of working with her on border issues, on military issues, and on intelligence issues on many occasions.

Over the last few days, my office has received an outpouring of support for GABBY, for her family, and for her staff, as well as everyone else who was affected by this tragedy.

Madam Speaker, when I was in my congressional district this past Sunday, I was approached by a gentleman who I recognized who said something to me that I thought was very touching. He said: Congressman, I often disagree with you on many issues, but I want you to know that I'm praying for your friend from Arizona and for you. I hope she keeps up the fight and pulls through.

I expressed my appreciation on behalf of all of us and shook his hand.

Madam Speaker, in the aftermath of this tragedy, one of the best ways that I know of to honor the victims is to come together as Americans, as so many Members have said, and to speak with one voice against the violence and the hate that claimed the lives of both Republicans and Democrats, Americans all both young and old.

Our thoughts and our prayers today and since Saturday have been with GABBY, her family, as well as all of the victims and their families affected by this terrible tragedy. It is now up to us to move forward in the same spirit that they have shown as they persevere through this terrible time.

With that, it rests on us to be better. As Mark's brother said from space: It is a peaceful planet. It looks peaceful. Sadly, it is not; but we can do better. We must do better.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Madam Speaker, today our thoughts and prayers are with all of those who were taken from us last week in this horrific tragedy in Tucson, Arizona. Our Nation stands with Congresswoman GIFFORDS in her recovery, her family, her staff, and all of those who have been impacted by this tragic event, including the family of Gabe Zimmerman, GIFFORDS' director of community outreach, and Federal Judge John Roll, who both died during the shooting.

We also stand with Christina Taylor Green who lost her life that day. Christina had hoped to go to Penn State one day and pursue a career of helping others. Penn State is one of the top public universities in the country, and it is located in my congressional district. I share those same aspirations and have no doubt that Christina would have achieved her dreams and been successful in the career path of her choosing. I offer my deepest condolences to her family.

While this tragedy reminds us of how fragile life is, it also shows us what we can truly be thankful for.

I want to commend and thank all of the Federal, State, and local officials for all of their efforts over the last week. These everyday heroes are often unsung despite the dangerous situations they are placed in. Americans everywhere are also thankful for those who showed courage to stand up in the face of danger:

Daniel Hernandez, Representative GIFFORDS' intern, the hero who assisted Congresswoman GIFFORDS by performing triage immediately after the shooting.

Bill Badger, a retired Army National Guard colonel who tackled the gunman despite being grazed by a bullet in the back of his head.

People like Daniel and Bill serve as real-life examples of what it takes to be a hero. As we mourn our losses, we are grateful for such courageous acts. Our prayers are with Congresswoman GIFFORDS, her staff, all those we lost or were injured, and their families. All of us are searching to make sense of this situation. As we do, we must maintain our support for those seeking recovery and pray for the well-being of all those involved.

Mr. BRALEY of Iowa. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA).

Mr. BECERRA. Madam Speaker, I thank the gentleman for yielding.

To our friend and colleague, GABBY GIFFORDS, to the victims and heroes in Tucson, and to all of their loved ones, our thoughts and prayers are with you. You have won our hearts with your courage and example in these difficult times. GABBY, knowing your ethic of hard work, your tenacity and determination, and knowing you as a fighter for what you believe in, I simply say to you: keep at it, don't stop. Fight, fight, fight. And we look forward to seeing you here and welcoming you here in your House, the people's House.

Times like these make it unmistakably clear how important second chances are. Not everyone in Tucson will have that second chance. How lucky we are that we can pick up the baton for them and finish the job of seeking justice and making our democracy a more perfect Union.

America, this is our second chance. This is our opportunity to shine. Let us make our work, whether here as duly sworn Representatives of the people or as the media or as responsible citizens of America, let us make our work count.

It is our turn to show courage and to be an example as we move forward, doing our part to build a better America. We owe that to GABBY and the good people of Arizona. Let's honor them by hitting that second chance out of the park.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I thank my friend from California for yielding me this time.

Madam Speaker, I rise in support of this resolution today.

I, like all of my colleagues, was shocked and very sobered by these events. I was especially touched as a new Member seeing the location and the situation and the circumstances. This is something we all have done as Members. As a former district director for a former Member of this body, my heart especially goes out to the family of Gabe Zimmerman, of Ron Barber and Pamela Simons, to all the staff who have ever served Members in this House, both here in Washington and out of that district. We want to say thank you for your service. We want to say that our hearts and thoughts and prayers are with those families that have been touched. And rest assured, your safety is on top of our mind for us all.

As a father, I mourn the loss of a 9-year-old daughter. I too have a 9-year-old daughter, and I think all of us as parents cannot help but look at this and be heartbroken.

As an American, this is an assault on our humanity. This is not the first time this has happened in our Nation's history. It is a sad day nonetheless. We are again asking God to heal our land. We will rise to this challenge as a people. I will continue to do my job as a duly elected Member of this body. I know my staff will do its job. I know all of my colleagues' staff will do their job as well; and we as a body, most importantly, will continue to do the people's work as we move forward through this tragedy.

We again will rise to this challenge, and we pray that healing and grace and peace be brought to all of the victims.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, this weekend we honor a truly historic American who, through unyielding struggle, bent the trajectory of our Nation closer to justice. "Violence . . . solves no social problems," that man, Dr. Martin Luther King—himself a victim of violence—wrote. "It only creates new and more complicated ones." The shootings in Arizona remind us of the truth of these words. They show that the world is still a dangerous place for those who stand up for civic duty.

I do not have to tell this body that GABBY GIFFORDS has been an exemplary Member of this House. As a small businesswoman in her earlier career, she has worked hard to see that the economic concerns of Arizona's families are heard in Washington. As one of

the growing number of women Members here, she has been a powerful voice on immigration reform, energy independence, reducing drug trafficking and cartel violence along the border, and the continued importance of exploring the stars.

□ 1630

As a third-generation Tucsonian, she has brought an Arizonan's love of the sun to her advocacy of renewable energy and the benefits of solar power for all Americans.

More importantly, however, GABBY is an exemplary person. She is fun to be with. She is a dear friend of mine, a friend to my family—my stepdaughter, Anna Greenberg, is her pollster—and I know that, wherever you stand in this Chamber, she was a friend to you. She never had anything but a smile for anyone, left or right.

For this, simply for serving her constituents to the best of her ability, she was shot in the line of duty.

At this very moment, she fights for life in Arizona—a life that has already been cruelly denied six others in this tragedy, including a longtime officer of the court, a staffer just like the young men and women we rely on every day, and a little 9-year-old girl.

The troubled individual who perpetrated this evil is now in custody, and time will tell what moved him to commit this unspeakable act. Yet, for those of us here in this room, we all have to do more to drain our politics of the venom where such hatred breeds.

At this moment, above all, I pray for GABBY's recovery and for the others I do not know, and I mourn those who were lost.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is my pleasure to yield 2 minutes to a member of our committee, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. I thank my colleague from California for yielding time.

I rise in strong support of this resolution.

First and foremost, I would like to extend my prayers and wishes, as well as those of my constituents in northwest Georgia, to my colleague Representative GABRIELLE GIFFORDS, her family and staff, and to all the other victims of the shooting. What took place was an unspeakable tragedy, and it has absolutely no place in our society.

Madam Speaker, on Saturday morning, Ms. GIFFORDS was hosting an event fundamental to our duties as Members of Congress—meeting with and listening to our constituents so that we can best represent them in Washington. It is painfully sad and sobering that, in the process of doing her job, GABBY was brutally attacked.

I had the pleasure of serving with GABRIELLE on both the House Armed

Services Committee and the Science and Technology Committee during the 110th Congress. I have always known her to be a thoughtful legislator and a dedicated public servant and have always appreciated her cheerful disposition. Throughout her tenure in Congress, Representative GIFFORDS has distinguished herself as one of the Members of this body who works well with our colleagues on both sides of the aisle.

My prayers continue to be with her and her family, and I look forward to the day when she walks back onto this House floor.

Madam Speaker, we must also not forget the other individuals who were victims of Saturday's attack. One of the casualties was 9-year-old Christina Taylor Green, who was born on September 11, 2001, and was recently elected to serve on her school's student council. Driven by her interest in politics, she had gone to GABBY's event last Saturday to learn more about our Federal Government. The tragedy of her death reminds us all of the fragile nature of life and what it means to be a public servant.

Additionally, we all know the critical role that our staff members play in helping us carry out our duties and better serve our constituents. Like us, members of our staffs are dedicated public servants. That is why it is truly heartbreaking that a member of Ms. GIFFORDS' district staff, Gabe Zimmerman, lost his life in this senseless attack while two other members of her Arizona-based staff were injured.

In the midst of one of the darkest hours of our country in recent memory, let us also thank those whose courage and bravery, whether in helping take down the gunman or in assisting in providing care for the injured, deserve recognition. We thank them for their valor.

Madam Speaker, during times of tragedy, we depend on steady leadership to guide us through our grief. I commend the leadership of both parties for remembering that there is much more that unites us than divides us.

Again, I pray for the recovery of our colleague, Ms. GIFFORDS, and for all of the victims of the Tucson shooting.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of this resolution.

All of us on Capitol Hill were dealt with the shocking news that Congresswoman GABBY GIFFORDS and her staff were shot and that her director of outreach, Gabe Zimmerman, was killed. This tragedy makes me think of my own staff and the great work that they do each and every day for me, representing the people I was elected to represent.

I join our entire country in continuing to pray for the recovery of our friend and colleague, Congresswoman GABBY GIFFORDS. She is a hardworking and highly respected Member of this Chamber, and she is a true advocate for her home State.

In 2008 I had the privilege of joining her in Tucson for a discussion on the need to improve mental health care for our servicemembers returning from the wars in Iraq and Afghanistan. I know she cares passionately about this issue as she does about so many other issues important to her constituents.

May God bless Congresswoman GABBY GIFFORDS, her family, her friends, and all those in Arizona who have been affected by this tragedy.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. I thank my colleague from California.

Madam Speaker, I rise in strong support of this resolution today.

We gather here to remember the innocent people whose lives were cut tragically short by the horror that unfolded in Arizona on Saturday. We also gather to honor and pray for our colleague, Representative GIFFORDS, and the others wounded in that attack.

It was a real privilege for me to participate in the reading of the Constitution with GABBY, and I anxiously look forward to her return to the House floor.

Joined by so many in Virginia's Second District, I offer my heartfelt condolences to all of those affected by this tragedy. I commend the citizens, the first responders, and the health care professionals who bravely worked to protect and save lives.

We are blessed to live in a country where freedom and the opportunity to peacefully assemble and petition our elected officials, even at a grocery store, is a cherished right. We uphold that right today, and we stand united in condemning this senseless act of violence.

My wife, Teri, joins me and all of this body in praying for those who lost their lives, for those who were wounded and their families.

May God bless America and bring peace to America.

Mr. BRALEY of Iowa. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman.

Madam Speaker, I don't think there are enough words to express my feelings at this time, and I am sure the words that I have will never be adequate to truly share my grief with my colleagues and with our country.

As with all of the Members of Congress, my thoughts and prayers are with those who lost loved ones in the

aftermath of this senseless act of violence. My heart is hurting for those who were injured—some catastrophically, some still fighting for their lives.

I love GABBY GIFFORDS. I don't think there is a better example of a true public servant than this remarkable woman the country has gotten to know over the last few days. She is kind and caring and dedicated, and the very fact that she was doing her Congress on Your Corner just 4 days from the time she was sworn in for another term gives you some idea of how dedicated she was to her job.

While I watched in horror, like most of the country, and was riveted to my television set this weekend, I also couldn't help but marvel at those who rose above personal fear, who had the presence of mind and who, in spite of their own personal safety, tackled the perpetrator of this heinous crime; at the young intern who possibly saved GABBY's life by his medical attention to her; and at those who attended the wounded and comforted the bystanders. These are the true heroes in our country—the medical personnel, the hospital administrators and staff.

The entire citizenry of Tucson has given us hope for our Nation as they have risen to this occasion and have demonstrated to the rest of us how good we are in times of trial.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRALEY of Iowa. I yield the gentlewoman an additional 30 seconds.

Ms. BERKLEY. I've gone through many stages of grief in the last few days. First, I was heartsick at the news. Then I was angry. And now I'm resolved.

□ 1640

I am going to do my own "Congress on the Corner" in honor of GABBY this coming Friday because nobody, no lone gunman, nobody can stop the democratic process and stop us from doing our job of interacting with our constituents.

On behalf of myself and my family and the people that I represent from southern Nevada, I send our collective condolences to those people that have lost loved ones in Tucson. And our thoughts and prayers to the survivors. We wish them all Godspeed. God bless them, and God bless this great Nation.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, before I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), I ask unanimous consent that the gentleman from California (Mr. CALVERT) be allowed to control the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. CALVERT) will control the time.

There was no objection.

Mr. LATHAM. I thank the gentleman from California for yielding.

I rise today to join my colleagues in offering my prayers and condolences to the victims of Saturday's senseless violence in Tucson. To the families and loved ones of those who lost their lives or were injured, know that every Member of Congress and their staff stand with you today.

This legislative body was designed to be a forum for the will of the American people, and Congresswoman GIFFORDS has always met her constituents in accordance with that spirit. She and her staff members who accompanied her on that Saturday possessed a deep understanding that a Representative of the people's House must listen and remain as accessible as possible to the people.

The citizens who lost their lives Saturday morning were exercising their patriotic duty to participate in the democratic process: a widely respected Federal judge; a dedicated church servant; a great grandmother who deeply believed in her country; a former secretary and homemaker; and a 9-year-old girl, herself a leader, getting an early glimpse of how our democracy works. And it is with an especially heavy heart that we mourn the loss of Gabe Zimmerman, a dedicated member of Congresswoman GIFFORDS' staff and a member of this congressional community who was also a tireless servant to the people of Arizona's Eighth District. That those voices and lives were cut short is a national tragedy of the highest order.

This is a heartbreaking moment in the history of the House of Representatives and our Nation, but we cannot allow this tragedy to put us on the defensive. We cannot retreat from our responsibilities to be accessible and responsive to the will of the American people.

I look forward to the day when Congresswoman GIFFORDS rejoins us in this Chamber. Until then, we can strive towards the lofty standard she has set. We can find inspiration in her steadfast commitment to those she serves, and we can draw strength from her unwavering belief in democracy.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island and Providence Plantations (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this resolution and in honor of the victims and those left suffering as a result of last weekend's devastating tragedy in Arizona.

In what can only be described as a brutal act of domestic terrorism, Congresswoman GABRIELLE GIFFORDS, members of her staff, and other members of the Tucson community are now fighting for their lives. And six innocent others, including a 9-year-old little girl and the Congresswoman's director of community outreach, Gabe Zim-

merman, gave the ultimate sacrifice in the exercise of our democracy.

This tragedy gives us great pause as we begin the work of the 112th Congress and serves as a painful reminder that our democracy is built upon the ability of our citizens to participate fully in their democracy, and we must protect that. These have been tragic hours for our country, for those who lost loved ones, and for those who were injured and their families. On behalf of the people of the First District of Rhode Island and my colleague, Congressman JIM LANGEVIN of the Second District, we send our sincerest condolences from our entire State to all those who have lost a loved one as a result of this hideous attack. We also extend our thoughts and prayers to Congresswoman GIFFORDS, her staff and her constituents, all of whom were victims of this tragedy. And we pray that those injured have a speedy and full recovery.

May God grant our Nation and all the victims peace and comfort. And may we renew our commitment to the ideals that have made America great, including the free exchange of ideas and a democracy that continues to listen carefully to the people we serve.

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Last Saturday, Congresswoman GABRIELLE GIFFORDS and many others were victims of a brutal and brazen attack as they participated in a Congress on Your Corner event. Six people were killed and many more were injured.

Like many of my colleagues, I have had the pleasure to work with Representative GIFFORDS and can attest that she is a thoughtful, kind, and wonderful person. My prayers are with her and her family as she begins the road to recovery.

My thoughts are also with the families of those who were killed. No words can ease the pain of their families, and our country shares in the grief of six lives cut short. The goodness that Dorothy Morris, Judge John Roll, Phyllis Schneek, Dorwan Stoddard, Gabe Zimmerman, and 9-year-old Christina Taylor Green brought to this world will never be forgotten.

It is during moments of tragedy that Americans forget our differences and unite around common goodness. We love our country and our countrymen. We will never let any one act or one individual deter us from living in freedom and without fear. As Members of Congress, we refuse to be cowed by senseless violence. Our duty is to our constituents, and we will fulfill that duty without reservation or hesitation.

The lesson from last Saturday can be found in the courageous acts of strangers and neighbors who banded together amid violence to help others and confront a madman. Let us honor Representative GIFFORDS' intern, Daniel

Hernandez, who did not hesitate to come to her aid, and three incredible Arizonans who, without regard for their own lives, tackled and subdued the attacker.

Whatever the deranged purpose of the shooter, it has only served to strengthen our resolve and the greatness of our country and to marvel at the bravery and kindness of our fellow Americans, who without thought of their own safety acted in the face of evil. It is their stories of bravery that will be remembered and held up as an example of an exceptional nature of our great American character.

As we move forward from this horrible event, let us keep the feelings of brotherhood and compassion that should not only exist in the wake of a tragedy, but in our everyday lives.

God bless our dear friend, GABBY GIFFORDS, all those who were injured, the families of the fallen, and God bless America.

Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. DANIEL E. LUNGREN), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from California may resume.

There was no objection.

Mr. BRALEY of Iowa. Madam Speaker, I am delighted to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, we are gathered here this afternoon to show respect and affection for our beloved colleague, GABBY GIFFORDS, to mourn the dead, and to provide support for those wounded in body and in spirit.

We also have a special responsibility here this afternoon to tell the truth about the nature of America. Our children and people all over the world saw acts of heinous violence on Saturday, and many think that that represents the true nature of America. We are here today to say it most emphatically does not.

The true nature of America is not an evil, haunted person killing innocent people. The true nature of this country is the diligence of GABRIELLE GIFFORDS as she stood there listening to her constituents so patiently. The true nature of America is the optimism of a 9-year-old girl eager to become involved in the political process. The true nature of America is the ultimate act of selflessness as a long-term husband interposes his body between that and the bullets and saves the life of his beloved wife whom he met in grammar school.

□ 1650

The true nature of America is the skill and heroism of the young intern, 5 days in the service of Congresswoman GIFFORDS, who rushed to her side and very likely saved her life with his skill.

The true nature of America is the judiciousness and careful reasoning of the Federal judge who gave his life by happenstance on that day at that moment. The true nature of America is the three brave Arizonans who ran toward a man with a loaded gun who was firing away, threw their bodies at him and saved the lives of countless others around them.

Saturday was a horrendous day, but let us be resolved that it will not be marked in history by the manifestation of evil that it represents, but by the manifestation of optimism and diligence and selflessness and goodness that truly reflect the spirit of the American people.

May God bless our colleague and all those who suffered through this long nightmare.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. First of all, I would like to join in with my colleagues in condemning this act of violence and to express my deepest condolences to all of the families who were killed in the attack on January 8, 2011, in Tucson, Arizona.

I join millions of others in praying for the recovery of all of those that were injured. Especially we pray for our colleague, the Honorable Representative GABRIELLE GIFFORDS. It has been my privilege and honor to work with her, especially on the well-being of this Nation's space program, and I pray for her full recovery and God's strength for her husband and her entire family.

In a Nation where there is freedom, some individuals will choose to do evil, and certainly no law can cure the human heart. I do pray for the individuals who are suffering from anger, like those of the accused, that they will find the counseling and healing that they need.

Actions like this, which include the tragic death of a 9-year-old child, are not normal.

But even in tragedy we see the great strength of this Nation. We see the heroic actions of individuals, private and professional, who helped subdue the attacker and who helped the wounded survive. And we see a nationwide outpouring of concern and prayer for GABBY GIFFORDS and all of those that were injured. And of course that rises far above political differences.

May God bless the families and bless us in our work here this year in the 112th Congress.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to another fine gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, earlier this afternoon many of us attended a congressional prayer service for the victims of the shooting in Arizona, and

I just wanted to reflect on three things that occurred there that really were meaningful for me.

One was after the prayer service, the staff of GABBY GIFFORDS were gathered, and we had an opportunity to meet them and shake their hands and talk to them a little bit. And I was just taken aback, first of all, by how young they were and how optimistic they were, of course optimistic about her because they really feel and they're praying, and we all do, that she has a full recovery.

But I can't help but reflect on the fact that not only the Congresswoman but her staff were so dedicated. I would often talk to GABBY on the floor oftentimes in the back of this room; and as many have said, she was wonderful. She was so enthusiastic about her job, about her constituents. She is also a beautiful person. And I was just so happy to hear that after the operation that they were optimistic about her recovery, and it seems like every day she gets better. So I'm really looking forward to her coming back here.

And I want to pay tribute to her staff. I mean, obviously three of them were injured. One was killed. That person was killed, and all of them were facing the reality, unfortunately, that we do face now that when we do outreach, that there is a certain amount of danger. But I also think that it's really important for us to say that we are going to fight against that. We are going to continue to be out there meeting with our constituents, and we want people to come and meet with us.

The second thing was the House Chaplain. At the prayer service today he said that the Arizona victims were essentially martyrs to the cause of America because they were out there participating in democracy. And I really think that that's true, that the need to participate in the democratic process is what this is all about. And to the extent that we reinforce that in the aftermath of this tragedy is really important.

And the last thing I would say is some of the Members today, and particularly ED PASTOR when he spoke at the prayer service, he said that we have to be inspired to better the lives of others.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRALEY of Iowa. I yield the gentleman an additional 30 seconds.

Mr. PALLONE. And I noticed that the little girl, Christina Green, the one who unfortunately passed away, actually told her parents that she wanted to have a career that involved helping those less fortunate than her. And I think if there is anything that we can do in the aftermath of this tragedy, as ED PASTOR said at the prayer service, let us be inspired to better the lives of others. Let's try to make something positive of this tragedy.

That little girl was so much in my heart when I heard about her and her wanting to have a career in public service and her being there at this outreach center because of that desire.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am very pleased to yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my distinguished colleague; and on behalf of myself and my constituents from the Sixth Constitution District in north-central Florida, we offer our thoughts and prayers to our colleague GABRIELLE GIFFORDS and her family.

I also join the American people in extending our condolences to the other victims of this terrible event. This is a heartbreaking loss.

But I'm encouraged by the positive news from her doctors. And I commend those medical professionals in Tucson for their dedication and outstanding work. Obviously, we look forward to GABBY coming back to the House floor. We miss her warm demeanor and her courageous qualities.

In paying our respects to her and the others harmed and killed in this senseless act of violence, we must make it clear that we will not be deterred from meeting with the American people. The act of this deranged individual should not alter the routine duties of our office. I've had 560 town meetings in my district. I understand what it must be to remain accessible to my constituents. An attack on any single Member is an assault on this institution, and we must carry on in our commitment to an open and representative government.

So I extend my best wishes to my colleague for a satisfactory and swift recovery. I also share my deepest sympathies with the families of the victims who were injured and killed in this incomprehensible act.

Let me close with two Bible quotes, from Psalm 46:1, "God is our refuge and strength, an ever-present help in trouble"; and 1 Peter 3:14, "But even if you should suffer for what is right, you are blessed. Do not fear what they fear. Do not be frightened."

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Madam Speaker, I rise in support of this resolution that recognizes the tragedy in Tucson on Saturday. I'm deeply shocked and saddened, and I'm praying for GABBY, her family, staff, and the other victims of this senseless act of violence.

In times like these, words often fail to describe our anguish and pain. As a fellow Member of the class of 2006, I've gotten to know Congresswoman GIFFORDS well and have developed enormous respect for her intellect and her love for this country.

□ 1700

She and I have served together on the House Armed Services Committee. And she was very gracious on the morning of President Obama's swearing in. She offered to share her blanket with me as we both braved the cold during the inauguration. We kept each other warm, and we had warm dialogue and happy moments.

GABBY and her staff were performing a fundamental duty of a Member of Congress: That is listening to the concerns of her constituents. Our democracy depends on this type of open and informal meeting of elected officials and the people that they serve. We cannot let this cowardly act of violence prevent us from engaging with our constituents. I encourage my colleagues to take appropriate caution but to continue holding constituent meetings and do the job we were elected to do without fear. To do otherwise would allow the gunman a small taste of victory and would diminish our democracy and dishonor the victims of this senseless act.

I look forward to GABBY's speedy recovery and to working with her on the Armed Services Committee again soon.

And I would like to say a few words about Federal Judge John Roll, who lost his life on Saturday. Judge Roll was with Congresswoman GIFFORDS the day of the shootings to press for funding to relieve overcrowding in his district.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRALEY of Iowa. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. Judge Roll had been a lifetime servant of his community and his State, 63 years old. And as Justice John Roberts said, Judge Roll's death is a somber reminder of the importance of the rule of law and the sacrifices of those who work to secure it.

Finally, I would like to recognize the other victims. I won't name them, and I do not know them personally, but I want to express my sympathy and condolences to their families.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I thank the gentleman from California for yielding.

Madam Speaker, I rise today in support of this resolution. The thoughts and prayers of Florida's Second Congressional District I deliver. Our hearts are broken over the events of Saturday. We want to deliver today our thoughts especially to those families who lost their loved ones, the six families who are today memorializing them and planning those details.

I also want to make sure that I express my appreciation for the short time that I had a privilege of speaking with Representative GIFFORDS. Last

Thursday, shortly after we were sworn in, I walked just outside the floor. She met me outside, and she extended her hand to me. And she said, "Hello, I am GABBY GIFFORDS. You must be new." And I said, "Well, I am new. I am STEVE SOUTHERLAND." She goes, "Where are you from, STEVE?" And I said, "Florida." She said, "Let me introduce you to some people that will help you." And she walked down the hall and out to the steps, and she introduced me to numerous, numerous floor staff. I did not have any other encounter with her except for that 5-minute brief time.

And on Saturday, when I learned of the events that had occurred in Tucson, it was with horror that I got home, and I turned on the television, and I realized that it was that wonderful, sweet person who with kindness and gentleness introduced me to the staff. And so it is with a burdened heart today that I want those in this Chamber and the people of America to know that the citizens of Florida's District Two are heartbroken as well. We are praying for each and every one affected.

And I want to make sure that we go from here to continue, in honor of those who have given their lives and those who have been affected, to create a more perfect Union, that we work hard to secure the blessings of liberty. For that is how we will be known by the world. Not by our security, not by our policy, but by the civility, by the love we show and care for one another. That will make us a shining city on a hill. And that's what I am committed to doing.

Mr. BRALEY of Iowa. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from the Commonwealth of Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I appreciate the opportunity to speak here today. As has been said over and over, GABRIELLE GIFFORDS is a smart, gifted, and compassionate Member of Congress. It is a privilege to be her colleague and friend. Arizona is privileged to be represented by a person of her caliber.

My wife, Lisa, and I pray for her recovery. And our thoughts are with her, her family, her friends, and her community as they come together in the aftermath of this terrible act of violence. I look forward to seeing GABBY back here where she belongs, on this floor, advocating on behalf of her constituents.

I served in this House for many years as a congressional aide. And since I've been elected to Congress, I've come to appreciate even more the generous and selfless service of our staffs. So I am especially touched and grieved by the murder of Gabe Zimmerman, who served as GABBY's director of community outreach.

For those whose lives were lost—Christina Taylor Green, Dorothy Morris, Judge John Roll, Phyllis Schneek, and Dorwan Stoddard, who was related to one of my own staff, my sympathy, condolences, and prayers are with their families and loved ones.

I believe so very strongly that we here in this House, and all of us as Americans, must come together and transform this tragedy into something positive and hopeful. We live in a country that is too polarized. And we live in a country where a culture of violence is all too common. If this horrible act of violence results in all of us becoming more civil to one another, in taking a more careful look at the words and imagery we use when talking to and about one another as we deal with difficult and controversial policy debates, if it results in concrete ways to begin to reverse this culture of violence, then our Nation will triumph over this pain and loss.

Today is a time to grieve, to mourn, to express sympathy. But unfortunately, in the aftermath of this tragedy, too many of the old fights resurfaced. The left blamed the right, the right blamed the left, everybody blamed the media, op-eds were written, and bills were introduced. But Madam Speaker, none of that will bring back those who were lost. None of that will put a 9-year-old girl back at the breakfast table where she belongs.

Like many of my colleagues, on Monday I participated in a national moment of silence. The best thing about that moment was that for just a minute or two the noise stopped. We paused and we reflected. And I hope that we can do more of that in the months and years ahead.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is my pleasure now to yield 2 minutes to the gentleman who has returned from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Speaker, it's my distinct honor to rise today and call Congresswoman GABRIELLE GIFFORDS not only a colleague, but a friend. I had the pleasure of working with this fine lady from Arizona on several initiatives, beginning very early in her first term. The districts that we serve are very similar, southern New Mexico, southern Arizona. We share the southern border. We have issues of public land, public access, resources. So many of our perspectives originate from the same sort of district.

I got to know GABBY just in her first month here. In February, we went together to Iraq to visit soldiers. Together we would sit down and visit with young men and young women who were defending our country, who were fighting for the freedom of the Iraqis there. And we just grew a common bond in the service and the recognition of those who were serving in an even more difficult circumstance.

We found the opportunities to work across the aisle on several issues just after we returned. And those are the strong memories that compel me today to stand up and say that I have grown to respect and admire the efforts of this courageous young woman as she served here in Congress.

As we saw the unforeseeable and tragic circumstances of this past weekend, we realized that there are circumstances that face us all. And I would recognize right now that GABRIELLE GIFFORDS decided to do her job no matter the risk. She served with courage, determination, with openness and a forthrightness to her constituents that should be a model to all of us.

I know that she is an inspiration for me today as she struggles to regain her health and to regain her position here serving the American people.

I have been able to support many of GABRIELLE GIFFORDS' initiatives in the past. It's my privilege today to lend my support to this resolution. I pray for her speedy recovery and for the recovery of those injured on that fateful day. I pray for the comfort of those who lost loved ones. May God bless GABRIELLE GIFFORDS.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mrs. MALONEY).

□ 1710

Mrs. MALONEY. I thank the gentleman for yielding.

Madam Speaker, like so many of my colleagues, I knew GABBY GIFFORDS to be a warm and caring friend, a rising star in the House with a moral compass as sure as it is true. That is why she recently spoke out against the rising tide of hate speech in our country and the lack of civility in our political process.

While it may be too early to come to any conclusions about the consequences of the recent and tragic events, it is never too late to reflect on lessons we have learned from earlier such tragedies and take them to heart.

Guns kill. And those who glamorize gunplay do no service to humanity.

Words matter. And those who use inflammatory rhetoric to achieve cheap political gain wound our country and weaken the ties that bind us.

Democracy triumphs. The fundamental wisdom that has distinguished our Nation and led her to greatness resides in our unwavering commitment to settle our disputes with ballots, not bullets.

My thoughts and prayers go out to Congresswoman GIFFORDS—I hope for her swift and complete recovery—and to her family and to all the friends and family members of the victims of that tragic event.

As we approach the observance of Martin Luther King Day, let us recall the words of Robert Kennedy that were said on that tragic day so many years

ago, and I quote: "Let us dedicate ourselves to what the Greeks wrote so many years ago: 'to tame the savagery of man and make gentle the life of this world.'"

Get well soon, GABBY. We need your leadership, your strength, your courage. You are in our thoughts; you are in our prayers.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I thank the distinguished gentleman from California for yielding to me.

Madam Speaker, I rise in humble and solemn support for House Resolution 32.

I also rise to express my heartfelt gratitude to our distinguished Speaker, the gentleman from Ohio (Mr. BOEHNER), and all Members of the House leadership, Republican and Democratic alike. The thoughtful and compassionate manner in which they have united the Members of this great institution in prayerful support for our beloved colleague and friend, Congresswoman GABRIELLE GIFFORDS, and all of the victims of the January 8 attack in Tucson, Arizona, is sincerely appreciated.

Madam Speaker, as with all Americans, I was deeply saddened and horrified upon learning of the senseless and violent attack on Congresswoman GIFFORDS, members of GABBY's staff, and citizens of Arizona's Eighth District. This act of violence was an unthinkable attack on a dedicated public servant and her constituents.

It was also an attack on one of the most important cornerstones of our form of representational democracy—the duty of elected officials to reach out to the citizens they serve. It is imperative that we not allow the tragic events of January 8 to prevent elected officials from fulfilling this duty to remain in close contact with their constituents and well grounded in their concerns.

On behalf of my wife, Leslie, and our family and all residents of Pennsylvania's 19th Congressional District, I offer our deepest sympathies to the families, the friends, and the coworkers of those who were taken from us in this attack. Please know that you and all the victims of this terrible tragedy are and will continue to be in our thoughts and prayers. May God watch over you as he continues to watch over our grieving Nation.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. I thank the gentleman for yielding.

Madam Speaker, I rise to express my thoughts and offer my prayers and those of my constituents for my friend and colleague, GABBY GIFFORDS, who lies critically wounded; and for her

staffer, Gabe Zimmerman; for the precious patriot, Christina Taylor Green; for Dorothy Morris, Judge John Roll, Phyllis Schneck and Dorwan Stoddard, who lost their lives in this senseless tragedy; and to their families.

Our thoughts and prayers, too, go out to the other innocent victims of this tragedy, including congressional staffers Ron Barber and Pamela Simon and their families, and our heartfelt gratitude to all those brave souls who responded valiantly and quickly, preventing even more death and injury. And to the people of Arizona, who love their State and our democracy, to you we express our solidarity.

GABBY, as we all know, is one of the nicest, most decent, dedicated, concerned, and compassionate Representatives in this body. The fact that she and her staff were gunned down while doing their jobs, doing exactly what is required in a democracy, makes this tragedy even more unfathomable.

And so I am concerned about the impact of this tragedy on our democracy. We cannot have a well-functioning democracy without ample interaction and discourse between members of the public and their elected officials.

Directly or indirectly, this tragedy invites us to examine the way we conduct business on all levels. There is no question that political discourse has become toxic at times, and I hope that out of this tragedy comes a renewed commitment to civility.

I applaud Speaker BOEHNER and Leader PELOSI for setting the right tone. We have a moment now to look prospectively at how we debate issues of great import.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRALEY of Iowa. I yield the gentlewoman an additional 30 seconds.

Mrs. BALDWIN. I hope we seize this moment to come together as a Congress and ask, How can we bring renewed civility to consequential debate and create a new environment in which people can differ without demonizing others?

People reach different conclusions about the important topics of our time, but each of us, like GABBY, seeks office because we want to make life better for the people we represent. We want a better America.

GABBY, keep fighting the good fight. We need you and America needs you.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Speaker, I, like our colleagues, am rising in sorrow today to address the events that occurred in Arizona this past weekend. Our thoughts and prayers are with all of those victims, with their families, and with our colleague, GABBY GIFFORDS. She was doing what we all do—hearing the concerns of her constitu-

ents. And I think we all know and recognize that we in this Chamber are more visible and more accountable than ever before.

On Saturday, a madman, a monster, attempted to assassinate our beloved colleague. She was shot in the line of duty, the duty of listening to, so that she could more effectively represent those constituents. It was a duty that she and many of us do love and do treasure that interaction with our constituents.

Today, more so than ever, as Members of Congress are called to that duty, we realize that it goes with us wherever we go. Every trip to the grocery store, to church, to a soccer game, can turn into a town hall meeting. That accessibility to those who count on us to make the right decision is something that we cannot give up. Even though this past weekend's events have devastated us, we must not compound the tragedy by being deterred from those duties.

The shooting occurred on Saturday, and on Sunday I kept a previously scheduled district appointment at Fort Campbell. That Army post is home to the 101st Airborne when they are not deployed, as they currently are in Afghanistan. These public servants know what the senseless loss of an honored friend, colleague, even a hero feels like. They also know better than anyone else that service is often most valuable when it is performed in the face of fear, uncertainty, or hostility.

So many of my constituents have asked what will this mean for how we, as Members, carry out our jobs. I think we will all be more careful when we undertake our duties. We know we are responsible not only for our own safety; we are responsible for the safety of our staff, our constituents who bring issues to us. And in this, I hope our service does credit to the men and women in uniform.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentlewoman an additional 30 seconds.

□ 1720

Mrs. BLACKBURN. I hope our service does credit to the men and women in uniform who have served us so very well. God bless GABBY GIFFORDS, bless her staff, her constituents, the other innocent victims, bless this House and our great Nation.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Our energetic and talented colleague GABBY GIFFORDS was doing what she does so well, the core responsibility of every Member: listening to her constituents in an open public forum. Young and old, Americans of all political philosophies gathered to meet with her.

This is the very type of neighborhood office hours that so many of us hold. I have held many of them throughout central Texas. And this is the very type of accessibility and openness that is fundamental to our democracy and critical to a society that recognizes that change is achieved through ballots, not bullets.

Less than a year ago, another disturbed individual expressed his anger by crashing his airplane into a building in Austin, Texas, that housed IRS employees, causing great death and destruction. Incredibly, a Facebook page was erected quickly in his honor. What I said then I would reemphasize today: We must turn down the volume on hate to discourage more such horrors.

Debate, vigorous debate, is at the very heart of our democracy. Sometimes it is heated and strongly worded. Such strong discourse helps us to set America's course. But violence is not discourse. It debases our democracy. Violence can kill a human being, but it cannot kill the truth. In a free and open market of ideas, truth will ultimately prevail.

In the words of Dr. Martin Luther King, Jr., whose life and work we celebrate this very month, "I believe that unarmed truth and unconditional love will have the final word in reality. That is why right, temporarily defeated, is stronger than evil triumphant." We pray for those lost and the many who still suffer from this great tragedy.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Madam Speaker, I rise today to humbly add my voice to the remarks made so eloquently by my colleagues.

I had the honor of personally meeting Representative GIFFORDS for the first time just last week, here in the Chamber; and although my service in the House has thus far only overlapped ever so briefly with hers, GABBY's attitude of service and spirit of commitment to those that she represents was immediately apparent.

Representative GIFFORDS was practicing one of the most basic and important duties that a Member of Congress will have, making herself available to constituents, when a gunman viciously and inexplicably attacked her and 19 others.

It is difficult to find explanation for such a tragic event. And while an explanation will always elude us, we can find comfort in the prayer of a friend and constituent from my home district in Pennsylvania, Rabbi Ira Budow.

Just this past Monday evening before a town hall meeting in Bucks County, Rabbi Budow prayed. He said, "I pray that the disaster in Arizona serves as a wake-up call for our country and results in a more caring and loving atmosphere for us all. At the end of the

day, we are all Americans and rise and fall together."

I'm proud to support the resolution.

Mr. BRALEY of Iowa. Madam Speaker, I am happy to yield 2 minutes to the distinguished gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Madam Speaker, I rise to join my colleagues today in support of this resolution and associate myself with the eloquent and heartfelt expressions of condolences and comfort from my colleagues from both sides of the aisle. And hearing the wonderful stories about GABBY told on this floor help capture the warmth and humanity that is GABBY GIFFORDS.

The shock, horror, and tears that followed the unfolding of the terrible news from Arizona, it's like just yesterday. Here was GABBY, out on the first day after we finished votes to meet with her constituents at a Congress on your Corner, an event that many of us do in our own districts. She was joined by her dedicated staff and a large number of constituents who wanted to talk with her, including a third grader so excited to meet with her Congressperson, who had just been elected to an office in her elementary school.

I send my condolences on behalf of all of the people of Hawaii to the families of those who lost loved ones in this senseless act of violence. And I'm going to say their names again because they must not be forgotten: John Roll, 63, chief judge for the U.S. District of Arizona; Gabriel Matthew Zimmerman, 30, Representative GIFFORDS' director of community outreach; Christina Taylor Green, 9 years old, a beautiful and bright girl who should have had a chance for a full life; Dorothy Morris, 76, whose husband was critically injured trying to protect her during the shootings; Phyllis Schneck, 79, mother of three, grandmother of seven; Dorwan Stoddard, 76, who shielded his wife, Mavy, who was also wounded.

Our prayers are with those who are struggling to recover from their injuries, including our dear friend and my classmate, GABBY, GABBY's husband, Mark Kelly, and all of the family members of the victims. We are all one family. As we say in Hawaii, ohana, united in our collective grief and prayers.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRALEY of Iowa. I yield the gentlewoman 30 additional seconds.

Ms. HIRONO. I thank the gentleman.

The day before this terrible tragedy, GABBY had reached out to a friend of hers, Kentucky Secretary of State Trey Grayson, a Republican, to talk to him about ways that we all could tone down the political rhetoric and partisanship.

At this point we don't know what drove the gunman to commit this horrible act of violence. Regardless of whether his actions have a causal con-

nection with an increasingly negative tone of our political discourse, I think this tragedy should give us all pause to reflect. Just as we have all come together today to honor the victims of this tragedy, I believe we can honor GABBY by going forward with a heightened commitment to respect each other, listen to each other's points of view and come up with policies that will strengthen our Nation. We must go forward together. Mahalo nui loa.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is my privilege to yield 2 minutes to the gentlewoman from New York, Dr. HAYWORTH.

Ms. HAYWORTH. Madam Speaker, I rise to honor the victims of Saturday's senseless and atrocious attack. Congresswoman GIFFORDS and her staff are constantly in the thoughts and prayers of her colleagues in the House. And as a mother, I am most profoundly saddened by the loss of the youngest victim, Christina Taylor Green. Christina was only 9 years old.

She belonged to history at the beginning of her life, and she belongs to history at the end of her life. She was born on September 11, 2001; and Christina was acutely aware of the impact that day had on our Nation. But she always found the positive and hopeful in that dreadful event. She would often tell people she was born on a holiday, and she said it was a holiday because it gave hope to say that and people came together on that day. She wore red, white, and blue; and she was vocal about her patriotism and her pride to be an American.

And in addition to being extremely patriotic, Christina was an inquisitive and mature young lady who had recently taken an interest in the most fundamental of American rights, civic engagement. She had just been elected to her own student government, and she was attending Saturday's event to meet her Congresswoman and learn more about government.

As we grieve for her loss, it is important to pay tribute to the model young citizen Christina was and for us to honor her memory. As adults, we can all learn from Christina's positive outlook on life, love of country, and participation in government.

Even during these very dark and painful times, we should take solace in knowing that with children like Christina growing up in our society, our Nation has a bright future.

□ 1730

Mr. BRALEY of Iowa. Madam Speaker, I am delighted to yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from Iowa.

Madam Speaker, I rise to express my strong support for H. Res. 32, a resolution to honor GABBY GIFFORDS as she recovers from her injuries, to pay trib-

ute to those who lost their lives, and to thank those who helped the injured and prevented further loss of life.

This is a devastating and emotional week for all of us here in Congress, for our staff, and for America as a whole. The senseless and atrocious loss of life in Tucson has infringed upon our sense of safety and decency. It has also left us grieving for a colleague, for her staff, and for the six Americans who lost their lives last Saturday, as recited by my colleague from Hawaii just now.

Representative GIFFORDS—GABBY to so many of us—is truly a treasured Member of this body. She is a gifted legislator, frequently leading her colleagues on issues like solar energy, space endeavors, veterans health care, and comprehensive immigration reform. But GABBY is also known around Capitol Hill as a smart, generous, and unfailing dedicated public servant and friend. She is the one who would be helping to plan a baby shower for one of her colleagues, to reach across the aisle to lend a supportive hand to a colleague in need of advice or a laugh, to take time to offer a hand to a staffer after a long day at work.

I also think of GABBY as a unique and all-too-rare representative in this Congress. She prefers considerate and detailed debate over harsh and angry rhetoric. She chooses her words thoughtfully, and has spoken out against violent language and the consequences such careless acts create.

So I would argue if we really want to pay tribute to GABBY here today, may her service not be an exception to the rule. We in this Chamber have the opportunity to live every day by the words we are speaking today.

Madam Speaker, the sorrow and grief of Saturday's tragedy will echo for many years to come. As we pray and take stock of this tragedy, I am also concerned by the ease with which a clearly troubled young man could obtain a firearm. And I believe that this incident also illuminates a serious gap in our mental health system, one where far too many ill people slip through the cracks. The price for these failings is all too often paid, as in this case, by friends and neighbors. We owe it to the victims of this horrific tragedy to improve our mental health system.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRALEY of Iowa. I yield the gentlewoman an additional 30 seconds.

Mrs. CAPPS. We owe it to the victims of this horrific tragedy to improve our mental health system; and, in addition, to address gun violence. We can do better. Let us resolve to do so. Like everyone here and countless at home, I am praying for GABBY's swift recovery, for her constituents who lost their lives, and for our country.

Let us adopt this resolution today in honor of our beloved friend GABBY and the victims of this senseless tragedy.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, at this time I do not believe I have any other speakers. I reserve my time to close.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. We come together today as a Nation to mourn those who died in Arizona and to pray for the full recovery of those still lying in hospital beds in Tucson.

GABBY GIFFORDS has captured the love and admiration of this entire country as America has come to know her through news reports, just as we have come to know her over the last 4 years as the most delightful and engaging Member of this House, and as a woman who brought intelligence and determination to the service of this country.

The last time I had a chance to spend time with GABBY was just 6 days ago. We were here on the House floor. As it happens, we sat next to each other as we waited our turn to be assigned a portion of the Constitution to be read. We had a chance to listen to each passage, to speak briefly about some of the salient provisions. And as they got down the line to where we were sitting, it became apparent that GABBY would be called upon to read the First Amendment to the Constitution, and that I would be called upon to read the considerably less august Third Amendment.

For just a selfish instant, I wondered why luck couldn't have been just a little different. If we had been sitting just one seat over, then I could have stood here and talked about freedom of religion and freedom of speech. But providence had determined otherwise, had determined that GABBY GIFFORDS should stand on this floor and have the honor of reading the First Amendment, an amendment that is best known for its earlier clauses but which ends with the words that enshrine the right of the people peaceably to assemble and to petition the government for a redress of grievances.

The day after she read those words at this podium, she flew home to Arizona so she could stand in front of a Safeway, intending to meet people peaceably assembled, and listen to people petition for a redress of their grievances.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRALEY of Iowa. I yield the gentleman an additional 30 seconds.

Mr. SHERMAN. I was relieved yesterday when doctors said that they were confident that the assassin had not taken GABBY's life. And I am confident that that assassin did not take from our people the right to peaceably assemble and to tell their elected rep-

resentatives their ideas and, yes, their grievances.

I look forward to 2 years from now and 2 years after that and 2 years after that, to sitting here on this floor with GABBY and waiting until she is called upon to read the First Amendment.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, contrary to my previous statement, I do have another speaker. At this time I would like to yield 2 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Madam Speaker, I rise in support of this resolution, and I join my colleagues in denouncing the horrific attack that occurred against one of our own this past weekend, and took the lives of six innocent people, including a staff member, Gabe Zimmerman, and a beautiful 9-year-old child. We continue to pray for Congresswoman GIFFORDS and all those injured, and the families of the deceased.

As Members of Congress we have two responsibilities after such an attack. First, we must vow that we will never let the work of a madman stop us from doing our work on behalf of the American people. Secondly, we will make it clear to all that while we have disagreements, we are all still Americans, and we respect each other. Words matter. When we show Americans that we can disagree substantively and respectfully, we bring our entire country closer together and show the world why America is the greatest force for good.

There is a song Sarah McLachlan sings, "Angel"—we place them in the arms of angels. And may God bless this family and these people who endured this horrific event.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, GABBY GIFFORDS is a wonderful human being and a treasured colleague and friend. But this resolution, as important and appropriate as it is, stops short of any collective commitment to prevent this type of tragedy from happening again. It happened because of a combustible mix of: one, a highly charged, antigovernment political environment; two, easy access to weapons whose only purpose is to kill large numbers of human beings; and, three, mental illness.

Not too long ago, another mentally ill person used the same kind of weapon to kill 32 innocent people on the Virginia Tech campus. In response we passed legislation eventually that enabled States to provide the names of people that they judged were too mentally imbalanced to be buying guns and provide those names to the National Instant Criminal Background Check system. We authorized \$250 million to enable them to do that. But since then, we have appropriated each year less than 10 percent of that amount. As a

result, of the 2.6 million people that the States know should be disqualified from buying firearms, less than 20 percent are actually on that list and so disqualified. In fact, less than 4 percent of Arizonans who the State knows should be disqualified from purchasing firearms are actually on that list and unable to purchase those firearms.

□ 1740

So perhaps we could consider following up on this resolution with some concrete steps to prevent this from happening again. I know it is important to protect one's individual freedoms, but a little 9-year-old girl should also have the freedom to visit with her Congresswoman, secure in the knowledge that her Congress has the courage to take reasonable steps to protect her and our country from such senseless violence.

Mr. DANIEL E. LUNGREN of California. I reserve the balance of my time.

Mr. BRALEY of Iowa. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, the horror of Saturday's bloodshed in Arizona, the senseless loss of life, and the cowardly attack on GABBY GIFFORDS has for many Americans raised the question of whether we as a Nation have lost our way. Many wonder, if an act so benign as GABBY's effort to listen to her neighbors in the Eighth Congressional District of Arizona can be the target of such violence, whether there is hope and a future for our democracy.

One voice from our recent past suggests there is still hope for that fragile ideal. On April 4, 1968, Senator Robert Kennedy spoke in Indianapolis, Indiana, shortly after the slaying of Martin Luther King at a time when political violence wracked our Nation. This is what he said:

"We have to make an effort in the United States. We have to make an effort to understand, to get beyond these difficult times."

He then said, "My favorite poem was Aeschylus, and he once wrote, 'Even in our sleep, pain which cannot forget falls drop by drop upon the heart, until, in our own despair, against our will, comes wisdom through the awful grace of God.'"

He concluded that what we need in the United States is not division. What we need is not hatred. What we need is not violence and lawlessness. It is love and wisdom and compassion toward one another.

GABBY GIFFORDS' work at that Tucson shopping mall on January 8 and all those present and all those victimized by a coward's bullets were affirming Senator Kennedy's vision that peaceful dialogue and understanding is the true calling of the American people, not division and violence.

As one who entered Congress with GABBY in the class of 2006—a tight-knit group that has met every Wednesday over the last 4 years—it has been an honor to watch her on the Armed Services Committee, advocating for the Air Force and for military families. Even during the lame duck session, she was a leader in enacting the GI Bill Patch, which will make sure that the Guard and reservists will not be left out from the GI Bill's educational benefits. She is an extraordinary person this country needs if we are going to overcome the many challenges that we face today.

Madam Speaker, I strongly support passage of this resolution, which is an affirmation that we will not surrender our way of life to the forces of lawlessness and hate.

On behalf of the people of eastern Connecticut, I want to express our awe and reverence to the examples of human courage and excellence which GABBY GIFFORDS and the other victims in Tucson displayed to the world last Saturday.

Mr. DANIEL E. LUNGREN of California. I continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Madam Speaker, I am proud to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Madam Speaker, a gunman has underestimated the will and undaunted bravery of GABBY GIFFORDS.

Tragically, we have lost Gabe Zimmerman, her director of community outreach; her constituents; Judge John Roll; Christina Taylor Green; Phyllis Schneck; Dorwan Stoddard; and Dorothy Morris, all of whom were engaged in the very civic activities we most encourage, along with 13 others who were injured along with Congresswoman GIFFORDS.

Together, these Americans have brought this House together as never before for a much needed time of reflection. I am heartbroken for all who were in the line of fire and for their families.

I focus now on GABBY because I cannot get her out of my consciousness. I am trying to understand her prescient fearlessness of her own safety in the days before the attempt on her life given what has happened to civil discourse in our country.

Can GABBY's selflessness and her concerns for our country give us the fortitude to follow her example in assuming that it is not the safety of Members that is at risk? Do we dare follow GABBY in her search for ways to be at once resolute and respectful?

Remarkable courage and determination have made GABRIELLE GIFFORDS the living manifestation of what Members of this institution and the citizens of our great country want to be. May GABBY GIFFORDS' words prove as contagious as her courage.

Mr. DANIEL E. LUNGREN of California. I continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

Madam Speaker, like every speaker today, I rise with a very heavy heart. Our friend GABRIELLE GIFFORDS lies in a hospital bed, fighting desperately for her life.

At the same time, dozens are in mourning for those killed in the senseless slaughter, including Judge John Roll and our own Gabe Zimmerman—Congresswoman GIFFORDS' director of public outreach.

We join them in a grieving process that is painful beyond words.

To those families, particularly that of Gabe's, who reached out in GABBY's voice each and every day, we weep for your loss and know of the constant ache left in your hearts by the sudden loss of those you loved, and we are blessed to join you in the celebration of their lives.

As we mourn those who were lost, we triumph, with equal emotion, in miracles. By the mercy of God and the swift hands of our medical heroes, GABRIELLE GIFFORDS and many of those wounded by this madman have been saved.

When I heard of this tragedy, I immediately asked the question that each of us here must have wondered dozens of times: How could anyone hate or seek to harm this wonderful public servant, this beautiful person, who has never spoken a cross word or shown a downcast expression throughout her time in this great House?

Though these answers are painfully slow in coming, I pray her return to the warm embrace of her family will be swift.

More selfishly, because she is my friend and because I see in her the pure heart of a servant, I pray she will return to this Chamber as soon as possible to continue her work for the people of Arizona, whom she so treasures. GABBY knows at her core that she is an ordinary lady called to an extraordinary mission.

GABBY, you are a champion among champions, a friend among friends, and a fighter among fighters for the common good. We are all pulling for you. Get well soon. We can't wait to have you back.

Mr. DANIEL E. LUNGREN of California. I continue to reserve the balance of my time.

Mr. BRALEY of Iowa. I yield myself such time as I may consume.

Madam Speaker, this body is numb.

We forget that we are a family, a dysfunctional family at times, but that we are a family. We all get to know each other, and we all have a common pas-

sion for the values of this country, values that brought us here in the first place. That is a remarkable story that we have heard unfolding about our good friend GABBY GIFFORDS since this horrible tragedy first took place.

All of us in this body share a unique sense of responsibility for what happened to our dear friend, to her courageous staff and to the incredible people who showed up to participate in democracy at that Safeway in Tucson on Saturday. I know that a lot of us had this shared experience of horror on Saturday as we watched these horrible images appear in front of our eyes.

I want to briefly talk about my good friend GABBY.

It is ironic that on this day when our President is in Tucson, honoring the memory of those who lost their lives and those struggling to put their lives back together, that my connection with GABBY and President Obama go back to the exact same day. It was September 29 of 2006. GABBY and I were both candidates for Congress. We met at an event, and there were things about her that leaped off the page immediately.

□ 1750

It was her passion for why she was running, it was her fearlessness, and it was that smile that you've heard people talking about that could light up a room.

We got to talking about each other and what we had in common; and I learned that her brother, Alex Giffords, had been a place kicker at Iowa State University, where I graduated from college and where I was an unknown walk-on under Earl Bruce. And we talked about that. And I have in my office this little print of Beardshear Hall at Iowa State University that my friend GABBY gave to me that she got from her brother Alex because she knew this was important to me. This little picture is an emblem of what an amazing human being GABBY GIFFORDS is because she was always thinking more of her friends than she was of herself.

I got on a red eye after first meeting GABBY GIFFORDS and flew back to my district and met an unknown Senator from Illinois who had just gotten elected named Barack Obama for the very first time. That's what is great about this country is these random meetings that we have with amazing people from all over the country who we meet on the House floor, many of whom came in in one of the largest classes in recent memory. You heard them come to the floor today and talk about someone they barely knew or may have met briefly or didn't know at all, because that is what binds us together is the spirit, the history of this Chamber and what it has meant as the people's House.

That is why it is incumbent on all of us to take away as a lesson from this

tragedy a renewed sense of respect for each other and for the common purpose that brought us all here together in the first place.

I talked about how we are a family. Every Thanksgiving our family has a tradition of watching a movie called "Home for the Holidays" about a very dysfunctional family. The star of that movie is Holly Hunter. In one of the closing moments of this movie—which like all good movies makes you laugh, makes you cry and makes you think—Holly Hunter's father is down in the basement watching old home movies and he's talking to her about one moment in his life that took 5 seconds and made all the difference in the world in his relationship with his daughter. And he said, You were fearless, huh? Fearless.

That is my friend, GABBY GIFFORDS. She is fearless in what makes this job worth having. That is why we have a responsibility—to her and all the people who lost their lives and who showed up at that town hall meeting because they care about this country—to make a difference going forward in how we talk to each other and how we care about each other.

As we look forward to next Monday, we should remember what Martin Luther King, Jr. taught us, that "the moral arc of the universe is long, but it bends toward justice." We have a collective duty, all of us, to make sure that we bend that arc sooner and quicker so that the American people realize that we are all in this together and that this is the people's House for a reason.

I want to thank my Republican colleagues for their extreme sensitivity and their devotion to this important resolution, and I thank my colleague from California for helping us put this resolution together today.

Madam Speaker, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume, and I rise in enthusiastic support of H. Res. 32.

Madam Speaker, I am privileged and humbled to be able to close out this debate. I am not, as some who have come to the floor, a close personal friend of GABBY GIFFORDS; but I have, as have others, been under her spell here. I have had the chance to talk with her on several occasions in an informal setting, and I might mention that on each of those occasions she reminded me that she used to be Republican. I don't know if that was her way of thinking that maybe we could have a rapport—you didn't really need that with her because of her openness and her smile, but it was interesting. She always did it with a smile, and she always did it with an invitation to engage with her that is the mark of her.

We pray, all of us together, that she and those others grievously wounded

will have a speedy and full recovery. We pray for those who have lost their lives. We pray for this institution, that we will take the correct lessons out of this tragedy. And when I use the word "tragedy," it is a tragedy on the side of those who were attacked and the institution that was attacked. It is, however, the product of a criminal act, and we should understand that.

Madam Speaker, it is always within our power to either take the proper lessons from a particular incident or to discard them, to think deeply about them or think of them superficially. I believe that the fact that we have dedicated this entire day to trying to find the right lessons out of that and to give proper respect to those who suffered in this tragedy is evidence of the fact that we will attempt to take the proper lessons out of this.

One is, of course, that this is the people's House. If you read the Constitution, article I, it is clear that the House of Representatives is meant to be the closest to the people of any of the Federal institutions. We all, in a real sense, no matter where we come from, are institutionalists in that we love this institution—we fought in many ways to get here—but we honor one another by showing respect to one another and we honor our constituents as well.

Speaker BOEHNER has said, "An attack on one is an attack on all." That is true. Perhaps several hundred years ago the writer and the poet, John Donne, said it best. He said, "No man is an island, entire of itself. Every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend's or of thine own were; any man's death diminishes me, because I am involved in mankind. And, therefore, never send to know for whom the bell tolls; it tolls for thee."

Mr. RUSH. Madam Speaker, it is with a heavy heart that I rise this morning to pay tribute to my esteemed colleague from the great state of Arizona, U.S. Rep. GABRIELLE GIFFORDS, who with God's grace is still alive and appears to be heading toward a promising recovery. I am grateful to God for His divine intervention in the lives of those 13 other victims who, along with Rep. GIFFORDS, were shot last Saturday at a shopping mall in Rep. GIFFORDS' Tucson, Arizona district. Right now, news accounts indicate that those 13 people will survive their injuries.

But, Madam Speaker, six people, including a nine-year-old girl, did not survive last Saturday's gunfire by a young man who, by every account, is clearly mentally unbalanced. It is my opinion that under no set of circumstances should the gunman have been able to purchase a handgun with a 30-round magazine. That young man was able to wreak all this havoc in a matter of a few minutes before several courageous Americans rose to the occasion as they quickly wrestled the assailant to the ground.

Today, however, is a day to honor the tragic loss of life that took place last Saturday and to also pray for the continued strength and full recovery of Rep. GIFFORDS and the others who survived.

Rep. GIFFORDS is a brilliant woman who represents the best of what a Member of this body should be. She keeps an abiding focus on serving her constituents and, last Saturday, she was in the midst of an open air forum, "Congress on Your Corner," where she and her staff had assembled a portable congressional office to, literally, take the best of their legislative and constituent service ability directly to the people who elected her to serve. Madam Speaker, last Saturday, Rep. GIFFORDS and her staff were operating in the best traditions of this Congress and in the best traditions of our democracy. That is why it still seems incredible to me that Americans as diverse as nine-year-old Christina Taylor Green to 79-year-old Phyllis Schneck, a mother of three and grandmother of seven, should come to this public forum only to lose their lives to a deranged assailant with a gun.

This simply should not happen in our country but, sadly, far too often it does.

Madam Speaker my prayers and support remain with Rep. GIFFORDS and her husband, Captain Mark Kelly, a NASA astronaut, their family and the team of medical professionals and first responders who have done an amazing job in helping Rep. GIFFORDS and the other survivors to continue to improve. I also extend my condolences to the six Americans who lost their lives that day including Gabriel Zimmerman, Rep. GIFFORDS' community outreach director, who lost his life in the midst of serving his community.

At another day and at another time I will amplify my voice and advocacy in a manner that I hope will make a dent in the wanton proliferation and availability of guns in our society to those who clearly should not have them. But, for now, I wish God's peace and healing power upon GABBY GIFFORDS and the other survivors of this tragic event.

I also pray for our President and for our Nation as we assemble in a spirit of community tonight, in Tucson, in a national service of prayer and reflection for the victims of this tragedy and for our Nation.

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to join my colleagues in recognizing my friend, Congresswoman GABRIELLE GIFFORDS, members of her staff, and other victims of the senseless attack which took place on January 8, 2011 in Tucson, Arizona.

GABBY is kind, brilliant, beautiful, charming, intellectually curious, honest, and a powerful presence. She is truly one of the most amazing people I've met in my life. She is devoted to public service for all the right reasons—to make America stronger, safer, better-educated and to protect America from its enemies. She is thoroughly dedicated to her district and selflessly serves her constituents. Her constituents, even those who do not always share her political views, respect her for being ready to help them and fight for what is right. I know my colleagues on both sides of the aisle recognize her as a person of great integrity who fights tirelessly for her principles.

Madam Speaker, my thoughts at this time are with my friend GABBY. We are all hoping

and praying for her complete recovery, as well as for the families of those who were killed and those who were wounded and are struggling to recover. Violence and threats have no place in our democracy.

Mr. GERLACH. Madam Speaker, I stand united today with my colleagues and our nation as we remember those killed and wounded during the shootings on Saturday in Tucson, Arizona.

To the families, loved ones and friends of those who suddenly and senselessly lost their lives, I join my colleagues in extending our most sincere condolences and hope that they find comfort during these extremely difficult days.

To those still recovering in the hospital, including our respected colleague and dedicated public servant GABRIELLE GIFFORDS, we offer our prayers for healing of the physical and emotional wounds inflicted during this unprovoked and despicable attack.

We also stand united today in expressing our deepest gratitude to all who demonstrated true courage and extraordinary heroism in that grocery store parking lot to prevent more lives from being lost and provide care for their neighbors in need.

Lives were lost and forever changed in an instant on Saturday. The anguish and sorrow will linger much longer.

That is why it is important to solemnly honor the memories of the victims of this dark day and, as the resolution we are voting on today states, reaffirm our belief in a democracy in which all can participate and in which intimidation and threats of violence cannot silence the voices of any American.

Mr. CARDOZA. Madam Speaker, I rise today to say a few words honoring my friend and colleague, Rep. GABRIELLE GIFFORDS.

I first came to know GABBY when she joined the Blue Dog Coalition, a group of moderate, fiscally conservative Democrats of whom I have served as co-chairman.

I came to know—and admire—GABBY more when I travelled to her district in southern Arizona to host a town hall on agriculture with her.

As all who have met her know, GABBY is a bright, energetic young woman who is deeply committed to public service. That inner strength will no doubt carry her through this tragedy and to a full recovery.

As painful as it may be to admit, this tragedy was not unexpected. GABBY's office had been the target of violence before.

And, as all of us who have held public events over the past few years know, the anger and vitriol has been escalating.

Sadly, it was only a matter of time before hateful speech turned to hateful action.

Passionate public debate is essential to our democracy. It is what our founders fought and died for, and it is what made the United States unique among nations at our birth.

But we must maintain respect and civility in our discussions. Elected officials have a responsibility to set an example and behave like statesmen.

The media have a responsibility to encourage debate, without feeding the flames of anger.

And the public has a responsibility to stand up and be strong voices in our democracy,

without degrading the debate into petty name-calling.

As one of my colleagues said recently about a verbal attack made against him, "It's not what you meant to say that matters, or even how I understand it. What matters is how your words are interpreted by the least sane person in my district."

I look forward to the day—hopefully soon—when we will see GABBY back on this floor, fighting for her constituents in southern Arizona.

Until then, instead of pointing fingers and playing the blame game, let's take this tragedy as an opportunity to return civility to our democracy.

Mr. TIERNEY. Madam Speaker, I join my colleagues in supporting this resolution. On behalf of the hundreds of thousands of residents and families I represent in Massachusetts, I respectfully offer my deepest sympathies and condolences to the families, friends and loved ones of those who were killed last Saturday in Tucson, Arizona. I want to express my support for those who were injured. Let's hope their recovery is swift.

Our focus right now must remain on honoring the lives that were lost and the lives that will never be the same as a result of this unspeakable attack. However, as we turn to each other, seek solace and mourn, we cannot lose sight of the fact that extraordinary heroism and selfless courage could be found amid the horror of that day. The worst of tragedies brought out the best of humanity, as it so often does. There were men and women of all ages, who, in some cases, were injured themselves, shielding children from harm, tending to the injured, and apprehending the gunman. All of them put their own lives at risk to help save others.

I'd also like to convey the heartache and concern of my constituents—and all Americans—for my colleague, Congresswoman GABRIELLE GIFFORDS. As so many have noted, GABBY is a smart and honorable member of Congress, but even more so, she is a great person—a warm, caring, thoughtful, and a hard-working public servant who strives and succeeds in making a real difference for the people and community she represents. Our hearts go out to GABBY's husband, Mark Kelly, her parents and family, and her dedicated staff in Washington and Arizona.

It is well-known now that this shooting occurred while Congresswoman GIFFORDS was conducting a "Congress on Your Corner" event, which gives her constituents an opportunity to meet directly with her and raise issues or ask questions of concern. All of us conduct events like this in some form as often as we can because it is such a fundamental aspect of our job. As Speaker BOEHNER said last week, "this is the people's House." Moving forward, even in this time of grief and sadness, I believe it is important to keep it that way. Rather than inappropriately increasing the barriers between us and those who we represent, we must stay committed to engaging in precisely the kind of activities that Congresswoman GIFFORDS and her staff undertook last Saturday. We must continue to travel around our communities and be in contact with those we represent. We must be more accessible, not less.

Madam Speaker, as we struggle to make sense of these horrific events, one thing remains perfectly clear to all of us in public life: this type of incident cannot be condoned—and our accessibility to our constituents cannot be curtailed—if our nation is to endure as a democratic republic.

Before I close, I again wanted to join my colleagues in remembering all the victims and rededicating ourselves to the enduring American values which Congresswoman GIFFORDS and her staff embody: openness, accessibility, and a sincere commitment to serve those who we represent.

Mr. McKEON. Madam Speaker, I rise today to join the entire House Armed Services family in my shock and sadness at the shooting of Congresswoman GABRIELLE GIFFORDS and members of her staff. The tragic events that occurred this past Saturday give us all reason to come together and reflect on the frailty of human life—my thoughts and prayers go out to GABBY, to her family, and to all the victims of this heinous crime. Violent acts of this nature have no place in our democratic society, and it is my hope that justice will be swift for those who perpetrated this attack.

I spoke with GABBY just before the holidays and am reminded of her tireless efforts to work across party lines in representing Arizona's 8th Congressional District, as well as her unwavering support for our men and women in uniform. Today we rise to honor the service of Representative GIFFORDS and offer our thoughts and prayers for her, her family, and all victims of this attack.

Mr. MARINO. Madam Speaker, I rise today to express my heartfelt sorrow for the tragic and senseless attack on Representative GABRIELLE GIFFORDS, her staff and constituents. I especially want to offer my condolences to the families of Christina Taylor Green, Judge John Roll, Dorothy Morris, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman. Their memories will live on in the hearts of all Americans.

I would also like to send my best wishes to those who were wounded during the attack, particularly our colleague Representative GIFFORDS. We hope for your speedy and complete recovery.

Also important to remember are the heroic actions of the individuals who put their lives on the line to bring down the gunman before he had the opportunity to reload his weapon. Without your quick thinking and brave intervention this tragedy could have been much worse.

Finally, it is important to recognize the emergency responders, nurses, doctors, and all medical personnel who have worked tirelessly throughout these difficult times. Your efforts undoubtedly saved lives and your dedication cannot be praised enough.

Again, my thoughts and prayers go out to the victims and their families.

Mr. OWENS. Madam Speaker, I rise today to pay tribute to Congresswoman GABRIELLE GIFFORDS, her staff, their families and everyone affected by the tragic events of January 8, 2011 in Tucson, Arizona.

It has been my honor to work with Congresswoman GIFFORDS here in Washington, and to call her a friend. Congresswoman GIFFORDS has earned her reputation as a pragmatic, rational and clear-minded lawmaker,

and we are all better for having served with her. My wife and I have had the opportunity to spend time with her and her husband, who are truly patriotic and dedicated Americans not deserving of this fate.

The details of this horrifying event are still coming to light, but in these uncertain times it is my hope that we can come together to bring relief to the victims and justice to those responsible, not point partisan fingers or score political points. We owe it to those lost or wounded in this senseless crime to grieve for the fallen, pray for those in recovery and reflect on how we might better serve our office and the work of this great nation.

Madam Speaker, I know I speak for all my colleagues in wishing her a speedy recovery. I look forward to working with her again soon in the halls of Congress.

Mr. MILLER of Florida. Madam Speaker, Saturday was a tragic day for America. Like most Americans, my wife Vicki and I felt a profound loss because of the senseless attacks at a Congress on your Corner event held by Representative GABRIELLE GIFFORDS.

GABBY serves with me on the House Armed Services Committee, and all of us who have worked with her hold her in the highest regards as a hard-working public servant. The violent attack on a Member of Congress, her staff, and innocent constituents was not only attack against humanity; it was also an attack on our freedom and democracy.

Throughout the history of our Nation, Americans have stood together in times of tragedy. Today we gather to honor that tradition and display our unwavering support for GABBY and the other victims and families affected by this attack. Let one man's senseless act not overshadow her service, or the lives of those who were tragically lost.

Vicki and I continue to pray for her full recovery, for her family and staff and all of those whose lives were gravely impacted and forever changed.

Mr. FARR. Madam Speaker, oh sister how I have cried, prayed, and listened to stories about you. I am so sorry for your pain of losses, and your pain through your recovery. But I am, at the same time, so proud of you and delighted you are alive.

For all the wrong reasons, today the world rightfully knows what a remarkable person you are. They know how fortunate our country has been to have you in public service. You still haven't stopped serving, because your injured life has given hope to millions that you will recover—and that those with like kinds of injuries may also have a chance. You are a national role model for public service—brave, kind, friendly, accessible and effective.

While praying for your life I recalled every conversation we had and each photo I have taken of you and Mark.

I remember when you were first elected in your great class of freshman. I was so proud to meet the woman that took Jim Kolbe's place. You had been a Fulbright Scholar in Mexico. We talked about your student life there and my similar age experience of being in Peace Corps in South America—how we had parallel experiences serving in the Arizona and California legislatures.

Starting with that first conversation, we both knew we were like brother and sister in a

large body of Congress. Over the years I grew amazed at how hard you worked, and it made me wonder if you ever had time for yourself. Obviously meeting and marrying Mark, an admired astronaut, gave you an added value to life. This might be why you always came to work so happy. I pray that you never lose your happiness, as it always lightens up the room for others. But I do worry about how tough your district has made your campaign demands, and thus on your personal life.

Your recovery keeps me smiling, after the tears of tragedy, to watch you—once again—show me—while sitting in the Chamber—the marred of politicians on your Blackberry. GABBY you are the only member that has the full schedule of NASA launches and landings at your finger tips. This is just another example of how clever you are in application of technology to political life style.

So today our colleagues stand in the Chamber to salute you, to mourn the loss of other wonderful people, and to begin the dialogue on what we have learned from your tragic encounters.

I hope that we can learn and honor the victims, with smarter gun control and better funding for mental health treatment. And I hope we can develop a better understanding that hate talk and negative campaigning leaves the wrong impression for young people growing up in our society. A democracy based on negative talk can not survive.

I pray that you fully recover. I lost my 17-year-old sister from a horse accident, while she was visiting me in Colombia during my time with the Peace Corps. It was just months after my mother had died of cancer. My sister Nancy died because of the lack of medical care available in the rural hospital. So I am extremely relieved that the availability of good medical science and a rapid response saved your life.

We all look forward to seeing you back on the floor of the House of Representatives. You have always been the spirit of public service, and will continue to be forever more. God bless you GABRIELLE GIFFORDS.

Mr. WOLF. Madam Speaker, I join with my colleagues today to honor the 6 who died and the 14 who were wounded, including our own colleague GABRIELLE GIFFORDS, in the horror which unfolded last Saturday morning in Tucson, Arizona.

I was at home Saturday checking my iPhone when I saw the shocking news of the shootings and that Congresswoman GIFFORDS and her staff were among the victims. What I read was hard to comprehend. She and her staff were doing their jobs, back in her district on a weekend, meeting with constituents in the finest example of representative government. And in a split second, the lives of those there were forever changed, and in a larger context, all of our lives have changed.

My heart and prayers go out to those who lost their lives and to their families. There was 9-year-old Christina Taylor Green, there to meet her representative because she wanted to become involved in government; Dorothy Morris, there with her husband of over 50 years, George, who was critically injured trying to shield his wife from the shooting; federal district Judge John Roll, who had just come from Mass, which he attended daily; Phyllis

Schneck, age 79, who was spending the winter in Arizona; and Dorwan Stoddard, a 76-year-old retired construction worker, who shielded his wife Mavy, who sustained injuries in the shooting. And also slain was Gabe Zimmerman, the 30-year-old community outreach director for Congresswoman GIFFORDS, a congressional staffer like the thousands of dedicated public servants we have the privilege of working with in this House. Just there doing a job he loved serving the people.

I haven't had the privilege of getting to know GABBY as well as some have, but she and I shared an interest in keeping the space program strong. I pray for her full recovery and look forward to working with her again when she returns to this House. From what I know of her through other colleagues, GABBY GIFFORDS epitomizes what every member of this body aspires to be: a dedicated, courageous public servant with a heart of service and an optimism about America that is infectious.

Madam Speaker, we honor the memory of those whose lives were taken last Saturday and express our heartfelt condolences to their families and friends, and we pray for those who were wounded that they will recover quickly, including our colleague, GABBY GIFFORDS.

Mr. SMITH of Texas. Madam Speaker, today we honor Congresswoman GIFFORDS. The House stands together in support of her and in condemnation of a senseless attack that severely injured her and claimed six lives.

I have served with Representative GIFFORDS on the Science Committee, and am grateful for this opportunity to speak about her character and professionalism.

Representative GIFFORDS is a warm, friendly individual who is genuinely interested in others, and who always maintains an upbeat attitude.

She works hard to improve the lives of her constituents, and is engaged and energized about issues of concern to them. She also goes out of her way to be accessible, which is exactly what she was doing when this tragedy occurred.

The reprehensible attack that took place has united us as Members of Congress and reminded us that while the act of a lone gunman cannot always be prevented, we must make sure that justice prevails and that our democratic ideals remain secure.

We hope and pray for Representative GIFFORDS' full recovery.

Mr. GRIJALVA. Madam Speaker, I rise today to honor the memories of Gabe Zimmerman, Judge John Roll, Christina-Taylor Green, Dorothy Morris, Dorwan Stoddard, and Phyllis Schneck. I rise also to voice my sincere hope for the recovery of our friend and colleague, Representative GABRIELLE GIFFORDS, and the others who were injured in Saturday's terrible shooting. The loss to the Congressional community and to Tucson has already been great. We can only hope the loss will not become even greater.

Representative GIFFORDS serves a politically divided community. As long as I have known her, she's worked honestly and tirelessly to bridge that divide. There are few greater goals in public life than bringing people together and creating unity. Whatever your politics, Representative GIFFORDS is a listener and a seeker of solutions. In politics and in life, that is a rare thing.

She spread that ethic to her staff, as Tucson knows very well. Gabe Zimmerman, her director of community outreach, had an incredible and contagious desire to help people and make their lives better. When we speak of public service, we sometimes forget the many unelected but no less dedicated men and women whose work enriches the city, district, state or country they serve. Tucson, and I hope the country, will never forget public servants like Gabe. He will be missed by more people than he could ever know.

Judge Roll was a strong, honest and effective advocate for the American justice system, and his loss will be deeply felt. Christina Green, at only 9 years old, had already made an impression on everyone around her and will be long remembered. Dorwan Stoddard, a committed and long-time church volunteer, reportedly died saving his wife's life by shielding her from gunfire. Dorothy Morris and her husband, George, were together on that tragic day as they had been for the past 55 years of their happy marriage, and her daughters and family will hold her memory very close. Phyllis Schneck was an outgoing mother and grandmother known for her generosity and devotion to her family, and our thoughts go out to her and her loved ones today.

Alongside the victims of this tragedy, I would like to take a moment to recognize the many heroes of that day—people who offered medical assistance, alerted law enforcement, prevented further violence or assisted in too many other ways to count. This resolution names Patricia Maisch, Army Col. Bill Badger, Roger Sulzgeber, Joseph Zimudio, and Daniel Hernandez, Jr. To that list we can add brave people like Steven Rayle, an MD who was at the event and offered emergency medical attention to the wounded, and many others whose names may emerge over time.

It is in the spirit of unity that we all go forward together. As difficult as this time has been for Tucson and the Nation, this can be a moment when the best is truly in each of us. This can be a time when the truest values of humanity join us all—values that let us mourn appropriately, reflect together, take time for ourselves, and bring us closer. At this moment, there is no greater goal than to heal our wounds and grow stronger.

Out of great tragedy and sorrow, there will be a new America. Pain brings people together and reminds us of the time we all share on this Earth. It also reminds us of the value of being good to one another, and how easily we forget ourselves in a heated moment. Pain, as horrible as it is, is inevitable. Our lives cannot be free of it. What matters now—what always matters—is how we respond to it.

Our most important response will not be political—it will be simply human. It will be to build bridges and remember those who have died. Public life should be about bringing people together; so should private life. We are stronger and more human when we are together. That's true of a family, a community, and a country. In a very real sense, a country—our country—is a family. Families may fight, disagree and say things they regret, but in the end, they come together. They rejoin their hands and make peace. This is a time to make peace in America.

There are few occasions to offer a call for national unity, and in our lifetimes there will be

few others. I sincerely hope the next is not another tragedy. With that hope, today I add my voice to the many who call for a stronger national family. There is nothing more important.

Mr. RUNYAN. Madam Speaker, along with the rest of the American people, I was shocked and saddened by news of the January 8, 2011 attack on Congresswoman GABRIELLE GIFFORDS, her Congressional staff, Judge John Roll, and her constituents at a public event in Tucson, Arizona.

Congresswoman GIFFORDS is a dedicated public servant who was engaging in the most important role we have as Members of Congress: interacting with and listening to our constituents. January 8, 2011 was indeed a sad day for our Nation and this sick and senseless act of violence in Arizona has no place in our society.

My thoughts and prayers are with Congresswoman GIFFORDS and the other victims of this unfathomable attack. May their families and friends find comfort and strength in knowing the American people are with them in spirit during this difficult time.

Mr. AL GREEN of Texas. Madam Speaker, today I extend sympathies and well wishes to my colleague, Congresswoman GABRIELLE GIFFORDS of the 8th Congressional District of the State of Arizona. I wish a speedy recovery for this remarkable woman who has dedicated her life and career in service to her constituents.

I would also like to extend my deepest condolences to the families of the victims who were fatally wounded: nine-year-old Christina Taylor Green, Congressional Staffer Gabe Zimmerman, Federal Judge John Roll, and Arizona citizens Dorwan Stoddard, Phyllis Schneck, as well as Dorothy Morris. To the people of Tucson, Arizona affected by this random, senseless act of violence, my thoughts and prayers remain with you.

As they work through the ineffable tragedy which befell this community on Saturday, January 8, 2011, I must commend the tireless efforts of Pima County's first responders, as well as the efforts of bystanders in their role to restore and maintain order during this tragedy. With their efforts, lives were saved.

America is mourning both for the victims of this tragedy and for the assault against our constitutional right to peaceably assemble. That our citizens can fall under attack while upholding our Democratic values is deplorable. We must never allow an act of violence to thwart this right.

I ask my colleagues to join me in support of the Resolution before this chamber today which condemns this indiscriminate act of violence and honors Representative GIFFORDS as she fights to recover.

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to offer my condolences regarding the terrible events that took place on Saturday, January 8, 2011, in Tucson, Arizona. The attempted assassination of Representative GABRIELLE GIFFORDS and the killing of six people, including a 9-year-old child, a federal judge, and a congressional aide, is an unspeakable tragedy.

Congresswoman GIFFORDS is not only an esteemed colleague of mine, she is my friend. It has been an honor to serve alongside of her on the Armed Services Committee, and I have

witnessed first-hand her dedication. GABRIELLE's passion for her job is evident to all those who know her, and it is no surprise to me that GABRIELLE was doing what she loves most on that horrible Saturday. I look forward to her full and speedy recovery, and I anxiously await her return to Congress.

While I am hopeful about GABRIELLE's recovery, I am heartbroken over the deaths of the six innocent people caught at the wrong place, at the wrong time. Christina Taylor Green, who was only 9 years old, was recently elected to her school's student council and hoped to speak with a government official that tragic day. Pennsylvania native and Federal judge, John Roll, was hoping to meet with his Congresswoman to discuss overcrowding of prisons. Gabriel Zimmerman was struck while carrying out his duties as the Congresswoman's Director of Community Outreach. Dorothy Morris, Dorwan Stoddard, and Phyllis Schneck were going about their regular Saturday activities and hoped they would get a chance to speak with their member of Congress.

Madam Speaker, I hope that all those touched by these tragic events find peace and comfort. Saturday, January 8, 2011 should be a reminder to all Americans that there is no place for violence in a free political process. I continue to pray for those that were lost and for the recovery of those who were wounded, and I hope we as a country can move forward and learn from this tragedy.

Mr. CONYERS. Madam Speaker, today I rise in support of House Resolution 32, expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011. Last Saturday's senseless and vile act of violence wounded Congresswoman GIFFORDS at an event with her constituents. Six Americans were tragically killed and 14 others, including relatives of the slain, are recovering.

First, above all else, I want to express how deeply saddened I am by this weekend's events. Congresswoman GIFFORDS is a dedicated public servant, a cherished colleague, and a friend. I join with all Americans in wishing GABBY and the other wounded a speedy recovery. I also mourn the loss of those who passed. Gabriel Zimmerman was Congresswoman GIFFORDS' community outreach director. Dorwan Stoddard, a retiree, was waiting in line with his wife to speak to the Congresswoman and protected his wife from the gunman's bullets. The youngest victim was 9-year-old Christina Green who had just been elected to her elementary school's student council. Dorothy Murray was a retired homemaker and her husband was among the injured. Phyllis Schneck, also a retiree and a New Jersey native, spent winters in Arizona. Chief Judge John Roll was a respected jurist who served on the federal bench since 1991 and became Chief Judge in 2006.

Last Saturday, Representative GABRIELLE GIFFORDS was doing the people's business, meeting constituents in front of a local grocery store and explaining how government can improve their lives. She was doing her job: connecting her constituents to their government.

The tragic event should cause us all to stop and consider what more we can do to change the tone of our national politics. In recent years, it seems that politicians and other

public figures have increasingly utilized political rhetoric that includes violent imagery to make a point. We can do better. We must do better.

As someone who knew the late Dr. Martin Luther King, I have drawn inspiration during this crisis from one of his statements. Dr. King believed that “nonviolence means avoiding not only external physical violence but also internal violence of spirit. You not only refuse to shoot a man, but you refuse to hate him.” As we approach the Dr. Martin Luther King, Jr., holiday, I hope we can reflect on these words and his teachings and make our world a more just and peaceful place.

Mr. LUJAN. Madam Speaker, it is with a heavy heart that I rise today to mourn the victims of Saturday’s tragic shooting that took the lives of six people, injured numerous others, and left our friend and colleague, GABRIELLE GIFFORDS, fighting for her life. In an instant, the Tucson community, and indeed the entire country, was shocked by the senseless violence and saddened by the loss.

For four years, GABBY GIFFORDS has been a well-respected member of this body, serving her constituents with determination and distinction. To those who know her, it comes as no surprise that she is fighting with such tenacity to recover from this severe injury. I wish her all the best on a full and speedy recovery and look forward to the day when we will welcome her back to this chamber.

I know I join with my constituents in New Mexico in honoring those who lost their lives in this heinous attack, those who wanted nothing more than to be part of our democratic process and speak with their elected representative or dedicate themselves to public service. Their memory will not be forgotten. My thoughts and prayers are with all of those involved in this tragedy as well as their families and friends during this difficult time.

Mr. LEWIS of Georgia. Madam Speaker, today I rise with a heavy heart at this moment of great sadness in our nation’s history. The violence we witnessed last weekend in Arizona still seems so unreal, so shocking, so unbelievable. Only a few days ago, Representative GABRIELLE GIFFORDS stood in the well of the House reading the First Amendment, and today she is fighting to regain her ability to speak.

I keep hoping that in the midst of this great tragedy, we will say enough is enough. I keep hoping we will finally find it necessary to teach the way to love, the way of peace and non-violence, not only to our children, but that we will embrace it among ourselves as adults and as national leaders. We pray a special prayer today for all of the people of Arizona, but especially GABRIELLE GIFFORDS and her husband Mark Kelly.

Representative GIFFORDS is one of the most hopeful, optimistic people you would ever want to meet. She is wonderful. She is smart, and she is beautiful. I hope that one day soon she will rejoin us in this chamber. My thoughts and prayers are with the victims and the families of all those who were hurt, those who are still struggling to be made whole, and with the families of all those who were slain. May God bless them all in these difficult hours.

Mr. INSLEE. Madam Speaker, it is with a heavy heart that I rise to support House Reso-

lution 32, expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011. Our thoughts and prayers are with the victims and their loved ones, including my friend and colleague GABBY GIFFORDS, the Giffords staff, and all who are mourning this tragedy in Arizona and across the Nation.

The events of this weekend are difficult to comprehend. GABBY is a champion for her constituents and it was because of her devotion to them that she was outside a local grocery store the Saturday morning when she nearly lost her life. As the tragedy unfolded, she was surrounded by a group of dutiful staff and constituents, including an intern who may have saved her life, and many who so unbelievably lost their own lives or were injured.

I have gotten to know GABBY through our shared efforts to advance renewable energy policies, including our working together on the Sustainable Energy and Environment Coalition. She’s bright and engaging, and is always bringing in fresh ideas to achieve solutions to our Nation’s energy problems. My heart is with her and her husband at this moment as she fights for her recovery. If there is anyone who can pull through, I believe it will be GABBY.

It is in times like these that I believe our Nation can rise above our past and shine brighter than we have before. While it will take time to learn exactly why this has happened, I hope that as we heal, our Nation will find a way to be more compassionate, understanding and peaceful.

Mr. PASCRELL. Madam Speaker, I rise with all of my colleagues here to honor the victims of the tragedy in Tucson and to speak of our great colleague GABBY GIFFORDS.

We are all encouraged by the signs of recovery that GABBY is showing every day she has been in the hospital. Our prayers are with her, her husband Commander Mark Kelly and her entire family.

As Co-Chair of the Traumatic Brain Injury Taskforce I know GABBY faces a long road. We know she is receiving the best care in the world—but even more importantly we all know that she’s a fighter and that’s exactly what she’s doing now.

On Monday in honor of the victims in Tucson I called for a Week of Solidarity in the 8th District of New Jersey.

I love that word “solidarity” and all it represents. I wanted all our faith leaders to hold services and events this week—in order for our collective community to reflect on this national tragedy and pray for the victims and their families and for all of America.

As tragically occurred in Tucson, too many of our communities have been afflicted by gun violence—as a nation now is the time to heal with our words and find unity where there may be strife.

I find it especially appropriate that the end of this week will culminate with the observance of Martin Luther King Day—a man who gave our entire Nation the chance to find solidarity with each other—it is a bond that serves us well in the wake of this tragedy.

The victims in Tucson truly embody the greatest spirit of our Nation, you had individuals from every different background, both young and old, coming together as citizens to take part in one of the most essential rites of

our representative democracy—it is indeed government of the people, by the people, for the people.

I hope we will all look towards GABBY’s example and use it to guide us towards a better public discourse with each other—I think we can all agree that too often these days our political rhetoric has gotten overheated and vitriolic. Lower our voices and raise our commitment to peaceful resolve.

I want to make this very clear, this is not about being on the left or the right—the shooting in Tucson was an attack on all Americans from a perpetrator who tried to strike at the very heart of our great democracy.

Being from Paterson, NJ and it being the day after Alexander Hamilton’s birthday, I am reminded of one of the greatest political debates in the history of our Nation between Alexander Hamilton and Thomas Jefferson.

The nature of the debate between Hamilton and Jefferson was as monumental in their day as it is in ours—their arguments went to the very core of our Nation in its infancy and the issues they debated remain contested to this day—yet despite the gravity of their discussion not once did they cross the line from fierce disagreement to considering violent solutions.

I hope we will use this occasion to pause and recognize that in our great Nation we each have a responsibility to stand shoulder-to-shoulder with our fellow citizens in times both good and bad.

Names of the Victims: Chief Judge John Roll, 63; Christina Taylor Green, 9; Dorothy Morris, 76; Phyllis Scheck, 79; Dorwan Stoddard, 76; and Gabriel “Gabe” Zimmerman, 30, (GIFFORDS’s staff as a Community Outreach Director).

Mr. SERRANO. Madam Speaker, it is with heartfelt sadness that today I remember those who lost their lives in this tragic shooting in Tucson, Arizona on January 8, 2011. I remember those who reacted with bravery in trying to stop the gunman. I remember those who were wounded and even now are fighting to recover from their wounds. I remember all of the family members who are struggling with great losses. Finally, I remember with hope for her speedy recovery, Representative GABRIELLE GIFFORDS.

This is a sad time for our Nation, a time when we reflect on how all too often violence strikes and randomly takes some of our best and brightest. All of the lives that were lost were special to those who loved them—to their spouses and their children and their grandchildren. Judge John Roll was a public official serving our country with distinction and dedication. Christina Taylor Green was a young child with an interest in learning more about how government works. I hope that in the future our children will be able to meet with their representatives without endangering their lives.

As a Member of Congress who has worked with Representative GIFFORDS, I am especially touched by this senseless tragedy. Representative GIFFORDS is a very friendly, hard working colleague. She is someone who is easy to get along with and always willing to chat and lend a helping hand. She was doing what is expected of all of us who represent our constituents—we meet with our constituents and we listen to their concerns and we try to help them. That is what we were elected to do—

and so it is especially hard to see that one of our own was injured while doing—what we all do—our job.

Please let me conclude by saying that my thoughts and prayers are with all of those who died or were injured and with the families who loved them. My prayers are with Representative GIFFORDS as she recovers and my hope is that soon she will be back with us here in the House of Representatives where she belongs.

Mr. RANGEL. Madam Speaker, I rise to ask all Americans to join me in my prayers for Representative GABRIELLE GIFFORDS' speedy and full recovery. I extend my thoughts to her husband, Captain Mark Kelly, their family, and those of all the staff and constituents who were innocent victims of this traumatic event.

At a time like this we should also remember that all of our staffs could be in harm's way, just by working with us. Staff is a vital part of our lives, and without them we would not be able to function. While everyone is concerned about Members' safety, I think we should also be concerned for our staff.

Such act of violence on GABBY, her staff and constituents is a threat to the virtue of open government and has no place in our democracy. Concern for safety should not stand between public officials and the people. My constituents in Upper Manhattan have a special understanding of this tragedy because of the amount of gun violence we have in the district.

GABBY is one of the most charming and brilliant stars I have seen in Congress. She is a true dedicated public servant who works tirelessly for the people of her district and our great country. I have great love and affection for GABBY and I look forward to seeing my dear colleague and friend back in Washington very soon.

Mr. QUIGLEY. Madam Speaker, I rise today in support of H. Res. 32 and to offer my thoughts and prayers for my friend and colleague GABRIELLE GIFFORDS, as well as the 18 other victims of Saturday's unthinkable tragedy in Tucson.

I hope and pray for the wellbeing of all those battling for their lives and offer my deepest condolences to those who did not survive—Christina Taylor Green, Dorothy Morris, Judge John M. Roll, Phyllis Schneck, Dorwan Stoddard, and Gabe Zimmerman. My heart goes out to the families and loved ones of all involved.

Congress on Your Corner is democracy in action. Ms. GIFFORDS, her staff, and everyone attending Saturday's event were doing what this country is built on: participating in a conversation between an elected official and the people she represents. As sadness gives way to reflection, I hope we will remain committed to that ideal.

Just 2 years ago, I was a new member of this body. GABBY GIFFORDS greeted me with warmth, kindness, and friendship. With all my heart, I hope to one day return the favor.

Mrs. CHRISTENSEN. Madam Speaker, I rise to join my colleagues in support of this resolution and to offer heartfelt sympathies on behalf of myself, my family, staff and the people of the U.S. Virgin Islands to the people of the Eighth District of Arizona, our colleague GABRIELLE GIFFORDS, her staff, their families

and all others who were hurt or killed in the tragic and senseless attack in Tucson, Arizona.

Everywhere that I went at home, my constituents responded with outrage, but also prayerfully to this horrendous event. Our churches devoted Sunday services in memory of those who died, offered prayers for speedy and full recovery for those injured, for the affected families, for the residents of the district and for our nation as well as in grateful tribute to all who responded and continue to respond.

We joined our fellow Americans in the moment of silence on Monday.

I, like all of my colleagues, and all public figures understand and accept the risks of being in public office and we and those charged with the responsibility of protecting us act to mitigate these risks. However we are here to represent the residents of our districts and are committed to doing what is needed to do so to the best of our ability. That means that we must meet, listen and interact with our constituents as much as possible. This incident will not prevent us from doing so.

But just as we continue to carry out our duties, it is the responsibility of everyone, but particularly those who have a public platform, to be responsible in what they communicate to the public and how.

There are many who warned that the increasingly inflammatory rhetoric of the past year, especially as the campaigns got underway, could lead to some kind of violent action.

That being said I do not intend to point fingers or cast blame, but ask only that each and every one of us here and across this country honestly and fully examine our hearts, our consciences and our past words and actions and ensure that going forward all that we do and say reflect respect and unity instead of discord, divisiveness and violence.

As someone who has abhorred violence and worked for peace all of my life, I have had the great privilege and honor of joining my distinguished colleague JOHN LEWIS and the Faith and Politics Institute almost every year that they have held it on the civil rights pilgrimage to pay tribute to all who work for justice and equality but also to renew my dedication to non-violence and my commitment to furthering the beloved community envisioned by the Rev. Dr. Martin Luther King, Jr.

It is a spiritual, renewing and life enriching—for some, life changing experience—and I would urge as many as can to attend this year.

Our colleague, GABBY GIFFORDS, as many have already said and everyone now knows is a special person. Many of us supported her during what was an extremely difficult and unnecessarily bitter campaign. She may not have always voted as I would have wanted her to, but she is without a doubt fearless and faithful in the representation of her district and all of us respect her highly and love her dearly. We thank God that she is progressing well and we pray for her full and speedy recovery. This body is incomplete without her presence.

As we approach the hard fought for Martin Luther King holiday, let us all rededicate ourselves to the principles he espoused, commit ourselves to continuing his legacy and to being drum majors for justice and peace!

Mr. HONDA. Madam Speaker, I rise today in support of House Resolution 32, honoring

our colleague, Representative GABRIELLE GIFFORDS, and those killed and injured in a senseless shooting during a Congress on Your Corner event in Tucson, Arizona. Our colleague GABBY was doing her job to serve the constituents of the 8th Congressional District of Arizona, those who were killed and wounded were there to participate in the democratic process we hold dear. As the nation mourns with the victims' families, we learn about these innocent Americans whose lives were cut short by this unspeakable crime against our democracy and our humanity.

Dorothy Morris, age 76, known to her friends as "Dot," was a retired homemaker and secretary who lived with her husband of 50 years, George, at a retirement community just north of Tucson. When the shots rang out, George, a former Marine and retired airline pilot, threw himself on his wife in an attempt to shield her from the bullets. George survived after suffering two gunshot wounds; Dorothy did not.

Judge John Roll, age 63, was the chief judge of Arizona's Federal district court. Appointed to the Federal bench in 1991 by President George H.W. Bush, Judge Roll was a widely respected jurist by his colleagues. Known for this deep Catholic faith, it is reported that Judge Roll was simply stopping by the event to say hello to his friend, GABBY, after morning mass. Judge Roll is survived by his wife, Maureen, their three sons, and five grandchildren.

Phyllis Schneck, age 79, a widow and retired homemaker, was a native of Rutherford, New Jersey, where she would return during the hot Tucson summers. Phyllis is known by her three children, seven grandchildren, and great-granddaughter as a talented cook, and she spent much of her retirement volunteering at her church. According to her daughter, Phyllis was a registered Republican who was not involved in politics, but Representative GIFFORDS was "the first person she really took a liking to."

Dorwan Stoddard, age 76, was a Tucson native and leader in his church. Dorwan attended the event with his wife Mavy, a high school classmate who he reunited with and married after both their former spouses passed away. After seeing Mavy shot and wounded, Dorwan threw himself on her and shielded her from the spray of bullets. As Dorwan's stepdaughter noted, "What a way to go, as the hero, he lived that kind of a life."

Gabe Zimmerman, age 30, was the Director of Community Outreach for Representative GIFFORDS. Oftentimes the face of Representative GIFFORDS's office to her constituents, as one of his colleagues said, "Gabe helped people for a living." Gabe was engaged to be married with a wedding date set for 2012.

The youngest victim, Madam Speaker, was Christina Taylor Green, age 9, a third grade student at Mesa Verde Elementary School. Christina had recently been elected to the student council and was inspired into politics by President Obama's 2008 campaign. A neighbor brought Christina to the event to meet her Congresswoman. Born on the fateful day of September 11, 2001, Christina was taken from her parents and this nation on January 8, 2011.

Madam Speaker, today, with the passage of House Resolution 32, the People's House

mourns with family and with the nation for these innocent lives cut short. During these trying times for our nation, I am reminded of what Senator Robert F. Kennedy once said in his remarks to the Cleveland City Club just months before he was assassinated.

"A sniper is only a coward, not a hero; and an uncontrolled, uncontrollable mob is only the voice of madness, not the voice of the people.

"Whenever any American's life is taken by another American unnecessarily—whether it is done in the name of the law or in the defiance of law, by one man or a gang, in cold blood or in passion, in an attack of violence or in response to violence—whenever we tear at the fabric of life which another man has painfully and clumsily woven for himself and his children, the whole nation is degraded."

Now is a time for reflection. My prayers and condolences are with the fallen victims' families and with those, including GABBY, who are making their way along the long road to recovery from the injuries they suffered. May our nation honor the loss of innocent lives with greater peace and understanding.

Mr. RAHALL. Madam Speaker, West Virginians' hearts are heavy for our fellow citizens lost last weekend in Tucson, Arizona. To those recovering, our dear colleague, GABBY GIFFORDS, our thoughts and fervent prayers are offered.

Our country's resolve is strengthened each time it is tested. Citizen participation is the democratic bedrock of our more perfect Union.

Representative GIFFORDS understands the value of constant constituent conversation, and her example shines as a beacon for public office holders throughout our Republic to follow.

May GABBY's dedication to others serve her recovery, as the blessings we celebrate in the Book of Ruth, "a restorer of thy life, and a nourisher of thine old age."

Mrs. BACHMANN. Madam Speaker, today I join with my colleagues in condemning the savage attack in Tucson last Saturday that shattered the lives of so many innocent victims, and their families and friends, and broke the heart of a nation. Since the news of this awful tragedy, I have prayed through tears for comfort, and for peace in the midst of the storm, for the families of the six people whose lives were senselessly ended by a gunman who had no concern for human life. I have also been praying for healing for those who were injured; among them a respected colleague and friend, GABBY GIFFORDS.

GABBY and I came to Congress together in 2006. Over the years we have often voted differently. From time to time, we found ourselves at opposite ends of the table during media interviews, offering contrasting viewpoints. But the moment we stepped away from the set, we greeted each other as we often did on the House floor, as friends, with a hug, a warm smile, and a few precious moments of conversation. I cherished those times with GABBY, and I look forward to renewing them as she recovers and returns to the good, faithful, and hard-working service that she has given to the people of Arizona's 8th District.

I am rejoicing to hear the doctor's prognosis of recovery for GABBY, but my heart is broken for the families of the six victims who lost loved ones in that unconscionable act last Sat-

urday. They were American citizens who were brutally gunned down even as they were taking advantage of the time-honored American tradition of meeting face-to-face with an elected representative for a free and open discourse about issues of concern. One of the small ways we can honor their memory is to carry on with that discourse, opening our doors to the American people, listening to their concerns, and exercising the free exchange of ideas that has marked our nation throughout its history.

Ms. MCCOLLUM. Madam Speaker, last Saturday in Tucson, Arizona our colleague, Rep. GABRIELLE GIFFORDS, was shot by a disturbed gunman while she was meeting her constituents. This shooting resulted in the death of six Americans who were participating in the most common of events in this democracy, a meeting with their congresswoman. Fourteen additional Americans were wounded in the attack, including the critical wound suffered by Congresswoman GIFFORDS.

On January 10, 2011, dozens of concerned and compassionate Minnesotans visited my St. Paul District Office to express their support for Congresswoman GIFFORDS, the victims, and the people of Tucson. They also expressed their heartfelt condolences to those who were killed.

With the consent of the concerned citizens who I have the honor to represent, I submit the eloquent words of Minnesotans who send their prayers and support for Representative GABRIELLE GIFFORDS and all of those whose lives have been hurt by this senseless act of violence. I join them not only in praying for healing and peace, but I will continue to dedicate myself to working to make a more peaceful and less hostile America.

The following comments were made by Minnesotans who visited my St. Paul district office on Monday, January 10, 2011. These messages of support and sympathy were transcribed directly from their individual handwritten notes.

"My prayers and thoughts are with the Congresswoman and her staff. This act of horrific violence was a response to the everyday work that public officials do on a daily basis to serve their constituents. Congresswoman Giffords and her staff's work exemplifies this. I hope that the Congresswoman can continue to do this important work." Henry Parker, St. Paul, Minnesota.

"It is here my daughters, that love is to be found, not hidden away in the corners but in the midst of occasions of sin. And believe me, although we may more often fail and commit small lapses, our gain will be incomparably the greater."—Saint Teresa of Avila" Loren Cramer, St. Paul, Minnesota.

"I'm so sorry to hear of this violent attack in Tucson. I hope for and pray for Giffords and others." Mary Doran, St. Paul, Minnesota.

"Keep up your work. We need you now more than ever." Jason Garrett, St. Paul, Minnesota.

"God bless America. Thoughts and prayers to the victims and their families." Nicole Ly, Oakdale, Minnesota.

"Our thoughts and prayers are with you, your staff, and your family during this difficult time. You have the nation behind you with an outpouring of love and well wishes." Shelly Schafer, Woodbury, Minnesota.

"Although Congresswoman Giffords may have been the target, all citizens who engage their elected officials have become unsettled by this act. Civil war < Be civil." Mary Jane LaVigne, Birchwood Village, Minnesota.

"I am so sad to hear about the shooting. I pray for your recovery. I want you to be strong and continue to be the fighter that you are so you can continue to walk and serve the people of America. Thank you for your service. Your district is giving up a lot for America and my thoughts are with you." Kao Ly Ilean Her, St. Paul, Minnesota.

"My heart goes out to the Giffords family. I was born and raised in Tucson, and now serve in the Minnesota House. To think our public servants are under attack is so sad. We pray for you GABBY. We pray for the victims." Nora Slawik, Maplewood, Minnesota.

"Our thoughts and our prayers are with all the victims of the Arizona shooting!" Susan Zumberge, St. Paul, Minnesota.

"Our thoughts and prayers go out to you, the other victims, their loved ones, and the people of your congressional district. We hope that if any good will come of this horrific event, it will be that people will once again realize that our fellow citizens, regardless of political views, are human and deserve to be treated with respect and civility. Our words can have consequence so far beyond our intent." Steve Schaus & Angela Braun, St. Paul, Minnesota.

"My heart is terribly heavy with this horrific event. For any public servant to be struck down while serving the people is an appalling affront to every citizen. For innocent and random people to be struck down in this way is an affront to all humanity. Let us all pray for the families of the victims, and work for peace among all people." Ross Willits, St. Paul, Minnesota.

"Gabby, you are in my thoughts and prayers as you recover. I am deeply saddened that someone like yourself who has willingly given of themselves has become a victim of such a senseless act. We pray that the rhetoric that inflames will be replaced by words of cooperation and collaboration in our houses of Congress. Blessings to you and your family." Jeanne Sedgwick, St. Paul, Minnesota.

"There are no words at my command to express my sorrow at what happened and my warm best wishes to all you so affected by truly cruel and senseless violence." Elmer Pierre, St. Paul, Minnesota.

"Rep. Giffords: Please accept my deepest condolences. I also wish you immense strength and courage." Heather Meyers, Eagan, Minnesota.

"As someone who has been involved in politics for years and met many members of Congress, I was horrified as I watched the events of this past weekend unfold. I was deeply saddened by this attack and I want to show my support for the victims and their families. I hope and pray for a speedy recovery and I believe that Congresswoman Giffords' service and devotion to her country is truly heroic. You are in the hearts and minds of all Americans. God bless." John Moore, St. Paul, Minnesota.

"I offer prayers for Representative Giffords, her family, and all others affected by this senseless, terrible tragedy. The wounded and killed, especially Christina Green and her family. May you be comforted and strengthened

by the prayers of our nation.” Florence Steichen, St. Paul, Minnesota.

“We need better gun control measures and an increase in civil discourse—sending prayers to the families who lost loved ones in this senseless act of violence and also to the family of Congresswoman Giffords for her speedy and full recovery.” Lyn Burton, St. Paul, Minnesota.

“Congresswoman Giffords: Thank you for your service. Thank you for your support of health care reform. Prayers for you and your family for strength in adversity.” Mary J. Pohl, St. Paul, Minnesota.

“The rhetoric of violence, scapegoating and demonization must end! My sympathy to Rep. Giffords, her family, her staff and all victims of violence in Tucson.” Richard Lee Dechert, Maplewood, Minnesota.

“My prayers, thoughts, and heartfelt sympathy go out to Congresswoman Gabrielle Giffords’s family, friends, and supporters. My daily prayers will include the wishes for the long term recovery of Congresswoman Giffords. I express my heartfelt thoughts and prayers for the Federal Judge, the young girl and all others who died or were harmed by this uncaring perpetrator.” Fred Gates, St. Paul, Minnesota.

“Please know that you are loved and supported in vastly greater measure than the distortion and hatred that made this unspeakable tragedy possible.” Lori Stee, St. Paul, Minnesota.

“My thoughts are with Rep. Giffords’ family as they support Gabrielle’s recovery and with the others affected by this violent act. We are incredibly lucky to live in a country where political violence is extremely rare. The rhetoric that creates a context for violence must cease. Hate is not a response for disagreement.” Anne Claflin, St. Paul, Minnesota.

“I extend my deepest condolences to Congresswoman Giffords and all the victims of this senseless tragedy. There are consequences to the violent rhetoric that plagues the political landscape today—it’s the innocent and the brave that suffer.” Dr. Mary de Leon-Denton, Inver Grove Heights, Minnesota.

“My prayers are with you and especially I pray that somehow, someday, some good will come of this horrible tragedy.” Michael Michauk, St. Paul, Minnesota.

“Congresswoman Giffords, I give you my deepest and heartfelt support to the service and honor you give to our country. The needless violence and anger that has been shown in our country over politics has to stop. It is sad that something like this had to happen in order for the dialogue to begin to change how we promote change with deepest prayers and sympathy to all harmed.” Aaron Crawford, St. Paul, Minnesota.

“In this time of great sorrow and shock, my great hope is that all this will serve to wake up those in our nation who don’t believe that gun violence is a huge problem that needs to be addressed—yet again. Our thoughts and prayers are with all of you—and with our country!” Julie B. Goldstein, St. Paul, Minnesota.

“To Congresswoman Giffords, her family and those injured and killed: This morning I received a note from two constituents—St. Paulites in the summer and Arizona snowbirds in the winter. Gene and Ginny shared their af-

fection for ‘our dear Gabby’. The road ahead is difficult for all of us. I wish you strength in your recovery and wisdom for all Americans as we reconcile the meaning of this tragedy with our own actions as citizens. To be truly free from violence and persecution, we must persist in our efforts to maintain an open society where we can disagree peacefully and move forward together. My best to you and your families.” Minnesota State Rep. Erin Murphy, St. Paul, Minnesota.

“To Congresswoman Giffords, victims, and their family and friends: My heart goes to all of you, and I continue to pray for all of you. Public service is noble work, and it is difficult. Thank you for all you do, and know the goodwill of the people of our state and country is with you at this very difficult time. Together, we will heal and find grace in our democracy.” Minnesota State Rep. Kate Knuth, New Brighton, Minnesota.

“My heart bleeds for all of you. Courage.” Ted King, Minneapolis, Minnesota.

“May you experience a speedy recovery. Thoughts and prayers for you and your family.” Peter Austin, Minneapolis, Minnesota.

“May you heal and feel better in time. You are in our prayers. May God be with you. You are in our thoughts as you recover from this tragic event.” Paehin Young, Minneapolis, Minnesota.

“Thank you for all your service to the country. My thoughts and prayers are with you and your staff. We need more people like you.” Sam Dougherty, St. Paul, Minnesota.

“Our prayers go out to those affected by this attack” Kevin Weingart, Coon Rapids, Minnesota.

“My thoughts are with you and your community in this time where senseless violence has changed how everyone feels. Public servants and those who engage in our government and the political process should not fear for their safety. I hope that everyone affected by this tragedy can come together in solidarity. Thank you for your service and bravery.” Meagan Bachmayer, Minneapolis, Minnesota.

“May the sun rise in your hearts and souls. Our deepest condolences, warm wishes and never-ending prayers are with you.” Jill Curran, Larry Wichlans and Family, St. Paul, Minnesota.

“I feel so saddened by the events in Tucson, AZ. My sincerest sympathies go out to all the victims. God bless, Gundy.” Gundy Gunderson, Oakdale, Minnesota.

“A truly tragic moment in our nation’s history. My prayers and support are with the victims and our nation’s leadership as we struggle with the complex issues that led to this violent event.” Cheryl Westman, St. Paul, Minnesota.

“Thank you for doing this, our prayers are with the Giffords family. This is not what our country is about. It is time to come together.” Jody Prip, New Prague, Minnesota.

“Blessings of hope and prayers for each one of the innocents killed and injured in this tragedy. This feels the same as the tragedies of Bobby Kennedy, MLK and 9/11. God help us all—if we calm down—we will get through this.” Robert F. Riesert, St. Paul, Minnesota.

“Following the violence, it has been a painful and angry weekend—much of it emailing my own vitriolic reaction to personal friends.

Expressing fear for our country and the safety of our representatives was a helpful and immediate necessity. The shock remains although many of us, as was Gabby herself, feared the new language and images presented often now in a repetitive fashion filling the airwave and filling especially vulnerable minds with pictures of weapons as political tools. We shared emails then too, as we heard and watched the rhetoric become louder and scarier. Helpless to counteract these emotional appeals, we signed petitions condemning them. We still wait helplessly for the apology that will not come. We pray for cool down and safety.” Janyce Kovash, St. Paul, Minnesota.

“‘Violence is a cycle,’ said Dr. King. When met with senseless actions against public servants and the public at large, we must strive to do justice to the sacrifice and heroism of so many—by reaching out to those who serve and thanking them by tamping down the rhetoric and respecting those of all political persuasions. And also by answering the call to justice and caring for our friends and neighbors. We will never have a satisfactory answer to the question ‘why?’ but we can use the moment to consider for fully ‘how?’—How do we ensure that this never happens again? My thoughts and prayers are with the families of those who lost their lives, especially Gabe Zimmerman, who gave his life in service to the people of Arizona. It could have been any of us. I also wish Rep. Giffords a speedy recovery and hope to see her return to the House and serve her constituents.” Devin Driscoll, St. Paul, Minnesota.

“Please accept my deep sympathies for your current situation. We as, U.S. citizens, are a very special society. Those that attempt to steal our lives, and the lives of our friends, will find that we are strong in the face of adversity. The actions against the U.S. citizens in Tucson, including Rep. Giffords, are a tragedy that I hope is never repeated. Trusting in God’s healing and your full recovery.” Jim McKie, West St. Paul, Minnesota.

“Thank you for all of your work and service. My thoughts and prayers are with you and your family and we hope you have a speedy recovery.” Warren Claflin, South St. Paul, Minnesota.

“This weekend’s events were a sad reminder of the consequences that can arise when political rhetoric becomes hateful or violent. Angry, upset and unbalanced people respond in unpredictable ways. Thank you, Rep. Giffords, for your service to your district and your country. Thank you to the staff that helps you in this work. No American should ever fear violence as a consequence of participation in our democracy.” Paul Rohlfling, lives in Minneapolis, works in St. Paul.

“Our thoughts and prayers are with you and your family from the St. Paul Federation of Teachers in St. Paul, Minnesota.” Julie Hawkins, Inver Grove, Minnesota.

“I feel anguish at this terrible violence (senseless) and the resulting loss of life and hurt. Gun violence is too prevalent in our society and too many unstable people have too easy access to guns. I do lay some blame on radio shows with hosts that stoke the flames of people’s anger and sit back and say they have no responsibility. Please continue to get

stronger and the keep the faith.” Julia Fish, St. Paul, Minnesota.

“In these challenging times, know that the thoughts, prayers, and best wishes of all Americans are with you and your family. We mourn the loss of life, and share your vision of a healthier and stronger country. One of my close friends works in Congresswoman McCollum’s office in St. Paul. I know how hard our public servants work, and you must be so proud of the bravery of your young staff intern, Daniel. I am sorry beyond words that this happened. Peace to you, and all who were impacted by this tragedy.” Adam Robinson, St. Paul, Minnesota.

“Our thoughts and prayers are with the families involved in this terrible tragedy. Hopefully this will become a time of healing, and a time when the vitriol between opposite sides ceases. We pray that Congresswoman Gabrielle Giffords and all the wounded recover. Our condolences go to those who lost their lives in Tucson. We pray for the safety of all public officials, and the continuing health of our nation.” Tom and Susan Pugh, South St. Paul, Minnesota.

“Our thoughts are with you as you recover from this brutal and senseless attack. I am confident you will continue to serve the people of Arizona and the United States. To the families who are struggling with this unimaginable loss, the thoughts and prayers of the nation are with you.” Samantha Gemberling, St. Paul, Minnesota.

“I wish Congresswoman Giffords, and all others who were wounded, a steady and complete recovery. I also wish to extend my sympathy to you who lost family members. All of you are in my thoughts and prayers.” Cheryl Kenney, St. Paul, Minnesota.

“My prayers are with Congresswoman Gabrielle Giffords and all who have been injured or killed in this vicious act of violence against persons serving US citizens as part of this great democracy—also with all who love them. To be engaged in dialogue on the issues—to engage civilly in our civic process needs to be returned to our democracy from citizens to the media to the halls of Congress. Committed to civil civic engagement and to prayers for our prayers for our nation as we move forward from this tragedy, I remain,” “Ginger” K. Virginia Hidsfrom, St. Paul, Minnesota.

“My family and I were stunned to hear of this senseless violence. You are in our thoughts and prayers. Our heartfelt condolences go to the families of those killed, and we pray for ongoing strength for those wounded and their families.” Kathleen Proctor, Lauderdale, Minnesota.

“To all in Tucson, AZ affected by this senseless tragedy: You have support from us in Minnesota by way of encouragement during your time of pain and grief. We will advocate for a return to civil discourse in the US rather than vitriolic campaign language that goes on. May your pain and anguish turn into positive communication among people in every community of our country.” Joanne Tromiczak-Neid, St. Paul, Minnesota.

“My heartfelt wishes and prayers to Congresswoman Giffords, her staff, and constituents she proudly represents. My heart, mind, and soul grieve for those who have died and

have been injured by this senseless act of violence. May we, as citizens of the United States, and as members of our global world, continue to foster peaceful solutions to violence that surrounds us.” Mary Tacheney, St. Paul, Minnesota.

“My prayers go out to you, you who were injured or killed, your families, your friends, your loved ones. My prayers go out to you, you who witnessed the violence, you whose lives won’t be the same. I pray for the person who did this. Only God understands. I pray for our country to find peace. God bless you all. May somehow, some good come of this.” Laura K. Kochevar, St. Paul, Minnesota.

“I thank all public servants and especially their staff for their dedication to the people they serve. As a former staffer, my heart goes out to all the families directly affected by this tragedy. Also I send the thoughts and prayers to every Member of Congress and their staff to get through this and pray that our country will learn from this and stop the incendiary rhetoric. Thank you.” Kathleen Murphy, St. Paul, Minnesota.

“We are all saddened by this tragedy. As Speaker Boehner said, ‘An attack on one who serves is an attack on all who serve.’ We all stand with you and your staff in solidarity as we grieve this incident and work to make sense of this senseless event. We thank you for your sacrifices in service to the people of Arizona’s 8th District. May you all have a speedy recovery and also never forget those who were lost, and use the memories we have as a guide and inspiration for the future. Godspeed, Gabe Zimmerman, Christina Green, Judge John Roll, Dorothy Morris, Dorwan Stoddard, and Phyllis Schneck.” Melissa Jamrock, St. Paul, Minnesota.

“Change-makers walk a difficult and scary path. But one that gives us hope and energy. Thank you for walking, for walking yours with courage and pluck. My heart aches for the violence, pain, and fear that has been done to all of you and us. I send you my heartfelt wishes for healing, safety, and peace.” Sheri Smith, St. Paul, Minnesota.

“Love will conquer all. Remember you have the support of the people. Be well.” Chuck Repile, St. Paul, Minnesota.

“My deepest sympathies for Congresswoman Giffords, her staff, and their families during this difficult time. I wish the Congresswoman and all those injured a speedy recovery.” Cameron Erickson, Eagan, Minnesota.

“To all parties involved: This is a tragedy in every sense. Not only for Rep. Giffords, Chief Justice Roll, and the other civilians involved. Now, more than ever, it has become apparent we are a broken, divided nation in need of repair and healing. We must disconnect from hateful political rhetoric and campaigns and come together in this time of tragedy. God bless the Giffords.” Louise Dickson, North Oaks, Minnesota.

“To all AZ residents: This is truly a tragic time, not only for the families of those directly affected by this horrible incident, but all residents of the 8th district and the state. They have lost their representation and voice in DC and in government—the foundation of our country. That a mentally ill young man did not get the help needed, was allowed to legally purchase a weapon, and used it against inno-

cent citizens—is wrong. That our political discourse has gotten so angry that it fed this young man’s delusions is wrong. We must always remember there are other Loughners out there. May all those wounded hail those who died and may we all learn from this.” Laura Neritt, St. Paul, Minnesota.

“Thank you and thanks to all our U.S. representatives for your dedicated service. Our freedom sits with all of us as you represent we all the people. I pray for your good health and protection.” Carol Gariann, Shoreview, Minnesota.

“My condolences to the shooting victims, their friends, and families. My thoughts and prayers are with all of you, and all who feel the pain of this tragedy.” Mark Jenkins, Maplewood, Minnesota.

“My condolences go out to the families of the victims of this horrible tragedy. My heart goes out to you all.” Kenneth Sinn, St. Paul, Minnesota.

“Rep. Giffords—you are right. We will be mellowing the rhetoric. Let’s listen to the Pima County Sheriff.” Rick Cardenas, St. Paul, Minnesota.

“Like Congresswoman McCollum, I am shocked at this event and want you all to know I am thinking of you. Some good may come from this evil, however, as people are now discussing the role inflammatory speech may play in today’s America.” Bernice Vetich, St. Paul, Minnesota.

Mr. SCHWEIKERT. Madam Speaker, I rise in support of the resolution.

It is with a heavy heart that I come to the floor today to offer these thoughts on the tragic events of this past Saturday in Tucson that took the lives of Judge John M. Roll, Christina Taylor Green, Dorwan Stoddard, Dorothy Morris, Gabe Zimmerman, and Phyllis Schneck and gravely injured Congresswoman GABBY GIFFORDS and many others.

Just last week my wife Joyce and I had the opportunity to visit with GABBY in Statuary Hall before the ceremonial swearing-in.

As in so many of my other interactions with her, GABBY was gracious, energetic, and willing to offer a lending hand as I got settled.

We took a few photos and talked about ways we would work together in good spirits. Of course, GABBY and I also went back-and-forth about our favorite rivalry, ASU versus U of A.

GABBY takes enormous pride in her job representing the communities and people of the 8th district.

My wife Joyce and I send our thoughts and prayers to Mark during this difficult time. We are deeply appreciative of Mark’s generosity in sharing GABBY with us in Washington and Arizona.

It is also important to not forget that these individuals lost their lives or were injured while they were exercising their right to participate and have a say in our nation’s republic.

Indeed, they became victims while exercising a fundamental right that has served as the backbone of our nation since its founding—a right our nation’s founders sacrificed so dearly for. Just as the victims of this past Saturday’s tragedy did as well.

We are stunned by the tragedy, but we remain resolute in our commitment assemble peacefully and engage civilly in the type of discourse that is fundamental to our republic.

Although words may not be sufficient to capture the sorrow and grief we are experiencing, Joyce and I send our thoughts and prayers to GABBY, Mark, Roxanna and John Green, the parents of Christina Taylor Green and the loved ones of Judge Roll, Dorwan Stoddard, Dorothy Morris, Gabe Zimmerman, Phyllis Schneck, and the Tucson community.

Our hearts and prayers are with you.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to join my colleagues and the rest of the Congressional community in extending my prayers and support to the victims of the horrible shooting this past Saturday in Tucson, Arizona, and to their families and friends. Our friend and colleague, GABRIELLE GIFFORDS, continues to fight for her life. She and 13 others were wounded in this unspeakable tragedy, in which six people were killed, including three retirees, a nine-year old child, a federal judge and a member of Representative GIFFORD's staff.

During the past two years it has been my pleasure to serve with GABBY GIFFORDS on the House Foreign Affairs Committee. She is an intelligent and dedicated public servant. During my term in this body, I benefited from watching and working with GABBY. I know that the House of Representatives, and indeed, the entire country have benefited from her work and that this chamber will feel her absence until she fully recovers and is able to return to the House floor.

This past Saturday was yet another tragic reminder of the prevalence of violence in our society. Our primary concern at this moment must be with the victims and their families and friends. We must help them work through their grief. We must help the injured through their recovery process.

There is no silver lining when six people are murdered. However, if we do not learn from this tragedy, then we will be doomed to repeat it. Madam Speaker, I would submit that our political rhetoric has become grossly overheated, and it's time for all of us to take a step back and reflect on the effects of the vitriol.

The philosopher, Voltaire, once wrote, "I detest what you write, but I would give my life to make it possible for you to continue to write." He was articulating a crucial component—perhaps THE crucial component—on which our nation was founded: That no matter how much I may disagree with your opinion, it is essential that you have the right to express it.

But too often, lately, it seems that we cannot merely disagree with one another's opinions or policies. Instead disagreements become personal. Verbal attacks devolve into harsh questions about motives and character. Debates about policies or proposals sink to fear-mongering and rhetorical claims that the fate of our Republic lies in the balance.

Those of us in this chamber, and others in elected office, understand the rhetorical nature of such comments, but can we be absolutely certain that such verbal attacks are not being misconstrued in a culture of increasing anger and a greater acceptance of confrontation?

Absolutely, we must preserve each person's fundamental First Amendment rights, but can we not agree that we ought to disagree in a more agreeable fashion? As elected Representatives, our words certainly do have consequences for the policies and actions we are

trying to shape, but it extends well beyond these four walls . . . to the thousands of people who provide us with staff support here in the Capitol and in our home districts . . . for the men and women who are the face of our government, performing essential federal work every day in communities across our nation and especially for the public, which has placed its trust in us.

There are sure to be multiple legislative proposals in response to this week's tragedy, but perhaps the best response is more simple and more personal. Speaker BOEHNER said an attack on one of us is an attack on all of us, and it will take a collective response from all of us to temper our rhetoric and return to a level of discourse that honors the victims of this week's senseless tragedy.

Mrs. LOWEY. Madam Speaker, I rise in condemnation of the senseless attack that took place on Saturday, January 8th in Tucson, Arizona targeting Congresswoman GABRIELLE GIFFORDS and other innocent men, women, and children.

The families and friends of those victims who died in the attack—Gabriel Zimmerman, U.S. District Judge John Roll, Phyllis Schenck, Dorwan Stoddard, Dorothy Morris, and nine-year-old Christina Taylor Green—are in all of our thoughts and prayers. It is heartbreaking that so many lost their lives as a result of the actions of one highly disturbed individual.

We also hope and pray for the health of GABBY GIFFORDS and fourteen other innocent individuals who were injured in this premeditated and indiscriminate act of violence. I pray that they will gain the strength to recover physically and emotionally from this horrific event.

GABBY GIFFORDS is a warm, kind, and spirited woman and a dedicated and hardworking representative. It is all the more tragic that this violent act occurred as she was fulfilling her most basic duty as a representative—solving government problems for her constituents and listening to their concerns and opinions about federal issues.

I commend the heroes of January 8th. Without the heroic actions of bystanders who subdued the shooter and those who administered first aid to the victims, as well as the first responders and medical personnel who saved victims' lives, the toll of fatalities and injuries surely would have been far worse.

If anything positive could come of this horrifying event, I hope that self-reflection will result in a return to civility in our political discourse. Elected officials, media personalities, and political activists should make a real effort to turn down the temperature in heated rhetoric, carefully considering the actions it could incite, even if unintended, and the public at large must reject the incendiary language that has become too common.

Those who died in Tucson on Saturday will not be forgotten, and justice will be served for the attacker who caused such heartbreak for so many. We all pray for the families of the victims, the recovery of the survivors, and a more civil and peaceful tomorrow.

Mr. DEUTCH. Madam Speaker, just days ago, our nation was shaken by the brutal act of violence committed against Congresswoman GABRIELLE GIFFORDS and the constituents waiting in line to speak with her.

The shots fired in Tucson claimed the lives of several Americans, from a federal judge with decades of service to our country, to a young child participating in our great democracy for the very first time.

Tragedies like this one tear at the fabric of our democracy, which is woven together by the everyday conversations that take place between ordinary people and those they elect to represent them in government.

What started out as a routine morning in American political life—an elected representative listening to the thoughts and concerns of her community—ended in senseless bloodshed.

As we pay tribute to those who fell victim to this violence, and as we pray for the swift recovery of Congresswoman GABRIELLE GIFFORDS, we must also reaffirm ourselves to the work being done that morning before those shots rang out.

Congresswoman GIFFORDS enjoys such respect in this body not only because of her intellect and warmth but also because of her commitment to directly engaging with people. She believed—and every day put into action—that with sincere, hard work we can forge common ground, in our communities and as a nation.

In a few days, when this body reconvenes and we resume the business of moving our nation forward, let us honor Congresswoman GIFFORDS by keeping that sense of common purpose in the forefront of our minds as we work to overcome the many challenges faced by our nation.

Ms. WATERS. Madam Speaker, the shooting of Congresswoman GABRIELLE GIFFORDS, and the killing and wounding of members of her staff and community attending her "Congress on your Corner" event, was a national tragedy.

It is most appropriate that we speak out to share our sadness, sorrow and grief as well as our hopes for healing and recovery.

I am encouraged that GABBY continues to defy the odds and is showing signs of progress. She is truly a survivor, with a strong will to live. I know that she faces a long and difficult path to recover from her injuries, and I hope that our support—together with the prayers and well wishes offered by the people of Arizona and indeed all of America—will help her and her family now and in the weeks and months ahead.

Even as she copes with her own severe injuries, I am sure that GABBY is thinking of all the others who were killed and injured during the attack on her. Gabe Zimmerman, her director of community outreach, was killed. Two more members of her Congressional staff, Ron Barber and Pam Simon, were injured in the shooting. Congressional staff members help us, to help our constituents, but they often are not recognized or appreciated. Let us all remember that our staffers—and government workers generally—are committed to public service. They work hard, make many sacrifices, and they provide valuable, essential service.

We are thinking also of residents of the Tucson community who attended this event to meet and speak with their elected representative, never sensing that they would be in harm's way.

Christina Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, and Dorwan Stoddard were all killed in this senseless, brutal attack.

I join my colleagues in expressing condolences to their families, friends and loved ones.

In a matter of seconds, the gunman recklessly and viciously sprayed bullets in all directions. In addition to killing six people and wounding Congresswoman GIFFORDS, he injured thirteen other people. We pray for their full and speedy recovery.

In a democracy, it is not only common but moreover essential that citizens and their representatives freely communicate and exchange ideas, even opposing opinions. Unfortunately, violent events like the shooting in Tucson have a chilling effect on our ability to engage in our civic duties without fear. We must not give in to fear. At the same time, we absolutely must all do whatever is necessary to restore safety and security. We must rededicate ourselves to ending violence and promoting peace, and we must take necessary, commonsense steps to reduce the potential for killings like this.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to strongly support the resolution honoring the victims of the Arizona tragedy.

I condemn the senseless act of violence that ended six lives too soon and injured many others, including one of our colleagues, Representative GABRIELLE GIFFORDS of Arizona.

Representative GIFFORDS is an indefatigable advocate for her constituents and a strong believer in the value of public service. She has worked day and night to improve her community and help those around her in need. Even when she's had a strong disagreement with a colleague—on either side of the aisle—she was always willing to work with those colleagues again. For her, disagreements do not foreclose cooperation. She truly embodies what it means to be a public servant.

I want to commend the quick and heroic actions of the brave citizens who responded that day. In a frightful situation, when the natural response is to run in fear, Patricia Maisch, Roger Sulzgeber, Joseph Zimudio, and Daniel Hernandez, Jr. took actions to help the injured and stop the attack. They risked their lives for the safety of others, and without their actions, it is likely many more lives may have been lost.

Acts and threats of violence such as these have no place in our society and the voices of the American people will not be silenced or diminished because of these acts.

As we pause to reflect on the tragic events of Saturday, we should make special efforts to remember those whose lives were senselessly taken: Gabe Zimmerman, Christina Taylor Green, Judge John M. Roll, Dorwan Stoddard, Dorothy Morris, Phyllis Schneck. We should remember their families in our prayers—and ask that they be comforted in their grief.

Like so many others, words cannot adequately express my shock and sorrow over this tragedy. My thoughts and prayers are with all the affected families.

Ms. FOXX. Madam Speaker, last Saturday our country suffered a terrible blow. In a senseless and despicable act of violence, a

crazed gunman attempted to kill one of this body's finest members and our good friend, Congresswoman GABBY GIFFORDS, while slaying six others and wounding many more.

GABBY was gunned down while doing the very thing she was elected to do—listening to her constituents and soliciting their feedback. She was participating in a proud tradition of representative democracy, where democratically elected representatives interact with the constituents they represent in Washington.

When the gunman pulled the trigger he was attacking not just a good and decent Member of Congress and her constituents, he was also attacking the freedom-loving people of America who every two years send public servants like GABBY to Washington to handle their interests in the Capitol.

We must not tolerate this violence and the assault it represents on our democratic way of life. Make no mistake; there is no room for violence in our vigorous national debate.

I pray for God's peace for all the victims of this tragic attack and swift healing for all those, especially GABBY, who are still fighting to recover. The House of Representatives is not whole without the smiling face of GABBY and I eagerly await the day when she returns to work on behalf of her constituents. They could ask for no finer person to represent them in Congress.

Ms. LORETTA SANCHEZ of California. I rise today on behalf of my district in Orange County to offer my prayers and condolences to all those wounded and killed in the recent and tragic shootings in Tucson, Arizona. I want to honor my colleague and dear friend, Congresswoman GABRIELLE GIFFORDS, who remains in critical condition and those who lost their lives, Gabriel Zimmerman, Christina Green, John Roll, Dorothy Morris, Phyllis Schneck and Dorwan Stoddard.

GABBY was doing what all Members of Congress must do, interact with their constituents and provide a venue for them to petition their government. It is a sad day in America when the basis of our democracy, the interaction between elected officials and those they represent, is put into jeopardy by those who wish to do us harm.

Those lost on that day were robbed of life too early, like nine-year-old Christina Green, whose life was bookended by tragedy. She was born on September 11, 2001, but strove at such a young age to be engaged in her community. Or the life of GABBY's close aide, Gabriel Zimmerman, who at 30 years old had made public service and helping those in the Eighth District of Arizona his purpose in life for the last 4 years. Judge John Roll dedicated his life to public service and understood the risks associated with controversial issues. And to remember those that left so many loved ones and memories behind, Dorwan Stoddard, Dorothy Morris, and Phyllis Schneck.

I await the day that we welcome our colleague back into the House chamber and will continue to pray for those still in the care of doctors and those who have passed on.

Mr. SMITH of Nebraska. Madam Speaker, I rise in support of the resolution before us honoring the victims and heroes of the tragic shooting in Tucson, Arizona, this past weekend.

Today's action is a reflection on the victims of a deeply tragic, singular incident which

changed so many lives forever and to renounce the barbaric actions taken by a single individual. We also honor those bystanders and first responders who reaffirmed our faith in humanity by risking their lives to save others.

Today marks a time of healing as we celebrate the lives of those who were lost. GABBY is a colleague and a friend who is known for her civility and willingness to reach out. Her office was just a couple of doors down from mine on the fifth floor of Cannon our freshman year and I was her colleague on the House Science and Technology Committee through the 111th Congress. She is a consummate professional who is dedicated to her constituents and her country.

Our prayers are with her and the other victims as they recover from this horrifying event. As we move forward, we should take strength in the outpouring of support from all corners of our country.

Ms. CHU. Madam Speaker, this weekend, a horrible tragedy befell the city of Tucson, the State of Arizona and the Nation. One of our own, Representative GABRIELLE GIFFORDS, was doing her duty as a Member of Congress. She was out in the neighborhood, talking face to face with her constituents about their concerns and their problems. "Congress on Your Corner" was an event she had done before with success and she wanted to start the New Year with an open door to her constituents.

When she arrived at the local Safeway, dressed in a red blazer, black slacks and black pumps, she greeted those in attendance, hugged each of her staff and gave a short speech. Then, constituents began asking questions, getting their photo taken, and asking for help. It was then, only minutes after the event began, that a young man, armed with a semiautomatic handgun with 33 deadly rounds, directly faced GABBY and shot her point blank in the head. But he didn't pause; he kept shooting. With such rapid fire, those waiting in line to speak to GABBY had no chance to escape his wrath.

What happened in Tucson was not just about unspeakable tragedy. It was about heroic actions. When the gunman turned to flee, a brave but wounded bystander grabbed the shooter, as others came to his aid. One courageous older woman, Patricia Maisch, tried to wrestle a second magazine full of another 33 deadly bullets from him to protect others from his indiscriminate gunfire. She began shouting at him, even as she remained in danger. She raised the questions many of us asked when we heard of his horrible actions: "How could you be so hateful? How could you do this?"

As the paramedics and emergency responders attended to the scene, the true sorrow of the event became clear. Twenty patriotic Americans were shot, many severely. Six of them lost their lives for no reason other than that they participated in the democratic process.

This tragedy has touched our Nation to its very core. The fact that this horrific event would occur during such an open democratic event has chipped away at our innocence as a country. The fact that some would rather turn to bullets instead of words to address differing opinions makes us feel as though our democratic process is under siege.

However, it is my hope that the lives of those six brave souls will not be lost in vain, and that we can become even stronger as a Nation. Our Nation was founded on the premise that the American people have the right to elect their own leaders, to have their voices heard, and have a say in their own government. We fought, and many died, to protect that right. And no one is allowed to take that away from us.

The American democratic process should not be one of anger and hateful words, but of discourse and discussion. After all our country has been through to protect our freedoms, we must maintain respect for one another and understand that the ability to share differing opinions is at the core of what makes our Nation so great.

So it is in the spirit of respect and democracy that I support this resolution. My prayers go out to the families of the victims, all of the survivors, and to my friend GABBY GIFFORDS, for a speedy and full recovery. To those who lost loved ones, words simply cannot express my feelings of sadness at such a devastating loss.

Mr. HEINRICH. Madam Speaker, I rise today to pay tribute to the many victims of Saturday's tragic shooting in Tucson, Arizona, and to voice my hope for a full recovery for each of the survivors, particularly my colleague and friend, Representative GABRIELLE GIFFORDS. On behalf of me, my family, my staff, and the constituents of New Mexico's First Congressional District, I express our heartbreak at the attempted assassination, the devastation of so many innocent lives, and the senseless attack on our nation's Democratic process.

Our thoughts and prayers go out to all the victims of this senseless tragedy, and especially to the friends and families of Judge John M. Roll, Gabe Zimmerman, Christina Taylor Green, Dorothy Morris, Phyllis Schneck and Dorwan Stoddard. We are grateful for the heroes who courageously intervened, the first responders and health care professionals and those who continue to assist the survivors in their recovery.

Though she remains in critical condition, I know GABBY, and can attest to her nature as a fearless fighter. We've worked closely together on the House Armed Services Committee as clean energy advocates and as New Democrats. As the only member of Congress with a spouse on active-duty, she is a tireless advocate for military families and is unquestionably one of the most talented Democratic leaders of my generation. With all of that in mind, I am optimistic and hopeful that she will overcome this tragedy. Her recovery is important to our nations' future.

Sadly, Saturday's assassin took advantage of an event which embodies the very essence of public service and the right to assemble without fear. Like GABBY, I hold these kinds of "Congress On Your Corner" events in my district to hear directly from my constituents, whether they agree with me or not. Listening to our constituents is a fundamental duty of each Member of Congress and provides an extraordinary opportunity to talk one-on-one in an inclusive and equitable environment. That our constituents would have to worry about violence as part of that process is unthinkable.

We must continue to remain accessible to our constituents while taking appropriate measures going forward to protect their safety.

As we pray for GABBY's recovery and for the families and friends of all of those impacted by Saturday's tragedy, let us honor their legacy by striving to reinforce the spirit of Democracy in which the victims sought to engage in on Saturday in Tucson. Together as a nation, we can have a vigorous debate without compromising the civility and respect for one another's human dignity that is core to our great Nation's principles.

Mr. HALL. Madam Speaker, I rise today to speak in support of my friend and colleague, GABRIELLE GIFFORDS, who four days ago was the target of a malicious, senseless attack in Tucson, Arizona. In the aftermath of this tragedy, 6 have lost their lives, 12 were wounded, and GABBY is still in the hospital fighting for her life. She is a dear friend, and one of the most sincere, conscientious, and thoughtful members I have had the pleasure of working with.

GABBY has so many friends in Congress and is an outstanding Congresswoman for her district and for the Committee on Science, Space, and Technology. She has served the last 2 years as the chairwoman of our Space and Aeronautics Subcommittee and has done a magnificent job overseeing our Nation's space program. The passion that she brings with her is always evident and she has been willing to ask the tough questions and work across the aisle in support of what she believes.

GABBY loves her district and her constituents, and she is always finding a way to work her home state of Arizona into the discussion. I have been to her district with her to support solar energy and to the Cape with her to support the Shuttle flights. Perhaps it hurts even more that this shooting took place at an event that was organized so she could listen to her constituents and discuss how she represents their interests. She was doing her job, being accessible, and listening to the people she represents.

GABBY is a beautiful young lady with a beautiful family, and a stepmother of two young children. It's hard to understand how someone could do something like that. In a moment's time, one person destroyed the lives of so many innocent victims. Events like this remind us of how fragile life can be and how in the blink of an eye, everything can change.

I've been around a long time and have seen too many terrible senseless events; these are times when you feel helpless, and all you can do is pray and come together to display solidarity and support for those who have been affected. I will continue to pray every day for GABBY, her husband Astronaut Mark Kelly, her family, her staff, Judge John Roll, little 9-year old Christina Green, and the families of all the victims in this tragedy.

Mr. POLIS. Madam Speaker, last weekend, the world watched as what began as a sunny Saturday morning in southern Arizona ended in tragedy and horror for our Nation. Violence of this kind has no place in America, and our grieving Nation will spare no expense to find out how this tragedy happened and ensure that it can never be repeated.

Last Saturday was a dark day in our Nation's history and a day which I will never for-

get. My thoughts and prayers are with Congresswoman GIFFORDS, her family and her staff. My staff is my family, and I cannot comprehend why anyone could or would hurt a group of honest, hard-working people united in their desire to serve the people of southern Arizona.

I also join the Nation in honoring the lives of the six brave Americans who lost their lives in this senseless act of violence and in offering my support and best wishes for a speedy recovery to all those affected by this tragedy.

GABBY GIFFORDS is a good heart, a great mind, and one of the nicest Members of Congress with whom I have had the honor of serving. When I last saw her, at the airport just hours before the attack, she was going home to do exactly what we all do—what we were elected and what the people of this country expect us to do—working with constituents, listening to their concerns and being responsive to their needs.

Saturday's attack came as a shock to me not just as a member of Congress, but because the violence reached beyond the realm of politics, and took the lives of innocent, ordinary Americans who took time out of their busy lives to participate in our democracy.

As Members of Congress, when we sign up to serve our country we understand there is an inherent risk. But we never imagine our mere presence could so endanger innocent constituents wishing to voice their opinions. An attack at an event of this kind is an attack against that which makes our Nation great and must not be tolerated.

GABBY is famous for her smile that could light up a room and her fearless tenacity to reach across the aisle to find solutions for the problems facing this Nation. In a tight race in a politically diverse district, GABBY was re-elected three times because of her ability to find consensus in a sea of chaos and her willingness to fight, not for the left or for the right, but for what's best for the people of Arizona. If we, as a nation, can learn from our mistakes and take something away from this tragedy, let it be that we follow her footsteps and use our office and our government to unite rather than divide our healing Nation.

Mr. THOMPSON of California. Madam Speaker, I rise today in honor of a dear friend and colleague Congresswoman GABRIELLE GIFFORDS, as well as all of those who lost their lives or were injured during the tragic events of January 8, 2011, in Tucson, Arizona.

Today the House gathers at an incredibly sad moment for our country. The events of January 8, 2011, are reprehensible and truly heartbreaking. I speak today of my close friend and an esteemed colleague in the Blue Dog Coalition, GABBY. Her leadership and compassion for the people she represents is a testament to the meaningful work she has accomplished during her tenure as a United States Representative. The legacy she has created is one of moderate and pragmatic leadership—qualities that are essential to the people of Arizona she so strongly represents, and to our country as a whole.

In 2009, I had the opportunity to visited GABBY in her district. It was apparent how many folks she has touched with her work in the Arizona State Senate and the House of Representatives. Her passion for public service is truly an example we should all embrace.

I would also like to recognize and honor the victims who lost their lives during this horrible tragedy: Christina Green, Dorothy Morris, Judge John Roll, Phyllis Schneck, Dorwan Stoddard and Gabriel Zimmerman, the Congresswoman's aide.

I pray for a speedy recovery to everyone injured during this tragic event and hope for GABBY's quick return to Congress to do what she loves most, represent the people of Arizona's 8th

Mr. KIND. Madam Speaker, I am extremely saddened by the senseless act of violence that occurred in Arizona. My thoughts and prayers go out to my close personal friend, Representative GIFFORDS, her family and all the victims of this terrible tragedy.

Representative GIFFORDS is a hard-working, compassionate Member of Congress. This past weekend's event is particularly tragic because she was doing what all Members should be out doing, showing her dedication to her constituents and out listening to folks back home.

During her time in Congress, I have worked with her on various initiatives through the efforts of the New Democrat Coalition. I have always been particularly impressed with her commitment to fiscal responsibility, deficit reduction, and advancing innovation and technology. She is a long-term thinker who has worked to promote initiatives that are important to both her district and the country.

I would like to send my deepest sympathies to the families of Gabe Zimmerman, a committed member of her team in addition to Judge John M. Roll, Christina Taylor Green, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard. These individuals were engaging in the political process in the best way possible, by speaking directly to their representative. The exchange of ideas is critical to our democracy and it's important that Members of Congress continue to provide forums in which to meet with and listen to constituents. I have and will continue to make town halls and listening sessions a priority in western Wisconsin. At this time, we should also take this moment to remember that we can fight hard for the principles in which we believe with civility and consideration without compromising our values or the values of others.

I also want to thank all the first responders, law enforcement and medical personnel whose quick actions helped prevent further loss of life. These individuals provide an invaluable service to all of our communities and I thank them for their dedicated work.

I wish GABBY and all others involved a speedy recovery.

Mr. BUTTERFIELD. Madam Speaker, I have come to the well today, not to make a long speech, for my colleagues have spoken so well, but to extend the heartfelt tribute to the affected families on behalf of the people of the first district of North Carolina.

Madam Speaker, we must seize this senseless and tragic event as an opportunity for us to reconcile our differences and reduce the political tone in this country. The American people are demanding that we represent them with civility and a sense of enforcing the Constitution to keep America strong and provide for the general welfare.

I pledge my part in making that happen.

To those families who are living this unspeakable tragedy, we extend our condolences and prayers to your family. And we pray for a speedy recovery for our dear Colleague, Congresswoman GABBY GIFFORDS, and the other great Americans who are victims of this tragedy.

Mr. TONKO. Madam Speaker, I rise today on behalf of Congresswoman GIFFORDS, her staff, the injured, those who lost their lives and all of their families and loved ones—all of whom remain in our thoughts and prayers following this past Saturday's horrible and tragic event. Having the opportunity to serve with GABBY on the Science and Technology Committee in Congress has truly been a blessing as she embraces the human spirit in all her work.

GABBY is not a weathervane politician—she takes courageous votes that are supported by her keen intellect and engaging personality. Her quick wittedness and joy in providing service through her work as a Representative stands as testimony to us all.

She is one of our Nation's brightest young leaders—intelligent, dedicated, effective and fair.

I wish her and all the other injured victims in this senseless tragedy a quick and speedy recovery.

Mr. WALZ of Minnesota. Madam Speaker, today I rise after some of the saddest days I have ever lived through. A friend and a colleague, an exemplary member of this body was gunned down while doing her job. Innocent lives were lost and a Nation grieves for their family and friends.

GABRIELLE is one of the finest public servants I have ever had the privilege of knowing. When GABRIELLE and I first arrived here in the beginning of 2007, it was with a deep pride in our home districts and the commitment that we would do whatever it took to work hard for the people we were so honored to represent. GABRIELLE's passion for her job and her constituents is an inspiration to me and to this Congress. My greatest hope is that she will recover as quickly as possible and come back to join her colleagues who miss her. My wife Gwen and I are praying for her recovery and our thoughts are with her wonderful husband Mark and her wonderful family.

Gwen, my staff and I all grieve for the loss of her Director of Outreach, Gabe Zimmerman and we are praying for the speedy recovery of Ron and Pam, two staffers who are still recovering from gunshot wounds.

In a Politico story this week, Doug Hart, president for the Arizona Alliance for Retired Americans said of Gabe, "He just had a heart for people." Politico also reported Gabe told the Tucson Citizen in 2007, "We serve who walks into our office and we don't even ask what party they belong to." In Gabe's memory, let us continue to serve our constituents to the best of our ability, regardless of their political beliefs. And today, let us remember Gabe and all those members of our own staff who come to work every day dedicated to helping the Americans we serve.

I also want to express my deepest condolences to Judge John Roll's family. In the stories that have emerged in recent days, we can see he was a dedicated public servant and a distinguished member of our judicial system.

My thoughts and prayers are also with all the families of GABRIELLE's constituents who were victims in this horrific attack. They were doing what we hope our constituents will do every day. Come to our events and lend us their wisdom and ideas. These civic minded Americans make our jobs possible and we grieve over losing them.

As I think about the event that GABRIELLE hosted on Saturday and the kind of Arizonians who attended her event, I am reminded of the very best in the American people. A young girl born in the depths of tragedy who wanted to make the world better for her classmates and her generation. A husband who's final act was protecting his wife. A passionate advocate for justice who wanted to share his thoughts with his Representative. They were all people who wanted to make a difference in the direction of the country they loved and their attendance at Saturday's event was no less than the dream and vision of our founding fathers.

I don't know whether the heated political rhetoric caused the terrible events on Saturday. We may never know the answer to that question. But surely we can all agree that our politics have been too divisive, our debates too heated and our words too harsh.

In the honor of the victims of Saturday's attack, we must rededicate ourselves to civility. To passionate, but never angry, public debate. To respectful disagreements. To rededicate ourselves to accessibility to the people we represent and to the notion that debate without violence is the cornerstone of our representative democracy.

Mr. STARK. Madam Speaker, I join my colleagues in honoring Representative GIFFORDS, mourning the victims of this senseless shooting, and lauding the heroism of those who endangered themselves to help those who were injured.

Saturday's horrific shooting in Tucson of Representative GABRIELLE GIFFORDS, members of her staff, a federal judge, and innocent bystanders should never have happened. Representative GIFFORDS was performing the most fundamental duty of a Member of Congress—she was making herself available to her constituents. It is something we all do—and something I strongly believe we must continue to do.

My thoughts are with the victims, their family members and their friends at this time.

I hope that we can learn from this tragedy. Violence has no place in our democracy. While the details of the shooting are still coming to light, we can all agree that political rhetoric and imagery that condones or encourages violence—whether from activists, party organizations, or politicians—is unacceptable. We can have differences of opinion on policy and still treat each other with humanity.

Mr. BOSWELL. Madam Speaker, I rise today to recognize Congresswoman GABRIELLE GIFFORDS, who is a courageous leader and fierce ally for her State of Arizona and for all Americans. Congresswoman GIFFORDS, her staff, and her constituents were subjected to a tragic act of violence on January 8, 2011, when a gunman opened fire at a public event for the Congresswoman in Tucson, Arizona. The entire State of Iowa is praying for her recovery, and for the family members and loved ones of every American affected by the Arizona shooting.

Madam Speaker, Congresswoman GIFFORDS and I served on the House Armed Services Committee and are both members of the Blue Dog Coalition. I know firsthand her commitment to making our Nation better for all Americans. She is a tireless advocate for every man and woman in uniform and their families. Today, we are all praying not only for her recovery, but for her return to Congress.

When Congresswoman GIFFORDS, her staff, and her constituents gathered to participate in one of the most basic American rights in our great Nation—the right to civil discourse—no one expected the day to end tragically. The shooting on January 8, 2011, is a national tragedy and an attack on the right of every American to participate in free and open dialogue with the men and women they elect to represent them in Congress.

I would like to recognize Congresswoman GIFFORDS's staff members who were wounded in the shooting, including Gabe Zimmerman, who lost his life, and the five other Americans who were killed: Christine-Taylor Green, Dorothy Morris, U.S. District Court Judge John Roll, Phyllis Schneck, and Dorwan Stoddard. We are all praying for their families and loved ones.

Madam Speaker, today, our hearts are with our friend, Congresswoman GABRIELLE GIFFORDS.

Mr. OLIVER. Madam Speaker, on Saturday, Congresswoman GABRIELLE GIFFORDS, along with members of her congressional staff and constituents, were senselessly shot while attending a "Congress on Your Corner" event in Tucson. Those killed by the gunman—U.S. District Judge John Roll, Gabe Zimmerman, Christina Green, Dorothy Morris, Phyllis Schneck and Dorwan Stoddard—were citizens participating in the democratic process, meeting and speaking with their Member of Congress.

Like everyone else, I was shocked by the news. This kind of deadly violence shakes a community and a nation to its core. The rapid, life-saving action of Tucson's emergency responders and medical professionals and the acts of courage displayed by those at the event do, however, serve to remind us that the kindness of the human spirit can fight back in even the darkest of moments. My thoughts and prayers are with all those in Tucson, in particular the families of those who were injured or killed, and especially with my friend and outstanding colleague in the House, GABRIELLE GIFFORDS.

In the four years I have served with Congresswoman GIFFORDS, she has been a stalwart supporter of her district, her State and America's interests at home and abroad. It is impossible not to admire her commitment to the job of Representative and the passion with which she pursues her interests and policy agenda. I am proud to serve on the Sustainable Energy and Environment Coalition, where GABBY is an influential advocate for renewable energy. She is a positive, moderate, thoughtful voice in our Caucus, and it is my greatest hope that she will recover from this terrible tragedy and return as soon as possible to her job. We certainly need her and miss her.

I don't believe that I have ever seen her without a smile on her face, which is quite a feat for someone working on Capitol Hill. She is a wonderful, upbeat and remarkable person.

It is imperative that we begin to learn everything we can from what happened in Tucson. If we do not take what measures we can to prevent such violence from occurring in the future, we not only do a disservice to those who were harmed and killed on Saturday, but we betray our commitment to the participatory principles on which our democracy, which must serve as a political and social example to other nations, was founded. We should re-examine how we treat and care for those suffering mentally in our country. We must thoroughly discuss how individuals become eligible to purchase automatic weapons. And we must learn to communicate about our differences in ways that are more thoughtful and civil and that better promote aspiration to those qualities in all who hear or read our words.

I continue to hope and pray for a full recovery for Congresswoman GIFFORDS and the other injured victims and for a healing within for all those hurt internally by Saturday's events. Our Nation must continue to grow and become stronger in the face of this tragedy.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I solemnly rise in support of this resolution.

We come together today in tribute to Congresswoman GABRIELLE GIFFORDS and all of the innocent victims of a deranged gunman's actions in Tucson, Arizona.

This past weekend, our Nation witnessed a horrifying and tragic act of violence that took the lives of six, and left many others wounded, including our friend and colleague, GABBY.

GABBY is one of my closest friends and my thoughts and prayers are with her husband Mark, GABBY's parents, and their family as they struggle to get through this unimaginable tragedy.

I pray for her full recovery and the recovery of the other victims of this horrific act of senseless violence. I also pray for the Tucson community and for our Nation.

While she and the others wounded in this attack struggle to recover, we pause to honor those we have lost.

They were Americans from every walk of life, and from every season in the journey of life. They died exercising freedoms that make this country so special—the freedom to petition their government and speak freely to their elected representatives.

They include:

Christina Taylor Green, a 9-year-old girl just elected to her student council who wanted to see her Congresswoman in action;

A Federal judge—John McCarthy Roll—who stopped by to thank his colleague for working with him on immigration matters;

Gabe Zimmerman, a 30-year-old congressional caseworker who brought compassion to his community outreach work; and

Three additional victims who were vibrant and active retirees like so many in my home district in South Florida—Phyllis Schneck, 79, Dorwan Stoddard, 76, and Dorothy Morris, 76.

Now, anyone who knows GABBY, knows that she is one of the most kind, thoughtful, and optimistic people you will meet. She has the sunniest disposition and sees the good in everyone—even people who most wouldn't. So it is particularly unbelievable that she would be the target of a deranged individual with anti-

government views. When I heard the news, I thought, "Not GABBY?"

She is also deeply committed to the principles of public discourse and vibrant democracy that brought her face to face with her constituents on Saturday. She simply represents the very best of what a public servant should be.

So I would be misleading you if I said I understand why this happened, I do not. Perhaps it is impossible to make sense of a mind so full of hate, so deranged and so broken.

And I cannot tell you with any certainty that the acrimony and political vitriol that are so prevalent in our society today contributed to spurring this madman. But I fear that his deep-seated distrust of our government contributed to his actions.

We must move forward—but how? How do we honor the victims of this tragedy? How do we protect our society from such hatred?

I have looked in my own heart, and what I know is that we need each other right now. Though our hearts are heavy, we must be steadfast in our determination to uphold the American spirit and the principles of our democracy for which GABBY has so vigorously fought.

I believe we should use this moment to remind each other, remind all Americans and remind the world that the strength of our convictions, the strength of our democracy, comes from our unity of purpose.

Yes, as public servants and passionate advocates we have, and we will, disagree on policies of the day, sometimes vigorously. That is as it should be.

But I have no doubt that every person in this chamber loves our country, staunchly defends our Constitution, and brings to this body a desire to see a more perfect union. Let us show the world the truth of these words.

I can say it no better than the words that conclude our Declaration of Independence. In this sacred document, our founding fathers call for us to "mutually pledge to each other our lives, our Fortunes, our sacred Honor."

Indeed—if we are not joined in the united effort to strengthen our democracy—then we risk allowing those that hate all that we stand for, rip us asunder.

As Speaker BOEHNER so eloquently said, "An attack on one who serves is an attack on all who serve." So we must pledge to come together, to work together, and to be together.

Let us rededicate ourselves to doing so with a new tone of civility in our public discourse. Let us show the world that there is so much more that unites us than divides us.

And when we do disagree, we know that we solve those differences not with violence, but with words and with our vote.

We are united in the pursuit so eloquently put by President Abraham Lincoln, "that government of the people, by the people, and for the people, shall not perish from the earth."

I finish by noting that GABBY has always exemplified the Jewish ideal of tikkun olam—repairing and healing the world. May we all come together in this beautiful message of healing—for our wounded world, our beloved friend, and all the victims of this tragedy.

May the strength with which GABBY has healed the world, and the spirit of tikkun olam in turn heal her, the other wounded, and the families of those who lost loved ones.

Mr. BACA. Madam Speaker, it is with a somber heart that I rise to voice my strong support for H. Res. 32.

This resolution condemns the horrific attack that took place in Tucson this past weekend, honors the memory of all those who lost their lives in the attack, and expresses hope for a complete recovery for all those wounded in the attack, including our friend and colleague, Representative GABRIELLE GIFFORDS.

Today—we recognize and honor the service of Representative GIFFORDS, a dedicated public servant and truly exceptional Member of Congress.

We also recognize the bravery of those heroes and first responders, who saved lives and prevented the deranged gunman from doing further damage.

The ability to resolve problems and conflicts in a non-violent manner is a bedrock value of our system of government.

Saturday's cowardly attack is an assault on the very principles that we as Americans hold dear.

I urge my colleagues to cast a vote to condemn hatred, and honor those innocent individuals who were impacted by this heinous act of violence.

The thoughts and prayers of Barbara and I go out to the families of those who lost their lives in this terrible tragedy, and we continue to pray for a full recovery for Representative GIFFORDS and all other victims.

Madam Speaker, I rise to add some additional remarks to my earlier statement in support of H. Res. 32.

In this time of grieving for all of us, it is important we take this moment to recognize and honor the six individuals who lost their lives in this heinous crime.

Christina Taylor Green was a 9-year-old child, recently elected to the student council at Mesa Verde Elementary School.

Dorothy Morris, 76, was married to her husband George for over 50 years. George was also at the shooting and courageously tried to shield his wife from the attack.

John Roll, 63, had an outstanding legal career, culminating in his service as Chief Judge for the District of Arizona. He and his wife Maureen had three children and five grandchildren.

Phyllis Schneck, 79, a New Jersey native, was spending the winter in Arizona. She was a church volunteer and a proud mother of three, and grandmother of seven.

Dorwan Stoddard, 76, was also a church volunteer and also shielded his wife, Mary, during the attack.

Gabriel Zimmerman, 30, was engaged to be married and was known throughout the community as a man of great character for his work in Representative GIFFORDS' office.

Let us stand together to honor the lives of these individuals, and offer our heartfelt condolences to the families, friends, and loved ones they leave behind.

I urge my colleagues to reaffirm our commitment to a democracy in which all peoples can participate without intimidation or fear of violence, and support today's resolution.

Again, the thoughts and prayers of Barbara and I go out to the victims and families impacted by this tragedy, and we continue to pray for a swift recovery for Representative

GIFFORDS and all others wounded in this terrible tragedy.

Mr. BISHOP of New York. Madam Speaker, I rise today to join my colleagues in supporting the Resolution before us today, and to express my deepest condolences for the families of those killed in the tragic shooting in Tucson, Arizona, on January 8. I also offer my prayers for a speedy and full recovery to my friend and colleague, GABBY GIFFORDS, as well as to all those wounded in the attack.

This past Saturday was a dark day for this chamber and our nation. GABBY GIFFORDS is one of the hardest-working members of this House, and has proven herself to be an energetic representative of her district's interests and a thoughtful stateswoman. She is loved and admired by her colleagues and her constituents in the Eighth District of Arizona, who are fortunate and grateful that she survived this terrible attack.

But there are six others who will not be returning to their families and friends as a result of this tragedy, and I know GABBY would want the focus to be on them. One of the six, GABBY's Outreach Director Gabriel Zimmerman, was a Federal employee killed while helping GABBY better represent her constituents.

Madam Speaker, I grieve for our nation when a 9-year-old girl seeking to meet her Congresswoman becomes a target for murder. I fervently hope that all Americans, especially those of us honored with the public trust, view this tragedy as a moment to take personal responsibility for building a safer, more civil and better future.

We are praying for you, GABBY, and for the families of all those affected by this senseless tragedy.

Mr. SIRE. Madam Speaker, I rise today in honor of Congresswoman GABRIELLE GIFFORDS, her staff, and all the victims of the Tucson tragedy.

On January 8, Representative GIFFORDS was hosting an event to simply engage with her constituents. At that event, a man fired shots at the Congresswoman, her staff, and the assembled crowd.

Due to this senseless act, six people are dead and fourteen others are injured, including the Congresswoman, who remains in critical condition.

I have had the pleasure to serve on the House Committee on Foreign Affairs with Congresswoman GIFFORDS, and it has been nothing less than an honor to work with her. Her passion and commitment to her constituents and her country is unyielding, and she has always approached her work in Congress with the attention and respect that it deserves. I was shocked and saddened to hear of this attack.

On Saturday morning, six people attended an event held by their local representative, and for this, they lost their lives. In a democratic country that symbolizes hope and freedom for so many, it is difficult to witness and impossible to understand this hateful act.

My thoughts and prayers, along with those of all Americans, go out to the Giffords' family, the families of the Congresswoman's staff, and all those impacted by this tragedy.

I would also like to thank that day's heroes for their quick reactions that undoubtedly

saved many lives. The actions of these individuals and the outpouring of support from around the country give us all strength during this difficult time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise to join my colleagues to honor those who died and were wounded in Tucson, Arizona this past Saturday. The senseless rampage took the lives of six remarkable people and forever altered the lives of their families, 13 other people who were wounded, and each of their families. This tragedy has touched the soul of our Nation and we will not forget it.

Like my colleagues and Americans throughout our country, I am deeply saddened and disturbed by the events that took place as our colleague, Congresswoman GABRIELLE GIFFORDS, conducted her outdoor constituent town meeting in Tucson. To the families of those who died I offer my heartfelt condolences. And for my colleague, GABBY, as we call her, and her family, and to the other victims and their families, I offer my prayers as they receive urgent medical treatment and begin their recovery.

I share in the comments that so many of my colleagues have already made about GABBY. She has worked hard and contributed much. She is a highly respected colleague and a courageous representative for Arizona and our country. The attack on Congresswoman GIFFORDS and her staff and constituents is deplorable and represents an attack on all Americans.

I also join my colleagues in saluting the heroism of four men and women who subdued the shooter and attended to GABBY immediately after she was shot. These men and women truly made a difference on that Saturday. They deserve our praise and admiration.

Madam Speaker, the responsibility for this tragedy lies with the shooter, someone who had earlier been identified as needing mental health care and who should never have been able to obtain a gun. Thankfully, he is in custody and his fate is now in the hands of our law enforcement and judicial system.

But while he will be tried for his act, this attack has raised in all of us a deep and gnawing question that must be unanswered. How can we improve ourselves after this tragedy?

Everyone who meets Congresswoman GIFFORDS knows she is not an angry woman. She has sought to balance the diverse interests of her district while doing what she believes to be in the best interest of our country. Yet she was attacked, vilified and denounced by extreme political factions who sought to demonize her for what she believed as a member of Congress.

We cannot undo the events of Saturday, January 8, but we can and should commit ourselves to a more responsible level of political discourse in America. I hope we can all learn from the events in Tucson, that in the name of GABBY and all of the victims of this deadly shooting, we can commit ourselves to strengthen our Nation, not fight each other, to be able to disagree with each other without hating or demonizing one another for it.

Madam Speaker, thank you for this opportunity to pay tribute to Congresswoman GIFFORDS, her staff, her constituents, and everyone touched by the tragedy that unfolded on Saturday in Tucson.

Mr. DESJARLAIS. Madam Speaker, I rise today in support of House Resolution 32.

I am pleased that Members of the House of Representatives came together today to speak with a unified voice in both condemning this heinous attack, and expressing our condolences to the friends and families of all the innocent victims that were killed or wounded due to this horrific act of violence.

This resolution reaffirms the democratic principles that Congresswoman GIFFORDS herself espoused when she read the First Amendment of the Constitution during the opening week of the 112th Congress—the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

It is critical that we send a message that threats of violence and intimidation will not prevent Americans from participating in the democratic process.

It is my hope to once again work alongside my colleague, Congresswoman GIFFORDS, as we seek to find solutions to problems that we face as a nation.

May God bless the victims of this tragedy, their families and all Americans.

Mrs. CAPITO. Madam Speaker, I rise today in support of House Resolution 32 to honor the victims of the senseless act of violence that took place in Tucson on Saturday.

Six members of the Arizona community lost their lives and one of our own, GABBY GIFFORDS, has been gravely injured. It's hard to find the words to describe the deep sorrow we all feel for the families and friends of the shooter's victims.

His actions have shown us human behavior at its darkest, but the heroes of the day represent our society at its best. The innocent bystanders quickly rallied to curtail the gunman and perform triage on the victims. The American people are humbled by the bravery of those who put themselves in harm's way and grateful for the talented first responders and medical professionals who have compassionately cared for the wounded.

As we've all come to know, GABBY is a fighter. With the help of the thoughts and prayers of millions of Americans who are wishing for her speedy recovery, GABBY has beat the odds and has thus far made a remarkable turn for the better. We should all be inspired by GABBY's strength.

Madam Speaker, we cannot forget that this tragedy occurred as GABBY was performing her most fundamental duty as an elected representative: listening to the people. This attack is quite literally an assault on the very democratic values which we seek everyday to uphold in this Chamber. As we struggle with how to handle the aftermath of this tragedy, let us reflect on the values that make our country great.

Mr. RUPPERSBERGER. Madam Speaker, my heart goes out to all of the victims of the terrible tragedy—those that were killed or injured, their families and the entire Tucson community. I extend my condolences to all of the members of the Arizona delegation.

My thoughts and prayers are with GABBY. I know she is a fighter. I recall our trip together to the Middle East. We met with the presidents of Israel, Lebanon and Syria before we traveled to Iraq, where we walked down the

streets of Baghdad together. I was so impressed by her courage and commitment to the troops on the frontline.

It is unthinkable to me that GABBY was safer in Baghdad than here in her own country. Every American has a right to express their opinion on whatever issue they choose, but there is no place in our society for this kind of hatred and violence. No one should have to think twice about their safety when they go to speak to their Congressman or attend a town hall meeting. This has been an attack not only on GABBY, her staff and her innocent constituents, but the democratic process itself.

With every negative, we should put forth our best effort to find a positive. It is my hope that this horrific tragedy will bring our country and our Congress together. Our forefathers created a great system of government. Unfortunately, I don't think the spiteful partisanship of today is what they had in mind. We must be tolerant of other views—to tone down the ill-natured rhetoric—and discuss our opinions respectfully. The negative and personal attacks against one other must stop.

I hope that GABBY makes a speedy recovery and can soon return to this floor where she will continue to be an example of courtesy and civility to us all. I yield the balance of my time.

Ms. CLARKE of New York. Madam Speaker, I rise on behalf of the people of New York's 11th congressional district to offer my thoughts and prayers to Congresswoman GABRIELLE GIFFORDS, her staff, constituents, and all those affected by this tragic shooting. I am truly shocked, horrified and deeply saddened by this senseless act of violence. I take time to reflect on those who lost their lives, including a Federal judge, a 9-year-old girl, and one of Congresswoman GIFFORDS' staff. I pray for a swift recovery for the wounded and offer my heartfelt thanks to those who rushed in to offer aid.

I consider GABBY, as she is affectionately called, to be a wonderful colleague whom I have the pleasure of serving alongside on important issues such as immigration reform. She has demonstrated exemplary leadership and is a very well respected Member of the House of Representatives.

While we do not know the motive, we do know that the time has come for us to tone down our rhetoric and partisanship. We are responsible for our words and must respect those who hold different points of view. Our constituents and the world at large should see us as examples of civility, peaceful debate and democracy. Regardless of one's political affiliation, we must learn to respectfully agree to disagree. There are several issues before Congress that would benefit all Americans and many people overseas but often times have been marginalized by partisanship. Our constituents expect us to work for them and not allow politics to get in the way of governing.

Finally, this shooting has many of us thinking about the security and safety of our constituents when we are back home holding town hall meetings, meeting with constituents and doing the people's work. Many people die or are wounded daily from gun violence and many suffer from mental illnesses that are either not properly diagnosed or treated. This tragedy provides the opportunity to further discuss mental health and gun control legislation.

Madam Speaker, let us, as Members of Congress, reaffirm our commitment to work on behalf of our constituents—those who sent us here to represent their interest. Let us do our part to build a better Nation and world.

Mr. COSTELLO. Madam Speaker, I join our colleagues today in offering my condolences to the victims and families of last weekend's shooting in Tucson, Arizona. They are in our thoughts and prayers during this extremely difficult time. Our friend Congresswoman GIFFORDS remains in the hospital, and we are hopeful that her recovery will continue to progress and that she will be back here on the House floor in the near future.

The passage of a few days has done little to make this attack any more comprehensible. As much as anything, it is a chilling reminder of the fragile nature of our lives. It gives us all pause that GABRIELLE was hurt doing the same things that we do every day as part of representing our constituents, that staff members were killed and injured as part of their service, and that in a public setting such as this we cannot absolutely guarantee anyone's safety.

As I said immediately after the event, without drawing conclusions about what happened here, I hope that as a country we agree to tone down the volume and animosity that has become so much a part of our political discourse. We can disagree without being enemies.

Madam Speaker, contrary to popular belief, most, if not all of us, ran for office because we want to help people—because we believe we have something to offer through public service. That is certainly true for GABRIELLE. Through our grief, despite the potential risks, I think we still all agree that this work is worth doing, that we can and do make a difference, and that with GABRIELLE as our example, we must push ahead as a country, as a society, to help each other the best that we can.

Ms. DEGETTE. Madam Speaker, it is under somber circumstances that this body gathers here today. On behalf of the people of Colorado and the constituents I represent in the First District, we send our prayers and compassion to all who are mourning the events of last weekend and trying to come to terms with the grief this incident has caused.

As two of three women in the U.S. House of Representatives from the Rocky Mountain West, GABBY and I spoke often about the sometimes difficult task of staying close with family and loved ones, while shuttling back and forth across long distances between our homes and Washington. She has always been enormously dedicated to her family, and in the wake of this tragedy we see the love her family and community has shown her in return.

While GABBY was the victim with whom I shared a personal connection, the tragedy of last weekend runs far deeper than just reflecting on the attack on our colleague. What happened to GABBY and 19 others on that sunny Tucson morning, happened to all of us—to all Americans. The victims came from all walks of life, each one representing their own unique story, yet each one also reflecting in many ways, people we all know and love. From the young girl with dreams of changing the world; to the dedicated staffer committed to serving his country and helping the people of hometown; to the man willing to give his own life to

save the life of the woman he loves; to the federal judge devoted to the cause of justice and law; to the retired woman escaping cold, snowy winters for warmer climes; to the wife of a former Marine quietly living out her Golden Years with her husband—all these brave souls unite us all in the common dreams and blessed experiences we hold as Americans.

Last Saturday, that unity was assaulted as a single, deranged gunman attempted to cut through the very bedrock of our democracy, by attacking an event at which a Member of Congress was performing her most fundamental responsibility—meeting with her constituents. The attack felt particularly heinous against a Member of this institution in which each of us have been asked by voters to serve largely because of its proximity to the people.

And while these events have understandably renewed discussions about congressional security, we must ensure that these efforts do not leave us insulated from our constituents. We each have an obligation to protect ourselves, our constituents, and our staff. But our professional obligation mandates that we remain accessible and inviting, because it is through us that the every American from Tucson, Arizona, to Portland, Maine, has a voice in the corridors of Washington, D.C.

Finally, it is important to remember that these were the actions of one individual clearly in need of mental health assistance. While it is too early to know what motivated him to violence, no one can deny that the level of political discourse in this country is not meeting the standard to which we should hold ourselves, nor meeting the standard our country's founders envisioned for our great nation. Far too often we have failed to find a way to, as Speaker BOEHNER put it last week, "disagree without being disagreeable."

It is my hope that the events of the past weekend serve as a wake-up call for everyone and remind us all that we need to reject extremism and violence, respect those who answer the call to public service, and strengthen our country with our every deed—just as those in Tucson have done since that fateful day.

GABBY is a friend and treasured colleague, and my deepest condolences extend to her family, as well as the friends and family of the constituents and staff members wounded or killed in the unspeakable attacks of January 8, 2011. God bless them; God Bless this Body, and God Bless the United States of America.

Mr. MEEKS. Madam Speaker, I rise in support of the Resolution Honoring Congresswoman GABRIELLE GIFFORDS and the victims of this weekend's horrific shooting.

I have had the opportunity to serve with Congresswoman GIFFORDS on the Foreign Affairs Committee. In our time serving together, I have witnessed a courageous, hardworking, admirable public servant, dedicated to her constituents and to this Nation.

Most importantly, GABBY is highly regarded and a family person. Just a few months ago, GABBY's cousin, Elisa Giffords, told my wife how proud she and her family are of Congresswoman GIFFORDS and that they all know how important she is to her constituents. Those who know GABBY best, her family, love and respect her.

GABBY GIFFORDS has developed a reputation as an astute public servant. The commu-

nity meeting she organized in Arizona, last weekend—an event she had called 'Congress in your Corner,' which exemplifies the essence of our democracy. Americans with varied views gathered peaceably to discuss how they could work together to improve their community. We all now know how this public gathering that aimed for positive community action ended tragically. A mother of two and wife of fifty years, Dorothy Morris; Judge John M. Roll, a devoted husband, father and grandfather; Church volunteers, Phyllis Schneck and Dorwan Stoddard; Gabriel Matthew Zimmerman, a 30 year old Congressional staffer, engaged to be married; and Christina Taylor Green, a third grader, there to meet a role model—Congresswoman GIFFORDS—were all senselessly taken from us.

While shocking, this horrific event cannot be allowed to detract from our obligations to our constituents or the need to peaceably assemble, a right GABBY so eloquently conveyed to us earlier this month on the House floor.

With courage, confidence, and the same grace Congresswoman GIFFORDS has displayed, we must work with and for each other in these hard times and in the months and years ahead. In this time of great sadness, I offer all the victims, their families, friends, and neighbors my deepest and most heartfelt prayers and well wishes. God bless you and God bless America.

Ms. WOOLSEY. Madam Speaker, I have the privilege of serving with GABBY GIFFORDS on both the Science, Space, and Technology Committee and the Foreign Affairs Committee, and she has always stood out as someone of great energy, intelligence and integrity. She is exactly what you want a member of Congress to be, and a role model for young women who want to serve their communities through elected office.

This unspeakable, gruesome attack has shocked and saddened us all. But one thing it will not do, in this body, is conquer our spirit or stop us from doing our jobs. GABBY GIFFORDS was wounded because she saw it as her duty to engage directly with the people for whom she works, hearing their concerns and fielding their questions, putting them in touch with their government. That is how we do it in a democracy, and the violent acts of one madman will not change that.

Those who were tragically killed in the attack were holding up their end of the democratic bargain—active citizens eager to connect with their representative. Also, there were other public servants, a federal judge who had sat on the bench for nearly 20 years, and a member of Gabby's staff, whose dedication reminds me so much of the young people who work for me. My heart goes out to those who loved Christina Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard and Gabriel Zimmerman. Even as we mourn their deaths, may we celebrate their rich and glorious lives. Let's also send our get-well wishes to all of the wounded and our undying gratitude to the first responders, including the courageous intern who may have saved GABBY's life.

There is every expectation that GABBY will make a full recovery. And hopefully she will return to the House of Representatives to continue a promising career in public service. I

can think of no greater gift we can give her—no better way to honor her—than to put this House in better order.

I hope we can dedicate this session to her, conducting our debate on health care and other issues with passion and conviction, but also with maturity and respect. As we take up our important business, let's do it in a manner worthy of GABRIELLE GIFFORDS. As a tribute to her, to those who died, and to everyone whose lives are forever changed by this senseless shooting, let's do our work in a way that showcases the very best of our democracy, just as it was on display in that shopping center the morning of January 8.

Mr. HASTINGS of Washington. Madam Speaker, first and foremost today, my thoughts and prayers are with Congresswoman GIFFORDS, her staff, the other victims of the shooting and their families and friends.

As Members of Congress, it is our duty and our privilege to reach out to our constituents to foster open discussions and exchanges of ideas. It's what makes this institution truly the people's House and it's one of the reasons many of us decided to run for office in the first place. GABBY was doing this work when this senseless tragedy occurred. A lone gunman interrupted a routine Congress on your Corner, killing six and wounding a dozen more, including our colleague GABBY.

At this somber time, I would like to echo the words of Speaker BOEHNER, "An attack on one who serves is an attack on all who serve." We cannot let the actions of one individual challenge one of the most basic tenets of our free society—the right to peaceably assemble. It is worth noting that Congresswoman GIFFORDS read the first amendment to our Constitution here on the House floor just days before this tragic event.

I look forward to the day when Congresswoman GIFFORDS returns to the House floor to continue her work on behalf of the people of the eighth district of Arizona. In the meantime, my thoughts and prayers are with all affected by this unthinkable event.

Ms. RICHARDSON. Madam Speaker, I concur in the expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona on January 8, 2011.

Like all Americans, on Saturday morning I was saddened and sick to my stomach when I watched the horrible attack against my colleague Congresswoman GIFFORDS, known as GABBY to me, her staff, her constituents and to all Americans.

We now know, on January 7, Congresswoman GIFFORDS reached out and sought "new ways to reduce the highly partisan divisive tone that all too often dominates our public discourse." Today I am going to do exactly that: not in words of criticism, but thoughts of observation and desire to help.

For law makers whether federal, state or local . . . This tragic incident must make us re-evaluate our spending priorities and accept the fact that our continued failure to provide adequate funding for mental illnesses is a mistake.

For the agencies, whether they be educational, military, or private vendors/businesses . . . we must be diligent in connecting the dots, doing the extra work, taking the time

to think out of the box, stop working in silos and to insist on utilizing technology for good like the real time utilization of information.

For the parents, whether your child, who will always be your child regardless of their age, should not be allowed under our own roofs to turn their rooms, garages or backyards to a private area one fails to tread.

For protectors and preservers of the law, it is not okay to tell me there is nothing wrong with someone sending a hate e-mail saying, "I'm concerned it's time for a good old fashioned lynching/tar and feather."

For those who debate and protest, it is not okay to spit, say racial slurs, to say reload or to arm in reference to a debate; neither is it okay to say a group other than yourself is a Neanderthal and they want people to die quickly.

For our court, even in 1919 and 1931 in the cases of *Schenk v. United States* and *Near v. Minnesota*, had the wisdom to know "the most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic."

Tell me how anyone, any court, or any legislative body could justify a man carrying a AR 15 rifle and a pistol, feet not miles from where our president was speaking that . . . That was not right in August 2009, last Saturday, today, or tomorrow.

And now for those of us, we turn to this resolution on the floor today, page 4, sections (7–8) the resolution references:

Right of the people peaceably to assemble,
All can participate without being silenced with intimidation,

And threats of violence.

I have watched right here in this room and on these grounds, leaders not fulfilling this words of "peaceable assembly free of intimidation."

We too must not just react, but now is the time to act. Not just in legislation but in what Congresswoman GIFFORDS asked us to do: "reduce the divisive tone." Maybe if we start as leaders, others will follow.

I express condolences to the families of those who lost their lives, I pray for strength for those who survived and have long roads to recovery, and I commit to do work on this issue and how I work with you my colleagues. As Representative GIFFORDS' husband holds her hand as she heals, I am ready for her to return to hold her hand as we as a country heal as well.

Mr. LANGEVIN. Madam Speaker, I rise today with a heavy heart to join my colleagues in support of H. Res. 32, a resolution expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011. My thoughts and prayers go out to those who were lost: Christina Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman, and to their friends and families and all those in the community whose lives they touched. Words can not begin to express my sorrow about their passing. I am also praying for a full and quick recovery for those 14 individuals who were injured, including my good friend and colleague, Representative GABRIELLE GIFFORDS.

On Saturday morning, GABBY was out in her community, as she often was, hosting a meet-

ing with constituents and providing an opportunity for them to ask questions and express concerns in an open and free environment. It is this proximity to the people we represent that we most cherish as Members of the House of Representatives. My number one priority, which I'm sure is shared by all of my colleagues, is to be accessible and available to the families and communities in my district. While we may never understand the motive or reasoning behind the violent event on that day, it felt to many like an attack on all of us, our democracy, and on the freedoms that we work to protect each day as elected officials. As so many Americans have done throughout our history, bystanders became heroes and their actions prevented an even worse catastrophe. I am thankful for their quick actions and grateful to our entire nation for standing together as one community in support of the people of Tucson and speaking with one voice that this senseless act of violence has no place in a civilized democracy.

GABBY's passion for public service is unmatched, and this is clearly evident in her work ethic on the House Armed Services Committee, where we both serve. I greatly admire her ability to be a tough advocate for her district, while always looking for ways to reach across regional, partisan, or ideological boundaries to find common ground to move forward on an important issue. She is always warm, personable and professional, and she stands strongly and passionately for what she believes in and what she believes is best for her constituents in Arizona. Last week, when we spoke on the House floor, she discussed her desire for the House to quickly consider legislation to create more jobs in our districts. Even after an exhausting election cycle, she never broke her focus and was ready to move forward on day one to get our economy back on track.

My life changed forever at the age of 16 after an accident that left me paralyzed. I wondered what life could possibly have in store for me next. Yet as I lay in my hospital bed, I was overwhelmed with the outpouring of support from my friends, family and neighbors. Along with my faith, which pulled me through one of the darkest times in my life, it was also the generosity and concern from my community that ultimately made me want to give back through a career in public service. I want to share this strength with those who are injured now and fighting to recover, and let them know that many wonderful possibilities lie ahead.

Next week, we will continue our work, the work of the people, but I am grateful for this opportunity to pause and reflect on this national tragedy. Madam Speaker, thank you for bringing forward this resolution and for allowing all Members of the House to express their condolences to those who were lost and support to our friend, Representative GIFFORDS, her staff, and all of those in Tucson and across the nation as we begin to heal together from this tragic event.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection, pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 5, 2011, and notwithstanding the requirement of clause 11(a)(1)(C) of rule X, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. THORNBERRY, Texas;
Mrs. MYRICK, North Carolina;
Mr. MILLER, Florida;
Mr. CONAWAY, Texas;
Mr. KING, New York;
Mr. LOBIONDO, New Jersey;
Mr. NUNES, California;
Mr. WESTMORELAND, Georgia;
Mrs. BACHMANN, Minnesota;
Mr. ROONEY, Florida;
Mr. HECK, Nevada.

There was no objection.

ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to Senate Concurrent Resolution 1, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 p.m.), pursuant to Senate Concurrent Resolution 1 and pursuant to House Resolution 32, the House adjourned until Tuesday, January 18, 2011, at 2 p.m., out of respect for the victims of the attack in Tucson, Arizona.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

64. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on Head Start Monitoring for Fiscal Year 2008", pursuant to Section 641(e) of the Head Start Act; to the Committee on Education and the Workforce.

65. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alaska: Adequacy of Alaska Municipal Solid Waste Landfill Permit Program [EPA-R10-RCRA-2010-0953; FRL-9247-6] received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

66. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals; Second Group of Chemicals [EPA-HQ-OPPT-2007-0531; FRL-8846-9] (RIN: 2070-AD16) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

67. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Rules and Regulations for Control of Air Pollution; Permitting of Grandfathered and Electing Electric Generating Facilities [EPA-R06-OAR-2005-TX-0031; FRL-9248-9] received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

68. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2010 annual report on the Benjamin A. Gilman International Scholarship Program, pursuant to Public Law 106-309, section 304; to the Committee on Foreign Affairs.

69. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Whistleblower Protections for Federal Employees", pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

70. A letter from the Director, Office of Special Council, transmitting the Office's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

71. A letter from the Director, Peace Corps, transmitting the Inspector General's semi-annual report to Congress for the reporting period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

72. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Bering Sea and Aleutian Islands Groundfish Fisheries Off Alaska [Docket No. 101006495-0498-01] (RIN: 0648-BA31) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

73. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes [EPA-HQ-OW-2011-XXXX; FRL-9247-8] received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DANIEL E. LUNGREN of California (for himself, Mrs. ADAMS, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. AMASH, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARLETTA, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BASS of New Hampshire, Mr. BENISHEK, Mr. BERG, Ms. BERKLEY, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACK, Mrs. BLACKBURN, Mr. BONNER, Mrs. BONO MACK, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROOKS, Mr. BROUN of Georgia, Mr. BUCHANAN, Mr. BUCHSHON, Ms. BUERKLE, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMPBELL, Mr. CANSECO, Mrs. CAPITO, Mr. CARDOZA, Mr. CARTER,

Mr. CASSIDY, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. CRAVAACK, Mr. CRAWFORD, Mr. CRENSHAW, Mr. CRITZ, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENHAM, Mr. DENT, Mr. DESJARLAIS, Mr. DIAZ-BALART, Mr. DOLD, Mr. DREIER, Mr. DUFFY, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mrs. ELLMERS, Mrs. EMERSON, Mr. FARENTHOLD, Mr. FITZPATRICK, Mr. FLAKE, Mr. FLEISCHMANN, Mr. FLEMING, Mr. FLORES, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GARDNER, Mr. GARRETT, Mr. GERLACH, Mr. GIBBS, Mr. GIBSON, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Mr. GOSAR, Mr. GOWDY, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. GRAVES of Georgia, Mr. GRIFFIN of Arkansas, Mr. GRIFFITH of Virginia, Mr. GRIMM, Mr. GUINTEA, Mr. GUTHRIE, Mr. HALL, Mr. HANNA, Mr. HARPER, Mrs. HARTZLER, Mr. HASTINGS of Washington, Ms. HAYWORTH, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Ms. HERRERA BEUTLER, Mr. HUELSKAMP, Mr. HUIZENGA of Michigan, Mr. HULTGREN, Mr. HUNTER, Mr. HURT, Mr. ISSA, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KELLY, Mr. KING of New York, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KISSELL, Mr. KLINE, Mr. LABRADOR, Mr. LAMBORN, Mr. LANCE, Mr. LANDRY, Mr. LANKFORD, Mr. LATHAM, Mr. LATOURETTE, Mr. LATTI, Mr. LEE of New York, Mr. LEWIS of California, Mr. LOBIONDO, Mr. LONG, Mr. LUCAS, Mr. LUTKEMEYER, Mrs. LUMMIS, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MARINO, Mr. MATHESON, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHEENRY, Mr. MCKEON, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mr. MEHAN, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MULVANEY, Mr. MURPHY of Pennsylvania, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUGENT, Mr. NUNES, Mr. NUNNELEE, Mr. OLSON, Mr. PAUL, Mr. PAULSEN, Mr. PENCE, Mr. PETERSON, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POMPEO, Mr. POSEY, Mr. PRICE of Georgia, Mr. QUAYLE, Mr. RAHALL, Mr. REED, Mr. REHBERG, Mr. REICHERT, Mr. RENACCI, Mr. RIBBLE, Mr. RIGELL, Mr. RIVERA, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROKITA, Mr. ROONEY, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS of Florida, Mr. ROSS of Arkansas, Mr. ROYCE, Mr. RUNYAN, Mr. RUPPERSBERGER, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SCHILLING, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SCHWEIKERT, Mr. SCOTT of South Carolina, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUTHERLAND, Mr. STEARNs, Mr. STIVERS, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIBERI, Mr. TIPTON, Ms. TSONGAS, Mr. TURNER, Mr. UPTON, Mr. WALBERG,

Mr. WALDEN, Mr. WEBSTER, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. WOLF, Mr. WOMACK, Mr. WOODALL, Mr. YODER, Mr. YOUNG of Alaska, Mr. CHABOT, Mr. HARRIS, Mr. JOHNSON of Ohio, Mrs. NOEM, Mr. WEST, Mr. YOUNG of Indiana, Mr. MCCARTHY of California, Mr. DONNELLY of Indiana, Mr. WALSH of Illinois, Mr. AUSTIN SCOTT of Georgia, Mr. MCCOTTER, Mr. HECK, Mr. STUTZMAN, Mr. PEARCE, and Mr. MICHAUD;

H.R. 4. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. SCALISE (for himself, Mr. GINGREY of Georgia, Mr. PETERS, Mr. ROSS of Florida, and Mr. CRAVAACK):

H.R. 262. A bill to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used to reduce the Federal debt; to the Committee on House Administration.

By Mr. ACKERMAN:

H.R. 263. A bill to amend chapter 44 of title 18, United States Code, to restrict the ability of a person whose Federal license to import, manufacture, or deal in firearms has been revoked, whose application to renew such a license has been denied, or who has received a license revocation or renewal denial notice, to transfer business inventory firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 264. A bill to permanently prohibit oil and gas leasing off the coast of Mendocino, Humboldt, and Del Norte Counties in the State of California, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 265. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 266. A bill to provide for the treatment of the District of Columbia as a State for purposes of representation in the House of Representatives and Senate, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 267. A bill to provide for the treatment of the District of Columbia as a State for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 268. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limit on the amount of certain contributions which may be made to a candidate with respect to an election for Federal office; to the Committee on House Administration.

By Mr. CAPUANO:

H.R. 269. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the conversion of leadership PAC funds to personal use; to the Committee on House Administration.

By Mr. COFFMAN of Colorado:

H.R. 270. A bill to provide for a 10 percent reduction in pay for Members of Congress, to make Federal civilian employees subject to a period of mandatory unpaid leave, to reduce appropriations for salaries and expenses for offices of the legislative branch during fiscal year 2012, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 271. A bill to direct the Secretary of Agriculture to establish a program to provide covered institutions loans for conversion to use of biomass for energy generation; to the Committee on Agriculture.

By Mr. FORTENBERRY:

H.R. 272. A bill to amend the Consumer Product Safety Improvement Act to exempt ordinary books and paper-based printed material from the lead limit in such Act; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 273. A bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act; to the Committee on Financial Services.

By Mr. FORTENBERRY:

H.R. 274. A bill to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park; to the Committee on Natural Resources.

By Mr. FORTENBERRY:

H.R. 275. A bill to authorize the Secretary of the Interior to expand the boundary of the Homestead National Monument of America, in the State of Nebraska, and for other purposes; to the Committee on Natural Resources.

By Mr. FORTENBERRY (for himself, Mrs. MCMORRIS RODGERS, and Mr. KISSELL):

H.R. 276. A bill to amend title 38, United States Code, to allow for the transfer of educational assistance under the Post-9/11 Educational Assistance Program to certain dependents to be used for special education; to the Committee on Veterans' Affairs.

By Mr. FORTENBERRY:

H.R. 277. A bill to amend the Internal Revenue Code of 1986 to provide an exception to the reduction of renewable energy credit for certain authority under the Farm Security and Rural Investment Act of 2002; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 278. A bill to amend the Internal Revenue Code of 1986 to provide for tax exempt qualified small issue bonds to finance agricultural processing property; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 279. A bill to prohibit any Federal agency or official, in carrying out any Act or program to reduce the effects of greenhouse gas emissions on climate change, from imposing a fee or tax on gaseous emissions emitted directly by livestock; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined

by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself, Mrs. BLACKBURN, Mr. ROYCE, Mr. ROHRABACHER, Mr. KINGSTON, Mr. BILBRAY, Mr. SHULER, Mr. CALVERT, Mr. YOUNG of Alaska, and Mr. CAMPBELL):

H.R. 280. A bill to prohibit offices of the legislative branch from entering into a contract for the provision of goods or services within the Capitol Complex with any contractor who does not participate in the E-Verify Program for employment eligibility verification, and for other purposes; to the Committee on House Administration.

By Mr. GALLEGLY:

H.R. 281. A bill to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. GALLEGLY (for himself, Mrs. BLACKBURN, Mr. ROYCE, Mr. ROHRABACHER, Mr. KINGSTON, Mr. BILBRAY, Mr. SHULER, and Mr. CALVERT):

H.R. 282. A bill to require Federal contractors to participate in the E-Verify Program for employment eligibility verification; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Ms. LEE of California, Mr. HASTINGS of Florida, and Mr. BACA):

H.R. 283. A bill to amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 2, as determined by the Census Bureau; to the Committee on Education and the Workforce.

By Mr. AL GREEN of Texas (for himself, Mr. BISHOP of Georgia, Mr. HONDA, Ms. MOORE, Ms. LEE of California, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. CLEAVER, Mr. RUSH, Mr. DICKS, Mr. HINOJOSA, and Ms. CLARKE of New York):

H.R. 284. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; to the Committee on Financial Services.

By Mr. AL GREEN of Texas:

H.R. 285. A bill to designate Pakistan under section 244 of the Immigration and Nationality Act to permit nationals of Pakistan to be eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself and Mr. OLSON):

H.R. 286. A bill to direct the Secretary of Labor and the Secretary of Commerce to create a job training program and an economic stability program to stabilize the workforce and promote economic growth in the Johnson Space Center region; to the Committee on Education and the Workforce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. MICHAUD, Ms. RICHARDSON,

Ms. KAPTUR, Mr. GRIJALVA, Ms. SUTTON, Ms. BORDALLO, Ms. LEE of California, Mr. CLEAVER, Mr. STARK, Mr. RANGEL, Mr. SERRANO, Mr. VAN HOLLEN, Mr. PAYNE, Ms. MCCOLLUM, and Mr. HONDA):

H.R. 287. A bill to provide housing assistance for very low-income veterans; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO:

H.R. 288. A bill to establish a pilot program to provide assistance for partnerships supporting applied sciences in renewable energy; to the Committee on Education and the Workforce.

By Ms. HIRONO (for herself, Mr. GALLEGLY, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. HOLT, and Mr. REYES):

H.R. 289. A bill to amend the Internal Revenue Code of 1986 to encourage teachers to pursue teaching science, technology, engineering, and math subjects at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. BILBRAY, and Mr. ISSA):

H.R. 290. A bill to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 291. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the Internal Revenue Service's Taxpayer Assistance Centers; to the Committee on Ways and Means.

By Mr. LEE of New York:

H.R. 292. A bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate; to the Committee on House Administration.

By Mr. STEARNS:

H.R. 293. A bill to amend the Internal Revenue Code of 1986 to exclude executive branch officers and employees from non-recognition rules relating to the sale of property to comply with conflict-of-interest requirements; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 294. A bill to create a commission to develop a plan for establishing a Museum of Ideas; to the Committee on Natural Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 295. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to acquire hydrographic data and provide hydrographic services specific to the Arctic for safe navigation, delineating the United States extended continental shelf, and the monitoring and description of coastal changes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 296. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon

Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.J. Res. 19. A joint resolution disapproving a rule submitted by the Department of Health and Human Services relating to "Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements Under the Patient Protection and Affordable Care Act"; to the Committee on Energy and Commerce.

By Mr. BOEHNER:

H. Res. 32. A resolution expressing the sense of the House of Representatives with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011; considered and agreed to.

By Mr. HENSARLING:

H. Res. 33. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. JOHNSON of Georgia (for himself, Mr. BILBRAY, Mr. LEWIS of Georgia, Mr. WESTMORELAND, Mr. BISHOP of Georgia, and Mr. DAVID SCOTT of Georgia):

H. Res. 34. A resolution expressing condolences to and solidarity with the people of the Commonwealth of Australia as they struggle against deadly floods that began on December 24, 2010; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Mr. CLYBURN, Mr. PAYNE, Mr. BERMAN, Mr. ENGEL, Mr. CONYERS, Mr. RANGEL, Ms. CLARKE of New York, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. MEEKS, Mr. TOWNS, Ms. WATERS, Ms. BALDWIN, Ms. BORDALLO, Ms. BROWN of Florida, Mr. CAPUANO, Mr. COHEN, Ms. EDWARDS, Mr. ELLISON, Mr. FARR, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HIRONO, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Ms. MOORE, Mr. MORAN, Mr. NADLER, Ms. NORTON, Mr. PRICE of North Carolina, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. SIRE, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WASSERMAN SCHULTZ, Mr. WATT, Ms. WILSON of Florida, Mr. VAN HOLLEN, and Ms. WOOLSEY):

H. Res. 35. A resolution recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives, and expressing continued solidarity with the Haitian people; to the Committee on Foreign Affairs.

By Mr. AL GREEN of Texas (for himself, Ms. LEE of California, Mr. BACA, Mr. JOHNSON of Georgia, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. HASTINGS of Florida, Mr. SERRANO, Ms. KAPTUR, Mr. ROSS of Arkansas, Mr. GRIJALVA, Mr. DINGELL, Mr. MCGOVERN, Mr. SIRE, Ms. JACKSON LEE of Texas, Ms. SEWELL, Mr. MEEKS, Mr. BISHOP of Georgia, Ms. MOORE, Mr. JACKSON of Illinois, Mr. COHEN, Ms. NORTON, Mr. RANGEL, Mr.

CUMMINGS, Mr. TOWNS, Ms. WILSON of Florida, and Mr. ELLISON):

H. Res. 36. A resolution recognizing the significance of Black History Month; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DANIEL E. LUNGREN of California:

H.R. 4.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article I, Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

By Mr. SCALISE:

H.R. 262.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ACKERMAN:

H.R. 263.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3; Article I, Section 8, Clause 1.

By Mr. THOMPSON of California:

H.R. 264.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, and Article IV, Section 3, of the Constitution of the United States grant Congress the authority to enact this bill.

By Ms. NORTON:

H.R. 265.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 1 of the Constitution.

By Ms. NORTON:

H.R. 266.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17 of the Constitution.

By Ms. NORTON:

H.R. 267.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17 of the Constitution.

By Mr. CAPUANO:

H.R. 268.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution.

By Mr. CAPUANO:

H.R. 269.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution.

By Mr. COFFMAN of Colorado:

H.R. 270.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authorities on which this bill rests are: the power of Congress to make rules for the government and regula-

tion of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution; and the power of Congress to make law regarding the compensation for the services of Senators and Representatives, as enumerated in Article I, Section 6, Clause 1 of the United States Constitution, as amended by the 27th Amendment to the United States Constitution.

Mr. FORTENBERRY:

H.R. 271.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 272.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 273.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 274.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 275.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 276.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 277.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 278.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FORTENBERRY:

H.R. 279.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GALLEGLY:

H.R. 280.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 & 4 of the U.S. Constitution, giving Congress the power to regulate interstate commerce and exclude illegal aliens.

By Mr. GALLEGLY:

H.R. 281.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution, relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress. Also this legislation can be enacted under the authority granted in Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. GALLEGLY:

H.R. 282.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 & 4 of the U.S. Constitution dealing with the ability to regulate interstate commerce and exclude illegal aliens.

By Mr. AL GREEN of Texas:

H.R. 283.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause (Art. 1 sec. 8 cl. 3); Necessary and Proper Clause (Art. 1 sec. 8 cl. 18).

By Mr. AL GREEN of Texas:

H.R. 284.

Congress has the power to enact this legislation pursuant to the following:

General Welfare Clause (Art. 1 sec. 8 cl. 1); Commerce Clause (Art. 1 sec. 8 cl. 3); Necessary and Proper Clause (Art. 1 sec. 8 cl. 18).

By Mr. AL GREEN of Texas:

H.R. 285.

Congress has the power to enact this legislation pursuant to the following:

Naturalization Clause (Art. 1 sec. 8 cl. 4)

By Mr. AL GREEN of Texas:

H.R. 286.

Congress has the power to enact this legislation pursuant to the following:

General Welfare Clause (Art. 1 sec. 8 cl. 1); Commerce Clause (Art. 1 sec. 8 cl. 3); Necessary and Proper Clause (Art. 1 sec. 8 cl. 18); Property Clause (Art. IV sec. 3 cl. 2).

By Mr. AL GREEN of Texas:

H.R. 287.

Congress has the power to enact this legislation pursuant to the following:

General Welfare Clause (Art. 1 sec. 8 cl. 1); Commerce Clause (Art. 1 sec. 8 cl. 3); Necessary and Proper Clause (Art. 1 sec. 8 cl. 18).

By Ms. HIRONO:

H.R. 288.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 3: "The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Ms. HIRONO:

H.R. 289.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Sixteenth Amendment: "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

By Mr. HUNTER:

H.R. 290.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority for the War Memorial Protection Act is found in Section 3, clause 2 of Article IV, which states in part that "the Congress shall have Power to dispose of and make all needful Rules and Regu-

lations respecting the Territory and other Property belonging to the United States." Constitutional authority is also found in Clause 18 of Article I, Section 8, which states that Congress has the authority to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 291.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 1), which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LEE of New York:

H.R. 292.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5, Each House may determine the Rules of its Proceedings.

By Mr. STEARNS:

H.R. 293.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. STEARNS:

H.R. 294.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. YOUNG of Alaska:

H.R. 295.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. YOUNG of Alaska:

H.R. 296.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article IV, Section 3, Clause 2.

By Mr. CARTER:

H.J. Res. 19.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Amendment X of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. CRAWFORD and Mr. QUAYLE.

H.R. 21: Mrs. MYRICK, Mr. GOSAR, Mr. LATTI, and Mr. LONG.

H.R. 44: Mr. YOUNG of Alaska.

H.R. 59: Mr. WITTMAN, Mrs. LUMMIS, Mr. DUNCAN of South Carolina, Mr. GRAVES of Georgia, Mr. COFFMAN of Colorado, Mr. BILBRAY, Mr. MCHENRY, Mr. LATTI, Mr. COLE, Mr. KLINE, Mr. GIBBS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. MCCLINTOCK, and Mr. PEARCE.

H.R. 61: Ms. HAYWORTH.

H.R. 68: Mr. BISHOP of Utah, Mr. GIBBS, Mr. HERGER, Mr. COFFMAN of Colorado, Mr. OLSON, Mr. BROUN of Georgia, Mr. RIBBLE, Mrs. BLACKBURN, Mr. GARRETT, Mr. DUNCAN

of South Carolina, Ms. FOXX, and Ms. HAYWORTH.

H.R. 69: Mr. BISHOP of Utah, Mr. GIBBS, Mr. HERGER, Mr. COFFMAN of Colorado, Mr. DUNCAN of South Carolina, Mr. GARRETT, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. AKIN, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. RIBBLE, Mrs. BLACKBURN, Mr. CHAFFETZ, Ms. FOXX, and Ms. HAYWORTH.

H.R. 97: Mr. PENCE, Mr. CANSECO, Mr. GIBBS, Mr. KING of Iowa, Ms. GRANGER, Mr. SMITH of Nebraska, Mr. RENACCI, Mr. HENSARLING, Ms. HAYWORTH, Mr. GOODLATTE, Mr. MCKEON, Mr. LONG, Mr. POMPEO, Mr. CARTER, and Mr. HUELSKAMP.

H.R. 103: Mr. LAMBORN and Ms. FOXX.

H.R. 104: Mr. RIBBLE.

H.R. 111: Mr. DICKS, Mr. GARAMENDI, Mr. HIGGINS, Ms. CHU, Mr. RAHALL, and Mr. ADERHOLT.

H.R. 121: Mr. CHAFFETZ, Mr. ROSS of Florida, Mr. GOODLATTE, Mr. LATTI, Mr. WESTMORELAND, Mr. NUGENT, Mr. PETERS, Mr. LOBIONDO, Ms. HAYWORTH, Mrs. McMorris RODGERS, Mr. CRAVAACK, Mr. BRADY of Texas, Mr. HUELSKAMP, Mr. GARDNER, and Mr. CRAWFORD.

H.R. 122: Mr. CALVERT, Mrs. MYRICK, Mr. JONES, Mr. LONG, and Mr. WOODALL.

H.R. 125: Mr. REHBERG and Mr. DUNCAN of South Carolina.

H.R. 126: Mr. FORBES, Mr. FLEMING, and Mr. MCCOTTER.

H.R. 127: Ms. BUERKLE, Mrs. ELLMERS, Mr. WALSH of Illinois, Mr. REED, Mr. MCCLINTOCK, Mr. SOUTHERLAND, Mr. BUCHSON, Mr. HUELSKAMP, Mrs. BLACK, Mr. PEARCE, Mr. BROOKS, Mr. GIBBS, Mr. DUNCAN of South Carolina, Mr. MILLER of Florida, Mr. HUNTER, Mr. BISHOP of Utah, Mr. POMPEO, Mr. GARRETT, Mr. WOMACK, Mr. CANSECO, Mrs. SCHMIDT, Mr. FLORES, Mr. WALBERG, Mr. CAMPBELL, Mr. FLEISCHMANN, Mr. NUGENT, Mrs. HARTZLER, Mr. GINGREY of Georgia, Mr. DENHAM, and Mr. BRADY of Texas.

H.R. 140: Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. LAMBORN, Mr. KINGSTON, Mr. CONAWAY, Mr. SCALISE, and Mr. CULBERSON.

H.R. 143: Mr. LANKFORD, Mr. CRAWFORD, Mr. CHAFFETZ, Ms. BUERKLE, Mr. GOODLATTE, and Mr. WITTMAN.

H.R. 155: Mrs. BLACKBURN and Mrs. McMORRIS RODGERS.

H.R. 166: Mrs. BLACKBURN.

H.R. 171: Mr. WITTMAN.

H.R. 177: Mr. GRAVES of Georgia, Mr. SCOTT of South Carolina, Mr. JONES, Mr. CRAVAACK, and Mr. ROSS of Florida.

H.R. 198: Mr. Daniel E. LUNGREN of California.

H.R. 206: Mr. MCCLINTOCK.

H.R. 212: Mr. ROSS of Florida, Mr. LANKFORD, and Mrs. ELLMERS.

H.R. 217: Mr. SCOTT of South Carolina, Mr. KINZINGER of Illinois, Ms. FOXX, and Mr. YOUNG of Alaska.

H.R. 236: Mr. ROGERS of Michigan.

H.R. 247: Mr. RENACCI.

H.J. Res. 1: Ms. HAYWORTH, Mr. BILIRAKIS, Mr. HUIZENGA of Michigan, and Mr. WALBERG.

H.J. Res. 2: Mrs. HARTZLER, Mr. MARCHANT, Mr. HUIZENGA of Michigan, Mr. DUFFY, Mr. GRIFFIN of Arkansas, Mr. ROONEY, and Mr. WALBERG.

H.J. Res. 4: Mr. WEST.

H.J. Res. 9: Mr. SIMPSON, Mr. BRADY of Texas, Mrs. SCHMIDT, and Mr. LONG.

H.J. Res. 11: Mr. WESTMORELAND and Mr. ROSS of Florida.

H. Con. Res. 3: Mr. CHAFFETZ and Mr. WALBERG.

H. Res. 11: Mr. CONNOLLY of Virginia, Mr. MORAN, Ms. RICHARDSON, Mr. ELLISON, and Mr. AL GREEN of Texas.

H. Res. 15: Mr. TURNER, Mr. WITTMAN, Mrs. MYRICK, Mr. CHAFFETZ, Mr. WALBERG, Mr. HANNA, Mr. FORTENBERRY, and Mr. LONG.

H. Res. 23: Mr. POMPEO, Mr. MANZULLO, Mr. CAMPBELL, Mrs. LUMMIS, Mr. MILLER of Flor-

ida, Mr. BISHOP of Utah, Mr. WOMACK, Mr. BROOKS, Mr. CONAWAY, Mr. CARTER, Mr. GOMERT, Mrs. SCHMIDT, Mr. FLORES, Mr. BRADY of Texas, Mr. DAVIS of Kentucky, Mr.

WALBERG, Mr. GRAVES of Georgia, Mr. NEUGEBAUER, and Mr. HUELSKAMP.

H. Res. 25: Mr. GALLEGLY, Mr. AL GREEN of Texas, and Mr. MCKINLEY.

EXTENSIONS OF REMARKS

IN HONOR OF PAUL OYASKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. KUCINICH. Mr. Speaker, I am pleased to bring to your attention the 33-year public service career of Paul Oyaski who is retiring from his post as the Director of Cuyahoga County's Department of Development on January 14, 2011.

Director Oyaski has directed with distinction the Department of Development since 2004, leading a staff of 62 in Ohio's largest county which serves all the people of Ohio's 10th Congressional District and surrounding districts. He has administered federal funding from the U.S. Department of Housing and Urban Development through the Community Development Block Grant (CDBG) program for 51 Cuyahoga County municipalities with fewer than 50,000 residents. His department has managed a \$75 million budget supplemented by the CDBGs, the American Recovery and Reinvestment Act, the Department of Energy, and the Environmental Protection Agency. Through Paul's leadership, the people of Cuyahoga County were served ably and the federal dollars we appropriated were used wisely and with the people's needs first and foremost on the agenda. During his tenure as Director, he received numerous awards from the public and private sectors.

Prior to his service at the county level, Paul Oyaski served as the Mayor of Euclid, Ohio from 1996 to 2003. As mayor of a city with a population of 53,000, Mayor Oyaski became familiar with the administrative responsibilities associated with the CDBG program. He led Euclid to receive the Livable Cities Award from the U.S. Conference of Mayors in 2000 for positive race relations. He was also spokesman for the First Suburbs Consortium which represents Euclid and 14 other inner-ring suburbs of Cleveland.

Before his election as Mayor, Paul Oyaski served the City of Euclid with distinction as a member of the City Council, the Director of Community Services and Development, and as Law Director. Paul graduated from the Ohio State University School of Law with honors, earned his Bachelor of Arts Magna Cum Laude from Cleveland State University, and is a proud graduate of Euclid Senior High School where he was a member of the National Honor Society and received his letter for varsity soccer.

Mr. Speaker and honored colleagues, please join me in wishing Paul Oyaski well as he retires from a long and illustrious career in the public sector working with the people of his hometown of Euclid, and Cuyahoga County for these many years.

RECOGNIZING MR. FRANK EDWARD EMORY, SR. ON THE OCCASION OF HIS RETIREMENT FROM ELECTED OFFICE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. BUTTERFIELD. Mr. Speaker, I rise to pay tribute to an extraordinary American who has devoted his life to building the community in which he lives—Wilson County, North Carolina. As a passionate, empowering and inspirational leader, Frank Edward Emory, Sr. has worked tirelessly to improve the lives of those around him.

Mr. Emory is a native of Johnston County, North Carolina. He received his college education at A&T College—now A&T State University—in Greensboro, North Carolina. After completing his education, Mr. Emory became a distinguished extension agent and later served as assistant director of Urban Affairs at North Carolina State University.

In 1970, Mr. Emory was elected to the City of Wilson Board of Education (later Wilson County Board of Education) and remained in this capacity until 1984 when he was elected to the Wilson County Board of Commissioners. He was the first African-American to serve on these boards.

Mr. Emory has been a wonderful example of faith in God and community, and faith that we may someday realize a place where equality and opportunity flourish. He has been a special friend and leader who truly understands people and their issues. He is always ready to work with anyone willing to improve the total community.

After 40 years of continuous service, Mr. Emory has decided to retire from elective office. And while his retirement will be a tremendous loss, Mr. Emory leaves a great legacy that will continue to enrich and strengthen the community for many years to come.

Mr. Emory's remarkable tenure included the development and construction of numerous county facilities as well as the expansion and development of critical emergency services including emergency disaster response, centralized communications, rescue services, and full countywide paramedic services.

Mr. Emory was a key leader in expanding recreation opportunities, improving services for seniors, enhancing cable television services, improving health care facilities and the county's road system.

Mr. Emory has also been a strong and consistent supporter of economic development throughout the region, and a tireless advocate for improving education. He strongly supported funding for the Wilson County Public Schools and Wilson Community College. He also supported state and local bond issues for school and community college construction, which in-

cluded the renovation of multiple schools and the construction of the Darden Middle School and the John W. Jones Elementary School.

Mr. Speaker, in addition to his countless gifts to our community, he has given me true friendship, by which I have been enormously honored. He has been married to Athalene Dancy Emory for more than 50 years. They are the proud parents of two sons, Frank, Jr. and Randolph, who have blessed them with four grandsons.

I ask my colleagues to join me today in recognizing the commitment, dedication and success of Frank Edward Emory, Sr. on the occasion of his retirement from elective office.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,019,559,567,587.86.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,381,133,821,294.06 since then.

This debt and its interest payments we are passing to our children and all future Americans.

THE STEM EDUCATION TEACHER TAX INCENTIVE ACT OF 2011

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. HIRONO. Mr. Speaker, the latest results of international tests just came in. On the Program for International Student Assessment, PISA, 15-year-olds in the United States rank 25th in math—below average—among their peers in the Organisation for Economic Co-operation and Development, OECD, nations. Our 15-year-olds rank 17th place—only average—in science. To compete for the jobs of the future, the United States can and must do better.

Today I introduce the Science, Technology, Education, and Mathematics, STEM, Teacher Tax Incentive Act of 2011, one small step to help restore our strength in STEM education and our nation's economic competitiveness.

Research has shown that teacher quality is the most important factor affecting student achievement. We need more highly effective teachers to help excite and inspire our students about Science, Technology, Engineering, and Math. This bill will provide a tax credit

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to encourage those who major in STEM fields to join and stay in the teaching profession. The tax credit can be used to help repay undergraduate tuition, and is 50 percent greater for qualified STEM teachers who teach in high-needs schools.

In Hawaii, I have visited dozens of schools and STEM teachers who are working day in, day out to inspire the next generation of leaders. These teachers engage their students through innovative programs like Waianae High School's Searider Productions and robotics initiatives, where our students compete successfully across our islands, nationally, and internationally.

The Hawaii Department of Education's winning Race-to-the-Top plan outlines efforts to increase students' access to highly qualified teachers in STEM and other hard-to-staff subjects. This bill can help supplement Hawaii DOE's efforts.

For his work on this bill in past congresses, I thank my former colleague Congressman Vern Ehlers, Republican of Michigan. Although he retired from his role as a legislator in December 2010, I look forward to his continued contributions as a nuclear physics professor. Thank you also to the other members of the Congressional STEM Education Caucus for their partnership in this and other initiatives to promote STEM Education.

**MERCER ISLAND HIGH SCHOOL
MARCHING BAND**

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. REICHERT. Mr. Speaker, I rise today in recognition of an outstanding marching band in my district—the Eighth District of Washington—that recently returned from a once-in-a-lifetime trip to London to perform in the invitation-only New Year's Day Parade there. It isn't the first time the band has performed on a grand scale and to a grand audience and it most certainly won't be the last.

The Mercer Island High School marching band, composed of approximately 200 young people, returned from their whirlwind trip to London just a few days ago. And although the winter storms slowed down 87 of the band's members, Mr. Speaker, their performance went off without a hitch. They marched from Trafalgar Square to Big Ben and on to the steps of Parliament. The bells of Westminster Abbey sounded out and the entire experience was, as their director Parker Bixby put it, "surreal."

One of the more notable things about the Mercer Island High School marching band's trip to London, Mr. Speaker, is that this is not the first time the band has performed at such a prestigious event. In 1996, the band performed at the Tournament of Roses Parade in Pasadena and played there again in 2006. What's more, the band will return to Pasadena for the Parade next year, as well. The band's engagements are well documented and internationally known.

The community of Mercer Island, with a population of 22,890, is remarkably supportive

of the arts. The City's Arts Council, the Rotary Club, the Schools Foundation, other community groups, and many individuals comprise a community dedicated to young musicians and artists. It is indeed a testament to the community, Mr. Speaker, that the trip to London was even possible. Raising money is never easy, especially in our economic climate. However, the people of Mercer Island generously gave to help make the dream trip a reality.

Mr. Speaker, I want to congratulate director Bixby for his tireless efforts, Mercer Island Superintendent Gary Plano for his support, Mayor Jim Pearman and the City Council for their support, and the people of Mercer Island for their generosity. Above all, I would like to thank the members of the band for working every day to create a product that is respected and admired around the world.

**NEWTON HOUSING AUTHORITY
HONORS JONATHAN HACKER**

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, after 39 years of dedicated service in the important cause of providing housing for people in need in our society, Jonathan Hacker is retiring next month as Director of the Newton Housing Authority.

Throughout the period when many in this country mistakenly put excessive focus on pushing homeownership for lower-income people in cases where it was not appropriate, Jonathan Hacker worked tirelessly on behalf of providing decent rental housing for people in that category. As he noted recently, "When I first assumed my position at NHA, our housing portfolio consisted of 226 units of federal public housing located in 4 developments along with 223 units of subsidized housing. Today, the NHA portfolio consists of 1,034 units of affordable housing operated under federal, state, and management portfolios." This feat—more than doubling the number of rental units available—is a rare example, unfortunately, of work by someone who understands the best way in which to respond to housing needs.

Public housing has not been a fashionable cause for many years, and our society has suffered from that. Jonathan Hacker was never deterred by these attitudes from working hard on behalf of people in need, and not just people in that sector but the entire City of Newton benefitted greatly from his work. As NHA Chair Tom Turner said in the announcement of Mr. Hacker's retirement, "Jonathan will be greatly missed. He has an amazing background and work ethic as well as 39 years of housing authority experience."

Mr. Speaker, in the hopes that Jonathan Hacker's example will inspire others to work as he has on the best solution to our housing needs, I ask that the statement from the Newton Housing Authority on his retirement be printed here.

JONATHAN HACKER, NEWTON HOUSING
AUTHORITY EXECUTIVE DIRECTOR TO RETIRE

Jonathan L. Hacker, Executive Director of the Newton Housing Authority has an-

nounced his intention to retire in February after 39 years with the Authority.

Mr. Hacker began his career with the NHA in 1972 as Administrative Assistant. He was elevated to Assistant Executive Director in 1983 and to Executive Director in 1999.

When asked to reflect upon his career he stated, "When I first assumed my position at NHA, our housing portfolio consisted of 226 units of federal public housing located in 4 developments along with 223 units of subsidized housing. Today, the NHA portfolio consists of 1,034 units of affordable housing operated under federal, state, and management portfolios. New housing opportunities have always been difficult to obtain in Newton due to factors that we are all familiar with. Our accomplishments have been extraordinary."

"We have received over 7.5 million dollars since 1992 for capital improvement funding from HUD to renovate and support our federally funded portfolio. Some of the work items include Section 504 handicap modifications at our developments, replacement heating plants, replacement windows, roofs, kitchen and bath modernizations, new fire alarm systems, balcony and canopy repairs, an emergency fire stopping project, and other improvements that make the lives of our residents easier and safer. During the initial years of the federal capital improvement program, these grants were competitive in nature. Our competitive proposals generated HUD grants in excess of 4 million dollars."

"On the State side, funds have been more difficult to come by. However, we managed to accomplish a one million dollar building envelope project, an emergency generator project which provides emergency electricity to our disabled residents at the New Hyde apartments, a replacement window program, building re-siding project, electric baseboard replacement project, drainage and surface improvements to the New Hyde site and have additional projects currently in the planning and design stage. State funded projects that are presently in the process of being federalized (Echo Ridge and Nonantum Village) are receiving significant infusions of funds, which will improve the infrastructure of these properties and enhance the lives of our residents."

"Our real property acquisition program has been amazingly successful, recently yielding 48 units of affordable housing with local inclusionary zoning funding, Community Preservation Act participation, and conventional bank financing. The Newton Housing Authority with the Commissioner's support elected to receive 6 million dollars in cash payments from developers of two luxury developments which would have otherwise provided 9 units of family housing for a finite period of time. Our election to receive cash has created appropriate sized housing conveniently located close to public amenities, which will remain affordable in perpetuity. NHA has demonstrated that it is the low cost producer of affordable housing acquisition in our city. This program creates the quickest path to creating permanently affordable housing."

"On other fronts, great accomplishment and personal satisfaction has come from our actions on behalf of victims of Hurricane Katrina, bringing Habitat for Humanity to Newton, devising an emergency management and evacuation plan for our residents, implementing and upgrading our Information Technology systems, dedicating units in our Wyman Street property for temporary emergency housing, federalizing two state funded

developments, being named by HUD as a High Performing Housing Authority on multiple occasions, and being honored in November 1999 when HUD Secretary Andrew Cuomo named us as '... the nation's finest ...' in a Washington, D.C. awards ceremony. We were instrumental in gaining the necessary support from the Nonantum community to allow Nonantum Village Place, a HUD 202 development to become a reality. We have had numerous financial audits including the recently completed FY 2009 A-133 audit which have all been without finding or recommendations.

"We provided much comfort to Mr. Bill Britt, the 'Hermit from Chestnut Hill'. He along with a number of truly homeless individuals residing outdoors received our care and personal resources. Although for the most part we were unsuccessful in encouraging these folks to obtain our public housing units, we provided clothing, bedding, meals and financial assistance where we could during the coldest times of the year.

"During the blizzard of 1978, we provided food, water, and medical supplies including prescription medications to our residents. Since motor vehicles were not permitted to be on the streets during this emergency we received special authorization to carry out our mission. We made the necessary arrangements with local family owned businesses to open their doors to us, extend credit, and provide emergency supplies so that we could bring sustenance to our residents.

"There have been so many important accomplishments over the years, each that impact our residents. It would not be possible to highlight them at this time."

Mr. Hacker acknowledged the current members of the NHA Board of Commissioners for their commitment, dedication, and professional manner in which they have approached their positions. "Howard Haywood, Rick Kronish, Mary Panaggio, Jeff Sacks, and Tom Turner have each made a difference in the lives of those under our umbrella. It is, after all, about those under our care. I am pleased with the recent appointment of Rick Kronish to our Board as the representative of organized labor. Rick's background in finance and his affiliation with the New England Council of Carpenters will be an asset as the Newton Housing Authority moves forward.

"As I move into retirement, I am comfortable knowing that I have done the best job possible in my capacity of Executive Director. I leave the Newton Housing Authority with solid financial reserves, a caring and dedicated staff, and innovative and progressive programs in place. The overall excellent health of the Newton Housing Authority will afford my successor the ability to move forward with the strength to address the challenges that lie ahead."

When asked to comment on Mr. Hacker's retirement, NHA Chair Tom Turner stated, "Jonathan will be greatly missed. He has an amazing background and work ethic as well as 39 years of housing authority experience. I am hopeful that his relationship with the NHA can continue on some level going forward."

Mr. Hacker plans to spend more time with his family, including two wonderful grandchildren, improving his golf game, enjoying the outdoors and developing new interests.

IN HONOR OF CAPTAIN ROLAND SALCER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Captain Roland Salcer, the longest working policeman in Ohio's history. Captain Salcer retired on January 1, 2011 from the Cleveland Heights Police Department after 60 years of dedicated service.

Born on December 27, 1924, Captain Roland Salcer was raised in East Cleveland and knew at an early age that he wanted to work as a policeman. Before achieving his goal of becoming a police officer, Captain Salcer served as a sergeant in the U.S. Army's tank corps for three years during World War II. During his stint in the Army he fought in the historic Battle of the Bulge.

On January 1, 1951 Captain Salcer began his career with the Cleveland Heights Police Department as a third-class patrolman. For the past 33 years he has served as a captain. During his tenure with the Cleveland Heights Police Department, Captain Salcer formed Ohio's first suburban police narcotics unit, played an integral role in a 1971 drug bust, and only used his firearm once. He has a stellar reputation as a reliable officer who has always treated people with dignity, fairness and respect. Not only is Captain Salcer the oldest and longest working police officer in Ohio's history, he is also the second longest working officer in the country's history.

Mr. Speaker and colleagues, please join me in honor of Captain Roland Salcer. At the age of 86, Captain Salcer has served and protected the people of Cleveland Heights with courage for 60 years.

HONORING THE CAREER OF MINNESOTA TWINS PITCHER BERT BLYLEVEN

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today to recognize former Minnesota Twins pitcher and 2011 inductee into the Major League Baseball Hall of Fame, Mr. Bert Blyleven.

Mr. Blyleven pitched for 22 years at the major league level, including 11 seasons as a member of the Minnesota Twins. During his career, he amassed an astonishing 3,701 strikeouts and used his magnificent curveball to help pitch two teams to World Series victories, including the 1987 Minnesota Twins.

Since 1996, Bert has been a proud member of the television broadcasting team for the Minnesota Twins and has delighted hometown fans with his color commentary.

Mr. Blyleven is a mainstay of the Minnesota sports community and his election to the Hall of Fame is long overdue. He is hereby circled.

HONORING WILLIAM (BILL) NESMITH

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor William, Bill, Nesmith, who will retire from his position as Hillsborough County's fire chief on January 15, 2011.

Mr. Nesmith has provided Hillsborough County with 41 years of service in the fire community. After spending 24 years with Tampa Fire Rescue, he joined the Hillsborough County Fire Rescue as assistant chief in 1994 and just 2 years later became fire chief.

Under his leadership, the Hillsborough County Fire Department merged with Hillsborough's Emergency Medical Services to become Hillsborough County Fire Rescue, which he oversaw. Hillsborough County Fire Rescue saw immense growth after this, more than doubling its number of firefighters.

During Chief Nesmith's tenure as Fire Chief, eight new fire stations were opened and equipped with state-of-the-art equipment. In addition, he was instrumental in ensuring that all engines and ladders were staffed with paramedics, providing Hillsborough County's residents with the highest level of pre-hospital care.

Mr. Nesmith has a quite impressive repertoire of accomplishments that coincide with his career. He was able to continue his formal education, receiving a bachelor in arts and a master in arts in industrial technology education from the University of South Florida. He served on numerous boards and committees, including the International Association of Fire Chiefs and Florida Fire Chiefs' Association, and has been the recipient of the Harvey Grant Excellence in Rescue Award and Hillsborough County's Distinguished Service Award.

Public servants like Mr. Nesmith keep our communities safe in our most pressing times of need. His talents will be missed, and I wish him the best in the future.

JAMES MANNING, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize the service of Mr. James Manning, Jr., to the people of Neptune, NJ. Mr. Manning stepped down from his position on the Neptune Township Committee on January 1st of this year after 15 years of dedicated and uncompromised service to the people of his hometown and the people of Monmouth County and our great State of New Jersey.

As a lifelong resident of Neptune, Jim, as he is known to his friends, joined the Neptune Township Committee on January 1, 1996, as one of the youngest elected officials in the history of the Township. But this was not the first act of public service for Mr. Manning. Jim was

already living the words of the great President Abraham Lincoln who said, "He has the right to criticize who has the heart to help." By the time of his first successful election, he had already served on a number of municipal boards and worked in many campaigns and volunteer organizations. His election was recognition and reward for his service to the residents of the Township; recognition which was reinforced five more times as he continually won reelection no matter the political environment.

Mr. Manning during his 15 years of service was honored by his peers to act as mayor in 1998, 2003 and in 2007. He also served numerous times as deputy mayor and police commissioner and served on many boards as a governmental representative and liaison to departments such as Administration, Finance, Police, Courts and Public Safety as well as the Board of Health and Welfare. He also made great strides in increasing the service while controlling the costs associated with the Department of Public Works to which he served as liaison during his entire tenure on the Township Committee.

But as any great public servant, his service did not define him but was a compliment to the individual. A native of Neptune and son of Flo and James Manning, Sr., Jim worked for 12 years for Jersey Central Power and Light and today is employed serving the citizens of the State of New Jersey in the Department of Labor in the area of Workforce Development. During his time with Jersey Central he also served his brothers and sisters in the labor movement for 5 years as the vice president of IBEW Local 1309.

Mr. Manning has two children, son Michael, 19, and daughter Melanie, who is 15, in whom he takes great pride. He also over the holidays asked Ms. Lori Davis to become his wife and join him as he embarks on this new phase of his life.

I know that though Jim has left elective office, he will not leave the service to the people of his hometown. I want to add my thanks to those of the citizens of Neptune Township for his years as a dedicated public servant and my best wishes for his continued success.

**CONGRATULATING THE VARSITY
FOOTBALL TEAM OF BYRON P.
STEELE II HIGH SCHOOL IN
CIBOLO, TEXAS**

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. CUELLAR. Mr. Speaker, I rise today to congratulate the varsity football team of Byron P. Steele II High School in Cibolo, Texas on winning the 2010 University Interscholastic League 5A Division II Football State Championship. This is Steele High School's first state championship. The Steele Knights football team victoriously ended a long season on December 18, 2010 at Dallas Cowboys Stadium in Arlington, Texas.

A crowd of more than 37,000 watched the Steele Knights varsity football team win 24–21 over the Wildcats of Denton Guyer High School. In their extremely competitive 14 win,

two loss season, this outstanding football team proved that hard work, dedication, and skill are the perfect recipe for champions. These football players were led to the championship title through the tireless leadership of their head football coach, Mike Jinks and his commendable staff. I congratulate the educators and leaders of this superb team, including the leadership of athletic director Robert Lehnhoff. Key players on this team include Malcolm Brown, running back and Most Valuable Player during the championship game and Ryan Simmons, linebacker and Most Valuable Defensive Player during the championship game. Although these young players stood out during the final game, it was the hard work and commitment from the entire team that lead Steele to their first title. This is not only a victory for the players, students and faculty, but for the parents, community and fans as a whole.

Steele High School is part of the Schertz Cibolo Universal City Independent School District and opened in the fall of 2005. By 2006, this school set the area record for most wins by a new school and has continued this winning tradition since its inception.

I am honored to praise the accomplishments of Cibolo, Texas' home team, the Steele Knights varsity football team as the 5A Division II State Champion. Congratulations.

TRIBUTE TO CHARLENE JOHNSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a trailblazing woman in the field of athletics, who represents our shared alma mater with tremendous leadership. Charlene Johnson is being honored by the Baltimore Alumni Chapter of South Carolina State University on January 16, 2011 for her 28 years of outstanding contributions to the University's Athletics Department. It is my honor to join my fellow alumni in applauding her great work.

Charlene Johnson is currently serving her seventh season as athletics director at South Carolina State University. After guiding the Department in an interim capacity in 2003, Johnson was elevated to the athletics director on a permanent basis in the spring of 2004. Her influence is being felt well beyond the Orangeburg campus. In 2007, Johnson became the first female to serve as chairperson of the Directors of Athletics in the Mid-Eastern Athletic Conference. She has also served on several NCAA committees.

The 2010–11 athletic season marks Mrs. Johnson's 28th year as a member of the SC State Department of Athletics, making her one of just three athletics staff members with more than 25 years of service to the University's athletics department. During her tenure as director of athletics, three different SC State teams have brought home conference championships, with three earning NCAA tournament appearances. The Bulldog football team won the 2008 and 2009 Mid-Eastern Athletic Conference titles and made back-to-back trips to the prestigious FCS playoffs, and was league Co-Champion in 2004.

The women's tennis team has won the last six MEAC tennis crowns and made as many appearances in the NCAA Tennis Championship, while the men's squad has earned six of the last seven MEAC titles and as many berths to the NCAA Tournament. Prior to being named director of athletics, Johnson served seven years as the senior woman administrator and associate athletic director for the university. During that time she helped usher in a new era in SC State Athletics, assisting in the planning, directing, and coordinating of all areas of the department of athletics.

Johnson began her illustrious career in athletics at SC State in 1983 when she became the first woman to be appointed to a full-time coaching position as an assistant on the Lady Bulldog basketball team. Since that time, she has served the university in a number of capacities, including head volleyball coach, head women's tennis coach, and assistant women's basketball coach. She also spent two terms as the school's interim director of athletics.

Johnson's success as a leader in athletics is grounded in her success as a player. On the basketball court she became a part of SC State history early on when, she helped the Lady Bulldogs capture the 1979 AIAW National Championship with a 73–68 win over Dayton in Fargo, North Dakota. After her playing career, Johnson continued to help her alma mater and the women's basketball program. As a member of the coaching staff, she was instrumental in keeping the Lady Bulldogs among the top teams in the Southeast.

In 1990, Johnson guided the Lady Bulldog volleyball team to its sole Mid-Eastern Athletic Conference championship, earning MEAC Coach of the Year honors for her efforts. She also earned MEAC Coach of the Year accolades for women's tennis in 1986.

In recognition of her efforts, Johnson was inducted into the SC State Athletics Hall of Fame in 1998 as an administrator and received special recognition in 2000 as a member of the 1979 AIAW National Championship team. Mrs. Johnson, who earned both her bachelor's (1980) and master's (1987) from SC State, is married to Virgin Johnson, Jr., and they are the proud parents of two children: Taylor and Virgin (Trey) III.

Mr. Speaker, I ask you and my colleagues to join me in recognizing the significant contributions of Charlene Johnson as an athlete, a coach and an athletics administrator. She has built an outstanding legacy at South Carolina State University, and is a trailblazing role model for women pursuing careers in university athletics. I congratulate her on a job well done and thank her on behalf of all South Carolina State alumni for her many contributions to the university.

**IN HONOR OF JUDGE JEAN
MURRELL CAPERS**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Judge Jean Murrell Capers, a courageous woman whose very productive life

serves as example of what can be accomplished through determination and dedication.

Judge Capers will celebrate her 98th birthday on January 11, 2011. Her 98 years have been filled with selfless service to others.

From 1949 to 1956 she served on the Cleveland City Council, becoming the first African-American woman elected to the city council of a major city. Between 1960 and 1964 she worked as assistant attorney general and from 1964 to 1966 she was special counsel to the Ohio Attorney General. In 1977, she was appointed as an Ohio Municipal Judge and was subsequently reelected to a 6 year term. Judge Capers fulfilled her campaign promises by assisting many black Clevelanders in finding positions with the city and by speaking out against injustice, including segregation in the local taxi cab industry. She continues today to work as an attorney with a special focus on elder law, advocating for victims of social injustice.

Judge Capers is one of the original members of the Women's Advisory Council of the Women's Division previously known as the Ohio Bureau of Employment Services, now the Ohio Department of Job and Family Services. In 1941, she won Cleveland's tennis championship which was organized by the city recreation department. She went on to teach health and physical education at Central High School and has worked throughout her life to support youth, encouraging them to strive to achieve academic and social success.

She was elected to the Ohio Women's Hall of Fame in 1997. In 2010, she received a Cleveland Marshall College of Law honorary doctorate of laws degree, 64 years after graduating from that institution. That same year, she was named one of Cleveland's "Most Interesting People."

Mr. Speaker and colleagues, please join me in honoring Judge Jean Murrell Capers.

**DR. MARTIN LUTHER KING JR.
MEMORIAL BREAKFAST**

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. VISCLOSKY. Mr. Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr. and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King's life, and, unfortunately, his untimely death, reminds us that we must continually work to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our Nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana's First Congressional District will be recognized during the 32nd Annual Dr. Martin Luther King, Jr. Memorial Breakfast on Saturday, January 15, 2011, at the Genesis Convention

Center in Gary, Indiana. The Gary Frontiers Service Club, which was founded in 1952, sponsors this annual breakfast.

This year, the Gary Frontiers Service Club will pay tribute to several local individuals who have for decades unselfishly contributed to improving the quality of life for the people of Gary. Those individuals who will be recognized as Dr. Martin Luther King, Jr. Marchers at this year's breakfast include: Karen Freeman-Wilson, the late Reverend Dr. Benjamin J. Holmes, Robert L. Nichols, Bishop Benjamin A. Sanders, William A. Shields, Ph.D., and Deputy Mayor Geraldine Tousant. Additionally, Martha Morgan Naylor will be honored with the prestigious Dr. Martin Luther King, Jr. Drum Major Award, an award given out annually to outstanding individuals of the Gary community. Ms. Johnnie Rogers will be recognized as the 2010 Frontier of the Year, which marks the first time a woman has been honored with this distinguished award.

Though very different in nature, the achievements of each of these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and faced them with unwavering strength and determination. Each one of the honored guests' greatness has been found in their willingness to serve with "a heart full of grace and a soul generated by love." They set goals and work selflessly to make them a reality.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending the Gary Frontiers Service Club officers: President Oliver J. Gilliam, First Vice President Sean Jones, Second Vice President James Piggee, Treasurer/Seventh District Director Floyd Donaldson, Recording Secretary Melvin Ward, Financial Secretary Sam Frazier, and Corresponding Secretary Ferba Hines, as well as Breakfast Chairman Clorius L. Lay, Videographer Otho Lyles, Master of Ceremony Clause Dowers, the honorees, and all other members of the service club for their initiative, determination, and dedication to serving the people of Northwest Indiana.

**CELEBRATING THE ACCOMPLISHMENTS
OF MR. ALBERTO
CARRILLO**

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to honor the career and accomplishments of Mr. Alberto Carrillo, Sr. a dedicated employee of the Office of Human Relations of Santa Clara County.

Prior to our election to the House of Representatives, I served 14 years on the Board of Supervisors for the County of Santa Clara and so I am well aware of the important work done by the County's Office of Human Relations. They work diligently with our extremely diverse community to build positive inter-group relations, to eliminate prejudice and discrimination and to foster the peaceful resolution of conflict.

Alberto has worked tirelessly advocating for civil and human rights in our community. Both with the County and in his capacity as a community activist and volunteer, he has worked toward building opportunities in housing, employment, education, business and government for Santa Clara County's diverse community.

His experiences outside of the County speak to his dedication. He began his career with the Mexican-American Chamber of Commerce, held leadership positions in the Mexican-American Political Association, and has served on many non-profit boards of directors and advisory boards.

The Congress wishes Mr. Carrillo the very best as he continues this new chapter in his life in retirement.

**IN HONOR OF SARAH BRACHMAN'S
ADVOCACY FOR DOWN SYNDROME**

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to honor Sarah Brachman, the National Down Syndrome Society's 2011 Advocate of the Year.

Sarah Brachman has interned countless hours for my office as well as our colleague Congressman BEN CHANDLER. Some of her duties have included, but not limited to, the expansion of membership for the Congressional Down Syndrome Caucus while garnering support for legislation important to the caucus' initiatives. Sarah single-handedly recruited over 30 Members of Congress to join the caucus.

Sarah courageously speaks with individuals and groups about her daily life as an individual who lives with Down syndrome. As a direct result of Sarah's dedication and leadership, countless individuals have been educated on the concerns of the individuals with Down syndrome.

Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Sarah Brachman for her devoted service as an advocate for Down syndrome.

HONORING JOSE F. ALIAGA

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. ROGERS of Michigan. Mr. Speaker, today I rise to honor Jose F. Aliaga for his outstanding work as a civil servant in his home country of Peru and the United States of America.

Jose Aliaga first arrived in the United States to pursue a college education at the University of Michigan, where he recently earned his diploma this past December. As a political science major, Mr. Aliaga learned about the democratic process in America and looked for ways to use this knowledge to strengthen the diplomatic and economic relationship between

Peru and the United States. He worked to promote trade between America and Peru and led one of the first trade missions from the United States prior to the Free Trade Agreement.

In addition to his diplomatic work, Jose Aliaga has continued to further his role as a leader to children in Latin America. He founded the Aliaga Foundation to provide impoverished children in the jungle of Peru with books, pencils, food and medicine and continues to foster positive relations between the United States and Peru by promoting student exchanges between universities.

Today I ask my colleagues to join me in recognizing Jose F. Aliaga. I commend Mr. Aliaga on his dedication to strengthening ties between America and Peru. He is to be applauded for his continuous contribution to the lives of children in Latin America.

IN RECOGNITION OF MR. KENNETH PRINGLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mr. Kenneth Pringle, mayor of Belmar, New Jersey. Mr. Pringle will be retiring from his position as mayor after serving for 20 years. Surrounded by family, friends and colleagues, Mr. Pringle's efforts and dedication will be recognized at an awards dinner on January 22, 2011. This celebration is well-deserved in light of Mayor Pringle's 20 years of service as an admirable public servant to the constituents of Belmar.

Mayor Pringle has served as the mayor of Belmar from 1990 through 2010. The longest serving mayor of Belmar, Mr. Pringle is a staunch advocate for environmental issues and maintaining clean beaches. He has successfully sought the implementation of a smoke-free policy along the beaches in Belmar. This policy acts as a model for various towns throughout New Jersey. During his tenure, Mr. Pringle has also supported the implementation of "green" and "sustainable" living throughout Belmar. He has also advocated against offshore drilling, hosting numerous events and press conferences in Belmar relating to this topic. Mayor Pringle's outstanding contributions to the borough of Belmar continue to resonate and positively affect the lives of the residents.

Mr. Pringle has served on various committees, enhancing his experience and ability to assist constituents. Mr. Pringle served as chairman of the Belmar Charter Study Commission from 1989 through 1990, past chairman of the Belmar Housing Authority and a member of the Belmar Planning Board and counsel to the Red Bank Planning Board. He is also a member of the Board of Trustees of the Monmouth Ocean Development Council and has served on the Board of Directors of New Jersey Transit Corporation. Mr. Pringle is a founder of the Belmar Improvement Fund. He was also instrumental in the forming of the Belmar Arts Council. Mr. Pringle's unending advocacy and hard work have undoubtedly helped countless people throughout Belmar.

Mr. Pringle is a graduate of Mount Saint Mary's College in Emmitsburg, Maryland and Georgetown University Law Center, where he was the criminal procedure project editor of the Georgetown Law Journal. From 1982 through 1983, Mr. Pringle served as law clerk to the Honorable Clement Haynsworth, Jr. of the fourth circuit. He also worked as an associate at the Washington, DC law firms of Hogan & Hartson and Ross, Dixon & Masback but soon returned to Belmar, New Jersey in 1987 to open a solo law practice. Mr. Pringle is currently the managing partner of Pringle Quinn Anzano, P.C., a 25 person law firm with offices in Belmar, Morristown and Trenton, New Jersey.

Mr. Speaker, please join me in recognizing Mayor Kenneth Pringle's 20 years of service to the borough of Belmar. Mr. Pringle's achievements make him a deserving recipient of this body's recognition.

HONORING JONATHAN D. OLSEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. HUNTER. Mr. Speaker, I rise today to honor Jonathan D. Olsen for his involvement in the San Diego community. Jonathan is a lifelong resident of Santee, California, having graduated from Santana High School and finalizing his bachelor of arts degree in 2011.

Jonathan has served as the president of the Santee Chamber of Commerce, is leading a successful organization and serves the community with distinction. He is a thriving businessman in Santee, having worked in the Santee community management and operating several business endeavors. He has great abilities in working and managing his family's doughnut shops and other businesses.

Jonathan also has been active in the development of the special edition of the Echo, the Santee Street Fair, Business Expos, the Santee Car Show, and the Santee Chamber of Commerce Awards Night. Under his leadership, several successful community events were organized. These include the Miss Santee-Teen Pageant, Sunrise Santee Morning mixers and programs, business-after-five monthly business networking meetings, Santee Day at the County Fair, Fall Frenzy-City Wide Sale and Craft Fair, SCORE Counseling-SBA counseling, installation and retreat planning and numerous ribbon cutting and grand opening ceremonies. Jonathan is also involved in speaking to high school and college students concerning their goals and aspirations.

Mr. Speaker, it is a great honor to stand in recognition of Jonathan Olsen for his tireless work as a member of the San Diego community. Such an extraordinary level of dedication serves as an example to others and showcases the goodness that community service, charity and strong local leadership could have on impacting the lives of others. I ask that my colleagues join me in paying tribute to Jonathan and wishing him continued success in the future.

HONORING STEPHANIE AUER

HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. STIVERS. Mr. Speaker, I rise today on behalf of the people of Ohio's 15th Congressional District and the citizens of Columbus, Ohio, to honor the life and memory of Stephanie Auer. Stephanie will always be remembered for her willingness and commitment to serve others. Her positive outlook and sunny disposition brought great joy to those who knew her, and the many contributions she made as a volunteer to a number of worthy causes improved the lives of people both here and around the world.

Born and raised in Cleveland, Ohio, Stephanie graduated from Manifacat High School and attended The Ohio State University. Upon graduation, she was employed in the insurance industry as an underwriter and worked at Wells Fargo Insurance Services. Along the way, Stephanie touched the lives of many of us, and I am fortunate to be among those to call her friend.

Stephanie made her family and friends a priority in her life and was always there for others. She led by example and inspired others to step up to the plate. Whether it was teaching young girls, volunteering at a local clinic or sharing the Gospel in Cambodia, she demonstrated her faith and values through her actions and in the way she lived her life.

Stephanie touched the lives of so many people and she will be missed by all those who knew her. Her devotion to her family, friends and church will be long remembered.

PERSONAL EXPLANATION

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. SMITH of Nebraska. Mr. Speaker, on January 6 and 7, 2011, I was out of town due to a family situation. Unfortunately, I was not present for rollcall votes 8, 9, 10, and 11.

Had I been present, I would have voted "yea" on all four.

HONORING JONATHAN SANFORD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, today I want to honor the career of Jonathan Sanford, an international trade and finance specialist in the Foreign Affairs, Defense and Trade Division of the Congressional Research Service. Mr. Sanford is retiring after 39 years of federal service, including the last 38 years as a CRS expert where he became a serious student of the Congress and demonstrated a capacity for integrating substantive knowledge on a wide range of issues with a practical understanding about how to move things forward.

Mr. Sanford's combination of personal skills, high professional capacity, mastery of a very complex set of international financial issues, and his sophisticated understanding of the political process made him ideally suited for his work teaching, informing, and advising policy makers and their staffs—and he did this throughout his career with unflagging enthusiasm and without any trace or pitch, of course, of partisanship.

Over a span of almost four decades, Mr. Sanford has helped keep Members of Congress and their staff well informed through his prolific written work—which was consistently thoughtful, responsible, and balanced in its analysis—and by his readiness to engage in active policy discussions that were so evidently shaped by a creative mind and a vast institutional memory.

His expertise on international financial issues include exchange rate systems, bilateral and multilateral debt relief efforts, reconstruction of the Iraqi economy, a thorough understanding of the international financial and multilateral development institutions, as well as the central role of Congress in the formulation of U.S. policy at these institutions, and countless others.

To many of his colleagues and the people with whom he's worked most closely over the years, Mr. Sanford is nearly an institution himself within this venerable institution of Congress, and that seems appropriate to me because of the passion with which he was dedicated to the role and responsibilities of this legislative branch, and to its people, and its purpose, and to everyone we all work here together to serve.

I want to take this moment to congratulate and to thank Mr. Sanford not only for his many contributions to the Congress for so many years but also for his legacy of service to public policy and to the public good. His many decades of close support to the Congress, his work ethic, his standards and his character all come together to me in a way that I think best exemplifies the meaning of public service.

HONORING DALE MAJERCZYK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. KILDEE. Mr. Speaker, I rise today to honor Dale Majerczyk as he retires as city manager for the city of Essexville Michigan. After 15 years as city manager, Mr. Majerczyk's last date will be on Friday, January 14th.

During his tenure as city manager, Mr. Majerczyk has worked to improve the city of Essexville. He was instrumental in securing funding to reconstruct streets, upgrade the waste treatment plant, develop the industrial park, build a new Department of Public Works facility, develop a brownfield plan for the city, fund landfill testing, and secured funding for a sewer project. He has represented the city with various local, state and national organizations. He helped start Kids Fest and assisted local businesses with expansion and development.

Prior to his work with the city of Essexville, Mr. Majerczyk worked for the city of Petoskey, the city of Traverse City and the Teamsters State, County and Municipal Workers Local 214. He holds a Bachelor of Science degree from Central Michigan University and has several public service and mediation certifications.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Dale Majerczyk as he retires as the city manager of the city of Essexville and I wish him the best in his future endeavors.

ONE YEAR ANNIVERSARY OF THE EARTHQUAKE IN HAITI

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. MOORE. Mr. Speaker, this week marks the one year anniversary of the horrific earthquake that struck our neighbor Haiti last year, killing over 200,000 men, women, and children including U.S. citizens. I join my colleagues in commemorating this somber event and in reaffirming the commitment of our nation to continue to work with the Haitian people and government to not only rebuild Haiti, but make a better Haiti.

There has been progress in the recovery from the devastating earthquake and I applaud the individuals within the State Department, USAID, the U.S. embassy in Haiti, and the many people from communities throughout our country, including my district in Wisconsin, who have volunteered, donated money, and gone to Haiti in the past year to try and make life a little better for those who have suffered so much. I also want to highlight and applaud the brave men and women in our military who were our nation's first responders during the deadly and dark first days of this catastrophe and in the months following the earthquake. For many Haitians, these men and women were the first face of hope in a hopeless situation.

Nonetheless, we are all aware of the various challenges that Haiti continues to face and will face for the foreseeable future. We all see the tent cities. Over a million people are still waiting for both "temporary" and permanent housing solutions. Dozens of issues, from resolving disputes over land ownership to rubble removal still need to be addressed. For far too many, permanent housing solutions are no closer today than they were on January 13, 2010.

Other challenges remain. A cholera outbreak has killed over 3,500 people and affects over 150,000 more. Millions of cubic meters of rubble still remain in Port Au Prince. Add to this mix the controversy and "irregularities" surrounding the recently held Presidential and Parliamentary elections and there are plenty of obstacles to rebuilding Haiti. These come on top of the challenges existing pre-earthquake.

Additionally, I am distressed and disgusted by the recent reports about the continuing sexual violence and assault being committed in these camps against women and girls. When displacement occurs, whether because of conflict or natural disaster, women almost always

suffer the most severe deprivations and consequences. According to UNICEF, a lack of security and the "hard living conditions" in the camps have been major factors increasing the risk of violence against women and girls.

Our Haiti efforts must prioritize—less with words and with more deeds and actions—the rights of vulnerable Haitian women and girls. And first and foremost, must be their immediate protection against these despicable assaults which violate basic human rights. We must strengthen the UN peacekeeping mission and the Haitian police so they can make stopping these attacks a priority.

According to Amnesty International, the risk of rape and other forms of gender-based violence in Haiti's camps has increased "dramatically" in the past year and "Women and girls, already struggling to come to terms with the grief and trauma of losing their loved ones, homes and livelihoods in the earthquake, are living in camps in tents that cannot be made secure, with the constant threat of sexual violence. Without access to medical care and with little prospect of receiving any support or seeing their attackers brought to justice, survivors see no end to their plight."

The U.S. and international community then must drastically increase their attention and focus on preventing this violence against women and girls immediately. It is also critical for the U.S. to push the Haitian government and other international donors to include women and girls in the rebuilding and recovery decisionmaking process and plans.

Their have also been reports of significant delays in moving the aid that Congress approved for Haiti relief, recovery, and rebuilding out of the federal agencies and into the hands of partners on the ground in Haiti. What we need to see in 2011 is not a trickle of assistance but a downpour and I hope that these unnecessary delays have been resolved and the Administration will move to ensure that this relief gets to the Haitian people.

We also need to continue to make efforts to strengthen the ability of the Haitian government to take the lead in responding to the long-term rebuilding and recovery needs of the Haitian people. U.S. aid to Haiti, to the maximum extent possible, must be directed through or with the input of the duly-elected Haitian government. While the well-documented problems with recent elections make this goal even more difficult in the short term, I think we all understand that the future for Haiti depends on it having an effective, accountable, and transparent government that responds to the needs of its people.

Ramping up housing efforts is also critical at this moment. More than 1 million people—approximately 380,000 of whom are children—still live in crowded camps. USAID has reported that it has spent over \$100 million for emergency and transition shelters, including temporary shelters designed to last up to three years. By the end of 2010, its temporary solutions were able to house almost 60,000 Haitians. It is an understatement to say more needs to be done.

Additionally, in the mix of all this, sometime this year, the President must also decide whether to continue Temporary Protected Status (TPS) for Haitians in the U.S. After the earthquake, at the urging of a number of

Members of Congress including myself, President Obama extended TPS for Haitians in the U.S. preventing them from being deported to the devastated country citing among other reasons, that these individuals "personal safety would be endangered by returning to Haiti." That original order will lapse in a few months. It is clear however that Haiti is still in the midst of the earthquake caused crisis that led to TPS being granted.

Lastly, even with the best intentions and the most diligent of efforts, problems and challenges will continue to affect the rebuilding efforts in Haiti. A cholera epidemic, Hurricane Tomas, highly controversial recent elections, you name it, it appears it will happen to Haiti. Therefore patience is crucial. We must rededicate ourselves to a long-term commitment to our neighbors in Haiti.

Mr. Speaker, we all have an important role to play in Haiti's recovery as it continues on this long road from tragedy to triumph. We know that many hard months remain ahead and much hard work needs to be done.

I want to make clear to the Haitian people that the U.S. government commitment to helping them rebuild is no less clear or strong today than it was on that terrible January day one year ago. This is a key moment for Haiti and for testing our commitment that was so evident in the days following January 12, 2010. Normal will not come soon enough for the Haitian people. As we commemorate the tragic events that took place one year ago, let us redouble our commitment, support, and efforts to rebuild Haiti.

HONORING THE SERVICE OF
BONNIE ANN HEATH, EXECUTIVE
DIRECTOR OF THE CORTLAND
COUNTY CHAPTER OF THE
AMERICAN RED CROSS UPON
THE OCCASION OF HER RETIRE-
MENT

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. HANNA. Mr. Speaker, I ask that the House join me in recognizing the service of Bonnie Ann Heath, executive director of the Cortland County Chapter of the American Red Cross upon the occasion of her retirement after outstanding leadership in this capacity from May 14, 1984 to December 31, 2010.

We celebrate the collective combined years in which Bonnie Ann Heath began her career as a volunteer with the American Red Cross in 1973, as secretary-bookkeeper from 1977–1979 and worked for the RSVP Program from 1979–1984 before being named the executive director in 1984.

Bonnie Ann Heath inspired, taught, nurtured, encouraged, showed great compassion, direction and organizational skills to countless numbers of youth, members of the Armed Forces and their families, community volunteers with the American Red Cross, in both programming and in the face of disaster.

We remember the active involvement of Bonnie Ann Heath in Red Cross programs such as Blood Services, Disaster Services,

Health and Safety Training, Youth Program, First Aid and Babysitter Training, Free Learn to Swim and the Aquatics Program, First Aid Demonstrations, Wellness Days, Health Fairs, Care and Share, Project SHARE, and her work with FEMA and the 2005 Flood Disaster and the outstanding work during the 9/11/2001 disaster organizing response volunteers.

In addition to the passion of her career, Bonnie Ann Heath counts the greatest joys in her life as those of her loving husband Malcolm, her children Alene, Mellora, Derron; her four grandsons, Colby Matthew, Noah and Zachary; other family and friends; for they have been steadfast in their support and love during the countless hours of work as a professional woman.

I ask that this House once again join with me in celebrating and honoring the accomplishments of Bonnie Ann Heath. The Cortland community, this country and our world are better places thanks to the great work and dedication of Bonnie.

COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE HAITI EARTHQUAKE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to commemorate the one-year anniversary of the Haiti earthquake, to remember those who died, and to pay tribute to the remarkable perseverance of the Haitian people.

A year ago today, a massive earthquake caused almost unimaginable loss of life and devastation in Haiti. Some 250,000 people were killed, over a million displaced from their homes, and much of the capital was reduced to rubble.

I traveled to Port au Prince in early March, and I was inspired by the hope and courage of the Haitian people, even in the face of unimaginable loss. In the days and months after the earthquake, Americans responded with immense generosity, donating their money, time, and expertise to help alleviate human suffering in Haiti. More challenges followed, however, in the form of violent storms, political upheaval, and a cholera epidemic that has already claimed the lives of over 3,500 people and sickened 150,000 others.

Today is also a somber reminder of how much more we must do. The heartfelt outpouring of support from around the world in the days following the earthquake has not translated into meaningful progress toward reconstruction and development on the ground. One year after the earthquake, it is simply unacceptable that over a million displaced people still live under tents, while much of the capital is still covered in rubble. It is unacceptable that so many Haitians lack access to clean drinking water, sanitation supplies, and medical care.

Recently, my good friend Dr. Paul Farmer published an article in Foreign Policy magazine outlining five lessons of the Haiti earthquake. I hope my colleagues will have the opportunity to review this important article below.

We must work to build capacity in Haiti; work with the government to provide real, long-term development; create real jobs and viable homes; and foster economic growth and vitality for Haiti and the Haitian people.

Mr. Speaker, today we remember those who were killed. We must also re-dedicate ourselves to providing real, long-term assistance and support for Haitians looking to rebuild their country.

[From Foreign Policy Magazine, Dec. 2010]

5 LESSONS FROM HAITI'S DISASTER: WHAT THE
EARTHQUAKE TAUGHT US ABOUT FOREIGN AID

(By Paul Farmer)

1. JOBS ARE EVERYTHING

All humans need money—they need it to buy food and water every day. And no matter how hard the government or the aid industry tries, people will want for all three things until they are employed.

The world pledged some \$10.2 billion in recovery aid to Haiti after Jan. 12's devastating earthquake. Imagine how many people that money could employ, putting them to work on tasks like removing rubble (only 2 percent of which has been cleared to date), rebuilding key government buildings, and planting trees in a country that is almost entirely deforested. And yet so far, just 116,000 people have been employed in this way. Haiti has 9.8 million people, and at least half were unemployed even before the earthquake. If we focused our efforts on the singular task of getting them jobs—even if we did nothing else—Haiti's reconstruction could be a success.

2. DON'T STARVE THE GOVERNMENT

The international community doesn't know best. Local people do. NGOs like the one that I am lucky to work with cannot replace the state—nor can the United Nations or anyone else. We don't have the expertise, and we won't stay forever. We don't have the same stake in building a community that the locals themselves have. And if aid is to work, it can't fall apart when the experts leave.

On this, almost everyone agrees. But the opposite approach has characterized Haiti relief. The dollar figures tell the real story: A mere 0.3 percent of the more than \$2 billion in humanitarian aid pledged by major donors has ended up with local authorities. That money will hardly compensate for the 20 percent of civil servants who died in the quake.

Some donors argue that the Haitian government is rife with corruption and mismanagement—and that infusing it with money will only make matters worse. But we need to strengthen the public sector, not weaken it. And that will take a working budget. It's impossible to be transparent and track your budgets when you lack computers, electricity, and even the personnel to do so. Until the government has the resources it needs, Haiti will remain the republic of NGOs.

3. GIVE THEM SOMETHING TO GO HOME TO

Today, some 1.3 million Haitians live in tent camps amid often squalid conditions—yet no one has been able to convince them to resettle. Why don't they want to leave? Because there is nothing to draw them back. Many of these displaced men and women didn't own the houses that collapsed around them; they rented them—often under very unfavorable conditions. They were in debt to bad landlords. They had no schools or clinics.

Enticing them to return home will mean providing exactly what they lacked before:

housing, education, and health care. Ironically, Haitians are getting some of those things now in the camps. They have shelter in the 69,700 tents distributed by donors; they have the food and hygiene kits that NGOs offer. The tent camps may well become semipermanent homes if those services don't also exist in the cities, villages, and towns.

4. WASTE NOT, WANT NOT

At least half of aid money probably never reaches its recipients, eaten up by overhead; often it's even more. I know of no other business or enterprise in which this would be an acceptable operational strategy. Equally frustrating, sometimes the money doesn't show up at all. Of the donor dollars promised for 2010, Haiti has so far received a mere 38 percent, or \$732.5 million, excluding debt relief. Nine months after the disaster, not a cent of the U.S. donation for Haiti's reconstruction has been disbursed; it's tied up in appropriations. Imagine trying to re-engineer a devastated country when your budget is at the mercy of political whims in foreign lands.

5. RELIEF IS THE EASY PART

Disaster relief is not reconstruction. We haven't rebuilt Haiti despite giving 1.1 million people access to drinking water; we didn't remake the country with the 11,000 latrines that have been installed. "Building Haiti back better" means sustaining those temporary gains and adding education, health care, services, and good governance.

What's most important in getting started? Economic growth. Yet it is a challenge hardly mentioned in aid documents or strategies—coming up only twice in the United Nations' most recent 44-page report. Poverty of the kind that was so acutely revealed this January can't be defeated until there is a brighter economic future for the millions of Haitians who are ready to seize it.

ON THE OCCASION OF MS. JOSEPHINE F. EDWARDS' RETIREMENT FROM ELECTED OFFICE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. BUTTERFIELD. Mr. Speaker, I rise to pay tribute to an extraordinary American who has devoted her life to building the community in which she lives—Wilson County, North Carolina. As a caring, thoughtful and passionate leader in the community, Josephine Farmer Edwards has worked tirelessly to improve the lives of those around her.

Mrs. Edwards is a native of Nash County, North Carolina. She graduated from Nash County Training School, earned a bachelor's degree from Fayetteville State College (now Fayetteville State University), and a master's degree from Pennsylvania State University. She put that education to work as a classroom teacher for 38 years in Nash and Wilson counties, and later taught adult education.

In 1986, Mrs. Edwards was elected to the Wilson County Board of Commissioners and has distinguished herself as an elected official for the past 24 years. Mrs. Edwards has now retired from elective office but leaves a great legacy that will continue to enrich and strengthen the community for many years to come.

Mrs. Edwards' remarkable tenure included the development and construction of numerous County facilities as well as the expansion and development of critical emergency services including emergency disaster response, centralized communications, rescue services, and full countywide paramedic services.

Mrs. Edwards was a key leader in expanding recreation opportunities, improving services for seniors, enhancing cable television services, improving health care facilities and the County's road system. She has also been a strong and consistent supporter of economic development throughout the region, and a tireless advocate for improving education.

With her background in public education, Mrs. Edwards was a tireless supporter of funding for the Wilson County Public Schools and Wilson Community College. She also supported state and local bond issues for school and community college construction, which included the renovation of multiple schools and the construction of the Darden Middle School and the John W. Jones Elementary School.

Mr. Speaker, in addition to her countless gifts to our community, I have been blessed with her lifelong friendship, by which I have been enormously honored. Mrs. Edwards was married to the late James Edwards and continues to own and operate the family business, Edwards Funeral Home of Wilson. Mrs. Edwards has two adult daughters, Angela Edwards Jones (Tyrone) and Carla Edwards Williams (Daryl). She is also a proud grandmother and great grandmother.

I ask my colleagues to join me in recognizing the hard work, dedication and success of the Honorable Josephine Farmer Edwards on the occasion of her retirement from elective office.

HAITI EARTHQUAKE ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. ROS-LEHTINEN. Mr. Speaker, January 12, 2010, Haiti was devastated by the most powerful earthquake to strike that nation in over 200 years.

The wave of destruction to follow was unprecedented.

In just 35 seconds, one-third of the country had been directly impacted by the worst natural disaster to ever hit the Western Hemisphere.

Today, one year later, we mark the somber anniversary of this tragedy and honor those who lost their lives that day.

Remarkably, in the midst of such devastation, the people of Haiti have forged on.

And yesterday, I was honored to have the opportunity to travel to Haiti and visit with some of these men and women as they work tirelessly to rebuild their lives, their communities and their nation.

I was struck by their enduring resilience and inspired by their perseverance.

Sustainable recovery in Haiti will depend on strong leadership by the Government of Haiti, a concrete effort to stop corruption, and the

implementation of accountability and transparency measures, as well as the involvement of the people of Haiti in the design and ownership of their future.

It will also be important going forward that there be a transition away from dependency on traditional U.S. government assistance and instead a renewed focus on innovative public-private partnerships and grassroots, civil society efforts.

To ensure that U.S. foreign assistance to Haiti remains transparent and effective, I also plan on introducing legislation to that end this Congress, calling for increased and sustained oversight over U.S. funding to Haiti.

Finally, though the official OAS report has not yet been released, it appears that certain changes will need to be made to ensure that the true will of the Haitian people in electing their future representatives is honored and respected.

The Haitian people deserve a leader who believes in effective, good governance and the rule of law.

And it is only in adherence to these principles, that Haiti's recovery may be successful.

FEDERAL FURLOUGH BILL

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, as a former small businessman and former state legislator, I am horrified at the unlimited ability of the federal government to deficit spend. Small businesses have to balance the books, or they go out of business. And unlike the spendthrift ways prevalent in this building, state governments generally have to balance their budgets.

Recently, at least 24 states, and nearly ¾ of a million workers, have undertaken a budget-cutting maneuver that I believe we should consider at the federal level: short term employee furloughs. These states, across the nation, along with city and county government counterparts, recognize that occasional worker furloughs are necessary to cut budgets and hold down spending. It also has the benefit of ensuring that federal workers are not sheltered from the realities of life in today's economy.

The federal government continues to grow, and continues to rack up debt. I would like to make the U.S. Government as cost conscious as the states. My legislation is a start. It will make Federal civilian employees subject to a non-consecutive two week furlough next year, correspondingly reduce appropriations for salaries and expenses for offices of the legislative branch, and provide a 10 percent reduction in pay for Members of Congress. An exception is provided for national security or reasons relating to the public health or safety, including effective law enforcement. This bill will save the federal government over \$5.5 billion.

Furlough Fridays and other such ideas are becoming a common occurrence for state and local governments. They present slight problems but they provide large solutions to the budget troubles we face. I believe that managed appropriately, with due allowance for

vital and national security implications, as specified in this bill, they can do the same for the federal government.

TRIBUTE TO CORONA CITIZEN OF
THE YEAR PAT MILLER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent to make their communities a better place to live and work. Pat Miller is one of these individuals. On January 15, 2011, Pat will receive a prestigious honor when the Corona Chamber of Commerce names her Citizen of the Year for 2010 at the organization's 96th Annual Awards and Installation dinner at the Eagle Glen Golf Club.

Pat Miller and her late husband, Roger, owned and operated the Thomas Miller Mortuary for many years before they turned over day-to-day operations to their son Chris and his wife Rhonda. The mortuary has been an integral part of the community of Corona, and has provided care and solace to many families who have lost loved ones.

In addition to her role as a business owner in the community, Pat Miller exemplifies the word "volunteer." She has spent her life donating her time and attention to various clubs, organizations and activities. In 1985, she served as the President of Soroptimist International of Corona, and remains a life member. Through Soroptimist she became involved with the Riverside County Coalition for Alternatives to Domestic Violence.

Thanks to the diligent efforts of Pat, and a group of core volunteers, the services provided by this organization have expanded tremendously. The organization is now known as the Corona Outreach office, and the facility has grown from one small shelter to a 45-bed facility. Pat also served on the Board of Directors and Advisory Board for many years. Her accomplishments did not go unnoticed, and Pat was awarded the Women Helping Women Award in 1985 and the Golden West Regional Award Program.

Additionally, Pat donated much of her time to volunteering with the school district as she raised her children, Chris and Stephanie. She has remained active member of the PTA, the Corona-Norco School District Advisory Committee, and now has a renewed interest now that her grandchildren are in school.

For many years, Pat served on the Corona Regional Medical Center Foundation Board and chaired the main fundraising black tie dinner several times. In fact, she is now in her 15th year serving on the Corona Regional Medical Center Governing Board of Directors.

Other organizations fortunate enough to have Pat's attention include the Women's Improvement Club of Corona, Navy League, Children's Home Society, Pink Ladies Hospital

Auxiliary, Boys Club Auxiliary, The United Way, Catholic Daughters, Corona Chamber of Commerce and St. Matthew's Church.

In light of all Pat Miller has done for the community of Corona, the Corona Chamber of Commerce is honoring Pat as Citizen of the Year. Pat's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she receives this prestigious award.

INTRODUCTION OF THE NEW COLUMBIA ADMISSION ACT, THE DISTRICT OF COLUMBIA EQUAL REPRESENTATION ACT AND THE DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. NORTON. Mr. Speaker, I rise today to introduce three bills that provide different approaches for obtaining congressional representation and full democracy for the more than 600,000 American citizens who reside in the nation's capital and pay the full array of federal taxes that support the government of the United States, but have no voting representation in Congress. These bills are the New Columbia Admission Act, the District of Columbia Equal Representation Act (formerly titled the No Taxation Without Representation Act) and the District of Columbia House Voting Rights Act. These are the first bills of our Free and Equal D.C. series—bills that address the missing rights to self-government and democracy that other American citizens enjoy—to be introduced in the coming weeks. I have introduced all three of these bills during different periods in the past. I introduce them today after listening to residents at the many Community Conversations I have held in each ward of the District since a dangerous gun amendment—which would have eliminated all of the District's gun laws and would have done much more—forced delay of the District of Columbia House Voting Rights Act in April 2010.

These Community Conversations, as well as other constituent meetings and correspondence, have indicated that these three bills have significant support among D.C. residents. I introduce them today, a week after the new House majority eliminated the District's vote in the Committee of the Whole, despite a finding by the federal courts that this vote is constitutional. Recognizing that the House would not consider any approach to representation and full democracy for D.C. residents at this time, I am introducing bills that each had majority support in the District among residents during the years that each was under consideration. D.C. residents, in their quest for full democracy, have always embraced the approach that appeared most timely and possible. Because we are blocked from pursuing any ap-

proach at this time, I am introducing the bills that residents have indicated would have their continued support. These bills send a direct message to Congress that residents are undeterred in the pursuit of our rights, and the bills also will help ensure no weakening in the momentum residents have built here and throughout the country over the past several years for full democracy. However, I have not included a bill to fully or partially retrocede the District of Columbia to the State of Maryland, ideas that also have been mentioned for many years. Few District residents have indicated support for retrocession approaches, and, in our experience, even fewer Maryland public officials and residents support them. It is inconsistent with the District's pursuit of self-determination to impose upon another jurisdiction without consent from that jurisdiction.

D.C. residents are entitled to nothing less than full and equal citizenship, which can only be achieved through statehood. Accordingly, the first bill I introduced when I came to Congress in 1991, the New Columbia Admission Act, would have made the District of Columbia the 51st state, the State of New Columbia. The New Columbia Admission Act would create a state from essentially the eight hometown wards of the District. However, the state would have no jurisdiction over the federal territory in the District of Columbia, consisting of most of the Washington that Members of Congress and visitors associate with Washington, DC, the capital of our country. The U.S. Capitol premises, the principal federal monuments, federal buildings and grounds, the National Mall and other federal property here would remain under federal jurisdiction, as elsewhere. Our bill provides that the State of New Columbia would be equal to the other 50 states in all respects, in that the residents of New Columbia would have all the rights of citizenship they are entitled to as taxpaying American citizens. New Columbia would have two senators and, initially, one House member.

The New Columbia Admission Act has received significant support in the House in the past. In 1993, we got the first vote on statehood for the District of Columbia, with nearly 60 percent of Democrats and one Republican voting for the New Columbia Admission Act. The Senate held a hearing on its companion bill, introduced by Senator Ted Kennedy, but declined to hold a markup in committee or to consider it on the floor. Soon thereafter, the District, which is the only U.S. city that pays for state functions, found it necessary to ask the federal government to take over the cost of some state functions, posing fiscal barriers to entry into the Union on an equal basis, and the Democrats lost control of the House. This temporary setback led me to introduce the second best option then available, a bill for Senate and House representation for D.C.

Today, I also introduce the District of Columbia Equal Representation Act, which would give the District of Columbia two senators and, initially, one House member. With statehood delayed, Senator JOSEPH LIEBERMAN and I introduced this bill for several years as the No Taxation Without Representation Act. The House, which was controlled by Republicans, did not act on the bill. The Senate held hearings and marked up the bill in 2002, but did not bring it to the floor.

Today, I also introduce the District of Columbia House Voting Rights Act, a bill for one House member, initially, for D.C. residents. In 2005, when I continued to be in the minority, then-Representative Tom Davis and I partnered on a bipartisan bill, the District of Columbia House Voting Rights Act, giving House votes to Democratic D.C. and Republican Utah. The D.C. House Voting Rights Act marked the first time in decades that we achieved large House and Senate majorities for voting rights for D.C. residents, and brought the city closer than we have ever come to voting representation in more than two centuries. This bill likely would be law today had the gun lobby not insisted on adding an amendment that would not only have eliminated the District's gun laws, but also would have added measures making the nation's capital a virtually gun law-free jurisdiction.

In introducing these bills, we lay down a marker of our determination to never relent or retreat until we have obtained each and every right to which we are entitled, whether through the frustration and anguish of the incrementalism that Congress has always forced upon us or with the full and complete set of rights, which would be achieved through statehood. We will be watchful to both make and seize every opportunity to pursue our rights, regardless of who controls Congress. We accept no imposed limit on our equal rights as American citizens, and we will pursue them all until the day when there is no difference in citizenship between residents of the District of Columbia and other American citizens.

IN HONOR OF LENA BAKER
(POSTHUMOUSLY)

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Lena Baker. Today, her family dedicates her tombstone, 65 years after she was laid to rest at the Mt. Vernon Baptist Church in Cuthbert, Georgia.

She was born June 8, 1900 near Cuthbert, in the small community of Cotton Hill where her family worked as farmers. Ms. Baker worked as a maid, cleaning houses and doing laundry to support her three children. She also was employed by Ernest B. Knight, a local gristmill owner.

On April 29, 1944, Ms. Baker was forced from her home by Ernest Knight and taken to the gristmill, where she was held against her will. According to court testimony, Knight brandished the iron bar that was used to lock the door. Ms. Baker, fearing for her life, attempted to leave and the two "tussled" over a pistol. During the struggle, the gun went off, killing Knight. Ms. Baker testified that she walked immediately to the house of County Coroner, J. A. Cox, and confessed to the accidental death of Ernest Knight.

Her trial convened on August 14, 1944 at the Randolph County Courthouse, which was then presided over by Judge Charles William "Two Gun" Worrell, who kept two pistols on the bench. With an unconcerned lawyer by her side, a jury of twelve Caucasian men—hardly a jury of her peers—found her guilty in a trial and deliberation that, together, lasted less than four hours. Judge Worrell sentenced Ms. Baker to be executed. However, Governor Ellis Arnall granted Ms. Baker a 60-day reprieve so that the Board of Pardons and Parole could review the case.

In January 1945, the board denied clemency. She then was taken to Reidsville State Prison on February 23, 1945. Ms. Baker's execution date was rescheduled for March 5, 1945. She is the only woman to be executed by electrocution in the State of Georgia.

She went to the electric chair calmly and bravely. Her last words were, "What I done, I did in self-defense, or I would have been killed myself. Where I was I could not overcome it. God has forgiven me. I have nothing against anyone."

Ms. Baker is buried in the cemetery at Mt. Vernon Baptist Church in Randolph County, where she once worshiped. In 1998 a group of church members finally marked her grave.

In August 2005, the State Board of Pardons and Paroles posthumously pardoned Ms. Baker, acknowledging that the 1945 decision to deny clemency to Ms. Baker was "a grievous error" and that she could have been charged with the lesser crime of voluntary manslaughter, which would have prevented the sentence of capital punishment.

Mr. Speaker, it is my hope that the dedication of her tombstone today can heal the wounds of the past. May Lena Baker now truly rest in peace.

THE RENEWABLE ENERGY APPLIED PARTNERSHIPS (REAP) ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. HIRONO. Mr. Speaker, Hawaii, like the rest of the United States, is entirely too dependent on imported fossil fuels. We must speed up the development of renewable energy technologies that can help wean us from our oil dependence and create economic growth at home. If we sow the seeds of renewable energy innovation today, we will be able to reap the benefits for years to come.

Today I introduce the Renewable Energy Applied Partnerships (REAP) Act. This bill will create a Department of Energy pilot program to provide grants to partnerships which will include community colleges and universities, businesses, nonprofits, labor organizations, state education agencies, National Academies, and other public agencies. These partnership grants can be used to train teachers, recruit students, design renewable energy instructional programs, and encourage collaboration between faculty and industry partners.

The bill builds on the Perkins Career and Technical Education Act to help students learn practical skills for future careers in renewable energy and STEM fields. Partnerships will also receive priority if they can demonstrate long-term sustainability without continued federal funding.

Hawaii is at the forefront of innovation in the renewable energy sector, and I have visited many existing cross-sector partnerships in wind, solar, biofuels, and other renewable energy technology. It is my hope that this bill will help support the very best of these collaborations in Hawaii and around the country, to create jobs and train the next generation of renewable energy workers.

For his work on this bill last Congress, I thank my former colleague, Congressman Patrick Murphy of Pennsylvania, the first Iraq War veteran in Congress and a fighter for STEM education in Pennsylvania and nationwide.

HONORING THE LIFE OF A HISTORIC HMONG LEADER: GENERAL VANG PAO

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 12, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today to honor the life, service and sacrifice of General Vang Pao, who passed away yesterday evening in Clovis, California. General Vang Pao was a historic Hmong military leader who led his people against communist forces during a turbulent time in Laos from 1961 to 1975. In this country, General Vang Pao served as a civilian leader who continued to lead the Hmong American community for nearly four decades.

My heart-felt sympathy goes out to General Vang Pao's family and to all the Hmong-American families in Minnesota and across the U.S. Over the years, I had the honor of joining General Vang Pao at many events such as: the Hmong American New Year celebrations and the July Soccer Festival celebrations in St. Paul, as he had always come to the Twin Cities to join the Hmong community for those events. Most recently, I had the great honor of joining him for the grand opening celebrations of the Hmong Village Center on the Eastside of St. Paul on October 30, 2010. Although frail from his failing health and sitting in his chair, the General was in good spirit and spoke eloquently to a large gathering crowd at the celebrations. Sadly, this was the last time I saw him.

General Vang Pao's influence has touched the Hmong-American community deeply, and I know the community will continue to share and cherish the memories of his legacy for future generations to come. In honor of General Vang Pao's lifetime of service to his people and loyalty to the U.S., I am pleased to submit this statement for the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES—Tuesday, January 18, 2011

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CONAWAY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 18, 2011.

I hereby appoint the Honorable K. MICHAEL CONAWAY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Gracious Lord, You forgive sinners and accept us as Your very own. As they seek to perform works of lasting justice for Your people, Members of Congress realize they are called to be leaders in understanding and reconciliation.

Dr. Martin Luther King, Jr., pleaded with this Nation to find ways to build bridges of mutual respect within the diversity of this body of people.

Lord, help this Congress to construct renewed trust and draw together in establishing Your beloved community here while calling upon Your Holy Name both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. WOMACK) come forward and lead the House in the Pledge of Allegiance.

Mr. WOMACK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO SERGEANT ETHAN C. HARDIN

(Mr. WOMACK asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WOMACK. Mr. Speaker, I rise today with a heavy heart to remember the brave service of Sergeant Ethan C. Hardin, of Fayetteville, Arkansas, who died in service to this great Nation on January 7, 2011, in Logar Province, Afghanistan.

Sergeant Hardin served with B Company, 2nd Battalion, 30th Infantry Regiment, 10th Mountain Division, a battalion affectionately known as the Wild Boars, fitting for this proud Arkansan who hailed from razorback country. Nicknamed "Easy" for his easygoing personality, Sergeant Hardin was also a veteran of the conflict in Iraq.

Sergeant Hardin was the product of a loving Christian family and a 2004 graduate of Fayetteville Christian School. His dedication to God and country defined him as both man and soldier.

While we mourn with his parents, Tom and Ceil Hardin, we celebrate the life of this American patriot, knowing he has eternal life through the grace and glory of Almighty God.

END FOR-PROFIT HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, everyone knows that insurance companies make money not providing health care. After all, they are in the insurance business; they are not charities. But with as many as 29 million Americans suffering from preexisting conditions, insurance companies want Congress to repeal health care reform. The provisions which require covering people with preexisting conditions would eventually cut into insurance company profits. Repeal means Americans will continue to pay more for insurance but get less—that is, if they can afford health insurance in the first place. The very idea of health care reform, solely within the context of a for-profit system, has been more than problematic.

Today, 50 million Americans have no health insurance. What are we going to do for them? Rather than waste time debating how much reform insurance companies will permit, if any, it is time to change the debate. It is time to end the for-profit health care model. It is a time for not-for-profit-health care, single payer, universal Medicare for all, with an emphasis on wellness and personal responsibility. More about that tomorrow.

HISTORIC INAUGURATION IN SOUTH CAROLINA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, South Carolinians are still celebrating Wednesday's inauguration of Governor Nikki Randhawa Haley of Lexington as the first female governor in the 341-year history of our State. She is the second Indian-American governor in American history, in the tradition of Louisiana Governor Bobby Jindal, recognizing the growing significance of Indian Americans in American society.

Our family is very grateful for the swearing in of my oldest son, Alan Wilson of Lexington, as America's youngest attorney general. His prosecution experience will serve the people of South Carolina well.

The inauguration was also historic for being the first all-Republican inauguration in over 130 years with Lieutenant Governor Ken Ard; Secretary of State Mark Hammond; Treasurer Curtis Loftis; Comptroller General Richard Eckstrom; Superintendent of Education Mick Zais; Adjutant General Bob Livingston, Jr., America's only popularly elected adjutant general; and Commissioner of Agriculture Hugh Weathers.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

NO REPEAL OF HEALTH CARE REFORM

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, today we begin debate on the Republicans' unfortunate effort to repeal health care reform. I pray that this debate today is civil and that it is respectful.

As you know, Mr. Speaker, and many of our colleagues know, I served as a judge in my State for many years. I understand what it means to be objective and to have a fair debate. And I know there are usually two sides to every issue. But when it comes to repealing the reforms that Democrats have passed, I just can't figure it out.

Why would Republicans add \$230 billion to the deficit when their mantra has been deficit reduction? Why would Republicans force small businesses to

pay higher taxes after fighting for cuts? Why would Republicans take away a parent's right to cover their adult children? And why in the world would Republicans make seniors pay more for their prescription drugs? I just don't understand. It appears to me that this may be partisan politics.

ATTACK IN TUCSON

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, it is the shooter, not the gun. Not the bullets; not rejection by the Army; not the Internet; not radio talk shows; not the political climate; not people assembling to protest; not the press; and not bold speech that is to blame for the crimes by the terror from Tucson. Hold the assassin accountable. He and he alone should be judged. In this frenzied furor to make excuses and to find other causes for the crime, Congress itself would do well not to do violence against our Constitution.

Those elites, even those in Congress, who think that they and they alone are now authorized to regulate speech, press, assembly, and the right to bear arms should understand they cannot use this assault and murder as an excuse to steal away the rights of citizens, all under the false illusion of making us safe from killers.

The Constitution should not be imprisoned, for it is the terror of Tucson who should be locked in chains.

And that's just the way it is.

DO NOT REPEAL HEALTH CARE REFORM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, there will be no repeal of the health care reform law, so let's be clear. The agenda that the Republican leadership has set for this week's floor activity and the committee work that follows is nothing more than an opportunity to bad talk and fuel the misinformation about the Affordable Care Act which is a good law that will help over 30 million people be healthier, create millions of jobs, make our country more productive and stronger, and reduce the deficit.

So I am urging all of my colleagues, but especially those on the other side of the aisle, in the name of collegiality and honesty with the public we serve, to drop the charade and let us use the time the people of this country have hired us for to work together to create more jobs and make sure the health care law is implemented properly, to save the homes of families, and to create an educational system that will once again make our children the first in the world.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

AUTHORIZING USE OF CAPITOL ROTUNDA FOR 50TH ANNIVERSARY OF KENNEDY INAUGURAL ADDRESS

Mr. HARPER. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 2) authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 2

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. HARPER) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HARPER. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 2, authorizing the use of the rotunda of the Capitol for an event on January 20, marking the 50th anniversary of the inaugural address of President John F. Kennedy.

Mr. Speaker, Presidential inaugural addresses are always historic and are often some of the most memorable events during different eras of our country's history.

We can recall Abraham Lincoln's inaugural address in 1861, President Franklin Roosevelt's inaugural address in 1933, and, of course, President Ronald Reagan's inaugural address in 1981, among many others, as addresses that inspired this Nation at particular moments of importance to our country.

In 1961 President Kennedy's inaugural address rightly challenged us to ask what we can do for our country and not what our country can do for us. As people across this land did 50 years ago, so we must continue to do so now.

Mr. Speaker, I too believe we should look for inspiration to President Kennedy's eloquent address given 50 years ago. I support this resolution authorizing use of the rotunda and urge all my colleagues to support it.

I reserve the balance of my time.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this concurrent resolution to allow for the use of the rotunda in recognition of the 50th anniversary of President Kennedy's inaugural address.

You may have read this morning's Washington Post front page story, declaring that 82 percent of Americans think the tone of our Nation's political discourse is negative. At a time when the majority of Americans holds our political discourse in such low regard, there couldn't be a more timely or necessary opportunity to revisit the inaugural address that inspired our country 50 years ago.

The speech called for unity, for respect of opposing views and for commitment to public service, all at a time of great change and challenge for the United States. It was a call for everyone to work together, to do their part in making America and the world a better place.

The words that were spoken on January 20, 1961, still ring true to this day.

In the words of President Kennedy: "So let us begin anew, remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof."

"Let us never negotiate out of fear, but let us never fear to negotiate."

"Let both sides explore what problems unite us instead of belaboring those problems which divide us."

Mr. Speaker, 50 years ago, the President's inaugural address sought to

challenge our country and its leaders, and it set standards that still must guide our political discourse and ourselves, particularly with its closing lines:

"Ask of us here the same high standards of strength and sacrifice which we ask of you.

"With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love."

I hope all of my colleagues will continue to work together to answer President Kennedy's call, and I urge all Members to support this resolution.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank Congressman BRADY and the Democratic leadership, and especially our new Speaker and his staff for their help with this bill and their support for holding this historic event in the rotunda.

Mr. Speaker, I rise in support of S. Con. Res. 2, authorizing the use of the rotunda for a ceremony to honor the 50th anniversary of the inauguration of President John Fitzgerald Kennedy.

President Kennedy came to us during difficult times. In 1961, America was a very different place. In the South, Jim Crow and racial segregation were a part of everyday life—a part of my life.

Around the world, the possibility of nuclear war and the spread of communism were clouds that hung over every country. Tensions were rising. The danger was real. The world, once again, looked to us.

For me, and for millions of Americans, the young man from Massachusetts looked like the future.

As a young activist, I know that I challenged him to ensure that the future included civil rights. But on inauguration day, just outside this very building, he challenged me. He called me to serve in a new way.

He reminded me that the principles upon which this country was founded must live with in each of us; inspire and guide each of us; and be sacred to each of us.

President Kennedy came to us during difficult times. And he was taken from us during difficult times. He never saw the success in civil rights, the fall of the Berlin Wall or men on the moon. But on his first day—his very first day—he gave to us a new hymn. One that seemed to express what we had been struggling to put into words. His inaugural address gave us a hymn of hope, a hymn of optimism, a hymn of service.

Mr. Speaker, I am proud to support this resolution, and I think it is appropriate and fitting that Congress honor this important anniversary in the rotunda of the United States Capitol.

Mrs. DAVIS of California. I yield back the balance of my time.

Mr. HARPER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 2.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

STOP THE OVERPRINTING (STOP) ACT

Mr. HARPER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 292) to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF MANDATORY PRINTING OF BILLS AND RESOLUTIONS FOR USE OF OFFICES OF MEMBERS OF CONGRESS.

(a) ELIMINATION OF MANDATORY PRINTING.—

(1) IN GENERAL.—Chapter 7 of title 44, United States Code, is amended by inserting after section 706 the following new section:

"§ 706A. Prohibiting printing of bills and resolutions for use of offices of Members of Congress

"(a) NO PRINTING PERMITTED.—The Public Printer shall make bills and resolutions available for the use of offices of Members of Congress only in an electronic format which is accessible through the Internet.

"(b) MEMBER OF CONGRESS DEFINED.—In this section, a 'Member of Congress' means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress."

(2) CONFORMING AMENDMENT.—Section 706 of such title is amended—

(A) by striking "There shall be printed" each place it appears and inserting "Subject to section 706A, there shall be printed"; and

(B) by striking "Of concurrent and simple resolutions" and inserting "Subject to section 706A, of concurrent and simple resolutions".

(3) CLERICAL AMENDMENT.—The table of sections of chapter 7 of such title is amended by inserting after the item relating to section 706 the following new item:

"706A. Prohibiting printing of bills and resolutions for use of offices of Members of Congress".

(b) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the expiration of the 3-month period which begins on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. HARPER) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HARPER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LEE).

Mr. LEE of New York. I thank the gentleman for yielding and for his assistance in bringing this bill to the floor.

Mr. Speaker, our national debt just recently broke \$14 trillion. It is well past time for Washington to get serious about cutting spending, and that effort starts right here in our own House.

With this in mind, Speaker BOEHNER proposed a measure to cut every Member's budget by 5 percent. In a 410-13 vote, the measure to save \$35 million easily passed. It's called leading by example.

Another simple way to continue this process is by passing legislation that I brought up in the last Congress and which became part of the YouCut initiative, which gives all taxpayers the ability to vote on what Federal spending they want Congress to cut.

When a Member of Congress introduces or originally cosponsors a bill, we automatically receive multiple printed copies of the legislation, regardless if we have asked for them.

When the health care bill was introduced, the Government Printing Office printed and delivered over 100,000 pieces of paper to the original cosponsors alone. That is just one single piece of legislation we're talking about. At the start of Congress, the Small Business Paperwork Mandate Elimination Act, which repeals the onerous 1099 provision of the health care bill, won the support of 245 original cosponsors, all of whom will automatically receive multiple printed copies of the bill.

For each bill introduced, there are between 300 and 475 copies printed. This overprinting of bills is wasteful and inefficient at a time when we need to be tightening our budgetary belts and looking for greater efficiencies. In the 111th Congress, nearly 14,000 bills were introduced. That is a lot of unnecessary and costly printing.

That is why I introduced the Stop the OverPrinting Act—to save both time and money. This bill is a near mirror image of the legislation I introduced last year in H.R. 4640, keeping with the initial intent to strictly end the wasteful practice of printing copies of legislation for Members.

However, note that this bill will not hinder the daily operation of the House, the archiving process, or affect the transparency that this Congress has made a priority. This legislation will lead to significant savings each and every year—money that can be used, frankly, for better uses.

With technological advancements, we have become a paperless world. It is a waste of taxpayer dollars to automatically print and send multiple unsolicited copies of something that is readily available online. Should a Member's office truly need a printed copy, they

will still be available in the document rooms and also in the committees.

□ 1420

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARPER. Mr. Speaker, I yield the gentleman an additional 4 minutes.

Mr. LEE of New York. Too many people in Washington don't seem to care about the dollar amount unless it has a "B" or a "T" after it, and that is the type of mentality that needs to change here in Washington and was mandated in the November elections. We need to be looking for cost savings and turning over every possible rock. With our current deficit, there should be no such thing as spending cuts just being a drop in the bucket. Every dollar and every cent counts in the real world, and it should here, too.

The money we spend here in Congress is not ours; it is the people's. House Republicans have been stressing this for some time, and together we proposed over \$155 billion in savings for taxpayers throughout the 111th Congress with the YouCut initiative alone. Through this program, Americans asked Congress to support spending cuts on a wide variety of issues, including the End the Stimulus Advertising Act, which would have eliminated the unneeded highway signs notifying the public of stimulus-funded projects. With no real purpose, tens of millions of dollars could have been saved. Also considered were proposals requiring Federal employees to pay back taxes, stopping the cycle of bailouts, and putting Fannie Mae and Freddie Mac back on budget.

The American people have spoken loudly that we must get our fiscal house in order. While previous efforts to curb wasteful spending were not successful, I am hoping that under our new leadership we will have far better results.

I would like to thank the leadership for their support in working to implement laws that will reform flawed aspects of our government and save taxpayer dollars, be it a dollar, a million, or a billion. I am encouraged by the fact that the new majority is listening to the will of the people to eliminate inefficiency and waste. Passing the Stop the OverPrinting Act today is an important step in beginning this process.

I urge all my colleagues to support this commonsense bill.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will support this bill in the form now before the House. It certainly bothers me to see multiple copies of bills in our office's recycling bins every day. Too many bill copies waste time, trees, and taxpayer dollars.

The gentleman is right to examine this matter and try to effect a reduc-

tion if appropriate. This amended bill represents a vast improvement from the original version. Concerns were raised about the original bill's possible adverse effect on the Clerk's staff and others who labor in support positions inside the House and Senate, so I commend the gentleman for listening to concerns and making sensible changes.

As we consider this bill, we must remember that our democracy doesn't work well without transparency in government. Nobody wants to disrupt the legislative process inadvertently or to make it harder for any Americans to read the bills.

Although we can't forget that while many Americans still do not have adequate access to the Internet, all congressional offices certainly have the ability to obtain their own bill copies when they need to. So this bill rightly maintains public access to important documents while saving the people's money.

Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

Mr. HARPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 292, the STOP Act, which ends the automatic overprinting of bills and resolutions by the Government Printing Office for distribution to Members of the House of Representatives and Senate.

I would also like to thank Ranking Member BRADY and Chairman LUNGREN for their support on this matter.

Mr. Speaker, let me emphasize that this bill is not a criticism of the GPO nor its hardworking employees. The GPO does—and does well—what Congress directs it to do. We are simply looking for ways and opportunities to reduce the cost of government.

Since its establishment in 1860, the GPO has been the printer of record for our CONGRESSIONAL RECORD, committee reports, the well-respected Constitution Annotated, the Federal Register, and many other historic and necessary documents that this institution and our government need to do our collective work. But, Mr. Speaker, in this 112th Congress, well into the 21st century, in an age of iPads, Kindles, BlackBerries, and iPhones, it is simply no longer necessary to require excess printing and the delivery to our offices of thousands and thousands of pages of bills and resolutions which simply end up in the trash.

Mr. Speaker, H.R. 292 is another initial step in this majority's continued commitment to reducing unnecessary government spending, addressing our deficit and debt, and finding greater efficiencies within our governmental offices and agencies. With over 8,000 bills and resolutions introduced in the 111th Congress and multiple copies of each distributed to Members, eliminating this unnecessary printing and wasteful

spending is a small, but productive, first step, and we will continue to look at other House operations for ways in which we might further reduce the cost of government. Mr. Speaker, this bill is a commonsense measure which prudently adjusts our modern-day mechanisms of government to the times in which we live.

I might also add that there will be an environmental benefit as well. With reduced energy and paper needs, the GPO's demand for paper and our resources will be reduced by this act, helping us continue our commitment to be better stewards of our environment, our natural resources, and, of course, our House operations.

As we promised in the Pledge to America and as we have promised here on the floor during these initial days of the 112th Congress and as we have tangibly verified by our transparency-enhanced Rules Package, our bipartisan vote to trim Congress' budget, and now through this bill, this Republican majority is committed to fiscal stewardship, to having a hawkish and relentless eye towards waste and inefficiency, and a continued commitment throughout this 112th Congress to reduce spending, create private sector jobs, and challenge ourselves not just in word and rhetoric but, more importantly, in action and meaningful legislation.

Mr. Speaker, this bill, introduced by my good colleague from New York, should garner overwhelming bipartisan support. I thank him for introducing it and for his commitment to a more responsible and efficient stewardship of taxpayer dollars. I urge all of my colleagues to support this matter.

Mr. FITZPATRICK. Mr. Speaker, I rise today in support of the STOP Act.

First we reduced congressional budgets and now I stand in support of another bill that seeks to do what my constituents have asked me to do: Find ways reducing the federal deficit and saving taxpayer money. The STOP Act accomplishes this by helping the government operate more efficiently, stop wasteful spending and all the while helping the environment.

I have often heard the lament from small business owners across my district we would all be better off if government were run more like a business. Today, for businesses in Quakertown, Bensalem, and in between, many transactions are now entirely paperless. With this bill, Congress is taking a step in that direction.

Going hand-in-hand with efficiency, the STOP Act will also help end wasteful spending in government. Mr. Speaker, without the STOP Act, Congress will spend seven million dollars this year alone on printing costs. In the last Congress, there were nearly 14,000 different bills introduced. Some of those bills, like last year's healthcare law, ran thousands of pages in length. In an era when constituents in Bucks County and across Pennsylvania's eighth congressional district are being forced to find every savings in their household budget, so should Congress. The STOP Act will

trim 35 million dollars from the operational budget of Congress over the next 10 years.

The STOP Act will also end needless waste that harms our environment. All across America citizens are pitching in to do their part for the environment. Shoppers in Langhorne carry their own reusable bags to Geunardi's grocery store, families in Bristol install compact fluorescent light bulbs in their homes, and countless civic groups and businesses across our nation and across the eighth district of Pennsylvania adopt highways to keep our roads clean and our environment healthy. If citizens are asked and expected to do their part, Congress must do the same.

The STOP Act is an important demonstration to Americans that this Congress is serious about ending government waste, ending government inefficiencies and ending needless overuse of environmental resources.

Ms. RICHARDSON. Mr. Speaker, I would like to take a few minutes today to discuss the continued need in Congress for reduced administrative spending and increased accountability to the American people.

In a time when we are keenly aware of the need for civility and cooperation in order to improve the American quality of life, I believe there is at least one thing both Democrats and Republicans can agree on and which should be the springboard towards meaningful change.

This belief is that the federal government has an obligation to the American people to be stewards of their hard-earned taxpayer dollars by operating in an efficient manner and to reduce spending whenever possible.

For this reason, I support bills like H.R. 292, the Stop the OverPrinting Act, which will help eliminate the wasteful production of unnecessary copies of bills and resolutions in Congress.

The STOP Act will not only do its part for the environment by reducing Congress' paper consumption, but it will also take a step, even if just a small one, towards more efficient operations, increased accountability and reduced government spending. As we are all aware in this economy, every little bit helps.

The STOP Act was introduced by my colleague from across the aisle, the honorable gentleman from New York, CHRISTOPHER LEE. I am happy to stand in bipartisan support and know that there will be many opportunities in the future to find common ground and remain accountable to the hard working citizens we represent.

In fact, I would like to mention one such opportunity I offered during the 111th Congress and which I plan to reintroduce in the 112th, the Cost Recovery and Fair Value for Services Act. This legislation will help us meet our obligation to the American people by ensuring that the federal agencies within the executive branch set their user fees for services provided at rates that are both equitable and cost-effective.

This act would require the chief financial officer of every federal agency to provide a report to the director of the Office of Management and Budget which would review fees charged for services provided and make recommendations based on equitability with consideration to a user's ability to pay and the extent to which the use of the service provides a public benefit.

By setting appropriate user fee rates, agencies can contribute to the shared fiscal responsibility that our current economic situation demands without overburdening the public or inhibiting public engagement.

It is my hope that when this legislation arrives on the House floor, colleagues from both parties will share the same bipartisan spirit I exhibit today and support my efforts to control wasteful spending and restore fiscal accountability.

Mr. CANTOR. Mr. Speaker, Washington has a dangerous spending problem that poses grave risk to future American prosperity. The only way we can start producing results for the people again is to transform the culture of spending in this town into a culture of savings.

Over at least the past two years, the House did not cut spending on one single occasion. Those days are over. Under our majority, government will learn to do more with less.

We may not eliminate the entire deficit overnight, but this House will fight to make tangible progress by cutting unnecessary spending and needless regulation, and growing jobs and the economy. We call it cut and grow.

It is in this light that we will bring spending back down to 2008 levels, and bring to the floor a spending cut each and every week. Two weeks ago, we sent a clear signal of fiscal discipline by trimming our own congressional budgets by 5 percent. This week, we have brought to the floor a spending cut picked by the public through our YouCut program begun last year. This reduction would eliminate mandatory printing of bills and resolutions by the Government Printing Office for the use of Members of the House of Representatives and Senate. In the digital age, there's no reason we can't save taxpayer dollars by forcing congressional offices to receive bills and resolutions through the Internet.

This legislation is a small but still important and largely symbolic step towards getting spending under control. I urge my colleagues to support the legislation.

Mr. HARPER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and pass the bill, H.R. 292, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HARPER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CONAWAY) at 3 p.m.

REPEALING THE JOB-KILLING HEALTH CARE LAW ACT

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to House Resolution 26, I call up the bill (H.R. 2) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 26, the amendment printed in part A of House Report 112-2 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Repealing the Job-Killing Health Care Law Act".

SEC. 2. REPEAL OF THE JOB-KILLING HEALTH CARE LAW AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) JOB-KILLING HEALTH CARE LAW.—Effective as of the enactment of Public Law 111-148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. 3. BUDGETARY EFFECTS OF THIS ACT.

(a) The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

The SPEAKER pro tempore. The resolution shall be debatable for 7 hours, with 30 minutes equally divided and controlled by the majority leader and minority leader or their designees, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 90 minutes equally divided and

controlled by the chair and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The gentleman from Virginia (Mr. CANTOR) and the gentlewoman from California (Ms. PELOSI) each will control 15 minutes. The gentleman from Minnesota (Mr. KLINE), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from Michigan (Mr. CAMP), and the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes. The gentleman from Wisconsin (Mr. RYAN), the gentleman from Maryland (Mr. VAN HOLLEN), the gentleman from Texas (Mr. SMITH), the gentleman from Michigan (Mr. CONYERS), the gentleman from Missouri (Mr. GRAVES), and the gentlewoman from New York (Ms. Velázquez) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am going to begin by saying why we're doing this, and I want to get into the accounting of all this at a later time in this debate. But let me just simply say why we are here.

We are here because we heard the American people in the last election. We are here because we believe it's really important to do in office what you said you would do. We said we would have a straight up-or-down vote to repeal this health care law, and that's precisely what we are doing here today.

Now, Mr. Speaker, why do we believe this? Because this health care law, if left in place, will accelerate our country's path toward bankruptcy. This health care law, if left in place, will do as the President's own chief actuary says it will do: It will increase health care costs. We are already seeing premiums go up across the board. We are already hearing from thousands of employers across the country who are talking about dropping their employer-sponsored health insurance, and we are

already hearing about the lack of choices that consumers will get as this new law is put into place. This new law is a fiscal house of cards, and it is a health care house of cards. It does not make our health care system better. I would argue it makes it weaker.

There are two ways to attack this problem, and I want to say in the outset to my friends on the other side of the aisle we agree that health care needs fixing. We agree that there are so many serious, legitimate problems in the health care system that need fixing. Affordable insurance, the uninsured, people with high health care costs and high health care risks, those need to be addressed. But we can fix what's not working in health care without breaking what's working in health care.

With that, Mr. Speaker, I would simply say this: We believe we can get to the moment of having affordable health care for every American, regardless of preexisting conditions, without having the government take it over, without \$1 trillion of a combination of Medicare benefit cuts and tax increases. We believe in this: Let's have health care reform put the patient in charge, not the government in charge.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 20 seconds to simply say we believe that health care ought to be individually based, and it ought to be patient centered.

There are two ways to go: Put the government in charge and have the government put in place rationing mechanisms to tighten the screws and ration health care; or put the consumer in charge and have providers compete for our business as patients, hospitals, doctors, and insurers. That's the system we want.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I hope the tenor and substance of the debate we have in this House over the next few days will be worthy of the American people and reflect well on this Congress.

Many of us believe we should focus our efforts here today on measures to help put people back to work, rather than on a bill that takes away important patient and consumer protections. And we don't think it makes a whole lot of sense to debate a bill that, thankfully, will go nowhere in the Senate and would certainly be vetoed by the President. However, the Republican majority is entitled to use its time here as it chooses. And while we believe we should be doing that focused on jobs, perhaps this debate will clear up many of the myths and misinformation about the health care law that was signed by President Obama.

I'm interested to hear my colleagues say that they can identify with all the

problems in the health care system. Between the year 2000 and year 2006, premiums in this country doubled, health insurance company profits quadrupled, and this Congress did nothing. Why not put your plan on the table first so everybody can see it before you begin taking away the important patient protections in this bill taking effect just since last March? And within that 9-month period, that law has made an important and positive difference to millions of Americans.

In fact, we wish our Republican colleagues would take a few days, maybe even just a few hours, to have congressional hearings to listen to those individuals and families. The new Republican majority said it wanted to listen to the American people, but it has not invited a single American outside this Congress to a hearing to testify on the repeal bill we are debating today.

As a result, we on the other side of the aisle have had to schedule an unofficial hearing. It's going on right now, not 100 yards from where we debate, in the Capitol Visitor Center. And I encourage all of you to drop by, because if you do, you're going to hear some stories. You're going to hear the stories from moms and dads of young people who will tell you how they are relieved that their sons and daughters are no longer kicked off their insurance policies when they turn age 22 or graduate from college and cannot now stay on their parents' insurance plan until the age of 26. As a result, if their 20-year-old child gets sick or hit by an automobile or another terrible accident, they can get care without the family going bankrupt.

You will hear from moms and dads with kids who have cancer, asthma, diabetes or other preexisting conditions telling you they're relieved that finally insurance companies can't deny their children coverage because of preexisting conditions. And you will hear from senior citizens who are unable to pay for the huge prescription costs of their bills, and then as of January 1 of this year, they are getting a 50 percent discount and they can afford to pay for the medicines their doctors say they need.

You will hear from small businesses. The number of small businesses using the tax credit has exceeded everyone's expectation. You will hear from those small businesses saying they can now afford to purchase affordable coverage for their employees and, as a result, hire more people. You would hear all that and more.

That is why it is such a mistake, it's an historic mistake, to take away these patient protections and throw these individuals back over to the whims and the many abuses of the insurance industry. There's no doubt that the insurance industry will be popping champagne bottles if the health care law was ever to be repealed. Let's put the interests of our

constituents, patients and consumers first in this debate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield myself an additional 30 seconds.

And let's make sure that as we do this, we tackle the deficit and the debt. I listened to my colleague talk about the debt, but we all know that the independent, nonpartisan Congressional Budget Office in a letter to Speaker BOEHNER dated January 6, 2011, indicated that repealing this bill will increase the deficit by over \$200 billion over the first 10 years and by another \$1.2 trillion over the second 10 years.

□ 1510

Our colleagues have criticized those findings, but they're the same people who they applauded when the numbers came back their way.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to a new member of the committee but a senior Member of Congress, the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in support of H.R. 2, a bill that would repeal the disastrous government takeover of health care.

The more we learn about the new health care law, the more we understand how devastating it will be to our economy. Already employers across the country have suffered increases in their health premiums as a result of the health care law, yet we were told that the law would bend the health cost curve downward.

We were told that the bill would reduce the deficit by \$143 billion over 10 years. However, we now know that the figures given to the CBO did not accurately reflect the law's real costs. When you add back the \$115 billion needed to implement the law and subtract the bill's double-counting of revenue and other budgetary gimmicks, the true cost is a staggering \$700 billion over 10 years.

We were told the bill would protect the uninsured; yet all it does is roll them onto Medicaid—a low-performing program that has resulted in more people turning to the ER for their medical needs.

We were told this bill would help seniors; instead, it guts Medicare Advantage leaving 50 percent of beneficiaries on the verge of losing their current coverage. What happened to the promise that if you like your health care plan, you can keep your health care plan?

In addition to all the false promises, the health care bill will impose \$52 billion in new taxes on businesses. Our economy relies on the ability of businesses to grow, hire, invest and succeed. The new taxes will devastate our

economy and turn the American Dream into a nightmare.

The bottom line is that we cannot afford this new health care law, no matter how well intentioned. We must repeal ObamaCare and replace it with legislation that decreases health care costs, increases competition in the marketplace, maintains the sanctity of the doctor-patient relationship and truly helps those without insurance.

I urge my colleagues to vote in favor of H.R. 2.

Mr. VAN HOLLEN. Mr. Speaker, I yield 2½ minutes to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I rise to speak very forcefully, I hope, about the importance of proceeding with the health care bill, the health care law that we had in place and the critical protections that it is providing to literally millions of Americans in each and every one of our districts; and each of us, I think, have heard from them.

The new health care law reduces the deficit. We're here talking about, from the Budget Committee, it is going to reduce the deficit while promoting more efficient and higher quality care. Reducing the deficit and slowing the growth of health care costs means real savings to American families, American businesses and to the Federal Government. And yet their first major act in the majority, congressional Republicans want to repeal this law.

Repealing the protections for Americans with preexisting conditions. We just heard this morning the Washington Post reported on a study that says that one-half of all Americans under the age of 65 have a preexisting condition. So this isn't just about a few of us. Really it's about almost all of us. We all know someone and we may all love someone who has a preexisting condition. If Republicans got their way—and they will probably in the House but fortunately not in the Senate—they would repeal the protections for Americans with preexisting conditions, or for children who can now already be covered. They will repeal the new law that says annual limits for coverage if you have cancer will be repealed. They will repeal the prescription drug benefits for our seniors, and will repeal tax credits for small businesses. And in doing so, they will add to the cost for American taxpayers.

Let's be clear on what this means. Repeal increases the deficit by \$252 billion over 10 years and \$1.4 trillion over 20 years. Repeal reverses progress in getting health care costs under control, causing families and businesses and, yes, the government—which really means the taxpayers—to face higher health care costs. It repeals benefits for millions of Americans, important consumer protections and insurance reform, such as making sure that the children with preexisting conditions have coverage.

And the repeal means starting over. We're going to hear it over and over again, I think, over the next 7 hours. What starting over means is no consumer protections and months and maybe years of just talk, possibly no action, while the costs go up for American businesses, go up for our families and go up for our Nation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield the gentlelady an additional 30 seconds.

Ms. SCHWARTZ. Let's be clear that the new rules allow the Republicans to do this, but it's going to cost trillions of dollars to our budget and it's going to cause greater suffering for the American people. So it's a wrong course of action. Let's not repeal this bill. It will hurt Americans, it will hurt our economic competitiveness, and it will hurt the fiscal condition of this nation.

I encourage a "no" vote.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 3 minutes to address some of the charges we've heard.

Number one, they're saying this is a jobs bill. Half a trillion dollars in tax increases creates jobs? That mandates the taxes, that creates jobs?

Others have been saying, well, this isn't going to pass the Senate and the President's not going to sign it, so why bother doing that. If that's the logic we take on every bill we bring to the floor, then we ought to just go home. We think it's important to define ourselves with our actions, and that's why we're acting. We think this law should be totally repealed, and that's why we're doing this.

Let me speak to the fiscal house of cards as represented by this law. The minority is saying, This reduces the deficit. Just look at the letter from CBO to Speaker BOEHNER. It reduces the deficit by \$143 billion over 8 years; \$230 billion over 10 years.

It does that if you manipulate the CBO. I've heard charges of Enron accounting. The only Enron accounting that's been employed here is the previous majority gave the CBO a bill full of smoke and mirrors and made them score that.

Well, here's what the CBO says, if you take away the smoke and mirrors. If you take away the fact that there's \$70 billion in CLASS Act premiums that are being double-counted; \$53 billion in Social Security taxes that are being double-counted; \$115 billion in new appropriations required to hire the bureaucracy that wasn't counted; \$398 billion in Medicare cuts that are being double-counted; and oh, let's not forget the fact that we're going to do the doctor fix, \$208 billion, that we just discredited and ignored.

When you take away the smoke and the mirrors, this thing has a \$701 billion deficit. If you don't believe me when I say it that way, how about this way: The CBO says this raises the debt.

Now, how is that different where they say on one hand the bill lowers the deficit but on the other hand it raises the debt? Because when the CBO looks at whether or not a measure raises the debt, they can look at everything. They look at the interplay of all fiscal policies to determine its effects on the debt. When they score a particular bill and its effects on the deficit, they look at what you put in front of them, all the smoke, all the mirrors, the double-counting, the noncounting, the discounting, and they give you that answer.

So if this bill actually lowers the deficit, how on Earth can it then increase the debt? You know why? Because you have to play a phony trick with all this double-counting to do that. What does this bill ultimately do when you really look at it all? This bill blows a hole through the deficit. When you look at the first 10 years, this bill is a \$1.4 trillion increase. That's because you have 10 years of tax increases and Medicare cuts to pay for 6 years of spending. But when you actually look at the full 10 years of implementation of this law, \$2.6 trillion in spending. \$2.6 trillion.

Mr. Speaker, let me just say this as far as jobs and the effects of this health care bill. I had a very alarming conversation with a very large employer in Wisconsin not too long ago, a privately held company with thousands of employees. She takes good care of her employees.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 20 seconds to say this.

She said to me, I believe it's my obligation to offer health insurance to my employees, but my two competitors, my publicly traded competitors, have already said they're dumping their employees. Instead of paying \$17,000 a year for employee health care, they're going to pay a \$2,000 fine. That's a \$15,000 difference that her competitor will have as a competitive advantage against you.

So what did she say? "I have no choice. I'm dumping my employees into this exchange." And thousands of employers are making the same decision. This should be repealed.

With that, Mr. Speaker, I reserve the balance of my time.

□ 1520

Mr. VAN HOLLEN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it is interesting to hear this attack on the CBO numbers that came out when many of my colleagues on the other side of the aisle just 9 months ago, when the CBO was reporting deficit numbers and the cost of the bill, were singing CBO's high praises. Now let's look at some of the items that were just mentioned. Let's look at the doctor fix payment. Let us look at

the SGR. We know that has been an issue that has been with this House for years and years. It has nothing to do with the health insurance reform bill that was signed by the President. We are going to have to deal with that issue whether we had health insurance reform or didn't have health insurance reform. And, Mr. Speaker, they know that.

We also heard that we front-loaded the revenue in this bill and disguised the out-year costs. If that were the case, how is it possible that CBO would say that it actually reduces the deficit by more in the second 10 years than in the first 10 years?

The fact of the matter is this bill will increase Social Security revenue as employers provide more of their compensation in the form of wages that are subject to payroll taxes. Double counting is not the issue. The fact is it reduces the deficit, and CBO says that.

Now, CBO is the independent referee that we use in this body. They are like the guy on the football field, the referee, who calls the plays, calls when there are penalties and no penalties. Sometimes we like the call and sometimes we don't. But it is an unprecedented step to say that we are going to totally ignore the decisions and judgment of the independent CBO and we are going to replace that with our judgment for the purposes of deficit reduction calculations in legislation that goes to reducing our debt. That is a recipe for budget anarchy. It is a recipe for fiscal chaos. We should not go down that road.

The CBO has been very clear that the fiscally responsible thing to do is to move forward with the law in its place. We obviously can fix things as they come up that need to be addressed, specific items. But to repeal this wholesale will—the folks that we rely on as the independent, nonpartisan judges here say that repealing this bill as our colleagues are proposing to do will add \$1.4 trillion to the deficit over 20 years.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. I yield myself 10 seconds simply to say that if the doc fix should be considered outside, then why did the Democrats have it in their bill in the beginning?

Secondly, either we are financing this entitlement or raiding the Social Security and Medicare funds—you can't do both. If you are going to fund the entitlement with these revenues, then you are consigning to raid Social Security and Medicare.

I yield 2 minutes to the gentleman from Michigan (Mr. AMASH), a new member of the committee.

Mr. AMASH. Mr. Speaker, the Founders were keenly aware of the threat a powerful and overbearing Federal Government poses to our liberty. With this concern in mind, they wrote a Constitution that created a Federal Government with limited powers.

Later they proposed the 10th Amendment, which reserves to the States or the people powers not delegated to the Federal Government.

The debate we are having today goes beyond health care, although there is no doubt health care coverage is an important and difficult issue. What we are discussing today goes to the core of our Constitution's design. It asks Members of Congress whether we take constitutional limits on our power seriously.

We have all witnessed everyday Americans' renewed interest in the Constitution. As they have asked tough questions about the constitutionality of this law, the law's proponents have tried to dress up their answers in constitutional language.

They say Congress's power to tax upholds this law. But when this law originally was being considered, those same proponents were the first to claim the bill included no new taxes. They try to find support in Congress's power to regulate interstate commerce. If forcing Americans to start commerce is the same as regulating existing commerce, it would have been news to the Founders.

Finally, grasping at clauses, they claim Congress can do anything that is in the general welfare of the country. If this law is constitutional, if Congress has such broad power, our limited Federal Government will become limitless, and all without changing our Constitution or the approval of the Americans whom it protects. It is not just for the courts; it is our duty as a Congress to pay attention to the Constitution and its limits on our power.

I urge we repeal this unconstitutional law.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise as a member of the Budget Committee to oppose this deficit-busting repeal, and I want to speak today on behalf of Suzanne from Vienna, Virginia.

Suzanne's daughter suffers from a debilitating neurological disease. Before health care reform, Suzanne and her husband could not get health insurance for their daughter because, through no fault of her own, she, like 129 million other Americans, had a preexisting condition.

While many of those Americans wait to see if their insurance company will deny them, Suzanne, unfortunately, already knew. She was willing to pay for health insurance to protect her daughter; the insurance companies said no and wouldn't insure her daughter at any price. Suzanne had no option until we created high-risk insurance pools under health care reform. Suzanne's words to me after health insurance reform passed were, Now at least we have hope for the future.

Voting for this repeal will take away that hope, throwing Suzanne's daughter off of insurance. I urge my colleagues to remember Suzanne's daughter and the other 129 million Americans like her and vote against this repeal. Do not take away their hope.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. MULVANEY), a new member of the Budget Committee.

Mr. MULVANEY. I rise in favor of this bill.

I can't tell you how excited I am to hear the language coming from the other side of the Chamber this evening. I am hearing discussions about the importance of cutting deficits and the importance of keeping spending in line. It makes me wonder, Mr. Speaker, what has been happening here for the last several years. At least when it comes to this side of the aisle, I think we have been consistent with that message over the course of this debate. I don't know where the other side was when we got the information that said this bill actually cost trillions of dollars. I don't know where this attitude about being fiscally responsible was when we got information from the chief actuary at Medicare and Medicaid who said this bill was unsustainable in its spending. I don't know where they were with this attitude when we heard from that same body that this bill actually raised the cost of health care versus not passing the bill.

But, Mr. Speaker, I am extraordinarily excited to hear this level of discussion because, as a member of the Budget Committee, I look forward to this level of debate continuing beyond this bill, beyond the health care discussion and into the upcoming discussion on the budget because my guess is if we have this level of discussion on health care, then the budget will be an easy, easy debate this year, and we will be able to make dramatic inroads to cutting our spending.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, in the long rich history of Congress, when a prior Congress passes a piece of legislation, the prudent step is to look at that legislation and agree on making the changes on what doesn't work. I think to come today and just say to repeal and not have a health plan in place is not a prudent plan to take. We have to see what works and what doesn't work, and I think that would be the prudent step to take today.

We have to focus on the deficit and focus on jobs. Deficit is important. I think we can come together and work in a bipartisan approach. Jobs, we certainly have to look at. But to just come in and say this is something that kills jobs is not the right step to take.

If you look at, for example, the FNIB Research Foundation, when they

looked at this piece of legislation, they said that a number of health care profession jobs would be created by this legislation. This is something that we need to look at. Again, the prudent step is to look at what works and what doesn't work. Mr. Speaker, that is what we need to look at.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 90 seconds to the gentleman from Oklahoma (Mr. COLE), a new member of the Budget Committee.

Mr. COLE. Mr. Speaker, I rise to support H.R. 2, the repeal of last year's so-called health bill. The American people, quite frankly, have never liked this bill, as they demonstrated last November. You can't find a poll where it cracked 50 percent in approval. And those wanting to repeal it have generally always been above that mark.

The bill itself may be unconstitutional. Over 20 States are now challenging it in Federal court. It is certainly likely to be unworkable. The creation of dozens of boards, agencies, and commissions with rulemaking authority, the fact that hundreds of companies have already asked for waivers under the legislation, suggest it is going to be a bureaucratic nightmare.

□ 1530

Finally and most importantly, the bill itself is fiscally irresponsible and unsustainable. The idea that we would take hundreds of billions of dollars out of Medicaid and Social Security and Medicare at a time when the baby boomer generation is beginning to retire is simply irresponsible. I am all for saving money in Medicare, but when we do, those savings are going to be needed to sustain Medicare.

So I urge this House to take the fiscally responsible course—repeal this bill and start over, and give the American people the health care bill they deserve and the health care bill they can afford.

Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to oppose the Republican majority's callous attempts to repeal the Affordable Care Act. Reform has already made a dramatically positive difference for millions of our constituents and small businesses while tackling our ballooning national debt.

We in Congress must continue doing all that we can to support American families and businesses as we emerge from this recession. Democrats have pledged to measure all legislation by a proposal's success at creating jobs, at strengthening the middle class, and at bringing down the deficit. Unfortunately, the Republican majority's attempts to repeal the Affordable Care Act fails on all such counts.

Repeal would hurt small businesses, canceling \$40 billion worth of tax cred-

its to help employees afford coverage. Repeal would stall middle class job growth, as one-third of small business owners told the small business majority they were more likely to hire new employees as a result of reform. And of course repeal would deepen our already exploding deficit, increasing it by \$230 billion in the next 10 years and by more than \$1 trillion in the following decade.

Many of my colleagues across the aisle have rebuffed this analysis from Congress' own budgetary referee, the Congressional Budget Office, because it doesn't fit the Republican narrative or campaign promise to tackle the deficit. However, while they may be entitled to their own opinions, they are not entitled to their own facts.

Health care repeal is the epitome of fiscal irresponsibility, and it counters our most basic American values: life, liberty, and the pursuit of happiness. We lose life when insurance companies can freely drop those who are sick from coverage. We lose liberty when our seniors have to choose between medications and groceries. And we lose the pursuit of happiness if we return to the days when only job security guaranteed health security.

Our fiscal decisions, Mr. Speaker, must be a reflection not only of our economic future but of the statement of our most central national values. By ensuring that Americans have vital coverage rather than cruelly denying it to them, we can live up to the dreams of liberty and justice for all.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP), a member of the Budget Committee.

Mr. HUELSKAMP. Mr. Speaker, as a result of this law, employers across America have discovered that onerous reporting requirements will force them to file 1099 forms for every vendor with which they do \$600 worth of business. This past weekend, I visited with an accountant in my district who indicated he would have to expand his staff by 25 percent to accommodate all the extra redtape and paperwork.

Mr. Speaker, this is not the type of job creation American envisioned.

Additionally, businesses and labor unions alike have realized that ObamaCare is a bad deal, and at least 222 have sought waivers from having to comply with the law. HHS Secretary Kathleen Sebelius has approved special privilege exemptions for dozens of labor unions and the half a million union members they cover. Even more troubling is that Secretary Sebelius has been tardy in responding to a FOIA inquiry regarding the secretive details of these waiver requests.

Fortunately, rather than selective waivers for the politically connected, we have a universal remedy—repeal the law.

I urge my colleagues to heed the calls voters made last year during the debate and at the ballot box.

Mr. VAN HOLLEN. Mr. Speaker, I would remind the gentleman that this body voted on a majority basis to repeal the 1099 provision.

I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the choice here is whether to give more money to insurance monopolies or to leave just a little bit in the pockets of middle class Americans. But for House Republicans, always putting insurance companies first seems to be a pre-existing condition.

This bill isn't repeal and replace; it is repeal and forget—forget the health care needs of millions of Americans, forget the hundreds of billions of dollars that with this repeal they add to our Federal debt.

Within a year, Allison, a 23-year-old from Bastrop, Texas, who is completing her college degree while caring for her mother as her mother faces another round of breast cancer, would lose her health insurance.

Emily, from Wimberley, who is battling cancer herself, would now face lifetime limits on what doctor-recommended care her insurer will pay for. Of course, if her husband loses or changes his job, she won't have any insurance at all.

Charlotte, an Austin senior, would have to pay more for prescriptions and preventative health care, while Republicans reduce the solvency of the Medicare Trust Fund by more than a decade.

Family budgets would be crushed by this bill as health care costs remain the leading cause of credit card debt and bankruptcy. This same devastating Republican bill would also hike the Federal debt. That's why Republicans have rejected pay-as-you-go budgeting and instead will borrow from the Chinese to pay for this legislation.

Yes, repeal is a priority for the insurance companies and their apologists, but neither our family budgets nor our Federal budget can afford it. I believe that every American is entitled to a family doctor, not to an appointment with a bankruptcy judge because of soaring health care costs.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 90 seconds to a member of the Budget Committee, the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Speaker, I rise today in support of H.R. 2.

A few months ago, I visited with a small business owner in Oklahoma who has five employees but whose health care costs for 2011 will go up by 50 percent. When he asked about that, the reason he was given was: the cost of implementing the new health care law. Another business owner told me he would not hire new employees until he could figure out what the cost of health care is going to be, so he will just stop hiring.

While some in this Chamber talk about universal coverage and cost con-

trols, many people in my district are frustrated with this so-called "solution." Every person should control his own health care option and opportunities. Every young student should have the motivation to go into medical research and the practice of medicine. As our population ages, every doctor should have greater incentives to take on Medicare patients.

We need to deal with the root causes of health care costs and not just move the costs to the States and put in price controls on doctors and hospitals. Shared pain is not what America was looking for. America was looking for solutions. The new health care law will create long-term budget issues in the days to come. From a budget perspective, you can cook the numbers all you want, but this bill will dramatically increase our Federal debt again.

We need answers, not bigger problems. This is the United States of America. I believe we can do better than this. It is time to repeal this law and start the hard work of solving the cost issues of health care delivery.

With that, sir, I urge my colleagues to support H.R. 2.

Mr. VAN HOLLEN. Mr. Speaker, if I could inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from Maryland has 3½ minutes remaining, and the gentleman from Wisconsin has 5½ minutes remaining.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, tomorrow we will vote on H.R. 2, the Republican health care bill. This bill is another example of actions speaking louder than words.

Now, many of my Republican colleagues have said they support certain health care reforms: a ban on pre-existing condition discrimination, allowing young adults to stay on their parents' health policies until age 26, closing the prescription doughnut hole, and eliminating lifetime limits on coverage.

They could have crafted this bill any way they wanted. They could have guaranteed any or all of just those important provisions—those protections—they claim to support, but they didn't. They could have ensured that, by 2016, annual health care premiums for the average American wouldn't be \$24,000 and that, over the next decade, small businesses wouldn't lose more than \$52 billion in profits.

They could have crafted the bill that way, but they didn't. They can say whatever they want, but the truth is that the Republican plan is no care—no matter how desperate or how dire your diagnosis, no matter if the alternative saves money, saves jobs and saves lives.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Mr. Speaker, I rise today in support of repealing this simply job-destroying health care bill.

What we want to do is replace it with a piece of legislation that addresses three main tenets: one that will grow our economy, one that will bring down costs, and one that is basically constitutional.

In the area of jobs, you know, I remember when Minority Leader PELOSI, then Speaker PELOSI at the time, said this bill would create 4 million jobs and 400,000 of them immediately. All the same, the CBO was saying, "It is likely to reduce employment."

□ 1540

So instead of encouraging America's leading job creators, this takeover of health care hurts small businesses with more taxes, more mandates, and higher health care costs on those small businesses. We need to do this and work together in a bipartisan manner in a way that will help our small businesses.

In the area of cost, additionally, this health care bill is deficient in that it fails to address bringing down costs. As companies have begun to digest this health care bill, costs have only risen. CBO has found that this law will actually increase health care premiums by as much as 10 to 13 percent.

Now, one of the areas that I looked at—and I've heard from a lot of people in the medical community and I've asked them, What is one major thing you would have liked for us to put in this bill? And that is tort reform, but it's missing in this legislation. It is imperative that any serious reform of the health care system take a very hard look at the issue of medical liability reform. Unfortunately, this bill fails in that regard, too.

Finally, in the area of constitutionality, while the Constitution grants Congress the authority to regulate commerce among the several States and the Supreme Court has long allowed Congress the ability to regulate and prohibit all sorts of economic activity, this bill goes even further because, for the first time in the history of the U.S. Government, we are regulating inactivity. For the first time, Congress has mandated that individuals purchase a private good approved by the government as the price of citizenship.

On the first day of Congress, I introduced a bill, H.R. 21, the Reclaiming Individual Liberty Act, legislation which would take out that individual mandate, because, while I believe Congress has the ability to pass legislation which I believe is bad policy, I do believe it is wrong to pass unconstitutional legislation.

Mr. VAN HOLLEN. Mr. Speaker, I notice the gentleman mentioned CBO. What CBO said in that regard was that, because of the exchanges, there would be some people who would not seek

their health care through employment. They would be liberated to be able to get it through the exchange. I'm glad the gentleman confirmed the importance of CBO numbers.

Mr. Speaker, I yield 1 minute to my colleague from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I was going out to dinner the other night, and as I was walking in, one of the young folks who was working there walked up to me and said, Sir, can you tell the new leaders in Congress about my story?

The story was that he is a 25-year-old kid who is working at a restaurant and has seizures and could not get any medication, could not get any health care coverage, but because of the law that was passed here last year, this young person now can get the medication, can stay on his parents' health care, and now is a productive member of society.

I know my friends on the other side have said things like, well, this employer said their insurance was going up 50 percent. That's been going on for decades now, especially in the last decade. This is going to fix that. I know my namesake from Wisconsin also said there are some employers who are going to have to let their people go into the exchange because their competition is going to let people go into the exchange. The bottom line is people were dumping workers for a decade and there wasn't an exchange. Now there is an exchange that these people will have some remedy and ability to get health care.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, the central promises of ObamaCare were that it would bend health costs down and wouldn't threaten existing plans. We now know that both of these claims were false.

The CBO warns us that the law will increase average private premiums by \$2,100 within the next 5 years above what they would have been without ObamaCare. The administration's own actuary admits that the law bends the cost curve up—not down—by \$311 billion over the next 10 years.

We now know that many existing plans are, indeed, jeopardized and that scores of companies that have been offering their employees basic plans have either dropped them or are continuing them only with waivers left to the whims of administration officials. But the most dangerous provision of this law is the Federal Government's assertion that it now has the power to force every American to purchase products that the government believes they should purchase whether or not they want them, need them, or can afford them. If this President prevails, the Federal Government will have usurped

authority over every aspect of individual choice in the care of our families and can logically extend that power to every other commodity in the market.

The tragedy is that every day we continue down this road is a day we have lost to address the real problems in our health care system: the spiraling costs of malpractice litigation and defensive medicine, the loss of the freedom to shop across State lines, the loss of the freedom to tailor plans to the needs of individuals and families, and the absence of the tax advantages that families need to afford and choose their own health plans according to their own needs.

Churchill said all men make mistakes but wise men learn from them. Mr. Speaker, the American people understand that ObamaCare was a huge mistake. Let us acknowledge that, learn from it, and move on to enact the reforms that will reduce health costs and increase health care choices for American families.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank my colleague from Maryland.

Mr. Speaker, this past year, around June, I was speaking to a woman who is a single mother. She has two young children. She is a real estate agent, and it has been tough in California. But through all of that, she managed to pay her premium to have health care for herself and for her two children.

In June, her daughter, for the first time, had an epileptic attack, and she didn't know what to do. She was scared to death. So she took her to the hospital and her daughter got better, but of course her daughter will have more of these. One month later, she found out that her daughter would not be covered any longer by that health care plan, and so she has been paying about \$1,700 out of her pocket for her daughter and her medications and all.

She came to me and I said, well, this is what the reform is about. This is what health care reform is about. It's about taking care of our children and our families. And I told her that her daughter would now be covered. If this was your daughter, you would not repeal this health care reform.

Mr. VAN HOLLEN. May I inquire, Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Maryland has 15 seconds remaining.

Mr. VAN HOLLEN. Mr. Speaker, all the charts in the world can't wish away the CBO letter of January 6 of this year which says that the premiums will go down in the employer market, that people, on average, will pay less in the individual market, and that this legislation will reduce the deficit and the debt over the next 20 years. Again,

that is the call from the nonpartisan experts we have. We shouldn't be substituting our judgment for theirs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we have already fairly well established the fact that when you strip out all the budget gimmicks and all the double accounting, ObamaCare is a budget buster. But let's take a look at where we are as a country.

We have a debt crisis coming in America, Mr. Speaker, and the primary reason why we have this mountain of debt is because of our already existing health care entitlements which have a massive unfunded liability. So what did the previous majority do? They just put two new unfunded, open-ended entitlements on top.

Now, a lot of people on the other side of the aisle said health care is a right and we are giving it to the people. Well, if we declare such things as a right to be given to us by government, then it's government's right to ration these things; it's government's right to regulate these things; it's government's right to pick and choose winners and losers. Health care is too important for that. I want to be in control of my and my family's health care. I want individuals to be in control of their health care and their destiny.

We have to ask ourselves when we create these new programs how much of our children's future and our grandchildren's future are we willing to sacrifice to give them this mountain of debt that is getting worse by the passage and creation of this law. This, of all reasons, is why we should vote to repeal.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1550

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I support this legislation that repeals the Democrats' job-stifling, cost-increasing, freedom-limiting health care law.

This bill would repeal a requirement that every individual buy a certain kind of health insurance. The Congressional Research Service confirms that the Federal Government has never forced all Americans to buy any good or service—until now.

This mandate violates Congress' powers under the commerce clause if our Constitution of limited Federal powers means anything. It's a major reason to repeal the health care bill.

One particularly costly part of our health care system is the practice of

so-called defensive medicine, which occurs when doctors must conduct tests and prescribe drugs that are not medically required because of the threat of lawsuits. Taxpayers pay for this wasteful defensive medicine, which adds to health care costs.

The Democrats' health care law goes exactly the wrong direction. Incredibly, it contains a provision that prohibits any new limits on litigation from being enforced because it allows lawyers to opt out of any system that limits their ability to sue. This is contrary to the best interests of all Americans—except trial lawyers. The health care bill can only be read as an invitation to trial lawyers to sue medical personnel. That's another reason to repeal this health care bill.

The Democrats' health care law will produce more litigation and more costly health care. Those are two good reasons we should repeal it.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 3 minutes.

Ladies and gentlemen of the House, I am very pleased to defend what has been not intended as a compliment, but to defend the so-called ObamaCare bill. President Obama is going to go down in history for having taken 54 million people, according to the CBO, off the rolls of the uninsured and given them insurance.

I've been looking over my congressional district over the King holiday and talking to a lot of people about health care. I haven't found one parent in the 14th Congressional District that didn't like the idea of having their children remain on their health care policy until age 26. Have you found anybody that would like not to have their children extended until 26? Please see me after this debate, because we've got so much to be proud of.

And what are we talking about? Pre-existing illnesses not being a basis for being denied insurance or a reason to kick one out of a health insurance policy. These are good things.

I am amazed by the fact that people say this bill is going to cost jobs. Well, the CBO says it's going to cost us \$230 billion to repeal the bill. Please, could we be a little more fiscally conservative in this body as we rush to repeal this bill?

The question of constitutionality is a very interesting one for the Judiciary Committee, a matter we are going to go into further. But we've found a very good set of arguments about the ability of this bill to be totally within the framework of our Constitution. Come on. We already have Medicare. Who do you think runs that? We already have Medicaid. What about Social Security?

Mr. Speaker, the issues here are simple.

The health care bill that Republicans attack today ensures that millions of Americans have access to essential medical care.

It enables businesses to provide health care to their employees—which protects and creates the jobs we so desperately need.

It protects Americans from notorious insurance company practices like denying coverage to those with pre-existing conditions and children with birth defects.

It stops insurance companies from dropping your coverage when you get sick.

And it takes critical first steps towards getting health care costs under control, cutting hundreds of billions of dollars from the deficit. Everyone in America who gets health insurance through their work has seen premiums and co-pays skyrocket year after year. Those increases afflict our entire health care economy. Before we passed the Affordable Care Act, they threatened to engulf the entire federal budget. Those who would repeal this law are simply not serious about our debt.

COSTS OF REPEAL

Repealing this bill would undo all these profound public policy achievements. And towards what end?

Repeal would add 54 million people to the rolls of the uninsured. Is that what the new majority wants as their first legislative act?

Repeal would permit health insurers to resume discriminating against those with pre-existing conditions. Does the new majority want to tell women who have survived breast cancer or children with birth defects that they are not allowed to buy health care?

Repeal would lead to millions of young people being dropped from their parents' insurance coverage. In this economy, with work and the health insurance that comes with it so hard to find, does the new majority really want to kick these children off the insurance rolls?

And finally, repeal would add more than \$230 billion to the near term federal deficit. Is that what the new majority has in store for the American taxpayer?

The majority apparently feels that all these costs are acceptable, because they will "replace" the health care bill with something else. But that is simply not credible.

After all we went through to pass this bill, it obviously would be no simple thing to draft a replacement. So if the majority is serious about wanting to improve our health care system, at the least they should hold off on repealing the current law until their replacement actually exists. Voting now suggests the true motive here is the politics of health care, not the policy.

During the health care debate last year, we saw the Republican approach—and it simply does not improve our health care system. Indeed, in November of 2009, the Republicans put forward their own plan which the non-partisan Congressional Budget Office found would cover only 3 million people. That meant that for the 54 million people left without the ability to afford insurance, the Republicans' "No Care" plan provided exactly that—no care; no hope; no security.

CONCLUSION

There may be no issue that comes before the Congress that more clearly demonstrates the different priorities of the parties.

Based on today's proceedings, it is clear that the new Republican majority stands for protecting insurance companies, exploding the national debt, and playing to the extremes of their base.

The Democratic minority, on the other hand, stands for affordable health care for all, hold-

ing insurance companies accountable, and responsibly addressing our long term financial challenges.

I urge all Members to vote against repeal of the landmark health care reform law.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Crime Subcommittee of the Judiciary Committee and also a former chairman of the Judiciary Committee itself.

Mr. SENSENBRENNER. I thank the gentleman from Texas.

Mr. Speaker, as each of us have traveled back to our districts over the past several months, we've heard from our constituents—from seniors to families to small businesses—speaking out convincingly. They demanded that this new Congress focus on legislation that encourages job growth, cuts spending, and shrinks the size of government. What better way to start than by repealing the President's trillion-dollar health care law, a massive new government intrusion into Americans' health care which promises to skyrocket costs even further. Our immediate action today demonstrates that we are listening.

This is not to say that reforms aren't necessary. We must improve our health care system. We must enact sensible reforms that address the core problem—the rising cost of health care—without increasing the size of government. We must enact real medical liability reform, allow Americans to purchase health coverage across State lines, empower small businesses with greater purchasing power, ensure access for those with preexisting conditions, and create new incentives to save for the future health needs. Republicans want health care reform; however, we must reform it the right way.

Today, we take a much-needed first step. America deserves legislation that addresses our health care problems and helps our economy prosper. This bill is the first step to do that, and I urge my colleagues to vote in favor of it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to a senior member of the Judiciary Committee, Ms. SHEILA JACKSON LEE of Texas.

Ms. JACKSON LEE of Texas. There is nothing that one can do when you're debating this bill than to be civil and to respect the American people, who, many of them, are in the jaws of terrible disease, rehabilitation, or maybe some have already lost their lives. And the repeal of this health bill, just a couple of pages, would sentence people possibly to dying. H.R. 2 talks about jobs when we're talking about lives.

So I think it is important that we follow what the repeal of this patient protection and health care bill does—end consumer protection, patient protection. And I think it is important for

us to be able to hold this Constitution and prove that the Affordable Care Act is constitutional.

Well, I could say that there are 1.1 million jobs already created, that the deficit will blow up \$143 billion, a trillion over 20 years. But I really want to refer to the 14th Amendment that allows and guarantees you equal protection under the law.

If this bill is repealed, Ed Burke, a hemophiliac, will probably have serious health issues because he would have lifetime caps. Or Mr. Land, who was on my health care teleconference—where 18,000 people in Harris County were contacted—maybe he, who is from a family of schizophrenics and people who have children that have schizophrenia, maybe he would not be guaranteed the equal protection under the law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman 15 seconds.

Ms. JACKSON LEE of Texas. Thank you so very much.

Maybe they would not be able to withstand this onslaught on their rights because the Constitution guarantees them equal protection. And some who have insurance and some who do not would not be treated equally.

And finally, let me say that in Texas, the Department of Insurance has said that this bill helps Texans.

I hope my colleague from Texas will vote not to repeal this bill. I will vote "no" on the repeal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to not traffic the well when another is under recognition.

□ 1600

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), who is a senior member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas, the chairman of the Judiciary Committee.

It is a pleasure to serve on this committee and come here and speak in support of the repeal of ObamaCare. It's something that I have worked on every day since it passed last March. It's legislation that I introduced, actually asked for the draft the same day that it passed. People thought that we couldn't get to this point. We are.

But this is Judiciary Committee subject matter. And the bill didn't go through the Judiciary Committee. We didn't address the tort reform that's so essential if we're going to do something to put health care back on track here in this country. And when I look at this, and serving on the committee, I believe it was in 2005 we passed legislation in the House that addressed the lawsuit abuse that drives up the costs

of our health care. It didn't get taken up in the Senate. And here we are with a huge ObamaCare bill, ready to vote to repeal it, and part of the discussion needs to be why didn't it have tort reform in it. We are prepared to take a look at this as we go forward.

When I look at the numbers that are produced in part by the health insurance underwriters, they and others will tell me that somewhere between 3.5 and 8.5 percent of the overall cost of our health care goes because of lawsuit abuse and the defensive medicine that's associated with it.

I have a friend who is an orthopedic surgeon who tells me that 95 percent of the MRIs that he orders, he knows exactly what he is going to see when he gets inside to do the surgery, but he has to order them anyway to protect himself from that 5 percent that might end up being in litigation. And he said that in his little practice that's an additional million dollars a year in unnecessary tests. That's just one small piece of the lawsuit abuse that drives up the costs of health care that we must address if we're going to have managed costs.

And then the other component that is a Judiciary Committee component of this ObamaCare legislation that is about to have a vote on repeal here that we are debating is the components that are unconstitutional. The individual mandate is the most egregious component of ObamaCare that compels Americans to buy a policy produced or approved by the Federal Government.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to a former subcommittee chairman of Judiciary, the gentleman from Georgia, HANK JOHNSON, to defend the ObamaCare legislation.

Mr. JOHNSON of Georgia. Thank you, Mr. Ranking Member.

I rise in opposition to the repeal of health reform. Repeal of health care reform would strip 32 million Americans of health insurance, including 139,000 residents of my district. Repeal will allow insurers to discriminate against people with preexisting conditions and reopen the doughnut hole, which would devastate Joseph Williams, a former corrections officer in my district who relies on Medicare for his prescription drugs. I will be voting against repeal, and I urge my colleagues to do the same.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), who is also the chairman of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH).

Mr. Speaker, when we debated health care reform during the 111th Congress, I made the statement that we need to fine-tune the engine, not overhaul it. I reiterate that theory today.

President Obama, in my opinion, elevated health care to the number one issue facing America, mistakenly so, in my opinion. I think the number one issue facing America then and now involves jobs, or more precisely lack of jobs, and reckless spending. There is agreement from both sides of the aisle that we need to improve our health care system. I believe these improvements must enhance the quality and accessibility of care in a fiscally responsible manner. The law implemented last year failed to meet these criteria, particularly in the onerous 1099 tax increase on small businesses. That is just one glaring example.

By repealing ObamaCare, we will have the opportunity to take the more prudent approach of fine-tuning our health care law to ensure that it encompasses sound principles.

Mr. Speaker, this will likely be an obvious partisan vote, but it also serves a purpose. It sends a message to the American people that we are serious about fixing our broken health care system. Physicians do this daily. They make a diagnosis and fix the problem. I support the passage of H.R. 2 because Congress should take the same approach: fix the problem. Much energy and attention was directed to this matter, when it probably should have been directed to jobs and reckless spending. Too late for that now. But we need to address it. And I look forward to the vote that I guess will be tomorrow.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to Dr. JUDY CHU of California, a very valuable member of the Judiciary Committee.

Ms. CHU. The health care repeal act will hurt many people, but especially seniors. It raises cost for prescriptions and preventive care. It weakens Medicare. And it takes away your freedom to make your own decisions, returning your health back to the hands of insurance companies. At the start of this year, seniors began receiving free preventive services such as mammograms and an annual exam, while, if repeal succeeds, good-bye free check-ups and free life-saving tests.

Today, seniors in the Medicare doughnut hole are getting half off many brand-name drugs; but if repeal passes, your prescription drugs are going to double. And those who get a \$250 check to help cover high drug costs might even have to pay it back. The original health reform bill extended Medicare's life until 2029; but if we repeal it, the Medicare Trust Fund becomes insolvent in 6 short years. The Patients Rights Repeal Act hurts seniors. It's dangerous for America's health.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE), who is actually a member of three subcommittees of the Judiciary Committee.

Mr. POE of Texas. Mr. Speaker, never before in the history of our great country has a tax been levied on individual Americans by the Federal Government with the purpose of forcing citizens to do something the government wants them to do. And never before has the government self-righteously ordered Americans to buy a product or pay a punitive fine.

In my opinion, the Constitution does not give the Federal Government, even well-intentioned government, the authority to make citizens buy any product, whether it's a car, whether it's health insurance, or even whether it's a box of chocolates.

The individual mandate provision of the health care bill is unconstitutional. The author of the Constitution, James Madison, said: "The powers delegated by the Constitution to the Federal Government are few and defined. Those that remain to State governments are numerous and indefinite." The health care bill is a theft of the individual freedom to control one's health to have it now controlled by omnipotent government.

Big government doesn't mean better solutions. In fact, as someone has said, "If you think the problems government creates are bad, just wait until you see government solutions." Government is partially to blame for the health care crisis, and the nationalized health care bill's government solution is unworkable and unconstitutional.

And if you like the efficiency of the post office, the competence of FEMA, and the compassion of the IRS, we will love the nationalized health care bill. Certainly, what we do here in Congress should be constitutional. And we should repeal the health care bill and come up with constitutional solutions for health problems.

And that's just the way it is.

Mr. CONYERS. Mr. Speaker, I want to take this opportunity to congratulate LAMAR SMITH on becoming the chairman of the House Judiciary Committee during the 112th session of Congress.

I turn now to the former chairman of the Constitutional Subcommittee, JERRY NADLER of New York, and I yield him 2 minutes.

□ 1610

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the Republican effort to deny 32 million Americans health care, to deny millions of middle class Americans the ability to get health care insurance if they have preexisting conditions and to drive up our national debt by an additional \$1.4 trillion over the next 20 years.

The Affordable Care Act will stave off the 55 percent of personal bankruptcies caused by health care emergencies. By banning rescissions, ban-

ning the preexisting conditions insurance bar, banning annual and lifetime coverage caps and capping annual out-of-pocket expenses, this law ensures that nobody will go broke because they get sick.

The bill will save the lives of the approximately 45,000 Americans who now die every year because they lack health insurance. For America's seniors, the Affordable Care Act strengthens the Medicare program. Seniors will no longer pay out of pocket for preventive services; and the cruel doughnut hole, which forces seniors to choose between taking their drugs or going without, will be closed.

And owners of small businesses will get billions of dollars in tax credits to help them provide health coverage to their employees—unless, of course, the Republicans are successful in enacting a tax increase on small businesses by repealing the law.

We did all this and more while reducing the deficit by what CBO now estimates will be \$230 billion in the first 10 years and \$1.2 trillion in the next 10 years.

The Republicans say the bill is an unprecedented or unconstitutional expansion of constitutional power. They are wrong. There is nothing radical, dangerous, or unconstitutional about the act. We have the power to enact this comprehensive plan, including its minimum coverage requirement under the commerce, necessary and proper, and general welfare clauses of article 1, section 8 of the Constitution. Similar attacks were levied against the Social Security Act of 1935, saying it was unconstitutional for the same reasons. Those arguments were unsound and rejected then and will fare no better today.

Indeed, leading Republican lawmakers championed individual mandates as part of their Health Equity and Access Reform Today Act of 1993 introduced by Senator Dole and Senator Chafee. The requirement of individual participation was valid then, and it is valid now.

For all of these reasons, I strongly encourage my colleagues to vote "no" on this misguided repeal bill.

Mr. Speaker, following is my statement in its entirety:

I rise in opposition to the Republican effort to deny 32 million Americans health care, to deny millions of middle-class Americans the ability to get health care insurance if they have pre-existing conditions, and to drive up our national debt by an additional \$1.4 trillion over the next 20 years.

Last March, I had the distinct pleasure and honor of voting for the Affordable Care Act, which achieves many of the goals I have been fighting for my entire adult life.

The Affordable Care Act will stave off the 55 percent of personal bankruptcies caused by health care emergencies. By banning rescissions, banning the "pre-existing conditions" insurance bar, banning annual and lifetime cov-

erage caps, and capping annual out-of-pocket expenses, this law ensures that nobody will go broke because they get sick.

When fully implemented more than 32 million additional Americans will have access to health care coverage. This translates into saving the lives of the 45,000 Americans, who now die every year because they lack health insurance.

In addition, the Affordable Care Act extends greater rights and benefits to women. No longer can insurance companies discriminate against women by charging women higher rates than men for the same coverage. No longer will women be denied coverage because insurance companies consider pregnancy, C-sections, and being the victim of domestic violence to be pre-existing conditions. No longer will women go without critical maternity care coverage, access to mammograms, and other key preventive care services—services that will be available without co-pays and deductibles. Ending these routine, disgraceful, and patently unfair practices are a tremendous victory for women and children.

For America's seniors, the Affordable Care Act strengthens the Medicare program. Seniors will no longer pay out of pocket for preventive services, and the cruel donut hole, which forces seniors to choose between taking their drugs or going without, will be closed. And by cracking down on fraud and waste, the Act ensures that those who seek to take advantage of our seniors and steal from the Medicare program will no longer have a free ride.

The Affordable Care Act also benefits America's young people. Often without the option of employer-based health insurance, young people now can stay on their parents' health plans until their 26th birthday.

And owners of small businesses will get billions of dollars in tax credits to help them provide health coverage to their employees—unless, of course, the Republicans are successful in enacting a massive tax increase on small businesses by repealing this law.

We did all this and more while reducing the deficit by what CBO now estimates will be \$230 billion in the first ten years, and \$1.2 trillion in the next ten years.

Mr. Speaker, when our predecessors passed similarly historic laws such as Social Security in 1935 and Medicare and Medicaid in 1965, they knew the measures would require further consideration. In the years since those crucially important programs were signed into law, Congress has made, and will continue to make, improvements to those programs. And that is the key—to make improvements to the law. Instead of spending our time looking for ways to build on and perfect the health care reform law, Republicans want to take a sledgehammer to it, to throw out everything, without any consideration at all. No matter that our economy still needs our attention. No matter that millions of Americans remain out of work.

The Republicans say the bill is an unprecedented or unconstitutional expansion of Congressional power. They are wrong. There is nothing radical, dangerous, or unconstitutional about the Act, through which Congress is regulating the vast interstate health and insurance markets in a number of ways that protect the

American people. We have the power to enact this comprehensive plan, including its minimum coverage requirement, under the Commerce, Necessary and Proper, and General Welfare clauses of Article I, Section 8 of the Constitution. Similar attacks were levied against the Social Security Act of 1935. They were unsound and rejected then and will fare no better today.

We require citizens to participate in programs—like Medicare and Social Security—when necessary to accomplish an objective wholly within Congressional powers, and there simply is nothing so surprising or severe in requiring similar participation—by requiring that those who can obtain insurance do so or pay a tax penalty—in our comprehensive framework for health care reform. Indeed, leading Republican lawmakers championed individual mandates as part of their Health Equity and Access Reform Today Act of 1993. The requirement of individual participation was valid then, and it is valid now.

For all of these reasons, I strongly encourage my colleagues to vote NO on this misguided repeal bill, and instead, to say “yes” to guaranteeing health care for 32 million more Americans. To say yes to enabling millions of Americans with pre-existing conditions to obtain health insurance. To say yes to ending gender rating and rescissions. To say yes to allowing parents to cover their adult children on their health care plans. To say yes to strengthening Medicare for our seniors. To say yes to growing our economy by supporting small businesses. To say yes to reducing our deficit.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the chairman of the House Administration Committee, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in the scope of the American constitutional system of governance, the Congress is the body whose power is defined within the context of enumerated powers, and this is more than a matter of structural mechanics because it goes to the heart of the issue of governmental power, or if one prefers the flip side of the coin, personal freedom and responsibility.

If government has the power to require that you buy item A, it means that you are less able to buy item B, C, D or anything else.

Now, economists would call this the opportunity cost of foregone goods or services, but the fundamental question is the question of freedom to choose how we as individuals will spend the fruits of our labor.

Certainly the commerce clause lacks the elasticity that would accommodate a requirement that every American buy health insurance which conforms to the dictates of the Federal Government, as the Federal Government would change it on a yearly basis. Such an interpretation would render the notion articulated by James Madison and Federalist 45, that is, one of limited government, a nullity.

Now, I know we have smart people here. I know we have those in the ad-

ministration who believe that this is totally constitutional; but, frankly, Mr. Speaker, my bet goes with James Madison.

He did say that the powers delegated by the proposed Constitution of the Federal Government are few and defined. He did say that the Federal Government will be exercising their responsibilities principally on external objects as war, peace, negotiations, and foreign commerce and the States would do much else.

Then, of course, we have the 10th Amendment, later adopted, which said, again, that this is a government of limited enumerated powers. Now, either the 10th Amendment means something, or it means nothing; and either James Madison knew what he was talking about, or he does not.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute, and I congratulate the ranking member of Government Reform, to the gentleman from Maryland, ELLIJAH CUMMINGS.

Mr. CUMMINGS. Mr. Speaker, I rise before you in fervent opposition to the bill we are considering today. I have heard from many of my constituents and small business owners who are grateful for the benefits of this law.

Children with preexisting conditions are no longer being denied access to private health insurance. Maryland small businesses offering health insurance to their employees are eligible for a 35 percent tax credit.

Further, as ranking member of the Committee on Oversight and Government Reform, I note that repealing this law would also eliminate the new private health plan currently providing coverage for many uninsured Americans with preexisting conditions.

I find it repugnant that Republicans want to strip Americans of this law's protections that will save the lives of our fellow citizens.

I urge a “no” vote on this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, lest we forget, this is the disaster that we are told would be repugnant to repeal.

It started out as an act to amend the Internal Revenue Code of 1986 to modify first-time homebuyers' credit in the case of members of the Armed Forces. We took a bill that was designed to help veterans and the Senate stripped it all out and stuck in this disaster of a health care bill.

Just as we heard in the late 1990s that you can't pass welfare reform, you will leave women without anything, you heartless, mean people, it was because people here had hearts and wanted to see single women with children doing better that welfare reform had to be done. It was sent to the President; he wouldn't sign it. It was re-sent to the President; he wouldn't sign it. He finally signed it, and for the first time

since the Great Society legislation came about, after 30 years of flat line, when adjusted for inflation single women with children, after welfare reform, began to have increases in income.

We heard all the naysayers then; we are hearing them now. It's because we want people to have the best health care. It's because we don't want what the President said when he told the Democratic Caucus, before it passed. Gee, you go to the doctor now and have five tests, after this bill you will go and get one test. My mother had to have six days of tests to find her tumor.

I don't want rationed care. I want health care to be legislated the way the President promised it would be. And once we get this disaster out of the way, no matter how many times we have to send it, it will be time to pass a bill that gets real health care reform.

Mr. CONYERS. Madam Speaker, I yield 1 minute to the gentlewoman from Birmingham, Alabama, TERRI SEWELL.

Ms. SEWELL. Madam Speaker, I rise in opposition to this bill that seeks to repeal the Affordable Care Act, legislation that has helped so many constituents of mine and Americans all across this Nation.

Nearly 2 weeks ago, I was honored by being sworn in as a Representative for the Seventh Congressional District of Alabama. On day one I received numerous calls from my constituents urging me to oppose this repeal, and this weekend I heard from countless voices that the health care bill that's currently enacted has begun to help them.

Let me tell the story about Mr. and Mrs. Cheatem in Greene County from my district. Both are on Medicare. Mr. Cheatem suffered several heart attacks, and Mrs. Cheatem has a chronic back condition. Prescription medication alleviates her pain and keeps him alive.

Several provisions in the Affordable Care Act have helped Mr. and Mrs. Cheatem to get their prescriptions. Now they don't have to choose between putting food on the table, gas in their cars, or paying for their medication.

The Affordable Care Act is a first step towards strengthening our health care system and is already helping to save the lives of many in my district.

I urge my colleagues to vote “no” on this bill.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is also chairman of the Intellectual Property, Competition, and Internet Subcommittee of the Judiciary Committee.

Mr. GOODLATTE. I thank the chairman for yielding.

Madam Speaker, I rise in strong support of this legislation, which repeals the sweeping health care reform law

rammed through Congress last year. This new law amounts to a Big Government takeover of our health care system, one that will lead to fewer choices, higher prices, and rationed care.

□ 1620

It creates more than 150 new government agencies and programs at a cost of well over \$1.2 trillion. It includes over \$560 billion in devastating new tax increases and cuts Medicare by over \$500 billion.

Americans are frustrated by rising health care costs. We must repeal the new health care law that kills jobs, raises taxes, threatens seniors' access to care, will cause millions of people to lose the coverage they have and like, and increases the cost of health care coverage. Then we must replace it with commonsense reforms that lower health care costs and empower patients.

For those who argue that somehow this is going to save the taxpayers money, think of the mandates that are not covered by the Federal Government. Think of the fact that it is not credible that at a time when senior citizens, baby boomers, are going to retire in unprecedented numbers to take over \$500 billion out of a Medicare program. And think of the jobs that are already being lost because the taxes on this are already being put into place, yet the benefits don't occur for 4 years. That legislation was smoke and mirrors. This legislation repeals it. We should support it and then start anew on commonsense reforms.

Mr. CONYERS. Madam Speaker, I'm pleased to yield 1 minute to the distinguished gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding.

Madam Speaker, I want to show the face of the repeal of health care. This is Tucker Wright from Malcom, Iowa. He is 4 years old. And 2 years ago, before the Affordable Care Act was passed, Tucker was diagnosed with liver cancer and had two-thirds of his liver removed. He faces a long and uncertain medical future. But on January 2 of this year, because we passed the Affordable Care Act, Tucker's father, Brett, was able to change jobs because he no longer had to worry about the stigma of preexisting conditions.

Now, when you talk about repealing this bill, I'll tell you why it is not a good deal for Tucker Wright. Because even though our friends talk about wanting to fix some of the problems that they now think are important, the first thing that's going to happen to Tucker Wright and his family as soon as this bill is repealed is his family will get a rescission letter from their insurance company because they will no longer be required to provide insurance for this young boy because he has pre-

existing conditions. That's why this bill is a bad idea, and that's why I urge you to vote "no" and think about Tucker Wright.

Mr. SMITH of Texas. Madam Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore (Mrs. CAPITO). The gentleman from Texas has 5½ minutes remaining. The gentleman from Michigan has 8½ minutes remaining.

Mr. SMITH of Texas. I reserve the balance of my time.

Mr. CONYERS. I yield 1 minute to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the gentleman for yielding.

Madam Speaker, I rise today to state my strong opposition to the repealing of the Affordable Care Act. Repealing this law will eliminate consumer protections, raise taxes on small business, explode the deficit, and put insurance company CEOs directly between Americans and their doctor.

I'm very proud to represent the Mayo Clinic in Rochester, Minnesota. They're a symbol of what we can achieve when we deliver the world's highest quality care at the most efficient and effective costs. When we passed this law last year, they said it was a good first step. And I agree.

Now is not the time to step backwards. Folks in my district are already seeing the benefits of this new law. Seniors have received help paying for their expensive prescription drugs and have better access to preventative care saving money. And just a few weeks ago, I received a letter from a dad in my district named Paul. Paul's son Joe is 21, works part-time and has diabetes. Joe couldn't get the insurance he needed to pay for the expensive equipment and treatment he needs to stay healthy and alive. Paul wrote to say thank you for passing the Affordable Care Act. Because of the new law, Joe got back on his parents' insurance, and a new insurance card came in the mail on January 3. A vote to repeal this legislation pulls that card away.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. REED), former mayor of Corning and a new member of the Judiciary Committee.

Mr. REED. Madam Speaker, I rise today in support of the repeal of the job-killing ObamaCare legislation.

This bill is a whopping 2,500 pages, a monstrosity of new spending and government bureaucracy, rushed to approval after only 48 hours of arm-twisting and deal-making. Unfortunately, just as Republicans predicted, this legislation did absolutely nothing to address the real problem of health care—its cost.

Republicans have long advocated for tort reform to be included in any legislation to lower the costs of health care.

For just as long, those who have written this legislation have continually ignored the need for tort reform. As even as the nonpartisan Congressional Budget Office estimates, tort reform initiatives could save approximately \$54 billion. I will say that the other side attempted to address tort reform by providing \$50 million to States to consider the concept of tort reform. Here we go again. Another example of what's wrong with Washington, spending \$50 million to figure out how to save money. The American people recognize Republicans have a better plan, one which reduces health care costs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. REED. The American people recognize Republicans have a better plan, one which reduces health care costs and gets lawyers and bureaucrats out of our doctors' and nurses' offices.

Let's repeal this bill, focus on bipartisan initiatives we all agree on like fixing the doughnut hole, and pass tort reform legislation once and for all without spending an additional \$50 million. Until we do so, jobs will continue to be lost.

Mr. CONYERS. I yield 1 minute to the gentleman from Missouri, RUSS CARNAHAN.

Mr. CARNAHAN. Madam Speaker, I rise in strong opposition to this bill that would hurt small businesses in Missouri who are finally gaining access to affordable coverage for their employees. Since 2010, the health care coverage among small firms has increased by more than 12 percent. If this bill passes, those small business owners will lose the tax credits that are providing up to 50 percent of their health care costs. Many of them will have to drop the very health insurance they have just now been able to provide their employees and their families.

These are real people, people like Michelle Barron, who owns an independent book store in Rock Hill, Missouri. She used to be able to afford coverage for her employees, but over the years couldn't keep up. She had to drop her employees and finally drop her own coverage because of preexisting conditions. Last year when the health care bill was signed into law, new options opened up for Michelle and countless small business owners like her.

But if we repeal health care, it will turn back the clock for small business owners like Michelle. Insurers would be able to go back to denying coverage for preexisting medical conditions, and small business owners would lose the tax credits that are helping make health care coverage affordable. We cannot go back to the bad old days of insurance company control. This is not the time to step backwards.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman

from Arizona (Mr. QUAYLE), who is a member of the Judiciary Committee.

Mr. QUAYLE. I thank the chairman for yielding.

Madam Speaker, I rise today in support of H.R. 2.

Last year, behind closed doors and against the will of the American people, the Democratic majority of the 111th Congress passed a bill that fundamentally changes the doctor-patient relationship. They passed a bill that will increase the cost of health care and explode our national debt. They passed a bill that expands the scope of government well beyond the parameters set forth in the Constitution.

The genius of our Constitution is that this document didn't set forth what the government must do for us, but rather what the government can't do to us. Requiring every individual to enter into a commercial contract certainly falls within the realm of what the government can't do to us.

The people in my district understand this, just as they understand that our health care system needs sensible, patient-centered reforms that will reduce costs and increase access. Unfortunately, the health care bill that was passed will increase costs and increase our national debt. Yes, those who drafted the bill tried to conceal the true costs from the American people. But if you look beyond the accounting gimmicks, that bill increases our debt by \$701 billion over the next 10 years.

It is time to get our country back on the right track, and H.R. 2 is a necessary step to fulfilling that mission.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I think it is important to address the notion of job killing versus job creating. We've heard a lot of talk about the title of this bill and the jobs that it supposedly kills. But let's look at the facts here though. Of the 1.1 million private-sector jobs—documented—that were created last year, fully 200,000 of those were in the health care sector, or one-fifth. We've actually had an average of 20,000 jobs per month created in the health care sector alone over the course of the last 2 years.

□ 1630

There have been no job losses in the health care sector. None. And I challenge our colleagues on the other side of the aisle, on the Republican side of the aisle, who are vociferously advocating the repeal of health care reform on the premise that it is a job killer to name one area of health care, one, where there have been job losses. I would suspect that we would hear crickets chirping, because there are none. There isn't a single area of health care that there have been job

losses; not before health care reform passed and not since.

Also, I think it is important to address the comments from my colleague the gentleman from Texas (Mr. GOHMERT) who stated that President Obama told the Democratic Caucus that health care reform would supposedly allow us to shrink five tests performed on a patient to one. That is simply not true. That never happened. He never said that. And at the end of the day we need to make sure that we are entitled to our opinions but not to our own facts.

I suspect that our colleagues on the other side of the aisle are making up their own facts because their arguments don't stand on the strength of their ideas and aren't strong enough to stand on their own. I thought it was important to clear that up, Madam Speaker.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN), who is a member of the Judiciary Committee.

Mr. GRIFFIN of Arkansas. I thank the gentleman from Texas for his leadership on this issue and for yielding me this time.

Madam Speaker, I believe we need health care reform badly, but the law we got isn't what we need. That is why I rise today in support of H.R. 2 to repeal the current health care law. The health care law provides for an increased government role and will ultimately lead to decisions made by the government instead of doctors and patients.

It ignores the issue of cost. It was loaded with gimmicks to make it seem deficit neutral. But once those are accounted for, we find that it adds over \$700 billion to the deficit in the next 10 years.

The health care law, and especially the unconstitutional mandate, handicaps our ability to grow jobs. Small businesses will be hit hardest because they operate on the tightest margins and will have the toughest time complying with the onerous regulations, many of which are still not written, creating uncertainty for employers.

We must repeal the law and replace it with one that lowers costs, preserves the doctor-patient relationship, lets Americans keep the coverage they have, allows the private sector to create jobs and follows the Constitution.

Mr. CONYERS. Madam Speaker, I yield 1 minute to the gentleman from New Jersey, Mr. ROB ANDREWS.

Mr. ANDREWS. Madam Speaker, as we meet this afternoon, there are 15 million unemployed Americans. And no matter where you go in this country, you hear that the number one concern of our constituents is creating an environment where businesses and entrepreneurs can put people back to work.

So what is the House doing this week? Re-litigating, regurgitating, re-

arguing a political debate about health care again. I believe the people of this country want us to work together to get jobs back in the American economy.

The Republicans offer us a slogan, a job killing health care bill. What kills jobs is paralysis in Congress. What kills jobs is ignoring the economic problems of this country. "No" is not simply the right vote on the merits, it's the right vote because this is the wrong bill at the wrong time.

Mr. SMITH of Texas. Madam Speaker, I only have one more speaker on this side and I am prepared to close.

Mr. CONYERS. How much time have we remaining, Madam Speaker?

The SPEAKER pro tempore. The gentleman from Michigan has 3½ minutes remaining, and the gentleman from Texas has 1¾ minutes remaining.

Mr. CONYERS. Madam Speaker, I yield myself 1 minute.

Because this is the Judiciary Committee and so little has been said about the constitutionality, I am pleased to quote from the dean of the law school of the University of California, Erwin Chemerinsky, who said that opposing health care reform and relying on an argument that it is unconstitutional is an inadequate way to proceed.

Somebody here must remember that there is Medicare, Medicaid, Social Security. Please, this is not new that the government would be intervening in this way. Maybe we need to revise and revisit the questions of constitutionality.

[From POLITICO, Oct. 23, 2009]

HEALTH CARE REFORM IS CONSTITUTIONAL

(By Erwin Chemerinsky)

Those opposing health care reform are increasingly relying on an argument that has no legal merit: that the health care reform legislation would be unconstitutional. There is, of course, much to debate about how to best reform America's health care system. But there is no doubt that bills passed by House and Senate committees are constitutional.

Some who object to the health care proposals claim that they are beyond the scope of congressional powers. Specifically, they argue that Congress lacks the authority to compel people to purchase health insurance or pay a tax or a fine.

Congress clearly could do this under its power pursuant to Article I, Section 8 of the Constitution to regulate commerce among the states. The Supreme Court has held that this includes authority to regulate activities that have a substantial effect on interstate commerce. In the area of economic activities, "substantial effect" can be found based on the cumulative impact of the activity across the country. For example, a few years ago, the Supreme Court held that Congress could use its commerce clause authority to prohibit individuals from cultivating and possessing small amounts of marijuana for personal medicinal use because marijuana is bought and sold in interstate commerce.

The relationship between health care coverage and the national economy is even stronger and more readily apparent. In 2007, health care expenditures amounted to \$2.2

trillion, or \$7,421 per person, and accounted for 16.2 percent of the gross domestic product.

Ken Klukowski, writing in *POLITICO*, argued that “people who declined to purchase government-mandated insurance would not be engaging in commercial activity, so there’s no interstate commerce.” Klukowski’s argument is flawed because the Supreme Court never has said that the commerce power is limited to regulating those who are engaged in commercial activity.

Quite the contrary: The court has said that Congress can use its commerce power to forbid hotels and restaurants from discriminating based on race, even though their conduct was refusing to engage in commercial activity. Likewise, the court has said that Congress can regulate the growing of marijuana for personal medicinal use, even if the person being punished never engaged in any commercial activity.

Under an unbroken line of precedents stretching back 70 years, Congress has the power to regulate activities that, taken cumulatively, have a substantial effect on interstate commerce. People not purchasing health insurance unquestionably has this effect.

There is a substantial likelihood that everyone will need medical care at some point. A person with a communicable disease will be treated whether or not he or she is insured. A person in an automobile accident will be rushed to the hospital for treatment, whether or not he or she is insured. Congress would simply be requiring everyone to be insured to cover their potential costs to the system.

Congress also could justify this as an exercise of its taxing and spending power. Congress can require the purchase of health insurance and then tax those who do not do so in order to pay their costs to the system. This is similar to Social Security taxes, which everyone pays to cover the costs of the Social Security system. Since the 1930s, the Supreme Court has accorded Congress broad powers to tax and spend for the general welfare and has left it to Congress to determine this.

Nor is there any basis for arguing that an insurance requirement violates individual liberties. No constitutionally protected freedom is infringed. There is no right to not have insurance. Most states now require automobile insurance as a condition for driving.

Since the 19th century, the Supreme Court has consistently held that a tax cannot be challenged as an impermissible take of private property for public use without just compensation. All taxes are a taking of private property for public use, but no tax has ever been invalidated on that basis.

Since the late 1930s, the Supreme Court has ruled that government economic regulations, including taxes, are to be upheld as long as they are reasonable. Virtually all economic regulations and taxes have been found to meet this standard for more than 70 years. There is thus no realistic chance that the mandate for health insurance would be invalidated for denying due process or equal protection.

Those who object to the health care proposals on constitutional grounds are making an argument that has no basis in the law. They are invoking the rhetorical power of the Constitution to support their opposition to health care reform, but the law is clear that Congress constitutionally has the power to do so. There is much to argue about in the debate over health care reform, but constitu-

tionality is not among the hard questions to consider.

I yield the balance of my time to the gentlewoman from Texas, Ms. SHEILA JACKSON LEE, a senior member of the committee.

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 2½ minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, you are absolutely right. This is a constitutional question that has been raised, and as I came to the floor earlier, I mentioned my predecessor, Congresswoman Jordan, who believed in this Constitution without question. I mentioned the 14th Amendment. I now mention the Fifth Amendment.

First of all the commerce clause covers this bill, but the Fifth Amendment speaks specifically to denying someone their life and liberty without due process. That is what H.R. 2 does, and I rise in opposition to it. And I rise in opposition because it is important that we preserve lives and we recognize that 40 million plus are uninsured.

In my own county, Harris County, this bill will allow some 800,000 uninsured members of Harris County, citizens of Harris County, to be insured in Texas. In addition, the Texas Department of Insurance, as many other States, have already begun implementing this bill, the patient protection bill, gladly so, and saying it will help save lives and provide for the families of their States.

Can you tell me what is more unconstitutional than taking away from the people of America their Fifth Amendment rights, their 14th Amendment rights, and the right to equal protection under the law? I know that Mr. Land, who suffers from schizophrenia with his family; Ms. Betty, who had to go to the ER room in Texas because of no insurance; Mrs. Smith who was on dialysis; or Mrs. Fields whose mother couldn’t get dental care, I know they would question why we’re taking away their rights.

Today we stand before this body, we beg of them to ask themselves whether this is all about politics or about the American people. I am prepared to extend a hand of friendship, standing on the Constitution, to enable us to provide for all of the citizens of this country.

This bill has been vetted, this bill is constitutional, and it protects the constitutional rights of those who ask the question: Must I die, must my child die because I am now disallowed from getting insurance? To our seniors, there are no death panels. This is about your primary care doctor. This is about closing the doughnut hole that will allow you to be able to get discounts on your prescription drugs that some of you have avoided because you have to pay your rent and you have to buy your food.

Texas, a big State, has already said through a governmental agency, we need this bill. And we hope that those who come from our State and many other States will not vote against the protection of patients. Vote against H.R. 2 and provide yourself with the protection of the Constitution.

Madam Speaker, I stand in strong opposition to the Patient’s Rights Repeal Act. As a Member of Congress I take seriously my responsibility and sworn oath to serve my constituents and improve the lives of all citizens of this country for the better.

The Fourteenth Amendment of the U.S. Constitution states that, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The last portion of this amendment, commonly called the Equal Protection Clause, is one of the most important portions of the Constitution, which was added after the Civil War and was the basis for most of the civil rights decisions that transformed this country. Furthermore, many of the legal arguments for demanding medical treatment have also rested on this clause, which the U.S. Supreme Court relied on in its *Roe v. Wade* decision. Repealing the healthcare reform we enacted last year would be a violation of the Equal Protection Clause of the 14th Amendment of the U.S. Constitution since it would be abridging the fundamental right of U.S. citizens to have health care and would be denying them the equal protection under the law guaranteed to them by the 14th Amendment.

Furthermore, even the Founding Fathers more than two centuries ago emphasized the fundamental importance of good health. Thomas Jefferson stated that, “Without health there is no happiness. And attention to health, then, should take the place of every other object . . . The most uninformed mind, with a healthy body, is happier than the wisest valitudinarian.”

I urge President Obama that should any repeal of any beneficial portion of the Patient Protection and Affordable Care Act come to his desk, he should utilize his presidential prerogative to veto this legislation which would harm the fundamental rights of Americans.

As health care reform takes a particularly partisan tone, this Nation, as of January 2011, still has more than 20 million Americans according to the U.S. Census Bureau who live without health insurance.

To my colleagues across the aisle, have you truly considered what this repeal would mean and who this would affect? Sadly to say, in my district, the 18th Congressional District of Houston, Texas, the repeal would be devastating. To highlight a few major effects of the repeal for my district, please listen as I explain several devastating changes to health care coverage that a number of populations throughout the 18th Congressional District of Houston, Texas, will face.

The repeal would increase drug costs for seniors. There are 5,300 Medicare beneficiaries in my district who are expected to

benefit from these provisions. Repeal would increase the average cost of prescription drugs for these Medicare beneficiaries by over \$500 in 2011 and by over \$3,000 in 2020.

The repeal would deny seniors new preventive and wellness care improving primary and coordinated care, and enhancing nursing home care.

The repeal would eliminate these benefits for 70,000 Medicare beneficiaries in the district and cause the Medicare trust fund to become insolvent in just six years.

The repeal would eliminate tax credits for small businesses. The health reform law provides tax credits to small businesses worth up to 35 percent of the cost of providing health insurance. There are up to 14,600 small businesses in my district, small businesses that are eligible for this tax credit. This repeal would force these small businesses to drop coverage or bear the full costs of coverage themselves.

The repeal would increase retiree health care costs for employers. The health reform law provides funding to encourage employers to continue to provide health insurance for their retirees. As many as 5,500 district residents who have retired but are not yet eligible for Medicare could ultimately benefit from this early retiree assistance.

The repeal would increase costs for employers and jeopardize the coverage their retirees are receiving. The repeal would increase the cost of uncompensated care born by hospitals. The Health Reform Law benefits hospitals by covering more Americans and thereby reducing the cost of providing care to the uninsured.

The repeal would undo this benefit, increasing the cost of uncompensated care by \$27 million annually for hospitals in my district.

As evidenced in the recent elections, the public has indicated they want less spending and a balanced budget. The Congressional Budget Office estimates the budget will be negatively impacted to the tune of \$230 billion dollars over a 10 year period if healthcare reform is repealed. Additionally, more than four million small businesses would lose health insurance tax credits as a result of repeal, and the cost of offering employer-based health insurance could increase by more than \$3,000 annually, according to the U.S. Public Interest Research Group.

As a Congress we have continued to debate this issue for decades without resolve. The uninsured, the underserved, vulnerable and minority communities are particularly at risk. Let us forget—in 1999 we asked the Institute of Medicine—the independent organization whose reports are considered the gold standard for health care policymakers—to investigate disparities in health and health care among racial and ethnic minorities. The results were damning: the ensuing study, *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care*, found that minorities had poorer health and were consistently receiving lower-quality health care even when factors such as insurance status and income weren't involved.

As stated by Newsweek, minorities and the underserved were less likely to get lifesaving heart medications, bypass surgery, dialysis, or kidney transplants. They were more likely to get their feet and legs amputated as a treat-

ment for late-stage diabetes.—Mary Carmichael, *The Great Divide*, Newsweek, February 15, 2010.

In our current system, most people do not choose to be uninsured but are priced out of insurance. These people cannot, as free market proponents often argue, “pull themselves up by their bootstraps.” Instead, they and their families are too often cyclically and systematically trapped in their economic situation. As a result, minority communities suffer grave health disparities that would otherwise be limited but for lack of access to affordable and quality care. What is the price for improving the life expectancy of millions of Americans of all ages?

In 2007, only 49 percent of African-Americans in comparison to 66 percent of non-Hispanic whites used employer-sponsored health insurance, according to the Department of Health and Human Services. During the same year, 19.5 percent of African-Americans in comparison to 10.4 percent of non-Hispanic whites were uninsured.

Hispanics have the highest uninsured rates of any racial or ethnic group within the United States. In 2004, the Centers for Disease Control and Prevention reported that private insurance coverage among Hispanic subgroups varied as follows: 39.1 percent of Mexicans, 47.3 percent of Puerto Ricans, 57.9 percent of Cubans, and 45.1 percent of other Hispanic and Latino groups.

Health care reform also is critical to ensure that women have access to affordable health care coverage. An estimated 64 million women do not have adequate health insurance coverage. About 1.7 million women have lost their health insurance coverage since the beginning of the economic downturn. Nearly two-thirds lost coverage because of their spouse's job loss. And nearly 39 percent of all low-income women lack health insurance coverage. Women also are more likely to deplete their savings accounts paying medical bills than men because they are more likely to be poor. This bill gives women access to the health care that they need and deserve.

Health care reform is a critical step in helping to reduce such health disparities. Are we now telling the American public we will not?

Lower costs for minority families and all Americans should forget about preventive care for better health.

Racial and ethnic minorities are often less likely to receive preventive care. Vietnamese women, for example, are half as likely to receive a pap smear, and twice as likely to die from cervical cancer as are whites. Obesity rates are also high among certain minority groups. By ensuring all Americans have access to preventive care and by investing in public health, health insurance reform will work to create a system that prevents illness and disease instead of just treating it when it's too late and costs more. Are we telling the citizens of this country that we will not?

Make health care accessible to everyone.

African Americans, Hispanics, and Native Americans are roughly twice as likely to be uninsured as the rest of the population. By providing health insurance choices to all Americans and providing premium assistance to make it affordable, health insurance reform significantly reduces disparities in accessing

the best quality for health. We will you tell your constituents that you will not:

Control chronic disease and promote primary care.

Nearly half of African Americans suffer from a chronic disease, compared with 40 percent of the general population. Chronic illness is growing in other minority communities as well. Health insurance reform is slated to include a number of programs to prevent and control chronic disease, including incentives to provide medical homes and chronic disease management pilots in Medicare. By investing in the primary care workforce (including scholarships and grants to increase diversity in health professions), health reform will make sure that all Americans have access to a primary care doctor and strengthen the system of safety-net hospitals and community health centers to ensure accessible care.

The people of my home State of Texas, in particular, with 6 million uninsured persons, and 26 percent uninsured in my district, have been hit especially hard when it comes to lack of access to quality, affordable care. Many Americans continue to be forced from their health care plans due to decisions by insurance companies that consider profit over people.

So how do the million plus Houston residents without an insurance company get health care—the emergency room, ER! Emergency rooms have become the health care providers of last resort for well over 100 million Americans annually.

Will we allow this trend to continue? Over a 10 year period from 1994 to 2004, ER visits on a national level saw an 18 percent jump, according to the Centers for Disease Control and Prevention. Emergency rooms in Houston hospitals are routinely overcrowded as over-used as throngs flock seeking care for ailments that may range from a heart attack or gunshot wound to an ear infection or toothache. ER overcrowding is so bad in the Houston area, that patients have called 911 from one ER to get to another, according to one report. When the President signed the health care bill into law, he ensured that Americans who have been flocking to emergency rooms for primary care will have another option—affordable and accessible health care.

Repealing the health act is not in the best interest of Americans. Health is not partisan and we should not treat it as such. Will we tell the citizens of this great Nation, we will not?

Bar insurance companies from discriminating based on pre-existing conditions, health status, and gender; create health insurance exchanges—competitive marketplaces where individuals and small business can buy affordable health care coverage in a manner similar to that of big businesses today; offer premium tax credits and cost-sharing assistance to low and middle income Americans, providing families and small businesses with the largest tax cut for health care in history; insure access to immediate relief for uninsured Americans with pre-existing conditions on the brink of medical bankruptcy; invest substantially in community health centers to expand access to health care in communities where it is needed most; empower the Department of Health and Human Services and State insurance commissioners to conduct annual reviews of new

plans demanding unjustified, egregious premium increases; expand eligibility for Medicaid to include all non-elderly Americans with income below 133 percent of the federal poverty level (FPL); replace the so-called “cornhusker” deal with fair assistance for all States to help cover the costs of these new Medicaid populations; maintain current funding levels for the Children’s Health Insurance Program (CHIP) for an additional two years, through fiscal year 2015; and increase payments to primary care doctors in Medicaid.

Increased costs for families and business in the current economy cannot be best for the Nation. Before we rush headlong toward repeal, we must consider the consequences and look for solutions that hold down costs, not increase them. In opposition to H.R. 2, I offered several amendments to protect the millions of Americans who are at risk of the legislation that is before the body of Congress today. Specifically, my amendments would amend the legislation to make no further reduction in Medicare and Medicaid fraud and would prevent the abuse of activities below the level that would be provided under Title VI and Subtitle F of Title X of the Patient Protection and Affordable Care Act and Sections 1106 and Subtitle D of Title I of the Health Care and Education Reconciliation Act of 2010, Public Law 111–152.

My amendment stated that this repeal shall not take effect unless and until the Director of Office of Management and Budget in collaboration with the Director of the Congressional Budget Office certifies to Congress that this repeal will not result in any decrease in Medicare and Medicaid fraud and abuse prevention activities below the level provided in the Patient Protection and Affordable Care Act.

Health care fraud and abuse has been a national problem, prevalent in Federal, State and private insurance programs, costing this Nation billions of dollars each year. Fraud can result in improper payments, but it is not the only cause of wasteful spending in Federal health care programs. Payments for unnecessary medical services, for claims with insufficient documentation, for ineligible patients and to ineligible providers, are examples of improper expenditures that waste taxpayer dollars and drive up health care costs. Fraud and abuse account for one-fifth, an estimated \$125 to \$175 billion of that waste. This is staggering.

Continuing to uncover fraud and abuse will assist in covering the costs of health reform, allowing us to keep the services so many Americans rely upon, while reducing the deficit. The Congressional Budget Office estimates that every \$1 invested to fight fraud yields approximately \$1.75 in savings. Through FY 2009, the Department of Justice’s civil division and U.S. Attorneys’ Offices have recovered nearly \$16 billion in matters alleging fraud against government health care programs.

As we look to make non-partisan decisions that will benefit the American people and guarantee fair and equitable health care coverage, the Obama administration has taken steps to significantly improve oversight of the Medicare Part C and Part D programs. These steps have sought to tailor interventions towards the areas where fraud and abuse are the greatest.

Efforts have been implemented to invest in critical data infrastructure, enhanced field operations at Centers for Medicaid and Medicare Services, the Office of Inspector General, and Department of Justice, and initiated new efforts to reduce improper payments.

On July 2010, U.S. Health and Human Services Secretary, Kathleen Sebelius and U.S. Attorney General, Eric Holder launched a series of regional health care fraud prevention summits. These summits brought together a range of Federal, State and local partners, beneficiaries, providers, and other interested parties to discuss innovative ways to eliminate fraud within our U.S. health care system. Tools contained in the Affordable Care Act serve to safeguard taxpayer dollars and ensure health care coverage for seniors, families and children are secure.

The Nation’s health care system has been victimized by health care fraud perpetrators whose objective is to line their pockets at the expense of the American taxpayer, patients, and private insurers. This not only drives up costs for everyone in the health care system, it cripples the long term solvency of Medicare and Medicaid, two programs upon which millions of Americans depend.

This particular amendment was essential to hold State and local partners, beneficiaries, providers, and others accountable to their patients and communities and ensure these new policies are used in an effective manner to yield the best possible outcome.

Regarding community health centers, I offered an amendment that would prevent Section 2 of House Bill H.R. 2 from taking effect unless and until the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, certifies to Congress that the repeal of the Patient Protection and Affordable Care Act (Public Law 111–148) will not result in an elimination of any increased funding to community health centers provided under the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010 and will not result in any decrease in the number of community health centers, and will not otherwise disallow further expansions of community healthcare centers.

It is important to protect the historic healthcare legislation which we fought so hard to enact in order to provide the accessible, affordable and quality healthcare that all Americans deserve and so many Americans receive through community healthcare centers.

Community health centers are poised to play a vital role in the implementation of the Affordable Care Act and emphasize coordinated primary and preventive services. These centers also provide preventive services. Routine health care that includes screenings, check-ups, and patient counseling to prevent illnesses, disease, or other health problems.

Offer a medical home to the most vulnerable and medically underserved—low-income individuals, racial and ethnic minorities, rural communities and other underserved populations to address and reduce health disparities.

Community health centers continue to show their ability to manage patients with multiple health care needs, and implement key quality improvement practices, including health information technology.

For more than forty years, health centers have delivered quality, comprehensive preventive and primary care to patients regardless of their ability to pay. With a proven track record of success, and the advent of 350 new community health care centers being established in fiscal year 2011, a repeal of the Affordable Care Act will threaten the very fabric of this Nation’s health care system. Currently, more than 1,100 community health centers operate 7,900 service delivery sites and provide care to nearly 19 million patients in every state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the Pacific Basin.

The Affordable Healthcare Act included enhanced funding for operations and start-ups of federally qualified health centers in the Harris County Hospital district, which is in the 18th Congressional District of Texas, my home district, thereby increasing the availability of primary health care and preventive health care services. The Affordable Healthcare Act also provided funding for and policy direction to increase the number of primary care providers in the Harris County Hospital district and the state of Texas, inclusive of physicians and physician extenders (advanced nurse practitioners).

The Affordable Healthcare Act also directed states to increase provider payment rates to physicians in the Medicaid program. This is significant in that rates are so low in Texas many physicians are unwilling to take Medicaid patients.

According to the Texas Health and Human Services Commission Study, there are currently 1.1 million uninsured in Harris County, Texas. Full implementation of health care reform would reduce that number to a little over 390,000. That represents a 65 percent reduction in the number of uninsured residents. Diminished access to primary and preventive health care services that in turn will lead to a moreover use of acute care hospital inpatient services and emergency center encounters at much higher costs to county taxpayers and higher Medicaid per capita expenditures for the state and Federal government. Without reform, cuts to the Medicare and Medicaid program will put a greater strain on existing safety net providers and local tax payers. Without expanded care and insurance reforms, people will not have access to affordable, lower cost health care services.

Specifically, in my Congressional district, the South Central Houston Community Health Center has been serving the Houston community since 1994 and has locations in the Sunnyside and Third Wards areas of Houston. By being the oldest, Federally qualified health center in the city of Houston, the community health center has grown to receive over 1.2 million in annual Federal funds, which is instrumental in providing quality health care to the medically underserved, uninsured, and underinsured people of the greater Houston area. The South Central Houston Community Health Center has made tremendous progress towards eliminating healthcare disparities and increasing access to healthcare services to the Houston community.

The Legacy Community Health Center in my Congressional district has also benefitted greatly from the Affordable Healthcare Act. The Legacy Community Health Center is a

full-service, community health center that provides comprehensive, primary healthcare services to all Houstonians in a culturally sensitive, judgment-free and confidential environment. Legacy has specialized in HIV/AIDS testing, education, treatment and social services since the early 1980's. They also provide care for other chronic health conditions like diabetes and high blood pressure disparately impacting minorities. Generous financial support from individuals, businesses and charitable foundations allows Legacy to provide no-cost or low-cost healthcare services to over 30,000 men, women and children each year.

The Good Neighbor Healthcare Center also in my Congressional district offers a wide array of services to families living in the greater Houston area. Services include primary health care, dental care, optometry, and behavioral health services. Good Neighbor Healthcare Center has a special mission to the community that goes right to the heart of providing quality, accessible primary health care and dental care to those in need. Good Neighbor Healthcare Center serves patients from virtually every zip code in Harris County, and the diverse staff is ready to assist patients with all of their health care needs. Good Neighbor Healthcare Center assists patients in Spanish or English as needed as well.

Community health centers are an integral part of our communities providing a source of local employment and economic growth in many underserved and low-income communities. In 2009, community health centers across the Nation provided more than \$11 billion in operating expenditures directly into their local economies. Community health centers employ more than 9,100 physicians and more than 5,700 nurse practitioners, physician assistants, and certified nurse midwives to treat patients through culturally competent, quality and integrated care.

And lastly, I offered an amendment that would be essential to an unprecedented opportunity to serve more patients, retain existing and support new jobs, meet the significant increase in demand for primary health care services among the nation's uninsured and underserved populations and address essential construction, renovation, and equipment and health information technology systems needs in community health centers. I cannot turn my back and shut the door on the constituents I represent in securing accessible, affordable and quality healthcare services in my Congressional district.

If the Healthcare Repeal Bill were to pass, this amendment would ensure that insurance rates do not increase from those rates that would have applied if the law is left intact.

Health care reform is something that people have fought for fervently for years, and it would be a great disservice to the American people if the health care law were repealed as a result of politics. The Patient Protection and Affordable Care Act insure access to quality, affordable healthcare for all Americans. It also makes necessary changes that will make our system of health care more efficient. Children are allowed to stay on their parents' health insurance until the age of twenty-six. Patients cannot be refused health insurance coverage because of pre-existing conditions. Insurance premiums were lowered and mechanisms are

in place to avoid them getting any higher. Repealing health care reform would reverse all of this good that has been done.

However, if the Patient Protection and Affordable Care Act is repealed, it is important that certain provisions of the law remain intact. For aforementioned reasons, I urge my colleagues to reason with the American people and provide an opportunity for every American in every state to receive affordable and quality healthcare. If the Healthcare Law is repealed without the inclusion of my amendment, that would ensure that insurance rates do not increase from those rates that would have applied if the law is left intact, we are left great potential for health insurance rates to rise, much like they did in the past, to levels which make coverage inaccessible and unaffordable for many Americans.

Before the Healthcare Reform Bill was signed into law, increasing healthcare costs were crushing the budgets of families and American businesses, making us less competitive in the ever growing global market, placing Medicare and Medicaid in serious danger, damaging our long-term fiscal stability, and worse of all, causing Americans to continue to go without basic health care coverage. This broken health care system was driving up health care costs and weakening our economy. Minorities in general were more in danger of being uninsured and falling victim to frequent emergency visits, increasing debt that leads to bankruptcy, and premature death.

Without healthcare reform, a devastating number of citizens would have had to continue to live without healthcare. No American citizen should have to face a decision of whether to buy food or pay healthcare premiums. Putting a face to healthcare is recognizing Iris Williams from Houston, Texas.

For many mothers, finding a good doctor for their children can be quite difficult, especially if they don't have health insurance. When the child has fears of going to the doctor, the difficulty only worsens.

Iris Williams first brought her son, Simon, to Legacy Community Health Services in 2007. As a resident in the surrounding area, Iris liked the convenience of Legacy's Community Health Center on Lyons Avenue in the heart of her neighborhood. When she found out Legacy offered school physicals, even to those without health insurance, she was thrilled.

"My son had a bad experience with a doctor when he was younger and did not like going to the doctor," Iris sighed. "But Legacy was able to schedule a physical for Simon within the week, and I was told it would only cost \$45."

Now that Iris had an appointment for her son at an affordable cost, she only had to worry about whether Simon would like the doctor.

"I just love Dr. Levine, he is so kind and wonderful," Iris continued, "he not only made my son feel at ease but he also treated him like a young man. That made us both feel really good."

This past summer Simon hurt his finger at a summer program. Iris had to take him to the emergency room to get his fingernail removed. For his follow-up care Iris sought out Legacy to clean the wound and make sure it was healing properly.

"Again the staff at Legacy was great and the finger is healing nicely," Iris glowed. "I am so glad Legacy had a doctor to care for him after the visit to the ER."

When people in Iris's neighborhood ask her where to go for quality and affordable healthcare, Iris doesn't hesitate to refer them to Legacy. She knows they will get great care. Iris stated, "it gives me great satisfaction knowing that Legacy is here for all of us and will take care of our health care needs." Madam Speaker, what do you expect I say to constituents similar to Iris Williams?

Madam Speaker, before the Healthcare Reform Bill passed, the need for more efficient healthcare was dire, especially within my home State of Texas. One in four Texans, about 5.7 million people, or 24.5 percent of the State's population, had no health insurance coverage. An estimated 1,339,550 Texas children—20.2 percent of Texas children—were uninsured. According to the U.S. Census Bureau, Texas had the Nation's highest percentage of uninsured residents. This posed consequences for every person, business, and local government in the State who were forced to bear extra costs to pay for uncompensated care. If the Patient Protection and Affordable Care Act is repealed, Texas, like many other States, runs the risk of a reoccurrence of statistics such as these.

Over the years, I have had the opportunity to meet with health care providers who have been on the front lines of health care debates from day one. It is no surprise that they enthusiastically endorsed healthcare reform, and many are still holding out hope for progressive changes to the current healthcare laws as we move forward in this new Congress. These health professionals have seen the pain and frustration of hardworking Americans who faced financial collapse, physical suffering, and sometimes the loss of their life simply because they did not have decent health care coverage. The repeal of healthcare reform could lead our Nation back down a similar path, and I am confident that no health care professionals, nor I, or any of my colleagues would want to see situations like that reoccur.

The late Congresswoman Barbara Jordan, who once held the seat that I so proudly and humbly hold today said, "What the people want is very simple. They want an America as good as its promise." These words resonate in our time and the American people only ask for simple things. Therefore, I and my fellow colleagues are striving to maintain something we fought for tirelessly for years and were finally able to secure in the last Congress—the ability to provide all Americans with affordable and accessible healthcare.

For these reasons, I urge my colleagues to allow their consciences to recognize the greater need to work across the aisles with one another and strengthen our healthcare system to one day provide universal healthcare for all Americans. Again, I am in opposition of H.R. 2.

Mr. SMITH of Texas. I yield myself the balance of my time.

Madam Speaker, the Democrats' health care bill squanders health care resources and taxpayer money by encouraging wasteful defensive medicine. It explicitly prevents States from making any effective legal reforms under

its provisions, and expands opportunities for lawyers to sue doctors who did absolutely nothing wrong. And it limits the supply of doctors when patients need them most.

In fact, one particularly costly part of our health care system is the practice of so-called "defensive medicine," which occurs when doctors are forced by the threat of lawsuits to conduct tests and prescribe drugs that are not medically required. A survey released last year found defensive medicine is practiced by virtually all physicians.

Lawsuit abuse does more than make medical care much more expensive. It drives doctors out of business. Doctors who specialize in inherently high-risk fields are leaving their practices and hospitals are shutting down because their high exposure to liability makes lawsuit insurance unaffordable.

□ 1640

It can have deadly consequences. Hundreds and even thousands of patients may die annually for lack of doctors.

Madam Speaker, the Democrats' health care law will produce more litigation and less effective health care. That is why it should be repealed.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2, legislation to repeal the job-destroying health care law that was rushed through Congress last year. The American people have repeatedly voiced their frustration over the way the health care law put the government between patients and their doctors. They have protested this law's outrageous Federal mandates and high taxes. They have demanded that reform of our Nation's health care system focus not on bigger government, not on more bureaucrats, but on targeted, common-sense changes that encourage competition and better choices.

But instead of listening to the people, Washington gave them a law that piles more than \$500 billion in tax increases on families and small businesses. This law will force as much as 80 percent of all small businesses to give up their current coverage and could cost our economy 1.6 million jobs, 1 million of which could come from small businesses.

All of these new regulations and restrictions included in the law will make it more difficult for small businesses to hire new workers, expand their operations, and offer competitive wages. With unemployment still hov-

ering above 9 percent, families and businesses simply cannot afford more regulations and red tape from Washington. It is going to make jobs more scarce and further slow our economic recovery.

My Republican colleagues and I repeatedly tried to reach across the aisle to craft a better bill when this was pushed through. I was disappointed that rather than listen to their counterparts, the American people, those in charge when this was pushed through chose to put a completely partisan, widely unpopular bill through the people's House.

We now have an opportunity to give the people what they want by repealing this law and replacing it with meaningful reforms that will cut costs and increase access without creating big problems for businesses or piling more unsustainable debt on future generations.

I urge my friends and Members to vote in favor of repeal of this legislation, and join me in implementing better solutions for improving our Nation's health care system.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the bill before us today.

As we begin the 112th Congress, it is unfortunate that one of the first bills before this body is more about politics than policy. This bill will not help a single small business secure a loan, open a new market for its products, or invest back in its operations. By their own admission, the other side acknowledges this legislation is going nowhere.

It is ironic this grandstanding occurs when health insurance continues to be a top challenge facing small businesses. Over the last decade, small employers have seen their premiums rise by over 114 percent with no sign of relief. It is hard to imagine how repeal will help small businesses. In fact, it could do significant harm. The bill before us today imposes a \$40 billion tax increase by eliminating critical small business tax credits. These have already helped reduce costs and increased coverage rates by nearly 12 percent in the past year.

Repeal would also eliminate choices for entrepreneurs. Currently, in the majority of States, the two largest insurers had a combined market share of 70 percent or more. By doing away with reforms that establish new health insurance markets, it will limit small businesses' ability to secure coverage.

Small businesses already pay 20 percent more than their corporate counterparts, and the loss of new safeguards will compound this problem. Because of health reform, insurers are no longer able to raise rates arbitrarily without explaining why. They cannot deny coverage based on a preexisting condition

or because an employee gets sick. Passage of this bill would also strip new protections that provide small businesses bargaining power.

We have heard how important reforms were excluded from the original legislation. They say that for this reason, the House will start from scratch and enact a new health care law. However, when Republicans were in control of both Chambers and held the Oval Office, they talked about these solutions for nearly a decade, and yet nothing happened. In the meantime, small businesses saw their employees' premiums rise by an average of \$700 every single year. These small businesses now pay nearly \$14,000 for a policy that cost \$6,500 in 2000. Why should small businesses believe they can deliver on a promise this time?

While our economy has added nearly 400,000 jobs over the past 3 months, more must be done. We must continue to confront the problem of health coverage for small businesses, but voting for today's bill will not do that.

I urge Members to oppose the bill, and I urge the new leadership to focus on meaningful ways to address this Nation's economic challenges.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. Madam Speaker, I rise in favor of H.R. 2.

It is hard to know where to begin when you are talking about how bad the current health care legislation is for small businesses. The current health care bill that this Congress passed last year has an incentive for businesses to go from 50 employees to 49. It has an incentive for businesses to go from 25 employees down to fewer, and it has a disincentive then for small businesses to grow. There is a financial incentive to pay your employees less because the tax credit that we talked so much about last year goes away as you pay your folks more.

In fact, it is almost as if the folks who wrote this piece of legislation last year either have no idea how small business works or they don't care how small business works. Either way, the current health care legislation is a complete disaster for small business, and the number one priority for small business this year should be repealing of the existing health care and passing of H.R. 2.

Ms. VELÁZQUEZ. Madam Speaker, in the State of South Carolina as a result of this repeal legislation, small businesses in the State of South Carolina will see a tax increase of \$540 million.

I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentlelady for yielding.

Madam Speaker, I rise today in strong opposition to H.R. 2.

We know that if we repeal this law, we know the following things will happen: Children with preexisting conditions will be denied coverage; adult children under the age of 26 will be denied coverage under their parents' policy; seniors will pay more for their prescription drugs; and small businesses will once again go back to paying nearly 20 percent more than their corporate counterparts for providing the same health care coverage; small businesses would lose the incentive for providing coverage to their employees and an up to 50 percent tax credit which has already increased coverage at small firms by more than 10 percent. They would lose the ability to grow their businesses and create jobs by using that tax credit to hire additional employees.

This law establishes consumer protections, incentivizes wellness programs, and establishes cost controls and cost-cutting exchanges. For small businesses, that means driving down the cost of providing health insurance and providing assistance for small businesses that are struggling with skyrocketing premiums.

Currently, small businesses pay, on average, 18 percent more than large businesses for the same coverage, and health insurance premiums have gone up three times faster than wages in the past 10 years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. VELÁZQUEZ. I yield the gentleman an additional 15 seconds.

□ 1650

Mr. CICILLINE. Small business tax credits are critical to providing small businesses the opportunity to provide insurance to their employees. We made a promise to those small businesses to do everything we can to make it easier for them to thrive in this economy, and this is a good first step.

I urge my colleagues to vote against this repeal.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FLEISCHMANN).

Mr. FLEISCHMANN. Madam Speaker, tonight I rise in support of the repeal of ObamaCare.

This is my first speech on the floor as a Member of Congress, and I thought it only appropriate that it be on this topic—a topic I campaigned hard on and a topic I believe strongly in.

We must repeal this health care legislation. As a small business owner for the past 24 years, I know firsthand the kind of damage this legislation would do to American small business if it is allowed to be put in place.

The National Federation of Independent Research Foundation conducted a study that showed the employer mandate found in ObamaCare could lead to a loss of 1.6 million jobs

throughout the country, and 66 percent of those lost jobs would come from the small business workforce. That same study showed “small businesses would lose, roughly, \$113 billion in real output and account for 56 percent of all real output lost.”

As a member of the Small Business Committee, I promise to use my personal experience to fight every day for small business owners everywhere. Starting tonight, we must repeal ObamaCare.

Ms. VELÁZQUEZ. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Madam Speaker, I rise today to speak against this bill.

Even before the recession, my State of North Carolina was losing one wave of jobs after another in our traditional industries, and we have needed the energy and the job creation that comes from small business—from people leaving jobs, whether they jump or are pushed, and starting their own businesses. Half the American economy, our gross domestic product, is generated by small business. Even more importantly, small businesses create 75 percent of new jobs.

By providing access to State high-risk pools and an insurance market for individuals, the health care reform bill passed last year will make it possible for American workers to start their own businesses without worrying they are going to lose health care for themselves or for their families.

I do know firsthand what it is like as a small business owner to buy health insurance for employees. It is one of the greatest frustrations—trying to find something affordable and trying to figure out what you really bought, and you're not going to know until one of your employees gets sick or gets hurt.

This bill, the bill passed last year—this legislation—will make it affordable. It will provide tax credits of 35 percent for small businesses to provide health insurance, and that is going to go up to 50 percent. That will increase health care coverage by more than 12 percent amongst small business owners. Even more importantly, they're going to know what they've got. It is going to be insurance that really covers what it ought to cover. It is not going to be filled with small-print exceptions of one kind of care after another, one condition after another. Employees are going to get the care they need.

Reform has freed people who want to start a business to do it without worrying about what kind of shape it's going to leave them in and their family members in.

I urge my colleagues to vote against this bill, which will put those small businesses back into uncertain land.

Mr. GRAVES of Missouri. Madam Speaker, at this time, I yield 1 minute

to another member of the Small Business Committee, the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Madam Speaker, I rise in support of this bill, and I hope this is only a first step in the pursuit of making quality, affordable health care available to all Americans.

This year we have the chance to correct mistakes made by both parties. The ObamaCare bill passed by the other party last year was the wrong approach. It increases the debt and the deficit for future generations while doing nothing to decrease the inflationary curve of health care. It was the wrong approach.

No party is perfect. The last time our party had the majority, while there were many on our side of the aisle who worked diligently to reform health care, the job was left undone. Getting this right is one of the reasons the people of southwest Washington sent me to Congress. Now, the good news is that solutions exist that can fix our health care system and bring costs down for middle-income families. Today, we hit “reset” on health care reform.

I invite my Democratic colleagues to join me in advancing solutions that help small businesses and middle-income families—solutions like small business health plans, ending junk lawsuits that drive up the cost of everyone's care, the expanded use of health savings accounts, and the ability to purchase health care across State lines.

These are patient-centered solutions that won't grow government, but are solutions that will make health care more affordable and more accessible to all Americans. I sincerely hope we vote today to seize this chance.

Ms. VELÁZQUEZ. Madam Speaker, I would like to inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentlewoman from New York has 12¼ minutes remaining. The gentleman from Missouri has 15 minutes remaining.

Ms. VELÁZQUEZ. Madam Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. Madam Speaker, the question before us is: Will we accept what is, or are we willing to commit to build what could be?

America has always been a land of self-determination. Our constitutionally guaranteed rights as individuals, as a people, as a Nation have made us flourish. Innovation, creativity, and freedom are American hallmarks.

I rise in support of H.R. 2. It does not indite intent, but it does address outcome. In fact, the deeper we dig into the health care act, the more we discover that it is stopping job creation,

building more government, and placing tax burdens on American families who are already struggling. We can and must do better.

Let us commit ourselves to addressing the basic concerns we hold in common concerning health care—affordability and accessibility. Let us strive to empower our people to make their own choices about the care they receive, empower private sector solutions that will lower costs and increase the quality of care, and eliminate governmental stumbling blocks and not build bigger government.

Ms. VELÁZQUEZ. Madam Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Madam Speaker, today, millions of Americans have more freedom to choose and control their health care as a result of the Affordable Care Act.

In my congressional district, nearly 40 percent of my constituents were uninsured. Thousands more were underinsured and living on the brink of financial disaster when facing a serious illness or accident. With health care reform, positive change is taking place for them and for individuals, families, and small businesses throughout the country.

Young adults are grateful they can remain on their parents' insurance until age 26; seniors living in fear of not being able to afford their medications are thankful for discounts on brand-name drugs when reaching the doughnut hole; families with pre-existing conditions are comforted by the new high-risk insurance pool; and those facing serious illness are relieved their insurers can no longer drop them when they need coverage the most.

Small businesses, which abound in my district and which are a mainstay in our Latino and minority communities, can take advantage of tax credits to offer health insurance to their employees.

A 2009 study by MIT economist Jonathan Gruber found that, without reform, over the next decade employers will pay trillions of dollars in employee health costs; will potentially cut 170,000 small business jobs; and will lose \$51.2 billion in profits. That is why John Arensmeyer, founder and CEO of the Small Business Majority, supports health care reform.

Madam Speaker, H.R. 2 will hurt small business. It will repeal the freedoms and protections Americans now have, and it will return control of their health care to the insurance companies.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Madam Speaker, it is with great enthusiasm that I rise to encourage my colleagues to stand with the American people—the hardworking families and the small business owners

across our country—and vote for repealing the job-killing health care law.

In March, Members of Congress passed a massive government-run health care law that will kill jobs, raise taxes, and increase the size of our Federal Government.

□ 1700

The bill called for tax increases on American families, wasteful spending of taxpayer dollars, and new mandates on small businesses. This is wrong. Voters made it clear in November that “business as usual” must end.

I submitted the necessary paperwork to decline the health care plan offered to Members of Congress. I rejected this benefit because Washington must work just like the American people must work. We are not above them. I hope my actions will energize the efforts to repeal the government-run health care law.

I encourage my colleagues to vote “yes” on this bill and to promote commonsense solutions of purchasing health insurance across State lines and pooling small businesses together to leverage purchasing power.

Ms. VELÁZQUEZ. Madam Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. Madam Speaker, I rise today in support of H.R. 2, Repealing the Job-Killing Health Care Act.

I commend the Republican leadership for simplifying this process by drafting a two-page, stand-alone bill for repeal. It will be very clear, Madam Speaker, to the American people where we stand on repeal.

During this past campaign, I, like a lot of candidates, spoke to small businesses every single day. There is a reason why 90 percent of small business men and women in this country support repeal. From the billions in taxes, to the needless paperwork, to the burdensome regulations, to the 1.6 million estimated job loss, small business men and women are adamant that we need to repeal.

Finally, Madam Speaker, our opposition last year said that if you like your plan, you can keep it. To date, there are 222 organizations, including some of ObamaCare's biggest union supporters, who have received waivers. Why? Why, Madam Speaker, if the law was so worthy, would there be a need for waivers?

Ms. VELÁZQUEZ. Madam Speaker, as a result of this repeal legislation, small businesses in the State of Illinois will see a tax increase of \$1.7 billion.

Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Speaker, when I testified against this repeal before the Rules Committee, I

told a story about a family in my district. The husband lost his job and, therefore, his insurance because of a debilitating injury. This family faced a choice: They either had to dip into their savings account, their high school son's college fund, or they had to sell their house. They chose to first spend down the college account so that they could keep a roof over their head.

When I told that story, one Republican on the committee basically said, Wait, I don't get it. They had money, they had a house, why should somebody else pay for their health care if they had assets?

Well, that Member was right about one thing: She didn't get it. And Republicans don't get it. Because in a nation as compassionate as this, no family should be forced out on the street just because one of their family members gets sick. There is a moral imperative behind making sure that we live up to our duty to be our brother's keeper.

But it's more than that. There is a fiscal imperative here. What she also didn't get was that once that family's savings is gone, once they're out on the street, we all pick up the cost. Small businesses pick up the cost. That's why small businesses are paying 18 percent more than big businesses. That's why about \$1,100 of every single premium for a small business employee goes to cover the uninsured.

There are thousands of small businesses in Connecticut organized under the auspices of a group called Small Businesses for Health Care Reform that are crying out for this repeal to be defeated because they see the \$260 billion price tag attached to this bill that is going to land on their head, as well as the continuation of discriminatory practices that ask small businesses to pay for the uninsured like that family that I talked about.

This bill isn't anything more than a political statement, but families in my district, small businesses in my district need more than politics. They need answers.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the chairman for yielding time.

I listened to this delivery ahead of me. I spent 28½ years in business. I met payroll for over 1,400 consecutive weeks. I never saw a regulation that made my job easier or allowed me to make more money. This is 2,400 pages of legislation. It's thousands more pages of regulation. It's oppressive to small business. It should be called the “Entrepreneurial Extinction Act,” not this health care plan.

This is ObamaCare. It must be pulled out completely by the roots. The American people know this. That's why there are 87 freshmen Republicans on this side and nine freshmen Democrats

on this side. The American people have spoken resoundingly. It is our obligation to go down this path. It's not symbolic. It's very important. Because without this vote on this floor, we can't move forward with the rest of the scenario to eliminate ObamaCare.

The language in the bill is pretty simple, and it concludes with this language, "act is repealed, and the provisions of law amended or repealed by such act are restored or revived as if such act had never been enacted."

Ms. VELÁZQUEZ. Madam Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Madam Speaker, during these difficult economic times that we're facing, it's critical that we make job creation a top priority. That is why I'm concerned about the impact H.R. 2 will have on small businesses.

The Republican plan will repeal a 35 percent tax credit for small businesses that offer health insurance to their employees. It would allow insurers to deny a business coverage if their employees had preexisting conditions.

As a result of health insurance reform, New Mexicans no longer face this discrimination. If this protection is repealed, having cancer or diabetes or even being a victim of domestic violence could lead to a denial of insurance. Discrimination for preexisting conditions will be alive and well. All of that would be dangerous for New Mexicans.

People like Yvonne from Santa Fe would once again have to worry about losing their health care. Yvonne lost her job when the company she worked for was shipped overseas. Yvonne was diabetic, and because of the high cost of COBRA, she was forced to ration her medicine. As a result, she became gravely ill and had to visit the emergency room. There, doctors noticed another problem that required further examination. Yet because Yvonne could not afford COBRA and because private insurance companies would not insure her because she had diabetes, the hospital released her. The only option Yvonne had left was to wait 2 months to be seen at the University of New Mexico Hospital. After that visit, she was diagnosed with a form of lung cancer that would have been caught earlier if she had not been kicked out. Yvonne passed away from complications resulting from the cancer, having resulted through a system that discriminated against her.

We simply cannot return to the days when people like Yvonne are forced to suffer because of insurance companies' bad practices. Please, let's not turn a blind eye on people like Yvonne.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentlelady from North Carolina, a nurse and the new chairwoman of the Subcommittee on Health Care and Technology, Mrs. ELLMERS.

Mrs. ELLMERS. Madam Speaker, when I ran for Congress, I vowed to repeal ObamaCare, and with one of my first votes in the 112th Congress, I will do so.

As a nurse for 20 years, co-owner of a wound care clinic, and in practice with my husband in his general surgery practice, we know the problems that exist for Americans in health care. Instead of being a remedy to these problems, ObamaCare has already done more harm than good to both the quality of health care in our country as well as our economy. As a nurse, I look for pathways to solutions; this is a problematic pathway undoubtedly.

In the face of rising unemployment, unsustainable Federal deficits, and overwhelming public opposition, it took more than a year to cobble together an unpopular government takeover of health care so riddled with provisions that violate right-to-life principles and support government rationing of care that it cannot simply be patched.

ObamaCare is bad for workers. It's bad for employers and bad for America.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GRAVES of Missouri. Madam Speaker, I yield the gentlelady 30 additional seconds.

Mrs. ELLMERS. Repealing it allows us to start with a clean slate and look at market-based reforms that will actually lower health care costs, increase accessibility, let Americans keep the plans they have and like, and forestall impending drastic changes that have created uncertainty in the lives of so many Americans and businesses.

To this Congress, I will work with my colleagues on both sides of the aisle to repeal and replace the law's job-killing regulations and State-bankrupting mandates. The bill to repeal the so-called "Affordable Care Act" is very simple, and my vote will be to overturn this job-killing law.

□ 1710

To this Congress, I will work with my colleagues on both sides of the aisle to repeal and replace the law's job-killing regulations and State bankrupt mandates.

Ms. VELÁZQUEZ. Madam Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentlelady from New York (Ms. HAYWORTH).

Ms. HAYWORTH. I rise today in strong support of this legislation to repeal the Affordable Care Act.

As a physician with 16 years of practice experience, I can assure you that the Affordable Care Act will, paradoxically, deprive Americans of care. It enshrines a third-party payment system that adds to costs; then, in the name of controlling costs, transfers power from consumers to the government to make crucial decisions that

belong in the hands of patients and their doctors. It neglects to deal effectively with reforms in medical liability that are desperately needed to reduce the unconscionable cost of defensive medicine.

Our vote to repeal is not merely symbolic. It represents the true will of the American public, and it will pave the way to reform our health care in a way that will allow our citizens to have the good, cost-effective health care and affordable, portable health insurance they need, while maintaining the quality, choice, and innovation that represents the best of American medicine.

Ms. VELÁZQUEZ. Madam Speaker, I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Madam Speaker, America is hurting, but the health care law passed last year did not fix any problems. It will only make things worse. Small businesses can barely make ends meet. And now the Federal Government is imposing more mandates, more taxes, and more red tape? Enough is enough.

As a health care provider, a small business owner, and a father, I know that the way to provide health care to more individuals and create more jobs is not through government bureaucracies, deficit spending, and higher taxes. Rather, we need to empower businesses—big and small—to band together to purchase health insurance. We need to open markets with free competition. We also need to implement real health care reform that will lower the cost of care and open up access.

Tort reform, red tape reform, preexisting conditions reform: these are reforms that will work—reforms the current law fails to adequately address or ignores altogether.

If we are serious about putting our Nation back to work, then we can start by repealing this onerous health care law and work hand-in-hand with the American people to implement true health care reform.

Ms. VELÁZQUEZ. Madam Speaker, I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. I rise today in support of the repeal and replacement of the so-called Affordable Care Act of 2010 because the Affordable Care Act is in fact unaffordable for small businesses and individuals who purchase their health insurance.

Since the implementation of the act, businesses and individuals across my home county of Bucks County have seen double-digit premium increases. The act is unaffordable for States, already billions in the red, that will be

required to shoulder untold millions more in Medicaid costs. The act is unaffordable for America's seniors who will see a half-trillion-dollar reduction in Medicare spending over the next 10 years. And, finally, the act is unaffordable for the American taxpayer who will see a \$700 billion increase in the Federal deficit.

We must enact real health care reform, tort reform for doctors to stop the wasteful practice of defensive medicine, permitting individuals real competition of purchase across State lines, and enacting and enhancing health saving accounts.

These are the cornerstones of real health care reform and affordability and will make health care affordable and accessible for patients, for seniors, States, and for generations of taxpayers to come.

Ms. VELÁZQUEZ. Madam Speaker, I would like to inquire as to how much time each side has remaining.

The SPEAKER pro tempore. The gentlewoman from New York has 6 minutes remaining. The gentleman from Missouri has 6½ minutes remaining.

Ms. VELÁZQUEZ. At this time, I yield 2 minutes to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in strong opposition to H.R. 2, the Patient Rights to Appeal of 2010, and I would urge my colleagues, let's keep true to the tone of civility. This isn't ObamaCare; it's actually called the Affordable Care Act.

So, Madam Speaker, at a time when Americans finally have a chance to see a regular doctor, to prevent sitting in hospital rooms in emergency waiting for desperate care, we finally have a chance.

What does this mean to small businesses? In California and in my own hometown, 15,100 small businesses have seen a 50 percent tax credit to provide health care for the first time for their employees. Over 16,000 additional small businesses will now be eligible for health care exchanges that will make insurance affordable. In my district, these are real people, like Betty Claire in my district.

Now you're talking about considering something that would prevent Medicare for 63,000 beneficiaries, extending coverage to 88,000 residents in my district. That's what we're talking about, and also when you look at guaranteeing 17,000 residents who previously had preexisting conditions.

My colleagues, I will vote "no" on H.R. 2. And I also urge my colleagues to consider not reversing. It's not time to go back. It's time to step forward.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STIVERS).

Mr. STIVERS. I would like to thank the gentleman from Missouri for yielding time.

I rise in support of the health care repeal bill because doing otherwise would

be supporting the job-killing status quo, and that's unacceptable. Whether we start over or we work to fix the current law, we must act.

Moving forward, I'm committed to working with my colleagues in a bipartisan manner to support reforms that we agree on, such as helping people with preexisting conditions get access and allowing young adults to stay on their parents' plan.

But I'm equally committed to eliminating the job-killing portions of the current law, such as the burdensome mandate and the 1099 requirement in the legislation.

A small business owner from my district, Cathy, called us the other day and wanted to talk to me about the burdens of the 1099 provision. She called it a nightmare. It will increase her burden by 12 times.

The bottom line is we need to work to lower health care costs for families and allow a more patient-centered approach while not placing unnecessary burdens on the backs of small business and job creators.

Ms. VELÁZQUEZ. I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. WOMACK).

Mr. WOMACK. I thank the gentleman from Missouri for the time.

Throughout this debate there's been a lot of talk about jobs. And there should be. There is little doubt that this law impacts American workers. Take, for example, Baldor Electric in Fort Smith, Arkansas. Madam Speaker, this is a company that has 6,000 employees across America, and the impact of the health care law in the first year alone is \$2.9 million. How does a company like Baldor absorb that cost? By further automating its processes and through attrition, allowing 50 jobs to disappear.

Eliminating 50 jobs in the first year of this law for a company like Baldor—not to mention thousands of companies across America similarly situated—is not my idea of restoring economic prosperity for America.

I urge my colleagues to support H.R. 2 and begin the process of crafting a meaningful, affordable, and workable solution. That's the way forward.

Ms. VELÁZQUEZ. Madam Speaker, I yield 1½ minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I'm curious. Any of the Members who have spoken about the impact on small business, are any of them in favor of the tax incentive that is provided on small businesses to provide health care? Of course they are.

Now, they might not know it's in the bill because to listen to the rhetoric—and a lot of them can be forgiven; they just came off the campaign trail. They were used to saying glib things like "government takeover," "job killing." But I would urge you to read the bill.

Small businesses get a 30 to 50 percent tax incentive to provide health care for their workers. Small businesses do.

□ 1720

And do you know what requirements they have to go along with that? None. No gaudy regulation, no government takeover. And just a word on this whole government takeover thing. I mean I love you guys, and I know you are caught up in the rhetoric of the campaign, this is tax breaks that are going to go to citizens to buy, wait for it, private insurance policies. Where is the government takeover in that?

Now, some of us believe that Medicare, which of course you refer to as a government takeover of health care, and I am sure you are opposed to that as well, some of us believe that, frankly, the insurance companies aren't providing a lot of value-added here. But they are the beneficiaries of this plan.

Small businesses today, if the Republicans are successful, will lose that tax incentive. Think that will create a lot of jobs, guys? It's not going to. And you think small businesses benefit when they don't provide health insurance and then people go to hospital emergency rooms to get their care? Who do you think pays that bill? The bill fairy? Your taxpayers. Your taxpayers in your States.

Now, what's your solution? Well, they don't have a solution. We know what they are against. They are against health reform. We don't know what they are for. Welcome to the Republican majority.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. GRAVES of Missouri. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the gentleman from Missouri for yielding.

I rise today to express the sentiments of my district in upstate New York. With health care costs continuing to rise at several times the rate of inflation year after year, clearly we need reform. Health care costs were 4.7 percent of the GDP in 1960. They are over 17 percent today. We must drive down costs. But the bill passed last year is not the answer. We're going to end up with higher costs, higher premiums, higher taxes, and more burdensome regulation, and more big government at a time we should be consolidating.

We need to start over again and arrive at a patient-centered bill, not the government-centered plan we got last year. I believe we can find solutions that drive down costs and expand access without hurting small businesses and without stepping on our freedoms.

This bill passed last year dramatically expands the government's involvement in the delivery of health care, which is already significantly increasing premiums in my district and

stifling job creation. I believe that both sides of the aisle believe that we should be focusing on job creation. This is not the way forward. Indeed, the new taxes and regulations will hurt our small businesses, including the medical device industry, a sector of the economy where our region leads the Nation.

Ultimately, the new law, if not repealed, will hurt families across my district and across America. Moreover, the changes to the Medicaid program will put additional burdens on States already facing very difficult challenges.

I plan to vote for repeal. And then later this week, I plan to vote for House Resolution 9, so that we can instruct committees to report a replacement bill that includes insurance reform for wider access to options and choices, and medical liability reform to rein in defensive medicine practices. I think we should engage in a civil, bipartisan discussion with our colleagues across the aisle. Our replacement bill should include coverage for preexisting conditions and ensure that coverage can't be dropped when you are sick.

Ultimately, I believe the fate of this repeal effort will hinge on the content and quality of the replacement bill. If we bring forward in this House a new plan that drives down costs, increases access, while protecting choices and the patient-doctor relationship, I believe the American people, evaluating the two respective plans side by side, will pressure the Senate and the President to repeal and replace, because we need reform, but the bill last year is not the answer. It's time to start over.

Ms. VELAZQUEZ. Madam Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentlewoman from New York has 3 minutes remaining. The gentleman from Missouri has 2½ minutes remaining.

Ms. VELAZQUEZ. I would like to inquire through the Chair how many speakers the gentleman has remaining.

Mr. GRAVES of Missouri. I don't have any more speakers, and I am prepared to close.

Ms. VELAZQUEZ. I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, this is the most remarkable of all Chambers where discussions take place, because in this Chamber if you say something that is not true, often enough somebody will believe that it's actually true. What I have heard today on the floor I am just going, well, that's a marvelous thing, when in fact our colleagues on the Republican side want to enact reforms that are already in place. Already in place is the Patients' Bill of Rights. No rescissions. No preexisting conditions. Children being able to stay, or young adults being able to stay on their parents' policies until the age of 26. They say they want it—

it's already the law of America. Wow. What are we going to repeal? You are going to repeal that?

You want small businesses to be well taken care of? Well, so do we. That's why, if you employ less than 50 people as a small business you don't have any requirements at all. But if you want to provide health insurance to your employees, wow, the government's going to give you a subsidy, 35 percent now, building to 50 percent in the years ahead. What's wrong with that? Where's the harm to small business? What in the world are our colleagues talking about here? I don't get it. It's in the law already.

Everything I have heard here in the last half hour is the law of America. So why are you repealing it? So you can have the insurance companies get another shot at taking over the care of patients, which is exactly what they do, and exactly what I know because I was the insurance commissioner for 8 years in California, and I know what the insurance companies do. They are the ones that make the decisions. We don't want that to happen. That's why the Patients' Bill of Rights is the law in America today. The Patients' Bill of Rights would be repealed by this H.R. 2. Not good for Americans. Not good. Some 30 million people would lose their opportunity for insurance.

Ms. VELAZQUEZ. Madam Speaker, what will small businesses lose if health care reform is repealed? The small business tax credit of up to 50 percent will be lost. Insurers will be able to continue price gouging. Insurers will be able to deny small businesses coverage without any justification. New health insurance options for small businesses will be eliminated. Small businesses will be unable to pool resources to purchase coverage. Insurers will be able to delay small businesses' access to health insurance. New health options for the self-employed will be abolished.

I urge a "no" vote. And I hope that we spend the remainder of this Congress on measures that truly get small businesses hiring and creating jobs. What we need is to get this economy back on track. By repealing health care reform, we will not achieve that.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Madam Speaker, some of my colleagues on the other side of the aisle continue to claim that the health care law is actually going to benefit small businesses despite the mountain of facts that are out there. Specifically, and what was argued earlier, is that the health care tax credit's going to make it easier for employers to offset the costs that are being required to provide health insurance. Unfortunately, this is far from the truth. Any potential assistance from this tax credit is far outweighed by the tax increases and paperwork burdens that this law is going to pile on small businesses.

Madam Speaker, the American people spoke loudly in November. And we need to make sure that we move away from the health care law that penalizes our Nation's entrepreneurs and place a renewed focus on enacting targeted, commonsense reforms that increase access and lowers costs.

Madam Speaker, with that I would urge my colleagues to vote for H.R. 2, and let's get back on track.

Ms. WATERS. Madam Speaker, I'm proud to join my Democratic colleagues on the floor this afternoon to state our unequivocal stance against health care reform repeal.

The landmark health reform law takes a stand against the health care disparities that exist for low-income Americans, people of color, and people with pre-existing conditions.

Twenty percent of African-Americans were uninsured in the United States, and 32 percent of the Hispanic population was uninsured.

Though African-American women are 10 percent less likely to get breast cancer than white women, we are 34 percent more likely to die from it. And Hispanic women are twice as likely to die from cervical cancer as White women.

Both African-American and Mexican-American men are 30 percent more likely to die from heart disease than White Americans.

Hispanic men were one-and-a-half times as likely to die from diabetes as White Americans, and African-Americans were 2.2 times as likely to die from diabetes as compared to White Americans.

Finally, though they comprise 15 percent of the U.S. population, Hispanics make up 17 percent of new HIV infections. And more shockingly, though we make up only 12 percent of the U.S. population, African Americans are 45 percent of new HIV infections.

Many Americans are suffering from a lack of access to health care because health insurance is simply unaffordable. This problem has existed for far too long in the most prosperous nation in the world. Meaningful health care must be available for all Americans regardless of race, level of income, gender, or the existence of a pre-existing condition. That's why the health care reform law specifically addresses these disparities and other pre-existing conditions and makes it illegal to be denied health care insurance because of them.

So I implore my Republican colleagues to work with us to strengthen the law, make it better, and provide health care and jobs to millions of Americans.

Mr. GRAVES of Missouri. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of this bill is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 6 o'clock and 30 minutes p.m.

ELECTING MEMBERS TO CERTAIN
STANDING COMMITTEES OF THE
HOUSE OF REPRESENTATIVES

Mr. HENSARLING. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 37

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Mr. Garrett, Mr. Simpson, Mr. Campbell, Mr. Calvert, Mr. Akin, Mr. Cole, Mr. Price of Georgia, Mr. McClintock, Mr. Stutzman, Mr. Lankford, Mrs. Black, Mr. Ribble, Mr. Flores, Mr. Mulvaney, Mr. Huelskamp, Mr. Young of Indiana, Mr. Amash, and Mr. Rokita.

(2) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Petri, Mr. McKeon, Mrs. Biggert, Mr. Platts, Mr. Wilson of South Carolina, Ms. Foxx, Mr. Hunter, Mr. Roe of Tennessee, Mr. Thompson of Pennsylvania, Mr. Walberg, Mr. DesJarlais, Mr. Hanna, Mr. Rokita, Mr. Bucshon, Mr. Gowdy, Mr. Barletta, Mrs. Noem, Mrs. Roby, Mr. Heck, Mr. Ross of Florida, and Mr. Kelly.

(3) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Smith of New Jersey, Mr. Burton of Indiana, Mr. Gallegly, Mr. Rohrabacher, Mr. Manzullo, Mr. Royce, Mr. Chabot, Mr. Paul, Mr. Pence, Mr. Wilson of South Carolina, Mr. Mack, Mr. Fortenberry, Mr. McCaul, Mr. Poe of Texas, Mr. Bilirakis, Mrs. Schmidt, Mr. Johnson of Ohio, Mr. Rivera, Mr. Kelly, Mr. Griffin of Arkansas, Mr. Marino, Mr. Duncan of South Carolina, Ms. Buerkle, and Mrs. Ellmers.

(4) COMMITTEE ON HOMELAND SECURITY.—Mr. Smith of Texas, Mr. Daniel E. Lungren of California, Mr. Rogers of Alabama, Mr. McCaul, Mr. Bilirakis, Mr. Broun of Georgia, Mrs. Miller of Michigan, Mr. Walberg, Mr. Cravaack, Mr. Walsh of Illinois, Mr. Meehan, Mr. Quayle, Mr. Rigell, Mr. Long, Mr. Duncan of South Carolina, and Mr. Marino.

(5) COMMITTEE ON THE JUDICIARY.—Mr. Sensenbrenner, Mr. Coble, Mr. Gallegly, Mr. Goodlatte, Mr. Daniel E. Lungren of California, Mr. Chabot, Mr. Issa, Mr. Pence, Mr. Forbes, Mr. King of Iowa, Mr. Franks of Arizona, Mr. Gohmert, Mr. Jordan, Mr. Poe of Texas, Mr. Chaffetz, Mr. Reed, Mr. Griffin of Arkansas, Mr. Marino, Mr. Gowdy, Mr. Ross of Florida, Mrs. Adams, and Mr. Quayle.

(6) COMMITTEE ON NATURAL RESOURCES.—Mr. Young of Alaska, Mr. Duncan of Tennessee, Mr. Gohmert, Mr. Bishop of Utah, Mr. Lamborn, Mr. Wittman, Mr. Broun of Georgia, Mr. Fleming, Mr. Coffman of Colorado, Mr. McClintock, Mr. Thompson of Pennsylvania, Mr. Denham, Mr. Benishek, Mr. Rivera, Mr. Duncan of South Carolina, Mr. Tipton, Mr. Gosar, Mr. Labrador, Mrs. Noem, Mr. Southerland, Mr. Flores, Mr. Harris, Mr. Landry, Mr. Fleischmann, Mr. Runyan, and Mr. Johnson of Ohio.

(7) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Burton of Indiana, Mr. Mica, Mr. Platts, Mr. Turner, Mr. McHenry, Mr. Jordan, Mr. Chaffetz, Mr. Mack, Mr. Walberg, Mr. Lankford, Mr. Amash, Ms. Buerkle, Mr. Gosar, Mr. Labrador, Mr. Meehan, Mr. DesJarlais, Mr. Walsh of Illinois, Mr. Gowdy, Mr. Ross of Florida, Mr. Guinta, Mr. Farenthold, and Mr. Kelly.

(8) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Mr. Sensenbrenner, Mr. Smith of Texas, Mr. Rohrabacher, Mr. Bartlett, Mr. Lucas, Mrs. Biggert, Mr. Akin, Mr. Neugebauer, Mr. McCaul, Mr. Broun of Georgia, Mrs. Adams, Mr. Quayle, Mr. Fleischmann, Mr. Rigell, Mr. Palazzo, Mr. Brooks, and Mr. Harris.

(9) COMMITTEE ON SMALL BUSINESS.—Mr. Bartlett, Mr. Chabot, Mr. King of Iowa, Mr. Coffman of Colorado, Mr. Mulvaney, Mr. Tipton, Mr. Fleischmann, Ms. Herrera Beutler, Mr. West, Mrs. Ellmers, and Mr. Walsh of Illinois.

(10) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Stearns, Mr. Lamborn, Mr. Bilirakis, Mr. Roe of Tennessee, Mr. Stutzman, Mr. Flores, Mr. Johnson of Ohio, Mr. Denham, Mr. Runyan, Mr. Benishek, Ms. Buerkle, and Mr. Huelskamp.

Mr. HENSARLING (during the reading). I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the motion to suspend the rules previously postponed.

STOP THE OVERPRINTING (STOP)
ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 292) to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. HARPER) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 12]

YEAS—399

Ackerman
Adams
Aderholt
Akin
Alexander

Altmire
Amash
Andrews
Austria
Baca

Bachmann
Bachus
Baldwin
Barletta
Barrow

Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Cravaack
Crawford
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Davis (CA)
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DeFazio
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Denham
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Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson

Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harman
Harper
Harris
Hartzler
Hastings (FL)
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Hayworth
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Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)

Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markay
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
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Olson
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Palazzo
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
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Platts
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Price (GA)
Price (NC)
Quayle
Quigley
Rangel
Reed
Rehberg

Reichert	Schweikert	Tonko
Renacci	Scott (SC)	Turner
Reyes	Scott (VA)	Upton
Richmond	Scott, Austin	Van Hollen
Rigell	Scott, David	Velázquez
Rivera	Sensenbrenner	Visclosky
Roby	Serrano	Walberg
Roe (TN)	Sessions	Walden
Rogers (AL)	Sewell	Walsh (IL)
Rogers (KY)	Sherman	Walz (MN)
Rogers (MI)	Shimkus	Wasserman
Rohrabacher	Shuler	Schultz
Rokita	Shuster	Waters
Rooney	Simpson	Watt
Ros-Lehtinen	Sires	Waxman
Roskam	Slaughter	Webster
Ross (AR)	Smith (NE)	Weiner
Ross (FL)	Smith (NJ)	Welch
Rothman (NJ)	Smith (TX)	West
Roybal-Allard	Smith (WA)	Westmoreland
Royce	Southerland	Whitfield
Runyan	Stark	Wilson (SC)
Ruppersberger	Stearns	Wittman
Ryan (OH)	Stivers	Wolf
Ryan (WI)	Stutzman	Womack
Sánchez, Linda	Sullivan	Woodall
T.	Sutton	Woolsey
Sanchez, Loretta	Terry	Wu
Sarbanes	Thompson (CA)	Yarmuth
Scalise	Thompson (MS)	Yoder
Schiff	Thompson (PA)	Young (AK)
Schilling	Thornberry	Young (FL)
Schock	Tierney	Young (IN)
Schwartz	Tipton	

NOT VOTING—35

Brady (PA)	Gonzalez	Ribble
Capuano	Grijalva	Richardson
Clarke (NY)	Gutierrez	Rush
Costa	Holden	Schakowsky
Davis (IL)	Hunter	Schmidt
Dingell	Johnson (IL)	Schrader
Doyle	Jordan	Speier
Ellison	Kind	Tiberi
Engel	Larson (CT)	Towns
Filner	McCollum	Tsongas
Gibbs	McIntyre	Rahall
Giffords	Rahall	

□ 1852

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress."

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 12, I was unable to vote because of airline delays. Had I been present, I would have voted "yea."

Ms. WILSON of Florida. Madam Speaker, on rollcall No. 12, had I been present, I would have voted "yea."

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that had I been present, I would have voted "yea" on the rollcall vote No. 12.

HONORING WILLIAM FRANCIS WALSH, FORMER MEMBER OF CONGRESS

(Ms. BUERKLE asked and was given permission to address the House for 1 minute.)

Ms. BUERKLE. Madam Speaker, I wish to inform the House of Representatives that on January 8, 2011, central New York lost a great friend, and this

august body lost a former Member, William Francis Walsh.

William Walsh, World War II veteran, former mayor of Syracuse, and Member of this House of Representatives from 1973 to 1979, passed away at his home in Marcellus, New York, at the age of 98.

Mr. Walsh played a significant role in the shaping of the political landscape of central New York for more than 30 years. He returned home from World War II, during which he served as an Army captain, and completed graduate studies at the University of Buffalo in social work.

His training and experience as a social worker would provide him with a values reference point for his future political career. In 1959, voters elected him to the post of County Welfare Commissioner. Over the course of his political career, he consistently demonstrated his compassion for the less fortunate, and he was instrumental in developing welfare-to-work programs.

William Walsh was elected mayor of the City of Syracuse in 1961 and, during his tenure, supervised widespread major changes to the Syracuse downtown.

Syracusans remember Bill Walsh for his approachability and his emphasis on constituent service. That attention to the needs of the constituents served the district residents well when Mr. Walsh became a Member of Congress in 1973.

Bill Walsh loved Syracuse. The child of Irish immigrants, Michael and Mary Alice Walsh, Bill Walsh always remained connected to the community he grew up in. His strong sense of community colored his commitment to public service, and he passed that commitment on to his children. He and his wife, the late Mary Dorsey Walsh, raised seven children. Their son Jim Walsh served in Congress from 1989 to 2009. Two of their other children, Bill Walsh and Martha Walsh Hood, currently serve as Onondaga County judges.

Mr. Walsh enjoyed hunting, golf, and outdoors. Most importantly, though, he was a devoted father who spent time with his children teaching them about life, people, and public service. He will be greatly missed by his family, friends, and the Syracuse community.

□ 1900

REPEAL AND REPLACE OBAMACARE

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Like the house built upon the rock, America was created upon the solid foundation of the Constitution. With the passage of ObamaCare, liberals have drilled holes in the rock and foundation of our Nation.

Madam Speaker, I rise today to introduce a bill, H.R. 299, that restores our economic freedom. It repeals the bureaucratic boondoggle of ObamaCare and replaces it with commonsense solutions. By allowing individuals to shop for health care across State lines, the cost of health care is reduced through basic, free market solutions. Instead of adding massive new debts to fund an equally massive bureaucracy, my plan allows people to deduct 100 percent of their health care expenses.

My bill also creates high-risk pools and allows health care associations to form, empowering Americans to get the coverage that they need at a much lower cost.

Madam Speaker, residents of the 10th District of Georgia overwhelmingly oppose ObamaCare. I'm proud to fulfill my commitment to repeal it and replace it with some commonsense solutions.

THE UNINSURED OF TEXAS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I have listened for a couple of hours to the debate on health care and will have additional hours going forward tomorrow.

I think it is important that each Member look carefully at their own congressional area and as well their own State. I hope maybe I will be able to convince a few Members of the reality of the State of Texas. And by the way, I don't know how far this legislation will go. We expect a victory on the repeal tomorrow. I don't want Americans to be frightened who need this bill.

Mr. President, be prepared to use your veto pen.

But Texas is the number one State with uninsured. Health care premiums have grown five times faster than income, and 500,000 middle class workers have lost their private insurance. In Harris County, where many of us live, more than 800,000 will be put on the health care rolls if this bill continues to go forward, meaning the Patient Protection bill. But if the repeal goes, we'll throw 800,000 people to the wolves.

There is a reason to support this bill, particularly in Texas, which has an enormous number of uninsured.

FISHERS TIGERS 5A STATE CHAMPS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Madam Speaker, an extraordinary event happened in my district. Fishers High School, after being in existence for

only 5 years, won the State 5A high school football championship. And I just wanted to congratulate Coach Rick Wimmer and his Tigers for doing such an outstanding job. You know that many schools that have been in existence for a long time do great things, but to do it in only 5 years is really extraordinary. So congratulations to this great school.

HEALTH CARE REFORM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, I rise today in strong opposition to repealing health care reform. I am committed to working with my colleagues on the other side of the aisle to create jobs and improve our Nation's economy. We need to focus on jobs right now, not repealing health care reform.

In fact, last year the private sector created some 1.1 million jobs. That is more private-sector job growth created in 2010 alone than during all of the Bush administration. Fully 200,000 of those jobs, or one out of every five, were in the health care industry.

In the Capital Region alone, repeal would strip benefits from some 439,000 individuals with health insurance and 113,000 seniors on Medicare. My constituents would lose guaranteed coverage for their preexisting conditions, coverage for young adults, lower drug prices for seniors, and free preventive care for people with insurance coverage and Medicare.

Madam Speaker, repealing health care reform to return to the old status quo, where insurance companies run amok and put profits over people, is irresponsible and reckless for our Nation and our economy.

HONORING LANCE CORPORAL WILLIAM HARRY CROUSE, IV

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. On December 21, 2010, Lance Corporal William Henry Crouse, IV, age 22, died of wounds sustained while supporting combat operations in Helmand Province in Afghanistan. As a field artillery cannoner assigned to 1st Battalion, 10th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, Lance Corporal Crouse was serving his first deployment to Afghanistan, in support of Operation Enduring Freedom, where he had been for 6 weeks.

Born June 13, 1988 in Angola, Indiana, Lance Corporal Crouse joined the Marine Corps in November 2007 and was promoted to lance corporal August 1, 2008.

Lance Corporal Crouse's awards and decorations include the Marine Corps

Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, and the Global War on Terrorism Service Medal.

Lance Corporal Crouse is survived by his mother, Nancy, and stepfather, Vinnie Siders, of Fort Wayne; his brothers, Nathan and Ryan; and his sisters, Jennifer Chaffee and Jennifer Hartman.

After quickly being promoted to lance corporal, Lance Corporal Crouse selflessly gave his life as a service to defend our country's freedom in support of Operation Enduring Freedom. My heart goes out to his family, and I want to express my deepest gratitude to them both for the sacrifice they have made for our Nation.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMANDA GAYLE'S KITCHEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, I want to tell you about a good work that's going on in Houston, Texas. It's a program that is not sponsored by the government. In fact, the government is not involved in this project at all. It all started 15 months ago when Amanda Gayle and her mother, Linda Gayle Lee, decided they would start going from Humble, Texas, my hometown, to downtown Houston, about 30 miles away, and start feeding the homeless. And so they fix hot meals for the homeless. They go out to downtown Houston in a remote area of that city, and they feed those people every night a hot meal. And they've done it for 15 months.

I call this Amanda Gayle's Kitchen. And they are feeding the homeless—not just the homeless, but I believe these are the rejected homeless. These are the homeless that can't get into shelters. They don't live in shelters. They have all kinds of physical, emotional, and mental issues, and they live on the streets of Houston, Texas. And every night for 15 months, they've fed about 100 of these homeless individuals with a hot meal.

□ 1910

A couple of months ago, the Houston Police Department came to where they were feeding and told them they needed to move to another location, the police department suggested the location, and they moved down the street; and every night they feed the homeless. In fact, now they bring them blankets and sleeping bags because of the winter.

Amanda Gayle is now married to a preacher, Trey Herring, and he has continued this network of feeding the homeless and clothing them every night. They have networks all over the Houston area, some in a different county, where this hot food is brought in, cooked in kitchens, and they feed the inner city. It's an organized effort, they enjoy doing it, and it's something that's important.

But on December 30, even winter for Houston, the health department came in of the City of Houston and said, you can't do this anymore, because you don't have a permit to distribute food. And, you also cooked this food in a kitchen that is not certified by the City of Houston. The health department said the poor is susceptible to disease, so we're going to shut you down.

Like Amanda Gayle said, the health department would rather they go hungry, eat out of dumpsters, than to get a hot cooked meal from somebody that doesn't have a certified kitchen and doesn't have a permit to distribute food. In fact, the City of Houston cleanup crews have gone through this area and taken the sleeping bags and the blankets away from these individuals. Of course Amanda Gayle and her kitchen folks continue to supply them with whatever they need.

Amanda Gayle and Trey Herring have both tried to contact the health department. They have received no answer about why they were shut down and how they can reopen. Because, see, they want to follow the law, they want to do the right thing, but they want to help these people that they feed every night a hot meal that they don't have access to from some government program.

This is a perfect example of the phrase that no good deed goes unpunished and they are punishing this good couple for what they're trying to do. I believe if the City of Houston had been around when the good Lord fed the 5,000, they would have tried to prohibit that good work since he had no permit to distribute food or hadn't cooked those two fish and five loaves from a certified kitchen. They would have closed him down, I'm sure.

Government is the problem here and government should help these people help people. All they want to do is feed the hungry every night. I'm not sure there's anybody in the House that would do this. But they do it because they want to help people that are in need. So I hope the City of Houston will figure out a way to let Trey and Amanda Gayle and those other people in Amanda Gayle's kitchen feed the hungry, clothe those that need to be clothed, and take care of those out there on the street that are there not by choice but because of circumstances. And the City of Houston needs to figure out a way that the government is not the problem but help

this good couple do this good work and let them continue, together with the city, to make sure that certain people in our city, Houston, Texas, are taken care of every night.

And that's just the way it is.

HEALTH CARE LAW NOT A "JOB KILLER"

The SPEAKER pro tempore (Mr. GARDNER). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise today to encourage my Republican colleagues to start having an honest debate about the health care law which they call a "job-killing" law because it polls well, but not because it's true. It seems pretty clear, especially from listening to the Republican attack ads during the last campaign, that the Republican pollsters have found the key to winning this debate and others is by saying "job-killing" as often as possible. If a Democrat said the sun rises in the east, the Republicans would say it's a job-killing sunrise.

Republicans entitled the current bill we are debating the "Repealing the Job-Killing Health Care Law Act." The basis for their "job-killing" rhetoric is a report that they released recently entitled "ObamaCare: A Budget-Busting, Job-Killing Health Care Law." I have a copy of it here if anybody wants to get it. All you have to do is contact the Republicans.

Mr. Speaker, in the last Congress, we took up the challenge of reforming health care in this country because the system was broken and creating tremendous damage to the American economy. The fact is the health care law will help the economy. It will result in more efficiency, more stability of care, healthier Americans, and at fairer costs. That's what the law will do.

Republicans have repeatedly misused statistics from the CBO to support their argument that the law is primarily a "jobs killer." We are truly in a situation of Republican conclusions desperately in search of honest facts.

Let's look at the typical example—the Republicans' twisting of the views of experts to support their view. On the very first page of the report House Republicans released on January 6 entitled "ObamaCare," Republicans state that according to a nonpartisan CBO report from August 2010, the law will result in a loss of 650,000 jobs. Now you can get that from the CBO. It's available for people to read. But if you actually go to what they cite from the CBO report—it's on page 48—the report really says that the economy will use less labor because many people will choose to work less, or retire early, as a result of the benefits of the new law.

Let me read the exact quote from the Republican report. It says, "the non-

partisan CBO has determined that the law will reduce the amount of labor used in the economy by roughly half a percent," an estimate that adds up to roughly 650,000 jobs. The Republican report, however, deliberately chops off the last part of the CBO sentence to substantiate their claim. Here is the entire sentence: "The Congressional Budget Office estimates that the legislation, on net, will reduce the amount of labor used in the economy by a small amount—roughly half a percent—primarily by reducing the amount of labor that workers choose to supply." CBO explicitly makes clear that jobs will not be lost but instead that people will choose to work less in order to have a decent life. With the new health care law, the American people won't be drowning in health care costs and risks to their coverage.

Some evening, on Friday, fly home to Seattle with me and meet the flight attendants from United Airlines. We have the oldest base in the country. Most of those women are working so that they can have health care benefits for their family because their husband has a job and no health care benefits. They're not flying for the pension. They're not flying for the salary. They're flying to keep their health care benefits until they can get to Medicare.

The Republicans want to focus on their message—no matter what the facts are. Republicans say that health care reform is bad for American business. The National Business Group on Health, a collection of nearly 300 large employers including Wal-Mart, Lockheed Martin and others, disagrees and says repeal will be bad, bad for businesses.

I will close by quoting, in a somber splash of honesty, the economics editor of the Wall Street Journal. On January 6, just 2 weeks ago, he wrote:

Talking about repeal of the health care law—remember, this is the Wall Street Journal—talking about repeal of the health care law may be a winning political strategy for Republicans, a rare way to please both workers and business executives, and here is what they finally end with—as long as they don't actually succeed in doing it.

The health care law isn't a job killing bill. It's good for business, it's good for American taxpayers, it's good for consumers, it's good for everybody in the society, and I urge my colleagues to recognize that words really do matter and they should stop mischaracterizing the health care law and confusing the American people.

BETHESDA NAVAL HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, today I had the honor and privilege of visiting the

wounded warriors at Bethesda Naval Hospital. Each one of the young men I saw, the oldest being 23, is very special, as are all of our men and women in uniform.

The medical staff at both Bethesda and Walter Reed is truly amazing. They have done a wonderful job repairing the broken bodies and spirits of our young servicemembers.

The number of wounded warriors returning from war has become more prevalent with the increased use of IEDs by the enemy. More and more of our young men and women are returning without their arms and legs. Tonight, Mr. Speaker, as a constant reminder of the pain of war, I show you this picture of a young triple amputee and his wife. This man gave his body for this country and will struggle for the rest of his life. How many more will have to return home in this condition?

This young man and his wife have just returned from the hospital. He is in a wheelchair. He lost an arm and two legs and he is looking at a beautiful American flag that was on the wall that had been drawn for him.

It is time we declare victory and get our troops out of Afghanistan. It is evident that President Karzai does not appreciate our commitment. If he did, he would not be so corrupt. If he did, he would not have made the comments that he now has three main enemies—the Taliban, the United States and the international community as stated in the Washington Post on December 13. He said that if he had to choose sides today, he would choose the Taliban. The Taliban are killing American service men and women.

Mr. Speaker, I have joined DENNIS KUCINICH as well as many other members of both parties in the hope that President Obama will keep his promise to start withdrawing our troops in July of this year.

□ 1920

In closing, I would like to urge the American people to get engaged in this cause and to let their Members of Congress know how they feel. They must encourage the Members of Congress to vote to bring our troops home. The pain must end, and we can easily declare a victory and bring our brave men and women home.

Mr. Speaker, as I do all the time on the floor of the House when I speak, I ask God to please bless our men and women in uniform, to bless the families of our men and women in uniform. I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to please bless the House and Senate that we will do what is right for the American people. I ask God to give strength, wisdom, and courage to President Obama that he will do what is right for the American people. And

three times I will ask God please, God please, God please continue to bless America.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, our Nation is now in its 10th straight year of war. The military occupation of Afghanistan is longer than any war in our Nation's history. An entire generation of young people—including my three grandchildren who came with me to visit Washington for the swearing in—is growing up knowing nothing but a Nation at war.

This war is not just a moral abomination with devastating human costs, and it is not just fiscally irresponsible and unsustainable with a price tag of about \$370 billion, though it most certainly is all of that. Perhaps the most tragic irony of this war is, for all of the sacrifice, it is not even doing what it was supposed to do: keeping us safe and defeating a terrorist threat.

If Iraq and Afghanistan have proven anything to us, Mr. Speaker, it is that we need an entirely new national security model; one that emphasizes brain over brawn; one that uses soft power instead of hard; one that protects America by relying on the most honorable American values—love of freedom, desire for peace, moral leadership, and compassion for the people of the world. With these values in mind, this week I once again introduced a resolution calling for the adoption of a SMART Security platform. SMART Security would redirect our energy and resources away from warfare and it would focus instead on nonproliferation, conflict prevention, international diplomacy, and multilateralism. That means renewing our commitment to cooperation with other nations through the United Nations and other international institutions.

SMART Security would build on the new START treaty ratified last month and move us more aggressively toward a goal of eliminating all nuclear weapons. It would rearrange our budget priorities so we are no longer throwing billions of dollars at weapons systems designed for a different era and instead invest in human capital around the world. That means addressing root causes of instability and violent conflict by increasing development aid and debt relief to poor countries.

We would be supporting programs that promote sustainable development, that promote democracy building, human rights education, a strong civil society, gender equality, education for women and girls, and much, much more.

The Quadrennial Diplomacy and Development Review recently completed

at the State Department reaffirms the principles underlying SMART Security, calling for civilian power to lead the way in resolving conflicts and reducing threats around the world, with diplomacy and development mutually reinforcing one other; also strongly recommending a renewed focus on the rights of women and girls.

The bottom line, Mr. Speaker, is that might doesn't make right. The conventional wisdom of peace through strength does not work, especially in an era with the greatest threats we face being from nonstate actors.

A national security based on occupation and conquest has been given a chance to work over the last decade, and it has failed miserably. What we need in Afghanistan is a civilian surge, not a military surge. For the security of the American and the Afghan people, we need to be humanitarian partners, not military occupiers. It is time, Mr. Speaker, to bring our troops home and implement SMART Security principles. It is time that we do it now.

DEFENDING OUR BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, in October, five Members of Congress wrote to the President—myself, TED POE of Texas, RALPH HALL of Texas, PETE OLSON of Texas, and ED ROYCE of California—and we asked the President to take more steps to deal with the problems on the Texas border because people have been killed and beaten up down there. Shots have been fired across the border. And 80 miles into the country, the United States of America, we have signs telling people, warning people not to go south of there because they might be in danger from Mexican drug cartels or people across the border who are spying for the drug cartels. So there is a real problem.

Well, we didn't get an answer back from the President. And so we wrote again in November, and again we didn't get a reply. And then around the end of December, we got a reply from Homeland Security, from a fellow in Legislative Affairs, and he went through the same song and dance that they have gone through for a long time, talking about how they are solving the problem on the border.

Just recently in the last few weeks, four road workers were out there in Texas and they were working on the roads trying to fill potholes with gravel and do some other things. It was a shovel-ready project, incidentally. And they were fired at from across the border, which was about half a mile away. The bullets didn't hit any of them, but it sure scared the dickens out of them. And Mike Doyle, the chief deputy of the Hudspeth County Sheriff's Office,

said that a rancher spotted a white pickup truck fleeing the area on the Mexican side after the shots were fired, and they think that the drug cartel may have been firing those shots to divert attention away from what was going on there in order to get drugs smuggled across the border.

The reason I bring all of this up once again is because we sent 17,000 National Guard troops down to deal with the oil spill in the gulf, and it was something that we should have done. We should have dealt with that problem as quickly as possible to make sure that we stopped any environmental damage that might accrue from that, and to help the people from Louisiana who were suffering, and the other border States down there. But we haven't done anything but send about 1,400 National Guard troops down to the border, or close to the border, and many of them have been withdrawn.

We have to do something to protect that 1,980-mile border between us and Mexico. Americans can't go within 80 miles of the border of Arizona and Mexico because there is a threat for their safety and security. That is something we cannot tolerate as a Nation. We have a war going on on the Mexican-American border, and we have to do whatever is necessary to protect Americans and to stop the drug trafficking coming across that border.

We did it in Colombia with Plan Colombia, and that is not on our border. That is down south of the Panama Canal. So we really need to address this problem.

So if I were talking to the President tonight, Mr. Speaker, I would say:

Mr. President, come on, let's do what has to be done to protect our southern border. We are doing the job over in the Far East; we are doing the job over in the Middle East, and that's okay.

□ 1930

Yet our border, our front yard, is threatened every single day by these drug cartels and by these terrorists coming across the border, and American ranchers and businesspeople cannot conduct their daily lives down there because there is no real security.

So, if I were talking to the President, I would say:

Mr. President, please review this issue. Don't ignore Members of Congress, five Members who wrote you, who are concerned about this issue. Don't ignore us. Do something about it, and please don't send us any more of these inane letters that really don't say anything about solving the problem. It's a real problem about the security of this country and about the people who live down there and traverse that area.

Mr. President, let's get on with it.

OCTOBER 26, 2010.

Hon. BARACK OBAMA,
President of the United States of America, the
White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to you today to express our extreme concern regarding the deteriorating security situation along our Nation's southern border. It seems that every day brings a new report of some atrocity; the most recent being the apparent murder of a U.S. citizen at Falcon Lake, Texas; yet little if anything appears to be being done by our government or the Mexican government to stop the bloodshed and bring the perpetrators to justice.

Protecting our borders and our citizens is a paramount responsibility of the Federal government; enshrined in the preamble of the Constitution. It would be an unforgivable breach of our constitutional responsibilities if we do not take stronger measures not only to prevent the upward spiral of violence from further spilling over into the United States and threaten the safety of U.S. citizens on American soil but to reclaim those areas of our border already overrun by smugglers and criminals. We can no longer pretend that this is simply Mexico's problem. The time has come to recognize that the drug violence along the border is a direct threat to the United States and act accordingly.

First, it has become apparent that the Mexican government and law enforcement authorities are either unwilling or unable to address this problem unilaterally. Therefore, we believe it is imperative that you immediately begin serious dialogue with President Calderon on building a comprehensive framework, in the spirit of Plan Colombia, that will better coordinate a more aggressive and proactive strategy to turn the tide of this conflict.

Second, we must complete construction of the border fence. Any responsibility we have to minimize the impact of the fence on the physical landscape or native species in the region pales in comparison when measured against the value of human lives that will be lost if we do not seal the border.

Finally, we believe it is critical that we deploy additional National Guard troops to the border. Media reports indicate that 17,000 National Guard troops were deployed to the Gulf region to respond to the recent oil spill. Yet, you have only pledged 1,200 National Guard troops to protect the border—and according to media reports only a small fraction of those troops have arrived to date. It is unrealistic, if not pure insanity, to believe that a mere 1,200 National Guard troops, even with the support of the Border Patrol, can effectively cover the nearly 2,000 mile long Southwestern border of the United States. We must put additional bodies on the ground and we must give them the weapons and specify rules of engagement that give them the authority to do whatever is necessary to secure the border. A National Guard trooper armed with only a pistol and given no authority to engage the enemy is useless against a criminal armed with military grade weapons and ammunition.

Mr. President, we implore you to view this situation for what it is, a war and to act accordingly.

Sincerely,

DAN BURTON,
TED POE,
RALPH HALL,
PETE OLSON,
ED ROYCE,

Members of Congress.

NOVEMBER 4, 2010.

Hon. BARACK OBAMA,
President of the United States of America, the
White House, Washington, DC.

DEAR MR. PRESIDENT: On October 26th I and four of my colleagues, sent you a letter expressing our extreme concerns regarding the deteriorating security situation along our Nation's southern border. Since that time five more Americans have been killed along the border region. Protecting our borders and our citizens is a paramount responsibility of the Federal government; enshrined in the preamble of the Constitution. I strongly urge you to consider the proposals laid out in my letter from October 26th. Americans are dying; it is time to recognize that the drug violence along the border is a direct threat to the United States and act accordingly.

Thank you for giving your personal time and attention to this critically important issue.

[January 16, 2011]

DODGING BULLETS IN EL PASO (By Jeannie DeAngelis)

In the ghost town of Fort Quitman, 80 miles southeast of El Paso, four U.S. road workers were up at dawn attending to "shovel ready" jobs by filling potholes with gravel. Unfortunately, "at least one Mexican gunman," who probably just wanted a chance to do jobs Americans won't do, "fired a high-powered rifle across the border," barely missing the workers.

"The bullets struck private land . . . about half a mile from the border fence." Thankfully, the quartet escaped unharmed. "Mike Doyle, Chief Deputy of the Hudspeth County Sheriff's Office, said after the fact, a rancher spotted a white pickup fleeing the area on the Mexican side at 10:30 a.m.—the time the shots were fired."

According to Doyle, "Drug cartels use this busy smuggling corridor in between the Quitman Mountains and mountains in the northwestern part of Chihuahua State to traffic marijuana and sometimes cocaine." The chief deputy explained the incident by saying: "The gunman might have shot at the road workers to distract them or get them to flee."

So in other words, criminal interlopers tried to get American workers to disperse from territory where they had every right to work and exist in order to "get them outside [the] area?"

Francisco "Quico" Canseco, R-Texas said: "It is completely unacceptable that Americans at work, doing their job in America, come under gunfire from across the border in Mexico. Our border is not secure from violence that threatens American lives. Securing our border against the cartels and their violent threat must be a top priority."

After the shooting, two Texas Rangers and Hudspeth County Sheriff Arvin West and Chief Deputy Doyle were at the scene looking for the bullets with a metal detector, which when weighed against the alternatives is preferable to a medical examiner digging bullets out of heads.

"The U.S. government built narrowly spaced steel poles north of the Rio Grande to fence the border in that West Texas area. The slots are not wide enough for people to cross, but small objects can fit between the 15-foot-tall poles." Thus, the lone gunman must have been dedicated to scattering the workers because nothing deterred his squeezing the gun barrel through or shooting off the bullets.

This particular shot across the border initiated Hudspeth County into an elite group.

"In El Paso, stray bullets from a drug-related gunfight hit City Hall in June. Another stray bullet struck a University of Texas at El Paso building in August." And to date, newlywed David Hartley's body has yet to be recovered after being shot by Mexican gunmen on Falcon Lake, a border area near Laredo, Texas.

After the bullets missed the U.S. four workers, the men were escorted away from the scene, which successfully accomplished the original intent of the shooter: Disperse the crowd and clear the area so as to drive unhindered right on through to Texas. Moreover, and much to the relief of the high-powered rifleman, Border Patrol spokesman Bill Brooks assured drug- and gun-runners, as well as marauding bandits with high-powered rifles, that Border Patrol does not plan to deploy additional agents to the area. Brooks vowed: "There is no beefing up in any way."

Governor Rick Perry's spokeswoman, Katherine Cesinger, said that "If these reports are true, it is yet another incident of border violence and spillover. It goes back to the need for the federal government to provide more resources to the border, which is certainly feeling the effects of the escalating violence in Mexico."

Nevertheless, not all is lost. Texas could follow Arizona, a state that recently chose to address violent behavior by distributing "Together we Thrive" tee shirts.

IN SUPPORT OF THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, we are having debates about health care because Americans are nervous about changing something so important to their families, and that, of course, makes politicians nervous about reform.

This skepticism is understandable. Attempting to adjust policies and programs that comprise now 17 percent of our economy, the biggest driver of the Federal deficit that literally touches every American family, poses daunting challenges. Yet, as people begin the analysis, the appropriate comparison is not some idealized, magical state but the comparison to the path we are on, which everybody agrees is unsustainable.

Medical costs, left unchecked, will literally bankrupt the country. The Department of Defense will spend more on health care this year than China uses to run its entire military operation for 7 months. Every objective, independent expert acknowledges and laments the fact that the United States is the world's health care underachiever. We pay more for health care than our major allies and competitors in Europe, Japan, and Canada, but our people get sick more often; they die sooner, and unlike any other country, people are bankrupted by medical costs—about 2,000 people per day. All the while, we have a record number of uninsured Americans—now over 50 million.

Sadly, we are getting exactly what we paid for: more procedures, multiple providers, an emphasis on specialty care rather than someone who can help us with our own efforts to negotiate this complex, fragmented health care system. America actually spends more administering our health insurance system and finding ways to deny care than any other country in the world spends on providing care.

Starting from scratch, we could give better care for less money, but we are not starting from scratch. We are starting with an economic and structural behemoth, encompassing, as I said, 17 percent of the economy. It is the largest employer in most communities, and it has evolved over two-thirds of a century of public and private investment and government legislation. Today, our hybrid system is largely administered through hundreds of agencies, programs, and large providers, with the Federal Government paying half the bill directly.

The good news is that we have proven that we can get better results for less than we are spending, and the health care reform legislation provides this framework. First, we don't need more money. In fact, if we implement the existing legislation, it can be a source of savings in the future.

The good news is we don't have to deal with unproven techniques or technologies. We know what to do. We don't even have to look at foreign models that are more successful than ours. We can look right here in the United States. My community of Portland, Oregon, delivers better health care for Medicare, for instance, to its recipients than other communities where costs are twice as high. It's not just Portland. This can be found in areas in the West and the upper Midwest. There are also innovative health care practices in the Mayo Clinic, the Cleveland Clinic, and Gunderson Lutheran.

The government, itself, has proven how to be more efficient. The Veterans Administration has a practice model for older citizens with complex health problems that face our veterans. The VA has automated its medical records system. It pays its doctors for performance, not procedures, and they figured out a way to get better prescription drug costs for millions of our veterans.

Many of the techniques for reducing the number of unnecessary hospital admissions, for bundling services, for having accountable care organizations are known and actually supported by my Republican friends. They've been embraced by Republican Governors.

This is not foreign territory. We know it can work. The path forward is clear. It is important not to lose 2 important years in reforming our medical system, giving better health care, and starting to reduce these massive future deficits.

After having identified weak spots in the implementation, let's work to hold

people accountable. Don't attack the CBO for scoring the bill as written, which is their job. Attack efforts to undermine the cost-saving elements of the bill. If States can more creatively provide health care envisioned in the exchanges, let them do it. Give them the waivers, and encourage them to experiment as long as they meet minimum national standards.

Absolutely allow people to purchase insurance across State lines to improve competition and choice, but only after everybody agrees to provide insurance according to the same quality standards of accountability. That prevents gaps in coverage. We don't want massive marketing budgets while denying the money for essential treatment. We need not to have long protracted battles over if we understand and agree upon the terms.

We've reached a critical point where we cannot continue on the path that we've been headed. We do have reform legislation that encourages much of what has bipartisan support. We are spending more money than we need to and there are huge opportunities to improve the quality of service. I would hope that this exercise would be the last of the political ritual on health care. Instead let's turn to working with the Administration to figure out how to achieve the objectives, so critical for our citizens.

SUPPORTING THE REPEAL OF THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to support H.R. 2—legislation to repeal the so-called Affordable Care Act—a new effort to strengthen our health care system.

This will be the first step in ensuring that the American people will remain in control of their own health care through a system that is patient-centered and provides health care choices, not government-imposed mandates.

Many people question why we are doing this. They ask, Why repeal the new health care law if there are good provisions in it?

Well, there may be some aspects of the 3,000-page bill, which is now law, that were commendable 10 months ago. However, those few positive provisions do not outweigh the fact that the new law's most damaging aspect is that it turns over to the Federal Government individuals' rights to make their own health care choices for themselves and for their families. The new law has given Washington bureaucrats extraordinary power to control the health care decisions of all Americans:

Forcing us to buy health insurance that Washington deems to be acceptable; potentially fining us for refusing to do so, which I believe would be unconstitutional; determining our choices of doctors, hospitals and home care; deciding which medicines we can

take and which medical procedures will be available to our families; putting one-sixth of our economy under government control.

Let me be clear. I support health care reform. However, I do not support this new health care law, which represents, to a very great extent, a Washington takeover of our health care system. This law is creating over 150 new boards, bureaus, committees, commissions, offices, pilot programs, working groups, and agencies which will issue onerous regulations that will change our health care system forever—and not for the better.

Remember, over 90 percent of Americans have health coverage for themselves and for their families. Why did the last Congress insist on a virtual takeover of the other 10 percent?

That is why I support the repeal, coupled with major changes to assist those who do not have coverage, without harming the plans of hundreds of millions of Americans who do.

My colleagues, why is this repeal necessary today?

Because the negative effects of this new law are already being felt and are threatening the practice of medicine as we know it. This new law has eroded your right to choose your health care and your doctors, and it is putting bureaucrats and politicians in charge.

Despite predictions from the White House, insurance premiums are not going down. To the contrary, premiums are rising across the Nation for people who have insurance as insurance companies struggle to pay for the costs of a raft of new mandates imposed by Washington.

Even as we speak, doctors are changing their practices because this new law discourages their ability to work as single practitioners or in group practice. In addition, doctors face more paperwork, more red tape, and more risk to their licenses to practice.

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Furthermore, the new law does nothing to solve or diminish the wave of junk medical lawsuits that force doctors, medical professions, and hospitals to practice expensive defensive medicine.

Also missing from the law is any program to promote and support medical education in America, the next generation of young people who we will count on for care. At the same time, doctors and hospitals will face reduced Medicare reimbursements and even more onerous Medicare rules and regulations, causing even more physicians to refuse to treat senior citizens.

And what about the promises we heard about the benefits of the new law? To protect Americans from being denied coverage due to preexisting or other conditions, 27 States have created their own high-risk insurance pools. Others have used an option in

the law to let their residents buy coverage through a new Federal health plan. Last spring, Medicare's chief actuary predicted that 375,000 people would sign up for one of these special plans by the end of 2010. In fact, the Department of Health and Human Services reported last month that just over 8,000 people had enrolled. This difference of 367,000 enrollees raises real questions about the then-majority's demand for this provision.

And with claims to provide coverage for another 34 million Americans, we need to be reminded that 18 million of these newly insured people will gain coverage through the financially stressed Medicaid program, which is almost broke. My colleagues, current Medicaid enrollees are already having trouble finding doctors who will see them because of low reimbursement rates. This law proposes to add another 18 million patients to a struggling and absolutely necessary program.

In addition, our hospitals are already reeling. Passage of the new health care law has accelerated the layoff of hundreds of employees in hospitals in my congressional district. When further Medicare cuts take hold, how are these institutions going to maintain their quality of care? They aren't.

And what of the advertised benefits of the new health care law? Backers actually claimed the new law would reduce the Federal deficit. This claim is based on dubious economic assumptions, double counting, and other budget gimmickry. And it is astounding that this law counts 10 years of anticipated revenues to offset 6 years of new spending. Here's a simple fact: If ObamaCare is fully implemented, it will not cut the deficit. The law will actually add more than \$700 billion to the deficit in its first 10 years.

And what about jobs? Our first priority should be creating private sector employment opportunities, especially in America's small businesses.

However, the evidence is clear: by raising taxes, imposing new health mandates and regulations, and increasing uncertainty for small business employers, investors and entrepreneurs, ObamaCare is already destroying jobs in our country.

With nearly 10 percent unemployment and massive public debt, the American people want us to focus on cutting spending and expanding our economy.

That's why I will urge my Colleagues to support this important repeal legislation and take the first steps towards replacing it with reforms that will bring down costs, expand health care accessibility and protect American jobs.

Mr. Speaker, this week we have the opportunity to ensure that our constituents remain in control of their own health care through a system that is patient-centered and provides health care choices, not Washington-imposed mandates.

I urge support of H.R. 2—the repeal of Obamacare.

50TH ANNIVERSARY OF PRESIDENT KENNEDY'S INAUGURAL ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. KEATING) is recognized for 5 minutes.

Mr. KEATING. Mr. Speaker, I rise today to honor the 50th anniversary of President John F. Kennedy's inaugural address and celebrate the many moments of altruism that have emerged from the simple words, "Ask not what your country can do for you; ask what you can do for your country." It is this expression of love of country, this spirit that President Kennedy evoked in all of us that causes me to rise today for my maiden speech on the floor of the House of Representatives. Even 50 years later, we take from this speech the reminder that we still have work to do to improve our country, and that work is incumbent upon us to finish.

As a young child, I remember watching the ceremony on January 20, 1961. I remember the poet Robert Frost read a poem from the podium as his eyeglasses fogged up. I remember President Kennedy taking the stage, and I could have never imagined the impact he would have on my generation and the generations to come.

Here in Washington, President Kennedy is never far from my mind because I have the distinct honor of coming to work to the same office that President Kennedy had when he was a Member of Congress. Our space is a historic treasure. I am so fortunate to be entrusted with the safekeeping of this memorial and all that it represents to the people of Massachusetts and every American who has been inspired by President Kennedy.

My first days and weeks in Congress have been an incredible privilege, serving my community in Massachusetts and working to find solutions for the challenges that our country faces.

President Kennedy's words are timeless, and we can and should learn from them today. He called on our country to remember that "civility is not a sign of weakness." His words should inform our national conversation as we hopefully renew our commitment to respect and graciousness, where politics means more than stark division and glaring partisanship.

Our country needs healing, and Kennedy would believe that it is up to all of us to participate in restoring this type of civility. Fifty years ago he said, "Let both sides explore what problems unite us instead of belaboring those problems which divide us." I welcome this challenge, and I will spend my time in Congress living up to those words.

Good ideas are not restricted to one political party or the other, so I look forward to hearing from my constituents of all political stripes. If my neighbor in Weymouth has an idea to

create jobs, I want to hear it. If a resident of Plymouth has a proposal on how we can move our country forward, I want to help. If a fellow citizen in Barnstable has a plan to make our country safer and stronger, I look forward to working together.

In closing, let us remember that President Kennedy had a long-term vision for this country. He understood that a change in direction takes time, and we understand that a return to the values that he kept will not be immediate. As he said, "All of this will not be finished in the first 100 days, nor will it be finished in the first 1,000 days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But let us begin."

So as we celebrate the 50th anniversary of President John F. Kennedy's inauguration, let us begin anew.

PATIENTS' RIGHTS REPEAL ACT WILL HAVE DISASTROUS CONSEQUENCES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Tomorrow, the House will vote on the Patients' Rights Repeal Act. While none of us thought that the landmark reform bill passed last year was perfect, repeal would only recreate many problems that last year's bill solved. Instead of identifying specific improvements, Republicans have proposed to repeal every single consumer protection, protections that benefit all of our constituents. We cannot allow this irresponsible bill to become law.

During the debate over health insurance reform in 2009, I received countless letters from individuals throughout my district who testified to the dire need to address high costs and inadequacy in service. For example, a constituent from White Plains told me about her 27-year-old son who was battling cancer and cannot afford some of the treatments. She wrote, "From discrimination by insurance companies against the millions of us with 'pre-existing conditions' to lack of affordable care, we've had enough."

By ending denials of coverage based on preexisting conditions, 9,200 residents of my congressional district with preexisting conditions will now have access to health insurance. That is just one benefit of reform that's at stake.

If the repeal law were to become law, insurers could impose devastating annual and lifetime benefit caps. Young adults would lose coverage on their parents' plans. Pregnant women and breast cancer and prostate cancer survivors could be denied coverage when they most need it. Seniors would pay higher prescription drug costs. Consumer protections for 445,000 constituents who have private insurance would

be rescinded, resulting in higher health care costs and reduced coverage. 22,100 businesses and 91,000 families in my district would not receive tax credits to access better and more affordable coverage. Large insurers would no longer be required to spend at least 85 percent of premiums on health benefits and justify large rate increases.

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And reforms the Commonwealth Foundation estimates will lower the rate of premium increases by \$2,000 on average by the end of the decade will be undone.

I am very happy to work with anyone who genuinely wants to improve health coverage and make it more affordable. I am deeply concerned that this vote tomorrow is about keeping campaign promises without serious examination of the impact of this repeal, especially on Americans like my 27-year-old constituent in White Plains who has cancer.

To my colleagues, if you want to help your constituents who have insurance and the millions of Americans who don't, I urge you to vote "no" on repealing every consumer protection that benefits them.

Thank you.

ARLENE BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

Mr. PAULSEN. Thank you, Mr. Speaker.

I rise to commemorate the service of my dear friend Arlene Bush, who is entering her 30th year as a member of the Bloomington School Board of Minnesota. Arlene, who turns 80 later on this year, first joined the school board in 1981. And while times have changed since then, Arlene's dedication to Bloomington students and the schools that they attend has not.

She started her own educational journey in a small two-room schoolhouse in the tiny town of Odin, Minnesota. Later, she moved to Minneapolis, where she graduated from high school in 1948. Later, she got married and she settled in Bloomington, Minnesota, which at that time was a growing suburb of Minneapolis, where she raised six daughters before beginning her long career in public service.

Arlene's big heart and humble demeanor immediately endeared her to new friends. She makes a point to be a community leader not only through the duties of her position but by being present at sporting events, plays, pep fests, musicals, concerts, and ceremonies celebrating the young people of Bloomington. She not only advocates for Bloomington's students on the board, she encourages them personally every chance she gets.

She understands that children need not only financial and operational support in their education; she exemplifies a leader who invests in their interests, recognizes their achievements, and comforts them in times of adversity.

Arlene's milestone isn't one that can be measured in the number of hours logged in meetings or the number of terms that she's served but rather in the lives of the thousands, the literally thousands of students that have benefited from her commitment to education.

Over the years, the name "Arlene Bush" has become synonymous with education among the generations of Bloomington students whose lives have been enriched through her many years of service. She's a pillar of the community whose presence on the school board has absolutely provided a steady hand as times have changed.

As a father with four daughters in public schools myself, it is reassuring to know there are dedicated public servants like Arlene out there working to give our children the best education possible. And like Arlene, these unsung heroes don't do it for the glory or admiration. They do it simply because they share a common desire to better our community.

And these kind souls prove that you don't have to be a congressman or a senator to change the world or touch someone's life. Inside all of us is the ability to contribute to the public good and to make the world a better place for future generations.

When asked recently to look back on her many years of service on the school board, Arlene replied in very true Minnesota fashion. She wasn't boastful or proud but rather humbled. She said that she was thankful for the opportunity to serve.

Mr. Speaker, as I close, I just want to take the time to let Arlene know that we, too, are thankful—thankful for her desire to serve.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order in favor of the gentleman from Illinois (Mr. DOLD) is vacated.

There was no objection.

SERVING NORTH CHICAGO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. DOLD) is recognized for 60 minutes as the designee of the majority leader.

Mr. DOLD. Mr. Speaker, it is with tremendous honor, excitement, and humility that I rise to the floor of this great Chamber to represent the aspirations and hardworking values of Illinois' 10th Congressional District—Chicago's north and northwest suburbs.

Let me begin by expressing our thoughts and prayers remain with Congresswoman GIFFORDS as she undergoes her recovery. My heart goes out to her and her family, along with the other families whose lives have been changed by this tragedy in Tucson on January 8.

Tonight I am here to continue the tradition of this congressional seat by delivering a speech that lays out how I intend to legislate and explains the manner in which I will work with my colleagues to move this country forward.

Over the past 18 months, I have traveled all over our great district trying to ask people what keeps them up at night. Stretching from Wilmette to Waukegan, Libertyville to Glenview, Highland Park to Palatine, I am fortunate to represent a congressional district that encompasses a diverse community that asks its political leaders to tackle a wide-ranging ambitious agenda. And from all conversations I've had at train stations and town centers, at countless small businesses, in diners and in town hall meetings, there is one thing I know: the 112th Congress must focus on jobs and the economy, on reigning in the out-of-control spending here in Washington, and to make sure that our country remains safe and free.

Beyond talking with members of my community, I also took the time to study the heritage of the congressional seat representing the people of northern Cook and eastern Lake Counties. Beginning with our first representative, John McLean, upon Illinois' founding, statehood in 1818, ours is an area that has always demanded a high standard of leadership, a commitment to local issues, and yet an eye towards American leadership in the world.

Our community is bound by deep-rooted characteristics—namely, a desire for pragmatic, effective leadership; vigorous independence; and the ability to work with the other side of the aisle in a civilized and bipartisan manner. These are the virtues that I pledge to continue in Congress as I begin my service to the people of the 10th Congressional District.

In looking at the work of my predecessors, I have come across a number of individuals who served our area in the highest tradition of public service with the commitment to the greater good. Tonight, I would like to take a moment to speak about a few of them.

The first woman to represent northeastern Illinois in Congress did so with remarkable distinction, skill, and effectiveness. Marguerite Stitt Church took to Congress in 1949, succeeding her late husband, Congressman Ralph Church. She served until 1962 promoting fiscal restraint, equal pay for women, and civil rights initiatives. She held a healthy disdain for extravagant Federal spending, which we can all certainly appreciate today. And foreshadowing the men who would follow

her, Marguerite Church encouraged democratic reforms abroad from her position on the Committee on Foreign Affairs.

Mrs. Church retired in 1963 only to be succeeded in the 88th Congress by a man who also took to the causes of fiscal conservatism and American leadership in the world: Donald Rumsfeld. The people of northeastern Illinois elected Secretary Rumsfeld—a fellow New Trier High School graduate—to Congress at the young age of 30. From 1963 to 1969, he served our area with great distinction. He had a spot on the Joint Economic Committee, and during perhaps the most critical time in the development of our space program, he sat on the House Committee on Science and Aeronautics. As many know, his tenure in Congress was just the beginning of a long career in public service.

Ten years later saw the beginning of another incredible career devoted to public service. For 21 years, John Porter served the people of the 10th district. In that time, he made his great mark both at home and abroad. Serving on the Appropriations Committee and as the chairman of the Subcommittee on Labor, Health and Human Services, and Education, John Porter achieved a record of tremendous legislative success. Reflecting on the values of his district, he advocated for scientific funding and advancements in health care research, displayed a commitment to the environment, championed a strong respect for the taxpayer, and set a standard for high quality constituent service.

John Porter also recorded impressive accomplishments in the area of foreign policy. After a trip to the Soviet Union, he founded the Congressional Human Rights Caucus. This led him to help free refuseniks in Russia, fight for the rights of North Korean refugees, and work for religious freedom in China. I am honored and fortunate to have Congressman Porter's support and valuable mentorship as I begin my career in this body.

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For the past decade, and following in Congressman Porter's footsteps, the people of the 10th Congressional District have been tremendously fortunate to enjoy the representation of MARK KIRK. In Congress, MARK KIRK set the standard for thoughtful, independent leadership. And his centrist pragmatism mirrored the values of our district. His success is no secret to me or anyone who followed his career. MARK KIRK worked tirelessly in all areas of our district.

The Illinois 10th Congressional District is a unique area that demands sensible, independent leadership. Congressman KIRK knew the people, he knew their concerns; and perhaps most importantly, he knew how to translate that into action and legislative suc-

cesses. To look at his record of accomplishments in the areas of foreign policy, defense, environmental protection, human rights, transportation, and on the economy is to see a Representative who knows what his constituents value most. His record as a fiscal conservative and a social moderate, his desire to reach across the aisle in search of the best ideas, these are the qualities that I hope to carry forward as I begin my career in public service to the people of the 10th District.

I am honored and fortunate to call now-Senator KIRK a close friend, a valued mentor. We are comforted by the fact that Senator KIRK continues to represent the State of Illinois, and all Americans, in the United States Senate. And the communities of northern Cook and eastern Lake Counties are privileged to share his talents with the rest of the State and the country.

Like Congressman Porter and Congressman KIRK, I too will represent our independent-minded congressional district by working in a bipartisan fashion, by listening to all people for the best ideas, and by governing in a pragmatic, sensible manner. The American people demand solutions, and I will always remember that all of us are here to improve the lives of all Americans.

While we can and should disagree at times, I am committed to the principles of open debate, the free exchange of ideas, and to charitably interpreting and considering other positions, all with a common objective: improving the lives of America. To that end, I will be the strong and independent fiscal conservative and social moderate that I believe matches our community's values, as so accurately and valuably represented before me by Congressman Porter and Congressman KIRK.

I ran for Congress because I wanted to get this Nation back to work. To me, that centers on three things: jobs and jump-starting the economy, reigning in the out-of-control spending here in Washington, and making sure that our country remains safe and free. Our first priority in this Congress must be to help ensure that the best conditions exist to create good jobs, high-paying and secure jobs for all people across this country, and to preserve those that already exist. It's jobs, first and foremost.

As I have so often been reminded, the unemployment rate nationally is 9.4 percent. In Illinois, it's even higher. And in certain communities within the 10th District, the unemployment rate is higher than 20 percent. To me, this is simply unacceptable, which is why I will highlight, strengthen, and support those local institutions that provide critical job-skills training to the unemployed.

On a more fundamental level, however, we need laser-like focus on job creation. This means establishing certainty across America for employers,

keeping taxes low, maintaining vigorous oversight on Federal regulations, and expanding opportunities so that businessmen and -women can do what they were meant to do: to innovate, to prosper, to grow, to invest, and to hire.

We need to ensure that the Federal Government is not making it more difficult and more costly for businesses to put the key in the door and open up their businesses each and every day. As a small business owner myself, I am here as part of a wave of people who know firsthand what it takes to run a company, to meet a payroll and to meet a budget, and to create jobs. This is not theory, but rather this is a commonsense, proven, practical approach which will guide my philosophies in this Congress. This is a great American priority, and we must get it right.

Next, we must tackle Federal spending and get it under control, to get our fiscal house in order. There can be no greater example as to the urgency of this matter than what happened in my home State of Illinois this last week. During the final hours of the State's legislative session last Wednesday, Illinois State lawmakers passed a massive State income tax increase to make up for the State's rampant, unchecked spending.

With a 66 percent increase in personal income tax rates, and corporate income tax rates also rising dramatically, families and businesses in Illinois are being punished because the politicians cannot control themselves and the spending. This acts as a huge additional burden, with no meaningful State commitment to cut spending. This is devastating for job creation in a State that so desperately needs it. We need to encourage job creation, and this will only increase the trend of employers not hiring, laying off, and potentially even leaving the State.

I will work hard to make sure that the 10th District, American families, and businesses are not put in a similar position, crippling themselves here at the Federal level. And that work begins immediately.

Tomorrow afternoon, this House will vote on health care reform, an area where I think last year we missed a golden opportunity. Last year's health care overhaul addressed access to insurance, but it failed to address cost or quality of health care. Earlier today, I held an event in my district in Vernon Hills to highlight yet one small, very small, section in this legislation, one that will have a devastating impact on businesses, the new 1099 rules. This provision will unfairly burden small businesses with mounds of paperwork and compliance fees and will certainly hinder the economy at the worst possible time.

Fortunately, I believe that most in this body see the wisdom in correcting this terrible legislative mistake. I am proud to be a cosponsor of this bill to

repeal these unworkable and unnecessary and unproductive 1099 rules. I look forward to working with both Republicans and Democrats to keep this legislation simple, and to pass it as soon as possible.

Now, when we look at health care, there are certainly some good aspects of this law. The coverage of preexisting conditions, for one, should be strongly considered. Going forward, there is also keeping children on your insurance until they are 26. But there's a lot, plenty that needs to be corrected. And we need to put a better system in place. I firmly believe that affordable and accessible health care is a vital issue, and we need to make sure that it is available to all Americans; but we need to be talking about meaningful malpractice reform, interstate competition, consumer-driven care, and tax breaks for individuals to purchase insurance on their own, just like businesses have today.

The American people deserved better. They deserve health care reform that passes the House with broad bipartisan support. One of the reasons for the major flaws in this health care law is that broad bipartisan cooperation did not happen. Rather, the law grew out of a closed legislative process, where some of the best ideas to lower costs and to raise quality were ignored. We cannot afford another missed opportunity. As such, I invite all Members of this Congress, Republicans and Democrats, to reach across party lines so that we can produce the best bill with the best ideas for the American public.

In that spirit, it is my intent to introduce a practical and centrist alternative to the current health care law. This plan will reduce health care costs and expand insurance coverage without raising taxes and will guarantee that the government does not come between a decision you make with your doctor. It will address malpractice reform and allow any individual who finds a plan that better suits them anywhere in our Nation to be able to purchase it. It is critical that we move forward in this area of health care reform so that we can have the best system possible, one that works for all Americans.

□ 2010

This is a sentiment that I have consistently heard in communities all across the 10th District.

Another concern I hear all over our district, and a major priority of mine, is to keep our Nation safe and free. The 10th District is fortunate to have a tradition of congressional leadership on national defense and foreign affairs, and I look forward to stepping forward in this area.

I will always be focused on keeping our Nation strong and free, and it will be an honor to work to support the incredible men and women who wear our Nation's uniform and service.

On a more local level, I will be an advocate for our veterans as they return home and become acquainted with the beautiful Captain James A. Lovell Federal Health Care Center in north Chicago. This is the first fully integrated Federal health care center between the VA and the Department of Defense, and we owe a tremendous debt of gratitude to Senators KIRK and DURBIN, along with many others, for bringing it to our community. This facility shows our commitment to those who serve, but it is also a reminder of the sacrifice required to protect American freedoms.

Currently, I believe Iran's pursuit of a nuclear weapon to be the biggest threat to our national security and to our democratic allies abroad. The sanctions that Congress passed last year are clearly having an impact on the Iranian regime, but I believe that we cannot rest until the Iranian nuclear threat is affirmatively and effectively dismantled. I pledge to aggressively monitor developments in this area and search for ways in which I can help in Congress, because a nuclear-armed Iran is simply unacceptable.

In my mind, one of the best ways to combat this Iranian threat is a strong U.S.-Israel relationship. I traveled to Israel this past year in order to see firsthand the security challenges the United States and Israel currently face together in the Middle East. As such, I fully understand why a strong U.S.-Israel relationship is critical for the United States, and I look forward to using my voice here in Congress to continue to advocate for its strengthening.

Finally, I would like to turn to two areas that are particularly important to me and to the people of my district, education and the environment.

I believe that education is the building block for the prosperous America of tomorrow. We must encourage schools to prepare our students for success in the jobs our modern economy demands, and I am confident in the ability of our local school districts to prepare our students appropriately. I do believe a one-size-fits-all model stymies innovation in education. Accordingly, we must give more authority and control to local school districts.

However, we must not allow unfunded Federal mandates and programs to get in the way of our local school districts providing high-quality education.

As a scout, a Boy Scout and now a scout master, I was taught by my scout masters Lee Getchow, Charlie Barnes and Artie Bergman to love the outdoors and nature.

In northeastern Illinois we are fortunate to be stewards of one of the greatest natural resources in the world, Lake Michigan. With 26 miles of Lake Michigan shoreline, the 10th Congressional District enjoys tremendous benefits from its precious resource. We have an important obligation to pre-

serve and protect this great natural resource that is vital to the 10th District and to the entire United States. From drinking water to recreational opportunities, I will work diligently to protect the lake to improve her water quality.

I will also work with local, State and Federal parties to clean up Waukegan Harbor and de-list this wonderful resource as an area of environmental concern once and for all.

Focusing on jobs and the economy, reining in Federal spending, and keeping our Nation safe and free and working to strengthen our Nation's health care system, our education system and our environment, these are major legislative goals for the 112th Congress. And in the tradition of those who have served the people of Chicago's north and northwest suburbs before me, I look to be a voice of pragmatic, centrist ideas, someone who listens to all people on both sides of the aisle and looks for ways that we can work together to best serve the American people.

As a fiscal conservative and a social moderate, I am a firm believer in smaller government. This will guide my service in this House. I have some very large shoes to fill; but it is my promise that I will represent this office with dignity, distinction, honor and, above all, integrity.

I thank the people of the 10th District of Illinois for the opportunity to serve them. I will never forget why I am here or who I am here to represent.

HONORING SARGENT SHRIVER AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for this opportunity to discuss health care this evening.

But before I get to health care, I was notified early this afternoon that a unique, iconic American had died today; Sargent Shriver is no longer with us.

This individual has had an impact on America and the world around us that will last for centuries. He literally created the United States Peace Corps. The idea was developed by him and his brother-in-law, JFK, and put into effect in the first year of the Jack Kennedy administration.

Thousands, indeed over nearly 200,000 Americans, have joined the Peace Corps in the ensuing years. For my wife and I, it changed our life; it changed the path upon which we have traveled. We were the third iteration of the Peace Corps back in the 1960s. We were sent to Ethiopia. We served in a village out in the boondocks of southwestern Ethiopia, and it put in place in

our lives the vision that we could and should continue to serve.

We are not alone. Thousands upon thousands of Americans, those that were in the Peace Corps and those that were affected by the Peace Corps here in this Nation, found that same mission of being a life of service.

In the 1990s, Sargent Shriver returned once again to assist the Peace Corps as the Clinton administration undertook the rebuilding and expansion of the Peace Corps. My wife was then working at the Peace Corps as the associate director, and together they and the other staff opened the Peace Corps to the former Soviet Union nations, Eastern Europe and beyond and also to South Africa. It was a period of growth, and once again it was a period in which the Shriver enthusiasm and the Shriver determination to reach out to everyone in this world so that they could have a better life created these opportunities.

We mourn his passage. Our prayers go out to his family and to remind all of us that we too in any way possible should be serving our fellow man.

Sergeant Shriver, we miss you and we know that America and millions of people around the world that were affected by your programs will miss you also.

Let me now turn to another issue that affects every American, their well being, their lives, their ability to get the care that they need when they have health care problems.

On this floor today we began the debate of the repeal of the Affordable Health Care Act, an extraordinary law that will affect each and every one of us in this Nation; and as it affects us, it will also affect people around the world because this law will help America finally join the other industrialized nations in the world and provide health care to all of our people, not just those who are fortunate enough to be employed by an employer who has found it useful, wise or even correct to provide health care for their employees, but for those individuals that are not so fortunate to be with an employer that does not provide health care, and for those who are unemployed.

This is an extremely important debate going on here on the floor of the House. It's a debate about all of our lives.

It was estimated before this law went into effect that some 30,000 to 40,000 Americans every year lost their lives because they did not have health care. It was too late for them to get their blood pressure under control. It was too late for them to deal with their diabetic situation or their cancer had run its course so that it was not treatable, 30,000 to 40,000 Americans every year.

□ 2020

That is not the way America should be. We should be providing insurance to all Americans.

On the floor today, the debate commenced, and I was pleased and a bit curious to hear my colleagues on the Republican side talk about repeal and replace. And as they talked about what they would replace, I began to say, Excuse me. Wait a minute. What you're replacing is already the law in America. The health care bill that became law this year deals with every American from birth through their school years, through their years of building a family, in their employment and through their retirement. It deals with the entire cycle of life by providing the opportunity for health insurance, improved health insurance, at every stage of life.

Let me show you how that works. It's the Patient's Bill of Rights, which apparently our Republican colleagues want to repeal. The Patient's Bill of Rights is a fundamental reform of the insurance industry. I was insurance commissioner for 8 years in California, and I understand the insurance industry very, very well. And it's about profit. All too often, the health insurance industry puts profit before people. In doing so, they deny coverage. The Patient's Bill of Rights goes directly to this issue of insurance companies putting profit before people.

Let me show you where this works. Children. My very first speech here on the floor as the health care debate came up in 2009, in November of 2009, I spoke to an individual, a friend of ours who lives here in Washington, whose child was born with a very serious kidney problem. The mother was covered by insurance through the pregnancy and through the delivery. The moment it was discovered that that child had this preexisting kidney ailment, they dropped the coverage on the child. The family struggled and continues to struggle to provide care for that child, limping along trying to get the money together for the next procedure to provide the services that are necessary—the transplant.

All of those things should have been covered by insurance, but with the insurance company putting profit before people, they denied that child coverage. The Patient's Bill of Rights stops that and says that every child has a right to coverage, no longer the kind of discrimination that took place here with my friend's family.

Secondly, young adults. I happen to have had six young adults. All of them have passed through the age 23, and that period where their coverage stopped was the scary time for us in our family, and it is for every other family in America. At the age of 23, insurance companies were allowed to drop patients' coverage. And if you're a 23-year-old and you have any kind of a preexisting condition, you're out of luck. The Patient's Bill of Rights guarantees that that young woman or man will be able to get coverage until the

age of 26. And if they have a preexisting condition, that can no longer be a reason to deny coverage. The Patient's Bill of Rights would be repealed by the piece of legislation that will be brought to this floor tomorrow.

If you are a woman, you have a preexisting condition. It is called being a female. And routinely—and I've seen this during my tenure as insurance commissioner. Routinely, the insurance companies would deny coverage because you are a woman and you might get pregnant or you might have any number of conditions. That will no longer be the case.

If you happen to have cancer, you cannot be denied coverage. The Patient's Bill of Rights protects every single American when it comes to getting insurance and keeping insurance.

Many other provisions are in this bill, and I find it astounding that our colleagues on the Republican side would repeal the Patient's Bill of Rights and literally open every single American up to the gross discrimination that the insurance companies have foisted upon Americans for decades putting profits before people.

There are many other parts of the Patient's Bill of Rights, but I want to just take a moment and invite to this conversation my colleague from the great State of New Jersey, FRANK PALLONE, who has been fighting this fight for decades both as a Member of Congress and as a concerned citizen.

Mr. PALLONE, if you will join with us, share with us your thoughts and your experiences, and we will continue on with this discussion. I yield.

Mr. PALLONE. Thank you. I want to thank you for all that you do on this issue. I have seen you come to the floor so many times over the last year or more talking about the importance of the health care reform and now, of course, pointing out how ridiculous it is to try to repeal it, which is what the Republicans are going to try to do tomorrow.

I just want to start out by saying that we were just home for the Martin Luther King weekend, and so there was an opportunity to talk to a lot of people at the various Martin Luther King events over the 3 or 4 days that we were home, and the issue is jobs. That's all people want to talk about. Everyone comes up to me and says, What are you going to do about the economy? What are you going to do about jobs? Nobody talks about repealing the health reform bill.

And what I get basically from my constituents is they know the health reform bill passed. They know that it's kicking in. A lot of the patients' protections that you mentioned have already kicked in, and they want to see how it goes. Even those who were not necessarily for it in the beginning think it is a complete waste of time for us to be rehashing the debate and talking about repeal because they want to

see what is actually going to happen with the health care reform. And to the extent that they have seen certain things, protections, kick in, they're happy with it. And what they say to me is, Look, if over the next few years if certain aspects don't work out, then you can go back and revisit it and maybe make some changes. Nobody is suggesting we can't make changes on a bipartisan basis. But this idea of just repealing it outright when it just went into effect a few months ago, almost no one I talked to is in favor of that. They just don't think that makes sense.

The other thing that I wanted to say, and I keep stressing over and over again—I actually have this chart, and I know you pointed to it as well—is: Who is going to actually gain from the repeal? We know that insurance companies keep raising their prices. We know that historically they try to discriminate by eliminating people who have preexisting conditions or by having lifetime caps on insurance policies. The only ones that gain from this repeal are the insurance companies because essentially they can go back to the situation, to the status quo where they can have double-digit premium increases. You know, in your own State of California, it wasn't unusual to have a 30 percent increase. I think Blue Cross just announced a 50-something percent increase. And so they make money by constantly raising premiums and also by discrimination.

In other words, if you have a policy, a woman, for example, that has breast cancer and then she has a recurrence, well, if she reaches the cap on coverage for the year or the cap on coverage for a lifetime, then she has no insurance to cover her reoccurring cancer.

Or the other thing is that sometimes they even rescind a policy. If they can find some way to say that it didn't apply to you, they would simply rescind it altogether, and you'd get sick and wouldn't have insurance at all, even when you thought you had the greatest need for it.

So I just want to stress, this chart says GOP patients' rights repeal would put insurance companies back in charge where children with preexisting conditions are denied coverage, young people aged 26 can't stay on their parents' plan, pregnant women and breast and prostate cancer patients could be thrown off insurance rolls—that's the rescission—seniors pay more for their drugs.

The bill, as you know, has, for those in the doughnut hole, until this bill went into effect, if you reached the doughnut hole, then you had to pay 100 percent for your prescription drugs. You got a \$250 rebate last year. As of January 1, you have a 50 percent reduction, and that's going to eventually become zero so you will have complete coverage under Medicare part D.

So, if you repeal it, seniors are going to pay more for their drugs. And that's

the other thing that is amazing. They talk about how this is going to, I guess they're not using the term "killing jobs" anymore. They got away from that.

Mr. GARAMENDI. Crush. Crush jobs.

Mr. PALLONE. What is it now? Crush jobs.

The fact of the matter is that the bill actually decreases the deficit by \$230 billion, so you'd be increasing the deficit if you repealed the bill.

And with regard to jobs, I mean, look, if you think about what's in the bill, because everybody gets coverage, you're going to have to have a lot more health professionals, so that creates jobs, because premiums will stabilize, employers won't have the double-digit inflation that comes and makes it harder for them to hire people. So just the fact that your premiums stabilize makes it easier for employers to hire people.

□ 2030

And then we have all kinds of funding for research at labs and hospitals and institutions around the country; even the R&D creates jobs. It creates jobs is the bottom line.

But I would really like to go back to where I started from, and, that is, most people just say to me, "Why are the Republicans doing this? Let this bill kick in. Let us get to the point where everyone's covered. Let's see how it works."

We know the Senate's not going to pass the repeal. The President's not going to sign the repeal. So rather than spend our time trying to figure out ways of creating jobs, we'll just debate this for another week for no purpose, just as a waste of time.

Mr. GARAMENDI. Thank you very much, Mr. PALLONE.

If it's about jobs, then why are we doing all of this? It's interesting to note, and I heard this debate earlier on the floor here, that this is a job crusher, to be politically correct now, and that businesses are going to lose jobs, when in fact since the bill became law, over 932,000 private sector jobs have been created. So there's no evidence in the large job market that this legislation, the health care reform, has harmed jobs, crushed jobs. It hasn't happened. In fact nearly a million new jobs have been created; 932,000.

In addition to that, this is an extremely important bill for small businesses. This bill, as you said, actually subsidizes the cost of health care for small businesses. If you have less than 50 employees, you can get a subsidy, up to 35 percent, for buying health care for your employees. And if you don't want to buy health care, you don't have to if you have less than 50 employees.

I don't understand this debate about small businesses being harmed. In fact, the Kaiser Family Foundation has

shown that in the last year, probably as a result of this bill—that's their conclusion—the number of small businesses providing health insurance has grown from 46 percent to 59 percent.

Mr. PALLONE. If the gentleman would yield, one of the things that I wanted to point out and I am going to certainly talk about it, I'll talk about it more a little tonight, is my committee, the Energy and Commerce Committee today, put out a report essentially that talks about the impact of repealing the health care reform law in each congressional district, district by district. I have the information on my congressional district, the Sixth in New Jersey, that talks about the tax credits for small businesses, and it says in this report that the health reform law provides tax credits to small businesses worth up to 35 percent of the cost of providing health insurance. There are up to 18,200 small businesses in my district alone that are eligible for the tax credit. And, of course, repeal would force these small businesses to drop coverage or bear the full cost of coverage themselves.

The bottom line, every small business owner I know wants to provide coverage. It's just a question of whether they can afford it. And what we do in the bill is make it affordable by giving them this major tax credit. Eighteen thousand two hundred small businesses in my district alone can benefit from it and would lose that if we repealed the bill.

Mr. GARAMENDI. That is similar in every district, Republican or Democrat, across the Nation. The number of small businesses may vary district to district, but the point is that every small business has an opportunity to reduce by more than one-third the cost of health care by simply providing health care. And that will grow to 50 percent in just 3 years. It climbs up 35 and then 50 percent in 2014. And in 2014, every State will have an exchange, an insurance marketplace, where small businesses, individuals, can buy health insurance on a marketplace that talks about the quality and the cost so there is competition.

Once again, why would you want to repeal that, where individuals can shop for health insurance in a competitive market? We talk about competition here. Well, let's let it happen. Right now it doesn't really occur because many insurance companies don't compete. There are many, many aspects of this.

I notice that our friend from the great State of Tennessee has joined us. Mr. COHEN, if you will, what is going on in Tennessee? Do they want to repeal this? Do they really want to do away with the patients' bill of rights? The preventative care that seniors are able to get under this bill? The closing of the doughnut hole? Is that what the Tennessee folks want?

Mr. COHEN. Thank you, sir.

I don't think so. And the tide has been turning. The national polls, which I think are reflective of Tennessee at least on a percentage basis, have shown that it's gone from 10 points up on people that want to repeal this bill to where it's even, as many people for it as against it in this country. There's been a 10-point switch in the last 2 weeks as people have looked at the possibilities of the repeal of the law and seen the benefit.

What I thought about, Mr. GARAMENDI, I was in New York, New York City, about 2 weeks ago, and I went in the Time Warner Building. They had an exhibit there of Salvador Dali; surreal, things looking out of space. Strange, strange pictures and thoughts. It's hard to think of this Congress and the Republican majority that's come in trying to repeal a bill that's going to become as popular, once it gets implemented, as Social Security and Medicaid and Medicare have over the years, that they are so out of touch with America today and its needs and the future. Because while this may seem to be important to the minority, the tail wagging the dog in that party, the tea party that's wagging the dog, saying repeal health care, the fact is down the line, people are going to embrace this bill like they embraced the Great Society's Medicaid and Medicare and the New Deal's Social Security. It's going to be a short-term possible victory but a long-term defeat. And the myopia of the other side, let alone the hypocrisy of some of its members, is hard to fathom. But you can only see it through the eyes of Salvador Dali, because obviously they are Salvador Dali, and they're saying things in a surreal way.

The nonpartisan, bipartisan Congressional Budget Office says it's going to save us \$230 billion the first decade and \$1.2 trillion thereafter, and they say, "Well, they can have their opinion." Those are facts. Those are nonpartisan facts of people we hire to give us the truth. They don't like the truth so they summarily dismiss it.

They say it's a government takeover of health care, a big lie. Just like Goebbels; you say it enough, you repeat the lie, you repeat the lie, you repeat the lie, and eventually people believe it. Like blood libel. That's the same kind of thing. The Germans said enough about the Jews and the people believed it and you had the Holocaust. You tell a lie over and over again. And we've heard it on this floor; government takeover of health care.

PolitiFact, nonpartisan, Pulitzer prize-winning, 2009, St. Petersburg Times, said the biggest lie of 2010 was government takeover of health care, because there is no government takeover. It's insurance.

I look at my Facebook regularly and I've got some people I communicate

with on different issues on Facebook. I respond to them whether they take my side or not, obviously. And one lady has been constantly talking negatively about health care. I responded. She keeps going on with the line that obviously she hears and she's taken as her mantra; and that is that this is a government takeover of health care. Well, she's drunk the Kool-Aid, and that's just not true.

We heard in August 2009 that there were death panels and killing grandmother. Everybody agrees now, that was a big lie; just like government takeover of health care is a big lie. And it's amazing the lies: denying the effect on the deficit, claiming it's a government takeover, claiming there were death panels.

This lady on my Facebook page talked about the fact that it was going to take insurance companies out and there was a public option. Well, there is no public option. And the exchanges aren't a public option but the exchanges are private insurance where people can come together and get better rates that they couldn't get if they were dealing as individuals on the open market.

People don't understand. If you read Paul Krugman today, or yesterday—today in Memphis, we get it a day late—but yesterday in the New York Times, he talked about the errors in arithmetic, basically the lies that are being put out about how it will affect the budget. And Krugman, who's only a Nobel prize winner, says it's just not true, and what it comes down to, the bottom line, is there is a group in America that don't feel like they have a responsibility, a social responsibility, a moral responsibility, to those 32 million Americans who can't afford health care and right now are seeing death panels, the death panels that say you won't have insurance and you won't have health care.

□ 2040

As we are just one day beyond Dr. Martin Luther King's holiday, America's holiday celebrating Dr. Martin Luther King, Dr. King was not only for social justice, which everybody embraces today and talks about kumbayah and integration, but it was also economic justice. And economic justice involves health care, and it involves giving everybody an opportunity to stay alive, to get educated, and to get a job.

The first priority I have always believed of government is to keep people alive, their health care. The second is to get them educated. And the third is to get them a job. This rhetoric on the other side of the aisle about whatever they want to call it is not only false—read Krugman, a Nobel Prize winner—but it is the third priority. The first thing is keeping people alive. And you want to tell those 32 million Americans

we don't want you to have insurance, we don't care about you. That is wrong. Dr. King wouldn't approve of it. I don't approve of it. America won't approve of it.

And it is as I started with, surreal to think that the first thing that this Republican Congress is doing is trying to repeal what will be known down the years as one of the great acts ever passed by this United States Congress. It will be to the fortune of the Democrats because like Social Security and Medicare and Medicaid and voting rights and civil rights, they are Democratic initiatives that brought America forward, progressive initiatives that have been brought forth by this side of the aisle. And the myopia of the other side is politically welcomed, if not policy-wise sad.

Mr. GARAMENDI. Mr. COHEN, thank you very much. You pointed out the nature of the debate taking place on the floor. I listened to much of the debate this afternoon as it was going on, and tomorrow it is probably going to be the same. Like you, I was surprised and in many cases disappointed with the rhetoric that I heard. It simply wasn't based on fact.

They talked about the government takeover of health care. You used the word "big lie." Well, in fact it is not going to happen. This is not the government takeover of health care. There are many who said we simply should take Medicare and expand it to all. Now that is a program that is government collection of the money, but the services are provided by individual doctors, hospitals, and other provider groups. It is not a government takeover; it is a government finance program.

You mentioned the uninsured. Actually, it is about 42 million uninsured in America. They get sick. Who pays for them when they go to the emergency room? They don't have an insurance policy. They are certainly not going to be able to afford the cost of an emergency room and any procedure. Those people who are uninsured do get sick. They do go to the emergency room, and they do get medical care. And who pays, the taxpayer.

Mr. COHEN. Property taxes.

Mr. GARAMENDI. In Tennessee, the property tax base. In California, the general tax base and the Federal Government. Here is the clincher: every health insurance policy in the Nation pays for the uninsured. So we have health care coverage. In fact, this law requires that the three of us and all 435 Members of Congress and 100 Members of the Senate will get the exact same kind of insurance that every American gets. We don't get a special deal. In fact, we get to pay for part of it ourselves. That is a fact.

So what about those people that are out there uninsured that get sick. We get to pay for it through our health insurance policies because that cost is

shifted over to us, the taxpayer. There is no free lunch here. The question we have is should everybody participate in this insurance pool. I think it is only fair to say that we all participate.

I don't know what I said, Mr. PALLONE, that made you come to your feet, but please proceed.

Mr. PALLONE. Everything you said is absolutely true. I know in my State we estimate that every insurance policy, for those who have insurance and are paying their premiums, there is built into it something like \$1,000 to \$1,500 per year in your premium that pays for uncompensated care for others. And I actually have a statistic in that Energy and Commerce study that I mentioned that says in my district alone repeal would increase the cost of uncompensated care by \$54 million annually for hospitals in my district.

But what I wanted to point out was you can actually eliminate a lot of the uncompensated care because what happens, people don't have health insurance and so they don't see a primary care doctor on a regular basis. And they get sicker, and their only recourse is to go to an emergency room. I tried to get the CBO to build into this the savings that would come about because of preventive care. In other words, the fact that all of these people who are uninsured go to the emergency room, don't see a doctor, and all of a sudden they see a doctor and they stay well because they take preventive care of themselves and they do wellness and then they don't end up getting sick and going to the hospital. But that was never built into the system. The CBO won't score prevention, so to speak.

But I would maintain there is huge savings. We talk about a \$230 billion savings from the deficit, but in my opinion it is trillions of dollars because not built into this is the fact that all of these people who don't have primary care and end up in an emergency room now will have a doctor. They won't get sick, and you won't have to pay for all that care. So the system as a whole saves a tremendous amount of money, which is not really calculated here, in my opinion. That is what you made me think of.

Mr. GARAMENDI. You are quite correct. It is some very simple things which I think all Americans understand. Blood pressure, high blood pressure, the silent killer, people don't know that they have high blood pressure until they get the stroke. And then if they survive, they may very well be paralyzed or incapacitated the rest of their life and take an enormous expenditure every day, every month, every year caring for them in a nursing home or in an extended care situation. That is a very simple thing to understand.

And this piece of legislation provides free preventive care for seniors. Is that what they really want to repeal, that

free preventive care for seniors where most high blood pressure cases are found and where most strokes are found? It is a preventive cost.

Mr. PALLONE. Exactly. As you know, on January 1 there were a whole new set of patient protections that went into effect and one was elimination of the 20 percent copay for seniors. They get a 1-year wellness exam for which they don't have a copay, mammogram, all kinds of tests for which they would have paid 20 percent copay. All of that is out now. The reason it was done is exactly what you said: a lot of seniors would not go and have those tests done because they didn't want to put up the 20 percent. Now they get it free.

The Republicans say that costs money. It doesn't. It may cost money up front; but in the long run because the people get the wellness check and they have the mammogram, they don't get sicker. So we actually recoup the money because they don't get sick. I think it is a very important point that you are making.

Mr. GARAMENDI. Mr. COHEN.

Mr. COHEN. Sir, I appreciate your leading this. You have been an outstanding Member; and your first vote, I think, was for this bill. You have a lot of experience of this issue. You were commissioner of insurance, if I am correct, of the largest State in the country, California. So you have knowledge here.

Mr. PALLONE worked very hard on this bill, too, as I did; but Mr. PALLONE was in a senior position.

As I think back on the passage of this bill, I remember a lot of criticism; and the other side and the people who were critical said we didn't take enough time to pass the bill. We only took a year, a year and a half to pass the bill. And they are going to take 2 days to repeal it. Take enough time? Where are the people who think we should take enough time for the legislative process to work, to have hearings, to have thoughtful discussion, to have analysis of expert opinion today? Two days and it is going to be voted on, and that's it. And the old mantra which we heard from so many people, "read the bill." And yet so many people think it is a government takeover of health care. I say to them: read the bill.

And people who think Congresspeople are going to get something special, we get the same as everybody else. Read the bill.

Mr. GARAMENDI. If you will yield for a moment, there is a place where the bill can be read, the Web site www.healthcare.gov. It gives the bill. It gives a detailed description of every item in the bill. We have only talked about maybe one-third of the bill here today, and maybe we will go into some of the other parts.

□ 2050

It also talks about the timeline in which the various elements of the bill will go into effect. For example, the senior population: The doughnut hole begins to close. Last year a \$250 rebate check to those seniors who are in the doughnut hole, and then, in the next 8 years, that doughnut hole is squeezed shut. And, as Mr. PALLONE said earlier, seniors would then have all of their prescriptions covered. It also shrinks the cost of prescription drugs.

That wasn't talked about here earlier today. And if they want to read the bill, they can talk about the coverage options in every part of America—in California, Tennessee, New Jersey, wherever—and specific detail about seniors, about women, those kinds of pieces of information: www.healthcare.gov. You want to read the bill? You want to understand it? I would suggest that our colleagues on the other side, the Republicans, take a look at the bill, itself, and what it does.

Please continue, Mr. COHEN.

Mr. COHEN. Well, thank you.

Today, when I came on the floor, Ms. SLAUGHTER—one of the senior Members of this Congress, an outstanding Member and the former chairperson of the Rules Committee, now the ranking member—told me of a Member on the other side, a Member in her fourth term—I guess it was in the Rules Committee, but it might have been on the floor—who expressed for the first time astonishment, amazement, that the insurance provided for Members of Congress was subsidized by the Federal Government. She had no idea it was subsidized. She hasn't read the bill. She doesn't even know what her policy is and what her benefits are.

The fact is people should want for others what they want for themselves. I don't have Federal congressional insurance—I don't have it—but nearly everybody else in this Chamber does. Yet they don't want their constituents to have it. Now that's hypocrisy.

Mr. GARAMENDI. Last week, on this floor, many of us tried to put an amendment on this piece of legislation that would read: If the repeal occurs, then every Member of Congress would lose his health care, keeping in mind that 31 million Americans will not have health insurance if the repeal takes place.

So, 435 of us. If the bill is repealed, we should join the 31 million Americans who will not have health insurance if the bill is repealed. It seems to be the least we could do. If we want to harm 31 million Americans, if we want to take away the insurance from 31 million Americans, then, surely, 435 of us should be willing to go without insurance also. It turns out that not one Republican voted for that amendment. I wonder why. They want something that they are going to deny to 31 million Americans.

Mr. COHEN. What is good for the goose should be good for the gander. There but for the grace of God go I. You should care about your brother and your sister.

And this is going to be repealed in the same week as Dr. King's holiday?

I mean, I know it took a while for Dr. King's holiday to come about. It was JOHN CONYERS' steadfastness for 15 years to make it become law, and even then there were people in this House who voted against it, and there were people in the Senate who voted against it, but there is nobody who has given a better philosophy of life over 2,000 years than Dr. King.

Mr. GARAMENDI. Mr. PALLONE.

Mr. PALLONE. I was going to ask you to go over that chart about security and stability for America's seniors because, frankly, you know, as the gentleman from Tennessee was pointing out, there is a lot of misinformation that the Republicans give out in terms of Medicare and the benefits of this program.

I mean, the bottom line is that all that we have done with Medicare is extend benefits. A lot of seniors think that somehow, you know, Medicare is going to be negatively impacted, which is simply not true. So, if you could go through that, I'd appreciate it.

Mr. GARAMENDI. Well, I will do my best, and along the way, if my colleagues would join in on any one of these issues, I'd appreciate it.

Health care reform means security and stability for America's seniors.

First of all, despite all the rhetoric on the floor, this legislation actually improves the financial status of Medicare. It extends the solvency of Medicare, I think, by almost a decade.

Mr. PALLONE. You know, on the first point that you have there, I actually went before the Rules Committee—I guess it wasn't last week. It was 2 weeks ago now because last week we had the tragedy of our colleague from Arizona—and I had an amendment that actually said that the repeal would not go into effect if it actually negatively impacted solvency. It actually is 12 years. In other words, the bill, the health care reform, added 12 years of solvency to the Medicare trust fund. In other words, with the repeal, insolvency would begin in 2017. So this pushes that day of reckoning back, when there is not enough money to pay out, another 12 years.

Mr. GARAMENDI. So it pushes it back to 2023.

Mr. PALLONE. Yes. Exactly. So, I mean, that's an important point. Again, everything that we do shores up Medicare, provides more Medicare, provides more benefits under Medicare for seniors, expands their benefits.

Go ahead. I didn't mean to interrupt.

Mr. GARAMENDI. Let's just continue on here.

We talked about prescription drugs. It's not only the doughnut hole, but

there are certain kinds of generic prescription drugs that would also benefit as a result of this legislation and, of course, the doughnut hole issue, which we've discussed here in some detail.

The doughnut hole is squeezed shut, and initially, this last year, \$250. Now, I don't imagine the repeal would force the seniors to refund the \$250 check they had. Nonetheless, that doughnut hole would remain wide open if the repeal were to take place. We've talked about the improvement of the quality of senior care, and both of my colleagues here have spoken to this, I think, very correctly.

Preventative care.

Now, we talked a moment ago about high blood pressure—clearly, the silent killer and a major problem for seniors. Okay. You're going to get, free of charge, an annual blood pressure test. You know, it's very simple, very cheap, and the drugs to treat high blood pressure are cheap also, but the cost of not treating it is extraordinary.

There is another one that affects not only seniors but others around this Nation, and that is diabetes. This is an enormous cost. It can be treated. It can be taken care of, but if you ignore it, you are in for a world of harm and a very, very great expense to all of the people, including, in this case, to the taxpayers.

This is an interesting one. Primary care doctors.

Nobody has really talked about this much on the floor, but in the legislation, there is a significant increase in medical education opportunities, not only for doctors but also for others in primary care—nurse practitioners, physician assistants, and nurses. There is an enormous increase.

This one happens to be really, really important to me. Our daughter graduated from medical school just 3 days ago, and we go, Yes.

She says, I want to do primary care.

I'm going, Terrific. How about geriatric care?—my wife and I are looking to the future here.

This is really important. She has an opportunity under this piece of legislation, as do all other primary care doctors who choose to serve in underserved areas—and she may very well decide to do that—to have their medical loans reduced as they provide service in underserved areas, and some of those underserved areas are in our urban communities.

Now, that brought Mr. COHEN to his feet and Mr. PALLONE, so please share, gentlemen.

Mr. PALLONE. I'll let my colleague from Tennessee go first.

Mr. COHEN. Well, there are so many problems.

I represent an urban district in Memphis, and we do have a lack of health care in the urban areas. We need more primary care doctors, and we also need more community health centers.

That's something else the bill is going to provide for, more community health centers. There are large areas in my community where there are very few doctors who are available and where there are not community health centers. So that's another portion. It's not just the primary care doctors who are so important—and we've got some of the greatest in Memphis—but it's the difficulty in not having community health centers.

Mr. GARAMENDI. That has not been discussed.

In every part of America, people need to know about the enormous increase in the community clinics that will be available. That's in the legislation. It costs money, but it saves money because, once again, people will be able to get care early.

□ 2100

Mr. PALLONE. Could I ask the gentleman to yield?

Mr. GARAMENDI. Please.

Mr. PALLONE. This is true in the health reform, that there's a lot more money for community-based health care clinics, but we also have that in the stimulus, the Recovery Act.

Actually, I had two clinics that were funded under the Recovery Act that had not received Federal funds before. And just to give you an idea of what they did, one of them is in my hometown of Long Branch. They coordinated with the emergency room at Monmouth Medical Center so that every time someone comes to the emergency room who's eligible for the community health center—because they probably, many of them are uncompensated, have no insurance—now they go back and coordinate so that that person doesn't come back to the emergency room again—which, of course, is a tremendous expense—and instead goes to the community health center where they get primary care. So that is an example of where some Federal dollars that are going to community health centers are now being used to make it so that people don't have to go to the emergency room because they're getting the primary care in the clinic for probably maybe a hundredth of the cost of an emergency room.

Mr. GARAMENDI. You raised another point. And I recall a conversation with Mr. COHEN in the past where we talked about medical technology, which is also not only in the Affordable Health Care Act, the health care reform, but also in the stimulus bill. And part of what you talked about is the use of electronic medical technology to provide continuity of care; whether you are in this clinic or that hospital, you could be able to get that information across from one to another.

Mr. COHEN, do you want to carry on? You talked to me about this some time ago, and you had some pretty good notions of what would happen in Tennessee.

Mr. COHEN. Well, just the idea—and I will yield to Ms. JACKSON LEE in just a second—but the idea of having medical records on computers rather than having them on notes. My father was a doctor. I inherited his penmanship. I got a C in penmanship. The teacher was kind to me.

Doctors don't write real well. If you have to go from written records, it's difficult, and they don't get transposed well. But if you have them on computers, it's very easy to see what shots and inoculations the patient has had in the past, what treatments they've had. It makes it easier to render a diagnosis and not have to repeat tests that are unnecessary and costly. It is so important. And part of this bill is to see to it that the records are put on electronic devices so that they're available throughout the Worldwide Web and everywhere. That saves medical costs in the long run.

Mr. GARAMENDI. Some of this, if I might for a moment, sir, already exists.

I've been with Kaiser for three decades. They have put all of the records, all of my history, all of their patients, millions of patients, on the electronic information system. I could present myself at any Kaiser facility across this Nation in an emergency situation and they could take my number and immediately call up my entire history so that they don't have to start at the beginning with blood tests and all of the other procedures that are common in today's emergency room simply to know about the individual's health circumstances. All they need to do is enter that number, bingo, they've got my information. That's where the electronic medical records would be found. And it's interesting that our Republican colleagues want to repeal that? I don't think so.

Finally, at last we're going to hear from a woman. We need that perspective here. Please join us. Thank you so very much for coming in.

Ms. JACKSON LEE of Texas. I thank the gentleman from California, but more importantly I thank him for really turning the light bulb on. We worked so hard on this legislation that we probably have forgotten to articulate all of the nuances of this bill. It is unbelievable.

I hesitated to use the term "frivolous" today, but, frankly, I'm saddened by the fact that we had to engage in a frivolous debate. So I just wanted to say to the gentleman, some years ago under the Bush administration I took note of the fact that we did not have enough community health clinics, frankly, and I am so glad that our collective research caused us to put that legislation in the bill.

Last Monday, I convened my community health clinics. It was amazing the expanded work they do because some of them received stimulus dollars. One of

my clinics was able to open up 21 legacy, and one of my community health clinics was able to open up 21 new patient rooms because of stimulus dollars.

But what I want to say on that point is three things:

Community health clinics help seniors and families. And to seniors, this gives you, in addition to the comfort of being nearby your home, but you get, in addition, a primary home or a medical home. You can use that clinic, that doctor to be part of your medical home. The community health clinics can then multiply themselves or improve themselves by having electronic records where, as a senior who has extended medical records, can you imagine in the future what happens with seniors when they can put all their data into electronic records to be able to track seniors and to assure their good health? So contrary to frightening seniors and talking about death panels, this bill provides community clinics, a medical home, electronic records, and the inevitable closing of the doughnut hole so that seniors do not have to choose between paying rent and buying food and getting their brand drugs that they need.

So I just wanted to say there's so much. And then as you mentioned your daughter and the training. That's creating jobs. How do they talk about losing jobs—which I think, by the way, again, is frivolous because we created 1.1 million jobs.

And, frankly, I would just say to you that this is about saving lives. Jobs are very important. We've created jobs. But even the title of their legislation, H.R. 2, "job-killing"? This is killing Americans if we take this bill away, if we repeal this bill.

So I would argue that maybe my good friends—who some of them are new and I appreciate their newness; I appreciate their desire to keep a commitment to constituents. But when you come to the Congress, you have to govern. You have to look at the whole of America. And therefore, looking at the whole of America, you need to look at the crux. The crux is saving lives.

So I thank the gentleman for bringing us to this point. I know that we will be getting another hour that I hope maybe I will have an opportunity to share some thoughts. But again, I will yield back my time and just say this is about saving lives.

Mr. GARAMENDI. I thank the gentlewoman for her insight into the way in which the bill affects her home and her community because that's what all this is about; it's really about the community.

Mr. PALLONE, if you would like to take a few moments and wrap, and then I will provide the final wrap here as we close down this 1-hour discussion.

Mr. PALLONE. I mentioned before how the money that was going to the

community health center in Long Branch, in my home town, was being used to coordinate with Monmouth Medical Center so that people didn't have to go to the emergency room. When they came once, they were put into a computer, and it was exactly the electronic system that you talked about.

I went to Monmouth Medical Center one day because they had expanded their emergency room because they had so many people flooding the emergency room. Particularly in these tough economic times, a lot of people don't have health insurance, more and more people, so they had actually doubled, I think, the capacity of their emergency room. But they coordinated electronically with the community health center with this money that came in. So they showed me how a person would come in, and then they would be put into the system electronically with the community health center and they wouldn't come back to the emergency room.

One of the big issues now across the country—in fact, I just did an opinion piece about it in my local newspaper, the Asbury Park Press—is how emergency rooms are being flooded with more and more patients because more and more people don't have insurance. So we have to figure out a way to deal with that. Obviously, the health care reform does that, because once everybody gets insurance, sees a doctor and gets primary care, you won't have the need for as many people to go to the emergency room.

When you expand an emergency room and add on all this additional capacity, it's millions and millions of dollars. That money isn't necessary if people see a primary care doctor. An emergency room should just be for an emergency, when people are trauma or something else that happens. It shouldn't be a place where people have to go because they can't get a doctor.

I yield back to the gentleman.

Mr. GARAMENDI. Well, it has become just that.

I think I will wrap with where I started. The health care reform, the Affordable Health Care Act, really is about making life better for every American. From the moment they're born, that young baby, that newborn baby cannot be denied insurance, from the moment they're born, whatever their circumstance is. That's part of the Patient's Bill of Rights, and it starts right at birth. This is where a student, when you graduate from college, you are not only getting a diploma; you are also likely to be losing your health care benefit that you were covered by under your parents.

□ 2110

So it extends coverage to the age of 26. And into a marriage, into a family when you're building a family, you

know that you'll be able to get insurance. Thirty-one million Americans are going to be able to get health care insurance as a result of this legislation.

And in the workplace, a lot of talk about this being a job crusher, when in fact it actually creates jobs. And for small businesses, this is an enormous benefit because they will get a subsidy reducing the cost if they choose to provide insurance. If they have 50 employees or less, they don't have to buy insurance. And then later, they'll be able to get insurance through an exchange in 2014. California is probably going to set one up next year.

And for seniors, I've never heard so many inaccurate statements as concerns Medicare and the way in which this bill actually works. It extends Medicare. As you said, Mr. PALLONE, for 12 years—the financial solvency's extended for 12 years. Otherwise, it would be just 7 years, and it would be in financial trouble. So this really helps. And for individual seniors, they'll be able to get preventive care; their drug costs are going to be reduced. It is a very, very important part.

So for the circle of life—and all of us would want to go through that circle of life—this health care reform provides a benefit at every stage.

And I'll point out this final thing—and this is an estimate that was made in the last year—some 30,000 to 40,000 Americans every year die because they don't have health insurance. What is that? A stain upon America. Every other industrialized country in the world would do it.

Our Republican friends talk about repeal and replace, but everything I've heard on this floor about replacement is already the law in America. It's already the law.

They talk about lifetime caps; they talk about putting in no rescissions; they talk about no preexisting conditions. That's the law, folks. Our Republican colleagues, read the bill. Go to healthcare.gov. Read the bill. That is already the law. Why in the world would you repeal what is already the law and put this whole thing back at risk?

Don't forget, Americans, the insurance industry, the health insurance industry has dominated American health care for decades. And you think for a moment they're going to let the Republican majority write a bill that is not in their interest; that will force them to provide care; that will force them to pay the bills; that will force the insurance companies to no longer be the death panel? In fact, that's where the death panel is—and this I know.

I was the insurance commissioner. I fought the insurance companies for 8 years of my life when they denied coverage; when they said, You have run

out of benefits; when they said, Your policy is going to be rescinded. I fought them. And I know the result when they won that fight: people died.

We need the Patients' Bill of Rights. It should not be repealed.

Tomorrow, our Republican colleagues in H.R. 2—without one committee hearing, with only 2 days of debate on this floor and no committee hearings at all—put Americans at risk. Thirty-one million Americans will not get coverage. That's what this is about.

I look forward to tomorrow's debate, and we will see what happens.

TUCKER WRIGHT

The SPEAKER pro tempore (Mr. AMASH). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. BRALEY) is recognized for 23 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, one of the things that we've heard a lot today is talk about policy, but I want to spend some time tonight talking about the face of the efforts to repeal the Affordable Care Act. And the face could not be any clearer than this young man to my right.

This is Tucker Wright, a 4-year-old boy who lives in Malcom, Iowa, and January 2 of this year was an important day for Tucker and his family because 2 years ago this young boy was diagnosed with liver cancer before he reached his second birthday. And some amazing doctors and nurses took care of him after they removed two-thirds of his liver, and, miraculously, he is alive today.

And his parents had done everything they were supposed to do. They both had full-time jobs. They had the best health care coverage you could get in the State of Iowa at that time. Yet in spite of that, they ended up with tens of thousands of dollars of uninsured medical expenses. And this young boy faces an uncertain future filled with CT scans, tests, medical procedures over his lifetime—and he is just getting started in his life.

Now, before January 1 of this year, his father and mother couldn't change their jobs because if they had, their coverage would have been denied because of a preexisting condition—his liver cancer. But because of the Affordable Care Act passed in this Congress and signed into law by President Obama last year, as of January 2 his parents no longer were bound to their jobs, because they had the freedom to get a different job and not worry about having his health care benefits excluded under a policy called preexisting conditions.

Now, what our friends on the other side of the aisle don't want you to know about Tucker is that if they get what they want and they repeal this health care bill, the very first thing that's going to happen is his insurance

company is going to send his parents a notice of rescission—that his coverage is terminated because he has a preexisting condition that would then be subject to excluding his coverage.

Now, they could do that because we banned the practice of preexisting conditions, and we banned the practice of rescission in the Affordable Care Act after hearing days of testimony from witnesses who had experienced those practices firsthand and talked about the devastating impact it had on their lives.

So when we're on the floor tomorrow talking about repealing the Affordable Care Act, I want you to think about Tucker Wright and what that means to him and the millions of other American children who would be discriminated against by insurance companies because of a disease they have no control over.

And our friends on the other side of the aisle are telling us, Don't worry, we're going to repeal this bill and then we're going to come back and we're going to fix these problems. Really.

You know, I came here in 2006, Mr. Speaker; and I was proud to be part of that class of 2006. But when I got here, the Republicans had been in power for 6 years. They had George Bush in the White House, they had a majority in the House and a majority in the Senate. And what did they do during that period to ban the practice of preexisting conditions? What did they do to ban the practice of rescissions? Nothing. Not one thing. Despite multiple health care bills that were presented in that 6-year period, none of the concerns they're talking about being committed to fixing now were addressed by them.

You hear a lot of talk about this unfair, unconstitutional burden of an employer mandate. Well, folks, if you go back to 1993, you will see that Republicans—including my Republican Senator from Iowa, CHUCK GRASSLEY—offered legislation in Congress to have an individual mandate because they knew the only way we were going to get costs under control was by bringing more people into insured plans, spreading the risk, and making health care more affordable for all Americans.

□ 2120

So why do we find ourselves where we are now? Well, we find ourselves here because of an unwillingness to face the reality that Democrats in the House, and the Senate, and President Obama faced a problem that had been plaguing this Nation for decades: millions upon millions of Americans without access to quality, affordable health care. And that was a stain on our national reputation. And we decided to do something about it. And we didn't make any bones about the fact that this was going to be a priority.

Some of my colleagues and I ran on this issue in 2006 because of the problem of 47 million Americans without

access to health care coverage. We hear complaints about the burdens on small businesses. I was a small business owner in Iowa for 20 years. And at the end of my career, every year we would fill out five to seven applications for every one of our employees, trying to find insurance coverage that was affordable that would take care of their medical needs. Small businesses were being priced out of the insurance market, and nothing was being done about it. That's why I'm proud of the fact that Democrats took this challenge head on.

We were serious about the problem. We listened to days and days of testimony from people all across the health care spectrum, all across the health care economic spectrum. We held days of bipartisan markups to give people on both sides of the aisle the opportunity to offer amendments and improve this bill. And contrary to what you're hearing, we accepted amendments from our Republican colleagues. They were included in the bill. They made it a better bill when we brought it to the floor and voted on it. And yet now it's like we want to go back and eliminate everything good that happened during that period of time.

It's like the movie "Men in Black," where they had that little pen-like device that they would hold in front of your head, and once it flashed you would forget everything you had just heard. Well, we cannot afford to let that happen. Too many people's lives, like Tucker Wright's life, are depending on what we do here. And that's why when we talk about these important issues, remember the faces of the people whose lives are benefiting from this important legislation.

One of the things that we don't hear much talk about is the enormous positive impact this bill has on the lives of young people. One other thing that has changed dramatically from when I graduated from college many years ago is that now many young college graduates are required to perform an unpaid internship in order to get a job. It may be an entry-level requirement before they can take a certification test, or it may be the only way for them to get access to that employment market. Well, what does that mean practically? It means that once those students graduate from college, if they're older than 22 they get kicked off their parents' insurance policies.

Okay. Well, in the past, people would go out and find work, and usually that work had insurance coverage with it. Not any more. We have generations of young people out there looking for work with no health insurance. And when they get sick and need medical care, if they don't have insurance, they still get the care; but somebody pays for it. And that somebody is us, the U.S. taxpayers and people who buy private insurance, who have their pre-

miums increased or their taxes increased to take care of people who don't have health insurance.

So this bill does amazing things for young people. It prohibits discrimination of people like Tucker Wright. And it allows seniors access to care so that they know they're getting the wellness and preventive check-ups they need to make sure that they are getting the best care that they can.

There's a lot of talk on the floor in support of repealing this bill, about the imposition that this bill has on health care providers and the barriers it erects between them and their patients. And nothing could be further from the truth. In fact, what this bill does is promotes an atmosphere between physicians, health care providers, and patients that strengthens that bond, that relationship, that dependency by giving patients more access to their doctor and their health care providers at the time they need it most, when they are making decisions about chronic care, which is one of the biggest cost-drivers in health care today, managing their diseases, and in lowering the cost of health care for all of us. And yet you won't hear one word about that as a critical benefit of this bill.

And that's why, as the American people, Mr. Speaker, listen to the debate tomorrow leading up to this important vote, they need to ask themselves what's this all about, and whose lives really are going to be impacted if we repeal health care. It's time to talk reality. It's time to talk about the Tucker Wrights of this world and what this will do to them, because rather than seeing this as a Patients' Bill of Rights that finally preserves protection between patients and their insurance companies, we are talking about going back to the bad old days when those protections didn't exist, when patients were playing against a stacked deck and were often cut out of the decision-making process.

The risk is too great. We need to think of who is going to benefit from this bill and who will be harmed if it is repealed. And I call upon all of my colleagues to search in their hearts and their souls for the real impact that this bill is going to have if repealed.

And with that, I yield back the balance of my time.

CONGRESSIONAL BLACK CAUCUS AND THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 30 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, it's an honor for me to join my colleagues in the Congressional Black Caucus for this half hour or so to talk to the American people about the im-

portance of the provisions of the Affordable Care Act. For African Americans and other people of color, as well as rural Americans, who make up more than half of the uninsured, we cannot allow the law and the consumer protections to be repealed. Not when we have just gotten one foot in the health care door, some of us for the very first time.

For African Americans, who have higher death rates from all causes than any other population group, the preventive services, the strengthening of the public health force, the diversifying of an expanded health workforce, the community health workers, the community health centers, the Offices of Minority Health, those equity provisions cannot be repealed. It's a matter of life and death for us.

I know that the Republicans and their leadership who are calling for repeal won't ever say that they want to take away those benefits of the law that make sure sick children can be ensured, that allow families to keep their children who can't get jobs right away on their insurance until they are 26, or make sure that your insurance will be there for you when you need it most, when you get sick. They won't tell you that they want to take those away, but that's exactly what would happen if they are allowed to unravel this very carefully put together law.

Moreover, it should cause concern to every freedom-loving and justice-seeking person in this country that two of the very first acts of this 112th Congress have been to take away rights, privileges, or benefits from United States citizens. They took away the vote in the Committee of the Whole from Representatives elected and sent here by over 5 million Americans.

And now the leadership is trying to take away services and benefits that in effect would take away the right that everyone should have to health care. Whatever the leadership tries to take away next, good people must stand and speak and act to prevent them from doing so, as we must not let them repeal the job-creating health care reform law now.

□ 2130

Rev. Dr. Martin Luther King, Jr., who we remembered yesterday, spoke about the appalling silence of good people.

So, my fellow Americans, what I am saying to you is we cannot be silent. I know it must be difficult for you, our constituents, you, our employers, to know what the Affordable Care Act does and what it doesn't do, because there is so much distortion of the facts. So to help explain what the bill, what the law does, and how devastating the repeal would be, I want to now yield to my colleagues.

I will begin by yielding to the gentleman Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. I thank my colleague for yielding to me.

I must admit that I feel somewhat, gosh, it seems like only yesterday that the Republicans were accusing us of not taking care of what was the business at hand, which was job creation and what they call reckless spending. They accused us of wasting our time in the 111th Congress where we should have been dealing with jobs and spending, and they are doing the same thing.

They are wasting their time. The first month of the 112th Congress, they are wasting their time trying to repeal health care for Americans, the Affordable Care Act. It's mind-boggling to me that after the Democrats' first month in office we dealt with the recovery package, jobs, and thereafter we went through a long process of putting in place a measure that will create 4 million new jobs in this economy that they ran into the ground.

We pulled the car out of the ditch, got the car running, ready to create 4 million new jobs, health care, 4 million new jobs to accommodate the 32 million more Americans who would have access to the health care system in this country as a result of our passage of that act. And the Republicans, the first thing they do is want to kill a job-creating act that will enable their constituents and mine to have affordable health care.

It boggles the mind that we would want to turn the clock back, that we would want to start walking in the opposite direction, taking away benefits that have already gone into effect under the health care act that we passed. They want to hurt small businesses which are able to receive a 35 percent tax credit when they spend money insuring their employees.

I saw a report earlier today indicating that hundreds of thousands of new policies have been issued by insurance companies based on these small businesses of less than 50 people that are choosing to offer health care insurance to their employees. That is significant.

The health insurance industry is making a profit by offering fair coverage to Americans. Preexisting conditions were something that young people, children, were denied insurance for under the old regime of insurance regulation. Under our act that the Democrats passed, no more can you ban children from getting insurance based on preexisting conditions, and that is something that's good.

My colleague from Iowa was just talking about a young child in his district who would be denied coverage for a preexisting condition if his parents had to go back into the market to purchase insurance due to loss of a job or whatever, move, whatever the case might be. So this is quite significant. We don't want to take that health care coverage away from the children who have received it even though they have preexisting conditions.

The \$250 rebate for seniors who had reached the dreaded doughnut hole, seniors got a \$250 check in the mail in 2010 to help them with that. In 2011, they will get a 50 percent discount on all brand name and generic drugs, 50 percent. That is going to help so many Americans with their drug bills. This is what they want to repeal. They want to cost you, as a consumer, more money for prescription drugs.

And I am happy to stand on the side of those who say "no" to a repeal of the health care legislation that we passed.

They want to be able to repeal provisions in the law that prevent and prohibit insurance companies from canceling your insurance when you get sick. That's a commonsense regulation to protect American consumers. My friends on the other side of the aisle would, at the behest of those in the insurance industry who spent about \$100 million to defeat health care legislation—and that was unsuccessful, so they went out and spent hundreds of millions of dollars more to defeat the Democrats who voted for it. And so now we are at the point where they want to reciprocate to those who elected them at the expense of the very American people who voted for them. It doesn't make a whole lot of sense to me, Mr. Speaker, it really does not.

Lifetime caps on coverage already in effect, they would repeal that. They would allow the sale of insurance policies that would have a cap on them, a lifetime cap. So you would pay ever-increasing premiums with an ever-lessening amount of lifetime insurance coverage.

Well, we have taken that cap off. We have taken the unfairness out of that equation by mandating that those clauses in insurance contracts are void and unenforceable. So no more lifetime caps on insurance. These are some of the things that enabled the insurance companies and their corporate bosses, offices, shareholders and the like to obtain millions and millions and billions and billions of dollars of profits every year, going up every year.

Your premiums going up also, just reckless; no regulatory impact, no care about what that's doing to America. It's actually costing the taxpayers a lot of money, Mr. Speaker, because if people don't have insurance, that does not immunize them from getting sick.

□ 2140

We're all going to get sick one day. We're all going to need medical care. We're all going to, at some point, need the care of a doctor or a nurse. And it costs money. And if we don't have insurance, it can't be paid for. So people without insurance don't get access to the health care system until they get so ill that they have to go to the emergency room. And at that point, taxpayers have to subsidize that cost. And

so it stands to reason that with 17 percent of our gross domestic product being spent for medical care in this country, and the fact that that has an impact on our interstate commerce, it means that the Federal Government certainly has a role to play in regulating the health insurance industry. And that's exactly what we did.

I want to now recognize, or flip it, if you will, back to my good friend from the Virgin Islands.

Mrs. CHRISTENSEN. I want to thank you, Mr. JOHNSON, for helping to clarify some of the important areas that are provided for in the Affordable Care Act. Everyone is entitled to their own opinions, but not everyone is entitled to creating their own facts. And I think what we're hearing tonight are the facts.

I would like to yield now 5 minutes to the gentlewoman from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady. It is a pleasure to be able to join my colleagues on the floor, including Congressman GREGORY MEEKS of New York, who we'll have the opportunity to hear from, and I thank Dr. CHRISTENSEN for your continued leadership, and my colleague on Judiciary Committee, we had the opportunity to contribute to the debate today.

The Judiciary Committee has as its jurisdiction the Constitution, and our friends on the other side of the aisle keep talking about that this is unconstitutional. It baffles me and almost frustrates me because I'm trying to grab hold to what the argument is, particularly since we have had Medicare by the Federal Government since 1965, and it has withstood any constitutional challenge, and that was implemented under the Commerce Act.

But frankly, if we have an argument to make on the Constitution, I will share with you why this is clearly a constitutional bill, because we are actually denying people both due process and equal protection under the law under the present system because we have a nation that is divided between the haves and have-nots. Forty million-plus, 44 million, now I hear 32 million persons were uninsured. That's what grabbed our attention. Those people did not have access to health care.

Clearly, if you look at the Constitution that says that the 14th Amendment says equal protection under the law, all people treated equally, and the Fifth Amendment says can't deprive someone of life or liberty without due process. Well, I can tell you over the time that we debated this bill we saw the numbers of people who actually died because they could not get access to health care. We are reminded of our good colleague, Congressman CUMMINGS, who told the story over and over again of a young teenager, 12- or 13-year-old boy, African American boy,

who had an abscess, a tooth abscess, and clearly could have been saved, his life was before him. But he died because his mother did not have insurance or really did not have access to go anywhere to have this particular health matter taken care of. It became a crisis, and he died.

So I want to say to my friends, these are the basic points that I want to raise today while I discuss this question of the 14th Amendment and the Fifth Amendment. First of all, you hear the question of how offended people are, I don't want to be told to buy insurance. Why should I have to be forced to buy insurance? Well, as everyone knows, there is a 10th Amendment that says what is not left to the Federal Government is given to the States. States require you to have auto insurance. If you do not have it, you are fined. You get a ticket. Because they have calculated that the burden of not having health insurance is too great to bear. And so when we think of people not having health insurance because they don't have access, we have determined that the burden is too great to bear, \$143 billion if this bill is repealed right away, and \$1 trillion over 20 years that we will lose, or the deficit will be built. And I would imagine it might be more if you determine the people that will be uninsured who will go on to the county system.

Does everybody know in these districts around the Nation who are complaining about this bill that your hospitals, your county hospitals that are burdening your local taxpayers will be actually compensated for uncompensated care? I don't know about anyone here, but I can tell you my hospitals are jumping for joy.

And so I just want to point this out. Children with preexisting conditions are denied coverage, that is the sickle cell child, that is the individual with heart disease. We determined in our Democratic Policy and Steering Committee that children are the greatest that have the possibility of dying because of lack of coverage. And so all of these children, asthma, parents who have children with asthma, they are born, and there are babies with asthma. Do you realize they cannot or could not get insurance even on their parents' insurance? Asthma. How many children have died with asthma? Particularly in the minority community, where we have been subjected to poor quality living conditions. Maybe the air quality, because of where we live, industrial waste, or maybe it is because of the quality of the house that you are in, asbestos, other ailments that create conditions that cause respiratory illnesses in children, those are respiratory illnesses, young people age 26. A young man by the name of Andrew today said he's been working very hard, he graduated from college, but unfortunately the job that he had of-

fered to him has been pushed back because of the economy. He is working to get more experience as an intern with no compensation. His family cannot afford to keep him on to pay for independent insurance at this point. But yet he is being constructive, and he can be constructive because he can be on his parents' insurance. Pregnant women and breast and prostate cancer patients, in particular, African American women and minority women have a devastating form of breast cancer. My father had prostate cancer, and at the age he was and the atmosphere that we were in and the medical access he had at that time, one, he didn't tell the family, two, we were uninformed about this thing called prostate cancer, and we didn't find out about it until it had metastasized. My father actually had lung cancer and brain cancer.

There is a statistic: An African American male over 65 that did not have the proper access to health care to be able to catch his prostate cancer. Now this bill will provide for preventive care so that members, no matter what economic station you are in or status you are in, you have the ability to access health care, meaning you can go to a community health clinic or the community health centers, excuse me, or you may be able to buy your own health insurance at the rate in the amount you can.

There is a complaint here, as I said, about lacking the ability or not wanting to buy health insurance. Well, I would argue to that person, the argument I made about the 10th Amendment and automobile insurance, but I also argue, would you rather have these individuals die or burden the massive public health system? Or would you rather have them have access to be healthy as opposed to being sick?

Then something has been said, job-killing bill. And one of the points that the Republicans make is 650,000 jobs lost. They are not telling the accurate story. The 650,000 jobs lost are people deciding not to work or to work less because they now have the ability to get their own insurance that is not tied to a job through the exchange. That is the accuracy of it. It's voluntary, voluntary separation from a job because I am independent now to be able to go into business, to be a sole entrepreneur, a sole proprietor, and still have my insurance. And so these people would immediately be thrown off because a pregnant woman would be considered a preexisting disease; breast cancer, obviously one of the more devastating diseases; prostate cancer. And do you know what else? Heart disease which kills or has 43 million women today living with heart disease, some of whom do not know it because they do not have preventive care.

And then, our seniors have been frightened by death panels. Seniors, let

me simply say to you, there will be living panels because you will get a 50 percent discount on your doughnut hole process and brand name prescription drugs. But more importantly, you'll be able to have a primary care doctor, you'll have community health clinics you can go to, you'll have what we call a medical home so you won't have to be worrying about, who is my doctor? You will have a consistent doctor, maybe even electronic records.

Particularly hard-hit are minority seniors or seniors in rural areas where hospitals are not even. But if they can go to a community health clinic that can diagnose them so they don't have to go to an emergency room or be helicoptered to a major city because they reached a crisis, seniors, this is a living bill for you.

□ 2150

And then, of course, this whole question of the deficit, I've already mentioned, but this idea of small businesses, let me tell you that small businesses are jumping for joy. Dr. Odette Cohen today said to us that she is glad that her pediatric practice will be able to get tax credits for her employees to provide health care and that she will be able to add another nurse practitioner just because this bill provides for small businesses.

So I can only say that this whole question of job loss is shaky, the whole question of the Constitution is shakier, and I conclude by saying this, and I will be on the floor again tomorrow: The Constitution has been misused in this debate. I beg of people to get the Constitution. It is quite the opposite. H.R. 2 is unconstitutional, because it creates an unequal system in America, a system of unequalness as relates to health care. We've lived that way but we have not been able to get those who have been most deprived to take this case up all the way to the Supreme Court. Why did I not have health insurance? Why does my neighbor have it and I don't have it? Well, we are now equalizing. With the Patient Protection and Affordable Care Act, we're giving you the protection of the Constitution to the 14th Amendment and the Fifth Amendment of due process and equal protection. I can't imagine a better way to value America than to say that all of us deserve the dignity of our flag and our Constitution.

I thank the gentlelady, Dr. CHRISTENSEN, for her leadership.

Mrs. CHRISTENSEN. Thank you, Congresswoman JACKSON LEE, and thank you for tying in to the constitutional issues, because we're going to be asked to provide constitutional references for every legislation that we introduce and the constitutional issue has been raised over and over again and I thank you for addressing that in your remarks.

I would now like to yield to the gentleman from New York, Congressman MEEKS.

Mr. MEEKS. I want to thank the gentlelady from the Virgin Islands. I also want to thank the gentlelady from Houston, Texas, SHEILA JACKSON LEE, for that excellent statement on the Constitution and the 14th and the Fifth Amendments.

I am so serious about this issue that on this night when I don't have much of a voice, it is important to talk about what is really going on here. When you think about the Constitution, the first thing that we were doing when we came back in the 112th was the reading of the Constitution. The Constitution was really put in place to help and protect Americans. It's one thing to read the Constitution. It's another thing to live the Constitution. I think the gentlelady put out the facts clearly down to the 14th and the Fifth Amendments, this is constitutional. I think it is also clearly what the Constitution, what the individuals who wrote in 1787, it was a committee of the Federal Convention, that it should remind us that the sacred text employs and empowers us to provide for and protect the American people.

What is the most precious thing that one has? Is it money? What is the most precious thing? It's called life. Without life, what do we have? And what is the most important thing in living a good life? It's health. So wouldn't it seem that what would be the most appropriate thing to do is that we provide health care for Americans? It is without question I think that we can agree, whether we're Democrat or Republican, we believe that we have the best country on the planet, in the history of the planet. But look at the blemish that history will record on our great Nation if we do not provide or give access to health care for all Americans. This is a struggle that we have had for debate after debate after debate, from President before President before President. And finally this Congress did come together in the 111th Congress and said, we're going to provide health care to 95 percent of all Americans. No, we're not perfect. The fact of the matter is I don't know any bill that has ever been passed in any legislative body that is perfect. We've got to work, and in fact we talk about our union, to make it a more better union. The health care reform bill clearly does that.

Now the logic to come and to repeal the whole bill confuses me. For even the Constitution of the United States of America was not a perfect document. Clearly for those of us who happen to be African Americans, when the Founding Fathers wrote it, they said we were only three-fifths of a human being. Clearly the Constitution didn't give women the right to vote. The document itself as it was initially written was flawed. But we as a Nation didn't say come and strike the entire Constitution; repeal the Constitution. That's not what was done. What we did

was we said, Let's fix it. Let's look and see where we can agree upon to amend it. In fact, there was a small debate on the floor right here which Constitution would be read. Would it be the amended version? And that's what we talked about, the amended version of the Constitution. That's what was read here.

So where is the logic now where we clearly have the law of the land to come and say, get rid of it all? You've clearly heard from the gentleman from Georgia and the others that have spoken this evening about making sure that there is no individual who's denied health care because of a preexisting condition. This bill assures us of that. If you have a child under 26 years of age, not working, they can stay on their parents' health care. Seniors and the doughnut hole, we fixed that.

So if you've got a serious problem that you want to negotiate and talk about that's within this bill that's a problem, that's a flaw, that needs to be amended, then I think that as a body we can sit down and work together to get that done.

And so I say when I look at where we are, or ask my staff, for example, in my little district in New York, the Sixth Congressional District.

The SPEAKER pro tempore. The time of the gentlewoman from the Virgin Islands has expired.

Mr. MEEKS. Let me just end by saying this.

Let's make sure that health care is not a privilege for a few but a right for the many. Let us make sure that we do not destroy this great health care reform bill that's now law.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank our CBC Chair, EMANUEL CLEAVER and the gentlelady from the Virgin Islands, Congresswoman CHRISTENSEN for anchoring this Special Order in order to pursue a very important discussion on the leadership of the Congressional Black Caucus and the Health Care Reform.

We remain committed to our diligent work to be the conscience of the Congress, but also to provide dedicated and focused service to the citizens and Congressional Districts that have elected us. I hope that this discussion will highlight the impact of how the repeal of the Affordable Act would impact the American people; particularly, within the minority community.

We know that not all Americans have equal access to health care.

It is all too unfortunate that persons of low-income, or of diverse racial and ethnic backgrounds, and other underserved populations have higher rates of disease.

This same population frequently experience fewer treatment options, and reduced access to the care they need.

Worst of all, minority populations are also less likely to have health insurance than the population as a whole.

But now, because of the Affordable Care Act, minorities can benefit from:

Preventative Care that includes regular screenings, annual wellness check-ups, can-

cer screenings, and immunizations—all at no additional cost.

Care that is coordinated to help patients manage their chronic diseases such as diabetes, heart disease, high-blood pressure, cancer, and many other ailments that require multiple health teams.

Training to increase diversity within the health professions so that patients have more choice of providers who are racially and ethnically diverse. Also, health plans will be required to use language services and community outreach in underserved communities.

Expansion of the health care workforce with increased funding for community health centers, which provide comprehensive health care for everyone no matter how much they are able to pay.

Banning insurance companies from discriminating against those patients who have been sick. No longer will sick patients be excluded from coverage or charged higher premiums. Neither will women have to pay higher premiums simply because of their gender.

I am confident that if we repeal Affordable Care Act, we present a grave, unhealthy danger to the lives of our most vulnerable populations who need health care most by playing politics.

I urge my Republican colleagues to revisit the thought of repealing the Patient Protection and Affordable Care Act by working with eager Democrats to continue building a bridge to a healthier America—for all.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 61

Mr. SCALISE. Mr. Speaker, I ask unanimous consent that the following Members be removed as cosponsors of H.R. 61: Mr. BILBRAY, Mr. COLE, Mr. JEFF DUNCAN, Mr. FRANKS, Mr. GIBBS, Mr. TOM GRAVES, Mr. KLINE, Mr. LAMBORN, Mrs. LUMMIS, and Mr. MCHENRY.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add any extraneous material on the subject of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCCOLLUM (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. CLARKE of New York (at the request of Ms. PELOSI) for today.

Mr. HUNTER (at the request of Mr. CANTOR) for today on account of travel delays.

Mr. AUSTRIA (at the request of Mr. CANTOR) for January 7 on account of attending the funeral, in the district, of a slain police officer.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. KEATING, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today and January 19, 20, and 24.

Mr. JONES, for 5 minutes, today and January 19, 20, and 24.

Mr. DOLD, for 5 minutes, today.

Mr. PAUL, for 5 minutes, January 19 and 20.

Mr. BURTON of Indiana, for 5 minutes, today and January 19 and 20.

Ms. BUEKLE, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. PAULSEN, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and January 19.

Mr. FLEMING, for 5 minutes, today.

Mr. DREIER, for 5 minutes, January 19 and 20.

Ms. FOXX, for 5 minutes, January 19.

ADJOURNMENT

Mr. SCALISE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), the House adjourned until tomorrow, Wednesday, January 19, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

74. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Prevention of Significant Deterioration Final Determination for Russell City Energy Center [FRL-9245-9] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

75. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Emissions

Banking and Trading of Allowances Program [EPA-R06-OAR-2005-TX-0012; FRL-9246-3] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

76. A letter from the Environmental Protection Agency, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Attainment Plan for Libby, MT PM2.5 Nonattainment Area and PM10 State Implementation Plan Revisions [EPA-R08-OAR-2006-0952; FRL-9246-4] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

77. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of state plans for Designated Facilities and Pollutants; State of Florida; Control of Large Municipal Waste Combustor (LMWC) Emissions From Existing Facilities [EPA-R04-OAR-2010-0392(a); FRL-9246-6] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

78. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan [EPA-HQ-OAR-2010-0107; FRL-9245-3] (RIN: 2060-AQ45) received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

79. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R04-OAR-2010-0811-201070; FRL-9244-4] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

80. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R04-OAR-2010-0697-201072; FRL-9244-5] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

81. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision [EPA-R04-OAR-2010-0691-201069; FRL-9244-6] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

82. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases [EPA-HQ-OAR-2010-0107; FRL-9244-7] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

83. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Action to Ensure Authority to Implement Title V Permitting Programs under the Greenhouse Gas Tailoring Rule [EPA-HQ-OAR-2009-0517; FRL-9245-4] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

84. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule [EPA-HQ-OAR-2009-0517; FRL-9244-9] (RIN: 2060-AQ62) received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

85. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program [EPA-HQ-OAR-2010-1033; FRL-9245-2] (RIN: 2060-AQ67) received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

86. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-127, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

87. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-611, "Wayne Place Senior Living Limited Partnership Real Property Tax Exemption Act of 2010"; to the Committee on Oversight and Government Reform.

88. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-623, "Residential Parking Protection Pilot Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

89. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-621, "Mayor and Chairman of the Council Transition Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

90. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-620, "Streetscape Utility Line Report Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

91. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-619, "Second Prevention of Child Abuse and Neglect Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

92. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-618, "Asbestos Statute of Limitations Clarification Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

93. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-617, "African American Civil War Memorial Freedom Foundation, Inc., African-American Civil War Museum Approval Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

94. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-616, "Cooperative Housing Association Economic Interest Recodification Tax Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

95. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-615, "Randall School Disposition Restatement Act of 2010"; to the Committee on Oversight and Government Reform.

96. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-614, "800 Kenilworth Avenue Northeast Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010"; to the Committee on Oversight and Government Reform.

97. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-613, "Thirteenth Church of Christ Real Property Tax Relief and Exemption Act of 2010"; to the Committee on Oversight and Government Reform.

98. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-612, "2323 Pennsylvania Avenue Southeast Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010"; to the Committee on Oversight and Government Reform.

99. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-609, "Allen Chapel A.M.E. Senior Residential Project Rental Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010"; to the Committee on Oversight and Government Reform.

100. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-610, "Wildlife Protection Act of 2010"; to the Committee on Oversight and Government Reform.

101. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-568, "Budget Support Act Clarification and Technical Amendment Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

102. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-567, "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

103. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-566, "Automated Traffic Enforcement Fund Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

104. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-565, "Office of Cable Television Property Acquisition and Special Purpose Revenue Reprogramming Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

105. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-622, "Special Election Reform Charter Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

106. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-564, "Randall School Disposition Restatement Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

107. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-594, "Expanding Access to Juvenile Records Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

108. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-595, "Pre-k Acceleration and Clarification Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

109. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-608, "Blood Donation Expansion Act of 2010"; to the Committee on Oversight and Government Reform.

110. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-596, "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

111. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program [Docket No.: 100212086-0532-05] (RIN: 0648-AY68) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

112. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — United States — Oman Free Trade Agreement (RIN: 1515-AD68) received January 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

113. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Update of CC: INTL No-Rule Revenue Procedure, Rev. Proc. 2010-7 (Rev. Proc. 2011-7) received January 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

114. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deferral of Income from Sale of Gift Cards (Rev. Proc. 2011-18) received January 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

115. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Method of Accounting for Gift Cards Issued in Exchange for Merchandise Returns (Rec. Proc. 2011-17) received January 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

116. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modifications of Debt Instruments [TD 9513] (RIN: 1545-BJ30) received January 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

117. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — REIT Distressed Debt (Rev. Proc. 2011-16) received January 7, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

118. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Amendment to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011 [CMS-1503-F2] (RIN: 0938-AP79) received January 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP:

H.R. 297. A bill to require amounts remaining in Members' representational allowances at the end of a fiscal year to be used for deficit reduction or to reduce the Federal debt, and for other purposes; to the Committee on House Administration.

By Mr. CARTER:

H.R. 298. A bill to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BROUN of Georgia:

H.R. 299. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, repeal the 7.5 percent threshold on the deduction for medical expenses, provide for increased funding for high-risk pools, allow acquiring health insurance across State lines, and allow for the creation of association health plans; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Appropriations, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana:

H.R. 300. A bill to establish a grant program in the Department of the Treasury to fund the establishment of centers of excellence to support research, development and planning, implementation, and evaluation of effective programs in financial literacy education for young adults and families ages 15-24 years old, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 301. A bill to ensure the energy independence of the United States by promoting research, development, demonstration, and commercial application of technologies through a system of grants and prizes on the scale of the original Manhattan Project; to the Committee on Science, Space, and Technology.

By Ms. FOXX (for herself, Mrs. McMorris Rodgers, Mr. HERGER, Mr. GARRATT, Mr. FRANKS of Arizona, Mr. ROHRBACHER, Mr. BROUN of Georgia, Mr. POE of Texas, and Mr. PEARCE):

H.R. 302. A bill to provide for State approval of national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 303. A bill to amend title 10, United States Code, to permit additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 304. A bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BISHOP of Georgia, Mr. FILNER, and Mrs. CHRISTENSEN):

H.R. 305. A bill to waive the time limitations specified by law for the award of certain military decorations in order to allow the posthumous award of the Medal of Honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. JONES (for himself, Mr. COBLE, Mr. CONNOLLY of Virginia, and Mr. PRICE of North Carolina):

H.R. 306. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Natural Resources.

By Ms. KAPTUR:

H.R. 307. A bill to require persons who seek to retain seed harvested from the planting of patented seeds to register with the Secretary of Agriculture and pay fees set by the Secretary for retaining such seed, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. CLAY, Ms. NORTON, Mr. WEINER, Ms. ESHOO, Mr. ISRAEL, Mrs. MALONEY, Mr. ACKERMAN, Mr. MORAN, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, Mr. SERRANO, Ms. PINGREE of Maine, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Ms. HARMAN, Mr. PASCRELL, Ms. HIRONO, Mr. VAN HOLLEN, Mrs. LOWEY, Mr. NADLER, Ms. EDWARDS, Mr. HASTINGS of Florida, Ms. MATSUI, Ms. WATERS, Mr. CICILLINE, Ms. CHU, Mr. SHERMAN, Mr. HOLT, Mr. CONNOLLY of Virginia, Ms. SLAUGHTER, Mr. ELLISON, Mr. QUIGLEY, Mr. MEEKS, Mr. HIMES, Mr. HONDA, Mr. LANGEVIN, Ms. SPEIER,

Mr. COHEN, Mr. WAXMAN, Mr. CONYERS, Mr. FARR, Mr. YARMUTH, Ms. JACKSON LEE of Texas, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. BISHOP of New York, and Ms. DEGETTE):

H.R. 308. A bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

By Mr. MICA:

H.R. 309. A bill to provide compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Armed Services.

By Mrs. MYRICK:

H.R. 310. A bill to deny certain Federal funds to any institution of higher education that admits as students aliens who are unlawfully present in the United States; to the Committee on Education and the Workforce.

By Mrs. MYRICK:

H.R. 311. A bill to amend title II of the Social Security Act to require that the Commissioner of Social Security notify individuals of improper use of their Social Security account numbers; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 312. A bill to establish procedures for the issuance by the Commissioner of Social Security of "no match" letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself and Mr. SCHIFF):

H.R. 313. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 314. A bill to provide grants to States for health care tribunals, and for other purposes; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 315. A bill to reduce the amount of paperwork and improve payment policies for health care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. HENSARLING:

H. Res. 37. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. DREIER:

H. Res. 38. A resolution to reduce spending through a transition to non-security spending at fiscal year 2008 levels; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MARKEY introduced a bill (H.R. 316) for the relief of Esther Karinge; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

[Correction to the Record of January 5, 2011]

By Mr. CONYERS:

H.R. 108.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution. This provision permits Congress make or alter the regulations pertaining to Federal elections.

By Mr. CONYERS:

H.R. 109.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 14 and 18, among others.

[Omitted from the Record of January 12, 2011]

By Mr. AL GREEN of Texas:

H.R. 283.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in: Commerce Clause (Art. 1 Sec. 8 Cl. 3), Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Constitutional analysis is a rigorous discipline which goes far beyond the text of the Constitution, and requires knowledge of case law, history, and the tools of constitutional interpretation. While the scope of Congress' powers is an appropriate matter for House debate, the listing of specific textual authorities for routine Congressional legislation about which there is no legitimate constitutional concern is a diminishment of the majesty of our Founding Fathers' vision for our national legislature.

By Mr. AL GREEN of Texas.

H.R. 284.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in: General Welfare Clause (Art. 1 Sec. 8 Cl. 1), Commerce Clause (Art. 1 Sec. 8 Cl. 3), Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Constitutional analysis is a rigorous discipline which goes far beyond the text of the Constitution, and requires knowledge of case law, history, and the tools of constitutional interpretation. While the scope of Congress' powers is an appropriate matter for House debate, the listing of specific textual authorities for routine Congressional legislation about which there is no legitimate constitutional concern is a diminishment of the majesty of our Founding Fathers' vision for our national legislature.

By Mr. AL GREEN of Texas.

H.R. 285.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in: Naturalization Clause (Art 1 Sec. 8 Cl. 4).

Constitutional analysis is a rigorous discipline which goes far beyond the text of the Constitution, and requires knowledge of case law, history, and the tools of constitutional interpretation. While the scope of Congress' powers is an appropriate matter for House debate, the listing of specific textual authorities for routine Congressional legislation about which there is no legitimate constitutional concern is a diminishment of the majesty of our Founding Fathers' vision for our national legislature.

By Mr. AL GREEN of Texas:

H.R. 286.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in: General Welfare Clause (Art. 1 Sec. 8 Cl. 1), Commerce Clause (Art. 1 Sec. 8 Cl. 3), Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18), Property Clause (Art. IV Sec. 3 Cl. 2).

Constitutional analysis is a rigorous discipline which goes far beyond the text of the Constitution, and requires knowledge of case law, history, and the tools of constitutional interpretation. While the scope of Congress' powers is an appropriate matter for House debate, the listing of specific textual authorities for routine Congressional legislation about which there is no legitimate constitutional concern is a diminishment of the majesty of our Founding Fathers' vision for our national legislature.

By Mr. AL GREEN of Texas:

H.R. 287.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in: General Welfare Clause (Art. 1 Sec. 8 Cl. 1), Commerce Clause (Art. 1 Sec. 8 Cl. 3), Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Constitutional analysis is a rigorous discipline which goes far beyond the text of the Constitution, and requires knowledge of case law, history, and the tools of constitutional interpretation. While the scope of Congress' powers is an appropriate matter for House debate, the listing of specific textual authorities for routine Congressional legislation about which there is no legitimate constitutional concern is a diminishment of the majesty of our Founding Fathers' vision for our national legislature.

[Submitted on January 18, 2011]

By Mr. CAMP:

H.R. 297.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 9 of Article 1 of the Constitution.

By Mr. CARTER:

H.R. 298.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. BROUN of Georgia:

H.R. 299.

Congress has the power to enact this legislation pursuant to the following:

Article VI, Clause 3 of the U.S. Constitution declares that Members of Congress are bound by oath or affirmation to support the U.S. Constitution. This Article places an obligation on Members of Congress to observe the limits of their authority and repeal unconstitutional acts of Congress.

The taxing and spending power found in Article I, Section 8, Clause 1 of the U.S. Con-

stitution gives Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." Repealing the deduction threshold for medical expenses and strengthening high risks pools are permissible under this enumerated power.

The interstate Commerce power found in Article I, Section 8, Clause 3 of the U.S. Constitution explains that Congress shall have power to regulate commerce among the several states. Eliminating state barriers to interstate purchase of health insurance and allowing association health plans to exist are permissible under this enumerated power.

By Mr. CARSON of Indiana:

H.R. 300.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FORBES:

H.R. 301.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses I, III.

By Ms. FOX:

H.R. 302.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. BILIRAKIS:

H.R. 303.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. GALLEGLY:

H.R. 304.

Congress has the power to enact this legislation pursuant to the following:

Clause 4, Section 8, Article I and Clause 18, Section 8, Article I of the Constitution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 305.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. JONES:

H.R. 306.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, and Article IV, Section 3, of the Constitution of the United States.

By Ms. KAPTUR:

H.R. 307.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section

8, Clause 1 and Clause 3 of the United States Constitution.

By Mrs. MCCARTHY of New York:

H.R. 308.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MICA:

H.R. 309.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mrs. MYRICK:

H.R. 310.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the Constitution.

By Mrs. MYRICK:

H.R. 311.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mrs. MYRICK:

H.R. 312.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mr. SMITH of Texas:

H.R. 313.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. THORNBERRY:

H.R. 314.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. THORNBERRY:

H.R. 315.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. MARKEY:

H.R. 316.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution and Clause 4 of Article 1 of Section 8 of the Constitution.

By Mr. PLATTS:

H.J. Res. 20.

Congress has the power to enact this legislation pursuant to the following:

"Article V: The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which

may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.”

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, and Mr. SOUTHERLAND.

H.R. 4: Mr. SHULER.

H.R. 21: Mr. FARENTHOLD, Mr. GARDNER, and Mr. FLEMING.

H.R. 38: Mr. ROSS of Florida, Mr. LONG, Mr. WALBERG, Mr. JONES, Mr. LANKFORD, Mr. FARENTHOLD, and Mr. DUNCAN of South Carolina.

H.R. 44: Ms. BERKLEY and Mr. HASTINGS of Florida.

H.R. 68: Mr. ROSS of Arkansas, Mr. GOODLATTE, Mr. HUELSKAMP, and Mr. MCCLINTOCK.

H.R. 69: Mr. ROSS of Arkansas, Mr. HUELSKAMP, and Mr. MCCLINTOCK.

H.R. 86: Mr. MCCLINTOCK and Mr. CARTER.

H.R. 87: Mr. DUNCAN of Tennessee, Mr. KING of Iowa, and Mr. ROSS of Florida.

H.R. 96: Mr. MACK, Mr. GALLEGLY, Mr. McCOTTER, and Mr. SCHOCK.

H.R. 97: Mr. McCOTTER, Mr. GARDNER, Mrs. EMERSON, Mr. COLE, Mr. CAMP, Mr. MILLER of Florida, Mr. ADERHOLT, Mr. CAMPBELL, Mr. WILSON of South Carolina, Mr. McCaul, Mr. LEWIS of California, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mr. POSEY, Ms. JENKINS, Mr. FLEMING, and Mr. THOMPSON of Pennsylvania.

H.R. 104: Mr. LATOURETTE and Mr. CULBERSON.

H.R. 116: Mr. COHEN.

H.R. 121: Mr. PLATTS, Mr. RENACCI, Mr. RUNYAN, Ms. JENKINS, Mr. SHUSTER, Mr.

ROHRABACHER, Mr. WILSON of South Carolina, Mr. PAUL, and Mr. BACHUS.

H.R. 122: Mr. DUNCAN of South Carolina.

H.R. 126: Mr. ALEXANDER.

H.R. 140: Ms. FOXX, Mrs. MYRICK, Mr. LANDRY, and Mr. BURGESS.

H.R. 155: Mr. HUELSKAMP and Mr. SAM JOHNSON of Texas.

H.R. 177: Mr. COFFMAN of Colorado, Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. POMPEO, and Mr. ADERHOLT.

H.R. 192: Mr. MCINTYRE.

H.R. 198: Mr. CONNOLLY of Virginia, Mr. WU, Mr. KISSELL, Mr. KUCINICH, Mrs. BLACKBURN, Mr. CRITZ, Mr. McDERMOTT, and Mr. HANNA.

H.R. 217: Mr. BARLETTA, Mr. WHITFIELD, Mr. FORTENBERRY, Mr. HURT, Mr. WITTMAN, Mr. DESJARLAIS, and Mr. KINGSTON.

H.R. 245: Mr. MCCLINTOCK.

H.R. 280: Mrs. MYRICK.

H.R. 282: Mrs. MYRICK.

H.R. 291: Ms. FUDGE.

H.R. 292: Mr. PAUL, Mr. BRADY of Texas, Mr. CALVERT, Mr. SCHOCK, Mr. POSEY, Mr. HANNA, Mr. BROUN of Georgia, Mr. PAULSEN, Mr. BURTON of Indiana, Mr. SESSIONS, Mr. GRIMM, Mr. MURPHY of Pennsylvania, Mr. FITZPATRICK, Mr. REED, and Mr. GARDNER.

H.J. Res. 9: Mr. DUNCAN of South Carolina, Mr. POMPEO, Mr. GIBBS, Mr. FARENTHOLD, Mr. BACHUS, Mr. DUNCAN of Tennessee, Mr. LEWIS of California, Mrs. EMERSON, Mr. REBERG, Mr. NEUGEBAUER, and Mr. ROSS of Arkansas.

H.J. Res. 19: Mr. COFFMAN of Colorado.

H. Con. Res. 3: Mr. HELLER and Mr. PAUL.

H. Res. 11: Mr. CAPUANO, Mr. PASCRELL, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERMAN, Mr. LOEBACK, Mr. STARK, Mr. NADLER, Mr. RYAN of Ohio, and Mr. OLVER.

H. Res. 15: Mr. KLINE.

H. Res. 19: Mr. GRIJALVA, Mr. OLVER, Mr. FILNER, Mr. PRICE of North Carolina, Mr. MARKEY, Ms. SCHAKOWSKY, and Mr. STARK.

H. Res. 20: Mr. FILNER, Mr. KUCINICH, Ms. SCHAKOWSKY, and Mr. NADLER.

H. Res. 21: Ms. LEE of California, Ms. SCHAKOWSKY, and Mr. KUCINICH.

H. Res. 23: Mr. POSEY and Mr. HUNTER.

H. Res. 25: Mr. POSEY, Mr. BISHOP of Georgia, and Mr. BILBRAY.

H. Res. 36: Ms. BASS of California, Ms. EDWARDS, Mr. CLARKE of Michigan, Mr. WATT, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM, Mr. SMITH of Washington, and Mr. MARKEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 292 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 61: Mrs. LUMMIS, Mr. DUNCAN of South Carolina, Mr. GRAVES of Georgia, Mr. BILBRAY, Mr. MCHENRY, Mr. COLE, Mr. KLINE, Mr. GIBBS, Mr. LAMBORN, and Mr. FRANKS of Arizona.

EXTENSIONS OF REMARKS

CONGRATULATING THE GATOR
BOWL CHAMPION MISSISSIPPI
STATE UNIVERSITY FOOTBALL
TEAM

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. HARPER. Mr. Speaker, the Mississippi State University Bulldogs concluded their 2010 football season with a crushing 52–14 victory over the University of Michigan in the 66th annual Gator Bowl held on January 1, 2011. This commanding win marked Mississippi State's fourth consecutive bowl victory and capped the Bulldogs' 9–4 season as the No. 15 ranked team in the Associated Press Top 25 Poll.

Second-year Mississippi State head coach Dan Mullen crafted an explosive offensive performance led by junior quarterback Chris Relf, who completed 18 of his 23 pass attempts for 281 yards and three touchdowns. Relf also punched the ball in from the one-yard line bringing his totals to 311 yards and four touchdowns. The junior from Montgomery, Ala. honored defensive end Nick Bell by wearing his No. 36 jersey. Bell lost his short battle with cancer after starting two games this season, including his final game against Georgia where he tallied seven tackles.

Mississippi State junior running back Vick Ballard carried the ball for three scores, making the Pascagoula, Miss. native the first MSU player to record 19 touchdowns in one season.

Although Michigan led at the break, the Bulldog defense did not allow the Wolverines to score in the second half. The dominating defense held Michigan's Heisman hopeful quarterback to just 59-yards on the ground though he entered the post-season game averaging 136.9 rushing yards.

When it was all said and done, the Bulldogs finished 4–4 in the Southeastern Conference with wins over No. 22 Florida and their in-state rival Ole Miss. To boot, the four losses were to top-twelve teams.

I congratulate all of the players, coaches and fans for a phenomenal season and look forward to many great years of football in Starkville, Miss. I am extremely proud to represent Mississippi State University in the U.S. House of Representatives.

RECOGNIZING MAJOR GERARD
ACOSTA

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. LUJÁN. Mr. Speaker, today I recognize and pay tribute to MAJ Gerard "Gerry"

Acosta, United States Army, on the occasion of his departure from the Army House Liaison Office to pursue Command and General Staff College studies at Fort Belvoir, Virginia. I, and many other members of this chamber, have had the pleasure of working with him over the past 3 years that he has served as a part of the U.S. Army Office of Legislative Affairs and as a Liaison Officer in the Army Liaison Office in the U.S. House of Representatives.

Major Acosta has had a remarkably varied and successful career. He was born in the Panama Canal Zone, Panama. As a military brat, Major Acosta grew up in Central and South America, eventually residing in the Commonwealth of Puerto Rico. In 1997, after completing the United States Military Academy Preparatory School and Fort Monmouth, New Jersey, and 2 years at the United States Military Academy, Gerry had to transfer to the University of Florida to support a family emergency. In 1999, Gerry graduated, with a Bachelor of Science in Chemistry and a minor in Chemical Engineering Design. After completion of the Reserve Officer Training Corps, Major Acosta was commissioned a second lieutenant in the Quartermaster Branch and branch-detailed to the Infantry.

Major Acosta's initial assignment was to Fort Lewis, Washington, where he served as a Motor Platoon Leader, Company Executive Officer, and later Assistant Brigade Logistics Officer (S–4) in the 3d Brigade, Second Infantry Division. Major Acosta then attended the Combined Logistics Career Course and Petroleum Officer Course in Fort Lee, Virginia. Upon completion of his courses, Major Acosta served 13 months as an Aide-de-Camp to the Commanding General of Army Material Command, Southeast Asia in Camp Arifjan, Kuwait and Bagram, Afghanistan.

Upon his return to the United States, Major Acosta served 31 months as a Quartermaster Direct Support Company Commander in the 593d Sustainment Brigade, Fort Lewis, Washington. He deployed again in late 2006 for 14 months with the 1st Marine Expeditionary Forces at Camp Al-Asad, Iraq. After his return from Iraq, Major Acosta was selected as a Congressional Fellow and served a year in the personal office of U.S. Senator SAXBY CHAMBLISS of Georgia.

Following his fellowship in the Senate, Major Acosta was assigned to the Army House Liaison Office. I have come to know Major Acosta well during his assignment to the House of Representatives through his work with the Congressional Hispanic Caucus and with Wounded Warriors. He has never failed to impress me with his energy and dedication to soldiers, their families, and the U.S. Army. He is a superb representative of Army values.

It is my great honor to congratulate MAJ Gerard "Gerry" Acosta on his service to the Army and our Nation and I ask my colleagues to join me in recognizing the outstanding accomplishments of this soldier, citizen, and friend.

GREATER VALPARAISO CHAMBER
OF COMMERCE BUSINESS AWARD
WINNERS FOR 2010

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I stand before you today to recognize the Greater Valparaiso Chamber of Commerce business award winners for 2010 and to congratulate the 2010 Distinguished Community Leader Award recipient, Mr. Bruce Leetz, and the 2010 Legacy of Service Award recipient, Mr. Larry Klemz. These outstanding recipients were honored during the Chamber's annual "Salute to Leadership" dinner that took place on Saturday, January 15, 2011, at Strongbow Inn in Valparaiso, Indiana.

The Greater Valparaiso Chamber of Commerce utilizes members of the community in order to improve the quality of life within the community of Valparaiso through business development and community service. Each year, Chamber members and friends gather together to honor the recipients of the Distinguished Community Award and the Legacy of Service Award.

This year, the Greater Valparaiso Chamber of Commerce honored its 2010 Business Award Winners. Peoples Bank and Urschel Laboratories were honored with the 100 Years in Business award. The 75 Years in Business award was given to Lincoln Office, L.L.C., and the recipient of the 50 Years in Business award is G.E. Marshall, Inc. Each business is dedicated to providing excellent business to the community and for that reason, they are to be commended.

The 2010 Distinguished Community Leader Award recipient is Bruce Leetz. A graduate of Valparaiso High School and Ball State University, Bruce is the President and Chief Executive Officer of North Coast Distributing and has been employed with the company for over 45 years. A local, family-owned beer wholesaler since 1939, North Coast, formerly Valpo Beverages, Incorporated, has become one of the premier distributors in the Midwest under Bruce's leadership. In addition to his successful career, Bruce has continuously been an active participant in his community, having served on the boards of the Northwest Indiana Forum, the Greater Valparaiso Chamber of Commerce, and the Northwest Indiana Entrepreneurship Academy. He is also a past president of the Porter County United Way and the Valparaiso Rotary Club, and he is a Ruling Elder at First Presbyterian Church of Valparaiso. For his outstanding dedication to serving his community, Bruce is worthy of the highest praise.

Larry Klemz is the recipient of the 2010 Legacy of Service Award. Larry received a Bachelor of Arts degree in Business from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Valparaiso University. During school and following graduation, Larry worked for Home Mountain Publishing, which he purchased in 1978. He previously bought a small printing company in Valparaiso named the Herald Press and merged the two businesses together. Larry serves as President of his company, which is known today as Home Mountain Printing. Larry's leadership and dedication to his company has made Home Mountain Printing an industry leader in Northwest Indiana. Additionally, Larry spends much time and effort giving back to the community. He has served on numerous boards including: The Family and Youth Services Bureau, Porter County United Way, Valparaiso Rotary Club, Valparaiso YMCA, and the Greater Valparaiso Chamber of Commerce. Currently, he serves with the Porter County Museum Advisory Council and the Public Education Foundation of Valparaiso. Larry's continuous devotion to his community is to be admired.

Mr. Speaker, clearly Bruce and Larry have not only been wonderfully successful in their chosen endeavors, but they have lived selfless lives. They know, as Charles Dickens wrote "the common welfare was [their] business; charity, mercy, forbearance, benevolence, were all [their] business."

At this time, I ask that you and my other distinguished colleagues join me in honoring the Greater Valparaiso Chamber of Commerce 2010 Business Award Winners, as well as Bruce Leetz and Larry Klemz. For their dedication and commitment to the community of Valparaiso as well as Northwest Indiana, they are all worthy of the honors bestowed upon them.

CONGRATULATING TCU HORNED FROGS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Ms. GRANGER. Mr. Speaker, I rise today to offer my congratulations to the TCU Horned Frogs football team for their 21–19 victory over the Wisconsin Badgers in the 2011 Rose Bowl. Quarterback Andy Dalton was named the Rose Bowl's Most Valuable Offensive Player, while linebacker Tank Carder was named the Defensive MVP.

The Rose Bowl attendance of 94,118 was the largest crowd to ever attend a TCU football game. Excluding the NFL, the 2011 Rose Bowl Game was the most-watched event in ESPN and cable television history. In addition to an outstanding performance in the Rose Bowl game, TCU posted its third straight top-10 ranking this season, and its fourth top-10 in the last six seasons. TCU's 13–0 overall record was the second undefeated season in program history.

The 13 wins mark the most victories in a single season for TCU. As any college football fan knows, breaking into a BCS game is a huge accomplishment for a non-automatic qualifying school, and I am proud that the Horned Frogs became the first non-automatic qualifying school to play in and win the Rose Bowl. With this feat, TCU has proven once

again that they can play with any college football team in the Nation.

TCU had five first-team All-Americans: linebacker Tank Carder, defensive end Wayne Daniels, safety Tejay Johnson, return specialist Jeremy Kerley and center Jake Kirkpatrick. Jake Kirkpatrick won the Rimington Trophy as the Nation's top center.

Congratulations to the team, the coaches, and the staff for an outstanding year and an incredible performance in the Rose Bowl game. The Horned Frogs have made TCU and the entire Fort Worth community proud.

A TRIBUTE TO LOUISA JOSEFINA MORRIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Louisa Josefina Morris on the occasion of her 100th birthday.

Louisa Josefina Morris was born in Colon, Panama on January 17, 1911 to Elmina Cox and Charles Watts. She was raised by her grandparents Ella and Ernest Beury in Panama's Gatun, Cristobal Canal Zone. Her grandparents proved to be important role models; they provided a loving and caring home for her to develop and grow.

Louisa met and married Irving Benjamin Morris, and together, they had five children: Irene Walker, Davina Morris, Olivia Aikens, Leo Morris, and Elisa Morris.

In 1958, Louisa left Panama and relocated to the United States, where she got a job at a local hospital. She became a citizen five years later. Her children and husband all came to the United States shortly after Louisa.

All of her children grew up and had children of their own, giving Louisa and Irving many grandchildren. Louisa contributed to raising the first generation of her grandchildren. Now each of her grandchildren has children of their own.

Through the past 100 years, Louisa has lived a full life, through World War I and World War II, Vietnam, segregation, Martin Luther King, Jr., Malcolm X, the assassination of President John F. Kennedy, and the election of President Barack Obama, and says now that she has seen it all, and has had the pleasure of doing what many have not been privileged to do.

Mr. Speaker, I urge my colleagues to join me in recognizing the life of Louisa Josefina Morris.

HISTORIC INAUGURATION IN SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. WILSON of South Carolina. Mr. Speaker, Senator Glenn McConnell (R-Charleston) presided over the historic inauguration in Columbia, South Carolina, on January 12, 2011,

as President of the State Senate. With the Inauguration of Governor Nikki Randhawa Haley as the first female Governor in the 341-year history of the state and in the first all-Republican inauguration in over 130 years, Senator McConnell delivered a moving tribute to our Constitution:

Welcome to the inauguration of the 117th Governor of South Carolina and for the Inauguration of the Lt. Governor of South Carolina and Constitutional Officers.

As a wife and the mother of two, Nikki Haley understands the importance of what is at stake both for our state and for her family. With young children and a husband who wears the uniform of our state and Nation, she should know full well the importance of what is ahead in the coming years for our state and this country, and knowing that, she has offered herself for service in this difficult time. Her steadfast convictions have brought her here today ready to do what she believes is best for all South Carolinians.

We have come again to celebrate the wonder of our system of government—a system of government that allows for the transition of power from one person to another without the need for guns or violence but with only words and ideas.

We have all been called to serve for myriad reasons. We all have different ideas and varied goals. Despite our different issues and the different paths we take to get there, our legislative journey must all have the same starting point—our oath of office. No matter the political party or our philosophical bent we all have one thing in common: the bedrock of our political service is our sworn oath to uphold and follow the constitution.

To paraphrase Hugo Black, our constitution was not written in sand but in the foundation of our state and Nation. It is our bedrock and is not to be altered by the shifting winds of current sentiment. Our constitution must always be followed strictly and faithfully by those who elect to serve. It is what our founders put in place to protect those at home from those of us in Columbia and Washington. It is a limit on what we can do. The constitution is both the means to an end as well as the beginning and end of what we do. We must never allow our desire to achieve some laudable goal tempt us to try and bypass the constitution. No great right will ever justify the wrong needed to get there.

Let us depart from each issue we confront as we leave this celebration—united in a desire to provide for a better future for our children and grandchildren. With God's will, we will muster the strength, wisdom and patience to do what we must do.

Our state's motto is "Dum Spiro Spero" or "while I breathe, I hope." Let us leave here and have each breath we take and each word we speak give hope to those at home that our best days are not behind us but yet are still ahead.

HONORING DAN PETTY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am honored to pay tribute to a good friend, great Texan, and wonderful individual, Dan Petty, former President and CEO of the North Texas Commission, who passed away on January 11, 2011, leaving a legacy of accomplishments and good will that will last for generations to come. Dan was a kind man with a drive to bring people together to collaborate on projects that impact the entire North Texas region. His proudest moment was the region-wide collaborative efforts that resulted in North Texas hosting Super Bowl XLV.

Dan Petty was a 1957 Texas High School graduate, received a Bachelor of Science in civil engineering from the University of Texas at Austin, Master of Government Administration from the Fels Institute of Government at The Wharton Graduate School, Master of Arts in Public Administration from the University of Texas, and a Master of Management in Electronic Commerce from the University of Dallas.

A lifelong Longhorn, Petty played football on scholarship at the University of Texas in Coach Darrel Royal's first recruiting class. His modesty kept these and other recognitions in the background as he worked with state, local and academic leaders across the state for the benefit of Texans.

In addition to being the former President and CEO of the North Texas Commission, he served as President of Henry S. Miller/Grubb & Ellis Commercial Realtors; President of the Woodbine Development Corporation/Hunt Realty Services and Wilcox Realty Group; Assistant City Manager of Lubbock, Texas; Director of Urban Affairs for the North Central Texas Council of Governments; Executive Assistant to the Governor of Texas; Director of Public Affairs for the University of Texas; Assistant City Manager of Dallas, Texas; President of the Dallas Chamber of Commerce, Past Chairman and Board of Directors of the Cotton Bowl Athletic Association, Board of the State Fair of Texas, and a Member of the Super Bowl Bidding Committee who were instrumental in North Texas winning the 2011 Super Bowl XLV.

His civic service included: Chairman for the Dallas Convention and Visitors Bureau; Texas Economic Development Commission, Museum of African American Life and Culture, American Cancer Society, Cattle Baron's Ball, Dallas Area Rapid Transit, Kindness Foundation and Dallas County Children's Services Task Force.

Dan will be greatly missed by his family, especially by his wife Mary Jane Petty, children Adrienne Watson and her husband Chas, Kent Petty and his wife Jennifer, and step-children Maggie Culbertson and her husband Geoff, and Robert Riley; and seven grandchildren.

Mr. Speaker, I ask that my colleagues join me in mourning the death of Dan Petty and recognizing his legacy.

A TRIBUTE TO STEIN BUER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Ms. MATSUI. Mr. Speaker, I rise today to recognize and honor Stein Buer for his leadership as the Executive Director of the Sacramento Area Flood Control Agency, SAFCA. Stein recently departed SAFCA after six successful years to return to the California Department of Water Resources, where he will serve as Assistant Chief of the Division of Flood Management. I ask all my colleagues to join me in honoring Stein for his dedication to protecting the people of Sacramento from flooding.

Over the past six years I have worked with Stein to improve Sacramento's flood defenses and I have always found him to be a man of intelligence, integrity and vision. Under his leadership, SAFCA was instrumental in repairing some of Sacramento's most vulnerable levees, he worked with the California legislature to implement better flood management policies, and led by aggressively moving forward on both the Folsom Dam Joint Federal Project and the Natomas Levee Improvement Project.

Since Stein's tenure began at SAFCA in 2004 he has worked to finish ongoing levee projects and quickly start new ones. Some of Stein's most successful projects include working to certify the levees along some of Sacramento's urban creeks, and along both the American and Sacramento Rivers. These certifications were instrumental in improving public safety and removing tens of thousands of homeowners from the 100-year floodplain. Under his watch, SAFCA has also started over 40 miles of levee improvements in the Natomas Basin.

From Folsom Dam to South Sacramento, Stein's imprint can be seen throughout the Sacramento Region. Shortly after arriving at SAFCA, Stein and his colleagues from a number of government agencies had to rapidly redesign a series of modifications to the Folsom Dam in the wake of potential cost overruns. Through this refined project, a second spillway will be added to the Folsom Dam which will significantly improve the management of larger flood events. Thanks in large part to his efforts, this project is on time and on budget.

An advocate for both public safety and environmental conservation, Stein was a driving force behind the Levee Vegetation Science Conference and the California Levees Roundtable. During these discussions, he brought the U.S. Army Corps of Engineers, the California Department of Water Resources, and other key stakeholders together to discuss the impacts of removing trees and other vegetation from levees. Through these discussions, Stein was able to spearhead a comprehensive framework that included key stakeholders in levee improvement decisions that reduced flood risks, while maintaining both vegetation and levee integrity.

After a great deal of success and more than six years as the Executive Director, Stein has decided to return to the California Department of Water Resources as the Assistant Chief of

the Division of Flood Management. In this role, Stein will assist in the design and implementation of the State's FloodSafe Program, an undertaking that will significantly benefit from his experience and comprehensive approach to flood protection.

Mr. Speaker, I stand today to recognize and honor the exceptional leadership of Stein Buer. His ability to address the concerns of many and work towards common goals has been truly remarkable. I ask all my colleagues to join me in thanking Stein for his service as the Executive Director of the Sacramento Area Flood Control Agency. I would also like to take a moment and thank Stein's wife Noelle and their three children, who have shared Stein with the wider Sacramento community for the last six years. I wish Stein and his family continued happiness and success.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FORT BRAGG LIBRARY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise to commemorate the first hundred years or continuous service by the Fort Bragg Library on the Mendocino Coast in Northern California. From its beginning on January 18, 1911, Fort Bragg's beloved library has persevered through funding cuts, political ballot measures and an arson fire. It has flourished due to the ongoing support of the Mendocino Coast community.

Located in picturesque Fort Bragg, California, a former mill town that was incorporated in 1889, the library was opened with collections from the Women's Christian Temperance Union and the Union Lumber Company library. When the Union Lumber Company offered to donate property, plans were drawn and the library was built on Main Street and opened in January 1913. By 1924 the average monthly attendance had grown from 311 to 2,053. In the library's first decades, activities including new books received, hours of operation and programs available were regularly reported in the weekly newspaper.

In 1966, the Fort Bragg Library joined the two-year-old county library system. The City of Fort Bragg owned the building but the library was run by the county. The Mendocino Coast Genealogical Society rented space in the mezzanine. The biggest booster came when community members created the Friends of the Library in 1974 with the intent of upgrading the facility.

Tragedy struck on September 20, 1987, when the library was destroyed by fire seven minutes after another historic structure on Main Street, the Piedmont Hotel, was set ablaze. The Friends of the Fort Bragg Library and the community immediately came together to restore the library.

In their search for an existing building the purchase of a former mortuary was proposed using fire insurance money. The county, city and Friends of the Library partnered to buy

and remodel the building. The library reopened on May 25, 1989, stocked with thousands of books donated by book dealers, libraries and individuals.

In 1996, the Fort Bragg Library was the first branch in Mendocino County to open Internet access. Over the years the Friends of the Library had wisely invested and wanted to modernize the library for the new millennium. They contributed \$470,000 to the library's remodel which was completed with a celebration on July 3, 2007. Use of the new and improved Fort Bragg Library soared and became equal to and sometimes exceeded the operations of the County's main library at the county seat in Ukiah.

Mr. Speaker and colleagues, for its hundred years (and counting) historic and civic importance and invaluable service to the community it is appropriate that we honor the Fort Bragg Library.

ONE YEAR ANNIVERSARY OF THE HAITI EARTHQUAKE

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Ms. CLARKE of New York. Mr. Speaker, I rise today in recognition of the one year Anniversary of the devastating earthquake in the island nation of Haiti. One year ago, the United States joined the rest of the world in witnessing the aftermath of the 7.0 magnitude earthquake that left hundreds of thousands dead and one million people homeless. We joined the rest of the world in donating billions of dollars in financial and material aid. The Obama Administration acted quickly and compassionately, making an impressive impact on the emergency phase of one of the largest coordinated international disaster responses that the world has seen. The President quickly awarded Temporary Protected Status (TPS) to Haitian nationals living in the U.S. to increase remittances back to Haiti. The International community rallied around the Haitian government providing unprecedented support. The Haitian Diaspora instantaneously responded with the same diligence and fortitude necessary to assist our Nation with the distribution of aid, as well as keep our government accountable every step of the way. Lastly, the Haitian people exhibited the type of quintessential strength and perseverance that many of us could only imagine.

However, one year later we see a deteriorating Haiti. One not imagined in our collective plans to "Build Back Better," one year ago. Instead, over one million displaced people still live in tent camps while conditions in the country continue to deteriorate. It is apparent that substantive reconstruction has barely begun and significant progress will continue to face obstacles in the near future. As witnessed in the recent demonstrations following the Haitian general elections, civil strife and unrest continue to pervade the populace at large. With the growing cholera epidemic, the situation in Haiti is especially dangerous and volatile.

Mr. Speaker, as the Representative of the second largest Haitian immigrant population in

the country, I am deeply concerned about the conditions on the ground. Although some progress has been made, it appears as though conditions are deteriorating at a faster rate. As USAID and other international organizations scramble to resolve the housing/rubble crisis, security is rapidly decreasing within the IDP camps. Gender Based Violence (GBV) is further threatening the physical, mental and emotional capacity of women and girls. I commend USAID and the NGO community for taking steps to address this, but more is needed to end this phenomenon.

It is of the utmost importance for all parties engaged in this humanitarian response and reconstruction efforts to significantly improve their outreach to women and girls. Near term and longer term assistance programs will only be effective if women and girls are fully engaged as equal partners in program assessment, design, and implementation. There is a vibrant network of women's organizations in Haiti. Their involvement is critical to the successful reconstruction of Haiti and to the development of a society that offers equal protection and opportunity to all its citizens.

Before I conclude, I would like to also recognize Ms. Corinne Jocelyn, Executive Director of Diaspora Community Services for her remarkable work in organizing the March for Change that took place today in recognition of the one year anniversary of the earthquake. She was joined by many other Haitian organizations and prominent community leaders calling the Haitian Diaspora and their allies to actions. I fully support this endeavor and encourage the entire Haitian Diaspora to become more involved in advocating and educating our Nation on Haitian heritage and the issues that plague the island nation.

Lastly, I would like to recognize Bells for Haiti initiative that took place today in Minnesota. At the time the earthquake took place, bells will ring from churches, schools and organizations for 35 seconds to commemorate the event. I commend the organizers, Konbit—MN/Haiti and the participants for such a beautiful tribute.

As we continue to support our brothers and sisters in Haiti, let us never forget Let us never forget that as we unite with the people of Haiti, Haitian-Americans and the Haitian Diaspora that we are forever guided by the words etched indelibly on the Haitian flag, 'L'Union fait la force' (Loon yon feh la force) . . . through unity, there is strength!

RECOGNIZING MAJOR MARK
O'NEILL, UNITED STATES ARMY,
ON THE OCCASION OF HIS DE-
PARTURE FROM THE ARMY'S
HOUSE LIAISON OFFICE

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, today I recognize and pay tribute to Major Mark O'Neill, United States Army, on the occasion of his departure from the Army's House Liaison Office and his new assignment as a student at the Army's Command and General

Staff College. My staff and I have had the great pleasure of working with Mark over the past year he has served with the Congress. It has been an honor to work with this combat veteran and citizen-soldier.

Major O'Neill has had a varied and distinguished military career. Upon graduation from Villanova University in May of 1998, he was commissioned as a second lieutenant in the United States Army. After completing the Infantry Officer Basic Course and Ranger School at Ft. Benning, Georgia, he was assigned to the elite 82nd Airborne Division as an airborne infantry platoon leader. In March of 2000, he led his thirty-nine-man platoon in a joint exercise in Oman with the Omani army. During his time with the 82nd, Mark, a paratrooper to the core, participated in fifteen airborne operations.

In December of 2000, he transferred to the 3rd U.S. Infantry Regiment (The Old Guard) where he served as a platoon leader and regimental personnel officer. With the Old Guard, then First Lieutenant O'Neill conducted dozens of military funerals and state ceremonies. The same dedication with which he accorded respect to grieving families and friends during funerals at Arlington National Cemetery was in evidence on September 11, 2001, when Mark led his platoon in the initial response to the attack on the Pentagon.

Major O'Neill left active duty in May of 2003, joining the Cintas Corporation as a Service/Sales Manager, but in February of 2006 he was recalled from the Ready Reserve to serve as an embedded trainer with the fledgling Afghan National Army. As an advisor to an Afghan National Army (ANA) infantry company, Mark trained the company leadership on both tactical and logistical tasks and accompanied them on over twenty combat patrols. On more than one occasion, he experienced combat firsthand. He was cited for bravery in October of 2006 for organizing the defense of his ANA company and repelling a Taliban ambush.

In June of 2007, Mark joined the Army National Guard and was assigned to the National Guard Bureau's Directorate of Domestic Operations. From February 2010 to present, he served as the National Guard's legislative liaison with the Department of the Army's House Liaison Division. During his assignment to the Army House Liaison Office, Major O'Neill developed outstanding rapport with Members of Congress and their staffs—both personal and committee. Whether escorting congressional delegations to visit soldiers and families at Army installations, soldiers in the theater of operations or Wounded Warriors at Walter Reed, Mark has been a strong advocate for soldiers and a superb representative of Army values.

I ask that my colleagues please join me in recognizing the outstanding accomplishments of Major Mark O'Neill in serving the United States Army and the Nation.

EXPRESSING CONDOLENCES TO
THE PEOPLE OF AUSTRALIA FOR
THE LOSS OF LIFE AND DE-
STRUCTION OF PROPERTY DUE
TO THE WORST FLOODING IN
HALF A CENTURY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my condolences for the loss of life and destruction of property that is occurring in Australia's northern state of Queensland, as a consequence of the worst floods in half a century. The flood, which has affected three-quarters of Queensland, has killed 20 residents and resulted in thousands of people being evacuated from their homes and businesses.

The steady rain that fell for days before Christmas caused rivers to swell and inundated 22 cities and towns. The Australian National Climate Centre has predicted that the region is highly likely to receive even more than average rainfall from now until the end of March, when the full impact of a strong La Nina cycle will be felt. Estimates of the number of Queenslanders affected go as high as 200,000. States of natural disaster have been declared in 41 of Queensland's 73 municipalities and more than 11,000 people have been evacuated. In addition, the floods have cut off food supplies to communities in the north including Townsville, Cairns and many indigenous communities.

Economists predict that the floods will have an impact on the national GDP of between 0.25 percent and 0.5 percent, or \$3 billion to \$6 billion, with the mining and agricultural industries affected the most. Half of the state's agricultural crops have been destroyed, coal deliveries have been halted, and mines shut. The international economy will likely feel this economic burden because Queensland supplies half of the world's cooking coal for steel manufacturing, which accounts for about two-thirds of the global trade. The Premier of Queensland and Australia's Prime Minister have announced additional disaster relief assistance to help small businesses and primary producers that have been impacted.

Encouragingly, the size of the tragedy has been matched by the size and speed of the response, but the long-term impact is yet to be determined. It will be a long wait before the massive amount of water recedes and the recovery process starts, involving the resurfacing of roads, reconnecting of power and repairing of infrastructure—all requiring an unparalleled rebuilding effort. I extend my sincere appreciation to the emergency service personnel, army and air force crews, volunteers, and Australia's federal and Queensland governments for their well coordinated response to this disaster. The loss suffered would have been far greater without the skill, dedication, compassion, and sacrifice of these emergency responders.

Mr. Speaker, the flood in northern Australia is a major natural disaster and has caused loss and destruction on a catastrophic scale. I want to send a message of condolence to

those Australian families who have lost lives and livelihoods. Australia is and always will be an important ally and friend to the United States. The Australian people will truly be in my thoughts and prayers over the coming weeks. I wish the affected communities the very best as they rebuild their lives and communities, and I encourage my colleagues to do so as well.

TRIBUTE TO ARNOLD AMELL

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. OWENS. Mr. Speaker, I rise today to honor and remember the life of Arnold "Arnie" Amell, the chair of Plattsburgh State's College Council in Upstate New York.

A native of Beekmantown, New York, Arnie spent decades devoting his life to the New York education system. Throughout the years, he served as a teacher, a guidance counselor, director of guidance, assistant principal and principal. Outside of the classroom, he served as a member of the college council at SUNY Plattsburgh, President of the Kiwanis Club of Schenectady, and a member of the Northeast Parent and Child Society. Most recently, he spent the last two years as chair of the College Council at SUNY Plattsburgh. Through his decades of service, he worked to enhance the quality of education youth receive in Upstate New York, and provided a strong foundation for countless students of all ages.

Everyone who knew Arnie can say that they knew a man completely devoted to his family and his community. I have personally known Arnie for years and have served on the college council at Plattsburgh State University with him.

The Plattsburgh community has lost a true friend and a great leader, but his memory and spirit will continue to inspire generations of Upstate New Yorkers who will work to better their community in this tradition.

IN HONOR OF THE RETIREMENT
OF ASSISTANT CHIEF HARLAND
WESTMORELAND

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to recognize Mr. Harland Westmoreland, a dedicated public servant who will retire as assistant chief of the Euless Police Department. As assistant chief, Mr. Westmoreland carried out his duties with honor, boldness, and enthusiasm. With a commitment to service, Mr. Westmoreland has been a leader in the Euless Police Department over the past 35 years.

Mr. Westmoreland was born in Gorman, Texas and attended Reagan County High School in Big Lake, Texas and Dallas Baptist University for both undergraduate and graduate school. At Dallas Baptist University, Mr.

Westmoreland earned a masters degree in counseling and psychology. Along with numerous certifications and licenses, Mr. Westmoreland is a master peace officer. Mr. Westmoreland and his wife Juanita reside in Euless and have four children and ten grandchildren.

In 1974, while working in the private sector, Mr. Westmoreland joined the Euless Police Department as a reserve officer. By 1975, Mr. Westmoreland chose to make law enforcement and public service a full time career. In 1982, Mr. Westmoreland became an investigator, and in 1985 he was promoted to sergeant. In January 1993, Mr. Westmoreland was promoted to lieutenant, and in December of the same year he earned the rank of captain. In September 2004, Mr. Westmoreland became assistant police chief of the city of Euless.

Assistant Chief Westmoreland has committed his career to protecting the citizens and community of Euless. Throughout his career in law enforcement, Mr. Westmoreland has positively affected the lives of countless individuals. As exemplified by his many acts of heroism, Mr. Westmoreland has sacrificed his well-being to ensure the public safety of the residents of Euless. I ask all of my colleagues to join in recognizing Assistant Police Chief Westmoreland for his bravery, for his courage, and for his distinguished career with the Euless Police Department.

THE HOUSE'S READING OF THE
CONSTITUTION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. HOLT. Mr. Speaker, when we read the Constitution in this body on January 6, 2011, we missed a good opportunity. I joined in the reading. I was certainly not going to allow one political party to claim the Constitution for its own, as it has sometimes tried to claim the U.S. flag. However, by reading an altered version of the Constitution and by doing so without warrant we lost a great educational moment.

I revere the U.S. Constitution and carry a copy of the Constitution with me every day. I often ask students what they think is the greatest invention of humans. Because they know that I am a scientist, they usually say something technical like the laser or a microchip in answer to my question. I reply that the greatest invention is the U.S. Constitution. It is truly ingenious: Because of this document, our brilliant, resilient, self-correcting system of government, dreamed up in Philadelphia so many years ago, still functions well today. The system inspires and motivates people around the world.

Instead of reading the full Constitution, members of the House took turns reading an altered text based on the amendments. I was further troubled to learn that because of human error we skipped two pages during our reading.

The altered text omitted the original language of Article I, Section 2 that counted each black individual as only three-fifths of a person

for the purposes of apportionment of Representatives, omitting it and reading only the text of the 14th Amendment that apportioned Representatives according to the total number of all male citizens. Yet, Article I, Section 3 that proscribes that the two Senators from each state be chosen by the state legislature, a passage of the Constitution subsequently amended by the 17th Amendment, was read in its original format.

The decision to not read the full text ignores the fundamental strength of the U.S. Constitution—its implicit recognition that the United States of America is an imperfect, ever evolving, self-correcting union. The Constitution is not a perfect document, and the Founders did not have all the answers. African American were counted as three-fifths of a person. Women were disenfranchised. The concept of privacy was glossed over. The full text of the Constitution and its Amendments should have been read today to help American recall and understand how we have strived and still strive “to form a more perfect Union.”

The Constitution was a compromise throughout. In addition to counting each black individual as only three-fifths of a person, it was virtually silent on slavery, the great injustice of the day. But after a way that almost destroyed the Union, after more than half a million died, and when brother fought brother, the Constitution was amended and updated to reflect the will of the people. Today, the American experiment continues to improve. Freedoms and protections of rights keep growing in the face of both consistent and ever-changing threats.

Langston Hughes—an American who was denied the rights and freedoms that all of us deserve—wrote in *Let America Be America Again*, 1938,

O, yes,
I say it plain,
America never was America to me,
And yet I swear this oath—
America will be!

Students attending under-performing schools, millions of Americans without health insurance, and widespread poverty demonstrate that even today, America never was America for far too many of us. But our Constitution lets us admit when we are wrong and correct our mistakes. Our collective vision of America must include an expanding sphere of freedom, liberty, and opportunity for all. And most importantly, we must never believe we are so infallible that we fail to strive for a “more perfect Union.”

CONGRATULATIONS PERRY FAMILY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate my good friend Richard Perry, a Washington and Lee University graduate, and his wife Kristin Perry on the birth of their daughter Liza May Perry. Liza was born on Saturday, January 1, 2011, in Washington, DC.

Liza May Perry is six pounds and two ounces of pride and joy to her loving grandparents, Anne and Robert “Skipper” Perry, Jr. of Aiken, South Carolina, and Winifred Joan Off of West Chester, Pennsylvania. I am so excited for this new blessing to the Perry family and wish them all the best.

CELEBRATING THE LIFE OF DONALD I. MARSHALL

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life of Mr. Donald Ian Marshall who passed away on January 8, 2011. Don played a major role in the post-World War II recovery and economic development of Guam. He was an important business and community leader in Guam and around the Asia-Pacific region. As we mourn his loss we recognize his contributions to our community.

Don was born in Manila on December 23, 1928, to John and Helen Marshall. John Marshall was a pre-World War II manager of Luzon Stevedoring Company (LUSTEVECO). LUSTEVECO was founded by a group of Spanish-American War veterans in 1909 and grew into the largest cargo handling transportation service in the Philippines. Following in his father's footsteps, Don began work for LUSTEVECO after his graduation from the Stanford University School of Business in 1950. Don first came to Guam in 1951 to manage the build-up of Navy facilities, and in 1963, Don Marshall assumed the presidency of LUSTEVECO.

Upon arriving to Guam in 1951, Don Marshall spearheaded the recruitment of thousands of skilled workers on Guam. He directed the construction of Camp Roxas to ensure an acceptable quality of life for the workers who were so far from home. Camp Roxas developed into a model village complete with clean and comfortable Quonset hut barracks, a medical dispensary to provide non-emergency, non-acute health care, Guam's first lighted baseball field, a professional sized and lighted tennis court, an outdoor theater, a bakery, a full service cafeteria and galley, and a Catholic chapel led by a Filipino priest. Sports competition between Camp Roxas, the civilian community, and military commands were encouraged, and teams from Camp Roxas competed very successfully with teams from all over the island. While Camp Roxas has outlived its purpose and is now part of Navy Base Guam, the two villages of Agat and Santa Rita are home to many of the workers and their descendants brought to Guam at the promise of opportunity.

Don Marshall's contributions to Guam were not restricted to the success of Camp Roxas. Don continued to involve himself in Guam's economic development. In 1972, he formed Cabras Marine Corporation to supply tugboat and harbor pilot services to commercial and military vessels. Don originally started with two reconditioned Navy tugs, The Husky and The Grunt, and today operates four tugboats as well as a freighter service between Guam, the

Commonwealth of the Northern Mariana Islands, and the Pacific Islands surrounding Guam.

My husband, the late governor of Guam Ricardo J. Bordallo, and I have known Don Marshall since the early 1960s. He has been a dear friend who always took the time to visit my family. Many on Guam will miss his outgoing personality and the assistance that he was always willing to lend to community projects.

I would like to offer my condolences, sympathy and prayers to his wife, Sally Mae, his daughter, Terry, his sons John, Robert and William, his grandchildren, and the thousands of people whose lives he touched over the years. He will be missed.

INVESTIGATE WAR CRIMES IN SRI LANKA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. MARKEY. Mr. Speaker, to achieve lasting peace in Sri Lanka, there should be an independent, international investigation into alleged war crimes at the end of the country's 25-year civil war in May 2009. Last August, I joined 57 of my fellow Members of Congress in urging Secretary Clinton to press for a United Nations investigation. I renew this call now. As the Boston Globe stated in an editorial on December 29, 2010:

[From the Boston Globe, Dec. 29, 2010]

PROBE BOTH SIDES IN SRI LANKA

No foreign leader has fared worse in the cables released by WikiLeaks than Sri Lanka's President Mahinda Rajapaksa, who has been resisting calls for an international inquiry into possible war crimes committed when Sri Lankan troops wiped out the secessionist Tamil Tigers in May 2009. In this particular case, disclosure of an American diplomat's confidential assessment serves the cause of human rights, validating the stand of Human Rights Watch, Amnesty International, and the International Crisis Group. All three have argued, rightly, for a credible investigation of alleged war crimes in Sri Lanka, whether committed by the Tamil Tigers or government forces.

The documents show that US Ambassador Patricia Butenis observed last January that no regime investigates “its own troops or senior officials for war crimes.” She then added, in a devastating aside, that in Sri Lanka “responsibility for many of the alleged crimes rests with the country's senior civilian and military leadership, including President Rajapaksa and his brothers.”

The ambassador's candor illuminates a recurring contradiction between the moral imperatives of human rights and the cold logic of diplomacy. Videos and survivor accounts strongly suggest that hundreds, if not thousands, of Tamils were stripped naked, had their hands bound behind their backs, and were murdered during the final weeks of the government's war against the Tigers. Yet for reasons of state, neighboring powers India and China show no interest in documenting and punishing such crimes. All the more reason for America to heed the awful truth in Butenis's cable and push for a legitimate UN investigation of war crimes in Sri Lanka.

CELEBRATING LOUDOUN CARES
CONTRIBUTIONS TO THE COMMU-
NITY AND THE NONPROFIT SEC-
TOR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. WOLF. Mr. Speaker, I rise today to recognize the important work of Loudoun Cares, an innovative organization in Virginia's 10th District that promotes the sharing of community services under one roof to save on the overall costs to other nonprofits in the surrounding community. Loudoun Cares is a leader in the local effort to develop a multi-tenant nonprofit center which provides affordable and stable office space and shared services for Loudoun County charities serving families in need.

On October 1, 2010, Loudoun Cares celebrated the completion of renovations to its facility. This innovative collaboration promotes efficiencies and enhances service delivery to citizens in need. It also serves as a model for other communities seeking to develop nonprofit infrastructure that will improve, streamline and consolidate human service deployment.

The ongoing success of the 6-year-old Loudoun Cares is a direct result of a collaboration that includes nonprofits, faith communities, business partners and government.

I would like to recognize and thank Loudoun Cares and its board of directors, staff, volunteers and contributors for their work on behalf of the Loudoun community, especially Andy Johnston, the executive director, and Jennifer Montgomery, director of operations.

INTRODUCTION OF BILL TO RE-
PEAL PATIENT PROTECTION AND
AFFORDABLE CARE ACT

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. BROWN of Georgia. Mr. Speaker, today, I am honored to introduce a bill that repeals the Patient Protection and Affordable Care Act, and the accompanying Health Care and Education Reconciliation Act of 2010, and replaces it with four specific health care reform policies which will improve the challenges facing our country's health care financing.

Americans desire true health care reform that lowers premium costs, meets their medical needs regardless of what job they currently have or which state they live in, strengthens the doctor-patient relationship, and provides an affordable approach for medical insurance coverage for those uninsured or with pre-existing medical conditions. Many Members in Congress have expressed support for the ideas listed above and for the following specific solutions to these issues:

(1) Individuals should be afforded the same tax advantages that businesses have by being able to deduct their 100 percent of all of their health care expenses from their taxes, including insurance.

(2) Strengthen and expand new avenues for affordable health care for sick Americans through high-risk pools.

(3) Expand choice and competition by allowing consumers to shop for health insurance across state lines.

(4) Create association health plans, which would allow small businesses and other entities to form pools that will increase availability and allow their sheer size to negotiate lower costs for their employees or members.

While it's understood that these concepts do not make up a complete solution to our nation's health care financing problems, they would be a strong foundation to start to address the inequities inherent in the health care financing system, while still allowing for future additional reforms.

COMMEMORATING MARTIN
LUTHER KING DAY

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. SIRE. Mr. Speaker, I rise today to honor the life and service of Reverend Dr. Martin Luther King, Jr.

This year marks the 25th anniversary of the Martin Luther King Federal holiday. This milestone gives us the opportunity to reflect on Dr. King's profound legacy and revel in the incredible example he has given all public servants.

As a vital figure of the modern era and instrumental leader during the Civil Rights Movement, he paved the way for equality and justice for all. His lectures, dialogues, and leadership inspired, and continue to inspire, generations of individuals to question the status quo and demand change.

Throughout his life, he also emphasized the importance of public service, which he continuously participated in through his work as a minister, community organizer, and civil rights activist.

It is for this reason that MLK Day is the only Federal holiday observed as a national day of service. The MLK Day of Service empowers citizens to volunteer in their communities, discuss social problems, and create viable solutions.

I see no better way to commemorate this incredible individual than by continuing on with his legacy of service and encouraging others to find ways to serve their communities.

OPPOSITION TO H. RES. 5

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. COSTELLO. Mr. Speaker, I rise in strong opposition to H. Res. 5, the new Republican Majority's rules for the U.S. House of Representatives.

H. Res. 5 contains a provision that reverses a long-standing policy, known as Clause 3, which requires the Appropriations Committee to fully fund transportation requests at levels

authorized in the highway bill. The purpose of this rule was to ensure that the level of spending from the Highway Trust Fund was not greater than revenues that come in, which are paid by the users and taxpayers. This mechanism works; it ensures that obligation levels are known and fully used on an annual basis for transportation improvements.

Instead, the new rules package eliminates this guarantee of minimum annual spending from the Highway Trust Fund and puts road, transit and airport projects—and jobs—at risk. Removing the funding certainty that States rely on to secure contracts, make long-term infrastructure plans and hire employees will have a negative effect on the economy. Further, the proposed modification to current House rules could lead to reduced transportation obligation levels, less efficiency, a backlog of transportation projects, and unexpected cuts for states already facing severe budget deficits.

In Illinois, lower national obligation levels will translate into a reduced highway improvement program. With reduced Federal funds, the Illinois Department of Transportation, IDOT, will not be able to deliver its planned program, and many important projects that need additional Federal funds may be deferred.

As a senior member of the Transportation and Infrastructure Committee, I am opposed to this process of using the rules package to strip budgetary planning certainties from States. Repealing Clause 3 will not cut transportation spending; rather it will merely allow the gas tax and other revenues being put into the trust fund to accrue without being spent, leaving critical infrastructure safety improvement projects languishing.

In the 112th Congress I expect to debate a new transportation reauthorization bill to replace the current law, which expired in September 2009. The Highway Trust Fund and obligation limitations are issues that will be discussed as the gas tax has not been increased since 1993 and available funds are decreasing every year.

Mr. Speaker, I strongly believe that maintaining an efficient, multi-modal transportation system is critical to regional and national economic growth. H. Res. 5 repeals an important policy that will hurt investment in transportation infrastructure and reduce jobs. Twenty-one transportation and economic groups are also opposed to this change in the rules package, including State Departments of Transportation.

I urge my colleagues to vote against H. Res. 5.

ATTACKS IN EGYPT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. PITTS. Mr. Speaker, I would like to extend my deepest condolences to the families and communities of the Egyptians who lost their lives in the recent New Year's bomb attack. The horror of this tragedy continues to reverberate across the world—a tragedy in which those peacefully practicing their faith were attacked and brutally murdered.

The Government of Egypt has a responsibility to protect all its citizens. Sadly, it has not done that. Over the last decade, there has been a disturbing pattern of the Government allowing, condoning, or responding with apathy to attacks against Christians in Egypt. There is simply no excuse for the lack of protection in this recent attack, last year's Christmas attack, and any other attacks against the Christian community or their places of worship and service.

When will the Egyptian Government wake up to its duty to protect its citizens?

Until Egypt is a free country where all Egyptians are able to peacefully practice their faith without fear or restriction, none of Egypt is truly free. Those in the government who would support the extremists who engage in these attacks are the ones who undermine democracy, freedom, and stability for the Egyptian people.

Again, governments do not need to take overt action for discrimination or persecution to occur. Denial of justice occurs by governments when the governments themselves, though not directly involved in persecution, indirectly encourage it by their statements, actions and subsequent policies. Instead, they look the other way when injustice happens. A prime example of this is the 1998 Al-Kosheh case in which the government exonerated individuals charged with persecuting, arresting, and torturing over 1,000 Coptic Christians, and even gave job promotions to the state security officials responsible for the persecution. That is not protection of citizens and that is not justice.

I call on the Egyptian Government to ensure that the perpetrators of this heinous crime against the Copts, and ultimately against the people of Egypt, are brought to justice.

To the Coptic community, please know that our hearts and prayers go out to you in this time of grief and loss. We stand with you.

HONORING U.S. ARMY SERGEANT
1ST CLASS JOHN P. FLEMING,
RECIPIENT OF THE SILVER STAR
MEDAL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Army Sgt. 1st Class John P. Fleming, who was recently awarded the Silver Star Medal by U.S. Secretary of Defense Robert Gates while on active duty in Afghanistan.

The Silver Star Medal is the third highest military decoration to be bestowed by the U.S. Army, after the Medal of Honor and the Distinguished Service Cross. First established as the Citation Star by an Act of Congress in 1918, the Silver Star is awarded for gallantry in action while engaged in military operations. The required gallantry must have been performed with marked distinction.

John Fleming grew up in Alton, Illinois, and attended Marquette High School, graduating in 1996. He enlisted in the Army in 2001. John's family has a proud tradition of military service. Both of his grandfathers served in the Army and he has a brother who served in the Air Force.

In 2010, Sgt. Fleming was in his first deployment in Afghanistan after three deployments to Iraq. On November 17 his platoon was engaged with the enemy in a Taliban stronghold in the Pech Valley of Kunar Province. Cut off from their main support, Fleming and his men came under heavy fire. Fleming had just put on his helmet before the bullets and shrapnel came raining in on them which no doubt saved his life. He took three shots to the helmet and one to his chest, which was protected by his body armor.

While under intense enemy fire, Sgt. Fleming tended to his platoon, including patching wounds in a fellow soldier's chest and back. When support aircraft were sent to his position, Sgt. Fleming provided directions to the enemy locations so covering fire could enable evacuation of the wounded. Six soldiers from Fleming's platoon died as a result of wounds suffered during the battle.

Sgt. John Fleming's courage and decisive action under the most extreme circumstances contributed to saving the lives of many in his platoon. For this tremendous gallantry, he was awarded the Silver Star, which was presented to him in a ceremony on December 7, 2010, by Secretary Gates.

Sgt. Fleming and his wife, Helen, have two sons, Thomas, and John Jr.

Mr. Speaker, I ask my colleagues to join me in congratulating Sgt. John Fleming on receiving the Silver Star and expressing our sincere gratitude for his service to our country.

HONORING CHARLES "CHUCK"
DANIELS, JR.

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 2011

Ms. WOOLSEY. Mr. Speaker, I rise with sadness today to honor Charles "Chuck" Dan-

iels, Jr., of San Rafael, California, who passed away December 28, 2010, at the age of 84.

A businessman in Marin County for many decades, Chuck developed the House of Daniels beverage distributing company which had originally been founded, as Golden Gate Distributing Co., by his father at the end of Prohibition. What began as a small warehouse in San Anselmo eventually moved to Black Point in Novato where it became a \$20 million business with 75 employees.

House of Daniels was known for its fine collection of wines and also distributed beer, spirits, and other beverages. Its last beverage interests were sold in 2005, and the Novato site changed to a storage operation with Chuck as CEO.

Chuck also played a larger role in the industry including involvement in Robert Mondavi winery, the North Coast Growers Association, the Old Timers Wine Club of Northern California, and as director or president of statewide groups such as the Spirits Wholesalers Association of America, the Northern California Wine and Spirits Wholesaler Association, and the California Beer Distributors Association. Trellis Vineyards, his own winery, was located in Sonoma County.

Involved in the Marin County community, Chuck was particularly active in public safety issues. He served on the California Crime Commission and the Fire Commission of the San Rafael Fire Department as well as working on arson investigations with local enforcement. He also supported a variety of youth activities, and, in 1997, the Marin Council of Boy Scouts named him their Distinguished Citizen of the Year. While a member of Dominican University's Leadership Forum, he promoted the renovation of historic buildings on campus.

Chuck's sense of fun was as integral to his personality as his passion for service. He was a founder of the Marin Republican Council as well as the Tocaloma Temperance Society, a social club for retired politicians. He loved spending time at the beaches of Lake Tahoe and in the mountains of Yosemite, as well as seeking out fine wine and dining experiences with his wife Carol.

In addition to Carol, he is survived by his three sons, Charles III, Peter, and Jonathan, and eight grandchildren.

Mr. Speaker, although we mourn the loss of Charles Daniels in our community, I am proud to celebrate his many accomplishments and his dedication to making Marin County a better place.

HOUSE OF REPRESENTATIVES—Wednesday, January 19, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROGERS of Alabama).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 19, 2011.

I hereby appoint the Honorable MIKE ROGERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The psalmist understands we all approach God in different ways.

Some feel distant and lament:

"How long, O Lord, will You forget us? How long will You hide Your face from us? How long must we be burdened with grief, going about sorrowful all day and throughout the night? How long will our oppression last?"

Then some forget self and readily turn to the Lord:

"Look now and answer us, O Lord our God. Give light to our eyes lest we seem asleep, no longer fully alive but like the dead, lest our opponents say, 'We have overpowered them' and laugh at our downfall."

Still others like ourselves will trust in the Lord:

"For our part, we will trust in Your faithful love. Our hearts will rejoice, for You will set us free. We will sing of Your goodness to us and bless Your Holy Name, Most High, both now and forever."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Mexico (Mr. HEINRICH) come forward and lead the House in the Pledge of Allegiance.

Mr. HEINRICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

PASSING THE REPEALING THE JOB-KILLING HEALTH CARE LAW ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today, the voice of the American people will be heard. The current administration's unconstitutional health care takeover is not the will of the people.

Tea party participants have made a difference.

The current law would cost taxpayers over \$2.6 trillion. It adds to the rising health care cost. The health care takeover is not workable. The National Federation of Independent Business, NFIB, America's largest organization of small businesses, estimates it will eliminate 1.6 million jobs.

Today's vote on Repealing the Job-Killing Health Care Law Act promotes a commonsense approach to the health care issues facing our country. Instead of forcing Americans to comply with a Big Government takeover of health care, repeal will open the discussion of providing affordable care to families, preserving the doctor-patient relationship and protecting jobs.

This is what the American people want the new Congress to achieve. Now is the time to repeal the takeover and to forward a plan that provides for access and affordability.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THE JOBS LOOPHOLE IN OUR FREEDOM CONSTRUCT

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to speak for 1 minute, to revise and extend my remarks, to enter relevant materials into the RECORD at taxpayers' expense.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. JACKSON of Illinois. Mr. Speaker, on January 11, 1944, in his third term, President Franklin D. Roosevelt recognized the limitations of the Presidency and Congress in addressing the Nation's most serious problem: unemployment.

So he proposed changing the only vehicle capable of eliminating unemployment: the Constitution.

Roosevelt suggested that adding fundamental economic rights to the Constitution was the only way to truly address our unemployment problem.

Sixty-seven years later, to dramatize the shameful condition that our Nation and the marketplace tolerates, I have asked the Nation's unemployed, underemployed, and economically insecure to send their resumes to me at:

resumesforAmerica@mail.house.gov. I will then submit those records to the CONGRESSIONAL RECORD, on their behalf, as a means of protesting the unaddressed, shameful unemployment problem.

I am not promising anyone a job. I believe that the wealthiest Nation in the world should do something about the jobs loophole in our freedom construct.

Until Democrats and Republicans in this Congress and in the White House eliminate the fear of unemployment from our freedom and liberty construct, I will continue this peaceful demonstration at:

resumesforAmerica@mail.house.gov.

HEALTH CARE REFORM

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today in support of this historic effort to bring back our health care system from the grip of a massive, unprecedented government takeover.

Overwhelmingly, my constituents in Colorado, like the majority of Americans, know that ObamaCare increases costs, explodes the deficit, raises taxes, hurts job-creators and, most importantly, gives the government control over personal health care decisions.

To force every American to buy a private product like health insurance is unconstitutional.

By using budgetary gimmicks, like counting 10 years of tax hikes against 6 years of spending, Democrats rigged ObamaCare to get a misleading score from the Congressional Budget Office. Realistic accounting shows that this

law is a budget buster. ObamaCare creates so much new bureaucracy and spending that it took 2,800 pages to create it while the bill to repeal is only two pages.

Republicans will work to craft better solutions that empower patients and families to make their own health care decisions.

AN ASSAULT ON NEW HEALTH CARE FREEDOMS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, you may miss it in the rhetoric, but both parties agree the current path of Medicare threatens to bankrupt the country.

Some parts of America are spending twice as much per Medicare patient as we spend in Portland, Oregon, for example, but deliver inferior care.

We know what to do.

This is why the reform act can give better care for less cost, but it's not guaranteed. The Republican plan would strip away the reforms, the protections and the cost savings.

But this is not just an assault on new health care freedoms. It represents the triumph of politics over adult fiscal supervision. The Republican leadership doesn't just ignore, they discredit, the nonpartisan professionals who, for 36 years, helped keep politicians in both parties honest.

Without this impartial referee, the long, difficult road to fiscal health becomes longer, becomes harder, and becomes less likely to be traveled.

SCRAPPING THE GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, there is a lot of talk these days around here about where Members of Congress are going to sit during the State of the Union Address. Well, I've been in Congress for 10 years, and I learned a long time ago that it doesn't really matter where you sit; it matters where you stand.

Today, House Republicans are going to stand with the American people and are going to vote to repeal the government takeover of health care—lock, stock, and barrel.

Now, I know the other side and some liberals in the media don't like us using that term "government takeover of health care," but let me break it down for you:

When you mandate that every American purchase health insurance, whether they want it or need it or not; when you mandate that every business provide health insurance or send people to

a government-run exchange; when you pay for it with hundreds of billions of dollars and higher taxes and mandates; and when you throw in public funding of abortion against the wishes of the overwhelming majority of the American people, that is the government takeover of health care. And the American people know it.

I urge all of my colleagues in both political parties to join us today as we keep our promise to the American people, as we scrap this health care reform bill of last year and start over with health care reform that will lower the cost of health insurance without growing the size of government.

□ 1010

FOR-PROFIT HEALTH CARE MODEL IS THE WRONG MODEL

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The for-profit health care system is the problem. Eight hundred billion dollars every year is spent on corporate profits, stock options, executive salaries, advertising, marketing, and the cost of paperwork.

In the for-profit system that we have, nearly 1 out of every 3 dollars goes for things not related to health care. If we took that \$800 billion and spent it on care for people, we would have enough money to cover all medically necessary needs in addition to dental care, vision care, mental health care, prescription drugs, and long-term care.

We now have a situation where 50 million Americans don't have any health insurance. Americans wouldn't have to worry about losing everything they've worked a lifetime for because there is an illness in the family.

This debate is the wrong debate. A for-profit model is the wrong model. We should be talking about universal health care, single-payer, not-for-profit health care, Medicare for all, quality health care for all Americans.

HONORING SARGENT SHRIVER

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, "one of the brightest lights of the greatest generation," that's how President Obama correctly described Sargent Shriver, who we all know passed away yesterday.

Sargent Shriver gave new meaning to the term "public service." He never held elective service, and yet he launched the Peace Corps, was a member of the Diplomatic Corps, and he and his wife started the great Special Olympics.

In fact, I first got to know him in 1997 when I happened to be traveling

with President Clinton in Latin America. We were in Buenos Aires, and it just so happened that that night Sargent Shriver was there holding an event to raise funds for the Special Olympics. He, by virtue of his public service, was able to touch lives not just here in the United States, but because of his service, he was able to touch lives all over the globe.

Our thoughts and prayers are with his wonderful children and all the members of his family.

LET'S NOT RETURN TO A BROKEN HEALTH CARE SYSTEM

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, last year we took a desperately needed stand for America's families and small businesses over the insurance companies. We took a stand against insurance company abuses like discrimination against the sick, lifetime limits, the prescription drug doughnut hole, and a resulting \$1 trillion increase to our deficit.

We took a stand for hardworking Americans like Vicky Farrar, who moved to Albuquerque only to discover that to reenroll in a health insurance plan she would end up spending close to a third of her income because of her preexisting condition, high blood pressure. That kind of skyrocketing cost burden has stunted the dreams of American families and small businesses while lining the pockets of insurance company CEOs. But thanks to the American Affordable Care Act, Vicky and her doctor will be put back in charge of her health care and able to choose an affordable insurance policy.

I urge my colleagues to vote against a return to the broken health care system that we spent decades trying to fix.

SHOTS ACROSS THE BORDER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, recently, in the border ghost town of Fort Quitman, Texas, a county road crew came under automatic weapon fire. The four Hudspeth County workers reported at least eight shots were fired at them from across the border in Mexico.

The Rio Grande is very narrow in this isolated region and is used by armed drug smugglers to bring drugs into the United States. Speculation by the Texas Rangers is the shooter was trying to protect the drug route from the workers. This newest attack on the road crew is yet another example of the brazen, violent determination of outlaws to invade the United States.

The United States protects the borders of other nations. Why doesn't the

Federal Government do its constitutional duty and really protect our border from foreign invaders? Are border States going to have to not only give road crews shovels but rifles to protect them from the drug cartels?

It's time to be serious and protect Americans and put more National Guard troops on the border. Meanwhile, Washington seems to be whistling by the graveyard of indifference.

And that's just the way it is.

HEALTH CARE REPEAL

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to share the story of Patricia Maisch. Pat, as her friends call her, lives outside Tucson and has been fittingly hailed as one of the heroes during the tragic shooting of our colleague and friend GABBY GIFFORDS. Pat actually knocked the second gun clip out of the shooter's hand as he was attempting to reload, very likely saving the lives of more innocent people.

She was in line to talk to her Congresswoman, to share that she thought that the title of the health care repeal bill was disingenuous and because Pat and her husband own a small business north of Tucson. The spouse of one of their employees has a preexisting condition and they have been unable to find affordable coverage to cover her. Pat wanted to tell Congresswoman GIFFORDS that the health reform law will help them provide health insurance for this employee. She wanted to ask GABBY to stand up to attempts to repeal health reform.

Pat was unable to deliver her message to her Representative, but she asked me to share it with you now. Heed the words of Pat Maisch. Heed the words of millions of Americans needing health care. Don't repeal vital health care reform.

REPEAL GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. DENHAM asked and was given permission to address the House for 1 minute.)

Mr. DENHAM. Mr. Speaker, I rise today to speak in favor of repealing the government takeover of health care forced through Congress without the input of the American people.

This country is currently in the midst of a terrible recession and it's clear that shouldering America's small businesses with heavier tax burdens and increased regulation will only prolong our road to recovery.

By mandating that small businesses and individuals carry government-approved health care, the Federal Government has dramatically overstepped the boundaries of personal freedom

guaranteed by our Constitution. It infringes on the rights of the States by forcing new requirements upon them and penalizing them should they choose to opt out of the Federal mandate.

The American people were misled. A government-run health care plan will limit access and choice, and millions of Americans will lose their coverage because of mandates from bureaucrats in Washington.

REPEAL OF THE PATIENTS' BILL OF RIGHTS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, today we continue debate on the Republicans' most unfortunate effort to repeal health care reform that we passed during the last Congress. This repeal will increase the deficit by \$230 billion. No one disagrees with that but Republicans. That's why the Republican majority exempted this legislation from pay-as-you-go budgeting. You know this repeal will increase the deficit.

Keeping the law in its present form not only decreases the deficit but will provide 32 million uninsured Americans the opportunity to obtain insurance and provide dependable coverage for their families; it allows children to remain on their family's policy to age 26; it closes the doughnut hole, and it does so much more.

Mr. Speaker, I can usually see both sides of an issue, but for the life of me, I can't see what the Republicans are trying to achieve but to score political points with their right-wing base.

I call on my friends to abandon your efforts and let's concentrate on putting Americans to work. That's what my constituents are demanding and your constituents as well.

HISTORIC DAY—REPEAL OF OBAMACARE

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Mr. Speaker, today is a historic day in America. Acting on the will of the voters and the majority of all Americans, today we will vote to repeal ObamaCare.

Now, while the Senate appears less interested in following suit, here in the House this vote marks the beginning of round two of a vigorous and spirited national debate on health care. Over the coming months and weeks, this debate will go from Congress to kitchen tables all across this country. So as we reengage in this debate, the party on the left questions: Why do the American people want this policy repealed so bad? So let's revisit some of those areas.

Number one, the employee mandate, penalizing and punishing businesses for not having government-approved health care; the individual mandate, punishing and taxing Americans who choose not to have government-approved health care; the \$569 billion in new taxes on the American people; jobs being lost; the cost of the bill, \$2.6 trillion with a \$700 billion deficit over the first 10 years of its life; and, yes, 222 corporations already exempt and waived from this policy. That's why.

It's time to reopen the debate, debunk the myths, and replace this law with less costly, market-driven solutions that truly expand access and affordability, and above all, preserve our individual liberties.

□ 1020

HEALTH CARE REFORM

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, repealing the historic health care legislation that we passed last year would pull the rug out from under millions of Americans and add billions to the deficit.

We can and should talk about CBO scores, tax credits, and unemployment numbers. But what this health care reform is really about is improving the lives of millions of Americans. It's about children with preexisting conditions who can no longer be denied coverage. It's about senior citizens who can now afford to get screened for diabetes or get a mammogram. It's about working families that no longer have to worry that their insurance will be canceled if they get sick.

It's about people like Geralyn from South Portland, Maine, who wrote to me. She said, "My son turned 19 last May and promptly lost his insurance coverage. He has high blood pressure and had to go to the doctor a number of times to get his medication right. It was a struggle to keep up with the bills. He works two part-time jobs, and that doesn't get him health care. As of December 1, I was able to get him back on my insurance and it is a relief knowing he is covered. If this was repealed, it would hurt my son's health."

That's why we need to stick with the health care plan and vote "no."

HEALTH CARE REFORM REPEAL

(Mr. FINCHER asked and was given permission to address the House for 1 minute.)

Mr. FINCHER. When the Congress passed the Patient Protection and Affordable Care Act last year, it was promised that Americans would have better access, more affordable and higher quality care. Instead, ObamaCare created what we all despise

and know won't work—more government bureaucracy at taxpayer expense: \$500 billion in new taxes, \$500 billion in Medicare cuts, more government bureaucracy, thousands of new IRS employees.

What we need for the American people is transparency and accountability. Do I need to remind our colleagues that the approval rating of Congress is at an all-time low because we're not listening to the folks?

We were sent here in November to do a job, and that's exactly what we're going to do. We're going to keep our promises we made to the American people, and we're going to hold true to that.

So I stand in favor of repealing the health care bill. We have to create jobs and get our economy moving. If we allow this health care bill to stay in effect, that will not do.

HEALTH CARE REFORM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The gentleman that spoke before me talked about transparency and accountability. Let's talk about the insurance industry pre-reform. They could cancel your policy if you got sick even though you had been paying the premiums for years. They could refuse to sell you a policy if they don't like the way you look or if you've had a minor health problem. We changed that. People can now get health insurance and keep their health insurance if they've been paying their premiums.

But now they want to go back to those bad old days, and they talk about transparency and accountability. How accountable is an industry that is exempt from antitrust law? Health insurance companies can and do collude to exclude people from coverage, to red line, to drive up premiums, to not sell in one State, not compete with one another. There's no free market and competition and transparency and accountability.

If the Republicans really wanted to do something today, and if they want to showboat with this repeal, they could at least replace it by making the industry comply with the same competitive rules as every other industry in America except for professional sports, and that is they would be subject to antitrust law restrictions.

HEALTH CARE REFORM REPEAL

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, we all want to increase access to quality, affordable health care. We know that in this troubled economy, Americans are

concerned about making ends meet and ensuring that they are covered in the event of a health care emergency.

However, the misguided health care effort that was pushed through this House during the last Congress is doing much more harm than good. The hard-working families and seniors and small businesses in my district cannot afford this health care overhaul that is costing jobs, increasing red tape, spending trillions of dollars, and actually increasing health care costs.

This week the House is listening to and acting upon the message that Americans sent to Washington this past fall. We will replace the overreaching health care law with common-sense solutions that will lower costs and increase access to insurance while keeping Americans in charge of their own health care.

HEALTH CARE REFORM

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, when the Health Care Reform Act was passed, it had in it section 1560. That section recognizes the Hawaii Prepaid Health Care Act. Why? Because we have the lowest premiums in the Nation and we have one of the best coverages afforded for that. And why is that? Because we recognized very early on that you need to do a series of things. One, you need to share risks; two, you need to cover everyone; and, three, you need to make things available. Health care has to be available. And for that, we have a great system, a system that still needs to be tweaked, a system that will benefit from the Affordable Health Care Act.

What does that tell you? It took us 36 years to get it right, and we're still working on it. And my colleagues across the aisle want to repeal something that hasn't been around for a year.

Now, the American people do not want that. They want us to learn from when things are done right. Look at what we've done—36 years and we're getting it right. But it's still not perfect. We've got to keep listening, and we've got to hear the people.

HEALTH CARE REFORM

(Mr. CICILLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CICILLINE. Mr. Speaker, just yesterday I had the privilege of hearing from a Rhode Islander, Alex Lataille, who spoke at the one and only hearing Congress had to discuss the negative effects of repealing the new health care law.

Alex graduated last May with two bachelor's degrees, and while looking

for a job after graduation, he is able to afford health insurance because he can stay on his parents' policy. Repealing this law means Alex and millions of Americans will lose their coverage.

I also recently spoke to Beth, a woman from Woonsocket, Rhode Island. She told me she's an insurance agent. She sells insurance every single day, but she's denied access to coverage because of her preexisting condition. Repealing this law would mean she would again be denied access to health care. She said, Please do not let them take my health care.

I was sent here to find practical solutions to solve the problems facing Rhode Island families. Let's work to improve this law, not repeal it.

HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, over the course of the last year and a half as we worked to pass incredibly important protections to Americans, opponents of health care reform continued to try to scare people about what we were doing. And now with this vote today, where the Republican plan is basically to remove all of those protections that we have offered the American public, there are a lot of people out there who will think that after the vote today that these protections are going to go away.

So I want to assure the constituents in my district, the Third District of Kentucky—almost 300,000 of them with preexisting conditions—your protection against discrimination will not go away. Those 15,700 small businesses in my district that will now get benefits to provide coverage for their employees, don't worry about that vote. Those protections are not going to go away.

For those seniors in the doughnut hole, almost 10,000 in my district who have had their prescription drug costs lowered because of what we did last year, this vote today will not take them away.

And as for those 24,000 individuals in my district who will now have access to insurance for the first time, the vote today will not take them away.

□ 1030

OPPOSING REPEAL OF HEALTH CARE REFORM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today in opposition to repealing health care reform. The reason is simple: It does not create jobs, it does not protect the middle class, and it balloons the deficit.

Since March of 2010, the economy has created a total of 1.1 million new private-sector jobs. Over 200,000 of these jobs were in the health care sector alone. Health care reform is helping to create jobs, not take them away. Health care reform helps the middle class. In my district alone, 439,000 individuals who currently have health insurance now have protections and benefits that they did not have before the reform. 113,000 of my senior constituents are able to access preventive care and screenings for free because of reform. Tax credits are available for up to 14,500 small businesses in the capital region of New York.

These are real changes that benefit real people. Repeal would eliminate all of them, thoughtlessly and with great harm to the middle class of my district. Finally, repeal would increase the debt by trillions of dollars. In fact, 20 years from now, repeal would cost us more than \$1.2 trillion, ballooning the deficit and severely threatening our Nation's debt.

BUSTING MYTHS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, thank you so very much. I look forward to working with you.

It's time to bust a number of myths. It's time to really tell the Americans the truth. As we begin another series of 5-hour debates on repealing a life-saving initiative, it's really time to tell the truth. Maybe it's time to tell the truth about this senior citizen, who had pneumonia and didn't know she had it. But if she had not had "a government-run health system," Medicare, she wouldn't be laying up in a sophisticated medical facility, providing her with the opportunity to live. Any of you know about pneumonia—walking pneumonia can kill you. It killed my grandfather, who did not have access to this quality health care because he did not have Medicare.

It's time to bust the myths. It's time to tell our physicians that Democrats worked hard to build up your reimbursement. We were the leaders on it. This has nothing to do with the Patient Protection and Affordable Care Act, because as this bill grows with research dollars, we also have the opportunity, with the President, to work on reimbursement. This bill is a bill to save lives. And those in Texas know it, Mr. Speaker, because the Texas insurance agency said it is a good bill.

FREEDOMS AND HEALTH CARE REFORM

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, we are here today to again debate the repeal of the health care legislation passed last year. Democrats provided in that bill various freedoms: Freedom from discrimination for preexisting conditions, freedom from cancellation because you get sick, freedom to move from job to job without losing your insurance. Those freedoms are part of the legislation of America today. They are all based on the equal protection laws of the 14th Amendment.

The Republicans, in a very radical and extreme move, want to have Americans forfeit these freedoms. We can't have that done. This is about saving money, \$230 billion. Republicans talk about saving money. But they are prepared to repeal an act that saves America \$230 billion.

We want to make sure that we have manufacturing in this country, we make it in America. We're not competitive with the rest of the world. We can't allow this repeal to take place. I urge a "no" vote.

OPPOSING REPEAL OF THE AFFORDABLE HEALTH CARE ACT

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, I rise today to oppose this counterproductive effort to repeal the Affordable Care Act. Instead, we ought to focus on how we can move forward together, Democrats and Republicans, to address the very serious challenge of rising health care costs. Among developed nations, the United States spends twice as much as a share of GDP on health care; yet we rank near the bottom in health outcomes.

Insurance premiums more than doubled in the last decade. Absent reform, they are on pace to double again by 2020. These costs are unsustainable for Delaware families and for the Federal budget. There can't be serious conversation about deficit reduction without talking about health care cost containment. Medicare, Medicaid, and SCHIP alone consume one-quarter of the Federal budget. The Affordable Care Act will curb health care cost growth, but there is a lot more that needs to be done.

I came to Congress to make the tough, thoughtful decisions necessary to improve the Affordable Care Act, not repeal it. And I look forward to working with my colleagues to do just that.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 39

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Holden, Mr. McIntyre, Mr. Boswell, Mr. Baca, Mr. Cardoza, Mr. David Scott of Georgia, Mr. Cuellar, Mr. Costa, Mr. Walz of Minnesota, Mr. Schrader, Mr. Kissell, Mr. Owens, Ms. Pingree of Maine, Mr. Courtney, Mr. Welch, Ms. Fudge, Mr. Sablan, Ms. Sewell, and Mr. McGovern.

(2) COMMITTEE ON ARMED SERVICES.—Mr. Reyes, Ms. Loretta Sanchez of California, Mr. McIntyre, Mr. Brady of Pennsylvania, Mr. Andrews, Mrs. Davis of California, Mr. Langevin, Mr. Larsen of Washington, Mr. Cooper, Ms. Bordallo, Mr. Courtney, Mr. Loeb sack, Ms. Giffords, Ms. Tsongas, Ms. Pingree of Maine, Mr. Kissell, Mr. Heinrich, Mr. Owens, Mr. Garamendi, Mr. Critz, Mr. Ryan of Ohio, Mr. Ruppersberger, Mr. Johnson of Georgia, Ms. Castor of Florida, Ms. Sutton, and Ms. Hanabusa.

(3) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Kildee, Mr. Payne, Mr. Andrews, Mr. Scott of Virginia, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Mr. Grijalva, Mr. Bishop of New York, Mr. Loeb sack, and Ms. Hirono.

(4) COMMITTEE ON FINANCIAL SERVICES.—Ms. Waters, Mrs. Maloney, Mr. Gutierrez, Ms. Velázquez, Mr. Watt, Mr. Ackerman, Mr. Sherman, Mr. Meeks, Mr. Capuano, Mr. Hinojosa, Mr. Clay, Mrs. McCarthy of New York, Mr. Baca, Mr. Lynch, Mr. Miller of North Carolina, Mr. David Scott of Georgia, Mr. Al Green of Texas, Mr. Cleaver, Ms. Moore, Mr. Ellison, Mr. Perlmutter, Mr. Donnelly of Indiana, Mr. Carson of Indiana, Mr. Himes, Mr. Peters, and Mr. Carney.

(5) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Sherman, Mr. Engel, Mr. Meeks, Mr. Carnahan, Mr. Sires, Mr. Connolly of Virginia, Mr. Deutch, Mr. Cardoza, Mr. Chandler, Mr. Higgins, Mr. Murphy of Connecticut, Ms. Wilson of Florida, Ms. Bass of California, Mr. Keating, and Mr. Cicilline.

(6) COMMITTEE ON HOMELAND SECURITY.—Ms. Loretta Sanchez of California, Ms. Harman, Ms. Jackson Lee of Texas, Mr. Cuellar, Ms. Clarke of New York, Ms. Richardson, Mrs. Christensen, Mr. Davis of Illinois, Mr. Higgins, Ms. Speier, Mr. Richmond of Louisiana, Mr. Clarke of Michigan, and Mr. Keating.

(7) COMMITTEE ON THE JUDICIARY.—Mr. Ber man, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Zoe Lofgren of California, Ms. Jackson Lee of Texas, Ms. Waters, Mr. Cohen, Mr. Johnson of Georgia, Mr. Pierluisi, Mr. Quigley, Ms. Chu, Mr. Deutch, Ms. Linda T. Sánchez of California, and Ms. Wasserman Schultz.

(8) COMMITTEE ON NATURAL RESOURCES.—Mr. Kildee, Mr. DeFazio, Mr. Faleomavaega, Mr. Pallone, Mrs. Napolitano, Mr. Holt, Mr. Grijalva, Ms. Bordallo, Mr. Costa, Mr. Boren, Mr. Sablan, Mr. Heinrich, Mr. Luján, Mrs. Christensen, Mr. Sarbanes, Ms. Sutton, Ms. Tsongas, Mr. Pierluisi, Mr. Garamendi, and Ms. Hanabusa.

(9) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Towns, Mrs. Maloney, Ms. Norton, Mr. Kucinich, Mr. Tierney, Mr. Clay, Mr. Lynch, Mr. Cooper, Mr. Connolly of Virginia, Mr. Quigley, Mr. Davis of Illinois,

Mr. Braley of Iowa, Mr. Welch, Mr. Yarmuth, Mr. Murphy of Connecticut, and Ms. Speier.

(10) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Mr. Costello, Ms. Woolsey, Ms. Zoe Lofgren of California, Mr. Wu, Mr. Miller of North Carolina, Mr. Lipinski, Ms. Giffords, Ms. Edwards, Ms. Fudge, Mr. Luján, Mr. Tonko, Mr. McNerney, Mr. Sarbanes, Ms. Sewell, Ms. Wilson of Florida, and Mr. Clarke of Michigan.

(11) COMMITTEE ON SMALL BUSINESS.—Mr. Shuler, Mr. Schrader, Mr. Critz, Mr. Altmire, Ms. Clarke of New York, Ms. Chu, Mr. Cicilline, and Mr. Richmond.

(12) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. DeFazio, Mr. Costello, Ms. Norton, Mr. Nadler, Ms. Brown of Florida, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Mr. Cummings, Mr. Boswell, Mr. Holden, Mr. Larsen of Washington, Mr. Capuano, Mr. Bishop of New York, Mr. Michaud, Mr. Carnahan, Mrs. Napolitano, Mr. Lipinski, Ms. Hirono, Mr. Altmire, Mr. Walz of Minnesota, Mr. Shuler, Mr. Cohen, Ms. Richardson, Mr. Sires, and Ms. Edwards.

(13) COMMITTEE ON VETERANS' AFFAIRS.—Ms. Brown of Florida, Mr. Reyes, Mr. Michaud, Mr. Braley of Iowa, and Mr. McNerney.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPEALING THE JOB-KILLING HEALTH CARE LAW ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (H.R. 2) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When consideration was postponed on Tuesday, January 18, 2011, 5 hours of debate remained on the bill, with 30 minutes equally divided and controlled by the majority leader and minority leader or their designees, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Speaker, I rise in support of H.R. 2, and I yield myself such time as I may consume.

Mr. Speaker, for 20 consecutive months more than 14 million Americans have been unemployed. As much

as we would like to solve this problem, the Federal Government cannot legislate or regulate our way to job creation. We can, however, foster economic certainty that will encourage families, businesses, and entrepreneurs to spend, hire, and invest. And that is what we will try to do today.

Almost 1 year ago, Democrats launched a nearly \$1 trillion government takeover of health care that increases national health care spending by \$311 billion over 10 years and levies more than \$500 billion in new taxes on individuals, consumers, and businesses. The 2,700-page law has led to more than 4,000 pages of new rules and regulations, and the law is only 10 months old. The uncertainty of what this all means for individuals and businesses today, and in the months and years to come, is having a chilling effect on the country's job creators.

A number of provisions of the law will undermine job creation and economic growth, but perhaps none is as alarming as the employer mandate. For the first time in the Nation's history, employers with more than 50 workers are required to provide government-approved health care coverage. Those who do not or cannot afford to will be forced to pay a \$2,000 penalty for every worker beyond the first 30. If you are a small business owner with 50 workers and you cannot afford to provide government-approved health insurance for your workers, adding one additional employee to the payroll will result in a \$42,000 penalty.

□ 1040

Some refer to the employer mandate as shared sacrifice. They argue that expanding coverage to every individual means everyone must pay, but the cost of this provision will result in more than lost dollars and cents. Hiring new workers will be more expensive, creating a disincentive for job creators to put Americans back to work.

The employer mandate isn't the only challenge facing employers. Last year the administration released a regulation on the so-called grandfather provision, a provision intended to protect current plans against the law's costly and complex requirements. It is also central to the President's promise that, If you like your current health care plan, you can keep it.

Unfortunately, the regulation falls far short of the President's promise. By the administration's own estimates, up to 69 percent of all employer plans and 80 percent of small business plans will be denied grandfathered status in just 2 years. One estimate indicates 87 million Americans will face changes to their current health care plans.

Instead of keeping what they already have, individuals and employers will have to pay more for something new and unfamiliar. The more costly it is for employers to provide coverage, the

more likely existing health plans will be eliminated and the need for government assistance will grow. And as the rolls for government programs expand, the cost to taxpayers will skyrocket.

At a time when every job creator should be encouraged to grow and hire, the Democrats' health care law instead forces employers to choose between rising health care costs and government penalties. It is time to end the uncertainty facing families, employers, and workers. It is time to push ObamaCare aside so America's job creators, both large and small, can move forward with the confidence they need to hire new workers.

Mr. Speaker, I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 4 minutes.

Mr. Speaker, I rise in strong opposition to H.R. 2, the Republican Patients' Rights Repeal Act.

The question is just simply fundamental here, whether or not people will be able to have control over their health care needs and their health insurance needs, or whether or not we will go back to the chaos of the previous system that is dictated by the insurance companies where people are thrown off of policies willy nilly, where people are not reimbursed for costs willy nilly, given excuses, paperwork back and forth, where young people are thrown off their parents' policy when they graduate from high school, and whether or not they will have insurance or not, or whether people will have the freedom to make the choices, to have insurance that will cover them, that will get rid of the preexisting conditions that eliminate their coverage, that will get rid of the lifetime caps so that those people who contract cancer or other chronic diseases find out they have run out of insurance at the exact moment they need it. No longer will that be the case under the current law.

Now, the choice is to repeal that law and to make it more difficult for small businesses to provide insurance. Since the enactment of the tax credit under this law, we now see that hundreds of thousands of employees have been extended health insurance by small businesses employing 50 workers or less because of that tax credit, a tax credit that is scheduled to increase.

So we already see the hundreds of thousands of employees that did not have access to insurance because they worked for small businesses today have insurance. That's not the reporting of the government. That's the reporting of the health insurance companies where people and businesses are making applications for insurance.

So what we see now is young people are once again covered and can have the security that they will have health insurance while they go to school or while they start a new job that may

not have health insurance with that coverage. We now see that people who may have had a bout of cancer early on know that that will not disqualify them from having insurance as they go out and continue to work to provide for their families.

We now see that after 2014 when people change their jobs or they lose their jobs, they will have insurance so they will not have to go to the poor house because of the insurance costs that they will not be able to provide for because they are unemployed. They will not be locked into a job that they don't want. They will be able to be entrepreneurial and go out and seek a new job knowing that they will have health insurance. That's the certainty of this legislation.

We can now choose the chaos of the current insurance system. We can choose the chaos of people getting a letter saying you no longer have insurance, getting a letter saying your child is no longer covered, getting a letter saying your premium is up 59 percent, as they did last year in California. We have seen health insurance premiums jump dramatically over the cost of living over the last decade and over the last decade have seen more and more businesses shed coverage for their employees.

The Republicans want to believe that there is certainty in that. The Republicans want to believe that that's a comfort to the American working family. The Republicans want to believe that that's a comfort to grandparents who see their grandchildren thrown off their parents' policies.

That's not a comfort. What is a comfort is the freedom to know that never again will you have to contest the arbitrary rulings of an insurance company about your preexisting conditions, about the coverage of your child's health care. Never again will you have to contest whether or not you will get help paying for your pharmaceuticals if you are a senior. Never again will you have to pay for preventive medical checkups to try to keep you healthy if you are a senior. That's the certainty that this legislation presents.

Last night I had a telephone town hall meeting with over a thousand seniors in my district, and all of them—almost all of them, I would say there were three or four in the call—almost all of them wanted the certainty of knowing they were going to get help with their pharmaceutical payments. They struggle with the doughnut hole.

They were appreciative of the \$250 check they got last year, and they were appreciative of the help they were going to get paying for their pharmaceuticals this year. That's the certainty that we ought to reject by rejecting repeal of the health care act.

Mr. KLINE. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Today I rise in support of H.R. 2, legislation which would repeal the health care law passed last year. Even if it is unlikely that this bill will pass the Senate, I think it's important for the House majority to state its position in the clearest possible terms to encourage a general reevaluation of the new law.

Make no mistake. My colleagues and I support health care reform which would ensure that all Americans, including those with preexisting conditions, have access to affordable coverage. However, the health care law that passed last year takes a fundamentally wrong approach to achieving that goal and will only make worse our skyrocketing health care costs and Federal deficits.

My State of Wisconsin is a leader in terms of providing efficient, high-quality care; and I have been meeting and will continue to work with medical providers in my State as well as my colleagues on both sides of the aisle to develop proposals which will reward high-quality, low-cost medical services instead of simply giving government more control over our health care.

Only by implementing proposals that rein in out-of-control health care costs will we be able to make affordable coverage available to all Americans. I look forward to working with my colleagues on this important issue.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

As we sit here this morning, there are millions of Americans sitting in front of computers or the want ads desperately looking for their next job, 15 million unemployed Americans. The question they are asking this Congress is why don't you work together to help small businesses and entrepreneurs create jobs for our country?

The answer the majority gives them is we will get to that someday. What they are doing today raises some real questions as well.

A mother has two 4-year-old twins who are diagnosed with leukemia and tries to buy health insurance. The insurance company says we won't sell it to you because your children have leukemia, or we will charge you five times as much.

We say that should be illegal and the law today the majority tries to repeal says differently. A "yes" vote for repeal means she is told, Sorry, no insurance.

A person who has faithfully paid his premiums for years and suddenly needs a quadruple bypass heart operation receives a letter from his insurance company that says, Sorry, we are rescinding your coverage. We say, and the law says, that should be illegal. But a vote for repeal says, Sorry, you are on your own.

A pregnant woman who has a very difficult pregnancy and gives birth to a child with severe impairments that cost hundreds of thousands of dollars each month, the law says, and we say, that the insurance company should be legally obligated to pay her bills as long as she and her baby need it, no lifetime policy limits.

□ 1050

But a vote for repeal says she's on her own.

A senior citizen who runs out of prescription drug coverage the Fourth of July or Labor Day, the law says, and the bill says, they should get some help to continue to buy their prescriptions for the rest of the year. But a vote for repeal says she's on her own. We're all on our own on paying the debt. Our President is meeting with the President of China today; and as we do that, the majority is adding over \$1 trillion to the national debt with this vote.

Ladies and gentlemen of the House, this bill doesn't create jobs for the middle class. It creates pain for the middle class. The right vote is "no" on this repeal. The right course is get back to the job of creating jobs for the American people. Vote "no."

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to another member of the committee, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Thank you, Mr. Chairman, for your leadership.

Mr. Speaker, one of the many threats of this unconstitutional health care takeover is the unfunded State mandates. In my home State of South Carolina, newly inaugurated Governor Nikki Haley has correctly warned that the Palmetto State cannot afford the health care mandate. Governor Haley even went so far as to ask the President to opt out of this unfunded mandate. The reason is because the health care takeover calls for an additional \$1 billion in new State spending.

The takeover will cripple small businesses. A recent study by the National Federation of Independent Business, NFIB, America's largest organization of small businesses, has indicated that the mandate will lead to the elimination of 1.6 million jobs.

This law imposes burdens on all Americans. It's a threat to senior citizens in that it will lead to waiting lists, deferral services, and rationing. It's a threat to our Nation's youth in that it burdens them with excessive debt.

Mr. Speaker, the liberal health care takeover destroys jobs, limits freedoms, and expands Big Government.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, I rise to speak out in emphatic opposition to

H.R. 2, the repeal of the Affordable Care Act.

Mr. Speaker, one of my sons, the father of two and a wonderful husband, came home last week to Petaluma from 6½ weeks in the hospital. He has many, many more weeks' recovery ahead of him, but I can tell you that this family that still has a huge challenge ahead of them would not have a chance without health care, the health care coverage that they have.

This bill, by the way, goes in precisely the wrong direction. Just when we should be strengthening the historic reform we passed last year, my colleagues on the other side of the aisle want to tear it apart. Have you never experienced another person that had the needs that my family has today even if it wasn't in your family?

Repeal, we know, would leave millions out in the cold, stripping them of access to affordable health coverage. In fact, Blue Shield of California recently announced a rate increase of as much as 59 percent—59 percent—for some 200,000 policyholders. Does the majority not see the problem with runaway costs that are passed on to middle class families already burdened by a deep recession? Do you want to return to the broken health care system that had people crying out for reform in the first place?

The claim that cutting government spending is the most important of all flies in the face of the CBO that has concluded that their bill would add \$230 billion—your bill, the Republican bill—\$230 billion to the Nation's debt by 2021. Do not vote for this.

Mr. KLINE. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, a member of the committee, the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my friend for yielding me time.

I rise today in support of H.R. 2, which repeals the job-destroying government takeover of health care.

Voters rejected the "government knows best" philosophy in November. In contrast, Republicans believe that American innovation and reduced government control are keys to successful health reform that reduces health care costs. For instance, it's estimated that 1 percent of the most seriously ill account for more than 25 percent of all health care expenditures. What if we could improve the care of these patients and at the same time reduce costs?

We can. We can by harnessing the power of innovation and health research in fields like regenerative medicine. Regenerative medicine develops technologies to replace or regenerate organs and tissues using the patient's own cells. These treatments could reduce the cost of chronic diseases by \$275 billion a year. Consider the fact that Dr. Anthony Atala at the Insti-

tute for Regenerative Medicine at Wake Forest University has been able successfully to grow bladders for bladder replacement surgeries from the recipient's own cells. Yet despite several successful bladder transplants, the FDA insists he go through additional clinical trials on animals and spend millions of dollars in testing that is clearly unnecessary based on his success with the human transplant surgeries.

The Federal Government's regulatory burden is stifling innovation in America, and the government takeover of health care, passed by the ruling Democrats last year, will impose more job and innovation-destroying regulations on health research. Therefore, I urge my colleagues to vote in favor of investing in new health technology and research by voting "yes" on H.R. 2.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA), a member of the committee.

Mr. HINOJOSA. Mr. Speaker, I rise today in strong opposition to H.R. 2.

Over one-third of my constituents in the 15th Congressional District of Texas are currently uninsured. With passage of the Affordable Care Act, that number, which has risen year after year, is finally coming down. I project that the percentage of uninsured individuals could drop to only 10 percent.

Right now, thanks to the Affordable Care Act, children who are 26 and under can stay on their parents' policy as they finish school and search for a job. With the passage of health care reform in 2010, senior citizens who hit the doughnut hole are now going to receive rebates and small businesses have had their taxes cut, all the result of the Affordable Care Act. If the proposed health care act repeal were to pass, it will destroy this progress I have seen in my district and in my State.

The families and businesses in my district cannot afford more uncertainty. They cannot afford to go back to the old health care system that was not working for millions of Americans and whose spiraling costs were driving our Federal budget into the abyss.

Right now, the Affordable Care Act is extending affordable health care insurance to millions of Americans. However, here in Congress, the majority party is asking the House to repeal the law we passed without holding hearings and without offering a meaningful alternative to the American people who are working, who are presently without insurance, or who have preexisting medical conditions. Those Americans were struggling to pay for hefty premiums to insurers. If there are some things that need to be fixed in the present law, we can fix them, but throwing out all the progress we have made is not the answer.

The focus of this new Congress should be reducing the staggeringly

high 9½ percent unemployment rate. Instead, we have a bill before us today that makes it harder for businesses to provide benefits to the employees that eliminate the hundreds of thousands of new jobs that were being created in the health and medical fields.

The Affordable Care Act doesn't reduce jobs; it saves lives. I strongly urge my colleagues to vote "no" on H.R. 2.

Mr. KLINE. Mr. Speaker, I am pleased to yield 5 minutes to a physician on the committee, the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I rise today to support H.R. 2, the repeal of ObamaCare. For the past 30 years, I haven't been a politician but a physician treating patients and delivering babies in rural east Tennessee. And I can say without hesitation that we have the finest health care system in the world.

Health care should not be a partisan issue, and I personally have never operated on a Democrat or Republican cancer in my life. You can't spend \$1 trillion and have a bill that's over 2,500 pages long and not have something good come out of it. This bill is not, however, good medicine for our country.

The repeal of ObamaCare doesn't mean that we aren't for health care reform. Quite the contrary. What I discovered in my own practice of 30 years was health care was becoming more and more unaffordable for our citizens. And we had a group of patients, a group of citizens, who didn't have affordable health insurance coverage. This we need to address.

This bill does increase the number of people having insurance, but does nothing to control the costs. The other side says that if we repeal ObamaCare, it will increase the costs and decrease access.

□ 1100

Let's take a look at three government-run plans. One is TennCare, my State's Medicaid program; the Massachusetts Care; and Medicare.

In TennCare, we had a plan that had competing interests. It would compete for your business. It was supposed to hold costs down. We saw our costs in Tennessee from 1993 until 2004 and 2005 go from \$2.6 billion to \$8 billion. It tripled. And what we found was that half the people who went on the government plan had private health insurance and dropped it and got on the government plan. This plan took up almost every new dollar our State took in. We balanced this on the backs of college students. We have less highway patrolmen in our State than we had 30 years ago, and we have 2 million more people. What our Democratic Governor did was rationed care by cutting the rolls of TennCare patients and also limiting the access to physicians to eight visits per year.

Let's look at Massachusetts Care where there is a mandate right now. You are required to buy a good or service and the government decides what the right good or service is, not you as the consumer. So what happens is it hasn't held the costs down there either. They have the highest private insurance premiums in America in Massachusetts. Emergency room visits are not down. And why is that? The same as TennCare. These plans don't pay for the cost of the care, shifting more cost over to the private sector, making it more and more expensive.

The second thing this mandate does is it empowers lobbyists. How it does that is you will see the lobbyists come to us, the politicians, and say, Hey, we want this medicine or this device on our plan. And these are the people that write the checks to the politicians, so you are empowering them.

Let's finally look at Medicare, a program that started in 1965 as a \$3 billion program. The government estimators at that time said in 25 years this will be a \$15 billion program. It was over a \$100 billion program. Today, it is over \$400 billion.

So we have three examples where costs are out of control in the government-run plans.

The senior citizens understand this. When you take \$500 billion out of a plan, and in the next 10 years we are going to add 36 million seniors, three things are going to happen when you have got more patients chasing fewer dollars: You will have decreased access, you will have decreased quality, and you will have increased costs. That is a given.

We had the President say last year, I will go over this bill line by line.

I have read this bill. I wanted to go over it. I wanted to have meaningful health care reform but was denied that privilege.

Without exception, our States are almost broke, every one of them. And we are adding another unfunded Federal mandate to require them to pay and implement a plan that is already breaking them, the expansion of Medicaid, which is an entitlement.

Businesses get it also. If this is such a great plan, why have, to date, 222 businesses opted out, including McDonald's and, of all people, the SEIU, the government's employee union who fought for this and then opted themselves out? I find that ridiculous when you see that.

The doctors get it. The doctor fix, the SGR fix is not in this bill. It is a cost that was hidden. As doctors are squeezed, they cannot see patients that cannot pay the cost of the care.

Malpractice is not in this bill. I can tell you as an OB-GYN doctor, it is over the top. It is almost unaffordable for us.

So the American people get it. The people of Tennessee get it. And we as

elected representatives get it. We got that in the election of November 2.

I want to encourage my colleagues to vote to repeal ObamaCare.

Mr. GEORGE MILLER of California. I yield myself 30 seconds.

I would just say to the gentleman from Tennessee it is universally recognized that there was no worse-designed health care plan than TennCare; that all you did was extend the benefits and no cost containment and no pay-fors, and it damn near bankrupted the State.

It is also recognized that nowhere have health care costs gone up faster than in the private sector, much faster than Medicare because, once again, there is not much in the way of cost containment. You just reimburse people for the cost.

This legislation has cost containment, and that is why CBO says, if you repeal it, you will drive up the short-term deficit to \$30 billion and long-term deficit to \$1.2 trillion. That is the difference.

I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a member of the committee.

Mrs. MCCARTHY of New York. I appreciate the gentleman's yielding me this time.

Mr. Speaker, I rise today in opposition to H.R. 2, a bill that would repeal the Patient Protection and Affordable Care Act.

The Affordable Care Act, signed into law in March of 2010, is an important first step in reforming our health insurance system, a system that everyone knows is broken. The Affordable Care Act provides access to the insurance market for millions of Americans, puts in place important consumer protections, and reduces our country's deficit.

This new Congress was elected promising a transparent process with input from all Members. This repeal bill, however, has not even been considered by a single committee in the House. Members are also being shut out of the process.

I cosponsored four amendments submitted to the Rules Committee; none were accepted.

I cosponsored an amendment to ensure that women continue to receive the protections provided by the Affordable Care Act. The Republicans did not allow this amendment to come up to the floor.

I cosponsored an amendment to ensure that all seniors will continue to receive the increased benefits in Medicare and that the doughnut hole will continue to be closed. The Republicans did not allow this amendment to come up for a vote.

I cosponsored an amendment to ensure that small businesses continue to receive the tax cuts provided for in the Affordable Care Act. The Republicans didn't allow this amendment to come up for a vote.

I cosponsored an amendment to ensure that we are responsible stewards of our Federal budget and to prevent this repeal bill from adding to the deficit. The Republicans did not allow the amendment to come up for a vote.

This new Congress ran on a campaign of lower taxes on small businesses and reducing the Federal budget deficit. This bill, however, would raise taxes on small businesses and individuals and add a trillion dollars to the deficit.

Just to be clear, a vote for this bill will be a vote for higher taxes and increases in the deficit. Although there is an effort to bring this repeal bill to the floor today, what is being proposed in place of affordable care? Nothing.

My office has dealt with this for years. Please, vote "no" on this bill.

Mr. KLINE. I yield 30 seconds to the gentleman from Tennessee (Mr. ROE) to respond to the gentleman from California's comments.

Mr. ROE of Tennessee. Mr. Speaker, just to address my colleague from California, I would argue that Tennessee has thought this plan well out; and the problem with this plan is, when you have more services chasing fewer dollars, you are going to create waits in a situation where you shifted the cost.

You talked about the private health insurance costs going up. That is true. There is innovation, liability. There are a lot of reasons for that, Congressman, but one of the main reasons is an overpromise by government programs that shifts costs. We saw that in our State. We can do better.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. WALBERG), a member of the committee.

Mr. WALBERG. Mr. Speaker, I rise today in support of the repeal of the government's takeover of health care.

We are well aware of how the health care law created hundreds of billions of dollars in new taxes while doing little to drive down costs and causing millions to lose access to health coverage. Even more troubling is how dramatically this law grows government and constricts individual freedom and American exceptionalism.

When this law was passed, the Democrats said it would create 4 million new jobs. Instead, we got over 2,000 pages of job-killing new taxes and less choice. This law was clearly an overreach of government control.

In place of government-run health care, true reform can be achieved through multiple patient-centered alternatives, including expanding HSAs, association health plans, and allowing the purchase of health insurance across State lines.

Americans agree. A Gallup/USA Today poll this week confirms that only 13 percent of Americans support the current law. Simply put, the American people want this law repealed, and so do I, as I promised.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, my mother always told me that if you have your health, you have everything, which is why I have always believed every American should have access to the care they need to be healthy.

Now my colleagues want to repeal health care without an alternative. Well, it is easy to say you are against something, but it is much harder to come up with solutions. Americans deserve to know how my colleagues' plan will protect patients.

Specifically, women shouldn't get denied care based on gender or have to pay hundreds more in insurance premiums than men, nor should they need a permission slip to see an OB-GYN.

The 32 million Americans without insurance need access to coverage.

Insurers shouldn't deny children coverage because they have been sick.

□ 1110

Medicare must be kept solvent over the long term, and seniors should have access to affordable prescriptions. Americans shouldn't face outrageous annual premium hikes, such as the 59 percent increase many of my own constituents are looking at today.

The health care reform bill addresses each of these problems and many more. It is irresponsible to repeal without a plan to fix the issues in our health care system. Further, thanks to Governor Schwarzenegger's efforts before leaving office, California is leading the way in implementing reforms already authorizing health insurance exchange marketplaces to buy affordable insurance. Repeal will cripple health reform efforts in my State and leave it without direction going forward.

I can't support legislation that does not offer solutions and goes backward. Let's focus on creating jobs and not taking away health care from patients.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to a new member of the committee, the gentleman from New York (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I rise today in support of H.R. 2 so that we may replace the well-intentioned but ill-conceived health care law signed last year with reforms that increase access to care and lower costs.

We know that the current law raises premiums. We know that it cuts Medicare by more than \$500 billion. That's unacceptable to the over 120,000 seniors in my district who rely on Medicare benefits. We know it raises taxes, imposes costs on small businesses, and will substantially burden New York taxpayers.

Tomorrow I will vote to instruct committees, including the Education and Workforce Committee, to produce

thoughtful and improved legislation. I look forward to supporting reforms that lower premiums through competition; allow folks with preexisting conditions access to affordable health care; reform the medical liability system; preserve a patient's ability to keep their own plan; and expand incentives to encourage personal responsibility for health care coverage and costs.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Speaker, I rise in strong opposition to the budget-busting legislation that fails to create one new job and returns our health decisions to insurance companies rather than doctors.

Repealing the health reform law would be a big mistake. Instead of focusing on job creation or retirement security or fair taxes, we're debating repealing a law that protects Americans from insurance company abuses and provides fairer and more accessible health care for children, for veterans, for seniors, for employees, for employers. The law saves the average taxpayer money, and it saves the insured money.

On Monday, we celebrated Dr. Martin Luther King, Jr. Day. Dr. King fought for an America where everyone regardless of race or class background had access to the American opportunity. He said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane."

Today, the new majority is trying to repeal the health reform law that we enacted just one year ago. That historic law provides secure health insurance coverage to almost all Americans and lowers the deficit. The days of "you're on your own" are past now. The law ensures that health insurance companies actually have to provide health insurance, not just in name, but it requires that they spend your premium dollars on actually providing health care.

If this reform law were repealed, Anna's 24-year-old son in Kendall Park, New Jersey would become uninsured; Todd from Eatontown would not be able to get insurance due to his preexisting condition; and thousands of seniors on Medicare, like Howard from Monroe, would not be able to afford his lifesaving prescriptions.

Matthew from West Windsor wrote me to say, "I just graduated from college, and I'm working at a job with no health care." He's grateful now that he can be on his parents' health insurance plan, but he's concerned if this is repealed. He says, "I have a preexisting condition, and shockingly, I truly would be without insurance and in deep trouble if this law were reversed."

I urge my colleagues to vote no on repealing the health care reform law.

Mr. KLINE. Mr. Speaker, I am very pleased to yield 1 minute to another new member of the committee, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman from Minnesota for yielding me time.

Mr. Speaker, I rise in support of freedom for every American and against the expansion of government. The people of Indiana sent me to Washington, D.C. with very specific instructions: Get the government out of our lives.

Therefore, I will be voting yes on H.R. 2. Every honest person in this debate knows that this law doesn't solve the problems in our health care system. Its solution, to destroy the best health care system in the world and replace it with even more inefficiencies, government controls, loss of personal freedom and trillions in new costs to the taxpayers, will fail.

And let's not forget that there are programs already in place that are supposed to do many of the things the President has talked about his law doing. We should start with reforming those. Also, health savings accounts, insurance across State lines, covering preexisting conditions, and even subsidizing the poor's purchase of a private policy should all be implemented.

Health care is not a right, and if we are not careful, the feel-good, empty promises made in this law will bankrupt our country and leave our grandkids to pay for it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA), a member of the committee.

Mr. GRIJALVA. Thank you, Mr. MILLER.

I rise today in opposition to a regressive and unfair piece of legislation, H.R. 2. We must protect the American people from the Republican NoCare agenda. Their agenda for America is simple:

NoCare if you lose your job.

NoCare if you or your child has a preexisting condition.

NoCare if you are a senior in the doughnut hole.

NoCare if you're under 26 and on your parents' plan.

NoCare if you get sick and your insurer drops your coverage.

NoCare if your insurer hikes your premiums higher than you can afford.

NoCare for Indian health care services reauthorization.

NoCare for community health centers.

NoCare for closing the disparity gap in America's health care delivery system.

I urge my colleagues to vote against this repeal that would take away the progress that we are making to protect our constituents. I urge my colleagues to stop protecting insurance companies and, finally, finally, take a step toward empowering the American people.

Mr. KLINE. Mr. Speaker, I am very pleased to yield 1 minute to another

new member of the committee, a physician, the gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Thank you, Chairman KLINE.

Mr. Speaker, I rise today in support of H.R. 2, the repeal of the Affordable Care Act. I consider this one of the most crucial votes in this Congress. As a cardiothoracic surgeon, I can speak from the perspective of a physician who has dealt with the growing need for health care reform in our country.

We all know there are too many uninsured; too many underinsured. But a government solution is the wrong approach. This law does nothing to address the critical issue in health care today, and that's the rising cost of health care.

Now let's touch on my patients. Sixty to 70 percent of my patients are in Medicare. A \$500 billion cut in the funding of Medicare and decreasing reimbursement for physicians, for hospitals and other providers over the course of time will lead to what it has led to in every other country that has a government health care system—rationing of health care for some of the most vulnerable people in our society, our American seniors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BUCSHON. Thank you.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the committee.

Mr. SCOTT of Virginia. Thank you.

Mr. Speaker, it is important that we focus attention on the substance of the debate on health care. Some think that just calling repealing health care reform ObamaCare or calling it a job killer when it will actually create jobs, or even calling it a government takeover when it doesn't even include a public option constitutes the discussion.

But we need to talk about what is actually in the bill and what is actually going to be repealed, because we need to talk about what's going to happen to those under 26 that are now able to stay on their parents' policies. Repeal will kick them off of those policies.

We need to talk about what's going to happen to those with preexisting conditions. We need to talk about what is happening to those who can now get checkups, annual checkups and preventive care with no copays and deductibles.

□ 1120

We need to talk about the fact that we are digging senior citizens out of the doughnut hole and that repeal will keep them in the doughnut hole.

Insurance reform: No rescissions, no cutting off insurance in the middle of a treatment.

We need to talk about what we are doing as to unreasonable increases.

That's what you're going to be repealing if you repeal health care reform.

Affordability: All Americans under health care reform in 2014 will be able to afford health care. We will be giving tax credits to businesses to encourage them to provide health care.

This bill will create jobs. You will be destroying jobs. And you say nothing about the deficits. The CBO has already calculated that you will significantly increase the deficit if this bill passes.

Mr. Speaker, health care reform is a matter of life and death. If Republicans want to repeal health care, they ought to be clear and tell the public what will actually happen to young adults, those with preexisting conditions, seniors, what is going to happen to the doughnut hole or insurance abuses or the future of the affordability of health care.

We should not just be resorting to labels and slogans. We have to be clear as to what we are doing to the public.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to another new member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. Thank you, Mr. Chairman.

Mr. Speaker, the Constitution of the United States has limits.

Surely one of those limits must be that Congress cannot compel a private citizen to engage in a private commercial transaction.

Surely the Congress of the United States cannot compel a person to purchase life insurance, because generational debt is a bad thing.

Surely the Congress of the United States cannot compel someone to purchase vision insurance or dental insurance.

The Constitution of the United States places limits on Congress, and it is time that this body honored those limits envisioned by our Forefathers. To ask for self-restraint or respect for the Constitution should not invite challenges to our humanity or accusations of moral acquiescence.

I am from the upstate of South Carolina; and every time I go home, I hear about the need for health reform and about the fear that people have with respect to preexisting conditions; but I support a solution that is patient centered and not government centered. I support a solution that is affordable and not generational embezzlement, and I support a solution that is consistent with the Constitution.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to a member of the committee, the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, it is deeply disappointing that, following last week's near universal calls for unity and cooperation and amidst all of the calls to lower the temperature of

political discourse and to move to working together to solve America's pressing issues, the new Republican majority is moving full steam ahead with an attempt to repeal the Affordable Care Act.

The health care law may not be perfect—that prospect would always certainly be open to debate and suggestions on how it might be improved might also be open to debate—but instead of working together and building on the work that has been done and the progress that has been made, we find ourselves here today, debating and voting on a bill, which, while it may pass the House, most certainly will never become law—nor should it.

Some may call it political catharsis. Others may call it pure theater, plain and simple; but let's be clear: the positive impact the existing health care reform law is having on millions of residents and families in all of our districts is very real, and the law's important, commonsense consumer protections are very popular.

Specifically, this misguided legislation will spell the end of one meaningful consumer protection which I and others fought to get into the law. This protection, the medical loss ratio requirement, holds insurance companies accountable and ensures consumers are receiving the health services for which they are paying top dollar.

In 1993, many private companies routinely spent 95 cents of every dollar on health services. By 2008, in the absence of regulation otherwise, many had reduced their spending on health services to below 75 percent, some to even less than 60 percent of those premium dollars. That meant that companies could spend up to 43 cents of your premium dollar on executive salaries, advertising, lobbyists, bonuses, dividends, and other administrative costs instead of using it for what you had contracted for—health care.

To keep their excessive profits up, you may have been charged ever-higher premiums or may have been denied care through a number of anticonsumer gimmicks. You might have been denied coverage because you or your family member had a preexisting condition or because you had coverage capped annually or in a lifetime, stopping coverage when it was most needed, or, as a parent, you were refused coverage for your children under 26 even if they were still unemployed or were working someplace where coverage wasn't available.

All of these injustices are addressed in the bill. Its repeal would reverse that. I ask that this misguided bill fail, and I ask my colleagues to vote against it.

Mr. KLINE. May I inquire of the Speaker how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Minnesota has 26½ minutes remaining. The gentleman from California has 22 minutes remaining.

Mr. KLINE. Mr. Speaker, at this time I am very pleased to yield 1 minute to another new member of the committee, the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. Thank you, Mr. Chairman.

Mr. Speaker, I rise today to stand with my colleagues in support of H.R. 2 that will repeal the Health Care Reform Act.

Sadly, this law is less about providing health care for all citizens and more about expanding Federal Government.

It translates into substantial cost, over \$500 billion, that must be paid for by hardworking, tax-paying Americans. In economic hard times, it is our responsibility to ensure that this does not occur. If we do not repeal this law, our inaction will serve as nothing less than gross fiscal irresponsibility. This must not happen.

I want to tell you about the owner of the Pizza Hut in Headland, Alabama, who will be forced to close his doors due to the costs associated with this law. Then there is the gentleman who owns pharmacies throughout the Southeast, who told me he has the ability to create two jobs but who cannot do so because he doesn't know what the Federal Government is going to do to him next.

Just like our forefathers answered the call to right wrongs, we too must answer a call. The citizens in our districts have spoken, and in their words, We must repeal this law.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I believe it is time that this Congress does what President Obama called on Americans to do last week: approach our debates and our differences with civility and honesty.

We appear to be doing reasonably well with regard to civility, but less so with honesty. Once again, we tackle health care, and the debate is sliding back to one-line attacks and misrepresentation instead of the new health care law's merits or its actual impact on real Americans.

The Affordable Care Act has been referred to as a "job-crushing law." This is simply not honest as my colleagues across the aisle disregard the fact that, since it was signed into law last March, over 1 million private sector jobs have been added to the economy, with 207,000 of those jobs coming from the health care sector.

Some speak of the repeal as if eliminating health care reform would have no meaningful fiscal consequences. This, too, is not honest. The Congress-

sional Budget Office has estimated full repeal would increase the deficit by \$230 billion over 10 years and another \$1.2 trillion in the following decade.

Some argue that repeal will, in fact, reduce the deficit. If this is true, why have we yet to see a positive score that affirms such a point?

Repeal does nothing, absolutely nothing, other than leaving families with real health issues no place to go for help.

What do I tell the parents of the 9,000 children in my district with pre-existing conditions who will be unable to access coverage when the ban on discriminating against children with pre-existing conditions is repealed?

When insurance companies can claim cancer or pregnancy as a preexisting condition, what will survivors and mothers do for health coverage?

What will the 126,000 so affected individuals on eastern Long Island do?

What will the 2,400 young adults who have been able to stay on or to rejoin their parents' health insurance on eastern Long Island do if repeal is successful?

What will the 112,000 Medicare beneficiaries who can now receive free cancer screenings and other preventive care do?

What about the 8,500 part D prescription drug plan recipients who can no longer count on the doughnut hole being closed and who will, once again, face higher drug costs if repeal is successful?

Mr. Speaker, simply replacing the positive impact the Affordable Care Act has had on American families with inaccurate arguments does not solve our problem. I urge my colleagues to vote "no" on the legislation.

Mr. KLINE. Mr. Speaker, I am very pleased to yield 2 minutes to another new member of the committee, a physician, the gentleman from Nevada, Dr. HECK.

Mr. HECK. Mr. Speaker, increasing access to high-quality health care while reducing costs, that was the goal of the recently enacted health care law. But no matter how well-intentioned, very few now stand by that law in its entirety. The new health care law will cost money that taxpayers don't have, and it will cost jobs we can't afford to lose.

Now is the time to reexamine this misguided law before young families are forced to buy something they can't afford or face fines from their government, before seniors are forced to find new doctors or lose the kind of insurance plans they enjoy now, before small businesses shed jobs or are forced to close their doors due to budget-busting regulations.

□ 1130

More access, lower cost. It's safe to say that every American supports that idea. As an emergency medicine doc-

tor, I know that I do. And working on the front lines of health care I've seen what works and what doesn't. Forcing people to buy insurance or fining them, eliminating seniors' access to Medicare Advantage, and burdening small businesses with onerous taxes don't work.

What the American people want are solutions that don't cost more taxpayer money and don't prevent small businesses from hiring new employees; making sure people don't lose their coverage once they get sick; letting dependent children stay on their parents' insurance until they turn 26; making sure anyone who wants to buy insurance can purchase a policy regardless of preexisting condition; and allowing consumers choice while creating incentives to purchase insurance that fits their needs works. Some of these solutions are there, but there is more wrong with this bill than there is right.

So let's repeal this law that doesn't work. Let's repair those pieces that could work. Let's replace it with patient-centered solutions that will work. And let's give the American people the health care they deserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO), a member of the committee.

Ms. HIRONO. Mr. Speaker, Democrats' top priority is creating jobs. We want to work with Republicans to achieve this goal, but instead of focusing on jobs and growing the economy the new leadership has decided to start by debating H.R. 2, which will repeal patients' rights, put insurance companies back in charge, and add to the deficit.

Yesterday, the Democratic Steering and Policy Committee held the only hearing the new Congress will have on this bill. We heard from families from Maine to Florida, from Rhode Island to Missouri, real people, real stories. Freedom was a common thread in their stories. Because of health care reform, these families are free from worrying about being denied coverage because of a preexisting condition and free from worrying about escalating medical debt because of lifetime caps on their insurance plans. These families now have a sense of security and peace of mind.

For over 37 years, thanks to Hawaii's landmark Prepaid Health Care Act, our families have largely been protected from some of the most unfair insurance company practices, but health care reform is still helping thousands of families and small businesses across my State. A mother in Kailua, Hawaii contacted me to tell me that she can now add her 21-year-old son and 24-year-old daughter to her work-sponsored insurance plan. This mom used to pay \$900 a month for just her daughter's health insurance and prescription drugs. Now she pays \$300 a month to cover both of her children under her company's plan.

This family used to spend \$10,800 a year for health care for one child; now they spend \$3,600 a year for health care for the entire family.

I recently heard from a senior in Waimea on Hawaii Island who referred to her \$250 Medicare doughnut hole rebate check as a blessing in these tough economic times. Let's be clear: The Patients' Rights Repeal Act will hurt, not help, middle class families and small businesses in Hawaii and across our Nation.

I urge my colleagues to join me in voting against H.R. 2.

Mr. Speaker, listen to Stacie Ritter's story. Stacie is the mother of twin daughters, Hannah and Madeline, now 11, who were diagnosed with leukemia at the age of 4. Stacie has always worried about her daughters' health and having health insurance to cover the stem cell transplants and other cancer treatments. Because of health care reform, Stacie doesn't have to worry about the twins being denied coverage because of a pre-existing condition. This repeal bill will allow insurance companies to deny Hannah and Madeline health insurance for the rest of their lives. The 19.4 million children in our country with pre-existing conditions would face the same fate.

Listen to Dr. Odette Cohen, from Willingboro, New Jersey, a small business owner. The small business tax credits in the health care reform law not only lower the cost for her to provide good health insurance for her employees, but they also give her the flexibility to hire another nurse practitioner. She'll be seeing more patients and growing her business and helping the economy.

According to Forbes Magazine, major health insurance companies around the country are reporting a significant increase in small businesses offering health care benefits to their employees. Repeal would either force small businesses to drop their employees' coverage or businesses would bear the full cost of insurance themselves.

Speaker BOEHNER has pledged to listen to the people. Because of Hawaii's landmark Prepaid Health Care Act of 1974, which mandates that employers provide insurance coverage for their full-time employees, Hawaii's families have largely been spared from some of the most unfair insurance practices. But health care reform still helps thousands of families across our state.

A mother in Kailua, Hawaii contacted me to thank us because she could now add her 21-year-old son and 24-year-old daughter to her work-sponsored insurance plan. This mom used to pay \$700 a month for her daughter's health insurance and \$200 a month out-of-pocket for her prescription drugs.

Now, this mother pays just \$300 a month to cover both of her children under her company's health plan. This family used to spend \$10,800 a year for health care for one child. Now, they spend \$3,600 a year for health care for the whole family. This family is using the money saved on health insurance for other household needs, including paying down past medical debt.

Middle class families are saving money because of health care reform. Young adults,

many of whom are having a hard time finding jobs, now have health insurance. Under H.R. 2, thousands of young adults will lose their insurance coverage, including 2,500 in Hawaii.

Here's what else repealing health care reform will do to the people of Hawaii:

193,000 seniors in Hawaii who have Medicare coverage would be forced to pay a co-pay to receive important preventive services, like mammograms and colonoscopies.

Medicare would no longer pay for an annual check-up visit, so 193,000 seniors in Hawaii who have Medicare coverage would have to pay extra if they want to stay healthy by getting regular check-ups.

In Hawaii, 17,959 Medicare beneficiaries received a one-time, tax-free \$250 rebate to help pay for prescription drugs in the "donut hole" coverage gap in 2010. I recently heard from a senior in Waimea on the island of Hawaii who referred to this check as a blessing. She was able to use that money to pay for her other medical bills.

Medicare beneficiaries who fall into the "donut hole" in 2011 will be eligible for 50 percent discounts on covered brand name prescription drugs. Closing the Medicare donut hole is an especially critical issue for Hawaii as we are home to the Nation's largest percentage—36 percent compared to 26 percent—of Medicare beneficiaries that fall into this gap of prescription drug coverage. Without repeal, the burden of high prescription drug costs would hurt millions of Medicare beneficiaries across the country.

An estimated 28,700 small businesses in Hawaii would no longer be eligible for the new federal tax credits that will help make providing health care coverage for their employees more affordable.

Let's be clear, the Patients' Rights Repeal Act will hurt, not help middle class families in Hawaii and across our Nation. That's bad enough. But this repeal also expands the federal deficit. The non-partisan Congressional Budget Office reported that repealing the health reform law would increase the federal deficit by \$230 billion over the next ten years and more than \$1.2 trillion in the following decade.

At a time when our focus needs to be on jobs, bills should pass the following 3-pronged test: 1) Does it create jobs? 2) Does it strengthen America's middle class? and 3) Does it reduce the deficit? On all counts, H.R. 2 is a resounding failure. I urge my colleagues to join me in voting against H.R. 2.

Mahalo nui loa (thank you very much).

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to another new member of the committee, the gentleman from Florida (Mr. Ross).

Mr. ROSS of Florida. Mr. Speaker, today I rise in support of repealing and replacing the recently enacted health care law that nationalizes nearly one-sixth of our country's gross domestic product.

This past November, the American people sent a resounding message to Congress and to this administration that they do not want to pay higher taxes for a one-size-fits-all health care system that replaces doctors with bureaucrats. Instead, the American peo-

ple want complete control of their health care dollars and health care decisions, and they want to be able to take their policies with them from job to job without being penalized by the Federal Government.

Americans need privatized health care that forces competition in order to achieve affordability, choice, and innovation. As a small business owner, I understand that adding \$104 billion in taxes and compliance costs to our unstable job market creates a massive burden on our taxpayers and is not the best way to encourage economic growth.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 15 seconds.

Mr. ROSS of Florida. Imposing new regulations on small businesses by mandating employers provide health insurance stifles economic growth and makes it difficult for businesses to survive.

We can bring down costs and increase affordability by allowing the free market to create robust competition. One commonsense reform is to allow for the interstate sale of health insurance. By breaking down the barriers to the sale of health insurance, American citizens will have the ability to choose the plan that best fits their needs at a rate that is affordable to them. By allowing competition, we bring costs down and provide the best possible product for the American people.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, in 1986 over 66 percent of America's employers provided retiree health insurance. In 2009, that number had collapsed to 29 percent. What the health care bill did was use a tried and true method of setting up a reinsurance program that we use for flood insurance, terrorism insurance, and to insure the nuclear energy industry.

This fund, which will cost-share and cost-spread the high claims of older 55-plus Americans, is a program that employers have stampeded into. Over 4,700 employers have entered into this program. Over half the Fortune 500, many whose corporate logos are right here—something that Coke and Pepsi and AT&T and Comcast can come together on—are voting with their feet because this is a program that works.

Mr. Speaker, public employers are also taking advantage. This map shows yellow States who have not entered the program. If you notice, no yellow States have not entered the program. All 50 States with Republican governors and Democratic governors have entered into this program, States who are suing the Federal Government to overturn the health care bill—they know a program that's going to work

to make sure that their health care costs are going to be controlled and spread. This means that police officers, teachers, people working in corporations who are 55 and up can retire with confidence, opening up opportunities for young Americans which clearly the prior system was not going to allow.

Mr. Speaker, this bill will blow up this program, which employers who are voting with their feet say will work. That is not creating jobs. This program creates jobs. It lowers costs for employers and provides an avenue for young people to have a future in this country.

We should vote “no” on this legislation. Let’s grow America’s economy. Let’s preserve the Early Retiree Reinsurance Program.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to another physician, the gentleman from Louisiana, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman from Minnesota.

Mr. Speaker, repealing ObamaCare is an imperative for four reasons. First, while it increases the numbers under coverage, it will ultimately sharply reduce access to care. Like Canada and Britain, socialized medicine will mean carrying an insurance card that will entitle you only to less choice, longer waits, and rationing.

Second, while the health care system is now hard to navigate, under ObamaCare it will be a nightmare. With over 150 new mandates and agencies controlled by unelected, unaccountable bureaucrats and IRS agents, to whom will we turn when the system fails us?

Third, as yet another entitlement program financed through a Disney fantasy of accounting, it will add to the current entitlement fiasco in Washington, exploding the budget for many generations to come.

And finally, with higher taxes and more restrictions on businesses, employed Americans will continue to decline or become an endangered species altogether.

Let’s repeal the worst legislation in a generation, ObamaCare.

Mr. GEORGE MILLER of California. Can I just say to the gentleman from Minnesota, I think I’m starting to understand the physician shortage in the country; most of them are in the Congress, apparently.

Mr. KLINE. And we’re so happy to have them.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New York (Mr. TONKO).

□ 1140

Mr. TONKO. Mr. Speaker, I am committed to working with my colleagues to create jobs. But here we are, debating repeal of health care reform instead of focusing on job creation. In fact, health care reform was a good

start. Since enactment in March of 2010, private-sector job growth has grown by some 1.1 million jobs. Among those, over 200,000 jobs were created in the health care sector alone. That is why my top priority remains job creation and growing our economy—not obsessing on repealing a bill that is working.

If my friends on the other side of the aisle are successful, then seniors, young people, and small businesses in the capital region of New York would be hurt. Take my constituent Tim from Albany, New York, for example. Tim is forced to dig into his pocket to pay for prescription drugs even though he is a retired pharmacist on Medicare. However, health care reform provides Tim extra assistance in paying for his prescriptions and ensures that the so-called doughnut hole payment will be no more in the very near future.

Mr. KLINE. Mr. Speaker, I am really pleased, following the comments of the gentleman from California, to yield 1 minute to another physician, a new member of the committee, the gentleman from Tennessee, Dr. DESJARLAIS.

Mr. DESJARLAIS. Mr. Speaker, I rise today in support of H.R. 2. As a practicing physician for nearly two decades in Tennessee, I stand before you as an expert witness to failures of a government-run health care model. ObamaCare takes the problems I’ve seen in my home State and expands them to a national level.

This bill raises taxes, increases spending, and will add \$701 billion to the Federal deficit. Most importantly, ObamaCare will ultimately end up restricting patients’ access to quality health care by placing Washington bureaucrats between patients and their doctors.

Moving forward, we do offer solutions. We must work towards reducing waste, fraud, and abuse in Medicare, instituting meaningful tort reform—thus reducing the practice of defensive medicine. We can accomplish these goals without the creation of a giant, new Federal bureaucracy.

By voting to repeal this unnecessary health care bill we will effectively put a stop to the creation of a massive entitlement program that we did not want, we do not need, and we cannot afford.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from California (Ms. BASS).

Ms. BASS of California. Mr. Speaker, I rise in opposition to H.R. 2.

In survey after survey, the number one issue facing our country is jobs. Last year, my colleagues on the other side of the aisle said the number one issue we should be working on is jobs. Well, the health care reform act is a jobs bill.

In the seventies and eighties I worked in several hospitals in the Los

Angeles area. During those years, there was such a severe shortage of health care providers that hospitals recruited nurses from Canada and the Philippines. Right now, there is an estimated shortage of 400,000 nurses nationally. Right now, there is an estimated shortage of 50,000 doctors. Right now, there are waiting lists of several years to get a slot in nursing schools and other allied health professions.

So if there is a shortage of medical personnel right now and health care reform expands coverage to 30 million people, then can someone explain to me how health care reform is not a jobs bill?

Mr. KLINE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong support of H.R. 2, repealing the government takeover of health care passed by the 111th Congress.

Now, I know my colleagues on the other side of the aisle and many of their supporters in the mainstream press don’t like us to use that term, but let me defend it for a moment. When you order every American to buy health insurance—whether they want it or need it or not—that’s a government takeover of health care. When you order almost every business to provide government-approved health insurance or pay higher taxes and send their employees to government-run health exchange programs, that’s a government takeover of health care. When you pass legislation that makes it all run with hundreds of billions of dollars in higher taxes, mandates, bureaucracies, and even public funding of abortion against the wills of the overwhelming majority of the American people, that’s a government takeover of health care—and the American people know it.

Last year, House Republicans pledged that if the American people gave us a second chance to lead this Congress, we would repeal and replace their health care reform with health care reform that focuses on lowering the cost of health care insurance without growing the size of government. And we’re keeping that promise today.

Now, some in the cynical political class are saying this is a gimmick, it’s an empty gesture. Well, we have another term for it on our side of the aisle—it’s a promise kept. And House Republicans are here to stand with the American people and say with one voice, We can do better. We can do better than their government takeover of health care. We can pass legislation that will be market-based, patient-centered. But it all begins with today.

So I urge my colleagues to join us in repealing this government takeover of health care before it ever takes effect and then work with us as we build health care reform that is worthy of the American people.

Mr. GEORGE MILLER of California. I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I wanted to explore one of the aspects of this repeal promise that's being kept.

Thus far, there are hundreds of thousands of seniors who have gotten \$250 rebate checks to help them pay for prescription drugs. I would ask anyone on the other side, what does the legislation say about whether or not the seniors will have to repay those checks to the government?

I would yield to anyone who can answer.

Mr. KLINE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in strong opposition to the Patients' Rights Repeal Act.

Proponents of this bill contend that the current health care law will destroy jobs, but CBO estimates of \$230 billion support the fact that it is the repeal being debated today, not the health care law, that would harm jobs and drain funds from potential job-building appropriations.

Essentially what is being repealed are the protections afforded to taxpayers through the recently enacted health care legislation, the relief given to American taxpayers who were for so long paying the bills for uncompensated health care costs—which we never hear mentioned over there—and the progress our country made last year to come out of the dark ages as one of the only three developed countries in the world that do not provide universal health care.

Forty-eight hundred seniors in my district and over 1 million seniors in the country were relieved last year by the doughnut hole rebate. But repeal would reintroduce that stress. Nearly 44 percent of non-elderly constituents in New Jersey and 134 million Americans nationwide have preexisting conditions.

Repeal would reintroduce the hopelessness these Americans felt in the past as health coverage denied and stole their ability to access quality health care. Repeal would remove nearly 1.2 million young adults from their parents' health care plan—including my grandson who's 23 and is on his mother's plan—and remove their ability to take preventative measures now to avoid becoming a burden to the system.

I urge defeat of this bill.

Mr. KLINE. Mr. Speaker, before I yield to the gentleman from Pennsylvania, I'll take about 10 seconds to respond to my friend, the gentleman from New Jersey, about the \$250. It's not contemplated in the legislation, nor is it our understanding of the scoring that there is any intention of that

\$250 being brought back from those seniors.

I yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as a health care professional for almost 30 years, I actually sat down and read all 2,000 pages of the health care bill. And as I read through the measure, I became increasingly alarmed at the level of control over an individual's health that would be vested in the Federal Government.

I've spent my life working with those facing life-altering disabilities and diseases. And I've been quick to point out that while we have the best health system in the world, there must be improvements. That is why I am supporting the repeal of the Patient Protection and Affordable Care Act—and I believe there are plenty of reasons for my colleagues to join me.

The law mandates purchase of a government-defined insurance plan, a mandate that the President opposed on several occasions when running for office. As a result of failing to live up to this promise, the Justice Department is now attempting to defend the mandate on the grounds that it is a tax.

According to the nonpartisan Medicare Actuary, because of the law, national spending will increase by more than \$310 billion over the first 10 years. The law will not lower health care costs, despite numerous claims that we've heard.

According to a Congressional Budget Office analysis, health insurance premiums could rise by an average of \$2,100 per family. This increase comes despite promises of lower premiums.

□ 1150

Mr. Speaker, if this law remains in place, up to 35 million people could lose health care access. According to the former CBO Budget Director, the health care law, quote, "provides strong incentives for employers, with the agreement of their employees, to drop employer-sponsored health insurance for as many as 35 million Americans."

The National Taxpayer Advocate issued a report that suggests 40 million businesses will be impacted by the new IRS 1099 filing requirements. This will require vendors and small businesses to do paperwork on any transaction over \$600. In addition, the Taxpayer Advocate does not believe that this will result in improved tax compliance. This provision is so unrealistic that even the President's Small Business Administrator has called for its repeal.

Mr. Speaker, we must repeal and replace this law and continue together as the entire Congress, not just two parties, and move forward with common-sense ideas that will include better access, affordability, quality, and promote patient choice. I encourage my colleagues to join me and vote for repeal.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I am going to cite two Republicans who give good reasons to oppose this legislation and keep health care reform. One of the new Republicans, when he didn't think he was going to get his insurance immediately, said, "What am I, not supposed to have health care? It's a practicality. I'm not going to become a burden for the State because I don't have health care, and God forbid I get into an accident and I can't afford the operation. That can happen to anyone." He succinctly summed up the reason why everyone should have the same opportunities as Members of Congress have to have health care.

But more importantly, in a more intentional way, one of the most revered doctors in the world, former Republican majority leader, Senator Bill Frist, said yesterday that he urged the Republicans to drop the charade and build on the legislation. He said if he would have been here, he would have voted for the bill. And it was important to consider the bill the "law of the land" and move on from there. "It is the platform, the fundamental platform, upon which all future efforts to make the system better for the patient and the family will be based." And that is a fact. It has strong elements. I support Dr. Frist.

Mr. KLINE. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I appreciate the gentleman yielding.

I rise today in support of House Bill 2. This simple two-page bill seeks to repeal the new unconstitutional health care law that will create a massive new entitlement program, cost taxpayers more than \$2 trillion per decade, increase taxes, and impose job-destroying mandates on businesses, cut Medicare by hundreds of billions of dollars, and further increase health care premiums for individuals by more than 10 percent.

The goal is not only to repeal the new health care law, but also to replace it with real reforms, debated openly through the ordinary legislative process, that are truly about reducing health care costs—reforms such as allowing small businesses and individuals to join together in national group plans to cut premium costs; allowing individuals to purchase health insurance across State lines, thereby increasing competition for their businesses; and enacting medical malpractice liability reform legislation.

I will continue to push for common-sense reforms that are focused on truly reducing health care costs for all Americans. I urge my colleagues to support H.R. 2.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Speaker, with unemployment in Michigan at over 12 percent, I am not going to support a bill that raises taxes on small businesses. Let us be clear. Voting for the Patients' Rights Repeal Act will eliminate the Small Business Health Care Tax Credit. Small businesses have faced outrageous increases in their health care costs over the past decade. This tax credit helps reduce that burden and is already making a real difference.

The L.A. Times reported that small businesses are signing up for health care coverage for their employees, despite the bad economy, since the tax credit took effect. Among firms with three to nine employees, there has been a 46 percent increase in the number offering health benefits. But this bill would put a stop to that.

The Detroit News reported that last week more than 126,000 small businesses in Michigan would lose the tax credit under this bill. The last thing that small businesses in Michigan and across the country need right now is higher taxes. But that's exactly what this bill would deliver.

Mr. Speaker, I urge my colleagues to vote "no" and join me in standing up for our small businesses.

Mr. KLINE. Mr. Speaker, I yield 1 minute to a new member of the committee, the gentleman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of repealing the health care law. I believe everyone should have access to affordable, quality health care. However, the law passed last year does the contrary. It makes health care less affordable; it diminishes the quality of care; it forces seniors out of their Medicare drug coverage, and it prevents small businesses from getting Americans back to work.

In my district, we have the highest number of seniors in Pennsylvania, and the \$206 billion in cuts in Medicare Advantage will cause 7.5 million seniors to lose their retiree drug coverage by 2016. Small businesses face a \$2,000 fine per employee if their plans do not meet a bureaucrat-approved standard.

At a time when the unemployment level in my district is over 9 percent, Congress must not discourage job creation by placing mandates and levying penalties on those who will get us back on track towards a more prosperous Nation.

I urge my colleagues to vote "yes" on H.R. 2.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, while America desperately wants more and better

jobs, Washington Republicans want to waste time today debating a health care repeal charade. But let's look at what health care reform repeal would actually do.

In my congressional district alone, repealing this law would allow insurance companies to deny coverage for up to 360,000 individuals with preexisting conditions, including up to 45,000 children. Let's mend this act, don't end it.

A repeal would eliminate health care tax credits for up to 19,000 small businesses and 164,000 families. Mend it, don't end it.

A repeal would eliminate new health care coverage options for 3,100 uninsured young adults. It is time to mend it and not to end it.

In 50 years, Mr. Speaker, health care reform will stand beside Social Security, the GI bill, and Medicare as a pillar of American health care and humane values. The people of that time will not understand why it was hard to pass in the first place or why we are spending time today rehashing old business. It's time to fix health care reform's remaining deficits and to mend it, not to end it.

Mr. GEORGE MILLER of California. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from California has 8½ minutes; the gentleman from Minnesota has 15 minutes.

Mr. KLINE. Mr. Speaker, I yield 1 minute to another new member of the committee, the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. I thank the gentleman for yielding time.

Mr. Speaker, last week Federal Reserve Chairman Ben Bernanke said that the economy cannot begin to recover until small businesses prosper. Well, the overreaching and burdensome requirements of ObamaCare will hurt small businesses. And their benefits are not even certain. Small companies, which account for over half of the private sector economy, are more likely to struggle than survive under this law.

If I had followed the plan prescribed for my dealership after the government takeover of General Motors, I would have lost the business that my father started 57 years ago. We need to address the years of hard work and the spirit of entrepreneurship that will be destroyed under this law.

Small employers have limited autonomy under ObamaCare. The Federal Government is dictating what benefits they must offer and then punishing them for expanding their operations or paying their people more.

The choices for small business under ObamaCare are: provide government-mandated health care and face ruinous costs, or drop the coverage and pay fines just to keep those folks employed.

If we burden small businesses with the requirements set forth in this law,

we hamper the recovery of the U.S. economy and damage the spirit of free enterprise that has made America great for over two centuries. ObamaCare should be replaced with a smaller, more commonsense program.

Mr. KLINE. Mr. Speaker, in an effort to balance the time here—we have an embarrassment of riches in numbers of speakers; that's what happened in November—I yield 1 minute to a member of the committee, the gentlelady from Illinois (Mrs. BIGGERT).

□ 1200

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today to voice my support for H.R. 2, repealing last year's misguided health care law.

Whether it's dropped coverage, higher costs or lost jobs, the unintended consequences of the administration's plan have piled up. I don't think the law is salvageable. We must craft a bipartisan replacement that actually lowers costs and expands access to care without raising taxes and slashing Medicare.

Americans want consensus-minded reforms to expand coverage for preexisting conditions and prevent insurers from imposing unfair caps or canceling policies. They want reforms that provide more choice over how to spend their health care dollars, like purchasing health insurance across State lines and expanded health savings accounts. And they want commonsense legislation to curb junk lawsuits and to stop the costly practice of defensive medicine.

I urge my colleagues to join me in fulfilling the wishes of voters and repealing ObamaCare. Then we can work together on reforms that deliver the high-quality, low-cost care the American people deserve.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to the chairman of the Financial Services Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, the first rule of the physician is "do no harm." The government takeover of health care does a lot of harm, and the damage will get worse.

Just on pure economics, it's a bitter pill. Small businesses are bracing for tax increases and higher costs. They are dropping coverage; they are holding off on new hires. The Federal Government is taking on a new open-ended entitlement it can't afford, and that at a time of historically high deficits, annual deficits and a national debt. Washington yet again is building a new bureaucracy to tell people what to do.

The Federal Government has no business making private medical decisions that ought to be between you and the doctor. It violates the principles on which this country was established, American exceptionalism. America is

not Europe. Our system is based on the individual, on choice, on freedom, on individual initiative and competition.

The mandate that asks individuals to buy health insurance is an intrusion on our personal liberty and a violation of our constitutional principles.

Allowing taxpayer money to pay for abortions is reprehensible and cannot be allowed to stand.

We can address the issues in our health care system without the government running everything and spending uncontrollably. We heard what the American people said last November and in our town halls. To get health care right, we have to start by repealing a misguided law that is bad policy and bad medicine.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I rise today in support of the health care law and in opposition to its repeal. The health care reform, which was signed into law last year, is clearly not perfect and could be improved. However, the law as enacted will have significant benefits to millions of American citizens, to businesses, to local governments, and to the country as a whole.

The benefits to individuals in need of health care with preexisting conditions, the seniors, the young adults under 26 years of age, and many other groups are well known and will be missed if the law is repealed.

But most significantly, the law will drive down the cost of health care by encouraging and incentivizing quality care and good outcomes in health care treatments instead of encouraging potentially unnecessary procedures. It rewards quality rather than quantity of health care. This will ultimately reduce the cost, both public and private, of health care in this country.

Because of these reasons, I strongly oppose repeal of health care reform.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, the claim that this new health care law will somehow cut our budget deficit is proof that logic does not always prevail here in Washington, DC.

This is a \$2 trillion additional entitlement; and just like past entitlement programs, this one will be far more costly than projected.

As a result, our budget deficit is going to increase unless we repeal this. It's going to increase our dependence on China and Japan to finance our debt.

The credit-rating agencies say we are on the verge of losing our AAA credit rating and this debt contagion, you all see it, is continuing to spread across Europe. Let us take this important step. Repeal this \$2 trillion fiscal train wreck and begin work on market-based solutions that will actually lower health care costs.

This will give us some hope in the future of bringing that budget into balance and not hitting that fiscal train wreck.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to a new Member of this body, the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. Mr. Speaker, Americans have wanted health care reform for some time now, but they don't want what passed last spring.

This is a 2,000-page bill that gives us more mandates and more regulation. It doesn't accomplish the goal of reducing cost and increasing access; and it puts our health care decisions in the hands of bureaucrats, not in the hands of patients and family members where it belongs.

There is a better way. With today's repeal, this is the first step. Tomorrow we begin the process of replacement with commonsense market-based solutions that are going to bring costs down, solutions like competition across State lines, portability, price transparency, tax parity, and allowing folks who have preexisting conditions to obtain coverage.

I look forward, starting tomorrow, to working with not only my friends here on the right but also my colleagues here on the left to craft a bill that's going to work for the American people.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise today to speak in opposition to this patients' rights repeal and deficit explosion act.

The bill before us today, according to the nonpartisan CBO, is going to add \$230 billion to our national debt. We should not stand for that. The bill before us today is going to repeal efforts that we put in place to be sure that young adults can get on to their parents' insurance plans. If we repeal this, it is going to knock 20,000 young adults in Washington State alone off their parents' plans.

If we repeal this bill today, it's going to take away help for 45,000 seniors in Washington State who are relying on the efforts that we have done over the last couple of years to be sure that we are closing the Medicare doughnut hole. Repeal of the health care reform law is going to put those folks back into the doughnut hole.

Finally, we ought to oppose repeal of this bill because of the simple fact that there is a young woman in my district who has severe mental health illness and her family was able to take her onto their health care plan because of the provisions we have put in there about preexisting conditions. That family is now saving \$10,000 a year out of pocket.

I am asking folks to oppose the repeal of this bill.

Mr. KLINE. Mr. Speaker, could I inquire again as to the time remaining on each side, please.

The SPEAKER pro tempore (Mr. LUCAS). The gentleman from Minnesota has 10 minutes remaining, and the gentleman from California has 6½ minutes remaining.

Mr. KLINE. Mr. Speaker, then at this time I am pleased to yield 1 minute to the gentleman from Missouri (Mr. LONG).

Mr. LONG. Mr. Speaker, I rise in support of H.R. 2. In this country, we have the finest doctors, the finest nurses, the finest protocols, the finest facilities in the world. That's not a government-run system.

I swore to uphold the Constitution 2 weeks ago today in this, the people's House.

The people have spoken, and they don't want Washington bureaucrats coming between them and their doctors. They would like to make their own decisions.

You can't make a silk purse out of a sow's ear, but that's exactly what the majority tried to do last year by using 10 years of taxes to pay for a 6-year program, increasing spending by \$2.6 trillion. Now, that's not what I would call affordable when it's one-sixth of this Nation's economy.

When I think of the 2,000-page bill, I think of a big block of cheese out there, pretty tempting looking. Well, the Americans I hear from, they don't want that cheese. They want out of the trap of government-run health care.

□ 1210

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I appreciate the leadership of the gentleman from California.

So we have several dozen new Republican Members of this House, and as a result, the first thing we are going to do is to attempt to repeal health care.

Let me review what has happened. These new Members came into office, and they were all given the opportunity to sign up for health insurance coverage for their own families; and unless they had better coverage, most of them took that opportunity. But now in the very first legislative act of this new Congress, they are going to deny that opportunity for coverage for their own constituents.

So their children are covered—their spouses are covered—but what about the children of their constituents? What about their loved ones? What about their businesses? They have full employment now. But what about their constituents whose employers will not be able to provide coverage for their own constituents when they repeal this law? This law was modeled after the plan that Members of Congress have now and that our new colleagues were only too happy to sign up for.

I think this is the height of hypocrisy. Do unto others as you would do unto yourselves. Treat your constituents as you have treated yourselves.

Thank you, Mr. Chairman.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, today I rise in support of H.R. 2. And what we've heard today on both sides of the aisle is how this is going to affect small business. Well, I run a small business. That's where I came from. And let me tell you that this is going to have a devastating impact on small business.

What this law did is it addressed access to insurance. It does not address cost or quality. These are the things that we need to address. My health insurance rates for the people that I work with each and every day last year went up 44 percent—44 percent.

There is no question that we need reform. We need a healthy debate. We need openness in this body to actually discuss what needs to be going forward in health care. What we had last year was anything but. There was no bipartisanship in what happened last year. The only bipartisanship in last year's bill was the opposition to it.

I welcome the opportunity to reach across the aisle to Members on the other side, to work with them to craft a bill, one that will talk about malpractice reform, one where the government will not come in between a decision that you make with your physician.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 15 seconds.

Mr. DOLD. We have an opportunity here, an opportunity for real reform. We want that. We need that. The American people have demanded it. From American businesses and people all across the United States, they demand it.

And from the other side who said we came in and had health care reform, I did not take the congressional plan. We know we can do better, and I ask my colleagues on the other side to support H.R. 2.

Mr. GEORGE MILLER of California. Mr. Speaker, we have two remaining speakers.

Mr. KLINE. We're in that time of trying to balance here.

At this time, I will yield 1 minute to the gentlelady from Florida (Mrs. ADAMS).

Mrs. ADAMS. Mr. Speaker, I rise today in support of repealing the government takeover of health care and replacing it with commonsense reforms that will reduce the costs and increase the access to quality, affordable health care for especially my constituents in Florida.

The American people have soundly—soundly—rejected the Democrats' flawed government takeover of health care, and it is time to show them that their voices have been heard.

The existing health care law moves this country in the wrong direction by

raising taxes, cutting Medicare, restricting private-sector job creation, and putting power into the hands of Washington bureaucrats rather than into the hands of individuals themselves. Individuals want to make their own health care decisions. They don't want government making them for them.

Repealing the current health care law is the first step towards keeping our pledge to the American people that we are serious about cutting spending, creating jobs, and limiting—limiting—the government's role in our everyday lives.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I thank the gentleman from Minnesota for yielding me this time.

I rise in support of this legislation. As a third-generation small business owner following the footsteps of my father and my grandfather, I understand how crushing the tax burden is going to be upon small business.

The NFIB estimates that 1.6 million jobs will be lost by 2014 due to this insurance mandate; 66 percent of those job losses will occur in small business. James Edens, the owner of Edens Heating and Air in Tallahassee, stated to me that he will not hire, he cannot hire additional staff, due to the uncertainty.

Repealing this legislation will provide much-needed certainty to small businesses around this country, allowing them to hire and invest in their employees.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. Mr. Speaker, I rise in support of H.R. 2 to repeal the 2010 health care legislation. The law that we seek to repeal today is not the best way to provide cost-effective, quality health care for all Americans.

I support enacting incremental reforms such as enabling individuals to purchase coverage across State lines, allowing small businesses to pool together to purchase more affordable coverage, and prohibiting insurance companies from denying coverage to those with preexisting conditions.

I urge my colleagues to support H.R. 2. Let's work together on reforms that truly reduce costs and provide quality health care.

Mr. GEORGE MILLER of California. May I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 5 minutes remaining; the gentleman from California has 5½ minutes remaining.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. So in the hours that we've spent thus far during this debate,

we could have been debating ways to help small businesses and entrepreneurs create jobs for the American people, but we did not. Instead, we have gotten the slogan, "job-killing health care bill." The slogan is very much at odds with the facts.

The fact is that since the health care bill was signed by the President, the private sector has generated 1.1 million new jobs. The fact is that the chief economist for Barclays says he believes that the economy is on track to add many, many jobs this year, probably 200,000 or so per month is his projection.

We've heard about protecting the children and grandchildren of the country against mounting debt. For years, there has been an understanding here that the referee in budget disputes has been the Congressional Budget Office, through Republican and Democratic majorities. Republican, Democratic, and Independents, they are the referee who decides what the rules are. So the Congressional Budget Office was asked by Speaker BOEHNER to score this repeal, and they came back and said, Well, Mr. Speaker, this is going to add over \$1 trillion to the national debt over the next 20 years. The majority didn't like what they said, so they just chose to ignore it and make up the rules as they go along.

But what they haven't done as they've gone along is still answer the fundamental question we started with this morning. When a mother of two 4-year-old twins goes to buy health insurance and the health insurer says, "I'm sorry, we won't insure your family because your 4-year-olds have leukemia," should that be legal or not? That's the question.

The law the President signed in March says it should be illegal. This repeal says, let's go back to the good old days where the insurance companies made that decision.

We are not going back. We should go forward as a country to create jobs for our people and end the charade we've seen on the House floor here this morning.

Mr. KLINE. Mr. Speaker, I had two more speakers en route. They are not here. So I plan to close, and I will reserve the balance of my time.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. Speaker, I yield myself the balance of my time.

I want to thank all of our colleagues who participated in this debate today. I think it has shown some fundamental disagreements and some fundamental differences.

First of all, there is the strong suggestion here from an NFIB study that was done before this law was ever written, that has nothing to do with this law, saying you might lose jobs. But what do we see since the law has passed? We see that for employers of

under 10 employees, health care coverage has risen by 10 percent because we've made it less expensive for small businesses to offer that health insurance.

□ 1220

That is not a self-interested study. What you see from United Health Care, the largest health insurer in the country, 75,000 new customers to their health plans from employees of small businesses because the small businesses find it affordable to extend health insurance as a benefit of working for that small business.

Blue Cross/Blue Shield of Kansas City says the number of small businesses buying insurance since April, the first month after the legislation was signed, has jumped 58 percent.

Small business employers are for the first time able to extend affordable insurance to their employees, and that is why the job creation that Mr. ANDREWS referred to of a million jobs since the passage of this bill has continued and expected to continue. That is why it is different than the history prior to the Obama administration where over 8 years almost 800,000 jobs were lost during those years of the Bush administration.

But there is something more important in this legislation, and that is whether or not families will have the control of their health insurance destiny, whether they will have the freedom to make these choices. Many on the other side of the aisle said this is a bureaucratic system. Has anybody, any family in America, any single mother, any spouse, any child, any grandparent, met a more bureaucratic system than the American health insurance system? There is no more bureaucratic system.

When you send in your premium, they tell you you sent it to the wrong place. When you send in your bill, you sent it to the wrong person. When you send it to the right person, they say that person has left their job. When you say, I went to the doctor, they say you should've called us first. When you say, I had emergency surgery, they say, you should've called us first; we're not covering it.

You want to talk about bureaucracy, ladies and gentlemen, and that is why this legislation is growing in popularity, because small businesses see, senior citizens see, parents with children under 26, they see a chance to liberate themselves from the most arbitrary, the most capricious system in our entire free economy, and that is the insurance companies. Everybody has been run around the block by their insurance company. It is something that they all share.

It is almost the same problems they share with their cable company, not quite. That is not as dramatic as here because this is life and death. This is

the security of your family. This is whether or not you can change jobs. This is whether or not your children will be protected. This is whether or not your parents will be able to afford their prescription drugs, because that is what this legislation enables and gives the freedom to American families to have.

Repeal, we go back into the clutches, the clutches of these bureaucrats spread across the world. In the insurance company, you call for help and you reach somebody in another country, in another time zone with no understanding of the emergency that your family, your child, your parent, your grandparent faces. Nobody wants to go back there, ladies and gentlemen. Nobody. They have been there for 50 years, and health care costs have gone up faster than any other segment in our economy. Faster than anything you can imagine. Faster than a speeding rocket, faster than a speeding airplane. Faster than Superman, health care costs have gone up because of insurance bureaucracies.

Mr. KLINE. Mr. Speaker, in closing, I actually don't know anybody who is supporting the red tape of the insurance company. What I find interesting is that we think it is a better solution to add thousands of pages of new government regulations and thousands of new government bureaucrats on top of that system and think somehow it is going to be better.

Let me address a couple of things that have come up in this debate and some things that we discussed in the past. One of them is the cost of this bill. Other committees have talked about it and will again.

There have been claims today that repeal will cost the taxpayers variously \$230 billion or a trillion dollars based on what the CBO has said. We find that incredible that repealing this job-killing legislation is actually going to cost us money. So the question comes why are these things different.

It turns out there is a wonderful piece in *The Wall Street Journal* today that addresses that specifically. I will just quote it. It says: How then does the Affordable Care Act magically convert a trillion dollars in new spending into painless deficit reduction? It is all about budget gimmicks, deceptive accounting and implausible assumptions used to create the false impression of fiscal discipline.

We heard some words today addressing that fact. Some of our physicians pointed out that in order to get the numbers to add up, you have to assume that we are going to continue to punish physicians who are providing Medicare services. And there is nobody in this body who believes we are actually going to do that. Nor did they believe that we were going to do it when that sort of gimmicky accounting was used to justify the cost in the first place.

We have heard discussions about how this is a very good deal for businesses large and small; and yet if you look at associations, organizations that represent businesses across America, they are saying today, not just 6 months ago or a year ago, but saying today that they support repeal of this job-killing legislation. And a short list, just some of them are the National Federation of Independent Businesses, the National Retail Federation, the National Restaurant Association, the U.S. Chamber of Commerce, the International Franchise Association, the America Bankers Association, American Hotel and Lodging Association, the National Stove and Gravel Association, and on and on. Businesses do not like this government takeover of health care, and they support repeal. This is not a good deal for businesses.

My colleagues on the other side of the aisle chose to focus their remarks on a handful of provisions included in the law that are more attractive than tax hikes, penalties imposed on employers, and higher health care costs. And no one is disputing that such provisions exist, but it is wrong to suggest that the only way to reform health care is to bankrupt our Nation with this albatross.

I believe we can improve health care without orchestrating a government takeover. That is why I look forward to casting my vote to repeal this law so we can move forward to carry out the wishes of our constituents. Repeal is the first step toward the right kind of reform.

Mr. Speaker, I yield back the balance of my time, and I ask unanimous consent that any minute or two that I have left be granted to the chairman of the Energy and Commerce Committee during that portion of the debate.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control the time.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. UPTON. Mr. Speaker, if I may just ask how much extra time I might have been given by the gentleman from Minnesota.

The SPEAKER pro tempore. The gentleman has 1½ additional minutes.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, today we take a step toward compassionate, innovative, and job-creating health care. It is ironic we must end something to realize a new beginning, but that is exactly what ObamaCare has compelled us to do; and that is precisely what we will do today.

It's time to be honest with the American people. Remember the Hippocratic oath? First, do no harm.

ObamaCare produces the opposite of growth, compassion, and innovation in health care. It destroys jobs, busts budgets, creates an unsustainable set of mandates on individuals, employers, and States. It will stifle innovation and the development of life-saving medicines. It will make health care more expensive, not more affordable.

Mr. Speaker, that is not compassionate. That won't produce innovation, and that's why repeal is the first step toward a better beginning. What is compassionate about forcing employers to provide insurance that they cannot afford to employees who will lose their jobs due to ObamaCare? What is compassionate about creating a rigid new entitlement that States are commanded to fund with money that they simply do not have? What is compassionate about cutting over \$200 billion from the Medicare Advantage program, leaving seniors with fewer services, higher co-pays, and more out-of-pocket expenses? What is compassionate about shackling more Americans with greater government dependence?

ObamaCare was created—erected—on a foundation of false promises: if you like your health insurance, you can keep it; health care premiums will go down; employers will not drop coverage; seniors won't see any changes in their Medicare benefits.

Today we know that those were only slogans—sound bites in a cynical sales pitch—and certainly not promises kept. Yes, today repeal will pass in the House. We will then embark on reform that I believe can be supported by both Republicans and Democrats.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield myself an additional 1 minute.

Ensuring those with preexisting conditions have access to affordable coverage, we'll do that. Allowing families to include their children up to 26, we'll do that. Medical liability reform to reduce the unneeded cost of defensive medicine, we'll do that. Provide incentives for employers rather than penalties and mandates that will cost jobs and depress wages, we will provide those incentives. Yes, we will.

□ 1230

Those are just some of the principles that I believe we can agree on with both sides of the aisle.

So first is repeal; then replace. I'm ready for the challenge to put real health reform back together that is bipartisan rather than partisan and achieves the goal of lower health care costs for every American family.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

I strongly oppose this effort to repeal the health care bill. Millions of Americans are already benefiting from this legislation: insurers have stopped discriminating against sick children; seniors are saving money on prescription drugs; and small businesses are receiving billions of dollars in tax credits to provide health care coverage. Repeal will roll back these benefits.

The repeal bill reminds me of the story of Robin Hood, but in reverse. Repeal will take essential health benefits from millions of struggling American families and give new powers and profits to the insurance companies. If we repeal health reform, there will be no prohibition on discrimination against over 100 million Americans with preexisting conditions; no prohibition on insurance companies canceling your coverage when you get sick; no prohibition on lifetime caps and annual limits; no required coverage for young adults on their parents' policies; no assistance to seniors struggling to afford the cost of drugs in the doughnut hole; no free annual checkups and preventive care in Medicare; no tax credits for families and small businesses to pay for health insurance.

These changes will affect every congressional district in the country. My staff has been analyzing what the impacts of repeal will be in each district. These are now available on our Web site. They tell a compelling story.

We have a new Member on our committee from West Virginia. In his district, repeal will mean increasing prescription drug costs for 12,000 seniors and taking new preventive care benefits from over 100,000 Medicare beneficiaries.

We have another new Member on our committee from New Hampshire. In his district, repeal will mean eliminating tax credits for nearly 17,000 small businesses. In my own district, repeal would mean over 50,000 constituents would lose protections against rescissions. And these aren't just statistics. Behind every number is a real person with real problems, like diabetes or breast cancer or a child with special needs.

Repeal is a boon for the insurance companies but an enormous setback for American families. If we pass this bill, the insurance companies can raise their rates, discriminate against millions of Americans with preexisting conditions, and cut off coverage when someone becomes sick.

There are many reasons to oppose repeal. The health reform bill is creating thousands of new jobs. It will cut the deficit by curbing the growth of health care costs, saving taxpayers over a trillion dollars.

This is why I urge Members to vote "no" on this legislation. If there's a change the Republicans want to make, let them propose it. But don't throw it all out the window and say they're

going to do all these things we've already done.

I urge Members to oppose this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman emeritus of the Energy and Commerce Committee, JOE BARTON, whose State could lose perhaps 64 hospitals that would close with the continuing of ObamaCare.

Mr. BARTON of Texas. I thank the gentleman and look forward to working with him as the chairman of the committee.

Mr. Speaker, before I begin to discuss health care, I would like to say that our prayers continue to go out to Congresswoman GIFFORDS in Arizona. We are very gratified to learn of her continuing progress. We hope that some time in this Congress she does come back to the House floor and give her voice to the voice for her constituency. We all miss her and we wish her the very best.

Mr. Speaker, we are here today because the existing law of the land on health care is fatally flawed. Most of us think it is unconstitutional. We think it is overreaching. We think the Federal Government is intervening more and more into the daily practice of health care between the doctor-patient relationship. And we think it needs to be repealed before it does irreparable harm to our health care system, which is the best in the world.

We think that on basic principles it's unconstitutional. We believe that you shouldn't have the Federal Government mandate that an individual has to have health insurance, whether he or she wants it. That particular constitutional question is wending its way through the courts and we hope soon to have an answer to that question.

We want to repeal today so that we can begin to replace tomorrow. We want to deliver on our Pledge to America that we meant it when we said if the American voters gave us the majority, we would repeal this existing law, and that is step one. But step two is to replace it. I see that my good friend from California, Congresswoman ESHOO, is on the floor. She and I have an amendment in the new law on biosimilars that passed with a huge bipartisan majority, and we hope that that's one of the things that will be kept. We do believe that we should be able to do something on preexisting conditions. We do believe that children should be allowed to stay on their parents' plans until the age of 26. So there are some things in the new law that we think are worth keeping. But until you sweep away the bad things, we cannot begin to work on the good things.

So, Mr. Speaker, with all due respect, we hope that we can repeal it on a bipartisan basis in the House and, under the leadership of Mr. UPTON and Mr.

CAMP and others, begin to replace it tomorrow.

Please vote to repeal this law today.

Mr. WAXMAN. Mr. Speaker, I yield the control of the balance of the time of the Energy and Commerce Committee to the distinguished gentleman from New Jersey who chaired the Health Subcommittee in the last Congress and who has done a great deal to advance this legislation, Mr. FRANK PALLONE.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the balance of the time.

There was no objection.

Mr. PALLONE. At this time, Mr. Speaker, I would like to yield 2 minutes to the dean of the House of Representatives and the House sponsor of the health reform legislation, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my good friend.

Well, so much for openness and transparency. We're going to do all this without any hearings, without knowing what's going on. But I'm going to tell you a little bit on my Republican side of the aisle here about what this is really going to do:

Insurance companies will be able to deny 292,000 individuals in my district, including 33,000 children, an opportunity to have health insurance, and this will be because of preexisting conditions. They're going to increase the number of uninsured in my district, the 15th of Michigan, by 20,000. They will increase the costs to hospitals of providing uncompensated care in the 15th District alone by \$182 million. They're going to cost each American \$1,000 more because the uninsured are going to go in and get health care anyhow.

I want to tell you what is going to happen with one young lady who has a terrible condition called endometriosis. She is going to receive now health insurance through the legislation passed because that insurance will flow to her until she is 26 on her father's insurance. But you're going to take that away from her. And you're going to see to it that the doughnut hole doesn't close because of the fact that you are saying no longer is this law going to be in effect.

We want to see to it that the American people benefit from this. The repeal that you're talking about today will see to it that they do not. What's it going to do to the deficit? Add \$1.4 trillion to the deficit. It's going to do more than that. It's going to add \$230 billion to the annual deficit. And it's going to see to it that Americans can no longer be assured that they are going to not have their health insurance canceled because of a sickness which occurs to them. It is going to hurt small business because it's going to take billions in tax benefits away from small business who would do this.

I urge the House to vote down this outrageous piece of legislation.

□ 1240

Mr. UPTON. Mr. Speaker, I yield 1 minute to the chairman of the Oversight and Investigations Subcommittee, the gentleman from Florida, Mr. CLIFF STEARNS.

Mr. STEARNS. Mr. Speaker, let me give you some important reasons why we need to repeal this law.

Yes, you will create jobs—but in an ever-expanding Federal bureaucracy. The Joint Economic Committee reported this bill creates over 150 new Federal offices. With that, of course, small businesses must comply, are mandated to comply, with all the new and many regulations.

Now, if this bill is so good, why is the Obama administration giving a pass to over 220 organizations and corporations that have received exemptions from this law, including many, many unions?

With the proposed \$500 billion cut in Medicare and the increase in taxes that is already occurring, this law is simply not credible. With record unemployment, this law will hurt small businesses and prevent job creation, adding burdensome taxes, and it will not increase growth in this country.

Republicans will replace this bill with a health care law based upon choice, competition, and the traditional American exceptional value system, which is compassion—but compassion with accountability. We need to repeal this law.

Mr. PALLONE. I yield myself 2 minutes.

Mr. Speaker, I wanted to thank my colleague from Florida, who just spoke, for saying and admitting that health care reform does create jobs, because, if you listen to the Republicans, they have been saying over and over again that that's not the case. But he finally said, yes, it does create jobs.

That's what we really should be doing here. We should be creating jobs and improving the economy, not talking about repealing health care reform, which already is providing so many benefits to many Americans.

Yesterday, I saw a statement from our former Republican majority leader, Senator Frist from Tennessee, who said that we shouldn't do the repeal. He recognized the fact that this legislation, this health care reform, is actually making a difference in people's lives and that we should build upon it, as Senator Frist said, a Republican, rather than just trying to do an outright repeal, which is a complete waste of time.

Now what I am hearing from my constituents is that they like the benefits that are already coming out from health care reform, whether it is eliminating all the discriminatory practices, like lifetime caps or preexisting

conditions or annual caps, or being able to put your children up to age 26 on your policies. These benefits have already kicked in, and Americans actually like the benefits. They understand why they are helpful to them.

The only group I can think of that actually would benefit from repeal is the big insurance companies. Unfortunately, that is the bidding, if you will, that the Republicans are doing, the other side of the aisle. The insurance companies want to continue to increase premiums by more than double digits. They don't want to cut into their profits.

One of the things that kicked in on January 1 is a provision that says that 80 percent of your premiums have to actually go to provide benefits. They can't go to the shareholders or to the profits of the insurance companies. The insurance companies are the only ones that benefit from repeal because they can raise premiums, they can have discriminatory practices, and they can just increase their profits.

I will use an example. I think the gentlewoman from New York (Ms. SLAUGHTER) used this example before about someone who has breast cancer.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. Mr. Speaker, I yield myself an additional 15 seconds.

Now, because of the policies of the health insurance reform, if people have breast cancer and there are recurrences, they will not experience lifetime caps or annual caps. They will be able to go back and have chemotherapy or whatever is necessary.

Those are the types of benefits that have kicked in, and they should continue. We should oppose repeal.

Mr. UPTON. Mr. Speaker, before I yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD), I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my colleague.

Mr. Speaker, perhaps the gentleman from New Jersey didn't listen to me when I just spoke.

It's creating 150 new government agencies, and these are all government jobs. So, if you're talking about increasing jobs, they're government jobs.

It also includes \$500 billion in taxes, burdensome 1099 paperwork requirements, according to a study by the Nation's largest small business association, the NFIB. I would like you to talk about that 1099.

These employer mandates that are in the health care bill are terrible, and it is estimated they will wipe out 1.6 million jobs over just 5 years.

So I caution the gentleman from New Jersey to listen carefully to my speech.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I am delighted we have the opportunity

today to revisit the health care bill that was passed last year.

I am delighted because, first of all, when it came to the floor last year, this bill affected every aspect of health care in America, and we did not have the opportunity to offer one amendment on the floor. In addition to that, this bill takes \$500 billion out of Medicare, which means less money to nursing homes, hospitals, and Medicare beneficiaries. Then the claim that this would reduce the deficit by \$138 billion was calculated by including 10 years of tax revenues under this bill but only 6 years of expenditures.

How can you claim that we are supporting insurance companies by repealing this bill when the insurance companies supported the bill, and they supported the bill because it mandates that small businesses and individuals buy health insurance?

So I would urge the repeal of this legislation, and then we can fix health care the way it should be fixed.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Mr. Speaker, this Republican bill is the wrong prescription for our country. It isn't just a repeal; it's a bad deal.

It's a bad deal for small businesses and middle class families, who would lose tax credits included in the new law to help them pay for health insurance.

It's a bad deal for grandma, who will face higher costs for the life-saving medications she needs. It's a bad deal for pregnant women, who could be denied coverage when they need it the most.

Lydia Swan, my constituent, shared her story with me during the health care debate last year. Lydia was pregnant when her husband switched jobs. Her new insurance company said her pregnancy was a preexisting condition, and they wouldn't pay any expenses. So Lydia was insured, but she wasn't covered.

That is wrong. It is just plain wrong. Mr. Speaker, a newborn child should be a pleasure and not a preexisting condition. New parents expect some sleepless nights. They don't expect their insurance company to deny coverage for the pregnancy. New parents should worry about the baby and not about the medical bills.

The new health care law closes the book on these kinds of insurance company abuses. Let us not today reopen it once again. Say "no" to this Republican bad deal that takes away patients' rights and freedoms, and say "yes" to a health care system that protects American families.

Mr. UPTON. Mr. Speaker, before I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS), I yield 30 seconds to the gentleman from Georgia,

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Massachusetts must not be familiar with a waiver under the Medicaid program called Katie Beckett—the poster that he showed us of the young child with preexisting conditions. This program Katie Beckett still exists. There is a waiver. There is opportunity for children with preexisting conditions to get coverage.

The Democrats are also disingenuous when they claim credit for immediately covering children with preexisting conditions. ObamaCare got it wrong. They did not guarantee that children would have their preexisting conditions covered. It is ironic that this legislation was actually drafted incorrectly.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, my friends on the Democrat side are supporting this bill based on 10 pages of the legislation: immediate access to insurance for the uninsured, an extension of dependent coverage, no lifetime or annual caps. Ten pages. This health care law was 2,990 pages. This is only volume 1.

What do you find when you go through the entire bill? This is what they are defending their bill on? This is only volume 1 of 4. And what's in here?—a \$500 billion cut to Medicare, a \$500 billion cut to Medicare for our seniors.

□ 1250

What else is in here? Five hundred billion dollars of tax increases. What else is in here? Six years of benefits for 10 years of cost. What else is in here? A new entitlement program.

Our Nation is broke. It is broke because of our entitlement program, and this law added a new entitlement.

Mr. PALLONE. I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the chairman.

Mr. Speaker, I rise in opposition to what I think is really an unwise, unwarranted, and unfair effort to repeal the historic health care law which has brought much-needed insurance reforms to the American people.

For the first time in our Nation's history, Congress passed legislation to ensure that every American has a comprehensive health insurance plan just as Members of Congress have. We've reduced the deficit by \$143 billion over 10 years and \$1.2 trillion over 20.

I want to tell an important story which I think underscores why repeal is wrong.

Ronit Bryant in my district was battling stage four breast cancer—that's the worst—when her HMO decided to stop paying for her treatment. In the middle of her treacherous ordeal

through a mastectomy, chemotherapy, a bone marrow transplant, and radiation, she was also battling her insurance company in Federal court where she had to listen to lawyers argue over whether her life was worth saving or not. A woman of less strength would never have made it through this. I am proud to say that Ronit made a full recovery. She watched her children grow, and she went on to become the mayor of one of the major cities in my district, Mountain View, California.

So a 50 percent discount on prescription drugs for seniors makes sense. Prohibiting rescissions—what was done to Ronit, eliminating that makes sense. Allowing children to stay on their parents' insurance policy until the age of 26 makes sense. Thirty-five percent tax credits for small businesses make sense.

What the Republicans are doing today does not make sense. It's wrong for America; it's bad for Americans, and I urge my colleagues to reject it.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman of the Health Subcommittee, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I might just respond: ObamaCare spends over \$1 trillion but leaves 23 million people uninsured.

Mr. Speaker, my colleagues on the other side of the aisle have been arguing that we can't afford to repeal ObamaCare. I would argue just the opposite. Our country cannot bear the true cost of ObamaCare, and it must be repealed.

Our repeal would mean that Americans with employer-provided health coverage will keep their current plan, yet the administration estimates that seven out of 10 individuals will lose their current coverage under ObamaCare.

Our repeal means that half of all employers—as many as 80 percent of small businesses—will be able to keep their current plan rather than lose it over the next 2 years. The administration's estimates reveal that their own onerous regulations will force most businesses to give up their current plans, subjecting them to costly new mandates that will increase premiums.

Our repeal means that 7.4 million more seniors will participate in Medicare Advantage plans, according to the Medicare actuary. Our repeal also means that the Medicare Advantage beneficiaries will not face an average increase of \$873 per year in out-of-pocket costs between now and 2019.

Our repeal means that individual health insurance premiums will not increase by \$2,100.

Our repeal means that taxpayers will not face \$569 billion in tax increases scheduled to take effect over the coming years.

Our repeal means that the economy would keep an estimated 750,000 jobs

that will be lost because the incentives included in ObamaCare actually discourage individuals from working, according to the CBO.

Our repeal means that national health spending will go down by \$310 billion, according to the Medicare actuary.

Our repeal means that seniors' part D premiums won't increase by 4 percent in 2011 or rise up to 9 percent in 2019 as CBO estimates would happen under the current law.

Without repeal, employer retiree drug coverage will drop from 20 percent of retirees to 2 percent by 2016, according to the Medicare Trustees Report.

Finally, repeal means that States will avoid a massive forced expansion of their Medicaid programs, at a cost of \$20 billion to the States, at a time when they cannot sustain Medicaid.

The costs of leaving this job-slashing health care law in effect are much too high. It must be repealed.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me.

I am very, very sorry that my Republican friends have chosen to put this repeal bill through. In light of the events in Tucson, we all say we are going to work together. The American people want us to work together. This is not the way to do it. If there's a problem with the bill, we should tweak it or change it. We shouldn't repeal it. If there is a problem and things need to be changed, we should put our heads together and try to do it.

The Republicans say that they want to cut costs in government. The CBO says that this bill will save us \$230 billion over 10 years and \$1.2 trillion over 20 years; and the first thing the Republicans bring up is to repeal this bill, which will add to the deficit.

This is political theater. It's a charade. This isn't going to be repealed. Let us put our heads together and figure out what makes sense.

All important bills that were put in in the past 50 or 60 years, from Medicare to Medicaid to Social Security to the civil rights bills of the 1960s, they needed to be tweaked as we saw what the problems were. I'm willing to change the bill, but repealing it is the absolutely wrong way to do it.

I am delighted to revisit this issue because we can finally get the truth out. The American people understand that right now, if they have a pre-existing condition, they cannot be denied coverage. An insurance company right now, with this bill, cannot say, "Sorry, you have a lifetime cap or an annual cap and we're not going to insure you." The insurance company now can't deny your 24- or 25- or 26-year-old child insurance to be on your plan. We are finally closing the doughnut hole to put more money in the hands of senior citizens.

This is what the Republicans would repeal. They say that this is a government takeover of health care. No, it isn't. And if they had better plans for health care, they were in power for 6 years with the President and both Houses of Congress and they did nothing to make health care affordable for the American people.

Let's work together. Let's change the bill. Let's tweak the bill. Don't repeal it.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the vice chair of the full committee, the gentlelady from North Carolina, SUE MYRICK.

Mrs. MYRICK. Mr. Speaker, we oppose this health care law for many reasons. I'm especially concerned about the negative effect it may have on the ability of our doctors to care for their patients as they see fit.

It creates well over 156 bureaucracies, programs, and regulatory systems which will further regulate and control the way medicine is practiced, paid for, and allocated. Doctors who practice medicine as small business owners are already forced to dedicate significant resources and manpower to keep up with the bureaucracy of reimbursement alone.

This law does nothing to slow the growth of Medicare and Medicaid programs—we know those are two huge problems we have to deal with—but it will surely add to the regulatory burdens faced by doctors, patients, and, most importantly, the American people, who are going to have to foot the bill.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, as a Member of Congress from Texas, I supported the health care reform law proudly. Texas has some of the highest rates of uninsured in the United States.

□ 1300

Twenty-six percent of our Texans are uninsured—6.4 million residents—compared with the national average of only 16.7 percent. Over the past 8 years in Texas, employer-based insurance coverage has dropped 18 percent. Now, only 48 percent of Texans have health insurance provided by their employers—well below the national average.

Texas has some of the highest health insurance premiums in the U.S. A family of four making \$44,000, the average premium out-of-pocket is \$6,548—almost 15 percent of their income. In Texas, our State Department of Insurance report to the legislature acknowledged the positive impact of the Affordable Care Act.

The State of Texas Department of Insurance concluded the Affordable Care Act will have a positive impact on the State and help Texans gain access to private insurance coverage. As the De-

partment of Insurance report states, "the removal of underwriting restrictions, new premium rating reforms, availability of subsidies and limitations on out-of-pocket expenses for low- and middle-income families should make it easier for many low-income Texans to obtain private insurance."

In our district in Houston and Harris County, 40 percent of my constituents were uninsured when we passed the Affordable Care Act in March of last year. Repeal, H.R. 2, would be a major setback to what we're trying to do in our own district.

To cite a few local statistics from the repeal on my constituents: increase the number of people without insurance by almost 217,000; allow insurance companies to deny coverage to at least 102,000 people in our district, including at least 12,000 children with preexisting conditions; eliminate health care tax credits for 14,600 small businesses and 177,000 people; increase prescription drug costs for 4,400 seniors in my district who fell into that doughnut hole except for health care reform.

My Republican colleagues want to work on improving it. I'm here to do it, but repeal is not the answer.

BIENNIAL REPORT OF THE TEXAS DEPARTMENT OF INSURANCE TO THE 82ND LEGISLATURE
(December 2010)

(Mike Geeslin, Commissioner of Insurance)

TEXAS DEPARTMENT OF INSURANCE,
Austin, Texas, December 31, 2010

Hon. RICK PERRY, Governor,
Hon. DAVID DEWHURST, Lieutenant Governor,
Hon. JOE STRAUS, III, Speaker.

DEAR GOVERNORS AND SPEAKER: In accordance with Section 32.022, Texas Insurance Code, I am pleased to submit the biennial report of the Texas Department of Insurance (Department or TDI). The report summarizes needed changes in the laws relating to regulation of the insurance industry, provides information on market conditions, and includes reviews required by Senate Bill 1 (81st Legislature, Regular Session).

The Department is available to discuss any of the issues contained in the report and to provide technical assistance. Please contact me or Carol Cates, Associate Commissioner of Government Relations, with any questions or if you need additional information. Thank you for your consideration.

Respectfully Submitted,

MIKE GEESLIN,
Commissioner of Insurance.

TEXAS DEPARTMENT OF INSURANCE: SECURING
THE FUTURE OF TEXAS
MISSION

To protect insurance consumers by: regulating the industry fairly and diligently promoting a stable and competitive market providing information that makes a difference.

VALUES

We have a passionate commitment to service in the public interest. We are:

Responsible Stewards: accountable, efficient, effective "Using resources wisely".

Professional: knowledgeable and fair "Adhering to the highest ethical standards".

Collaborative: cooperative, inclusive, diverse "Respecting others' opinions and expertise".

Resilient and Creative: open-minded and proactive "Learning from the past to enhance the future".

Balanced: fulfilled and well-rounded “Celebrating personal and professional successes”.

SENATE BILL 1—RIDER 18: REVIEW OF HEALTH INSURANCE AVAILABILITY AND AFFORDABILITY

The 81st Legislature included in Senate Bill 1 a directive to the Texas Department of Insurance to conduct a review of “the accessibility of health benefit plan coverage for and the affordability of health benefit plan premiums for low-income families and families not eligible for employer-sponsored insurance.” Following is a summary of the results of the review.

Like many states, Texas has struggled with increasing healthcare costs and insurance premiums that have prohibited many individuals from obtaining affordable health insurance. The rising cost of insurance affects individuals at all income levels and employers of all sizes but is particularly challenging for low income workers and small business owners. In 2009, the U.S. Census Bureau Current Population Survey (CPS) reports that 6.4 million Texans were uninsured for the entire year (Table One). Of the Texans who have health insurance, slightly more than half (53.8 percent) have private coverage, down from 56.9 percent in 2007 and lower than the national average of 63.9 percent. Texas workers are less likely to have employer-sponsored coverage with 48.2 percent of Texans enrolled in employment-based plans compared to a national average of 55.8 percent.

TABLE 1: SOURCES OF HEALTH INSURANCE—2009

Source of insurance	Number	Texas percentage	National average (percent)
Private Insurance	13,257,000	53.8	63.9
Employment	11,893,000	48.2	55.8
Individual	1,531,000	6.2	8.9
Government Insurance	6,925,000	28.1	30.6
Medicaid	3,951,000	16.0	15.7
Medicare	2,730,000	11.1	14.3
Military	1,052,000	4.3	4.1
Total Insured	18,224,000	73.9	83.3
Total Uninsured	6,433,000	26.1	16.7

Source: U.S. Census Bureau, Current Population Survey, 2010 Annual Social and Economic Supplement.
(Note: Numbers may not add up to totals as some people have more than one type of insurance.)

Like other states, the majority of uninsured in Texas live in families with low to moderate incomes (Table 2). Detailed analysis of 2008 CPS data shows that 59 percent of the uninsured (3.5 million people) reported family incomes below 200 percent of the federal poverty level (FPL). Another 12 percent had incomes between 200 and 249 percent FPL. The data also confirms that individuals with lower incomes were much more likely to be uninsured than those with higher incomes. Forty-five percent of individuals under 50 percent of FPL were uninsured compared to only 14 percent of individuals at 250 percent or higher.

TABLE 2: UNINSURED RATES BY POVERTY LEVEL—2008

Income as a percentage of poverty level	Number uninsured	Percent of total uninsured	Percent uninsured within income category
Under 50%	817,821	13.5	45.5
51% to 99%	793,071	13.1	39.0
100% to 149%	1,064,129	17.5	37.0
150% to 199%	897,803	14.8	33.7
200% to 249%	703,379	11.61	31.9
250% or Higher	1,800,667	29.7	14.3
Total	6,076,870	100	25.1

Source: U.S. Census Bureau, Current Population Survey, 2009 Annual Social and Economic Supplement.

While most states have experienced declining rates of employer-sponsored coverage in

recent years, the decline in Texas is more pronounced. Since 2001, the percentage of Texans with employer coverage has dropped from 58.5 percent to the current rate of 48.2 percent, an 18 percent decrease in eight years. Additional data from the annual Medical Expenditure Panel Survey—Insurance Component (MEPS-IC) indicates that even when firms offer insurance, many employees are ineligible or choose not to purchase coverage. The MEPS-IC survey, administered by the federal Health Resources and Services Administration (HRSA) collects detailed information on employer-sponsored insurance, including data for both large firms (defined as 50 or more employees) and small businesses (2–49 employees). Table 3 summarizes information on both insurance offer rates and participation rates for large and small businesses and clearly indicates important differences based on firm size. Some of the more significant findings are:

Most large firms (94 percent) offer health insurance compared to only 34.2 percent of small firms.

Nearly half (49.1 percent) of employees in small firms work for an employer offering coverage, compared to 95.7 percent of employees in large firms.

Of those employees with employer-sponsored health coverage, more than 3.8 million work in large firms compared to 653,162 workers in small firms.

More than 1.3 million workers have access to coverage in a large or small firm but are not enrolled. Not all are uninsured; some have other coverage, such as a spouse's employer-sponsored plan. However, a large number of these eligible workers are uninsured and have not enrolled due primarily to costs.

Although most large employers offer coverage, many workers are not eligible. More than one million workers in large firms do not qualify for their employer-sponsored plan because they work part time, are temporary or contract workers, or have not worked long enough to meet the required waiting period. Again, however, not all of these workers are uninsured.

More than one million employees in small firms also do not have access to coverage. Most of these workers (1,038,936) are employed in firms that do not offer coverage. Another 169,415 workers are not eligible for coverage offered by their employer.

TABLE 3: EMPLOYER SPONSORED INSURANCE: OFFER AND PARTICIPATION DATA—2009

Texas Insurance Enrollment Data	Small firms	Large firms
1. Total number of firms	324,554	125,685
2. Total number of employees	2,041,132	6,375,152
3. Percentage of firms that offer insurance	34.2%	94.0%
4. Number of firms that do offer insurance	110,997	118,144
5. Number of firms that do not offer insurance	213,557	7,541
6. Number of employees working in firms that offer insurance	1,002,196	6,101,020
7. Percentage of employees working in firms that offer insurance	49.1%	95.7%
8. Number of employees working in firms that do not offer insurance	1,038,936	274,132
9. Number of employees eligible for coverage	832,781	4,947,118
10. Number of employees who are enrolled	653,162	3,818,716
11. Percentage of all employees that have employer-sponsored coverage	32%	60%
12. Number of employees who have access to coverage but are not enrolled	179,619	1,128,402
13. Number of employees who do not have access to coverage	1,208,351	1,428,034

Source: Agency for Healthcare Research and Quality, 2009 Medical Expenditure Panel Survey—Insurance Component.

Of those employers that do not offer coverage, extensive research shows the most

common reason cited is the increasing cost of insurance. Consistent with national trends, Texas employers and employees have experienced significant premium rate increases over the past ten years, despite a number of programs and industry efforts to hold down costs. As Table 4 below indicates, average premium costs across all firms (including both fully insured and self-funded) have more than doubled in the past ten years.

TABLE 4: AVERAGE EMPLOYER-SPONSORED INSURANCE PREMIUM COSTS

Year	Average annual premium for single coverage	Average annual premium for single coverage
1999	\$2,336	\$6,208
2000	2,627	6,638
2001	2,924	7,486
2002	3,268	8,837
2003	3,400	9,575
2004	3,781	10,110
2005	4,108	11,680
2006	4,133	11,680
2008	4,205	11,967
2009	4,499	13,221

Source: Agency for Healthcare Research and Quality, Medical Expenditure Panel Survey—Insurance Component 1997–2006, 2008–2009 (No survey available for 2007).

Though most employers are challenged by significant premium increases, higher rates are usually more difficult for small firms (those with 2–50 employees) to absorb. Because a small employer's rates are based on the age, gender and health status of the employer's workers and their dependent enrollees, rates can vary significantly from the average cost based on a group's specific demographics. Generally, groups with younger, healthier employees will pay lower premiums while groups with older, less healthy workers will pay higher rates. An employer with even one worker with a pre-existing condition may see their group rates increase by up to 67 percent based on health status underwriting factors. TDI data shows groups that are subject to a combination of the highest allowed rating factors may see premium rates for individual employees in excess of \$20,000 a year, a cost that is higher than maximum rates charged for coverage in the Texas Health Insurance Pool for individuals who are uninsurable in the individual market.

Over the last 10 years, the Department of Insurance has conducted significant research to collect information on uninsured Texans and uninsured small businesses, why they have no coverage, how much they can afford, and options to assist them with purchasing coverage. Through a federal State Planning Grant administered by HRSA, TDI conducted multiple focus groups, surveys, and community events across the state. Though some of the study findings are somewhat dated, many of the conclusions are likely still applicable given the high cost of insurance and continued high uninsured rate.

Beginning in 2002 and continuing through 2006, TDI hosted more than 60 focus group sessions with individuals, small business owners and their employees in 20 different cities across Texas representing all of the major geographical areas of the state. Focus group sessions were attended by uninsured individuals or small employers who were unable to provide insurance for their employees. The personal stories expressed at these focus group sessions underscored the challenges many consumers face when trying to find affordable health coverage. (For additional information on the research findings, please see TDI reports at: <http://www.tdi.state.tx.us/health/spg.html>.)

The primary conclusion from these discussion sessions was that health insurance remains unaffordable for many of these individuals and employers. The vast majority of participants expressed willingness to pay for insurance, and most had attempted to buy coverage within the past year but could not find a benefit plan that was affordable. More than 90 percent of the attendees were employed or owned their own business, and many participants expressed frustration with the fact that “average, working, responsible citizens” could not afford coverage.

Even when employer coverage is offered, many employees decline to enroll due to employee premium payments and cost sharing requirements. While the majority of employers pay at least half the cost of the premium for employee-only coverage, employer contributions for both employee and dependent coverage have declined as more employers struggle to keep up with increasing premium costs and other economic pressures. Employees increasingly are asked to share more of the cost of coverage through increased premium contributions and higher cost-sharing policy provisions, particularly in the small group market. In 2009, the MEPS-IC data show small employers in Texas reported the third highest individual deductible levels in the country at \$1,634, compared to a national average of \$1,283. Large employers had the

sixth highest individual deductible at \$990 compared to a national average of \$882. For family deductibles, small employers reported the sixth highest average (\$3,210 compared to \$2,652 nationally), and large firms were at the second highest level (\$1,883 in Texas compared to \$1,610 nationally).

In addition to premium contributions and deductibles, enrollees in group health plans face other out-of-pocket expenses, including co-payments and coinsurance, which vary depending on the type of service provided (i.e., primary care visits, specialist visits, emergency room services, hospital admissions, etc.). The data included in Table 5 illustrates average costs for some of the most common cost-sharing provisions in 2009 but is not inclusive of all expenses an enrollee pays under a typical health plan.

These data underscore the relatively high cost low income families incur to enroll their families in employer-sponsored benefit plans. While some workers may find employee-only coverage affordable depending on the employer's actual contribution rate and the employee's overall financial circumstances, adding family coverage would likely be cost-prohibitive for most low-income workers up to 200 percent of poverty, and for many even above those income levels. Add these premium contribution requirements to high family deductibles and other coinsurance expenses, and most low income

families are likely unable to afford employer sponsored coverage. Table 6 shows the cost of the average employee contribution for individual and family coverage as a percentage of the 2010 income levels for each poverty level listed (100, 150, and 200 percent of federal poverty level, FPL). For workers with health plans that require higher employee premium payments than the average, the cost of coverage as a percentage of income will be even higher.

TABLE 5: AVERAGE COST SHARING REQUIREMENTS FOR EMPLOYER-SPONSORED INSURANCE, 2009

	Small firms	Large firms
Average Total Employee-Only Premium	\$4,391	\$4,523
Average Total Family Total Premium	\$12,674	\$13,288
Average Individual Deductible	\$1,634	\$990
Average Family Deductible	\$3,210	\$1,883
Average Co-payment for an Office Visit ..	\$26.03	\$23.44
Average Percentage Coinsurance for an Office Visit	19.08%	18.0%
Average Employee Payment for Employee-Only Coverage	\$588	\$1079
Average Employee Payment for Family Coverage	\$3,924	\$4036

Source: Agency for Healthcare Research and Quality, 2009 Medical Expenditure Panel Survey-Insurance Component.

TABLE 6: AVERAGE EMPLOYEE PREMIUM CONTRIBUTIONS AS A PERCENTAGE OF INCOME BY FEDERAL POVERTY LEVEL (FPL)—2009

Small firms						
Avg. employee contribution for employee-only coverage (\$588) as percentage of family income by FPL				Avg. employee contribution for family coverage (\$3,924) as a percentage of family income by FPL		
Family size	Poverty level					
	100% FPL	150% FPL	200% FPL	100% FPL	150% FPL	200% FPL
Family of 1	5.4%	3.6%	2.7%	—	—	—
Family of 2	4.0%	2.7%	2.0%	26.9%	18.0%	13.4%
Family of 3	3.2%	2.1%	1.6%	21.4%	14.3%	10.7%
Family of 4	2.7%	1.8%	1.3%	17.8%	11.9%	8.9%
Large firms						
Avg. employee contribution for employee-only coverage (\$1,079) as percentage of family income by FPL				Avg. employee contribution for family coverage (\$4,036) as a percentage of family income by FPL		
Family size	Poverty level					
	100% FPL	150% FPL	200% FPL	100% FPL	150% FPL	200% FPL
Family of 1	10.0%	6.6%	5.0%	—	—	—
Family of 2	7.4%	4.9%	3.7%	27.7%	18.5%	13.8%
Family of 3	5.9%	3.9%	2.9%	22%	14.7%	11.0%
Family of 4	4.9%	3.3%	2.4%	18.3%	12.2%	9.2%

While premium amounts alone exceed the budgets of many Texas families, out-of-pocket expenses (co-pays, co-insurance, and deductibles) add to the burden. Using 2007 MEPS-IC data for average costs of out-of-pocket expenses for non-elderly enrollees adjusted for private coverage in Texas, Texans pay an average of \$631 annually per person in out-of-pocket expenses. Table 7 illustrates this with examples.

TABLE 7: IMPACT OF HEALTH COSTS ON TEXAS FAMILIES

Example A: Family of four with a household income of 200% FPL:	
Annual income	\$44,100
Average annual premium	\$13,221
Average annual employer premium contribution ..	(\$9,197)
Average annual employee premium responsibility ..	\$4,024
Average annual cost of out-of-pocket expenses	\$2,524
Average annual cost to family (% of income)	\$6,548 (14.8%)
Example B: Individual with an income of 200% FPL:	
Annual income	\$21,660
Average annual premium	\$4,499
Average annual employer premium contribution ..	(\$3,508)
Average annual employee premium responsibility ..	\$991
Average annual cost of out-of-pocket expenses	\$631
Average annual cost to Individual (% of income)	\$1,622 (7.5%)

While the vast majority of Texans with private insurance coverage are enrolled in an employer-sponsored benefit plan, an estimated 1.5 million residents have purchased some type of individual medical insurance. The individual market offers a wide variety of options designed to meet varying healthcare needs. Some policies provide comprehensive coverage similar to benefits included in an employer-sponsored plan while others provide more limited benefits. Other plans provide supplemental coverage to Medicare or only cover certain diseases, such as cancer. People shopping in the individual market have the opportunity to choose the plan that best fits their needs and financial situation, which vary widely among consumers.

Unlike the group market, it is important to note that individual health insurance is subject to strict medical underwriting requirements that determine whether or not a person is eligible to purchase coverage. People with pre-existing health conditions or a past history of health problems are often declined coverage or may receive plans that exclude coverage for certain services related to their pre-existing condition. Premiums are based on the applicant's medical status, age, gender, and area of residency, and are usu-

ally significantly higher for older applicants or people with health conditions.

Although TDI does not collect detailed enrollment or premium cost data on the individual market and is unable to determine the number of enrollees by type of plan, the insurance association America's Health Insurance Plans (AHIP) conducted a survey in 2009 of insurers participating in the individual health insurance market. Limited data on state-specific results show that average annual premiums in Texas for a comprehensive health insurance policy were \$3,208 for single coverage (i.e., one person) and \$6,459 for family coverage. Single policies had an average annual out-of-pocket maximum limit (the maximum amount a person would pay for eligible healthcare services) of \$5,000, while family policies had an annual limit of \$10,000.

Because the individual market allows carriers to medically underwrite applicants and select only those individuals that meet the carrier's specific requirements, some applicants will be unable to purchase individual coverage at any price from any carrier. Though the federal Patient Protection and

Affordable Care Act (PPACA) of 2010 prohibits carriers from denying coverage of dependents based on health conditions beginning with new policies issued on or after September 23, 2010, this provision does not extend to adults until 2014. Individuals who cannot obtain coverage in the individual market and have no access to group coverage may obtain insurance from the Texas Health Insurance Pool (THIP, formerly Texas Health Insurance Risk Pool) or the newly created federal Pre-Existing Condition Insurance Plan (PCIP).

THIP was created by the Texas Legislature to provide insurance for individuals who are unable to obtain coverage from the commercial market. It also serves as the Texas alternative for individual health insurance coverage under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), guaranteeing insurance to qualified individuals who lose coverage under an employer-based plan. Eligibility and premium rating requirements are established by law.

The federally operated PCIP was created under the recently enacted federal healthcare reform legislation, PPACA. Beginning in 2014, PPACA requires insurers to accept all applicants regardless of health status. To assist individuals with health conditions who cannot obtain commercial coverage prior to 2014, PPACA includes provisions for federally or state run insurance programs. Texas opted for the federally operated insurance pool, PCIP. The PCIP functions in many ways like the THIP, but there are some critical distinctions which significantly affect cost, eligibility and covered benefits.

Both THIP and PCIP provide comprehensive health coverage for individuals with previous health conditions. To enroll, individuals must be legal U.S. citizens and a resident of the state, and must provide evidence that they were declined coverage for insurance or have a current or previous medical condition that makes them uninsurable. However, PCIP requires an individual be uninsured for at least six months before they are eligible to enroll. This provision precludes enrollees in the THIP from enrolling in the PCIP.

Premium rates for coverage in THIP and PCIP vary dramatically. Rates for THIP are set at twice the average rate (200 percent) for standard coverage offered in the commercial market and are adjusted semi-annually to reflect changes in the market rates. Rates also are adjusted based on the age, gender, and geographic location of the enrollee, which reflects variations in local healthcare costs and expected healthcare utilization. Rates are higher for individuals with a history of tobacco use. Enrollees may choose from a range of deductible options and plan cost-sharing limits, with annual deductibles from \$1,000 up to \$7,500. Higher deductibles will lower the premium rate for the enrollee. Due to the variability of rating factors, monthly premium costs vary widely from a low of \$160 a month for an individual age 18 or lower with a deductible of \$7,500 to a high of \$2,207 a month for a male age 60–64 with a deductible of \$1,000. In 2009, 13 percent of THIP enrollees selected a \$1,000 deductible, 38 percent a \$2,500 deductible, 37 percent a \$5,000 deductible and 10 percent a \$7,500 deductible. The average monthly premium was \$620.

Premium rates for PCIP are set at the average standard rate in the commercial market and vary based on the age of the applicant and the plan they select. Monthly pre-

miums for Texas enrollees beginning January 1, 2011 are as follows:

Plan type	Age 0–18	Age 19–34	Age 35–44	Age 45–54	Age 55+
Standard	\$174	\$261	\$313	\$400	\$567
Extended	\$234	\$351	\$422	\$539	\$749
HSA	\$181	\$271	\$325	\$416	\$578

Note: Plan descriptions available at www.pcip.gov/PCIP_%20pamphlet_benefits_summary.pdf.

While both programs (PCIP and THIP) provide comprehensive coverage, PCIP has no waiting period for treatment of pre-existing conditions, an important benefit for this population since all enrollees have some pre-existing medical condition as a condition of eligibility. By contrast, the THIP includes a 12 month pre-existing condition exclusion waiting period for most new enrollees (with exceptions for enrollees with creditable coverage and some enrollees with continued coverage under a previous employer plan). This means that, while individuals in PCIP are immediately eligible for benefits for their pre-existing condition, enrollees in THIP must wait 12 months before pre-existing conditions are covered.

IMPACT OF FEDERAL HEALTH REFORM

The federal health reform Patient Protection and Affordable Care Act includes significant private insurance market provisions that will dramatically alter the insurance market in Texas and other states. The law includes a series of reform requirements that begin in 2010, with the most dramatic changes occurring in 2014. With a few exceptions, most of the initial reforms effective in 2010 through 2013 will primarily affect individuals who already have insurance coverage and will have little impact effect on individuals who are uninsured or who are enrolled in public plans. However, beginning in 2014, several federal requirements should significantly assist lower income families and employees obtain affordable health insurance, including the following:

Advanceable tax credits will be available to families earning up to 400 percent of federal poverty level to purchase affordable health insurance;

Insurance plans must meet certain benefit requirements and cost-sharing provisions designed to ensure benefit plans provide comprehensive services with limited out-of-pocket costs to enrollees;

Most large employers will be required to offer health insurance benefits that meet minimum requirements or may face penalty payments;

Insurance plans are prohibited from denying coverage based on an individual's health status;

Insurance plans will not be able to increase premiums based on an individual's health status or gender, and premium rates for older individuals are limited; and

Insurance Exchanges will provide access to health insurance plans that meet standard benefit requirements and provide simplified application and enrollment procedures for individuals, small businesses and Medicaid/CHIP enrollees.

The provisions listed above will require federal regulations and, in some cases, state legislative and/or regulatory action to fully implement. Until the details of these requirements are finalized, it is impossible to predict the long-term impact on the affordability of insurance coverage. However, the removal of underwriting restrictions; new premium rating reforms, availability of subsidies and limitations on out of pocket expenses for low and middle income families should make it easier for many low-income Texans to obtain private insurance.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN), whose State would be devastated with the Medicare Advantage cuts.

Mr. WALDEN. Mr. Speaker, 42.7 percent of Oregon's seniors—that's about 200,000 in Oregon, nearly 41,000 in my district—were enrolled, at the time this law was established, in Medicare Advantage programs.

You know, under this bill, under this new law, Medicare gets whacked by \$500 billion, and the reports indicate one out of two seniors might lose their Medicare Advantage across the country.

Look, I want a patient-centered health care system. It's your life. It's your health. You should have the right to choose your doctor and your hospital and make those decisions. We will address, with our replacement bill, pre-existing conditions, making sure kids who are in college or up to 26 or whatever the age is decided by the committee are going to be able to be covered by your insurance.

But I'll tell you what. In the law that is on the books today, it drives up the cost of health care, it drives up premiums, and it adds to the Nation's debt when you look at it in the long term, according to CBO.

The manager at Taurus Freight, a small freight logistics business in Bend, Oregon, told me recently, because of the 1099 reporting provision in this bill, she's going to quit buying from various businesses, consolidate. It's going to cost jobs and put new headaches on small businesses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield the gentleman an additional 30 seconds.

Mr. WALDEN. And I think that's one of the big arguments here that I get from the people out in my district is: Why did the government take over this, put all of these other provisions in, ram a bill through the House that creates this new trillion dollar entitlement that costs jobs and doesn't drive down the cost of health care?

We can do better than this, given the chance. And under the Republicans, the committees will actually have a chance to work on a bill for replacement and everybody can participate from both sides of the aisle. And we will get it right and get to a patient-centered health care system in America that does reform the current system and drives down costs.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the distinguished ranking member of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I speak to you today on behalf of the women of America, the millions of whom I will never meet but are set to receive countless protections from the

Affordable Care Act by the time it is fully implemented in 2014.

Health care reform is a major victory for women, and any attempt to repeal or defund this legislation is simply unfair to us, our daughters, our mothers, and our grandmothers. The fact of the matter is that the Affordable Care Act ends the widespread discrimination that has existed and will come back against women in the health care system.

It took us decades until we passed this bill to make it illegal, finally, for insurance companies to charge women higher premiums and stop the egregious practice of charging them 48 percent more and to not cover domestic violence victims. Yes, that's right. In eight States and the District of Columbia, insurance would not cover victims of domestic violence on the grounds, I assume, that it might happen again.

Equally egregious, women were routinely denied health insurance if they had children. In many places pregnancy was considered a preexisting condition, as were D&Cs. But both of those reprehensible practices are outlawed in the passage of the Affordable Health Care.

Thanks to the new law, women do not have to worry any more about being treated as second-class citizens or being discriminated against for being a woman.

But that's not where the benefits end. When it's fully implemented, all maternity services will be included in health insurance plans. They will no longer be able to deny coverage or charge higher premiums for people who have had C-sections or pregnancy.

I speak to you today on behalf of the women of America, the millions whom I will never meet, but are set to receive countless protections from the Affordable Care Act by the time it is fully implemented in 2014. Health care reform is a major victory for women and any attempt to repeal or defund the legislation is simply unfair to us, our daughters, our mothers, and our grandmothers.

The fact of the matter is that the Affordable Care Act ends widespread discrimination against women within the healthcare system. Now the Republican Majority is proposing to replace this legislation with a resolution, another promise to America. What do they promise? Quite simply, that they will figure out a new healthcare plan at some point in the future, and in the meantime you're on your own.

It took us decades to finally make it illegal for insurance companies to charge women higher premiums, and to stop the egregious practice of discrimination against domestic violence victims. It is unfathomable to take these protections away in exchange for a vague promise of some help down the road.

Prior to passage of the Affordable Care Act, women faced severe discrimination from health insurance companies. Through a practice known as "gender rating," women who purchased insurance on the individual market faced the prospect of paying 48 percent more in premium costs than men.

Equally egregious, women were routinely denied health insurance coverage if they had been victims of domestic violence. Shocking as it is, insurance companies often classified domestic violence as a "pre-existing condition" and it was completely legal for insurance companies to deny coverage to domestic violence victims in eight states and the District of Columbia.

No more. Both of these morally reprehensible practices are outlawed with the passage of the Affordable Care Act. Thanks to the new law, women no longer have to worry about being discriminated against for being born a woman.

This is not where benefits for women end. By the time the Affordable Care Act is fully implemented in 2014:

Maternity services will be included in all health insurance plans offered as part of the health insurance exchanges.

Insurance companies will no longer be allowed to deny coverage or charge higher premiums for women with "pre-existing conditions" like C-sections or pregnancy.

Insurance companies will no longer be allowed to place "lifetime limits" on health benefits for women, and end care when it is needed the most.

Women who do not have access to insurance through employers will be able to obtain insurance through health insurance exchanges. These exchanges are being designed as we speak to offer a wide selection of health insurance plans at competitive rates.

Women will receive free preventative health services, from mammograms to pap smears.

The "donut hole" in Medicare Part D will be closed through the Affordable Care Act, helping women pay for healthcare as they grow older.

All these benefits and protections are provided to women while lowering our Nation's deficit—a priority of both parties.

The choice is clear. For the health and well-being of our Nation's women, we must end this ill-advised attempt at repeal, and implement the valuable protections of the Affordable Care Act.

Mr. UPTON. Mr. Speaker, before I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN), I yield 30 seconds to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, in reference to the comments that were just made about women in the health care law, I would just remind the body one of our primary concerns with this legislation was the way in which women would be adversely impacted when you look at the comparative results board and the fact that they were going to change the ratings that were coming from the task forces, and it would be more difficult for women under the age of 50 and over the age of 75 to get mammograms. And I use that as an example.

We need this bill off the books.

Mr. UPTON. Again, I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in support of legislation to re-

peal ObamaCare. This health care law is bad for patients, bad for doctors, bad for small businesses, and terrible for our troubled economy.

I hear from small business owners across the First Congressional District every day. Many are being forced to cut back on health benefits. They can't afford to hire new employees, and they are scared to death that ObamaCare will put them out of business.

Not only is this unconstitutional to force the American people to purchase government-approved health insurance, but this prescription for disaster has put our Nation on a path to bankruptcy by adding billions of dollars to our already record-setting deficit.

In addition, ObamaCare actually reverses over 30 years of bipartisan efforts to keep tax dollars from funding abortions, which I find reprehensible.

Mr. Speaker, repealing ObamaCare is not the end of the debate over reforming our health care system. It's the first step in implementing a health care system that works for all Americans without costly, unconstitutional government mandates that destroy jobs.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, over and over today I've heard supporters of this bill saying it is just the first step, then maybe they'll think about fixing the bill. Well, tell that to the millions of Americans who are now reaping the benefits of the legislation, who, if this actually became law, would lose what they have only just now gained: Citizens whose children suffer from diabetes or asthma and have finally been able to get coverage; citizens like the small business owners I met with last fall in Denver who, because of the health reform law's tax credits, are finally able to get health insurance for their employees; and citizens like the next generation of our country's leaders, like my young neighbor who has type 1 diabetes and is going to college but knows he will have insurance and he can stay on his parents' insurance.

I keep hearing "repeal and replace," but, frankly, Mr. Speaker, that's not what we're doing today. We're repealing these benefits that help millions of Americans and we are replacing them with nothing.

If the proponents of this bill really intended to cover these things, why didn't they just put the 10 pages that my colleague talked about in the bill? The reason is because, if you want to give benefits like this to millions of Americans, to young people, to women with gender disparity, and to small businesses, you have to have comprehensive reform.

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We all know it. And that's why we need to resist this effort. We need to

resist repealing this legislation. And we need to work together across the aisle to implement it in a way that helps every single American.

Mr. UPTON. Mr. Speaker, before I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), I yield 30 seconds to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

You know, the fact is on those tax credits for small business, they are so confusing—and I hear this from my small businesses all the time back home—no one understands how to actually make those benefits work. And they are time limited. They will soon expire.

But here's the real deal. If you really wanted to help small business, let's repeal that 1099 provision. Why was it even in there? Well, one reason, so the IRS could enforce the mandate. But the other reason was maybe they're going to need a value-added tax in order to pay for this monstrosity. Let's repeal it and get it done the right way.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I embrace this opportunity to repeal this trillion-dollar tragedy. That's the cost of it over 6 years; yet in order to make their numbers work so they can come here and argue that this is deficit neutral, they only have benefits for 6 years. It's full of gimmicks like that. The reality is that it's raising taxes to the amount of \$569 billion. That is a job killer. And it hurts senior health care by taking \$523 billion out of Medicare over the next 10 years and puts bureaucrats in charge of your health care. That's wrong. That's a tragedy.

What we will do right is in the next phase. Starting very soon in our committee, we will begin an open process, not the one that was used where a bill was written in the Speaker's office and then driven to the House floor with no amendments allowed. We will do this right. We will have the people involved. This whole body will be involved. Even the other side of the party is going to be involved in our committee, which we weren't allowed before. So we will do this right and do it right for the American citizens.

Mr. PALLONE. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I have heard talk on the other side of the aisle about small business, but I would point out that repeal would eliminate tax credits for small businesses. In Mr. BURGESS's district, there are up to 13,600 small businesses that are eligible for the tax credit, and repeal would force these small businesses to drop coverage or bear the full costs of coverage themselves.

I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong opposition to this misguided

and costly legislation. First, I think we should be spending our time here on creating jobs instead of rehashing settled law. Secondly, I want to speak on behalf of the millions of Americans already benefiting from the strong consumer protections in this law. Across the country, parents now know that their children can be insured after graduation from high school or college.

Seniors in the dreaded doughnut hole have received help to pay for prescription drugs and now can have a free physical each year. And women no longer have to worry about paying higher premiums, because insurance companies often consider females a preexisting condition. And all Americans are now eligible for free preventive screenings. People already sick can no longer be dropped from their plans. Lifetime and annual coverage limits, that fine print that can thrust a family into bankruptcy just because someone gets sick, these are gone. Because the law bans insurance companies from excluding folks from preexisting conditions, people who need insurance the most can now have access to it.

For some of my colleagues, these important provisions may seem abstract; but for my constituent Gwendolyn Strong and her family, this law means everything. Before, the Strong's lived in constant fear that Gwendolyn, diagnosed with spinal muscular atrophy, would reach her policy's lifetime limit and then become uninsurable because she has a preexisting condition. But the consumer protections in the Affordable Care Act mean that Gwendolyn will receive the care that she needs, and her family is protected from bankruptcies.

A vote for this misguided bill will put the future of the Strong family and millions of other families at risk again. The impact is real. In my district, Medicare benefits will be taken from 100,000 seniors. It will raise taxes on over 16,000 small businesses. And none of us can afford the \$230 billion that repeal will add to our deficit. That's why I am urging my colleagues on both sides of the aisle, for the sake of the Strong family, for the sake of all families, vote "no" on H.R. 2.

Mr. UPTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania, Dr. MURPHY.

Mr. MURPHY of Pennsylvania. Mr. Speaker, Republicans agree, and we want families to keep their kids on their plans if they wish. And last Congress that's why we offered proposals that would have allowed dependent children to stay on their parents' plans. But once again, the other side is trying to hide 3,000 pages of a law by discussing only 10 pages. We all want to work on this, and we will achieve this in the replacement bill.

But the other side also fails to mention the other part of this 3,000 pages

that will ignore what's going to cause health insurance premiums to go up 17 percent because of this care plan. What good is coverage on a policy if a family can't afford it?

On another issue, chronic illness consumes 70 percent of health care costs and 90 percent of Medicare. The health care bill, however, cuts \$500 billion from Medicare, and much of that by eliminating chronic care management that otherwise could save lives and money. So for 7.4 million seniors on Medicare Advantage, if you like your plan, you can't keep it.

So what does chronic disease management do? UPMC in Pittsburgh reduced hospitalization rates for diabetics by 75 percent. Washington Hospital in Pennsylvania cut readmission rates 50 percent for heart disease. And Gateway Health Plan reduced asthma readmissions by 28 percent. It's better care at lower cost; but the health care bill says if you're sick, you're on your own.

Tragically, it pays to amputate the feet of a diabetic, but won't pay a nurse \$5 to make sure you are following up on prescriptions, therapies, diets, and treatments. The new law does have a pilot and grant program to be sure, but you will find no reimbursement code for disease management. That's why we must repeal and replace this bill for the sake of our seniors and for the sake of our children.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise in opposition to H.R. 2, the Patients' Rights Repeal Act.

Day after day, new studies are showing just what's at stake in this debate over health care reform. The Department of Health and Human Services released a staggering report stating that up to 129 million Americans with preexisting medical conditions could lose their newly enacted protection from insurance company discrimination. The CBO has reported that this Republican repeal bill would add \$230 billion to the Federal debt. The Centers for Medicare and Medicaid found that repealing health care reform would reduce the solvency of the Medicare program by 12 years.

Repeal of last year's health care reforms would raise insurance costs for people in my home district of Pittsburgh, Pennsylvania, and across the country, whether they are small business owners, retirees, working Americans, or recent college graduates. Health care reform took power away from the insurance companies and gave it back to the American consumers. Repeal of this reform would allow private health insurance companies to go back to the practice of cherry-picking low-risk customers and sticking it to the rest of us. What's more, it would increase prescription drug costs for

seniors who fall into the doughnut hole, raising the average cost of prescription drugs for these seniors by over \$500 this year and by over \$3,000 in 2020.

In a nutshell, the Republican repeal means this: children with preexisting conditions denied coverage; young people up to age 26 can't stay on their parents' plans; pregnant women and breast and prostate cancer patients could be thrown off their insurance policies; seniors will pay more for their drugs; the deficit will increase by \$230 billion; small businesses pay higher taxes.

That doesn't sound very good to me. Repeal helps no one, no one but the insurance industry. I adamantly oppose this effort to repeal this health care reform bill.

□ 1320

Mr. UPTON. Mr. Speaker, before I yield 2 minutes to the gentleman from Texas, Dr. BURGESS, I yield 30 seconds to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, with my slow drawl, I don't think in 30 seconds I can refute everything the gentleman from Pennsylvania had to say—but 120 million people with preexisting conditions, they would all have to have hang nails and fever blisters to have preexisting conditions. And if you believe those statistics, I've got a beach I can sell you in Pennsylvania.

This business about \$230 billion savings, we've already discussed that. They use 10 years of revenue and 6 years of charges. It's smoke and mirrors.

And, finally, on the issue of the doughnut hole, the drug companies have already solved that problem.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Dr. BURGESS, the vice chair of the Health Subcommittee.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, it is important that we have this vote today, and it is important that we vote to repeal this legislation. Let me be clear: I was for and supportive of reforming the health care system, but the law that was passed does not do what was necessary to be done.

We heard from our constituents over and over again in the summer of 2009: don't mess up what we all have and please do something to help us with costs. We ignored them on both counts.

I am troubled because of the drafting errors in this law. I am troubled because we have had not a single oversight hearing in the 10 months since this law was passed. And I am troubled because from the start the government takeover of health care has provided numerous red flags to which Congress has not responded.

Secret deals: what about the five groups of health care providers, doc-

tors, insurance companies, medical device manufacturers, drug companies, who were all invited down to the White House, along with a labor union, to kind of come up with some ideas for health care reform. They came out to the Rose Garden and said, We saved \$2 trillion. I simply asked for that information in a committee hearing and was denied. \$2 trillion in savings, and I am asked to believe that no one wrote anything down?

This was not transparency; this was a photo op. How could we ever be expected to be legislators if we are not even knowing that the ending was written before the bill was even on the floor?

The President promised the American people that there would be open hearings and meetings that would be televised on C-SPAN, but that didn't happen.

Amendment after amendment was offered in committee. Some were, in fact, accepted by Chairman WAXMAN and the Democrats, but then the bill went to the Speaker's office. The Speaker, along with the White House, rewrote the bill. It doubled in size, it came to the floor, and it was pushed through.

Why even have the committee hearings if Speaker PELOSI and the White House are going to rewrite the bill to suit their needs?

Inattentive construction was all over the place in this legislation. The President kept saying, if you like what you have, you can keep it. But apparently that's only true for some people.

Now, many people felt that Members of Congress actually ought to take what they were forcing the American people to take.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UPTON. I yield the gentleman an additional 30 seconds.

Mr. BURGESS. But, in fact, that was not true. Members of Congress are required now to be covered under the exchange. Their staffs are required to be covered under the exchange.

But are there exemptions? Yes, committee staff and senior leadership staff are not required to be covered under the exchanges; neither are the White House occupants. It ought to be the same for everyone. These loopholes need to be closed.

The difficulties in this bill are just too legion to mention. If it could have fixed the problem, I would have been for it; but it is a destructive and pernicious blight, and the expansion of the Federal debt truly does threaten the very fabric of our Republic.

Mr. PALLONE. I yield myself 15 seconds.

Mr. Speaker, I just wanted to mention the gentleman from Texas was decrying the HHS study about preexisting conditions. These are very serious preexisting conditions: heart disease, cancer, asthma, arthritis, high

blood pressure. They are people that have had their policies canceled or they couldn't get insurance because of these preexisting conditions. I don't think they should be belittled.

I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, today's health care repeal debate reminds me of tennis great John McEnroe's famous rant, "You can't be serious."

Everyone knows this vote is symbolic, putting off for another day the hard work of revising portions of this historic law that need attention, or adding provisions that would greatly improve the law.

There is no disagreement about the need to repeal the 1099 requirement for small business, but we should also add provisions to allow the government to bargain for lower drug prices and create more competition among health care plans. To me, that's what the public option was for.

Health care changes already in effect are helping people in my district. Five thousand seniors received \$250 last year to help cover the doughnut hole portion of their Medicare prescription drug costs, and they will get 50 percent drug discounts this year; 49,000 people under age 26 are now covered by their parents' insurance plans; 1,100 local families who went bankrupt due to health care expenses before the law was enacted no longer fear lifetime limits on insurance coverage; people like Elleni M., who suffers from Graves' disease and has gone without health insurance since 2000, can no longer be denied coverage.

There are similar statistics and stories in every congressional district.

But let me highlight one more issue brought into stark relief by the recent rampage in Tucson. Our colleague, GABBY GIFFORDS, and other shooting victims received top-notch, timely care at the University of Arizona Medical Center's level 1 trauma facility. Such facilities give victims of severe injuries a 25 percent greater chance of survival. The law the House is poised to repeal expands level 1 trauma care through Medicaid and discretionary grants.

My home is home to the Harbor-UCLA Medical Center level 1 trauma center, and that's where victims of a natural disaster, a terrorist attack, or another Tucson-like massacre will be brought. We can't be serious if we cut aid to level 1 trauma centers.

Mr. Speaker, bipartisanship is hard, and it sadly won't start with this vote.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise in support of the repeal of this measure. The health care law this body passed last year means well, but we all know that it will never deliver on the promises that my colleagues have made.

Let me tell you why this is not a rant and why we are serious. Earlier, the gentleman from Tennessee (Mr. ROE) spoke to the body on this. ObamaCare makes the same fundamental mistakes that TennCare in Tennessee made. Do we not learn from our mistakes?

ObamaCare and TennCare bet that the near-term cost incurred by Washington's health care mandates will be made up by long-term savings. That's 10 years of revenue for 6 years of expenses. Tennessee lost that bet, and it nearly bankrupted the State. Unless we repeal ObamaCare, America will go down the same road.

We know hundreds of mandates, thousands of mandates, and hundreds of bureaucracies don't add up to a savings. By repealing and replacing, we can keep the promises we made last year, better care at lower cost; but we can do it in a way that will deliver through competition, not mandates.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, yesterday I met with everyday Americans in Chicago who shared with me their personal stories, tragic stories but common stories, about how our flawed health care system has devastated their lives. At its core, access to health care is a moral issue.

Midge Hough told me how her 24-year-old daughter-in-law, Jennifer, and her unborn child both died because Jennifer could not find health insurance because of a preexisting condition. Her preexisting condition? A prior pregnancy.

By the time emergency health care was mobilized, it was too late for Jennifer and her baby. She left behind her husband and a 2-year-old.

Today, the Affordable Care Act mandates that pregnancy is no longer considered a preexisting condition.

David Zoltan has diabetes, and because of his preexisting condition he couldn't get insurance after losing his job 2 years ago. He is holding the insulin that he needs to live; but thanks to the Affordable Care Act, David has coverage under Illinois' preexisting-condition plan and no longer ends up in the emergency room to get his lifesaving insulin.

The Republican plan puts the insurance companies right back in the driver's seat to decide who they will and won't insure based on profitability, how much they will charge, what benefits they will cover.

The Affordable Care Act ends insurance company abuses, creates rules of the road, and puts Americans in charge.

□ 1330

The Republican plan is not health care. For millions of Americans, it means no care.

Mr. UPTON. I yield 15 seconds to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, prevention of discrimination against people with preexisting conditions was something we presented last year. It is something that's going to be one of the hallmarks of our replace bill. I hope the gentlelady supports us in preventing discrimination against preexisting conditions. That's part of the actual replacement that we are going to put forward that is real reform.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the Member from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. I thank the distinguished chairman of the Energy and Commerce Committee. Mr. Speaker, this health care reform bill was a bad bill passed at the wrong moment. It is, in my opinion, one of the major reasons why we face such economic uncertainty in this country. Businesses don't know what it will cost to hire somebody. Businesses don't know what's coming down. Employers don't know what the world is going to be like. And consumers feel the same way.

Now, in the course of this debate, we've talked about the issue of preexisting conditions and how the Republicans are not going to allow for preexisting conditions to be included in their alternative. Nothing could be farther from the truth. Republicans have consistently offered proposals to give individuals with preexisting conditions medical access to affordable health care coverage; but we will do it in a way that will be predictable, it will be fair, it will be competitive, it will save costs, it will make health care transparent, and it will keep premiums down. We have an opportunity now to make changes that should have been made from the very beginning.

Mr. PALLONE. Mr. Speaker, could I ask again about the time remaining on each side.

The SPEAKER pro tempore. The gentleman from New Jersey has 18½ minutes remaining. The gentleman from Michigan has 23¼ minutes remaining.

Mr. PALLONE. At this time I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I rise in opposition to this bill. My first observation is, after hearing my colleagues on the other side of the aisle this morning, it reminds me of the movie "Groundhog Day," the same thing over and over again, same old same old.

My advice would be that taking your notes from 2009 and 2010 are stale and irrelevant today. Now some, I guess the cynics out there, are wondering why you would proceed with this measure as soon as you took over the majority. Some would say that it is just political theater, but I venture to guess that there's another reason: time is not on your side. The more time you allow for this bill and its full implementation,

you lose your argument because you're wrong.

You said it was a government takeover of health care. Wrong. Time has proven you wrong. You said it would be costing thousands and thousands of jobs by now. You were wrong. And with the passage of more time, that only will be solidified that you misread it.

I'm not questioning your intent or sincerity, but you just were simply wrong. Because what happened in the interim? People found out that they were able to get insurance for their children despite preexisting conditions. They could keep their children up to age 26 years on their policies. Seniors were helped with the problems they faced with the doughnut hole. That's what's happened. So I understand.

You were in charge for 12 years and did nothing. We moved forward with something meaningful, and all you can think of is to go back to the inaction.

And you say "replace." Then why do you force repeal without a discussion to the American people of what you want to replace it with? Isn't that a fair assumption? You were wrong in 2009. You were wrong in 2010. And you are wrong today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

Mr. UPTON. Mr. Speaker, before I yield 1 minute to Dr. GINGREY of Georgia, I would like to yield 15 seconds to Dr. BURGESS of Texas.

Mr. BURGESS. I thank the chairman. And I would address to the chairman: the gentleman who previously spoke must understand that this legislation was litigated in front of the American people for the last 2 years. They rendered their verdict, and the jury verdict in November was, "We reject what you have done. We want something better." That's what this process is about today.

Mr. UPTON. Mr. Speaker, I would yield 1 minute to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman from Texas who just spoke was right about not causing thousands of job losses. It cost 4 million lost jobs since the Democrats took over in 2007.

Mr. Speaker, I have seen a number of posters here this morning showing really fairly well-to-do people struggling with health care issues. I don't have a poster; but if I had one, it would show men and women all over this country in cities holding soup cans in line waiting, hoping desperately to get a job. And I will guarantee you, every one of them would take those jobs even if they didn't have health insurance.

The point here, Mr. Speaker, is the Democratic priority was entirely wrong. Yes, it's something they've been wanting to do since the 1930s; and, yes, it's something the American people didn't want since the 1930s. Every

time it's come up, the American people don't want the government to take over health care. They have rejected it time and time again.

We will vote for H.R. 2 and pass it. And if the Senate and the President want to ignore the will of the American people, they do it at their own peril.

Mr. PALLONE. Mr. Speaker, I yield myself 15 seconds.

I hear talk on the other side of the aisle about jobs, but I would point out that under Democratic policies, including health reform, there's been a strong private sector job growth this past year. In 2010, there have been 12 straight months of private sector job growth. And under the Obama administration overall this past year, we have created a total of 1.3 million new private sector jobs.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, with the exception of a liberal in Congress, the only person that would suggest that this ObamaCare law would actually reduce the deficit has got to be an Enron accountant.

If you look at this bill, it rations care, it raises health care costs for families—yes, that was scored to raise the cost of health care. It's actually pushing thousands of doctors out of the practice of medicine.

This job-killing bill is not reform. What we need to do is go back to the table and actually repeal this and replace it with real reform. But if all of my colleagues on the other side are correct in what they're saying about what's good about this, then why is it that when this bill was in committee, we actually brought up an amendment that said, if this is so good, all the Members of Congress have to join the government option. Guess what happened, Mr. Speaker? Every single member of the committee who voted for this bill voted to exempt themselves from it. So clearly that tells you, if you're not willing to put your money where your mouth is, it's not good law.

Let's repeal this and start over with real reforms that actually lower the cost of health care, that address real problems like making sure people with a preexisting condition can't be discriminated against. Let's restore the doctor-patient relationship. That starts with repeal.

Mr. PALLONE. I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I'm opposed to this effort to repeal a bill, a reform bill without anything to replace it at hand. It's asking Americans to jump without a parachute and without a net. And it's the wrong thing to do because we are a country that has always moved forward.

I want to mention two ways this bill moves forward which we should not re-

peal. One is that we have finally addressed this horrific geographic disparity where physicians and hospitals get treated differently, unfairly around the country. We finally are fixing that, long, long overdue.

And, second, this bill really helps us move forward to reduce waste in our medical industry. A Dartmouth study suggested as much as 30 percent of all the things we do have been wasted in health care because we haven't had the right incentives.

Where I come from in Washington State, we're doing things that we need to export around the country to stop waste in medicine. At Virginia Mason they just won the national Leapfrog to the Top Award, where they've saved over \$1 million a year just by bringing efficiencies in how you provide supplies. At GroupHealth, they've reduced the readmission rate by about one-third by bringing efficiencies to the system.

At the Providence-Everett Hospital, I was so impressed when I met a Dr. Brevig, a cardiac physician, who brought some efficiencies in how they handle cardiac patients. So instead of moving the patient all around, they bring the physicians to the patient. Do you know what? They've knocked almost a full day off the time you have to be in a hospital, and they've reduced the infection rate by almost one-half, improving quality.

□ 1340

At Children's Hospital, they are building a hospital which uses 30 percent less square footage than the average hospital.

These are the types of efficiencies that we need to reduce the rate of medical inflation. This is one of the reasons that the Congressional Budget Office found that this bill will actually reduce the deficit by \$230 billion. Let's keep moving forward and not go backwards. Defeat this bill.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I rise to express my strong opposition to ObamaCare. ObamaCare will single-handedly have more negative ramifications on the American economy than any bill passed in our Nation's history. If not repealed, the \$1.2 trillion government takeover of health care will increase the cost of care, eliminate jobs, and cause budget deficits and the national debt to explode.

The Democrats' health care takeover contains \$569 billion in taxes, increased government spending, a half-trillion-dollar cut in Medicare, increased costs to the States, and mandates on businesses. All of these are hurting the economy and making it harder for small businesses to create jobs and get people back to work. We need greater competition and more choices for consumers.

Since this bill became law last spring, I have heard the same message across the Fifth Congressional District: Businesses aren't hiring new employees, buying new machinery, or expanding their businesses because of increases in costs under the legislation. Imposing these higher costs on businesses will lead to lower wages and fewer workers.

Mr. PALLONE. I yield myself 15 seconds.

Mr. Speaker, I heard the gentleman from Louisiana say that Members of Congress were not in the exchange, and that is simply not the case. And I don't want to hear it repeated from the other side of the aisle. This current bill that we passed says that Members of Congress have to go into the exchange and have the same health care benefits through the exchange as any other American. So don't keep repeating that because it is simply not true.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. I yield 30 seconds to the gentleman from Texas (Mr. BURGESS) to respond to that.

Mr. BURGESS. Mr. Speaker, it is important that Members of Congress understand the parameters here. Indeed, we are required to buy our health insurance in the insurance exchanges as provided under the health care law. There are no insurance exchanges as they exist right now, so it is anybody's guess. We are probably still under the Federal Employees Health Benefits Plan, but nobody is actually certain about that. What is certain is that there were exemptions. There were exemptions for senior staff, senior leadership staff, committee staff, the White House, and political appointees in the Federal agencies. Everyone should be treated equally. Some are not more equal than others.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the chairman of the Energy and Commerce Committee.

Mr. Speaker, I think it is important to understand and remember how we got here. When the Senate passed their bill on Christmas Eve of 2009, there was not a soul on either side of the aisle in the House of Representatives who thought that that turkey would work. The bill that they passed, everybody knew it was bad. So when it became procedurally impossible to change it, the Democrats decided to push for this bill that everyone understood would not work, and that is what we are dealing with today.

I think it is very promising that now—Iowa just yesterday joined a lawsuit so there is a majority of the States in this country that now say let's repeal this, that the individual mandate is unconstitutional.

So not only are we stuck with a horrible bill, an unconstitutional bill that

everyone knows and understood back then would never work, now they want to preserve this. We have got to repeal this and replace it with commonsense reforms that will actually work for the American people.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from New Jersey has 14½ minutes and the gentleman from Michigan has 18½ minutes.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. Mr. Speaker, we can do better. There are many reasons to start over on health care reform. Do it right, and listen to the American people.

Number one, the current bill further destroys jobs at a time when we need jobs.

Number two, it actually increases our health care costs.

Three, it increases government spending.

Four, it raises taxes on hardworking families and small businesses.

Five, it takes away our choice of physicians.

Six, it cuts Medicare for seniors. Good-bye Medicare Advantage.

Seven, it threatens our world-class quality health care system.

Eight, it will add to our already growing budget deficit.

Nine, it includes taxpayer funding for abortions.

Ten, it is unconstitutional. And there are many, many more.

I encourage my colleagues to join me in supporting H.R. 2, and let's start the process of repealing this bill, the current health care reform bill, and replacing it with a bill that America deserves and America wants.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today on behalf of hundreds of thousands of Wisconsin families who have already begun to benefit from health care reform. I am mindful of the children, young adults, and seniors who would lose access to affordable health care coverage should the measure Republicans are pushing today to repeal our recently passed health care law come to pass.

Over the years, I have heard thousands of stories from constituents about their struggles to find access to affordable health coverage. This year, my constituents' calls and letters have changed. They have transformed into stories of thanks and gratitude.

I think of Kate of Fitchburg, Wisconsin, whose family has already seen the benefits of this law in the short time its provisions have been in effect.

Kate recently shared with me how her 16-year-old daughter, Maggie, had been unable to receive affordable health care coverage because she was born prematurely with a genetic anomaly that requires frequent doctors' visits. However, as a result of health care reform, Maggie is no longer denied health coverage because of her preexisting condition. Kate also has the peace of mind knowing that once her daughter becomes an adult, she can remain on Kate's health insurance until she turns 26.

Additionally, Kate's parents are both on Medicare and have fallen into the prescription drug doughnut hole. As a result of our recently passed health care law, they have already received additional help to pay for their medications.

Unfortunately, Kate's family would no longer enjoy these benefits should this measure we are considering today to repeal the health care reform law succeed. And Kate's family isn't alone. Under repeal, 147,000 young adults in Wisconsin would stand to lose their insurance coverage through their parents' health care plans. And once again, people would be discriminated against because of preexisting conditions. And 46,000 Wisconsin seniors would face higher prescription drug costs. I urge my colleagues to oppose this measure.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Speaker, the so-called Affordable Care Act is nothing short of politics above economics. This penalizing law is loaded with excessive constraints and oppressive Federal mandates on States. As Medicaid rolls rise, State revenues continue to fall, and this law only increases the challenges governors face in their attempts to balance their budgets.

Instead of granting State executives the authority to tailor their Medicaid programs to their State's diverse populations, the Affordable Care Act implements a one-size-fits-all maintenance of effort provision which restricts States from changing their Medicaid programs.

Republicans want to provide States with the flexibility they need to manage their health programs. This is simply one reason why I am committed to repealing this carelessly crafted health care law and replacing it with reforms centered on decreasing costs and protecting our middle class jobs.

Mr. PALLONE. I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE).

□ 1350

Mr. LANCE. Mr. Speaker, I rise today in support of H.R. 2, an important first step toward implementing

sustainable health care reform that our Nation can afford.

The health care law passed last year includes sleights of hand to mask the true cost of the measure. For example, 6 years of entitlements and subsidies are paid by 10 years of taxes, and premiums are collected for the first 10 years for a long-term care program with no benefits during that period.

Douglas Holtz-Eakin said it best when he wrote in today's Wall Street Journal that the health care law is "all about budget gimmicks, deceptive accounting, and implausible assumptions used to create the false impression of fiscal discipline."

Failure to repeal the health care law will add an additional \$700 billion to our national deficit in the next 10 years. However, we can work together in a bipartisan capacity to enact commonsense health care solutions that lower health care costs without raising taxes or adding to our national debt.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana, Dr. CASSIDY.

Mr. CASSIDY. Mr. Speaker, I discuss this bill as a doctor who has been treating the uninsured for 20 years.

Now, opponents of repeal argue that this gives Americans insurance, but what in truth it often gives is Medicaid. Now, Medicaid is a Federal-State program, which is often called "welfare medicine," and it is a program which is destroying State budgets.

Last spring, the New York Times spoke about how this has implications for patient care. They spoke of a woman on Michigan Medicaid with metastatic cancer who could not find an oncologist because Michigan Medicaid had been cut so much because of Michigan's budget problems.

Carol died a week after the article. That's Medicaid.

Now, the supporters of the ObamaCare bill believe that more people on Medicaid is good. Republicans disagree because what happened in Michigan is happening across the Nation.

Last year, before this bill was passed, 20 States cut Medicaid payments, and 39 cut provider payments. This is threatening to bankrupt them. Now imagine what happens when their rolls double. Mandating that 16 million more Americans get put on Medicaid is not health care; it is a way around State budgets. It is the illusion of coverage for patients.

Let's repeal this law and pass real reform.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Mr. Speaker, I believe the health care bill passed last year will not only burden American families but will also bankrupt already struggling State governments.

It has been estimated that the health care bill will saddle Kentucky with a \$303 million unfunded mandate. This burden will leave fewer resources available for public education, infrastructure projects, and other worthwhile State efforts.

It is not just Kentucky. States all across the Nation face the same dilemma. They are facing already difficult budget situations, and will soon be strapped with higher Medicaid costs as a result of the health care law. Further, the law prohibits States from altering their Medicaid offerings, essentially removing their ability to contain the rising costs.

We must stop this law from going into effect and from further burdening our State governments and American families. I urge my colleagues to vote "yes."

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me thank the ranking member for the time and certainly thank him for his leadership on our committee.

Mr. Speaker, as we debate the Republican proposal to repeal health care reform, I hope—I truly hope—that the American people will open their eyes and realize that this legislation will put insurance companies back in charge of their health care.

I don't know about my friends on the other side. I don't know what kind of districts you represent, but I represent a low-wealth rural district in eastern North Carolina. My constituents need affordable health insurance. They need access to health care now.

In my district, this repeal would allow insurance companies to deny coverage to 261,000 individuals with pre-existing conditions. It would eliminate health care tax credits for up to 11,600 small businesses and 193,000 families. The number of people without health insurance in my district would grow by 56,000 people. It would increase the costs to hospitals for uncompensated care by more than \$65 million, and it would increase prescription drug costs for 7,300 seniors who hit the Medicare drug doughnut hole.

So I take great offense to any effort to repeal health care reform. This repeal would only lead to bigger Federal deficits and higher taxes for small businesses. Children, students, seniors, and small businesses owners would be devastated by losing these protections.

Mr. Speaker, I urge my Republican colleagues to stop playing politics with health care.

Open your eyes, and see the pain of America's working families. Listen to the silent majority in your districts,

not the loudest people in your districts. Reject this repeal effort, and let's debate ways and means of creating jobs in America.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank my colleague from Michigan.

I rise in strong support of H.R. 2.

Mr. Speaker, many of my colleagues have come to this floor tonight to highlight the numerous job-destroying provisions in this new health care law. They have outlined serious threats to our health care system and our economy.

Now I would like to highlight something that was not included in the law—medical liability reform.

My home State of Texas has implemented liability reform with positive results. It is a model for America to follow. Before reform in Texas, doctors could not afford to stay in practice. Frivolous lawsuits were forcing them to close their doors. Now, with reform, they are flocking—flocking—to Texas.

Here is the proof:

Since implementation in 2003, we have seen a 60 percent increase in the number of doctors practicing in our State—60 percent—and a 27 percent drop in the cost of medical liability insurance premiums.

We must repeal and replace this economy-busting health care bill by enacting meaningful health care reform. On November 2, we made a promise to the American people. Today, it is a promise kept.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Speaker, this law needs to be repealed for a host of reasons, especially because of its impact on small businesses and seniors.

Recently, I spoke to an owner of a coal mine in West Virginia which has 24 employees. She told me the act has caused her annual premiums to increase by \$84,000.

It was the wrong approach, and it will cost jobs.

Let's not lose sight, though, of our most vulnerable citizens in our society—senior citizens. The law's \$500 billion in cuts to Medicare is unconscionable. Reducing benefits for some senior citizens and jeopardizing access to other care is unacceptable to those of our Greatest Generation.

Congress should never have broken its promise that it made decades ago by cutting the health care senior citizens deserve. Let's repeal it and replace it with something that is bipartisan, that lowers costs, that saves jobs, and that protects our senior citizens.

Mr. PALLONE. I yield myself 15 seconds, Mr. Speaker.

Mr. MCKINLEY mentioned seniors.

I would point out that, beginning in 2011, the health care reform provides a 50 percent discount for prescription drugs for Medicare beneficiaries. There are 12,100 Medicare beneficiaries in Representative MCKINLEY's district who benefit from these provisions. Seniors benefit from this bill, and if you repeal the bill, those seniors are going to have a loss.

I reserve the balance of my time.

The SPEAKER pro tempore. The Chair would like to note, at the present time, the gentleman from Michigan has 11½ minutes remaining; the gentleman from New Jersey has 10¼ minutes remaining.

Mr. UPTON. I would just say I was hoping I was going to get a few extra seconds from people yielding back their time, but that apparently is not the case.

Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from Colorado, Mr. CORY GARDNER.

□ 1400

Mr. GARDNER. I thank the gentleman from Michigan.

Mr. Speaker, I am here to talk about jobs. I want to highlight a story about what is happening to one company in my district when it comes to this health care bill, one company in my district that employs 130 people, a manufacturing company, one of the few left in the country. Even during the worst of the recession, this company kept every single employee employed by having them paint houses and rake leaves instead of firing them, because they felt obligated to their employees.

Without this health care bill, they predicted that their health care costs would increase by about 5 percent. With this health care bill, their cost will increase by 20 percent—an additional \$200,000 a year—to afford the cost of the health care bill. That's six people that they could have employed and hired and put to work, providing them with benefits, but instead we passed a job-destroying health care bill.

It is time for this Congress to act to fulfill the promise it made to America, the promise to repeal this bill and to put in its place solutions that will actually increase the quality of care and decrease the cost of care. The time is now. Let's act before we lose one more job.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentleman for yielding me time.

Madam Speaker, I rise in strong opposition to the bill before us. This bill would cost the American small business owner dearly.

In Sacramento, over 88,000 small businesses are eligible to take advantage of the tax credits provided under

the current law to help offer and afford meaningful health insurance coverage.

Gordon, the owner of a communications firm in midtown Sacramento, covers 100 percent of his 13 employees' health insurance premiums. This is the firm's second highest expense next to payroll. As a result of the tax credits in the Affordable Care Act, Gordon's company is expecting to save roughly 25 percent in employee premiums. This frees up much-needed capital so Gordon's business can prosper and expand.

Another small business that will grow as a result of the tax credits is a small cafe owned by Pat and Kim in downtown Sacramento. They currently employ four full-time employees who receive full benefits and 25 part-time employees. With the savings they are planning to see from the tax credits, Pat and Kim will be able to hire another full-time employee.

This is the type of job creation that we need to help repair our economy and see small businesses thrive again. That is why repeal is so dangerous and why the Affordable Care Act is so critical to small businesses in Sacramento and throughout our country.

For these small businesses, I urge my colleagues to vote "no" on this bill.

Mr. UPTON. Madam Speaker, I yield 1 minute to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Madam Speaker, last week, Kansas Attorney General Derek Schmidt filed to join a Federal lawsuit challenging the constitutionality of ObamaCare, and I want to applaud Attorney General Schmidt, Governor Sam Brownback, and the 25 other States that have taken on the duty of correcting what this Congress did unconstitutionally last cycle.

Our Nation was founded on liberty, and that liberty was enshrined in our Constitution. They gave to us, as Members of Congress, certain powers, enumerated and very limited. The ObamaCare law strikes at the heart of that constitutional principle and for the first time requires every citizen of America and Kansas to buy a health care product or face a stiff penalty. Never before has Congress required anyone to buy a private product in this way. It can't be right. If that power were to exist in Congress, our power would be unlimited, and that's not how our Founders intended it.

I urge every one of my fellow colleagues to take aim at this law which threatens our liberty, our health care system, and jobs in America and Kansas.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman. Madam Speaker, about a year ago, I got a call from Donna, a mother who lives in Plainfield, Vermont, and this was her story:

She has a son who had his first job. It paid like 9 bucks an hour and it came

with no health care, but they were excited that her son was getting out in the workforce, learning discipline, learning self-responsibility. But he lost the health care because he was no longer on her policy. He got into an accident. He's fine, but he has \$20,000 in medical bills that were uncovered. That is a burden on him and it's a burden on the family. When she learned that we passed health care that included coverage for her 21-year-old son, she was ecstatic. It relieved an enormous burden on this family because they knew that their son would have coverage.

This repeal bill is taking away that coverage for Donna's son. Why?

The question that we have is different from the campaign where we made our arguments. We now are in Congress and we have a mutual responsibility to decide whether we are going to spend our time here continuing to make partisan political points or making practical progress for the American people.

You have some good arguments about the health care bill and about what reforms we need, and we've got to wrestle with the cost of health care. No matter how we pay for it, the cost can't go up higher than wages and salaries. But what we should do is improve what we have, correct what must be corrected, and get rid of what doesn't work. But to throw it all out, all these insurance reforms—health care for Donna's son, preexisting conditions, preventive care for seniors where by getting care in time it's going to save us money—that's the wrong thing to do.

When does it make sense to toss out the good rather than correct the bad?

Mr. UPTON. Madam Speaker, I yield myself 15 seconds.

I appreciate what the gentleman from Vermont just said. I want to assure him that as we look at the replace piece of this, that element—to make sure children under the age of 26—will, in fact, be covered. I made that point in the Rules Committee 2 weeks ago, and we will be doing that again in the days to come.

Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Madam Speaker, for the last 10 months, I have traveled around my district and I've heard from people through the campaign and then now as a Member. I heard from people that we need to repeal this health care bill. The folks back home get it. They understand that this is a budget-busting bill that is going to add mountains of debt on our children, and it's job killing to the tune of hundreds of thousands of jobs a year.

Recently, 200 economists came out and recognized that this is a "major barrier to job growth" and "creates

massive spending increases and a crushing debt burden." The path to affordable health care starts with being able to buy insurance across State lines, providing reduced premiums, and also we have to have lawsuit abuse reform. That is a key element to getting health care costs down. Ultimately, we have to have reforms, though, that will protect the doctor-patient relationship that is so sacred in America and in medicine.

So today we begin working to carry out the voice of the people by implementing health care solutions that will reduce costs, increase accessibility, and protect American jobs. Today we begin advocating for the next generations of Americans, not advocating for the next election in America.

Mr. PALLONE. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, I would just like to point out again—we've said it over and over again—that the CBO, which gives the official estimate, says that over the next 10 years the health care reform saves \$230 billion, and after that, for 10 years, over \$1 trillion.

The Republicans can't get away from the fact that if they repeal this bill, all that is going to do is increase the deficit significantly, because our bill, the current law, actually reduces the deficit.

Mr. UPTON. Madam Speaker, I yield 1 minute to the gentleman from Virginia, MORGAN GRIFFITH.

Mr. GRIFFITH of Virginia. Madam Speaker, I believe the minimum essential coverage provision penalty is unconstitutional.

I took an oath to uphold the Constitution. This time last year, as a member of the Virginia House of Delegates defending that Constitution, I was proud to cast my vote for House Bill 10, which mandated no Virginian shall be required to buy health insurance.

□ 1410

Our attorney general has joined the fray and filed suit in court and is winning. As Virginians, we did not accept the chains of George III, nor will we accept the chains of ObamaCare.

Mr. PALLONE. Madam Speaker, I reserve the balance of my time at this point.

Mr. UPTON. Madam Speaker, I yield 1 minute to the gentleman from the great State of Michigan, Dr. BENISHEK.

Mr. BENISHEK. Madam Speaker, before coming to this House, I have actually been taking care of patients for the last 30 years, and as a surgeon, I work with patients to provide care and earn their trust. The doctor-patient relationship is the very foundation of the practice of medicine. Unfortunately, the health care law passed in the last Congress does not build the doctor-patient relationship; it undermines it. Full of hidden costs and red tape, the

law overregulates and limits patient choices.

We need to repeal this bill, start over, and craft health care legislation that actually puts patients first and puts them in charge of their care. Repealing this bill is not the end of health care reform. This gives us a second chance to tackle the problems of our system while focusing on what makes our system great.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the ranking member of the Health Subcommittee and my colleagues.

You know, we're at about the halfway mark of this debate today. So I think it's time for us to kind of take a little review and also offer people listening at home kind of a viewer's guide to what they have heard and what they are likely to hear coming forward.

There are basically three formations of the argument by the Republicans:

First, they start by making stuff up. You kind of have to wonder if any of them actually read the bill: 137 new agencies—not true; new IRS agents—not true; death panels—not true; Members aren't covered—not true; no tort reform in it—not true.

You know, I want to just advise people watching at home playing that now popular drinking game of you take a shot whenever the Republicans say something that's not true, please assign a designated driver. This is going to be a long afternoon.

Then there are my colleagues on the Republican side of the aisle that are basically pursuing the "we don't really mean it" strategy. My good friend, the new chairman, Mr. UPTON, started his remarks with this long litany of things they are going to do in the new bill. They're going to have coverage for pre-existing conditions. They're going to have help for the doughnut hole. They're going to make sure there are incentives for small businesses to offer insurance. You know what they call that, my colleagues? They call that the bill they're repealing. It sounds very strange, but they want to repeal the bill but they still want to give it a big hug and embrace as if they support the things.

And then, of course, there is the old fallback, and this is a particularly powerful one for the newer Members who are just joining us. It's kind of the bogymen strategy. You know, you pull those canards out of the sky: It's socialized medicine. Socialized medicine? Giving people incentives to go to private insurance companies? How is that socialized medicine? If that's the case, you all have socialized medicine.

Now, it's worth noting that this is the same Republican Party who last year in their budget alternative and this year in their campaign manifesto said, We want to end the Medicare pro-

gram as we know it. I mean, they don't talk about it much, but that's their philosophy. And we have a fundamental disagreement about it. They say there is going to be a government takeover of health care. Really? Who's taking over what health care plan?

We're offering people tax incentives, small businesses tax incentives to go buy private insurance plans. You know, this was a proposal first made by Republicans that was adopted. We decided that that was the way to go.

But stay tuned, ladies and gentlemen. This is the sign of a philosophical division. You have one side that stands up for patients and for citizens and for businesses and the other side which is a wholly owned subsidiary of the health insurance industry.

But we've seen it. Whether they're making up things, whether they're creating bogymen, or whether they're saying, Well, no, we don't really mean it, this is a harbinger.

And I would say to Americans watching at home, think what side you're on. If you're in love with insurance companies and want them to succeed and you don't care about anything else, by all means, this is your team. These are your guys. But if you believe that we need to make sure that people get health insurance, that they're not passing along their bills to the taxpayers each and every single day, that you believe in programs like Social Security and Medicare, these are your guys.

This is kind of your half-time wrap-up for the debate that we're having here today. And those are the two sides. Ladies and gentlemen, pick your side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Members will address all of their remarks to the Chair.

Mr. UPTON. Madam Speaker, I yield 1¼ minutes to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the chairman.

Remarks to the Speaker.

All right, Madam Speaker, who loves insurance companies? Was it the party that gave them an unconstitutional mandate that drove their stock prices through the roof last March 23? Maybe it was.

We talk about new agencies and that the Republicans are misleading the American people on how many new agencies are created. Your own Congressional Research Service said the actual number of new agencies is in excess of 150 but the actual number is unknowable. They took a phrase from former Secretary Rumsfeld in that regard.

What about the new agencies? What about the Office of Consumer Information of Insurance Oversight? Where did that come from? Authorized in the bill? I think not. Appropriations in the bill?

Your guess is as good as mine, but they're out there today hiring people and renting space.

The Independent Payment Advisory Board. Is that just a canard or is that a real phenomenon that threatens the financial solvency of every hospital, public or private, in this country?

Exchanges. Good idea? Bad idea? We can have that debate. But it is the subsidies within the exchanges that are intolerably high and paid for by taking the money out of our seniors' Medicare system.

These are the problems. These are the issues that should be debated. We're talking about modest changes on the margins.

The real fundamentals of this bill are so deeply flawed and the risk to the American public because of the expansion of the deficit is so real, it requires the repeal of OB taken today.

Mr. PALLONE. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, again, Dr. BURGESS talked about impact on hospitals. I want to point out that the health care reform law benefits hospitals by covering more Americans and thereby reducing the costs of providing care to the uninsured. Repeal would undo this benefit, increasing the costs of uncompensated care by \$249 million annually for hospitals in his district.

I yield 15 seconds to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I want my colleagues to understand, to say that you're not going to give them insurance, who do you think then pays for those uninsured? Who do you think then comes in and pays? It is your citizens in your towns, States, and cities. That's who pays for the uninsured and all of us who wind up footing the bill.

You talk about responsibility. What about the responsibility not to pass the bill along to everyone else?

Mr. UPTON. May I inquire how much time is left.

The SPEAKER pro tempore. The gentleman from Michigan has 5 minutes remaining; the gentleman from New Jersey has 2½ minutes remaining.

Mr. UPTON. I yield 1 minute to the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. I thank the gentleman from Michigan.

Madam Speaker, I rise in support of repealing the \$2.6 trillion Washington takeover of health care.

I spent the past year speaking with thousands of Texans in the 23rd District. The message I received was explicit and distinct: Repeal and replace the jobs-destroying health care law.

We must reform health care in America. However, we must do so in a way that doesn't destroy jobs but ensures the American people can get the health care that they need when they need it, at a price they can afford, and doesn't put Washington bureaucrats in charge of America's health care.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. UPTON. I yield 1 minute to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. The first time I stood on the floor to speak, I spoke to read the United States Constitution. Now I rise to defend this great document that I carry with me every day by advocating for the repeal of the unconstitutional health care bill, ObamaCare.

Let me convey the thoughts and feelings of the people from my home State, South Carolina.

To the last Congress I ask: Where in this document, the United States Constitution, or in the writings of our Founding Fathers leads you to believe that we as free Americans should not be able to choose and pick our own doctors? What leads you to believe that the government takeover of health care is even constitutional? And why didn't you listen to the millions of Americans who yelled at the top of their lungs that we don't need or want the government to be in control of our health care decisions?

□ 1420

I think it's time we return this House to the people, and we can start by repealing the job-killing, socialistic, and out-of-touch health care bill.

Mr. PALLONE. Madam Speaker, I yield 30 seconds to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I want to respond, because if the Constitution means anything, it also shows that as Members of the House and the Senate, the legislative branch, it's not our job to decide constitutionality. My opinion is just as important as yours. It's the nine people over in the Supreme Court that the Constitution gives that authority to.

And I think the health care law is constitutional, because all those companies serve all of our States. It's across State lines. The commerce clause works that way. So hiding behind the Constitution—and we read it here on the floor—this bill will be constitutional because Social Security's constitutional, mandatory insurance in our States is constitutional. So we can have that argument. It doesn't do any good.

Mr. UPTON. Madam Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the chairman from Michigan for yielding the time.

Madam Speaker, I rise to add my voice to those calling for repeal of last year's misguided overhaul of our national health care system. Seldom has a well-intentioned desire, in this case making the system work better, strayed so disastrously off course.

The new law destroys existing jobs, inserts government between you and

your family doctor, and allows Washington to still spend more money, more borrowed money. Even worse, it fails to accomplish its primary goal. Instead of making health insurance more affordable, premiums today remain sky high for individuals and employers.

Now we have a two-part opportunity before this Congress. First, we must repeal last year's unconstitutional legislation. Then we need to begin the process of delivering what Americans are demanding, a patient-centered health care system that is effective, efficient, and simply reduces costs.

Mr. PALLONE. Madam Speaker, I yield myself 15 seconds.

The gentleman from New Hampshire, if he votes for this repeal, he is eliminating new health care coverage options for 1,900 uninsured young adults, increasing the number of people without health insurance by 24,000 individuals, and increasing the cost to hospitals of providing uncompensated care by \$35 million annually in his district.

Mr. UPTON. Madam Speaker, may I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes. The gentleman from New Jersey has 1½ minutes.

Mr. UPTON. Madam Speaker, I yield 1 minute to the gentleman from Maryland, Dr. HARRIS.

Mr. HARRIS. Madam Speaker, as a physician delivering care in labor and delivery for 26 years, I know that the last thing we need is a new government bureaucrat looking over our shoulders when I am in that delivery room administering an anesthetic to a mother for an emergency cesarean section to save her baby's life. But that's exactly what ObamaCare will do if we don't repeal it.

Instead of the last Congress making sure that the baby born that day has a real chance at the American Dream by creating jobs and solving America's long-term fiscal crisis, they added over \$2 trillion to our children's and grandchildren's debt with that job-destroying ObamaCare bill. That's why we should repeal it today.

Mr. PALLONE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, in this debate the truth should be told about the Republican repeal. In fact, the Republican bill should come up with a health warning that their measure is dangerous to America's health. For many people, the issue of having health coverage is a matter of life and death, and I would say there are so many benefits that we have pointed out during this debate that already exist for the average American that to talk about repeal at this time and eliminate those benefits for those people that have pre-existing conditions that wouldn't be able to get coverage, or would face lifetime caps or rescissions, it simply needs to be told that the fact of the

matter is that right now there are tremendous benefits that are coming to the average American from this legislation. And to repeal it at this point makes absolutely no sense. It's completely a waste of time.

We have no indication that this repeal would ever go to the Senate or ever be considered by the President. And I just wish that my colleagues on the other side of the aisle, instead of wasting their time talking about this repeal that is going nowhere, would instead focus on the economy. Focus on jobs. When I talk to my constituents, that's what they want us to deal with.

We just began this session of Congress about 2 weeks ago. The focus should be on the economy, on jobs, on trying to do what we can to improve the lives of the average American. We have tremendous benefits that exist under this health care legislation now. Why focus our attention, in this first 2 or 3 weeks of the Congress, on this repeal? It makes absolutely no sense.

And I would ask my colleagues, after today, please, let's focus on jobs. Let's focus on what we can do to improve the economy. Let's not continue this debate on health care, because actually what my constituents want is they want this bill to unfold. They like the benefits that have already come forward. And a lot more benefits will accrue. Most Americans will ultimately be covered by health insurance, and that's the key. Let's focus on jobs and the economy and stop this ruse about health care repeal.

Mr. UPTON. Madam Speaker, to close our debate, I yield the balance of my time to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I thank the chairman from Michigan for yielding.

Madam Speaker, the so-called Affordable Care Act has clearly failed to make health care more affordable. Since the passage of this law, I have heard from local families throughout my community concerned about what this will mean to their pocketbooks and from small business owners who are concerned about how they will keep their doors open.

Making health care affordable requires that we address out-of-control costs, such as lawsuit abuse reform. This issue was completely and inexplicably ignored in this act. The act has also created paralyzing uncertainty and new layers of bureaucracy, putting new demands on businesses in the form of mandates and new taxes, forcing them to comply with yet-to-be-written regulations that prevent them from hiring and stalls the economic recovery that we need so dearly.

After this vote, I look forward to working with all of my colleagues to find ways of lowering the cost of health care, maintaining a patient-focused system, making health care more accessible to all Americans, and working

with families and businesses to find quality insurance. This act failed to accomplish such commonsense goals. In fact, it made matters worse. Therefore, I will vote for its repeal, and I encourage all of my colleagues to join with me on both sides of the aisle and vote "yes."

Mr. CAMP. Madam Speaker, I yield myself 4½ minutes.

The Democrats' health care law is fundamentally flawed; and we will, having listened to the will of the American people, vote to repeal it today. The problem with this law, among its many faults, is it puts government at the center of health care decisions, not doctors and patients. Instead of families deciding what coverage is best for them, this law has the Secretary of Health and Human Services making that choice. Instead of families and employers deciding how much they can afford, the IRS is making that decision.

□ 1430

Instead of families and employers deciding if they need health insurance, the government is mandating they purchase it.

This is all about the government. It's Washington knows best, and it's wrong. By virtually every measure, this law is a failure. The health care law fails to control costs. It fails to let Americans keep the insurance they have and like. It fails to protect jobs and, in fact, hurts job creation at a time when the unemployment rate has remained above 9 percent for 20 months. It fails to ensure seniors have access to their doctors and hospitals, and it fails to prevent tax increases from hitting middle class families.

Let's review the facts. The health care law makes health insurance more expensive for millions of Americans. Well, according to the nonpartisan Congressional Budget Office, the Democrats' health law will increase premiums for millions of families by up to \$2,100 on average by 2016—\$2,100 more expensive than it would have been if Congress had done nothing, almost \$3,200 more expensive than the Republican alternative we offered last Congress.

The Democrats' health care law forces millions of Americans out of the health care plan they have and like. The Obama administration has predicted that as many as 7 out of 10 employers will have to change the coverage they offer their employees because of the Democrats' health care law.

The health care law discourages employers from hiring new workers, increasing wages, or retaining existing employees. There are over \$500 billion in new job-destroying taxes, many of which hit middle class families.

With all these taxes and new regulations, it's no wonder that major em-

ployer groups such as the National Federation of Independent Business, the National Association of Manufacturers, the U.S. Chamber of Commerce, as well as Business Roundtable and The Business Council call the Democrats' health care law destructive and dangerous.

The health care law jeopardizes seniors' health care. Again according to the Obama administration's own actuaries at CMS, the massive Medicare cuts contained in the Democrats' health law could threaten seniors' access to care and cause providers to stop treating Medicare patients.

Entitlement expansion is not health care reform, and giving new powers and regulations to departments like HHS and letting the IRS hire up to 16,000 new auditors, agents, and other employees is not the same as empowering doctors and patients, and it isn't the job creation America needs.

The American people know that like a tree that's rotten at the center, we must cut it down and put something new in its place. That's what we are doing today, cutting the government out of the waiting room, out of the doctor's office and out of your medicine cabinet.

Once we have done that, we will begin tomorrow to implement step-by-step commonsense reforms that actually lower the cost of health care and actually respect the doctor-patient relationship. This House, this majority, Republicans, have heard the American people loud and clear, and we will not let government dictate your health care coverage. We will repeal this law, and we will continue our effort until Americans are again free to choose their health insurance plan, to choose their doctor and to choose what is best for them, their family, and their business. This is a Congress dedicated to empowering the American people, not increasing the size, scope, and cost of the Federal Government.

I urge my colleagues to vote with me to repeal this job-destroying and cost-increasing health care law.

I reserve the balance of my time.

Mr. LEVIN. I yield myself 4 minutes.

Madam Speaker, health care reform is an American family law. Repealing it would hurt families all across our Nation. Repeal would mean rescission, taking away benefits from millions of Americans, giving power back to health insurance.

Let's be clear: This law is working. Repealing it would have real-life consequences for millions of Americans.

As many as 19 million kids in our country have health problems considered preexisting conditions. In the past it could have led health insurance companies to drop their coverage. This new law changed that. One example—there are millions: One mother in my district, Felicia Tisdale, said she has been anxious about her daughter's health in-

surance since she was diagnosed with diabetes at age 3. Ms. Tisdale and others like her no longer have to worry about their children being denied coverage.

More than 1 million young adults are already benefiting from the provision that allows them to stay on their parents' plan until they turn 26. Just one example: A constituent, Sean McCarthy, an auto worker, told me in a letter that his two children, ages 19 and 23, could not afford to stay in college, but he was grateful that the new law at least enabled them to get health insurance by joining his plan.

And then seniors, millions, millions have seen their out-of-pocket drug costs go down under this new law. Nearly 3 million Medicare recipients have received a reimbursement check in the mail in the last year relating to the doughnut hole.

One gentleman who I represent, Harry Wimple of Warren, Michigan, wrote to me, thankfully, that his wife received \$250 that she otherwise would not have. He said his wife paid thousands of dollars out of pocket in 2010 because of the doughnut hole.

Repeal would mean releasing insurance companies once again to impose unreasonable premium increases, to deny insurance to whomever they please whenever they please, to set annual lifetime benefit limits, to discriminate against women through higher rates and arbitrary definitions of preexisting conditions. Repeal would mean retreat, retreat, from moving America ahead.

We will fight that retreat. It will not happen.

I reserve the balance of my time.

Mr. CAMP. I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. I rise in strong support of this legislation to repeal ObamaCare.

Madam Speaker, Americans expect a new Congress to make job creation a priority and get our country back on the path of fiscal responsibility. Any serious plan to achieve these goals must begin with repeal of ObamaCare.

Madam Speaker, I represent 10 rural counties in northern California with chronically high unemployment rates. Last year I spoke with the owner of a restaurant chain based in Redding, California. He had originally planned to open 10 new locations this year, creating hundreds of new jobs. But because of the higher labor costs imposed by ObamaCare, he has decided not to expand at all.

At the other end of my district in California's Capay Valley, I have heard from a family-owned farm that delivers fresh produce to residents across the State. They are facing a staggering \$1.7 million in costs from the new health care mandates. Add these to thousands

of similar stories across the country, and it's clear that this law will have a devastating impact on workers and employers alike.

That's why the National Federation of Independent Business and the U.S. Chamber of Commerce are urging Congress to vote "yes" on repeal. My friends on the other side claim that ObamaCare will reduce the deficit. Yet no one truly believes that a new trillion-dollar government entitlement is the solution to a deficit crisis caused by reckless spending.

As 200 respected economists wrote just this week, the assertion that ObamaCare is "paid for" is "based on omitted costs, budgetary gimmicks, shifted premiums from other entitlements, and unsustainable spending cuts and revenue increases."

These economists conclude that ObamaCare could actually increase the deficit by more than \$500 billion the first decade and by nearly \$1.5 trillion the following decade.

□ 1440

Madam Speaker, Republicans are committed to advancing genuine reforms that reduce the cost of health care, but we must begin by doing away with this bad law that moves our health care system in the wrong direction.

Vote "yes" on repeal.

Mr. LEVIN. I now yield 2 minutes to the very distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Thank you so much. I wish when the dust settles and we have an opportunity to sit together with our Republican friends that we can come up with a reform called "truth in advertising" as we label these bills.

What was a national bill and has been signed into law now is being referred to as the "Democrat ObamaCare job-killing threat to your natural life" bill. And of course this is misleading perhaps to a lot of new Members because they should know, as the listeners to this debate should know, that this ain't repealing nothing.

It's an obligation that some people feel that they made to their constituency who elected them who thought perhaps that that's all you had to do was put in a bill.

But under 2 minutes, I can't get into this how to repeal a law; but it starts off with a vote in the House, then you have to get a vote in the Senate, and then you have to override a veto by the President of the United States.

So if this is done for political reasons, I have always been able to find some good, no matter how this thing is misconstrued, in letting people who follow debate know this is not going to take away the benefits that you received under the Affordable Care Act, that you will continue to receive these preliminary benefits now, and as the years go forward and you find that

you're in need of service or some one of your dear ones, you would find that the bill that people were screaming had to be repealed that we would have joined in recognizing that this is the political theater part about it, but we will be forced to review the bill, improve it if we can, and at the same time be able to say that it's not a Democrat bill, but the Congress in support of the President of the United States saw fit after all of these decades of not recognizing the right of our citizens to have health care to come together and have a bipartisan effort to provide this care.

Mr. CAMP. Madam Speaker, I yield 2 minutes to a true American hero, a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Thank you, Mr. Chairman.

I rise in support of freedom and free enterprise. This is America where the Constitution and freedom and free enterprise are the hallmarks of this great democracy. I think one of the most compelling reasons people went to the ballot box last fall and cast their vote was they felt angry that those in power were disregarding personal liberties and trampling the U.S. Constitution.

As you know, under ObamaCare the Federal Government forces freedom-loving Americans to hand over their hard-earned money for a mandatory product, in this case health insurance.

That's just not how it should be done in a democracy. In a democracy, you have the freedom to choose if you want to buy something. In a democracy, you have the freedom to choose if you want to purchase health insurance. In a democracy, you have the freedom to choose just to say no.

This vote is about freedom and free enterprise and what's best for the future of America. As a constitutional conservative, I say vote for freedom and repeal ObamaCare.

I will close with some words from Patrick Henry: "The Constitution is not an instrument for the government to restrain the people. It is an instrument for the people to restrain the government—lest it come to dominate our lives and our interests."

Let's stand up for freedom and repeal ObamaCare.

Mr. LEVIN. I yield myself 10 seconds.

Almost 50 million people have no health insurance. For most of them, there is no freedom to choose. There's no ability to obtain it.

It is now my privilege to yield 2 minutes to a fighter for health care for many, many decades, MR. STARK of California.

Mr. STARK. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong opposition to repealing health reform. Instead of focusing on job creation, my friends across the aisle want to refight the health reform debate and

take away patient protections that are already helping people get the health care they need.

It bears repeating: health reform is already helping millions of people in America. These aren't just numbers; they are real people. In my community, I received a letter from a young woman named Stephanie Blazin from Castro Valley, California. Stephanie recently graduated from college, married and moved to California where her husband was pursuing a graduate degree. She was lucky and quickly got a job. Then within her first few weeks of the job, she found she was pregnant. This should have been an exciting time for a young couple to start a family. Instead, she learned that her pregnancy was a preexisting condition and she had obtained no coverage for any medical needs surrounding it. She said to me, The first thought through our minds were tainted by how we were going to financially handle this pregnancy and a baby.

Fortunately, because health reform is law and she is under age 26, Stephanie was able to quickly change her health insurance to obtain coverage on her father's health insurance. She now has full coverage for her pregnancy.

Under the Republicans' plan, Stephanie would be stuck with NoCare. That's the Republican plan. By repealing health reform, the GOP plan would provide no protections for people's health, NoCare if you lose your job, NoCare if you have a preexisting condition, NoCare if you are a senior in the doughnut hole, NoCare if your insurer hikes your premiums and you can't afford it.

The Affordable Care Act has finally enacted fair rules for insurance companies. The Republicans want to take those protections away and put the insurance industry back in charge.

I urge my colleagues to vote "no" on the Republican NoCare bill.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, to those middle class Americans listening to the debate today, let me speak to you. This is your life. This is your health. You deserve the right to make your own decisions about your health care rather than being forced into some government-run plan that is centered around what Washington needs and not what you need.

Thanks to the last Congress, this is your new health care plan. We had our staff spend 4 months, weekends and evenings, going through all 2,801 pages of that bill, and we just said, tell us how it works. And this is the answer. We couldn't even fit the whole bill on one page. This is one-third of all the new bureaucracies. At the bottom line, 159 new Federal Government agencies, commissions and bureaucracies in between you and your doctor.

Now, is this the health care reform you were hoping for? If ObamaCare is so great for families, why are health care costs going up and going to go up even higher? If it's so great for small businesses, why are they here today in Washington pleading for us to stop it? And if it's so great for seniors, why have so many been forced out of their Medicare Advantage plan? They can't even see a local doctor anymore because so many local doctors can't see them. They can't afford to cover Medicare senior patients.

Health care is too important to get wrong, and ObamaCare got it wrong. American families, our seniors and our businesses deserve better; and the right place to start is to start over. Repeal ObamaCare and let's come back with some commonsense reforms America can embrace.

Mr. LEVIN. It is now my privilege to yield 2 minutes to another long-time fighter for health care for Americans, Mr. McDERMOTT of Washington.

Mr. McDERMOTT. Madam Speaker, a very famous Republican 100 years ago proposed that we have national health insurance in this country. And he also said this—his name was Teddy Roosevelt by the way—“It's not the critic who counts; not the man who points out how the strong man or woman stumbles, or where the doer of deeds could have done them better.

“The credit belongs to the man or the woman who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes up short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.”

□ 1450

Now, I have been here for 23 years, and since the Republicans defeated the efforts of the Clintons in 1993–1994, I have waited for 16 years for my cold and timid friends to make one proposal that will deal with the preexisting condition question. We have 125 million Americans who cannot go out and get insurance, who cannot leave their job if they have insurance through their job because they have a preexisting condition, and you have been silent for 16 years. Now you want to come up and throw this away.

Why don't we just settle down and we can make some amendments to this bill. I think there are some things wrong with it. There is a lot of stuff that I didn't get into it when it came

through this House. I am sure that there are some things that you would like. But throwing it away is a political farce. You know it isn't going to work. You have admitted it isn't going to work. It is never going to pass, and so we go through.

Let's get the vote out of the way. Vote “no.”

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are advised to address their remarks to the Chair.

Mr. CAMP. I yield 2 minutes to the gentleman from California (Mr. NUNES), a distinguished member of the Ways and Means Committee.

Mr. NUNES. Madam Speaker, at enormous cost and in the face of tremendous opposition across the country, the previous majority in Congress forced on the American people a great socialist experiment in government health care. No area of the American health care system was left untouched by ObamaCare.

In the name of reform, the Democrat majority expanded a broken government program, Medicaid. They cut funding from what is already the Nation's largest unfunded liability, Medicare. And then, basking in their glory, they added a whole new entitlement program to our catastrophic national debt.

The American people were never told the truth. They were promised health care choices but saw them taken away. They were promised they would save money but saw their health care get more expensive. The most in need were promised access to health care through Medicaid, a program that is not only bankrupting the Federal Government but the State governments as well.

Madam Speaker, the clock was unfortunately turned back last year. Failed socialist policies reemerged from the dust bin of history, and it was a dark chapter for our Nation. Instead of improving the lives of all Americans by fixing our broken health care system, starting with Medicare and Medicaid, the Democratic majority subjected the American people to class warfare, anti-capitalist hate speech and vitriolic rhetoric. Bathed in excesses of power, they passed a bill that, by their own admission, they hadn't read, and then lectured the American people claiming that we have to pass the bill first so we can find out what was in it.

Madam Speaker, the American people have read the bill, and they have rejected it. Today the House will repeal ObamaCare, and we will ensure that this renaissance of socialism in America is the shortest living political era in our Nation's history.

Mr. LEVIN. Madam Speaker, I yield myself 10 seconds.

I am disappointed that this diatribe about socialism comes to the floor today.

Madam Speaker, I yield now for a unanimous consent request to the gentleman from California (Mr. BACA).

Mr. BACA. Madam Speaker, I oppose this repeal of the health bill that is good for my district.

Madam Speaker, right now, Democrats and Republicans should be coming together to create new jobs, help struggling middle class families, and reduce the deficit. But instead of dealing with the problems of today, our Republican friends want to turn back the clock. Now is the time for job creation, not job elimination.

We have heard some say that health reform will bankrupt our Nation. But we know that is not true. In fact the Congressional Budget Office has confirmed that health reform lowers the deficit by over \$1 trillion.

We have heard some say that the business community cannot afford health care reform. But we know that repealing reform actually increases taxes on America's small businesses, by eliminating health care tax credits.

Repealing the health care reform law means:

Discrimination against individuals with pre-existing conditions—jeopardizing coverage for up to 305 thousand individuals in my District;

Gender discrimination that allows insurance companies to charge women higher premiums than men for the same coverage; and

Higher prescription drug costs for seniors on Medicare—including over 5 thousand seniors in my District who will be thrown back into the “Donut Hole.”

Hospitals in my District are already busting at the seams. They can't afford the \$146 million in uncompensated care costs that repeal would bring.

I refuse to go back home and tell parents in my District that 56 thousand of their children will no longer be able to find insurance because of pre-existing health conditions.

We must continue to move forward and focus on job creation. Now is not the time to return to the failed policies of the past.

Let's stand with American families and say “no” to more insurance company control; “no” to increasing the deficit; and “no” to all efforts to repeal health reform.

Mr. LEVIN. I yield for a unanimous consent request to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for yielding.

Madam Speaker, I rise today in opposition of H.R. 2 and I am disappointed that the House has acted to repeal the landmark health reform legislation we passed last year. This act represents a huge step backwards in ensuring that everyone has access to affordable health care. This bill flies in the face of the idea that health care is a right and that everyone deserves access to care.

The repeal of the Patient Protection and Affordable Care Act (P.L. 111–142) and the health provisions in the Health Care and Education Reconciliation Act (P.L. 111–152) will have a major impact on the people in my district. Without maintaining the strong protections enacted under these laws, hundreds of thousands of people in the 4th district, including 60,000 children, could be denied coverage because of a preexisting condition. Additionally, nearly 5,000 seniors on Medicare will

face immediate increases in the cost of their medication, while an additional 58,000 will be forced to pay out of pocket for preventive screenings for conditions such as breast and colon cancer. And with our economy struggling to get back on track, repealing health care will deny hundreds of small businesses and thousands of families in my district crucial tax credits to help offset the cost of coverage.

I have long supported the idea that health care is a right, not a privilege. It is with that in mind that I strongly oppose this misguided action.

Mr. LEVIN. Madam Speaker, it is now my privilege to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), another fighter for what matters to Americans.

Mr. LEWIS of Georgia. I want to thank the gentleman from Michigan for yielding me this time.

Madam Speaker, it is unbelievable that with so many people out of work and millions of people uninsured that the first item of this new Congress is to take health care away from people who just got coverage. More people have insurance today because of the Affordable Care Act; more small businesses are offering health insurance to their workers. For the first time in the history of our Nation, we are headed in the right direction. We are making health care a right and not a privilege.

The repeal will force seniors to pay for more drugs. It would kick young people off of their parents' insurance. We will go back to a time when insurance companies were allowed to discriminate. And once again it will allow insurance companies to put profits above patients' health.

We must not turn back. We have come too far. We cannot go back. The American people are counting on us to do what is right, what is just, what is fair. We made a promise of health care to the American people. We must keep that promise. Vote "no." Keep the promise of health care for all of our citizens.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TIBERI), a distinguished member of the Ways and Means Committee.

Mr. TIBERI. Madam Speaker, I rise in favor of this bill to repeal the government health care law that was passed in 2009. This issue was front and center of my campaign, as I am sure it was in many of the campaigns of the people in this body today. Most of my constituents in central Ohio opposed the 2,000-page bill that became law, and are just beginning to find out what's in it. Sure, they knew about some of the good things like dealing with pre-existing conditions, which most of us on this side of the aisle support doing something with as well. But they didn't know about the medicine cabinet tax, for instance. That's right, flexible savings account changes. No more over-the-counter medicines for moms who are buying that infant

Motrin for their babies. And next year, a cap of \$2,500 for that flexible savings account. They didn't know about the health savings account withdrawal tax that will impact many Americans across our country.

A majority of my constituents want a patient-centered approach, not a government-centered approach; an approach where doctors and nurses are at the center of the process, not government bureaucrats in Washington, D.C.

In addition, Madam Speaker, a third of my seniors who are on Medicare Advantage like the health care they have. Apparently, they won't be able to keep it under this provision of the law.

So, today we have an opportunity, and the debate is over whether we change what we have, repeal it and replace it with something better, something that is patient centered and patient focused.

Mr. LEVIN. I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of our committee.

Mr. NEAL. During the course of the campaign, we heard that this was going to be repeal and replace. What we have in front of us is simply repeal, because there has never been a credible alternative offered for replace.

This legislation is modeled after a modest, market-driven proposal offered by that left-winger, Mitt Romney; that left-wing advocate, Bob Dole; and, yes, that champion of liberal causes, Richard Nixon.

□ 1500

This is an amalgamation of a series of proposals offered over many years. But what do we hear? The usual scare tactics: "ObamaCare"—16 years ago, it was "ClintonCare"—"government takeover," "socialism," and the best one of all, "death panels."

People wonder why the language here is so charged, why it is so incendiary. It is because of the lexicon it has chosen for the purpose of scaring the American people. As President Bush said, if you need health care, go to the emergency room.

Remember what this proposal does: It removes 57 million people with pre-existing conditions from insurance. It eliminates provisions for 2.4 million young adults to maintain health care on their parents' coverage until they are 26. This bill would allow a return to discrimination toward a woman based on higher premiums if she has had breast cancer or perhaps even if she has been a victim of domestic violence or had a child.

This bill that is proposed by our friends on the other side would get rid of a lifetime cap on out-of-pocket expenses. Why is that important? I dare them to challenge the following statistic: Half the bankruptcies in America are health care related. People lose their jobs. They lose their homes. They lose everything because they get sick.

I hope we oppose this repeal measure or at least until we hear a replace proposal.

Mr. CAMP. Madam Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Madam Speaker, the Democrats' health care law has only been in place for 10 months. Yet the problems and negative effects are already painfully clear and well documented. The American people stood against it when it was forced through Congress last year, and they took out their frustrations on this bill at the ballot box, in November, with a mandate to repeal it.

This government takeover of our health care system will not improve access to health care or lower costs for families and small businesses. It is just not in the math if we use the same math that is used by the rest of the country.

Since this law was passed, premiums have increased again, putting more families in the difficult position of choosing between keeping their health insurance, paying their heating bills, or putting food on their tables.

In addition to failing to achieve any key goals of health care reform, this law imposes new taxes, penalties, fees, and paperwork burdens on small businesses that drive our economy. The National Federation of Independent Business has found the employer mandate alone will cost 1.6 million jobs, with about half of those lost by small businesses.

Face it. ObamaCare massively increases taxes. It massively cuts senior benefits. It creates over 100 new agencies, commissions, and boards, and that will massively increase costs. Over 100 new agencies mean more Federal employees, more tax dollars required, more complications in access to health care, and it brings the IRS into your private health care decisions for the first time—without addressing the key drivers of health care costs. Adding more taxes and regulations on job creators will only serve to prolong the economic problems and high unemployment rates we are experiencing.

This is too big of a burden for our economy to wait. We need to start over by repealing this bad law now and by beginning the process of producing commonsense reforms and fiscally responsible solutions. We can reform health care in a way that improves quality, reduces costs, and increases access, all without burdening our economy or increasing the debt that will be owed by our children and grandchildren.

As a member of the Ways and Means Committee, I look forward to following through on our promise to replace the

current law with proposals that actually accomplish these goals of reforming Washington, bringing private market reforms, reducing costs, and dealing with defensive medicine through real debate, real hearings, real mark-ups, and bipartisan input.

As an original cosponsor of H.R. 2, I urge all of my colleagues to join me in supporting this repeal.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to another distinguished member of our committee, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Speaker, I rise in opposition to the repeal of the Patients' Bill of Rights.

As Congress debates this legislation to repeal the historic health care reform law, it is important that our constituents know what working families, small businesses, and seniors stand to lose.

Repealing the health care reform law would remove new protections for 57 million Americans with preexisting conditions. That includes over 8,000 children in my district. It will end the chance for 2.5 million young adults to remain on their parents' plans until they are 26 years of age. In my district, over 4,000 young people will lose this coverage. It will increase prescription drug costs for more than 10,000 seniors in my district who hit the Medicare part D doughnut hole. These seniors will pay another \$500 this year and, between now and 2020, another \$3,000. Some 16,000 small businesses in my district alone will pay higher taxes.

Repeal will increase the deficit by \$230 billion over the next 10 years and more than \$1.2 trillion over the following decade. Repeal will shorten the life of the Medicare program by 12 years, putting Medicare benefits and the seniors who depend on it at great risk.

So when you consider these facts, it is clear that repealing the health care reform law is bad for families, bad for small businesses, and bad for seniors in my district and across our great country. I urge a "no" vote.

Mr. CAMP. Madam Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, I am here today to say that I am going to vote "yes" to repeal this health care bill because I think the American people deserve better.

There were promises made in this bill—promises, promises, promises. There were promises made and, unfortunately, promises that were broken. Think back to last year. Think back to what the American people were promised in this bill. Three promises come to mind: One, Americans were told that

the overhaul would make health care more affordable. Two, they were told that this would make health care more efficient. Three, they were told that they could keep their health care if they liked it.

The American people deserve to hear the truth, and the American people deserve better. It is their health. It is their life. Here is the truth: Over \$500 million worth of taxes on small businesses and American families across this country and \$500 billion cut from Medicare.

Here are some examples: a 2.3 percent tax on medical devices, wheelchairs, and walkers; a 3.8 percent tax on employers; an additional tax penalty on employers who don't provide a certain amount of health care for their workers; a 40 percent tax on so-called "Cadillac" health care plans—and government paperwork bureaucracy.

There is a requirement that you fill out a 1099 form for employees, requiring the hiring of 16,000 IRS workers. Who is going to pay for that?

Remember this promise President Obama made and others made: You can keep your health care if you like it? President Obama himself said, Well, there might have been some language snuck into this bill that runs contrary to that promise.

Madam Speaker, the American people deserve better. The American people deserve the truth. It is their health and it is their life.

Mr. LEVIN. I yield myself 5 seconds.

The truth is we moved to repeal 1099. It was opposed by the now majority.

Madam Speaker, I now yield 2 minutes to the very distinguished gentleman from Oregon (Mr. BLUMENAUER), a member of our committee.

Mr. BLUMENAUER. I thank the gentleman.

People deserve a serious debate on a serious subject. Unfortunately, while serious in tone, what we are hearing from my colleagues is not serious in content. I have listened to people come to the floor repeatedly, talking about a government takeover of health care, which was judged by *Politifact* to be the political lie of the year for 2010.

Indeed, we instead built upon the current system that is a balance to meet the needs of the American people.

We had another serious element that has crept into the approach from my Republican friends—the disregard of Congress' nonpartisan budget referee. It is reckless and unprecedented. It has never happened in 34 years. These are the people who provide impartial information, which is being imagined away by our friends on the other side of the aisle.

Yes, it will require Congress to follow through on the legislation to realize the savings, but the answer is not to turn our backs on reform; it is to make reform work. The current bill builds on the current system. It incorporates ele-

ments of reform that have been supported on a bipartisan basis for years.

□ 1510

Now all of a sudden there is the disregard we heard for a proposal signed into law by Republican Governor Mitt Romney.

Instead of repealing reform, we should be focusing on strengthening it. Americans deserve a serious debate about a serious subject, hard work to make reform work, not a ritual of going through the motions of repeal which everybody in this Chamber knows will still be in effect at the end of debate, at the end of the year, at the end of the Congress. The American people deserve better.

Mr. CAMP. Madam Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Madam Speaker, I rise in favor of repeal of this bill because it's going to fail on cost, it's going to fail on coverage, and it's going to fail on quality.

First, cost. Premiums are going up. In fact, they're going up even higher and at a faster rate than they would have if we had done nothing in many cases.

With regard to the deficit, there are a number of gimmicks in this bill: double counting, excluding the doc fix, creating new entitlements, such as the CLASS Act, which is a Ponzi scheme. And, finally, it does not account for the discretionary spending for this massive increase in the bureaucracy that's going to be created. Taxes are going to go up on innovation, especially medical innovation.

On coverage. What kind of coverage are we expanding? Medicaid coverage. That's a ticket to the emergency room. It doesn't lead to a good doctor-patient relationship, and it's ultimately the most expensive and inefficient way to provide health care. And those costs are going to be passed on to the States.

And on quality. Let me relate an instance from my own medical practice as a cardiovascular surgeon. I was once called to see a patient who was 101 years old. He had carotid artery blockage and was getting ready to have a stroke. He had imminent symptoms. I was skeptical. I went to see the guy. This fellow was vigorous, strong handshake, lived by himself, independent, worked in his own yard, took care of himself without any help, and so I chose to do the carotid operation on him. Thankfully, it was successful, and it gave him 6 more years of a high-quality life as a result of this. He died from some unrelated cause later. But in the absence of that, he would have had a stroke. He would have been in rehab, in a nursing home, acute care, lots of expense, no quality to his life.

Madam Speaker, there is an art and a science to medicine, and the art involves the doctor-patient relationship.

It's built on mutual trust and understanding, knowledge of the patient, trust on both the patient and the doctor's part to do what's in the best interest of the patient. But not only that; the doctor-patient relationship is where costs are incurred and quality occurs. This gentleman would not have had the quality of life if he had not had this operation and if this law had been in existence, which would have delayed or prohibited such treatment.

Mr. LEVIN. Could I ask you, Madam Speaker, how much time there is remaining on each side of the Ways and Means Committee.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 28¼ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 24½ minutes remaining.

Mr. LEVIN. Madam Speaker, I yield myself 10 seconds.

What the reform did was to make sure that the doctor-patient relationship was maintained and that there would be millions more patients in the United States of America.

I now yield 2 minutes to another distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding me this time.

Madam Speaker, shortly after passage of the Affordable Care Act, a young mother in my congressional district, Beth Ferstl, wrote me a letter, and she wrote it on behalf of her 13-month-old son Henry. In it she wrote: "My son had a stroke before he was even born. He wanted to personally thank you for passing this historic health care bill, but he's only 13 months old; and between juggling neurologists, OT, PT and speech therapy, he hasn't found the time. Let me be his voice. As a voter, as your constituent, as a mother, thank you."

I contacted Beth to find out what her family's situation was in this particular case. She told me that because little Henry had a stroke before he was born, literally by the time he took his first breath in life, he was uninsurable because he had a preexisting condition.

Now, I've been to Iraq four times, I've been to Afghanistan twice, I've met with our troops in the field. I thought I met the bravest people in the whole world, our men and women in uniform who are laying their lives on the line every day for us to better secure and make safe our Nation. But if my Republican colleagues can move forward on this repeal today and look into the eyes of little Henry Ferstl and not only say to him, not only do we have the ability to do something to help you but chose not to, but today we choose to take it away from you, then you guys have got to be the bravest people in the world because I can't do that. No one should be able to do that to the 20 million children that have

preexisting conditions throughout this country that this bill fixed.

A young man, 21 years old, in Black River Falls came up to me after the vote and thanked me. I asked him why, is there something in particular that he was most concerned about in this bill? He said, Yeah. A couple of years ago my younger brother needed a kidney so I donated him one of mine. Because I did, even though I am perfectly healthy today, every insurance company I've contacted is treating me as if I have a preexisting condition and they will not insure me.

We can do better than that. That is what the Affordable Care Act is all about, to address these injustices. I encourage my colleagues to vote "no" on repeal.

Mr. CAMP. Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, it is my pleasure to yield 2 minutes to the distinguished gentleman from New Jersey, a joyful member of our committee, Mr. PASCRELL.

Mr. PASCRELL. I thank the gentleman for yielding.

There is not one Member of Congress in these distinguished Halls that has not been called upon to help a constituent who has been threatened to have their insurance taken away from them. Whether it was heart disease, whether it was cancer, asthma, high blood pressure—I've been through many of them. And isn't it interesting that when the congressional office intervenes, they give things a second thought. It should not be that way.

Who are the 2,000 economists we're talking about that are wondering about this health care act? Are they the same ones who predicted enormous increases in the economy of the United States in the last 10 years? Oh, those 10 years we wish to forget, we have amnesia.

Whether it be in town halls or small groups, when I have asked individuals to raise their hands if they were against closing the Medicare doughnut hole, allowing children to stay on a family's health plan until 26, ensuring Americans are not denied insurance for preexisting conditions, no one raises their hand. In the last debate I had, Madam Speaker, just before the election, my opponent didn't raise his hand and I went through 18 of these very specific parts of the health care legislation.

In my district alone, repeal will increase the number of uninsured by 66,000. I can't vote for this repeal. I can't let them down or their insurance will go up.

How about the business person? Sixty percent of businesses who go into bankruptcy it's because of the health care bills they can't afford. I can't let them down either.

Before I conclude, I want to make this point, Madam Speaker: last Octo-

ber, Federal Judge Steeh found the mandate constitutional because by foregoing insurance, individuals are making an economic decision to pay for their health care costs later out of pocket. That's how we get stuck with the bill. We need to end this.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 10 seconds.

Mr. PASCRELL. That means that the people of Texas pay, the people of New Jersey pay, the people of California pay. In essence, everyone pays for those who don't have insurance. Let's get straight on this. We can't afford this, and we must reject repeal.

Mr. CAMP. Madam Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

□ 1520

Mr. HELLER. I thank the gentleman for yielding.

I rise in support of H.R. 2.

Last year the previous Speaker of the House told Members that we needed to pass the health care bill so that we could find out what was in it. Now Members and the American people have had the opportunity to read it, and they don't like it. What they have found includes a \$1.2 trillion price tag and more than 100 new Federal programs and onerous mandates that reflect how out of touch the previous majority was with the American people.

This Congress will reject these policies, replace them with market-based reforms that will provide greater access and affordability of health care. Repealing the bill would help more Nevada employers and their workers keep the insurance that they currently enjoy. An estimated half of all employers and 80 percent of small businesses will be forced to give up their coverage under current law, which I find unacceptable.

Uncertainty in the business community means fewer jobs created. In my home State, where unemployment persists at more than 14 percent, it also means thousands of Nevadans continue depending on unemployment benefits when what they want is a decent job to provide for their families.

Furthermore, we must act to prevent last year's bill from further impacting the pocketbooks of hardworking Americans who are already struggling. Repealing this bill will protect Nevadans from predictable health care premium increases of at least \$2,100, block a \$570 billion tax increase on all Americans, and keep Nevada's seniors in their current Medicare Advantage plan while preventing higher prescription drug prices.

Madam Speaker, this Congress is in the business of cutting red tape, not creating it. I strongly support passage of H.R. 2. I look forward to working

with my colleagues to pass meaningful legislation that will promote better, more affordable medical care.

Mr. LEVIN. It is my pleasure to yield 2 minutes to a valued member of our committee, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the chairman for yielding.

Madam Speaker, I rise in strong opposition to this legislative stunt to repeal health care reform, and I'm going to tell you why.

There are 600,000 of my fellow Nevadans who have no health insurance. This doesn't mean that they don't get sick. It means that they wait until they're very sick and then they go to the emergency rooms to get care. Every hospital in southern Nevada is operating in the red. Why is that? Because the cost of providing health care to the uninsured in emergency rooms is astronomical.

But there's more. If we repeal this bill, we will be eliminating the preexisting condition ban. If you have a preexisting condition, which at least 129,000 people in my congressional district have, you will not be able to get any insurance at all.

If we repeal this bill, all of those 20-somethings who are living at home and because of the economy they can't find a job, they're not going to be able to stay on their parents' health care plan. That's 26,000 people in my congressional district, including my two children.

The health care reform bill eliminates lifetime caps. Ask Jazelle Scott, age 8, or Michael Braun, age 5. They both have juvenile diabetes and they both have already exceeded their lifetime caps. Better yet, why don't you ask their mothers how they're going to be able to afford the lifesaving medication for their children if this bill is repealed.

And what should we tell our seniors, the millions that fall into the doughnut hole that this law starts to close? We changed our minds? And who's going to ask the 8,900 seniors in my district who received the \$250 check last year to help with the high cost of their medications to return the check? I'm not going to do that. Or the discount that they're going to be receiving this year on prescription medication, it's not going to be available? I'm not going to do that to them. And are we going to take away the preventative health care benefits that will help 90,000 seniors in my congressional district alone? I won't do that.

And what about the 16,000 small businesses who will now be eligible for health care tax credits? We're saying small businesses don't want that? I know at least one. Thousands more have contacted my office. Ron Nolson has a small family business. He also wants to be able to provide health care insurance for his employees.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlewoman an additional 15 seconds.

Ms. BERKLEY. Finally, for those who are truly concerned about the deficit, the CBO, the nonpartisan arm of Congress, explicitly stated that repeal will cost \$260 billion over 10 years. It appears that those who shout the loudest about the deficit want to add to it.

Let's fix what needs fixing, and let's not repeal this lifesaving, life-enhancing legislation. And we need to do the doctors fix, too.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee and deputy whip, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

You know, the past year we have had an incredible national conversation about this issue, health care, and it has been robust and dynamic, and it has brought about a sense of clarity. You know, oftentimes we tell people, look, if you want to participate, participate in the ballot box. Make your voice heard. And I really don't think there's any arguing that last November people made their voices heard, and they said with real clarity that they want this bill repealed and they want it replaced with something that brings health care costs down and deals with preexisting conditions.

Employers in my home State, Madam Speaker, just got hit hard with the new tax increase that got jammed through by the Illinois General Assembly. Seventy-four percent of employers in the Midwest have recently, in surveys, said that this bill that we're talking about repealing would have an adverse impact on their hiring decisions.

Now, it's with no sense of irony that now-Minority Leader NANCY PELOSI, when she was Speaker, said that we have to pass the bill so that you can see what's in it. Well, she did, and we do. And the American public does. And the American public said, Enough. They understand that what has to happen is that businesses have to be able to thrive and to hire and to grow and be dynamic.

If we repeal this and replace this with the type of thoughtful health care initiative that is going to be forthcoming, I think we will do a world of service to everybody that we're trying to help, and that is to change this economy so that people want to hire again.

Mr. LEVIN. I yield 2 minutes to another distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend from Michigan for yielding the time.

Madam Speaker, today we consider the first major piece of legislation of the 112th Congress—the first.

Does this legislation create one job? Not one single job will be created by

this legislation. In fact, if this bill were to become law, over 4 million jobs that will be created over the next 10 years will not come to fruition.

Does this bill reduce the deficit? This bill does not reduce the deficit by one penny. In fact, if it became law, it would increase the deficit by \$230 billion.

Does it strengthen our middle class? No, this bill will not strengthen our middle class. It will devastate the lives of millions of Americans who are finally free from the fear that they or their children will not have health insurance.

I've heard from so many throughout my constituency and throughout this country of the importance of what this bill has done for their lives. I'm not going to go back and tell them today that that's all undone.

And despite what you may say on the other side of the aisle, if this bill becomes law, 3 million people in this country who have received checks for \$250 will have to pay that money back. There is no alternative. You can say what you want. But as this law is written, that's exactly what will happen.

For the 20 million children who now have insurance, who's going to pay the costs for what they have incurred so far? Are their parents going to pay it? Are they responsible for it?

Republicans are not offering a single solution to this problem. They can't even tell you what their secret plan is. It's part of the Harry Houdini health care strategy—now you have health care, now you don't. Our constituents deserve better.

But don't just take my word for it. Independent sources have confirmed the danger that repeal will cause to our country—stopping job creation, exploding the deficit, and even shortening the life of the Medicare trust fund by 12 years.

This bill is clearly wrong for our economy and it's clearly wrong for our country. We cannot go backwards, no way, no how, not now, not ever.

Mr. CAMP. I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. GERLACH).

Mr. GERLACH. I thank the gentleman.

Madam Speaker, it's been almost 1 year since many of us here in the House offered a sobering prognosis about the devastating side effects the massive \$2.4 trillion health care plan would have on our small businesses, our seniors, and our families.

Last year many warned that concocting a scheme centered on expensive government mandates, \$500 billion in new taxes, and bigger bureaucracy would weaken our economy and is simply the wrong prescription for bringing about meaningful change to a health care system that truly needs a strong dose of reform.

□ 1530

Well, that prognosis has turned out to be painfully accurate. Small business owners are furious over the ever-increasing insurance premiums that continue to this day, and the 1099 mandate, which requires them to send a slip of paper to the IRS for every business transaction of \$600 or more. A new 2.3 percent tax on innovators in our thriving medical device industry is also choking off investment and hurting job growth. And that's jeopardizing approximately 20,000 jobs in Pennsylvania alone.

And all the enactments, tax hikes, and mandates could put an estimated 700,000 Americans out of work at a time when unemployment hovers at 10 percent. Let there be no mistake: Reform is needed. But not big government, high tax solutions. No, we need commonsense ideas, ideas that would lower costs by creating more competition among insurance companies, allowing greater freedom of choice for consumers to buy insurance across State lines, and eliminating lawsuit abuses that drive up costs by as much as \$150 billion every year.

We have the opportunity, starting with a "yes" vote today, to begin working on true reforms that will lower costs and increase affordability and accessibility of health insurance. So let's start that process with the right reforms today, together.

Mr. LEVIN. It is my special privilege to yield 1 minute to our very distinguished leader, the gentlewoman from the State of California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

Madam Speaker, today a bill has come to the floor to repeal patients' rights, to put insurance companies back in charge of the health of the American people, and to balloon the deficit. Yesterday, in the one and only hearing on this very important bill, the repeal of patients' rights, Democrats heard from Americans benefiting from the health care reform. Nothing speaks more eloquently to the success of health care reform than their own personal stories.

After hearing from seven of them yesterday, I said I wished the entire Congress could hear your stories. I wish our Republican colleagues would have had a hearing so they could hear from you the difference this has made in your lives and the difference it's making in the lives of millions of Americans. So I told them that I would share their stories with you.

First, we heard from a young woman, Vernal Branch, who was diagnosed with breast cancer 15 years ago. The good news is that Vernal survived breast cancer. The not so good news is that she has a preexisting medical condition for the rest of her life. As she told us yesterday, the Affordable Care Act changed all that. What she said

was the Affordable Care Act, "represents protection from the uncertainty and fear that came with being denied health insurance coverage because of my past disease." She said, "It represents freedom for my husband and me to make important choices about our lives and careers."

Repeal of the patients' rights that is being proposed today would mean that 129 million Americans under the age of 65 like Vernal would lose their health insurance because they have pre-existing medical conditions.

Next we heard from a mom, Lori Bresnan. She has a 22-year-old son suffering from celiac disease. Still a student, he was facing the prospect of finishing school and entering the workforce without insurance but with a pre-existing medical condition. Because of the law, Lori said, "We are thrilled we have the option to keep him on our insurance in this interim when families so often struggle to keep their kids covered."

In a similar vein, Alexander Lataille, a new graduate, struggling to find work in this economy even though he has two degrees, one in atmospheric science and one in social science—he wants to be a meteorologist—said that if he lost his ability to stay on his parents' insurance plan until age 26, he would be faced with a choice, "either to pay my student loans or to get health insurance." He actually said, "I would have little choice in the matter. I would need to pay down my college loans first and go uninsured."

Repeal, as being suggested by our Republican colleagues, would mean that over 1.2 million young Americans like Lori's son and Alexander would lose their insurance coverage that they received through their parents' plans.

We next heard from Ed Burke, who has testified before. He told me he had testified at the invitation of Speaker Gingrich years ago. For much of his life, Ed Burke has suffered from hemophilia. Two of his brothers do too. They have three brothers with hemophilia. Though he has health insurance, he has faced the constant worry that his treatments could surpass the plan's lifetime cap. Repealing patients' rights has a clear impact for Ed. As he said, "I will lose the freedom to keep my job if efforts to repeal my protections are successful."

Repeal, as is being suggested today, would mean that over 165 million Americans with private insurance coverage like Ed would again find themselves subject to lifetime limits on how much insurance companies will spend on their health care.

Next we heard from a small businesswoman, a doctor. Dr. Odette Cohen is a small business owner from Willingboro, New Jersey. She said she will be better able to afford to give her employees health care coverage because of the reform. But she also told us a very per-

sonal story, it was very powerful, about her two cousins, Rhonda and Roger. Both of them were diagnosed with cancer about the same time. Rhonda worked for a large corporation. She had health care. She had an early intervention. And she received aggressive care and life-giving care. Roger, however, received only pain treatment in the emergency room. He worked for a small business that didn't have health insurance. So he couldn't have that early intervention. Rhonda is alive and well. Roger died.

As Dr. Cohen said, "The choice to work for a small business versus a large company should not be a choice between life and death in the United States. But it was the choice for my cousin." Repeal, as is being suggested today, would mean that more than four million small businesses like Odette's, Dr. Cohen's, would lose the opportunity to receive tax credits to provide health insurance to their employees. As we know, small businesses are the engine of job creation in our country. Odette told us that she wanted to attract the best talent, and she wanted to have health insurance for them in order to do that.

We next heard from Claudette Therriault. She and her husband, Richard, are seniors on Medicare. Richard is a diabetic, and his insulin alone costs \$1,000 a month. When Claudette and Richard fell into the doughnut hole, she said, "We had to choose between defaulting on our loan for our home or my husband's health. Well, we chose my husband's health," she said. "But changes made are starting to end the doughnut hole, so families like ours aren't forced to choose between staying healthy and paying the mortgage."

Repeal would mean that over 2.7 million Medicare beneficiaries would again fall into the doughnut hole, and Medicare would no longer pay for an annual checkup for 44.1 million seniors.

One of the most powerful testimonials—I say this as a mother and a grandmother—was from Stacie Ritter. Stacie has 12-year-old twin daughters, Hannah and Madeleine. Well, they are 11, almost 12. Can you imagine having these beautiful daughters, Hannah and Madeleine? They are 12 now. When they were 4 years old they were both diagnosed with cancer. Both of them, the twins.

□ 1540

At 4 years old, diagnosed with leukemia, Hannah and Madeline faced stem cell transplants, chemotherapy and total body irradiation. But as their mother, Stacie, said, "We were very fortunate at the time. My husband had full coverage through his employer." But because of the additional cost of health care, "We ended up bankrupt, even with full insurance coverage."

She told the stories about how the insurance company refused to do this,

that and the other thing. But in any event, today Hannah and Madeline are healthy, happy 12-year-olds; but they still have a preexisting condition. According to Stacie, "My children now have protections from insurance discrimination based on their preexisting cancer condition. They will never have to fear the rescission of their insurance policy if they get sick. They can look forward to lower health insurance costs and preventive care."

The repeal suggested today would mean that 17 million American children with a preexisting medical condition could lose their health insurance because they have preexisting conditions. It would change everything for Hannah and for Madeline.

In Congress, on behalf of these Americans, Democrats have made a firm commitment that we will judge every proposal that comes to the floor by whether it creates jobs, strengthens the middle class, and reduces the deficit.

The repeal of patients' rights fails on all three counts. In fact, consider the cost to our Federal budget. According to the nonpartisan Congressional Budget Office, repeal would add \$230 billion to the deficit over the next decade.

Just less than a year ago on this floor I quoted the late Senator Kennedy, many of us did, our inspiration in all of this, calling health care reform "the great unfinished business of our society." By completing that great unfinished business of our society, now patients and their doctors are in charge of their health, not insurance companies.

Because of the wonderful testimony that we had yesterday, which was representative of what Members of Congress have told the Rules Committee, told our colleagues and told us from our districts across the country, because of their stories of success of this bill only being in force for a few months—these provisions, most of them, only went into effect since September—because of them, because of Hannah and Madeline, because repeal would be devastating to so many Americans, I am pleased to join a broad coalition in opposing it, every organization from the AARP to the UAW and everything in between, the Catholic Health Association, Easter Seals and the NAACP.

I think we should send a strong message today with a great vote against this repeal, which is so harmful to the health of the American people, which is so damaging to our fiscal health as well, and to have people know that we want to have what is best for them.

We all want them to think that in order for them to have the same kind of access to health care that we do, we should say to them, "Run for Congress." We want them to have it because Congress has acted upon their needs, their strengths and the strength of our country.

I urge a "no" on the repeal.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I thank the gentleman.

Madam Speaker, over the past 4 years the previous majority took every opportunity to expand the reach and the scope of the Federal Government. You see, they believe in government solutions. We believe in people.

We believe in solutions that embrace people and individuals. Now, as a physician with countless personal stories, those solutions in health care mean patient-centered solutions, not government-centered solutions.

It's important to repeal this bill for many reasons, but two very specific reasons. First, it's exactly what we said we were going to do. If given the privilege of leading once again, we would vote to repeal this bill. And, second, it's the principled thing to do. If you think about it, all of the principles that we hold dear in health care, whether it's accessibility or affordability or quality, or responsiveness of the system, or innovation of the system so that we have the highest quality, or choices, choices for patients—none of them, none of them are improved by the current law or the bill. Premiums are increasing, jobs are being lost because of the bill. Quality is being defined by bureaucrats, not by patients or families or doctors.

The good news is that there are positive solutions that embrace fundamental American principles that allow us to solve these challenges without putting the government in charge, and that's exactly where we will lead over the coming months and, yes, over the coming years.

Madam Speaker, the status quo in health care is unacceptable. The bill that was passed is destructive to both principle and to patients. The work we will begin tomorrow, after we vote to repeal today, will be focused on patients, on people, and not the government.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to an active former member of our committee, the distinguished gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank the gentleman for yielding.

Madam Speaker, since 1970, health care costs have increased an average of 9.9 percent a year, far outpacing inflation and creating a drag on our economy by increasing the expense of new hiring and undermining new business investment in this Nation.

This trend is unsustainable. Yet while costs are increasing, the quality of coverage is declining. Last year, the inability to pay medical bills caused 62 percent of all personal bankruptcies in this country, even though the filer had health insurance in 75 percent of these cases.

That is 868,000 American families who went broke last year simply because they got sick, did not have insurance or their insurer refused to cover their bills. This is unacceptable.

I often say that health care reform needed a start, not a finish, and that we will be amending and improving the law for years to come.

However, the bill before us today takes us back, not forward, with no persuasive plan to reduce costs, improve quality and coverage. This challenge deserves a more serious response.

I urge opposition to the bill.

Mr. CAMP. Madam Speaker, I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Madam Speaker, I stand before you today as a self-made businessman with 30 years of experience. I have been fortunate to create thousands of jobs, meet payrolls, and balance budgets.

As the past chairman of the Florida Chamber, which represents 137,000 businesses across Florida, the number one issue 7 years ago when I was chairman and the number one issue today is affordable health care for small businesses.

They are the job creators. They create 70 percent of the jobs. The Business Roundtable says today that the average employee for their family of four is \$10,000. This bill does nothing to bring down the costs. In fact, in the next 10 years it's going to go from \$10,000 to \$30,000.

I was with a pharmacist the other day, a private pharmacist. He employs about 20 to 30 people. We talked about various things. I didn't go there to talk to him about health care; but he brought out his health care bill, just got it, it went up another 22 percent. It went up 20 percent the year before.

I don't know who my friends on the other side are talking to, but most small businesses in Florida that I know, they are very, very concerned about health care and the escalation of the costs going forward. It's a job killer.

With a national unemployment rate at 9.5 and even higher in our State of Florida, this law is going in the wrong direction. We need to be working with small businesses on solutions to help them grow, succeed and provide health care at affordable cost.

They do create, as I mentioned before, 70 percent of the jobs. You can't get the job unless we can help small businesses obtain affordable health care.

□ 1550

Mr. LEVIN. Madam Speaker, it is now my privilege to yield 2 minutes to another distinguished former member of our committee, Ms. SÁNCHEZ of California.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, it's no secret that our economy is still sluggish. So our top priority in this Congress should be about creating jobs. It's certainly my top priority. And I want to work with Republicans to meet that goal. Instead, House Republicans are focused on repealing patients' rights, putting insurance companies back in charge and ballooning the deficit. American families have suffered and waited far too long for the freedom and security that affordable health care provides. And now the Republican majority is trying to take that freedom and snatch that security away.

If Republicans have their way, families will once again lose their benefits when insurers unfairly cancel or cap their coverage. If Republicans have their way, children with disabilities and pregnant women won't be safe from discrimination by insurers. If Republicans have their way, seniors in my district will be forced to return the \$250 in prescription assistance they received under the Democratic health care reform bill, and millions of hard-working Americans will lose the freedom to start their own business because they will be afraid of giving up the health insurance tied to their current job.

This is a costly plan for seniors, children, and families in my district and for the taxpayers of America. To stand up for families that deserve and need our help, we must reject this plan. I urge everybody to vote "no" on the repeal of health care. I thank the gentleman from Michigan.

Mr. CAMP. I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Madam Speaker, I would like to share a perspective from an employer in my district. Visiting this small business, actually a few hundred employees but still considered a small business, we toured the plant. He shared with me the benefit plans for the employees. He went on to say that orders are coming in, but they are refraining from hiring new people because of the uncertainty of the cost of hiring a new employee. This shows that the health care bill, primarily, is causing uncertainty in the employment sector and causing employers to hold back on hiring new people. This is not good for our economy. It's not good for our deficit. Most importantly, it's not good for the American people. And that's why I'm extremely concerned with the \$20 billion tax on medical device makers that will just increase the cost of cutting-edge medical technology for consumers and patients themselves.

Madam Speaker, we need a patient-centered health care plan, one that does not depend on new government programs, one that focuses more on pa-

tients, and one that will cause a lot of the problems to go away.

Mr. LEVIN. Could you please tell us, Madam Speaker, the time remaining on each side for our committee?

The SPEAKER pro tempore. Mr. LEVIN of Michigan has 15½ minutes remaining. Mr. CAMP of Michigan has 15 minutes remaining.

Mr. LEVIN. It is now my privilege to yield 1½ minutes to the very distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. I want to thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this bill. Every time we take on this bill to repeal the very important freedoms provided by the health care reform law, it's really a critical minute that we are not focusing on jobs. We should be debating how to create jobs, how to get our economy going and how to reduce the deficit. Instead, Republicans want to add \$230 billion to the deficit and to empower health insurance companies—mind you, health insurance companies—to take away patients' rights in their own health decisions that they should be making with themselves and their health care physicians, nurses, and providers.

This repeal gives insurance companies much, much, much too much power. Literally, their idea is to return to the same failed system that has left 50 million people, including 7½ million children, without health care. In the current economic environment, where more people are without coverage and where jobs are scarce, making it more difficult for people to access health care or to keep their health care coverage is downright wrong. Repeal of the law would set us back where once again health care would be a privilege for those who can afford it rather than a basic human right for each and every American.

When I voted for health care reform, I said it was in the memory of all of those who died prematurely because they had no health care and also in honor of and support for those who will now live longer and healthier lives because they would have health care. Repealing this health care law really is morally wrong, and it's fiscally irresponsible.

Mr. CAMP. Madam Speaker, I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Madam Speaker, I rise today in strong support of the repeal of this job-killing health care law. How many times as American citizens did we hear the President say on national television, "If you like your health care coverage, you can keep it?" But for the rest of the Americans, let me talk to you. Well, ladies and gentlemen, wake up, because if you are one of the 80 percent of Americans who have

an employer-provided health care plan that you like, you're about to lose it.

Simply put, the burdens placed on employers by this new law are too costly. The estimated cost for an employer to provide the "minimum essential benefits" package as prescribed by this bill will cost them per full-time employee \$12,250 a year. As we speak, businesses all across America are crunching the numbers and figuring out that it's financially more beneficial for them as companies to pay the \$2,000 per employee penalty and dump their employees into the government-run health care plan. The result, of course, will be that the 80 percent of Americans who currently like their health care coverage will be put in a government-run system that, of course, will be riddled with inefficiencies and limited options. Think the DMV or FEMA for your health care plan.

Additionally, this health care legislation is riddled with job-destroying regulations, burdens, and tax increases that will stifle private-sector growth and smother economic recovery in this country.

According to the National Federation of Independent Business and the Chamber of Commerce, this will cost 1.6 million jobs as it currently stands. I urge passage of this repeal.

Mr. LEVIN. It is now my privilege to yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Thank you very much, Chairman LEVIN. I really appreciate it so very much.

I have listened for the last 2 days, and I have heard my friends from the other side refer to this as ObamaCare, so derisively, mean-spiritedly. But let me assure you what we're talking about that is the law of the land today is not ObamaCare. It is America's health care for all the American people. It is the health care for that senior citizen who is sitting down at her kitchen table thankful that she now has a 50 percent discount on all of her prescription drugs, and she does not want to see this repealed. It's for that youngster who can now be on his parents' insurance until he's 26 years old in these tough economic times. The American people want this and do not want to see it repealed.

And I want to say to the American people, have no fear, let not your heart be troubled. This law will not be repealed. Yes, they will vote for it today. But it's not going to be taken up in the Senate, and it's not going to be signed by the President. So what do the American people say about this? They want us to be concerned about jobs. And certainly if we have to deal with this health care, why should we not be dealing with some of the critical issues? The American people do not want this bill, this law, repealed. They want it fixed. They'd love to see Democrats

and Republicans working together on the 1099s. Sure, there's too much paperwork for small businesses. Let us work on that. This medical liability issue, the number one reason why kids are not going into medicine, let us work on that. And the reimbursement rate for our physicians. The American people want us to fix it, not repeal it.

Mr. CAMP. I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. LEE).

Mr. LEE of New York. Madam Speaker, today we are doing what we promised the American people we would do after the November election. We will vote to repeal last year's massive health care law. Most importantly, we will also vote to begin replacing this massive new government entitlement with commonsense reforms that actually remove costs from our health care system.

□ 1600

We can all agree our current health care system is unsustainable. It is ripe for reform.

Passing last year's 2,300-page monstrosity will raise health care costs by \$311 billion over the next decade, according to the administration's own actuaries. It will raise health care costs for seniors and cut more than \$500 billion for Medicare and Medicare Advantage, which are both very popular plans.

It will cause employers to simply drop the insurance they offer employees because they have done the math and they understand that it's cheaper to just pay the penalty than pay for the insurance, leading to struggling Americans being kicked out of their current plan they have and they like.

That is not the reform Americans deserve. We need to include medical liability reform. The CBO has scored that at a \$54 billion savings.

Meaningful reform will allow western New Yorkers to start buying insurance across State lines to encourage competition. And meaningful reform will empower small businesses to group together to cut costs and provide coverage to their employees.

Republicans are pursuing these commonsense reforms because we made a promise to the American people and because we believe health care reforms need to address both affordability and accessibility. It can be done, and we are committed to making it happen.

Mr. LEVIN. I now yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to the Republican bill which would take health care away from millions of Americans, children, families, and individuals.

I have heard my Republican colleagues mention cost throughout this day. Well, make no mistake, there

would also be a cost in leaving tens of millions of Americans uninsured.

According to a recent study published by the American Journal of Public Health, uninsured working age Americans have a 40 percent higher risk of death than their privately insured counterparts. The study estimates that lack of health insurance causes over 44,000 excess deaths annually. That works out to about one death every 12 minutes from lack of health insurance. My colleagues, let us not forget to count those lives as a very real and continuing cost: over 44,000 deaths a year, one every 12 minutes.

I urge my colleagues to support the Democratic plan, lifesaving legislation, and vote against the Republican repeal of health care. It is wrong for America. I urge a "no" vote.

Mr. Speaker, I rise in strong opposition to this harmful, ill-conceived bill.

When the Republican Majority said it was going to make the deficit their defining issue this Congress, most of us did not realize it was to make the deficit bigger. But according to the Congressional Budget Office, their first act to repeal health care would do just that—add \$230 billion to the deficit while making Americans pay more for health care.

Instead of focusing on job creation, Republicans are running up our deficit, jeopardizing the health of millions of Americans, and threatening the creation of new jobs.

Under the Republican repeal effort:

Insurance companies will once again be able to drop people when they get sick—exactly when coverage is needed most;

Children with pre-existing conditions will be denied coverage, while insurance companies would again impose devastating annual and lifetime caps;

Young people will not be able to stay on their parents' plans until age 26;

Pregnant women and breast cancer survivors can be denied coverage;

Seniors will face an increase in their prescription drug costs—millions thrown back into the Medicare Part D Donut Hole. Repeal would deny seniors a 50 percent discount on prescription drugs, re-creating the devastating coverage gap.

Each of these things will disappear if Republicans are able to repeal the historic health reform law.

In my home state of New York, repealing the Affordable Care Act would be devastating. New York residents, providers, small businesses and other employers would be denied critical new benefits of the law, from protections against insurance industry abuses to new coverage options and millions of dollars in support so states like New York can deliver quality, affordable health care options to all of its residents.

Without the Affordable Care Act, New York will suffer:

77,800 young adults would lose their insurance coverage through their parents' health plans, sometimes just after they finish school and as they are looking for a job. Families across New York would lose the peace of mind the Affordable Care Act provides by

making sure that young adults can stay on their parents plan to age 26 if they do not have coverage of their own.

More than 10 million residents of New York with private insurance coverage would suddenly find themselves vulnerable again to having lifetime limits placed on how much insurance companies will spend on their health care.

Insurance companies would once again be allowed to cut off someone's coverage unexpectedly when they are in an accident or become sick, because of a simple mistake on an application. This would leave 734,000 people in New York at risk of losing their insurance at the moment they need it most, as one of the worst abuses of the insurance industry would become legal again.

New insurance plans would no longer be required to cover recommended preventive services, like mammograms and flu shots, without cost sharing, nor would they have to guarantee enrollees the right to choose any available primary care provider in the network or see an OB-GYN without a referral.

Nearly 2.9 million seniors in New York who have Medicare coverage would be forced to pay a co-pay to receive important preventive services, like mammograms and colonoscopies.

Medicare would no longer pay for an annual check-up visit, so nearly 2.9 million seniors in New York who have Medicare coverage would have to pay extra if they want to stay healthy by getting check-ups regularly.

192,596 on Medicare would see significantly higher prescription drug costs: In New York, 192,596 Medicare beneficiaries received a one-time, tax-free \$250 rebate to help pay for prescription drugs in the "donut hole" coverage gap in 2010. Medicare beneficiaries who fall into the "donut hole" in 2011 will be eligible for 50 percent discounts on covered brand name prescription drugs. Without the law, the burden of high prescription drug costs would hurt millions of Medicare beneficiaries across the country.

For the sake of argument, if we remove the moral obligation of providing health care to 32 million Americans who would lose coverage with this repeal, we are still left with a compelling fiscal reason for opposing the repeal of this law:

Repeal adds \$230 billion to the deficit over the first 10 years and more than \$1.2 trillion in the second decade (around one-half percent of GDP).

Americans purchasing health insurance on their own will see their costs rise.

Americans will get fewer health benefits for their money.

Mr. Speaker, I urge my colleagues to oppose this bill that will balloon the deficit, burden our children and grandchildren, halt the creation of jobs, and compromise the health of millions of Americans.

Mr. CAMP. I yield 1½ minutes to the gentlewoman from Kansas (Ms. JENKINS), a distinguished member of the Ways and Means Committee.

Ms. JENKINS. Mr. Speaker, I thank the chairman for yielding.

Last March I voted against ObamaCare. Rather than bringing down health care costs for all Americans, helping small businesses provide

health care for their employees, and preserving Medicare for our Nation's seniors, this law will result in higher premiums for families, costly unfunded mandates, including an absurd 1099 requirement, additional job-killing taxes, and more than half a trillion dollars in cuts to Medicare.

It was irresponsible to pass this massive job-killing plan by means of arm twisting and gimmicks, and it is even more irresponsible to allow implementation to begin given our national debt is over \$14 trillion, unemployment rates are still over 9 percent, and many States remain on the verge of bankruptcy.

Not only is the bill unaffordable, but it is such an overreach of the Federal Government's power, a U.S. district judge has already deemed it unconstitutional.

Americans want reforms to our health care system, but they have spoken clearly: This bill is not the change they wanted.

I will be voting in support of H.R. 2, voting to repeal this government takeover of our health care system, just as I promised my constituents I would.

Let's repeal this bill so we can go to work replacing it with reforms the American people want and support. I encourage all of my colleagues in the House to listen to their constituents and join me in voting "yes."

Mr. LEVIN. I now yield 1½ minutes to Ms. EDWARDS from Maryland.

Ms. EDWARDS. Mr. Speaker, I stand today in strong opposition to Republican attempts to repeal and dismantle our health care law, the law that Congress has passed to give health care to the American people.

Mr. Speaker, this repeal bill may fulfill an empty campaign promise, but it fails to put the key American objectives of creating jobs and reducing the deficit at the top of the agenda. In fact, the independent Congressional Budget Office estimates that this repeal will increase the deficit by \$230 billion over the next 10 years. In Maryland, by contrast, we will save \$800 million in 10 years with the new law.

We have heard the debate, but now it is time to hear the stories of countless millions of Americans who have a chance at real health care. I know these stories because I hear them every day, Mr. Speaker, stories like Chuck, an engineer from Hyattsville, Maryland, who suffers from chronic thyroid condition and believes he will be denied health care coverage should health care reform be repealed; Nancy, a mother in Germantown, Maryland, who is grateful that the health care law has allowed her 20-something daughter currently in graduate school to stay on her mother's health insurance policy. I have even heard from constituents of some of our Republican colleagues, afraid about having to repay the money because they slipped into the

doughnut hole. And I want to tell you about Annie, a friend of mine, 28 years old, diagnosed with leukemia, who would have reached lifetime caps because she and her parents are trying to save her life.

Mr. Speaker, it is unfortunate we are here today. Let's create jobs and stop this theater.

Mr. CAMP. I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

Mr. PAULSEN. Mr. Speaker, I rise in support of this effort to repeal the job-destroying health care law that a majority of Americans oppose.

Now, last year Congress put job creation on the back burner and instead pushed a very partisan, trillion-dollar overhaul of our health care system. Last year, at the Democrat leadership's request, Congress passed the bill to "find out what is in it." Well, here is what we found: a laundry list of tax increases and job-crushing mandates that will make it harder for small businesses to make ends meet and further delay an economic recovery. This problem is so serious that the National Federation of Independent Business, an advocacy organization representing countless small businesses that drive the engine of our economy, found that the new employer mandate could cost 1.6 million jobs.

In and around my district, hundreds of medical technology companies are now facing higher taxes to the tune of \$20 billion. We are penalizing innovation when we should be encouraging it. We are preventing lifesaving technologies from coming to market when we should be promoting them. This is unacceptable.

The American people deserve health care reform that doesn't break the bank. We need health care reform that lowers costs and doesn't increase premiums. We should repeal this law now and replace it with commonsense, patient-centered alternatives; otherwise, our economy will stagnate, our small businesses will not be able to expand, and the medical device industry in my district will continue to suffer.

Mr. LEVIN. I yield 1½ minutes to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. Mr. Speaker, I thank the gentleman for yielding.

You know, the real question is who is supporting this repeal of health reform. Are the doctors of America supporting the repeal? No; the American Medical Association opposes it.

Is AARP supporting a repeal? No; they are opposed to it.

Are the hospitals supporting a repeal? No; they are opposed to it as well.

Who supports a repeal of health care reform? The National Chamber of Commerce, period.

So what do our constituents really want? They want the costs to be

brought down. There is not one of us who hasn't heard a complaint from a constituent saying, I can't afford it anymore.

Well, health care reform requires that 80 percent of the premium go to providing health care. It is starting to put a governor on the costs of health insurance.

The second thing that people are concerned about is access for their kids and for themselves. Well, let's talk about these children.

In my district there are 30,000 children with preexisting conditions, and I know you have gotten the same phone calls I have gotten; a parent calling, crying on the phone, talking about the leukemia their child has or the asthma their child has and their fear if their spouse loses their job they won't have health insurance and they will go to the individual market and there will be no health insurance.

Let me tell you about Sophie O'Riley, who, at 5 years of age, had very serious asthma. Her parents went to every insurer in the individual market and could not get insurance. So what did they do? They went bare for a year in order to be able to access insurance.

H.R. 2 is bad medicine. I urge a "no" vote.

□ 1610

Mr. CAMP. Mr. Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from North Dakota (Mr. BERG).

Mr. BERG. Mr. Speaker, I rise today in firm support of repealing this job-killing health care law.

This is a \$500 billion tax that will hurt small businesses at a time when we need these job creators to help put our country back on track. America's small businesses cannot grow with the tax hikes and government mandates in this law. Medicare payroll taxes will increase. Costly penalties will be imposed on small businesses, and there will be increased health care costs.

Repealing this law and removing these barriers will provide businesses with the certainty they need to help get America back on track.

My wife is a family practice doctor, and when this law first passed, our first concern was this puts government between patients and their doctors. We need to repeal this law and put those health care decisions back between the patients directly and their doctors.

I urge my colleagues to support this legislation.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, this bill lays bare what this new Republican majority is all about. They would repeal benefits and protections that have already dramatically

improved health care for families and small businesses, with no credible assurance they would put anything in their place.

A “yes” vote would take away tax credits available to up to 17,000 small businesses in my district alone—credits that will let them offer their employees insurance coverage just like their larger competitors do.

A “yes” vote on repeal would increase the average cost of prescription drugs for seniors in the “doughnut hole” coverage gap by more than \$500 this year and more than \$3,000 by 2020. What seniors on fixed incomes can afford this kind of price hike?

A “yes” vote on repeal would say to parents, who now for the first time can get affordable coverage for their children with preexisting conditions: Once again, you can be denied coverage altogether.

This legislation is flying under disgracefully false colors. Fiscally sound? The Congressional Budget Office says it will increase deficits by \$230 billion over the next 10 years. Republicans like to call health insurance reform “job killing.” But their repeal bill would cost as many as 4 million jobs over the next decade.

Our Republican colleagues have put their tea party base above everything else, including the health care needs of the American people. We must recognize their cynical political gesture for what it is. This House can and must do better.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. I thank my colleague for yielding.

I am going to thank all the Members of this body for a spirited but respectful debate on what is a critical issue to the American people.

Both sides of the aisle have very different viewpoints on what government’s role in this health care issue should be, and if there is one thing that we do agree on, it is that this health care law needs improvement. The President said as much yesterday.

Why does it need improvement? One only needs to look at the facts.

Yesterday, 200 economists and experts put out a letter calling this health care bill “a barrier to job growth.” The letter talks about how employers are struggling to keep up with all the mandates and tax hikes in this law, flooding the job market with additional uncertainty.

The one thing the American people wanted out of health care reform was lower costs, which the authors of this law promised; but according to these economists, this law will increase spending by nearly \$1 trillion—and that is a minimum number—and add nearly \$1.5 trillion to the national debt.

So, if we agree that this law needs improving, why would we keep it on the books? Why would we keep one hand tied behind our backs when we are dealing with 10 percent unemployment and a \$14 trillion national debt?

Now, let me be clear about what repealing this health care law means for families, small businesses, and taxpayers:

Repeal means preventing more than \$770 billion in tax hikes and eliminating all the mandates and penalties so that small businesses can grow and hire new workers.

Repeal means reducing spending by \$540 billion, another step in tackling the massive debt that faces our kids and grandkids.

Repeal means protecting more than 7 million seniors from losing or being denied coverage under Medicare Advantage—a program they like.

Repeal means paving the way for better solutions that will lower costs without destroying jobs or bankrupting our government.

And repeal means keeping a promise. This is what we said we would do. We listened to the people. We made a commitment to them—a pledge to make their priorities our priorities. When you look at the facts and when you listen to the people, this is a promise worth keeping.

Let’s stop payment on this check before it can destroy more jobs and put us into a deeper hole. Then let’s work together to put in place reforms that lower the costs without destroying jobs or bankrupting our government.

Let’s challenge ourselves to do better.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding.

Mr. Speaker, I rise to express my strong opposition to H.R. 2, which seeks to dismantle the Patient Protection and Affordable Care Act.

Repealing this law would be detrimental to districts like the one I represent, which have unsustainably high rates of people without health insurance. Nationally, about one in five people is without health insurance. The problem in my district means one in three is without basic health coverage. That’s 230,000 people in my district alone.

When these individuals can’t get preventative care and they get sick, they wind up in the emergency room, which is the most expensive kind of health care there is. According to the latest figures from our county hospital, more than \$500 million of local property tax dollars have been used to cover the costs of those who could not pay for treatment and services—\$500 million.

We passed the Patient Protection and Affordable Care Act to help address this problem and provide affordable

health care insurance to those who currently are uninsured.

I urge my colleagues to vote against H.R. 2.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for yielding, and I thank him for his great leadership.

Mr. Speaker, I plan to vote to repeal this health care law and replace it with some commonsense, workable solutions. Why? Because I’ve been listening to my constituents—listening to what they have to say, what they ask for.

I can tell you they are not asking for a bill that weakens our economy and causes jobs to disappear. They are not asking for a brand new entitlement and then pretending only partly to pay for it. They are not asking for a bill that takes away the rights of seniors to have a choice in the Medicare program, and they are certainly not asking for new taxes—but that’s what they’re getting under this health care bill unless it’s replaced.

What they are asking for is the right to choose their own doctors and the right to get the treatment they need when they need it. That’s what they’re asking for. They’re asking that we bring down the cost, to make some commonsense reforms, to make it more affordable, more accessible.

That’s what we should focus on.

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield 1½ minutes to a former, very distinguished member of our committee, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Thank you very much, Mr. Chairman.

Under no circumstances would I vote to repeal the most effective, most meaningful, most sensitive health legislation that has been passed in this country since the Medicare-Medicaid provisions of the 1960s. Under no circumstances would I vote to repeal legislation that would provide the 107,000 individuals in my congressional district who have preexisting conditions.

□ 1620

Would I vote to repeal health insurance for more than 32 million Americans who otherwise would have no coverage? No way.

Vote this legislation down. Let’s support the American people, keep them with health care.

The Seventh Congressional District of Illinois includes some of the most medically underserved communities in America. Census data revealed that 24 percent of families and 44 percent of children under 18 live below the poverty line. As a result, many of these individuals are susceptible to an anomaly of diseases and poor health. In fact, some communities on Chicago’s west side experience infant mortality rates comparable with third-world countries. By repealing Public Law 111–148, the Patient Protection and Affordable Care Act

will take away support for community health centers, which provide critical resources for millions of Americans in every state and territory. In my district, there are many Medicare and Medicaid recipients that have established community health centers as their medical homes. Medicaid beneficiaries that rely on health centers for usual care were 19 percent less likely to use the emergency room at a hospital than other providers for non-emergency and usual care services. Overall, health centers save the health care system between \$9.9 billion and \$17.6 billion annually.

Community health centers provide high quality health care regardless of the ability to pay, and health centers in Illinois have a tremendous impact on our economy and employment. In 2008, 40 health centers operated over 350 sites, contributed almost one billion dollars to the Illinois economy, and directly employed almost 6,000 Illinoisans. Indeed, for every 10 people employed by an Illinois health center, an additional 4 jobs were created in their surrounding communities. Illinois health centers served over 1.1 million patients—nearly 80% of whom fell below the federal poverty level and 30% who had no health insurance, helping them cope with chronic health conditions and general health issues to be able to work and care for their families.

Repeal of the health care law would eliminate \$11 billion in support for community health centers over the next 5 years, funding that will nearly double the number of patients served today and greatly strengthen Illinois's economy. Repealing the health care law would dramatically harm the health of hundreds of thousands of citizens in Chicago and Illinois.

Repeal of the health care law would greatly increase an already high level of health disparities among African-Americans and Hispanics. In a recent study, comparing health outcomes among African-Americans and Caucasians found that the gap in health disparities across the Nation was narrowing across ten (10) indicators; however, in Chicago, the reverse was occurring in health disparities among African-Americans and Caucasians are widening. Given all that has been stated above, the reversal of health care reform would have tremendous negative impact on Chicago when considering the unemployment rate, the crisis in the housing market and the abundance of the urban poor that exists within our communities. Most affected will be the working poor who are most commonly uninsured as their company provides little or no medical benefits. The middle aged childless individual who is not eligible for Illinois public aid and naturally men without children who are not veterans or eligible to be covered through Illinois public aid are affected as well. Lastly, we must consider the devastating impact the burden of the uninsured has placed on the healthcare delivery system, specifically hospitals who avoid caring for uninsured patients and resulting in the lack of access to primary and specialty care. The funding from the Affordable Care Act would assist community health centers to stay on track to add 20 million new patients (for a total of 40 million patients) over the next 5 years.

Repeal of the health care law would eliminate health coverage for young people up to age 26 who would not be allowed to stay on

their parents' plans. Repeal would force 2,600 young adults in my district to find other coverage or returned to the ranks of the uninsured.

Repeal would deny tax credits to buy health insurance coverage for 158,000 families in my district. Additionally, it would increase the number of uninsured residents to 48,000 in my district.

There are 107,000 to 282,000 residents in my district with pre-existing conditions like diabetes, heart disease, or cancer, including 7,000 to 30,000 children that the repeal legislation if passed would encourage health insurance companies to discriminate based on pre-existing conditions.

Repeal would eliminate tax credits for health insurance up to 14,100 small businesses in my district. These tax credits under the current law would provide small businesses up to 35% of the cost of providing health insurance.

The health care law is critical to Chicago and Illinois. Community health centers are vital partners in the health and economic well-being of Chicago and Illinois. For this reason, I do not support H.R. 2, Repeal the Job-Killing Health Care Law and Health care related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alabama (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, Americans enjoy the best health care in the world. Every year, profit motive and American ingenuity create new and better diagnostic tools and treatments. Yes, there are ways to improve America's health care, but President Obama's socialized medicine is not it. For example, we can cut health care costs by implementing tort reform, by forcing health care competition, and by removing illegal aliens from America who get free health care at our cost.

Socialized medicine strangles creativity and obstructs life-saving medical advances. It is care rationed by bureaucrats with mind-numbing regulations. Simply stated, socialized medicine pulls all America down to health care mediocrity.

Lives and freedom are at stake. We must repeal this job-killing government takeover of America's health care. Today, I will proudly vote to do exactly that.

Mr. LEVIN. It is my privilege to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to the Patients' Rights Repeal Bill, and I find it absolutely regrettable that my Republican colleagues have made this their first priority of the new Congress.

Rhode Islanders sent me here with a clear purpose to create jobs, strengthen our economy, and reduce the Federal deficit. Those are the issues we need to address, and doing so should be our first order of business and our top priority. Instead, we are considering a bill that will increase already skyrocketing health care premiums for Rhode Island

families and businesses, give insurers back the power to deny or drop coverage when people get sick, and raise the deficit by an additional \$230 billion over the next 10 years and over \$1 trillion the decade after that.

Pressing the reset button on health reform will not only bring our progress toward affordable and accessible health care to a screeching halt, it will force us to repeal the rights of patients and rescind tax breaks to the very small businesses that fuel our economy.

I urge my colleagues to oppose this bill and join me in getting to work on the people's priorities—job creation, economic innovation, and deficit reduction. We have come such a long way.

We have already seen the benefits of health care reform in covering children with preexisting conditions, allowing adult children to stay on their parents' health care coverage, and eliminating the yearly and lifetime caps. These are major steps forward in health care reform. All that goes away if we repeal this health care law that we've seen put into effect. Please oppose this Republican bill that's before us today.

Mr. Speaker, the Affordable Care Act is just beginning to ease costs and increase access to care for thousands of Rhode Islanders. Almost 10,000 seniors have already received a \$250 rebate check for their prescription drugs to cover the Medicare Part D "donut hole." That's one small but important step toward making prescription drugs affordable. Over 3,500 young adults now have access to their parents' health plans, giving them peace of mind knowing that they can remain covered until age 26. Additionally, over 18,000 small businesses in Rhode Island have already received information from the IRS on the tax credit to help provide coverage to employees. These tax credits will help ease the burden of rising health care costs on private sector job growth.

Health reform is about more than just statistics or economics; it is about helping real people who are just trying to make it day to day. It is about the grandmother in Cranston whose life will be saved because her breast cancer was detected earlier through a free preventive health screening; it is about the father in Coventry who works for a small business and will finally have health coverage to manage his diabetes; and it is about the mother in Warwick who won't face bankruptcy to treat her daughter's Multiple Sclerosis because of lifetime insurance caps.

These are just some of the examples of how the Affordable Care Act is beginning to make a positive difference in people's lives. As I've said in the past, this law is not perfect, and I look forward to working with my colleagues to improve it where changes need to be made. However, pressing the reset button will not only bring our progress toward affordable and accessible health care to a screeching halt, it will literally force us to repeal the rights of patients and rescind tax breaks to the very small businesses that fuel our economy.

I urge my colleagues to oppose this bill and join me in getting to work on our immediate

challenges—job creation, economic innovation and deficit reduction.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. Mr. Speaker, I rise today to express my strong support for the repeal of this health care monstrosity. It was a bill passed over the objections of most Mississippians, built on unconstitutional individual mandates and unprecedented burdens for State governments. In short, this government takeover is poised to destroy the greatest health care system in the world. Don't take my word for it, but look at how some of the most ardent backers have been quietly working to obtain special waivers so they will not be held to the same standards most small businesses face.

Mr. Speaker, it's time we give all Americans the same relief the President's political friends have worked so hard to get—relief from this job-destroying legislation—by voting in favor of this repeal. I am proud that the first speech I have given in this Chamber and the first bill I have co-sponsored in this Congress is one to repeal this 2,700-page monstrosity.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentlelady from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to share the story of Patricia Maisch.

Pat, as her friends call her, lives outside Tucson and has been fittingly hailed as one of the heroes during the tragic shooting of our colleague, GABBY GIFFORDS. Pat actually knocked the second gun clip out of the shooter's hand as he was attempting to reload, very likely saving the lives of more innocent people.

She was in line to talk to her Congresswoman to share that she thought that the title of the repeal bill was disingenuous, and because Pat and her husband own a small business north of Tucson. The spouse of one of their employees has a preexisting condition, and they have been unable to find affordable insurance to cover her. Pat wanted to tell Congresswoman GIFFORDS that the health reform law will help them provide insurance for this employee. She wanted GABBY to stand up to attempts to repeal health care reform. Pat was unable to deliver her message to her representative but asked that I share it with you now.

Heed the words of Pat Maisch. Heed the words of millions of Americans needing health care. Don't repeal health care reform.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Speaker, back in September of last year, one of the owners of a small Waco, Texas, software company showed me a notice he had just received from his health insurance

provider. This notice showed that as a result of ObamaCare he was faced with a 30 percent increase in his health insurance premiums. Now he has to deal with the harsh reality of cutting the size of his workforce to deal with this increase, or worse, to cancel coverage altogether.

What is even more disturbing is that this is just the beginning of what is to come under ObamaCare. All across our Nation this cost-increasing, job-killing, tax-hiking bill is inflicting irreversible damage on American employers and families. Rather than learn from this in the outcome of the midterm elections, Democrats choose to oppose and dismiss Republican efforts to repeal ObamaCare and to replace it with something better. There are solutions and clear alternatives to improving our health care system, and the first step is to repeal ObamaCare.

Mr. LEVIN. I yield for the purpose of making an unanimous consent request to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I rise in strong opposition to repealing the Patients' Bill of Rights.

Today, the House will vote to take away new health-care freedoms from my constituents and give that power right back to the big health-insurance companies. Repeal of the health-care law puts insurance companies right back into the driver's seat of rationing health-care decisions for the rest of us. Repeal means they get to decide who is denied health coverage because of a pre-existing condition in my district; which young adults in my district can and cannot remain on their parents' plans; and which constituents who are sick in my district would have their plans rescinded just because they got sick in the first place. And the list of lost health-care freedoms goes on and on and on.

Mr. Speaker, what specifically does repealing the health-care law mean for the 5th congressional district of New York? Repeal would mean as many as 311,000 people could be denied health coverage, including up to 37,000 children, because of a pre-existing condition. Repeal would mean that 2,400 young adults up to age 26 in my district would no longer be able to choose to stay on their parents' plans until they get that first job with health insurance. And repeal would mean that 335,000 constituents in my district would lose the most vital consumer freedoms, such as protection from unreasonable policy rescissions and the prohibition of annual and lifetime spending limits.

Already, my constituents and millions of others across the country are benefiting from the new health care law. Seniors in the Medicare prescription-drug "donut hole" received a \$250 payment last year and are scheduled to receive a 50 percent discount on their drugs this year; children are now no longer being denied health coverage because of pre-existing conditions, repeal and they will be denied again; and young adults have been able to keep coverage thorough their parents' plans. Turning back the clock, to repeal the new law, as if it never happened is not only harmful, but cost-

ly: according to the independent and non-partisan Congressional Budget Office, repeal would add \$230 billion to the deficit.

Last year, on this very floor, upon passing the Affordable Care Act, I said that we were acknowledging the moral and economic costs we pay every day for our failure to make health coverage affordable and accessible to everyone; that we were recognizing that having more people with quality coverage saves both lives and costs; that we were unequivocally stating that people in this country shouldn't have to go bankrupt to pay their medical bills; and that no one, no one, should ever have to go to an emergency room just to receive routine medical care. Let us not undo the good we have done.

Mr. Speaker, I urge all my colleagues to support access for all Americans to health care and to oppose this bill.

Mr. LEVIN. Mr. Speaker, could I inquire as to how much time is remaining on both sides for Ways and Means?

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Michigan (Mr. LEVIN) has 2 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 3 minutes remaining.

Mr. LEVIN. Mr. Speaker, I reserve.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 2.

A lot has been said during this debate about what the American people want. Some have said the American people want ObamaCare, many others have said that they want a repeal of it. Well, I was not in Washington over this past year, I was in Michigan hearing complaint after complaint from regular citizens and small business owners about the cost and unreasonable mandates that are in ObamaCare. I told them to stay tuned. Well, the American people have spoken. And over the past week, I've had an opportunity to engage my constituents even more, including hosting three telephone town hall meetings. We did a survey as part of those town halls, and over two-thirds of the more than 1,000 people that took part in this survey agreed with my position of repealing ObamaCare. I understand the real concerns and health issues that people have, but we will address these issues in the replace portion that you will be seeing soon, so please stay tuned.

I am also a small business owner, and I have been talking to other small business owners, and they, too, are frustrated. Provisions like the costly mandate requiring them to file additional 1099 forms have made them angry.

We cannot continue to have legislation that forces small business—job creators—and future generations to foot the bill. Our replacement plans bring hope, so stay tuned.

Mr. Speaker, I ask all of my colleagues to join me in voting to replace this bill.

□ 1630

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I thank the gentleman for yielding.

As a former Member of the Appropriations Committee in the Mississippi State Senate, I was responsible for balancing our State's budget. The Affordable Care Act will push added costs to already strapped States and will ultimately require tax increases at the State level.

The overall cost to implement health reform in Mississippi is \$1.7 billion over 10 years. From fiscal years 2014 to 2020, this dramatic increase in enrollment will cost our taxpayers an extra \$225 million to \$250 million a year. Approximately 400,000 new individuals will be added to our Medicaid rolls because of the expansion, meaning one in three Mississippians will be on Medicaid.

More money devoted to Medicaid means less funding for other necessary State services and added financial burdens on our taxpayers in Mississippi, as well as the rest of the taxpayers of this Nation that will further stifle job creation.

So because of that, I will proudly vote to repeal this law.

Mr. LEVIN. I regret this bill is being brought up today, but there are at least two silver linings.

Number one, this bill will not become law. Health care reform remains the law of this land. And, secondly, and most importantly, it gives us Democrats a further chance to talk sense with the American people.

We on this side are on the offensive on this issue. We are going everywhere. We are an American truth squad. There will be a vote today on this bill. It may well pass. It will not prevail.

MORE THAN 200 ORGANIZATIONS OPPOSED TO
H.R. 2, PATIENTS' RIGHTS REPEAL ACT

AARP
AFL-CIO
AFSCME
AIDS United
Alliance For A Just Society
Alliance for Children and Families
Alliance for Retired Americans
American Academy of Child and Adolescent Psychiatry
American Academy of Family Physicians
American Art Therapy Association
American Association for Geriatric Psychiatry
American Association for Psychosocial Rehabilitation
American Association of Pastoral Counselors
American Association of University Women (AAUW)
American Association on Health and Disability
American Cancer Society Cancer Action Network
American Counseling Association
American Dance Therapy Association
American Diabetes Association
American Federation of Teachers
American Foundation for Suicide Prevention/SPAN USA

American Group Psychotherapy Association
American Heart Association
American Lung Association
American Mental Health Counselors Association
American Muslim Health Professionals
American Nurses Association
American Psychiatric Association
American Psychiatric Nurses Association
American Psychological Association
American Public Health Association
American Small Business League
Anxiety Disorders Association of America
Asian & Pacific Islander American Health Forum
Association for Ambulatory Behavioral Healthcare
Association for Community Affiliated Plans
Association for the Advancement of Psychology
Association of University Centers on Disabilities
Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN)
Bazelon Center for Mental Health Law
Black Women's Health Imperative
B'nai B'rith International
California Primary Care Association
California Rural Indian Health Board
Campaign for Tobacco-Free Kids
Campus Progress
Catholic Health Association
Catholics United
Center for American Progress Action Fund
Center for Clinical Social Work
Center for Community Change
Center for Integrated Behavioral Health Policy
Center for Medicare Advocacy
Center for Reproductive Rights
Center on Budget and Policy Priorities
Centers for Community Change
CHADD (Children and Adults with Attention-Deficit/Hyperactivity Disorder, Inc.)
Child Welfare League of America
Childbirth Connection
Children's Defense Fund
Children's Dental Health Project
Children's Health Fund
Clinical Social Work Association
Clinical Social Work Guild 49, OPEIU
Coalition on Human Needs
CommonHealth ACTION
Communication Workers of America
Community Action Partnership
Community Catalyst
Community Organizations in Action
Consumer Action
Consumers Union
Corporation for Supportive Housing
Cystic Fibrosis Foundation
Depression and Bipolar Support Alliance
Direct Care Alliance
Disability Rights Wisconsin
Doctors for America
Easter Seals
Eating Disorders Coalition for Research, Policy & Action
Every Child Matters Education Fund
Faith in Public Life
Faithful America
Faithful Reform in Health Care
Families USA
Health Care for America Now
Herndon Alliance
HIV Health and Human Services Planning Council of New York (Planning Council)
Japanese American Citizens League
Jewish Women International
Labor Council for Latin American Advancement
Leadership Council on Aging Organizations (65 organizations)

Leadership Council on Civil and Human Rights
League of Women Voters of the U.S.
LiveStrong
Main Street Alliance
Maryland Women's Coalition for Health Care Reform
Mautner Project: The National Lesbian Health Organization
Medicare Rights Center
Mental Health America
MomsRising
Montana Women Vote
NAACP
NAADAC, the Association for Addiction Professionals
NARAL Pro-Choice America
National Alliance on Mental Illness
National Asian Pacific American Women's Forum
National Association for Children's Behavioral Health
National Association for Rural Mental Health
National Association of Anorexia Nervosa and Associated Disorders—ANAD
National Association of Area Agencies on Aging (n4a)
National Association of Chronic Disease Directors
National Association of Community Health Centers
National Association of County Behavioral Health and Developmental Disability Directors
National Association of Mental Health Planning & Advisory Councils
National Association of Pediatric Nurse Practitioners
National Association of Public Hospitals and Health Systems
National Association of Social Workers
National Association of State Mental Health Program Directors
National Black Leadership Commission on AIDS
National Coalition for LGBT Health
National Coalition for Mental Health Recovery
National Coalition on Health Care
National Committee to Preserve Social Security and Medicare
National Consumers League
National Council for Community Behavioral Healthcare
National Council of API Physicians
National Council of Asian Pacific Americans
National Council of Jewish Women
National Council of La Raza
National Council of Urban Indian Health
National Council on Aging
National Council on Problem Gambling
National Disability Rights Network
National Education Association
National Farmers Union
National Federation of Families for Children's Mental Health
National Foundation for Mental Health
National Gay & Lesbian Task Force Action Fund
National Health Law Program
National Hemophilia Foundation
National Hispanic Medical Association
National Indian Health Board
National Institute for Reproductive Health
National Latina Health Network
National Latina Institute for Reproductive Health
National Medical Association
National Minority AIDS Council
National Network of Public Health Institutes
National Organization for Women

National Partnership for Women and Families
 National Physicians Alliance
 National Puerto Rican Coalition
 National Research Center for Women & Families/Cancer Prevention and Treatment Fund
 National Senior Citizens Law Center
 National Spinal Cord Injury Association
 National Viral Hepatitis Roundtable
 National WIC Association
 National Women's Health Network
 National Women's Law Center (and 37 other orgs)
 NETWORK
 Out of Many, One
 Paralyzed Veterans of America
 Partnership for Prevention
 PHI (Paraprofessional Healthcare Institute)
 Physicians for Reproductive Choice and Health
 PICO
 Planned Parenthood Federation of America
 Prevention Institute
 Preventive Cardiovascular Nurses Association
 Progressive States Action
 Raising Women's Voices for the Health Care We Need
 Religious Action Center of Reform Judaism
 Religious Coalition for Reproductive Choice
 Safe States Alliance
 Sargent Shriver National Center on Poverty Law
 School Social Work Association of America
 SEIU
 Small Business Majority
 Society for Adolescent Health and Medicine
 Summit Health Institute for Research and Education, Inc.
 The AIDS Institute
 The Arc
 The Association for Community Affiliated Plans (ACAP)
 The Greenlining Institute
 The Ministry of Caring, Inc
 The National Consumer Voice for Quality Long-Term Care
 The Patients' Union
 Therapeutic Communities of America
 Third Way
 Treatment Access Expansion Project
 Trust for America's Health
 U.S. PIRG
 U.S. Positive Women's Network
 U.S. Psychiatric Rehabilitation Association
 Union for Reform Judaism
 United Autoworkers
 United Cerebral Palsy
 United Methodist Church General Board of Church and Society
 United Neighborhood Centers of America
 United Spinal Association
 United Steel Workers
 Universal Health Care Action Network
 Universal Health Care Foundation of Connecticut
 Vermont Legal Aid—Office of Health Care Ombudsman
 Voices for America's Children
 Witness Justice
 WomenHeart: The National Coalition for Women with Heart Disease
 Young Democrats of America
 Young Invincibles
 YWCA USA
 I yield back the balance of my time.

Mr. CAMP. I yield the balance of my time to the distinguished gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I thank the gentleman for yielding.

Mr. Speaker, today we're debating the repeal of economically damaging legislation that punishes job creators and does nothing to control rising health care costs. We can't afford the \$1.2 trillion price tag on the government takeover of health care while our national debt stands at \$14 trillion.

Today, we can right a serious wrong and still achieve the goals we share, like ensuring access to quality, affordable health care for all Americans; real health care reforms that control costs; and ensuring that Americans with pre-existing conditions get the care they need at a price they can afford.

In my district in eastern and southeastern Ohio, more than 26,000 senior citizens currently enrolled in Medicare Advantage are at risk of losing this program because of the \$200 billion in cuts to Medicare required by this job-destroying health care law.

Later today we will vote to repeal the government takeover giving us the opportunity to start over and enact real patient-focused health care reforms.

The SPEAKER pro tempore. All time for this portion of the debate has expired.

Under the rule, an additional 30 minutes of debate is ordered, to be equally divided and controlled by the majority leader and the minority leader or their designees.

The Chair recognizes the majority leader.

Mr. CANTOR. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. Mr. Speaker, I rise in support of H.R. 2 because I believe that the American people deserve health care reform that will actually reduce costs and improve access without damaging the quality of our health care. Last year's enacted health care reform was a victory for Big Government and an affront to our Constitution. This law is so fundamentally flawed, it must be repealed.

When our Founders envisioned this legislative process, it was meant to be a deliberative one—thoughtful and respectful of the American citizens' freedom. Last year, that vision faltered; and Congress failed in its duties to the American people when they enacted this Affordable Care Act.

As a registered nurse and an attorney who represented a major teaching hospital, I am aware of the problems of our current system, in particular, the problems arising from government restrictions on the purchase of health insurance, government regulations on hospitals and businesses, and tort liability issues.

Unfortunately, this Affordable Care Act does not alleviate these problems

and will further damage an overburdened system. According to the Health Care Association of New York State, my home State, we will face a \$15 billion reduction in Medicare and Medicaid—affecting our hospitals, our skilled nursing facilities, our home health agencies and hospices over the next 10 years.

We need to implement true health care reform in a manner that preserves patient choice, protects access to health care, and controls costs without hurting job growth.

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina as the designee of the minority leader.

Mr. CLYBURN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in 1966 Dr. Martin Luther King, Jr., whose life and legacy we just finished celebrating, expressed his concerns about health care. He stated, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane."

Those words were brought home to me last year when a constituent from Florence, South Carolina, told me that she had just been informed by her insurance carrier that because of her 8-year-old daughter's cancer treatments, her family had reached their lifetime benefits limit.

What could be more inhumane than repealing this law's patients' rights and telling that mother that the life-saving treatments for her daughter must end?

What could be more shocking than the injustice suffered by the middle-aged woman who called into a radio program to complain that although she had paid her premiums her entire adult life, she was dropped by her insurer when she contracted breast cancer. How can we repeal the remedy for this injustice?

Dr. King also taught us that the time is always ripe to do right. After nearly a century of debate, last March the time was ripe. And getting rid of these discriminatory practices was the right thing to do. And that is the reason I called the bill the Civil Rights Act of the 21st Century.

Interestingly, today we are hearing some of the same rhetoric about repeal of patients' rights that we heard regarding voting rights.

Do I feel that changes should not be made? Absolutely not.

When the Civil Rights Act was passed in 1964, it did not cover public employees.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLYBURN. I yield myself an additional 30 seconds.

When the 1965 Voting Rights Act became law, it did not cover congressional and legislative redistricting.

The Fair Housing Law wasn't perfect when it was passed.

Bipartisan changes were made to improve all of these measures. I sincerely hope that we can develop some bipartisan modifications that increase efficiency and effectiveness and decrease costs and duplication—none of which will be achieved through repeal.

I reserve the balance of my time.

□ 1640

Mr. CANTOR. I yield 1½ minutes to the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman from Virginia for yielding.

ObamaCare, as we know, is the crown jewel of socialism. It is socialized medicine. The American people spoke soundly and clearly at the ballot box in November. And they said to us, Mr. Speaker, in no uncertain terms, repeal this bill. And so today this body will cast a vote to repeal ObamaCare.

And to those across the United States who think this may be a symbolic act, we have a message for them: this is not symbolic. This is why we were sent here, and we will not stop until we repeal a President and put a President in the position of the White House who will repeal this bill, until we repeal the current Senate, put in a Senate that will listen to the American people and repeal this bill.

Because what has been the result, Mr. Speaker? It's been this: it's been job loss, it's been increases on costs to the American people. I have seen everything from 26 percent increases on health insurance to 45 percent increases on health insurance. This will break the bank, and we won't let that happen to our country.

So make no mistake, Mr. Speaker. We are here to stay and our resolve is firm. We will continue this fight until ObamaCare is no longer the law of the land and until we can actually pass reform that will cut the costs of health care.

Mr. CLYBURN. Mr. Speaker, I yield 2 minutes to the chair of the Democratic Caucus, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I thank the gentleman for yielding.

Equal protection under the law is the cornerstone of our Constitution. That is why we as Nation strive to form a more perfect Union in a commonsense way of looking out for one another. No one can prepare for a birth defect, catastrophe, or accident of life that may await any one of us. This Congress cannot disenfranchise the 129 million Americans with preexisting conditions impacted by this repeal proposal. The proposal that is before us is not worthy of the party of Lincoln or the tea party. Repeal, repeal, repeal is not a plan. It is an empty political refrain.

My colleagues on the other side of the aisle are honorable people. I cannot accept that they are indifferent to the 129 million Americans with preexisting

conditions who would continue to be denied coverage and forced to pay higher rates with repeal. I cannot accept that they are indifferent to millions of children who would once again face denial of health care coverage. I don't believe they are indifferent to the millions of seniors who would be facing higher prescription drug costs because of repeal. I cannot accept that they are indifferent to the families that face cancer diagnosis and would once again be subject to lifetime limits on coverage and possible bankruptcy because of repeal. Addressing these fundamental issues of fairness was what the health care legislation and law is all about.

In this Chamber, and clearly down the hall, we understand the charade of this repeal legislation. But it is not lost on the 129 million Americans with preexisting conditions that are counting on us.

Mr. CANTOR. Mr. Speaker, I yield 1½ minutes to the gentlelady from South Dakota (Mrs. NOEM).

Mrs. NOEM. I thank the gentleman for yielding.

Mr. Speaker, I rise today for the first time on the floor of the United States House of Representatives to make a case for a very important piece of legislation, namely H.R. 2, the health care repeal bill.

Mr. Speaker, there are a multitude of reasons why this law should be repealed, but the most important is because it is a major impediment to job creation for small businesses and job creators in South Dakota and across this country. According to one study, an employer mandate alone could lead to the elimination of 1.6 million jobs between 2009 and 2014, with 66 percent of those coming from small businesses.

Mr. Speaker, one of the most important jobs and job-creation measures that we can do this year is to repeal this bill and to replace it with commonsense policies that actually lower costs for families and for small businesses, expand access for affordable care, and protect American jobs. What I heard time and time again on the campaign trail last year from South Dakota's small business owners is that they are simply waiting. They are waiting to hire another worker or to invest in new technology because of the looming threat of this health care law.

Whether it's a foundry owner in northeastern South Dakota or a motorcycle parts manufacturer in central South Dakota, the refrain is the same: get the government off our backs, and we'll be the small business job-creation engine that this country so desperately needs right now.

Mr. Speaker, I urge my colleagues to listen to the citizens of this great country on this important issue.

Mr. CLYBURN. Mr. Speaker, I am proud to yield 2 minutes to the gentle-

lady from Connecticut (Ms. DELAURO), the chair of our policy committee.

Ms. DELAURO. Yesterday, men and women from all across America came here to tell us what the repeal of health care would mean for them. Stacie Ritter of Lancaster, Pennsylvania, told us how her 11-year-old twin daughters were both diagnosed with leukemia at age 4. She explained how the Affordable Care Act finally ensured her daughters could get coverage and the care that they need.

Claudette Therriault of Sabbattus, Maine, told us how health care reform had given her access to critical preventive care, the type of care that saves money and saves lives. Ed Burke of Palm Harbor, Florida, told us how the prohibition on lifetime caps had brought security and peace of mind after years of living with hemophilia.

We hear stories like this every day in my district and all across America. Yesterday, a report found that up to 129 million Americans under age 65 have preexisting conditions and could lose their coverage if reform is repealed. I understand their fears. I too have a preexisting condition. I am an ovarian cancer survivor.

The Center for American Progress reports that repeal would add almost \$2,000 a year to family insurance premiums, destroy up to 400,000 jobs a year over the next decade. And the Congressional Budget Office says repeal would add \$230 billion to the deficit. Repeal will take away valuable benefits, destroy jobs, cause premiums to rise, and add billions to the deficit.

If my colleagues across the aisle will not listen to the facts and the numbers, then listen to the poignant stories of their and our constituents. What will happen to Stacie's twins, Claudette, Ed, and millions of other Americans if health care reform is repealed? What will happen to children with preexisting conditions, to seniors in the doughnut hole, to small businesses trying to help their employees find quality health insurance? Repeal is a mistake. We should work to further strengthen our health care system; and we should do that, not roll back hard-won progress. Health care should not be a political game.

Mr. CANTOR. Mr. Speaker, I yield 1½ minutes to the secretary of the Republican Conference, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I am delighted to find that the President has finally found common ground with the conservatives. The President wrote in *The Wall Street Journal* yesterday that he issued an executive order calling for all agencies to identify job-killing and costly red tape that could be eliminated. We should help him resolve this by eliminating thousands of new regulations that will be dumped on individuals and businesses over the next 4 years by this bad health care law.

The Federal Register contains 6,123 pages of requirements for the new health care rules created by this law.

□ 1650

The Center for Health Transformation lists 159 new Federal agencies created by this law.

We can replace this bad bill with bipartisan reforms that can let the people both keep their job and their health insurance.

Mr. Speaker, let's support the President's initiative and reduce bad regulations by repealing this bad law.

Mr. CLYBURN. Mr. Speaker, may I inquire as to how many more speakers there are on the other side?

Mr. CANTOR. Mr. Speaker, we have five remaining speakers.

Mr. CLYBURN. I have two speakers remaining.

I reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, I yield 2 minutes to the chairman of the Republican Conference, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, let me offer 1.6 million reasons why we should repeal ObamaCare. That's the number of jobs that will be lost from just one provision, the employer mandate, according to the NFIB, the largest small business organization in America. The half a trillion dollars in new taxes, the 1099 form, the minimum benefit standard, all job-crushing regulations. Mr. Speaker, when it comes to ObamaCare, you cannot help the job seeker by punishing the job creator.

Let me offer 2.6 trillion more reasons that we must repeal ObamaCare. That is the true cost of this legislation; \$700 billion more added to the deficit.

Now, I know my friends on the other side of the aisle will contend something else, but somehow in their accounting they left out the \$115 billion it costs to implement. They double-counted almost half a trillion dollars in taxes, Social Security, cutting Medicare by half a billion, the sleight of hand of 10 years of taxes, 6 years of spending. Mr. Speaker, you cannot improve the health care of a nation by impoverishing its children.

Here is one more reason, Mr. Speaker. The American people don't want it. It's personal.

Here is my story. Two days ago I was in San Antonio, Texas. My mother had a large tumor removed from her head. They wheeled her away at 7:20 in the morning. By noon, I was talking to her, along with the rest of our family. It proved benign. Thanks to a lot of prayers and good doctors at the Methodist Hospital in San Antonio, my mother is fine. I am not sure that would be the outcome in Canada, the UK, anywhere in Europe.

No disrespect to the President, but when it comes to the health of my mother, I don't want this President, or any President, or his bureaucrats or

commissions making decisions for my loved ones. Let's repeal it today, replace it tomorrow.

Mr. CLYBURN. I continue to reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, it is now my pleasure to yield 2 minutes to the majority whip, the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Let me thank the gentleman for yielding.

First of all, let me say I respect my friends on the other side of the aisle. I do believe you all, like us, want to improve America's health care system. Congressional Republicans and Democrats don't differ on that goal.

Where we differ, and differ quite drastically, is on how to accomplish this goal. And the American people's opinion on health care reform radically differs from that, Mr. Speaker, of President Obama and the congressional Democrats.

Americans understand that our health care system, warts and all, is still the very best in the world. We have the best doctors, nurses, hospitals, and health innovators in the world.

We should be working together to improve the system rather than turning it over to thousands of health care bureaucrats who believe they can make better choices than patients and doctors.

The debate today is a little different than the debate that I remember when this bill was passed, Mr. Speaker. Members are not held over for a weekend vote. There are not protesters outside rallying, wanting, Mr. Speaker, to have their voices be heard. Today is an open, cordial discussion.

That's what the American people asked for, a health care system that works, that doesn't deter, a health care system devised by the patient and doctor.

Mr. Speaker, our families deserve better, our small businesses deserve better, and to all my colleagues, America deserves better.

Let's repeal this health care bill, start to replace it with an open and an honest debate, where the American people are involved, patients are involved, doctors are involved, and the American public can have a health care bill that lowers the cost without destroying jobs and a health care system that keeps the innovation we know so well.

Mr. CLYBURN. Mr. Speaker, I yield 2 minutes to the vice chair of the Democratic Caucus, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

Listening to this debate, I can understand why Americans might be confused about the direction of health care in this Nation. But let me thank my Republican colleagues for producing at least one important result by debating

this misguided Republican plan to repeal patients' health care rights.

Millions of Americans are now beginning to understand the valuable rights and freedoms they secured when the Affordable Health Care Act became law last year. Last year, when Eric, a self-employed architect in my district, wrote to me that he and his wife were in a terrible bind, he explained something. They had insurance, but they could only secure the most costly of insurance with the highest deductibles. But the real bind wasn't that. The real bind was that their insurance company refused to include, within their health insurance policy, their 8-year-old son because their 8-year-old son had suffered from a stroke.

Now, for Eric and his wife and his son, health care reform was real. Today, Eric and his family can get insurance for their son because today Eric and his wife have a right to be insured and to have their son insured because no insurance company today can discriminate against any child for a preexisting condition.

That's what health care reform was all about. It was also about making sure that today America's businesses could afford to offer health insurance to their employees.

Health insurance reform was about reducing the cost of health care, and that's why the impartial referee that we use here in Congress, the Congressional Budget Office, has said that this health reform that was passed last year will save us money, despite all the rhetoric that you hear.

My Republican friends say repeal these health care rights and protections that were extended last year. Do that today, and in the future we will restore those rights and make them prettier as well.

Well, we have a bird in the hand. We don't want to go after two in the bush. For 12 years, they had control of the Congress. For 6 years, they had a Republican President to work with. They never once did it.

Let's keep that bird in the hand and move forward for the rest of America.

Mr. CANTOR. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. SCOTT).

Mr. SCOTT of South Carolina. Mr. Speaker, this health care bill is a job-destroying bill.

Shifting who pays simply does not reduce the cost of health insurance. As a matter of fact, when you look at it, the CMS says over the next 10 years we will see an increase of \$311 billion in the cost of health care. This is \$2.3 trillion of new taxes on Americans.

The deficit: Over the first decade, over \$500 billion of new deficit spending; \$1.5 trillion in the second decade.

Massive bureaucracy: 68 new programs, 47 new bureaucratic entities, and 29 pilot programs as a part of this bill.

It destroys the relationship, the intimate relationship between a patient and a physician.

The NFIB, the National Federation of Independent Business, says that over the next 10 years we will lose 1.6 million jobs in America because of this bill. By destroying the bill that destroys jobs, we've made progress.

□ 1700

Finally, we already have a \$76 trillion hole in unfunded entitlements. By increasing the number of entitlements, we've simply increased the hole, another \$2.7 trillion expansion in entitlement spending. The 10 years' revenue simply does not pay for the 6 years of benefits.

Mr. CLYBURN. Mr. Speaker, I yield 2 minutes to the chair of the Democratic Congressional Campaign Committee, Mr. STEVE ISRAEL of New York.

Mr. ISRAEL. I thank my friend.

Mr. Speaker, I rise to oppose this bill. This vote establishes who you are for. Are you for insurance company profits, or are you for the middle class? I'm for Hannah Watson of Bay Shore, Long Island. Hannah was born with spina bifida. She had multiple surgeries and a kidney transplant before the age of 12. At 12 years old, 3 months after her last surgery, her insurance company told her that she had reached her annual cap and they would not pay for additional treatment. Thanks to the Affordable Care Act, Hannah was able to finally get on her parents' insurance at an affordable rate with no lifetime caps.

This health care act was for Hannah Watson. Well, I hear people saying, do you know what? I don't have spina bifida. Why should I care? Well, Hannah did not choose to have spina bifida. Nobody makes that choice. The health care act helped Hannah. It helped her neighbors. It helped others. Why would you want to look at Hannah and say, We are repealing those protections, Hannah?

I'm for Catherine Marquardt of North Babylon. Catherine had breast cancer; and as she was recovering from breast cancer, her insurance company told her that it was a preexisting condition and they would no longer pay for her treatment. Now, I hear people say, well, why should I care? I'm not Catherine Marquardt. I don't have breast cancer. One out of every nine women in America has breast cancer. You know somebody who has breast cancer. Why would you want to say to them, That is repealed, that consumer protection is repealed, you are on your own?

And finally, Mr. Speaker, I understand the notion that this is not a perfect bill, and there are things that we can improve. My friends on the Republican side are in the majority; and if they can think of ways to improve it, I believe we should work with them. But this is not improving it. This is repeal-

ing it. This is repealing every word of it. This is repealing every vowel of it. This is repealing every consumer protection of it. This is repealing it for every one of us, for Hannah and Catherine, for one out of every nine women who has breast cancer and for all Americans with preexisting conditions. And it ought not be repealed.

I thank the gentleman.

Mr. CANTOR. Mr. Speaker, I now yield 1½ minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. I want to thank the majority leader, the gentleman, Mr. CANTOR.

Mr. Speaker, I believe that the Democrats' health care law will do for health care what the stimulus did for jobs. My colleagues on the other side of the aisle promised the American people greater access to quality affordable health care. Well, the only problem is that the law does not increase quality and does not save Americans one dime on their health care cost. In fact, what is known as ObamaCare will end up costing every single American more in health care premiums and in taxes to pay for the \$1.2 trillion gross expansion of the Federal Government.

Mr. Speaker, the Democrats' health care law is about taxes, it's about mandates, it's cuts to Medicare, job losses, deficit spending, and new Federal bureaucracies. The reality is that we cannot pay for the health care entitlements we have, much less a new government takeover of health care that adds trillions of dollars to our existing liabilities, driving up costs even further and puts the Federal Government in charge of health care decision-making.

The path to greater choice for patients and lower costs all must be a part of an answer that is about repealing this costly health care bill. I support the repeal today and will vote tomorrow for the resolution to replace it with the promise of real solutions.

Mr. CLYBURN. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from South Carolina has 4½ minutes remaining. The majority leader has 2½ minutes remaining.

Mr. CLYBURN. Mr. Speaker, I yield the balance of my time to the Democratic whip, Mr. HOYER from Maryland.

Mr. HOYER. I thank the gentleman for yielding. I rise in opposition to this bill to repeal.

Last year, we acted to reform health care in America to make it easier for small businesses to cover their employees, to take important steps to bring down costs, and to stop insurance company abuses that bankrupt sick Americans and deny them coverage. We acted in the face of a crisis, a cost crisis, which saw premiums more than double over the last decade; a coverage crisis, which saw more than 40 million Americans without health care insurance;

and a fiscal crisis, which saw the cost of health care driving our country deeper and deeper into the red.

A constituent of mine from southern Maryland recently wrote to thank us for health reform that now lets her carry her 21-year-old daughter on her insurance, but she wrote that something else also inspired her to support this piece of legislation, seeing "a lot of other people who are hardworking, honest people who were going bankrupt because of unexpected medical expenses." Those were the stories we had in mind last year when we passed the health reform law—and today, as we fight to protect it.

Nonpartisan observers tell us it will reduce the rise in premiums for millions, cover 95 percent of Americans, and contribute to reducing our deficit. The opponents of health care reform have spent more than a year painting it in apocalyptic terms, but they can't erase the history that proves that bringing affordable care to all Americans has long been the goal of both parties.

Just yesterday, former Senate Majority Leader Bill Frist, a Republican, said that the Affordable Care Act "is the law of the land, the fundamental platform upon which all future efforts to make that system better will be based." That was Senator Republican leader of the Senate, Bill Frist from Tennessee, one of the great medical practitioners in this country, a doctor. In 2008, Senator JOHN MCCAIN said this: "We should have available and affordable health care to every American citizen."

There has been no alternative offered to accomplish that objective. And in 2006, when signing a State bill remarkably similar to the Affordable Care Act, Governor Mitt Romney, Republican, a leading candidate for President of the United States in the Republican Party, said this of that bill, almost exactly like this one: "An achievement like this comes around once in a generation."

While our Republican colleagues in Congress failed to take action on health care during a decade of doubling premiums and mounting debt, Congress acted last year.

Now my Republican friends have come to the floor with a plan to put insurance companies back in charge of American health care and to strip Americans of their hard-won freedom to make health choices for themselves.

Once again, families would face insurance companies' unfair caps on their coverage—or find their coverage canceled altogether. Once again, insurance companies could discriminate against children with disabilities and pregnant women. Once again, prescription drug costs for our seniors will go up. And once again, small businesses will be without any help to cover their employees in a world of skyrocketing premiums.

There's no arguing with the facts: repeal would cost our economy as many as 400,000 jobs per year, notwithstanding the rhetoric on the other side. They would be lost under the burden of crushing health care costs, and repeal would pile up over \$1.2 trillion of additional debt on our children over the next two decades.

I urge my colleagues, preserve Americans' freedoms to control their own care. Join together to protect a system that meets the objectives set by generations of American Presidents: Truman, Kennedy, Johnson, Nixon, Ford, Carter, George H.W. Bush, Clinton and George W. Bush, as well as President Obama.

Oppose this repeal bill.

The SPEAKER pro tempore. All time of the gentleman from South Carolina has expired.

Mr. CANTOR. I yield myself the remaining time.

Mr. Speaker, America did not become great by accident. We are a great country because we continue to strive toward the protection and expansion of individual liberties in a way that people cannot find anywhere else in the world. Our system of free enterprise inspires people to pursue opportunity, to take responsibility for their lives, and to achieve success. Yet for the past 2 years, Congress and the administration have pushed an agenda that moves America in the opposite direction by eroding individual freedoms.

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It is part of a philosophy premised upon government siphoning more money, control, and power out of the private sector. And the health care bill we seek to repeal today is the tip of the spear.

Mr. Speaker, let's make something clear: Both parties care deeply about health care. Likewise, Republicans have rejected the status quo. We simply disagree with our counterparts on the other side of the aisle that excessive government regulation and sweeping mandates on individuals and businesses are the right way to go about effecting the reforms that Americans want.

The construct of this bill is fundamentally unworkable. Instead of preserving the doctor-patient relationship, this legislation we seek to repeal is rooted in having Federal bureaucrats come between patients and their doctors, limiting choices.

If you go back to the health care debate last Congress, the President, then-Speaker PELOSI, and then-Leader REID often spoke of two goals: one, we should strive to lower costs; and, two, if Americans liked the health insurance coverage they had, they should be able to keep it.

Mr. Speaker, we believe in the aftermath of this bill's passage these goals have not and cannot be met. Therefore,

doesn't it stand to reason that we must repeal this bill and begin an honest debate about a better way forward? Of all the most disingenuous myths in this town, perhaps the biggest is the notion that repealing the health care bill will increase the deficit. Let's remember here, we are adding an open-ended entitlement. The new law is riddled with budget gimmicks that double-count savings, offset 6 years of benefits with 10 years of tax increases, and rely on cuts to Medicare and tax increases to fund a new entitlement.

The nonpartisan Congressional Budget Office works hard to provide accurate accounting; but it is only able to score the legislation put in front of them, even if it includes budget gimmicks and fiscal shell games designed to hide its true cost. The reality is this trillion-dollar new government entitlement will lead to a one-size-fits-all cure and put our country and our States on a path to bankruptcy. At a time when we need to do everything in our power to encourage job creation, the health care bill hangs around the necks of businesses and serves as a barrier to job creation.

Mr. Speaker, if we want to deliver real results, the right way to go about health care reform is to lower costs and improve access. That is why, after the House passes this repeal of ObamaCare, we will begin a two-step process of: first, conducting oversight of the law and the impact it has had on our economy and our health care system; and, two, beginning work on a new vision to improve health care without bankrupting our country and taking away the health care that most Americans want and like.

This majority is dedicated to achieving results for the American people. As we have said before, Mr. Speaker, we are a cut-and-grow Congress. We will cut spending and job-destroying regulation and grow private-sector jobs and the economy. Repealing last year's health care law is a critical step. Mr. Speaker, we can do better, we will do better, and I urge my colleagues to support repeal.

Mr. SMITH of New Jersey. Mr. Speaker, I respectfully ask that my colleagues listen to the American people and vote for H.R. 2, legislation to repeal Obamacare and, in essence, open the door to the passage of replacement legislation that offers needed, meaningful and bipartisan health care reform.

Considered in its entirety, Obamacare is a crippling blow to both health care in America and our economy. Not only will Obamacare over time erode and undermine the quality of health care in America, it will to a progressively greater extent increase the deficit, drag down the economy, hurt businesses, and destroy jobs.

The near total lack of transparency and misuse of power last year by the then-majority in forcing through Obamacare's passage, makes it the quintessential example of how a bad bill can become law. The American people are

rightfully angry, and we in Congress had better listen to them.

Obamacare, which would create nearly 160 boards, commissions and programs and would vest sweeping powers on bureaucrats to determine what benefits are covered and not and at what cost, is so fundamentally flawed that it needs to be repealed and replaced.

The American people want and I support meaningful and sensible health care reform, but it shouldn't be paid for by giving the government control of our health care system, with new unconstitutional mandates, massive tax hikes, and \$2.6 trillion in new government spending.

Rest assured that if Obamacare were sound and prudent policy—fiscally and morally—and an efficacious way of facilitating quality health care coverage, the American people, as well as Members of Congress from both sides of the aisle and across the ideological spectrum, would be strongly supporting it. If it were a good law, honest explanations, not subterfuge and granting of special favors and treatments, would convince a large majority of the American public to embrace it.

Government should not be about strong arming through a policy or law and then using every trick, gimmick, and unholy alliance to defend that law or policy at any cost. What were missing in passing and promoting Obamacare and are the foremost conditions that must be employed moving forward are honesty and transparency.

The selling of Obamacare has been replete with misleading figures on costs and savings. While claims are made that the health care law will cost \$940 billion over ten years and reduce the deficit \$143 billion over the same period, those figures can be readily demonstrated to be unrealistic. In actuality, best estimates are that the new law will cost taxpayers \$2.6 trillion over ten years when fully implemented and will add \$701 billion to the deficit in its first ten years.

Why the gross discrepancies? For one, the drafters of the law took full advantage of the fact that the Congressional Budget Office, CBO, evaluates legislation over a ten year window. Significant benefits of the law don't take effect for four years, meaning that the law requires ten years of tax increases and ten years of Medicare cuts to pay for six years of spending. When all provisions of the law are fully implemented, the ten year cost rises to \$2.6 trillion.

Additionally, a \$143 billion savings turns into a \$701 billion deficit when adjustments are made for budget gimmicks: \$53 billion in claimed savings by increasing social security payroll taxes are already spoken for by social security beneficiaries; \$70 billion in claimed savings from the new Community Assistance Services and Support (CLASS) program are the result of benefits not being paid out for five years—while eventually benefits will exceed premiums collected—even Democratic Senator KENT CONRAD called the CLASS program a ponzi scheme of the first order; \$398 billion in claimed savings from the Medicare Hospital Insurance Trust Fund are double-counted to pay Medicare benefits and to be used for other programs; \$115 billion in new government spending needed to implement the law were not counted in initial estimates; and \$208

billion for the fix to avoid pending Medicare payments reductions to physicians were not counted.

CBO warns that the current trajectory of federal borrowing is unsustainable and could lead to slower economic growth in the long run as debt rises as a percentage of GDP. The federal debt is currently over \$14 trillion. The total federal deficit rose from \$455 billion in FY2008 to \$1,413 billion in FY2009, and is estimated to be \$1,342 billion for FY2010. A realistic assessment is that Obamacare will exacerbate our nation's debt.

At a time when unemployment is at record highs (currently 9.4 percent nationally and 9.2 percent in New Jersey), Obamacare will cause significant job losses for the U.S. economy. The National Federation of Independent Businesses (NFIB) found that the mandate for employers to provide health insurance could lead to the elimination of 1.6 million jobs through 2014, with 66 percent of those jobs coming from small businesses. Two-thirds of new U.S. jobs are created by small businesses and even President Obama has called small businesses the "backbone of our Nation's economy." However, Obamacare hurts small businesses with mandates, new taxes, onerous paperwork burdens, and higher health care costs.

Rather than reducing the costs of health care, Obamacare will increase total health care spending by \$311 billion over the next ten years over what it would have been absent Obamacare, according to Medicare's chief actuary.

Obamacare requires employers with 50 or more employees to provide government-approved health care, and to pay a \$2000 penalty per employee (after the first 30 employees) if they do not provide coverage. Perversely, the small business tax credit in the law, with the purpose of aiding small businesses, actually will act as a disincentive to small business owners who otherwise might increase wages and hire additional workers. The small business tax credit is only temporary, and, additionally, it starts to phase out for companies that pay their employees more than \$25,000 or employ more than 25 workers. Many business owners, particularly in high cost states, would get no benefit. CBO estimated that only 12 percent of small businesses workers would benefit.

The law also has an onerous requirement for businesses to file a report with the IRS for every vendor with which it has more than \$600 in transactions in a year. This will be an enormous paperwork burden on all businesses, but may be particularly troublesome for small businesses to comply.

Mr. Speaker, for the first time ever, Obamacare forces Americans to acquire an approved health plan or pay a stiff penalty—like they committed a crime. The penalty is significant—the greater of \$750 per person per year (up to \$2,250 per family) or 2 percent of household income. No person in America should be coerced into buying medical insurance. Just this week, a motion was filed to add six additional states to the lawsuit, which is challenging the healthcare reform law as unconstitutional because of the law's individual mandate requiring the purchase of health insurance. Twenty-six states are now part of

that lawsuit. Virginia had filed a separate lawsuit on similar grounds, and last month received a favorable ruling.

Under Obamacare, premiums for non-group family insurance will increase by as much as \$2,100 per year. The CBO estimated that by 2016, premiums will increase by 10–13 percent over what would happen under current law.

Obamacare, which directs reductions of more than one-half trillion from Medicare, will take away certain benefits from senior citizens and disabled persons. Medicare Advantage is used by over 11 million people nationwide including 15,983 people in my Congressional district alone. Obamacare's \$206 billion in cuts to Medicare Advantage plans will result in millions either losing that coverage or being denied the opportunity to enroll in a Medicare Advantage plan. Further limiting patient choice, actuaries at the Centers for Medicare and Medicaid Services warned that Medicare cuts in the law are so drastic that providers might end their participation in the program. So much for the President's promise that if you like your health plan, you can keep it; no you can't! And so much for his promise that if you like your doctor, you keep seeing your doctor; you might not be able to.

Obamacare also will add more than 16 million people to the Medicaid program, which—in addition to threatening the participation of physicians in the program that reimburses doctors only 56 percent of the market rate for medical procedures—also further endangers already strained state budgets.

On January 7, 2011, 33 Governors and Governors-elect wrote to the President, HHS Secretary Sebelius, and leadership in Congress regarding the excessive constraints placed on the states by healthcare-related federal mandates. The Governors note that the federal requirements will force states to cut other programs, such as education, in order to fund a "one-size-fits-all" approach to Medicaid.

Additionally, Obamacare fails to institute real medical liability reforms to end junk lawsuits and curb the costs of defensive medicine—these have long been identified as significant forces in driving up health costs.

Finally, it is a tragic flaw that, even though President Obama told a joint session of Congress that "no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place," his legislation constitutes the largest expansion of abortion since *Roe v. Wade* itself, and makes a mockery of that pledge.

Repeal of Obamacare will pave the way for implementation of better health care solutions that will lower costs, increase access, and improve quality without destroying jobs or bankrupting our government.

Goals of responsible health care reform should be to provide credible health insurance coverage and access for everyone, strengthen the health care safety net so that no one is left out, and incentivize quality and innovation, as well as healthy behaviors and prevention. Indisputably, the private health insurance market has to be reformed to put patients first, and eliminate denials of pre-existing conditions and lifetime caps and promote portability between jobs and geographic areas, including across

state lines. Reform should also include revision of the tax code to promote affordability and individual control. Medicare reforms are necessary to make it more efficient and responsive, with sustainable payment rates.

Of course, responsible health care reform will respect basic principles of justice: it will put patients and their doctors in charge of medical decisions, not insurance companies or government bureaucrats. It will also ensure that the lives and health of all persons are respected regardless of stage of development, age or disability.

Mr. KUCINICH. Mr. Speaker, today the House of Representatives is debating whether to take a giant step backward by repealing the Affordable Care Act. If we are not going to debate how to improve the health care bill, we should be working to strengthen our economy.

A good place to help Americans out of a bad economy is to look at the number one cause of bankruptcies in the U.S.: medical bills. Specifically, over 62 percent of all bankruptcies are from medical bills. It is tempting to conclude from that statistic that most of those bills are due to the uninsured not being able to pay their bills. That would be wrong. In 78 percent of those medical bankruptcy cases, the victims had health insurance. That means that about half of all bankruptcies in the U.S. happen to people who have health insurance.

This is what happens when insurance companies make money by not providing care. Their job is to make someone other than them pay the bills—even if it is you or me, and even if we already have insurance. They make us pay the bills by selling cheaper insurance policies that do not actually cover us when we get sick.

We must eliminate the predatory for-profit health insurance industry by enacting H.R. 676, Medicare for All. No copayments, no deductibles, no premiums. For the same costs or less than we are paying now.

Mr. VAN HOLLEN. Mr. Speaker, many of us believe we should focus our efforts and energy on measures to help put people back to work rather than on a bill that takes away important patient and consumer protections. And we don't think it makes much sense to debate a bill that thankfully will go nowhere in the Senate and would certainly be vetoed by the President. However, the new Republican majority is certainly entitled to use its time here as it chooses. And while many of us believe our time would be better spent focusing on jobs, I do believe that this debate may help clear up many of the myths and misinformation about the health care law signed by President Obama.

The issue of health care is personal to every American individual and family. That is why this debate can become so emotional and heated. Let us have a vigorous, spirited debate. But let us work to ensure the debate generates more light than heat, and illuminates rather than obscures the key issues.

The insurance reforms that have taken effect since last March are already making a huge and positive difference in the lives of millions of American families. We wish our Republican colleagues would have taken at least a few days, a few hours to have Congressional hearings to listen to those individuals and families. The new Republican majority

said it wanted to listen, but you have not invited a single American outside of this Congress to a hearing to testify on the repeal bill we are debating here today. As a result, those of us who oppose the efforts to strip away important patient protections had to organize an unofficial hearing to listen to testimony from our fellow Americans. We heard stories from across America about why it is such a bad idea to repeal, to take away the many protections patients and consumers finally have to fight the abusive practices of some insurance companies.

We heard the moms and dads of young people tell you how relieved they are that their sons and daughters are no longer kicked off their health insurance policies at age 19 or when they graduate from college, but can now stay on their parents' plan until age 26. As a result, if their 22-year-old gets very sick or gets into a terrible accident, that 22-year-old can get care they need without the family going bankrupt.

We heard from moms and dads with kids who have cancer, asthma, or diabetes or other pre-existing conditions tell how relieved they are that insurance companies can no longer deny coverage to those kids.

We heard senior citizens who were unable to pay huge bills for essential prescription drugs tell you how relieved they are that—as of January 1st—they are now paying less and can afford the medicines their doctors say they need.

We heard from small businesses that are already using the tax credits to be able to purchase affordable health care coverage for their employees. And as a result of being able to purchase more affordable health care, small businesses have been able to hire more employees.

Now the new Republican majority has used a lot of supercharged and inaccurate rhetoric to support their claims. They even named their bill the "Repealing the Job-Killing Health Care Law Act"—as if putting those words in the title and saying them over and over somehow makes it true. It doesn't and they aren't.

Let me be clear—there is only one job that will no longer be available as a result of the health reform bill, and that is the job of the guy at the insurance company who was told to examine the fine print in your insurance policy—the kind you can only read with a magnifying glass—and come up with reasons why the insurance company will not pay for the care you need when you need it, even though you had been dutifully paying your premiums all along. The reform bill signed by the president banned those abuses. With that solitary exception, the health insurance reform law will create jobs. More people will be providing more cost effective health care services to ensure that more Americans are healthy and productive at work. And the health reform bill—when it fully kicks-in in 2014—will finally give Americans the freedom to move from job to job without fear of losing their coverage. That means more Americans will be able to pursue their entrepreneurial dreams and start their own businesses without fear of losing their health insurance.

Now, we all recognize that ever rising health insurance premiums are making insurance less affordable for millions of Americans. In-

deed, between the years 2000 and 2006, health insurance premiums doubled—went up 100 percent—and the profits of the major health insurance companies quadrupled. The insurance industry loved that pattern. What did the Congress do during those years to stop those skyrocketing premiums? Nothing. By contrast, the health reform bill signed by President Obama finally provides the chance to stop those skyrocketing premiums. That's why it was so bitterly fought by the insurance industry and why they would like to see it repealed.

Now some critics claim that the continued rise in health insurance premiums this year is proof that the health care bill is not working. But that claim exploits widespread confusion about how the bill works. Anyone who has read the bill—and I do encourage all Members to read the bill—knows that the key insurance market reforms in the bill don't even take effect until the year 2014. That is because the market reforms cannot be implemented overnight without disruption to the system. But when those reforms are fully implemented in 2014, premiums will no longer accelerate at warp speed.

Those reforms will change the very inefficient system that contributes to rising premiums. As of today, all of us who have health insurance coverage—we pick up the tab for those who don't. We pay higher premiums because of those who pay none, but get their primary care in the emergency room. That broken system results in less preventive care and higher premiums. Those premiums will come down in 2014 once everyone takes personal responsibility for purchasing their own coverage and the risks are pooled throughout the population.

Now, when market reforms kick-in fully in 2014, the non-partisan, independent CBO has indicated that individuals and families will be able to pay less for their health coverage. In their letter to Speaker BOEHNER, CBO projects that premiums for employer based coverage will rise if you repeal the bill. And CBO indicates that the majority of people in the individual market will get fewer benefits and pay more for coverage if you repeal the bill—because you eliminate the tax credits.

The non-partisan Congressional Budget Office—the CBO—has also said something else about the health care bill signed by President Obama. They have calculated that it will reduce our national deficit by over \$1.4 trillion over the next twenty years. Now many people ask how that can be possible. How can a health reform bill that provides more affordable access to health care for millions of Americans reduce the deficit? The answer is simple: those expansions were more than paid for by eliminating huge taxpayer subsidies that were flowing to certain health insurance companies, by incentivizing more efficient care, and by having the top 2% income earners contribute more in payroll taxes.

That is the budget math of the health care reform bill. This means that by repealing the bill signed by President Obama, Republicans would add over \$1.4 trillion to the deficit, adding to our debt to China and others.

Now, because they don't like the CBO deficit numbers they have tried to discredit them. But these criticisms are coming from the same

people who praised many of the CBO's earlier estimates during the debate on the health care bill. In other words, when they like what the CBO has to say, they endorse their numbers, but when the CBO presents an inconvenient budget truth, they trash the numbers.

CBO is the independent budget referee for the Congress. Just as in football, sometimes you agree with the referee; sometimes you don't. But you don't get to kick the referee off the field and substitute your own call. Yet that is exactly what our Republican colleagues seek to do. Only this is not a sports game; they are playing these games with the federal budget. It is unprecedented and fiscally reckless. It is Enron-style accounting that will lead to budget anarchy and fiscal chaos.

So much for fiscal accountability.

Mr. Speaker, those of us who support the health care reform law know that it is not perfect and certain adjustments should be made as we implement the reforms. In fact, last year this House tried to remove the burdensome 1099 provisions, and the Senate was unable to pass similar legislation.

But making necessary adjustments is one thing. Completely eliminating important patient and consumer protections that are currently benefiting millions of American families would be a historic mistake. The insurance industry would celebrate at the expense of the American people. Let's put health care providers in charge of health care decisions, not the insurance industry.

We have seen this narrative play out at other times in our history. After the historic passage of Social Security in 1935, its Republican opponents called it "a cruel hoax" and "a fraud on the working man." After the historic passage of Medicare in 1965, we heard the same distortions.

Mr. Speaker, let us not make the mistake of repealing health care reform. I urge my colleagues to oppose this misguided and mislabeled bill.

Mr. Speaker, this House is a place to have great debates where we can openly air differences of opinion. But we should try in the process to separate differences of opinion from the facts of the case.

Earlier this month, with the passage of the Rules package, there was an effort to provide a whole new approach to accounting when it comes to the budget deficit. In essence, what the rules say is that we are going to exempt the budgetary effects of certain measures, including repealing the Patient Protection and Affordable Care Act. The majority has written into the governing rules of the House a mechanism to disguise the true budget deficit impact of repealing this legislation. And as a result, today the Chairman of the House Budget Committee inserted a statement into the CONGRESSIONAL RECORD which asserts that H.R. 2, the bill to repeal the Affordable Care Act, will have no budgetary effect at all. In fact, CBO's preliminary estimate of the bill is that it would increase the deficit by \$230 billion over ten years. What the majority is doing is rank budget gimmickry of the worst kind.

It is the job of the nonpartisan Congressional Budget Office to inform us of the deficit impact of legislation we pass in this House. Sometimes we agree with their estimates, sometimes we disagree. But the whole budget

process will collapse in chaos if we decide to write the political budget estimates of individual Members of Congress into these bills and ignore the estimates of the professionals. It is like being at a football game and when the referee makes a call, and you don't like the call, you throw the referee off of the field and think that your team gets to make the call instead.

We should all recognize, as Republicans and Democrats, that we will have budget anarchy if we think that we can have Members of Congress in a politically charged environment substitute their own judgment for that of CBO. With this action, the majority is committing budget malpractice. It is a sure-fire way to run up the red ink in this country over a period of time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, January 19, 2011.

Budgetary Effects of Legislation

MR. SPEAKER: Pursuant to Public Law 111-139, I hereby submit prior to the vote on passage, the attached estimate of the budgetary effects of H.R. 2, "Repealing the Job-Killing Health Care Law Act," for printing in the Congressional Record.

REP. PAUL RYAN,
Chairman.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2—REPEALING THE JOB-KILLING HEALTH CARE LAW ACT—(AS INTRODUCED IN THE HOUSE ON JANUARY 5, 2011)

[Billions of dollars, by fiscal year]

	Statutory Pay-As-You- Go-Impact
	2012–2021
Net Increase or Decrease (–) in the On-Budget Deficit ^a	+230
Less:	
Adjustments Pursuant to Sec. 4 (d)(6) of P.L. 111–139 ^b (Community Living Assistance Services and Supports Act)	N/A
Adjustments Pursuant to H. Res. 5, 112th Congress ^c	–230
Statutory Pay-As-You-Go-Impact	0

Source: House Budget Committee Estimates.
Memorandum.

^aAs of January 18, 2011 the Congressional Budget Office could not produce a detailed year-by-year estimate of the statutory paygo effects of enacting H.R. 2—Repealing the Job-Killing Healthcare Law Act. The estimate above was provided in a CBO letter dated January 6, 2011 to Speaker of the House, John Boehner.

^bP.L. 111–139 (the Statutory Pay-as-you-go Act of 2010) requires that the budgetary effects of enactment of the Community Living Assistance Services and Supports Act (CLASS) not be counted on OMB's statutory paygo scorecard. CBO initially estimated the CLASS Act would reduce the deficit by \$70 billion; therefore, repeal of the CLASS Act, which would become effective upon enactment of H.R. 2, would not be counted as increasing the deficit under statutory paygo. CBO was unable to produce an updated estimate of the deficit impact of repealing the CLASS Act as of January 18, 2011.

^cSec. 3 (h)(1)(C) of H. Res. 5 provides authority for the Chairman of the Committee on the Budget to exempt the budgetary effects of any measure that repeals the Patient Protection & Affordable Care Act and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010.

Mr. SCHIFF. Mr. Speaker, I rise today in support of the progress we've made towards meaningful health care reform, and I stand in strong opposition to the Majority's efforts to retract much needed provisions that have since gone into effect for millions of Americans.

Our economy's slow recovery from what's been the deepest recession in modern history has highlighted the wide and growing gaps in our health care system. We've seen too many families who've lost their insurance coverage when a provider in the household becomes unemployed, leaving the whole family unprotected and at risk to fall through those widening cracks—unable to afford COBRA, ineligible for public coverage, and precluded by

high and growing premiums or pre-existing conditions from obtaining private insurance.

In California, we've been aggressive in moving forward with implementation, and will continue to lead the way in improving our ability to provide access to quality, affordable care, instead of retreating into the broken status quo of the past. We recognize what a vote for repealing the Affordable Care Act means to the uninsured and underinsured: increasing health care costs for millions of Americans, causing many families to lose coverage, and increasing the national debt by over \$1 trillion.

This is a repeal vote that has real implications, and will mean a great deal in the day-to-day lives of the people I have the privilege of representing. If you're a senior who fell into the "donut hole" of prescription drug coverage and needed help covering that cost, this is a vote to take that assistance away. If you're a young adult who can benefit from staying on your parents' insurance until age 26, this is a vote to take you off that coverage. If you've ever worried about your insurer dropping your coverage unexpectedly if you or someone on your policy gets sick, this is a vote to bring back those worries. If you're a small-business owner trying to compete with large employers while doing right by providing insurance to your employees, this is a vote to make that nearly impossible for you. And, if you're a taxpayer worried about the national deficit, this is a vote telling you that your Representatives are not serious about our nation's budget woes.

A report released just this week brought to light the pressing need for the kind of protections the Affordable Care Act brings about. According to the report, an analysis by HHS, 50 to 129 million Americans under the age of 65 have some type of pre-existing health condition. And one in five of those—25 million individuals—is uninsured. As the number of uninsured who are denied coverage has grown considerably over the last few years, thanks to the ACA, starting in 2014, these Americans cannot be denied coverage, be charged significantly higher premiums, be subjected to an extended waiting period, or have their benefits curtailed by insurance companies.

At a time when this country is looking for those willing to make the tough decisions that lead us into a more prosperous, future, a vote for repeal is a vote to take a step, not forward, but backward. I urge my colleagues to vote no on this bill.

Mr. POSEY. Mr. Speaker, I rise to express my support for the bill before us, H.R. 2, which would repeal the health care reform law that was enacted last year. While we need to address shortcomings in our Nation's health care system, this law is the wrong prescription and that is why I am a cosponsor of H.R. 2.

Prior to the passage of this new law, the American people were told that if they liked their current health care plan, they could keep it. However, shortly after its passage, the Administration issued regulations finding that nearly half of all workers would lose their current health care plan and be required to sign up for one of the new plans authorized by the government.

It's a system that mandates that every American buy government approved health insurance or pay a fine, which a Virginia Court

ruled recently as unconstitutional. The approach outlined by the new health care law limits choices and phases-out other options to health coverage such as health savings accounts, which are enjoyed by some 8 million Americans.

The American people were told that passage of this legislation would lower health insurance premiums by \$2,500 for the average family. However, health insurance premiums have continued to rise, and studies indicate that the new health care law is contributing to these increases. This bill also fails to guarantee that Federal tax dollars will not be used to pay for elective abortions.

The American people were told this new health care law would stimulate job growth. But this 2,000-page bill has created more uncertainty and raised the cost of doing business in America. Imposing new mandates and higher taxes on small businesses continues to hamper our economic recovery and slows job-creation. Repealing this law will provide greater certainty.

Finally, in my view this bill is fiscally irresponsible. The cost of this law continues to climb. During the House floor debate on this bill last year I stated that the overall costs of the legislation were being underestimated by more than \$500 billion. That is proving to be the case as the hidden costs of the bill continue to be uncovered.

Mr. Speaker, we have a national debt of \$14 trillion and rising. Our Federal budget situation is fiscally unsustainable, and if we don't make tough choices now, we will saddle future generations with a mountain of debt that can never be repaid. It is time to face the reality of our budget situation and that includes recognizing that the real cost of this health care law will far exceed our ability to pay for it.

While everyone can point to various aspects of the new law that they support—including me—I believe that the best way to move forward is to start anew and replace the current law with one that preserves individual choice and economic freedom, directly tackles increasing costs and allows Americans to keep their current health care plan if they like it. And let's do so in a fiscally responsible manner.

Mr. HONDA. Mr. Speaker, I rise today in fervent opposition to this reckless effort to repeal the Affordable Care Act and put insurance companies back in charge of our healthcare system, rather than patients and their doctors. The Affordable Care Act, landmark healthcare reform legislation enacted just last year, makes health care more affordable by immediately providing small businesses with a tax credit to provide insurance coverage, and in 2014, by providing tax credits to those who need help buying insurance—representing the largest middle class tax cut for health care in history. Once the Affordable Care Act is fully implemented, Americans will have access to affordable health coverage in a new competitive private health insurance market through state exchanges.

Many critical benefits have already gone into effect, including bans on the worst insurance company abuses and coverage options for many Americans who have previously been locked out of the insurance market because of a preexisting condition. Indeed, millions of American families and businesses are

already feeling the positive effects of the Affordable Care Act, and many more will benefit as the final provisions are phased in over the next few years.

The bill under consideration today, the Patients' Rights Repeal Act (H.R. 2), would completely eliminate the Affordable Care Act with no consideration for the wellbeing of the millions of Americans for whom it will improve healthcare. H.R. 2 was expedited for a vote without taking the testimony from a single witness or holding a test hearing on the issue, and there was no committee consideration of the bill, in direct contrast to the campaign rhetoric espoused by the new Republican majority.

Opponents of the Affordable Care Act have used questionable arguments to validate their repeal efforts, including claims that it would inflate the national debt. In truth, the Affordable Care Act helps to reduce the national debt by minimizing waste, fraud, and abuse in the health care system and preventing the rampant growth of health care costs. According to the nonpartisan Congressional Budget Office, repealing the law would increase the deficit by \$230 billion over the next decade and over \$1 trillion in the following decade. Now, that is a difficult pill to swallow, with long-lasting effects on our nation's fiscal health.

Repeal of the Affordable Care Act has direct consequences to the diverse congressional district that I am proud to represent, California's 15th district. The Patients' Rights Repeal Act would:

- Increase the number of my constituents without health insurance by 17,000 individuals;

- Allow insurance companies to deny coverage to as many as 307,000 individuals, including up to 40,000 children, with pre-existing conditions;

- Rescind consumer protections for 484,000 individuals who have health insurance through their employer or the market for private insurance;

- Eliminate health care tax credits for up to 14,900 small businesses and 86,000 families;

- Increase prescription drug costs for 8,000 seniors who hit the Part D drug "donut hole" and deny new preventive care benefits to 76,000 seniors;

- Increase the costs of early retiree coverage for up to 7,600 early retirees;

- Eliminate new health care coverage options for 2,900 uninsured young adults; and increase the costs to hospitals of providing uncompensated care by \$113 million annually.

Furthermore, as Chair of the Congressional Asian Pacific American Caucus (CAPAC), I am proud of CAPAC's partnership efforts through the Tri-Caucus and with community advocacy groups to ensure that the Affordable Care Act benefits all of our communities, including the Asian American and Pacific Islander (AAPI) community—roughly one in five of whom are uninsured. For instance, the Affordable Care Act helps to address traditional AAPI health disparities in vaccinations, cancer screenings, and infant mortality rates through increased access to preventative care services. Further, new federal regulations on data collection, disaggregation, and oversampling on certain minority populations will help to identify and ensure comprehensive coverage of all AAPI health disparities. These hard-fought benefits for our communities would be

completely eliminated if Republicans were to succeed in enacting H.R. 2.

Mr. Speaker, for these reasons, I continue to support the Affordable Care Act, as it is vital to the wellbeing of every community in our nation. I urge my colleagues to stand against this reckless repeal of critical healthcare reform and vote against the Patients' Rights Repeal Act.

Mr. TOWNS. Mr. Speaker, I rise today in strong opposition to H.R. 2, the Patient's Rights Repeal Act. In the 112th Congress, the American people were promised a focus on our economy. Today however, rather than discussing legislation that would strengthen our economy, legislation that would create jobs, or even legislation that would reduce our nation's deficit, we are discussing the repeal of legislation that protects more than 500 families in my district from bankruptcy due to the costs of healthcare. We are discussing the repeal of legislation that would give tax credits to 117,000 families in my district and a 35% tax credit to the 11,400 small businesses in my district who choose to offer coverage. If our intent here is truly to create jobs, why would we repeal legislation that since its enactment, has contributed to the creation of more than one million private sector jobs, including more than 200,000 jobs in the healthcare industry?

Mr. Speaker, I am not here to represent the insurance industry or the pharmaceutical industry. I am here to represent the interests of the ordinary Americans that reform will protect. Repealing the Affordable Care Act would be in direct opposition to those interests by increasing our national deficit by one trillion dollars over the next two decades and preventing tens of millions of uninsured Americans from gaining coverage. In my district alone, 37,500 people will receive coverage under this law, and 75,000 seniors on Medicare will receive improved care, giving them full access to our healthcare system, which is the "best in the world."

Mr. Speaker, I ask you, what is the point in having the "best healthcare system in the world" if more than thirty million Americans, including the 37,500 in my district, do not have full access to its benefits? What is the point of having the "best healthcare system in the world" if insurance companies are allowed to deny people coverage when they need it the most, based on "pre-existing conditions." It is wrong. You know it's wrong. This law has corrected it and we should not mess with it.

There may be weaknesses in the health reform law, but based on an average of 117,000 private sector jobs created per month since its passage, I strongly believe that it is a good starting point for efforts to make our nation stronger. The Affordable Care Act is good for not only our seniors and the uninsured, but all Americans who not only deserve, but need access to quality, affordable healthcare. In the name of the hundreds of thousands of constituents in my district, in the name of the Bedford Stuyvesant Family Health Center and 30 other community health centers that will receive increased funding to provide my district with better care, and in the name of the tens of millions of Americans that we fought so hard for in passing reform, I will vote no on this bill, and any other efforts to undermine the legislation passed last year. Instead I hope we

can begin a meaningful conversation about moving forward, using this established framework to continue to strengthen our nation.

Mr. HOLT. Mr. Speaker, I rise in strong opposition to the budget busting legislation that fails to create one new job and returns our health decisions to insurance companies rather than doctors.

Repealing health reform would be a mistake. Instead of focusing on job creation or retirement security or tax relief, we are debating repealing a law that protects Americans from insurance company abuses and provides fairer and more accessible health care for children, veterans, seniors, employees, and employers.

On Monday, we celebrated Dr. Martin Luther King, Jr.'s life of service. Dr. King fought for an America where everyone, regardless of their racial, ethnic, or class background, would have access to opportunity. Access to health care was important to Dr. King who said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane".

Today, the new majority is trying to repeal the health reform legislation that we enacted just one year ago. That historic law provides secure health insurance coverage to almost all Americans and lowers the deficit by \$143 billion in the first ten years. Today, the majority is trying to repeal these patient protections and return them to insurance company bean counters.

A new analysis by the Department of Health and Human Services that was released this week reported that as many as 129 million non-elderly Americans have some type of pre-existing health conditions. In my district alone, there are as many as 310,000 individuals with a pre-existing condition, including 39,000 children. Due to health reform, those children can no longer be denied coverage and starting in 2014, adults with pre-existing conditions will no longer be denied health coverage. If health reform is repealed, these individuals will again be denied insurance and lose health coverage, which will lead to higher health costs for all Americans.

To understand how important health reform is, here is a picture of what my district would look like if health reform was repealed. Over 2,000 young adults would become uninsured after losing coverage through their parents' insurance; over 17,000 small businesses would lose tax credits that help provide health insurance to their employees; over 9,000 early retirees might lose benefits through the early retiree reinsurance program; over 100,000 seniors would have to pay for wellness visits and preventive services, like mammograms and colonoscopies; and over 8,000 seniors in the Medicare donut hole would see significantly higher prescription drugs.

Just saying that health reform "kills jobs" does not make it so. In fact, health reform not only provides benefits to Americans, it creates jobs. Since health reform was passed, an additional 207,000 jobs have been created in the health care sector. Over the next 10 years, health reform will create up to 4 million jobs by investing in the health care workforce and lowering costs for businesses.

Further, Americans do not support repealing health reform. In fact, according to the latest AP poll, only 26 percent of Americans think health reform should be repealed. Instead, 43

percent of Americans want more reforms to health care.

Passing health reform last year began the process of ending the injustice in health care access that Dr. King thought was shocking and inhumane. We owe all Americans access to affordable, comprehensive health coverage. We cannot let them down. As the late, great Senator Ted Kennedy often said, "decent, quality health care is a fundamental right and not a privilege." I strongly urge my colleagues to vote no on repealing health reform.

Mr. HASTINGS of Washington. Mr. Speaker, I come to the floor today to speak in support of the repeal of the job-killing health care law.

Today's vote is part of what will be an ongoing effort by House Republicans to repeal President Obama's health care law and replace it with solutions that protect jobs and preserve health care choices—without driving our nation deeper into debt.

Today we put the focus back where it belongs—jobs, affordable health care, and small-government.

Mr. Speaker, last year, the Democrat controlled Congress pushed through a government takeover of health care using a closed approach that blocked any input from our side of the aisle. Almost as soon as the bill was signed into law, the extensive reach of the strong arm of government was felt by the American people.

Many were forced out of their existing health plans—even if they liked it—including many of our nation's seniors who will be pushed out of their current Medicare Advantage plans.

Our nation's businesses were hit with a costly job-killing paperwork requirement—and they still face other new mandates, fines and taxes.

All Americans have been hit by a mandate requiring individuals, regardless of their personal circumstances, to purchase government-approved insurance or pay a penalty. The constitutionality of this mandate is currently being challenged by a number of states including my home state of Washington.

And, hospitals like the Wenatchee Valley Medical Center in a rural, medically underserved part of my district face new restrictions simply because they are owned by doctors.

The American people spoke in volumes in November and it is time to respond to their message.

The time has come to fulfill our promise to the American people and take steps to repeal this law that is bad for families, seniors and employers. I look forward to getting down to work on real solutions that will preserve the patient-doctor relationship, increase choices and reduce health costs.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition to the rule providing for consideration of H.R. 2, the "Patient Rights Repeal Act of 2011." This bill is a giant step backwards for our country. By repealing the landmark achievement of the Affordable Care Act we would be taking away affordable coverage and financial security from thousands of my constituents and millions more across the country.

A vote in support of this bill is a vote for insurance companies over everyday Americans; it is a vote to return us to the days when op-

print was used to cancel coverage for hard-working people; and it is a vote to take away parents' peace of mind, who will no longer know if their children will be able to see a doctor when they get sick.

Mr. Speaker, at a time when Americans will soon finally be free from the fear that affordable coverage will not be available to them and their families when they need it the most, repealing the Affordable Care Act would be devastating. Without the Affordable Care Act: 196,000 young adults would lose their insurance coverage through their parents' health plans;

Insurance companies would once again be allowed to cut off someone's coverage unexpectedly when they are in an accident or become sick because of a simple mistake on an application;

New insurance plans would no longer be required to cover recommended preventive services, like mammograms and flu shots, without cost sharing; and

269,623 on Medicare would see significantly higher prescription drug costs

Mr. Speaker, every time that I go home to my district, I meet with constituents who thank me for voting for the Affordable Care Act. They explain to me the peace of mind that they feel knowing that they will be able to afford the prescription drugs that they need; that their children can see a doctor when they get sick or break a bone; that their breast cancer treatment will be covered on their policy, rather than being written off as a preexisting condition. Health care reform provided the following benefits for the residents of my district:

Gave tax credits and other assistance to up to 146,000 families 15,100 small businesses have seen 50% tax credits to provide health care for employees.

Over 16,000 additional small businesses have been made eligible for health care exchanges that make insurance more affordable.

Help for small businesses are help for working families. Small businesses are the engine of the economy of my district and of our nation.

Improved Medicare for 63,000 beneficiaries, including closing the donut hole

Extended coverage to 88,000 uninsured residents

Guaranteed that 17,500 residents with pre-existing conditions can obtain coverage

Protected 1,100 families from bankruptcy due to unaffordable health care costs

I refuse to vote for a piece of legislation that will reverse these benefits and harm so many of the people that I represent. Health care reform is a moral obligation to the American people and a critical part of our long-term economic recovery. It represents the largest middle-class tax cut in history and is projected to cut the deficit by \$138 trillion over 20 years.

Mr. Speaker, anyone who is serious about deficit reduction cannot in good conscience vote for this legislation. In addition to being the wrong thing to do to hard-working families, single-mothers, and senior citizens across the country, it is fiscally irresponsible. In fact, I would call this bill fiscally irrational—H.R. 2 would cost \$1.3 trillion to repeal a piece of legislation that promises to cut the budget deficit by \$138 trillion in the long-term. This does not make any fiscal sense; it is the exact op-

posite of what we should be doing and it is an unfair burden to place on future generations.

I oppose this bill because it threatens the peace of mind, financial security, and physical wellbeing of seniors, parents, and children across the country. I oppose this bill because I would rather side with everyday Americans than insurance company executives. I stand with the single moms, who no longer have to stay up all night worrying about how to pay the premiums to cover their child's illness. I stand with the senior citizens who built our roads and bridges and fought our wars and now can finally afford the prescriptions drugs that they need.

For all of these hard-working, middle class people, I strongly urge my colleagues to join me in opposing the rule providing for the consideration of H.R. 2.

Mr. FARR. Mr. Speaker, I rise today in strong opposition of the Republican Health Reform Repeal Bill.

The reason is simple.

The bill before us is not about creating jobs. It's not about strengthening our middle class.

And it's not about reducing our national deficit.

It is however, about denying coverage for up to 284,000 individuals with pre-existing conditions in my district.

It is about increasing prescription drug costs for 6,400 seniors on California's Central Coast.

And it is about increasing the number of uninsured individuals by 80,000 and increasing the costs to our local hospitals for providing uncompensated care.

Open your eyes, and welcome to reality.

American families are struggling to make ends meet.

They are struggling to stay in their homes.

They are living without proper health care.

And are they going broke paying for medical bills.

So why is this chamber spending their time debating health care reform that has extended coverage and increased protections to millions of Americans, and created 207,000 jobs in the Health Care Industry.

Truth of the matter is—while we run circles around this issue, millions of Americans walk out their front door every morning to look for work, only to return with less hope and more worries.

Everyday Americans across the country are worried sick about losing their homes.

About not being able to adequately provide for their families.

And now Republicans want them to worry about losing their health care coverage.

Please open your eyes, and take a deep look at Americans' dire reality.

I urge all Members to oppose the Patients' Rights Repeal Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in strong opposition to H.R. 2, the "Patient's Rights Repeal Act".

Repealing the law would take us back to the days when big insurance companies had the power to decide what patients can receive—allowing them to once again deny coverage to children with pre-existing conditions, cancel coverage when people get sick, place limits on

the amount of care people can get, or overcharge for insurance just to boost their profits.

The Texas Department of Insurance issued a recent report that noted nearly 26.1 percent of Texans are without health coverage—compared to the national average of 16.7 percent, who are uninsured.

Without the Affordable Care Act, Texans stand to lose:

Critical Consumer Protections that ban health insurance plans from denying coverage based on an individual's health status would be lost;

Young adults under the age of 26 would lose their coverage through their parents' health plans;

Patients with private insurance coverage would suddenly find themselves vulnerable to annual and lifetime limits;

New insurance plans would no longer be required to cover recommended preventive services, like flu shots;

Seniors who have Medicare coverage would be forced to pay a co-payment to receive important preventive services, like mammograms and colonoscopies; and

Small businesses would lose tax credit assistance to help families purchase affordable health insurance.

Early retirees between the ages of 55 and 64 would lose health coverage through their employers for them and their families.

I am confident that if we repeal Affordable Care Act, we present a grave, unhealthy danger to the lives of all Americans by playing politics.

I urge my Republican colleagues to revisit the thought of repealing the Affordable Care Act by working with eager Democrats to continue building a bridge to a healthier America.

Mr. ADERHOLT. Mr. Speaker, I, along with so many of my colleagues, support H.R. 2, the repeal of President Obama's healthcare law. This legislation will further harm our economy at a time when we desperately need a robust recovery.

The healthcare law is a prime example of how the tax hikes, spending sprees, and government mandates are hurting our economy and making it harder for small businesses to create jobs. That's one reason why we must repeal and replace the law with a common-sense, responsible solution that tries to address the cost of healthcare and provide more coverage to Americans without killing jobs. Removing these barriers will provide the businesses that create new jobs with the certainty they need to hire new employees and get our economy back on track.

Instead of encouraging America's leading job creators, last year's Democrat government takeover of healthcare has and will continue to hurt small businesses with more mandates, new taxes and administrative burdens, as well as higher healthcare costs. For example, the healthcare law requires businesses with more than 50 employees to provide government-approved health care. Businesses that fail to do so will be forced to pay a \$2,000 penalty per employee (after the first 30 employees). For a small business employing 50 workers without providing government-approved health insurance, adding one additional worker to the payroll will result in \$42,000 in new government penalties.

Over the last 15 years roughly 65 percent of new private-sector jobs have been created by small businesses. A study by the nation's largest small business association, NFIB, estimates that the employer mandate in the healthcare law will destroy 1.6 million jobs. This healthcare law is not the way to help our small business job creators.

In addition, rather than adopting common-sense policies to lower the cost of healthcare, last year's law, will increase costs. The chief actuary for Medicare estimates total healthcare spending will increase by \$311 billion over the next decade, more than it would have been without the healthcare law.

With federal spending at the highest level in American history, the economy in a severe recession, and unemployment remaining stubbornly high—another massive government program with more spending, more borrowing and higher taxes will only hurt already struggling American families—not help them. The American people deserve a better plan.

Also, this law doesn't protect the unborn because it doesn't include clear and direct provisions that would prohibit federal funding of abortions. We need statutory language in the law, not an easily changed Executive Order, to prevent abortions. We have already learned that the law will allow \$11 billion in taxpayer funds to be used for abortions at Community Health Centers. We must repeal and replace this law so we can end government-funded elective abortion coverage under this massive new government funding stream.

Congress should start over and consider the common-sense bipartisan solutions that Republicans have to offer. It's time to repeal the health care law and it's time for a patient-focused health bill that will help the economy and get us back to smaller government.

Mr. BISHOP of Georgia. Mr. Speaker, I cannot in good conscience support today's misguided efforts to repeal the new health reform law. It would be a significant step backwards both for the citizens of Southwest Georgia whom I represent as well as the entire nation.

Repealing the law will mean that insurance companies will continue to place lifetime limits on the coverage they provide, drop people from coverage when they get sick, and refuse children affordable health care because of a pre-existing condition.

Repealing the law also will increase prescription drug costs for seniors. It will deny Medicare enrollees free preventive services like colorectal cancer screenings, mammograms, and an annual wellness visit without copayments, co-insurance, or deductibles.

In addition, repealing the law will mean that children under age 26 will no longer be covered under their parents' plan; new small business tax credits that make it easier for businesses to provide coverage to their workers and make premiums more affordable will disappear; and there will be no further expansion of community health centers which are vital to the health care needs of rural Southwest Georgia.

A recent report by the Center for American Progress also found that repealing the law would add up to \$2,000 annually to family premiums and prevent 250,000 to 400,000 jobs from being created annually over the next decade. Furthermore, according to the non-par-

tisan Congressional Budget Office, a repeal of the law will add \$230 billion to the federal debt by 2021.

Mr. Speaker, we cannot let this happen. We cannot and we must not turn back the clock.

Ms. MCCOLLUM. Mr. Speaker, the Patient Protection and Affordable Care Act that passed in 2010 is the law of the land. It extends historic protections to millions of Americans, ensuring access to quality health care. I voted for this law and I am grateful for the support I received from my constituents in Minnesota's fourth district for my work on reforming our nation's broken health care system.

Access to quality health care is essential for all Americans. I firmly believe health care should be a right for our citizens, not a privilege or a luxury only for the most fortunate who can afford it. I am committed to working to ensure all Americans have the health protections they need and access to the quality health care they deserve. The health reform law we have in place does this.

Today the U.S. House is debating the repeal of the Affordable Care Act. The Republican-Tea Party majority officially titled the bill before us, H.R. 2, the "Repealing the Job-Killing Health Care Law Act." They use the word "killing" five times in a bill that isn't even two pages long. Not only is the bill's title offensive and disrespectful, it is untrue. The fact is the health reform law does not kill jobs, its patient protections save lives and create jobs. More than 200,000 health care related jobs have been created since the law passed in March of last year.

This Tea Party Republican bill strips away patient protections for children, seniors, and adults with pre-existing medical conditions. It replaces tough legal protections for patients with a uniquely Republican solution—nothing. Republicans strip away protections for millions of Americans, add \$230 billion to the federal budget deficit according to the non-partisan Congressional Budget Office, and restore a broken health care system which empowers insurance companies, not patients.

I want Minnesotans to know exactly what repealing the existing health reform law would do. If this Republican bill were to become law it would mean:

Stripping 32 millions of Americans of health insurance and new consumer protections;

Allowing insurers to deny coverage to children with pre-existing conditions, apply restrictive lifetime coverage limits, impose cost sharing on preventative care, and retroactively cancel a policy when an individual gets sick;

Eliminating tax credits for as many as 99,000 Minnesota small businesses providing their employees health insurance;

Refusing 11,400 young adults in Minnesota the option to remain on their parents' health insurance until they turn 26;

Maintaining a perverse payment system that rewards providers for the volume of services delivered, rather than the quality of those services;

Jeopardizing the early retiree health coverage provided by 210 Minnesota employers and unions currently receiving financial assistance through the "The Early Retiree Reinsurance Program"; and

Risking the Medicare benefits and prescription drug coverage seniors and people with

disabilities depend on to meet their health needs.

H.R. 2 is more than political posturing. It is legislation that sends a clear message to the American people: Republicans care more about protecting insurance company profits than protecting the rights of patients. I will oppose this bill and I will oppose and battle against every effort made in the 112th Congress to defund, sidetrack, or stall the full implementation of the Affordable Care Act.

I am not alone in opposing H.R. 2. Hundreds of national organizations and dozens of Minnesota groups oppose this blatantly partisan effort to repeal health reform. Here are a few excerpts from letters I received over the past few days.

The Minnesota Medical Association: "the MMA opposes efforts to repeal the ACA (Patient Protection and Affordable Care Act) and urges you to vote against it."

Catholic Hospital Association of Minnesota: "I strongly urge you to maintain support for efforts to improve and strengthen our nation's health care system by opposing the legislation before the House to repeal the Affordable Care Act (ACA)."

Epilepsy Foundation of Minnesota: "We strongly encourage you to vote against repeal of the ACA and work toward ensuring that implementation includes the needs of people with epilepsy and other chronic health conditions."

Minnesota Hospital Association: "On behalf of the 148 hospital and 17 health system members of the Minnesota Hospital Association, I am writing to express our opposition to legislation that would repeal the Patient Protection and Affordable Care Act (ACA)."

Today, as the debate on this ill conceived and mean-spirited bill is taking place, I received the following message from a consortium of small business leaders from across the country:

"The House of Representative's introduction of a bill to repeal the Patient Protection and Affordable Care Act is an affront to our nation's small business community.

"The country's 28 million small businesses stand to benefit greatly from many provisions of the new healthcare law, particularly the tax credits and health insurance exchanges. These two provisions will help drive down costs and offer small business owners more choices when purchasing insurance. These critical provisions and many others would be abolished if the Affordable Care Act is repealed.

"This would be a huge setback to entrepreneurs who need solutions to the broken healthcare system, not a continuation of it. America's 22 million self-employed would also suffer, as a repeal of the ACA would deny them the opportunity to pool together and purchase insurance at an affordable price through state exchanges."

It is important to remember that the Republican's dangerous and destructive health repeal agenda can only work if Americans are silent and passive, allowing live-saving rights and protections to be stripped away. Repeal will not happen today, even if this bill is passed, but over the course of the next two years Republicans and their corporate benefactors will use every legal and political chan-

nel available to deny citizens their health care rights. They will not stop.

But I will not stop either. I will not stop fighting for the health care rights for all Americans.

I urge all Minnesotans and all Americans to stand up and join me in the fight to protect the historic patient rights all citizens have gained through the Affordable Care Act and that starts with a vote against H.R. 2.

Mr. GENE GREEN of Texas. Mr. Speaker, I submit the following:

[From The Baytown Sun, Jan. 4, 2011]

PREPARE TO DIE FOR LACK OF MONEY

(By Gene Lyons of the Arkansas Democrat-Gazette)

As polemics on the Obama administration's health care reforms re-emerge, I often ruminate about a horse.

Lucky was an American Standard Bred gelding I owned. Compared to his quarter horse stable-mate, Lucky was unathletic and half-way clumsy. But he was also a sweet-heart. As long as he could follow his buddy, anybody could ride him. Regardless of age or experience, Lucky would carry them carefully and bring them home safe. It's hard not to love such an animal.

By the time I found him colicked in the barn, it was probably already too late. He'd been down for some time. I gave him an injection for the pain and walked him, but nothing worked. After a while, he lay down and refused to move. By the time the vet arrived, I'd been sitting wedged against his back for hours to prevent him from rolling and twisting his gut.

After Lucky proved unresponsive to treatment, the vet asked me a hard question: "Is this a \$6,000 horse?"

He explained that there was an equine hospital over in Oklahoma that could perform potentially life-saving surgery. It cost \$6,000 cash, up front. He warned that survival was chancy, and might leave my horse an invalid.

I'd paid \$1,000 dollars for Lucky; he was 25 years old, almost elderly. After a long night of IV fluids and pain meds, there was no avoiding the inevitable. Because there are some things a man must do for himself, I administered a lethal injection and ended up having to put a bullet into his brain.

We buried him in his pasture.

It was a hard, hard thing to do. This was two years ago, and it's a rare day I don't think about Lucky and his stable mate Rusty, who also died that year. I pray that I never outlive another horse.

Long introduction, brief polemical point: Observing Republicans gear up to try to undo "Obamacare," I suspect the only thing that will satisfy some is to make medical care in the United States work like veterinary care. You get what you can pay for. Otherwise, tough luck.

Who would have thought that after Sarah Palin's imaginary "death panels"—chosen by Politifact.com, the fact-checking website, as its 2009 "Lie of the Year"—Arizona Republicans would be denying heart, lung and liver transplants to Medicaid patients because Gov. Jan Brewer says the State can't afford them?

To save a lousy \$1.4 million (out of a \$9 billion budget), Arizona's Health Care Cost Containment System has decreed an end to organ transplants. Maybe the bitterest irony is that the inhumane policy won't actually save any money. One of the roughly 100 citizens affected explained to Arizona Republic columnist E.J. Montini:

"I can't work anymore, and we ran out of (insurance) coverage a while back," he said.

"It's terrible needing help. It's not what I wanted. But when you run out of money, what can you do? If I don't get a transplant, I guess the state won't have to pay for me or worry about me until I walk into an emergency room close to dying. They can't turn me away then."

No, they can't. Human hospitals can't refuse patients for lack of cash. Meanwhile, not a peep of protest from Palin, Rep. John Boehner or any of the Republicans who waxed hysterical over the absurd allegation that "Obamacare" would lead to government-sponsored euthanasia.

But if people die for lack of money, that's the GOP way.

Too bitter? Maybe so. Nevertheless, avoiding medical and economic reality has been the party's response ever since Obama adopted much of the conservative Heritage Foundation's health care proposals as his own. It's all to do with partisanship, nothing else. Consider the legalistic, angels-on-the-head-of-a-pin arguments GOP savants have made against the bill's unpopular health insurance mandate.

Precisely because hospitals can't turn patients away, it's impossible to make private insurance companies cover pre-existing conditions (i.e. sick people) without encouraging deadbeats to game the system by not buying insurance until they need it. This defeats the whole purpose of a risk pool.

Somebody's got to pay, and absent an insurance mandate, that somebody's you—one reason the United States has long had the most expensive, least efficient health care system in the world.

Ah, but in GOP Dreamworld, everybody's Huck Finn, an independent actor in a 19th-century free-enterprise paradise. They claim the Constitution forbids government from making citizens buy something they don't want.

Alas, in the real world, people can't not participate in the health care system.

Ms. BROWN of Florida. Mr. Speaker, the Republican House Majority's effort to repeal the historic health care reform law that Democrats passed last year is merely a charade. And thanks to Democratic control of the Senate, the Republican bill will never cross the President's desk. Indeed, a vote for repeal will only scare those who have come to rely on the law's benefits.

I was first elected to Congress in 1992, and in all my years of service, I have worked to make affordable, quality health care available for all Americans. Indeed, for nearly a century, leaders from all over the political spectrum, beginning with President Franklin Delano Roosevelt, have fought for health care and health insurance reform. In the words of the great former President Roosevelt, "the health of the people is a public concern; ill health is a major cause of suffering, economic loss, and dependency; good health is essential to the security and progress of the Nation." In 1935, President Roosevelt signed the Social Security Act into law, which made him the first President ever to advocate on behalf of federal assistance for the elderly.

Yet it wasn't until 75 years later that our nation finally came together and passed the "Patient Protection and Affordable Care Act," which provides health care access for all Americans. Prior to this, nearly one in five citizens in the wealthiest country in the world were uninsured. I applaud President Obama for his persistent, hard work on this issue, and

I was a proud cosponsor of the original Health Care legislation when it was first introduced in the House of Representatives. And although there is no such thing as a perfect bill, this law is a great start, and it needs to be left up to the medical specialists to make slight changes to make it better, not politicians in the Republican Party who want to repeal the law entirely. Yet today, even though it would be nearly impossible to accomplish, the Republican Party wants to take our country in the opposite direction and eviscerate this law. If this were ever accomplished, it would have drastic effects on the constituents in Florida's third congressional district, as well as for Americans across the country. In fact, the Republican bill would take our Nation back to a system in which:

Children with pre-existing conditions, including 8,000–40,000 in my congressional district, were denied coverage;

Young people age 26 cannot stay on their parents' plans (for district 3 in Florida, their plan would eliminate health care coverage for nearly 4,000 young adults);

A system where Seniors pay more for prescription drugs, including 6,600 senior citizens who hit the Part D drug "donut hole" in my district, and would be forced to pay out of pocket costs, as well as 93,000 more Florida district 3 seniors who would be denied new preventive care benefits;

It also would force small businesses to pay higher taxes;

And increase the deficit by \$230 billion, according to the nonpartisan Congressional Budget Office.

The cost of returning to the prior system is too great. For too long, health care has been a privilege, not a right in America. To return to a system in which nearly 20 percent of Americans do not have access to the greatest health care available in the world would not only be a tremendous step backwards, but outright insensitive to the needs of millions of Americans.

Mr. THOMPSON of Mississippi. Mr. Speaker now is the time to protect American families—uphold the Affordable Care Act and oppose H.R. 2, the Republican repeal of health care. A vote to repeal the Affordable Care Act will leave millions of Americans at risk of losing their health coverage; children will face discrimination because of pre-existing conditions and seniors will be left scrambling to pay full price for prescription drugs.

In fact, there is a deep concern about the practicality of repealing the Affordable Care Act and the detrimental impact repeal will have on women, children and older Americans. When Republicans wrote a Medicare prescription plan that created a "gap" in their coverage, seniors across the country were forced to pay full price for their prescription drugs. The Affordable Care Act eliminated the "donut hole", allowing millions of seniors to buy life saving medications.

Prior to the passage of the Affordable Care Act, many Americans families were uninsured and underinsured. Families were forced to choose between paying for coverage for children with pre-existing conditions or feeding them. Passage of the Affordable Care Act gave them back their dignity. Today, those children are guaranteed coverage regardless

of pre-existing conditions and are allowed to remain covered under their parent's insurance plans until the age of 26.

All 23 counties in the 2nd District are medically underserved and many of my constituents are unable to afford health coverage. Under the Affordable Care Act, 315,000, resident's health insurance coverage will improve; 95,000 uninsured residents in my district will be extended coverage; and 16,500 residents with pre-existing conditions can obtain coverage. We cannot and should not be considering repeal of a sound policy that millions of Americans are currently benefiting from and countless more stand to benefit when fully implemented.

A vote in favor of this appeal would strip American families of their dignity and force them to go back to choosing between paying for health coverage or putting food on their tables. We must continue to build on our efforts to expand accessible and affordable health coverage for all Americans. Today, I strongly urge my colleagues to oppose H.R. 2.

Mr. BERMAN. Mr. Speaker, I rise in strong opposition to H.R. 2, a bill to repeal patients' rights and empower health insurance companies at the expense of consumers.

I am proud to have voted for the Patient Protection and Affordable Care Act, landmark legislation to reform our country's health insurance system and expand opportunities for quality, affordable health care to millions of people who otherwise go without.

In my district, in the heart of California's San Fernando Valley, rolling back reforms would have devastating consequences for my constituents. This repeal would leave an additional 116,000 of my constituents without health insurance. It would increase prescription drug costs for 5,600 seniors in the Medicare D "doughnut hole" and deny new preventive care benefits to 64,000 seniors. It would expose over 100,000 of my constituents—and perhaps as many as 290,000 people in my district—to the possibility of being denied coverage because they have pre-existing conditions.

I have heard from thousands of my constituents who support the Patient Protection and Affordable Care Act, many of whom feel strongly enough to share their stories with me. Some are thankful that their child's pre-existing condition is no longer a barrier to getting coverage. Others are relieved that treatment of their chronic illness is no longer subject to a lifetime spending cap. But some are simply the parents of uninsured young adults who live with the day-to-day worry that their kids are one accident away from financial ruin or that they won't be able to access the care they need. I'd like to share one of these stories with you.

Diane, a constituent in Valley Village, wrote me last October to tell me about her daughter's experience with the health insurance reform bill. Her daughter graduated from a prestigious university in 2008 and got a job but still couldn't afford health insurance. She left her job after two years. Two weeks later, she was in a serious car accident. Her car was totaled but she, luckily, was not hurt. At age 24, this young woman found herself unemployed and without health insurance, having narrowly escaped every parent's nightmare. Diane writes,

"And then, two weeks ago . . . she was able to be covered under the plan of her father and stepmother. I wanted to share this story because we want you [to know] that this change has already had a huge impact on our lives. As a mother, I now have one less major issue to worry about."

On behalf of Diane and her family, and on behalf of children, young adults, parents, seniors, small business owners, small business employees, people with pre-existing conditions, hospitals that provide uncompensated care, and everyone else who benefits from the Patient Protection and Affordable Care Act, I stand strongly against H.R. 2 and urge my colleagues to join me in voting against repeal.

Mr. COSTELLO. Mr. Speaker, I rise in opposition to H.R. 2, the Patients Rights Repeal Act of 2011.

Less than one year ago, the 111th Congress achieved a major milestone in the decades-long effort to ensure access to quality health care for all Americans by passing the Affordable Care Act and reforming our broken health care system. Since the Affordable Care Act was signed into law, I have seen its benefits first hand in the district I am privileged to represent. Over 9,800 seniors in Southwestern and Southern Illinois will see a 50 percent discount on their medications when they enter the Medicare Part D coverage gap, saving them \$5.1 million. An additional 112,000 seniors will receive free preventive care, including cancer and diabetes screenings. As of September 2010, up to 37,000 children in my district with pre-existing conditions are no longer denied coverage by insurance companies and in 2014 up to 238,000 adults will have the same protection. In the St. Louis Metro area, 13,600 young adults will remain on their parents' health insurance plans up to age 26 and maintain their access to affordable care, and the 2.4 million individuals with private health insurance are protected from predatory practices of insurance companies and arbitrary premium rate increases.

Despite this significant progress, today we are considering the Patients' Rights Repeal Act, which will strip my constituents of these new benefits and return us to the broken, expensive health care system that left 47 million Americans uninsured.

Just as our constituents cannot afford to lose these benefits, we cannot afford the Patients' Rights Repeal Act. According to the nonpartisan Congressional Budget Office, CBO, passing this legislation will increase the deficit by \$230 billion over 10 years and by more than \$1.2 trillion over 20 years. The CBO also estimates that this bill will increase premiums and out-of-pocket expenses for everyone enrolled in private insurance plans.

Further, despite the claims of my Republican colleagues, there is no evidence that repealing health care reform will create new jobs or spur economic growth. Since the passage of the Affordable Care Act, we have added 1.1 million new private sector jobs to the economy. Further, a study by the Kaiser Family Foundation indicates the Affordable Care Act will create 4 million additional new jobs in the next 10 years by lowering costs and investing in the health care workforce. These new, good-paying jobs will disappear with the passage of repeal.

The Affordable Care Act is not a perfect bill. Provisions, including the unworkable 1099 reporting requirements for small businesses, will be adjusted or replaced as we move forward to implement the bill. Just as we have changed Medicare and Social Security over the last several decades to ensure those programs achieve their goals, we will work together to adapt the Affordable Care Act and keep health care affordable and accessible for millions of Americans. I will work with my colleagues on both sides of the aisles to adopt strong alternatives.

However, just as we have never repealed Medicare or Social Security, I will not vote to repeal the Affordable Care Act and return to a health care system that is unsustainable, inefficient, and massively expensive. We must continue to move forward and ensure that our health care system works for all Americans.

Mr. Speaker, passing the Patients' Rights Repeal Act will dramatically expand the deficit, slow job creation, increase the cost of health care, and deny millions of Americans access to health coverage. I urge my colleagues to oppose the Patients' Rights Repeal Act.

Mr. FATTAH. Mr. Speaker, I rise today in opposition to H.R. 2, a bill to repeal the Affordable Care Act. In March of last year I was honored to cast a vote in favor of the Patient Protection and Affordable Care Act. This law ensures that my constituents, and all Americans, have access to the medical care they need. The measure we consider on this House floor today is not an effort to improve upon that law. It is not an alternative strategy to protect patients' access to care. It is simply an effort to undo the admirable work undertaken over many years and months by the Members and staff of this body, committed patient advocates, uninsured Americans and hard-working medical professionals. I find it unfortunate that, as our Nation faces many deep and intransigent challenges, the House is debating a proposal which is premised on misinformation and disingenuous posturing. I am hopeful that we will now return to the real work of the people.

Mr. MARINO. Mr. Speaker, we have heard a lot of rhetoric from my colleagues across the aisle opposing this legislation because of a select number of insurance market provisions included in the massive, overreaching health care law. As a two-time cancer survivor and the father of a daughter living with cystic fibrosis, what is rhetorical for many of my colleagues is a reality for my family. There is no doubt that reforms are needed to ensure that individuals with pre-existing conditions have access to affordable insurance. In fact, we can probably all agree that there are many aspects of the health care system that were and are in desperate need of reform.

However, the law enacted nearly a year ago is the wrong solution to our health care system's numerous problems. The law will raise taxes by over \$500 billion. It includes an unconstitutional individual mandate on all Americans requiring the purchase of health insurance coverage. The law will cost millions of American jobs and hits small businesses with more paperwork, more bureaucratic red tape, and less opportunity for growth. Finally, the law cuts Medicare by about half a trillion dollars which, even the President's own actuaries

have said, could jeopardize access for seniors.

America has sent a clear message to Washington, and today we will show that we have heard that message. We must repeal the detrimental health care law and focus on the real problem facing our nation's health care system, the issue of cost. We can reduce health care costs by enacting meaningful medical liability reform, allowing people to purchase insurance across state lines, and giving individuals the same tax relief as corporations for the purchase of health insurance. Once the health care law is repealed, I look forward to moving forward with alternative health care reform legislation that will achieve these goals. If we focus our efforts on reforms, such as these, that lower costs, we will expand access to affordable care without jeopardizing the system which has allowed our nation to have the best health care in the entire world. I urge my colleagues to support H.R. 2 and H. Res. 9 and begin the process of enacting true health care reform.

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong opposition to the H.R. 2 legislation that will repeal health care for nearly 32 million Americans. I have listened to my colleagues from the other side of the aisle in press conferences and throughout this debate state that the Affordable Care Act is "job destroying" and "budget busting." We know from numerous reports that these statements are blatantly untrue.

Since President Obama signed this legislation into law in March, the Department of Labor reports nearly 1 million new jobs were created in the private sector, including over 200,000 in health care related fields. Furthermore the non-partisan Congressional Budget Office, CBO, said that the Affordable Care Act will reduce the deficit over the next 10 years. In fact, on January 6 the CBO stated that the repeal would increase the deficit by \$230 billion over the next 10 years.

As we prepare to vote on this legislation, I'd like to inform my constituents as I did for them at countless town hall presentations I hosted on the Affordable Care Act, what repeal means for the people of Illinois' Second District.

Health Care Repeal will rescind the vital Patient's Bill of Rights consumer protections provided under the Affordable Care Act for the 336,000 individuals in the Second Congressional District who have health insurance through their employer or the market for private insurance. Passage of repeal will lift the limitations placed on insurance companies for rate increases and out of pocket expenses. Repealing health care reform would eliminate the requirement that insurance companies limit administrative costs by spending a minimum of 80 percent of the premiums they collect on actual healthcare. Repealing the Affordable Care Act will allow insurance companies to drop or rescind coverage when people get sick, place annual and lifetime limits on coverage and charge you for cost-saving preventative services and screenings.

According to a report released by the Department of Health and Human Services, up to 129 million Americans under the age of 65 have some type of pre-existing condition and could be excluded from insurance plans if this

health care repeal were signed into law. This would affect 263,000 individuals, including up to 40,000 children in the Second Congressional District who have a pre-existing condition.

Repeal would eliminate the requirement that health insurance plans allow young adults to remain on their parents' insurance policies up to the age of 26, cutting coverage to the estimated 2,000 young adults that are expected to take advantage of this benefit in the Second District.

Through the Affordable Care Act, middle class families with incomes up to \$88,000 for a family of four and small businesses would be eligible for affordability tax credits. Repeal would cut access for 157,000 families and 14,200 small businesses in my district.

For Second District seniors, repeal will increase drug costs for the 6,700 seniors who fall into the Part D prescription drug "donut hole" this year and will deny access to free preventive services and health screenings to the 93,000 seniors on Medicare in the Second District.

Finally, under the Affordable Care Act, an estimated 94 percent of Americans would be provided access to health care through their employer, the Health Care Exchange or through Medicaid. With repeal, 61,000 of my constituents would lose this new coverage. Hospitals in my district spend nearly \$40 million each year providing coverage to the uninsured which gets passed on to the consumer, and the average American family pays an additional \$1,100 per year for covering the cost of uncompensated care for the unemployed.

Before the Affordable Care Act, skyrocketing health care costs were hurting families, forcing businesses to cut or drop health benefits, and straining state budgets. The people of Illinois' Second District and all Americans need and deserve better.

While some of my colleagues may be willing to pass legislation that (1) rescinds important consumer health care protections, (2) cuts tax credits for middle class families and small businesses, (3) forces our nation's seniors to pay more for prescription drugs and cost-saving preventative care and (4) passes the problem of steadily rising health care costs onto the next generation—I plan to vote for making health care affordable and accessible for up to 94 percent of Americans, not against it.

That's why I will vote no on Repeal.

Mr. GRIMM. Mr. Speaker, healthcare reform is a real issue facing many Americans. In spite of protests heard around the country, last spring the Democrats pushed through a 2,000 page bill full of mandates, and taxes that do not address the growing expense of health care, and continues a reckless spending habit that has resulted in a \$14 trillion deficit.

The 2010 Midterm elections has allowed the 112th Congress to fulfill a promise to repeal the Affordable Care Act, and replace it with common sense solutions that address the rising cost, and the importance of providing affordable, accessible, quality care. In light of repealing this massive government takeover of the healthcare industry, it is our responsibility to replace it with thoughtful reforms that help insure the uninsured, protect those with pre-existing conditions, lower the growing cost of health coverage, and preserve the doctor-patient relationship.

Instead of encouraging America's small business to grow and create jobs, the current healthcare plan will hurt small business by imposing burdensome regulations that will lead to lower wages, fewer workers, or both.

The Affordable Care Act is projected to add \$701 billion to the deficit over the next ten years, and is likely to pass on a \$2.6 trillion price tag to our children and grandchildren. While forcing young Americans into a government run health care exchange, we are requiring them to pay for minimal services for an unlimited amount of time, with no promise of a sustainable program that will be available to them as they age. The bottom line is the American people deserve better than this budget-busting, job killing legislation, and most importantly they deserve open and honest legislation not the gimmicks used to cover up the cost and damage of "Obamacare."

Mrs. BONO MACK. Mr. Speaker, I rise today to reject the notion that Big Government Knows Best. Call me old fashioned, but I still believe Father Knows Best. My dad was a physician who cared deeply about his patients. Working together, they decided what treatment options made the most sense—not some bureaucrat who has a degree in political science or philosophy and punches a time clock.

That's the biggest problem with this law: It empowers the federal government . . . but not patients.

Let's start over. Let's take the best ideas from both parties and do it right this time. We agree: patients should not be denied insurance because of pre-existing conditions and our kids should be able to keep their family insurance until they're 26. But these kind of commonsense reforms don't require \$570 billion in new taxes.

Under the new law, Big Government does—what Big Government Knows Best—raise taxes. There's a Health Insurance Tax, the so-called Cadillac Tax, and a big increase in the Medicare Payroll Tax. There are also hidden taxes and costly mandates for not complying with Big Government Knows Best.

Enough already. Let's kick the bureaucrats out of the waiting room and call the doctor. Let's do what's really best for American patients. Start over.

Mr. GARY G. MILLER of California. Mr. Speaker, the Democrat health care law contains a number of provisions that will cripple our economy and stifle job creation. With the unemployment rate above 9 percent, the last thing we should do is implement policies that will hinder the ability of employers to expand their businesses and create jobs. Unfortunately, ObamaCare does just that by punishing employers who do not or cannot provide government-approved health insurance to employees.

Businesses of every size are already struggling with the strain of rising health care costs. By imposing higher costs on employers, this onerous mandate will lead to lower wages and fewer workers. In fact, a study by the National Federation of Independent Business estimates the employer mandate will destroy 1.6 million jobs with more than half of those job losses coming from small businesses—the nation's primary source for new jobs.

To get our economy back on track, it is vital that we repeal ObamaCare immediately, and

enact commonsense policies that will lower health costs for families and small businesses and protect jobs.

Ms. CLARKE of New York. Mr. Speaker, today, I rise in opposition to H.R. 2, a bill that would repeal the Healthcare Law.

In the United States, one of the richest countries in the world, nearly 50 million Americans lack health insurance, 13.5 percent of which are New Yorkers. Last year alone, New York City's hospitals spent 1.2 billion dollars in charity costs. Tragically, people who are either uninsured or underinsured often have to go without vital healthcare simply because they cannot afford it.

Every American has a human right to adequate physical and mental healthcare, and I believe that government has a responsibility to assist its citizens in securing quality healthcare.

The Patient Protection and Affordable Care Act, which passed in the 111th Congress, does just that. It insures that Americans have access to quality healthcare. Repealing it would mean:

Insurance companies will once again be able to drop coverage for people when they get sick—exactly when coverage is needed most;

Children with pre-existing conditions will be denied coverage;

Insurance companies would again be able to impose devastating annual and lifetime caps;

Young people will no longer be able to stay on their parents' plans until age 26;

Pregnant women would be denied coverage simply because they are pregnant since pregnancy is considered a "pre-existing condition" and therefore a basis for denial of coverage;

And finally, seniors will face an increase in their prescription drug costs because they would be thrown back into the Medicare Part D Donut Hole, which the healthcare reform law would have closed by 2020.

Let me share with you a letter that I received from one of my constituents in the 11th Congressional District of New York. Jonathan writes:

"I am a two-time cancer survivor, constantly worrying about being denied coverage because of my pre-existing condition. I'm not comfortable that corporations under the old rules would consider me "unprofitable". I think it's a disgrace that this problem has existed in our country. I, for one, will move to Canada or elsewhere if Healthcare Reform is repealed and I ever have a reoccurrence of my cancer. Meanwhile, I think it's every American's responsibility to not allow other people with pre-existing conditions to be denied coverage."

As Jonathan notes, this repeal would once again allow big insurance companies, who are only focused on profitability, to deny coverage to him and so many others with pre-existing conditions.

Are we going to allow Jonathan to be punished and denied coverage simply for being a cancer survivor? Repeal of this healthcare law would punish so many.

Healthcare is a fundamental human right, rather than a commodity, which is why I stand in strong opposition to repeal.

Mr. HUELKAMP. Mr. Speaker, since the misleadingly-named "Patient Protection and

Affordable Care Act" was signed into law last year, Americans have uncovered more reasons to oppose it. For all the talk of "reform" that accompanied its passage, the law will actually entrench the worst aspects of our broken system, driving out-of-control costs even higher and taking health care out of the patient's hands and giving control to the government.

Contrary to what they were told, taxpayers have learned that the true cost of the law is closer to \$2.6 trillion over the next 10 years, and will add more than \$700 billion to the deficit. Accounting gimmicks that included scoring the bill using 10 years of revenue but only 6 years of new spending and double-counting of Social Security payroll taxes, CLASS Act premiums, and Medicare cuts made it seem like this program would land the country in the black, but will only result in more red ink.

As a result of this law, employers across America have discovered that onerous reporting requirements will force them to file 1099 forms for every vendor with which they do \$600 worth of business. An accountant in my district just told me that he will have to expand his staff by 25 percent to accommodate all of his extra paperwork. This is not the type of job creation America envisioned.

Furthermore, when employer costs of insuring employees goes up, Americans will lose their private insurance plans, and will be forced to go on to government plans. This will also add to the deficit. Additionally, businesses and labor unions alike have realized that Obamacare is a bad deal, and at least 222 have sought waivers from having to comply with the law. HHS Secretary Kathleen Sebelius has approved special privilege exemptions for dozens of labor unions and the half a million union members they cover. And even more troubling is that Secretary Sebelius has been tardy in responding to a FOIA inquiry regarding the secretive details of these waiver requests.

And, last but of course not least, patients will soon come to discover that this law may not only be dangerous to their pocketbooks, but to their health.

Mandates, dictates, controls, tax hikes, and subsidies will flat-line any genuine effort to reform the country's health care system. The exploding cost of health care is bankrupting the country, yet the government's open-ended commitment to subsidizing health care is the very reason costs are skyrocketing.

Fortunately, instead of waivers for a select few, we have a universal remedy: repeal the law for all. I urge my colleagues to heed the calls voters made last year during the debate and at the ballot boxes, and vote to undo this job-killing legislation.

Mr. FLAKE. Mr. Speaker, I am pleased to support H.R. 2, legislation repealing the massive health care law passed last year.

Obamacare creates an unfunded mandate for states that took federal stimulus funds for Medicaid.

This unfunded mandate will cost states like Arizona hundreds of millions of dollars.

It also ties their hands from changing their Medicaid programs to prevent them from becoming unaffordable.

States must be allowed to tailor their programs as they see fit in order to ensure their long-term sustainability.

There are claims that repealing Obamacare would lead to massive deficits because it is supposedly paid for, but I would like to point out one item that was intended to raise revenues in order to help pay for the health care law that is already facing repeal.

The healthcare bill includes a requirement that small businesses file a report every time they spend more than \$600.

This filing requirement went into effect at the end of last year and I am among a considerable bipartisan effort seeking to repeal it.

Time and time again, we pass a law that is supposedly paid for . . . only to find out that the supposed pay-fors aren't worth the paper on which they were written.

Sadly, when all of the budget gimmicks and fiscal hijinx are accounted for, provisions like these in Obamacare aren't paid for at all.

In fact, the House Budget Committee Chairman recently noted that the true cost of Obamacare to taxpayers is more than \$700 billion.

Mr. Speaker, I agree that something must be done about the rising costs of health care, but Obamacare is not the answer.

This is a bad law: we need to just start over and enact healthcare reforms that improve quality and control costs.

Mr. GARDNER. Mr. Speaker, I rise today in support of H.R. 2, which would repeal the health care law.

Some ask why we simply can't just change the law that is on the books—amend it to make it a bit better. Mr. Speaker, we cannot build upon something that is fundamentally flawed. So before we move forward with a replacement, we must get rid of the law in front of us. Repeal will free businesses and individuals from costly, onerous, and unconstitutional mandates. Once we do that, we can move toward replacing it with real solutions that help Americans get affordable healthcare and help businesses avoid excessive costs and penalties associated with this law.

Mr. Speaker, I believe we can achieve these goals by doing the following things. First, we need to create a mechanism whereby small businesses and associations can pool together to get health insurance through their respective organizations. I believe that these associations and individuals should be allowed to purchase insurance plans across state lines, creating choice and competition which will ultimately drive down the cost of health insurance for everyone. Furthermore, tort reform must be addressed in a way that reduces medical malpractice lawsuits, which has had a profound effect on the ability of doctors to practice and has made the profession less appealing to individuals who truly want to serve those in need.

This healthcare bill is a recipe for further fiscal insanity. It expands already bloated entitlement programs and will add 32 million more people to these programs by 2019 at a cost of \$938 billion. States in particular will be severely burdened by the new law. They will now be required to increase Medicaid eligibility to cover individuals below 138 percent of the poverty level, which will eventually lead many already cash-strapped states down the road to bankruptcy. These expansions are simply unsustainable, especially during our current economic crisis. What we need is reform, not massive expansion of entitlement programs.

This is just one of the problems with this bill, Mr. Speaker. Not only will it expand entitlements, it will raise premiums for millions of families and it includes an unconstitutional mandate requiring individuals to purchase healthcare. At a time when families are already struggling to make ends meet, this is not the right choice for our country.

Finally, this bill was drafted behind closed doors, and without any transparency. The American people, let alone the Republicans in Congress, had little input into the final product that became law. We deserve better. The American people deserve better from their leaders, elected to represent their interests.

Mr. Speaker, I truly believe that we must work toward a system whereby Americans can get access to the doctors that best suit their needs at an affordable price. Repealing this healthcare law is the first step.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to add one more story to this debate to help illustrate why the Affordable Care Act is so important. One of my constituents recently wrote to tell me that his 19 year old son has a rare liver disease and that his only hope is a transplant. Under the new healthcare reform law, he is now able to keep his son on his insurance plan to age 26. His household would be out of luck without healthcare reform as last year his son's health care costs exceeded \$120,000.

It is stories like these that are the essence of why passing health reform was so important. It provides protections to ensure that someone like my constituent can access health care and not face exorbitant personal costs when an illness strikes.

I urge all of my colleagues to oppose this repeal legislation and hope we can all work together to find ways to move our country forward.

Mr. CANTOR. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 26, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ANDREWS. I am.

Mr. CANTOR. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Andrews moves to recommit the bill H.R. 2 to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce with instructions to report the same to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 3. HEALTH CARE REPEAL SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF MEMBERS OF U.S. HOUSE OF REPRESENTATIVES AND A MAJORITY OF U.S. SENATORS WAIVE FEHBP BENEFITS.

Section 2 (including the repeal of the Patient Protection and Affordable Care Act (Public Law 111-148)) shall not take effect unless and until the Director of the Office of Personnel Management certifies to the Congress that a majority of the Members of the House of Representatives and a majority of Members of the Senate have, as of the date that is 30 days after the date of initial passage of this Act in the respective House, voluntarily and permanently withdrawn from any participation, and waived all rights to participate, as such a Member in the federally funded Federal employees health benefits program (FEHBP) under chapter 89 of title 5, United States Code, effective with the first month after the date of execution of such a withdrawal and waiver.

The SPEAKER pro tempore.

The Chair recognizes the gentleman from New Jersey for 5 minutes in support of his motion.

Mr. ANDREWS. Mr. Speaker, I think we should begin by thanking Speaker BOEHNER and Leader PELOSI for leading us through such a civil debate at such an important hour of our country's history; a moment of consequence. Unfortunately, one of the consequences of this debate is that we did not debate the issue that is most on the minds of the American people, which is unemployment and 15 million of our neighbors being unemployed.

Having said that, there are lots of consequences to this repeal bill, and Members should be aware of each one of them.

If a woman with breast cancer or a man with diabetes loses his or her job and tries to get another job, under the law that is in effect, the insurance company can't deny them coverage or charge them more for it because of their preexisting condition. This bill repeals that protection. It makes it legal for the insurance company to say, We're sorry, we are not going to sell you health insurance because you have breast cancer. We're sorry, we are going to raise your premiums fivefold because you have diabetes. These are serious, unwelcomed consequences.

Another consequence of serving in this institution is that we are the people's House. We are the elected people who are closest to the people; and, therefore, we are expected to most understand the shoes in which they walk every day. Many of us say these things at our town meetings. I have heard this from Republicans, from Democrats, from tea party members, from Independents: Congress should live by the same rules it imposes on everyone else. I don't think you can go to a district in this country that people wouldn't embrace that idea. Indeed, on the Web site of our Speaker from the last term in the Congress, in his biography you can read the following. It refers to the Congressional Accountability Act which

requires Congress to “live under the same rules and regulations as the rest of the Nation.” It bears the unmistakable imprint of Speaker BOEHNER’s drive to reform the House: live under the same rules and regulations as the rest of the Nation.

So this motion to recommit says the following: In the spirit of that principle, Members who support the repeal should live with its consequences. This repeal will become effective when a majority of this House and a majority of the other body are dismissed from membership in the Federal Employees Health Benefits Program that the taxpayers fund for the Members of the House.

There are serious consequences of this bill. We believe that repealing it is unfair and wrong, just plain wrong. But it would be even more plain wrong for those who support repeal to live by a different standard.

□ 1720

So I would say to the Members the next time you are in a town meeting, the next time you encounter your constituents in your district and they say, “Don’t you agree that if you agree to impose a certain set of rules on me that those same set of rules should apply to you?,” this will be the answer to their question:

If you vote “no,” you are saying that the repeal that denies coverage for pre-existing conditions to others doesn’t apply to you.

If you vote “no,” you are saying that the repeal that lets insurance companies impose lifetime caps on your constituents’ benefits imposes no caps on your benefits.

If you believe that the consequences of our actions should be visited upon those we represent equally and on ourselves as well, then your vote should be “yes.”

In the spirit of the people’s House, in the spirit of walking in the shoes of those we are here to represent, the right vote on this motion to recommit is “yes.”

Mr. CANTOR. Mr. Speaker, I withdraw my reservation, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. CANTOR. I yield myself such time as I may consume.

Mr. Speaker, in beginning to respond to the minority’s motion to recommit, all I can say is this is an attempt to derail the repeal of the ObamaCare bill—without question.

The positing of this motion to recommit and the substance of that recommit is also inexplicable if one could be deemed to be offering a legitimate policy proposal. The notion that somehow the repeal position that the majority has taken and that, frankly, the majority of the American people desire is somehow connected with denying a

better way forward, again, is inexplicable. I think, again, Mr. Speaker, I would say it is not a serious attempt to add towards how we get to a better way in health care.

Now, the question before this body is simple: Do you support the new health care law? Yes or no.

The motion to recommit is simply an effort to protect ObamaCare from being repealed, period.

If you think the new health care law will improve how health care is delivered in the U.S., then support the motion to recommit.

But if you believe, as most Americans do, that the new health care law will put America on the wrong path—that the open-ended entitlement design of the new law will contribute to putting us on a path to bankruptcy, that the policies in the law will deny patients access to the care that they want and need, if you believe that the new law will increase health care costs, not lower them, and that the new law is generating great uncertainty for our businesses, is hurting our economy and that the new law is unconstitutional—then vote against the motion to recommit.

Voting against the motion to recommit is a vote to repeal the health care law, and I urge its defeat.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 185, nays 245, not voting 4, as follows:

[Roll No. 13]

YEAS—185

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano

Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Crawford
Costello
Courtney

Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deuth
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr

Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holden
Holt
Honda
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebuck
Lofgren, Zoe

Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarella
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)

Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NAYS—245

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishiek
Berg
Biggert
Billbray
Billirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson

Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck

Heller
Hensarling
Herger
Herrera Beutler
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon

McKinley	Renacci	Smith (NE)	Buerkle	Hensarling	Platts	Fattah	Lofgren, Zoe	Ruppersberger
McMorris	Ribble	Smith (NJ)	Burgess	Herger	Poe (TX)	Filner	Lowey	Rush
Rodgers	Rigell	Smith (TX)	Burton (IN)	Herrera Beutler	Pompeo	Frank (MA)	Lujan	Ryan (OH)
Meehan	Rivera	Southerland	Calvert	Huelskamp	Posey	Fudge	Lynch	Sánchez, Linda
Mica	Roby	Stearns	Camp	Huizenga (MI)	Price (GA)	Garamendi	Maloney	T.
Miller (FL)	Roe (TN)	Stivers	Campbell	Hultgren	Quayle	Gonzalez	Markey	Sanchez, Loretta
Miller (MI)	Rogers (AL)	Stutzman	Canseco	Hunter	Reed	Green, Al	Matheson	Sarbanes
Miller, Gary	Rogers (KY)	Sullivan	Cantor	Hurt	Rehberg	Green, Gene	Matsui	Schakowsky
Mulvaney	Rogers (MI)	Terry	Capito	Issa	Reichert	Grijalva	McCarthy (NY)	Schiff
Murphy (PA)	Rohrabacher	Thompson (PA)	Carter	Jenkins	Renacci	Gutierrez	McCollum	Schrader
Myrick	Rokita	Thornberry	Cassidy	Johnson (IL)	Ribble	Hanabusa	McDermott	Schwartz
Neugebauer	Rooney	Tiberi	Chabot	Johnson (OH)	Rigell	Harman	McGovern	Scott (VA)
Noem	Ros-Lehtinen	Tipton	Chaffetz	Johnson, Sam	Rivera	Hastings (FL)	McNerney	Scott, David
Nugent	Roskam	Turner	Coble	Jones	Roby	Heinrich	Meeks	Serrano
Nunes	Ross (AR)	Upton	Coffman (CO)	Jordan	Roe (TN)	Higgins	Michaud	Sewell
Nunnelee	Ross (FL)	Walberg	Cole	Kelly	Rogers (AL)	Himes	Miller (NC)	Sherman
Olson	Royce	Walden	Conaway	King (IA)	Rogers (KY)	Hinchee	Miller, George	Shuler
Palazzo	Runyan	Walsh (IL)	Cravaack	King (NY)	Rogers (MI)	Hinojosa	Moore	Sires
Paul	Ruppersberger	Webster	Crawford	Kingston	Rohrabacher	Holden	Moran	Slaughter
Paulsen	Ryan (WI)	West	Crenshaw	Kline	Rokita	Holt	Murphy (CT)	Smith (WA)
Pearce	Scalise	Westmoreland	Culberson	Labrador	Rooney	Honda	Nadler	Speier
Pence	Schilling	Whitfield	Davis (KY)	Lamborn	Ros-Lehtinen	Hoyer	Napolitano	Stark
Petri	Schmidt	Wilson (SC)	Denham	Lance	Roskam	Inslee	Neal	Sutton
Pitts	Schock	Wittman	Dent	Landry	Ross (AR)	Israel	Olver	Thompson (CA)
Platts	Schweikert	Wolf	DesJarlais	Lankford	Ross (FL)	Jackson (IL)	Owens	Thompson (MS)
Poe (TX)	Scott (SC)	Womack	Diaz-Balart	Latham	Royce	Jackson Lee	Pallone	Tierney
Pompeo	Scott, Austin	Woodall	Dold	LaTourette	Runyan	(TX)	Pascarell	Tonko
Posey	Sensenbrenner	Yoder	Dreier	Latta	Ryan (WI)	Johnson (GA)	Pastor (AZ)	Towns
Price (GA)	Sessions	Young (AK)	Duffy	Lewis (NY)	Johnson, E. B.	Payne	Pelosi	Tsongas
Quayle	Shimkus	Young (FL)	Duncan (SC)	Lewis (CA)	Schilling	Perlmutter	Peters	Van Hollen
Reed	Shuler	Young (IN)	Duncan (TN)	LoBiondo	Schmidt	Peters	Peterson	Velázquez
Rehberg	Shuster		Emerson	Long	Schock	Pingree (ME)	Polis	Visclosky
Reichert	Simpson		Farenthold	Lucas	Schweikert	Price (NC)	Quigley	Walz (MN)
			Fincher	Lummis	Scott (SC)	Rahall	Rangel	Wasserman
			Fitzpatrick	Lungren, Daniel	Scott, Austin	Langevin	Reyes	Schultz
			Flake	E.	Sensenbrenner	Larsen (WA)	Richardson	Waters
			Fleischmann	Mack	Sessions	Larson (CT)	Richmond	Watt
			Fleming	Manzullo	Shimkus	Lee (CA)	Rothman (NJ)	Waxman
			Flores	Marchant	Shuster	Levin	Roybal-Allard	Weiner
			Forbes	Marino	Simpson	Lewis (GA)		Welch
			Fortenberry	McCarthy (CA)	Smith (NE)	Lipinski		Wilson (FL)
			Fox	McCaul	Smith (NJ)	Loebsack		Woolsey
			Franks (AZ)	McClintock	Smith (TX)			Wu
			Frelinghuysen	McCotter	Southerland			Yarmuth
			Galleghy	McHenry	Stearns			
			Gardner	McIntyre	Stivers			
			Garrett	McKeon	Stutzman			
			Gerlach	McKinley	Sullivan			
			Gibbs	McMorris	Terry			
			Gingrey (GA)	Rodgers	Thompson (PA)			
			Gohmert	Meehan	Thornberry			
			Goodlatte	Mica	Tiberi			
			Gosar	Miller (FL)	Tipton			
			Gowdy	Miller (MI)	Turner			
			Granger	Miller, Gary	Upton			
			Graves (GA)	Mulvaney	Walberg			
			Graves (MO)	Murphy (PA)	Walden			
			Griffin (AR)	Myrick	Walsh (IL)			
			Griffith (VA)	Neugebauer	Webster			
			Grimm	Noem	West			
			Guinta	Nugent	Westmoreland			
			Guthrie	Nunes	Whitfield			
			Hall	Nunnelee	Wilson (SC)			
			Hanna	Olson	Wittman			
			Harper	Palazzo	Wolf			
			Harris	Paul	Womack			
			Hartzler	Paulsen	Woodall			
			Hastings (WA)	Pearce	Yoder			
			Hayworth	Pence	Young (AK)			
			Heck	Petri	Young (FL)			
			Heller	Pitts	Young (IN)			

NOT VOTING—4

Garrett
Giffords

□ 1746

Messrs. NEUGEBAUER and SHULER changed their vote from “yea” to “nay.”

Mr. WELCH, Ms. CLARKE of New York, Ms. SPEIER, and Mr. AL GREEN of Texas changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 13, had I been present, I would have voted “yea.”

Stated against:

Mr. GARRETT. Mr. Speaker, on rollcall No. 13, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CANTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 189, not voting 1, as follows:

[Roll No. 14]

AYES—245

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Boehner
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Brown (GA)
Buchanan
Bucshon

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr

NOES—189

NOT VOTING—1

Giffords

□ 1753

Ms. WATERS and Ms. JACKSON LEE of Texas changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. HENSARLING. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 42

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ENERGY AND COMMERCE.—Mrs. Blackburn, to rank immediately after Mr. Burgess.

(2) COMMITTEE ON HOMELAND SECURITY.—Mr. Farenthold.

(3) COMMITTEE ON SMALL BUSINESS.—Mr. Landry, to rank immediately after Mr. Fleischmann.

Mr. HENSARLING (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

————— HOOR OF MEETING ON TOMORROW

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

————— APPOINTMENTS—OFFICE OF CONGRESSIONAL ETHICS

The SPEAKER pro tempore. Pursuant to section 4(c) of House Resolution 5, 112th Congress, and the order of the House of January 5, 2011, the Chair announces the reappointment of the following individuals to serve as the Governing Board of the Office of Congressional Ethics:

Nominated by the Speaker with the concurrence of the minority leader:

Mr. Porter J. Goss, Florida, Chairman;

Mr. James M. Eagen, III, Colorado, subject to section 1(b)(6)(B);

Ms. Allison R. Hayward, Virginia, subject to section 1(b)(6)(B);

Mr. Bill Frenzel, Virginia, Alternate; Nominated by the minority leader with the concurrence of the Speaker:

Mr. David Skaggs, Colorado, Co-Chairman;

Mrs. Yvonne Brathwaite Burke, California, subject to section 1(b)(6)(B);

Ms. Karan English, Arizona, subject to section 1(b)(6)(B);

Mr. Abner Mikva, Illinois, Alternate.

□ 1800

HOMELESS DUE TO MEDICAL BILLS

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, I recently received a phone call from my childhood friend who told me he needed a place to stay. He was homeless; homeless because he was a diabetic and because he couldn't afford to pay for his hospital bills, he was put out of his home, he was evicted; home-

less because he was middle-aged and couldn't find an insurance company to provide him with coverage he could afford.

I am asking the American people to contact the U.S. Senate to let them know that this repeal of the health care reform law cannot stand. Our American people need this protection.

The very nature of health insurance is to spread the risk. The more people that are insured, the lower the cost of health insurance for all of us. We have got to maintain the health reform law.

————— HEALTH CARE REFORM

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, many Members on the Democratic side of the aisle, when we were considering health care reform, wanted a public option where the Federal Government would run it. It would ultimately save hundreds of billions of dollars more and, in fact, it would not be subject to the profit incentive of private insurance companies, but we decided ultimately not to do that.

What we did is to decide to model our health care reform after the Federal Employees Health Benefits Plan, where private insurance firms provide the coverage; you sign up for it; you have competition. We have competition now nationally and within the States in this plan, but it's modeled after what we ourselves provided for ourselves as Members of Congress.

Now the majority of the Members of Congress, both Democratic and Republican, have this plan for themselves. We just had a recommittal motion where we had the opportunity to say, if you vote against this plan for your constituents, then you ought to decline it for yourselves. A vast majority of Members took it for themselves but declined to provide it for their constituents.

That's hypocrisy, Mr. Speaker.

————— SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

————— HONORING SARGENT SHRIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GARAMENDI) is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, Members, yesterday we lost a great American, a real hero when Sargent Shriver passed away.

My wife, Patti, and I were honored to be able to call Sarge our friend. He was

a great mentor to both of us. Our lives were shaped, inspired, improved by the extraordinary vision and talent of Sargent Shriver when he built the Peace Corps.

We had the awesome experience to join the Peace Corps in its third year and to be assigned to Ethiopia. Were it not for Shriver's leadership, this iconic and pure American program would never exist.

Sargent Shriver became our close friend as the years went by. With each meeting, our love for Sarge grew, as did our respect for his endless enthusiasm and desire to improve the status of all.

In the 1990s, Patti had the opportunity to work closely with Sargent Shriver to spread the Peace Corps to Eastern Europe, Asia, and South Africa. His enthusiasm once again motivated Americans to join the Peace Corps and serve men, women, and children in every part of the globe.

America and the world will miss this compassionate and talented man.

Patti and I send our prayers and condolences to his family, and we will personally miss this amazing individual.

————— AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, last night I stood here and spoke about my experience visiting Bethesda Naval Hospital and seeing the broken bodies of our country's young men and women.

After that visit, I was very pleased to see an article this morning about Grover Norquist speaking out and encouraging fellow conservatives to speak out against the war in Afghanistan.

The article is from The Huffington Post on January 12, and one sentence in particular came to my mind. Norquist also suggested that many prominent conservatives privately hold the view that the war in Afghanistan should end quickly.

It is time for them to speak out publicly, Mr. Speaker. We need to become more engaged in the issue and make our feelings known.

Mr. Speaker, I had mentioned before that a retired military general has been my adviser on Afghanistan for the past year. I would like to share two points that he made in a recent email.

The first point he made is: "What is the end state we are looking to achieve? What are the measures of effectiveness? What is our exit strategy? Same old questions. No answers."

□ 1810

The second point that the general made in his email to me: "What do we say to the mother and father, to the wife of the last soldier or marine killed to support a corrupt government and

corrupt leader in a war that cannot be won?"

Mr. Speaker, I'm going to repeat that very quickly. From the retired general: "What do we say to the mother and father, to the wife of the last soldier or marine killed to support a corrupt government and corrupt leader in a war that cannot be won?"

These are valid points that we must think about. It is time that Congress and the American people look at what is really going on and what war really means. I would like to thank prominent conservative, Grover Norquist, for speaking out on Afghanistan. I hope this inspires others to do the same. History has shown that we cannot fix Afghanistan. It is in our best interest to learn from what history is trying to teach us, that no country has ever conquered Afghanistan.

Mr. Speaker, I have beside me "The Pain of War: A Broken Body." It's a young soldier who has lost both legs and an arm, and his young wife taking him into a room in a wheelchair. This party of mine, which I'm very proud to be a Republican, needs to learn, and again I want to thank Grover Norquist for speaking out and saying to conservatives, stop sending our boys and girls over there to come back with broken bodies or to come back in a coffin. It is time to end the war in Afghanistan. It is time for Mr. Obama to keep his word to the American people, and that is to bring them out in July of 2011.

Mr. Speaker, before closing, I would like to say, as I always do, God please continue to bless our men and women in uniform. God please in Your loving arms hold the families who have given a child dying in Afghanistan and Iraq. God, please bless the House and Senate that we will do what is right in Your eyes for Your people. God, please give strength, wisdom, and courage to the President of the United States that he will do what is right for Your people. And God, three times I will ask, please, please, please God, continue to bless America.

REPORT ON RESOLUTION REDUCING NON-SECURITY SPENDING TO FISCAL YEAR 2008 LEVELS OR LESS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-3) on the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 38, REDUCING NON-SECURITY SPENDING TO FISCAL YEAR 2008 LEVELS OR LESS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-4) on the resolution (H. Res. 43) providing for consideration of the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels, which was referred to the House Calendar and ordered to be printed.

THE TRUTH WILL SET US FREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, it has been written many centuries ago that if we know the truth, the truth will set us free. The truth is, Mr. Speaker, that repeal of the current health care law means that we will reinstate conditions that existed prior to the repeal. The truth is that prior to the law that we currently have, we were spending \$2.5 trillion a year on health care. That's \$79,000 a second. That's 17.6 percent of GDP.

The truth is that if we had continued at that pace, we would spend by 2018 \$4.4 trillion per year, more than 20 percent of GDP, \$139,000 per second. The truth is that health care was going to bankrupt this country. CBO has estimated that this bill that currently passed that is in place now and is law, the health care bill that's law, saves about \$1 trillion over a 20-year period, more than \$1 trillion, to be more appropriate.

This bill, if it becomes law, will reinstate the past that we have tried to overcome. This bill will bring back, reinstate, preexisting conditions. And as has been said, and for edification purposes, pregnancy is a preexisting condition. This bill will reinstate the doughnut hole that we have been trying to close to help seniors with their pharmaceuticals. This bill will reinstate kicking children off of the policies that they're on now with their parents until they are 26 years of age. This bill will reinstate a condition wherein approximately 45,000 persons per year were dying from a lack of insurance. That's one person every 12 minutes. This bill will take us back in my State to 6 million persons being uninsured without the possibility of having insurance, will take us back to 1.1 million persons in Harris County, Texas, being uninsured, 20 percent of the children in the State of Texas are uninsured. This bill will take us back to a time and the place that we tried to escape.

And I thank God that this so-called repeal will not become law because I believe that this bill, if it becomes law,

will hurt too many people. And there are some I have actually heard say, it would be good for it to become law because then people could understand the pain that this bill will invoke. I don't agree. I do not agree because I don't want people to suffer unnecessarily. I believe we do have a duty to be our brother's keeper. And by the way, it's easy to be your brother's keeper when you don't have to keep your brother. It is difficult to do the right thing to make sure that every American has health care. In a country wherein we will take the bank robber who is harmed in the process of robbing a bank and give him aid and comfort, in a country wherein we will give our enemies in mortal combat aid and comfort if they should become wounded, in a country wherein we will give the person on death row who is to meet his Maker next week aid and comfort if he gets sick this week and then send him to meet his Maker next week, in this country, the richest country in the world, if we can give aid and comfort to the bank robber, if we can give aid and comfort to the mortal enemy of this country, if we can give aid and comfort to those who are on death row, we can give aid and comfort to those who are among the least, the last, and the lost.

I believe that we've made a mistake today. This is why I voted against repeal.

RENEWED INTEREST IN THE CONSTITUTION

The SPEAKER pro tempore (Mr. BARLETTA). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I am pleased that the Constitution has received a lot of attention in recent weeks, thanks to the tea party movement. It goes without saying that Members of Congress should have read the Constitution many times, and we should continue to study it.

Citing the particular clause of the Constitution that authorizes newly introduced legislation is a reasonable suggestion, yet in reality it will do little to restrain unconstitutional growth of Federal Government. We have had such rules in the past and no benefit came of it.

The laws that are passed reflect the preferences of those in charge, who promote their personal agenda. For too long that agenda has expanded government at the expense of personal liberty, regardless of which political party was in charge. Generally this trend was supported by voters, who rewarded most Members of Congress with reelection.

For many of us, this expansion of government clearly violated the Constitution, yet it was always argued that the program somehow conformed to that "living" document.

By misinterpreting the general welfare clause, the interstate commerce clause, and the "necessary and proper" clause, Congress has justified every conceivable expansion of the Federal Government. Congress also has misinterpreted the 14th Amendment and legislated as though it had repealed the 10th Amendment. Sadly, Congress has also systematically abdicated its prerogatives and responsibilities to the executive branch over many decades.

Too many people, in and out of Congress, grew up being taught that the Constitution was malleable. This has allowed judicial, legislative, and executive flexibility to make the Constitution "a modern living document." Though the authors allowed for "flexibility" through the amendment process, this process has been ignored for the sake of speed and convenience.

□ 1820

As a result, the Constitution now has little meaning since most Members pay only lip service when taking their oath to obey it.

But I am encouraged by our growing grassroots interest in the Constitution, especially among the younger generation. I am glad Congress is becoming aware of it.

Our Constitution should be viewed as law, and Members of Congress should be expected to follow the rule of law. But a document is just that, and it is only as good as the character of those who represent us and promise to obey it.

Distorted interpretations come easily when the goal is opposite of what the original authors intended and what the plain text provides.

If true liberty is not our goal, persistent efforts to rationalize misinterpretations and circumvent the Constitution will continue.

Without men and women of character in Congress, respect for the rule of law and a love of liberty, the Constitution becomes but a worthless piece of paper. Celebrating the Constitution without this understanding will do nothing to restore the greatness of America.

Simply praising the document distracts from the need for Members to gain the courage to resist special interests; political self-interests; emergency needs in times of crisis; fear-based economic myths; and the persistent temptation to seek security over liberty while ignoring personal responsibility and self-reliance.

Providing instruction in the Constitution for staff and/or Members begs the question: Who will be the teacher?

I wonder, will this welcomed renewed interest in the Constitution lead to a healthy reassessment of all of our policies?

Will there be no more wars without an actual congressional declaration?

Will the Federal Reserve Act be repealed?

Will only gold and silver be called legal tender?

Will we end all of the unconstitutional Federal departments, including the Department of Energy, Education, Agriculture, Commerce, Health and Human Services, Homeland Security, and Labor?

Will the Patriot Act be repealed and all of the warrantless searches stopped?

Will TSA be restrained or abolished?

Will the IRS's unconstitutional collection powers end?

Will executive and judicial quasi-legislative powers be ended?

Will we end the Federal war on drugs?

Will we end the Federal Government's involvement in medical care?

Will we end all of the Federal Government's illusionary insurance programs?

Will we ban secret prisons, trials without due process, and assassinations?

Will we end our foreign policy of invasion and occupation?

For America to once again become the standard for a free society, our love of liberty and desire for peace must far surpass any public display of fidelity to the Constitution. We must first look to strong moral character, respect for the rule of law, and an understanding of the proper role of government in a free society.

REMEMBERING SARGENT SHRIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR. Mr. Speaker, I rise tonight very sadly to talk a little bit about one of the greatest Americans of our generation, a true American hero, in my view, Sargent Shriver.

I really have to say I am also very upset that the Republican leadership wouldn't allow for a moment of silence in today's session for such a distinguished American.

I rise today in honor of his life and legacy.

I got to meet Sargent Shriver when I was a Peace Corps trainee in 1963, about 22 years old in a small, little town in New Mexico, Questa, New Mexico, and I was in awe that I, as a trainee, could meet the first Director of the Peace Corps.

He embodied the relentless spirit of public service that makes America great. He will forever hold a special place in our country's history. I remember just the vitality and spirit that he had that drove me to want to be a Peace Corps volunteer at a time when nobody really knew what they did because they hadn't come home yet. It was a risk, an adventure, and I was really not sure that it was the best thing to do. And yet I look back with pride and admiration and what a privi-

lege it was to serve under his leadership.

With the Peace Corps, Sargent Shriver took President Kennedy's vision of service and optimism and built it into one of America's best institutions. After 3 years as Director of the agency, the Peace Corps had more than 6,500 volunteers serving in more than 50 developing countries. He once told me the story that in those days, with the President's own budgeting, they were able to place Peace Corps volunteers in Latin America and Africa before Congress ever got around to authorizing the program.

These volunteers showed the world the true American values of peace, prosperity, and opportunity that had been eclipsed by the Cold War.

Over the past 50 years, through war and conflict, Sarge's foundational work of the Peace Corps has enabled volunteers to show the world a hopeful, uplifting side of America that reflects our fundamental values of service and tolerance.

Today, Sarge's legacy lives on in a quarter million Americans who have served as Peace Corps volunteers in 139 countries around the world, all in the name of peace and goodwill.

Beyond the Peace Corps, Sargent Shriver was actively engaged in civic society. He served as Ambassador to France; leader of the War on Poverty as the first Director of the Office of Economic Opportunity, which began the Head Start program, which began VISTA, Volunteers in Service to America; and as a Vice Presidential candidate. His touch can be found on some of our Nation's finest efforts, including the Special Olympics and racial integration.

But above all, Sarge's devotion to public service was beyond reproach. Like his wife, Eunice, who really started the Special Olympics—and I might add that the Special Olympics is now in more countries than is the Peace Corps—I can't think of a married couple in America who have done more worldwide than Eunice Shriver and Sargent Shriver to help people in need.

I will always hold my special memories of sharing Peace Corps stories with Sargent Shriver—or Sarge, as we called him. At various events that honored the agency, we both got to speak. And one of my most significant moments of my life was the privilege of being presented with a Peace Corps Public Service Award in 2006 by Sargent Shriver.

To all who knew him, Sargent Shriver was a man of tremendous heart and vision who leaves behind a living legacy of service and hope. That legacy of public service lives on in the lives of his children. Their mother died in 2009, but today we have daughter Maria, who is the first lady of California. We have their four other children: son Robert Shriver of Santa Monica, who is an activist in California; former Maryland

delegate, Mark Shriver of Bethesda, Maryland; Tim Perry Shriver of Chevy Chase—both involved in Special Olympics; and Anthony Paul Shriver of Miami. Most of all, they have 19 children.

Sargent Shriver's life reminds us of the value of distinguished public service, and that it is incumbent upon all of us to renew his vision of a better America for future generations.

My thoughts and prayers are with his children and grandchildren and the entire Shriver and Kennedy families.

[From Vanity Fair, Jan. 19, 2011]

SARGENT SHRIVER'S LASTING IMPACT: AN APPRECIATION

(By Maureen Orth)

At a Saint Patrick's Day party at the White House during Clinton's first term, I bumped into Sargent Shriver and introduced him to my husband as "the George Washington of the Peace Corps." Shriver corrected me. "No," he said, holding out his arm waist high. "George Washington was here." Then he raised his arm above his head and said, "In the Peace Corps, I'm here!" He laughed so easily and so frequently, and he had such enthusiasm and energy, that he made the idea of service pure fun. And he was right about where he stood with so many of us former Peace Corps volunteers—he was our founding father, an icon. All you had to do was utter his name—Sarge—and it immediately stood for giving your all and being your best.

I was recruited into the Peace Corps at age 20, right off the Berkeley campus, by a loud southern guy with a bullhorn—he was to become the NBC reporter Douglas Kiker (years later we met as colleagues). Sarge had the ability to bring together all sorts of talented and sometimes offbeat people, and to convince them to try something they weren't really planning to do.

I served in the Peace Corps for two years in Medellin, Colombia, and have remained involved with the community. I was in Medellin last week to help set up a third school for poor kids that is run by a foundation I created several years ago to provide students at all three schools with computers and training in English and leadership. It is a way for me to continue the work I did in the Peace Corps, and I thank Sarge for giving me the means to get along in exotic places, to speak Spanish, and to be a much better journalist, because I learned in the Peace Corps how to observe acutely and to understand issues from other people's points of view.

Sarge was both brilliant and selfless—too selfless, some might argue, when it came to his own political career. His parents were Catholic intellectuals from aristocratic Maryland stock. They lost their money during the Depression and ended up running a Catholic bookstore where the ideas of social activists such as Sarge's heroine, Dorothy Day, were profoundly influential. Sarge managed to go to Yale for both his undergraduate and law degrees, but he was often like the proverbial kid with his nose pressed against the candy-store window—although he was drop-dead handsome, everybody else had a lot more goodies.

After serving heroically in World War II as a naval gunnery officer—he was a deadly marksman whose ship, in one Pacific battle, shot down 32 Japanese planes in three hours—Sarge dropped law to become an assistant editor at Newsweek. During that job he met Joe Kennedy, who asked him to run

"this building I just bought in Chicago"—it was the Merchandise Mart, the largest commercial building in the world at the time. By then he had met the forceful Eunice Kennedy, one of Joe's nine children, by whom he had been immediately smitten, but she gave him a hard time for years before they finally married, in 1953.

There wasn't a tough job that Sarge did not do well. When John F. Kennedy asked him to run the Peace Corps, he joked that J.F.K. had no choice but to give the job to a brother-in-law due to its enormous potential for failure. A few years later, Jacqueline Kennedy asked Sarge to arrange her husband's funeral, and he did so flawlessly. After heading the Chicago school board and becoming a leading civil-rights advocate, he was frequently mentioned as both an Illinois gubernatorial and senate candidate. In 1964, Lyndon Johnson very much wanted Sarge to be his running mate, but the Kennedys said absolutely not—it was Bobby's turn first. Then it was Teddy's turn.

Sarge loved running the very popular Peace Corps, but he reluctantly quit when L.B.J. twisted his arm to head the War on Poverty. Democrat George McGovern turned to Sarge to run with him as vice president, in 1972, after Tom Eagleton dropped out when it was revealed that he had undergone psychiatric treatment, but they lost big-time. Sarge also served as ambassador to France, and in the last decades of his life he and Eunice founded the Special Olympics and made it a worldwide force for the intellectually disabled. He was the kind of husband who seriously thought his wife should be canonized by the Catholic Church; Sarge himself was so devout that even as he was ravaged by Alzheimer's in his later years, the two things he never forgot were his prayers and his manners. "You're a good looking kid," he said to my son a few years ago as he stuck out his hand in greeting. "Are you my son?"

I loved spending time with Sarge—he was a wonderful father to Bobby, Maria, Tim, Mark, and Anthony Shriver, all of whom have distinguished themselves in service to others. For years they had to share him with thousands of Peace Corps volunteers for whom he was both a touchstone and an idealized father figure. It is hard to believe that today we can no longer have Sarge among us, exhorting us to "serve, serve, serve!"

[From the New York Times, Jan. 18, 2011]

R. SARGENT SHRIVER, PEACE CORPS LEADER, DIES AT 95

(By Robert D. McFadden)

R. Sargent Shriver, the Kennedy in-law who became the founding director of the Peace Corps, the architect of President Lyndon B. Johnson's war on poverty, a United States ambassador to France and the Democratic candidate for vice president in 1972, died on Tuesday in Bethesda, Md. He was 95.

His family announced his death in a statement.

Mr. Shriver was found to have Alzheimer's disease in 2003 and on Sunday was admitted to Suburban Hospital in Bethesda, where he died. He had been in hospice care in recent months after his estate in Potomac, Md., was sold last year.

White-haired and elegantly attired, he attended the inauguration of his son-in-law, Arnold Schwarzenegger, as the Republican governor of California in the fall of 2003. Mr. Schwarzenegger is married to Maria Shriver, a former NBC News correspondent.

But in recent years, as his condition deteriorated, Mr. Shriver was seldom seen in

public. He emerged in one instance to attend the funeral of his wife of 56 years, Eunice Kennedy Shriver, a sister of John F. Kennedy; she died in 2009 in Hyannis, Mass., at the age of 88.

As a Kennedy brother-in-law, Mr. Shriver was bound inextricably to one of the nation's most powerful political dynasties. It was an association with enormous advantages, thrusting him to prominence in a series of seemingly altruistic missions. But it came with handicaps, relegating him to the political background and to a subordinate role in the family history.

"Shriver's relationship with the Kennedys was complex," Scott Stossel wrote in "Sarge: The Life and Times of Sargent Shriver," a 2004 biography. "They buoyed him up to heights and achievements he would never otherwise have attained—and they held him back, thwarting his political advancement."

The book, as well as reports in *The New York Times*, *The Washington Post* and other publications, suggested that Mr. Shriver's hopes to run for governor of Illinois in 1960 and vice president in 1964 and 1968 were abandoned to help promote, or at least not compete with, Kennedy aspirations. Mr. Shriver's vice-presidential race in 1972, on a ticket with Senator George S. McGovern, and a brief primary run for president in 1976 were crushed by the voters.

Mr. Shriver was never elected to any national office. To political insiders, his calls for public service in the 1960s seemed quixotic at a time when America was caught up in a war in Vietnam, a cold war with the Soviet Union and civil rights struggles and urban riots at home. But when the fogs of war and chaos cleared years later, he was remembered by many as a last vestige of Kennedy-era idealism.

"Sarge came to embody the idea of public service," President Obama said in a statement.

Mr. Shriver's impact on American life was significant. On the stage of social change for decades, he brought President Kennedy's proposal for the Peace Corps to fruition in 1961 and served as the organization's director until 1966. He tapped into a spirit of volunteerism, and within a few years thousands of young Americans were teaching and working on public health and development projects in poorer countries around the world.

After the president's assassination in 1963, Mr. Shriver's decision to remain in the Johnson administration alienated many of the Kennedys, especially Robert, who remained as the United States attorney general for months but whose animus toward his brother's successor was profound. Mr. Shriver's responsibilities deepened, however. In 1964, Johnson persuaded him to take on the administration's war on poverty, a campaign embodied in a vast new bureaucracy, the Office of Economic Opportunity.

From 1965 to 1968, Mr. Shriver, who disdained bureaucracies as wasteful and inefficient, was director of that agency, a post he held simultaneously with his Peace Corps job until 1966. The agency created antipoverty programs like Head Start, the Job Corps, Volunteers in Service to America, the Community Action Program and Legal Services for the Poor. (The Office of Economic Opportunity was dismantled in 1973, but many of its programs survived in other agencies.)

In 1968, Johnson named Mr. Shriver ambassador to France. It was a time of strained relations. President Charles de Gaulle had recognized Communist China, withdrawn

French forces from NATO's integrated military command and denounced American involvement in Indochina. But Mr. Shriver established a working rapport with de Gaulle and was credited with helping to improve relations.

Mr. Shriver returned to the United States in 1970 to work for Democrats in the midterm elections and to reassess his own political prospects. His long-awaited break came two years later when Senator McGovern, the Democratic presidential nominee, picked him as his running mate. Mr. McGovern's first choice, Senator Thomas F. Eagleton, was dropped after revelations that he had received electroshock therapy for depression.

The McGovern-Shriver ticket lost in a landslide to the incumbent Republicans, Richard M. Nixon and Spiro T. Agnew. Four years later, Mr. Shriver ran for the Democratic presidential nomination, pledging a renewal of ethics after the Watergate scandal that drove Nixon from the White House. But Mr. Shriver was knocked out in the primaries and ended his political career.

In later years, he was a rainmaker for an international law firm, Fried, Frank, Harris, Shriver & Jacobson, retiring in 1986. He was also active in the Special Olympics, founded by his wife for mentally disabled athletes, and he continued his work with the Sargent Shriver National Center on Poverty Law, an advocacy organization he founded in Chicago in 1967 as the National Clearinghouse for Legal Services.

In 1994, President Bill Clinton awarded Mr. Shriver the Presidential Medal of Freedom. Ten years earlier, President Ronald Reagan conferred the same award on Eunice Shriver. They were the only husband and wife to win the nation's highest civilian honor individually.

In 2008, PBS broadcast a documentary, "American Idealist: The Story of Sargent Shriver." A children's book by Maria Shriver, "What's Happening to Grandpa?," was published in 2004, explaining the effects of Alzheimer's disease. In May 2009, HBO presented a four-part documentary on Alzheimer's. Ms. Shriver was the executive producer of one segment, "Grandpa, Do You Know Who I Am?"

Robert Sargent Shriver Jr., known as Sarge from childhood, was born in Westminster, Md., on Nov. 9, 1915, the son of his namesake, a banker, and Hilda Shriver. His forebears, called Schreiber, immigrated from Germany in 1721. One ancestor, David Shriver, was a signer of Maryland's 1776 Constitution. The Shrivvers, like the Kennedys, were Roman Catholics and socially prominent, but not especially affluent.

On scholarships, he attended Canterbury, a Catholic boarding prep school in New Milford, Conn.—John F. Kennedy was briefly a schoolmate—and Yale University, graduating with honors in 1938. He earned a Yale law degree in 1941 and joined the Navy shortly before the attack on Pearl Harbor, becoming an officer on battleships and submarines in the Atlantic and the Pacific and winning a Purple Heart for wounds he sustained at Guadalcanal.

After the war, he joined Newsweek as an editor. He met Eunice Kennedy at a dinner party, and she introduced him to her father, Joseph P. Kennedy. In 1946, Joseph Kennedy hired him to help manage his recently acquired Merchandise Mart in Chicago, then the world's largest commercial building. In Chicago, Mr. Shriver not only turned a profit for the mart but also plunged into Democratic politics.

After a seven-year courtship, Mr. Shriver and Ms. Kennedy were married by Cardinal

Francis Spellman at St. Patrick's Cathedral in New York in 1953.

In addition to his daughter, Maria, Mr. Shriver's survivors include four sons, Robert Sargent Shriver III of Santa Monica, Calif.; Timothy, of Chevy Chase, Md.; Mark, of Bethesda, Md.; and Anthony, of Miami; and 19 grandchildren.

Mr. Shriver's relationships with the Kennedys were widely analyzed by the news media, not least because of his own political potential. He looked like a movie star, with a flashing smile, dark hair going gray and the kind of muscled, breezy athleticism that went with tennis courts and sailboats. Like the Kennedys, he was charming but not self-revealing, a quick study but not reflective. Associates said he could be imperious, but his knightly public image became indelible.

He took root in Chicago. In 1954, he was appointed to the city's Board of Education, and a year later became its president. In 1955, he also became president of the Catholic Interracial Council, which fought discrimination in housing, education and other aspects of city life. By 1959, he had become so prominent in civic affairs that he was being touted as a Democratic candidate for governor of Illinois in 1960.

Mr. Shriver did nothing to discourage reports that he was considering a run. But with the rest of the Kennedy clan, he joined John F. Kennedy's 1960 presidential campaign. As he and other family members acknowledged later, the patriarch, Joseph Kennedy, had told him that a separate Shriver race that year would be a distraction. So he resigned from the Chicago school board and became a campaign coordinator in Wisconsin and West Virginia and a principal contact with minorities.

As the election approached, the campaign learned that the Rev. Dr. Martin Luther King Jr. had been sentenced in Georgia to four months of hard labor for what amounted to a minor traffic violation. Mr. Shriver suggested that Senator Kennedy call a distraught Coretta Scott King, who was terrified that her husband might be killed in prison. His reassuring call, and another by Robert F. Kennedy to a judge in Georgia that led to Dr. King's release, helped produce a windfall of black support for Kennedy.

Senator Kennedy broached the idea for a volunteer corps in a speech at the University of Michigan and crystallized it as the Peace Corps in an appearance in San Francisco. Mr. Shriver, who as a young man had guided American students on work-and-learn programs in Europe, seemed a natural to initiate it.

After the inauguration, Mr. Shriver, who scouted talent for the incoming administration—people who came to be known as "the best and the brightest"—was assigned to the task of designing the Peace Corps, which was established by executive order in March 1961.

As director, he laid the foundations for what arguably became the most lasting accomplishment of the Kennedy presidency. As the Peace Corps approaches its 50th anniversary this year, more than 200,000 Americans have served as corps volunteers in 139 countries.

Break mirrors, Mr. Shriver advised graduating students at Yale in 1994. "Yes, indeed," he said. "Shatter the glass. In our society that is so self-absorbed, begin to look less at yourself and more at each other. Learn more about the face of your neighbor and less about your own."

THE WALKABOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize a great organization that has helped so many disabled individuals: the Walkabout Foundation. This terrific organization was founded by siblings Luis and Carolina Gonzalez-Bunster.

Sixteen years ago when he was 18 years old, Luis was in a car accident that left him paralyzed from the chest down. Luis was not going to allow this tragedy to define him or limit his ability to lead a full life. Just a few months after his accident, Luis moved to south Florida and enrolled at my alma mater, the University of Miami. Soon after, Luis started driving again and began to live on his own.

Leading an active lifestyle, which included being an avid swimmer, Luis took advantage of the University of Miami's extensive and accessible facilities. However, during a trip to the Connecticut YMCA a couple of years ago, Luis could not access the indoor swimming pool, so Luis and Carolina decided to take action.

Not only did they promote awareness of paralysis and disabilities in their community, but they also made the Connecticut YMCA accessible for all the disabled.

□ 1830

Out of this victory, the Walkabout Foundation was born.

The Walkabout Foundation's mission is twofold: first, to actively pursue a cure for paralysis by helping fund research programs; and, second, to provide wheelchairs to those who cannot afford one.

The foundation's unique efforts have garnered widespread support and attention. What makes the Walkabout Foundation singular is its drive to make sure that disabled individuals continue to lead full and active lives. This is due to Luis' character and unyielding belief that people should not be victims of their circumstances.

The Walkabout Foundation has not limited its services and generosity to just our Nation. Last month, the foundation provided 200 wheelchairs to Haiti in addition to the 400 they had already donated last year.

As someone who has seen the devastation and the human tragedy that has befallen the poor island nation of Haiti since last year's tragic earthquake, I know the impact and benefit the efforts of Luis and Carolina will bring to help the lives of so many disabled individuals in Haiti.

They have also provided 100 wheelchairs to the Dominican Republic. These wheelchairs will go to children, teenagers and adults afflicted by paralysis, polio, cerebral palsy, muscular dystrophy, as well as to amputees.

I commend Luis, Carolina and their Walkabout Foundation for all that

they do. They are truly an inspiration for all.

THE ASSAULT ON OUR RIGHTS, OUR FREEDOMS, OUR DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, for everyone who has been listening to the dialogue and debate around health care reform, I want to make something crystal clear: regardless of the vote in the House, health care reform was not repealed today; and despite what some might be projecting and promising, all of us on both sides of the aisle know that this is true.

We also know that the next step in the larger plan to repeal health care reform will involve directing committees of jurisdiction to revisit the health care reform law.

Now, if this is going to be a process that includes meaningful hearings and honest dialogue about how to strengthen and bolster—not dismantle and obliterate—health care reform, then I would support that strategy. It would allow us to work together to build upon the many successes that the Patient Protection and Affordable Care Act has already demonstrated: successes for our children, our seniors, the poor, and the already insured. That was the kind of process that led to the development and passage of the Patient Protection and Affordable Care Act.

But, to be honest, that was then; and I do not believe that such a process will occur this time because those calling for repeal don't seem to be interested in socially, fiscally and medically sound public health strategies to solve our Nation's public health problems.

Instead, the supporters of repeal have been steadfast in their efforts to minimize and even downplay the devastating steps backward that H.R. 2 would mean, not only for our Nation's most vulnerable residents—children and our seniors—but also for small businesses, the middle class, rural and low-income populations, and the financial as well as the physical health of our Nation.

So I urge not only my colleagues here, but every American who wants a healthier and stronger tomorrow to be engaged and active and to be alert because the real health care reform repeal efforts begin, not with this vote, but in the months ahead. All of us, everyone in this country—the insured and the uninsured—have too much at stake to sit on the sidelines and remain silent.

We know that there is an appropriations strategy to ensure that the health care freedoms in the Patient Protection and Affordable Care Act are

not adequately or appropriately funded, making their implementation an utter impossibility. We can't let that happen.

We also know that efforts are under way that will allow the chairman of the Budget Committee to set spending limits on his own, without committee consensus and clearly without a fair, transparent, and democratic process. This is an assault on our democracy.

Finally, we also know that all of the harsh realities that repeal will mean to millions of Americans and their families will not be highlighted or even mentioned. For example, those calling for repeal won't admit that repeal would mean more uninsured Americans—54 million uninsured by 2019.

Those calling for repeal will never admit that repeal means an increase in the number of American families who will file bankruptcy, lose their homes and suffer other financial hardships because their health care costs are so high.

Those calling for repeal will never admit that repeal means a loss of jobs, increased unemployment and an increase in the deficit, even though they know, as we do, that without health care reform the Federal deficit will explode by \$143 billion over the next 10 years and by more than a whopping \$1 trillion over the next two decades.

Those calling for repeal will never admit that repeal will mean a drastic increase in the health disparities that we know leave racial and ethnic minorities and low-income and rural Americans in poorer health, who are more likely to die prematurely from preventable causes. A recent Joint Center study found that eliminating racial and ethnic health disparities would have reduced direct medical care expenditures by \$229.4 billion in just 4 years.

Finally, those calling for repeal will never admit that repeal, literally, could be a death sentence for thousands of innocent Americans every year. A recent IOM study suggests that more than 15,000 deaths per year could happen just because insurance was taken away.

So repeal did not take place today, but the assault on our rights, our freedoms, our democracy, as well as our very lives are on the line in the planned committee process, the budgetary sleights of hand and a targeted appropriations process. So let's not find ourselves repenting for the silence of good people.

TODAY, WE VOTED TO REPEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GRAVES) is recognized for 5 minutes.

Mr. GRAVES of Georgia. Mr. Speaker, what a great day for America—a victory for the American people.

You know, last November the American people loudly demanded the repeal of ObamaCare, and today the House delivered.

Earlier today, I outlined why the American people were so opposed to this legislation. So tonight I thought I would remind my colleagues on the left as to why they rejected ObamaCare.

It was the employee mandate and the mandates on individuals that tax, penalize, and punish Americans who choose not to opt in to a government-approved health care system.

Maybe it was the \$569 billion in new taxes or the \$2.6 trillion cost or the \$700 billion in deficit spending over the first 10 years this law is fully implemented, and who knows what after that.

More importantly, it violated our Constitution and our personal liberties.

So earlier today I asked my friends and folks back in the district who follow us on Facebook, the Georgians I work for and I represent, to respond to us as to how the legislation has already impacted them today. So we got a few of those responses; and, Mr. Speaker, I thought I would share some of those.

From north Georgia, Elisabeth in Rossville said her health insurance premiums have already almost doubled.

Jimmy in north Georgia said his health care premium is certainly more expensive.

Brian said his health insurance just went up by at least 8 percent, and the cost of his mother's Medicare part D coverage has doubled.

BJ in Calhoun, a health insurance agent, said premiums have risen, and companies he represents are reducing or eliminating commissions.

Then there is Jeremy in Ringgold. He was going to expand his business this year, but he was forced to put those plans on hold because of the costly and burdensome 1099 tax filing requirements that were required under ObamaCare.

It is because of these Americans that we not only repealed ObamaCare today but that tomorrow we will also vote on a House resolution directing the committees of jurisdiction to begin working on legislation through a transparent process—open to the American people—that will embody free market principles that, under many circumstances, will foster economic growth and private sector job creation; lower health care premiums through increased competition and choice; ensure patients have the opportunity to keep their health care plans if they like them; reform the medical liability system to reduce unnecessary and wasteful health care spending; remove barriers that prohibit health care plans from being purchased across State lines; provide the States greater flexibility to administer the Medicaid programs.

More importantly, it will be policy that empowers Americans with options

instead of mandates coming from the Federal Government. Above all, our reforms will not infringe upon individual liberties.

So, Mr. Speaker, I want to thank those tonight who on Facebook responded to us in helping us start that round two of the ObamaCare debate.

Today, we voted to repeal. Tomorrow, we begin the work to replace with free market solutions.

□ 1840

DISTORTING THE DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Earlier this week, Mr. Speaker, we recognized the 82nd birthday of Dr. Martin Luther King, Jr., perhaps the greatest moral and spiritual leader in our Nation's history. Each of us in our way reflected on Dr. King's teaching, and his message had more relevance than ever in light of the tragic shootings in Tucson.

It's a sign of progress that a man whose ideas were considered revolutionary during his life has achieved mainstream iconic status in death. But as we all share his legacy, there is a very real danger that some people will, in a self-serving way, distort King's vision to justify the very policies he gave his life opposing. In fact, Department of Defense General Counsel Jeh Johnson has a bizarre, unsettling interpretation of Dr. King's dream.

In a speech last week, Mr. Johnson suggested that this great agitator for peace would have endorsed the war in Afghanistan. And I quote him, he said, "If Dr. King were alive today, he would recognize that our Nation's military should not and cannot lay down its arms and leave the American people vulnerable to terrorist attack."

Mr. Speaker, this strikes me as a presumptuous and manipulative distortion of everything Dr. King represented. He was fierce; he was resolute in his opposition to the Vietnam War. It was a courageous, controversial stand that cost him friends and allies.

He believed nothing as strongly as the idea that nonviolence was the only route to social change. He left little ambiguity about his feelings on war: "The chain reaction of evil wars producing more wars must be broken," Dr. King once said, "or we shall be plunged into the dark abyss of annihilation." I don't know how you get much clearer than that, Mr. Speaker.

Violence, he preached, "is a descending spiral, begetting the very things it seeks to destroy. Through violence you may murder the hater, but you do not murder the hate. In fact, violence merely increases hate. Returning violence for violence multiplies violence."

Mr. Speaker, we've seen exactly this in our misguided struggle to defeat ter-

rorism through warfare. Killing one Taliban or al Qaeda insurgent emboldens the movement and simply creates more terrorists. Dr. King added that "a nation that continues to spend more money on military defense than on programs of social uplift is approaching a spiritual death." These are the words we ought to reflect on as we continue a debate about Federal budget priorities.

Far from supporting the war in Afghanistan, I believe Dr. King would be much more likely to embrace the principles of the SMART security platform that I've spoken of from this podium many, many times. It calls for cooperation, not conquest; dialogue, not destruction; engagement, not invasion. It pursues the goal of global peace and security by focusing on our common humanity. It is an agenda that respects human rights, that seeks to empower and lift up the poor people of the world instead of dropping bombs on their villages and on their communities.

Mr. Speaker, Mr. Johnson of the Pentagon couldn't be more wrong about the lessons of Martin Luther King's life. I have every confidence that, were he alive today, Dr. King would join me in a loud and unmistakable call to bring our troops home.

RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, last month, The Economist exhorted Western leaders to more openly and consistently criticize Russia for its sham democracy, its brutal treatment of human rights activists and political dissidents, and its utter disregard for the rule of law. It was a challenge that should be taken seriously.

Our approach to Russia has been characterized paradoxically by a failure to be both sufficiently pragmatic and sufficiently idealistic at the same time. Russia is a key international player with whom we must engage. That's undeniable. It is a permanent member of the Security Council. It is a key actor in any international effort to contain Iran's nuclear ambitions. It exerts great influence in regions such as central Asia, with implications for our struggle against violent extremists in Afghanistan and elsewhere.

Keeping our engagement with Russia as constructive and effective as possible is essential to pursuing our vital national security interests. But, Mr. Speaker, this reality cannot preclude our commitment to promote democracy around the globe and condemn those who brutally suppress it. We must stand up for human rights and the rule of law, even when—especially when—they are undermined by major international players. We cannot re-

main silent when journalists and activists are killed or savagely beaten with impunity, while political prisoners face years of jail time.

The new guilty verdict imposed on Mikhail Khodorkovsky late last year makes it appear that the only crime that's actually punishable in the Russian Federation is opposition to Putin. Days after the verdict was handed down, opposition leader and former Prime Minister Boris Nemtsov was arrested for participating in a peaceful rally. He had committed the grave offense of expressing support for the protection of constitutional rights and condemning the sham Khodorkovsky verdict.

Hostility to the rule of law extends beyond Russia's own borders, as we saw in the August 2008 invasion of our democratic ally Georgia. It was reprehensible. Georgia's sovereignty and territorial integrity remain under threat today.

In our relationship with Moscow, we must learn to balance the twin imperatives of effective engagement and criticism of gross miscarriages of justice. This will only become more essential in the context of the coming debate on Russia's entry into the World Trade Organization. Russia has moved closer than ever to acceding to the WTO. We are likely to face this prospect in the coming year and the resulting vote on whether to extend Permanent Normal Trade Relations.

We will need to have a full and robust debate on this issue. We will need to ensure that PNTR is not granted until we have confirmed that Russia has fulfilled the basic obligations that WTO membership demands. If those obligations are met, my view is the WTO accession would be a very positive step forward. Bringing Russia into a rules-based trading system would bind Moscow to the rule of law. It would create consequences and enforcement mechanisms for failure to live by its commitments.

WTO membership is by no means a panacea, particularly for symptoms as deeply flawed as Russia's, but it would be a significant step in the right direction. Not only would it impose the rule of law in Russia's trading relationships, it would demonstrate that even Moscow recognizes the value of international rules of fairness. This should serve as a reminder that their presumed indifference to our criticism is no excuse for failing to voice that criticism.

We need to engage with Russia, but Russia also needs to engage with us. We cannot shy away from taking a public stand against increasingly brutal repression at the hands of those with whom we have important negotiations. Neither can we lose sight of the fact that supporting the rule of law is not just about promoting American ideals.

□ 1850

One of the most important lessons of the last decade is that democracy strengthening is as firmly grounded in realpolitik as it is steeped in lofty, high-minded ideals. If our moral clarity helps to strengthen democracy advocates in Russia, we will further our strategic goals in the long run. A less corrupt, less autocratic regime in Moscow will result in a better international partner.

As Vladimir Kara-Murza has written in *World Affairs*, defending the rule of law is not just our right but our duty. Last week, Vladimir wrote that statutes of the Organization for Security and Cooperation in Europe, to which both the U.S. and Russia are party, make this clear. The statutes state, "issues relating to human rights, fundamental freedoms, democracy, and the rule of law are of international concern."

It is absolutely imperative, Mr. Speaker, that we do absolutely everything that we can to strengthen this relationship but pursue the rule of law.

THE GOLDEN RULE OF TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, before all of the pomp and circumstance of tonight's State dinner honoring Chinese President Hu Jintao, a closed-door meeting took place between President Obama, the Chinese President, and the power brokers from some of the largest global corporations that seem to create more jobs outside this country than inside it: Steve Ballmer of Microsoft; Jeffrey Immelt of General Electric; Jim McNerney of Boeing; David Rubenstein of the Carlyle Group; Ellenn Kullman, the CEO of DuPont. And many greedy Wall Street bankers showed up: John Thornton, the chairman of HSBC Holdings; and Lloyd Blankfein, my gosh, the chief executive officer of Goldman Sachs—where have we heard about them before?—whose imprudent firms are responsible for the economic meltdown that the rest of America is trying to dig out of as we speak tonight.

Too often, these international corporations and megabanks have taken America's ingenuity and hard work that were built with so much effort and shipped them overseas, destroying American jobs and ballooning our half trillion dollar trade deficit.

China remains a communist country, and it is a command-and-control economy described as "Market Leninism"—not free enterprise. Yes, China's people should be able to develop their land and their economy and improve their lives. They surely need it. But their growth should not come at the expense of American jobs and our businesses and our workers.

The moment has arrived to deal with China as the great economic power that it is and proceed on the basis of reciprocity. If a treaty affects our companies one way, we'll treat them the same way. If they exclude our investments and our imports, we will exclude their investments and their imports. We should give them the exact same deal as they give us. That is the Golden Rule of trade.

While we wish China well, we must defend the interests of jobs in our country, and even more, the highest political ideals to which we aspire. And our highest calling is freedom.

It is not a coincidence that America's trade deficit with Communist China has ballooned since China entered the World Trade Organization in 2001. The trade deficit for 2010 with China and the United States alone stood at \$253 billion—a quarter of a trillion dollars.

Since 2001, jobs in our country in manufacturing decreased by 25 percent. And according to the U.S. Department of Commerce, for every billion dollars of trade deficit we maintain, 5,405 American jobs are lost. This means in 2010 alone, over 1,400,000 more jobs were lost in our country attributable just to our trade deficit with China. This is a major factor in the weakness that our economy is suffering.

China consistently disregards international trade laws. She manipulates her currency, and she does nothing to protect American intellectual property. In fact, of all of the products seized at the U.S. border for infringement of intellectual property rights in 2009, 79 percent were from China.

Communist China's illegal subsidies and no-interest loans to Chinese companies have put American firms at a serious competitive disadvantage. In fact, there's a new 15-year tax holiday for solar companies. And a major firm in Massachusetts just announced it's closing its doors and going to China.

Dumping of products like steel pipes cripple the American steel industry. And earlier today, the White House announced China will purchase 200 Boeing aircraft. Isn't that convenient. A few airplanes. It's great to hear, but positive press releases for one-time purchases will do nothing to erase the \$253 billion deficit that grows with China every year.

Holding China accountable and creating an environment where Communist China's best interest is to follow international trade laws, to protect intellectual property rights, to stop illegal subsidies and no-interest loans to Chinese companies, and to further work to create a level playing field for all is in the hands of the Obama administration, the new majority in this House, and our colleagues in the Senate.

Congress and the administration must stand up most importantly for freedom and the rule of law. For Amer-

ican businesses and our workers and our economy to prosper, we have to hold Communist China accountable to the Golden Rule. And that means reciprocity, not Market Leninism.

WATER, WATER EVERYWHERE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, the Department of the Interior issued an announcement yesterday that perfectly illustrates the irrationality of our current approach to water issues.

California's precipitation this season has gone off the charts. Statewide, snow water content is 198 percent of normal. The all-important northern Sierra snowpack is 174 percent of normal. This is not only a wet year, it is one of the wettest years on record.

Yet yesterday, we have this announcement from the Department of the Interior that despite a nearly unprecedented abundance of water, the Bureau of Reclamation will only guarantee delivery of 45 percent of the central valley of California's contracted water supply south of the Delta. This is the same percentage they received last year that had barely average rainfall.

This is of crucial importance to the entire Nation since the central valley of California is one of the largest producers of our Nation's food supply. California produces half of the U.S. grown fruits and nuts and vegetables on the Nation's grocery shelves, and the prices you pay are directly affected by the California harvest.

The deliberate decision by this administration in 2009 and 2010 to divert hundreds of billions of gallons of water away from the central valley destroyed a quarter million acres of the most productive farmland in America, it threw tens of thousands of families into unemployment, and it affected grocery prices across the country.

At the time the administration blamed a mild drought but never explained why a drought justified their decision to pour 200 billion gallons of water that we did have directly into the Pacific Ocean. In a rational world, a drought means that you are more careful not to waste the water that you have.

Of course, the real reason for this irrational policy is that they were indulging the environmental left's pet cause, a 3-inch minnow called the Delta Smelt. Diverting precious water to the Delta Smelt habitat was considered more important than producing the food that feeds the country and preserving the jobs that produce the food.

But that issue is now moot. This year we have nearly twice the normal water supply at this point in the season, and yet the Department of the Interior will allow less than half of the normal

water deliveries to California's central valley agriculture south of the Delta.

The difference comes to 1.1 million acre-feet of water.

Now, consider this. Since December 1, the Central Valley Project has released 1.4 million acre-feet more water into the Pacific Ocean than they did just last year. Let me repeat that. At the same time this administration is denying California central valley agriculture 1.1 million acre-feet of their rightfully contracted water during one of the wettest years on record, it is dumping 1.4 million acre-feet of additional water into the Pacific Ocean. Mr. Speaker, this is insane.

Coleridge's lament, "Water, water everywhere but not a drop to drink," appears to have become the policy of this administration.

□ 1900

The American people did not invest billions of dollars into Federal water projects so that water can be dumped into the ocean to please environmental extremists. This policy may have been cheered by the previous Congress, but it won't be tolerated by the new majority, nor by the American people.

There was a time when the principal objective of Federal water policy was to assure an abundance of water to support a growing population and a flourishing economy. But in recent years, a radical and retrograde ideology took root in our public policy that abandoned abundance as the object of our water policy and replaced it with the government rationing of government-created shortages. I cannot imagine a more disturbing example of this ideology at work than the announcement yesterday by the Department of the Interior. Even faced with a super-abundance of water, they are determined to create and then to ration water shortages. The American people expect better and they deserve better.

They deserve a government dedicated to restoring jobs, and prosperity, and abundance, all of which is well within our reach if we will simply reverse the folly that was on full display with yesterday's announcement. Ironically, this announcement came on the same day that the President ordered his agencies to identify regulatory policies that are harming the economy. Mr. Speaker, it appears the Department of the Interior missed that memo.

CONFRONTING REALITIES WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, at the outset let me stress the importance of managing our complex relationship with China in a manner that honors the transcendent principles that define

America's national purpose and our identity.

Tonight, President Obama, perhaps as we speak, and President Hu Jintao will toast one another just blocks from here at the White House at an official State dinner. While appropriate for heads of State, we must remember that untold thousands in China continue to suffer horrific tortures for exercising their right to self-expression. Beijing's ruthless treatment of democracy activists and their families, Internet freedom advocates, religious minorities, and women and families victimized by a callous policy of coerced abortion and forced sterilization must continue to make us uncomfortable even as dinner is served.

Nobel Prize winner Liu Xiaobo, whose photo is right here, languishes in prison right now as his wife and family members remain under house arrest. And how many more people suffer in silence, people who have disappeared into the vast network of gulags that no human being, much less any animal, should ever have to see or experience?

Mr. Speaker, we must continue to press these points to remain deserving of our own identity as a Nation founded on freedom of religion, a Nation that embraces freedom of speech and justice, and free and fair commerce as worthy foundations for prosperity in future generations. Our China policy should reflect these transcendent and universal principles.

On the economic front, nearly \$2 trillion of debt and a bilateral trade deficit approaching \$300 billion also impose weighty concerns. We must challenge China to abandon its embrace of unbridled mercantilism, which manifests itself in massive subsidies and other trade-distorting practices that contribute to this staggering imbalance. China must know that global responsibility and accountability are inseparable.

We must, Mr. Speaker, also look ourselves in the eye and order our own fiscal affairs, revise stagnant manufacturing industries, refurbish our industrial base, and take responsibility for our economic future. We need to look closely at our willingness to place profit over principle, and to point the finger of blame at China while perpetuating our own economic dysfunction.

With regard to the future of civilization itself, China is modernizing its nuclear arsenal. China is giving cover to North Korea's nuclear program. China trades with Iran. And China has controversial plans to break with international precedent and build nuclear reactors in Pakistan. Just last week, in a show of its ever expanding projection of power, China tested a new Stealth fighter aircraft. What kind of world are our children and our allies in the Pacific standing to inherit? Neither the United States nor China can afford to allow six decades of peace and security to slip through our fingers.

Mr. Speaker, do I want a good relationship with China? Yes, absolutely. But we have a responsibility to work together to shape our complex relationship with that country, to seek meaningful progress on the tough issues, to acknowledge the positive elements of China's extraordinary culture and past civilization. However, we must do so without shrinking from challenging outright affronts to our principles and whitewashing threats to international security.

THE REPEAL OF HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Vermont (Mr. WELCH) is recognized for 60 minutes as the designee of the minority leader.

Mr. WELCH. Mr. Speaker, we appreciate the time for this Special Order of 1 hour to discuss the repeal of health care. And this legislation which passed today is the triumph of the Republican victory in the elections. And the Republicans ran on a campaign platform of repealing ObamaCare, as it was called and vilified, and today accomplished that goal.

ObamaCare became a vilification of health care, really a caricature of what was in the bill. It became a million different bad things to a million different people. But the moment the campaign is over and the partisan political points have been put on the board, each of us who has been elected, Republican or Democrat, has the responsibility to use our office to make pragmatic progress for the American people.

And the purpose of our Special Order tonight is to explain in concrete detail what the American people lost and will lose if the repeal is ultimately successful. We have a number of my colleagues here to join us. And to start it off for us is one of the senior members of the Energy and Commerce Committee, a leader in health care reform and elements of the health care reform that have broad bipartisan support, Representative ESHOO from California. I yield her such time as she may consume.

Ms. ESHOO. I thank my colleague for organizing this evening. And I rise to talk to whomever is tuned in this evening to tell some stories. I think stories are really what relate more than anything else to what is going on in the lives of our constituents and the American people.

I want to take people back several years. It was 1996. I was a fairly new member of the Energy and Commerce Committee. And after having had meetings in my district with people in the disabled community, I learned something that I didn't know, and I shared it with many other Members of Congress. They were not aware of it. I don't think the general public was

aware of it. And it was the following. And that is that buried in the fine print of insurance policies, in this case health insurance policies, was a cap on lifetime limits of benefits.

Now, that doesn't sound too menacing to begin with. But just think if any one of us, God forbid, were in a horrible automobile accident. We have seen what has happened to our colleague in Tucson, and the bills that are attendant to that kind of high-end of health care.

□ 1910

Certainly people in the disabled community understood this very well. So the more I probed, the more I learned.

Meanwhile, the actor, wonderful, optimistic and superb actor, Christopher Reeve, had endured a terrible, terrible accident as an equestrian. I think everyone remembers that; and they remember the courageous battle that he waged, not only for more research to be invested in our country, but the hope that stem cell research held. But he also understood this whole issue of limits in an insurance policy on total benefits that would be paid for by the insurance company.

And so it was at that time, 1996, that I introduced legislation to lift the lifetime limit on the caps, on the ceiling in health insurance policies. That effort has been going on since 1996. In 2010, the Democrats saw fit to place that legislation into the health reform bill that has become law.

So today, the law of the land right now, January 19, 2011, at 7:10 p.m. eastern standard time, no one has a limit on their benefits in their life insurance policies. So if someone is in a terrible accident, that won't be held against them. If someone has a chronic illness, a chronic illness with cancer, with whatever one might name, that will not be held against them.

I tell this story because we have heard some tall tales, some tall tales about what the health care legislation, now the law, contained. More than anything else, what the legislation is about is addressing what happens to people in their day-to-day lives, the stories that our constituents have told us.

I want to tell you another story. This is from Elaine from the town of Los Altos, California, in my district. This is what she wrote to me: "This is the first time I have ever written to any government representative on any topic in my 50 years of existence." Elaine was diagnosed with breast cancer in 2006. It's a disease that we are all, all too familiar with. One in eight women will develop breast cancer in her lifetime.

Elaine wrote: "Normally, when I feel that a service provider is price gouging or in any way treating me unfairly, I take my business elsewhere. This is what I did with my auto insurance, and

this is how market forces are supposed to work."

But Elaine couldn't do that because so few insurers would even take her. Most of them would not go near her.

The health insurance market, in my view, in so many of my constituents' view, has really failed our country.

We believe in markets. We believe in strong markets. We believe in competitive markets, but we don't believe that a market should be part of crushing human beings in terms of the rules that they write.

Elaine saw her rates increase by 94 percent over a 13-month period.

Let me repeat this: Elaine saw her rates increase by 94 percent over a 13-month period.

What Member of Congress can endure this?

And I have to say that those that have fought the hardest against this bill, now the law, are taking their health care coverage from the government as a government employee.

Now, I am proud to be part of my government. I will never run away from that. I am proud of what I do. I am proud of my profession. I always want to be uplifting to it. But I don't think that there is room for hypocrisy in this. These are great needs. Yes, Members of Congress have insurance coverage. And the way that we designed the bill was so that the American people could get what we have, to get what we have.

Look and listen to what Elaine is saying. Elaine's gross income increased only 4 percent as her insurance rates increased by 94 percent over a 13-month period. I don't think that this is sustainable, not for any working person in this country, not for any community and certainly not for our Nation and our national economy.

Health care represents a major sector of our national economy, and if we don't do something, as we did, about the rising, spiraling costs and the effect that it has on families and individuals, it will really tear them apart and bring them to their knees financially. So I am very proud of the vote that I cast on behalf of my constituents.

Was the bill complicated? Absolutely. For those that say it was a long bill, they have voted for plenty of trade bills around here, and the trade bills are 4,000 pages. I wonder if they have read that.

But this one, this one lands in the middle of a family so that they don't have the panic at night or the cap on the benefits if they are in a terrible accident, like Christopher Reeve, God rest his soul, or Elaine, in my district, that told her story to me.

Elaine's health is not a commodity that can be bought or sold on the open market. She doesn't have the option to go without health insurance if prices get too high. For Elaine, this is an issue of life or death.

So today I found it to be a rather sad day that any Member of Congress would stand on this floor and, with a sense of glee, say we are going to repeal the progress that America made.

For the first time in the history of our country, the Congress passed comprehensive health reform for every single American. That, to me, is a great source of pride. I think it is to Elaine; and I think if Christopher Reeve were here, he would say "bravo" as well.

So thank you to my colleague, Mr. WELCH, to all of my colleagues that care so much about this that have worked so hard on it and will work to defend this. This is for the American people. I think that they deserve to be rewarded.

They work hard; they play by the rules. No one should be crushed by unfair rules.

Mr. WELCH. I thank the gentlewoman from California.

The story that Congresswoman ESHOO told is making very real what the consequences are of taking away from families benefits that they have and now depend on.

Just a quick story about Vermont, to make it, again, real. A woman by the name of Donna, from Plainfield, Vermont, a hard-working person, she and her husband both work. Their young son graduated from school, got an entry-level job that paid \$8 or \$9 an hour. And as the case with most entry-level jobs, it came without health care.

That child was no longer eligible to stay on his parents' policy, and they were doing all they could to pay their bills. Health care is expensive. They couldn't afford to buy a separate policy for their son. And most of the time that works out, but sometimes it doesn't, and it didn't in this case.

Their son had a car accident, \$20,000 in medical bills. They are still paying those bills off.

When we passed the health care bill that included the provision that sons and daughters who were starting out in life, taking that first job, usually without health care, but learning job skills, fiscal discipline, personal responsibility, the worst, the bill we passed allowed those kids to stay on our policies until age 26.

□ 1920

It makes an enormous amount of sense in the peace of mind it provided. That assurance to Donna relieved her, her husband, and their son of all this anxiety about whether they'd have the health care they needed in the event of an accident. The action today by this Congress led by the new majority takes away from Donna, her husband, and their son their access to affordable health care. It didn't need to be done. And the question I think all of us have to ask is why?

There are elements of the health care bill that are imperfect. Let's improve

them. There are elements that are very controversial. The individual mandate is controversial, and we have to acknowledge it. I supported it, and I'll tell you why. I believe that if everybody is going to have access to health care, and the vast majority of this country believe that's the case, then all of us should share in the responsibility of paying for it, on the ability to pay. That's why I supported the individual mandate, because folks who don't have insurance don't go forever without having the need for health care services. And most States are like Vermont. If somebody gets hit by a truck, the rescue squad shows up, and they take that person to the hospital. The hospital may inquire about insurance, but they don't condition providing full and extensive care on whether that person has insurance or doesn't. And that cost gets shifted on to the taxpayer. That cost gets shifted on to those who do have insurance in the form of higher premiums. So this is real what happened. The consequences to families are real.

I would like to yield to the Member from New York, also a leader on health care, Congresswoman CLARKE. Thank you for joining us tonight.

Ms. CLARKE of New York. Thank you, PETER WELCH.

Mr. Speaker, I just find it so interesting that here we are in the new 112th Congress and in the wealthiest Nation on the planet where nearly 50 million Americans still lack health care insurance, 13.5 percent of which are New Yorkers. Last year alone, New York City's hospitals spent \$1.2 billion in charity cost. You see, in a city like New York, we're going to make sure that at the moment that people are most vulnerable, in an emergency, they're able to receive health care. But it has cost us \$1.2 billion in charity costs.

Tragically, people who are either uninsured or underinsured often have to go without the vital health care services they need simply because they can't afford it. Every American has a human right to adequate physical and mental health care, and I believe that government has a responsibility to assist its citizens in securing quality health care. That's why I've been such a fervent supporter of the Patient Protection and Affordable Care Act which passed the 111th Congress, because it does just that. It ensures that Americans have access to quality health care, and it makes sure that we begin an enlightened process of preventive care, which is the least expensive way of our being able to meet our health care needs.

Repealing this bill would mean that insurance companies will, once again, be able to drop coverage for people when they are ill, exactly when they need that coverage the most. It will mean that kids with preexisting condi-

tions will be denied coverage once again. It will mean that insurance companies would again be able to impose devastating annual and lifetime caps. And it would mean that young people will no longer be able to stay on their parents' plan until the age of 26. It would mean that pregnant women would be denied coverage simply because they are pregnant, since pregnancy is considered a preexisting condition and therefore a basis for denial of coverage. And finally, our seniors, who face an increase in their prescription drug costs because they would be thrown back into the Medicare part D doughnut hole which the health care reform law would close by 2020.

With all that has been discussed about the virtues of health care reform, all that has already been implemented as a part of the health care packages of constituents in my district, people are recognizing how earthshaking and groundbreaking this legislation has been.

I would like to share with you a letter that I received from one of my constituents in the 11th Congressional District. His name is Jonathan. He says, Congresswoman CLARKE, I am a two-time cancer survivor. I'm constantly worrying about being denied coverage because of my preexisting condition. I'm not comfortable that corporations under the old rules would have considered me unprofitable. I think it's a disgrace that this problem has existed in our country. I for one will move to Canada or elsewhere if health care reform is repealed and if I ever have a re-occurrence of my cancer. Meanwhile I think it's every American's responsibility not to allow other people with preexisting conditions to be denied coverage.

You see, Jonathan is not just thinking about himself. He recognizes that like himself there are millions of Americans across this country who may not have options of mobility to leave the country to seek health care but who need this legislation to go into full effect. And that's what we are here discussing today, the essence of what this legislation means for Americans across this Nation.

One thing about health care insurance, you often don't know what you need until you need it. And because there are individuals in our civil society, and many have referred to them as the invincibles, young people who are young, vital, physically fit, one tends to look after their health care after the fact. Well, we want to do a paradigm shift in this Nation where it brings down the cost of health care insurance. That means that every year we go through an annual physical. We know how our body is operating, and we are clear on that. And if by chance we develop a need or we're in a catastrophic accident of some sort, we have the coverage that will not allow us to go into

bankruptcy. That's all that any family can truly ask for. And that's what we congratulate the last Congress on accomplishing.

What was displayed here today really was not forward leaning or forward thinking. It's our hope that the Senate won't even take this up because right now we're hearing from seniors who are saying, already we are looking forward to the support we can get for the prescription drugs that we need to address our chronic disease.

So as Jonathan noted in his letter to me, this repeal would once again allow big insurance companies who are only focused on profitability to deny coverage to him and so many others with preexisting conditions. I don't think we're going to allow Jonathan to be punished and denied coverage simply because he's a cancer survivor, and that's what repealing this health care law would do.

So I want to thank my colleagues for promoting this Special Order today and making sure that our voices are heard and the voices of our constituents are heard, who are really in favor of this legislation, this law of the land, actually, going into full maturity. Because as this law matures, more and more Americans will be covered, their families will be more secure, and we will be all the more healthier for it as a civil society.

I want to thank the gentleman from Vermont, PETER WELCH, for anchoring this Special Order this evening.

Mr. WELCH. I want to thank the member from New York. You talked very eloquently about preexisting conditions. And who of us doesn't have one? There was an article in The Washington Post today that said about 65 percent of Americans have preexisting conditions. So if the insurance companies are able to deny people coverage on that basis, it's a tremendous business model for them. They insure folks who are healthy, that's great for the shareholders, but it doesn't do much for most of us, the majority of Americans who have a preexisting condition. So thank you for focusing on that real provision in the bill.

I'm going to yield in a moment to the Member from Maryland. We have a number of Members here, so maybe we can be interactive.

□ 1930

But one of the things that I was going to ask you was on this question of preventive care. When we were considering this bill, I called Tom Huebner, who is the administrator of a local hospital, Rutland Regional Medical Center; and he had a lot of reservations about the health care bill, whether on balance it was good or bad. He decided on balance that it was good.

But one of the things that he said very specifically was that the free preventive care for seniors is absolutely

essential. It was essential for their good health, and it was essential for bending the cost curve because folks do not come in if they don't have the way to pay for it. That was him talking to me telling me about the Rutland population. Whatever your remarks are, Member from Maryland, I am wondering if that is consistent with the experiences you have had in your district.

Ms. EDWARDS. Well, I thank the gentleman. I think that is right. You look at so many things that can be prevented if only people were able to get their preventive care.

Today what we did in this House, what the majority did in this House, is so sad, taking away the ability of senior citizens to go in for an annual checkup and make that early discovery and diagnosis of diabetes or hypertension or any of the markers for those chronic illnesses that if treated early can actually save all of us a lot of money, all of those seniors a lot of grief, and really be good for the system.

And so when I think about what we did today, I think of the millions of Americans all across this country who every day are discovering a new benefit that is now available to them because of the new health care law.

I think it is important for us to remind the American public that the Affordable Care Act isn't a bill, it isn't an idea, it is not a proposal. It is the law. Today the law is that if you are up to age 26 that you can stay on your parents' health insurance plan. The law of the land today is that if you are a senior and you are paying out-of-pocket costs to the thousands of dollars for your prescription drugs, those drugs that fall in that prescription drug doughnut hole, you will receive a 50 percent discount on those drugs.

The law of the land is that you can't be excluded for preexisting conditions. Now, the gentleman from Vermont talked about preexisting conditions, as did the gentlewoman from California. It is so simple. It is true, almost not a one of us is without a preexisting condition. Well, the law of the land, despite the sadness of what happened in this House today, is if you have a preexisting condition and you are under age 18, that you will actually be able to receive health care insurance for that. And as we go through implementation, that you will be able to, whatever your age and preexisting condition, you will not be excluded from receiving your health care.

The law of the land today is that small businesses receive a tax credit for providing health care to their employees—35 percent last year when the law was started, 50 percent this year. That's the law of the land.

And so I am glad to be here with our colleagues. I don't want to overplay the sadness that happened in this

House today because there was a lot of business about taking care of campaign promises and meeting artificial goals. But the fact is that last year we passed the health care law. It is being implemented right now, and that's the law of the land. And thank goodness for the millions of people all across this country who have the security in knowing that not only do they have access to quality, affordable health care, but that that applies all across this country.

Mr. WEINER. Will the gentle lady yield on that point?

Ms. EDWARDS. I will.

Mr. WEINER. If I can just point out something, a lot of people look at this through the lens of their personal experience. Perhaps people watching this say, You know what, I have health insurance, I like my health insurance and I don't have a preexisting condition. Why should I really care about those who do?

Well, I think you understand this, but I think many of our Republican colleagues don't. We wind up paying as citizens one way or the other. You know, we had awhile ago this H1N1 flu outbreak. Now, if someone has a choice and health insurance coverage that allows them to get a regular checkup and get doctor's screenings and get medications and given an idea what they should do to treat that, is it better or worse if they don't have insurance and they get on the bus in the morning and they wind up in a hospital emergency room and take you and your kids with them?

The fact is it is not whether we are going to pay for health care; it is how we do it most efficiently. My Republican colleagues don't seem to understand this very basic idea that they talk about we should have choice. Nobody chooses to be born with cystic fibrosis. No one chooses to have a child that is born with asthma.

I don't care how much you believe in the free market, when God strikes you with those afflictions and you need care, the only question then becomes how do we provide the care that is most efficient. Right now if people don't have insurance and they fall down or they get hit by a bus, God forbid, and they don't have the ability to pay, it is not as if there is some magical force out there that absorbs those costs.

We wind up paying it. Everyone who has a health insurance policy winds up paying it. We in New York, and Congresswoman CLARKE made the point about New York, we pay \$8 billion in additional taxes. So it is just a matter of how we do it, and it comes down to a very simple idea: it is less expensive to give people a subsidy so they can buy insurance than it is to pay for them in emergency rooms. It is cheaper that way.

So it is just a matter of how we choose to do it, and I think when you

point out the fairness and the decency as Americans that we have when we provide the care, it is also doing a favor for everyone who has insurance, and every taxpayer in this country.

So even if you don't buy into the idea that we should be altruistic, and we fundamentally believe, and I believe this is a fundamental difference between the parties, we don't believe you can get too far ahead as a country when you have so many, 30-some-odd million people without health insurance. We don't believe you fundamentally can. There are more people taking time off from work. Every single product we buy has more cost because of our health care failures. That is the difference between Republicans and Democrats. We believe those things out of a sense of compassion.

But even if you just look at the economic bottom line, you should want to provide people with preventive care. It makes the most sense. It saves us money. It saves every American who has insurance money, and I want to thank you for pointing those things out.

Ms. EDWARDS. I thank the gentleman. I am going to finish up because we have other Members who want to speak on this really important issue.

I want to say in closing, today I began with a story of a young woman who is very close to me. Her name is Annie. She is such a delight. Well, in the spring she was diagnosed with leukemia. She will be 28 years old in February. When she was diagnosed, she had health insurance; but what she realized and her family realized right away was very quickly, as she was approaching trying to get a bone marrow transplant and all of the attendant costs that are associated with that, that without the change that we made in the health care law, maybe her parents would have to give up their retirement fund; maybe they would have to sacrifice their home because they wanted to save their daughters's life because she would have bumped up against those lifetime limits.

And so what we did in the 111th Congress in passing a health care law is we said to young people like 28-year-old Annie that we are committed to making sure that she has the ability to take care of her health and to save her life. That is what this is about. It is about real people. It is about their lives, and it is about our obligation that we have to one another.

I thank the gentleman for organizing this Special Order this evening.

Mr. WELCH. I thank the gentlewoman from Maryland.

In order that we can allow all Members to speak, I am going to yield to my colleague from Texas; but if there are any inquiries by Members who are present and want to engage in a dialogue, I encourage you to do that.

Ms. JACKSON LEE of Texas. I thank the gentleman from Vermont, and I am

just very pleased to have heard my good friends from New York, Ms. CLARKE and Mr. WEINER, and my good friend from Maryland. I hope this is a comforting Special Order because even as we speak, I think it is enormously important because people look at this because they saw a debate and they saw a vote, and now we are here on the floor of the House. I want them to know this bill is the law of the land. What we are trying to explain to them is the potential devastation of that bill being repealed.

The good news is that this was a payback to those who voted for my good friends on the other side of the aisle, Republicans, and we understand that. But lives are involved. To the distinguished gentleman from Vermont, lives are actually involved. I just have a few points that I want to characterize this debate as and to give people comfort that we are still fighting for this law. This law is in place.

□ 1940

Right now, the elimination of lifetime caps: you can still use this bill.

The idea that seniors, some 40 million of them, beginning in January 2011 will begin receiving savings on preventative care services: you can still use this. This is very important, the 50 percent discount. If anybody had an earful from the seniors, it was the doughnut hole. At every senior citizen center you go to, they're talking about the choices I have to make between food and rent and prescription drugs. I want them to know the law is still in place.

I know there was a debate on the floor of the House. I know there was a vote, but it should be well known that Democrats put up an able fight. More importantly, we know that our President will be working to preserve the law that exists. That's very important.

In having listened to a gentleman by the name of Ed, first name Ed, who has a chronic disease—hemophilia—he told a very important story of how he and his brother grew up with that and how he lives well today because of the fact that we have passed the elimination of lifetime caps. So he can be treated. He can work. He has insurance.

That is why when people ask, How does this impact me? Those of you who have insurance, we are not taking it away from you; but I assure you you have lifetime caps.

What about the young woman and her son who came to my town hall meeting who said, in tears, Congresswoman SHEILA—whatever they call me—we had insurance. We went to a doctor for a physical for my son who had to get a physical to get into school—every child has to get a physical at the beginning of the school year—and the doctor turned me away and said, Your insurance only covers emergency room.

We won't have that kind of half-baked insurance anymore.

So I quickly want to do this, Mr. WELCH. There was a big discussion about the constitutionality of this bill, and I got into another big discussion with one of our wonderful pundits who wanted to argue about whether someone would die without this health insurance.

This is a Medicare patient, or someone who is using Medicare. It indicates that she spent the week of New Year's of 2008 in an emergency room, and then was confined to her home for weeks because she developed pneumonia. She says she had never been so sick in her life. The good news was, in 2008, she had a government-run health care provision, a Medicare program, that allowed her to discover her sickness and to be treated.

Her very words: For a time, I was so sick I was afraid I was going to die. Then I was so sick I was afraid I wouldn't, and I was miserable.

The real question is: even though she is a senior, this government-run program allowed her to get care, and she didn't die. Sometimes walking pneumonia, as everyone knows, is not anything to play around with.

Why are my friends on the other side of the aisle complaining about a government-run program? This program has not been ruled unconstitutional, and it has been in place since 1965. So when they make the argument and it frightens our seniors who are listening and they're saying, This vote, do we not have it? You have Medicare. We are enhancing Medicare. We are making it solvent. 2037. This is what this bill will do for you.

Then let me just conclude with this. This is probably not readable, but this is my State celebrating the bill. This is the Texas Department of Insurance that has just put out a report celebrating all of the provisions of this bill that will help the millions of uninsured. You all know that Texas has the highest number of uninsured in the Nation. We are obviously a growing State with the highest number. This is not a Democratic Texas Department of Insurance. I only say that to say other States are doing the same. Moneys are now flowing to States to ease the burden of health care.

So I don't know what my friends on the other side of the aisle are doing when States are receiving money now, when people have no more lifetime caps, when young people can be on their parents' insurance because of the issue of being 26 years old.

Then there is this legal argument—and this is the conclusion. I carry this book around. The commerce clause has covered our health bills or a number of Federal provisions that we have used, and we have not seen them overturned, and we haven't seen Medicare overturned.

Yet there is another element that, I think, raises a question for my colleagues, and I hope that those who are now in the courts on this bill—and it is the courts that make the determination of the constitutionality, not this Congress, not people who are responding to a campaign or to promises they made. I think they'd have to look at the question of the 14th Amendment and the equal protection of the law.

Does that mean that those who can only pay a certain amount and get low-caliber insurance should be taken advantage of, or does it mean that small businesses that would like to provide insurance for their employees don't have a right to some form of equal protection of the law?

We thought about that. That's what this bill does. It helps to equalize access to quality health care, and the Fifth Amendment clearly states that no one can deprive you of life or liberty or property.

So there are a lot of provisions that, I think, are meritorious in any argument to suggest that this is an unconstitutional act that we did. We equalized the playing field as opposed to depriving people of the equal playing field.

I thank the gentleman for having this. There are a whole bunch of items that we can comment on. Every State is benefiting. Every district is benefiting. I don't know how my friends could vote against actual direct benefits when the people in their States are jumping for joy.

This bill is in place, and it is the law of the land. Let it be very clear: it is the law of the land.

Mr. WELCH. I thank the gentlelady.

The example you gave is of Texas, which is where the authorities who have responsibility for health care are pushing ahead to take advantage of the provisions that will allow them to do their jobs better even as we are having this debate about repealing and unwinding, but not replacing.

I mean, the point is that, if you want to improve something, you know, that's our job. Let's do it. There are provisions that all of us who supported this bill know could be improved; but we are hearing now real-world stories about things that are working really well, and we want to keep them.

Mr. Speaker, may I inquire as to the time available?

The SPEAKER pro tempore. The gentleman has 19 minutes remaining.

Mr. WELCH. I am going to yield to the gentleman from Connecticut, who has played a major role, especially in making fair the financing of this health care and not doubly taxing folks who are getting employer-sponsored health care benefits, and also for his tremendous work for seniors.

The gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Thank you, Mr. WELCH.

In actually following the Congresswoman's comments about Texas' participation in various parts of the program, I wanted to focus for a minute on one of the really strong pro-employer provisions of this bill.

We heard a lot of talk on the floor today about job-killing health care laws. I mean, the fact of the matter is, since President Obama signed the measure into law in March, over 1 million private sector jobs have been created in this country. I would contrast that to the day he was sworn into office, January of 2009, when the U.S. economy had lost 800,000 jobs in 1 month alone. So, clearly, you know, on just a simple data basis, this claim really doesn't pass the test of the facts.

One of the pro-employer measures which Texas is now participating in, along with the other 49 States, is a provision called the Early Retiree Reinsurance Program. In 1986, over 60 percent of America's employers had a retiree health insurance plan so that people hitting age 55 or 60 could retire, and their benefits would be extended. In 2009, that number had fallen to below 30 percent.

What this bill did is it created a reinsurance fund, which is like a government backstop for private employment-based health insurance plans, similar to the same type of reinsurance plans that we have for terrorism insurance, flood insurance, and the nuclear energy industry. These are types of property and casualty coverage which would never be written in this country if the government did not act as a backstop. We set up a similar fund and basically opened the doors to employers across America who had, again, employees who were over age 55.

What have we seen?

Over 4,700 employers have enrolled in this program. Over half of the Fortune 500 companies in America have signed up for this program. I mean, you can just go down the list: GE, General Dynamics, Coca Cola, Pepsi, AT&T, Comcast, Ford, GM, Walgreens. The list goes on and on.

□ 1950

Again, all 50 States have enrolled for their State employee health plans, including States that are suing the Federal Government to try and blow this law to smithereens.

The fact of the matter is is that they're voting with their feet in terms of whether or not this is a good law or not. If this was not a good program, they wouldn't enroll in it. But they understand that stabilizing early retiree health benefits is a way of making sure that people who are 55 years old and are teaching or police officers or working in corporate America are going to retire, and that will create elasticity in the labor market so that young Americans can actually fill those positions. I mean, this is even truer in terms of

physical labor occupations. And again, Taft-Hartley plans, laborers, iron workers have all signed up for this reinsurance program, again, as a way of stabilizing 55- to 65-year-old Americans' health benefits and creating more opportunities for younger Americans so that people will follow that natural path of retiring.

When you take that measure and combine it with the small business tax credit—\$40 billion of tax relief for small employers—this is a pro-jobs, pro-employer law. And again, quick example, I was at a roundtable on health care in my district. There was a family doctor that was there who was talking about the new Medicare changes and how excited she was about getting tools to better serve her clients. And she said, I'm getting killed on my own employee health plan, it's like \$14,000 a year for four or five employees. And I said, well, did you check out the small business tax credit? She said the small business what? So she went on that tax calculator—it's smallbusinessmajority.org—and called me back a couple of days later. She's going to save \$4,000 on her health insurance premium because of that tax credit.

By passing this law today, the Republican majority raised the taxes of small businesses all across America at exactly the same time that today they are figuring out their tax returns for 2010. I was a small employer before I came to Congress a short time ago. That's what you do in January and February, you start pulling your papers together to do your taxes. And they just voted today to blow up that tax credit to help the real job creators in America's economy.

Ms. JACKSON LEE of Texas. Just a quick point.

Number one is the benefit you just mentioned in a State like Texas, this retiree program. And we have a very quixotic or very complicated retirement program for teachers. And I will just say in closing, State legislators are beginning to go back to their capitals to try and understand how they're going to face these enormous deficits. I can't understand why we are burdening now States, by this vote, with extra responsibilities when they are all in crisis. The bill we have saves jobs, creates jobs, and provides benefits for people who need it and States who are in trouble.

Mr. COURTNEY. And quickly to conclude, I'm glad you mentioned teachers because as we now begin a great debate in our country about trying to reform America's schools, the one thing I think everybody agrees is getting young teachers who understand technology, who are enthusiastic, that young students can identify with a little better than some of the older teachers that are in the classrooms. We want them in the classrooms. But older teachers who are afraid that they're

going to lose their benefits if they retire are going to continue to work for their benefits. And this fund, this reinsurance fund is a way of trying to loosen the labor market and get new blood in occupations all across our economy.

Thank you, Mr. WELCH, for your great presentation.

Mr. WELCH. I thank the gentleman from Connecticut. And as I listen, it's a good news/bad news story. The good news is businesses, large businesses and small, that have fiduciary responsibility to their shareholders and to their employees have sharp pencils and figure out what makes the most sense for them, and they're signing up for this. So that's an indication that they've kicked the tires and come to the conclusion that this is good for business.

The bad news is, we apparently have done a pretty lousy job explaining this to the American people, and it has gotten obscured with the epithet of "ObamaCare." But when you peel away the specifics of this—and then you provided evidence that businesses that have to make a hard-nose decision, this ain't about doing a "good thing" or they want to do the right thing for their company, but they've decided this is the prudent fiscal thing. So I thank you.

I yield to the gentleman from Virginia, senior member of the Appropriations Committee and one of the Members who is always a voice of conviction and conscience in this institution, Mr. MORAN.

Mr. MORAN. I thank my very good friend from Vermont for yielding to me, and I thank my colleagues for participating in this discussion.

There are so many things that are hard to understand with regard to what occurred today. One is that the new Republican majority tells us that jobs is their first priority. This will generate about 4 million jobs around the country we're told—and we can identify where they occur. And so we won't create those jobs, particularly in the health care professions.

We are told that another high priority of course is to reduce the budget deficit. The nonpartisan Congressional Budget Office tells us that this will save more than \$1 trillion through an emphasis on preventive care, by getting people out of the most expensive emergency care and into doctors' offices, and much more efficient delivery of care. But nevertheless, we won't save that money, and we won't create those jobs.

One of the fascinating things is that I'm told by many of my friends on the Republican side that they actually agree to eliminating the insurance companies' ability to deny people due to preexisting conditions, it's just that they're opposed to the individual mandate because it's unconstitutional. The fact is you can't have one without the other.

Imagine how our car insurance system would work. You have to have car insurance, but there's no mandate. So just wait until you get into a crash, then go to the hospital, go to your insurance company, they're going to have to pay it up. I guess they think that's the way the health insurance system would work—wait until you get sick, wait until you have an accident, go to your insurance company, get your insurance coverage, they'll pay for it. Obviously they won't pay for it because every insurance company would go out of business. And so if you had preexisting conditions without an individual mandate, then it's the Federal Government that would have to provide health care to everyone when they got sick or when they had an accident because certainly no private insurance company would ever think of putting themselves in that position. So you can't have one without the other. It doesn't make sense.

But to my very good friend from Vermont who gave us the opportunity to share a few comments tonight after this historic vote, the thing that troubles me the most that I can't get my mind around is that before we took that vote to repeal health care reform every single Republican Member of this Congress voted to say I want my Federal employees health benefits plan, I want my insurance coverage, and then they went ahead and every single one of them voted against providing the same sort of coverage to their constituents. That's what the recommitment was. I don't know how many of them read it—they're always complaining, well, we didn't have a chance to read it. Well, it was as simple as could be: If you're going to vote against providing health insurance for your constituents, then don't take it for yourself because it's basically the same plan. But every single one of them, old and new Members alike, voted to give themselves that very plan that they then turned around and voted against making available to their constituents. So this may have been one of the most hypocritical days in the history of the United States Congress.

I don't know how they explain it. I don't know how I would explain it if I had to go back home: Sorry about that, I took care of myself in one vote—the very first vote of this brand new Congress—and then I voted to do just the opposite for you in the very next vote. Boy, we're off to a very interesting start.

I thank my friend for giving us the opportunity to share that with the American people.

Mr. WELCH. Well, I thank the gentleman from Virginia.

I yield now to the gentleman from New York (Mr. TONKO), who has been listening to his constituents in the Albany region and hearing from them about prescription drug pricing and

how it's too high. He has been bringing practical solutions to Congress to try to help make health care more affordable, the gentleman from New York.

Mr. TONKO. Thank you, Representative WELCH, for bringing to us the kind of focus that we need to have here on this floor. It is a pleasure to join with our colleagues from Virginia and Connecticut and Texas and Vermont, my neighbor to the immediate east. So thank you for your outstanding work in this capacity.

□ 2000

There's nothing more powerful than the faces that put a real life meaning into the work that we've done here.

Let me talk about a constituent, actually a family of constituents from Albany, New York. Ellena Young is a very young mom and has a 1-year-old son, Liev, and she's a three-time cancer survivor. There's a history of cancer in her family. And in the latter half of 2009, her husband, Bill, testified at our health care forum because his wife was having complications with her pregnancy and required bed rest.

Well, as you can imagine with preexisting conditions, she was in and out of insurance coverage and very often was struggling to find ways that they could get the family covered. Her preexisting condition complicated that severely.

The way she found health care coverage was as a Ph.D. student hooking herself and her family to the university plan.

They were thrilled about the news of the pregnancy. She was in remission. They had all of this hope going for them.

She then developed complications with her pregnancy—situations with malnutrition, severe iron deficiency, and, yes, even blood clots—all of which were life threatening.

Well, you talk about the pharmaceutical needs. She was given prescriptions for 10 different medications, all of which were very important. Representative WELCH, she had to choose five of the 10. She tried to pick the five most important, and even then it was an out-of-pocket expenditure of a thousand dollars a month so that she could stay well and stay alive during this pregnancy. And what made it very difficult, as she was working through all of this, was that because of the complications of this pregnancy, her doctors told her that she would need to undergo a C-section.

So now the family is faced with a decision: Do I quit at school where I was earning an income and keep my coverage, or what is my other choice? Because in order to have the surgery, which was going to save her pregnancy and her life, she had to take time off from school, so fell out of the ranks of the insured.

Now, let me just quote from Ellena. As she and her husband debated apply-

ing for more student loans or a new credit card, she had this to say: I needed a procedure to save both my life and the life of my baby, and I was choosing between interest rates.

Is that not a powerful statement?

And this is what this reform is all about and why it is so aggravating to see the repeal voted on here in this Chamber today, because the hope that was brought by our bill applied to a case like that of the Young family is a very, very powerful statement.

The Affordable Care Act bans both annual and lifetime expenditure caps. And that health coverage that is limited annually or lifetime is very disrupting and can deny, when you most need health care, it can deny the coverage.

And so with all of this outcome, here's a real-life example where this family, with their 1-year-old child, had to struggle to find the insurance coverage.

But why are we putting people through this sort of difficulty?

And this is not unusual. It's a powerful story. But there are countless episodes, anecdotes that are brought to everyone's attention on this floor. And we're here to be leaders that provide hope and opportunity for the people that we represent. And then to repeal progress just as it begins to reach the very households that we have addressed across this land is a very sad statement. And we have to continue to work to make certain that the beneficiaries, the millions of people who prospered from this sort of activity, are not let down.

I think this is a very important time in our Nation's history for us to use our resources wisely, to respond to the constituents with compassion, and to understand that these real-life stories are exactly that—real and profound and deep and meaningful. And they ought to help us decipher what the best policies are.

And I really thank Ellena and Bill and Liev for the opportunity to share their story. It's a painful story, and they're very generous to allow us to share it here on this floor.

And I thank you again for bringing us together.

The preexisting conditions, the annual and lifetime caps, the filling the doughnut hole for our Nation's seniors so that they can, you know, move forward and live comfortably and maybe even save their lives with the appropriate medication and affordability and accessibility, these are all of the dynamics for which we have fought. And it's a shame that they're being taken away or attempted to be taken away at a time when they're just beginning to have their presence felt.

I thank you for bringing us together tonight.

Mr. WELCH. I thank the gentleman, and I thank my colleagues for joining us for this hour tonight.

ACCEPTABLE BIGOTRY: PREJUDICE AGAINST THE CHILD IN THE WOMB

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of New Jersey. Mr. Speaker, it is my distinct privilege to yield to MARTHA ROBY, a new Member who was just elected. And she's an outstanding pro-life woman, a Member of Congress. And we're just so pleased to have her in the caucus.

Mrs. ROBY. Mr. Speaker, 2 weeks ago I took part in a reading of the U.S. Constitution in this Chamber. It was a fitting tribute to the great social contract between the American people and our government.

The Constitution is an exceptional document, and we have all taken an oath to defend it, and defend it we must. Too often, our Constitution is under attack by the liberal activist movement that seeks to achieve through the courts that which they cannot achieve at the ballot box.

On the front line are the unelected judges that disregard the words and meaning of the Constitution in favor of their own political and social views. They decide cases not on the law and the facts but on the outcome that they alone believe to be the best policy. *Roe v. Wade* is an example of this sort of judicial activism at its worst. Together with other cases, the *Roe* court created a fundamental right to abortion even though a simple reading of the Constitution reveals no such right. As a result, unimaginable harm has occurred.

In the short time that I have talked tonight, another baby has been aborted. That equals one abortion every 2 minutes, 3,300 abortions a day, or 1.2 million abortions a year.

Mr. Speaker, I am unapologetically pro-life. I believe that the miracle of human life begins at conception. I believe that we are fearfully and wonderfully made, "knit together" by God in our mother's womb. I believe that every American is entitled to basic human rights. And I believe that I have an obligation to do everything I can to fight for the unborn, to prevent taxpayer money from funding abortions, and to protect our democratic system from the encroachment of an all-powerful judiciary.

Let us use this 38th anniversary of *Roe v. Wade* as an occasion to reaffirm our beliefs and redirect ourselves to that cause.

Mr. SMITH of New Jersey. I do thank the gentlelady for her very powerful and eloquent statement in defense of the innocent unborn child.

Mr. Speaker, earlier today, an abortionist in Philadelphia, Dr. Kermit Gosnell, was arrested and charged in the death of a mother and seven babies

who were born alive but then killed by severing their spinal cords with a pair of scissors.

□ 2010

According to the CBS TV affiliate in Philadelphia, the district attorney said that in 1 year alone, Dr. Gosnell made approximately \$1.8 million performing abortions.

The abortion industry, Mr. Speaker, is a multibillion dollar business. Planned Parenthood boasts that in 2008 alone, their abortionists killed over 324,000 babies, while raking in approximately \$1 billion in fees and local, State, and Federal Government subsidies. The ugly truth is that abortionists often get filthy rich not by healing or nurturing or curing, but by dismembering and decapitating the fragile bodies of unborn children, by starving the child in the womb with lethal agents like RU486 or by other means of chemical poisoning. The ugly truth is that women are victimized by abortion, wounded and hurt physically, psychologically, and emotionally. Women deserve better than abortion.

The only thing the multibillion dollar abortion industry has produced in America and worldwide is victims, wounded women and over 52 million dead babies in the United States alone since 1973, more than six times the entire population of my home State of New Jersey. The multibillion dollar abortion industry systematically dehumanizes the weakest and most vulnerable among us with catchy slogans, slick advertising, clever marketing, and very aggressive lobbying, particularly here.

They have made the unacceptable—to be prejudiced and bigoted against a child in the womb—acceptable to some. This acceptable bigotry has been promoted for decades, despite breathtaking advances in fetal medicine, including microsurgery, underscoring the fact that an unborn child is a patient in need of care, diagnosis and care, just like anyone else, and despite the amazing window to the womb, ultrasound imaging.

In 1976, Dr. Willard Cates and David Grimes, then with the Centers for Disease Control in Atlanta, presented a paper to a Planned Parenthood meeting entitled, and I quote this directly, "Abortion as a Treatment for Unintended Pregnancy: The Number Two Sexually Transmitted Disease." These two abortion doctors reduced the child in the womb to a disease, to a parasite, to something that had to be vanquished. As far as I know, no one at Planned Parenthood objected to this dehumanizing language and obvious bigotry towards children.

Mr. Speaker, the evidence of significant harm to women who abort increases each and every year. Abortion hurts women's health and puts future children subsequently born to women

who abort at significant risk. At least 102 studies show significant psychological harm, major depression, and elevated suicide risk in women who abort. The Times of London reported that senior psychiatrists "say that new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems." They found that "women who have had abortions have twice the level of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant."

In 2006, a comprehensive New Zealand study found that almost 80 percent of the 15- to 18-year-olds who had abortions displayed symptoms of major depression as compared to 31 percent of their peers. The study also found that 27 percent of the 21- to 25-year-olds who had abortions had suicidal idealizations compared to 8 percent of those who did not have an abortion.

Abortion isn't safe for subsequent children born to women who have had an abortion. And this fact is so underappreciated in the United States, and really around the world. At least 113 studies show a significant association between abortion and subsequent premature births. One study by researchers Shah and Zoe showed a 36 percent increased risk for preterm births after one abortion, and a staggering 93 percent increased risk after two. Same goes for low birth weight, similar percentages.

So what does this mean for the children? Preterm birth is the leading cause of infant mortality in the industrialized world after congenital anomalies. Preterm infants have a greater risk of suffering chronic lung disease, sensory deficits, cerebral palsy, cognitive impairments, and behavioral problems. Low birth weight is similarly associated with neonatal mortality and morbidity. Abortion causes great harm to children, to mothers.

Dr. Alveda King, niece of the late Dr. Martin Luther King, who we honored just this past Monday, has joined the growing coalition of women who deeply regret their abortions, and are, as they call themselves, Silent No More. Out of deep personal pain and compassion for others, Dr. King, who has had two abortions herself, and the other women of Silent No More challenge us to respect, protect, and tangibly love both the mother and the child. The women of Silent No More give post-abortive women a safe place to grieve and a road map to reconciliation.

This week, with the full and unequivocal support of Speaker BOEHNER and Majority Leader CANTOR, more than 125 Members and I will introduce the No Taxpayer Funding for Abortion Act, a government-wide prohibition on taxpayer subsidization for abortion and conscience protections with durable remedies.

Abortion is not health care. We know that. And polls show that taxpayers strongly oppose publicly funded abortion, 67 percent, according to a recent university poll. Our new bill is designed to permanently end any U.S. Government financial support for abortion, whether it be direct funding, or by tax credits, or by any other subsidy.

Regarding conscience rights, last year Cathy DeCarlo, a nurse at Mount Sinai Hospital in New York, was compelled, despite her strong moral and religious objections, to assist in a grisly D&E abortion, which has been described by the U.S. Supreme Court as a procedure where the doctors use forceps to literally tear apart the unborn child. The child often feels pain. It's done later in pregnancy. D&E is a gruesome act of child abuse.

Ms. DeCarlo sued, asserting her right to conscience had been violated under existing Federal law, namely, the Church amendment. Her case was dismissed, however, due to the lack of prescribed remedies. The No Taxpayer Funding for Abortion Act protects conscience rights of individuals and institutions, entities as we call them, by empowering the courts with the authority to prevent and redress actual or threatened violations of conscience.

Mr. Speaker, it is my honor to yield to my good friend and colleague DOUG LAMBORN, who has been a great defender of life.

Mr. LAMBORN. Mr. Speaker, I appreciate the leadership of my friend and colleague, Representative CHRIS SMITH of New Jersey. He is such a leader in this vital area of life. All who are pro-life in Congress look up to him.

Mr. Speaker, my heart breaks when I think about the children who are now a part of a missing generation, a generation whose contributions to society we will never fully know, a generation whose lives could have inspired their families, Nation, and world had they been allowed to live. Our society now discriminates against these tiny human beings, who should receive the same protections as other persons.

Not only does abortion strip the world of human lives; it also dramatically affects the lives of mothers, leaving them to deal with the emotional aftermath of this brutal procedure. I commend the work of pregnancy care centers across the country that provide needed services to both mothers and their children.

Today I mourn the over 50 million American lives cut short by abortion since *Roe v. Wade* and pray that God continues to heal those touched by this tragic practice. I will remain steadfast in the fight for the rights and dignity of the unborn. Every human deserves the opportunity to live, and I will always fight to guard the rights of the unborn. I am dedicated to protecting the sanctity of human life, from the unborn to the elderly.

Like a majority in the House today, I made good on a campaign promise and voted to repeal the job-destroying health care law known as ObamaCare. There were many reasons for my vote to repeal, but one of my main reasons was that the bill did not adequately protect life. You will recall President Obama signed a well-intended, but ineffective, executive order stating that no Federal tax dollars could be used for abortions under ObamaCare. We need that commitment written into law. That is what I will fight for.

Tomorrow, the House will vote on a resolution directing the appropriate House committees to start working on legislation to replace ObamaCare with patient-centered commonsense reforms.

□ 2020

Like many Americans, I want to see health care reform that, among other things, includes statutory language prohibiting taxpayer funding of abortions and provides conscience protections for health care providers. During my time in Congress, I have sponsored, cosponsored, or supported many bills related to protecting the unborn, the family and traditional values.

One such bill I supported last Congress was H.R. 227, the Sanctity of Human Life Act, which declares that the right to life guaranteed by the Constitution is vested in each human being and that life begins at conception. I became an original cosponsor of similar legislation, H.R. 212, which was just introduced.

Additionally, I am a member of the Values Action Team and the Pro-Life Caucus. Through these groups I work with my pro-life colleagues in Congress to advance legislation and initiatives that support life and family.

One day in the future, and I don't know soon or how long it may take, I believe with all my heart that this country will have a renewal of respect for life, including for the unborn.

Mr. SMITH of New Jersey. I yield now to the gentlewoman from Ohio, JEAN SCHMIDT. I don't think there has been a single battle on the life issue that she has not been speaking out in front, speaking in defense of the unborn and their mothers.

Mrs. SCHMIDT. Thank you so much for those kind words from my friend from New Jersey.

You know, Mr. Speaker, when we talk about abortion, we think of this as a 40-year-old movement. We think about 1973 and *Roe v. Wade*, and that that was the catalyst to move this movement forward. We think about people like Barbara and Jack Wilke from Cincinnati, Ohio, pioneers and leaders who actually coined the phrase, right to life.

Mr. Speaker, we forget that this is not a 21st century issue. This is a centuries-old issue.

You know, it was actually the suffragists, those women over 150 years ago, who talked about women's rights, the right to vote, the right to own property, the right to speak, the right to run for public office, who also talked about the right to life.

To these women, the very concept of feminism demanded that the basic human rights be extended to everyone without exception, including the unborn. And feminism meant rejecting the use of force to control or destroy one another, particularly among the most vulnerable and defenseless of the population.

So to suffragists, the act of abortion was much more than harm imposed upon a woman and her child. It was a frontal assault on womanhood and feminism, and an insult to the philosophical underpinnings of their cause.

And how do we know this? Well you know, Mr. Speaker, all we have to do is look at their writings. All we have to do is look at people like Elizabeth Cady Stanton and Susan B. Anthony and "The Revolution." They both wrote extensively about abortion, calling it infanticide and child murder.

Susan B. Anthony also wrote, "Guilty? Yes. No matter the motive, love of ease, or a desire to save from suffering from the unborn innocent, the woman is awfully guilty who commits abortion. It will burden her conscience in life; it will burden her soul in death."

Victoria Woodhull, the first female candidate for President, stated similarly that "Every woman knows that if she were free, she would never bear an unwished for child, nor think of murdering one before its birth."

Sarah Norton, who first challenged Cornell University to admit women, also pondered whether there would ever come a time when "the right of the unborn to be born will not be denied or interfered with."

And Alice Paul. We all remember Alice Paul, the author of the Equal Rights Amendment. Mr. Speaker, it may surprise you. She stated abortion is the ultimate exploitation of women.

You know, I could talk all night about this, but we have women's history month in March, and I hope that I can be invited back again to speak more on the history of women and the human rights pro-life movement, because it's not just about human rights for one individual, it's about human rights for all individuals, the unborn, the born, and the elderly.

So I thank my colleague from New Jersey for hosting this forum tonight. I really appreciate his leadership in the pro-life movement, and we are going to continue to forge ahead until everyone in America has the right to life.

Mr. SMITH of New Jersey. I thank my friend for her statement and for her leadership.

I yield to TIM HUELSKAMP, who took the baton from JERRY MORAN, who has

gone on to the Senate, and thank him for joining us tonight and look forward to his comments.

Mr. HUELSKAMP. Thank you, Congressman. I would like to recognize the longtime efforts of Congressman CHRIS SMITH in defending life. I have watched from afar for many years, and it's a real treasure for the opportunity to speak here tonight and join his efforts and, in my opinion, and in the opinion of many other Americans, one of the greatest, greatest tragedies in the history of our Nation has been the direct death and the direct murder of more than 50 million Americans since 1973. Far too often, too many women, too many families turn to abortion as the only option when they discover they are unexpectedly pregnant.

Situations exist that make the thought of being responsible, perhaps for another life, overwhelming to say the least.

But abortion is not the only option available to these women and to their families. My wife and I have had the joy and privilege of adopting four children, and two of those children are from the country of Haiti and two of the others were already Americans. Incidentally, my oldest, when she was young, she didn't believe that babies arrived via stork, they arrived on airplanes, because our second two children were picked up at the airport.

But that reminds me of another story, a 5-year-old. She said, "Daddy, can't we tell them to do adoption, not abortion?" Yes, we can, and that's the message I would like to make sure we share tonight because supporting adoption is often the neglected, the unreported side of the pro-life coin.

If we are going to encourage women and families not to abort their babies we need to offer alternatives. And all across this country, there are thousands and thousands, perhaps tens of thousands of men and women that are adopting children, that are offering their services, particularly through local crisis pregnancy centers, and offering opportunities for the children and for women and for their families.

And I know, literally, there are millions of Americans today that are waiting for a child, that are awaiting a child, and I would even more strongly encourage other Americans to consider adoption.

Let me speak directly to those that might be considering abortion: There are alternatives. There are opportunities. There are caring Americans that would love, would love to participate in adoption and would love to provide assistance.

I am also a proud cosponsor of No Taxpayer Funding for Abortion. The leading abortion provider in the country, and these, Mr. Speaker, are really stark statistics, in the last year available, Planned Parenthood of America, in 2008, they performed, they com-

mitted, they slaughtered more than 324,000 little girls and little boys across this country, 324,008 abortions. They only participated in 2,405 adoptions; 324,000 abortions, less than 2,500 adoptions. There are other opportunities, there are other options. Adoption is the option.

I would ask that we consider to defund an industry that is not concerned with the women, not concerned with the families.

But let's turn our attention towards those across America that have given their hearts and homes and opened them up to our youngest members of society.

Mr. SMITH of New Jersey. Thank you so much for your statement and for your emphasis on adoption, an alternative that is often forgotten, and it provides such a meaningful way for building a family. Thank you for that.

I yield to MARLIN STUTZMAN, the distinguished gentleman from Indiana.

Mr. STUTZMAN. Thank you and thank you to my colleagues for bringing this very, very important issue to the House floor this evening. I appreciated all the other comments that have already been made.

Having the opportunity to serve as the chairman in public policy back in Indiana, I do remember the time when my wife and I were expecting our second born. When we were dealing with pro-life legislation in Indiana, and having the opportunity to go home and to see the ultrasounds of our second-born son was quite the experience.

□ 2030

And I know that with the anniversary of Roe v. Wade coming up, this is an issue that is on a lot of hearts and minds of Americans across the country. So today I rise as we remember the 38th anniversary of Roe v. Wade, but more importantly the millions of innocent lives taken since 1973. In 2008 alone, there were over 1.2 million abortions; that is 3,315 innocent unborn children per day, 138 per hour and about two every minute.

While I have no doubt that future generations will place Roe v. Wade alongside the terrible Dred Scott decision, I know that there is much unfinished work before us. All of that work begins with a single inquiry. Mr. Speaker, a simple question forms the cornerstone of a national debate: When does human life begin? Without that answer, we are left with empty rhetoric and euphemisms. So I ask: When does human life begin? This question is not a lofty philosophical endeavor. Science has already given us the answer. Advances in molecular biology underscore the undeniable fact that life is present from the moment of fertilization. That life is fully human and infinitely valuable. Those who willfully ignore reality ought to remember the admonition of our second President, John Adams, that facts are stubborn things.

Because a unique human life begins at the moment of fertilization, it is our solemn duty to defend the unborn, to speak up for the weak, to continue with firmness in the right. I proudly support H.R. 212, the Sanctity of Human Life Act, which defines human life accordingly and affirms that each State has the authority to protect the lives of all human beings. We take up this charge because we are still dedicated to the proposition that all men are created equal. All possess the inalienable right to life.

Mr. SMITH of New Jersey. I thank you for your very fine statement and very strong commitment to the sanctity of human life.

I would like to now yield to ANN MARIE BUEKLE who is both a nurse, but also got her law degree. So she brings both the law and the medicine side to this equation. So I yield to her.

Ms. BUEKLE. Thank you to the gentleman from New Jersey for yielding us time and for his unwavering support of life.

Mr. Speaker, this coming Saturday marks the 38th anniversary of Roe v. Wade, a decision that fundamentally altered the moral landscape of America. For much of those 38 years, I have been very involved in the pro-life movement, both as an advocate for the unborn and a counselor of troubled women and teens, the unspoken second victims of abortion. As we reflect upon the sobering anniversary and the tremendous loss of life that it represents, I see reasons for hope. Attitudes are changing, and more and more young people are rejecting abortion as a choice for their lives.

Technology has opened remarkable windows to the womb. So much of the early pro-life movement emerged from a frustration of the time. No one seemed to be listening, and we tried to get people to care. Now technology, such as the 4D ultrasound imaging, has aided us in our quest to preserve life, showing women that their unborn is not a clump of cells, but a child that they can see rubbing her eyes or sucking his thumb.

As we continue to fight for the unborn, we must not cede the ground we have won. The Patient Protection and Affordable Care Act circumvents the Hyde amendment by allowing government subsidies in Medicaid, Federal Employee Health Benefits Programs and international aid to be used to cover abortions. For over 30 years, the Democrats and Republicans have worked together each year to ensure that taxpayer dollars do not subsidize abortion. The Affordable Care Act represents a departure from that compact. Specifically, this law will allow \$11 billion in taxpayer funds to be used for abortions at community health centers.

In addition to the Federal subsidizing of abortions through the Affordable

Care Act, I join other pro-life Members of this Congress in expressing my concerns about the use of Skype technology to perform telemed abortions. Planned Parenthood of Iowa is dispensing the abortion-causing drug RU-486 through a teleconferencing system, resulting in more than 1,900 abortions.

Our Forefathers understood that “all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.” Among these, the most fundamental right is the right to life.

Mr. SMITH of New Jersey. I thank the gentlelady for her statement and for her leadership. This class, and I think the American public would really appreciate this, of 87 Members elected on this side of the aisle, they are overwhelmingly pro-life, and more pro-life women than ever now sit as Members of Congress. It is really very encouraging.

I would like to yield to my good friend and colleague from Illinois, BOB SCHILLING.

Mr. SCHILLING. Thank you, Representative SMITH, for the opportunity to speak during this Special Order subject of life. Today I stand to speak for those who can't speak for themselves. As a father of 10, life is a big issue at my house. After the Presidential election, my daughter, Rachel, came to me and my wife and looked at me with tears in her eyes and said, hey, Daddy, who is going to protect the unborn children? That was a big part of why I chose to run for Congress, along with all the other things.

Today, I was proud to become an original cosponsor of the No Taxpayer Funds for Abortion Act. When we look at the taxpayer funds that are going to be available for abortion, even some of my pro-choice friends disagree with taxpayer funding of abortion.

This bill is very important. It makes permanent the Hyde amendment, the Helms amendment and the Dornan amendment. One of the things one of my colleagues spoke about a little bit, TIM, earlier was speaking about looking at adoption as an alternative to abortion.

A story that sticks in my mind today is I went to a crisis pregnancy center in Boling, Illinois, and these are folks who encounter crisis pregnancies. And the lady was telling me the story of a young lady who was going in for an abortion. She thought she would come in and get a little more information. They did a sonogram, and the baby was laying still. It was down towards the end of the sonogram, and all of a sudden that baby just came to life and put on a show for mom. That brought a tear to my eye when I heard that story.

When you look at life, without life, we have nothing. A big reason that I am pro-life is that when we look at all of the doctors, all of the people who

could invent something for this great Nation, I remember growing up in 1973 when this became legal, it was considered a blob of tissue. Today we pull them out by their feet first to save the life of the mother when the mother's life is in danger. And I just can't even imagine what transpires there, and sometimes don't want to.

But I believe that as Americans, we need to defend life to its fullest. I believe life begins at conception and it ends at our natural death. I have talked to people who have had an abortion. The hurt goes on with women who have had abortions. I think we need to focus in on educating folks and giving them that alternative. And maybe every Planned Parenthood out there should have to do sonograms maybe even in a 3D series.

I really do appreciate an issue that is near and dear to my heart, and I really do thank the Congressman here for putting this event together and look forward to serving in the House of Representatives with him.

Mr. SMITH of New Jersey. Mr. SCHILLING, thank you very much for your great statement. And your comments about your child saying, who will defend the baby? I remember a woman by the name of Jean Garton who was with Lutherans for Life. She was preparing a slide show of actual abortions, which are hideous to behold, but it is a reality that has to be understood to know what abortion really is. And her young child walked in and said, Mommy, who broke the baby? looking up at the shattered bodies of unborn children. So from the mouths of children, truth is spoken.

I would like to welcome back to the House, as we all do, STEVE PEARCE, a Member from New Mexico. We are just so glad to have you back.

□ 2040

Mr. PEARCE. I thank the gentleman from New Jersey, and I appreciate his constant leadership on this issue of life.

Our Founding Fathers told us that life, liberty and the pursuit of happiness were treasured values in this country. I think that it was no accident that they placed life at the beginning of that order.

It is easy to believe that any society is judged for its quality based on its willingness to be a voice for those who are the most fragile, those who have the least standing in that society. And in this society and in all societies, none are with a quieter, less obvious voice than the unborn. So our willingness to stand up and support them is a reflection on the quality of this culture, and we need to do more.

Today, in Santa Fe and elsewhere around the country, pro-life citizens join in a March for Life. While my schedule for votes here today prevented me from being there, I am happy to as-

sociate my voice with them tonight and in the months to come. Since *Roe v. Wade* was decided, over 50 million lives have been terminated through abortion.

Great strides have been made legislatively. It is now wrong to take a minor across a State line. The partial-birth abortion process has been banned. Some States have passed a law requiring a 24-hour waiting period, but much is left to be accomplished.

Ultimately, the questions comes up: When does life begin? The Supreme Court Justices who decided the case actually expressed that concern themselves about when life began, but that was a discussion of decades ago. Science today leaves no doubt. The DNA is established on day one and never changes through the baby's life. The sonogram is evolving our Nation's view on abortion as we speak.

For many who have been educated in our universities, they believe life begins at birth. But the young, who are looking at the sonograms and seeing that heartbeat within the first few days, recognize that they can no longer believe that this is some mass of tissue with inconsequential matters at risk.

And so this Nation is beginning to become more pro-life day by day, and that is a blessing, because in the end, every society will be judged by its willingness to speak for those with no voice.

Again, I thank the gentleman from New Jersey. I am proud to add my voice to those who speak for the most fragile—the unborn. May God bless this country, and may God bless the mothers of this country.

Thank you.

Mr. SMITH of New Jersey. Mr. PEARCE, thank you.

One of the things that we have in Congress is a large number of medical doctors, OB-GYNs and others who are overwhelmingly pro-life. Dr. ROE from Tennessee is among us.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, as an obstetrician-gynecologist, I have delivered close to 5,000 babies and strongly support the sanctity of life. Using technology like the 3-D ultrasound has given us windows to the womb that show the unborn child as living, breathing, a feeling human being. I have looked through that window with my own eyes numerous times, and I have seen human development occur from the earliest stages of the tiniest embryo all of the way through birth, which strengthens my conviction in the right to life.

Life is a precious miracle from God which begins at conception. It is our responsibility and privilege as legislators to protect those who do not have a voice. I will always fight for the right to life because it is my conviction that we are all unique creations of a God who knows us and loves us before we are even conceived.

Tonight we mark one of the most tragic, misguided Supreme Court cases in our Nation's history, *Roe v. Wade*. Since 1973, more than 50 million babies have been denied the right to life. We must make our laws consistent with our science and restore fully legal protections to all of those who are waiting to be born. If government has any legitimate function at all, it is to protect the most innocent among us.

For over 30 years, Congress has prevented taxpayer-funded abortions. Unfortunately, this door has been reopened with the passage of *ObamaCare*, the largest expansion since the pivotal *Roe v. Wade* decision. In response, House Republicans in the Pledge to America vowed to repeal and replace this legislation. I look forward to working with my new colleagues to ensure this promise is kept. It is only by making good on this oath that we can expect to restore the trust that the American people have in their own government and, in doing so, ensure that the door to taxpayer-funded abortions remains closed.

I want to congratulate the Hope Center in Greenville, Tennessee, which is sponsored by the First Free Will Baptist Ministries who support life. These people do a wonderful job in ministering young mothers who may be single or married to preserve life.

I am glad to be here on the House floor tonight with my friend and other legislators fighting for the rights of the unborn. And I want to thank the gentleman from New Jersey who literally is one of the leaders and heroes in the pro-life movement. I can't say enough about Congressman SMITH and what he has done to promote this right to life across the country.

As I was walking over here toward the House floor tonight, I had some thoughts about children I have delivered. I have seen those children grow up in my hometown, Johnson City, Tennessee. The beauty of it is that you get to coach these young kids in Little League ball and you get to watch them grow up and come to your home and graduate. The people I have seen have been young doctors and nurses and teachers and college athletes and newspaper writers and news directors. All of these young people I have delivered and seen grow up, and the world would not be a better place if they were not here. The world would be a much worse place. Think about how many thousands and tens of thousands and millions of the same people I just delivered that I watched grow up in my community that are not here today because of this terrible law.

I do want to mention one thing medically that was brought up a moment ago about a third trimester abortion to save a mother's life. Let me make this as clear as any doctor can make anything: There is no medical indication whatsoever for a third trimester abor-

tion, period. Let me say that one more time, and I will debate this anywhere with any doctor in the world: There is no medical indication on this Earth for a third trimester abortion.

I thank the gentleman. I am encouraged about the degree that the American people are changing their minds, and I think if we keep working and talking and explaining and changing hearts, we will change this terrible law.

Mr. SMITH of New Jersey. I thank the gentleman for his leadership and the expertise of being an OB-GYN who has been there and knows better than almost all of us how sacred and fragile the life is of an unborn child, as well as his or her mother.

I would like to yield to JIM LANKFORD from Oklahoma and thank him for being here this evening.

Mr. LANKFORD. I thank my colleague from New Jersey for hosting this time in the House Chamber.

Mr. Speaker, I rise in support of one of the most basic functions of any government. Three thousand years ago, a mom taught her son, the king, how to be a wise ruler. We have her words written down in Proverbs 31, where she told him, "Speak for those who cannot speak for themselves."

Two hundred thirty-five years ago, our founders wrote a despot king, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

This truth that all people have the right to life is so obvious, so clear that they called it "self-evident." But in America, millions of people cannot pursue happiness and they cannot appreciate liberty because their first God-given right was denied—life.

In recent days, discussion from the left has turned to reducing the numbers of abortions. I applaud this line of thinking because it admits one thing—abortion is wrong. It destroys a life and it devastates a future of a mom.

I ask: Why should abortion be reduced if it is just another medical procedure to remove some unwanted tissue from a woman? If it is just tissue, what does it matter? No one is saying that we need to reduce the number of skin moles being removed or reduce the number of warts that are removed, that that is unconscionable. Why? Because we know that a wart is unwanted tissue. But a fetus, that is a baby.

We can use any euphemism, like "fetus" or "dividing tissue" or "embryo," or just simply "inconvenience," but no one comes to the family and says: How is the embryo? No one says to a pregnant woman or hears a pregnant woman say: Excuse me, I just felt the fetus kick. No one comes to a baby shower and says: Here is a gift for your inconvenience.

Say what you want, split hairs all you want, we know that is a baby.

Decades ago, we could not look into the womb and see the development of the child. People were told the child in the womb was just like a chicken embryo. But now, with 3-D ultrasound, we can look into the darkness of the womb and see a child kicking her feet, sucking her thumb. We can count her fingers and toes and watch their tiny heartbeat.

□ 2050

At 20 weeks, we can look at the child inside and even say boy or girl. Why? Because it's a child, not just an embryo. The difference between an adult and a child in the womb is just time. They are a person who must be given their most basic of all human rights—life.

I strongly support defining life at conception. I strongly support adoptions. I strongly support crisis pregnancy centers and Hope Pregnancy Centers, which are doing such a great job all around the country and all around my district in Oklahoma. It is time to cut off Federal funding for abortion.

Why is it in America that taxpayers who are mortified at the thought of abortion are required to also give their tax money to fund abortions around the world?

When a constituent comes to me and asks, Why are my taxes so high? I have to tell him, Partially because your government is spending some of your hard-earned money on abortion funding around the globe.

Why is it in this Chamber today we can debate for hours if an infant should be guaranteed health care coverage, but yet some of the same individuals who demand insurance protection for that child would find no issue in killing that infant only moments earlier when it was in the womb?

Earlier today, a clinic in Philadelphia was raided, where a physician was arrested for fully delivering infants 6, 7, 8 months into the pregnancy and for stabbing with scissors those children after they had been delivered—today.

This is the United States of America. This issue is not about oppressing women or denying choice. It is about protecting children and honoring the self-evident truth that everyone is endowed by their Creator with certain inalienable rights, including and especially life.

Almost four decades ago, individuals in this Chamber laid the foundation for a court ruling that has stripped the womb of its glory and its majesty. For decades since, legislators in this Chamber have protected bald eagle eggs, migrating insects, snail darters, and rare flowers, but we refuse to protect children.

May God have mercy on our Nation, and may we awaken one day to the horror of what abortion policies have done

to our Nation. We would rather protect our fundraising, our leadership and our convenience than protect the unborn child. This is not a difficult choice. It is a clear choice—and we should choose life.

Mr. SMITH of New Jersey. Thank you, Mr. LANKFORD, for your very powerful statement.

I would like to now yield to my good friend and colleague from Georgia, a medical doctor as well, Dr. PAUL BROWN.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I believe the greatest moral issue we face as a Nation is the killing of 4,000 unborn children every single day through abortion. Mr. Speaker, God cannot continue to bless America while we are killing these children. They're children. They're babies. They're human beings.

When I came to Congress in 2007, the very first bill I introduced was my Sanctity of Human Life Act. I am a medical doctor. I know without any question that life begins when the spermatozoa, the sperm cell, enters the cell wall of the oocyte, the egg, and produces a one-celled human being called a zygote. That zygote is totally different from its mom. It has every function, every bit of genetic makeup to be a grown human being if we just nurture it and allow it to grow and allow it to live.

I have been involved with a crisis pregnancy center in Athens, Georgia. Not long ago, we had a young lady who was considering abortion. She came there, and she had an ultrasound. She was about 10 or 12 weeks along. I don't recall exactly, but it was early on in her pregnancy. She had just found out a few weeks before that she had missed her period, so she came for a pregnancy test.

When she saw that ultrasound, her exclamation was, "That's a baby."

That's what we see over and over again with these expectant moms when they see those ultrasounds. That's the reason she understood it was a baby. It is a baby. It is a human being. There is no greater freedom, no greater liberty, than to live. There is no greater protection that we as a government can give to protect human beings all the way from the time of fertilization until they have natural deaths.

You see, Mr. Speaker, God creates those children. We do not have the moral authority to take their lives. We've got to protect their lives. In a free society, where liberty is held in the highest esteem by every individual in this country—whether Republican or Democrat, liberal or conservative—the right to life is a fundamental form of liberty. We have to protect life. That is the reason the first bill I introduce in every single Congress will continue to be my Sanctity of Human Life Act.

My friend and fellow Member from California, DUNCAN HUNTER, Junior,

has reintroduced his dad's bill, Duncan Hunter, Senior. Their bill is called Life at Conception Act. I am a cosponsor of their bill, as Duncan Hunter, I, and now DUNCAN HUNTER, II, are of my bill. We have to stop this travesty, this awful, horrendous attack, moral attack, upon our basic rights as human beings—and that is the right to life.

Mr. Speaker, if we cannot protect life, then we cannot protect any liberty. We cannot protect any freedom that our Founding Fathers created the Constitution to protect—those God-given rights.

We have had many of our colleagues tonight speak from the preamble that Thomas Jefferson penned in 1776, the preamble of the Declaration of Independence. Thomas Jefferson is considered one of the least religious of our Founding Fathers, but he believed in life. That's the reason he penned it there. He believed in God. We're not taught that in school anymore, but that's factual.

You see, even if you don't believe in God, from a scientific perspective, there is only one place in a person's life where you can draw the line between no life being there and life and human being and personhood being established, and that's at the time of fertilization.

Roe vs. Wade, in the decision, was predicated on there being no legislative definition of the beginning of life. That's the reason it is absolutely critical that we define life as beginning at fertilization—to protect those one-celled human beings.

It is absolutely critical that every person in this country who loves liberty and who wants to protect life contacts their Congressmen, contacts their Senators and says, We have to protect life. We have to protect all our God-given freedoms, particularly life. "Contact your Senators," is what I tell my constituents.

What I tell people all over this country is "Contact your Senator. Contact your Congressman." Tell him to support the Sanctity of Human Life Act, my bill, or DUNCAN HUNTER's bill, the Life at Conception Act. Join in this fight because there is no greater moral issue that this country faces. If we want God's blessings upon America, we have to protect these most vulnerable of human beings—the unborn children.

In Proverbs, God says, Speak up for the speechless in the cause of those appointed to die. That's what we are here tonight to do is to speak up for those speechless, those appointed to die by abortion.

We have got to end abortion. We don't need a constitutional amendment. We need a legislative definition: the beginning of life to occur at fertilization. Once we have that placed into law, we will stop this blight upon our society, this dark era in the history of this Nation that began in 1973

with this awful decision of the Supreme Court called Roe vs. Wade. We have to protect life. We have to protect liberty. We have to protect every single human being's God-given rights.

Protecting life is important—from fertilization all the way to natural death—and I promise that I will continue with every bit of my being, and many other of our colleagues, Republicans and Democrats alike, will continue to fight for life.

So, Mr. Speaker, if we want God's blessings upon America to continue, we have to end this blight upon America.

□ 2100

We have to define life beginning at fertilization and protect life for these unborn children.

Thank you, Mr. SMITH. And I want to personally thank you for your tireless fight in this issue because you've been a stalwart here in this House for many, many years, and I greatly personally appreciate the great work you've done for years and years in protecting life. So thank you and God bless you. And we have to get the killing of these unborn children stopped so God can continue to bless America.

Thank you, Mr. SMITH.

Mr. SMITH of New Jersey. Dr. BROWN, thank you for your eloquence and your kind remarks, and I want to thank you for your leadership. Again, as a medical doctor, I think you and Dr. ROE and the other docs bring such credibility.

I hope Americans are listening. I hope my friends on the other side of the aisle who take the other side of this issue will begin listening. There needs to be a reevaluation. America needs to take a second look, a long and sustained look at the surface appeal arguments of the abortion rights side.

Abortion is violence against children. It dismembers a child; it decapitates a child; it chemically poisons a child. One of our earlier speakers talked about RU486 and how tailor-made abortions are being promoted by Planned Parenthood. RU486 actually operates in two ways. The first chemical starves the baby to death so the child in utero, the child in the womb simply cannot get nourishment to continue living. The second chemical brings about the expulsion of that baby—who is usually dead, but not always. If that isn't child abuse, if the other methods of abortion are not child abuse, I don't know what is.

This idea that life begins at birth belongs in another era, especially with ultrasound technologies available, as several of my colleagues have said, the "window to the womb." As a matter of fact, it should be noted that even the leading pro-abortion activists in the 1960s and early 1970s, Dr. Bernard Nathanson from New York, one of the three cofounders of NARAL, which is one of the leading pro-abortion groups

in the country, Dr. Nathanson said he presided over 60,000 deaths to children as he ran the largest abortion clinic in New York City. He went on to become a pro-lifer. And what caused that huge change of heart both in his mind and in his heart? It was that he began doing blood transfusions and began to see that an unborn child is a patient just like any other patient who may be sick, have a disability, that early efforts and interventions could mitigate whatever that anomaly might be. And because of that he said, how can I be in one room killing a baby with poison or dismemberment while in another doctor's office or in another operating theater providing this prenatal surgery? He saw the schizophrenia inherent in treating some children because they're wanted as being acceptable, and we welcome them, and if they are unwanted, they're throwaways. The feminists had it right when they said no woman should ever be treated as an object. Well, we all know that the unborn child, if he or she is unwanted, is treated like an object and a throwaway, and no human life is a throwaway.

Let me also say that Abby Johnson, who just recently, a little over a year ago, left a Planned Parenthood directorship in Texas—what caused her to change? She saw an ultrasound abortion in real time and said, I just saw the baby crumple right in front of my very eyes. If that isn't a human rights abuse, I don't know what is either. So she became a pro-lifer and now speaks out very, very boldly.

Finally, Dr. Alveda King, as I mentioned earlier, is Martin Luther King's niece. Dr. King had two abortions. She was a "pro-choicer." She now is one of the most eloquent pro-life leaders in the United States and even in the world. She has said, "How can the dream survive"—talking about her uncle's dream of inclusion, of human rights, of civil rights for all—"how can the dream survive," she writes, "if we murder the children?"

She goes on to talk about how the African American population in this country is so disproportionately targeted by Planned Parenthood and others. The number of abortions for African Americans is about five times the rate of Caucasians and it is because of targeting. There are other reasons, but that is one of the main reasons. That's where the Planned Parenthood clinics are, frankly.

Abortion hurts women, she makes it so clear. She is eloquent in her defense, as are others, in ministering to women who have had abortions. One thing about this pro-life movement—and I've been in it for 38 years, I've been in Congress for 31 years—it loves them both. It says to both the mother and to the baby, we want to put our arms around you, we want to help, we want to be of assistance. And to any post-abortive woman, we are all about trying to help

and to assist and provide some kind of pathway to reconciliation. That's where the post-abortive women like Dr. Alveda King play such a crucial role in helping women who otherwise would feel so disenfranchised and left out.

I want to thank our leadership, Speaker BOEHNER, our majority leader, ERIC CANTOR. We have a very pro-life leadership who recognizes how sacred life is, how this Congress, this House needs to defend the defenseless. Tomorrow, I will be joining the distinguished Speaker as he speaks on the No Taxpayer Funding for Abortion Act. We will be having a press conference tomorrow. We have over 125 cosponsors. I have never seen a leadership so dedicated to protecting innocent human life as these individuals in our leadership. I would hope my friends on the other side of the aisle would take a second long look at the carnage, the unbelievable pain and agony and suffering that abortion has visited upon women. It is not pro-women. Abortion exploits women. And it's certainly not pro-child either because it decimates unborn children as well.

So we have a great leadership. We have an excellent group of Members, men and women, Democrats and Republicans. And I do hope that we will move this human rights issue forward. The young people are with us, and this is the greatest human rights struggle ever.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 68 and H.R. 69

Mr. LAMBORN (during the Special Order of Mr. SMITH of New Jersey). Mr. Speaker, I ask unanimous consent that Congressman MIKE ROSS from the State of Arkansas be removed as a cosponsor from H.R. 68 and H.R. 69.

The SPEAKER pro tempore (Mr. DOLD). Is there objection to the request of the gentleman from Colorado?

There was no objection.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 27 minutes.

Mr. ELLISON. Mr. Speaker, allow me to claim the time. I do have a few things to set up, so I will be right back.

Mr. Speaker, let me thank the Speaker for allowing and granting me the time. It is a pleasure to come in front of the American people.

My name is Congressman KEITH ELLISON, and I want to talk a little bit about the Progressive Caucus tonight, the progressive message which we convey to the American people every week. We want to come before the American people to talk about progressive values and the 83 members of the Progressive Caucus.

The Progressive Caucus stands firmly in the position of supporting health care for all Americans. And therefore, we look at this repeal today, conducted by the majority, the Republican Caucus, as quite an unfortunate event in our Nation's history.

□ 2110

They repealed the health care reform bill, but the bill is not repealed. It's important for the American people to know that health care reform is being implemented and it is the law. But in order to make the law into the law, you have to pass it through the House, the Senate, and then be signed by the President. This repeal that they did today stops here. It's not going anywhere. Really, it's political theater. But it is an important indication as to what they would do if they could.

What they would do, and this is something I would like to describe right now so the American people can get an idea of what Republican leadership and Republican expansion of their power would mean.

First, let's talk about the deficit. You hear a lot about the deficit. And the deficit is important. The impact of repeal on the deficit is that it would increase the deficit by \$230 billion this decade and a trillion the decade after that.

When you listen, Mr. Speaker, to the speeches of the Republican Caucus and they say something about job-killing deficits, it's always important, Mr. Speaker, to turn your attention back to what the Republican Caucus did today on the House floor, because it indicates how they really feel about expanding the deficit. They're okay with it.

The impact of repeal on the deficit expands the deficit by \$230 billion this decade and a trillion dollars the next.

What does this say about credibility? What does it say about real intention? What does it say about who was actually trying to lower the deficit?

Health care reform is cost-effective and helps lower the deficit. Health care reform actually helps not only lower the national debt and deficit, but individual American's personal debt and deficit.

We can never forget, Mr. Speaker, that 60 percent of all of the people who filed for bankruptcy filed for bankruptcy because of medical debt. A majority of the people filing for bankruptcy filed for bankruptcy because of medical debt. This is an amazing statistic.

We can talk about the national deficit. We can even talk about the national debt, but let's talk about family debt. Family debt being driven sky high because of medical debt, people going into bankruptcy because of medical debt.

Now, with the health care bill, we will have exchanges that will compete

and have price and quality transparency for people so that they can evaluate a good product that is affordable, so people who don't have the income can get a subsidy so they can go buy health care insurance. When we have all of these important provisions in place, we're not going to see people going into personal bankruptcy because of medical debt. This is something the Republican Caucus has not talked about, how Americans are drowning because of what the insurance industry has imposed upon them.

It's important to say that today our Republican colleagues repealed health care reform. I hope, Mr. Speaker, the American people watch with interest where their particular Member of Congress voted. Did your Member, the individual Member of Congress, Mr. Speaker, vote to say, You know what? We're going to allow the insurance companies to rescind your insurance policy if you get a breast cancer diagnosis? Because the Republican Caucus' repeal today says that they want that to be able to happen. They want the insurance company to be able to say, You, ma'am, we found out you had breast cancer. Your insurance is going to be rescinded.

That's what they voted in favor of today by voting for repeal.

Today, they want to tell 24-, 25-, and 26-year-olds and their parents that, You know what? We're not going to let you be on your parents' health care insurance policy. You are on your own. Yeah, we know this is a tough market. Yeah, we know graduating from college or high school now is not easy because, you know what? There's not that many jobs out there. Unemployment is still very high. But you know what? Too bad. You've just gotta figure out what you're going to do because you will not—we're going to take a benefit away from you that the Congress has already given to you, and we're going to snatch it out of your hands.

This is what the repeal means.

Today, seniors who can benefit from free preventative care, they're not going to be able to. The Republican Caucus has indicated that that's not what they want. Now, they haven't taken it away because they haven't repealed the law. They'd like to by the repeal they passed through the House today. But the fact is is that they're telling seniors, No, no, no. You're going to have to pay a big cost in order to get some preventative care which obviously will help—will encourage low-income seniors not to seek that care, and then they, of course, will end up being sicker and it will be more costly.

But not only by repeal did they hurt seniors, did they hurt young people, they're telling small business people, You know what? Those tax credits that we gave you, we're taking them back. Those tax credits that the Democratic Caucus and the Democratic Congress

and Senate and the Democratic President gave to you, we Republicans, we don't want you to have that, small business. We're going to snatch it out of your hands even after you have made plans to actually take into consideration the tax credits that are available to you this year.

So they're snatching benefits out of the hands of small business people, snatching benefits from young people who are post high school and college, snatching benefits away from our seniors, snatching coverage away from people who can't afford it, thrusting people back into the arms of personal debt, and throwing our whole economy back into the throes of national debt and deficits.

This is what the Republicans would do if they could. Thank goodness they can't do it because the President and the Senate remain in Democratic hands. But if they could, Mr. Speaker, it's very clear what they would do.

Now, the Democrats' top priority is not repealing anything. It's extending more rights, more protections for the American people, and then, of course, allowing the American people to make their own choice so they can be free, so you can be free as an American and not have to worry about health care because you have health care because the government is protecting you from insurance companies who would throw you into the street, give you an over-cost product and would rescind you and deny you coverage.

The Democrats' top priority would not be to monkey around with undermining health care. The Democratic priority would be to create jobs and put America back to work. That is what Democrats are working on right now, Mr. Speaker, and would work on even more so if we had the majority.

Today, the Republican majority, they have other priorities other than jobs. Their job, as they've already revealed today on the House floor, is to repeal patients' rights, to put insurance companies back in charge, and to explode the deficit as I've already indicated with this particular graphic.

The Republican priority is to look out and protect insurance companies. The Republican priority is to make sure that insurance companies have what they need. And the insurance companies spent \$14 million a day to try to defeat health care after they, in fact, were defeated, and we passed health care. We're quite confident that they did not just take that defeat lying down. Here they are back again with the wholly owned subsidiary known as the Republican Caucus trying to do the bidding of the insurance industry once again.

The Patients' Rights Repeal aims to take away new health care freedoms that take us back to a system that favors the insurance industry. The Patients' Rights Repeal bill takes away

something that people have already expected to get and takes us back to a system in which the insurance industry is in control.

Children with preexisting conditions are denied coverage in the bad old days. Young people aged 26 can't stay on their parents' insurance plans in the bad old days. Pregnant women and prostate cancer patients would be thrown off insurance rolls in the bad old days. Seniors pay more for their drugs. As a matter of fact, in the new health care bill we're filling in the doughnut hole, which is something, apparently, the Republican Caucus doesn't like, because they want to dig out the doughnut hole so seniors can fall back into that doughnut hole. And, of course, we already talked about exploding the deficit and making small businesses pay higher taxes.

Why would the Republicans want to do that? It seems so unfair, but that is exactly what they did today.

Republicans are focused on repealing health care reform instead of making jobs, and making jobs is what they should be putting their time and energy into.

Their agenda for America is not health care. It's no care. It's status quo care. No care if you lose your job. No care if you or your child have a preexisting condition. No care if you're a senior in the doughnut hole. That's what the Republican Caucus has in mind for you and your family. No care if you're under 26 on your parents' plan. No care if you get sick and your insurer drops your coverage. No care if your insurer hikes your premiums higher than you can afford. You are just out of luck with no care.

□ 2120

Now, the Congressional Budget Office does carefully show that the repeal of the Patients' Protection and Affordable Care Act would add \$230 billion to the deficit in the first 10 years and a trillion after that into the future. And the American Medical Association has recognized this problem. What they have said is the AMA does not support initiatives to repeal the Affordable Care Act.

Who is the AMA? The American Medical Association. Who's that? That's America's doctors. They know how dangerous it is to repeal health care. They know because they are in the healing arts. Now, the insurance companies, many of them are in the money-making arts, so they got a different take on this thing. But the American Medical Association has come together and said that they do not support initiatives to repeal the Affordable Care Act.

Expanding health care coverage, insurance market reforms, administrative simplifications, and initiatives to promote wellness and prevention are key to the new law that reflect the

AMA priorities. So the people who do healing, actually heal people—let me tell you, no insurance company bureaucrat ever healed anybody. All they do is deny coverage to people and process claims. But the folks who actually bring healing, the docs, the people who the AMA represents, they are against repeal, as the Democratic Caucus is against repeal. And it's so unfortunate that we had to sit here today and witness the House effort to repeal health care reform.

They didn't do it. They're not going to do it. They're going to fail. This is all political theater. This is all showing off. It's all just, you know, political theater. But the truth is that it does indicate what they would do if they could. And we are bound and determined to stop them, to protect the American people, and to make sure that we have those important health care reforms in place that are going to make sure that Americans continue to go to the doctor, to get preventive care, to fill in the doughnut hole, to offer coverage to people until they are age 26.

As I said before, you know, I was privileged earlier this week to meet two little girls. They were suffering from leukemia. And these little girls, brave as they were, said, you know, look, if we didn't have the Affordable Care Act we would be denied or could well be denied health care coverage. These two little girls' father, who had to take family medical leave in order to help meet all of the medical needs of the family, as well as they had other children who didn't have those medical needs, that family ended up going into bankruptcy because of the piles of debt that were thrown on their shoulders.

And so the Affordable Care Act comes to address these problems; yet the repeal comes to heap those problems back on those families. And it's too bad that it happened. They're not going to succeed, but it's very clear that by their repeal vote today what they would do if they could.

Now, the AARP, which represents our American seniors, they weighed in on this debate. And what AARP has said is: "As the House prepares to vote this week on repeal of the Affordable Care Act, I am writing to make clear AARP's position. While we respect there are those who do not support the Affordable Care Act, AARP opposes repeal because the new law includes many vital provisions important to older Americans and their children." So there again, not only did the organization that represents America's doctors say no to repeal, the American Medical Association; but AARP, which represents America's seniors, says no.

And of course they should, because America's seniors need health care reform, the reforms that are in the Affordable Care Act. For example, seniors under the Affordable Care Act, we are

filling in the doughnut hole, making prescription drugs affordable for our seniors. We have a wellness visit for every senior in America once a year to make sure our seniors are healthy. Wellness visits, dealing with prescription drugs, free preventive care means we have healthier seniors. Healthier seniors are happier seniors because they got enough money and they got more money than they would if we were under the reign of the insurance companies, as we were before. And so AARP is doing what they are supposed to do, representing the best interests of America's seniors.

The Heart Association: this is an association that deals with the functioning of the human heart, a vital organ in the human body. And this Heart Association comes to make sure that our hearts are protected. The Heart Association has this to say about this repeal debate: "Patients have already benefited from the reforms that have been implemented in the last 10 months." And by the way, the Republican Caucus didn't even give the Affordable Care Act a chance. Ten months after we passed it, they're trying to get rid of it. They're not even waiting to see where it could be fine-tuned here and there. They just want to get rid of it all.

Now, that's not a good-faith approach to this debate. Some of them even came to the floor and said there are certain things about the bill they like. But they don't want to tweak the bill. They don't want to fine tune the bill. They just want to repeal it. So that indicates to me another key indicator of where the Republican Caucus's mind is with regard to Americans and health care.

But as I was saying about the Heart Association: "Patients have already benefited from the reforms that have been implemented in the last 10 months. We believe these reforms, and additional forthcoming patient protection provisions, were long overdue." So the Heart Association says, hey, we didn't get this Affordable Care Act passed fast enough. That's their position. Long overdue, and needs to be given an opportunity to work. Absolutely, they are right. And if necessary, improved.

And of course nobody on the Democratic Caucus side says this bill was perfect. There has never been a perfect bill. Never been a perfect bill. But the Republicans don't want to say, look, let's get our heads together and make the bill stronger. They say repeal. And I voted "no" and was very proud to do so.

Back to the Heart Association: "Repeal of the Affordable Care Act will have devastating consequences for patients and their families." That's according to the Heart Association, an association dedicated to the wellness of people's hearts. People who focus their

time, attention, and resources on good heart health are opposed to repeal, as they should, because they have good intentions and are operating in good faith.

Of course, only 18 percent of Americans support full repeal, according to the latest Washington-ABC news poll. Only 18 percent. These are probably the folks who still believe the bill has death panels in it, which it never did. That was not true. Massive misinformation and disinformation around the Affordable Care Act. But only 18 percent support full repeal.

And the fact is that I would imagine that if you were able to sit those 18 percent of Americans in a room and really tell them what the bill did, they probably would be significantly lower than that. Of course, there was another AP poll that said 26 percent support full repeal. Still a significantly small number.

So the bottom line is that whether you talk about your average family, the Heart Association, AARP, American Medical Association and many others, this repeal bill that passed through today, but doesn't repeal the law—make sure, Mr. Speaker, everybody knows that—was a low point in this Congress.

I look forward to a day when we can return to a Congress that says we believe that the American people have a right to be healthy, a right to be strong, a right to go to the doctor, a right to seek out preventive care, a right to have insurance companies be accountable, a right to make sure insurance companies don't just throw people off coverage when they need it most.

And I look forward to a day when that happens, Mr. Speaker, because on that day Americans will be in a much, much better place than we are today with the majority in the House that doesn't feel that the insurance companies need reform or accountability.

Now, I just want to talk a little bit, because some people mistakenly believe that somehow members of the Republican Caucus are more pro-business than the Democratic Caucus. That's not true, never been true, and we prove again and again that it's not true. But they say that stuff and some people believe it. So let me just share with you some personal stories about people who are looking at this issue from the perspective of small business.

Because despite the Republicans' rhetoric about the Affordable Care Act, business and business groups across the country are speaking out against the Republican efforts to repeal health care reform.

□ 2130

Mr. Speaker, I don't want to be the one that goes—not to the U.S. Chamber of Commerce, because they are a little different—but to those local chambers

of commerce, Rotaries, all across this country. I wouldn't want to be the one to go to them and say, you know those tax credits the Democrats got for you for health care? We are taking them away from you. I wouldn't want to be that Representative on that day, Mr. Speaker.

Anyway, Helen Darling, who is the president of the National Business Group on Health and a former Republican Senate staffer, said about business executives who called for repeal, she said, If they really understood it, they wouldn't. I don't think we will get a better solution in the U.S. in our lifetime. If it gets repealed or gutted, we will have to start over, and we will be worse off.

This is what Helen Darling, president of the National Business Group on Health says about the bill. She says that small business people will suffer because of it.

Now, if you are a small business person and you can get a tax credit to help you with 30 to 50 percent of the cost of health care, you go get that, that means that you may save the money that you need to invest in your small business, maybe hire some more people. That's why when the Republicans were calling the health care bill a job-killing bill, all of us looked at each other and said, what bill are they talking about?

The fact is that the Affordable Health Care Act is a bill that is a job-enhancing bill. This is a pro-job bill. This is a bill that trains people to go to their health care professions that helps small business so they can hire more people. Helen Darling knows that, and she ought to know because she is the president of the National Business Group on Health.

Small Business Majority, which is an organization dedicated to supporting small business, their letter to lawmakers characterizes the repeal bill as "an affront to our Nation's small business community." Well, of course it is. If you are a small business person, trying to add another employee, trying to buy some new equipment, and do it all while offering health care to your employees in your business, maybe you have got three, four, maybe you have got 25, 30 employees? Of course it's an affront to you if the House Majority Caucus, the Republicans, want to take away your tax credit.

Absolutely, that's an affront. If you are trying to make it, imagine yourself working for some company for years. You say, you know what, I don't want a boss, I want to be my own boss. I am starting my own company and you know what, I am only going to have to have one or two, maybe three, four people with me when I get started, but we are going to make a go of it. And you know what, you guys? Human beings get sick sometimes so we have got to have health care.

And then the Democrats come and say, we are going to help you pay for that health care. And then the Republicans say, no, we are not and they snatch it away. Of course that's an affront to our Nation's small business community. The Small Business Majority is absolutely right in their letter.

The tax credits and health insurance exchanges in the Affordable Health Care Act will help drive down the cost and offer small business owners more choices, more freedom when purchasing insurance which will, in turn, allow them to "spend less on insurance premiums and more on growing their businesses and creating jobs."

Now, the caucus that claims to be about jobs and the deficit actually is operating directly opposite to both the deficit and jobs. That means that we have got to read the fine print. We can't just go by what people say because people sometimes say anything, Mr. Speaker.

The Small Business Majority has recently released results of a November 2010 survey of 619 small business owners. In their survey the key findings highlight that one-third of employers who don't offer health insurance said they would be more likely to do so because of the small business tax credits.

So, there again, the small business tax credits in this bill are designed to help small businesses take care of their employees and meet their bottom line and, will hopefully, turn a profit, so that they can help grow our community.

It's been a pleasure, Mr. Speaker, talking about the danger of repeal and the importance of the Affordable Health Care Act.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GINGREY) is recognized for approximately 26 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, thank you for giving us the time and, in fact, we are very appreciative on our side of the aisle of having this opportunity this evening, Mr. Speaker, on, really, a historic day in which we finally delivered to the American people a promise that has been made over a year ago, that should this bill, this comprehensive health care reform bill sometimes referred to as ObamaCare but more formally known as Patient Protection and Affordable Care Act of 2010, should this legislation pass, that if we had the opportunity to take control of this House of Representatives to get that gavel away from former Speaker NANCY PELOSI and the prior Democratic majority, that our first and number one priority on behalf of the American people would be to repeal this mistaken bill.

Today, Mr. Speaker, is the day that that happened and certainly I am extremely grateful, as cochairman along with my colleague, TIM MURPHY from the great State of Pennsylvania, Dr. MURPHY and I cochair the House GOP Doctors Caucus. Mr. Speaker, we grew our strength in this election, November 2. We had about 11 Members in their caucus, 11 very active hard-working Members who practiced medicine in one form or another, one specialty or another for many, many years.

In fact, I think, Mr. Speaker, one time we calculated the number of years that we have actually practiced medicine, and it was something like 350 years of clinical practice. As you notice, Mr. Speaker, there is a little bit of a grayness around the temple of some of us.

But we are very thankful for this election and the American people giving the Republican Party the opportunity to right this wrong and to bring seven additional Members, seven additional health care practitioners, again, some of them have been in practice many years, dentists, doctors, even some associate members of our group, some registered nurses to be part of this new majority.

As we voted today on H.R. 2, the repeal bill of ObamaCare, I can assure you that 100 percent of us, in fact, 100 percent of Republicans, all 242 on our side of the aisle, plus, I think, three or four Democrats in a bipartisan way, joined with us in voting to repeal this bill.

I realized this evening, Mr. Speaker, that our time is limited. I am very pleased that some members of the House GOP Doctors Caucus are with us.

I would first like to take the opportunity to yield to my cochairman, Dr. TIM MURPHY of Pennsylvania. Dr. MURPHY.

Mr. MURPHY of Pennsylvania. Thank you, Dr. GINGREY. I appreciate that.

Let me talk about a couple of important aspects of this bill and understand that if you have a car and it has a flat tire, you don't get rid of the car; you change the tire. But if you have a car with a great tire and the car is not running and it's broken down, you get a new car.

What we have here is a health care bill that indeed does have a few pages and some parts that we all agree on and we want to work on those together. However, there are also thousands of pages of other problems and tens of thousands of pages, perhaps hundreds of thousands of pages yet to be written by boards, panels and commissions yet to be appointed on issues we have yet to know what is going to be included in this. And that is part of the reason why employers are frightened about what may be in this bill.

Members of Congress shake their heads and say how could something so

massive—and it's going to cost over a trillion dollars a year to administer this plan—how could this happen without Congress really having oversight? Let me mention two areas of this which I am deeply concerned about.

We know that one of the ways we can provide better care and ultimately save a lot of money has to do with disease management, or care management.

This is when perhaps nurses or other specialists within the doctor's office or working with the hospital, work to stay in touch with the patient, patients who have asthma or diabetes or heart disease or other chronic illness, because they know if they can get that patient to follow up with their medications, their treatments, their therapies, they can prevent problems from worsening. They can help make that patient better. They can keep that patient out of the hospital.

In the area of mental health, chronic illness has twice the incidence of depression when it's not picked up, and when depression is present and not treated, costs double.

□ 2140

Now, unfortunately, this bill not only doesn't pay for this, but if you want something, the important area that did pay for it in Medicare Advantage, this bill in order to try and pay for it cut \$500 billion worth of Medicare, and a significant portion of that was in something called Medicare Advantage which covers millions of people, 7.4 million seniors around the country.

One of the clear, distinct advantages of Medicare Advantage is it provided this disease management. Here are a couple of examples: University of Pittsburgh Medical Center found they could reduce rehospitalization rates for diabetics by 75 percent. Another hospital in my district, Washington Hospital, reduced readmission rates for heart disease by 50 percent. Another plan reduced asthma rate readmissions by 28 percent, all by doing this important care management.

Well, unfortunately, if you like the plan you have, you can't keep it because this bill guts that and eliminates that portion of it.

Now out of this 2,900-roughly-page bill, to have a couple sections that people are talking about, the benefits of why we should keep this bill, these are areas we agree on: maintain pre-existing coverage, don't cut people because they're sick, let kids stay on their parents' policy for a little bit longer, all important parts and things we will continue to work on as a conference because we understand health care.

And in particular this caucus made up of health care providers, we work with patients for many, many decades all together, hundreds of years, and we understand the bottom line is we must

work on health care reform, and this bill just doesn't quite reform that.

Mr. GINGREY of Georgia. Mr. Speaker, I thank Dr. MURPHY for his remarks. And now I would like to yield time to my colleague from the great State of Georgia. I represent the 11th District; he represents the 10th District in the Athens area. He is a great friend of mine, a family practitioner, Dr. PAUL BROWN.

Mr. BROWN of Georgia. Thank you, Dr. GINGREY. I really appreciate your doing this Special Order tonight, and I look forward to this opportunity. We had great fun in the last Congress talking about how bad ObamaCare is, and I'm excited that today the Congress, the U.S. House of Representatives, voted to repeal it.

I was on Neil Cavuto this evening, and Neil Cavuto played some tapes or speeches of our Democratic colleagues and said we've heard over and over again that the Republicans don't have anything to offer. We heard last Congress that the Republicans are the Party of No. Well we are the Party of K-n-o-w because we know how to lower the cost of health care. We know how to provide good quality health care at the lowest price. And we know how to create jobs and create a stronger economy. And those are the things that we're going to be doing in this Congress with the Republican majority. So I'm excited.

But where do we go from here? Well, yesterday I introduced my bill, one of two that I had in the last Congress. I reintroduced one yesterday. The new number is H.R. 299. And what it would do is do five things. Number one is it would repeal ObamaCare if it is passed into law; number two, it would allow people to buy health insurance across State lines, which is a constitutional thing. Actually, we should under the commerce clause expand commerce. That's what the original intent of the commerce clause is. So that's what my bill would do.

Thirdly, it will allow anybody in this country, businesses, individuals to join associations so that they could join a huge pool, and this would mean that they would have multiple insurance products that they could buy at a much lower cost than they're paying today.

The fourth thing it would do is it would stimulate States to set up high-risk pools. Many States have already done that very successfully. And the fifth thing is it would allow everybody to deduct 100 percent of their health care costs off their income taxes, which would markedly change the dynamics of health care financing. I introduced that last time. I introduced it yesterday. My other bill, the Patient Option Act, it was H.R. 3889 in the last Congress, we will be reintroducing that.

But our colleague from Georgia, Dr. TOM PRICE, who at the time was the RSC chairman, introduced the RSC

bill, H.R. 3400 in the last Congress, which was the RSC's bill to reform health care financing. We've had multiple bills introduced. Why has nobody heard about these things? Well, because NANCY PELOSI has operated in a very dictatorial manner. She didn't want our bills to ever see the light of day and neither did the mainstream media. But I think you're going to see these bills come forward.

We need to repeal and replace ObamaCare. ObamaCare itself is going to destroy jobs. It's going to destroy budgets. It's going to destroy the quality of health care. It's going to destroy jobs. We just had our friend, our Democratic colleague KEITH ELLISON from Minnesota, just here talking about how repealing it would hurt small businesses. Well, the simple truth is that keeping ObamaCare is going to hurt small businesses. I have talked to a lady, a small employer, she has right now, today, eight employees. She desperately needs to hire some more, but she's not going to until we repeal ObamaCare because of the financial strain it will put on her business. It's going to break the budgets of every State in this country with the increased Medicaid.

We've got to repeal ObamaCare. We've got to replace it with something else that reduces the cost, not just slows the cost, but reduces the cost of every health care service and product in this country. And we can do that. My bill would do that. Other bills will do that.

And, Dr. GINGREY, we're going to repeal and replace ObamaCare. We're going to put it out for the American people to see so that they know that the Republican Party is the party of K-n-o-w. We know how to solve these problems.

Mr. GINGREY of Georgia. Reclaiming my time, and I thank the gentleman from Georgia from the 10th Congressional District. The gentleman makes some great points. And colleagues on both sides of the aisle, I would ask you to look at the posters that we have here because what Dr. MURPHY, Mr. Speaker, and Dr. BROWN are talking about is really the plan. And the plan is not a plan, but it is a series of plans, if you will. It's a plan A, it's a plan B, and it's a plan C. And of course today, the repeal as depicted on this very first and second poster was at least a House completion of plan A, and that is repeal of ObamaCare as this poster depicts. Priority number one, we feel very strongly that that's what we need to do, and that's what we did in this House today.

As Dr. BROWN was talking about, Republican priority number two is not only to repeal it, but to replace it, because every one of us, particularly the members of the House GOP Doctors Caucus that are on the floor this evening, understand that nothing is

perfect. And as Dr. BROWN and others have said, we tried to bring forth legislation during the 111th Congress. We gave a copy of "Better Solutions" to the President, Mr. Speaker. Pages 8 and 9 were all about our plans and other options other than a government takeover, lock, stock and barrel, of the health care system. The President said, well, I got it, I read it, and then went on to say, they have no ideas, they won't bring me any ideas, if they only would.

So priority number two, of course, replace ObamaCare with reforms that empower patients and protect our economy. And then, of course, as I say, Republican priority number three in this poster, repeal and defund provisions of ObamaCare until full repeal is successful if we're not able to get the Senate and the President to go along with us in regard to this full repeal. If they don't do it, quite honestly, they are not listening, Mr. Speaker, to the American people. They do that at their own peril.

I would yield back to the gentleman from Georgia for 5 seconds.

Mr. BROWN of Georgia. The President told us and the American people if anybody has any other idea besides ObamaCare, his door is always open. I know I knocked on his door and nobody was home. They didn't answer the door as they have for other members of our caucus.

Mr. GINGREY of Georgia. At this time, Mr. Speaker, I would like to yield to one of our freshman members, the gentleman from Arizona, Dr. PAUL GOSAR. Dr. GOSAR is a dentist and has been very, very active not only in his own practice in Arizona but in the American Dental Association. At this time I am proud to yield to a freshman member, our colleague, Dr. PAUL GOSAR.

Mr. GOSAR. Thanks to my colleague, Dr. GINGREY, to acknowledge me for some time.

As a practicing dentist for 25 years, I have seen how government-run health care actually works. It doesn't. I have actually seen where what we've done has spilled over into the private sector trying to laden the private sector with the liabilities from the public sector. What we have got to do is we've used creative accounting, taking 10 years of revenue to pay for 6 years of actual treatment. I don't know as a practicing dentist and as a businessman how that actually works in anybody else's terms.

We also have to look back at our past to go forward. And there's three things I was always taught: look at your mistakes, where you're failing; look at your accounts and your liabilities; and then make sure that you make an equal playing field. That's what we haven't done here. Where is the tort reform? Where is the liabilities and assets that we've had? And make sure

that we're using those properly. And last but not least is increase the competition in the marketplace, true insurance reform where we have insurance companies competing for us on the private sector as the individual on a patient-based center.

I thank the gentleman from Georgia.

□ 2150

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Arizona and welcome him, of course, to the House GOP Doctors Caucus.

Our final speaker, and I want to yield time to a cardiothoracic surgeon, Mr. Speaker, from Indiana, a new member, Dr. LARRY BUCSHON, and I think Dr. BUCSHON was here on the floor a little earlier when the Democratic 30 minutes was controlled by the gentleman from Minnesota, and he made some remarks against the fact that we were successful in repealing ObamaCare. And I think Dr. BUCSHON would like to comment on some of those points that were made.

At this time, I proudly yield to our new member, Dr. LARRY BUCSHON.

Mr. BUCSHON. Thank you, Dr. GINGREY, for allowing me this time.

Mr. Speaker, I was proud to vote for the repeal bill of health care today because, as a practicing physician for 15 years, I know that the government approach to health care reform is the wrong approach. It was said earlier tonight: Why aren't Republicans focusing on jobs? I would hold, Mr. Speaker, that this is a jobs bill today. The health care bill, the ObamaCare bill, is a job destroyer. I held roundtables for large and small businesses throughout my district, and I never heard any of the things I heard earlier tonight in this Chamber. What I heard is it is preventing them from expanding business; it is preventing them from starting new businesses, and some businesses are very worried that they may no longer be in business. So this is a jobs bill.

The other thing I would like to comment on is the physicians' support for this bill. It was said earlier tonight in this Chamber that physicians across the country support this bill. Well, the organizations that have been discussed, the last time I looked, represent less than 20 percent of the physicians in the United States. In actual fact, most national special medical societies were against the bill. So this is a gross overrepresentation of national physicians' support for the ObamaCare bill.

The President had a group of physicians at the White House in white coats saying that physicians are behind this bill, but he brought in a group of physicians who are known people who are proponents of single payer health care.

So, Mr. Speaker, I would like to say again that this is a jobs bill. This will hurt jobs in America.

The last thing I would like to say related to being a physician: What are we going to do about physician shortages in this country? This bill is going to make that worse. How can we convince young people, like my son who is a senior in high school, to go into medicine when they are looking at no significant financial way to become a primary care doctor in this country going forward with this ObamaCare in place?

I want young people to love medicine, to go into medicine, to keep us in strong supply of physicians. But, Mr. Speaker, unless we do repeal this bill and replace it with things that we know that work as a private sector solution, that is not going to happen.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for his comments.

Before I yield again to my cochair, Dr. MURPHY, I want to make a few comments in regard to some of the things that were said on the Democratic side of the aisle just within the last 30 minutes. The gentleman that spoke is a fine, fine Member, has a great heart and a lot of compassion and is a friend of mine and I don't refute him in any way of being strident or any animosity toward him, but the gentleman made a comment about why not give the law a chance, I think is sort of the way it was put, Mr. Speaker. The Republican majority, the new Republican majority wanted to come along with H.R. 2 and repeal the bill, didn't even want to give it a chance to see how well it might work.

Mr. Speaker, I would just say on a point like that, we on this floor right now on the Republican side of the aisle, we doctors know that when you discover a cancer, you don't give it a chance to grow. You don't give it a chance to metastasize. You cut that sucker out and you get rid of it lock, stock and barrel. As our colleague from Iowa, STEVE KING, said the other day, you pull it out by the roots. I think, Mr. Speaker, the Speaker, JOHN BOEHNER, said the same thing. We feel very strongly that today we did the right thing.

I have a number of other charts here that my colleagues might want to reference in regard to specifics about what we feel about this bill and why we needed to repeal it and basically start over.

I will finally quickly say that I heard the other side talk about statistics, saying that only 18 percent of people wanted the bill completely repealed. That is not an accurate statistic. Eighteen percent wanted to leave it like it is. Fully 75 percent in the latest Rasmussen poll either wanted it to be repealed or repealed and replaced. Or if not repealed, significantly altered. And, of course, that is what we are about as we go forward.

I yield to the gentleman from Pennsylvania, Dr. MURPHY.

Mr. MURPHY of Pennsylvania. Another couple of brief points I would like to bring up, because out of a sense of compassion, we want to continue to practice health care and we want patients to be able to afford it. But let me point out a couple of ways this bill is trying to fund the expanded government-run health care that actually increases cost.

One is that the very thing that we should be working on to reduce costs such as medical supplies and other practices will be taxed. Pacemakers will be taxed. Heart monitors will be taxed. Artificial joints will be taxed. The knees and hips that people will have replaced will be taxed. Stents, diabetes supplies, and prescription drugs are going to be taxed. That tax is an increase in the cost of health care and something that has to be paid for, which gets paid for by increasing the cost of insurance.

Employers also have to pay increasing taxes: if they don't have enough insurance or if they have no insurance for their employees. And if they have too much insurance for their employees, instead of rewarding them and saying this is good that you are providing comprehensive insurance for employees, that gets taxed as well. And employees themselves, if they are not covered, they have to pay taxes or, because the way this bill works because there is no time frame, they can get it when they are in the ambulance on the way to the hospital.

Another point. Part of the funding for this is to take \$70 billion from a long-term health insurance plan called the Community Living Assistance Services, which is the CLASS Act. Before it even starts, they will take \$70 billion out of this over 10 years; but what happens is the premiums will need to be paid in actual claims. Actually, it is far less than will be needed.

Now, if any of us tried to start an insurance plan and took all of the money out before it even got started, well, you wouldn't be able to get a license to provide that insurance. It is one of the many flaws in this program that does not have the money to pay for it. It is another reason why the bill had to be repealed before it is replaced.

Mr. GINGREY of Georgia. I realize our time is running short, and I want to make a couple of points before yielding to Dr. BROUN for a final comment.

Republican doctors can help the repeal-replace effort, and I have four bullet points that I want to point out to my colleagues.

Number one, health insurance reforms: Yes, but without government health plans.

Number two, guaranteed access to insurance: Yes, but without an individual unconstitutional mandate.

Number three, reduce the cost of health care: Yes, but without gutting Medicare, especially the Medicare Advantage program and taking something like \$130 billion out of that program. And I think it was pointed out earlier that 20 percent of Medicare recipients are on Medicare Advantage, or at least they were.

And number four, medical liability reform, and I will have a bill addressing that issue.

Let me turn to my colleague from Georgia for a final comment.

Mr. BROUN of Georgia. We hear from our Democratic colleagues that the budget deficit is going to be increased by repealing ObamaCare, but that is just simply not true. The Democrats have used some faulty accounting techniques, deceptive accounting techniques, to show that. The actual cost if we keep ObamaCare over the next 10 years, it is going to increase the deficit by over \$700 billion. If we keep it. We cannot afford it. States cannot afford it. They are already suffering. My home State of Georgia has a \$2 billion deficit, and the increase of Medicaid premiums that will be forced on States all over this country, they cannot afford to continue to do that.

We can lower the cost of health care. We can maintain good quality health care that is patient centered so patients can make their own decisions with their doctor. That is exactly the kind of health care system that we are going to bring forth to this House. We are going to repeal ObamaCare and we are going to continue to fight if it takes all of the way through the 2012 elections so that we get, hopefully, a President who will sign a repeal and replace bill. And then we will get through the Senate. So we will continue to fight for that.

I yield back to Dr. GINGREY.

Mr. GINGREY of Georgia. Just a few closing remarks.

Mr. Speaker, I want to thank Dr. GOSAR and Dr. BUCSHON for being with us tonight.

You know, we didn't have time to go into all of the details that we would like to have gone into, but one thing that is absolutely clear is that Governors across this country—and not just Republican Governors but Democratic Governors as well—are very, very concerned with the Medicaid mandates and the fact that this maintenance of effort requirement that says that Governors who can't even be innovative and creative in running their

own Medicaid programs is resulting in budget-busting in all of these States that have to balance their budgets. Unfortunately, we don't do that up here. They're having to cut education to the bone, and they're having to cut public safety to the bone because of the massive increasing costs of Medicaid.

Well, we thank the Speaker for the time, and we appreciate the opportunity to speak to the American people. We will be back here tomorrow to pass House Resolution Number 9 so that we can get busy on replacing ObamaCare.

With that, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BUCSHON) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 26.

Mr. JONES, for 5 minutes, January 26.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. GRAVES of Georgia, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GARAMENDI, for 5 minutes, today.

ADJOURNMENT

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 20, 2011, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second, third, and fourth quarters of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON NOV. 28, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. James E. Clyburn	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. John Conyers	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Barbara Lee	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Donna Christensen	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Jeff Fortenberry	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Emanuel Cleaver	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Sheila Jackson Lee	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Marcia Fudge	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Laura Richardson	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Hon. Hank Johnson	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
John Lis	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Robert Fuentes	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Yelberton Watkins	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Dan Harsha	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Lars Hyde	11/28	11/28	Haiti .....	.....	.....	.....	(³)	.....	.....	.....	.....
Committee total .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. JAMES E. CLYBURN, Dec. 17, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORWAY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 12, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nancy Pelosi	12/10	12/12	Norway .....	.....	1,453.00	.....	(³)	.....	.....	.....	1,453.00
Hon. Wilson Livingood	12/10	12/12	Norway .....	.....	1,282.00	.....	(³)	.....	.....	.....	1,282.00
Hon. Brian Monahan	12/10	12/12	Norway .....	.....	1,318.00	.....	(³)	.....	.....	.....	1,318.00
Stacey Bako	12/09	12/12	Norway .....	.....	1,999.00	.....	4,896.00	.....	.....	.....	6,895.00
Bridget Fallon	12/09	12/12	Norway .....	.....	1,999.00	.....	4,896.00	.....	.....	.....	6,895.00
Kate Knudson	12/10	12/12	Norway .....	.....	1,453.00	.....	(³)	.....	.....	.....	1,453.00
Jonathan Stivers	12/10	12/12	Norway .....	.....	1,453.00	.....	(³)	.....	.....	.....	1,453.00
Andrew Hammill	12/10	12/12	Norway .....	.....	1,453.00	.....	(³)	.....	.....	.....	1,453.00
Committee total .....	.....	.....	.....	.....	12,410.00	.....	9,792.00	.....	.....	.....	22,202.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. NANCY PELOSI, Speaker of the House.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BARNEY FRANK, Chairman, Jan. 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Brian Turbyfill	6/2	6/4	Singapore .....	.....	412.37	.....	11,052.60	.....	.....	.....	11,464.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
Thomas McDaniels	6/2	6/4	Singapore .....	.....	412.37	.....	10,635.60	.....	.....	.....	11,047.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
Mandy Bowers	6/2	6/4	Singapore .....	.....	412.37	.....	10,635.60	.....	.....	.....	11,047.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
Luke Burke	6/2	6/4	Singapore .....	.....	412.37	.....	11,236.60	.....	.....	.....	11,648.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
Patricia Zavala	6/2	6/4	Singapore .....	.....	412.37	.....	11,052.60	.....	.....	.....	11,464.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
I. Lanier Avant	6/2	6/4	Singapore .....	.....	412.37	.....	10,635.60	.....	.....	.....	11,047.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
Galen Bean	6/2	6/4	Singapore .....	.....	412.37	.....	11,361.60	.....	.....	.....	11,773.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
Cory Horton	6/2	6/4	Singapore .....	.....	412.37	.....	12,011.60	.....	.....	.....	12,423.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....
	6/6	6/8	Hong Kong .....	.....	388.00	.....	.....	.....	.....	.....	.....
Nicole Tisdale	6/2	6/4	Singapore .....	.....	412.37	.....	10,635.60	.....	.....	.....	11,047.97
	6/4	6/6	Malaysia .....	.....	254.00	.....	.....	.....	.....	.....	.....

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010—
Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Stephen Vina	6/6	6/8	Hong Kong		388.00						388.00
	6/2	6/4	Singapore		412.37		16,481.60				16,893.97
	6/4	6/6	Malaysia		254.00						
Pizza Ashby	6/6	6/8	Hong Kong		388.00						388.00
	6/2	6/4	Singapore		412.37		10,635.60				11,047.97
	6/4	6/6	Malaysia		254.00						
Chris Beck	6/6	6/8	Hong Kong		388.00						388.00
	6/2	6/4	Singapore		412.37		11,758.80				12,171.17
	6/4	6/6	Malaysia		254.00						
Kim Alton	6/6	6/8	Hong Kong		388.00						
	6/2	6/4	Singapore		412.37		10,635.60				11,047.97
	6/4	6/6	Malaysia		254.00						
Carla Zamudio-Dolan	6/6	6/8	Hong Kong		388.00						
	6/2	6/4	Singapore		412.37		13,812.30				
	6/4	6/6	Malaysia		254.00						
	6/6	6/8	Hong Kong		388.00						388.00
Total											155,681.81
Committee total					14,761.18		85,971.10				100,732.28

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BENNIE G. THOMPSON, Chairman, July 2, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Yvette Clarke	9/20	9/21	United Kingdom		140.00		816.50				956.50
Cory Horton	9/20	9/21	United Kingdom		140.00		816.50				956.50
Christopher Beck	9/20	9/21	United Kingdom		140.00		816.50				956.50
Committee totals					420.00		2,449.50				2,869.50

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BENNIE G. THOMPSON, Chairman, Oct. 1, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. RYAN of Wisconsin hereby submits prior to the vote on passage, the attached estimate of the budgetary effects of H.R. 2, "Repealing the Job-Killing Health Care Law Act," for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2—REPEALING THE JOB-KILLING HEALTH CARE LAW ACT—AS INTRODUCED IN THE HOUSE ON JANUARY 5, 2011

(Billions of dollars, by fiscal year)

	Statutory Pay-As-You-Go-Impact	2012–2021
Net increase or Decrease (–) in the On-Budget Deficit ^a	+230	
Less:		
Adjustments Pursuant to Sec. 4(d)(6) of P.L. 111–139 ^b	N/A	
(Community Living Assistance Services and Supports Act)		
Adjustments Pursuant to H. Res. 5, 112th Congress ^c	–230	
Statutory Pay-As-You-Go-Impact	0	

Source: House Budget Committee Estimates.

Memorandum:

^a As of January 18, 2011 the Congressional Budget Office could not produce a detailed year-by-year estimate of the statutory paygo effects of enacting H.R. 2—Repealing the Job-Killing Healthcare Law Act. The estimate above was provided in a CBO letter dated January 6, 2011 to Speaker of the House, John Boehner.

^b P.L. 111–139 (the Statutory Pay-as-you-go Act of 2010) requires that the budgetary effects of enactment of the Community Living Assistance Services and Supports Act (CLASS) not be counted on OMB's statutory paygo scorecard. CBO initially estimated the CLASS Act would reduce the deficit by \$70 billion; therefore, repeal of the CLASS Act, which would become effective upon enactment of H.R. 2, would not be counted as increasing the deficit under statutory paygo. CBO was unable to produce an updated estimate of the deficit impact of repealing the CLASS Act as of January 18, 2011.

^c Sec. 3(h)(1)(C) of H. Res. 5 provides authority for the Chairman of the Committee on the Budget to exempt the budgetary effects of any measure that repeals the Patient Protection and Affordable Care Act and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

119. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tobacco Transition Payment Program; Tobacco Transition Assessments (RIN: 0560-AH30) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

120. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OCC-2010-0021] (RIN: 1557-AD34) received January 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

121. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OCC-2010-0020] (RIN: 1557-AD32) received January 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

122. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OTS-2010-0031] (RIN: 1550-AC42)

received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

123. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — The Low-Income Definition (RIN: 3133-AD75) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

124. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report for Fiscal Year 2008 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and the Workforce.

125. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedures for Clothes Dryers and Room Air Conditioners [Docket No.: EERE-2008-BT-TP-0010] (RIN: 1904-AC02) received January 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

126. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Establishment of the Permanent Certification Program for Health Information Technology (RIN: 0991-AB59) received January 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

127. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "High Risk Pool Grant Program for Federal Fiscal Years (FFYs) 2008 and 2009"; to the Committee on Energy and Commerce.

128. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "HHS Secretary's Efforts to Improve Children's Health Care Quality in Medicaid and CHIP"; to the Committee on Energy and Commerce.

129. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "HHS Secretary's Efforts to Improve Children's Health Care Quality in Medicaid and CHIP"; to the Committee on Energy and Commerce.

130. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

131. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

132. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period April, 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

133. A letter from the Director, National Science Foundation, transmitting the Foundation's Annual Financial Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

134. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program Miscellaneous Changes (RIN: 3206-AL95) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

135. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

136. A letter from the Director, Peace Corps, transmitting the Corps' Performance and Accountability report for fiscal year 2010; to the Committee on Oversight and Government Reform.

137. A letter from the Secretary, Department of the Interior, transmitting the Department's 2010 Report to Congress for the North Slope Science Initiative; to the Committee on Natural Resources.

138. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from Texas Chemicals, Inc., in Texas City, Texas to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

139. A letter from the President and CEO, National Safety Council, transmitting the Foundation's Annual Financial and Audit Report for Fiscal Year 2010, pursuant to 36

U.S.C. 1101(36) and 1103; to the Committee on the Judiciary.

140. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Transportation: Revisions of Special Permits Procedures [Docket No.: PHMSA-2009-0410 (HM-233B)] (RIN: 2137-AE57) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

141. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting proposed language to extend and amend the Cultural Property Implementation Act; to the Committee on Ways and Means.

142. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Over the Counter Drugs — Additional Guidance [Notice 2011-5] received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

143. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Certain Changes in Method of Accounting for Organizations to which Section 833 Applies [Notice 2011-4] received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

144. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans [Notice 2011-1] received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

145. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on the Application of Section 162(m)(6) [Notice 2011-02] received January 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

146. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Inflation Adjusted Items for 2011 (Rev. Proc. 2011-12) received January 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

147. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2011-3) received January 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

148. A letter from the Secretaries, Department of Health and Human Services, Department of Labor, Department of the Treasury, transmitting a letter to the Speaker on the departments' initiatives regarding the Affordable Care Act; jointly to the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 38. Resolution to reduce spending through a transition to non-security spending at fiscal year 2008 levels; with amend-

ments (Rept. 112-3). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 43. Resolution providing for consideration of the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels. (Rept. 112-4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BACA:

H.R. 317. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for certain fruit and vegetable farmers; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania:

H.R. 318. A bill to amend title 18, United States Code, to punish threats to commit violent crimes against Members of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. BRALEY of Iowa:

H.R. 319. A bill to require employers to provide veterans with time off on Veterans Day; to the Committee on Education and the Workforce.

By Mr. CALVERT:

H.R. 320. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Mr. NADLER, Ms. NORTON, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS, Ms. BALDWIN, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Ms. SUTTON, Mr. SERRANO, Ms. FUDGE, Mr. HONDA, Ms. CLARKE of New York, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. FILNER, Mr. AL GREEN of Texas, Ms. EDWARDS, Ms. WOOLSEY, and Mr. ELLISON):

H.R. 321. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions; to the Committee on Financial Services.

By Mr. CONYERS:

H.R. 322. A bill to amend title 18, United States Code, to provide for the protection of the general public, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 323. A bill to establish a corporate crime database, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 324. A bill to amend title 10, United States Code, to provide police officers, criminal investigators, and game law enforcement officers of the Department of Defense with authority to execute warrants, make arrests, and carry firearms; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 325. A bill to amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 326. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to the Committee on Financial Services.

By Mr. FILNER:

H.R. 327. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H.R. 328. A bill to require public employees to perform the inspection of State and local surface transportation projects, and related essential public functions, to ensure public safety, the cost-effective use of transportation funding, and timely project delivery; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 329. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 330. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 331. A bill to amend the Internal Revenue Code of 1986 to provide a one-time increase in the amount excludable from the sale of a principal residence by taxpayers who have attained age 50; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 332. A bill to amend title 10, United States Code, to require the Department of Defense and all other defense-related agencies of the United States to fully comply with Federal and State environmental laws, including certain laws relating to public health and worker safety, that are designed to protect the environment and the health and safety of the public, particularly those persons most vulnerable to the hazards incident to military operations and installations, such as children, members of the Armed Forces, civilian employees, and persons living in the vicinity of military operations and installations; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Georgia (for himself, Mr. ROSS of Arkansas, Ms. BERKLEY, Mr. LOEBSACK, Mr. REYES, Mr. BARTLETT, Mr. MCGOVERN, Mr. CONNOLLY of Virginia, Ms. BROWN of Florida, Mr. WESTMORELAND, Ms. CASTOR of Florida, Mr. BRALEY of Iowa, Mr. BRADY of Pennsylvania, Mr. SCHIFF, Mr. HOLDEN, Mr. HOLT, Mr. DAVID SCOTT of Georgia, Mr. FILNER, Mr. DONNELLY of Indiana, Mr. MCINTYRE, Mr. TIERNEY, Mr. WALZ of Minnesota, Mr. DEFazio, Ms. BORDALLO, Mr. BOSWELL, Mr. COURTNEY, Mrs. BLACK-

BURN, Mr. BACHUS, Mr. CRITZ, Mr. MORAN, Ms. SLAUGHTER, Mr. MICHAUD, Mr. WOLF, Mr. WU, Mr. KISSELL, Mr. GARAMENDI, Mr. BOREN, Ms. TSONGAS, Mr. PRICE of North Carolina, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. YARMUTH, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. SHULER, Mrs. DAVIS of California, Mr. CARNAHAN, Ms. FOX, Mr. WITTMAN, Mr. RAHALL, Ms. NOTON, Mr. PETERSON, Mr. KILDEE, Mr. MEEKS, Mr. ROGERS of Alabama, Mr. AL GREEN of Texas, Mr. ALEXANDER, Mr. KUCINICH, Ms. KAPTUR, Mr. ENGEL, Mr. GUTIERREZ, Ms. LORETTA SANCHEZ of California, Mr. BERMAN, Ms. PINGREE of Maine, Mr. LONG, Mr. HIGGINS, Mr. BARROW, Mr. SHUSTER, Ms. SUTTON, Mr. CICILLINE, Mr. PETERS, Mr. MARKEY, and Mr. BUTTERFIELD):

H.R. 333. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability rated less than 50 percent to receive concurrent payment of both retired pay and veterans' disability compensation, to eliminate the phase-in period for concurrent receipt, to extend eligibility for concurrent receipt to chapter 61 disability retirees with less than 20 years of service, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 334. A bill to prohibit the Internal Revenue Service from hiring new employees to enforce the Federal Government's invasion into the health care lives of American citizens; to the Committee on Ways and Means.

By Mr. GRIFFITH of Virginia:

H.R. 335. A bill to provide for a 10 percent reduction in pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. TIERNEY, Mr. COHEN, Mr. FILNER, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. GRIJALVA, and Mr. JACKSON of Illinois):

H.R. 336. A bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself, Mr. BILBRAY, Mr. LUETKEMEYER, Mr. DAVIS of Kentucky, Mr. CHAFFETZ, Mr. GIBBS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. PEARCE, Mr. WEST, Mr. ROGERS of Alabama, Mr. FLEMING, Mr. BARTLETT, Mr. CONAWAY, Mr. MILLER of Florida, Mr. HUELSKAMP, Mr. KLINE, Mr. MANZULLO, and Mr. GINGREY of Georgia):

H.R. 337. A bill to amend Public Law 111-321 (Don't Ask, Don't Tell Repeal Act of 2010) to impose an additional condition on the repeal of the policy codified as section 654 of title 10, United States Code; to the Committee on Armed Services.

By Mr. ISRAEL:

H.R. 338. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure accurate,

intelligible information on dosage delivery devices packaged with liquid over-the-counter medications; to the Committee on Energy and Commerce.

By Ms. JENKINS (for herself, Mr. PITTS, Mr. POMPEO, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. KLINE, Mrs. BIGGERT, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POSEY, Mr. WEST, Mr. HUNTER, Mr. SENSENBRENNER, Mr. BILBRAY, Mrs. SCHMIDT, Mr. ROGERS of Alabama, Mr. SULLIVAN, Mrs. MYRICK, Mr. MILLER of Florida, Mr. GRAVES of Missouri, Mr. LUETKEMEYER, Mr. STIVERS, Mr. CRAWFORD, Mr. DUNCAN of South Carolina, and Mr. KELLY):

H.R. 339. A bill to deem any adjournment of the House of Representatives which is in effect on the date of the regularly scheduled general election for Federal office held during a Congress to be adjournment sine die, and to amend title 31, United States Code, to provide for automatic continuing appropriations if a regular appropriation bill for a fiscal year does not become law before the date of the regularly scheduled general election for Federal office held during such fiscal year; to the Committee on Appropriations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 340. A bill to amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid Program of items and services for patients in an institution for mental diseases; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 341. A bill to amend title 23, United States Code, to increase certain infrastructure finance provisions, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 342. A bill to amend titles XIX and XVIII of the Social Security Act, as amended by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, with respect to payment of disproportionate share hospitals (DSH) under the Medicare and Medicaid programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. MCCAUL, Mr. PETERS, Mr. AUSTRIA, Mr. COBLE, Mr. QUIGLEY, and Ms. KAPTUR):

H.R. 343. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 344. A bill to amend the Federal Reserve Act to remove the power of Federal reserve banks to buy and sell municipal securities, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 345. A bill to amend the District of Columbia Home Rule Act to eliminate all Federally-imposed mandates over the local budget process and financial management of the District of Columbia and the borrowing of money by the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. PEARCE (for himself, Mr. DANIEL E. LUNGREN of California, Mr. GARRETT, Mr. PLATTS, Mr. SESSIONS, Mr. COFFMAN of Colorado, and Mr. GERLACH):

H.R. 346. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce.

By Mr. ROONEY:

H.R. 347. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 348. A bill to prohibit the Administrator of the Federal Highway Administration from requiring the replacement of street and highway signs that are in upper case letters with such signs that are in mixed case lettering with the initial letter in upper case followed by lower case lettering; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. BURGESS, Mr. DUNCAN of South Carolina, Mr. ROSS of Florida, Mr. CRAWFORD, Mr. LONG, and Mr. DUNCAN of Tennessee):

H.R. 349. A bill to make subject to appropriations Acts the Internal Revenue Service's use of certain funds collected from user fees; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 350. A bill to amend the Food and Nutrition Act of 2008 to provide greater access to the supplemental nutrition assistance program by reducing duplicative and burdensome administrative requirements, authorize the Secretary of Agriculture to award grants to certain community-based nonprofit feeding and anti-hunger groups for the purpose of establishing and implementing a Beyond the Soup Kitchen Pilot Program for certain socially and economically disadvantaged populations, and for other purposes; to the Committee on Agriculture.

By Mr. SERRANO:

H.R. 351. A bill to amend title XIX of the Social Security Act to waive the requirement for proof of citizenship during the first year of life for children born in the United States to a Medicaid-eligible mother; to the Committee on Energy and Commerce.

By Mr. SERRANO:

H.R. 352. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Administration.

By Mr. SERRANO:

H.R. 353. A bill to establish a grant program to provide screenings for glaucoma to individuals determined to be at high risk for glaucoma, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOEBSACK (for himself, Mr. LATHAM, Mr. KING of Iowa, Mr. BOSWELL, and Mr. BRALEY of Iowa):

H. Con. Res. 9. Concurrent resolution honoring the service and sacrifice of Army Staff Sergeant Salvatore Giunta, a native of Hiawatha, Iowa, and the first living recipient of the Medal of Honor since the Vietnam War; to the Committee on Armed Services.

By Mr. LARSON of Connecticut:

H. Res. 39. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. FRANKS of Arizona:

H. Res. 40. A resolution celebrating the life of President Ronald Wilson Reagan on the 100th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. RUSH (for himself, Mr. PAYNE, Mr. COHEN, Ms. LEE of California, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. RANGEL, Ms. BROWN of Florida, Mr. BUTTERFIELD, and Mr. AL GREEN of Texas):

H. Res. 41. A resolution recognizing 2011 as the Year for People of African Descent; to the Committee on Foreign Affairs.

By Mr. HENSARLING:

H. Res. 42. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BURTON of Indiana (for himself, Mrs. BACHMANN, Mr. OLSON, Mr. CRAWFORD, Mr. HUELSKAMP, Mr. LONG, Mr. CRITZ, Mr. POMPEO, Mr. MCCLINTOCK, Mr. WITTMAN, Mrs. MILLER of Michigan, and Mr. PAUL):

H. Res. 44. A resolution expressing the sense of the House of Representatives that an effective moratorium by the Executive Branch on offshore oil and gas exploration and drilling should be terminated; to the Committee on Natural Resources.

By Mr. GERLACH:

H. Res. 45. A resolution amending the Rules of the House of Representatives to encourage bipartisan amendments; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 354. A bill for the relief of Lauli'i Matu'u; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 355. A bill for the relief of Pablo Eduardo Perrone and Maria Cristina Lemos; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 356. A bill for the relief of Flavia Maboloc Cahoon; to the Committee on the Judiciary.

By Mr. LIPINSKI:

H.R. 357. A bill for the relief of Corina de Chalup Turcinovic; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BACA:

H.R. 317.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. BRADY of Pennsylvania:

H.R. 318.
Congress has the power to enact this legislation pursuant to the following:
Article I.

By Mr. BRALEY of Iowa:

H.R. 319.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CALVERT:

H.R. 320.
Congress has the power to enact this legislation pursuant to the following:
The power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. COHEN:

H.R. 321.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3 (relating to the power to regulate foreign and interstate commerce) of the United States Constitution.

By Mr. CONYERS:

H.R. 322.
Congress has the power to enact this legislation pursuant to the following:
U.S. Constitution, Article I, Section 8, Clause 3.

By Mr. CONYERS:

H.R. 323.
Congress has the power to enact this legislation pursuant to the following:
U.S. Constitution, Article I, Section 8, Clause 3.

By Mr. FILNER:

H.R. 324.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article 1, Section 8 of the United States Constitution (Clauses 14 and 18), which grant Congress the power to make Rules for the Government and Regulation of land and naval Forces; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 325.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 3, 14, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to make rules for the Government; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 326.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 3, 14, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to

make rules for the Government; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers; Amendment V to the Constitution, which provides that no person shall be deprived of life, liberty, or property, without due process of law; as well as Section 1 and Section 5 of Amendment XIV to the Constitution, which provides that no State shall deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws; and provides Congress the power to enforce, by appropriate legislation, the provisions of this article.

By Mr. FILNER:

H.R. 327.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 14, 16, and 18), which grant Congress the power to provide for the common Defense and general welfare of the United States; to make rules for the Government; to provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States; and to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 328.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 3, 7, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to establish Post Offices and post Roads; and to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 329.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 330.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Amendment XVI of the United States Constitution, which grants Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. FILNER:

H.R. 331.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Amendment XVI of the United States Constitution, which grants Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. FILNER:

H.R. 332.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1, 3, 14, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to make rules for the Government and Regulation of the land and naval Forces; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. BISHOP of Georgia:

H.R. 333.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is enumerated in the United States Constitution, which provides Congress the power to: Provide for the common defense and general welfare under Article I, Section 8, Clause 1; Raise and support Armies, under Article I, Section 8, Clause 12; Provide and maintain a Navy, under Article I, Section 8, Clause 13; Make rules for the government and regulation of the land and naval forces, under Article I, Section 8, Clause 14; Provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, under Article I, Section 8, Clause 16; and, Make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, under Article I, Section 8, Clause 18.

By Mr. FORBES:

H.R. 334.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses I, XVIII and Article I, Section 9, Clauses VII.

By Mr. GRIFFITH of Virginia:

H.R. 335.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 6 of Article I and Amendment XXVII of the United States Constitution.

By Mr. HINCHEY:

H.R. 336.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3 To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. HUNTER:

H.R. 337.

Congress has the power to enact this legislation pursuant to the following:

This legislation ensures that the military readiness of our Armed Forces is maintained through proper certifications which make certain that military commanders have a direct say in significant matters that affect the morale, cohesion and readiness of our military forces. Specific authority is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. ISRAEL:

H.R. 338.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 and Article I, Section 18 of the United States Constitution.

By Ms. JENKINS:

H.R. 339.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to the power granted to Congress under Article I, Section 5, Clause 2 of the United States Constitution, and pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 340.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 341.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 342.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. MATHESON:

H.R. 343.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 6 of Article I of the Constitution.

By Mr. NEUGEBAUER:

H.R. 344.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 2: "The Congress shall have Power—To borrow Money on the credit of the United States."

Article I, Section 8, Clause 6: "The Congress shall have Power—To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

By Ms. NORTON:

H.R. 345.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of Section 8 of Article I of the Constitution.

By Mr. PEARCE:

H.R. 346.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution which grants Congress the power to regulate interstate commerce.

By Mr. ROONEY:

H.R. 347.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. SENSENBRENNER:

H.R. 348.

Congress has the power to enact this legislation pursuant to the following:

The Tenth Amendment to the Constitution.

By Mr. SENSENBRENNER:

H.R. 349.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. SERRANO:

H.R. 350.

Congress has the power to enact this legislation pursuant to the following:

"The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States." (Article I, Section 8, Clause 1)

"The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof." (Article I, Section 8, Clause 18)

By Mr. SERRANO:

H.R. 351.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;" and Article I, Section 8, Clause 18: "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. SERRANO:

H.R. 352.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of section 5 of article I of the Constitution: Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member."

Clause 2 of section 3 of article IV of the Constitution: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

By Mr. SERRANO:

H.R. 353.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;" and Article I, Section 8, Clause 18: "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. FILNER:

H.R. 354.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

By Mr. FILNER:

H.R. 355.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

By Mr. FILNER:

H.R. 356.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

By Mr. LIPINSKI:

H.R. 357.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution provides that Congress shall have power to "establish an uniform Rule of Naturalization". The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. As the Court found in *Galvan v. Press*, 347 U.S. 522, 531 (1954), "that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government." And, as the Court found in *Kleindienst v. Mandel*, 408 U.S. 753, 766 (1972) (quoting *Boutillier v. INS*, 387 U.S. 118, 123 (1967)), "[t]he Court without exception has sustained Congress' plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. CARSON of Indiana, Mr. SCHRAEDER, Mr. WELCH, Mr. HIMES, Mr. ALTMIRE, Mr. FINCHER, and Mr. LIPINSKI.

H.R. 21: Mr. LUETKEMEYER and Mr. LABRADOR.

H.R. 23: Mrs. MCCARTHY of New York.

H.R. 44: Mr. KUCINICH.

H.R. 49: Mr. BARTLETT, Mr. ROSS of Florida, Mr. CULBERSON, Mr. CARTER, Mrs. MILLER of Michigan, Mr. LONG, and Mr. DUNCAN of Tennessee.

H.R. 81: Mr. OLVER.

H.R. 91: Mr. YOUNG of Alaska, Mr. FLORES, Mr. MCCOTTER, Mrs. MYRICK, Mrs. HARTZLER, Mr. THOMPSON of Pennsylvania, and Mr. WOODALL.

H.R. 97: Mr. BACHUS, Mr. CRAWFORD, Mr. KING of New York, and Mr. QUAYLE.

H.R. 100: Mr. HELLER.

H.R. 103: Mr. FLEMING.

H.R. 104: Mr. WITTMAN and Mr. MCNERNEY.

H.R. 116: Mr. FRANK of Massachusetts.

H.R. 121: Mr. WEBSTER and Mr. OWENS.

H.R. 127: Mr. LONG, Mr. DUNCAN of Tennessee, and Mr. MCKINLEY.

H.R. 140: Mr. CRAVAACK, Mr. KLINE, Mr. GRAVES of Georgia, Mr. MARCHANT, and Mr. SMITH of Nebraska.

H.R. 152: Mr. AKIN, Mr. CRAWFORD, Mr. CARTER, and Mr. MARCHANT.

H.R. 153: Mr. YOUNG of Indiana, Mr. MARCHANT, Mr. WESTMORELAND, Ms. GRANGER, Mr. POSEY, Mr. CRAWFORD, Mr. FLEMING, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mr. WALBERG, Mr. OLSON, and Mr. BARTON of Texas.

H.R. 154: Mr. FARENTHOLD, Mr. YOUNG of Indiana, Mr. MARCHANT, Mr. WESTMORELAND, Mr. FLEISCHMANN, Mr. AKIN, Mr. WALSH of Illinois, Mr. NUGENT, Mr. POSEY, Mr. CRAWFORD, Mr. FLEMING, Mr. BARTLETT, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mr. WALBERG, Mr. BILBRAY, Mr. BUCSHON, Mrs. BACHMANN, Mr. BROWN of Georgia, Mr. FLORES, Mr. GOMMERT, Ms. BUERKLE, Mr. CAMPBELL, Mr. HARRIS, Mr. HUELSKAMP, Mr. KINGSTON, Mr. SCHWEIKERT, Mr. LABRADOR, Mr. MACK, and Mr. KLINE.

H.R. 191: Ms. LINDA T. SANCHEZ of California, Mr. WELCH, Mr. CUMMINGS, Ms. CHU, and Mr. AL GREEN of Texas.

H.R. 192: Ms. ESHOO.

H.R. 196: Mr. MCNERNEY and Mr. FILNER.

H.R. 203: Mr. SHERMAN.

H.R. 217: Mr. ALEXANDER, Mr. CRENSHAW, Mr. GUTHRIE, Mr. ROSKAM, Mrs. ADAMS, Mr. SHULER, Mr. LIPINSKI, Mr. BENISHEK, Mr. AUSTIN SCOTT of Georgia, Mr. KELLY, and Mr. BONNER.

H.R. 263: Mr. FARR, Mr. MORAN, Ms. MOORE, Ms. NORTON, Mr. VAN HOLLEN, Mr. GUTIERREZ, Mr. MARKEY, Mr. SERRANO, Mr. WEINER, Mr. JACKSON of Illinois, Ms. DEGETTE, Mr. NADLER, Ms. MATSUI, Ms. SCHAROWSKY, Mr. FILNER, Mr. STARK, Ms. SLAUGHTER, Ms. CHU, Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, and Mrs. MALONEY.

H.R. 280: Mr. DUNCAN of Tennessee and Mr. BURTON of Indiana.

H.R. 297: Mrs. MILLER of Michigan.

H.R. 308: Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. AL GREEN of Texas, Ms. SCHAROWSKY, Mr. DEUTCH, and Mr. JACKSON of Illinois.

H.J. Res. 1: Mr. LANDRY, Mr. CULBERSON, Mr. DUNCAN of South Carolina, Mr. GINGREY of Georgia, Mr. HARRIS, Mr. HUELSKAMP, Mr. KLINE, Mr. WEST, and Mr. WHITFIELD.

H.J. Res. 2: Mr. LANDRY, Mr. AUSTRIA, Mrs. CAPITO, Mr. DUNCAN of South Carolina, Mr. FRELINGHUYSEN, Mr. GINGREY of Georgia, Mr. HARRIS, Mr. HASTINGS of Washington, Mr. KLINE, Mr. LATHAM, Mr. MICA, Mr. PETRI, Mr. WEST, Mr. WHITFIELD, Mrs. BONO MACK, and Ms. HERRERA BEUTLER.

H.J. Res. 9: Mr. BONNER, Mr. KINZINGER of Illinois, and Mr. CHAFFETZ.

H.J. Res. 13: Mr. MILLER of Florida, Mr. YOUNG of Alaska, and Mr. BACHUS.

H. Con. Res. 3: Mr. BRADY of Texas, Mr. CRAWFORD, and Mr. LATTA.

H. Res. 19: Mr. HONDA.

H. Res. 20: Mr. MCNERNEY.

H. Res. 25: Mr. NUGENT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 68: Mr. ROSS of Arkansas.

H.R. 69: Mr. ROSS of Arkansas.

EXTENSIONS OF REMARKS

BIPARTISAN CASE FOR NATIONAL SERVICE

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. PLATTS. Mr. Speaker, I submit the following.

[From POLITICO, Jan. 17, 2011]

BIPARTISAN CASE FOR NATIONAL SERVICE

(By Eric Tanenblatt)

You wouldn't think that new Republican Govs. Nathan Deal of Georgia and Sam Brownback of Kansas would have much in common with the Democratic governor of Massachusetts, Deval Patrick. But all three have made volunteer "days of service" a centerpiece of their inaugurations.

They are asking citizens to join them in feeding the hungry, assisting the jobless and helping their neighbors in a host of other ways. They join a growing number of governors and mayors who are rediscovering the untapped power of citizen service.

These inaugural service events are not ceremonial gestures. They remind us that citizen service crosses all boundaries—and has always been at the heart of what it means to be an American.

America's story is the story of volunteers. Since the early days of our nation, volunteers have helped us meet our greatest challenges: patriots who fought for our founding ideals, women who reached for the ballot, civil rights foot soldiers who risked their lives for equality, firefighters who rushed into burning towers, ordinary citizens who came to the aid of a disaster stricken coast.

Last year, in the middle of the Great Recession, approximately 63.4 million Americans volunteered in some way in their communities—the largest increase since 2003. That's 63.4 million citizens from all backgrounds and walks of life tilting toward problems instead of running away from them.

But America faces tough challenges requiring a new generation of service and service leaders.

National service, as embodied in the three major programs of the Corporation for National and Community Service—AmeriCorps, Senior Corps and Learn and Serve America—engages millions of Americans of all ages and backgrounds in addressing issues of poverty, illiteracy, disasters, public safety, independent living and more throughout the country.

One the crucial ingredient of this federal program's success has been its support across the political spectrum. In fact, in a spirit of bipartisanship rarely seen in Washington these days, it took Sen. Orrin Hatch (R-Utah) and the late Sen. Edward M. Kennedy (D-Mass.), working with leaders in the House, just weeks to rally the votes and pass the Serve America Act in 2009.

I am a lifelong Republican—let me give you three reasons why this modest investment in service is consistent with conservative principles and has a powerful catalytic effect on citizen empowerment.

First, national service recognizes that the best solutions come from outside Washington. It invests in citizens to solve problems, tapping the energy and ingenuity of our greatest resource—the American people. In the long run, this is likely to reduce reliance on government.

Second, an investment in national service is a good deal for taxpayers. AmeriCorps was built to be a public-private partnership. It leverages substantial private investment—more than \$375 million in non-federal funds each year—to fund such programs as Teach for America and Habitat for Humanity.

Third, while the primary purpose of national service is to get things done for people in need, it has important side benefits. One is the transforming effect it has on those who serve—exposing them to society's problems, bringing people from different races and backgrounds together, empowering them to act and often putting them onto a lifelong path of civic engagement.

The modern service movement is built on these principles, shared by people of every political persuasion and all walks of life.

We salute Deal, Brownback and Patrick for leading the way. We hope that their actions send a signal that will spread and carry forward through this year and beyond.

We can—and should—have a robust debate about the role and size of government. But in the course of that debate, we should recognize that there are important areas, like volunteer service, where we can find common ground.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. KIND. Mr. Speaker, I was unable to have my vote recorded on the House floor during the vote on H.R. 292 on Tuesday, January 18, 2011 because I was detained due to a flight delay caused by mechanical difficulties. Had I been present, I would have voted in favor of H.R. 292, Roll No. 12.

HONORING RICHARD HOLWICK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Richard Holwick. Dick will be receiving the 2010 Northlander of the Year award from the Northland Regional Chamber of Commerce for his service to the Kansas City area community.

Dick grew up in the Kansas City area and attended Raytown schools until his family moved north of the river before his senior year of high school. Dick graduated from Oak Park

High School and graduated from the University of Missouri–Columbia with a Bachelor's and Master's degree in Accounting. Dick began working for his family's business, Kaw Transport, in 1976, leading it as President from 1982 to 1998, when the company condensed into KTTR and began focusing solely on tanker truck cleaning and maintenance. Dick also showed himself to be a leader for the business community, having served as Chairman for the Northland Redevelopment Corporation, the Clay County Economic Development Council and the Northland Regional Chamber of Commerce during times of great economic boon for the Northland. Dick was instrumental in the design and construction of the new Christopher S. Bond Bridge over the Missouri River, providing the Northland with greater and more efficient access to Downtown Kansas City. Dick, ever cognizant of his roots, has also given back to his community by serving as the President of the Liberty Sertoma Club and as a Board Member for the Northland Salvation Army.

Mr. Speaker, I proudly ask you to join me, his wife Annie, their children Lindsey, Angela, Evan and Bryan and their grandchildren Austin and Grace in commending Richard Holwick for his efforts to better Clay and Platte Counties and the surrounding communities.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. CAPUANO. Mr. Speaker, I missed a vote yesterday, and I wish to state how I would have voted had I been present: rollcall No. 12, "yes."

HONORING GALVESTON BUSINESSES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. PAUL. Mr. Speaker, on February 3, the Galveston Chamber of Commerce will hold its 165th annual meeting. Established by the Ninth Congress of the Republic of Texas in 1845, making it the oldest chamber of commerce in Texas, the Galveston Chamber of Commerce works to promote and advocate for the business community of Galveston.

At the February 3rd meeting, the Galveston Chamber of Commerce will honor several dedicated volunteers for their years of service to the Galveston community. Among their other accomplishments, all of this year's honorees' are past Chairs of the Galveston Chamber of Commerce. These honorees all remain

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

involved with the Galveston Chamber of Commerce by, among other activities, serving on a new committee of Past Chairs.

Galveston Chamber of Commerce President Gina Spagnola, said the Past Chairs Committee was created because "The Past Chairs are such an integral part of the Chamber's history. The purpose in forming this committee was to sustain a strong partnership with the Past Chairs by engaging in dialog about the Chamber's history and its future."

Mr. Speaker, it is a tremendous pleasure to join my friends at the Galveston Chamber of Commerce in saluting these past chairs for their years of service to the people of Galveston. I am truly honored to serve as their representative and hope all my colleagues all join me in congratulating these outstanding leaders. Those being honored on February 3 include: Vandy Anderson, Armin Cantini, Carolyn Clyburn, Gene Curry, Henry Freudenburg, Don Gartman, Greg Harrington, Garry Kaufman, Betty Massey, Jerry Mohn, Richard Moore, Roger "Bo" Quiroga, Dr. Ben Raimer, Bix Rathburn, Betty Schocke, Johnny Smecca, Marshall Stein, John Tindel, Lee Otis "Otie" Zapp, Jr.

BLACK JANUARY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. SHUSTER. Mr. Speaker, as the co-chairman of the Congressional Azerbaijan Caucus, I rise today to join with the people of Azerbaijan to commemorate the tragic events of "Black January."

On January 19, 1990, approximately 26,000 Soviet troops stormed Azerbaijan's capital city of Baku in tanks and armored vehicles. That night, the Soviet military bulldozed innocent Azeris and opened indiscriminate fire on peaceful demonstrators, including women and children. According to Azerbaijani sources, as a result of these merciless acts 131 people were killed, 611 were injured, 841 were arrested, and 5 went missing.

The Human Rights Watch report "Black January in Azerbaijan" states that "among the most heinous violations of human rights during the Baku incursion were the numerous attacks on medical personnel, ambulances, and even hospitals." The report concludes that the violence used by the Soviet Army constituted an exercise in collective punishment and that the punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaijan, but in other Republics of the Soviet Union.

Far from crushing the spirit of Azeris, the atrocities of Black January instead consolidated the rising independence movements in the country and united the Azerbaijani nation in its quest for freedom. Today, Azerbaijan is a critical and strategic ally of the United States and is preparing to celebrate 20 years of independence from the Soviet Union.

It is my honor to thank the Azerbaijani people for their friendship and to offer my thoughts and prayers to the families of those who gave their lives for the independence of

Azerbaijan. I encourage my colleagues to visit the very moving memorial to Black January in Baku that honors the memories of those killed in these attacks by the Soviet military and to join with me today in standing with Azerbaijanis as they commemorate this tragedy.

HONORING CALIFORNIA STATE SENATOR PATRICIA WIGGINS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my long-time friend, California State Senator Patricia Wiggins, who recently retired after a long and effective career in public service. From her first years in Sonoma County politics in the 1980s through her terms in the California legislature as an Assemblymember and a Senator, Pat Wiggins was a leader of vision and compassion.

Born and raised in Southern California, Pat grew up in a labor household and, with her father's training, was an accomplished parachutist. At the age of 38, she became the first in her family to graduate from college, earning an English degree with honors from UCLA. She worked as a systems analyst and, in 1979, met a software engineer, Guy Conner, her future husband. They have two stepsons, Jim and Steve Silverman, and four grandchildren.

Wiggins' first political job was with the Nuclear Freeze in 1982. After the couple moved to Santa Rosa, California, in 1984, she worked on several political campaigns and eventually became involved in local land use issues when trail access to Annadel State Park was threatened by development. She was a leader in Santa Rosa's growing liberal environmentalism, and an activist in supporting women and women's issues. In 1994, she was elected to the Santa Rosa City Council.

In 1998, she was elected to the California Assembly and in 2006 to the California Senate. As a State legislator, Pat continued to demonstrate leadership in environmental and social issues. In the Assembly she founded the legislature's Smart Growth Caucus and authored laws on land use planning and compact development (including social equity). In the Senate, she focused on a broad range of issues including agriculture, youth employment, land use, political reform, health care, veterans' affairs, waste reduction, working families, and education. In 2008, she had the most bills approved by the legislature and the most signed into law of anyone in the California legislature.

Guy Conner, her husband and political partner for many years, describes Pat Wiggins as "the finest grass roots politician" he has ever known. She inspired many of us in Sonoma County by demonstrating how a leader works collaboratively for an impressive record of accomplishments while maintaining a commitment to progressive values.

Mr. Speaker, I congratulate Senator Patricia Wiggins on her many successful years in pub-

lic service and wish her luck in her retirement. Her voice will be missed in Sacramento.

HONORING JEREMY PHILLIP THON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jeremy Phillip Thon. Jeremy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Jeremy has been very active with his troop, participating in many scout activities. Over the many years Jeremy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jeremy has earned the rank of Firebuilder in the Tribe of Mic-O-Say and became an Ordeal Member of the Order of the Arrow. Jeremy has also contributed to his community through his Eagle Scout project. Jeremy designed and supervised the construction of a handicap-accessible deer blind and nature viewing stand at Smithville Lake, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jeremy Phillip Thon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE YAHRZEIT OF BETH SHARON SAMUELS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. BERMAN. Mr. Speaker, this month marks the fourth anniversary of the passing of Beth Sharon Samuels, an extraordinary Angeleno who lost her life to cancer in January 2007 at the age of 31.

Beth grew up in Los Angeles, attending the Yeshiva University High School of Los Angeles and graduating as valedictorian. She went on to study at a women's seminary in Israel before graduating from Columbia University with a degree in mathematics. She then completed a three-year program at the Drisha Institute in Bible and Talmud, a Ph.D. in math at Yale, and earned an assistant professorship at the University of California, Berkeley. In the meantime, she gave birth to a daughter, Danelle, and later to daughter Natalia while undergoing intensive chemotherapy treatments.

Beth remains with us, even with increasing distance from her passing. Last year, Beth's friends and family published The Wisdom of Bat Sheva: The Dr. Beth Samuels Memorial Volume, a series of lectures and discussions on Torah learning, including an essay by Beth. The book highlights that Beth's spirit continues to teach and inspire. Beth was such a powerful force of spirituality, learning, and divine

presence, and her memory will continue to serve as a powerful blessing.

My condolences go out to her parents, Elana and Zachary, her husband, Ari, her daughters Danelle and Natalia and her extended friends and family on this solemn occasion.

HONORING GROUND ZERO FIRST
RESPONDER AND FIREFIGHTER
WILLIAM QUICK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to honor the life and service of Mr. William Henry Quick, a retired firefighter who worked for two months at Ground Zero and who passed away of lung disease on Tuesday, January 18, 2011 at the age of 55. Mr. Quick worked for Ladder 134 in Far Rockaway, Queens, and lived on Long Island.

Mr. Quick worked for the FDNY for almost half of his life and did not hesitate to leave his vacation and rush to Ground Zero after the 9/11 attacks. He worked there from September 12, 2001 and only stopped two months later when he hurt his knee while working through the rubble. He returned to work in January of 2002 but developed a series of lung infections, which ultimately forced his retirement in January of 2003.

Mr. Quick is a hero in every sense of the word. He worked at Ground Zero without questioning the risks to his own health. He spent his whole adult life in public service working for the FDNY. He leaves behind his wife, Lisa, and twin 17-year-olds Ryan Mary and William Henry II. I grieve for them and want them to know that their sacrifice will not be forgotten.

RECOGNIZING THE UC DAVIS LEED
PLATINUM-CERTIFIED RESEARCH
AND TEACHING WINERY AND
THE AUGUST A. BUSCH III BREW-
ING AND FOOD SCIENCE LAB-
ORATORY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the University of California, Davis, on the occasion of the grand opening of its world-class, LEED Platinum-certified research and teaching facility focused on food science, wine, and brewing.

Among its distinctions, UC Davis is the world's leading research and teaching center for agriculture, food science, and viticulture and enology. UC Davis research and teaching has developed an international reputation and strength in agriculture, and food, dairy, and wine production.

With the LEED Platinum brewery, winery, and food-processing laboratories, the Robert Mondavi Institute for Wine and Food Science

at UC Davis fosters a new era of opportunity and environmentally sustainable economic development. This new complex will be self-sufficient in energy and water use, and contains numerous environmentally friendly features such as onsite solar power generation, and carbon dioxide capture. New food-processing, wine-making, and brewing laboratories will test production processes that conserve water, energy, and other natural resources.

Two of the Nation's leading academic departments related to food and beverage science are situated at the Robert Mondavi Institute at UC Davis. The Department of Viticulture and Enology and the Department of Food Science and Technology will utilize the new state-of-the-art research and teaching facility.

Within the UC Davis College of Agricultural and Environmental Sciences, the Department of Viticulture and Enology has been the creator of grape-growing and wine-making knowledge that enabled the growth and success of today's wine industry, and has placed California and the Nation among the global leaders in wine production and quality. Wine industry leaders rely upon the department's research, expertise, and counsel.

Likewise, the Department of Food Science and Technology is internationally recognized for its advances in making food and beverages more nutritious, appealing, affordable, and safe. It is the only such department within the University of California and is the state of California's principal academic food science research group.

Technologies developed at UC Davis have been instrumental in making high-quality food and beverage products that feed the nation—including dairy, seafood, vegetables, fruits, nuts, and beer. Food safety research has helped identify and eliminate contamination in handling and processing. Research on nutrients, antioxidants, and other food components are helping create more healthful foods for California and the world. Graduates of the university's College of Agricultural and Environmental Sciences are highly sought after nationally in the food processing, wine-making, and brewing industries. Its graduates form the foundation on which food and agricultural industries have developed, grown, and flourished.

Mr. Speaker and colleagues, on the occasion of the grand opening of the UC Davis Research and Teaching Winery and the Anheuser A. Busch III Brewing and Food Science Laboratory, let us recognize UC Davis for its leadership and dedication to excellence in the area of the food, wine and brewing sciences. Please join me in commending the University of California, Davis, for its service to the people of California and the Nation.

HONORING THE BANGOR REGION
CHAMBER OF COMMERCE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Bangor Region Chamber of Commerce as it celebrates its Centennial.

Founded in 1911, the Bangor Region Chamber of Commerce is one of the oldest such groups in the State of Maine. Originally founded as a merchant's association, the chamber assisted in developing trade relationships within the city. In the late 1980s, the merchant's association became regionally focused on the business interests of its increasingly diverse membership body. The organization today has continued to grow into one of the largest in the State, representing businesses from 21 communities in the greater Bangor area.

As a cornerstone of the Bangor community, the chamber is active in business development, advocacy efforts and community betterment programs. These programs seek out emerging business leaders, helping them foster networks to promote growth and working to empower entrepreneurs to create opportunities in these tough economic times. Additionally, the chamber sponsored seminars and leadership development trainings continue to have a major positive impact in the community.

As Americans continue working to get back up on their feet after the worst economic recession since the 1930s, the Bangor Region Chamber of Commerce stands as a shining example of what community members coming together can accomplish. For 100 years they have led the greater Bangor community in promoting a favorable business environment conducive to generating economic growth and prosperity. I wish them the very best as they continue serving Bangor, the State of Maine and the United States of America.

Mr. Speaker, please join me again in congratulating the Bangor Region Chamber of Commerce on this joyous occasion.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. JORDAN. Mr. Speaker, due to weather-related travel delays, I was absent from the House Floor during last night's rollcall vote on H.R. 292.

Had I been present, I would have voted in favor of that legislation.

IN COMMEMORATION OF USAT
"DORCHESTER"

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. PALLONE. Mr. Speaker, I rise today to commemorate the brave individuals of the United States Army Transport *Dorchester*. While participating in a naval transport, on February 3, 1943, USAT *Dorchester* was attacked, sending 676 men to their graves in the icy waters of the Atlantic Ocean. On January 23, 2011, the Middletown VFW Post #2179 and Ladies Auxiliary will gather to commemorate the brave individuals who lost their lives on this tragic day. The honorable actions of the World War II soldiers are undoubtedly deserving of this body's recognition.

Previously a luxury coastal liner, the USAT *Dorchester* was converted into an Army transport ship and immediately called up for service in World War II. Departing from St. John's, Newfoundland on February 2, 1943, the *Dorchester* was filled to capacity, carrying 902 service men, merchant seamen and civilian workers on their way to an American base in Greenland. The ship's captain, Hans J. Danielson, was aware of the dangerous mission as he instructed the ship's crew to sleep in their clothing and life jackets. Traveling through the treacherous and chilly Atlantic Ocean waters, the USAT *Dorchester* was spotted on the morning of February 3, 1943 by a German submarine. Torpedoes were soon fired, striking the starboard side of the ship. The attack quickly eliminated all power and radio contact with nearby coast guard escort ships. The attack violently awoke soldiers, killing scores of men and injuring many others. Despite the panic and chaos, four chaplains, George Fox, Alexander Goode, Clark Poling and John Washington, immediately jumped into action, calming frantic soldiers and tending to the wounded. They swiftly began opening storage lockers, distributing life jackets. With an insufficient amount of supplies, the four chaplains removed their lifejackets and distributed them to others. Their decisive and heroic actions assisted in the swift survival of 229 men. Along with 672 other men, the four chaplains tragically lost their lives while assisting others as the USAT *Dorchester* slowly sank into the Atlantic Ocean.

Mr. Speaker, please join me in commemorating the USAT *Dorchester*, as the members of the Middletown VFW Post #2179 and Ladies Auxiliary honor the lives of the four heroic chaplains and the other 672 men who lost their lives aboard this transport ship on February 3, 1943. The soldier's gallant actions and resilient efforts aboard the USAT *Dorchester* are positive examples of what dedication and commitment to their comrades and their love for their country can accomplish.

ACADEMY NOMINEES FOR 2011
12TH CONGRESSIONAL DISTRICT
OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to our nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing

makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

My Academy Review Board is composed of six local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area—many are veterans. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism.

Whether it is in Afghanistan, Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2011 12TH
CONGRESSIONAL DISTRICT NEW JERSEY

AIR FORCE ACADEMY

Erin Crow, Livingston, Tabb H.S., Yorktown, VA

Beau Langdon, Livingston, Livingston H.S.
Brian Moscioni, Mendham, Gill St. Bernard's School

Alexander Gilbert, Long Valley, West Morris Central H.S.

Menachem Felzenberg, Morristown, Homeschooled, West Point, NY

Alan Sayil, East Hanover, Hanover Park H.S.

Nicholas Longhi, Succasunna, Seton Hall Prep

MERCHANT MARINE ACADEMY

Michael Francis, Somerville, Immaculata H.S.

Sean Ryan, Madison, St. Peter's Prep
David DeCorso, Bridgewater, Seton Hall Prep

Jason Kratsch, Caldwell, James Caldwell H.S.

Thomas Healy, Byram, Pope John XXIII H.S.

Michael O'Rourke, Boonton, Boonton H.S.
Caitlyn Hughes, Randolph, Randolph H.S.

Antonio Amavisca, Bridgewater, Bridgewater-Raritan H.S.

Alexander Rodgers, Hopatcong, Jefferson H.S.

Sean Kenney, Boonton, Pope John XXIII H.S.

MILITARY ACADEMY

Delphine Slotten, Mendham, Newark Academy

Benjamin Minden, Roseland, West Essex H.S.

Swatii Amin, Dover, Morris Knolls H.S.
Jared Percevault, Landing, Roxbury H.S.

Joseph Boyland, Chester, West Morris Mendham H.S.

William Boccard, East Hanover, Regis H.S.
Julianne Steurer, Morris Plains, Parsippany Hills H.S.

Benjamin Reibman, Chatham, Chatham H.S.

Kera Pezzuti, Montville, Montville H.S.
Michael Lami, Madison, Madison H.S.

Sergio Jimenez, Hopatcong, MAPS

NAVAL ACADEMY

Charles Boles, Chatham, Chatham H.S.
Maria Minor, Kinnelon, Kinnelon H.S.

Clayton Petty, Mendham, West Morris Mendham H.S.

Matthew Infante, Chester, Delbarton School

Benjamin Drill, West Caldwell, Solomon Schechter Day School

Daren Schenk, Pine Brook, Montville H.S.
Caleb DeMoss, Chester, West Morris Mendham H.S.

Connor Maguire, Budd Lake, Mt. Olive H.S.
Thomas Morreale, Short Hills, Millburn H.S.

Patrick Ennis, Chatham, Chatham H.S.
Thomas Mahala, Bernards, Seton Hall Prep

HONORING PAT O'BRIEN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise with my colleagues Congressman JOHN GARAMENDI, Congresswoman BARBARA LEE, Congressman JERRY MCNERNEY, and Congressman PETE STARK to recognize East Bay Regional Park District General Manager Pat O'Brien and congratulate him as he approaches his well-earned retirement.

Mr. O'Brien's career in public service demonstrates his lifelong commitment to the citizens and communities of the East Bay. We are grateful to him for his service to our constituents.

Mr. O'Brien held his first park and recreation job at the age of 13, giving swimming lessons and performing maintenance at a local salt water swimming club. After serving in the U.S. Army, he came back to California where he worked at Southgate Recreation and Park District in the Sacramento area. From 1980 to 1988, he served as Southgate's general manager prior to taking on the same position with the East Bay Regional Park District.

For the past 22 years, he has guided the largest regional park agency in the United States, with nearly 108,000 acres of parklands spread across 65 regional parks and over 1,100 miles of trails in Alameda and Contra Costa Counties. Approximately 14 million visitors a year from throughout the San Francisco Bay area and beyond take advantage of the vast and diverse District parklands and trails.

During his tenure, the district has acquired over 40,000 acres of new parklands, adding 17 new parks, doubling the size of 12 existing regional parks, and adding more than 200 miles of new regional trails. He has attracted more than \$105 million in matching funds—including this year's historic \$10.2 million Tiger II award. He has successfully secured stable funding through ballot measures and by creating assessment districts, and refinanced existing district bonds at lower rates, saving taxpayers over \$14 million. Every community in the East Bay has received at least one park, recreation or community center project funded through his efforts.

His dedication to serving the public through the parks and recreation procession is the legacy he will leave behind. His career has been guided by the desire to make substantive contributions to society and to people's lives. His firm leadership has helped to preserve the priceless heritage of our region's natural and cultural resources—open space, parks and trails—and to set aside park areas for enjoyment and healthful recreation for current and future generations.

Mr. Speaker, we invite our colleagues to join us in honoring General Manager Pat O'Brien for his dedicated service to the people of California and the Bay Area. We are pleased to join with his family, colleagues, and friends in congratulating Pat on a long and highly successful career and wish him a happy and healthy retirement.

INTRODUCTION OF THE DISTRICT OF COLUMBIA BUDGET AUTONOMY ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Ms. NORTON. Mr. Speaker, next to voting rights, the highest priority for District of Columbia residents is to achieve the right to control the funds they themselves raise to support their city, as resident in other jurisdictions do. Therefore, today I introduce a bill, the District of Columbia Budget Autonomy Act of 2011, to allow the District's local taxpayer-raised budget to take effect immediately when passed by the city, without being subject to affirmative congressional approval.

Control over the dollars raised by local taxpayers is central to local control, the oldest American principle. Moreover, permitting the city's local budget to become law without first coming to Congress would have multiple practical benefits for both the city and Congress. For the city, a timely budget means: eliminating the uncertainty of the congressional approval process, which has a negative effect on the city's bond rating, adding unnecessary interest costs for local taxpayers; significantly increasing the District's ability to make accurate revenue forecasts; and reducing the countless operational problems that result because the city's budget cannot be implemented until Congress approves it. Of major importance, eliminating congressional approval of D.C.'s local budget would also align the District's fiscal year with the typical state and local government July 1st fiscal year instead of the congressional fiscal year, which starts in October, allowing ample time to prepare for the usual opening of schools in September. The D.C. local budget consumes valuable subcommittee, committee, and congressional floor time in both houses of Congress even though it is of interest only to those members who use it to promote their own issues, violating the principle of local self-government.

Increasing recognition of the hardships and delays caused by the annual appropriations process has led Congress to begin freeing the city. When I was last in the minority, I negotiated an agreement with the appropriators that has ensured that the city's local budget is always included in the first continuing resolution, if it is not approved by the start of the fiscal year. This approach has ended the lengthy delay of the budget of a big city until an appropriations bill is passed, often months after October 1st. As a result, the city has been able to spend its local funds at the next year's level, even though the budgets for federal agencies are often delayed for months. We hope that this process, which ended some serious problems in the functioning of the local government, will continue.

We nearly secured budget autonomy for the District in the last days of the lame duck session last Congress. I used an unusual procedure, getting subcommittee and committee authorizers to agree to place budget autonomy in the D.C. appropriations bill that was passed by the House Appropriations Subcommittee on Financial Services and General Government.

Unfortunately, Congress passed a Continuing Resolution instead of regular appropriations bills.

If the District of Columbia Budget Autonomy Act is enacted, Congress would retain jurisdiction over the District of Columbia under article I, section 8, clause 17 of the U.S. Constitution. Because this authority allows Congress to make changes in the District's budget and laws at anytime, it is unnecessary to require a lengthy repetition of the District's budget process here. The time is overdue to permit the city to enact its local budget, the single most important step Congress could take to help the District better manage itself.

Members of Congress were sent here to do the business of the nation. Members have no reason to be interested in or to become knowledgeable about the local budget of a single city. In the past, the House and Senate have more often than not passed the District's budget as is. Our bill takes the Congress in the direction it is already moving. Congressional interference into one of the most vital rights to self-government should end this year with enactment of the District of Columbia Budget Autonomy Act of 2011.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Ms. RICHARDSON. Mr. Speaker, on rollcall No. 12, I was unavoidably detained. Had I been present, I would have voted "yes."

VAN WEZEL PERFORMING ARTS HALL

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. BUCHANAN. Mr. Speaker, I rise today to acknowledge the accomplishments of the Van Wezel Performing Arts Hall's education programs and the work of the Van Wezel Foundation in support of arts education.

I also recognize Mary Bensel, Executive Director of the Van Wezel Performing Arts Hall in Sarasota, Florida for her service in support of the educational programs and community engagement activities of the Van Wezel.

The mission of the Van Wezel Foundation is to enrich the Gulf Coast community, with an emphasis on children, through the performing arts while supporting the needs of the Van Wezel Performing Arts Hall.

The arts education and community engagement programs of the Van Wezel are celebrating their fourteenth year, are nationally known, and are a major factor in the integration of arts education within our region's schools.

Each year tens of thousands of students, educators and lifelong learners from four counties are introduced to national performing arts programming through the support of the Van Wezel Foundation.

Annually, over 23,000 students from DeSoto, Charlotte, Manatee and Sarasota County Schools attend the School-time performances conducted by the Van Wezel and supported by the Foundation.

Each year the Van Wezel, in collaboration with the Kennedy Center and local school districts provide specialized workshops to train teachers of science, math, history, social studies and literacy on ways to use the arts to enhance the presentation of their subject materials.

The Van Wezel is affiliated with the Partners in Education Program of the Kennedy Center and is one of the only projects nationally that has conducted a longitudinal study on the impact of integrative arts education on student learning and achievement. It is the only Kennedy partner in the country to have received seven national research grants on the impact of the arts and education programs within county schools.

Furthermore, the Van Wezel Education Department and the Manatee County schools are in the second year of Project Stage, a project funded through a U.S. Department of Education three year grant to increase literacy in elementary schools.

Under the leadership of Mary Bensel, the Van Wezel Performing Arts Hall and the Van Wezel Foundation have made a remarkable contribution to the cultural life of our community and education of our children.

DR. WILLIAM HALE

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the life of Dr. William Hale. Dr. Hale began his service in the medical field as an Army medic during World War II. After leaving the Army, he studied at the University of West Virginia, the University of Florida, and then received his doctor of medicine degree from the Medical College of Virginia.

He served his patients with compassion and care in the Tampa Bay area as an internist at Mease Hospital, and after just 8 years he was elected to lead the medical staff.

Dr. Hale was a proactive practitioner, realizing and emphasizing the importance of preventative health care in the community. After retiring from active practice, Dr. Hale founded the Dunedin Hypertension Screening Program in 1975 to screen elderly patients for medical disorders. His program garnered attention from his colleagues throughout the world and took root on a state level as the Florida Geriatric Research Program.

Dr. Hale was much more than just an excellent and innovative physician. Those who know him point to his caring nature. He was quick to help those who needed it the most, be it handicapped children, someone undergoing a difficult time in life, or arming the public with information on how to be healthier. He saw the needs of others and selflessly gave of himself so that they could live better.

Mr. Speaker, the Tampa Bay area was so blessed to have Dr. Hale's talent and graces.

May his spirit always live on in the hearts of those he touched.

CONGRATULATING THE SHELTON VIKINGS MIDGET AND PEE WEE CHEERLEADERS ON THEIR NATIONAL CHAMPIONSHIP TITLES

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Shelton Vikings Midget and Pee Wee Cheerleading squads who captured the National Championship titles in their divisions at the Pop Warner National Competition which was held last month in Buena Vista, Florida. This is a remarkable accomplishment for these young girls and we could not be more proud of them!

The Viking Midget Cheerleading squad is a group of thirteen and fourteen year old girls who have been cheering together since age seven. The Pee Wee team is made up of ten to twelve year old girls. During this past season, each of these squads have won the titles of Southern Connecticut Champions, Connecticut State Champions, New England Qualifier Champions and New England Regional Champions. In their first ever trip to the National Championships, the Midget Cheerleading squad competed against nineteen other squads from across the country to take home the title and the Pee Wee squad competed against eight other teams to do the same. These are the first ever National titles for Shelton and, for the Midget squad, it is even more meaningful because it was the last year that they will be eligible to compete in the Pop Warner Cheerleading league.

These girls are an extraordinarily talented group who have dedicated countless hours to practice and competition. Cheerleading, like so many other sports, requires perseverance, training, coordination, and above all teamwork—all skills that will continue to serve these young women well throughout their lives. Their success at the National Championships is a testament to all of their hard work.

I would also like to take a moment to extend a special note of thanks and appreciation to the coaches, parents, and volunteers whose support has enabled the girls to practice and travel for their competitions. Without their efforts, the success of the Vikings Cheerleaders would not be possible.

I am thrilled to join the Shelton community in extending my sincere congratulations and very best wishes to the Shelton Vikings Midget and Pee Wee Cheerleaders—2010 Pop Warner National Champions. You have made us all proud!

TRIBUTE TO CHARLES SUMNER,
BORN JANUARY 6, 1811

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. CAPUANO. Mr. Speaker, I rise to pay tribute to Charles Sumner and I join with many of my constituents in celebrating the bicentennial of his birth, January 6, 2011. Commemorations are sponsored by the Longfellow House-Washington's Headquarters National Site, the Boston African American National Historic Site, the Museum of African American History, the Massachusetts Historical Society, and other learned societies and civic groups.

Charles Sumner was born in Boston and educated at Boston Latin School, Harvard College and Harvard Law School. Like many educated Bostonians of his time, he was interested in events in Europe, where he travelled extensively between 1837 and 1840. Later, he and his friend Henry Wadsworth Longfellow would compare slaveholders in the American south to aristocrats whose privileges were swept away by revolution on the continent. Sumner returned to help found the Free Soil Party but he did not succeed in election to this House in 1848. He was elected to the Senate two years later on the Free Soil Ticket. In 1856, Sumner, who refused to compromise on the issue of slavery, was savagely beaten on the floor of the Senate. Interests might be conciliated but about rights he was adamant. Massachusetts re-elected him, as a Republican, while his recovery was still in doubt, so that his empty seat would serve as a reproach to slaveholders. He returned to serve until his death in 1874.

I am grateful to John Stauffer, chair of the History of American Civilization and professor of English and African and African American Studies at Harvard University, for suggesting Ralph Waldo Emerson's tribute: Sumner's moral instinct and character are so exceptionally pure that he must have perpetual magnetism for honest men; his ability and working energy such, that every good friend of the Republic must stand by him.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. LARSON of Connecticut. Mr. Speaker, on January 18, 2011, I missed rollcall vote 12. Had I been present, I would have voted "yea" or "aye."

TRIBUTE TO ARIEL B. WALDMAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. SCHIFF. Mr. Speaker, for myself and Mr. GOODLATTE, as the Chair and Ranking

Member respectively of the Committee on the Judiciary's Task Force on Judicial Impeachment in the previous Congress, we would like to take this opportunity to recognize Arid B. Waldman who recently left the House to take a position with the Office of the Attorney General for the District of Columbia. Mr. Waldman served in the Office of the General Counsel for 18 months as an Assistant Counsel. We will miss him.

Mr. Waldman provided important legal advice and representation to the Committee and Task Force, particularly in connection with federal court litigation that arose out of an impeachment investigation and proceeding involving a federal judge from Louisiana. We and our respective staffs relied on his expertise and judgment to prepare legal pleadings and briefs, which ably and effectively defended the Task Force's ability to conduct its inquiry, and which resulted in rulings favorable to the Committee and Task Force in each instance.

Mr. Waldman served the House with distinction, and we know he will serve the Office of the Attorney General for the District of Columbia with that same level of distinction. We thank him for his service to the House and extend to him our very best wishes for his continued success.

CONGRATULATIONS TO THE FIRST FRIDAY GROUP

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. PAUL. Mr. Speaker, on January 7, 2011 the First Friday Group (FFG) of Matagorda County celebrated its 20th anniversary. I am pleased to extend my congratulations to the organizers of the FFG for 20 years of service to the people of Matagorda County.

FFG provides a monthly forum for the citizens of Matagorda County to discuss their activities and issues affecting their community. As the name suggests, FFG's meetings take place on the first Friday of the month at 6:30 a.m. The meetings are currently held at the Thyme & Again restaurant in Bay City, Texas. The meetings are open to the public, and anyone is free to participate. Attendance typically runs from 25 to 40 people.

FFG is in many ways a modern town hall meeting. Attendees typically include national, state and local elected officials, representatives from the Matagorda County Chamber of Commerce, local business owners, developers, industrial plant managers, agriculture and agri-businesses, educators, religious leaders and state agencies.

The FFG meetings have two unique features that ensure everyone with something of interest to the community has a chance to participate. First, there is never a "program" or a set list of speakers chosen by the FFG. Instead, each meeting is conducted in a "Round the Room Format," that gives each attendee a chance to talk about their activities. Secondly, speakers are asked to limit their remarks to two or three minutes in order to make sure that everyone who wants to speak has the

chance. While the time limits may appear to make it difficult to convey all relevant information about an activity, regular attendees say that most speakers can convey a remarkable amount of information in a very short period of time.

In conclusion, Mr. Speaker, I once again extend congratulations to the founders and organizers of the First Friday Group for providing a forum for the citizens of Matagorda County to exchange information about their various projects which are aimed at improving life in Matagorda County.

EVERETT & DARLA SANDERSON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. POE of Texas. Mr. Speaker, today I am proud to honor businessman and community leader Everett Sanderson and his wife Darla for their efforts on behalf of Southeast Texas, particularly for their assistance to first responders during the critical first days after Hurricanes Rita and Ike.

In the span of three short years, from 2005 to 2008, the upper Texas coast was struck by two monstrous hurricanes that caused billions of dollars of damage and took multiple lives. Countless homes and businesses were destroyed. Debris and downed trees and power lines filled the streets, making travel extremely dangerous. Power and water services were off. It was a dire situation, indeed.

Tens of thousands Southeast Texans evacuated to safer ground, but a handful of individuals rode the storm out in order to start the clean up and restoration immediately. These first responders worked unending shifts with little resources available. A hot meal was difficult to find, until the Sandersons stepped in and opened their damaged restaurant for the brave souls who decided to stay.

Everett Sanderson was born and raised in Nederland, TX. A 1985 graduate from Baylor University Law School, he has practiced in Jefferson County since. He is an active member of the community, serving on the Nederland Independent School Board of Trustees, Jefferson County Bar Association Board of Directors, and the Mid-County YMCA Board of Directors, among many others. He was named Mr. Nederland in 2006. Sanderson and his wife Darla have two children, Jordan and Michelle.

In 2003, the Sandersons found time to open a restaurant in Nederland, Sanderson's Restaurant and Bar. It was an instant hit, serving everything from seafood to barbeque to salads and everything in between. It was here, in the first hours after the hurricanes passed, that they decided to open their doors for first responders from the police, fire departments, Red Cross, FEMA, and other organizations. Pulling in resources from wherever they could, the Sandersons provided food and some peace of mind. One day during the aftermath of Hurricane Rita, they served over 6,500 first responders.

On behalf of the Second Congressional District of Texas, I would like to commend Everett

and Darla Sanderson for their hard work and dedication to make the first responders feel at home during this trying time. The Sandersons' hearts are bigger than their chicken fried steak, and if you have seen their chicken fried steak, you would know that is quite the compliment.

And that's just the way it is.

CELEBRATING THE DR. MARTIN LUTHER KING, JR. DAY OF SERVICE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Ms. MATSUI. Mr. Speaker, this Monday our Nation celebrated the life of Rev. Dr. Martin Luther King, Jr. Together we honored Dr. King's legacy with a national day of service.

Dr. King taught us many important lessons during his life—the greatest of all being that violence and hatred will get us nowhere, but love, service, and kindness for our fellow man can guide our Nation to overcome its most considerable struggles. While Dr. King was motivated by a period of division in our Nation's history, we know today that his lessons transcend all challenges. In this spirit, we pay tribute to the life and works of Dr. King, through participation in community service on the third Monday of January, each year.

Mr. Speaker, I submit to the RECORD the following piece by Ambassador of Service for the Corporation for National and Community Service MLK Day, my colleague from Georgia, the Honorable JOHN LEWIS, and CEO of the Corporation for National and Community Service, Patrick Corvington, on the importance of national service.

Ever since former Sen. Harris Wofford and I introduced legislation in the Congress that transformed the King Holiday into a National Day of Service, one question periodically arises: Do Americans view the King Holiday primarily as a day on or a day off? Are they commemorating the legacy of the Rev. Martin Luther King Jr. with their extra time or simply getting extra sleep? Clearly, there are kids who will joyfully spend their day in front of their Xboxes, and shoppers who will rush to a department store sale on the holiday.

But as the life of Dr. King and the movement that he led demonstrate, ordinary people with extraordinary vision working in the corners of their communities can have an impact that reverberates throughout America. These tiny ripples of human compassion can build into waves that cleanse and heal the wounds of a Nation.

The Corporation for National and Community Service is the Federal agency that engages more than 5 million Americans in service to solve community problems. In partnership with the King Center and community groups nationwide, the agency responds to a mandate provided in the legislation to organize the King holiday National Day of Service. Since the service day legislation was passed, we have seen interest grow from a handful of local events to well over 13,000 projects taking place this year in all 50 States.

Right here in Atlanta, we will be joining thousands of volunteers who will be packing food boxes for the hungry, rebuilding homes for the homeless, beautifying schools and serving in many other ways to commemorate the legacy of Dr. King. In doing so, people are following in King's footsteps, taking nonviolent action into their own hands to heal and mend the problems in our communities. That is what the National Day of Service is all about, engaging Americans in the joy of giving and inspiring them to see this holiday differently, not as a time to rest, but as an opportunity to share in the healing work of love.

Last year, in the midst of the Great Recession, 63.4 million Americans volunteered in some way in their communities. They decided that they wanted to make service a meaningful part of their everyday lives. And their efforts are making a difference. They are expanding economic opportunity, helping to fix our education system, protecting our environment, responding to the needs of our veterans and assisting in the wake of natural disasters.

To mark the 25th anniversary of the King holiday, we are issuing the "MLK 25 Challenge." We are calling on all Americans to honor Dr. King by pledging to take at least 25 actions during 2011 to make a difference for others.

The recent violence in Tucson is a sobering reminder that we as a nation have not yet fulfilled King's dream for our society, the building of a "Beloved Community," defined as a society based on simple justice that values the worth and dignity of every human being.

As the victims, families and our Nation struggle to recover from this tragedy, it is fitting that we look to the words of a nonviolent warrior who met aggression and hostility with the power of peace. "Darkness cannot drive out darkness," King once said, "only light can do that. Hate cannot drive out hate; only love can do that."

RECOGNIZING CHIEF DWIGHT BLANKENSHIP AND LONG IS- LAND'S FIRST RESPONDERS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to pay tribute to the everyday heroes who make up Long Island's first responder community for the service they give us every day.

In the aftermath of disasters, we often ask the same questions: What went wrong? How could this have been averted? Who is to blame?

Yet, in the early hours of January 1, 2011, a host of heroic first responders demonstrated how well-trained and dedicated experts could avert disaster and save lives. In this instance, the system worked. Mastic Fire Department Chief Dwight Blankenship and Assistant Chief Jim Mickert were the first to arrive on the scene of a gas leak and their immediate actions undoubtedly saved lives and property.

Upon seeing a gas leak spewing from out of the ground, Chief Blankenship immediately

recognized the gravity of the situation and the need to act. First, he took action to prevent any action that could create a spark and ignite the gas. After taking action to secure the scene, he made a series of calls to coordinate the largest response Suffolk County has seen since the Pine Barrens fires of 1995.

Chief Blankenship's calls for assistance were answered by first responders from throughout Long Island. There are too many heroes to name, but the members of the Mastic Fire Department and the Mastic Volunteer Ambulance Company did so much to ensure the safety of the public. In all, more than 80 fire trucks and dozens of various departments joined in the effort.

While New Yorkers are loath to admit that anything good can come from across the river, we owe a debt of gratitude to John Stearns and his team with Industrial Propane and Reclamation of Sussex, New Jersey, for their quick and effective response.

I also want to highlight the Brookhaven Fire Marshals who responded to this potential disaster. Not only did the Town Fire Marshals ensure the safety of the public on January 1, but within three days of the incident they had completed their investigation and produced a comprehensive report about what had happened and how to avert a similar disaster.

Every day, our first responders train and take time away from their families, for that one call. On January 1, we are all so grateful that Chief Blankenship answered the call, because the difference is literally a matter of life and death. I am proud to represent so many dedicated first responders like Chief Dwight Blankenship and thank them for their continued service to our community.

TRIBUTE TO LARRY J. NEHASIL

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and celebrate the life of Larry J. Nehasil, a devoted husband, father, brother, son, uncle and Police Officer; and to mourn him upon his tragic passing in the line of duty at age 48.

Larry was born on March 15, 1962. He grew up in Livonia, Michigan and graduated from Winston Churchill High School in 1980. After serving with the Wayne County Sheriff's Office, Larry Nehasil joined the ranks of the Livonia Police Department as a Cadet in 1991. He was promoted to Police Officer in 1993 and worked in the Patrol Bureau, the Special Operations Unit and most recently, the Intelligence Bureau. Highly decorated in his 20 year career, Officer Larry Nehasil was a valued brother to his fellow officers and a lover of life whose company brought joy to all he knew. Aside from his diligent work ethic, Larry enjoyed numerous outdoor activities, working out and watching his adored sons play hockey.

On January 17, 2011, Larry Nehasil laid down his life as he pursued a robbery suspect. This dedicated man gave his last breath, his last ounce of courage in service to the citi-

zens he had dutifully sworn to defend and protect. He will be remembered as a father devoted to his family, especially his beloved wife, Linda, and his sons Adam and Aaron. The cherished son of Monica, Larry reunites with his father, the late Richard Nehasil, as he passes to his eternal reward. As a treasured brother to Cheryl, Craig and Lori, Larry Nehasil leaves a legacy in many nieces and nephews. Larry was a wonderful man with a ready smile, kind to all he encountered; and he will be truly and sorrowfully missed.

Mr. Speaker, during his lifetime, Officer Larry J. Nehasil enriched the lives of everyone around him. His End of Watch came far too soon and unexpectedly. As we bid farewell to this brave and wonderful individual, I ask my colleagues to join me in mourning his passing and honoring his years of loyal service to our community and country.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,052,380,830,542.80.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,413,955,084,249.00 since then.

This debt and its interest payments we are passing to our children and all future Americans.

BANK OVERCHARGED MILITARY FAMILIES ON MORTGAGES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. KUCINICH. Mr. Speaker, admitting some "very big mistakes," banking giant JP Morgan Chase revealed today that they overcharged more than 4,000 active-duty military personnel on their home loans and foreclosed, in error, on 14 of them.

The Service Members Civil Relief Act of 2003 provides military personnel certain rights and protections as they enter active duty with respect to credit card interest rates, mortgage interest rates, and mortgage foreclosures. Per the provisions of this act both mortgage interest rates and consumer debt interest rates can be limited to 6 percent in some circumstances and foreclosures are not permitted.

While Chase has apologized for this "customer mistake," has agreed to send out \$2 million worth of refunds and has resolved all but one of the foreclosure cases, the strain put on the service members and their families through the bank's failure to comply with this act is inexcusable.

Two issues need urgent attention if we are to avoid a recurrence of this kind of illegal behavior on the part of the banks: 1) We must

accelerate the formation of the new Consumer Financial Protection Bureau that was created by Congress in the wake of the financial crisis; 2) We need to acknowledge that current interest rates are running as low as 4.6 percent for fixed 15 year loans and look into amending the Service Members Civil Relief Act of 2003 to reflect that reality, thus giving those who leave their families behind to serve our country the best rates available.

[From NPR.org, Jan. 19, 2011]

BANK OVERCHARGED MILITARY FAMILIES ON MORTGAGES

(By Tamara Keith)

The banking giant JPMorgan Chase is admitting it made some very big mistakes. As first reported by NBC News, the firm says it overcharged more than 4,000 active-duty military personnel on their home loans and foreclosed in error on 14 of them.

Julia Rowles and her husband, Marine Capt. Jonathan Rowles, have been fighting with Chase ever since Rowles was commissioned as an officer in 2006.

"They would say, 'We will take your house. We will report you to the credit agency. This is a bad situation that you don't want to be getting into. Pay us today.' They were harassing us for money that we did not owe them," Julia Rowles says.

Her husband once got a collection call at 3 a.m. None of that was supposed to happen. Under a federal law called the Servicemembers Civil Relief Act, most troops can get their mortgage interest rates reduced to 6 percent while on active duty, and foreclosures aren't allowed. Rowles says her husband, who is now overseas, was granted the lower interest rate, but Chase didn't adjust its records.

"They kept still charging us 9 and 10 percent, and we were paying upwards to \$2,000 when we should have only been paying \$1,400," she said.

This week Chase said it would send out \$2 million worth of refunds to 4,000 active-duty customers like the Rowles family who were overcharged. It also admitted to wrongfully foreclosing on 14 homes, and said all but one of those cases had been resolved. Bank officials declined an interview request, but in a statement said: "While any customer mistake is regrettable, we feel particularly badly about the mistakes we made here."

But attorney Dick Harpootlian in Columbia, S.C., isn't ready to accept the apology. He's one of the lawyers representing the Rowles family in what he hopes will become a class-action lawsuit against Chase.

"I was a prosecutor for 12 years. Everybody that got caught taking money that wasn't theirs always said they were sorry, offered to give it back and call it even," he said. "And that's just not what ought to happen in cases like this."

Elizabeth Warren, a special assistant to President Obama, says the case illustrates why the U.S. needs a strong consumer financial protection agency. She's putting together the new Consumer Financial Protection Bureau that was created by Congress to look out for consumers in the wake of the financial crisis. The agency will also focus on protecting military families.

"We need a cop on the beat," Warren said. "The laws are in place, but there's no one to enforce them and no one to speak up for these families. This is just wrong."

Warren says the laws exist so service members can concentrate on doing their jobs.

They should not be "worried about paperwork and bills and whether or not a loved

one is being harassed for money that's not even owed."

Warren visited Lackland Air Force Base in Texas on Tuesday to talk to military families about their financial concerns. She was joined by Holly Petraeus, the wife of Gen. David Petraeus, the commander of U.S. forces in Afghanistan.

Holly Petraeus was one of the first hires for the new consumer bureau.

"I really can't think of anything better to be doing while my husband is deployed forever than working on a project like this," she said.

She'll head the office of Service Member Affairs, which will be on the lookout for issues like those at Chase.

SERVICEMEMBERS CIVIL RELIEF ACT (SCRA) OF 2003

MORTGAGE INTEREST RATE REDUCTION FOR ACTIVE DUTY MILITARY PERSONNEL

This federal law (formerly known as The Soldiers' and Sailors' Civil Relief Act of 1940) provides military personnel important rights and protections as they enter active duty, on issues that include mortgage interest rates, mortgage foreclosure, and credit card interest rates. A major benefit is the ability to reduce mortgage interest rates and consumer debt interest rates (including debts incurred jointly with a spouse) to a 6% limit under certain circumstances. The mortgage or debt must have been incurred before entry into active military service, and the servicemember must show that military service has had a "material effect" on the legal or financial matter involved. This provision applies to both conventional and government-insured mortgages.

SCRA applies to active duty military personnel who had a mortgage obligation prior to enlistment or prior to being ordered to active duty. This includes members of the Army, Navy, Marine Corps, Air Force, Coast Guard; commissioned officers of the Public Health Service and the National Oceanic and Atmospheric Administration who are engaged in active service; reservists ordered to report for military service; persons ordered to report for induction under the Military Selective Service Act; and guardsmen called to active service for more than 30 consecutive days. In limited situations, dependents of servicemembers are also entitled to protections.

The mortgage interest rate limit is not automatic. To request this temporary interest rate reduction, you must submit a written request to your mortgage lender and include a copy of your military orders. The request may be submitted as soon as the orders are issued but must be provided to your mortgage lender no later than 180 days after the date of your release from active duty military service. When you contact your mortgage lender, you should provide the following information: notice that you have been called to active duty; a copy of the orders from the military notifying you of your activation; your FHA case number, if applicable; evidence that the debt precedes your activation date.

When notified that you are on active military duty, your mortgage lender must reduce the interest rate to no more than six percent per year during the period of active military service, recalculate your payments to reflect the lower rate, advise you of the adjusted amount due, provide adjusted coupons or billings, and ensure that the adjusted payments are not returned as insufficient payments. If a mortgage lender believes that military service has not affected your ability to repay

your mortgage, they have the right to ask a court to grant relief from the interest rate reduction, but this action is not common.

Interest in excess of 6 percent per year that would otherwise have been charged is forgiven. However, the reduction in the interest rate and monthly payment amount only applies during the period of active duty. Once the period of active military service ends, the interest rate will revert back to the original interest rate, and the payment will be recalculated accordingly.

If you cannot afford to pay your mortgage even at the lower rate, your mortgage lender may allow you to stop paying the principal amount due on your loan during the period of active duty service. Lenders are not required to do this, but they generally try to work with service members to keep them in their homes. In such a case, you would still owe this amount but would not have to repay it until after your complete your active duty service.

Furthermore, mortgage lenders may not foreclose, or seize property for a failure to pay a mortgage debt, while a service member is on active duty or within 90 days after the period of military service unless they have the approval of a court. In a court proceeding, the lender would be required to show that the service member's ability to repay the debt was not affected by his or her military service.

Servicemembers who have questions about the SCRA or the protections that they may be entitled to may contact their unit judge advocate or installation legal assistance officer. Dependents of servicemembers can also contact or visit local military legal assistance offices where they reside. A military legal assistance office locator for each branch of the armed forces is available at the Armed Forces Legal Assistance (AFLA) website.

Most lenders have other programs to assist borrowers who cannot make their mortgage payments. If you or your spouse find yourself in this position at any time before or after active duty service, contact your lender immediately and ask about loss mitigation options. Borrowers with FHA insured loans who are having difficulty making mortgage payments may also be eligible for special forbearance and other loss mitigation options.

**HONORING THE MEMORY OF
R. SARGENT SHRIVER**

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to honor the memory of a giant of public service, Robert Sargent Shriver, Jr. who passed away yesterday at the age of 95. Sargent Shriver was the absolute embodiment of selfless devotion, harnessing the excitement of the Kennedy era to the ideals of volunteerism and assistance to those less fortunate in this country and around the world. The programs he organized have endured for nearly half a century and have become true institutions, affecting generations of Americans.

Mr. Speaker, it is fitting that tomorrow marks the 50th Anniversary of President Kennedy's Inaugural Address. On that cold January day in 1961, a young President inspired the Nation

to lift itself up and apply its energies to advancing America and its ideals at home and around the world using those iconic words: "Ask not what your country can do for you, ask what you can do for your country." As one of his chief lieutenants, Sargent Shriver spread President Kennedy's message far and wide to millions of little boys and girls, some of whom, myself included, rose to heed his call to public service.

Mr. Speaker, since the age of 6 I have wanted to work for others, and though I was a little girl at the time, I was touched by the energy of the times and the spirit of service has never left me. The ideals that Sargent Shriver advocated fell across a generation.

Born in Maryland, Sargent Shriver earned his undergraduate and law degrees at Yale University. Despite organizing a group focused on keeping America out of World War II, he volunteered and served for 5 years in the Pacific with the Navy, achieving the rank of lieutenant and receiving the Purple Heart for wounds suffered at Guadalcanal. He became associated with the Kennedy family, first managing a store in Chicago owned by Joseph Kennedy Sr. and later marrying Eunice Kennedy, John F. Kennedy's sister. He worked on the Kennedy campaign and endeared himself to the newly elected President.

On October 14, 1960, John F. Kennedy gave a speech at the University of Michigan and lingered afterwards with a group of students, the conversation lasting long into the night. During that meeting, they discussed the idea of a government program whereby young Americans would be sent to developing nations to aid in local projects, mostly centering on education, health, and agriculture. President Kennedy assumed office with this program in mind, and on March 1, 1961, the Peace Corps was born with Sargent Shriver as its first director. Volunteers arrived in five countries during 1961. In just under six years, Shriver developed programs in 55 countries with a volunteer count of more than 15,000.

The Peace Corps will also celebrate its 50th Anniversary in March, and it can credit its success to the diligent devotion shown by its first director and to his predecessors who must strive to meet his lofty standards. Sargent Shriver carried the flame of Camelot. Entire generations, inspired by his energy, took up his call to right wrongs, improve their communities, and implement his color-blind approach to administering the government.

In his drive to promote social equality and bring more people to public service, he founded numerous social programs and non-governmental organizations, including the Head Start Program, VISTA, Job Corps, Community Action, Upward Bound, Foster Grandparents, Special Olympics, Legal Services, the National Clearinghouse for Legal Services (now the Shriver Center), and Indian and Migrant Opportunities and Neighborhood Health Services.

His record of service includes representing the U.S. as Ambassador to France, being the 1972 Democratic candidate for Vice-President, practicing international law, and membership on the boards for numerous non-governmental organizations and philanthropic institutions. In his later years, he and his beloved wife, Eunice, organized The Special Olympics and made it an international force for the dignity of the disabled.

Mr. Speaker, Sargent Shriver once said, "The only genuine elite are the elite of those men and women who gave their lives to justice and charity." Today I commend Sargent Shriver's long life and distinguished career. His dedication and work on behalf of others has directly benefited thousands of communities, from the inner cities of the United States to the most remote villages in Africa. He was the model of civil service and he will be missed.

IN REMEMBRANCE OF SARGENT SHRIVER

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. PETRI. Mr. Speaker, as a returned Peace Corps volunteer, I rise today to note the passing of Sargent Shriver, who founded the Peace Corps and headed it for its first five years. He was the enthusiastic and committed leader of the new agency, taking it from its founding in 1961 to more than 14,500 volunteers serving in 55 countries by 1966.

I served in the Peace Corps in Somalia in 1966 and 1967 and saw firsthand the contribution that Peace Corps volunteers make to the communities they serve, as well as the effect service has on the volunteers. Fifty years later, the continued selfless and noble service outside our borders remains a testament to the timeless American ideals demonstrated and encouraged by Sargent Shriver.

But it wasn't just the Peace Corps. Sargent Shriver led a life of service, founding the Office of Economic Opportunity and helping to develop its many programs. From 1968 to 1970, he was our able ambassador to France during a difficult time in our relations with that country. In 1972, he ran for Vice President with George McGovern and then ran for President in 1976.

And yet, there are many people who are unfamiliar with Sargent Shriver's service and achievements. His biographer, Scott Stossel, told the Washington Post that it's hard to find another American figure where the disproportion between how much he accomplished and how little he is known is so large.

Let us pause to mark the passage of this public servant and say "thank you."

FEDERAL COMMUNICATIONS COMMISSION (FCC) APPROVAL OF MERGER OF NBC UNIVERSAL AND COMCAST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. KUCINICH. Mr. Speaker, yesterday the FCC approved the takeover of NBC, a television network, by Comcast, a cable TV and internet provider.

One condition of the merger's approval is that the combined company must not restrict access to any lawful online content. Another

condition is that the merged company cannot give better treatment online to its own content than to the content produced by others. Comcast now has 23 million cable TV subscribers, and 16 million internet subscribers, making it the largest internet and cable TV service provider in the US. With such a pervasive conglomerate, it seems unlikely that these restrictions will ensure equal access to the internet, whose creation was funded by taxpayers.

Like any powerful tool, the internet must be protected from falling into the control of any one entity or entities which have too much authority to decide who can access it and what content they can put there. We need real Net Neutrality, not the FCC's recent proposal, which I will fight to strengthen.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 112TH CONGRESS AS ADOPTED BY THE COMMITTEE ON JANUARY 18, 2011

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. CAMP. Mr. Speaker, I submit the following.

A. GENERAL

RULE 1. APPLICATION OF HOUSE RULES

The rules of the House are the rules of the Committee on Ways and Means and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a non-debatable motion of high privilege in the Committee.

Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

The provisions of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETING DATE AND QUORUMS

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

RULE 3. COMMITTEE BUDGET

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision.

Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

RULE 4. PUBLICATION OF COMMITTEE DOCUMENTS

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

RULE 5. OFFICIAL TRAVEL

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;
(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of the Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the full Committee Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

RULE 6. AVAILABILITY OF COMMITTEE RECORDS AND PUBLICATIONS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of Rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 7. COMMITTEE WEBSITE

The Chairman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House. The ranking minority member may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee members and other members of the House.

B. SUBCOMMITTEES

RULE 8. SUBCOMMITTEE RATIOS AND JURISDICTION

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, 5 or 6 shall be considered by the full Committee and not in Subcommittee. There shall be six standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; a Subcommittee on Human Resources; and a Subcommittee on Select Revenue Measures. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

1. The Subcommittee on Trade shall consist of 14 Members, 9 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters re-

ferred to the Committee on Ways and Means that relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements involving multilateral and bilateral trade negotiations and implementation of agreements involving tariff and non-tariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the customs revenue functions of the Department of Homeland Security, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with non-market economies.

2. The Subcommittee on Oversight shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 14 Members, 9 of whom shall be Republicans and 5 whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means that relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters that relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means that relate to the Federal Old Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically,

the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means that relate to the public assistance provisions of the Social Security Act, including temporary assistance for needy families, child care, child and family services, child support, foster care, adoption, supplemental security income, social services, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means that relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, and the Federal-State Extended Unemployment Compensation Act of 1970, and provisions relating thereto.

6. The Subcommittee on Select Revenue Measures shall consist of 11 Members, 7 of whom shall be Republicans and 4 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures that, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

RULE 9. EX-OFFICIO MEMBERS OF SUBCOMMITTEES

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for the purposes of determining the ratio of the Subcommittee.

RULE 10. SUBCOMMITTEE MEETINGS

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view towards avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

RULE 11. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

Except for bills or measures retained by the Chairman of the full Committee for full

Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within three legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within seven legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least two legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

RULE 12. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

RULE 13. WITNESSES

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his or her appearance a written statement of their proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI of the Rules of the House regarding information required of public witnesses, a witness shall limit his or her oral presentation to a summary of their position and shall provide sufficient copies of their written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include in their statement or submission, a list of all clients, persons or organizations on whose behalf the witness appears. Oral testimony

and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from non-citizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

RULE 14. QUESTIONING OF WITNESSES

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five minute rule, the Chairman and the Ranking Minority Member shall be recognized first, after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

RULE 15. SUBPOENA POWER

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives.

RULE 16. RECORDS OF HEARINGS

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his or her testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes that substantially alter the actual testimony will not be permitted. Members shall have the opportunity to correct their own remarks before publication. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure that is the subject of the hearing.

RULE 17. BROADCASTING OF HEARINGS

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

(1) An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

(2) No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

(3) Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through an appropriate designee.

(4) Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

(5) Further conditions may be specified by the Chairman.

D. MARKUPS

RULE 18. PREVIOUS QUESTION

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

RULE 19. POSTPONEMENT OF PROCEEDINGS

The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment.

The Chairman may resume proceedings on a postponed request at any time. In exercising postponement authority the Chairman shall take reasonable steps to notify Members on the resumption of proceedings on any postponed record vote.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 20. MOTION TO GO TO CONFERENCE

The Chairman is authorized to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

RULE 21. OFFICIAL TRANSCRIPTS OF MARKUPS AND OTHER COMMITTEE MEETINGS

An official stenographic transcript shall be kept accurately reflecting all markups and other official meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office.

If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office

of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

RULE 22. PUBLICATION OF DECISIONS AND LEGISLATIVE LANGUAGE

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

RULE 23. SUPERVISION OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

PERSONAL EXPLANATION

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 12, I missed the vote due to travel delays while returning from my district. Had I been present, I would have voted "yes."

OPPOSITION TO THE WAR IN AFGHANISTAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 2011

Mr. KUCINICH. Mr. Speaker, opposition to the war in Afghanistan is growing. At a time when the divides in our nation seem beyond repair, Americans are united in their concern over the war.

A recent poll of conservatives conducted by the Afghanistan Study group shows that 71 percent of conservatives overall, and 67 percent of Tea Party supporters are concerned about the costs of the war in Afghanistan. They worry that the costs will make it difficult to address the deficit and balance the nation's budget by the end of the decade. Two-thirds of conservatives polled support a troop reduction, with a further 30 percent supporting full troop withdrawal.

More than 6 out of 10 Americans oppose the war in Afghanistan according to another poll conducted by CNN this month. 56 percent believe that things are going badly for the U.S. in Afghanistan.

Yet we are being assured of progress in Afghanistan as the date for withdrawal continues to slip into 2014.

The financial costs of the war are unsustainable. The human costs threaten to undermine our national, economic and moral security.

It is time to bring our troops home. It's time to dedicate our resources to nation building here at home.

HOUSE OF REPRESENTATIVES—Thursday, January 20, 2011

(Legislative day of Thursday, January 20, 2011)

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, in You we discover infinite possibilities. May sincere prayer lead to determined action. May those who are doubtful or cynical be renewed in patriotism. May those who feel powerless look within for deeper strength. May those who are most sensitive and loving find authentic ways to express themselves. May those filled with complaints learn satisfying dialogue in another. May those caught in dependencies and compulsions be freed. May those overwhelmed with complexity take one step forward. May those with limited resources build upon personal gifts. May those who think themselves incapable be supportive and encourage others. May those who believe deeply discern signs that dreams do come true and prayers are answered.

Lord, may a whole new generation uncover creative responses to that ever-present challenge: "Ask not what your country can do for you, but what you can do for your country."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

SPENDING AND FOREIGN AID

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, finally Congress says it will rein in out-of-control spending. My neighbors in Texas are a little cynical and say, "Prove it." One suggestion I keep hearing is regarding foreign aid. My friend, Sammy Mahan, a towing service operator, told me to quit giving money to dictators. Well, there's a thought.

There are 192 countries, and the United States gives money to roughly 150 of them. With our economic times, 15 million unemployed and the debt monster looming over us, it's time we reevaluate the citizen money we give away.

Someone has said that "foreign aid is taking money from the poor people in rich nations and giving it to rich people in poor nations". And many of these receivers of taxpayer money don't even like us. As my friend, the gentleman from Texas, Mr. LOUIE GOMMERT says, "We don't need to pay them to hate us. They'll do it on their own."

We even give money away to China. We should reevaluate the money we give each nation. I suspect Israel and maybe a few others would and should receive U.S. help, but the rest need to go it on their own. After all, we should take care of America first.

And that's just the way it is.

DON'T REPEAL HEALTH CARE REFORM

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, yesterday was an unfortunate day in this Chamber. The majority party voted to bring our Nation back to a system where insurance companies' needs are placed before those of middle class Americans.

The truth is that millions of Americans are already benefiting from health care reform. Insurers are no longer allowed to discriminate against children and others who are sick; small businesses are receiving billions of dollars in tax credits; and seniors are saving money on prescription drugs and are receiving free preventive care through Medicare, including 72,000 seniors in my district alone.

If repealed, these benefits will be removed and the impact on my district

will be devastating. The number of uninsured in my district will increase by 104,000 people; 326,000 residents would yet again be vulnerable to insurers' devious practices, such as lifetime limits and rescission; and insurers could once more deny coverage for up to 294,000 individuals in my district alone, including 35,000 children with a preexisting condition.

Madam Speaker, we should concentrate on creating jobs, not repealing health reform for middle class Americans.

HONORING THE GUARDIANS OF THE NATIONAL CEMETERY IN BUCKS COUNTY, PA

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Madam Speaker, I rise today to honor a group that has made a difference in our country, the Guardians of the National Cemetery in Bucks County, Pennsylvania. This is a group comprised entirely of volunteers who have assumed the mission and duty of performing many of the sacred functions of the National Cemetery in Washington Crossing, Bucks County.

Today, the Guardians, led by their President, Antonio Albano, are 250 members strong. Among this proud group are the visionaries that fought to bring the National Cemetery to its current location in Bucks County. They worked tirelessly through the selection process with the VA not only to select the site, but also to prove that there will always be a dedicated group of individuals willing and able to provide the necessary services to those who rest in this solemn place and to their families.

After the VA made the wise decision to locate the cemetery in Bucks County, the Guardians immediately began the work they have become known for—organizing services on Memorial Day and Veterans Day, as well as placing wreaths on the graves of our veterans. These are just some of the things the Guardians do to bring comfort to the bereaved and to honor those who have served us.

Madam Speaker, honoring the work of the Guardians of the National Cemetery is particularly fitting today, January 20, 2011, because today marks the 1-year anniversary of the first veteran laid to rest at the Washington Crossing

National Cemetery, a place that the Guardians have now helped to make hallowed ground.

Tonight, the Guardians will gather to mark this occasion and pay tribute to the veterans who have been laid to rest at the National Cemetery. I am honored to make note of their achievements here on the floor of the House this morning and will be honored to be among them this evening.

HEALTH CARE REPEAL AND JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Instead of focusing on creating new jobs and helping middle class families, our Republican friends want to turn back the clock. We all know this week's vote to repeal and replace the health reform is nothing but political fiction, with no intention of doing anything to improve health care. It's just a smoke screen. The reality is that a repeal of reform will be bad for our economy and worse for American families and businesses.

In my district alone, repealing health care reform would discriminate against the 305,000 people who suffer from pre-existing conditions—129 million nationwide. It would eliminate tax credits for 10,000 small businesses, kick 5,000 young adults off their parents' insurance plans—and 1.2 million nationwide—and it throws more than 5,000 seniors back into the doughnut hole of higher drug costs—2.7 million nationwide.

Let's stand with American families and say "yes" to more jobs and "no" to all efforts to repeal health reform.

□ 0910

NEXT STEP: REAL REFORM TO OBAMACARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday the House passed a bill that repealed the liberal unconstitutional health care takeover. I would like to congratulate my colleagues who voted in favor of the repeal of the job-killing health law act. The winning margin was new conservative Members elected in November to truly promote limited government and expanded freedom.

Our work is not yet complete. Today, the House will be voting on true, real health care reform authored by Chairman DAVID DREIER—reform that can make health care accessible, reform that will make health care affordable, reform that will not eliminate small businesses.

I hope all Members will work together for this kind of health care re-

form. The measure we are voting on today will not deprive seniors of care. It will not create long waiting lines for the sick. It will not burden future generations of Americans with massive debt.

Madam Speaker, this is the kind of health care reform Americans want to see. It's a solution for our families who need to preserve the doctor-patient relationship.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

LOOKING AT THE VIOLENCE IN TUCSON

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, in the wake of the tragedy in Tucson 10 days ago, there has been a lot of soul searching, a lot of introspection, and a lot of commentary about what was behind the tragedy there and what motivated Jared Loughner to take the action he did.

It's become the judicious and kind of the politically correct thing to say, Oh, it was just one madman doing something. We can't ascribe responsibility to anything else.

I think that's too easy. I think that's a cop-out.

The fact is that Jared Loughner did not try to attack the community college that threw him out, any of the employers who had fired him, or anybody in his family. He singled out GABRIELLE GIFFORDS, an elected official of the United States Government. And one has to wonder whether all of the talk in recent years about tyrannical governments and the demonization of politicians did not in some way guide that madman to her instead of another target.

I think we need to not just write this off as a senseless tragedy and an inexplicable one. We need to delve into it more deeply and decide whether the rhetoric that's out there in the media environment had something to do with this tragic event.

TWO GREAT PRESIDENCIES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, support any friend, oppose any foe to assure the survival and the success of liberty.

Madam Speaker, those are among the brilliant words that 50 years ago today were delivered by President John F. Kennedy as he was inaugurated. In 3 hours we are going to be marking that inaugural with a ceremony in the great

rotunda. And I think it's very important, Madam Speaker, as we do that to remember not only John F. Kennedy's commitment to our Nation's security, but to once again underscore his passionate commitment to our economic security by his implementation of pro-growth economic policies that were replicated 30 years ago today when Ronald Reagan became President of the United States and pursued the same kinds of pro-growth policies that President John F. Kennedy pursued.

I hope very much, Madam Speaker, that we can learn from the lessons of both of these great Presidencies.

HEALTH INSURANCE REPEAL

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Madam Speaker, yesterday's action of repealing the health care reform, cynically called the Job-Killing Health Care Act by my friends on the other side of the aisle, is definitely an ironic misnomer—job killing—when the health reform is poised to create 4 million new jobs. The number of jobs created by repeal? Zero.

So we're not about protecting jobs on the other side of the aisle. We are about protecting insurance companies' bottom line.

REMEMBERING ASHLEY TURTON

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Madam Speaker, I rise to celebrate the life of Ashley Turton. Ashley had an incredible career both in the public and private sectors and was respected by so very many people of every political persuasion. She was a wonderful mother of three children, and her death is especially difficult for those of us on Capitol Hill because we got to know Ashley through her work as ROSA DELAURO's chief of staff. She was part of our family. She was a woman of great skill and a woman of great personality.

We also know her husband, Dan Turton, who also worked on the Hill for many years and served as the chief of staff to the House Rules Committee. He currently works for the White House.

I attended, along with hundreds and hundreds of others, Ashley's memorial service last Friday here in Washington, DC. Those who eulogized Ashley captured her spirit, her determination, and her great compassion.

She was a remarkable woman and will never be forgotten. And our prayers are with Dan and Ashley's family.

INSTRUCTING CERTAIN COMMITTEES TO REPORT LEGISLATION REPLACING THE JOB-KILLING HEALTH CARE LAW

Mr. DREIER. Madam Speaker, pursuant to House Resolution 26, I call up the resolution (H. Res. 9) instructing certain committees to report legislation replacing the job-killing health care law, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 9

Resolved, That the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on the Judiciary, and the Committee on Ways and Means, shall each report to the House legislation proposing changes to existing law within each committee's jurisdiction with provisions that—

- (1) foster economic growth and private sector job creation by eliminating job-killing policies and regulations;
- (2) lower health care premiums through increased competition and choice;
- (3) preserve a patient's ability to keep his or her health plan if he or she likes it;
- (4) provide people with pre-existing conditions access to affordable health coverage;
- (5) reform the medical liability system to reduce unnecessary and wasteful health care spending;
- (6) increase the number of insured Americans;
- (7) protect the doctor-patient relationship;
- (8) provide the States greater flexibility to administer Medicaid programs;
- (9) expand incentives to encourage personal responsibility for health care coverage and costs;
- (10) prohibit taxpayer funding of abortions and provide conscience protections for health care providers;
- (11) eliminate duplicative government programs and wasteful spending; or,
- (12) do not accelerate the insolvency of entitlement programs or increase the tax burden on Americans.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 26, the resolution is debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Rules or their designees. The amendment printed in part B of House Report 112-2, if offered by the gentleman from Utah (Mr. MATHESON) or his designee, shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we begin the process of implementing health care reform. I underscore that. Implementing health care reform is what we begin today.

This resolution, H. Res. 9, initiates the second step of a two-part process, which, as we all know with the 245-189

vote last night, saw repeal of the health care bill.

Having taken that action to wipe the slate clean, we're now moving on to the far more challenging task of crafting real solutions for the American people to ensure that we can drive down the costs of health insurance and health care.

This resolution instructs the four committees of jurisdiction to draft legislation that brings about meaningful health care reforms. Furthermore, this resolution lays out 12 clear guidelines that define what real reform is. Some of these guidelines are simply common-sense principles, such as the need for reform that doesn't hurt job creation or the need to eliminate duplicative wasteful spending.

But if there is one overarching principle for true reform, it's that we cannot pick winners and losers. Real reform must be accessible to every American.

If a family is forced to give up a health plan that is working for them, can we call that reform? If a small business must lay off employees to comply with new mandates, can we call that reform? If a doctor is forced to close her family practice because the cost of malpractice insurance is prohibitive, can we call that reform? If government bureaucrats make decisions that should be left to doctors and patients, can we call that reform, Madam Speaker? Obviously not.

Our goal is to increase access to quality health care for every single American, including those with preexisting conditions. H. Res. 9, that we're going to be considering here today, puts us on the path to do just that.

As I said at the outset, this is a tremendous challenge. Achieving the goal of meaningful health care reform, which we all share, will demand an open and collaborative process. The four committees of jurisdiction have a great deal of work ahead of them. This is a process in which we all must contribute—Democrats and Republicans alike.

We have good ideas that are coming from both sides of the aisle, and I believe that they will be considered through this deliberative process. These ideas must be shared, analyzed, and debated. If we all participate in this open and transparent process, I believe that we can address the health care challenges that we face in an effective and meaningful way.

Ultimately, we all hope to arrive at the same place. We all share the same goal, that is, access to quality care for all. That's what House Republicans want to achieve, and that's what my Democratic colleagues want to achieve as well. And that's what President Obama wants to achieve. We all have our own views on how we get there.

□ 0920

In this body alone we have 435 views on the best way to reform our health

care system. We owe the American people nothing short of a rigorous and thorough debate. But if we conduct that debate in good faith, Madam Speaker, grounded in the recognition that we all hope to achieve the same outcome, I believe that we, in a bipartisan way, Democrats and Republicans together, can come up with real solutions.

Now, we saw the day before yesterday that the President said that he is willing and eager to work with Republicans on the issue of health care. That's a sentiment that I, and I know my colleagues on this side of the aisle, share wholeheartedly. This resolution, H. Res. 9, puts us on a path towards doing just that. It will begin this critically important process.

So I hope very much that we will have strong, bipartisan support for this resolution. I will say that we have an amendment that will be coming forward, a Democratic amendment that the Rules Committee has made in order, I am happy to say, that will add to that list that our friend Mr. MATHESON has provided. And I will also say that contrary to the argument that has been put out there that we don't have solutions, there is a wide range of proposals that exist. And we look forward to having this committee process vigorously pursue just that.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise in very strong opposition to this resolution and very strong opposition to the very closed process in which we are discussing this resolution. Once again, I am deeply disappointed that instead of working to create jobs and strengthen the economy, the new Republican majority continues to focus on reopening old wounds and fighting old battles. The resolution before us today is allegedly the replace component of the Republicans' repeal and replace strategy. I say allegedly, Madam Speaker, because this resolution is not a serious legislative effort. It is a series of talking points. It is a press release.

What this resolution does is ask the committees of jurisdiction to hopefully, maybe someday, if they would be so kind, to report legislation to the House that meets certain vague goals. Instead of repeal and replace, this is repeal and relax. Trust the Republicans to do the right thing. No thank you, Madam Speaker.

Yesterday, this House voted, without a single hearing or markup, without a single amendment, to eliminate the Affordable Care Act in its entirety. The Members who voted for that bill voted to return to the days when insurance companies could discriminate against people based upon preexisting conditions. They voted to eliminate the ban on annual and lifetime limits on care.

They voted to eliminate the ability for young people to stay on their parents' insurance plans up to the age of 26. They voted to reopen the doughnut hole in Medicare. Basically, they voted for a tax increase on senior citizens who need prescription drugs. They voted to eliminate tax credits for small businesses who want to do the right thing and provide health insurance for their workers. All of that, Madam Speaker, would have the force of law. All of that was done with real legislative language. But not the resolution before us today.

Instead of real language that would provide real benefits to real Americans, this resolution is simply a collection of empty promises. And the ironic thing is that most of the provisions included in the resolution were actually addressed in the Affordable Care Act. According to this resolution, we should, quote, "lower health care premiums through increased competition and choice." Well, the Affordable Care Act already does that. Of course, many of us argued for a public option, which would have lowered premiums even further with increased competition and choice, but my Republican friends didn't want to have anything to do with that.

The resolution before us today says we should "preserve a patient's ability to keep his or her health plan if he or she likes it." Well, the Affordable Care Act already does that. Increase the number of insured Americans? Well, we did that by 30 million people. Protect the doctor-patient relationship? We did that. And so on and so on.

On the critical issue of people with preexisting conditions, however, it's interesting to see the language that my Republican friends use in this press release that they call a resolution. They say they support, and I quote, "provide people with preexisting conditions access to affordable health coverage." Well, that sounds nice. But what we did in the Affordable Care Act was to actually ban insurance companies from discriminating against those people. I will be very interested to see how my Republican friends handle that critical issue and how much influence the big insurance lobby has around here now that they're in charge. And the doughnut hole? The resolution is absolutely silent on the doughnut hole.

Madam Speaker, health care is of vital importance to every single American. It is a big deal. And to treat health insurance reform as just another opportunity for happy talk and wishful thinking is not the way to do business in the people's House.

I urge my colleagues to reject this resolution.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds.

I do so to say to my friend that I appreciate his very conciliatory remarks.

Everyone has acknowledged that this measure is flawed. The President said in his press conference right after the election it was flawed. We have had the courts already throw the mandate out. We need to deal with the problem even before this measure is being implemented. So it seems to me to be absolutely essential that we proceed with this work.

With that, I am happy to yield 2 minutes to a hardworking member from our Rules Committee, the gentleman from Lawrenceville, Georgia (Mr. WOODALL).

Mr. WOODALL. Thank you, Mr. Chairman.

Madam Speaker, I have been a Member of this body for 2 weeks and 2 days, and I could not be prouder to be on the House floor today in support of the chairman's resolution. For the entire last year in my district we have been focused on one thing and one thing only, since March of 2010, and that is the repeal of the President's health care bill.

You know, before March of 2010 my district cared about health care reform. We talked about tort reform, we talked about putting patients back in charge of decisions. We talked about ending the tax preference that businesses get so that we can purchase insurance on our own and own those policies as we do our other insurance policies. But the moment this bill was signed into law, the moment the President's bill was signed into law that discussion stopped and the repeal discussion began. And with the repeal yesterday, we now begin anew the discussion of how properly to reform the system. And I am anxious to have that discussion.

You know, we learned a lot in our time in the minority. One of those things we learned is that bringing simple, straightforward resolutions to the floor is better for the process. It's better for the American people. The Speaker has made that commitment. We continue that commitment today with these instructions to go back to the drawing board and bring things forward one at a time.

Now, I sat through 10 hours of hearings in the Rules Committee, where folks came forward and said go ahead and repeal the bill, but save this one provision. Let's have this one provision stay. Go ahead and repeal the bill, but keep this other one provision. We now have that opportunity. We have now repealed the bill here in the House, and we have the opportunity to bring those provisions forward one by one.

And I will tell you what, I am not going to like all those provisions. And some of those provisions are going to pass the House. And that's the way it ought to be. You shouldn't have a one-size-fits-all, take-it-or-leave-it kind of system. You ought to be able to have that discussion on both sides of the

aisle. And I have no doubt that provisions are going to come forth from our committees that I am going to vote "no" on, but my colleagues on the left and on the right are both going to vote "yes" on, and it's going to pass. And that's the way the process ought to be, one provision at a time, one idea at a time. Tort reform, insurance reform, putting patients back in charge of those decisions, putting doctors back in charge of those relationships.

Mr. MCGOVERN. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, I think our objection is not with the idea of having a serious debate on these issues. There are areas where we can come together and hopefully make the bill even better. Our objection is the fact that my friends on the other side voted to repeal everything, voted to allow insurance companies to once again discriminate against people with preexisting conditions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield myself an additional 15 seconds.

They voted to take away the benefit from senior citizens that we put in there to help try to close the doughnut hole in the prescription drug bill. And what do they do in terms of replacing it? They come not with an alternative; they come with a press release. That's not serious legislating. That's politics as usual.

Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I am just amazed. I listened to the gentleman from Georgia who just spoke, and he said that in his district all of the focus is on health care and health care repeal. Well, I don't know, when I go home all I hear in my district is jobs and the economy. People are concerned about the economy. They want us to create jobs, they want us to focus mostly on that issue, not on repeal of health care.

□ 0930

The other problem I have with the gentleman from Georgia's comments is he seems to think that because the House passed this repeal yesterday that the health reform is repealed. Well, let me tell everyone it's not, and this is just a ruse. This bill, this health reform wasn't repealed. The Senate isn't even going to take it up. The President has said that he would never sign a repeal bill.

So the Republicans are just wasting their time, rather than focusing on what we should be focusing on, the jobs and the economy. They keep talking about this false repeal that is never going to happen.

Now, I also wanted to say something about what Mr. DREIER said before. He talked about increasing access, increased choices. That's not what goes

on if this bill was ever repealed. The choice is now for people who have pre-existing conditions, they can't get insurance. They have to pay more if they try to get it, or the kids that are on the policies that would be taken off if we had the repeal, or the people that would again face lifetime caps.

You don't have choices under the old system because you were denied care through the insurance companies' discrimination. The only way you have choices and access is under the health reform that this House and this country have put into law where you are guaranteed you get insurance, even if you have a preexisting condition. You don't have to worry about lifetime caps. You can put your kids on the policies.

So don't talk to me about choices and access. People don't have choices and access with those discriminatory policies that would be put back in place by the insurance companies. As they continue to raise premiums, more and more people will not have access to health care and have access to health insurance. The only way you have access and choices is if we keep the health reform in place.

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to my very, very good friend and California colleague, the dean of our delegation, Mr. LEWIS.

Mr. LEWIS of California. I very much appreciate my colleague yielding.

Madam Speaker, I think the entire public knows that America has had in place for a long time one of the finest health care delivery systems in the world. It's the envy of many.

That is not to say that it's perfect. That's not to say that we don't have major challenges like preexisting conditions and like questions of portability. But, indeed, if the people who put in place a health care plan last year had had their way, they absolutely would have taken the next step; that is, to have a centralized, government-run health care system. That's the pattern of their future.

At this moment, Great Britain, which had such a thing in place for some time, is attempting to back off of their system and have more relationships between physicians and their patients. Indeed, they are doing that because their system does not work.

It's very important that we not allow the former majority to take their next step; that is, to have government-run health care. With that, yesterday, we passed a repeal that will take us to conference with the Senate, and, in turn, today we are beginning the process of reexamining where we have been to make certain that we put in place health care that is positive for all Americans, not health care that's run by the IRS.

Madam Speaker, our health care system is the envy of much of the world. That does not mean it is perfect.

There is no question we must resolve major challenges such as pre-existing conditions, portability and cost. But we can deal with these by breaking down barriers between States, liability reform and tax incentives. We certainly do not need IRS-enforced mandates.

Despite the loud and clear protests of the American people, the Democrat leadership of the House and Senate rammed through a job-destroying health care act last year. It created a large and costly new government bureaucracy that gets between doctors and patients. The law includes hundreds of new burdensome taxes, regulations, and mandates on businesses and individuals.

There is no doubt in my mind that supporters of this massive bill would have passed a government-run single payer system if they could have gotten away with it. What they did pass was a first step towards total government run healthcare. The same kind of healthcare system that Great Britain is trying to abandon, because it doesn't work.

We must stop America from going down the path of a government-run, single-payer healthcare system.

Yesterday the House acted on our promise to repeal Obamacare, and today we must vote to start the process of replacing it with common sense, affordable solutions.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from Massachusetts.

Madam Speaker, well, we could have a bill on the floor today that expands fair trade for American companies, but we don't. We could have a bill on the floor today that finds ways to stop sending a billion dollars to the Middle East to buy oil every day and instead create jobs producing energy in America, but we don't. We could have a bill on the floor today talking about ways to regenerate our real estate market and get people buying and selling houses again, but we don't.

What we have is an empty promise that someday, somehow, the new majority will come to the floor with a bill that will fix the health care problem. Quoting from Speaker JOHN BOEHNER, he said on June 18, 2002, "Instead of focusing on new health care mandates that will increase costs on employers and swell the ranks of the uninsured, Senate Democrats should focus on providing access to health insurance for the 39 million of Americans who remain without health coverage. That should be our first priority."

So at a time when Republicans had a majority in this House, a President in the White House, and for most of the time a majority in the Senate, their first priority, which was to deal with the health care problem, they didn't do. That's the standard against which we should measure today's promise. It doesn't leave much room for much optimism.

I would say, instead of focusing on yet another empty promise, let's focus on putting Americans back to work.

Mr. DREIER. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, everyone has acknowledged that the legislation that has passed is flawed. Everyone has acknowledged that. The President of the United States, when he said that the 1099 issue imposing mandates on small businesses needed to be rectified in his first news conference after the election, recognized that there were problems.

We had, the day before yesterday, the distinguished assistant minority leader, the former majority whip, Mr. CLYBURN, say that he believes that Republicans and Democrats should work together to improve this bill. We have already had a Federal court determine that it is unconstitutional to impose this mandate. Madam Speaker, we need to work together to resolve the very, very great challenges that we have ahead of us.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, with last year's important health insurance reform law, we provided real guarantees to American families against insurance monopoly abuses. Today, Republicans tell these families, "Forget the binding guarantees. We have 12 platitudes for you."

This isn't a Republican prescription—this is a placebo. And for the American middle class, it's a very bitter pill indeed.

Yesterday, House Republicans, in a remarkable measure, with one vote, decided to increase the national debt, reduce the solvency of the Medicare Trust Fund, raise insurance premiums, and charge seniors more for their health care.

During the last 12 years that these Republicans were in charge, 6 of them with near total domination of the government here in Washington under the Bush-Cheney administration, they failed to enact even one of these 12 platitudes in this flimsy 2-page excuse of a bill. Twelve health care platitudes up now, missing in action for 12 years.

Who wouldn't be for some of them? They are broad platitudes that propose something that they apparently kept hidden under a bushel for the last 16 years and now will unveil. Well, I think it will just be the same old tired, rejected, retread Republican proposals to give more income tax breaks to those at the top.

If you believe that they have got something new to offer to genuinely reform our health care system in a way that will help middle-class Americans instead of health insurance monopolies, I think you will want to buy some of that Republican ice cream that helps you lose weight. Our families don't need Republican platitudes; they need real help.

I will have to say I think the tea party types are right about one thing. There are dangers from soaring debt, dangers they forgot for a decade. There are dangers from Big Government. But, you know, that's not the only threat our families face. They face threats from big banks and from big insurance monopolies.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. DOGGETT. Our middle-class families are threatened not only from the challenges of government, but from the big pharmaceutical monopolies that charge our people more than any place in the world, from the giant insurance monopolies. And sometimes, sometimes our families need government to come down on our side because otherwise those giant economic forces will take advantage of our families by writing out the very protection that the sick and injured need the most, protection that they write into the fine print of an insurance policy that no ordinary person can understand, where they are told that they are not covered anymore, that they have a preexisting condition, that you have reached your policy limits and cannot get the care that your doctor says is vital to sustain your life, that this policy just doesn't cover sick people or that it can be rescinded.

I say we need to provide people genuine protection. That's what we did last year. That's what they want to eliminate this year. Let's be on the side of the people, not the 12 Republican platitudes to benefit insurance monopolies.

Mr. DREIER. Madam Speaker, I yield 1 minute to one of the hardworking members of this brand-new class that has come in carrying this strong message, the gentleman from Columbus, Ohio (Mr. STIVERS).

□ 0940

Mr. STIVERS. I thank the gentleman for yielding.

Madam Speaker, I voted for the repeal of the health care bill yesterday because I think doing otherwise would have been supporting the status quo, and that's unacceptable. I believe there are some good ideas that were in the original health care bill that can be used and improved; but some of those ideas are in H. Res. 9 today that instruct the committees on next steps on health care.

However, there is one idea that I think we need to add to that list. I think we need to add the allowing of young folks to stay on their parents' insurance through H. Res. 9. In this tough economy, many students are unable to find jobs right out of school. As a member of the State senate, I sponsored a bill that would allow those up to age 30 to stay on their parents' plan,

and I just heard from a constituent that his 23-year-old son Justin is back on his parents' insurance.

Moving forward, I'm committed to working with my colleagues in a bipartisan manner to support reforms we agree on, like allowing young adults to stay on their parents' plan. This was included in the Republican alternative last year, and it should be included in the replacement bill this year.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman for his comments in recognizing the fact that the provision that allows parents to keep their children on their insurance until they are 26 is a good idea. But he voted yesterday, along with all the Republicans, to repeal that, to take that away. And this press release that they're now saying is a bill on the House floor here doesn't even address that issue.

So I wish the gentleman would have actually voted with his convictions yesterday and voted against repeal, because what he did, if, in fact, this bill becomes law, will deny parents to be able to keep their kids on their insurance until they are 26.

I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to oppose the Republicans' cynical attempt to replace the health care reform law.

Yesterday's decision to repeal the Affordable Care Act was truly damaging to the American people, but today's decision to tout the central reforms of the Affordable Care Act as Republican ideas is simply baffling. If the provisions in H. Res. 9 were really the Republicans' priorities, they would leave the Affordable Care Act intact because all of these provisions exist in the current law.

If we all agree on the importance of keeping young adults on their parents' insurance, prohibiting insurance companies from dropping coverage for the sick and strengthening Medicare, then this spectacle is a colossal waste of time that we don't have. If Republicans really want to guarantee these consumer protections to the American people, they would not stage partisan antics with this kind of resolution.

Even when Republicans had control of the entire government for 6 years, they did nothing to reform our Nation's health care system. And during that time, premiums skyrocketed, the number of uninsured Americans grew to 47 million, and those with insurance saw their benefits decimated. Of course, it would have been great to have the Republicans as willing partners during the last 2 years as we worked hard to pass the Patient Protection and Affordable Care Act. Unfortunately, they insisted on being the Party of No even as we incorporated so many of their party's ideas into the law.

Rather than roll back the hard-fought consumer protections and freedoms that unshackled Americans from the whims of private insurance companies, as former Republican Senate Majority Leader Brill Frist said, Republicans should be working with us to build on and improve the health care system.

Not to mention, every potential minute spent in committee focusing on redundant legislation is another minute that we are not helping American families and businesses emerge from this recession. Democrats have pledged to measure all legislation by the proposal's success at creating jobs, strengthening the middle class and bringing down the deficit.

Unfortunately, the Republican majority's hasty vote to repeal the Affordable Care Act fails on all such accounts. The American people deserved and got real reform. This vague resolution stating so-called Republican principles on health care reform is like giving the American people a wish sandwich. There's nothing between the bread, but we wish there was.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds to say to my very good friend that the fact of the matter is the Republicans sent association health plans to make sure that small businesses could drive the cost of health insurance down to the Senate, and our friends in the other body in the other party killed that measure. We put into place for seniors access to affordable prescription drugs. And so we have worked diligently to make this happen.

With that, I am happy to yield 1 minute to my good friend from Fort Myers, Florida (Mr. MACK).

Mr. MACK. I thank the gentleman for yielding.

Madam Speaker, yesterday was a great day for democracy and freedom in this country. Yesterday, the Republican-led Congress voted to repeal a health care law that was passed by the Democrats that would mandate, that would force people to buy something even if they didn't want to. It's unconstitutional, it's un-American, and it is not what this country stands for.

Now we are hearing a lot of our colleagues on the other side talk about how we want to strip away this and we want to strip away that and we are playing games and this resolution is a game. Well, let me remind you that it was the President of the United States in his State of the Union that talked about tort reform, which was not included in ObamaCare. We intend to include tort reform in this Congress. We also believe that association health plans are very important to ensure that more people have access to health care, something that your side of the aisle failed to do.

There are real ways to do commonsense reforms. It is not by having the

government mandate what you have to buy as a citizen of this country. It is unconstitutional. It is un-American.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to remember to address their comments to the Chair and not to others in the second person.

Mr. MCGOVERN. Thank you, Madam Speaker, for maintaining decorum in the House. We appreciate it.

I yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Madam Speaker, we are seeing today that after 75 or so hours of markup, hundreds of hours of hearings, 16 months of long debate, thousands upon thousands of meetings and town halls, the Republicans come to Washington and don't know what they want to do in health care yet. My constituents should understand, and the Speaker should understand, that this resolution says, go back and figure out what we want to do.

Ladies and gentlemen, I would remind you that last year during the health care debate, the Republicans had a chance to offer an alternative. They didn't. Now they come to Washington and say, oh, let's have the committees go try to figure this all out. Yesterday they were the Party of No, and today they are the party of "we don't know how to go."

Who are these Republicans? After months and months and months of the national debate, you can go into any coffee shop, any church basement, just about any card game in this country and people have solid ideas about what they think about health care. But not the Republicans. They've got a resolution today that says, hey, committees, go try to figure this stuff out, it's complicated.

And by the way, I don't know, Madam Speaker, if I read it correctly, but I don't think there are any deadlines. I don't think there are any deadlines. I will eat this rostrum if they come back with legislation that actually accomplishes the things that they just repealed yesterday. It's not going to happen.

And this is the fundamental problem that I believe the majority party now has: they have the campaign slogans all down. I just heard the gentleman from Florida do one: "unconstitutional." They have the campaign slogans locked. And I have to give them credit, they were successful with them. They came here, we're against, we're against, we're against. Well, now here it is. Unlike past Congresses that come in all geared up for the things they want to do, they're all geared up with a resolution saying, hey, go figure out what it is that we should do.

The American people deserve a lot better than this. They deserve comprehensive health care that saves them money. That's what was repealed yesterday.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds to say to my friend from New York, it is very interesting that the President of the United States the day before yesterday said that he was willing and eager to work with Republicans to ensure that we rectify this flawed bill. The distinguished assistant minority, the former majority whip, Mr. CLYBURN, said in a program earlier this week that he looked forward to working with Republicans in a bipartisan way to address this.

With that, Madam Speaker, I yield 1 minute to my good friend from Allentown, Pennsylvania (Mr. DENT).

Mr. DENT. Madam Speaker, yesterday the House voted to repeal the misguided health care law of 2010, which is seriously flawed, both in its structure and its practical implementation. I keep hearing discussion about the Affordable Care Act. If one believes the Affordable Care Act will not add to the deficit, I think that one is apt to believe just about anything. But today we have the opportunity to direct the committees to produce practical and effective reforms.

I urge my colleagues to join me in supporting this resolution and commit to working together to enact meaningful reforms that will lower health care costs, expand access to affordable insurance coverage, and foster economic growth and jobs.

The current law is simply unwise and unsustainable. I believe we must replace the misguided policies of the current law with reforms that will address rising health care costs. Specifically, I support medical liability reforms to reduce the practice of defensive medicine. I believe Congress must provide Americans with more options for affordable health coverage, such as low-cost catastrophic plans for younger individuals, patient-driven health care savings accounts, cross-state purchasing and effective high-risk pools or reinsurance models as a backstop.

Again, I urge my colleagues to support this resolution, and let's get on with this serious debate.

Mr. MCGOVERN. I yield 10 seconds to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I just want to respond to the distinguished chairman. The President did not say anything about this dastardly flawed bill. He said we should "implement and improve." You say "repeal and replace." You put that to a vote of the American people. Implement and improve is the way we build important legislation in this country.

□ 0950

Mr. DREIER. Madam Speaker, I yield myself 5 seconds to respond.

Madam Speaker, let me say to my friend that the President did say that he is willing and eager to work with Republicans to rectify the problems

that are here, and right after the election, he said that he wanted to correct the 1099 issue, recognizing it is a flawed measure.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Madam Speaker, I am actually disappointed that I am standing on the floor of the House of Representatives today yet again defending and protecting the rights of the American people to health care.

It is such a shame that yesterday and the day before for 7 hours our Members on the other side of the aisle spent their time deciding for the American people to take away the ability of parents to provide health care for their young people up to age 26.

They spent 7 hours, other than finding jobs, trying to make sure that small businesses who are providing health care don't get a tax credit anymore for the health care that they are providing for their employees.

They spent 7 hours trying to strip away the ability of our seniors to make sure that they don't have to reach into their own pockets, deeper pockets, not deep anymore, to pay for prescription drugs.

Yesterday and the day before they spent 7 hours debating whether it is a good idea for insurance companies to be able to deny people health care for preexisting conditions when they know that at least 129 million of us, 65 percent or so of us, actually have preexisting medical conditions.

So it is really disappointing that here we are yet again with the Republicans saying we took it all away in one day, and now we are going to think about some of it that we might replace again.

Well, we have created a health care law for the American people that is about affordability and accessibility. And I know that the Democrats are going to stand on the side with the President, implementing the law. And thank goodness for the American people. They should know that the Republicans didn't do anything yesterday other than putting a whole bunch of stuff on a piece of paper that has no chance of going anywhere. The paper is not even worth the ink that is printed on it.

Mr. DREIER. Madam Speaker, as a native of the Show-Me State, I am very pleased to yield 1 minute to my friend from St. Elizabeth, Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. Madam Speaker, I am proud to rise in support of this resolution, a bill that would direct committees to craft new health care legislation and which would help steer our country back in the right direction. A serious fix for what ails health care in America will entail more than tweaking the law; it means replacing the health care bill with real reform.

Missouri is the Show-Me State, and last August, 71 percent of Missourians went to the polls and said "no." They rejected this law.

As I go about my district and talk to my employers, they tell me that instead of premiums going down, they have actually gone up 25-40 percent. And instead of improving access to care, we actually have doctors retiring in record numbers.

True reform would be passing significant lawsuit reform so doctors can faithfully perform their jobs of taking care of their patients. I also support increasing access to insurance by allowing small businesses to pool together to get the best plan for their employees.

All along Republicans have offered a commonsense approach to improving our health care system and in a way that controls cost and provides the quality of care that Americans deserve. Today's vote is an important step in realizing that goal.

Mr. MCGOVERN. Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Massachusetts has 12¼ minutes remaining. The gentleman from California has 15¼ minutes remaining.

Mr. MCGOVERN. At this time I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I am very happy to yield to one of the other new Members who comes with a very strong message here. She is a nurse, and she is from Gallatin, Tennessee. I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. I thank the gentleman for yielding.

Madam Speaker, I rise on behalf of the people of middle Tennessee who spoke loud and clear this last year that they do not want the Federal Government dictating their health care. The plan that was signed into law by the President was supposed to increase access to health care and lower costs for American families. However, in the months since the bill passed, it has been shown to do neither. We now know that the health care bill not only increases premiums for families but hinders job creation and is filled with unintended consequences that not only diminish the quality of our health care system but also do great damage to our economy, and increase our deficit.

This new Congress was sent here to follow a more responsible path. Through commonsense, market-based solutions, we can replace a flawed health care bill to have the best health care system in the world.

I am eager to take part in drafting the new Republican plan and focusing on rolling back the individual mandate, eliminating the onerous demands on small businesses, and actually lowering the cost for families and increasing access to quality, personalized health care.

I also look forward to a thoughtful discussion that includes solutions that went ignored before, like tort reform, increasing competition, and tax breaks instead of tax hikes.

As a nurse for over 40 years, my top priority will be making sure our plan honors the doctor-patient relationship that is so sacred in medicine because there is no place for a government bureaucrat in an individual's health care decision.

As a member of the Ways and Means Committee, I am excited to work with Chairman DAVE CAMP and my fellow committee members on a new way forward to responsible health care reform. Let's do the work that the American people sent us here to do.

Mr. DREIER. Madam Speaker, may I inquire of my friend if he has any further speakers on his side?

Mr. MCGOVERN. I have further speakers, but there is a time discrepancy; so I will let you catch up.

Mr. DREIER. Madam Speaker, let me just say that I don't have other speakers here yet. I have others on their way over to the floor. I understand the disparity that exists in the timing, and I could talk for all that period of time, but I don't want the gentleman to suffer through that. So I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, as I am sitting here listening to this, I am thinking this must be something like Alice in Wonderland. This is the most bizarre debate I have heard in a long, long time.

We need jobs. We need to be focusing on the American economy. This particular resolution has no sense of reality. I have heard debates here and discussions on the floor about association health plans. I know about association health plans. I was the insurance commissioner for 8 years in California, having to deal with these non-insurance programs that left hundreds, indeed thousands of people, holding the bag when the association health plans went belly up. It doesn't make any sense.

California has had tort reform for 30 years. We have in the law today in America a protection for every individual in America from the onerous hands of the insurance companies that have continued over the years to deny benefits, to make the doctor decisions, and to literally put people's lives at risk—it's called the Patients' Bill of Rights, and our Republican colleagues want to repeal that. We have a law that is in place. It should be implemented.

The cost issues that have been discussed here on the floor are really a discussion about what has taken place in the past. The law has yet to be implemented with regard to cost contain-

ment, the oversight of the insurance companies. All of those things are in the days ahead, and a market system is available with the exchanges. You want to talk about market, that is how you get there, with exchanges.

Replace, repeal—how bizarre is that? Americans have a protection. Yesterday, our Republican colleagues voted to remove their protections. They gave to the insurance companies once again the power to regulate their lives. We cannot allow that to happen. This step today is just Alice in Wonderland.

GENERAL LEAVE

Mr. DREIER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. Res. 9.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. I would like to yield 1 minute to my hardworking colleague from Lincoln, Nebraska (Mr. FORTENBERRY).

□ 1000

Mr. FORTENBERRY. I thank the gentleman for the time.

Madam Speaker, health care reform, the right type of reform, is important to me and important to every American. The right type of reform will actually reduce costs and improve health care outcomes while we protect vulnerable persons. However, the current health care law, as we all know, is a complicated mess that is going to shift costs to more unsustainable government spending and actually reduce health care liberties.

America deserves better.

Following yesterday's vote in support of the repeal of this law, I believe it is important to craft a new commonsense policy that provides new insurance models for families, farmers, and small business owners. Yet, as to any model that we craft, the replacement must continue to build upon a culture of health and wellness, allow newly insured persons to keep their current coverage and also retain protections for preexisting conditions. This will be important.

So now the hard work begins; but this time we have the opportunity to get it right.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. I thank the gentleman for yielding.

Madam Speaker, I rise as the incoming co-chair of the Congressional Women's Caucus to talk to you a little bit about the impact that repealing this health care law will have on women.

As you all may be aware, women are twice as likely to be dependent upon their spouses for health care, and they are less likely than men to have employer-sponsored insurance. For single

female heads of household, this has a devastating impact on the entire family when there is no health insurance. Of course, all of us have heard stories from our districts about the devastating impact the repeal of this law will have on women, and I heard such a story just yesterday:

Meet Nicole Lipski. She is 25 years old, is working part time, and is going to school part time; but, because of the health care law, was able to remain on her dad's insurance. Lucky for her, because just last week she had an infected pancreas and had to have her gallbladder removed in emergency surgery, which cost \$13,000 that, fortunately, was covered by her parents' insurance.

You know, this law outlaws gender rating as insurance companies, of course, charge women higher premiums than men for coverage. It also has a disparate impact on women with respect to preexisting conditions—when you consider that being a victim of domestic violence is considered to be a preexisting condition.

Now, you don't have to be a Harvard economist to know that this law is not a job killer, but we do have a Harvard economist to back us up.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 15 seconds.

Ms. MOORE. David Cutler, a professor of applied economics at Harvard, released a new study on January 7, finding that repealing the health care law would destroy 250,000 to 400,000 jobs annually, and many of these jobs will be women's jobs—CNAs, LPNs, x ray techs, RNs, and the cleaning woman who cleans up the emergency room.

This law is a game changer and a lifesaver for women's health and employment opportunities for women.

Mr. DREIER. Madam Speaker, I am happy to yield 1 minute to my good friend from Cherryville, North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Thank you, Chairman DREIER, for yielding.

Madam Speaker, last night House Republicans took a major step in keeping our pledge to America by passing the repeal of ObamaCare. Now we must work to replace this budget-busting law with sensible, market-based policies that actually lower costs for families and small businesses and expand access to affordable care.

Small businesses are the job creators that hold the key to our economic recovery. They cannot afford the hundreds of billions of dollars in new taxes in the ObamaCare law and the new employer mandate as well. Our small businesses need certainty in the Tax Code and certainty in the regulations coming out of Washington. ObamaCare only makes matters worse.

I look forward to an open and transparent debate in this Congress on alter-

native, affordable solutions. That's what the American people want, and that's what my constituents desire. I would also challenge my friends on the other side of the aisle to listen to the American people and to join our efforts to work towards better solutions to our Nation's health care challenges.

Mr. MCGOVERN. Madam Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank my good friend from Massachusetts for yielding.

Madam Speaker, let me say that the good news is that the only thing that occurred last evening was simply a vote, because the law of the land is still the Patient Protection and Affordable Care Act. I hope that the President's words are not twisted, because I agree with him: we are all willing to work together to do the right thing, which is to amend a bill.

I don't understand the understanding of my friends on the other side of the aisle. Repealing the law of the land has nothing to do with questioning some of the provisions. Frankly, they're not even listening to a distinguished doctor, Senator Frist, the former majority leader, who said this bill—our bill—is the law of the land, and it is the fundamental platform upon which all future efforts to make that system better for that patient and that family will be based.

What is there not to understand?

Amend the bill. Don't repeal it.

In fact, Senator Frist said if the bill were on the floor, he would have voted for it. I spoke to some students the other day, and they asked about doctors. This bill has in it scholarships for medical professionals, the bill that we have.

In fact, the issue, of course, is one that you cannot dispute: this bill saves lives, so much so that the Republican majority leader ran to the media to promise seniors that they wouldn't lose the \$250 that our bill, the patient protection bill, guaranteed them so that they would have some cover, some cushion, for their prescription drugs.

So, my friends, I know we are doing the right thing. We are all willing to amend, but how ridiculous it is that you would repeal the law of the land or attempt to do so. I know the President still has his veto pen—because this bill will save lives.

Mr. DREIER. Madam Speaker, I yield 1½ minutes to one of our new Members, the gentleman from Oklahoma City (Mr. LANKFORD).

Mr. LANKFORD. Thank you for yielding time.

Madam Speaker, the repeated diatribe from Members on the other side of the aisle that somehow they are the only individuals in this Chamber who care about the health of American families demonstrates again the deep-seated partisanship that we must work to defeat.

We all want great health care in America. We hear the American people loud and clear. They don't like ObamaCare, but they do want something to be done.

We must have real national tort reform to reduce the costs of defensive medicine.

We must encourage medical innovation to deal with the FDA approval process that covers any new discovery in paperwork, costing \$1 billion a drug just to get it through the FDA process.

We must open up more options for insurance carriers, allowing someone who is frustrated with the service or the cost or quality of his carrier to fire them and to get a new insurance provider.

We must reject price fixing as a cost-cutting solution.

We must allow every American to choose their own doctors, even pay their doctors directly if they choose to do that.

We must give senior Americans more choices in physicians who accept Medicare patients.

We must provide States with greater flexibility; and we must deal with portability, high risk, and preexisting conditions.

Republicans have friends and family who are dealing with the same medical issues that Democrats deal with. Suffering, disease, and pain have no respect for political affiliation. We just believe that, if you are sick and hurting, you should contact your doctor, not Washington, DC, to see what to do next.

Let's surprise America. Let's work together, and let's get something done. Let's show them that, even with a divided House and Senate, we can reject the gravitational pull of politics, that we can put aside our differences, and that we can work together for the good of those who are most vulnerable.

Mr. MCGOVERN. Madam Speaker, I yield myself 20 seconds.

I just want to respond to the gentleman who just spoke. We hear these distortions over and over and over again. We heard them during the campaign, distortions that were perpetrated by my friends on the other side of the aisle and by their allies in the insurance industry, and that, somehow, what we passed was a bill that wouldn't allow you to keep your own health insurance. That's just wrong.

What we passed was a bill that actually provides competition and insures tens of millions more Americans.

Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

□ 1010

Mr. ELLISON. Madam Speaker, repeal and replace? What about protect and improve? What about improving the bill that is there right now rather than repealing and replacing?

You know, the fact is the Republican Caucus is talking about replacing a bill, and yet whether it's preexisting conditions or filling in the doughnut hole, I've heard several of them say, "Oh, we want to keep that." But yet they don't want to protect and improve. They just want to repeal. Why? To protect the insurance industry. I can't see any other reason why they are doing this.

The Affordable Care Act is a good bill; and can it be better? Of course it can be better. But that's not what we're talking about doing today. We're talking about taking away benefits that Americans have in their hand. The Republican Caucus is snatching away people who want to get their children on their health care insurance who are under 26 years of age; snatching away free preventative care for seniors; snatching out of the hands of families whose children are trying to be able to get care who may have a preexisting condition; snatching out of the hands of seniors who are filling in the doughnut hole. They are taking away a benefit Americans have right now. This is wrong and it's a shame.

The fact is the Democratic Caucus when we had the White House and both Houses of Congress, within 2 years we brought to the American people a health care bill. When the Republican Caucus has the House for 6 years, between 2000 and 2006, they don't do anything other than do a big fat giveaway to PhRMA.

Mr. DREIER. I yield myself 15 seconds, Madam Speaker, just to say as I had said to my friend earlier, it's interesting that they continue to say that we did nothing. Associated health plans, which Democrats and Republicans like, designed to drive down the cost for small businesses to provide health insurance, was submitted from this Republican House to the other body. The Democrats, in fact, killed that measure. So attempts were made to put into place real reform.

With that, back by popular demand, the Rules Committee member from Lawrenceville, Georgia, for 2 minutes, Mr. WOODALL.

Mr. WOODALL. Thank you for yielding, Mr. Chairman.

Madam Speaker, I return to the well because I wonder if folks have the same small business people in their district that I have in my district. I wonder if folks are doing the same listening in their district that I'm doing in my district. We are here today to respond to exactly what folks have been asking for.

Now to give credit where credit is due, last year before the last Congress expired, Democrats and Republicans came together to extend for 1 year, and I would have liked to have seen it extended longer, but to extend for 1 year the tax cuts that our small business men and women were demanding. But

the second part of the indecision that was there in the small business community, of the anxiety that was there, the uncertainty that was there, is what's going to happen with my health care cost. What's going to happen with the health care plan? Now we have not solved that. We have not solved that anxiety. We have not solved that indecision, because we've only gotten one-half of it done. We've gotten it passed in the House, but we've still got to take it to the Senate and we've still got to take it to the White House.

Now again, in the spirit of giving credit where credit is due, I told folks throughout my campaign that I thought the President identified exactly the right two health care challenges, rising costs and access, and then came up with exactly the wrong solutions to those problems. Now we talk about what's going to happen to folks when the doughnut hole change goes away. Well, did we have a chance last year? And I'm new to Congress. Did we have a chance in the last Congress to vote on that standalone doughnut hole closure? I don't believe we did. Did we have a chance in the last Congress to vote on a standalone preexisting conditions solution? I don't believe we did. Did we have a chance in the last Congress to talk about kids under the age of 26 and what they can do? We did not. But what we do, we have this resolution today that is going to give us, for the first time, the opportunity as a nation to vote on those provisions one by one, because the only option Congress had last time under Democratic leadership to vote for a doughnut hole solution, to vote for preexisting condition solutions, to vote for insurance for kids under the age of 26, was to do it with the unconstitutional mandate, a trillion dollars in new spending, and hundreds of new bureaucracies.

Mr. MCGOVERN. Madam Speaker, I yield myself 20 seconds.

I would remind the gentleman, because he's on the Rules Committee with me, that we could have had a chance to vote on all those things individually and in fact he did have a chance to vote as to whether or not we could vote on them individually on the floor, but he and the other Republicans on the Rules Committee voted each and every one of those protections down. They voted against protecting people against preexisting conditions. They voted against closing the doughnut hole. They voted against allowing people under 26 to be able to stay on their parents' health insurance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. They voted against everything.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Will the gentleman yield?

The SPEAKER pro tempore. The gentleman's time had expired.

Mr. DREIER. Madam Speaker, I would like to yield 30 seconds to our Rules Committee colleague in the name of comity and civil discourse to respond.

Mr. WOODALL. I thank the chairman.

Madam Speaker, I would just say to my friend that I absolutely voted no on every single one of those Rules Committee amendments in the name of repealing the bill yesterday, and now today I have returned to speak in favor of this resolution so that you can work with the committee leadership to bring each and every one of those provisions to this floor for a vote again for the very first time. For the very first time. I'm glad to support you in having that opportunity and I'm pleased to be here in support of this resolution today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must ask Members to bear in mind the principle that proper courtesy in the process of yielding and reclaiming time in debate—and especially in asking another to yield—helps to foster the spirit of mutual comity that elevates our deliberations above mere argument.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. May I inquire, Madam Speaker, how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 4 minutes remaining.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank my very, very good friend from Massachusetts.

Madam Speaker, what troubles me with this debate, and I would particularly address myself to my colleagues on the other side of the aisle, is that we took two votes yesterday. One was to provide coverage for ourselves; the next really to deny it to our constituents. That I find troubling, because we all have the right for guaranteed coverage regardless of preexisting conditions. We have a choice of easy-to-compare health insurance plans. We have coverage for early retirees. Women have equal premium coverage. We have access to affordable care; low-cost preventive service. All of these things for ourselves but then voted to deny it to our constituents. I find that troubling.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 3½ minutes.

Mr. MCGOVERN. Madam Speaker, what is before the House today is not a serious legislative effort. It's a series of sound bites that mean nothing. Committees don't have to do anything.

Speaker BOEHNER is quoted in *The Hill* basically saying that he's not going to hold any of these committees accountable. They can do it if they want to; whatever. If they don't, so be it. What we are dealing with here today really is kind of a political ploy, not a serious legislative effort to replace anything.

My friends on the other side of the aisle have gotten up over and over and over again and said, we're really with you on preexisting conditions, we're really with you on the doughnut hole, we're with you on allowing parents to keep their kids on their insurance until they're 26. But yet they're really not. Because if they were, they wouldn't have voted yesterday to repeal all those protections. And if they were really with us, then we would be talking about today coming to the House floor with a series of initiatives that would actually continue to protect those benefits for consumers. But they voted to repeal all of that.

□ 1020

I want to know, how could anybody in this House, how could anybody, in light of the protections that have been put in place, go back to an individual who is now able to get health insurance because we prohibited insurance companies from discriminating against them for a preexisting condition, how can you go to them and say, well, we're going to change our mind; we're not going to do that anymore?

How do you go to senior citizens who are struggling with that doughnut hole—and we've begun to close it—how do you go to them and say we're going to raise your taxes? How do you do that?

How do you go to a parent whose child can remain on their health insurance because we've extended it to allow them to stay on it until they're 26 and say, well, that doesn't matter anymore? It just doesn't make sense.

That's not what people voted for in the last election. They didn't vote for you to repeal all of those things. What they voted against was this distortion of a health care bill that you put out there, my friends on the other side of the aisle, that was very well funded by the most expensive advertising campaign funded by the insurance companies in the history of our country, this distortion out there. Everybody was against that distortion. That is not the reality.

As the months have gone by and as the reality has become clear to people, as they have seen the benefits and the protections, as people have been able to wrest control of their health care from the insurance industry, as consumers realize they have more and more rights, as there are more and more protections that are built into law to protect people of all ages, people say, well, we don't want you to change that; we want that to be saved.

I will just say one thing. When my friends say, well, we can just do a little bit of this and a little bit of that, you really can't, because it's kind of like a domino effect. Everything has an impact.

So this is a serious debate. And if there is some indignation on this side of the aisle, it is because we know that this is a big deal, and real people who have real challenges affording their health care and dealing with the complexities of the health care system and the inequities of the health care system are now getting some relief, and they will be hurt by what you are doing.

So let's be honest here. What happened yesterday was my friends on the other side of the aisle went on record as saying, We're against everything.

Today, we're going to pass a resolution, I guess, that doesn't do anything, doesn't even require committees to do anything, but it's just for all these nice, feel-good sound bites. That's not a serious legislative effort. That's why people are cynical.

We can do better. I urge my colleagues to vote "no" on this.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, there was a very powerful and resounding message that came last November 2, and that is the imperative for us to create jobs and get this economy growing.

The American people are hurting. In my State of California, we have a 12.5 percent unemployment rate. Part of the area I represent has a 15.5 percent unemployment rate in the Inland Empire in southern California. It is essential that we focus our attention on creating jobs, and I believe the step that we are taking today is going to be very, very important as we pursue that goal.

Now, why is that? When we look at what passed last year, was signed last March 23 by the President, it was a measure that imposes mandates on small businesses, jeopardizing their ability to hire new workers. It's a measure that imposes dictates on doctors, a regulatory structure which undermines their potential to hire new employees. It is a measure which, in many ways, jeopardizes our potential to grow the economy because it is a dramatic expansion of the entitlement programs which Democrats and Republicans alike say need to be addressed if we're going to create jobs and get our economy back on track.

One of the things that I think is important to note is that people have said that repeal of the health care bill in fact is going to cost \$230 billion based on those CBO numbers that came out. Well, only in Washington, D.C., can one cut a \$2.7 trillion expenditure and have it labeled as a cost.

Why is it a cost? It's a cost because the measure that was signed last

March 23 imposes a three-quarter of \$1 trillion tax increase on working Americans. Now, what does that do to create jobs and get our economy growing? Obviously, it undermines our shared priority of creating jobs and getting our economy back on track.

We know that with the \$14 trillion national debt that we have and deficits down the road we need to do what we can to rein in that spending, tackling entitlements and dealing with issues like the one that we're facing today.

Now, having said that, we all know that Democrats and Republicans alike want to ensure that every single American has access to quality, affordable health insurance so that they can have access to quality health care. And I underscore the word "quality," because if one looks at the important research and development that takes place in the United States of America, I believe that the measure that was signed last March 23 and that we voted in this House to repeal yesterday, that that measure undermines the very important pursuit of research and development to deal with many of the diseases that are out there.

So, Madam Speaker, I've got to say that we all say we want every American to have access to quality, affordable health care, and everyone has acknowledged that that bill that was signed last March 23 is in fact flawed. In his news conference right after the election, the President of the United States said that he believed that we need to address the so-called 1099 provisions that impose, again, an onerous mandate on small businesses, undermining their ability to create jobs—exactly what I was saying earlier.

I quoted the distinguished assistant minority leader, the former majority whip, Mr. CLYBURN, who on a program earlier this week said Republicans and Democrats need to work together to rectify some of the problems that exist with this measure.

And, as I said, it was 2 days ago that the President of the United States wrote his editorial in *The Wall Street Journal* in which he talked about the need to reduce the regulatory burden that is imposed on the private sector so we can get our economy going and create jobs. And he also said on that same day that he is willing and eager, Madam Speaker—willing and eager—to work with Republicans to rectify some of the problems that exist in this measure.

Now, I heard my friend Mr. MATHESON this morning, on National Public Radio, state that there was not a plan out there, and that's the reason that, having voted against the bill, he did not vote for repeal, because there's not a plan out there. I heard that at 7:35 this morning on WAMU. Mr. MATHESON made that statement. But the fact of the matter is, unlike the plan that was signed into law March 23 of last year

that did not include the kind of bipartisan participation that we believe is essential, I've got to say that we are planning to proceed with this direction to the four committees that will allow virtually every Member of this House to be involved.

We have 12 items. And I'm happy to say that under this rule we have made in order Mr. MATHESON's amendment that we will be considering in just a few minutes that will add a 13th item to deal with the so-called "doc fix." So that, again, underscores our desire to work in a bipartisan way to address some of the concerns that are there.

Now, what is it that we say needs to be done? And, frankly, the President of the United States has indicated some of these he supports.

We need to make sure that people do have a chance to purchase insurance across State lines, which is now, under McCarran-Ferguson, denied.

We need to make sure that we put into place associated health plans—again, a provision that passed the Republican House but was killed by Democrats in the Senate when we last were in the majority.

We need to do everything that we can to allow for pooling to deal with pre-existing conditions.

We need to make sure that we expand medical savings accounts that provide incentives for people to put dollars aside to plan for their health care needs.

And one of the things that the President of the United States said in his State of the Union message 1 year ago right here in this Chamber, we need to deal with meaningful lawsuit abuse reform so that we can have attention focused on patients and doctors and not on trial lawyers.

So I would say to my friend from Utah, those are five items that are part of our plan that I believe can enjoy strong bipartisan support.

□ 1030

And so, Madam Speaker, I urge my colleagues to support H. Res. 9 so that we can proceed with a bipartisan consideration of this very important goal that we share of creating jobs, getting our economy back on track, and ensuring that every single American has access to quality, affordable health insurance.

Mr. VAN HOLLEN. Madam Speaker, I rise in opposition to this resolution. The House Republican majority has brought this resolution to the House floor claiming that they will take action to replace the health reform bill that they voted to repeal yesterday—yet again, with no specifics. But the Republican record on tackling the issues with our health care system is clear. Between the years 2000 and 2006, health insurance premiums doubled—went up 100 percent—and the profits of the major health insurance companies quadrupled. What did the Congress do during those years to stop those skyrocketing premiums? Nothing.

In contrast, the health reform bill signed by President Obama finally provides the chance to rein in those exorbitant premiums and will reduce the deficit by more than \$1 trillion in the next 20 years. It has already put in place important consumer protections, reduces prescription drug costs to seniors by closing the Medicare Part D donut hole, and provides tax credits for small business owners who provide insurance coverage. And Washington Republicans just want the American people to trust that they will come up with a plan—without a single detail, without a timeline, without any track record of addressing this crisis in our Nation.

There are certainly areas where we can improve this historic reform legislation. In fact, the House voted in the last Congress to repeal the 1099 provision on small businesses—House Republicans opposed that effort. But the American people don't want to go backwards by repealing these new rights, and doing so without a specific plan to replace it is simply irresponsible. It's time to stop playing shell games and start working to move America forward.

Madam Speaker, I urge my colleagues vote nay on this resolution.

Mr. YOUNG of Florida. Madam Speaker, I rise in support of House Resolution 9, a measure that directs a number of House committees to begin the process of drafting and reporting to the House individual bills to improve our Nation's health care system.

As you know, the House voted yesterday to repeal the health care reform law that Congress approved last year and which has deeply divided our country. The one thing made clear from that debate is there are a number of areas where all sides agree that we should look first to begin reforming our Nation's health care system. These areas include:

Preserving the rights of patients and families to keep their health plan if they like it;

Ensuring that people with pre-existing medical conditions have access to affordable health care coverage;

Preventing insurance companies from dropping coverage for patients who are sick;

Allowing young adults to remain on the health insurance policies of their parents;

Reforming our nation's medical liability system to lower health care costs by reducing the burden of medical liability policies and eliminating wasteful health care spending;

Protecting doctor—patient relationships;

Lowering health care premiums through increased competition and choice and by making health care policies available across state lines;

Providing incentives to employers to provide health care coverage, rather than fines and penalties on those who do not.

The legislation we consider today directs our committees to look at these issues bill by bill so the House can debate each issue one by one, giving all the members of the House opportunity to provide their input.

Madam Speaker, one of the reasons the nation is so divided over the health care bill enacted last year is that the House did not have the opportunity for a full and open debate on this important issue. We voted to repeal last year's legislation to give us as a nation the opportunity to start over and to do it right this time.

We should start the process again by working to enact the areas above on which we agree and through the repeal effort to undo the problems we see with last year's effort. These problem areas include:

Reversing the more than \$500 billion in Medicare cuts that threaten the availability of health care for our Nation's seniors;

Eliminating the Federal mandates that individuals must purchase health insurance, and the penalties imposed upon those who do not;

Eliminating the Federal mandates on businesses that do not provide employees with health insurance, and the penalties imposed upon those who do not;

Eliminating the more than \$700 billion in fees and taxes which threaten to stifle our economy and the creation of new jobs at a time when our Nation and our State of Florida struggle to get people back to work.

Madam Speaker, in addition to these concerns is the overall concern about the short-term and long-term cost of the current health care law. Much has been made of predictions by the non-partisan Congressional Budget Office that repeal of this legislation would actually increase the Federal deficit. But CBO's former Director Douglas Holtz-Eakin wrote in *The New York Times* just two days prior to it being signed into law that "In reality, if you strip out all the gimmicks and budgetary games and rework the calculus, a wholly different picture emerges: The health care reform legislation would raise, not lower, Federal deficits by \$562 billion."

He goes on to say, "Even worse, some costs are left out entirely. To operate the new programs over the first 10 years, future Congresses would need to vote for \$114 billion in additional annual spending. But this so-called discretionary spending is excluded from the Congressional Budget Office's tabulation."

It is no wonder that this legislation is so costly because it creates 160 boards, bureaus, commissions and this 2,700 page legislation will require more than 10,000 pages of new Federal regulations to implement fully.

It is this cost to the American taxpayer, this cost to American businesses, and the uncertainty this legislation creates throughout so many sectors of our economy and the health care industry that we seek to correct through this two-pronged effort this week.

Madam Speaker, we all can agree that our Nation can do a better job at providing health care coverage and services to the American people. Many agree that we can also do a better job at bringing about these changes through a more open and deliberate legislative process.

In the end, our goal is to provide a more patient centered health care system in which we preserve the vitally important doctor-patient relationship rather than a government centered health care system in which the government injects itself into the system, mandates certain provisions, penalizes individuals and businesses, and threatens to get in the middle of doctor-patient decisions.

We as a nation can improve the quality and delivery of health care for the American people and that effort begins in earnest this week with the adoption of this resolution.

Mr. HECK. Madam Speaker, I rise in support of House Resolution 9, instructing the

committees of jurisdiction to report legislation to replace the job-killing health care law with a more patient-centered set of reforms. This replacement resolution is the first step toward fixing the recent job-killing health care law's serious problems: more than \$500 billion in cuts to Medicare, and \$150 billion in cuts to Medicare Advantage; crippling taxes and mandates on small business that cost Americans jobs; and overreaching Federal policies that place bureaucrats between patients and their doctor. As a physician, I see firsthand the need to improve our country's health care system. What was signed into law last year did include some good ideas, such as: allowing dependent children to stay on their parents' insurance until the age of 26; eliminating lifetime caps on coverage; and covering individuals with pre-existing conditions. However, these policies were coupled with unsustainable spending that saddles Americans with debt, and compromises their access to quality health care. The American people deserve better, which is why we need to go back to the drawing board and develop solutions that provide stability and security for those with health care, options for those without, and rein in spiraling costs for everyone. I urge my colleagues to vote yes on this Resolution, so that we can get Americans back to work and give them the health care system they deserve.

Mr. WAXMAN. Madam Speaker, I rise in strong opposition to this resolution.

The certain result of what the Republican leadership in the House is proposing to do will be to saddle millions of Americans with higher health insurance costs, less coverage, less competition, and higher costs on small businesses and employers across the country.

This resolution is both unnecessary and a grave error in public policy.

It is unnecessary because, by the resolution's very terms, the Affordable Care Act is responsive to each and every one of the objectives outlined in the resolution for responsible health legislation.

For example: We are instructed to write changes to existing law that will "foster economic growth and private sector job creation." In the wake of enactment of the Affordable Care Act, health is among the fastest growing employment sectors in the United States, with a third of the job growth in the entire country last year—over 340,000 jobs in health care and social assistance.

The Affordable Care Act is a jobs creation law and repeal is a jobs loss bill.

The resolution calls for changes in law that "lower health care premiums through increased competition and choice." This is exactly what consumers will get from the health exchanges in the Affordable Care Act—more competition and choice than they have today.

The resolution calls for laws that will "increase the number of insured Americans." The Affordable Care Act already does that—by some 32 million Americans.

Consumers can keep their health plans—just as called for in the resolution.

The law encourages reform of the medical liability system—just as called for in the resolution.

The resolution calls for those with pre-existing conditions to have access to affordable health coverage. The Affordable Care Act pro-

hibits insurance coverage from being cut off for pre-existing conditions.

That is why the Affordable Care Act already meets all the public policy goals outlined in this resolution.

This resolution is also a grave error in public policy.

It is important to appreciate what has been excluded from the instructions to our committees for changes in the health laws.

As I stated have stated earlier in the debate on repeal of the Affordable Care Act, under the directions to us in this resolution, there will be:

No prohibition on discrimination against over 100 million Americans with pre-existing conditions;

No prohibition on insurance companies cancelling your coverage when you get sick;

No prohibition on lifetime caps and annual limits;

No required coverage for young adults on their parents' policies;

No assistance to seniors struggling to afford the cost of drugs in the donut hole;

No free annual check-ups and preventive care in Medicare;

No tax credits for families and small businesses to pay for health insurance.

All of these reforms are in the law today. None of these reforms will survive if this resolution passes and the committees of jurisdiction follow this terribly flawed blueprint.

I strongly oppose this resolution and urge its defeat.

Mr. SESSIONS. Madam Speaker, I rise today in support of H. Res. 9 and the promise of providing health care solutions that bring American's access to quality affordable health care of their choice. This resolution shows that my Republican colleagues and I are committed to the future of health care in this Nation. Allowing the appropriate committees to provide solutions for our Nation's health care problems is the first step to that commitment.

I look forward to exploring and expanding high risk pools to create universal access to those with pre-existing conditions; real and meaningful tort reform so doctors do not have to practice defensive medicine; the creation of small business health plans that generate larger insurance pools and drive down health care costs. We should be rewarding innovation and allowing States more flexibility to create efficient and successful ways in dealing with their uninsured populations; allowing for greater portability for individuals to purchase health care across State lines; encouraging the Nation as a whole to live healthier lives. Lastly, it is absolutely essential to give every American the same tax advantage that Unions and corporations enjoy in the purchase of health insurance.

There is no shortage of great ideas on how to reform our health care delivery system, and most of them steer clear of creating new entitlement programs that will bankrupt our country. In the wake of record debt and deficits now is the time to work together for common sense solutions that provide individuals the access to quality health care without threatening the doctor patient relationship. I am a proud cosponsor of the Resolution we are discussing on the floor today and I look forward to voting for it later today.

Ms. BROWN of Florida. Madam Speaker, I rise today in opposition to House Resolution 9, which instructs authorizing committees to develop legislation replacing existing healthcare laws. While I applaud the majority's intention to finally present their own comprehensive solutions to the health care crisis in this country, I note that they don't need a resolution by the entire House to do so. Committees can develop legislation on their own at any time. Moreover, I reject the idea that the Patients Protection and Affordable Care Act must be "replaced." The PPACA represents a century of effort by people of all political persuasions to give people the peace of mind that comes from knowing they have access to affordable care. No law is ever perfect. Certainly, all legislation can all be improved and I welcome the opportunity to further the progress made by the 111th Congress on health care reform.

Furthermore, current law meets most, if not all, of the goals identified in today's resolution. Since health care reform passed, the economy has grown, more than a million jobs have been created and thousands of small businesses have used tax credits to begin offering employees coverage for the first time. In order to foster competition and choice, the Department of Health and Human Services recently established a website where people can compare policies and when the exchanges launch in 2014, individuals and small businesses will select from a wide range of carriers competing for their business. Patients now have the right to choose their own primary care physician and women don't have to ask permission to see an obstetrician. Insurance carriers cannot arbitrarily deny care and patients have a robust right to repeal when company bureaucrats override doctors. Children cannot be denied coverage for pre-existing conditions and soon all Americans will enjoy that protection.

When PPACA is fully implemented, 32 million people will have coverage who never had it before, millions more will be able to afford coverage more easily, and seniors will not pay so dearly for prescription drugs. All of these actions can be done while extending Medicare solvency by twelve years by reducing waste, fraud and abuse and while slashing the deficit by \$1.4 trillion over the next twenty years.

The Republican plan introduced in the House last session would cover just 3 million more Americans by 2019—leaving 51 million Americans uninsured in 2019. That plan reduced the deficit by \$68 billion over the next 10 years—far less than the law we passed—and offered none of the cost savings and consumer protections that make health care reform work for all Americans. I sincerely hope Republicans offer more substantial solutions this session.

Finally, one goal of today's resolution that I must take issue with is the provision regarding abortion. Nothing in the PPACA allows for taxpayer funded abortions and I would strenuously object to any new laws that further restricted a woman's right to choose or allow medical professionals to deny legitimate services based on their own religious beliefs. There is no reason why the healthcare options for women—participating in insurance exchanges should be any different than they are for women who can afford coverage on their own.

Mr. DREIER. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT OFFERED BY MR. MATHESON

Mr. MATHESON. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in part B of House Report 112-2 offered by Mr. MATHESON:

In paragraph (11) of the resolved clause, strike "or,".

In paragraph (12) of the resolved clause, strike the period and insert "; or".

Add after paragraph (12) of the resolved clause the following:

(13) enact a permanent fix to the flawed Medicare sustainable growth rate formula used to determine physician payments under title XVIII of the Social Security Act to preserve health care for the nation's seniors and to provide a stable environment for physicians.

The SPEAKER pro tempore. Pursuant to House Resolution 26, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. I yield myself such time as I may consume.

Madam Speaker, I rise today to offer an amendment to H. Res. 9.

Although I do not support a wholesale repeal of the legislation, I do believe that there are some bipartisan improvements that can be made to the existing law, and I think now is the time for all of us in Congress to roll up our sleeves and work together.

The goal of this amendment is pretty straightforward. It is set up to maintain adequate health care service, to stabilize the business practice of doctors, and to take into account the long-term economic health of this country.

We all agree that the doctor-patient relationship is a fundamental part of quality health care, but we have found that we have a flawed formula when it comes to setting reimbursement levels. And every year it threatens the ability of doctors to care for their patients, and it threatens the ability of patients to see their doctors.

Members of Congress on both sides of the aisle and stakeholders throughout the health care community, physicians, senior citizens—they all recognize that we have a flawed policy.

How many times in the past have we come together in a bipartisan way over the years in the House of Representatives to provide a temporary patch to this problem without fixing the underlying problem?

In 2010 alone, Congress took five different votes to delay a scheduled cut without stepping up and dealing with a permanent fix to the problem. By an overwhelming vote just a few weeks ago, Congress supported a 1-year delay

to a looming 25-percent cut in physician payments.

My amendment is very straightforward and clear. It adds an additional instruction to the committees of jurisdiction over health care legislation to replace the flawed sustainable growth rate formula used to set Medicare payments for doctors. And it requires that Congress adopt a permanent fix to what has previously been an ongoing problem.

It's the right thing to do on behalf of doctors and patients. It's the right fiscal policy as we look for ways to make health care funding more sustainable and more predictable. And as we begin the year looking towards improvements in this extremely complex and yet highly personal and important issue of health care, I think that adopting this amendment would be a good step to move in that direction.

I ask all of my colleagues to support this amendment in a bipartisan way.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I would like to claim the time in opposition to the Matheson amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. DREIER. I claim time in opposition to the amendment to say that I support the amendment, Madam Speaker.

I believe that as you look at the list of 12 items that we have in H. Res. 9, they are not to be limited at all. And I think that by virtue of our making the Matheson amendment in order to deal with the so-called doc fix issue, we have made it very clear that we are already beginning at this juncture to work in a bipartisan way in our quest to create jobs, get our economy back on track, and ensure that every single American has access to quality affordable health care.

And so this is, again, the beginning of a very important process. And I'm very pleased that Mr. MATHESON has been able to play a role in fashioning H. Res. 9.

And Madam Speaker, I hope very much that with the President of the United States saying that he is willing and eager to work with Republicans to rectify the problems that exist with the passed health care bill and the fact that Mr. CLYBURN, the assistant minority leader, has said that he wants to work in a bipartisan way to deal with these issues, will lead to strong bipartisan support for Mr. MATHESON's amendment and for the underlying resolution.

With that, I yield back the balance of my time.

Mr. MATHESON. I yield 1 minute to my colleague from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I rise in support of Mr. MATHESON's amendment.

I do want to point out, though, that the Democrats, when we were in the majority, many times tried to pass a permanent fix and did not receive support, I believe, from many Republicans—except I think in one case we did have Dr. BURGESS from Texas' support.

Back in November of 2009, we passed a permanent fix, a doctors' fix. But because we could not get any Republican support—any real Republican support—we had to continue to rely on short-term fixes. We did however, as you know, at the end of the last session pass a 1-year fix, which is in effect now.

But I do think that this is a very commendable response that Mr. MATHESON has, and I certainly intend to support it.

But the difficulty is that the many years when the Republicans were in the majority, they had the opportunity to pass a permanent fix and to deal with this issue, and they always kicked the can down the road and then did not cooperate with us on a bipartisan basis when we were in the majority to try to achieve a permanent fix.

I certainly intend to work with the Republicans to do that, but they are the reason we don't have it now.

Mr. DREIER. Madam Speaker, I was mistakenly under the impression that the gentleman from Utah had exhausted his 5 minutes, so I would like to reclaim the remaining time that I have.

The SPEAKER pro tempore. Without objection, the gentleman may reclaim the time.

There was no objection.

Mr. DREIER. Thank you, Madam Speaker.

I reserve the balance of my time.

Mr. MATHESON. I have no further speakers. I again want to thank you for the opportunity to have this amendment considered, and I urge support of all of my colleagues.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, as we know under the structure, I have claimed time in opposition to the amendment, but I will state once again that I am supportive of the Matheson amendment. I urge my colleagues, Democrats and Republicans alike, to come together and vote for adding what would be item number 13, which will be the beginning of wide-ranging reform to ensure that every single American has access to quality health insurance so that we can again get our economy back on track and focus on job creation and growth.

With that, I again urge support of the Matheson amendment.

I yield back the balance of my time.

Mr. MATHESON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 26, the previous question is ordered on the amendment and on the resolution.

The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the question of adopting the resolution if that question arises without intervention of a motion to recommitt.

The vote was taken by electronic device, and there were—yeas 428, nays 1, not voting 5, as follows:

[Roll No. 15]

YEAS—428

Ackerman	Chu	Galglegly
Adams	Cicilline	Garamendi
Aderholt	Clarke (MI)	Gardner
Akin	Clarke (NY)	Garrett
Alexander	Clay	Gerlach
Altmire	Cleaver	Gibbs
Amash	Clyburn	Gibson
Andrews	Coble	Gingrey (GA)
Austria	Coffman (CO)	Gohmert
Baca	Cohen	Gonzalez
Bachmann	Cole	Goodlatte
Bachus	Conaway	Gosar
Baldwin	Connolly (VA)	Gowdy
Barletta	Cooper	Granger
Barrow	Costello	Graves (GA)
Bartlett	Courtney	Graves (MO)
Barton (TX)	Cravaack	Green, Al
Bass (CA)	Crawford	Green, Gene
Bass (NH)	Crenshaw	Griffin (AR)
Becerra	Critz	Griffith (VA)
Benishek	Crowley	Grijalva
Berg	Cuellar	Grimm
Berkley	Culberson	Guinta
Berman	Cummings	Guthrie
Biggert	Davis (CA)	Guthrie
Bilbray	Davis (IL)	Hall
Billirakis	Davis (KY)	Hanabusa
Bishop (GA)	DeFazio	Hanna
Bishop (NY)	DeGette	Harman
Bishop (UT)	DeLauro	Harper
Black	Denham	Harris
Blackburn	Dent	Hartzler
Blumenauer	DesJarlais	Hastings (FL)
Bonner	Deutsch	Hastings (WA)
Bono Mack	Diaz-Balart	Hayworth
Boren	Dicks	Heck
Boswell	Dingell	Heinrich
Boustany	Doggett	Heller
Brady (PA)	Dold	Hensarling
Brady (TX)	Donnelly (IN)	Herger
Braley (IA)	Doyle	Herrera Beutler
Brooks	Dreier	Higgins
Broun (GA)	Duffy	Himes
Brown (FL)	Duncan (SC)	Hinche
Buchanan	Duncan (TN)	Hinojosa
Bucshon	Edwards	Hirono
Buerkle	Ellison	Holden
Burgess	Ellmers	Holt
Burton (IN)	Emerson	Honda
Butterfield	Engel	Hoyer
Calvert	Eshoo	Huelskamp
Camp	Farenthold	Huizenga (MI)
Campbell	Farr	Hultgren
Canseco	Fattah	Hunter
Cantor	Filner	Hurt
Capito	Fincher	Inslee
Capps	Fitzpatrick	Israel
Capuano	Flake	Issa
Cardoza	Fleischmann	Jackson (IL)
Carnahan	Fleming	Jackson Lee
Carney	Flores	(TX)
Carson (IN)	Forbes	Jenkins
Carter	Fortenberry	Johnson (GA)
Cassidy	Fox	Johnson (IL)
Castor (FL)	Frank (MA)	Johnson (OH)
Chabot	Franks (AZ)	Johnson, E. B.
Chaffetz	Frelinghuysen	Johnson, Sam
Chandler	Fudge	Jones

Jordan	Murphy (CT)	Schmidt
Kaptur	Murphy (PA)	Schock
Keating	Myrick	Schrader
Kelly	Nadler	Schwartz
Kildee	Napolitano	Schweikert
Kind	Neal	Scott (SC)
King (IA)	Neugebauer	Scott (VA)
King (NY)	Noem	Scott, Austin
Kingston	Nugent	Scott, David
Kinzinger (IL)	Nunes	Sensenbrenner
Kissell	Nunnelee	Serrano
Kline	Olson	Sessions
Kucinich	Olver	Sewell
Labrador	Owens	Sherman
Lamborn	Palazzo	Shimkus
Lance	Pallone	Shuler
Landry	Pascarell	Shuster
Langevin	Pastor (AZ)	Simpson
Lankford	Paul	Sires
Larsen (WA)	Paulsen	Slaughter
Larson (CT)	Pearce	Smith (NE)
Latham	Pelosi	Smith (NJ)
LaTourette	Pence	Smith (TX)
Latta	Perlmutter	Smith (WA)
Lee (CA)	Peters	Southerland
Lee (NY)	Peterson	Speier
Levin	Petri	Stark
Lewis (CA)	Pingree (ME)	Stearns
Lewis (GA)	Pitts	Stivers
Lipinski	Platts	Stutzman
LoBiondo	Poe (TX)	Sullivan
Loeb sack	Polis	Sutton
Lofgren, Zoe	Pompeo	Terry
Long	Posey	Thompson (CA)
Lowe	Price (GA)	Thompson (MS)
Lucas	Price (NC)	Thompson (PA)
Luetkemeyer	Quayle	Thornberry
Lujan	Quigley	Tiberi
Lummis	Rahall	Tierney
Lungren, Daniel	Rangel	Tipton
E.	Reed	Tonko
Lynch	Rehberg	Towns
Mack	Reichert	Tsongas
Maloney	Renacci	Turner
Manzullo	Reyes	Upton
Marchant	Ribble	Van Hollen
Marino	Richardson	Velázquez
Markey	Richmond	Visclosky
Matheson	Rigell	Walberg
Matsui	Rivera	Walden
McCarthy (CA)	Roby	Walsh (IL)
McCarthy (NY)	Roe (TN)	Walz (MN)
McCaul	Rogers (AL)	Wasserman
McClintock	Rogers (KY)	Schultz
McCollum	Rogers (MI)	Waters
McCotter	Rohrabacher	Watt
McDermott	Rokita	Waxman
McGovern	Rooney	Webster
McHenry	Ros-Lehtinen	Weiner
McIntyre	Roskam	Welch
McKeon	Ross (AR)	West
McKinley	Ross (FL)	Westmoreland
McMorris	Rothman (NJ)	Whitfield
Rodgers	Roybal-Allard	Black
McNerney	Royce	Bishop (UT)
Meehan	Runyan	Fleming
Meeks	Rush	Wilson (FL)
Mica	Ryan (OH)	Wilson (SC)
Michaud	Ryan (WI)	Wittman
Miller (FL)	Sánchez, Linda	Wolf
Miller (MI)	T.	Womack
Miller (NC)	Sanchez, Loretta	Woodall
Miller, Gary	Sarbanes	Woolsey
Miller, George	Scalise	Wu
Moore	Schakowsky	Yarmuth
Moran	Schiff	Yoder
Mulvaney	Schilling	Young (FL)
		Young (IN)

NAYS—1

Conyers

NOT VOTING—5

Costa	Payne	Young (AK)
Giffords	Ruppersberger	

□ 1100

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 15, had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I inadvertently voted “no” on the Matheson amendment to H. Res. 9, which would instruct the committee of jurisdiction to include a permanent fix to the Medicare physician payment formula in legislation to replace the Patient Protection and Affordable Care Act. I intended to vote “yes” on the Matheson amendment.

I have always been a strong supporter of having the most optimal Medicare reimbursement rate for our nation's physicians. This is because the level of Medicare reimbursement rates to physicians does have a significant impact on the quality and level of health care physicians will provide to our nation's senior citizens and disabled.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 253, nays 175, not voting 6, as follows:

[Roll No. 16]

YEAS—253

Adams	Crenshaw	Hayworth
Aderholt	Critz	Heck
Akin	Culberson	Heller
Alexander	Davis (KY)	Hensarling
Altmire	Denham	Herger
Amash	Dent	Herrera Beutler
Austria	DesJarlais	Holden
Bachmann	Diaz-Balart	Huelskamp
Bachus	Dold	Huizenga (MI)
Barletta	Dreier	Hultgren
Barrow	Duffy	Hunter
Bartlett	Duncan (SC)	Hurt
Barton (TX)	Duncan (TN)	Issa
Bass (NH)	Ellmers	Jenkins
Benishek	Emerson	Johnson (OH)
Berg	Farenthold	Johnson, Sam
Biggert	Fincher	Jones
Bilbray	Fitzpatrick	Jordan
Billirakis	Flake	Kelly
Bishop (UT)	Fleischmann	King (IA)
Black	Fleming	King (NY)
Blackburn	Flores	Kingston
Bonner	Forbes	Kinzinger (IL)
Bono Mack	Fortenberry	Kissell
Boren	Fox	Kline
Boustany	Franks (AZ)	Labrador
Brady (TX)	Frelinghuysen	Lamborn
Brooks	Galglegly	Lance
Broun (GA)	Gardner	Landry
Brown (FL)	Garrett	Lankford
Buchanan	Gerlach	Latham
Bucshon	Gibbs	LaTourette
Buerkle	Gibson	Latta
Burgess	Gingrey (GA)	Lee (NY)
Burton (IN)	Gohmert	Lewis (CA)
Calvert	Goodlatte	Lipinski
Camp	Gosar	LoBiondo
Campbell	Gowdy	Long
Canseco	Granger	Lucas
Cantor	Graves (GA)	Luetkemeyer
Capito	Graves (MO)	Lummis
Carter	Griffin (AR)	Lungren, Daniel
Cassidy	Griffith (VA)	E.
Chabot	Grimm	Mack
Chaffetz	Guinta	Manzullo
Chandler	Guthrie	Marchant
Coble	Hall	Marino
Coffman (CO)	Hanna	Matheson
Cole	Harper	McCarthy (CA)
Conaway	Harris	McCaul
Cravaack	Hartzer	McClintock
Crawford	Hastings (WA)	McCotter

McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)

Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus

NAYS—175

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebbeck
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens

Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Higgins
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Giffords
Johnson (IL)
Payne
Ruppersberger
Towns
Young (AK)

□ 1108

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately I was unable to vote on H. Res. 9 and wished to express my intentions had I been able to vote.

I had been in the middle of an Agriculture Committee Public Forum with Secretary Vilsack when the first votes were called. I went down on the floor with my notes, as I was the next in line to ask the Secretary questions, and while I was reviewing my notes and questions mistakenly missed the second vote in the series.

Had I been present to vote on rollcall No. 16, to pass H. Res. 9, instructing certain committees to report legislation replacing the job-killing health care law, I would have voted "yes."

Stated against:

Ms. BROWN of Florida. Mr. Speaker, on rollcall No. 16, I intended to vote "no."

□ 1110

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the majority leader, the gentleman from Virginia, for the purpose of inquiring about the schedule for the coming week.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 10 a.m. for morning-hour debate and noon for legislative business. The House will recess no later than 5 p.m. to allow a security sweep of the House Chamber prior to the President's State of the Union address. The House will meet again at approximately 8:35 p.m. in a joint session with the Senate for the purpose of receiving an address from the President of the United States.

On Wednesday, the House will meet at 10 a.m. for legislative business.

During the week, the House will consider at least one bill under suspension of the rules, which will be announced by close of business tomorrow. In addition, we will consider H. Res. 38, a resolution reducing non-security spending to fiscal year 2008 levels or less, and a bill of the public's choosing—via the YouCut program—to reduce Federal spending and the deficit by termi-

nating taxpayer financing of Presidential election campaigns and party conventions; saving taxpayers \$520 million in mandatory spending according to CBO's estimate last year.

Mr. HOYER. I want to thank the gentleman for informing us of the schedule for the week to come.

I want to thank, at the outset, not only the gentleman but the Speaker as well for the respect and consideration they have given during this current tragic situation that confronted us in Tucson and the critical injuries sustained by our colleague, GABBY GIFFORDS. I want to thank Mr. CANTOR in particular for his very strong statement, as well as the Speaker's very strong statement, that an attack on any individual who serves is an attack on all of us irrespective of party or philosophy. I think we all have raised prayers for the victims who lost their lives, their families, prayers for those who are either in the process of recovering or are now out of danger, and of course for our beloved colleague, Congresswoman GIFFORDS, as well.

So I want to thank the gentleman for his leadership and the Speaker's leadership in joining with our leader and myself in leading the House in what I thought was a very appropriate and united response to that tragedy.

We are heartened by the progress that Congresswoman GIFFORDS is making, and we look forward to her quick return.

Now, Mr. CANTOR, if I can, next week we are scheduled to leave on Wednesday. I know there has been an articulation of an intent to try to get out by noon on the days that we leave. Would you expect that to be the case this next week?

I yield to the gentleman.

Mr. CANTOR. First of all, I thank the gentleman for his kind statements regarding the expressions of grief and support that I think all Members of this body have expressed to GABBY GIFFORDS, her family, and her staff. Our thoughts and prayers remain with all of them, and certainly to the victims and their families. And certainly they all know that we are thinking of them.

Mr. Speaker, as far as the schedule is concerned, if you will recall, the commitment on our schedule was the finishing time would be 3 p.m. on the last day we are here. We specifically had indicated that January is going to be a little different and an exception due to the organizing processes, State of the Union, et cetera. The expectation is to begin that in February, as was originally expressed; although, we do intend to try to be as expeditious as possible on Wednesday. The exact timing of our departure and finishing up depends on the actual rule coming from the Rules Committee, including the amendment debate and the structure for the Presidential election fund bill. We expect an announcement by the Rules Committee chairman later today on that.

Mr. HOYER. I thank the gentleman for his comment.

Given that response, can I ask the gentleman: Would he expect there to be an open rule with reference to that bill?

Mr. CANTOR. The gentleman understands, as the Rules Committee chairman presides over the Rules Committee and entertains the submission of amendments. As to exactly, I can't answer that right now, and that will be determined by the Rules Committee.

Mr. HOYER. Not only do I recall that as being a fact, I also recall it as an answer that I used to give the gentleman on a regular basis.

But I am certainly hopeful, as he was hopeful, given the representations of transparency and openness, that there would be opportunities to amend. I know that Mr. VAN HOLLEN spoke to that in the Rules Committee, and I would hope that we could see that policy which has been expressed by your side pursued in this instance as well as future instances. I thank the gentleman for his response.

Let me ask the gentleman: There was some criticism raised when we passed a budget enforcement resolution that we hadn't passed a full budget. In that budget enforcement resolution, as you recall, A, we articulated a specific number; and, B, that number was voted on by the entire House.

□ 1120

It is my understanding that the proposition that will be put before the House next week will provide and give unilateral authority to the chairman of the Budget Committee to set a number and that that number will not be voted upon by the House pursuant to the authority granted in that resolution.

Is that an accurate reading of that resolution?

Mr. CANTOR. To be clear, once the House adopts the resolution next week, the resolution will then instruct Chairman RYAN to cap non-security discretionary spending for the remainder of fiscal year 2011 at fiscal year 2008 levels. That is the purpose of our adopting the resolution, acting as the House as a whole, instructing Chairman RYAN to cap non-security discretionary spending at 2008 levels for the remainder of this fiscal year.

Again, Mr. Speaker, I'd say to the gentleman, I know he shares with me the realization that people across this country—families, businesses—are having to face some tough choices. We started this Congress, I think, together, committed to demonstrating that we are willing to make those tough choices—thus, the resolution for next week.

Mr. HOYER. I thank the gentleman for his response.

I do not want to be argumentative, but I have just received your amended copy of the resolution, and as I read on

your second page, it says "the remainder of fiscal year 2011 that assumes non-security spending at fiscal year 2008 levels or less."

The implication in that, it seems to me, is that Mr. RYAN unilaterally can set a number which has not been agreed to by the House, but under the power granted in this resolution would bind the House to a number to which it had never agreed.

Is that an accurate reading of that? Could, in fact, under this resolution Mr. RYAN set a number that is less than, as your resolution says, 2008 numbers?

Mr. CANTOR. Mr. Speaker, I say to the gentleman that the resolution provides for the capping of spending levels at '08 levels.

The gentleman also knows that the Speaker has been very consistent in his statements, saying that we are going to have an open rule process when it comes to spending bills. In fact, that is what we said during the last campaign season in the Pledge to America.

So, in working with that commitment as well as the language of this resolution, the budget chairman, Mr. RYAN, will be instructed to enter into the RECORD a cap of spending levels for the remainder of the fiscal year to be placed at 2008 levels.

Mr. HOYER. So would it be therefore accurate that the "or less" is superfluous and is not intended to give Mr. RYAN the authority to set a figure at less than 2008 levels?

Mr. CANTOR. I would say to the gentleman I disagree with that characterization of the language "or less," and would just say that, again, the Speaker is committed to an open process on spending bills. I assume that we will see coming to the floor every attempt and effort to try and maintain some sense that this Congress is going to be a cut-and-grow Congress and that we are about trying to find savings everywhere we can so that we can get this country back onto a trajectory of fiscal sustainability.

So I say to the gentleman, no, this is not something that we intend to be meaningless, that we are serious. The cap is consistent with our commitment to the people of this country that the levels of spending for the remainder of the fiscal year will not exceed 2008. It is our hope that we can continue to find additional savings so that, yes, we could even find ourselves below '08 levels; but the cap is 2008 levels.

Mr. HOYER. The point that I am trying to make, and perhaps not as clearly as I need to make it, is that what we are in that resolution giving is to one person—one person—in this Congress the authority, without consideration by this House, to set the number, without hearings, on what we will, as you articulate, cap spending levels at for fiscal year 2011.

As I understand it, there have been no hearings by the Budget Committee,

no hearings by the Appropriations Committee, no hearings by the Ways and Means Committee, or by any other committee involved in fiscal matters as to what the ramifications of that cap will be to individual programs or individual Americans.

I share the gentleman's view and have voted consistently, as I voted for the balanced budget amendment, as the gentleman knows, last we considered it, to bring our fiscal house into order. I think neither party can necessarily take sole responsibility for doing so or not doing so when it comes to fiscal balance.

But I do tell my friend that, with respect to transparency and openness and to the inclusion of all the Members of the body, it is, I think, not consistent with that objective to give to one person, however brilliant that person is—and I happen to have great respect, as the gentleman knows and as I have said so publicly in the press, for Mr. RYAN, who I think is a very positive, effective, important Member of this body; but I am not for giving any one person in this body the authority to unilaterally set the number at which we will fund America's government for the next 7 months.

I yield to my friend to see if he might have a response to that because, in his responses to me—and I understand the cap—but at any number below that, at 2007, 2006, 2005 levels, it seems to me this resolution authorizes Mr. RYAN to set such figures as he unilaterally determines is an appropriate figure. In his mind, that may be an appropriate figure; but it is not necessarily the same figure that this body voting in a transparent, open way might select.

Mr. CANTOR. Mr. Speaker, I will just respond to the gentleman by saying we are in the position we are in because the majority that he participated in in the last Congress failed to live up to its obligation in passing a budget and in even passing any appropriations bills short of a continuing resolution. That's why we are here today, because there is a mess that has been created from the last majority, and we are trying to clean that up.

We have committed to a transparent and open process; and I have said to the gentleman that, when the CR comes to the floor, we will see Members on both sides of the aisle have an opportunity to amend the continuing resolution according to the way they think that we ought to be saving taxpayer dollars.

So, again, I disagree with the gentleman's assertion that somehow there is a lack of transparency here. We have said all along the cap on our spending will be at 2008 levels for the remainder of the fiscal year. If this House works its will and if Members on either side are able to gain the majority of votes in this House to achieve even more spending below the 2008 levels, then that will be the will of this House.

Again, the gentleman understands well why we are where we are, and we look forward to working together to go and produce a spending resolution here that begins to address the mess that was left before.

Mr. HOYER. Let me ask the gentleman: Is the gentleman representing to me that this resolution will, in fact, result in 2008 levels of expenditure so that Members, who are being asked to vote on this, will have a certitude of the number on which they are voting—that's my only question—so that they will know on what authorization they are giving, what budget direction they are giving, to the members of the Appropriations Committee?

Mr. CANTOR. The budget directive is 2008 levels or less. As the gentleman well knows, the intention is to allow the Appropriations Committee to do its work, to report a resolution to the floor. The body will work its will according to the insistence of the majority and the Speaker that we have an open process on spending bills.

□ 1130

It is our hope that we can work to achieve even greater savings for the taxpayers of this country.

Mr. HOYER. I understand that, and I thank the gentleman. I know that he has indicated that we are going to be considering what I believe to be a \$52 million cut—that's important money—to reach your \$100 billion. However, if you do it at that level per week, of course, you will take approximately 50 years to get to \$100 billion if we consider one every week that we are in session.

My presumption is that you will be informing us of those opportunities to cut as well, giving us opportunities on our side. There may well be Members on our side who want to join in making sure that we spend our money as effectively and efficiently as possible. But we also know and the commissions that have reported know that while these types of expenditures are important to review, I don't know that there have been any hearings on this YouCut. I know that this has been in response to the Web page question that you have propounded to people—I don't know how many responses you have received to that. But are you intending to have hearings in relevant committees on future propositions to cut?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, first of all, as far as the \$520 million—not \$52 million—is concerned, as he knows that is mandatory spending, that is not discretionary spending, and would be different and apart from the commitment that we just spoke about at '08 levels.

I would also say to the gentleman that we will be glad to have hearings once committees are organized. As the gentleman knows, it's been a little bit slow in upstart just given the transi-

tion of leadership, et cetera. We are waiting for your side in some instances. But we hear from committee chairmen things are working well, so we hope that committees will be up and organized to have hearings.

But in order for us to deliver on our commitment that we are going to bring up a spending cut bill every week, this body will be considering a bill providing for cutting the Presidential election fund that has been in existence for some time. As the gentleman well knows, this tends to be of some controversy in some quarters. There are those who believe that this is an attempt to drive this country towards a public finance system for campaigns. Obviously there are those in this country who believe that's what should happen. But knowing full well the controversy, I'm sure we will have a robust debate. And I am looking forward, Mr. Speaker, to as many cuts to this fund as the gentleman's side may offer and look forward to a robust debate on the issue.

Mr. HOYER. I thank the gentleman.

And let me ask again, does the gentleman intend, once the committees are up and running—I understand in a transition it takes some time—that the cuts that you are going to propose on a weekly basis will have been subjected to committee oversight and hearings, with the public having an opportunity to testify on the consequences of those cuts?

Mr. CANTOR. Mr. Speaker, I say to the gentleman again, yes, it is our intention to have a full and open debate on all of these issues. As the gentleman recalls, this process began last June, or in the spring or so, that we said we were going to redirect the focus to make sure that we are in line with the will of the people, and that is trying to do everything we can to remind all of us of the import of cutting spending, and therefore this process begins. But yes, to the gentleman's question about hearings, we welcome that and would expect that.

Mr. HOYER. Good. I appreciate that response.

Lastly, I ask my friend, one of the significant issues that will be confronting us in the coming months will be the extension of the debt limit to ensure that America continues to pay the bills that it has incurred and therefore maintain fiscal stability not only in this country but throughout the world. The Speaker and you have both made, I think, very positive comments on the fact that, as unwanted as such a vote may be, it is, nevertheless, as the Speaker pointed out, an adult vote—that I took to mean a responsible vote—to ensure the fiscal stability of our country.

Does the gentleman anticipate a clean up-or-down vote on that issue when it becomes timely to vote on that issue sometime in March of April?

Mr. CANTOR. Mr. Speaker, I would begin by saying to the gentleman, as he knows, it's unclear when the Federal Government will actually hit the debt ceiling, and we will be closely monitoring that date. But before we reach that date, it is very, very important that we prove that this Congress is willing to cut spending. And the House, as the discussion today indicates, will be taking those necessary steps each week that we are here, leading up to an eventual vote. In fact, I would call on the leader on the other side of the Capitol, Mr. REID, to follow suit.

The continuing resolution vote gives us the first real opportunity to demonstrate our commitment to cutting spending. The debt limit will be another opportunity for this Congress to cut spending. And as I think the gentleman knows, I have said repeatedly that we will not accept an increase in the debt limit without serious spending cuts and reforms, and I look forward to joining with the gentleman debate on this House floor. Hopefully we can have the Senate join us, as well as the President, towards that end.

Mr. HOYER. I thank the gentleman.

It's my understanding, from the gentleman's response, that if in the eyes of you or Mr. BOEHNER or your side of the aisle serious spending cuts have not been effected, that you would oppose the extension of the debt limit.

Is that what I hear you saying?

Mr. CANTOR. I would say to the gentleman this: We have been charged with an obligation by the people of this country to get our fiscal house in order. We intend to be very deliberate and focused on cutting spending while making sure we are doing all we can to grow the economy and the private-sector jobs. It is our intent to prove that this House and this Congress—hopefully Leader REID will follow suit—will deliver on that commitment.

The public, as the gentleman knows all too well, is tired of business as usual. They don't want to see this country continue to incur debt as it has in the past without some indication that things are changing, without some indication that serious spending cuts have been implemented and reforms effected, and that will be our intent.

Mr. HOYER. I thank the gentleman for that response. And I hate to keep pressing him, but if his hopes are not realized—and I don't know the answer as to whether they will be, but at some point in time we will be confronted with an alternative of whatever the facts may be with respect to what we are able to pass through this House, the Senate, and get signed by the President, we will be confronted with the consequences of our past behavior, and I underline “our,” o-u-r, spending that we have incurred. And I don't want to go through the entire debate

that you and I always go through, so I won't do it, but we will be confronted with, as the Speaker says, an adult moment as to whether or not we will, in light of the consequences of past behavior, take actions necessary to preclude America from defaulting on its debts. And I simply ask the gentleman, will we have the opportunity to have an up-or-down vote on that issue under the circumstances where we have reached, as the gentleman points out—we don't know the exact date—the extent of present authority?

Mr. CANTOR. I would say to the gentleman, Mr. Speaker, that the vote on the debt limit comes within the context of our demonstrating a commitment to cut spending, to effect reforms. And the President as well as the gentleman's side here in this House have said both that they would like to see and join us in cutting spending. This debt-limit vote comes in the context of all that we are going to be able to do over the next several months. And we've got to be demonstrating that or frankly the public will not want us to accept any notion that we're going to continue business as usual unless we've demonstrated that things are changing. That's why I continue to say to the gentleman that we will not accept an increase in the debt limit without serious spending cuts and reforms.

Mr. HOYER. I thank the gentleman.

□ 1140

ADJOURNMENT TO MONDAY, JANUARY 24, 2011

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. CANTOR. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 10

Resolved by the House of Representatives (the Senate concurring),

That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 25, 2011, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FAREWELL TO THE PAGES

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, today we will be saying farewell to the pages who have served this House so well. They are standing in the back of the Chamber here now. We wish to thank you for your service.

I've been on the Page Board for about 30 years. Speaker Tip O'Neill appointed me to that board, and this has been a tremendous group of pages. You've worked hard, you've worked well, and you've worked honorably.

You've seen history. You've seen a change of party control of this House. You've seen our joys and our sorrows. You witnessed the sorrow we all experienced and you experienced when a Member of this House was attacked back in her district.

There is a program called Close Up where people come to Washington, people your age, to observe the Congress, and they learn a lot. It's a great program. But no one sees the Congress as close up as you do. And we appreciate the fact that you recognize that as a great responsibility and a great honor, and you will go back home and tell others about this Congress.

I think you can tell them that everyone who serves in this Congress, even though we may have differences—sometimes very sharp differences—the one thing that does bind us together is that everyone here in this Congress loves this country.

Go back and tell them that we are imperfect people trying to make a more perfect Republic.

I yield, Mr. Speaker, to my colleague on the Page Board, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Thank you, Mr. KILDEE. I appreciate it.

Mr. Speaker, the young men and women who are standing behind the bar and at the back of our Chamber here today are great young men and women who have served us well over this past semester. We appreciate you. Both Ms. Keating and Ms. Sampson have said this is probably the best behaved group of pages we've ever had. I don't know if you want to take it further than that, but you have done a great job and we appreciate you.

Mr. KILDEE. I want to thank Mr. BISHOP and Ms. FOXX, who also served on this committee. We have enjoyed our work, and you've made our work very enjoyable.

DEPARTURE CEREMONY PAGE NAMES FALL
CLASS OF 2010

Haley Alderete
Carissa A. Almendarez
Alexandra Baker

Shraddha Batra
Bethany Blakeman
Christopher Michael Tydingco Borja
Derek Kristopher Bowdle
Taylor Brooks
Hunter Layne Chapman
Fernando Chavez, Jr.
Josilyn Chowen
Joseph Cortes
Nicholas Dellasanta
Hannah Elizabeth Dillman
Dominé Ezechukwu
Melissa Lynn Finno
Megan Fleming
Gerardo Flores
Ashley Nicole Flowers
Hector Javier Garcia
Derek Garte
Megan Greeley
Kallie A. Hargrove
Kaitlin Elaine Hinojosa
Kathryn Elizabeth Hopper
Peter Alex Kanjorski
John D. Kohler
Ra'Nisa Kyles
Olga Lefebvre
Josiah Lippincott
Schaeffer Mallory
Gomez J. Martin
Jacqueline McGrath
Hannah Mery
Meghan Myhill
Diona Okunbo
Rachel Olivares
Tyler Olkowski
Cemal Ozgur
Joshua L. Perry
Tyler Jacob Petersen
Brendan J. Pfaller
Levi Andrew Phillips
Alexis Robbins
William Douglas Rodenberg
Caroline Saca
Nicole Marie Santeiro
Kameron Simmons
Everett Sotelo
Camden Scott Wiggins

COLOMBIA FLOODING DISASTER

(Mr. CICILLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CICILLINE. Mr. Speaker, I rise today to express my thoughts and prayers to the people of Colombia in light of the devastating flooding, heavy rain, and destructive landslides that, even as I speak, continue to ravage that country.

This natural disaster, ongoing for several months now, has taken more than 300 lives and damaged or destroyed more than 2,000 homes. In total, more than 2 million victims have been affected by the flooding, and some reports are calling this the worst natural disaster in Colombia's history.

My district in northern Rhode Island is home to many wonderful Colombian families. In fact, Colombians make up the fourth largest Latino group in Rhode Island, most of whom have loved ones in the affected areas of their native country.

So on behalf of the people of the First District of Rhode Island, I would like to express my sympathies to all of those who have been affected by this

devastating flooding. We remember those who have died and express our sympathies to those who have lost loved ones, been injured, or lost their homes as a result of this destruction.

I express my wishes for a rapid reconstruction of the damaged areas and return to safety for the families affected by this tragic natural disaster.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BENISHEK). Under the Speaker's announced policy of January 5, 2011, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PERPETUAL WAR IS EXPENSIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, perpetual war is expensive. We have been militarily involved in the Persian Gulf region now for 20 years. Experts have predicted that the cost of this continuous and expanding war will reach \$6 trillion.

The hostilities and our overt involvement in Iraq can be dated back to January 16, 1991, when the defensive Operation Desert Shield became the offensive Operation Desert Storm. Though the end of the Persian Gulf war was declared on April 6, 1991, with a U.S. military victory, the 20-year war was just beginning.

The U.S. and Britain have had an intense interest in controlling the oil of the Middle East dating back to the overthrow of the Ottoman Empire during World War I. This interest expanded during World War II with FDR's promise to protect the puppet governments in the Persian Gulf region, especially Saudi Arabia.

Though this arrangement never sat well with the citizens in the region, a fairly decent relationship remained between the Arab people and the American public. But animosity continued to build with our ever-present military involvement in Iraq.

□ 1150

Our military assistance to the Mujahedeen in the 1980s, now the Taliban, helped the Muslim defenders, one of whom was Osama bin Laden, oust the Soviets from Afghanistan. At that time we were still not seen as occupiers, and the radical Muslims, encouraged by the U.S., were expected to direct all their efforts toward the Communist threat. That all changed with the breakup of the Soviet system and the end of the Cold War when, as the lone superpower left standing, we named ourselves the world's policeman. It was then that the resentment by Arabs and Muslims became directed toward the United

States, now seen as an invader and occupier.

Continuous bombing and crippling sanctions against Iraq during the 1990s, the appearance that the U.S. did not care about the plight of the Palestinians, and our military bases in Saudi Arabia led to attention-getting attacks against the United States. The 1998 embassy attacks in Kenya and Tanzania and the attack on the USS *Cole* in the year 2000 were warnings that the war was far from over. The horrible tragedy of 9/11 shouldn't have been a surprise, and many believe it was preventable.

Currently, the war has morphed into a huge battle for control of the Persian Gulf region and central Asia. This involves Iraq, Afghanistan, Pakistan, Yemen, Somalia, and Iran. Foolish policies lead to foolhardy conflicts. Foolhardy conflicts lead to unsustainable costs and a multitude of unintended consequences. To name a few, we have spent trillions of dollars based on the false pretense of defending freedom and our Constitution. The notion has been further solidified that war no longer needs to be declared by Congress and can be pursued as a prerogative of the President. We are now seen by the world not as a peacemaker, but rather a troublemaker and aggressor.

Thousands of American servicemembers have been killed and tens of thousands wounded, with a sharp increase in service-connected suicides. Over 500,000 veterans are seeking medical treatment and disability benefits. Millions of citizens have been killed, wounded, and displaced in the countries on the receiving end of our bombs, drones, sanctions, and occupation. The region has suffered huge environmental damage as a consequence of our military occupation.

Christians from Iraq have suffered the worst rout in the history of Christendom. Iran and Iraq are now better allies than ever, with strong anti-American sentiment. Iraqi political stability is a joke. Ending hostilities in Afghanistan is a dream. China and Iran have been drawn into a closer alliance against the United States. America's uncontrolled deficits are senselessly fueled by needless militarism. We are now much poorer and less safe. There was no al Qaeda in Iraq before we invaded in 2003. Today there is. No weapons of mass destruction were ever found in Iraq.

War always leads to government growth and the sacrifice of civil liberties. In the past 10 years, this has been particularly costly to us, with the acceptance of military tribunals, torture, assassinations, abuse of habeas corpus, and PATRIOT Act-type legislation. Senseless war and senseless destruction and death should not be rationalized as providing a great service in protecting our freedoms, our Constitution, or maintaining peace.

The only value that can come of this is to recognize that our policies are flawed and they need to be changed. Without this, history will record that the sacrifices were all in vain.

A policy of peace, friendship, and trade is far superior to one of occupation, entangling alliances, and sanctions which guarantee war. We should pursue such a policy for moral reasons. But if we don't, we will nevertheless be forced to change our ways for economic reasons. It's time to bring our troops home.

HONORING SARGENT SHRIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise to honor a great American, my friend Sargent Shriver, a son of Maryland, who passed away this week at the age of 95. He was a public servant who lived a full life dedicated to promoting justice and opportunity in America and, indeed, throughout the world.

As the first director of the Peace Corps, Mr. Shriver skillfully launched an organization that has strengthened respect for America across the world and has for half a century exposed generations of Americans to the world beyond their borders. Sargent Shriver also made his mark as the director of important anti-poverty programs and as the leader of the Special Olympics movement, a movement that he joined his extraordinary bride, Eunice Kennedy Shriver, in heading.

In the words of his biographer, Scott Stossel: "Often the things that Sargent Shriver accomplished, starting the Peace Corps in just a few months, or getting 500,000 kids into Head Start programs its first summer when the experts said that 10,000 kids was the maximum feasible, were things that everyone beforehand had said were not realistic, or were downright impossible, Sarge Shriver did."

Sarge Shriver had a gift for what one of the old War on Poverty colleagues called "expanding the horizons of the possible." I am reminded of Robert Kennedy's quote that he used so often that "some men see things as they are and say, 'Why?'" Robert Kennedy said: "I dream things that never were and ask, 'Why not?'" Sarge Shriver mirrored that quote. May we all learn from his example. May we honor his legacy of public service by expanding our own horizons of the possible, by caring for those who need our help here and around the world.

Sargent Shriver brought to American life a singular commitment to service. His good work and his historic example will long outlive his 95 years.

HEALTH CARE REFORM AND REGENERATIVE MEDICINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, voters all across the country have rejected the "government knows best" philosophy that prevailed during last year's health care debate. In contrast, my Republican colleagues and I believe that American innovation and reduced government intervention are keys to successful health reform that reduces health care costs. After all, reducing the costs of health care should be the primary focus of any health care reform bill. Unfortunately, the highly flawed health care bill that passed last year does not bring down the cost of health care. It drives costs up. If we are ever going to fix health care, we must focus on reducing costs.

For instance, it's estimated that 1 percent of the most seriously ill in America account for more than 25 percent of all health care expenditures. What if we could improve the care of these patients and at the same time reduce costs? We can. We can by harnessing the power of innovation and health research in groundbreaking fields like regenerative medicine.

Regenerative medicine is a highly specialized field that focuses on developing technologies to replace or regenerate organs and tissues using the patient's own cells. These treatments would reduce the cost of chronic diseases by up to \$275 billion a year and would dramatically improve the lives of older Americans suffering from terrible, chronic illnesses.

The cost of chronic disease is only going to increase if we don't focus on innovations like regenerative medicine that can revolutionize how we treat illnesses. These costs are going to spiral ever higher mainly because we are in the midst of a major aging of our population. Demographers estimate that in the next 20 years, people in the age range of 65 to 74 years old will increase from 6 percent of the population to about 10 percent of the population, almost doubling. At the same time, people over the age of 75 will increase from 6 percent to 9 percent of the total population. This demographic shift will inexorably drive up the costs of health care as more elderly receive treatment for chronic diseases like late-stage Parkinson's disease, kidney failure, heart failure, or diabetes.

Regenerative medicine has the potential to revolutionize the treatment of all these diseases. But that may not happen. Why not? It's simple. The same kinds of bureaucracy, regulations, and red tape that are stuffed into every corner of the ObamaCare law are holding back the widespread adoption of major medical breakthroughs in this field.

Consider the fact that Dr. Anthony Atala at the Institute for Regenerative Medicine at Wake Forest University has been able successfully to grow bladders for bladder replacement surgeries from the recipient's own cells.

□ 1200

Yet despite several successful bladder transplants, the FDA insists that the institute go through additional costly clinical trials on animals and spend millions of dollars on testing that is clearly unnecessary based on his success with the human transplant surgeries.

This sort of Federal regulatory burden is stifling innovation in America, and the government takeover of health care backed by the Democrats last year imposes still more job and innovation-destroying regulations on health research.

Regenerative medicine has the potential to improve the health of our citizens and return them healthy and whole to the workforce. It holds the promise of hundreds of billions of savings in health care costs and, unlike ObamaCare, will create jobs focused on developing these technologies across the Nation. Congress would be wise to strip away the bureaucracy and red tape that is stifling innovation in fields like regenerative medicine that could lower costs and improve the lives of all Americans.

HONORING ASHLEY WESTBROOK TURTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, words cannot describe the depths of my grief as I rise today to pay tribute to the life of my former staffer and dear friend, Ashley Westbrook Turton, who was taken from us in a tragic accident last week. To say that she was taken from us too soon is an understatement. Ashley worked for me for 7 years, first as my press secretary and later my chief of staff. However, she was much more than a former staffer. She was family.

Ashley was, quite simply, remarkable. A native of North Carolina, she was known for her soft Southern accent, bright smile, professionalism, and determination to get things done. After graduating from the University of North Carolina, she first made her mark working for Governor Jim Hunt and then Attorney General Mike Easley, combining politics, policy, and communication. She soon brought her talents to Washington, and she was good at it. Ashley was committed to public service and to making a difference in the lives of others.

Ashley started in my office in 2000 as my press secretary, and we quickly formed a bond of mutual respect and

friendship. She later stepped in as my chief of staff and was nothing less than transformative in that role. Ashley's leadership and drive was inspiring, and she was a mentor for many young staffers, not only in my office, but across the Hill. As one former staffer remembered, "Her work ethic could not be matched. She exemplified class, always cool under pressure."

Ashley was on the floor day and night, always deepening her understanding of the Congress as an institution and how it operated. She was a bright, articulate, and incredibly dedicated young woman who built a distinguished reputation during her time on the Hill and was respected by colleagues and by Members alike on both sides of the aisle, a fact that was reflected in the many phone calls I received and the statements that were issued in her memory.

Ashley met her husband, Dan, on the Hill; and looking back, it was obvious that these two would wind up together. They shared a seriousness of purpose and liberal values, yet they were not flashy about any of this and avoided the spotlight. The love that they shared was palpable, the kind that we all dream of finding. I remembered her unbridled excitement about their wedding and her dreams of starting her own family.

Ashley truly enjoyed the simpler things in life, family and close friends. She cherished spending time with Dan and their three children, Shaw, Lane and Mason Grace. Neighbors have often recalled seeing her and Dan wheeling the kids around the neighborhood. Her children were her joy, the light of her life. She wanted nothing more than the very best for them, a childhood filled with love, encouragement, and support. It is difficult to imagine that they will grow up not knowing her as well as we did.

I, like so many others, have not yet come to terms with the reality that Ashley is lost to us. The idea that I will not get a call or email or text from her, just a couple of lines to say hello, is inconceivable to me. I simply cannot imagine my life without her in it.

Ashley was an exceptional young woman whose kind heart, quick wit, unwavering loyalty, and unparalleled professionalism touched the lives and hearts of all those fortunate enough to have known her. And so it is with the heaviest of hearts that I rise today to extend my deepest sympathies to her husband, Dan; her parents, Jim and Diane Westbrook; her brother, Blair; Dan's parents, Tom and Cathy; and Ashley's children, Shaw, Lane and Mason Grace. Ashley's absence has left a hole in all of our hearts that will never be filled.

THE PASSING OF SARGENT SHRIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, America lost one of her greatest public servants this week. Sargent Shriver dedicated his life to others. He was the driving force behind the creation of Head Start and Upward Bound, opening the door to education for countless children. He was passionate about service, and through his stewardship of the Peace Corps and VISTA, gave millions of others the opportunity to serve. Sarge and his wife, Eunice, were visionary advocates for people with disabilities, and today the Special Olympics empowers young people with intellectual disabilities around the world.

Sargent Shriver's courage under fire earned him a Purple Heart for his service in the Navy during World War II. After directing the Peace Corps and the Kennedy administration and helping launch the War on Poverty in the Johnson administration, Sargent Shriver applied his formidable talents to our Foreign Service as ambassador to France from 1968 to 1970. In 1994, President Clinton awarded Sargent Shriver the Presidential Medal of Freedom, our Nation's highest civilian honor.

Despite all these accolades and well-deserved recognition, those who knew Sargent Shriver knew that he considered his work its own reward. His life was a tireless crusade for peace and justice, willing to lend a hand wherever one was needed and building institutions that could carry his work into the future.

"When our deeds match our ideals," Sargent Shriver would say, "we will be living life as it ought to be lived." Sargent Shriver lived life as it ought to be lived.

I extend my deepest sympathies to his five children, Mark, Robert, Maria, Timothy and Anthony, and to their families. I hope they are comforted by the thoughts and prayers of all those who knew, admired, or were helped by Sargent Shriver. His legacy—the children given a head start, the volunteers whose lives were changed and who changed lives in their service around the globe, and the individuals with disabilities now treated with the dignity and respect that they deserve—that legacy is with us today and will continue for years and decades and more to come.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. HURT) is recognized for 5 minutes.

Mr. HURT. Mr. Speaker, the repeal of the health care law and beginning the

process of replacing it with market-oriented solutions that reduce health care costs are important steps in the right direction for the people of the Fifth District of Virginia and for our Nation as a whole.

Having heard from so many of my constituents on this issue, I believe that it is essential that we repeal the government takeover of health care that raises costs, increases taxes, imposes burdensome mandates on small businesses, and jeopardizes quality medical care for our people.

I rise today to share an example of the real-life implications that the new health care law has had on one doctor in the Fifth District of Virginia.

□ 1210

His story is not unique. No doubt there are many others in central and Southside Virginia, as well as across the Nation, who are dealing with similar, negative ramifications of this law. His story is an important one to tell. It's a story of the hardships this legislation has caused to the people who have dedicated their lives to serving others.

In 1999, this doctor took a huge risk when he decided to sell his home and move to Charlottesville to buy and operate an Urgent Care Center. The challenges he faced in starting up his own practice did not come without sacrifice. It was over a year before he took home his first paycheck. He and his wife lived on savings and retirement money and did not know if their business would make it until 2004, 5 years later. His sacrifice and hard work proved to be a model for success. Now he has over 40,000 charts and 30 employees, and he provides high quality care to more than 16,000 patients. The average charge per patient visit remains low, while the services rendered provide good quality care, proving that health care at the primary level does not have to come with an overly expensive pricetag.

However, this doctor has made it clear in no uncertain terms that the fear and uncertainty regarding the new health care law threatens both the present and future success of his practice. Due to the tax hikes, added regulations and bureaucracy, and overall government intrusion, the doctor is no longer sure he can afford to stay in business, which means over 16,000 patients in the area served by his practice may lose access to this reliable and affordable care.

What a crushing blow to the innovators that are seeking new ways to provide quality medical care to their fellow man. What a crushing blow to the entrepreneurial spirit for those who are seeking to succeed. And what a crushing blow to the very spirit upon which our Nation was founded. This is just one example of why it is critical and necessary to repeal the government takeover of health care.

To ensure that doctors in the Fifth District can keep their doors open and that the people of the Fifth District of Virginia can continue to afford quality health care, it is critical that we find replacement measures that seek to truly keep costs low while removing the government from the patient-doctor relationship.

We have a great deal of work ahead, Mr. Speaker, but I'm committed to continuing to find the health care solutions that are in the best interest of all central and Southside Virginians.

GOVERNMENT OVERSPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. AKIN. Mr. Speaker, it is a treat to be able to join you and my colleagues today, and at the beginning of a new year, take on a subject that we have been aware of and increasingly conscious of, the problems relative to our economy, to jobs, but particularly to the Federal Government and its voracious appetite to overspend.

I'm joined by a number of distinguished colleagues today. I think it should be an interesting discussion. We're going to try to keep it simple and look at the big picture and look at the choices that America faces.

Along those lines, here is a sort of a by-the-numbers projection for this year, 2011. And you see sort of a bar graph, these tubes here. This top one is \$3.834 trillion, that's \$3.8 trillion, and that's what it's expected that the Federal Government is going to spend, \$3.8 trillion. The problem here is this other little thing here. This is the income projection. And that's \$2.6, if you round a trillion. So 2.6 versus 3.8, which, you can tell by the length of them that we are spending more money than we are taking in. People that have tried to run a budget at home understand that's a very easy thing to have happen, to spend more money than what you have coming in. And the Federal Government has that problem, and it has it big-time. In this case, the difference between the two is more than \$1 trillion.

And so that's what we're going to take a look at. And what can we do about it isn't so much a matter if you are a liberal or a conservative really, the fact is it's mathematics. We're spending a whole lot more than we're taking in. And so that is the problem we're going to take a look at. When you do that year after year, spend more than you take in, you start to develop a debt. In our case, we've got a \$14 trillion debt. So you have a deficit of \$1.6 trillion, but you keep adding these things every year, and pretty soon you build this debt up. And the

problem with the debt is that you have to pay interest on the money that you borrowed. And so that also makes things worse. And so now you take a look at the fact that not only are we spending about one-third more than what we have, but we've been doing a bad job of controlling our spending.

In the past, we have also cranked up this debt. The effect of that is that one of the things that comes as far as spending is your cost of the debt service, so the more that you borrow, the more you have to pay interest on your debt, and therefore it just compounds the situation, making it worse. So that's the lineup.

So let's take a look at, well, where are we spending all this money? And one of the things that people that are looking at numbers take a look at is three fairly big what are called entitlements. Entitlements mean that somewhere along the line, the Congress passed a law, and the law works like a little machine. It just spits money out. And anybody who meets certain parameters, the machine will just give them some money. And that's called an entitlement. And so depending on what the entitlement is, it just spends money. And Congress doesn't have to do anything. The money just gets spent. And it is called an entitlement.

The three big ones, of course, are Medicaid, Medicare, and Social Security. And if you project over time how much money those entitlements are going to spend, you find that they are growing. They are growing because of people such as myself, a baby boomer. The baby boomers are getting older, and there's a whole lot of them, and there are not as many people working to pay into the system. And so the cost of these entitlements go up.

And as you see in this chart right here, this is the typical revenue that we get from taxes coming in. It is running at 18 percent. You can see it goes up and down as we have more or less taxes depending on who is in charge of the White House and the Congress. But it averages now, over since 1965, it's averaging about 18 percent. And you see this point out here at 2052 where these three entitlements are going to use up the entire budget. There won't be any money for anything else other than just these three things.

Unfortunately, this chart is optimistic because this is only including these three entitlements. We have other entitlements also. And in fact, at this point we have come really pretty close to it even today.

So our entitlement spending, when you look at the big bar chart up here, pretty much, of our income—about \$2.5 trillion, pretty much that income is spent today on various entitlements. It's not just Medicare, Medicaid, and Social Security. But there are two other categories, miscellaneous entitlements, that would be things like

food stamps and public housing, stuff like that, but also debt service, because you have to keep paying the interest on debt. You put that all together, and that's just about what we've got for income. So we've got ourselves some challenges.

And I'm glad that I don't have to solve all this problem, but we have got some very smart people that are going to join and talk a little bit about this, what are our alternatives and what should we be doing.

The first is a freshman who is already distinguishing himself in the Congress, BILL JOHNSON. He is from Ohio. We are thankful that Ohio sent one of their great sons here, somebody who first of all has a background as a chief information officer in a global manufacturing company. "Information officer" means people that deal with the transfer of data and information, but also the data processing side of a company, which is really the communications and lifeblood of a company. He is also somebody who served our country faithfully as an officer in the United States Air Force.

BILL JOHNSON, it's a treat to have you on the floor. We're glad you got elected. You've heard the opening here. We've got a bit of a problem. In fact, we've got a problem that's so big that a lot of people are kind of—in Missouri we have an expression, hunker down like a toad in a hailstorm. A lot of people look at this and they go, oh, my goodness, what are we going to do?

So let's talk about that for a minute.

Mr. JOHNSON of Ohio. Well, Mr. Speaker, and to my distinguished colleague from Missouri, thank you so very much for the opportunity to be here. You're exactly right, and you've pointed it out so well. We have a disease here in Washington, and that disease is called "overspending." And it is, by and large, what has brought us economically to where we are today. And the debt that we see is the symptom of that disease.

It's amazing to me how many in D.C., how many in the administration and in the previous Congress, really believe that we can borrow, tax, and spend our way back to prosperity. As a businessman, as a graduate from a business school—I have a minor in business administration—I don't think that there is a business theory in place that says that you can prosper that way.

□ 1220

Mr. AKIN. Let me just stop you. I want to cut in on you.

What you are saying is most businessmen, if you tell them we are having trouble with overspending so what we are going to do is spend some more, they are going to laugh you out of the shop; is that basically what it boils down to?

Mr. JOHNSON of Ohio. That's right. You know, that kind of thinking has

never been good for families. It has never been good for businesses, and it certainly is not good for America. We see where that has left us. Your charts point out that we are on the path to a train wreck here. Yet we see policies consistently coming out of the administration and out of the previous Congress that continue to punish the job creators.

Take Ohio for example. Since the giant stimulus bill was passed in the previous session of Congress, only three States have lost more jobs than the State I come from, from the great State of Ohio. Unemployment in the district that I represent is another symptom of that disease. We cannot continue down this track of spending and borrowing and punishing job creators and expect America to pull through this economic crisis that we find ourselves in.

Mr. AKIN. BILL, once again you are right on track and right on topic. This is so important because down here in Washington, DC, there are really two very different schools of thought on this; aren't there? There are some people, and I think they are people probably who come from your background as executives in companies, people who had responsibility and had your own small business, and you understand what it takes to make a small business work. And the mind-set of those people when you get into trouble over spending is that you have to either increase your revenue somehow or you are going to have to cut back your spending.

But there is a whole other school of thought down here which to me is kind of weird because I come from the business world, too, and the theory is that somehow you can get the economy going by spending a ton of money, and that is what the "stimulus" bill that we passed 2 years ago, it was supposed to create I don't know how many hundreds of thousands of jobs. The projections in terms of the numbers of jobs it was going to produce, it actually lost more than what they projected it was going to do.

At the time, I stood on the floor with a bunch of other people who came here with a business background and said, Hey, this thing isn't going to work. Don't spend this money.

It was at least theoretically excused under the Keynesian sort of idea that if the government spends a lot of money, it "stimulates" the economy and everything will be okay. It is like grabbing your belt loops of your boots and lifting up and flying around the Chamber here. It is a bizarre idea. And it was tried by that guy Henry Morgenthau who worked for FDR. They tried it for 8 years, spending money like mad. He appeared before the House Ways and Means Committee and said: It just doesn't work. Now, that was 1938 he told Congress it doesn't work to spend money like that.

So that is one possible way that the Democrats propose, and that is spend lots and lots of money. But we see we are spending so much money, the question is—it isn't working because it created unemployment big time.

Of course you in Ohio with your manufacturing background, we are just killing jobs. Somehow there is this disconnect. You can punish companies and then you are surprised there are no jobs. It is sort of bizarre.

I yield again, BILL.

Mr. JOHNSON of Ohio. Thanks.

You hit the nail on the head. We are punishing the job creators. I mentioned in Ohio, only three States have lost more jobs since that stimulus bill went into effect. Now, I don't know the exact number today, but in November, around election time, Ohio had lost over 400,000 jobs.

Mr. AKIN. Are a lot of those manufacturing, BILL?

Mr. JOHNSON of Ohio. Absolutely. Absolutely.

And here is what puzzles me: I don't understand why more don't realize that when you let families and businesses keep more of their hard-earned money, that builds economic confidence. That builds buying power. They invest. They spend more. That's what gets an economy going. They begin to become innovative.

Let me give you an example. Ohio borders on a State that has no sales tax on clothing. One of the first things I saw when I started looking at how I could help the State of Ohio was: How can we keep that sales tax revenue in the State of Ohio? So we started doing the research. We found out that 17 States have sales tax holiday programs.

So I built a grassroots effort to put a sales tax holiday program in place in Ohio. Without going into excruciating detail, having a sales tax holiday around back-to-school time and a sales tax holiday around Christmastime promised to bring upwards of \$250 million in additional sales tax revenue into the State coffer, keep retail jobs, and let Ohio families keep more of their money. It was amazing what that program would do. Yet we could not get those on the other side of the aisle in Ohio to understand that and to buy into that concept. It is a simple economic concept.

Mr. AKIN. Just interrupting again, what you're really saying is that you can get more revenue in a State if you back off on taxes?

Mr. JOHNSON of Ohio. Absolutely.

Mr. AKIN. That is an interesting concept, and I would like to pick that theme up. That is something we really need to understand.

I assume you were a member of the Ohio Legislature at one time?

Mr. JOHNSON of Ohio. No, I was not. I built a grassroots effort to try to address that problem. We were successful

in getting a bill introduced into the Ohio State Legislature to put those sales tax programs in place, but it never made it through the system.

Mr. AKIN. Oh, boy.

Well, we have another gentleman here, coming a little farther from the west, Congressman BISHOP, who is joining us. He is also a guy who has had some experience in the business world, and also as a teacher and a leader here on the floor. He has represented his district on some armed services kinds of issues and is somebody who has really earned the respect of his colleagues and has done a great job in setting up some of the new rules that have been established for this Congress.

Congressman BISHOP, I would be delighted to have you join us. You have heard what we are talking about. We have a problem. We are spending too much money, and the question is what should we do about it.

Mr. BISHOP of Utah. I thank the gentleman from Missouri for allowing me to have some time here, and I appreciate the comments of the gentleman from Ohio illustrating what happens in the States. I think oftentimes we should be looking to the States as an example of what does and what does not work, and we can emulate those concepts here in Washington.

You are right, as you initially said, we have a severe budget problem. There are really only two ways of trying to reconcile that budget problem: We can either raise taxes or we can cut spending.

I think it is interesting to look at some other States. Cal Thomas had a wonderful article this morning—maybe it was last night—that talked about comparing what other States have done. So we see the State of Illinois, another midwestern State whose solution to their problem was to raise the personal income tax 67 percent and their corporate tax rate by over 46 percent.

Mr. AKIN. May I interrupt. You said raise the personal income tax in Illinois. Was it by 6 percent?

Mr. BISHOP of Utah. Sixty-seven is what I heard, and 46 percent on corporate taxes. And let's face it, corporate taxes are paid by consumers anyway. So you get hit with it coming or going.

You can compare that with what other States have done, like the neighboring State of Indiana or Wisconsin, Virginia, New Jersey, my home State of Utah, which decided to solve their problem simply by reducing their spending. I am told that Indiana, since 2004, reduced spending by 40 percent.

Mr. AKIN. Whoa, 40 percent. That is a number.

Mr. BISHOP of Utah. And it will be interesting to see if the Illinois experience will replicate what happened in Indiana and those other States I listed,

and my gut guess is it probably will not.

But when we instituted income tax for the first time in this country, the statute that did that would cap the maximum rate of income tax at 2 percent, even though we only applied a 0.5 percent income tax. I think if people would look at their paychecks today, they would see it slightly different from that original time.

Mr. AKIN. As I recall, gentleman, at that time, weren't there people who said that income tax could possibly get as high as 5 percent and they were laughed off the floor of the Congress, that income taxes could get as high as 5 percent? Am I right on that?

□ 1230

Mr. BISHOP of Utah. It is alarming, but that is actually accurate. As we found out in that experience, the best tax is, obviously, something paid by somebody else. It was estimated when that original income tax was in place that 80 percent of it would actually come from only four States. Apparently, four States were fighting it, and the rest of the States kind of liked it.

Unfortunately, there was—and I'm not impugning anybody here—a Representative from Missouri at the time who actually did say that a new dawn has broken with this new income tax and that, actually, the government would be more careful with people's money now that we are taking it directly from them than in the past when we simply ran government by taxes coming from tariffs or land sales.

Mr. AKIN. We're not proud of everybody from Missouri, gentleman.

Mr. BISHOP of Utah. That certainly does not represent your thinking anyway.

Mr. AKIN. No.

Mr. BISHOP of Utah. What happened is, within a short period of time, using World War I as the excuse, that top rate was not at 2 percent or at 5. It was at 75 percent. Now, what we found out is the actual amount of money coming into the country was in a decline, not in an incline.

So, when President Coolidge came into power and initiated the first tax cuts by reducing the rates across the board, the amount of revenue coming into the country actually increased. The same thing happened when President Kennedy tried it, President Reagan, and President Bush, because what we found out was that people with money are not stupid. They had money for a reason and that it was not that they were avoiding their taxes. They had just found an alternative way of investing—in the case of World War I, it was a lot of municipal funds that were going in there that were not taxed—or they simply did not invest their money. They sat on it until such time as they actually had control of their money again.

So the bottom line here is, if we look at the tax pot, or proposal, as a way of solving our problem, all we do when we allow taxes to increase is allow Congress to actually spend more.

It's like going on a diet, which I desperately need. I may change my diet to my only eating good food; but if I eat a whole lot more of good food, it's not going to really solve the problem. There is another problem, too, that goes onto the spending side, which is I can actually be full and malnourished at the same time. If I only eat potatoes as a diet, I may be full; but I'm not helping my body.

When we look at the spending side, which is really the only option that we have, and when we don't look at it in a way of looking at how we are spending, all we're doing is malnourishing us. All the CRs we passed last year, without actually doing a real budget or a real appropriations act, may have flat-lined our spending, but it didn't help us out. It was like eating potatoes all the time, which in moderation are good; but if that's the only consumption you have, we are making serious problems.

Mr. AKIN. I think what I'm hearing you say, gentleman, is that America has been getting high on junk food. At least you have an economic analogy.

Is that where you're going?

Mr. BISHOP of Utah. Well, so am I, and I have to admit I love potato chips; but, yes, that's where we're going.

What we need to do is, I think, what this Congress is looking at, which is to try and readjust what we are doing and look at our spending levels, which is why 2008 spending will be a starting point to adjust and look at what we are doing. We have to look at our spending in prioritization so we're not just spending everything. We have to look at what our responsibility as a government is, and we have to look at the spending side seriously.

As the gentleman from Ohio stated and you stated with your charts, if we do not take the spending side seriously as the solution to our problem, we will never find a solution to our problem; and the end result will be disastrous for this country.

Mr. AKIN. I appreciate your thoughts and particularly the direction that you're taking, because my argument would be the problem that we've pointed out with overspending cannot be solved with increasing taxes, and I'd like to talk about that for a minute.

My good friend from Ohio, just hold for a second. I'd like to try to illustrate something.

When I first came here a couple of years back, people talked about the Laffer curve and the idea that you could have the government take more money in by reducing taxes.

Now, I'm an engineer by training, and to me that seemed counter-intuitive. How in the world can the government lower tax rates and take in

more revenue? It seemed like such an odd thing. Then I started sort of puzzling it in my mind a little bit.

I thought, Let's say that someone were to appoint you to be king for a year, but the only thing you can tax is a loaf of bread. So you start thinking, Huh, how do I get the most revenue for my country out of a loaf of bread?—because I'm a political guy, and I have to pay the bills of the Federal Government.

So you start thinking. You say, Well, I think I'll put a one penny tax on every loaf of bread that people eat. No one will notice the penny, and I'll take in a certain amount of money. Then you start scratching your head and saying, What if I went the other way? Let's say I taxed a loaf of bread at \$10 a loaf. Boy, then I'd get a lot more money in that way. Yeah, but the trouble is nobody would buy any bread.

Common sense would say somewhere between a penny and \$10 there is some point in there at which you're going to get the maximum tax you can get on a loaf of bread; and as soon as you go beyond it, your revenue is actually going to fall off because people will stop buying it, and there just won't be any more bread market going on.

So the point of the matter is that there is an optimum level that you can tax. When you go beyond it, you stall the economy and destroy the Federal revenues. Now, that may seem like a theory, but, in fact, it's true. It is what happened.

I'd like to just run through a couple of charts here.

This happened in 2003. In the second quarter of 2003, in May, we passed a big tax decrease in capital gains, dividends and the death tax. What that did was it freed up a lot of money for, BILL, who you've been talking about—the people who own businesses. The death tax ties up a whole lot of money because, you know, somebody dies, and you just hammer him and put a small business or farm out of business. Capital gains and dividends, they're all money that was being tied up because of our Tax Code. So when we reduced those taxes—this is what happened on this black line. I've got three charts here. This black line is when we cut capital gains, dividends and death taxes.

The first thing: look at the gross domestic product of our country. You can see it's spotty in here. We were in a recession. The amount of money we were taking in was not good in these early years.

Here is what happens when we do the tax cut:

You see that there is a jump from 1.1 percent GDP to 3.5, so GDP goes up when we cut taxes. That tells us, hey, the economy is going. It's doing better.

What else happens? Let's take a look at the chart. It's the same thing.

This is May of 2003. This is job losses. Everything below the line is a job loss.

We're losing jobs like mad, and we've got some problems with unemployment. Here are a couple of times where we gained some jobs just for a quarter, but these are by the quarter. We're losing jobs. Then—boom—we put this tax cut in place, and look what happens in terms of job creation. We created 168,000 jobs, and here we've lost 100,000. So, first of all, GDP goes up. Job creation goes up, so people go back to work.

Here is the key point: look what happens here to Federal revenues. We have cut taxes here, and Federal revenues are shooting up. Now, that seems like you're defying the law of gravity, but what happened was those taxes were stalling our economy.

So when you've got a recession and when you've got unemployment the way we do, what you've got to do, this would suggest, is you have got to cut taxes, give the money back to the people you're talking about, BILL, who own those companies. Let them invest—build additional wings on a building, new products, new technology—and when that happens, you pull out of the recession, and it helps you with your revenues.

The bottom line is, when you take a look, going back to our original question of how do we get out of the problem that we are spending too much money, the answer is, if you start taxing, you're going to drive us further into a recession, making the problem worse. So, really, tax increases do not work to fix the problem that we've got going here.

I wanted to jump over, BILL, and allow you to piggyback some.

BILL JOHNSON, from Ohio, is a great freshman Member. Congratulations to those in the State of Ohio for sending us some good people down here.

BILL, please jump in.

Mr. JOHNSON of Ohio. Well, you've made so many points there.

I'm a businessman. After my military career, I founded two small businesses. Before I came to Congress, I was the chief information officer for a business, a global manufacturing company; and I sat at the table with our executive leadership team, and we talked about how do we increase the value to our shareholders; how do we make our company more profitable; how do we put ourselves in a position to be able to invest and grow.

There are two sides to that formula.

On one side, you've got spending. On the other side, you've got revenue. There is a balancing act. Controlling spending, we've talked about. We've got to stop the out-of-control spending here in Washington, and we're going to address that in this Congress.

□ 1240

But how do we increase the revenue? That is what you've been talking about here for the last few minutes. And

you're exactly right, it does not come through tax increases; it comes through letting Americans and businesses keep more of their money because that builds economic buying power, that builds confidence. They invest; they spend.

Now when we did our research on the sales tax holiday back in 2009, what we learned is there were 17 States that had already implemented a sales tax holiday which validated the concept that you just referred to. Take one State, for example, implemented their sales tax holiday in the very first year. In the month that they implemented that sales tax holiday they saw an overall—now there were adversaries that said you can't take that sales tax revenue out of the coffer at a time when we are struggling to meet the State budget. Fortunately, sound minds prevailed and they were able to get the bill through. And in the month that they passed that bill and they had that sales tax holiday, their overall sales tax revenues did not decline; they went up nearly 5 percent.

Mr. AKIN. So what happened—let me see if I understand this. The sales tax holiday was not a total cutting of all the sales tax; it just reduced it much lower.

Mr. JOHNSON of Ohio. That's right.

Mr. AKIN. And by reducing the tax, their revenue increased.

Mr. JOHNSON of Ohio. Well, what it was, it eliminated sales tax on certain items like back-to-school items, things that people had to have to get their kids back in school, to put them in college and those kinds of things—clothing, school supplies, computers. For example, many States included computers in those sales tax holidays.

Over the next year, they saw another nearly 5 percent increase in the overall sales tax revenues. By the third year, they saw a nearly 8 percent increase in sales tax revenues. And over a 3-year period, they were looking at close to 20 percent overall sales tax revenue increases over that 3-year period.

Mr. AKIN. By cutting taxes.

Mr. JOHNSON of Ohio. Because what happened was when people got a tax break on things that they had to have, they would channel those savings into buying things that they wanted to have and that they had been saving up for with their families. And other States started coming across the border to take advantage of that holiday. It's a simple concept that we need others to understand: when you let families and businesses keep more of their money and you put the decision about how they spend that money in their hands, America prospers.

Mr. AKIN. Well, I really appreciate that. That's a real-life example, something that you worked on looking at different States. And it was the same principle of what we've seen.

Now, the idea of cutting taxes in a recession and cutting Federal spending

is not new. JFK understood that principle. He cut taxes when he was President during a recession and put us back on a good economic footing. Ronald Reagan had the biggest tax cut just about in the history of the country until Bush came along, and the same thing. People made fun of him, that it was trickle-down economics and all that kind of stuff; but the fact of the matter was the economy became strong, and he had to have a strong economy to face the threats of Communism in the Soviet Union.

And ultimately he bankrupted the USSR because of the fact that our economy was strong enough that they couldn't keep up with us in the arms race, and he basically got them to the point of "tear down this wall." But it was based on this same principle of the fact that he had tremendously cut the taxes which allowed the American economy to surge and allow free enterprise and the businessmen to start making some money.

We're doing the exact opposite. At the Federal level, our income tax is the second highest income tax in the whole world. That doesn't make a whole lot of sense.

Now, I want to go to this problem a little different angle from it, and that is, we've talked about we're spending too much money. We've talked about, really, that raising taxes is not the solution, which means then, by definition, you've got to cut spending.

Well, what are we spending money on? I think that's something we need to take a look at here. And I've got a chart. Before I had the chart that showed Medicare, Medicaid, and Social Security. And these things people call entitlements because we passed a law a long time ago, and it just spits money out, more and more money out over time. This chart suggests if you keep your taxes at 18 percent, at a certain point, at 2052, these things get so big, they squeeze the rest of the budget out. The trouble is this chart is optimistic. The problem with the chart is it doesn't include all of the entitlements. There are a lot of entitlements that are not on that chart.

But here, take a look at this, what has happened since 1965. I think this also adds perspective to what's going on in terms of our spending. In 1965, entitlements were 2.5 percent of gross domestic product. It starts here. The red line goes up to the point now that in 2010 the entitlements have gone from 2.5 to 9.9 percent. That's a four-times increase to 2010. The trouble is that's just Medicare, Medicaid, and Social Security.

The additional entitlements would go up even further. This is probably saying that since '65, we've had probably about a five-times increase in entitlements. And what's happened in return to national security and defense? The U.S. Constitution says the most basic

function for the Federal Government is to provide for the national defense. It may say that we're supposed to promote general welfare, but it specifically—because the only government that we have that can defend our country is the Federal Government. It is the primary function of the Federal Government, in our preamble to the United States, "provide for the national defense."

We were spending 7.4 percent of GNP in '65, which has now dropped down to not quite 5 percent of GNP. And we have the problem now with the two wars, with all of our equipment aging. So we're having a whole lot of trouble trying to stay competitive, particularly with China and a lot of their new developments, with national defense because the entitlements are just going nuts.

And so the problem is that we're going to have to take a look at entitlements, not just Social Security, Medicare and Medicaid, but there are other ones too. You've got food stamps, you've got public housing, and you also have the debt service. All of this, when you put it together, is using almost all of the money coming in in a given year. That says we had better get serious about doing some cutting.

And once again, I will come back to you, Congressman JOHNSON, if you would like to comment on that aspect of where we are.

Mr. JOHNSON of Ohio. Well, you hit the nail on the head again. National defense is our number one priority; it has to be. In fact, the oath of office that you and I took on January 5, virtually the same oath of office that the President takes, it says that we swore or affirmed to support and defend the Constitution of the United States against all enemies foreign and domestic. That requirement to provide for the national defense is the number one most important thing that we in the Congress, in the administration are required to do, keep America safe, keep America free, protect Americans and American interests around the world.

There is no question that we must invest in those programs that are going to support our troops in the field. And I agree with you that we must look at the proper balance between defense spending and other spending to make sure that we achieve what we have been charged by the American people to do.

Mr. AKIN. As a good Air Force man, I knew you would come up with the right answer. The point of the matter is if you don't have national security, you don't have any other kind of security.

Mr. JOHNSON of Ohio. Well, I often ask my constituents, what is our number one job? What is the President's number one job? Is it to keep us safe, or is it to keep us free? And of course you get a number of different hands

being raised. In my opinion, based on the Constitution, the Declaration of Independence, the President's—and therefore the Congress'—number one responsibility is to keep us free, because if we are not free, we will never be truly safe.

□ 1250

And safety is obviously pretty close on the same level. And they play into one another. But our national defense, flowing down from our national security strategy, our national strategy, that's paramount.

Mr. AKIN. I very much appreciate your perspective.

We're joined by another great freshman coming from pretty near by Missouri, from the great State of Kansas, Congressman YODER. It's a treat to have you on the floor. And as you've heard, we've been pontificating here a little bit about how are we going to deal with this. You know, the Federal Government is spending a whole lot more than we take in. So we've got to deal with that problem. We've been talking about the fact that taxing isn't a good solution because if you raise taxes, you drive your revenues down. It means we're going to have to do some cutting. So that's a tough subject.

But I appreciate a little bit of common sense from the great State of Kansas.

Congressman YODER.

Mr. YODER. I appreciate the congressman from Missouri's indulgence for a little time here.

I've been watching this conversation you've been having on the floor, the gentleman has, along with the gentleman, and it seems like we're in the middle of an ideological battle in this country. On the one hand, you have folks on the left that argue that government is the solution to all the problems our country is facing. Unemployment, their argument is that we need to create more government jobs, that Washington can solve these problems.

And out in Kansas we know that it is the private sector. It's the individual that creates jobs in this country. We know that it's hard work and determination. And you can't substitute that with government bureaucrats or government mandates. You can't mandate or regulate someone into prosperity. It just doesn't happen. And that's a real battle that's happening in this country right now, and I think this is a challenge that we've really got to face in this Congress.

On the one hand we have more entitlement spending, greater deficits, higher taxes. On the other hand you've got free enterprise, economic freedom, prosperity. And to me, that's the real essence of this challenge: Are we going to create a free enterprise country or are we going to be an entitlement society?

Mr. AKIN. In a way, I think you've really framed things. I appreciate your

perspective because you're getting a little bit off at a distance and saying look, there's two choices and the two parties really are very, very different in this. One seems to be the party that wants entitlements. They want food stamps, and they have unemployment. And the other party is saying we want jobs and paychecks. And that's kind of the choice. And if you want jobs and paychecks, you've got to have a free enterprise economy.

If you want the government to just subsidize you and live off of welfare, that's a different perspective.

So what we're seeing is this growth in entitlements, this number is low on this chart because it doesn't have food stamps, it doesn't have public housing, and it doesn't have the debt service. When you put that all together, we're right at the point where the money coming in is just barely paying for all of these entitlements and the debt service. You put that together, that's not a good picture.

And the solution I think most Americans—I bet you that's what your election was about, the fact that we want to have jobs, and we want to see a strong America. We want to see an America that's free. We want to see a Federal Government that doesn't enslave us, doesn't tame us, put us in velvet chains of a welfare state, but rather that allows us to rise the way Americans have always risen to the challenges that each one of us, the dreams we have in our heart to make those happen, to have a chance to fail or to succeed. And that's what made America such an incredible place.

And I appreciate, Congressman YODER, your standing up for those basic American principles and values. And I think what that means is we're going to have to deal with this level of spending.

Congressman JOHNSON, back to Ohio.

Mr. JOHNSON of Ohio. I wanted to comment on what you said and what the gentleman here said about what makes America great.

When people stop to consider that this little sapling of a Nation in terms of age, 230-plus years old, virtually—and we're a baby compared to many of the other nations in the world—yet every modern convenience, virtually every modern convenience known to mankind was birthed right here in this country. And why was that? It was because of that system of free enterprise based on individual freedom. The ability to pursue our dreams, the ability to innovate that created this free enterprise system that we've come to know.

It did not come about in the Halls of Congress. It was not discovered in the deliberation rooms of courtrooms.

It was discovered around the campfires and around the dining room tables, the kitchen tables, the fields, the factories. As America came along, we learned when individuals are allowed to

pursue their dreams in an environment of freedom without an oppressive Federal Government taxing them into oblivion, everybody wins. America wins, our allies win, everybody wins.

Mr. AKIN. You know, just even hearing you talk about that, somehow that gets me excited.

You know, I think about it. God made all of these different people, and all of us are different. And from the day that you grow up as a little kid you start thinking about stuff that you'd like to do, whether you want to be a fireman or a doctor or an Indian chief, you know, people kind of talk about that.

And you never really know for most people, they don't really know where their life is going to go, what they're going to achieve or accomplish. But there's something inside human nature that has this idea once you start to get the idea that you can dream and do something cool.

So people have these crazy ideas. And America was full of these crazy people and all of these crazy ideas. They didn't know the ideas were impossible, and they kept trying and trying, and finally the idea becomes maybe vaguely possible and then pretty soon, it actually happens.

You take the crazy guy who built lightbulbs. What'd he build, a hundred, two or three hundred lightbulbs? And somebody said, Boy, you've got to be discouraged, Thomas Edison. He said, No, I've got a couple hundred ways not to make lightbulbs. So I'm even closer to the right solution. You've got to be a little bit pretty entrepreneurial to have that perspective.

So America, if you think about it, this great country was built one dream at a time by all these people. And one of the great things, Congressman YODER, that you do and Congressman JOHNSON, is you have a chance to serve your people.

What's going to happen—because you're both freshmen—what you're going to find is that through the years, all these people from your district, you'll run into them, and you'll see some sort of a little warehouse somewhere and all of a sudden you realize that thing is a thundering success. Some guy's dream just happened there. And we have a chance to see all of these people around us that have experienced that American dream. And it is cool. But it doesn't happen by a whole lot of redtape and taxes.

Congressman YODER, please jump in.

Mr. YODER. I think what the gentleman is speaking about is the American dream. It's the American free enterprise system. It's the essence of what makes America what it is. And to watch and to see it under threat here in Washington, it angers and it frustrates Americans.

And that's what we saw this last year, Americans coming out to town

hall meetings and expressing themselves. They don't feel like their voices are being heard on the floor of the United States House of Representatives. They want people to stand up and to explain that greater spending and greater deficits, that's not the road to prosperity.

The road to prosperity is built brick by brick by hardworking Americans out in Kansas and out in Ohio and out in Missouri and all across this country as they work to put a little of their own money in and build a business or to take care of their family. They work hard. Sweat equity. That's what built this country.

And when they see the folks in Washington believe that that money isn't the people's money, it's Washington's money—and in fact, the folks in Washington, they don't even spend the money they're given; they spend as much as they want, regardless of how much money we have.

So part of this job situation, this American prosperity situation, it comes back to spending. And what we do here on the floor of the United States House of Representatives and how we advocate and stand up for those people that sometimes aren't always heard, that's what we have to do here.

Mr. AKIN. I'm glad that you're joining us in that. In fact, there is a Congressman JORDAN from the great State of Ohio who was, I believe, holding a press conference not so long ago talking about what are some of the things that we're going to cut, because people ask us, you know, what are you going to cut?

Well, one of the things is we're going to reduce the nondefense discretionary spending to 2008 levels. Well, what's that worth? Well, that's a lot of money that you can save that way. We're going to reduce the budget office of every congressman. That was our first week. Your first week here. We cut the congressional budget offices by 5 percent. That's just to let people know we're serious.

Then we read the U.S. Constitution on the floor of the House to say any bill you introduce now has got to be consistent with the Constitution.

But we've got another whole series of things that we're going to do to try to reduce spending, some of them—there is \$25 billion in unused Federal property. So what are we going to do with that? Why not sell some real estate? Let's get rid of it. \$123 billion is allocated to programs to which government auditors can find no evidence of success.

The one that I find amusing is, the Department of Energy was designed so we wouldn't be dependent on foreign oil. And the department's grown like mad, and we're more dependent on foreign oil than we ever were.

□ 1300

That needs a good question. Eliminate duplicative programs, among

which we have got 342 economic development programs. Do we really need 342 of them? 130 programs serving the disabled, 130 programs serving at-risk youth. Program, program, program. Do we need that many? Maybe we need a couple of good ones, but certainly we don't need that many of them. So these are all things that are on the table.

So the proposal that's being made by the study committee has been, instead of having the graph of the discretionary spending going this way, non-defense, they are going to try to flatline that at about 400.

So there are a lot of things going on. It's an exciting time. We realize we are going to have to get efficient in government, and we have to basically go back to where we started.

The government was to be the servant of the people. It wasn't supposed to be the master. We didn't expect the government to pay for everything for us and keep us as little dependents. We simply wanted it to get out of the way. We wanted it to defend our right to life and liberty and the pursuit of happiness, and, beyond that, to leave us alone. Don't bury us with redtape and government regulations and taxes and uncertainties, which we have seen, which have created all the unemployment.

I appreciate two great patriots joining me on the floor today kicking around where we are.

I am very encouraged by our first week or two. First week or two we started by cutting congressional budgets. We read the Constitution on the floor. We put together a rule that says every single bill has to be proven to be constitutional or else it doesn't even get out of the hopper. And then, of course, we took a look at one of the biggest jumps in entitlement spending that America could ever take, which was ObamaCare. And we voted just yesterday to repeal the whole thing.

I will tell you, gentlemen, I know that you were involved back in your own States because you were worried about the fact: If the Federal Government can't manage Medicare and Medicaid without it breaking the budget, what's going to happen if they take over all of health care?

I think what people understand in America intuitively is the fact that if you look at American health care, the front end of it's good. If you get sick, where do you want to get sick? In America, if you have to. The trouble with health care is: How do we pay for it? That part's broken. So the point isn't to scrap the whole thing and turn it over to the government, which is what ObamaCare did. Instead, we're going to fix the things that are broken, but leave the free enterprise part up front, which gives us the best health care in the world.

You guys were here voting for that. And for those of us that were fighting

that the last 2 years, I tell you it felt so good to stick your little credit card in the machine and push that you wanted to repeal it. It was something we were all really looking forward to. And you were part of that historic event. And that's just in the first couple of weeks.

I'm looking forward to both of you gentlemen in the months ahead really charting that course back to the American Dream.

If you would like to add—I think we are pretty close on time. If you would like to conclude, a couple of comments, either one.

Mr. JOHNSON of Ohio. I will just sum up with this, because I think you have hit the nail on the head. We can cure this disease. It's called stopping the out-of-control spending. And at every opportunity, we should seek ways to allow American families and American businesses to keep more of their hard-earned money. That's going to result in economic confidence. That's going to result in investment. That's going to result in increased consumer confidence, and it's going to increase and create jobs, and we know that.

I urge my colleagues—I thank you for this time, and I urge my colleagues to join with me in supporting the legislation and those policies that are going to accomplish those goals: cutting the spending, letting Americans keep more of their hard-earned money, and ultimately creating jobs and putting America back to work. And I want to thank you for the opportunity today.

Mr. AKIN. Boy, that's a fantastic, straightforward approach to where we have to go. You take a look at it.

Unfortunately, the gentleman who was here from Utah before, those of us who are in the "over 60" category recognize, when it comes to weight, there's two problems: It's either what you eat or how much exercise you get. And you can't really change that very much. The Federal budget problem is the same way. It's either how much you're going to spend or how much you can tax. And what's happened is we just can't tax anymore, and we're going to have to deal with the spending.

These are some of the items in the proposal that was being made in the press conference today. \$80 billion, this is nonsecurity. That means not the defense discretionary spending. We're going to cut that back to the 2008 level. That's just going back a couple years to knock that back. That saves \$80 billion. \$45 billion, that's a repeal of unspent stimulus funds. That stimulus bill that created all of the unemployment that did not work. There is some of that money still left. We take 45 there.

Two, almost 3 trillion, that's the nondefense discretionary spending to 2006 levels. And also to eliminate the

automatic inflation increases now and for the next 10 years. So that saves a whole lot of money there. Sixteen billion dollars, that's return the Medicaid FMAP spending to 2008 levels. And then \$30 billion, end the Federal control of Freddie and Fannie Mac. That's also another area that we have got. We have not dealt with that. That created the economic crisis we are in. We have not dealt with the cause of the problem.

You put this all together, you are at about \$2.46 trillion for 10 years, which the result of that comes out at flatlining some of the nondefense discretionary. Does that solve the problem? No, it really doesn't. It helps, but still the bottom line is we're going to have to deal with those entitlements that are totally out of control.

You guys have got a lot on your plates. It's a big job. It's going to be an exciting couple years. And I would recognize Congressman YODER, if you would like to make a couple of closing comments. I think we have got about another 5 minutes or so.

Mr. YODER. I thank the gentleman.

And I think what the Congressman from Missouri is discussing, these specific points of how we could reduce spending and how we could bring the Federal budget back towards a balanced budget, which is what Americans want us to do, we've all seen across this country, Americans have, what happens in Washington. They spend as much as they want, regardless of how much money they have, and that has to stop.

This is an opportunity this year, with a new Congress and new energy and new enthusiasm on behalf of the American people, it's a chance to stand up and say, We're tired of the over-spending. We're tired of trillions of dollars being spent on programs for which some of which we can't find real tangible results. We're tired of duplication of programs. We're tired of endless bureaucracy and red tape.

Americans want to see action and they want to see bold proposals, such as what you are outlining there, to show that we can actually, truly cut spending. We have heard folks on this floor say we can't cut spending, that it will hurt too much. Well, what hurts is this \$14 trillion debt, this legacy we are leaving to our children and our grandchildren. This is an immoral legacy that we're passing along to the next generation.

And I think what the gentleman from Ohio is standing up for, and the gentleman from Missouri, is that this is the time to say enough is enough. It's time to stand up and to start cutting spending and reining in this out-of-control government.

Mr. AKIN. You know, the thing that's exciting to me and encouraging to me, it's not just you gentlemen, but the fact that you came here because

America was waking up. America is saying it's time to take back America. We're tired of being bullied by our own government. And we're tired of the idea that what you should do is to be paid for not doing something, and that an existence in America is sitting around and not having a job. What we want is we want Americans to be able to follow the dreams that are in their heart, you know. And the mentality of the fact that anybody looks like they're having fun, we want to tax them, that just doesn't make any sense at all.

And sometimes it seems like it's such a gloomy perspective to think of America as a country which is nothing but the government's going to take care of you. You know, the Soviet Union years and years ago, they had this basic idea the government's going to provide you with a home; it's going to provide you with food; it's going to provide you with medical care; it's going to provide you with an education; the government's going to provide you with a job. That was their formula, and it didn't work worth a hoot. And the Soviet Union collapsed. It's in the dustbin of history.

And here what are we doing? We're trying to look at the government to provide you food and a home and an education. The government's going to provide you health care and the government's going to provide you a job, or if you don't have a job, they'll pay you anyway. That's a formula that didn't work. There's no point in going down that blind alley again.

So what we are coming back to again is the thing that's just so exciting about our country. It's a country of exceptionalism. It's a country that's led the world. It's a country that is a source of hope for people all around the world as they take a look at our country.

□ 1310

It was interesting, during the days of Ronald Reagan, that he got a message out of some of the concentration camps up in Siberia and gulag and different places that were really rough. And the people were thirsty for news of what was happening with America and they were praying for us, because they realized that we were a source of hope and inspiration to the rest of the world.

There was a group of our Founders, came over on a boat, it was called the Lion. It was 1630—it was some of the Puritans under Winthrop—and they wrote something called "The Model of Christian Charity." It was a long, sort of a long Puritan-type document. But it said something about we must consider that we should be a city on a hill, a light to the people around the world.

And that was where Reagan picked that up in his speeches. Of course, it came out of the Bible that we should be a city on a hill, a light to people of the

world, a good example and an inspiration so that they would think of also being free from the influence of excessive government.

So that's the challenge that you as freshmen, that all of us, all Americans are facing. I think people are starting to understand this is going to mean some changes. There are going to be changes in our behavioral pattern and the fact that we have just got to start cutting back on government and we just can't continue to let the thing run the way we have.

The bottom line, as we get back to it, I want to restate the problem, and the problem is this, that when you put those entitlement programs with the debt service together, we are spending almost the same amount of money as what we take in in revenue. That's not a penny for defense or discretionary spending at all. That's where we are. That's pretty sobering.

That's why the challenge is significant. We are not going to get there overnight. We are not going to balance the budget in 1 year.

I don't even think the most conservative guy in Congress would think that we could do that, that there is any probability that America could adjust that rapidly.

But we can balance a budget and we must. The fact is we have to take steady steps, one at a time, and move forward on this because of the fact that we are protecting that most precious idea that America has been that hope and that bright light on a hill for people all around the world.

The aspect of America and the American Dream, there is something that I talked about sometimes when I was doing some campaigning. I like to throw into the mix there the concept that in following the dream that's in your heart, it takes a certain amount of courage. Those people like Thomas Edison, the people that came by the Statue of Liberty with the shirt on their back and a little change in their pocket, it took guts to do that. It's going to take guts to go where we have to go. But with courage and God's blessing we can do it, gentlemen.

God bless you all.

REPEAL OF HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the honor to be recognized here on the floor of the House of Representatives.

Listening to my colleagues in the previous hour has been very interesting to me and, I think, informative to the American people at the same time. We are here now today, the first day after the House has voted to repeal ObamaCare.

I noted yesterday, although not in the CONGRESSIONAL RECORD, Mr. Speaker, that yesterday, the day of the big vote that came up, that passed the repeal of ObamaCare here in the House, was the 1-year anniversary of the election of SCOTT BROWN from Massachusetts to the United States Senate.

I would like to take you back, if I could, Mr. Speaker, to that time. Where we were a year ago today, 13, 14, 15 months ago. In fact, I would like to dial us all the way back to, let's say, the beginning of August of 2009.

That was the time that the town hall meetings lit up all across this country. And as we watch and the intensity of the issue of the health care policy unfolded before us here in the House of Representatives, the national debate, the media debate, the talk in the coffee shops and across the backyard fence and in our churches and in our daily lives was focusing on health insurance and health care policy in America.

I would remind you, Mr. Speaker, and those listening into this conversation we are having, that the President of the United States had consistently said that we were in an economic downward spiral. We were in a bad economic fix.

If you remember Henry Paulson coming to this Capitol on September 19 of 2008, and telling us that he needed \$700 billion right now without any strings attached to solve what he predicted could likely be the collapse of credit and currency globally, and this Congress, over my objections, most vociferous, and votes, did send that money to Henry Paulson; and some of it got spent the way he intended to.

But this fear of this economy brought about to some degree an increase in the number of Democrat seats in the House of Representatives, and it contributed to the election of Barack Obama as President, and he has said that he inherited some of the worst economic times ever.

And the President of the United States told this country over and over again we are in an economic problem and a downward spiral, and he said, first, we couldn't fix the economy unless we first fixed health care in America. So he made that an issue that went into the middle of the economic calamity, conditions that we had.

I didn't accept that analysis; but he also said that the problem with health care was we spend too much money in relation to other countries in the world, in relation to the overall size of our economy, in relation to the individual dollars that are spent on individual patients.

There is some degree of truth to that, in fact, I think a significant degree, but in areas that the President didn't want to address. So he said we have to fix our economy, and we can't fix it unless we first fix the problem with health care. That includes when they use that term, that means health in-

surance and health care all together. They have conflated those two terms.

His solution for spending too much money on health care was spend a lot more money on health care.

And now we have an ObamaCare piece of legislation that has been pushed through this House, and we had to vote to repeal yesterday, that spends a lot more money. Mr. Speaker, you don't solve the problem of spending too much money by spending a lot more money.

That would be the health care equivalent of Keynesian economics, wouldn't it, Mr. Speaker, Keynesian economics being that philosophy of John Maynard Keynes, who was an economist and a very influential one in that period of time when Franklin Delano Roosevelt was elected to be our President of the United States, and a similar economic time of downward spiral. Their belief was that you could borrow money and send that money out into the public and get people to spend that money; and if you do that, it would stimulate the economy.

In fact, John Maynard Keynes, perhaps facetiously, in fact—I believe it was facetiously—but I think it's worthy to tell the story that he told—he said, I can solve the economic problems here in the United States. I can solve the unemployment in America by doing this, go out to an abandoned coal mine, drill a whole bunch of holes out into that abandoned coal mine. Fill those holes up full of cash, U.S. greenbacks. Then fill the abandoned coal mine full of garbage.

Now think of that image, Mr. Speaker, an abandoned coal mine with holes drilled in a random pattern all across the face of the abandoned coal mine, deep holes shallow holes, big holes, small holes, fill them full of cash. Then backfill the holes, fill the abandoned coal mine up with garbage.

Then he said, turn the entrepreneurs loose. The entrepreneurs will go in—now I have to fill in the blanks, because that's the only part of the quote that I know—the entrepreneurs would then go in and start to dig the garbage out, haul garbage out to make way to dig into the holes to come up and pull up the cash. Somebody has to support the industry of the people that are hauling the garbage out and digging back down into the holes.

Somebody has to exchange the cash, the garbage-covered cash for clean cash. It's like an industry that would begin in a similar way that a gold-mining town might begin if somebody discovers gold in Colorado, California, or maybe even Iowa one day.

But the idea was if you could get money into people's hands, they would spend it and it will create multiple iterations of an economic activity; and John Maynard Keynes believed that would stimulate the economy. The President believes this also, our current President, Mr. Speaker.

He told us that on February 10, 2009, when he spoke to the Republican Conference; and he said that Franklin Delano Roosevelt's New Deal actually did work, that it was working. But it was in the second half of the 1930s President Roosevelt lost his nerve. He got too concerned about spending too much money and he pulled back.

And in pulling back, that brought about, according to our current President, a recession within a depression. And unemployment numbers went up in the second half of the 1930s because they should have borrowed and given away and spent more money at the Federal Government level.

□ 1320

And he convinced me on that day that this President would not make that mistake. And we're talking, Mr. Speaker, all within the confines of Keynesian economics, which I want to make it very clear I completely disagree with that philosophy. The President does not. And he did not, by his view, make the mistake that FDR did. He has continued to push for more borrowing and more spending and growth in the debt and the deficit. And we continue to see unemployment numbers that push at double digits, 9.8 percent, then down to 9.4 percent. And it looks like that may be a permanent condition until we can get free enterprise to kick back in again.

But this is the approach economically. The President sees this in a downward spiral when he takes the oath of office and goes out and pushes to spend more and more and more money.

And, yes, Mr. Speaker, there will be those who are sitting at home or perhaps in the gallery who are thinking, but some of this started under George W. Bush's Presidency. And it did, Mr. Speaker. But it was all supported by Barack Obama. And it was significantly accelerated after the election and the inauguration of Barack Obama.

And so his approach to solving the economic problem was borrow more money, spend more money, drive this Nation into debt believing that he could stimulate an economy that somehow would come back and pay the taxes to offset the interest and the overhead that this government now has. That's the Keynesian approach.

Well, he used the same approach when it comes to health care, the Keynesian approach to health care, which is this thought: we spend too much money on health care. We can't afford it. We have too many people uninsured. So let's go out here and impose a health insurance policy on another 32 million or 47 million Americans and send the IRS in to enforce the law so that they compel every American to buy a health insurance policy that is either produced or approved by the Federal Government. Remember,

the President wanted the public option. The President is on record in previous years of being for a complete takeover of the health insurance industry which implies the complete takeover of the health care industry in America.

They had the debate during the nomination process between Barack Obama and Hillary Clinton. Hillary Clinton carried the best credentials of her proposals on health care into that campaign. Barack Obama had to offset her strong liberal health care credentials with some of his own. That's what ginned this up. This is what convinced America that we were in a health care crisis, and the President grabbed it and went into the arena of an economic crisis using the Rahm Emanuel philosophy which is "never let a crisis go to waste" and sought to bring about the beginnings of socialized medicine here in the United States.

That's the foundation and the backdrop for what we have; and that brought about town hall meetings in August of 2007 and early September, I would add, that were jam packed all across this country. My town hall meetings have never been so full. I had some that were standing room only. Senator GRASSLEY in the same area that I represent had to take one of his meetings outdoors because there wasn't room for people inside the huge building that they had set aside for the town hall meeting. That's just a part of Iowa, but that's a snapshot of the broader picture of the entire United States.

There was intensity. We saw it. We saw it in YouTube. We saw it in the news. We saw Senator Specter I will say getting a message delivered to him utterly clearly in his town hall meetings. We saw Members of Congress that were, to some degree, disrespected in their town hall meetings, which I regret.

We also saw many, many Members of this House and the Senate that did jam-packed town hall meetings and listened to constituents for hours on end and did tele-town halls on the phone so those that couldn't or didn't come out had an opportunity to weigh in. We read the mail. We took the phone calls. We took the emails and the snail mail, all the messages that we could.

Wherever I went, the subject of health care was brought to me starting intensively in August of 2009, carrying throughout the fall of 2009. And as the subject came to this floor and was voted on on November 7 of 2009, that was a Saturday night, when this House passed the House version of ObamaCare over the strongest of objections, the 5th of November, 2009, tens of thousands of people poured into this Capital City, Mr. Speaker, to peacefully petition the government for redress of grievances in a very constitutional fashion.

They were out there in red, white and blue, all the colors of the rainbow, so

to speak, making their own signs. They were here on their own dime. They came from every single State. And we know they came from every single State. I've talked to people from most of those States, and the States that had a gap. For example, I didn't talk to anybody from Hawaii. Well, why do I say they come from every State? I met people from Alaska. People from Hawaii went to MICHELE BACHMANN's office as she was out working against the ObamaCare bill and presented and laid on her desk a lei that they brought from Hawaii. They came from every State to peacefully petition the government for redress of grievances exactly in a constitutional fashion.

Fifth of November, 2009, on a Thursday we did a huge press conference out on the West Lawn of the Capitol with numbers of people that ranged in the 30,000 to 40,000 people, small side, up to perhaps 50 to 60,000 people, outside, calling for this Congress to listen to them, to keep this Congress' hands off of their health care.

Well, still their hearts were hardened; and we had another press conference the following Saturday just 3 days later that had thousands of people at it. And still on that Saturday night they brought a vote to the floor that moved the ObamaCare legislation out of the House of Representatives, down the Hall all the way through the end of the Capitol into the United States Senate. That was November 7, a Saturday night of 2009.

And the Senate took it up, and they were looking for a way to, I'll say the Majority Leader HARRY REID and others, were looking for a way to pass ObamaCare in the Senate. And as the maneuvering unfolded, it came to Christmas Eve, Mr. Speaker. On Christmas Eve, most of the procedural maneuvers that the Republicans had in the Senate were exhausted Christmas Eve day. They had 12 more hours that they could have used to delay the vote and 12 more hours of debate that could have been extended. But they decided to shake hands with HARRY REID and allow ObamaCare to come to a vote on December 24 about 9 a.m.

Well, that let everybody get a plane ticket to go home. I wanted them to use every single minute to delay it until as long as they possibly could until 9 o'clock Christmas Eve night. And we know there aren't planes flying out of this town anymore after that. I would have thought if anybody wanted to impose that version of socialized medicine on the American people, if they wanted it, they believed in it that strongly that they had to do it on Christmas Eve morning, they could have just as well done it Christmas Eve night at 9 o'clock and spent their Christmas here in Washington D.C. after they put that great big lump of coal in our stocking, the stocking of the American people.

When I saw that, that was a tactic that energized me more. And I asked one of the well established and very respected Republican Senators what do we do now. What do we do now? Where is our next line of defense? We had 12 more hours. We could have fought this. His answer was, pray, and pray for a victory in the special election in Massachusetts. That was my email back on the morning of December 24 from that exchange. And I thought, I don't think I have the audacity to pray for an intervention in a Senate election in Massachusetts. How could there possibly be a Republican victory in Massachusetts? We know the politics of Massachusetts, and it's 100 percent Democrats—was—in each of their eight congressional seats and in their two Senate seats and had been for a long time. So I thought about that and deliberated on it and thought, that's the only real choice that I have.

And I found myself in Massachusetts the last 3 days of the SCOTT BROWN election; and I found a lot of patriots in Massachusetts, residents of Massachusetts, tea party groups, constitutional conservatives, 9/12 Project people, independents that are constitutionalists with a cause and discerning Democrats that have come over from the other side. I met a couple that had always walked the streets for Democrats, a union couple, both husband and the wife. And they told me that they were done, that they were working for the Republican side, and they would always stay on the Republican side.

I met people there with the deepest amount of patriotism and went to look at Plymouth Rock. And there, of course, in Boston Harbor was the real Boston Tea Party. And why would I have thought that the State that could launch the Revolution and have an actual real tea party, why would I have thought that the Bay State couldn't deliver us a measure of defense and relief from ObamaCare?

And so yesterday—I do the fast forward point now, Mr. Speaker—but yesterday here on the floor of the House of Representatives was the 1-year anniversary from the election of SCOTT BROWN. And I don't think anybody said it into the RECORD, but this Congress, having gone through all of that and seen 87 freshman Republicans elected, the majority turn over, and the American people rise up and send their message in the fashion that was imagined by the Founding Fathers themselves, that this would be the quick reaction body here in the House of Representatives, voted on the anniversary of the election of SCOTT BROWN—which we thought saved us from ObamaCare and ultimately did not—but voted to repeal ObamaCare lock, stock and barrel with no vestige of it left behind, to remove that malignant tumor before it could metastasize and consume the liberty of the American people.

□ 1330

Now, that vote yesterday on repeal, and I mentioned to my family and some people around that I should have been euphoric and I should have been ready to dance the jig. Truthfully, it was satisfying; it was pleasing. I had a good feeling about what we had accomplished, but it is maybe similar to climbing a mountain, and when you get up there into the altitude and you have reached a place along the way to the summit and the altitude gets a little thin and the effort to get to that point is so great, that effort, that energy that it drains off also drains off some of the euphoria. And if you look up at the balance of that peak and you see you have to scale some pretty steep cliffs to get there, and even though you can see the path and you know you have the ability to do it, you don't feel that euphoria as you go up in the same way you might as you imagined the climb in the first place. And that is how it was here yesterday. You didn't hear a noise come up out of the Republicans on this side. We were respectful of people on the other side of the aisle. We have a legitimate disagreement and a difference of opinion. But the American people have spoken. They filled up this side of the aisle, and every Republican, every freshman that I know of ran on the repeal of ObamaCare. It was a big vote for them yesterday, and it is keeping faith with the American people.

But the better way to describe this vote yesterday to repeal ObamaCare, I think, was described by Winston Churchill at the beginning of the Battle of Britain, and I should have checked the history book, but it was in the early part of World War II. Winston Churchill, speaking to brace up the British people in the war against the Nazis, said: "Now this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

I think that is where we are in the repeal of ObamaCare, Mr. Speaker. It is, perhaps, the end of the beginning that we accomplished yesterday, and now we have a long, hard slog, to quote a previous Secretary of Defense whom I greatly respect, and that long, hard slog amounts to this:

The resolution that passed today directs the committees to begin the project of writing replacement language, shaping bills and legislation for replacement language so that we can apply free-market ideals, constitutional ideals, protect the doctor-patient relationship so that we address the abusive lawsuits that are driving up the cost of health care, both in two forms: the cost of litigation and the money that goes to trial lawyers, as well as the cost of defensive medicine and unnecessary tests as doctors try to avoid and minimize the potential for lawsuits. Actually, there is a hearing

going on in the Judiciary Committee that I left to come over here to deliver this message, Mr. Speaker.

We will do all of those things, and the work has started here in the House. On top of that, though, we must, as the appropriations process unfolds, we must unfund ObamaCare. It is a constitutional method to put a stop to the development of authorized legislation. It would freeze in place the development of ObamaCare until such time as we can complete the repeal.

Mr. Speaker, I am for and will work to put language in every appropriations bill that prohibits the use of those funds for the purposes of implementing or enforcing ObamaCare; and to do that on every appropriations bill, especially the bill that will come here near the end of February that is necessary to keep our government functioning beyond the expiration of the continuing resolution, which is March 4, coming up in a month and a half or a little better.

We will put language in that continuing resolution that we likely will have to extend this funding. It doesn't have to be for the duration of the fiscal year. If it is for a month or 2 months or for the balance of the fiscal year until September 30, that is fine. But every appropriations bill must have the language in it that shuts off the implementation or the enforcement of ObamaCare and prohibits any funds that were heretofore appropriated from being used for the same. That is the language we need in each appropriations bill.

If we do this, then the President of the United States will, at a certain point, need to sign an appropriations bill to keep the government funding. He will have to agree with the people of America and the voice of the House of Representatives. I also think he has to agree with what I believe is the majority in the United States Senate, Mr. Speaker.

The majority leader in the Senate said that the bill is not coming up. The repeal of ObamaCare is not coming up in the Senate, that he will block it, that he won't bring it up. I think his job is to bring out the will of the Senate, to reflect the will of the Senate, because the people in the Senate are the representatives of the people of the United States of America.

Every Senator over there would agree with me in this: Their constituents deserve every bit as much representation as HARRY REID's constituents do. When one Senator holds the rest of the Chamber up for his own personal will, for his own political agenda, and doesn't allow the will of the Senate to be reflected, that happens in certain leveraged positions over in the Senate, and the nuances of that are not something that I want to comment on.

But I will comment on this tonight, Mr. Speaker, that I will challenge the

majority leader in the Senate this: Put the repeal of ObamaCare up on the floor of the Senate for a vote. Give the American people a vote in the United States Senate. Let them hear where everyone of the United States Senators are. Put them on record. If they like ObamaCare so much, vote against the repeal. If you stand where I do, vote to repeal it. I predict that the majority votes are in the Senate today to pass the repeal of ObamaCare.

Mr. Speaker, I believe the American people will put their request over to the United States Senate over and over and over again until that very hot potato, that very large, hot potato gets larger and hotter as it sits in the lap of the majority leader, HARRY REID, until such time as the American people get a vote in the United States Senate.

Yes, I recognize that the President would veto such legislation. But we would then know—and we already know where every Member in the House of Representatives stands. We would then know where every Member in the United States Senate stands, and we would be able to see how much resolve the President has to protect his signature legislation, and whether he cares more about his signature piece of legislation that the American people have rejected than he does about the government of the United States and the broader well-being of the people and the security even of the United States, the functions of government.

So I will go back again, Mr. Speaker, and say, reiterate, the strategy now is this: That this is not the end of our efforts to repeal ObamaCare. It is not even the beginning of the end of our efforts. And it is not the beginning of the end of ObamaCare. But it is, perhaps, the end of the beginning.

We launched this off yesterday and the day before. We had the vote that went up last night. Now we know that Republicans stand unified 100 percent in opposition to ObamaCare. And anybody who will vote to repeal ObamaCare also should be on good solid ground to vote to block any funding that would implement or enforce ObamaCare.

That's the stand we need to take in every appropriations bill while the authorization committees work on the replacement policies, as is reflected by the resolution that passed here in the House of Representatives today.

We have a large task in front of us. I am not daunted by the difficulty of it. I realize it will take a lot of energy and a lot of commitment over the next couple of years to finally accomplish the end of ObamaCare as we, Mr. Speaker, elect a President in 2012 who I hope and trust and believe will run on the ticket of plank number one in his platform, sign the repeal of ObamaCare.

I look forward to that day, Mr. Speaker, when we see the effect of the resistance to the will of the people in

the United States Senate. I believe that will put more ObamaCare opponents in the United States Senate during the 2012 election. I believe it will strengthen the ranks of ObamaCare opponents here in the House of Representatives in the 2012 election, and I think that it will also elect a President of the United States who will be taking the oath of office on the West Portico of the Capitol on January 20 in 2013.

Mr. Speaker, here is the image I have in mind. First, earlier in January of 2013, the House will have to repass the final repeal of ObamaCare. The Senate then, I believe, will take it up and pass that repeal of ObamaCare. And send it where? Message it where?

□ 1340

I hope we message it out to the podium on the West Portico of the Capitol for January 20, 2013, where I hope to be at a good vantage point where I can see the next President of the United States, and tell him, Take the oath of office with pen in hand, and take the oath this way, Mr. Speaker:

"I do solemnly swear to the best of my ability to preserve, protect and defend the Constitution of the United States, so help me God."

Then, before that new President shakes hands with the Chief Justice of the Supreme Court, I would like to see him take his hand down, with pen in it, and sign the repeal of ObamaCare right there during the swearing in ceremonies of the next President of the United States, which will set the tone for the new era that we will be working towards throughout 2011 and 2012.

So, when the Sun comes up on the morning of January 21, 2013, we will be free at last from the burden of socialized medicine, and the freest people in the world will have rejected dependency, will have stood up for independence, and will have stood up for the vitality of the American people.

That, Mr. Speaker, is the vision I have in mind, and I will work on that every day until that is accomplished. That is my pledge to you, Mr. Speaker, and the American people.

It is my privilege to address you here on the floor, and I thank you.

I yield back the balance of my time.

A TIME FOR SACRIFICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. WOLF) is recognized for 30 minutes.

Mr. WOLF. Mr. Speaker, "On a blistering evening in Phoenix recently, a group of prominent civic leaders met to talk about America. It didn't take long for the conversation to get around to the fall of the Ottoman Empire.

"That's what happens when smart Americans get to talking about politics these days.

"Topic A is the growing sense that our best days as a Nation are behind us, that our kids won't live as well as we did, that China is in the driver's seat."

Those were the opening words of an October 2010 Time magazine piece, authored by veteran reporter Joe Klein, who canvassed the country during the height of the campaign season.

Klein's assessment of the national mood was underscored by New York Times columnist David Brooks, who recently wrote: "The current sour mood is not just caused by high unemployment. It emerges from the fear that America's best days are behind it."

I believe this foreboding national anxiety is born of certain realities—exploding debts and deficits, shuttered factories, rising unemployment, bloated government, and an acrimonious tenor to our national discourse. People fear that America's influence is waning and our "shining city on a hill" is dimming.

I must admit to sharing these same anxieties as a father of five and grandfather of 15. I have never been more concerned about my country's future. Yet I do not believe that the realization of these fears is inevitable. We can walk back from the precipice. We have options. Sober-minded people believe that we must dramatically change course, especially as it relates to our ballooning national debt and deficit—and I agree.

Yet, are America and her leaders willing to make the tough decisions that are necessary?

The lyrics in Simon and Garfunkel's song "The Boxer"—"Man hears what he wants to hear and disregards the rest"—aptly describe the mood in Washington when it comes to addressing Federal spending.

Within days of the President's fiscal commission report on the dire consequences of the failure to address growing mandatory spending, it was business as usual with Congress passing and the Obama administration supporting a tax and spending bill with an \$857 billion price tag that included a yearlong "payroll tax holiday," raiding the Social Security trust fund at a cost of \$112 billion, without paying for it, thereby increasing the national debt.

So the question before us is: Will Washington summon the courage and the fortitude to make the tough decisions, to govern based on principle and not politics, to lead the country toward a brighter tomorrow even if it means sacrificing in the short term?

Historically, Americans are willing to sacrifice.

Many of our countrymen have made the ultimate sacrifice on our own shores and in distant lands, in places like Antietam, Normandy, Saigon, Kandahar, and Baghdad.

It is on their shoulders we stand—wobbly at times, but stand nonethe-

less. The Nation's future now falls to us. Will we step up to the plate or will we fail to act?

For too long, routinely increasing the amount of money that government can borrow without taking any action to stem the country's growing debt has been standard operating procedure; but the storm warning signs have been posted, and I am heeding their ominous call.

When Congress is asked to increase the statutory debt limit, which will likely happen in the next few months, I will vote "no" unless—and let me be completely clear here—there is a firm commitment to deal with the larger issue or the vote itself is tied to a plan to put America on a path to financial responsibility.

I have come to this decision based on a multitude of factors that I will explore in the remaining time. Consider these grim realities:

Our Nation is now more than \$14 trillion in debt. We have accumulated a \$1 trillion deficit every year. Just last Thursday, both Moody's Investment Service and Standard & Poor's again cautioned the U.S. that its coveted AAA credit rating is at risk if the country's deteriorating fiscal situation is not corrected.

The practical implications of a downgraded credit rating are severe. The cost to borrow money will rise. Everything from a home loan to a car loan to a student loan will increase. Interest on the debt was \$202 billion in 2010. That's nearly \$4 billion a week. In 2021, interest on the debt is projected to be \$1 trillion a year, or roughly \$2.7 billion a day.

Unsustainable debt in Europe and the resulting economic woes and austerity measures led to riots in the streets. Is it just a matter of time before we see that at home?

If we are on the same trajectory as these countries, their unemployment numbers should give us pause. Spain was at a whopping 19.8 percent in December.

Noted historian Niall Ferguson authored a piece in the April 2010 Foreign Affairs, exploring the theory that great empires often decline swiftly. From Rome to the Ming Dynasty to the British Empire, history is rife with examples of seemingly invincible world powers that collapse in a short period of time.

Ferguson adds that, while there are varied theories about why each of these empires declined in such short order, he said, "Most imperial falls are associated with fiscal crises."

If paying \$202 billion a year in interest alone isn't a fiscal crisis, I don't know what is. Is America heading off a cliff?

Consider that last year a report from the Congressional Budget Office revealed that for the first time in 25 years Social Security was taking in

less in taxes than it was spending on benefits. In addition, recent reports found that as 2011 opens, the first of the baby boomers will turn 65 at the rate of 10,000 a day for the next 19 years. Or consider that just over the past decade foreign ownership of U.S. debt has increased significantly from 5 percent 40 years ago to 46 percent today.

If the U.S. does not begin to rein in spending, every penny of the Federal budget will go to interest on the debt and entitlement spending by 2028. This has grave implications for a host of national priorities.

Ferguson is not alone in his warnings.

In 2007, then-U.S. Comptroller General David Walker warned of “striking similarities” between America’s current situation and the fall of the Roman Empire.

Respected business leader Norm Augustine, who chaired a National Academies’ Commission on American Competitiveness that resulted in the landmark “Gathering Storm” report, captured well the situation in which America now finds itself when he said, “In the technology-driven economy in which we live, Americans have come to accept leadership as the natural and enduring state of affairs; but leadership is highly perishable. It must be constantly re-earned.”

□ 1350

He went on to say, “Unless we do things dramatically different, including strengthening our investments in research and education, the 21st century will belong to China and India.”

As America sinks deeper into debt, we seem satisfied to live utterly in the moment with no concern for the future. And as our own investments in the future lag, China is forging ahead, making critical gains in education while our children are left in the wake.

One woman in Arizona who spoke to Klein during his heartland travel said pointedly, “We seem to be mired in mediocrity while China is steaming ahead.” Do we really want the 21st century, this century, to be the Chinese century? Do we really want to leave our children a country mired in mediocrity?

Last year, a 5-year followup report titled “Rising Above the Gathering Storm, Revisited” noted that “Almost one-third of U.S. manufacturing companies responding to a recent survey say they are suffering from some level of skills shortages.” This failure to train the next generation of engineers and scientists has a direct bearing on our economy. The U.S. graduates only half the number—half the number—of physicists today than we did in 1956.

The Gathering Storm report determined that, for the first time in our Nation’s history, the younger generation of Americans is less well educated

than its parents, and warned that “the United States appears to be on a course that will lead to a declining standard of living for our children and our grandchildren.”

Against this backdrop, roughly half of America’s outstanding publicly held debt is now foreign owned, with China and Saudi Arabia among the largest holders. Saudi Arabia was home to many of the 9/11 terrorists. Saudi Arabia’s radical Wahhabism is taught in some of the most extremist mosques and madrassas, including up on the Afghan-Pakistan border. Their textbooks are filled with hateful messages about minority faiths, including Christians and Jews.

A recent New York Times story reported that, “Saudi donors remain the chief financiers of Sunni militant groups like al Qaeda.” Is this a country we want to be beholden to financially? Or what about Communist China? It is well documented by the U.S. intelligence community that China’s attempt to spy on U.S. agencies and businesses are the most aggressive of all foreign intelligence organizations and, according to the FBI, “pose a significant threat to the national security” and compromise U.S. critical national assets.

China also routinely violates the basic human rights of its own people. Even this week, as Chinese President Hu Jintao is afforded the pomp and circumstance of a White House state dinner, Catholic bishops, Protestant pastors, and Tibetan monks are in Chinese jails for practicing their faith.

I’ve seen how China plundered Tibet. China’s abuses do not stop at home. They are a significant arms supplier to the genocidal regime in Khartoum, Sudan. Do we really want China to be our banker? All of these realities must prompt some soul-searching on the part of our Nation’s leadership.

Almost 5 years ago, during the last Republican majority, I came to the floor of the House proposing an independent bipartisan commission to address unsustainable Federal spending. It would put everything on the table—entitlements, all other spending, and tax policy. The SAFE Commission—short for Securing America’s Future Economy—would operate in a transparent way, holding public meetings across the country to hear from the American people and give them a vested interest in the outcome. Further, it would require Congress to vote on its recommendations.

I reintroduced this legislation with Congressman JIM COOPER in the 110th and 111th Congresses. Senators KENT CONRAD and Judd Gregg introduced a similar bill calling for a deficit commission that became the blueprint for the President’s National Commission on Fiscal Responsibility and Reform, or the Simpson-Bowles Commission.

I give credit to the deficit commission. I certainly didn’t agree with

every part of its report, but the commission’s work was an important step in moving the national conversation forward. It put forth serious ideas rather than just kicking the can down the road. And had I been appointed to the commission, while supporting some changes, I would have voted for its final report. I commend its members who voted yes, such as Senator TOM COBURN, Republican of Oklahoma, a champion of low taxes, for having the courage to do so.

The plan set forth by the Simpson-Bowles Commission—supported by a majority of the commission’s 18 members—makes it clear that addressing the debt and the deficit isn’t just a simple exercise in rooting out waste, fraud, and abuse. It is all well and good to eliminate earmarks, fraud, waste, and abuse and rein in discretionary spending, but these things alone do not come close to solving the debt and the deficit.

The infamous bank robber Willie Sutton reportedly said he robbed banks “because that’s where the money is.” In our government, the money is in entitlements—Medicare, Medicaid, and Social Security. Let me say it again: If we do not deal with Medicare, Medicaid and Social Security, we cannot solve this problem. We need to do it in a way that really fixes the problem for us and for the next generation. We need to do it in a way that strengthens America, creating economic growth and jobs. This will be difficult and at times controversial, but the longer we wait we can be certain that it will become more difficult and more controversial.

The commission’s forthright assessment about what is necessary to put us in good fiscal standing was a step in the right direction. The success of any endeavor, however, is predicated on actively involving the American people and must require an up-or-down vote in Congress. The President’s commission came up short in that regard.

We have a divided government, which necessitates a bipartisan solution, something that can be passed and be enacted into law, and the sooner the better. If we neglect to do this, America will decline, and it will decline on our watch. We will have failed our children and grandchildren. We will have broken faith with the Founding Fathers and past generations who have sacrificed greatly to make this Nation, our Nation, a shining city on a hill.

We can no longer ignore the albatross of debt around our collective necks. That is why, unless there is a firm commitment to deal with the larger financial crisis or the vote itself is tied to a possible debt solution, I will vote against the debt limit increase. And again, I urge my colleagues on both sides of the aisle to consider doing the same.

I don’t say this lightly. I am fully aware of the implications. In a recent

letter to congressional leadership, Treasury Secretary Timothy Geithner spoke in near apocalyptic terms about the consequences of default. Even if just a fraction of his analysis is accurate, it is clear that this isn't a decision to be made casually. It is precisely because the stakes are so high that I believe the debt limit vote can serve as a trigger to force congressional action that otherwise will not be taken.

The country does not currently have a credit card limit, and we need one in order to stop the mortgaging of our country's future. Failure to act now on fiscal problems will ensure that in the future there will be tax increases and drastic entitlement reductions, and no money for important discretionary spending such as infrastructure, national security, medical research, and education. The longer it takes to address this issue, the more draconian the options will be when the Nation is forced to change course, as it most assuredly will be.

If you are on Social Security or Medicare, you should insist that the Congress and the administration act. If you are a young adult, you should be worried that your generation will be significantly less well off than your parents' generation.

□ 1400

If you care about America's global leadership, if you yearn for our country to have the resources to combat global scourges, if you hope for the day when there is a cure for cancer and Alzheimer's, you should press Congress and the administration to step up to the plate now.

We must all ask ourselves: Do we want to make a point or do we want to make a difference? If the answer is the latter, then it is clear that this is a conversation we need to be having today. We must not put it off.

At his 1796 farewell address, George Washington admonished his fellow countrymen, "We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear." An apt charge for today's political leadership.

A brief word to America's faith community, who should be intimately concerned with the moral component of this crisis. If we say we care about the poor, we must speak up, for they will be the hardest hit if we fail to act. If we say we are passionate about justice, then we must not be complicit in committing a massive generational injustice.

Not only is our current course immoral, it is un-American. Generations past have always passed the torch of the American Dream to their children and their grandchildren. Presently, we're poised to hand off the struggling flicker of a flame.

The implications of an America on decline also has ripple effects the world over.

In a December 5 Washington Post Outlook piece, author Robert Kaplan hauntingly writes, "America's ability to bring a modicum of order to the world is simply fading in slow motion." A look at the daily headlines and we are reminded that the world is a much more dangerous place when our Nation is perceived as weak, or worse yet, when that perception becomes a reality.

Surely we can agree on the enormity of what is at stake. The precise blueprint for how to move forward may seem blurry at times, but the implications of doing nothing must propel us onward.

If we summon the courage to act, I believe we can see a rebirth in America marked by grand innovations in science and technology that are the wonders of the world, advances in medical research that save millions of lives, and further exploration into the remaining frontier of space and much more.

Columnist Tony Blankley wrote recently, "America has become a great Nation because we have been an optimistic people who insist on both success and liberty. America's can-do spirit it has been the wonder of the ages. It has raised us from a handful of farmers to the colossus of the planet. And if we can regain that spirit, there is not a reason in the world that the 21st century will not be the American century—just as the 20th century was."

I was reminded once again of that unique American spirit on Election Day when I stopped by the Snow White Grill in Winchester, Virginia. While I was there, one man said to me, "We are ready! We are prepared to sacrifice. We're ready to do what's right." And several others at the lunch counter echoed the same.

But the question remains: Are America's leaders prepared to sacrifice? Are America's leaders prepared to do what's right?

Battle lines have been drawn on both sides.

The MoveOn.orgs of the left and the Americans for Tax Reform of the right have wielded their political influence with remarkable effect, only to paralyze the Congress and the Obama administration on arguably the most important issue of our time. I am not prepared to continue to let that happen.

In 1787, on the final day of the Constitutional Convention, Benjamin Franklin was said to have wept when he signed the document. James Madison wrote in a letter to Thomas Jefferson, "Whilst the last members were signing it," he said, "Dr. Franklin, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising sun from a setting sun."

And then Dr. Franklin remarked that during the course of the session, "I

have often looked at that picture . . . without being able to tell whether it was a rising or setting sun." And then Franklin continues, "Now . . . I have the happiness to know that it is indeed a rising, not a setting sun."

Every politician loves to say that the sun has barely begun to rise on America and that America's best days are yet ahead.

If we steel ourselves for tough decisions and commit to doing the right thing, if we work for economic and moral rebirth, then we will honestly be able to join the chorus of voices reaching back to our Nation's founding and echoing across the ages which enjoin us to believe that the sun has indeed barely begun to rise on our country and that America's best days are yet to come.

This is a call to action. We are Americans, and we can prevail.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUPPERSBERGER (at the request of Ms. PELOSI) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HINOJOSA) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Ms. FOXX, for 5 minutes, today.

Mr. HURT, for 5 minutes, today.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, January 24, 2011, at noon for morning-hour debate and 2 p.m. for legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

149. A letter from the Deputy Assistant Secretary of Defense (Force Health Protection and Readiness), Department of Defense, transmitting a report to Congress on pain care initiatives provided by the health care programs of the Department of Defense; to the Committee on Armed Services.

150. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective November 7, 2010, the danger pay allowance of 20% for Haiti has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

151. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training FY 2010 Annual Report, pursuant to 22 U.S.C. 2460(f) and (g) Public Law 87-256, section Section 112(f) and (g); to the Committee on Foreign Affairs.

152. A letter from the Chairman, Broadcasting Board of Governors, transmitting a report on the information security program and practices of the Broadcasting Board of Governors, pursuant to Public Law 107-347; to the Committee on Oversight and Government Reform.

153. A letter from the Administrator, General Services Administration, transmitting Fiscal Year (FY) 2010 Annual Financial Report; to the Committee on Oversight and Government Reform.

154. A letter from the Secretary, Department of the Interior, transmitting a report to Congress on a gift of land in Tulare and Kern Counties, California, from the Wilderness Land Trust, pursuant to Public Law 93-632; to the Committee on Natural Resources.

155. A letter from the Secretary, Department of the Interior, transmitting a report to Congress on a gift of land in Kern County, California, from the National Audubon Society, Inc. (Audubon), pursuant to Public Law 93-632; to the Committee on Natural Resources.

156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Henderson, KY [Docket No.: FAA-2010-0937; Airspace Docket No. 10-ASO-10] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Crewe, VA [Docket No.: FAA-2010-0692; Airspace Docket No. 10-AEA-16] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Central City, NE [Docket No.: FAA-2010-0837; Airspace Docket No. 10-ACE-10] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Benton, IL [Docket No.: FAA-2010-0838; Airspace Docket No. 10-AGL-13] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Columbus, OH [Docket

No.: FAA-2010-0770; Airspace Docket No. 10-AGL-11] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Revocation of Class E Airspace; Vero Beach, FL [Docket No.: FAA-2010-0921; Airspace Docket No. 10-ASO-03] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Port Clarence, AK [Docket No.: FAA-2010-0354; Airspace Docket No. 10-AAL-10] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Taos, NM [Docket No.: FAA-2010-0842; Airspace Docket No. 10-ASW-11] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Rawlins, WY [Docket No.: FAA-2010-0919; Airspace Docket No. 10-ANM-11] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Johnson, KS [Docket No.: FAA-2010-0841; Airspace Docket No. 10-ACE-11] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Farmington, MO [Docket No.: FAA-2010-0769; Airspace Docket No. 10-ACE-9] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mansfield, OH [Docket No.: FAA-2010-0771; Airspace Docket No. 10-AGL-12] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Lone Star, TX [Docket No.: FAA-2010-0772; Airspace Docket No. 10-ASW-10] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

169. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

170. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's Privacy Office's report entitled, "2010 Data Mining Report to Congress", pursuant to Public Law 110-53 (121 Stat. 266); to the Committee on Homeland Security.

171. A letter from the Chair, Board of Directors, Office of Compliance, transmitting the biennial report on recommendations for improvements to the Congressional Accountability Act, pursuant to section 102(b) of the Congressional Accountability Act of 1995, pursuant to 2 U.S.C. 1302; jointly to the Committees on House Administration and Education and the Workforce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. LIPINSKI, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARLETTA, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BENISHEK, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BONNER, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROOKS, Mr. BROWN of Georgia, Mr. BUCHANAN, Ms. BUEKLE, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CANSECO, Mr. CARTER, Mr. CASSIDY, Mr. CHABOT, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. COSTELLO, Mr. CRAVAACK, Mr. CRAWFORD, Mr. CRENSHAW, Mr. CRITZ, Mr. DAVIS of Kentucky, Mr. DESJARLAIS, Mr. DIAZ-BALART, Mr. DONNELLY of Indiana, Mr. DUFFY, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mrs. EMERSON, Mr. FITZPATRICK, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARDNER, Mr. GARRETT, Mr. GERLACH, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOWDY, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. GRIMM, Mr. GUTHRIE, Mr. HALL, Mr. HARPER, Mr. HARRIS, Mrs. HARTZLER, Mr. HENSARLING, Mr. HERGER, Mr. HUELSKAMP, Mr. HUNTER, Mr. HURT, Ms. JENKINS, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN, Mr. KELLY, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LAMBORN, Mr. LANDRY, Mr. LANKFORD, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LOBIONDO, Mr. LONG, Mr. LUETKEMEYER, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MARCHANT, Mr. MARINO, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCINTYRE, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MULVANEY, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mrs. NOEM, Mr. NUNNELEE, Mr. OLSON, Mr. PAUL, Mr. PENCE, Mr. PETERSON, Mr. PITTS, Mr. POMPEO, Mr. POSEY, Mr. PRICE of Georgia, Mr. RAHALL, Mr. RIBBLE, Mr. RIGELL, Mr. ROE of Tennessee, Mr. ROBERTS of Kentucky, Mr. ROKITA, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS of Arkansas, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SCHILLING, Mrs. SCHMIDT, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of South Carolina, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Texas, Mr.

STUTZMAN, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. WOODALL, Mr. YOUNG of Florida, Mr. GOHMERT, Mr. WITTMAN, Mr. CANTOR, Mr. BOREN, Mr. GOODLATTE, Mr. McKEON, Mr. ROGERS of Michigan, Mr. CALVERT, Mrs. ELLMERS, Mr. ADERHOLT, Mr. TIBERI, and Mr. SAM JOHNSON of Texas):

H.R. 3. A bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. SMITH of Texas, Mr. AKIN, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BERG, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BONNER, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BUCSHON, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHAFFETZ, Mr. COBLE, Mr. CRAWFORD, Mr. FARENTHOLD, Mr. FLORES, Mr. FORTENBERRY, Ms. FOX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARDNER, Mr. GARRETT, Mr. GERLACH, Mr. GIBBS, Mr. GIBSON, Mr. GOHMERT, Mr. GOWDY, Mr. GUTHRIE, Ms. HAYWORTH, Mr. HELLER, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Ms. JENKINS, Mr. JONES, Mr. KING of Iowa, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LAMBORN, Mr. LATTI, Mr. LEE of New York, Mrs. LUMMIS, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. McKEON, Mr. MCKINLEY, Mrs. McMORRIS RODGERS, Mr. MILLER of Florida, Mr. MULVANEY, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. NUNES, Mr. NUNNELEE, Mr. PAUL, Mr. PEARCE, Mr. POMPEO, Mr. POSEY, Mr. PRICE of Georgia, Mr. QUAYLE, Mr. REICHERT, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROKITA, Mr. ROSKAM, Mrs. SCHMIDT, Mr. SCHOCK, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of South Carolina, Mr. SESSIONS, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. STUTZMAN, Mr. TERRY, Mr. TIPTON, Mr. UPTON, Mr. WALDEN, Mr. WEST, Mr. WILSON of South Carolina, and Mr. WITTMAN):

H.R. 10. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. LIPINSKI, Mrs. SCHMIDT, Mr. ROSS of Arkansas, Mr. SMITH of New Jersey, Mr. UPTON, Mrs. BLACK, Mr. PENCE, Mr. FLEMING, Mrs. McMORRIS RODGERS, Mr. ADERHOLT, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTON of Texas, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BUCHANAN,

Mr. BURGESS, Mr. CANSECO, Mrs. MILLER of Michigan, Ms. JENKINS, Mr. CARTER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. COSTELLO, Mr. CRAWFORD, Mr. CRITZ, Mrs. ELLMERS, Mr. FORTENBERRY, Mr. GARRETT, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRAVES of Missouri, Mr. GUTHRIE, Mr. HALL, Mr. HARRIS, Mrs. HARTZLER, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LAMBORN, Mr. LANCE, Mr. LATTI, Mr. LEE of New York, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCKINLEY, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAUL, Mr. POE of Texas, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. ROSS of Florida, Mr. RYAN of Wisconsin, Mr. SCALISE, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHULER, Mr. SMITH of Texas, Mr. STUTZMAN, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. WHITFIELD, Mr. FLAKE, Mr. POMPEO, Mr. KELLY, Mr. LONG, Mr. ROSKAM, Ms. BUECKLE, Mr. MILLER of Florida, Mr. HUIZENGA of Michigan, Mr. DAVIS of Kentucky, and Mr. SHUSTER):

H.R. 358. A bill to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. AKIN, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. CAMPBELL, Ms. FOX, Mr. LAMBORN, and Mr. MCCLINTOCK):

H.R. 359. A bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. PAUL, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. BROUN of Georgia, Mr. MCCAUL, Mr. JONES, Mr. LATOURETTE, Mr. HELLER, Mrs. BLACKBURN, Mr. PLATTS, Mr. MICA, Mr. BONNER, Mr. MARCHANT, Mr. ROGERS of Michigan, Mr. YOUNG of Alaska, Mr. WITTMAN, Mr. MURPHY of Pennsylvania, Mrs. MYRICK, Mr. WALDEN, Mr. CRAWFORD, Mr. CALVERT, Mr. OLSON, Mrs. McMORRIS RODGERS, Mr. KLINE, Mr. POSEY, and Mr. NUNNELEE):

H.R. 360. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice-President, Members of Congress, political appointees, and congressional staff; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLEMING (for himself and Mr. BOREN):

H.R. 361. A bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activi-

ties; to the Committee on Energy and Commerce.

By Mr. CONAWAY (for himself, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. BARTON of Texas, Mr. CULBERSON, Mr. BRADY of Texas, Mr. MCCAUL, Ms. GRANGER, Mr. THORNBERRY, Mr. PAUL, Mr. HINOJOSA, Mr. FLORES, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mr. OLSON, Mr. CANSECO, Mr. MARCHANT, Mr. BURGESS, Mr. FARENTHOLD, Mr. CARTER, and Mr. SESSIONS):

H.R. 362. A bill to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the "George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. CARDOZA (for himself, Mr. LARSON of Connecticut, Ms. CASTOR of Florida, Mr. THOMPSON of California, Ms. DELAURO, Mrs. NAPOLITANO, Mr. SIRE, Mr. COSTA, Mr. BERKLEY, Mr. BACA, Mr. MCNERNEY, Ms. SUTTON, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. GARAMENDI, Mr. HINCHEY, Mr. STARK, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. FILNER, Ms. RICHARDSON, Mr. KUCINICH, and Mr. QUIGLEY):

H.R. 363. A bill to prevent foreclosure of home mortgages and provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. LATHAM:

H.R. 364. A bill to repeal the Patient Protection and Affordable Care Act and to take meaningful steps to lower health care costs and increase access to health insurance coverage without raising taxes, cutting Medicare benefits for seniors, adding to the national deficit, intervening in the doctor-patient relationship, or instituting a government takeover of health care; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, the Judiciary, House Administration, Natural Resources, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIMM (for himself and Mr. PIERLUISI):

H.R. 365. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Mr. GRAVES of Missouri:

H.R. 366. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Ms. RICHARDSON:

H.R. 367. A bill to prohibit the knowing possession of a firearm near a venue at which a Member of Congress is performing an official and representational duty or campaigning for public office; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself and Mr. SMITH of Texas):

H.R. 368. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to

Federal courts, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AUSTRIA (for himself, Mr. PENCE, Mrs. BACHMANN, Mr. SESSIONS, Mr. AKIN, Mr. BURTON of Indiana, Mr. COFFMAN of Colorado, Mr. PAUL, Mr. ROSS of Florida, Mr. THOMPSON of Pennsylvania, Mr. WESTMORELAND, Mr. CASSIDY, Mr. LONG, and Mr. TIBERI):

H.R. 369. A bill to amend the Internal Revenue Code of 1986 to improve access to health care by allowing a deduction for the health insurance costs of individuals, expanding health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 370. A bill to require financial institutions to offer services to protect seniors from affinity scams, to report suspected affinity scams, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. UPTON, Mr. PITTS, Mr. BARTON of Texas, Mr. BURGESS, Mrs. MYRICK, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. STEARNS, Mr. SULLIVAN, Mr. MURPHY of Pennsylvania, Mr. GINGREY of Georgia, Mr. SCALISE, Mrs. BONO MACK, Mr. BASS of New Hampshire, Mr. BILBRAY, Mr. LATTA, Mrs. McMORRIS RODGERS, Mr. HARPER, Mr. LANCE, Mr. CASSIDY, Mr. GUTHRIE, Mr. OLSON, Mr. MCKINLEY, Mr. GARDNER, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. ROE of Tennessee, Mr. BROWN of Georgia, Mr. BOUSTANY, Mr. CONAWAY, Mr. FLEMING, Mr. ISSA, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. AKIN, Mr. BARTLETT, Mr. BROOKS, Mr. BUCSHON, Ms. BUERKLE, Mr. CHABOT, Mr. COLE, Mr. CRAWFORD, Mr. DESJARLAIS, Mr. FARENTHOLD, Mr. FLEISCHMANN, Mr. FLORES, Mr. FRANKS of Arizona, Mr. GOHMERT, Ms. GRANGER, Mr. GUINTA, Mr. HARRIS, Mrs. HARTZLER, Mr. KING of Iowa, Mr. LAMBORN, Mrs. LUMMIS, Mr. MACK, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. NEUGEBAUER, Mr. NUGENT, Mr. PEARCE, Mr. PAUL, Mr. POSEY, Mr. QUAYLE, Mrs. SCHMIDT, Mr. SCHWEIKERT, Mr. SOUTHERLAND, Mr. STUTZMAN, Mr. WALBERG, Mr. WALSH of Illinois, and Mr. WILSON of South Carolina):

H.R. 371. A bill to repeal title I of the Patient Protection and Affordable Care Act and to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCHANAN (for himself, Mr. MILLER of Florida, and Mr. STEARNS):

H.R. 372. A bill to amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to deny leases and per-

mits to persons who engage in activities with the government of any foreign country that is subject to any sanction or an embargo established by the Government of the United States; to the Committee on Natural Resources.

By Ms. FOXX (for herself, Mr. CUELLAR, and Mr. KISSELL):

H.R. 373. A bill to amend the Unfunded Mandates Reform Act of 1995 to ensure that actions taken by regulatory agencies are subject to that Act, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. BROWN of Georgia, Mr. SMITH of New Jersey, Mr. KING of Iowa, Mr. GARRETT, Mr. DAVIS of Kentucky, Mr. BURTON of Indiana, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. DUNCAN of Tennessee, Mr. JONES, Mr. MCCAUL, Mr. BISHOP of Utah, Mr. PENCE, Mr. HURT, Mr. ROSS of Florida, Mrs. SCHMIDT, Mr. FLEMING, Mr. MCCOTTER, Mr. TERRY, Mr. ALEXANDER, Mr. COLE, Mr. HARPER, Mr. AKIN, Mr. ROE of Tennessee, Mr. LONG, Mr. MANZULLO, Mr. BARTON of Texas, Mr. LANDRY, Mr. LATTA, Mr. SCALISE, Mr. RIGELL, Mr. KELLY, Mr. JORDAN, Mr. LUETKEMEYER, Mr. GIBBS, Mr. HUELSKAMP, Mr. KLINE, Mr. CANSECO, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. GARY G. MILLER of California, Mrs. HARTZLER, Mr. HALL, Mr. HERGER, Mr. BUCSHON, Mr. POMPEO, Mr. LANKFORD, Mr. FARENTHOLD, Mr. LAMBORN, Mrs. MILLER of Michigan, Mr. MARCHANT, and Mr. MCKEON):

H.R. 374. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr. LIPINSKI, Ms. WOOLSEY, Ms. KAPTUR, and Mr. GENE GREEN of Texas):

H.R. 375. A bill to limit the total value of Chinese goods that may be procured by the United States Government during a calendar year to not more than the total value of United States goods procured by the Chinese Government if any during the preceding calendar year, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. PASCRELL, Mr. ISRAEL, Mr. BISHOP of New York, Mrs. LOWEY, Mr. CROWLEY, Mr. HOLDEN, Mr. COURTNEY, Mr. HINCHEY, and Mr. BRALEY of Iowa):

H.R. 376. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 377. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to repeal the denial of food stamp eligibility of ex-offenders; to the Committee on Agriculture.

By Ms. LEE of California:

H.R. 378. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 379. A bill to assist teachers and public safety officers in obtaining affordable housing; to the Committee on Financial Services.

By Ms. LEE of California (for herself and Mr. SERRANO):

H.R. 380. A bill to provide that no funds made available to the Department of the Treasury may be used to implement, administer, or enforce regulations to require specific licenses for travel-related transactions directly related to educational activities in Cuba; to the Committee on Foreign Affairs.

By Ms. LEE of California:

H.R. 381. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to increase the number of law enforcement officers on the streets by 5 to 10 percent in areas with high incidences of violent crime; to the Committee on the Judiciary.

By Ms. LEE of California (for herself and Ms. WOOLSEY):

H.R. 382. A bill to amend the Internal Revenue Code of 1986 to limit the deductibility of excessive rates of executive compensation; to the Committee on Ways and Means.

By Ms. LEE of California:

H.R. 383. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Ms. MOORE, Ms. FUDGE, Mr. FALGOMAVEGA, Ms. BORDALLO, Ms. WOOLSEY, Mr. RUSH, Mr. CONNOLLY of Virginia, Ms. HIRONO, Ms. JACKSON LEE of Texas, Mr. MORAN, Ms. NORTON, Ms. RICHARDSON, Ms. SUTTON, Mr. JACKSON of Illinois, Mr. HOLT, Mr. GRIJALVA, Mr. PAYNE, Mr. RYAN of Ohio, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GARAMENDI, Mr. PETRI, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. HONDA, Ms. ESHOO, Mr. STARK, Mr. MCNERNEY, Mr. POLIS, and Mrs. MALONEY):

H.R. 384. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 385. A bill to require poverty impact statements for certain legislation; to the

Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. SENSENBRENNER, Mr. GOHMERT, Mr. HARPER, Ms. BORDALLO, Mr. BURGESS, Mr. SCOTT of Virginia, and Mr. GALLAGLY):

H.R. 386. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 387. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 388. A bill to provide that the detention facility at Naval Station, Guantanamo Bay, Cuba remains open indefinitely and to require that individuals detained at the facility be tried only by military commission, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK (for himself, Mr. PAUL, Mr. ROE of Tennessee, Mr. BURTON of Indiana, Mr. CHAFFETZ, Mr. SHIMKUS, and Mr. GARY G. MILLER of California):

H.R. 389. A bill to prevent funding from the American Recovery and Reinvestment Act of 2009 from being used for physical signage indicating that a project is funded by such Act, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 390. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from the gross estate for certain farmlands and lands subject to qualified conservation easements, and for other purposes; to the Committee on Ways and Means.

By Mr. CARTER:

H.J. Res. 21. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to "Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Flexible Permits; Final Rule"; to the Committee on Energy and Commerce.

By Mr. CANTOR:

H. Con. Res. 10. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Ms. LEE of California (for herself, Ms. WOOLSEY, Mr. HONDA, Mr. FILLNER, Mr. MCGOVERN, Mr. GRIJALVA, Mr. HOLT, and Mr. STARK):

H. Con. Res. 11. Concurrent resolution expressing the sense of Congress that the United States should provide, on an annual basis, an amount equal to at least 1 percent of United States gross domestic product (GDP) for nonmilitary foreign assistance programs; to the Committee on Foreign Affairs.

By Mr. YARMUTH:

H. Res. 46. A resolution restoring the democratic process by providing that section 3(b) of H. Res. 5 shall have no force or effect during the remainder of the 112th Congress; to the Committee on Rules.

By Mr. HASTINGS of Florida (for himself, Ms. LEE of California, Mr. CONNOLLY of Virginia, Mrs. NAPOLITANO, Mr. RUSH, Mr. FALOMAVAEGA, Mr. FARR, Mr. BLUMENAUER, Mr. DEUTCH, Mr. MORAN, Mr. WU, Mr. STARK, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, Mr. ELLISON, Mr. LEWIS of Georgia, and Mr. THOMPSON of California):

H. Res. 47. A resolution expressing the sense of the House of Representatives regarding the contributions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself and Mr. CONYERS):

H. Res. 48. A resolution establishing a select committee to review national security laws, policies, and practices; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HINCHEY:

H.R. 391. A bill for the relief of Emilio Maya; to the Committee on the Judiciary.

By Ms. LEE of California:

H.R. 392. A bill for the relief of Geert Botzen; to the Committee on the Judiciary.

By Ms. ROYBAL-ALLARD:

H.R. 393. A bill for the relief of Maria Eva Duran, Jessica Duran Cortes, Daniel Ivan Duran Cortes, and Jose Antonio Duran Cortes; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of New Jersey:

H.R. 3.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under the Spending Clause in Article I, Section 8 of the Constitution.

By Mr. DAVIS of Kentucky:

H.R. 10.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted Congress under article I of the United States Constitution, including the power granted Congress under article I, sec-

tion 8, clause 18, of the United States Constitution, and the power granted to each House of Congress under article I, section 5, clause 2, of the United States Constitution.

By Mr. PITTS:

H.R. 358.

Congress has the power to enact this legislation pursuant to the following:

The Protect Life Act would overturn an unconstitutional mandate regarding abortion in the Patient Protection and Affordable Care Act.

By Mr. COLE:

H.R. 359.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI to the United States Constitution.

Additionally, since the Constitution does not provide Congress with the power to provide financial support to candidates seeking election to offices of the United States or to U.S. political parties, the general repeal of the presidential election fund is consistent with the powers that are reserved to the States and to the people as expressed in Amendment X to the United States Constitution.

Further, Article I Section 8 defines the scope and powers of Congress and does not include this concept of taxation in furtherance of funding campaigns within the delegated powers.

By Mr. BURGESS:

H.R. 360.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

In addition, the bill extends equal treatment to all Congressional staff in respect to numerous court interpretations of the 14th Amendment's Equal Protection Clause to the Constitution "shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws."

By Mr. FLEMING:

H.R. 361.

Congress has the power to enact this legislation pursuant to the following:

This bill makes specific changes to existing law in a manner that provides conscience protections in accord with the 1st Amendment of the United States Constitution. Further, this bill creates a private right of action in federal court in accord with Clause 9 of Section 8 of Article I and Clause 18, Section 8 of Article I, of the United States Constitution. Similarly, this bill provides for preventing disbursement of all or a portion of certain Federal financial assistance in accord with Clause 1, Section 8 Article 1.

By Mr. CONAWAY:

H.R. 362.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I, Section 8, Clause 17 of the United States Constitution.

By Mr. CARDOZA:

H.R. 363.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to its authority under Clause 3 of Section 8 of Article 1 of the Constitution to regulate Commerce with foreign Nations, and among several States, and with Indian Tribes.

By Mr. LATHAM:

H.R. 364.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. GRIMM:

H.R. 365.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mr. GRAVES of Missouri:

H.R. 366.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, §8, Cl. 3 "To regulate commerce among foreign nations and the several states."

By Ms. RICHARDSON:

H.R. 367.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. JOHNSON of Georgia:

H.R. 368.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 9 and 18.

By Mr. AUSTRIA:

H.R. 369.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BACA:

H.R. 370.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mrs. BLACKBURN:

H.R. 371.

Congress has the power to enact this legislation pursuant to the following:

This Act is enacted pursuant to the power granted Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BUCHANAN:

H.R. 372.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this legislation rests is the power of Congress enumerated in Article I, Section 8 of the Constitution.

By Ms. FOXX:

H.R. 373.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. HUNTER:

H.R. 374.

Congress has the power to enact this legislation pursuant to the following:

This legislation makes clear that human life begins at the moment of conception and, therefore, the unborn are entitled to the same rights and protections afforded to all American citizens under the U.S. Constitution. In affirming human life begins at conception, the unborn are granted the right to due process under Section 1 of the 14th Amendment which explicitly states, "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Life at Conception Act allows for constitutional protection for the unborn that they not "be deprived of life, liberty, or property, without due process of the law" afforded under the 5th Amendment.

By Mr. KILDEE:

H.R. 375.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution which gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes".

By Mr. KING of New York:

H.R. 376.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Ms. LEE of California:

H.R. 377.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 378.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 379.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 380.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 381.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 382.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 383.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 384.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. LEE of California:

H.R. 385.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 386.

Congress has the power to enact this legislation pursuant to the following:

This bill is justified under the Commerce Clause of the United States Constitution.

By Mr. PETRI:

H.R. 387.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 which, in part, states: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, . . . and the Sixteenth Amendment which states: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

By Mr. ROONEY:

H.R. 388.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: "To raise and support armies, but no appropriation of money to use shall be for a longer term than two years; to make rules for the government and regulation of the land and naval forces."

By Mr. SCHOCK:

H.R. 389.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 9 and Amendment X of the United States Constitution.

By Mr. THOMPSON of California:

H.R. 390.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. HINCHEY:

H.R. 391.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 4 and Amendment I, Clause 3 of the United States Constitution.

By Ms. LEE of California:

H.R. 392.

Congress has the power to enact this legislation pursuant to the following:

"This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and

interpreted by the Supreme Court of the United States.”

By Ms. ROYBAL-ALLARD:

H.R. 393.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, Article I, Section 8, Clause 18.

By Mr. CARTER:

H.J. Res. 21.

Congress has the power to enact this legislation pursuant to the following:

“This bill is enacted pursuant to Amendment X of the United States Constitution.”

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. BISHOP of Georgia.

H.R. 21: Mr. NUNNELEE.

H.R. 22: Ms. RICHARDSON, Ms. ESHOO, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. FILNER, and Mr. TONKO.

H.R. 27: Mr. CLYBURN, Mr. BUTTERFIELD, Mr. FALCONE, Ms. BORDALLO, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, and Mr. CLAY.

H.R. 104: Mr. RYAN of Wisconsin.

H.R. 121: Mr. DUNCAN of Tennessee, Mr. RIGELL, Mr. SAM JOHNSON of Texas, and Mr. MILLER of Florida.

H.R. 127: Mr. LABRADOR, Mr. NUNNELEE, and Mr. ROSS of Florida.

H.R. 140: Mr. POE of Texas, Mr. NUNNELEE, and Mr. NUGENT.

H.R. 143: Mr. DUNCAN of South Carolina and Mr. LONG.

H.R. 178: Mr. ROSS of Arkansas, Mr. CONNOLLY of Virginia, Mr. BACHUS, Mr. BONNER, Mrs. MCCARTHY of New York, and Ms. BERKLEY.

H.R. 180: Ms. BORDALLO.

H.R. 181: Mr. SCHOCK and Mr. GENE GREEN of Texas.

H.R. 186: Ms. BORDALLO, Mr. KISSELL, Mr. COURTNEY, Mr. NUGENT, and Mr. ROGERS of Alabama.

H.R. 187: Mr. McCAUL, Mr. PAUL, Ms. HAYWORTH, Mr. FITZPATRICK, and Mr. HUELSKAMP.

H.R. 212: Mr. STUTZMAN, Mr. DUNCAN of South Carolina, Mr. MCCOTTER, and Mr. FARENTHOLD.

H.R. 213: Mr. LONG.

H.R. 217: Mr. LEE of New York, Mr. DANIEL E. LUNGREN of California, Mr. LABRADOR, and Mrs. MYRICK.

H.R. 218: Mr. GUTIERREZ and Mr. PIERLUISI.

H.R. 235: Ms. FOXX, Mr. MCCLINTOCK, and Mr. DUNCAN of South Carolina.

H.R. 261: Mr. HOLT, Mr. WEINER, and Ms. WOOLSEY.

H.R. 263: Mr. DOYLE.

H.R. 297: Mr. ROSS of Florida, Mr. DUNCAN of Tennessee, Mr. PETERS, and Mr. BRADY of Texas.

H.R. 299: Mr. POSEY.

H.R. 302: Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. SESSIONS, and Mr. MCCLINTOCK.

H.R. 308: Mr. ROTHMAN of New Jersey, Mr. McDERMOTT, Mr. DOYLE, and Mr. SARBANES.

H.R. 349: Mr. PETRI.

H.R. 352: Mr. SABLAN.

H.J. Res. 9: Mr. BUCSHON and Mr. CULBERSON.

H.J. Res. 11: Mr. MCCOTTER.

H. Res. 25: Mr. MILLER of Florida.

H. Res. 35: Mr. DEUTCH, Ms. RICHARDSON, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. GARAMENDI, Mr. HONDA, Ms. SPEIER, Mr. FILNER, Mr. MCGOVERN, Mr. DAVIS of Illinois, Ms. BASS of California, Mr. MCNERNEY, Mr. GEORGE MILLER of California, and Mr. MARKEY.

H. Res. 36: Ms. BORDALLO and Mr. DICKS.

H. Res. 44: Mr. SAM JOHNSON of Texas.

EXTENSIONS OF REMARKS

U.S. CHINA TRADE AGREEMENTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, as President Obama meets with visiting Chinese President Hu Jintao, in the past decade, we've lost at least 2 million American industrial jobs to China. In 2010 alone, the trade deficit between the U.S. and China was \$252 billion dollars.

The fact is that Chinese workers are paid much lower wages than U.S. workers, which means their products are much cheaper to produce than if companies operating in China had to pay actual fair labor costs. Chinese workers endure a much lower standard of living than Americans do. They also lack any right to organize or petition their employers or government for better working conditions. They do not enjoy the same protections of their environment that masses of Americans have fought so hard for. We take these basic protections for granted because they are enshrined in our law.

We cannot seek to compete with the Chinese on their level by weakening environmental and worker protections in the hope that this will correct the economic imbalances between our two nations. Instead we must rewrite the U.S.-China trade agreements to include these essential worker and environmental protections.

IN RECOGNITION OF THE CENTENNIAL OF NAVY AVIATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the Centennial of Naval Aviation and its service to the United States of America.

Throughout the last century, the men and women of the United States Navy, Marine Corps and Coast Guard who have heeded freedom's call have become America's front line of defense. Generation after generation of children from the Emerald Coast have watched our country's finest aviators overhead and dreamt of following in their footsteps. I am proud to say that the First Congressional District of Florida holds a special place in its heart for Naval Aviation and all who fly in their nation's defense.

Naval Air Station Pensacola, NAS Pensacola, welcomed its first aviation unit on January 20, 1914, less than 3 years after the Navy purchased its first planes. On December 7, 1917, Pensacola was designated as the first

permanent U.S. Naval Air Station. It was America's sole Naval Air Station until World War I. In the ensuing years, tens of thousands of America's finest Naval Aviators have trained at NAS Pensacola, including Neil Armstrong and Ted Williams. Today, all U.S. Naval Aviators begin their training at the Cradle of Naval Aviation.

From the first Naval Aviator, Lieutenant Theodore Ellyson, to the current class of flight students at NAS Pensacola, thousands of Naval Aviators have protected America's interests around the world and in outer space. Just like their predecessors from previous generations, today's students at NAS Pensacola go through rigorous training to serve on shore and at sea, at home and abroad, to protect the United States and support freedom wherever and whenever they are called. From combat patrols over Iraq and Afghanistan to relief missions in Haiti and around the world, Naval Aviation is a touchstone of America's naval might.

Mr. Speaker, I am privileged to recognize Naval Aviation for its contributions during its first 100 years and to honor it as it takes flight in the next 100 years.

CELEBRATING THE ACCOMPLISHMENTS OF MR. ALBERTO CARRILLO

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today along with Congressman MICHAEL HONDA to recognize the career and accomplishments of Mr. Alberto Carrillo, Sr., a dedicated employee of the Office of Human Relations of Santa Clara County.

Prior to our election to the House of Representatives, Congressman HONDA and I served on the Board of Supervisors for the County of Santa Clara and so we are well aware of the important work done by the County's Office of Human Relations. They work diligently with our extremely diverse community to build positive inter-group relations, to eliminate prejudice and discrimination and to foster the peaceful resolution of conflict.

Alberto has worked tirelessly advocating for civil and human rights in our community. Both with the County and in his capacity as a community activist and volunteer, he has worked toward building opportunities in housing, employment, education, business and government for Santa Clara County's diverse community.

His experiences outside of the County speak to his dedication. He began his career with the Mexican-American Chamber of Commerce, held leadership positions in the Mexican-American Political Association, and has

served on many nonprofit boards of directors and advisory boards.

The Congress wishes Mr. Carrillo the very best as he continues this new chapter in his life in retirement.

A TRIBUTE TO THE JAPANESE AMERICAN NATIONAL MUSEUM ON THE OCCASION OF THE PRIVATE NONPROFIT NATIONAL INSTITUTION'S 25TH ANNIVERSARY OF SHARING THE EXPERIENCES OF AMERICANS OF JAPANESE ANCESTRY IN THE UNITED STATES AND IN RECOGNITION OF ITS RECEIPT OF AMERICA'S HIGHEST HONOR FOR MUSEUMS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize the Japanese American National Museum, the private nonprofit national institution dedicated to sharing the experiences of Americans of Japanese ancestry in the United States.

Located in the historic Little Tokyo district of Downtown Los Angeles in the 34th Congressional District, I had the privilege of nominating the Japanese American National Museum for an especially prestigious honor. The Institute of Museums and Library Services bestowed upon the museum its National Medal in recognition of the museum's "extraordinary civic, educational, economic, environmental, and social contributions." The museum was one of only 10 institutions in 2010 to receive the institute's National Medal—America's highest honor for museums. The Japanese American National Museum is only the second museum located in California to be recognized with this national distinction.

The concept for the museum originated more than 25 years ago when members of the Japanese American community realized that their families' storied history was being lost to time. The families especially wanted to preserve for future generations the stories of the tremendous hardships endured by Japanese Americans during World War II. During this time, thousands of Japanese American families lost their homes, their businesses and most of what they owned when the United States Government unconscionably incarcerated them in detention camps.

Despite this injustice, many Japanese Americans responded to the military needs of our country during World War II with great patriotic fervor. The famed 100th Infantry Battalion and the 442nd Regimental Combat Team—made up almost entirely of Japanese Americans—became the most decorated units for their size and length of service in the history of our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Armed Forces. In addition, Japanese Americans who became members of the United States Military Intelligence Service during World War II saved thousands of American lives by using their Japanese-language skills to serve our country as translators, interrogators and code breakers in the Pacific Theatre.

In 1985, the museum was founded as an almost all-volunteer organization composed of 13 different committees and only one full-time staff member with no permanent site and no endowment. In 1992, the museum renovated an important historic building for their headquarters and then expanded to a modern Pavilion in 1999. Throughout this time, the Japanese American National Museum became the repository of the history of people of Japanese ancestry in the United States, collecting more than 80,000 artifacts, photographs, documents and ephemera (such as letters, posters, and newspaper articles) that help to preserve and share their stories with all Americans.

An average of 25,000 students annually make visits to the Japanese American National Museum, guided by volunteers who lived through much of this amazing history. Visitors to the museum learn about the commonalities of the Japanese American experience with that of other ethnic groups in our country as part of the museum's core exhibition entitled, "Common Ground: The Heart of Community."

The museum's new exhibition entitled, "Fighting for Democracy: Who is the 'We' in 'We, the People'?" features profiles of seven people of various backgrounds and ethnicities who actively supported the American war effort, but who also wanted our democracy to truly serve all the people in the post-World War II era. This exhibition has traveled to the National World War II Museum in New Orleans, the National Archives and the Tuskegee National Institute Historic Site in Alabama.

The museum also organized a five-state educational project entitled, "Enduring Communities: The Japanese American Experience in Arizona, Colorado, New Mexico, Texas, and Utah." The 3-year project—which involved local institutions within each state—culminated with a national conference in Denver in 2008 attended by teachers, scholars and the people from the communities who lived this history.

Mr. Speaker, in recognition of the museum's 25th Anniversary and its receipt of the Institute of Museums and Library Services' National Medal, I ask my congressional colleagues to please join me and the residents of the 34th Congressional District in congratulating the Japanese American National Museum for its extraordinary achievements. I congratulate Museum President and CEO Akemi Kikumura Yano, the members of the museum's Board of Governors and Board of Trustees and all of the community members whose dedication to preserving the Japanese American story make the museum the local and national treasure that it is today. I wish the museum and everyone involved in its growth and educational mission many more years of continued success.

GOLDMAN SACHS: MAXIMUM PROFIT, MINIMUM CONTRITION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, Goldman Sachs, the most profitable U.S. securities firm in history, is on a well-publicized public relations (PR) campaign to improve its image.

Goldman is hoping that this will help erase the negative appearance that lingers in the public's mind after it paid \$550 million to settle a Securities and Exchange Commission (SEC) fraud suit last July. Since then, its stock has taken a beating.

But don't worry about Goldman. It's no secret that its strategy to reap billions in profits came in part by creating and selling high-risk mortgages in a form known as "collateralized debt obligations." This, while tens of thousands of families in Cleveland—and millions elsewhere—were losing their homes to foreclosure and their communities to decay and neglect. It's also well-known that Goldman had no ethical problem placing big bets against its own investment clients.

In 2008, Goldman took \$10 billion in below-market loans from the Federal Reserve, only to have the audacity to claim later that it didn't need that money after all. But those funds helped Goldman weather the financial crisis that they helped create. It's easy to claim now that they didn't need the help back when the financial system was nearly in ruins. But don't be fooled: it's still the same old Goldman, still as cunning and ruthless as ever when it comes to the pursuit of profits.

Goldman hopes its PR money will be well-spent, and that the American people will forget the way it profited so handsomely, even off of the misery of others, including its own clients.

But many of us are paying attention, and we will remember.

TRIBUTE TO SARALAND MAYOR KEN WILLIAMS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. BONNER. Mr. Speaker, I rise to honor the memory of Saraland Mayor Ken Williams, a beloved and dedicated public servant to many in his community, who suddenly passed away on December 27, 2010 the age of 76.

Mayor Williams began his long and successful political career as city councilman in 1992 and served until 1996 when he ran for mayor of Saraland.

He was Saraland's longest serving mayor, in office for 14 years, and was widely respected for his steadfast dedication to preserving Saraland's small town quality of life, while helping his community become one of the fastest growing towns in South Alabama.

A native of Putnam, Alabama, Mayor Williams was a local businessman and resident before entering politics. He was a retired master plumber and owned a local sporting goods

business for many years. Mayor Williams is credited with a number of significant enhancements for his community, most notably the establishment of Saraland's own school system. He also supported local job recruitment and the construction of Saraland's first baseball fields.

On behalf of the people of South Alabama, I offer my condolences to his wife of 50 years, Margaret; their son, Thomas Michael; brother, Patrick; grandchildren, Ashley Elmore, Brandi Williams, Joshua Williams; one great grandchild, Tyler Elmore; and extended family. You are all in our prayers.

TRIBUTE TO T. MASSEY BEDSOLE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the life of Mr. T. Massey Bedsole, a dear friend and active supporter of higher education in the state of Alabama who recently passed away at the age of 93.

A 1939 graduate of the University of Alabama and a 1941 graduate of the University of Alabama law school, "Mr. Massey" answered his nation's call as a Navy aviator in the Pacific Theater, serving with distinction during World War II. After the war, he was discharged with the rank of lieutenant colonel.

A native of Grove Hill, Alabama, Massey Bedsole, was the proverbial pillar of the community in Mobile, Alabama, as both a leading attorney and outstanding businessman.

In 1946, "Mr. Massey" moved to Mobile where he joined the law firm that would become Hand, Arendall, Bedsole, Greaves and Johnson.

"Mr. Massey" served as an attorney for 60 years, also finding time to lend his considerable talents as president of the Mobile County Bar Association, director of the First National Bank of Mobile and director of the Alabama Power Company.

While a much respected legal mind and successful business executive, perhaps "Mr. Massey" made his greatest mark as a booster of higher education in Mobile and across the state of Alabama, as well as for his support of local charitable efforts.

For nearly four decades, "Mr. Massey" was a trustee at the University of Mobile where he was named chairman emeritus and honorary life trustee. For ten years, he also served his beloved alma mater, the University of Alabama, as trustee and then trustee emeritus.

He was also chairman of the J.L. Bedsole Charitable Foundation for over 30 years.

On behalf of the people of South Alabama, I extend condolences to his wife of more than 64 years, Martha; their son, Travis, and daughter Curry; as well as grandchildren, Preston, Edward, Ashley and Daniel; and their entire family. You are all in our prayers.

ASSAULT ON CAMP ASHRAF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on January 7th of this year, residents of Camp Ashraf were attacked by Iranian agents and supporting Iraqi forces. Camp Ashraf houses over 3,400 supporters of Iran's opposition and are currently under the "protected persons" status in accordance with the Fourth Geneva Convention.

176 people, including 91 women were injured when the agents hurled stones, bottles, metal pieces and Molotov cocktails into the Camp. This barrage builds on a broader campaign against the people that were exiled from their homeland after calling for an end to the oppressive Iranian regime.

For the past 11 months, 180 loudspeakers have been installed beyond the fences of the Camp that continuously play Iranian propaganda and messages that threaten the property, homes and lives of residents. To me, this presents a compelling reminder that the freedoms we enjoy are far from universal and there are those struggling for the same liberties. Therefore, I urge my colleagues to speak out against the Iranian and Iraqi forces involved in the assault on Camp Ashraf and remember those injured in the violence.

HONORING JOAN THAYER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the career of Joan Thayer, who retired in January 2011 as the Assessor-Recorder of Marin County. Assessor Thayer's commitment to the highest quality of public service has benefited the people of Marin and strengthened the office she led for so many years.

Ms. Thayer began her life in public service over three decades ago in San Rafael, where she first served on the Dixie School Board from 1979 to 1983. She later ran for San Rafael City Council, becoming only the second Councilwoman in the city's history. In those roles, Ms. Thayer established a reputation as an intelligent public servant willing to take on difficult decisions and defend her views with a unique passion and integrity.

In 1994, Joan was elected to lead the office of County Assessor-Recorder, then one of only two such offices led by women in California's 58 counties. In the years that followed, she worked tirelessly to ensure that her office continued to serve the interests of Marin residents. She has been an advocate for the just and efficient property tax system our communities rely upon, and she has performed her duties with the utmost integrity and professionalism. Ms. Thayer was also a leader outside of Marin, serving as President of the California Assessors Association in 2003.

Mr. Speaker, I ask you to join me in thanking Joan Thayer for her service on behalf of

Marin County, CA. Ms. Thayer has helped to build a successful and well-respected institution that embodies the strength of character she consistently brought to her work on behalf of the public.

HONORING EVIE DAVIS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. ENGEL. Mr. Speaker, public service is a noble profession when done honestly and well. Those who work in government, serving the people, do so with pride of accomplishment in the knowledge that they are helping to make life easier for those they serve.

Evie Davis, the District Manager of the West Nyack Social Security office began her career with the Social Security Administration 40 years ago, in October of 1970, at the Northeastern Program Service.

She held a variety of positions of increasing responsibility, rising to District Manager of the White Plains office in 1990. She served there for eleven years before moving across the Hudson River to her current position in Rockland County.

She has served on many committees and workshops in furtherance of helping the SSA better help its clients, including the workgroup on the Limited-English Speaking Population. She has also served on the Advisory Committee of the Offices for the Aging in both Westchester and Rockland Counties.

She has always prided herself on her service to the Social Security Administration and the people it serves, touching the lives of virtually all of America's families in one way or another. She derived great fulfillment from her role in managing and always strove to contribute to a satisfying work environment. For her dedication and her abilities she has received many awards, including the Associate Commissioner's Citation.

Evie and her husband Mark are about to celebrate their 35th wedding anniversary. They have two sons, Eric and Jarrod, and twin baby granddaughters.

I congratulate Evie Davis for her 40 years of public service in helping people. She has earned our thanks and praise for the good work she has done for so many years in making our lives and the lives of those around us better and more fulfilling.

TRIBUTE TO ROBERT HODGSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Mr. Robert Morton Hodgson, a respected long-time South Alabama business and community leader who recently passed away at the age of 83.

Robert Hodgson was a 1945 graduate of Baldwin County High School and a 1950 graduate of the University of Alabama.

A veteran of the Navy and the Air Force Reserve, Mr. Hodgson returned from his military service to Bay Minette, Alabama to help run the family business, Standard Oil.

Mr. Hodgson soon took the helm of another family business, Standard Furniture Manufacturing Company, where he served as executive vice president and chairman of the board. He guided the company, which at one time had 1,500 employees, for a half century.

In addition to his distinguished service as a successful businessman, Mr. Hodgson was an active booster of community service organizations, including chairman of the board and founder of Bayside Academy, chairman of the Alabama Sheriff's Youth Ranches, and chairman of the board of the Community Foundation of South Alabama, to name a few.

In 1991, he was named Chamber of Commerce Citizen of the Year in Bay Minette, and in 2008 he was commended by the Alabama Legislature for extraordinary professional achievement and community service for Baldwin County, Alabama.

In 1997, Mr. Hodgson was honored by President Bill Clinton at a White House ceremony recognizing business executives from around the nation who were instrumental in developing hiring practices to transition welfare recipients to employment.

On behalf of the people of South Alabama, I wish to extend condolences to his wife of 57 years, Doris; their daughter, Kimberly; their son, Philip; as well as their grandchildren, Ann-Brooks and Sidney, and their entire family. You are all in our thoughts and prayers.

COMMEMORATING THE OPENING
OF THE PROPELLANTS NORTH
ADMINISTRATIVE AND MAINTENANCE
FACILITY

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mrs. ADAMS. Mr. Speaker, I rise today to commemorate the opening of the Propellants North Administrative and Maintenance Facility which is one of NASA's most environmentally friendly structures. At a ceremony today, attendees will celebrate the opening of this new facility to help NASA achieve its mission.

The Propellants North Administrative and Maintenance Facility is located near launch complex 39 at the Kennedy Space Center in Florida. The facility will be used for spacecraft fueling support and to store cryogenic fuel transfer equipment. It will be NASA's first carbon-neutral facility producing enough energy onsite from renewable sources to offset what it requires to operate. This construction style will bring a cost savings to NASA, saving taxpayers money.

The facility was built using recycled concrete, bottles, aluminum cans, cardboard, white paper, wood, and steel. NASA's goal for the design and the construction of Propellant North Administrative and Maintenance Facility was to reach for the United States Green Building Council's Leadership in Environmental and Energy Design Platinum status, which is the highest rating a green building can achieve.

Mr. Speaker, please join me in congratulating NASA for building an environmentally friendly, economical, and efficient facility. The Propellant North Administrative and Maintenance Facility is a positive step for providing a cleaner environment for future generations and will bring cost savings to Florida taxpayers.

IN HONOR OF NATIONAL PENN
BANK'S ROYERSFORD BRANCH'S
25TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate National Penn Bank's Royersford branch on its 25th anniversary and to honor this financial institution for its commitment to serving the community.

Since opening its doors in 1986, National Penn Bank's Royersford branch has provided outstanding financial services to the community through a tremendously dedicated group of banking professionals. The Royersford branch is a place where citizens have their financial goals and dreams realized and their hard-earned dollars protected.

Headquartered in Boyertown, Pennsylvania, National Penn operates 124 community banking offices in Pennsylvania and is an exemplary employer to its thousands of employees.

Mr. Speaker, I ask that my colleagues join me today in recognizing National Penn Bank's Royersford branch for its valuable contributions to enhancing its community's quality of life in its quarter century of service.

RECOGNIZING THE 400TH ANNIVER-
SARY OF HENRICO COUNTY, VIR-
GINIA

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. CANTOR. Mr. Speaker, I rise today to recognize the 400th anniversary of Henrico County, Virginia. The City of Henricus was established by Sir Thomas Dale in September 1611 and was named in honor of Henry Frederick, Prince of Wales. Later in 1634, Henrico was designated as one of Virginia's first eight counties and at the time it included the counties of Albemarle, Amherst, Appomattox, Buckingham, Chesterfield, Cumberland, Fluvanna, Goochland, Nelson and Powhatan and the cities of Charlottesville, Colonial Heights and Richmond.

Henrico County was home to pioneer African-American educator and humanitarian Virginia Randolph, who founded the first public school vocational education program in the nation. She was born to former slaves and opened the Old Mountain Road School in 1892. The Virginia E. Randolph Community High School and the Virginia Randolph Special Education Center School, named in honor of Virginia Randolph, are located in Henrico County.

Today Henrico County is situated in Central Virginia and includes a third of the Richmond metropolitan area. Business in Henrico continues to thrive while local attractions and historical sites attract residents and visitors to the county. In 1927, Henrico County was honored when Charles A. Lindbergh landed the Spirit of St. Louis at the grand opening of Byrd Field. This airport, now known as the Richmond International Airport, serves more than 3.5 million travelers annually. The Richmond International Raceway, RIR, America's Premier Short Track, is also located in Henrico. Each year RIR hosts both the NASCAR Sprint Cup Series and NASCAR Nationwide Series.

Mr. Speaker, please join me in congratulating the citizens of Henrico as they celebrate the county's anniversary and wishing them the best for their continued growth and success.

IN HONOR OF CHIEF OF POLICE
DONALD L. WAGNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Chief of Police Donald L. Wagner upon his retirement from the Rocky River Police Department after 45 years of dedicated service.

Chief of Police Wagner was born in Lakewood, Ohio on May 13, 1942. He graduated from Rocky River High School in 1960 and earned a bachelor's degree from Ohio University in 1964.

Chief of Police Wagner began his career with the Rocky River Police Department on April 1, 1965. He was promoted to Sergeant in 1974, Lieutenant in 1980, Executive Staff Assistant to the Chief of Police in 1985 and finally to Chief of Police in 1995. He is a member of the International Association of Chiefs of Police, the Ohio Association of Chiefs of Police, the Cuyahoga County Police Chiefs Association and the Metropolitan Crime Clinic Association.

The life of a police officer is one of true selflessness and service, and Police Chief Wagner is no exception. Each day the brave men and women of law enforcement put their lives on the line for the good of their communities.

Mr. Speaker and colleagues, please join me in honor of Chief of Police Donald L. Wagner for his exemplary service on behalf of his community. Chief of Police Wagner's dedication to making Rocky River a safer place to live and work is honorable and inspiring. I wish Chief of Police Wagner peace, health and happiness in all his future endeavors.

RULES OF PROCEDURE OF THE
COMMITTEE ON THE JUDICIARY

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. SMITH of Texas. Mr. Speaker, I would like to submit the Rules of Procedure of the

Committee on the Judiciary. They were adopted by the Committee on January 19, 2011.

MEMBERS OF COMMITTEE

ONE HUNDRED TWELFTH CONGRESS

Lamar Smith, Texas, Chairman
F. James Sensenbrenner, Jr., Wisconsin
Howard Coble, North Carolina
Elton Gallegly, California
Bob Goodlatte, Virginia
Daniel E. Lungren, California
Steve Chabot, Ohio
Darrell Issa, California
Mike Pence, Indiana
J. Randy Forbes, Virginia
Steve King, Iowa
Trent Franks, Arizona
Louie Gohmert, Texas
Jim Jordan, Ohio
Ted Poe, Texas
Jason Chaffetz, Utah
Tom Reed, New York
Tim Griffin, Arkansas
Tom Marino, Pennsylvania
Trey Gowdy, South Carolina
Dennis Ross, Florida
Sandy Adams, Florida
Ben Quayle, Arizona
John Conyers, Jr., Michigan, Ranking Member

Howard L. Berman, California
Jerrold Nadler, New York
Robert C. "Bobby" Scott, Virginia
Melvin L. Watt, North Carolina
Zoe Lofgren, California
Sheila Jackson Lee, Texas
Maxine Waters, California
Steve Cohen, Tennessee
Henry C. "Hank" Johnson, Jr., Georgia
Pedro Pierluisi, Puerto Rico
Mike Quigley, Illinois
Judy Chu, California
Ted Deutch, Florida
Linda T. Sánchez, California
Debbie Wasserman Schultz, Florida

RULES OF PROCEDURE

RULE I.

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Wednesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 3 days (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or Subcommittee meeting, each Member of the Committee or Subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or Subcommittee.

(d) In an emergency that does not reasonably allow for 3 days' notice, the Chairman may waive the 3-day notice requirement with the concurrence of the Ranking Minority Member.

(e) At least 48 hours prior to the commencement of a meeting for the markup of legislation, the text of such legislation shall be made publicly available in electronic form.

(f) To the maximum extent practicable, amendments to a measure or matter shall be

submitted in writing or electronically to the designee of both the Chairman and Ranking Member at least 24 hours prior to the consideration of the measure or matter. The Chairman may use his discretion to give priority to amendments submitted in advance.

(g) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(h) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(i) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or Subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or Subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(j)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(k) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee.

(l) Without further action of the Committee, the Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

RULE III. HEARINGS

(a) The Committee Chairman or any Subcommittee Chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee Chairman shall make the announcement at the earliest possible date.

(b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would

endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

(e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript.

RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over such matters as determined by the Chairman.

(b) There shall be five standing Subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

The Subcommittee on Courts, Commercial and Administrative Law shall have jurisdiction over the following subject matters: Administration of U.S. Courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on the Constitution shall have jurisdiction over the following subject matters: constitutional amendments, constitutional rights, Federal civil rights, ethics in government, tort liability, including medical malpractice and product liability, legal reform generally, other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on Intellectual Property, Competition, and the Internet shall have jurisdiction over the following subject matters: copyright, patent, trademark law, information technology, antitrust matters, other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on Crime, Terrorism, and Homeland Security shall have jurisdiction over the following subject matters: Federal Criminal Code, drug enforcement, sen-

tencing, parole and pardons, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, and other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on Immigration Policy and Enforcement shall have jurisdiction over the following subject matters: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, Federal charters of incorporation, private immigration and claims bills, non-border enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and Ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or Ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chairman and other Subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and Subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or Subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or Subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

RULE IX. OFFICIAL COMMITTEE WEBSITE

(a) The Chairman shall maintain an official website on behalf of the Committee for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House.

(b) The Chairman shall make the record of the votes on any question on which a record vote is demanded in the full Committee available on the Committee's official website not later than 48 hours after such vote is taken. Such record shall identify or describe the amendment, motion, order, or other proposition, the name of each Member voting

for and each Member voting against such amendment, motion, order, or proposition, and the names of the Members voting present.

(c) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee or its Subcommittees, the Chairman shall make the text of each such amendment publicly available in electronic form.

(d) Not later than 3 days after the conclusion of a Committee meeting, the transcript of such meeting and the text of all amendments offered shall be made available on the Committee website.

(e) The Ranking Member is authorized to maintain a similar official website on behalf of the Committee Minority for the same purpose, including communicating information about the activities of the Minority to Committee Members and other Members of the House.

PERSONAL EXPLANATION

HON. ROBERT J. DOLD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. DOLD. Mr. Speaker, on rollcall No. 10, I was unavoidably detained. Had I been present, I would have voted "yes."

IN HONOR OF LIEUTENANT ROBERT G. SHARP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Lieutenant Robert G. Sharp, upon his retirement from the Rocky River Police Department, following over 30 years of dedicated service.

Born in Berea, Ohio on December 20, 1952, Lt. Sharp was raised in the West Park area of Cleveland. A few years after Mr. Sharp graduated from John Marshall High School, he joined the Rocky River Police Department. He earned an associate degree in Law Enforcement in 1982 from Cuyahoga Community College and a bachelors degree in Technical Education in 1989 from the University of Akron.

Throughout the course of his career, Lt. Sharp received numerous commendations and special recognitions for his courage, lifesaving efforts, and dedication to those he served. In 1980, Mr. Sharp was promoted to Sergeant and later Lieutenant in 1984. He also served as the Commander of the Westshore S.W.A.T. Team from 1986 to 1996.

In addition to his outstanding career as a police officer, Lt. Sharp has been an active member of the community. He is a member of the Westpark Cleveland Historical Society, and in the past participated in the National Tactical Officer's Association as well as the Ohio Tactical Officer's Association.

Mr. Speaker and colleagues, please join me in honor of Lieutenant Robert G. Sharp for his exemplary service on behalf of his community. At the age of 58, Lieutenant Sharp has served

and protected the people of Rocky River with courage for 34 years.

HONORING MAJOR GENERAL ALLEN E. TACKETT, THE ADJUTANT GENERAL, WEST VIRGINIA NATIONAL GUARD

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. RAHALL. Mr. Speaker, today, I rise in recognition for one of West Virginia's most beloved sons, a genuine and proven leader, an American patriot, and my dear friend, Major General Allen Tackett.

Tomorrow, after 48 years of faithful service to our State and our Nation, General Tackett will step down as Commander of more than 6,000 West Virginia citizen soldiers and airmen. He will begin his retirement having earned the outstanding distinction of not only being the longest-serving adjutant general of the West Virginia National Guard, but also of being our Nation's longest-serving adjutant general.

In West Virginia, the men and women of our National Guard are held in high regard by their fellow citizens. Since 1995, through the leadership of General Tackett, they annually rank number one in the country for mission readiness. Whether it is a perilous flight mission in the depths of winter to rescue military personnel trapped in our deep, snow-covered mountains, or a mission to provide aid and comfort to fellow West Virginians ravaged by flood waters, or deployed to far corners of the world to protect our democracy and ensure peace around the globe, the West Virginia National Guard has answered the call, time and again.

From the Civil War that gave birth to my State, to present-day wars in Iraq and Afghanistan, the record of service by so many patriotic West Virginians places our State in the top percentage of all Americans who have donned America's uniform. As Mountaineers, we are incredibly proud of our record and extraordinary military leaders, like Major General Tackett, who rise from the ranks to train, lead, and mentor our soldiers and airmen with great honor, personal pride, commitment, and sacrifice, and an enduring passion for the freedoms in our democracy.

The American people owe an enormous debt of gratitude to our 362,192 men and women members of the National Guard, who in service to the United States, maintain the Guard's multi-mission role—providing nearly 33 percent of America's combat power globally—and, simultaneously and with great skill—serving their fellow citizens in defense of our homeland, in support of state and local civil authorities, and fulfilling emergency response needs.

For decades, there has been a significant evolution in the missions and capabilities of the National Guard. As General Tackett has so aptly stated, "Not since World War II has the Guard been so vital to our overseas mission, and not since the founding of our Nation has the Guard been so vital to the defense of our homeland."

For over 34 years, I have been privileged to represent the people of southern West Virginia, and it is with humbleness and sincerity that I say, from the home front to the front lines, our West Virginia National Guard is a model of the commitment to excellence and professional dedication to America's defense, thanks to the commitment, vision, and leadership of Major General Tackett.

Therefore, it is my honor and great privilege to commend Major General Allen E. Tackett, the Adjutant General of the West Virginia National Guard: For his 48 years in service to our country; for his 25 years served in Special Forces units; for his vital contributions—with the force and voice of U.S. Senator Robert C. Byrd—working to block the closing of the 130th Airlift Wing by the Base Realignment and Closure Commission in 2005; for his passion for education and creating hope and opportunity through his support for programs such as, the West Virginia National Guards' Tuition Assistance; and for his work with at-risk youths through the National Youth Challenge program.

Mr. Speaker, on occasion, Senator Byrd enjoyed comparing General Tackett's skills to those of the Carthaginian General, Hannibal. I agree with the Senator—when Allen Tackett tackles a problem, it is as if his opponents are facing a thunderous herd of raging bull elephants. Today, I join my fellow West Virginians in recognition and congratulatory acknowledgement of the great achievements of Major General Tackett as he begins this new chapter in his life with his beloved wife, Sallie.

A TRIBUTE TO CHIEF SAM L. SPIEGEL IN RECOGNITION OF HIS YEARS OF SERVICE TO FOLSOM, CALIFORNIA

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to recognize and honor my friend, Chief Sam L. Spiegel, for the years of service he has spent as chief of police and director of Emergency Services for the city of Folsom, California. Altogether, Chief Spiegel has a 39 year tenure in law enforcement in California.

Chief Spiegel holds a Master Degree in Management, a Bachelor Degree in Criminal Justice, his State teaching credential, and is a graduate of the P.O.S.T. Command College and the FBI National Academy. Sam began his law enforcement career as a police cadet with the Corona Police Department in November of 1971. He was trained as a schools cadet and dispatcher before becoming a reserve police officer in June of 1974. He was hired as a deputy sheriff with the Riverside County Sheriffs Department in December of 1974 and assigned to Lake Elsinore Station Patrol. In January of 1976, he returned to Corona Police Department as a reserve officer and was hired as a full time police officer in December 1976. During his tenure with Corona PD he was assigned as a traffic officer, commercial enforcement officer, detective, and

was promoted to sergeant in 1983 and lieutenant in 1985. In both of these ranks, he held assignments in patrol, traffic, investigations, and administration. In April 1996 he was promoted to captain—holding that rank until March of 2001. In April of 2001 he was hired as Folsom's 15th chief of police. He held the position of chief with Folsom until his retirement on October 26, 2010.

Sam has also served in various other capacities, including as the chairman of the Law and Legislative Committee for the California Police Chiefs Association, past-president of the California Peace Officers Association, and former member of the California Homeland Security Public Safety Advisory Council. He continues to serve as a governor appointee to the State 9-1-1 Advisory Committee, the California Law Enforcement Telecommunication Advisory Committee and served 6 years as a member of the Commission on Peace Officer Standards and Training Advisory Committee.

It has been my pleasure to know Sam Spiegel and more importantly, to call him my friend. I am pleased to congratulate him upon his retirement.

INTRODUCTION OF THE CHARITABLE DRIVING TAX RELIEF ACT OF 2011

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. PETRI. Mr. Speaker, today, I am introducing the Charitable Driving Tax Relief Act of 2011 to remove a serious disincentive to participation in charitable activities. Private charitable activity plays an important role in our society, and it is important that Congress not stand in the way by penalizing those who wish to offer their services to these groups.

Under current law, individuals that volunteer their time and energy by driving their personal vehicles on behalf of a charitable group can end up with an unpleasant surprise in the form of an unanticipated tax bill. Specifically, volunteer drivers receiving reimbursement for the use of their vehicle are taxed on these payments to the extent that they exceed 14 cents per mile. This treatment stands in stark contrast to the allowance for reimbursement for the business use of that same vehicle, 51 cents per mile in 2011.

The Charitable Driving Tax Relief Act will equalize the tax treatment of charitable reimbursements with those received for business driving because the point of the payment is essentially the same, that is, to cover the cost of operating a personal vehicle while performing an important service in the pursuit of a greater good.

To achieve this end, my legislation would exclude from gross income any reimbursement received for the use of a volunteer's car while assisting a charitable group, limited only by the cap the Internal Revenue Service sets regarding business driving. This treatment would be available only for services provided without compensation and drivers would be required to maintain sufficient records to substantiate the charitable use of their vehicles.

Finally, this bill drops the requirement that charitable groups report these reimbursements to the IRS, removing an administrative and paperwork burden that detracts resources from a charity's larger purpose.

Each day, thousands of Americans lend a hand in providing transportation services to a multitude of organizations engaged in good works. These activities include assisting individuals with their routine grocery shopping, providing the use of a four-wheel drive vehicle to transport home-visit nurses during inclement weather, delivering meals as part of a holiday food drive, helping individuals to keep their medical appointments, and many more similar activities.

These volunteer drivers are donating their time and their talents, not their vehicles, and accepting reimbursement for the use of that car, incidental to their time and talent donation, is a reasonable act, which should not result in an additional tax liability. Today, when it comes to driving a personal vehicle, our tax code makes a distinction between business and charitable uses. This distinction is a mistake; it is a serious disincentive to charitable activities, and it should be corrected. I encourage my colleagues to support the continued efforts of our charity-minded constituents by cosponsoring the Charitable Driving Tax Relief Act of 2009.

IN HONOR OF ROBERT C. MACAULEY

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. HIMES. Mr. Speaker, I rise to honor the recent passing of a constituent, humanitarian, and friend, Robert C., Bob, Macauley, who recently passed away of natural causes at the age of 87.

In addition to being a beloved husband and father, Bob Macauley was a tremendous activist and patron. As a veteran, businessman, and philanthropist, Bob dedicated his life to helping others.

His first ventures into philanthropy began during the Vietnam war, with the founding of the Shoeshine Boys Foundation to support orphaned Vietnamese children. In 1975, he mortgaged his home to charter the first jet of what became known as Operation Babylift, rescuing babies injured in a plane crash as Saigon fell. Bob then became involved in the Covenant House, which grew with his support and guidance from a small outpost in New York City to one of the largest privately funded childcare agencies in the U.S.

However, it was after meeting with Pope John Paul II that Bob fully realized the potential of his efforts. After raising \$1.5 million in aid for Poland at the Pope's request, Bob recognized that what he had done for Poland, he could do for people in need worldwide. This effort became AmeriCares, a humanitarian organization that has delivered more than \$10 billion in medicines, medical supplies, and aid around the world and across the United States. Bob served as CEO of the organization until 2002, and as chairman until his death.

Mr. Macauley has been widely recognized for his philanthropic endeavors. He was the recipient of many humanitarian awards, including the President's Volunteer Action Award, the Cross of Grand Officer of the Order of Malta, the Caring Award, the Albert Schweitzer Humanitarian Award, the FREDDIE Award, and the Jefferson Award for Lifetime Achievement, and has received honorary doctorates from Fairfield University, Siena College, Saint Michael's College, and Saint Lawrence University. He has been featured by ABC News as "Person of the Week," and has been the subject of numerous profiles by major media outlets such as NBC Today and People magazine. His biography, written by Bill Halamandaris, is entitled "His Name is Today."

Bob's activism and generosity to the global community should remind us all of what the actions of one person can do. While he did not work alone, we all have him to thank for making the world a better place. His charity should be admired and his citizenship should serve as a model for us all.

IN HONOR OF EXECUTIVE STAFF ASSISTANT TERENCE P. HUDEC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Terence P. Hudec, Executive Staff Assistant to the Chief of Police of Rocky River, upon his retirement from the Rocky River Police Department after more than 35 years of dedicated service.

Mr. Hudec was born in Cleveland, Ohio in 1948. He graduated from Cathedral Latin High School in 1966 and earned a bachelors degree from John Carroll University in 1972.

Mr. Hudec began his career with the Rocky River Police Department on April 1, 1973. He was promoted to Sergeant in 1981, Lieutenant in 1986, and assigned to the position of Executive Staff Assistant to the Chief of Police in 1995.

The life of a police officer is one of true selflessness and service, and Officer Hudec is no exception. Each day the brave men and women of law enforcement put their lives on the line for the good of their communities.

Mr. Speaker and colleagues, please join me in honor of Mr. Terence P. Hudec, Executive Staff Assistant to the Chief of Police, for his exemplary service on behalf of his community. Mr. Hudec's dedication to making Rocky River a safer place to live and work is honorable and inspiring. I wish Executive Staff Assistant Hudec peace, health and happiness in all his future endeavors.

HONORING WILLIAM LOCKRIDGE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me

in honoring the life of William Lockridge, who tirelessly served the residents of the District of Columbia for 25 years.

A teacher by profession, William Lockridge devoted his life to improving education for the city's children and to community service for the people of the District of Columbia. He was a member of the D.C. State Board of Education and its longest serving member.

Although born in Tennessee, raised in Chicago, and educated at Tennessee State University, in Memphis, William Lockridge became a quintessential Washingtonian, eager for many varieties of community service, once serving as Advisory Neighborhood Commissioner, president of the Alabama Avenue Task Force, president of the Ward 8 Democrats, board member of the Neighborhood Planning Council, the Parent Teacher Student Association, and the Action to Rehabilitate Housing, as well as a member of the National Alliance of Black School Educators, the D.C. Democratic State Committee, and the National Association for the Advancement of Colored People.

William was ubiquitous in his devotion to his community, but education was his first love. His vision runs through the D.C. Public Schools, where he worked as a teacher, parent advocate for students with special needs, and a truancy officer over his 15-year career. But William Lockridge wanted to do more. He wanted to change the public schools. He immersed himself in accomplishing this mission as the Ward 8 D.C. School Board member and then as the D.C. State Board of Education member for Wards 7 and 8 until the day he died.

When it came to the children he represented in the communities east of the Anacostia River, William Lockridge would brook no compromise. So resolute was his advocacy that children everywhere in the District, particularly children from families of modest income, benefitted immensely from his service.

Residents throughout the city were heartbroken when the trim, ever active William Lockridge fell suddenly and unexpectedly ill. From across the city, top officials and ordinary citizens alike flocked to the hospital and then to a vigil, where elected officials and residents spoke lovingly of William Lockridge, just below his hospital window.

The Lockridge brand of passionate dedication to public service cannot be bottled. His devotion to the city's children and to their education got its authenticity from a unique source deep within the man. His work for those who needed him most became a part of William's identity. The District of Columbia and its children were the beneficiaries.

Only William's own family, Wanda, his "queen," as he called his wife, his two children, Joy and Stephan, and his four grandchildren, outranked his love for the city's children. Not content to tell other people how to raise and educate their children, Lockridge led by example as a model family man who lived what he taught, beginning at home, where children first learn by simply looking at their parents.

William Lockridge left his beloved family and city far too soon, but he left them a complete and fulfilled life. He spent his productive life doing not only what gave his own life mean-

ing. William Lockridge devoted his life to giving meaning to the lives of many others, especially the children of the District of Columbia. I ask the House to join me in honoring the worthy life of William Lockridge.

THE INTRODUCTION OF THE "NO TAXPAYER FUNDING FOR ABORTION ACT"—H.R. 3 "ACCEPTABLE BIGOTRY"—PREJUDICE AGAINST THE CHILD IN THE WOMB

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. SMITH of New Jersey. Mr. Speaker, yesterday an abortionist in Philadelphia—Dr. Kermit Gosnell—was arrested and charged in the death of a mother, and seven babies who were born alive but then killed by severing their spinal cords with a pair of scissors.

According to the Philadelphia CBS TV affiliate, the district attorney said that in one year alone, Dr. Gosnell made approximately \$1.8 million performing abortions.

The abortion industry, Mr. Speaker, is a multibillion dollar business.

Planned Parenthood boasts that in 2008 alone, their abortionists killed over 324,000 babies while raking in an approximately \$1 billion in fees and local, state and federal government subsidies.

The ugly truth is that abortionists often get filthy rich, not by healing or nurturing or curing—but by dismembering and decapitating the fragile bodies of unborn children; by starving the child in the womb with lethal agents like RU486 or by other means of chemical poisoning.

The ugly truth is that women are victimized by abortion—wounded and hurt physically and emotionally. Women deserve better than abortion.

The only thing the multibillion dollar abortion industry has produced in America—and worldwide—is victims: wounded women and over 52 million dead babies in the United States since 1973—more than six times the entire population of my home state of New Jersey.

The multibillion dollar abortion industry systematically dehumanizes the weakest and most vulnerable among us with catchy slogans, slick advertising, clever marketing, and aggressive lobbying.

They have made the unacceptable—to be prejudiced and bigoted against the child in the womb—acceptable to some.

This "acceptable bigotry" has been promoted for decades, despite breathtaking advances in fetal medicine including micro-surgery underscoring the fact that an unborn child is a patient in need of care, just like anyone else, and despite that amazing window to the womb—ultrasound imaging.

In 1976, Dr. Willard Cates and Dr. David Grimes then with the Centers for Disease Control and Prevention (CDC) presented a paper to a Planned Parenthood meeting entitled "Abortion as a Treatment for Unintended Pregnancy: The Number Two Sexually Transmitted Disease."

These two abortion doctors reduced the child in the womb to the equivalent of a para-

site or disease to be vanquished. As far as I know, no one at Planned Parenthood objected to the dehumanizing language and obvious bigotry towards children.

The evidence of significant harm to women who abort increases each year.

Abortion hurts women's health and puts future children subsequently born to women who aborted at significant risk. At least 102 studies show significant psychological harm, major depression and elevated suicide risk in women who abort.

The Times of London reported that, "[S]enior . . . psychiatrists say that new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems." They found, "that women who have had abortions have twice the level of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant . . ."

In 2006, a comprehensive New Zealand study found that 78.6 percent of the 15–18 year olds who had abortions displayed symptoms of major depression as compared to 31 percent of their peers. The study also found that 27 percent of the 21–25 year old women who had abortions had suicidal idealizations compared to eight percent of those who did not have an abortion.

Abortion isn't safe for subsequent children born to women who have had an abortion. At least 113 studies show a significant association between abortion and subsequent premature births. For example a study by researchers Shah and Zoe showed a 36 percent increased risk for preterm birth after one abortion and a staggering 93 percent increased risk after two.

Similarly, the risk of subsequent children being born with low birth weight increases by 35 percent after one and 72 percent after two or more abortions. Another study shows the risk increases nine times after a woman has had three abortions.

What does this mean for her children? Preterm birth is the leading cause of infant mortality in the industrialized world after congenital anomalies. Preterm infants have a greater risk of suffering from chronic lung disease, sensory deficits, cerebral palsy, cognitive impairments and behavior problems. Low birth weight is similarly associated with neonatal mortality and morbidity.

Dr. Alveda King, niece of the late Dr. Martin Luther King, Jr., whom we honored on Monday, has joined the growing coalition of women who deeply regret their abortions and are "Silent No More." Out of deep personal pain and compassion for others, Dr. King, who had two abortions and the women of "Silent No More" challenge us to respect, protect and tangibly love both the mother and the child. The women of "Silent No More" give post-abortive women a safe place to grieve, and a roadmap for reconciliation.

This week, with the full and unequivocal support of Speaker BOEHNER and Majority Leader CANTOR, more than 150 Members and I will introduce the No Taxpayer Funding for Abortion Act—a government wide prohibition on taxpayer subsidization for abortion and conscience protections with durable remedies.

Abortion is not health care. And polls show that taxpayers strongly oppose publically funded abortion—67 percent according to a recent Quinnipiac University poll.

Our new bill is designed to permanently end any U.S. government financial support for abortion whether it be direct funding or by tax credits or any other subsidy.

Regarding conscience rights—last year, Cathy DeCarlo, a nurse at Mt. Sinai Hospital in New York was compelled—despite her strong moral and religious objections—to assist in a grisly D&E abortion which has been described by the U.S. Supreme Court as a procedure where the doctor uses forceps to tear apart the unborn child. D&E abortion is a gruesome act of child abuse.

Ms. DeCarlo sued—asserting her right to conscience had been violated under existing federal law. Her case was dismissed, however, due to the lack of prescribed remedies.

The No Taxpayer Funding for Abortion Act protects conscience rights of individuals and institutions by empowering the courts with the authority to prevent and redress actual or threatened violations of conscience.

President Obama has said he wants abortion to be rare. Well, Mr. Obama, here is a bill for you. Even the Guttmacher Institute, the former research arm of Planned Parenthood, says that taxpayer funding bans are a proven abortion reduction method. According to Guttmacher, studies show that when abortion is not publically funded, abortions in the covered population are reduced by roughly 25 percent.

REMARKS ON JOHN F. KENNEDY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. RAHALL. Mr. Speaker, West Virginians still smiling?

It seems improbable that it could have been fifty years ago, that America's youngest new leader, John Fitzgerald Kennedy, took center stage, here at the U.S. Capitol, to assume the Presidency. He delivered an inaugural address that ignited the hopes and energies of a generation that would, in large measure, take up his call to serve their country.

It was, of course, the good people of my home State of West Virginia, who launched the youthful Senator's campaign for the presidency in the 1960 West Virginia Democratic Primary Election. In May of last year, the golden anniversary of the campaign was celebrated with exhibits, readings, talks, films, recording oral histories and other festivities to mark the pivotal turning point in Senator Kennedy's campaign. In Logan, West Virginia, the courthouse square was christened 'Kennedy Square.' At Southern West Virginia Community and Technical College, a course on the campaign has been taught for years. Plans have been discussed about pursuing a permanent exhibition in Logan, commemorating the campaign, his Presidency and their impact on our State.

Many of my constituents have personal fond and lasting memories of the Kennedys' visits

during the campaign and then as President. I, myself, credit President Kennedy's Inaugural Address with my earliest interest in pursuing public service.

The Kennedy voice was much more than a call to action, it was a blueprint for the future: the Peace Corps, VISTA, Appalachian Regional Commission, Head Start, Medicare and a slew of other efforts to level the playing field for Americans.

Though President Kennedy's address was one of the shortest in history, it earned him lasting respect from untold generations of Americans and our allies around the World. I would suspect the humble, self deprecating President would demur at that comment. But, his ever present humor and wit was in good form at the June 1963 American University Law School graduation of our very own, Senator Robert C. Byrd, when Kennedy, himself, quipped about brevity as he began his remarks: President Anderson, members of the faculty, board of trustees, distinguished guests, my old colleague Senator Bob Byrd, who has earned his degree through many years of attending night law school while I am earning mine in the next thirty minutes, ladies and gentlemen. . . ."

In 1963, it was a rainy day in Charleston, West Virginia, when President Kennedy attended our State's Centennial celebration. He opened his comments with these remarks, "While the Sun doesn't always shine in West Virginia, the people always do." President Kennedy's words fifty years ago still ring through our hills and manifest themselves through many avenues, enriching our lives with his federal initiatives, calling young and old alike to give of themselves for their fellow citizens, and bringing a smile to all those who remember or are just learning of the West Virginia Kennedy legacy.

I hope the Kennedy Inaugural Address will be read in classrooms and community centers and town squares to celebrate this anniversary, and that, we together, work to fulfill the challenges it presents every American Citizen. Let us go forward with his words firmly in our resolve, "knowing that here on earth God's work must truly be our own."

STATEMENT COMMENDING STAN ISRAEL FOR 35 YEARS OF SERVICE TO SEIU

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. LANGEVIN. Mr. Speaker, I am honored today to recognize the retirement of my good friend Stan Israel, Executive Vice President of SEIU District 1199—New England. For 35 years, Stan has spearheaded efforts to organize health workers, and his hard work has consistently won justice at the worksite for laborers of all skill levels and backgrounds.

Stan began by organizing non-union health employees at nursing homes and hospitals in New York into Local 1199. While leading contract negotiations on behalf of the workers, he also advocated for fundamental reforms: adequate staffing levels, safe workplaces, and

well-defined job responsibilities. His success earned him a promotion to the 1199 New England headquarters in Connecticut, where he served briefly before coming to Rhode Island in the summer of 1983.

Since his arrival, Stan has fought tirelessly to ensure that Rhode Island healthcare workers are the most fairly treated in the country. He has earned a reputation as a tough but fair negotiator and as a champion of employees throughout the entire healthcare system. Stan has also collaborated with management for the benefit of his members, most notably with a \$650,000 grant from the Federal Government to fund professional growth programs.

Stan has been a leader in lobbying the Rhode Island Legislature to pass just workplace protection laws. During his tenure, Rhode Island enacted the Hospital Conversion Act, which protects workers when hospitals are sold or merged, and the Safe Patient Handling Act, which bans mandatory overtime for nurses. The infrastructure he has developed at Local 1199 leaves it well poised to continue fighting for employees in the coming years.

A true public servant, Stan has selflessly volunteered throughout his time in the state. A settler trustee of the New England Employees Welfare Fund, he played a pivotal role in creating and developing the fund, which oversees the health insurance plans of thousands of healthcare workers and their families. He is the President of the Rhode Island SEIU State Council, Vice President of the Rhode Island AFL-CIO, and a founding board member of Ocean State Action, a leading state advocacy group.

Mr. Speaker, I am proud that the Ocean State is home to many devotees of justice, and Stan Israel is one of the best among them. I would be remiss not to mention his lovely wife, Cynthia, and children, Caitlin and John, whose support has been integral in his many lasting accomplishments, and I join with them and all those whose lives he has worked to improve in wishing Stan the best in his retirement.

IN HONOR OF INEZ KILLINGSWORTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Inez Killingsworth, founder of Empowering and Strengthening Ohio's People (ESOP), as she is recognized by ESOP for her multitude of achievements. Ms. Killingsworth has a long history of standing up for the rights of the people of her community, refusing to let their needs be ignored.

Ms. Killingsworth founded the East Side Organizing Project in 1993 as a means to address the unsafe conditions of her Union-Miles neighborhood. During the early 1990s, ESOP, under Ms. Killingsworth's leadership, began to rally against the lack of credit available to African Americans in the community. When predatory lending in the area increased and more and more community members were facing mortgage payments they could no longer afford, ESOP turned its focus to addressing this

growing problem. ESOP became a statewide venture in 2008, when it opened 10 offices throughout the state of Ohio. The organization was then renamed Empowering and Strengthening Ohio's People. ESOP acts as a foreclosure counseling agency. Through tactics varying from protesting banks to negotiating agreements between lenders and borrowers to taking financial executives on tours of the collapsing neighborhoods that are in peril due to predatory lending, ESOP has helped thousands of families in Ohio avoid losing their homes. In 2009, 80% of ESOP clients received favorable loan modifications.

In 2010, Ms. Killingsworth received a Purpose Prize from the San Francisco think tank Civic Ventures. This prize is awarded annually to ten Americans over the age of 60 who are changing the world in the second half of their lives. The award comes with a \$100,000 prize, part of which Ms. Killingsworth intends to use to create a program to help newly released felons find work. She also intends to address problems in other areas, such as the lack of healthy food choices in poor, urban neighborhoods.

Mr. Speaker and colleagues, please join me in honor of Ms. Inez Killingsworth for her unwavering dedication to solving difficult challenges faced by the people of Ohio. She has been a role model in her community, relentlessly fighting for justice. I wish Ms. Killingsworth peace, health and happiness in all her future endeavors.

INTRODUCING A RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE CONTRIBUTIONS OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution expressing the sense of the House of Representatives regarding the contributions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

CITES was created in 1973 to ensure that international trade in wild plants and animals does not threaten their survival. Launched with a few signatory nations, CITES has now 175 parties that have an international obligation and responsibility to protect our planet's endangered animals and plants. Nearly 5,000 species of animals and 28,000 species of plants are protected by the convention against over-exploitation through international trade. Adherence to these protective measures has benefited the conservation of animals and plants worldwide.

Unfortunately, more and more species are at risk of extinction and international trade, both legal and illegal, which has exacerbated the dangers. International wildlife trade is estimated to be worth billions of dollars per year and to include hundreds of millions of live

plants and animals and derived products such as food products, leather and fur, ornamentals, medicinal, and timber. Such high levels of exploitation of and trade in wild animals and plants, together with other factors such as habitat loss, are capable of bringing some species close to extinction.

Every two to three years, the parties of CITES meet at the Conference of the Parties to review the status of species in danger of extinction and establish trade restrictions. The 15th meeting of the Conference of the Parties was held in March 2010. Several proposals were submitted during the summit, some of them ensuring better protections for endangered species, others trying to downlist species and re-open trade. While proposals to downlist elephant populations in Tanzania and Zambia were successfully defeated, several proposals to establish stronger protections for the polar bear, eight sharks, the bluefin tuna and other species were unfortunately rejected. I am saddened to see that economic interests have prevailed over species conservation, risking to bring species close to extinction. This is unacceptable.

My resolution will recognize the important contributions the convention has made in regulating international trade in endangered species and protecting endangered species worldwide. It will also applaud the convention's leadership in protecting elephants in Tanzania and Zambia. Lastly, the resolution will urge all parties to the convention to collaborate effectively to curb excessive exploitation of species for international trade and to adopt stronger protections for several endangered species at the 16th meeting of the Conference of the Parties in 2013.

Mr. Speaker, the United States has a moral obligation to protect endangered species and their natural habitat. Wild animals are a very important part of our commonly held natural resources and contribute to the diversity and stability of our environment. We must continue to maintain a balanced and healthy ecosystem that allows for the coexistence of both human beings and the world's most incredible species. It is essential to work with the international community to ensure the survival of these species. I believe that the stakes are too high to let national interests and differences hinder the future of our planet.

I urge my colleagues to join me in protecting wildlife and promoting environmental conservation across the globe by supporting this important resolution.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately due to massive flight delays, I was not able to be in Washington, DC on Tuesday January 18, 2011 to vote on H.R. 292 and wished to express my intentions had I been in Washington, DC.

Unfortunately, as American Airlines flight 3879 was boarding, the airline decided to hold the flight on the tarmac during a de-icing proc-

ess of several other planes. My flight remained on the ground for well over two hours past its scheduled departure time of 3:10 CST. The plane eventually took off at 5:44 CST and did not arrive in Washington until 8:21 p.m. EST.

Had I been present to vote on Rollcall No. 12, to suspend the rules and pass H.R. 292, the Stop the OverPrinting (STOP) Act, I would have voted "yes".

IN HONOR OF LIEUTENANT BRUCE F. GUNSCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Lieutenant Bruce F. Gunsch upon his retirement from the Rocky River Police Department after more than 30 years of dedicated service.

Lieutenant Bruce F. Gunsch was born in Lakewood, Ohio on April 23, 1949. After graduating from St. Edward High School in 1967, Mr. Gunsch served in the U.S. Army from 1968 to 1971, achieving the rank of Sergeant. He earned a bachelor's degree in Business Administration from Cleveland State University in 1976.

Lieutenant Gunsch began his career with the Rocky River Police Department on February 14, 1977. He was promoted to Sergeant in 1984 and Lieutenant in 1987.

The life of a police officer is one of true selflessness and service, and Lieutenant Gunsch is no exception. Each day the brave men and women of law enforcement put their lives on the line for the good of their communities.

Mr. Speaker and colleagues, please join me in honor of Lieutenant Bruce F. Gunsch for his exemplary service on behalf of his community. Lieutenant Gunsch's dedication to making Rocky River a safer place to live and work is honorable and inspiring. At the age of 61, Lieutenant Sharp has served and protected the people of Rocky River with courage for 34 years. We thank him for his service and wish him health and happiness.

IN RECOGNITION OF JOSEPH E. TELLES

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor Battalion Chief Joseph E. Telles for his 25 years of service with the San Bruno Fire Department. He was a past president of the San Mateo County Operations Committee and a member of the San Mateo County Communications/Technology Committee. Joe also served as the Fire Departments Liaison to the Bay Area Rapid Transit.

Joe started his career as a Firefighter in 1985 at the age of 25. He was promoted to Fire Captain in 2002 and to Battalion Chief in 2004.

During the 2009 Shu-Lightening wildland fire incident in the Shasta Trinity Forest, Joe was the Strike Team Leader, demonstrating—as he has throughout his career—his extraordinary leadership and organizational skills.

Joe has been successful in securing many grants to help the fire department obtain vital equipment, such as self-contained breathing apparati, EMS jackets, wildland shelters, truck rescue equipment, and portable radios.

The biggest accomplishment for a fire fighter is to not have anyone killed or seriously injured. Joe has a proud record of that accomplishment, even though he has fought a large number of big fires. Among them was a church fire in San Bruno that almost cost him his own life and the Salami fire in South San Francisco. In that fire Joe made what he calls “the best decision of his life.” He ordered 20 fire fighters out of the building right before its roof collapsed.

By far the biggest fire Joe and numerous fire fighters ever had to face was the “Glenview Incident,” the horrendous PG&E natural gas pipeline explosion in San Bruno on September 9, 2010 that killed 8 people and destroyed 37 homes. Due to the outstanding heroism of Joe and his colleagues, countless lives were saved. He was part of a world class emergency response team that prevented the disaster from reaching unimaginable proportions.

Joe has been married to his wife Cindy for as long as he has been Battalion Chief. They are the proud parents of three children, Jacquelyn, Joey and Wesley.

Mr. Speaker, I ask the members of this body to join me in honoring Joe Telles upon his retirement for his dedication to public service at the City of San Bruno Fire Department.

AFGHANISTAN WAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. KUCINICH. Mr. Speaker, Afghanistan continues to sink deeper into political crisis.

Afghan President Hamid Karzai's legitimacy and effectiveness as a leader is again being tested by the winners of last September's parliamentary elections. More than 200 parliamentarians have agreed to conduct a parliamentary session this weekend despite calls by President Karzai to delay the opening ses-

sion due to complaints of fraud during parliamentary elections. Karzai appointed a special court to examine charges of fraud despite unanswered questions of massive fraud in his own reelection in 2009.

A May 2009 report by the United Nations, UN, estimates that the majority of the Afghan population lives in poverty, despite the country having received almost 40 billion in aid between 2002 and 2009. The report blames widespread corruption and abuse of power as a main cause of Afghan suffering, leaving ordinary people without even the most basic services.

If we accept the premise that we need to be in Afghanistan until corruption falls by the wayside, we will be in Afghanistan forever. We cannot afford to continue pouring billions of dollars in Afghanistan to prop up a hopelessly corrupt Afghan central government. It is time to end this war.

IN RECOGNITION OF JAMES P. FOX

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor James P. Fox for his public service as district attorney of San Mateo County for 27 years. Jim was first elected in 1982 and then re-elected every four years since without opposition.

I first worked with Jim when I served on the Board of Supervisors. Even then, he was known as the “Silver Fox” for the luxurious topping of silver on his head. During my time in the California Legislature, I received many calls from Jim who often offered suggestions regarding legislation. We worked closely together on strengthening California's laws so that non-paying obligor parents would pay up what was owed. He once told me he saw a local realtor depicted as a family man in an advertisement with his new wife and their children on a beach, all the while failing to support his former wife and their children. Jim wasn't afraid to name names. The realtor paid up.

Jim courageously opposed the Three Strikes Initiative. He is a district attorney who has the courage to favor punishment when appropriate and who also favors treatment and deterrence through crime prevention. Jim is tough as nails but also thoughtful—a true pub-

lic servant. He decided at an early age to dedicate his career to the law. In third grade, home sick with pneumonia, he watched the McCarthy hearings on television and declared he would be an attorney.

Jim received his Bachelor's degree in psychology from the University of San Francisco in 1966 and his law degree from the University of San Francisco in 1969. In 1970 he started as a deputy district attorney for the San Mateo County District Attorney's office for four years before entering private practice for seven years in addition to serving as the city attorney of Half Moon Bay.

His dedication to public service has been outstanding. He has found time and energy to be a member of a number of commissions and committees, including the California Bar Association's Commission on Judicial Nominees Evaluations, the Criminal Law Advisory Committee, the Court Profiles Committee and the Ad Hoc Advisory Committee on Cameras in the Courtroom. He is a past president of the California District Attorneys' Association and a past vice president of the National District Attorneys' Association. Jim has been appointed twice to the California Commission on Peace Officer Standards and Training.

Additionally, Jim has been very active in civic affairs. He served as a member of the Board of Directors of Mercy High School in Burlingame, the Board of Directors of Notre Dame High School in Belmont and Junipero Serra High School in San Mateo and as a member of the San Mateo County Children and Family First Commission, now named First Five.

With all of these volunteer positions, Jim still finds time to pursue his culinary passion. His chocolate fudge is legendary. If you have attended county events with Jim, you may have encountered these delicious confections labeled with his signature golden sticker depicting a fox and proclaiming: “County of San Mateo, FOX FUDGE (not produced at government expense).”

Jim's wonderful sense of humor and easy smile endear him to his colleagues, friends and his family. He and his wife Bonnie of 42 years are the proud parents of three and grandparents of seven.

Mr. Speaker, it is right to honor James P. Fox for his tireless dedication to the public upon the occasion of his retirement on December 31, 2010, after seven terms as the District Attorney of San Mateo County.

HOUSE OF REPRESENTATIVES—Monday, January 24, 2011

The House met at noon and was called to order by the Speaker pro tempore (Ms. FOXX).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 24, 2011.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

LET'S GET REAL ABOUT THE DEFICIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, by all accounts we're finally going to get serious about the mountain of debt that's been built up over the last 10 years that we're going to leave for our kids and grandkids—nearly \$14 trillion, a number that's hard to actually understand.

Now, I'm hopeful it will really be a serious discussion, but it can't be as long as the Republican rules stand. The Republicans have said that if you reduce income to the government that that doesn't count toward the debt or the deficit. You have to borrow the money—probably from China—and it goes on the debt for our kids and grandkids. But they don't count that because it's your money. We're giving it back to you. Except, of course, we're still spending more than is coming in.

Now, I'm all for looking at the expenditure side, and there are a lot of places I'd like to cut. Republicans have put some of them off-limits.

We can't look anywhere in the Pentagon who is still acquiring through

cost-plus contracts weapons that were designed to fight during the Soviet era. We're wasting a fair amount of money over there. It's well documented.

The Pentagon is the only agency of the Federal Government that can't be audited. Every other agency is audited. Most of them get good grades. The Pentagon, they say maybe within 5 years they will have an accounting system that could be audited. Come on. And we're going to exempt them from scrutiny and review and cuts?

The war in Afghanistan, they've exempted that from cuts. They want to spend about \$200 billion this year on the wind-down in Iraq and the war in Afghanistan. But that's off the table as far as Republicans are concerned.

And Social Security they say is off the table, and that's good. Medicare is off the table. They just added to the costs of Medicare with legislation they passed last week, but that doesn't count either. That was exempt.

So what's left? Well, we're going to have, because of the tax cuts adopted in December, a \$1.6 trillion 1-year deficit. Now, if we were only going to get to a balanced budget this year with cuts, that would mean eliminating the entire government of the United States of America. We'd still make our Social Security payments. And we wouldn't be able to exempt the Pentagon, which they want to do, if we wanted to really get to \$1.6 trillion.

No more Border Patrol. No more Homeland Security. No more Coast Guard. No more Postal Service. No more Centers for Disease Control. Department of Education, gone. They wouldn't care much about that. Park Service I guess would probably sell off the parks to the highest bidder. I don't know.

So you can't be serious and stand here and say we're going to put this hand and tie it behind our back, which is the revenue side. Oh, and by the way, if we give millionaires and billionaires tax cuts and reduce our income, that doesn't count. If we allow corporations to continue to use overseas tax loopholes to avoid paying a responsible level of taxes here in the United States, that doesn't count. Can't close any loopholes. That would be bad. No. They just say we're going to do it all in cuts. It's an impossible task.

But I worry even though they say they've exempted Social Security that that's not really their game plan. Because for the first time this year, we will borrow money to put into Social Security. Never been done since the

program was created. It's always been funded by its own tax.

But this year, the Republicans cooked up an idea—which President Obama bought into lock, stock, and barrel—to reduce the Social Security tax under the guise of giving people back their money and putting people to work. Every Member of Congress will get over \$2,000 in tax breaks this year because of that one provision. Every millionaire and billionaire will get over \$2,000 in tax breaks. Working people will get a tax break, too—and they can use a tax break—but there are better ways to do it, less costly ways to do it, and ways to do it without jeopardizing the future of Social Security.

So part of the borrowing this year, a couple of hundred billion dollars of that borrowing this year is going to be from China, the government will borrow, to reinject into the Social Security trust fund.

So I fear the Republicans are going to say, "Well, wait a minute. We can't subsidize that Social Security thing. And oh, by the way, you can't restore the taxes and run Social Security on its own income." So they're creating some impossible scenarios here.

I'm hopeful the President will chart a better path, one that doesn't go after Social Security. Social Security didn't create, until this year, one penny of the debt of the United States but this year it will create \$200 billion of debt for the United States. A very bad precedent set by a bipartisan problem—the Republicans and President Obama and some few Democrats.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEFAZIO. Let's get real about the deficit.

GOVERNMENT REGULATIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, as one who is firmly in the camp of not just supporting the benefits but the necessity of government regulation, I nonetheless welcomed the President's recent op-ed in the Wall Street Journal and his executive order to review the regulations we have in place.

This is a unique opportunity to reframe at least part of the regulatory debate to satisfy both sides and better serve the public. The area of opportunity lies in creating a new generation of environmental protections that

are performance based. Pioneering efforts to protect the environment, like the Clean Air Act and the Clean Water Act, were regulatory based that worked well for their time. Public health requirements, citizen expectations have evolved. Subsequent efforts have become more difficult, expensive, and time consuming.

Having these agencies dictate specifics is not necessarily providing the most innovative, timely, nor cost-effective solutions.

There is an alternative to rules-based procedures, command-and-control rules process. Such a model would give latitude to parties on how they comply with the standards for protection as long as they met or exceeded the requirement.

In Oregon, we were able, some years ago, in partnership with the EPA and the State Department of Environmental Quality, to work with a major industrial presence in our community, Intel, on a plant expansion where latitude was granted for air quality compliance. The company made an enforceable commitment to the requisite clean air and environmental regulations, but the environmental agent regulators did not micromanage how the company complied. The result? Clean air with less cost and time.

There are countless opportunities for this principle to save time, money, and create innovation, and importantly, the potential to reduce opposition to the regulatory process itself: building trust and confidence, partnerships between the regulator and the regulated with more control, more flexibility, producing a cleaner, safer environment.

This requires first and foremost an administration that can be trusted to act in good faith because too often, regulatory reform is a tactic of those who are simply opposed to the regulation in its first instance.

□ 1210

This approach will only invite fierce opposition to watered-down protection. The Obama administration has established its environmental credentials and should be able to avoid, or at least lay to rest, that sort of concern.

There are two other necessary elements. The standards must be clear, and the parties must be both responsible and have the capacity to be held accountable. Nothing must allow the protection in question to be undercut. Indeed, it may be reasonable for performance-based approaches to require higher standards and environmental protection. And we certainly don't have to suspend current rules or regulations. Just give an alternative path for compliance that we can always fall back upon if people fall short.

Once it's clear that we can produce the environmental or other desired protections on a performance basis, per-

haps we can tackle redundant regulatory processes. For instance, California has arguably more stringent environmental regulations than the United States Government itself. Can we figure out a way to apply that single, more stringent standard rather than forcing individuals, government agencies to comply with both?

In sum, it's always helpful for an administration to make sure our efforts at government regulation are effective and relevant. By all means, eliminate the unnecessary or the ineffective. What is more important, however, is to usher in a new era of performance-based protections to improve regulations, save money, and protect the public welfare.

THE BUDGET AND SUSTAINABLE DEFENSE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

Mr. KUCINICH. As we begin this great debate over what our priorities are, it's worth reflecting on an article that was written nearly 3 years ago in the Sunday Times of London by Nobel Prize-winning economist Joseph Stiglitz and his associate Linda Bilmes. Here is what they write:

"The Bush administration was wrong about the benefits of the war"—talking about the Iraq war—"and was wrong about the costs of the war. The President and his advisers expected a quick, inexpensive conflict. Instead, we have a war that is costing more than anyone could have imagined.

"The cost of direct U.S. military operations—not even including long-term costs such as taking care of wounded veterans—already exceeds the cost of the 12-year war in Vietnam and is more than double the cost of the Korean War.

"And, even in the best case scenario, these costs are projected to be almost 10 times the cost of the first gulf war, almost a third more than the cost of the Vietnam war, and twice that of the First World War. The only war in our history that cost more was the Second World War, when 16.3 million U.S. troops fought in a campaign lasting 4 years, at a total cost, in 2007 dollars, after adjusting for inflation, of about \$5 trillion."

They go on to write that, "With virtually the entire Armed Forces committed to fighting the Germans and Japanese, the cost per troop, in today's dollars, was less than \$100,000." That's in 2007 dollars. "By contrast, the Iraq war is costing upward of \$400,000 per troop.

"Most Americans have yet to feel these costs." This was written almost 3 years ago. "The price in blood has been paid by our voluntary military and by hired contractors. The price in treasure has, in a sense, been financed entirely

by borrowing. Taxes have not been raised to pay for it—in fact, taxes on the rich have actually fallen. Deficit spending gives the illusion that the laws of economics can be repealed, that we can have both guns and butter. But, of course, the laws are not repealed. The costs of the war are real even if they have been deferred, possibly to another generation."

That from Joseph Stiglitz and Linda Bilmes almost 3 years ago.

One of the biggest causes of our soaring debt and economic insecurity ends up being Pentagon spending. The budget for the Pentagon consumes more than half our discretionary spending. We have seen countless stories of U.S. taxpayer dollars going unaccounted for in Iraq and Afghanistan. We have had countless high-profile hearings on contractor fraud and the lack of oversight at the Department of Defense.

According to the Friends Committee on National Legislation, 39 percent of our income tax dollars last year went to Pentagon spending on past and current wars. And Stiglitz, again, has said that the Iraq war "didn't just contribute to the severity of the financial crisis . . . it kept us from responding to it effectively. Increased indebtedness meant that the government had far less room to maneuver than it otherwise would have." So what we have is the U.S. financing war on borrowed money.

We must examine our connection between soaring debt and these two wars, the war in Iraq and war in Afghanistan. Between 2003 and 2008, the U.S. debt increased by almost \$4 trillion. A quarter of that debt is directly attributed to the war in Iraq. The cost of the war in Afghanistan has been over \$455 billion to date, and the deadline for that keeps sliding past 2014.

Now, in the nationalpriorities.org, they talk about a sustainable defense. And one report says that there are options for reducing military spending, saving nearly \$1 trillion over the next decade without adversely impacting U.S. national security interests. So we can have a strong defense, but we're spending so much money, we're undermining our ability to be able to provide for the American people here at home. And we have to start taking care of things here at home.

What will we sacrifice? Will we sacrifice the education of our children for these wars? Will we sacrifice Social Security for these wars? Will we sacrifice Medicare or Medicaid for these wars? Will we sacrifice our infrastructure for these wars? Or will we say the war in Iraq was based on lies; let's bring these troops home? Will we say that Afghanistan is a hopeless, corrupt mess and it's time to bring our troops home, and then begin to use the resources of our country, those resources that are hard-earned taxpayer dollars, use that money for things here at home? Let's

have that debate as we talk about cutting the budget.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 18 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Infinite God, You are without beginning or end. We begin each formal session of this law-making Chamber with reflection on Your Holy Word and prayerful petition.

This representative government, Lord, is laden with great expectations and innumerable problems; so in the early hours we seek Your light and inspiration to set priorities and shape proper means to achieve common goals of legislation.

In this information age surrounded by media opinions, kindly lead us to the essential truth on all the issues.

In the evening, before we take our rest, Lord, help each Member find the time for grateful prayer to renew love and loyalty, lest we be consumed by work or become tepid due to debate and criticism. Renew us in our commitments to be faithful both in love and service.

In the beginning and in the end of each passing day, may we draw closer to You now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. YOUNG) come forward and lead the House in the Pledge of Allegiance.

Mr. YOUNG of Indiana led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NLRB THREATENS VOTERS OF SOUTH CAROLINA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this week I was startled to read in Free Times a brief by Corey Hutchins that the National Labor Relations Board announced plans to sue South Carolina and three other States because voters approved ballot amendments in November.

In South Carolina, more than 85 percent of voters chose "yes" on an amendment to give employees the constitutional vote by secret ballot on union representation. This threat is an insult to the voters of the Palmetto State, and it is an insult to the sacred right of secret ballot. Sadly, this is an underhanded admission by the administration that union bosses want to evade voters and deny Congress its right to stop Card Check, which has forced unionization of workers.

It's an admission workers know that today union leaders are more focused on their own personal enrichment with union dues than the rights of workers.

Fortunately, South Carolina is a right-to-work State where workers are protected, new jobs are created, and we respect the votes of all citizens. I commend the efforts of South Carolina Representative Eric Bedingfield and Senate Majority Leader Harvey Peeler for sponsoring the amendment.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HONORING PRIVATE FIRST CLASS ZACHARY SALMON

(Mr. YOUNG of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to honor Private First Class Zachary Salmon, an Army Cavalry Scout with the 1st Battalion, 32nd Cavalry Regiment, 1st Brigade Combat Team, 101st Airborne Division. On January 12 of this year, he was killed in action in Kunar province in Afghanistan after insurgents attacked his unit. This past Friday, he was laid to rest in Lawrenceburg, Indiana. Just 21 years old, PFC Salmon enlisted in the Army 3 years ago as a way to provide for his then-newborn son, Noah, whom he adored.

While I never had the honor of meeting him in person, I learned at his wake this past Friday that he exhibited all the best qualities of our men and women in uniform: a patriotic sense of duty, a strong desire to help others, and a keen awareness of his weighty responsibilities as a man in uniform. Known to his friends as "Fish," he also had a bright sense of

humor and a huge heart. In addition to his son, Noah, PFC Salmon leaves behind his mother and father, his stepfather, his brother, and two sisters. We all owe a debt today to PFC Salmon for making the ultimate sacrifice on behalf of our country.

Thank you, PFC Salmon. May God watch over you, little Noah, and the rest of your family.

THE NATIONAL DEBT—NO DEPARTMENT SHOULD BE EXEMPT FROM BELT-TIGHTENING

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, later today we will vote on a resolution to reduce Federal non-security spending to the 2008 level or in some cases less. This is a very good first step if we follow through and abide by this resolution. However, we need to make sure that these cuts are real and not simply cuts that will be reinstated later in an end-of-the-year omnibus spending bill.

More importantly, I want to add my voice to the growing chorus that is saying loud and clear that nothing should be left off the table. There is waste in every Federal department and agency, and the waste in the Defense and Homeland Security Departments is huge. No department should be given a free pass and made exempt from cost savings and belt-tightening.

We have a national debt of over \$14 trillion, a mind-boggling incomprehensible figure. Even The Washington Post, which has usually supported every Federal spending program imaginable, editorialized recently, "It's time to stop worrying about the deficit—and start panicking about the debt. The fiscal situation was serious before the recession. It is now dire."

THE LEAVING ETHANOL AT EXISTING LEVELS ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today I want to talk about legislation that I will reintroduce that will put a pause on the Environmental Protection Agency's actions in moving forward with a waiver for an increase in the amount of ethanol in gasoline.

Currently, gasoline contains a 10 percent blend wall. In October of this past year, the EPA granted a waiver for the allowable amount of ethanol to increase to 15 percent.

I have questioned their decision to move forward with a waiver for E15. I was wholly dissatisfied with the response they gave in a briefing last fall. They deferred to the Department of

Energy's research. Does the EPA not employ its own scientists and experts? Is it the EPA's position that it is incapable of doing its own research?

Mr. Speaker, we are all aware of the problems that occurred in 2008 with food-to-fuel diversion and the resultant increase in price in commodities. I don't believe the EPA has done its due diligence. And certainly they haven't provided information that would disprove any fears about the use of E15 causing mechanical failures and fires, particularly in smaller engines.

My bill will allow for a pause and allow for more assurances to be made that the increase in the blend wall for ethanol will be safe. The security of the public's well-being should be paramount in this issue.

CALLING FOR A SPECIAL ENVOY ON RELIGIOUS MINORITIES IN THE MIDDLE EAST AND SOUTH CENTRAL ASIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, last week the Tom Lantos Human Rights Commission held a hearing on the plight of Christian minorities in Iraq and Egypt. In the wake of the devastating attacks targeting Christians in both countries, it is clear that religious minorities in the Middle East are facing a serious threat that must be addressed. This recent spate of violence has driven many Christians and other religious minorities to flee the lands they have inhabited for centuries and attempt to emigrate to the West. If the international community fails to speak out, the prospects for religious pluralism and tolerance in the region are bleak.

President Reagan once said that the U.S. Constitution is "a covenant that we have made not only with ourselves, but with all of mankind." I believe the United States has an obligation to speak out for the voiceless around the world.

This week I will introduce, with other Members, a bill which would require the administration to appoint a Special Envoy for religious minorities in the Middle East and South Central Asia in order to make this issue a foreign policy priority, and I ask my colleagues to join me.

□ 1410

HONORING TODD BUCH

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Middletown Community Foundation and to honor one of my constituents from Bucks County, Pennsylvania, Mr. Todd Buch.

Each year, the Middletown Community Foundation honors a local resident with the Humanitarian of the Year award. The Middletown Community Foundation is a nonprofit organization created to improve the quality of life for individuals who live and work in my hometown of Middletown Township, Bucks County.

This year it is the Humanitarian Award that is being presented to Mr. Todd Buch. Todd is the president of McCafferty Auto Group in Langhorne. Todd and his family have been generous and enthusiastic supporters of their community for decades, and his award from the Middletown Community Foundation is very fitting. Todd's business achievements alone have been impressive, with his dealership sustaining hundreds of jobs in Bucks County. Todd's contributions to the community have gone beyond his leadership in the business community.

Mr. Speaker, the time allotted to this speech today is frankly insufficient to list all of Todd's achievements and contributions in this regard. Just a few recipients of Todd's generosity have been the Neshaminy High School Choir, the Neshaminy High School Aloha Bowl Parade, Pennsbury High School, Bristol Township High School, the United Way, Middletown Township, and countless others.

Mr. Speaker, during a month when we honored the service of Martin Luther King, I am reminded of the great civil rights leader's quote that "anyone can be great because anyone can serve." By this measure and countless others, Todd Buch is truly great; and I am proud to honor him today.

MEDICAID

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, most States, including my own State of Pennsylvania, are facing significant budget problems this fiscal year. The fiscal situation in some States eerily resembles Greece and Ireland.

Unfortunately, the Federal Government is adding fuel to the fire with new Medicaid mandates that could cost the States billions of dollars. ObamaCare burdens the States in two ways. First, it requires them to enroll millions more beneficiaries. While the Federal Government will at first pay for the benefits of these new enrollees, the States will gradually have to start picking up the tab. Second, the Federal Government will only help cover the cost of benefits, not the administrative costs associated with all these new enrollees. Since some States will be forced to nearly double their Medicaid rolls, this will certainly hit their budgets hard.

We cannot forget that 49 of 50 States are required to balance their budgets

every year. They will face the grim choice of discontinuing their Medicaid program, raising taxes, or slashing other essential government services.

We have talked a lot about ObamaCare bankrupting the Federal Government, but we can't forget that it could drive States over the cliff at the same time.

RECESS

The SPEAKER pro tempore (Mr. SMITH of Nebraska). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MACK) at 5 o'clock and 15 minutes p.m.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 38, REDUCING NON-SECURITY SPENDING TO FISCAL YEAR 2008 LEVELS OR LESS

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 43 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 43

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels. The amendment in the nature of a substitute recommended by the Committee on Rules now printed in the resolution shall be considered as adopted. The resolution, as amended, shall be considered as read. The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules or their respective designees; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, I am happy to yield the customary 30 minutes to my good friend from Worcester (Mr. MCGOVERN). All time yielded will be for debate purposes only.

Pending that, I yield myself such time as I may consume.

Mr. Speaker, runaway Federal spending is one of the most significant issues that this Congress is facing. Our national debt has implications for nearly

every major challenge that we must confront. It's tied to our economic recovery, it's tied to our national security, it's tied to our ability to deliver on our constitutional mandate for transparent, limited and responsive government.

The time to exercise our power of the purse with discipline and restraint is long overdue. Let me say that again: the time for us to exercise our power-of-the-purse restraint is long, long overdue. We must return to pre-bail-out, pre-binge spending levels for funding the Federal Government.

We know that a great deal of hard work and tough decisions lie ahead for every single Member of this institution. We know that a great deal of hard work is there; and we're going to face some very difficult, tough, tough decisions. They are going to be difficult decisions; but, Mr. Speaker, they are decisions that we're going to have to make.

First and foremost, we must get our economy growing and our workforce expanding again. Strong growth and job creation will increase tax revenues and provide greater resources that are needed; but, Mr. Speaker, that's only half of the equation. Economic growth is critically important. We need to do it so that we can enhance the flow of revenues to the Federal Treasury to deal with those essential items that are there, but it is half the equation.

We can't get back onto firm ground with sound fiscal standing unless we have a leaner Federal budget. Some of this can be accomplished by eliminating waste, fraud and abuse. Everybody is always in favor of eliminating waste, fraud and abuse. And what is the best way to do that? Robust oversight. Robust oversight will allow us to streamline Federal spending and make better use of taxpayer dollars, but we have to acknowledge up front that hard work and painful cuts lie ahead. We all know that this is not going to be an easy task, but it is absolutely essential.

Just as families and small businesses across this country have been forced to cut back during these difficult economic times, we here in this institution are going to have to do the same. That's the message that we got last November that brought people like my Rules Committee colleague, Mr. SCOTT, who is sitting next to me on the floor here, that's the message that has been carried here.

Some Federal programs, Mr. Speaker, are wasteful and duplicative and deserve to be cut. There will be others that have merit, but which we simply cannot afford at the current levels. We have to be honest about that. We have to engage in a responsible debate about what our priorities must be.

□ 1720

What we cannot do is allow this debate to degenerate into false accusa-

tions about the other side's intentions. And I'm going to repeat that, Mr. Speaker. We cannot let the kind of free-flowing, rigorous debate that we need to have degenerate into these accusations that we so often seem to hear around here.

There is no one in this body who wants to gut funding for key essential programs, like veterans' programs, or like education, child nutrition. No one wants to gut these programs. So I think it's important for us to state that. And there is no evidence that any proposal out there would undermine things like support for our Nation's veterans.

We are all entering into this debate with good faith, good intentions, and a commitment to responsibly address the need to implement fiscal discipline. We will have to make hard choices, but that process will not be served by unfair or disingenuous accusations.

We also recognize that this will be a lengthy process. We are just beginning what is going to be a 2-year process focused on this.

Today's underlying resolution, the measure that we're going to be considering through this rule and then on the floor tomorrow, is merely the first step in this ongoing effort to bring our Federal budget back into the black. Our committees will have to conduct extensive oversight, as I mentioned earlier, of Federal programs. We will have to dispense with fiscal year 2011 spending, which the last Congress failed to do, before we can even begin to deal with the coming fiscal year.

The underlying resolution that we have before us today lays down a marker for reducing spending and puts the House on record for its commitment to tackle this issue in a serious way. The hard work will follow.

As this process proceeds, rank and file Members of both political parties, Democrats and Republicans alike, will have the opportunity to participate in our effort to address these very tough decisions.

Through constructive debate, we can finally begin to impose real accountability and discipline in our Federal budget. In concert with pro-growth policies—and I said to me the most essential thing is implementing pro-growth economic policies—but going hand-in-hand with these pro-growth policies, Mr. Speaker, this effort will put us back onto the path of economic recovery and job creation.

Today's rule sets the stage for the start of that effort. I'm going to urge my colleagues to support this rule and demonstrate their resolve to tackle runaway Federal spending in a serious way.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the chairman of the Rules Committee for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this closed rule. So much for an open process, and so much for a free flow of ideas. I also rise in strong opposition to the underlying resolution.

Once again, the Republican majority is choosing to ignore the single most important issue facing the American people: jobs. My Republican friends have instead brought forth a resolution, H. Res. 38, that they tout as some sort of spending reduction measure. In fact, the resolution doesn't cut a single dollar—not one dime—from the Federal budget.

If this were a good-faith effort, there would be some numbers in this resolution. Instead, the resolution says that we should "assume non-security spending at fiscal year 2008 levels or less" without defining "non-security" spending or specifying exactly what those levels might be. In other words, Mr. Speaker, this is a budget resolution without any numbers, which is why it is so meaningless.

We are told that the numbers are on their way, that the Congressional Budget Office will tell us on Wednesday of this week what the impact of this resolution would be if it were actually put into place. So why are we here today debating this issue? Why can't we wait until Wednesday when we have the numbers? The answer is as plain as the calendar on the wall: it's politics, pure and simple.

The Republican leadership has scheduled a vote on the resolution tomorrow just before President Obama addresses the Nation in his State of the Union Address. That way, they'll have a fresh set of talking points for their response to the President. They'll be able to say, "Look how serious we are about cutting government funding," when, of course, they haven't cut anything.

Another problem with the resolution is that it reinforces the terrible precedent that the Republican majority established in their rules package at the beginning of this Congress. Under those rules, a single Member of Congress, the chairman of the Budget Committee, has the authority to determine spending levels for the government for the rest of the year.

Now, like all of my colleagues, I have a great deal of respect for the current chairman of the Budget Committee, Mr. RYAN. But I strongly disagree with the notion that he and only he should determine something as fundamental as the budget of the United States.

Mr. Speaker, we have to vote in this House to change the name of a post office. But we can't have a vote on how much we should spend on education, on food safety, on infrastructure, on environmental cleanup, or on medical research? That's a far cry from the openness and transparency that my Republican friends promised.

Last week in the Rules Committee, I offered an amendment to this resolution that would have allowed the other

435 Members of the House the opportunity to vote on this critical issue. But my Republican colleagues defeated my amendment on a party-line vote.

And finally, Mr. Speaker, the resolution walls off defense spending from the budget axe. We hear all the time from my friends on the other side of the aisle that everything should be on the table. Why then would they take hundreds of billions of dollars of potential savings off the table right out of the gate? Even Speaker BOEHNER on a recent interview said, "I believe there's room to find savings in the Department of Defense." Well, if that's true—and it most certainly is—then why does this resolution treat defense spending as sacred and untouchable?

Mr. Speaker, when it comes to the Federal budget, the Republican majority is not off to a good start. Their rules package paved the way for them to add nearly \$5 trillion to the deficit. Last week, they voted to repeal the health care law and add another \$230 billion to the deficit. And now they are rushing a 1-page bill without a single number and without any specifics about how and where they want to cut.

What we are doing today, Mr. Speaker, is not real. There are no tough choices being made today. This is show business, and quite frankly, it diminishes the legislative process. The American people deserve much, much better. I urge my colleagues to reject this closed rule, and I urge them to reject the underlying bill.

I reserve the balance of my time.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this rule that we are considering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to one of our new Members whom I mentioned in my opening remarks, the gentleman from North Charleston, South Carolina, my Rules Committee colleague, Mr. SCOTT.

Mr. SCOTT of South Carolina. Thank you, Mr. Chairman.

Mr. Speaker, as a business owner who's only been in Congress for 19 days, I know as a small business owner that if we want more jobs in our economy, we must be serious about spending cuts.

Deficit spending in Washington is burdening future generations. Unborn Americans will have to pay for the benefits that we ascribe to ourselves. During the previous 2 years, Congress has added nearly \$3.3 trillion to the national debt. Is it any wonder then that during the same time period our unemployment rate has skyrocketed from 7.8 percent to 9.4 percent? It's not.

As a small business owner, when I don't have to pay higher taxes, I'm able to hire more people. When I don't have to pay higher taxes, I'm able to invest in more equipment and more services.

□ 1730

Every dollar taken from me by the government means that I have to go out and earn \$2 more just to break even. That's why I offered the amendment in the Rules Committee for spending even less, even less than the 2008 levels. 2008 levels are just a start. And we need to go much deeper than that. I support this rule.

Mr. MCGOVERN. Mr. Speaker, let me acknowledge the presence of my new colleague who is on the Rules Committee and simply say that, if this were a serious effort, there would be numbers in this bill. There are none. This is about issuing a press release after the State of the Union so that Republicans can have a talking point to go home with. This is not a serious effort. And if it were, there would be real numbers in there. If we were interested in rigorous debate, this would be an open rule.

I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), the ranking member on the Budget Committee.

Mr. VAN HOLLEN. I thank my colleague.

Here we go again. As my colleague said, if this were a serious proposal on the budget, you would have a budget number in this document. There is no number in this document.

Look, on opening day our Republican colleagues passed a measure that immediately gutted the pay-as-you-go rule that we have in this body and did an end run around the pay-as-you-go law. A few days later, we figured out why they did that, because they added \$230 billion to the deficit over 10 years and \$1.4 trillion over 20 years. Those aren't my numbers, those are the numbers of the independent, nonpartisan Congressional Budget Office with respect to the impact of their effort to repeal health care reform instead of doing what we should be doing, which is focusing on jobs.

That measure on opening day also did another thing. It gave the chairman of the Budget Committee unprecedented power to unilaterally pick the budget ceilings, the spending ceilings for this entire Congress. No input from anybody else, no debate, no vote. So all of us thought when this new measure was coming up maybe now we're going to have some accountability. Maybe this body will have an opportunity to vote on the very important spending ceilings for the United States Congress and for the government. But lo and behold, when you look at the resolution, there's no number. Where's the beef?

And I have to say to my colleagues that, if you want transparency, why

are you hiding the ball? Is the number going to be 100 billion? Is it going to be 80 billion? Is it going to be 60 billion? We hear all different numbers in the press out there, and they haven't put it in the measure. Instead, they've said once again, we're going to allow the chairman of the Budget Committee to decide.

Now, I have great respect for the chairman of the Budget Committee, but none of us should be contracting out our votes and our responsibilities to another Member of Congress. We shouldn't ever do that. Certainly we shouldn't be doing that on something as important as setting the overall budget and spending ceilings for the United States Government. That's irresponsible. And yet that's what this rule will ask every Member to do—contract out his or her vote to one person.

So why are we doing this? Why are we bringing a budget resolution to the floor with no number? As my colleague said, timing is everything here. This is an opportunity to have a press release tomorrow, the day the President's going to deliver the State of the Union address, to create the illusion that they're making progress on the budget number, without a number.

Now, we heard from our colleagues on the Republican side. Well, you know what? We have to wait for the Congressional Budget Office to tell us what their projections are so we can figure out the magnitude of the reductions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. VAN HOLLEN. We asked them, Why don't we have the number? They said, Well, we've got to wait for CBO.

We are pleased to hear the newfound respect for the CBO numbers, but here's my point. That's going to happen within 24 hours of tomorrow. Twenty-four hours. We could have a budget resolution with the beef, with the number, so everyone could decide what the ceilings are going to be. No, we've got to do it tomorrow. Why? State of the Union Address. Great press release.

Now, I've heard my colleagues say they've got to do this because there was nothing in place in the House from a budget perspective. Well, in fact, the House last year passed a budget enforcement act. I've got it right here. It's got a number in it. It's got a number in it like these budget documents have.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from California.

Mr. DREIER. I would like to ask my friend what was the vote in the House on that budget that my friend was just talking about?

Mr. VAN HOLLEN. I don't remember the exact vote, but it passed, Mr. Chairman.

Mr. DREIER. It was deemed. There was never a vote in this institution on it, Mr. Speaker.

I thank my friend for yielding.

Mr. VAN HOLLEN. There was a vote on a resolution in the House.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. I yield the gentleman an additional 30 seconds.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

Listen, what we are doing today is the ultimate example of deeming. We are passing a resolution that deems, in advance, the passage of a number that we don't even know, and it's going to be decided by one person. We are deeming that individual all the authority. And the shame of it is that that's a process that I think we all recognize is flawed. And yet this is deeming on steroids.

So I would suggest that we come up with a real number, put some beef on this, have a real argument, and let every Member vote and take responsibility.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Let me say that I think that one of the things that we have to recognize here—and I am happy to engage in rigorous debate, and I'm happy that we have not at this point had any of our friends on the other side of the aisle talk about the prospect of starving children, throwing people out of schools, depriving veterans of access to the things that they need. So I express my appreciation to my colleagues, because when we were up in the Rules Committee, that was the tenor of the discussion that took place upstairs.

One thing that I want to say, Mr. Speaker, is that, in 1974, the Congress put into place legislation known as the 1974 Budget and Impoundment Act. I happen to believe that that needs to be overhauled, because Democrats and Republicans alike recognize that the 1974 Budget and Impoundment Act has been a failure, an abject failure. And I've been working with my friend from Maryland, the distinguished ranking member of the Budget Committee, and Mr. RYAN, the chairman of the Budget Committee, as well as the chair and ranking member, Messrs. CONRAD and SESSIONS, in the Senate on the notion of our working together in a bipartisan, bicameral way to bring about an overhaul of the 1974 Budget and Impoundment Act.

Now, one of the reasons that I believe it is essential is that last year was the first time ever that we have not seen a budget passed. It's the first time since implementation of the 1974 Budget and Impoundment Act. And, Mr. Speaker, with all due respect to the crocodile tears that are being shed so often on this House floor, I think it's important to note that that is why we are in the

position where we are today. We wouldn't be here had we had a budget passed.

Now, many people talk about this calendar year, but we are 5 months—we are 5 months—into the fiscal year, and that is the reason that we are in a position where we're having to make the kinds of tough decisions that we are.

My friend from North Charleston, my very, very thoughtful colleague is a new member of the Rules Committee, has been raising with me some very simple and commonsense questions about the process that we have been going through. One of the things that he just said in a meeting that we just participated in was that we need to recognize that we, at this moment, are beginning the process, we are beginning the process of cutting spending. This is going to be a 2-year struggle. So this is not going to be the end of our effort to try and rein in wasteful Federal spending.

I know my friend had some thoughts on that, and I would be happy to yield to him if he would like to either pose a question or offer any comments that relate to either the health care bill and the vote that we just had or any other issue.

I yield to my friend from South Carolina.

Mr. SCOTT of South Carolina. Thank you, Mr. Chairman.

Question for you: Is it the first time since 1974 that the House has operated without a budget?

Mr. DREIER. Reclaiming my time, I thank my friend for giving me the opportunity to repeat what I just said so that we can underscore it.

Never before have we failed to have a budget. And yet, for the first time in 36 years, that happened.

□ 1740

That's why I believe that we have a chance to work, Democrats and Republicans together, with our colleagues in the other body to bring about real reform of the Budget Act itself.

I am happy to further yield to my friend.

Mr. SCOTT of South Carolina. Thank you, Mr. Chairman.

When you think about the repeal of the national health care bill, is that not a savings of \$2.7 trillion, at least the elimination of a \$2.7 trillion hole or an abyss on an entitlement program? Does it not reduce the debt by \$700 billion? Are these not real numbers? And if we really wanted a number, if we were looking for the number, would they not have passed a budget last year?

Mr. DREIER. Reclaiming my time, let me say that my friend is absolutely right.

Throughout the debate that took place last week, we heard that, in fact, repealing the \$2.7 trillion health care bill would end up costing \$230 billion

based on the numbers provided to us by the Congressional Budget Office's estimates. We kept hearing that, and in one of the exchanges we had with Mr. PENCE, only in Washington, D.C. can bringing about the elimination of a \$2.7 trillion expenditure actually cost money.

Now, Mr. Speaker, I think that the thing that we need to point to is not only the smoke and mirrors that went into the recommendations that were provided, whether it is dealing with the CLASS Act, which the chairman of the Senate Budget Committee has described as a Ponzi scheme—he used that term to describe it, whether it's that—or, to me, the most important thing to point to is the fact that in that measure there is a three-quarter of a trillion—Mr. Speaker, that's three-quarter of a trillion—dollar tax increase that is being posed along with the mandate.

So my friend from North Charleston is absolutely right, Mr. Speaker, when he points to the fact that we were, in fact, saving dollars with the action that we took last week, and we are very committed to ensuring that people have access to quality, affordable health insurance by allowing for the purchase of insurance across States lines, pooling to deal with preexisting conditions, associated health plans so that small businesses can get lower rates, the idea of meaningful lawsuit abuse reform, which the President of the United States talked about last year in his State of the Union message.

I mean, these are the kinds of things that we believe can immediately drive the cost of health insurance and health care down itself and at the same time we can disengage the Federal Government's dramatic involvement in this.

So my friend from North Charleston is absolutely right and I appreciate his, as a small businessman, coming to this body, bringing the common sense that he is sharing with us.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I am glad my friends on the other side of the aisle are happy that they voted to repeal the affordable health care bill, but I will tell you that there are real people in this country who are benefiting from the real protections in the bill who are quite anxious about the fact that there are people who want to remove the protection, for example, that prohibits insurance companies from discriminating against people with preexisting conditions. There are parents who can keep their kids on their insurance until they are 26 who are not too happy about that repeal. There are senior citizens who are benefiting from the closing of the doughnut hole who are actually feeling some benefits from this health care bill. They're not too happy that the Republicans

want to repeal all of that. And on top of that, the CBO said it adds considerably to our deficit.

At this point I would like to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am amazed that my colleague from California brings up the health reform. We were using CBO numbers, actual numbers that were provided by the CBO to say that we have a \$230 billion reduction in the deficit in the first 10 years and a trillion dollars beyond that. We're giving them actual numbers from the CBO to talk about deficit reduction.

But I don't see any numbers on this budget resolution that's on this floor today and tomorrow. I call it the budgetless resolution, because it contains no numbers, no specifics, and worst of all, no ideas for job creation or economic recovery, and it doesn't even include a serious plan to reduce the deficit.

This is not the way to manage the budget. It's worse than arbitrary. It's like budgeting with blindfolds on. It gives no thought, no reasons, no real discussion on how the cuts would be made and what the ramifications would be. Worst of all, the Republican resolution continues to ignore job creation and economic recovery. It doesn't even contain a real plan to reduce the deficit.

We gave you numbers with the health care reform that would actually reduce the deficit. This is a numberless budget, nothing at all.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I was unclear in my own mind which was worse, the terrible procedural abuse of this resolution or the serious substantive flaw, but I then realize they come together because it is procedurally outrageous so as to protect a substantive grave error.

First of all, it is a major piece of legislation, and it's not amendable, just like the health care bill. You may remember, Mr. Speaker, what people on the Republican side said about open rules. It will be a fond memory but apparently not a reality.

We have a very important piece of legislation subject to no amendment. I chaired a committee for 4 years and never would I have brought a bill to the floor with such an impact and had no amendments in order whatsoever. But I understand why they don't want an amendment, because it would reveal the grave flaw. This says reduce non-security spending to the level of 2008. In other words, exempt about half of discretionary spending. All security, I assume they mean military spending.

Now we have a war and we have to defend the people who we put out there. I have to say those who talk about shutting the government down—I don't know what they are going to tell the people in Afghanistan who are out there being shot at—but we have got tens of billions that we are spending subsidizing our wealthy allies in Europe and Asia.

The argument that you exempt military spending from budgetary discipline is one of the reasons we are in the terrible hole we are in. Now it is clearly indefensible to argue that you would exempt military spending from budget discipline. So how do you defend it? You defend it by not allowing an amendment that would bring it forward.

Why, Mr. Speaker, are we not able to say, well, not just non-security and maybe non-security shouldn't go down to the level of 2008, but it ought to go down somewhat or ought to be limited somewhat. This is part of a philosophy that puts pressure on all of the domestic spending, everything that affects the quality of life in America.

Now by "security," by the way, I mean police officers in the streets of the cities I represent and firefighters and bridges that won't collapse. But that's not security as it's defined by the Republicans. That's the kind of spending that will be severely cut.

Instead, we have a total exemption for the Pentagon. We have Mr. Gates, a Bush appointee, kept on wisely by Mr. Obama, saying it's time to start to reduce the military. The Republicans have attacked him for that.

So let's be very clear. There cannot be a sensible, comprehensive, balanced approach to deficit reduction when you follow this philosophy, not only totally exempt the military, but don't even allow an amendment that would make it something that you could talk about.

The notion that you give all this power to one person is also very interesting. I guess what we are learning is, then, the gentleman from Wisconsin (Mr. RYAN) has been somewhat more courageous than some others in what he has talked about. I disagree with him.

So apparently what we are learning today is that the Republican Party has the courage of PAUL RYAN's convictions. I wish they had the courage to let us debate whether or not military spending should be included.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume to say to my friend that again this is just the first step in a long process which will allow the kind of free-flowing debate that we are talking about. Now my friend will recall that never before have we gone through the appropriations process the way we did the last 2 years, that being, when my friend and I arrived here in 1981, and

when it came to the issue of spending, Members had the opportunity to stand up on the House floor and offer an amendment to the appropriations bill.

And I will tell you that it's our intention to once again have that kind of debate that we had all the way up until the last 2 years. So I can assure my friend that our goal of having a freer flowing debate is important.

The second point I would like to make, and then I will yield to my friend, is that while my friend has continually said that we didn't make amendments in order to this measure, there were no amendments submitted to the Rules Committee that would have given us the opportunity to do that.

We did make an amendment in order that modifies this, that came from Mr. SCOTT in the Rules Committee, that actually said that we should get to '08 levels or less, and it is true. My friend from Worcester did ask to make in order an amendment by Mr. VAN HOLLEN, but, as I said, there were no amendments that had been actually submitted to the Rules Committee.

□ 1750

So that vote was taken by the Rules Committee. That decision was made.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend from Massachusetts.

Mr. FRANK of Massachusetts. I'm a little puzzled. You said no amendments were submitted, but Mr. MCGOVERN did ask for one on behalf of Mr. VAN HOLLEN. Why did that not qualify?

Mr. DREIER. Reclaiming my time, Mr. Speaker, what I would say is that amendments submitted to the Rules Committee we do not actually have. I mean my friend knows very well that when it comes to the Rules Committee, when we are getting ready to report out a rule, there are amendments that are submitted. There was one amendment that was proposed by Mr. MCGOVERN. The Rules Committee chose not to make that amendment in order.

There was an amendment that did, in fact, bring us to lower spending—

Mr. FRANK of Massachusetts. Will the gentleman yield to me?

Mr. DREIER. If I might complete my statement. I think I control the time here.

It is very important to note that we did have an amendment that was considered in the Rules Committee by Mr. SCOTT which actually brought us to lower levels. It said 2008 levels or less.

I am happy to further yield to my friend.

Mr. FRANK of Massachusetts. First of all, I think the RECORD will show the gentleman has just amended his statement about amendments because he said no amendments were offered, then he later said—and I would ask people to look at the RECORD tomorrow. He

then said, Oh, an amendment was offered. His first statement was no amendments were offered—

Mr. DREIER. Mr. Speaker, may I reclaim my time. I reclaim my time to say the following—and I will yield to my friend again. I want to clarify what it was that I said.

Amendments are submitted up to the Rules Committee. There were no amendments that actually had been submitted to the Rules Committee, and that's the point that I wanted to make.

There is another issue that we need to point to also, and that is there is going to be something that was often denied, I would say to my friend, and that is a motion to recommit with instructions is going to be included in this measure so that, in fact, the minority will have a bite at the apple that was more often than not denied in the past. And so that is a step in the direction towards a more open process.

And again, as I said, this is the beginning. This is the beginning of a process that will allow for consideration of a budget resolution and an appropriations process which will give Members, Democrats and Republicans alike, an opportunity to participate.

With that, I am happy to yield 2 minutes to my friend from San Diego—

Mr. FRANK of Massachusetts. Will the gentleman yield to me?

Mr. DREIER. Of course. I have yielded three times to my friend, and I know that Mr. MCGOVERN has lots of time.

The gentleman from San Diego has asked to be recognized. I have had an exchange with him. And now I would like to yield 2 minutes to my friend from San Diego (Mr. BILBRAY), and then if Mr. MCGOVERN chooses to yield time to my friend, I am happy to engage in a discussion with him again.

Mr. BILBRAY. Mr. Speaker, let me say as somebody who had the privilege for 18 years to be in local government, I think those of us in the Federal Government have to understand that there are jurisdictions and priorities that we need to set.

Some people believe that it is as much a responsibility of the Federal Government to hire police officers as it is to maintain a military. I'm sorry. The constitutional line for those of us who are mayors and county chairmen recognized that we need the Federal Government to concentrate on our responsibilities—defending our borders, defending our national security. Those of us that served at local government would be able to address their issues much more appropriately and have a lot less burden.

But I really want to speak about the opportunities we have to work in a bipartisan effort. When we talk about budget reduction, rather than denying Americans the right to live in the United States unless they buy certain insurance, why aren't we talking about

doing cost reductions like California has done, not exactly a right-wing legislature?

MICRA there has had such an impact on the cost of insurance on physicians that an OB/GYN in Los Angeles pays 30 to 40 percent less for insurance than the same doctor in New York. Now, you can't tell me the cost of living is that much different, except for the fact that Sacramento has recognized that tort reform and limitations of trial lawyers' impact on health care is an essential one. If the legislature of California can agree to maintain that, why can't we work together to address those issues?

If we're talking about wanting to reduce costs, why didn't the health bill allow Americans, rather than taking away the rights to live in the country, the freedom to buy across State lines? That is well within our jurisdiction as a Federal body.

Why didn't we give freedom the answer to be able to reduce costs rather than talking about taking away the rights of Americans to live here? That is a real scary concept that we can't join on tort reform—and let's face it, the liability issue is sort of an interesting one. The Federal Government and States can actually address issues that say that somebody who is—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I would like to yield my friend 1 additional minute.

Mr. BILBRAY. Let me point this out. I know this because I was at the county running a health care system and supervising the health care system for over 3 million people.

The Federal Government has special protection for physicians if they're in community clinics that we do not give to other physicians. The Federal Government accepts the situations where somebody on Medicaid has more right to sue their physician than the men and women in uniform in this country. And I challenge you to tell me how it's justifiable that, if somebody doesn't pay for their medical costs in the military, they don't get to sue their doctor, but somebody who is on welfare and public assistance, they get to sue them. Can we talk about bringing those issues together and addressing the ability for a lawyer to get into an operating room is not as important as the right or the need of physicians to be able to do their job that is so essential?

And I want to close with this. We have not been talking about health care in the last year. We've been talking about health insurance. And the crisis that's coming down this pike is that in 10 years you may be able to call the health insurance people, but you won't be able to find a doctor unless you call 1-800 and get it over the phone.

Mr. MCGOVERN. Mr. Speaker, I appreciate the gentleman's comments, al-

though it has really nothing to do with the bill we're talking about here today. And our concern about this budget bill before us is that there's no number in it, and it essentially is a press release, I guess, to be able to talk about tomorrow after the State of the Union.

I also want to clarify what happened in the Rules Committee. I did offer an amendment that was rejected on party line that said that Members of Congress ought to have the ability to vote on this magic number that the chairman of the Budget Committee will come up with. That was rejected.

There was also an amendment offered by Mr. HASTINGS of Florida which would have allowed Mr. VAN HOLLEN, who is our ranking member on the Budget Committee, a substitute. That was rejected. And there was also an amendment for an open rule so that we could have a free and open debate, and that was rejected. So there were amendments that were offered, and they were rejected.

I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK) for a point of clarification.

Mr. FRANK of Massachusetts. First, I want to address this notion that police officers in our local streets pale in significance to the military. We have troops in Western Europe where our Western European allies are cutting their military budgets. And yes, I do think that funding police officers and firefighters in our cities is more important than allowing Germany and England and our European allies to reduce their military budgets because we subsidize them.

Secondly, I will say to the gentleman from California that I am somewhat disappointed. He did say there were no amendments offered. We have now just heard three were offered. If he meant that there were none on paper previously submitted, maybe he should have said that, because it would have been of real great relevance. The fact is amendments were offered, and they were rejected.

Mr. DREIER. Will the gentleman yield?

Mr. FRANK of Massachusetts. No. The gentleman wouldn't yield to me at the end when he—

Mr. DREIER. Of course I will. Mr. Speaker, I'm happy to yield my friend 30 seconds.

Mr. FRANK of Massachusetts. Regular order.

The gentleman from California wasn't happy with what he said. He didn't want to continue the debate; so I won't continue it either.

I would just urge people to read the RECORD tomorrow. Read his statement that no amendments were offered and read what the gentleman from Massachusetts said and see where the truth lies.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds to say what it is that

I said. What I said is there were no amendments submitted to the Rules Committee.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, as we meet this afternoon, there are 15 million Americans without a job. And this debate represents yet another wasted opportunity for us to come together and address the real number one issue of the country, which is putting people back to work.

The debate also represents a curious lack of clarity as to what exactly the majority is proposing. And there are words in this resolution, but there aren't numbers. So I did some research of my own about numbers. Let's take FBI agents, for example. Now, the resolution says that security spending is exempted, but it doesn't define security spending. When we passed the budget for FBI agents here, that budget is under the Commerce, Justice, Science budget, so I don't know whether this is within security spending or not.

But here is what I do know. Here is what I do know. In the present fiscal year, if we maintain the budget that we've been living under since October 1, we are on track to spend \$7.6 billion on FBI agents. If we do what the resolution says, which is to go back to what was spent in 2008, we would spend 22 percent less than that, or \$6.5 billion.

□ 1800

If you look at the average salary of an FBI agent, that would mean we would have to make do with 1,720 fewer FBI agents than we do today.

Now, I would be happy to yield to the sponsor of the resolution for him to tell me whether or not that is true. If this passes, are we going to have that level of reduction in FBI agents?

Mr. DREIER. I thank my friend for yielding.

Obviously, and it has been indicated early on, we are not going to see across-the-board spending cuts. The goal, I would say to my friend, is to get to '08 levels, and I believe that we can preserve the FBI.

Mr. ANDREWS. Reclaiming my time, the chairman has said we won't have across-the-board cuts. That, of course, means that we will have to find larger cuts than 22 percent in other areas of the Justice Department budget. The court system? Enforcement of the immigration laws? The other things that the Justice Department does? The resolution says nothing about what those would be, so I think we can be critical on another area.

For the budget year that we are in, we are spending about \$5.8 billion a year on cancer research at the Na-

tional Institutes of Health. If we do what the resolution says, we will cut by 22 percent and spend \$4.6 billion on cancer research. The average cancer research grant is about \$350,000. That means that we would have 3,628 fewer cancer research grants. If we are not going to have an across-the-board cut, I would again say: Where else in the National Institutes of Health will we cut? Research for Alzheimer's? Research for diabetes? Research for other areas? The resolution says nothing.

And here is what a prominent American has to say about resolutions like this:

"You can't fix the deficit or the national debt by killing NPR or the National Endowment for the Humanities or the Arts. Nice political chatter, but that doesn't do it. And I'm very put off when people just say let's go back and freeze to the level 2 years ago. Don't tell me you're going to freeze to a level. That usually is a very inefficient way of doing it. Tell me what you're going to cut, and nobody up there," meaning Capitol Hill, "yet is being very, very candid about what they are going to cut to fix this problem."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. ANDREWS. The author of that quote is not a Democratic Member of the House. It is not a White House spokesman. The author of that quote is retired Secretary of State Colin Powell who said yesterday: "Tell me what you're going to cut."

The minority doesn't want to grapple with that problem, which is why there are no amendments made in order, no numbers in the bill, and no reason to vote for this amendment.

Mr. DREIER. Mr. Speaker, I yield myself a minute and a-half to respond to my friend with a couple of comments.

First, this is about job creation and economic growth. Today we live with an economy where there is a tremendous degree of uncertainty, and we know right now that there are job creators, investors, who have resources on the sidelines. I don't believe that there is anything that we could do—well, there are a number of things that we could do that may be as important, I mean, reducing the tax burden on job creators, opening up new markets around the world. But one of the things that I think is critically important for us to do is to begin getting our fiscal house in order so that that will provide an incentive for job creation and economic growth.

The next point I would like to make is that while I congratulated my friends, Mr. MCGOVERN and Mr. VAN HOLLEN, for not engaging in the sky-is-falling threats about what might happen down the road, or actually determining what would happen, I have to

say that I was a little concerned and I have come to the conclusion that if one can't prioritize, Mr. Speaker, they resort to demonizing.

The fact of the matter is that we are beginning a process that will see us for the first time in 2 years have a free-flowing debate on appropriations. When my friend mentioned both the National Institutes of Health and the FBI, I believe those are important priorities that Democrats and Republicans alike want to fund.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 30 seconds.

My friend has concluded that somehow he knows exactly what will be cut based on this resolution. My friend has concluded that he knows exactly what level is going to be cut when it comes to the National Institutes of Health and the FBI. There are, as we move ahead with this appropriations level debate, debate that is going to be coming in the next several months, we obviously will be in a position where we will be able to, Democrats and Republicans alike, establish our priorities.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. I yield myself an additional 30 seconds.

Mr. ANDREWS. Will the gentleman yield?

Mr. DREIER. I yield to the gentleman from New Jersey.

Mr. ANDREWS. First of all, I am most assuredly not demonizing the gentleman. I think the gentleman speaks with great sincerity.

What I am saying is that the gentleman said I know exactly what is going to be cut. No one knows exactly what is going to be cut.

Can you tell us, Mr. Chairman, where in the NIH budget you are going to make up the difference for not cutting cancer research by 22 percent?

Mr. DREIER. Reclaiming my time, Mr. Speaker, let me say that obviously it does not have to be done within the National Institutes of Health, the notion of saying that it has to be cut there. We have seen a doubling in the level of funding under President Bush for the National Institutes of Health, Mr. Speaker, and I think that there are areas where we can bring about cuts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 15 seconds, Mr. Speaker.

We can do that without in any way jeopardizing the important priorities that we have.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. I yield 30 seconds to the gentleman from New Jersey.

Mr. ANDREWS. I thank the chairman, and he is correct that in the NIH budget it could come from Labor or

Health and Human Services. And I would ask him: In that bill, where will you make up for not cutting the cancer research by 22 percent?

I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

What I would say is that this is the beginning of a process which will allow us, with a free-flowing debate on appropriations, to do just that. The country survived at 2008 levels.

Mr. ANDREWS. Reclaiming my time, this is what General Powell was talking about: tell us where to cut, and we get verbiage, but no real answer.

Mr. DREIER. May I inquire of the Chair how much time is remaining.

The SPEAKER pro tempore. The gentleman from California has 6 minutes, and the gentleman from Massachusetts has 9½ minutes.

Mr. DREIER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I just want to point out one of the reasons why these questions are coming up is because when this resolution was brought before the Rules Committee, the chairman of the Budget Committee didn't show nor did the chairman of the Appropriations Committee. And there are no numbers in this bill. So we are very, very concerned about what numbers might exist out there. I think people in this House, Democrats and Republicans, ought to know what the real numbers are.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me just say that this resolution did not emerge from the Budget Committee. This is a resolution of the House Rules Committee. We are the committee of jurisdiction for H. Res. 38.

Mr. MCGOVERN. I appreciate the gentleman for making that point of clarification. However, what we are talking about is setting the spending levels for this House which directly impacts the chairman of the Budget Committee and the chairman of the Appropriations Committee. So if there are questions about how deep these cuts are going to be and where they are going to come from, it is because we have no clarity.

At this point I would yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Mr. Speaker, as those of us on this side of the aisle have said, we need to focus our efforts on job creation and getting the economy going. I know that the chairman said that is what this bill is all about, but let's look at what the Bipartisan Commission on Deficit and Debt Reduction said. They

said two things: one, absolutely we need to put our country on a sustainable path toward deficit reduction, and we should work together to get that done.

But they also said another thing. They said draconian cuts right now would, in fact, reverse the economic progress that we are making, and that it would threaten the fragile economic recovery and it would hurt job creation in this country, which is one reason we would like to know what the number is, and I would yield immediately if you can tell me whether it is going to be \$100 billion this year, \$80 billion, \$60 billion, whatever it will be, because there is no number. And if you've got it, it should have been in here.

Let me get to the other issue the gentleman raised. We have pointed out that if you do the \$100 billion cut, which is what you all talked about in the fall, right now in the immediate moment, it results in approximately 20 percent across-the-board cuts. Now, all of you say, whenever we raise specifics like cutting research for treatment and cures at NIH, no, no, no, we're not going to cut that. Then we say, okay, you're going to cut the FBI budget because that is not a part of the protected budget. No, no, no, you say, we're not going to cut that. You keep moving stuff off the table.

You know what that does to the rest of the budget? It means it goes from a 20 percent cut to 30 percent to 40. Who knows what it is.

But the point we are making is you haven't given us the starting point number; so you don't have a clue, and of course we don't either. But you don't have a clue because you haven't come up with a number. And we know there has been a lot of discussion on your side of the aisle—it's no secret—about what that number will be, you amended this rules provision, but if you've got the number, put it in here now, and if you're going to get it the day after tomorrow, on Wednesday, wait 24 hours, and let this body vote on it.

□ 1810

Mr. DREIER. I yield myself 1 minute to say to my friend that it is very interesting to have this debate, and I am happy to be standing on this side, saying that we got the message of last November 2, and I know the 87 new Members on our side who have come to this institution have made it very clear: The goal of moving in a direction of bringing about spending cuts is critically important.

Now, my good friend has just become the ranking member of the Committee on the Budget, and I know that it is a new assignment for my friend, but I'd like to take just a moment to explain what the budget process consists of.

We are going to see your committee proceed with establishing the broad 302(a) allocations, and that big number

will be determined. In this institution, Democrats and Republicans alike—and, again, we haven't seen it in the last 2 years, unfortunately, because we shut down the appropriations process; but we are this year going to allow Members the opportunity, allow Members under a privileged resolution on the appropriations bills, to actually participate in establishing those priorities. That is going to be a joint effort.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself 15 seconds, Mr. Speaker.

Our priority is to get the economy back on track and create jobs. We know very well that getting our fiscal house in order is going to be essential if we are going to have the job creation that both Democrats and Republicans want.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman of the Rules Committee for his very useful guidance, but let me just tell you this: The fact of the matter is, in the spring, we will begin the budget process in the Budget Committee. We are now dealing with fiscal year 2011.

As the chairman knows, there was a budget resolution in effect at the end of the last Congress that had a number in it. You chose not to extend it. Now, for the first time ever, you have asked this House—every Member—to surrender his or her responsibility on the number to one person. That is budget malpractice, and it also cedes our responsibility as Members on both sides of the aisle.

Mr. DREIER. I yield myself 30 seconds.

Mr. Speaker, I really appreciate the gentleman's dramatically raising the level of a simple two-paragraph House resolution that is the first step in a process that will allow the Budget Committee to do its work, to allow the appropriators and, through the appropriators, the full House—Democrats and Republicans alike—to establish those priorities.

Mr. VAN HOLLEN. Will the gentleman yield?

Mr. DREIER. I will yield in just a second.

So I would say to my friend that we do very much want, Mr. Speaker, to have a chance for this institution—and I hope Democrats will join in support of H. Res. 38 when it's voted on tomorrow—to go on record, demonstrating the institution's commitment to having heard the message from the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Out of respect for my friend, I yield myself 15 seconds and I am happy to yield to my friend.

Mr. VAN HOLLEN. My question, Mr. Chairman, is simple: Do you think it

makes a difference to the process whether the number that ends up being here is \$120 billion, which may mean a 30 percent across-the-board cut, or do you think it matters that it's \$100 billion or \$80 billion?

Mr. DREIER. Reclaiming my time, I will say, Mr. Speaker, that across-the-board cuts is not something that is being considered here. We are pursuing 2008 levels, and I believe that that's what this resolution says. We hope very much that we can get to lower levels of spending, and I suspect that some Members on the other side of the aisle will want to join us in working together in that effort so we can get our fiscal house in order.

I reserve the balance of my time.

Mr. MCGOVERN. I would remind my colleagues, when they read the resolution, it is 2008 levels or less, so it muddles the number even more.

At this point, Mr. Speaker, I would like to yield 3 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I thank the gentleman for yielding me this time.

I oppose this resolution. I oppose it because I think its provisions with respect to our own economic recovery and the production of jobs is offset tremendously by its passage.

But I want to focus my time on the limited question but the very important question of what is in and what is not in security funding, because security funding, as has been pointed out, is exempted from the requirements to go back to fiscal year 2008 functions or less.

The chairman of the Rules Committee, when asked at the Rules Committee whether foreign assistance, diplomacy, and development were part of security—was that part of the exemption?—he said no.

My definition—me, DAVID DREIER, chairman of the Rules Committee, out of which this resolution comes—is as we have outlined in here: This is discretionary spending—that is non-security spending—other than defense, military construction, VA, and homeland security.

I assume the gentleman's interpretation is one he still holds to less than a week later.

Mr. DREIER. Will the gentleman yield?

Mr. BERMAN. I am happy to yield.

Mr. DREIER. I will say to my friend that that is the definition of "security spending": defense, homeland security, VA, and military construction.

I thank my friend for yielding.

Mr. BERMAN. Thank you.

Reclaiming my time, I appreciate the gentleman for reaffirming that position. Now let's take a look at what that means.

That means not exempt from these drastic cuts are: weapons in training to build the capacity of key partners in the fight against terror in Yemen, in

Pakistan, in the Philippines. That's all part of our security assistance package, part of our international affairs budget; financing for the purchase of U.S. military equipment to ensure Israel's qualitative military edge; defense items and services that enable other countries to cooperate with us on counterterrorism.

In Afghanistan, they're cuts that would mean an end to the civilian surge. It would force the military to perform civilian jobs. The reductions would harm four Provincial Reconstruction Teams and forward operating bases, security forces and police training, explosive ordnance disposal, counternarcotics and poppy eradication programs.

In Iraq, the state programs that would be harmed by virtue of the gentleman's definition of "non-security funds" that have to be dramatically cut back are: training for Iraqi police and security forces to take over when the U.S. troops depart; funding for our Special Inspectors General in Iraq and Afghanistan to ensure that programs are designed to achieve maximum impact and are properly managed and implemented.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman 15 seconds.

Mr. BERMAN. Everything the gentleman has stood for in his years in Congress is going to be undermined by virtue of what he is proposing.

Mr. Speaker, I rise in opposition to the rule, which provides for consideration of a resolution to reduce what is being called "non-security" spending to 2008 levels.

That resolution, H. Res. 38, sends a very damaging message that the Congress will not stand up to protect those programs that are absolutely essential to jobs and the economy. It also rejects a key principle that military leaders and Presidents of both parties have clearly recognized: Foreign assistance and diplomacy are essential to United States national security.

That principle has been honored on a bipartisan basis ever since the tragic events of September 11, 2001. On that terrible morning, Americans woke to the realization that while the Cold War was over, their safety and security could be threatened by much less sophisticated means. The ideologies and the weapons of terror could not be thwarted by military power alone.

In 2004 the Republican-controlled Congress passed the Intelligence Reform and Terrorism Prevention Act by a vote of 336–75. It was supported by all the Members who are now in positions of leadership in this body. The Speaker, the Majority Leader and the Budget Committee Chairman all voted for it.

The bill, now Public Law 108–458, states: "Long-term success in the war on terrorism demands the use of all elements of national power, including diplomacy, military action, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense."

It continues: "To win the war on terrorism, the United States must assign to economic and diplomatic capabilities the same strategic priority that is assigned to military capabilities."

In fact, the portion of the bill that makes these findings is known as the "9/11 Commission Implementation Act of 2004." It states: "The legislative and executive branches of the Government of the United States must commit to robust, long-term investments in all of the tools necessary for the foreign policy of the United States to successfully accomplish the goals of the United States."

All of the tools necessary—that includes diplomacy and foreign assistance, which would be slashed under this resolution. The 9/11 Commission Implementation Act of 2004 goes on to say that these investments "will require increased funding to United States foreign affairs programs."

In May of this year, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, wrote to then-Speaker PELOSI regarding proposed cuts to the international affairs budget. The opening paragraph stated: "We are living in times that require an integrated national security program with budgets that fund the full spectrum of national security efforts, including vitally important pre-conflict and post-conflict civilian stabilization programs."

He was reinforcing a message that had also been communicated, on several occasions, by Secretary Gates, when he wrote: "The diplomatic and developmental capabilities of the United States have a direct bearing on our ability to shape threats and reduce the need for military action. It is my firm belief that diplomatic programs as part of a coordinated strategy will save money by reducing the likelihood of active military conflict involving U.S. forces."

Admiral Mullen penned a personal note at the end, which read: "The more significant the cuts, the longer military operations will take, and the more and more lives are at risk!"

President Bush, when sending up his wartime supplemental request in FY 2006, integrated diplomatic and military spending. He asked Congress to provide "the Resources to Win the War on Terror."

The message from our military leadership, this Congress, and even former President Bush is clear: U.S. civilian agencies must be fully resourced to prosecute the fight against terror effectively. A cut to the 150 budget harms U.S. national security and puts American lives at risk.

And yet, the Chairman of the Rules Committee explained, during consideration of this resolution, that "security spending" does not include diplomacy and development. He said, "No, my definition, my definition is, as we have outlined in here, this is discretionary spending other than defense, military construction, V.A. and homeland security." The resolution itself does not define what is security or non-security, but the authors say they do not consider diplomacy and development part of our national security budget.

Before voting on this resolution, I would urge my colleagues to think about what the practical implications would be of major cuts in the international affairs budget.

In 2008, the vast majority of U.S. assistance to Iraq was provided by the military. This year,

at long last, we are withdrawing the remainder of our troops, and handing over the job to civilians. If we cut our diplomatic and development budget for Iraq, then all the investments we've made, and all the American lives that have been lost, will be in vain.

The civilian presence costs only a tiny fraction of what we were spending on the military. But this resolution would make that civilian presence impossible. The proposed cuts will mean snatching defeat from the jaws of victory.

Returning to the past would also mean violating our Memorandum of Understanding with Israel, under which we pledge to help Israel maintain its qualitative military edge against those who seek its destruction. Do my colleagues suggest we renege on our commitment to Israel?

In Afghanistan and Pakistan, we cannot defeat violent extremism by military power alone. As Secretary Gates recently said, "without development we will not be able to be successful in either Iraq or Afghanistan." Our military strategy in Afghanistan is often described as "clear, hold, and build." How can we succeed if there is no one to do the holding and the building?

Foreign assistance programs protect us even outside the areas of active combat or potential conflict. Our efforts to stop the spread of HIV/AIDS and other deadly diseases, counter the flow of illegal narcotics, prevent proliferation of weapons of mass destruction, reduce human misery and halt environmental destruction, all help to protect the safety and security of American citizens.

Mr. Speaker, we can't afford to go back to the isolationist, unilateralist policies of the past. Cutting spending to 2008 levels takes us back to a period when America's standing in the world was at an all-time low.

Whether it's finding new markets for U.S. goods and services, addressing climate change, sharing the burden of peacekeeping, enforcing sanctions against Iran, or improving travel and communications, we need to build strong international relationships.

We all remember the period when the United States tried to go it alone, unwilling to cooperate with other countries and demonstrate global leadership.

We've finally begun to turn that all around. Let's not go back to the bad old days when the U.S. turned away from the rest of the world, and lost so much of its influence and respect.

Mr. Speaker, we all recognize the very difficult budget and economic situation that confronts us. There is no doubt that well-crafted reforms will help us to use our foreign assistance dollars more effectively and efficiently, and ensure that aid reaches those who need it. That is why I am continuing my efforts to develop legislation to modernize our foreign assistance policies and programs.

But what we need to do, as one conservative blogger has suggested, is to "mend it, not end it." Comparatively speaking, diplomacy and development don't cost much, and save us money over the long run.

International affairs funding helps promote U.S. exports and saves U.S. jobs. Our economy can't grow without creating and expanding new markets abroad. Our diplomats help

to identify export opportunities, help American companies navigate foreign political systems, and level the playing field for American products around the globe.

We should also keep in mind that international affairs accounts for just one percent of the budget. Even if we eliminated such spending entirely, it wouldn't balance the budget and it wouldn't make a dent in our national debt. But it would devastate our economy and our national security.

As Secretary Gates said last fall, "Development is a lot cheaper than sending soldiers."

In places like Haiti and Sudan, we provide assistance not only for purely humanitarian reasons, but also because a failure to do so could lead to chaos and bloodshed that would be far more costly in the long run.

Going back to 2008 levels of global AIDS funding would mean ending antiretroviral treatment for people who are currently receiving it. It would mean abandoning pregnant women who run a high risk of transmitting HIV to their newborns. It would mean fewer orphans and vulnerable children will get care and support, and fewer people in poor countries will get HIV counseling and testing.

President Bush made clear not only the need to not cut funding, but to make greater investments in these programs when he wrote, just a few months ago, "there are millions on treatment who cannot be abandoned. And the progress in many African nations depends on the realistic hope of new patients gaining access to treatment. . . . On AIDS, to stand still is to lose ground."

Mr. Speaker, these are only a few of the most obvious and damaging implications of reducing the international affairs budget to 2008 levels. This resolution would set the stage for reckless cuts that endanger our national security, abandon our national interests and throw Americans out of work, and I urge my colleagues to oppose it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members will suspend.

Members should bear in mind that the Official Reporters of Debate cannot be expected to transcribe two Members simultaneously.

Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

The Chair must ask Members to bear in mind the principle that proper courtesy in the process of yielding and reclaiming time in debate—and especially in asking another to yield—helps to foster the spirit of mutual comity that elevates our deliberations above mere argument.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say to my friend that I very much appreciate his recognizing the commitment that I have had to security through foreign assistance programs and to make it very clear that, again, we are just beginning a process today. We are beginning a process today that will allow this House to work its will. It is obvious that going to 2008 levels is not going to gut all of

the very important national security aspects that we have of foreign assistance programs. My friend knows very well, Mr. Speaker, that it is essential that we get our fiscal house in order, and this is the first step on a road towards doing just that.

With that, I have no further requests for time, and I reserve the balance of my time.

□ 1820

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3 minutes.

Mr. MCGOVERN. Thank you, Mr. Speaker.

Mr. Speaker, let me close by saying that this is not the way we should deal with the budget. And transparency, I will tell my Republican friends, means knowing what the budget number is. I don't know why that's such a radical idea. And accountability means that everybody in this House should be able to vote yes or no on whatever that number is. It shouldn't be up to one person to unilaterally determine that number. This budget process that the Republicans have put together politicizes unnecessarily a budget process and sets, I think, a lousy precedent.

Mr. Speaker, I'm going to urge my colleagues to vote "no" on the previous question. If the previous question is defeated, I will modify this rule to provide that immediately after the House passes this rule it will take up an amendment to exempt cuts in funding for the FBI's counterterrorism program. My Republican colleagues said they won't cut programs that protect our Nation's security, but the resolution itself doesn't even bother to define "non-security spending." And the definition I have heard from the other side of the aisle would not include the FBI's counterterrorism program.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, a "no" vote on the previous question will allow the House to consider an amendment exempting cuts in funding to the FBI's counterterrorism program, an amendment that will ensure we do not sacrifice our Nation's security in this post-9/11 world.

I urge all of my colleagues on both sides of the aisle to vote "no" on the previous question so that we can ensure that we continue to protect this Nation from terrorism.

With that, I yield back the balance of my time.

Mr. DREIER. I yield myself the balance of my time.

Mr. Speaker, every Member of this institution, Democrat and Republican alike, knows full well that the American people are hurting. We have an unemployment rate that is at 9.4 percent. We have, in my State of California, a 12½ percent unemployment rate. I see my friend Mr. LEWIS here on the floor. In the Inland Empire of California, the unemployment rate is 15½ percent. People are out there making very, very tough decisions, and the economic uncertainty that exists today is playing a big role in diminishing the kind of investments that we need to create jobs.

This resolution is a very simple one. It says that we shouldn't spend money we don't have. We shouldn't spend money we don't have. That's what we're saying as we begin this process. Those are the decisions that families are making all across this country. They're not spending money they don't have. In fact, we've seen, because of this economic downturn, lots of families today saving more than they have in the past because they don't want to get themselves into this position that the Federal Government is.

We're going to have to make some tough choices around here. It's not going to be easy. No one is saying that it's going to be easy. But this resolution that we're going to debate tomorrow, H. Res. 38, simply says that we are going to go to 2008 levels or less, because frankly 2008 levels, as far as I'm concerned, were too high. I believe that we need to cut back even more.

Now we continue to hear this argument that we are going to decimate research into very important diseases out there. We began the debate, as I said in the opening, not going there, but we did go there. And, as I said, if you can't prioritize, you end up demonizing and creating this great deal of fear that is out there. Or the FBI is going to close down if we go to '08 spending levels. Well, Mr. Speaker, obviously that is not the case. This institution is not about to undermine the Federal Bureau of Investigation. But we do know that with adequate oversight—which is our constitutional responsibility—and focusing, yes, on those three things that Democrats and Republicans alike say—waste, fraud and abuse—we will be able to rein in this behemoth.

Again, it's going to be tough, but this resolution is just the first step in a 2-year process to get our economy growing, create jobs, and to rein in the size and scope and reach of the Federal Government so that we can encourage individual initiative and responsibility.

So Mr. Speaker, I urge my colleagues to vote for this rule. And tomorrow, when we bring the resolution, H. Res. 38, to the floor, I urge their support of this measure. I hope very much that we will have Democrats joining with Republicans for this very commonsense approach to do exactly what these 87

new Members on our side of the aisle—and I suspect even some of the nine new Members on the Democratic side of the aisle—have come here to do, and that is to rein in this wasteful government spending that we have seen.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong opposition to H. Res. 43, "A rule providing for consideration of the Republican Budget-less Resolution."

Through the American Recovery Act of 2009 (stimulus bill), Congress threw out a massive lifeline to save Americans who were on the verge of losing their jobs and to create jobs for those who were unemployed. We have received numerous reports from our constituents and the Administration of the positive impact the stimulus funding is having on our economy. Yet, we know there is still more work to do. This bill will undermine and erode the many sacrifices Americans have made to adjust to the downturn in the economy. This bill is turning America backwards in the wrong direction.

The new proposal of the House Republican Study Committee (RSC) to cut and then freeze non-defense discretionary spending at 2008 levels from 2012 through 2021 would mean cuts of more than 40 percent in education, environmental protection, law enforcement, medical research, food safety, and many other key services.

For example, the U.S. Environmental Protection Administration (EPA) funding at the FY2008 enacted level instead of the FY2010 enacted level would result in a decrease \$2.83 billion—\$7.46 billion enacted for FY2008 vs. \$10.29 billion enacted for FY2010. The majority of this decrease below the FY2010 appropriations would be the result of a \$2.04 billion decrease within the State and Tribal Assistance Grants (STAG) account, and a \$665.8 million decrease within the Environmental Programs and Management (EPM) account.

The decrease within the STAG account would be attributed primarily to funding for capitalization grants for the Clean Water and the Drinking Water State Revolving Funds (SRFs), although numerous other grants also are funded within this account. The SRF funding specifically supports local wastewater and drinking water infrastructure projects, such as construction of and modifications to municipal sewage treatment plants and drinking water treatment plants, to facilitate compliance with the Clean Water Act and the Safe Drinking Water Act, respectively.

Furthermore, the EPM account funds a broad range of activities involved in EPA's development of pollution control regulations and standards, and enforcement of these requirements across multiple environmental media, such as air quality and water quality.

This proposal would represent the deepest annual cut in funding for these programs in recent U.S. history. It would remove substantial purchasing power from a weak economy, thereby costing hundreds of thousands of jobs and raising risks of a double-dip recession.

If imposed across the board, such a cut would mean 42 percent less for healthcare for veterans; 42 percent less for K–12 education; 42 percent less for protecting the environment; 42 percent less for the FBI, Drug Enforcement Administration, and border security; 42 percent

less for the National Institutes of Health and the Centers for Disease Control and Prevention; 42 percent less for food safety and inspection; and so on.

Specifically, in my Congressional District, the 18th Congressional District of Houston, Texas, two active Light Rail construction projects are underway. These projects exemplify urban mobility, jobs, economic prosperity, energy independence and sustainable growth for the city of Houston. The projects are commonly referred to as the North Corridor Line and the Southeast Corridor Line. It is critical that these projects continue so that the construction can proceed and the benefits of the new service can be available to the traveling public as soon as possible. In the FY2011 appropriations legislation that passed the House of Representatives, we were able to secure \$150 million for Houston METRO. However, we were unable to preserve this funding in the legislation that passed the Senate, which resulted in the Continuing Resolution passed by Congress at the end of last year not including this funding or any other funding for specific New Starts projects for Houston METRO. I want to ensure that my constituents are in a position to feed their families, to secure employment and further his or her education by preserving this important funding.

I represent an international energy hub and global business city. Twenty-six companies on the 2010 Fortune 500 list maintain their headquarters in Houston and many more have administrative operations located in Houston. More than 3,000 firms conduct international business in over 200 countries, making Houston a truly global city. Houston is also a burgeoning leader in the information technology, nanotechnology, aerospace, and health care industries.

To adopt this resolution would be crippling my District and eliminating the guarantee through these projects of thousands of jobs for Houstonians. It is factual that Houston's expertise in global business and energy will provide the southwest region with an economic boost that will ensure the United States remains an international economic leader.

Consequently, the House majority, of course, could decide to meet its overall target for non-defense discretionary spending while protecting one or more of the programs and services listed above. But, a cut of less than 42 percent in, say, education or environmental protection would necessitate even more draconian cuts in, say, food safety and border security.

Our Border States are frustrated and in need of targeted assistance. Over the last year, I attended a number of different hearings, meetings with local and state officials, and press conferences on immigration, combating the drug trade, and improving the border, and in almost all instances, I have heard the same comment: Border States are frustrated. The deeply misguided Arizona Law, (SB 1070) for example, is an expression of that frustration. Unless we want to see more of a backlash, we in the federal government must do more to help our Border States, which are vital to securing our nation and upholding our immigration laws, and helping local and state officials secure our Border States.

The United States continues to fight the battle against the powerful drug trafficking organizations that have plagued our sister cities just across the border with violence. We have been fortunate thus far that for the most part the violence has not spilled over into the United States, but we cannot depend on being insulated forever. Instability abroad, especially on the border, is a danger to stability at home, and we have a vested interest in helping our neighbors to the southwest combat the criminal organizations that have threatened the safety of their citizens and brought drugs into our country.

First of all, we need to provide more “boots on the ground” to help secure our borders. While deterrence through additional personnel is essential to improving security, several members of the law enforcement community have also stressed the importance of providing more resources for investigators and detectives, who can help to ferret out and dismantle the criminal activities taking place on our borders.

Moreover, while federal agencies have improved their coordination with the Border States, communication within local and state authorities continues to be problematic. Communication in disperse rural areas presents a particular challenge. At a hearing on the Merida Initiative, I heard the moving testimony of a rancher from rural Arizona, Mr. Bill McDonald. He pointed out how a lack of resources and a rapid turnover rate make communication extremely important, but extremely lacking. These rural areas, and the people who live there, are in many cases the most vulnerable to human traffickers and drug traffickers.

There is a desperate need for Border States to receive the necessary support to effectively secure our borders from threats and ensure a safe and stable environment for our border residents. More robust, well funded, and well resourced law enforcement systems are exactly what our Border States and residents demand.

It is quite disappointing that we cannot accurately evaluate this resolution because it does not really provide a clear breakdown of the \$100 billion in cuts it claims for the 2012 budget. The first \$80 billion in savings would be to “Replace the spending levels in the continuing resolution (CR) with non-defense, non-homeland security, non-veterans spending at FY 2008 levels.” That, obviously, is incredibly vague.

This legislation would end federal subsidies for Amtrak, which basically means the end of train travel in the United States. This resolution would end federal involvement in Fannie Mae and Freddie Mac, which would, as Ezra Klein says, likely plunge the mortgage securitization market into chaos and send housing prices skidding again. It would repeal the federal support for state Medicaid budgets that has plugged the gap for many states with budgets hit hard by the recession, meaning many poor people would likely lose their access to medical care.

Mr. Speaker, I ask my colleagues to join me in opposition to H. Res. 43.

Mr. KUCINICH. Mr. Speaker, as we begin the debate on the reduction of non-defense and security spending, a visit to recent history

reveals a telling connection between our soaring debt and the two wars our country is waging.

The Center for Arms Control and Non-Proliferation estimates that the wars in Iraq and Afghanistan have cost the average American family of four almost \$13,000 last year. We know from our constituents when we return to our districts that the average American family of four cannot afford that. They cannot afford to pay for wars that undermine our national and moral security. Many families can barely afford to stay in their homes.

Nobel Prize winning economist and author of *The Three Trillion Dollar War*, Joseph Stiglitz, says that there is “no question that the Iraq war added substantially to the federal debt. This was the first time in American history that the government cut taxes as it went to war. The result: a war completely funded by borrowing. The global financial crisis, he says, was due at least in part to the war.”

If this sounds familiar, it is because we are pursuing the same policies today. The ramifications of our spending on the Iraq War—soaring oil prices, federal debt and a global economic crisis—were during a time when the resources dedicated to Iraq were much greater than those being dedicated to Afghanistan. The commitment of an additional 30,000 troops and a continually slipping withdrawal date commits us to an endless war and an endless stream of borrowed money. It commits us to seemingly endless economic insecurity.

Moving past the costs of waging war, there are the costs of providing returning veterans with the care they need. When these costs are factored in, the costs of health care and benefits for veterans significantly increases the \$3 trillion price tag to nearly \$5 trillion.

It is time to question the way we enhance our national security and our economic security. It will be a grave mistake to miss this opportunity.

The facts tell us that the policies we have been pursuing in recent years have led us further from the very goals we claim to be working toward. The facts tell us that it is fiscally irresponsible to continue defense spending at current rates.

By ignoring this responsibility—by pretending that it doesn't exist—we fail to heed the lessons from our economic decline. The costs of maintaining the status quo are great. The moral and human costs are even greater.

The material previously referred to by Mr. MCGOVERN is as follows:

Strike the last sentence and insert in lieu thereof the following:

“The previous question shall be considered as ordered on the resolution, as amended, and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules or their respective designees; (2) an amendment if offered by Representative McGovern of Massachusetts or a designee to ensure that FBI Counterterrorism funding is considered security spending, which shall be in order without intervention of any point of order, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to

a demand for division of the question; and (3) one motion to recommit with or without instructions.”

(The information contained herein was provided by Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the House will stand in recess subject to the call of the Chair until 6:30 p.m., a period not longer than 15 minutes.

Accordingly (at 6 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MACK) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: Ordering the previous question on House Resolution 43, by the yeas and nays; adoption of House Resolution 43, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 38, REDUCING NON-SECURITY SPENDING TO FISCAL YEAR 2008 LEVELS OR LESS

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 43) providing for consideration of the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 238, nays 174, not voting 22, as follows:

[Roll No. 17]

YEAS—238

Adams	Gohmert	Neugebauer
Aderholt	Goodlatte	Noem
Akin	Gosar	Nugent
Alexander	Gowdy	Nunes
Altmire	Graves (GA)	Nunnelee
Amash	Graves (MO)	Olson
Austria	Griffin (AR)	Palazzo
Bachmann	Griffith (VA)	Paul
Bachus	Grimm	Paulsen
Barletta	Guinta	Pearce
Bartlett	Guthrie	Pence
Barton (TX)	Hall	Petri
Bass (NH)	Hanna	Pitts
Benishak	Harper	Platts
Berg	Harris	Poe (TX)
Biggert	Hartzler	Pompeo
Bilbray	Hastings (WA)	Posey
Bilirakis	Hayworth	Price (GA)
Bishop (UT)	Heck	Quayle
Black	Heller	Reed
Blackburn	Hensarling	Rehberg
Bonner	Herger	Reichert
Bono Mack	Herrera Beutler	Renacci
Boren	Huelskamp	Ribble
Boustany	Huizenga (MI)	Rigell
Brady (TX)	Hultgren	Rivera
Brooks	Hunter	Roby
Brown (GA)	Issa	Roe (TN)
Buchanan	Jenkins	Rogers (AL)
Bucshon	Johnson (IL)	Rogers (KY)
Buerkle	Johnson (OH)	Rogers (MI)
Burgess	Johnson, Sam	Rohrabacher
Burton (IN)	Jones	Rokita
Calvert	Jordan	Rooney
Camp	Kelly	Roskam
Campbell	King (IA)	Ross (AR)
Canseco	King (NY)	Ross (FL)
Cantor	Kingston	Royce
Capito	Kinzinger (IL)	Ryunan
Carter	Kissell	Ryan (WI)
Cassidy	Kline	Scalise
Chabot	Labrador	Schilling
Chaffetz	Lamborn	Schmidt
Coble	Lance	Schock
Coffman (CO)	Landry	Schweikert
Cole	Lankford	Scott (SC)
Conaway	Latham	Scott, Austin
Cravaack	LaTourette	Sensenbrenner
Crawford	Latta	Sessions
Crenshaw	Lee (NY)	Shimkus
Culberson	Lewis (CA)	Shuster
Davies (KY)	LoBiondo	Simpson
Denham	Long	Smith (NE)
Dent	Lucas	Smith (NJ)
DesJarlais	Luetkemeyer	Smith (TX)
Diaz-Balart	Lummis	Southerland
Dold	Lungren, Daniel	Stearns
Donnelly (IN)	E.	Stivers
Dreier	Mack	Stutzman
Duffy	Manzullo	Sullivan
Duncan (TN)	Marchant	Terry
Ellmers	Marino	Thompson (PA)
Farenthold	Matheson	Thornberry
Fincher	McCarthy (CA)	Tipton
Fitzpatrick	McCaul	Turner
Flake	McClintock	Upton
Fleischmann	McCotter	Walberg
Fleming	McHenry	Walden
Flores	McKeon	Walsh (IL)
Forbes	McKinley	Webster
Fortenberry	McMorris	West
Fox	Rodgers	Whitfield
Franks (AZ)	Meehan	Wilson (SC)
Frelinghuysen	Mica	Wolf
Galleghy	Miller (FL)	Womack
Gardner	Miller (MI)	Woodall
Garrett	Miller, Gary	Yoder
Gerlach	Mulvaney	Young (AK)
Gibbs	Murphy (PA)	Young (FL)
Gibson	Myrick	Young (IN)

NAYS—174

Ackerman	Baca	Barrow
Andrews	Baldwin	Bass (CA)

Becerra	Green, Gene	Pascarell
Berkley	Hanabusa	Pastor (AZ)
Berman	Harman	Payne
Bishop (GA)	Hastings (FL)	Pelosi
Bishop (NY)	Heinrich	Perlmutter
Blumenauer	Higgins	Peters
Boswell	Himes	Peterson
Brady (PA)	Hinojosa	Polis
Brown (FL)	Hirono	Price (NC)
Capps	Holden	Quigley
Capuano	Holt	Rahall
Cardoza	Honda	Rangel
Carnahan	Hoyer	Reyes
Carney	Inslee	Richardson
Carson (IN)	Israel	Richmond
Castor (FL)	Jackson (IL)	Rothman (NJ)
Chandler	Jackson Lee	Roybal-Allard
Chu	(TX)	Ruppersberger
Ciilline	Johnson (GA)	Ryan (OH)
Clarke (MI)	Johnson, E. B.	Sánchez, Linda
Clarke (NY)	Kaptur	T.
Clay	Keating	Sanchez, Loretta
Cleaver	Kildee	Sarbanes
Clyburn	Kind	Schakowsky
Cohen	Kucinich	Schiff
Connolly (VA)	Langevin	Schrader
Conyers	Larson (CT)	Schwartz
Cooper	Levin	Scott (VA)
Costa	Lewis (GA)	Scott, David
Costello	Lipinski	Serrano
Courtney	Loebach	Sewell
Critz	Lofgren, Zoe	Sherman
Crowley	Lowey	Slaughter
Cuellar	Lujan	Speier
Cummings	Lynch	Stark
Davis (CA)	Maloney	Sutton
Davis (IL)	Markey	Thompson (CA)
DeFazio	Matsui	Thompson (MS)
DeGette	McCarthy (NY)	Tierney
DeLauro	McCollum	Tonko
Deutch	McDermott	Towns
Dicks	McGovern	Tsongas
Dingell	McIntyre	Van Hollen
Doggett	McNerney	Velázquez
Doyle	Meeks	Visclosky
Edwards	Michaud	Walz (MN)
Ellison	Miller (NC)	Wasserman
Engel	Miller, George	Schultz
Eshoo	Moore	Waters
Farr	Moran	Watt
Fattah	Murphy (CT)	Waxman
Filner	Nadler	Weiner
Frank (MA)	Napolitano	Welch
Fudge	Neal	Wilson (FL)
Garamendi	Olver	Woolsey
Gonzalez	Owens	Wu
Green, Al	Pallone	Yarmuth

NOT VOTING—22

Bralley (IA)	Gutierrez	Shuler
Butterfield	Hinchey	Sires
Duncan (SC)	Hurt	Smith (WA)
Emerson	Larsen (WA)	Tiberi
Giffords	Lee (CA)	Westmoreland
Gingrey (GA)	Pingree (ME)	Wittman
Granger	Ros-Lehtinen	
Grijalva	Rush	

□ 1853

Mr. KILDEE, Mrs. MCCARTHY of New York, Messrs. CARNEY, LARSON of Connecticut, BECERRA and CUMMINGS changed their vote from "yea" to "nay."

Mr. BURTON of Indiana changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 168, not voting 26, as follows:

[Roll No. 18]

AYES—240

Adams Gibson Neugebauer
Aderholt Gohmert Noem
Akin Goodlatte Nugent
Alexander Gosar Nunes
Altmire Gowdy Nunnelee
Amash Graves (GA) Olson
Austria Graves (MO) Palazzo
Bachmann Griffin (AR) Paul
Bachus Griffith (VA) Paulsen
Barletta Grimm Pearce
Bartlett Guinta Pence
Barton (TX) Guthrie Petri
Bass (NH) Hall Pitts
Benishek Hanna Platts
Berg Harper Poe (TX)
Biggart Harris Pompeo
Bilbray Hartzler Posey
Bilirakis Hastings (WA) Price (GA)
Bishop (UT) Hayworth Quayle
Black Heck Reed
Blackburn Heller Rehberg
Bonner Hensarling Reichert
Bono Mack Herger Renacci
Boren Herrera Beutler Ribble
Boustany Huelskamp Rigell
Brady (TX) Huizenga (MI) Rivera
Brooks Hultgren Roby
Broun (GA) Hunter Roe (TN)
Buchanan Issa Rogers (AL)
Bucshon Jenkins Rogers (KY)
Buerkle Johnson (IL) Rogers (MI)
Burgess Johnson (OH) Rohrabacher
Burton (IN) Johnson, Sam Rokita
Calvert Jones Rooney
Camp Jordan Roskam
Campbell Kelly Ross (AR)
Canseco King (IA) Ross (FL)
Cantor King (NY) Royce
Capito Kingston Runyan
Carter Kinzinger (IL) Ryan (WI)
Cassidy Kissell Scalise
Chabot Kline Schilling
Chaffetz Labrador Schmitt
Coble Lamborn Schock
Coffman (CO) Lance Schweikert
Cole Landry Scott (SC)
Conaway Lankford Scott, Austin
Cooper Latham Sensenbrenner
Costa LaTourette Sessions
Cravaack Latta Shimkus
Crawford Lee (NY) Shuster
Crenshaw Lewis (CA) Simpson
Culberson LoBiondo Smith (NE)
Davis (KY) Long Smith (NJ)
Denham Lucas Smith (TX)
Dent Luetkemeyer Southerland
DesJarlais Lummis Stearns
Diaz-Balart Lungren, Daniel Stivers
Dold E. Stutzman
Donnelly (IN) Mack Sullivan
Dreier Manzullo Terry
Duffy Marchant Thompson (PA)
Duncan (TN) Marino Thornberry
Ellmers Matheson Tipton
Farenthold McCarthy (CA) Turner
Fincher McCaul Upton
Fitzpatrick McClintock Walberg
Flake McCotter Walden
Fleischmann McHenry Walsh (IL)
Fleming McKeon Webster
Flores McKinley West
Forbes McMorris Whitfield
Fortenberry Rodgers Wilson (SC)
Foxx Meehan Wolf
Franks (AZ) Mica Womack
Frelinghuysen Miller (FL) Woodall
Gallegly Miller (MI) Yoder
Gardner Miller, Gary Young (AK)
Garrett Mulvaney Young (FL)
Gerlach Murphy (PA) Young (IN)
Gibbs Myrick

NOES—168

Ackerman Becerra Blumenauer
Andrews Berkeley Boswell
Baca Berman Brady (PA)
Baldwin Bishop (GA) Brown (FL)
Barrow Bishop (NY) Capps

Capuano Holden
Cardoza Holt Peters
Carnahan Honda Peterson
Carson (IN) Hoyer Polis
Castor (FL) Inslee Price (NC)
Chandler Israel Quigley
Chu Jackson Lee Rahall
Cicilline (TX) Rangel
Clarke (MI) Johnson (GA) Reyes
Clarke (NY) Johnson, E. B. Richardson
Clay Kaptur Richmond
Clyburn Keating Rothman (NJ)
Cohen Kildee Roybal-Allard
Connolly (VA) Kind Ruppersberger
Conyers Kucinich Ryan (OH)
Costello Langevin Sanchez, Linda
Courtney Larson (CT) T.
Critz Levin Sanchez, Loretta
Crowley Lewis (GA) Sarbanes
Cuellar Lipinski Schakowsky
Cummings Loeb sack Schiff
Davis (CA) Lofgren, Zoe Schrader
Davis (IL) Lowey Schwartz
DeFazio Lujan Scott (VA)
DeGette Lynch Serrano
DeLauro Maloney Sewell
Deutch Markey Sherman
Dicks Matsui Slaughter
Dingell McCarthy (NY) Speier
Doggett McCollum Stark
Doyle McDermott Sutton
Edwards McGovern Thompson (CA)
Ellison McIntyre Thompson (MS)
Engel McNeerney Tierney
Eshoo Meeks Tonko
Farr Michaud Towns
Fattah Miller (NC) Tsongas
Filner Miller, George Van Hollen
Frank (MA) Moore Velázquez
Fudge Moran Visclosky
Garamendi Murphy (CT) Walz (MN)
Gonzalez Nadler Wasserman
Green, Al Napolitano Schultz
Green, Gene Neal Waters
Hanabusa Oliver Watt
Harman Owens Waxman
Hastings (FL) Pallone Weiner
Heinrich Pascarell Welch
Higgins Pastor (AZ) Wilson (FL)
Himes Payne Woolsey
Hinojosa Pelosi Wu
Hirono Perlmutter Yarmuth

NOT VOTING—26

Bass (CA) Granger Ros-Lehtinen
Braley (IA) Grijalva Rush
Butterfield Gutierrez Shuler
Carney Hinchey Sires
Cleaver Hurt Smith (WA)
Duncan (SC) Jackson (IL) Tiberi
Emerson Larsen (WA) Westmoreland
Giffords Lee (CA) Wittman
Gingrey (GA) Pingree (ME)

□ 1901

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Statement against:

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes. Had I been present, I would have voted “no” on rollcall votes 17 and 18.

PERSONAL EXPLANATION

Ms. LEE of California. Mr. Speaker, today I missed rollcall vote No. 17 on “Ordering the Previous Question” regarding H. Res. 43, and rollcall vote No. 18 on agreeing to H. Res. 43. Had I been present, I would have voted “no” on both votes.

TRAGEDY IN ST. PETERSBURG, FLORIDA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Mr. Speaker, I rise to inform my colleagues of a tragedy that took place in St. Petersburg, Florida, this morning. Two St. Petersburg police officers, Sergeant Thomas Baitinger and Officer Jeffrey Yaslowitz, were killed in the line of duty and a Deputy U.S. Marshal, whose name I cannot release just yet, was seriously injured while serving a warrant this morning.

This is a sober reminder that the men and women who serve us as law enforcement officers put their lives on the line every day. In the past 24 hours alone, 11 law enforcement officers across our Nation have been shot in the line of duty.

It is my hope that my colleagues will keep the families of Sergeant Baitinger, Officer Yaslowitz and our Deputy U.S. Marshal in their prayers during this difficult time. It is also a good time to say thank you for all of those who serve us in uniform at home or abroad.

Mr. Speaker, I thank my colleagues for listening to this announcement, and I have to say, God bless the families of those who were killed and wounded.

COMMENDING MAYOR JOE GURECKY

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise to commend Mayor Joe Gurecky, a statesman and a friend, for his service as the mayor of Rosenberg, Texas.

Mayor Gurecky has served his citizens for 16 years, first as a council member, then as the mayor from 1999 to 2011, making him the longest continually serving mayor in the history of Rosenberg. Mayor Gurecky recently announced that he wasn't going to seek reelection.

Joe Gurecky practiced four of the basic ideals of fiscal conservatism: accountability, fighting excessive spending, reducing taxes, and providing a safe community for his beloved city. During his 12-year tenure, Mayor Gurecky oversaw a fourfold increase in property values and a 40 percent decrease in crime while simultaneously lowering taxes on the residents of Rosenberg.

Mayor Gurecky will be missed as the mayor. I thank him and his wife, Doris, for their service and wish them well in the future.

MOURNING THE LOSS OF DICK WINTERS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, Shakespeare penned the words that gave title to a true story of the 101st Airborne during World War II. In "King Henry V," he wrote:

"We few, we happy few, we band of brothers;

"For he today that sheds his blood with me

"Shall be my brother."

Stephen Ambrose wrote a book that became the miniseries, "Band of Brothers." Dick Winters was part of that story. Actor Damien Lewis brought his character to life in the series, but for Pennsylvanians, Winters was a real-life hero, and his story, the stuff of legends. Winters died in Campbelltown, Pennsylvania. He was 92.

On D-day, June 6, 1944, Winters and his men parachuted in to take on a German artillery nest on Utah Beach. His troops from Easy Company fought through the Battle of the Bulge, the liberation of a death camp at Dachau, and made it to Hitler's Eagle's Nest at Berchtesgaden.

Winters never sought fame, never thought of himself as a hero, and characteristically he asked that his funeral be private. But as Tom Hanks put it, "When the world needed heroes, he served in a company of heroes."

Pennsylvania and the Nation mourn the loss of this "brother."

THE RAPISTS OF BANGLADESH

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Jess Smocek joined the Peace Corps in 2004 and went to Bangladesh to help that Third World country. Soon after arriving, a group of local men groped her sexually, however. She reported the improper conduct, but no one did anything. While in Bangladesh, Smocek felt unsafe and continued to report the hostile environment to the Peace Corps. But no one did anything.

Later, a group of criminals kidnapped her, beat her, raped her and abandoned her in an alleyway. And no one did anything. In fact, for political reasons, the Peace Corps did everything it could to ignore and cover up the dastardly deed, blaming the crime on the victim.

Rape is not the fault of the victim. It is the fault of the criminal. And according to ABC News, over 1,000 rapes and assaults occurred in the last 10 years against American women working for the Peace Corps. But apparently no one is listening.

Those days need to end, and it's time for justice for Jess Smocek, because justice is what we do in this country.

And that's just the way it is.

EPA DISREGARDS STATES' RIGHTS

(Mr. HALL asked and was given permission to address the House for 1 minute.)

Mr. HALL. Mr. Speaker, I'm very troubled by the U.S. Circuit Court of Appeals for the District of Columbia's decision to allow the Environmental Protection Agency to disregard States' rights in implementing the Clean Air Act by seizing control of greenhouse gas permitting activities in our State of Texas. The EPA's regulatory interference in the State permitting process will have a very detrimental effect on jobs and the economy of not just Texas, but potentially the entire Nation.

The authority for EPA's action is grounded in the agency's "endangerment finding," which is based on controversial scientific conclusions regarding the threat and impact of climate change. EPA's pursuit of job-killing regulation is the last thing this economy needs right now.

Congress and the Obama administration both owe it to the public to base regulatory action on methods that are beyond reproach.

□ 1910

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 5, 2011, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, at its core, the budget is a statement of America's priorities. It says what we as a Nation value. After all of the Republican budget-cutting promises that preceded and followed the recent midterm elections, we are finally seeing what the Republicans are really about, what they really value—press releases.

Their whole legislative agenda since they gained control of the House has amounted to nothing more than Republican theater. The Republicans are doing the exact opposite of what they promised. They are offering no transparency and no thoughtful consideration of the budget in the Congress, and no job proposals. Instead, they are just offering a radical Republican wish list to appease their base.

Sadly, the budget process is going to be just another backroom deal. Mr. RYAN of Wisconsin has been appointed

to determine, on his own, with no input from the rest of the House, what the budget spending limits will be. If you care about openness and transparency, you're going to be disappointed.

The Republicans said everything would be on the table, with increased input and debate among the Members. Instead, we're going to get a budget number drafted by one Member, and we'll be forced to accept it without a vote. If you care about fairness and democracy, you are about to get a very rude awakening. If you care about making smart investments where all Americans can benefit and prosper, you're going to be disappointed. And if you're a faithful deficit hawk who thought a Republican-controlled House would reduce the deficit, you've been hoodwinked.

In the runup to the midterm elections, Republicans promised that if they won the House, they would cut \$100 billion from the budget. They didn't have a plan, but \$100 billion sure sounded like a good number. Well, it is now months after the election, and they still don't have a plan, no specifics, no baseline number. And boy, are they running away from that \$100 billion commitment as fast as possible.

The Republicans do have a list that includes over 100 cuts that completely disregard the economic and social impacts the cuts would have. Mr. Speaker, budgets are about values. They are a moral document. In general, you are either in favor of making smart investments and helping the less fortunate—so, you're smart and compassionate—or you demonize collective government and it's everybody for himself, laissez-faire capitalism.

The Republican Study Committee's list of budget cuts shows us which side of the values equation the Republicans are on. They want to preserve hundreds of billions of dollars for corporate tax breaks but take away student loans from tens of thousands of students. They want to keep building weapons systems that the Pentagon doesn't want, but they cut historic preservation. They want to encourage the offshoring of jobs, but want to cut programs that help our exporters.

Mr. Speaker, we are a month into the Republican leadership of this House, and we haven't seen a single move toward creating jobs. We are a month into the Republican leadership of this House, and we don't have a budget number. We haven't had a hearing, and we have no budget proposal that can be honestly debated.

Cutting the budget is no easy task, and I strongly urge the Republicans to end the political theater and think about our country's values and priorities when it comes to laying out the budget. Let's have an open, fair, and transparent discussion of job creation. The talk of shifting all of the costs of Medicaid onto the States is foolish.

You know the poor will suffer with that kind of a proposal. So let's work together toward a responsible budget that reflects that we are both smart and compassionate.

BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I am on the floor again tonight, and I have said that I intend to be on the floor each and every night that I can be on the floor to talk about bringing our troops home from Afghanistan.

I hope tomorrow night when the President gives the State of the Union, that he will stay to and keep his word when he said he will start bringing our troops home in July of 2011. The reason I am somewhat concerned, there have been leaders in both parties, primarily on the Senate side, who have said that they think that they need 4 more years in Afghanistan. Well, you know, that might be a dream, but that is all it is, a dream. You're not going to change history. History has spoken many, many times, from Alexander the Great to the English to the Russians, that Afghanistan is a vast country of many, many tribes, and they never have had a national government, and they will not under Karzai. He is corrupt. He is very corrupt.

So I hope that the President will stick to his timetable of bringing our troops home beginning in July of this year, and that he will be not swayed by anyone who says just 4 more years. I say that for this reason: I am on the Armed Services Committee, and I remember a few years ago when they were telling us, these generals would come in—and I respect each and every one of them—and they would say to us: Well, we're making progress. We're training the Afghans to be policemen. We're training the Afghans to be soldiers.

Well, we are 10 years later, and we are still training. How much more can you do? It is costing us \$8 billion a month. And more important than the money is the lost lives and the broken bodies of our men and women in uniform.

Recently I had the opportunity, the privilege, to go to Walter Reed in Bethesda. Mr. Speaker, for the first time before I walked into this young soldier's room, I was told out front by the major that escorted me that he has no body parts below his waist. They have all been blown away.

Then I had an opportunity to see a marine sergeant during the same visit who had been to Afghanistan four times, and on the fourth tour, he had his left leg blown off. What in the world are we trying to do? Why don't we understand from history: nobody is

going to ever conquer Afghanistan. So, therefore, I hope the President will stay to his word and start bringing our troops home.

We are spending \$8 billion a month in Afghanistan, and yet throughout America, including my district, the Third Congressional District of North Carolina, we can't even fix the roads. We can't even fix the schools because we are spending money we don't have that we are borrowing from the Japanese, the Chinese, UAE and other countries.

It is time that this Congress speaks up and listens: 63 percent of the American people say it is time to get out of Afghanistan. So I hope that the President will speak tomorrow night about Afghanistan. I hope he will say that he intends to start bringing our troops home this year.

Mr. Speaker, I have here photographs of marines from the Camp Lejeune area, which is in my district. They are young, anywhere from 19 to 38 years of age, who have given their life for this country. And yet many times I wonder here in Congress why don't we bring up this issue of bringing our troops home from Afghanistan.

So, Mr. Speaker, tonight I want to thank you for giving me this chance to speak. I want to thank those who are on the floor, I hope you join us, RON PAUL and myself and JIMMY DUNCAN on our side, who have been saying that it is time to bring our troops home. Let's join together in a bipartisan way and start talking about bringing our troops home.

Mr. Speaker, before closing, as I do each and every night, as I think about the pain that I have seen at Walter Reed and Bethesda, I think about the families who are burying their loved ones now who have died in Afghanistan, that it is time to say to God, God please continue to bless our men and women in uniform and their families. God, in Your loving arms, hold the families who have given a child, dying for freedom in Afghanistan and Iraq.

□ 1920

God, please continue to bless the House and Senate that we will do what is right in Your eyes for Your people.

God, give wisdom, strength, and courage to President Obama that he will do what is right in Your eyes for Your people.

And three times I will say, God, please, God, please, God, please continue to bless America.

SMART SECURITY: INCREASE DEVELOPMENT AID

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it's not often that you'll hear me, LYNN WOOL-

SEY, say this, but I have recently found myself on the same page of a very important issue, at least in principle, with the leaders of the tea party movement and other top lawmakers on the other side of the aisle.

They've said that the military budget must be on the table in any discussion about reducing Federal spending. I agree. I agree completely. The Progressive Caucus has for several years offered specific cuts that would in no way impact our ability to provide for the national defense but that would actually cut the Pentagon spending. Here is the problem, Mr. Speaker:

When it came time for the rubber to meet the road, well, guess what happened. The Republican Study Group released their list of cuts last week, and lo and behold, not a single dime of actual Pentagon cuts was in there.

What was included were irresponsible cuts to public housing, high-speed rail and economic development, among other things, to say nothing of what would happen to funding for national parks, Pell Grants and NIH, if they followed through with their plans to cut non-defense discretionary spending to what they recommend—to 2006 levels. But perhaps the most reckless of all was the proposal to zero out funding for USAID, the United States Agency for International Development.

It just goes to show the narrowness of their perspective when it comes to national security. When they think about protecting America, they think only of weapons and warfare. In fact, that's the approach our policymakers have taken for the last decade in Iraq and Afghanistan, and it has cost us nearly 6,000 American lives, plus more than \$1 trillion of the people's money, while doing next to nothing to defeat the terrorist threat.

What we need instead is a SMART Security policy, with humanitarian aid like the kind distributed by USAID as a centerpiece. Instead of a military surge, we need a civilian surge. Wherever there is poverty and deprivation around the world, we need to be there with assistance that promotes stability and keeps terrorism from taking root in the first place. I'm talking about everything from debt relief to democracy promotion, to human rights, to sustainable development, to education, especially including education for women and girls.

Mr. Speaker, development aid gives the taxpayer plenty of bang for the buck, and it actually costs pennies on the dollar. It represents a microscopic portion of the Federal budget. Yet development aid has great influence when it comes to creating the conditions for global stability and global peace.

If we are serious about national security in the 21st century, if we are serious about projecting moral authority and honoring American values, then we must dramatically increase humanitarian aid, and we must not cut it. If

we are serious about deficit reduction, it is time to address the real waste and excess—the Pentagon—which has enjoyed a blank check for far too long.

So I applaud the majority if they are truly prepared to cut military spending; but so far, I hear more talking points than serious proposals. I have to remind you, Mr. Speaker, that it is all talk until it is not, and if the majority party wants to do something that would advance our security goals while dramatically reining in Federal spending, then they should join me in a call to immediately bring our troops home from Afghanistan.

THE RUNAWAY FEDERAL RESERVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, in the last several weeks, there have been several articles published by officials from the Federal Reserve system. This is a little bit unusual because they are critical of anybody who criticizes them and are critical of me in particular. In these articles, they are trying to discredit anybody who disagrees with their policies, and they are very defensive of this.

They have argued the case that they should have total secrecy. In this total secrecy, I claim they have tremendous power to do the things that they want to do, and it has only been recently that the American people and this Congress have awakened to this. Although we did not get a full audit of the Fed last year, we did get a partial audit of the emergency funding, but still the Fed's argument is they have to have total independency while the American people believe there should be transparency.

The Fed's argument is that they literally are the saviors of the economy, that they came in as an emergency when the markets were crashing, and that they were able to rescue the entire world economy by their injection of hundreds of billions, if not trillions, of dollars.

The fallacy of all this is that they may have rescued some banks and that they may have rescued some big businesses, but they didn't rescue the American people. The consequence of all this has been high unemployment, people losing their houses, and people who can't pay their mortgages.

So, in their claim that they prevented a deep depression, they prevented a depression for some very wealthy, well-connected people on Wall Street, who were making a lot of money anyway in the bubble period of time. Now the people who are suffering the most are the average people, who have had to suffer the consequence of the Federal Reserve policies. This is a policy that punishes the innocent peo-

ple and that actually rewards the guilty people and the people who were the beneficiaries.

You know, the very people who are claiming that they have solved all of our problems are the very ones who created the problems, and they never once predicted the trouble that was coming. There were numerous economists from around the country, especially the free-market Austrian economists, who predicted and explained the housing bubble—that it was coming and that there would be a collapse; but the people at the Federal Reserve, who now are claiming they solved all our problems, never once said that we could be in trouble.

When asked, they said, No, there's no housing bubble. Where do you get all this?

So now we are supposed to believe everything they tell us. They created it. They didn't tell us there was trouble coming, and now they've solved all of the problems, and we are not supposed to question this. If we do, then we're going to be on the receiving end of severe criticism.

The conclusion of many of these articles has been that they want to deflect the concentration on the Federal Reserve. They will say that, yes, there still are problems, but they're all on the Congress, that it has nothing to do with them. They save us from ourselves, and they take care of us. They create good times and take care of us when we are in bad times.

The whole thing is they claim that our deficits are a problem—and I agree with them on that. The deficits are a problem. But, if you think about it, why do the deficits get run up? We as Members of Congress—this whole Congress for decades on decades—have run up deficits to pay for welfare programs and warfare. Endless spending. We tax the people until we can't tax anymore. We borrow, and there is a limit on borrowing or your interest will rates go up.

Guess who monetizes the debt and enables the Congress to continue this spending. It's the Federal Reserve. They are the ones who literally facilitate the deficit financing.

So, for them to turn around and say it's all the blame of the Congress, they are absolutely being disingenuous. It is the Federal Reserve and a monetary system that encourages runaway deficits, runaway spending, runaway militarism, and runaway welfarism.

□ 1930

The Fed, over the years, has had two mandates: to have price stability and full employment. Well, think about the price stability. Did they have price stability with the NASDAQ stocks back in the year 2000 that collapsed when that bubble developed? Have they had steady prices, price stability with medical care costs or housing costs or edu-

cation costs? No, absolutely none. Today, bond prices are sky high. We have a bond bubble going on right now, and it's the result of Federal Reserve policy, but they don't want you to think and talk about that.

And the full employment mandate, I mean, just think of it; the government, our government, Labor and Statistics admits there is 9.5 percent unemployment. And then they say, well, if you count more people who are partially unemployed, it's 17 percent. But if you have a free market approach and count everybody who's unemployed, our unemployment rate is 23 percent. That's why the American people are feeling lousy about what's going on, even though Wall Street once again is making money. The banks are making money, they're repaying their bills, but it's all because of a collusion between the Federal Reserve System, the banks, and the large corporations while the people are still unemployed.

Congress has a proper responsibility, and it is oversight. It was never meant for the Federal Reserve to have free rein and not have any oversight whatsoever. And we have to realize this whole issue of central banking is not a new issue; it was here from the very beginning. Hamilton and Jefferson argued about it; Jefferson and Jackson and many others were absolutely opposed to central banking. So it's not a new issue, but there is no authority in the Constitution that grants this right to have a central bank and to create money out of thin air just to accommodate the politicians.

We have a right and an obligation and a responsibility for oversight of the Federal Reserve, and our responsibility is to look at bad policy. The Federal Reserve is responsible for the inflation in the business cycle, the unemployment. It is up to us to do something about it and look into it, first to look into it and understand it because then it will be realized that we need to have more oversight.

Right now there is tremendous support; in the last Congress we had 320 Members of this House who supported an audit of the Fed. So we're making progress here. It annoys the Federal Reserve. For the first time in their history, they've hired a PR agency and lobbyists to lobby for their position. So they know they are under the gun as far as people are waking up and realizing that the Federal Reserve has been responsible for so much havoc that we've had in this country. I think it is our responsibility to continue to look at the Fed and find out how they have caused so much trouble.

CATHOLIC SCHOOLS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, as a proud graduate of St. Symphorosa Grammar School and St. Ignatius College Prep, and as a strong supporter of Catholic education, I am again introducing a resolution to honor Catholic Schools Week and highlight the contributions to our Nation made by America's Catholic schools. Unfortunately, changes in House rules would like to prohibit this resolution from being brought to the floor, so I'm going to speak about it tonight.

Since 1974, the National Catholic Education Association and the United States Conference of Catholic Bishops have provided exemplary leadership in conceptualizing and organizing Catholic Schools Week. This year, it is celebrated from January 30 through February 5. The theme this year is "Catholic Schools—A Plus for America," which celebrates the fact that Catholic schools are an added value, a plus for our Nation.

By always emphasizing the necessity of a well-rounded educational experience and instilling the values of giving back to the community and helping others, America's Catholic schools produce graduates that have the skills and strength of character needed by our businesses, governments, and communities. Nearly 95 percent of Catholic schools have a service program, and in 2009 their students contributed about half a million hours of service to their communities and parishes. My own desire to serve was fostered by dedicated teachers throughout my formative years at Catholic schools.

Today, over 2.1 million elementary and secondary students are enrolled in over 7,000 Catholic schools. Catholic school students, on average, surpass other students in math, science and reading in the three grade levels tested by the NAEP test. The graduation rate for Catholic high school students is 99 percent, with 97 percent going on to college or technical school. As we continually hear disturbing reports about our national test scores, these statistics are truly remarkable and should be commended.

Catholic schools are also known for embracing students from all walks of life and are highly effective in providing educational opportunities for minority students and disadvantaged youth. Almost 15 percent of students at Catholic schools are not Catholic. Over the past 30 years, the percentage of minority students enrolled in Catholic schools has more than doubled. Despite exceptional results, the success of Catholic schools does not depend on selectivity, as they accept nine out of every 10 students who apply.

Now in addition to producing well-educated students, Catholic schools save American taxpayers billions of dollars every year by lowering the number of students in already overburdened public schools. In fact, it is esti-

mated that taxpayers in the Chicago area alone save over \$1 billion because of Catholic schools and approximately \$20 billion nationwide. The importance of these savings is undeniable to American taxpayers, especially now, while many State and local governments are struggling with budget gaps.

I was born and raised and lived in the Chicago archdiocese, which still has one of the most successful school systems in the country. More than 93,000 students attend 258 schools. In my district alone, there are seven Catholic high schools and about 50 grammar schools, including one of the best in my home parish of St. John of the Cross in Western Springs.

My own Catholic education in Chicago gave me the knowledge, discipline, desire to serve and love of learning that enabled me to earn my doctorate degree and become a teacher before being elected to Congress. In recognizing Catholic Schools Week, we pay a special tribute to dedicated teachers and administrators who sacrifice so much, in many cases working for less than they could earn elsewhere. Many of my favorite memories are of teachers, including many nuns who taught me the value of faith and service. Throughout the United States, millions of others have similar memories of their dedicated sisters, priests and lay teachers who gave their hearts and souls to touch the lives of their students.

Mr. Speaker, next week I look forward to attending Catholic Schools Week events in my district to deliver the praise, support and gratitude that they deserve. I encourage my colleagues to do the same.

BLM MISMANAGEMENT OF WILD HORSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, last week, at the request of a lady named Madeline Pickens, I met with Mr. Bob Abbey, who is the head of the Bureau of Land Management, to talk to him about dealing with the wild horses, the mustangs that roam out west in the western States. The Bureau of Land Management has somewhere between 35,000 and 40,000 of these mustangs in pens around the country; and the cost of this is estimated to be as much as \$2,500 per horse per year. The Bureau of Land Management just last week started rounding up another 3,000, 4,000, 5,000 of them to take them to holding pens and move them to Oklahoma.

Now, the thing that's interesting about this is that when I talked to Mr. Abbey, he admitted that they want to move these horses from Nevada 1,000 miles to Oklahoma in order to put

them in these pens. Now Ms. Pickens, she is very concerned about these mustangs because they're part of America's heritage, and she wants to protect them as much as possible. Toward that end, she bought two ranches, the Spruce Ranch, which has 14,000 acres in it, and the ranch next to it in Nevada, the Warm Creek Ranch, which has about another 4,000 acres; and then she got permits for another 550,000 acres so that they could put those horses on this land, protect them, and save the taxpayer money and make sure that these horses will not be put in pens and shipped all over the country.

□ 1940

But the Bureau of Land Management is recalcitrant. They want to move these horses 1,000 miles into these pens, and they want to keep them there at a cost of as much as \$2,500 per year per horse.

Now, Ms. Pickens says that for \$500 a year, she can keep them on her range and protect them, create a kind of museum for these horses so that people can come and see them in the wild. And she would have them injected so that they can't reproduce; therefore, they wouldn't have to worry about an expanding population of mustangs, but they would be protected. But the Bureau of Land Management wants to move them a thousand miles, where her ranch and her permits are within just a few miles of where the horses are right now.

Now, when I talked to Mr. Abbey last week, he said that they couldn't reach an agreement with Ms. Pickens, that there'd have to be some major changes made over at the Bureau of Land Management in order for them to facilitate what she wants to do.

This is another bureaucratic nightmare that we in this Congress should not—and I don't believe will—put up with. And I'm going to ask the Appropriations Committee to cut the budget of the Bureau of Land Management because they're wasting the taxpayers' money by millions and millions and maybe hundreds of millions of dollars.

Last year, the government spent about \$144 million managing private livestock on Federal public lands, and they only collect \$21 million for grazing rights. So they lost at least \$123 million per year. And some people estimate that they lose as much as \$500 million a year, half a billion dollars, by keeping these grazing lands in private hands where people get them for almost nothing. \$21 million was what the fee was that they got last year.

So they're losing as much as \$500 million; they're moving these horses up to a thousand miles, and they're doing it for no good purpose other than the bureaucracy wants to keep control of them.

Now, the reason Ms. Pickens started this organization to protect these mustangs was because, in 2008, the Bureau

of Land Management said, well, they weren't sure they could take care of all of these horses—they have almost 40,000 in these pens right now—so they were thinking about killing them, euthanasia, starting to kill these horses.

Well, the people who love these mustangs and love the West the way it was don't want this to happen. So they came up with this organization to deal with the problem in a realistic way so that the horses wouldn't be killed. The organization they started when they heard they were going to euthanize them was called Saving America's Mustangs, and they offered to enter into a contract with the Bureau of Land Management to relocate at least 9,000 of these horses into these lands that they just bought and got permits for so they wouldn't have to be shipped to these pens a thousand miles away.

Now, it makes absolutely no sense to me, at a time when we're fighting fiscal problems in this country—we've got trillions of dollars in debt, and unless we start cutting spending, we're going to see this country go into bankruptcy. Moody's has already said they may have to reevaluate the bond rating for the country.

Let me just end up, Mr. Speaker, by saying it seems to me that we ought to be frugal with the public's money. We ought to cut the Bureau of Land Management's budget so that we can save the money and save the mustangs. That's what this is all about—a humane way of treating the mustangs in this country, which are a part of our heritage.

MAKE IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I'm joined this evening by my friend from the great State of New Jersey (Mr. PALLONE), and tonight we want to talk about the economy. We want to talk about what's happened over the last 2 years, how the United States economy has pulled itself out of the Great Recession and moving towards a much, much brighter future.

Earlier today, or actually yesterday, it was reported that our esteemed majority leader on the opposition side issued a statement taking credit that in just 3 weeks, the return of the Republican Party to the majority in this House has led to an astounding improvement in the economy. Well, that's kind of like—I don't know how exactly to describe that as to say that's just an overemphasis of the facts and a complete distortion of what actually has happened.

In the previous 2 years, as the Obama administration and the majority then

held by the Democrats, my colleagues, worked to pull the American economy out of the Great Recession, the Republican minority voted "no" on every single bill to address the problem of the economy.

Starting with the American Recovery Act, the stimulus bill, not one Republican voted for it, even though that bill clearly, by all economic studies, created or allowed to continue well over 2 million jobs in this Nation. Infrastructure projects that were in my district and in every other district of this Nation were funded by that piece of legislation—yet not one Republican vote.

In the effort to reform Wall Street and to create a stable banking system in this Nation, once again, not one Republican vote. On all of the jobs bills, not one Republican vote. On every single piece of legislation that was passed, not one Republican—or only a handful of Republicans voted for those bills that actually stopped the Great Recession and began to return America to employment.

Now, really our subject matter for tonight is Make It In America. But before I get there, the comments that were made by the new majority leader deserve a complete analysis.

This is a chart of private sector growth that goes back to December of 2007 when the Great Recession began. And you can see here the decline of private sector jobs, 2007, 2008, until January of 2009, when the new Obama administration came into power.

At that point in January of 2009, the Recovery Act was passed and then followed by other pieces of legislation that turned the American economy around. And so the job loss began to taper off so that here we are in December of 2009, we began to see private sector job growth. These are not government jobs. These are all the private sector job growth.

So that beginning in the fall of 2009, we began to see the private sector come back to life and no longer shedding jobs but, rather, adding jobs. And every quarter since that time, all of 2010 and again now in January of 2011, we are continuing to add private sector jobs.

So the fact of the matter is—and you can say whatever you want to say—but at some point you really need to look at the facts. The facts were that every major bill to restart the American economy the Republican Party opposed in this House either by a unanimous "no" vote or by just a handful of Republicans voting for those pieces of legislation.

□ 1950

So that's really where we are today, is the situation where we are beginning to see the American economy come back. Job one for all 435 Members of this House, job one is jobs for Ameri-

cans. American jobs now, not later. Our total emphasis must be on American jobs now.

And to bring those jobs back, one of the principal issues that the President will be talking about tomorrow is jobs and make it in America. It's high time that we can go once again to auto dealerships, to WalMart or Target and find "Made in America" on the products on those shelves. America still is a very strong manufacturing Nation, and in the strength of manufacturing we find America's economic strength.

And so we are setting out, as we did last year, on a set of policies that will rebuild the American manufacturing sector. And we call it the strategy to Make it in America, American jobs now in the manufacturing sector because manufacturing matters. This is where the great middle class jobs are to be found, in the manufacturing sector.

And actually back to the original thing I was talking about, General Motors, flat on its back, Chrysler, flat on their back, about to go bankrupt. The Obama administration, the Democratic Congress stepped forward and poured billions of dollars into those companies, stabilizing General Motors and tens of thousands of companies that were providing parts and services to General Motors. And now we find General Motors back healthy, strong, and reentering the private stock market. America, our public investment is now being recouped as General Motors once again becomes a strong, vibrant part of the American manufacturing sector.

How many Republicans supported that? Nary a vote. Nary a vote. But we have General Motors and Chrysler back on their feet, once again providing great manufacturing jobs. That's the theme of tonight's discussion, How can America make it? By making it in America, rebuilding the great manufacturing industries of America.

Joining me tonight is my colleague from the great State of Pennsylvania, and we are going to continue our discussion. So with permission of the Speaker, we would like to carry on a colloquy here. FRANK?

Mr. PALLONE. Thank you. First of all, I wanted to thank my colleague from California for coming down here tonight and many nights and talking about the Make it in America agenda and why manufacturing matters. And the fact of the matter is that manufacturing, there was a recent report out that said that manufacturing, last year for the first time more jobs were created in manufacturing than were lost. And I think that was the first time in 10 years. And we had, as you know, I think you mentioned over a million private sector jobs created in 2010.

I don't like to talk about how wonderful everything is, because I know that it's not. I know that unemployment continues to be high, and many

of my constituents talk to me all the time about how hard it is to find a job and how difficult it is for them to make ends meet; but the fact of the matter is that we are improving things. And we are beginning to see signs of the recovery; and most importantly, we are actually seeing more manufacturing jobs. So anybody says to me, well, you can't make things in America anymore, I simply say look at the facts. The facts are that manufacturing jobs are on the rise.

You know, I wanted to say, I was amazed today because I came down to the floor, we came in, I guess, we had debate around 5:15 and then we voted around 6:30, and I look at the agenda for the week, and we are now into the fourth week of the Republican majority in the House, and to my knowledge not a single thing has been done or has been proposed to be done this week that would actually create jobs or address the economy.

In fact, I was listening to the debate on this budget resolution, and one of your colleagues from California, Mr. DREIER, started talking about the deficit and health care, the health care repeal again. You know, for 3 weeks, or at least for 2 weeks, and 1 week of course we had the tragedy with our colleague GABBY GIFFORDS, but for the last 3 weeks all the talk has been about repealing health care reform, which of course is not going to happen because the Senate's never going to take it up and the President is never going to sign it. So it's a complete waste of time. And he was talking again about how that's going to reduce the deficit, the repeal would reduce the deficit.

And I got up and I said, well, it's just the opposite. The CBO, which at least has provided us with numbers—your budget resolution that's coming up tomorrow that the Republican have doesn't have any numbers—but we know that the CBO told us that the health care reform actually reduces the deficit over the next 10 years by \$230 and a trillion dollars in the second decade. And I said, you know, what is your plan? What is the Republican plan to reduce the deficit? What is the Republican plan to create jobs? What is the Republican plan to help the economy? And I don't see anything.

I mean, all I see is, again, 3 weeks on repealing health care reform, now some budget resolution that has no numbers about, you know, what the budget's actually going to be, and nothing to indicate how it's really going to create jobs or reduce the deficit. And then I saw that on Wednesday we are taking up a resolution which will repeal the Presidential election public financing system, which again is nothing but another corporate giveaway, because what it means is that if we don't have public financing of the Presidential elections, then we are probably going to rely more and more on these cor-

porate ads, these secret corporate ads that were used this last November that we don't even know where the money came from. It's all corporate money. And, again, I don't see anything being done by our Republican colleagues to address the issue of jobs.

Now, on the other hand we have the President and you, Mr. GARAMENDI, talking about this every day. I mean, the President, you know, we sort of got a little prelude to what he is going to do in the State of the Union tomorrow, but the whole focus is going to be on jobs. And we will wait and see, but that's what we are hearing. We are hearing it's going to be about innovation; it's going to be about investment in things like R&D, in transportation infrastructure, in education, a vision for the future that trains Americans for better jobs, that creates the infrastructure, the mass transit, the highways so that our goods can travel around the country, the R&D to put us ahead.

You know, in my district a lot of R&D is done in the manufacturing of drugs and new products, medical devices. I mean, this is what the President's talking about. And I assume that my colleague from New York's going to talk about his visit to your district, which was all job oriented. And then when the President, or Premier, of China came, President Obama's whole message to him was you know, you got to let in our exports. You got to lower the barriers so that we can create things here and export them to China because you have to open your markets.

So, you know, the President like a laser beam is focusing on jobs. I know the Democrats in the House with the Make it in America agenda are focusing on jobs. I don't think you mentioned it, but I have a paper here that says that this week, Congressman GARAMENDI, you are going to address two Make it in America bills. Maybe you should talk about that, and Mr. TONKO can talk about the President's visit to his district. But all our focus is on creating jobs, and I don't hear anything from the other side of the aisle, from the Republicans on this issue.

Mr. GARAMENDI. Thank you very much, Mr. PALLONE, for pointing out the facts. The facts are that 4 weeks into this and not one discussion from our Republican colleagues about the central issue of America, which is jobs, how are we going to create jobs.

You are quite correct, our colleague from the great State of New York, which was and is and will be an even greater manufacturing center, General Electric, Schenectady, New York. You wouldn't know where that is, Mr. TONKO, would you? If you do, please join us and tell us about it.

Mr. TONKO. Well, you know, it's great to represent Schenectady, which is dubbed The City that Lights and

Hauls the World. It was the birthplace of an energy revolution over a century ago. And to have the President visit just the other day, on Friday, to tout the efforts at GE, where he speaks to the vibrancy of American manufacturing. You know, we lost a third of manufacturing jobs during the decade that preceded this administration. I think it was through neglect.

Mr. GARAMENDI. That was the George W. Bush administration.

□ 2000

Mr. TONKO. Right, and I think it was through neglect on manufacturing. They focused on the service sector, primarily the financial services. They ignored agriculture, they ignored manufacturing, and now we are paying the price. Even though we lost a third of the manufacturing jobs in this country, we are still perched as number one in the global race. However, if we are to allow that neglect to continue, we would eventually fall out of the number one position.

So the 4.6 million jobs lost, manufacturing jobs lost due to that neglect, that trend has to be turned around, and I was so delighted to hear the President speak to a progressive agenda, a proactive quality, to the tone he was establishing at that center with his speech. He talked about the strength of America's manufacturing and how we can impose a strong uplift for the middle class of this country.

You know, 66 percent of the wealth that was generated, of the recovery during 2001 and 2007, went to 1 percent, of the top 1 percent of wealth in this country. So they accumulated all that wealth, and it's middle class America that needs to get that clout now. We can do that because the investment in R&D, the investment in basic research that transforms into jobs that allows us to be more productive in our start-up small businesses and in our big industries like GE.

If we introduce a soundness of basic research in R&D that then equates into jobs that translates into an empowerment of the middle class. I think that's an important message that was shared by this President, and the Nation accepted that speech. It was shared across this country, and it was emanating from GE, from the floor, from the factory floor where innovation and invention were coming from the working class on the assembly line.

It was their ideas, their creative genius that allowed us to have all the mills in that Erie Canal corridor that I so proudly represent become the epicenters of innovation and invention in their heyday. That is still within our DNA. That is our pioneer spirit that is uniquely American. The President wants to tap into that spirit, and he wants us to be that innovation economy.

You know, the other day, many of us on this floor here shared in the 50th anniversary celebration of JFK, that remarkably strong and powerful and inspirational inaugural address. And so many people highlighted many of the challenges that President Kennedy issued in that address, amongst them, exploring the heavens, exploring the heavens.

And what it did was empower us, just the tone he established, enabled us as a nation to embrace with a great degree of passion a resolve to win that race. And we entered that global race in space to win it. And we won it, and we unleashed untold, untold amounts of technology, science and technology that has strengthened every dynamic of life.

Here, fast forward some 40 years later, some 40-plus years later, a rather youthful President is challenging a nation to enter a global race, this time on the clean energy economy, the innovation economy. We should have within us the fortitude to go forward and invest in a way that allows us to empower our working families, the middle class of this country, through investment, in soundness of manufacturing that enables us to build it in America, make it in America again and be proud of that.

So, Representative GARAMENDI, thank you for bringing us together this evening to voice our support for the President's vision, for the vision that we share as a caucus in this House, I think it's the empowering vision that enables us to go forward with a Make It in America mantra that enables us to promote the correct policy and the resources associated with that policy to truly make a difference.

Mr. GARAMENDI. Representative TONKO, I think you were at the President's speech there in your district.

Mr. TONKO. We flew up from Washington on Air Force One and then returned with the President because we had our jobs conference in Maryland.

Mr. GARAMENDI. You and I had this colloquy on the floor where we discussed American manufacturing and making it in America. But I can see you came back charged up from that visit.

Mr. TONKO. We are charged up. We are fired up.

Mr. GARAMENDI. General Electric and the great Erie Canal manufacturing sector is about to rise up, but I am not going to take second fiddle to your place because I represent the great innovation part of California, and we, too, know that we have the potential to really drive the American economy forward, the innovation economy.

One thing you said when you harkened back to the space race and President Kennedy calling upon us to explore the heavens; his next statement, not in the inaugural address but shortly thereafter was, we will put a

man on the Moon within a decade. And the Federal Government collected the resources of this Nation and met that challenge, and within a decade, we, Americans, were on the Moon.

The lesson here is the focused attention of America on a goal, and in that case and in this case the investment that America must make to succeed. It was an American investment. A lot of tax dollars went into that.

But not only did we put a man on the Moon, but we created an enormous industry that gives us everything from, I don't know, the ability of this iPhone to work, satellite, all of the great technologies that we have, many of the great technologies we have today on communications and travel and defense came directly from that initial investment that was made by the American people to put a man on the Moon.

And when the President talks about the innovation economy, he is talking about the same kind of let's do it, let's build this thing for the future. And from that leadership, we will find the opportunity to really grow our economy and enter a whole new industry. You talked about the electrical industry that was generated a century ago, and now you talked about the great space industry, and we are going to enter a new industry.

It will be the solar technologies, it will be the wind, the energy technologies, it will be transportation. When one talks about transportation, you have got to figure out some way to get to and out of the cold of the middle America.

Joining us today in the warm 20-degree temperature of Washington, D.C., is Representative ELLISON from the upper Midwest, where it is somewhere below zero.

Mr. ELLISON. Somewhere. But you know what, Congressman, although the weather is cold, our spirits are warm. Every time we hear about Making it in America.

This campaign that we are on—

Mr. GARAMENDI. I thought you were going to talk about Green Bay and the Packers and all of that.

Mr. ELLISON. You know what, if the Vikings aren't in it, I don't know.

Mr. GARAMENDI. That's right. You are from Minnesota and the Minnesota Vikings. Okay, we will get past that.

Mr. ELLISON. I think the Vikings finished last in the NFC North. Hey, hope springs eternal next year, right? But we are happy to see the Green Bay Packers and the Bears fight it out, definitely. We are known as the black and blue division, and they definitely played hard.

But the truth is we are used to making things in the Midwest, whether you are talking about from Pittsburgh to Detroit, to Cleveland, to Milwaukee, to Minneapolis, we make stuff in the Midwest as you do in the West in California, and as they do in the East in

Congressman TONKO's district, Congressman from upstate New York. The fact is that manufacturing and making things is an American value.

But, Congressman, the thing I want to say is that this campaign of Making it in America, before we make anything, we have to believe that we can make things in America again.

We have to believe that we can compete on quality, we can compete on efficiency, and that the goods manufactured by American workers are among the best in this world and can be better. It is a matter of belief, it is a matter of commitment, and it is a matter of vision.

So we set forth a vision, Congressman, and we say that, you know what, in this great Nation we can forge these, we can make this steel, we can build the roads.

We can have a vision that this country can build things that the whole world needs and wants. And if we have that desire, that innate desire at the cellular level, we will begin to see the innovative capacity of this country making the windmills, making the semiconductors, making the cars, making anything and everything. But it's matter of vision, it's a matter of will, it's a matter of commitment. And that vision and will has to be backed up by sound policy, hard work, and the spirit of entrepreneurship. And if these things come together we can certainly do it.

But I believe on this House floor, and in shops across America, unions and in management, people are saying, You know what? We can make stuff in America. America is still the world's leading manufacturer. That's important to bear in mind. We can't forget that we are still the world's leading manufacturer, and we have the highest quality steel, the best technology, the strongest workers.

But you know what, when people want to be penny-wise and pound-foolish, they might want to offshore jobs because they say, well, maybe we can get somebody to do it for less.

□ 2010

But can you get somebody to do it better? And the world wants something that's quality. The world wants something that's made well, that's made right. And that's what Make it in America is all about.

Mr. GARAMENDI. Let me pick up on a couple of those themes before I turn back to Mr. PALLONE.

A lot of this has to do with the will, the desire, and the determination to do a task. It also has a lot to do with policy, which you just said, policy. For example, before last year, there was a policy in America that American corporations would get a tax break when they shipped a job offshore. Hello?

Mr. ELLISON. Bad policy.

Mr. GARAMENDI. What did you say, Congressman?

Mr. ELLISON. Bad policy.

Mr. GARAMENDI. American corporations received a tax reduction when they shipped a job offshore. In this House, a bill was introduced. It eliminated that tax deduction, bringing back \$12 billion annually to the Treasury, helping the deficit. Our Republican colleagues voted "no." They wanted to continue that tax break. We need to understand that we make decisions here. Policies are important. One example of a policy to use our tax system to help or to hurt American workers, just one. No support from our Republican colleagues to end that tax break. This is about policies that will drive the American economy.

We are going to spend the next 30, 40 minutes here focusing on some of those policies and investment. Mr. TONKO talked about space. That was an investment the American people made, and it paid off big-time, whole new industries, millions of jobs were created.

Mr. PALLONE, you come from an area where manufacturing matters, where it's important, where people do make things, also where they have a little bit of fun on the New Jersey beaches, but we'll let that go tonight.

Mr. PALLONE.

Mr. PALLONE. I'm glad you talked about my district. I want to talk about my district, and I also want to talk about Mr. TONKO and his district and what the President did last weekend because, as you know, it was a GE plant that he visited in Schenectady. But in addition to that, the president of GE is the guy that President Obama has now tapped to be the head of the Council on Jobs and Competitiveness. And he wrote an opinion piece in *The Washington Post* talking about what he wants to do, which I wanted to reference because it harks back.

I wanted to mention my district first and just say briefly that we in my district pride ourselves on being the invention center of the country, or the world, because the heart of my district is Edison, New Jersey, named after Thomas Edison. And Menlo Park where he invented the light bulb and so many other things, is located in Edison. That's why it was named after him after he passed away. And Edison, of course, is the epitome of someone who used invention and research to practically come up with solutions that made a difference for people's lives and created a tremendous amount of jobs.

What the President is saying, let's just talk about the R&D, because I know he's going to talk about that tomorrow. And of course it's going to involve some money that's going to have to be spent by the Federal Government, but it is a wise use of funds. Maybe we're going to have to cut somewhere else in the budget in order to fund things that create jobs; but we are going to, as I said, with a laser beam look at things that create jobs.

Now, let me just give you an example, big manufacturing, and also I should say big research, in my district is with the pharmaceutical industry. J&J is headquartered in New Brunswick. Johnson & Johnson is in my district. And one of the things that I read about, that I was told about actually, the other day was that the President has decided to create a new R&D function, if you will, within the FDA because he has realized that a lot of the drug companies have lagged a little bit in doing a lot of new innovation to create new drugs because of the recession. They don't have the money, whatever reason.

And so now the Federal Government is going to concentrate on that and do more research themselves, applied research in the Edison-type of applied research arena, to sort of jump-start these drug companies so that they can create and do more research to create more innovative drugs. Now there's a good example. We've always been a leader in the world with drug or pharmaceutical innovation. Now we're starting to lag a little bit. So the government is going to step in and help to give us some money and more resources, if you will, into that R&D function, which will create more jobs and boost up the existing pharmaceutical industry.

The same is true, I understand when he went to GE these are turbines or something that are being used for a project in India. So these are going to be shipped overseas. And my understanding is you talked about 1,200 American manufacturing jobs and more than 400 American engineering jobs just with that GE plant.

I will yield to you, but I want to come back to what the president of GE is saying about this council.

Mr. TONKO. Absolutely. Thank you, Representative PALLONE. The importance I think of hosting an event like that which the President joined is that we can showcase that there are great things happening. I for one am not going to submit to this notion that manufacturing is dead in America. I cannot, with a pioneer spirit that I detect all the time, for one, for any moment submit to that logic or that thinking. As the President was hosted by GE, specifically by its CEO, Jeff Immelt, he and so many others believe in the workforce and in the creative genius, leaders, labor leaders like the late Joe Battaglini who was a union voice for GE workers, Helen Corinne in the past, all of whom fought for the dignity of the worker because that worker was providing the intellect to take us to the next plateau.

And so what they talked about here was the fact that not only are American workers producing a high-quality turbine, but were also exporting to places like India.

And as the President said in his speech, we have bought many a Chinese

good in this country. It is time for China to buy our products. And I think he is setting a good tone so that there is this fairness that is associated with the trade out there and that we as a Nation not only need to make it in America, but we have to put an emphasis on exporting. And when those emphases are put into play, we will then prosper as a Nation.

You talk about the turbine and the manufacturing going on at GE, but the President was also updated with right next door and the activity right next door which is an advanced battery manufacturing center. And it's not the traditional lithium ion of which many people speak as the cutting-edge battery.

This one that GE is creating can deal with heavy fleets, specifically helping that niche of battery application. It can be used for energy generation. And then perhaps one of its greatest functions, it can be used to store intermittent power. So if we reach to the sun, the soil, and the wind to produce our energy needs, and it has an intermittent nature to it, we then put value added into that supply of energy because of the storage potential of this new battery.

And then they also have, across the street from this plant, GE's global renewable energy center. And what they're doing there is doing this global strategy on renewables. And so the turbine blades that are manufactured there, all of this is that cutting-edge technology that enables us not only to create jobs, made in America, exporting around the world, but also growing our own energy independence and our energy self-sufficiency, which to me is a strategic bit of policy.

So this should not be about Republicans fighting Democrats or Democrats competing with Republicans. This should be America moving forward with a progressive plan, with a laser-sharp focus joined with the message of the President to make certain that we compete not with each other but with other nations. Is it robust? Probably. Is it very hard-fought? Most likely. But we've got to be in it, and we have to have the passionate resolve to make a difference by investing in those key functions like education, higher education, basic research, R&D and modernization of our manufacturing centers.

People will tell me when they hear this manufacturing thing, they said we can't compete. Other nations will do it cheaper. We don't have to do it cheapest. We need to do it smartest—smartest. And when we do it smartest, we win. We sharpen our competitiveness, and we can win on the global scale.

Mr. GARAMENDI. I think Mr. PALLONE would like to come back and pick up this investment strategy that you talked about.

□ 2020

Mr. PALLONE. Well, I wanted to just mention briefly, because Mr. TONKO has been talking about GE and the president of GE who is now the head of this new Council on Jobs and Competitiveness, I just thought it was interesting. In last Friday's Washington Post, he wrote an opinion piece about how to keep America competitive. The gist of it was not only can we manufacture things here and do things better here, but we have to. In other words, we cannot grow our economy unless we spend a significant amount of resources, primarily in the private sector, but some government as well, in creating and improving the manufacturing sector. It is crucial to the economy. It is not something that we can just ignore.

He talked about, and one of the things I try to do is dispel the idea that we can't manufacture things here or that we can't be competitive because it is almost like a defeatist attitude. As a Member of Congress, you have to dispel this myth that it can't be done.

He says, and I will read his last section: "It is possible to become a competitive global enterprise and still care about your home. In fact, it is not just possible; it's imperative. There is no easy solution to fix the American economy with persistent and high unemployment, but the pessimism it breeds should not be accepted. We must work together to construct an economy that creates more opportunity."

That is what I want to stress. It pains me when I come here, and I don't want to be negative, but it pains me when I come here and I see the Republicans talk about repeal health care, repeal Wall Street reform, a budget resolution that has no numbers, get rid of Presidential election public financing, all these things, and it is almost as if they don't believe that we can have a vision for the future and don't want to act on it.

And the beautiful thing about the President in the last few weeks, and from what apparently he is going to say tomorrow in the State of the Union, is that he has a vision of America of opportunity. That is what the president of GE is talking about when he talks about creating opportunity for people. We have to have a vision that says that this is the land of opportunity and that we can be better and we can continue to be the manufacturing leader and the greatest power in the world.

Mr. GARAMENDI. We can do those things, but we have to have wise public policy accompanying the spirit of America. The desire for opportunity and the desire to better ourselves has to be accompanied by wise public policy. For example, right now many of our tax dollars are being used to buy buses and solar and wind turbines that are manufactured overseas. Our tax

dollars are going overseas to support the foreign industries. Those tax dollars ought to be brought back home to support American-made equipment, whether it is a bus or a train or a photovoltaic system or the like. That is one of the bills that I have introduced. It is very simple. If it is our tax money, use it to buy American-made equipment. If you want to spend your own money, buy whatever you want to buy, but not our tax money, whether it is solar buses or the like. Just some little policy tweaks that will support the innovation that comes from General Electric or from Joe Schmidt's new photovoltaic system that is invented out in the Silicon Valley.

I notice that our esteemed leader has joined us, Mr. STENY HOYER, who is now whip of the Democratic caucus.

Mr. HOYER. I thank the gentleman for yielding.

I want to call to the attention of my colleagues, as the four of you have done so well tonight and in nights past, we just had a very significant conference on the eastern shore of Maryland. In that conference, we discussed the agenda that we call Make It In America. Make It In America, as I am sure you explained earlier in the evening, I heard much of what you had to say, not all, but Make It In America is about succeeding in America, making it. There are a lot of Americans who are not sure that they, or at least their children, are going to make it.

In addition, Americans overwhelmingly respond, and we hear a lot of talk about listening to the American public, I think that is something we ought to do, but they overwhelmingly respond that their belief is in order for us to continue to be the great economic engine for opportunity in this country, it will be necessary for us to continue to make things in this country. To make it in America, whatever "it" is. In addition to that, to grow things in America, as we do so well, and sell them not only domestically but around the world. That's the President's focus on doubling our exports. He knows, as we know, that if we are not making things, the possibility of doubling our exports is zero.

I believe that people around the world respect and want to buy American products. Unfortunately, we are not making as many products as we used to. The President has asked Jeffrey Immelt of GE to head up a task force which looks, in effect, to enhance our ability to make it in America, to grow jobs in America, to grow good paying jobs with good benefits in America.

The American people understand that if we don't do that, 20 years from now the United States of America will not be, as it is today, the economic engine of the world. It is true our competitor in some sense in China is growing, but they still have a far way to go

before they match the United States' ability to produce goods and services.

The founder of Intel, Mr. Grove, has written an article about how we need to make it in America; his point being that we are the center of innovation, inventiveness, and development in the world. But his point is then made that in too many instances we are inventing products, innovating how they can be used, developing them, but then bringing them to scale—that is, manufacturing them for consumption on a broad basis—overseas. His premise is, and I agree with him on this conclusion, that if we continue to do that, that our inventors and innovators will migrate to where the product is being taken to scale or, in other words, manufactured for large-scale consumption.

I am hopeful that Republicans and Democrats can join together in this Make It In America agenda. We passed a number of pieces of legislation in the last Congress that were supported on a bipartisan basis, some of which have already been signed by the President, because on both sides of the aisle there is an understanding and I think a commitment to create an environment in which it is possible to make it in America and profit by doing so.

I think we are all heartened by the fact that Ford has brought plants back from Mexico and China, that Whirlpool has brought plants back, that GE has brought plants back, as well as others, and decided to manufacture things here in America and do so profitably; that they can make a quality product here with skilled labor, well-educated labor that will produce a quality product, higher productivity, and therefore result in profits.

I want to congratulate particularly the gentleman from California, a former State leader in California, still a great leader from California, but he has come to this body just a few years ago to succeed Ellen Tauscher, who became Assistant Secretary of State. He has done an extraordinary job in a very short period of time, and his focus on this Make It In America is unsurpassed, unequaled in this Congress. I want to thank him for his leadership and focus. And I want to thank Mr. ELLISON and Mr. PALLONE and Mr. TONKO for their focus, because I think we are on the right track on this.

I think our Republican colleagues hopefully will join us as partners not to take partisan credit for this but, that America will be advantaged, America's people will be advantaged. The reduction of our deficit as we grow the economy will be advantaged, and we will see an America that is on the rise in terms of growing our economy, creating jobs, good paying jobs, and opportunities and future for our people.

So I congratulate and thank the gentleman from California, the gentleman from New York, the gentleman from New Jersey, and the gentleman from

Minnesota for their leadership and communication to the American people of what this Make It In America agenda is all about.

Mr. GARAMENDI. I thank the gentleman from Maryland. You have been a long, long time leader in this House and on the subject of jobs and economic opportunity. I thank you very much for your kind comments.

□ 2030

For me, my work on this actually began in the mid-1980s, in California, where we developed a strategy of how to keep California competitive in this century. Well, this century is now here. We are 10-plus years into this century, and we have a big task.

We said back then in the work that we did that we needed to do six things:

You have to have the best education. That's a public investment that pays off over and over and over again.

Then you have to have the best research and development. That's the innovation economy that our President is talking about. So the research and the innovation go together.

From that, you create the opportunity to make the new things—to manufacture the new electric cars. General Motors was flat on its back, about to disappear, when the Obama administration and Congress stepped forward and brought General Motors back. Now the innovation of an electric car—the Volt—is in place. It's going to happen, and we're going to capture the next round of automobile manufacturing.

Infrastructure is another great and absolutely necessary investment. If you take that infrastructure and if you apply the Make It In America theme—the steel, the trains, the buses, the bridges—American made for America's future, it's possible. You also have to change. You can't do what you did yesterday.

Those are the strategies that pay off.

We need to add to that an energy strategy that frees America from the grips of the petrol dictators.

This is all of our future. This is what we want to do, and this creates the opportunity for Americans, for all Americans, to make it. Making it in America, that's what we all want.

I notice that my colleagues have stood up here.

Mr. ELLISON, you were grabbing that microphone with an intensity that requires attention.

Mr. ELLISON. Congressman GARAMENDI, I don't want to go long because I do want to hear from all of our colleagues, but I just want to mention two quick points. I was inspired by Minority Whip HOYER as he spoke.

Two points:

One is that manufacturing has historically been the high-wage sector for American workers. The middle class was essentially built because we were

making things. The higher wages associated with manufacturing employment have been proven to be much higher than your average service jobs. So manufacturing is definitely in the interest of American working and middle class people, and it is something that I think we should get a lot of support for from around the country.

The other thing is that, in order to really bolster a strong manufacturing sector, we need a strong infrastructure. There are over \$1 trillion in infrastructure needs around our country just to keep pace with maintenance. I'm talking about making sure the gusset plates on these bridges are working, that there's not the rust and the crumbling of concrete, and making sure that the bridges and the roads are safe. I'm talking about basic infrastructure.

Now, if we really want to go beyond that by building the transmission lines so that we can move power around and all the new innovative infrastructure—that smart grid—then there is a lot more to do.

The point is that I just want folks to know, before I leave it to our colleagues, that manufacturing is good for the middle class and also the attendant and connected jobs that you need to support manufacturing, like infrastructure development. There are also high-wage jobs that we need to invest in so that we can put America back to work.

Mr. GARAMENDI. Well, tomorrow night on this floor, the President of the United States will be here for his State of the Union Address. He has already signaled that he is going to talk about the innovation economy—that's education and research. He is going to talk about infrastructure, and he is going to talk about creating jobs—making it in America.

So, as we prepare for that, I noticed our colleague from the great State of Texas has joined us.

Please.

Ms. JACKSON LEE of Texas. I want to thank the gentleman from California very much.

I want to add my words of appreciation for having the opportunity to join you tonight and to join the minority whip, still my majority leader, Mr. HOYER, who coined the phrase, as we were beginning to speak to the American people, of how important it is for us to go back to our roots.

I am also delighted to be able to be here with the gentleman from Minnesota, the gentleman from New Jersey, and the gentleman from New York.

But I want to spin it in a different way.

I want us to reclaim America's genius. I could go back, of course, to the Model T or maybe even to Thomas Edison, with the light bulb. There is an excitement about being able to build, create, and invent—frankly, when I came to Congress, I wondered why we were

not making submarines anymore. As you well know, we had a shipbuilding industry in Virginia and, of course, in Mississippi—because genius also is part of building. You must have the kind of technology, the kind of expertise to make it the best equipment you possibly can have. That's what I sense that we have lost, and there is an excitement when young people can be part of the genius of America.

I come from Houston, Texas. We are one of the new starts in light rail, and we have been trying to get there for about 30 years. We are just about there when we would be on the precipice of funding for light rail. Yet at the same time, as we talk about putting tracks down, there is a technology of the new light rail cars. We need to, in fact, build those cars here in the United States. Many people view Houston as the energy capital of the world. You don't know that we have wind and solar businesses that are headquartered in my congressional district. The point is, of course, that the turbines, unfortunately, are not built here.

My point is, when the President so appropriately makes the point about investing in America and also of building infrastructure, he is speaking the language of capturing the genius of America.

I would just hold this up because I think this is an example of where we are going. We are going onward and upward. The red is the past administration, which is when no jobs were created or maybe a minimum of a million. We can see we have had some hard times. We don't ignore the fact that we have been in a hard, hard recession. But look where we're going. How can we go backwards? How can we not create more jobs?

We in Houston would really like to be part of not sending our tax dollars overseas. We want to be able to build buses, railcars, ferryboats, submarines, and large-sized ships, if you will, because that is capturing the genius of America.

So let me thank the gentleman for yielding. I am hoping the President will indicate to us, Mr. HOYER and to all who are here on the floor, that he is going to go forward on his investment in infrastructure and in recapturing the genius of America.

Mr. GARAMENDI. Thank you very much. Indeed, if it's our tax dollars, they ought to be used to buy things that are made in America.

We're going to do a lightning round here. We've got about 6 minutes, and we've got about five of us.

So, Mr. HOYER, our whip.

Mr. HOYER. I'll try to take a minute.

Let me say what I think is so good about this agenda Make It In America.

It is an agenda that, unlike some, brings us together and doesn't divide us. From left to right—Republican,

Democrat—people all over this country understand that, if we are going to be a great country, as we are today, and if we are going to remain so in the future, it will be because we continue to be a manufacturing country, a country that makes it in America.

I have talked to the National Association of Manufacturers, the Chamber of Commerce, and organized labor. This is an agenda item that will bring labor and management, business and workers together to cooperate so that America will continue, not only to make it in America, but to do so in an expanding way rather than in a shrinking way. We've been doing some growth in the last few months, in the last year, in the last 2 years, in the last 3 years, but not enough. We can do more.

Make It In America is the agenda for the future.

Mr. GARAMENDI. Thank you very much.

Our colleague from the great State of New York and Schenectady.

Mr. TONKO. I again thank the gentleman from California.

Look, I am ecstatic about the President's choice of Jeff Immelt, the CEO of GE, to be the chair of the Council on Jobs and Competitiveness. We can probably remove a lot of the struggle that occurs on this House floor by listening to the business minds out there, who will advise us about the strength we can provide to create jobs through invention and innovation.

□ 2040

Here is a voice that's highly respected; he is tremendously strong in his beliefs in American manufacturing again. And so we must let those voices speak and resonate in this discussion, in this dialogue on where we go and how we build our economy.

The President made it very clear: he spent his first couple of years stopping the bleeding of the recession. We were losing 750,000 to 800,000 jobs a month, 8.2 million jobs lost to this economy. Now our assignment is to plan strategically the growth of jobs, what is sustainable.

What is sustainable? Manufacturing, because it incorporates from the trades people over to the Ph.Ds. Everyone has a shot at that economy. It's the muscle we need, it's the American know-how, it's the American intellect. And I thank you again for bringing us together this evening.

Mr. GARAMENDI. I thank the gentleman from New York. Let's hear what New Jersey has to say.

Mr. PALLONE. I'm really excited about the President's speech tomorrow because I know he's going to stress the whole idea of investment and innovation.

He talks about the fact that right now many of the corporations in this country are actually sitting on a lot of profit. I mean, in the last year or so

many of them have actually made quite a bit of money. And we want them to reinvest that money in creating private sector jobs here. But one of the points he makes, and I talked a little bit about it tonight, is that the Federal Government has to incentivize all of this. In other words, I used an example with the drug companies that the Federal Government, by doing some research on new drugs, can incentivize the drug companies in my district to do more and create more jobs. But there is also an educational component to it as well. We need to do more in terms of education.

It's no surprise that in the middle of this pharmaceutical industry in my district sits Rutgers University. There is a lot of money through the stimulus act, for example, that went to Rutgers to do R&D that is then taken up by the drug industry. So it's part of a whole package, and I am very excited about it. And I just wanted to thank the gentleman again for all that he has done on this.

Mr. GARAMENDI. Thank you very much for joining us.

Ms. JACKSON LEE, why don't you take 1 minute and I will take 1 minute and we will wrap this thing up.

Ms. JACKSON LEE of Texas. Thank you so very much.

I just thought of something that I did want to add to the discussion. First of all, GE is an inherently American company, so I applaud the selection that allows a creator to move forward to create jobs for all of America. But I want to keep in mind that manufacturing is the employer of all people—women, persons with college educations, those that are in the trades, men, and young people. So families can be hired by manufacturing. And it is particularly important to me that women have the equal opportunity, particularly since we passed the pay equity bill in the last Congress.

But, finally, I also look forward to small and medium minority women-owned businesses partnering with large businesses to create jobs because small businesses and minority-owned businesses can create jobs and are part of the infrastructure of jobs.

So if the President speaks tomorrow, I hope he speaks for all of America, that all will have an opportunity to retrieve the dream by the opportunity to make it in America.

I thank the gentleman for having us this evening.

Mr. GARAMENDI. We have always thought of America as being the land of opportunity; and it has to be the land of opportunity for everyone in this country, wherever they may be, whatever their status may be. And we know that if we are able to rebuild the manufacturing base in America, small companies, large companies, entrepreneurs and inventors will all participate in it.

So the Make it in America effort will be a bipartisan effort. And if we put our minds to it, it will be a successful effort, and America once again will be in the leadership place.

Mr. Speaker, we yield back our time, and we thank you.

EPA'S WAR ON TEXAS

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. I thank the Speaker for allowing me this time. I am pleased that I can bring up some issues that I think are important.

The title of this is "The EPA's War on Texas," but this is about a lot more than Texas.

I think that most people probably don't realize that a lot of the rules and laws that, especially if they're in business, but even in your own personal life, that seem to touch closest to home, you would think they were done by a vote of this Congress in some form or fashion where we decided that this is good for whatever the rule is for your life or for your business or for the good of our Nation. But, in fact, many of these rules actually come from regulatory agencies. These agencies are given rule-making power, and those rules actually have the power of law.

And so a body of employees of the United States—and a few of them are political appointees, depending on the agency. Some of them are appointed each term by the administration, but most of these people are civil servants who work for civil service and these agencies. There are agencies across this land that take certain sections of our lives and make rules about them—the rule-making authority is given to them by Congress—and the EPA is one of those agencies, the Environmental Protection Agency.

A situation has arisen in Texas which is not only about Texas, but it's about America. The last couple of years I have been talking about the rule of law and the fact that we try to set up a system in this Nation that has basic fairness and that there are certain things that are right and certain things that are wrong. When we do that, we don't expect one group to impose its will upon another group inappropriately; but what has happened to Texas, I would argue, is an overstepping of a regulatory agency.

To talk about this, I'm going to have to start off by giving you—so that you understand it not only affects the lives of Texans, but it directly affects the lives of 13 other States immediately, and potentially every State in this Union.

In the last 4 years we have been having an ongoing debate and discussion,

both at committee level and on this floor, about the effect of carbon emissions upon the environment. There has been an ongoing debate as to whether or not there is such a thing as global warming. That term now, because the globe doesn't seem to be warming up very much, has turned to climate change, and also because of some kind of falsely manipulated facts concerning global warming, the term has gone to climate change.

But there are those good-meaning people in this Congress who believe that carbon emissions are the new deadly medicine for this country; and if we don't do away with them, it's going to destroy our ability to live on this planet. Al Gore and others are the lead folks on this, and they think it's very important. That debate has been going on now for 4 to 6 years in this Congress, and an attempt has been made to pass what's called cap-and-trade legislation. In fact, by one vote, I believe it was, cap-and-trade, under the Democratic administration of the last session of Congress, was passed out of this House. Cap-and-trade went nowhere in the Senate, and so it never became law. But its purpose was to cap the emissions and tax folks accordingly. That's very simplified; it's much more complex than that. But basically this Congress, made up of the Senate and the House, rejected as a unit the concept of cap-and-trade.

The Environmental Protection Agency decided that even though pretty much America had spoken that carbon emissions were not something that they wanted to impose harshness upon folks about, they decided, well, we don't care what they want, we want the carbon emissions.

□ 2050

So they, starting in December, I believe, of last year, they started issuing new regulations about carbon emissions. And then they started passing them on through the Clean Air Act to the various States.

Now, I'm telling you this because it's going to have a direct effect on your life. Every Member of Congress here and every person that might be watching this discussion someplace else will see that when you start talking about what is maybe happening in Texas, you have to realize that as you watch the price of gasoline go up at your pump, you have to realize that there can be a direct relationship between what's going on in the market and what happens to the prices for the American consumer.

Here's what has happened in Texas. When they created the Clean Air Act, they gave the EPA the ability to promulgate rules and standards for air quality. But the act specifically says that the local authority and the States have a better means of policing up this act than the Federal Government. So

the implementation of the rules, of the standards set by EPA, will be done by the States rather than the Federal Government, and each State is to come up with a plan.

And that bill was passed, I believe, in 1974 or 1976, something like that. Anyway, it was in the 1970s, and it had nothing to do with carbon. It had to do with noxious gasses and other really bad things that were getting into our air and reducing the air quality, and the standards were important.

And each State had the ability to structure their permitting system to fit the needs of their State and then submit that permitting system to the EPA for approval. And the EPA would say, Yeah, I think that's a good system, or, No, we don't think it is a good system.

One of the things that happened when they put together this Clean Air Act and set these emission standards was what they call a grandfather clause. And companies that were already in existence long before the time of the passing of this act were grandfathered out of the act. So basically some of these big refineries, electricity power plants, manufacturing facilities, automobile plants had been around long enough that they would be grandfathered in in some certain areas on these emission standards and the requirement for permitting under the law. That was just the way this act was written.

So Texas had a lot of—Texas is the largest energy producing and energy manufacturing State in the United States and has the largest refinery capacity in the United States. I used to be able to name the refineries in Texas, but I'm afraid I'd fall way short today. But needless to say, there are a multitude of refineries and chemical manufacturing facilities just in the Houston area alone and in Corpus Christi and in other parts of our State, both great, gigantic refineries and midsize and small refineries and manufacturing facilities. And they're all dealing with, basically, the petrochemical industry. The oil and gas industry is the base product that they are refining, manufacturing things from and so forth.

So in Texas, looking at what it would take not only to clean up the industries that would fall under the act, which would be the newly permitted industries, but also would start to police up the grandfathered—the folks that could get out under a grandfather clause—police up those facilities, too.

The people in Texas got together and they came up with a concept called flex permitting, and here's the way it works:

Let's just take a refinery. Baytown has a gigantic refinery that I have visited. They passed a rule that says there's lots of sources of emissions from some form or fashion inside of a refinery—comes from a little thing the

size of a faucet to great big smoke stacks can be emitting something into the air. So what we want them to do is take that site and reduce their emissions down to the standard that is required by EPA. And so we're going to let them, so long as their site reduces emissions and meets the goals set up by the Clean Air Act—not every individual place that emits will have to have a permit, but just one permit to cover the whole site. And then as the site reduces its emissions, it all falls under one permit, and it's called a flex permit. So it allows the refinery to go in, fix this first and then fix this second and this third and this fourth; and find the big bad ones first and fix those, and then work down to fix the plant.

And by the way, there is a recent letter from the EPA saying that Texas has met and exceeded the standards under this flex permitting.

But then along comes greenhouse gasses, and they passed the rule about carbon emissions. And they say, Now you have to put that under your permitting systems.

And the other 13 States plus Texas were kind of taken aback by this. But Texas said, No way. We don't think you should be imposing carbon emission standards on us when the Congress refused to impose these standards. And they, as I understand it, started contesting this in the court.

So here's where the rub comes in. The EPA then announces to Texas, We don't approve your flexible permitting system, and every industry in your State is now out of compliance, and you are going to have to have a new permitting system, and we're taking over how that's going to work—even though the act says Texas, or any State, shall be people who administer there.

Now, you may say, Well, that's not too bad. There's a kicker here. Texas created this permitting system in 1994, and since that time, they have been asking EPA to tell them yes or no. Do you approve it or you don't approve it? And tentatively, they sort of said, Well, we'll approve it, but we're going to study it and look at it.

Fifteen years this flexible permitting system has been in place.

And now as the dispute over carbon emissions comes along, to batter Texas into compliance, they have depermitted the whole State. They've announced they depermitted the whole State. Now, the State went to court and at least got a stay on that temporarily.

But think about that. If you had something that you were doing that the government said, Now we'll have to approve that to do it, and you say, Fine, here's what we're doing; would you please approve it or disapprove it, and they waited 15 years to do it, and then when they announced they're disapproving it they say, Oh, by the way,

we plan to go back and fine you for the last 15 years for carbon emissions—that's what I understand it's going to be—something is wrong with this picture.

I'm joined by my good friend and fellow judge, LOUIE GOHMERT from Texas, and I'd like to hear his take on this. And if I got anything wrong, he can tell me about it.

Mr. GOHMERT. Thank you. I appreciate your yielding.

And not only do you not have anything wrong, but the Clean Air Act that the EPA is supposedly acting under, but they're actually violating, stipulates that pollution control is "the primary responsibility of States and local government."

□ 2100

While the national EPA office is supposed to set the overall priorities, States are supposed to have, under this bill that they are supposedly acting under, the States have considerable leeway in their "implementation plans." That's what the States are supposed to do. And for all these years, when the EPA all of a sudden changes their instructions, States are normally given 3 years. Because what we're talking about is when the EPA says now shut down, you are talking about jobs.

And I realize this is all part of the President's war on jobs. And it's working well. First, the moratorium in the Gulf of Mexico has really decimated Louisiana and many of the Gulf States as he has declared this war on jobs and eliminated so many jobs there in the Gulf region. But what is happening here, as you freeze out refineries, as you declare war on drilling and activity in the Gulf of Mexico, we are now starting to see that effect on everybody else.

And it's one thing to stand up and say, and I am sure we'll hear tomorrow night about how the President cares so much about the working poor in America, and that's who he's out for. But the trouble is, don't watch what is said, watch what's done. And as we watch the price of gasoline continue to go up, and up, and up, the people that are most devastated by that are not the massive companies that can pass these costs on, they're the people that are trying to get to those jobs that have jobs left. So those that hadn't already lost their jobs are going to have to deal with this problem.

The EPA, the regulation chief, Gina McCarthy, just a couple of weeks ago sent notice to Texas saying she had no choice but to seize control of the permitting. I mean this is the Federal Government just deciding that even though the bill under which she is acting says the States and local government have primary control, she's decided to seize control. This is the Federal Government at its worst, at its most dictatorial, doing what democ-

racy says you will not do, because they couldn't pass the bill, and now they're coming on and doing this with a totalitarian dictatorship.

Now, might as well put "czar" beside Gina McCarthy's name. She's the latest czar. Just hadn't called her that because the name's become unpopular. But now she has seized control of the State and local permitting under the act. She noted "statements in the media" by Texas officials and their legal challenges to EPA's greenhouse gases, but she cited no legal basis for the takeover. And what's more just really offensive is the fact that what in essence they're saying is in 1992, according to this Wall Street Journal article, in 1992, before there was ever any regulation of this horrible carbon dioxide, carbon emission, and unfortunately Gina McCarthy, as she says anything, she's a pollutant, she's a polluter, we need to shut down polluters like folks that are breathing out carbon dioxide. You know, it used to be a joke, Judge, that the government has gotten so overreaching that the next thing they're going to regulate the air you breathe. And now we're here. And that's what's happening.

But in 1992 there were no carbon dioxide concerns. And now they're using the fact that in 1992 Texas was not regulating carbon dioxide as a reason to take over what the Clean Air Act says must be done by the States and local governments. So it's pretty ridiculous. The Wall Street Journal says these words: "The takeover was sufficiently egregious that the D.C. Circuit Court of Appeals issued an emergency stay on Thursday suspending the rules pending judicial review. One particular item in need of legal scrutiny is the permitting takeover as an interim final rule that is not open to the normal and Clean Air Act-mandated process of public notice and comment." As the article says, so much for transparency in government.

But I guess when you declare a war on jobs, you declare a moratorium on drilling activity, you devastate the hardworking folks in America that are trying to produce energy, and what that didn't kill then you turn right around and take over control of State environmental responsibilities so that you can finish going through with your war on jobs.

Mr. CARTER. And you know, this flex permit's whole purpose was to use common sense and meet the environmental standards without shutting down facilities and losing jobs. That's why they came up with the flex permit. It allowed them, if they met the standards, to do the repairs and fixes in integral parts and not stop until the whole thing is in compliance and have a permit for every faucet in the building that needs to be adjusted or fixed. But rather let them fix the problem as it goes along.

And we are the model for meeting the air quality act, the model. I mean most States aren't in as good of compliance as the State of Texas under the flex permit system. And yet exactly as my colleague has pointed out, because of this carbon emissions dictatorship and because they're saying you will do as I say or else, the position that's being taken by this czar from the EPA, Texans are sort of the kind of people that just bow up when people say that like that, so we said "no," and we are in this fight. And I think we are in the fight to win. Because I think anybody would say it would be totally unfair for EPA to sit and ponder their duty to approve a plan and spend 15 years looking at it and not do anything with it, and it's meeting its standards, and all of a sudden, bingo, because of this they're taking over our permitting.

I am very pleased to be joined by a gentleman that is probably the most knowledgeable man in Congress about the workings of this particular act, Mr. JOE BARTON, former chairman of the Energy and Commerce Committee and a ranking member of the Energy and Commerce Committee, and now our Texas expert on all things energy and all things environmental. Mr. BARTON, I yield you so much time as you choose to use.

Mr. BARTON of Texas. Thank you, Congressman CARTER. And I want to thank you and Congressman GOHMERT and some of the other Texans who may have been here before I got here. I have been at a Young Guns dinner, which is why I'm late. But I did not want to fail to take advantage of this opportunity. I want to thank you for hosting this Special Order.

I want to kind of set the predicate here in terms of those kind words that Judge CARTER just said about me. I have been in the Congress 26 years. I have been on the Energy and Commerce Committee 24 years. I have been a congressional observer or delegate at large to all the major global warming climate change conferences, or COPS, council of parties. I was at Kyoto when Vice President Gore came over and made his famous speech, and then on behalf of President Clinton agreed to sign the Kyoto Accord, which the U.S. Senate never took up.

Most recently, I was a part of the congressional delegation that then-Speaker NANCY PELOSI took to Copenhagen last year, where President Obama came and pleaded that there be a conference agreement, which then Secretary of State Hillary Rodham Clinton agreed to fund with dollars that the U.S. Government didn't have. So I was at Buenos Aires. I mean I have been to all the major conferences as a congressional observer or delegate.

I chaired dozens of hearings on global warming, authored bills, was an original cosponsor and passed the—I helped to vote for and support the Clean Air

Act amendments of 1990. So I have been involved in this issue for a number of years. Let me say this: CO₂ is not a pollutant under the criteria as put forward by the Clean Air Act. It's not one of the named criteria pollutants like SO₂ or ozone. It is necessary for life as we know it.

□ 2110

The term "greenhouse gas," if you just think what a greenhouse is, self-enclosed, in this case the world, and the greenhouse gases are what create the atmosphere and help trap the heat so that life can exist. CO₂ is a trace gas, it's about one-tenth of 1 percent of the atmosphere. Man-made CO₂, called anthropogenic CO₂ is, I don't know the exact percentage of the total, but it is less than 50 percent.

So what has happened in the last 10 to 15 years is this theory of global warming and climate change needed a bogeyman, and they chose CO₂. They have developed these models that show as CO₂ levels rise in the atmosphere over time, the temperature rises.

It is a fact that CO₂ is rising, but it is not necessarily a fact that that rise is causing temperature to rise. In fact, there is quite a bit of data that would indicate that CO₂ rises as a consequence of temperature rising, so it is a follower, not a leader in that.

So in any event, this administration, the Obama administration, when they came into office in January of 2009, began a process, or accelerated a process, to determine that CO₂ was a danger to the atmosphere or a danger to the health of the U.S. population. And they, within 90 days, issued an endangerment finding where they said that since CO₂ was a danger to public health, they had the right to regulate CO₂, and they began to promulgate these proposed regulations.

What does that have to do with the Special Order this evening? The Environmental Protection Agency has made a decision—and I think a political decision—to be punitive towards Texas and has gone down, and I am sure Judge CARTER and Judge GOHMERT have pointed out that they have revoked over 100 existing air-quality permits, some of which have been on the books since the 1990s, for sites and facilities in Texas.

Those permits are for more than CO₂. They actually are required by the Clean Air Act to regulate SO₂ and NO_x and ozone, things of this sort. They revoked all of those.

The EPA has also issued, I don't know the right word, Judge, threats, warnings to the State of Texas that Texas must begin to implement some of these proposed regulations on CO₂. In both cases, I think the EPA is acting without the law being on their side; and in the case of the CO₂ regulations, I am very confident they are acting without the science on their side.

So what those of us who represent Texas here in the Congress, in conjunction with our Governor, Lieutenant Governor, the Texas House, the Texas Senate and the Attorney General of Texas, are saying is before we go any further, let's see what the real facts are. Let's see, has Texas, as a regulatory entity, through the Texas Council of Environmental Quality, TCEQ, failed in its obligation under the Clean Air Act to implement the terms of that act?

I think the answer is Texas has not failed. I think the answer is, if you look at the record, air quality and the criteria pollutants that are specifically regulated by the Clean Air Act is improving in Texas. We have two or three or four, I guess we have, the DFW is a non-attainment area. El Paso is a non-attainment area. Houston-Harris County is a non-attainment area and Beaumont-Port Arthur, I believe, are still listed as a non. So we have four areas that have been non-attainment under the specific criteria of the Clean Air Act.

In all four of those, the State of Texas has submitted what are called State implementation plans, SIPs, and those have been accepted, I think with one exception by the EPA, both regionally and nationally. Under those SIPs, air quality is improving.

And if the EPA were not to keep changing the standard, we would be in attainment in all four regions. But each time we have gotten close, in the DFW area, for example, to be in attainment, they have tightened or changed the standard and said that we were in noncompliance.

So what we are doing this evening under Judge CARTER and Judge GOHMERT's leadership is saying let's begin to have a debate about what the facts are. The first fact that everybody watching this and listening on the floor needs to know is air quality in Texas is improving. The TCEQ, Texas legislature, has done an outstanding job of implementing the terms and conditions which we have passed here in Washington.

Number two, the State of Texas, working with industry, has adopted a flexible permitting program where we work with industry and say here is the standard you need to meet. Here are the various ways you can meet it; let's work together.

And that's worked very well. Compliance costs in Texas are below the national average. Industry sees that. Industry is coming to Texas. People are moving to Texas for its quality of life.

I am sure you all pointed out that Texas has led the Nation in job creation. Texas has led the Nation as one of the leading States in terms of population increase. Now, you cannot be doing all those good things and then be derelict in air quality if, in fact, air quality is improving and water quality is improving.

So we want a dialogue on what the facts are, both on the criteria pollutants under the Clean Air Act and on CO₂, which is a greenhouse gas. And I would hope, Congressman, that we do more of these Special Orders, that we even do some of these in Texas. I can assure you on the Energy and Commerce Committee, and I am a senior member, I have encouraged our current chairman, Mr. UPTON, and our current subcommittee chairmen, Mr. WHITFIELD, Mr. STEARNS and Mr. SHIMKUS, to hold hearings, bring witnesses on both sides from Texas, bring our friends at the EPA, both up here and in Dallas, come down, come up, and let's put the facts on the table and then let's see what laws, if any, need to be changed.

I am already a cosponsor of a bill that would make it explicit that CO₂ is not a regulated pollutant under the Clean Air Act and should not be. I am not saying that at some point in time we may not need to issue a standard on CO₂, if it's proven that it is a harm to public health. But until that time, it should not be regulated under the Clean Air Act. It was never intended to be, and we think the EPA is wrong to keep insisting that it should be.

Again, I want to thank you, Judge, and thank you, Judge. I am glad to be here and participate.

Mr. CARTER. I thank you for coming here. JOE BARTON really has been dedicating his life to these types of issues for his long tenure in Congress.

But I always wonder if sometimes people back home are sitting around saying so what does this mean to me. Well, I am speculating, okay, I am only speculating, but let me say something that I think everybody agrees.

The last time we had a spike in the price of gasoline, it started, I think, everybody points to how it started, it started when they had a refinery fire in Illinois.

□ 2120

And all of a sudden, the speculators said, whoa, we've got to reduce refining capacity in the oil and gas industry right now. They shut down about half that plant in Illinois. And all of a sudden, we started to see the futures start to move on oil. And that was the kick-off of \$5 gasoline in some parts of the country. Why? Because the speculators say, well, if refinery capacity is reduced, gasoline is going to be in more short supply. Futures, I can buy now, sell later. I can make money off this commodity. And the price started up. Other things happened then, speculators, all of that can be talked about. But it started. Everybody says that there was a fear of reduced refining capacity because right about that same time we had the hurricanes, which reduced refining capacity over in New Orleans.

Now, what's happened since this whole thing started right here which

could reduce—remember that Texas has the largest amount of refineries anywhere in the United States. JOE, Mr. BARTON, if I could ask you, what percentage of the refining is in Texas? It's a pretty good percentage of the national refining. Do you know?

Mr. BARTON of Texas. About two-thirds.

Mr. CARTER. Two-thirds. Two-thirds of the refining capacity is in Texas. And all of a sudden as this dispute between EPA and Texas rises its ugly head, and we see that the EPA is taking over this permitting, and industry itself is saying, look, we just want to know what to do. We are at a loss of what to do. And we are willing to work. Industry is saying to them, tell us what the new permit is. Tell us how to do this. What's going to happen? And there's a lawsuit pending, and all this stuff. Now the speculators, I think, are starting to say, oh, the price may be going up again. You tell me. Has the price of gasoline gone up in the last 3 months? Does it look like it's going to continue? I'm not saying this is the cause, but I think I can argue it's one of them.

What Texas does with industry is the perfect example of government and industry working to fix a problem together. That's what we thought we were going to get from the Obama administration when he started out. Instead, we have government working against industry in this present administration, and because of that we start to see it at every level. And by the way, if you think it's just in this particular area, just a little fact: Last year, the Federal Government issued a total of 3,316 new rules and regulations, an average of 13 rules a day. Seventy-eight of the new rules last year were major rules. A major rule is a rule that will result in an annual effect on the economy of \$100 million or more, a major increase in cost or prices for consumers, or significant adverse effect to the economy. And we had, just last year, 78 of those rules, plus an additional 3,000-plus more rules that were passed.

I bring this all up, and I will yield to my friend in just a moment, because I want to talk about one of the solutions that we are looking at. It's a little known thing that is now coming to the forefront. It's called the Congressional Review Act. Back in 1996 under the Contract With America Advancement Act of 1996, as part of the Small Business Regulatory Enforcement Fairness Act, they created the Congressional Review Act, this is Public Policy Law PL 104-121. It allows the Congress to review every new Federal regulation issued by the government agencies and by passage of a joint resolution overrule that regulation. The process is the Federal agencies shall—note that word, that means they have to, although I don't think they all do—submit to each

House of Congress and to the Comptroller General a comprehensive report on any major proposed rule. Congress has 60—that's legislative—days to pass a joint resolution of disapproval of any rule. The Senate must—must—vote on the CRA resolution of disapproval if 30 Members of the Senate approve having a vote. Only 30 Members are necessary to have a vote in the Senate.

So this is a tool where we can, in our small way, be a part of this fight on behalf of Texas. And we will be following this procedure that is set out in this act, and we will be attempting to have, and will have, a vote on this House floor on this rule. And I think when people hear the "taint fair" factor in this particular rule, it's going to be a strong vote.

I now yield the time to Mr. GOHMERT that he wishes to take.

Mr. GOHMERT. Well, my friend indicates it's unfair for Texas. But as former chairman of Energy, JOE BARTON, notes, with about two-thirds of the refining capacity for the whole country being in Texas, what this means is regardless how anybody feels about Texas, I know there are a lot of people that don't care for the State, but regardless of how people feel about it, when two-thirds of the refining for the gasoline they put in their cars is coming from the State of Texas, and the EPA has declared war against Texas, violating the laws of this land in order to politically stick it to Texas, the price that will be paid is by rank and file folks across the country. And, as we've seen, manufacturers—we had colleagues across the aisle talking about jobs, jobs, jobs—the things that this administration are doing are killing jobs. They were going to create all these jobs and create all these jobs, and then they did such a terrible job of creating jobs, in fact, we were going in the wrong direction. So then they went to saying, well, we are saving jobs, when the fact is they are driving jobs overseas. We're losing manufacturing jobs constantly. And this very thing we are talking about tonight is one of the reasons. There is so much uncertainty with regard to business in this country.

Now if you want certainty, you could be a friend of this administration, as George Soros is, so his biggest single investment is a drilling company down in South America, and so we loaned them \$2 billion—that's with a B, billion dollars—to drill offshore off Brazil, but in the meantime, we've got a war declared on those who make their living in the gulf coast area, a drilling moratorium. People are still not able to drill, and that has affected so many jobs. But when the price of gasoline continues to go shooting up because this administration is doing everything they can to increase the price of energy and make it harder for people to get cheaper gasoline, people are going to make their voices heard. And what I

don't think the administration understands is the timing of all this is going to be such that it's going to be coming around in 2012 and really adversely affecting people's pocketbooks and jobs. Employers can't count on the price of fuel being where they need it, and a lot of businesses are saying, this is something we can't do business with, the EPA, the uncertainty of the requirements.

And what it reminds me, too, is in our Natural Resources Committee with the Democrats in control they were always able to bring more witnesses. That's just the way procedure works around here. Whichever party is in the majority, they get to bring more witnesses that will say what their position is. They brought a witness to the Natural Resources Committee to testify that, gee, we really need to stop drilling off the coast and basically everywhere. But he said there were over 200 million families in the world that make their living from fishing, and if we allow this drilling off the coast to continue, it's going to destroy fishing for all those 200 million families. Well at my turn, I pointed out, you'll be glad to know that we heard those things in Texas, I did growing up, that if you allow platforms off our coast, then it's just going to kill off all the fishing off the coast of Texas and in the gulf. It turns out, I told the witness, he would be glad to know, that those platforms become an artificial reef. Fish proliferate around those areas. So when you want to go fishing now, they take you out to platforms because it's done so much good for fishing. And I said, as far as you're concerned about the oil that was leaked after Katrina, not one barrel came from any of those platforms, some of which were totaled. They came from onshore tanks which really were the place where tankers bringing oil from overseas came in and unloaded it. Some of that was hit by the hurricane and leaked. And he said, well, look, and this is in a nutshell what he said, I guess the real problem is this: If you produce oil or gas onshore, offshore, wherever it is, at some point it's going to be burned, and it may be it's in an engine, wherever, that produces carbon, the carbon goes into the air, and eventually the rain brings it down either into the ocean or on the land, and it's washed into the ocean. That puts more carbon in the ocean, and as you have more carbon in the ocean, eventually the pH increases, and eventually if you keep doing that long enough, the pH will increase enough, everything dies in all the oceans, and so that's when people can't fish. That's what this administration is basing all of their opposition to drilling and production of fossil fuels on.

□ 2130

We all agree we ought to be moving off of fossil fuels; but if we would allow

drilling on Federal offshore areas, Federal onshore areas and designate a percentage of the proceeds of our Federal royalty to go toward development of alternative fuel, we don't run the jobs off, we don't run the poor folks that are just trying to make it into bankruptcy because they can't afford gasoline, and everybody wins. It doesn't have to be an everybody-lose solution.

Mr. CARTER. I yield to Mr. BARTON.

Mr. BARTON of Texas. I want to keep reiterating, air quality in Texas is improving. It is improving. The Clean Air Act gives the Federal Government, through the Environmental Protection Agency, the right to preempt States when the States either don't implement the Federal regulations on the Clean Air Act, or if the States simply turn it back and ask the Federal Government to take over. So the EPA does have the right under certain circumstances to preempt State implementation.

But in this case, I would postulate, and each of you are former judges before you became Congressmen, that since the State of Texas has complied and air quality is improving and there is a debate about whether CO₂ should be regulated under the Clean Air Act, which is a separate issue, that the Federal Government has overstepped its bounds to come in and unilaterally, against the wishes of the State of Texas, repeal these permits and require that they all be resubmitted and not only resubmitted, but resubmitted in a very specific way.

The State of Texas air quality permitting program has been flexible, says we will regulate an entire site and as long as you are under that cap, you can implement new equipment and new procedures as long as your emissions stay the same or go down. And under the Texas flexible permitting program, they have gone done, in some cases as much as 20-30 percent. This is in a State where population has gone up, where productivity has gone up, and output has gone up. So in my view the State of Texas and the Texas Council on Environmental Quality should be getting awards from the Federal Government, not being punished and not being unilaterally dismissed.

I really respect and thank you, Congressman CARTER, for holding this Special Order. I will tell our friends in Texas that may be watching that this Special Order is not the end; it is simply the beginning.

Mr. CARTER. That's right.

Mr. BARTON of Texas. Those of us who support this initiative support it because we believe you can have improving air quality and improving water quality and increase jobs and economic output. It is not an either/or. It can be a win/win. But if we adopt the EPA's shortsighted, mandatory, very specific command-and-control attitude, you are, as Congressman GOHMERT

said, you are going to destroy jobs, destroy the economy, reduce output, and not get very much increased environmental quality.

Mr. CARTER. Reclaiming my time, I believe the Governor pointed out that of the million new jobs created in America in the last 5 years, 3 years, something like that, 850,000 of them were created in Texas. We are a dynamic economy; and we are a dynamic economy because we have had the foresight of all working together to make jobs, to improve the environment by using logical, commonsense methods of doing this regulation.

Mr. BARTON of Texas. If the gentleman would yield, common sense, we are beginning the redistributing process now, and the State of Texas is going to gain four additional congressional seats which means our population between 2000 and 2010 has increased approximately 3 million people. My question to you: Would people be coming to Texas if the quality of life was decreasing, if the environmental quality was decreasing, or would they be coming to Texas because it is a better place to live and it has economic opportunity?

Mr. CARTER. Reclaiming my time, that is exactly what is going on, Mr. BARTON. They are all indications. You can stop your new neighbors and ask them why they came, and they will tell you because Texas is where things are happening. It is where you have a tax structure where we can prosper in business, and yet it is a fair tax structure.

You are doing things right so that rather than throwing up roadblocks to new businesses, you are throwing up enhancements to make it easier for new businesses to come and prosper. Not the big monstrous refineries, the little bitty mom-and-pops. Some of those mom-and-pops are a chain of mom-and-pop stores that are all over the State and soon to be all over the Nation. Texas makes sure that we follow basic rules and we don't turn people loose, but we come up with methods where government and industry work together to solve problems.

Mr. BARTON of Texas. If the gentleman would yield for another question, name a State that has one of the more rigid, restrictive, so-called protective environmental regulatory schemes in the Nation?

Mr. CARTER. California.

Mr. BARTON of Texas. The gentleman is correct.

Name the State that has the largest net out-migration from its State to Texas?

Mr. CARTER. California.

Mr. BARTON of Texas. The gentleman is correct again.

So here you have a State that is noted for its State regulatory protection regulations at the State level; and yet that State has one area, the Los Angeles basin, that has been in the

worst category for nonattainment for two decades. I wish we had some of our friends from the great State of California on the floor, and they could correct me if I'm wrong, but that particular region has not exhibited any measurable increase in air quality, in spite of the most rigid regulations, and that State has exhibited the largest net out-migration of population to Texas.

I don't think that is serendipity. It is because we have strong environmental protection in Texas. Our air quality is improving. The quality of life is improving; but because of our flexible approach, you still can create jobs in Texas, and there are lots of folks around the country who want to take part in that and become part of that.

Mr. CARTER. As we fight this fight, this fight is not just an oil and gas fight. This is going to affect power plants around the country that are operating under natural gas, coal, oil, any kind of hydrocarbon. This is just the tip of the iceberg of what is going to happen in this arbitrary decision by the EPA against the will of the Congress and the American people.

We have had 2 years of doing things against the desired will of the American people, and the American people spoke in the last election. It is time for us to make commonsense decisions and do what makes sense. It makes no sense to let people operate under a system that works for 15 years and then come in and say implement this immediately. We are not giving you 3 years to implement it. You will do it now. And when we said, no, wait a minute, let's play by the rules, they say, Fine. We never did get around to giving you the official letter approving your flex permit system, so here is your official letter. It is denied. Because you are not doing anything about it, we are going to come in and take over your permitting system.

I don't think the average American thinks that is the way anybody ought to operate. It is not the way that I think anybody ought to operate. I would be surprised if it is not the way that a majority of the people in this House think these agencies ought to operate.

You know, we always hear the idiot, crazy things and they come out in the newspaper and you will see some of them. But just to let you know it is not just in this industry where new regulations are going to be going strange; there is a proposed regulation that is going to be affecting Texas for sure and a whole lot of other States in this Union: they want to regulate dust.

□ 2140

So, if you've got a dusty road, driving up to your ranch house or to your personal house, they want to come in and regulate the dust that kicks up in the summertime, when it's hot, behind your car.

The solution they came up with for this in California—California, the place where they have the drought in the Central Valley, a shortage of water—is to water down your road every day. Take the water you need for the plants and for people, and squirt it on the road to keep dust from going up in the air.

Like Mr. GOHMERT said, we used to laugh and say, someday, the government is going to regulate the air we breathe and the food we eat. Lo and behold, they are. It's going on right now.

So this is just the beginning. As JOE said, this is just the beginning of bringing this to the attention of the American people—this regulation, what they're doing to Texas—and of standing up for our fellow Texans, who are standing up for our State's compliance record and standing up for our State's ability to create an environment where people can have a job and where they can pay their own way—and good industry jobs. We're standing up for those people. We're making sure that we don't lose those great jobs in Texas because of this regulatory agency.

This is only the beginning of the fight. There is more to come. We're going to fight, not only this regulation, but many, many more. We'll be bringing them up to let the American people see that the regulators can be dictators.

I just want to correct one thing Mr. GOHMERT said. We're no longer having a moratorium on drilling. I was told today by one of my constituents that we're having a permitorium.

They said, Oh, yes. Where the moratorium's lifted, you just have to get a permit.

So far, there haven't been any permits.

Mr. BARTON of Texas. I just want to make one nonscientific comment.

I flew this morning from DFW Airport up to Reagan Airport to attend this session of Congress. The DFW area is home to approximately 3 million people, to a number of power plants, lots of industry, electronics, general aviation, defense. I flew into Washington, which has almost no industry. The air was clear at DFW. When I came into Reagan, I looked out the window, and I thought, man. I mean, I don't want to be disrespectful to our international friends over in Poland, but it did remind me of the last time, which was several years ago, I flew into Warsaw, and the air was so thick you could see it. I don't know what the issue is here in the Washington region today, but when we flew into Reagan, it was noticeably hazier and browner flying in than it was when I left DFW, where the air was absolutely crystal clear.

Now, that's nonscientific, but I would invite anybody who thinks we've got an air quality problem in Texas to go to Dallas or to go to Houston. Drive out along the Houston ship channel. Go

down to Corpus Christi, outside the major refineries on the gulf coast, and you'll see a success story. What you won't see is air pollution that's caused by industry in Texas. Their compliance record is excellent, and they've got the facts to back it up.

Mr. CARTER. I thank you.

At this time, I yield back what little time I have, and remind everybody that the stars are still big and bright deep in the heart of Texas.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. CANTOR) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. McDERMOTT, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today and January 26.

Mr. BURTON of Indiana, for 5 minutes, today and January 26.

Mr. TURNER, for 5 minutes, January 26.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 25, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

172. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantined Areas; Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin [Docket No.: APHIS-2008-0072] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

173. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No.: APHIS-2008-0111] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

174. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Additions to Quarantined Areas in Massachusetts and New York [Docket No.: APHIS-2009-0014] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

175. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

176. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Supplemental Priorities For Discretionary Grant Programs [Docket ID.: ED-OS-2010-0011] (RIN: 1894-AA00) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

177. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2010 of the Department's Bureau of Industry and Security (BIS); to the Committee on Foreign Affairs.

178. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective January 2, 2011, the danger pay allowance for Nogales, Mexico has been established; to the Committee on Foreign Affairs.

179. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

180. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

181. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

182. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

183. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

184. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

185. A letter from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting the FY 2010 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

186. A letter from the Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2010-2011 Refuge-Specific Hunting and Sport Fishing Regulations [Docket No.: FWS-R9-NSR-2010-0036] (RIN: 1018-AX20) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

187. A letter from the Secretary, Department of the Interior, transmitting an order that would cancel construction debt assessed against Indian-owned Lands, pursuant to 25 U.S.C. 386a; to the Committee on Natural Resources.

188. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2011 Quota Adjustments; 2011 Summer Flounder Quota for Delaware [Docket No.: 101029427-0609-02] (RIN: 0648-XY82) received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

189. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish Fishery [Docket No.: 101116568-0608-01] (RIN: 0648-BA42) received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

190. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Bering Sea and Aleutian Islands Groundfish Fisheries Off Alaska; Correction [Docket No.: 101006495-0498-01] (RIN: 0648-BA31) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

191. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No.: NHTSA-2010-0114; Notice 2] (RIN: 2127-AK78) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

192. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Amendments to Regulations Regarding Eligibility for a Medicare Prescription Drug Subsidy [Docket No.: SSA-2010-0033] (RIN: 0960-AH24) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(The following action occurred on January 3, 2011)

Mr. BERMAN: Committee on Foreign Affairs. Legislative Review Activities of the

Committee on Foreign Affairs for the 111th Congress (Rept. 111-713). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GINGREY of Georgia (for himself, Mr. DAVID SCOTT of Georgia, and Mr. SMITH of Texas):

H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. COBLE, and Mr. JOHNSON of Georgia):

H.R. 394. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. McNERNEY:

H.R. 395. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Transportation and Infrastructure.

By Mr. SESSIONS (for himself, Mr. PLATTS, and Mr. PASCRELL):

H.R. 396. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to carry out a pilot program under which the Secretaries make payments for certain treatments of traumatic brain injury and post-traumatic stress disorder; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. SAM JOHNSON of Texas, Mr. TIBERI, Mr. REICHERT, Mr. GERLACH, Mr. BACHUS, Mrs. BLACKBURN, Mr. DENT, Mr. HARPER, Mr. MCCAUL, Mrs. MCMORRIS RODGERS, Mr. GARY G. MILLER of California, and Mr. SESSIONS):

H.R. 397. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and to take meaningful steps to lower health care costs and increase access to health insurance coverage without raising taxes, cutting Medicare benefits for seniors, adding to the national deficit, intervening in the doctor-patient relationship, or instituting a government takeover of health care; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, House Administration, Natural Resources, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. GALLEGLY, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 398. A bill to amend the Immigration and Nationality Act to toll, during active-

duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 399. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a Ph.D. degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and to be exempted from the numerical limitations on H-1B non-immigrants; to the Committee on the Judiciary.

By Mr. BACA (for himself and Mr. WOLF):

H.R. 400. A bill to require certain warning labels to be placed on video games that are given certain ratings due to violent content; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana:

H.R. 401. A bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his contributions to the Nation; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Mr. ELLISON, Mr. ISRAEL, Mr. WEINER, Mr. TIERNEY, Mr. VAN HOLLEN, Ms. HIRONO, Ms. BORDALLO, Ms. LEE of California, Mr. LARSON of Connecticut, Mr. COURTNEY, Ms. BERKLEY, Mr. HIMES, Mr. BOSWELL, Mr. CONYERS, Mr. MURPHY of Connecticut, Mr. YARMUTH, Mr. LUJÁN, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. LYNCH, Ms. RICHARDSON, Mr. GONZALEZ, and Mr. BLUMENAUER):

H.R. 402. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Bank, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 403. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat and chemical and biological injuries; to the Committee on Armed Services.

By Mr. FORTENBERRY:

H.R. 404. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credits for alcohol used as a fuel, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri:

H.R. 405. A bill to amend title 49, United States Code, to establish additional goals for airport master plans, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JONES:

H.R. 406. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; to the Committee on House Administration.

By Mr. JONES:

H.R. 407. A bill to direct the Secretary of Defense to determine and disclose the costs incurred in taking a Member, officer, or employee of Congress on a trip outside the United States so that such costs may be included in any report the Member, officer, or employee is required to file with respect to the trip under applicable law or rules of the House of Representatives or Senate; to the Committee on Armed Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN (for himself, Mr. GARRETT, Mr. FLORES, Mr. LAMBORN, Mrs. BACHMANN, Mr. SCOTT of South Carolina, Mr. CHAFFETZ, Mr. LANKFORD, Mr. MACK, Mr. FLEMING, Mr. ROSS of Florida, Mr. CAMPBELL, Mrs. BLACK, Mr. MCCLINTOCK, Mr. AKIN, Mr. MULVANEY, Mr. FRANKS of Arizona, Mr. BARTON of Texas, Mr. ROE of Tennessee, Mr. MARCHANT, Mr. FLAKE, Mr. GINGREY of Georgia, Mr. HUELSKAMP, Mr. WALSH of Illinois, and Mr. COFFMAN of Colorado):

H.R. 408. A bill to reduce Federal spending by \$2.5 trillion through fiscal year 2021; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, Transportation and Infrastructure, the Budget, Rules, Appropriations, Agriculture, House Administration, Education and the Workforce, Energy and Commerce, Ways and Means, Financial Services, the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Alabama (for himself, Mr. LOEBSACK, Mr. BRALEY of Iowa, Ms. BORDALLO, Mr. PAUL, Mr. LATTI, Mr. BARTLETT, Mr. BOSWELL, Mr. BACHUS, Mr. BRADY of Pennsylvania, Mr. CLEAVER, Mr. COURTNEY, and Mr. ADERHOLT):

H.R. 409. A bill to require the Secretary of Defense to develop and implement a plan to provide chiropractic health care services and benefits for certain new beneficiaries as part of the TRICARE program; to the Committee on Armed Services.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. BERMAN, Mrs. CAPPES, Mrs. DAVIS of California, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, and Mr. SHERMAN):

H.R. 410. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BONNER, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. BURGESS, Mr.

BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DIAZ-BALART, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. HALL, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAMBORN, Mr. LANCE, Mr. LATOURETTE, Mr. LATTI, Mr. LEE of New York, Mr. LEWIS of California, Mr. LONG, Mr. LUCAS, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCKEON, Mr. MICA, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. REHBERG, Mr. REICHERT, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. STEARNS, Mr. TERRY, Mr. TIBERI, Mr. WALDEN, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.J. Res. 22. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the United States from owning stock in corporations; to the Committee on the Judiciary.

By Mr. LATHAM (for himself, Mr. BOSWELL, Mr. KING of Iowa, Mr. LOEBSACK, and Mr. BRALEY of Iowa):

H. Res. 49. A resolution providing Capitol-flown flags for recipients of the Medal of Honor; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H. Res. 50. A resolution providing for enclosing the visitors' galleries of the House of Representatives with a clear and bomb-proof material; to the Committee on House Administration.

By Ms. LEE of California (for herself, Mr. MEEKS, Mrs. CHRISTENSEN, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SERRANO, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. HINCHEY, Mr. RANGEL, Ms. BALDWIN, Ms. NORTON, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. MCCOLLUM, Ms. EDWARDS, Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Mr. BERMAN, Ms. CLARKE of New York, Mr. AL GREEN of Texas, and Mr. HASTINGS of Florida):

H. Res. 51. A resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PLATTS introduced a bill (H.R. 411) for the relief of certain aliens who were

aboard the Golden Venture; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GINGREY of Georgia:

H.R. 5.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this legislation is based is found in Article I, Section 8, Clause 3 of the Constitution, as health care-related lawsuits are activities that affect interstate commerce.

By Mr. SMITH of Texas:

H.R. 394.

Congress has the power to enact this legislation pursuant to the following:

Clause 9 and Clause 18 of Section 8 of Article I of the Constitution; and Section 1 of Article III of the Constitution.

By Mr. MCNERNEY:

H.R. 395.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution grants Congress the power to enact this legislation.

By Mr. SESSIONS:

H.R. 396.

Congress has the power to enact this legislation pursuant to the following:

Section 8—Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. HERGER:

H.R. 397.

Congress has the power to enact this legislation pursuant to the following:

Section 2 of the "Reform Americans Can Afford Act" repeals the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act, which include several specific provisions that exceed the powers granted to Congress by the Constitution. The general repeal of these laws is consistent with the Tenth Amendment, which reserves to the States and to the people those powers that are not delegated to the United States by the Constitution.

Division A (Sections 101 and 111), Title IV of Division B, and Division F are enacted pursuant to Article I, Section 8, Clause 1 of the Constitution, which grants Congress the power to collect taxes to pay debts and provide for the common defense and general welfare of the United States.

Division A (except Sections 101 and 111), Division B (except Title IV), Division C, Division E, and Division G are enacted pursuant to Article I, Section 8, Clause 3 of the Constitution, which grants Congress the power to regulate interstate commerce.

Division D removes the federal government from the doctor-patient relationship consistent with the rights and powers reserved to the states and the people under the Ninth and Tenth Amendments.

Division F (Section 602) protects the right of the people to free exercise of religion

under the First Amendment, and the right of the people to the equal protection of the laws under the Fourteenth Amendment.

By Ms. ZOE LOFGREN of California:

H.R. 398.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the Constitution.

By Mr. FLAKE:

H.R. 399.

Congress has the power to enact this legislation pursuant to the following:

The enumerated powers listed in Article I, Section 8 include the power to "establish an uniform Rule of Naturalization," which has been interpreted to also include regulation of immigration.

By Mr. BACA:

H.R. 400.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CARSON of Indiana:

H.R. 401.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 5 of Article I of the Constitution, Clause 1 of Section 8 of Article I of the Constitution, and Clause 18 of Section 8 of Article I of the Constitution.

By Ms. DeLAURO:

H.R. 402.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FILNER:

H.R. 403.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 14, and 18), which grant Congress the power to provide for the common Defense and general Welfare of the United States; to make rules for the Government and Regulation of the land and naval Forces; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FORTENBERRY:

H.R. 404.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GRAVES of Missouri:

H.R. 405.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3 of the United States Constitution, Congress shall have power to Regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

GRAVES_003 seeks to add an additional goal for Airport Master Plans under Section 47101 of Title 49, United States Code.

By Mr. JONES:

H.R. 406.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 4 of the U.S. Constitution, which grants Congress the authority to make law governing the time, place and manner of holding federal elections.

By Mr. JONES:

H.R. 407.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5 of the U.S. Constitution, which grants Congress the authority to determine the rules of its own proceedings, and Article 1, Section 8 of the U.S. Constitution, which grants Congress the authority to make rules for the government and regulation of the armed forces.

By Mr. JORDAN:

H.R. 408.

Congress has the power to enact this legislation pursuant to the following:

The bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. ROGERS of Alabama:

H.R. 409.

Congress has the power to enact this legislation pursuant to the following:

The power of Congress to make rules to provide for the common defense, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. LINDA T. SANCHEZ of California:

H.R. 410.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Mr. PLATTS:

H.R. 411.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, subsection 4 and Amendment XIV.

By Mr. TURNER:

H.J. Res. 22.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution, Constitutional Amendments.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. AMASH, Mr. COBLE, Mr. GOSAR, Mr. GRIFFITH of Virginia, Mr. MACK, Mr. PETRI, Mr. RIVERA, Mrs. ROBY, Mr. ROSS of Florida, Mr. SMITH of Nebraska, Mr. WALBERG, and Mr. WALDEN.

H.R. 4: Ms. SEWELL and Mr. OWENS.

H.R. 21: Mr. GRIMM.

H.R. 23: Ms. SUTTON, and Mr. KEATING.

H.R. 25: Mr. HUELSKAMP, Mr. KLINE, and Mr. HALL.

H.R. 44: Mr. REHBERG.

H.R. 96: Mr. LATHAM and Mr. POSEY.

H.R. 97: Mr. BUCSHON, Mr. TIBERI, Mr. LANKFORD, Mr. GRIFFITH of Virginia, Mr. GRAVES of Georgia, Mrs. BACHMANN, and Mrs. MILLER of Michigan.

H.R. 104: Mr. HUIZENGA of Michigan and Mr. HIGGINS.

H.R. 121: Mr. YOUNG of Florida, Mr. RIBBLE, Mr. CONAWAY, and Mr. POSEY.

H.R. 127: Mr. CRAWFORD.

H.R. 136: Mr. GRIMM.

H.R. 152: Mrs. MYRICK.

H.R. 153: Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. GIBBS, Mr. REHBERG, and Mrs. BACHMANN.

H.R. 154: Mr. BACHUS.

H.R. 198: Mr. MEEHAN, Mr. FILNER, and Mr. WITTMAN.

H.R. 205: Mr. YOUNG of Alaska and Mr. COLE.

H.R. 234: Mr. FLEMING, Mr. NUNNELEE, and Mr. DUNCAN of Tennessee.

H.R. 280: Mr. YOUNG of Florida and Mr. CRAVAACK.

H.R. 283: Mr. KUCINICH, Mr. STARK, and Mr. GRIJALVA.

H.R. 284: Mr. COHEN.

H.R. 286: Ms. JACKSON-LEE of Texas.

H.R. 287: Mr. FILNER, Ms. WOOLSEY, Mr. McGOVERN, and Mr. SCHIFF.

H.R. 297: Mr. WALBERG and Mr. TURNER.

H.R. 308: Mr. GUTIERREZ, Mr. SRES, Mr. CARSON of Indiana, Mr. RANGEL, Mr. MARKEY, and Mr. FILNER.

H.R. 330: Mr. GRIJALVA.

H.R. 333: Mr. PLATTS, Mr. TURNER, Mr. COSTELLO, Mr. CALVERT, Mr. SIRES, and Ms. LINDA T. SANCHEZ of California.

H.R. 358: Mr. WALBERG, Mr. ROGERS of Alabama, Mr. YOUNG of Florida, Mr. CASSIDY, Mr. LUETKEMEYER, and Mr. NUNNELEE.

H.R. 359: Mr. OLSON, Mr. LUCAS, Mr. PAUL, Mr. NUNNELEE, Mrs. ELLMERS, Mr. GARDNER, Mrs. MILLER of Michigan, Mr. CHAFFETZ, Mr. LATTI, Mr. HANNA, and Mr. LUETKEMEYER.

H.R. 363: Mr. CICILLINE, and Ms. HIRONO.

H.R. 371: Mr. HENSARLING and Mr. GIBBS.

H.R. 384: Mr. CARNAHAN, Ms. ZOE LOFGREN of California, and Ms. MCCOLLUM.

H.J. Res. 13: Mr. KLINE and Mr. ROSS of Arkansas.

H. Con. Res. 3: Mr. YOUNG of Florida.

H. Con. Res. 11: Ms. MOORE.

H. Res. 20: Mr. POLIS.

H. Res. 35: Ms. FUDGE, Mr. BUTTERFIELD, and Mr. CLARKE of Michigan.

H. Res. 36: Ms. LINDA T. SANCHEZ of California, Ms. FUDGE, and Mr. RICHMOND.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 359 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H. Res. 49, the "Staff Sergeant Salvatore A. Giunta Medal of Honor Flag Resolution", do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

1. The SPEAKER presented a petition of the City of Miami, Florida, relative to Resolution R-10-0567 urging the members of Congress to introduce legislation opposing cultural exchanges between Cuba and the United States; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 359

OFFERED BY: MR. PETERS

AMENDMENT No. 1: Page 2, line 23, strike "Treasury." and insert "Treasury, to be used only for reducing the deficit."

H. RES. 38

OFFERED BY: MR. JORDAN

AMENDMENT NO. 1: Strike: “for the remainder of fiscal year 2011 that assumes non-secu-

rity spending at fiscal year 2008 levels or less.”

Add: “that provides a total non-security fiscal year 2011 allocation that is at least

\$100 billion less than provided for in House Report 111-565.”

EXTENSIONS OF REMARKS

HONORING JUDGE BRAD BRADLEY
AND HIS 25 YEARS OF SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. BURGESS. Mr. Speaker, I rise today to honor a remarkable public servant, the Honorable Brad Bradley. For more than 25 years, Judge Bradley has made innumerable professional and philanthropic contributions to the people and communities of Northeast Tarrant County.

Judge Bradley has continually given of his time and service to the people of this area, especially to its youth. Judge Bradley's non-profit organization, Carroll Education Foundation, has provided over \$1,000,000 in scholarships and grants to the teachers and students in Carroll ISD.

Judge Bradley also founded Northeast Tarrant County's first Teen Court, allowing high school students to be tried in a court and jury of their peers, encouraging a better understanding of the judicial system. Judge Bradley's MetroPort Teen Court Bar Association also encourages teens to pursue an education in law.

In addition to engaging teens' interests in the judicial system, Judge Bradley helps over 33,000 children in Northeast Tarrant County each year with his program, Summer Santa. He recognized a need for children needing assistance and has provided funds for camp scholarships, medical checkups, and clothing through Summer Santa. Judge Bradley's most recent venture, the Pro Players Foundation, benefits disadvantaged children.

Today, Judge Bradley receives the Lifetime Community Service Award presented by Southlake Style Magazine in recognition of his exemplary contributions to the city of Southlake. It is my great privilege to recognize Judge Brad Bradley for the generosity and commitment he has shown to the people of Southlake and surrounding areas.

HONORING MARGARET DUNNE

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today to honor the long and distinguished career of Margaret Dunne. For over 25 years, she has instilled a love for reading in the children of Chicago's Independence Park neighborhood, and inspired a life of service in all of her colleagues.

Ms. Dunne began her career with impressive educational merit. She has Masters degrees in English, Special Education, and Li-

brary and Information Science. With this background, Margaret joined the Independence Park branch of the Chicago Public Library, where she would spend her entire career as the Children's Librarian.

Throughout her career, Margaret has worked to reach as many children as possible through visits to classrooms, parks, and daycare centers. She has also been instrumental in programming the Chicago Public Library's Summer Reading Program, which encourages children to continue reading during their summer vacations. Her exciting summer reading themes have delighted and inspired children, consistently making the Independence Park Library's Summer Reading Program one of the most successful in Chicago.

Margaret's hard work and dedication garnered citywide attention and, in 2002, earned her the Chicago Public Library's Librarian of the Year Award. Consistently, she has served as a mentor for many people in the field of librarianship and has inspired a high level of commitment to children's reading programs.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Margaret Dunne and her commitment to promoting a love of reading in children. Her career has touched the lives of people both young and old. In the words of her colleagues, "her dedication will be greatly missed by all."

IN RECOGNITION OF THE MEMBERS OF THE VINTONDALE VETERANS OF FOREIGN WARS POST AND KNITTERS FROM THE JOHNSTOWN REGION

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. CRITZ. Mr. Speaker, I rise today to recognize the members of the Vintondale Veterans of Foreign Wars post, the needle arts club of the Nanty Glo Senior Center, and the In-Stitches Sewing Club of the SS. Gregory and Barnabas Roman Catholic Church for their consorted effort to comfort our wounded troops and their families.

Together, these groups recently provided 100 handcrafted blankets to wounded service members at Walter Reed Army Medical Center and the National Naval Medical Center in Bethesda right before the holiday season.

Organized by Joseph Gresko and Charles Sago, two members of Post 5211 VFW, the project was part of a tradition in helping veterans and active duty service members. Mr. Gresko and Mr. Sago requested the assistance of women in the community to knit these comforting gifts for our brave men and women. Marge Younkin, and her fellow members of the needle arts club at the Nanty Glo Senior Center, and Eleanor Chromy, and her

fellow members of the In-Stitches Sewing Club of the SS. Gregory and Barnabas Catholic Church, answered the call. With a donation from the church's Altar and Rosary Society and contributions of yarn from other individuals, these women set out to work.

Their efforts not only touched the lives of the service members that received the blankets, but also earned the participants recognition as "Persons of the Week" in the local newspaper, the Johnstown Tribune-Democrat, for their generosity and care. Performing this act of kindness for our brave men and women was not about receiving accolades for these individuals. As Mr. Sago has stated, these gifts are reminders that there are people these soldiers never knew who truly appreciate what they have done.

Upon delivering the blankets to our wounded service members, I let them know that these gifts were a token of our appreciation for the service and sacrifice they have made, and continue to make, on behalf of a grateful nation.

Mr. Speaker, I would like to honor the individuals in the Johnstown community who generously dedicated their time, talent, and heart for this worthy project.

LET'S HELP ALL AMERICANS
ACHIEVE THE AMERICAN DREAM
OF HOMEOWNERSHIP

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I recently introduced the Homebuyer Tax Credit Renewal Act of 2011 (H.R. 330), which will reinstate both the \$8000 first-time homebuyer credit and the \$6500 long-time homebuyer credit for a period of 1 year.

According to the Internal Revenue Service (IRS), 479,622 homebuyers claimed the credit in 2009. While the numbers for 2010 are not yet available, there is no doubt that the tax credit was instrumental in helping many first-time buyers achieve the American dream of homeownership by increasing down-payments and lowering monthly mortgage payments.

Homeownership is one of the best ways for working Americans to accumulate assets for retirement and to ensure neighborhoods are stable and well-maintained. Homeowners are also able to benefit from tax deductions like the mortgage interest and property tax deductions.

Homeownership also benefits children in numerous ways. Children of homeowners score better on academic tests, graduate at a higher rate, have fewer behavioral problems, and enjoy a better social environment. Living in an owned home is also a predictor of future success, as homeowners' children earn more

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

than renters' children, are less likely to be on welfare, and are more likely to become homeowners themselves.

I hope that my colleagues will join me in co-sponsoring this important legislation

**WE MUST DEBATE ABOUT
VIOLENCE IN OUR SOCIETY**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. KUCINICH. Mr. Speaker, our Nation has long labored under a stigma of violence.

An estimated one in four women will experience domestic violence in their lifetime. 30% of all students through grade six will experience bullying, either as victims or perpetrators.

Domestic violence, spousal abuse, child abuse, violence in our schools, gang violence, racial violence and violence against those we perceive to be different than us remain prevalent.

So what should we do?

What if we had an organized approach to dealing with violence in our society? What if we treated violence as phenomenon that could be addressed, diminished and resolved?

We have always been told that war is inevitable. That violence is inevitable.

We must challenge these notions. Government has a role in creating an organized approach to addressing violence and to create structures to lessen violence and its impact on our lives.

We cannot wait for more tragic events to occur to force us to examine issues of violence here at home.

There is no time like the present to begin, again, the debate about violence in our society. I intend to facilitate this debate with a proposal I will soon bring forward.

JUSTICE FOR LAULI'I

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I recently introduced a private bill (H.R. 354) on behalf of a remarkable young man, Lauli'i Matu'u.

Lauli'i was born deaf and was abandoned by his birth-family in Western Samoa. Lauli'i lived on the streets until age 10 when Greg Lewis, a U.S. citizen, took him in, taught him sign language, and cared for his medical needs. In 1992, Mr. Lewis was appointed as legal guardian to Lauli'i, but it took 14 years before Greg was finally able to bring Lauli'i to the U.S. Lauli'i is in danger of being deported because his humanitarian visa has expired. Lauli'i has no family or ties to Western Samoa, deporting Lauli'i would be a travesty of justice! My bill will grant Lauli'i permanent U.S. residence.

**TRIBUTE TO STEVE HAMANN, EL
CAJON 2010 CITIZEN OF THE YEAR**

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. HUNTER. Mr. Speaker, it's with a profound sense of appreciation and respect that I rise today to acknowledge the contribution of Steve Hamann to the San Diego community. Steve was recently named 2010 Citizen of the Year for the city of El Cajon, which I am proud to represent in Congress. Each of the candidates in the running for Citizen of the Year would have been an excellent choice, but Steve's tireless work and charity on behalf of so many others puts him in a class by himself.

Anyone who knows Steve understands that his purpose is not derived from self-motivation. His commitment to helping others showcases his good nature and moral character, demonstrated through more than 16 years of charity work, where he raised millions of dollars for numerous causes. All of it on donated time and without compensation—a mark of true dedication and purpose.

Such an extraordinary level of involvement is why Steven is known around East County San Diego as the "Auctioneer Extraordinaire." He has spent countless hours hosting events each year—more than 80 in one year, in fact—and, thankfully for all us, he shows no sign of slowing down anytime soon. A member of the Rotary Club of El Cajon, Steve embodies the Rotarian motto of "Service above Self."

The list of organizations Steve lends his time and efforts to support is long, but certainly worth noting. He is well known for his work with the Boys and Girls Clubs of East County, Stoney's Kids, St. Madeleine Sophie's Center, the East County Salvation Army, The East County Chamber of Commerce, the El Cajon Community Development Center, the El Cajon Elks Lodge, the Heartland Boy Scouts, the Cajon Valley Union School District, the Grossmont Union High School District, the Grossmont Cuyamaca College District, the Mother Goose Parade, the Home of Guiding Hands, the El Cajon Recreation Department, the East County YMCA, the Grossmont Hospital Foundation and the Olaf Wieghorst Museum.

Aside from his sterling reputation, I got to better know Steve as the moderator for the East County Chamber of Commerce's Congressional Debates. The one thing about Steve in this setting is that he has always been as firm as he has been fair, demonstrating his objectivity while asking tough questions that help better inform community residents about their choices entering election season. Steve is also Editor-in-Chief for the East County Herald newspaper, where he focuses on promoting most of El Cajon's events and featuring those events in quality photo series. This is just one more service to the community that Steve provides.

Many San Diegans, as do most Americans, often wonder if they are making a difference in their communities or do enough to help influence the lives of others. Steve is a good example of someone who should never have to

wonder whether they are making an impact. The evidence is in his work, hours dedicated and results. Steve serves as an excellent example to others too, reminding us all that a little time and attention to helping others goes a very long way.

I cannot say enough about Steve. He is an ambassador for our community and, without question, makes El Cajon a better place for each one of its residents. I want to thank Steve for his work and congratulate him on the Citizen of the Year award. His wife of 32 years, Lorraine, and his children Sarah and Ben, undoubtedly share Steve's enthusiasm and good nature. I want to extend my thanks and appreciation to them too.

So, Mr. Speaker, I ask that my colleagues join me in recognizing Steve Hamann and wishing him continued success in all future endeavors. The El Cajon community and our nation benefit from Steve's leadership, as well as others who commit their lives to causes bigger than themselves.

FAIR TAXES FOR SENIORS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I recently introduced the Fair Taxes for Seniors Act (H.R. 331), which will provide a one-time increase in the capital gains tax exemption on the sale of a home for citizens who are 50 years of age or older. Passing this bill will give many seniors the additional money they need for nursing home care, medical costs, and other retirement expenses.

The Fair Taxes for Seniors Act doubles the current exemption by providing a one-time increase to \$500,000 for a single person and \$1 million for a couple that can be excluded from the sale of a principal residence for taxpayers who have reached the age of 50. Because they will be able to keep more, an added benefit is that family members and perhaps the government will be relieved of the burden of caring for these individuals as they grow older.

I hope that my colleagues will join me in co-sponsoring this important legislation.

WILLIE O. STEAM TRIBUTE

HON. SCOTT R. TIPTON

COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to recognize the life and service of Willie O. Steam, of Denver, Colorado. Patrolman Steam was killed in the line of duty in 1921 and was one of a few black police officers of his time.

Patrolman Steam, employed under the administration of Chief H.R. Williams, was a Special Policeman who worked full-time as a night watchman at City Hall. The week prior to his murder Patrolman Steam enforced an ordinance that prohibited illegal dances. Steam's killer, Keil O'Neill, had been the offender of

the ordinance and came to the dance hall where Mr. Steam was patrolling. O'Neill shot Patrolmen Steam once in the back and once in the head in retaliation. Mr. Steam never had a chance to remove his weapon from his holster, according to witness reports.

According to Chief Williams, Steam was "one of the most dependable and efficient men connected with the police department. He occupied a place on the force that was unique and getting another man to fill in the manner which Steam did, will be hard." For Steam's service to his community, the City of Denver paid his funeral expenses.

Mr. Steam's sacrifice needs to be recognized and commended by this body. He was only 48 years old at the time of his death, leaving a wife behind. I rise today to offer thanks to Patrolman Steam and his family for their service to the city of Denver and the State of Colorado.

PROTECT RETIREES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. KUCINICH. Mr. Speaker, millions of retirees that worked in the public sector feel very threatened right now, and for good reason: their pensions are being threatened. As we engage in a national conversation about how to reduce the deficit both in our States and in our Nation, let us be clear about one thing: we will not be cutting the pensions of retirees—including teachers, police, fire and EMS workers, public works personnel, and many others—who devoted their careers to serving the public. The Center for Budget and Policy Priorities recently reported that States are facing 2012 fiscal year operating deficits totaling nearly \$125 billion dollars. This number represents both short and long-term financial challenges for States. But the fear, blame and confusion surrounding such a number has put a tremendous amount of pressure on elected officials and State legislatures to make immediate and drastic cuts to State services, including retiree pensions. Recently, a proposal was suggested to give States the ability to file for bankruptcy. Such an initiative is a non-starter, as it would do far more harm than good. It means that States who declare bankruptcy could seek to back out of their solemn promise to provide for those who served the public after their service was done.

Those promises are known as defined benefit pensions. The public employees were promised the security of knowing those benefits would be there when they need them. If States successfully cancel out these agreements under cover of bankruptcy, the costs to individuals as well as the trust in government will be enormous. We cannot, we must not and we will not ask retirees to pay the consequences of upending these long-term promises for the sake of a false short-term financial solution.

HONORING ALICE MUELDRATH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Ms. WOOLSEY. Mr. Speaker, I rise with sadness today to honor Alice Muelrath who passed away January 6, 2011, in Santa Rosa, California, at the age of 93. Mrs. Muelrath was deeply involved in the local dairy farming community, having grown up in a ranching family before marrying a ranch hand who later acquired two dairy operations of his own.

Alice's parents, John and Maria Albini, were part of a wave of immigrants from Italy who settled the area in the early 1900s, and Alice grew up in Bodega Bay. She and her three siblings spoke fluent Italian which was useful for both translating between cultures and keeping secrets from the kids.

In 1936, Alice married Peter Muelrath. The couple acquired a ranch in Bodega Bay and later second one near Santa Rosa. At the Santa Rosa ranch, Alice developed a skill for growing colorful flowers and was known for the beauty and variety of her plantings. They had two children, Bob and Mary; Bob, who is also a Sonoma County farmer, served as president of the Sonoma County Farm Bureau.

Alice was a cheerful and energetic woman who contributed with enthusiasm to a variety of community causes such as North Bay Dairy Women, Sonoma County Historical Society, Marin and Sonoma Italian Club, Sonoma County Farm Bureau, and Palm Drive Hospital.

Alice's husband passed away in 1983. In addition to her son and daughter, she is survived by her sisters Elsie Carmody and Jennie Poncia, five grandchildren, and 11 great-grandchildren.

Mr. Speaker, Alice Muelrath exemplifies the proud Italian-American ranching tradition of Sonoma and Marin Counties. She and her family demonstrate the vibrancy and importance of agriculture in our community, and I am proud to honor her long life.

WE MUST ENSURE SAFE ROADS AND BRIDGES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I recently introduced the Safety, Efficiency and Accountability in Transportation Projects through Public Inspection Act of 2011 (H.R. 328) to require public employees to perform the inspection and related essential public functions on all state and local transportation projects. My bill is intended to ensure that public safety is protected, transportation funds are not wasted and projects are delivered in a timely manner.

On transportation projects, the construction inspector is the eyes, ears and voice of the public. Inspectors ensure that construction and seismic standards are met, that projects meet safety requirements and that the materials

used will stand the test of time. In short, inspectors are there to ensure that the motoring public gets what they pay for and public safety and the public interest are protected.

When the construction inspection function is outsourced to a private company, there is no longer a representative of the public on the job site. In this circumstance, one private company is charged with the task of inspecting the work of another private company. This creates multiple conflicts for the private inspector. First, the private inspectors' primary obligation and responsibility is not to the public, but to the success and profitability of his company. Because the private construction company whose work they are inspecting on one project may be a business partner on a future project, private inspectors may also feel pressure from the private contractor to take steps that ensure larger profits for both firms. I am concerned that these conflicts have led private inspectors to cut corners and overlook problems that threaten public safety, increase costs and delay projects.

There are many examples in which public safety has been threatened by the use of private inspectors, including Boston's "Big Dig" (where a concrete slab from a tunnel ceiling fell and killed a woman), the L.A. Redline subway (Hollywood Blvd. collapsed), the 8-805 Interchange in San Diego (10,000 defective welds on a seismic retrofit), the Connecticut I-84 project (hundreds of drains that lead nowhere).

Contracting out public inspection work also does not save money! Defective work requires extensive repairs, and inevitably, the taxpayer gets stuck with the bill. Comparative studies have also found that contracting-out engineering, design, and inspection costs more than to do this work in-house, and none of these studies found that consultant engineers were less expensive. Factors that contribute to consultants' excessive costs include the lack of competitive bidding, cost-plus provisions in contracts, salary differentials between the private and public sectors, profit margins of from 10% to 15%, and additional costs connected with selecting and supervising consultants.

Failure to have public construction inspectors has also delayed projects in the past and will undoubtedly do so in the future. One such example is the privately inspected \$12 million carpool bridge connecting the San Diego (405) and the Costa Mesa (55) Freeways. The project was to have been completed in April 2003. However, work was halted in August 2002 when chunks of concrete were falling from the structure and many cracks were noticed. Contractor and private inspector errors were later discovered and the carpool ramp did not open until January 2005.

The public and the federal government understand what's at stake. In a 2006 California public opinion poll, 71% of those surveyed said they want state engineers to inspect the construction of state highways; only 20% found private firms acceptable for the task. David M. Walker, the Comptroller General of the United States, stated: "There's something civil servants have that the private sector doesn't, and that is the duty of loyalty to the greater good—the duty of loyalty to the collective best interest of all rather than the interest of a few. Companies have duties of loyalty to their shareholders, not to the country."

I hope my colleagues will join me in protecting the public good by co-sponsoring this important legislation.

TRIBUTE FOR RILEY KING

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I rise to recognize Riley King of Durango, Colorado, for his efforts in co-founding Unite Our World, a non-profit charity that provides medical assistance and builds schools for impoverished children abroad.

Mr. King and his friend Matt Peters have always been entrepreneurial and focused on community involvement. Following their high school graduations, both men started a series of seasonal businesses to pay for their travel expenses abroad. In 2009, Riley King and Matt Peters founded Unite Our World after Mr. King visited a school in Uganda. These young men are intensely focused on giving back to their community. Acknowledging his own birth into privilege, Mr. King admits with pride that he has an obligation to serve those who have less.

Unite Our World's core mission is to advocate and provide assistance for children who do not have sufficient educational resources within their own countries. Recently, the organization expanded its mission and involved itself in the battle against the AIDS epidemic in Uganda. Mr. King currently serves as president of the non-profit company.

Mr. Speaker, America is lucky to have committed citizens such as Mr. King and Mr. Peters. I am proud to commend both these young men for their leadership and contribution to our world community.

REMEMBERING LOUISE HILMA BALLERSTEDT RAGGIO

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the passing of a civil rights champion and dear friend, Ms. Louise Hilma Ballerstedt Raggio. Ms. Raggio made an enormous impact for women throughout Texas, and she will be greatly missed.

Louise Raggio was a true Texan. Born in Austin, Texas, Ms. Raggio spent her life as a leader who would not allow bias to prevail. Louise Raggio never backed down from correcting an injustice. She did not accept there was a glass ceiling, and led the way for millions of Texas women. Her intellect and moral compass took her on a path that would break barriers and advance the rights of women.

Louise Raggio is perhaps best known for her work on the Marital Property Act of 1967. Prior to this act it was assumed a woman was property of her husband, and hence could not buy or sell her own property, perform bank

transactions or sign contracts without her husband's approval. If adhered to, this meant that a company could not hire a woman without her husband's consent. Breaking down this barrier impacted the lives of millions of women and their families. It changed conventional thought and allowed Texas women the freedoms that were allowed in most other states.

Ms. Raggio was inspired by her predecessors in the women's suffrage movement. She felt she was taking up the torch for all they had achieved. Her work was a continuation of other battles fought and won, but there was still much to be accomplished.

It is also notable that Ms. Raggio served as the first female assistant district attorney in Dallas County, and argued and won one of the first Texas cases to be heard in front of an all-woman jury. She was inducted to the Texas Women's Hall of Fame in 1985 and received the Margaret Brent Women Lawyers of Achievement Award in 1995.

Ms. Raggio was preceded in death by her husband, Grier Raggio in 1988. She is survived by her three sons, Grier Jr., Thomas and Kenneth, and seven grandchildren and six great grandchildren. She will be missed, but her spirit and contributions will not be forgotten.

ON THE INTRODUCTION OF H.R. 410, SCAAP REIMBURSEMENT PROTECTION ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to introduce H.R. 410, the SCAAP Reimbursement Protection Act of 2011.

When I was a new Member of Congress, local police officials came to me and explained how a change in the State Criminal Alien Assistance Program—also known as SCAAP—was having a profound impact on their budgets.

Securing our nation's borders is the exclusive jurisdiction of the federal government. However, communities across the country continue to face extraordinary costs associated with incarcerating undocumented criminals at a time when they can least afford it.

The SCAAP program was established to reimburse state and local governments for these costs.

From the SCAAP's inception in 1994 until 2003, states were permitted to seek reimbursement for the costs of detaining deportable immigrants charged with a felony or two or more misdemeanors.

In 2003, the Department of Justice reinterpreted the SCAAP statute in a way that caused a drastic drop in every state's reimbursement. Under this interpretation, states only receive reimbursement if a criminal alien is convicted of a felony or two misdemeanors and the arrest and conviction occur in the same fiscal year.

This may seem like a small change, but it has had large repercussions in the law enforcement community. In my state of Cali-

fornia, SCAAP reimbursement payments have declined from \$220 million in FY2002, prior to the Department of Justice's reinterpretation, to \$112 million in FY2009.

This nearly 50 percent decline in funding greatly impairs funding of in local law enforcement efforts and makes it harder to fight crime in throughout my state.

Due to major state and county budget shortfalls, every dollar included in SCAAP reimbursement means a dollar that a State can spend for other essential public safety services. When Congress originally developed SCAAP, we knew that, without SCAAP, state and local budgets would be overwhelmed by costs that should be the federal government's responsibility.

My legislation would modify the SCAAP statute so that states and localities can be reimbursed for the cost of incarcerating aliens who are either "charged with or convicted" of a felony or two misdemeanors regardless of the fiscal year of the incarceration and conviction—just like it was before the Department of Justice's reinterpretation in 2003.

Mr. Speaker, at a time when states struggle with tough budget choices, we be doing all we can to help them. We must restore SCAAP to reflect the meaning Congress originally intended it to have.

I urge my colleagues to join me in correcting this flawed Department of Justice interpretation and help our local police departments.

SUPPORT DEPARTMENT OF DEFENSE CIVILIAN LAW ENFORCEMENT OFFICERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I recently introduced the Department of Defense and Civilian Law Enforcement Coordination Act of 2011 (H.R. 324). My bill would amend federal law to permit Department of Defense law enforcement officers to better coordinate and cooperate with civilian law enforcement agencies. I drafted this legislation in cooperation with the Fraternal Order of Police (FOP) because many DOD law enforcement officers in my district have informed me that they are prohibited from basic coordination and cooperation with civilian agencies near DOD facilities. We need to ensure that federal, state, and local law enforcement are able to work together to apprehend criminals and to prevent and solve crimes. I hope that my colleagues will join me in co-sponsoring this important legislation.

CHARLIE AND JUDY MCNEIL TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to recognize Charlie and Judy McNeil of Cherry Hills Village, Colorado,

for a lifetime of contributions to their local community and continued leadership in the non-profit sector. The couple was recently named Man and Woman of the Year by their local newspaper.

Charlie McNeil has an impressive professional career, as well as a distinguished track record in community service and leadership. Mr. McNeil is an engineer by trade, a graduate of the Colorado School of Mines, and received the prestigious Distinguished Achievement Medal from his alma mater. After a career managing mines and working in corporate offices, Mr. McNeil became President and CEO of Kaiser Steel's Mineral Resources Division. In 1996, he founded NexGen Resources. After finishing in the private sector, McNeil served on National Coal Council after receiving a nomination from the Secretary of Energy. Mr. McNeil has served as director of the Mining and Reclamation Council, National Coal Association, and the Colorado Mining Association. He also serves on the School of Mines board of governors, the Brigham Young University School of Business National Advisory Council, and is vice President of the Denver Area Boy Scouts.

Judy McNeil's career is equally impressive, carving her own path in the non-profit sector and as a leader in her church. After a brief time in the retail sector, Mrs. McNeil worked for the North Dakota Wheat Commission. When the family moved to Colorado, she served at the Denver Area Public Affairs Council for the Church of Jesus Christ Latter Day Saints, and has been leader in her church for the past 35 years. Ms. McNeil is a strong proponent of the arts—she served four years at the Denver Center for the Performing Arts. Her work in the medical field has not gone unnoticed either. The Children's Diabetes Foundation tapped Mrs. McNeil to chair their Brass Ring Luncheon in 2008, and she is now the incoming president at the Children's Diabetes Foundation Guild.

Charlie and Judy McNeil will surely continue their dedication to their community for years to come. Mr. Speaker, I feel it is fitting that this body recognizes Charlie and Judy McNeil for their lifetime of service.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE CALHOUN COUNTY CHAMBER OF COMMERCE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 100th anniversary of the Calhoun County Chamber of Commerce.

Originally, the Anniston Chamber of Commerce was formed in 1910 and celebrated their first year at their Annual Meeting in 1911. Two neighboring cities and a town, Oxford, Jacksonville and Piedmont also formed chambers of commerce. In 1979, Oxford and Jacksonville merged with Anniston to create the Calhoun County Chamber of Commerce, and in 1984, Piedmont also joined, truly creating a "Voice of Business."

The Chamber solicits input from member businesses, forms policy and acts as a spokesperson for the business and professional community. As the first stop for newcomers, the Chamber serves as the area's "front porch" and referral center. The Chamber provides specific services such as training, marketing tools, networking opportunities and information to assist members in growing their businesses, thus strengthening the local economy.

Over 300 volunteers carry out the annual Program of Action. The chamber is independent of government funding and its entrepreneurial spirit has led the organization to a point in which it delivers three dollars of service value for every dollar paid in dues. The chamber has played a crucial role in many community milestones including the establishment of Fort McClellan and Anniston Army Depot, continuing safe destruction of stored chemical munitions, easing of tensions during the Civil Rights era, recruitment of industries, formation of the Economic Development Council and construction of the Veterans' Memorial Parkway.

As Calhoun County and northeast Alabama move forward, the Calhoun County Chamber of Commerce is poised for continuing growth and success and I am proud to honor the 100th anniversary of this important organization in my hometown. Congratulations to the Calhoun County Chamber of Commerce.

IRANIAN EXECUTIONS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. ROYCE. Mr. Speaker, in late 2009, Iranian dissidents took to the streets to protest the fraudulent election of President Mahmoud Ahmadinejad in what would become Iran's Green Movement. These protesters stood up to hard-line government militias, which fired on crowds and raided universities, killing dozens, injuring scores more, and imprisoning thousands.

Today, the thuggish Iranian regime went a step further. In what was undoubtedly meant as a message to the pro-democracy opposition, two political activists who had protested the 2009 election—Ja'far Kazemi and Mohammad Ali Haj Aghaie—were executed. Hanged, Mr. Speaker. Death by hanging. . . .

Last Congress, the President signed into law an Iran sanctions bill. One provision targets those in Iran committing the human rights abuses. So far, the Administration has targeted just eight individuals for their involvement in beatings and torture. Sadly, Monday's events show there are many, many more human rights abusers to target. Anybody who has quashed the human rights of those seeking democracy deserves to be on this list.

LET'S PROTECT MOBILE HOMES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I have introduced the Mobile Home Protection Act, H.R. 326. The purpose of this bill is to provide Section 8 assistance to low-income owners of mobile homes.

Owning one's home is a central part of the American Dream. For many low-income Americans, mobile homes provide the opportunity to achieve this goal of homeownership.

However, in many cases, while the family owns their home, they do not own the land on which the home sits. In some cases, the landlord will not accept Section 8 vouchers for the land on which the mobile home sits.

I have introduced the Mobile Home Protection Act to correct this problem. This bill would provide this Section 8 assistance directly to the homeowners to apply toward their rent costs for the land on which their homes sit.

Many mobile home owners have invested their life savings into buying their mobile homes. As mobile home park rents increase, these low-income homeowners are not able to keep up with this cost. This legislation will help keep these homeowners in their homes and maintain these established communities.

CELEBRATING THE 25TH ANNIVERSARY OF THE ST. CLAIR COUNTY HEALTH DEPARTMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 25th anniversary of the St. Clair County, Illinois, Health Department.

By 1985, there was gathering evidence of the need for a public health department to serve the residents of St. Clair County. Since the 1930s there had been a health department, the East Side Health District, to serve the residents of East St. Louis and several surrounding communities but public health care services did not exist for residents outside the East Side Health District service area.

As Chairman of the St. Clair County Board at the time, I was very concerned that county residents did not have access to public health services. As a result, I appointed a citizens committee, made up of concerned citizens and health care professionals, to determine if there was, indeed, a need for a county-wide public health department.

After many meetings and input from the public, in October of 1985, I presented a resolution to the St. Clair County Board that was approved, creating the St. Clair County Health Department. I am very proud to have played a role in establishing the St. Clair County Health Department.

The new Board of Health met to elect officers in January, 1986, and recruited Kevin Hutchinson to serve as the Executive Director,

a post he has held to this day. Funding for the Health Department came from the existing tuberculosis tax, which was converted to a public health tax.

The new Health Department focused on the most critical priorities initially, targeting issues such as communicable disease prevention, food safety and maternal and child health. Today, the Health Department is organized into four divisions, Administration, Health Protection, Community Health and Personal Health.

Evidence of the need for this department can be found in its growth and expansion during the past 25 years. From just over 20 employees and a budget of under \$500,000, the department has grown to 70 employees and a budget exceeding \$6 million. While the need is great, the dedicated professionals of the St. Clair County Health Department continue to meet that need by providing excellent health care, prevention services and educational outreach to the communities and residents of St. Clair County.

Mr. Speaker, I ask my colleagues to join me in congratulating the board of directors, administration and employees of the St. Clair County Health Department, as well as the members of the St. Clair County Board, on their 25th anniversary, and wishing them the very best for many more years of continued service to the people of St. Clair County, Illinois.

CLEAN AIR FOR OUR BORDER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I have introduced the Foreign Air Impact Regulation (FAIR) Air Act (H.R. 325). The purpose of this bill is to combat air pollution along our borders and to ensure that our communities are not unfairly penalized.

Our border communities are being besieged by toxic pollutants from neighboring countries. This is making the air quality along our border worse than ever—and leaves our communities with little recourse to improve the situation.

The FAIR AIR Act says that if pollution from another country causes non-attainment of air pollution regulations, then the EPA and the Secretary of State should work together to lower it. Furthermore, the effective date of reclassification should be delayed until the Secretary of State and local leaders develop a plan with the neighboring country to improve the air quality.

We cannot put this international problem on the backs of those who simply happen to live along the border. There truly needs to be a binational cooperative solution to address this important issue. We all breathe the same air and it is only with bi-national cooperation and working together to achieve better air quality standards for all.

REEVES BROWN TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to recognize Reeves Brown of Grand Junction, Colorado, for his lifetime of contributions in promoting agricultural interests and effective government in the State of Colorado.

Mr. Brown has an impressive agricultural pedigree and has proven himself to be a valuable leader in the field. Mr. Brown grew up on a cattle ranch in Montana and received a B.S. in Agriculture Business from Montana State University. He began his career at the National Cattlemen's Association, serving two years with the organization. Afterwards, Mr. Brown spent nearly a decade at the Colorado Cattlemen's Association as Executive Vice President, during which time he elevated the Association as a national leader in animal care and natural resources issues. During Brown's tenure the Colorado Cattlemen's Agricultural Land Trust was created in 1993, preserving over 250,000 acres of Colorado farmland. His leadership in agricultural conservation has spilled over into other States, too. Similar ag land trusts have conserved over one million acres of land. His efforts speak to his commitment in preserving the agricultural business in the United States.

For the past ten years, Mr. Brown has led the non-profit CLUB 20 as Executive Director, which aims to provide a dialogue and recommend public policy for the Western Colorado region. Mr. Brown's leadership earned him the recognition of Colorado's newly elected Governor—On January 3, Mr. Brown was appointed director of the Colorado Department of Local Affairs, overseeing the diverse needs of Colorado communities. The department's responsibilities include areas such as education, land management, transportation, energy, water, and health care.

Mr. Brown's commitment to good public policy and track record of effective, collaborative decision-making will surely serve the people of Colorado well. Mr. Speaker, for his years of service in the public and agricultural sectors, Mr. Brown deserves the commendation of this body. We wish him the best of luck on his next endeavor.

CELEBRATING THE SERVICE OF ROLLIE SMITH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Rollie Smith, Fresno Field Director with the U.S. Department of Housing and Urban Development (HUD). After 12 years of dedicated service in Fresno, Rollie is moving to Washington, D.C. to be closer to his family.

Rollie Smith first came to Fresno, California in 1997 when he began work with Catholic

Charities of Fresno. One year later, HUD hired Rollie as a community activist to help revitalize the City of Fresno. Rollie originally planned to help out for a few years, however his passion and commitment to the community quickly moved him up the ladder within HUD. Rollie became the Fresno Field Director in 2004 and has been doing a great job for the past seven years.

Rollie received his Masters' degrees from Loyola University, Chicago Jesuit Theological School, and the University of Chicago. A natural born leader and teacher, Rollie also taught classes at Loyola University, California State University, and the University of Hawaii.

One of Rollie's specialties was his unique ability to bring groups of people together to help solve issues affecting people in the Central Valley. One of these groups, the Federal Interagency Task Force, is a group that meets regularly and works together to tackle issues such as inadequate housing, poor education, health care, and low-paying jobs. Rollie will be truly missed in Fresno.

I applaud Rollie Smith for his many years of tireless work on behalf of families in California and the Central Valley. I know he will enjoy more time with his wife Bernie, his son Aaron Smith and his wife Carolyn, his daughter Suzanne Chartol and her husband J.P. Chartol, and his three grandchildren Adeline, Claire, and Remy Chartol.

Mr. Speaker, it should be noted that in addition to his countless gifts to our community, Rollie has been a true champion for my constituents. He and his team have always been available to discuss issues and work together to make our Central Valley a better place. I ask my colleagues to join me today in recognizing the commitment, dedication and success of Rollie Smith and wish him well as he embarks on new endeavors.

OUR MILITARY MUST BE ENVIRONMENTALLY RESPONSIBLE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I have introduced the Military Environmental Responsibility Act (H.R. 332). The purpose of this bill is to require the Department of Defense to fully comply with Federal and State environmental laws.

Military exemptions from requirements and enforcement provisions under environment, public safety, and worker protection laws harm the environment and human health. Our constituents who border military bases should have the same protections as other municipalities.

This bill will not compromise military readiness. Environmental laws currently include exemptions for the military in the event of "paramount interest of the United States". These exemptions have only been used a handful of times, and the President would retain that authority over this legislation.

Americans believe that their government should be accountable to them and play by the same rules that they have to follow. Much of the cynicism and apathy of recent years

can be traced directly to public perception that government officials and agencies are not accountable to anyone. We can only begin to restore faith in government and participation in democracy by ensuring that the federal government works under the same laws and regulations as private businesses and individuals.

DESTINEE REED TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to congratulate Destinee Reed of Grand Junction, Colorado, for winning a statewide talent competition. Ms. Reed's entry into the competition earned her the opportunity to perform at Governor Hickenlooper's inaugural celebration on January 11, 2011.

Ms. Reed, 15 years old, composed and sang her song "My Colorado," where she sings about the beauty of her home state, mentioning wild mustangs, Palisade peaches, and skiing. The statewide contest accepted applications from elementary, middle and high school students, and while others won prizes as well, she was the only one allowed to perform at the Governor's inaugural party. Ms. Reed recognizes the performance as a unique and privileged opportunity for a young musical artist.

Mr. Speaker, I am thrilled to congratulate Ms. Reed on her musical accomplishments at such a young age. We wish her the best of luck with her academic and musical ambitions.

ON THE DOORSTEP OF PROMISING HEALTH CARE DEVELOPMENTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. KUCINICH. Mr. Speaker, when talking to non-partisan health care financing experts about the ideal health care system, their preference is clear: they usually agree that a single-payer system that prevents the health insurance companies from getting between you and your doctor is the way to go. But they usually follow up with a caveat—the health insurance industry and the pharmaceutical industry are too powerful to allow it to happen: it is not politically feasible.

I am thrilled to say that argument is now a relic. On January 19, Harvard economist William Hsiao released a report that examined three health care systems for Vermont, whose new governor campaigned on a single-payer platform. The report found that a true single payer system would save Vermont 8–12 percent off their health care spending upon implementation and another 12–14 percent as the system gets up and running. The result is that 5000 new jobs will be created because of the burden lifted off of businesses. And it would cover every Vermonter.

An article by VTDigger.org announced that "Even the private insurance companies, many

of whose policy-holders would presumably be diverted to the new 'single pipe' which would channel all payments to doctors and hospitals through set rates for procedures cautiously welcomed Hsiao's proposal."

We are at the doorstep of one of the most promising developments in health care of our time.

JUSTICE FOR THE PERRONE-LEMONS FAMILY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I recently introduced a private bill (H.R. 355) on behalf of two extraordinary individuals, Pablo Perrone and Cristina Lemos.

In 1987, Pablo and Cristina, labor union leaders in Uruguay, were persecuted by the radical socialist group, the Tupamaros. After receiving multiple death threats for refusing to join forces with the group, they fled to the United States and immediately claimed asylum after entry. Due to an incompetent lawyer, the judge denied their asylum cases. An appeal was made but was mishandled by the lawyer and eventually lost by the Department of Justice for 10 years. As a result of this injustice, Pablo and Cristina were never given an opportunity to state their case, a case that if heard, would have granted them lawful presence in the United States.

Now, over 20 years later, the same party that persecuted Pablo and Cristina is now in power. Pablo and Cristina have two U.S. citizen daughters, Loredana and Victoria, who speak limited Spanish and have lived in San Diego, California all their lives as excellent students. As contributing members of their community, Pablo and Cristina pay taxes every year and devote countless hours to community service. Pablo and Cristina have no living family members in Uruguay. If deported, they will be forced to take their two U.S. citizen daughters with them, to a country where they risk persecution, and face exceptional economic, educational, and emotional hardship.

SUE TUFFIN TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to recognize Sue Tuffin of Grand Junction, Colorado, for her dedication to her community. She has a unique and exceptional success story and has quickly risen through the ranks in her career in public service.

Ms. Tuffin is of exceptional character, and has shown discipline, tenacity, and savvy in her career and personal life. As a single mother, Tuffin realized she needed to go back to school to provide a better life for her son and herself—she was making 90 cents an hour to

make ends meet. When she was married, she had worked in an office to put her then husband through college. Wanting to do the same, Ms. Tuffin enrolled at Southern Colorado State College to pursue a four-year degree. She finished her coursework in two. During this time, she worked four jobs to support herself and raise her young son.

Following college, Ms. Tuffin quickly received promotions at Manpower, an employment services company in Pueblo. She jumped from receptionist to counselor to supervisor. After Manpower, Tuffin worked at the Delta Department of Human Services, and eventually became director of both the Delta Health Department and Human Services Department. Ms. Tuffin spent a decade working for the State of Colorado reforming welfare. Recently, she was chosen to direct the Mesa County Workforce Center which provides employment resources and training programs.

Tuffin's own success story will surely inspire those she serves at the Workforce Center. Mr. Speaker, it is with great pride that I ask this body to commend Sue Tuffin for her perseverance in her personal and professional life. We wish her the best of luck in her new position.

IN HONOR AND RECOGNITION OF CAPTAIN DAN HOFFMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the contributions of Captain Dan Hoffman, a longtime public servant and Chief of the Parma Police Department. A natural leader and dedicated law enforcement officer, Captain Hoffman devoted nearly four decades of his life to protecting the people of Ohio.

Mr. Hoffman grew up on the near west side of Cleveland and graduated from Old Lincoln High School. He began his career with the East Cleveland Police Department in June of 1973, and moved to the Parma department five years later. Over the last 33 years, Hoffman has worked in many areas of the Parma Police Department. In his early years, he served on the Uniform Patrol Division, the Motorcycle Unit, the S.W.A.T. Unit, the Detective Bureau, the Special Investigations Unit, and the Services Division. He later moved up to work as Commander of the Uniform Patrol, Records, and Services divisions before being promoted to Executive Officer and finally Chief. Somehow, Hoffman still made time to attend both the FBI National Academy and Northwestern School of Police Staff and Command.

Like a true leader, Hoffman credits his employees and colleagues for the department's success. In a letter announcing his retirement, he wrote "As I think about all of the past and present employees who have worked so hard to get us where we are now I am filled with a sense of pride for all of their and your accomplishments. It is apparent that everyone has committed to ensuring the safety and quality of life for the citizens of Parma."

Mr. Speaker and colleagues, please join me in applauding Dan Hoffman for his outstanding

service to the people of Parma. May every American citizen feel deep gratitude for the bravery, dedication, and talent of men and women who spend their lives keeping our communities safe. Captain Hoffman had a true calling to law enforcement and he leaves behind a legacy of public spirit, excellence, and camaraderie.

IN HONOR AND REMEMBRANCE OF
ASHLEY TURTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Ashley Turton, a loving wife, mother, daughter, sister and friend. Mrs. Turton's devotion to public service, and her passionate love for her family and children, has left a mark on countless lives.

Mrs. Turton dedicated her life to serving the American public. She served as press secretary, and later, chief of staff to Congresswoman DELAURO. She also worked as an aid to Congressman Richard Gephardt. She was a leader during her career as a public servant and she worked for the benefit of the people.

Upon leaving the public sector, Mrs. Turton continued to promote responsibility and good work ethics as a regulatory affairs analyst for Progressive Energy. She was a valued employee and a cooperative colleague, always happy and enjoying life's pleasures.

For everything Mrs. Turton was, she was a kind and caring mother first. A mother of three, Mrs. Turton was an active part of her neighborhood, where she was commonly seen playing with her children.

Mr. Speaker and colleagues, please join me in remembering Ashley Turton, whose legacy of professionalism, service to others, and love and cheerful radiance will forever remain in our hearts and minds. I extend my sincere condolences to Mrs. Turton's husband, Dan Turton, a colleague of ours and a friend to many, and to Mrs. Turton's parents, siblings and children. Mrs. Turton's commitment to the common good and love will remain an example for us and those to come.

TRIBUTE FOR MARTA TAYLOR

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to recognize a new United States citizen and an outstanding contributor to America's armed forces and her community, Marta Taylor of Montrose, Colorado. Ms. Taylor and her late husband began Operation Sweet Tooth in 2003, and organization which has delivered over 140 tons of supplies to troops abroad.

Ms. Taylor moved to the United States in 1980 after spending most of her life in Poland under Soviet rule. Shortly after arriving, she met Landy Taylor and married him ten years

later. The two started a family, eventually having seven boys.

Ms. Taylor has always felt strongly about supporting U.S. troops—six of her sons are U.S. veterans. In 2003, as some of the first troops were preparing for deployment to Iraq, Ms. Taylor and her husband delivered 30 pizzas and offered thanks to the men and women about to serve at war. Once the couple realized the impact their recognition had on soldier morale, the two organized Operation Sweet Tooth two months later. Marta has involved herself in the packing of nearly every box since 2003. Since her husband's passing in 2007, Marta has solely fundraised and organized for Operation Sweet Tooth. Ms. Taylor's exceptional efforts for our uniformed service members are an inspiring example of selflessness.

On December 21, 2010, Ms. Taylor received full U.S. citizenship after scoring 100 percent on her citizenship test. On January 3, 2011, Ms. Taylor attended the deployment of the Montrose National Guard as a VIP guest. For her almost decade-long efforts and continued generosity and service, Ms. Taylor deserves the commendation of this body.

JUSTICE FOR FLAVIA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. FILNER. Mr. Speaker, I recently introduced a private bill (H.R. 356) on behalf of an exceptional woman, Flavia Maboloc Cahoon.

Over 18 years ago, Flavia legally immigrated to the United States from the Philippines. She was accompanied by her four-year-old daughter, Jane Drury, now serving in the U.S. Navy on the USS *Bunker Hill*. In 2005, after several failed appeals were made to correct a mistake she made on her original naturalization application, Flavia was taken from her home in January and was subjected to inhumane conditions at an over-crowded detention facility near the U.S.-Mexico border for two weeks. Flavia is a hardworking, law-abiding woman who has lived her life being of service as a nurse and volunteer. If deported, Flavia will most certainly face economic and emotional hardship without family or financial support.

TRIBUTE FOR BOB LUNA

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, it is my sincere honor to rise and pay tribute to Mr. Bob Luna. Through his charitable efforts to bring the beauties and joys of the outdoors to our nation's veterans, Mr. Luna has been able to provide many soldiers with cherished hunting experiences and memories.

Since 2008, Bob Luna and his Colorado Hunting Expeditions, along with the National Rifle Association Foundation, have sponsored

the Mark Ecker II Memorial Heroes Hunt. This annual January tradition gives the opportunity for 20 veterans to participate in a Rocky Mountain hunt. Many of the veterans are mentally or physically disabled due to injuries and experiences resulting from their bravery in combat. The chance to participate in big game pursuit means everything to these soldiers. The Memorial Heroes Hunt, which takes place in Dolores, Colorado, will be continuing with its fourth installment this January, and Mr. Luna's efforts and passion serve as an exemplary example of what one citizen can give back to our nation's soldiers.

It should also be noted that many local businesses from Montezuma County, Colorado donate food, equipment, and lodging in an effort to make sure this wonderful tradition continues.

Mr. Speaker it is my honor to recognize Mr. Bob Luna before this Congress today. The efforts of Bob Luna's actions speak volumes about his dedication to our country.

TRIBUTE FOR MATT PETERS

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 2011

Mr. TIPTON. Mr. Speaker, I rise to recognize Matt Peters of Durango, Colorado, for his efforts in co-founding Unite Our World, a non-profit charity that provides medical assistance and builds schools for impoverished children abroad.

Mr. Peters and his friend Riley King have always been entrepreneurially inclined and focused on giving back to society. After their high school graduations, both men started a few seasonal businesses to fund their travels abroad. When Mr. King had the opportunity to visit a school in Uganda in 2009, both of the young men decided to found Unite Our World. After being born into a country full of opportunity and wealth, both men felt they needed to give back to the world at large.

Unite Our World's core mission is to advocate and provide assistance for children who do not have sufficient educational resources within their own countries. Recently, the organization expanded its mission and involved itself in the battle against the AIDS epidemic in Uganda. Mr. Peters currently serves as vice president of the non-profit.

Mr. Speaker, America is lucky to have committed citizens such as Mr. Peters and Mr. King. I am proud to commend both these young men for their leadership and contribution to our world community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 25, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 26

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the report and recommendations, including any recommendations for legislative action, issued by the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

SR-325

10 a.m.

Environmental and Public Works

To hold hearings to examine transportation's role in supporting the economy and job creation.

SD-406

Judiciary

To hold hearings to examine protecting American taxpayers, focusing on ac-

complishments and ongoing challenges in the fight against fraud.

SD-226

JANUARY 27

9:30 a.m.

Armed Services

To hold hearings to examine the results of the investigation by the Department of Defense and the Department of the Air Force into the release of proprietary data in the KC-X competition.

SD-G50

10 a.m.

Budget

To hold hearings to examine the budget and economic outlook for fiscal years 2011-2021.

SD-608

Health, Education, Labor, and Pensions

To hold hearings to examine the Affordable Care Act, focusing on the impact of health insurance reform on health care consumers.

SD-430

Judiciary

Business meeting to consider pending calendar business.

SD-226

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine counterterrorism lessons from the U.S. government's failure to prevent the Fort Hood attack.

SD-342

Small Business and Entrepreneurship

To hold hearings to examine encouraging entrepreneurship in economically disadvantaged, rural and traditionally under-served areas.

SR-428A

1:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine claims and social services in the aftermath of Deepwater Horizon oil spill.

SD-342

2:15 p.m.

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine crackdown in Belarus, focusing on responding to the Lukashenko regime.

SD-419

FEBRUARY 3

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the energy and oil market outlook for the 112th Congress.

SD-366

FEBRUARY 16

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012.

SD-366

HOUSE OF REPRESENTATIVES—Tuesday, January 25, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 25, 2011.

I hereby appoint the Honorable TOM MCCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

TIME TO REDUCE SPENDING TO THE 2008 LEVELS

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. WILSON) for 1 minute.

Mr. WILSON of South Carolina. Mr. Speaker, this week the House will consider House Resolution 38, which promotes a reduction of current spending to the 2008 levels or less for the remainder of the fiscal year. This legislation seeks to cure the illness in Washington known as runaway spending.

For the past 4 years, liberals in Washington have been on a spending spree that has not only resulted in a loss of jobs, but also historic deficits. This job-destroying agenda is not sound policy for Americans today, and it burdens future generations of Americans with crushing debt.

Last week the House took steps to repeal and replace the job-killing government takeover of health care. The NFIB, the National Federation of Independent Business, the largest organization in the United States of small businesses, reports that that will put 1.6 million jobs at risk. Now we must focus our attention on limiting spending levels.

Currently, our national deficit stands at \$14 trillion. Saddling future generations with today's debt is not the solution. The time has come to implement spending reforms to ensure we cut spending. The American people in November spoke clearly for fiscal responsibility. The tea party has made a difference—taxed enough already.

TRIBUTE TO FORMER CONGRESSMAN WILLIAM RATCHFORD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

Ms. DELAURO. It is with heavy heart that I rise today to pay tribute to the life of former Congressman William R. Ratchford, whom we lost earlier this year after a long and courageous battle with Parkinson's disease.

I talked to many friends and colleagues of Bill in recent days, and the same description kept coming up. He was modest and charming and exactly who he appeared to be. One long-time friend called him "the most fundamentally decent, unpretentious person." Another, former Senator Chris Dodd, reminded me of Bill's decency and great warmth. "He was wonderfully enthusiastic about other people's successes," Chris said, which is sadly atypical of people in our line of business.

For that and so many other reasons, Bill was a role model to me and the rest of our delegation. He was a humble giant in Connecticut politics, well liked and respected by all, and he will be deeply missed by all those fortunate enough to have known him.

When I came to represent much of the Naugatuck Valley in 2000, Bill personally took me town by town. He knew everyone and everyone knew him. There was a mutual respect and fondness there that I have always tried to live up to ever since. Bill just had that effect on people. He was funny, kind, and down to Earth. As a humble son of a hat factory worker and a teacher, he never forgot where he came from. He understood his constituents' needs and concerns because their concerns were his. He walked in their shoes.

During 12 years in the State house, four as speaker, and three terms in the Congress, Bill focused on the needs of children and seniors, on improving public education, helping nontraditional and mid-career students go to college, and ensuring that all seniors could

enjoy retirement with the health and dignity they deserve.

More than anything, Bill tried to make a difference in everything he did. In doing so, he left an indelible mark on our State and this institution. I extend my deepest sympathies to his wife, Barbara, and their three children, Shaun, Scott, and Brian, and his grandchildren. He was an extraordinary individual, and he leaves a legacy to which we should all aspire.

I yield to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Thank you, Congresswoman DELAURO.

Mr. Speaker, I just want to associate my remarks with Congresswoman DELAURO's eloquence. Bill Ratchford was a giant in Connecticut politics. He served as Speaker of the House in the State legislature. As a former State legislator myself, I saw firsthand the legacy that he left behind in terms of a civil but progressive agenda that he advanced in the State of Connecticut, which, as a Member of Congress for three terms, he continued that work, again, particularly focusing on the emerging issues of the aging in our country, which as a demographic is growing. He was really just someone with great vision in terms of the need to make sure that we had a society that was prepared to deal with those issues.

Mr. Speaker, as we grapple with the challenge of civil discourse in our democracy, Bill Ratchford, in my opinion, is the perfect, almost iconic example of what a legislator and a public servant ought to be. He cared deeply about the issues that he campaigned and advocated for, but he also was someone who studiously respected his opposition and believed passionately in civil discourse and debate. Again, I think that legacy, probably above all, is the most powerful one that he leaves behind us; and, frankly, we would all do well to follow his outstanding example.

TIME FOR FISCAL RESPONSIBILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. GRAVES) for 2 minutes.

Mr. GRAVES of Georgia. Mr. Speaker, early reports indicate that President Obama will call for a new spending package during his State of the Union address tonight. Now, I have heard, as many of you have, that this might be masked, as he might say tonight, as targeted investments. More

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

stimulus. Democrats speak for stimulus, but it will be hidden with calls for tepid spending cuts.

Well, Mr. Speaker, Americans know that our debt is \$14 trillion. They know that the President spent \$1.3 trillion over the budget last year, only to see unemployment stay above 9 percent. Now is the time to pivot to fiscal responsibility. It's time to shred the President's maxed-out credit cards and cut his weekly allowance. It's time to tell our kids and grandkids that we don't want them to bear the burden of our generation's fiscal irresponsibility.

Mr. Speaker, I, along with my constituents in north Georgia, hope that the early reports are wrong about another stimulus being proposed tonight. Rather than use a few spending cuts as window dressing for more spending, tonight is the President's opportunity to seize the moment, to be a leader, and get serious about spending reform.

TRIBUTE TO FORMER CONGRESSMAN WILLIAM RATCHFORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise, as did other Members of the Connecticut delegation, to pay tribute to a great man who served the State of Connecticut and his community of Danbury in a variety of ways, Bill Ratchford.

Bill Ratchford passed away recently, and the entire State of Connecticut is mourning; but, in particular, my district is mourning. Though Connecticut's districts have been reconfigured over the years, we both share a love and affinity for Bill Ratchford's hometown of Danbury that he represented in the United States Congress and I have the great fortune of representing.

Bill grew up in Danbury. He was a child of the Depression. His father worked in one of the great hat factories in Danbury, Connecticut. His mother was a school teacher. And they instilled in Bill the value of what truly matters in life: a good education, a love for his family, and a love for his country.

Shortly after I was sworn into office, Bill came to see me, to share with me some of his thoughts about what was important about being in this place.

□ 1010

Though he cared so passionately about issues, as Representative COURTNEY and Representative DELAURO mentioned, his passion especially for issues related to aging, the fact that he became, later on, the State's first commissioner on aging, what he cared maybe most about was the discourse in this place. Bill was a gentleman first, second, and third. He represented everything that people wanted government to be.

That's what we talked about when he came into my office that day, how you needed to fight for what you cared about in this place but do it in a respectful way. And I join with Representative COURTNEY in reminding everyone here that there are certain giants of this place that we can look to in trying to reorder the way in which we have conversations, and Bill Ratchford certainly was at the top of that list.

His commitment to public service built a legacy that in Danbury and throughout Connecticut we will remember for a long time. He will be terribly missed. My thoughts and prayers and those of everyone in the Danbury area are with Barbara and his family at this time.

I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank Congressman MURPHY for yielding, and I want to join him in the remarks that he has made.

I had the opportunity to attend a memorial service and speak at a memorial service for my friend, Bill Ratchford.

Bill and I first met in the early 1970s. Bill had been speaker of the Connecticut House and was serving as president of the National Conference of State Legislatures. I was about to be president of the Maryland Senate, and another former Member, Martin Sabo, was the speaker of the Minnesota House. The three of us became very good friends.

Later in the week, the next week, we lost an extraordinary American, Sarge Shriver. I had the opportunity to speak at his wake last Friday night.

The reason I mentioned Sarge Shriver, Bill Ratchford and Sarge Shriver were both extraordinary public servants who believed that service to others was their most important role in life in terms of their public service. Now, privately, they were both also representatives of extraordinary family leaders, revered by their families. And his sons, Bill Ratchford's sons, and Sarge's sons spoke at their memorial services. Shaun, Scott, and Brian spoke movingly of a father who was fully engaged and adored by his sons. Of course his wife, Barbara, a very close friend of mine for some 40 years, as was Bill, was revered as a mother.

So these two families, two extraordinary leaders that we have lost recently, represented the best in America.

Bill Ratchford was my friend. Bill Ratchford brought honor on this institution by his service. Bill and I had the opportunity to serve on the Appropriations Committee together, which was arguably, at that point in time, the most bipartisan committee in the Congress of the United States. I am not sure that's still true, but it certainly was then. Bill Ratchford was respected on both sides of the aisle for his decency, his intellect, and his commit-

ment to making America a better country.

I am pleased to join my friend CHRIS MURPHY, who has been such a giant himself at a young age, but at an age when Bill Ratchford was becoming a major leader in their country.

I thank Bill Ratchford and his family for what they have contributed to this country. We lament his loss, but we celebrate his life, which was an extraordinary life well lived and a blessing to all who knew him and to his country.

STATE OF OUR UNION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Minnesota (Mrs. BACHMANN) for 2 minutes.

Mrs. BACHMANN. Mr. Speaker, I appreciate the opportunity to speak today.

This evening, we will hear from the President of the United States in his State of the Union address, and it is a privilege for the people of our country to be able to hear from our President what his remarks are about the State of our Union.

We look forward to hearing, Mr. Speaker, what the President's plan will be going forward to lift our country out of the high unemployment rates that we have been dealing with during these last 20 months. To have the unemployment rate in excess of 9 percent and, in some cases, over 10 percent has been unacceptable. It's been a hardship for so many people in the Nation.

Also, I am looking forward to finding out what the President's pro-job growth agenda will be going forward. We want to get unemployment rates back to much lower levels so that families and businesses can thrive again.

Also, Mr. Speaker, I am looking to find out what will be the specific cuts that the President will be proposing. We haven't heard specific cuts so far. In fact, we have heard that the President may be referring to investments, meaning more spending yet again, spending that this country simply cannot afford because, as we know, Mr. Speaker, we are falling off the cliff in terms of debt increases. That is not good for the next generation of Americans.

Second, I am wondering what specific pieces of legislation that the President has proposed would he be willing to repeal. We know, for instance, that the cap-and-trade proposal that's working through the EPA will be one that will be a job killer. We know that for the health care law as well, that it is, in fact, a job killer.

Finally, I am wondering, Mr. Speaker, what areas of regulations the President would be willing to do away with. The President had made a statement last week that he wants to direct all of the agencies to look for regulations

that would kill jobs. Well, we know that the EPA regulations will, in fact, do that, and we are wondering if, perhaps, the President would be willing to put those on the table and delay implementation of the cap-and-trade system through the EPA.

Finally, Mr. Speaker, we also know that with Americans paying in excess of \$3 a gallon for gasoline that it may be wise now to look at American energy production. What would those proposals be from the President? We look forward to hearing that this evening.

MAKE SERIOUS INVESTMENTS IN THIS COUNTRY'S FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Mr. Speaker, tonight the President of the United States will deliver the State of the Union address, as we all know. If the reports are accurate, what he will talk about today is the need to make serious investments in this country's future.

Now, we have just heard from a colleague from the other side of the aisle, and we have heard from many Republicans over the last few days, concerning the issue of spending and whether or not we need to be spending any more money in this time of admittedly dire financial circumstances.

You know, most families, when they borrow money, they do it for two reasons: either for survival—they need to eat; they need to feed their children; they may need a house for their family; they need to clothe them—or they borrow because they see an opportunity to invest and to make their lives better down the road.

Now, I know that many people don't think of government spending as investment. But if we look back not too long, just over recent history, the last few decades, we have seen numerous instances in which government investment has not only created jobs, it has spawned entirely new industries.

As a matter of fact, even though people made fun of Al Gore many years ago, the fact is that government investment actually created the Internet. Government investment, through the Defense Department and other research institutions, has created literally billions and billions of dollars in private sector growth and created thousands and thousands and thousands of new jobs.

We face a very difficult choice right now. We can sit back while the rest of the world advances, or we can make the tough choices right now to make serious and important investments that will not just create new industries but may, in fact, solve some of our most intractable problems. I am talking here about medical research, for one.

We now invest \$6 billion a year in cancer research. Cancer treatment and the cost to society because of cancer amounts to literally hundreds of billions of dollars each year. It costs Medicare. It costs Medicaid. It costs the private system. If we spent \$20 billion a year on medical research for cancer and over 10 years finally cured it, made it manageable in an inexpensive way, the long-term payback to this country would be enormous.

One of the problems with analyzing our health care reform proposal, now in the law the Affordable Health Care Act, is that we weren't able to factor in the long-term benefits of preventive care, research, more efficient operations, because they are not quantifiable.

□ 1020

But we know that if we could just deal with two major diseases, diabetes and cancer, then we would probably solve our long-term health care financial issues. So tonight the President will lay out choices for us. And I think this is a very, very important aspect of our public dialogue right now. We need to make sure that not only the American people, but also every Member of Congress, really understand what our choices are. Because it's very, very easy to stand up and say we're going to cut spending by \$100 billion in the Federal Government when you're not willing to talk about what specifically you're willing to cut. And my colleague from Minnesota just said the President may not be specific. Well, the fact is, Republicans haven't been specific either.

We need this laid out for the American people. We need it laid out for us. We have difficult choices. We need to make them. I think the President is on the right track. We cannot cut back right now on medical research. We cannot cut back on the type of research that will create new industries, particularly in the energy field. We cannot cut back right now in education when the rest of the world is passing us by in terms of the achievement of their students. And we cannot cut back right now on investments in our infrastructure when much of it is crumbling around us.

So I look forward to the debate we're going to have over the next few months. It's an important debate. It's probably the most serious debate we've had in this country in decades, because we are at a crossroads. We can allow this country to become a secondary international power, or we can maintain our status as not just the world's largest economy, but the world's most ingenious economy, the world's most innovative country, and a society which cares about making life better for every American citizen.

CLEAN-ENERGY JOB CREATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. INSLEE) for 5 minutes.

Mr. INSLEE. Mr. Speaker, I came to the floor this morning to talk about our excitement hearing the President tonight express that feeling of optimism, confidence and can-do spirit that has always epitomized America, and that is in the field of the development of our clean-energy job creation program.

I'm excited about it because, as we're coming out of this very deep recession, many of us believe that one of the brightest spots on our economic horizon is our ability to develop hundreds of thousands of new jobs in this country so that America can fulfill its destiny of leading the world in clean-energy development.

We believe it is our destiny to do that because we have always done that throughout America's history, leading the world in aeronautics, leading the world in software, leading the world in aerospace; and now we have a great opportunity to lead the world in the development of clean energy. And when we do that, we do believe that we will create hundreds of thousands of new jobs. And I look forward to the President's ideas on how to do that.

But I want to talk about where we are right now in our ability to do that. I remember I came to the floor 2 or 3 years ago and talked about the prospects of creating jobs in America in the creation of an electrified transportation system and our ability to electrify our cars. And when I did that, I remember I was criticized by some in this Chamber thinking, well, that was sort of a pipe dream, couldn't happen, that was Buck Rogers-kind of stuff that really wouldn't allow us to create jobs in this field.

Well, I want to bring us back up to where we are now this year to see what progress we've made. I want to mention three pieces of progress we have made that are going to, I think, be examples A, B and C of why the President's message of clean energy will be received well tonight:

Number one, this year is the General Motors Volt. It is a plug-in hybrid electric car, a car that you can plug in and go 40 miles all on electricity; and then if you want to go more than 40 miles, it has an internal combustion engine that will generate electricity to charge the battery that will run the wheels of the General Motors Volt.

And when I asked General Motors to bring the Volt to Capitol Hill a few years ago, people thought, interesting idea, will never work. Well, guess what. The General Motors Volt this year was North American Car of the Year a couple of weeks ago. It stunned the auto industry, and it is going to be one of the great leaders as we move to the electric cars of the future.

We have the domestic manufacturer, the Ford Focus, that we think is going to follow. Tesla is being manufactured here. We hope to see Toyota and Nissan produce electric cars here as well. These are the cars not of the future but of today. And we can lead the world in the manufacture if we do some of the things that the President will talk about tonight to electrify our auto transportation fleet.

Second, I want to talk about one of the most exciting events I've ever had as a U.S. Congressman, and that is last October I went to the Wooden Cross Lutheran Church in Woodinville, Washington. And I got to participate with that congregation in dedicating the very first electric charging station in America in a church parking lot. And I thought, this is a great thing for America that we are electrifying our transportation fleet, allowing Americans a place to plug in their electric cars.

And we dedicated this charging station. It's about 3½, 4 feet tall. And you pull up to it and plug in your electric car in the Wooden Cross Lutheran Church parking lot. The Good Book says "let there be light." Well, now let there be power, and verily there is power in this church parking lot. And there's going to be more power in thousands of places in America because of our stimulus bill which has allowed the creation of these electronic charging stations.

Third, I want to mention the production of batteries. We have grown something like—and I want to make sure I get the number right—700,000 clean-energy jobs doubling renewable energy manufacturing and generating jobs in America by the year 2012. And the clean-energy sector has grown 2½ times faster—faster than the U.S. economy in the last year and a half.

And one of the reasons is because we are growing an electric battery manufacturing capacity industry here in the United States. We only had 2 percent of that capacity in 2009. We believe we can have 40 percent of the world's capacity by 2015. And if you want to think this is not a reality, go to Holland, Michigan, where because of our stimulus bill that we passed last year, we are putting hundreds of formerly laid-off auto workers to work in Holland, Michigan, making lithium ion batteries to run our electric cars. And that is happening because of what we did.

Let's grow these clean-energy jobs. I look forward to the President's speech tonight.

A MORE PERFECT UNION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, as I was walking through the hallway, I encountered an individual

who was enormously excited about the President's State of the Union. They happened to be a new employee of this House. This would be the very first time that they would have this privilege and this honor. I think it is important for us to recognize that it is a privilege and an honor. In essence it is a responsibility of this administration, of this President, to follow in the tradition in the law of the land that the President presents to the Congress, to the people of this great country, the State of the Union.

Frankly, I'm an optimist. I am so grateful that we live in a country that has a Constitution that has prevailed for so many years, that we have language in our Constitution that says that we have organized to create a more perfect Union, that the words of the Declaration of Independence are pressed upon our hearts: We hold these truths to be self-evident, that we all are created equal with certain unalienable rights of life, liberty and pursuit of happiness.

That's what I expect to hear from our President tonight, a man of passion and commitment and dedication, a man who feels the pain of this Nation, a man who has sacrificed his own personal prestige and popularity in order to make very difficult decisions.

The American Recovery Act, for example, went into the nooks and crannies of this Nation and built up small communities, provided extra police officers, provided more patient rooms, gave more resources to local hospitals and research institutions to make this country great and created jobs. And if you look at a grid that shows the job creation of the last administration, you will see that it is predominantly all red, jobs lost. But as we have struggled to build and climb, we aren't going in the right direction.

And so I would ask the President to stand his ground on investment in America and infrastructure in America. And I would say to this body that we must stand committed and dedicated to the protection of the vulnerable. Does that mean increasing the deficit? No. I happen to have had the privilege of working on a balanced budget. It's exciting. We passed a balanced budget, and out of that we created the Children's Health Insurance Program and 22 million jobs in the last Democratic administration.

□ 1030

We can do that now. We can create jobs, and I would encourage the President to focus on the infrastructure. Why? Let me give you an example.

The city of Houston, now the third largest city in the United States based upon the census data that will be finalized in the month of February, we are in line after 30 years to create a world-class mobility system. We have been granted a billion dollars over a number

of years, not wasting money because Texas happens to send more to the United States' tax coffers than we get back, but we will be creating 50,000 jobs by investing in a light rail system to move people forward, to eliminate the emissions crisis that we have, and to put people to work.

The crisis that we are now in with not having passed the appropriations of the 111th Congress, which I secured some \$150 million for us to start, stymies all of these need-to-build projects on bridges and freeways, on dams that need to be repaired. All of that creates the genius of America or boosts the genius of America and lets us work.

So, Mr. President, stand your ground on making sure that we move forward on infrastructure so that we can make it in America, meaning that Americans can make it, they can survive, they can improve their quality of life, and we can make it in America.

I want us to build the light railcars. Bring it on home. Let us build turbines that are part of wind energy. Let us build the solar panels. And, yes, let us build our buses and trains. Stand your ground, Mr. President.

And then for the most vulnerable of America, let's put it on the line that we are not going to touch Social Security. I know the panic that goes through senior citizens, the disabled, veterans who are dependent not only on the veterans' compensation but they are dependent on Social Security. Let's draw the line. And, too, the young people of America. Let's be very clear, you are not carrying the senior citizens. We are not taking out of your future. Remember the words of President Kennedy who said: Ask not what your country can do for you, but what you can do for your country. Social Security is an investment of those who have worked and those who are disabled.

And so, Mr. President, stand your ground tonight in this most privileged opportunity to speak to the American people. Bring us together as we will all be sitting with each other. So let us stand our ground for the future of America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 33 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: "Open the door. Heighten the security. Gather the people. Proclaim a fast. Through the medium of television, enter in, and ready yourself to listen, America."

Lord God, today this House Chamber and its Members prepare this place and this Nation to welcome President Barack Obama tonight to listen to his State of the Union.

Guide and protect him, Lord. Grant him health, wisdom, prudence, and forbearance.

Help all Americans, Lord, for "we the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty" do assemble and ready ourselves to hear the President's message and act according to the Constitution that holds us together as a new order both now and for ages to come.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. ALTMIRE. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Ms. Schwartz, Ms. Kaptur, Mr. Doggett, Mr. Blumenauer, Ms. McCollum, Mr. Yarmuth, Mr. Pascrell, Mr. Honda, Mr. Ryan of Ohio, Ms. Wasserman Schultz, Ms. Moore, Ms. Castor of Florida, Mr. Shuler, Mr. Tonko, and Ms. Bass of California.

(2) COMMITTEE ON FOREIGN AFFAIRS.—Ms. Schwartz, to rank immediately after Mr. Higgins.

(3) COMMITTEE ON HOUSE ADMINISTRATION.—Ms. Zoe Lofgren of California and Mr. Gonzalez.

(4) COMMITTEE ON VETERANS' AFFAIRS.—Ms. Linda T. Sánchez of California, to rank immediately after Mr. Michaud.

Mr. ALTMIRE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 1-minute speeches on each side of the aisle.

FOREIGN AID TO CHINA—
ABSURDITY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the government is going broke. Government spends too much. It borrows too much. It taxes too much. One idea is to raise the government credit card limit.

It's like when my four kids went off to college. When they reached the maximum on their credit cards, the credit card company would simply raise their limit. Thus, they could spend more money by borrowing money. However, they all found out how difficult it was to get out of debt until they quit spending money.

Instead of more U.S. debt, why not cut spending? Start with foreign aid. There are 194 countries in the world, and the United States gives to over 150 of them.

Did you know we give money to dictator Chavez of Venezuela, the tyrant of South America? Did you know we give money to Russia?—and the zinger of all—did you know we give money to China? Yes, the country that owns most of our debt gets foreign aid.

This absurdity must cease. No more foreign aid to the likes of Venezuela, Russia or China.

And that's just the way it is.

BIPARTISANSHIP AND JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, at tonight's State of the Union Address, it is vitally important that President Obama lays out an effective strategy for new job creation.

The economy is improving, and with more than 1 million private sector jobs created in the last year, more people are going back to work; but far too

many Americans still find themselves without jobs, especially in my district in the Inland Empire, where unemployment is 14 percent.

At this time of enormous challenges, we must all recognize that the problems we face cannot be solved by a Democrat or a Republican solution alone. Only—and I state only—by working together and finding common ground will we overcome the obstacles in front of us.

I stand ready to work with all of my colleagues, Republicans and the tea party included, to think outside the box and create a better future for our children and our country.

As we prepare for the President's address tonight, I ask my friends on the other side of the aisle: Are you ready to work with us to move forward?

GIVE THE AMERICAN PEOPLE A
NEW DIRECTION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, tonight the President of the United States will appear in this Chamber, as nearly every President has for more than 150 years, and report on the State of the Union, and we will receive him with the respect that is due his Office.

We are told in press reports that the President will focus on the future, on winning the future; but as the President said last Friday, "The past 2 years were about pulling our economy back from the brink"—and we expect to hear the same thing today.

But frankly, as most Americans know, during the last 2 years, this administration and the former majority in Congress met our present crisis with an avalanche of borrowing and spending and bailouts and taxes and takeovers and mandates. Far from pulling our economy back, the weight of debt and taxes and regulation have stifled our economic recovery.

Mr. President, we will not win the future with the failed economic policies of the past. As you come into this hallowed Chamber tonight, we urge you, Mr. President, for not just a new speech. Give the American people a new direction.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). Members are advised to direct their comments to the Chair.

BUDGETLESS RESOLUTION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today with serious concerns about the

misguided agenda our friends on the other side of the aisle are pursuing.

While Democrats continue to make job creation, economic recovery, and debt reduction top priorities, the majority continues to engage in political theater. In fact, their first actions after assuming control of the House haven't created a single job or protected a single American business.

Instead, the other side's top priority has been to repeal the patient protections provided by the new health care reform bill; and their so-called "budget resolution" they have offered today is a one-page document with no specific cuts to reduce spending, no budget numbers and, most importantly, no ideas on job creation or on economic recovery.

Mr. Speaker, we were sent here to create jobs and get the American economy back on track, both the Republicans and Democrats. Let's stop the political gimmickry, and let's get to the work of putting the American people back to work.

DEFICIT REDUCTION PLANS—NOT AMBIGUOUS GOALS

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, as we look forward to tonight's State of the Union Address, it is important for all of us to keep in mind the most important issues to the American people: jobs, the economy, and deficit reduction. In the weeks and months ahead, we look forward to working together, Democrats and Republicans, to focus our legislative attention on these issues.

As we debate these issues, it is easy to simply identify the problem. We all know that unemployment is too high, that recovery is not as fast as we would like, and that the deficit is out of control; but the time for simply defining the problem has long since passed, and realistic solutions are long overdue. As we near completion of our first month of the new Congress, the American people are still waiting to hear the majority's specific recommendations on how to address these issues.

Tonight, we will hear from the President. I look forward to soon hearing from the majority some specific details about their deficit reduction plans, not just ambiguous goals.

□ 1210

HONORING FALLEN OFFICERS IN ST. PETERSBURG, FLORIDA

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor the sac-

rifice of two St. Petersburg, Florida, police officers who were killed in the line of duty yesterday.

Sergeant Tom Baitinger and Officer Jeffrey Yaslowitz were following up on a Fugitive Task Force warrant when they and a deputy U.S. marshal were ambushed and shot. Officer Yaslowitz was fatally shot while trying to arrest the dangerous fugitive; Officer Baitinger was shot while attempting to rescue his colleagues.

Officer Yaslowitz was 39 years old. He was a K-9 officer and had worked with his canine partner, "Ace," for the last 2 years. He is survived by his wife, Lorraine, and three young children. Sergeant Thomas J. Baitinger was 48 years old. He is survived by his wife, Paige.

As my colleague, Congressman BILL YOUNG, stated yesterday from this floor, we pray for their families, the St. Petersburg Police Department, Mayor Bill Foster, and Police Chief Chuck Harmon, and we honor the sacrifice of our community heroes and all who wear the uniform of service.

TONIGHT'S OFF-BROADWAY PERFORMANCE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, I want to give folks a preview of tonight's off-Broadway performance that will follow the President's State of the Union Address.

The stage will be the House Budget Committee hearing room. The actor in the one-man show will be Republican Representative PAUL RYAN from Wisconsin. The script will begin with something like, Hello, I'm Representative PAUL RYAN, and I'm speaking to you from the very location where the Democratic job-killing spending binge unfolded during the last 2 years. Unfortunately, the script for tonight's performance will not include the fact that Democratic investments have created more jobs during the last 2 years than were created during the entire 8 years of George Bush. You also won't hear about the one thing that Republicans fought tooth and nail for during the last 2 years: an extension of a budget-busting \$700 billion tax break for wealthy Americans.

Coming attractions? The chairman will have another show in the next week where he pulls a budget number from a hat filled with rabbits. That will be our budget number. Enjoy the show.

CALLING FOR TRANSPARENCY IN CAMPAIGN FINANCE

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Madam Speaker, I rise to discuss the importance of reduc-

ing the influence of corporate special interest money in our elections.

As a result of the Citizens United decision, corporations and other special interests are free to pump unlimited sums of money into campaign attacks. And worse yet, because of this decision there is no good mechanism to keep money from foreign sources out of our elections. We need reform that brings transparency to the campaign finance system and protects the best interests of middle class families.

I will call on the new majority to work in a bipartisan fashion to bring transparency to the campaign finance system. I supported the DISCLOSE Act last year, and I believe this bill is a good first step. I will continue standing up for middle class families.

USING AMERICAN RESOURCES TO CREATE JOBS

(Mr. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Pennsylvania. Madam Speaker, tonight we will hear about the State of the Union. I hope we hear the sometimes painful truth about the State of the Union: more jobs lost in the last couple of years and we need to do something about that.

But the answer is not more spending that leads us to a greater deficit and more borrowing from China. The answer is not to continue to have higher gas prices because we are buying our oil from OPEC, which they use to build their lavish palaces and drive their Rolls Royces while our communities are trying to find ways to afford the patching compound to patch up our potholes. What we need to be doing is taking action that uses our resources to create American jobs.

A bill that I am going to be reintroducing from last year is one that says, Let's stop this moratorium that prevents us from using our oil, from drilling our resources. We can actually create jobs and have about \$3 trillion-plus in Federal revenue without raising taxes, without raising our trade deficit, and without sending more money to OPEC.

I hope this is something this Congress considers and this President has an open mind to dealing with so that we can create jobs without creating more deficit.

STANDING TOGETHER FOR THE ECONOMY

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, tonight the President of the United States will stand in this Chamber and discharge his constitutional obligation to address the State of the Union for the Congress. I understand that many of my

colleagues will be sitting together in a bipartisan way, and I think that's a good thing. What I really hope, though, is that we get commonsensical about where we are tomorrow, that as we talk about the economy, we agree that we should cut regulations which serve no purpose but to stifle industry, but that we should not attack the rules which keep our air clean and our water drinkable.

We can and we must reduce the deficit and get our fiscal house in order, but do not try to persuade the American public that we can fail to invest in schools, in railways, in highways, and in networks that will provide economic prosperity for decades to come.

I'm glad my colleagues are going to be sitting together in this Chamber tonight. What I really hope is that tomorrow we are standing together behind commonsensical changes that will make this economy strong.

LET'S DEAL WITH JOBS

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Madam Speaker, I, like all 434 other Members of this body, was elected to the 112th Congress. Shortly after arriving, I was told that the number one responsibility we had was to create jobs. So far, that has not been the case. We have given attention to health care, which I understood to have been one issue that we gave too much attention to. So my question today is, What about the jobs? When are we going to talk about jobs? I would like for somebody, anybody, to talk about jobs. When are we going to do the job of creating jobs? If we do our jobs, then we might be able to create some jobs; if we don't, nothing will happen.

Madam Speaker, I am urging the Members of this body, particularly those who are now in charge, to begin to deal with jobs.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. CAPITO) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 25, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 25, 2011 at 11:00 a.m.:

That the Senate agreed to without amend-
ment H. Con. Res. 10.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

STAFF SERGEANT SALVATORE A. GIUNTA MEDAL OF HONOR FLAG RESOLUTION

Mr. LATHAM. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 49) providing Capitol-flown flags for recipients of the Medal of Honor.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 49

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Staff Sergeant Salvatore A. Giunta Medal of Honor Flag Resolution".

SEC. 2. PROVIDING CAPITOL-FLOWN FLAGS FOR RECIPIENTS OF MEDAL OF HONOR.

(a) IN GENERAL.—At the request of a recipient of the Medal of Honor or an immediate family member of a recipient of the Medal of Honor, the Representative of the recipient or the Representative of the family member (as the case may be) may provide the recipient or the family member with a Capitol-flown flag, together with the certificate described in subsection (c), except that not more than one flag may be provided under this resolution with respect to the Medal of Honor recipient involved.

(b) NO COST TO FAMILY.—A flag provided under this section shall be provided at no cost to the individual receiving the flag.

(c) CERTIFICATE DESCRIBED.—The certificate described in this subsection is a certificate which is signed by the Speaker of the House of Representatives and the Representative providing the flag, and which reads as follows: "This flag has been flown over the United States Capitol, in honor of the service and sacrifice of recipients of the Medal of Honor, the highest honor awarded to members of the Armed Forces for valor in combat, with profound gratitude on behalf of the United States House of Representatives."

(d) DEFINITIONS.—In this section—

(1) the term "Capitol-flown flag" means a United States flag flown over the United States Capitol in honor of the Medal of Honor recipient involved; and

(2) the term "Representative" includes a Delegate or Resident Commissioner to the Congress.

SEC. 3. REGULATIONS AND PROCEDURES.

(a) IN GENERAL.—Not later than 30 days after the date of the date of the adoption of this resolution, the Clerk of the House of Representatives shall issue regulations for carrying out this resolution, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(b) APPROVAL BY COMMITTEE ON HOUSE ADMINISTRATION.—The regulations issued by the Clerk under subsection (a) shall take effect upon approval by the Committee on House Administration of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LATHAM) and the gentleman from Pennsylvania (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LATHAM. Madam Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LATHAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 49, providing Capitol-flown flags for recipients of the Medal of Honor.

Madam Speaker, the resolution is simple, its language is succinct, but it is so much more significant than mere symbolism. This resolution provides a family member or the Medal of Honor recipient themselves a U.S. flag flown over this Capitol, along with a certificate which reads, "This flag has been flown over the United States Capitol, in honor of the service and sacrifice of recipients of the Medal of Honor, the highest honor awarded to members of the Armed Forces for valor in combat, with profound gratitude on behalf of the United States House of Representatives."

Madam Speaker, the Medal of Honor is the highest honor awarded to members of the Armed Forces. And to these Medal of Honor recipients, we, as a country, as one Nation, and as this collective House are immeasurably thankful for their service, their sacrifice, and their bravery, which sometimes has meant giving that last full measure of devotion.

□ 1220

I am especially proud of Staff Sergeant Salvatore Giunta, a native of Clinton, Iowa, who is the first living recipient of the Medal of Honor since the Vietnam War and is here in the Capitol for the State of the Union Address this evening and a recognition ceremony tomorrow.

Sergeant Giunta's service embodies a spirit of selflessness, humility, and determination that Iowans are known for, both in the military and civilian life.

We pass this resolution as a heartfelt and profoundly sincere "thank you" to those receiving the highest of honors, the Medal of Honor. Madam Speaker, this resolution should garner overwhelming bipartisan support, and I

urge all of my colleagues to support H. Res. 49.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Madam Speaker, this resolution recognizes the courage and sacrifices of Staff Sergeant Salvatore A. Giunta and other Medal of Honor recipients in defending their country in the line of duty. The Medal of Honor is the highest award of bravery that can be given to a member of the United States Armed Forces.

This resolution will acknowledge members of our Armed Forces that receive the Medal of Honor by providing them with a flag flown over the Capitol along with a certificate signed by the Speaker of the House. The flag would be provided at no cost to the recipient or family of the recipient.

May this small gesture serve as a constant reminder of our Medal of Honor recipients who act selflessly and heroically in defense of the freedoms that we, the American people, enjoy. I am pleased to support this resolution and urge all of my colleagues to vote "aye."

Madam Speaker, I now yield such time as he may consume to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentleman from Pennsylvania for yielding.

Madam Speaker, I am particularly honored today to join my friend and colleague, Congressman LATHAM, in offering this resolution.

Tomorrow, the Iowa delegation will join the Chief of Staff of the Army, General George Casey, and Senator INOUE to honor and recognize Staff Sergeant Salvatore Giunta, the first living Medal of Honor recipient since the Vietnam War.

Staff Sergeant Giunta is from Hiawatha, Iowa, at the moment—although he was born and raised in Clinton. Hiawatha is a town I am proud to represent in the Second District. I first had the honor of meeting Sergeant Giunta—or Sal—while visiting our troops stationed overseas during the 2009 Thanksgiving holiday, and I was able to have Thanksgiving dinner with him at Vicenza.

What immediately struck me about Sergeant Giunta was his humility. He made sergeant in just 4 years. He was a veteran of two tours in Afghanistan by the time he was 22 years old. And while surrounded by Taliban fighters in the Korengal Valley in 2007 and having been hit twice himself, he ran directly into gunfire in order to save his wounded comrades and prevent a U.S. soldier from being captured.

Yet since being awarded the Medal of Honor, Sergeant Giunta has insisted that what he did to save his fellow paratroopers was nothing any other soldier wouldn't have done. He has insisted time and again, whether at the White House, the Pentagon, or at the

State house in Des Moines, that he holds the Medal of Honor on behalf of his fellow servicemembers.

After being inducted into the Pentagon's Hall of Heroes, Sergeant Giunta refused to let the spotlight rest on him alone. Instead, he saluted those who had come before him and those who have made the ultimate sacrifice in defense of our freedom.

He said, "To all the ones that can't be here—not just one or two, but all of them—not just from the 173rd, not just from Battle Company, but from all services, from the Army, the Air Force, the Navy, the Marines, the Coast Guard, the National Guard, the Reserves: Everyone who has ever given so much more than I ever know, I want to say thank you, right now, to those men and those women because without them, I'm nothing. I haven't given anything compared to those who have given everything."

So I think it is especially appropriate that we have come together to pay tribute not just to Sergeant Giunta, and not just to his fellow Medal of Honor recipients of the wars in Iraq and Afghanistan, but to each of the 3,448 men and one woman who have received the highest military honor since President Lincoln signed into law legislation offered by a fellow Iowan to create the medal in 1861.

The Medal of Honor is reserved for those who are distinguished "conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty." It seems only appropriate that we, the people's House, honor their bravery, their service, and their sacrifice today by directing that the United States flag be flown over the Capitol in their honor.

For nearly a decade, the men and women of our All-Volunteer Force, as well as their families, have answered the call of duty and have served our Nation on two fronts often making great sacrifices and carrying out acts of unimaginable bravery that those of us here at home never read about here on the front page.

So even as we come together to honor the bravest of the brave, let us also honor every man and every woman who wears our Nation's uniform and who has deployed time and again, in many instances, to defend our Nation, missing moments large and small with their families in order to ensure that our freedom endures.

While he may not think of himself as such, to me, Sergeant Giunta is a true American hero. He is who I want my grandkids to grow up looking up to. And that is a sentiment shared by thousands of Iowans who are so tremendously proud of the soldier we've come to think of as our hometown hero.

I urge my colleagues to support this legislation as a small token of our appreciation for the incredible bravery

demonstrated by Medal of Honor recipients of today and those of past times and past conflicts.

Mr. LATHAM. I want to thank my colleague, Mr. LOEBSACK from Iowa, for joining me in this resolution and his lead cosponsorship on this.

The Medal of Honor, like the gentleman just referred to, has quite a history with Iowa in that back on December 9, 1861, Iowa Senator James W. Grimes first introduced the concept of a medal of honor to promote the efficiency of the Navy at that time. And later on, there was another bill to also recognize people in the Army for their outstanding service and heroic actions.

I was very pleased back in 2002 to introduce a bill; I don't know how many people were aware at the time, but there was never a Medal of Honor flag. We had in Jefferson, Iowa, a memorial for Captain Darrell Lindsey, who was a Medal of Honor winner from World War II; and a man named Bill Kendall, an Army veteran from Jefferson, felt that it was inappropriate that we didn't have a flag there. So I introduced legislation. Bill Kendall from Jefferson, Iowa, actually designed what is the Medal of Honor flag today, and I am still so appreciative of what he did.

And now at the ceremony down at the White House when the Medal of Honor was given to this next great Iowan to see that flag there, it made me feel very, very proud of the contributions that so many people, Iowans, people all across this country have made and sacrificed for a country for the kind of honor they deserve. So I'm just very proud of the history we have, and I think this is a very appropriate way of recognizing those contributions.

With that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

□ 1230

Mr. BOSWELL. Madam Speaker, I rise today as a cosponsor of House Resolution 49, the Staff Sergeant Salvatore A. Giunta Medal of Honor Flag Resolution. As the first living Medal of Honor winner since the Vietnam War, Staff Sergeant Giunta richly deserves to be honored by this House.

The resolution is simple: It provides every Medal of Honor winner or their family with a flag flown over the Capitol in tribute to their service. In addition to this resolution, tomorrow we all have the opportunity to join the Chief of Staff of the Army and distinguished guests at a ceremony and reception in the Congressional Auditorium to honor this soldier of whom all Iowans and Americans are incredibly proud.

I am not surprised that, in spite of this praise, Sergeant Giunta has humbly refused to be seen as exceptional.

He has at every moment sought to deflect recognition onto his fellow soldiers, men and women in uniform, who serve us bravely every day to support and defend our country and the Constitution. I know all too well that Sergeant Giunta is right and that every day our men and women in uniform, and their families, offer courageous service that deserves to be recognized.

My hope is that as we honor Sergeant Giunta for gallantry above and beyond the call of duty, we may by extension offer to every member of our Armed Forces and their families our profound gratitude on behalf of the country, his country, our country, and the United States House of Representatives.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield back the balance of my time.

Mr. LATHAM. Madam Speaker, I would just like to say what an honor it is for me to be part of the ceremony tomorrow to honor Staff Sergeant Giunta. Really, he is a model for what people in the military today, the service that they give, the humility that he possesses in the statements that Mr. LOEBSACK made about the fact that in his acceptance he talked about this was not an award and Medal of Honor for him, but for all of his comrades in arms, and how it should be given to everyone who acted so bravely that day. But that certainly is part of what Staff Sergeant Giunta is all about.

The fact that he is such a humble person, someone who believes in the mission, someone who willingly was there to sacrifice himself to save one of his comrades, I think it is so appropriate that we have this recognition today and that we honor all the people in the service today.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LATHAM) that the House suspend the rules and agree to the resolution, H. Res. 49.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LATHAM. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. HENSARLING. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 53

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Mr. Chaffetz, to rank immediately after Mr. McClintock; and Mr. Guinta.

(2) COMMITTEE ON HOMELAND SECURITY.—Mr. Brooks.

Mr. HENSARLING (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. GRAVES of Missouri. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 366) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-251 (124 Stat. 2631), is amended by striking “January 31, 2011” each place it appears and inserting “May 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 30, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. GRAVES of Missouri. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have a big job ahead of us in the 112th Congress. Unemployment remains above 9 percent, and millions of people are out of work. Entrepreneurs are struggling to create jobs and grow their businesses amid threats of higher taxes and more unmanageable Federal mandates. Our economic recovery has been erratic at best. Hard work lies ahead to reduce the uncertainty, to create new jobs and restore confidence in our economy.

Today, we are discussing a simple extension of programs overseen by the Small Business Administration through May 31, 2011. Enacting this legislation is a critical first step towards giving small business owners some certainty while we continue to fully examine all of SBA's programs and make necessary changes to improve SBA services. Enacting this legislation will give our new majority the opportunity to explore new and innovative ideas to improve the services offered by the SBA.

I am humbled and honored to serve our country's entrepreneurs as the chairman of the Small Business Committee, and I look forward to working with Ranking Member VELÁZQUEZ to enact a more permanent reauthorization in a timely manner. The two of us have had an excellent working relationship over the past 2 years, and I have no doubt this is going to continue in the future.

Madam Speaker, we are all eager to get the work done on restoring America's faith in government and reducing the uncertainty that prevails throughout our economic sectors. We can take this first step by approving this temporary extension and laying the groundwork for a full reauthorization that will bring these programs into the 21st century.

I urge my colleagues to vote “yes” on this bill before us.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the role of small businesses is critical to creating new jobs. With the economy continuing to face challenges on several fronts, we need small firms more than ever. Time and again, they have generated the ideas and know-how that spark job growth. However, entrepreneurs face challenging economic headwinds. Small businesses continue facing obstacles accessing capital, and sales remain flat. Given these realities, we need to make sure that small firms have the resources and tools to start up or expand.

The legislation we are considering today does this and extends the authorization of the several important Small Business Administration programs. Through these initiatives, firms can secure financing, receive training, or compete more effectively for Federal contracts.

While we must keep these programs operational, it is unfortunate that we are doing so through another temporary extension. Last Congress, the House passed 14 bills updating all of SBA's financing and entrepreneurial development programs. However, while the Senate was able to report a few measures out of committee, they were unable to actually pass any legislation affecting these programs through the Chamber. As a result, we are here today to temporarily extend the SBA's initiatives.

Small businesses across the Nation depend on a strong SBA. This is especially true now, when many unemployed individuals are turning to entrepreneurship as a source of income. By ensuring that the agency's programs do not lapse, we are providing small businesses with the foundation for future growth and, in doing so, helping move the economy forward.

Madam Speaker, I urge a "yes" vote. I yield back the balance of my time.

□ 1240

Mr. GRAVES of Missouri. Madam Speaker, in order to close this debate, let me reiterate that small businesses are going to lead this economic recovery, but we have to provide them with some certainty first. Enacting this legislation before us is going to do just that and let entrepreneurs know that we are back on their side.

Once again I urge my colleagues to support this legislation. I look forward to working with Ranking Member VELÁZQUEZ and our colleagues on the Small Business Committee for a more permanent extension.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, H.R. 366.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REDUCING NON-SECURITY SPENDING TO FISCAL YEAR 2008 LEVELS OR LESS

Mr. DREIER. Pursuant to House Resolution 43, I call up the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 43, the amendment in the nature of a substitute recommended by the Committee on Rules printed in the resolution is adopted and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

H. RES. 38

Resolved, That, pursuant to section 3(b)(1) of House Resolution 5, the Chair of the Committee on the Budget shall include in the Congressional Record an allocation contemplated by section 302(a) for the Committee on Appropriations for the remainder of fiscal year 2011 that assumes non-security spending at fiscal year 2008 levels or less.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DREIER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution that is before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

One of the indelible and enduring images of 2010 was that of violent protesters on the streets of Athens following the proposal of the government to impose austerity measures. We all remember very vividly that scene.

Having come to the brink of collapse and nearly dragging the entire euro zone with it, the Greek government had no choice but to scale back its profligate ways. Thousands of public employees took to the streets in anger.

Now, Madam Speaker, I contrast that with the image of tens of thousands of peaceful demonstrators across America coming out to express their frustration with excessive government spending. Rather than demanding more Federal largesse, these taxed-enough-already demonstrators actually came together to petition their government for greater restraint and discipline. This might actually have been a first in human history.

It was a powerful illustration of the unique nature of American values. But it was also a testament to just how badly fiscal discipline is needed. This issue is no longer just the purview of budget wonks and economists.

The looming crisis of our national debt is a challenge that working Americans recognize very clearly. While the magnitude of a \$14 trillion debt is simply too massive to truly comprehend, those with a modicum of common sense can appreciate the crushing weight that will fall on future generations. If we do not immediately change course, the damage could quickly become irreversible.

Today's resolution is a clear signal that we are making that change in course. House Resolution 38 is the first step, Madam Speaker, in what will be a

long and admittedly difficult process over the next 2 years as we pursue the goal of living within our means. This resolution lays down a marker to return to pre-bailout, pre-binge-spending, pre-stimulus levels. This resolution provides the framework under which we will finally dispense with the fiscal year 2011 budget which the previous Congress, unfortunately, failed to do.

Nearly halfway through the fiscal year—we are nearly halfway through the fiscal year—now the imperative is to responsibly finish the work that is really very, very urgent for us to approach and deal with at this moment.

Once we move beyond this task, we will immediately pivot to fiscal year 2012. We will craft a budget, we will consider alternatives, with a full debate, and then this House will pass a budget.

We will then proceed with consideration of appropriations bills. We will return to the traditional, open process that always governed our appropriations bills prior to the last couple of years. This will ensure full accountability and true collaboration and restore the deliberative traditions and customs of this body.

There will be very tough choices ahead. Very tough choices need to be made. There is no doubt that we will engage in heated debate, and I suspect we will in just a few minutes right here. But we simply cannot afford to put off the hard work any longer. Madam Speaker, today we take the first step. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, I rise in very, very strong opposition to this resolution. As I said yesterday during the debate on the rule, there are numerous, serious problems with this resolution.

First, it's meaningless rhetoric. My friends on the other side of the aisle like to talk a lot about cutting government spending, but the resolution before us doesn't cut a single dollar from the Federal budget; not a single cent.

The Republican Study Committee recently proposed \$2.5 trillion in budget cuts and their chairman, Mr. JORDAN from Ohio, said the following when he introduced this plan:

"One hundred billion dollars is the number the American people heard last fall. It seems to me we should be able to find \$100 billion."

Yet even after pledging a \$100 billion cut in funding, the distinguished chairman of the Rules Committee couldn't come up with a number when we asked yesterday, and instead produced what is most likely the first budget resolution in history that doesn't contain any budget numbers.

That might be because the Republican majority can't seem to figure out what the numbers should be. We have

heard all kinds of numbers. We have heard \$30 billion, \$50 billion, \$100 billion and beyond.

But I suspect, Madam Speaker, that's because the Republican majority is discovering that it's a lot harder to walk the walk than it is to talk the talk, and it is a lot easier to say things in a campaign than it is to do things in a legislative body. They are realizing that when you start trying to make those kinds of cuts, you start seriously affecting the American economy and the American people.

We are told that the Congressional Budget Office will produce some numbers tomorrow. I wonder why we couldn't wait until tomorrow to debate this resolution, but the answer is obvious. The President of the United States will be here this evening for the State of the Union address, and the Republican majority needs a new set of talking points.

It's that kind of politics—where message is more important than substance—that makes the American people cynical about Washington.

□ 1250

Second, the resolution continues the dangerous precedent of giving one individual, the chairman of the Budget Committee—rather than the full membership of this House—the ability to set spending levels for the Federal Government. And third, the resolution's vague and unjustified wording that only targets “non-security” spending, even though everyone from Secretary Gates to Speaker BOEHNER has recognized that waste exists in the Department of Defense and in the Department of Homeland Security and other security-related agencies. It says a great deal about the priorities of a new Republican majority that they will treat wasteful contracts and redundant weapons systems as sacred, but would put Pell Grants, medical research, food safety, FBI, ATF and DEA agents, and other vital programs on the chopping block.

Of course, when we Democrats have the audacity to talk about the need to protect those important programs, our Republican friends grow indignant and head to the fainting couch. “Oh, no,” they say, “we would never cut those things.” But Madam Speaker, the numbers just don't add up. When you start saying that popular program after popular program will be protected, you realize that it would take massive cuts in other parts of the budget.

When we talk about exempting only security programs, it means that other programs will need to be cut by 30 percent below current levels. That means the Department of Justice has to cut 4,000 FBI agents, 800 ATF agents, 1,500 DEA agents, and 900 U.S. Marshals. Federal prisons have to cut 5,700 correctional officers, and the Federal Government will lose the capacity to de-

tain 26,000 people because of their immigration status.

Of course, the distinguished chairman of the Rules Committee said we're not going to cut the FBI, as he said yesterday, so I can only assume that means more ATF agents, DEA agents, and U.S. Marshals will be fired by the Republicans. I can only assume that this means more than 26,000 people in this country illegally won't be in Federal custody. That's the Republican agenda?

Madam Speaker, I think former Secretary of State Colin Powell said it best this weekend: “I'm very put off when people just say, let's go back and freeze to the level 2 years ago. Don't tell me you're going to freeze to a level. That usually is a very inefficient way of doing it. Tell me what you're going to cut.”

As I urge my colleagues to reject this misguided resolution, I ask my Republican colleagues, what's the number? And what are you going to cut?

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself 30 seconds to say to my good friend, again, that this is the beginning of a process. We have been saddled with a situation where for the first time since the implementation of the 1974 Budget and Impoundment Act, we have no budget. And so what is it we've been left to do? Nearly halfway through the fiscal year, we are faced with this challenge. We now are in a position where we are going to begin going through regular order to ensure that we have a budget, which we didn't do last year, and have an open, free-flowing debate on the amendments through the appropriations process. And I will say to my friend, the defense issues are going to be a high priority when it comes to oversight and scrutiny.

With that, Madam Speaker, I would like to yield 3 minutes to my very good friend and colleague, the distinguished chair of the Committee on the Budget from whom we are going to be hearing later this evening, the gentleman from Janesville, Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the chairman for yielding.

Madam Speaker, I'm enjoying sort of the hyperbolic rhetoric we are hearing here today about one person, one committee, one man dictating in all these things, as if it's an unprecedented action. Well, this move is not unprecedented. The reason this is necessary is unprecedented. It is unprecedented since the 1974 Budget Act passed that Congress didn't bother to pass or even propose a budget.

Madam Speaker, the reason we are here today is because the last majority last year didn't even bother trying. That means we have no budget in place. And with no budget in place, there's no Budget Act to enforce. That means government is going and spending unchecked. No limits. No policemen on the beat. Nothing.

Why are we giving this kind of power to the chairman of the Budget Committee to put these numbers in? Because we don't get the numbers from the Congressional Budget Office until tomorrow. And we've said all along what we aim to do: bring discretionary levels down to pre-bailout, pre-stimulus levels. And then for all the authorizing committees, it has put the CBO baseline in place. The CBO baseline doesn't exist right now. It comes tomorrow. So what we are simply trying to do, Madam Speaker, is get some sense of limits back on spending, is to get some sense of a budget process back in place. We don't think we should have a system, a spending process, without restraints, without limits, without any prioritization. That is exactly why we are doing this.

Business as usual has to come to an end, Madam Speaker, and we've got to put limits on spending. And that is why we have a Budget Act, to police the spending process to make sure that it conforms. But there is no Budget Act, there is no number to police, because they didn't do a budget last year. That is exactly and precisely why this measure is necessary.

So all the rhetoric aside, the days are over of unlimited spending and of no prioritization. And the days of getting spending under control are just beginning. This is a first step in a long process. This is a minimal, small down payment on a necessary process to go forward so that we can leave our kids with a better generation, so we can get this debt under control, so the spending spigot can close, and so we can do right by our constituents and treat their dollars wisely.

Mr. MCGOVERN. I yield myself such time as I may consume.

I'm glad the chairman of the Budget Committee finally joined this debate. And I would say two things. One is that last year we passed the Budget Enforcement Act with real numbers in it, and we voted on it, and it was significantly less than the numbers that the President had proposed, number one. Number two, one of the things that we proposed in the Rules Committee was an amendment to allow Members of the House, on both sides of the aisle, to be able to vote on the number. And that was rejected on party line as somehow a radical idea. And then the chairman of the Rules Committee talks about this free-flowing debate we are having. We are having this debate today under a closed rule, and so there's no opportunity for amendment.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I would like to point to our colleagues, Madam Speaker, H. Res. 38. It is literally a one-sentence measure, a

one-sentence measure which says that our goal is to get to 2008 levels of spending or less.

Mr. MCGOVERN. I thank the gentleman, and I reclaim my time. I appreciate the brevity of the bill, but that doesn't mean the bill doesn't have a very negative impact. And when we tried yesterday to protect the FBI and enforcement agents from cuts, that was voted down. So we are very concerned because we don't know what the number is. And I think people in this Congress on both sides of the aisle, the American people, ought to know what we're talking about. Is it \$100 billion? Or is it more? Where is it? And where are those cuts going to come from when you keep on exempting programs?

With that, Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Here we are a day later. Yesterday we asked our colleagues, what's the number going to be? What's going to be the spending ceiling for this Congress and for the United States Government? They didn't have it yesterday, and we don't yet have it today. It's a budget resolution without a budget number.

Now we've heard a lot of talk about what happened last year. What this budget resolution relates to is 2011. In fact, this body voted last year on a Budget Enforcement Act. I have it right here in my hand. And it set budget ceilings. It had a real number. Some people voted for it, some people voted against it, but this body did what it always does when it makes decisions of this magnitude. We took accountability for it.

Now you have a resolution that violates the pledge of transparency because it doesn't have a single number in it, and it violates the pledge of accountability because you're asking every other Member of this body to contract out his or her vote to one person. Now I have great respect for the chairman of the Budget Committee. And I, too, congratulate him on being selected to give the response to the State of the Union address.

This isn't about a particular individual. It's about all of us taking responsibility for a major decision. And what this resolution does is contracts out that responsibility. It doesn't have a number. We don't know if it's going to be \$100 billion. We don't know if it's going to be \$80 billion. We don't know if it's going to be \$40 billion. We don't know if it's going to be the number that the Republican Study Committee wants, which the majority leader said good things about. We don't know.

What we do know is this, that the bipartisan deficit and debt reduction commission told us two things: Number one, we need to act now to put this country on a fiscally sustainable path,

and we should do that by working together. They also said another thing, that deep immediate cuts beyond what had been put in place and recommended by the fiscal commission would hurt the economy when it's in a very fragile state and risk throwing more Americans out of work. That would be a terrible mistake.

And yet our colleagues want us to make a decision to vote on this without telling us what the number is. So when we asked what the number was, they said, we're waiting for the Congressional Budget Office. When will the Congressional Budget Office have its numbers? Tomorrow, 24 hours from now. Then we can do the right thing, we can see what the cuts will be, and we can make a decision as a body taking responsibility for this decision.

Why is it we are not waiting 24 hours? Well it's pretty obvious. A little later today, the President of the United States will be here to deliver the State of the Union address, and instead of being serious about this number, they want to deliver a press release. That is what this is about without a number. Otherwise we would wait 24 hours and our friends could tell us what that number would be.

□ 1300

You are asking this body to buy a pig in a poke. And the reason it is so serious is that numbers have consequences.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. VAN HOLLEN. And my friend from Massachusetts talked about this earlier, whether it is \$100 billion or \$80 billion or \$20 billion, those numbers all have consequences because on the other side of the aisle when we say, well, are you going to be cutting research to find cures and treatments for cancer or diabetes, no, we're not going to cut that. Are you going to cut the FBI agents involved in antiterrorism efforts? No, we would never want to cut that. What are you going to cut?

And the magnitude of those cuts and the negative impact on jobs and the economy will be determined by what, by the number in this bill, a number that we don't get to vote on that you are giving the chairman of the Budget Committee sole authority to pick out of a hat.

Mr. DREIER. Madam Speaker, I yield myself 30 seconds to respond to my friend by saying a couple of things.

Unfortunately, we have begun by degenerating the debate to the sky-is-falling mentality again, that we're going to be cutting NIH funding; we're going to be gutting FBI agents. We are beginning the process of getting our fiscal house in order.

Madam Speaker, I think it is important to note that while both of my friends have used the term "press re-

lease," H. Res. 38 is going to be a statement from the United States House of Representatives that we are today, before the President, at 9 this evening, stands here in this Chamber and delivers his State of the Union message, that we are committing ourselves to reduce the level of spending.

At this point I yield 4 minutes to my very good friend and classmate, the distinguished new chair on the Appropriations Committee, the gentleman from Somerset, Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Thank you, Mr. Chairman, and thank you for your great service to our country over the time we have served together here. We are classmates from 1980. We were part of the Reagan crop.

Madam Speaker, this is the first step in the effort to reduce discretionary spending to fiscal 2008 levels or below and show the American people that we are serious about reducing the out-of-control government spending that is hampering our economic growth.

Now, the gentleman on the other side of the aisle complains that he does not see a number. Well, he had a chance last year, along with his colleagues in the majority then at that time, to pass a budget resolution with specific numbers in it, and refused. And they refused until they lost control of the House. The number will be coming in due course of time.

The message from the American people was crystal clear in the last election: they want government to spend less, stop undue interference in American lives and businesses, and take action to create jobs and get our economy moving once again.

To do this, we must dramatically cut the massive spending that has dominated discretionary budgets in past years. In order to put our economy on the fast track to recovery, we have to shorten the reach of Uncle Sam, cut up his credit cards, and allow Americans' businesses the opportunity to grow, employ people, and make the economy grow.

Starting with the continuing resolution, the CR, my committee will begin to make the largest series of spending cuts in history, Madam Speaker. Members and staff are working diligently on this as we speak, going line by line to find specific areas and programs to cut. We hope and expect this legislation will soon be brought to the floor in a fair, open and transparent manner, giving all Members from both sides of the aisle an opportunity for amendments.

Let there be no mistake: the cuts that are coming will not be easy to make. They will not represent low-hanging fruit. These cuts will go deep and wide and will hit virtually every agency and every congressional district in the country, including my own. Every dollar that we cut will have a constituency, an industry, an association, and individual citizens who will

disagree. And every dollar that we don't cut will also be put into question.

But the fact remains that we are in a national fiscal crisis. We must get our budgets—both discretionary and mandatory—under control. To this end, my committee will put forward appropriations bills this year that will fulfill our pledge to cut spending to the pre-stimulus, pre-bailout levels of 2008. And this will be the beginning—not the end—of the effort.

I have issued instructions to all 12 of our subcommittees to conduct strenuous oversight, including investigations and hundreds of hearings to weed out duplicative, wasteful and unnecessary spending, and prioritize Federal programs so we can make the most out of every precious tax dollar.

Madam Speaker, it is clear that cutting spending will require toughness and resolve. This will not be easy, it will not be quick, and it won't be without pain, but the success of our economy and our future prosperity depend on it.

Mr. MCGOVERN. Madam Speaker, I have great respect for the chairman of the Appropriations Committee, and I appreciate the fact that we are going to have to make tough choices; but he as well failed to tell us what the number is or what those tough choices are going to be. Are we going to cut medical research, Pell Grants, food safety, small business loans, job training programs, LIHEAP, summer food programs for the hungry? What are we going to cut?

I think that Members on both sides of the aisle deserve to know what the number is so we can figure out what the pain is going to be. For the life of me, I can't understand, and I don't think the American people can understand, why Members of this House will not be given an opportunity to vote on that number. We ought to have that right.

I yield 30 seconds to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, we just heard from the chairman of the Appropriations Committee that there was no ceiling for 2011 in place. I am going to make a copy and ask the pages to distribute this. This is the Budget Enforcement Act for last year, for fiscal year 2011, and there you have the budget ceilings, whereas what you are proposing is a piece of paper that doesn't set the budget ceilings and doesn't contain any of the numbers in it.

I would just ask the chairman of the Rules Committee this: During the hearing, you said we're going to wait for CBO; CBO's numbers are coming tomorrow. Tomorrow are you going to have a number for us?

Mr. DREIER. Will the gentleman yield?

Mr. VAN HOLLEN. For an answer to that question, I would be happy to yield.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. My time has expired.

Mr. DREIER. Would the gentleman yield to me to respond?

Mr. MCGOVERN. I yield 10 seconds.

Mr. DREIER. I thank my friend for yielding, and let me just say that clearly the budget that we have right now expired at the end of the Congress. We know that very well. And we look forward to numbers which will be coming out from both your new committee, the Budget Committee, and the Appropriations Committee as well.

Mr. VAN HOLLEN. Twenty-four hours, Mr. Chairman. Will you have a number tomorrow?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. Madam Speaker, with that I am very happy to yield 1 minute to my good friend from the Harrison Township of Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Madam Speaker, this past election was certainly a historic pivot for our Nation. The American people demanded that both the President of the United States, as well as the Congress, chart a new course because they understand that the growth of Federal spending that we have seen for the last several years is completely unsustainable. They understand that this crushing burden of debt that we are selfishly placing on our children and our grandchildren is limiting their opportunities. And they also understand very clearly that this irresponsible, out-of-control Federal spending is limiting our ability for job creation and economic growth.

Today, this resolution clearly speaks to the House Republicans' Pledge to America by demonstrating our commitment to reduce spending to pre-stimulus, pre-bailout levels, to a level of spending of 2008.

Many would say, Madam Speaker, that this doesn't even go far enough, and that debate will continue this year as we debate the CR, the budget resolution, and the vote for raising the debt ceiling. Today, Madam Speaker, I would urge all of my colleagues to vote "yes" on this resolution and let the American people know that we heard them loud and clear in November.

Mr. MCGOVERN. Madam Speaker, I think what the American people are interested in is serious legislating and serious discussion on how to get this budget under control and not political posturing.

At this point I would like to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

□ 1310

Mr. ANDREWS. I thank the gentleman for yielding.

All those who care for and think about the 15 million unemployed people in this country, on both sides of the aisle, want the Congress to work together to help small businesses and entrepreneurs create jobs for Americans, but the new majority, right out of the gate, has ignored that obligation.

The first week, they ignored the deficit and passed a set of rules that says they can pretend it doesn't exist when they want to do something. Then they increased the deficit by repealing the health care bill. The Congressional Budget Office says that adds \$230 billion to the deficit over 10 years and more than \$1 trillion over 20 years. This week, they are hiding the deficit. They brought to the floor a bill that wants the American people to guess what the numbers will be under which we will live in the future.

This is not the way to create jobs, either generally or specifically. Here is one fact the Members ought to take into consideration. Last year, the departments that would be subject to up to a 25 percent spending cut under this bill made a million contracts with small businesses that gave \$60 billion worth of work to caterers, electricians, other small businesses.

What will happen to the jobs created by those small businesses if this 25 percent cut goes through?

Now, I say a "25 percent cut" advisedly, because I do think we want to take one more attempt at finding out, and I would yield to the chairman of the Rules Committee, will the spending bill that eventually gets here cut by 25 percent to 2006 levels or by 22 percent to 2008 levels? I would yield to anyone on the other side who could answer that question for us.

What will the number be in the bill that eventually gets here?

Mr. DREIER. I'm sorry. I was talking to my new colleague, Mr. MULVANEY, here. If the gentleman was yielding to me, I apologize, but he will have to repeat the question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. ANDREWS. The question that I asked was:

Will the bill that eventually gets here that has numbers in it have a 25 percent cut by going back to 2006 or a 22 percent cut by going back to 2008?

Mr. DREIER. If the gentleman would yield, I am happy to answer my friend by saying that the House will work its will. It is one of the things that Speaker BOEHNER has made very clear.

I thank my friend for yielding.

Mr. ANDREWS. Reclaiming my time, I would ask what the bill that the leadership brings to the floor will ask for. Will it be a 25 percent cut that goes back to 2006 or a 22 percent cut that goes back to 2008?

Mr. DREIER. Will the gentleman yield?

Mr. ANDREWS. I yield to my friend.

Mr. DREIER. I thank my friend for yielding.

Let me say, Madam Speaker, that Speaker BOEHNER, who is the leader of this House, of both Democrats and Republicans alike, and who is obviously the leader of Republicans, said this morning in a meeting, as he has said repeatedly, the House is going to work its will. We are going to do something that hasn't been done, especially in the appropriations process in the last 2 years. We are going to have a debate that will allow a majority of this institution to determine what those numbers are.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. Reclaiming my time, that sounds awfully familiar. We were promised an open process, but it was a closed process on health care. We were promised an open process, but it was a closed process on this bill. That sounds to me like a promise we have heard before that really hasn't been honored thus far in this Congress.

I would urge a "no" vote.

Mr. DREIER. Madam Speaker, I yield myself 30 seconds to say to my friend, as we talk about an open process, my Rules Committee colleagues know that just a few minutes ago, for the first time in 4 long years, the Rules Committee reported out a modified open rule that will allow a free-flowing debate tomorrow right here on this House floor.

I should say, Madam Speaker, that H. Res. 38 is literally one sentence, which says that this institution is committed to getting our level of spending to 2008 levels or less—or less, Madam Speaker—and I think it's important for us to note that.

We have the chairman of the Budget Committee, as I started to say in response to my friend, we have the Appropriations Committee chairman, and we are determined to begin a process.

With that, I am happy to yield 2 minutes to my great new friend from Indian Land, South Carolina (Mr. MULVANEY).

Mr. MULVANEY. Thank you, Mr. Chairman.

I rise in favor of the resolution.

I am just happy to be able to have this debate this year. I can tell you, Madam Speaker, that we were campaigning last year during 2010. As freshmen, we never expected to have the ability to come into this Chamber this year and talk about the FY 2011 spending. We thought that that would be done long before we had gotten here, and I thank my colleagues from across the way for failing to pass a budget last year so that we have the opportunity to have this debate with this new Congress.

For me—and I know, Madam Speaker, for many of my colleagues—the key language in this resolution is 2008 levels or less. It's that "or less" that, I think, has a lot of the attention of the freshmen.

In a world where discretionary spending is up 88 percent in the last 2 years, in a world where we have borrowed \$3 trillion in just the last 2 years, in a world, Madam Speaker, where we borrowed more money in one day—we borrowed more money on June 30, 2010, than we borrowed in all of 2006—in that world, those two words "or less" are what speak to me and so many Members of the freshman class.

I thank the Rules Committee, and especially the chairman, for making sure that language is in there, and I am looking forward to exploring that when this bill comes to the floor.

Mr. MCGOVERN. Madam Speaker, I enjoyed the previous speaker.

I would just simply ask: What is the problem with telling us what the number is and what you're going to cut?

The number is important because that does determine what you are going to cut. It determines what the allocations are going to be to the various appropriations committees, and they have real consequences. The notion that we are doing something bold here by coming up with this arbitrary statement that it's 2008 or less levels we're going to go to without any detail, without any numbers, without anything of anything, is political posturing at its worst.

With that, I would like to yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise in strong opposition to this misguided and misdirected and destructive resolution.

The American people have charged us with creating jobs and strengthening our economy. My colleagues in the majority appear more focused on getting in a good sound bite before tonight's State of the Union.

Procedurally, this resolution empowers a single person to decree the entire Nation's budget for the rest of the year—no hearings, no markups, no vote. And this plan is nothing more than a gimmick that will destroy jobs.

For example, reverting to 2008 budget levels will cut more than \$17 million from the National Health Service Corp. This program trains and employs health care providers, all while caring for millions of Americans. Moreover, it will cut both nurse faculty loan programs and nurse training programs by nearly 70 percent. These cuts will decimate our health care workforce now and long into the future.

Madam Speaker, in 2008, over 27,000 qualified applicants to our Nation's nursing schools were turned away because we didn't have enough faculty to

train them. Countless others couldn't even afford to go. This budgetless resolution will do nothing more than exacerbate a real growing problem.

Members from both sides of the aisle know that we desperately need to increase our health care workforce, not cut it. Instead of cutting jobs, we should be creating them, so I urge my colleagues to vote "no" on this budgetless resolution.

Mr. DREIER. Madam Speaker, I yield myself 30 seconds to say to my very good friend from Santa Barbara that creating jobs and getting our economy back on track is exactly what this resolution is all about.

We all know that, on the sidelines all across this country and around the world, there is capital, there are resources that are waiting to be invested. And once we get our fiscal house in order, the signal that that sends to job creators out there is a very important one.

With that, I am very happy to yield 1 minute to my very good friend from Richmond, Virginia, the distinguished majority leader, Mr. CANTOR.

Mr. CANTOR. I thank the gentleman from California, the chairman of the Rules Committee.

Madam Speaker, November 2 marked the culmination of a long, arduous and ultimately clarifying debate over the kind of role government should play in the economy. By overwhelming margins, voters rejected an approach that spends money we don't have and concentrates too much control and power in Washington.

Instead, they voted for a better way.

Republicans are determined to deliver results by instilling a culture of opportunity, responsibility, and success. Our majority is dedicated to cut and grow: cut spending and job-destroying regulations, grow private sector jobs and the economy.

□ 1320

Today, we have the opportunity to take a significant step towards repairing America's deteriorating fiscal condition. This resolution directs the Budget Committee chairman to set spending levels so we return non-defense discretionary spending to 2008 levels or below.

If you think the government didn't spend enough money in 2008, then oppose this resolution; go on record for more spending, more borrowing, and more debt. But, Madam Speaker, if you believe we are spending too much money, then I urge my colleagues to support this resolution. It represents a clean break with the past and an end to the unchecked growth of Federal spending and government, and it is worthy of our support.

Mr. MCGOVERN. Madam Speaker, I'm still waiting to hear the number and how much we're going to cut. I am waiting to see this transparency and accountability.

I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. While the Democratic Caucus in the House remains committed to fiscal responsibility, we have two major concerns at this point that should be stated as we consider this resolution at the outset of the 112th Congress.

First, we must recognize that the highest priority at this point is to get our economy moving again, supporting initiatives that help create jobs and that continue to bring us out of the recession. Our economy is still fragile, and although unemployment is heading downward, it remains too high. In this regard, I believe we must be concerned about a precipitous and substantial drop in spending if it is going to result in increasing unemployment and increasing the deficit. It is going to have exactly the opposite effect of what is intended on the Republican side. It would truly be counterproductive if we added to the ranks of the unemployed workers in America, reducing revenues coming into the Treasury and requiring additional expenditures for unemployment insurance and welfare.

And second, the resolution we are considering today specifically exempts defense—the largest element of our Federal budget—from any reductions. Even though I have always supported a strong national defense, I cannot imagine why we would hold the Pentagon harmless in the attempt to achieve greater fiscal accountability. Even the Republican majority leader this week agreed that defense spending should be on the table, and Secretary Gates himself has proposed a series of reasonable reductions that could be accomplished in his department's budget.

In the FY 2011 bill the Defense Appropriations Subcommittee, which I chaired with Mr. YOUNG of Florida, adopted last July, included a reduction of \$7 billion from the Obama budget request, and the Senate Appropriations Committee had a similar number. I think we can even do more than that. I was glad to see that Mr. BOEHNER, Mr. CANTOR, and others have all said that defense should be part of the solution. I think we can cut up to \$13 billion out of the defense budget without doing any damage to national security.

Mr. DREIER. Madam Speaker, I yield myself 30 seconds to say to my very good friend from Seattle that I am in complete agreement with the notion of ensuring that we focus time, energy, and effort on paring back waste, fraud, and abuse, especially within the Pentagon. We all know that it's there. And I'm glad that my friend from Worcester raised that issue in his opening remarks. He somehow was arguing that we have left it as sacrosanct. We don't.

The focus today is obviously on non-security discretionary spending, and that's exactly what we are trying to do with this first try.

Mr. DICKS. Will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I am happy to yield my friend 15 seconds, Madam Speaker.

Mr. DICKS. I would just say we ought to do it now; it will make it easier. This gives us a bargaining chip with the President and with the Senate. We can make some reductions in defense.

Mr. DREIER. If I could reclaim my time, Madam Speaker, I would say to my friend, he knows very well that we have gone without a budget so far. We are going to go through the standard budget process.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. I yield myself an additional 15 seconds to say that I would like to see complete reform of the 1974 Budget Act. I want a joint, bicameral, bipartisan committee to do just that. But then, with the structure we have today, we are going to proceed with the appropriations process so we will be able to do exactly what my friend said.

With that, Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, the bill makes defense spending sacrosanct and says nothing about going after fraud and waste in defense contracts.

I yield 1 minute to the gentleman from California (Mr. STARK).

Mr. STARK. I thank the gentleman for yielding.

I rise today to oppose the budgetless resolution. It ignores job creation, has no numbers, no specifics, and it gives no serious plan to reduce the deficit.

The Republicans say they want to decrease the deficit and that they will try to cut non-defense discretionary spending back to 2008 levels. They say this will save \$100 billion in discretionary spending.

I am giving them a chance to put their money where their mouths are. Today, I introduced H.R. 413, legislation that would reduce defense spending to 2008 levels. We can't be serious about getting our house in order if we are exempting 60 percent of discretionary spending from cuts. My legislation will save \$182 billion over the next 5 years. That's \$182 billion from a sector riddled with extra planes and engines the Pentagon doesn't even want. We spend more than any other country. The next closest is China; we spend seven times what they do. How about just cutting back to maybe only spending five or six times as much as China does.

I urge support of H.R. 413.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I come to the floor today as someone willing

to work towards reforms that will create jobs, strengthen our middle class, and pay down our debt. I am in favor of comprehensive tax reform with lower rates. I'm in favor of removing regulations that hurt competitiveness. I'm ready to make the hard cuts we need to pay down our deficit. I think we can all agree on those principles. We might have to change some of the policies, but we agree on the principles. But what we have here today contains no policies, no ideas, and very few principles.

This is a budgetless resolution. It calls for a reduction in spending to pre-2008 levels but provides no specifics. What family in America would sit down at the kitchen table and set up a budget without a bottom line?

We could be here discussing Mr. RYAN's idea to replace Medicaid with vouchers. We could be here discussing the plan to cut public education spending 50 percent and to eliminate Amtrak and public broadcasting. Let's discuss those things. Or we could be debating the plan Majority Leader CANTOR hailed, which would result in the absence of 4,000 FBI agents and 1,500 DEA agents. We may disagree with those policies, but I am here to work to solve problems. And to say we will drop spending levels up to 30 percent but provide no specifics is being less than genuine.

Colin Powell recently said this: "I am very put off when people just say let's go back and freeze to the level 2 years ago. Tell me what you're going to cut, and nobody up there yet is being very, very candid about what they are going to cut to fix the problem."

The public has been very clear; job creation should be our top priority. So far we have abandoned the principles of pay-as-you-go and added \$230 billion to the deficit by repealing—you voted for it—health care.

The SPEAKER pro tempore (Mr. LATHAM). The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 20 seconds.

Mr. PASCRELL. Thank you, Mr. MCGOVERN.

Before us is yet another piece of legislation being used as a political gimmick instead of an honest conversation to seek out compromise with the purpose of aiding the economy. As a new member of the Budget Committee, I am willing and eager to work hard to find comprehensive, bipartisan solutions to strengthening our economy. Please let me know when you're ready to sit down and talk and work.

Mr. DREIER. Mr. Speaker, may I inquire of my friend how many speakers he has remaining?

Mr. MCGOVERN. Mr. HOYER and then myself at this moment.

Mr. DREIER. I am going to sit on the edge of my seat in anticipation of Mr.

HOYER's very thoughtful remarks that I look forward to, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, I am very proud to yield 3 minutes to the gentleman from Maryland, the minority whip, Mr. HOYER.

□ 1330

Mr. HOYER. I want to thank the gentleman for yielding.

Mr. DREIER has put additional pressure on me with his thoughtful remarks.

Let me say that there is nobody on this floor who doesn't believe that the deficit is a very, very substantial problem that confronts us; and I would hope that there is nobody on the floor who believes that it's going to be accomplished in a simple fashion to bring this deficit under control. But I fear that there is too much simplistic—not simple—simplistic rhetoric with reference to this deficit.

After borrowing trillions of dollars to finance tax cuts, a new entitlement, and two wars, our friends on the Republican side tell us they are now taking the deficit seriously. All of you have heard my comments about how under the Clinton administration the budget was balanced and how under the Reagan and Bush I and Bush II administrations it was not.

If our Republican friends mean it, if they were interested in the deficit as anything other than a political issue, if they actually use their House majority to back up their words with action, then no one, in my opinion, would be happier than me and our party, the Democratic Party.

Our deficit I think all of us should agree is too big for partisan politics. It cripples our children's opportunities. It makes it harder for them to pay for college education, buy a home, start a business, or plan a future.

I want my Republican friends to take the deficit seriously. I want my Democratic friends to take the budget deficit seriously—to join President Obama in making the hard choices it will take to get out of debt.

But, frankly, so far the opportunity to finally back up their words of fiscal discipline have been a record of disappointment.

A rules package, and I tell my friend, the chairman of the Rules Committee, the rules package provides for \$5 trillion in additional deficit spending over the next 10 years—\$5 trillion; a vote to repeal health care reform is another \$230 billion of deficit; a pledge to cut spending by a hundred billion, which it has taken them less than a month to break; and, today, a one-page resolution with no numbers and no specifics.

I think this resolution is unprecedented, certainly in the 30 years that I've been here, which gives to one person out of the 435 the opportunity and the authority to set a number that we will consider in this House. I don't

think that's precedent. I don't think it's democratic. It's not transparent. And it's not an open process.

Colin Powell has already been quoted, but we're still waiting for the answer of what is going to be cut. At a time when getting out of debt, growing the economy, and creating jobs are our country's defining bipartisan challenges, we need hard choices—not more political theater.

Now, we passed a budget enforcement resolution which was criticized by the other side because we didn't pass a full budget. I think that's, perhaps, correct. The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. HOYER. I thank the gentleman for yielding the additional 1 minute.

We were criticized; but in that budget enforcement resolution, we had a number, and when you voted on the rule, you knew the number you were voting on as a House of Representatives. Here you have no idea what you're voting on. You could be voting for 2008 numbers or anything less than that under this resolution.

Mr. DREIER. Will the gentleman yield? And I will yield my friend additional time.

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me just say to my friend, Mr. Speaker, that this is the beginning of a process. This is a one-sentence resolution that will allow this House to go on record making a strong commitment to reducing the level of spending. And my friend was absolutely right in his opening remarks when he said that everyone wants us to reduce the deficit. And he's right.

This may be unprecedented, but we're in unprecedented times.

I would yield my friend an additional 30 seconds.

Mr. HOYER. I thank the gentleman for his generosity.

But let me say to the gentleman, it may be unprecedented times; but it does not warrant this unprecedented abdication of democracy in this House in setting what is probably the most critical question that confronts government: How much are you going to pay for it? I think we all agree on that. That's what is at issue here.

And this resolution does not allow Members of Congress to engage on that. It simply gives to one person the ability to set that number. It's not only unprecedented; it, in my opinion, is undemocratic—with a small "d." It does not provide the transparency and the openness of which the gentleman has correctly spoken and I hope we pursue.

And I hope that we oppose this resolution.

Mr. DREIER. I continue to reserve the balance of my time.

Mr. MCGOVERN. I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman from Massachusetts.

I consider the gentleman from California a colleague that I've known for a good while, and I know that there are certainly good intentions; but I always believe that when you're elected to this powerful body that represents over 300 million Americans, as the census has given us new numbers of how many Americans we have the privilege of representing, you do have to speak about the future.

When you begin to talk about generic numbers going back to 2008 levels, you are speaking generally without substance because it is our commitment to be able to move America forward. And I hope the President will stay in the blue column because you can see the red column in the past administration: there was no job creation.

So when you talk about reducing the deficit, it must be with a plan; it must be with substance. Because you can repeal with no substance.

And I would just raise the question: Do we want a Nation that does not invest in education? Do we want a Nation that does not help our businesses invest to create jobs? And do we want a Nation that says that security, the FBI, the DEA—someone called in today and talked about how important it was to ensure that we had the right kind of law enforcement. Or do we want to tell those who are on Social Security who have worked, literally worked, or are disabled, that there are no more dollars for them because we have just without any guidance gone back to 2008 levels?

I would just ask that we move this country forward, Mr. Speaker, and I ask that we invest in America.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. I yield myself 1¾ minutes.

Mr. Speaker, the problem with this resolution, as has been stated over and over and over again, is that it is a press release. It contains no number. People on the other side talk about tough choices. It doesn't talk about any of the tough choices. It exempts defense spending from any cuts, so fraudulent defense contracts are somehow okay, that it's better than waste and abuse in domestic spending programs. Everything should be on the table when we're talking about getting this budget deficit under control.

The reason why the number is so important is because that number determines how much we're going to allocate to the various appropriations committees; and that in turn determines really the severity of a lot of the cuts that are going to have to be made: cuts in medical research—research to try to find a cure to cancer; cuts in programs to help feed hungry children; cuts in

programs to provide emergency fuel assistance to low-income people during the winter months; cuts in small business loans that can help small businesses get the capital they need to grow and create jobs.

We should be talking about jobs in the opening of the session. Instead, what we have talked about are the old ideological battles of the past. Last week we repealed the entire health care bill. This week, we're passing a budget resolution that has no number in it. I mean, this is a first. This is unprecedented. And I think the American people who are watching are wondering why in the world can't you tell us what the number is; why in the world can't you give us a sense of what you're going to cut.

□ 1340

Why in the world can't you even vote on it? There are 435 Members of this House. Only one Member is going to be able to determine what that budget number is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, we are engaged in political theater today. We know the CBO will come out with numbers tomorrow, but the Republicans feel it's important to do this today because somehow they think the press will pay attention to this and they'll be able to have a countermessage to the President's State of the Union address. They are blowing a major opportunity.

There is bipartisan concern about the budget. There is a bipartisan consensus that we need to find cuts. And rather than working in a bipartisan way, we have a bill that comes to the floor under a closed rule. We are told that the chairman of the Budget Committee can unilaterally come up with a number; the rest of us are irrelevant to this process. That's not the way it's supposed to be. And I think that the Republican majority owes it not only to the Members of this Congress, but they owe it to the American people to tell us what the number is and where they're going to cut, how deeply they're going to cut, who's going to be impacted. Because I will tell you this: Who's going to be impacted are real people, and they're going to feel the real pain of some of these cuts.

With that, Mr. Speaker, I urge my colleagues to vote against this misguided resolution, this press release.

I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have bipartisan consensus around here. We need to get our economy back on track, and we need to

do everything that we can to cut Federal spending. The distinguished minority whip just said as much. So there is a consensus, and I think that's wonderful.

In a few hours, 9 o'clock this evening, Democrats are going to be sitting with Republicans; Republicans are going to be sitting with Democrats. It's going to be unprecedented. And I will say that Mr. HOYER referred to this simple one-sentence resolution as unprecedented. And I believe that it probably is unprecedented.

What it says—I mean, I have almost memorized the one sentence, Mr. Speaker. It says that we need to make sure that the Budget Committee and the Appropriations Committee work to get us to 2008 spending levels or less. I personally believe that we should be substantially below 2008 levels. I believe that we need to take that kind of action.

And it's true, before the President stands right over my shoulder at 9 o'clock this evening and delivers his State of the Union message, we want this institution to have a chance to go on record saying that we are committed to doing everything that we can to get the spending levels to 2008 or less.

Now, Mr. Speaker, we are in the position we are, and that itself is unprecedented, and that's why unprecedented action is necessary.

Now, I began my remarks by talking about the fact that probably one of the most enduring and powerful memories of 2010 was what took place in Athens, Greece. We saw the riots take place in the streets from public service employees in the wake of the government facing the responsibility of imposing austerity standards on the people of Greece. And what happened? We saw this huge outcry come because they were arguing that they couldn't, in fact, bring about cuts in spending.

I juxtapose that to what we saw in the last year here. We saw tens of thousands of Americans taking to the streets carrying this message: Taxed Enough Already. They came together to petition their government to bring about spending reductions. Not complaining that the government was making cuts; complaining that the government wasn't making enough cuts. And that's exactly what we're doing.

In fact, Mr. Speaker, I believe that this may be the first time in human history that we have witnessed what it was that we saw take place last year and led to the outcome in the November 2 election. We know that the greatest change in three-quarters of a century took place in this institution. Sixty-three members of the Democratic Party were defeated. We now have 87 new Republicans and nine new Democrats who have joined with us, and they have carried this message to us that we need to rein in spending.

Now, Mr. Speaker, I think it's important to note that our real goal is above that. It is job creation and economic growth, getting our economy back on track so that people out there who are trying to get onto the first rung of the economic ladder are able to do just that. We have a painfully high unemployment rate, and people across this country are hurting.

Now, Mr. Speaker, what steps can we take to create jobs? I personally believe that we need to—and I look forward to having the President talk about this tonight—open up new markets around the world so that union and nonunion workers in the United States of America can have the opportunity to sell goods and provide services into countries like Colombia and Panama and South Korea, where these pending agreements exist.

I believe that since Japan has brought about a reduction in its top corporate rate, the rate of those job creators, we can reduce the top corporate rate—it's the highest rate of any country in the world now—from 35 to 25 percent. I understand the President may be proposing that this evening. That will go a long way towards creating jobs.

But, Mr. Speaker, what we're doing with H. Res. 38 is we are getting ourselves on a path towards fiscal responsibility, and I believe that that is one of the most important things that we can do as we seek this shared goal of job creation and economic growth. So if we can let this institution go on record in support of getting to 2008 levels or less, I am convinced that that will be a strong step towards our goal, our shared goal of creating jobs and establishing economic growth.

This is the beginning of a process, Mr. Speaker, the beginning of a process; again, a one-sentence resolution that this House will be voting on in just a few minutes. But the process, itself, is one that is broken. It's broken because, for the first time since the 1974 Budget Act was put into place, we've not had a budget. We've not had a budget. We're almost 5 months into the new fiscal year, and we are in the process of cleaning up the mess that was handed to us.

So how is it we plan to do it? Well, Speaker BOEHNER has made it very clear. And that is that we need to make sure that we have an open, free-flowing debate as we proceed with a budget. And I'm convinced that our Rules Committee will make alternatives in order when we proceed with the work that the Budget Committee will have done. And I'm convinced that we will get back to the kind of regular order that I think today Democrats and Republicans alike would want to see, and that is a chance for Democrats and Republicans to stand up and offer amendments to the appropriations bills.

So, Mr. Speaker, I will say again that it's a simple one-sentence resolution. Are we going to let this institution get onto a path towards reducing the size, scope, reach, and control of the Federal Government or are we not? And so, Mr. Speaker, I am going to urge my colleagues to vote in favor of this very, very important resolution.

Mr. BLUMENAUER. Mr. Speaker, earlier this year, I was pleased to cast a vote that would reduce the legislative appropriation as a symbol that no part of the budget should be off limits as we attempt to deal with the issues of government efficiency and deficit reduction. The resolution before Congress today directs the Budget Committee Chairman to reduce non-security spending to FY 2008 levels or less for the remainder of FY 2011. I would hope that having demonstrated that even the legislature itself is not exempt, that the Republican leadership would reconsider its decision to declare off limits the major areas of government spending, particularly the Department of Defense.

If we are truly to improve our fiscal condition, no part of the budget should be off limits. The Pentagon cannot be left out. We can no longer separate national security from fiscal responsibility. Speaker BOEHNER has himself said that there is room to find savings in the defense budget.

Even without including the costs for the wars in Iraq and Afghanistan, U.S. defense spending is the highest it has been at any time since the end of World War II. It is greater than at the peak of the Cold War. Yet we continue to spend billions to protect West Germany from the Soviet Union even though both ceased to exist decades ago.

Our defense budget accounts for half of global military spending and consumes more than 50 cents of every dollar of federal government discretionary spending. Even under the laudable plan announced by Secretary Gates to cut the Pentagon's budget by \$78 billion, defense spending will continue to increase in the near term.

There are many thoughtful ways to rein in defense spending. More than \$350 billion has been spent by the U.S. in Afghanistan since 2001, a monthly bill for our taxpayers exceeding \$8 billion. The U.S. military is the single largest consumer of energy in the world, using as much power in one year as the entire country of Nigeria, and spending \$17 billion each year on petrol and another \$23 billion annually on refueling our bases and units in Afghanistan. Integrating renewable and energy efficient practices into our armed services have already saved lives and money. Finally, we should eliminate unnecessary weapons programs, such as the Expeditionary Fighting Vehicle. Despite the Marine Corps commandant calling the program unworkable and unaffordable, some lawmakers continue to insist on funding it.

While today's resolution fails to address this problem, it is my hope that we'll be able to work in a bipartisan fashion to "right-size" all areas of government spending, including the Pentagon.

Unfortunately, the proposal put forth by the Republican Study Committee earlier this week has lessened the chance of finding a bipar-

tisan solution. Their proposal would result in cuts of more than 40 percent in education, environmental protection, law enforcement, medical research, food safety, and many other key services. In practical terms, this would include the elimination of nearly 3,000 food safety inspectors—endangering our food supply, dramatic increases in wait times at Social Security centers by slashing that agencies budget, and dumping 389,000 children from Head Start—destroying opportunities for those children while weakening America's competitiveness.

The Republican Study Committee's proposal would also destroy thousands of jobs renewing and rebuilding America's eroding infrastructure. For instance, cutting \$2 billion from the New Starts program would destroy nearly 46,000 jobs and cutting Amtrak funding by \$1.6 billion would destroy 36,000. Eliminating these programs makes it harder for those Americans with work to get to work or to find new work.

There are many more examples just like these that hit every community in our country. While we strive to better match our revenues with the cost of services to our constituents, it is important not to destroy the very programs that make our country strong and economically competitive and on which our citizens depend.

Mr. JORDAN. Mr. Speaker, the American people have spoken loud and clear—they want Congress to stop the out-of-control spending that is bankrupting our Nation.

During the campaign last year, Republicans called for reducing non-security, discretionary spending in Fiscal Year 2011 by \$100 billion as a down payment toward the cuts needed to get America's finances back on track.

Now that the campaign is over, and the American people have given us one more chance to make things right, they want to see us do what we said we would do.

H. Res. 38 is a good first step—and I'm going to support it—but it does not get us the full \$100 billion.

Mr. Speaker, we need to keep the \$100 billion promise we made to the American people!

I filed an amendment last night that would keep the \$100 billion promise. We would be debating that amendment right now, had this resolution come to the floor under an open rule.

The good news is . . . and I applaud our leadership for taking this position . . . sometime over the next few weeks, we will have another chance to keep this promise as we debate the continuing resolution under an open rule.

Though some say keeping the \$100 billion promise would be too difficult, the folks I get the privilege to represent back home say "This is the least we can do!"

They understand that \$100 billion is only about one-thirteenth of the deficit. They understand that cutting \$100 billion only gets us one-thirteenth of the way to a balanced budget.

Rebuilding the trust of the people means keeping our word. We need to keep our promise.

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to House Resolution 38, which imposes dramatic cuts to our budget without any regard

to its effects on our Nation's economic recovery or Rhode Island families struggling to stay afloat.

Our Nation faces a serious budget deficit, but we also face a jobs deficit and a fragile economic recovery. Rhode Island currently has the fifth highest unemployment rate in the country at 11.5 percent. The Republican proposal to cut non-security programs by 21 percent goes too far too fast, resulting in additional potential job losses and reductions to critical services that could threaten our economic recovery and countless families who are barely getting by as it is. It makes drastic cuts to our school systems and student aid for college, slashes housing assistance in the wake of record foreclosures, and reduces lending support for small businesses.

This proposal also contradicts the recommendations of the Bipartisan Fiscal Commission, of which some of our Republican leaders were participants. In its final report released on December 1, 2010—less than eight weeks ago—the commission stated in its second guiding principle that "budget cuts should start gradually so they don't interfere with the ongoing economic recovery. Growth is essential to restoring fiscal strength." The Commission then stated in its first recommendation that we should not return to pre-recession 2008 levels until 2013. This proposal contained a lot of controversial ideas to be sure, but the general consensus regardless of party affiliation highlighted the need for caution in crafting an effective deficit reduction plan.

Mr. Speaker, I wholeheartedly agree that we need to get our fiscal house in order, but we must do it thoughtfully and responsibly. This proposal rushes to judgment before the process has even begun. I urge my colleagues to reject this resolution and begin a serious discussion of deficit reduction that will address our fiscal challenges without imperiling our economic recovery.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H. Res. 38, a vague and reckless "budget-less" budget resolution. H. Res. 38 claims to reduce non-security spending to fiscal year 2008 levels or less, but this one-page bill has not one final budget number, nor does it actually make any specific cuts. Instead, this resolution grants all authority to the Chair of the House Committee on the Budget to set the budget allocations for the Committee on Appropriations. This entitles the Chairman to merely have the allocations printed in the CONGRESSIONAL RECORD. So much for an open and transparent process. So much for allowing the Committees of jurisdiction to do their work. Mr. Speaker, we declared our independence from Great Britain precisely because we didn't want a king and here we are making one out of the Chairman of the House Committee on the Budget.

By allowing only one hour of debate on the resolution and no amendments, Republican leadership seeks to bypass the deliberation and debate by Members of Congress. Republican leadership also struck down a motion that would have required a vote by the full House before any allocation could become effective, once again limiting input by the Members of this body. It is clear that the Grand Old Party remains committed to deciding our Nation's budgetary policies in smoke-filled backrooms.

It is clear that the one-page resolution brought to the floor today is not a serious plan to reduce the deficit. Indeed, the new Republican plan offers the same empty rhetoric as the last: all smoke and mirrors. It is fiscally irresponsible, both procedurally and substantively, and it puts too much power in the hands of one individual—the Chairman of the Budget Committee.

Furthermore, the arbitrary decision to reduce spending to non-security—a clear definition of which we have yet to see—funding levels in fiscal year 2008 jeopardizes the progress our country has made in recovering from the economic downturn. My colleagues on the other side of the aisle are not governing for fiscal year 2008, we are governing for the remainder of fiscal year 2011. Rather than driving our economic progress forward, the Republican leadership has chosen to throw the car into reverse, threatening to destroy the recovery this economy has made.

My colleagues on the other side of the aisle say they can't provide specifics, as they are awaiting information from the Congressional Budget Office. The same Congressional Budget Office they recently accused of cooking the books. I am glad Republicans now see the value of the non-partisan organization. It is my understanding that CBO will come out with baseline numbers within the next week. Would it not be a better course of action to wait for those numbers and show us all exactly which programs are to be cut—to lay the specifics on the table? Or is today's resolution modeled after the Republican repeal bill—meant for political showmanship only?

I am ready to work in a bipartisan way to reduce deficits, as well as promote economic growth and protect the strength of American middle-class families. During this current economic downturn, we must not jeopardize our Nation's ability to create jobs. Unfortunately, the GOP has made it clear they are not interested in taking real action for the American people. Republicans have already voted in their rules package, paving the way to add nearly \$5 trillion to the deficit, and have voted to increase the deficit by \$230 billion by repealing the health care law. I will NOT stand idly by and let the GOP advance its record of doubling the national debt and shirking away from fiscal responsibility. I urge my colleagues to do the same.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to H. Res. 38, an irresponsible piece of legislation that asks the members of the House to abdicate their responsibility to vote on a budget for the federal government. This resolution opens the door to massive funding cuts to programs that are critical to our fragile economic recovery.

Mr. Speaker, with H. Res. 38 the Republicans have offered what they call a "Budget Resolution"—but what should be called a "Budgetless Resolution" because it contains no numbers, no specifics and, worst of all, no ideas for job creation or economic recovery.

Instead, it takes the unprecedented step of giving unilateral authority to the Budget Committee chairman to set spending limits for the federal government. With all due respect to Chairman Ryan, no members of Congress should ever contract out their vote to another member—especially not on something as fun-

damentally important as setting funding levels for the federal government.

H. Res. 38, the Budgetless Resolution, is a one-page document that makes the vague and simplistic goal of reducing federal spending to 2008 levels or less. Democrats are serious about deficit reduction. But we also must make sure that we continue on the path to economic recovery.

Mr. Speaker, we have to be able to walk and chew gum at the same time. If we are going to work on deficit reduction—as we should—we should go through the budget surgically, examining where federal investments are working and where they are not.

The Republican plan is the exact opposite approach—it is deficit reduction while blindfolded. The across the board Republican budget cuts would seriously hurt the people in my district by gashing funding for critical programs.

We are not talking about "duplicative" or "wasteful" spending. We are talking about Title I education funding that gives poor students after-school support that helps them reach their full potential; GOP cuts would leave over 332,000 students in California without extra academic support.

We are talking about Title II education funds that keep class sizes small and classrooms more focused; GOP cuts would lay off over 1,000 teachers in California, resulting in dramatically larger class sizes for students in my district.

And this is just one example of the effect that Republican budget cuts would have in one state and in one area. Imagine how devastating the cumulative effect of Republicans' blind, across the board cuts. We are not talking about stripping funding for "bridges to nowhere"—we are talking about real people; real lives; real families.

Mr. Speaker, if we are going to cut spending, let's not do so blindly. Let's have a bipartisan conversation about what our spending priorities are and where we can afford to trim the budget. I am certain that we can come to some agreement if we at least allow a conversation to be had. Deficit reduction is one of Democrats' top priorities. But we owe it to the American people to do so responsibly.

I urge my colleagues to join me in opposing H. Res. 38.

Mr. HOLT. Mr. Speaker, today I rise in opposition to the irresponsible budget resolution under consideration by the House.

My priorities in the new Congress remain supporting middle class families and helping to foster job creation. These goals should be how we in Congress measure every action we take. Unfortunately the budget resolution before us today fails to meet these goals and is little more than a not-so-shrewd act of political theater staged hours before the President delivers the State of the Union in this chamber.

The resolution, which authorizes the Budget Committee chairman to cut non-security federal spending to 2008 levels, is an insincere attempt at fiscal responsibility. Getting our nation's fiscal house in order is a task I and many of my colleagues take seriously. However, rather than setting a concrete plan for how Congress should spend taxpayer dollars, this resolution contains no hard numbers. Moreover, this resolution would take the un-

precedented and undemocratic step of empowering one Member of Congress with the ability to identify which programs to cut and by how much.

One example of how this resolution will hurt middle-class Americans is by cutting the Pell Grant program. Pell Grants help working-class Americans afford a college education. Since 2008, Congress increased wisely the Pell Grant to \$5,550. Should this ill-conceived resolution pass, Pell Grants could be cut by nearly 25 percent.

For America's economy to remain competitive in the coming years, Congress must make wise investments of taxpayer dollars. Pell Grants are just one of many of these wise investments. Allowing one Member of Congress to cut capriciously from federal programs while claiming to be fiscally responsible is anything but.

I urge my colleagues to vote against this budget resolution.

Mr. DREIER. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 43, the previous question is ordered on the resolution, as amended.

MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. BISHOP of New York. Indeed, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the resolution H. Res. 38 to the Committee on Rules with instructions to report the same to the House forthwith with the following amendments:

Page 2, line 1, insert "(1)" after "that".

Page 2, line 2, insert the following before the period: ", and (2) no spending for any contract entered into by the United States Government with a company that has been determined by the Secretary of Labor to have offshored or outsourced American jobs overseas".

□ 1350

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on adoption of the resolution, if ordered; and the motion to suspend the rules with regard to House Resolution 49.

The vote was taken by electronic device, and there were—yeas 184, nays 242, answered “present” 1, not voting 7, as follows:

[Roll No. 19]

YEAS—184

Ackerman	Gonzalez	Pascarell
Altmire	Green, Al	Pastor (AZ)
Andrews	Green, Gene	Pelosi
Baca	Grijalva	Perlmutter
Baldwin	Gutierrez	Peters
Barrow	Hanabusa	Peterson
Bass (CA)	Harman	Pingree (ME)
Becerra	Hastings (FL)	Polis
Berkley	Heinrich	Price (NC)
Berman	Higgins	Quigley
Bishop (GA)	Hinojosa	Rahall
Bishop (NY)	Hirono	Rangel
Blumenauer	Holden	Reyes
Boren	Holt	Richardson
Boswell	Honda	Richmond
Brady (PA)	Hoyer	Ross (AR)
Braley (IA)	Inslee	Rothman (NJ)
Brown (FL)	Israel	Roybal-Allard
Butterfield	Jackson (IL)	Ruppersberger
Capps	Jackson Lee	Rush
Capuano	(TX)	Ryan (OH)
Cardoza	Johnson (GA)	Sánchez, Linda
Carnahan	Johnson, E. B.	T.
Carney	Kaptur	Sanchez, Loretta
Carson (IN)	Keating	Sarbanes
Castor (FL)	Kildee	Schakowsky
Chandler	Kissell	Schiff
Chu	Kucinich	Schrader
Cicilline	Langevin	Schwartz
Clarke (MI)	Larsen (WA)	Scott (VA)
Clarke (NY)	Larson (CT)	Scott, David
Clay	Lee (CA)	Serrano
Cleaver	Levin	Sewell
Clyburn	Lewis (GA)	Shuler
Cohen	Lipinski	Sires
Connolly (VA)	Loeb sack	Slaughter
Conyers	Lofgren, Zoe	Smith (WA)
Cooper	Lowey	Lujan
Costello	Lowey	Lynch
Courtney	Costello	Maloney
Critz	Courtney	Markey
Crowley	Critz	Matheson
Cummings	Crowley	Matsui
Davis (CA)	Cummings	McCarthy (NY)
Davis (IL)	Davis (CA)	McCollum
DeFazio	Davis (IL)	McDermott
DeGette	DeFazio	McGovern
DeLauro	DeGette	McIntyre
Deutch	DeLauro	McNerney
Dicks	Deutch	Meeks
Dingell	Dicks	Michaud
Doggett	Dingell	Miller (NC)
Donnelly (IN)	Doggett	Miller, George
Doyle	Donnelly (IN)	Moore
Edwards	Doyle	Moran
Ellison	Edwards	Murphy (CT)
Engel	Ellison	Nadler
Eshoo	Engel	Napolitano
Farr	Eshoo	Neal
Fattah	Farr	Oliver
Filner	Fattah	Owens
Fudge	Filner	Pallone
Garamendi	Fudge	

NAYS—242

Adams	Boustany	Conaway
Aderholt	Brady (TX)	Costa
Akin	Brooks	Cravaack
Alexander	Broun (GA)	Crawford
Amash	Buchanan	Crenshaw
Austria	Bucshon	Cuellar
Bachmann	Buerkle	Culberson
Bachus	Burgess	Davis (KY)
Barletta	Burton (IN)	Denham
Bartlett	Calvert	Dent
Barton (TX)	Camp	DesJarlais
Bass (NH)	Campbell	Diaz-Balart
Benishkek	Canseco	Dold
Berg	Cantor	Dreier
Biggert	Capito	Duffy
Bilbray	Carter	Duncan (SC)
Bilirakis	Cassidy	Duncan (TN)
Bishop (UT)	Chabot	Ellmers
Black	Chaffetz	Farenthold
Blackburn	Coble	Fincher
Bonner	Coffman (CO)	Fitzpatrick
Bono Mack	Cole	Flake

Fleischmann	Lamborn	Ribble
Fleming	Lance	Rigell
Flores	Landry	Rivera
Forbes	Lankford	Roby
Fortenberry	Latham	Roe (TN)
Fox	LaTourette	Rogers (AL)
Franks (AZ)	Latta	Rogers (KY)
Frelinghuysen	Lee (NY)	Rogers (MI)
Gallegly	Lewis (CA)	Rohrabacher
Gardner	LoBiondo	Rooney
Garrett	Long	Roskam
Gerlach	Lucas	Ross (FL)
Gibbs	Luetkemeyer	Royce
Gibson	Lummis	Runyan
Gingrey (GA)	Lungren, Daniel	Ryan (WI)
Gohmert	E.	Scalise
Goodlatte	Mack	Schilling
Gosar	Manzullo	Schmidt
Gowdy	Marchant	Schock
Granger	Marino	Schweikert
Graves (GA)	McCarthy (CA)	Scott (SC)
Graves (MO)	McCaul	Scott, Austin
Griffin (AR)	McClintock	Sensenbrenner
Griffith (VA)	McCotter	Sessions
Grimm	McHenry	Shimkus
Guinta	McKeon	Shuster
Guthrie	McKinley	Simpson
Hall	McMorris	Smith (NE)
Hanna	Rodgers	Smith (NJ)
Harper	Meehan	Smith (TX)
Harris	Mica	Southerland
Hartzler	Miller (FL)	Stearns
Hastings (WA)	Miller (MI)	Stivers
Hayworth	Miller, Gary	Stutzman
Heck	Mulvaney	Sullivan
Heller	Murphy (PA)	Terry
Hensarling	Myrick	Thompson (PA)
Herger	Neugebauer	Thornberry
Herrera Beutler	Noem	Tiberi
Himes	Nugent	Tipton
Huelskamp	Nunes	Turner
Huizenga (MI)	Nunnelee	Upton
Hultgren	Olson	Walberg
Hunter	Palazzo	Walden
Hurt	Paul	Walsh (IL)
Issa	Paulsen	Webster
Jenkins	Pearce	West
Johnson (IL)	Pence	Westmoreland
Johnson (OH)	Petri	Whitfield
Johnson, Sam	Pitts	Wilson (SC)
Jones	Platts	Wittman
Jordan	Poe (TX)	Wolf
Kelly	Pompeo	Womack
Kind	Posey	Woodall
King (IA)	Price (GA)	Yoder
King (NY)	Quayle	Young (AK)
Kingston	Reed	Young (FL)
Kinzinger (IL)	Rehberg	Young (IN)
Kline	Reichert	
Labrador	Renacci	

ANSWERED “PRESENT”—1

Sherman

NOT VOTING—7

Emerson	Hinchey	Ros-Lehtinen
Frank (MA)	Payne	
Giffords	Rokita	

□ 1413

Messrs. GOSAR, HIMES, and SCHOCK changed their vote from “yea” to “nay.”

Ms. SCHAKOWSKY, Messrs. FARR, ALTMIRE, BRALEY of Iowa, LAN-GEVIN, and LEWIS of Georgia changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROKITA. Madam Speaker, on rollcall 19, I was unavoidably detained. Had I been present I would have voted “no.”

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 165, not voting 13, as follows:

[Roll No. 20]

YEAS—256

Adams	Garrett	Mica
Aderholt	Gerlach	Miller (FL)
Akin	Gibbs	Miller (MI)
Alexander	Gibson	Miller, Gary
Altmire	Gingrey (GA)	Mulvaney
Amash	Gohmert	Murphy (PA)
Austria	Goodlatte	Myrick
Bachmann	Gosar	Neugebauer
Bachus	Gowdy	Noem
Barletta	Granger	Nugent
Barrow	Graves (GA)	Nunes
Bartlett	Graves (MO)	Nunnelee
Barton (TX)	Griffin (AR)	Olson
Bass (NH)	Griffith (VA)	Palazzo
Benishkek	Grimm	Paul
Berg	Guinta	Paulsen
Biggert	Guthrie	Pearce
Bilbray	Hall	Pence
Bilirakis	Hanna	Peterson
Bishop (UT)	Harper	Petri
Black	Harris	Pitts
Blackburn	Hartzler	Platts
Bonner	Hastings (WA)	Poe (TX)
Bono Mack	Hayworth	Pompeo
Boren	Heck	Price (GA)
Boustany	Heller	Quayle
Brady (TX)	Hensarling	Quigley
Brooks	Herger	Reed
Broun (GA)	Herrera Beutler	Rehberg
Buchanan	Holden	Reichert
Bucshon	Huelskamp	Renacci
Buerkle	Huizenga (MI)	Ribble
Burgess	Hultgren	Rigell
Burton (IN)	Hunter	Rivera
Calvert	Hurt	Roby
Camp	Issa	Roe (TN)
Campbell	Jenkins	Rogers (AL)
Canseco	Johnson (IL)	Rogers (KY)
Cantor	Johnson (OH)	Rogers (MI)
Capito	Johnson, Sam	Rohrabacher
Carter	Jones	Rokita
Cassidy	Jordan	Rooney
Chabot	Kelly	Roskam
Chaffetz	King (IA)	Ross (AR)
Chandler	King (NY)	Ross (FL)
Coble	Kinzinger (IL)	Royce
Coffman (CO)	Kissell	Runyan
Cole	Kline	Ryan (WI)
Conaway	Labrador	Scalise
Cooper	Costa	Schilling
Costa	Costello	Schmidt
Costello	Cravaack	Schock
Crawford	Crawford	Schrader
Crenshaw	Crenshaw	Schweikert
Culberson	Culberson	Scott (SC)
Davis (KY)	Davis (KY)	Scott, Austin
Denham	Denham	Sensenbrenner
Dent	DesJarlais	Sessions
DesJarlais	Diaz-Balart	Shimkus
Dold	Dold	Shuler
Donnelly (IN)	Donnelly (IN)	Shuster
Dreier	Dreier	Simpson
Duffy	Duffy	Smith (NE)
Duncan (SC)	Duncan (SC)	Smith (NJ)
Duncan (TN)	Duncan (TN)	Smith (TX)
Ellmers	Ellmers	Southerland
Farenthold	Farenthold	Stearns
Fincher	Fincher	Stivers
Fitzpatrick	Fincher	Stutzman
Flake	Fitzpatrick	Sullivan
Fleischmann	Flake	Terry
Fleming	Fleischmann	Thompson (PA)
Flores	Fleming	Thornberry
Forbes	Flores	Tiberi
Fortenberry	Forbes	Tipton
Fox	Fortenberry	Turner
Franks (AZ)	Fox	Upton
Frelinghuysen	Franks (AZ)	Walberg
Gallegly	Frelinghuysen	Walden
Gardner	Gallegly	Walsh (IL)
	Gardner	Webster

West
Westmoreland
Whitfield
Wilson (SC)

Wittman
Wolf
Womack
Woodall

Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—165

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi

Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Oliver
Owens

Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Braley (IA)
Emerson
Frank (MA)
Giffords
Green, Gene

Hinchey
Honda
Kaptur
Neal
Payne

Ros-Lehtinen
Schakowsky
Waters

□ 1422

Mr. LARSON of Connecticut changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A resolution reducing non-security spending to fiscal year 2008 levels or less.”

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall vote No. 20, had I been present, I would have voted “nay.”

Mr. BRALEY of Iowa. Madam Speaker, I regret missing a floor vote on Tuesday, January 25, 2011. Had I registered my vote, I would have voted “nay” on rollcall vote No. 20, on

agreeing to the resolution, H. Res. 38—To reduce spending through a transition to non-security spending at fiscal year 2008 levels.

STAFF SERGEANT SALVATORE A. GIUNTA MEDAL OF HONOR FLAG RESOLUTION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 49) providing Capitol-flown flags for recipients of the Medal of Honor, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LATHAM) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 21]

YEAS—424

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benish
Berg
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan

Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Eshoo

Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa

Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley

McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Black
Cicilline
Emerson
Frank (MA)

Giffords
Harman
Hinchey
Keating

Payne
Ros-Lehtinen

□ 1430

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 359, ELIMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTIONS

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-5) on the resolution (H. Res. 54) providing for consideration of the bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of Presidential election campaigns and party conventions, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

JANUARY 25, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), I hereby appoint the Honorable Terri A. Sewell of Alabama to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of six years.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 2 o'clock and 33 minutes p.m.), the House stood in recess until approximately 8:35 p.m.

□ 2039

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 39 minutes p.m.

JOINT SESSION OF CONGRESS PURSUANT TO HOUSE CONCURRENT RESOLUTION 10 TO RECEIVE A MESSAGE FROM THE PRESIDENT

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Virginia (Mr. CANTOR);

The gentleman from California (Mr. MCCARTHY);

The gentleman from Texas (Mr. HENSARLING);

The gentleman from Texas (Mr. SESSIONS);

The gentleman from Georgia (Mr. PRICE);

The gentlewoman from Washington (Mrs. McMORRIS RODGERS);

The gentleman from Texas (Mr. CARTER);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentleman from New York (Mr. ISRAEL); and

The gentlewoman from Alabama (Ms. SEWELL).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from New York (Mr. SCHUMER);

The Senator from Washington (Mrs. MURRAY);

The Senator from Michigan (Ms. STABENOW);

The Senator from Alaska (Mr. BEGICH);

The Senator from Vermont (Mr. LEAHY);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Wyoming (Mr. BARRASSO);

The Senator from South Dakota (Mr. THUNE); and

The Senator from Texas (Mr. CORNYN).

The Deputy Sergeant at Arms announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

The PRESIDENT. Mr. Speaker, Mr. Vice President, Members of Congress, distinguished guests, and fellow Americans:

Tonight, I want to begin by congratulating the men and women of the 112th Congress as well as your new Speaker, JOHN BOEHNER. And as we mark this occasion, we are also mindful of the empty chair in this Chamber,

and we pray for the health of our colleague and our friend, GABBY GIFFORDS.

It's no secret that those of us here tonight have had our differences over the last 2 years. The debates have been contentious; we have fought fiercely for our beliefs—and that's a good thing. That's what a robust democracy demands. That's what helps set us apart as a nation. But there's a reason the tragedy in Tucson gave us pause:

Amid all the noise and passions and rancor of our public debate, Tucson reminded us that, no matter who we are or where we come from, each of us is a part of something greater, something more consequential than parties or political preference. We are part of the American family. We believe that, in a country where every race and faith and point of view can be found, we are still bound together as one people, that we share common hopes and a common creed, that the dreams of a little girl in Tucson are not so different than those of our own children, and that they all deserve the chance to be fulfilled.

That, too, is what sets us apart as a nation.

Now, by itself, this simple recognition won't usher in a new era of cooperation. What comes of this moment is up to us. What comes of this moment will be determined, not by whether we can sit together tonight, but whether we can work together tomorrow.

I believe we can and I believe we must.

That's what the people who sent us here expect of us. With their votes, they have determined that governing will now be a shared responsibility between parties. New laws will only pass with support from Democrats and Republicans. We will move forward together or not at all—for the challenges we face are bigger than party and bigger than politics.

At stake right now is not who wins the next election—after all, we just had an election. At stake is whether new jobs and industries take root in this country or somewhere else. It's whether the hard work and industry of our people is rewarded. It's whether we sustain the leadership that has made America not just a place on a map, but a light to the world.

We are poised for progress. Two years after the worst recession most of us have ever known, the stock market has come roaring back. Corporate profits are up. The economy is growing again. But we have never measured progress by these yardsticks alone. We measure progress by the success of our people, by the jobs they can find, and the quality of life those jobs offer, by the prospects of a small business owner who dreams of turning a good idea into a thriving enterprise, by the opportunities for a better life that we pass on to our children.

That's the project the American people want us to work on. Together.

We did that in December. Thanks to the tax cuts we passed, Americans' paychecks are a little bigger today. Every business can write off the full cost of the new investments they make this year; and these steps, taken by Democrats and Republicans, will grow the economy and add to the more than 1 million private sector jobs created last year. But we have to do more. These steps we have taken over the last 2 years may have broken the back of this recession; but to win the future, we'll need to take on challenges that have been decades in the making.

Many people watching tonight can probably remember a time when finding a good job meant showing up at a nearby factory or a business downtown. You didn't always need a degree, and your competition was pretty much limited to your neighbors. If you worked hard, chances are you'd have a job for life, with a decent paycheck, good benefits, and the occasional promotion. Maybe you'd even have the pride of seeing your kids work at the same company.

That world has changed, and for many, the change has been painful.

I've seen it in the shuttered windows of once booming factories and the vacant storefronts of once busy Main Streets. I've heard it in the frustrations of Americans who have seen their paychecks dwindle or their jobs disappear—proud men and women who feel like the rules have been changed in the middle of the game.

They're right. The rules have changed.

In a single generation, revolutions in technology have transformed the way we live, work, and do business. Steel mills that once needed 1,000 workers can now do the same work with 100. Today, just about any company can set up shop, hire workers, and sell their products wherever there's an Internet connection. Meanwhile, nations like China and India realized that, with some changes of their own, they could compete in this new world, and so they started educating their children earlier and longer, with greater emphasis on math and science. They're investing in research and new technologies. Just recently, China became the home to the world's largest private solar research facility and the world's fastest computer.

So, yes, the world has changed. The competition for jobs is real. But this shouldn't discourage us. It should challenge us.

Remember, for all the hits we've taken these last few years, for all the naysayers predicting our decline, America still has the largest, most prosperous economy in the world. No workers are more productive than ours. No country has more successful companies or grants more patents to inventors and entrepreneurs. We are home to the world's best colleges and univer-

sities, where more students come to study than anyplace on Earth.

What's more, we are the first nation to be founded for the sake of an idea—the idea that each of us deserves the chance to shape our own destiny. That's why centuries of pioneers and immigrants have risked everything to come here. It's why our students don't just memorize equations but answer questions like “What do you think of that idea? What would you change about the world? What do you want to be when you grow up?”

The future is ours to win, but to get there, we can't just stand still. As Robert Kennedy told us, “The future is not a gift. It is an achievement.” Sustaining the American dream has never been about standing pat. It has required each generation to sacrifice and struggle and meet the demands of a new age.

Now it's our turn.

We know what it takes to compete for the jobs and industries of our time. We need to out-innovate, out-educate, and out-build the rest of the world. We have to make America the best place on Earth to do business. We need to take responsibility for our deficit and reform our government. That's how our people will prosper. That's how we'll win the future—and tonight, I'd like to talk about how we get there.

The first step in winning the future is encouraging American innovation. None of us can predict with certainty what the next big industry will be or where the new jobs will come from. Thirty years ago, we couldn't know that something called the Internet would lead to an economic revolution.

What we can do—what America does better than anyone else—is spark the creativity and imagination of our people. We are the nation that put cars in driveways and computers in offices, the nation of Edison and the Wright brothers, of Google and Facebook. In America, innovation doesn't just change our lives. It is how we make our living.

Our free enterprise system is what drives innovation; but because it's not always profitable for companies to invest in basic research, throughout our history, our government has provided cutting-edge scientists and inventors with the support that they need. That's what planted the seeds for the Internet. That's what helped make possible things like computer chips and GPS. Just think of all the good jobs, from manufacturing to retail, that have come from these breakthroughs.

Half a century ago, when the Soviets beat us into space with the launch of a satellite called Sputnik, we had no idea how we would beat them to the Moon. The science wasn't even there yet. NASA didn't exist. But after investing in better research and education, we didn't just surpass the Soviets; we unleashed a wave of innovation that created new industries and millions of new jobs.

This is our generation's Sputnik moment.

Two years ago, I said that we needed to reach a level of research and development that we haven't seen since the height of the Space Race; and in a few weeks, I will be sending a budget to Congress that helps us meet that goal. We'll invest in biomedical research, information technology, and especially clean energy technology—an investment that will strengthen our security, protect our planet, and create countless new jobs for our people.

Already, we are seeing the promise of renewable energy. Robert and Gary Allen are brothers who run a small Michigan roofing company. After September 11th, they volunteered their best roofers to help repair the Pentagon. But half of their factory went unused, and the recession hit them hard. Today, with the help of a government loan, that empty space is being used to manufacture solar shingles that are being sold all across the country. In Robert's words, "We reinvented ourselves."

That's what Americans have done for over 200 years: reinvented ourselves. And to spur on more success stories like the Allen Brothers, we've begun to reinvent our energy policy. We're not just handing out money. We're issuing a challenge. We're telling America's scientists and engineers that, if they assemble teams of the best minds in their fields and focus on the hardest problems in clean energy, we'll fund the Apollo Projects of our time.

At the California Institute of Technology, they're developing a way to turn sunlight and water into fuel for our cars. At Oak Ridge National Laboratory, they're using supercomputers to get a lot more power out of our nuclear facilities. With more research and incentives, we can break our dependence on oil with biofuels and become the first country to have 1 million electric vehicles on the road by 2015.

We need to get behind this innovation; and to help pay for it, I'm asking Congress to eliminate the billions in taxpayer dollars we currently give to oil companies. I don't know if you've noticed, but they're doing just fine on their own. So, instead of subsidizing yesterday's energy, let's invest in tomorrow's.

Now, clean energy breakthroughs will only translate into clean energy jobs if businesses know there will be a market for what they're selling. So, tonight, I challenge you to join me in setting a new goal: By 2035, 80 percent of America's electricity will come from clean energy sources. Some folks want wind and solar. Others want nuclear, clean coal, and natural gas. To meet this goal, we will need them all, and I urge Democrats and Republicans to work together to make it happen.

Maintaining our leadership in research and technology is crucial to

America's success; but if we want to win the future, if we want innovation to produce jobs in America and not overseas, then we also have to win the race to educate our kids.

Think about it. Over the next 10 years, nearly half of all new jobs will require education that goes beyond a high school education; and yet, as many as a quarter of our students aren't even finishing high school. The quality of our math and science education lags behind many other nations. America has fallen to ninth in the proportion of young people with a college degree. And so the question is whether all of us—as citizens and as parents—are willing to do what's necessary to give every child a chance to succeed.

That responsibility begins not in our classrooms but in our homes and communities. It's family that first instills the love of learning in a child. Only parents can make sure the TV is turned off and homework gets done. We need to teach our kids that it's not just the winner of the Super Bowl who deserves to be celebrated but the winner of the science fair. We need to teach them that success is not a function of fame or PR but of hard work and discipline.

Our schools share this responsibility. When a child walks into a classroom, it should be a place of high expectations and high performance. But too many schools don't meet this test. That's why, instead of just pouring money into a system that's not working, we launched a competition called Race to the Top. To all 50 States, we said, "If you show us the most innovative plans to improve teacher quality and student achievement, we'll show you the money."

Race to the Top is the most meaningful reform of our public schools in a generation. For less than 1 percent of what we spend on education each year, it has led over 40 States to raise their standards for teaching and learning. These standards were developed, by the way, not by Washington, but by Republican and Democratic Governors throughout the country. Race to the Top should be the approach we follow this year as we replace No Child Left Behind with a law that is more flexible and focused on what's best for our kids.

You see, we know what's possible for our children when reform isn't just a top-down mandate but the work of local teachers and principals, school boards and communities.

Take a school like Bruce Randolph in Denver. Three years ago, it was rated one of the worst schools in Colorado, located on turf between two rival gangs; but last May, 97 percent of the seniors received their diplomas. Most will be the first in their families to go to college. And after the first year of the school's transformation, the principal who made it possible wiped away tears when a student said, "Thank you,

Mrs. Waters, for showing . . . that we are smart and we can make it."

That's what good schools can do, and we want good schools all across the country.

Let's also remember that, after parents, the biggest impact on a child's success comes from the man or woman at the front of the classroom. In South Korea, teachers are known as "nation builders." Here in America, it's time we treated the people who educate our children with the same level of respect. We want to reward good teachers and stop making excuses for bad ones; and over the next 10 years, with so many Baby Boomers retiring from our classrooms, we want to prepare 100,000 new teachers in the fields of science, technology, engineering, and math.

In fact, to every young person listening tonight who is contemplating their career choice: If you want to make a difference in the life of our Nation, if you want to make a difference in the life of a child, become a teacher. Your country needs you.

Of course, the education race doesn't end with a high school diploma. To compete, higher education must be within the reach of every American. That's why we've ended the unwarranted taxpayer subsidies that went to banks, and used the savings to make college affordable for millions of students—and this year, I ask Congress to go further and make permanent our tuition tax credit, worth \$10,000 for 4 years of college. It's the right thing to do.

Because people need to be able to train for new jobs and careers in today's fast-changing economy, we are also revitalizing America's community colleges. Last month, I saw the promise of these schools at Forsyth Tech in North Carolina. Many of the students there used to work in the surrounding factories that have since left town.

One mother of two, a woman named Kathy Proctor, had worked in the furniture industry since she was 18 years old, and she told me she's earning her degree in biotechnology now, at 55 years old, not just because the furniture jobs are gone, but because she wants to inspire her children to pursue their dreams, too. As Kathy said, "I hope it tells them to never give up."

If we take these steps, if we raise expectations for every child and give them the best possible chance at an education from the day they are born until the last job they take, we will reach the goal that I set 2 years ago: By the end of the decade, America will once again have the highest proportion of college graduates in the world.

One last point about education.

Today, there are hundreds of thousands of students excelling in our schools who are not American citizens. Some are the children of undocumented workers, who had nothing to do with the actions of their parents. They

grew up as Americans and pledge allegiance to our flag. Yet they live every day with the threat of deportation. Others come here from abroad to study in our colleges and universities, but as soon as they obtain advanced degrees, we send them back home to compete against us. It makes no sense.

Now, I strongly believe that we should take on, once and for all, the issue of illegal immigration, and I am prepared to work with Republicans and Democrats to protect our borders, enforce our laws, and address the millions of undocumented workers who are now living in the shadows. I know that debate will be difficult. I know it will take time. But tonight, let's agree to make that effort. And let's stop expelling talented, responsible young people, who could be staffing our research labs or starting a new business, who could be further enriching this Nation.

The third step in winning the future is rebuilding America. To attract new businesses to our shores, we need the fastest, most reliable ways to move people, goods, and information—from high-speed rail to high-speed Internet.

Our infrastructure used to be the best, but our lead has slipped. South Korean homes now have greater Internet access than we do. Countries in Europe and Russia invest more in their roads and railways than we do. China is building faster trains and newer airports. Meanwhile, when our own engineers graded our Nation's infrastructure, they gave us a "D."

We have to do better.

America is the nation that built the transcontinental railroad, brought electricity to rural communities, constructed the interstate highway system. The jobs created by these projects didn't just come from laying down tracks or pavement. They came from businesses that opened near a town's new train station or the new off-ramp.

So, over the last 2 years, we have begun rebuilding for the 21st century, a project that has meant thousands of good jobs for the hard-hit construction industry, and tonight, I am proposing that we redouble those efforts. We will put more Americans to work repairing crumbling roads and bridges. We will make sure this is fully paid for, attract private investment, and pick projects based on what's best for the economy, not politicians.

Within 25 years, our goal is to give 80 percent of Americans access to high-speed rail. This could allow you to go places in half the time it takes to travel by car. For some trips, it will be faster than flying—without the pat-down. As we speak, routes in California and the Midwest are already underway.

Within the next 5 years, we will make it possible for businesses to deploy the next generation of high-speed wireless coverage to 98 percent of all Americans. This isn't just about faster Internet or fewer dropped calls. It's

about connecting every part of America to the digital age. It's about a rural community in Iowa or Alabama where farmers and small business owners will be able to sell their products all over the world. It's about a firefighter who can download the design of a burning building onto a handheld device, a student who can take classes with a digital textbook, or a patient who can have face-to-face video chats with her doctor.

All these investments—in innovation, education, and infrastructure—will make America a better place to do business and create jobs; but to help our companies compete, we also have to knock down barriers that stand in the way of their success.

For example, over the years, a parade of lobbyists has rigged the Tax Code to benefit particular companies and industries. Those with accountants or lawyers to work the system can end up paying no taxes at all, but all the rest are hit with one of the highest corporate tax rates in the world. It makes no sense, and it has to change.

So, tonight, I'm asking Democrats and Republicans to simplify the system. Get rid of the loopholes. Level the playing field, and use the savings to lower the corporate tax rate for the first time in 25 years—without adding to our deficit. It can be done.

To help businesses sell more products abroad, we set a goal of doubling our exports by 2014, because the more we export, the more jobs we create here at home. Already, our exports are up. Recently, we signed agreements with India and China that will support more than 250,000 jobs here in the United States; and last month, we finalized a trade agreement with South Korea that will support at least 70,000 American jobs. This agreement has unprecedented support from business and labor, Democrats and Republicans—and I ask this Congress to pass it as soon as possible.

Now, before I took office, I made it clear that we would enforce our trade agreements and that I would only sign deals that keep faith with American workers and promote American jobs. That's what we did with Korea, and that's what I intend to do as we pursue agreements with Panama and Colombia and continue our Asia Pacific and global trade talks.

To reduce barriers to growth and investment, I've ordered a review of government regulations. When we find rules that put an unnecessary burden on businesses, we will fix them, but I will not hesitate to create or enforce commonsense safeguards to protect the American people. That's what we've done in this country for more than a century. It's why our food is safe to eat, our water is safe to drink, and our air is safe to breathe. It's why we have speed limits and child labor laws. It's why, last year, we put in place con-

sumer protections against hidden fees and penalties by credit card companies and new rules to prevent another financial crisis, and it's why we passed reform that finally prevents the health insurance industry from exploiting patients.

Now, I have heard rumors that a few of you still have concerns about our new health care law, so let me be the first to say that anything can be improved. If you have ideas about how to improve this law by making care better or more affordable, I am eager to work with you. We can start right now by correcting a flaw in the legislation that has placed an unnecessary book-keeping burden on small businesses.

What I'm not willing to do is to go back to the days when insurance companies could deny someone coverage because of a preexisting condition. I'm not willing to tell James Howard, a brain cancer patient from Texas, that his treatment might not be covered. I'm not willing to tell Jim Houser, a small business man from Oregon, that he has to go back to paying \$5,000 more to cover his employees. As we speak, this law is making prescription drugs cheaper for seniors, and is giving uninsured students a chance to stay on their parents' coverage.

So I say to this Chamber tonight, instead of re-fighting the battles of the last 2 years, let's fix what needs fixing, and let's move forward.

Now, the final, critical step in winning the future is to make sure we aren't buried under a mountain of debt. We are living with a legacy of deficit spending that began almost a decade ago; and in the wake of the financial crisis, some of that was necessary to keep credit flowing, save jobs, and put money in people's pockets.

But now that the worst of the recession is over, we have to confront the fact that our Government spends more than it takes in. That is not sustainable. Every day, families sacrifice to live within their means. They deserve a government that does the same.

So, tonight, I am proposing that starting this year we freeze annual domestic spending for the next 5 years. Now, this would reduce the deficit by more than \$400 billion over the next decade, and will bring discretionary spending to the lowest share of our economy since Dwight Eisenhower was President.

This freeze will require painful cuts. Already, we have frozen the salaries of hardworking Federal employees for the next 2 years. I've proposed cuts to things I care deeply about, like community action programs. The Secretary of Defense has also agreed to cut tens of billions of dollars in spending that he and his generals believe our military can do without.

I recognize that some in this Chamber have already proposed deeper cuts, and I'm willing to eliminate whatever

we can honestly afford to do without, but let's make sure that we're not doing it on the backs of our most vulnerable citizens, and let's make sure that what we're cutting is really excess weight. Cutting the deficit by gutting our investments in innovation and education is like lightening an overloaded airplane by removing its engine. It may make you feel like you're flying high at first, but it won't take long before you feel the impact.

Now, most of the cuts and savings I've proposed only address annual domestic spending, which represents a little more than 12 percent of our budget. To make further progress, we have to stop pretending that cutting this kind of spending alone will be enough. It won't.

The bipartisan Fiscal Commission I created last year made this crystal clear. I don't agree with all their proposals, but they made important progress; and their conclusion is that the only way to tackle our deficit is to cut excessive spending wherever we find it—in domestic spending, defense spending, health care spending, and spending through tax breaks and loopholes.

This means further reducing health care costs, including programs like Medicare and Medicaid, which are the single biggest contributor to our long-term deficit. The health insurance law we passed last year will slow these rising costs, which is part of the reason that nonpartisan economists have said that repealing the health care law would add a quarter of a trillion dollars to our deficit. Still, I'm willing to look at other ideas to bring down costs, including one that Republicans suggested last year: medical malpractice reform to rein in frivolous lawsuits.

To put us on solid ground, we should also find a bipartisan solution to strengthen Social Security for future generations, and we must do it without putting at risk current retirees—the most vulnerable—or people with disabilities, without slashing benefits for future generations and without subjecting Americans' guaranteed retirement income to the whims of the stock market.

And if we truly care about our deficit, we simply can't afford a permanent extension of the tax cuts for the wealthiest 2 percent of Americans. Before we take money away from our schools or scholarships away from our students, we should ask millionaires to give up their tax break. It's not a matter of punishing their success. It's about promoting America's success.

In fact, the best thing we could do on taxes for all Americans is to simplify the individual Tax Code. This will be a tough job, but Members of both parties have expressed an interest in doing this, and I am prepared to join them.

So now is the time to act. Now is the time for both sides and both Houses of

Congress—Democrats and Republicans—to forge a principled compromise that gets the job done. If we make the hard choices now to rein in our deficits, we can make the investments we need to win the future.

Let me take this one step further.

We shouldn't just give our people a government that's more affordable. We should give them a government that's more competent and more efficient. We can't win the future with a government of the past. We live and do business in the information age, but the last major reorganization of the government happened in the age of black and white TV. There are 12 different agencies that deal with exports. There are at least five different agencies that deal with housing policy.

Then there's my favorite example: The Interior Department is in charge of salmon while they're in freshwater, but the Commerce Department handles them when they're in saltwater. I hear it gets even more complicated once they're smoked.

Now, we've made great strides over the last 2 years in using technology and getting rid of waste. Veterans can now download their electronic medical records with a click of the mouse. We're selling acres of Federal office space that hasn't been used in years, and we'll cut through redtape to get rid of more. But we need to think bigger.

In the coming months, my administration will develop a proposal to merge, consolidate, and reorganize the Federal Government in a way that best serves the goal of a more competitive America. I will submit that proposal to Congress for a vote—and we will push to get it passed.

In the coming year, we will also work to rebuild people's faith in the institution of government. Because you deserve to know exactly how and where your tax dollars are being spent, you'll be able to go to a Web site and get that information for the very first time in history. Because you deserve to know when your elected officials are meeting with lobbyists, I ask Congress to do what the White House has already done: put that information online. And because the American people deserve to know that special interests aren't larding up legislation with pet projects, both parties in Congress should know this: If a bill comes to my desk with earmarks inside, I will veto it. I will veto it.

A 21st century government that's open and competent. A government that lives within its means. An economy that's driven by new skills and new ideas. Our success in this new and changing world will require reform, responsibility, and innovation. It will also require us to approach that world with a new level of engagement in our foreign affairs.

Just as jobs and businesses can now race across borders, so can new threats

and new challenges. No single wall separates East and West. No one rival superpower is aligned against us. And so we must defeat determined enemies wherever they are and build coalitions that cut across lines of region and race and religion, and America's moral example must always shine for all who yearn for freedom and justice and dignity. And because we've begun this work, tonight we can say that American leadership has been renewed, and America's standing has been restored.

Look to Iraq, where nearly 100,000 of our brave men and women have left with their heads held high; American combat patrols have ended; violence is down; and a new government has been formed. This year, our civilians will forge a lasting partnership with the Iraqi people while we finish the job of bringing our troops out of Iraq. America's commitment has been kept. The Iraq war is coming to an end.

Of course, as we speak, al Qaeda and their affiliates continue to plan attacks against us. Thanks to our intelligence and law enforcement professionals, we are disrupting plots and securing our cities and skies; and as extremists try to inspire acts of violence within our borders, we are responding with the strength of our communities, with respect for the rule of law, and with the conviction that American Muslims are a part of our American family.

We have also taken the fight to al Qaeda and their allies abroad. In Afghanistan, our troops have taken Taliban strongholds and trained Afghan Security Forces. Our purpose is clear: by preventing the Taliban from reestablishing a stranglehold over the Afghan people, we will deny al Qaeda the safe-haven that served as a launching pad for 9/11.

Thanks to our heroic troops and civilians, fewer Afghans are under the control of the insurgency.

There will be tough fighting ahead, and the Afghan Government will need to deliver better governance, but we are strengthening the capacity of the Afghan people and building an enduring partnership with them. This year, we will work with nearly 50 countries to begin a transition to an Afghan lead, and this July, we will begin to bring our troops home.

In Pakistan, al Qaeda's leadership is under more pressure than at any point since 2001. Their leaders and operatives are being removed from the battlefield. Their safe-havens are shrinking. And we have sent a message from the Afghan border to the Arabian Peninsula to all parts of the globe: We will not relent, we will not waver, and we will defeat you.

American leadership can also be seen in the effort to secure the worst weapons of war. Because Republicans and Democrats approved the New START treaty, far fewer nuclear weapons and

launchers will be deployed. Because we rallied the world, nuclear materials are being locked down on every continent so they never fall into the hands of terrorists.

Because of a diplomatic effort to insist that Iran meet its obligations, the Iranian Government now faces tougher sanctions, tighter sanctions, than ever before; and on the Korean Peninsula, we stand with our ally South Korea and insist that North Korea keeps its commitment to abandon nuclear weapons.

This is just a part of how we are shaping a world that favors peace and prosperity.

With our European allies, we revitalized NATO and increased our cooperation on everything from counterterrorism to missile defense. We have reset our relationship with Russia, strengthened Asian alliances, and built new partnerships with nations like India. This March, I will travel to Brazil, Chile, and El Salvador to forge new alliances across the Americas.

Around the globe, we are standing with those who take responsibility, helping farmers grow more food, supporting doctors who care for the sick, and combating the corruption that can rot a society and rob people of opportunity.

Recent events have shown us that what sets us apart must not just be our power—it must also be the purpose behind it.

In South Sudan, with our assistance, the people were finally able to vote for independence after years of war. Thousands lined up before dawn. People danced in the streets. One man who lost four of his brothers at war summed up the scene around him. “This was a battlefield for most of my life,” he said. “Now we want to be free.”

We saw that same desire to be free in Tunisia, where the will of the people proved more powerful than the writ of a dictator. And tonight, let us be clear: The United States of America stands with the people of Tunisia, and supports the democratic aspirations of all people.

We must never forget that the things we’ve struggled for and fought for live in the hearts of people everywhere, and we must always remember that the Americans who have borne the greatest burden in this struggle are the men and women who serve our country.

Tonight, let us speak with one voice in reaffirming that our Nation is united in support of our troops and their families. Let us serve them as well as they have served us—by giving them the equipment they need, by providing them with the care and benefits that they have earned, and by enlisting our veterans in the great task of building our own Nation.

Our troops come from every corner of this country. They’re black, white, Latino, Asian, Native American. They

are Christian and Hindu, Jewish and Muslim—and yes, we know that some of them are gay. Starting this year, no American will be forbidden from serving the country they love because of who they love. And with that change, I call on all of our college campuses to open their doors to our military recruiters and the ROTC. It is time to leave behind the divisive battles of the past. It is time to move forward as one Nation.

We should have no illusions about the work ahead of us. Reforming our schools, changing the way we use energy, reducing our deficit—none of this will be easy. All of it will take time, and it will be harder because we will argue about everything—the cost, the details, the letter of every law.

Of course, some countries don’t have this problem. If the central government wants a railroad, they build a railroad—no matter how many homes get bulldozed. If they don’t want a bad story in the newspaper, it doesn’t get written.

And yet, as contentious and frustrating and messy as our democracy can sometimes be, I know there isn’t a person here who would trade places with any other nation on Earth.

We may have differences in policy, but we all believe in the rights enshrined in our Constitution. We may have different opinions, but we believe in the same promise that says this is a place where you can make it if you try. We may have different backgrounds, but we believe in the same dream that says this is a country where anything is possible—no matter who you are, no matter where you come from.

That dream is why I can stand here before you tonight. That dream is why a working class kid from Scranton can sit behind me. That dream is why someone who began by sweeping the floors of his father’s Cincinnati bar can preside as Speaker of the House in the greatest nation on Earth.

That dream—that American dream—is what drove the Allen Brothers to reinvent their roofing company for a new era. It’s what drove those students at Forsyth Tech to learn a new skill and work towards the future. And that dream is the story of a small business owner named Brandon Fisher.

Brandon started a company in Berlin, Pennsylvania, that specializes in a new kind of drilling technology; and one day last summer, he saw the news that halfway across the world, 33 men were trapped in a Chilean mine, and no one knew how to save them. But Brandon thought his company could help, and so he designed a rescue that would come to be known as Plan B. His employees worked around the clock to manufacture the necessary drilling equipment, and Brandon left for Chile.

Along with others, he began drilling a 2,000-foot hole into the ground; working 3 or 4 days at a time without any

sleep. Thirty-seven days later, Plan B succeeded, and the miners were rescued. But because he didn’t want all the attention, Brandon wasn’t there when the miners emerged. He had already gone back home, back to work on his next project. Later, one of his employees said of the rescue, “We proved that Center Rock is a little company, but we do big things.”

We do big things.

From the earliest days of our founding, America has been the story of ordinary people who dare to dream. That’s how we win the future.

We are a nation that says, “I might not have a lot of money, but I have this great idea for a new company. I might not come from a family of college graduates, but I will be the first to get my degree. I might not know those people in trouble, but I think I can help them, and I need to try. I’m not sure how we’ll reach that better place beyond the horizon, but I know we’ll get there. I know we will.”

We do big things.

The idea of America endures. Our destiny remains our choice. And tonight, more than two centuries later, it is because of our people that our future is hopeful, our journey goes forward, and the state of our Union is strong.

Thank you, God bless you, and may God bless the United States of America.

(Applause, the Members rising.)

At 10 o’clock and 16 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President’s Cabinet; the Chief Justice of the United States and the Associate Justices of the Supreme Court; the Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o’clock and 20 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. CANTOR. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DUNCAN of South Carolina (at the request of Mr. CANTOR) for January 24 on account of airline mechanical failure.

ADJOURNMENT

Mr. CANTOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 26, 2011, at 10 a.m.

OFFICE OF COMPLIANCE NOTICE OF ADOPTION OF SUBSTANTIVE REGULATIONS AND SUBMISSION FOR CONGRESSIONAL APPROVAL

OFFICE OF COMPLIANCE,
Washington, DC, January 24, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On March 21, 2008, the Board of Directors of the Office of Compliance adopted and submitted for publication in the Congressional Record final regulations implementing section 4(c)(3) of the Veterans Employment Opportunities Act of 1998 which extends to the Congress certain rights, protections, and responsibilities under section 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5, United States Code. On December 10, 2010, the Senate agreed both to S. Res. 700 to provide for the approval of final regulations that are applicable to the employing offices and covered employees of the Senate, and to S. Con. Res. 77 to provide for approval of final regulations that are applicable to the instrumentalities of the Congress, i.e., the employing offices and employees other than those offices and employees of the House and the Senate. Both S. Res. 700 and S. Con. Res. 77 included technical corrections to the regulations. On December 15, 2010, the House agreed to S. Con. Res. 77, covering the instrumentalities, and in addition approved H. Res. 1757, to provide for the approval of the final regulations that are applicable to employing offices and covered employees of the House. H. Res. 1757 also included technical corrections. On December 22, 2010, the House agreed to H. Res. 1783 amending the technical corrections of H. Res. 1757 and the Senate agreed to S. Res. 705 amending the technical corrections of S. Res. 700.

Together with the Senate's approval of Res. 700, S. Res. 705, and S. Con. Res. 77, the House's concurrence in S. Con. Res. 77 and its approval of H. Res. 1757 and H. Res. 1783 constitute approval under section 304(c) of the CAA of the Board's regulations pursuant to section 4(c)(3) of the Veterans Employment Opportunities Act of 1998. These regulations are applicable both to employing offices and covered employees of the House and of the Senate (other than those House and Senate offices expressly excluded in section 4(c)(3) of the Veterans Employment Opportunities Act of 1998 and to the instrumentalities of the Congress. Accordingly, pursuant to section 304(d) of the CAA, the Board submits these regulations (with technical corrections included) to the Speaker of the House of Representatives and the President

pro tempore of the Senate for issuance by publication in the Congressional Record.

Pursuant to paragraph (3) of section 304(d) of the CAA, the Board finds no good cause for advancing the effective date of the House regulations from 60 days after their issuance. Therefore, the regulations will go into effect 60 days from the date on which they are published in the Congressional Record following this transmittal from the Board of Directors of the Office of Compliance.

Respectfully submitted,

BARBARA L. CAMENS,
Chair of the Board of Directors
Office of Compliance.

Enclosure.

TEXT OF REGULATIONS FOR THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix "H." When approved by the Senate for the Senate, these regulations will have the prefix "S." When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix "C."

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

Sec.

- 1.101 Purpose and scope.
- 1.102 Definitions.
- 1.103 Adoption of regulations.
- 1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act of 1998 (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A-C) of the CAA, 2 U.S.C. §1301 (9)(A-C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A-C) of the CAA, 2 U.S.C. §1301 (9)(A-C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriation Act, 1978; or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) "Accredited physician" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase "authorized to practice by the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) "Act" or "CAA" means the Congressional Accountability Act of 1995, as amended (Pub. L. 104-1, §109 Stat. 3, 2 U.S.C. §§1301-1438).

(c) "Active duty" or "active military duty" means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) "Appointment" means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) "Board" means the Board of Directors of the Office of Compliance.

H Regs: (g) "Covered employee" means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; or (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S. Regs: (g) "Covered employee" means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; or (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriations Act, 1978; or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Regs: (g) "Covered employee" means any employee of (1) the Office of Congressional Accessibility Services; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within

the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) "Covered position" means any position that is or will be held by a covered employee.

(i) "Disabled veteran" means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol or the Botanic Gardens.

(k) Employee of the Capitol Police includes any member or officer of the Capitol Police.

H Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) section 1.102 of the regulations classified with an "H" classification.

S. Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) section 1.102 of the regulations classified with an "H" classification.

C Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) section 1.102 of the regulations classified with an "H" classification.

H Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) section 1.102 of the regulations classified with an "S" classification.

S. Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) section 1.102 of the regulations classified with an "S" classification.

C Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) section 1.102 of the regulations classified with an "S" classification.

H Regs: (n) "Employing office" means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S. Regs: (n) "Employing office" means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Regs: (n) "Employing office" means: the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) "Office" means the Office of Compliance.

(p) "Preference" eligible means veterans, spouses, widows, widowers or mothers who meet the definition of "preference eligible" in 5 U.S.C. §2108(3)(A)-(G).

(q) "Qualified applicant" means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term "qualified applicant" shall mean that the applicant has received a passing score on the examination or evaluation.

(r) "Separated under honorable conditions" means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) "Uniformed services" means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) "VEOA" means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105-339, 112 Stat. 3182).

(u) "Veterans" means persons as defined in 5 U.S.C. §2108(1), or any superseding legislation.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are "the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued

by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other "substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are "the same as the most substantive regulations (applicable with respect to the Executive branch)", section 4(c)(4)(B) of the VEOA authorizes the Board to "determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under" section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

Subpart B—Veterans' Preference—General Provisions

Sec.

1.105 Responsibility for administration of veterans' preference.

1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest

adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, section 4(c)(3) of the Veterans Employment Opportunities Act of 1998; and the Office's Procedural Rules.

Subpart C—Veterans' Preference in Appointments

Sec.

1.107 Veterans' preference in appointments to restricted covered positions.

1.108 Veterans' preference in appointments to non-restricted covered positions.

1.109 Crediting experience in appointments to covered positions.

1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a

manner that is proportionately comparable to the points prescribed in 5 U.S.C. 3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant; and

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(C) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The head of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on

behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. § 1302(a)(3).

Subpart D—Veterans' preference in reductions in force

Sec.

1.111 Definitions applicable in reductions in force.

1.112 Application of preference in reductions in force.

1.113 Crediting experience in reductions in force.

1.114 Waiver of physical requirements in reductions in force.

1.115 Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) "active service" has the meaning given it by section 101 of title 37;

(2) "a retired member of a uniformed service" means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if (A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of "preference eligible" as set forth in 5 U.S.C. 2108 and section 1.102(p) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Reg: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the pref-

erence eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a "disabled veteran" under section 1.102(i) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. § 2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. § 1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. § 3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) service rendered as an employee described in 5 U.S.C. § 2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. § 2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. § 2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the

determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

Subpart E—Adoption of Veterans' preference policies, recordkeeping & informational requirements.

Sec.

1.116 Adoption of veterans' preference policy.

1.117 Preservation of records made or kept.

1.118 Dissemination of veterans' preference policies to applicants for covered positions.

1.119 Information regarding veterans' preference determinations in appointments.

1.120 Dissemination of veterans' preference policies to covered employees.

1.121 Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of

1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term "personnel records relevant to the claim", for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA;

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabil-

ities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3); and

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of "preference eligible" as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation; and

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees; and

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' "preference eligible" as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation; and

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidance regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible; and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible; and

(7) a description of any appeal or other rights which may be available.

(c) The head of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

**EXECUTIVE COMMUNICATIONS,
ETC.**

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

193. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule — Subpart B — Advanced Biofuel Payment Program (RIN: 0570-AA75) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

194. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule — Biorefinery Assistance Guaranteed Loans (RIN: 0570-AA73) received January 21, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

195. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Disclosure for Asset-Backed Securities Required by Section 943 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Release Nos. 33-9175; 34-63741; File No. S7-24-10] (RIN: 3235-AK75) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

196. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Issuer Review of Assets in Offerings of Asset-Backed Securities [Release Nos. 33-9176, 34-63742; File No. S7-26-10] (RIN: 3235-AK76) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

197. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-638, "Annual Financial Reporting Modernization Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

198. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-630, "Veterans License Plates Authorization Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

199. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-649, "Rental Housing Commission Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

200. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-637, "Computation of Gross Income Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

201. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-650, "Rental Housing Act Extension Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

202. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-627, "Extension of Time Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

203. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-642, "Long-Term Care Ombudsman Program Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

204. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-641, "14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

205. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-628, "Fiscal Year 2011 Income Tax Secured Revenue Refunding Bond Issuance Temporary Approval Act of 2010"; to the Committee on Oversight and Government Reform.

206. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-640, "Settlement Payment Integrity Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

207. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-626, "Performance Parking Extension Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

208. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-629, "Fiscal Year 2011 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2010"; to the Committee on Oversight and Government Reform.

209. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-639, "Closing of a Public Alley in Square 0441, S.O. 09-8516, Act of 2010"; to the Committee on Oversight and Government Reform.

210. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-648, "Miss B's Center, the Bernice Elizabeth Fonteneau Building Designation Act of 2010"; to the Committee on Oversight and Government Reform.

211. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-625, "Department of Health Functions Clarification Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

212. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-624, "Solar Collector Certification Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

213. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-632, "Samuel J. Simmons NCBA Estates No. 1 Limited Partnership Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010"; to the Committee on Oversight and Government Reform.

214. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-634, "District of Columbia Uniform Law Commission Act of 2010"; to the Committee on Oversight and Government Reform.

215. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-631, "Artist Protection Act of 2010"; to the Committee on Oversight and Government Reform.

216. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-647, "District of Columbia Good Time Credits Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

217. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-646, "Reverend Donald Robinson Field Designation Act of 2010"; to the Committee on Oversight and Government Reform.

218. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-645, "Processing Sales Tax Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

219. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-644, "Closing of G Street, S.E., adjacent to Square 1104, S.O. 06-5665, Act of 2010"; to the Committee on Oversight and Government Reform.

220. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-635, "Saving D.C. Homes from Foreclosure Amendment Act of

2010"; to the Committee on Oversight and Government Reform.

221. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-643, "Capital Access Program Act of 2010"; to the Committee on Oversight and Government Reform.

222. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-636, "Alternative Money Lending and Services Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

223. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-633, "Prevention of Child Abuse and Neglect Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

224. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting notice of proposed rulemaking regulations under Section 304(b)(1) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b)(1); to the Committee on House Administration.

225. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers [CMS-6028-FC] (RIN: 0938-AQ20) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 54. Resolution providing for consideration of the bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions (Rept. 112-5). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG (for himself, Mr. BARTLETT, Mr. BURGESS, Mr. DUNCAN of Tennessee, Mr. GRAVES of Missouri, Mr. HERGER, Mr. HUNTER, Mr. JONES, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCKINLEY, Mr. PAUL, Mr. ROSS of Arkansas, Mr. SCHOCK, Mr. SHIMKUS, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. TERRY, Mr. WALBERG, Mr. WALZ of Minnesota, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 412. A bill to amend the lead prohibition provisions of the Consumer Product Safety Improvement Act of 2008 to provide an exemption for certain off-highway vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 413. A bill to reduce the budget of the Department of Defense to the level provided

for fiscal year 2008 and to freeze the budget at such level through fiscal year 2016; to the Committee on Armed Services.

By Mr. PRICE of North Carolina (for himself and Mr. VAN HOLLEN):

H.R. 414. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. RANGEL, Ms. LEE of California, Mr. MARKEY, and Ms. NORTON):

H.R. 415. A bill to amend the Elementary and Secondary Education Act of 1965 to allow a local educational agency that receives a subgrant under section 2121 of such Act to use the funds to provide professional development activities that train school personnel about restorative justice and conflict resolution; to the Committee on Education and the Workforce.

By Ms. SCHAKOWSKY (for herself, Mr. ANDREWS, Mrs. CAPPS, Ms. DELAUNO, Mr. DOGGETT, Mr. ELLISON, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Ms. HIRONO, Mr. KILDEE, Ms. LEE of California, Mr. LEVIN, Mr. MARKEY, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. RANGEL, Ms. SPEIER, Mr. STARK, Ms. SUTTON, Mr. TONKO, Mr. WAXMAN, Ms. WOOLSEY, and Mr. PALLONE):

H.R. 416. A bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates; to the Committee on Energy and Commerce.

By Mr. OWENS (for himself, Mr. TONKO, Ms. PINGREE of Maine, Mr. LOEBSACK, Mr. KEATING, Mr. WELCH, Mr. DEFazio, Ms. JACKSON LEE of Texas, Ms. HIRONO, Mr. PASCRELL, Mr. HOLT, Mr. WEINER, Mr. MICHAUD, and Mr. HINCHEY):

H.R. 417. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of certain information reporting requirements to corporations and to payments for property, to impose a surcharge on high income taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. FATTAH, Mr. MORAN, Mr. MCNERNEY, Ms. WOOLSEY, and Mr. RYAN of Ohio):

H.R. 418. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. BARROW, Mr. MATHESON, Mr. CARDOZA, Mr. SCHIFF, Ms. LORETTA SANCHEZ of California, Mr. BOSWELL, Mr. BACA, Mr. ALTMIRE, Mr. BOREN, Mr.

SHULER, Mr. ROSS of Arkansas, Ms. HARMAN, Mr. BISHOP of Georgia, Mr. COSTA, Mr. DONNELLY of Indiana, Mr. MCINTYRE, Mr. SCHRADER, Mr. HOLDEN, and Mr. CUELLAR):

H.R. 419. A bill to require States to carry out Congressional redistricting in accordance with a process under which members of the public are informed of redistricting proposals and have the opportunity to participate in the development of such proposals prior to their adoption, and for other purposes; to the Committee on the Judiciary.

By Mr. REHBERG (for himself and Mr. BOSWELL):

H.R. 420. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCLINTOCK (for himself, Mr. JORDAN, Ms. FOXX, Mr. GARRETT, Mr. CAMPBELL, Mr. FLORES, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. ROHRBACHER, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, Mr. LONG, Mr. WEBSTER, Mr. GOMERT, and Mr. FLAKE):

H.R. 421. A bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 422. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that schools have physical education programs that meet minimum requirements for physical education; to the Committee on Education and the Workforce.

By Mr. BACA:

H.R. 423. A bill to amend the Help America Vote Act of 2002 to prevent the addresses of the residences of Members of Congress from appearing on the computerized Statewide voter registration lists required to be maintained by States under such Act, and to permit a Member of Congress who seeks to be a candidate for election for public office in a State to meet any requirement under State law to provide the appropriate election official with the address of the Member's residence by providing the chief State election official with an affidavit certifying that the Member is a resident of the State; to the Committee on House Administration.

By Mr. BURGESS:

H.R. 424. A bill to repeal certain amendments to the Clean Air Act relating to the expansion of the renewable fuel program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOLD (for himself and Mr. LIPINSKI):

H.R. 425. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE:

H.R. 426. A bill to repeal certain incentives and subsidies for renewable fuels; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER (for himself, Mr. HECK, and Ms. BERKLEY):

H.R. 427. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year recovery period for computer-based gambling machines; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Mr. LEWIS of Georgia, Mr. THOMPSON of Pennsylvania, and Mr. CONNOLLY of Virginia):

H.R. 428. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 429. A bill to repeal the Patient Protection and Affordable Care Act and the health care-related provisions in the Health Care and Education Reconciliation Act of 2010 and to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Education and the Workforce, Natural Resources, the Judiciary, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN (for himself, Mr. ISSA, and Mr. MCHENRY):

H.R. 430. A bill to terminate the Home Affordable Modification Program of the Department of the Treasury; to the Committee on Financial Services.

By Mr. LATTA (for himself, Mr. MCCAUL, Mr. JORDAN, and Mr. NUGENT):

H.R. 431. A bill to eliminate automatic pay adjustments for Members of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Ms. SLAUGHTER, Ms. SCHAKOWSKY, and Mr. MORAN):

H.R. 432. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MATSUI:

H.R. 433. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MCMORRIS RODGERS:

H.R. 434. A bill to prevent the Secretary of the Treasury from hiring new employees to enforce the individual health insurance mandate; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan:

H.R. 435. A bill to terminate the National Flood Insurance Program and related mandatory purchase and compliance requirements, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN (for himself, Mr. ALTMIRE, Mr. LEE of New York, Mr. GERLACH, Mr. REICHERT, Mr. LANCE, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. KLINE, Mr. CRAVACK, Mrs. BACHMANN, Mr. AKIN, Mr. BARTLETT, Mr. BROUN of Georgia, Ms. BUECKLE, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. COLE, Mr. CRAWFORD, Mr. DENT, Mrs. ELLMERS, Mr. FLEMING, Mr. FLORES, Mr. FRANKS of Arizona, Mr. GIBBS, Mr. GOODLATTE, Mr. GUINTA, Mr. HARRIS, Mr. LAMBORN, Mr. LANKFORD, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. NEUGEBAUER, Mr. NUGENT, Mr. POE of Texas, Mr. ROE of Tennessee, Mrs. SCHMIDT, Mr. STUTZMAN, Mr. WALSH of Illinois, and Mr. YOUNG of Indiana):

H.R. 436. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; to the Committee on Ways and Means.

By Mr. POMPEO (for himself, Ms. JENKINS, and Mr. HUELSKAMP):

H.R. 437. A bill to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War; to the Committee on Armed Services.

By Mr. WEINER:

H.R. 438. A bill to amend the Energy Policy and Conservation Act to provide further requirements for the Energy Star program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELCH:

H.R. 439. A bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. PITTS, Mr. FRANKS of Arizona, Mr. HOLT, Ms. ESHOO, and Mr. SMITH of New Jersey):

H.R. 440. A bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 441. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 442. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 443. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located

in Kotzebue, Alaska; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 444. A bill to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida (for himself, Ms. BROWN of Florida, Mrs. ADAMS, Mr. ROSS of Florida, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Ms. GRANGER, Mrs. BLACKBURN, Mr. LARSEN of Washington, and Mr. CRENSHAW):

H.R. 445. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. WEINER (for himself, Ms. WASSERMAN SCHULTZ, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. ROONEY, Mr. WEST, and Mr. GRIMM):

H. Con. Res. 12. Concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H. Res. 52. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. HENSARLING:

H. Res. 53. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BACA:

H. Res. 55. A resolution honoring Christina Taylor Green for giving the gift of life with organ donation and encouraging Americans to join her call to make organ donation a personal choice; to the Committee on Energy and Commerce.

By Mr. RIVERA (for himself, Ms. WASSERMAN SCHULTZ, and Ms. WILSON of Florida):

H. Res. 56. A resolution congratulating the Florida International University Golden Panthers for the school's first Bowl victory; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. DEGETTE introduced A bill (H.R. 446) for the relief of Rosa Isela Figueroa Rincon, Miguel Angel Figueroa Rincon, Blanca Azucena Figueroa Rincon, and Nancy Araceli Figueroa Rincon; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. REHBERG:

H.R. 412.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign nations, and among the several States, and with the Indian Tribes.

By Mr. STARK:

H.R. 413.

Congress has the power to enact this legislation pursuant to the following:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives (Article I, Section 1).

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. PRICE of North Carolina:

H.R. 414.

Congress has the power to enact this legislation pursuant to the following:

Congressional power to provide for public financing of presidential campaigns arises under the General Welfare Clause, Art. I, Sec. 8, of the Constitution. In *Buckley v. Valeo*, 424 U.S. 1, 91 (1976), the Supreme Court upheld the congressional power to enact public financing of presidential elections under this Clause. The Supreme Court stated with regard to the provisions in the Federal Election Campaign Act Amendments of 1974 establishing a presidential public financing system, "In this case, Congress was legislating for the 'general welfare'—to reduce the deleterious influence of large contributions on our political process, to facilitate communication by candidates with the electorate, and to free candidates from the rigors of fundraising."

By Mr. COHEN:

H.R. 415.

Congress has the power to enact this legislation pursuant to the following:

The changes made by this bill to the Elementary and Secondary Education Act are within Congress' authority under Article I, Section 8, Clause 1 of the Constitution.

By Ms. SCHAKOWSKY:

H.R. 416.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 3), which grants Congress the power to regulate Commerce among the several States."

By Mr. OWENS:

H.R. 417.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 18:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;"

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mrs. MALONEY:

H.R. 418.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, which reads: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes."

By Mr. COOPER:

H.R. 419.

Congress has the power to enact this legislation pursuant to the following:

(1) The authority granted to Congress under Article I, Section 4 of the Constitution of the United States gives Congress the power to enact laws governing the time, place, and manner of elections for Members of the House of Representatives; and

(2) The authority granted to Congress under Section 5 of the 14th Amendment to the Constitution gives Congress the power to enact laws to enforce Section 2 of such Amendment, which requires Representatives to be apportioned among the several States according to their number.

By Mr. REHBERG:

H.R. 420.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;"

Article I, Section 8, Clause 18: "The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

Second Amendment: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The specific Constitutional Authority cited here is not intended and should not be construed to be exclusive of any other general or specific Constitutional Authority that is otherwise applicable.

By Mr. MCCLINTOCK:

H.R. 421.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution states that "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;"

By Mr. BACA:

H.R. 422.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. BACA:

H.R. 423.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the U.S. Constitution.

By Mr. BURGESS:

H.R. 424.

Congress has the power to enact this legislation pursuant to the following:

The attached legislation falls under Congress' enumerated constitutional authority to regulate interstate commerce pursuant to Article I, Section 8, Clause 3.

By Mr. DOLD:

H.R. 425.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, giving Congress the power to regulate interstate commerce.

By Mr. FLAKE:

H.R. 426.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution.

By Mr. HELLER:

H.R. 427.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. HELLER:

H.R. 428.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. ISSA:

H.R. 429.

Congress has the power to enact this legislation pursuant to the following:

The Interstate Commerce Clause.

By Mr. JORDAN:

H.R. 430.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution, under which Congress has the power to regulate commerce among the States.

By Mr. LATTA:

H.R. 431.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 6: "The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States."

By Mr. MARKEY:

H.R. 432.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Ms. MATSUI:

H.R. 433.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mrs. McMORRIS RODGERS:

H.R. 434.

Congress has the power to enact this legislation pursuant to the following:

The Vesting Clauses of Articles I, II, and III along with the Supremacy Clause of Article VI, as well as of the Oath of Office that each constitutional officer of the Federal government must take pursuant to Article VI make clear that each coordinate branch of government must ensure that their actions are constitutional.

This bill is enacted pursuant to Congress' legislative powers under Article I, Section 1,

of the Constitution, and the oath to support the Constitution that all Members are required to take under Article VI. Under those provisions, Congress has the authority to prevent the enforcement of unconstitutional federal laws previously passed.

By Mrs. MILLER of Michigan:

H.R. 435.

Congress has the power to enact this legislation pursuant to the following:

The bill accompanying this statement delivers powers back to the states, pursuant to the Tenth Amendment to the United States Constitution.

By Mr. PAULSEN:

H.R. 436.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. POMPEO:

H.R. 437.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. WEINER:

H.R. 438.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. WELCH:

H.R. 439.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8, Clause 18—The Necessary and Proper Clause.

By Mr. WOLF:

H.R. 440.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution, which states: "The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof"

Article II, Section 2, Clause 2 of the United States Constitution, which states: "[The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

By Mr. YOUNG of Alaska:

H.R. 441.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Mr. YOUNG of Alaska:

H.R. 442.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Mr. YOUNG of Alaska:

H.R. 443.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

By Mr. YOUNG of Alaska:

H.R. 444.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

By Mr. YOUNG of Florida:

H.R. 445.

Congress has the power to enact this legislation pursuant to the following:

Amendment XVI of the United States Constitution.

Ms. DEGETTE:

H.R. 446.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 4 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. HOLDEN and Mr. COURTNEY.

H.R. 5: Mr. SESSIONS, Mr. ROGERS of Michigan, Mrs. BLACKBURN, and Mr. PLATTS.

H.R. 27: Mr. BLUMENAUER, Mr. LIPINSKI, Mr. FATTAH, Mr. ACKERMAN, Mr. BERMAN, Mr. CUMMINGS, Mrs. CAPPS, Mr. WAXMAN, Mr. MILLER of North Carolina, Mr. FILNER, Mr. GEORGE MILLER of California, and Ms. JACKSON LEE of Texas.

H.R. 38: Mr. CONAWAY, Mr. GIBBS, Mr. ROONEY, Mr. NUNNELEE, Mr. PAUL, and Mr. NUGENT.

H.R. 49: Mrs. MYRICK, Mr. ROGERS of Kentucky, Mr. KING of Iowa, and Mr. NUGENT.

H.R. 59: Mr. MCCOTTER.

H.R. 68: Mr. KLINE, Mr. ROSS of Florida, and Mr. MANZULLO.

H.R. 69: Mr. KLINE, Mr. ROSS of Florida, Mr. MANZULLO, Mr. POE of Texas, Mr. MARCHANT, and Mr. FLORES.

H.R. 97: Mr. LATTA and Mr. HARPER.

H.R. 111: Mr. BISHOP of New York, Ms. TSONGAS, and Ms. DEGETTE.

H.R. 152: Mr. JONES and Mr. LONG.

H.R. 153: Mr. FARENTHOLD, Mr. FLORES, and Mr. GOODLATTE.

H.R. 154: Mr. TERRY.

H.R. 198: Mr. LEE of New York, Ms. SUTTON, Mr. STARK, and Mr. LOBIONDO.

H.R. 212: Mr. POMPEO.

H.R. 217: Mr. YOUNG of Florida, Mr. CASSIDY, Mr. PETRI, Mr. LANDRY, and Mr. HULTGREEN.

H.R. 234: Mr. HENSARLING.

H.R. 237: Mr. KISSELL and Mr. FILNER.

H.R. 262: Mr. BRADY of Texas, Mr. STIVERS, Mr. OWENS, Mr. CARNAHAN, Mr. KIND, and Mr. FORBES.

H.R. 303: Mr. MURPHY of Pennsylvania and Mr. MORAN.

H.R. 314: Mr. ROONEY and Mr. GRIMM.

H.R. 347: Mr. DEUTCH.

H.R. 358: Mr. PETRI and Mr. FLORES.

H.R. 359: Mr. ROKITA and Mr. WILSON of South Carolina.

H.R. 365: Mr. SHUSTER.

H.R. 370: Mr. RANGEL.

H.R. 386: Mr. LONG, Ms. CHU, and Mr. COBLE.

H.J. Res. 9: Mr. BARTON of Texas, Mr. THORNBERRY, Mr. OLSON, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mr. SESSIONS, Mr. LATHAM, Mr. KING of Iowa, Mr. CONAWAY, Mr. CALVERT, Ms. JENKINS, Mr. DENT, and Mr. FLORES.

H. Res. 11: Mr. LEVIN, Mr. VAN HOLLEN, Mr. MARKEY, Mr. YARMUTH, Mr. HIMES, Mr. McDERMOTT, Mr. RANGEL, Mr. MEEKS, and Mr. GUTIERREZ.

H. Res. 20: Mr. JOHNSON of Georgia.

H. Res. 25: Mr. WILSON of South Carolina and Mr. YOUNG of Florida.

H. Res. 34: Mr. MANZULLO, Mr. BURTON of Indiana, Mr. ROHRBACHER, Mr. Faleomavaega, Ms. LEE of California, Mr. ACKERMAN, Mr. BARROW, Mr. ENGEL, Mr. GALLEGLY, Mr. SIRES, Mr. MEEKS, Mr. McDERMOTT, and Ms. BERKLEY.

H. Res. 41: Ms. FUDGE and Mr. CICILLINE.

H. Res. 44: Mr. FLORES.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 359 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 359

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 2: Page 2, amend line 21 to read as follows: "to the Office of Justice Programs for local law enforcement for costs of providing security at Presidential nominating conventions."

H.R. 359

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 3: Strike line 3 on page 1 and all that follows through line 2 on page 2 and insert the following:

SECTION 1. FINANCING OF SECURITY FOR PRESIDENTIAL NOMINATING CONVENTIONS.

Page 2, line 3, strike "(b)" and insert "(a)".

Page 2, line 7, strike "such Code" and insert "the Internal Revenue Code of 1986".

Page 2, strike line 14 and all that follows through line 21 and insert the following:

(B) TRANSFER OF FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

"(d) TRANSFER OF FUNDS FOR SECURITY FOR PRESIDENTIAL NOMINATING CONVENTIONS.—After the date of the enactment of this subsection, the Secretary shall transfer all amounts in the fund the Office of Justice Programs for local law enforcement for costs of providing security at Presidential nominating conventions."

Page 3, line 5, strike "(c)" and insert "(b)".

Page 3, after line 11, add the following:

(c) REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the Presidential Election Campaign Fund shall, with respect to any amounts in such Fund after the date of the enactment of this Act, be deemed to be a reference to Presidential Nominating Convention Security Fund.

H.R. 359

OFFERED BY: MS. TSONGAS

AMENDMENT NO. 4: Add at the end the following:

SEC. 2. PROHIBITION ON THE USE OF FEDERAL FUNDS FOR PRESIDENTIAL CAMPAIGN AND LOBBYING ACTIVITIES.

With respect to Federal funds received by an entity, other than a natural person, it shall be unlawful for such entity to—

(1) use such funds to advocate the election or defeat of a Presidential candidate;

(2) use such funds to engage in any lobbying activity; or

(3) donate such funds to any entity that advocates for the election or defeat of a Presidential candidate or engages in lobbying activities.

H.R. 359

OFFERED BY: MR. POLIS

AMENDMENT NO. 5: Strike all after the enacting clause and insert the following:

SECTION 1. VOLUNTARY FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Section 6096 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6096. VOLUNTARY DESIGNATION BY INDIVIDUALS.

“(a) GENERAL RULE.—Every taxpayer who makes a return of the tax imposed by chapter 1 for any taxable year may designate an amount shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). The amount designated under the preceding sentence—

“(1) may not be less than \$1, and

“(2) shall be in addition to any payment of tax for the taxable year.

“(b) MANNER AND TIME OF DESIGNATION.—Any designation under subsection (a) for any taxable year—

“(1) shall be made at the time of filing the return of the tax imposed by chapter 1 for such taxable year and in such manner as the Secretary may by regulation prescribe, except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature, and

“(2) shall be accompanied by a payment of the amount so designated.

“(c) TREATMENT OF AMOUNTS DESIGNATED.—For purposes of this title, the amount designated by any taxpayer under subsection (a) shall be treated as a contribution made by such taxpayer to the United States on the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.”.

(b) CLERICAL AMENDMENT.—The item relating to section 6096 in the table of sections for part VIII of subchapter A of chapter 61 of such Code is amended to read as follows:

“Sec. 6096. Voluntary designation by individuals.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

H.R. 359

OFFERED BY: MS. MOORE

AMENDMENT NO 6: Strike all after the enacting clause and insert the following:

SECTION 1. TAXPAYER OPTION TO CONTRIBUTE OWN FUNDS TO PRESIDENTIAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Section 6096 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6096. CONTRIBUTIONS OF OWN FUNDS BY INDIVIDUALS.

“(a) GENERAL RULE.—Every taxpayer who makes a return of the tax imposed by chapter 1 for any taxable year may designate that \$3 (\$6 in the case of a joint return) in addition to any payment of tax for such taxable year shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a).

“(b) MANNER AND TIME OF DESIGNATION.—Any designation under subsection (a) for any taxable year—

“(1) shall be made at the time of filing the return of the tax imposed by chapter 1 for such taxable year and in such manner as the Secretary may by regulation prescribe, except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature, and

“(2) shall be accompanied by a payment of the amount so designated.”.

(b) CLERICAL AMENDMENT.—The item relating to section 6096 in the table of sections for part VIII of subchapter A of chapter 61 of such Code is amended to read as follows:

“Sec. 6096. Contributions of own funds by individuals.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SENATE—Tuesday, January 25, 2011

(Legislative day of Wednesday, January 5, 2011)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, whose kingdom is above all earthly kingdoms and who judges all lesser sovereignties, give our lawmakers this day clean hands and pure hearts to serve You and Your people. Equip them with grace, strength, and wisdom to make our Nation and world better for the glory of Your Name. Lord, infuse them with a creativity that will empower them to do their work according to Your will. Give them peace of soul when their thoughts and plans are right, and disturb them when they drift from what is best. Lead them in paths of righteousness and truth. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 25, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each. The Senate will recess from 12:30 until 2:15 p.m. for our weekly caucus luncheons. I will continue to work with my colleagues on the Senate rules and committee assignments as I have for the last week or so.

At 9 o'clock tonight, the President will give his State of the Union Address to Congress from the House Chamber. Senators are asked to gather in the Senate Chamber at 8:30 so we can proceed as a body to the House of Representatives. We will leave about 8:40 or 8:45 this evening.

RETURNING TRUTH TO DEBATE

Mr. REID. Madam President, in the 2 weeks we were away from Washington, all of us absorbed the numbing tragedy and horrific attack in Tucson, AZ. The Nation mourned the loss, thanked the heroes, and waited anxiously by a brave Congresswoman's hospital bedside. We continue to wish victims a full and speedy recovery and continue to keep their families in our thoughts.

In the days since the Senate last convened, the Nation also resumed a debate over the words, the tone, and the metaphors we use in the Senate, as well as along the campaign trail, on the Internet, and over the airwaves. The national conversation about our national conversation is not new. It happens every year. Candidates promise it in every election. But since the shooting in Tucson, calls for more careful language have been multiplied and amplified.

There is no evidence that partisan politics played any role in this monstrous attack. Even so, we should be more civil anyway. Being more mindful of the weight of our words always helps. We have much more to gain with civility and discretion.

In this new year, I hope we will return to the respect that has always been a hallmark of the Senate. I hope my colleagues will join in renewing our commitment to productive debate. Some may be inspired by the town hall meetings of two Augusts ago, others by the heated election debates. Some may be motivated by the conversations started after Tucson, AZ, and many will seek more civility simply because it is the right thing to do. Whatever the reason, I hope the return to more responsible rhetoric is more than empty rhetoric. I intend to do my part.

What I am talking about goes beyond inflammatory allegations or hate speech. It also means not questioning each other's motives or calling into question the patriotism of a colleague who has been elected to serve his State and his country.

But it is even more than that. As we more carefully choose our words, we must also remember we do not have the luxury, as Senator Moynihan used to caution, to choose our own facts. If we are going to change the way we speak in the hope of changing the way we do business, we have to reintroduce truth into the public debate.

This doesn't mean just rephrasing an attack line from "job-killing" to "job-destroying," as House Republicans have done in response to the shooting. It means if there is no proof that a policy takes away jobs—if in fact the evidence shows the opposite—we shouldn't pretend any differently. The non-partisan referee we rely on for this data—the Congressional Budget Office—found that when it comes to health care reform—which is what the Republicans are talking about in this case—the claim is simply not true. Changing our rhetoric requires us to debate facts, not invent them.

In the coming weeks, much of the discussion on the Senate floor will revolve around health care, the deficit, and debt limit—those three things. Each of these issues affects the No. 1 issue in America, jobs. Each issue is complex. If we are going to make the right decisions and point our economy back in the right direction, we have to start with a shared respect for the facts.

First, let's look at health care. Independent fact checkers examined all the political rhetoric of the last year. Given the intensity of the legislative debates and the election season, there was a lot from which to choose. But one claim stood out above all—the habit of those opposed to health care to call it a "government takeover."

One of those nonpartisan experts, factcheck.org, called it plainly "false." Another, PolitiFact, a project of the St. Petersburg, FL Times, called it the "Lie of the Year." So if we are going to have an honest debate about the health reform law we passed last year, retiring this scare tactic would be a good place to start.

The deficit: Madam President, my friends on the other side are quick to associate the current President with the current deficit as if it happened overnight and under his watch. But here is a brief review of the facts.

In the 1990s, we balanced the budget under the direction of President Clinton. At the beginning of the next century, America had a bigger surplus than ever in its history. Over the next decade, while our troops went into battle, the costs of two wars went off-budget. The richest took home giant tax breaks but nobody paid the bill. A massive prescription drug program wasn't paid for either.

President Clinton left President Bush a record surplus. President Bush left President Obama a record deficit. Those unpaid-for wars, tax breaks, and programs are the reason we are in a hole today. What we do next is fair game for debate. But facts, as President John Adams said, are stubborn things.

Finally, Madam President, the debt limit: We will soon debate the debt limit. Earlier this month, the Secretary of the Treasury, Timothy Geithner, sent us each a letter as to what would happen if we don't raise that ceiling. It would be the first time in the history of America that our country would default on our legal obligations. He didn't share his partisan opinion in that letter; he simply laid out the facts. This is what he wrote:

Default would effectively impose a significant and long-lasting tax on all Americans and all American businesses and could lead to the loss of millions of American jobs. Even a short-term or limited default would have catastrophic economic consequences that would last for decades.

What are some of those consequences? Our troops and veterans would no longer get their paychecks. Our seniors would no longer get the Social Security and Medicare checks to which they are entitled. Student loans would simply stop. On a larger scale, the Secretary of the Treasury warned it would lead to a worse financial crisis than the one we are still recovering from.

There soon will be lots of time to debate what we will do about the debt limit, but these are the facts we must first acknowledge and consider.

Finally, the American people voted in November for a divided legislative branch of government, a Democratic Senate and Republican House. They didn't elect Houses led by competing political parties because they want us

to compete; they did so because they want us to cooperate. We cannot cooperate without an honest debate and we cannot have an honest debate if we insist that fiction is fact.

Mark Twain, a great Nevadan, once said:

If you tell the truth, you don't have to remember anything.

He was right. Here is one thing every Senator should remember and never forget: Although there are many different points of view in this body, we all share the same reality.

I look forward to a productive Congress and we can do that by debating the facts.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. REID. Madam President, before I turn this over to my friend the Republican leader, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 10, which was received from the House and is at the desk, that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, that no intervening action or debate take place, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 10) was agreed to.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEPARTING COLLEAGUES

Mr. MCCONNELL. Madam President, I wish to start this morning by acknowledging the news from last week that three of our colleagues will be leaving us when their current terms expire. Senator HUTCHISON has been a trusted adviser of mine, a leader in the Senate, and a dear friend. Senator CONRAD has been a leader on the budget. He has done a lot to alert the country to the fiscal problems we face as a Nation. Senator LIEBERMAN has been a consistent and courageous leader on defense and national security issues. We will be sorry to see them go. They have all been a great credit to this body.

STATE OF THE UNION ADDRESS

Mr. MCCONNELL. Madam President, every grade school student knows that all three branches of the Federal Government in Washington are equal, but as every Member of Congress quickly

learns, the President sets the agenda. Never is that more apparent than on the day of the State of the Union Address. This year the President will be speaking to a Congress that looks very different from the one he spoke to last year. The voters sent a clear message in November that when it comes to jobs and the economy, the administration's policies have done far more damage than good.

One very positive thing that the President could do tonight is to acknowledge they have a point. He has tried to do so indirectly in recent weeks by hiring new staff and by speaking in tones of moderation, but it takes more than a change in tone to improve the economy. It takes more than a change in tone to reduce the debt. It takes more than a change in tone to help create the right conditions for private-sector job growth. It takes a change in policy, and the early signals suggest the President isn't quite there yet.

The President has talked recently about working together to improve a regulatory climate that stifles business innovation and job growth. Yet he has not acknowledged the extent to which his own policies have stifled growth. Over the past 2 years, his administration has issued more than 130 economically significant new rules or 40 percent more than the annual rate under the last two Presidents. What is worse, the new health care bill will alone create 159 new bureaucratic entities and it is exempt from the President's proposed regulatory reforms. The health care bill, which will create 159 new bureaucratic entities, is exempt from the President's proposed regulatory reforms. This is bad news for small business that was already struggling to get by in a down economy and which is now grappling with how to afford all the new mandates in the new health care bill.

The President has talked about streamlining and reducing the burden of government. Yet the health care bill he has signed is already increasing the cost of care and forcing people out of their existing coverage. The debate over this bill continues and the President and Democrats in Congress continue to defend it. But when nearly two-thirds of doctors surveyed predicted it will make health care in America worse, Americans are right to be concerned. It should tell us something that of the 19 doctors currently in Congress, 18 of them support repeal of the health care bill.

The President has talked about the need to cut spending and reduce the debt. Yet over the last 2 years his policies have added more than \$3 trillion to the national debt, much of it through a stimulus that promised to keep unemployment—now hovering just below double digits—from rising above 8 percent. And now we hear that he plans to

stick with the same failed approach of economic growth through even more government spending with a call for "investments" in education, infrastructure, research, and renewable energy.

We have seen before what Democrats in Washington mean by investments. In promoting the failed stimulus, the President referred to that too as an investment in our Nation's future. Fourteen times alone during his signing statement he referred to the stimulus bill's investments. We all know how that turned out.

The first stimulus, we were told, would include critical so-called investments in education, infrastructure, scientific research, and renewable energy—the same areas we are told he will focus on tonight. Only later did we learn that some of these critical investments included things such as repairs on tennis courts, a study on the mating decisions of cactus bugs, hundreds of thousands of dollars for a plant database, and a \$535 million loan to a California solar panel maker which, instead of hiring 1,000 new workers as planned, just laid off 175 instead.

This is what happens when the government decides to pick winners and losers without considering what the marketplace wants. Competitors are left out in the cold, employees get a false sense of security, and taxpayers are left holding the bag. Unfortunately, the President does not seem to have learned this lesson quite yet. But taxpayers now know that when Democrats talk about investments they should grab their wallets.

So I am all for the President changing his tune, but unless he has a time machine, he cannot change his record. If we are going to make any real progress in the areas of spending, debt, and reining in government, the President will have to acknowledge that the policies of the past 2 years are not only largely to blame for the situation we find ourselves in, but that unless we do something to reverse their ill effects, the road to recovery and prosperity will be a bumpy one.

The President has spoken in the tones of a moderate many times. He did so in his campaign. He has done so in countless speeches. He has a knack for it. I have no doubt he will do so again tonight. But speeches only last for as long as they are delivered. Americans are more interested in what follows the speech and, in the case of this administration, Americans have good reason to be skeptical. Time and time again the President has spoken in a way that appeals to many, then governed in a way that does not. My hope is he will leave that method aside. A better path, in my view, is the one Republicans have been proposing for 2 years, one that respects both the wishes of the public and the two-party system.

Last year, prior to the President's State of the Union, I proposed a number of areas where I thought the two parties could find common ground and work together to help the economy. The President ignored just about everything I proposed. So when the pundits ask whether there are areas where the two parties could come together, I would say yes, I have proposed several of them, but the Democrats don't seem to be interested. Some have suggested that in this new post-election environment I might find a more receptive audience. So in the spirit of bipartisanship, I wish to propose once again a few areas where I believe the two parties can work together in the weeks and months ahead.

I believe the parties can and should work together on energy initiatives that expand America's domestic energy supply and make us less reliant on foreign sources; on expanding exports and creating jobs through free trade agreements with Panama, Colombia, and South Korea; and on reforming corporate taxes so American businesses are more competitive in an increasingly global marketplace. These are just a few of the things we can do beyond the symbolic gestures and the posturing to help the economy.

Beyond that, we must work to cut spending and to rein in the size and scope and cost of government. The voters have been crystal clear on this point. By proposing more government spending tonight, the President is not only defying their will, he is refusing to learn the clear lesson of the failed stimulus—government may create debt but it doesn't create jobs.

I think we have a lot of work to do in bringing the two parties together in a program that will actually address the problems we face. But there are reasons for optimism. The President's change in tone is an acknowledgement at least that something has to change, as was his willingness to work with Republicans last month to keep taxes from going up on anyone. In the coming weeks and months Americans will be looking to him to come around on spending and debt as well, and Republicans will be working hard to persuade him to do so.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois.

FOCUSING ON THE FUTURE

Mr. DURBIN. Madam President, last week President Hu Jintao of China came to Chicago after he was received in Washington. He was received in a gala manner in that great city and I happened to be there for the dinner. There were leaders of the community and business all there because China has become an important part of American life. It wasn't that long ago that China was stuck in the past. We can recall the Chinese in their green quilted identical clothes on their bicycles holding their "Little Red Books" of Chairman Mao's great quotations and basically being discounted and dismissed as not a major factor.

In the world economy today, China is a major factor and that is why the remarks of the Republican minority leader need to be put in perspective. The real question the President will ask us tonight is, is America ready to compete in the 21st century? Do we have what it takes to regain the edge when it comes to manufacturing jobs and to be competitive? The challenge the President offers us is to do what is responsible when it comes to our budgeting but not to forget the investments necessary in our future. When I look at how the United States is likely to succeed, you have to start with education and training. We have to have an educated workforce, the best in the world. We have to reward innovation; provide the kind of research incentives at the Federal Government level that lead to the commercialization of products and ultimately manufacture and production that grows our economy.

If we walk away from that, if we say that the United States can no longer afford to invest in America, we are walking away from what is essential for our competitive edge. When I hear the Republican leader stand and say we cannot afford these investments in America anymore, I wonder what his vision is when it comes to our competitive edge. I think it is important that we maintain that. The President is going to do that, I believe, in the context of responsible budgeting.

For the record, we had a deficit commission proposed on a bipartisan basis last year by Senator CONRAD and Senator Gregg, and it was a commission that came up for a vote on the floor of the Senate. Does the Senator from New Hampshire remember what happened? We failed to pass this deficit commission when seven Republican Senators, who were cosponsors, came down and voted against it.

The President had no choice at that point but to start an executive commission, on which I was proud to serve, and that executive commission did not have the binding authority that the legislative commission did, which was defeated by the Republicans on the floor of the Senate. So, now, as they

pose for holy pictures in deficit reduction, they want us to erase that memory of seven Republican Senators, co-sponsors, who turned and reversed their position when it came to this deficit commission.

I served on this commission. The one thing the commission reminded us of over and over is that when we hit the deficit brake, do not hit it too soon or we can skid off the road. We can be back into a deeper recession if we are not careful.

There is good news—not as much as we would like, but there is good news. A CNN opinion research poll released this morning said the percentage of the American people who felt things are going well is up 14 points since December. And the polling director said: We have not seen numbers like this since April of 2007. One likely reason for the change is the public's growing optimism about the economy. Why is it that this good news about the economy makes the Republicans feel so sad and gloomy? It is an indication we are moving in the right direction.

When the Senator from Kentucky gets up and says: Government just creates debt, it does not create jobs, that was not the speech we heard when we extended the tax cuts. Exactly the opposite was said on the floor of the Senate. Republican Senators stood up and said: Give tax cuts to people, and they are going to be able to spend more money for goods and services and have more confidence in the future.

That was a government decision—a government decision endorsed by the President and a strong bipartisan majority in the Senate and the House. The government can work in a positive way.

Let me say one word about health care. I listened carefully as Republican after Republican came to the floor to decry the notion that there would be a government-administered health care plan. Now, it is not a government health insurance plan; it is private health insurance administered through the government and insurance exchanges to give everybody a chance to have health insurance. But those on the other side who stand up and decry government-administered health insurance plans are, in fact, insured under a government-administered health care plan called the Federal Employees Health Benefits Program.

So I would basically say this: We all know the Hippocratic Oath, and we all know the saying "Physician, heal thyself." I would say to those Republican Senators calling for repeal of health care for the rest of America, first, Senators, repeal your own. Step away from the government-administered health care plan. If you find it so objectionable for the rest of America, then reject it when it comes to your own health insurance. Members of the Senate, Democrats and Republicans, I

think without exception, are all members of the government-administered health care plan. If it is good enough for Members of the Senate, why is it not good enough for the rest of America? I think that is the basics.

Let me close by saying this: When it comes to trade agreements, I believe we should have good ones, ones that are fair to American workers and businesses, ones that are enforced when there are unfair trade practices. But we have to be careful as well that we have a tax code that also rewards good conduct by American businesses.

Our Tax Code currently subsidizes America corporations that want to ship production overseas. Why in the world would we spend a dollar in our tax money to reward a company that wants to remove a job from America? Over and over again, we have begged the Republicans to join us in a bipartisan effort to end this subsidy for shipping jobs overseas. That would be a good way to build the economy here in America, create good-paying jobs here at home, and invest in a country which has a bright future if we do not get caught up in the political rhetoric of the day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

TUCSON TRAGEDY

Mr. KYL. Madam President, I would like to call time out from this partisan discussion to speak for a moment about the events in Tucson of January 8. It is the first opportunity I have had to address my colleagues about the tragedy of that day. The theme I would like to discuss is the goodness of people because if I have gotten any lesson from this, after meeting and talking with all of the people whom I could who were involved in this tragedy, the overwhelming notion of the goodness of people is what I am most left with.

Tomorrow, Senator MCCAIN and I will offer a resolution in support of the victims of the shooting, offering condolences to those who were lost and their loved ones and our prayers for the recovery of those who were injured and expressing appreciation to those who engaged in real acts of heroism. We will have time more formally to talk about it when we do that tomorrow, but I wanted to share some thoughts from my heart based on my interaction with the people over the last 2 weeks after this event occurred.

It begins with the proposition that Tucson likes to call itself a town, not a city. It is over half a million people. But you are all familiar with communities which, though large in numbers, seem small because people work together, they play together, and they have a sense of community and of helping and working with each other. That is Tucson, where my wife and I both at-

tended the University of Arizona. The Safeway where this event occurred is only two blocks from my Tucson office, and the head of my Tucson office and his staff were at the Safeway that Saturday morning shopping, and they left about 7 or 8 minutes before this occurred.

Judge John Roll, who was a very close friend and attended Mass virtually every morning, had just come from Mass and had decided to come to the Safeway to express his appreciation to Representative GABRIELLE GIFFORDS. They were friends. Among other things, he wanted to tell her he appreciated her signing a letter, along with Representative GRIJALVA, that supported the Arizona Federal District Court in its desire to be named an emergency district by the commission that does that for the Federal courts because of the overwhelming caseload in that court.

Judge Roll, though he had significant administrative responsibilities, kept a full caseload himself because to do otherwise would have been to put part of the burden onto his colleagues. So he was really carrying two separate loads, administering a very busy court, and at the same time acting as a judge on all of his cases.

One of the things he and I had been working on—in fact, Senator BARASSO, Senator LeMieux, and I had lunch with Judge Roll the Friday after the election to talk about how we could strengthen the courts, especially because of the crushing caseload from drug and immigration cases because that is the district that is right down on the border. Part of his work, which I was working with him on, was to try to find ways to ameliorate the load of this court and potentially get some additional magistrates, if not judges, to help handle the caseload.

When Representative GIFFORDS decided to hold this "Congress on Your Corner" event, many of the people on her Tucson staff went with her to the event. They are very devoted to her. I do not know anyone who enjoys meeting with constituents more than Representative GIFFORDS. So she had several staff people there too. When the gunman came, he immediately headed for her. His intention was obviously to do her harm, but right after shooting Representative GIFFORDS, he began to shoot the people on her staff and the others waiting in line to talk to her.

This is where some of the goodness of the people comes out. I mean, I talked about the goodness of the people. Judge Roll did not have to say "thank you" to Representative GIFFORDS, but he went out of his way to try to do that. When Ron Barber, the head of Representative GIFFORDS' Tucson staff, was shot, Judge Roll, the cameras show, pushed him down under a table and put his body over Ron Barber's body and thus took the bullet that

killed John Roll. Talk about the goodness of people.

At his funeral, everyone in Tucson and in Arizona who knew Judge Roll spoke not just of his abilities as a jurist and his public service but his goodness, his love for his wife Maureen, their three sons, their grandchildren. Incidentally, three of his grandchildren spoke. It was so moving when they talked about the love they had for their grandfather, who took a lot of time with each of them to teach them how to swim, to play basketball, and so on. The goodness of people.

Representative GIFFORDS' staff was there. They liked her and were very willing to be with her on a Saturday morning when they could have been doing something else with their families.

Gabe Zimmerman, just 30 years old, was one of those staff people, and he, too, lost his life. My staff in Tucson really enjoyed working with Gabe. Now, I am a Republican, they are Republicans, and Gabe is a Democrat working for a Democratic Representative. That did not matter to them. They really enjoyed working together for the same constituents. And I will tell you, my Tucson staff has taken his loss very hard.

There were others from his staff who were there, one of whom is an intern we are going to see this evening. He is going to be sitting in the President's box. His name is Daniel Hernandez. We saw him at the ceremony in Tucson at the University of Arizona on Wednesday after the shooting. He was one of the people who immediately went to Representative GIFFORDS' aid and continued to staunch her bleeding. The goodness of people—his unselfish act to help her.

Pam Simon was another one of her staffers who were shot. I had a chance to visit with Pam in the hospital and then after. There she is with wounds. A bullet went in and out of her arm and another in her leg. She could not wait to get back to work, and she has done so now.

The other people who were shot there—Christina Taylor Green was the 9-year-old. The things that were said about her remind me so much of my granddaughter, my youngest granddaughter. The hugest heart you can ever imagine, athletic and yet studious, interested in government—all the things you would want in a young woman. President Obama spoke eloquently about her in his remarks on that Wednesday. She was taken to the event with a friend who just wanted to expose her to Representative GIFFORDS and a little bit about our government.

Dorothy Morris. Now, I did not know Dorothy, but I knew her husband George. They had communicated with me, and I visited with George a couple of times after this event. He is a retired marine. I will tell you, he is hav-

ing a hard time with this because he said that Dot, his wife, would follow him—in his words, “She would follow me to hell.” Well, she is obviously in a different place, and he is going to be as well. But the fact is, she did not particularly want to go that morning, but he is a Republican, he wanted to go talk to Representative GIFFORDS because he thought he could talk to her just in the way that we do about issues and have a good conversation with somebody he did not totally agree with.

Dorwan and Mavy Stoddard. Dorwan was killed. His whole recent life was devoted to service at his church. I visited with Mavy at her home. Her two daughters were there and a very good friend of ours, Ed Biggers, from Tucson, who also attends their church. The kindness of all of those people and the way they talked about the others involved, as well as, as you can see, the members of family and friends helping each other, was, as I said, an impression that will stick with me forever.

Phyllis Schneck, who everyone agreed was a wonderful grandmother, spent her winters in Tucson—she lived in New Jersey.

All of these folks were human beings with friends, with family, with futures, and to have all of them taken from us is a real tragedy.

What can we take from that? At this time, I think I have gone almost 10 minutes. Tomorrow, I will mention some of the other heroes. I will take a second with some of them, though.

Bill Badger, a retired Army colonel, did not want to talk about his heroism, but he helped to subdue the assailant.

Anna Ballis, who has two sons, both of whom are U.S. marines who have done repeated tours in Afghanistan and Iraq, was in the Safeway, came out, and immediately began administering to Ron Barber. I went to visit Ron in the hospital at the same time Anna had gotten there, a few minutes before, and Ron was holding her hand the entire time, saying: This is the lady who saved my life. Just a tremendous act of selfless courage on her part and showing again the wonderful humanity of all of the people there.

Steve Rayle, a doctor, a former emergency room doc, was there and helped to subdue the assailant and so on.

There are many others. We will talk about some of the others tomorrow when we express more formally our views on this resolution. I know all of our colleagues will want to join us in supporting this resolution to let the folks of Tucson know we appreciate what they have endured here, we appreciate the heroism. Our prayers are with the victims, and our hearts go out to all of those who were injured in some way or other.

From this, among the lessons we learned is that people have innate goodness. We all have a side of us that

we wish we did not have sometimes too frequently expressed on the floor of this body. But maybe for a little while, we can acknowledge the fact that there is goodness in everyone, and I saw so much of that in all of these people drawn from all over the community, different walks of life, different political parties, different ages. Yet when they came together, what was most obvious? It was their sacrifice and their goodness. I think that is something that should be a lesson to all of us.

Tomorrow, I will speak more formally, as I said, about this resolution. But I am deeply grateful for the expressions of condolence and support all of my colleagues have presented to me and to Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I certainly grieve and also appreciate all the remarks of the distinguished Senator from Arizona. What a tragedy. But there are heroes there as well. I thank the Senator for his comments.

DISTURBING FISCAL SITUATION

Mr. HATCH. Madam President, in recent months President Obama has frequently discussed our Nation's disturbing fiscal situation.

He is right to do so.

Our yearly deficits and accumulated debt hang over the futures of our children and grandchildren like a sword of Damocles.

Though he was late to the table on this issue, President Obama seems to have finally recognized the frustration and anger of the American people over our Federal fiscal policy.

Recognizing that you have a problem is an important first step, and I applaud the administration for speaking about our Nation's structural deficits.

But this is a critical issue, and any solution will require that those responsible give a full and fair accounting of the policies that led to this crisis.

Unfortunately, rather than own up to his administration's complicity in our fiscal imbalance, the President prefers to blame our current and future fiscal problems on the previous administration.

For this President, the buck always seems to stop over there.

This trope is getting old.

Well before citizens began organizing against this administration and its historic spending spree, the President and his Democratic allies in Congress were justifying their stimulus program by blaming the previous administration. Yet trying to pass off the consequences of the last 2 years on a long-retired President and a Congress that ended over 4 years ago is no longer plausible.

Try as they might, revisionist fiscal history will not absolve our friends on the other side for the fiscal decisions made on their watch.

I will explain that point separately, and in detail, in a few days.

It is well past time that this administration stop pointing fingers. The American people are demanding that their elected Representatives, in Congress and the White House, act like adults and fix this fiscal mess.

In a few weeks, President Obama will send Congress his third budget.

The fact that Treasury Secretary Geithner has already written us requesting legislation to raise the debt ceiling does not bode well for citizens seeking greater spending restraint from this administration. The people of Utah and of this Nation deserve a fair accounting of the spending decisions that have led to this request.

Let me be clear.

The President's desire for a larger level of public debt is a consequence of the fiscal policy choices that he and a Democratic Congress have made over the last 2 years.

Between 2007 and 2010, Democrats enjoyed unprecedented control over Federal policy. When the President was inaugurated 2 years ago, he set to work with historic majorities in both the House and Senate.

Never letting a crisis go to waste, he sought a fundamental restructuring of the American economy, one in which government would play a starring role.

Thanks to our Founders' design, the American people were able to go to the ballot box and give their opinion about these spending policies.

Unfortunately, the administration and its allies did not curb their spending in response to democratic uprisings.

The people spoke—first in Virginia and New Jersey, then in Massachusetts, and finally, last summer, nationwide.

But the Democrats, rather than adjust their policies accordingly, just kept on spending.

The tab for this binge is almost beyond description. In the 2 years that Democrats controlled Washington, our debt has risen by almost \$3 trillion.

I have a chart documenting these staggering hikes in the debt limit.

During the short period of all-Democratic rule, the law was changed to raise the debt ceiling on three separate occasions.

On February 17, 2009, President Obama signed a debt limit increase bill of \$789 billion, the cost of the stimulus bill at that time.

On December 28, 2009, President Obama signed a debt limit increase bill of \$290 billion.

And on February 12, 2010, President Obama signed a third debt limit increase bill of \$1.9 trillion.

These dollar figures, in terms of the percentage of the economy they represent, are breathtaking. I, like most other Members on both sides of the aisle, eagerly await the President's

State of the Union Address. The President is a gifted speaker. And in his usual, eloquent manner, I am sure he will skillfully lay out his fiscal and economic policy goals.

As the incoming ranking Republican on the Finance Committee, let me be the first to say that Republicans are happy to hear the President contemplating serious deficit reduction proposals. We would be overjoyed if he actually took a stand for a meaningful attack on structural deficits and the debt.

But we will judge his proposals harshly if they provide mere window dressing, rather than bold efforts to address a spending trajectory that is approaching crisis status.

Willie Sutton, the infamous bank robber, was asked why he robbed banks.

By the way, here is a chart depicting a photo of Mr. Sutton from Life.com.

How would Willie respond?

He allegedly said he robbed banks because that is where the money is.

If President Obama wants to propose credible deficit reduction proposals, he needs to go where the deficit dollars are.

And what is the source of those deficits?

Taking Willie Sutton's answer to heart, where do we look for those deficits?

They are in the trillions of dollars in new spending that the American taxpayer has been burdened with by this administration.

Non-defense discretionary spending, by itself, has grown by 24 percent over the last couple of years.

And that 24 percent figure does not include the stimulus bill spending.

If stimulus spending is included, non-defense discretionary spending has grown by 84 percent.

That is right, Madam President, 84 percent.

How many typical taxpaying American families have grown their budgets by that much in the last couple of years?

Let's take a look at the Gallup weekly survey of daily consumer spending as a comparison. I have a chart which shows the trend line in daily consumer spending.

Over here, we can see from the chart consumer spending before the financial crisis of fall 2008 and the recession.

It is running near or above \$100 per day.

Then what happens?

Americans cut back their extra spending.

It is right here on the rest of the chart.

Is it any wonder Americans are telling us to cut our spending?

They have cut spending. Why can't we in Washington do the same?

When the President laid out his last two budgets, the loudest bipartisan ap-

plause came when he stressed fiscal discipline.

That reaction should surprise no one. Though conservatives led the way, the American people understand that deficit reduction is not a partisan issue. If the promises of our Declaration of Independence and Constitution—promises of liberty and opportunity—are to mean anything for future generations, our country needs to take up deficit reduction now.

Republicans are going to insist on meaningful deficit reduction as a course correction to our currently unsustainable fiscal path. As our Nation comes out of this painful slow-growth period—hopefully sooner rather than later—we must focus on cutting the deficit and the debt.

As Republicans, we agree with the President on the priority of fiscal discipline.

But deeds mean more than words.

And twice, the President's budget, in spite of rhetorical nods to fiscal discipline, has gone in the direction of unpaid-for spending, new government programs and entitlements, and massive financial burdens on the next generation of American taxpayers.

The numbers don't lie.

The President and the Democratic leadership have dramatically expanded the deficit and piled onto the debt.

Two years ago, Republicans and Democrats dramatically disagreed on the stimulus bill. Out of all the Republicans in the House and Senate, only three supported the stimulus bill conference report.

Along with most of my Republican colleagues, I rejected this stimulus bill for several reasons.

First was the size and the form of the stimulus. Most on our side understood that \$1 trillion in deficit spending was an unacceptable burden on the people who would ultimately foot the bill.

Second, we questioned the focus of the stimulus. We weren't keen on trying to grow the economy by priming the government pump. Spending \$1 trillion of taxpayer money on the academic theory that you have to spend money to make money was a gamble the American taxpayer could not afford. And last year, while the administration and its allies were out promoting recovery summer, citizens in Utah and around the country had long before figured out that the administration's stimulus bet was a big loser.

Finally, what disturbed us most was the hidden fiscal burden built into the bill. Although sold as a \$787 billion bill, the real cost of the stimulus was, in fact, much higher.

I am going to use a chart to show this hidden cost of the stimulus bill. This chart was produced last year but will be updated when we receive the Congressional Budget Office baseline.

According to the nonpartisan CBO, if popular new programs in the stimulus

bill are made permanent, the cost will be \$3.3 trillion.

To use Washington speak, the greatest threat of the new stimulus bill was that it raised the baseline.

This is a nifty trick if you can pull it off.

Its purpose is to open any future spending cuts, no matter how modest, to withering attack.

Here is how it works.

First, Democrats raise spending for some program—to borrow from George Costanza, we will call it The Human Fund.

After Democrats take control of Congress and the White House, spending for The Human Fund goes up by 25 percent, from \$1,000,000 to \$1,250,000.

Then, when the people reject this spending and send Republicans to roll it back, efforts to cut that spending by a meager 5 percent, from \$1,250,000 to \$1,187,500, leads all of the interest groups dependent on this federal money to scream that the sky is falling.

An attack on The Human Fund is an attack on all that is decent in this country!

Never mind that this program is still substantially better off than before the Democrats' massive increase in spending.

All that we will hear is that Republicans are ruthlessly seeking to cut 5 percent from this program's budget.

And so it goes.

Our deficit and debt continue to grow as irresponsible and unaffordable increases in spending are baked into our budgetary cake.

This strategy of raising the baseline is on full display in the stimulus bill and the threat that its programs—sold to the public as temporary—will become permanent.

This chart details CBO's analysis of the stimulus.

Let us move from left to right on the chart.

The first column is the basic cost of the bill. If the making work pay refundable tax credit is extended, there is \$571 billion in future deficits.

It is in the second column.

If the new entitlement spending in the stimulus is made permanent, then the cost of the bill more than doubles.

It means almost \$1 trillion in new hidden entitlement spending right here.

In the fourth column, we have the appropriations spending.

If those increases become permanent, then there is \$276 billion in new non-defense discretionary appropriations in this bill.

Finally, we have the rent on all this borrowed money. That is the interest expense. CBO tells us that the interest cost alone on the overt new spending and the hidden new spending from the stimulus totals \$744 billion.

Total it all up, and we get \$3.3 trillion, not \$787 billion.

The total cost of the stimulus is \$3.3 trillion.

Our Nation can simply no longer afford this.

These are CBO figures. They are not from a conservative think tank.

There are a couple of simple ways for the stimulus bill supporters to correct this trajectory.

If they want to keep the long-term cost of the stimulus down, they could agree to make all of the stimulus provisions temporary.

Or they could agree to offset extensions of stimulus spending with other spending cuts.

But our friends on the other side have done just the opposite. They have insisted on extending the policy in the stimulus bill without offsets in other areas of spending.

You will recall then National Economic Council Director Larry Summers' three Ts tests for stimulus.

To be effective, the stimulus needed to be timely, targeted, and temporary.

It is failure on that third T, the temporary test, which has been very troubling. Two years into this failed economic experiment, and Democrats still refuse to agree that temporary stimulus proposals should remain temporary.

The path forward is not going to be easy.

While we do have a recent example of deficit reduction, it was not generated by this administration or its congressional allies. If you want to look at enacted legislation over the last decade, there is one significant spending reduction bill. It was the Deficit Reduction Act of 2005. It contained a modest amount of deficit reduction.

The deficit reduction attained was \$35 billion. And how did we achieve those savings? That bill was accomplished through reconciliation. The other side opposed it in lock step.

In the end, only Republican votes carried that stand-alone deficit reduction measure.

Yet now American taxpayers are being asked to believe that Democrats have found religion on deficits and debt.

Our friends on the other side will, no doubt, say time out. We have produced a significant deficit reduction bill, they will say.

They will point to last year's ObamaCare legislation. They will argue that this bill, which creates massive new entitlements, somehow saves money. Our Democratic friends will even cite a CBO score showing \$230 billion in deficit reduction from this bill.

This assertion does not pass the laugh test.

Anyone who looks beyond the basic score will see that ObamaCare is another huge deficit generator that will burden the American taxpayer for generations to come.

House Budget Committee Chairman PAUL RYAN released an analysis, de-

rived from CBO data, that tells the full story of ObamaCare's deficit impact. Here is what Chairman RYAN said:

Claims of deficit reduction exclude the \$115 billion needed to implement the law. The score double-counts \$521 billion from Social Security payroll taxes, CLASS Act premiums, and Medicare cuts. It strips a costly doc-fix provision that was included in initial score. It measures 10 years of revenues to offset 6 years of new spending. There is no question that the creation of a new trillion-dollar, open-ended entitlement is a fiscal train wreck.

Add it all up and the fiscal reality is that ObamaCare busts the budget by \$701 billion.

I ask unanimous consent that a copy of Chairman RYAN's analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIVE BUDGET REASONS TO REPEAL THE DEMOCRATS' COSTLY NEW HEALTH CARE LAW

1. Take away smoke and mirrors and law adds over \$700 billion to deficits: Democrats' score excludes the \$115 billion needed to implement the law; double-counts \$521 billion from Social Security payroll taxes, CLASS Act premiums, and Medicare cuts; and fails to account for the costly "doc-fix" provision that Democrats stripped out of the bill and passed separately.

2. Massive tax increase minus slightly less massive spending increase isn't "fiscal responsibility": According to CBO, the Democrats' law will "reduce deficits" by increasing taxes by \$770 billion, while "only" increasing net spending by \$540 billion. That's not the kind of "deficit reduction" we're interested in. Furthermore, we believe spending will actually be much higher.

3. True cost 10-year cost of the law is closer to \$2.6 trillion: The Democrats rigged their law to show 10 years of revenues offsetting only 6 years of new spending. A true 10-year score of the new spending in the law puts the cost closer to \$2.6 trillion. Costs could run even higher if employers dump their employees onto government exchanges and Medicare "savings" fail to materialize.

4. This law bends the cost curve up, not down: Exploding health care costs are bankrupting families, companies, states, and the federal government. The Democrats' new health care law—with its maze of mandates, dictates, controls, tax hikes and subsidies—will drive costs up even faster.

CBO Director Doug Elmendorf says new law "does not substantially diminish" pressure of rising health care costs on the federal government.

Medicare/Medicaid Chief Actuary Richard Foster says that the law would result in "higher health expenditures," straining budget to the breaking point.

5. Creation of a new open-ended entitlement isn't "fiscal responsibility": The reality is that we cannot pay for the health care entitlements we have, much less a new government takeover of health care that adds trillions of dollars to our existing liabilities, drives costs up even faster, and puts the federal government in charge of even more health care decision-making.

The only way to control costs when the government is in charge of the system is for bureaucrats to ration care.

The path to greater choice for patients and lower costs for all must begin with a full repeal of the Democrats' costly new health care law.

THE TRUE DEFICIT IMPACT OF THE
DEMOCRATS' HEALTH CARE LAW

Bottom line: The Democrats' health care law is a budget-buster. Claims of deficit reduction exclude the \$115 billion needed to implement the law. The score double-counts \$521 billion from Social Security payroll taxes, CLASS Act premiums, and Medicare cuts. It strips a costly doc-fix provision that was included in initial score. It measures 10 years of revenues to offset 6 years of new spending. There is no question that the creation of a new trillion-dollar, open-ended entitlement is a fiscal train wreck.

Over \$700 billion in red ink: To hide the true cost of their \$2.6 trillion health-care overhaul, the Democrats loaded the overhaul with gimmicks and double-counting. Once these gimmicks are accounted for, the law would add over \$700 billion in red ink over the next decade, as health-care costs send the debt spiraling out of control.

Discretionary Spending: The CBO score did not include the cost of setting up and administering the massive overhaul, including the cost of hiring new health-care bureaucrats to run the new spending programs, as well as thousands of IRS agents to enforce the new mandates.

Accounting for these discretionary appropriations would add \$115 billion to the bill's 10-year cost, all but wiping out its alleged "savings."

Double-Counting: The new law double-counts an estimated \$521 billion in alleged offsets:

Social Security will receive an additional \$53 billion in higher payroll tax revenue as a result of the new law. Instead of setting aside this revenue for promised Social Security benefits, the law spends it on new subsidies.

The Democrats' bill created the CLASS program, a brand new long-term care entitlement. Over the first 10 years, program would take in \$70 billion in premiums, but instead of setting money aside to pay for future benefits, the law spends the premiums on new subsidies. Senate Budget Chairman Kent Conrad called the CLASS Act: "A Ponzi scheme [that] Bernie Madoff would have been proud of."

Democrats claim they are extending solvency of Medicare by cutting \$398 billion from the program, but they simultaneously claim that these savings will offset new subsidy programs. CBO has made clear these savings cannot be used twice.

The Doc Fix: The Democrats' bill originally included the "doc fix" that CBO estimated would add \$208 billion to the bill's score. Democrats removed this provision to lower the bill's CBO score, but promised doctors that they would enact the fix later, and did in fact pass a short-term prevention of cuts to physician payments last year, adding to the deficit.

Add It Up: Take \$115 billion in discretionary costs, plus \$521 billion in double-counting, plus \$208 billion for a long-term doc fix (minus the \$143 billion of claimed savings)—and the law would add \$701 billion to the deficit over the next 10 years.

The Democrats' brand new open-ended health care entitlement will—unless repealed—exacerbate the spiraling cost of health care, explode our deficit and debt, and forever alter the relationship between government and the American people.

Mr. HATCH. This double counting of the Medicare cuts is a dangerous accounting gambit. Former Senator Gregg and I warned the Medicare trust-

ees about it in a letter last year. I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HATCH, GREGG URGE MEDICARE TRUSTEES TO PROVIDE "AN ACCURATE AND COMPLETE ASSESSMENT OF NEW HEALTH LAW'S IMPACT ON MEDICARE"

WASHINGTON.—U.S. Senators Judd Gregg (R-New Hampshire), Ranking Member of the Senate Budget Committee, and Orrin Hatch (R-Utah), Ranking Member of the Senate Finance Health Subcommittee, today urged the Medicare Trustees to release supplemental information when they issue the 2010 Medicare Trustees report "so that the public can accurately assess the impact of the new health care law on the Medicare program."

"Our nation stands on the precipice of fiscal ruin. Based on past Trustees reports, we know Medicare is on the brink of collapse," said Senator Hatch. "It's in the best interest of our country and our nation's seniors for the Trustees to release a full and honest assessment of the fiscal impact of the health care law on the viability of the Medicare program. One of the most dishonest claims about this new law is its magical ability to use Medicare money not only for Medicare, but also for hundreds of billions in new entitlement spending. That's an outrageous accounting gimmick and everyone knows it."

"We need a full and accurate picture concerning Medicare's unfunded liabilities," said Senator Gregg. "For example, Medicare savings should not be used as a piggy bank to finance new entitlement spending. The Democrats are counting Medicare savings twice—once to partially offset the cost of a new health care entitlement and argue that bill does not increase the deficit, and then again to claim they have improved Medicare's solvency. This is an undeniable budget gimmick. As we continue to wrestle with the historic debt and deficits facing our nation, Congress should receive a projection of Medicare's condition based on the reality that these savings can only be used once, despite the wishful thinking of the majority."

In a letter to Treasury Secretary Tim Geithner, Labor Secretary Hilda Solis, Health and Human Services Secretary Kathleen Sebelius, and Social Security Commissioner Michael Astrue, who serve as the Medicare Trustees, the Senators wrote, "It is our sincere hope that the Trustees Report will give every American an accurate and complete assessment of the fiscal challenges facing the Medicare program and the federal government. Failure to do so would be a tremendous disservice to the American people and our nation."

Specifically, the Senators requested:

The Trustees produce a separate report, in conjunction with the Center for Medicare and Medicaid Services (CMS) Actuary, outlining Medicare's unfunded liabilities, taking into account the real cost of fixing the broken Medicare physician payment system. The Senators point out that the Trustees report is based on current law, and while Democrats ignored the physician payment issue during the health reform debate, the Trustees should consider the long-term cost of Congress continuing to delay these scheduled cuts in Medicare reimbursement.

The Trustees estimate the year when Medicare's Hospital Insurance Trust Fund will be exhausted, reflecting the fact that Medicare cuts and payroll tax increases in the new health law are used to finance new spending

outside of Medicare and therefore cannot simultaneously be available to pay for more future spending out of the Medicare program.

The Medicare Trustees release an annual report on the solvency and health of the Medicare program, which is required by law to be submitted by April 1. The Trustees decided to delay the report this year because the two health care laws were enacted in late March.

Below and attached is the full letter that Senators Gregg and Hatch sent to the Medicare Trustees today:
Hon. TIMOTHY F. GEITHNER,
Secretary of the Treasury, Department of Treasury, Washington, DC.

Hon. HILDA L. SOLIS,
Secretary of Labor, Department of Labor, Washington, DC.

Hon. KATHLEEN SEBELIUS,
Secretary of Health and Human Services, Department of Health and Human Services, Washington, DC.

Hon. MICHAEL J. ASTRUE,
Commissioner of Social Security, Social Security Administration, Washington, DC.

DEAR HONORABLE TRUSTEES: As Congress and the American people await the release of the 2010 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds (the 2010 Medicare Trustees Report), we are writing to request supplementary information in an accompanying document so that the public can accurately assess the impact of the new health care law on the Medicare program.

The 2009 Medicare Trustees Report laid out a grim assessment of the financial status of the Medicare program. Fueled by an aging population and rising health care costs, Medicare expenditures, according to that report, would rise from 3.2 percent of Gross Domestic Product (GDP) in 2008 to 11.4 percent of GDP in 2083. The 2009 Trustees Report estimated that Medicare's unfunded liability is \$38 trillion over the next 75 years and that its Hospital Insurance (HI) Trust Fund is expected to become insolvent in 2017.

For Congress to effectively address the critical challenge of Medicare solvency, it must have a complete and accurate assessment of the program's fiscal position. We would like to request that you provide to Congress, contemporaneous with the release of the 2010 Medicare Trustees Report, a report that addresses the two following issues.

In recent years, the Trustees have noted an important limitation regarding the report's projections for Medicare Part B expenditures from the Supplementary Medical Insurance (SMI) trust fund. While the Trustees' projections are based on the assumption that current law will continue unchanged, the law's scheduled reductions in Part B payments to physicians under the Sustainable Growth Rate (SGR) provisions have not occurred after 2002—the only time a decrease was allowed to take effect; since 2003 Congress has consistently enacted changes in law to defer the reductions. The 2009 Medicare Trustees Report warned that projections of Part B expenditures under current law (which assumes the deferred large reductions will eventually occur) thus are "likely understated and should be interpreted cautiously."

As a result of this divergence between the unrealistic projections and the level of payments to physicians that Congress actually enacts, the Centers for Medicare & Medicaid Services (CMS) Actuary started producing a supplement to the Trustees Report. The most recent supplemental memorandum,

Projected Medicare Part B Expenditures under Two Illustrative Scenarios with Alternative Physician Payment Updates (May 12, 2009), contains estimates of a range of Medicare expenditures based on scenarios where Congress prevents the scheduled reductions in physician payments. Relying on the same two illustrative scenarios, an analysis (by former Public Trustee Thomas R. Saving) concluded that, over the next 75 years, Medicare's unfunded liability could be as much as \$1.9 trillion more than the Trustees projected in the 2009 report.

We request that the CMS Actuary produce a report similar to the May 12, 2009 supplement, and that, related to the 2010 Medicare Trustees Report, the Trustees provide projections for Medicare's unfunded liability over a 75-year horizon under the two alternative scenarios for physician payments that will be included in the supplement produced by the CMS Actuary.

Our second request relates to an issue raised in the memorandum released by the CMS Actuary on April 22, 2010, titled Estimated Effects of the "Patient Protection and Affordable Care Act," as Amended, on the Year of Exhaustion for the Part A Trust Fund, Part B Premiums, and Part A and Part B Coinsurance Amounts. That memo stated the following about the impact of health reform on the HI trust fund for Medicare Part A:

The combination of lower Part A costs and higher tax revenues results in a lower Federal deficit based on budget accounting rules. However, trust fund accounting considers the same lower expenditures and additional revenues as extending the exhaustion date of the HI trust fund. In practice, the improved HI financing cannot be simulta-

neously used to finance other Federal outlays (such as coverage expansions under the PPACA) and to extend the trust fund, despite the appearance of this result from the respective accounting conventions.

According to CMS, PPACA contained \$575 billion in net Medicare savings, including \$63 billion in Medicare payroll tax increases over fiscal years 2010–2019. However, as the Congressional Budget Office (CBO) previously indicated in a letter on December 23, 2009, these dollars cannot both offset new spending under PPACA and then also extend the life of Medicare's HI trust fund. CBO concluded:

The key point is that savings to the HI trust fund under PPACA would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and, at the same time, pay for current spending on the other parts of the legislation or on other programs . . . To describe the full amount of HI trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement in the government's fiscal position.

We request that the Trustees provide a projection for the date of exhaustion for Medicare's HI trust fund assuming that all the estimated Medicare savings under PPACA are not set aside to pay future Medicare benefits but instead are used to finance new spending (outside of Medicare) in the new health care law.

We trust that you will provide a response to our request concurrent with the release of the 2010 Medicare Trustees Report. It is our sincere hope that the Trustees Report will

give every American an accurate and complete assessment of the fiscal challenges facing the Medicare program and the federal government. Failure to do so would be a tremendous disservice to the American people and our nation.

Sincerely,

JUDD GREGG,
U.S. Senator.
ORRIN HATCH,
U.S. Senator.

Mr. HATCH. A clear pattern has emerged with respect to Democratic rhetoric on the budget. They speak loudly about deficit reduction, while continuing to write checks that this Nation cannot cash.

Consider the last debt limit increase bill, which included the much ballyhooed statutory pay-go scheme. My friends on the other side speak of it frequently.

But they have also been the most frequent violators of both the spirit and letter of statutory pay-go.

The Senate Republican Policy Committee analyzed all of the spending offsets and other budget restraints rejected since statutory pay-go was adopted.

I ask unanimous consent that a copy of this analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

DEFICITS PILED ON BY SENATE DEMOCRATS SINCE STATUTORY PAYGO*

Bill	Bill No.	Deficit impact, 2010–2020 (\$ billions)	Floor action	Date	Link to CBO score
Temporary extender bill	H.R. 4691	10.3	Vote to kill Bunning bill w/offset	2–Mar	http://bit.ly/cJIN6B
Baucus Tax Extenders bill (v1.0)	H.R. 4213	98.6	Vote to pass bill w/o offset	3–Mar	http://bit.ly/ah9Jl
Reid HIRE Act	H.R. 2847	**45.9	Vote to keep emergency designation	17–Mar	http://bit.ly/b8Nigq
			Vote waive PAYGO		
			Vote to pass bill w/o offset		
Temporary two-month extender bill	H.R. 4851	18.2	Vote to keep emergency designation	14–Apr	http://bit.ly/cgrGHT
2010 Emergency Supplemental	H.R. 4899	59.0	Vote to kill Coburn #1 w/offset	27–May	http://bit.ly/c0ITUC
			Vote to kill Coburn #2 w/offset		
			Vote to pass bill w/o offset		
Dodd-Frank FinReg Reform Conf. Rpt	H.R. 4173	***	Vote to waive the Budget rules	15–July	http://bit.ly/90wy05
Continuing Extension Act (tax extenders shell)	H.R. 4213	33.9	Vote to pass the bill w/o offsets	21–July	http://bit.ly/aVU7Ys
Education/FMAP (in FAA reauth. shell)	H.R. 1586	12.6	Vote to pass bill w/o offset	05–Aug	http://bit.ly/b04391
Total		278.5			

Notes:

* Statutory PAYGO was included in H.J. Res 45 (P.L. 111–139), which passed February 12, 2010. For more detail about PAYGO and how it operates, refer to the CRS summary: <http://bit.ly/a0gf9m>.

** The CBO score of the HIRE Act shows it lowers the deficit by \$1 billion and \$657 million, but CBO does not score the \$47 billion in authorized transfers from the Highway Trust Fund to the General Fund even though they will be borrowed. The scores above reflect the combined effects of the bill as scored by CBO with these authorized transfers. See this document from the Budget Committee for more background: <http://budget.senate.gov/republican/pressarchive/2010-02-08HwyExtPlan.pdf>.

*** CBO estimates that the act would increase projected deficits by more than \$5 billion in at least one of the four consecutive 10-year periods starting in 2021 (beyond the budget window).

Mr. HATCH. Total it up and you will find that the cost of Democrats end-running their own pay-go rule meant almost \$280 billion in additional deficit spending.

I think this point needs to be very clear.

Senate Republican attempts to force our friends on the other side to abide by the letter or spirit of their own pay-go rule were rebuffed for almost all of last year. This was not some academic exercise. And now the American taxpayers are on the hook for roughly \$280 billion, courtesy of Democrats purportedly committed to spending restraint.

Still, we are heartened that Democrats are at least claiming a commitment to deficit reduction.

Talking tough is a necessary—though not sufficient—step toward getting our fiscal house in order.

Similarly, it is a positive development that the President has endorsed passage of the U.S.-Korea Free Trade Agreement. Maybe the administration is waking up to the importance of our pending trade agreements for our exports and the workers who make them.

But the proof of his commitment to our exporters must go beyond the Korea FTA. We can no longer let our trade agreements with Panama and Colombia languish as we lose competi-

tiveness and allow other countries to seize these markets for their workers.

Talking about trade does not produce jobs. We need the President to take action and submit these agreements to Congress. And we need that action now. The U.S. worker cannot afford to wait.

Passage of these trade agreements can boost our economy and our competitiveness without additional spending. They are important tools that we must put to work. If the President chooses this route, I believe he will find an important ally in Congress.

I look forward to President Obama's proposals for prioritizing deficit reduction. There is no issue more critical to this Nation's future.

And I expect we will hear quite a bit about it in the State of the Union Address.

The President can count on applause from our side of the aisle if he presses for reductions in out-of-control spending. But merely relabeling new spending as investments will not make our deficits go away, and it will do nothing to tackle our escalating debt.

The President must give serious attention to the legitimate arguments and concerns of conservative citizens if he wants to achieve anything more than a pleasant sounding rhetorical flourish.

President Obama did inherit a serious budget deficit. And our friends on the other side will, once again, applaud that line. They will cheer the assertion that they merely inherited deficits. They will spin the convenient tale that Republicans alone bequeathed the deficit to President Obama. But that is certainly not the case. And the record is clear. A Democratic Congress and a Republican President created this deficit from bipartisan policies they jointly developed.

To those Democrats who claim Republicans have no right to discuss deficits, they need look no further than their own actions. Take a look at the fiscal effects of the stimulus bill they crafted 2 years ago. Take a comprehensive look at the real deficit impact of ObamaCare.

Take an honest look at the appropriations bills that piled on double-digit increases in spending.

American families don't have the luxury of 84 percent or 24 percent increases in their spending. They have made their priorities and restrained their spending.

If American families can prioritize, deleverage, and live within their means, I hope the President will push his allies in Washington to do the same.

All of us in Congress await the arrival of President Obama's third budget.

The American people are demanding that he make deficit reduction a priority. And they are asking Congress to approach this subject in an intellectually honest fashion.

We need to acknowledge that when it comes to the budget, the road to fiscal ruin has been paved with good intentions. In the name of fixing the economy, the Democrats' stimulus bill has imposed both short-term and long-term costs on American taxpayers, jeopardizing economic growth and, with it, liberty and opportunity. That damage has been expanded with un-offset extensions of what we were told were temporary provisions.

As we start writing a budget, let's do it with all the fiscal cards on the table. Let's remove the political blinders and deal with the fiscal facts. And that means being realistic about expiring

tax relief, its merits, its economic growth effect, and its political popularity.

This is not a problem that we can tax our way out of. Getting our fiscal house in order is going to require hard decisions on spending. We need to put our shoulders to the wheel. We owe it to the people who sent us here.

There is an old saying that applies here. I am not the first person, nor will I be the last, to reference it in the context of our fiscal troubles. The saying is: When you find yourself in a hole, stop digging. We need to use our shovels to fill this fiscal hole, not dig it deeper.

I look forward to this debate on spending. It will not be an easy one. But the American people have demanded that Congress take up this cause, and I fully intend to.

Ultimately, I am confident that we will achieve meaningful deficit reduction. Yet I go into this debate with my eyes open.

President Reagan, in the foreign policy arena, reminded us to trust, but verify.

As we await the President's State of the Union speech, Republicans trust that Democrats will make a nod toward deficit reduction, but we need to verify whether they are serious about getting this problem under control.

Democrats do not have a great track record when it comes to cutting spending. But hope springs eternal.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING DR. MARTIN LUTHER KING, JR.

Mr. CARDIN. Madam President, on Monday, January 17, our Nation once again celebrated the birthday of Dr. Martin Luther King, Jr., as a national holiday. Signed into law in 1983, the bill to make Dr. King's birthday a legal public holiday was the result of a 15-year legislative effort.

Although I was not a Member of the Congress at the time, I remember well the national debate and eventually the overwhelming support this legislation engendered. For the Senate pages on the floor today, for their entire lifetimes, Dr. King's birthday has been a Federal holiday. But they and all young Americans should know the passage of that law was not certain and not without controversy at the time.

I was the speaker of the Maryland house of delegates in the 1980s when

the State of Maryland took up legislation to make Dr. King's birthday a State holiday, and we were one of several States that passed State laws to make Dr. King's birthday a holiday. As the federalism system works, as more States got engaged in this issue, the momentum at the national level became very apparent. And for the importance of this day and its message to Americans, the Congress finally enacted legislation in 1983.

This holiday, which has appropriately come to be known as a day of service, would not have happened without the leadership of former Senator Charles Mathias of Maryland. I am very proud of the work Senator Mathias did on this issue and so many issues that were important to the opportunities for all Americans. I also want to acknowledge the work of former Representative Katie Hall of Indiana. They were the authors of the 1983 legislation. This holiday also would not have happened without the work of Representatives JOHN LEWIS and JOHN CONYERS, who have dedicated their lives to social justice. Also, I might add, without the work of our former colleague, Senator Ted Kennedy, this bill would never have become law. I congratulate all of them for their work.

Serving in the Senate today are colleagues whom I would also like to thank for their efforts to enact this legislation, the 1983 King holiday bill. Six of the thirty-four sponsors are still in the Senate today, including Senator BAUCUS, Senator BINGAMAN, Senator INOUE, Senator LAUTENBERG, Senator LEVIN, and Senator LUGAR, as well as the president of the Senate, Vice President JOE BIDEN. Moreover, five Senators who were Members of the House of Representatives at the time were original cosponsors of the companion bill, H.R. 3706, which became law. They are Majority Leader REID, Senators AKAKA, BOXER, MIKULSKI, and SCHUMER. I thank them all for their leadership and vision in the 1980s as to the importance of making this holiday a remembrance to Dr. Martin Luther King.

Twenty years before its enactment, in August of 1963 on the steps of the Lincoln Memorial, Dr. King delivered what is his most well-known speech, in which he called for racial equality and social justice for all Americans.

In honor of Dr. King's birthday, I ask unanimous consent that the text of that speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"I HAVE A DREAM"

(By Dr. Martin Luther King, Jr.)

"I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

"Five score years ago, a great American, in whose symbolic shadow we stand today,

signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

"But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. And so we've come here today to dramatize a shameful condition.

"In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the 'unalienable Rights' of 'Life, Liberty and the pursuit of Happiness.' It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked 'insufficient funds.'

"But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

"We have also come to this hallowed spot to remind America of the fierce urgency of Now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

"It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. And there will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

"But there is something that I must say to my people, who stand on the warm threshold which leads into the palace of justice: In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force.

"The marvelous new militancy which has engulfed the Negro community must not

lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom.

"We cannot walk alone.

"And as we walk, we must make the pledge that we shall always march ahead.

"We cannot turn back.

"There are those who are asking the devotees of civil rights, 'When will you be satisfied?' We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their self-hood and robbed of their dignity by signs stating: 'For Whites Only.' We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until 'justice rolls down like waters, and righteousness like a mighty stream.'

"I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. And some of you have come from areas where your quest—quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed.

"Let us not wallow in the valley of despair, I say to you today, my friends.

"And so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

"I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'

"I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

"I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

"I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

"I have a dream today!

"I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of 'interposition' and 'nullification'—one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

"I have a dream today!

"I have a dream that one day every valley shall be exalted, and every hill and mountain

shall be made low, the rough places will be made plain, and the crooked places will be made straight; 'and the glory of the Lord shall be revealed and all flesh shall see it together.'

"This is our hope, and this is the faith that I go back to the South with.

"With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

"And this will be the day—this will be the day when all of God's children will be able to sing with new meaning:

"My country 'tis of thee, sweet land of liberty, of thee I sing.

"Land where my fathers died, land of the Pilgrim's pride,

"From every mountainside, let freedom ring!"

"And if America is to be a great nation, this must become true.

"And so let freedom ring from the prodigious hilltops of New Hampshire.

"Let freedom ring from the mighty mountains of New York.

"Let freedom ring from the heightening Alleghenies of Pennsylvania.

"Let freedom ring from the snow-capped Rockies of Colorado.

"Let freedom ring from the curvaceous slopes of California.

"But not only that:

"Let freedom ring from Stone Mountain of Georgia.

"Let freedom ring from Lookout Mountain of Tennessee.

"Let freedom ring from every hill and molehill of Mississippi.

"From every mountainside, let freedom ring.

"And when this happens, when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:

"Free at last! Free at last!

"Thank God Almighty, we are free at last!"

Mr. CARDIN. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DEFICIT

Mr. CORKER. Madam President, I will speak for just a few moments on something I think is the most important issue facing our country today. I can't think of a better time than the first day of the new session in the U.S. Congress to address it; that is, the Federal deficit. I am proud to say that

later this week, CLAIRE MCCASKILL from Missouri will be joining me, along with RICHARD BURR, JOHN MCCAIN, Senator ALEXANDER, and Senator ISAKSON in something called the Cap Act. The bill takes us, over a 10-year period, from where we are in spending at the Federal Government level as a percentage of our country's economy, the gross domestic product, at 24 percent, down to the 40-year average which we have had in this country, as I mentioned, for 40 years, of 20.6 percent. It puts in place a construct or a straitjacket on Congress that allows us, over time, to take a methodical, thoughtful approach to spending at the Federal level but to actually have to do it.

This bill, which we also offered as an amendment during the lameduck session—it is now a stand-alone bill—again, we will be offering it a little bit later this week. We hope to have additional cosponsors from both sides of the aisle. What it would do is take us from where we are today down to that average. If Congress did not act responsibly, then OMB would have the ability, through sequestration, to actually take money out of both mandatory and nonmandatory accounts to ensure that we again have that discipline to take us where we need to be.

I have traveled throughout Tennessee and spoken about this bill. I have made about 46 presentations of how we in Congress could act more responsibly. It is amazing that people on both sides of the aisle have looked at this and said this makes a lot of sense. So it is my hope, as we look at trying to rein in Federal spending, that this bill—I believe this bill is the vehicle—there may be other ideas, but I hope this is something we, in fact, will act upon during the spring.

I know the President most recently has talked a great deal about this issue of fiscal responsibility. I thank him for that. I am hoping that tonight, when he delivers his speech, he talks about the fact that we in Washington have to have the same kind of discipline that all our folks back home have to live by. Again, this is something we have been working on for a long time. We have tried to work on it in a way that in no way points fingers. I think people understand that people on both sides of the aisle are responsible for our country ending up where it is fiscally. So we have tried to draft something that brings people together and that, for the first time since I have been here—I have been here 4 years, and I have been amazed at the lack of discipline that exists in Congress. We have no mechanism, no straitjacket, if you will, that forces us to act responsibly.

So over a long period of time we have worked to put together a bill—by the way, I think it is eight or nine pages long—that actually does that. It has a smoothing mechanism in it so that when there are gyrations in our econ-

omy—we know the Federal Government can't react quite as quickly as a State or city—that smoothing is averaged out so we know what the target is in the ensuing year. It has tight constraints. It requires a 67-vote majority or two-thirds of the Senate, two-thirds of the House to override. So it is a very strong bill. Again, I think people on both sides of the aisle are beginning to embrace this type of thinking.

It is my hope, again, as the President tonight, hopefully, talks responsibly about our fiscal state here in the United States, that this type of mechanism, if you will, gains momentum. It is also my hope that we will vote and pass something such as this, along with actual budget cuts prior to the debt ceiling vote. I think all of us know it would be very irresponsible not to act responsibly prior to this debt ceiling vote which will take place sometime in April, May or possibly June.

So I thank my colleagues for the time to talk a little bit about this, again, on the first day of us coming back together. I can't imagine anything more important for all of us to focus on than to get our fiscal house in order. I know the whole world is watching us.

I know people have said we in Washington don't have the courage to deal with this. I know the Presiding Officer has had to deal with this as the Governor of a State. I certainly had to deal with this as the mayor of a city and a businessman and financial commissioner of my State. We all know things are awry here. I think we have a wonderful opportunity, in a bipartisan way, to do something that puts our country back on strong footing.

Madam President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

BULLY OF BELARUS

Mr. DURBIN. Mr. President, during the recent 2-week recess, I was invited to speak to the Parliament of the nation of Lithuania in the capital of Vilnius. It was a great honor. This country holds a special place in my family. My mother was born in Lithuania. One hundred years ago this year, my grandmother brought her, her brother, and sister to America. My mother was 2 years old. They landed in Baltimore, and somehow our family found its way to meet up with my grandfather in East St. Louis, IL, where a lot of Lithuanian immigrants were coming to take jobs—hard, man-

ual labor jobs, which immigrants took in those days and still do—manual labor jobs that gave them a chance they did not have in the old country.

I was asked to speak to the Parliament on the occasion of the 20th anniversary of what has come to be known as bloody Sunday. It recalls the time, 20 years ago, when Mikhail Gorbachev, as head of the Soviet Union, made his last, desperate, violent effort to stop Lithuania from breaking away from the Soviet Union.

I recall that period because I followed it closely as a Member of Congress. You can still see some details of what life was like in Lithuania under the Soviets. The old police headquarters, the KGB headquarters, has been preserved as a museum—basically, a horror museum to show and catalog the torture and killings that took place during Soviet rule.

In February 1990, the people of this tiny nation on the Baltic decided they had had enough. They swept the ruling Communist Party out of power in an open parliamentary election. A month later in March 1990, the new Parliament voted 124 to 0 to restore the country's independence. They were the first Soviet Republic to do so. It was bold. It was historic. That is when Gorbachev turned the screws. He ordered Soviet tanks and paratroopers to stop the breakaway effort of Lithuania.

In the early morning hours of January 13, 1991, 14 Lithuanians, just regular people, common people in the country, were killed and as many as 1,000 were rounded up by those the Economist magazine described as the "bullies of Vilnius."

The crackdown failed. By August of 1991, Lithuania had won its independence again.

Today, because of the brave efforts of those ordinary Lithuanians, it is a free country, it is democratic, chair of the Community of Democracies, is a member of the European Union, and one of America's allies in NATO.

Imagine my surprise at what I saw during a stop in the neighboring country of Belarus. I saw a step back into Soviet times, a step back into the barbarism we found in the KGB Museum in Lithuania. Sadly, though, this was not a museum show. It was real life.

Often known as the last dictatorship of Europe, Belarus has defied the democratic transformations that have swept across Europe following the collapse of the Soviet Union. The country has been ruled with an iron fist for most of the last few decades by a strongman, Alexander Lukashenko.

In Lukashenko's two-decade-old totalitarian nightmare, opposition figures—anybody who had courage to step up and defy him—had been subjected to harsh repression and imprisonment. Over the years, those who might have been alternatives to Lukashenko in any election have disappeared or have been thrown in jail.

In fact, Lukashenko proudly still calls his police force the KGB.

In recent years, there was a glimmer of hope that perhaps Lukashenko was going to move away from his dictatorship. A Presidential election was scheduled for last December 19, one that some hoped would finally meet the most minimum international standards for democracy.

Those hopes were dashed when Lukashenko quickly claimed another term as President amid elections described by international monitors as seriously flawed. He ended up with 80 percent of the vote and said that was a good indication that it was a real election. He did not get 99 percent, as usual.

Lukashenko ordered his KGB thugs to brutally suppress opposition candidates, activists, and supporters who gathered in protest on election night in Independence Square in downtown Minsk in the nation of Belarus on December 19, last year. Six of the seven political opponents who ran against Lukashenko and more than 600 of their followers were arrested. Several of the Presidential candidates who are being held incommunicado still today face charges that can carry up to 15 years in jail. Their crime? They ran against him and they lost. They get to go to jail now.

Since then, Lukashenko's KGB has continued daily raids on the homes and offices of those with suspected ties to democratic parties and organizations, human rights organizations, and what remains of the independent media in Belarus.

Lukashenko has ignored election monitor reports questioning the credibility of the election and international demands to release all these political prisoners. He has pulled the country further into isolation and made it the subject of international scorn.

He follows the old Soviet playbook. His government has tried to blame outside forces in other countries, everyone but himself, for the shameful political mess he has created.

I was in Minsk last week, and I met with Sergey Martynov, who is the Foreign Minister to Lukashenko. He pleaded with me to give his "new democracy" credit, new democracy in Belarus. He said: Senator, you live in a country that has had democracy for 200 years; we have only had it for 20 years. He said: Give us credit. When we arrested all these people—including seven of the people who ran against him—we didn't use tear gas. There were no rubber bullets, no police dogs. Give us credit, he said.

No, I said, you didn't use those tools, but you systematically arrested and threw into jail everybody who ran against you. That is not even close to democracy.

I had the chance to meet with some of the family members of those who are

in jail. I could not help but think that just a few hours before I had been in Lithuania, a 3-hour drive from Minsk in Belarus, where 20 years ago ordinary people, such as these families, stepped up and said: We are willing to fight for freedom. Fourteen of them lost their lives and 1,000 were injured—just ordinary people. These are not the political class. These are folks who are sick and tired in Belarus of the authoritarian rule.

I wish to show some of the people I met who I think are worth being part of the record today.

First—and this was in a meeting established by our consulate in Minsk, Belarus. They threw out our Ambassador a few years ago. So we have five people trying to represent the United States of America in this country. Bless them for trying. It is a hard job. They are constantly monitored, eavesdropped, followed. Life is not pleasant. When we start getting down on people working for the United States of America, remember these five who are risking their lives for us every day so there is an outpost for the United States and for freedom in this authoritarian country.

This lady was at the meeting in the consulate. Svyatlana Lyabedzka is the wife of Anatol Lyabedzka, chair of the United Civic Party. Anatol has been regularly harassed, fined, and imprisoned for his political activities. In 2004, he was severely beaten by Lukashenko's police force.

His wife told me, in tears, that her husband has been taken away to jail and she has had no information about him. That has been almost 1 month. She does not know what is happening to him or where he is being held.

The second person I would like to make a part of this record is Tatsyana Sevyarynets. She is the mother of Paveal Sevyarynets, the head of Presidential candidate Vital Rymasheuski's campaign. He has already served several years in jail for protesting previous sham elections in Belarus. That is right, thrown in jail while protesting rigged elections, when it is those doing the rigging who ought to be in jail. Her letters go unanswered. Her complaints filed against the government have been ignored. She has been prevented from traveling, and her passport has been taken away for some time. She told me it is impossible to find an explanation for what is happening. "My son has been persecuted for 16 years."

This photo shows—forgive me as I struggle with these names. These people deserve better. I will do my best—Kanstantsin Sannikau, Ala Sannikava, and Lyutsina Khalip. These three were at the meeting.

Kanstantsin and Ala are the son and mother of a detained Presidential candidate, Andrei Sannikau.

Ala told me, in tears, that she had no contact with her son for 14 days, nor

had his lawyers. She had no information on his condition.

Lyutsina is the grandmother of the candidate's 3-year-old son Danil. You might have read about this little boy in the newspaper. What Lukashenko did was arrest this Presidential candidate and his wife and then said the State was going to take custody of his 3-year-old child. The grandmother stepped up and said: I will take custody. I will take care of the boy. For the longest time, it was in doubt whether he would remain with the family. They relented yesterday and said the boy could remain with the family.

This is a picture of him—a cute little fellow, Danil. In Belarus, not only did they arrest the candidate Sannikau but they take the boy out of the house and family. That is what they planned on. When they arrested the wife Irina, a journalist and automatically considered dangerous in Belarus, they decided to go after her child. The grandmother fought a winning battle and now has custody of the child.

Let's hope America's attention and the world's attention will make a difference.

The last one I wish to show is particularly compelling. Milana Mikhalevich is a 34-year-old mother of two whose husband Alex was also a Presidential candidate. She told me of her harassment by Belarusian officials since her husband's arrest. Mr. President, 34 years old, and this young woman was standing there with this beautiful little girl, scrambling around on the floor all around her. She had a 10-year-old at home. She was trying to describe how she was keeping things together, while her husband, who had the courage to run for President and lose against the dictator Lukashenko, sat in prison.

Incidentally, they do not get attorneys. That is not part of the deal. Anyone who says they will defend the people arrested is subject to disbarment as an attorney and charged with crimes themselves. It is not exactly a fertile field of attorneys stepping up to represent these people. They take their lives in their hands to do so. The families have no access, no communications, no correspondence, no way of visiting those in prison. They have no idea when they are going to be charged or tried. There is no indication that there is going to be a public trial.

This is going on in Belarus today, and this woman with her little girl is trying to figure out when and if she will ever see her husband and the father of this little girl again.

The nightmare she described to me was incredible. She literally has had her house raided by the Belarusian KGB. She has been stopped from going to Poland, where she was trying to find support for her husband. She doesn't even know how he is, physically.

I was so glad to be in Lithuania and to join in the celebration of their quest

for freedom and independence. After 20 years pass, sometimes you forget how much courage it took for that to happen. But a 3-hour drive from Vilnius to this event in Minsk reminded me. These people in Belarus are waging the same battle today that was waged in Lithuania and so many other places many years ago. They are trying to find the thing we in America take for granted every day—freedom, the freedom to practice the religion of their choice, the freedom to write a newspaper or do a blog, the freedom to vote for the candidate of their choice, their freedom to oppose government policy. As a result they have been arrested and imprisoned.

I am calling on the government of Belarus to immediately and unconditionally release these political prisoners. The fact they continue to languish in jail without access to family, lawyers, or medical care is an outrage and an embarrassment to Europe and the world. These actions show the desperation and fear of a dictator whose reign belongs in the dustbin of history.

The European Union will decide by the end of January whether Belarus should face renewed sanctions, including targeted travel and asset freezes against Lukashenko and his top elite political figures. The United States should waste no time joining this effort. I have spoken directly to Secretary of State Hillary Clinton. She understands, as I do, what is at stake here is today's fight for freedom. What is in question is whether the United States will stand and fight with these families. The European Union is prepared to lead and we should be by their side. We should be working together to put the pressure on this dictator to tell him in the 21st century there is no place for the bully of Belarus and the terrible oppressive tactics in which he has engaged.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I thank the Chair.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 45 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WHITEHOUSE. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 112 are

located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

AMERICA'S COMPETITIVENESS

Mr. JOHANNIS. Mr. President, as we look forward to tonight's State of the Union Address, we are hearing a lot of talk about jobs and the United States being more competitive. Unfortunately, the American people have heard the talk, they have heard the rhetoric, but they do not see the concrete action that is going to make a difference. The time for talk really is over.

Today, I am introducing three concrete measures to unleash American competitiveness and lift barriers to American job creation.

First, we must unbridle our job creators from the onerous 1099 tax paperwork mandate that is buried in section 9006 of the health care bill. Behind the scenes, for the past few weeks there has been growing bipartisan support for this important piece of legislation. In fact, now I can report that 50 Senators have signed on as cosponsors, including, I believe, 10 or 11 of my colleagues from across the aisle. Successful passage of this repeal would send an enormously powerful message. It would declare that the 112th Congress will come together to remove barriers to job creation. Left unabated, though, this avalanche of paperwork will simply bury businesses. If a business purchases more than \$600 of goods or services from another business, it will be required to provide the business and the IRS with a 1099 tax form. This new mandate will affect all kinds of businesses in the country. It also will include nonprofits, churches, local governments. This small section of this 2000-plus page bill is causing massive confusion and, I might add, outrage across the country.

Although this mandate was included in the health care law, it has absolutely nothing to do with improving health. Rather, section 9006 was included because it would supposedly generate money to help pay for the bill. But the National Taxpayer Advocate, a division of the IRS, does not buy it. Their analysis took all the air out of the argument by concluding that the IRS would "face challenges making productive use of this new volume of

information." The analysis adds that the IRS likely would "improperly assess penalties that it must abate later, after great expenditure of taxpayer and IRS time and effort."

This mandate was ill-advised, and it is not responsible policy. We can do better, and the time is now. The President himself is talking about ridding the books of outdated regulations. We should not overlook this new regulation that will smack businesses if we fail to repeal it. It will inflict a mountain of paperwork on an estimated 40 million business owners across this Nation, and it stands in the way of job creation.

It is going to have an impact in Nebraska, there is no doubt about that. In fact, as I have traveled back home, I have been inundated with stories about business owners who are bracing for the impact.

Jeff Scherer of Smeal Manufacturing Company in Snyder, NB, says the bill will lead to an additional \$23,000 in accounting costs. Being able to invest that \$23,000 into a company will go a long way toward helping justify business expansion.

Another real-life example from Nebraska is a company called Hayneedle. Hayneedle is an online retailer of home furnishings and other home products located in Omaha, NB. Hayneedle employs 400 people. Prior to the 1099 tax reporting mandate, Hayneedle issued approximately 150 1099 forms annually. Now this great company will be required to issue thousands more tax forms every year. They will be required to track payments for everything from a computer to rent to office supplies. Simple expenses such as food purchases for employees would have to be counted and traced. The company estimates that the annual cost of compliance will exceed \$100,000—useless paperwork. That \$100,000 would go a long way toward hiring more workers.

In addition, the thousands of Hayneedle's vendors will be required to complete and return to Hayneedle a form W-9. This means Hayneedle will be required to review and process and oftentimes correct those forms and then issue a 1099 to the vendors. It is a mad circle for no good even.

If the 1099 law is not repealed, it will waste vast quantities of capital and human resources. Squandering these resources will stunt their ability to grow their businesses. Our Nation needs more employers like Hayneedle and Smeal Manufacturing to continue growing and putting people to work. Considering the high unemployment rate plaguing every State in the country, it is incomprehensible that we keep this in place.

This new 1099 reporting requirement will have an especially detrimental effect on small businesses in our local communities. For example, the new 1099 reporting requirements create a

perverse incentive to consolidate suppliers, which leaves Main Street businesses out in the cold. You see, businesses will likely reduce the number of vendors they work with to reduce the paper transactions to avoid the \$600 limit and avoid the paperwork.

When suppliers are consolidated, you can bet that suppliers will lose out. Kentucky Fried Chicken restaurant owner Dale Black of Grand Island says it best. He says this: He “wants to be a good corporate citizen in the communities I have restaurants, but the 1099 forces me not to hire local vendors and tradesmen in my community; instead giving work to a single regional contractor.”

The IRS's own Taxpayer Advocate appears to agree, saying:

Small businesses may lose customers, leave the economy with more large national vendors and less local competition.

Now, I am certain the goal was not to strangle small-town economies, but it is the unintended consequence and reality of this new mandate. We need to look for ways to help small businesses, not hamper them. But there is no way to talk around this provision, to spin it. It is simply brutal for the American business community.

Businesses cannot afford the new burden. They are imploring us to help them. That is why the Small Business Paperwork Mandate Elimination Act, introduced today with that many cosponsors, simply needs to become the law. Repealing this mandate is going to be a joint effort of all of us in the Senate, and my hope is it will be done.

In fact, there is something else we can support to create an estimated 27,000 new jobs, and it does not cost taxpayers anything. I am referring to the second piece of my American competitiveness and jobs package, our three pending trade agreements. Unfortunately, with our economy struggling, this issue has been given lip service for the past couple of years. Although our President mentioned this topic almost 1 year ago, we have seen virtually no action. During last year's State of the Union Address, the President boldly stated:

We have to seek new markets aggressively, just as our competitors are. If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

I could not agree more with his statement. The next day I offered a letter to the President with 17 Senators offering our help and our support. But, unfortunately, a year later, there has been little action. The White House has not sent to us the three trade agreements that are sitting on the shelf collecting dust. It is an unfortunate squandering of a sorely needed opportunity.

So with 14 million Americans still unemployed, our country will tune in to the State of the Union tonight with keen ears for ideas that create jobs,

that boost the economy. But our three negotiated trade deals continue to sit there. It is unacceptable, and it needs to change. By this July, the European Union and South Korea will have implemented their own free-trade agreement, putting U.S. business at a competitive disadvantage.

The Korea-U.S. Free trade Agreement fixes that. Our friends to the north in Canada and south in Mexico have trade deals in place with Colombia. While our agreement languishes, their exports are winning the marketplace. Imagine how our exporters feel watching their competition move to the front of the line, knowing that the agreements put them ahead.

If we fail to act on the agreement, it is clear that our U.S. producers will fall behind. It is happening. Thus, today, some of my colleagues and I introduced a resolution pushing for the approval of the Korea, Colombia, and Panama trade agreements. Our President and this Congress hold the keys to unlocking the benefits.

According to the U.S. International Trade Commission, these agreements would increase new U.S. exports between \$10 and \$12 billion, reducing the U.S. trade deficit and boosting the economy. In addition, these new U.S. goods exported to South Korea, to Colombia, to Panama would yield 27,000 new jobs. Overall this means an estimated gain in GDP of over \$12 billion from net exports annually.

This would be music to the ears of our exporters and those looking for work. Their government should similarly be chomping at the bit to get this done. It is within our grasp. American workers and businesses are essentially pleading for us to move forward. The folks on the production line, in our fields, those seeking employment, are the ones with true skin in the game.

We need to unleash their potential by unleashing the pending agreements with South Korea, Colombia, and Panama. These agreements will level the playing field and eliminate barriers for U.S. goods. Our workers are always ready to roll up their sleeves and do what they can to start producing.

Recently our Federal Reserve Chairman, Ben Bernanke, said: Our current pace of hiring will require 4 to 5 years to reach normal unemployment levels. Now, 4 to 5 years is too long to wait. We need to do everything we can to change that picture. So imagine the impact of immediately eliminating tariffs on 80 percent of U.S. exports to South Korea. Remember, only 13 percent of our goods and services are currently exported tariff free. How about immediately eliminating tariffs on U.S. exports to Colombia for more than 77 percent of agricultural goods and 76 percent of industrial goods. Consider a whopping 90 percent of Colombian imports already enter our country duty free under the Andean Trade Pref-

erence Act. This leveling of the playing field is sorely needed.

To be clear, I do not oppose helping our neighbors, and the Andean agreement was designed to do that. But should we not at least seek the same treatment for our businesses and our workers?

Almost 1 year ago today we heard the President speak about aggressively expanding the marketplace in the international market. These agreements would do that. I hope tonight he reaffirms his commitment.

Finally, the third pillar of the competitive package that I introduced today will lower our corporate tax rates 20 percent. For many years, the United States has had the second highest corporate tax rate in the world—second highest corporate tax rate in the world—second only to Japan. Japan has now announced that they will reduce their corporate rate for 2011. With this reduction, the United States will have the highest corporate tax rate of anyone in the entire world. That means the U.S. tax environment for our job creators will be the least attractive in the entire world.

Here is the math: When you take into account a Federal corporate tax rate of 35 percent and the average State corporate tax rate, the combined U.S. corporate tax rate totals more than 39 percent, nearly 40. This combined rate soars above those of other countries with which American businesses compete. That makes absolutely no sense. Is it any wonder that jobs are leaving this country to go to other competitive countries? Our Nation should be encouraging business creation and growth, not putting our job creators at a disadvantage with this extraordinary, No. 1-in-the-world tax rate.

At least 27 of 34 nations in the Organization for Economic Cooperation and Development have cut their general corporate income tax rates since 2000. These countries have benefitted from increased capital investment, and—get this—they have seen their corporate tax revenues, as a share of GDP, actually increase even with the lower rate because they are expanding the base.

According to a July 2010 analysis by PricewaterhouseCoopers, the U.S. would have to reduce its Federal rate to 20.3 percent to match the average corporate rate of other OECD countries. Thankfully, many recognize the need to bring our corporate tax rate in line with those of other industrialized nations. In fact, in December, the President's Export Council recommended the corporate tax rate be reduced to 20 percent. This will stimulate job creation across the country, all sectors of the job market.

Washington cannot continue to say one thing and do another. That is why today I am introducing the Restoring

America's Competitiveness in Enterprise Act of 2011. This legislative package, the 1099 repeal, the resolution supporting the trade agreements, the bill to reduce the highest—soon to be the highest—corporate tax rate in the world will provide a solid foundation for our country to move forward.

It will send a powerful message that this 112th Senate supports job creation and is committed to unleashing America's competitiveness. I am hopeful that my colleagues will join me in supporting this important package. We are off to a good start, and I thank my colleagues on both sides of the aisle who have joined me in this effort.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN.) Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— S. RES. 21

Mr. MERKLEY. Mr. President, I submit a resolution on behalf of myself and Senator TOM UDALL to amend rule XIX and rule XXII of the Standing Rules of the Senate, and I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, for purposes of having the resolution go over, under the rule, I object.

The PRESIDING OFFICER. Objection is heard. The measure will go over, under the rule.

Mr. MERKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I ask unanimous consent to speak on the issue of Senate rules. I will be joined by a few colleagues in a few minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. MERKLEY. Thank you, Madam President.

The reason I am rising to talk about rules is because we are at the start of a new 2-year period for Congress. This is the appropriate time to be considering how well the Senate is working and whether we should amend the rules by which the Senate functions.

The last major debate over many of the rules was in 1975. The reason there was a debate that particular year is that in 1973 and 1974, the Congress preceding, there were 44 filibusters, each eating up about a week of the Senate's time. There was a tremendous amount of frustration over the dysfunction of the Senate. So at the start of the Congress that began in 1975, there was an enormous amount of debate, debate that went on for weeks, with all kinds of motions. The spreadsheet tracking them fills pages. In the end, what this body, the Senate, decided to do was to change the rule that requires 67 Senators to terminate debate and have a final vote on a bill and replace it with the decision to have 60 Senators required to end debate and have a final vote on a bill. This is for the so-called cloture motion.

Now we are in a period immediately preceded by the 2009-2010 Congress. In 2009 and in 2010, we didn't have 44 filibusters, we had 135 filibusters. In other words, the Senate has been three times as dysfunctional as it was preceding the last major debate in this Chamber over rules. Since each filibuster delays the work of the Senate for approximately a week under the rules, if you have 135 objections in a 2-year period, that would be 135 weeks of delay in a 104-week period. Obviously, many things are not going to get done with that type of obstruction. Indeed, during 2010 this Chamber was unable to pass a single appropriations bill of the 13 appropriations bills traditionally taken under consideration, debated on this floor, and sent forward. Why is that important? Because in the appropriations bills, we make decisions about what the most pressing problems in America are and how we are going to allocate resources to address those pressing problems. We didn't fail to do this in one or two areas; we failed to do it in all 13. Furthermore, this body did not pass a budget during the last year, 2010. This body did not proceed to advise and consent on all of the nominations that came before it. In fact, we left over 100 nominations pending.

This merits a little bit further discussion because under the Constitution, it is the Senate, this esteemed Chamber, that weighs in on the President's nominations to fill key executive branch positions. It is this Chamber that weighs in on the President's recommendations to fill judicial positions, to assign judges.

If we never get to the debate on the floor of the Senate, then we have not fulfilled our constitutional responsibility to advise and consent. In fact, we have wounded the executive branch, and we have damaged the judicial branch. Certainly, under our theory of balance of powers, it was never envisioned that the advise-and-consent function of the Senate would be used to damage other branches of government. We have failed in our responsibility.

Furthermore, we have left over 400 House bills lying on the floor, collecting dust, unprocessed, unconsidered. The saying in the House of Representatives is the Senate is where good House bills go to die.

It is appropriate that as we start a new 2-year period, we ask ourselves how we should address this dysfunction. There was a time in which the Senate was called the greatest deliberative body in the world. Unfortunately, today there is very little deliberation in the Senate. No appropriations bills, nominations unprocessed, hundreds of House bills untouched, an incomplete budget. The main culprit in this is the filibuster. A filibuster is kind of street language, if you will, for an objection to the regular order of holding a majority vote and triggering about a week's delay in the Senate's process, and it also triggers a supermajority of 60.

It has gotten to the point that in this constitutional function as a majority body, a body in which we need 51 votes, it is functionally becoming a supermajority body.

The Framers of the Constitution were very clear and they laid out a supermajority required for certain purposes. A supermajority is required to approve treaties or a supermajority is required to impeach but not to pass legislation. That was not the vision.

Today, I rise to say we can do better in the Senate and that we owe it under our constitutional responsibilities to do better.

There are a series of proposals that have been filed. One of my colleagues has arrived, Senator UDALL, who has been a key leader, enormously instrumental in this effort to reform the Senate. In a few minutes, I am going to ask unanimous consent for one of these rule changes to be considered on the floor. I will do that when my colleagues across the aisle have arrived. I will go further in discussing how we need to change the Senate.

Before I go further, Senator UDALL already asked for a colloquy. I thought

I would stop at this moment and see if he wants to jump in and share some general thoughts before we get into the specifics of the various resolutions which we might ask unanimous consent to have considered.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, first of all at the beginning, let me thank two of my colleagues who have worked incredibly hard with me on the issue of Senate rules reform—Senator MERKLEY from Oregon and Senator TOM HARKIN from Iowa. Senator HARKIN will be joining us at some point.

I also wish to thank the Chair. One of the very early leaders on the constitutional option on Senate reform of the rules was Senator JEANNE SHAHEEN from New Hampshire. She is in the chair today. I know she cares about this a lot. I know she wants to see this move forward.

What we are trying to do is follow what has been the history in the Senate. At various points in the Senate, there has been respect for each other, the ability to get legislation on the floor, to have debate. With the rules, it is pretty extraordinary when we look at the history.

When we look at the history of the Senate rules, one of the things that is very clear in the movements in the fifties, sixties, and seventies to consider rules reform, both leaders would allow proposals onto the floor, allow these proposals onto the floor to be voted upon.

We have the extraordinary situation today—extraordinary, and we will see when our colleagues show up—where our friends on the other side of the aisle are basically saying: We don't want your rules reform on the floor today. We are not going to allow that to happen.

As everybody in the Senate knows, we have to have unanimous consent to do this. We are not going to get consent today, but we want to lay out for people what it is that could happen if we were able to get something on the floor.

It is my belief, I say to Senator MERKLEY, that the proposals we make—the proposal Senator MERKLEY and I are on and the Presiding Officer, Senator SHAHEEN, and 26 other Senators are on, S. Res. 10, that we filed on January 10, is a reasonable proposal; it is a commonsense proposal. The five proposals that are contained in the resolution have had substantial bipartisan support in the past.

I am going to be asking unanimous consent to put S. Res. 10 onto the floor so we can have a debate on it, so we can move forward. What is, as I said, extraordinary is we are not going to get that consent. Our research indicates—and I know Senator MERKLEY and his staff worked very hard. They

had a chart that was three pages long. In the fifties, sixties, and seventies, these proposals were on the floor. They were debated on the floor. Sometimes there was a motion to table, sometimes there was an up-or-down vote. But we are having great difficulty getting this reasonable, commonsense proposal on the floor.

Let me talk a little bit about S. Res. 10, which 26 other Senators cosponsored on the first day. First of all, it deals with a serious problem. There are five parts to this issue. The first one is debate on motions to proceed. It may sound a little crazy to people out there, but when we try to get something onto the floor, it does not happen automatically. Actually, what has to happen is if both sides do not agree, the majority leader files what is called a motion to proceed. We can end up on the motion to proceed, going along for 1 week, have to file cloture, which means to cut off debate on the motion to proceed, and then with all the ripening time it takes about 1 week to get through that. We can get to the end of the week, and if we do not get the 60 votes to cut off debate on the motion to proceed, we are back to square one and have wasted a week. That is what we believe is a dilatory tactic. It does not let us get to the point, the people's business.

Mr. MERKLEY. If I may interrupt for a moment, I wish to clarify what the Senator from New Mexico just said, which is, a supermajority of the Senate, after 1 week of debate, is required just to get to the point where we might start debate on the bill, and the Senate wastes weeks and weeks debating whether to debate rather than doing the people's business. That is a problem.

Mr. UDALL of New Mexico. Senator MERKLEY hit it on the head. That is a problem, and we have had that consistently in the 2 years that he and I have been here. My understanding is, it happened in many of the years before that time. In fact, Senator Byrd was very upset about the way the motion to proceed was being used. In 1979, he came down to the floor—he was the majority leader—and he did everything he could to change the motion to proceed and try to make sure it was used more rationally and more reasonably.

What our proposal is, I say to Senator MERKLEY, and other Senators on this resolution know, we are talking 2 hours of debate on the motion to proceed. Rather than wasting a week, if Majority Leader REID comes down and says we are going to proceed to legislation about jobs and he puts it on the floor, the side over there gets an hour and our side gets an hour and then we are on the legislation, ready to have amendments filed, ready for debate to take place.

We have saved us what we believe would be 1 week of time. That is deal-

ing with the first proposal on the motion to proceed.

The second proposal is very simple, but it is going to move the Senate along in a dramatic way; that is, section 2, eliminating secret holds. I know we have several Senators who have worked for years and years on secret holds. When I talk about the bipartisanship on secret holds, Senator GRASSLEY, Senator WYDEN, from Senator MERKLEY's great State of Oregon, Senator CLAIRE MCCASKILL of Missouri more recently, have all been working on the issue of secret holds.

We very simply do this in one little section. We say:

No Senator may object on behalf of another Senator without disclosing the name of that Senator.

That gets right to the heart of secret holds.

Mr. MERKLEY. Madam President, the Senator from New Mexico is telling me it has become a common practice on the floor of the Senate for an individual Senator who wants to oppose something to not have the courage to stand here and tell the world their position but instead to secretly object to a particular issue being raised. I cannot imagine the American public can believe that Senators do not have the courage of their convictions to come here and say: I am going to hold up this legislation because I disagree with it, and I am going to fight it any way I can. So the public can weigh in if they agree with them or not. They will be accountable to the U.S. citizens.

Mr. UDALL of New Mexico. One of the things that happens—and we have seen a lot of this—we know some Senator is objecting, for example, to a nomination, a high nomination in an executive department and does it secretly so we do not know on the Senate floor, the press who covers this does not have an idea, and the people do not know. Then, the same Senator goes to the department and negotiates policy, national policy about a particular issue that concerns the whole Nation, all our States, and tries to get an agreement, a backroom deal and an agreement. That is not the way we should be doing business, and that is why this very simple proposal: "No Senator may object on behalf of another Senator without disclosing the name of the Senator."

You own the hold.

Mr. MERKLEY. I wish to note, as Senator UDALL observed, Senator WYDEN, Senator GRASSLEY, and Senator MCCASKILL have worked hard on a much more detailed version than we have in S. Res. 10, but the basic notion is the same. If a colleague is going to place a hold, they are going to do so in a public and accountable fashion and that would greatly improve the quality of ballot.

I have been in the position of trying to get help for the Klamath Basin in Oregon because they have had little

rainfall. I eventually did find out, but it took me quite a while, asking a lot of questions about who had the hold so I could ask them to release the hold so we would have a chance of moving that assistance for this drought-impacted portion of my State.

With this change, those holding up assistance to Klamath or any other area would have to come to the floor and make clear where they stand.

Mr. UDALL of New Mexico. Then it is transparent, then if you as a Senator on the Klamath Basin want to do something, you can go to that Senator—whoever it is—and say: I have an issue with my State. Can we work together to try to work it out?

Right now the problem we have is that some Senator is putting on a secret hold and we do not know who it is and we do not have the ability to clear that away. This is a good, solid proposal.

Mr. MERKLEY. It is not only secret to the public, it is often secret to fellow Senators, greatly complicating our effort to dialog with fellow Senators as to why we are pursuing something and get their partnership in it.

Mr. UDALL of New Mexico. I am going to move on to the third section of S. Res. 10, which is the right to offer amendments. As Senator MERKLEY knows very well and our Presiding Officer, one of the big issues around here—and this is getting into a little bit of the weeds, but one of the big issues that can help us function better is if we just agree, whether we are in the majority or in the minority, that we want both sides to have the opportunity to debate and to offer amendments. And so we are trying to protect that right. Many of us are thinking in terms of these rulings, and we are saying we want them to be fair to both sides. So the provision on the right to offer amendments is in the legislation. It talks about them being majority and minority amendments. It doesn't talk about parties because a lot of the pundits are saying we are going to be in the minority in 2 years, and I think it is only fair in the Senate that we have that kind of relationship.

Senator MERKLEY.

Mr. MERKLEY. I want to note this is important to both the majority and the minority. For example, we recently had a bill on the floor of the Senate which was a major bill regarding the compromise struck by President Obama with our Republican colleagues to spend almost \$1 trillion. I had an amendment I wanted to present that would have taken some of the money in that bill that was being spent in a fashion which created very few jobs and to spend it in a fashion which would create a lot of jobs. I had another proposal to take money that wasn't being put to good use and to proceed to fill in and support the solvency of Social Security and Medicare.

Now, people can argue about whether these were good ideas, but if I had been able to offer one or both of those amendments, I think it would have improved the debate and dialogue and perhaps have resulted in a better piece of legislation.

Mr. UDALL of New Mexico. The fourth provision—and I think the Senator is very right on section 3, but section 4 is the issue of extended debate, and I would like to have the Senator talk about that issue because that is the issue on which you worked the most closely.

The Senator from Oregon has raised the issue of what we have going on right now is what we call a silent debate. It is a silent filibuster. We have people who say they want to filibuster and object, but then they go home or they go on vacation or something like that. So my colleague has drafted a provision—he is the architect of this provision in S. Res. 10, if he could just go through that and talk about that section on extended debate, what it does and why it is important to what we are dealing with today.

Mr. MERKLEY. Certainly. This provision about a talking filibuster says rather than having a situation where a Senator objects to a majority vote and then we delay the work of the Senate for a week, though nobody is here explaining their position to the American public, instead we would switch to a provision that says if 41 Senators want continued debate on a bill, we will get continued debate on a bill. We will have debate on a bill, not silence.

Currently, we have the hidden or the silent filibuster. With this, we would create the public or the talking filibuster. To give a sense of the numbers on this, these blue bars represent filibusters during the last 2-year period. During the first 6 months 33, 34 in the second 6 months, 36 in the third 6 months, and then 33. I think that is 136 total filibusters in a 2-year period.

This is why we didn't have any appropriations bills. This is why we didn't have a budget. This is why we didn't deal with hundreds of House bills. And this is why we didn't get nominations done and advice and consent on them.

Is this the way the Senate has always operated? Absolutely not. In the last few decades there has been a huge change in how the Senate has functioned. So let's take a look at the average per year.

In the 1900–1970 period, the average was one filibuster per year. In the 1970s, the average was 16 filibusters per year. In the 1980s, 21 filibusters per year, average; in the 1990s, 36 filibusters per year, average; in the 2000s, 2000–2010, 48 filibusters per year; and from 2009 to 2010, this last session, an average of 68. There were 136 total.

So you can see from this chart the growing dysfunction. There was always a social contract that existed in which

an individual Senator didn't exercise his or her power to object to a simple majority vote unless they thought it was an issue of huge consequence. Maybe that would occur once or twice in a career, but not routinely week after week. But that social contract has been eliminated. The filibuster was honoring the right of every Senator to be heard; that we were not going to hold a vote until every Senator had his or her say so we could be fully informed and have a full dialogue. It is that reciprocal respect that is being routinely disregarded and abused on the floor of the Senate.

Many of us have an image of the filibuster that comes from the movie, "Mr. Smith Goes to Washington." Here is Jimmy Stewart playing the character of Jefferson Smith, and he comes to defend a corrupt action and to stop it regarding a camp for children. He talks through the night, and there are many forces assaulting him, but Jimmy Stewart is going to stay on the Senate floor and he is going to tell the American people what he is fighting for and why. This is the talking filibuster, where you don't object and go away and leave the Senate suspended. You don't vote for additional debate and then not have that debate. You come to this floor and you hold the floor and you join with other partners to hold the floor in order to explain why you are holding up the Senate and to carry on the debate, to have that additional debate you have voted for.

So the talking filibuster is almost that simple—it replaces the silent filibuster with the talking filibuster. The result is two critical things: First of all, transparency and accountability with the American public. The public can see what you are saying on the floor of the Senate and can say you are a hero or you are a bum. They can agree with you or they can disagree, but it is visible, not hidden.

The second thing is each Senator has to expend time and energy to carry out a filibuster, so this will strip away all these frivolous filibusters that are done for no other reason than to prevent the Senate from being able to carry on with its responsibilities.

Mr. UDALL of New Mexico. Let me also say one thing about the talking filibuster that hit me, and that is bipartisanship. As we know, both of us, I think, were on the Senate floor when Senator Arlen Specter gave his farewell address. I believe the Presiding Officer was also here. Senator Specter served in the minority for 2 years and then was in the majority for almost 2 years and both times he came forward with a proposal where he was calling for the same thing—a talking filibuster, whether he was on the minority side or the majority side.

So I think, once again, that just demonstrates that each of these provisions has bipartisan support in it.

We don't think this debate is about partisanship. We don't think it is about a power grab. We don't think it is about those kinds of things. It is about, as the Senator has elucidated, making the Senate work better. When we say "make the Senate work better," we are talking about it working better for the American people.

I think if we did the oversight of government when it comes to appropriations bills, a budget, getting the budget out on time, getting appropriations bills done on time, that does a lot to make sure the public's money is well spent, and that is something I hear a lot about back home.

I will ask unanimous consent to have printed in the RECORD a Republican Policy Committee paper titled "The Constitutional Option: The Senate's Power To Make Procedural Rules by Majority Vote," dated April 25, 2005.

We keep hearing that any use of the constitutional option is simply a power grab by Democrats. That is simply not true—and a 2005 Republican Policy Committee memo provides some excellent points to rebut the power grab argument.

Let me read part of the 2005 Republican memo and I will ask that the entire memo be printed in the RECORD:

This constitutional option is well grounded in the U.S. Constitution and in Senate history.

The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote. Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents changing Senate procedures during the middle of a Congress. And the Senate several times has changed its Standing Rules after the constitutional option had been threatened, beginning with the adoption of the first cloture rule in 1917. Simply put, the constitutional option itself is a longstanding feature of Senate practice.

The Senate, therefore, has long accepted the legitimacy of the constitutional option. Through precedent, the option has been exercised and Senate procedures have been changed. At other times it has been merely threatened, and Senators negotiated textual rules changes through the regular order. But regardless of the outcome, the constitutional option has played an ongoing and important role.

The memo goes on to address some "Common Misunderstandings of the Constitutional Option." Let me read some of those.

Again, this is a direct quote:

Senate procedures are sacrosanct and cannot be changed by the constitutional option. This misunderstanding does not square with history. As discussed, the constitutional option has been used multiple times to change the Senate's practices through the creation of new precedents. Also, the Senate has changed its Standing Rules several times under the threat of the constitutional option.

The next misunderstanding addressed in the memo is that "Exercising the constitutional option will destroy the filibuster for legislation."

The Republican rebuttal is:

The history of the use of the constitutional option suggests that this concern is grossly overstated. Senators will only exercise the constitutional option when they are willing to live with the rule that is created, regardless of which party controls the body.

And a final misunderstanding in the memo, and one which the Republicans are happy to use now, is that "the essential character of the Senate will be destroyed if the constitutional option is exercised."

The memo rebuts this by stating:

When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

I ask unanimous consent that the memo be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Republican Policy Committee, Apr. 25, 2005]

THE SENATE'S POWER TO MAKE PROCEDURAL RULES BY MAJORITY VOTE EXECUTIVE SUMMARY

The filibusters of judicial nominations that arose during the 108th Congress have created an institutional crisis for the Senate.

Until 2003, Democrats and Republicans had worked together to guarantee that nominations considered on the Senate floor received up-or-down votes.

The filibustering Senators are trying to create a new Senate precedent—a 60-vote requirement for the confirmation of judges—contrary to the simple-majority standard presumed in the Constitution.

If the Senate allows these filibusters to continue, it will be acquiescing in Democrats' unilateral change to Senate practices and procedures.

The Senate has the power to remedy this situation through the "constitutional option"—the exercise of a Senate majority's constitutional power to define Senate practices and procedures.

The Senate has always had, and repeatedly has exercised, this constitutional option. The majority's authority is grounded in the Constitution, Supreme Court case law, and the Senate's past practices.

For example, Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents that changed Senate procedures during the middle of a Congress.

An exercise of the constitutional option under the current circumstances would be an act of restoration—a return to the historic and constitutional confirmation standard of simple-majority support for all judicial nominations.

Employing the constitutional option here would not affect the legislative filibuster because virtually every Senator supports its preservation. In contrast, only a minority of Senators believes in blocking judicial nominations by filibuster.

The Senate would, therefore, be well within its rights to exercise the constitutional option in order to restore up-or-down votes for judicial nominations on the Senate floor.

INTRODUCTION

In recent months, there has been growing public interest in the Senate's ability to change its internal procedures by majority vote. The impetus for this discussion is a Senate minority's use of the filibuster to block votes on 10 judicial nominations during the 108th Congress. Until then, a bipartisan majority of Senators had worked together to guarantee that filibusters were not to be used to permanently block up-or-down votes on judicial nominations. For example, as recently as March 2000, Majority Leader Trent Lott and Minority Leader Tom Daschle worked together to ensure that judicial nominees Richard Paez and Marsha Berzon received up-or-down votes, even though Majority Leader Lott and most of the Republican caucus ultimately voted against those nominations. But that shared understanding of Senate norms and practices—that judicial nominations shall not be blocked by filibuster—broke down in the 108th Congress.

This breakdown in Senate norms is profound. There is now a risk that the Senate is creating a new, 60-vote confirmation standard. The Constitution plainly requires no more than a majority vote to confirm any executive nomination, but some Senators have shown that they are determined to override this constitutional standard. Thus, if the Senate not act during the 109th Congress to restore the Constitution's simple-majority standard, it could be plausibly argued that a precedent has been set by the Senate's acquiescence in a 60-vote threshold for nominations.

One way that Senators can restore the Senate's traditional understanding of its advice and consent responsibility is to employ the "constitutional option"—an exercise of a Senate majority's power under the Constitution to define Senate practices and procedures. The constitutional option can be exercised in different ways, such as amending Senate Standing Rules or by creating precedents, but regardless of the variant, the purpose would be the same—to restore previous Senate practices in the face of unforeseen abuses. Exercising the constitutional option in response to judicial nomination filibusters would restore the Senate to its longstanding norms and practices governing judicial nominations, and guarantee that a minority does not transform the fundamental nature of the Senate's advice and consent responsibility. The approach, therefore, would be both reactive and restorative.

This constitutional option is well grounded in the U.S. Constitution and in Senate history. The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote. Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents changing Senate procedures during the middle of a Congress. And the Senate several times has changed its Standing Rules after the constitutional option had been threatened, beginning with the adoption of the first cloture rule in 1917. Simply put, the constitutional option itself is a longstanding feature of Senate practice.

This paper proceeds in four parts: (1) a discussion of the constitutional basis of the Senate's right to set rules for its proceedings; (2) an examination of past instances when Senate majorities acted to define Senate practices—even where the written rules and binding precedents of the Senate dictated otherwise; (3) an evaluation of

how this history relates to the present impasse regarding judicial nomination filibusters; and (4) a clarification of common misunderstandings of, the constitutional option. The purpose of this paper is not to resolve the political question of whether the Senate should exercise the constitutional option, but merely to demonstrate the constitutional and historical legitimacy of such an approach.

THE CONSTITUTION: THE SENATE'S RIGHT TO SET PROCEDURAL RULES

"Each House may determine the Rules of its Proceedings." —U.S. Constitution, art. I, sec. 5., cl. 2.

The Senate's constitutional power to make rules is straightforward, but two issues do warrant brief elaboration—the number of Senators that are constitutionally necessary to establish procedures and whether there are any time limitations as to when the rule-making power can be exercised.

The Supreme Court addressed both of these questions in *United States v. Ballin*, an 1892 case interpreting Congress's rulemaking powers.¹ First, the Court held that the powers delegated to each body are held by a simple majority of the quorum, unless the Constitution expressly creates a supermajority requirement.² The Constitution itself sets the quorum for doing business—a majority of the Senate.³ Second, the Supreme Court held that the "power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house."⁴ Thus, the Supreme Court has held that the power of a majority of Senators to define the Senate's procedures exists at all times—whether at the beginning, middle, or end of a Congress.

The Senate majority exercises this constitutional rulemaking power in several ways:

First, it has adopted Standing Rules to govern some Senate practices and procedures. Those rules formally can be changed by a majority vote. Any motion to formally amend the Standing Rules is subject to debate, and Senate Rule XXII creates a special two-thirds cloture threshold to end that debate.

Second, the Senate operates according to Senate precedents, i.e., rulings by the Chair or the Senate itself regarding questions of Senate procedure. A precedent is created whenever the Chair rules on a point of order, when the Senate sustains or rejects an appeal of the Chair's ruling on a point of order, or when the Senate itself rules on a question that has been submitted to it by the Chair.⁵ As former parliamentarian and Senate procedural expert Floyd M. Riddick has said, "The precedents of the Senate are just as significant as the rules of the Senate."⁶

Third, the Senate binds itself through rule-making statutes that constrain and channel the consideration of particular matters and guarantee that the Senate can take action on certain matters by majority vote. At least 26 such rule-making statutes govern Senate procedure and limit the right to debate, dating back to the 1939 Reorganization Act and including, most prominently, the 1974 Budget Act.⁷

Finally, the Senate can modify the above procedures through Standing Orders, which can be entered via formal legislation, Senate resolutions, and unanimous consent agreements.

It is important to emphasize, however, that these rules are the mere background for day-to-day Senate procedure. As any Senate observer knows, the institution functions primarily through cooperation and tacit or

express agreements about appropriate behavior. Most business is conducted by unanimous consent, and collective norms have emerged that assist in the protection of minority rights without unduly hindering the Senate's business.

Consider, for example, the Senate's contrasting norms regarding the exercise of individual Senators' procedural rights. Under the rules and precedents of the Senate, each Senator has the right to object to consent requests and, with a sufficient second, to demand roll call votes on customarily routine motions. If Senators routinely exercised those rights, however, the Senate would come to a standstill. Such wholesale obstruction is rare, but not because the Senate's standing rules, precedents, and rulemaking statutes prohibit a Senator from engaging in that kind of delay. Rather, Senators rarely employ such dilatory tactics because of the potential reaction of other Senators or the possibility of retaliation. As a result, informed self enforcement of reasonable behavior is the norm.

At the same time, some "obstructionist" tactics have long been accepted by the Senate as features of a body that respects minority rights. Most prominent is the broadly accepted right of a single Senator to speak for as long as he or she wants on pending legislation, subject only to the right of the majority to invoke cloture and shut off debate. Indeed, an overwhelming and bipartisan consensus in support of the current legislative filibuster system has existed for 30 years.⁸ Thus, the norms of the Senate tolerate some, but not all, kinds or degrees of obstruction.

Thus, while written rules, precedents, and orders are important, common understandings of self-restraint, discretion, and institutional propriety have primarily governed acceptable Senatorial conduct. It is the departures from these norms of conduct that have precipitated institutional crises that require the Senate to respond.

THE HISTORY: THE SENATE'S REPEATED USE OF THE CONSTITUTIONAL OPTION

The Senate is a relatively stable institution, but its norms of conduct have sometimes been violated. In some instances, a minority of Senators has rejected past practices and bipartisan understandings and exploited heretofore "off limits" opportunities to obstruct the Senate's business. At other times, a minority of Senators has abused the rules and precedents in a manner that violates Senators' reasonable expectations of proper procedural parameters. These are efforts to change Senate norms and practices, but they do not necessarily have the support of a majority.

Such situations create institutional conundrums: what should be done when a mere minority of Senators changes accepted institutional norms? One option is to acquiesce and allow "rule by the minority" so that the minority's norm becomes the Senate's new norm. But another option has been for the majority of Senators to deny the legitimacy of the minority Senators' effort to shift the norms of the entire body. And to do that, it has been necessary for the majority to act independently to restore the previous Senate norms of conduct.

This section examines those illustrative instances—examples of when the Senate refused to permit a minority of Senators to change norms of conduct or to otherwise exploit the rules in ways destructive to the Senate, and, instead, exercised the constitutional option.

Then-Majority Leader Byrd's Repeated Exercise of the Constitutional Option

When Senator Robert C. Byrd was Majority Leader, he faced several circumstances in which a minority of Senators (from both parties) began to exploit Senate rules and precedents in generally unprecedented ways. The result was obstruction of Senate business that was wholly unrelated to the institution's great respect for the right to debate and amend. Majority Leader Byrd's response was to implement procedural changes through majoritarian votes in order to restore Senate practices to the previously accepted norms of the body.

1977—Majority Leader Byrd Exercised the Constitutional Option to Alter Operation of Rule XXII and Prevent Post-Closure Filibusters

In 1977, two Senators attempted to block a natural gas deregulation bill after cloture had already been invoked.⁹ A "post-cloture filibuster" should seem counterintuitive for anyone with a casual acquaintance with Senate rules, but these obstructing Senators had found a loophole. Although further debate was foreclosed by Rule XXII once post-cloture debate was exhausted, the Senators were able to delay a final vote by offering a series of amendments and then forcing quorum calls and roll call votes for each one. Even if the amendments were "dilatory" or "not germane" (which Rule XXII expressly prohibits), Senate procedure provided no mechanism to get an automatic ruling from the Chair that the amendments were defective. A Senator could raise a point of order, but any favorable ruling could be appealed, and a roll call vote could be demanded on the appeal. Moreover, in 1975, before a point of order could even be made, an amendment first must have been read by the clerk. While the reading of amendments is commonly waived by unanimous consent, anyone could object and require a reading that could further tie up Senate business. Thus, the finality that cloture is supposed to produce could be frustrated.

These practices were proper under Senate rules and precedents, but Majority Leader Byrd concluded in this context that these tactics were an abuse of Senate Rule XXII. His response was to make a point of order that "when the Senate is operating under cloture the Chair is required to take the initiative under rule XXII to rule out of order all amendments which are dilatory or which on their face are out of order."¹⁰ The Presiding Officer, Vice President Walter Mondale, sustained the point of order, another Senator appealed, and Majority Leader Byrd immediately moved to table. The Senate then voted to sustain the motion to table the appeal. In so doing, the Senate set a new precedent that ran directly contrary to the Senate's longstanding procedures which required Senators to raise points of order to enforce Senate rules. Now, under this precedent, the Chair would be empowered to take the initiative to rule on questions of order in a post-cloture environment.

The reason for Majority Leader Byrd's tactic immediately became clear. He began to call up each of the dilatory amendments that had been filed post-cloture, and the Chair instantly ruled them out of order. There was no reading of the amendments (which would have been dilatory in itself) and there were no roll call votes. The Majority Leader then exercised his right of preferential recognition to call up numerous remaining amendments, and similarly disposed of them. No appeals could be taken because any appeal

was mooted when Majority Leader Byrd secured his preferential recognition to call up additional amendments."¹¹

This was the constitutional option in action. Majority Leader Byrd did not follow the regular order and attempt to amend the Senate Rules in order to block these tactics. Instead, he used a simple point of order that cut off the ability of a minority of Senators to add a new layer of obstruction to the legislative process. His method was consistent with the Senate's constitutional authority to establish procedure.

1979—Majority Leader Byrd Exercised the Constitutional Option to Change Operation of Rule XVI (Limiting Amendments to Appropriations Bills)

Majority Leader Byrd used the constitutional option again in 1979 in order to block legislation on appropriations bills.¹² Standing Rule XVI barred Senate legislative amendments to appropriations bills. By precedent, however, such amendments were permissible when offered as germane modifications of House legislative provisions. Thus, when the House acted first and added legislative language to an appropriations measure, Senators could respond by offering legislative amendments to the House's legislative language. While another Senator might make a point of order, the Senator offering the authorizing language could respond with a defense of germaneness. And, by the express language of Rule XVI, that question of germaneness must be submitted to the Senate and decided without debate. By enabling the full Senate to vote on the germaneness defense without getting a ruling from the Presiding Officer first, the legislative amendment's sponsor avoided having to overturn the ruling of the Chair and create any formal precedents in doing so. The result was a breakdown in the appropriations process due to legislative amendments, and it was happening pursuant to Senate rules that plainly permitted these tactics.

Majority Leader Byrd resolved to override the plain text of Rule XVI and strip the Senate of its ability to decide questions of germaneness in this context. Senator Byrd's mechanism was similar to the motion he employed in 1977: he made a point of order that "this is a misuse of precedents of the Senate, since there is no House language to which this amendment could be germane, and that, therefore, the Chair is required to rule on the point of order as to its being legislation on an appropriation bill and cannot submit the question of germaneness to the Senate."¹³ The Chair sustained the point of order, and the Senate rejected the ensuing appeal, 44-40.

The result of Majority Leader Byrd's exercise of the constitutional option was a binding precedent that caused the Senate to operate in a manner directly contrary to the plain language of Rule XVI.¹⁴ Moreover, the method was contrary to past Senate practices regarding germaneness. But the process employed, as in 1977, was nonetheless constitutional because nothing in the Senate's rules, precedents, or practices can deny the Senate the constitutional power to set its procedural rules.

1980—Majority Leader Byrd Changed Procedures Governing Executive Session and the Treatment of Judicial Nominations

The Senate's Executive Calendar has two sections—treaties and nominations. Prior to March 1980, a motion to enter Executive Session, if carried, would move the Senate automatically to the first item on the Calendar, often a treaty. Rule XXII provides (then and

now) that such a motion to enter Executive Session is not debatable. However, unlike the non-debatable motion to enter Executive Session, any motion to proceed to a particular item on the Executive Calendar was then subject to debate. In practice, then, the Senate could not proceed to consider any business other than the first Executive Calendar item without a Senator offering a debatable motion, which then would be subject to a possible filibuster.¹⁵

Majority Leader Byrd announced his objection to this potential "double filibuster" (once on the motion to proceed to a particular Executive Calendar item, and again on the Executive Calendar item itself), and exercised another version of the constitutional option. This time he moved to proceed directly to a particular nomination on the Executive Calendar and sought to do so without debate. Senator Jesse Helms made the point of order that Majority Leader Byrd could only move by a non-debatable motion into Executive Session, not to a particular treaty or nomination.¹⁶ The Presiding Officer upheld the point of order given that it was grounded in Rule XXII and longstanding understandings of Senate practices and procedures. But Majority Leader Byrd simply appealed the ruling of the Chair and prevailed, 38-54. Thus, even though there was no basis in the Senate Rules, and even though Senate practices had long preserved the right to debate any motion to proceed to a particular Executive Calendar item, the Senate exercised its constitutional power to "make rules for its proceedings" and created the procedure that the Senate continues to use today.

As an historical sidenote, Majority Leader Byrd used this new precedent to great effect in December 1980 when he bypassed several items (including several nominations) on the Executive Calendar to take up a single judicial nomination—that of Stephen Breyer, then Chief Counsel to the Senate Judiciary Committee, to be a judge on the U.S. Court of Appeals for the First Circuit. Judge Breyer was later nominated and confirmed to the U.S. Supreme Court in 1994. Without Majority Leader Byrd's exercise of the constitutional option earlier that year, it is almost certain that Justice Breyer would not be on the Supreme Court today.

1987—Majority Leader Byrd Forced Change to Rule XII's Voting Procedures through Exercise of the Constitutional Option

A fourth exercise of the constitutional option came in 1987 when Senator Byrd was once again Majority Leader. The controversy in question involved an effort by Majority Leader Byrd to proceed to consider a particular bill, an effort that had been frustrated because a minority of Senators objected each time he moved to proceed. To thwart his opponents, Majority Leader Byrd sought to use a special feature of the Senate Rules—the Morning Hour (the first two hours of the Legislative Day).

Under Rule VIII, a motion to proceed to an item on the Legislative Calendar that is made during the Morning Hour is non-debatable. This feature of the rules gives the Majority Leader significant power to set the Senate agenda due to his right to preferential recognition (which is, itself, a creature of mere custom and precedent). Such a motion cannot be made, however, until the Senate Journal is approved and Morning Business is thereafter concluded (or the first of the two hours has passed). Meanwhile, the clock runs on the Morning Hour while that preliminary business takes place. When the Morning Hour expires, a motion to proceed

once again becomes debatable and subject to filibuster.¹⁷ It was this feature of the Morning Hour that Senator Byrd believed would enable him to proceed to the bill in question.

Majority Leader Byrd's plan was complicated, however, when objecting Senators forced a roll call vote on the approval of the Journal, as was their right under the procedures and practices of the Senate. Rule XII provides that during a roll call vote, if a Senator declines to vote, he or she must state a reason for being excused. The Presiding Officer then must put a non-debatable question to the Senate as to whether the Senator should be excused from voting. When Majority Leader Byrd moved to approve the Journal, one Senator declined to vote and sought to be excused. Following Rule XII, the Presiding Officer put the question directly to the Senate—should the Senator be excused?—but during the roll call on whether the first Senator should be excused, another Senator announced that he wished to be excused from voting on whether the first Senator should be excused. The Chair was likewise obliged to put the question to the Senate. At that point, yet another Senator announced he wished to be excused from that vote. There were four roll call votes then underway—the original motion to approve the Journal and three votes on whether Senators could be excused. If Senators persisted in this tactic, the time it took for roll call votes would cause the Morning Hour to expire, and the Majority Leader would lose his ability to move to proceed to his bill without debate. All this maneuvering was wholly consistent with the Standing Rules of the Senate.

Majority Leader Byrd countered with a point of order, arguing that the requests to be excused were, in fact, little more than efforts to delay the actual vote on the approval of the Journal. His solution was to exercise the constitutional option: to use majority-supported Senate precedents to change Senate procedures, outside the operation of the Senate rules. In three subsequent party-line votes, three new precedents were established: first, that a point of order could be made declaring repeated requests to be excused from voting on a motion to approve the Journal (or a vote subsumed by it) to be "dilatatory;" second, that repeated requests to be excused from voting on a motion to approve the Journal (or a vote subsumed by it) "when they are obviously done for the purpose of delaying the announcement of the vote on the motion to approve the Journal, are out of order;" and third, that a Senator has a "limited time" to explain his reason for not voting, i.e., he cannot filibuster by speaking indefinitely when recognized to state his reason for not voting.¹⁸ Majority Leader Byrd had crafted these new procedures completely independently of the Senate Rules, and they were adopted by a partisan majority without following the procedures for rule changes provided in Rule XXII. Yet the tactics were wholly within the Senate's constitutional power to devise its own procedures.

This 1987 circumstance offers a very important precedent for the present difficulties. Majority Leader Byrd established that a majority could restrict the rights of individual Senators outside the cloture process if the majority concluded that the Senators were acting in a purely "dilatatory" fashion. Previous to that day, dilatatory tactics were only out of order after cloture had been invoked.

Additional Senate Endorsements of the Constitutional Option

The Senate also has endorsed (or acted in response to) some version of the constitutional option several other times over the past 90 years—in 1917, 1959, 1975, and 1979.

The original cloture rule, adopted in 1917, itself appears to be the result of a threat to exercise the constitutional option. Until 1917, the Senate had no cloture rule at all, although one had been discussed since the days of Henry Clay and Daniel Webster. The ability of Senators to filibuster any effort to create a cloture rule put the body in a quandary: debate on a possible cloture rule could not be foreclosed without some form of cloture device.

The logjam was broken when first term Senator Thomas Walsh announced his intention to exercise a version of the constitutional option so that the Senate could create a cloture rule. His method was to propose a cloture rule and forestall a filibuster by asserting that the Senate could operate under general parliamentary law while considering the proposed rule. Doing so would permit the Senate to avail itself of a motion for the previous question to terminate debate—a standard feature of general parliamentary law.¹⁹ In this climate, Senate leaders quickly entered into negotiations to craft a cloture rule.²⁰ Negotiators produced a rule that was adopted, 76-3, with the opposing Senators choosing not to filibuster.²¹ But it was only after Senator Walsh made clear that he intended to press the constitutional option that those negotiations bore fruit. As Senator Clinton Anderson would remark in 1953, “Senator Walsh won without firing a shot.”²²

The same pattern repeated in 1959, 1975, and 1979. In each case, the Senate faced a concerted effort by an apparent majority of Senators to exercise the constitutional option to make changes to Senate rules. In 1959, some Senators threatened to exercise the constitutional option in order to change the cloture requirements of Rule XXII. Then-Majority Leader Lyndon Johnson preempted its use by offering a modification to Rule XXII that was adopted through the regular order.²³ In 1975, the Senate three times formally endorsed the constitutional option by creating precedents aimed at facilitating rule changes by majority vote, although the ultimate rule change (also to Rule XXII) was implemented through the regular order after off-the-Floor negotiations.²⁴ And in 1979, Majority Leader Byrd threatened to use the constitutional option unless the Senate consented to a time frame for consideration of changes to post-cloture procedures. The Senate acquiesced, and the Majority Leader did not need to use the constitutional option as he had in the other cases discussed above.²⁵

The Senate, therefore, has long accepted the legitimacy of the constitutional option. Through precedent, the option has been exercised and Senate procedures have been changed. At other times it has been merely threatened, and Senators negotiated textual rules changes through the regular order. But regardless of the outcome, the constitutional option has played an ongoing and important role.

The Judicial Filibuster and the Constitutional Option

The filibusters of judicial nominations during the 108th Congress were unprecedented in Senate history.²⁶ While cloture votes had been necessary for a few nominees in previous years, leaders from both parties consistently worked together to ensure that nominees who reached the Senate floor re-

ceived up-or-down votes. The result of this bipartisan cooperation was that, until 2003, no judicial nominee with clear majority support had ever been defeated due to a refusal by a Senate minority to permit an up-or-down floor vote, i.e., a filibuster.²⁷

The best illustration of this traditional norm is the March 2000 treatment of President Bill Clinton’s nominations of Richard Paez and Marsha Berzon to the U.S. Court of Appeals for the Ninth Circuit. When those nominations reached the Senate floor, Majority Leader Trent Lott, working with Democrat Leader Tom Daschle, filed cloture before any filibuster could materialize. Republican Judiciary Chairman Orrin Hatch likewise fought to preserve Senate norms and traditions, arguing that it would be “a travesty if we establish a routine of filibustering judges.”²⁸ Moreover, as a further testament to the bipartisan opposition to filibusters for judicial nominations, more than 20 Republicans who opposed the nominations and who would vote against them nonetheless supported cloture for Mr. Paez and Ms. Berzon, and cloture was easily reached.²⁹ Had every Senator who voted against Mr. Paez’s nomination likewise voted against cloture, cloture would not have been invoked. Thus, as recently as March 2000, more than 80 Senators were on record opposing the filibuster of judicial nominations.³⁰ If the new judicial nomination filibusters are accepted as a norm, then the Senate will be rejecting this history and charting a new course.

It is not only the Senate norm regarding not filibustering judicial nominations that risks being transformed, but the effective constitutional standard for the confirmation of judicial nominations. There can be no serious dispute that the Constitution requires only a Senate majority for confirmation. Indeed, many judicial nominees have been confirmed by fewer than 60 votes in the past—including three Clinton nominees and two Carter nominees.³¹ Never has the Senate claimed that a supermajority is necessary for confirmation.

Recently, however, some filibustering Senators have suggested that a failed cloture vote is tantamount to an up-or-down vote on a judicial nomination. The new Senate Minority Leader, Harry Reid, has stated that the 10 filibustered judges have been “turned down.”³² Senator Charles Schumer has repeatedly stated that a failed cloture vote is evidence that the Senate has “rejected” a nomination.³³ Senator Russell Feingold described the filibustered nominees from the 108th Congress as having “been duly considered by the Senate and rejected.”³⁴ Judiciary Committee Ranking Member Patrick Leahy has referred to the filibustered nominees as having been “effectively rejected.”³⁵ And in April 2005, Senator Joseph Lieberman claimed that 60 votes should be the “minimum” for confirmation.³⁶ These characterizations illustrate the extent to which the Senate has lost its moorings.

Without restoration of the majority-vote standard, judicial nominations will require an extra-constitutional supermajority to be confirmed, without any constitutional amendment—or even a Senate consensus—supporting that change. Any exercise of the constitutional option would, therefore, be aimed at restoring the Senate’s procedures to conform to its traditional norms and practices in dealing with judicial nominations. It would return the Senate to the Constitution’s majority-vote confirmation standard. And it would prevent the Senate from abusing procedural rules to create supermajority requirements. Instead, it would be restora-

tive, and Democrats and Republicans alike would operate in the system that served the nation until the 108th Congress.

COMMON MISUNDERSTANDINGS OF THE CONSTITUTIONAL OPTION

Senate procedures are sacrosanct and cannot be changed by the constitutional option.

This misunderstanding does not square with history. As discussed, the constitutional option has been used multiple times to change the Senate’s practices through the creation of new precedents. Also, the Senate has changed its Standing Rules several times under the threat of the constitutional option.

Exercising the constitutional option will destroy the filibuster for legislation.

The history of the use of the constitutional option suggests that this concern is grossly overstated. Senators will only exercise the constitutional option when they are willing to live with the rule that is created, regardless of which party controls the body. For the very few Senators (if any) who today want to eliminate the legislative filibuster by majority vote, the roadmap has existed since as early as 1917. Moreover, an exercise of the constitutional option to restore the norms for judicial confirmations would be just that—an act of restoration. To eliminate the legislative filibuster would not be restorative of Senate norms and traditions; it would destroy the Senate’s longstanding respect for the legislative filibuster as a vehicle to protect Senators’ rights to amend and debate. It is also worth noting that the Senate is now entering its 30th year of bipartisan consensus as to the cloture threshold (three-fifths of those duly chosen and sworn) for legislative filibusters.³⁷

All procedural changes must be made at the beginning of a Congress.

Again, this claim, does not square with history. In fact, there is nothing special about the beginning of a Congress vis-à-vis the Senate’s right to establish its own practices and procedures, or even its formal Standing Rules. As discussed above, Majority Leader Byrd used the constitutional option to create a precedent that overrode Rule XVI’s plain text—and not at the beginning of a Congress. Moreover, as the Supreme Court held in *Ballin*, each House of Congress’s constitutional power to make procedural rules is of equal value at all times.³⁸

The essential character of the Senate will be destroyed if the constitutional option is exercised.

When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

Exercising the constitutional option would turn the Senate into a “rubber stamp.”

Again, history proves otherwise. The Senate has repeatedly exercised its constitutional power to reject judicial nominations through straightforward denials of “consent” by up-or-down votes. For example, the Senate defeated the Supreme Court nominations of Robert Bork (1987), G. Harold Carswell (1970), and Clement Haynsworth (1969) on up-or-down votes.³⁹ Even in the 108th Congress, when the Senate voted on the nomination of J. Leon Holmes to a federal district court in Arkansas, five Republicans

voted against President Bush's nominee. Had several Democrats not voted for Mr. Holmes, he would not have been confirmed.⁴⁰ In other words, the Senate still has the ability to work its will in a nonpartisan fashion as long as the minority permits the body to come to up-or-down votes. Members from both parties will ensure that the Senate does its constitutional duty by carefully evaluating all nominees.

CONCLUSION

Can the Senate restore order when a minority of its members chooses to upset tradition? Does the Constitution empower the Senate to act so that it need not acquiesce whenever a minority decides that the practices, procedures, and rules should be changed? Can the Senate majority—not necessarily a partisan majority, but simply a majority of Senators—act to return the Senate to its previously agreed-upon norms and practices? The answer to all these questions is a clear yes. The Senate would be acting well within its traditions if it were to restore the longstanding procedural norms so that the majority standard for confirmation is preserved and nominees who reach the Senate floor do not fall victim to filibusters.

ENDNOTES

- ¹144 U.S. 1 (1892).
- ²Ballin, 144 U.S. at 6. There is no serious disagreement with the Supreme Court's conclusion in Ballin. Indeed, Senator Edward Kennedy has said that only a majority is necessary to change Senate procedures. Congressional Record, Feb. 20, 1975, S3848. Senator Charles Schumer conceded during a Judiciary subcommittee hearing on the constitutionality of the filibuster that Senate rules "could be changed by a majority vote." S. Hrg. 108-227 (May 6, 2003), at 60.
- ³U.S. Const., art. I, §5, cl. 1.
- ⁴Ballin, 144 U.S. at 5.
- ⁵Floyd M. Riddick, Senate Parliamentarian, Oral History Interviews (November 21, 1978), Senate Historical Office, Washington, D.C., at 429.
- ⁶Riddick interview at 426.
- ⁷Martin B. Gold, Senate Procedure and Practice (2004), at 5. For a complete list of the 26 statutes that limit Senate debate, see John Cornyn, Our Broken Judicial Confirmation Process and the Need for Filibuster Reform, 27 Harv. J. L. Pub. Pol'y 181, 213-214 (2003).
- ⁸Standing Rule XXII's standard for cloture—three-fifths of Senators "duly chosen and sworn"—has been in effect since 1975.
- ⁹See Martin B. Gold & Dimple Gupta, The Constitutional Option to Change Senate Rules and Procedures: a Majoritarian Means to Overcome the Filibuster, 28 Harv. J. L. Pub. Pol'y 206, 262-264 (2004).
- ¹⁰Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 263.
- ¹¹Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 263-264.
- ¹²Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 264-265.
- ¹³Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 265 (emphasis added).
- ¹⁴Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 265.
- ¹⁵Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 265-267.
- ¹⁶Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 266.
- ¹⁷Gold, Senate Procedure and Practice, at 68-69.
- ¹⁸Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 267-269.
- ¹⁹Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 220-226.

²⁰Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 226.

²¹Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 226.

²²Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 227.

²³Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 240-247.

²⁴Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 252-260.

²⁵Gold & Gupta, 28 Harv. J. L. Pub. Pol'y at 260; Congressional Record, Jan. 15, 1979.

²⁶This historical observation has been conceded by leading Senate Democrats. For example, the Democratic Senatorial Campaign Committee solicited campaign contributions in November 2003 with the claim that the filibusters were an "unprecedented" effort to "save our courts." See Senator John Cornyn, Congressional Record, Nov. 12, 2003, S14601, S14605. No Senator has disputed that until Miguel Estrada asked the President to withdraw his nomination in September 2003, no circuit court nominee had ever been withdrawn or defeated for confirmation due to the refusal of a minority to permit an up-or-down vote on the Senate floor.

²⁷For a review of all past cloture votes on judicial nominations prior to the 108th Congress, see Senate Republican Policy Committee, "Denying Mr. Estrada an Up-or-Down Vote Would Set a Dangerous Precedent" (Feb. 10, 2003), available at http://rpc.senate.gov/_files/JUDICIARYsd021003.pdf. See also Cornyn, 27 Harv. J. L. Pub. Pol'y at 218-227.

²⁸Congressional Record, Mar. 8, 2000, S1297.

²⁹For Berzon, compare Record Vote #36 (cloture invoked, 86-13) with #38 (confirmed, 64-34); for Paez, compare Record Vote #37 (cloture invoked, 85-14) with #40 (confirmed, 59-39). All votes on Mar. 8-9, 2000.

³⁰For a more detailed list of Senators' historic opposition to filibusters for judicial nominations, see Senate Republican Policy Committee, "Denying Mr. Estrada an Up-or-Down Vote Would Set a Dangerous Precedent" (Feb. 10, 2003), available at http://rpc.senate.gov/_files/JUDICIARYsd021003.pdf. For an extended examination of filibustering Senators' previous opposition to judicial filibusters, see Cornyn, 27 Harv. J. L. Pub. Pol'y at 207-211.

³¹Examples of judicial nominations made prior to the 108th Congress that were confirmed with fewer than 60 votes include Abner Mikva (D.C. Cir., 1979); L.T. Senter (N.D. Miss., 1979); J. Harvie Wilkinson III (4th Cir., 1984); Alex Kozinski (9th Cir., 1985); Sidney Filtzwater (N.D. Tex., 1986); Daniel Manion (7th Cir., 1986); Clarence Thomas (Supreme Court, 1991); Susan Mollway (D. Haw., 1998); William Fletcher (9th Cir., 1998); Richard Paez (9th Cir., 2000); and Dennis Shedd (4th Cir., 2002).

³²William C. Mann, Senate leaders draw line on filibuster of judicial nominees, Boston Globe, Jan. 17, 2005.

³³Senator Charles Schumer, Congressional Record, July 22, 2004, S8585 ("I remind the American people that now 200 judges have been approved and 6 have been rejected"); see also Jeffrey McMurray, Pryor Supporters Debate Timing of Vote, Tuscaloosa News, Jan. 10, 2005 ("To nominate judges previously rejected by the Senate is wrong"); Anne Kornblut, Bush Set to Try Again on Blocked Judicial Nominees, Boston Globe, Dec. 24, 2004 (quoting official statement by Sen. Schumer).

³⁴Keith Perine, Fiercest Fight in Partisan War May Be Over Supreme Court, CQ Weekly, Jan. 10, 2005, at 59.

³⁵Congressional Record, Feb. 27, 2004, S1887.

³⁶Senator Joseph Lieberman, Transcript of Press Conference, Apr. 21, 2005, on file with Senate Republican Policy Committee.

³⁷In 1995, Senators Tom Harkin and Joe Lieberman proposed a major revision to the Senate filibuster rules for legislation, but the proposal failed 76-19, attracting the support of no Republicans and but a fraction of Democrats (who were in the minority). The only current Senators who sought to change the Senate's consensus position on legislative filibusters were Senators Jeff Bingaman, Barbara Boxer, Russell Feingold, Tom Harkin, Edward Kennedy, John Kerry, Frank Lautenberg, Joe Lieberman, and Paul Sarbanes. See Record Vote #1 (Jan. 5, 1995).

³⁸Ballin, 144 U.S. at 5.

³⁹See Record Vote #348 (Oct. 23, 1987) (defeated 42-58); Record Vote #112 (Apr. 8, 1970) (defeated 45-51); Record Vote #135 (Nov. 21, 1969) (defeated 45-55).

⁴⁰Record Vote #53 (July 6, 2004) (confirmed 51-46).

Mr. UDALL of New Mexico. I think this shows this isn't about a power grab; this is about trying to work to make sure the Senate is going to work better for the American people.

The fifth provision of S. Res. 10—and as Senator MERKLEY knows, we are down here today to try to get S. Res. 10, rules changes, onto the Senate floor, and so we are going to be asking unanimous consent for that. But the fifth provision is called postcloture debate on nominations.

Now, what are we talking about? Well, when we have a nomination that comes to the floor—a judicial nomination, an executive nomination—in the rule nominations have 30 hours of postcloture debate. So when you decide to cut off debate, when you get to the point that you say we are going to cut off debate, that 30 hours is normally used for amendments and to work through the amendment process.

Well, when you have a nomination, you are not amending a nomination. You are trying to either move forward with an up-or-down vote on the nomination—the person is either voted up or down. It makes no sense to have 30 hours. So the other commonsense proposal we have is to shorten that postcloture time to 2 hours, from 30 hours, because there is no reason to amend in that phase.

I know Senator MERKLEY is also familiar with this provision.

Mr. MERKLEY. I think what the Senator from New Mexico has set forward is that we would save 28 hours on each nomination. If the Senate goes around the clock, that is a bit more than a day. If we are doing 10-hour days, that is almost 3 days. We save 3 days of Senate time that is put to no purpose right now since by the time you have a 60-vote cloture you already have 60 Members saying they are ready to vote and want to go forward.

So letting people wrap up over a couple of hours, restating their key points for other Members, makes sense. That is why the 2 hours are there. But rather 2 hours than 3 days.

Mr. UDALL of New Mexico. That is correct. So what we are doing today—and I know Senator MERKLEY has introduced a freestanding proposal on the talking filibuster, and we have joined together; I have also signed on to that—we have S. Res. 10, filed on January 5, which has the five solid provisions for reforming the rules. I think if you look at these in history, they have had broad bipartisan support.

I would at this point recognize our colleague in this rules debate, our partner and hard worker and more senior in experience on these rules matters, who has joined us—Senator TOM HARKIN from Iowa. We are in a colloquy situation, so I will yield.

Mr. HARKIN. If the Senator will yield for an observation.

Mr. UDALL of New Mexico. You bet.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Madam President, I wish to thank my colleagues, Senator UDALL of New Mexico and Senator MERKLEY of Oregon, because they are great leaders on this issue. I think they have brought a breath of fresh air to the Senate in exposing what has become gridlock that has made the Senate almost dysfunctional.

I say to my friend, Senator UDALL, especially in focusing on what the Constitution says and doesn't say, I believe—and I am only speaking for myself—that we are not living up to the oath we took as we stood by the well when we were sworn into the Senate. We took an oath that we would uphold and defend the Constitution and that we would bear true faith and allegiance to the same.

Well, quite frankly, the Constitution, I believe, is quite clear in the way it is written, in the verbiage that is used. If you look to what the Founders wanted in the Constitution, they were very clear that but for a few instances, which they clearly spelled out in the Constitution requiring a supermajority of votes—such as treaties, for example, and impeachments, or expelling a Member—everything else is a majority vote.

But the Senate has adopted rules in the past that I believe are, quite frankly, bordering on unconstitutional by requiring that in order to change the rules, it requires a two-thirds vote—67 votes. Well, that might be OK for one Congress, if they wanted to adopt that kind of rule, but how can one Congress bind another? I think it is quite clear from Parliaments of old and other legislative bodies, court rulings in this country, that one legislative body cannot burden a subsequent legislative body. Yet in the Senate, because of a change in the rules that happened some years ago, they say it binds every Senate thereafter.

I believe that is unconstitutional. My friend from New Mexico, Senator UDALL, has pointed this out time and

time again, that really we have not only a constitutional right but a constitutional obligation that, on the first convening day of the Senate of any Congress, we adopt rules, and we can adopt those rules by majority vote. If the majority wants to adopt a rule that says that for this Congress we have to abide by a certain number, that is OK, but it cannot bind another Congress.

Senator UDALL has been quite eloquent on this issue. He has been very forthright and has fought very hard for what is known as the constitutional option. That is just a fancy word for saying “live up to the Constitution.” We took an oath to bear true faith and allegiance to the same—the Constitution. Senator UDALL is constantly reminding us of what that Constitution says and does not say. As the Senator has pointed out many times, the Constitution says each body shall adopt its rules. So the Senate can adopt its rules. It does not say in the Constitution that each body shall adopt its rules but it requires a two-thirds vote to change those rules. It doesn't say that. It says each body shall adopt the rules, and it does not specify that we have to have a supermajority to do so. I think it only specifies a supermajority, if I am not mistaken, in five cases. Obviously, the Framers of the Constitution were quite clear that each Congress could adopt its rules and it could adopt them by a majority vote. Now we have a situation in the Senate whereby we are throttled by rules that do not permit us to change those rules except by a two-thirds vote.

As I said many times, what if the voters of this country decided to elect 90 Senators from the same party, say, the Republican Party. Could they come in and say: We are going to adopt new rules, and from henceforth it is going to take 90 votes to change those rules, knowing that may never happen again in the history of this country that we would ever have 90 Senators from one party. Could they do that? If you accept the logic of what we are working with right now, the answer is yes, we could do that and bind every Senate from then on in perpetuity that the only way they could change the rules would be with 90 votes. We say that wouldn't happen. Well, what about 67 votes or 75 votes or 78 votes? What is so magic about 67? Where does that magic number come from? It was plucked out of thin air.

That is why I address myself to the issue Senator UDALL has worked so hard on; that is, focusing on the constitutional issue.

Senator MERKLEY, from Oregon, has focused on rule XXII—it is called the filibuster rule—which provides basically that we do not even have to filibuster. In a filibuster, people think they come on the Senate floor, like “Mr. Smith Goes to Washington,” and they speak and they hold the floor and

they can hold the floor until they drop or, if somebody else wants to speak, they can speak. That is what people imagine a filibuster to be, and that is what a filibuster used to be. What a filibuster has become is a means whereby the minority can stop us from debating anything. So what has happened to the Senate, supposedly the greatest deliberative body in the world, is we have now become the greatest nondeliberative body because we do not debate because now a minority can decide what we take up and what we do not take up.

Think about it this way. Under rule XXII, as it is now being used, 41 Senators can decide what this body does. They have the veto right—the veto right over anything we bring up, that the majority wants to bring up. Again, when I say “majority,” I am not saying Democrats or Republicans; I am saying any majority. That is why I first brought up my proposal in 1995, when we were in the minority, because I wanted to make it clear that this was not a means whereby we were trying to grab power or anything. I said, no, this is for the smooth functioning of this place. I predicted at that time, in 1995, and the record is clear—it is in the RECORD—I predicted that unless we do something, the number of filibusters would escalate, it would be an arms race, and that is exactly what has happened—135 last year.

So the Senator from Oregon has said that if we are going to have a filibuster, at least people ought to come on the floor and talk. At least, if you are going to filibuster, if you are so opposed to a bill and you have a group who is opposed to it, at least stand out here and speak. They don't have to do that now. They put in quorum calls and walk off the floor, and a minority—41 Senators—decides what we take up. They can stop anything.

Think about it this way. For a bill to become law in this country, it requires that it pass the House and the Senate in the same form, and the President has to sign it. Right now, the way we are constituted and the way we operate in the Senate, 41, a minority in the Senate—regardless of what the House wants to do, regardless of what the President wants to do, and regardless of what the voters may want—can stop it. That turns the whole concept of democracy on its head. I thought the majority rules, with rights to protect the minority. So the minority can offer amendments. I don't even mind if the minority wants to slow things down. That should be their right, to be able to do that as a minority. They should have the right to offer amendments, to change a bill as they see fit. But I do not believe a minority ought to have the right to absolutely stop and veto a bill or an amendment from coming to the Senate floor. We have a situation where the power resides with the minority.

I heard the distinguished Senator from Kentucky, Mr. McCONNELL, said the other day that this is a power grab by the Democrats. No, no; the power grab is by the minority, whatever minority. The power grab is by the minority to insist that they have the right to veto anything here. That is the power grab. So now the power lies with the minority, but the responsibility lies with the majority. So the majority in the Senate has the responsibility to act, but we do not have the authority. The minority has the authority, the right to veto things, but they don't have the responsibility. That is why we have such a dysfunctional system. This is what the people of America are opposed to.

I will have more to say about this tomorrow as I think we will get into a longer debate on this issue. I think the people have the right to understand that if a majority of the House and a majority of the Senate pass something and the President agrees, it ought to become law. That is not the way it is. We used to have a system on the Senate floor where, if you offered an amendment and you got 51 votes, you agreed to the amendment. You can't do that anymore. You cannot get an amendment offered on the Senate floor unless you have 60 votes. That is what happened over the last 4 or 5 years. I know I myself tried to get an amendment offered on the financial regulation bill. I thought I had over 51 votes on it. I don't know if I did or not, but I was not able to offer it because there was a 60-vote threshold. I might have had 52 or 53 or 54 or 55, but I did not have 60. Now in the Senate we require a supermajority to do anything because 41 Senators—a minority—have the right to veto anything the majority wants to bring up.

As I said, I will have more to say about this, but it seems to me this stands democracy on its head and the idea of majority rule on its head. I think the majority ought to have the right. Elections ought to have consequences. If people vote for a certain party to be in power, that party, regardless of what it is, ought to have the authority to act. There ought to be rights for the minority to amend, discuss, debate, slow things down—fine. But the minority should not have the absolute power of a veto, and that is what the minority has in the Senate today.

That is the issue Senator MERKLEY has been going after. At least if you are going to have a filibuster, there ought to be some consequences to it, and the consequences are that you ought to have to be here and talk and not hide behind quorum calls where we sit here for days on end doing nothing because someone has objected to bringing up a bill but they do not have to be here to discuss it.

I thank my two colleagues for their great leadership on this issue. As I

said, they brought a breath of fresh air here. The average person out there watching probably thinks: Bring it up for a vote. Things are not quite that simple in the Senate, as we are about to find out. So we are going to do whatever we can to bring this to the forefront, but I daresay that the way the rules are set up right now—requiring a supermajority to change those rules—makes it nearly impossible for a majority of the Senate to act.

Again, I thank my colleagues, Senators MERKLEY and UDALL, for their leadership. I look forward to being in league with them to do whatever we can to make this place function a little bit better and a little bit more in accordance with the principles of democracy, of majority rule, and respecting the rights and wishes of the voters of this country.

I thank my colleague from Oregon for his leadership—I see he is standing there—and I thank my colleague, Senator UDALL, for yielding to me.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Oregon.

Mr. MERKLEY. I would certainly like to thank Senator HARKIN for the many years he has pursued reforming the rules of the Senate, especially from the perspective of being in the minority and then maintaining that same effort in the majority. I believe it is important to recognize that the issues we are presenting and bringing to the floor are to make the Senate work better as a deliberative body for both the minority and majority.

If we were to turn the clock back several decades, we would not be here right now carrying on this colloquy. Instead, there would have been a unanimous consent to put a rule proposal on the floor of the Senate, and we would be debating that proposal. That is the way the Senate worked for most of its first two centuries.

In 1953, Senator Anderson put forward a resolution to adopt new rules at the start of Congress. There was a debate on it. Then, eventually, it was tabled. It was tabled by 51. That is what the rule said—51 could table, they could set it aside. He did not win his debate, but he got it on the floor of the Senate, and it was debated.

The same thing in 1957, and in 1959, he again did this.

In 1961, he did this again, and in that case it was debated on the floor of the Senate. Everyone said: Let's get the rule out there, let's hold a debate. Eventually, they referred it to the Rules Committee. Finally, near the end of the cycle, it was moved out of the Rules Committee, back to the floor, and they held another debate on Senator Anderson's proposal. The result of that debate was that it was tabled, the resolution was tabled. It did not pass. To have the debate is not going to guarantee you are going to win the de-

bate but it is to engage in the deliberation, the exchange of ideas that enables us to capture the challenges we see, the challenges in our country and in this case the challenges with making the Senate function and making things work better.

This goes on. Here we have five times in the course of 12 years that a rule proposal was put on the floor and was debated. It was defeated, but it was put on the floor under the framework that 51 Members could adopt rules under the Constitution, the constitutional power you have been speaking to so eloquently for Congress to organize itself—for the House of Representatives to organize itself and for the Senate to organize itself.

I wanted to go over a little bit of that history to say the very fact that we are not at this moment debating a rule proposal is a reflection of the dysfunction of the Senate. A debate on the rule to fix the Senate itself reflects the dysfunction of the Senate.

I want to thank you for having engaged in so many years of effort to bring these issues forward. The challenge of fixing the Senate has been engaged in by so many names that I was familiar with growing up, folks such as Senator McGovern, Senator Mondale, Senator Church, Senator Pearson. They all brought their effort to make this body work better. We did have a major reform in 1975.

But as a chart I put up earlier showed, the congestion and the paralysis from the abuse of the privilege of having yourself heard, making yourself heard before your colleagues, has now compromised the ability for us to fulfill our constitutional responsibilities and we need to fight hard to try to fix the broken Senate.

Mr. HARKIN. Mr. President, would the Senator yield for a question on that point?

Mr. MERKLEY. I would be delighted to do so.

Mr. HARKIN. The Senator is a student of the Constitution. We have all looked at it. We know what it says. I mentioned earlier about the fact that when we come in here, we take an oath of office to uphold and defend the Constitution against all enemies, foreign and domestic, to bear true faith and allegiance to the same. That is our oath of office, to bear true faith and allegiance to the Constitution.

Is it the Senator's view that perhaps the way the Senate is constructed right now may in some way—I just throw this out—take away my constitutional right to adequately represent my constituents? If it takes a supermajority or if we cannot even change the rules, as the Senator has pointed out, does not this kind of take away some of the constitutional rights and obligations, obligations of a Senator, I ask the Senator?

Mr. MERKLEY. Well, certainly I will tell you that Senator Byrd stood on

this floor and said the Senate cannot be bound by the dead hand of the past. You can imagine that any particularly bizarre rule that might have been passed by our predecessors that damaged our ability to fulfill our constitutional responsibilities would be inappropriate, and we would need to change it. The Constitution empowers us to change it with a simple majority.

So when the point comes that the Senate is not functioning in the fashion it was constitutionally intended to function—that is, a simple majority to pass legislation—then we certainly have to wrestle with whether we are doing our responsibility if we do not fight to make the Senate work better. We have an obligation to this Chamber, and we have an obligation to our responsibilities under the Constitution.

Mr. HARKIN. I thank the Senator for his response on that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I know the Presiding Officer has also been a part of this rules reform effort. We very much appreciate that.

It was mentioned here about Senator Byrd. I think one of the most interesting stories about Senator Byrd, I say to Senator HARKIN and Senator MERKLEY, in 1979 when he came to the floor, he was talking about—and we have used this quote many times—the dead hand of the past, not being ruled by the dead hand of the past.

What was he talking about? He was talking about the idea that one Senate could establish a set of rules and bind future Senates. He gave a passionate speech. We are in the situation that he talked about right now. He said, now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

Take rule XXXII, which is a different numbered rule today. But, for example, the second paragraph thereof says that: The rules of this Senate shall continue from Congress to Congress until changed in accordance with these rules.

That rule was written in 1959, by the 86th Congress. The 96th Congress is not bound by the dead hand of the 86th Congress. The first Senate—now he talks a little bit about history here, which is very important. The first Senate, which met in 1789, approved 19 rules by a majority vote. First Senate.

Those rules have been changed from time to time, and that portion of the Senate rule XXXII I quoted was instituted in 1959. The members of the Senate who met in 1789 and approved that first body of rules did not for one moment think or believe or pretend that all succeeding Senates would be bound by that Senate. The Senate of the 86th Congress could not pretend to believe that all future Senates would be bound by the rules it had written. It would be

just as reasonable to say that one Congress can pass a law providing that all future laws have to be passed by a two-thirds vote.

Any member of this body knows that the next—any member of the body knows that the next Congress would not heed that law and would proceed to change it and would vote to repeal it by a majority vote, no doubt about it.

So he says: I am not going to argue the case any further today except to say that it is my belief, which has been supported by rulings of three Vice Presidents of both parties and by votes of the Senate, in essence upholding this power and the right of a majority of the Senate to change the rules of the Senate at the beginning of a new Congress.

That is the essence of where we are right today—that we are able, if we have a majority, to move forward with adopting our rules that are going to function for this session of Congress. That is why we are in such a battle here to try to get those proposals onto the floor. We want to get S. Res. 10. We want to get the talking filibuster proposal. We want to get those put onto the floor so we can have debate, we can have votes. And our understanding is there is going to be objection from the other side.

As Senator HARKIN said earlier, we function here by unanimous consent, and they apparently are not going to give us that consent. I know that Senator HARKIN—changing the subject a little bit here—but both Senators HARKIN and MERKLEY mentioned earlier the whole issue of why we want the Senate to function better, that we have pressing national problems and challenges.

I think one of the Senators who said it best made a comment back in 1971. This is Senator Hart, Senator Phil Hart of Michigan. It still resonates decades later.

The apparent inability of the Senate to take action on our domestic ills, when the needs are so painfully clear, is a basic cause of unrest and disaffection among the citizenry. The imperative of change is obligatory if institutions such as the Senate are to have the capacity to respond well to the complex array of overlapping domestic and international issues.

Long ago Thomas Jefferson said: As new discoveries are made and new truths discovered and manner and opinions change with the change of circumstances, institutions must advance also and keep pace with the times. Institutions must advance also and keep pace with the times.

That is why we are here. We have rules that were adopted long ago that are not working today. You and I have talked several times about, if you want your government to spend money wisely, you want it to be efficient, why do we not give them a budget until half way through the fiscal year? It makes absolutely no sense.

That is the situation we are in right now. We hold hearings, we bring the

agency in, we think we are going to have an appropriations bill on the floor—by the way, this year we did not have—but last year we did not have a single appropriations bill on the floor. So they think they are going to get one budget. Then when we pass the fiscal year, last October 1, we start the fiscal year, we start into it, we have done a couple of continuing resolutions. A continuing resolution just gives them month-by-month funding. The next continuing resolution does not expire until March. So who would tell any agency, nonprofit government agency, that we are going to give you a budget but we are not going to quite tell you what it is, and maybe go month to month, and then about halfway through the year we are going to give you the rest of the budget.

That is not the way to take care of the people's money. It is not the way to be efficient. It is not the way to make sure the people's money is very well spent. I think it is important that we do that work, the work of appropriations bills.

Of the Senators who are on the floor right now, Senator HARKIN is an appropriator. When you bring an appropriations bill to the floor and have all 100 Senators take a look at the appropriations bill, take a look at what is working in that department and what is not, and how we move down the road with that particular set of policy initiatives and programs, that is something the agency pays tremendous attention to, those amendments that are put in, the arguments that are made. And we are neglecting all of that now.

Last year we did not do a single appropriations bill. In my understanding, the House—and I know we were very frustrated when I was over in the House. We would say: Well, why are we even passing the appropriations bills? The Senate does not do them. We are going to end up, at the end of the year, doing one of these continuing resolutions or an omnibus bill.

For the first time in I do not know how long, last year the House gave up doing appropriations bills. So here, one of our core functions as a legislative body, what we all call the power of the purse, tremendously important, that power of the purse has been emasculated, it has been warped beyond recognition to the point where I think we are dysfunctional, the agencies are dysfunctional, and we have got to get it all back.

I know the chairman of the Judiciary Committee has outlined a number of times—and I find it appalling that we do not have the judicial people in place to do the job for the country. Right now the Federal courts are looking at fraud on Wall Street. They are looking at all sorts of major cases that have to do with financial reform and insider trading and all of those kinds of things.

Guess what. If you do not have judges to hear those cases, then all of that

justice is going to be delayed. There is an old saying in the law: Justice delayed is justice denied. Today we have 94 judicial vacancies. The Judicial Conference of the United States has weighed in with the Senate and the House and said: These are judicial emergencies. Of 94 vacancies, 44 of them they consider emergencies. They need somebody in there immediately. Yet, still, because of this constant filibuster we are in—it is a filibuster without real debate—it wastes a lot of time, it prevents our ability to put those judicial nominations on the floor and to get an up-or-down vote.

The same thing is true of the executive branch.

I know Senator MERKLEY saw the article in the Washington Post which was at the end of the first year of the Obama Presidency. He only had 55 percent of his team in place of the top people in the agencies to run the government. And it is not all our fault. I think they were slow in sending some things up, but it is a pretty appalling number when you think of the job of a President to put his people in place in the agencies so his policies can be carried out. What has happened is that has been delayed and slowed down.

I harken back when I was a youngster here in Washington growing up. I was about 12 years old when my father became Secretary of the Interior. Here you have only half of the people in place in the Federal Government. I remember my dad, as Secretary of the Interior, telling me when I would travel home: TOM, I have my whole team in place, virtually whole team in place in 2 weeks.

So he had his top people. He was ready to carry out policy, ready to move forward with the President's policies at the Department of Interior. I remember, we had holes, we had a variety of things going in the Department of Interior.

We had a very talented woman from New Mexico who was going to become the Solicitor, who had moved her young family to Washington. They had a 3-month hold on her nomination. Nobody could ever figure out why. But she was finally allowed to become the Solicitor of the Interior Department.

With all of these kinds of things, from holds to the constant filibuster without any real debate, have slowed down the government in a significant way and prevented us from doing the important oversight job we need to do.

I know the Senator from Oregon has other comments he would like to make.

Mr. MERKLEY. Mr. President, it is quite a contrast that the Senator is drawing between an era in which in a 2-week period the bulk of the team was in place, ready to do the work they were elected by the people to do—the executive branch, headed by the President, had his Secretaries, and the Sec-

retaries had their teams in place, and they were ready to go forward to make sure they were working hard on the agenda they had laid out during the election cycle.

As my colleague said, elections have consequences. The vision of our Republic is one in which we elect a President, and the President says: Here is my agenda. Then he puts together a team to get it done. It is not in the spirit of our Constitution, it is certainly not in the spirit of our democratic souls, after the people have elected a President, to try to damage and inflict pain and obstruction upon that President. That is essentially saying one does not accept the judgment of U.S. citizens about electing the President.

This process has to change. We have to find a way that folks can be brought to the floor. It is not that this Chamber will approve every single nomination. It is that it will hold a debate and have a vote. If there is no controversy surrounding someone, then that will probably be reduced to a unanimous consent request. Some will be waived through to not take up the time on the floor of the Chamber.

There is more than 1,000 executive branch positions that have to be confirmed under statute. That, too, should be changed. There is far too many positions that are basically set up so that they have to come to this Chamber. That is certainly a subject of conversation. But for those that under the law need to come for advice and consent, then we need to exercise that responsibility in a manner that is consistent with advise and consent but not with attempting to damage the President and his team.

I was looking at a speech by one of my colleagues from Tennessee, Mr. ALEXANDER. He titles it, "The Filibuster, Democracy's Finest Show, the Right to Talk Your Head Off." That quote at the top of his paper is from a speech before the Heritage Foundation and is taken directly from the film "Mr. Smith Goes to Washington." In other words, the premise that my colleague put in his paper is that there needs to be the right of the people elected by the citizens to have their voices heard on the floor of the Senate. That is what the talking filibuster is about. It is about the people being able to see their Senators, when they are saying there needs to be additional debate, to actually debate.

There is a tremendous amount of bipartisan support for this notion that Senators should not hide from the American people, that they should not be engaging in secret holds, but instead, if they are going to place a hold on a piece of legislation, to do it publicly and have accountability. There is tremendous support for the notion that when we proceed to vote that we want additional debate, we are actually going to debate so we utilize the time

of the Senate to weigh the pros and cons, to hear all colleagues. Not that folks say: We want additional debate and then go off to dinner. Not that Senators say: We want additional debate and then go off on vacation.

If they ask for additional debate, then we should have additional debate, laying out the pros and cons, arguing the merits, considering amendments—in short, the talking filibuster.

I have a unanimous consent request that I gave notice of half an hour ago. We are standing by waiting for one of our colleagues from the other side to come, extending the courtesy for them to come and object to this request. I am saying this out loud and looking across the aisle and saying we have been waiting half an hour. I think it is time for one of our colleagues who wishes to object to get here on the floor and, just as we have been talking about, make their case visibly in front of the citizens of the United States as to why they wish to object to having a full debate on the talking filibuster. I know my colleague is waiting to offer a unanimous consent request to have resolution No. 10 considered before this Chamber. I think we have pretty well laid out the reasons we think this debate is important. But we can't get to that debate without putting forward a unanimous consent request and having it concurred in or blocked by objection.

I will see if my colleague from New Mexico wishes to make any more comments. If not, I will offer my unanimous consent request and await our colleagues to come and either endorse or object.

Mr. UDALL of New Mexico. Mr. President, I am also waiting. Senator MERKLEY is waiting to put in his unanimous consent request on the talking filibuster proposal which goes to the heart of the problem we have today. One of the things I have learned the last 2 years in the Senate is that when 41 Senators vote for more debate, that is basically what is happening. When Senators vote for more debate, 41 of them, then we don't get more debate. A lot of times we are in quorum calls. A lot of times if we have a live quorum, we pull 51 Senators over to the floor to try to get through that, there are a series of dilatory motions, and it is very difficult in the modern Senate to keep 51 Senators here surrounding the floor. In the old days, they used to pull out cots and stay through the night so that Senators would be able to sleep someplace to keep that live quorum going. But in the modern Senate, with everything going on, it is a tremendously unfair advantage for one side to have one Senator and the other side have to have 51 in order to try to conduct any business. That is the situation we are in today. That is what the talking filibuster goes to. It goes to dealing with that situation.

How does it deal with it? If 41 Senators request more debate, if they say

to the other 59 Senators they want more debate, we very simply say, just as Senator ALEXANDER said, quoting Jimmy Stewart in "The Right to Talk Your Head Off" from "Mr. Smith Goes To Washington," then come down and debate. We are going to have a debate period where nothing else is brought up but debate. The job of the Chair, as the Presiding Officer knows, will be in that period to ask the question: Are there any other Senators on the floor who wish to debate?

At that particular point, the American people could look down and be able to make an observation: Is this debate educating the public? Is it moving things forward, or is it just a filibuster to waste time?

One of the old-time Senators from California made a comment about the filibuster wasting time. This is from Senate Republican whip Tom Kuchel of California. He asked the question on the floor: What is a filibuster? My definition would be that it is irrelevant speech making in the Senate designed solely and simply to consume time and thus to prevent a vote from being taken on pending legislation.

He is pretty condemning of that kind of filibuster. But that is a judgment. We don't want to take people's right to debate away. We just want to make sure there is an honest, fair debate on the floor. That is what I compliment Senator MERKLEY on. He has drafted a proposal, worked long and hard on it. What it ends up doing is, at the end of the debate, when 41 Senators call for debate, we go into a period of extended debate. They talk and they talk. At some point, when the Chair asks: Are any other Senators on the floor who wish to debate, and there is silence, they are then rolled over into what is called postcloture 30 hours.

Mr. MERKLEY. So if I might explain, if there is something critical to my State, the talking filibuster enables me to find a couple of other Senators who share my views. Perhaps they have similar issues in their States.

For example, the citizens of Oregon don't want oil companies drilling off our coast. We have a tremendous business in salmon, in ground fish, rock fish. We have a river economy that depends on the migration of salmon upstream. We have a crab industry. We have a tourist industry, the most spectacular coastline anywhere in the world, the coast of Oregon. The last thing we want is an accident that puts oil all over our beaches and destroys multiple aspects of our economy.

So if there was a bill on the floor that said we are going to drill for oil off the coast of Oregon, and if I believed that was a huge mistake, then I could organize with other Senators and be here day and night to block that misguided legislation. In that sense we are not changing the number. It still takes 60 Members to close debate.

We protect the voice of the minority. We say two Members could continue a debate day and night. For that matter, one could, but eventually one is going to collapse on the floor like Jimmy Stewart did. This is important to note because the talking filibuster is about taking away frivolous obstructions that paralyze the Senate and prevent it from doing its responsibilities on advise and consent and considering regular bills from the House and certainly to be able to get the appropriations bills done, to get the authorization bills done, and so on and so forth.

There may be those who say we oppose the talking filibuster because it takes away the power of the minority to block legislation. Actually, the talking filibuster doesn't do anything of the kind. It just says that when you block legislation, you have to do it in front of the American people. You have to stand on the floor and make your case.

Mr. UDALL of New Mexico. Mr. President, that is the essence of it. What we have now is Senators leaving. We actually had the case where a Senator wanted the cloture vote to take place but then left and went home. That is a pretty disgraceful situation. I have heard that our good friend, Senator ALEXANDER, is going to join us in a little bit. I know the Senator from Oregon was quoting from a speech he recently gave at the Heritage Foundation on January 4, 2011.

One of the things Senator ALEXANDER said in there that I think we, all three of us, have echoed—Senator HARKIN, Senator MERKLEY, and myself—is:

Now there is no doubt the Senate has been reduced to a shadow of itself as the world's greatest deliberative body, a place which, as Sen. Arlen Specter said in his farewell address, has been distinctive because of "the ability of any Senator to offer virtually any amendment at any time."

I say to Senator HARKIN, I know he has spoken passionately about the idea of offering amendments, how our democracy has deteriorated in the Senate because it takes now 60 votes—every amendment. I say to the Senator, it did not always used to be like that, did it? I would ask the Senator, did it? The Senator has been here a while. What was the Senate like 10, 15 years ago? Could you get an amendment through with a majority vote?

Mr. HARKIN. Well, if my friend will yield for a response.

Mr. UDALL of New Mexico. Of course.

Mr. HARKIN. Yes, literally up until 4 or 5 years ago you could offer an amendment on the floor, and if you got 51 votes, you won. That happened for—well, I have been here, what, 25, 26 years I guess now, and that is the way it has always been. Sometimes there were tough amendments. Sometimes there were tough amendments by Democrats; sometimes there were

tough amendments by Republicans. It did not make any difference who was in the majority or the minority.

I do not think people elected us just to have an easy time of it here and not to ever cast tough votes. Sometimes these are tough votes. But I think the Senator from New Mexico is right. We always operated under the fact that a Senator could offer an amendment. Usually you would enter a time agreement. You would say: How much time do you want? Well, you would have an hour or an hour and a half or 2 hours, something like that. You would have a reasonable time agreement, and you would have debate and then a vote. Sometimes people would move to table it, and that was fine, but at least 51 votes decided that.

Now, as the Senator pointed out, you have to have 60 votes for any amendment, a supermajority. For any single amendment you want to bring up on the Senate floor, you now have to have 60 votes. I say to my friend, it was not always like that.

Mr. UDALL of New Mexico. I say to Senator HARKIN, one of the things that happened to us right at the end of the Congress was when we had a vote on a piece of legislation called the DREAM Act. I believe the majority had 55 votes for the DREAM Act.

Mr. HARKIN. That is right.

Mr. UDALL of New Mexico. Here is a piece of legislation where we were talking about immigrant children—through no fault of their own; they were probably brought in as tiny babies—who have grown up in the United States and have reached the age of adulthood and they have a ceiling on them. They cannot go to college. They do not have Social Security numbers. So we were basically trying to give them a dream they could go out and be Americans. They could join the military, and after they did their military service get in line for citizenship. They could go to college, and if they did well, get in line for citizenship.

In any other country, if you had the two legislative bodies—the House passed it by a majority; we passed it by a big majority, 55 votes—you would have a law. The President would be signing it, and it would be law today.

That is what has happened to this filibuster rule. A lot of the steps we are taking do not necessarily get right to the heart of that, but I think the people understand that part of it. When I have gone home, people say: What happened? What is going on? Fifty-five Senators voted for the DREAM Act and it did not become law.

Senator HARKIN.

Mr. HARKIN. If the Senator will yield, the Senator is absolutely right. I will give another example. As the Senator knows, the Supreme Court decided a case last year that allows certain entities to contribute money to political campaigns, and they do not even have

to disclose who they are or how much they give. It is a Supreme Court decision.

Well, the House passed a bill, and public opinion polls show that 80 percent of the American people were in favor of what we called the DISCLOSE Act. We did not say they could not give the money. We just said they ought to file: Who are you, and how much money are you giving, and where are you getting that money from?

It passed the House. It came to the Senate. I believe we had 57 votes for that, if I am not mistaken. I could be corrected, but I think it was over 55 votes for that. But it did not pass.

The average American out there would say: Wait a minute. I thought if you got 51 votes, you won. No, no, no. Again, we had to have 60 votes in order to pass the DISCLOSE Act. The President would have signed it into law. The House passed it. Eighty percent of the American people were for it. But because there was this 60-vote threshold, we did not get it passed.

I see the Senator from Oregon.

Mr. MERKLEY. Well, I say to Senator HARKIN, I think that is a tremendous example. I believe we actually had 59 votes twice—

Mr. HARKIN. I stand corrected.

Mr. MERKLEY. I believe, one vote short needed to close debate on the motion to proceed to get to the DISCLOSE Act. So we could not even get onto the bill.

So here is a Supreme Court decision that allows unlimited—unlimited—secret foreign donations. I will tell you, as a red-blooded American, the idea of foreign companies secretly influencing American elections is outrageous, and we should have had a debate on that bill. But, instead, we had 41 Senators who said they wanted further debate, and then they were not willing to stand up on the floor to make their case before the American people. And why did they want to hide from the American people? Because the American people do not support secret foreign donations influencing American elections. That is why.

Under the talking filibuster, folks could not have filed an objection and left this Chamber and hid. They would have had to make their case, and the American people could have weighed in and said: You are a hero or you are a bum. In this case certainly most Americans, I believe, would have weighed in and said: Get to that bill. Get to a debate on it and get it done because it is the American tradition for Americans to make their decisions about who they elect, not foreign corporations to secretly spend money on American campaigns.

Mr. HARKIN. I thank the Senator. The Senator pointed out correctly—I was mistaken; I thought it was 57—it was 59 votes. You would think normally that bill would pass and it would

go to the President for his signature. It was supported overwhelmingly by the American people, yet thwarted because we have the right—as I said earlier, the minority in the Senate has a right of veto. They can veto whatever they want to bring up. What sense does that make in a democracy?

I thank the Senator and yield the floor.

Mr. UDALL of New Mexico. I thank the Senator.

We see our good friend, Senator ALEXANDER from Tennessee, has arrived, and we very much appreciate that.

I say to Senator ALEXANDER, one of the things we have been discussing—and Senator MERKLEY had a chart and had the history of what had happened as far as rules debates. There have been a lot of rules debates—in the 1950s, 1960s, 1970s, and always—always—the two leaders would allow a rules proposal to be on the Senate floor and be debated and be disposed of.

We now have a situation today where we cannot get our rules proposals onto the floor. Senator MERKLEY is here with a talking filibuster proposal. I say to the Senator, I believe he has been talking with you. I say to Senator ALEXANDER, you have been very open with us in saying: Let's have discussions. And your theme has really been, like you say in your speech at the Heritage Foundation:

[The Senate needs to change its behavior, not to change its rules.]

That has been the Senator's function. But the Senator is also working on rules changes with Senator SCHUMER, and we very much appreciate that.

But I know Senator HARKIN has a proposal. Senator MERKLEY has a proposal. I have S. Res. 10. I say to the Senator, he was here on the first day of the Senate session on January 5 when we put in, with my two friends, S. Res. 10. We are just trying to get it to the floor, and that is what I am going to ask right now, with my unanimous consent request. We very much appreciate the Senator being here.

UNANIMOUS CONSENT REQUEST— S. RES. 10

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 10, a resolution to improve the debate and consideration of legislative matters and nominations in the Senate; that there be 6 hours for debate equally divided and controlled between the two leaders or their designees, with no amendments in order; and that upon the use or yielding back of time, the Senate proceed to vote on adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, reserving the right to object, I want to congratulate the Senator from New Mexico. He has been persistent and diligent and enormously well intentioned in this effort throughout the Rules Committee hearings and throughout the floor debate in seeking a way to help make the Senate function better, at the same time preserving the Senate as a forum for deliberation and protection of minority rights.

We have a difference of opinion about whether that is best done by allowing changes of rules by 51 votes or by 67, which is the way the Senate rules currently prescribe. His proposal to change the rules certainly can be considered on the Senate floor in the regular order, and we would be happy to work with him to do that as long as it was by 67 votes.

So because of that difference of opinion, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

UNANIMOUS CONSENT REQUEST— S. RES. 8

Mr. HARKIN. Likewise, Mr. President, the Senator from Tennessee knows I have been on this issue for a long time. I have a proposal also.

Again, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 8, a resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate; that there be 4 hours for debate equally divided and controlled between the two leaders or their designees, with no amendments in order; and that upon the use or yielding back of time, the Senate proceed to vote on adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, reserving the right to object, the Senator from Iowa has, for at least since the early 1990s, been forcefully arguing for his position. We have the same difference of opinion fundamentally that I mentioned in connection with Senator UDALL's amendment. We are glad for these rules changes and amendments to come to the floor, but only if they are approved or rejected with the requirement of 67 votes. So for that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

UNANIMOUS CONSENT REQUEST— S. RES. 21

Mr. MERKLEY. Mr. President, it has been the tradition of this Chamber,

when there are rules proposals, to put them on the floor for debate and to hold that debate. Then if the body does not like that, either to defeat them outright or to table them or refer them to committee for further work.

Indeed, under the Constitution, it is in order for us to have a debate now as a simple majority to amend our rules. The Constitution calls for a supermajority for impeachments, a supermajority for treaties, but it calls for a simple majority to amend our rules and to organize ourselves.

Many Members of this body often talk about the Constitution, and it is the Constitution we are talking about right now when it calls for a simple majority to be able to organize.

So that is why, in 1953, the Senate debated Senator Anderson's resolution, eventually defeating it by tabling it. That is why, in 1957 and in 1959, they proceeded to put it on the floor—both sides agreeing that it was appropriate under the Constitution to have the debate in this Chamber—and then to either approve or to vote down or to table or to refer to committee. Then, in 1961, Anderson's rule proposal to make cloture three-fifths present and voting was referred to committee. So it was defeated again, but it was debated and referred to committee. Then the committee returned it to the floor for further debate. No one objected to us holding a debate.

In fact, here is the irony. We are talking about fixing the broken Senate because debate is unable to take place, and this very conversation we are having right now, with proposals to be put on the floor, is being objected to by the other side because they are saying it is not appropriate. But the Constitution says it is appropriate. The tradition of the Senate says it is appropriate.

So I too have a resolution to put on the floor, a proposal for debate. It is the talking filibuster proposal. It is important that Senators not be able to object to the regular order of 51 and then go home or go on vacation and hide from the American people, but that if they believe there should be additional debate, they come to this floor and debate. The people of America believe that is what the filibuster is about: making your case before the American people. Let's make it so.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 21, a resolution to amend rule XIX and rule XXII of the Standing Rules of the Senate to enact the talking filibuster; that there be 6 hours for debate equally divided and controlled between the two leaders or their designees, with no amendments in order; and that upon the use or yielding back of time, the Senate proceed to vote on adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, the Senator from Oregon is a former speaker of the house in Oregon, and he has been a long observer of the Senate, having come here first working for Senator Hatfield, and he has been effective and passionate in his views.

Today, I was reviewing some remarks made by largely Democratic Senators, from 4 or 5 years ago, when some Republicans got the idea that it might be a good idea to make this a more majoritarian body, and Senator SCHUMER, Senator REID, Senator Clinton, and Senator Obama all said it would be a mistake.

So although I greatly respect the Senator from Oregon, we have a difference of opinion about whether it is in the best interest of the Senate and of the country to change the rules in this way, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Tennessee for coming to the floor. I applaud his long service.

When I first came to the Senate, Senator Hatfield asked me to bring greetings to his former colleagues, and I had the chance to sit down with Senator ALEXANDER to convey those greetings and to work with him on some projects, including the advocacy for electric vehicles. It is good for the American economy, good for the strategic positioning of America in terms of our consumption of energy, and certainly good for the environment.

I wish to note that while we disagree on this, this is actually the way it should happen. We should come to the floor and share our respective views, disagree with each other, make our points. I believe, at this moment, we should be on a rule. We should be debating it. My colleague has expressed his difference of opinion in a very gracious and respectful manner, and that, too, should be a factor of Senate dialog, so I thank the Senator.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— S. RES. 24

Mr. MERKLEY. Mr. President, I submit S. Res. 24, on behalf of myself and Senator TOM UDALL, proposing a standing order of the Senate, and I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, for purposes of having the resolution go over, under the rule, I object.

The PRESIDING OFFICER. Objection is heard. The resolution will go over, under the rule.

Mr. MERKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

NOTICE OF ISSUANCE

Mr. INOUE. Mr. President, pursuant to section 304(d) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(d)), the Office of Compliance, U.S. Congress, submitted a notice of issuance of final regulations. The notice contains final regulations related to the Veterans Employment Opportunities Act of 1998—Regulations under section 4(c)(4) of that Act. The Congressional Accountability Act requires this notice be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE TEXT OF REGULATIONS FOR THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix "H." When approved by the Senate for the Senate, these regulations will have the prefix "S." When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix "C."

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

- Sec.
- 1.101 Purpose and scope.
- 1.102 Definitions.
- 1.103 Adoption of regulations.
- 1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections

2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A-C) of the CAA, 2 U.S.C. §1301 (9)(A-C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A-C) of the CAA, 2 U.S.C. §1301 (9)(A-C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriations Act, 1978; or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Regs: (c) Scope of Regulations. The definition of "covered employee" in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term "covered employee" excludes any

employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) "Accredited physician" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase "authorized to practice by the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) "Act" or "CAA" means the Congressional Accountability Act of 1995, as amended (Pub. L. 104-1, §109 Stat. 3, 2 U.S.C. §§1301-1338).

(c) "Active duty" or "active military duty" means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) "Appointment" means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) "Board" means the Board of Directors of the Office of Compliance.

H Regs: (g) "Covered employee" means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S Regs: (g) "Covered employee" means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose

appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to section 105(a) of the Second Supplemental Appropriations Act, 1978; or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Regs: (g) "Covered employee" means any employee of (1) the Office of Congressional Accessibility Services; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) "Covered position" means any position that is or will be held by a covered employee.

(i) "Disabled veteran" means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol or the Botanic Gardens.

(k) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

H Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) section 1.102 of the regulations classified with an "H" classification.

S Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of

paragraph (g) section 1.102 of the regulations classified with an "H" classification.

C Regs: (l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) of section 1.102 of the regulations classified with an "H" classification.

H Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) of section 1.102 of the regulations classified with an "S" classification.

S Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) of section 1.102 of the regulations classified with an "S" classification.

C Regs: (m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) of section 1.102 of the regulations classified with an "S" classification.

H Regs: (n) "Employing office" means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) "Employing office" means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Regs: (n) "Employing office" means: the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) "Office" means the Office of Compliance.

(p) "Preference eligible" means veterans, spouses, widows, widowers or mothers who meet the definition of "preference eligible" in 5 U.S.C. §2108(3)(A)-(G).

(q) "Qualified applicant" means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the

term "qualified applicant" shall mean that the applicant has received a passing score on the examination or evaluation.

(r) "Separated under honorable conditions" means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) "Uniformed services" means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) "VEOA" means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105-339, 112 Stat. 3182).

(u) "Veterans" means persons as defined in 5 U.S.C. §2108(1), or any superseding legislation.

Sec. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are "the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other "substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)" of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are "the same as the most substantive regulations (applicable with respect to the Executive branch)", section 4(c)(4)(B) of the VEOA authorizes the Board to "determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under" section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate

Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

Subpart B—Veterans' Preference—General Provisions

Sec.

1.105 Responsibility for administration of veterans' preference.

1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401-416 of the CAA, 2 U.S.C. §§1401-1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, section 4(c)(3) of the Veterans Employment Opportunities Act of 1998; and the Office's Procedural Rules.

Subpart C—Veterans' Preference in Appointments

Sec.

1.107 Veterans' preference in appointments to restricted covered positions.

1.108 Veterans' preference in appointments to non-restricted covered positions.

1.109 Crediting experience in appointments to covered positions.

1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. § 3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant.

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible applicant for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. § 2108(3)(c) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. § 1302(a)(3).

Subpart D—Veterans' preference in reductions in force.

Sec.

1.111 Definitions applicable in reductions in force.

1.112 Application of preference in reductions in force.

1.113 Crediting experience in reductions in force.

1.114 Waiver of physical requirements in reductions in force.

1.115 Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an

employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) "active service" has the meaning given it by section 101 of title 37;

(2) "a retired member of a uniformed service" means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if (A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of "preference eligible" as set forth in 5 U.S.C. 2108 and section 1.102(p) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force" does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term "reduction in force"

does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a "disabled veteran" under section 1.102(i) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. § 2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. § 1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. § 3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act, reenacted with amendments by the Agriculture Marketing Agreement Act of 1937; and

(2) service rendered as an employee described in 5 U.S.C. § 2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. § 2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. § 2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. § 1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

Subpart E—Adoption of Veterans' preference policies, recordkeeping & informational requirements.

Sec.

1.116 Adoption of veterans' preference policy.

1.117 Preservation of records made or kept.

1.118 Dissemination of veterans' preference policies to applicants for covered positions.

1.119 Information regarding veterans' preference determinations in appointments.

1.120 Dissemination of veterans' preference policies to covered employees.

1.121 Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term "personnel records relevant to the claim", for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA;

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3); and

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of "preference eligible" as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees; and

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' "preference eligible" as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees; and

(3) the employing office may provide other information in its guidances regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible; and

(B) a list of all covered employee(s) in the covered employee's position classification or

job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible; and

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

REFORM AMERICA'S BROKEN IMMIGRATION SYSTEM ACT

Mr. LEAHY. Mr. President, once again, at the beginning of a new Congress, Majority Leader REID has signaled his intent to improve our Nation's immigration system with a plan to transform and modernize our laws to meet the needs of the country.

I support the majority leader in this effort, as I have now for several Congresses. The American people recognize that our current immigration system is deeply flawed. It is far too easily exploited by unscrupulous employers and others who seek to profit from the vulnerabilities of those seeking work and a new life. We can and should put an end to the too common abuses and transform our system into an orderly, secure, and efficient way to strengthen our economy and fulfill our humanitarian traditions.

We must also confront the situation created by the millions of undocumented people who are living and working in the shadows in the United States—the vast majority of whom are otherwise following our laws and making positive contributions to our economy. We can all agree that we have arrived at a point that is not sustainable, and we must face up to it with a solution that is achievable. As both President Bush and President Obama, along with their Secretaries of Homeland Security, have acknowledged, we cannot simply enforce our way out of a broken immigration system. I agree.

We must reject the easy slogans that reduce this highly complex problem to a bumper sticker solution—something the late Senator Ted Kennedy spoke against so passionately. When we talk about the millions of immigrants living and working in the United States as a mass of "illegals" to be sent out of the United States, we denigrate their humanity. As a nation, we can agree that we will have no tolerance for those who are out of status and go on to commit crimes. But for those whose only transgression was entering the United States unlawfully in search of a better life for themselves and their families, we should proceed in a manner that is consistent with our best qualities as a humanitarian and compassionate nation.

Achieving what the majority leader has proposed will not be easy. We have

experienced the difficulty again and again in recent years. I am heartened that the legislation the majority leader introduced includes reference to the DREAM Act and to AgJOBS, both of which I have strongly supported for many years. Even if our progress is incremental, I believe that working on behalf of America's farmers and individuals whose undocumented status is not a result of their own volition is a sound starting place.

Among other important goals, the legislation calls on Congress to "support our national and economic security." Along with AgJOBS and the DREAM Act, I hope Senators will also recognize the fundamental unfairness that exists in our immigration laws for gay and lesbian Americans and that this is also an economic issue. I have said many times that no American should be forced to choose between their loved ones and their country. But this is the reality many Americans face, and it is wrong. Due to this false choice, many talented Americans choose to leave their country for nations that treat binational, same-sex couples fairly, often at a cost to their employers and our Nation's economic growth.

There are existing immigration programs that Congress should strongly support and improve, such as the EB-5 Regional Center Program, which has a proven record as an engine to promote job creation and capital investment in American communities. With permanence, added efficiencies, and strong oversight, this program can continue to operate as an economically productive part of our overall immigration system. We must also reform our refugee laws to ensure that those in need of protection find safety in the United States.

Americans have endured the bitter politics of immigration for far too long. The hurtful rhetoric has obstructed progress and has deepened the divisions on an issue that will require bipartisanship and compromise on all sides. It is my sincere hope that the divisions are not too deep to be repaired and that we can make progress on fixing our struggling system. A rational, economically productive, and humane immigration system should be a cornerstone of our democracy; a source of pride instead of anger, frustration or intolerance. Our history demonstrates that immigration to the United States and the tremendous diversity that has resulted, has set us apart as an example of freedom and unity for the rest of the world. I hope as the 112th Congress begins, we will work together toward a better system for America and all Americans.

APPOINTMENT OF JEFFREY R. IMMELT

Mr. LEAHY. Mr. President, I would like to salute Jeffrey R. Immelt for

agreeing to chair the President's new Council on Jobs and Competitiveness.

Mr. Immelt knows quite a bit about creating jobs, promoting innovation, and competing in the marketplace. As the chairman and chief executive officer of General Electric, Mr. Immelt has led the company through a major expansion into growth markets overseas and made GE a leader in manufacturing a new generation of environmentally friendly technologies. Now, as we transition from stabilizing our economy to increasing employment and growth, Mr. Immelt's experience leading GE will help him counsel the President through our long-term recovery.

Mr. Immelt knows that innovation is the key to America's economic growth. Consequently, GE relies heavily on the U.S. patent system. I have been very happy to work with Mr. Immelt and GE as strong proponents of bipartisan patent reform legislation.

I recently met with Mr. Immelt and was impressed by his determination to make GE even more competitive in the future than it has been in the past. He has original ideas on investing in research and development and understands that reviving and updating America's manufacturing economy is critical to creating jobs in this country. I have always been impressed with his commitment to manufacturing in Rutland, VT, where GE Aviation has a major plant.

In honor of his willingness to serve in this new capacity, I ask unanimous consent to have printed in the RECORD Mr. Immelt's recent op-ed, "A blueprint for keeping America competitive."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 21, 2011]
A BLUEPRINT FOR KEEPING AMERICA
COMPETITIVE
(By Jeffrey R. Immelt)

President Obama has asked me to chair his new President's Council on Jobs and Competitiveness. I have served for the past two years on the President's Economic Recovery Advisory Board, and I look forward to leading the next phase of this effort as we transition from recovery to long-term growth. The president and I are committed to a candid and full dialogue among business, labor and government to help ensure that the United States has the most competitive and innovative economy in the world.

Business leaders should provide expertise in service of our country. My predecessors at GE have done so, as have leaders of many other great American companies. There is always a healthy tension between the public and private sectors. However, we all share a responsibility to drive national competitiveness, particularly during economic unrest. This is one of those times.

My hope is that the council will be a sounding board for ideas and a catalyst for action on jobs and competitiveness. It will include small and large businesses, labor, economists and government. Areas that we will focus on include:

Manufacturing and exports: We need a coordinated commitment among business, labor and government to expand our manufacturing base and increase exports. The assumption made by many that the United States could transition from a technology-based, export-oriented economic powerhouse to a services-led, consumption-based economy without any serious loss of jobs, prosperity or prestige was fundamentally wrong. But there is nothing inevitable about America's declining manufacturing competitiveness if we work together to reverse it. For example, we have returned many GE appliance manufacturing jobs to the States by collaborating with our unions and making our operations more efficient.

Working with Boeing CEO Jim McNerney, who leads the President's Export Council, the Council on Jobs and Competitiveness will look for ways to harness the power of international markets—home to more than 95 percent of the world's consumers. Currently, the United States ranks lowest among the world's largest manufacturing nations in the ratio of domestically produced goods sold overseas, or export intensity. We must set as our highest economic priority not just increasing our exports, as the president has pledged, but also making the United States the world's leading exporter in the 21st century.

Free trade: America cannot expand its manufacturing base without retooling increasing the volume of goods it sells overseas. That is why I applaud the free-trade agreement recently concluded between the United States and South Korea, which will eliminate barriers to U.S. exports and support export-oriented jobs. We should seek to conclude trade and investment agreements with other fast-growing markets and modernize our systems for export finance and trade control. Those who advocate increasing domestic manufacturing jobs by erecting trade barriers have it exactly wrong.

Innovation: Businesses should invest more of their cash and resources in advanced products and technologies that will create jobs in the United States, and government should incentivize this investment in innovation. Today, GE is investing more than ever in research and development—about 6 percent of revenue—aimed at solving challenges in transportation, energy and health care. As one of America's largest exporters, GE remains committed to producing more products in the United States, which is our home and largest market. In the past two years, GE has created about 6,000 manufacturing jobs in the States, many resulting from investments in innovations such as advanced batteries, which we will make at our 100-year-old plant in Schenectady, N.Y.

GE sells more than 96 percent of its products to the private sector, where America's future must be built. But government can help business invest in our shared future. A sound and competitive tax system and a partnership between business and government on education and innovation in areas where America can lead, such as clean energy, are essential to sustainable growth.

It is possible to be a competitive global enterprise and still care about your home. In fact, it is not just possible but imperative. There is no easy solution to "fix" the American economy. Persistent and high unemployment—and the pessimism it breeds—should not be accepted. We must work together to construct an economy that creates more opportunity for more people.

HONORING OUR ARMED FORCES

LANCE CORPORAL MICHAEL GEARY

Mrs. SHAHEEN. Mr. President, it is with deep sadness that I rise to honor the life of LCpl Michael Geary, who died on December 8, 2010, from wounds received in Helmand Province, Afghanistan, while supporting Operation Enduring Freedom. He was just 20 years old at the time of his death, and 5 months into his first tour of duty as a Marine. Michael was a member of the 2nd Battalion, 9th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, based at Camp Lejeune, NC.

A native of Derry, NH, Michael graduated from Pinkerton Academy in June 2009. As early as age 14, he wanted to join the Marines. Michael left for boot camp in North Carolina just 1 month after graduating high school to fulfill his life-long dream.

Admirably, Michael wished to represent our country to the best of his ability—so much so that, prior to his deployment, he studied Afghan culture in order to increase his cultural awareness and to communicate more effectively with the people of Afghanistan, especially Afghan youth.

Michael is described by his loved ones as loyal, good-natured, and driven. From attaining his black belt in karate to competing on the gridiron for the Pinkerton Astros, his drive was truly inspiring. His family attributes the personal growth of his younger cousin, Luke, to Michael's relentless drive and his dedication to the ones he loved. Michael is Luke's hero. This young patriot is also a hero to the State of New Hampshire and our entire country.

LCpl Michael Geary made the ultimate sacrifice in the defense of the country he loved and for that he has earned our enduring gratitude. I hope his family can find comfort in knowing that all Americans share a deep appreciation for his heroic service.

Michael is survived by his parents, Timothy and Nancy Geary of Derry, NH. He also leaves behind a caring extended family and many dear friends. This young hero will be missed by all.

I ask my colleagues and all Americans to please join me in honoring the life, service and sacrifice of LCpl Michael Geary.

STATE OF THE UNION ADDRESS

Mr. WYDEN. Mr. President, tonight's State of the Union Address is a unique opportunity for the President to speak directly to the American people and offer his course for the country. The President is promoting trade as part of his agenda and I commend him for highlighting global competitiveness as an economic imperative. With the upcoming debate on the U.S.-Korea Free Trade Agreement, the President has an

opportunity to speak candidly with the American people about the benefits and challenges posed by trade. Doing this supports the case that the United States needs new policies to rise to the challenges of a global economy.

In order to avoid a divisive, ugly fight over trade, I would like to hear the President say in his speech that he will seek to establish a new compact between workers, business, and government about how to increase our competitiveness in the global economy. It is important to try to reach this consensus before Congress is asked to consider the controversial free-trade agreements, FTAs, reached with Korea, Colombia, and Panama.

The President has already begun down this path by ramping up efforts to combat unfair trade practices and establishing the National Export Initiative with the goal of doubling exports over the next 5 years. These are both important strategies. In approaching the pending FTAs, it is vital that he talk about more than just exports; he must also highlight the value of imports, two-way trade, and the global supply chain. This can only be done through candid conversation, one the Nation richly deserves. If our debate draws only from the same talking points that both sides have been using for the last 20 years, the truth will be sidelined as proponents oversell the potential merits of the agreements and opponents oversell the potential pitfalls. That would be a disservice to the country and represent a profound missed opportunity for the President.

Take the pending trade agreement with Korea as an example. This is the most economically meaningful FTA since NAFTA. To help understand the impact of this agreement, I sought the help of the staff of the independent International Trade Commission, ITC. In 2007, the ITC found that the agreement would have a limited impact on job creation, partly because of the assumptions the ITC made in its analysis. Because the economic landscape in 2010 is profoundly different than it was in 2007, I asked staff of the ITC to provide an updated assessment of the agreement using conditions that reflect today's economic reality. Based on these updated results, the FTA has the potential to create about 280,000 new American jobs and boost U.S. economic output by \$27 billion each year.

At the same time, these projections show that thousands of Americans currently employed in manufacturing could lose their jobs. Neither the President nor Congress can ignore these families, and it is our job to enlarge what I call the Winners' Circle to ensure that trade is a benefit to Americans in all our communities.

When American firms and their workers are as competitive as they can be, they can better tap foreign markets opened by trade agreements to spur the

domestic economy and produce more good-paying jobs here at home. The Department of Labor's chief economist recently testified that jobs related to international trade typically pay more and offer better benefits. However, when I talk with leading CEOs and labor economists, I hear the same concern: If we want our economy to grow at its full potential, we need more workers with the tools to compete.

In tonight's speech I would like to hear the President talk about proposals that will guarantee workers' career-long, affordable access to continuing education and skills upgrading so that businesses always have the most productive and trained workforce they need. We expand the Winners' Circle by making it easier for workers to move from one job or career to the next and by making America the most attractive place to work and live for anyone who has the skills, the brains, and the ambition to succeed. Making it easier for companies with obsolete technology to retool to meet 21st-century global competition further expands the Winner's Circle. This means a tax system that rewards the global growth of American firms while fostering investment in production and employment here at home.

In the coming months, President Obama has an opportunity to forge a new, bipartisan consensus about trade and increasing foreign competitiveness. If he succeeds at this, not only does he succeed in passing these trade agreements but, far more importantly, he equips Americas workers and businesses to drive the economy forward.

NORTHERN CYPRUS

Mr. CARDIN. Mr. President, I rise today to return to the issue of the legacy of the invasion and ongoing occupation of Northern Cyprus and related human rights violations in the region. The disruption of a Christmas liturgy at the Orthodox Church of Agios Synesios, in Rizokarpaso, by the security services is appalling and should be roundly condemned by people of good will. The town, located in the Karpas region, is an anchor for the remnant of the once thriving Greek Cypriot community, now numbering several hundred mainly aged souls. The faithful had gathered at the church one of only a handful of Orthodox places of worship in the occupied area to have survived intact for a rare service. According to reports, members of the security services entered the church while the liturgy was being celebrated, ordered a halt to the religious service, and forced the worshipers and the priest out of the building before locking the doors.

This sad turn of events has become all too familiar in a region under the effective control of the Turkish military. Of the 500 Orthodox Christian churches, monasteries, chapels and

other sacred sites in the north, nearly all have sustained heavy damage, with most desecrated and plundered, including cemeteries. A mere handful, including the Church of Agios Synesios, may occasionally be used for religious services depending upon the whims of the local authorities and the military. The disruption of the Christmas Day liturgy is an affront to the dignity of those attending the service and is part of a disturbing pattern of violation of OSCE commitments on the fundamental freedom of religion, including the right of religious communities to maintain freely accessible places of worship.

A related concern has been the tendency of State Department reports to downplay the difficulties faced by Orthodox Christians seeking to conduct services in northern Cyprus as well as the extent of the region's rich religious cultural heritage. I raised my concerns over the denial of religious freedom in occupied Cyprus when the Committee on Foreign Relations held a nomination hearing for the position of Ambassador-At-Large for International Religious Freedom and will continue to closely monitor the situation in that part of Cyprus.

Under my chairmanship of the Commission on Security and Cooperation in Europe we undertook an examination of the destruction of religious cultural heritage in that part of Cyprus. Our findings, along with expert testimony were presented at a Commission briefing, "Cyprus' Religious Cultural Heritage in Peril" held on July 21, 2009. I encourage my colleagues and other interested parties to review the materials from that event, available on the Commission's Web site, www.csce.gov. A Law Library of Congress report: "Cyprus: Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law" was also released at the briefing. In addition to documenting the extensive destruction of such sites, the briefing also touched on infringements of the rights of Orthodox Christians in Northern Cyprus to freely practice their religion.

Those responsible for the interruption and abrupt forcible ending of the Christmas service at the Church of Agios Synesios should issue a formal apology for the boorish act of repression and I call upon all authorities in northern Cyprus to remove restrictions on the free exercise of freedom of religion and other basic human rights in this part of the country under their control.

man, Mr. Carl Bradford Brooks of Fairbanks, AK, who passed away on November 27, 2010. He was 58.

Born on October 25, 1952, Brad was a lifelong Fairbanksan who graduated from Lathrop High School in 1970. Brad was always proud he was a member of the International Brotherhood of Electrical Workers Local 1547 and the Public Employees Local 71 unions. During his career, he worked on building the Trans-Alaska pipeline and maintained communication infrastructure across the entire State of Alaska.

Brad fully embraced the spirit of volunteerism as he tirelessly helped make Fairbanks a better place. As a founding member of the Interior Democrats, Brad helped shape the political atmosphere of Interior Alaska for the Alaska Democratic Party for over 30 years. At the time of his passing, Brad was serving on the Executive Committee as communications secretary.

Coming from a family of Eagle Scouts, Brad earned the rank and continued a life of service to the Boy Scouts of America. Thousands of volunteer hours, community service projects and laughs were shared with the boys of Troop 10, the Midnight Sun Council and Lost Lake Scout Camp. Several awards were presented to Brad for his Scouting service including awards from the AFL-CIO and the local Silver Beaver Award. Many young men were mentored, enriched, and encouraged to participate in a life of service to community by Brad's example.

Every year, Brad would lend many hours of his communications expertise assisting the Yukon Quest International Sled Dog Race between Whitehorse, British Columbia, Canada, and Fairbanks, AK. Brad assisted with the set up and coordination of trail communication necessary to allow mushers in remote areas to communicate with race officials and emergency responders.

Lastly, but most importantly, Brad was devoted to his wife of 32 years, Drena McIntyre, and his son Tyler, daughter Graehl, and granddaughter Sylvia-Lei.

A final farewell to Brad included a rock n roll wake at Big Daddy's Bar-B-Q in Fairbanks. Many came dressed in Brad's favorite attire: either Carhartts overalls, a Hawaiian Aloha shirt or and a tie-dye Tee shirt. His many friends and loved ones maintained the ideals of fun and companionship which Brad Brooks exemplified throughout his whole life.

Condolences go out to his family and to all others who were close to him.●

environment and affordable housing. Ms. Watkin passed away peacefully on December 19, 2010. She was 97 years old.

Born in 1913 in Portland, OR, to Erskine Wood and Rebecca Biddle Wood, Becky earned a bachelor of arts from Bryn Mawr College in 1933. Four years later, she earned a bachelor of architecture from the University of Pennsylvania's School of Architecture. At the time, Penn did not admit women to its Architecture School, so Becky and two other women blazed a trail—they took all the courses required for an architecture degree, and then insisted that the school confer a bachelor of architecture degree. They became the first women to receive that degree from the University of Pennsylvania's Architecture School.

After receiving her degree in architecture, Becky moved to Sausalito, CA, where she found work as a draftsman. In 1944, after the required 4 years of drafting work, she received her California architectural license. At the time, there were very few women licensed to practice architecture in California; however, blazing another trail, Becky opened her own architecture practice in 1951.

Becky dedicated herself to helping those less fortunate than she was. In 1968, she helped found the Marin Ecumenical Association for Housing, which has provided hundreds of low-income housing units in Marin County. EAH, as it is now known, has successfully developed, managed and promoted quality affordable housing for 42 years. In addition to her work with EAH, Becky also served on the Marin County Planning Commission in the 1970s, where she was a leading advocate for environmentally sensitive development and affordable housing.

Becky also believed strongly in civic participation, and was very active with the Marin County Democratic Party. She cochaired Adlai Stevenson's local campaign in 1952 and 1956, and in 1960, she was John Kennedy's precinct chairwoman in Marin. In 1968, Becky cochaired Marin County's Eugene McCarthy for President Committee, and in 1972 she headed George McGovern's local Presidential campaign. Breaking a losing streak, Becky ran Jimmy Carter's primary campaign in 1976, also serving as a delegate to the National Convention.

In fact, Becky was one of the first people to give me a start in local politics: when I went to volunteer at the local Marin County Democratic campaign office in 1968, Becky put me to work typing address labels!

Becky left a deep impression on all who knew her. Whether in Portland, Marin, or San Diego, where she moved in 2003, her life was full of activity. She loved the outdoors, and was an avid hiker and skier. Always a lover of music, she sang with the Marin Chorus

ADDITIONAL STATEMENTS

REMEMBERING BRAD BROOKS

● Mr. BEGICH. Mr. President, I wish to remember the life of a remarkable

REMEMBERING REBECCA WOOD WATKIN

● Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Rebecca "Becky" Wood Watkin, a dedicated progressive advocate for the en-

until she was in her eighties, and regularly attended and supported the symphony and opera both in San Francisco and in San Diego.

Throughout her life, Becky's commitment to her community was evident in the work she did every day. She was a true trailblazer and progressive advocate, working tirelessly to better her community. Her lifetime of contributions will not soon be forgotten.

Becky is survived by her daughter Lisa; sons Joseph and Peter, and their spouses Ye Wa and Trylla; grandchildren Joseph Scott, Christopher, Milena, Katrina, and Lisl; and five great-grandchildren. I extend my deepest sympathies to her family and I feel blessed that Becky was a mentor, and most important, a dear friend.●

REMEMBERING WALTER L. KUBLEY, SR.

● Ms. MURKOWSKI. Mr. President, today I honor Walter L. Kubley, Sr. On December 14, 2010, Alaska lost this shining star who truly possessed the legendary "Pioneer Alaskan Spirit." Walter, who we called Wally, served Alaska in a long diverse career that ranged from work at the Ketchikan Volunteer Fire Department to the Alaskan Secretary for the U.S. Department of Agriculture. When Wally was Commissioner of Commerce under Governor Keith Miller, he worked alongside his good friend and Commissioner of Revenue, George Morrison, and took revenues generated from the first oil lease sale in Prudhoe Bay and invested it to create the seeds of what is now known as the "Permanent Fund." This fund evolved and allowed the citizens of our State to share in the bounty of our natural resources. Wally also made an indelible mark on the infrastructure and transportation system of Alaska. His tireless efforts as one of the authors of the legislation that created the Alaska Marine Highway System have continued to act as the integral yarn of the socioeconomic fabric of southeast Alaska. I myself have spent many hours on the beautiful "roads" that can be attributed to this caring man. As the "Father of the Alaskan Highway System," Wally often talked of bringing his family along on the maiden voyage of the M/V Malaspina mainline ferry from Seattle to Ketchikan that launched in 1963. Wally also served in the State legislature with Senator Ted Stevens, who he remained close with until his death and served as an honorary pallbearer along with Representative DON YOUNG. Whether his title was as an Alaskan House Representative, Commissioner of Commerce, or Commissioner of Transportation, his lone goal was to help his region, his State, and its people.

Wally was born and raised in Ketchikan in 1921 as the third generation of his family in Alaska. After graduating

from high school, he studied at Whitman College but withdrew from school and joined the U.S. Coast Guard after the tragic events at Pearl Harbor. With his extraordinary childhood knowledge of the Alaskan coast, he served as captain of a submarine chaser out of Prince Rupert on the lookout for enemy submarines in the waters of southeast Alaska. After the war, he married his beautiful fiancée and the love of his life, Fern, who served as Mrs. Alaska in 1962. They spent 60 wonderful years of marriage together. At a young age, Wally left a cultural mark in the community as he built the world famous Sourdough Bar, the first bowling alley in Ketchikan, the Billiken Bowl, and the Sportsman Bar and Café in Ward Cove. Wally's grandson, Wally Jr., is now the owner of the Sourdough Bar and has continued the traditional weekly coffee forum held every Thursday morning up until his passing.

As the patriarch of a sixth generation Ketchikan family, Wally will be missed deeply by his loving family and all those who have known his caring nature. Wally's grandfather came to Alaska during the Gold Rush and after a few years prospecting in Hyder moved to Ketchikan in 1904 and set his family's roots. Wally owned a cabin built with hand hewn yellow cedar at Mirror Lake in the Misty Fjords. This later became the Mirror Lake Sportsman's Club where Wally enjoyed relaxing times fishing with his children, grandchildren, and friends. He was never without a smile and his own brand of creative thoughtfulness always shined bright. He is survived by his sons Don and Larry, daughter Kaaren, and his grandchildren.

Wally and I shared a common birthplace in Ketchikan and a love for our homeland of Alaska. Without the work that he has done, the state of Alaska would be a different place. I can easily say that Wally helped create the Alaska that future generations will happily inherit. He was the driving force for many Alaskan traditions and we owe him immense gratitude. May he rest in peace.●

VERMONT ESSAYS

● Mr. SANDERS. Mr. President, today I wish to share the powerful words of 12 Vermont students. As I toured the schools of Vermont, I encouraged students to write me focusing on issues of concern to young people and to recommend short- and long-term priorities for the President. I received more than 225 State of the Union essays about the declining middle class, climate change, and health care reform. These students truly answered, what is the state of our Union?

It is important to remember that part of our jobs is to represent the young people of our States and not just their parents. We all know that what

happens in Washington, DC, impacts every American and all of us, including young people, should be thinking about these issues. Although Vermont is doing a better job than most States, there is certainly a legitimate concern that young people are not learning enough about civics. I think these essays demonstrate that students do understand the role they can play in American democracy.

As President Barack Obama presents his State of the Union Address to a joint session of Congress tonight, I think it is appropriate that the top dozen essays are printed in the RECORD, so that the entire country can see the excellent work that Vermont students are doing. I also want to thank the teachers—Jennie Gartner from Rutland High School; Elizabeth Lebrun, of Poultney High School; Joe Maley of South Burlington High School; and Terri Vest of Twinfield Union High School in Plainfield—who helped me select these essays.

Keenan Villani-Holland from Vermont Commons School was the teachers' top choice. In addition to Keenan, the other finalists, in alphabetical order, are: Iain Axworthy, Essex High School; Emily Berk, South Royalton School; Molly Burke, Champlain Valley Union High School; Jonah Cantor, Champlain Valley Union High School; Molly Cantore, St. Johnsbury Academy; Kristen Donaldson, Champlain Valley Union High School; Susannah Johnson, Vermont Commons School; Ingrid Klinkenberg, Edmunds Middle School; Ezra Mount-Finette, Champlain Valley Union High School; Lisa Ogorzalek of Rutland High School; and Bryn Philibert, Champlain Valley Union High School.

I am pleased the students of Vermont are thinking about these complex issues, which are of critical importance to not only our State but indeed the Nation. The decisions that we make on the Senate floor today will impact generations of Americans to come. That is why I would like to share with you what these students' wrote. I ask that they be printed in the RECORD.

The material follows.

KEENAN VILLANI-HOLLAND, VERMONT COMMONS SCHOOL

The world is changing, and the United States has the opportunity to lead that change. Oil is running out, global warming is reaching or has already passed a significant tipping point and tensions with North Korea and Iran are escalating. On the home front, the middle class is rapidly disappearing due to an economic crisis that has been festering for years, we are losing out in education to China and our people have completely lost touch with the government and vice versa.

In older times, nations would go through major catastrophes often: devastating wars, plagues, bloody revolutions, etc. often enough to keep them new. In this day and age, these enormous crises are largely averted in the western world. Make no mistake, this is a great thing. However, it means we need to take it upon ourselves to renew our

Nation, rather than waiting for a catastrophe that won't come.

We need to change quickly on three main fronts: The environment, the economy, and education. It is time to realize that fighting to save the environment is not in the least altruistic. The planet doesn't care about global warming or melting ice caps. We, on the other hand, should. Our current economic model is failing all but the richest of our Nation, as it slowly squeezes the middle class dry to supply the rich. Finally, our educational system clearly isn't working when China is easily surpassing us in education and our students feel more overworked and overstressed every day.

Let me first talk about the environmental front. Once we realize that it is no longer a fight to save polar bears, and that it is a fight to save ourselves, it will be easy. However, that realization will not come quickly. We need a huge-scale public awareness campaign to bring that point home to American people. After that, we need to start with large scale energy reform, focusing on renewables and following a European model.

On the economy, we need to throw away our preconceptions about the free market and start over. Heavy regulation to ensure the economic safety of the American people, and measures to start moving wealth back down the ladder to the middle and lower classes are essential.

Finally, our educational system needs deep reforms to focus on actually teaching children, rather than preparing them to do well on tests. Children want to learn. That's what they are supposed to be doing at that point in their life. It's just a matter of taking the time for each individual and giving them the attention they need and actually being invested in them learning new material.

All of these ideas are fluid and adaptable, as any part of government should be. We should never be afraid to change the course we are taking in favor of one that may be more beneficial. The past decade was one about "Staying the course." This next one will be known as the one when we "Changed the course."

IAIN AXWORTHY, ESSEX HIGH SCHOOL

Our Nation faces many challenges entering into the new year. A recession has about 9.4 percent of our population out of work, we have a government deficit that must be paid off, and a tarnished image of America abroad must be mended. Though these challenges are great they present us with what I see as an opportunity unparalleled in recent history. Our role as a world leader has come into question as of late and good times provide little opportunity to change that view. When times are hard real leaders take it upon themselves to set the tone of the moment and show others how to react. It is time for America to lead once again.

Our troubles at home and our troubles abroad are tremendous. Our economy is in a weak phase of recovery, our federal deficit is larger than it ever has been, and our armed forces are engaged in a costly war. Relations have become strained between the United States and much of the world. The policies we enact in the coming months and years, both domestically and overseas, must be exemplary. The US has been the center of world commerce and culture for so long that we almost seem to fear up-and-comers. Instead viewing the coming shift of power as a loss we must view it as a win. In the wake of World War II the US helped set up a system of commerce that allowed many countries to develop into world powers. The fact that countries other than ours are realizing their potential should be seen as a great victory.

As we watch new world powers emerge we must see too that they will look to us as a role model. It is our duty and our privilege to set the right example in all areas, both in and out of the government. The private sector must become more responsible for its actions and create shared value within its partner communities. Our consumers must spend and save responsibly. Finally the people who represent us in Congress and our state legislatures must depolarize and find the mutual respect that has lately been non-existent. Once the correct tone is set and our leaders act as they would have us act, then we can look forward to a better tomorrow.

While our Nation sets an example on the world stage, Vermont has the ability to set an example on a national level. Vermont has powered through this recession with some of the lowest unemployment figures in the Union, and though we face our own issues we must acknowledge that we are much better off than many other states. As such, we ought to make concessions in Congress to aid those states hit hardest by the recession. Though Vermonters may be few in number we can show the rest of the country how citizens ought to act and put the good of the nation before our own comfort.

EMILY BERK, SOUTH ROYALTON SCHOOL

Growing up in rural, Middle Class America in the 21st century hasn't impacted my life or my immediate family's life. The current state of the union is coming out of a recession. Personally, I've been very lucky. Both of my parents are educated professionals that have stable jobs, which they were able to keep through this economic downfall. But it didn't mean that we weren't using more of our disposable income to afford our basic needs, such as food, health insurance, medications, fuel, oil, and utilities. Meaning, we weren't able to go on as many vacations, but we weren't losing our house. But I have family and friends that have been affected by the economic downfall. With the relations that I have with the people whom I know that are being affected by this, I believe that the Presidents ultimate goal should be to stabilize the economy, and support our own.

I believe that in order for the economy to become stabilized, a short-term goal should be that more jobs become available. Jobs will stimulate the economy and let people who are on unemployment to go back to work and earn more money. And to allow people under employed to have better employment for their education and ability. I believe by creating more jobs, people will make more money, and more money will then be spent, going to the government to start getting us more and more out of the recession. "Creating jobs in the United States and ensuring a return to sustainable economic growth is the top priority for my Administration," Barack Obama said in an Executive Order last March on his National Export Initiative. With little short-term goals such as more jobs, it will help start to stabilize the economy.

Another priority that I believe that should be on the Presidents list is to support military families. Families with family members in the military struggle with every day life. I personally have a family being affected by it. My cousin's father is in the war. He is on his second tour. He has missed his children grow up, with a daughter who is now 15 and a 10 year old son. His wife is forced to be a single parent. With support through programs, financial support and counseling we could help the families being affected by war. With programs set up for single parents with their partner in the war nobody can un-

derstand better than another parent with their partner in war. They would be able to share stories and understand how one and another copes with them gone. And more appreciation for those serving our country. They're fighting for their lives, causing their families live's to become difficult and change the way they live. Another priority should be Student Loan Reforms.

Student Loan Reforms are important because the change will eliminate private banks, the "middlemen" in the loan process and will save the US government about \$68 billion dollars over a span of 11 years, according to the White House. Because fewer fees will be paid to the local banks and more money will be available to lend to students because the money's coming directly from the government. The banks also charge the government money for each loan because they're not going to give students money for free. But for students, the loans will look relatively the same—same terms, same fees, same interest rates. The loans will most likely become more accessible to students as well.

These are some of the short-term goals I believe should be considered to help our country. I believe that this economic downfall, can, with work, be fixed. If we really want something we can achieve it. If people in our Nation come together and act as one, we can do it. I hope that I was able to give you good ideas about what goals I believe can help our nation. Even though I am just a 15 year-old girl living in a small town in Vermont, I still have a voice, and it will be up to my generation to keep us out of another depression.

MOLLY BURKE, CHAMPLAIN VALLEY UNION HIGH SCHOOL

Fellow Americans,

I'm writing to inform you of the current state of the Nation and concerns I feel must be addressed in 2011.

The overuse of fossil fuels and its impact on the environment is an issue I feel should be more extensively addressed. The United States of America needs to end its dependency on foreign oil and begin looking into alternative energy sources. Wind energy, and solar energy are infinite commodities that will steer the nation towards self-dependency, sustainability and a cleaner environmental future. The development of alternative energy sources may also create jobs.

Since June 2009, the United States has been slowly recovering from a severe economic recession. With an unemployment rate greater than 9 percent, it is clear we must focus our energies on job creation. Generating jobs in the environmental field and re-building our nations infrastructure including roads, bridges, and rail networks, which are deteriorating, will provide job opportunities. In order to meet many of these objectives, we need to take a look at our current educational system to ensure we are providing the necessary tools and training for the youth of this country and accurately preparing them for the work force. In particular, we must stress the importance of math and science to remain at the forefront of innovation and technology.

The United States has a \$1.4 trillion deficit. This issue relates directly to the amount of overspending in this country. The proposal by the Republican Party, requesting to keep the Bush-era tax rates to aid job creation instead of placing higher taxes on affluent citizens is not enough to reduce the national debt. Raising taxes on the wealthiest people in this country will help decrease the national deficit without severely impacting their financial situation. We need to

make hard choices, we need to cut spending and raise taxes in order to reduce the deficit.

Healthcare is a benefit that should be given to each citizen of the United States. In the Declaration of independence, each person was guaranteed the unalienable right to "Life." This right should be protected by universal healthcare, which provides citizens with the medical care and treatment necessary for their survival and well-being. Universal healthcare is a basic right for each citizen.

The United States needs to continue to be a world leader, however it no longer has the resources to be the "world's policeman." The United States needs to work more effectively with other emerging superpowers like China, and Russia to solve large global issues. Collectively, we have a responsibility and duty to solve global problems.

To accomplish these goals and create a more effective government, there needs to be a more civil discourse between the Democratic and Republican Parties. As the leader of this Nation, I strive to make positive progress towards these goals however this can only be achieved if both parties are willing to make compromises. Working together as one Nation will strengthen the union. Thank you. God bless you. And God bless the United States of America.

JONAH CANTOR, CHAMPLAIN VALLEY UNION HIGH SCHOOL

My fellow Americans, today I will address issues you and I are facing as a country. Our country's trade deficit with foreign nations, the flaws of our education system, and the need for healthcare reform are the problems I will present and propose solutions for. It is important to attend to these issues so we can resolve them efficiently as a country.

There is an obvious issue with how disproportionate the amount our country imports compared to exports. It is time for America to not only supply itself with a sufficient amount of goods, but also foreign countries. Of course, this increase in exports will require more factories to operate. This increase in factories will affect the economy in positive ways, mainly through the creation of jobs. More jobs leads to less poverty and more money flowing throughout the country. A healthy economy needs money and power distributed among its citizens.

A successful democracy is dependent on a well-informed and educated public. The education system in this country has been slipping in recent years, letting down the citizens. It is time to give children and young adults opportunities to experience an excellent education program. More money will be invested in the educational system, the overall quality of the education being received will be higher, the equipment in the classrooms will be up-to-date, and lastly, public colleges and universities will become affordable. An educated public leads to more politically-active citizens and a healthier society. It is critical to give every citizen an education that will help lead him or her and our country to success.

There are millions of Americans who currently don't have healthcare and millions more who are under insured. In the long run, this fact costs everyone money. These people with inadequate or no healthcare do not tend to take care of themselves. Going to see a doctor costs money that they don't have, so many simply don't go at all. But when one of these people needs care because of an emergency, everyone pays for it.

These are all large problems, but they are not surmountable. We will need to be determined to put in hard work to accomplish

these goals, but the rewards we will have earned will be great. I hope we can work as a country to achieve our goals to make a more perfect society.

MOLLY CANTORE, ST. JOHNSBURY ACADEMY

Each year, the president of the United States addresses issues the people want to be addressed. While the president tackles many topics in the State of the Union Address, an important question arises about one topic in particular within the economy. Should reducing unemployment become a short-term goal as the national deficit grows, to be dealt with on a long-term basis, or vice versa? Another important topic of discussion and worthy of being addressed is the encouragement of civic responsibility.

The economy encompasses two closely related topics of much debate: unemployment and the national deficit. Two points are more than clear, however. People remain unemployed and the Nation remains in trillions of dollars in debt. Which concern takes priority? While creating jobs is excellent for the economy, it is also hurtful. In order to fight unemployment, we are dragged further into debt, as the government provides stimulus money to create more jobs. As the national debt continues to grow, its triple-A credit rating is at risk of dropping, which could hinder the U.S.'s ability to borrow money to finance the deficit. However, if the government focuses on lessening the deficit, unemployment will increase. While climbing out of debt pleases the government, the shrinking job pool displeases the people. The president, elected by the people, does everything in his power to please the people, in order to get reelected. Creating more jobs may put the U.S. in jeopardy of losing its ability to borrow money in order to finance its deficit, and focusing on lessening the deficit cuts jobs which displeases the people, who play a very important role in the democratic government. Thus, this growing debate should be focused on in the State of the Union Address.

The people are pertinent to a democratic government. They have responsibilities as citizens to play that role, called civic responsibility. In order to participate in and take action in the government, a citizen must first be informed of the issues, problems, and challenges that face the country. A very important part of civic responsibility is voting. People have a right to vote, and voters, especially young and new voters, are responsible for being informed of the candidate's stances and goals. An informed voter will elect the candidate best fit for guiding the United States to recovery and prosperity. As the article, "Mr Obama's unpromising year" in *The Economist* states, young and first time voters, "who in 2008 were electrified by his person rather than his policies" should have instead been informed and should have voted for President Obama because of his stances and policies. Therefore, encouragement of civic responsibility, especially being an informed voter, is a very important issue that should be addressed in the State of the Union Address.

The State of the Union Address is an important opportunity in which the voices of the people can be heard. Two important topics that should be addressed include the encouragement of civic responsibility and the ever-growing debate of unemployment versus the deficit.

KRISTEN DONALDSON, CHAMPLAIN VALLEY UNION HIGH SCHOOL

My fellow Americans, our history as a country has had its ups and downs. We've

seen hardships like most nations have never seen before, but also we've seen prosperity that most nations do not even deem possible. At this point, our Nation is struggling in one of these "lows". However, because of our proud "high" moments that we have in this country, I know that change is possible with just a few alterations.

Although the unemployment rate has dropped from 10.6 percent to 9.3 percent, that still means 21,830,360 Americans are unemployed. No way to pay their rent that is riding over their heads, not sure if they will make it through the winter, and still have a house to their name. That is the reality for almost 1 in 10 Americans. We need to create more jobs, so we can continue to see that percentage decrease. One way is to create new jobs by initiating a clean energy start. Hundreds of thousands of jobs lie on the creation and innovation of clean energy. Why not reduce our unemployment rate, while leading the world on a new, greener path.

Outsourcing is the second main reason for unemployment rates. As a country, we need to put our priorities first, and make sure that we hold onto our jobs. We need to step back up to the plate again, and continue our stronghold on the title of the world's powerhouse.

Now, along with instability in jobs, comes the concern of our overriding deficit. This deficit is like the elephant in the room. Everyone knows it's there, but no one is doing anything about it. Our country is in over 14 trillion dollars of debt. The only viable fix is to cut all of the programs that simply aren't working. We need to re-think our approaches, and decide what is needed and what isn't.

Finally, the issue of the rising education costs is plaguing our Nation, holding children back from their full potential. If students are able to go to school, ¾ of them will be stuck under student loans once they graduate. Colleges and universities need to cut their costs, because if they do so, more students will have a chance at education. More of these educated citizens will be able to contribute to our nation.

Ladies and gentlemen, America's history has been a rollercoaster of ups and downs. We've seen it all, and we know how to recover from it. By addressing the most prevalent problems, America will have the opportunity to possibly not see a "down" for a long time.

SUSANNAH JOHNSON, VERMONT COMMONS SCHOOL

We Will Not be Perfect, But We Will Be Better

I try to use the word "perfect" seldom. In my short life I've worked with lots of different people in many different places. And I have come to the sad conclusion that the world will never be perfect.

The United States, like every country, has problems deeply concerning to young people. Yet our voices are rarely heard. Here's my voice.

In my opinion the priority issues are those that involve the overall wellbeing of people: the economy, renewable energy, and health care.

The Economy—Since the Recession began in 2008 the economy has splintered. Thousands of people lost their jobs, lost their homes, and found themselves struggling to pay for things like housing, college tuitions, even food on their tables. In response to the recession, President Obama created the Recovery Act which helped create three million jobs. The law helped avoid another Great Depression. But it is important for the President to face all aspects of the economic crisis and create a new plan for a "new era of

responsibility" (his words). The plan needs to include the creation of more jobs, a strategy to keep families in their homes, and finally a plan to get credit flowing again so that small businesses can reform and hire workers so families are able to pay for their children to go to college.

Energy—Renewable energy is another long-term goal President Obama needs to focus on. So far the President's programs have helped provide short-term relief to families who struggle to pay for gas at the pump, produce one million Plug-In Hybrid cars which get up to 150 miles per gallon, and has told America that by 2012 10 percent of our electricity must come from renewable sources. These actions have helped lead the country in the right direction. But more steps need to be taken. It is important for us to reduce our dependence on foreign oil. The U.S. should also become the world leader on climate change. The more people that are aware of the issue and its effects, the more ideas people will have about how to resolve it. Creating jobs that are "green" is also a strategy that would be beneficial.

Health Care—More and more Americans have lost their health insurance over time. They just can't afford good medical care. There should be no debate whether health care reform is necessary—it is. Period. Nearly 46 million Americans have no insurance, and this needs to change. It would be beneficial to create a health insurance program that would be an option for all Americans. It's very unfair that there are people who don't qualify for health insurance because of "pre-existing" health conditions. A program needs to be created in which nobody is discriminated against, regardless of their health history. To create a program that does these things will be expensive, so the President needs to be creative and figure out where this money will come from. He's smart, he can do it.

INGRID KLINKENBERG, EDMUNDS MIDDLE SCHOOL

The state of our Union can be addressed in many topics; the economy, education, achievements, failures, and so much more. There are many things that have happened in the past year, we have achieved some of our goals, but we have fallen short on some of our goals as well. A couple of years ago, our country was in a severe economic decline. Since then our economy has been improving and looking promising. This is a step in the right direction. In the other direction, this year our poverty rates went up by 10.3 percent. If we can do something to lower the poverty rate in coming years that would be beneficial. The state of our Union is stronger today than it was last year, and it can be stronger next year if we stay focused.

Poverty in the United States is a big problem. Right now about 13 percent, or nearly 40 million people, are living in poverty. Many of these people live without a roof over their head, food on the table, and many work multiple jobs just to survive.

It would be beneficial to make the opportunity of education more accessible, education provides opportunities. When more people have the opportunity of education, more people are able to have better paying jobs, which will allow them to better support themselves. Even though education would offer a brighter future for many, there still will be poverty. It is an unsolved problem the whole world is faced with. It has existed in the past, it exists now, and it will exist in the future. What we can do to make a difference is to decrease poverty in the future. Better education and more opportunities will be one of the keys.

In the past few years the U.S. has been recovering from a devastating economic crisis, which impacted the whole country and most of the world. Financial institutions collapsed, the stock markets fell, people's retirement savings were reduced, and people became more conservative in their spending. Many jobs were lost, resulting in people not being able to pay for their homes and the real estate market weakened. The future for many Americans continues to be uncertain. This past year our economy has been getting more healthy and promising. The credit markets have begun to unfreeze allowing companies to borrow the money they need to expand. Company profits have improved, which has allowed the stock markets to go up, benefiting investors. 2010 has been a year that we have been able to make our economy stronger and healthier.

One sentence to describe this past year, and the change in the U.S., I would say, "We are headed in the right direction, we just need to make a little more change happen." Overall our economy has improved, and if we keep it at a steady rate like it is now, we will be in a better position in a couple of years. The poverty rates went up which told us that we need to work harder on that aspect of our Union. That is what better and more affordable education will do in the United States. There were defiantly positives and negatives about the state of our Union this past year, and I think it was a good step in the right direction for a better future in our Union.

EZRA MOUNT-FINETTE, CHAMPLAIN VALLEY UNION HIGH SCHOOL

Mr. Speaker, Vice president BIDEN, Members of the Congress, distinguished guests and fellow American citizens.

I am here before you today, to full fill one of my constitutional responsibilities to address congress on the current state of union. My speech tonight is not meant just for the hundred and twelfth congress but also to the citizens concerned in the condition of our country.

Half way through my presidential term, we have brought our country out of a recession, passed a health care bill that delivered healthcare to every single United State citizen, constructed loan programs helping students pay for college, and cut taxes for everyone. Yet we still have a growing 14.5 trillion dollar debt, 9.4 percent of the country is out of work and we have troops stationed in Afghanistan and Iraq.

We have work to do, and I am first going to address the subject of partisanship, not just in Congress but also throughout the country. We might be Muslim, Jewish, Christian, old, young, African-American, Mexican-American, Caucasian, democrat or republican but there is one thing we all are; citizen of this great country. I want to remind Congress that their duty is to represent the United States and what is in the country's best interest. That there are no two sides of an issue just two opinions; both with there own reasoning behind them. Your job as Congressmen is to create the optimal legislation that benefits the citizens of the country, not legislation that is beneficial to a party, a company or yourself, but to the three hundred million other people that live in the United States of America. Take those two ideas and work together to compromise. Look past the D or R that is by your name and look at your passport, your license and tax forms and stare at the word "America" that is printed on them.

Our economy is not on the brink of collapse, but on the brink of success. As I stood

hear last year, banks were in trouble and weren't loaning out money. The stock market was plummeting and everyone was panicking. People were wondering how they would make it through the next year. Now the banks are stabilized and have started to give out more loans, the stock market is gaining point and people are feeling more comfortable about their future. With Unemployment still at one of its highest levels in the past century I am looking forward to working with my fellow colleagues in drafting legislation that will bring jobs back into the economy. We have almost recovered from this current recession. By the time my term in office is complete I promise that I will bring our economy out of the trouble that the previous administration created for us.

I look forward to working and helping with the new Senate and House of representatives in restoring this country to the greatness it deserves.

Thank you, God bless you and God Bless the United States of America. Thank you

ILISA OGORZALEK OF RUTLAND HIGH SCHOOL

Dear Mr. Speaker, Vice President BIDEN, Members of Congress, distinguished guests, and fellow Americans:

During the terms you all have been in office, the United States has gone through many changes. Many changes have been for the benefit of our economy, and many have created problems for the people of America. This country has many issues that need to be resolved if we want to make this generation stronger than the ones that came before it. By having a specific short-term goal, such as having healthcare for all, and having a specific long-term goal, such as reducing the national deficit, I think the young people of this Nation will have the opportunity to thrive.

First, a short-term goal that I think would benefit America right now is having healthcare for all. Many young people's families in this country cannot afford healthcare, and their wellness is suffering with each day. To make healthcare available to all, I propose to have health insurance companies share a percent of their revenue with the government, based on their yearly income. With this money, the government can then fund designated hospitals to provide healthcare for the people who cannot afford it. This way, the people who receive healthcare through their jobs can keep it, and young people who are not fortunate enough to have it can get it through government aid.

Next, a longer-term goal that would benefit America's youth would be to decrease the national deficit. Our Nation's budget is complex and divided into many parts, and as a result of these components, we are in trillions of dollars of debt. Although it would be difficult to significantly reduce our debt in the next few years, there are some arrangements that would help lower the amount of debt we hold. For example, we could raise taxes for people who make at least half a million dollars a year. This would create an increase in tax revenue. If we could keep this increase steady and not spend more than the rate of inflation, or Nation's debt would be significantly reduced. As a result, we would be less dependent on foreign countries, such as China. Since they hold 11 percent of our debt, we could reduce this number to let our nation's money go to other important matters, such as poverty and research for illness.

Overall, this Nation has gone through many changes in the past few decades. If we could make healthcare available to all, especially young people, and reduce the national

deficit, then this generation has the opportunity to really succeed. These changes would also help improve our economy, global position, and overall wellness of the young people in America.

BRYN PHILBERT, CHAMPLAIN VALLEY UNION
HIGH SCHOOL

My fellow Americans,

This year our country has risen out of a recession that threatened the economic stability of many Americans. We have taken great strides to restore the hope and promise America has always stood for. In 2010 we have made great progress but there is still much more to do moving forward, which is why I am taking this opportunity to address you. I am addressing you all to call to all esteemed members of Congress to step up and help me once again put the United States back on top as a world leader in democracy and peace.

Two years after the recession devastated our people, we finished this past year with an unemployment rate of 9.4 percent, down 0.6 percent from the end of 2009. Consumer and business confidence is on the rise and we have finally come to a bipartisan agreement on new tax-cut legislation. We reached a compromise to improve economic growth, help the struggling middle-class families, and business development. We have also made historic steps towards the promise of equality for all with the repealing of the ban on open homosexual service men and women in our armed forces.

This year's Health Care Reform Bill set forth legislation to expand coverage to 32 million currently uninsured Americans. Along with this, the bill allowed health care to become less expensive for people to purchase and starting in 2014 insurance companies will no longer be able to deny coverage to anyone based on pre-existing conditions. This marks the turning point that great Americans, like the late Senator Ted Kennedy, worked their entire lives for.

By August of this past year we had shrunk the number of troops in Iraq to 50,000 down from 110,000 a year ago, and we have ended all U.S. combat missions in Iraq. By the end of 2011 all American troops will be withdrawn from Iraq. There is still much to be done around the world to ensure a terror free future, but we have made substantial steps towards that goal in the past year.

America has faced challenges this year such as the oil spill in the Gulf. We have learned from this environmental crisis and we are moving forward with new knowledge on how to respond to the economic impacts of a crisis like this.

It is a known fact of American politics that U.S. politicians rarely agree in issues across the board, but I know that all of us in this room can agree that we come here every day to ensure that all American people get the opportunity to live in our great country. Now more than ever bipartisanship is going to be imperative to the achievements of the upcoming year. I urge you all, Democrats and Republicans, to work together to live up to the promise of America as our forefathers have.

Thank you.●

TRIBUTE TO ANGELA
GOSPODAREK AND STACEY
PLUMMER

● Mrs. SHAHEEN. Mr. President, today I wish to congratulate two outstanding teachers from New Hampshire.

Stacey Plummer and Angela Gospodarek have been chosen for the

Presidential Awards for Excellence in Mathematics and Science Teaching, awards that honor teachers who have made outstanding contributions to the classroom and to the teaching profession. I applaud them for their remarkable accomplishments and dedication to New Hampshire's students.

Recent international test scores show that U.S. students lag behind students of other countries in math and science achievement. Our country's competitiveness in this global economy requires us to nurture skilled engineers and scientists. Teachers like Angela and Stacey are critical to this effort because they are able to engage students and help them to develop a love for these key subjects. That is why I am delighted to see them honored for their work.

Stacey has taught a variety of high school math classes for 16 years and currently teaches at Hollis Brookline High School in Hollis, NH. Her passion for mathematics combined with her talent for teaching allows her to convey to her students the beauty and precision of the subject. In addition to advising the State championship math team, she finds time to mentor student teachers.

To make science meaningful, Angela likes to provide hands-on classroom experiences that allow her students to discover the wonders of science. She began her career as a marine scientist but soon realized she had a talent for and enjoyed teaching others. The students at Iber Holmes Gove Middle School in Raymond, NH, are fortunate to have had her as a teacher for the last 7 years.

The Presidential Awards for Excellence in Mathematics and Science Teaching are the most prestigious honors given to math and science teachers in the country. As a former teacher, it is a privilege for me to be able to congratulate Angela Gospodarek and Stacey Plummer for their commitment to excellence in teaching. I am extremely proud of the part they play in educating and training future generations of Americans.●

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANU- ARY 25, 2011—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Mr. Vice President, Members of Congress, distinguished guests, and fellow Americans:

Tonight I want to begin by congratulating the men and women of the 112th Congress, as well as your new Speaker,

JOHN BOEHNER. And as we mark this occasion, we are also mindful of the empty chair in this Chamber, and pray for the health of our colleague—and our friend—GABBY GIFFORDS.

It's no secret that those of us here tonight have had our differences over the last 2 years. The debates have been contentious; we have fought fiercely for our beliefs. And that's a good thing. That's what a robust democracy demands. That's what helps set us apart as a Nation.

But there's a reason the tragedy in Tucson gave us pause. Amid all the noise and passions and rancor of our public debate, Tucson reminded us that no matter who we are or where we come from, each of us is a part of something greater—something more consequential than party or political preference.

We are part of the American family. We believe that in a country where every race and faith and point of view can be found, we are still bound together as one people; that we share common hopes and a common creed; that the dreams of a little girl in Tucson are not so different than those of our own children, and that they all deserve the chance to be fulfilled.

That, too, is what sets us apart as a Nation.

Now, by itself, this simple recognition won't usher in a new era of cooperation. What comes of this moment is up to us. What comes of this moment will be determined not by whether we can sit together tonight, but whether we can work together tomorrow.

I believe we can. I believe we must. That's what the people who sent us here expect of us. With their votes, they've determined that governing will now be a shared responsibility between parties. New laws will only pass with support from Democrats and Republicans. We will move forward together, or not at all—for the challenges we face are bigger than party, and bigger than politics.

At stake right now is not who wins the next election—after all, we just had an election. At stake is whether new jobs and industries take root in this country, or somewhere else. It's whether the hard work and industry of our people is rewarded. It's whether we sustain the leadership that has made America not just a place on a map, but a light to the world.

We are poised for progress. Two years after the worst recession most of us have ever known, the stock market has come roaring back. Corporate profits are up. The economy is growing again.

But we have never measured progress by these yardsticks alone. We measure progress by the success of our people. By the jobs they can find and the quality of life those jobs offer. By the prospects of a small business owner who dreams of turning a good idea into a

thriving enterprise. By the opportunities for a better life that we pass on to our children.

That's the project the American people want us to work on. Together.

We did that in December. Thanks to the tax cuts we passed, Americans' paychecks are a little bigger today. Every business can write off the full cost of the new investments they make this year. These steps, taken by Democrats and Republicans, will grow the economy and add to the more than one million private sector jobs created last year.

But we have more work to do. The steps we've taken over the last 2 years may have broken the back of this recession—but to win the future, we'll need to take on challenges that have been decades in the making.

Many people watching tonight can probably remember a time when finding a good job meant showing up at a nearby factory or a business downtown. You didn't always need a degree, and your competition was pretty much limited to your neighbors. If you worked hard, chances are you'd have a job for life, with a decent paycheck, good benefits, and the occasional promotion. Maybe you'd even have the pride of seeing your kids work at the same company.

That world has changed. And for many, the change has been painful. I've seen it in the shuttered windows of once booming factories, and the vacant storefronts of once busy Main Streets. I've heard it in the frustrations of Americans who've seen their paychecks dwindle or their jobs disappear—proud men and women who feel like the rules have been changed in the middle of the game.

They're right. The rules have changed. In a single generation, revolutions in technology have transformed the way we live, work, and do business. Steel mills that once needed 1,000 workers can now do the same work with 100. Today, just about any company can set up shop, hire workers, and sell their products wherever there's an internet connection.

Meanwhile, nations like China and India realized that with some changes of their own, they could compete in this new world. And so they started educating their children earlier and longer, with greater emphasis on math and science. They're investing in research and new technologies. Just recently, China became home to the world's largest private solar research facility, and the world's fastest computer.

So yes, the world has changed. The competition for jobs is real. But this shouldn't discourage us. It should challenge us. Remember—for all the hits we've taken these last few years, for all the naysayers predicting our decline, America still has the largest, most prosperous economy in the world. No

workers are more productive than ours. No country has more successful companies, or grants more patents to inventors and entrepreneurs. We are home to the world's best colleges and universities, where more students come to study than any other place on Earth.

What's more, we are the first Nation to be founded for the sake of an idea—the idea that each of us deserves the chance to shape our own destiny. That is why centuries of pioneers and immigrants have risked everything to come here. It's why our students don't just memorize equations, but answer questions like "What do you think of that idea? What would you change about the world? What do you want to be when you grow up?"

The future is ours to win. But to get there, we can't just stand still. As Robert Kennedy told us, "The future is not a gift. It is an achievement." Sustaining the American Dream has never been about standing pat. It has required each generation to sacrifice, and struggle, and meet the demands of a new age.

Now it's our turn. We know what it takes to compete for the jobs and industries of our time. We need to out-innovate, out-educate, and out-build the rest of the world. We have to make America the best place on Earth to do business. We need to take responsibility for our deficit, and reform our Government. That's how our people will prosper. That's how we'll win the future. And tonight, I'd like to talk about how we get there.

The first step in winning the future is encouraging American innovation.

None of us can predict with certainty what the next big industry will be, or where the new jobs will come from. Thirty years ago, we couldn't know that something called the Internet would lead to an economic revolution. What we can do—what America does better than anyone—is spark the creativity and imagination of our people. We are the Nation that put cars in driveways and computers in offices; the Nation of Edison and the Wright brothers; of Google and Facebook. In America, innovation doesn't just change our lives. It's how we make a living.

Our free enterprise system is what drives innovation. But because it's not always profitable for companies to invest in basic research, throughout history our Government has provided cutting-edge scientists and inventors with the support that they need. That's what planted the seeds for the Internet. That's what helped make possible things like computer chips and GPS.

Just think of all the good jobs—from manufacturing to retail—that have come from those breakthroughs.

Half a century ago, when the Soviets beat us into space with the launch of a satellite called Sputnik, we had no idea how we'd beat them to the moon. The science wasn't there yet. NASA didn't

even exist. But after investing in better research and education, we didn't just surpass the Soviets; we unleashed a wave of innovation that created new industries and millions of new jobs.

This is our generation's Sputnik moment. Two years ago, I said that we needed to reach a level of research and development we haven't seen since the height of the Space Race. In a few weeks, I will be sending a budget to the Congress that helps us meet that goal. We'll invest in biomedical research, information technology, and especially clean energy technology—an investment that will strengthen our security, protect our planet, and create countless new jobs for our people.

Already, we are seeing the promise of renewable energy. Robert and Gary Allen are brothers who run a small Michigan roofing company. After September 11th, they volunteered their best roofers to help repair the Pentagon. But half of their factory went unused, and the recession hit them hard. Today, with the help of a Government loan, that empty space is being used to manufacture solar shingles that are being sold all across the country. In Robert's words, "We reinvented ourselves."

That's what Americans have done for over 200 years: reinvented ourselves. And to spur on more success stories like the Allen Brothers, we've begun to reinvent our energy policy. We're not just handing out money. We're issuing a challenge. We're telling America's scientists and engineers that if they assemble teams of the best minds in their fields, and focus on the hardest problems in clean energy, we'll fund the Apollo Projects of our time.

At the California Institute of Technology, they're developing a way to turn sunlight and water into fuel for our cars. At Oak Ridge National Laboratory, they're using supercomputers to get a lot more power out of our nuclear facilities. With more research and incentives, we can break our dependence on oil with biofuels, and become the first country to have 1 million electric vehicles on the road by 2015.

We need to get behind this innovation. And to help pay for it, I'm asking the Congress to eliminate the billions in taxpayer dollars we currently give to oil companies. I don't know if you've noticed, but they're doing just fine on their own. So instead of subsidizing yesterday's energy, let's invest in tomorrow.

Now, clean energy breakthroughs will only translate into clean energy jobs if businesses know there will be a market for what they're selling. So tonight, I challenge you to join me in setting a new goal: by 2035, 80 percent of America's electricity will come from clean energy sources. Some folks want wind and solar. Others want nuclear, clean coal, and natural gas. To meet this goal, we will need them all—and I

urge Democrats and Republicans to work together to make it happen.

Maintaining our leadership in research and technology is crucial to America's success. But if we want to win the future—if we want innovation to produce jobs in America and not overseas—then we also have to win the race to educate our kids.

Think about it. Over the next 10 years, nearly half of all new jobs will require education that goes beyond a high school degree. And yet, as many as a quarter of our students aren't even finishing high school. The quality of our math and science education lags behind many other nations. America has fallen to 9th in the proportion of young people with a college degree. And so the question is whether all of us—as citizens, and as parents—are willing to do what's necessary to give every child a chance to succeed.

That responsibility begins not in our classrooms, but in our homes and communities. It's family that first instills the love of learning in a child. Only parents can make sure the TV is turned off and homework gets done. We need to teach our kids that it's not just the winner of the Super Bowl who deserves to be celebrated, but the winner of the science fair; that success is not a function of fame or PR, but of hard work and discipline.

Our schools share this responsibility. When a child walks into a classroom, it should be a place of high expectations and high performance. But too many schools don't meet this test. That's why instead of just pouring money into a system that's not working, we launched a competition called Race to the Top. To all 50 States, we said, "If you show us the most innovative plans to improve teacher quality and student achievement, we'll show you the money."

Race to the Top is the most meaningful reform of our public schools in a generation. For less than one percent of what we spend on education each year, it has led over 40 States to raise their standards for teaching and learning. These standards were developed not by Washington, but by Republican and Democratic governors throughout the country. And Race to the Top should be the approach we follow this year as we replace No Child Left Behind with a law that is more flexible and focused on what's best for our kids.

You see, we know what's possible for our children when reform isn't just a top-down mandate, but the work of local teachers and principals; school boards and communities.

Take a school like Bruce Randolph in Denver. Three years ago, it was rated one of the worst schools in Colorado; located on turf between two rival gangs. But last May, 97 percent of the seniors received their diploma. Most will be the first in their family to go to college. And after the first year of the

school's transformation, the principal who made it possible wiped away tears when a student said "Thank you, Mrs. Waters, for showing . . . that we are smart and we can make it."

Let's also remember that after parents, the biggest impact on a child's success comes from the man or woman at the front of the classroom. In South Korea, teachers are known as "nation builders." Here in America, it's time we treated the people who educate our children with the same level of respect. We want to reward good teachers and stop making excuses for bad ones. And over the next 10 years, with so many Baby Boomers retiring from our classrooms, we want to prepare 100,000 new teachers in the fields of science, technology, engineering, and math.

In fact, to every young person listening tonight who's contemplating their career choice: If you want to make a difference in the life of our Nation; if you want to make a difference in the life of a child—become a teacher. Your country needs you.

Of course, the education race doesn't end with a high school diploma. To compete, higher education must be within reach of every American. That's why we've ended the unwarranted taxpayer subsidies that went to banks, and used the savings to make college affordable for millions of students. And this year, I ask the Congress to go further, and make permanent our tuition tax credit—worth \$10,000 for 4 years of college.

Because people need to be able to train for new jobs and careers in today's fast-changing economy, we are also revitalizing America's community colleges. Last month, I saw the promise of these schools at Forsyth Tech in North Carolina. Many of the students there used to work in the surrounding factories that have since left town. One mother of two, a woman named Kathy Proctor, had worked in the furniture industry since she was 18 years old. And she told me she's earning her degree in biotechnology now, at 55 years old, not just because the furniture jobs are gone, but because she wants to inspire her children to pursue their dreams too. As Kathy said, "I hope it tells them to never give up."

If we take these steps—if we raise expectations for every child, and give them the best possible chance at an education, from the day they're born until the last job they take—we will reach the goal I set 2 years ago: by the end of the decade, America will once again have the highest proportion of college graduates in the world.

One last point about education. Today, there are hundreds of thousands of students excelling in our schools who are not American citizens. Some are the children of undocumented workers, who had nothing to do with the actions of their parents. They grew up as Americans and pledge allegiance

to our flag, and yet live every day with the threat of deportation. Others come here from abroad to study in our colleges and universities. But as soon as they obtain advanced degrees, we send them back home to compete against us. It makes no sense.

Now, I strongly believe that we should take on, once and for all, the issue of illegal immigration. I am prepared to work with Republicans and Democrats to protect our borders, enforce our laws, and address the millions of undocumented workers who are now living in the shadows. I know that debate will be difficult and take time. But tonight, let's agree to make that effort. And let's stop expelling talented, responsible young people who can staff our research labs, start new businesses, and further enrich this Nation.

The third step in winning the future is rebuilding America. To attract new businesses to our shores, we need the fastest, most reliable ways to move people, goods, and information—from high-speed rail to high-speed Internet.

Our infrastructure used to be the best—but our lead has slipped. South Korean homes now have greater internet access than we do. Countries in Europe and Russia invest more in their roads and railways than we do. China is building faster trains and newer airports. Meanwhile, when our own engineers graded our Nation's infrastructure, they gave us a "D."

We have to do better. America is the Nation that built the transcontinental railroad, brought electricity to rural communities, and constructed the interstate highway system. The jobs created by these projects didn't just come from laying down tracks or pavement. They came from businesses that opened near a town's new train station or the new off-ramp.

Over the last 2 years, we have begun rebuilding for the 21st century, a project that has meant thousands of good jobs for the hard-hit construction industry. Tonight, I'm proposing that we redouble these efforts.

We will put more Americans to work repairing crumbling roads and bridges. We will make sure this is fully paid for, attract private investment, and pick projects based on what's best for the economy, not politicians.

Within 25 years, our goal is to give 80 percent of Americans access to high-speed rail, which could allow you to go places in half the time it takes to travel by car. For some trips, it will be faster than flying—without the pat-down. As we speak, routes in California and the Midwest are already underway.

Within the next 5 years, we will make it possible for business to deploy the next generation of high-speed wireless coverage to 98 percent of all Americans. This isn't just about a faster internet and fewer dropped calls. It's about connecting every part of America to the digital age. It's about a rural

community in Iowa or Alabama where farmers and small business owners will be able to sell their products all over the world. It's about a firefighter who can download the design of a burning building onto a handheld device; a student who can take classes with a digital textbook; or a patient who can have face-to-face video chats with her doctor.

All these investments—in innovation, education, and infrastructure—will make America a better place to do business and create jobs. But to help our companies compete, we also have to knock down barriers that stand in the way of their success.

Over the years, a parade of lobbyists has rigged the tax code to benefit particular companies and industries. Those with accountants or lawyers to work the system can end up paying no taxes at all. But all the rest are hit with one of the highest corporate tax rates in the world. It makes no sense, and it has to change.

So tonight, I'm asking Democrats and Republicans to simplify the system. Get rid of the loopholes. Level the playing field. And use the savings to lower the corporate tax rate for the first time in 25 years—without adding to our deficit.

To help businesses sell more products abroad, we set a goal of doubling our exports by 2014—because the more we export, the more jobs we create at home. Already, our exports are up. Recently, we signed agreements with India and China that will support more than 250,000 jobs in the United States. And last month, we finalized a trade agreement with South Korea that will support at least 70,000 American jobs. This agreement has unprecedented support from business and labor; Democrats and Republicans, and I ask this Congress to pass it as soon as possible.

Before I took office, I made it clear that we would enforce our trade agreements, and that I would only sign deals that keep faith with American workers, and promote American jobs. That's what we did with Korea, and that's what I intend to do as we pursue agreements with Panama and Colombia, and continue our Asia Pacific and global trade talks.

To reduce barriers to growth and investment, I've ordered a review of Government regulations. When we find rules that put an unnecessary burden on businesses, we will fix them. But I will not hesitate to create or enforce commonsense safeguards to protect the American people. That's what we've done in this country for more than a century. It's why our food is safe to eat, our water is safe to drink, and our air is safe to breathe. It's why we have speed limits and child labor laws. It's why last year, we put in place consumer protections against hidden fees and penalties by credit card companies, and new rules to prevent another finan-

cial crisis. And it's why we passed reform that finally prevents the health insurance industry from exploiting patients.

Now, I've heard rumors that a few of you have some concerns about the new health care law. So let me be the first to say that anything can be improved. If you have ideas about how to improve this law by making care better or more affordable, I am eager to work with you. We can start right now by correcting a flaw in the legislation that has placed an unnecessary bookkeeping burden on small businesses.

What I'm not willing to do is go back to the days when insurance companies could deny someone coverage because of a pre-existing condition. I'm not willing to tell James Howard, a brain cancer patient from Texas, that his treatment might not be covered. I'm not willing to tell Jim Houser, a small business owner from Oregon, that he has to go back to paying \$5,000 more to cover his employees. As we speak, this law is making prescription drugs cheaper for seniors and giving uninsured students a chance to stay on their parents' coverage. So instead of re-fighting the battles of the last 2 years, let's fix what needs fixing and move forward.

Now, the final step—a critical step—in winning the future is to make sure we aren't buried under a mountain of debt.

We are living with a legacy of deficit spending that began almost a decade ago. And in the wake of the financial crisis, some of that was necessary to keep credit flowing, save jobs, and put money in people's pockets.

But now that the worst of the recession is over, we have to confront the fact that our Government spends more than it takes in. That is not sustainable. Every day, families sacrifice to live within their means. They deserve a Government that does the same.

So tonight, I am proposing that starting this year, we freeze annual domestic spending for the next 5 years. This would reduce the deficit by more than \$400 billion over the next decade, and will bring discretionary spending to the lowest share of our economy since Dwight Eisenhower was President.

This freeze will require painful cuts. Already, we have frozen the salaries of hardworking Federal employees for the next 2 years. I've proposed cuts to things I care deeply about, like community action programs. The Secretary of Defense has also agreed to cut tens of billions of dollars in spending that he and his generals believe our military can do without.

I recognize that some in this Chamber have already proposed deeper cuts, and I'm willing to eliminate whatever we can honestly afford to do without. But let's make sure that we're not doing it on the backs of our most vul-

nerable citizens. And let's make sure what we're cutting is really excess weight. Cutting the deficit by gutting our investments in innovation and education is like lightening an overloaded airplane by removing its engine. It may feel like you're flying high at first, but it won't take long before you'll feel the impact.

Now, most of the cuts and savings I've proposed only address annual domestic spending, which represents a little more than 12 percent of our budget. To make further progress, we have to stop pretending that cutting this kind of spending alone will be enough. It won't.

The bipartisan Fiscal Commission I created last year made this crystal clear. I don't agree with all their proposals, but they made important progress. And their conclusion is that the only way to tackle our deficit is to cut excessive spending wherever we find it—in domestic spending, defense spending, health care spending, and spending through tax breaks and loopholes.

This means further reducing health care costs, including programs like Medicare and Medicaid, which are the single biggest contributor to our long-term deficit. Health insurance reform will slow these rising costs, which is part of why nonpartisan economists have said that repealing the health care law would add a quarter of a trillion dollars to our deficit. Still, I'm willing to look at other ideas to bring down costs, including one that Republicans suggested last year: medical malpractice reform to rein in frivolous lawsuits.

To put us on solid ground, we should also find a bipartisan solution to strengthen Social Security for future generations. And we must do it without putting at risk current retirees, the most vulnerable, or people with disabilities; without slashing benefits for future generations; and without subjecting Americans' guaranteed retirement income to the whims of the stock market.

And if we truly care about our deficit, we simply cannot afford a permanent extension of the tax cuts for the wealthiest 2 percent of Americans. Before we take money away from our schools, or scholarships away from our students, we should ask millionaires to give up their tax break.

It's not a matter of punishing their success. It's about promoting America's success.

In fact, the best thing we could do on taxes for all Americans is to simplify the individual tax code. This will be a tough job, but members of both parties have expressed interest in doing this, and I am prepared to join them.

So now is the time to act. Now is the time for both sides and both Houses of Congress—Democrats and Republicans—to forge a principled compromise that gets the job done. If we

make the hard choices now to rein in our deficits, we can make the investments we need to win the future.

Let me take this one step further. We shouldn't just give our people a Government that's more affordable. We should give them a Government that's more competent and efficient. We cannot win the future with a Government of the past.

We live and do business in the information age, but the last major reorganization of the Government happened in the age of black and white TV. There are 12 different agencies that deal with exports. There are at least five different entities that deal with housing policy. Then there's my favorite example: the Interior Department is in charge of salmon while they're in fresh water, but the Commerce Department handles them in when they're in saltwater. And I hear it gets even more complicated once they're smoked.

Now, we have made great strides over the last 2 years in using technology and getting rid of waste. Veterans can now download their electronic medical records with a click of the mouse. We're selling acres of Federal office space that hasn't been used in years, and we will cut through redtape to get rid of more. But we need to think bigger. In the coming months, my administration will develop a proposal to merge, consolidate, and reorganize the Federal Government in a way that best serves the goal of a more competitive America. I will submit that proposal to the Congress for a vote—and we will push to get it passed.

In the coming year, we will also work to rebuild people's faith in the institution of Government. Because you deserve to know exactly how and where your tax dollars are being spent, you will be able to go to a Web site and get that information for the very first time in history. Because you deserve to know when your elected officials are meeting with lobbyists, I ask the Congress to do what the White House has already done: put that information online. And because the American people deserve to know that special interests aren't larding up legislation with pet projects, both parties in Congress should know this: if a bill comes to my desk with earmarks inside, I will veto it.

A 21st century Government that's open and competent. A Government that lives within its means. An economy that's driven by new skills and ideas. Our success in this new and changing world will require reform, responsibility, and innovation. It will also require us to approach that world with a new level of engagement in our foreign affairs.

Just as jobs and businesses can now race across borders, so can new threats and new challenges. No single wall separates East and West; no one rival superpower is aligned against us.

And so we must defeat determined enemies wherever they are, and build coalitions that cut across lines of region and race and religion. America's moral example must always shine for all who yearn for freedom, justice, and dignity. And because we have begun this work, tonight we can say that American leadership has been renewed and America's standing has been restored.

Look to Iraq, where nearly 100,000 of our brave men and women have left with their heads held high; where American combat patrols have ended; violence has come down; and a new government has been formed. This year, our civilians will forge a lasting partnership with the Iraqi people, while we finish the job of bringing our troops out of Iraq. America's commitment has been kept; the Iraq War is coming to an end.

Of course, as we speak, al Qaeda and their affiliates continue to plan attacks against us. Thanks to our intelligence and law enforcement professionals, we are disrupting plots and securing our cities and skies. And as extremists try to inspire acts of violence within our borders, we are responding with the strength of our communities, with respect for the rule of law, and with the conviction that American Muslims are a part of our American family.

We have also taken the fight to al Qaeda and their allies abroad. In Afghanistan, our troops have taken Taliban strongholds and trained Afghan Security Forces. Our purpose is clear—by preventing the Taliban from reestablishing a stranglehold over the Afghan people, we will deny al Qaeda the safe-haven that served as a launching pad for 9/11.

Thanks to our heroic troops and civilians, fewer Afghans are under the control of the insurgency. There will be tough fighting ahead, and the Afghan government will need to deliver better governance. But we are strengthening the capacity of the Afghan people and building an enduring partnership with them. This year, we will work with nearly 50 countries to begin a transition to an Afghan lead. And this July, we will begin to bring our troops home.

In Pakistan, al Qaeda's leadership is under more pressure than at any point since 2001. Their leaders and operatives are being removed from the battlefield. Their safe-havens are shrinking. And we have sent a message from the Afghan border to the Arabian Peninsula to all parts of the globe: we will not relent, we will not waver, and we will defeat you.

American leadership can also be seen in the effort to secure the worst weapons of war. Because Republicans and Democrats approved the New START Treaty, far fewer nuclear weapons and launchers will be deployed. Because we rallied the world, nuclear materials are

being locked down on every continent so they never fall into the hands of terrorists.

Because of a diplomatic effort to insist that Iran meet its obligations, the Iranian government now faces tougher and tighter sanctions than ever before. And on the Korean peninsula, we stand with our ally South Korea, and insist that North Korea keeps its commitment to abandon nuclear weapons.

This is just a part of how we are shaping a world that favors peace and prosperity. With our European allies, we revitalized NATO, and increased our cooperation on everything from counter-terrorism to missile defense. We have reset our relationship with Russia, strengthened Asian alliances, and built new partnerships with nations like India. This March, I will travel to Brazil, Chile, and El Salvador to forge new alliances for progress in the Americas. Around the globe, we are standing with those who take responsibility—helping farmers grow more food; supporting doctors who care for the sick; and combating the corruption that can rot a society and rob people of opportunity.

Recent events have shown us that what sets us apart must not just be our power—it must be the purpose behind it. In South Sudan—with our assistance—the people were finally able to vote for independence after years of war. Thousands lined up before dawn. People danced in the streets. One man who lost four of his brothers at war summed up the scene around him: "This was a battlefield for most of my life. Now we want to be free."

We saw that same desire to be free in Tunisia, where the will of the people proved more powerful than the writ of a dictator. And tonight, let us be clear: the United States of America stands with the people of Tunisia, and supports the democratic aspirations of all people.

We must never forget that the things we've struggled for, and fought for, live in the hearts of people everywhere. And we must always remember that the Americans who have borne the greatest burden in this struggle are the men and women who serve our country.

Tonight, let us speak with one voice in reaffirming that our Nation is united in support of our troops and their families. Let us serve them as well as they have served us—by giving them the equipment they need; by providing them with the care and benefits they have earned; and by enlisting our veterans in the great task of building our own Nation.

Our troops come from every corner of this country—they are black, white, Latino, Asian, and Native American. They are Christian and Hindu, Jewish and Muslim. And, yes, we know that some of them are gay. Starting this year, no American will be forbidden from serving the country they love because of who they love. And with that

change, I call on all of our college campuses to open their doors to our military recruiters and the ROTC. It is time to leave behind the divisive battles of the past. It is time to move forward as one Nation.

We should have no illusions about the work ahead of us. Reforming our schools; changing the way we use energy; reducing our deficit—none of this is easy. All of it will take time. And it will be harder because we will argue about everything. The cost. The details. The letter of every law.

Of course, some countries don't have this problem. If the central government wants a railroad, they get a railroad—no matter how many homes are bulldozed. If they don't want a bad story in the newspaper, it doesn't get written.

And yet, as contentious and frustrating and messy as our democracy can sometimes be, I know there isn't a person here who would trade places with any other Nation on Earth.

We may have differences in policy, but we all believe in the rights enshrined in our Constitution. We may have different opinions, but we believe in the same promise that says this is a place where you can make it if you try. We may have different backgrounds, but we believe in the same dream that says this is a country where anything's possible. No matter who you are. No matter where you come from.

That dream is why I can stand here before you tonight. That dream is why a working class kid from Scranton can stand behind me. That dream is why someone who began by sweeping the floors of his father's Cincinnati bar can preside as Speaker of the House in the greatest Nation on Earth.

That dream—that American Dream—is what drove the Allen Brothers to reinvent their roofing company for a new era. It's what drove those students at Forsyth Tech to learn a new skill and work towards the future. And that dream is the story of a small business owner named Brandon Fisher.

Brandon started a company in Berlin, Pennsylvania, that specializes in a new kind of drilling technology. One day last summer, he saw the news that halfway across the world, 33 men were trapped in a Chilean mine, and no one knew how to save them.

But Brandon thought his company could help. And so he designed a rescue that would come to be known as Plan B. His employees worked around the clock to manufacture the necessary drilling equipment. And Brandon left for Chile.

Along with others, he began drilling a 2,000 foot hole into the ground, working 3 or 4 days at a time with no sleep. Thirty-seven days later, Plan B succeeded, and the miners were rescued. But because he didn't want all of the attention, Brandon wasn't there when the miners emerged. He had already

gone home, back to work on this next project.

Later, one of his employees said of the rescue, "We proved that Center Rock is a little company, but we do big things."

We do big things.

From the earliest days of our founding, America has been the story of ordinary people who dare to dream. That's how we win the future.

We are a Nation that says, "I might not have a lot of money, but I have this great idea for a new company. I might not come from a family of college graduates, but I will be the first to get my degree. I might not know those people in trouble, but I think I can help them, and I need to try."

"I'm not sure how we'll reach that better place beyond the horizon, but I know we'll get there. I know we will."

We do big things.

The idea of America endures. Our destiny remains our choice. And tonight, more than two centuries later, it is because of our people that our future is hopeful, our journey goes forward, and the state of our Union is strong.

Thank you, God Bless You, and may God Bless the United States of America.

BARACK OBAMA.

THE WHITE HOUSE, January 25, 2011.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on January 6, 2011, during the recess of the Senate, received a message from the House of Representatives, announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 1. Concurrent resolution providing for a conditional recess or adjournment of the Senate and an adjournment of the House of Representatives.

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on January 19, 2011, during the recess of the Senate, received a message from the House of Representatives, announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 2. Concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2. An act to repeal the job-killing health care law and health care-related provisions in the Health Care and Education

Reconciliation Act of 2010.

H.R. 292. An act to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government.

H. Con. Res. 10. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message further announced that pursuant to 2 U.S.C. 2001, and the order of the Senate of January 5, 2011, the Speaker appointed the following Members to the House Office Building Commission to serve with himself: Mr. CANTOR of Virginia and Ms. PELOSI of California.

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 366. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 292. An act to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress; to the Committee on Rules and Administration.

MATTERS BEING HELD AT THE DESK

S. Res. 14. A resolution honoring the victims and heroes of the shooting on January 8, 2011 in Tucson, Arizona.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2. An act to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

S. 162. A bill to cut \$500,000,000,000 in spending in fiscal year 2011.

S. 163. A bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

MEASURES HELD OVER/UNDER RULE

The following resolutions were read, and held over, under the rule:

S. Res. 24. A resolution to propose a standing order to govern extended debate.

S. Res. 21. A resolution to amend the Standing Rules of the Senate to provide procedures for extended debate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-18. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Foreign Participation in Acquisitions in Support of Operations in Afghanistan" ((RIN0750-AG80)(DFARS Case 2009-D012)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2011; to the Committee on Armed Services.

EC-19. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (33) officers authorized to wear the insignia of the grades of major general and brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-20. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Language Skill Proficiency Bonus program; to the Committee on Armed Services.

EC-21. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Corporate Credit Unions, Technical Corrections" (RIN3133-AD58) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-22. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Housing Goals" (RIN2590-AA16) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-23. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Portfolio Holdings" (RIN2590-AA22) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-24. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Minority and Women Inclusion" (RIN2590-AA28) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-25. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations (NSP)" (RIN1550-AC42) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-26. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule Regarding Principal Trades with Certain Advisory Clients" (RIN3235-AJ96) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-27. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Form ADV; Extension of Compliance Date" (RIN3235-A117) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-28. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-29. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-30. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency Program for Consumer Products: Waiver of Federal Preemption of State Regulations Concerning the Water Use or Water Efficiency of Showerheads, Faucets, Water Closets and Urinals" (Docket No. EERE-2010-BT-STD-WAV-0045) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Energy and Natural Resources.

EC-31. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the North Slope Science Initiative; to the Committee on Energy and Natural Resources.

EC-32. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nuclear Decommissioning Funds" (RIN1545-BF08) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Finance.

EC-33. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Dedicated Accounts and Installment Payments for Certain Past-Due SSI Benefits" (RIN0960-AE59) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Finance.

EC-34. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the status and effectiveness of information

provided to the states and Medicaid enrollees on coverage of preventive and obesity-related services available to Medicaid Enrollees; to the Committee on Finance.

EC-35. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "HHS Study of Urban Medicare-Dependent Hospitals"; to the Committee on Finance.

EC-36. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "2010 Actuarial Report on the Financial Outlook for Medicaid"; to the Committee on Finance.

EC-37. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "HHS Secretary's Efforts to Improve Children's Health Care Quality in Medicaid and CHIP"; to the Committee on Finance.

EC-38. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "High Risk Pool Grant Program for Federal Fiscal Years (FFYs) 2008 and 2009"; to the Committee on Finance.

EC-39. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension and amendment of the Agreement Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua; to the Committee on Finance.

EC-40. A communication from the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, a report relative to prisoner tax fraud; to the Committee on Finance.

EC-41. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Waiver for Ineligible Nonimmigrants under INA 212(d)(3)(A), as Amended; Applicants Ineligible under INA 212(a)(3)(E)(iii)" (22 CFR Part 40) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2011; to the Committee on Foreign Relations.

EC-42. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services for the development and sales of components for the David's Sling Weapon System to Israel in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-43. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the United Kingdom and India for the manufacturing and maintenance of AC and DC electrical power generating systems, motors, motor drive systems, and system control units utilized on military aircraft and ground vehicles for users in 92 previously approved countries in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-44. A communication from the Assistant Secretary, Office of Legislative Affairs,

Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for 2010; to the Committee on Foreign Relations.

EC-45. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" (29 CFR Part 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-46. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-47. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on Head Start Monitoring for Fiscal Year 2008"; to the Committee on Health, Education, Labor, and Pensions.

EC-48. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's report relative to regulation of free samples of tobacco products; to the Committee on Health, Education, Labor, and Pensions.

EC-49. A communication from the Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program Miscellaneous Charges" (RIN3206-AL95) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-50. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-51. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from August 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-52. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-53. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-48; Introduction" (FAC 2005-48) received during adjournment of the Senate in the Of-

fice of the President of the Senate on January 4, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-54. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Correction: Completion of Entry and Entry Summary—Declaration of Value" (RIN1515-AD61) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-55. A communication from the Principal Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Disability in State and Local Government Services; Final Rules" (RIN1190-AA46) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on the Judiciary.

EC-56. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "2010 Data Mining Report to Congress"; to the Committee on the Judiciary.

EC-57. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the second quarter of fiscal year 2010 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC-58. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law an annual report relative to military and overseas voters; to the Committee on the Judiciary.

EC-59. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to Section 102(b) of the Congressional Accountability Act of 1995 (CAA) a report relative to recommendations for improvements to the Congressional Accountability Act; to the Committee on Rules and Administration.

EC-60. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures" (RIN0648-BA44) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-61. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Publicly Available Mass Market Encryption Software and Other Specified Publicly Available Encryption Software in Object Code" (RIN0694-AE82) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-62. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law,

the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Rule Extension, Pollock Catch Limit Revisions" (RIN0648-AW86) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-63. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts for fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC-64. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Final Rule to Implement Addenda to 17 Fishing Year (FY) 2010 Sector Operations Plans and Contracts" (RIN0648-XX84) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-65. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Arkansas Waterway, Little Rock, AR" ((RIN1625-AA09) (Docket No. USCG-2010-0228)) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-66. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2010 of the Department of Commerce's Bureau of Industry and Security; to the Committee on Commerce, Science, and Transportation.

EC-67. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic Acid, Methyl Ester, Polymer with Ethenyl Acetate, Hydrolyzed, Sodium Salts; Tolerance Exemption" (FRL No. 8114-9) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-68. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Additions to Quarantined Areas in Massachusetts and New York" (Docket No. APHIS-2009-0014) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-69. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Docket No. APHIS-2008-0111) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-70. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas; Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin" (Docket No. APHIS-2008-0072) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-71. A communication from the Director, Office of Science and Technology, Executive Office of the President, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Office of Science and Technology over a four-year period and involved multiple transactions; to the Committee on Appropriations.

EC-72. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities for Fiscal Year 2010; to the Committee on Armed Services.

EC-73. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the M982 155mm Precision Guided Extended Range Artillery Projectile (Excalibur) program; to the Committee on Armed Services.

EC-74. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-141, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-75. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to detainee movement (OSS Control No. 2011-0036); to the Committee on Armed Services.

EC-76. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Joint Improvised Explosive Device Defeat Organization's Second Quarter Report for Calendar Year 2010 (OSS Control No. 2010-2137); to the Committee on Armed Services.

EC-77. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict and Interdependent Capabilities), transmitting, pursuant to law, a report relative to counter-terrorism activities supported with counter-narcotics funding for fiscal year 2010; to the Committee on Armed Services.

EC-78. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Fiduciary Duties at Federal Credit Unions; Mergers and Conversions of Insured Credit Unions" (RIN3133-AD40) received during adjournment of the Senate in the Office of the President of the Senate on January 1, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-79. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the status of all extensions granted by Congress regarding the requirements of Section 13 of the Federal Power

Act; to the Committee on Energy and Natural Resources.

EC-80. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the acceptance of gifted land in Kern County, California that will complement the Bright Star Wilderness; to the Committee on Energy and Natural Resources.

EC-81. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "EPAAR Prescription and Solicitation Provision—EPA Green Meetings and Conferences" (FRL No. 8297-8) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-82. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Case-by-Case Reasonably Available Control Technology" (FRL No. 9251-8) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-83. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of 8-hour Ozone Standard and Related Reference Conditions, and Update of Appendices" (FRL No. 9251-9) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-84. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi: Prevention of Significant Deterioration; Nitrogen Oxides as a Precursor to Ozone; Correction" (FRL No. 9250-4) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-85. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Gopher Resource, LLC" (FRL No. 9250-8) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-86. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona" (FRL No. 9250-1) received during adjournment of the Senate in

the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-87. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan and Operating Permits Program; State of Missouri" (FRL No. 9248-6) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-88. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants" (FRL No. 9253-4) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-89. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan for Jefferson County, Kentucky" (FRL No. 9253-3) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-90. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revision Required of Louisville Metro Air Pollution Control District for Jefferson County, Kentucky" (FRL No. 9253-2) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-91. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities" (FRL No. 9253-7) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Environment and Public Works.

EC-92. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modifications of Debt Instruments" (RIN1545-BJ30) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Finance.

EC-93. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Real Estate Investment Trust (REIT) Distressed Debt" (Rev. Proc. 2011-16) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Finance.

EC-94. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulations Regarding Eligibility for a Medicare Prescription Drug Subsidy" (RIN0960-AH24) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Finance.

EC-95. A communication from the Program Manager, Center for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Amendment to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for Calendar Year 2011" (RIN0938-AP79) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2010; to the Committee on Finance.

EC-96. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material Originating in Italy and Representing the Pre-classical, Classical, and Imperial Roman Periods" (RIN1515-AD72) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Finance.

EC-97. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, (6) six reports relative to vacancies in the Department of State, received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Foreign Relations.

EC-98. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to Finland for the depot level maintenance and overhaul of F404-GE-402 gas turbine engines in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-99. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of the Danger Pay Allowance for Haiti; to the Committee on Foreign Relations.

EC-100. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC-101. A communication from the Administrator, Rural Business-Cooperative Serv-

ice, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Biorefinery Assistance Guaranteed Loans" (RIN0570-AA73) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-102. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Advanced Biofuel Payment Program" (RIN0570-AA75) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-103. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Repowering Assistance Payments to Eligible Biorefineries" (RIN0570-AA74) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-104. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-564 "Randall School Disposition Restatement Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-105. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-565 "Office of Cable Television Property Acquisition and Special Purpose Revenue Reprogramming Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-106. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-566 "Automated Traffic Enforcement Fund Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-107. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-567 "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-108. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-568 "Budget Support Act Clarification and Technical Amendment Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-109. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-594 "Expanding Access to Juvenile Records Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-110. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-595 "Pre-k Acceleration and Clarification Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-111. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-596 "University of the District

of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-112. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-608 "Blood Donation Expansion Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-113. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-609 "Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-114. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-610 "Wildlife Protection Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-115. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-618 "Asbestos Statute of Limitations Clarification Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-116. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-619 "Second Prevention of Child Abuse and Neglect Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-117. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-620 "Streetscape Utility Line Report Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-118. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-621 "Mayor and Chairman of the Council Transition Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-119. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-622 "Special Election Reform Charter Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-120. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-623 "Residential Parking Protection Pilot Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-121. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-624 "Solar Collector Certification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-122. A communication from the Chairman of the Board of Directors, Office of Compliance, transmitting, pursuant to law, a report relative to the Veterans Employment Opportunities Act of 1998; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, Mrs. SHAHEEN, and Mr. AKAKA):

S. 1. A bill to strengthen the economic competitiveness of the United States; to the Committee on Finance.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. KERRY, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, and Mr. AKAKA):

S. 2. A bill to help middle class families succeed; to the Committee on Finance.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. KERRY, Mr. BENNETT, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, and Mrs. SHAHEEN):

S. 3. A bill to promote fiscal responsibility and control spending; to the Committee on Finance.

By Mr. REID of Nevada (for himself, Mr. BINGAMAN, Mr. BROWN of Ohio, Mr. DURBIN, Mr. KERRY, Mr. BENNETT, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, Mr. LAUTENBERG, Mrs. SHAHEEN, and Mr. AKAKA):

S. 4. A bill to make America the world's leader in clean energy; to the Committee on Finance.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mr. WYDEN, Mr. BROWN of Ohio, Mr. BENNETT, Mrs. GILLIBRAND, Mr. COONS, Mr. INOUE, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, Mrs. SHAHEEN, and Mr. AKAKA):

S. 5. A bill to reform schools and give America's children the tools they need to succeed; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. KERRY, Mr. BENNETT, Mrs. GILLIBRAND, Mrs. BOXER, and Mr. LAUTENBERG):

S. 6. A bill to reform America's broken immigration system; to the Committee on the Judiciary.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mrs. BOXER, and Mr. LAUTENBERG):

S. 7. A bill to reform the Federal tax code; to the Committee on Finance.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mr. BENNETT, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, and Mr. AKAKA):

S. 8. A bill to strengthen America's national security; to the Committee on Foreign Relations.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mr. WYDEN, Mr. BROWN of Ohio, Mr. KERRY, Mr. BENNETT, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, and Mr. AKAKA):

S. 9. A bill to reform America's political system and eliminate gridlock that blocks progress; to the Committee on Rules and Administration.

By Mr. REID of Nevada (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mr. KERRY, Mrs. GILLIBRAND, Mrs. BOXER,

Mr. LAUTENBERG, Mr. BEGICH, and Mr. AKAKA):

S. 10. A bill to ensure equity for women and address rising pressures on American families; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. VITTER, Mr. ENSIGN, Mr. JOHANNES, and Mr. CORNYN):

S. 11. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

By Mr. PORTMAN:

S. 12. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for private sector job creation, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. MORAN, Mr. BURR, Mr. COBURN, and Mr. DEMINT):

S. 13. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mr. THUNE, Mr. CRAPO, Mr. JOHANNES, Mr. ALEXANDER, and Mr. COBURN):

S. 14. A bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 15. A bill to prohibit the regulation of carbon dioxide emissions in the United States until China, India, and Russia implement similar reductions; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 16. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BURR, Mr. COBURN, and Mr. CORNYN):

S. 17. A bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation; to the Committee on Finance.

By Mr. JOHANNES (for himself, Mr. MANCHIN, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BEGICH, Mr. BENNETT, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Ms. KLOBUCHAR, Mr. KYL, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MORAN, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. WICKER, Ms. CANTWELL, Mr. SHELBY, Mr. VITTER, Mr. KIRK, Mr. SESSIONS, Mr. WARNER, Mr. PRYOR, Mr. HATCH, Mr. NELSON of Florida, Mr. TOOMEY, and Mrs. MCCASKILL):

S. 18. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. JOHANNES, Mr. WICKER, Mr. BARRASSO,

Mr. RISCH, Mr. INHOFE, Mr. BURR, Mr. COBURN, Mr. KIRK, Mr. CRAPO, Mr. PORTMAN, Mr. CHAMBLISS, Mr. KYL, Mr. ENZI, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CORNYN, Mr. COATS, Mr. BLUNT, Mr. MCCAIN, Mr. ISAKSON, Mr. CORKER, and Mr. ENSIGN):

S. 19. A bill to restore American's individual liberty by striking the Federal mandate to purchase insurance; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. JOHANNES, Mr. WICKER, Mr. BARRASSO, Mr. RISCH, Mr. INHOFE, Mr. BURR, Mr. COBURN, Mr. KIRK, Mr. CRAPO, Mr. PORTMAN, Mr. CHAMBLISS, Mr. KYL, Mr. ENZI, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CORNYN, Mr. COATS, Mr. BLUNT, Mr. MCCAIN, Mr. ISAKSON, Mr. CORKER, and Mr. ALEXANDER):

S. 20. A bill to protect American job creation by striking the job-killing Federal employer mandate; to the Committee on Finance.

By Mr. REID of Nevada (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BINGAMAN):

S. 21. A bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND:

S. 22. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. SESSIONS, Mr. KYL, Mr. LIEBERMAN, and Mr. COONS):

S. 23. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. ENSIGN, Mrs. MURRAY, Mr. REID of Nevada, Mr. ALEXANDER, and Mr. NELSON of Florida):

S. 24. A bill to amend the Internal Revenue Code of 1986 to permanently extend the election to deduct State and local sales taxes; to the Committee on Finance.

By Mrs. SHAHEEN (for herself, Mr. KIRK, and Mr. DURBIN):

S. 25. A bill to phase out the Federal sugar program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. SHAHEEN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and to use the resulting revenues from such repeal for deficit reduction; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. DURBIN, Ms. COLLINS, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BROWN of Ohio, and Mr. SANDERS):

S. 27. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. CARDIN, and Mr. HARKIN):

S. 28. A bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID of Nevada (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 29. A bill to establish the Sacramento-San Joaquin Delta National Heritage Area; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself, Mr. VITTER, Mr. COCHRAN, Mr. SHELBY, Mr. BAUCUS, and Mr. WICKER):

S. 30. A bill to amend the Internal Revenue code of 1986 to provide an additional year for the extension of the placed in service date for the low-income housing credit rules applicable to the GO Zone; to the Committee on Finance.

By Mr. FRANKEN:

S. 31. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. MENENDEZ, Mrs. BOXER, Mr. KERRY, Mr. REED of Rhode Island, Mr. LEVIN, Mr. FRANKEN, Mr. SCHUMER, and Mr. DURBIN):

S. 32. A bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. SANDERS, Mr. REED of Rhode Island, Mrs. BOXER, Mr. UDALL of Colorado, Mr. HARKIN, Mr. BENNET, Mr. KOHL, Mr. UDALL of New Mexico, Mr. CARDIN, Ms. CANTWELL, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. LEAHY, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. KERRY, Mr. DURBIN, Mr. WYDEN, and Mr. LAUTENBERG):

S. 33. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. REED of Rhode Island, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, and Mrs. BOXER):

S. 34. A bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. REED of Rhode Island, Mr. MENENDEZ, Mr. KERRY, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. WYDEN):

S. 35. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

By Mr. INOUE:

S. 36. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a Federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

By Mr. INOUE:

S. 37. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. INOUE:

S. 38. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the Medicare program; to the Committee on Finance.

By Mr. INOUE:

S. 39. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 40. A bill to amend the Public Health Service Act to promote mental and behavioral health services for underserved populations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 41. A bill to amend the Public Health Service Act to provide for the establishment of a National Office for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 42. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs that would assist individuals in pursuing health careers or for grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 43. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. BEGICH):

S. 44. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. BOXER, Mr. DURBIN, Mr. BROWN of Ohio, and Mr. HARKIN):

S. 45. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable for imported property; to the Committee on Finance.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. KERRY, Ms. SNOWE, and Mr. NELSON of Florida):

S. 46. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 47. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUE (for himself, Mr. REED of Rhode Island, and Mr. BEGICH):

S. 48. A bill to amend the Public Health Service Act to provide for the participation of pharmacists in National Health Services Corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. VITTER, Mr. LEAHY, Mr. HATCH, Ms. KLOBUCHAR, Mr. FRANKEN, and Mr. TESTER):

S. 49. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

By Mr. INOUE (for himself, Ms. SNOWE, and Mr. VITTER):

S. 50. A bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 51. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. KERRY, Ms. SNOWE, and Ms. CANTWELL):

S. 52. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE (for himself and Mr. REED of Rhode Island):

S. 53. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and Doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 54. A bill to implement demonstration projects at federally qualified community health centers to promote universal access to family centered, evidence-based behavior health interventions that prevent child maltreatment and promote family well-being by addressing parenting practices and skills for families from diverse socioeconomic, cultural, racial, ethnic, and other backgrounds, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUE:

S. 55. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

By Mr. INOUE:

S. 56. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Finance.

By Mr. INOUE:

S. 57. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on certain vessels; to the Committee on Finance.

By Mr. INOUE:

S. 58. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing

levels at certain Medicare providers, and for other purposes; to the Committee on Finance.

By Mr. INOUE:

S. 59. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. INOUE:

S. 60. A bill to provide relief to the Pottawatomie Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

By Mr. INOUE (for himself, Ms. MURKOWSKI, and Mr. BEGICH):

S. 61. A bill to establish a Native American Economic Advisory Council, and for other purposes; to the Committee on Indian Affairs.

By Mr. INOUE:

S. 62. A bill to amend the Federal Deposit Insurance Act to modify requirements relating to the location of bank branches on Indian reservations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUE:

S. 63. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. INOUE:

S. 64. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUE:

S. 65. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistances for Native Hawaiians; to the Committee on Indian Affairs.

By Mr. INOUE:

S. 66. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

By Mr. INOUE:

S. 67. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUE:

S. 68. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. TESTER:

S. 69. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other

purposes; to the Committee on the Judiciary.

By Mr. INOUE:

S. 71. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders; to the Committee on Indian Affairs.

By Mr. BAUCUS (for himself, Mr. REID

of Nevada, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BEGICH, Mr. CARDIN, Ms. LANDRIEU, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. SCHUMER, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. MENENDEZ, Mr. ROCKEFELLER, Ms. CANTWELL, Mr. MANCHIN, Mr. COONS, and Mr. FRANKEN):

S. 72. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 73. A bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. FRANKEN):

S. 74. A bill to preserve the free and open nature of the Internet, expand the benefits of broadband, and promote universally available and affordable broadband service; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. FRANKEN, and Mr. WYDEN):

S. 75. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mr. CRAPO):

S. 76. A bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 77. A bill to amend the Clean Air Act to reduce pollution and lower costs for building owners; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 78. A bill to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 79. A bill to amend the Safe Drinking Water Act to protect the health of vulnerable individuals, including pregnant women, infants, and children, by requiring a health advisory and drinking water standard for hexavalent chromium; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. BEGICH, Mr. BARRASSO, Mr. CORNYN, Mr. ALEXANDER, Mr. ENZI, and Mr. THUNE):

S. 80. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

By Mr. ISAKSON (for himself, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. BURR, Mr. WICKER, Mr. BARRASSO, Mr. LEE, Ms. COLLINS, Mr. ENZI, Mr. JOHNSON of Wisconsin, Mr. PAUL, Mr. CRAPO, Mr. THUNE, Mr. BROWN of Massachusetts, and Mr. GRAHAM):

S. 81. A bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on Rules and Administration.

By Mr. JOHANNES (for himself, Ms. KLOBUCHAR, Mrs. HUTCHISON, Mr. BURR, Mr. CASEY, and Mr. THUNE):

S. 82. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final; to the Committee on Finance.

By Mr. VITTER:

S. 83. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. COCHRAN):

S. 84. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Finance.

By Mr. JOHANNES:

S. 85. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum rate of tax on the income of corporations to 20 percent; to the Committee on Finance.

By Mr. VITTER:

S. 86. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROBERTS (for himself and Mr. MORAN):

S. 87. A bill to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War; to the Committee on Armed Services.

By Mr. VITTER:

S. 88. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain stem cell research expenditures; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. BURR, Mr. ISAKSON, Mr. WICKER, and Mr. INHOFE):

S. 89. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

By Mr. CRAPO (for himself and Ms. KLOBUCHAR):

S. 90. A bill to establish the Military Family-Friendly Employer Award for employers

that have developed and implemented workplace flexibility policies to assist the working spouses and caregivers of service members, and returning service members, in addressing family and home needs during deployments; to the Committee on Armed Services.

By Mr. WICKER (for himself, Mr. INHOFE, Mr. ENZI, Mr. BURR, Mr. VITTER, Mr. COBURN, Mr. THUNE, Mr. RISCH, Mr. COATS, Mr. BLUNT, Mr. MORAN, Mr. BOOZMAN, and Mr. PAUL):

S. 91. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person; to the Committee on the Judiciary.

By Mr. VITTER:

S. 92. A bill to amend the public charter school provisions of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 93. A bill to amend the Internal Revenue Code of 1986 to allow expenses relating to all home schools to be qualified education expenses for purposes of a Coverdell education savings account; to the Committee on Finance.

By Mr. VITTER:

S. 94. A bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for itemizers and nonitemizers for expenses relating to home schooling; to the Committee on Finance.

By Mr. VITTER:

S. 95. A bill to amend title II of the Social Security Act to provide that wages earned and self-employment income derived by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. WICKER, Mr. ENZI, Mr. INHOFE, and Mr. JOHANNIS):

S. 96. A bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID of Nevada (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 97. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay; to the Committee on Environment and Public Works.

By Mr. PORTMAN (for himself and Mr. LIEBERMAN):

S. 98. A bill to renew trade promotion authority, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 99. A bill to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN:

S. 100. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

By Mr. ENSIGN:

S. 101. A bill to amend the Internal Revenue Code of 1986 to improve the operation of

employee stock ownership plans, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. CARPER, Mr. PORTMAN, Mr. UDALL of Colorado, Mr. COATS, Mr. BENNET, Mr. ENZI, Mrs. MCCASKILL, Mr. CRAPO, Ms. KLOBUCHAR, Mr. BROWN of Massachusetts, Mr. JOHANNIS, Mr. ENSIGN, Mr. MORAN, Mr. WHITEHOUSE, Mr. COBURN, Mr. CARDIN, Mr. BEGICH, Mr. RISCH, Mr. LIEBERMAN, Mr. WARNER, Mr. THUNE, and Mrs. GILLIBRAND):

S. 102. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget.

By Mr. VITTER:

S. 103. A bill to amend part B of the individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHANNIS (for himself, Mr. SCHUMER, Mr. GRASSLEY, Mr. CRAPO, Mr. RISCH, Mr. COBURN, Mrs. GILLIBRAND, Mr. MORAN, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 104. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ENSIGN:

S. 105. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

By Mr. ENSIGN:

S. 106. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Finance.

By Mr. ENSIGN:

S. 107. A bill to amend the Internal Revenue Code of 1986 to treat income earned by mutual funds from exchange-traded funds holding precious metal bullion as qualifying income; to the Committee on Finance.

By Mr. ENSIGN:

S. 108. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN:

S. 109. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN:

S. 110. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Finance.

By Mr. ENSIGN:

S. 111. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

By Ms. COLLINS (for herself, Mr. LEAHY, and Ms. SNOWE):

S. 112. A bill to authorize the application of State law with respect to vehicle weight limitations on the Interstate Highway System in the States of Maine and Vermont; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON:

S. 113. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 114. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 115. A bill to amend the Migratory Bird Treaty Act to authorize hunting under certain circumstances; to the Committee on Environment and Public Works.

By Mr. VITTER (for himself and Mr. BARRASSO):

S. 116. A bill to provide for the establishment, on-going validation, and utilization of an official set of data on the historical temperature record, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER:

S. 117. A bill to authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 118. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling \$5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 119. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 120. A bill to direct the General Accountability Office to conduct a full audit of hurricane protection funding and cost estimates associated with post-Katrina hurricane protection; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 121. A bill to impose admitting privilege requirements with respect to physicians who perform abortions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 122. A bill to provide for congressional approval of national monuments and restrictions on the use of national monuments; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 123. A bill to establish a procedure to safeguard the Social Security Trust Funds; to the Committee on the Budget.

By Mr. VITTER:

S. 124. A bill to require all public school employees and those employed in connection with a public school to receive FBI background checks prior to being hired, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 125. A bill to ensure efficiency and fairness in the awarding of Federal contracts in

connection with natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 126. A bill to reduce the amount of financial assistance provided to the Government of Mexico in response to the illegal border crossings from Mexico into the United States, which serve to dissipate the political discontent with the higher unemployment rate within Mexico; to the Committee on Rules and Administration.

By Mrs. HUTCHISON:

S. 127. A bill to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 128. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 129. A bill to provide for full and open competition for Federal contracts related to natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 130. A bill to prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee; to the Committee on Rules and Administration.

By Mr. ENSIGN:

S. 131. A bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds; to the Committee on Environment and Public Works.

By Mr. LEAHY:

S. 132. A bill to establish an Office of Forensic Science and a Forensic Science Board, to strengthen and promote confidence in the criminal justice system by ensuring consistency and scientific validity in forensic testing, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCASKILL (for herself, Mr. MCCAIN, Mr. WEBB, Mr. BENNET, Mrs. MURRAY, Mr. BROWN of Ohio, Mr. CASEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. AKAKA, Ms. STABENOW, Mr. ROCKEFELLER, and Mr. TESTER):

S. 133. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 134. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights; to the Committee on Indian Affairs.

By Mr. ENSIGN:

S. 135. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on Finance.

By Mr. REID of Nevada (for Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. KERRY, Mr. SANDERS, and Mr. FRANKEN)):

S. 136. A bill to establish requirements with respect to bisphenol A; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID of Nevada (for Mrs. FEINSTEIN (for herself, Mr. INOUE, Mrs. BOXER, Mr. SANDERS, Mr. WHITE-

HOUSE, Mr. CASEY, and Mr. LAUTENBERG)):

S. 137. A bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID of Nevada (for Mrs. FEINSTEIN):

S. 138. A bill to provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. BINGAMAN, Mr. WYDEN, Mr. CONRAD, Mr. ENZI, and Mr. KERRY):

S. 139. A bill to provide that certain tax planning strategies are not patentable, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 140. A bill to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 141. A bill to amend the Internal Revenue Code of 1986 to expand the Coverdell education savings accounts to allow home school education expenses, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 142. A bill to direct the Secretary of Agriculture to convey certain federally owned land located in Story County, Iowa; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. CARDIN):

S. 143. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of church pension plans, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN:

S. 144. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 145. A bill to promote labor force participation of older Americans with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. TESTER, Mr. GRASSLEY, and Mr. BURR):

S. 146. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans; to the Committee on Finance.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 147. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Environment and Public Works.

By Mr. VITTER (for himself, Mr. GRASSLEY, Mr. ENSIGN, Mr. BURR, Mr. JOHANNIS, and Mr. ENZI):

S. 148. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID of Nevada (for Mrs. FEINSTEIN):

S. 149. A bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 150. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 151. A bill to eliminate certain provisions relating to Texas and the Education Jobs Fund; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. 152. A bill to amend title 49, United States Code, to ensure the availability of dual fueled automobiles and light duty trucks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. HARKIN, Mrs. MURRAY, and Mr. MANCHIN):

S. 153. A bill to improve compliance with mine and occupational safety and health laws, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself and Mr. BROWN of Ohio):

S. 154. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 155. A bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. CORKER, Mr. ALEXANDER, and Mr. PRYOR):

S. 156. A bill to amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 157. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit for solar light pipe property, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 158. A bill to reauthorize the Surface Transportation Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. WYDEN, and Ms. KLOBUCHAR):

S. 159. A bill to improve consumer protections for purchasers of long-term care insurance, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. GILLIBRAND):

S. 160. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 161. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL:

S. 162. A bill to cut \$500,000,000,000 in spending in fiscal year 2011; read the first time.

By Mr. TOOMEY (for himself, Mr. BLUNT, Mr. LEE, Mr. DEMINT, Mr. BARRASSO, Mr. JOHANNIS, Mr. ISAKSON, Mr. KIRK, Mr. ENZI, Mr. VITTER, Mr. INHOFE, Mr. JOHNSON of Wisconsin, Mr. PAUL, Mr. ENSIGN, Mr. COBURN, Mr. CHAMBLISS, and Mr. RUBIO):

S. 163. A bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached; read the first time.

By Mr. BROWN of Massachusetts (for himself and Ms. SNOWE):

S. 164. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. COBURN, Mr. ENZI, and Mr. COATS):

S. 165. A bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 166. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. MCCONNELL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. SHELBY, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. ROBERTS, Mr. CORNYN, Mr. VITTER, and Mr. GRAHAM):

S. 167. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. MCCAIN, and Mr. HATCH):

S. 168. A bill to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and to require organizations to register with the State prior to the distribution of such forms; to the Committee on Rules and Administration.

By Mr. VITTER (for himself, Mr. GRASSLEY, and Mr. COBURN):

S. 169. A bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 170. A bill to provide for the affordable refinancing of mortgages held by Fannie Mae

and Freddie Mac; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself, Ms. CANTWELL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. MERKLEY):

S. 171. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf off the coast of California, Oregon, and Washington; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 172. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 173. A bill to establish the Sacramento River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 174. A bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and health promotion; to the Committee on Finance.

By Mrs. BOXER:

S. 175. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 176. A bill to establish minimum standards for States that allow the carrying of concealed firearms; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 177. A bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 178. A bill to reduce Federal spending by \$2.5 trillion through fiscal year 2021; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 179. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN:

S. 180. A bill to require a 50-hour workweek for Federal prison inmates, to reform inmate work programs, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. BURR, Mr. ENZI, Mr. BARRASSO, Mr. ROBERTS, and Mr. CORNYN):

S. 181. A bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect; to the Committee on Finance.

By Mr. VITTER:

S. 182. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now and its shell companies which have been given new names; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, and Mr. WHITEHOUSE):

S. 183. A bill to clarify the applicability of certain maritime laws with respect to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN:

S. 184. A bill to prohibit taxpayer bailouts of fiscally irresponsible State and local governments; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself, Mr. BURR, Mr. CARDIN, and Mr. BROWN of Massachusetts):

S. 185. A bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. BROWN of Ohio):

S. 186. A bill to provide for the safe and responsible redeployment of United States combat forces from Afghanistan; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 187. A bill to provide for the expansion of the biofuels market; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mr. PAUL):

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States relating to United States citizenship; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. KYL, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs.

MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 14. A resolution honoring the victims and heroes of the shooting on January 8, 2011 in Tucson, Arizona; ordered held at the desk.

By Mr. INOUE (for himself and Mr. COCHRAN):

S. Res. 15. A resolution designating the week of August 1 through August 7, 2011, as "National Convenient Care Clinic Week", and supporting the goals and ideals of raising awareness of the need for accessible and cost-effective health care options to complement the traditional health care model; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. BURR, Mr. ENZI, Mr. VITTER, Mr. CRAPO, Mr. ISAKSON, Mr. JOHANNIS, Mr. COBURN, and Mr. THUNE):

S. Res. 16. A resolution to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; to the Committee on Rules and Administration.

By Mr. INOUE:

S. Res. 17. A resolution designating the month of November 2011 as "National Military Family Month"; to the Committee on the Judiciary.

By Mr. VITTER:

S. Res. 18. A resolution expressing support for prayer at school board meetings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN:

S. Res. 19. A resolution to require that a descriptive summary of each provision of any legislative matter be available 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; to the Committee on Rules and Administration.

By Mr. JOHANNIS (for himself, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. ROBERTS, Mr. BOOZMAN, Mr. CORNYN, Mr. PORTMAN, Mr. INHOFE, Mr. ENZI, Mr. LUGAR, Mr. WICKER, and Mr. CHAMBLISS):

S. Res. 20. A resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement; to the Committee on Finance.

By Mr. MERKLEY (for himself and Mr. UDALL of New Mexico):

S. Res. 21. A resolution to amend the Standing Rules of the Senate to provide procedures for extended debate; submitted and read.

By Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. WICKER, Mr. CARDIN, Mr. INHOFE, Mr. LAUTENBERG, Mr. LEVIN, Mr. CASEY, Mr. JOHNSON of South Dakota, Mrs. BOXER, and Mr. KYL):

S. Res. 22. A resolution condemning the New Year's Day attack on the Coptic Christian community in Alexandria, Egypt and

urging the Government of Egypt to fully investigate and prosecute the perpetrators of this heinous act; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself and Mr. McCAIN):

S. Res. 23. A resolution to prohibit unauthorized earmarks; to the Committee on Rules and Administration.

By Mr. MERKLEY (for himself and Mr. UDALL of New Mexico):

S. Res. 24. A resolution to propose a standing order to govern extended debate; submitted and read.

By Mrs. BOXER:

S. Res. 25. A resolution expressing the sense of the Senate that comprehensive tax reform legislation should include incentives for companies to repatriate foreign earnings for the purpose of creating new jobs; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Con. Res. 3. A concurrent resolution honoring the service and sacrifice of Staff Sergeant Salvatore Giunta, a native of Hiawatha, Iowa, and the first living recipient of the Medal of Honor since the Vietnam War; considered and agreed to.

ADDITIONAL COSPONSORS

S. RES. 11

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. Res. 11, a resolution to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, Mrs. SHAHEEN, and Mr. AKAKA):

S. 1. A bill to strengthen the economic competitiveness of the United States; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

- (1) eliminate tax loopholes that encourage companies to ship American jobs overseas;
- (2) expand markets for United States exports by enforcing trade laws, stopping unfair currency manipulation, and opening up new markets for products made in the United States;

(3) promote the development of new, innovative products bearing the inscription "Made in America" by creating tax incentives to support United States industries and funding research and education programs to support and train workers in those newly developed areas;

(4) modernize and improve the highways, bridges, and transit systems of the United States to reduce congestion and the negative impacts of congestion on productivity and the communities of the United States;

(5) modernize and upgrade the rail, levees, dams, and ports of the United States to get commerce flowing farther and faster;

(6) place computers in classrooms to ensure that all children in the United States have the tools they need to be the innovators of tomorrow;

(7) ensure that small businesses and households in the United States have access to high-speed broadband;

(8) invest in critical new infrastructure, such as a national energy grid, to reduce energy waste and promote the use of renewable energy sources; and

(9) streamline regulatory policies that unnecessarily put the United States at a competitive disadvantage.

By Mr. REID (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. KERRY, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, and Mr. AKAKA):

S. 2. A bill to help middle class families succeed; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Middle Class Success Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

- (1) support middle class tax relief;
- (2) help families afford the cost of college and improve opportunities for a secure retirement;
- (3) invest in infrastructure and other measures to create good, well-paying jobs;
- (4) help ensure that families have access to affordable child and elder care;
- (5) preserve and improve affordable health care;
- (6) ensure that all workers earn enough to meet basic living standards and do not live in poverty;
- (7) ensure that tax dollars do not support companies that break the law or mistreat their workers;
- (8) keep Social Security's promise and block proposals to privatize the program;
- (9) ensure that families have access to a healthy and clean environment, including access to safe drinking water;
- (10) ensure that workers can secure representation without employer obstruction;
- (11) ensure that our streets and communities are safe; and
- (12) address the serious housing problems facing many American families.

By Mr. REID (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. KERRY, Mr. BENNET, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, and Mrs. SHAHEEN):

S. 3. A bill to promote fiscal responsibility and control spending; to the Committee on Finance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Responsibility and Spending Control Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

(1) address the growing public concern about our rising national debt and long-term fiscal challenges through a bipartisan agreement that—

(A) significantly corrects our Nation's long-term fiscal imbalances and closes the gap between projected revenues and expenditures;

(B) ensures the economic security of the United States; and

(C) enhances future prosperity and growth for all Americans;

(2) reduce the Federal deficit and stabilize the national debt without damaging the economic recovery;

(3) consider deficit reduction proposals recently developed by leading budget experts, including various members of the National Commission on Fiscal Responsibility and Reform, and establish a plan that can attract broad bipartisan support;

(4) ensure that any plan to address our Nation's long-term fiscal problems is balanced and provides fundamental reform of the Federal tax code along with prudent controls on spending;

(5) lower tax rates and raise Federal revenues by eliminating tax expenditures that only serve special interests, as well as take aggressive measures to close the tax gap and stop cheating;

(6) ensure that the Federal tax code fairly distributes the tax burden and helps American businesses compete in the global marketplace;

(7) extend the solvency of Social Security for its own sake and ensure that no savings are used to meet deficit reduction goals in the remainder of the budget;

(8) achieve savings through the elimination or consolidation of duplicative Federal programs and activities while also modernizing Federal procurement practices in order to reduce waste and leverage better value out of every dollar spent by the Federal Government; and

(9) reject efforts to exempt tax breaks for millionaires and special interests from strong pay-as-you-go budgetary rules.

By Mr. REID (for himself, Mr. BINGAMAN, Mr. BROWN of Ohio, Mr. DURBIN, Mr. KERRY, Mr. BENNET, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, Mr. LAUTENBERG, Mrs. SHAHEEN, and Mr. AKAKA):

S. 4. A bill to make America the world's leader in clean energy; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Make America the World's Leader in Clean Energy Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

(1) promote investment in clean energy jobs and industries;

(2) free the United States from dependence on oil, especially foreign oil;

(3) reduce costs and pollution by promoting energy efficiency;

(4) promote clean energy by retooling the infrastructure and workforce of the United States;

(5) ensure the Federal Government is a leader in reducing pollution, promoting the use of clean energy sources, and implementing energy efficient practices;

(6) reduce harmful energy-related air, land, and water pollution; and

(7) eliminate wasteful tax subsidies that promote pollution.

By Mr. REID (for himself, Mr. DURBIN, Mr. WYDEN, Mr. BROWN of Ohio, Mr. BENNET, Mrs. GILLIBRAND, Mr. COONS, Mr. INOUE, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, Mrs. SHAHEEN, and Mr. AKAKA):

S. 5. A bill to reform schools and give America's children the tools they need to succeed; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reform America's Schools to Educate the Leaders of the Future Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

(1) ensure that all students have equitable access to a high-quality, well-rounded education that prepares them to succeed in college and a career;

(2) fix No Child Left Behind's accountability system while continuing to focus on the success of all students;

(3) provide States and districts the resources to turn around our lowest performing schools;

(4) collaborate with teachers to put in place systems to measure teacher quality and supports to help teachers improve student achievement; and

(5) promote programs that encourage parent engagement, community involvement, and youth development.

By Mr. REID (for himself, Mr. DURBIN, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. KERRY, Mr. BENNET, Mrs. GILLIBRAND, Mrs. BOXER, and Mr. LAUTENBERG):

S. 6. A bill to reform America's broken immigration system; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reform America's Broken Immigration System Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

(1) fulfill and strengthen our Nation's commitments regarding border security;

(2) pass legislation to support our national and economic security, such as the DREAM Act, which would allow students who came to America before turning 16 to earn citizenship by attending college or joining the armed forces, and AgJobs, which would help to ensure a stable and legal agricultural workforce and protect the sustainability of the American agricultural industry;

(3) implement a rational legal immigration system to ensure that the best and brightest minds of the world can come to the United States and create jobs for Americans while, at the same time, safeguarding the rights and wages of American workers;

(4) require all United States workers to obtain secure, tamper-proof identification to prevent employers from hiring people here illegally, and toughen penalties on employers who break labor and immigration laws;

(5) hold people accountable who are currently here illegally by requiring them to either earn legal status through a series of penalties, sanctions, and requirements, or face immediate deportation; and

(6) adopt practical and fair immigration reforms to help ensure that families are able to be together.

By Mr. REID (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mrs. BOXER, and Mr. LAUTENBERG):

S. 7. A bill to reform the Federal tax code; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive and Fair Tax Reform Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

- (1) simplify and shrink the tax code to reduce burdens on taxpayers and businesses;
- (2) eliminate wasteful tax breaks for special interests and remove corporate tax loopholes;
- (3) get rid of extra tax breaks for millionaires and billionaires; and
- (4) crack down on cheaters and close the tax gap.

By Mr. REID (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mr. BENNET, Mrs. GILLIBRAND, Mr. COONS, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, and Mr. AKAKA):

S. 8. A bill to strengthen America's national security; to the Committee on Foreign Relations.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tough and Smart National Security Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

- (1) ensure that members of the Armed Forces, particularly those serving in Afghanistan and Iraq, and veterans get the support they need and deserve;
- (2) work with the President to attack al Qaeda and other terrorist groups with a comprehensive military, intelligence, homeland security, law enforcement, and diplomatic strategy;
- (3) confront the nuclear threat from Iran and North Korea;
- (4) enhance the tools of the United States Government for pursuing key national security interests, including fighting terrorism, preventing failed states, thwarting global pandemics, promoting democracy and development, securing nuclear materials and preventing nuclear proliferation, and combating narco-trafficking and drug-related violence around the world, including along our border with Mexico; and
- (5) reform cybersecurity policy to prevent cyber attacks on the United States Government and critical infrastructure, protect privacy and civil liberties, and implement mechanisms necessary to avert and respond to catastrophic cyber incidents.

By Mr. REID (for himself, Mr. DURBIN, Mr. WYDEN, Mr. BROWN of Ohio, Mr. KERRY, Mr. BENNET, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, and Mr. AKAKA):

S. 9. A bill to reform America's political system and eliminate gridlock that blocks progress; to the Committee on Rules and Administration.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 9

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Political Reform and Gridlock Elimination Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

- (1) pass the DISCLOSE Act to prevent a corporate takeover of our elections and ensure that our democracy is open, transparent, and controlled by the people; and
- (2) reform Senate rules and procedures to reduce excessive obstruction and delay, while protecting the legitimate rights of individual Senators and the minority.

By Mr. REID (for himself, Mr. DURBIN, Mr. BROWN of Ohio, Mr. KERRY, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mr. BEGICH, and Mr. AKAKA):

S. 10. A bill to ensure equity for women and address rising pressures on American families; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Economic Success Act".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should—

- (1) guarantee pay equity for women;
- (2) reward companies that promote flexible work environments for working parents with children, and workers who are caregivers;
- (3) guarantee paid family and medical leave and paid sick days; and
- (4) improve the quality and affordability of child care.

By Mrs. HUTCHISON (for herself, Mr. VITTER, Mr. ENSIGN, Mr. JOHANNIS, and Mr. CORNYN):

S. 11. A bill to provide permanent tax relief from the marriage penalty; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from the marriage penalty—the most egregious, anti-family provision in the tax code. One of my highest priorities in the United States Senate has been to relieve American taxpayers of this punitive burden.

We have made important strides to eliminate this unfair tax and provide marriage penalty relief by raising the standard deduction and enlarging the 15 percent tax bracket for married joint filers to twice that of single fil-

ers. Before these provisions were changed, 42 percent of married couples paid an average penalty of \$1,400.

Enacting marriage penalty relief was a giant step for tax fairness, but it may be fleeting. Even as married couples use the money they now save to put food on the table and clothes on their children, a tax increase looms in the future. While I am pleased that relief from the marriage penalty was included in the recent agreement to extend the broader tax relief for all Americans, the marriage penalty provisions will only be in effect through 2012. In 2013, marriage will again be a taxable event and a significant number of married couples will again pay more in taxes unless we act decisively. Given the challenges many families face in making ends meet, we must make sure we do not backtrack on this important reform.

The benefits of marriage are well established, yet, without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates these children are also less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

We should celebrate marriage, not penalize it. The bill I am offering would make marriage penalty relief permanent, because marriage should not be a taxable event. I welcome and appreciate the support of Senators ENSIGN, JOHANNIS, CORNYN, and VITTER, who have signed on as cosponsors, and I call on the Senate to finish the job we started and make marriage penalty relief permanent today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Marriage Penalty Relief Act of 2011".

SEC. 2. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

By Mr. REID (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BINGAMAN):

S. 21. A bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cyber Security and American Cyber Competitiveness Act of 2011”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Malicious state, terrorist, and criminal actors exploiting vulnerabilities in information and communications networks and gaps in cyber security pose one of the most serious and rapidly growing threats to both the national security and economy of the United States.

(2) With information technology now the backbone of the United States economy, a critical element of United States national security infrastructure and defense systems, the primary foundation of global communications, and a key enabler of most critical infrastructure, nearly every single American citizen is touched by cyberspace and is threatened by cyber attacks.

(3) Malicious actors in cyberspace have already caused significant damage to the United States Government, the United States economy, and United States citizens: United States Government computer networks are probed millions of times each day; approximately 9,000,000 Americans have their identities stolen each year; cyber crime costs American businesses with 500 or more employees an average of \$3,800,000 per year; and intellectual property worth over \$1,000,000,000,000 has already been stolen from American businesses.

(4) In its 2009 Cyberspace Policy Review, the White House concluded, “Ensuring that cyberspace is sufficiently resilient and trustworthy to support United States goals of economic growth, civil liberties and privacy protections, national security, and the continued advancement of democratic institutions requires making cybersecurity a national priority.”

(5) An effective solution to the tremendous challenges of cyber security demands cooperation and integration of effort across jurisdictions of multiple Federal, State, local, and tribal government agencies, between the government and the private sector, and with international allies, as well as increased public awareness and preparedness among the American people.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses by—

(1) enhancing the security and resiliency of United States Government communications and information networks against cyber attack by nation-states, terrorists, and cyber criminals;

(2) incentivizing the private sector to quantify, assess, and mitigate cyber risks to their communications and information networks;

(3) promoting investments in the American information technology sector that create and maintain good, well-paying jobs in the United States and help to enhance American economic competitiveness;

(4) improving the capability of the United States Government to assess cyber risks and prevent, detect, and robustly respond to cyber attacks against the government and the military;

(5) improving the capability of the United States Government and the private sector to assess cyber risk and prevent, detect, and robustly respond to cyber attacks against United States critical infrastructure;

(6) preventing and mitigating identity theft and guarding against abuses or breaches of personally identifiable information;

(7) enhancing United States diplomatic capacity and international cooperation to respond to emerging cyber threats, including promoting security and freedom of access for communications and information networks around the world and battling global cyber crime through focused diplomacy;

(8) protecting and increasing the resiliency of United States' critical infrastructure and assets, including the electric grid, military assets, the financial sector, and telecommunications networks against cyber attacks and other threats and vulnerabilities;

(9) expanding tools and resources for investigating and prosecuting cyber crimes in a manner that respects privacy rights and civil liberties and promotes American innovation; and

(10) maintaining robust protections of the privacy of American citizens and their online activities and communications.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. SESSIONS, Mr. KYL, Mr. LIEBERMAN, and Mr. COONS):

S. 23. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, the United States of America has long been the world leader in invention and innovation. That leadership has propelled our economic growth, but we cannot remain complacent while expecting to stay on top.

A Newsweek study last year found that only 41 percent of Americans believe that the United States is staying ahead of China on innovation. A Thompson Reuters analysis has already predicted that China will outpace the United States in patent filings this year. China, in fact, has a specific plan not just to overtake the United States this year in patent applications, but to more than quadruple its patent filings over the next 5 years.

That is astonishing, until considering that China has been modernizing its patent laws and promoting innovation

while the United States has failed to keep pace. It has now been nearly 60 years since Congress last acted to reform American patent law. We can no longer wait.

Today, I am reintroducing bipartisan patent reform legislation that is the culmination of three Congresses worth of bipartisan, bicameral work, including eight hearings in the Senate alone. The Patent Reform Act of 2011 is structured on legislation first introduced in the House by Chairman SMITH and Mr. BERMAN in 2005. The legislation will accomplish three important goals, which have been at the center of the patent reform debate: improve the application process by transitioning to a first-inventor-to-file system; improve the quality of patents issued by the USPTO by introducing several quality-enhancement measures; and provide more certainty in litigation.

In many areas that were highly contentious when the patent reform debate began, the courts have stepped in to act. Their decisions reflect the concerns heard in Congress that questionable patents are too easily obtained and too difficult to challenge. The courts have moved the law in a generally positive direction, more closely aligned with the text of the statutes.

Most recently, the Federal Circuit aggressively moved to constrain runaway damage awards, which has plagued the patent system by basing awards on unreliable numbers, untethered to the reality of licensing decisions. As the court continues to move in the right direction, it is more apparent than ever that the gatekeeper compromise on damages we have worked to reach with Senator FEINSTEIN and others is what is needed to ensure an award of a reasonable royalty is not artificially inflated or based on irrelevant factors.

The courts have addressed issues where they can, but in some areas, only Congress can take the necessary steps. The Patent Reform Act will both speed the application process and, at the same time, improve patent quality. It will provide the USPTO with the resources it needs to work through its application backlog, while also providing for greater input from third parties to improve the quality of patents issued and that remain in effect.

High quality patents are the key to our economic growth. They benefit both patent owners and users, who can be more confident in the validity of issued patents. Patents of low quality and dubious validity, by contrast, enable patent trolls and constitute a drag on innovation. Too many dubious patents also unjustly cast doubt on truly high quality patents.

The Patent Reform Act provides the tools the USPTO needs to separate the inventive wheat from the chaff. It will allow our inventors and innovators to flourish. The Department of Commerce

recently issued a report indicating that these reforms will create jobs without adding to the deficit. The Obama administration supports these efforts, as do industries and stakeholders from all sectors of the patent community. Congressional action can no longer be delayed.

Innovation and economic development are not uniquely Democrat or Republican objectives, so we worked together to find the proper balance for America—for our economy, for our inventors, for our consumers.

Thomas Freidman wrote not too long ago in *The New York Times* that the country which “endows its people with more tools and basic research to invent new goods and services [] is the one that will not just survive but thrive down the road. . . . We might be able to stimulate our way back to stability, but we can only invent our way back to prosperity.”

Reforming our patent system will stimulate the American economy through structural changes, rather than taxpayer dollars. I look forward to working with all Senators and our counterparts in the House, who have also made this a bipartisan priority, to ensure that this is the year we make our patent system reward inventors and provide certainty to users.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Patent Reform Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. First inventor to file.
- Sec. 3. Inventor's oath or declaration.
- Sec. 4. Damages.
- Sec. 5. Post-grant review proceedings.
- Sec. 6. Patent Trial and Appeal Board.
- Sec. 7. Preissuance submissions by third parties.
- Sec. 8. Venue.
- Sec. 9. Fee setting authority.
- Sec. 10. Supplemental examination.
- Sec. 11. Residency of Federal Circuit judges.
- Sec. 12. Micro entity defined.
- Sec. 13. Funding agreements.
- Sec. 14. Tax strategies deemed within the prior art.
- Sec. 15. Best mode requirement.
- Sec. 16. Technical amendments.
- Sec. 17. Effective date; rule of construction.

SEC. 2. FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

“(f) The term ‘inventor’ means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

“(g) The terms ‘joint inventor’ and ‘co-inventor’ mean any 1 of the individuals who

invented or discovered the subject matter of a joint invention.

“(h) The term ‘joint research agreement’ means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

“(i)(1) The term ‘effective filing date’ of a claimed invention in a patent or application for patent means—

“(A) if subparagraph (B) does not apply, the actual filing date of the patent or the application for the patent containing a claim to the invention; or

“(B) the filing date of the earliest application for which the patent or application is entitled, as to such invention, to a right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c).

“(2) The effective filing date for a claimed invention in an application for reissue or reissued patent shall be determined by deeming the claim to the invention to have been contained in the patent for which reissue was sought.

“(j) The term ‘claimed invention’ means the subject matter defined by a claim in a patent or an application for a patent.”

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

“§ 102. Conditions for patentability; novelty

“(a) NOVELTY; PRIOR ART.—A person shall be entitled to a patent unless—

“(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; or

“(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

“(b) EXCEPTIONS.—

“(1) DISCLOSURES MADE 1 YEAR OR LESS BEFORE THE EFFECTIVE FILING DATE OF THE CLAIMED INVENTION.—A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

“(A) the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

“(B) the subject matter disclosed had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

“(2) DISCLOSURES APPEARING IN APPLICATIONS AND PATENTS.—A disclosure shall not be prior art to a claimed invention under subsection (a)(2) if—

“(A) the subject matter disclosed was obtained directly or indirectly from the inventor or a joint inventor;

“(B) the subject matter disclosed had, before such subject matter was effectively filed under subsection (a)(2), been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

“(C) the subject matter disclosed and the claimed invention, not later than the effec-

tive filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

“(c) COMMON OWNERSHIP UNDER JOINT RESEARCH AGREEMENTS.—Subject matter disclosed and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of subsection (b)(2)(C) if—

“(1) the subject matter disclosed was developed and the claimed invention was made by, or on behalf of, 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

“(2) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

“(3) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

“(d) PATENTS AND PUBLISHED APPLICATIONS

EFFECTIVE AS PRIOR ART.—For purposes of determining whether a patent or application for patent is prior art to a claimed invention under subsection (a)(2), such patent or application shall be considered to have been effectively filed, with respect to any subject matter described in the patent or application—

“(1) if paragraph (2) does not apply, as of the actual filing date of the patent or the application for patent; or

“(2) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.”

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

“102. Conditions for patentability; novelty.”

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

“§ 103. Conditions for patentability; non-obvious subject matter

“A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.”

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking “sections 115, 131, 135, and 157” and inserting “sections 131 and 135”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect 1 year after the date of the enactment of this Act, and shall apply to any request for a statutory invention registration filed on or after that date.

(f) **EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.**—Section 120 of title 35, United States Code, is amended by striking “which is filed by an inventor or inventors named” and inserting “which names an inventor or joint inventor”.

(g) **CONFORMING AMENDMENTS.**—

(1) **RIGHT OF PRIORITY.**—Section 172 of title 35, United States Code, is amended by striking “and the time specified in section 102(d)”.

(2) **LIMITATION ON REMEDIES.**—Section 287(c)(4) of title 35, United States Code, is amended by striking “the earliest effective filing date of which is prior to” and inserting “which has an effective filing date before”.

(3) **INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.**—Section 363 of title 35, United States Code, is amended by striking “except as otherwise provided in section 102(e) of this title”.

(4) **PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.**—Section 374 of title 35, United States Code, is amended by striking “sections 102(e) and 154(d)” and inserting “section 154(d)”.

(5) **PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.**—The second sentence of section 375(a) of title 35, United States Code, is amended by striking “Subject to section 102(e) of this title, such” and inserting “Such”.

(6) **LIMIT ON RIGHT OF PRIORITY.**—Section 119(a) of title 35, United States Code, is amended by striking “; but no patent shall be granted” and all that follows through “one year prior to such filing”.

(7) **INVENTIONS MADE WITH FEDERAL ASSISTANCE.**—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking “publication, on sale, or public use,” and all that follows through “obtained in the United States” and inserting “the 1-year period referred to in section 102(b) would end before the end of that 2-year period”; and

(ii) by striking “the statutory” and inserting “that 1-year”; and

(B) in paragraph (3), by striking “any statutory bar date that may occur under this title due to publication, on sale, or public use” and inserting “the expiration of the 1-year period referred to in section 102(b)”.

(h) **DERIVED PATENTS.**—Section 291 of title 35, United States Code, is amended to read as follows:

“§ 291. Derived patents

“(a) **IN GENERAL.**—The owner of a patent may have relief by civil action against the owner of another patent that claims the same invention and has an earlier effective filing date if the invention claimed in such other patent was derived from the inventor of the invention claimed in the patent owned by the person seeking relief under this section.

“(b) **FILING LIMITATION.**—An action under this section may only be filed within 1 year after the issuance of the first patent containing a claim to the allegedly derived invention and naming an individual alleged to have derived such invention as the inventor or joint inventor.”.

(i) **DERIVATION PROCEEDINGS.**—Section 135 of title 35, United States Code, is amended to read as follows:

“§ 135. Derivation proceedings

“(a) **INSTITUTION OF PROCEEDING.**—An applicant for patent may file a petition to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an inventor named in an earlier application derived the claimed invention from an inventor named in the petitioner’s application and, without authorization, the earlier application claiming such invention was filed. Any such petition may only be filed within 1 year after the first publication of a claim to an invention that is the same or substantially the same as the earlier application’s claim to the invention, shall be made under oath, and shall be supported by substantial evidence. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding. The determination by the Director whether to institute a derivation proceeding shall be final and nonappealable.

“(b) **DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.**—In a derivation proceeding instituted under subsection (a), the Patent Trial and Appeal Board shall determine whether an inventor named in the earlier application derived the claimed invention from an inventor named in the petitioner’s application and, without authorization, the earlier application claiming such invention was filed. The Director shall prescribe regulations setting forth standards for the conduct of derivation proceedings.

“(c) **DEFERRAL OF DECISION.**—The Patent Trial and Appeal Board may defer action on a petition for a derivation proceeding until 3 months after the date on which the Director issues a patent that includes the claimed invention that is the subject of the petition. The Patent Trial and Appeal Board also may defer action on a petition for a derivation proceeding, or stay the proceeding after it has been instituted, until the termination of a proceeding under chapter 30, 31, or 32 involving the patent of the earlier applicant.

“(d) **EFFECT OF FINAL DECISION.**—The final decision of the Patent Trial and Appeal Board, if adverse to claims in an application for patent, shall constitute the final refusal by the Office on those claims. The final decision of the Patent Trial and Appeal Board, if adverse to claims in a patent, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of those claims, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation.

“(e) **SETTLEMENT.**—Parties to a proceeding instituted under subsection (a) may terminate the proceeding by filing a written statement reflecting the agreement of the parties as to the correct inventors of the claimed invention in dispute. Unless the Patent Trial and Appeal Board finds the agreement to be inconsistent with the evidence of record, if any, it shall take action consistent with the agreement. Any written settlement or understanding of the parties shall be filed with the Director. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents or applications, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

“(f) **ARBITRATION.**—Parties to a proceeding instituted under subsection (a) may, within such time as may be specified by the Director by regulation, determine such contest or

any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9, to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Director, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Director from determining the patentability of the claimed inventions involved in the proceeding.”.

(j) **ELIMINATION OF REFERENCES TO INTERFERENCES.**—(1) Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking “Board of Patent Appeals and Interferences” each place it appears and inserting “Patent Trial and Appeal Board”.

(2)(A) Sections 146 and 154 of title 35, United States Code, are each amended—

(i) by striking “an interference” each place it appears and inserting “a derivation proceeding”; and

(ii) by striking “interference” each additional place it appears and inserting “derivation proceeding”.

(B) The subparagraph heading for section 154(b)(1)(C) of title 35, United States Code, as amended by this paragraph, is further amended by—

(i) striking “OR” and inserting “OF”; and

(ii) striking “SECURITY ORDER” and inserting “SECURITY ORDERS”.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

“§ 134. Appeal to the Patent Trial and Appeal Board”.

(4) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

“§ 146. Civil action in case of derivation proceeding”.

(5) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking “INTERFERENCES” and inserting “DERIVATION PROCEEDINGS”.

(6) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

“6. Patent Trial and Appeal Board.”.

(7) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

“134. Appeal to the Patent Trial and Appeal Board.

“135. Derivation proceedings.”.

(8) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

“146. Civil action in case of derivation proceeding.”.

(k) **FALSE MARKING.**—

(1) **IN GENERAL.**—Section 292 of title 35, United States Code, is amended—

(A) in subsection (a), by adding at the end the following:

“Only the United States may sue for the penalty authorized by this subsection.”; and

(B) by striking subsection (b) and inserting the following:

“(b) Any person who has suffered a competitive injury as a result of a violation of this section may file a civil action in a district court of the United States for recovery of damages adequate to compensate for the injury.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to all cases, without exception, pending on or after the date of the enactment of this Act.

(1) **STATUTE OF LIMITATIONS.**—

(1) **IN GENERAL.**—Section 32 of title 35, United States Code, is amended by inserting between the third and fourth sentences the following: “A proceeding under this section shall be commenced not later than the earlier of either 10 years after the date on which the misconduct forming the basis for the proceeding occurred, or 1 year after the date on which the misconduct forming the basis for the proceeding is made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D).”.

(2) **REPORT TO CONGRESS.**—The Director shall provide on a biennial basis to the Judiciary Committees of the Senate and House of Representatives a report providing a short description of incidents made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D) of title 35, United States Code, that reflect substantial evidence of misconduct before the Office but for which the Office was barred from commencing a proceeding under section 32 of title 35, United States Code, by the time limitation established by the fourth sentence of that section.

(3) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply in all cases in which the time period for instituting a proceeding under section 32 of title 35, United States Code, had not lapsed prior to the date of the enactment of this Act.

(m) **SMALL BUSINESS STUDY.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “Chief Counsel” means the Chief Counsel for Advocacy of the Small Business Administration;

(B) the term “General Counsel” means the General Counsel of the United States Patent and Trademark Office; and

(C) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(2) **STUDY.**—

(A) **IN GENERAL.**—The Chief Counsel, in consultation with the General Counsel, shall conduct a study of the effects of eliminating the use of dates of invention in determining whether an applicant is entitled to a patent under title 35, United States Code.

(B) **AREAS OF STUDY.**—The study conducted under subparagraph (A) shall include examination of the effects of eliminating the use of invention dates, including examining—

(i) how the change would affect the ability of small business concerns to obtain patents and their costs of obtaining patents;

(ii) whether the change would create, mitigate, or exacerbate any disadvantage for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns, and whether the change would create any advantages for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns;

(iii) the cost savings and other potential benefits to small business concerns of the change; and

(iv) the feasibility and costs and benefits to small business concerns of alternative means of determining whether an applicant is entitled to a patent under title 35, United States Code.

(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Chief

Counsel shall submit to the Committee on Small Business and Entrepreneurship and the Committee on the Judiciary of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report regarding the results of the study under paragraph (2).

(n) **REPORT ON PRIOR USER RIGHTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Director shall report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, the findings and recommendations of the Director on the operation of prior user rights in selected countries in the industrialized world. The report shall include the following:

(A) A comparison between patent laws of the United States and the laws of other industrialized countries, including members of the European Union and Japan, Canada, and Australia.

(B) An analysis of the effect of prior user rights on innovation rates in the selected countries.

(C) An analysis of the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies.

(D) An analysis of the effect of prior user rights, if any, on small businesses, universities, and individual inventors.

(E) An analysis of legal and constitutional issues, if any, that arise from placing trade secret law in patent law.

(F) An analysis of whether the change to a first-to-file patent system creates a particular need for prior user rights.

(2) **CONSULTATION WITH OTHER AGENCIES.**—In preparing the report required under paragraph (1), the Director shall consult with the United States Trade Representative, the Secretary of State, and the Attorney General.

(o) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as otherwise provided by this section, the amendments made by this section shall take effect on the date that is 18 months after the date of the enactment of this Act, and shall apply to any application for patent, and to any patent issuing thereon, that contains or contained at any time—

(A) a claim to a claimed invention that has an effective filing date as defined in section 100(i) of title 35, United States Code, that is 18 months or more after the date of the enactment of this Act; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

(2) **INTERFERING PATENTS.**—The provisions of sections 102(g), 135, and 291 of title 35, United States Code, in effect on the day prior to the date of the enactment of this Act, shall apply to each claim of an application for patent, and any patent issued thereon, for which the amendments made by this section also apply, if such application or patent contains or contained at any time—

(A) a claim to an invention having an effective filing date as defined in section 100(i) of title 35, United States Code, earlier than 18 months after the date of the enactment of this Act; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) **INVENTOR'S OATH OR DECLARATION.**—

(1) **IN GENERAL.**—Section 115 of title 35, United States Code, is amended to read as follows:

“§ 115. Inventor's oath or declaration

“(a) **NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.**—An application for patent that is filed under section 111(a) or commences the national stage under section 371 shall include, or be amended to include, the name of the inventor for any invention claimed in the application. Except as otherwise provided in this section, each individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

“(b) **REQUIRED STATEMENTS.**—An oath or declaration under subsection (a) shall contain statements that—

“(1) the application was made or was authorized to be made by the affiant or declarant; and

“(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

“(c) **ADDITIONAL REQUIREMENTS.**—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

“(d) **SUBSTITUTE STATEMENT.**—

“(1) **IN GENERAL.**—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

“(2) **PERMITTED CIRCUMSTANCES.**—A substitute statement under paragraph (1) is permitted with respect to any individual who—

“(A) is unable to file the oath or declaration under subsection (a) because the individual—

“(i) is deceased;

“(ii) is under legal incapacity; or

“(iii) cannot be found or reached after diligent effort; or

“(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

“(3) **CONTENTS.**—A substitute statement under this subsection shall—

“(A) identify the individual with respect to whom the statement applies;

“(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

“(C) contain any additional information, including any showing, required by the Director.

“(e) **MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.**—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

“(f) **TIME FOR FILING.**—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

“(g) **EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.**—

“(1) **EXCEPTION.**—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and who claims the

benefit under section 120, 121, or 365(c) of the filing of an earlier-filed application, if—

“(A) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

“(B) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

“(C) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

“(2) COPIES OF OATHS, DECLARATIONS, STATEMENTS, OR ASSIGNMENTS.—Notwithstanding paragraph (1), the Director may require that a copy of the executed oath or declaration, the substitute statement, or the assignment filed in the earlier-filed application be included in the later-filed application.

“(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

“(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

“(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration meeting the requirements of subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

“(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

“(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.”.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 of title 35, United States Code, is amended by striking “If a divisional application” and all that follows through “inventor.”.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking “by the applicant” and inserting “or declaration”;

(B) in the heading for paragraph (3), by inserting “OR DECLARATION” after “AND OATH”; and

(C) by inserting “or declaration” after “and oath” each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 11 of title 35, United States Code, is amended to read as follows:

“115. Inventor’s oath or declaration.”.

(b) FILING BY OTHER THAN INVENTOR.—

(1) IN GENERAL.—Section 118 of title 35, United States Code, is amended to read as follows:

“§ 118. Filing by other than inventor

“A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.”.

(2) CONFORMING AMENDMENT.—Section 251 of title 35, United States Code, is amended in the third undesignated paragraph by inserting “or the application for the original patent was filed by the assignee of the entire interest” after “claims of the original patent”.

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “The specification” and inserting “(a) IN GENERAL.—The specification”; and

(B) by striking “of carrying out his invention” and inserting “or joint inventor of carrying out the invention”;

(2) in the second paragraph—

(A) by striking “The specification” and inserting “(b) CONCLUSION.—The specification”; and

(B) by striking “applicant regards as his invention” and inserting “inventor or a joint inventor regards as the invention”;

(3) in the third paragraph, by striking “A claim” and inserting “(c) FORM.—A claim”;

(4) in the fourth paragraph, by striking “Subject to the following paragraph,” and inserting “(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e).”;

(5) in the fifth paragraph, by striking “A claim” and inserting “(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim”; and

(6) in the last paragraph, by striking “An element” and inserting “(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element”.

(d) CONFORMING AMENDMENTS.—

(1) Sections 111(b)(1)(A) is amended by striking “the first paragraph of section 112 of this title” and inserting “section 112(a)”.

(2) Section 111(b)(2) is amended by striking “the second through fifth paragraphs of section 112,” and inserting “subsections (b) through (e) of section 112.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to patent applications that are filed on or after that effective date.

SEC. 4. DAMAGES.

(a) DAMAGES.—Section 284 of title 35, United States Code, is amended—

(1) by striking “Upon finding” and inserting the following: “(a) IN GENERAL.—Upon finding”;

(2) by striking “fixed by the court” and all that follows through “When the damages” and inserting the following: “fixed by the court. When the damages”;

(3) by striking “shall assess them.” and all that follows through “The court may receive” and inserting the following: “shall assess them. The court may receive”;

(4) by adding at the end the following:

“(b) PROCEDURE FOR DETERMINING DAMAGES.—

“(1) IN GENERAL.—The court shall identify the methodologies and factors that are relevant to the determination of damages, and the court or jury shall consider only those

methodologies and factors relevant to making such determination.

“(2) DISCLOSURE OF CLAIMS.—By no later than the entry of the final pretrial order, unless otherwise ordered by the court, the parties shall state, in writing and with particularity, the methodologies and factors the parties propose for instruction to the jury in determining damages under this section, specifying the relevant underlying legal and factual bases for their assertions.

“(3) SUFFICIENCY OF EVIDENCE.—Prior to the introduction of any evidence concerning the determination of damages, upon motion of either party or sua sponte, the court shall consider whether one or more of a party’s damages contentions lacks a legally sufficient evidentiary basis. After providing a nonmovant the opportunity to be heard, and after any further proffer of evidence, briefing, or argument that the court may deem appropriate, the court shall identify on the record those methodologies and factors as to which there is a legally sufficient evidentiary basis, and the court or jury shall consider only those methodologies and factors in making the determination of damages under this section. The court shall only permit the introduction of evidence relating to the determination of damages that is relevant to the methodologies and factors that the court determines may be considered in making the damages determination.

“(c) SEQUENCING.—Any party may request that a patent-infringement trial be sequenced so that the trier of fact decides questions of the patent’s infringement and validity before the issues of damages and willful infringement are tried to the court or the jury. The court shall grant such a request absent good cause to reject the request, such as the absence of issues of significant damages or infringement and validity. The sequencing of a trial pursuant to this subsection shall not affect other matters, such as the timing of discovery. This subsection does not authorize a party to request that the issues of damages and willful infringement be tried to a jury different than the one that will decide questions of the patent’s infringement and validity.

“(d) WILLFUL INFRINGEMENT.—

“(1) IN GENERAL.—The court may increase damages up to 3 times the amount found or assessed if the court or the jury, as the case may be, determines that the infringement of the patent was willful. Increased damages under this subsection shall not apply to provisional rights under section 154(d). Infringement is not willful unless the claimant proves by clear and convincing evidence that the accused infringer’s conduct with respect to the patent was objectively reckless. An accused infringer’s conduct was objectively reckless if the infringer was acting despite an objectively high likelihood that his actions constituted infringement of a valid patent, and this objectively-defined risk was either known or so obvious that it should have been known to the accused infringer.

“(2) PLEADING STANDARDS.—A claimant asserting that a patent was infringed willfully shall comply with the pleading requirements set forth under Federal Rule of Civil Procedure 9(b).

“(3) KNOWLEDGE ALONE INSUFFICIENT.—Infringement of a patent may not be found to be willful solely on the basis that the infringer had knowledge of the infringed patent.

“(4) PRE-SUIT NOTIFICATION.—A claimant seeking to establish willful infringement

may not rely on evidence of pre-suit notification of infringement unless that notification identifies with particularity the asserted patent, identifies the product or process accused, and explains with particularity, to the extent possible following a reasonable investigation or inquiry, how the product or process infringes one or more claims of the patent.

“(5) CLOSE CASE.—The court shall not increase damages under this subsection if the court determines that there is a close case as to infringement, validity, or enforceability. On the motion of either party, the court shall determine whether a close case as to infringement, validity, or enforceability exists, and the court shall explain its decision. Once the court determines that such a close case exists, the issue of willful infringement shall not thereafter be tried to the jury.

“(6) ACCRUED DAMAGES.—If a court or jury finds that the infringement of patent was willful, the court may increase only those damages that accrued after the infringement became willful.”

(b) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273(b)(6) of title 35, United States Code, is amended to read as follows:

“(6) PERSONAL DEFENSE.—The defense under this section may be asserted only by the person who performed or caused the performance of the acts necessary to establish the defense as well as any other entity that controls, is controlled by, or is under common control with such person and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates. Notwithstanding the preceding sentence, any person may, on its own behalf, assert a defense based on the exhaustion of rights provided under paragraph (3), including any necessary elements thereof.”

(c) VIRTUAL MARKING.—Section 287(a) of title 35, United States Code, is amended by inserting “, or by fixing thereon the word ‘patent’ or the abbreviation ‘pat.’ together with an address of a posting on the Internet, accessible to the public without charge for accessing the address, that associates the patented article with the number of the patent” before “, or when”.

(d) ADVICE OF COUNSEL.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following:

“§ 298. Advice of Counsel

“The failure of an infringer to obtain the advice of counsel with respect to any allegedly infringed patent or the failure of the infringer to present such advice to the court or jury may not be used to prove that the accused infringer willfully infringed the patent or that the infringer intended to induce infringement of the patent.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. 5. POST-GRANT REVIEW PROCEEDINGS.

(a) INTER PARTES REVIEW.—Chapter 31 of title 35, United States Code, is amended to read as follows:

“CHAPTER 31—INTER PARTES REVIEW

“Sec.

“311. Inter partes review.

“312. Petitions.

“313. Preliminary response to petition.

“314. Institution of inter partes review.

“315. Relation to other proceedings or actions.

“316. Conduct of inter partes review.

“317. Settlement.

“318. Decision of the board.

“319. Appeal.

“§ 311. Inter partes review

“(a) IN GENERAL.—Subject to the provisions of this chapter, a person who is not the patent owner may file with the Office a petition to institute an inter partes review for a patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the review.

“(b) SCOPE.—A petitioner in an inter partes review may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

“(c) FILING DEADLINE.—A petition for inter partes review shall be filed after the later of either—

“(1) 9 months after the grant of a patent or issuance of a reissue of a patent; or

“(2) if a post-grant review is instituted under chapter 32, the date of the termination of such post-grant review.

“§ 312. Petitions

“(a) REQUIREMENTS OF PETITION.—A petition filed under section 311 may be considered only if—

“(1) the petition is accompanied by payment of the fee established by the Director under section 311;

“(2) the petition identifies all real parties in interest;

“(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

“(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

“(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on expert opinions;

“(4) the petition provides such other information as the Director may require by regulation; and

“(5) the petitioner provides copies of any of the documents required under paragraphs (2), (3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

“(b) PUBLIC AVAILABILITY.—As soon as practicable after the receipt of a petition under section 311, the Director shall make the petition available to the public.

“§ 313. Preliminary response to petition

“(a) PRELIMINARY RESPONSE.—If an inter partes review petition is filed under section 311, the patent owner shall have the right to file a preliminary response within a time period set by the Director.

“(b) CONTENT OF RESPONSE.—A preliminary response to a petition for inter partes review shall set forth reasons why no inter partes review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

“§ 314. Institution of inter partes review

“(a) THRESHOLD.—The Director may not authorize an inter partes review to commence unless the Director determines that the information presented in the petition filed under section 311 and any response filed

under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

“(b) TIMING.—The Director shall determine whether to institute an inter partes review under this chapter within 3 months after receiving a preliminary response under section 313 or, if none is filed, within three months after the expiration of the time for filing such a response.

“(c) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director’s determination under subsection (a), and shall make such notice available to the public as soon as is practicable. Such notice shall list the date on which the review shall commence.

“(d) NO APPEAL.—The determination by the Director whether to institute an inter partes review under this section shall be final and nonappealable.

“§ 315. Relation to other proceedings or actions

“(a) INFRINGER’S ACTION.—An inter partes review may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

“(b) PATENT OWNER’S ACTION.—An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.

“(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

“(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of an inter partes review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the inter partes review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding.

“(e) ESTOPPEL.—

“(1) PROCEEDINGS BEFORE THE OFFICE.—The petitioner in an inter partes review under this chapter, or his real party in interest or privy, may not request or maintain a proceeding before the Office with respect to a claim on any ground that the petitioner raised or reasonably could have raised during an inter partes review of the claim that resulted in a final written decision under section 318(a).

“(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—The petitioner in an inter partes review under this chapter, or his real party in interest or privy, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised or reasonably could have raised during an inter partes review of the claim that resulted in a final written decision under section 318(a).

“§ 316. Conduct of inter partes review

“(a) REGULATIONS.—The Director shall prescribe regulations—

“(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal, and such petition or document shall be treated as sealed pending the outcome of the ruling on the motion;

“(2) setting forth the standards for the showing of sufficient grounds to institute a review under section 314(a);

“(3) establishing procedures for the submission of supplemental information after the petition is filed;

“(4) in accordance with section 2(b)(2), establishing and governing inter partes review under this chapter and the relationship of such review to other proceedings under this title;

“(5) setting a time period for requesting joinder under section 315(c);

“(6) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to—

“(A) the deposition of witnesses submitting affidavits or declarations; and

“(B) what is otherwise necessary in the interest of justice;

“(7) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

“(8) providing for protective orders governing the exchange and submission of confidential information;

“(9) allowing the patent owner to file a response to the petition after an inter partes review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

“(10) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

“(11) providing either party with the right to an oral hearing as part of the proceeding; and

“(12) requiring that the final determination in an inter partes review be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 315(c).

“(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

“(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each proceeding authorized by the Director.

“(d) AMENDMENT OF THE PATENT.—

“(1) IN GENERAL.—During an inter partes review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

“(A) Cancel any challenged patent claim.

“(B) For each challenged claim, propose a reasonable number of substitute claims.

“(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 317, or as permitted by regulations prescribed by the Director.

“(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

“(e) EVIDENTIARY STANDARDS.—In an inter partes review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

“§ 317. Settlement

“(a) IN GENERAL.—An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the inter partes review is terminated with respect to a petitioner under this section, no estoppel under section 315(e) shall apply to that petitioner. If no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).

“(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an inter partes review under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of the inter partes review as between the parties. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the inter partes review, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

“§ 318. Decision of the board

“(a) FINAL WRITTEN DECISION.—If an inter partes review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 316(d).

“(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

“§ 319. Appeal

“A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) may appeal the decision pursuant to sections 141 through 144. Any party to the inter partes review shall have the right to be a party to the appeal.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by

striking the item relating to chapter 31 and inserting the following:

“31. Inter Partes Review 311.”

(c) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 31 of title 35, United States Code, as amended by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply to all patents issued before, on, or after the effective date of subsection (a).

(B) EXCEPTION.—The provisions of chapter 31 of title 35, United States Code, as amended by paragraph (3), shall continue to apply to requests for inter partes reexamination that are filed prior to the effective date of subsection (a) as if subsection (a) had not been enacted.

(C) GRADUATED IMPLEMENTATION.—The Director may impose a limit on the number of inter partes reviews that may be instituted during each of the first 4 years following the effective date of subsection (a), provided that such number shall in each year be equivalent to or greater than the number of inter partes reexaminations that are ordered in the last full fiscal year prior to the effective date of subsection (a).

(3) TRANSITION.—

(A) IN GENERAL.—Chapter 31 of title 35, United States Code, is amended—

(i) in section 312—

(I) in subsection (a)—

(aa) in the first sentence, by striking “a substantial new question of patentability affecting any claim of the patent concerned is raised by the request,” and inserting “the information presented in the request shows that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request,”; and

(bb) in the second sentence, by striking “The existence of a substantial new question of patentability” and inserting “A showing that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request”; and

(II) in subsection (c), in the second sentence, by striking “no substantial new question of patentability has been raised,” and inserting “the showing required by subsection (a) has not been made,”; and

(i) in section 313, by striking “a substantial new question of patentability affecting a claim of the patent is raised” and inserting “it has been shown that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request”.

(B) APPLICATION.—The amendments made by this paragraph shall apply to requests for inter partes reexamination that are filed on or after the date of the enactment of this Act, but prior to the effective date of subsection (a).

(d) POST-GRANT REVIEW.—Part III of title 35, United States Code, is amended by adding at the end the following:

“CHAPTER 32—POST-GRANT REVIEW

“Sec.

“321. Post-grant review.

“322. Petitions.

“323. Preliminary response to petition.

“324. Institution of post-grant review.

“325. Relation to other proceedings or actions.

“326. Conduct of post-grant review.

“327. Settlement.

“328. Decision of the board.

“329. Appeal.

“§ 321. Post-grant review

“(a) IN GENERAL.—Subject to the provisions of this chapter, a person who is not the patent owner may file with the Office a petition to institute a post-grant review for a patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review.

“(b) SCOPE.—A petitioner in a post-grant review may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

“(c) FILING DEADLINE.—A petition for a post-grant review shall be filed not later than 9 months after the grant of the patent or issuance of a reissue patent.

“§ 322. Petitions

“(a) REQUIREMENTS OF PETITION.—A petition filed under section 321 may be considered only if—

“(1) the petition is accompanied by payment of the fee established by the Director under section 321;

“(2) the petition identifies all real parties in interest;

“(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

“(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

“(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

“(4) the petition provides such other information as the Director may require by regulation; and

“(5) the petitioner provides copies of any of the documents required under paragraphs (2), (3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

“(b) PUBLIC AVAILABILITY.—As soon as practicable after the receipt of a petition under section 321, the Director shall make the petition available to the public.

“§ 323. Preliminary response to petition

“(a) PRELIMINARY RESPONSE.—If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response within 2 months of the filing of the petition.

“(b) CONTENT OF RESPONSE.—A preliminary response to a petition for post-grant review shall set forth reasons why no post-grant review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

“§ 324. Institution of post-grant review

“(a) THRESHOLD.—The Director may not authorize a post-grant review to commence unless the Director determines that the information presented in the petition, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.

“(b) ADDITIONAL GROUNDS.—The determination required under subsection (a) may also be satisfied by a showing that the peti-

tion raises a novel or unsettled legal question that is important to other patents or patent applications.

“(c) TIMING.—The Director shall determine whether to institute a post-grant review under this chapter within 3 months after receiving a preliminary response under section 323 or, if none is filed, the expiration of the time for filing such a response.

“(d) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a) or (b), and shall make such notice available to the public as soon as is practicable. The Director shall make each notice of the institution of a post-grant review available to the public. Such notice shall list the date on which the review shall commence.

“(e) NO APPEAL.—The determination by the Director whether to institute a post-grant review under this section shall be final and nonappealable.

“§ 325. Relation to other proceedings or actions

“(a) INFRINGER'S ACTION.—A post-grant review may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

“(b) PATENT OWNER'S ACTION.—A post-grant review may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.

“(c) JOINDER.—If more than 1 petition for a post-grant review is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants the institution of a post-grant review under section 324, the Director may consolidate such reviews into a single post-grant review.

“(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the post-grant review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding. In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

“(e) ESTOPPEL.—

“(1) PROCEEDINGS BEFORE THE OFFICE.—The petitioner in a post-grant review under this chapter, or his real party in interest or privy, may not request or maintain a proceeding before the Office with respect to a claim on any ground that the petitioner raised or reasonably could have raised during a post-grant review of the claim that resulted in a final written decision under section 328(a).

“(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—The petitioner in a post-grant review under this chapter, or his real party in interest or privy, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised during a post-grant review of the claim that resulted in a final written decision under section 328(a).

“(f) PRELIMINARY INJUNCTIONS.—If a civil action alleging infringement of a patent is filed within 3 months of the grant of the patent, the court may not stay its consideration of the patent owner's motion for a preliminary injunction against infringement of the patent on the basis that a petition for post-grant review has been filed or that such a proceeding has been instituted.

“(g) REISSUE PATENTS.—A post-grant review may not be instituted if the petition requests cancellation of a claim in a reissue patent that is identical to or narrower than a claim in the original patent from which the reissue patent was issued, and the time limitations in section 321(c) would bar filing a petition for a post-grant review for such original patent.

“§ 326. Conduct of post-grant review

“(a) REGULATIONS.—The Director shall prescribe regulations—

“(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal, and such petition or document shall be treated as sealed pending the outcome of the ruling on the motion;

“(2) setting forth the standards for the showing of sufficient grounds to institute a review under subsections (a) and (b) of section 324;

“(3) establishing procedures for the submission of supplemental information after the petition is filed;

“(4) in accordance with section 2(b)(2), establishing and governing a post-grant review under this chapter and the relationship of such review to other proceedings under this title;

“(5) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding;

“(6) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

“(7) providing for protective orders governing the exchange and submission of confidential information;

“(8) allowing the patent owner to file a response to the petition after a post-grant review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

“(9) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

“(10) providing either party with the right to an oral hearing as part of the proceeding; and

“(11) requiring that the final determination in any post-grant review be issued not later than 1 year after the date on which the Director notices the institution of a proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months,

and may adjust the time periods in this paragraph in the case of joinder under section 325(c).

“(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

“(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each proceeding authorized by the Director.

“(d) AMENDMENT OF THE PATENT.—

“(1) IN GENERAL.—During a post-grant review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

“(A) Cancel any challenged patent claim.

“(B) For each challenged claim, propose a reasonable number of substitute claims.

“(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 327, or upon the request of the patent owner for good cause shown.

“(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

“(e) EVIDENTIARY STANDARDS.—In a post-grant review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

“§ 327. Settlement

“(a) IN GENERAL.—A post-grant review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the post-grant review is terminated with respect to a petitioner under this section, no estoppel under section 325(e) shall apply to that petitioner. If no petitioner remains in the post-grant review, the Office may terminate the post-grant review or proceed to a final written decision under section 328(a).

“(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review under this section shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office before the termination of the post-grant review as between the parties. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the post-grant review, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

“§ 328. Decision of the board

“(a) FINAL WRITTEN DECISION.—If a post-grant review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 326(d).

“(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision

under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

“§ 329. Appeal

“A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 328(a) may appeal the decision pursuant to sections 141 through 144. Any party to the post-grant review shall have the right to be a party to the appeal.”

(e) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

“32. Post-Grant Review 321.”

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (d) of this section.

(2) APPLICABILITY.—The amendments made by subsection (d) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply only to patents issued on or after that date. The Director may impose a limit on the number of post-grant reviews that may be instituted during each of the 4 years following the effective date of subsection (d).

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date of subsection (d) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a petition for a post-grant review under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1). For purposes of an interference that is commenced before the effective date of subsection (d), the Director may deem the Patent Trial and Appeal Board to be the Board of Patent Appeals and Interferences, and may allow the Patent Trial and Appeal Board to conduct any further proceedings in that interference. The authorization to appeal or have remedy from derivation proceedings in sections 141(d) and 146 of title 35, United States Code, and the jurisdiction to entertain appeals from derivation proceedings in section 1295(a)(4)(A) of title 28, United States Code, shall be deemed to extend to final decisions in interferences that are commenced before the effective date of subsection (d) and that are not dismissed pursuant to this paragraph.

(g) CITATION OF PRIOR ART AND WRITTEN STATEMENTS.—

(1) IN GENERAL.—Section 301 of title 35, United States Code, is amended to read as follows:

“§ 301. Citation of prior art and written statements

“(a) IN GENERAL.—Any person at any time may cite to the Office in writing—

“(1) prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent; or

“(2) statements of the patent owner filed in a proceeding before a Federal court or the Office in which the patent owner took a posi-

tion on the scope of any claim of a particular patent.

“(b) OFFICIAL FILE.—If the person citing prior art or written statements pursuant to subsection (a) explains in writing the pertinence and manner of applying the prior art or written statements to at least 1 claim of the patent, the citation of the prior art or written statements and the explanation thereof shall become a part of the official file of the patent.

“(c) ADDITIONAL INFORMATION.—A party that submits a written statement pursuant to subsection (a)(2) shall include any other documents, pleadings, or evidence from the proceeding in which the statement was filed that addresses the written statement.

“(d) LIMITATIONS.—A written statement submitted pursuant to subsection (a)(2), and additional information submitted pursuant to subsection (c), shall not be considered by the Office for any purpose other than to determine the proper meaning of a patent claim in a proceeding that is ordered or instituted pursuant to section 304, 314, or 324. If any such written statement or additional information is subject to an applicable protective order, it shall be redacted to exclude information that is subject to that order.

“(e) CONFIDENTIALITY.—Upon the written request of the person citing prior art or written statements pursuant to subsection (a), that person's identity shall be excluded from the patent file and kept confidential.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that effective date.

(h) REEXAMINATION.—

(1) DETERMINATION BY DIRECTOR.—

(A) IN GENERAL.—Section 303(a) of title 35, United States Code, is amended by striking “section 301 of this title” and inserting “section 301 or 302”.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that effective date.

(2) APPEAL.—

(A) IN GENERAL.—Section 306 of title 35, United States Code, is amended by striking “145” and inserting “144”.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on the date of enactment of this Act and shall apply to appeals of reexaminations that are pending before the Board of Patent Appeals and Interferences or the Patent Trial and Appeal Board on or after the date of the enactment of this Act.

SEC. 6. PATENT TRIAL AND APPEAL BOARD.

(a) COMPOSITION AND DUTIES.—Section 6 of title 35, United States Code, is amended to read as follows:

“§ 6. Patent Trial and Appeal Board

“(a) There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary, in consultation with the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

“(b) The Patent Trial and Appeal Board shall—

“(1) on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a);

“(2) review appeals of reexaminations pursuant to section 134(b);

“(3) conduct derivation proceedings pursuant to section 135; and

“(4) conduct inter partes reviews and post-grant reviews pursuant to chapters 31 and 32.

“(c) Each appeal, derivation proceeding, post-grant review, and inter partes review shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.

“(d) The Secretary of Commerce may, in his discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge. It shall be a defense to a challenge to the appointment of an administrative patent judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.”.

(b) ADMINISTRATIVE APPEALS.—Section 134 of title 35, United States Code, is amended—

(1) in subsection (b), by striking “any reexamination proceeding” and inserting “a reexamination”; and

(2) by striking subsection (c).

(c) CIRCUIT APPEALS.—

(1) IN GENERAL.—Section 141 of title 35, United States Code, is amended to read as follows:

“§ 141. Appeal to the Court of Appeals for the Federal Circuit

“(a) EXAMINATIONS.—An applicant who is dissatisfied with the final decision in an appeal to the Patent Trial and Appeal Board under section 134(a) may appeal the Board's decision to the United States Court of Appeals for the Federal Circuit. By filing such an appeal, the applicant waives his right to proceed under section 145.

“(b) REEXAMINATIONS.—A patent owner who is dissatisfied with the final decision in an appeal of a reexamination to the Patent Trial and Appeal Board under section 134(b) may appeal the Board's decision only to the United States Court of Appeals for the Federal Circuit.

“(c) POST-GRANT AND INTER PARTES REVIEWS.—A party to a post-grant or inter partes review who is dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) or 328(a) may appeal the Board's decision only to the United States Court of Appeals for the Federal Circuit.

“(d) DERIVATION PROCEEDINGS.—A party to a derivation proceeding who is dissatisfied with the final decision of the Patent Trial and Appeal Board on the proceeding may appeal the decision to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such derivation proceeding, within 20 days after the appellant has filed notice of appeal in accordance with section 142, files notice with the Director that the party elects to have all further proceedings conducted as provided in section 146. If the appellant does not, within 30 days after the filing of such notice by the adverse party, file a civil action under section 146, the Board's decision shall govern the further proceedings in the case.”.

(2) JURISDICTION.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

“(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, reexaminations, post-grant reviews, and inter partes reviews at the instance of a party who exercised his right to participate in a proceeding before or appeal to the Board, except that an applicant or a party to a derivation proceeding may also have remedy by civil action pursuant to section 145 or 146 of title 35. An appeal under this subparagraph of a decision of the Board with respect to an application or derivation proceeding shall waive the right of such applicant or party to proceed under section 145 or 146 of title 35.”.

(3) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended—

(A) by striking the third sentence and inserting the following: “In an ex parte case, the Director shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all of the issues raised in the appeal. The Director shall have the right to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board in a derivation proceeding under section 135 or in an inter partes or post-grant review under chapter 31 or 32.”; and

(B) by repealing the second of the two identical fourth sentences.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date, except that—

(1) the extension of jurisdiction to the United States Court of Appeals for the Federal Circuit to entertain appeals of decisions of the Patent Trial and Appeal Board in reexaminations under the amendment made by subsection (c)(2) shall be deemed to take effect on the date of enactment of this Act and shall extend to any decision of the Board of Patent Appeals and Interferences with respect to a reexamination that is entered before, on, or after the date of the enactment of this Act;

(2) the provisions of sections 6, 134, and 141 of title 35, United States Code, in effect on the day prior to the date of the enactment of this Act shall continue to apply to inter partes reexaminations that are requested under section 311 prior to the date that is 1 year after the date of the enactment of this Act;

(3) the Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of appeals of inter partes reexaminations that are requested under section 311 prior to the date that is 1 year after the date of the enactment of this Act; and

(4) the Director's right under the last sentence of section 143 of title 35, United States Code, as amended by subsection (c)(3), to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board shall be deemed to extend to inter partes reexaminations that are requested under section 311 prior to the date that is 1 year after the date of the enactment of this Act.

SEC. 7. PREISSUANCE SUBMISSIONS BY THIRD PARTIES.

(a) IN GENERAL.—Section 122 of title 35, United States Code, is amended by adding at the end the following:

“(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

“(1) IN GENERAL.—Any third party may submit for consideration and inclusion in the

record of a patent application, any patent, published patent application, or other printed publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

“(A) the date a notice of allowance under section 151 is given or mailed in the application for patent; or

“(B) the later of—

“(i) 6 months after the date on which the application for patent is first published under section 122 by the Office, or

“(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent.

“(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

“(A) set forth a concise description of the asserted relevance of each submitted document;

“(B) be accompanied by such fee as the Director may prescribe; and

“(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to patent applications filed before, on, or after that effective date.

SEC. 8. VENUE.

(a) CHANGE OF VENUE.—Section 1400 of title 28, United States Code, is amended by adding at the end the following:

“(c) CHANGE OF VENUE.—For the convenience of parties and witnesses, in the interest of justice, a district court shall transfer any civil action arising under any Act of Congress relating to patents upon a showing that the transferee venue is clearly more convenient than the venue in which the civil action is pending.”.

(b) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 21(b)(4) of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”; 15 U.S.C. 1071(b)(4)), are each amended by striking “United States District Court for the District of Columbia” each place that term appears and inserting “United States District Court for the Eastern District of Virginia”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to civil actions commenced on or after that date.

SEC. 9. FEE SETTING AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code, or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113), or any other fee established or charged by the Office under any other provision of law, notwithstanding the fee amounts established or charged thereunder, for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services and materials

relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

(2) **SMALL AND MICRO ENTITIES.**—The fees established under paragraph (1) for filing, processing, issuing, and maintaining patent applications and patents shall be reduced by 50 percent with respect to their application to any small entity that qualifies for reduced fees under section 41(h)(1) of title 35, United States Code, and shall be reduced by 75 percent with respect to their application to any micro entity as defined in section 123 of that title.

(3) **REDUCTION OF FEES IN CERTAIN FISCAL YEARS.**—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after the consultation required under subparagraph (A), may reduce such fees.

(4) **ROLE OF THE PUBLIC ADVISORY COMMITTEE.**—The Director shall—

(A) submit to the Patent Public Advisory Committee or the Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final rule setting or adjusting fees under paragraph (1).

(5) **PUBLICATION IN THE FEDERAL REGISTER.**—

(A) **IN GENERAL.**—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) **RATIONALE.**—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) **PUBLIC COMMENT PERIOD.**—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(6) **CONGRESSIONAL COMMENT PERIOD.**—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any final rule setting or adjusting fees under paragraph (1). No fee set or adjusted under paragraph (1) shall be effective prior to the end of such 45-day comment period.

(7) **RULE OF CONSTRUCTION.**—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under title 35, United States Code, or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) **FEES FOR PATENT SERVICES.**—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005—

(1) in subsections (a), (b), and (c) of section 801, by—

(A) striking “During” and all that follows through “2006, subsection” and inserting “Subsection”; and

(B) striking “shall be administered as though that subsection reads” and inserting “is amended to read”;

(2) in subsection (d) of section 801, by striking “During” and all that follows through “2006, subsection” and inserting “Subsection”; and

(3) in subsection (e) of section 801, by—

(A) striking “During” and all that follows through “2006, subsection” and inserting “Subsection”; and

(B) striking “shall be administered as though that subsection”.

(c) **ADJUSTMENT OF TRADEMARK FEES.**—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking “During fiscal years 2005, 2006 and 2007”, and inserting “Until such time as the Director sets or adjusts the fees otherwise.”.

(d) **EFFECTIVE DATE, APPLICABILITY, AND TRANSITION PROVISIONS.**—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking “and shall apply only with respect to the remaining portion of fiscal year 2005, 2006 and 2007”.

(e) **STATUTORY AUTHORITY.**—Section 41(d)(1)(A) of title 35, United States Code, is amended by striking “, and the Director may not increase any such fee thereafter”.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108-447, including section 801(c) of title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(g) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) **OFFICE.**—The term “Office” means the United States Patent and Trademark Office.

(3) **TRADEMARK ACT OF 1946.**—The term “Trademark Act of 1946” means an Act entitled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

(h) **ELECTRONIC FILING INCENTIVE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this section, a fee of \$400 shall be established for each application for an original patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director. The fee established by this subsection shall be reduced 50 percent for small entities that qualify for reduced fees under section

41(h)(1) of title 35, United States Code. All fees paid under this subsection shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(2) **EFFECTIVE DATE.**—This subsection shall become effective 60 days after the date of the enactment of this Act.

(i) **EFFECTIVE DATE.**—Except as provided in subsection (h), the provisions of this section shall take effect upon the date of the enactment of this Act.

SEC. 10. SUPPLEMENTAL EXAMINATION.

(a) **IN GENERAL.**—Chapter 25 of title 35, United States Code, is amended by adding at the end the following:

“§ 257. Supplemental examinations to consider, reconsider, or correct information

“(a) **IN GENERAL.**—A patent owner may request supplemental examination of a patent in the Office to consider, reconsider, or correct information believed to be relevant to the patent. Within 3 months of the date a request for supplemental examination meeting the requirements of this section is received, the Director shall conduct the supplemental examination and shall conclude such examination by issuing a certificate indicating whether the information presented in the request raises a substantial new question of patentability.

“(b) **REEXAMINATION ORDERED.**—If a substantial new question of patentability is raised by 1 or more items of information in the request, the Director shall order reexamination of the patent. The reexamination shall be conducted according to procedures established by chapter 30, except that the patent owner shall not have the right to file a statement pursuant to section 304. During the reexamination, the Director shall address each substantial new question of patentability identified during the supplemental examination, notwithstanding the limitations therein relating to patents and printed publication or any other provision of chapter 30.

“(c) **EFFECT.**—

“(1) **IN GENERAL.**—A patent shall not be held unenforceable on the basis of conduct relating to information that had not been considered, was inadequately considered, or was incorrect in a prior examination of the patent if the information was considered, reconsidered, or corrected during a supplemental examination of the patent. The making of a request under subsection (a), or the absence thereof, shall not be relevant to enforceability of the patent under section 282.

“(2) **EXCEPTIONS.**—

“(A) **PRIOR ALLEGATIONS.**—This subsection shall not apply to an allegation pled with particularity, or set forth with particularity in a notice received by the patent owner under section 505(j)(2)(B)(iv)(II) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(B)(iv)(II)), before the date of a supplemental-examination request under subsection (a) to consider, reconsider, or correct information forming the basis for the allegation.

“(B) **PATENT ENFORCEMENT ACTIONS.**—In an action brought under section 337(a) of the Tariff Act of 1930 (19 U.S.C. 1337(a)), or section 281 of this title, this subsection shall not apply to any defense raised in the action that is based upon information that was considered, reconsidered, or corrected pursuant to a supplemental-examination request under subsection (a) unless the supplemental examination, and any reexamination ordered pursuant to the request, are concluded before the date on which the action is brought.

“(d) **FEES AND REGULATIONS.**—The Director shall, by regulation, establish fees for the

submission of a request for supplemental examination of a patent, and to consider each item of information submitted in the request. If reexamination is ordered pursuant to subsection (a), fees established and applicable to ex parte reexamination proceedings under chapter 30 shall be paid in addition to fees applicable to supplemental examination. The Director shall promulgate regulations governing the form, content, and other requirements of requests for supplemental examination, and establishing procedures for conducting review of information submitted in such requests.

“(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

“(1) to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition);

“(2) to limit the authority of the Director to investigate issues of possible misconduct and impose sanctions for misconduct in connection with matters or proceedings before the Office; or

“(3) to limit the authority of the Director to promulgate regulations under chapter 3 relating to sanctions for misconduct by representatives practicing before the Office.”

(b) **EFFECTIVE DATE.**—This section shall take effect 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that date.

SEC. 11. RESIDENCY OF FEDERAL CIRCUIT JUDGES.

(a) **RESIDENCY.**—The second sentence of section 44(c) of title 28, United States Code, is repealed.

(b) **FACILITIES.**—Section 44 of title 28, United States Code, is amended by adding at the end the following:

“(e)(1) The Director of the Administrative Office of the United States Courts shall provide—

“(A) a judge of the Federal judicial circuit who lives within 50 miles of the District of Columbia with appropriate facilities and administrative support services in the District of the District of Columbia; and

“(B) a judge of the Federal judicial circuit who does not live within 50 miles of the District of Columbia with appropriate facilities and administrative support services—

“(i) in the district and division in which that judge resides; or

“(ii) if appropriate facilities are not available in the district and division in which that judge resides, in the district and division closest to the residence of that judge in which such facilities are available, as determined by the Director.

“(2) Nothing in this subsection may be construed to authorize or require the construction of new facilities.”

SEC. 12. MICRO ENTITY DEFINED.

Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

“§ 123. Micro entity defined

“(a) **IN GENERAL.**—For purposes of this title, the term ‘micro entity’ means an applicant who makes a certification under either subsection (b) or (c).

“(b) **UNASSIGNED APPLICATION.**—For an unassigned application, each applicant shall certify that the applicant—

“(1) qualifies as a small entity, as defined in regulations issued by the Director;

“(2) has not been named on 5 or more previously filed patent applications;

“(3) has not assigned, granted, or conveyed, and is not under an obligation to con-

tract or law to assign, grant, or convey, a license or any other ownership interest in the particular application; and

“(4) does not have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

“(c) **ASSIGNED APPLICATION.**—For an assigned application, each applicant shall certify that the applicant—

“(1) qualifies as a small entity, as defined in regulations issued by the Director, and meets the requirements of subsection (b)(4);

“(2) has not been named on 5 or more previously filed patent applications; and

“(3) has assigned, granted, conveyed, or is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the particular application to an entity that has 5 or fewer employees and that such entity has a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), that does not exceed 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

“(d) **INCOME LEVEL ADJUSTMENT.**—The gross income levels established under subsections (b) and (c) shall be adjusted by the Director on October 1, 2009, and every year thereafter, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index, as determined by the Secretary of Labor.”

SEC. 13. FUNDING AGREEMENTS.

(a) **IN GENERAL.**—Section 202(c)(7)(E)(i) of title 35, United States Code, is amended—

(1) by striking “75 percent” and inserting “15 percent”; and

(2) by striking “25 percent” and inserting “85 percent”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to patents issued before, on, or after that date.

SEC. 14. TAX STRATEGIES DEEMED WITHIN THE PRIOR ART.

(a) **IN GENERAL.**—For purposes of evaluating an invention under section 102 or 103 of title 35, United States Code, any strategy for reducing, avoiding, or deferring tax liability, whether known or unknown at the time of the invention or application for patent, shall be deemed insufficient to differentiate a claimed invention from the prior art.

(b) **DEFINITION.**—For purposes of this section, the term “tax liability” refers to any liability for a tax under any Federal, State, or local law, or the law of any foreign jurisdiction, including any statute, rule, regulation, or ordinance that levies, imposes, or assesses such tax liability.

(c) **EFFECTIVE DATE; APPLICABILITY.**—This section shall take effect on the date of enactment of this Act and shall apply to any patent application pending and any patent issued on or after that date.

SEC. 15. BEST MODE REQUIREMENT.

(a) **IN GENERAL.**—Section 282 of title 35, United States Code, is amended in its second undesignated paragraph by striking paragraph (3) and inserting the following:

“(3) Invalidity of the patent or any claim in suit for failure to comply with—

“(A) any requirement of section 112, except that the failure to disclose the best mode shall not be a basis on which any claim of a patent may be canceled or held invalid or otherwise unenforceable; or

“(B) any requirement of section 251.”

(b) **CONFORMING AMENDMENT.**—Sections 119(e)(1) and 120 of title 35, United States Code, are each amended by striking “the first paragraph of section 112 of this title” and inserting “section 112(a) (other than the requirement to disclose the best mode)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to proceedings commenced on or after that date.

SEC. 16. TECHNICAL AMENDMENTS.

(a) **JOINT INVENTIONS.**—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “When” and inserting “(a) **JOINT INVENTIONS.**—When”;

(2) in the second paragraph, by striking “If a joint inventor” and inserting “(b) **OMITTED INVENTOR.**—If a joint inventor”; and

(3) in the third paragraph—

(A) by striking “Whenever” and inserting “(c) **CORRECTION OF ERRORS IN APPLICATION.**—Whenever”; and

(B) by striking “and such error arose without any deceptive intent on his part.”

(b) **FILING OF APPLICATION IN FOREIGN COUNTRY.**—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “Except when” and inserting “(a) **FILING IN FOREIGN COUNTRY.**—Except when”; and

(B) by striking “and without deceptive intent”;

(2) in the second paragraph, by striking “The term” and inserting “(b) **APPLICATION.**—The term”; and

(3) in the third paragraph, by striking “The scope” and inserting “(c) **SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.**—The scope”.

(c) **FILING WITHOUT A LICENSE.**—Section 185 of title 35, United States Code, is amended by striking “and without deceptive intent”.

(d) **REISSUE OF DEFECTIVE PATENTS.**—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “Whenever” and inserting “(a) **IN GENERAL.**—Whenever”; and

(B) by striking “without any deceptive intention”;

(2) in the second paragraph, by striking “The Director” and inserting “(b) **MULTIPLE REISSUED PATENTS.**—The Director”;

(3) in the third paragraph, by striking “The provisions” and inserting “(c) **APPLICABILITY OF THIS TITLE.**—The provisions”; and

(4) in the last paragraph, by striking “No reissued patent” and inserting “(d) **REISSUE PATENT ENLARGING SCOPE OF CLAIMS.**—No reissued patent”.

(e) **EFFECT OF REISSUE.**—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “Whenever, without any deceptive intention” and inserting “(a) **IN GENERAL.**—Whenever”; and

(2) in the second paragraph, by striking “in like manner” and inserting “(b) **ADDITIONAL DISCLAIMER OR DEDICATION.**—In the manner set forth in subsection (a).”

(f) **CORRECTION OF NAMED INVENTOR.**—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “Whenever” and inserting “(a) **CORRECTION.**—Whenever”; and

(B) by striking “and such error arose without any deceptive intention on his part”; and

(2) in the second paragraph, by striking “The error” and inserting “(b) **PATENT VALID IF ERROR CORRECTED.**—The error”.

(g) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking “A patent” and inserting “(a) IN GENERAL.—A patent”; and

(B) by striking the third sentence;

(2) in the second undesignated paragraph, by striking “The following” and inserting “(b) DEFENSES.—The following”; and

(3) in the third undesignated paragraph, by striking “In actions” and inserting “(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions”.

(h) ACTION FOR INFRINGEMENT.—Section 288 of title 35, United States Code, is amended by striking “, without deceptive intention,”.

(i) REVISER'S NOTES.—

(1) Section 3(e)(2) of title 35, United States Code, is amended by striking “this Act,” and inserting “that Act,”.

(2) Section 202(b)(3) of title 35, United States Code, is amended by striking “the section 203(b)” and inserting “section 203(b)”; and

(3) Section 209(d)(1) of title 35, United States Code, is amended by striking “nontransferable” and inserting “non-transferable”.

(4) Section 287(c)(2)(G) of title 35, United States Code, is amended by striking “any state” and inserting “any State”.

(5) Section 371(b) of title 35, United States Code, is amended by striking “of the treaty” and inserting “of the treaty.”.

(j) UNNECESSARY REFERENCES.—

(1) IN GENERAL.—Title 35, United States Code, is amended by striking “of this title” each place that term appears.

(2) EXCEPTION.—The amendment made by paragraph (1) shall not apply to the use of such term in the following sections of title 35, United States Code:

(A) Section 1(c).

(B) Section 101.

(C) Subsections (a) and (b) of section 105.

(D) The first instance of the use of such term in section 111(b)(8).

(E) Section 157(a).

(F) Section 161.

(G) Section 164.

(H) Section 171.

(I) Section 251(c), as so designated by this section.

(J) Section 261.

(K) Subsections (g) and (h) of section 271.

(L) Section 287(b)(1).

(M) Section 289.

(N) The first instance of the use of such term in section 375(a).

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date.

SEC. 17. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 1 year after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(c) of title 35, United States Code, under section 2(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108-453; the “CREATE Act”), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trade-

mark Office shall administer section 102(c) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

Mr. HATCH. Mr. President, I rise to express support for the Patent Reform Act of 2011, S. 23, introduced today by Senate Judiciary Committee Chairman PATRICK LEAHY. Senator LEAHY and I, along with a number of our colleagues, have worked for years to enact much-needed reform to our Nation's patent system.

Last Congress, the Managers' Amendment to the Patent Reform Act of 2009, S. 515, enjoyed strong bipartisan support for Senate floor consideration and passage; the momentum undoubtedly will continue under the leadership of Judiciary Committee Chairman LEAHY and Ranking Minority Member CHARLES GRASSLEY. Similarly, House Judiciary Committee Chairman LAMAR SMITH and Ranking Minority Member JOHN CONYERS are true partners in this important legislation. They share the same desire to streamline our patent system in a way that will improve the clarity and quality of patents issued by the U.S. Patent and Trademark Office, USPTO, which in return will provide greater confidence in their validity and enforcement.

I have said this before, but it bears repeating: we must ensure that our patent system is as strong and vibrant as possible, not only to protect our country's premier position as the world leader in innovation, but also to secure our economic future. Patents encourage technological advancement by providing incentives to invent, invest in, and disclose new technology. Now, more than ever, it is important to ensure efficiency and increased quality in the issuance of patents. This in turn will create an environment that fosters entrepreneurship and the creation of new jobs.

One single deployed patent has positive effects across almost all sectors of our economy. As a result, properly examined patents, promptly issued by the USPTO, creates jobs—jobs that are dedicated to developing and producing new products and services. Unfortunately, the current USPTO backlog of applications now exceeds 700,000 applications. The sheer volume of patent applications not only reflects the vibrant, innovative spirit that has made America a world-wide leader in science, engineering, and technology, but also represents dynamic economic growth waiting to be unleashed.

If enacted, the Patent Reform Act of 2011 would move the United States to a first-inventor-to-file system, which will bring greater harmony and improve our competitiveness. Also, among other things, the bill would improve the system for administratively challenging the validity of a patent at the USPTO; improve patent quality; create

a supplemental examination process for patent owners; prevent patents from being issued on claims for tax strategies; and provide fee-setting authority for the USPTO Director to ensure the Office is properly funded.

This bipartisan bill also contains provisions on venue; changes to the best mode; increased incentives for government laboratories to commercialize inventions; restrictions on false marking claims, and removes restrictions on the residency of Federal Circuit judges.

We have been working on this legislation since 2006. Reforming our patent system is a critical priority whose time has more than come. It is essential to growing our economy, creating jobs and promoting innovation in our Nation. I encourage my colleagues to join in this effort and help move this important legislation forward.

By Mrs. SHAHEEN (for herself, Mr. KIRK, and Mr. DURBIN):

S. 25. A bill to phase out the Federal sugar program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Unfair Giveaways and Restrictions Act of 2011” or “SUGAR Act of 2011”.

SEC. 2. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

“(1) LOANS.—The Secretary shall carry out this section through the use of recourse loans.”;

(2) by redesignating subsection (i) as subsection (j);

(3) by inserting after subsection (h) the following:

“(i) PHASED REDUCTION OF LOAN RATE.—For each of the 2012, 2013, and 2014 crops of sugar beets and sugarcane, the Secretary shall lower the loan rate for each succeeding crop in a manner that progressively and uniformly lowers the loan rate for sugar beets and sugarcane to \$0 for the 2015 crop.”; and

(4) in subsection (j) (as redesignated), by striking “2012” and inserting “2014”.

(b) PROSPECTIVE REPEAL.—Effective beginning with the 2015 crop of sugar beets and sugarcane, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is repealed.

SEC. 3. ELIMINATION OF SUGAR PRICE SUPPORT AND PRODUCTION ADJUSTMENT PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a processor of any of the 2015 or subsequent crops of sugarcane or sugar beets shall not be eligible for a loan under any provision of law with respect to the crop; and

(2) the Secretary of Agriculture may not make price support available, whether in the form of a loan, payment, purchase, or other operation, for any of the 2015 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.

(b) **TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.**—

(1) **IN GENERAL.**—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) **CONFORMING AMENDMENT.**—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking “sugar cane for sugar, sugar beets for sugar,”.

(c) **GENERAL POWERS.**—

(1) **SECTION 32 ACTIVITIES.**—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph—

(A) in paragraph (1), by inserting “(other than sugar beets and sugarcane)” after “commodities”; and

(B) in paragraph (3), by inserting “(other than sugar beets and sugarcane)” after “commodity”.

(2) **POWERS OF COMMODITY CREDIT CORPORATION.**—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting “, sugar beets, and sugarcane” after “tobacco”.

(3) **PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.**—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking “milk, sugar beets, and sugarcane” and inserting “, and milk”.

(4) **COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.**—Section 167 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7287) is repealed.

(5) **SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY.**—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

(6) **STORAGE FACILITY LOANS.**—Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971) is repealed.

(7) **FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.**—Effective beginning with the 2013 crop of sugar beets and sugarcane, section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(d) **TRANSITION PROVISIONS.**—This section and the amendments made by this section shall not affect the liability of any person under any provision of law as in effect before the application of this section and the amendments made by this section.

SEC. 4. TARIFF-RATE QUOTAS.

(a) **ESTABLISHMENT.**—Except as provided in subsection (c) and notwithstanding any other provision of law, not later than October 1, 2011, the Secretary of Agriculture shall develop and implement a program to increase the tariff-rate quotas for raw cane sugar and refined sugars for a quota year in a manner that ensures—

(1) a robust and competitive sugar processing industry in the United States; and

(2) an adequate supply of sugar at reasonable prices in the United States.

(b) **FACTORS.**—In determining the tariff-rate quotas necessary to satisfy the requirements of subsection (a), the Secretary shall consider the following:

(1) The quantity and quality of sugar that will be subject to human consumption in the United States during the quota year.

(2) The quantity and quality of sugar that will be available from domestic processing of sugarcane, sugar beets, and in-process beet sugar.

(3) The quantity of sugar that would provide for reasonable carryover stocks.

(4) The quantity of sugar that will be available from carryover stocks for human consumption in the United States during the quota year.

(5) Consistency with the obligations of the United States under international agreements.

(c) **EXEMPTION.**—Subsection (a) shall not include specialty sugar.

(d) **DEFINITIONS.**—In this section, the terms “quota year” and “human consumption” have the meaning such terms had under section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) (as in effect on the day before the date of the enactment of this Act).

SEC. 5. APPLICATION.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall apply beginning with the 2012 crop of sugar beets and sugarcane.

By Mrs. SHAHEEN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and to use the resulting revenues from such repeal for deficit reduction; to the Committee on Finance.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 26

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2011”.

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) **IN GENERAL.**—Section 613(a) of the Internal Revenue Code of 1986 is amended by inserting “(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)” after “In the case of the mines”.

(b) **GENERAL MINING LAWS DEFINED.**—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(f) **GENERAL MINING LAWS.**—For purposes of subsection (a), the term ‘general mining laws’ means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

(d) **USE OF RESULTING REVENUES FOR DEFICIT REDUCTION.**—The revenues resulting from the amendment made by subsection (a) shall not be appropriated or otherwise made available for any fiscal year, resulting in a reduction of the Federal budget deficit for

such fiscal year. If in any fiscal year there is no Federal budget deficit (determined without regard to such revenues), such revenues shall be used for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. DURBIN, Ms. COLLINS, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BROWN of Ohio, and Mr. SANDERS):

S. 27. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market; to the Committee on the Judiciary.

Mr. KOHL. Mr. Chairman, I rise today to introduce the Preserve Access to Affordable Generics Act. This bipartisan legislation will dramatically reduce prescription drug costs by preventing one of the most egregious, anti-consumer tactics ever devised to keep generic drugs off the market.

This amendment would combat “pay-for-delay” agreements between brand name and generic drug companies which delay entry of low-cost generic competition. These pay-for-delay agreements are estimated by the FTC to cost consumers \$3.5 billion each year, and are estimated by the CBO estimates to cost the federal government more than \$2.8 billion over the next decade in higher drug reimbursement payments.

In 2008, \$235 billion were spent on prescription drugs in the United States. Generic drugs play a crucial role in containing rising prescription drug costs, by offering consumers therapeutically identical alternatives to brand-name drugs, at a significantly reduced cost. Studies have shown that generic competition to brand name drugs can reduce drug prices by as much as 80 percent. However, in recent years generic entry has frequently been blocked by anti-competitive, anti-consumer agreements between brand-name and generic drug manufacturers that limit, delay, or otherwise prevent competition from generic drugs.

In pay-for-delay agreements, a brand-name drug manufacturer settles patent litigation by paying off a generic competitor with large amounts of cash, or other valuable consideration to stay off the market until expiration—or a time close to expiration—of the brand-name patent. For example, in 2006, the CEO of Cephalon, which makes the sleep disorder pill Provigil, praised the deals his company made with four generic drug-makers to keep generic versions of Provigil off the market until 2012. “We were able to get six more years of patent protection,” he said. “That’s \$4 billion in sales that no one expected.” Unfortunately, that \$4 billion came from the pockets of American consumers.

At their core, pay-for-delay agreements permit brand-name drug companies to pay off competitors not to compete. The brand name drug company wins because it reaps the profits from eliminating competition. The generic drug company wins because they get paid millions of dollars to do nothing more than drop their patent challenge. But consumers and the American taxpayer loses, to the tune of billions of dollars in higher drug costs every year.

Agreements between competitors, like these, are the most nefarious type of antitrust violation. Unfortunately, when the FTC has challenged "pay-for-delay" agreements, courts have favored big industry interests over consumers. Courts have wrongly concluded that this type of basic antitrust violation is immune from antitrust law because it involves the settlement of a patent challenge. In other words, it is permissible for competitors to collude to when it involves a patented drug and in order to keep lower cost drugs out of consumers' medicine cabinets. These misguided court rulings are what make passage of our legislation so vital.

For years, we have seen the use of anticompetitive agreements increase. From 2000 to 2004, there were twenty settlements of drug patent litigation, but we saw no pay-for-delay agreements because drug companies assumed they violated antitrust law. But, these settlements became all too prevalent following three courts of appeals decisions in 2005 which effectively found them to be per se legal and prevented the FTC from taking action on behalf of consumers against these settlements.

In the 2 years following these 2005 court decisions, 28 out of 61 patent settlements had provisions in which the brand name drug company made payments to the generic manufacturer in exchange for the generic manufacturer agreeing to delay entry of generic competition. Clearly, pay-for-delay agreements are not necessary to settle a case because during that same time, 33 cases settled without delaying entry to consumers in exchange for a payment.

Last fall, the FTC released a report which found a record 19 pay-for-delay settlements in fiscal year 2009, the highest ever recorded in a single year. This report convincingly demonstrates the danger these deals pose to consumers. Each of these deals will lead to higher drug costs for millions of consumers. Each of these deals cost the Federal Government large sums in taxpayer money in higher drug reimbursement costs. Each of these deals deprive consumers of needed drug competition. The time for action to stop these anticonsumer, anticompetitive back room deals is now.

Our legislation passed the Judiciary Committee last Congress with a strong bipartisan majority. The Judiciary Committee made several changes to

the legislation as it was introduced in the 111th Congress, and the legislation I am introducing today includes all of these changes. I believe the current version of this legislation represents a well balanced approach to this problem. Under my bill, these settlement agreements will be presumed to be illegal. However, the FTC will need to pursue legal action prior to these agreements being found illegal, and the drug companies will have an opportunity to convince the Judge why these agreement are not in fact anticompetitive. If found illegal, the FTC will have the authority to assess civil penalties up to three times the profits gained by the drug companies.

I believe this measure strikes the right balance. By presuming these agreements to be illegal, and armed with strong civil penalties, this bill will deter drug companies from entering into anti-competitive and anti-consumer "pay-for-delay" settlements in the first place. By giving the drug companies a hearing before a neutral tribunal, the drug companies will have their day in court to go forward with those agreements which truly do not harm competition.

The evidence is clear. These "pay-for-delay" agreements between brand name and generic drug companies deny consumers the benefits of generic drug competition and costs consumers and the Federal Government billions of dollars. My legislation will give the FTC strong remedies to prevent these agreements when it concludes they harm competition. Millions and millions of Americans that struggle to pay their prescription drug costs and who need low priced generic alternatives are awaiting action on this amendment. I urge my colleagues support for the Preserve Access to Affordable Generics Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 27

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserve Access to Affordable Generics Act".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In 1984, the Drug Price Competition and Patent Term Restoration Act (Public Law 98-417) (referred to in this Act as the "1984 Act"), was enacted with the intent of facilitating the early entry of generic drugs while preserving incentives for innovation.

(2) Prescription drugs make up 10 percent of the national health care spending but for the past decade have been one of the fastest growing segments of health care expenditures.

(3) Until recently, the 1984 Act was successful in facilitating generic competition to the benefit of consumers and health care payers — although 67 percent of all prescriptions dis-

pensed in the United States are generic drugs, they account for only 20 percent of all expenditures.

(4) Generic drugs cost substantially less than brand name drugs, with discounts off the brand price sometimes exceeding 90 percent.

(5) Federal dollars currently account for an estimated 30 percent of the \$235,000,000,000 spent on prescription drugs in 2008, and this share is expected to rise to 40 percent by 2018.

(6)(A) In recent years, the intent of the 1984 Act has been subverted by certain settlement agreements between brand companies and their potential generic competitors that make "reverse payments" which are payments by the brand company to the generic company.

(B) These settlement agreements have unduly delayed the marketing of low-cost generic drugs contrary to free competition, the interests of consumers, and the principles underlying antitrust law.

(C) Because of the price disparity between brand name and generic drugs, such agreements are more profitable for both the brand and generic manufacturers than competition, and will become increasingly common unless prohibited.

(D) These agreements result in consumers losing the benefits that the 1984 Act was intended to provide.

(b) PURPOSES.—The purposes of this Act are—

(1) to enhance competition in the pharmaceutical market by stopping anticompetitive agreements between brand name and generic drug manufacturers that limit, delay, or otherwise prevent competition from generic drugs; and

(2) to support the purpose and intent of antitrust law by prohibiting anticompetitive practices in the pharmaceutical industry that harm consumers.

SEC. 3. UNLAWFUL COMPENSATION FOR DELAY.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by—

(1) redesignating section 28 as section 29; and

(2) inserting before section 29, as redesignated, the following:

"SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.

"(a) IN GENERAL.—

"(1) ENFORCEMENT PROCEEDING.—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

"(2) PRESUMPTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

"(i) an ANDA filer receives anything of value; and

"(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

"(B) EXCEPTION.—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

"(b) COMPETITIVE FACTORS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

“(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

“(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

“(3) the form and amount of consideration received by the ANDA filer in the agreement resolving or settling the patent infringement claim;

“(4) the revenue the ANDA filer would have received by winning the patent litigation;

“(5) the reduction in the NDA holder's revenues if it had lost the patent litigation;

“(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

“(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

“(c) LIMITATIONS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

“(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

“(2) that the agreement's provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is pro-competitive, although such evidence may be relevant to the fact finder's determination under this section.

“(d) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

“(1) The right to market the ANDA product in the United States prior to the expiration of—

“(A) any patent that is the basis for the patent infringement claim; or

“(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

“(2) A payment for reasonable litigation expenses not to exceed \$7,500,000.

“(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

“(e) REGULATIONS AND ENFORCEMENT.—

“(1) REGULATIONS.—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

“(2) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

“(3) JUDICIAL REVIEW.—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United

States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 C.F.R. 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

“(f) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair or supersede the applicability of the antitrust laws as defined in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) and of section 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

“(g) PENALTIES.—

“(1) FORFEITURE.—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

“(2) CEASE AND DESIST.—

“(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of one year after such order becomes final pursuant to section 5(g).

“(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person's, partnership's or corporation's violation of this section shall be conclusive unless—

“(i) the terms of such cease and desist order expressly provide that the Commission's findings shall not be conclusive; or

“(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

“(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, the degree of culpability, any history of violations,

the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

“(C) other matters that justice requires.

“(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

“(h) DEFINITIONS.—In this section:

“(1) AGREEMENT.—The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

“(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term ‘agreement resolving or settling a patent infringement claim’ includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

“(3) ANDA.—The term ‘ANDA’ means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

“(4) ANDA FILER.—The term ‘ANDA filer’ means a party who has filed an ANDA with the Food and Drug Administration.

“(5) ANDA PRODUCT.—The term ‘ANDA product’ means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

“(6) DRUG PRODUCT.—The term ‘drug product’ means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

“(7) NDA.—The term ‘NDA’ means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

“(8) NDA HOLDER.—The term ‘NDA holder’ means—

“(A) the party that received FDA approval to market a drug product pursuant to an NDA;

“(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA; or

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) PATENT INFRINGEMENT.—The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

“(10) PATENT INFRINGEMENT CLAIM.—The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

“(11) STATUTORY EXCLUSIVITY.—The term ‘statutory exclusivity’ means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act.”.

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this Act.

SEC. 4. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking “the Commission the” and inserting the following: “the Commission—

“(1) the”;

(2) striking the period and inserting “; and”;

(3) inserting at the end the following:

“(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).”.

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

“(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.’.”.

SEC. 5. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting “section 28 of the Federal Trade Commission Act or” after “that the agreement has violated”.

SEC. 6. COMMISSION LITIGATION AUTHORITY.

Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking “or” after the semicolon;

(2) in subparagraph (E), by inserting “or” after the semicolon; and

(3) inserting after subparagraph (E) the following:

“(F) under section 28;”.

SEC. 7. STATUTE OF LIMITATIONS.

The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 3, except for an action described in section 28(g)(2) of the Federal

Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by sections 1112(c)(2) and (d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such Act or amendments to any person or circumstance shall not be affected thereby.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. CARDIN, and Mr. HARKIN):

S. 28. A bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to reintroduce the Public Safety Spectrum and Wireless Innovation Act.

Radio spectrum is a tremendous resource. It can grow our economy and put innovative wireless services in the hands of consumers and businesses. It also can enhance our public safety by fostering communications between first responders when the unthinkable occurs. But it is also scarce. That is why we need a forward-thinking spectrum policy that promotes smart use of our airwaves—and provides public safety officials with the wireless resources they need to keep us safe.

For all of these reasons, I believe in the Public Safety Spectrum and Wireless Innovation Act and call on my colleagues to join me and support it. I commit to them that I am open to their input and will work tirelessly with the administration, my Senate and House colleagues, and public safety officials to pass this legislation this year.

The Public Safety Spectrum and Wireless Innovation Act does two things.

First, as we approach the tenth anniversary of 9/11, this legislation will provide public safety officials with an additional 10 megahertz of spectrum known as the “D-block.” This spectrum will at long last, support a national, interoperable, wireless broadband network that will help first responders protect us from harm. I believe this is the right thing to do, because we owe those courageous individuals who wear the shield the resources they need to do their job.

Second, this legislation will promote smart spectrum policy and efficient use of our Nation’s wireless airwaves. It will do this by providing the Federal Communications Commission with the authority to hold voluntary incentive auctions. These auctions will help put valuable spectrum into the hands of companies that can create innovative new services for American consumers and businesses. This proposal will not require the return of spectrum from existing commercial users, but instead will provide them with a voluntary opportunity to realize a portion of auction revenues if they wish to facilitate putting spectrum to new and productive uses. Then the remaining revenues from these auctions will provide a revenue stream to assist public safety with the construction and maintenance of their spectrum network.

Marrying together these ideas—good spectrum policy and the right resources for our first responders—makes good sense. It is also the right thing to do. Because the American people deserve to have the best and most innovative uses of wireless networks anywhere. They deserve to know our first responders have access to the airwaves they need when tragedy strikes. So I urge my colleagues to join me and support this important legislation.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Public Safety Spectrum and Wireless Innovation Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—NATIONWIDE INTEROPERABLE PUBLIC SAFETY BROADBAND NETWORK

Sec. 101. Establishment of network.

Sec. 102. Reallocation of D block to public safety.

Sec. 103. Flexible use of narrowband spectrum.

Sec. 104. Secondary use of public safety spectrum.

Sec. 105. Interoperability.

Sec. 106. Commercial network roaming and priority access.

Sec. 107. Advisory board.

TITLE II—FUNDING

Sec. 201. Establishment of funds.

Sec. 202. Public safety interoperable broadband network construction.

Sec. 203. Public safety interoperable broadband maintenance and operation.

Sec. 204. Incentive spectrum auction authority.

Sec. 205. Report on efficient use of public safety spectrum.

Sec. 206. GAO report on satellite broadband.
 Sec. 207. Access to GSA schedules.
 Sec. 208. Federal infrastructure sharing.
 Sec. 209. Audits.
 Sec. 210. Antidiversion prohibition.

SEC. 2. DEFINITIONS.

In this Act:

(1) **700 MHZ BAND.**—The term “700 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) **700 MHZ D BLOCK SPECTRUM.**—The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(3) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(4) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(5) **CONSTRUCTION FUND.**—The term “construction fund” means the fund established in section 201(a)(1)(A).

(6) **EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.**—The term “existing public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 763 megahertz to 768 megahertz and between the frequencies from 793 megahertz to 798 megahertz.

(7) **MAINTENANCE AND OPERATION FUND.**—The term “maintenance and operation fund” means the fund established in section 201(a)(2)(A).

(8) **NARROWBAND SPECTRUM.**—The term “narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(9) **NTIA.**—The term “NTIA” means the National Telecommunications and Information Administration.

TITLE I—NATIONWIDE INTEROPERABLE PUBLIC SAFETY BROADBAND NETWORK

SEC. 101. ESTABLISHMENT OF NETWORK.

(a) **IN GENERAL.**—The Commission shall take all actions necessary to ensure the deployment of a nationwide public safety interoperable broadband network in the 700 MHz band, including—

(1) developing and implementing nationwide technical and operational requirements for the network;

(2) adopting any rules necessary to achieve interoperability in the network; and

(3) adopting user authentication and encryption requirements for the network.

(b) **COVERAGE.**—The Commission shall ensure that the network is deployed and interoperable in rural, as well as urban, areas, including necessary build out of communications infrastructure in rural areas to accommodate network access and functionality.

SEC. 102. REALLOCATION OF D BLOCK TO PUBLIC SAFETY.

(a) **REALLOCATION OF D BLOCK.**—

(1) **IN GENERAL.**—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this Act.

(2) **SPECTRUM ALLOCATION.**—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(A) by striking “24” in paragraph (1) and inserting “34”; and

(B) by striking “36” in paragraph (2) and inserting “26”.

(b) **INTEGRATION WITH EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.**—The Commission shall—

(1) determine the licensing for the 700 MHz D block spectrum reallocated under section 337 of the Communications Act of 1934 (47 U.S.C. 337), as amended by subsection (a);

(2) determine how best to integrate the 700 MHz D block spectrum reallocated with the existing public safety spectrum; and

(3) determine whether the 20 megahertz of public safety broadband spectrum should be licensed on a nationwide, regional, or statewide basis, or some combination thereof, in accordance with the public interest.

SEC. 103. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission shall allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require.

SEC. 104. SECONDARY USE OF PUBLIC SAFETY SPECTRUM.

(a) **IN GENERAL.**—Notwithstanding section 337 of the Communications Act of 1934 (47 U.S.C. 337), the Commission may authorize any public safety licensee or licensees to allow access to spectrum licensed to such licensee or licensees to non-public safety governmental users, commercial users, utilities, including organizations providing or operating critical infrastructure, including electric, gas, and water utilities, and other Federal agencies and departments.

(b) **LIMITATIONS AND CONDITIONS.**—The Commission shall—

(1) authorize the provision of access to such spectrum only on a secondary basis;

(2) require secondary access agreements to be in writing and to be submitted to the Commission for review and approval;

(3) require that the public safety entity retain the right to use any such spectrum on a primary, preemptible basis;

(4) consider whether it is in the public interest to require multiple secondary leases per licensee; and

(5) require that all funds received from such secondary access pursuant to such written agreements be reinvested in the public safety interoperable broadband network by using such funds only for constructing, maintaining, improving, or purchasing equipment to be used in conjunction with the network, by deposit into the Maintenance and Operation Fund established by section 201 or otherwise.

SEC. 105. INTEROPERABILITY.

(a) **IN GENERAL.**—The Commission shall ensure that the nationwide public safety broadband network is fully interoperable on a nationwide basis.

(b) **TECHNICAL AND OPERATIONAL RULES.**—

(1) **INSURING INTEROPERABILITY.**—The Commission shall establish technical and operational rules to ensure nationwide interoperability, including rules that—

(A) establish requirements for nationwide roaming ability among any licensee, licensees, lessees, and secondary users;

(B) will ensure the safety of State broadband public safety networks, including requirements for protecting and monitoring the network to protect against cyber-attack;

(C) will promote competition in the device market for public safety communications by requiring devices for use on a public safety network to be—

(i) built to open standards;

(ii) capable of being used by any vendor and across all public safety systems; and

(iii) backward-compatible with existing second and third generation commercial networks;

(D) authorize public safety entities to execute partnerships with other public or pri-

vate entities to build or operate the State's public safety broadband network;

(E) encourage public safety entities to utilize, to the greatest extent possible, existing commercial, State, or Federal government infrastructure;

(F) will ensure that the interoperability plan includes integration with 9-1-1 call centers; and

(G) require any licensee or licensees to file annual reports on—

(i) the status of public safety broadband network construction and interoperability; and

(ii) the status and deployment of existing public safety broadband and narrowband systems.

(2) **FACTORS TO BE CONSIDERED.**—In carrying out paragraph (1), the Commission shall, at a minimum, consider—

(A) the extent to which particular technologies and user equipment are, or are likely to be, available in the commercial marketplace;

(B) the availability of necessary technologies and equipment on reasonable and non-discriminatory licensing terms; and

(C) the ability of particular technologies and equipment—

(i) to evolve with technological developments in the commercial marketplace; and

(ii) to accommodate prioritization for public safety transmissions.

(c) **RFP STANDARDS.**—

(1) **IN GENERAL.**—The Commission shall establish procedural and substantive requirements for requests for proposals related to the nationwide public safety broadband network that—

(A) require such requests to meet the technical requirements under subsection (b) that ensure interoperability of the broadband network to which it relates and ensure that nothing will interfere with such interoperability;

(B) limit the authority for issuing such requests to States or multi-State organizations, except to the extent delegated to an agency or political subdivision;

(C) will ensure that the request-for-proposals process is open, transparent, and competitive;

(D) require any such request—

(i) to be issued on a Statewide or multi-State basis and to be coordinated with the appropriate State chief executive or the executive's designee;

(ii) to demonstrate that the State has a plan for interoperability, with provision for both urban and rural build out; and

(iii) to cover any necessary relocation of incumbent narrowband operations in the existing public safety broadband spectrum;

(E) authorize States to issue requests for proposals that will build on a State broadband network; and

(F) require the term of any contract under the process to be reasonable and, in any event, for less than the term of the underlying license.

(2) **MODEL RFPs.**—The Commission may encourage the use of the requests-for-proposal model or form developed by the Government Accountability Office under section 207 of this Act.

(d) **RURAL BUILD OUT REQUIREMENTS.**—The Commission shall—

(1) establish rural build out targets for the public safety broadband network, including targets for States or smaller areas;

(2) require contracts awarded through the request-for-proposals process in connection with the network to include deployment

phases with substantial rural coverage milestones as part of each phase where appropriate; and

(3) in collaboration with the Assistant Secretary, make funding for each build out phase after the first contingent on meeting build out targets for the preceding phase to the extent feasible.

(e) **DEVELOPMENT AND MAINTENANCE OF INTEROPERABILITY, SECURITY, AND FUNCTIONALITY STANDARDS.**—The Commission and through agreements executed with the National Institute of Standards and Technology, shall develop, maintain, and update such requirements and standards as may be necessary to ensure interoperability, security, and functionality.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission, for use by the Emergency Response and Interoperability Center in carrying out its responsibilities under this Act, \$5,500,000 for each of fiscal years 2013 through 2018.

SEC. 106. COMMERCIAL NETWORK ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety networks to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

(1) the public safety entity equipment is technically compatible with the commercial network;

(2) the commercial network is reasonably compensated; and

(3) it is consistent with the public interest.

SEC. 107. PUBLIC SAFETY ADVISORY BOARD.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Commission shall establish a public safety advisory board to advise the Commission on—

(1) carrying out its duties under section 101; and

(2) the implementation of improvements to the public safety interoperable broadband network under that section.

(b) **COMPOSITION.**—The Commission shall determine the composition of the advisory board, which shall include, at a minimum, representatives from each of the following:

(1) State, local, and tribal governments.

(2) Public safety organizations.

(3) Providers of commercial mobile service.

(4) Manufacturers of communications equipment.

(c) **REPORTS.**—The Commission shall consult with the advisory board on any study or report on public safety spectrum.

(d) **FACA INAPPLICABLE.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

(e) **TERMINATION.**—The advisory board shall terminate 10 years after the date of enactment of this Act.

TITLE II—FUNDING

SEC. 201. ESTABLISHMENT OF FUNDS.

(a) **IN GENERAL.**—

(1) **CONSTRUCTION FUND.**—

(A) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the Public Safety Interoperable Broadband Network Construction Fund.

(B) **PURPOSE.**—The Assistant Secretary shall establish and administer the grant program under section 202 using the funds deposited in the Construction Fund.

(C) **CREDIT.**—

(i) **BORROWING AUTHORITY.**—The Assistant Secretary may borrow from the general fund of the Treasury beginning on October 1, 2011,

such sums as may be necessary, but not to exceed \$2,000,000,000, to implement section 202.

(ii) **REIMBURSEMENT.**—The Secretary of the Treasury shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under clause (i) as funds are deposited into the Construction Fund, but in no case later than December 31, 2015.

(2) **MAINTENANCE AND OPERATION FUND.**—

(A) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the Public Safety Interoperable Broadband Network Maintenance and Operation Fund.

(B) **PURPOSE.**—The Commission shall use the funds deposited in the Maintenance and Operation Fund to carry out section 203.

(b) **TRANSFER OF FUNDS AT COMPLETION OF CONSTRUCTION.**—The Secretary of the Treasury shall transfer to the Maintenance and Operation Fund any funds remaining in the Construction Fund after the date of the completion of the construction phase, as determined by the Assistant Secretary.

(c) **TRANSFER OF FUNDS TO THE TREASURY.**—The Secretary of the Treasury shall transfer to the general fund of the Treasury any funds remaining in the Maintenance and Operation Fund after the end of the 10-year period that begins after the date of the completion of the construction phase, as determined by the Assistant Secretary.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **CONSTRUCTION FUND.**—There are authorized to be appropriated to the Assistant Secretary for deposit in the Construction Fund in and after fiscal year 2013 such sums as necessary subject to paragraph (3).

(2) **MAINTENANCE AND OPERATION FUND.**—There are authorized to be appropriated to the Commission for deposit in the Maintenance and Operation Fund in and after fiscal year 2013 such sums as necessary subject to paragraph (3).

(3) **LIMITATION.**—The authorization of appropriations under paragraphs (1) and (2) may not exceed a total of \$11,000,000,000.

SEC. 202. PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK CONSTRUCTION.

(a) **CONSTRUCTION GRANT PROGRAM ESTABLISHMENT.**—The Assistant Secretary, in consultation with the Commission, shall take such action as is necessary to establish a grant program to assist public safety entities to establish a nationwide public safety interoperable broadband network in the 700 MHz band.

(b) **PROJECTS.**—Grants may be made under this section for the construction of a public safety interoperable broadband network, including improvement of existing commercial and noncommercial networks and facilities and construction of new infrastructure to meet public safety requirements, as defined by the Commission, that operate as part of the public safety interoperable broadband network in the 700 MHz band.

(c) **MATCHING REQUIREMENTS.**—

(1) **FEDERAL SHARE.**—

(A) **IN GENERAL.**—The Federal share of the cost of carrying out a project under this section may not exceed 80 percent of the eligible costs of carrying out a project, as determined by the Assistant Secretary in consultation with the Commission.

(B) **WAIVER.**—The Assistant Secretary may waive, in whole or in part, the requirements of subparagraph (A) for good cause shown if it determines that such a waiver is in the public interest.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of carrying out a project

under this section may be provided through an in-kind contribution.

(d) **REQUIREMENTS.**—Not later than 6 months after the date of enactment of this Act, the Assistant Secretary, in consultation with the Commission, shall establish grant program requirements including the following:

(1) Demonstrated compliance with applicable Commission request-for-proposal and license terms and service rules, including interoperability and technical rules, construction requirements, and secondary use rules.

(2) Defining entities that are eligible to receive a grant under this section.

(3) Defining eligible costs for purposes of subsection (c)(1).

(4) Determining the scope of network infrastructure eligible for grant funding under this section.

(5) Prioritizing grants for projects that ensure coverage in rural as well as urban areas.

SEC. 203. PUBLIC SAFETY INTEROPERABLE BROADBAND MAINTENANCE AND OPERATION.

(a) **MAINTENANCE AND OPERATION REIMBURSEMENT PROGRAM.**—The Commission shall administer a program through which not more than 50 percent of maintenance and operational expenses associated with the public safety interoperable broadband network may be reimbursed from the Maintenance and Operation Fund for those expenses that are attributable to the maintenance, operation, and improvement of the public safety interoperable broadband network.

(b) **REPORT.**—Not later than 7 years after the date of enactment of this Act, the Commission shall submit to Congress a report on whether to continue to provide funding for the Maintenance and Operation Fund after the end of the 10-year period that begins after the date of the completion of the construction phase, as determined by the Assistant Secretary.

SEC. 204. AUCTION OF SPECTRUM.

(a) **IN GENERAL.**—

(1) **IDENTIFICATION OF SPECTRUM.**—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall identify, at a minimum, 25 megahertz of contiguous spectrum at frequencies located between 1675 megahertz and 1710 megahertz, inclusive, to be made available for immediate reallocation.

(2) **AUCTION.**—Not later than January 31, 2014, the Commission shall conduct the auction of the licenses, by commencing the bidding, for the following:

(A) The spectrum between the frequencies of 2155 megahertz and 2180 megahertz, inclusive.

(B) The spectrum identified pursuant to paragraph (1).

(3) **PROCEEDS.**—The proceeds (including deposits and up front payments from successful bidders) from the auction shall be deposited in the Construction Fund.

(b) **INCENTIVE SPECTRUM AUCTION AUTHORITY.**—

(1) **IN GENERAL.**—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(A) by striking “(B), (D), and (E),” in subparagraph (A) and inserting “(B), (D), (E), and (F),”; and

(B) by adding at the end thereof the following:

“(F) **INCENTIVE AUCTION AUTHORITY.**—

“(i) **AUTHORITY.**—The Commission may if the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to relinquish

voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to new service rules, the Commission may disburse to that licensee a portion of the auction proceeds related to the new use that the Commission determines, in its discretion, are attributable to the licensee's relinquished spectrum usage.

“(i) PROCEEDS FOR FUNDS.—Notwithstanding subparagraph (A), the proceeds (including deposits and up front payments from successful bidders) from the use of a competitive bidding system under this subsection with respect to relinquished spectrum, after deduction of any amounts disbursed to the relinquishing licensee, shall be deposited as follows:

“(I) All proceeds less than or equal to \$5,500,000,000 shall be deposited in the Construction Fund and shall be made available to the Assistant Secretary without further appropriations.

“(II) Any proceeds exceeding \$5,500,000,000 shall be deposited in the Maintenance and Operation Fund and shall be made available to the Commission without further appropriations.

“(III) Any proceeds exceeding \$11,000,000,000 shall be made available, as provided by appropriation Acts, for growth-enhancing infrastructure projects, including the NextGen aviation navigation system, development of high-speed rail transportation, and Smart Grid electrical power transmission and management technology.”.

(c) EXTENSION OF AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “2012” and inserting “2020”.

(d) LIMITATION.—

(1) IN GENERAL.—The Commission may not reclaim frequencies licensed to broadcast television licensees or other licensees, directly or indirectly, on an involuntary basis for purposes of section 309(j)(8)(F) of the Communications Act of 1934.

(2) RULE OF CONSTRUCTION.—Nothing in this Act or in the amendments made by this Act shall be construed to permit the Commission to reclaim frequencies of broadcast television licensees or any other licensees directly or indirectly on an involuntary basis for the purpose that section.

SEC. 205. REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.

Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Commission shall conduct a study and submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the spectrum held by the public safety entities. In the report the Commission shall—

(1) examine how such spectrum is being used;

(2) provide a recommendation for whether more spectrum needs to be made available to meet the needs of public safety entities; and

(3) assess the opportunity for return of any spectrum to the Commission for auction to commercial providers to provide revenue to the Treasury of the United States.

SEC. 206. GAO REPORT ON SATELLITE BROADBAND.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to Congress a report on the current and future capabilities of fixed and mobile satellite broadband to assist public safety entities during an emergency.

SEC. 207. ACCESS TO GSA SCHEDULES.

The Administrator of General Services shall—

(1) establish rules under which public safety entities may access and use the rates offered to the General Services Administration for communications services and devices;

(2) develop and furnish to the Commission a model request-for-proposals form for public safety use under section 105; and

(3) develop a procedure under which public safety entities are authorized to purchase from established GSA schedules.

SEC. 208. FEDERAL INFRASTRUCTURE SHARING.

The Administrator of General Services shall establish rules to allow any public safety licensee or licensees to have access to Federal infrastructure to construct and maintain the public safety interoperable broadband network.

SEC. 209. AUDITS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall perform an audit of the financial statements, records, and accounts of the—

(1) Public Safety Interoperable Broadband Network Construction Fund established under section 201(a)(1);

(2) Public Safety Interoperable Broadband Network Maintenance and Operation Fund established under section 201(a)(2);

(3) construction grant program established under section 202; and

(4) maintenance and operation program established under section 203.

(b) GAAP.—Each audit required under subsection (a) shall be conducted in accordance with generally acceptable accounting procedures.

(c) REPORT TO CONGRESS.—A copy of each audit required under subsection (a) shall be submitted to the appropriate committees of Congress.

SEC. 210. ANTIDIVERSION PROHIBITION.

Except as provided in section 309(j)(8)(F)(ii)(III) of the Communications Act of 1934, as added by this Act, no funds made available under this Act or any amendment made by this Act may be used for any purpose other than in support of the nationwide public safety interoperable broadband network to be deployed under this Act, including the acquisition, construction, or reconstruction of infrastructure and facilities, the purchase of equipment and services, including hardware, software, and training, in accordance with rules established by the Commission.

By Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 29. A bill to establish the Sacramento-San Joaquin Delta National Heritage Area; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to establish a National Heritage Area in the California Sacramento-San Joaquin Delta. This legislation will create the first Heritage Area in California.

I am pleased that I have had the opportunity to work with Senator BOXER, Representative JOHN GARAMENDI, and the County Supervisors from the 5 Delta Counties to prepare this legislation and support their efforts to fully partner with the State, the Federal

agencies, and other local governments to improve and care for the Delta.

This bill will establish the Sacramento-San Joaquin Delta as a National Heritage Area.

The Delta Protection Commission, created by California law and responsible to the citizens of the Delta and California, will manage the Heritage Area. It will ensure an open and public process, working with all levels of federal, state, and local government, tribes, local stakeholders, and private property owners as it develops and implements the management plan for the Heritage Area. The goal is to conserve and protect the Delta, its communities, its resources, and its history.

It is also important to understand what this legislation will not do. It will not affect water rights. It will not affect water contracts. It will not affect private property.

Nothing in this bill gives any governmental agency any more regulatory power than it already has, nor does it take away regulatory from agencies that have it.

In short, this bill does not affect water rights or water contracts, nor does it impose any additional responsibilities on local government or residents. Instead, it authorizes Federal assistance to a local process already required by State law that will elevate the Delta, providing a means to conserve and protect its valued communities, resources, and history.

The Sacramento-San Joaquin Delta is the largest estuary on the West Coast. It is the most extensive inland delta in the world, and a unique national treasure.

Today, it is a labyrinth of sloughs, wetlands, and deepwater channels that connect the waters of the high Sierra mountain streams to the Pacific Ocean through the San Francisco Bay. Its approximately 60 islands are protected by 1,100 miles of levees, and are home to 3,500,000 residents, including 2,500 family farmers. The Delta and its farmers produce some of the highest quality specialty crops in the United States.

The Delta offers recreational opportunities to the two million Californians who visit the Delta each year for boating, fishing, hunting, visiting historic sites, and viewing wildlife. It provides habitat for more than 750 species of plants and wildlife. These include sand hill cranes that migrate to the Delta wetland from places as far away as Siberia. The Delta also provides habitat for 55 species of fish, including Chinook salmon—some as large as 60 pounds—that return each year to travel through the Delta to spawn in the tributaries.

These same waterways also channel fresh water to the Federal and State-owned pumps in the South Delta that provide water to 23 million Californians and 3 million acres of irrigated agricultural land elsewhere in the state.

Before the Delta was reclaimed for farmland in the 19th Century, the Delta flooded regularly with snow melt each spring, and provided the rich environment that, by 1492, supported the largest settlement of Native Americans in North America.

The Delta was the gateway to the gold fields in 1849, after which Chinese workers built hundreds of miles of levees throughout the waterways of the Delta to make its rich peat soils available for farming and to control flooding.

Japanese, Italians, German, Portuguese, Dutch, Greeks, South Asians, and other immigrants began the farming legacy, and developed technologies specifically adapted to the unique environment, including the Caterpillar Tractor, which later contributed to agriculture and transportation internationally.

Delta communities created a river culture befitting their dependence on water transport, a culture which has attracted the attention of authors from Mark Twain and Jack London to Joan Didion.

The Delta is in crisis due to many factors, including invasive species, urban and agricultural run-off, wastewater discharges, channelization, dredging, water export operations, and other stressors.

Many of the islands of the Delta are between 10 and 20 feet below sea level, and the levee system is presently inadequate to provide reliable flood protection for historic communities, significant habitats, agricultural enterprises, water resources, transportation and other infrastructure.

Existing levees have not been engineered to withstand earthquakes. Should levees fail for any reason, a rush of seawater into the interior of the Delta could damage the already fragile ecosystem, contaminate drinking water for many Californians, flood agricultural land, inundate towns, and damage roads, power lines, and water project infrastructure.

The State of California has been working for decades on a resolution to the water supply and ecosystem crisis in the State, and has a long history of partnerships with Federal agencies, working together to resolve challenges to the Delta's historic communities, ecosystem and the water it supplies so many Californians.

The Delta Protection Commission, established under state law, has been tasked by the California State Legislature with providing a forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, agricultural resources, infrastructure and legacy communities of the Delta and to serve as the facilitating agency for the implementation of a National Heritage Area in the Delta.

This legislation will complement the broadly supported State Water Legisla-

tion of 2009, which called for a Heritage designation for the Delta.

This legislation authorizes the creation of the Delta Heritage Area and federal assistance to the Delta Protection Commission in implementing the Area. This legislation is just a small part of the commitment the Federal government must make to the Delta. I look forward to continuing to work with my colleagues at every level of government to restore and sustain the ecosystem in the Delta, to provide for reliable water supply in the State of California, to recover the native species of the Delta, protect communities in the Delta from flood risk, ensure economic sustainability in the Delta, improve water quality in the Delta, and; sustain the unique cultural, historical, recreational, agricultural and economic values of the Delta.

The National Heritage Area designation for the Sacramento-San Joaquin Delta will help local governments develop and implement a plan for a sustainable future by providing Federal recognition, technical assistance and small amounts of funding to a community-based process already underway.

Through the Delta Heritage Area, local communities and citizens will partner with Federal, State and local governments to collaboratively work to promote conservation, community revitalization, and economic development projects.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sacramento-San Joaquin Delta National Heritage Area Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **HERITAGE AREA.**—The term "Heritage Area" means the Sacramento-San Joaquin Delta Heritage Area established by section 3(a).

(2) **HERITAGE AREA MANAGEMENT PLAN.**—The term "Heritage Area management plan" means the plan developed and adopted by the management entity under this Act.

(3) **MANAGEMENT ENTITY.**—The term "management entity" means the management entity for the Heritage Area designated by section 3(d).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **STATE.**—The term "State" means the State of California.

SEC. 3. SACRAMENTO-SAN JOAQUIN DELTA HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established the "Sacramento-San Joaquin Delta Heritage Area" in the State.

(b) **BOUNDARIES.**—The boundaries of the Heritage Area shall be in the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo in the State of California, as

generally depicted on the map entitled "Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary", numbered T27/105,030, and dated September 2010.

(c) **AVAILABILITY OF MAP.**—The map described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Delta Protection Commission.

(d) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Delta Protection Commission established by section 29735 of the California Public Resources Code.

(e) **ADMINISTRATION.**—

(1) **AUTHORITIES.**—For purposes of carrying out the Heritage Area management plan, the Secretary, acting through the management entity, may use amounts made available under this Act to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved Heritage Area management plan.

(2) **DUTIES.**—The management entity shall—

(A) in accordance with subsection (f), prepare and submit a Heritage Area management plan to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved Heritage Area management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the Heritage Area management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the Heritage Area management plan;

(E) for any year that Federal funds have been received under this Act—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this Act shall be 50 percent.

(f) HERITAGE AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed Heritage Area management plan.

(2) REQUIREMENTS.—The Heritage Area management plan shall—

(A) incorporate an integrated and cooperative approach to agricultural resources and activities, flood protection facilities, and other public infrastructure;

(B) emphasizes the importance of the resources described in subparagraph (A);

(C) take into consideration State and local plans;

(D) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the Heritage Area management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the Heritage Area management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this Act; and

(vii) an interpretive plan for the Heritage Area; and

(E) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) RESTRICTIONS.—The Heritage Area management plan submitted under this subsection shall—

(A) ensure participation by appropriate Federal, State, tribal, and local agencies, including the Delta Stewardship Council, special districts, natural and historical resource protection and agricultural organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners; and

(B) not be approved until the Secretary has received certification from the Delta Protection Commission that the Delta Stewardship Council has reviewed the Heritage Area management plan for consistency with the plan adopted by the Delta Stewardship Council pursuant to State law.

(4) DEADLINE.—If a proposed Heritage Area management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this Act until the date that the Secretary receives and approves the Heritage Area management plan.

(5) APPROVAL OR DISAPPROVAL OF HERITAGE AREA MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the Heritage Area management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the Heritage Area management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the Heritage Area management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the Heritage Area management plan; and

(iii) the resource protection and interpretation strategies contained in the Heritage Area management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the Heritage Area management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the Heritage Area management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the Heritage Area management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the Heritage Area management plan that the Secretary determines make a substantial change to the Heritage Area management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this Act to carry out any amendments to the Heritage Area management plan until the Secretary has approved the amendments.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act—

(A) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(C) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(D) authorizes or implies the reservation or appropriation of water or water rights;

(E) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(F) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) OPT OUT.—An owner of private property within the Heritage Area may opt out of participating in any plan, project, program, or activity carried out within the Heritage Area under this Act, if the property owner provides written notice to the management entity.

(i) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this Act for the Heritage Area; and

(ii) achieving the goals and objectives of the approved Heritage Area management plan;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(j) EFFECT OF DESIGNATION.—Nothing in this Act—

(1) precludes the management entity from using Federal funds made available under other laws for the purposes for which those funds were authorized; or

(2) affects any water rights or contracts.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this Act shall be determined by the Secretary, but shall be not more than 50 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any activity under this Act may be in the form of in-kind contributions of goods or services.

SEC. 5. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—If a proposed Heritage Area management plan has not been submitted to the Secretary by the date that is 5 years after the date of enactment of this Act, the Heritage Area designation shall be rescinded.

(b) FUNDING AUTHORITY.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. FRANKEN:

S. 31. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs; to the Committee on Finance.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prescription Drug and Health Improvement Act of 2011”.

SEC. 2. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) NEGOTIATING FAIR PRICES.—

(1) IN GENERAL.—Section 1860D-11 of the Social Security Act (42 U.S.C. 1395w-111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

“(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA-PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) BIENNIAL REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the negotiations conducted by the Secretary under section 1860D-11(i) of the Social Security Act (42 U.S.C. 1395w-111(i)), as amended by subsection (a), including a description of how such negotiations are achieving lower prices for covered part D drugs (as defined in section 1860D-2(e) of the Social Security Act (42 U.S.C. 1395w-102(e)) for Medicare beneficiaries.

By Mr. LIEBERMAN (for himself, Mr. SANDERS, Mr. REED, Mrs. BOXER, Mr. UDALL of Colorado, Mr. HARKIN, Mr. BENNET, Mr. KOHL, Mr. UDALL of New Mexico, Mr. CARDIN, Ms. CANTWELL, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. LEAHY, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. KERRY, Mr. DURBIN, Mr. WYDEN, and Mr. LAUTENBERG):

S. 33. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, today, I introduced legislation to protect the coastal plains region of the Arctic National Wildlife Refuge from oil and gas exploration and drilling. Every Congress since the 101st, I have either introduced or been an original cosponsor of legislation to protect the Refuge, making tomorrow the twelfth time since 1989 that I will mark my unwavering support for reaffirming the original intent of the Refuge: to provide habitat for Alaska’s wildlife, by designating 1.5 million acres of the Refuge as Wilderness to be included in the National Wilderness Preservation System.

I have long believed we have a responsibility to future generations to preserve the Arctic National Wildlife

Refuge, and I have fought to protect it for as long as I have been in the Senate. The fact is, we do not have to choose between conservation and exploration when it comes to our energy future; we can do both simultaneously while moving toward a sustainable and diverse national energy policy.

The Arctic Refuge is home to 250 species of wildlife. Drilling there would severely harm its abundant populations of polar bears, caribou, musk oxen, and snow geese. Beyond that, the amount of commercially recoverable oil in the Refuge would satisfy only a very small percentage of our Nation’s need at any given time and would have no appreciable long-term impact on gasoline prices. The permanent environmental price we would pay for ravaging the Refuge to drain those limited resources is simply too high.

I look forward to working with my colleagues to pass this important legislation.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. BOXER, Mr. DURBIN, Mr. BROWN of Ohio and Mr. HARKIN):

S. 45. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable for imported property; to the Committee on Finance.

Mr. WHITEHOUSE. Mr. President, from the Recovery Act to the Small Business Jobs Act, in the previous Congress we passed a number of substantial pieces of legislation to preserve, protect, and create American jobs. The Recovery Act alone has supported between 2.7 and 3.7 million jobs, including 12,000 jobs in my home State of Rhode Island. This was vital in stemming the 700,000-per-month job loss rate we faced when the previous administration left office. Without the Recovery Act and the other fiscal stimulus we passed over the past 2 years, the economy would have been much worse.

While the Recovery Act protected our country from what would have been a far worse economic meltdown, the employment market is still weak and families are still hurting. Our national unemployment rate was 9.4 percent in December—an unacceptably high level. And it was higher still in harder hit States such as Rhode Island, where we have had an 11.5-percent unemployment rate in December. As we begin this new Congress, our No. 1 priority must remain job retention and creation.

The manufacturing industry has historically been the engine of growth for the American economy. The manufacturing economy has been especially important in the industrial Northeast, particularly in my State of Rhode Island. From Slater Mill in Pawtucket—one of the first water-powered textile mills in the Nation and the birthplace

of the Industrial Revolution—to high-tech modern submarine production at Quonset Point, the manufacturing sector has always been central to Rhode Island's economy.

Unfortunately, as American companies have faced rising production costs and increased—and very often unfair—competition from foreign firms, U.S. manufacturing employment has plummeted. According to the Bureau of Labor Statistics, the number of manufacturing jobs declined by almost a third over the past decade, from 17.2 million people at work in 2000 to 11.7 million people at work in 2010. That is 6 million jobs lost. This decline has been felt most sharply in our old manufacturing centers, such as Rhode Island. In Rhode Island, the loss of manufacturing jobs in the past decade has topped 44 percent. The decline of the manufacturing sector is a primary reason why Rhode Island has had greater difficulty than most other States in recovering from the recent recession.

Over and over I have traveled around Rhode Island to meet with local manufacturers, listening to their frustrations and discussing ideas to help their businesses grow. During these visits, I have heard one theme over and over: Unfair foreign competition is killing domestic industries. One Pawtucket manufacturer I visited last week told me they recently lost 8 percent of their business to a Chinese competitor. It is clear to me that if we want to keep manufacturing jobs in this country and in Rhode Island, we need to level the playing field for our manufacturing companies with their foreign competitors.

Today I will introduce legislation that will remove one homegrown incentive to move jobs offshore and help to make competition fairer for companies straggling to keep their factory doors open at plants here in the United States. The Offshoring Prevention Act, cosponsored by Senators LEAHY, SANDERS, BOXER, DURBIN, BROWN of Ohio, and HARKIN, would end a perverse tax incentive that actually rewards companies for shipping jobs overseas. Under current law, an American company that manufactures goods in Rhode Island or Montana or Maine must pay Federal income tax on profits in the year the profits are earned. That is standard tax law. But if that same company moves its factory to another country, it is permitted to defer the payment of income taxes from that factory and declare them in a year that is more advantageous—for example, one in which the company has offsetting tax losses.

If an American company moves a plant offshore, it acquires this tax deferral advantage. It makes no sense that our Tax Code allows companies to delay paying income taxes on profits when made through overseas subsidiaries but charges those profits in the

year they are made at home. My bill will put a stop to this practice on profits earned on manufactured goods exported to the United States. To put it simply: Our tax system should not reward companies for eliminating American jobs.

The Offshoring Prevention Act is based on legislation Senator Byron Dorgan offered over the past two decades, again and again. We can all remember Senator Dorgan coming to this floor here with pictures of iconic American goods, such as York Peppermint Patties, Radio Flyer red wagons, Fig Newton cookies, and Huffy bicycles, to highlight the fact that the production of these American classic products had moved to Mexico, to China, and elsewhere. On dozens, if not hundreds, of occasions, Senator Dorgan spoke passionately on this floor about the decline of American manufacturing. I am grateful to his leadership on this critical issue and for bringing our attention to an unfair tax advantage that rewards companies for moving manufacturing jobs overseas.

Last year, a version of Senator Dorgan's bill was included in the Creating American Jobs and Ending Offshoring Act. While a majority of this body—53 Senators—voted to begin debate on the bill, we were not able to overcome a filibuster to have a chance to consider and pass this legislation. I am sorry we were not able to pass the bill last year, and I will do my best to bring it up for a vote in this new Congress.

Mr. President, keeping jobs in America and providing a level playing field for American manufacturing should not be a Democratic or a Republican issue. We all serve here in the Senate to represent the interests of our constituents, and our constituents want us to keep these good-paying manufacturing jobs in America. I hope that all of our colleagues will join me in passing the Offshoring Prevention Act to do just that.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. KERRY, Ms. SNOWE, and Mr. NELSON of Florida):

S. 46. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUE. Mr. President, I am pleased to introduce the Coral Reef Conservation Amendments Act, which I also introduced in the 111th Congress. This critical bill reauthorizes and strengthens the Coral Reef Conservation Act of 2000, a program that I was pleased to originally sponsor in the 106th Congress establishing the Coral Reef Conservation Program at the National Oceanic and Atmospheric Administration, NOAA.

Coral reefs are among the oldest and most economically and biologically im-

portant ecosystems in the world. They provide habitat for more than one million diverse aquatic species, a natural barrier for protection from coastal storms and erosion, and are a potential source of treatment for many of the world's diseases. From a commerce perspective, reef-supported tourism is a \$30 billion industry worldwide, and the commercial value of United States fisheries from coral reefs is more than \$100 million.

However, our coral reef ecosystems face many threats including pollution, climate change and coral bleaching, and overfishing to name a few. Coral reefs cover only one-tenth of one percent of the ocean floor, yet provide habitat for more than twenty-five percent of all marine species.

The original Coral Reef Conservation Act of 2000 recognized the need to preserve, sustain and restore the condition of these valuable coral reef ecosystems. The Coral Reef Conservation Amendments Act of 2011 would strengthen NOAA's ability to comprehensively address threats to coral reefs and empower the agency with tools to ensure that damage to our coral reef ecosystems is prevented or effectively mitigated. It also establishes consistent practices for maintaining data, products, and information, and promotes the widespread availability and dissemination of that environmental information.

Finally, the bill allows the Secretary to further develop partnerships with foreign governments and international organizations—partnerships that are critical not only to the understanding of our coral reef ecosystems, but also to their protection and restoration.

Thank you and I would urge you to support this important legislation to continue supporting NOAA's leadership role in coral reef conservation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 46

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Coral Reef Conservation Amendments Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Coral Reef Conservation Act of 2000.
- Sec. 3. Purposes.
- Sec. 4. National coral reef action strategy.
- Sec. 5. Coral reef conservation program.
- Sec. 6. Coral reef conservation fund.
- Sec. 7. Agreements; redesignations.
- Sec. 8. Emergency assistance.
- Sec. 9. National program.
- Sec. 10. Study of trade in corals.
- Sec. 11. International coral reef conservation activities.

Sec. 12. Community-based planning grants.
 Sec. 13. Vessel grounding inventory.
 Sec. 14. Prohibited activities.
 Sec. 15. Destruction of coral reefs.
 Sec. 16. Enforcement.
 Sec. 17. Permits.
 Sec. 18. Regional, State, and Territorial coordination.
 Sec. 19. Regulations.
 Sec. 20. Effectiveness and assessment report.
 Sec. 21. Authorization of appropriations.
 Sec. 22. Judicial review.
 Sec. 23. Definitions.

SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 3. PURPOSES.

Section 202 (16 U.S.C. 6401) is amended to read as follows:

"SEC. 202. PURPOSES.

"The purposes of this Act are—
 "(1) to preserve, sustain, and restore the condition of coral reef ecosystems;
 "(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities, the Nation, and the world;
 "(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;
 "(4) to assist in the preservation of coral reef ecosystems by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;
 "(5) to provide financial resources for those programs and projects;
 "(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects; and
 "(7) to provide mechanisms to prevent and minimize damage to coral reefs."

SEC. 4. NATIONAL CORAL REEF ACTION STRATEGY.

Section 203 (16 U.S.C. 6402) is amended to read as follows:

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Coral Reef Conservation Amendments Act of 2011, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Natural Resources and publish in the Federal Register a national coral reef ecosystem action strategy, consistent with the purposes of this title. The Secretary shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

"(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—
 "(1) coastal uses and management, including land-based sources of pollution;
 "(2) climate change;
 "(3) water and air quality;
 "(4) mapping and information management;
 "(5) research, monitoring, and assessment;

"(6) international and regional issues;
 "(7) outreach and education;
 "(8) local strategies developed by the States or Federal agencies, including regional fishery management councils; and
 "(9) conservation."

SEC. 5. CORAL REEF CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 204 (16 U.S.C. 6403) is amended—

(1) by striking "Secretary, through the Administrator and" in subsection (a) and inserting "Secretary,";

(2) by striking subsection (c) and inserting the following:

"(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reef ecosystems, or whose activities directly or indirectly affect coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reef ecosystems, may submit a coral conservation proposal to the Secretary under subsection (e).";

(3) by striking "GEOGRAPHIC AND BIOLOGICAL" in the heading for subsection (d) and inserting "PROJECT";

(4) by striking paragraph (3) of subsection (d) and inserting the following:

"(3) Remaining funds shall be awarded for—

"(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Secretary; and

"(B) other appropriate projects, as determined by the Secretary, including monitoring and assessment, research, pollution reduction, education, and technical support.";

(5) by striking subsection (g) and inserting the following:

"(g) CRITERIA FOR APPROVAL.—The Secretary may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reef ecosystems nationally or internationally by—

"(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef ecosystems and biodiversity;

"(2) addressing the conflicts arising from the use of environments near coral reef ecosystems or from the use of corals, species associated with coral reef ecosystems, and coral products;

"(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reef ecosystems or regulate the use and management of coral reef ecosystems;

"(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems and their biodiversity, including factors that cause coral disease, ocean acidification, and bleaching;

"(5) promoting and assisting the implementation of cooperative coral reef ecosystem conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

"(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long-term conservation, including how they function to protect coastal communities;

"(7) mapping the location, distribution, and biodiversity of coral reef ecosystems;

"(8) developing and implementing techniques to monitor and assess the status and condition of coral reef ecosystems and biodiversity;

"(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems and biodiversity;

"(10) responding to, or taking action to help mitigate the effects of, coral disease, ocean acidification, and bleaching events;

"(11) promoting activities designed to prevent or minimize damage to coral reef ecosystems, including the promotion of ecologically sound navigation and anchorages; or

"(12) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems."; and

(6) by striking "coral reefs" in subsection (j) and inserting "coral reef ecosystems".

(b) CONFORMING AMENDMENTS.—Subsections (b), (d), (e), (f), (h), (i), and (j) of section 204 (16 U.S.C. 6403) are each amended by striking "Administrator" each place it appears and inserting "Secretary".

SEC. 6. CORAL REEF CONSERVATION FUND.

Section 205 (16 U.S.C. 6404) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) FUND.—The Secretary may enter into agreements with nonprofit organizations promoting coral reef ecosystem conservation by authorizing such organizations to receive, hold, and administer funds received pursuant to this section. Such organizations shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest-bearing account (referred to in section 219(a) as the Fund) established by such organizations solely to support partnerships between the public and private sectors that further the purposes of this title and are consistent with the national coral reef action strategy under section 203.";

(2) by striking "the grant program" in subsection (c) and inserting "any grant program"; and

(3) by striking "Administrator" in subsections (c) and (d) and inserting "Secretary".

SEC. 7. AGREEMENTS; REDESIGNATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating section 206 (16 U.S.C. 6405) as section 207;

(2) by redesignating section 207 (16 U.S.C. 6406) as section 208;

(3) by redesignating section 208 (16 U.S.C. 6407) as section 218;

(4) by redesignating section 209 (16 U.S.C. 6408) as section 219;

(5) by redesignating section 210 (16 U.S.C. 6409) as section 221; and

(6) by inserting after section 205 (16 U.S.C. 6404) the following:

"SEC. 206. AGREEMENTS.

"(a) IN GENERAL.—The Secretary may execute and perform such contracts, leases, grants, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title.

"(b) COOPERATIVE AGREEMENTS.—In addition to the general authority provided by subsection (a), the Secretary may enter into, extend, or renegotiate agreements with universities and research centers with national or regional coral reef research institutes to conduct ecological research and monitoring explicitly aimed at building capacity for

more effective resource management. Pursuant to any such agreements these institutes shall—

“(1) collaborate directly with governmental resource management agencies, nonprofit organizations, and other research organizations;

“(2) build capacity within resource management agencies to establish research priorities, plan interdisciplinary research projects and make effective use of research results; and

“(3) conduct public education and awareness programs for policy makers, resource managers, and the general public on coral reef ecosystems, best practices for coral reef and ecosystem management and conservation, their value, and threats to their sustainability.

“(c) USE OF OTHER AGENCIES’ RESOURCES.—For purposes related to the conservation, preservation, protection, restoration, or replacement of coral reefs or coral reef ecosystems and the enforcement of this title, the Secretary is authorized to use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

“(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

“(1) Except as provided in paragraph (2), the Secretary may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs where such funding furthers the purpose of this title.

“(2) The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to Federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

“(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

“(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account for the purpose for which the grant was awarded.

“(e) TRANSFER OF FUNDS.—Under an agreement entered into pursuant to subsection (a), and subject to the availability of funds, the Secretary may transfer funds to, and may accept transfers of funds from, Federal agencies, instrumentalities and laboratories, State and local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450(b)), organizations and associations representing Native Americans, native Hawaiians, and Native Pacific Islanders, educational institutions, nonprofit organizations, commercial organizations, and other public and private persons or entities, except that no more than 5 percent of funds appropriated to carry out this section may be transferred. The 5 percent limitation shall not apply to section 204 or section 210.”

SEC. 8. EMERGENCY ASSISTANCE.

Section 207 (formerly 16 U.S.C. 6405), as redesignated by section 7 of this Act, is amended to read as follows:

“SEC. 207. EMERGENCY ASSISTANCE.

“The Secretary, in cooperation with the Federal Emergency Management Agency, as appropriate, may provide assistance to any

State, local, or territorial government agency with jurisdiction over coral reef ecosystems to address any unforeseen or disaster-related circumstance pertaining to coral reef ecosystems.”

SEC. 9. NATIONAL PROGRAM.

Section 208 (formerly 16 U.S.C. 6406), as redesignated by section 7 of this Act, is amended to read as follows:

“SEC. 208. NATIONAL PROGRAM.

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may conduct activities, including with local, State, regional, or international programs and partners, as appropriate, to conserve coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

“(b) AUTHORIZED ACTIVITIES.—Activities authorized under subsection (a) include—

“(1) mapping, monitoring, assessment, restoration, socioeconomic and scientific research that benefit the understanding, sustainable use, biodiversity, and long-term conservation of coral reef ecosystems;

“(2) enhancing public awareness, education, understanding, and appreciation of coral reef ecosystems;

“(3) removing, and providing assistance to States in removing, abandoned fishing gear, marine debris, and abandoned vessels from coral reef ecosystems to conserve living marine resources;

“(4) responding to incidents and events that threaten and damage coral reef ecosystems;

“(5) conservation and management of coral reef ecosystems;

“(6) centrally archiving, managing, and distributing data sets and providing coral reef ecosystem assessments and services to the general public with local, regional, or international programs and partners; and

“(7) activities designed to prevent or minimize damage to coral reef ecosystems, including those activities described in section 212 of this title.

“(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—The Secretary, in coordination with similar efforts at other Departments and agencies shall provide for the long-term stewardship of environmental data, products, and information via data processing, storage, and archive facilities pursuant to this title. The Secretary may—

“(1) archive environmental data collected by Federal, State, local agencies, and tribal organizations and federally funded research;

“(2) promote widespread availability and dissemination of environmental data and information through full and open access and exchange to the greatest extent possible, including in electronic format on the Internet;

“(3) develop standards, protocols, and procedures for sharing Federal data with State and local government programs and the private sector or academia; and

“(4) develop metadata standards for coral reef ecosystems in accordance with Federal Geographic Data Committee guidelines.

“(d) EMERGENCY RESPONSE, STABILIZATION, AND RESTORATION.—

“(1) ESTABLISHMENT OF ACCOUNT.—The Secretary shall establish an account (to be called the Emergency Response, Stabilization, and Restoration Account) in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), for implementation of this subsection for

emergency actions. Amounts appropriated for the Account under section 219, and funds authorized by sections 213(d)(1)(C)(ii) and 214(f)(3)(B), shall be deposited into the Account and made available for use by the Secretary as specified in sections 213 and 214.

“(2) DEPOSIT AND INVESTMENT OF CERTAIN FUNDS.—Any amounts received by the United States pursuant to sections 213(d)(1)(C)(ii) and 212(f)(3)(B) shall be deposited into the Emergency Response, Stabilization and Restoration Account established under paragraph (1). The Secretary of Commerce may request the Secretary of the Treasury to invest such portion of the Damage Assessment Restoration Revolving Fund as is not, in the judgment of the Secretary of Commerce, required to meet the current needs of the fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the fund, as determined by the Secretary of Commerce and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned by such investments shall be available for use by the Secretary without further appropriation and remain available until expended.”

SEC. 10. STUDY OF TRADE IN CORALS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of the Interior, shall conduct a study on the economic, social, and environmental values and impacts of the United States market in corals and coral products.

(b) CONTENTS.—The study shall—

(1) assess the economic and other values of the United States market in coral and coral products, including import and export trade;

(2) identify primary coral species used in the coral and coral product trade and locations of wild harvest;

(3) assess the environmental impacts associated with wild harvest of coral;

(4) assess the effectiveness of current public and private programs aimed at promoting conservation in the coral and coral product trade;

(5) identify economic and other incentives for coral reef conservation as part of the coral and coral product trade; and

(6) identify additional actions, if necessary, to ensure that the United States market in coral and coral products does not contribute to the degradation of coral reef ecosystems.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources a report of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$100,000.

SEC. 11. INTERNATIONAL CORAL REEF CONSERVATION ACTIVITIES.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 208, as redesignated by section 7 of this Act, the following:

“SEC. 209. INTERNATIONAL CORAL REEF CONSERVATION ACTIVITIES.

“(a) INTERNATIONAL CORAL REEF CONSERVATION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary shall carry out international coral reef conservation activities consistent with the purposes of this Act with respect to coral reef ecosystems in waters outside the United States

jurisdiction. The Secretary shall develop and implement an international coral reef ecosystem strategy pursuant to subsection (b).

“(2) COORDINATION.—In carrying out this subsection, the Secretary shall consult with the Secretary of State, the Administrator of the Agency for International Development, the Secretary of the Interior, and other relevant Federal agencies, and relevant United States stakeholders, and shall take into account coral reef ecosystem conservation initiatives of other nations, international agreements, and intergovernmental and non-governmental organizations so as to provide effective cooperation and efficiencies in international coral reef conservation. The Secretary may consult with the Coral Reef Task Force in carrying out this subsection.

“(b) INTERNATIONAL CORAL REEF ECOSYSTEM STRATEGY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Coral Reef Conservation Amendments Act of 2011, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources, and publish in the Federal Register, an international coral reef ecosystem strategy, consistent with the purposes of this Act and the national strategy required pursuant to section 203(a). The Secretary shall periodically review and revise this strategy as necessary.

“(2) CONTENTS.—The strategy developed by the Secretary under paragraph (1) shall—

“(A) identify coral reef ecosystems throughout the world that are of high value for United States marine resources, that support high-seas resources of importance to the United States such as fisheries, or that support other interests of the United States;

“(B) summarize existing activities by Federal agencies and entities described in subsection (a)(2) to address the conservation of coral reef ecosystems identified pursuant to subparagraph (A);

“(C) establish goals, objectives, and specific targets for conservation of priority international coral reef ecosystems;

“(D) describe appropriate activities to achieve the goals and targets for international coral reef conservation, in particular those that leverage activities already conducted under this Act;

“(E) develop a plan to coordinate implementation of the strategy with entities described in subsection (a)(2) in order to leverage current activities under this Act and other conservation efforts globally;

“(F) identify appropriate partnerships, grants, or other funding and technical assistance mechanisms to carry out the strategy; and

“(G) develop criteria for prioritizing partnerships under subsection (c).

“(c) INTERNATIONAL CORAL REEF ECOSYSTEM PARTNERSHIPS.—

“(1) IN GENERAL.—The Secretary shall establish an international coral reef ecosystem partnership program to provide support, including funding and technical assistance, for activities that implement the strategy developed pursuant to subsection (b).

“(2) MECHANISMS.—The Secretary shall provide such support through existing authorities, working in collaboration with the entities described in subsection (a)(2).

“(3) AGREEMENTS.—The Secretary may execute and perform such contracts, leases, grants, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this section.

“(4) TRANSFER OF FUNDS.—To implement this section and subject to the availability of

funds, the Secretary may transfer funds to a foreign government or international organization, and may accept transfers of funds from such entities, except that no more than 5 percent of funds appropriated to carry out this section may be transferred.

“(5) CRITERIA FOR APPROVAL.—The Secretary may not approve a partnership proposal under this section unless the partnership is consistent with the international coral reef conservation strategy developed pursuant to subsection (b), and meets the criteria specified in that strategy.”

SEC. 12. COMMUNITY-BASED PLANNING GRANTS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 209, as added by section 11 of this Act, the following:

“SEC. 210. COMMUNITY-BASED PLANNING GRANTS.

“(a) IN GENERAL.—The Secretary may make grants to entities that have received grants under section 204 to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. The plans shall—

“(1) support attainment of 1 or more of the criteria described in section 204(g);

“(2) be developed at the community level;

“(3) utilize watershed-based approaches;

“(4) provide for coordination with Federal and State experts and managers; and

“(5) build upon local approaches, strategies, or models, including traditional or island-based resource management concepts.

“(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, ‘75 percent’ shall be substituted for ‘50 percent’.”

SEC. 13. VESSEL GROUNDING INVENTORY.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 210, as added by section 12 of this Act, the following:

“SEC. 211. VESSEL GROUNDING INVENTORY.

“(a) IN GENERAL.—The Secretary may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

“(1) the impacts to affected coral reef ecosystems;

“(2) vessel and ownership information, if available;

“(3) the estimated cost of removal, mitigation, or restoration;

“(4) the response action taken by the owner, the Secretary, the Commandant of the Coast Guard, or other Federal or State agency representatives;

“(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

“(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

“(b) IDENTIFICATION OF AT-RISK REEFS.—The Secretary may—

“(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef ecosystems that have a high incidence of vessel impacts, including groundings and anchor damage;

“(2) identify appropriate measures, including the acquisition and placement of aids to navigation, moorings, designated anchorage areas, fixed anchors and other devices, to reduce the likelihood of such impacts; and

“(3) develop a strategy and timetable to implement such measures, including cooperative actions with other government agencies and non-governmental partners.”

SEC. 14. PROHIBITED ACTIVITIES.

(a) IN GENERAL.—The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 211, as added by section 13 of this Act, the following:

“SEC. 212. PROHIBITED ACTIVITIES AND SCOPE OF PROHIBITIONS.

“(a) PROVISIONS AS COMPLEMENTARY.—The provisions of this section are in addition to, and shall not affect the operation of, other Federal, State, or local laws or regulations providing protection to coral reef ecosystems.

“(b) DESTRUCTION, LOSS, TAKING, OR INJURY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to destroy, take, cause the loss of, or injure any coral reef or any component thereof.

“(2) EXCEPTIONS.—The destruction, loss, taking, or injury of a coral reef or any component thereof is not unlawful if it—

“(A) was caused by the use of fishing gear used in a manner permitted under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law;

“(B) was caused by an activity that is authorized or allowed by Federal or State law (including lawful discharges from vessels, such as graywater, cooling water, engine exhaust, ballast water, or sewage from marine sanitation devices), unless the destruction, loss, or injury resulted from actions such as vessel groundings, vessel scrapings, anchor damage, excavation not authorized by Federal or State permit, or other similar activities;

“(C) was the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than excessive sampling or collecting, or actions such as vessel groundings, vessel scrapings, anchor damage, excavation, or other similar activities;

“(D) was caused by a Federal Government agency—

“(i) during—

“(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

“(II) an emergency that posed a threat to national security; or

“(III) an activity necessary for law enforcement or search and rescue; and could not reasonably be avoided; or

“(E) was caused by an action taken by the master of the vessel in an emergency situation to ensure the safety of the vessel or to save a life at sea.

“(c) INTERFERENCE WITH ENFORCEMENT.—It is unlawful for any person to interfere with the enforcement of this title by—

“(1) refusing to permit any officer authorized to enforce this title to board a vessel (other than a vessel operated by the Department of Defense or United States Coast Guard) subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(2) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

“(3) submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title.

“(d) VIOLATIONS OF TITLE, PERMIT, OR REGULATION.—It is unlawful for any person to violate any provision of this title, any permit issued pursuant to this title, or any regulation promulgated pursuant to this title.

“(e) POSSESSION AND DISTRIBUTION.—It is unlawful for any person to possess, sell, deliver, carry, transport, or ship by any means any coral taken in violation of this title.”.

(b) EMERGENCY ACTION REGULATIONS.—The Secretary of Commerce shall initiate a rulemaking proceeding to prescribe the circumstances and conditions under which the exception in section 212(b)(2)(E) of the Coral Reef Conservation Act of 2000, as amended by subsection (a), applies and shall issue a final rule pursuant to that rulemaking as soon as practicable but not later than 1 year after the date of enactment of this Act. Nothing in this subsection shall be construed to require the issuance of such regulations before the exception provided by that section is in effect.

SEC. 15. DESTRUCTION OF CORAL REEFS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 212, as added by section 14 of this Act, the following:

“SEC. 213. DESTRUCTION, LOSS, OR TAKING OF, OR INJURY TO, CORAL REEFS.

“(a) LIABILITY.—

“(1) LIABILITY TO THE UNITED STATES.—Except as provided in subsection (f), all persons who engage in an activity that is prohibited under subsections (b) or (d) of section 212, or create an imminent risk thereof, are liable, jointly and severally, to the United States for an amount equal to the sum of—

“(A) response costs and damages resulting from the destruction, loss, taking, or injury, or imminent risk thereof, including damages resulting from the response actions;

“(B) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

“(C) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

“(2) LIABILITY IN REM.—

“(A) Any vessel used in an activity that is prohibited under subsection (b) or (d) of section 212, or creates an imminent risk thereof, shall be liable in rem to the United States for an amount equal to the sum of—

“(i) response costs and damages resulting from such destruction, loss, or injury, or imminent risk thereof, including damages resulting from the response actions;

“(ii) costs of seizure, forfeiture, storage, and disposal arising from liability under this section; and

“(iii) interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

“(B) The amount of liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in any district court of the United States that has jurisdiction over the vessel.

“(3) DEFENSES.—A person or vessel is not liable under this subsection if that person or vessel establishes that the destruction, loss, taking, or injury was caused solely by an act of God, an act of war, or an act or omission of a third party (other than an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly with the defendant), and the person or master of the vessel acted with due care.

“(4) NO LIMIT TO LIABILITY.—Nothing in sections 30501 through 30512 or section 30706

of title 46, United States Code, shall limit liability to any person under this title.

“(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.—

“(1) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction, loss, or taking of, or injury to, coral reefs, or components thereof, or to minimize the risk or imminent risk of such destruction, loss, or injury.

“(2) DAMAGE ASSESSMENT.—

“(A) The Secretary shall assess damages (as defined in section 221(8)) to coral reefs and shall consult with State officials regarding response and damage assessment actions undertaken for coral reefs within State waters.

“(B) There shall be no double recovery under this chapter for coral reef damages, including the cost of damage assessment, for the same incident.

“(c) COMMENCEMENT OF CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—

“(1) COMMENCEMENT.—The Attorney General, upon the request of the Secretary, may commence a civil action against any person or vessel that may be liable under subsection (a) of this section for response costs, seizure, forfeiture, storage, or disposal costs, and damages, and interest on that amount calculated in the manner described in section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705). The Secretary, acting as trustee for coral reefs for the United States, shall submit a request for such an action to the Attorney General whenever a person or vessel may be liable for such costs or damages.

“(2) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel;

“(C) the destruction, loss, or taking of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

“(D) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

“(d) USE OF RECOVERED AMOUNTS.—

“(1) IN GENERAL.—Any costs, including response costs and damages recovered by the Secretary under this section shall—

“(A) be deposited into an account or accounts in the Damage Assessment Restoration Revolving Fund established by the Department of Commerce Appropriations Act, 1991 (33 U.S.C. 2706 note), or the Natural Resource Damage Assessment and Restoration Fund established by the Department of the Interior and Related Agencies Appropriations Act, 1992 (43 U.S.C. 1474b), as appropriate given the location of the violation;

“(B) be available for use by the Secretary without further appropriation and remain available until expended; and

“(C) be for use, as the Secretary considers appropriate—

“(i) to reimburse the Secretary or any other Federal or State agency that conducted activities under subsection (a) or (b) of this section for costs incurred in conducting the activity;

“(ii) to be transferred to the Emergency Response, Stabilization and Restoration Account established under section 208(d) to reimburse that account for amounts used for authorized emergency actions; and

“(iii) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any coral reefs, or components thereof, including the reasonable costs of monitoring, or to minimize or prevent threats of equivalent injury to, or destruction of coral reefs, or components thereof.

“(2) RESTORATION CONSIDERATIONS.—In development of restoration alternatives under paragraph (1)(C), the Secretary shall consider State and territorial preferences and, if appropriate, shall prioritize restoration projects with geographic and ecological linkages to the injured resources.

“(e) STATUTE OF LIMITATIONS.—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the coral reefs, or components thereof, to which the action relates.

“(f) FEDERAL GOVERNMENT ACTIVITIES.—In the event of threatened or actual destruction of, loss of, or injury to a coral reef or component thereof resulting from an incident caused by a component of any Department or agency of the United States Government, the cognizant Department or agency shall satisfy its obligations under this section by promptly, in coordination with the Secretary, taking appropriate actions to respond to and mitigate the harm and restoring or replacing the coral reef or components thereof and reimbursing the Secretary for all assessment costs.

“(g) UNIFORMED SERVICE OFFICERS AND EMPLOYEES.—No officer or employee of a uniformed service (as defined in section 101 of title 10, United States Code) shall be held liable under this section, either in such officer's or employee's personal or official capacity, for any violation of section 212 occurring during the performance of the officer's or employee's official governmental duties.

“(h) CONTRACT EMPLOYEES.—No contract employee of a uniformed service (as so defined), serving as vessel master or crew member, shall be liable under this section for any violation of section 212 if that contract employee—

“(1) is acting as a contract employee of a uniformed service under the terms of an operating contract for a vessel owned by a uniformed service, or a time charter for pre-positioned vessels, special mission vessels, or vessels exclusively transporting military supplies and materials; and

“(2) is engaged in an action or actions over which such employee has been given no discretion (e.g., anchoring or mooring at one or more designated anchorages or buoys, or executing specific operational elements of a special mission activity), as determined by the uniformed service controlling the contract.”.

SEC. 16. ENFORCEMENT.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 213, as added by section 15 of this Act, the following:

“SEC. 214. ENFORCEMENT.

“(a) IN GENERAL.—The Secretary shall conduct enforcement activities to carry out this title.

“(b) POWERS OF AUTHORIZED OFFICERS.—

“(1) IN GENERAL.—Any person who is authorized to enforce this title may—

“(A) board, search, inspect, and seize any vessel or other conveyance suspected of being used to violate this title, any regulation promulgated under this title, or any

permit issued under this title, and any equipment, stores, and cargo of such vessel, except that such authority shall not exist with respect to vessels owned or time chartered by a uniformed service (as defined in section 101 of title 10, United States Code) as warships or naval auxiliaries;

“(B) seize wherever found any component of coral reef taken or retained in violation of this title, any regulation promulgated under this title, or any permit issued under this title;

“(C) seize any evidence of a violation of this title, any regulation promulgated under this title, or any permit issued under this title;

“(D) execute any warrant or other process issued by any court of competent jurisdiction;

“(E) exercise any other lawful authority; and

“(F) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 212.

“(2) NAVAL AUXILIARY DEFINED.—In this subsection, the term ‘naval auxiliary’ means a vessel, other than a warship, that is owned by or under the exclusive control of a uniformed service and used at the time of the destruction, take, loss or injury for government, non-commercial service, including combat logistics force vessels, pre-positioned vessels, special mission vessels, or vessels exclusively used to transport military supplies and materials.

“(c) CIVIL ENFORCEMENT AND PERMIT SANCTIONS.—

“(1) CIVIL ADMINISTRATIVE PENALTY.—Any person subject to the jurisdiction of the United States who violates this title or any regulation promulgated or permit issued hereunder, shall be liable to the United States for a civil administrative penalty of not more than \$200,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation. In determining the amount of civil administrative penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, and any history of prior violations, and such other matters as justice may require. In assessing such penalty, the Secretary may also consider information related to the ability of the violator to pay.

“(2) PERMIT SANCTIONS.—For any person subject to the jurisdiction of the United States who has been issued or has applied for a permit under this title, and who violates this title or any regulation or permit issued under this title, the Secretary may deny, suspend, amend, or revoke in whole or in part any such permit. For any person who has failed to pay or defaulted on a payment agreement of any civil penalty or criminal fine or liability assessed pursuant to any natural resource law administered by the Secretary, the Secretary may deny, suspend, amend or revoke in whole or in part any permit issued or applied for under this title.

“(3) IMPOSITION OF CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this title, any regulation promulgated or permit issued thereunder, shall be subject to a civil judicial penalty not to exceed \$250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to

award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

“(4) NOTICE.—No penalty or permit sanction shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

“(5) IN REM JURISDICTION.—A vessel used in violating this title, any regulation promulgated under this title, or any permit issued under this title, shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

“(6) COLLECTION OF PENALTIES.—If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States (plus interest at current prevailing rates from the date of the final order). In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney’s fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person’s penalties and nonpayment penalties that are unpaid as of the beginning of such quarter.

“(7) COMPROMISE OR OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty or permit sanction which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

“(8) JURISDICTION.—The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this section. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law.

“(d) FORFEITURE.—

“(1) CRIMINAL FORFEITURE.—A person who is convicted of an offense in violation of this title shall forfeit to the United States—

“(A) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any coral reef or coral reef component (or the fair market value thereof); and

“(B) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel’s equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) other than subsection (d) thereof shall apply to criminal forfeitures under this section.

“(2) CIVIL FORFEITURE.—The property set forth below shall be subject to forfeiture to the United States in accordance with the provisions of chapter 46 of title 18, United States Code, and no property right shall exist in it:

“(A) Any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of a violation of this title, including, without limitation, any coral reef or coral reef component (or the fair market value thereof).

“(B) Any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of a violation of this title, including, without limitation, any vessel (including the vessel’s equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

“(3) APPLICATION OF THE CUSTOMS LAWS.—All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof. For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

“(4) PRESUMPTION.—For the purposes of this section there is a rebuttable presumption that all coral reefs, or components thereof, found on board a vessel that is used or seized in connection with a violation of this title or of any regulation promulgated under this title were taken, obtained, or retained in violation of this title or of a regulation promulgated under this title.

“(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Any person assessed a civil penalty for a violation of this title or of any regulation promulgated under this title and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

“(f) EXPENDITURES.—

“(1) Notwithstanding section 3302 of title 31, United States Code, or section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861), amounts received by the United States as civil penalties under subsection (c) of this section, forfeitures of property under subsection (d) of this section, and costs imposed under subsection (e) of this section, shall—

“(A) be placed into an account;

“(B) be available for use by the Secretary without further appropriation; and

“(C) remain available until expended.

“(2) Amounts received under this section for forfeitures under subsection (d) and costs imposed under subsection (e) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any property seized in connection with a violation of this title or any regulation promulgated under this title.

“(3) Amounts received under this section as civil penalties under subsection (c) of this section and any amounts remaining after the operation of paragraph (2) of this subsection shall—

“(A) be used to stabilize, restore, or otherwise manage the coral reef with respect to which the violation occurred that resulted in the penalty or forfeiture;

“(B) be transferred to the Emergency Response, Stabilization, and Restoration Account established under section 208(d) or an account described in section 213(d)(1) of this title, to reimburse such account for amounts used for authorized emergency actions;

“(C) be used to conduct monitoring and enforcement activities;

“(D) be used to conduct research on techniques to stabilize and restore coral reefs;

“(E) be used to conduct activities that prevent or reduce the likelihood of future damage to coral reefs;

“(F) be used to stabilize, restore or otherwise manage any other coral reef; or

“(G) be used to pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation promulgated under this title.

“(g) CRIMINAL ENFORCEMENT.—

“(1) Any person (other than a foreign government or any entity of such government) who knowingly commits any act prohibited by section 212(c) of this title shall be imprisoned for not more than 5 years and shall be fined not more than \$500,000 for individuals or \$1,000,000 for an organization; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

“(2) Any person (other than a foreign government or any entity of such government) who knowingly violates subsection (b), (d), or (e) of section 212 shall be fined under title 18, United States Code, or imprisoned not more than 5 years or both.

“(3) Any person (other than a foreign government or any entity of such government) who violates subsection (b), (d), or (e) of section 212, and who, in the exercise of due care should know that such person's conduct violates subsection (b), (d), or (e) of section 212, shall be fined under title 18, United States Code, or imprisoned not more than 1 year, or both.

“(4) The several district courts of the United States shall have jurisdiction over any actions brought by the United States arising under this subsection. For the purpose of this subsection, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as au-

thorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

“(h) SUBPOENAS.—In the case of any investigation or hearing under this section or any other natural resource statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

“(i) COAST GUARD AUTHORITY NOT LIMITED.—Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

“(j) INJUNCTIVE RELIEF.—

“(1) If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a coral reef, or that there has been actual destruction or loss of, or injury to, a coral reef which may give rise to liability under section 213 of this title, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the coral reef, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

“(2) Upon the request of the Secretary, the Attorney General may seek to enjoin any person who is alleged to be in violation of any provision of this title, or any regulation or permit issued under this title, and the district courts shall have jurisdiction to grant such relief.

“(k) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title includes the internal waters of the United States, the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, the Exclusive Economic Zone of the United States as described in Presidential Proclamation 5030 of March 10, 1983, and the continental shelf, consistent with international law.

“(l) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with rule 4 of the Federal Rules of Civil Procedure.

“(m) VENUE IN CIVIL ACTIONS.—A civil action under this title may be brought in the United States district court for any district in which—

“(1) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(2) the vessel is located, in the case of an action against a vessel;

“(3) the destruction of, loss of, or injury to a coral reef, or component thereof, occurred or in which there is an imminent risk of such destruction, loss, or injury; or

“(4) where some or all of the coral reef or component thereof that is the subject of the action is not within the territory covered by any United States district court, such action may be brought either in the United States district court for the district closest to the

location where the destruction, loss, injury, or risk of injury occurred, or in the United States District Court for the District of Columbia.

“(n) UNIFORMED SERVICE OFFICERS AND EMPLOYEES.—No officer or employee of a uniformed service (as defined in section 101 of title 10, United States Code) shall be held liable under this section, either in such officer's or employee's personal or official capacity, for any violation of section 212 occurring during the performance of the officer's or employee's official governmental duties.

“(o) CONTRACT EMPLOYEES.—No contract employee of a uniformed service (as so defined), serving as vessel master or crew member, shall be liable under this section for any violation of section 212 if that contract employee—

“(1) is acting as a contract employee of a uniformed service under the terms of an operating contract for a vessel owned by a uniformed service, or a time charter for pre-positioned vessels, special mission vessels, or vessels exclusively transporting military supplies and materials; and

“(2) is engaged in an action or actions over which such employee has been given no discretion (e.g., anchoring or mooring at one or more designated anchorages or buoys, or executing specific operational elements of a special mission activity), as determined by the uniformed service controlling the contract.”.

SEC. 17. PERMITS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 214, as added by section 16 of this Act, the following:

“SEC. 215. PERMITS.

“(a) IN GENERAL.—The Secretary may allow for the conduct of—

“(1) bona fide research, and

“(2) activities that would otherwise be prohibited by this title or regulations issued thereunder, through issuance of coral reef conservation permits in accordance with regulations issued under this title.

“(b) LIMITATION OF NON-RESEARCH ACTIVITIES.—The Secretary may not issue a permit for activities other than for bona fide research unless the Secretary finds—

“(1) the activity proposed to be conducted is compatible with one or more of the purposes in section 202(b) of this title;

“(2) the activity conforms to the provisions of all other laws and regulations applicable to the area for which such permit is to be issued; and

“(3) there is no practicable alternative to conducting the activity in a manner that destroys, causes the loss of, or injures any coral reef or any component thereof.

“(c) TERMS AND CONDITIONS.—The Secretary may place any terms and conditions on a permit issued under this section that the Secretary deems reasonable.

“(d) FEES.—

“(1) ASSESSMENT AND COLLECTION.—Subject to regulations issued under this title, the Secretary may assess and collect fees as specified in this subsection.

“(2) AMOUNT.—Any fee assessed shall be equal to the sum of—

“(A) all costs incurred, or expected to be incurred, by the Secretary in processing the permit application, including indirect costs; and

“(B) if the permit is approved, all costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity and educating the public about the activity and coral reef resources related to the activity.

“(3) **USE OF FEES.**—Amounts collected by the Secretary in the form of fees under this section shall be collected and available for use only to the extent provided in advance in appropriations Acts and may be used by the Secretary for issuing and administering permits under this section.

“(4) **WAIVER OR REDUCTION OF FEES.**—For any fee assessed under paragraph (2) of this subsection, the Secretary may—

“(A) accept in-kind contributions in lieu of a fee; or

“(B) waive or reduce the fee.

“(e) **FISHING.**—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities not prohibited by this title or regulations issued thereunder.”

SEC. 18. REGIONAL, STATE, AND TERRITORIAL COORDINATION.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 215, as added by section 17 of this Act, the following:

“SEC. 216. REGIONAL, STATE, AND TERRITORIAL COORDINATION.

“(a) **REGIONAL COORDINATION.**—The Secretary and other Federal members of the Coral Reef Task Force shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems.

“(b) **RESPONSE AND RESTORATION ACTIVITIES.**—The Secretary shall enter into written agreements with any States in which coral reefs are located regarding the manner in which response and restoration activities will be conducted within the affected State’s waters. Nothing in this subsection shall be construed to limit Federal response and restoration activity before any such agreement is final.

“(c) **COOPERATIVE ENFORCEMENT AGREEMENTS.**—All cooperative enforcement agreements in place between the Secretary and States affected by this title shall be updated to include enforcement of this title where appropriate.”

SEC. 19. REGULATIONS.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 216, as added by section 18, the following:

“SEC. 217. REGULATIONS.

“The Secretary may issue such regulations as are necessary and appropriate to carry out the purposes of this title. This title and any regulations promulgated under this title shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.”

SEC. 20. EFFECTIVENESS AND ASSESSMENT REPORT.

Section 218 (formerly 16 U.S.C. 6407), as redesignated by section 7 of this Act, is amended to read as follows:

“SEC. 218. EFFECTIVENESS AND ASSESSMENT REPORT.

“(a) **EFFECTIVENESS REPORT.**—Not later than March 1, 2010, and every 3 years thereafter, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources a report describing all activities undertaken to implement the strategy, including—

“(1) a description of the funds obligated by each participating Federal agency to ad-

vance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

“(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

“(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels; and

“(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems.

“(b) **ASSESSMENT REPORT.**—Not later than March 1, 2013, and every 5 years thereafter, the Secretary will submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources an assessment of the conditions of U.S. coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs.”

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

Section 219 (formerly 16 U.S.C. 6408), as redesignated by section 7 of this Act, is amended—

(1) by striking “\$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004,” in subsection (a) and inserting “\$34,000,000 for fiscal year 2012, \$36,000,000 for fiscal year 2013, \$38,000,000 for fiscal year 2014, and \$40,000,000 for each of fiscal years 2015 through 2016, of which no less than 24 percent per year (for each of fiscal years 2012 through 2016) shall be used for the grant program under section 204, no less than 6 percent shall be used for Fishery Management Councils, and up to 10 percent per year shall be used for the Fund established under section 205(a);”;

(2) by striking “\$1,000,000” in subsection (b) and inserting “\$2,000,000”;

(3) by striking subsection (c) and inserting the following:

“(c) **COMMUNITY-BASED PLANNING GRANTS.**—There are authorized to be appropriated to the Secretary to carry out section 210 \$10,000,000 for fiscal years 2012 through 2016, to remain available until expended.”; and

(4) by striking subsection (d) and inserting the following:

“(d) **INTERNATIONAL CORAL REEF CONSERVATION PROGRAM.**—There are authorized to be appropriated to the Secretary to carry out section 209 \$8,000,000 for each of fiscal years 2012 through 2016, to remain available until expended.”

SEC. 22. JUDICIAL REVIEW.

The Act (16 U.S.C. 6401 et seq.) is amended by inserting after section 219, as redesignated by section 7 of this Act, the following:

“SEC. 220. JUDICIAL REVIEW.

“(a) **IN GENERAL.**—Chapter 7 of title 5, United States Code, is not applicable to any action taken by the Secretary under this title, except that—

“(1) review of any final agency action of the Secretary taken pursuant to sections 214(c)(1) and 214(c)(2) may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

“(2) review of any final agency action of the Secretary taken pursuant to section 215

may be had by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the federal judicial district in which such person resides or transact business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final agency action is taken.

“(b) **NO REVIEW IN ENFORCEMENT PROCEEDINGS.**—Final agency action with respect to which review could have been obtained under subsection (a)(2) shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

“(c) **COST OF LITIGATION.**—In any judicial proceeding under subsection (a), the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.”

SEC. 23. DEFINITIONS.

Section 221 (formerly 16 U.S.C. 6409), as redesignated by section 7 of this Act, is amended to read as follows:

“SEC. 221. DEFINITIONS.

“In this title:

“(1) **BIODIVERSITY.**—The term ‘biodiversity’ means the variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part, including diversity within species, between species, and of ecosystems.

“(2) **BONA FIDE RESEARCH.**—The term ‘bona fide research’ means scientific research on corals, the results of which are likely—

“(A) to be eligible for publication in a referred scientific journal;

“(B) to contribute to the basic knowledge of coral biology or ecology; or

“(C) to identify, evaluate, or resolve conservation problems.

“(3) **CORAL.**—The term ‘coral’ means species of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral) of the class Anthozoa; and

“(B) all species of the families Milleporidae (fire corals) and Stylasteridae (stylasterid hydrocorals) of the class Hydrozoa.

“(4) **CORAL REEF.**—The term ‘coral reef’ means limestone structures composed in whole or in part of living corals, as described in paragraph (3), their skeletal remains, or both, and including other corals, associated sessile invertebrates and plants, and associated seagrasses.

“(5) **CORAL REEF COMPONENT.**—The term ‘coral reef component’ means any part of a coral reef, including individual living or dead corals, associated sessile invertebrates and plants, and any adjacent or associated seagrasses.

“(6) **CORAL REEF ECOSYSTEM.**—The term ‘coral reef ecosystem’ means the system of coral reefs and geographically associated species, habitats, and environment, including any adjacent or associated mangroves and seagrass habitats, and the processes that control its dynamics.

“(7) **CORAL PRODUCTS.**—The term ‘coral products’ means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

“(8) **DAMAGES.**—The term ‘damages’ includes—

“(A) compensation for—

“(i) the cost of replacing, restoring, or acquiring the equivalent of the coral reef, or component thereof; and

“(ii) the lost services of, or the value of the lost use of, the coral reef or component thereof, or the cost of activities to minimize or prevent threats of, equivalent injury to, or destruction of coral reefs or components thereof, pending restoration or replacement or the acquisition of an equivalent coral reef or component thereof;

“(B) the reasonable cost of damage assessments under section 213;

“(C) the reasonable costs incurred by the Secretary in implementing section 208(d);

“(D) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

“(E) the reasonable cost of curation, conservation and loss of contextual information of any coral encrusted archaeological, historical, and cultural resource;

“(F) the cost of legal actions under section 213, undertaken by the United States, associated with the destruction or loss of, or injury to, a coral reef or component thereof, including the costs of attorney time and expert witness fees; and

“(G) the indirect costs associated with the costs listed in subparagraphs (A) through (F) of this paragraph.

“(9) EMERGENCY ACTIONS.—The term ‘emergency actions’ means all necessary actions to prevent or minimize the additional destruction or loss of, or injury to, coral reefs or components thereof, or to minimize the risk of such additional destruction, loss, or injury.

“(10) EXCLUSIVE ECONOMIC ZONE.—The term ‘Exclusive Economic Zone’ means the waters of the Exclusive Economic Zone of the United States under Presidential Proclamation 5030, dated March 10, 1983.

“(11) PERSON.—The term ‘person’ means any individual, private or public corporation, partnership, trust, institution, association, or any other public or private entity, whether foreign or domestic, private person or entity, or any officer, employee, agent, Department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

“(12) RESPONSE COSTS.—The term ‘response costs’ means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, a coral reef, or component thereof, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 213.

“(13) SECRETARY.—The term ‘Secretary’ means—

“(A) for purposes of sections 201 through 211, sections 218 through 220 (except as otherwise provided in subparagraph (B)), and the other paragraphs of this section, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

“(B) for purposes of sections 212 through 220—

“(i) the Secretary of the Interior for any coral reef or component thereof located in (I) the National Wildlife Refuge System, (II) the National Park System, and (III) the waters surrounding Wake Island under the jurisdiction of the Secretary of the Interior, as set forth in Executive Order 11048 (27 Fed. Reg. 8851 (September 4, 1962)); or

“(ii) the Secretary of Commerce for any coral reef or component thereof located in any area not described in clause (i).

“(14) SERVICE.—The term ‘service’ means functions, ecological or otherwise, performed by a coral reef or component thereof.

“(15) STATE.—The term ‘State’ means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

“(16) TERRITORIAL SEA.—The term ‘Territorial Sea’ means the waters of the Territorial Sea of the United States under Presidential Proclamation 5928, dated December 27, 1988.”.

By Mr. INOUE (for himself, Mr. REED, and Mr. BEGICH):

S. 48. A bill to amend the Public Health Service Act to provide for the participation of pharmacists in National Health Services Corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUE. Mr. President, today I rise to recognize the need for inclusion of pharmacists in the National Health Services Corps, NHSC, student loan repayment program. It is imperative that our Nation focus its efforts on increased access to affordable, high quality healthcare for our Nation's underserved communities. Today's pharmacist graduates with a professional doctorate degree. My home State of Hawaii is home to our only school of pharmacy program located at the University of Hawaii at Hilo and this year will mark the school's very first graduating class. Pharmacists are vital to our intent of increasing access to patient-centered, team-based healthcare for all individuals. They collaborate with providers across the continuum of care to improve medication-use related outcomes, provides access to prevention and wellness screening that, among others, can reduce tobacco use and increase immunization rates all of which support provider effectiveness and organizational efficiencies. The integration of the pharmacist across the continuum of care helps increase access to primary and preventive care and allows for better management of chronic disease. Pharmacists support prescribers by focusing on the management of medications preventing adverse events that lead to avoidable emergency room visits and hospital admissions. This collaborative effort among healthcare providers helps improve clinical and economic outcomes and increases patient satisfaction with their care.

The current approach of recruiting and retaining primary care practitioners may limit access to robust patient-centered, team-based care by patients in underserved communities. Today over 88 percent of pharmacy students borrow over \$107,000 to help them pay for their education. The incorpora-

tion of comprehensive pharmacy services in these particular communities is a primary objective of the Health Resources and Services Administration patient-safety and clinical pharmacy services collaborative. Making pharmacists eligible to participate in NHSC loan repayment program will ensure that the reorganization of our healthcare system envisioned in legislation, federal action, and community-based models all benefit from patient-centered, team-based models of care that integrate comprehensive pharmacy services.

I urge you to consider the benefits of including pharmacists in the NHSC student loan repayment program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 48

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pharmacist Student Loan Repayment Eligibility Act of 2011”.

SEC. 2. NATIONAL HEALTH SERVICE CORPS; PARTICIPATION OF PHARMACISTS IN LOAN REPAYMENT PROGRAM.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 331(b) of the Public Health Service Act (42 U.S.C. 254d(b)) is amended—

(1) in paragraph (1), by striking “nursing and other schools of the health professions,” and inserting “nursing, pharmacy, and other schools of the health professions,”; and

(2) in paragraph (2), by striking “and physician assistants who have an interest and a commitment to providing primary health care,” and inserting “physician assistants, and pharmacists who have an interest and commitment to providing primary health care,”.

(b) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 2541–1) is amended—

(1) in subsection (a)(1), by striking “and physician assistants” and inserting “physician assistants, and pharmacists”; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking “dentistry, or another health profession,” and inserting “dentistry, pharmacy, or another health profession,”; and

(B) in subparagraph (C)(ii), by striking “dentistry, or other health profession” and inserting “dentistry, pharmacy, or other health profession”.

(c) CORPS PERSONNEL.—Section 333(e) of the Public Health Service Act (42 U.S.C. 254f(e)) is amended by striking “dentistry, or any other health profession” and inserting “dentistry, pharmacy, or any other health profession”.

By Mr. KOHL (for himself, Mr. VITTER, Mr. LEAHY, Mr. HATCH, Ms. KLOBUCHAR, Mr. FRANKEN, and Mr. TESTER):

S. 49. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the

public interest with respect to railroads; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce legislation essential to restoring competition to the nation's crucial freight railroad sector. Freight railroads are essential to shipping a myriad of vital goods, everything from coal used to generate electricity to grain used for basic foodstuffs. But for decades the freight railroads have been insulated from the normal rules of competition followed by almost all other parts of our economy by an outmoded and unwarranted antitrust exemption. So today I am introducing, along with my colleagues, the Railroad Antitrust Enforcement Act of 2011. This bipartisan legislation will eliminate the obsolete antitrust exemptions that protect freight railroads from competition. This legislation is identical to the legislation that was reported out of the Judiciary Committee in the last Congress by a unanimous 15-0 vote.

Our legislation will eliminate unwarranted and outmoded antitrust exemptions that protect freight railroads from competition and result in higher prices to millions of consumers every day. Consolidation in the railroad industry in recent years has resulted in only four Class I railroads providing nearly 90 percent of the Nation's freight rail transportation, as measured by revenue. The harmful result of this industry concentration for railroad shippers is well documented. A 2006 General Accounting Office Report found that shippers in many geographic areas "may be paying excessive rates due to a lack of competition in these markets." These unjustified cost increases cause consumers to suffer higher electricity bills because a utility must pay for the high cost of transporting coal, result in higher prices for goods produced by manufacturers who rely on railroads to transport raw materials, and reduce earnings for American farmers who ship their products by rail and raise food prices paid by consumers.

A recent staff report, issued September 15, 2010, of the Committee on Commerce, Science, and Transportation also makes clear how railroads have benefited from the unique combination of deregulation and large-scale antitrust immunity, to the detriment of rail shippers and consumers. This Report—titled "The Current State of the Class I Freight Rail Industry"—stated that "[t]he four Class I railroads that today dominate the U.S. rail shipping market are achieving returns on revenue and operating ratios that rank them among the most profitable businesses in the U.S. economy." The four largest railroads nearly doubled their collective profit margins in the last decade to 13 percent ranking the railroad industry the fifth most profitable

industry as ranking by Fortune magazine.

Increased concentration and lack of antitrust scrutiny have had clear price effects—according to the Commerce Committee Report, since 2004, "Class I railroads have been raising prices by an average of 5 percent a year above inflation." The recent Commerce Committee Report concluded that "Class I freight railroads have regained the pricing power they lacked in the 1980s, and are now some of the most highly profitable businesses in the U.S. economy." Given the industry's concentration and pricing power, the case for full fledged application of the antitrust laws is plain.

The ill-effects of railroad industry consolidation are exemplified in the case of "captive shippers"—industries served by only one railroad. Over the past several years, these captive shippers have faced spiking rail rates. They are the victims of monopolistic practices and price gouging by the single railroad that serves them, price increases which they are forced to pass along into the price of their products, and ultimately, to consumers. And in many cases, the ordinary protections of antitrust law are unavailable to these captive shippers—instead, the railroads are protected by a series of outmoded exemptions from the normal rules of antitrust law to which all other industries must abide.

These unwarranted antitrust exemptions have put the American consumer at risk, and in Wisconsin, victims of a lack of railroad competition abound. From Dairyland Power Cooperative in La Crosse to Wolf River Lumber in New London, companies in my state are feeling the crunch of years of railroad consolidation. To help offset a 93 percent increase in shipping rates in 2006, Dairyland Power Cooperative had to raise electricity rates by 20 percent. The reliability, efficiency, and affordability of freight rail have all declined, and Wisconsin consumers feel the pinch.

And similar stories exist across the country. We held a hearing at the Antitrust Subcommittee in the 110th Congress which detailed numerous instances of anti-competitive conduct by the dominant freight railroads and at which railroad shippers testified as to the need to repeal the outmoded and unwarranted antitrust exemptions which left them without remedies. Dozens of organizations, unions and trade groups affected by monopolistic railroad conduct endorsed the Railroad Antitrust Enforcement Act in the last Congress. Supporters of the legislation include 20 state Attorneys General, the National Association of Regulatory Utility Commissioners, NARUC, the Consumers Federation of America, Consumers Union, the American Farm Bureau Federation, American Chemistry Council, the American Corn

Growers Association, the American Forest and Paper Association, the American Public Power Association, and the American Bar Association Antitrust Section.

The current antitrust exemptions protect a wide range of railroad industry conduct from scrutiny by governmental antitrust enforcers. Railroad mergers and acquisitions are exempt from antitrust law and are reviewed solely by the Surface Transportation Board. Railroads that engage in collective ratemaking are also exempt from antitrust law. Railroads subject to the regulation of the Surface Transportation Board are also exempt from private antitrust lawsuits seeking the termination of anti-competitive practices via injunctive relief. Our bill will eliminate these exemptions.

No good reason exists for them. While railroad legislation in recent decades—including most notably the Staggers Rail Act of 1980—deregulated much railroad rate setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition. And there is no reason to treat railroads any differently from dozens of other regulated industries in our economy that are fully subject to antitrust law—whether the telecommunications sector regulated by the FCC, or the aviation industry regulation by the Department of Transportation, just name just two examples.

Our bill will bring railroad mergers and acquisitions under the purview of the Clayton Act, allowing the federal government, state attorneys general and private parties to file suit to enjoin anti-competitive mergers and acquisitions. It will restore the review of these mergers to the agencies where they belong—the Justice Department's Antitrust Division and the Federal Trade Commission. It will eliminate the exemption that prevents FTC's scrutiny of railroad common carriers. It will eliminate the antitrust exemption for railroad collective ratemaking. It will allow state attorneys general and other private parties to sue railroads for treble damages and injunctive relief for violations of the antitrust laws, including collusion that leads to excessive and unreasonable rates. This legislation will force railroads to play by the rules of free competition like all other businesses.

Significantly, our bill will not affect in way the jurisdiction of the Surface Transportation Board to regulate freight railroads. It will in no way limit or alter the authority of the STB; the STB will continue to exercise full jurisdiction over the railroad industry.

In sum, by clearing out this thicket of outmoded antitrust exemptions, railroads will be subject to the same

laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anti-competitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anti-competitive conduct and to seek redress for their injuries.

It is time to put an end to the abusive practices of the Nation's freight railroads. On the Antitrust Subcommittee, we have seen that in industry after industry, vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products—whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product—deserve the full application of the antitrust laws to end the anti-competitive abuses all too prevalent in this industry today. I urge my colleagues support the Railroad Antitrust Enforcement Act of 2011.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Antitrust Enforcement Act of 2011".

SEC. 2. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with "Code." is amended to read as follows: "Provided, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code."

SEC. 3. MERGERS AND ACQUISITIONS OF RAILROADS.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

"Nothing contained in this section shall apply to transactions duly consummated pursuant to authority given by the Secretary of Transportation, Federal Power Commission, Surface Transportation Board (except for transactions described in section 11321 of that title), the Securities and Exchange Commission in the exercise of its jurisdiction under section 10 (of the Public Utility Holding Company Act of 1935), the United States Maritime Commission, or the Secretary of Agriculture under any statutory provision vesting such power in the Commission, Board, or Secretary."

SEC. 4. LIMITATION OF PRIMARY JURISDICTION.

The Clayton Act is amended by adding at the end thereof the following:

"SEC. 29. In any civil action against a common carrier railroad under section 4, 4C, 15,

or 16 of this Act, the district court shall not be required to defer to the primary jurisdiction of the Surface Transportation Board."

SEC. 5. FEDERAL TRADE COMMISSION ENFORCEMENT.

(a) CLAYTON ACT.—Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking "subject to jurisdiction" and all that follows through the first semicolon and inserting "subject to jurisdiction under subtitle IV of title 49, United States Code (except for agreements described in section 10706 of that title and transactions described in section 11321 of that title)";

(b) FTC ACT.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) is amended by striking "common carriers subject" and inserting "common carriers, except for railroads, subject".

SEC. 6. EXPANSION OF TREBLE DAMAGES TO RAIL COMMON CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) inserting after subsection (a) the following:

"(b) Subsection (a) shall apply to a common carrier by railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint challenging a rate has been filed."

SEC. 7. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) IN GENERAL.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking "; and the Sherman Act (15 U.S.C. 1 et seq.)," and all that follows through "or carrying out the agreement" in the third sentence;

(B) in paragraph (4)—

(i) by striking the second sentence; and

(ii) by striking "However, the" in the third sentence and inserting "The"; and

(C) in paragraph (5)(A), by striking ", and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement"; and

(2) by striking subsection (e) and inserting the following:

"(e) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a proposed agreement described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board shall take into account, among any other considerations, the impact of the proposed agreement on shippers, on consumers, and on affected communities."

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "The authority" in the first sentence and inserting "Except as provided in sections 4 (15 U.S.C. 15), 4C (15 U.S.C. 15c), section 15 (15 U.S.C. 25), and section 16 (15 U.S.C. 26) of the Clayton Act (15 U.S.C. 21(a)), the authority"; and

(B) by striking "is exempt from the antitrust laws and from all other law," in the third sentence and inserting "is exempt from

all other law (except the antitrust laws referred to in subsection (c)),"; and

(2) by adding at the end the following:

"(c) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a transaction described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8–9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a). The preceding sentence shall not apply to any transaction relating to the pooling of railroad cars approved by the Surface Transportation Board or its predecessor agency pursuant to section 11322 of title 49, United States Code.

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such transaction for the purpose of any provision of law described in paragraph (1), the Board shall take into account, among any other considerations, the impact of the transaction on shippers and on affected communities."

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 10706 of title 49, United States Code, is amended to read as follows: "Rate agreements".

(2) The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows:

"10706. Rate agreements."

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to the provisions of subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) CONDITIONS.—

(1) PREVIOUS CONDUCT.—A civil action under section 4, 15, or 16 of the Clayton Act (15 U.S.C. 15, 25, 26) or complaint under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) may not be filed with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempted from the antitrust laws as defined in section 1 of the Clayton Act (15 U.S.C. 12) by orders of the Interstate Commerce Commission or the Surface Transportation Board issued pursuant to law.

(2) GRACE PERIOD.—A civil action or complaint described in paragraph (1) may not be filed earlier than 180 days after the date of enactment of this Act with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

By Mr. INOUE (for himself, Ms. SNOWE, and Mr. VITTER):

S. 50. A bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities; to the Committee on Commerce, Science, and Transportation.

Mr. INOUE. I am pleased to introduce my Commercial Seafood Consumer Protection Act, Seafood Safety Act. The Seafood Safety Act will strengthen the partnership between the Secretary of Commerce, the Secretary of Health and Human Services, HHS, the Secretary of the Department of

Homeland Security, DHS, the Federal Trade Commission, FTC, and other appropriate Federal agencies, to coordinate Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law. The bill provides for no new jurisdiction and does not alter any existing jurisdiction given to FDA or any other agency. The bill does not include any authorization of appropriations, but seeks only to strengthen existing partnerships and share information.

The bill remains largely unchanged since I first introduced it in the 110th Congress, but this version, like the one I introduced in the 111th, incorporates the FTC as an additional partner since they have broad existing authority for consumer and interstate commerce fraud issues.

Specifically, the bill requires the Secretaries of Commerce, HHS, DHS, and the FTC to enter into agreements as necessary to strengthen cooperation on seafood safety, seafood labeling, and seafood fraud. Those agreements must address seafood testing and inspection; data standardization for seafood names; data coordination for the exportation, transportation, sale, harvest, or trade of seafood; seafood labeling compliance assurance; and information-sharing for observed non-compliance. The bill also increases the number of laboratories certified to inspection standards of the FDA and allows the Secretary of Commerce to increase the number and capacity of NOAA laboratories responsible for seafood safety testing. It allows for an increase in the percentage of seafood import shipments tested and inspected to improve detection of violations. Finally, the bill allows the Secretary of HHS to refuse entry of seafood imports from countries with known violations, and also allows the Secretary to permit individual seafood shipments from recognized and properly certified exporters.

For the safety of the American people, I remain committed to the Seafood Safety Act and look forward to continuing to work to ensure its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 50

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commercial Seafood Consumer Protection Act”.

SEC. 2. COMMERCIALLY-MARKETED SEAFOOD CONSUMER PROTECTION SAFETY NET.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Federal Trade Commission and other appropriate Federal agencies, and consistent with

the international obligations of the United States, strengthen Federal consumer protection activities for ensuring that commercially-distributed seafood in the United States meets the food quality and safety requirements of applicable Federal laws.

(b) INTERAGENCY AGREEMENTS.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary and other appropriate Federal agencies shall execute memoranda of understanding or other agreements to strengthen interagency cooperation on seafood safety, seafood labeling, and seafood fraud.

(2) SCOPE OF AGREEMENTS.—The agreements shall include provisions, as appropriate for each such agreement, for—

(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

(C) standardizing data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

(D) coordination of the collection, storage, analysis, and dissemination of all applicable information, intelligence, and data related to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, and to carry out the provisions of this Act;

(E) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(F) coordination to track shipments of seafood in the distribution chain within the United States;

(G) enhancing labeling requirements and methods of assuring compliance with such requirements to clearly identify species and prevent fraudulent practices;

(H) a process by which officers and employees of the National Oceanic and Atmospheric Administration may be commissioned by the head of any other appropriate Federal agency to conduct or participate in seafood examinations and investigations under applicable Federal laws administered by such other agency;

(I) the sharing of information concerning observed non-compliance with United States seafood requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes;

(J) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities;

(K) sharing, to the maximum extent allowable by law, all applicable information, intelligence, and data related to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, or otherwise to carry out the provisions of this Act; and

(L) outreach to private testing laboratories, seafood industries, and the public on Federal efforts to enhance seafood safety and compliance with labeling requirements, including education on Federal requirements for seafood safety and labeling and information on how these entities can work with appropriate Federal agencies to enhance and improve seafood inspection and assist in detecting and preventing seafood fraud and mislabeling.

(3) ANNUAL REPORTS ON IMPLEMENTATION OF AGREEMENTS.—The Secretary, the Chairman of the Federal Trade Commission, and the heads of other appropriate Federal agencies that are parties to agreements executed under paragraph (1) shall submit, jointly or severally, an annual report to the Congress concerning—

(A) specific efforts taken pursuant to the agreements;

(B) the budget and personnel necessary to strengthen seafood safety and labeling and prevent seafood fraud; and

(C) any additional authorities necessary to improve seafood safety and labeling and prevent seafood fraud.

(c) MARKETING, LABELING, AND FRAUD REPORT.—Within 1 year after the date of enactment of this Act, the Secretary and the Chairman of the Federal Trade Commission shall submit a joint report to the Congress on consumer protection and enforcement efforts with respect to seafood marketing and labeling in the United States. The report shall include—

(1) findings with respect to the scope of seafood fraud and deception in the United States market and its impact on consumers;

(2) information on how the National Oceanic and Atmospheric Administration and the Federal Trade Commission can work together more effectively to address fraud and unfair or deceptive acts or practices with respect to seafood;

(3) detailed information on the enforcement and consumer outreach activities undertaken by the National Oceanic and Atmospheric Administration and the Federal Trade Commission during the preceding year pursuant to this Act; and

(4) an examination of the scope of unfair or deceptive acts or practices in the United States market with respect to foods other than seafood and whether additional enforcement authority or activity is warranted.

(d) NOAA SEAFOOD INSPECTION AND MARKING COORDINATION.—

(1) DECEPTIVE MARKETING AND FRAUD.—The National Oceanic and Atmospheric Administration shall report deceptive seafood marketing and fraud to the Federal Trade Commission pursuant to an agreement under subsection (b).

(2) APPLICATION WITH EXISTING AGREEMENTS.—Nothing in this Act shall be construed to impede, minimize, or otherwise affect any agreement or agreements regarding cooperation and information sharing in the inspection of fish and fishery products and establishments between the Department of Commerce and the Department of Health and Human Services in effect on the date of enactment of this Act. Within 6 months after the date of enactment of this Act, the Secretary of Commerce and the Secretary of Health and Human Services shall submit a joint report to the Congress on implementation of any such agreement or agreements, including the extent to which the Food and Drug Administration has taken into consideration information resulting from inspections conducted by the Department of Commerce in making risk-based determinations such as the establishment of inspection priorities for domestic and foreign facilities and the examination and testing of imported seafood.

(3) COORDINATION WITH SEA GRANT PROGRAM.—The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the NOAA Seafood Inspection Program is coordinated with the Sea Grant Program to provide outreach to States, consumers, and the seafood industry

on seafood testing, seafood labeling, and seafood substitution, and strategies to combat mislabeling and fraud.

SEC. 3. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that the laboratories, including Federal, State, and private facilities, comply with applicable Federal laws. Within 1 year after the date of enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a list of certified laboratories. The Secretary shall update and publish the list no less frequently than annually.

SEC. 4. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this Act to the extent that the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this Act and as provided for in appropriations Acts.

SEC. 5. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services may issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines that shipments of such seafood or seafood products do not meet the requirements established under applicable Federal law.

(b) INCREASED TESTING.—If the Secretary of Health and Human Services determines that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section 3, then the Secretary may order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of applicable Federal laws; and

(2) the Secretary, or other agent of a Federal agency authorized to conduct inspections of seafood, has inspected the shipment and has found that the shipment and the conditions of manufacturing meet the requirements of applicable Federal laws.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines

that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. 6. INSPECTION TEAMS.

(a) INSPECTION OF FOREIGN SITES.—The Secretary, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team shall assess practices and processes being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to the requirements established under applicable Federal laws to address seafood fraud and safety. The inspection team shall prepare a report for the Secretary of Commerce with its findings. The Secretary of Commerce shall make a copy of the report available to the country or exporter that is the subject of the report and provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings to the Secretary.

(b) DISTRIBUTION AND USE OF REPORT.—The Secretary shall provide the report to the Secretary of Health and Human Services as information for consideration in making risk-based determinations such as the establishment of inspection priorities of domestic and foreign facilities and the examination and testing of imported seafood. The Secretary shall provide the report to the Executive Director of the Federal Trade Commission for consideration in making recommendations to the Chairman of the Federal Trade Commission regarding consumer protection to prevent fraud, deception, and unfair business practices in the marketplace.

SEC. 7. SEAFOOD IDENTIFICATION.

(a) STANDARDIZED LIST OF NAMES FOR SEAFOOD.—The Secretary and the Secretary of Health and Human Services shall initial a joint rulemaking proceeding to develop and make public a list of standardized names for seafood identification purposes at distribution, marketing, and consumer retail stages. The list of standardized names shall take into account taxonomy, current labeling regulations, international law and custom, market value, and naming precedence for all commercially-distributed seafood distributed in interstate commerce in the United States and may not include names, whether similar to existing or commonly used names for species, that are likely to confuse or mislead consumers.

(b) PUBLICATION OF LIST.—The list of standardized names shall be made available to the public on Department of Health and Human Services and the Department of Commerce websites, shall be open to public review and comment, and shall be updated annually.

SEC. 8. DEFINITIONS.

In this Act:

(1) APPLICABLE FEDERAL LAWS.—The term “applicable laws and regulations” means Federal statutes, regulations, and international agreements pertaining to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood, including the Magnuson-Stevens Fishery Con-

servation and Management Act, section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004 (21 U.S.C. 374a), and the Seafood Hazard Analysis and Critical Control Point regulations in part 123 of title 21, Code of Federal Regulations.

(2) APPROPRIATE FEDERAL AGENCIES.—The term “appropriate Federal agencies” includes the Department of Health and Human Services, the Federal Food and Drug Administration, the Department of Homeland Security, and the Department of Agriculture.

(3) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. KERRY, Ms. SNOWE, and Ms. CANTWELL):

S. 52. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUE. Mr. President, I am pleased to introduce the International Fisheries Stewardship and Enforcement Act, which I also introduced in the 111th. This bill would harmonize the enforcement provisions of the U.S. statutes for implementing international fisheries agreements to strengthen international fisheries enforcement.

Specifically it would grant the National Oceanic and Atmospheric Administration, NOAA, and the U.S. Coast Guard authority to implement international fisheries laws, expand their authorities in carrying out investigations and enforcement activities, and establish interference with investigations as a prohibited act. It would also amend the enforcement provisions of statutes for implementing international fisheries agreements to conform to the Magnuson-Stevens Fishery Conservation and Management Act, while increasing both civil and criminal penalties for violating international fisheries laws.

The bill also authorizes the Secretary of Commerce to maintain and make public a list of vessels engaged in illegal, unregulated, and unreported, IUU, fishing and authorize appropriate action against listed vessels, which will hopefully allow for strong strides in our fight against illegal activity.

Finally, by creating an International Cooperation and Assistance Program that will provide assistance for international capacity building efforts, training, outreach, and education, it is my hope that we are able to more-successfully combat IUU fishing and promote international marine conservation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There be no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “International Fisheries Stewardship and Enforcement Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADMINISTRATION AND ENFORCEMENT OF CERTAIN FISHERY AND RELATED STATUTES.

Sec. 101. Authority of the Secretary to enforce statutes.

Sec. 102. Conforming, minor, and technical amendments.

Sec. 103. Illegal, unreported, or unregulated fishing.

Sec. 104. Liability.

TITLE II—LAW ENFORCEMENT AND INTERNATIONAL OPERATIONS

Sec. 201. International fisheries enforcement program.

Sec. 202. International cooperation and assistance program.

TITLE III—MISCELLANEOUS AMENDMENTS

Sec. 301. Atlantic Tunas Convention Act of 1975.

Sec. 302. Data Sharing.

Sec. 303. Permits under the High Seas Fishing Compliance Act of 1995.

Sec. 304. Committee on Scientific Cooperation for Pacific Salmon Agreement.

Sec. 305. Reauthorizations.

TITLE IV—IMPLEMENTATION OF ANTIGUA CONVENTION

Sec. 401. Short title.

Sec. 402. Amendment of the Tuna Conventions Act of 1950.

Sec. 403. Definitions.

Sec. 404. Commissioners; number, appointment, and qualifications.

Sec. 405. General advisory committee and scientific advisory subcommittee.

Sec. 406. Rulemaking.

Sec. 407. Prohibited acts.

Sec. 408. Enforcement.

Sec. 409. Reduction of bycatch.

Sec. 410. Repeal of Eastern Pacific Tuna Licensing Act of 1984.

TITLE I—ADMINISTRATION AND ENFORCEMENT OF CERTAIN FISHERY AND RELATED STATUTES.

SEC. 101. AUTHORITY OF THE SECRETARY TO ENFORCE STATUTES.

(a) **IN GENERAL.**—

(1) **ENFORCEMENT OF STATUTES.**—The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating shall enforce the statutes to which this section applies in accordance with the provisions of this section.

(2) **UTILIZATION OF NONDEPARTMENTAL RESOURCES.**—The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in carrying out this section.

(3) **STATUTES TO WHICH APPLICABLE.**—This section applies to—

(A) the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.);

(B) the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.);

(C) the Dolphin Protection Consumer Information Act (16 U.S.C. 1385);

(D) the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.);

(E) the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5001 et seq.);

(F) the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.);

(G) the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2431 et seq.);

(H) the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.);

(I) the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.);

(J) the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.);

(K) the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773 et seq.);

(L) any other Act in pari materia, so designated by the Secretary after notice and an opportunity for a hearing; and

(M) the Antigua Convention Implementing Act of 2011.

(b) **ADMINISTRATION AND ENFORCEMENT.**—The Secretary shall prevent any person from violating any Act to which this section applies in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 307 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857 through 1861) were incorporated into and made a part of each such Act. Except as provided in subsection (c), any person that violates any Act to which this section applies is subject to the penalties, and entitled to the privileges and immunities, provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner and by the same means as though sections 307 through 311 of that Act were incorporated into and made a part of each such Act.

(c) **SPECIAL RULES.**—

(1) **IN GENERAL.**—Notwithstanding the incorporation by reference of certain sections of the Magnuson-Stevens Fishery Conservation and Management Act under subsection (b), if there is a conflict between a provision of this subsection and the corresponding provision of any section of the Magnuson-Stevens Fishery Conservation and Management Act so incorporated, the provision of this subsection shall apply.

(2) **CIVIL ADMINISTRATIVE ENFORCEMENT.**—The amount of the civil penalty for a violation of any Act to which this section applies shall not exceed \$250,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(3) **CIVIL JUDICIAL ENFORCEMENT.**—The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States to enforce this Act and any Act to which this section applies, and such court shall have jurisdiction to award civil penalties or such other relief as justice may require, including a permanent or temporary injunction. The amount of the civil penalty for a violation of any Act to which this section applies shall not exceed \$250,000 for each violation. Each day of a continuing violation shall constitute a separate violation. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

(4) **CRIMINAL FINES AND PENALTIES.**—

(A) **INDIVIDUALS.**—In the case of an individual, any offense described in subsection (e)(2), (3), (4), (5), or (6) is punishable by a fine of not more than \$500,000, imprisonment for not more than 5 years, or both. If, in the commission of such offense, an individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury the maximum term of imprisonment is 10 years.

(B) **OTHER PERSONS.**—In the case of any other person, any offense described in subsection (e)(2), (3), (4), (5), or (6) is punishable by a fine of not more than \$1,000,000.

(5) **OTHER CRIMINAL VIOLATIONS.**—Any person (other than a foreign government or any entity of such government) who knowingly violates any provision of subsection (e) of this section, or any provision of any regulation promulgated pursuant to this Act, is guilty of a criminal offense punishable—

(A) in the case of an individual, by a fine of not more than \$500,000, imprisonment for not more than 5 years, or both; and

(B) in the case of any other person, by a fine of not more than \$1,000,000.

(6) **CRIMINAL FORFEITURES.**—

(A) **IN GENERAL.**—A person found guilty of an offense described in subsection (e), or who is convicted of a criminal violation of any Act to which this section applies, shall forfeit to the United States—

(i) any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of the offense including any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the offense; and

(ii) any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense, including any shoreside facility, including its conveyances, structure, equipment, furniture, appurtenances, stores, and cargo.

(B) **PROCEDURE.**—Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) thereof, shall apply to criminal forfeitures under this section.

(7) **ADDITIONAL ENFORCEMENT AUTHORITY.**—In addition to the powers of officers authorized pursuant to subsection (b), any officer who is authorized by the Secretary, or the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a) to enforce the provisions of any Act to which this section applies may, with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of each such Act—

(A) search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish products;

(B) inspect records pertaining to the storage, processing, transport, or trade of fish or fish products;

(C) detain, for a period of up to 14 days, any shipment of fish or fish product imported into, landed on, introduced into, exported from, or transported within the jurisdiction of the United States, or, if such fish or fish product is deemed to be perishable, sell and retain the proceeds therefrom for a period of up to 14 days; and

(D) make an arrest, in accordance with any guidelines which may be issued by the Attorney General, for any offense under the laws of the United States committed in the person's presence, or for the commission of any felony under the laws of the United States, if the person has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; may search and seize, in accordance with any guidelines which may be issued by the Attorney General and may execute and serve any subpoena, arrest warrant, search warrant issued in accordance with rule 41 of the Federal Rules of Criminal Procedure, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction.

(8) **SUBPOENAS.**—In addition to any subpoena authority pursuant to subsection (b), the Secretary may, for the purposes of conducting any investigation under this section, or any other statute administered by the Secretary, issue subpoenas for the production of relevant papers, photographs, records, books, and documents in any form, including those in electronic, electrical, or magnetic form.

(d) **DISTRICT COURT JURISDICTION.**—The several district courts of the United States shall have jurisdiction over any actions arising under this section. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized by law. Any offenses not committed in any district are subject to the venue provisions of section 3238 of title 18, United States Code.

(e) **PROHIBITED ACTS.**—It is unlawful for any person—

(1) to violate any provision of this section or any Act to which this section applies or any regulation promulgated thereunder;

(2) to refuse to permit any authorized enforcement officer to board, search, or inspect a vessel, conveyance, or shoreside facility that is subject to the person's control for purposes of conducting any search, investigation, or inspection in connection with the enforcement of this section or any Act to which this section applies or any regulation promulgated thereunder;

(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section or any Act to which this section applies;

(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section or any Act to which this section applies;

(6) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this section or any Act to which this section applies, or any data collector employed by or under contract to the National Marine Fisheries Service to carry out responsibilities under this section or any Act to which this section applies;

(7) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or fish product taken, possessed, transported, or sold in vio-

lation of any treaty or binding conservation measure adopted pursuant to an international agreement or organization to which the United States is a party; or

(8) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.

(f) **REGULATIONS.**—The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out this section or any Act to which this section applies.

SEC. 102. CONFORMING, MINOR, AND TECHNICAL AMENDMENTS.

(a) **HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.**—

(1) Section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g) is amended—

(A) by inserting “(a) **DETECTING, MONITORING, AND PREVENTING VIOLATIONS.**—” before “The President”; and

(B) by adding at the end thereof the following:

“(b) **ENFORCEMENT.**—This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(2) Section 607(2) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826h(2)) is amended by striking “whose vessels” and inserting “that”.

(3) Section 609(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(a)) is amended to read as follows:

“(a) **IDENTIFICATION.**—

“(1) **IN GENERAL.**—The Secretary shall identify, and list in the report under section 607, a nation if that nation is engaged, or has been engaged at any time during the preceding 3 years, in illegal, unreported, or unregulated fishing and—

“(A) such fishing undermines the effectiveness of measures required under the relevant international fishery management organization;

“(B) the relevant international fishery management organization has failed to implement effective measures to end the illegal, unreported, or unregulated fishing activity by vessels of that nation, or the nation is not a party to, or does not maintain cooperating status with, such organization; or

“(C) there is no international fishery management organization with a mandate to regulate the fishing activity in question.

“(2) **OTHER IDENTIFYING ACTIVITIES.**—The Secretary shall also identify, and list in the report under section 607, a nation if—

“(A) it is violating, or has violated at any time during the preceding 3 years, conservation and management measures required under an international fishery management agreement to which the United States is a party and the violations undermine the effectiveness of such measures, taking into account the factors described in paragraph (1); or

“(B) it is failing, or has failed at any time during the preceding 3 years, to effectively address or regulate illegal, unreported, or unregulated fishing in areas described in paragraph (1)(C).

“(3) **TREATMENT OF CERTAIN ENTITIES AS IF THEY WERE NATIONS.**—Where the provisions of this Act apply to the act, or failure to act, of a nation, they shall also be applicable, as ap-

propriate, to any other entity that is competent to enter into an international fishery management agreement.”

(4) Section 609(d)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(1)) is amended by striking “of its fishing vessels” each place it appears.

(5) Section 609(d)(2) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(2)) is amended—

(A) by striking “procedure for certification,” and inserting “procedure,”;

(B) by striking “basis of fish” and inserting “basis, for allowing importation of fish”; and

(C) by striking “harvesting nation not certified under paragraph (1)” and inserting “nation issued a negative certification under paragraph (1)”.

(6) Section 610(a)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)(1)) is amended—

(A) by striking “calendar year” and inserting “3 years”; and

(B) by striking “practices,” and inserting “practices—”.

(b) **DOLPHIN PROTECTION CONSUMER INFORMATION ACT.**—Section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended—

(1) by adding at the end of subsection (d) the following:

“(4) It is a violation of section 101 of the International Fisheries Stewardship and Enforcement Act for any person to assault, resist, oppose, impede, intimidate, or interfere with and authorized officer in the conduct of any search, investigation or inspection under this Act.”; and

(2) by striking subsection (e) and inserting the following:

“(e) **ENFORCEMENT.**—This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(c) **TUNA CONVENTIONS ACT OF 1950.**—Section 8 of the Tuna Conventions Act of 1950 (16 U.S.C. 957) is amended—

(1) by striking “regulations,” in subsection (a) and inserting “regulation or for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including the false identification of species, harvesting vessel or nation or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”;

(2) by striking subsection (d) and inserting the following:

“(d) It shall be unlawful for any person—

“(1) to refuse to permit any officer authorized to enforce the provisions of this Act to board a fishing vessel subject to such person's control for purposes of conducting any search, investigation, or inspection in connection with the enforcement of this Act or any regulation promulgation or permit issued under this Act;

“(2) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation or inspection described in paragraph (1);

“(3) to resist a lawful arrest for any act prohibited by this section; or

“(4) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section.”;

(3) by striking subsections (e) through (g) and redesignating subsection (h) as subsection (f); and

(4) by inserting after subsection (d) the following:

“(e) ENFORCEMENT.—This section shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(d) NORTHERN PACIFIC ANADROMOUS STOCKS ACT OF 1992.—

(1) UNLAWFUL ACTIVITIES.—Section 810 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5009) is amended—

(A) by striking “purchases” in paragraph (5) and inserting “purposes”;

(B) by striking “search or inspection” in paragraph (5) and inserting “search, investigation, or inspection”;

(C) by striking “search or inspection” in paragraph (6) and inserting “search, investigation, or inspection”;

(D) by striking “or” after the semicolon in paragraph (8);

(E) by striking “title.” in paragraph (9) and inserting “title; or”;

(F) by adding at the end thereof the following:

“(10) for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”

(2) ADMINISTRATION AND ENFORCEMENT.—Section 811 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5010) is amended to read as follows:

“SEC. 811. ADMINISTRATION AND ENFORCEMENT.

“This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(e) PACIFIC SALMON TREATY ACT OF 1985.—Section 8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3637) is amended—

(1) by striking “search or inspection” in subsection (a)(2) and inserting “search, investigation, or inspection”;

(2) by striking “search or inspection” in subsection (a)(3) and inserting “search, investigation, or inspection”;

(3) by striking “or” after the semicolon in subsection (a)(5);

(4) by striking “section.” in subsection (a)(6) and inserting “section; or”;

(5) by adding at the end of subsection (a) the following:

“(7) for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”; and

(6) by striking subsections (b) through (f) and inserting the following:

“(b) ADMINISTRATION AND ENFORCEMENT.—This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(f) SOUTH PACIFIC TUNA ACT OF 1988.—

(1) PROHIBITED ACTS.—Section 5(a) of the South Pacific Tuna Act of 1988 (16 U.S.C. 973c(a)) is amended—

(A) by striking “search or inspection” in paragraph (8) and inserting “search, investigation, or inspection”;

(B) by striking “search or inspection” in paragraph (10)(A) and inserting “search, investigation, or inspection”;

(C) by striking “or” after the semicolon in paragraph (12);

(D) by striking “retained.” in paragraph (13) and inserting “retained; or”;

(E) by adding at the end thereof the following:

“(14) for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”

(2) ADMINISTRATION AND ENFORCEMENT.—The South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.) is amended by striking sections 7 and 8 (16 U.S.C. 973e and 973f) and inserting the following:

“SEC. 7. ADMINISTRATION AND ENFORCEMENT.

“This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(g) ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT OF 1984.—

(1) UNLAWFUL ACTIVITIES.—Section 306 of the Antarctic Marine Living Resources Convention Act (16 U.S.C. 2435) is amended—

(A) by striking “which he knows, or reasonably should have known, was” in paragraph (3);

(B) by striking “search or inspection” in paragraph (4) and inserting “search, investigation, or inspection”;

(C) by striking “search or inspection” in paragraph (5) and inserting “search, investigation, or inspection”;

(D) by striking “or” after the semicolon in paragraph (6);

(E) by striking “section.” in paragraph (7) and inserting “section; or”;

(F) by adding at the end thereof the following:

“(8) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”

(2) REGULATIONS.—Section 307 of the Antarctic Marine Living Resources Convention Act (16 U.S.C. 2436) is amended by inserting after “title.” the following: “Notwithstanding the provisions of subsections (b), (c), and (d) of section 553 of title 5, United States Code, the Secretary of Commerce may publish in the Federal Register a final rule to implement conservation measures, described in section 305(a) of this Act, that are in effect for 12 months or less, adopted by the Commission, and not objected to by the United States within the time period allotted under Article IX of the Convention. Upon publication in the Federal Register, such conservation measures shall be in force with respect to the United States.”

(3) PENALTIES AND ENFORCEMENT.—The Antarctic Marine Living Resources Convention Act (16 U.S.C. 2431 et seq.) is amended—

(A) by striking sections 308 and 309 (16 U.S.C. 2437 and 2438);

(B) by striking subsection (b), (c), and (d) of section 310 (16 U.S.C. 2439) and redesignating subsection (e) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) ADMINISTRATION AND ENFORCEMENT.—This title shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(h) ATLANTIC TUNAS CONVENTION ACT OF 1975.—

(1) VIOLATIONS.—Section 7 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e) is amended—

(A) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (f); and

(B) by inserting after subsection (d) the following:

“(e) MISLABELING.—It shall be unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including the false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”

(2) ENFORCEMENT.—Section 8 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971f) is amended—

(A) by striking subsections (a) and (c);

(B) by striking “(b) INTERNATIONAL ENFORCEMENT.—” in subsection (b) and inserting “This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”; and

(C) by striking “shall have the authority to carry out the enforcement activities specified in section 8(a) of this Act” each place it appears and inserting “shall enforce this Act”.

(i) NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Section 207 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5606) is amended—

(1) by striking “AND PENALTIES.” in the section caption and inserting “AND ENFORCEMENT.”;

(2) by striking “search or inspection” in subsection (a)(2) and inserting “search, investigation, or inspection”;

(3) by striking “search or inspection” in subsection (a)(3) and inserting “search, investigation, or inspection”;

(4) by striking “or” after the semicolon in subsection (a)(5);

(5) by striking “section.” in subsection (a)(6) and inserting “section; or”;

(6) by adding at the end of subsection (a) the following:

“(7) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”; and

(7) by striking subsection (b) through (f) and inserting the following:

“(b) ADMINISTRATION AND ENFORCEMENT.—This title shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(j) WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.—

(1) ADMINISTRATION AND ENFORCEMENT.—Section 506(c) of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6905(c)) is amended to read as follows:

“(c) ADMINISTRATION AND ENFORCEMENT.—This title shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”

(2) PROHIBITED ACTS.—Section 507(a) of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6906(a)) is amended—

(A) by striking “suspension, on” in paragraph (2) and inserting “suspension of”;

(B) by striking “title.” in paragraph (14) and inserting “title; or”;

(C) by adding at the end thereof the following:

“(15) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”.

(k) NORTHERN PACIFIC HALIBUT ACT OF 1982.—

(1) PROHIBITED ACTS.—Section 7 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amended—

(A) by redesignating subdivisions (a) and (b) as paragraphs (1)(B) and (2), respectively, and subdivisions (1) through (6) of paragraph (1), as redesignated, as subparagraphs (A) through (F);

(B) by striking “search or inspection” in paragraph (1)(B), as redesignated, and inserting “search, investigation, or inspection”;

(C) by striking “search or inspection” in paragraph (1)(C), as redesignated, and inserting “search, investigation, or inspection”;

(D) by striking “or” after the semicolon in paragraph (1)(E), as redesignated;

(E) by striking “section.” in paragraph (1)(F), as redesignated, and inserting “section.”; and

(F) by adding at the end of paragraph (1), as redesignated, the following:

“(G) to make or submit any false record, account, or label for, or any false identification of, any fish or fish product (including false identification of the species, harvesting vessel or nation, or the location where harvested) which has been, or is intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce.”.

(2) ADMINISTRATION AND ENFORCEMENT.—The Northern Pacific Halibut Act of 1982 (16 U.S.C. 773 et seq.) is amended—

(A) by striking sections 3, 9, and 10 (16 U.S.C. 773f, 773g, and 773h); and

(B) by striking subsections (b) through (f) of section 11 (16 U.S.C. 773i) and inserting the following:

“(b) ADMINISTRATION AND ENFORCEMENT.—This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”.

SEC. 103. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

(a) IN GENERAL.—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i), as amended by section 302(a) of this Act, is further amended by adding at the end thereof the following:

“(c) VESSELS AND VESSEL OWNERS ENGAGED IN ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The Secretary may—

“(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization or arrangement made pursuant to an international fishery agreement, whether or not the United States is a party to such organization or arrangement;

“(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles, rights, and obligations established in applicable international fishery management and trade agreements; and

“(3) provide notification to the public of vessels and vessel owners identified by inter-

national fishery management organizations or arrangements made pursuant to an international fishery agreement as having been engaged in illegal, unreported, or unregulated fishing, as well as any measures adopted by such organizations or arrangements to address illegal, unreported, or unregulated fishing.

“(d) RESTRICTIONS ON PORT ACCESS OR USE.—Action taken by the Secretary under subsection (c)(2) that includes measures to restrict use of or access to ports or port services shall apply to all ports of the United States and its territories.

“(e) REGULATIONS.—The Secretary may promulgate regulations to implement subsections (c) and (d).”.

(b) ADDITIONAL MEASURES.—

(1) AMENDMENT OF THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.—

(A) Section 609(d)(3) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(3)) is amended by striking “that has not been certified by the Secretary under this subsection, or” in subparagraph (A)(i).

(B) Section 610(c)(5) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)(5)) is amended by striking “that has not been certified by the Secretary under this subsection, or”.

(2) AMENDMENT OF THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT.—

(A) Section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a) is amended—

(i) by striking subsection (a)(2) and inserting the following:

“(2) DENIAL OF PORT PRIVILEGES.—The Secretary of the Treasury shall, in accordance with recognized principles of international law—

“(A) withhold or revoke the clearance required by section 60105 of title 46, United States Code, for—

“(i) any large-scale driftnet fishing vessel that is documented under the law of the United States or of a nation included on a list published under paragraph (1); or

“(ii) any fishing vessel of a nation that receives a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d) or 1826k(c)); and

“(B) deny entry of that vessel to any place in the United States and to the navigable waters of the United States, except for the purpose of inspecting the vessel, conducting an investigation, or taking other appropriate enforcement action.”;

(ii) by striking “or illegal, unreported, or unregulated fishing” each place it appears in subsection (b)(1) and (2);

(iii) by striking “or” after the semicolon in subsection (b)(3)(A)(i);

(iv) by striking “nation.” in subsection (b)(3)(A)(ii) and inserting “nation; or”;

(v) by adding at the end of subsection (b)(3)(A) the following:

“(iii) upon receipt of notification of a negative certification under section 609(d)(1) or 610(c)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(1) or 1826k(c)(1)).”;

(vi) by inserting “or after issuing a negative certification under section 609(d)(1) or 610(c)(1) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)(1) or 1826k(c)(1)).” after “paragraph (1),” in subsection (b)(4)(A); and

(vii) by striking subsection (b)(4)(A)(i) and inserting the following:

“(i) any prohibition established under paragraph (3) is insufficient to cause that nation—

“(I) to terminate large-scale driftnet fishing conducted by its nationals and vessels beyond the exclusive economic zone of any nation;

“(II) to address illegal, unreported, or unregulated fishing activities for which a nation has been identified under section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j); or

“(III) to address bycatch of a protected living marine resource for which a nation has been identified under section 610 of such Act (16 U.S.C. 1826k); or”.

(B) Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by striking “such nation has terminated large-scale driftnet fishing or illegal, unreported, or unregulated fishing by its nationals and vessels beyond the exclusive economic zone of any nation.” and inserting “such nation has—

“(1) terminated large-scale driftnet fishing by its nationals and vessels beyond the exclusive economic zone of any nation;

“(2) addressed illegal, unreported, or unregulated fishing activities for which a nation has been identified under section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j); or

“(3) addressed bycatch of a protected living marine resource for which a nation has been identified under section 610 of that Act (16 U.S.C. 1826k).”.

SEC. 104. LIABILITY.

Any claims arising from the actions of any officer, authorized by the Secretary to enforce the provisions of this Act or any Act to which this Act applies, taken pursuant to any scheme for at-sea boarding and inspection authorized under any international agreement to which the United States is a party may be pursued under chapter 171 of title 28, United States Code, or such other legal authority as may be pertinent.

TITLE II—LAW ENFORCEMENT AND INTERNATIONAL OPERATIONS.

SEC. 201. INTERNATIONAL FISHERIES ENFORCEMENT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Within 12 months after the date of the enactment of this Act, the Secretary shall, subject to the availability of appropriations, establish an International Fisheries Enforcement Program within the Office of Law Enforcement of the National Marine Fisheries Service.

(2) PURPOSE.—The Program shall be an interagency program established and administered by the Secretary in coordination with the heads of other departments and agencies for the purpose of detecting and investigating illegal, unreported, or unregulated fishing activity and enforcing the provisions of this Act.

(3) STAFF.—The Program shall be staffed with representation from the Coast Guard, Customs and Border Protection, the Food and Drug Administration, and any other department or agency determined by the Secretary to be appropriate and necessary to detect and investigate illegal, unreported, or unregulated fishing activity and enforce the provisions of this Act.

(b) PROGRAM ACTIONS.—

(1) STAFFING AND OTHER RESOURCES.—At the request of the Secretary, the heads of other departments and agencies providing staff for the Program shall—

(A) by agreement, on a reimbursable basis or otherwise, participate in staffing the Program;

(B) by agreement, on a reimbursable basis or otherwise, share personnel, services,

equipment (including aircraft and vessels), and facilities with the Program; and

(C) to the extent possible, and consistent with other applicable law, extend the enforcement authorities provided by their enabling legislation to the other departments and agencies participating in the Program for the purposes of conducting joint operations to detect and investigate illegal, unreported or unregulated fishing activity and enforcing the provisions of this Act.

(2) **BUDGET.**—The Secretary and the heads of other departments and agencies providing staff for the Program, may, at their discretion, develop interagency plans and budgets and engage in interagency financing for such purposes.

(3) **5-YEAR PLAN.**—Within 180 days after the date on which the Program is established under subsection (a), the Secretary shall develop a 5-year strategic plan for guiding interagency and intergovernmental international fisheries enforcement efforts to carry out the provisions of this Act. The Secretary shall update the plan periodically as necessary, but at least once every 5 years.

(4) **COOPERATIVE ACTIVITIES.**—The Secretary, in coordination with the heads of other departments and agencies providing staff for the Program, may—

(A) create and participate in task forces, committees, or other working groups with other Federal, State or local governments as well as with the governments of other nations for the purposes of detecting and investigating illegal, unreported, or unregulated fishing activity and carrying out the provisions of this Act; and

(B) enter into agreements with other Federal, State, or local governments as well as with the governments of other nations, on a reimbursable basis or otherwise, for such purposes.

(c) **POWERS OF AUTHORIZED OFFICERS.**—Notwithstanding any other provision of law, while operating under an agreement with the Secretary entered into under section 101 of this Act, and conducting joint operations as part of the Program for the purposes of detecting and investigating illegal, unreported or unregulated fishing activity and enforcing the provisions of this Act, authorized officers shall have the powers and authority provided in that section.

(d) **INFORMATION COLLECTION, MAINTENANCE AND USE.**—

(1) **IN GENERAL.**—The Secretary and the heads of other departments and agencies providing staff for the Program shall, to the maximum extent allowable by law, share all applicable information, intelligence and data, related to the harvest, transportation or trade of fish and fish product in order to detect and investigate illegal, unreported, or unregulated fishing activity and to carry out the provisions of this Act.

(2) **COORDINATION OF DATA.**—The Secretary, through the Program, shall coordinate the collection, storage, analysis, and dissemination of all applicable information, intelligence, and data related to the harvest, transportation, or trade of fish and fish product collected or maintained by the member agencies of the Program.

(3) **CONFIDENTIALITY.**—The Secretary, through the Program, shall ensure the protection and confidentiality required by law for information, intelligence, and data related to the harvest, transportation, or trade of fish and fish product obtained by the Program.

(4) **DATA STANDARDIZATION.**—The Secretary and the heads of other departments and agencies providing staff for the Program

shall, to the maximum extent practicable, develop data standardization for fisheries related data for Program agencies and with international fisheries enforcement databases as appropriate.

(5) **ASSISTANCE FROM INTELLIGENCE COMMUNITY.**—Upon request of the Secretary, elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall collect information related to illegal, unreported, or unregulated fishing activity outside the United States about individuals who are not United States persons (as defined in section 105A(c)(2) of such Act (50 U.S.C. 403-5a(c)(2))). Such elements of the intelligence community shall collect and share such information with the Secretary through the Program for law enforcement purposes in order to detect and investigate illegal, unreported, or unregulated fishing activities and to carry out the provisions of this Act. All collection and sharing of information shall be in accordance with the National Security Act of 1947 (50 U.S.C. 401 et seq.).

(6) **INFORMATION SHARING.**—The Secretary, through the Program, shall have authority to share fisheries-related data with other Federal or State government agency, foreign government, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fisheries management organization or arrangement made pursuant to an international fishery agreement, if—

(A) such governments, organizations, or arrangements have policies and procedures to safeguard such information from unintended or unauthorized disclosure; and

(B) the exchange of information is necessary—

(i) to ensure compliance with any law or regulation enforced or administered by the Secretary;

(ii) to administer or enforce treaties to which the United States is a party;

(iii) to administer or enforce binding conservation measures adopted by any international organization or arrangement to which the United States is a party;

(iv) to assist in investigative, judicial, or administrative enforcement proceedings in the United States; or

(v) to assist in any fisheries or living marine resource related law enforcement action undertaken by a law enforcement agency of a foreign government, or in relation to a legal proceeding undertaken by a foreign government.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$30,000,000 to the Secretary for each of fiscal years 2012 through 2017 to carry out this section.

SEC. 202. INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.

(a) **INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.**—The Secretary may establish an international cooperation and assistance program, including grants, to provide assistance for international capacity building efforts.

(b) **AUTHORIZED ACTIVITIES.**—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to other nations to assist them in addressing illegal, unreported, or unregulated fishing activities;

(2) provide funding and technical expertise to other nations to assist them in reducing the loss and environmental impacts of derelict fishing gears, reducing the bycatch of living marine resources, and promoting international marine resource conservation;

(3) provide funding, technical expertise, and training, in cooperation with the International Fisheries Enforcement Program under section 201 of this Act, to other nations to aid them in building capacity for enhanced fisheries management, fisheries monitoring, catch and trade tracking activities, enforcement, and international marine resource conservation;

(4) establish partnerships with other Federal agencies, as appropriate, to ensure that fisheries development assistance to other nations is directed toward projects that promote sustainable fisheries; and

(5) conduct outreach and education efforts in order to promote public and private sector awareness of international fisheries sustainability issues, including the need to combat illegal, unreported, or unregulated fishing activity and to promote international marine resource conservation.

(c) **GUIDELINES.**—The Secretary may establish guidelines necessary to implement the program.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary \$5,000,000 for each of fiscal years 2012 through 2017 to carry out this section.

TITLE III—MISCELLANEOUS AMENDMENTS

SEC. 301. ATLANTIC TUNAS CONVENTION ACT OF 1975.

(a) **ELIMINATION OF ANNUAL REPORT.**—Section 11 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971j) is repealed.

(b) **CERTAIN REGULATIONS.**—Section 971d(c)(2) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971d(c)(2)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking “(A) submission” and inserting “the presentation”;

(3) by striking “arguments, and (B) oral presentation at a public hearing. Such” and inserting “written or oral statements at a public hearing. After consideration of such presentations, the”; and

(4) by adding at the end thereof the following:

“(B) The Secretary may issue final regulations to implement Commission recommendations referred to in paragraph (1) of this subsection concerning trade restrictive measures against nations or fishing entities without regard to the requirements of subparagraph (A) of this paragraph and subsections (b) and (c) of section 553 of title 5, United States Code.”.

SEC. 302. DATA SHARING.

(a) **HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.**—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary.”;

(2) by striking “organizations” the first place it appears and inserting, “organizations, or arrangements made pursuant to an international fishery agreement (as defined in section 3(24) of the Magnuson-Stevens Fishery Conservation and Management Act).”;

(3) by striking “and” after the semicolon in paragraph (2)(C);

(4) by striking “territories.” in paragraph (3) and inserting “territories; and”; and

(5) by adding at the end thereof the following:

“(4) urging other nations, through the regional fishery management organizations of which the United States is a member, bilaterally and otherwise to seek and foster the sharing of accurate, relevant, and timely information—

“(A) to improve the scientific understanding of marine ecosystems;

“(B) to improve fisheries management decisions;

“(C) to promote the conservation of protected living marine resources;

“(D) to combat illegal, unreported, and unregulated fishing; and

“(E) to improve compliance with conservation and management measures in international waters.

“(b) INFORMATION SHARING.—In carrying out this section, the Secretary may disclose, as necessary and appropriate, information to the Food and Agriculture Organization of the United Nations, international fishery management organizations (as so defined), or arrangements made pursuant to an international fishery agreement, if such organizations or arrangements have policies and procedures to safeguard such information from unintended or unauthorized disclosure.”.

(b) CONFORMING AMENDMENT.—Section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)) is amended—

(1) by striking “or” after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (J); and

(3) by inserting after subparagraph (G) the following:

“(H) to the Food and Agriculture Organization of the United Nations, international fishery management organizations, or arrangements made pursuant to an international fishery agreement as provided for in the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i(b));

“(I) to any other Federal or State government agency, foreign government, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fisheries management organization or arrangement made pursuant to an international fishery agreement, as provided in section 201(d)(6) of the International Fisheries Stewardship and Enforcement Act; or”.

SEC. 303. PERMITS UNDER THE HIGH SEAS FISHING COMPLIANCE ACT OF 1995.

Section 104(f) of the High Seas Fishing Compliance Act (16 U.S.C. 5503(f)) is amended to read as follows:

“(f) VALIDITY.—A permit issued under this section is void if—

“(1) 1 or more permits or authorizations required for a vessel to fish, in addition to a permit issued under this section, expire, are revoked, or are suspended; or

“(2) the vessel is no longer eligible for United States documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.”.

SEC. 304. COMMITTEE ON SCIENTIFIC COOPERATION FOR PACIFIC SALMON AGREEMENT.

Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3640) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following:

“(c) SCIENTIFIC COOPERATION COMMITTEE.—Members of the Committee on Scientific Cooperation who are not State or Federal employees shall receive compensation at a rate equivalent to the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, when engaged in actual performance of duties for the Commission.”.

SEC. 305. REAUTHORIZATIONS.

(a) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 304(c)(1) of the Marine

Mammal Protection Act (16 U.S.C. 1414a(c)(1)) is amended by adding at the end thereof the following:

“(E) \$1,000,000 for each of fiscal years 2009 through 2013.”.

(b) PACIFIC SALMON TREATY ACT OF 1985.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3645(d)(2)(A)) is amended by striking “and 2009,” and inserting “2009, 2010, 2011, 2012, and 2013.”.

(c) SOUTH PACIFIC TUNA ACT OF 1988.—Section 20(a) of the South Pacific Tuna Act of 1988 (16 U.S.C. 973r(a)) is amended by striking “1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002,” each place it appears and inserting “2009 through 2013”.

TITLE IV—IMPLEMENTATION OF THE ANTIGUA CONVENTION

SEC. 401. SHORT TITLE.

This title may be cited as the “Antigua Convention Implementing Act of 2011”.

SEC. 402. AMENDMENT OF THE TUNA CONVENTIONS ACT OF 1950.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.).

SEC. 403. DEFINITIONS.

Section 2 (16 U.S.C. 951) is amended to read as follows:

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) ANTIGUA CONVENTION.—The term ‘Antigua Convention’ means the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica, signed at Washington, November 14, 2003.

“(2) COMMISSION.—The term ‘Commission’ means the Inter-American Tropical Tuna Commission provided for by the Convention.

“(3) CONVENTION.—The term ‘Convention’ means—

“(A) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica;

“(B) the Antigua Convention, upon its entry into force for the United States, and any amendments thereto that are in force for the United States; or

“(C) both such Conventions, as the context requires.

“(4) IMPORT.—The term ‘import’ means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

“(5) PERSON.—The term ‘person’ means an individual, partnership, corporation, or association subject to the jurisdiction of the United States.

“(6) UNITED STATES.—The term ‘United States’ includes all areas under the sovereignty of the United States.

“(7) U.S. COMMISSIONERS.—The term ‘U.S. commissioners’ means the members of the commission.

“(8) U.S. SECTION.—The term ‘U.S. section’ means the U.S. Commissioners to the Commission and a designee of the Secretary of State.”.

SEC. 404. COMMISSIONERS; NUMBER, APPOINTMENT, AND QUALIFICATIONS.

Section 3 (16 U.S.C. 952) is amended to read as follows:

“SEC. 3. COMMISSIONERS.

“(a) COMMISSIONERS.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council, and one of whom shall be the chairman or a member of the Pacific Fishery Management Council. Not more than 2 Commissioners may be appointed who reside in a State other than a State whose vessels maintain a substantial fishery in the area of the Convention.

“(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise, at any meeting of the Commission or of the General Advisory Committee or Scientific Advisory Subcommittee established pursuant to section 4(b), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

“(c) ADMINISTRATIVE MATTERS.—

“(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

“(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

“(3) TRAVEL EXPENSES.—

“(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners to meetings of the IATTC and other meetings the Secretary deems necessary to fulfill their duties, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

“(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.”.

SEC. 405. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

Section 4 (16 U.S.C. 953) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GENERAL ADVISORY COMMITTEE.—

“(1) APPOINTMENTS; PUBLIC PARTICIPATION; COMPENSATION.—

“(A) The Secretary, in consultation with the Secretary of State, shall appoint a General Advisory Committee which shall consist of not more than 25 individuals who shall be representative of the various groups concerned with the fisheries covered by the Convention, including nongovernmental conservation organizations, providing to the maximum extent practicable an equitable balance among such groups. Members of the General Advisory Committee will be eligible to participate as members of the U.S. delegation to the Commission and its working groups to the extent the Commission rules and space for delegations allow.

“(B) The chair of the Pacific Fishery Management Council’s Advisory Subpanel for Highly Migratory Fisheries and the chair of the Western Pacific Fishery Management Council’s Advisory Committee shall be members of the General Advisory Committee by virtue of their positions in those Councils;

“(C) Each member of the General Advisory Committee appointed under subparagraph (A) shall serve for a term of 3 years and is eligible for reappointment.

“(D) The General Advisory Committee shall be invited to attend all non-executive meetings of the United States Section and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

“(E) The General Advisory Committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The General Advisory Committee shall publish and make available to the public a statement of its organization, practices and procedures. Meetings of the General Advisory Committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in timely fashion. The General Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(2) **INFORMATION SHARING.**—The Secretary and the Secretary of State shall furnish the General Advisory Committee with relevant information concerning fisheries and international fishery agreements.

“(3) **ADMINISTRATIVE MATTERS.**—

“(A) The Secretary shall provide to the General Advisory Committee in a timely manner such administrative and technical support services as are necessary for its effective functioning.

“(B) Individuals appointed to serve as a member of the General Advisory Committee—

“(i) shall serve without pay, but while away from their homes or regular places of business to attend meetings of the General Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

“(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”; and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

“(b) **SCIENTIFIC ADVISORY COMMITTEE.**—(1) The Secretary, in consultation with the Sec-

retary of State, shall appoint a Scientific Advisory Subcommittee of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations.”.

SEC. 406. RULEMAKING.

Section 6 (16 U.S.C. 955) is amended—

(1) by striking the section caption and inserting the following:

“**SEC. 6. RULEMAKING.**”; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) **REGULATIONS.**—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this Act, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

“(b) **JURISDICTION.**—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.”.

SEC. 407. PROHIBITED ACTS.

Section 8 (16 U.S.C. 957) is amended to read as follows:

“SEC. 8. PROHIBITED ACTS.

“It is unlawful for any person—

“(1) to violate any provision of this chapter or any regulation or permit issued pursuant to this Act;

“(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued pursuant to this Act;

“(3) to refuse to permit any officer authorized to enforce the provisions of this Act (as provided for in section 10) to board a fishing vessel subject to such person’s control for the purposes of conducting any search, investigation or inspection in connection with the enforcement of this Act or any regulation, permit, or the Convention;

“(4) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any such authorized officer in the conduct of any search, investigations or inspection in connection with the enforcement of this Act or any regulation, permit, or the Convention;

“(5) to resist a lawful arrest for any act prohibited by this Act;

“(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in paragraph (1) or (2);

“(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

“(8) to knowingly and willfully submit to the Secretary false information regarding

any matter that the Secretary is considering in the course of carrying out this Act;

“(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this Act, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this Act;

“(10) to engage in fishing in violation of any regulation adopted pursuant to section 6(c) of this Act;

“(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

“(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this Act to be made, kept, or furnished;

“(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

“(14) to import, in violation of any regulation adopted pursuant to section 6(c) of this Act, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 6(c) of this Act, unless such person provides such proof as the Secretary of Commerce may require that a fish described in this paragraph offered for entry into the United States is not ineligible for such entry under the terms of section 6(c) of this Act.”.

SEC. 408. ENFORCEMENT.

Section 10 (16 U.S.C. 959) is amended to read as follows:

“SEC. 10. ENFORCEMENT.

“This Act shall be enforced under section 101 of the International Fisheries Stewardship and Enforcement Act.”.

SEC. 409. REDUCTION OF BYCATCH.

Section 15 (16 U.S.C. 962) is amended by striking “vessel” and inserting “vessels”.

SEC. 410. REPEAL OF EASTERN PACIFIC TUNA LICENSING ACT OF 1984.

The Eastern Pacific Tuna Licensing Act of 1984 (16 U.S.C. 972 et seq.) is repealed.

By Mr. INOUE:

S. 57. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on certain vessels; to the Committee on Finance.

Mr. INOUE. Mr. President, foreign registered ships now carry 97 percent of the imports and exports moving in United States international trade. These foreign vessels are held to lower standards than United States registered ships, and are virtually untaxed. Their costs of operation are, therefore, lower than United States ship operating costs, which explains their 97 percent market share.

Seven years ago, in order to help level the playing field for United States-flag ships that compete in international trade, Congress enacted, under the American Jobs Creation Act of 2004, Public Law 108-357, Subchapter R, a “tonnage tax” that is based on the tonnage of a vessel, rather than taxing international income at a 35 percent corporate income tax rate. However,

during the House and Senate conference, language was included, which states that a United States vessel cannot use the tonnage tax on international income if that vessel also operates in United States domestic commerce for more than 30 days per year.

This 30-day limitation dramatically limits the availability of the tonnage tax for those United States ships that operate in both domestic and international trade and, accordingly, severely hinders their competitiveness in foreign commerce. It is important to recognize that ships operating in United States domestic trade already have significant cost disadvantages. Specifically, they are built in higher priced United States shipyards; do not receive Maritime Security Payments, even when operated in international trade; and are owned by United States-based American corporations. The inability of these domestic operators to use the tonnage tax for their international service is a further, unnecessary burden on their competitive position in foreign commerce.

When windows of opportunity present themselves in international trade, American tax policy and maritime policy should facilitate the participation of these American-built ships. Instead, the 30-day limit makes them ineligible to use the tonnage tax, and further handicaps American vessels when competing for international cargo. Denying the tonnage tax to coastwise qualified ships further stymies the operation of American built ships in international commerce, and further exacerbates America's 97 percent reliance on foreign ships to carry its international cargo.

These concerns were of sufficient importance that in December 2006 Congress repealed the 30-day limit on domestic trading—but only for approximately 50 ships operating in the Great Lakes. These ships primarily operate in domestic trade on the Great Lakes, but also carry cargo between the United States and Canada in international trade, Section 415 of P.L. 109-432, the Tax Relief and Health Care Act of 2006.

The identifiable universe of remaining ships other than the Great Lakes ships that operate in domestic trade, but that may also operate temporarily in international trade, totals 13 United States flag vessels. These 13 ships normally operate in domestic trades that involve Washington, Oregon, California, Hawaii, Alaska, Florida, Mississippi, and Louisiana. In the interest of providing tax equity to the United States corporations that own and operate these 13 vessels, my bill would repeal the tonnage tax 30-day limit on domestic operations and enable these vessels to utilize the tonnage tax on their international income so they receive the same treatment as other United States flag international oper-

ations. I stress that, under my bill, these ships will continue to pay the normal 35 percent United States corporate tax rate on their domestic income.

Repeal of the tonnage tax's 30-day limit on domestic operations is a necessary step toward providing tax equity between United States flag and foreign flag vessels. I strongly urge the tax writing committees of the U.S. Congress to give this legislation their expedited consideration and approval.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

“(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

“(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

“(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.”.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking “in accordance with this subsection” in subsection (c) and inserting “to the extent provided in such regulations as may be prescribed by the Secretary”, and

(2) by adding at the end the following new subsection:

“(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking “exclusively”.

(2) Section 1355(b)(1)(B) of such Code is amended by striking “as a qualifying vessel” and inserting “in the transportation of goods or passengers”.

(3) Section 1355 of such Code is amended—

(A) by striking subsection (g), and

(B) by redesignating subsection (h) as subsection (g).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. INOUE:

S. 59. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

Mr. INOUE. Mr. President, the legislation I am reintroducing today will extend to qualified teaching hospital support organizations the existing debt-financed safe harbor rule. Congress enacted that rule to support the public service activities of tax-exempt schools, universities, pension funds, and consortia of such institutions. Our teaching hospitals require similar support.

As a result, for-profit hospitals are moving from older areas to affluent locations where residents can afford to pay for treatment. These private hospitals typically have no mandate for community service. In contrast, non-profit hospitals must fulfill a community service requirement. They must stretch their resources to provide increased charitable care, update their facilities, and maintain skilled staffing resulting in closures of non-profit hospitals due to this financial strain.

The problem is particularly severe for teaching hospitals. Non-profit hospitals provide nearly all the post-graduate medical education in the United States. Post-graduate medical instruction is by nature not profitable. Instruction in the treatment of mental disorders and trauma is especially costly.

Despite their financial problem, the Nation's non-profit hospitals strive to deliver a very high level of service. A study in the December 2006 issue of Archives of International Medicine had surveyed hospital's quality of care in four areas of treatment. It found that non-profit hospitals consistently outperformed for-profit hospitals. The study also found that teaching hospitals had a higher level of performance in treatment and diagnosis, and that investments in technology and staffing leads to better care. In addition, it recommended that alternative payments and sources of payments be considered to finance these improvements.

The success and financial constraints of non-profit teaching hospitals is evident in work of the Queen's Health Systems in my State. This 151-year-old organization maintains the largest, private, nonprofit hospital in Hawaii. The Queen's Health Systems serve as the primary clinical teaching facility for the University of Hawaii's medical residency program in medicine, general surgery, orthopedic surgery, pathology, psychiatry, and is a clinical teaching facility for obstetrics-gynecology. It conducts educational and training programs for nurses and allied health personnel. The Queen's Health Systems operate the only trauma unit as well as the chief behavioral health program in the State. It maintains clinics

throughout Hawaii, health programs, for Native Hawaiians, and a small hospital in the rural, economically depressed island of Molokai. Furthermore, the Queen's Health Systems annually provides millions of dollars in uncompensated health services. To help pay for these community benefits, the Queen's Health Systems, as other nonprofit teaching hospitals, relies significantly on income from its endowment.

In the past, the Congress has allowed tax-exempt schools, colleges, universities, and pension funds to invest their endowment in real estate so as to better meet their financial needs. Under the tax code, these organizations can incur debt for real estate investments without triggering the tax on unrelated business activities.

If the Queen's Health Systems were part of a university, it could borrow without incurring an unrelated business income tax. Not being part of a university, however, a teaching hospital and its support organization run into the tax code's debt financing prohibition. Non-profit teaching hospitals have the same if not more pressing needs as that of universities, schools, and pension trusts. The same safe harbor rule should be extended to teaching hospitals.

My bill would allow the support organizations for qualified teaching hospitals to engage in limited borrowing to enhance their endowment income. The proposal for teaching hospitals is actually more restricted than current law for schools, universities and pension trusts. Under safeguards developed by the Joint Committee on Taxation staff, a support organization for a teaching hospital cannot buy and develop land on a commercial basis. The proposal is tied directly to the organization endowment. The staff's revenue estimates show that the provision with its general application will help a number of teaching hospitals.

The U.S. Senate has several times before acted favorably on this proposal. The Senate adopted a similar provision in H.R. 1836, the Economic Growth and Tax Relief Act of 2001. The House conferees on that bill, however, objected that the provision was unrelated to the bill's focus on individual tax relief and the conference deleted the provision from the final legislation. Subsequently, the Finance Committee included the provision in H.R. 7, the CARE Act of 2002, and in S. 476, the CARE Act of 2003, which the Senate passed. In a previous Congress' S. 6, the Marriage, Opportunity, Relief, and Empowerment Act of 2005, which the Senate leadership introduced, also included the proposal.

As the Senate Finance Committee's hearings show, substantial health needs would go unmet if not for our charitable hospitals. It is time for the Congress to assist the Nation's teach-

ing hospitals in their charitable, educational service.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “; or”, and by adding at the end the following new clause:

“(v) a qualified hospital support organization (as defined in subparagraph (I)).”

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term ‘qualified hospital support organization’ means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

“(i) more than half of its assets (by value) at any time since its organization—

“(I) were acquired, directly or indirectly, by testamentary gift or devise, and

“(II) consisted of real property, and

“(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term ‘eligible indebtedness’ means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INOUE:

S. 60. A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUE. Mr. President, nearly 16 years ago I stood before you to introduce a bill “to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims.”

That bill was introduced as Senate Resolution 223, which referred the Pottawatomi's claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings of fact and conclusions of law to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Over a decade ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomi Nation in Canada has a legitimate and credible legal claim. Thereafter, by settlement stipulation, the United States has taken the position that it would be “fair, just and equitable” to settle the claims of the Pottawatomi Nation in Canada for the sum of \$1,830,000. This settlement amount was reached by the parties after seven years of extensive, fact-intensive litigation. Independently, the court concluded that the settlement amount is “not a gratuity” and that the “settlement was predicated on a credible legal claim.” *Pottawatomi Nation in Canada, et al. v. United States*, Cong. Ref. 94-1037X at 28, Ct. Fed. Cl., September 15, 2000, Report of Hearing Officer.

The bill I introduce today is to authorize the appropriation of those funds that the United States has concluded would be “fair, just and equitable” to satisfy this legal claim. If enacted, this bill will finally achieve a measure of justice for a tribal nation that has for far too long been denied.

For the information of our colleagues, this is the historical background that informs the underlying legal claim of the Canadian Pottawatomi.

The members of the Pottawatomi Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomi Nation and their claim originates in the latter part of the 18th century. The historical Pottawatomi Nation was aboriginal to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. From 1795 to 1833, the United States annexed most of the traditional land of the Pottawatomi Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action. In exchange, the Pottawatomi were repeatedly made promises that the remainder of their lands would be secure

and, in addition, that the United States would pay certain annuities to the Pottawatomis.

In 1829, the United States formally adopted a Federal the policy of removal; an effort to remove all Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the government increasingly pressured the Pottawatomis to cede the remainder of their traditional lands, some five million acres in and around the city of Chicago, and remove their nation west. For years, the Pottawatomis steadfastly refused to cede the remainder of their tribal territory. Then in 1833, the United States, pressed by settlers seeking more land, sent a Treaty Commission to the Pottawatomis with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomis to agree to cede their territory. Finally, those Pottawatomis who were present relented and on September 26, 1833, they ceded their remaining tribal estate through what would be known as the Treaty of Chicago. Seventy-seven members of the Pottawatomis Nation signed the Treaty of Chicago. Members of the “Wisconsin Band” were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomis 5 million acres of comparable land in what is now Missouri. The Pottawatomis were familiar with the Missouri land, aware that it was similar to their homeland. However, the Senate refused to ratify that negotiated agreement and unilaterally switched the land to five million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomis assent to the Iowa land. All but seven of the original 77 signatories refused to accept the change even with promises that if they were dissatisfied “justice would be done.”

Nevertheless, the Treaty of Chicago was ratified as amended by the Senate in 1834. Subsequently, the Pottawatomis sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was “not fit for snakes to live on.”

While some Pottawatomis moved westward, many of the Pottawatomis, particularly the Wisconsin Band, whose leaders never agreed to the Treaty, refused to do so. By 1836, the United States began to forcefully remove Pottawatomis who remained in the east with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomis were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over

one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately removed further to inhospitable parts of Kansas against their will and without their consent.

After learning of these conditions, many of the Pottawatomis, including most of the Wisconsin Band, vigorously resisted forced removal. To avoid Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to flee to Canada. They were often pursued to the border by government troops, government-paid mercenaries or both. Official files of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs.

By the late 1830s, the government refused payment of annuities to any Pottawatomis groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and all other cession treaties. By the Act of June 25, 1864, 13 Stat. 172, Congress declared that the Wisconsin Band did not forfeit their annuities by not removing and directed that the share of the Pottawatomis Indians who had refused to relocate to the west should be retained for their use in the United States Treasury. H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949. Nevertheless, much of the money was never paid to the Wisconsin Band.

In 1903, the Wisconsin Band—most of whom now resided in three areas, the States of Michigan and Wisconsin and the Province of Ontario—petitioned the Senate once again to pay them their fair portion of annuities as required by the law and treaties, Sen. Doc. No. 185, 57th Cong., 2d Sess. By the act of June 21, 1906, 34 Stat. 380, Congress directed the Secretary of the Interior to investigate claims made by the Wisconsin Band and establish a roll of the Wisconsin Band Pottawatomis that still remained in the east. In addition, Congress ordered the Secretary to determine “the [Wisconsin Bands] proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong in which the claimant Indians have not shared, [and] the amount of such monies retained in the Treasury of the United States to the credit of the claimant Indians as directed the provision of the Act of June 25, 1864.”

In order to carry out the 1906 Act, the Secretary of Interior directed Dr. W.M. Wooster to conduct an enumeration of Wisconsin Band Pottawatomis in both the United States and Canada. Dr. Wooster documented 2,007 Wisconsin Pottawatomis: 457 in Wisconsin and

Michigan and 1,550 in Canada. He also concluded that the proportionate share of annuities for the Pottawatomis in Wisconsin and Michigan was \$477,339 and that the proportionate share of annuities due the Pottawatomis Nation in Canada was \$1,517,226. Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to satisfy most of the money owed to those Wisconsin Band Pottawatomis residing in the United States. However, the Wisconsin Band Pottawatomis who resided in Canada were never paid their share of the tribal funds.

Since that time, the Pottawatomis Nation in Canada has diligently and continuously sought to enforce their treaty rights, although until this Congressional reference, they had never been provided their day in court. In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomis Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked for more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act, ICCA, granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border brought suit together in the Indian Claims Commission for recovery of damages. *Hannahville Indian Community v. U.S.*, No. 28 (Ind. Cl. Comm. Filed May 4, 1948). Unfortunately, the Indian Claims Commission dismissed Pottawatomis Nation in Canada’s part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside territorial limits of the United States. *Hannahville Indian Community v. U.S.*, 115 Ct. Cl. 823, 1950. The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. *Hannahville Indian Community v. United States*, 4 Ct. Cl. 445, 1983. The Court of Claims concluded that the Wisconsin Band was owed a member’s proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago and entered judgment for the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomis Nation in Canada was excluded because of the jurisdictional limits of the ICCA.

Undaunted, the Pottawatomi Nation in Canada came to the Senate, and after careful consideration, we finally gave them their long-awaited day in court through the Congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a "fair, just and equitable" resolution to this claim.

The Pottawatomi Nation in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all the wrongs of the past, but it is a demonstration that this government is willing to admit when it has left an unfulfilled obligation, and that the United States is willing to do what we can to see that justice, so long delayed, is not now denied.

Finally, I would just note that the claim of the Pottawatomi Nation in Canada is supported through specific resolutions by the National Congress of American Indians, the oldest, largest and most-representative tribal organization here in the United States, the Assembly of First Nations, which includes all recognized tribal entities in Canada, and each and every of the Pottawatomi tribal groups that remain in the United States today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomi Nation in Canada \$1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment under subsection (a) shall—

(1) be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomi Nation in Canada and the United States (referred to in this section as the "Stipulation for Recommendation of Settlement"); and

(2) be included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94-1037X, submitted to the Senate on January 4, 2001, in accordance with sections 1492 and 2509 of title 28, United States Code.

(c) FULL SATISFACTION OF CLAIMS.—The payment under subsection (a) shall be in full satisfaction of all claims of the Pottawatomi Nation in Canada against the United States that are referred to or described in the Stipulation for Recommendation of Settlement.

(d) NONAPPLICABILITY.—Notwithstanding any other provision of law, the Indian Tribal

Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) does not apply to the payment under subsection (a).

By Mr. INOUE (for himself, Ms. MURKOWSKI, and Mr. BEGICH):

S. 61. A bill to establish a Native American Economic Advisory Council, and for other purposes; to the Committee on Indian Affairs.

Mr. INOUE. Mr. President, I rise to introduce a bill that would establish a Native American Economic Advisory Council. This Council's primary duties would be to consult, coordinate, and make recommendations to Federal agencies for the purpose of improving the substandard economic conditions that exist in our Native communities.

Currently, there is no Council, and despite the Federal Government's "trust" relationship with Native American tribes, Native Americans themselves continue to rank lowest in quality of life standings. As a nation we need to preserve our Native communities as they are rich with cultural significance and living history.

Native communities are considered "emerging economies" that have stalled because of the current economic situation. This bill is an attempt to keep these communities moving by educating, empowering, and encouraging our future Native American leaders to create sustainable economic growth programs in their own communities.

In Hawaii, the cost of living ranges from 30 percent to 60 percent higher than the national average. We have to start planning for economic stability in the future and this bill provides an opportunity to do so. I look forward to working with my colleagues on reinvesting in our Nation's future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Economic Advisory Council Act of 2011".

SEC. 2. FINDINGS.

Congress finds—

(1) the United States has a special political and legal relationship and responsibility to promote the welfare of the Native American people of the United States;

(2) evaluations of indicators and criteria of social well-being, education, health, unemployment, housing, income, rates of poverty, justice systems, and nutrition by agencies of government and others have consistently found that Native American communities rank below other groups of United States citizens and many are at or near the bottom in those evaluations;

(3) Native Americans, like other people in the United States, have been hit hard by the deepest recession of the United States econ-

omy in over 50 years, causing a significant decline in employment and economic activity across the United States;

(4) Native American communities have been described as "emerging economies" and consequently have been stalled in the efforts of the communities to build sustainable growing economies for the people of the communities and are being adversely affected faster than the rest of the United States;

(5) economic stimulus programs to help Native American communities generate jobs and stronger economic performance will require United States financial and tax incentives to increase both local and expanded investment that is tailored to the unique needs and circumstances of Native American communities;

(6) the impacts of the ongoing recession and the near collapse of the financial and banking systems require a review of assumptions about the future, the need for new growth strategies, and a focus on laying the groundwork for economic success in the 21st century;

(7) there is a continuing need for direct economic stimulus, including needs for improving rural infrastructure and alternative energy in rural and Native American communities of the United States and providing Native Americans leaders with the tools to create jobs and improve economic conditions;

(8) in light of the role of Native American communities as emerging markets within the United States, there are opportunities and needs that should be addressed, including consideration of United States support for the pooling of resources to create an Indigenous Sovereign Wealth Fund that is similar to those Funds created around the world to diversify revenue streams, attract more resources, invest more wisely, and create jobs;

(9) Native Americans should be participants when major economic decisions are made that affect the property, lives, and future of Native Americans; and

(10) Native Americans should fully participate in rebuilding Native American communities and have necessary tools and resources.

SEC. 3. PURPOSE.

The purpose of this Act is to authorize and establish a Native American Economic Advisory Council to consult, coordinate with, and make recommendations to the Executive Office of the President, Cabinet officers, and Federal agencies—

(1) to improve the focus, effectiveness, and delivery of Federal economic aid and development programs to Native Americans and, as a result, improve substandard economic conditions in Native American communities;

(2) to build and expand on the capacity of leaders in Native American organizations and communities to take positive and innovative steps—

(A) to create jobs;

(B) to establish stable and profitable business enterprises;

(C) to enhance economic conditions; and

(D) to use Native American-owned resources for the benefit of members; and

(3) to achieve the long-term goal of improving the quality of Native American life and living conditions and access to basic public services to the levels enjoyed by the average citizen and community of the United States by the year 2025.

SEC. 4. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC ADVISORY COUNCIL.

(a) IN GENERAL.—There is established a Native American Economic Advisory Council

(referred to in this Act as the "Council") to advise and assist the Executive Office of the President and Federal agencies to ensure that Native Americans (including Native American members, communities and organizations) have—

(1) the means and capacity to generate and benefit from economic stimulus and growth; and

(2) fair access to, and reasonable opportunities to participate in, Federal economic development and job growth programs.

(b) MEMBERS.—

(1) IN GENERAL.—The Council shall consist of 5 members appointed by the President.

(2) INITIAL APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the President shall appoint the initial members of the Council.

(3) COMPOSITION.—Of the members of the Council—

(A) 1 member shall be an Alaska Native;

(B) 1 member shall be a Hawaiian Native; and

(C) 3 members shall represent American Native groups and organizations from other States.

(4) CHAIRPERSON.—The President shall designate 1 of the members of the Council to serve as Chairperson.

(c) EXPERIENCE.—Each member of the Council shall be a Native American who, as a result of work experience, training, and attainment, is well qualified—

(1) to identify, analyze, and understand the attributes and background of successful business enterprises and economic programs in Native American communities and cultures;

(2) to appraise the economic development programs and activities of Federal agencies in the context of the goals and purposes of this Act; and

(3) to recommend programs, policies, and needed program modifications to improve access to and effectiveness in the delivery of economic development programs in Native American communities.

(d) VACANCIES.—A vacancy on the Council—

(1) shall not affect the authority of the Commission; and

(2) shall be filled in the same manner as the initial appointments to the Council.

(e) EXPENSES.—Each Member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at the rate authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of the employees in the performance of services for the Council.

(f) STAFF.—

(1) IN GENERAL.—The Council may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other staff as are necessary to enable the Council to perform the duties required under this Act.

(2) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM AMOUNT.—The rate of pay for the executive director and other personnel of the Council shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) DETAIL OF EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Council without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

(h) TEMPORARY SERVICES.—The Council may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(i) ADMINISTRATIVE SERVICES.—The Secretary of Commerce shall provide necessary office space and administrative services for the Council (including staff of the Council).

SEC. 5. DUTIES.

(a) IN GENERAL.—The Council shall advise and make recommendations to Federal agencies on—

(1) proposing sustainable economic growth and poverty reduction policies in a manner that promotes self-determination, self-sufficiency, and independence in urban and remote Native American communities while preserving the traditional cultural values of those communities;

(2) ensuring that Native Americans (including Native American communities and organizations) have equal access to Federal economic aid, training, and assistance programs;

(3) developing economic growth strategies, finance, and tax policies that will enable Native American organizations to stimulate the local economies of Native Americans and create meaningful new jobs in Native American communities;

(4) increasing the effectiveness of Federal programs to address the economic, employment, medical, and social needs of Native American communities;

(5) administering Federal economic development assistance programs with an understanding of the unique needs of Native American communities with the objectives of—

(A) making Native American leaders knowledgeable about best business practices and successful economic and job growth strategies;

(B) promoting investment and economic growth and reducing unemployment and poverty in Native American communities;

(C) enhancing governance, entrepreneurship, and self-determination in Native American communities; and

(D) fostering demonstrations of transformational changes in economic conditions in remote Native American communities through the use of innovative technology, targeted investments, and the use of Native American-owned natural and scenic resources;

(6) improving the effectiveness of economic development assistance programs through the integration and coordination of assistance to Native American communities;

(7) recommending educational and business training programs for Native Americans that increase the capacity of Native Americans for economic well-being and to further the purposes of this Act; and

(8) initiating proposals, as needed, for fellowship and mentoring programs to meet the economic development needs of Native American communities.

(b) ADDITIONAL DUTIES.—The Council shall—

(1) prepare a compilation of successful business enterprises and joint ventures conducted by Native American organizations, including tribal enterprises and the commer-

cial ventures of Native Corporations (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)) in the State of Alaska; and

(2) periodically sponsor and arrange conferences and training workshops on Native American business activities, including providing mentors, resource people, and speakers to address financing, management, marketing, resource development, and best business practices in Native American business enterprises.

SEC. 6. ASSESSMENT OF IMPACTS OF LEGISLATIVE PROPOSALS ON NATIVE AMERICAN ECONOMIC PROSPECTS AND OPPORTUNITY.

In preparing and communicating the comments and recommendations of the President on proposed legislation to committees and leadership of Congress, the Director of the Office of Management and Budget and the head of a Federal agency shall include an assessment of the impacts of the proposed legislation on the economic and employment prospects and opportunities provided in the proposed legislation to improve the quality of living conditions of Native American communities, organizations, and members to the levels enjoyed by most people of the United States.

SEC. 7. REPORTS.

The Council shall—

(1) prepare periodic reports on the activities of the Council; and

(2) make the reports available to—

(A) Native American communities, organizations, and members;

(B) the General Services Administration;

(C) the Office of Management and Budget;

(D) the Domestic Policy Council;

(E) the National Economic Council;

(F) the Council of Economic Advisers;

(G) the Secretary of the Treasury;

(H) the Secretary of Commerce;

(I) the Secretary of Labor;

(J) the Secretary of the Interior;

(K) the Secretary of Energy; and

(L) members of the public.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as are necessary.

By Mr. INOUE:

S. 62. A bill to amend the Federal Deposit Insurance Act to modify requirements relating to the location of bank branches on Indian reservations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INOUE. Mr. President, I rise to introduce a bill that would provide authority for the establishment of branch banking facilities on Indian reservations so that the Federally-chartered Native American Bank could enable access to financial services to Indian tribes and their citizens.

Many years ago, as part of my service as Chairman of the Senate Indian Affairs Committee, I met with tribal leaders to discuss the challenges of economic development in Indian country. At that time, I suggested that they might give consideration to a means by which tribal governments could pool their resources and thereby provide the capital that other tribal governments could employ on a short-term loan basis to undertake reservation-based

projects that held the potential of stimulating economic growth in their tribal communities.

The tribal leaders with whom I met were very interested in this idea, and in the ensuing years, went forward and established the Native American Bank—which is headquartered in Denver—but continues to manage its first affiliated bank on the Blackfeet Indian Reservation in Montana.

As my colleagues know, there are few financial institutions located either on or near Indian reservations, and sadly, there is evidence that some financial institutions have found it apparently necessary to either charge very high rates that they associate with the risk of doing business in Indian country, or to deny financial assistance altogether.

The Native American Bank has stepped into that latter void and has been providing meaningful financial services to tribal governments and their citizens for a number of years.

This bill contains amendments to the McFadden Act that have been carefully sculpted to address only this narrow expansion of capacity on the part of financial institutions serving Indian country.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Reservation Bank Branch Act of 2009”.

SEC. 2. REGULATIONS GOVERNING INSURED DEPOSITORY INSTITUTIONS.

Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended by adding at the end the following:

“(5) ELECTION BY INDIAN TRIBES TO PERMIT BRANCHING OF BANKS ON INDIAN RESERVATIONS.—

“(A) DEFINITIONS.—In this paragraph, the following definitions shall apply:

“(i) DE NOVO BRANCH.—The term ‘de novo branch’ means a branch of a State bank that—

“(I) is originally established by the State bank as a branch; and

“(II) does not become a branch of the State bank as a result of—

“(aa) the acquisition by the State bank of an insured depository institution (or a branch of an insured depository institution); or

“(bb) the conversion, merger, or consolidation of any such institution or branch.

“(ii) HOME STATE.—

“(I) IN GENERAL.—The term ‘home State’ means the State in which the main office of a State bank is located.

“(II) BRANCHES ON INDIAN RESERVATIONS.—The term ‘home State’ with respect to a State bank, the main office of which is located within the boundaries of an Indian reservation (in a case in which State law permits the chartering of such a main office on an Indian reservation), means—

“(aa) the State in which the Indian reservation is located; or

“(bb) for an Indian reservation that is located in more than 1 State, the State in which the portion of the Indian reservation containing the main office of the State bank is located.

“(iii) HOST RESERVATION.—The term ‘host reservation’, with respect to a bank, means an Indian reservation located in a State other than the home State of the bank in which the bank maintains, or seeks to establish and maintain, a branch.

“(iv) INDIAN RESERVATION.—

“(I) IN GENERAL.—The term ‘Indian reservation’ means land subject to the jurisdiction of an Indian tribe.

“(II) INCLUSIONS.—The term ‘Indian reservation’ includes—

“(aa) any public domain Indian allotment;

“(bb) any land area located within the outer geographic boundaries recognized as an Indian reservation by a Federal treaty, Federal regulation, decision or order of the Bureau of Indian Affairs or any successor agency thereto, or statute in force with respect to a federally recognized tribal nation;

“(cc) any former Indian reservation in the State of Oklahoma; and

“(dd) any land held by a Native village, Native group, Regional Corporation, or Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(v) INDIAN TRIBE.—The term ‘Indian tribe’ has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(vi) TRIBAL GOVERNMENT.—

“(I) IN GENERAL.—The term ‘tribal government’ means the business council, tribal council, or similar legislative or governing body of an Indian tribe—

“(aa) the members of which are representatives elected by the members of the Indian tribe; and

“(bb) that is empowered to enact laws applicable within the Indian reservation of the Indian tribe.

“(II) MULTITRIBAL RESERVATIONS.—The term ‘tribal government’, with respect to an Indian reservation within the boundaries of which are located more than 1 Indian tribe, each of which has a separate council, means a joint business council or similar intertribal governing council that includes representatives of each applicable Indian tribe.

“(III) INCLUSION.—The term ‘tribal government’ includes a governing body of any Regional Corporation or Village Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

“(B) APPROVAL BY CORPORATION.—Subject to subparagraph (C), in addition to any other authority under this section to approve an application to establish a branch within the boundaries of an Indian reservation, the Corporation may approve an application of a State bank to establish and operate a de novo branch within the boundaries of 1 or more Indian reservations (regardless of whether the Indian reservations are located within the home State of the State bank), if there is in effect within the host reservation a law enacted by the tribal government of the host reservation that—

“(i) applies with equal effect to all banks located within the host reservation; and

“(ii) specifically permits any in-State or out-of-State bank to establish within the host reservation a de novo branch.

“(C) CONDITIONS.—

“(i) ESTABLISHMENT.—An application by a State bank to establish and operate a de novo branch within a host reservation shall not be subject to the requirements and conditions applicable to an application for an

interstate merger transaction under paragraphs (1), (3), and (4) of section 44(b).

“(ii) OPERATION.—Subsections (c) and (d)(2) of section 44 shall not apply with respect to a branch of a State bank that is established and operated pursuant to an application approved under this paragraph.

“(iii) PROHIBITION.—

“(I) IN GENERAL.—Except as provided in subclause (II), no State nonmember bank that establishes or operates a branch on 1 or more Indian reservations solely pursuant to paragraph (5) may establish any additional branch outside of such Indian reservation in any State in which the Indian reservation is located.

“(II) EXCEPTION.—Subclause (I) shall not apply if a State nonmember bank described in that subclause would be permitted to establish and operate an additional branch under any other provision of this section, without regard to the establishment or operation by the State nonmember bank of a branch on the subject Indian reservation.”.

SEC. 3. BRANCH BANKS.

Section 5155 of the Revised Statutes of the United States (12 U.S.C. 36) is amended by inserting after subsection (g) the following:

“(h) ELECTION BY INDIAN TRIBES TO PERMIT BRANCHING OF NATIONAL BANKS ON INDIAN RESERVATIONS.—

“(I) DEFINITIONS.—In this subsection, the following definitions shall apply:

“(A) DE NOVO BRANCH.—The term ‘de novo branch’ means a branch of a national bank that—

“(i) is originally established by the national bank as a branch; and

“(ii) does not become a branch of the national bank as a result of—

“(I) the acquisition by the national bank of an insured depository institution (or a branch of an insured depository institution); or

“(II) the conversion, merger, or consolidation of any such institution or branch.

“(B) HOME STATE.—

“(i) IN GENERAL.—The term ‘home State’ means the State in which the main office of a national bank is located.

“(ii) BRANCHES ON INDIAN RESERVATIONS.—The term ‘home State’, with respect to a national bank, the main office of which is located within the boundaries of an Indian reservation, means—

“(I) the State in which the Indian reservation is located; or

“(II) for an Indian reservation that is located in more than 1 State, the State in which the portion of the Indian reservation containing the main office of the national bank is located.

“(C) HOST RESERVATION.—The term ‘host reservation’, with respect to a national bank, means an Indian reservation located in a State other than the home State of the bank in which the bank maintains, or seeks to establish and maintain, a branch.

“(D) INDIAN RESERVATION.—

“(i) IN GENERAL.—The term ‘Indian reservation’ means land subject to the jurisdiction of an Indian tribe.

“(ii) INCLUSIONS.—The term ‘Indian reservation’ includes—

“(I) any public domain Indian allotment;

“(II) any land area located within the outer geographic boundaries recognized as an Indian reservation by a Federal treaty, Federal regulation, decision or order of the Bureau of Indian Affairs or any successor agency thereto, or statute in force with respect to a federally recognized tribal nation;

“(III) any former Indian reservation in the State of Oklahoma; and

“(IV) any land held by a Native village, Native group, Regional Corporation, or Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(E) INDIAN TRIBE.—The term ‘Indian tribe’ has the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(F) TRIBAL GOVERNMENT.—

“(i) IN GENERAL.—The term ‘tribal government’ means the business council, tribal council, or similar legislative or governing body of an Indian tribe—

“(I) the members of which are representatives elected by the members of the Indian tribe; and

“(II) that is empowered to enact laws applicable within the Indian reservation of the Indian tribe.

“(ii) MULTITRIBAL RESERVATIONS.—The term ‘tribal government’, with respect to an Indian reservation within the boundaries of which are located more than 1 Indian tribe, each of which has a separate council, means a joint business council or similar intertribal governing council that includes representatives of each applicable Indian tribe.

“(iii) INCLUSION.—The term ‘tribal government’ includes a governing body of any Regional Corporation or Village Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

“(2) APPROVAL BY COMPTROLLER.—Subject to paragraph (3), in addition to any other authority under this section to approve an application to establish a national bank branch within the boundaries of an Indian reservation, the Comptroller may approve an application of a national bank to establish and operate a de novo branch within the boundaries of an Indian reservation (regardless of whether the Indian reservation is located within the home State of the national bank), if there is in effect within the host reservation a law enacted by the tribal government of the host reservation that—

“(A) applies with equal effect to all banks located within the host reservation; and

“(B) specifically permits any in-State or out-of-State bank to establish within the host reservation a de novo branch.

“(3) CONDITIONS.—

“(A) ESTABLISHMENT.—An application by a national bank to establish and operate a de novo branch within a host reservation shall not be subject to the requirements and conditions applicable to an application for an interstate merger transaction under paragraphs (1), (3), and (4) of section 44(b) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)).

“(B) OPERATION.—Subsections (c) and (d)(2) of section 44 of that Act (12 U.S.C. 1831u) shall not apply with respect to a branch of a national bank that is established and operated pursuant to an application approved under this subsection.

“(C) PROHIBITION.—

“(i) IN GENERAL.—Except as provided in clause (ii), no national bank that establishes or operates a branch on 1 or more Indian reservations solely pursuant to subsection (h) may establish any additional branch outside of such Indian reservation in the State in which the Indian reservation is located.

“(ii) EXCEPTION.—Clause (i) shall not apply if a national bank described in that clause would be permitted to establish and operate an additional branch under any other provision of this section or other applicable law, without regard to the establishment or operation by the national bank of a branch on the subject Indian reservation.”.

By Mr. INOUE.

S. 63. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

Mr. INOUE. Mr. President, I am reintroducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Our Filipino veterans fought side by side with Americans and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans benefits that, I believe, they are entitled to. As this population becomes older, it is important for our Nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great Nation that we are today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) that is available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary to have performed military service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any applica-

tion received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period before the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term “World War II” means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. INOUE.

S. 64. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUE. Mr. President, I rise today in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our Nation, in order to use them, devoid of passports or any other proof of citizenship, for exchange with Americans with Japan. Between the years 1941 and 1945, our Government, with the help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those

used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., because their country of origin in Latin America refused their re-entry, because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. Government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, internment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of Federal actions to detain and intern civilians of Japanese ancestry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of internment Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this Act is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this Act as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this Act.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States Armed Forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) **REPORT.**—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. 5. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) **ISSUANCE AND ENFORCEMENT OF SUBPOENAS.**—

(1) **ISSUANCE.**—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) **ENFORCEMENT.**—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) **WITNESS ALLOWANCES AND FEES.**—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) **COMPENSATION.**—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) **OTHER ADMINISTRATIVE MATTERS.**—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) **AVAILABILITY.**—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

By Mr. INOUE.

S. 65. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

Mr. INOUE. Mr. President, I rise to introduce a bill to reauthorize Title VIII of the Native American Housing Assistance and Self-Determination Act. Title VIII provides authority for the appropriation of funds for the construction of low-income housing for Native Hawaiians and further provides

authority for access to loan guarantees associated with the construction of housing to serve Native Hawaiians.

Three studies have documented the acute housing needs of Native Hawaiians—which include the highest rates of overcrowding and homelessness in the State of Hawaii. Those same studies indicate that inadequate housing rates for Native Hawaiians are amongst the highest in the Nation.

The reauthorization of Title VIII will support the continuation of efforts to assure that the native people of Hawaii may one day have access to housing opportunities that are comparable to those now enjoyed by other Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hawaiian Homeownership Opportunity Act of 2011”.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking “fiscal years” and all that follows and inserting the following: “fiscal years 2011, 2012, 2013, 2014, and 2015.”

SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (b), by striking “or as a result of a lack of access to private financial markets”;

(2) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) **ELIGIBLE HOUSING.**—The loan will be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are—

“(A) standard housing; and

“(B) located on Hawaiian Home Lands.”;

and

(3) in subsection (j)(7), by striking “fiscal years” and all that follows through the end of the paragraph and inserting the following: “fiscal years 2011, 2012, 2013, 2014, and 2015.”

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAIIAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended—

(1) in the title heading, by inserting “**AND NATIVE HAWAIIAN**” after “**TRIBAL**”;

(2) in section 601 (25 U.S.C. 4191)—

(A) in subsection (a)—

(i) by striking “or tribally designated housing entities with tribal approval” and inserting “, by tribally designated housing entities with tribal approval, or by the Department of Hawaiian Home Lands,”; and

(ii) by inserting “or 810, as applicable,” after “section 202” ; and

(B) in subsection (c), by inserting “or title VIII, as applicable” before the period at the end;

(3) in section 602 (25 U.S.C. 4192)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “or housing entity” and inserting “, housing entity, or Department of Hawaiian Home Lands”; and

(ii) in paragraph (3)—

(I) by inserting “or Department” after “tribe”;

(II) by inserting “or title VIII, as applicable,” after “title I”; and

(III) by inserting “or 811(b), as applicable” before the semicolon at the end; and

(B) in subsection (b)(2), by striking “or housing entity” and inserting “, housing entity, or the Department of Hawaiian Home Lands”;

(4) in the first sentence of section 603 (25 U.S.C. 4193), by striking “or housing entity” and inserting “, housing entity, or the Department of Hawaiian Home Lands”; and

(5) in section 605(b) (25 U.S.C. 4195(b)), by striking “2009 through 2013” and inserting “2011 through 2015”.

By Mr. INOUE:

S. 67. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to end space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Services are permitted to travel on a space-available basis on non-scheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying “thank you” by supporting this legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060b the following new section:

“§ 1060c. Travel on military aircraft: certain disabled former members of the armed forces

“The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command. The Secretary of Defense shall permit such travel on a space-available basis.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1060b the following new item:

“1060c. Travel on military aircraft: certain disabled former members of the armed forces.”.

By Mr. INOUE:

S. 68. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our nation has not forgotten their sacrifices.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

“§ 1064a. Use of commissary and exchange stores: certain disabled former prisoners of war

“(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

“(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who—
“(1) separated from active duty in the armed forces under honorable conditions; and

“(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘former prisoner of war’ has the meaning given that term in section 101(32) of title 38.

“(2) The term ‘service-connected’ has the meaning given that term in section 101(16) of title 38.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by inserting after the item relating to section 1064 the following new item:

“1064a. Use of commissary and exchange stores: certain disabled former prisoners of war.”.

By Mr. TESTER:

S. 69. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. TESTER. Mr. President, I rise today to introduce the Common Sense in Consumer Product Safety Act of 2011 on behalf of the folks across America who are outdoor enthusiasts and budding sportsman and women. This bill will bring a common sense approach to restrictions we place upon access to children's products.

In 2008, in response to the high lead paint content found in a number of toys and products intended for children, the Congress passed legislation to limit children's access to these dangerous products. Many of these products were imports from China and other places where consumer protection is weak or non-existent. I supported this legislation, as did 78 of my colleagues.

Any product sold that is intended to be used by children up to the age of 12 must be tested and certified to not contain more than the allowable level of lead. However, it became clear that the Consumer Product Safety Improvement Act has had some unintended consequences.

While the goal is admirable, it is important to inject a little common sense into the process. I want our kids and grandkids to be safe and protected from harmful toys, but we all know that most kids who are past the teething stage do not chew on their toys. It is important to strike a balance—to enact responsible safety requirements while at the same time recognizing that overzealous restrictions can interfere with a way of life enjoyed by not just Montanans, but outdoor enthusiasts across America.

As Chairman of the Congressional Sportsmen's Caucus, I am proud to

stand up for Montana's outdoor heritage at every chance. The consumer protection law goes too far and limits younger Montanans' opportunities to participate in those traditions.

My bill will protect small businesses and allow families safer access to the outdoors.

The consumer protection law covers all products intended for the use of children through the age of 12. This includes ATVs, dirt bikes and other vehicles built specifically for the use of older kids and adults. However, because of the way the vehicles are built, parts that may include lead are not exclusively internal components and therefore don't pass the inaccessibility standard required by law. As a result of this requirement, a number of ATV sales and retail establishments have halted the sale of all ATVs for kids. In an abundance of caution, they have also refused to repair any equipment intended for kids use.

I have heard from many Montanans—consumers and retail sales people alike—expressing their concern about the impact of the legislation upon outdoor motor sports. A few years ago I worked with the Consumer Product Safety Commission to successfully provide a two year waiver for child-sized motorized vehicles. However, that stay of enforcement expires this May. Therefore today, I am reintroducing this bill to provide a permanent exception for vehicles intended to be used by children between the ages of 6 and 12.

In addition to manufacturers and merchants, thrift stores, and other retail establishments are also implicated because of the wide-reaching scope of the legislation. It is possible that even holding a yard sale can lead folks astray from the new law. Therefore, my bill also removes liability for lead paint content in any product that is repaired or is resold by thrift stores, flea markets or at yard sales. The liability in place at the time of primary sale of these products is sufficient and it could cripple the profitability of the secondary merchants if they were to be liable for testing the products they resell or repair.

In this tough economy, second-hand resellers simply can't afford the third-party testing requirement put in place by the bill. At the same time, more and more of Montana's families are finding their budgets tighten and are relying upon thrift and resale stores for toys, children's clothing and other household goods. I want to make sure that laws intended to keep our kids safe end up doing more harm than good.

This is a very important bill, bringing a dose of common sense to the very important goal of protecting our kids from lead paint and other substances that will harm their health. I urge my colleagues to join me in this effort.

By Mr. INOUE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUE. Mr. President, in our effort to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation designating Memorial Day and Veterans Day as days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) DESIGNATION OF LEGAL PUBLIC HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by striking "Memorial Day, the last Monday in May." and inserting the following:

"Memorial Day, May 30."

(b) OBSERVANCES AND CEREMONIES.—Section 116 of title 36, United States Code, is amended—

(1) in subsection (a), by striking "The last Monday in May" and inserting "May 30"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) calling on the people of the United States to observe Memorial Day as a day of ceremonies to show respect for United States veterans of wars and other military conflicts; and"

(c) DISPLAY OF FLAG.—

(1) TIME AND OCCASIONS FOR FLAG DISPLAY.—Section 6(d) of title 4, United States Code, is amended by striking "the last Monday in May;" and inserting "May 30;"

(2) NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.—Section 902(c)(1)(B) of title 36, United States Code, is amended by striking "the last Monday in May" and inserting "May 30".

By Ms. CANTWELL (for herself and Mr. FRANKEN):

S. 74. A bill to preserve the free and open nature of the Internet, expand the benefits of broadband, and promote universally available and affordable broadband service; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation that

will preserve the free and open Internet that has led to the growth of broadband.

The broadband Internet is integral to U.S. job creation, economic growth, education, civic engagement, and innovation.

The network design principles fostering the development of the broadband Internet to date, an end-to-end design, layered architecture, and open standards, promotes innovation at the edge of the network and gives end users choice and control of their online activities.

These network design principles have led to the network neutrality of the Internet, where there are no paid-for premium fast lanes and best-effort slow lanes.

Today, broadband providers have access to technology and an economic incentive to favor their own or affiliated services, content, and applications; and discriminate against other providers of services content, and applications.

If our Nation is to achieve the ambitious broadband goals put forward in the National Broadband Plan, the U.S. needs a clear Federal policy that preserves the historically free and open nature of the Internet.

The policy must apply to all broadband Internet access service providers regardless of the means by which they reach the end user.

As you know, the FCC released its net neutrality rules last fall.

I consider the Commission's actions to be completely within the bounds of its authority.

The Chevron deference courts give agencies is rather broad.

A quick read of the 2005 U.S. Supreme Court's *Brand X* decision tells you all you need to know.

Former FCC Chairman Powell was very creative in his approach to deregulating broadband over cable modem in 2002.

As you remember, one of the most conservative justices on the Supreme Court, Justice Scalia, voted against the FCC action saying more or less that what Chairman Powell did was an overreach.

Even so, the final decision was six to three in favor of the FCC. That is how broad the Chevron deference is.

And because of the meticulous way Chairman Genachowski conducted the Commission's process, in the end, I am confident the court system will uphold its actions.

My issue with the Commission's net neutrality rules is that I do not think the Chairman was bold enough.

The Commission should have issued one set of rules that covered broadband delivered over wireline, wireless, or some combination of the two. Everyone realizes that the future of broadband is wireless. And with the rollout of 4-G wireless services, that future is with us now.

The Commission should not have kept open the door for any pay-for-priority schemes. It will lead to a tiered Internet, where broadband Internet service providers have the incentive to create artificial bandwidth shortages to maximize profits, rather than invest in new capacity.

The Commission also needed to get the definitions of broadband and reasonable network management right. One was too broad and one too narrow. The wording in definitions is negotiated over fiercely because, if not crafted properly, it can lead to loopholes that severely undercut the effectiveness of the rules.

More fundamentally, the Commission should have reclassified broadband Internet access into Title II of the communications act and forebear from regulation all of the elements more appropriate to Title I. It would have taken the Commission a lot more time and resources, but getting net neutrality right is that important, because this is the foundation that all broadband rules and regulations will be built on going forward.

It is surprising that as weak as these rules are they have stirred up so much vitriol.

I know this body will be taking up this matter another day.

My legislation puts in statute strong net neutrality protections, takes steps to promote broadband adoption, and provides consumer protection for broadband end users.

First I want to acknowledge the leadership of our former colleague Senator Dorgan on this issue.

The bill builds on what we started working together on last fall.

It also borrows some of the good ideas of Mr. MARKEY and Ms. ESHOO in the House.

At a high level my legislation creates a new section in Title II of the Communications Act that codifies the six new neutrality principles in the FCC's November 2009 notice of proposed rulemaking for preserving the open Internet.

My legislation adds a few things to the FCC's list. For example, my legislation also prohibits broadband operators from requiring content, service, or application providers from paying for prioritized delivery of their IP packets; more commonly referred to as pay-for-priority. It also requires broadband providers to interconnect with middle-mile broadband providers on just and reasonable terms and conditions.

All of this is subject to reasonable network management as defined. And it applies to all broadband Internet platforms—wireline and wireless.

My legislation takes several steps to promote the adoption of broadband, steps such as requiring broadband providers to provide service upon reasonable request by an end user; and requiring broadband providers to offer stand-

alone broadband at reasonable rates, terms and conditions.

My legislation increases consumer protections because all charges, practices, classifications, regulations, for and in connection with the broadband Internet access service must be just and reasonable.

My legislation directs the FCC to come up with enforcement mechanisms. End users, who include individuals, businesses of all sizes, non-profit organization, and others, can file a complaint either at the FCC or at a U.S. District Court, but not both. Additionally, State Attorneys General can file on behalf of their residents and seek either to enforce the act or to seek civil penalties.

My legislation supports continued broadband investment, innovation, and jobs.

Let me explain.

First innovation. With the Internet's end-to-end design, innovation is at the edge of the network in the hands of the end users. New ideas for online content, application, and services do not need the permission of the centralized network operator to become successful. Without net neutrality protections, I foresee situations arising that will chill innovation.

For example, if a broadband provider has a partnership with company A to provide end users a certain on-line service, and new company B comes up with a better value proposition for providing that same on-line service, how many believe that the broadband provider will allow company B get access to its end users with the same bandwidth or quality-of-service assurances, particularly if Company A gives a portion of its revenues from that on-line service to the broadband provider.

Experience has taught me that the most promising path to developing an innovation into a new on-line product or service is hard to predict, if one can do it at all. If broadband Internet access service provider end up on the critical path for successful commercialization of on-line innovations, the path to success will be all the much harder. The language in my bill tries to prevent these types of situations from happening.

This leads to my second point, the chilling of investment without effective net neutrality rules.

Take the situation where an early stage online company is seeking venture capital investments. The first question any responsible VC will ask is whether the following list of large broadband providers are on-board with the online product or service. Because if there is a situation, as in my example on innovation, where the large broadband provider has a partnership with the early stage companies' entrenched competitor, it is going to be difficult, if not impossible to raise funds. Basically, the blessing of

broadband providers will become essential to obtaining VC investment of any magnitude. How to get large broadband providers on board will become a key part of every business plan. Broadband providers would then become gatekeepers to online innovation and investment.

Broadband investment can also be chilled a second way. The logical extension of pay-for-priority is a tiered Internet with premium fast lanes and best effort slow lanes. With a tiered Internet, it becomes more profitable to create an artificial bandwidth shortage rather than in investing to increase broadband capacity of the local network.

The reason is that it is easier to adjust pricing policies than forecast the optimum level of investment and be able to finance it at favorable rates. Recall the Internet bubble about a decade ago. That is why I believe that if pay-for-priority exists, it will ultimately lead to a lower level of broadband investment that would occur otherwise.

I agree with the need for broadband providers to upgrade the quality of their network and increase the available bandwidth to meet the anticipated market demand. If end users want more bandwidth or quality-of-service assurances they should be willing to pay for it. It is that simple. I have no issue with allowing broadband providers explore different pricing options for consumers. My bill doesn't prevent that.

Third jobs. Since the advent of the broadband age, there have been more high-value-added, high-paying jobs created by companies operating at the edge of the network than companies at the center of the network. And because of chilled investment and other restrictions, without net neutrality rules, I believe we will experience a lower rate of growth of broadband-enabled jobs.

Let me close by saying that I bring a unique perspective to the policy discussion over net neutrality by virtue of working in the tech industry during the dial-up age and early years of broadband.

To put things in perspective, the ideas and language that became the Telecommunications Act of 1996 was coming together around the time Netscape 1.0 was being introduced commercially.

Whether intentionally or unintentionally, that 1996 Telecom Act accelerated the roll out of broadband, even though the word Internet appeared less than one dozen times. It set the wheels in motion by allowing local competition to the offspring of Ma Bell, allowing telecom companies to offer video programming, and allowing cable companies to offer telecom service.

Cable companies responded to this competitive threat, and that from the satellite TV companies due to the Satellite Home Viewing Act, by making

infrastructure investments that allowed them to offer new broadband service over cable modem.

Competitive Local Exchange Carriers, taking advantage of their new ability to line share and access unbundled network elements, also saw the competitive benefits of offering broadband service.

The traditional telecom companies, well, at the time they seemed focused on trying to reassemble Ma Bell and having us all buy an extra, dedicated landline or two for dial up service.

Eventually, the competitive pressure did drive them to make the necessary investment to offer broadband.

The business models for delivering broadband Internet access differed than that of dial-up. In their heyday, ISPs such as AOL, CompuServe, and Prodigy did not own their own infrastructure; they leased telecom transmission capacity from third parties telecom companies. With broadband, for a number of reasons, there came the much greater vertical integration of the ISP and transmission capacity.

Looking back, broadband over cable modem flourished under Title II through 2002, until the FCC deregulated it. Similarly, broadband over landlines flourished under Title II through 2005, until Chairman Martin's deregulated it in the wake of the Brand X decision.

As Senator Dorgan used to say, having broadband under Title II ensured that there was a broadband cop on the beat.

If there were functioning local markets for broadband services, consumers would have true choices, and I might think differently about the need for legislation. Unfortunately end users in most communities have a limited number of choices at best when it comes to broadband Internet access services.

At its most basic, that is why we need to return that broadband cop to the beat. My bill will do that, and do that without regulating the Internet.

It will achieve the regulatory certainty industry seems to clamoring for by having the net neutrality protection in statute rather than left to agency rule and the politics of each succeeding administration.

I don't claim that this bill is a perfect bill. It lays down a marker for where we should start the discussion.

Given the complexity of the Internet ecosystem, any legislation will have to be worked through by the Commerce Committee. There are always details, details, and more details with respect to business models and usage cases that need to be considered. For these reasons I recognize that the Commission will need some flexibility in implementing the statute and I believe my language will provide them with just enough.

My bill will preserve an open and free Internet, allow for broadband's contin-

ued growth, and the economic growth and jobs that it will create.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Freedom, Broadband Promotion, and Consumer Protection Act of 2011".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Two-way communications networks constitute basic infrastructure that is as essential to our national economy as roads and electricity.

(2) The broadband Internet constitutes the most important two-way communications infrastructure of our time.

(3) Access to the broadband Internet is critical for job creation, economic growth, and technological innovation.

(4) Access to the broadband Internet creates opportunity for more direct civic engagement, increased educational attainment, and enables free speech.

(5) The network design principles fostering the development of the broadband Internet to date, an end-to-end design, layered architecture, and open standards, promotes innovation at the edge of the network and gives end users choice and control of their online activities.

(6) These network design principles have led to the network neutrality of the Internet, where there are no paid for premium fast lanes and best effort slow lanes.

(7) According to the Federal Communications Commission in 2009, technologies now allow network operators to distinguish different classes of Internet traffic, to offer different qualities-of-service, and to charge different prices to each class of Internet traffic.

(8) Broadband Internet access service providers have an economic interest to discriminate in favor of their own or affiliated services, content, and applications and against other providers of such services, content, and applications.

(9) Broadband Internet access service providers have an economic interest in, and the ability to adopt, pay-for-priority schemes to the detriment of job creation, economic growth, innovation, and consumer protections.

(10) The market for broadband today demonstrates substantial obstacles to effective competition, to the protection of users, and to the continued viability of a free and open Internet.

(11) These obstacles impede the universal deployment and adoption of broadband, impede meeting the goals set forth in the National Broadband Plan, and perpetuate a digital divide.

(12) The United States needs clear Federal policy that preserves the historically free and open nature of the Internet, expands the benefits of broadband, and promotes universally available and affordable broadband service that does not chill innovation or speech within the content, applications, and services available online.

(13) The Federal policy to ensure that the Internet remains free and open must apply equally to all broadband Internet access

services, regardless of whether those services use wire, radio, or some combination of those means to reach the end user.

SEC. 3. INTERNET FREEDOM.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 280. INTERNET FREEDOM AND BROADBAND PROMOTION.

"(a) PURPOSES.—The purposes of this section are—

"(1) to promote increased availability and adoption of broadband for all Americans;

"(2) to promote consumer choice and competition among broadband Internet access service providers and among providers of lawful content, applications, and services; and

"(3) to protect consumers, innovators and entrepreneurs from harmful, discriminatory, or anti-competitive behavior by providers of broadband Internet access service.

"(b) BROADBAND INTERNET ACCESS SERVICE AND CHARGES.—

"(1) It shall be the duty of every broadband Internet access service provider to furnish such broadband Internet access service to end users upon reasonable request.

"(2) Broadband Internet access service providers shall not require end users to purchase voice grade telephone service, commercial mobile radio voice services, or multichannel-video programming distribution services or other specialized services as a condition on the purchase of any broadband Internet access service.

"(3) All charges, practices, classifications, and regulations for and in connection with broadband Internet access service shall be just and reasonable.

"(4) If a broadband Internet access service provider allows its end users to request quality-of-service assurances for the transmission of Internet protocol packets associated with its own applications, services, or content or that of its affiliates, then—

"(A) the broadband Internet access service provider shall permit such assurances for all Internet Protocol packets chosen by the end user, without regard to the content, applications, or services involved; and

"(B) any quality-of-service assurance shall not block, interfere with, or degrade, any other end user's access to the content, applications, and services of their choice.

"(c) ENSURING OPEN ACCESS TO THE BROADBAND INTERNET.—A broadband Internet access service provider may not unjustly or unreasonably—

"(1) block, interfere with, or degrade an end user's ability to access, use, send, post, receive, or offer lawful content (including fair use), applications, or services of the user's choice;

"(2) block, interfere with, or degrade an end user's ability to connect and use the end user's choice of legal devices that do not harm the network;

"(3) prevent or interfere with competition among network, applications, service or content providers;

"(4) engage in discrimination against any lawful Internet content, application, service, or service provider with respect to network management practices, network performance characteristics, or commercial terms and conditions;

"(5) give preference to affiliated content, applications, or services with respect to network management practices, network performance characteristics, or commercial terms and conditions;

"(6) charge a content, application, or service provider for access to the broadband

Internet access service providers' end users based on differing levels of quality of service or prioritized delivery of Internet protocol packets;

"(7) prioritize among or between content, applications, and services, or among or between different types of content, applications, and services unless the end user requests to have such prioritization;

"(8) install or utilize network features, functions, or capabilities that prevent or interfere with compliance with the requirements of this section; or

"(9) refuse to interconnect on just and reasonable terms and conditions.

"(d) REASONABLE NETWORK MANAGEMENT.—

"(1) IN GENERAL.—Nothing in this section shall prohibit a broadband Internet access service provider from engaging in reasonable network management.

"(2) REASONABLENESS PRESUMPTION.—For purposes of this section, a network management practice is presumed to be reasonable for a broadband Internet access service provider only if it is—

"(A) essential for a legitimate network management purpose assuring the operation of the network;

"(B) appropriate for achieving the stated purpose;

"(C) narrowly tailored; and

"(D) among the least restrictive, least discriminatory, and least constricting of consumer choice available.

"(3) FACTORS TO BE CONSIDERED.—In determining whether a network management practice is reasonable, the Commission shall take into account the particular network architecture and any technology and operational limitations of the broadband Internet access service provider.

"(4) LIMITATION.—A network management practice may not be considered to be a reasonable network management if the broadband Internet access service provider charges content, applications, or other online service providers for differing levels of quality of service or prioritized delivery of Internet Protocol packets.

"(e) OTHER REGULATED SERVICES.—This section shall not be construed to prevent broadband Internet access service providers from offering interconnected Voice over Internet Protocol (VoIP) services or multichannel-video programming distribution services regulated under title VI of this Act on transmission capacity also used by broadband Internet access services.

"(f) TRANSPARENCY.—

"(1) IN GENERAL.—A provider of broadband Internet access service—

"(A) shall disclose publicly on its external website and at the point of sale accurate information regarding the network management practices, network performance, and commercial terms of its broadband Internet access service in plain language sufficient for end users to make informed choices regarding use of such services, and for content, application, service, and device providers to develop, market, and maintain Internet offerings; and

"(B) shall disclose publicly on its external website and at the point of sale any other practices that affect communications between a user and a content, application, or service provider in the ordinary, routine use of such broadband service.

"(2) EXEMPTIONS.—The Commission may exempt certain kinds of information from disclosure on the grounds that it is competitively sensitive or could compromise network security. Within 90 days after the date of enactment of the Internet Freedom,

Broadband Promotion, and Consumer Protection Act of 2011, the Commission shall conclude a rulemaking proceeding to implement this subsection.

"(g) STAND-ALONE INTERNET ACCESS SERVICE.—

"(1) IN GENERAL.—Within 180 days after the date of enactment of the Internet Freedom, Broadband Promotion, and Consumer Protection Act of 2011, the Commission shall promulgate rules to ensure that broadband Internet access providers do not require the purchase of voice grade telephone service, commercial mobile radio voice services, or multichannel-video programming distribution services as a condition of purchasing any broadband Internet access service, and that the rates, terms, and conditions for providing such service are just and reasonable.

"(2) REPORT.—In the report required by section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302), the Commission shall collect information on the availability, promotion, average speed, and average pricing of stand-alone broadband Internet access service offered by broadband Internet access providers.

"(3) ELIGIBILITY TO ACCESS ANY UNIVERSAL SERVICE FUND FOR BROADBAND.—If the Commission establishes a universal service fund for broadband Internet services, only broadband Internet access service providers that offer stand-alone broadband service shall be eligible to participate in the fund.

"(h) ENFORCEMENT, LIABILITY, AND RECOVERY OF DAMAGES.—

"(1) EXPEDITED COMPLAINT PROCESS.—Within 180 days after the date of enactment of the Internet Freedom, Broadband Promotion, and Consumer Protection Act of 2011, the Commission shall prescribe rules to permit any aggrieved person to file a complaint with the Commission concerning a violation of subsections (b), (c), or (g) of this section, and establish enforcement and expedited adjudicatory review procedures including the resolution of complaints not later than 90 days after such complaint was filed, except for good cause shown.

"(2) LIABILITY OF BROADBAND INTERNET ACCESS SERVICE PROVIDERS FOR DAMAGES.—If a broadband Internet access service provider does, or causes or permits to be done, any act, matter, or thing that is prohibited under this section, or fails to do any act, matter, or thing required by this section to be done, the provider shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this section, together with a reasonable counsel or attorney's fee, as determined by the Commission.

"(3) VENUE.—Any person claiming to be damaged by any broadband Internet access provider subject to the provisions of this section may either make a complaint to the Commission as provided for in paragraph (1), or may bring suit for the recovery of the damages in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code. A claimant may not bring an action in a Federal district court if the claimant has filed a complaint with the Commission under paragraph (1) with respect to the same violation.

"(i) ENFORCEMENT BY STATES.—

"(1) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district

court of the United States to enforce this section or to impose civil penalties for violation of this section, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this section.

"(2) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under paragraph (1) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

"(3) AUTHORITY TO INTERVENE.—Upon receiving the notice required by paragraph (2), the Commission shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.

"(4) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this subsection shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence

"(5) VENUE; SERVICE OF PROCESS.—

"(A) VENUE.—An action brought under paragraph (1) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(B) SERVICE OF PROCESS.—In an action brought under paragraph (1)—

"(i) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

"(ii) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

"(j) COMMISSION AUTHORITY.—The Commission may perform any and all acts, make such rules and regulations and issue such orders, not inconsistent with this section, as may be necessary to implement the purposes of this section.

"(k) OTHER LAWS AND CONSIDERATIONS.—

"(1) Nothing in this section supersedes any obligation or authorization a provider or broadband Internet access service may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities, consistent with or as permitted by applicable law, or limits the provider's ability to do so.

"(2) Nothing in this section authorizes a provider of broadband Internet access service to address copyright infringement or other unlawful activity of providers, subscribers, or users, beyond its obligations under the Digital Millennium Copyright Act (17 U.S.C. 101 note), the amendments made by that Act, and consistent other applicable laws.

"(1) STUDIES.—Within one-year after the date of enactment of this Act the Government Accountability Office shall complete and submit reports to the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Energy and Commerce, on the evolution of commercial and other arrangements by which broadband Internet access service providers interconnect to Internet backbone providers and

intermediary networks, and assess whether, as the volume and mix of Internet Protocol traffic requested by and transported to and from the customers of broadband Internet access service providers has changed over time, there is a market failure with respect to the existing market mechanisms of transit contracts and non-settlement peering agreements.

“(m) DEFINITIONS.—In this section:

“(1) AFFILIATED.—The term ‘affiliated’ includes—

“(A) a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person; and

“(B) a person that has a contract or other arrangement with a content, application, or service provider relating to access to or distribution of such content, application or services over the Internet.

“(2) BROADBAND INTERNET ACCESS.—The term ‘broadband Internet access’—

“(A) means the ability for an end user to transmit and receive data to the Internet using Internet Protocol at peak download data transfer rates in excess of 200 kilobits per second, through an always-on connection; but

“(B) does not include dial-up access requiring an end user to initiate a call across the public switched telephone network to establish a connection.

“(3) BROADBAND INTERNET ACCESS SERVICE.—The term ‘broadband Internet access service’ means any communications service by wire or radio that provides broadband Internet access directly to the public, or to such classes of users as to be effectively available directly to the public.

“(4) BROADBAND INTERNET ACCESS SERVICE PROVIDER.—The term ‘broadband Internet access service provider’ means a person or entity that operates or resells and controls any facility used to provide an Internet access service directly to the public, whether provided for a fee or for free, and whether provided via wire or radio, except when such service is offered as an incidental component of a noncommunications contractual relationship.

“(5) END USER.—The term ‘end user’ means any person who, by way of a broadband service, takes and utilizes Internet services, whether provided for a fee, in exchange for an explicit benefit, or for free.”

“(6) INTERNET.—The term ‘Internet’ means a system of interconnected networks that use the Internet Protocol for communications with resources or endpoints reachable, directly or through a proxy, via a globally unique Internet address assigned by the Internet Assigned Numbers Authority or any successor or designee; or any technology the Commission shall find to be functionally equivalent.

“(7) INTERCONNECTED VOICE OVER INTERNET PROTOCOL (VOIP) SERVICE.—The term ‘interconnected VoIP service’ means a service that enables real-time, two-way voice communications; requires a broadband connection from the user’s location; requires Internet protocol compatible customer premises equipment; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network subject to section 9.3 of the Commission’s regulations (47 C.F.R. 9.3).

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. FRANKEN, and Mr. WYDEN):

S. 75. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer’s product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce legislation essential to consumers receiving the best prices on every product from electronics to clothing to groceries. My bill, the Discount Pricing Consumer Protection Act, will restore the nearly century old rule that it is illegal under antitrust law for a manufacturer to set a minimum price below which a retailer cannot sell the manufacturer’s product, a practice known as “resale price maintenance” or “vertical price fixing.” This bill will ensure that consumers can obtain discount prices at the very time they need them the most.

In June 2007, overturning a 96-year-old precedent, a narrow 5-4 Supreme Court majority in the Leegin case turned the Sherman Act on its head to overturn this basic rule of the marketplace which has served consumers well for nearly a century. My bill—identical to legislation I introduced in the last two Congresses—will correct this misinterpretation of antitrust law and restore the per se ban on vertical price fixing. My bill has been endorsed by the National Association of Attorneys General, 38 state attorneys general, as well as numerous antitrust experts, including former FTC Chairman Pitofsky and former FTC Commissioner Harbour, and the leading consumer groups, including Consumers Union, the Consumers Federation of America, and the American Antitrust Institute. This legislation passed the Judiciary Committee last year.

The reasons for this legislation are compelling. Allowing manufacturers to set minimum retail prices will threaten the very existence of discounting and discount stores, and lead to higher prices for consumers. For nearly a century the rule against vertical price fixing permitted discounters to sell goods at the most competitive price. Many credit this rule with the rise of today’s low price, discount retail giants—stores like Target, Best Buy, Walmart, and the internet sites Amazon and eBay, which offer consumers a wide array of highly desired products at discount prices.

Ample evidence exists of the pernicious effect of allowing vertical price fixing. For nearly 40 years until 1975 when Congress passed the Consumer Goods Pricing Act, Federal law permitted States to enact so-called “fair trade” laws legalizing vertical price fixing. Studies the Department of Justice conducted in the late 1960s indicated that prices were between 18-27 percent higher in the States that allowed vertical price fixing than the

States that had not passed such “fair trade” laws, costing consumers at least \$2.1 billion per year at that time.

Given the tremendous economic growth in the intervening decades, the likely harm to consumers if vertical price fixing were permitted is even greater today. In his dissenting opinion in the Leegin case, Justice Breyer estimated that if only 10 percent of manufacturers engaged in vertical price fixing, the volume of commerce affected today would be \$300 billion, translating into retail bills that would average \$750 to \$1,000 higher for the average family of four every year.

The experience of the last three years since the Leegin decision has begun to confirm our fears regarding the dangers from permitting vertical price fixing. The Wall Street Journal has reported that more than 5,000 companies have implemented minimum pricing policies. A new business—known as “internet monitors”—has materialized for companies that scour the Internet in search of retailers selling products at a bargain. When such bargain sellers are detected, the manufacturer is alerted so that they can demand the seller end its discounting. There have been many reports of everything from consumer electronics and video games to baby products and toys, rental cars and bicycles being subject to minimum retail pricing policies.

Defenders of the Leegin decision argue that today’s giant retailers such as Wal-Mart, Best Buy or Target can “take care of themselves” and have sufficient market power to fight manufacturer efforts to impose retail prices. Whatever the merits of that argument, I am particularly worried about the effect of this new rule permitting minimum vertical price fixing on the next generation of discount retailers. If new discount retailers can be prevented from selling products at a discount at the behest of an established retailer worried about the competition, we will imperil an essential element of retail competition so beneficial to consumers.

In overturning the per se ban on vertical price fixing, the Supreme Court in Leegin announced this practice should instead be evaluated under what is known as the “rule of reason.” Under the rule of reason, a business practice is illegal only if it imposes an “unreasonable” restraint on competition. The burden is on the party challenging the practice to prove in court that the anti-competitive effects of the practice outweigh its justifications. In the words of the Supreme Court, the party challenging the practice must establish the restraint’s “history, nature and effect.” Whether the businesses involved possess market power “is a further, significant consideration” under the rule of reason.

In short, establishing that any specific example of vertical price fixing

violates the rule of reason is an onerous and difficult burden for a plaintiff in an antitrust case. Parties complaining about vertical price fixing are likely to be small discount stores or consumers with limited resources to engage in lengthy and complicated antitrust litigation. These plaintiffs are unlikely to possess the facts and complicated economic evidence necessary to make the extensive showing necessary to prove a case under the "rule of reason." In the words of former FTC Commissioner Pamela Jones Harbour, applying the rule of reason to vertical price fixing "is a virtual euphemism for per se legality."

Our Antitrust Subcommittee conducted two extensive hearings into the Leegin decision and the likely effects of abolishing the ban on vertical price fixing in the last two Congresses. Both former FTC Chairman Robert Pitofsky and former FTC Commissioner Harbour strongly endorsed restoring the ban on vertical price fixing. Marcy Syms, CEO of the Syms discount clothing stores, and a senior executive of the Burlington Coat Factory discount chain testified as well, both citing the likely dangers to the ability of discounters such as Syms to survive after abolition of the rule against vertical price fixing. Ms. Syms also stated that "it would be very unlikely for her to bring an antitrust suit" challenging vertical price fixing under the rule of reason because her company "would not have the resources, knowledge or a strong enough position in the market place to make such action prudent." Our examination of this issue has produced compelling evidence for the continued necessity of a ban on vertical price fixing to protect discounting and low prices for consumers.

The Discount Pricing Consumer Protection Act will accomplish this goal. My legislation is quite simple and direct. It would simply add one sentence to Section 1 of the Sherman Act—the basic provision addressing combinations in restraint of trade—a statement that any agreement with a retailer, wholesaler or distributor setting a price below which a product or service cannot be sold violates the law. No balancing or protracted legal proceedings will be necessary. Should a manufacturer enter into such an agreement it will unquestionably violate antitrust law. The uncertainty and legal impediments to antitrust enforcement of vertical price fixing will be replaced by simple and clear legal rule—a legal rule that will promote low prices and discount competition to the benefit of consumers every day.

In the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both "big box" stores and on the Internet. Our legislation

will correct the Supreme Court's abrupt change to antitrust law, and will ensure that today's vibrant competitive retail marketplace and the savings gained by American consumers from discounting will not be jeopardized by the abolition of the ban on vertical price fixing. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Discount Pricing Consumer Protection Act".

SEC. 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) From 1911 in the *Dr. Miles* decision until June 2007 in the *Leegin* decision, the Supreme Court had ruled that the Sherman Act forbid in all circumstances the practice of a manufacturer setting a minimum price below which any retailer, wholesaler or distributor could not sell the manufacturer's product (the practice of "resale price maintenance" or "vertical price fixing").

(2) The rule of per se illegality forbidding resale price maintenance promoted price competition and the practice of discounting all to the substantial benefit of consumers and the health of the economy.

(3) Many economic studies showed that the rule against resale price maintenance led to lower prices and promoted consumer welfare.

(4) Abandoning the rule against resale price maintenance will likely lead to higher prices paid by consumers and substantially harms the ability of discount retail stores to compete. For 40 years prior to 1975, Federal law permitted states to enact so-called "fair trade" laws allowing vertical price fixing. Studies conducted by the Department of Justice in the late 1960s indicated that retail prices were between 18 and 27 percent higher in states that allowed vertical price fixing than those that did not. Likewise, a 1983 study by the Bureau of Economics of the Federal Trade Commission found that, in most cases, resale price maintenance increased the prices of products sold.

(5) The 5-4 decision of the Supreme Court majority in *Leegin* incorrectly interpreted the Sherman Act and improperly disregarded 96 years of antitrust law precedent in overturning the per se rule against resale price maintenance.

(b) PURPOSES.—The purposes of this Act are—

(1) to correct the Supreme Court's mistaken interpretation of the Sherman Act in the *Leegin* decision; and

(2) to restore the rule that agreements between manufacturers and retailers, distributors or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

SEC. 3. PROHIBITION ON VERTICAL PRICE FIXING.

(a) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: "Any contract, combination,

conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

By Mrs. HUTCHISON (for herself,
Mr. BEGICH, Mr. BARRASSO, Mr.
CORNYN, Mr. ALEXANDER, and
Mr. THUNE):

S. 80. A bill to provide a permanent deduction for State and local general sales taxes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to permanently correct an injustice in the tax code that has harmed citizens in many States of this great Nation.

State and local governments have various alternatives for raising revenue. Some levy income taxes, some use sales taxes, and others use a combination of the two. The citizens who pay State and local income taxes have been able to offset some of their Federal income taxes by receiving a deduction for those State and local income taxes. Before 1986, taxpayers also had the ability to deduct their sales taxes.

The philosophy behind these deductions is simple: people should not have to pay taxes on their taxes. The money that people must give to one level of government should not also be taxed by another level of government.

Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local sales taxes was eliminated. This discriminated against those living in States, such as my home State of Texas, with no income taxes. It is important to remember the lack of an income tax does not mean citizens in these States do not pay State taxes; revenues are simply collected differently.

It is unfair to give citizens from some States a deduction for the revenue they provide their State and local governments, while not doing the same for citizens from other States. Federal tax law should not treat people differently on the basis of State residence and differing tax collection methods, and it should not provide an incentive for States to establish income taxes over sales taxes.

This discrepancy has a significant impact on Texas. According to the Texas Comptroller, extending the deduction would save Texans a projected \$1.2 billion a year, or an average of \$520 per filer claiming the deduction. The Texas Comptroller also estimates continuing the deduction is associated with 15,700 to 25,700 Texas jobs and \$1.1 billion to \$1.4 billion in gross state product.

Recognizing the inequity in the tax code, Congress reinstated the sales tax deduction in 2004 and authorized it for 2 years. Congress further extended the

sales tax deduction in 2006 and 2008, respectively. On January 1, 2010, however, the sales tax deduction expired, and, for much of this past year, many Americans once again faced the prospect of paying Federal income taxes on their State and local sales taxes.

Fortunately, under the recent agreement to extend the broader tax relief for all Americans, Congress staved off the return of the sales tax deduction by extending it for 2 years, retroactive to January 1, 2010. However, this deduction is only in effect through 2011, and we must act to prevent the inequity from returning.

The legislation I am offering today will fix this problem for good by making the State and local sales tax deduction permanent. This will permanently end the discrimination suffered by my fellow Texans and citizens of other States who do not have the option of an income tax deduction.

This legislation is about reestablishing equity to the tax code and defending the important principle of eliminating taxes on taxes. I hope my fellow Senators will support this effort and pass this legislation, and I appreciate the backing of Senators BARRASSO, BEGICH, CORNYN, ALEXANDER, ENZI and THUNE who have already signed on as co-sponsors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986, as amended by section 722 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended by striking “, and before January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

By Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 97. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San Francisco Bay; to the Committee on Environment and Public Works.

Mr. REID for Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senator BOXER to introduce legislation to further the restoration of the San Francisco Bay.

There are many areas in the country in which restoration is done, and I am pleased to introduce an authorization for restoration work in the San Francisco Bay with Senator BOXER, Chairwoman of the Senate Environment and

Public Works Committee. Companion legislation will also be introduced in the U.S. House of Representatives by Congresswoman JACKIE SPEIER.

As Chair of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, I secured \$17 million in Federal funding for ecosystem restoration and water quality work in the San Francisco Bay in the last three years. I also secured \$15 million since 2006 for the Fish and Wildlife Service to restore salt ponds to tidal wetlands in the Bay.

It is necessary to ensure that these funds continue to be appropriated and are spent on the most important projects for the ecosystem and public benefit.

To that end, this legislation will prioritize funding for projects that will protect and restore vital estuarine habitat for migratory waterfowl, shorebirds, and wildlife; improve and restore water quality and rearing habitat for fish; and ensure public benefits.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 97

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Francisco Bay Restoration Act”.

SEC. 2. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 123. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ANNUAL PRIORITY LIST.—The term ‘annual priority list’ means the annual priority list compiled under subsection (b).

“(2) COMPREHENSIVE PLAN.—The term ‘comprehensive plan’ means—

“(A) the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary; and

“(B) any amendments to that plan.

“(3) ESTUARY PARTNERSHIP.—The term ‘Estuary Partnership’ means the San Francisco Estuary Partnership, the entity that is designated as the management conference under section 320.

“(b) ANNUAL PRIORITY LIST.—

“(1) IN GENERAL.—After providing public notice, the Administrator shall annually compile a priority list identifying and prioritizing the activities, projects, and studies intended to be funded with the amounts made available under subsection (c).

“(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include—

“(A) activities, projects, or studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the approved comprehensive plan;

“(B) information on the activities, projects, programs, or studies specified under subparagraph (A), including a description of—

“(i) the identities of the financial assistance recipients; and

“(ii) the communities to be served; and

“(C) the criteria and methods established by the Administrator for selection of activities, projects, and studies.

“(3) CONSULTATION.—In developing the priority list under paragraph (1), the Administrator shall consult with and consider the recommendations of—

“(A) the Estuary Partnership;

“(B) the State of California and affected local governments in the San Francisco Bay estuary watershed; and

“(C) any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Administrator determines to be appropriate.

“(c) GRANT PROGRAM.—

“(1) IN GENERAL.—Pursuant to section 320, the Administrator may provide funding through cooperative agreements, grants, or other means to State and local agencies, special districts, and public or nonprofit agencies, institutions, and organizations, including the Estuary Partnership, for activities, studies, or projects identified on the annual priority list.

“(2) MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.—

“(A) MAXIMUM AMOUNT OF GRANTS.—Amounts provided to any individual or entity under this section for a fiscal year shall not exceed an amount equal to 75 percent of the total cost of any eligible activities that are to be carried out using those amounts.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any eligible activities that are carried out using amounts provided under this section shall be—

“(i) not less than 25 percent; and

“(ii) provided from non-Federal sources.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section such sums as are necessary for each of fiscal years 2012 through 2021.

“(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for a fiscal year, the Administrator shall use not more than 5 percent to pay administrative expenses incurred in carrying out this section.

“(3) RELATIONSHIP TO OTHER FUNDING.—Nothing in this section limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

“(4) PROHIBITION.—No amounts made available under subsection (c) may be used for the administration of a management conference under section 320.”.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 99. A bill to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the American Medical Isotopes Production Act of 2011. The purpose of the bill is to provide certainty in developing a domestic supply of molybdenum-99, which is used to produce technetium-99m, one of the most widely used medical isotopes in the United States. Right now we import all of our molybdenum-99 from

outside the United States, primarily Canada and the Netherlands, from reactors that are old and that will most likely be shut down within the next 10 years. In addition, this bill moves us away from using highly enriched bomb-grade uranium targets to those that are low-enriched; that is, that are less than 20 percent in the fissile isotope uranium-235. I think this is a very important nonproliferation goal because the world is currently in discussion with Iran on replacing fuel and targets from their medical isotopes reactor; we should lead by example in dealing in this area with countries like Iran that can now enrich nuclear fuel.

The Committee on Energy and Natural Resources held a very detailed hearing on this topic last Congress. The bill we reported unanimously had a wide body of support among the medical isotopes and non-proliferation communities. I am attaching several letters from the last Congress as evidence of the wide support for this bill.

The new bill that I am introducing today is identical to the bill reported by the Committee in the last Congress, H.R. 3276, as amended. There are only two differences between this bill and the one from the last Congress. The authorization level has been lowered by \$20 million to account for the fact that we are in fiscal year 2011 and not fiscal year 2010, and technical PAYGO language has been added.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 99

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Medical Isotopes Production Act of 2011".

SEC. 2. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary of Energy shall establish a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor fueled with highly enriched uranium shall not be disqualified from the program if the Secretary of Energy determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary of Energy shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out the program under paragraph (1) \$143,000,000 for the period encompassing fiscal years 2011 through 2014.

(b) DEVELOPMENT ASSISTANCE.—The Secretary of Energy shall establish a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE BACK.—The Secretary of Energy shall establish a program to make low enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses. The lease contracts shall provide for the Secretary to retain responsibility for the final disposition of radioactive waste created by the irradiation, processing, or purification of leased uranium. The lease contracts shall also provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for the final disposition of such radioactive waste, provided that the discount rate used to determine the net present value of such costs shall be no greater than the average interest rate on marketable Treasury securities. The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services related to final disposition of the radioactive waste from such leased uranium.

SEC. 3. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsections b. and c. and inserting in lieu thereof the following:

"b. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

"c. The period referred to in subsection b. may be extended for no more than 6 years if,

no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

"(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

"(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

"d. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

"e. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

"(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

"(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

"f. As used in this section—

"(1) the term 'alternative nuclear reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

"(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U-235;

"(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

"(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

"(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

"(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic procedures or for research and development."

SEC. 4. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 5. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following new section:

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic procedures or for research and development.”.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

SEC. 6. ANNUAL DEPARTMENT OF ENERGY REPORTS.

The Secretary of Energy shall report to Congress no later than one year after the date of enactment of this Act, and annually thereafter for 5 years, on Department of Energy actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses. These reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department of Energy support under section 2 of this Act;

(B) the amount of Department of Energy funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 2(a)(2) of this Act; and

(F) the ultimate use of any Department of Energy funds used to support projects under section 2 of this Act.

(2) A description of actions taken in the previous year by the Secretary of Energy to ensure the safe disposition of radioactive waste from used molybdenum-99 targets.

SEC. 7. NATIONAL ACADEMY OF SCIENCES REPORT.

The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to the Congress not later than 5 years after the date of enactment of this Act. This report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department of Energy and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 8. DEFINITIONS.

In this Act the following definitions apply:

(1) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U-235.

(2) LOW ENRICHED URANIUM.—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U-235.

SEC. 9. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SNM,
July 21, 2010.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, U.S. Capitol, S-221, Washington, DC.

Hon. JEFF BINGAMAN,
Chairman, Senate Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, U.S. Capitol, S-231, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Senate Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN BINGAMAN, AND RANKING MEMBER MURKOWSKI: The Society of Nuclear Medicine (SNM), a leading, multidisciplinary international scientific and professional organization with more than 17,000 physician, technologist, and scientist members dedicated to promoting the science, technology, and practical applications of molecular imaging and nuclear medicine, respectfully requests that the Senate to take up and pass the American Medical Isotopes Production Act of 2009 (H.R. 3276) as a stand-alone bill or as an amendment to an appropriate legislative vehicle. Recent disruptions in the international supply of Molybdenum-99 (Mo-99) have highlighted the urgent need to ensure a domestic supply for the U.S. H.R. 3276 would help to ensure a domestic supply of Mo-99 over the long term and curtail the use of highly-enriched uranium (HEU) in radionuclide production as a non-proliferation strategy to deter terrorism.

As you know, the House of Representatives approved this bill by an overwhelming vote of 400–17 on November 5, 2009 and the Senate Energy and Natural Resources Committee reported this bill favorably with amendments on January 28, 2010. SNM believes that rapid passage of this legislation is essential to ensure Americans’ access to vital medical radionuclides and give patients timely access to appropriate heart and cancer testing.

Molybdenum-99 (Mo-99) decays into Technetium-99m (Tc-99m), which is used in approximately 16 million nuclear medicine procedures each year in the U.S. Tc-99m is used in the detection and staging of cancer, detection of heart disease, detection of thyroid disease, study of brain and kidney function, and imaging of stress fractures. In addition to pinpointing the underlying cause of disease, physicians can actually see how a disease is affecting other functions in the body. Imaging with Tc-99m is an important part of patient care. SNM, along with thousands of nuclear medicine physicians in the U.S., has, over the course of the last two years, been disturbed about supply interruptions of Mo-99 from foreign vendors and the lack of a reliable supplier of Mo-99 in the U.S. Due to these recent shutdowns in Canada, numerous nuclear medicine professionals across the country have delayed or had to cancel imaging procedures. Because Mo-99 is produced through the fission of uranium and has a half-life of 66 hours, it cannot be produced and then stored for long periods of time. Unlike traditional pharmaceuticals, which are dispensed by pharmacists or sold over-the-counter, nuclear reactors produce radioactive isotopes that are processed and provided to hospitals and other nuclear medicine facilities based on demand. Any disruption to the supply chain can wreak havoc on patient access to important medical imaging procedures.

In order to ensure that patient needs are not compromised, a continuous reliable supply of medical radioisotopes is essential.

Currently there are no facilities in the U.S. that are dedicated to manufacturing Mo-99 for Mo-99/Tc-99m generators. The United States must develop domestic capabilities to produce Mo-99 and not rely solely on foreign suppliers. The legislation encourages domestic production of Mo-99 for medical isotopes without HEU in two different ways. First, it would facilitate the operation of new facilities by granting the government the ability "to retain responsibility for the final disposition of radioactive waste" under uranium-lease agreements. The Department of Energy (DoE) does not currently have this ability and cannot assume the responsibility for domestic producers' radioactive waste. The bill also authorizes government cost-sharing which would subsidize construction of production facilities. Without the multi-year authorization that is included in H.R. 3276, investments in domestic productive facilities will be prohibitively uncertain.

There is significant support for passing this piece of legislation, which has been endorsed by a variety of organizations. Further, at a House Energy and Environment Subcommittee on September 9, 2009, Parrish Staples, the U.S. official who oversees medical isotope production at DoE's National Nuclear Security Administration (NNSA) testified as follows:

"NNSA is working on several Cooperative Agreements to potential commercial Mo-99 producers, whose projects are in the most advanced stages of development, accelerating their efforts to begin producing Mo-99 in quantities adequate to the U.S. medical community's demand by the end of 2013. . . . The American Medical Isotopes Production Act of 2009 is crucial to ensuring the success of these efforts to accelerate development of a domestic supply of Mo-99 with the use of HEU.

At the subsequent Senate hearing, Dr. Staples stated:

"Currently, we are working or we would intend to work that we would develop four independent technologies, each capable of supplying up to 50 percent of the U.S. demand. Obviously, in theory, that means that if each of these are successful, we could supply the global requirement for this isotope"—roughly twice the U.S. domestic demand. In other words, under the legislation, the projected U.S. domestic production capacity could satisfy US demand prior to the cutoff of HEU exports, even if only half of the four main projects succeeded."

Passage of this legislation is necessary to help address the future needs of patients by promoting the production of Mo-99 in the United States. We thank you for your efforts and look forward to continuing to work with you on this important issue. Should you have any further questions, please contact Cindy Tomlinson, Associate Director, Health Policy and Regulatory Affairs at either ctomlinson@snm.org or 703.326.1187.

Sincerely,

DOMINIQUE DELBEKE,
President.

HEALTH PHYSICS SOCIETY,
November 30, 2009.

Hon. JEFF BINGAMAN, *Chair*
Hon. LISA MURKOWSKI, *Ranking Member*
Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATORS BINGAMAN AND MURKOWSKI:
On behalf of the Health Physics Society

(HPS), I urge the Senate Energy and Natural Resources Committee to give full support to and take timely action on H.R. 3276, the "American Medical Isotope Production Act of 2009."

The Health Physics Society, a nonprofit scientific organization of approximately 5000 radiation safety professionals, has joined with eight other professional organizations in a coalition to address two concerns of national importance: (1) an inherent need for reliable domestic suppliers of Molybdenum-99 (Mo-99); and, (2) efforts to curtail the use of high-enriched uranium (HEU) in radionuclide production as a non-proliferation strategy and to deter terrorism. A discussion of these concerns with recommendations for action by the United States is contained in a white paper by the coalition of professional organizations titled "Reliable Domestic & Global Supplier of Molybdenum-99 (Mo-99) and Switch from Highly Enriched Uranium (HEU) to Low-Enriched Uranium (LEU) to Produce Mo-99." The white paper is accessible at http://hps.org/documents/isotopes_white-paper_multiorganization.pdf.

A national effort to address these concerns requires (1) a commitment by the administration to have a coordinated inter-agency program with the specific responsibility to achieve reliable domestic independence in the production of Mo-99, (2) continued appropriations by Congress to provide the financial investment needed by the administration's program, and (3) support of the Congress through authorizing legislation that will serve as the basis for the continuation of the administration's program until its goals are achieved.

The Obama administration has made a commitment to achieve domestic independence in the production of Mo-99. The HPS believes the initiative being led by the National Nuclear Security Administration through the Global Threat Reduction Initiative with oversight and interagency coordination by the Office of Science and Technology Policy has the capability to achieve the establishment of a reliable domestic production of Mo-99 within the next ten years. The Congress has appropriated sufficient support for fiscal year 2010. The remaining task is to obtain congressional support through authorizing legislation that will serve as the support and basis for the administration's program into the future.

The HPS believes H.R. 3276 provides the needed congressional support for the administration's program.

We understand there may be some concern about the provisions in H.R. 3276 for imposing a ban on export of HEU at a fixed time in the future. HPS's interest in the issue of domestic production of radioisotopes is related to the radiation safety implications of the issue, including the implications of exporting HEU for this purpose. In 2005, the HPS did not support the inclusion of an HEU export ban provision in the Energy Policy Act of 2005. The HPS felt that the controls under which HEU was exported were rigorous enough to make the export acceptably safe when compared to the prospect of not having a supply of Mo-99. This position was influenced by the lack of any administration program or congressional support for a program dedicated to the domestic production of radioisotopes. The HPS still considers the controls for export of HEU for production of radioisotopes to be rigorous enough to make the risk of diversion for terrorism, or other malicious use of the HEU to be speculative. However, we feel that with appropriate congressional support, the initiative to establish

reliable domestic production of Mo-99 will be successful within the next ten years, making the need to export HEU unnecessary. Therefore, we feel the export ban provisions will prove to be extraneous and, therefore, do not form a basis for not supporting H.R. 3276.

I hope this letter is helpful in your considered deliberation of action on H.R. 3276. Please do not hesitate to contact me if you have any questions about this letter or HPS support for H.R. 3276.

Sincerely,

HOWARD W. DICKSON.

FEBRUARY 23, 2010.

Hon. JEFF BINGAMAN,
Chairman,
Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member,
Washington, DC.

DEAR CHAIRMAN BINGAMAN AND RANKING MEMBER MURKOWSKI: As a coalition made up of the Society of Nuclear Medicine (SNM), American Association of Physicists in Medicine (AAPM), American College of Radiology (ACR), American Nuclear Society (ANS), American Society of Nuclear Cardiology (ASNC), American Society for Radiation Oncology (ASTRO), Health Physics Society (HPS), Nuclear Energy Institute (NEI), Academy of Molecular Imaging (AMI), the non-proliferation community, Union of Concerned Scientists (UCS), National Association of Nuclear Pharmacies (NANP) and the Council on Radionuclides and Radiopharmaceuticals (CORAR), we ask that you support the timely passage of H.R. 3276, the American Medical Isotope Production Act of 2009. The Senate Energy and Natural Resources Committee held a hearing on the bill December 3, 2009, and unanimously approved the bill with an amendment on December 16, 2009. We understand it is currently on the Senate calendar but we are asking for your assistance in bringing this legislation forward for action by the Senate.

H.R. 3276 is urgently needed legislation that would provide the U.S. Department of Energy the authority to aid in the domestic development of essential medical isotope production. H.R. 3276 is intended to help ensure that U.S. patients have a stable and reliable supply of diagnostic and therapeutic medical isotopes within the next ten years, while converting the production process to avoid highly enriched uranium (HEU), in keeping with U.S. non-proliferation policy.

The legislation would facilitate the adequate production of isotopes without HEU prior to the restriction of HEU exports. In the unexpected event that conversion were delayed, the legislation provides for a waiver to permit continued HEU exports to avoid a "critical shortage" of isotopes. The legislation thus ensures both the supply of isotopes and the timely phase out of HEU exports.

Moreover, as you may know, on November 5, 2009, the House passed H.R. 3276 by a vote of 400-17. Sponsored by Representative Edward Markey (D-Mass.) and Representative Fred Upton (R-Mich.), the Act is balanced, bipartisan legislation that addresses the current shortfall in the availability of critical medical isotopes that has had a high negative impact on patients in the U.S.

Molybdenum-99 (Mo-99) is a critical medical radioisotope whose decay product Technetium-99m (Tc-99m) is used in more than 16 million nuclear medicine procedures annually across the nation. Physicians who use Tc-99m for the diagnosis of common cancers, heart and other diseases, fully rely upon a steady and predictable supply. The very

short six-hour half-life of Tc-99m, while beneficial to patients and health care professionals, precludes any efforts to maintain an inventory. In addition, the domestic supply of Mo-99 (to produce Tc-99m-generators) is entirely dependent upon aging foreign reactors that have faced extended shutdowns for repair and maintenance.

As a consequence, the U.S. supply has been repeatedly and significantly disrupted. Many patients who need imaging with Tc-99m-based radiopharmaceuticals are now facing lengthy delays in the availability of nuclear medicine imaging, or being forced to resort to alternative diagnostic and therapeutic procedures that may involve the potential of more invasive procedures (with possible higher clinical risks to patients), greater radiation dosage, lower accuracy, and higher costs.

Additionally, the reliance on foreign reactors for the supply of Mo-99 requires the U.S. to ship highly enriched uranium, material of interest for use in nuclear terrorism, out of the country. Domestic production of Mo-99 will eliminate the risk that this nuclear material can be diverted for terrorists' use, thus increasing the effectiveness of the U.S. program for non-proliferation of nuclear materials.

The coalition believes the initiative being led by the National Nuclear Security Administration through the Global Threat Reduction Initiative with oversight and inter-agency coordination by the Office of Science and Technology Policy has the capability to achieve the establishment of a reliable domestic production of Mo-99 within the next ten years. The Congress has appropriated sufficient support for fiscal year 2010. The remaining task is to obtain congressional support through authorizing legislation that will serve as the support and basis for the administration's program into the future.

In order to avoid compromising patient care and increasing medical costs, a continuous and reliable supply of medical radioisotopes is clearly essential. It is also critical that domestic production capability for Mo-99 be developed. H.R. 3276 provides the needed support to accelerate the process of conversion so that the industry can move even more aggressively in this direction and be able to meet the time frame highlighted in this bill.

Senator, we hope you will join the patients, physicians, nuclear non-proliferation community, radioisotope manufacturers, and our coalition of professional organizations to quickly enact H.R. 3276. We would welcome the opportunity to answer any question you or your staff may have about the bill or the medical isotope industry. Thank you.

Sincerely,

Michael M. Graham, MD, President, SNM; Michael G. Herman, Ph.D., FAAPM, FACMP, President, The American Association of Physicists in Medicine, AAPM; James H. Thrall, MD, FACR, Chair, Board of Chancellors, American College of Radiology, ACR; Thomas Sanders, PhD, President, American Nuclear Society, ANS; Mylan C. Cohen, MD, MPH, President, American Society of Nuclear Cardiology, ASNC; Laura Thevenot, CAE, Chief Executive Officer, American Society for Radiation Oncology, ASTRO; Howard W. Dickson, CHP, President, Health Physics Society, HPS; Marvin S. Fertel, President and Chief Executive Officer, Nuclear Energy Institute, NEI; Timothy McCarthy, President, Academy of Molecular Imaging, AMI;

Alan J. Kuperman, Ph.D., Director, Nuclear Proliferation Prevention Program, University of Texas at Austin; Edwin S. Lyman, Senior Staff Scientist, Union of Concerned Scientists; Jeff Norenberg, PharmD, Executive Director, National Association of Nuclear Pharmacies, NANP; Franklin B. Yeager, Chairman, Council on Radio-nuclides & Radiopharmaceuticals, CORAR.

By Ms. COLLINS (for herself, Mr. LEAHY, and Ms. SNOWE):

S. 112. A bill to authorize the application of State law with respect to vehicle weight limitations on the Interstate Highway System in the States of Maine and Vermont; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, improving public safety, growing our economy, increasing energy independence, and protecting the environment have always been among my top priorities as a Senator. Today, the very first bill I am introducing in this new Congress will advance all of those goals by allowing the heaviest trucks to travel on our Federal interstate highways in Maine rather than being forced to use secondary roads and downtown streets.

I am delighted to have the senior Senator from Vermont, PATRICK LEAHY, as my Democratic cosponsor, and my good friend and colleague from Maine, OLYMPIA SNOWE, also as an original cosponsor. Vermont has the same problem as we do in Maine. Thus the bill I am introducing applies to our two States.

In 2009, I authored a law to establish a 1-year pilot project that allowed trucks weighing up to 100,000 pounds to travel on Maine's Federal interstates—I-95, 195, 295, and 395. According to the results of a preliminary study by the Maine Department of Transportation, this pilot project, which ran until mid-December of last year, helped to preserve and create jobs by allowing Maine's businesses to receive raw materials and to ship their products more economically.

Also important, the pilot program improved safety, saved energy, and reduced carbon emissions. Let me give a specific example. On a trip from Hampden to Houlton, ME, the benefits are obvious. A truck traveling on I-95 rather than on Route 2 avoids more than 270 intersections, 9 school crossings, 30 traffic lights, and 86 crosswalks. In addition, the driver also saves more than \$30 on fuel. Given the cost of diesel, it is probably even higher than that now. Additionally, 50 minutes is saved by traveling on Interstate 95 rather than on the secondary road of Route 2.

Unfortunately, despite the clear success of this pilot project and the strong support of the administration and many of my colleagues in the Senate, the House of Representatives failed to include my provision making the pilot permanent in the Federal funding bill. As a result, for both Maine and

Vermont, the program expired on December 17 and the heavy trucks are once again unable to use our most modern, safe, and efficient highways.

It is important to emphasize that our legislation does not increase the size or the weight of trucks in our States. Maine law already allows trucks weighing up to 100,000 pounds to operate on State and municipal roads. Heavy trucks already operate on some 22,500 miles of non-Interstate roads in Maine, in addition to the approximately 167 miles of the Maine turnpike. But the nearly 260 miles of non-turnpike interstates that are the major economic corridors in my State are off limits. This simply makes no sense.

Furthermore, trucks weighing up to 100,000 pounds are already permitted on many Federal interstates in New Hampshire, Massachusetts, New York, and the neighboring provinces in Canada. So that puts Maine and Vermont at a distinct competitive disadvantage. All around us, the States and our Canadian counterparts allow the heavier trucks to use the Federal interstates, but unfortunately Maine and Vermont have been excluded. That is why my friend from Vermont, Senator LEAHY, has joined me in this effort to help provide a level playing field for our States.

Here are a few more important points about our bill.

The 100,000-pound trucks are no larger or wider than 80,000-pound trucks. This change would remove an estimated 7.8 million truck miles from our local roads and streets. Increasing the truck payloads by 35 percent would reduce the overall number of trucks needed. In addition to saving fuel by traveling fewer miles, the steady pace of interstate driving improves the fuel economy of trucks by 14 to 21 percent. And the Maine Department of Transportation's engineers say they are confident our interstate bridges are safe and can handle the additional weight in the State of Maine.

Countless Maine small business owners have told me how this change would improve their competitiveness. For example, at a recent press conference, Keith Van Scotter discussed the savings his company accrued under the pilot project. Under the pilot project, his company Lincoln Paper and Tissue was able to save 1.1 million billable truck miles, a 28 percent decrease from the year before. These savings are the equivalent of the company being 220 miles closer to its primary market. Also, the owner-operator of a logging business in Penobscot County said that being able to transport his pulpwood to the mill on I-95 rather than on secondary roads would save his company at least 118 gallons of fuel each week. That benefits not only this small business but also our Nation as we seek to reduce our overall fuel consumption and reduce carbon emissions.

The pilot program has also made a dramatic improvement for some of our communities. According to the Maine DOT, before the pilot program began last December of 2009, more than 200 heavy trucks heading north on Route 201 crawled through downtown Vassalboro a small town of about 4,000—each day even though I-95 runs parallel just a few miles away. During the span of the pilot program, the number of northbound trucks on Route 201 decreased by roughly 90 percent. These trucks were using the interstate where they belong.

I will tell you that since the pilot project expired, so many of my constituents have talked to me about the return of these heavy trucks to the residential neighborhoods in which they live, to downtown Portland, Orono, Brewer, Freeport, and other towns throughout our State. The fact is, this kind of road congestion caused by diverting these heavy trucks into downtowns and along secondary roads can lead to tragedy. A study conducted by a nationally recognized traffic consulting firm found that the crash rate of semitrailer trucks on Maine's secondary roads were 7 to 10 times higher than on the turnpike. It estimated that allowing these trucks to stay on the interstates could result in three fewer fatal crashes each year. Public safety agencies in Maine, including the Maine State Police, have long supported my efforts to bring about this change. In fact, Bangor's police chief joined me at a press conference last week where he spoke eloquently about the safety implications for downtown Bangor.

In 2010, as a result of this pilot project, people throughout our State saw their roads less congested, our States safer, our air cleaner, and, most important, our businesses more competitive. That is why I am so committed to ensuring that these improvements are allowed to continue and are made permanent.

This legislation simply is common sense. It will benefit our economy as well as lower fuel costs and make our roads safer for most tourists and pedestrians. Most important, we now have the concrete evidence from this pilot project showing why this bill should become law.

I am grateful for the support and leadership of my colleague from Vermont and the steadfast support from Maine's senior Senator as well. I urge its swift passage. This is the highest priority I have for the State of Maine this year.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of letters I have received endorsing this bill. These letters are from the Maine Motor Transport Association, the City of Bangor's chief of police, the Professional Logging Contractors, the Northeast Region for the Forestry Resources Association, and from

a well-known trucking firm in Maine, H.O. Bouchard.

In addition, I expect to have a letter from the Governor of Maine later today that I will also ask unanimous consent to have printed in the RECORD.

MAINE MOTOR TRANSPORT ASSOCIATION,
Augusta, Maine, January 21, 2011.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: Your introduction of the bill to permanently increase the truck weight limit on Maine highways comes as great news for the trucking industry, for shippers and consumers who rely on efficient transportation of goods and for the people of our state who utilize these roads. We have heard from many of our members who were thrilled to operate on the entire interstate system in Maine under the recently-expired pilot project, as well as hearing from citizens who live along the previously traveled truck routes who were happy to have them off Maine's secondary roads. Your support for this common sense solution has been tremendous and we very much appreciate your continued efforts to educate your peers in the Senate.

As you know, when Federal Highway froze interstate weight limits in 1998 and allowed the Maine Turnpike and southern portions of I-95 to be grandfathered, there was much concern about the same things that concern some people from other states now—safety and the impact on our infrastructure. Results in Maine have shown these concerns were unnecessary as there is ample proof of the improved safety and infrastructure costs and all we ask is for Maine to close the donut hole that puts us at a competitive disadvantage with our neighbors all around us. New Hampshire, Massachusetts and Canada already have permanently higher weight limits on their entire interstate system which put our businesses at a disadvantage, a fact not lost on the hundreds of small trucking companies hauling raw materials to the few mills still left in this state. A strong argument can be made that this is an economic development issue with many jobs at stake for the mills that rely on efficient transportation with both their inbound freight and the outbound movement of goods to markets outside Maine.

Your proposal to allow for a more productive vehicle configuration makes sense for both state and federal roads. More efficient configurations mean fewer trucks on the road. Fewer trucks on the road reduce engine emissions and promote fuel conservation, all while lessening our dependence on foreign oil. The whole notion that heavier trucks will use more fuel and pollute more is inherently false, especially since it would take approximately three trucks operating at 80,000 pounds to replace two trucks operating at 100,000 pounds to haul the same amount of freight.

In fact, a study by the American Transportation Research Institute (ATRI) commissioned by the Maine DOT found that the fuel efficiency of these rigs would improve up to 21 percent by allowing state weight limits on the entire highway system and emissions would decrease from 6 to 11 percent. Extrapolating their findings over an entire week resulted in savings of as much as 675 gallons of fuel, up to 6.8 metric tons of CO₂ and almost 94 grams of Particulate Matter. Yes, that's each week and only from trucks shifting from Route 9 to I-95 once the weight limit exemption pilot project went into effect.

This efficiency has gone away now that the pilot project has expired.

Safety, however, is the most important reason to embrace this pilot project and we are proud that the safety record of the trucking industry continues to improve. Federal Highway Administration statistics tracking truck-involved crashes has shown consistent improvement by the trucking industry, with current crash rates at the lowest levels since the U.S. Department of Transportation began tracking large truck safety records in 1975. Not resting on our accomplishments, the trucking industry is actively working on ways we can improve highway safety by improving driver performance with rigorous licensing and training, focusing on equipment improvements and by giving carriers access to the proper tools that are critical for them to fulfill their responsibility to the safety of the motoring public.

Allowing these trucks to use the safer interstate system would also decrease the interactions with other vehicles and pedestrians if they are able to avoid secondary roads and having to go past driveways and through towns to deliver their goods that move the Maine economy. A four lane divided highway with all traffic going in the same direction at relatively the same speed has been statistically proven to be the safer road for all vehicles—not just trucks.

It's hard to find a topic that garners widespread and bipartisan support these days when partisan bickering and political polarization are the norm. This issue is not only strongly supported by groups you would expect like the trucking, oil dealers and forest products industries, but it also finds support from the Maine Legislature, municipalities, the Maine DOT, Maine Department of Public Safety as well as the Maine State Police and many local and regional chambers of commerce. We all may not see eye-to-eye on every public policy issue, but we are in lock step on this one.

There may never be a better opportunity than now to enact a permanent solution relative to vehicle productivity. The Maine Motor Transport Association, our members and our partner trade associations will work diligently to provide you with additional statistics and information as they become available. Your work on this issue, especially getting the pilot project implemented last year, has not gone unnoticed by our members and we continue to appreciate your efforts to address it in your recently proposed bill.

If Maine is going to be able to compete in a regional and global economy, it is essential that we encourage efficient, effective and safe transportation solutions such as the one you have proposed. Thank you.

Sincerely,

BRIAN D. PARKE,
President and CEO.

CITY OF BANGOR, MAINE,
POLICE DEPARTMENT,
January 24, 2011.

Hon. SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: First and foremost, thank you again for being a champion for the effort to increase the truck weight limits on Maine's interstate highways. Without your diligence and dedication to this extremely important matter, any further progress to correct the inconceivable injustice of the current law would be most assuredly abandoned for the foreseeable future. Your legislation, which would allow trucks

weighing up to 100,000 pounds on all of Maine's Interstate highways, would correct this injustice once and for all.

I would like to reiterate what I have previously stated regarding the present law that forces trucks weighing over 80,000 pounds off Maine's interstate highways. These trucks do not belong on Maine's city streets and secondary roads, just as they do not belong on those of New Hampshire, Massachusetts, and New York. I, along with other Maine chiefs of police across the state, believe that these trucks pose a significant risk to the safety of citizens as they travel upon the populated city streets and narrow and winding rural roads of Maine's cities and towns. We have seen, first hand, the dangers these trucks pose to Maine citizens as they travel on our secondary roads. The constant changing of speeds and their repeated starts and stops cause regular disruption to the flow of local traffic, and their presence have resulted in traffic accidents and tragedies. During the winter months, Maine's secondary roads become much narrower, rural roads are more slippery, and speed limits are reduced, thereby increasing the danger to pedestrians and other drivers. No matter how experienced the truck driver may be, they cannot stop these trucks on a dime; they cannot anticipate every situation that can occur in heavily populated areas; and they cannot prevent the shifting of their heavy loads from occurring.

It is important to do everything possible to insure safety for the public. Therefore, I offer my utmost support for your legislation that will keep these heavy loads on Maine's interstate highways where they belong. I continue to encourage you and others, like Senator Leahy of Vermont, to continue your efforts to keep these 100,000 pound trucks on interstate highways, and off our local streets and rural roads.

Sincerely,

RONALD K. GASTIA,
Chief of Police.

PROFESSIONAL LOGGING CONTRACTORS,
New Gloucester, ME, January 24, 2011.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: I am writing to express the Professional Logging Contractors of Maine's full support for your proposed legislation to permanently allow trucks weighing up to 100,000 pounds to use federal Interstate highways in Maine and Vermont.

Our logger members rely on trucks to deliver their logs, chips and biomass to market. We are surrounded by states and provinces which allow higher Interstate truck weights, putting loggers in rural Maine at a significant competitive disadvantage. Many of our members are small business owners for whom the increased costs of being forced to make longer, less efficient trips on secondary roads could make the difference between profitability and unprofitability. This could lead some business owners to exit the market place, costing jobs and placing an additional strain on wood supplies.

Interstate highways are designed and built to handle higher truck weights and wherever possible trucks should be able to utilize this system, taking unnecessary traffic off of state and local highways and out of our communities. PLC of Maine believes each state should have the right to adjust the weight limits on Interstates within its borders to meet the needs of its people.

Last year's pilot project in Maine, allowing 100,000 pound trucks to access Interstate

highways, was tremendously successful. The loss of the pilot in December was a real blow to our loggers, the forest products industry, and our rural communities as well.

Restoring the terms of the pilot is one action Congress can take that would immediately benefit industry and the public, without imposing new burdens on taxpayers. The benefits of the increased weight limits are clear:

Safety—Fewer miles travelled, on safer roads, with reduced contact with pedestrians, automobiles, rail crossings and school zones;

Environmental—Reduced fuel consumption, reduced emissions from start and stops; and

Economic—Reduced secondary road and bridge wear, improved truck efficiency for loggers.

Please let me know if there is anything the Professional Logging Contractors of Maine can do to promote your legislation. Thank you again for your continued support for Maine's loggers.

Sincerely,

MICHAEL A. BEARDSLEY,
Executive Director.

FOREST RESOURCES
ASSOCIATION, INC.,
Holden, ME, January 21, 2011.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: I am writing to express the Forest Resources Association's full support for your proposed legislation which would permanently allow trucks weighing up to 100,000 pounds to use federal Interstate highways in Maine and Vermont.

Our members—forest landowners, loggers, truckers, wood-using mills, and associated businesses, as well as our families and neighbors—all rely on safe and efficient transportation of goods and services by truck for our livelihoods.

Our industry relies on trucks to deliver raw materials from the forest to our mills and shipment of finished product to market. We are surrounded by states and provinces which allow higher Interstate truck weights, putting our industry in rural Maine at a significant disadvantage.

The federal Interstate system is designed and built to handle these loads, as are Maine highways and wherever possible trucks should be able to utilize this system, taking unnecessary traffic off of state and local highways and out of communities. FRA believes that, within reasonable guidelines, each state should have the right to adjust weight limits on Interstates within its borders to conform with its needs.

By all accounts, last year's pilot project in Maine and Vermont allowing these trucks to access Interstate highways was tremendously successful. Attached is a Forest Resources Association Technical Release presenting testimony on the pilot's benefits. The loss of the pilot in December was a real blow to our industry and rural communities.

Restoring the terms of the pilot is one action Congress can take which immediately benefits both industry and the public without imposing new burdens on taxpayers. The benefits are clear:

Safety Benefits—Fewer miles travelled, on safer roads, with fewer exposures.

Environmental Benefits—Reduced fuel usage, reduced emissions.

Economic Benefits—Reduced wear on secondary roads, improved efficiency for haulers.

Please let me know if there is anything FRA can do to promote your legislation—and thanks again for your continued support for Maine's forest products community.

Sincerely,

JOEL SWANTON,
Region Manager.

H.O. BOUCHARD
TRANSPORTATION SERVICES,
Hamden, ME, January 21, 2011.

Hon. SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: I am writing on behalf of H.O. Bouchard in favor of allowing trucks weighing up to 100,000 pounds gross vehicle weight on Interstates in Maine. We are a major motor carrier in Maine whose fleet is made up of 6-axle units transporting heavy bulk products throughout Maine, Canada, New Hampshire, Massachusetts, Rhode Island and New York. These products include: cement powder, liquid asphalt, fuel oil, road salt, raw forest products, chemicals, logs and machinery. We have done this safely for 27 years.

I ask that you help those who are not from this area to understand that the whole New England area (with the exception of Vermont), New York and Canada allow up to at least 99,000 pounds on 6 axle combination units. New York allows more than 100,000 pounds and Canada allows more than 109,000 lbs. on 6 axles. The only areas that do not are a very small slice of Maine that is Interstates 95, 295, 395 and interstates in Vermont. Presently the freight moves on 6 axle units, but on secondary roads. Commerce to and from Bangor to Aroostook County must travel on secondary Route 2, rather than I-95, which runs parallel. To go the same distance takes 50 minutes longer at a cost of approximately \$70.00 more. This is multiplied by hundreds of trips daily of fuels, logs, lumber and many other consumer commodities. This commercial traffic is very noticeable in all of the small towns where the trucks must constantly stop and start for RR crossings, crosswalks, school buses and emergency vehicles. That same truck traffic was not even noticeable when it was on the interstate, a road that can handle much more traffic with ease. We have paid for the best roads and cannot use them.

The future of our nation must include increased transportation productivity to keep from clogging highways and slowing the economic recovery. Using 2 trucks to haul the freight of 3 is a simple, safe, cost effective way to accomplish this. Your proposal to allow 6-axle vehicles weighing up to 100,000 pounds to use the interstate system in Maine and Vermont (99,000) is all benefit at no cost. It is simply good business.

Thank you for your support in helping with this important legislation.

Sincerely,

BRIAN BOUCHARD,
President.

Mr. LEAHY. Mr. President, I rise today with my good friends and neighbors from New England—Senators SUSAN COLLINS and OLYMPIA SNOWE from Maine—to introduce a bill that would allow Vermont and Maine to set the appropriate truck-weight standards on the interstates in their states.

For too long, Vermont and Maine have been at a competitive disadvantage while our next-door neighbors in New York, New Hampshire, Massachusetts, and Quebec have enjoyed the economic benefits that come with higher

highway truck weight limits. Due to these restrictions, the heaviest truck traffic in Vermont and Maine must travel over smaller and narrower roadways, creating significant safety concerns for pedestrians and motorists and putting pressure on our already overburdened secondary roads and bridges.

That is why Senator COLLINS and I included language in the 2010 transportation funding bill to implement pilot programs that allowed heavier trucks on interstates in Vermont and Maine for one year and studied the impacts of this policy change on highway safety, bridge and road durability, commerce, truck volumes, and energy use in Vermont.

During the past year I have heard from a number of Vermont truckers, business owners, and state and local officials who support extending the pilot program because of the economic and safety benefits they saw when the trucks were on the Interstates. Most importantly, many Vermonters reported a significant reduction of heavy truck traffic in our downtowns and villages.

Unfortunately, last month the leadership on the other side of the aisle blocked consideration of an omnibus budget bill that included a provision Senator COLLINS and I authored to extend the Vermont and Maine truck weight pilot programs for another year. This sudden and senseless reversal of a previous commitment to support the bill led to the end of the Vermont and Maine pilot programs in December.

As a result the heaviest trucks in our states have been forced to divert back to secondary roads—and the negative economic impact of these trucks is once again being felt in downtowns and villages throughout Vermont and Maine.

I am pleased to join with Senators COLLINS and SNOWE in introducing this bipartisan bill today. It will stop overweight trucks from having to rumble through our historic villages and downtowns, and it will better protect our citizens and our ailing transportation infrastructure.

I appreciate the support this legislation has received from the State of Vermont, the Vermont League of Cities and Towns, the Vermont Truck and Bus Association, the Vermont Petroleum Association, the Vermont Fuel Dealers Association, and many individual businesses and municipalities throughout Vermont.

By Mr. LEAHY:

S. 132. A bill to establish an Office of Forensic Science and a Forensic Science Board, to strengthen and promote confidence in the criminal justice system by ensuring consistency and scientific validity in forensic testing, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am proud today to introduce the Criminal Justice and Forensic Science Reform Act of 2011. This legislation is an important first step toward guaranteeing the effectiveness and scientific integrity of forensic evidence used in criminal cases, and in ensuring that Americans can have faith in their criminal justice system.

In March of 2009, the Senate Judiciary Committee began its examination of serious issues concerning forensic science, which is at the heart of our criminal justice system. The Committee has studied the problem exhaustively, and has worked with a wide array of experts and stakeholders. The legislation I introduce today is a product of this process. It seeks to strengthen our confidence in the criminal justice system, and the evidence it relies upon, by ensuring that forensic evidence and testimony is accurate, credible, and scientifically grounded.

The National Academy of Science published a report in February 2009 asserting that the field of forensic science has significant problems that urgently need to be addressed. The report suggested that basic research establishing the scientific validity of many forensic science disciplines has never been done in a comprehensive way. It suggested that the forensic sciences lack uniform and unassailable standards governing the accreditation of laboratories, the certification of forensic practitioners, and the testing and analysis of evidence.

The National Academy of Science's report was an urgent call to action. It has been hailed and widely cited since its release. It has also been criticized by many. I did not view the Academy's report as the final word on this issue, but rather as the starting point for a searching review of the state of forensic science in this country.

Last Congress, the Judiciary Committee held two hearings on the issue. Committee members and staff spent countless hours talking to prosecutors, defense attorneys, law enforcement officers, judges, forensic practitioners, academic experts, and many, many others to learn as much as we could about what is happening in the forensic sciences and what needs to be done.

As this effort has progressed, I have been disturbed to learn about still more cases in which innocent people may have been convicted, and perhaps even executed, in part due to faulty forensic evidence. It is a double tragedy when an innocent person is convicted. An innocent person suffers, and a guilty person remains free, leaving us all less safe. We must do everything we can to avoid that untenable outcome.

At the same time, through the course of this inquiry, it has become abundantly clear that the men and women who test and analyze forensic evidence do tremendous work that is vital to

our criminal justice system. I remember their important contributions and hard work from my days as a prosecutor, when some of the forensic disciplines we have now did not even exist. Their work is even more important today, and we need to strengthen the field of forensics—and the justice system's confidence in it—so that their hard work can be consistently relied upon, as it should be.

It is beyond question that everyone recognizes the need for forensic evidence that is accurate and reliable. Prosecutors and law enforcement officers want evidence that can be relied upon to determine guilt and prove it beyond a reasonable doubt in a court of law. Defense attorneys want strong evidence that can be used to exclude innocent people from suspicion. Forensic science practitioners want their work to have as much certainty as possible and to be given deserved deference. All scientists and all attorneys who care about these issues want the science that is admitted as evidence in the courtroom to match the science that is proven through rigorous testing and research in the laboratory.

There is also general agreement that the forensic sciences can be improved through strong and unassailable research to test and establish the validity of the forensic disciplines, as well as the application of consistent and regular standards in the field. There is a dire need for well managed and appropriately directed funding for research, development, training, and technical assistance. It is a good investment, as it will lead to fewer trials and appeals, and will reduce crime by ensuring that those who commit serious offenses are promptly captured and convicted.

There is also broad consensus that all forensic laboratories should be required to meet rigorous accreditation standards and that forensic practitioners should be required to obtain meaningful certification.

The bill I introduce today seeks to address these widely recognized needs. It requires that all forensic science laboratories that receive Federal funding or Federal business be accredited according to rigorous standards. It requires all relevant personnel who perform forensic work for any laboratory or agency that gets Federal money to become certified in their fields, which will mean meeting basic proficiency, education, and training requirements.

The bill sets up a rigorous process to determine the most serious needs for research to establish the basic validity of the forensic disciplines, and establishes grant programs to provide for peer-reviewed scientific research to answer fundamental questions and promote innovation. It also sets up a process for this research to lead to appropriate standards and best practices in each discipline. The bill funds research

into new technologies and techniques that will allow forensic testing to be done more quickly, more efficiently, and more accurately. I believe these are proposals that will be widely supported by those on all sides of this issue.

There have been of course some areas of disagreement, particularly as to who should oversee these vital reforms to the field of forensics. Some have argued that, because the purpose of forensic science is primarily to produce evidence to be used in the investigation and prosecution of criminal cases, it is vital that those regulating and evaluating forensics must have expertise in criminal justice. They have said that at the Federal level, the Department of Justice is the natural place for an office to examine and oversee the forensic sciences and have emphasized the need for forensic science practitioners to have substantial input in evaluating research and standards.

Others have argued that, for forensic science to truly engender our trust and confidence, its validity must be established by independent scientific research, and standards must be determined by scientists with no possible conflict of interest. They have argued for protections to ensure independent scientific decision making, as well as the significant involvement of Federal scientific agencies.

I find both of these arguments persuasive. I know firsthand the importance of understanding how the criminal justice system works when evaluating the needs and practices in forensic science. I also understand that it is absolutely essential that forensic science be grounded in independent scientific research in order to avoid any question of convictions being based on faulty forensic work.

This legislation attempts to address both of these concerns with a hybrid structure that ensures both criminal justice expertise and scientific independence. It establishes an Office of Forensic Science in the Office of the Deputy Attorney General within the Department of Justice. That office will have a Director who will make all final decisions about research priorities, standards, and structure and who will implement and enforce the systems set up by the legislation.

It also establishes a Forensic Science Board composed of forensic and academic scientists, prosecutors and defense attorneys, and other key stakeholders. The Board will have a careful balance, and a majority of its members will be scientists. It will recommend all research priorities and standards and other key definitions and structures before the Director of the Office of Forensic Science makes a decision. The bill will include important protections to encourage the Director to defer to the recommendations of the Board and to ensure that he or she ex-

plains to Congress and to the public, with opportunities for comment, any decision to disregard the Board's recommendations.

The bill also establishes committees of scientists to examine each individual forensic science discipline to determine research needs and standards. It includes protections to ensure that the committees' recommendations receive significant deference, and the committees will be overseen by the National Institute of Standards and Technology, NIST, a respected scientific agency. NIST will also implement grant programs for research into the forensic sciences premised on the research priorities established by the Forensic Science Board and the Office of Forensic Science. The National Science Foundation will help to ensure that the grant programs are run properly, with rigorous scientific peer review and without any bias.

This bill aims to carefully balance the competing considerations that are so important to getting a review of forensics right. It also capitalizes on existing expertise and structures, rather than calling for the creation of a costly new agency. It seeks to proceed modestly and cost effectively, with ample oversight, checks, and controls. I am committed to exploring ways to use existing resources so that this urgent work will not negatively impact the budget. Ultimately, improvements in the forensic sciences will save money, reduce the number of costly appeals, shorten investigations and trials, and help to eliminate wrongful imprisonments.

I understand that sweeping forensic reform and criminal justice reform legislation not only should, but must, be bipartisan. There is no reason for a partisan divide on this issue; fixing this problem does not advance the interests of only prosecutors or defendants, or of Democrats or Republicans, but the interests of justice. I have worked closely with interested Republican Senators on this vital issue. I will continue to work diligently with Senators on both sides of the aisle to ensure that this becomes the consensus bipartisan legislation that it ought to be. I hope many will cosponsor this legislation, and work with me to ensure its passage.

I want to thank the forensic science practitioners, experts, advocates, law enforcement personnel, judges, and so many others whose input forms the basis for this legislation. Your passion for this issue and for getting it right gives me confidence that we will work together successfully to make much needed progress.

I hope all Senators will join me in advancing this important legislation to bolster confidence in the forensic sciences and the criminal justice system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Criminal Justice and Forensic Science Reform Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Purpose.

TITLE I—STRUCTURE AND OVERSIGHT

Sec. 101. Office of Forensic Science.

Sec. 102. Forensic Science Board.

Sec. 103. Committees.

Sec. 104. Authorization of appropriations.

TITLE II—ACCREDITATION OF FORENSIC SCIENCE LABORATORIES

Sec. 201. Accreditation of forensic science laboratories.

Sec. 202. Standards for laboratory accreditation.

Sec. 203. Administration and enforcement of accreditation program.

TITLE III—CERTIFICATION OF FORENSIC SCIENCE PERSONNEL

Sec. 301. Definitions.

Sec. 302. Certification of forensic science personnel.

Sec. 303. Standards for certification.

Sec. 304. Administration and review of certification program.

Sec. 305. Grants and technical assistance.

TITLE IV—RESEARCH

Sec. 401. Research strategy and priorities.

Sec. 402. Research grants.

Sec. 403. Oversight and review.

Sec. 404. Public-private collaboration.

TITLE V—STANDARDS AND BEST PRACTICES

Sec. 501. Development of standards and best practices.

Sec. 502. Establishment and dissemination of standards and best practices.

Sec. 503. Review and oversight.

TITLE VI—ADDITIONAL RESPONSIBILITIES OF THE OFFICE OF FORENSIC SCIENCE AND THE FORENSIC SCIENCE BOARD

Sec. 601. Forensic science training and education for judges, attorneys, and law enforcement personnel.

Sec. 602. Educational programs in the forensic sciences.

Sec. 603. Medical-legal death examination.

Sec. 604. Inter-governmental coordination.

Sec. 605. Anonymous reporting.

Sec. 606. Interoperability of databases and technologies.

Sec. 607. Code of ethics.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Board" means the Forensic Science Board established under section 102(a);

(2) the term "Committee" means a committee established under section 103(a)(2);

(3) the term "Deputy Director" means the Deputy Director of the Office;

(4) the term "Director" means the Director of the Office;

(5) the term “forensic science discipline” shall have the meaning given that term by the Director in accordance with section 102(h);

(6) the term “forensic science laboratory” shall have the meaning given that term by the Director in accordance with section 201(c);

(7) the term “Office” means the Office of Forensic Science established under section 101(a); and

(8) the term “relevant personnel” shall have the meaning given that term by the Director in accordance with section 301(b).

SEC. 3. PURPOSE.

The purpose of this Act is to strengthen and promote confidence in the criminal justice system by promoting standards and best practices and ensuring consistency, scientific validity, and accuracy with respect to forensic testing, analysis, identification, and comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

TITLE I—STRUCTURE AND OVERSIGHT

SEC. 101. OFFICE OF FORENSIC SCIENCE.

(a) IN GENERAL.—There is established an Office of Forensic Science within the Office of the Deputy Attorney General in the Department of Justice.

(b) OFFICERS AND STAFF.—

(1) IN GENERAL.—The Office shall include—

(A) a Director, who shall be appointed by the Attorney General;

(B) a Deputy Director, who shall be—

(i) an employee of the National Institute of Standards and Technology;

(ii) selected by the Director of the National Institute of Standards and Technology; and

(iii) detailed to the Office on a reimbursable basis;

(C) such additional staff detailed on a reimbursable basis from the National Institute of Standards and Technology as the Deputy Director, in consultation with the Director and subject to the approval of the Director of the National Institute of Standards and Technology, determines appropriate; and

(D) such other officers and staff as the Deputy Attorney General, the Director, and the Deputy Director determine appropriate.

(2) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the initial appointments, selections, and detailing under paragraph (1) shall be made.

(c) VACANCY.—In the event of a vacancy in the position of Director—

(1) the Attorney General shall designate an acting Director; and

(2) during any period of vacancy before designation of an acting Director, the Deputy Attorney General shall serve as acting Director.

(d) LIAISON.—The Director of the National Science Foundation, in consultation with the Director and the Deputy Director, shall designate a liaison at the National Science Foundation to facilitate communication between the Office and the National Science Foundation.

(e) DUTIES AND AUTHORITY.—

(1) IN GENERAL.—The Office shall—

(A) assist the Board in carrying out all the functions of the Board under this Act and such other related functions as are necessary to perform the functions; and

(B) evaluate and act upon the recommendations of the Board in accordance with paragraph (4).

(2) SPECIFIC RESPONSIBILITIES.—The Director, in consultation with the Deputy Director, shall—

(A) establish, implement, and enforce accreditation and certification standards under titles II and III;

(B) establish a comprehensive strategy for scientific research in the forensic sciences under title IV;

(C) establish and implement standards and best practices for forensic science disciplines under title V;

(D) define the term “forensic science discipline” for the purposes of this Act in accordance with section 102(h);

(E) establish and maintain a list of forensic science disciplines in accordance with section 102(h);

(F) establish Committees in accordance with section 103;

(G) define the term “forensic science laboratory” for the purposes of this Act in accordance with section 201(c); and

(H) perform all other functions of the Office under this Act and such other related functions as are necessary to perform the functions of the Office described in this Act.

(3) ADDITIONAL RESPONSIBILITIES OF DEPUTY DIRECTOR.—The Deputy Director, in consultation with the Director of the National Institute of Standards and Technology, shall oversee—

(A) the implementation of any standard, protocol, definition, or other material established or amended based on a recommendation by a Committee; and

(B) the work of the Committees.

(4) CONSIDERATION OF RECOMMENDATIONS.—

(A) IN GENERAL.—Upon receiving a recommendation from the Board, the Director shall—

(i) give substantial deference to the recommendation; and

(ii) not later than 90 days after the date on which the Director receives the recommendation, determine whether to adopt, modify, or reject the recommendation.

(B) MODIFICATION.—

(i) IN GENERAL.—If the Director determines to substantially modify a recommendation under subparagraph (A), the Director shall immediately notify the Board of the proposed modification.

(ii) BOARD RECOMMENDATION.—Not later than 30 days after the date on which the Director provides notice to the Board under clause (i), the Board shall submit to the Director a recommendation on whether the proposed modification should be adopted.

(iii) ACCEPTANCE OF MODIFICATION.—If the Board recommends that a proposed modification should be adopted under clause (ii), the Director may implement the modified recommendation.

(iv) REJECTION OF MODIFICATION.—If the Board recommends that a proposed modification should not be adopted under clause (ii), the Director shall, not later than 10 days after the date on which the Board makes the recommendation—

(I) provide notice and an explanation of the modification proposed to the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on the Judiciary and the Committee on Science and Technology of the House of Representatives; and

(II) begin a rulemaking on the record after opportunity for an agency hearing.

(C) REJECTION.—Not later than 30 days after the date on which the Director determines to reject a recommendation under subparagraph (A), the Director shall—

(i) provide notice and an explanation of the decision to the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation of the Senate and the

Committee on the Judiciary and the Committee on Science and Technology of the House of Representatives; and

(ii) begin a rulemaking on the record after opportunity for an agency hearing.

(f) WEBSITE.—The Director shall—

(1) establish a website that is publicly accessible; and

(2) publish recommendations of the Board and all standards, protocols, definitions, and other materials established, or amended, by the Director under this Act on the website.

SEC. 102. FORENSIC SCIENCE BOARD.

(a) IN GENERAL.—There is established a Forensic Science Board to serve as an advisory board regarding forensic science in order to strengthen and promote confidence in the criminal justice system by promoting standards and best practices and ensuring consistency, scientific validity, and accuracy with respect to forensic testing, analysis, identification, and comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

(b) APPOINTMENT.—

(1) IN GENERAL.—The Board shall be composed of 19 members, who shall—

(A) be appointed by the President not later than 180 days after the date of enactment of this Act; and

(B) come from professional communities that have expertise relevant to and significant interest in the field of forensic science.

(2) CONSIDERATION AND CONSULTATION.—In making an appointment under paragraph (1), the President shall—

(A) consider the need for the Board to exercise independent scientific judgment;

(B) consider, among other factors, recommendations from leading scientific organizations and leading professional organizations in the field of forensic science and other relevant fields; and

(C) consult with the Chairman and Ranking Member of the—

(i) Committee on the Judiciary and the Committee on Commerce, Science, and Transportation of the Senate; and

(ii) the Committee on the Judiciary and the Committee on Science and Technology of the House of Representatives.

(3) REQUIREMENTS.—The Board shall include—

(A) not fewer than 10 members who have comprehensive scientific backgrounds, of which—

(i) not fewer than 5 members have extensive experience or background in scientific research; and

(ii) not fewer than 5 members have extensive experience or background in forensic science; and

(B) not fewer than 1 member from each category described in paragraph (4).

(4) CATEGORIES.—The categories described in this paragraph are—

(A) judges;

(B) Federal Government officials;

(C) State and local government officials;

(D) prosecutors;

(E) law enforcement officers;

(F) criminal defense attorneys;

(G) organizations that represent people who may have been wrongly convicted;

(H) practitioners in forensic laboratories;

(I) physicians with relevant expertise; and

(J) State laboratory directors.

(5) FULFILLMENT OF MULTIPLE REQUIREMENTS.—An individual may fulfill more than 1 requirement described in paragraph (3) or (4).

(6) EX OFFICIO MEMBERS.—The Director and the Deputy Director shall serve as ex officio and nonvoting members of the Board.

(c) TERMS.—

(1) IN GENERAL.—A member of the Board shall be appointed for a term of 6 years.

(2) EXCEPTION.—Of the members first appointed to the Board—

(A) 6 members shall serve a term of 2 years;

(B) 6 members shall serve a term of 4 years; and

(C) 7 members shall serve a term of 6 years.

(3) RENEWABLE TERM.—A member of the Board may be appointed for not more than a total of 2 terms, including an initial term described in paragraph (2).

(4) VACANCIES.—

(A) IN GENERAL.—In the event of a vacancy, the President may appoint a member to fill the remainder of the term.

(B) ADDITIONAL TERM.—A member appointed under subparagraph (A) may be reappointed for 1 additional term.

(5) HOLDOVERS.—If a successor has not been appointed at the conclusion of the term of a member of the Board, the member of the Board may continue to serve until—

(A) a successor is appointed; or

(B) the member of the Board is reappointed.

(d) RESPONSIBILITIES.—The Board shall—

(1) make recommendations to the Director relating to research priorities and needs, accreditation and certification standards, standards and protocols for forensic science disciplines, and any other issue consistent with this Act;

(2) monitor and evaluate—

(A) the administration of accreditation, certification, and research programs and procedures established under this Act; and

(B) the operation of the Committees;

(3) review and update, as appropriate, any recommendations made under paragraph (1); and

(4) perform all other functions of the Board under this Act and such other related functions as are necessary to perform the functions of the Board.

(e) CONSULTATION.—The Board shall consult as appropriate with the Deputy Attorney General, the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, the Director of the National Institute of Justice, the Director of the Centers for Disease Control and Prevention, senior officials from other relevant Federal agencies, and relevant officials of State and local government.

(f) MEETINGS.—

(1) IN GENERAL.—The Board shall hold not fewer than 4 meetings of the full Board each year.

(2) REQUIREMENTS.—

(A) NOTICE.—The Board shall provide public notice of any meeting of the Board a reasonable period in advance of the meeting.

(B) OPEN MEETINGS.—A meeting of the Board shall be open to the public.

(C) QUORUM.—A majority of the members of the Board shall be present for a quorum to conduct business.

(g) VOTES.—

(1) IN GENERAL.—Decisions of the Board shall be made by an affirmative vote of not less than $\frac{2}{3}$ of the members of the Board voting.

(2) VOTING PROCEDURES.—

(A) RECORDED.—All votes of the Board shall be recorded.

(B) REMOTE AND PROXY VOTING.—If necessary, a member of the Board may cast a vote—

(i) over the phone or through electronic mail or other electronic means if the vote is

scheduled to take place during a time other than a full meeting of the Board; and

(ii) over the phone or by proxy if the vote is scheduled to take place during a full meeting of the Board.

(h) DEFINITION OF FORENSIC SCIENCE DISCIPLINE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Board shall—

(A) develop a recommended definition of the term “forensic science discipline” for purposes of this Act, which shall encompass disciplines with a sufficient scientific basis that involve forensic testing, analysis, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding;

(B) develop a recommended list of forensic science disciplines for purposes of this Act; and

(C) submit the recommended definition and proposed list of forensic science disciplines to the Director.

(2) CONSIDERATION.—In developing a recommended list of forensic science disciplines under paragraph (1)(B), the Board shall consider each field from which courts in criminal cases hear forensic testimony or admit forensic evidence.

(3) EXCLUSION FROM LIST.—If the Board recommends that a field should not be included on the list submitted under paragraph (1) because the field has insufficient scientific basis on the date of the recommendation of the Board, the Board shall publish an explanation of the recommendation, which—

(A) shall be published on the website of the Board; and

(B) may include a finding that a field could be recognized as a forensic science discipline, based on additional research.

(4) ESTABLISHMENT.—After the Director receives the recommendation of the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), establish a definition for the term “forensic science discipline”, and shall establish a list of forensic science disciplines.

(5) ANNUAL EVALUATION.—On an annual basis, the Board shall—

(A) evaluate—

(i) whether any field should be added to the list of forensic science disciplines established under paragraph (4); and

(ii) whether any field on the list of forensic science disciplines established under paragraph (4) should be modified or removed; and

(B) submit the evaluation conducted under subparagraph (A), including any recommendations, to the Director.

(i) STAFF.—

(1) IN GENERAL.—The Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform the duties of the Board.

(2) COMPENSATION.—The Board may fix the compensation of the executive director and other personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Any personnel of the Board who are employees shall be employees

under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 24 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF THE BOARD.—Subparagraph (A) shall not be construed to apply to members of the Board.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use voluntary and uncompensated services for the Board as the Board determines necessary.

(j) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to Congress a report describing the work of the Board and the work of each Committee, which shall include a description of any recommendations, decisions, and other significant materials generated during the 2-year period.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board.

(2) TERMINATION PROVISION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(3) COMPENSATION OF MEMBERS.—Members of the Board shall serve without compensation for services performed for the Board.

(4) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(5) DESIGNATED FEDERAL OFFICER.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Director shall—

(A) serve as the designated Federal officer; and

(B) designate a committee management officer for the Board.

SEC. 103. COMMITTEES.

(a) ESTABLISHMENT AND MAINTENANCE OF COMMITTEES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Board shall issue recommendations to the Director relating to—

(A) the number of Committees that shall be established to examine research needs, standards and best practices, and certification standards for the forensic science disciplines, which shall be—

(i) not fewer than 1; and

(ii) sufficient to allow the Committees to function effectively;

(B) the scope of responsibility for each Committee recommended to be established, which shall ensure that each forensic science discipline is addressed by a Committee;

(C) what the relationship should be between the Committees and any scientific working group or technical working group that has a similar scope of responsibility; and

(D) whether any Committee should consider any field not recognized as a forensic science discipline for the purpose of determining whether there is research that could

be conducted and used to form the basis for establishing the field as a forensic science discipline.

(2) **ESTABLISHMENT.**—After the Director receives the recommendations of the Board under paragraph (1), the Director, in coordination with the Deputy Director, shall—

(A) in accordance with section 101(e)(4), establish—

(i) Committees to examine research needs, standards, and best practices, and certification standards for the forensic science disciplines, which shall be not fewer than 1; and

(ii) a clear scope of responsibility for each Committee; and

(B) publish a list of the Committees and the scope of responsibility for each Committee on the website for the Office.

(3) **ANNUAL EVALUATION.**—The Board, on an annual basis, shall—

(A) evaluate—

(i) whether any new Committees should be established;

(ii) whether the scope of responsibility for any Committee should be modified; and

(iii) whether any Committee should be discontinued;

(B) submit any recommendations relating to the evaluation conducted under subparagraph (A) to the Director and Deputy Director.

(4) **UPDATES.**—Upon receipt of any recommendations from the Board under paragraph (3), the Director shall, in accordance with section 101(e)(4), determine whether to establish, modify the scope of, or discontinue any Committee.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—Each Committee shall—

(A) consist of not more than 21 members—

(i) each of whom shall be a scientist with knowledge relevant to a forensic science discipline addressed by the Committee; and

(ii) not less than 50 percent of whom shall have extensive experience or background in scientific research;

(B) have a number of members who have extensive experience or background in the forensic sciences sufficient to ensure that the Committee has an adequate understanding of the factors and needs unique to the forensic sciences; and

(C) have a membership that represents a variety of scientific disciplines, including the forensic sciences.

(2) **DEFINITION.**—In this subsection, the term “scientist” includes—

(A) a statistician with a scientific background; and

(B) a physician with expertise in forensic sciences.

(c) **APPOINTMENT.**—

(1) **IN GENERAL.**—The Deputy Director, in consultation with the Board, shall appoint the members of each Committee.

(2) **CONSIDERATION.**—In appointing members to a Committee under paragraph (1), the Deputy Director shall consider—

(A) the importance of analysis from scientists with academic backgrounds; and

(B) the importance of input from experienced forensic practitioners.

(3) **VACANCIES.**—In the event of a vacancy, the Deputy Director, in consultation with the Board, may appoint a member to fill the remainder of the term.

(4) **HOLDOVERS.**—If a successor has not been appointed at the conclusion of the term of a member of the Committee, the member of the Committee may continue to serve until—

(A) a successor is appointed; or

(B) the member of the Committee is reappointed.

(d) **TERMS.**—A member of a Committee shall serve for renewable terms of 4 years.

(e) **SUPPORT AND OVERSIGHT.**—

(1) **IN GENERAL.**—The National Institute of Standards and Technology shall provide support and staff for each Committee as needed.

(2) **DUTIES AND OVERSIGHT.**—The Deputy Director shall—

(A) perform periodic oversight of each Committee; and

(B) report any concerns about the performance or functioning of a Committee to the Board and the Director.

(3) **FAILURE TO COMPLY.**—If a Committee fails to produce recommendations within the time periods required under this Act, the Deputy Director and the Director of the National Institute of Standards and Technology shall work with the Committee to assist the Committee in producing the required recommendations in a timely manner.

(f) **DUTIES.**—

(1) **IN GENERAL.**—A Committee shall have the duties and responsibilities set out in this Act, and shall perform any other functions determined appropriate by the Board and the Deputy Director.

(2) **COMMITTEE DECISIONS AND RECOMMENDATIONS.**—

(A) **IN GENERAL.**—A Committee shall submit recommendations and all recommended standards, protocols, or other materials developed by the Committee to the Board for evaluation.

(B) **PROHIBITION OF MODIFICATION OF DECISIONS AND RECOMMENDATIONS.**—Any recommendations of a Committee and any recommended standards, protocols, or other materials developed by a Committee may be approved or disapproved by the Board, but may not be modified by the Board.

(C) **APPROVAL OF DECISIONS AND RECOMMENDATIONS.**—If the Board approves a recommendation or recommended standard, protocol, or other material submitted by a Committee under subparagraph (A), the Board shall submit the recommendation or recommended standard, protocol, or other material as a recommendation of the Board, to the Director and Deputy Director for consideration in accordance with section 101(e)(4).

(D) **DISAPPROVAL OF DECISIONS AND RECOMMENDATIONS.**—If the Board disapproves of any recommendation of a Committee or recommended standard, protocol, or other material developed by a Committee—

(i) the Board shall provide in writing the reason for the disapproval of the recommendation or recommended standard, protocol, or other material;

(ii) the Committee shall withdraw the recommendation or recommended standard, protocol, or other material developed by the Committee; and

(iii) the Committee may submit a revised recommendation or recommended standard, protocol, or other material.

(g) **MEETINGS.**—

(1) **IN GENERAL.**—A Committee shall hold not fewer than 4 meetings of the full Committee each year.

(2) **REQUIREMENTS.**—

(A) **NOTICE.**—A Committee shall provide public notice of any meeting of the Committee a reasonable period in advance of the meeting.

(B) **OPEN MEETINGS.**—A meeting of a Committee shall be open to the public.

(C) **QUORUM.**—A majority of members of a Committee shall be present for a quorum to conduct business.

(h) **VOTES.**—

(1) **IN GENERAL.**—Decisions of a Committee shall be made by an affirmative vote of not less than $\frac{2}{3}$ of the members of the Committee voting.

(2) **VOTING PROCEDURES.**—

(A) **RECORDED.**—All votes taken by a Committee shall be recorded.

(B) **REMOTE AND PROXY VOTING.**—If necessary, a member of the Committee may cast a vote—

(i) over the phone or through electronic mail if the vote is scheduled to take place during a time other than a full meeting of the Committee; and

(ii) over the phone or by proxy if the vote is scheduled to take place during a full meeting of the Committee.

(i) **APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—

(1) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a Committee.

(2) **COMPENSATION OF MEMBERS.**—Members of a Committee shall serve without compensation for services performed for the Committee.

(3) **TRAVEL EXPENSES.**—The members of a Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) \$15,000,000 for each of fiscal years 2012 through 2016 for the operation and staffing of the Office;

(2) \$5,000,000 for each of fiscal years 2012 through 2016 for the operation and staffing of the Board;

(3) \$15,000,000 for each of fiscal years 2012 through 2016 for the operation and staffing of the Committees; and

(4) \$5,000,000 for each of fiscal years 2012 through 2016 to the National Institute of Standards and Technology for the oversight, support, and staffing of the Committees.

TITLE II—ACCREDITATION OF FORENSIC SCIENCE LABORATORIES

SEC. 201. ACCREDITATION OF FORENSIC SCIENCE LABORATORIES.

(a) **IN GENERAL.**—On and after the date established under subsection (b)(2)(D), a forensic science laboratory may not receive, directly or indirectly, any Federal funds, unless the Director has verified that the laboratory has been accredited in accordance with the standards and procedures established under this title.

(b) **PROCEDURES FOR ACCREDITATION.**—

(1) **RECOMMENDATIONS.**—Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director—

(A) recommended procedures for the accreditation of forensic science laboratories that are consistent with the recommended standards and criteria developed by the Board under section 202;

(B) recommended procedures for the periodic review and updating of the accreditation status of forensic science laboratories;

(C) recommended procedures for the Director to verify that laboratories have been accredited in accordance with the standards and procedures established under this title, which shall include procedures to implement, administer, and coordinate enforcement of the program for the accreditation of forensic science laboratories; and

(D) a recommendation regarding the date by which forensic science laboratories should—

(i) begin the process of laboratory accreditation; and

(ii) obtain verification of laboratory accreditation to be eligible to receive Federal funds.

(2) **ESTABLISHMENT.**—After the Director receives the recommendations of the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), establish—

(A) procedures for the accreditation of a forensic science laboratory;

(B) procedures for the Director to verify that laboratories have been accredited in accordance with the standards and procedures established under this title;

(C) the date by which a forensic science laboratory shall begin the process of accreditation; and

(D) the date by which a forensic science laboratory shall obtain verification of laboratory accreditation to be eligible to receive Federal funds.

(c) **DEFINITION.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Board shall recommend to the Director a definition of the term “forensic science laboratory” for purposes of this Act, which shall include any laboratory that conducts forensic testing, analysis, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

(2) **ESTABLISHMENT.**—After the Director receives the recommendation of the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), establish a definition for the term “forensic science laboratory”.

(d) **APPLICABILITY TO FEDERAL AGENCIES.**—On and after the date established by the Director under subsection (b)(2)(D), a Federal agency may not use any forensic science laboratory during the course of a criminal investigation or criminal court proceeding unless the forensic science laboratory meets the standards of accreditation and certification established by the Office under this Act.

SEC. 202. STANDARDS FOR LABORATORY ACCREDITATION.

(a) **STANDARDS.**—

(1) **RECOMMENDATIONS.**—Not later than 18 months after the date of enactment of this Act, the Board shall, in consultation with qualified professional organizations, submit to the Director recommendations regarding standards for the accreditation of forensic science laboratories, including quality assurance standards, to ensure the quality, integrity, and accuracy of any testing, analysis, identification, or comparisons performed by a forensic science laboratory for use during the course of a criminal investigation or criminal court proceeding.

(2) **ESTABLISHMENT.**—After the Director receives the recommendations of the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), establish standards for the accreditation of forensic science laboratories.

(3) **REQUIREMENTS.**—In recommending or establishing standards under paragraph (1) or (2) the Board and the Director shall—

(A) consider—

(i) whether any relevant national accreditation standards that were in effect before the date of enactment of this Act would be sufficient for the accreditation of forensic science laboratories under this Act; and

(ii) whether any relevant national accreditation standards that were in effect before the date of enactment of this Act would be sufficient for the accreditation of forensic science laboratories under this Act with supplemental standards; and

(B) include—

(i) educational and training requirements for relevant laboratory personnel;

(ii) proficiency and competency testing requirements for relevant laboratory personnel; and

(iii) maintenance and auditing requirements for accredited forensic science laboratories.

(b) **REVIEW OF STANDARDS.**—

(1) **IN GENERAL.**—Not less frequently than once every 5 years—

(A) the Board shall—

(i) review the scope and effectiveness of the accreditation standards established under subsection (a);

(ii) submit recommendations to the Director relating to whether, and if so, how to update the standards as necessary to—

(I) account for developments in relevant scientific research and technological advances;

(II) ensure adherence to the standards and best practices established under title V; and

(III) address any other issue identified during the course of the review conducted under clause (i); and

(B) the Director shall, as necessary and in accordance with section 101(e)(4), update the accreditation standards established under subsection (a).

(2) **PROCEDURES FOR OPEN AND TRANSPARENT REVIEW OF STANDARDS.**—The Director, in consultation with the Board, shall establish procedures to ensure that the process for developing, reviewing, and updating accreditation standards under this section—

(A) is open and transparent to the public; and

(B) includes an opportunity for the public to comment on proposed standards with sufficient prior notice.

SEC. 203. ADMINISTRATION AND ENFORCEMENT OF ACCREDITATION PROGRAM.

(a) **ADMINISTRATION AND ENFORCEMENT OF ACCREDITATION PROGRAM.**—

(1) **IN GENERAL.**—The Director shall determine whether a forensic science laboratory is eligible to receive, directly or indirectly, Federal funds under section 201(a).

(2) **ADMINISTRATION.**—

(A) **IN GENERAL.**—The Director may identify 1 or more qualified accrediting entities with experience and expertise relevant to the accreditation of forensic science laboratories, the accreditation of a forensic science laboratory by which shall constitute accreditation for purposes of section 201(a).

(B) **OVERSIGHT.**—The Director shall periodically reevaluate whether accreditation by a qualified accrediting entity identified under subparagraph (A) is adequate to ensure compliance with the standards and procedures established under this title.

(C) **REPORTING.**—The Director shall provide regular reports to the Board regarding the accreditation of forensic science laboratories by qualified accrediting entities identified under subparagraph (A) and reevaluations of accreditation by qualified accrediting entities under subparagraph (B), which shall be published on the website of the Office.

(b) **REVIEW OF ELIGIBILITY.**—Not less frequently than once every 5 years, the Director shall evaluate whether a forensic science laboratory that has been determined to be eligible to receive Federal funds under section 201(a) remains eligible to receive Federal funds, including whether any accreditation of the forensic science laboratory by a qualified accrediting entity identified under subparagraph (A) is still in effect.

(c) **WEBSITE.**—The Director shall develop and maintain on the website of the Office an updated list of—

(1) the forensic science laboratories that are eligible for Federal funds under section 201(a);

(2) the forensic science laboratories that have been determined to be ineligible to receive Federal funds under section 201(a); and

(3) the forensic science laboratories that are awaiting a determination regarding eligibility to receive Federal funds under section 201(a).

TITLE III—CERTIFICATION OF FORENSIC SCIENCE PERSONNEL

SEC. 301. DEFINITIONS.

(a) **COVERED ENTITY.**—In this title, the term “covered entity” means an entity that—

(1) is not a forensic science laboratory; and

(2) conducts forensic testing, analysis, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

(b) **RELEVANT PERSONNEL.**—

(1) **RECOMMENDATION.**—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Director a recommended definition of the term “relevant personnel”, which shall include individuals who—

(A) conduct forensic testing, analysis, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding; or

(B) testify about evidence prepared by an individual described in paragraph (A).

(2) **DEFINITION.**—After the Director receives the recommendation of the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), define the term “relevant personnel” for purposes of this title.

SEC. 302. CERTIFICATION OF FORENSIC SCIENCE PERSONNEL.

Except as provided in section 304(c)(2), on and after the date established under section 304(c)(1), a forensic science laboratory or covered entity may not receive, directly or indirectly, any Federal funds, unless all relevant personnel of the forensic science laboratory or covered entity are certified under this title.

SEC. 303. STANDARDS FOR CERTIFICATION.

(a) **RECOMMENDED STANDARDS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date on which all members of a Committee have been appointed, the Committee shall make recommendations to the Board relating to standards for the certification of relevant personnel in each forensic science discipline addressed by the Committee.

(2) **REQUIREMENTS.**—In developing recommended standards under paragraph (1), a Committee shall—

(A) consult with qualified professional organizations;

(B) consider relevant certification standards and best practices developed by qualified professional or scientific organizations;

(C) consider any standards or best practices established under title V; and

(D) consider—

(i) whether certain minimum standards should be established for the education and training of relevant personnel;

(ii) whether there should be an alternative process to enable relevant personnel who were hired before the date established under section 304(c)(1), to obtain certifications, including—

(I) testing that demonstrates proficiency in a specific forensic science discipline that is equal to or greater than the level of proficiency required by the standards for certification; and

(II) a waiver of certain educational and training requirements;

(iii) whether and under what conditions relevant personnel should be allowed to perform an activity described in subparagraph (A) or (B) of section 301(b)(1) for a forensic science laboratory or covered entity while the individual obtains the training and education required for certification under the standards developed under this title; and

(iv) whether certification by recognized and relevant medical boards should be sufficient for relevant personnel to meet the standards developed under this title.

(b) **APPROVAL OR DENIAL OF RECOMMENDATIONS.**—The Board shall approve or deny any recommendation submitted by a Committee under subsection (a) in accordance with section 103(f)(2).

(c) **ESTABLISHMENT OF STANDARDS.**—After the Director receives recommendations from the Board under subsection (b), the Director shall, in accordance with section 101(e)(4), establish standards for the certification of relevant personnel.

(d) **REVIEW OF STANDARDS.**—

(1) **IN GENERAL.**—Not less frequently than once every 5 years, a Committee shall—

(A) review the standards for certification established under subsection (c) for each forensic science discipline within the responsibility of the Committee; and

(B) submit to the Board recommendations regarding updates, if any, to the standards for certification as necessary—

(i) to account for developments in relevant scientific research, technological advances, or changes in the law; and

(ii) to ensure adherence to the uniform standards and best practices established under title V.

(2) **BOARD REVIEW.**—Not later than 180 days after the date on which a Committee submits recommendations under paragraph (1)(B), the Board shall, in accordance with section 103(f)(2)—

(A) consider the recommendations; and

(B) submit to the Director recommendations of uniform standards and best practices for each forensic science discipline.

(3) **UPDATES.**—After the Director receives recommendations from the Board under paragraph (2), the Director shall, in accordance with section 101(e)(4), update the standards for certification of relevant personnel.

(e) **PUBLIC COMMENT.**—The Director, in consultation with the Board, shall establish procedures to ensure that the process for establishing, reviewing, and updating standards for certification of relevant personnel under this section—

(1) is open and transparent to the public; and

(2) includes an opportunity for the public to comment on proposed standards with sufficient prior notice.

SEC. 304. ADMINISTRATION AND REVIEW OF CERTIFICATION PROGRAM.

(a) **IN GENERAL.**—

(1) **DETERMINATION.**—The Director shall determine whether a forensic science laboratory or covered entity is eligible to receive, directly or indirectly, Federal funds under section 302.

(2) **PROCEDURES.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish policies and procedures to implement, administer, and coordinate enforcement of the certification requirements established under this title, including requiring the periodic recertification of relevant personnel.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—After consultation with the Board, the Director may identify 1 or

more qualified professional organizations with experience and expertise relevant to the certification of individuals in a particular forensic science discipline, the certification of an individual by which shall constitute certification for purposes of section 302.

(2) **OVERSIGHT.**—The Director shall periodically reevaluate whether certification by a qualified professional organizations identified under paragraph (1) is adequate to ensure compliance with the standards established under this title.

(3) **REPORTING.**—The Director shall provide regular reports to the Board regarding the certification of relevant personnel by qualified professional organizations identified under paragraph (1) and reevaluations of certification by qualified professional organizations under paragraph (2), which shall be published on the website of the Office.

(c) **IMPLEMENTATION OF CERTIFICATION REQUIREMENTS.**—

(1) **IN GENERAL.**—After consultation with the Board, the Director shall establish the date on which forensic science laboratories and covered entities shall be in compliance with the certification requirements of this title.

(2) **GRADUAL IMPLEMENTATION.**—The Director shall, in consultation with the Board and each Committee, establish policies and procedures to enable the gradual implementation of the certification requirements that—

(A) include a reasonable schedule to allow relevant personnel to obtain certifications; and

(B) allow for partial compliance with the requirements of section 302 for a reasonable period of time after the date established under paragraph (1).

(d) **REVIEW OF CERTIFICATION REQUIREMENTS.**—The Director shall establish policies and procedures for the periodic review of the implementation, administration, and enforcement of the certification requirements established under this title.

SEC. 305. GRANTS AND TECHNICAL ASSISTANCE.

(a) **IN GENERAL.**—The Director of the National Institute of Justice, in consultation with the Director, may make grants and provide technical assistance to forensic science laboratories and other entities subject to the requirements under this title and title II to ensure that forensic science laboratories and covered entities are able to effectively fulfill the responsibilities of the laboratories or entities during the process of—

(1) seeking accreditation under title II; and

(2) obtaining certifications for relevant personnel under this title.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated \$10,000,000 for each of fiscal years 2012 through 2016 to the National Institute of Justice for the grant program and technical assistance described in subsection (a).

(2) **REQUIREMENT.**—Not less than 75 percent of funds appropriated pursuant to paragraph (1) shall be used for grants under this section.

(c) **REPORT.**—The Director of the National Institute of Justice shall, on an annual basis, submit to the Board and the Director a report that describes—

(1) the application process for grants under this section;

(2) each grant made under this section during the fiscal year before the fiscal year in which the report is submitted; and

(3) as appropriate, the status and results of any grants previously described in a report submitted under this subsection.

TITLE IV—RESEARCH

SEC. 401. RESEARCH STRATEGY AND PRIORITIES.

(a) **COMPREHENSIVE RESEARCH STRATEGY AND AGENDA.**—

(1) **RECOMMENDATION.**—Not later than 18 months after the date of enactment of this Act, the Board shall recommend to the Director a comprehensive strategy for fostering and improving peer-reviewed scientific research relating to the forensic science disciplines, including research addressing issues of accuracy, reliability, and validity in the forensic science disciplines.

(2) **ESTABLISHMENT.**—After the Director receives recommendations from the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), establish a comprehensive strategy for fostering and improving peer-reviewed scientific research relating to the forensic science disciplines.

(3) **REVIEW.**—

(A) **BOARD REVIEW.**—Not less frequently than once every 5 years, the Board shall—

(i) review the comprehensive strategy established under paragraph (2); and

(ii) recommend any necessary updates to the comprehensive strategy.

(B) **UPDATES.**—After the Director receives recommendations from the Board under subparagraph (A), the Director shall, in accordance with section 101(e)(4), update the comprehensive strategy as necessary and appropriate.

(b) **RESEARCH FUNDING PRIORITIES.**—

(1) **RECOMMENDATION.**—Not later than 18 months after the date of enactment of this Act, the Board shall recommend to the Director a list of priorities for forensic science research funding.

(2) **ESTABLISHMENT.**—After the Director receives the list from the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), establish a list of priorities for forensic science research funding.

(3) **REVIEW.**—Not less frequently than once every 2 years, the Board shall—

(A) review—

(i) the list of priorities established under paragraph (2); and

(ii) the findings of the relevant Committees made under subsection (c); and

(B) recommend any necessary updates to the list of priorities, incorporating, as appropriate, the findings of the Committees under subsection (c).

(4) **UPDATES.**—After the Director receives the recommendations under paragraph (3), the Director shall, in accordance with section 101(e)(4), update as necessary the list of research funding priorities.

(c) **EVALUATION OF RESEARCH NEEDS.**—Not later than 2 years after the date on which all members of a Committee have been appointed under section 103, and periodically thereafter, the Committee shall—

(1) examine and evaluate the scientific research in each forensic science discipline within the responsibility of the Committee;

(2) conduct comprehensive surveys of scientific research relating to each forensic science discipline within the responsibility of the Committee;

(3) examine the research needs in each forensic science discipline within the responsibility of the Committee and identify key areas in which further scientific research is needed; and

(4) develop and submit to the Board a list of research needs and priorities.

(d) **CONSIDERATION.**—In developing the initial research strategy, research priorities, and surveys required under this section, the Board and the Director shall consider any findings, surveys, and analyses relating to

research in forensic science disciplines, including those made by the Subcommittee on Forensic Science of the National Science and Technology Council.

SEC. 402. RESEARCH GRANTS.

(a) COMPETITIVE GRANTS.—

(1) DEFINITION.—In this subsection, the term “eligible entity” means—

(A) a nonprofit academic or research institution; and

(B) any other entity designated by the Director of the National Institute of Standards and Technology.

(2) PEER-REVIEW RESEARCH GRANTS.—

(A) IN GENERAL.—The Director of the National Institute of Standards and Technology may, on a competitive basis, make grants to eligible entities to conduct peer-reviewed scientific research.

(B) CONSIDERATION.—In making grants under this paragraph, the Director of the National Institute of Standards and Technology shall—

(i) ensure that grants made under this paragraph are for peer-reviewed scientific research in areas that are consistent with the research priorities established by the Director under section 401(b); and

(ii) take into consideration the research needs identified by the Committees under section 401(c).

(3) DEVELOPMENT OF NEW TECHNOLOGIES.—The Director of the National Institute of Standards and Technology may, on a competitive basis, make grants to eligible entities to conduct peer-reviewed scientific research to develop new technologies and processes to increase the efficiency, effectiveness, and accuracy of forensic testing procedures.

(4) COORDINATION WITH DIRECTOR.—In making grants under this subsection, the Director of the National Institute of Standards and Technology shall—

(A) coordinate with the Director; and

(B) consider the plan established under section 404.

(5) COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION.—The Director of the National Institute of Standards and Technology shall consult and coordinate with the National Science Foundation to ensure—

(A) the integrity of the process for reviewing funding proposals and awarding grants under this subsection; and

(B) that the grant-making process is not subject to any undue bias or influence.

(b) REPORT.—

(1) IN GENERAL.—

(A) SUBMISSION.—The Director of the National Institute of Standards and Technology shall, on an annual basis, submit to the Board and the Director a report that describes—

(i) the application process for grants under this section;

(ii) each grant made under this section in the fiscal year before the report is submitted; and

(iii) as appropriate, the status and results of grants previously described in a report submitted under this subsection.

(B) PUBLICATION.—The Director shall publish the report submitted under subparagraph (A) on the website of the Office.

(2) EVALUATION.—The Board and the Director shall evaluate each report submitted under paragraph (1) and consider the information provided in each report in reviewing the research strategy and priorities established under section 401.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$75,000,000 to the National Institute of Standards and Technology for each of fiscal

years 2012 through 2016 for grants under subsection (a)(2); and

(2) \$15,000,000 to the National Institute of Standards and Technology for each of fiscal years 2012 through 2016 for grants under subsection (a)(3).

SEC. 403. OVERSIGHT AND REVIEW.

(a) REPORTS.—Not later than 3 years after the date on which the first grant is awarded under paragraph (2) or (3) of section 402(a), and not later than 2 years after the date on which the first report under this subsection is submitted, the Inspector General of the Department of Justice, in coordination with the Inspector General of the Department of Commerce, shall submit to Congress a report on the administration and effectiveness of the grant programs described in section 402(a).

(b) REQUIREMENTS.—Each report submitted under this section shall evaluate—

(1) whether any undue biases or influences affected the integrity of the solicitation, award, or administration of research grants; and

(2) whether there was any unnecessary duplication, waste, fraud, or abuse in the grant-making process.

SEC. 404. PUBLIC-PRIVATE COLLABORATION.

(a) RECOMMENDATION.—Not later than 2 years after the date of enactment of this Act, the Board shall submit to the Director a recommended plan for encouraging collaboration among universities, nonprofit research institutions, State and local forensic science laboratories, private forensic science laboratories, private corporations, and the Federal Government to develop and perform cost-effective and reliable research in the forensic sciences, consistent with the research priorities established under section 401(b)(2).

(b) REQUIREMENTS.—The plan recommended under subsection (a) shall include—

(1) incentives for nongovernmental entities to invest significant resources into conducting necessary research in the forensic sciences;

(2) procedures for ensuring the research described in paragraph (1) will be conducted with sufficient scientific rigor that the research can be relied upon by—

(A) the Committees in developing standards under this Act; and

(B) forensic science personnel; and

(3) clearly defined requirements for disclosure of the sources of funding by nongovernmental entities for forensic science research conducted in collaboration with governmental entities and safeguards to prevent conflicts of interest or undue bias or influence.

(c) ESTABLISHMENT AND IMPLEMENTATION.—After receiving the recommended plan of the Board under subsection (a), the Director shall establish, in accordance with section 101(e)(4), and implement a plan for encouraging collaboration among universities, nonprofit research institutions, State and local forensic science laboratories, private forensic science laboratories, private corporations, and the Federal Government to develop and perform cost-effective and reliable research in the forensic sciences, consistent with the research priorities established under section 401(b)(2).

(d) OVERSIGHT.—The Director, in consultation with the Board, shall periodically evaluate and, as necessary, update the plan established under subsection (c).

TITLE V—STANDARDS AND BEST PRACTICES

SEC. 501. DEVELOPMENT OF STANDARDS AND BEST PRACTICES.

(a) COMMITTEE RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date on which all members of a Committee have been appointed under section 103, the Committee shall develop and recommend to the Board uniform standards and best practices for each forensic science discipline addressed by the Committee, including—

(A) standard protocols;

(B) quality assurance standards; and

(C) standard terminology for use in reporting, including reports of identifications, analyses, or comparisons of forensic evidence that may be used during a criminal investigation or criminal court proceeding.

(2) REQUIREMENTS.—In developing the uniform standards and best practices under paragraph (1), a Committee shall—

(A) as appropriate, consult with qualified professional organizations; and

(B) develop uniform standards and best practices that are designed to ensure the quality and scientific integrity of data, results, conclusions, analyses, and reports that are generated for use in the criminal justice system.

(b) BOARD RECOMMENDATIONS.—Not later than 180 days after the date on which a Committee submits recommended uniform standards and best practices under subsection (a), the Board shall, in accordance with section 103(f)(2)—

(1) consider the recommendations; and

(2) submit to the Director recommendations of uniform standards and best practices.

SEC. 502. ESTABLISHMENT AND DISSEMINATION OF STANDARDS AND BEST PRACTICES.

(a) IN GENERAL.—After the Board submits uniform standards or best practices for a forensic science discipline under section 501(b), the Director shall, in accordance with section 101(e)(4), establish and disseminate uniform standards and best practices for the forensic science discipline.

(b) PUBLICATION.—The Director shall publish the uniform standards and best practices established under subsection (a) on the website of the Office.

SEC. 503. REVIEW AND OVERSIGHT.

(a) REVIEW BY COMMITTEES.—

(1) IN GENERAL.—Not less frequently than once every 3 years, each Committee shall review and, as necessary, recommend to the Board updates to the uniform standards and best practices established under section 502 for each forensic science discipline within the responsibility of the Committee.

(2) CONSIDERATIONS.—In reviewing, and developing recommended updates to, the uniform standards and best practices under paragraph (1), a Committee shall consider—

(A) input from qualified professional organizations;

(B) research published after the date on which the uniform standards and best practices were established, including research conducted under title IV; and

(C) any changes to relevant law made after the date on which the uniform standards and best practices were established.

(b) BOARD RECOMMENDATIONS.—Not later than 180 days after the date on which a Committee submits recommended updates to the uniform standards and best practices under subsection (a), the Board shall, in accordance with section 103(f)(2)—

(1) consider the recommendations; and

(2) recommend to the Director any updates, as necessary, to the uniform standards and best practices established under section 502.

(c) **UPDATES.**—After the Director receives recommended updates, if any, under subsection (b), the Director shall, in accordance with section 101(e)(4), update and disseminate the uniform standards and best practices for each forensic science discipline as necessary.

(d) **PROCEDURES.**—The Director, in consultation with the Board, shall establish procedures to ensure that the process for developing, reviewing, and updating the uniform standards and best practices—

(1) is open and transparent to the public; and

(2) includes an opportunity for the public to comment on proposed standards with sufficient prior notice.

TITLE VI—ADDITIONAL RESPONSIBILITIES OF THE OFFICE OF FORENSIC SCIENCE AND THE FORENSIC SCIENCE BOARD

SEC. 601. FORENSIC SCIENCE TRAINING AND EDUCATION FOR JUDGES, ATTORNEYS, AND LAW ENFORCEMENT PERSONNEL.

(a) **IN GENERAL.**—

(1) **RECOMMENDATION.**—Not later than 2 years after the date of enactment of this Act, the Board shall submit to the Director a recommended plan for—

(A) supporting the education and training of judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles, which shall include education on the competent use and evaluation of forensic science evidence; and

(B) developing a standardized curriculum for education and training described in subparagraph (A).

(2) **ESTABLISHMENT.**—Upon receipt of the recommendation from the Board under paragraph (1), the Director shall establish, in accordance with section 101(e)(4), and implement a plan for—

(A) supporting the education and training of judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles, which shall include education on the competent use and evaluation of forensic science evidence; and

(B) developing a standardized curriculum for education and training described in subparagraph (A).

(3) **OVERSIGHT.**—The Director, in consultation with the Board, shall periodically evaluate and, as necessary, update the plan established under paragraph (2).

(b) **GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Director of the National Institute of Justice may, in consultation with the Director—

(A) provide technical assistance directly or indirectly to judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles, including the competent use and evaluation of forensic science evidence; and

(B) make grants to States and units of local government and nonprofit organizations or institutions to provide training to judges, attorneys, and law enforcement personnel about the forensic sciences and fundamental scientific principles, including the competent use and evaluation of forensic science evidence.

(2) **REQUIREMENT.**—On and after the date on which the Director establishes the plan for supporting the education and training of judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles under subsection (a)(2), the Director of the National Institute of Justice shall administer the grant program described in paragraph (1) in accordance with the plan.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to the Director of the National Institute of Justice \$10,000,000 for each of fiscal years 2012 through 2016 for grants and technical assistance under this subsection.

(B) **REQUIREMENT.**—Not less than 75 percent of the funds appropriated pursuant to this paragraph shall be used for grants under this subsection.

SEC. 602. EDUCATIONAL PROGRAMS IN THE FORENSIC SCIENCES.

(a) **RECOMMENDATIONS.**—Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director—

(1) a recommended plan for supporting the development of undergraduate and graduate educational programs in the forensic science disciplines and related fields; and

(2) recommendations as to whether the development of standards or requirements for educational programs in the forensic science disciplines and related fields is appropriate.

(b) **ESTABLISHMENT AND IMPLEMENTATION.**—Upon receipt of the recommendation from the Board under subsection (a), the Director shall establish, in accordance with section 101(e)(4), and implement—

(1) a plan for supporting the development of undergraduate and graduate educational programs in the forensic science disciplines and related fields; and

(2) any standards or requirements for educational programs in the forensic science disciplines and related fields determined by the Director to be appropriate.

(c) **OVERSIGHT.**—The Director, in consultation with the Board, shall—

(1) oversee the implementation of any standards or requirements established under subsection (b); and

(2) periodically evaluate and, as necessary, update the plan, standards, or requirements established under subsection (b).

SEC. 603. MEDICAL-LEGAL DEATH EXAMINATION.

(a) **RECOMMENDATIONS.**—Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director—

(1) a recommended plan to encourage the Federal Government and State and local governments to implement systems to ensure that qualified individuals perform medical-legal death examinations and to encourage qualified individuals to enter the field of medical-legal death examination; and

(2) recommendations on whether and how the requirements, standards and regulations established under this Act should apply to individuals who perform medical-legal death examinations.

(b) **ESTABLISHMENT AND IMPLEMENTATION.**—Upon receipt of the recommendations from the Board under subsection (a), the Director shall establish, in accordance with section 101(e)(4), and implement—

(1) a plan to encourage the Federal Government and State and local governments to implement systems to ensure that qualified individuals perform medical-legal death examinations and to encourage qualified individuals to enter the field of medical-legal death examination; and

(2) any specific or additional standards or requirements for individuals who perform medical-legal death examinations determined by the Director to be appropriate.

(c) **OVERSIGHT.**—The Director, in consultation with the Board, shall—

(1) oversee the implementation of any standards or requirements established under subsection (b)(2); and

(2) periodically evaluate and, as necessary, update the plan, standards, and requirements established under subsection (b).

SEC. 604. INTER-GOVERNMENTAL COORDINATION.

The Board and the Director shall regularly—

(1) coordinate with relevant Federal agencies, including the National Science Foundation, the Department of Defense, and the National Institutes of Health, as appropriate, to make efficient and appropriate use of research expertise and funding; and

(2) coordinate with the Department of Homeland Security and other relevant Federal agencies to determine ways in which the forensic science disciplines may assist in homeland security and emergency preparedness.

SEC. 605. ANONYMOUS REPORTING.

Not later than 3 years after the date of enactment of this Act, the Director shall develop a system for any individual to provide information relating to compliance, or lack of compliance, with the requirements, standards, and regulations established under this Act, which may include a hotline or website that has appropriate guarantees of anonymity and confidentiality and protections for whistleblowers.

SEC. 606. INTEROPERABILITY OF DATABASES AND TECHNOLOGIES.

(a) **RECOMMENDATIONS.**—Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director a recommended plan to require interoperability among databases and technologies in each of the forensic science disciplines among all levels of Government, in all States, and with the private sector.

(b) **ESTABLISHMENT AND IMPLEMENTATION.**—Upon receipt of the recommendation from the Board under subsection (a), the Director shall establish, in accordance with section 101(e)(4), and implement a plan to encourage interoperability among databases and technologies in each of the forensic science disciplines among all levels of Government, in all States, and with the private sector.

(c) **OVERSIGHT.**—The Director, in consultation with the Board, shall evaluate and, as necessary, update the plan established under subsection (b).

SEC. 607. CODE OF ETHICS.

(a) **RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director a recommended code of ethics for the forensic science disciplines.

(2) **REQUIREMENTS.**—In developing a recommended code of ethics under paragraph (1), the Board shall—

(A) consult with relevant qualified professional organizations; and

(B) consider any recommendations relating to a code of ethics or code of professional responsibility developed by the Subcommittee on Forensic Science of the National Science and Technology Council.

(b) **ESTABLISHMENT AND INCORPORATION.**—Upon receipt of the recommendation from the Board under subsection (a), the Director shall—

(1) in accordance with section 101(e)(4), establish a code of ethics for the forensic science disciplines; and

(2) as appropriate, incorporate the code of ethics into the standards for accreditation of forensic science laboratories and certification of relevant personnel established under this Act.

(c) **OVERSIGHT.**—The Director, in consultation with the Board, shall periodically evaluate and, as necessary, update the code of ethics established under subsection (b).

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 134. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, today I am introducing a bill entitled the Mescalero Apache Tribe Leasing Authorization Act to allow the Mescalero Apache Tribe in New Mexico to lease certain adjudicated water rights to other communities in need of water. My colleague Senator TOM UDALL is cosponsoring this measure and I am looking forward to working with him on this issue.

As competition for limited water supplies increases and water supplies become more uncertain as a result of a changing climate, more flexibility in water management strategies is essential. This bill will enable the Mescalero Apache Tribe to lease certain unused water rights adjudicated to the Tribe to other communities in New Mexico that have significant water needs. Through this bill, communities including the Village of Ruidoso, the Village of Cloudcroft and the City of Alamogordo would be able to negotiate with the Mescalero Apache Tribe to lease water through a process overseen by the New Mexico State Engineer. These mutually beneficial transactions will provide additional water to communities in times of need and will provide economic benefits to the Tribe. Allowing these types of transactions to occur will also help to strengthen the relationship between Indian and non-Indian communities that co-exist in many parts of New Mexico.

This bill will greatly benefit the Mescalero Apache Tribe and its surrounding neighbors and it is my hope that my colleagues will ultimately support its enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mescalero Apache Tribe Leasing Authorization Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADJUDICATED WATER RIGHTS.—The term "adjudicated water rights" means water rights that were adjudicated to the Tribe in *State v. Lewis*, 116 N.M. 194, 861 P. 2d 235 (1993).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of New Mexico.

(4) TRIBE.—The term "Tribe" means the Mescalero Apache Tribe.

SEC. 3. AUTHORIZATION TO LEASE ADJUDICATED WATER RIGHTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsections

(b) and (c), the Tribe may lease, enter into a contract with respect to, or otherwise transfer to another party, for another purpose, or to another place of use in the State, all or any portion of the adjudicated water rights.

(b) STATE LAW.—In carrying out any action under subsection (a), the Tribe shall comply with all laws (including regulations) of the State with respect to the leasing or transfer of water rights.

(c) ALIENATION; MAXIMUM TERM.—

(1) ALIENATION.—The Tribe shall not permanently alienate any adjudicated water rights.

(2) MAXIMUM TERM.—The term of any water use lease, contract, or other agreement under this section (including a renewal of such an agreement) shall be not more than 99 years.

(d) LIABILITY.—The Secretary shall not be liable to the Tribe or any other person for any loss or other detriment resulting from a lease, contract, or other arrangement entered into pursuant to this section.

(e) PURCHASES OR GRANTS OF LAND FROM INDIANS.—The authorization provided by this Act for the leasing, contracting, and transfer of the adjudicated water rights shall be considered to satisfy any requirement for authorization of the action by treaty or convention imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(f) PROHIBITION ON FORFEITURE.—The non-use of all or any portion of the adjudicated water rights by a lessee or contractor shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the adjudicated water rights.

By Mr. REID (for Mrs. FEINSTEIN for herself, Mr. SCHUMER, Mr. KERRY, Mr. SANDERS, and Mr. FRANKEN):

S. 136. A bill to establish requirements with respect to bisphenol A; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today I am introducing the "Ban Poisonous Additives Act of 2011," a bill that would ban the chemical Bisphenol A, known as BPA, from all children's feeding products. I thank my cosponsors Senators SCHUMER, KERRY, SANDERS, and FRANKEN for their support.

I vowed in the last Congress not to give up, and this is why I am introducing a bill that bans the use of BPA in baby bottles, sippy cups, infant formula, and baby food containers: the products used to provide food and beverages to the most vulnerable.

I have a deep, abiding concern regarding the presence of toxins and chemicals in the daily lives of Americans. BPA is an endocrine disruptor, which means that it interferes with the way hormones work in the body.

The evidence against BPA is mounting, especially its harmful effects on babies and children who are still developing.

I believe we have an obligation to safeguard babies and children from unnecessary exposure to this chemical that is linked to so many health problems.

Over 200 scientific studies show that even at low doses, BPA is linked to serious health problems including: Can-

cer, Diabetes, Heart Disease, Early puberty, Behavioral problems, Obesity.

This chemical is so widespread it has been found in 93 percent of Americans.

Babies and children are particularly at risk to the exposure of BPA because when they are developing, any small change can cause dramatic consequences.

It may not surprise you that the chemical industry continues to insist that BPA is not harmful. According to at least one study, there is reason to be skeptical about research coming from chemical companies.

In 2006, the journal *Environmental Research* published an article comparing the results of government funded studies on BPA to BPA studies funded by industry.

The difference is glaring.

Ninety-two percent of the government funded studies found that exposure to BPA caused health problems.

Overwhelmingly, government studies found harm. None of the industry funded studies identified health problems as a result of BPA exposure. Not one.

Clearly, serious questions are raised about the validity of the chemical industry's studies. The results also illustrate why our nation's regulatory agencies should not and cannot solely rely on chemical companies to conduct research on their own products.

The fact that so many adverse health effects are linked to this chemical, the fact that this chemical is so present in our bodies, and the fact that babies are more at risk from its harmful effects leads me to believe that there is no good reason to expose our children to BPA.

This is why we are introducing legislation that protects all babies across the country, no matter which state they happen to live.

This bill will ensure that parents no longer have to wonder whether products they buy for their babies and children will harm them now or later in life.

This bill: Bans the use of BPA in baby bottles and sippy cups within 6 months; Bans the use of BPA in baby food within 1 year; Bans the use of BPA in infant formula within 18 months; Requires that the FDA issue a revised safety assessment on BPA by December 1, 2012; and Includes a savings clause to allow states to enact their own legislation.

This bill makes sense. It's a reasonable step forward to protecting our children's health.

Major manufacturers are already phasing out BPA from their food and beverage products for children.

Food and beverage products for children all have safe, alternative, BPA-free packaging available right now.

Major baby food and formula manufacturers offer BPA-free alternatives including: Nestle's GOOD START, Similac powdered infant formula,

Enfamil powdered infant formula, Nestle liquid formula, and Similac liquid formula.

At least 14 manufacturers of baby bottles either offer some BPA-free alternatives or have completely banned its use. They are: Avent, Born Free, Disney First Years, Dr. Brown's, Evenflo, Gerber, Green to Grow, Klean Kanteen, Medala, Munchkin, Nuby Sippy Cups, Playtex, Think Baby, and Weil Baby.

Many major retailers have taken action and sell BPA-free baby bottles and cups: CVS, Kmart, Kroger, Rite Aid, Safeway, Sears, Toys "R" Us and Babies "R" Us, Wal-Mart, Wegmans, and Whole Foods.

Eight states have already enacted laws banning BPA from children's products: Connecticut, Maryland, Massachusetts, Minnesota, New York, Vermont, Washington, and Wisconsin.

Other countries have already moved forward to restrict this chemical. Canada declared BPA a toxic substance, and banned it from all baby bottles and sippy cups. Denmark and France have national bans on BPA in certain children's products.

The European Commission banned BPA from baby bottles, protecting consumers in the European Union.

Clearly, the problem has been recognized and steps are being taken by countries, states, companies, and retailers to remove this harmful chemical.

Let me briefly explain what BPA is.

BPA is a synthetic estrogen. As I stated previously, it is a hormone disruptor and interferes with how hormones work in the body. This chemical is used in thousands of consumer products to harden plastics, line tin cans, and make CDs. It is even used to coat airline tickets, grocery store receipts, and to make dental sealants.

It is one of the most pervasive chemicals in modern life. And, as with so many other chemicals in consumer products, BPA has been added to our products without us knowing whether it was safe or not.

Alternatives exist because there is growing concern about the harmful effects of BPA. The chemical industry continues to try to quiet criticism by reassuring consumers that BPA is safe. I don't buy it.

As I previously stated, over 200 scientific studies show that exposure to BPA, particularly during prenatal development and early infancy, are linked to a wide range of adverse health effects in later life.

Because of their smaller size and stage of development, babies and children are particularly at risk from the harmful health effects of BPA.

These serious effects include: increased risk of breast and prostate cancer; genital abnormalities in males; infertility in men; sexual dysfunction; early puberty in girls; metabolic dis-

orders such as insulin resistant Type 2 diabetes and obesity; and behavioral problems such as attention deficit hyperactivity disorder, ADHD.

It continues to astound me how, even with this extensive list of potentially serious health effects, we continue to allow this chemical to be put in our products.

Moreover, additional science continues to be released, confirming the potential for BPA to cause severe problems:

Recently, the University of California, San Francisco published a small scale study finding that human exposure to BPA may compromise the quality of a woman's eggs retrieved for in vitro fertilization, IVF.

A study of over 200 Chinese factory workers found evidence that high levels of BPA exposure to adversely affect sperm quality in humans.

Researchers at the University of Nebraska Medical Center recently published a study concluding that BPA has biochemical properties similar to human carcinogens.

I want to underscore the importance and the urgency of withdrawing BPA from these children's products.

Well-known and respected organizations and Federal agencies also have expressed concern about BPA:

The President's Cancer Panel Annual Report released in April 2010 concluded that there is growing evidence of a link between BPA and several diseases, such as cancer.

The Panel recommended using BPA-free containers to limit chemical exposure.

A 2008 study by the American Medical Association suggested links between exposure to BPA and diabetes, heart disease and liver problems in humans.

The National Health and Nutrition Examination Survey (NHANES) linked BPA in high concentrations to cardiovascular disease, and Type II diabetes.

Given these conclusions, it is critical we act now to protect the most vulnerable, our infants and toddlers from this chemical.

Children receive no benefit by having a baby bottle or cup coated with BPA.

In the last Congress, I vowed not to give up in my fight to ban BPA. After working hard for many months to reach an agreement with Senator ENZI on a more limited ban, I was sincerely disappointed that this agreement was blocked by the chemical industry from being included in the food safety bill.

I want to reiterate the importance of this legislation. I strongly believe we need to take action on this.

I don't think we can take a chance with our children's health.

BPA has been linked to developmental disorders, cancer, cardiovascular complications, and diabetes by credible scientific bodies. The evidence that BPA is unacceptably dan-

gerous is mounting. Yet it remains in thousands of household and food products.

This is a reasonable, common sense bill.

Now, the time comes again for this body to take a stand and move forward to protect the health of America's children.

I urge my colleagues to join me in supporting my legislation, the Ban Poisonous Additives Act of 2011.

I look forward to working with my colleagues on this important issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ban Poisonous Additives Act of 2011".

SEC. 2. REQUIREMENTS WITH RESPECT TO BISPHENOL A.

(a) BAN ON USE OF BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS FOR CHILDREN.—

(1) BABY FOOD; UNFILLED BABY BOTTLES AND CUPS.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(j)(1) If it is a food intended for children 3 years of age or younger, the container of which (including the lining of such container) is composed, in whole or in part, of bisphenol A.

"(2) If it is a baby bottle or cup that is composed, in whole or in part, of bisphenol A."

(2) DEFINITION.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(rr) BABY BOTTLE OR CUP.—For purposes of section 402(j), the term 'baby bottle or cup' means a bottle or cup that—

"(1) is intended to aid in the feeding or providing of drink to children 3 years of age or younger; and

"(2) does not contain a food when such bottle or cup is sold or distributed at retail."

(3) EFFECTIVE DATES.—

(A) BABY FOOD.—Section 402(j)(1) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (1), shall take effect 1 year after the date of enactment of this Act.

(B) UNFILLED BABY BOTTLES AND CUPS.—Section 402(j)(2) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (1), shall take effect 180 days after the date of enactment of this Act.

(b) BAN ON USE OF BISPHENOL A IN INFANT FORMULA CONTAINERS.—

(1) IN GENERAL.—Section 412(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(a)) is amended—

(A) in paragraph (2), by striking "or" and inserting "and";

(B) in paragraph (3), by striking the period at the end and inserting "or"; and

(C) by adding at the end the following:

"(4) the container of such infant formula (including the lining of such container and, in the case of infant formula powder, excluding packaging on the outside of the container that does not come into contact with the infant formula powder) is composed, in whole or in part, of bisphenol A."

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect 18 months after the date of enactment of this Act.

(c) **REGULATION OF OTHER CONTAINERS COMPOSED OF BISPHENOL A.**—

(1) **SAFETY ASSESSMENT OF PRODUCTS COMPOSED OF BPA.**—Not later than December 1, 2012, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall issue a revised safety assessment for food containers composed, in whole or in part, of bisphenol A, taking into consideration different types of such food containers and the use of such food containers with respect to different foods, as appropriate.

(2) **SAFETY STANDARD.**—Through the safety assessment described in paragraph (1), and taking into consideration the requirements of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) and section 170.3(i) of title 21, Code of Federal Regulations, the Secretary shall determine whether there is a reasonable certainty that no harm will result from aggregate exposure to bisphenol A through food containers or other items composed, in whole or in part, of bisphenol A, taking into consideration potential adverse effects from low dose exposure, and the effects of exposure on vulnerable populations, including pregnant women, infants, children, the elderly, and populations with high exposure to bisphenol A.

(3) **APPLICATION OF SAFETY STANDARD TO ALTERNATIVES.**—The Secretary shall use the safety standard described under paragraph (2) to evaluate the proposed uses of alternatives to bisphenol A.

(d) **SAVINGS PROVISION.**—Nothing in this section shall affect the right of a State, political subdivision of a State, or Indian Tribe to adopt or enforce any regulation, requirement, liability, or standard of performance that is more stringent than a regulation, requirement, liability, or standard of performance under this section or that—

(1) applies to a product category not described in this section; or

(2) requires the provision of a warning of risk, illness, or injury associated with the use of food containers composed, in whole or in part, of bisphenol A.

(e) **DEFINITION.**—For purposes of this section, the term “container” includes the lining of a container.

By Mr. REID (for Mrs. FEINSTEIN for herself, Mr. INOUE, Mrs. BOXER, Mr. SANDERS, Mr. WHITEHOUSE, Mr. CASEY, and Mr. LAUTENBERG):

S. 137. A bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, in passing the Patient Protection and Affordable Care Act, PPACA, on March 23, 2010, the 111th Congress made great strides towards protecting consumers from egregious health insurance company practices. However, despite the passage of this historic legislation, the urgent need to protect Americans from unfair health insurance rate increases remains.

Health insurance premiums have been spiraling upwards nationally at

out-of-control rates—10, 20, 30 percent every year—all while big national insurance companies enjoy increasing profits.

Without further legislative action, health insurance companies will continue to do what they have done for far too long: put their profits ahead of people.

Over the past decade, family health insurance premiums have more than doubled, growing a shocking 130 percent, while workers’ hourly earnings rose by only 38 percent, and inflation rose just 29 percent.

From 2000–2008, individuals in the employer-sponsored market saw premiums increase an average of 90 percent.

The cost of health insurance continues to outpace income and inflation for other goods and services, and these rapidly escalating costs strain businesses, families, and individuals.

In 2009, 57 percent of people attempting to purchase insurance in the individual market found it difficult or impossible to afford coverage.

All the while, in the third quarter of 2010, the six-largest investor-owned health insurance companies (Aetna, Coventry Health, United Health, Humana, WellPoint, and Cigna) saw a 22 percent increase in combined net income, putting them on pace to break their own profit record.

The problem is that the health reform law did not go far enough to control these unfair premium increases, it leaves a loophole.

Simply stated, there is no federal authority to do anything about these rate increases, even if they are unfair.

We need to close this loophole.

This is why today I am introducing, with Senators BOXER and INOUE, the Health Insurance Rate Review Act of 2011. Representative SCHAKOWSKY is introducing companion legislation in the House of Representatives.

This legislation creates a federal fallback rate review process, and grants regulatory authority to block or modify rate increases that are excessive, unjustified, or unfairly discriminatory.

This legislation is a simple, common-sense solution: for States where the insurance commissioner does not have or use authority to block unfair rate increases, the Secretary of Health and Human Services can do so.

On March 4, 2010, I introduced similar legislation to what I am introducing today. I worked with the Administration and the Finance Committee in putting it together, and with Representative SCHAKOWSKY.

President Obama included it in his health reform proposal, but unfortunately, it did not meet the criteria for reconciliation.

The time has come now to take action.

This legislation is necessary in order to protect consumers from the egre-

gious abuses of insurance companies, especially before the majority of the consumer protections included in health reform are fully in place in 2014.

It is disturbing that year after year, health insurance premiums spiral out of control, all while insurance companies enjoy increasing profits.

Insurance premiums make up a higher percentage of household income than ever before, meaning that more and more families have to choose between health care and daily living expenses, saving for retirement, and education.

This is unacceptable, and more must be done to protect consumers.

Everyone by now is familiar with the increases that Anthem/Blue Cross, a subsidiary of WellPoint, was set to impose—as much as 39 percent—for 800,000 Californians.

It turns out that Anthem Blue Cross used flawed data to calculate health insurance premium increases to hundreds of thousands of policyholders in California, resulting in increases that were larger than necessary.

According to an independent analysis, the 25 percent average increase proposed by Anthem should have only been 15.2 percent.

What is most disturbing is that Anthem’s case is not an aberration. Far from it.

This is not a problem unique to California. In the spring of 2010, health insurance companies pursued rate hikes in a number of States: as much as 60 percent in Illinois; 72 percent in Georgia; 50 percent in New Jersey; and 40 percent in Virginia, to name a few.

The White House reports that premium rates have been rising across the Nation, with substantial geographic variation.

For employer-sponsored family coverage, premiums increased 88 percent in Michigan over the past decade compared to a 145 percent increase in Alaska.

A report by the Center for American Progress Action Fund found that this summer, WellPoint pursued double digit increases in the individual market for 10 other States: Colorado, Connecticut, Georgia, Indiana, Maine, Nevada, New Hampshire, New York, Virginia, and Wisconsin.

The reporting requirements in the health reform law will improve the information available, but right now, comprehensive data on the premium increases insurers are imposing does not exist.

In 2009, despite the worst economic downturn since the Great Depression, the five largest for-profit health insurance companies, WellPoint Inc., United Health Group Inc., Aetna Inc., Humana Inc., and Cigna Corp., set a full-year profit record. These companies saw a 56 percent increase in profits from 2008 to 2009, from \$7.7 billion to \$12.1 billion.

Furthermore, when many Americans were experiencing double-digit premium increases in 2009, high unemployment, and an average wage growth of only 2 percent, insurance CEOs gave themselves a 167 percent raise.

CEO pay for the 10 largest for-profit health insurance companies was \$228.1 million in 2009, up from \$85.5 million in 2008.

This doesn't even include the tens of millions more dollars in exercised stock options, and means that these CEOs raked in nearly \$1 billion in total compensation.

In the first three months of 2010, the five largest for-profit health insurance companies, WellPoint Inc., United Health Group Inc., Aetna Inc., Humana Inc., and Cigna Corp., recorded a combined net income of \$3.2 billion—a 31 percent jump over the same period in 2009.

Meanwhile, large insurance companies now insure 2.8 million fewer Americans than they did on December 31, 2008. An estimated 59.1 million Americans were uninsured in the first quarter of 2010.

The California HealthCare Foundation reported that 6.8 million California residents lack health coverage.

That is 20 percent of the State's residents who are not able to afford health insurance.

All the while, insurance companies have been reducing the amount they spend on actual health care. As profits and CEO pay increased, the amount of money insurers spent on medical care went down.

The top six insurers drove down the portion of premiums spent on medical care. For example, the share of premium dollars that CIGNA spent on medical care decreased 6.4 percent in the second quarter of 2010 compared to the prior year, and Humana's decreased 7.4 percent.

Now, because of legislation in the health reform law, insurance companies have to spend 80–85 percent of premiums on medical care and quality improvement services, not on profits.

This will go a long way to keeping insurance company greed in check, but we need to go farther.

Clearly without additional legislative requirements, health insurance companies are not going to change.

The Department of Health and Human Services recently published proposed rules defining the rate review process. These regulations are a first step towards protecting consumers and keeping insurers in check.

But they fall short of creating a strong rate review system, and rely too heavily on the notion that public disclosure of rates will cause insurance companies to change their behavior.

The regulations do not grant explicit regulatory authority—either State or Federal—to deny, modify, or block rate increases that are excessive, unjustified, or unfairly discriminatory.

The health reform law requires insurance companies to provide justification for unreasonable premium increases to the Secretary of Health and Human Services and post them on their Web sites.

The regulations subject rate increases of 10 percent or greater to additional scrutiny and review, but the State-specific thresholds in 2012 could sanction increases higher than 10 percent.

Transparency and increased scrutiny are steps forward, but there is still this loophole where there is no authority to block or modify even excessive, unjustified, and unfairly discriminatory increases.

This is why I am again introducing my rate review legislation, which will grant this authority.

I believe there needs to be a Federal fallback in States that lack the legal authority, capacity, or resources to conduct strong rate review.

This legislation gives the Secretary of Health and Human Services the authority to block premium or other rate increases that are excessive, unjustified, or unfairly discriminatory.

In some States, insurance commissioners already have that authority, and that is fine. The bill doesn't touch them.

In Maine, for example, the State superintendent of insurance was able to block Anthem's proposed 18.5-percent increase last year. She approved only a 10.9-percent increase.

In at least 17 States, including my own—California—companies are not required to receive prior approval for rate increases before they take effect.

In these States, the Secretary would review potentially excessive, unjustified, or unfairly discriminatory rate increases and take corrective action. This could include blocking an increase, providing rebates to consumers, or adjusting an increase.

Under this proposal, the Secretary would work with the National Association of Insurance Commissioners to implement the rate review process. States already doing this work will continue to do so unabated and unfettered. The legislation would not affect them.

However, for the consumers in the other 17 States with no authority, such as California, protection from unfair rate hikes would be provided.

Given the variation in State rate review authority and process, I think this proposal strikes the right balance.

There is no need for involvement in States with insurance commissioners that are able to protect consumers. So the legislation I am introducing simply provides Federal protection for consumers who are currently at the mercy of large health insurance companies whose top priority is their bottom line.

This legislation is particularly important given a recent report by the Kaiser Family Foundation showing

that many States lack the capacity and resources to conduct adequate rate review, regardless of the State's statutory authority to review rates.

I strongly believe that we need to take action on this. The health reform law made great strides towards holding companies and shareholders accountable for providing health care at a reasonable rate.

However, there is this loophole.

So this bill becomes very necessary. Premiums are increasing every day, and people in many States have no recourse, and no way to know if a particular increase is unfair.

There needs to be a Federal fallback in States that lack the legal authority, capacity, or resources to conduct strong rate review. In States where the Insurance Commissioner is not equipped to review, modify, and block unreasonable rates, my legislation would grant the Secretary of Health and Human Services the authority to do so.

I urge my colleagues to join me in supporting this legislation, the Health Insurance Rate Review Act of 2011, which will close this loophole.

I look forward to working with my colleagues on this important issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Rate Review Act".

SEC. 2. PROTECTION OF CONSUMERS FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.

(a) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—The first section 2794 of the Public Health Service Act (42 U.S.C. 300gg-94), as added by section 1003 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by adding at the end the following new subsection:

"(e) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—

"(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to prohibit a State from imposing requirements (including requirements relating to rate review standards and procedures and information reporting) on health insurance issuers with respect to rates that are in addition to the requirements of this section and are more protective of consumers than such requirements.

"(2) CONSULTATION IN RATE REVIEW PROCESS.—In carrying out this section, the Secretary shall consult with the National Association of Insurance Commissioners and consumer groups.

"(3) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—The Secretary shall determine, after the date of enactment of this section and periodically thereafter, the following:

"(A) In which States the State insurance commissioner or relevant State regulator

shall undertake the corrective actions under paragraph (4), as a condition of the State receiving the grant in subsection (c), based on the Secretary's determination that the State is adequately prepared to undertake and is adequately undertaking such actions.

"(B) In which States the Secretary shall undertake the corrective actions under paragraph (4), in cooperation with the relevant State insurance commissioner or State regulator, based on the Secretary's determination that the State is not adequately prepared to undertake or is not adequately undertaking such actions.

"(4) CORRECTIVE ACTION FOR EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—In accordance with the process established under this section, the Secretary or the relevant State insurance commissioner or State regulator shall take corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates are corrected prior to implementation, or as soon as possible thereafter, through mechanisms such as—

- "(A) denying rates;
- "(B) modifying rates; or
- "(C) requiring rebates to consumers."

(b) CLARIFICATION OF REGULATORY AUTHORITY.—Such section is further amended—

- (1) in subsection (a)—

(A) in the heading, by striking "PREMIUM" and inserting "RATE";

(B) in paragraph (1), by striking "unreasonable increases in premiums" and inserting "potentially excessive, unjustified, or unfairly discriminatory rates, including premiums,"; and

- (C) in paragraph (2)—

(i) by striking "an unreasonable premium increase" and inserting "a potentially excessive, unjustified, or unfairly discriminatory rate";

(ii) by striking "the increase" and inserting "the rate"; and

(iii) by striking "such increases" and inserting "such rates";

- (2) in subsection (b)—

(A) by striking "premium increases" each place it appears and inserting "rates"; and

(B) in paragraph (2)(B), by striking "premium" and inserting "rate"; and

- (3) in subsection (c)(1)—

(A) in the heading, by striking "PREMIUM" and inserting "RATE";

(B) by inserting "that satisfy the condition under subsection (e)(3)(A)" after "award grants to States"; and

(C) in subparagraph (A), by striking "premium increases" and inserting "rates".

(c) CONFORMING AMENDMENT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2723 (42 U.S.C. 300gg–22), as redesignated by the Patient Protection and Affordable Care Act—

- (A) in subsection (a)—

(i) in paragraph (1), by inserting "and section 2794" after "this part"; and

(ii) in paragraph (2), by inserting "or section 2794" after "this part"; and

- (B) in subsection (b)—

(i) in paragraph (1), by inserting "and section 2794" after "this part"; and

- (ii) in paragraph (2)—

(I) in subparagraph (A), by inserting "or section 2794 that is" after "this part"; and

(II) in subparagraph (C)(ii), by inserting "or section 2794" after "this part"; and

- (2) in section 2761 (42 U.S.C. 300gg–61)—

- (A) in subsection (a)—

(i) in paragraph (1), by inserting "and section 2794" after "this part"; and

- (ii) in paragraph (2)—

(I) by inserting "or section 2794" after "set forth in this part"; and

(II) by inserting "and section 2794" after "the requirements of this part"; and

(B) in subsection (b)—

(i) by inserting "and section 2794" after "this part"; and

(ii) by inserting "and section 2794" after "part A".

(d) APPLICABILITY TO GRANDFATHERED PLANS.—Section 1251(a)(4)(A) of the Patient Protection and Affordable Care Act (Public Law 111–148), as added by section 2301 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by adding at the end the following:

"(v) Section 2794 (relating to reasonableness of rates with respect to health insurance coverage)."

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. REID (for Mrs. FEINSTEIN):

S. 138. A bill to provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the California Desert Protection Act of 2011.

This bill is an effort to plan for the competing uses—such as conservation, off-highway vehicle recreation, development, and military training—that are now being proposed for the desert. These uses of our public lands can co-exist through comprehensive planning, but in the absence of such planning, it's quite possible that none will thrive.

During the previous Congress I introduced similar legislation to help preserve pristine desert lands that were donated to the Federal Government for permanent conservation a decade ago, but that more recently have come under threat of development because of a flawed bureaucratic process that failed to protect them.

Over the last year the bill was endorsed by more than 100 organizations and agencies, and it had a hearing in the Energy and Natural Resources Committee.

I am grateful to Senator BINGAMAN and his staff for working with me to prepare the bill for further action in the Energy and Natural Resources Committee. I believe we can revise the bill to address further the needs of renewable energy developers, the Department of Defense, off-road recreation enthusiasts, local government and others, and I look forward to continuing that effort in the new Congress.

I strongly believe that conservation, renewable energy development and recreation can and must co-exist in the California Desert—and this legislation strikes a carefully conceived balance between these sometimes competing concerns.

The key provisions of this bill would designate two new national monu-

ments—the Mojave Trails and the Sand to Snow National Monuments; add adjacent lands to the Joshua Tree and Death Valley National Parks and the Mojave National Preserve; designate 5 new BLM wilderness areas and protect 4 important waterways—including the Amargosa River and Deep Creek—as Wild and Scenic Rivers; and enhance recreational opportunities in the desert and ensure that the training needs of the military are met.

This bill is the product of painstaking discussions with key stakeholders including environmental groups, local and State government, off-highway recreation enthusiasts, hunters, cattle ranchers, mining interests, the Department of Defense, wind and solar energy companies, California's public utility companies, and many others. I am grateful for all of their efforts.

The previous version of my bill proposed specific improvements to the Department of the Interior's rules governing the development of renewable energy on public lands. I'm pleased that the Department has instituted a number of new policies over the last year which have greatly improved the process. Consequently, the current bill focuses primarily on conservation, recreation and other important uses of the California desert.

However, I intend to work with my colleagues from the West on separate legislation to further expedite the development of wind and solar energy in California and the West.

The California Desert Protection Act, which was enacted in 1994, was a sweeping piece of legislation aimed at conserving some of the most beautiful and ecologically significant lands in my home State.

The law created Death Valley National Park, Joshua Tree National Park and the Mojave National Preserve, as well as 69 desert wilderness areas managed by the Bureau of Land Management, BLM.

Collectively, it protected more than 7 million acres of desert lands, making it the largest land conservation bill in the lower 48 States in U.S. history.

To this day, it remains one of my proudest accomplishments since joining this body.

Much has changed since the passage of the California Desert Protection Act. Many of the impediments that prevented conservation of other pristine desert lands in the area no longer exist.

For example the Department of Defense concerns with designating some wilderness areas near Fort Irwin have been resolved; many mining areas inside national parks and potential wilderness have closed; grazing allotments on both BLM and National Park Service land have been retired by willing sellers; hundreds of thousands of acres

of privately owned land have been donated to or acquired by the Federal Government.

Yet even as these issues were resolved, new challenges have emerged. There are now competing demands over how best to manage hundreds of thousands of acres of public lands in the desert.

Some believe the lands should be used for large-scale solar and wind facilities and transmission lines. Others would like to conserve critical habitat for threatened and endangered species.

Some would like more acreage available for grazing or for off-road recreation.

Finally, some would like to see additional lands made available for military training and base expansion.

Two years ago, I learned that BLM had accepted applications to build vast solar and wind energy projects on former railroad lands previously owned by the Catellus Corporation. These lands had been donated to the Federal Government or acquired with taxpayer funds with the explicit goal of conservation.

Approximately \$45 million of private donations—including a \$5 million land discount from Catellus Corporation—and \$18 million in Federal Land and Water Conservation grants was spent to purchase these lands, with the intent of conserving them in perpetuity.

As the sponsor of the legislative provisions that helped secure the deal to acquire the roughly 600,000 acres of former private land, I found the BLM's actions unacceptable.

We have an obligation to honor our commitment to conserve these lands—and I believe we can still accomplish that goal while also fulfilling California's commitment to develop a clean energy portfolio.

I believe the development of these new cleaner energy sources is vital to addressing climate change, yet we must be careful about selecting where these facilities are located.

I plan to work with senators from Western States to improve the renewable energy permitting process to allow quicker development of renewable energy projects on private and disturbed public land. This effort likely requires separate legislation and improved regulation.

I applaud the Department of the Interior's efforts over the last year to address this problem, especially Interior's proposed designation of 24 solar energy zones encompassing 677,000 acres of public land in 6 Western States. By designating these zones in appropriate areas and streamlining the permitting process for projects proposed there, the Department has helped ensure that sensitive areas of the desert can be preserved.

As BLM finalizes the creation of these Zones and its new Solar Energy Program, I will push BLM to create a

development zone in the West Mojave, conduct sufficient study of zones to ensure projects in these locations can be permitted quickly, and establish the program's rules as expeditiously as possible.

I will continue to suggest ways that the U.S. Fish and Wildlife Service can improve permitting on private lands, the Defense Department can welcome development on its bases, and the Forest Service can utilize its own lands. These matters may require legislation.

There is enough land in California's desert to protect the most precious areas of the Mojave and aggressively develop renewable resources where permitting will be rapid. California must develop 15,000 to 20,000 megawatts of renewable power to meet its climate goals by 2020, and the current permitting process will need to vastly improve for the state to meet this goal.

First, this bill will ensure that hundreds of thousands of acres of land donated to the federal government for conservation will be protected by creating the Mojave Trails National Monument. This new monument would cover approximately 941,000 acres of federal land, which includes approximately 266,000 acres of the former Catellus-owned railroad lands along historic Route 66. I visited the area and was amazed by the beauty of the massive valleys, pristine dry lakes, and rugged mountains.

In addition to its iconic sweeping desert vistas and majestic mountain ranges, this area of the Eastern Mojave also contains critical wildlife corridors linking Joshua Tree National Park and the Mojave National Preserve. It also encompasses hundreds of thousands of acres designated as areas of critical environmental concern, critical habitat for the threatened desert tortoise, and ancient lava bed flows and craters. It is surrounded by more than a dozen BLM wilderness areas.

The BLM would be given the authority to both conserve the monument lands, and also to maintain existing recreational uses, including hunting, vehicular travel on open roads and trails, camping, horseback riding and rockhounding.

The bill also creates an advisory committee to help develop and oversee the implementation of the monument management plan. It would be comprised of representatives from local, state and federal government, conservation and recreation groups, and local Native American tribes.

Before I go on to the other conservation provisions in the bill, I would like to address one important issue—and that is what should be done about some of the proposed renewable energy development projects proposed for lands included in this monument.

Although it is true that the monument will prevent further consideration of some applications to develop

solar and wind energy projects on former Catellus lands or adjoining lands in the monument, it is important to note that of the proposals in question, not a single one has been granted a permit, nor is a single one under review at the California Energy Commission or under formal NEPA, National Environmental Policy Act, review at BLM.

To ensure that creation of the monument does not unnecessarily harm the firms that worked in good faith and invested substantial time and resources to produce renewable energy in California, the legislation will offer these companies an opportunity to relocate their projects to federal renewable energy zones currently being developed by the Department of the Interior.

Additionally, the monument would not prevent the construction or expansion of necessary transmission lines critical to linking renewable energy generation facilities with the electricity grid.

Second, the bill would establish the "Sand to Snow National Monument," encompassing 134,000 acres of land from the desert floor in the Coachella Valley up to the top of Mount San Gorgonio, the highest peak in Southern California.

The boundaries of this second, smaller new monument would include two Areas of Critical Environmental Concern: Big Morongo Canyon and White-water Canyon, the BLM and U.S. Forest Service San Gorgonio Wilderness, the Wildlands Conservancy's Pipe's Canyon and Mission Creek Preserves, and additional public and private conservation lands, including two wildlife movement corridor areas connecting the Peninsular Ranges with the Transverse Ranges.

This area is truly remarkable, and would arguably be the most environmentally diverse national monument in the country. It serves as the intersection of three converging ecological systems—the Mojave Desert, the Colorado Desert, and the San Bernardino mountains—and is one of the most important wildlife corridors in Southern California.

This monument designation would protect 23.6 miles of the Pacific Crest Trail and the habitat for approximately 240 species of migrating and breeding birds, the second highest density of nesting birds in the United States. It also serves as a home and a crucial migration corridor for animals traveling between Joshua Tree National Park, the oasis at Big Morongo, and the higher elevations of the San Bernardino Mountains.

I'd like to make one additional point, and that is that despite its ecological significance, this area is not particularly well-known—largely because it is managed by a number of distinct entities, including the BLM, Forest Service, National Park Service and private

preserves and conservation agencies. So, the monument designation would help to attract more attention to one of California's natural gems.

Third, the bill establishes new wilderness areas and allows more appropriate use of lands currently designated as Wilderness Study Areas.

The 1994 California Desert Protection Act extended wilderness protection to many areas in the desert, yet several areas near Fort Irwin were designated as wilderness study areas in order to allow the base to expand.

Now that Fort Irwin's expansion is complete, it is time to consider these areas for permanent wilderness designation.

The bill protects approximately 250,000 acres of BLM land as wilderness in five areas. These areas contain some of the most pristine and rugged landscapes in the California desert.

Beyond Fort Irwin, the bill also expands wilderness areas in Death Valley National Park, 90,000 acres, and the San Bernardino National Forest, 4,300 acres, inside the Sand to Snow National Monument created by this bill.

The bill also releases 126,000 acres of land from their existing wilderness study area designation in response to requests from local government and recreation users. This will allow the land to be made available for other purposes, including recreational off-highway vehicle use on designated routes.

Fourth, this bill would create the Vinagre Wash Special Management Area.

The agreed-upon designation for this area in Imperial County, near the Colorado River, was reached after careful discussion with key stakeholders.

Although the land possesses some wilderness characteristics, there are also competing interests. The Navy Seals currently use some of this area for occasional training. Additionally, many local residents enjoy touring the rolling hills in the area by jeep.

Through the combined efforts of conservation groups, local residents and county government, and the Department of Defense, a compromise conservation designation was developed.

For the land known as the Vinagre Wash, the bill will create a "special management area" covering 76,000 acres, including 12,000 acres of former railroad lands donated to the federal government.

Of these, 49,000 acres are designated as potential wilderness and only become permanent wilderness if and when the Department of Defense determines these lands are no longer needed for Navy Seal training.

This designation will permit the area to continue to be accessed by vehicles and be used for camping, hiking, mountain biking, sightseeing, and off-highway vehicle use on designated routes and protect tribal cultural assets in the area.

Fifth, the bill adds to or designates four new Wild and Scenic Rivers, totaling 76 miles in length. These designations will ensure the rivers remain clean and free-flowing and that their immediate environments are preserved. These beautiful waterways are Deep Creek and the Whitewater River in and near the San Bernardino National Forest, as well as the Amargosa River and Surprise Canyon Creek near Death Valley National Park.

Sixth, the bill adds approximately 74,000 acres of adjacent lands to the three National Parks established by the 1994 California Desert Protection Act: 41,000 acres in Death Valley National Park. This includes former mining areas where the claims have been retired and a narrow strip of BLM land between National Park and Defense Department boundaries that has made BLM management difficult; almost 30,000 acres in the Mojave National Preserve. This land was not included in the original Monument because of the former Viceroy gold mine. However, the mining operations ceased several years ago and the reclamation process is nearly complete. Additionally, a 2007 analysis by the Interior Department recommended that this area would be suitable to add to the Preserve; 2,900 acres in Joshua Tree National Park. This includes multiple small parcels of BLM land identified for disposal on its periphery. Transferring this land to the Park Service would help protect Joshua Tree by preserving these undeveloped areas that border residential communities.

Seventh, the bill designates new lands as Off-Highway Vehicle Recreation Areas.

One of the key goals I have strived for in this bill is to find balance to ensure that the many different needs and uses in the desert are accommodated with the least possible conflict. Some of the most frequent visitors to the desert are the off-highway recreation enthusiasts.

In California alone, there are over 1 million registered off-highway vehicles, many of which can be found exploring thousands of miles of desert trails or BLM designated open areas.

However, in order to meet military training needs, the Marine Corps is studying the potential expansion of Marine Corps Air Ground Combat Center at Twentynine Palms into Johnson Valley, the largest OHV area in the country. I strongly support providing our troops with the best possible training, but if the Marines need to expand the base into Johnson Valley, this could have potentially resulted in the loss of tens of thousands of acres of OHV recreation lands.

In 2009 I met with Major General Eugene Payne, Assistant Deputy Commandant for Installations and Logistics, and Brigadier General Melvin Spiess, Commanding General, Training

and Education Command, to discuss this issue, and I am very grateful for their efforts to consider base expansion options that would preserve much of Johnson Valley for recreation.

As the result of those meetings, the Marine Corps has committed to studying an alternative that would allow for a portion of Johnson Valley to be used exclusively for military training, another portion to be used exclusively for continued OHV recreation and a third area for joint use. While the environmental review process must first be completed, I am hopeful that this option will prevail for the benefit of the Marines and recreational users of Johnson Valley.

The lesson learned from Johnson Valley is that, despite the vast size of the California desert, there are relatively few areas dedicated to OHV recreation, and even those areas face increasing competition from other types of uses. These areas are important not only to the hundreds of thousands visitors who enjoy them, but also to the local economy that depends on their tourist dollars. Additionally, by protecting these areas, we also protect conservation areas by providing appropriate places for OHV recreation.

This bill will designate five existing OHV areas in the Mojave desert as permanent OHV areas, providing off-highway groups some certainty that these uses will be protected as much as conservation areas. Collectively, these areas could be as much as 314,000 acres, depending on what, if any, of Johnson Valley is ultimately needed by the Marines.

This section of the bill also requires the Secretary of the Interior to conduct a study to determine which, if any, lands adjacent to these recreation areas would be suitable for addition. This will help make up for some of the lost acres in Johnson Valley should the Marines decide to expand there.

Finally, this bill includes other key provisions that address various challenges and opportunities in the California desert, including state land exchanges. There are currently about 370,000 acres of state lands spread across the California desert in isolated 640 acre parcels. Because many of these acres are inside national parks, wilderness, the proposed monuments or conservation areas, they are largely unusable. The bill seeks to remedy that problem by requiring the Department of the Interior to develop and implement a plan with the state to complete the exchange of these lands for other BLM or GSA owned property in the next ten years. These land exchanges will help consolidate the state lands into larger, more usable areas that could potentially provide the state with viable sites for renewable energy development, off-highway vehicle recreation or other commercial purposes.

Military activities. The bill ensures the right of the Department of Defense to conduct low-level overflights over wilderness, national parks and national monuments.

Climate change and wildlife corridors. The bill requires the Department of the Interior to study the impact of climate change on California desert species migration, incorporate the study's results and recommendations into land use management plans, and consider the study's findings when making decisions granting rights of way for projects on public lands.

Tribal uses and interests. The bill requires the Secretary to ensure access for tribal cultural activities within national parks, monuments, wilderness and other areas designated within the bill. It also requires the Secretary to develop a cultural resources management plan to protect a sacred tribal trail along the Colorado River between southern Nevada and the California-Baja border.

Prohibited uses of donated and acquired lands. In order to ensure that donated and acquired Catellus lands outside the Mojave Trails National Monument are maintained for conservation, the bill prohibits their use for development, mining, off-highway vehicle use, except designated routes, grazing, military training and other surface disturbing activities. The Secretary of the Interior is authorized to make limited exceptions in cases where it is deemed in the public interest, but comparable lands would have to be purchased and donated to the federal government as mitigation for lost acreage.

All of these provisions, when taken together, would serve to complement the lasting conservation established by the California Desert Protection Act—while ensuring that other important local uses are maintained in appropriate areas.

Though I have lived in or near San Francisco for most of my life, over the years I have come to truly appreciate California's sweeping desert landscapes.

I remember my first visits to the desert years ago. It was treated like a waste dump. It was full of abandoned cars. Old appliances littered the landscape.

But we have worked very hard to clean it up.

We have worked to make sure that the vast vistas and pristine desert habitat are respected by humanity, and that we give to our children a healthier, more beautiful desert than we inherited.

But if we are to remain successful in the long run, we must not only protect the desert land itself, we must also protect the broader environment from the ravages of climate change, and we must offer economic opportunity to those who live in these areas.

That is the purpose of this legislation. There are many places in the

California desert where development and employment are essential and appropriate.

But there are also places that future generations will thank us for setting aside.

I have worked painstakingly with stakeholders to ensure that this legislation balances sometimes competing needs.

This bill, if enacted, will have a positive and enduring impact on the landscape of the Southern California desert by conserving pristine areas while meeting the needs of all desert stakeholders.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “California Desert Protection Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to the California Desert Protection Act of 1994.

“TITLE XIII—MOJAVE TRAILS NATIONAL MONUMENT

“Sec. 1301. Definitions.

“Sec. 1302. Establishment of the Mojave Trails National Monument.

“Sec. 1303. Management of the Monument.

“Sec. 1304. Uses of the monument.

“Sec. 1305. Acquisition of land.

“Sec. 1306. Advisory Committee.

“Sec. 1307. Renewable energy right-of-way applications.

“TITLE XIV—SAND TO SNOW NATIONAL MONUMENT

“Sec. 1401. Definitions.

“Sec. 1402. Establishment of the Sand to Snow National Monument.

“Sec. 1403. Management of the Monument.

“Sec. 1404. Uses of the Monument.

“Sec. 1405. Acquisition of land.

“Sec. 1406. Advisory Committee.

“TITLE XV—WILDERNESS

“Sec. 1501. Designation of wilderness areas.

“Sec. 1502. Management.

“Sec. 1503. Release of wilderness study areas.

“TITLE XVI—DESIGNATION OF SPECIAL MANAGEMENT AREA

“Sec. 1601. Definitions.

“Sec. 1602. Establishment of the Vinagre Wash Special Management Area.

“Sec. 1603. Management.

“Sec. 1604. Potential wilderness.

“TITLE XVII—NATIONAL PARK SYSTEM ADDITIONS

“Sec. 1701. Death Valley National Park boundary revision.

“Sec. 1702. Mojave National Preserve.

“Sec. 1703. Joshua Tree National Park boundary revision.

“Sec. 1704. Authorization of appropriations.

“TITLE XVIII—OFF-HIGHWAY VEHICLE RECREATION AREAS

“Sec. 1801. Designation of off-highway vehicle recreation areas.

“TITLE XIX—MISCELLANEOUS

“Sec. 1901. State land transfers and exchanges.

“Sec. 1902. Military activities.

“Sec. 1903. Climate change and wildlife corridors.

“Sec. 1904. Prohibited uses of donated and acquired land.

“Sec. 1905. Tribal uses and interests.

Sec. 3. Designation of wild and scenic rivers.

SEC. 2. AMENDMENTS TO THE CALIFORNIA DESERT PROTECTION ACT OF 1994.

(a) IN GENERAL.—Public Law 103-433 (16 U.S.C. 410aaa et seq.) is amended by adding at the end the following:

“TITLE XIII—MOJAVE TRAILS NATIONAL MONUMENT

“SEC. 1301. DEFINITIONS.

“In this title:

“(1) MAP.—The term ‘map’ means the map entitled ‘Boundary Map, Mojave Trails National Monument’ and dated November 19, 2009.

“(2) MONUMENT.—The term ‘Monument’ means the Mojave Trails National Monument established by section 1302(a).

“(3) STUDY AREA.—The term ‘study area’ means the land that—

“(A) is described in—

“(i) the notice of the Bureau of Land Management of September 15, 2008 entitled ‘Notice of Proposed Legislative Withdrawal and Opportunity for Public Meeting; California’ (73 Fed. Reg. 53269); or

“(ii) any subsequent notice in the Federal Register that is related to the notice described in clause (i); and

“(B) has been segregated by the Director of the Bureau of Land Management.

“SEC. 1302. ESTABLISHMENT OF THE MOJAVE TRAILS NATIONAL MONUMENT.

“(a) ESTABLISHMENT.—There is designated in the State the Mojave Trails National Monument.

“(b) PURPOSES.—The purposes of the Monument are—

“(1) to preserve the nationally significant biological, cultural, recreational, geological, educational, historic, scenic, and scientific values—

“(A) in the Central and Eastern Mojave Desert; and

“(B) along historic Route 66; and

“(2) to secure the opportunity for present and future generations to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources of the Monument.

“(c) BOUNDARIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Monument shall consist of the Federal land and Federal interests in land within the boundaries depicted on the map.

“(2) EXCLUSIONS.—

“(A) STUDY AREA.—Subject to subparagraph (B), the study area shall be excluded from the Monument to permit the Secretary of the Navy to study the land within the study area for—

“(i) withdrawal in accordance with the Act of February 28, 1958 (43 U.S.C. 155 et seq.); and

“(ii) potential inclusion into the Marine Corps Air Ground Combat Center at Twentynine Palms, California, for national defense purposes.

“(B) INCORPORATION IN MONUMENT.—After action by the Secretary of Defense and Congress regarding the withdrawal under subparagraph (A), any land within the study area that is not withdrawn shall be incorporated into the Monument.

“(d) MAP; LEGAL DESCRIPTIONS.—

“(1) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate legal descriptions of the Monument, based on the map.

“(2) CORRECTIONS.—The map and legal descriptions of the Monument shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the map and legal descriptions.

“(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

“SEC. 1303. MANAGEMENT OF THE MONUMENT.

“(a) IN GENERAL.—The Secretary shall—

“(1) only allow uses of the Monument that—

“(A) further the purposes described in section 1302(b);

“(B) are included in the management plan developed under subsection (g); and

“(C) do not interfere with the utility rights-of-way or corridors authorized under section 1304(f); and

“(2) subject to valid existing rights, manage the Monument to protect the resources of the Monument, in accordance with—

“(A) this Act;

“(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

“(C) any other applicable provisions of law.

“(b) COOPERATION AGREEMENTS; GENERAL AUTHORITY.—Consistent with the management plan and existing authorities applicable to the Monument, the Secretary may enter into cooperative agreements and shared management arrangements (including special use permits with any person (including educational institutions and Indian tribes)), for the purposes of interpreting, researching, and providing education on the resources of the Monument.

“(c) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the Secretary after the date of enactment of this title shall be managed by the Secretary in accordance with this title.

“(d) LIMITATIONS.—

“(1) PROPERTY RIGHTS.—The establishment of the Monument does not—

“(A) affect—

“(i) any property rights of an Indian reservation, individually held trust land, or any other Indian allotments;

“(ii) any land or interests in land held by the State, any political subdivision of the State, or any special district; or

“(iii) any private property rights within the boundaries of the Monument; or

“(B) grant to the Secretary any authority on or over non-Federal land not already provided by law.

“(2) AUTHORITY.—The authority of the Secretary under this title extends only to Federal land and Federal interests in land included in the Monument.

“(e) ADJACENT MANAGEMENT.—

“(1) IN GENERAL.—Nothing in this title creates any protective perimeter or buffer zone around the Monument.

“(2) ACTIVITIES OUTSIDE MONUMENT.—The fact that an activity or use on land outside

the Monument can be seen or heard within the Monument shall not preclude the activity or use outside the boundary of the Monument.

“(3) NO ADDITIONAL REGULATION.—Nothing in this title requires additional regulation of activities on land outside the boundary of the Monument.

“(f) AIR AND WATER QUALITY.—Nothing in this title affects the standards governing air or water quality outside the boundary of the Monument.

“(g) MANAGEMENT PLAN.—

“(1) IN GENERAL.—The Secretary shall—

“(A) not later than 3 years after the date of enactment of this title, complete a management plan for the conservation and protection of the Monument; and

“(B) on completion of the management plan—

“(i) submit the management plan to—

“(I) the Committee on Natural Resources of the House of Representatives; and

“(II) the Committee on Energy and Natural Resources of the Senate; and

“(ii) make the management plan available to the public.

“(2) INCLUSIONS.—The management plan shall include provisions that—

“(A) provide for the conservation and protection of the Monument;

“(B) authorize the continued recreational uses of the Monument (including hiking, camping, hunting, mountain biking, sightseeing, off-highway vehicle recreation on designated routes, rockhounding, and horseback riding), if the recreational uses are consistent with this section and any other applicable law;

“(C) address the need for and, as necessary, establish plans for, the installation, construction, and maintenance of public utility energy transport facilities within rights-of-way in the Monument, including provisions that require that the activities be conducted in a manner that minimizes the impact on Monument resources (including resources relating to the ecological, cultural, historic, and scenic viewed of the Monument), in accordance with any other applicable law;

“(D) address the designation and maintenance of roads, trails, and paths in the Monument;

“(E) address regional fire management planning and coordination between the Director of the Bureau of Land Management, the Director of the National Park Service, and San Bernardino County; and

“(F) address the establishment of a visitor center to serve the Monument and adjacent public land.

“(3) PREPARATION AND IMPLEMENTATION.—

“(A) APPLICABLE LAW.—The Secretary shall prepare and implement the management plan in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable laws.

“(B) CONSULTATION.—In preparing and implementing the management plan, the Secretary shall periodically consult with—

“(i) the advisory committee established under section 1306;

“(ii) interested private property owners and holders of valid existing rights located within the boundaries of the Monument; and

“(iii) representatives of the Fort Mojave Indian tribe, the Colorado River Indian Tribe, the Chemehuevi Indian tribe, and other Indian tribes with historic or cultural ties to land within, or adjacent to, the Monument regarding the management of portions of the Monument containing sacred sites or cultural importance to the Indian tribes.

“(4) INTERIM MANAGEMENT.—Except as otherwise provided in this Act, pending comple-

tion of the management plan for the Monument, the Secretary shall manage any Federal land and Federal interests in land within the boundary of the Monument—

“(A) consistent with the existing permitted uses of the land;

“(B) in accordance with the general guidelines and authorities of the existing management plans of the Bureau of Land Management for the land; and

“(C) in a manner consistent with—

“(i) the purposes described in section 1302(b);

“(ii) the provisions of the management plan under paragraph (2); and

“(iii) applicable Federal law.

“(h) EFFECT OF SECTION.—Nothing in this section diminishes or alters existing authorities applicable to Federal land included in the Monument.

“SEC. 1304. USES OF THE MONUMENT.

“(a) USE OF OFF-HIGHWAY VEHICLES.—

“(1) IN GENERAL.—The use of off-highway vehicles in the Monument (including the use of off-highway vehicles for commercial touring) shall be permitted to continue on designated routes, subject to all applicable law and authorized by the management plan.

“(2) NONDESIGNATED ROUTES.—Off-highway vehicle access shall be permitted on nondesignated routes and trails in the Monument—

“(A) for administrative purposes;

“(B) to respond to an emergency; or

“(C) as authorized under the management plan.

“(3) INVENTORY.—Not later than 2 years after the date of enactment of this title, the Director of the Bureau of Land Management shall complete an inventory of all existing routes in the Monument.

“(b) HUNTING, TRAPPING, AND FISHING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, trapping, and fishing within the Monument in accordance with applicable Federal and State laws (including regulations) in effect as of the date of enactment of this title.

“(2) TRAPPING.—No amphibians or reptiles may be collected within the Monument.

“(3) REGULATIONS.—The Secretary, after consultation with the California Department of Fish and Game, may issue regulations designating zones where, and establishing periods during which, no hunting, trapping, or fishing shall be permitted in the Monument for reasons of public safety, administration, resource protection, or public use and enjoyment.

“(c) GRAZING.—

“(1) IN GENERAL.—Nothing in this title terminates any valid existing grazing allotment within the Monument.

“(2) EFFECT ON BLAIR PERMIT.—Nothing in this title affects the Lazy Daisy grazing permit (permittee number 9076) on land included in the Monument, including the transfer of title to the grazing permit to the Secretary or to a private party.

“(3) PERMIT RETIREMENT.—The Secretary may acquire base property and associated grazing permits within the Monument for purposes of permanently retiring the permit if—

“(A) the permittee is a willing seller;

“(B) the permittee and Secretary reach an agreement concerning the terms and conditions of the acquisition; and

“(C) termination of the allotment would further the purposes of the Monument described in section 1302(b).

“(d) ACCESS TO STATE AND PRIVATE LAND.—The Secretary shall provide adequate access to each owner of non-Federal land or interests in non-Federal land within the boundary

of the Monument to ensure the reasonable use and enjoyment of the land or interest by the owner.

“(e) LIMITATIONS.—

“(1) COMMERCIAL ENTERPRISES.—Except as provided in paragraphs (2) and (3), or as required for the maintenance, upgrade, expansion, or development of energy transport facilities in the corridors described in subsection (g), no commercial enterprises shall be authorized within the boundary of the Monument after the date of enactment of this title.

“(2) AUTHORIZED EXCEPTIONS.—The Secretary may authorize exceptions to paragraph (1) if the Secretary determines that the commercial enterprises would further the purposes described in section 1302(b).

“(3) APPLICABILITY.—This subsection does not apply to—

“(A) transmission and telecommunication facilities that are owned or operated by a utility subject to regulation by the Federal Government or a State government or a State utility with a service obligation (as those terms are defined in section 217 of the Federal Power Act (16 U.S.C. 824q)); or

“(B) commercial vehicular touring enterprises within the Monument that operate on designated routes.

“(f) UTILITY RIGHTS-OF-WAY.—

“(1) IN GENERAL.—Nothing in this title precludes, prevents, or inhibits the maintenance, upgrade, expansion, or development of energy transport facilities within the Monument that are critical to reducing the effects of climate change on the environment.

“(2) AUTHORIZATION.—The Secretary shall, to the maximum extent practicable—

“(A) permit rights-of-way and alignments that best protect the values and resources of the Monument described in section 1302(b); and

“(B) ensure that existing rights-of-way and utility corridors within the Monument are fully utilized before permitting new rights-of-way or designating new utility corridors within the Monument.

“(3) EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-WAY.—Nothing in this section terminates or limits—

“(A) any valid right-of-way within the Monument in existence on the date of enactment of this title (including customary operation, maintenance, repair, or replacement activities in a right-of-way); or

“(B) a right-of-way authorization issued on the expiration of an existing right-of-way authorization described in subparagraph (A).

“(4) UPGRADING AND EXPANSION OF EXISTING RIGHTS-OF-WAY.—Nothing in this subsection prohibits the upgrading (including the construction or replacement), expansion, or assignment of an existing utility transmission line for the purpose of increasing the capacity of—

“(A) a transmission line in existing rights-of-way; or

“(B) a right-of-way issued, granted, or permitted by the Secretary that is contiguous or adjacent to existing transmission line rights-of-way.

“(5) INTERSTATE 40 TRANSPORTATION CORRIDOR.—For purposes of underground utility rights-of-way under this subsection, the Secretary shall consider the Interstate 40 transportation corridor to be equivalent to an existing utility right-of-way corridor.

“(6) NEW RIGHTS-OF-WAY.—

“(A) IN GENERAL.—Any new rights-of-way or new uses within existing rights-of-way shall—

“(i) only be permitted in energy corridors or expansions of energy corridors that are

designated as of the date of enactment of this title; and

“(ii) subject to subparagraph (B), require review and approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) APPROVAL.—New rights-of-way or uses or expansions of existing corridors under subparagraph (A) shall only be approved if the head of the applicable lead Federal agency, in consultation with other agencies as appropriate, determines that the new rights-of-way, uses, or expansions are consistent with—

“(i) this title;

“(ii) other applicable laws;

“(iii) the purposes of the Monument described in section 1302(b); and

“(iv) the management plan for the Monument.

“(g) WEST WIDE ENERGY CORRIDOR.—

“(1) ALTERNATIVE ALIGNMENT.—Subject to paragraph (2), to further the purposes of the Monument described in section 1302(b), the Secretary may require a realignment of the energy right-of-way corridor numbered 27–41 and designated under the energy corridor planning process established by section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926) if an alternative alignment within the Monument—

“(A) provides substantially similar energy transmission capacity and reliability;

“(B) does not impair other existing rights-of-way; and

“(C) is compatible with military training requirements.

“(2) CONSULTATION.—Before establishing an alternative alignment of the energy right-of-way corridor under paragraph (1), the Secretary shall consult with—

“(A) the Secretary of Energy;

“(B) the Secretary of Defense;

“(C) the State, including the transmission permitting agency of the State;

“(D) units of local government in the State; and

“(E) any entities possessing valid existing rights-of-way within—

“(i) the energy corridor described in paragraph (1); or

“(ii) any potential alternative energy corridor.

“(3) EFFECT ON ENERGY TRANSPORT CORRIDORS.—Nothing in this subsection diminishes the utility of energy transport corridors located within the Monument and identified under section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), Energy Corridors E or I (as designated in the California Desert Conservation Area Plan), or energy corridors numbered 27–41 and 27–225 and designated by a record of decision—

“(A) to provide locations for—

“(i) electric transmission facilities that improve reliability, relieve congestion, and enhance the national grid; and

“(ii) oil, gas, and hydrogen pipelines; and

“(B) to provide locations for electric transmission facilities that—

“(i) promote renewable energy generation;

“(ii) otherwise further the interest of the United States if the transmission facilities are identified as critical—

“(I) in a Federal law; or

“(II) through a regional transmission planning process; or

“(iii) consist of high-voltage transmission facilities critical to the purposes described in clause (i) or (ii).

“(4) LAND USE PLANNING.—In conducting land use planning for the Monument, the Secretary—

“(A) shall consider the existing locations of the corridors described in paragraph (3); and

“(B) subject to paragraph (5), may amend the location of any energy corridors to comply with purposes of the Monument if the amended corridor—

“(i) provides connectivity across the landscape that is equivalent to the connectivity provided by the existing location;

“(ii) meets the criteria established by—

“(I) section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926); and

“(II) the record of decision for the applicable corridor; and

“(iii) does not impair or restrict the uses of existing rights-of-way.

“(5) CONSULTATION REQUIRED.—Before amending a corridor under paragraph (4)(B), the Secretary shall consult with all interested parties (including the persons identified in section 368(a) of the Energy Policy Act of 2005 (42 U.S.C. 15926(a))), in accordance with applicable laws (including regulations).

“(h) OVERFLIGHTS.—Nothing in this title or the management plan restricts or precludes—

“(1) overflights (including low-level overflights) of military, commercial, and general aviation aircraft that can be seen or heard within the Monument;

“(2) the designation or creation of new units of special use airspace; or

“(3) the establishment of military flight training routes over the Monument.

“(i) WITHDRAWALS.—

“(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the Federal land and interests in Federal land included within the Monument are withdrawn from—

“(A) all forms of entry, appropriation, or disposal under the public land laws;

“(B) location, entry, and patent under the public land mining laws;

“(C) operation of the mineral leasing, geothermal leasing, and mineral materials laws; and

“(D) energy development and power generation.

“(2) EXCHANGE.—Paragraph (1) does not apply to an exchange that the Secretary determines would further the protective purposes of the Monument.

“(j) ACCESS TO RENEWABLE ENERGY FACILITIES.—

“(1) IN GENERAL.—On a determination that no reasonable alternative access exists and subject to paragraph (2), the Secretary may allow new right-of-ways within the Monument to provide vehicular access to renewable energy project sites outside the boundaries of the Monument.

“(2) RESTRICTIONS.—To the maximum extent practicable, the rights-of-way shall be designed and sited to be consistent with the purposes of the Monument described in section 1302(b).

“SEC. 1305. ACQUISITION OF LAND.

“(a) IN GENERAL.—The Secretary may acquire for inclusion in the Monument any land or interests in land within the boundary of the Monument owned by the State, units of local government, Indian tribes, or private individuals only by—

“(1) donation;

“(2) exchange with a willing party; or

“(3) purchase from a willing seller for fair market value.

“(b) USE OF EASEMENTS.—To the maximum extent practicable and only with the approval of the landowner, the Secretary may use permanent conservation easements to acquire an interest in land in the Monument

rather than acquiring fee simple title to the land.

“(C) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the United States after the date of enactment of this title shall be added to and administered as part of the Monument.

“(d) DONATED AND ACQUIRED LAND.—

“(1) IN GENERAL.—All land within the boundary of the Monument donated to the United States or acquired using amounts from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) before, on, or after the date of enactment of this title—

“(A) is withdrawn from mineral entry;

“(B) shall be managed in accordance with section 1904; and

“(C) shall be managed consistent with the purposes of the Monument described in section 1302(b).

“(2) EFFECT ON MONUMENT.—Land within the boundary of the Monument that is contiguous to land donated to the United States or acquired using amounts from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) shall be managed in a manner consistent with conservation purposes, subject to applicable law.

“SEC. 1306. ADVISORY COMMITTEE.

“(a) IN GENERAL.—The Secretary shall establish an advisory committee for the Monument, the purpose of which is to advise the Secretary with respect to the preparation and implementation of the management plan required by section 1303(g).

“(b) MEMBERSHIP.—To the extent practicable, the advisory committee shall include the following members, to be appointed by the Secretary:

“(1) A representative with expertise in natural science and research selected from a regional university or research institute.

“(2) A representative of the California Natural Resources Agency.

“(3) A representative of the California Public Utilities Commission.

“(4) A representative of the County of San Bernardino, California.

“(5) A representative of each of the cities of Barstow, Needles, Twentynine Palms, and Yucca Valley, California.

“(6) A representative of each of the Colorado River, Fort Mojave, and the Chemehuevi Indian tribes.

“(7) A representative from the Department of Defense.

“(8) A representative of the Wildlands Conservancy.

“(9) A representative of a local conservation organization.

“(10) A representative of a historical preservation organization.

“(11) A representative from each of the following recreational activities:

“(A) Off-highway vehicles.

“(B) Hunting.

“(C) Rockhounding.

“(c) TERMS.—

“(1) IN GENERAL.—In appointing members under paragraphs (1) through (11) of subsection (b), the Secretary shall appoint 1 primary member and 1 alternate member that meets the qualifications described in each of those paragraphs.

“(2) VACANCY.—

“(A) PRIMARY MEMBER.—A vacancy on the advisory committee with respect to a primary member shall be filled by the applicable alternate member.

“(B) ALTERNATE MEMBER.—The Secretary shall appoint a new alternate members in the event of a vacancy with respect to an alternate member of the advisory committee.

“(3) TERMINATION.—

“(A) IN GENERAL.—The term of all members of the advisory committee shall terminate on the termination of the advisory committee under subsection (g).

“(B) NEW ADVISORY COMMITTEE.—At the discretion of the Secretary, the Secretary may establish a new advisory committee on the termination of the advisory committee under subsection (g) to provide ongoing recommendations on the management of the Monument.

“(d) QUORUM.—A quorum of the advisory committee shall consist of a majority of the primary members.

“(e) CHAIRPERSON AND PROCEDURES.—

“(1) IN GENERAL.—The advisory committee shall select a chairperson and vice chairperson from among the primary members of the advisory committee.

“(2) DUTIES.—The chairperson and vice chairperson selected under paragraph (1) shall establish any rules and procedures for the advisory committee that the chairperson and vice-chairperson determine to be necessary or desirable.

“(f) SERVICE WITHOUT COMPENSATION.—Members of the advisory committee shall serve without pay.

“(g) TERMINATION.—The advisory committee shall cease to exist on—

“(1) the date on which the management plan is officially adopted by the Secretary; or

“(2) at the discretion of the Secretary, a later date established by the Secretary.

“SEC. 1307. RENEWABLE ENERGY RIGHT-OF-WAY APPLICATIONS.

“(a) IN GENERAL.—Applicants for rights-of-way for the development of solar energy facilities that have been terminated by the establishment of the Monument shall be granted the right of first refusal to apply for replacement sites that—

“(1) have not previously been encumbered by right-of-way applications; and

“(2) are located within the Solar Energy Zones designated by the Solar Energy Programmatic Environmental Impact Statement of the Department of the Interior and the Department of Energy.

“(b) ELIGIBILITY.—To be eligible for a right of first refusal under subsection (a), an applicant shall have, on or before December 1, 2009—

“(1) submitted an application for a right-of-way to the Bureau of Land Management;

“(2) completed a plan of development to develop a solar energy facility on land within the Monument;

“(3) submitted cost recovery funds to the Bureau of Land Management to assist with the costs of processing the right-of-way application;

“(4) successfully submitted an application for an interconnection agreement with an electrical grid operator that is registered with the North American Electric Reliability Corporation; and

“(5)(A) secured a power purchase agreement; or

“(B) a financially and technically viable solar energy facility project, as determined by the Director of the Bureau of Land Management.

“(c) EQUIVALENT ENERGY PRODUCTION.—Each right-of-way for a replacement site granted under this section shall—

“(1) authorize the same energy production at the replacement site as had been applied

for at the site that had been the subject of the terminated application; and

“(2) have—

“(A) appropriate solar insolation and geotechnical attributes; and

“(B) adequate access to existing transmission or feasible new transmission.

“(d) EXISTING RIGHTS-OF-WAY APPLICATIONS.—Nothing in this section alters, affects, or displaces primary rights-of-way applications within the Solar Energy Study Areas unless the applications are otherwise altered, affected, or displaced as a result of the Solar Energy Programmatic Environmental Impact Statement of the Department of the Interior and the Department of Energy.

“(e) DEADLINES.—A right of first refusal granted under this section shall only be exercisable by the later of—

“(1) the date that is 180 days after the date of enactment of this title; or

“(2) the date that is 180 days after the date of the designation of the Solar Energy Zones under the Solar Energy Programmatic Environmental Impact Statement.

“(f) EXPEDITED APPLICATION PROCESSING.—The Secretary shall expedite the review of replacement site applications from eligible applicants, as described in subsection (b).

“TITLE XIV—SAND TO SNOW NATIONAL MONUMENT

“SEC. 1401. DEFINITIONS.

“In this title:

“(1) MAP.—The term ‘map’ means the map entitled ‘Boundary Map, Sand to Snow National Monument’ and dated October 26, 2009.

“(2) MONUMENT.—The term ‘Monument’ means the Sand to Snow National Monument established by section 1402(a).

“(3) SECRETARIES.—The term ‘Secretaries’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

“SEC. 1402. ESTABLISHMENT OF THE SAND TO SNOW NATIONAL MONUMENT.

“(a) ESTABLISHMENT.—There is designated in the State the Sand to Snow National Monument.

“(b) PURPOSES.—The purposes of the Monument are—

“(1) to preserve the nationally significant biological, cultural, educational, geological, historic, scenic, and recreational values at the convergence of the Mojave and Colorado Desert and the San Bernardino Mountains; and

“(2) to secure the opportunity for present and future generations to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources of the Monument.

“(c) BOUNDARIES.—The Monument shall consist of the Federal land and Federal interests in land within the boundaries depicted on the map.

“(d) MAP; LEGAL DESCRIPTIONS.—

“(1) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate legal descriptions of the Monument, based on the map.

“(2) CORRECTIONS.—The map and legal descriptions of the Monument shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the map and legal descriptions.

“(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

“SEC. 1403. MANAGEMENT OF THE MONUMENT.

“(a) IN GENERAL.—The Secretary shall—

“(1) only allow uses of the Monument that—

“(A) further the purposes described in section 1402(b);

“(B) are included in the management plan developed under subsection (g); and

“(C) do not interfere with the utility rights-of-way authorized under section 1405(e); and

“(2) subject to valid existing rights, manage the Monument to protect the resources of the Monument, in accordance with—

“(A) this title;

“(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

“(C) any other applicable provisions of law.

“(b) COOPERATION AGREEMENTS; GENERAL AUTHORITY.—Consistent with the management plan and existing authorities applicable to the Monument, the Secretary may enter into cooperative agreements and shared management arrangements (including special use permits with any person (including educational institutions and Indian tribes)), for the purposes of interpreting, researching, and providing education on the resources of the Monument.

“(c) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the Secretary of the Interior or the Secretary of Agriculture after the date of enactment of this title shall be managed by the Secretary of Agriculture or the Secretary of the Interior, respectively, in accordance with this title.

“(d) LIMITATIONS.—

“(1) PROPERTY RIGHTS.—The establishment of the Monument does not—

“(A) affect—

“(i) any property rights of an Indian reservation, individually held trust land, or any other Indian allotments;

“(ii) any land or interests in land held by the State, any political subdivision of the State, or any special district; or

“(iii) any private property rights within the boundaries of the Monument; or

“(B) grant to the Secretary any authority on or over non-Federal land not already provided by law.

“(2) AUTHORITY.—The authority of the Secretary under this title extends only to Federal land and Federal interests in land included in the Monument.

“(e) ADJACENT MANAGEMENT.—

“(1) IN GENERAL.—Nothing in this title creates any protective perimeter or buffer zone around the Monument.

“(2) ACTIVITIES OUTSIDE MONUMENT.—The fact that an activity or use on land outside the Monument can be seen or heard within the Monument shall not preclude the activity or use outside the boundary of the Monument.

“(3) NO ADDITIONAL REGULATION.—Nothing in this title requires additional regulation of activities on land outside the boundary of the Monument.

“(f) AIR AND WATER QUALITY.—Nothing in this title affects the standards governing air or water quality outside the boundary of the Monument.

“(g) MANAGEMENT PLAN.—

“(1) IN GENERAL.—The Secretaries shall—

“(A) not later than 3 years after the date of enactment of this title, complete a management plan for the conservation and protection of the Monument; and

“(B) on completion of the management plan—

“(i) submit the management plan to—

“(I) the Committee on Natural Resources of the House of Representatives; and

“(II) the Committee on Energy and Natural Resources of the Senate; and

“(ii) make the management plan available to the public.

“(2) INCLUSIONS.—The management plan shall include provisions that—

“(A) provide for the conservation and protection of the Monument;

“(B) authorize the continued recreational uses of the Monument (including hiking, camping, hunting, mountain biking, sightseeing, off-highway vehicle recreation on designated routes, rockhounding, and horseback riding), if the recreational uses are consistent with this title and any other applicable law;

“(C) address the need for and, as necessary, establish plans for, the installation, construction, and maintenance of public utility energy transport facilities within rights-of-way in the Monument outside of designated wilderness areas, including provisions that require that—

“(i) the activities be conducted in a manner that minimizes the impact on Monument resources (including resources relating to the ecological, cultural, historic, and scenic viewshed of the Monument), in accordance with any other applicable law; and

“(ii) the facilities are consistent with this section and any other applicable law;

“(D) address the designation and maintenance of roads, trails, and paths in the Monument;

“(E) address regional fire management planning and coordination between the Director of the Bureau of Land Management, the Chief of the Forest Service, Riverside County, and San Bernardino County; and

“(F) address the establishment of a visitor center to serve the Monument and adjacent public land.

“(3) PREPARATION AND IMPLEMENTATION.—

“(A) APPLICABLE LAW.—The Secretary shall prepare and implement the management plan in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable laws.

“(B) CONSULTATION.—In preparing and implementing the management plan, the Secretary shall periodically consult with—

“(i) the advisory committee established under section 1406;

“(ii) interested private property owners and holders of valid existing rights located within the boundaries of the Monument; and

“(iii) representatives of the Morongo Band of Mission Indians and other Indian tribes with historic or cultural ties to land within, or adjacent to, the Monument regarding the management of portions of the Monument that are of cultural importance to the Indian tribes.

“(4) INTERIM MANAGEMENT.—Except as otherwise prohibited by this Act, pending completion of the management plan for the Monument, the Secretary shall manage any Federal land and Federal interests in land within the boundary of the Monument—

“(A) consistent with the existing permitted uses of the land;

“(B) in accordance with the general guidelines and authorities of the existing management plans of the Bureau of Land Management and the Forest Service for the land; and

“(C) in a manner consistent with—

“(i) the purposes described in section 1402(b);

“(ii) the provisions of the management plan under paragraph (2); and

“(iii) applicable Federal law.

“(5) EFFECT OF SECTION.—Nothing in this section diminishes or alters existing authorities applicable to Federal land included in the Monument.

“SEC. 1404. USES OF THE MONUMENT.

“(a) USE OF OFF-HIGHWAY VEHICLES.—

“(1) IN GENERAL.—The use of off-highway vehicles in the Monument (including the use of off-highway vehicles for commercial touring) shall be permitted to continue on designated routes, subject to all applicable law and authorized by the management plan.

“(2) NONDESIGNATED ROUTES.—Off-highway vehicle access shall be permitted on nondesignated routes and trails in the Monument—

“(A) for administrative purposes;

“(B) to respond to an emergency; or

“(C) as authorized under the management plan.

“(3) INVENTORY.—Not later than 2 years after the date of enactment of this title, the Director of the Bureau of Land Management shall complete an inventory of all existing routes in the Monument.

“(b) HUNTING, TRAPPING, AND FISHING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, trapping, and fishing within the Monument in accordance with applicable Federal and State laws (including regulations) as of the date of enactment of this title.

“(2) TRAPPING.—No amphibians or reptiles may be collected within the Monument.

“(3) REGULATIONS.—The Secretary, after consultation with the California Department of Fish and Game, may issue regulations designating zones where, and establishing periods during which, no hunting, trapping, or fishing shall be permitted in the Monument for reasons of public safety, administration, resource protection, or public use and enjoyment.

“(c) ACCESS TO STATE AND PRIVATE LAND.—The Secretary shall provide adequate access to each owner of non-Federal land or interests in non-Federal land within the boundary of the Monument to ensure the reasonable use and enjoyment of the land or interest by the owner.

“(d) LIMITATIONS.—

“(1) COMMERCIAL ENTERPRISES.—Except as provided in paragraphs (2) and (3), or as required for the maintenance, upgrade, expansion, or development of energy transport facilities in the corridors described in subsection (e), no commercial enterprises shall be authorized within the boundary of the Monument after the date of enactment of this title.

“(2) AUTHORIZED EXCEPTIONS.—The Secretary may authorize exceptions to paragraph (1) if the Secretary determines that the commercial enterprises would further the purposes described in section 1402(b).

“(3) TRANSMISSION AND TELECOMMUNICATION FACILITIES.—This subsection does not apply to—

“(A) transmission and telecommunication facilities that are owned or operated by a utility subject to regulation by the Federal Government or a State government or a State utility with a service obligation (as those terms are defined in section 217 of the Federal Power Act (16 U.S.C. 824q)); or

“(B) commercial vehicular touring enterprises within the Monument that operate on designated routes.

“(e) UTILITY RIGHTS-OF-WAY.—

“(1) IN GENERAL.—Nothing in this Act precludes, prevents, or inhibits the maintenance, upgrade, expansion, or development of energy transport facilities within the Monument that are critical to reducing the effects of climate change on the environment.

“(2) RIGHT-OF-WAY.—To the maximum extent practicable—

“(A) the Secretary shall permit rights of way and alignments that best protect the values and resources of the Monument described in section 1402(b); and

“(B) the Secretary shall ensure that existing rights-of-way and utility corridors within the Monument are fully utilized before permitting new rights-of-way or designating new utility corridors within the Monument.

“(3) EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-WAY.—Nothing in this section terminates or limits—

“(A) any valid right-of-way in existence within the Monument on the date of enactment of this title (including customary operation, maintenance, repair, or replacement activities in a right-of-way); or

“(B) a right-of-way authorization issued on the expiration or the assignment of an existing right-of-way authorization described in subparagraph (A).

“(4) UPGRADING AND EXPANSION OF EXISTING RIGHTS-OF-WAY.—Nothing in this subsection prohibits the upgrading (including the construction or replacement), expansion, or assignment of an existing utility transmission line for the purpose of increasing the capacity of—

“(A) a transmission line in existing rights-of-way; or

“(B) a right-of-way issued, granted, or permitted by the Secretary that is contiguous or adjacent to existing transmission line rights-of-way.

“(5) NEW RIGHTS-OF-WAY.—

“(A) IN GENERAL.—Any new rights-of-way or new uses within existing rights-of-way shall, subject to subparagraph (B), require review and approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) APPROVAL.—New uses under subparagraph (A) shall only be approved if the head of the applicable lead Federal agency, in consultation with other applicable agencies, determine that the uses are consistent with—

“(i) this title;

“(ii) other applicable laws;

“(iii) the purposes of the Monument described in section 1402(b); and

“(iv) the management plan for the Monument.

“(6) EFFECT ON ENERGY TRANSPORT CORRIDORS.—Nothing in this subsection diminishes the utility of energy transport corridors located within the Monument designated by a record of decision—

“(A) to provide locations for—

“(i) electric transmission facilities that improve reliability, relieve congestion, and enhance the national grid; and

“(ii) oil, gas, and hydrogen pipelines; and

“(B) to provide locations for electric transmission facilities that—

“(i) promote renewable energy generation;

“(ii) otherwise further the interest of the United States if the transmission facilities are identified as critical in law or through a regional transmission planning process; or

“(iii) consist of high-voltage transmission facilities critical to the purposes described in clause (i) or (ii).

“(7) LAND USE PLANNING.—In conducting land use planning for the Monument, the Secretary—

“(A) shall consider the existing locations of the corridors described in paragraph (6); and

“(B) subject to paragraph (8), may amend the location of any energy corridors to comply with purposes of the Monument if the amended corridor—

“(i) provides connectivity across the landscape that is equivalent to the connectivity provided by the existing location;

“(ii) meets the criteria established by—

“(I) section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926); and

“(II) the record of decision for the applicable corridor; and

“(iii) does not impair or restrict the uses of existing rights-of-way.

“(8) CONSULTATION REQUIRED.—Before amending a corridor under paragraph (7)(B), the Secretary shall consult with all interested parties (including the persons identified in section 368(a) of the Energy Policy Act of 2005 (42 U.S.C. 15926(a))), in accordance with applicable laws (including regulations).

“(f) OVERFLIGHTS.—Nothing in this title or the management plan restricts or precludes—

“(1) overflights (including low-level overflights) of military, commercial, and general aviation aircraft that can be seen or heard within the Monument;

“(2) the designation or creation of new units of special use airspace; or

“(3) the establishment of military flight training routes over the Monument.

“(g) WITHDRAWALS.—

“(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), the Federal land and interests in Federal land included within the Monument are withdrawn from—

“(A) all forms of entry, appropriation, or disposal under the public land laws;

“(B) location, entry, and patent under the public land mining laws;

“(C) operation of the mineral leasing, geothermal leasing, and mineral materials laws; and

“(D) energy development and power generation.

“(2) EXCHANGE.—Paragraph (1) does not apply to an exchange that the Secretary determines would further the protective purposes of the Monument.

“(h) ACCESS TO RENEWABLE ENERGY FACILITIES.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary may allow new right-of-ways within the Monument to provide reasonable vehicular access to renewable energy project sites outside the boundaries of the Monument.

“(2) RESTRICTIONS.—To the maximum extent practicable, the rights-of-way shall be designed and sited to be consistent with the purposes of the Monument described in section 1402(b).

“SEC. 1405. ACQUISITION OF LAND.

“(a) IN GENERAL.—The Secretary may acquire for inclusion in the Monument any land or interests in land within the boundary of the Monument owned by the State, units of local government, Indian tribes, or private individuals only by—

“(1) donation;

“(2) exchange with a willing party; or

“(3) purchase from a willing seller for fair market value.

“(b) USE OF EASEMENTS.—To the maximum extent practicable and only with the approval of the landowner, the Secretary may use permanent conservation easements to acquire an interest in land in the Monument rather than acquiring fee simple title to the land.

“(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the United States after the date of enactment of this title shall be added to and administered as part of the Monument.

“(d) DONATED AND ACQUIRED LAND.—

“(1) IN GENERAL.—All land within the boundary of the Monument donated to the United States or acquired using amounts from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) before, on, or after the date of enactment of this title—

“(A) is withdrawn from mineral entry;

“(B) shall be managed in accordance with section 1904; and

“(C) shall be managed consistent with the purposes of the Monument described in section 1402(b).

“(2) EFFECT ON MONUMENT.—Land within the boundary of the Monument that is contiguous to land donated to the United States or acquired using amounts from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) shall be managed in a manner consistent with conservation purposes, subject to applicable law.

“SEC. 1406. ADVISORY COMMITTEE.

“(a) IN GENERAL.—The Secretary shall establish an advisory committee for the Monument, the purpose of which is to advise the Secretary with respect to the preparation and implementation of the management plan required by section 1403(g).

“(b) MEMBERSHIP.—To the extent practicable, the advisory committee shall include the following members, to be appointed by the Secretary:

“(1) A representative with expertise in natural science and research selected from a regional university or research institute.

“(2) A representative of the Department of Defense.

“(3) A representative of the California Natural Resources Agency.

“(4) A representative of each of San Bernardino and Riverside Counties, California.

“(5) A representative of each of the cities of Desert Hot Springs and Yucca Valley, California.

“(6) A representative of the Morongo Band of Mission Indians.

“(7) A representative of the Friends of Big Morongo Preserve.

“(8) A representative of the Wildlands Conservancy.

“(9) A representative of the Coachella Valley Mountains Conservancy.

“(10) A representative of the San Geronio Wilderness Association.

“(11) A representative of the Morongo Basin Community Services District.

“(12) A representative from each of the following recreational activities:

“(A) Off-highway vehicles.

“(B) Hunting.

“(C) Rockhounding.

“(c) TERMS.—

“(1) IN GENERAL.—In appointing members under paragraphs (1) through (12) of subsection (b), the Secretary shall appoint 1 primary member and 1 alternate member that meets the qualifications described in each of those paragraphs.

“(2) VACANCY.—

“(A) PRIMARY MEMBER.—A vacancy on the advisory committee with respect to a primary member shall be filled by the applicable alternate member.

“(B) ALTERNATE MEMBER.—The Secretary shall appoint a new alternate members in the event of a vacancy with respect to an alternate member of the advisory committee.

“(3) TERMINATION.—

“(A) IN GENERAL.—The term of all members of the advisory committee shall terminate

on the termination of the advisory committee under subsection (g).

“(B) NEW ADVISORY COMMITTEE.—At the discretion of the Secretary, the Secretary may establish a new advisory committee on the termination of the advisory committee under subsection (g) to provide ongoing recommendations on the management of the Monument.

“(d) QUORUM.—A quorum of the advisory committee shall consist of a majority of the primary members.

“(e) CHAIRPERSON AND PROCEDURES.—

“(1) IN GENERAL.—The advisory committee shall select a chairperson and vice chairperson from among the primary members of the advisory committee.

“(2) DUTIES.—The chairperson and vice chairperson selected under paragraph (1) shall establish any rules and procedures for the advisory committee that the chairperson and vice-chairperson determine to be necessary or desirable.

“(f) SERVICE WITHOUT COMPENSATION.—Members of the advisory committee shall serve without pay.

“(g) TERMINATION.—The advisory committee shall cease to exist on—

“(1) the date on which the management plan is officially adopted by the Secretary; or

“(2) at the discretion of the Secretary, a later date established by the Secretary.

“TITLE XV—WILDERNESS

“SEC. 1501. DESIGNATION OF WILDERNESS AREAS.

“(a) DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781, 1782), the following land in the State is designated as wilderness areas and as components of the National Wilderness Preservation System:

“(1) AVAWATZ MOUNTAINS WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 86,614 acres, as generally depicted on the map entitled ‘Avawatz Mountains Proposed Wilderness’ and dated July 15, 2009, to be known as the ‘Avawatz Mountains Wilderness’.

“(2) GOLDEN VALLEY WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 21,633 acres, as generally depicted on the map entitled ‘Golden Valley Proposed Wilderness’ and dated July 15, 2009, which shall be considered to be part of the ‘Golden Valley Wilderness’.

“(3) GREAT FALLS BASIN WILDERNESS.—

“(A) IN GENERAL.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 7,871 acres, as generally depicted on the map entitled ‘Great Falls Basin Proposed Wilderness’ and dated October 26, 2009, to be known as the ‘Great Falls Basin Wilderness’.

“(B) LIMITATIONS.—Designation of the wilderness under subparagraph (A) shall not establish a Class I Airshed under the Clean Air Act (42 U.S.C. 7401 et seq.).

“(4) KINGSTON RANGE WILDERNESS.—Certain land in the Conservation Area administered by the Bureau of Land Management, comprising approximately 53,321 acres, as generally depicted on the map entitled ‘Kingston Range Proposed Wilderness Additions’ and dated July 15, 2009, which shall be considered to be a part of as the ‘Kingston Range Wilderness’.

“(5) SODA MOUNTAINS WILDERNESS.—Certain land in the Conservation Area, administered by the Bureau of Land Management, comprising approximately 79,376 acres, as generally depicted on the map entitled ‘Soda Mountains Proposed Wilderness’ and dated October 26, 2009, to be known as the ‘Soda Mountains Wilderness’.

“(b) DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE NATIONAL PARK SERVICE.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781, 1782), the following land in the State is designated as wilderness areas and as components of the National Wilderness Preservation System:

“(1) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS.—Certain land in the Conservation Area administered by the Director of the National Park Service, comprising approximately 59,264 acres, as generally depicted on the map entitled ‘Death Valley National Park Additions’ and dated October 1, 2009, which shall be considered to be a part of the Death Valley National Park Wilderness.

“(2) BOWLING ALLEY WILDERNESS.—Certain land in the Conservation Area administered by the Director of the Bureau of Land Management, comprising approximately 30,888 acres, as generally depicted on the map entitled ‘Death Valley National Park Proposed Wilderness Area’, numbered 143/100080, and dated June 2009, which shall be considered to be a part of the Death Valley National Park Wilderness.

“(c) DESIGNATION OF WILDERNESS AREA TO BE ADMINISTERED BY THE FOREST SERVICE.—

“(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781, 1782), the land in the State described in paragraph (2) is designated as a wilderness area and as a component of the National Wilderness Preservation System.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is certain land in the San Bernardino National Forest, comprising approximately 7,141 acres, as generally depicted on the map entitled ‘Proposed Sand to Snow National Monument’ and dated October 26, 2009, which shall be considered to be a part of the San Geronio Wilderness.

“SEC. 1502. MANAGEMENT.

“(a) ADJACENT MANAGEMENT.—

“(1) IN GENERAL.—Nothing in this title creates any protective perimeter or buffer zone around the wilderness areas designated by section 1501.

“(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—

“(A) IN GENERAL.—The fact that an activity (including military activities) or use on land outside a wilderness area designated by section 1501 can be seen or heard within the wilderness area shall not preclude or restrict the activity or use outside the boundary of the wilderness area.

“(B) EFFECT ON NONWILDERNESS ACTIVITIES.—

“(i) IN GENERAL.—In any permitting proceeding (including a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) conducted with respect to a project described in clause (ii) that is formally initiated through a notice in the Federal Register before December 31, 2013, the consideration of any visual, noise, or other impacts of the project on a wilderness area designated by section 1501 shall be conducted based on the status of the area before designation as wilderness.

“(ii) DESCRIPTION OF PROJECTS.—A project referred to in clause (i) is a renewable energy project—

“(I) for which the Bureau of Land Management has received a right-of-way use application on or before the date of enactment of this Act; and

“(II) that is located outside the boundary of a wilderness area designated by section 1501.

“(3) NO ADDITIONAL REGULATION.—Nothing in this title requires additional regulation of activities on land outside the boundary of the wilderness areas.

“(4) EFFECT ON MILITARY OPERATIONS.—Nothing in this Act alters any authority of the Secretary of Defense to conduct any military operations at desert installations, facilities, and ranges of the State that are authorized under any other provision of law.

“(b) MAPS; LEGAL DESCRIPTIONS.—

“(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by section 1501 with—

“(A) the Committee on Natural Resources of the House of Representatives; and

“(B) the Committee on Energy and Natural Resources of the Senate.

“(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the maps and legal descriptions.

“(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

“(c) ADMINISTRATION.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by section 1501 shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this title.

“SEC. 1503. RELEASE OF WILDERNESS STUDY AREAS.

“(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by section 1501 or any other Act enacted before the date of enactment of this title has been adequately studied for wilderness.

“(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

“(1) the Cady Mountains Wilderness Study Area;

“(2) the Great Falls Basin Wilderness Study Area; and

“(3) the Soda Mountains Wilderness Study Area.

“(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by section 1501 is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

“TITLE XVI—DESIGNATION OF SPECIAL MANAGEMENT AREA

“SEC. 1601. DEFINITIONS.

“In this title:

“(1) MANAGEMENT AREA.—The term ‘Management Area’ means the Vinagre Wash Special Management Area.

“(2) MAP.—The term ‘map’ means the map entitled ‘Vinagre Wash Special Management Area-Proposed’ and dated November 10, 2009.

“(3) PUBLIC LAND.—The term ‘public land’ has the meaning given the term ‘public lands’ in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“SEC. 1602. ESTABLISHMENT OF THE VINAGRE WASH SPECIAL MANAGEMENT AREA.

“(a) ESTABLISHMENT.—There is established the Vinagre Wash Special Management Area in the State, to be managed by the El Centro Field Office and the Yuma Field Office of the Bureau of Land Management.

“(b) PURPOSE.—The purpose of the Management Area is to conserve, protect, and enhance—

“(1) the plant and wildlife values of the Management Area; and

“(2) the outstanding and nationally significant ecological, geological, scenic, recreational, archaeological, cultural, historic, and other resources of the Management Area.

“(c) BOUNDARIES.—The Management Area shall consist of the public land in Imperial County, California, comprising approximately 74,714 acres, as generally depicted on the map.

“(d) MAP; LEGAL DESCRIPTION.—

“(1) IN GENERAL.—As soon as practicable, but not later than 3 years, after the date of enactment of this title, the Secretary shall submit a map and legal description of the Management Area to—

“(A) the Committee on Natural Resources of the House of Representatives; and

“(B) the Committee on Energy and Natural Resources of the Senate.

“(2) EFFECT.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any errors in the map and legal description.

“(3) AVAILABILITY.—Copies of the map submitted under paragraph (1) shall be on file and available for public inspection in—

“(A) the Office of the Director of the Bureau of Land Management; and

“(B) the appropriate office of the Bureau of Land Management in the State.

“SEC. 1603. MANAGEMENT.

“(a) IN GENERAL.—The Secretary shall allow hiking, camping, hunting, and sightseeing and the use of motorized vehicles, mountain bikes, and horses on designated routes in the Management Area in a manner that—

“(1) is consistent with the purpose of the Management Area described in section 1602(b);

“(2) ensures public health and safety; and

“(3) is consistent with applicable law.

“(b) OFF-HIGHWAY VEHICLE USE.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3) and all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area generally depicted on the map.

“(2) CLOSURE.—The Secretary may temporarily close or permanently reroute a portion of a route described in paragraph (1)—

“(A) to prevent, or allow for restoration of, resource damage;

“(B) to protect tribal cultural resources, including the resources identified in the tribal cultural resources management plan developed under section 1905(c);

“(C) to address public safety concerns; or

“(D) as otherwise required by law.

“(3) DESIGNATION OF ADDITIONAL ROUTES.—During the 3-year period beginning on the date of enactment of this title, the Secretary—

“(A) shall accept petitions from the public regarding additional routes for off-highway vehicles; and

“(B) may designate additional routes that the Secretary determines—

“(i) would provide significant or unique recreational opportunities; and

“(ii) are consistent with the purposes of the Management Area.

“(c) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Management Area is withdrawn from—

“(1) all forms of entry, appropriation, or disposal under the public land laws;

“(2) location, entry, and patent under the mining laws; and

“(3) right-of-way, leasing, or disposition under all laws relating to—

“(A) minerals; or

“(B) solar, wind, and geothermal energy.

“(d) NO BUFFERS.—The establishment of the Management Area shall not—

“(1) create a protective perimeter or buffer zone around the Management Area; or

“(2) preclude uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

“(e) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the Management Area have access to adequate notice relating to the availability of designated routes in the Management Area through—

“(1) the placement of appropriate signage along the designated routes;

“(2) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate; and

“(3) restoration of areas that are not designated as open routes, including vertical mulching.

“(f) STEWARDSHIP.—The Secretary, in consultation with Indian tribes and other interests, shall develop a program to provide opportunities for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

“(1) route signage;

“(2) restoration of closed routes;

“(3) protection of Management Area resources; and

“(4) recreation education.

“(g) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than 2 years after the date of enactment of this title, the Secretary, in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.) and any other applicable law, shall—

“(1) prepare and complete a tribal cultural resources survey of the Management Area; and

“(2) consult with the Quechan Indian Nation and other Indian tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the tribal cultural resources survey under paragraph (1).

“SEC. 1604. POTENTIAL WILDERNESS.

“(a) PROTECTION OF WILDERNESS CHARACTER.—

“(1) IN GENERAL.—The Secretary shall manage the Federal land in the Management Area described in paragraph (2) in a manner that preserves the character of the land for

the eventual inclusion of the land in the National Wilderness Preservation System.

“(2) DESCRIPTION OF LAND.—The Federal land described in this paragraph is—

“(A) the approximately 9,160 acres of land, as generally depicted on the map entitled ‘Indian Pass Wilderness Additions-Proposed’ and dated November 10, 2009;

“(B) the approximately 17,436 acres of land, as generally depicted on the map entitled ‘Milpitas Wash Wilderness Area-Proposed’ and dated November 10, 2009;

“(C) the approximately 13,647 acres of land, as generally depicted on the map entitled ‘Buzzard Peak Wilderness Area-Proposed’ and dated November 10, 2009; and

“(D) the approximately 8,090 acres of land, as generally depicted on the map entitled ‘Palo Verde Mountain Wilderness Additions-Proposed’ and dated November 10, 2009.

“(3) USE OF LAND.—

“(A) MILITARY USES.—The Secretary shall manage the Federal land in the Management Area described in paragraph (2) in a manner that is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may authorize use of the land by the Secretary of the Navy for Naval Special Warfare Tactical Training, including long-range small unit training and navigation, vehicle concealment, and vehicle sustainment training, in accordance with applicable Federal laws.

“(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

“(i) Permanent roads.

“(ii) Commercial enterprises.

“(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

“(I) the use of mechanized vehicles; and

“(II) the establishment of temporary roads.

“(4) WILDERNESS DESIGNATION.—

“(A) IN GENERAL.—The Federal land described in paragraph (2) shall be designated as wilderness and as a component of the National Wilderness Preservation System on the date on which the Secretary, in consultation with the Secretary of Defense, publishes a notice in the Federal Register that all activities on the Federal land that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have terminated.

“(B) DESIGNATION.—On designation of the Federal land under clause (i)—

“(i) the land described in paragraph (2)(A) shall be incorporated in, and shall be considered to be a part of, the Indian Pass Wilderness;

“(ii) the land described in paragraph (2)(B) shall be designated as the ‘Milpitas Wash Wilderness’;

“(iii) the land described in paragraph (2)(C) shall be designated as the ‘Buzzard Peak Wilderness’; and

“(iv) the land described in paragraph (2)(D) shall be incorporated in, and shall be considered to be a part of, the Palo Verde Mountains Wilderness.

“(b) ADMINISTRATION OF WILDERNESS.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this title shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.).

“TITLE XVII—NATIONAL PARK SYSTEM ADDITIONS

“SEC. 1701. DEATH VALLEY NATIONAL PARK BOUNDARY REVISION.

“(a) IN GENERAL.—The boundary of Death Valley National Park is adjusted to include—

“(1) the approximately 33,041 acres of Bureau of Land Management land abutting the southern end of the Death Valley National Park that lies between Death Valley National Park to the north and Ft. Irwin Military Reservation to the south and which runs approximately 34 miles from west to east, as depicted on the map entitled ‘Death Valley National Park Proposed Boundary Addition’, numbered 143/100,080, and dated June 2009;

“(2) the approximately 6,379 acres of Bureau of Land Management land in Inyo County, California, located in the northeast area of Death Valley National Park that is within, and surrounded by, land under the jurisdiction of the Director of the National Park Service, as depicted on the map entitled ‘Proposed Crater Mine Area Addition to Death Valley National Park’, numbered 143/100,079, and dated June 2009; and

“(3)(A) on transfer of title to the private land to the National Park Service, the approximately 280 acres of private land in Inyo County, California, located adjacent to the southeastern boundary of Death Valley National Park, as depicted on the map entitled ‘Proposed Ryan Camp Addition to Death Valley National Park’, numbered 143/100,097, and dated June 2009; and

“(B) the approximately 1,040 acres of Bureau of Land Management land contiguous to the private land described in subparagraph (A), as depicted on the map entitled ‘Proposed Ryan Camp Addition to Death Valley National Park’, numbered 143/100,097, and dated June 2009.

“(b) AVAILABILITY OF MAP.—The maps described in paragraphs (1), (2), and (3) of subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(c) ADMINISTRATION.—The Secretary of the Interior (referred to in this section as the ‘Secretary’) shall—

“(1) administer any land added to Death Valley National Park under subsection (a)—

“(A) as part of Death Valley National Park; and

“(B) in accordance with applicable laws (including regulations); and

“(2) not later than 180 days after the date of enactment of this title, develop a memorandum of understanding with Inyo County, California, permitting ongoing access and use to existing gravel pits along Saline Valley Road within Death Valley National Park for road maintenance and repairs in accordance with applicable laws (including regulations).

“SEC. 1702. MOJAVE NATIONAL PRESERVE.

“(a) IN GENERAL.—The boundary of the Mojave National Preserve is adjusted to include—

“(1) the 29,221 acres of Bureau of Land Management land that is surrounded by the Mojave National Preserve to the northwest, west, southwest, south, and southeast and by the Nevada State line on the northeast boundary, as depicted on the map entitled ‘Proposed Castle Mountain Addition to the Mojave National Preserve’, numbered 170/100,075, and dated August 2009; and

“(2) the 25 acres of Bureau of Land Management land in Baker, California, as depicted on the map entitled ‘Mojave National Preserve-Proposed Boundary Addition’, numbered 170/100,199, and dated August 2009.

“(b) AVAILABILITY OF MAPS.—The maps described in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(c) ADMINISTRATION.—The Secretary shall administer any land added to Mojave National Preserve under subsection (a)—

“(1) as part of the Mojave National Preserve; and

“(2) in accordance with applicable laws (including regulations).

“SEC. 1703. JOSHUA TREE NATIONAL PARK BOUNDARY REVISION.

“(a) IN GENERAL.—The boundary of the Joshua Tree National Park is adjusted to include the 2,879 acres of land managed by Director of the Bureau of Land Management that are contiguous at several different places to the northern boundaries of Joshua Tree National Park in the northwest section of the Park, as depicted on the map entitled ‘Joshua Tree National Park Proposed Boundary Additions’, numbered 156/100,007, and dated June 2009.

“(b) AVAILABILITY OF MAP.—The map described in subsection (a) and the map depicting the 25 acres described in subsection (c)(2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary shall administer any land added to the Joshua Tree National Park under subsection (a) and the additional land described in paragraph (2)—

“(A) as part of Joshua Tree National Park; and

“(B) in accordance with applicable laws (including regulations).

“(2) DESCRIPTION OF ADDITIONAL LAND.—The additional land referred to in paragraph (1) is the 25 acres of land—

“(A) depicted on the map entitled ‘Joshua Tree National Park Boundary Adjustment Map’, numbered 156/80,049, and dated April 1, 2003;

“(B) added to Joshua Tree National Park by the notice of the Department Interior of August 28, 2003 (68 Fed. Reg. 51799); and

“(C) more particularly described as lots 26, 27, 28, 33, and 34 in sec. 34, T. 1 N., R. 8 E., San Bernardino Meridian.

“SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this title.

“TITLE XVIII—OFF-HIGHWAY VEHICLE RECREATION AREAS

“SEC. 1801. DESIGNATION OF OFF-HIGHWAY VEHICLE RECREATION AREAS.

“(a) DESIGNATION.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and resource management plans developed under this title and subject to valid existing rights, the following land within the Conservation Area in San Bernardino County, California, is designated as Off-Highway Vehicle Recreation Areas:

“(1) EL MIRAGE OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 25,600 acres, as generally depicted on the map entitled ‘El Mirage Off-Highway Vehicle Recreation Area’ and dated July 15, 2009, which shall be known as the ‘El Mirage Off-Highway Vehicle Recreation Area’.

“(2) JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

“(A) IN GENERAL.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 180,000 acres, as generally depicted on the map entitled ‘Johnson Valley Off-Highway Vehicle Recreation Area’ and dated July 15, 2009, which shall be known as the ‘Johnson Valley Off-Highway Vehicle Recreation Area’.

“(B) EXCLUSIONS.—

“(i) IN GENERAL.—Subject to clause (iii), the land described in clause (ii) shall be ex-

cluded from the Johnson Valley Off-Highway Vehicle Recreation Area to permit the Secretary of the Navy to study the land for—

“(I) withdrawal in accordance with the Act of February 28, 1958 (43 U.S.C. 155 et seq.); and

“(II) potential inclusion in the Marine Corps Air Ground Combat Center at Twentynine Palms, California, for national defense purposes.

“(ii) STUDY AREA.—The land referred to in clause (i) is the land that—

“(I) is described in—

“(aa) the notice of the Bureau of Land Management of September 15, 2008 entitled ‘Notice of Proposed Legislative Withdrawal and Opportunity for Public Meeting; California’ (73 Fed. Reg. 53269); or

“(bb) any subsequent notice in the Federal Register that is related to the notice described in item (aa); and

“(II) has been segregated by the Director of the Bureau of Land Management.

“(iii) INCORPORATION IN OFF-HIGHWAY VEHICLE RECREATION AREA.—After action by the Secretary of Defense and Congress regarding the withdrawal under subparagraph (A), any land within the study area that is not withdrawn shall be incorporated into the Johnson Valley Off-Highway Vehicle Recreation Area.

“(C) JOINT USE OF CERTAIN LAND.—The Secretary of Defense shall consider a potential joint use area within the Johnson Valley Off-Highway Vehicle Recreation Area as part of the environmental impact statement of the Department of Defense that would allow for continued recreational opportunities on the joint use area during periods in which—

“(i) the joint use area is not needed for military training activities; and

“(ii) public safety can be ensured.

“(D) MILITARY ACCESS FOR ADMINISTRATIVE PURPOSES.—In cooperation with the Secretary of the Interior, the Secretary of the Navy may, after notifying the Secretary of the Interior, access the Johnson Valley Off-Highway Vehicle Recreation Area for national defense purposes supporting military training (including military range management and exercise control activities).

“(3) RASOR OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 22,400 acres, as generally depicted on the map entitled ‘Rasor Off-Highway Vehicle Recreation Area’ and dated July 15, 2009, which shall be known as the ‘Rasor Off-Highway Vehicle Recreation Area’.

“(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 62,080 acres, as generally depicted on the map entitled ‘Spangler Hills Off-Highway Vehicle Recreation Area’ and dated July 15, 2009, which shall be known as the ‘Spangler Off-Highway Vehicle Recreation Area’.

“(5) STODDARD VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 54,400 acres, as generally depicted on the map entitled ‘Stoddard Valley Off-Highway Vehicle Recreation Area’ and dated July 15, 2009, which shall be known as the ‘Stoddard Valley Off-Highway Vehicle Recreation Area’.

“(b) PURPOSE.—The purpose of the off-highway vehicle recreation areas designated under subsection (a) is to preserve and enhance the recreational opportunities within the Conservation Area (including opportunities for off-highway vehicle recreation),

while conserving the wildlife and other natural resource values of the Conservation Area.

“(c) MAPS AND DESCRIPTIONS.—

“(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each off-highway vehicle recreation area designated by subsection (a) with—

“(A) the Committee on Natural Resources of the House of Representatives; and

“(B) the Committee on Energy and Natural Resources of the Senate.

“(2) LEGAL EFFECT.—The map and legal descriptions of the off-highway vehicle recreation areas filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal descriptions.

“(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Bureau of Land Management.

“(d) USE OF THE LAND.—

“(1) RECREATIONAL ACTIVITIES.—

“(A) IN GENERAL.—The Secretary shall continue to authorize, maintain, and enhance the recreational uses of the off-highway vehicle recreation areas designated by subsection (a), including off-highway recreation, hiking, camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding, as long as the recreational use is consistent with this section and any other applicable law.

“(B) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY RECREATION.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designations in effect on the date of enactment of this title and applicable to the off-highway vehicle recreation areas designated by subsection (a) shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

“(2) WILDLIFE GUZZLERS.—Wildlife guzzlers shall be allowed in the off-highway vehicle recreation areas designated by subsection (a) in accordance with applicable Bureau of Land Management guidelines.

“(3) PROHIBITED USES.—Residential and commercial development (including development of mining and energy facilities, but excluding transmission line rights-of-way and related telecommunication facilities) shall be prohibited in the off-highway vehicle recreation areas designated by subsection (a) if the Secretary determines that the development is incompatible with the purpose described in subsection (b).

“(e) ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary shall administer the off-highway vehicle recreation areas designated by subsection (a) in accordance with—

“(A) this title;

“(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

“(C) any other applicable laws (including regulations).

“(2) MANAGEMENT PLAN.—

“(A) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this title, the Secretary shall—

“(i) amend existing resource management plans applicable to the land designated as off-highway vehicle recreation areas under subsection (a); or

“(ii) develop new management plans for each off-highway vehicle recreation area designated under that subsection.

“(B) REQUIREMENTS.—All new or amended plans under subparagraph (A) shall be designed to preserve and enhance safe off-highway vehicle and other recreational opportunities within the applicable recreation area consistent with—

“(i) the purpose described in subsection (b); and

“(ii) any applicable laws (including regulations).

“(C) INTERIM PLANS.—Pending completion of a new management plan under subparagraph (A), the existing resource management plans shall govern the use of the applicable off-highway vehicle recreation area.

“(f) STUDY.—

“(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this title, the Secretary shall complete a study to identify Bureau of Land Management land adjacent to the off-highway vehicle recreation areas designated by subsection (a) that is suitable for addition to the off-highway vehicle recreation areas.

“(2) REQUIREMENTS.—In preparing the study under paragraph (1), the Secretary shall—

“(A) seek input from stakeholders, including—

“(i) the State;

“(ii) San Bernardino County, California;

“(iii) the public;

“(iv) recreational user groups; and

“(v) conservation organizations;

“(B) explore the feasibility of expanding the southern boundary of the off-highway vehicle recreation area described in subsection (a);

“(C) identify and exclude from consideration any land that—

“(i) is managed for conservation purposes;

“(ii) may be suitable for renewable energy development; or

“(iii) may be necessary for energy transmission; and

“(D) not recommend or approve expansion areas that collectively would exceed the total acres administratively designated for off-highway recreation within the Conservation Area as of the date of enactment of this title.

“(3) APPLICABLE LAW.—The Secretary shall consider the information and recommendations of the study completed under paragraph (1) to determine the impacts of expanding off-highway vehicle recreation areas designated by subsection (a) on the Conservation Area, in accordance with—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(C) any other applicable law.

“(4) SUBMISSION TO CONGRESS.—On completion of the study under paragraph (1), the Secretary shall submit the study to—

“(A) the Committee on Natural Resources of the House of Representatives; and

“(B) the Committee on Energy and Natural Resources of the Senate.

“(5) AUTHORIZATION FOR EXPANSION.—

“(A) IN GENERAL.—On completion of the study under paragraph (1) and in accordance with all applicable laws (including regulations), the Secretary shall authorize the expansion of the off-highway vehicle recreation areas recommended under the study.

“(B) MANAGEMENT.—Any land within the expanded areas under subparagraph (A) shall be managed in accordance with this section.

“TITLE XIX—MISCELLANEOUS

“SEC. 1901. STATE LAND TRANSFERS AND EXCHANGES.

“(a) TRANSFER OF LAND TO ANZA-BORREGO DESERT STATE PARK.—

“(1) IN GENERAL.—On termination of all mining claims to the land described in paragraph (2), the Secretary shall transfer the land described in that paragraph to the State.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is certain Bureau of Land Management land in San Diego County, California, comprising approximately 934 acres, as generally depicted on the 2 maps entitled ‘Anza-Borrego Desert State Park Additions-Table Mountain Wilderness Study Area’ and dated July 15, 2009.

“(3) MANAGEMENT.—

“(A) IN GENERAL.—The land transferred under paragraph (1) shall be managed in accordance with the provisions of the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40).

“(B) WITHDRAWAL.—Subject to valid existing rights, the land transferred under paragraph (1) is withdrawn from—

“(i) all forms of entry, appropriation, or disposal under the public land laws;

“(ii) location, entry, and patent under the mining laws; and

“(iii) disposition under all laws relating to mineral and geothermal leasing.

“(C) REVERSION.—If the State ceases to manage the land transferred under paragraph (1) as part of the State Park System or in a manner inconsistent with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40), the land shall revert to the Secretary, to be managed as a Wilderness Study Area.

“(b) LAND EXCHANGES.—

“(1) IN GENERAL.—The Secretary shall, in consultation and cooperation with the California State Lands Commission (referred to in this section as the ‘Commission’), develop a process to exchange isolated parcels of State land within the Conservation Area for Federal land located in the Conservation Area or other Federal land in the State that—

“(A) is consistent with the plans described in paragraph (2); and

“(B) ensures that the conservation goals and objectives identified in those plans are not adversely impacted.

“(2) DESCRIPTION OF PLANS.—The plans referred to in paragraph (1) are—

“(A) the California Desert Renewable Energy Conservation Plan;

“(B) the California Desert Conservation Area Plan;

“(C) the Northern and Eastern Colorado Desert Plan; and

“(D) any other applicable plans.

“(3) REQUIREMENTS.—The process developed under paragraph (1) shall—

“(A) apply to all State land within the Conservation Area that is under the jurisdiction of the Commission;

“(B) prioritize the elimination of State land from units of the National Park System, national monuments, and wilderness areas;

“(C) provide the Commission with consolidated land holdings sufficient to make the land viable for commercial or recreation uses, including renewable energy development, off-highway vehicle recreation, or State infrastructure or resource needs;

“(D) establish methods to ensure that—

“(i) not later than 1 year after the date of enactment of this title, the Secretary and the Commission complete an inventory of

Federal land and State land in the Conservation Area under the jurisdiction of the Secretary and the Commission, respectively, and any other Federal land and property outside the Conservation Area that is determined to be suitable for exchange consistent with paragraph (1);

“(ii) there is a public comment period of not less than 90 days with respect to—

“(I) the inventory of land under clause (i); and

“(II) any proposed land exchange under this section that involves more than 5,000 acres of Federal land;

“(iii) in preparing the inventory of Federal land suitable for exchange under clause (i), the Secretary shall use best efforts to give priority to—

“(I) land that has the potential for commercial development, including renewable energy development, such as wind and solar energy development;

“(II) the land described in section 707(b)(2); and

“(III) land located outside the boundaries of the Conservation Area (including closed military base land and land identified as surplus by the Administrator of the General Services Administration) to avoid, to the maximum extent feasible, conflicts with conservation of desert land;

“(iv) the inventory under clause (i) is updated annually by the Secretary and resubmitted to the Commission; and

“(v) the land exchanges are completed by the date that is 10 years after the date of enactment of this title; and

“(E) provide for the submission of annual reports to Congress that—

“(i) describe any progress or impediments to accomplishing the goal described in subparagraph (D)(v); and

“(ii) any recommendations for legislation to accomplish the goal.

“(4) VALUATION.—Notwithstanding paragraphs (2) through (5) of subsection (d) of section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), if, within 180 days after the submission of an appraisal under subsection (d)(1) of that section, the Secretary and the Commission cannot agree to accept the findings of the appraisal—

“(A) the Secretary and the Commission shall mutually agree to employ a process of bargaining or some other process to determine the values of the land involved in the exchange;

“(B) the appraisal shall be submitted to an arbiter appointed by the Secretary from a list of arbitrators submitted to the Secretary by the American Arbitration Association for arbitration; and

“(C) although the decision of the arbiter under subparagraph (B) shall be nonbinding, the decision may be used by the Secretary and the Commission as a valid appraisal for—

“(i) a period of 2 years; and

“(ii) on mutual agreement of the Secretary and the Commission, an additional 2-year period; or

“(D) on mutual agreement of the Secretary and the Commission, the valuation process shall be suspended or modified.

“(5) TREATMENT OF LAND USE RESTRICTIONS AND PENDING APPLICATIONS.—For the purposes of this title—

“(A) the Secretary shall not exclude parcels from exchanges because the parcels are subject to designations or pending land use applications, including applications for the development of renewable energy;

“(B) all Federal land and State land proposed for exchange or sale shall be valued—

“(i) according to fair market value;

“(ii) in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)); and

“(iii) without regard to—

“(I) pending land use applications;

“(II) renewable energy designations; or

“(III) any land use restrictions on adjacent land.

“(6) COOPERATION AGREEMENTS.—The Secretary may—

“(A) enter into such joint agreements with the General Services Administration and the Commission as the Secretary determines to be necessary to facilitate land exchanges, including agreements that establish accounting mechanisms—

“(i) to be used for tracking the differential in dollar value of land conveyed in a series of transactions; and

“(ii) that, notwithstanding part 2200 of title 43, Code of Federal Regulations (or successor regulations), may carry outstanding cumulative credit balances until the completion of the land exchange process developed under paragraph (1); and

“(B) to the extent that the agreement does not conflict with this section, continue using the agreement entitled ‘Memorandum of Agreement Between California State Lands Commission, General Services Administration, and the Department of the Interior Regarding: Implementation of the California Desert Protection Act’, which became effective on November 7, 1995.

“(7) EXISTING LAW.—Except as otherwise provided in this section, nothing in this section supersede or limits section 707.

“(8) STATE LAND LEASES.—

“(A) IN GENERAL.—The Secretary shall manage any State land described in subparagraph (B) in accordance with the terms and conditions of the applicable State lease agreement for the duration of the lease, subject to applicable laws (including regulations).

“(B) DESCRIPTION OF STATE LAND.—The State land referred to in subparagraph (A) is any State land within the Conservation Area that is subject to a lease or permit on the date of enactment of this title that is transferred to the Federal Government.

“(C) EXPIRATION OF LEASE.—On the expiration of a State lease referred to in subparagraph (A), the Secretary shall provide lessees with the opportunity to seek Federal permits to continue the existing use of the State land without further action otherwise required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(D) APPLICABLE LAW.—Except as otherwise provided in this section, any State land transferred to the United States under this section shall be managed in accordance with all laws (including regulations) and rules applicable to the public land adjacent to the transferred State land.

“(c) TWENTYNINE PALMS MARINE CORP BASE.—

“(1) IN GENERAL.—The Secretary and the Secretary of Defense, in consultation and in cooperation with the California State Lands Commission, shall develop a process to purchase or exchange parcels of State land within the area of expansion and land use restrictions planned for the Twentynine Palms Marine Corp Base.

“(2) REQUIREMENTS.—The process developed under paragraph (1) for exchanged parcels of State land shall provide the California State Lands Commission with consolidated land holdings sufficient to make the land viable for commercial or recreational uses, including renewable energy development, off-high-

way vehicle recreation, or State infrastructure or resource needs.

“(3) APPLICABLE LAW.—An exchange of land under this subsection shall be subject to the requirements of subsection (b).

“(d) HOLTVILLE AIRPORT, IMPERIAL COUNTY.—

“(1) IN GENERAL.—On the submission of an application by Imperial County, California, the Secretary of Transportation shall, in accordance with section 47125 of title 49, United States Code, and section 2641.1 of title 43, Code of Federal Regulations (or successor regulations) seek a conveyance from the Secretary of approximately 3,500 acres of Bureau of Land Management land adjacent to the Imperial County Holtville Airport (L04) for the purposes of airport expansion.

“(2) SEGREGATION.—The Secretary (acting through the Director of the Bureau of Land Management) shall, with respect to the land to be conveyed under paragraph (1)—

“(A) segregate the land; and

“(B) prohibit the appropriation of the land until—

“(i) the date on which a notice of realty action terminates the application; or

“(ii) the date on which a document of conveyance is published.

“(e) NEEDLES SOLAR RESERVE, SAN BERNARDINO COUNTY.—

“(1) IN GENERAL.—The Secretary shall grant to the Commission a right of first refusal to exchange the State land described in paragraph (2) for Bureau of Land Management land identified for disposal.

“(2) SECONDARY RIGHT OF REFUSAL.—If the Commission declines to exchange State land for Bureau of Land Management land identified for disposal within the city limits of Needles, California, the City of Needles shall have a secondary right of refusal to acquire the land.

“SEC. 1902. MILITARY ACTIVITIES.

“Nothing in this Act—

“(1) restricts or precludes Department of Defense motorized access by land or air—

“(A) to respond to an emergency within a wilderness area designated by this Act; or

“(B) to control access to the emergency site;

“(2) prevents nonmechanized military training activities previously conducted on wilderness areas designated by this title that are consistent with—

“(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

“(B) all applicable laws (including regulations);

“(3) restricts or precludes low-level overflights of military aircraft over the areas designated as wilderness, national monuments, special management areas, or recreation areas by this Act, including military overflights that can be seen or heard within the designated areas;

“(4) restricts or precludes flight testing and evaluation in the areas described in paragraph (3);

“(5) restricts or precludes the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the areas described in paragraph (3); or

“SEC. 1903. CLIMATE CHANGE AND WILDLIFE CORRIDORS.

“(a) IN GENERAL.—The Secretary shall—

“(1) assess the impacts of climate change on the Conservation Area; and

“(2) establish policies and procedures to ensure the preservation of wildlife corridors and facilitate species migration likely to occur due to climate change.

“(b) STUDY.—

“(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this title, the Secretary shall complete a study regarding the impact of global climate change on the Conservation Area.

“(2) COMPONENTS.—The study under paragraph (1) shall—

“(A) identify the species migrating, or likely to migrate, due to climate change;

“(B) examine the impacts and potential impacts of climate change on—

“(i) plants, insects, and animals;

“(ii) soil;

“(iii) air quality;

“(iv) water quality and quantity; and

“(v) species migration and survival;

“(C) identify critical wildlife and species migration corridors recommended for preservation; and

“(D) include recommendations for ensuring the biological connectivity of public land managed by the Secretary and the Secretary of Defense throughout the Conservation Area.

“(3) RIGHTS-OF-WAY.—The Secretary shall consider the information and recommendations of the study under paragraph (1) to determine the individual and cumulative impacts of rights-of-way for projects in the Conservation Area, in accordance with—

“(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(C) any other applicable law.

“(c) LAND MANAGEMENT PLANS.—The Secretary shall incorporate into all land management plans applicable to the Conservation Area the findings and recommendations of the study completed under subsection (b).

“SEC. 1904. PROHIBITED USES OF DONATED AND ACQUIRED LAND.

“(a) DEFINITIONS.—In this section:

“(1) ACQUIRED LAND.—The term ‘acquired land’ means any land acquired for the Conservation Area using amounts from the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5).

“(2) DONATED LAND.—The term ‘donated land’ means any private land donated to the United States for conservation purposes in the Conservation Area.

“(3) DONOR.—The term ‘donor’ means an individual or entity that donates private land within the Conservation Area to the United States.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

“(b) PROHIBITIONS.—Except as provided in subsection (c), there shall be prohibited with respect to donated land or acquired land—

“(1) disposal; or

“(2) any land use authorization that would result in appreciable damage or disturbance to the public lands, including—

“(A) rights-of-way;

“(B) leases;

“(C) livestock grazing;

“(D) infrastructure development;

“(E) mineral entry;

“(F) off-highway vehicle use, except on—

“(i) designated routes;

“(ii) off-highway vehicle areas designated by law; and

“(iii) administratively-designated open areas; and

“(G) any other activities that would create impacts contrary to the conservation purposes for which the land was donated or acquired.

“(c) EXCEPTIONS.—

“(1) AUTHORIZATION BY SECRETARY.—Subject to paragraph (2), the Secretary may authorize limited exceptions to prohibited uses of donated land or acquired land in the Conservation Area if—

“(A) an applicant has submitted a right-of-way use application to the Bureau of Land Management proposing renewable energy development on the donated land or acquired land on or before December 1, 2009; or

“(B) after the completion of an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including full public participation in the analysis, the Secretary has determined that—

“(i) the use of the donated land or acquired land is in the public interest;

“(ii) the impacts of the use are fully and appropriately mitigated; and

“(iii) the land was donated or acquired on or before December 1, 2009.

“(2) CONDITIONS.—

“(A) IN GENERAL.—If the Secretary grants an exception to the prohibition under paragraph (1), the Secretary shall require the permittee to acquire and donate comparable private land to the United States to mitigate the use.

“(B) APPROVAL.—The private land to be donated under subparagraph (A) shall be approved by the Secretary after consultation, to the maximum extent practicable, with the donor of the private land proposed for non-conservation uses.

“(d) EXISTING AGREEMENTS.—Nothing in this section affects permitted or prohibited uses of donated land or acquired land in the Conservation Area established in any easements, deed restrictions, memoranda of understanding, or other agreements in existence on the date of enactment of this title.

“(e) DEED RESTRICTIONS.—The Secretary may accept deed restrictions requested by donors for land donated to the United States within the Conservation Area after the date of enactment of this title.

“SEC. 1905. TRIBAL USES AND INTERESTS.

“(a) ACCESS.—The Secretary shall ensure access to areas designated under this Act by members of Indian tribes for traditional cultural and religious purposes, consistent with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996).

“(b) TEMPORARY CLOSURE.—

“(1) IN GENERAL.—In accordance with applicable law, including Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996), and subject to paragraph (2), the Secretary, on request of an Indian tribe or Indian religious community, shall temporarily close to general public use any portion of an area designated as a national monument, special management area, wild and scenic river, or National Park System unit under this Act (referred to in this subsection as a ‘designated area’) to protect the privacy of traditional cultural and religious activities in the designated area by members of the Indian tribe or Indian religious community.

“(2) LIMITATION.—In closing a portion of a designated area under paragraph (1), the Secretary shall limit the closure to the smallest practicable area for the minimum period necessary for the traditional cultural and religious activities.

“(c) TRIBAL CULTURAL RESOURCES MANAGEMENT PLAN.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Secretary of the Interior shall develop and implement a tribal cultural resources man-

agement plan to identify, protect, and conserve cultural resources of Indian tribes associated with the Xam Kwatchan Trail network extending from Avikwaame (Spirit Mountain, Nevada) to Avikwial (Pilot Knob, California).

“(2) CONSULTATION.—The Secretary shall consult on the development and implementation of the tribal cultural resources management plan under paragraph (1) with—

“(A) each of—

“(i) the Chemehuevi Indian Tribe;

“(ii) the Hualapai Tribal Nation;

“(iii) the Fort Mojave Indian Tribe;

“(iv) the Colorado River Indian Tribes;

“(v) the Quechan Indian Tribe; and

“(vi) the Cocopah Indian Tribe; and

“(B) the Advisory Council on Historic Preservation.

“(3) RESOURCE PROTECTION.—The tribal cultural resources management plan developed under paragraph (1) shall be—

“(A) based on a completed tribal cultural resources survey; and

“(B) include procedures for identifying, protecting, and preserving petroglyphs, ancient trails, intaglios, sleeping circles, artifacts, and other resources of cultural, archaeological, or historical significance in accordance with all applicable laws and policies, including—

“(i) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

“(ii) Public Law 95–341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996);

“(iii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

“(iv) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

“(v) Public Law 103–141 (commonly known as the ‘Religious Freedom Restoration Act of 1993’) (42 U.S.C. 2000bb et seq.).

“(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the area administratively withdrawn and known as the ‘Indian Pass Withdrawal Area’ is permanently withdrawn from—

“(1) all forms of entry, appropriation, or disposal under the public laws;

“(2) location, entry, and patent under the mining laws; and

“(3) right-of-way leasing and disposition under all laws relating to mineral, solar, wind, and geothermal energy.”.

(b) CONFORMING AMENDMENTS.—

(1) SHORT TITLE.—Section 1 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa note) is amended by striking “1 and 2, and titles I through IX” and inserting “1, 2, and 3, titles I through IX, and titles XIII through XIX”.

(2) DEFINITIONS.—The California Desert Protection Act of 1994 (Public Law 103–433; 108 Stat. 4481) is amended by inserting after section 2 the following:

“SEC. 3. DEFINITIONS.

“In titles XIII through XIX:

“(1) CONSERVATION AREA.—The term ‘Conservation Area’ means the California Desert Conservation Area.

“(2) SECRETARY.—The term ‘Secretary’ means—

“(A) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior; and

“(B) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture.

“(3) STATE.—The term ‘State’ means the State of California.”.

(3) ADMINISTRATION OF WILDERNESS AREAS.—Section 103 of the California Desert

Protection Act of 1994 (Public Law 103-433; 108 Stat. 4481) is amended—

(A) by striking subsection (d) and inserting the following:

“(d) NO BUFFER ZONES.—

“(1) IN GENERAL.—Congress does not intend for the designation of wilderness areas by this Act—

“(A) to require the additional regulation of land adjacent to the wilderness areas; or

“(B) to lead to the creation of protective perimeters or buffer zones around the wilderness areas.

“(2) NONWILDERNESS ACTIVITIES.—Any non-wilderness activities (including renewable energy projects, mining, camping, hunting, and military activities) in areas immediately adjacent to the boundary of a wilderness area designated by this Act shall not be restricted or precluded by this Act, regardless of any actual or perceived negative impacts of the nonwilderness activities on the wilderness area, including any potential indirect impacts of nonwilderness activities conducted outside the designated wilderness area on the viewshed, ambient noise level, or air quality of wilderness area.”;

(B) in subsection (f), by striking “designated by this title and” inserting “, potential wilderness areas, special management areas, and national monuments designated by this title or titles XIII through XIX”; and

(C) in subsection (g), by inserting “, a potential wilderness area, a special management areas, or national monument” before “by this Act”.

(4) MOJAVE NATIONAL PRESERVE.—Title V of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–41 et seq.) is amended by adding at the end the following:

“SEC. 520. NATIVE GROUNDWATER SUPPLIES.

“The Director of the Bureau of Land Management shall not access or process any application for a right-of-way for development projects that propose to use native groundwater from aquifers adjacent to the Mojave National Preserve that individually or collectively, in combination with proposed or anticipated projects on private land, require the use of native groundwater in excess of the estimated recharge rate as determined by the United States Geological Survey.”.

(5) AMENDMENTS TO THE CALIFORNIA MILITARY LANDS WITHDRAWAL AND OVERFLIGHTS ACT OF 1994.—

(A) FINDINGS.—Section 801(b)(2) of the California Military Lands Withdrawal and Overflights Act of 1994 (16 U.S.C. 410aaa–82 note) is amended by inserting “, national monuments, special management areas, potential wilderness areas,” before “and wilderness areas”.

(B) OVERFLIGHTS; SPECIAL AIRSPACE.—Section 802 of the California Military Lands Withdrawal and Overflights Act of 1994 (16 U.S.C. 410aaa–82) is amended—

(i) in subsection (a), by inserting “, national monuments, or special management areas” before “designated by this Act”; and

(ii) in subsection (b), by inserting “, national monuments, or special management areas” before “designated by this Act”; and

(iii) by adding at the end the following:

“(d) DEPARTMENT OF DEFENSE FACILITIES.—Nothing in this Act alters any authority of the Secretary of Defense to conduct military operations at installations and ranges within the California Desert Conservation Area that are authorized under any other provision of law.”.

SEC. 3. DESIGNATION OF WILD AND SCENIC RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) in paragraph (196), by striking subparagraph (A) and inserting the following:

“(A)(i) The approximately 1.4-mile segment of the Amargosa River in the State of California, from the private property boundary in sec. 19, T. 22 N., R. 7 E., to 100 feet downstream of Highway 178, to be administered by the Secretary of the Interior as a scenic river as an addition to the Amargosa Wild and Scenic River on publication by the Secretary of the Interior of a notice in the Federal Register that sufficient inholdings within the boundaries of the segment have been acquired as scenic easements or in fee title to establish a manageable addition to the Amargosa Wild and Scenic River.

“(ii) The approximately 6.1-mile segment of the Amargosa River in the State of California, from 100 feet downstream of the State Highway 178 crossing to 100 feet upstream of the Tecopa Hot Springs Road crossing, to be administered by the Secretary of the Interior as a scenic river.”; and

(2) by adding at the end the following:

“(208) SURPRISE CANYON CREEK, CALIFORNIA.—

“(A) IN GENERAL.—The following segments of Surprise Canyon Creek in the State of California, to be administered by the Secretary of the Interior:

“(i) The approximately 5.3 miles of Surprise Canyon Creek from the confluence of Frenchman’s Canyon and Water Canyon to 100-feet upstream of Chris Wicht Camp, as a wild river.

“(ii) The approximately 1.8 miles of Surprise Canyon Creek from 100 feet upstream of Chris Wicht Camp to the southern boundary of sec. 14, T. 21 N., R. 44 E., as a recreational river.

“(B) EFFECT ON HISTORIC MINING STRUCTURES.—Nothing in this paragraph affects the historic mining structures associated with the former Panamint Mining District.

“(209) DEEP CREEK, CALIFORNIA.—

“(A) IN GENERAL.—The following segments of Deep Creek in the State of California, to be administered by the Secretary of Agriculture:

“(i) The approximately 6.5-mile segment from 0.125 mile downstream of the Rainbow Dam site in sec. 33, T. 2 N., R. 2 W., to 0.25-miles upstream of the Road 3N34 crossing, as a wild river.

“(ii) The 0.5-mile segment from 0.25 mile upstream of the Road 3N34 crossing to 0.25 mile downstream of the Road 3N34 crossing, as a scenic river.

“(iii) The 2.5-mile segment from 0.25 miles downstream of the Road 3 N. 34 crossing to 0.25 miles upstream of the Trail 2W01 crossing, as a wild river.

“(iv) The 0.5-mile segment from 0.25 miles upstream of the Trail 2W01 crossing to 0.25 mile downstream of the Trail 2W01 crossing, as a scenic river.

“(v) The 10-mile segment from 0.25 miles downstream of the Trail 2W01 crossing to the upper limit of the Mojave dam flood zone in sec. 17, T. 3 N., R. 3 W., as a wild river.

“(vi) The 11-mile segment of Holcomb Creek from 100 yards downstream of the Road 3N12 crossing to .25 miles downstream of Holcomb Crossing, as a recreational river.

“(vii) The 3.5-mile segment of the Holcomb Creek from 0.25 miles downstream of Holcomb Crossing to the Deep Creek confluence, as a wild river.

“(B) EFFECT ON SKI OPERATIONS.—Nothing in this paragraph affects—

“(i) the operations of the Snow Valley Ski Resort; or

“(ii) the State regulation of water rights and water quality associated with the operation of the Snow Valley Ski Resort.

“(210) WHITEWATER RIVER, CALIFORNIA.—The following segments of the Whitewater River in the State of California, to be administered by the Secretary of Agriculture and the Secretary of the Interior, acting jointly:

“(A) The 5.8-mile segment of the North Fork Whitewater River from the source of the River near Mt. San Geronio to the confluence with the Middle Fork, as a wild river.

“(B) The 6.4-mile segment of the Middle Fork Whitewater River from the source of the River to the confluence with the South Fork, as a wild river.

“(C) The 1-mile segment of the South Fork Whitewater River from the confluence of the River with the East Fork to the section line between sections 32 and 33, T. 1 S., R. 2 E., as a wild river.

“(D) The 1-mile segment of the South Fork Whitewater River from the section line between sections 32 and 33, T. 1 S., R. 2 E., to the section line between sections 33 and 34, T. 1 S., R. 2 E., as a recreational river.

“(E) The 4.9-mile segment of the South Fork Whitewater River from the section line between sections 33 and 34, T. 1 S., R. 2 E., to the confluence with the Middle Fork, as a wild river.

“(F) The 5.4-mile segment of the main stem of the Whitewater River from the confluence of the South and Middle Forks to the San Geronio Wilderness boundary, as a wild river.

“(G) The 2.7-mile segment of the main stem of the Whitewater River from the San Geronio Wilderness boundary to the southern boundary of section 26, T. 2 S., R. 3 E., as a recreational river.”.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEVIN, Mr. BINGAMAN, Mr. WYDEN, Mr. CONRAD, Mr. ENZI, and Mr. KERRY):

S. 139. A bill to provide that certain tax planning strategies are not patentable, and for other purposes; to the Committee on the Judiciary.

Mr. BAUCUS. Mr. President, American judge and judicial philosopher Learned Hand once wrote: “Any one may so arrange his affairs that his taxes shall be as low as possible; he is not bound to choose that pattern which will best pay the Treasury.”

Judge Hand would probably have been surprised to learn that, through the use of patents, certain individuals have acquired monopolies on methods of arranging one’s affairs to lower taxes.

That is precisely what patenting a tax strategy does: it gives the holder the exclusive right to exclude others from a particular transaction or financial arrangement without permission or payment of a royalty.

And patents have been granted on ideas as simple as funding a certain type of tax-favored trust with a specific type of financial product or calculating the ways to minimize the tax burden of converting to an alternative retirement plan.

These commonsense tax planning approaches should be available to everyone. No one should be able to patent those techniques.

Let’s first assume that the tax planning technique is legitimate under the

Tax Code and does, indeed, reduce taxes.

In that case, every taxpayer should be able to plan in a way that they can lower their taxes without paying royalties or worrying that they are violating patent law while filing their tax returns. This is a matter of fairness and uniform application of the tax laws.

Conversely, there are tax planning techniques that are not legitimate under the Tax Code, say, for example, a tax shelter designed to illegally evade taxes.

No taxpayer should be using those strategies. A patent on those ideas may mislead unknowing taxpayers into believing that the strategy is valid under the tax law.

Today, we have gathered a coalition of Senators to introduce legislation to prevent patents from being issued on claims of tax strategies.

Our bill, the "Equal Access to Tax Planning Act," makes it clear that any strategy for reducing, avoiding, or deferring tax liability relies on the provisions of the Tax Code to work, will not be considered a new or nonobvious idea and therefore not be eligible for a patent.

In the lingo of the patent law, the Tax Code is "prior art"—which is just another way of saying it isn't novel and nonobvious—and methods of complying with the Code cannot be patented. This would be the result under patent law whenever an invention was not found to be novel or nonobvious.

This legislation does not hinder patent protection for otherwise novel, non-tax driven inventions but only stops the patenting of the tax strategy claims.

Where a patent is indeed granted—for example, where an application advances multiple claims—the taxpayer has certainty that what is not patented is a strategy for applying the Tax Code.

It is encouraging that our bill has been incorporated into the larger patent bill that is being introduced by Senators GRASSLEY and LEAHY today.

I strongly believe in the importance of patents. America is a land that fosters innovation and competitiveness by allowing inventors to benefit from their creative ideas.

Intellectual property drives our exports and our economy. But patents cannot be used to upset the fair and uniform application of the Tax Code.

Our tax system relies on the voluntary compliance of millions of taxpayers and the Tax Code cannot and should not be co-opted for private gain.

Mr. GRASSLEY. Mr. President, Senator BAUCUS and I first introduced a bill to ban patents for tax inventions in the 110th Congress. Since then, we have worked with the leaders of the Judiciary Committee, the Patent and Trademark Office, the American Institute of Certified Public Accountants, industry,

and members of the patent bar to perfect the language. I am pleased to introduce this new and improved bill today with Senators BAUCUS, LEVIN, WYDEN, BINGAMAN, CONRAD, ENZI, and KERRY.

There are strong policy reasons to ban tax strategy patents. Tax strategy patents may lead to the marketing of aggressive tax shelters or otherwise mislead taxpayers about expected results. Tax strategy patents encumber the ability of taxpayers and their advisers to use the tax law freely, interfering with the voluntary tax compliance system. If firms or individuals were able to hold patents for these strategies, some taxpayers could face fees simply for complying with the Tax Code. And, tax patents provide windfalls to lawyers and patent holders by granting them exclusive rights to use tax loopholes, which could provide some businesses with an unfair advantage.

Tax strategy patents are unlikely to be novel given the public nature of the Tax Code. Moreover, tax strategy patents may undermine the fairness of the Federal tax system by removing from the public domain particular ways of satisfying a taxpayer's legal obligations. The Equal Access to Tax Planning Act expressly provides that a strategy for reducing, avoiding or deferring tax liability cannot be considered a new or nonobvious idea, and therefore, a patent on a tax strategy cannot be obtained. This ensures that all taxpayers will have equal access to strategies to comply with the Tax Code. I encourage support for this bill.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 147. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Environment and Public Works.

Mr. KIRK. Mr. President, today I am pleased to join with Senator DURBIN to introduce the Great Lakes Water Protection Act. This bipartisan legislation would set a date certain to end sewage dumping in America's largest supply of fresh water, the Great Lakes. More than thirty million Americans depend on the Great Lakes for their drinking water, food, jobs, and recreation. We need to put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country's most precious freshwater ecosystem.

The Great Lakes Water Protection Act gives cities until 2031 to build the full infrastructure needed to prevent sewage dumping into the Great Lakes. Those who violate EPA sewage dumping regulations after that federal deadline will be subject to fines up to

\$100,000 for each day a violation occurs. These fines will be directed to a newly established Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund. Penalties collected would go into this fund and be reallocated to the states surrounding the Great Lakes. From there, the funds will be spent on wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

This legislation is sorely needed. Many major cities along the Great Lakes do not have the infrastructure needed to divert sewage overflows during times of heavy rainfall. More than twenty-four billion gallons of sewage are dumped into the Lakes each year; Detroit alone dumps an estimated 13 billion gallons of sewage into the Great Lakes annually. EPA estimates show there is a total of 347 combined sewer outflows that discharge into the Lake Michigan basin alone. This development is echoed throughout the Great Lakes region and is one we need to reverse.

These disastrous practices result in thousands of annual beach closing for the region's 815 freshwater beaches. Illinois faced 628 beach closures or contamination advisories in 2009 alone, up 17 percent from 2008. This greatly affects the health of our children and families—a recent University of Chicago study showed swim bans at Chicago's beaches due to E. coli levels cost the local economy \$2.4 million in lost revenue every year.

Protecting our Great Lakes is one of my top priorities in the Congress. As an original sponsor of the Great Lakes Restoration Act, I favor a broad approach to addressing needs in the region. However, we must also move forward with tailored approaches to fix specific problems as we continue to push for more comprehensive reform. I am proud to introduce this important legislation that addresses a key problem facing our Great Lakes, and hope my colleagues will support me in ensuring that these important resources become free from the threat of sewage pollution.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Water Protection Act".

SEC. 2. PROHIBITION ON SEWAGE DUMPING INTO THE GREAT LAKES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(s) PROHIBITION ON SEWAGE DUMPING INTO THE GREAT LAKES.—

“(1) DEFINITIONS.—In this subsection:

“(A) BYPASS.—The term ‘bypass’ means an intentional diversion of waste streams to bypass any portion of a treatment facility which results in a discharge into the Great Lakes.

“(B) GREAT LAKES.—The term ‘Great Lakes’ has the meaning given the term in section 118(a)(3).

“(C) TREATMENT FACILITY.—The term ‘treatment facility’ includes all wastewater treatment units used by a publicly owned treatment works to meet secondary treatment standards or higher, as required to attain water quality standards, under any operating conditions.

“(D) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given the term in section 212.

“(2) PROHIBITION.—A publicly owned treatment works is prohibited from intentionally diverting waste streams to bypass any portion of a treatment facility at the treatment works if the diversion results in a discharge into the Great Lakes unless—

“(A)(i) the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

“(ii) there is not a feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and

“(iii) the treatment works provides notice of the bypass in accordance with this subsection; or

“(B) the bypass does not cause effluent limitations to be exceeded, and the bypass is for essential maintenance to ensure efficient operation of the treatment facility.

“(3) LIMITATION.—The requirement of paragraph (2)(A)(ii) is not satisfied if—

“(A) adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent the bypass; and

“(B) the bypass occurred during normal periods of equipment downtime or preventive maintenance.

“(4) NOTICE REQUIREMENTS.—A publicly owned treatment works shall provide to the Administrator (or to the State, in the case of a State that has a permit program approved under this section)—

“(A) prior notice of an anticipated bypass; and

“(B) notice of an unanticipated bypass by not later than 24 hours after the time at which the treatment works first becomes aware of the bypass.

“(5) FOLLOW-UP NOTICE REQUIREMENTS.—In the case of an unanticipated bypass for which a publicly owned treatment works provides notice under paragraph (4)(B), the treatment works shall provide to the Administrator (or to the State in the case of a State that has a permit program approved under this section), not later than 5 days following the date on which the treatment works first becomes aware of the bypass, a follow-up notice containing a description of—

“(A) the cause of the bypass;

“(B) the reason for the bypass;

“(C) the period of bypass, including the exact dates and times;

“(D) if the bypass has not been corrected, the anticipated time the bypass is expected to continue;

“(E) the volume of the discharge resulting from the bypass;

“(F) any public access areas that may be impacted by the bypass; and

“(G) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

“(6) PUBLIC AVAILABILITY OF NOTICES.—A publicly owned treatment works providing a notice under this subsection, and the Administrator (or the State, in the case of a State that has a permit program approved under this section) receiving such a notice, shall each post the notice, by not later than 48 hours after providing or receiving the notice (as the case may be), in a searchable database accessible on the Internet.

“(7) SEWAGE BLENDING.—Bypasses prohibited by this section include bypasses resulting in discharges from a publicly owned treatment works that consist of effluent routed around treatment units and thereafter blended together with effluent from treatment units prior to discharge.

“(8) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall establish procedures to ensure that permits issued under this section (or under a State permit program approved under this section) to a publicly owned treatment works include requirements to implement this subsection.

“(9) INCREASE IN MAXIMUM CIVIL PENALTY FOR VIOLATIONS OCCURRING AFTER JANUARY 1, 2031.—Notwithstanding section 309, in the case of a violation of this subsection occurring on or after January 1, 2031, or any violation of a permit limitation or condition implementing this subsection occurring after such date, the maximum civil penalty that shall be assessed for the violation shall be \$100,000 per day for each day the violation occurs.

“(10) APPLICABILITY.—This subsection shall apply to a bypass occurring after the last day of the 1-year period beginning on the date of enactment of this subsection.”

SEC. 3. ESTABLISHMENT OF GREAT LAKES CLEANUP FUND.

(a) IN GENERAL.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 (33 U.S.C. 1251 note) as section 520; and

(2) by inserting after section 518 (33 U.S.C. 1377) the following:

“SEC. 519. ESTABLISHMENT OF GREAT LAKES CLEANUP FUND.

“(a) DEFINITIONS.—In this section:

“(1) FUND.—The term ‘Fund’ means the Great Lakes Cleanup Fund established by subsection (b).

“(2) GREAT LAKES; GREAT LAKES STATES.—The terms ‘Great Lakes’ and ‘Great Lakes States’ have the meanings given the terms in section 118(a)(3).

“(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Great Lakes Cleanup Fund’ (in this section referred to as the ‘Fund’).

“(c) TRANSFERS TO FUND.—Effective January 1, 2031, there are authorized to be appropriated to the Fund amounts equivalent to the penalties collected for violations of section 402(s).

“(d) ADMINISTRATION OF FUND.—The Administrator shall administer the Fund.

“(e) USE OF FUNDS.—The Administrator shall—

(1) make the amounts in the Fund available to the Great Lakes States for use in carrying out programs and activities for improving wastewater discharges into the Great Lakes, including habitat protection and wetland restoration; and

(2) allocate those amounts among the Great Lakes States based on the proportion that—

“(A) the amount attributable to a Great Lakes State for penalties collected for violations of section 402(s); bears to

“(B) the total amount of those penalties attributable to all Great Lakes States.

“(f) PRIORITY.—In selecting programs and activities to be funded using amounts made available under this section, a Great Lakes State shall give priority consideration to programs and activities that address violations of section 402(s) resulting in the collection of penalties.”

(b) CONFORMING AMENDMENT TO STATE REVOLVING FUND PROGRAM.—Section 607 of the Federal Water Pollution Control Act (33 U.S.C. 1387) is amended—

(1) by inserting “(a) IN GENERAL.—” before “There is”; and

(2) by adding at the end the following:

“(b) TREATMENT OF GREAT LAKES CLEANUP FUND.—For purposes of this title, amounts made available from the Great Lakes Cleanup Fund under section 519 shall be treated as funds authorized to be appropriated to carry out this title and as funds made available under this title, except that the funds shall be made available to the Great Lakes States in accordance with section 519.”

Mr. DURBIN. Mr. President, today I am introducing the Great Lakes Water Protection Act with my colleague, Senator MARK KIRK.

We face many challenges in protecting the Great Lakes—from contaminated sediment to industrial pollutants to invasive species. This legislation tackles another significant threat to the water system municipal sewage.

A recent report found that from January 2009 through January 2010, five U.S. cities dumped a combined 41 billion gallons of waste water into the Great Lakes. Sewage and storm water discharges have been associated with elevated levels of bacterial pollutants. For the 40 million people who depend on the Great Lakes for their drinking water, that is no small matter.

When bacterial counts go too high, beaches have to be closed. In Illinois, we have 52 public beaches along the Lake Michigan shoreline. People use these beaches for swimming, boating, fishing—and many communities generate revenue from the public beaches.

Our legislation will quadruple fines for municipalities that dump raw sewage in the Great Lakes and direct the revenue from these penalties to projects that improve water quality. The bill also includes new reporting requirements that will provide a more complete understanding of the frequency and impact of sewage dumping on this critical water system.

The Great Lakes are a national treasure. Illinoisans know that. They want to protect Lake Michigan, and they are willing to fight for the lake. Three and a half years ago, when we learned that BP was planning to increase the pollutants it puts into Lake Michigan—the people of Illinois stood up and said: No, polluting our lake further is not an option.

Senator KIRK and I happen to agree with that message. Protecting the

Great Lakes is not a partisan issue, and this is not a partisan bill. We intend to work together to ensure that this national treasure is around for generations, providing drinking water, recreation, and commerce for Illinois and other Great Lakes States.

By Mr. REID (for Mrs. FEINSTEIN):

S. 149. A bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing the FISA Sunsets Extension Act of 2011 to extend the three expiring provisions of the Foreign Intelligence Surveillance Act—the authority to conduct, subject to court order, so-called “roving wiretaps,” “lone wolf” surveillance, and collection of business records. This legislation will extend these three authorities, otherwise set to expire on February 28, to December 31, 2013.

The bill will also change the expiration date of the intelligence collection authorities provided in the FISA Amendments Act of 2008 so they, too, last until the end of 2013.

I firmly believe that the United States Government needs these authorities to help prevent against future terrorist attacks against our nation and to collect vital intelligence insights into the capabilities and intentions of our adversaries. We remain a nation under threat and need to remain vigilant in our defense.

Let me briefly describe the three expiring provisions.

First, court-ordered roving authority is directed against foreign intelligence targets who attempt to thwart FISA surveillance by such actions as rapidly changing cell phones. In a September 2009 letter, the Department of Justice reported to Congress that this authority “has proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders.”

Second, lone wolf authority allows for court-ordered collection against non-U.S. persons who engage in international terrorism but for whom an association with a specific international terrorist group has not yet been identified. In the last Congress, when the Department of Justice advised that it had not yet been necessary for the Government to use this authority, the Department stated that it could foresee circumstances in which a terrorist target had not actually contacted a terrorist group or was known to have severed his association from a terrorist group.

From the events of the last several years, we have all become aware that

we may be attacked by a lone, unaffiliated terrorist—or one whose links to terrorist groups are only clear after an individual is apprehended.

Third, the collection of business records pursuant to court orders. This provision allows the Government to require the production of “tangible things” in order to obtain foreign intelligence information as part of an investigation. In the September 2009 letter, the Department of Justice urged reauthorization of that authority because “[t]he absence of such authority could force the FBI to sacrifice key intelligence opportunities.”

I cannot elaborate into the use of these authorities in this unclassified context. I can say, however, that as the Chairman of the Senate Select Committee on Intelligence and as one who reviews the intelligence on the threats we face, we remain a nation under attack. Providing the authorities to collect intelligence to identify and prevent terrorist attacks on the homeland remains necessary.

It is also important to allow Congress, in the future, to conduct a complete review of FISA provisions. By synchronizing the dates when different pieces of the law expire, Congress can consider changes to FISA at once, prior to the end of 2013.

In closing, I would like to assure all Members of the Senate and the American public that extending these sunsets does not shield them from oversight. There is a system of review and oversight in place that consists of the FISA Court, Inspectors General in the Department of Justice and in the intelligence community, regular oversight reviews by the National Security Division at the Department of Justice, a new Director of Compliance at the National Security Agency, and reporting to the Senate and House Intelligence and Judiciary Committees. As Chairman of the Senate Select Committee and as a member of the Judiciary Committee, I can assure colleagues that the Senate has placed, and will continue to place, oversight of the Government’s surveillance authorities as a major priority.

I urge my colleagues to support this legislation.

By Mr. ROCKEFELLER (for himself, Mr. HARKIN, Mrs. MURRAY, and Mr. MANCHIN):

S. 153. A bill to improve compliance with mine and occupational safety and health laws, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, today I am proud to introduce the Robert C. Byrd Mine and Workplace Safety and Health Act of 2011. This legislation

is identical to the bill I introduced last Congress with Senator Carte Goodwin and will afford miners in West Virginia and employees across the country the safest possible workplace, which is what they deserve. As I have mentioned before, this legislation is a tribute to all miners who have lost their lives and also to my dear friend and colleague, the late Senator Robert Byrd, who devoted his career to improving the working conditions of West Virginia’s miners and worked diligently with me to develop this bill.

I am also very pleased that Senators TOM HARKIN, PATTY MURRAY, and JOE MANCHIN are joining me in cosponsoring this legislation. Chairman HARKIN and Senator MURRAY are strong advocates for America’s workforce and worked closely with me to draft this bill. Their contributions and expertise on this issue are immeasurable. Senator MANCHIN and I also have a history of working together, when he was Governor, to improve the safety of West Virginia’s mining community. We were there with the families after the Sago, Aracoma, and Upper Big Branch tragedies, and I know that he shares my commitment to keeping miners safe.

I firmly believe that every American deserves a safe and healthy work environment. No family should have to experience the sadness and grief that is felt by the families of Upper Big Branch victims. Sadly, the Upper Big Branch families are still waiting. They are waiting for answers regarding this horrible tragedy. And, they are waiting for Congress to do even more to strengthen the mine safety laws of the land.

The Upper Big Branch tragedy and several other high-profile workplace accidents around the country last year serve as stark reminders of the need to make sure that all workers can return home to their loved ones at the end of the day. Yet, these types of tragedies are far too common. Each year, thousands of employees die on the job and millions more are injured or become ill. These fatalities, injuries, and illnesses result not only in loss of life and quality of life, but also substantial costs for employers. It is in everyone’s interest to improve the safety and health of America’s workforce.

I also know that improving the safety of our workforce will require hard work and dedication by everyone involved including state and federal officials, businesses, unions, employees, and safety experts. Here in the Senate, I am committed to working with my colleagues on both sides of the aisle—there is no question that we must work together to find real solutions that will save lives in mining and other industries in our country. I have no doubt that we will continue to learn more about the Upper Big Branch disaster as the investigations move forward. But I also know that there are several areas

of the law that we can work to fix right now. These improvements will make us more proactive in identifying hazards before they become fatal, foster cooperation between employers and employees to keep everyone safe, improve the efficiency and effectiveness of our regulators, and increase the accountability for those responsible for keeping our workforce safe.

The Robert C. Byrd Mine and Workplace Safety and Health Act of 2011 takes important steps to empower miners to report safety concerns and keep themselves and their coworkers safe. Specifically, it gives whistleblowers up to 180 days to file a complaint if they have been retaliated against, permits the assessment of punitive damages and criminal penalties against operators that retaliate against miners who report safety problems, makes sure that miners do not lose a paycheck when their mines are shut down for safety reasons, and allows miners to give private interviews to MSHA without the operator or union representative present, so that they can speak openly about investigations.

Our legislation allows MSHA to be more effective and efficient in its enforcement of our mine safety laws, while also increasing accountability and making sure that the agency is doing everything in its power to keep miners safe. Importantly, it expands MSHA's authority to subpoena documents and testimony, seek injunctions to stop dangerous acts, and implement additional safety training at unsafe mines. It also creates an independent panel to determine MSHA's role in serious accidents, and requires that MSHA conduct its inspections in a way that protects every miner regardless of when the miner's shift occurs.

Another key piece of this bill is the section that reforms the broken "pattern of violations" process and requires MSHA to focus on rehabilitating unsafe mines. The original pattern of violations process was meant to allow MSHA to take additional action against mines that repeatedly violate our laws, but unfortunately it has never been effectively implemented. This bill requires unsafe mines to adopt safety plans, undergo additional safety inspections, and meet specific safety improvement benchmarks. To make sure that MSHA's pattern of violations criteria accurately identifies unsafe mines, the Government Accountability Office will evaluate the implementation of MSHA's new criteria.

I know that Secretary Hilda Solis and Assistant Secretary Joe Main have made mine safety a priority, and I deeply appreciate their work. They are currently examining proposals to administratively change how the pattern of violations process is used, and I support them in those efforts. But ultimately, there is only so much that

MSHA can do under existing statute, which is why I believe that Congress must address this matter legislatively.

We also know that workplace disasters are not confined to the mining industry, which is why our bill provides important, protections for workers across all industries under the jurisdiction of the Occupational Safety and Health Administration. This legislation allows employees to refuse to perform unsafe life-threatening work, updates civil penalties that have not been increased in two decades, gives victims and their families a voice in the investigation and enforcement process, requires employers to immediately correct hazardous conditions in the workplace, and improves whistleblower protections for employees.

With these common-sense reforms, we can keep workers safe on the job, while also reducing the costs associated with occupational injuries and illnesses. By doing so, we can save lives, help employers save money, improve productivity, and increase the competitiveness of our workforce.

I hope that my colleagues will carefully consider this legislation and that we can work together on a bipartisan basis to pass meaningful mine and workplace safety legislation this Congress. After the Sago and Aracoma disasters, the Senate passed the MINER Act with strong bipartisan support. We showed then that we can get the job done, and I am confident that we can do it again.

By Mr. KOHL (for himself and Mr. BROWN of Ohio):

S. 154. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, today I am reintroducing the Fast Track to College Act, a bill to support the expansion of dual enrollment programs and Early College High Schools. Such programs allow young people to earn up to two years of college credit while also earning their high school diploma.

I believe the key to our country's economic recovery is a strong investment in our young people. By investing in education, we ensure that today's students are well prepared to compete in a global economy.

Far too many of our students are falling behind in school, and as students struggle with their studies or drop out of school altogether, their futures and the health of our workforce are at risk. Young people who drop out of high school are at increased risk for negative outcomes such as unemployment and incarceration, as well as reliance on public assistance for healthcare, housing, and other basic needs—outcomes that have high costs for their communities and our econ-

omy. Conversely, adults who earn bachelor's degrees earn on average two-thirds more than high school graduates and \$1 million more than high school dropouts over their working lives.

Studies show many youth drop out because they don't see a practical reason to complete high school or go on to get a college degree. Maybe they don't think they can get into college, don't think they can afford to go, or just don't see the point in going. Dual enrollment programs and Early College High Schools address these issues by showing students that they can succeed in college courses while saving time and money. They don't drop out because they can see that they are on track to a degree—and ultimately a job. By earning college credit, and possibly even an Associate's Degree, students are better prepared after high school to continue their education or pursue career training.

That is why I ask my colleagues to support this bill, which provides competitive grant funding for Early College High Schools and other dual enrollment programs that allow low-income students to earn college credit and a high school diploma at the same time. These programs put students on the fast track to college and increase the odds that they will not only graduate, but also go on to continue their education and secure higher-paying jobs.

This bill authorizes \$140,000,000 for competitive 6-year grants to schools, with priority given to schools that serve low-income students. The funding will help defray the costs of implementing new programs, strengthening existing programs, and providing students and teachers with the resources they need to succeed in early college high schools and other dual enrollment programs. The bill also includes \$10 million for states to provide support for these programs, as well as an evaluation component so we can measure the program's effectiveness.

I am proud to sponsor this legislation, with the support of Senator BROWN of Ohio, because I believe this investment in our schools will help solve the dropout crisis and secure America's future by ensuring that all young people can compete in today's global economy. Further, I believe that all children, regardless of income or other factors, deserve equal opportunities to fulfill their potential, and it is both morally and fiscally responsible for this Congress to invest in high-quality educational programs that help our youth reach their potential.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fast Track to College Act of 2011”.

SEC. 2. PURPOSE.

The purpose of this Act is to increase secondary school graduation rates and the percentage of students who complete a recognized postsecondary credential by the age of 26, including among low-income students and students from other populations underrepresented in higher education.

SEC. 3. DEFINITIONS.

In this Act:

(1) **DUAL ENROLLMENT PROGRAM.**—The term “dual enrollment program” means an academic program through which a secondary school student is able simultaneously to earn credit toward a secondary school diploma and a postsecondary degree or credential.

(2) **EARLY COLLEGE HIGH SCHOOL.**—The term “early college high school” means a public secondary school, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), that provides a course of study that enables a student to earn a secondary school diploma and either an associate’s degree or 1 to 2 years of postsecondary credit toward a postsecondary degree or credential.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means a local educational agency in a collaborative partnership with an institution of higher education. Such partnership also may include other entities, such as a nonprofit organization with experience in youth development.

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(7) **LOW-INCOME STUDENT.**—The term “low-income student” means a student who meets a measure of poverty described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

(a) **IN GENERAL.**—To carry out this Act, there are authorized to be appropriated \$150,000,000 for fiscal year 2012 and such sums as may be necessary for each of fiscal years 2013–2017.

(b) **EARLY COLLEGE HIGH SCHOOLS.**—The Secretary shall reserve not less than 45 percent of the funds appropriated under subsection (a) to support early college high schools under section 5.

(c) **OTHER DUAL ENROLLMENT PROGRAMS.**—The Secretary shall reserve not less than 45 percent of such funds to support other dual enrollment programs (not including early college high schools) under section 5.

(d) **STATE GRANTS.**—The Secretary shall reserve 10 percent of such funds, or \$10,000,000, whichever is less, for grants to States under section 9.

SEC. 5. AUTHORIZED PROGRAM.

(a) **IN GENERAL.**—The Secretary is authorized to award, on a competitive basis, 6-year grants to eligible entities seeking to estab-

lish a new, or support an existing, early college high school or other dual enrollment program.

(b) **GRANT AMOUNT.**—The Secretary shall ensure that each grant under this section is of sufficient size to enable grantees to carry out all required activities and otherwise meet the purposes of this Act, except that a grant under this section may not exceed \$2,000,000.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—An eligible entity shall contribute matching funds toward the costs of the early college high school or other dual enrollment program to be supported under this section, of which not less than half shall be from non-Federal sources, which funds shall represent not less than the following:

(A) 20 percent of the grant amount received in each of the first and second years of the grant.

(B) 30 percent in each of the third and fourth years.

(C) 40 percent in the fifth year.

(D) 50 percent in the sixth year.

(2) **DETERMINATION OF AMOUNT CONTRIBUTED.**—The Secretary shall allow an eligible entity to satisfy the requirements of this subsection through in-kind contributions.

(d) **SUPPLEMENT, NOT SUPPLANT.**—An eligible entity shall use a grant received under this section only to supplement funds that would, in the absence of such grant, be made available from non-Federal funds for support of the activities described in the eligible entity’s application under section 7, and not to supplant such funds.

(e) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to applicants—

(1) that propose to establish or support an early college high school or other dual enrollment program that will serve a student population of which 40 percent or more are students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

(2) from States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(f) **GEOGRAPHIC DISTRIBUTION.**—The Secretary shall, to the maximum extent practicable, ensure that recipients of grants under this section are from a representative cross-section of urban, suburban, and rural areas.

SEC. 6. USE OF FUNDS.

(a) **MANDATORY ACTIVITIES.**—An eligible entity shall use grant funds received under section 5 to support the activities described in its application under section 7, including the following:

(1) **PLANNING YEAR.**—In the case of a new early college high school or other dual enrollment program, during the first year of the grant—

(A) hiring a principal and staff, as appropriate;

(B) designing the curriculum and sequence of courses in collaboration with, at a minimum, teachers from the local educational agency and faculty from the partner institution of higher education;

(C) informing parents and the community about the school or program and opportunities to become actively involved in the school or program;

(D) establishing a course articulation process for defining and approving courses for secondary school credit and credit toward a postsecondary degree or credential;

(E) outreach programs to ensure that secondary school students and their families are aware of the school or program;

(F) liaison activities among partners in the eligible entity; and

(G) coordinating secondary and postsecondary support services, academic calendars, and transportation.

(2) **IMPLEMENTATION PERIOD.**—During the remainder of the grant period—

(A) academic and social support services, including counseling;

(B) liaison activities among partners in the eligible entity;

(C) data collection and use of such data for student and instructional improvement and program evaluation;

(D) outreach programs to ensure that secondary school students and their families are aware of the early college high school or other dual enrollment program;

(E) professional development, including joint professional development for secondary school personnel and faculty from the institution of higher education; and

(F) school or program design and planning team activities, including curriculum development.

(b) **ALLOWABLE ACTIVITIES.**—An eligible entity may use grant funds received under section 5 to support the activities described in its application under section 7, including—

(1) purchasing textbooks and equipment that support the curriculum of the early college high school or other dual enrollment program;

(2) developing learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities to participate in the activities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(3) transportation; and

(4) planning time for secondary school educators and educators from an institution of higher education to collaborate.

SEC. 7. APPLICATION.

(a) **IN GENERAL.**—To receive a grant under section 5, an eligible entity shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

(b) **CONTENTS OF APPLICATION.**—At a minimum, the application described in subsection (a) shall include a description of—

(1) the budget of the early college high school or other dual enrollment program;

(2) each partner in the eligible entity and the partner’s experience with early college high schools or other dual enrollment programs, key personnel from each partner and such personnel’s responsibilities for the school or program, and how the eligible entity will work with secondary and postsecondary teachers, other public and private entities, community-based organizations, businesses, labor organizations, and parents to ensure that students will be prepared to succeed in postsecondary education and employment, which may include the development of an advisory board;

(3) how the eligible entity will target and recruit at-risk youth, including those at risk of dropping out of school, students who are among the first generation in their family to attend an institution of higher education, and students from populations described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(4) a system of student supports, including small group activities, tutoring, literacy and

numeracy skill development in all academic disciplines, parental and community outreach and engagement, extended learning time, and activities to improve readiness for postsecondary education, such as academic seminars and counseling;

(5) in the case of an early college high school, how a graduation and career plan will be developed, consistent with State graduation requirements, for each student and reviewed each semester;

(6) how parents or guardians of students participating in the early college high school or other dual enrollment program will be informed of the students' academic performance and progress and, if required under paragraph (5), involved in the development of the students' career and graduation plans;

(7) coordination between the institution of higher education and the local educational agency, including regarding academic calendars, provision of student services, curriculum development, and professional development;

(8) how the eligible entity will ensure that teachers in the early college high school or other dual enrollment program—

(A) receive appropriate professional development and other supports, including professional development and supports to enable the teachers to utilize effective parent and community engagement strategies; and

(B) help English-language learners, students with disabilities, and students from diverse cultural backgrounds to succeed;

(9) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities to participate in the activities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(10) how policies, agreements, and the courses in the program will ensure that postsecondary credits earned will be transferable to, at a minimum, public institutions of higher education within the State, consistent with existing statewide articulation agreements (as of the time of the application);

(11) student assessments and other measurements of student achievement, including benchmarks for student achievement;

(12) outreach programs to provide elementary and secondary school students, especially those in middle grades, and their parents, teachers, school counselors, and principals with information about, and academic preparation for, the early college high school or other dual enrollment program;

(13) how the local educational agency and institution of higher education will work together, as appropriate, to collect and use data for student and instructional improvement and program evaluation;

(14) how the eligible entity will help students meet eligibility criteria for postsecondary courses and ensure that students understand how their credits will transfer; and

(15) how the eligible entity will access and leverage additional resources necessary to sustain the early college high school or other dual enrollment program after the grant expires, including by engaging businesses and non-profit organizations.

(c) ASSURANCES.—An eligible entity's application under subsection (a) shall include assurances that—

(1) in the case of an early college high school, the majority of courses offered, including of postsecondary courses, will be offered at facilities of the partnering institution of higher education;

(2) students will not be required to pay tuition or fees for postsecondary courses offered as part of the early college high school or other dual enrollment program;

(3) upon completion of the requisite coursework, each student shall receive an official record of postsecondary credits that have been earned;

(4) faculty teaching such postsecondary courses meet the normal standards for faculty established by the institution of higher education.

(d) WAIVER.—The Secretary may waive the requirement of subsection (c)(1) upon a showing that it is impractical to apply due to geographic considerations.

SEC. 8. PEER REVIEW.

(a) PEER REVIEW OF APPLICATIONS.—The Secretary shall establish peer review panels to review applications submitted pursuant to section 7 and to advise the Secretary regarding such applications.

(b) COMPOSITION OF PEER REVIEW PANELS.—The Secretary shall ensure that each peer review panel is not comprised wholly of full-time officers or employees of the Federal Government and includes, at a minimum—

(1) experts in the establishment and administration of early college high schools or other dual enrollment programs from the secondary and postsecondary perspective;

(2) faculty at institutions of higher education and secondary school teachers with expertise in dual enrollment; and

(3) experts in the education of students who may be at risk of not completing their secondary school education.

SEC. 9. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary is authorized to award, on a competitive basis, 5-year grants to State agencies responsible for secondary or postsecondary education for efforts to support or establish early college high schools or other dual enrollment programs.

(b) GRANT AMOUNT.—The Secretary shall ensure that each grant awarded under this section is of sufficient size to enable the grantee to carry out all required activities.

(c) MATCHING REQUIREMENT.—A State receiving a grant under this section shall contribute matching funds from non-Federal sources toward the costs of carrying out activities under this section, which funds shall represent not less than 50 percent of the grant amount received in each year of the grant.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that, as of the time of the application for the grant, provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(e) APPLICATION.—

(1) IN GENERAL.—To receive a grant under this section, a State agency shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

(2) CONTENTS OF APPLICATION.—At a minimum, the application described in paragraph (1) shall include a description of—

(A) how the State will carry out all of the required State activities described in subsection (f);

(B) how the State will identify and eliminate barriers to implementing effective early college high schools and other dual enrollment programs after the grant expires, including by engaging businesses and non-profit organizations; and

(C) how the State will access and leverage additional resources necessary to sustain

early college high schools or other dual enrollment programs.

(f) STATE ACTIVITIES.—A State receiving a grant under this section shall use such funds for—

(1) creating outreach programs to ensure that secondary school students, their families, and community members are aware of early college high schools and other dual enrollment programs in the State;

(2) planning and implementing a statewide strategy for expanding access to early college high schools and other dual enrollment programs for students who are underrepresented in higher education to raise statewide rates of secondary school graduation, readiness for postsecondary education, and completion of postsecondary degrees and credentials, with a focus on at-risk students, including identifying any obstacles to such a strategy under State law or policy;

(3) providing technical assistance to early college high schools and other dual enrollment programs, such as brokering relationships and agreements that forge a strong partnership between elementary and secondary and postsecondary partners;

(4) identifying policies that will improve the effectiveness and ensure the quality of early college high schools and other dual enrollment programs, such as access, funding, data and quality assurance, governance, accountability, and alignment policies;

(5) planning and delivering statewide training and peer learning opportunities for school leaders and teachers from early college high schools and other dual enrollment programs, which may include providing instructional coaches who offer on-site guidance;

(6) disseminating best practices in early college high schools and other dual enrollment programs from across the State and from other States; and

(7) facilitating statewide data collection, research and evaluation, and reporting to policymakers and other stakeholders.

SEC. 10. REPORTING AND OVERSIGHT.

(a) REPORTING BY GRANTEEES.—

(1) IN GENERAL.—The Secretary shall establish uniform guidelines for all grantees under this Act concerning the information that each grantee shall report annually to the Secretary in order to demonstrate progress toward achieving the purpose of this Act.

(2) CONTENTS OF REPORT.—At a minimum, a report submitted under this subsection by an eligible entity receiving funds under section 5 for an early college high school or other dual enrollment program shall include the following information about the students participating in the school or program, for each category of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)):

(A) The number of students.

(B) The percentage of students scoring advanced, proficient, basic, and below basic on the assessments described in section 1111(b)(3) of such Act of 1965 (20 U.S.C. 6311(b)(3)).

(C) The performance of students on other assessments or measurements of achievement.

(D) The number of secondary school credits earned.

(E) The number of postsecondary credits earned.

(F) Attendance rate, as appropriate.

(G) Graduation rate.

(H) Placement in postsecondary education or advanced training, in military service, and in employment.

(I) A description of the school or program's student, parent, and community outreach and engagement.

(b) **REPORTING BY SECRETARY.**—The Secretary annually shall—

(1) prepare a report that compiles and analyzes the information described in subsection (a) and identifies the best practices for achieving the purpose of this Act; and

(2) submit the report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

(c) **MONITORING VISITS.**—The Secretary's designee shall visit each grantee under this Act at least once for the purpose of helping the grantee achieve the goals of this Act and to monitor the grantee's progress toward achieving such goals.

(d) **NATIONAL EVALUATION.**—

(1) **IN GENERAL.**—Not later than 6 months after the date on which funds are appropriated to carry out this Act, the Secretary shall enter into a contract with an independent organization to perform an evaluation of the grants awarded under this Act.

(2) **CONTENTS OF EVALUATION.**—The evaluation described in paragraph (1) shall apply rigorous procedures to—

(A) obtain valid and reliable data concerning participant outcomes, disaggregated by relevant categories, which the Secretary shall determine; and

(B) monitor the progress of students from secondary school to and through postsecondary education.

(e) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to eligible entities concerning best practices in early college high schools and other dual enrollment programs and shall disseminate such best practices among eligible entities, State educational agencies, and local educational agencies.

SEC. 11. RULES OF CONSTRUCTION.

(a) **EMPLOYEES.**—Nothing in this Act shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies (including schools) or institutions of higher education under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(b) **GRADUATION RATE.**—Notwithstanding any other provision of law, a student who graduates from an early college high school supported under this Act in the standard number of years for graduation described in the eligible entity's application shall be considered to have graduated on time for purposes of section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

By Mr. KOHL:

S. 155. A bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce three bills that I believe will be important for our small businesses, especially our smaller manufacturers. In each of these bills, there is an emphasis on keeping our research and development and manufacturing here in the United States, rewarding

our innovative American businesses with predictable credits and equitable treatment, and creating good paying jobs.

The first bill, S. 155, is designed to incentivize keeping jobs in the United States by increasing the existing Research & Development tax credit for companies that produce most of their goods domestically. The Domestic Jobs Innovation Bonus Act would create a bonus R&D Credit that increases incrementally to reward a higher percentage of domestic production. To earn the bonus credit, a company would need to make at least half of their products domestically—and for doing so would receive an additional 2 percentage points on top of the existing R&D credit. The credit would max out at a 10 percentage point increase for companies with 90 percent to 100 percent of their receipts from domestic production. For example, a company with 100 percent domestic production that would normally receive a 20 percent R&D tax credit would receive a 30 percent credit under this proposal.

To be clear, this isn't a tax credit that will benefit every company that has a presence in the United States. It may not benefit many large, multinational corporations, but those companies will still have access to the existing R&D Credit, which I support as well.

It is my hope that a credit like this could convince a company that is deciding whether to manufacture and research here or abroad, to choose America.

I am introducing a second bill, S. 156, with Senators CORKER and ALEXANDER that would establish a uniform energy efficiency descriptor for all water heaters and improve the testing methods by which that descriptor is determined. Currently, water heaters are lumped into two categories under two federal statutes, based on arbitrary gallon capacity and energy input ratings. "Smaller" water heaters are covered by the National Appliance Energy Conservation Act, NAECA, and must be rated using an energy factor or EF rating. "Larger" water heaters are within the scope of the Energy Policy Act, EPACT, and must be rated using a thermal efficiency or TE rating. Not only do the testing methods differ, but a manufacturer is forbidden to place an EF rating on a TE-sized unit, and vice-versa.

This legislation would direct the Department of Energy to work with industry stakeholders to develop a uniform energy efficiency descriptor that applies to all sizes of water heaters. It also would develop a test method to accurately determine that descriptor for all types of water heaters. It is my hope that the water heating manufacturing community can develop and implement the new test method and descriptor that will eliminate confu-

sion and enable consumers and business owners to make informed purchasing decisions on water heaters. In today's tough economy, energy bills continue to stretch family budgets. Families can save money and conserve energy if they have accurate information about how much energy home appliances consume.

The difference between EF and TE ratings was based on the assumption that smaller units were exclusively for residential uses while larger units were exclusively for commercial purposes. Due to advances in manufacturing technology, the assumptions underlying the earlier dividing line are no longer accurate. In fact, both larger and smaller units made by leading U.S. manufacturers are used in residences without regard to which Federal law applies. Yet, Federal legislation continues to be written by taking this distinction into account.

In particular, these American companies are affected by the current disparate energy standards because it can disadvantage some of their products. Establishing one standard will help breakdown a patchwork of incentives and efficiency designations at both the state and federal level. For example, water heaters rated with a TE rating are not eligible for the ENERGY STAR label, and accordingly, not eligible for many state appliance rebate programs that link their incentives to an ENERGY STAR designation. This bill will make it so all products are competing on a level playing field for all incentives.

In addition to the energy savings that this bill will provide, it is also about the jobs potential for companies making these cutting-edge products. A globally-recognized cluster of water technology companies is emerging in the City of Milwaukee and surrounding counties. An important part of this effort is innovative water heater technologies. Incentivizing these products through predictable and equitable standards is vital to these companies.

The third bill, S. 157, would extend the Section 48 investment tax credit to solar light pipe technology. This is a promising new technology that could save our businesses money on their electricity bills, and reduce our overall energy usage—two goals on which we can all agree. Light pipes collect natural light, and then through the use of sensor technology, automatically dim the other lights in a building—thereby using less electricity for the same amount of light.

Despite the clear benefits of the technology, high cost has kept many businesses from using light pipes. Adding this technology to Section 48 will provide that boost that these businesses need to justify the expense.

I became aware of this technology because one of the companies that makes it is based in Manitowoc, Wisconsin.

This company, Orion Energy Systems, employs about 250 people, and has been growing even during this tough economic time. In addition to light pipes, Orion makes energy efficient lighting systems, and partners with wind and solar power companies to significantly reduce the energy costs for many of our largest and most distinguished companies. Orion technology has been deployed at more than 6,000 facilities, and has worked with 126 of the Fortune 500 companies. Since 2001, Orion customers have saved more than \$1 billion in electricity costs by displacing nearly 600 megawatts.

This credit will help Orion and companies like it create thousands of jobs through the production of the technology as well as installing it.

I urge my colleagues to support all of these bills, and I hope that they are enacted as part of an agenda that focuses on innovation, job creation, and shoring up our vital manufacturing sector.

By Mrs. BOXER:

S. 170. A bill to provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. BOXER. Mr. President, I rise today to introduce the Helping Responsible Homeowners Act of 2011. This legislation will eliminate barriers that have prevented millions of borrowers who continue to make their payments on time from taking advantage of historically low interest rates and refinancing their mortgages.

Despite a recent uptick, interest rates for 30-year home mortgages remain at historically low levels—under five percent. Yet of the 31.5 million mortgages guaranteed by Fannie Mae and Freddie Mac, nearly 13 million still carry an interest rate at or above 6 percent. This bill would allow non-delinquent mortgages to be refinanced at current rates, putting hundreds of dollars a month back in the pockets of struggling families.

The Administration's Home Affordable Refinance Program has resulted in Fannie Mae and Freddie Mac refinancing 520,000 loans through October 2010, far short of its goal of assisting four to five million homeowners.

One reason for the program's failure is that Fannie and Freddie continue to charge risk-based fees to refinance a loan they already guarantee. These additional fees can be as high as two percent of the loan amount, or an extra \$4,000 on a \$200,000 loan. In my home state of California, where prices are higher, that might be \$8,000 on a \$400,000 loan. For borrowers struggling to keep up with their payments, this is an additional cost they simply cannot afford.

Fannie and Freddie already bear the risks on these loans; yet this policy actually makes it less likely that bor-

rowers will be able to take advantage of the low rates and increases the chance they will eventually default.

Many borrowers also have been blocked from refinancing by the owner of their second mortgage, even though reducing payments on the first mortgage would make it more likely the borrower would be able to continue making payments on the second.

To remove these barriers and allow borrowers current on their payments to refinance their loans, the Helping Responsible Homeowners Act would eliminate risk-based fees on loans for which Fannie and Freddie already bear the risk; remove refinancing limits on properties that lost value during the real estate crisis; make it easier for borrowers with second mortgages to participate in refinancing programs; and require that borrowers are able to receive a fair interest rate, comparable to that received by any other current borrower who has not suffered a drop in home value.

At a time when millions of Americans have been forced out of their homes, this legislation will ensure that homeowners who make their payments on time will be able to refinance their mortgages at current low rates so they can stay in their homes. I urge my colleagues to join me and to support this legislation.

By Mr. HARKIN:

S. 174. A bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and health promotion; to the Committee on Finance.

Mr. HARKIN. Mr. President, the Healthy Lifestyles and Prevention America Act, also known as the HeLP America Act, will improve the health of Americans and reduce health care costs by emphasizing prevention, wellness, and health promotion in our communities, workplaces and schools.

We made a significant investment in prevention and wellness as part of the passing of the historic Affordable Care Act into law. The robust array of provisions contained in the HeLP America Act continue to build off the investments made by the Affordable Care Act and together, they will significantly transform our current sick care system into a true health care system.

Make no mistake about it; these combined efforts will continue our transformation into a genuine wellness society by keeping people from developing chronic diseases and from costly hospitalizations in the first place.

Currently, the United States spends more than \$2 trillion on health care each year but historically we invest just four cents out of every dollar in prevention and public health—let me repeat that—just four cents out of every dollar is invested in prevention and public health.

This is pennies despite all the research that shows that prevention and public health can effectively reduce health care spending. This is why I fought for the Prevention and Public Health Fund that is included in the health reform law.

But transforming our Nation into a true wellness society requires a comprehensive approach to make being healthier easier for all Americans.

It just doesn't make any sense why we don't put a greater emphasis on making health promotion easier—why would we focus so little on prevention and public health when we know that these initiatives can make us healthier and reduce our annual health care spending?

Well, I am proud that the bill before the Senate continues to make significant investments in prevention and wellness. The HeLP America Act will put additional systems into place that will improve access to nutritious foods, opportunities for physical activity, and affordability of recommended preventive services.

The bill focuses on initiatives to make kids and schools healthier. In particular, it will support State efforts to provide resources to child care providers to help them meet high-quality physical activity and healthy eating standards. It also directs the Department of Education to provide guidance and technical assistance to schools to provide equal opportunities for students with disabilities for physical education and extracurricular athletics.

In addition, the bill focuses on initiatives to make healthier communities and workplaces. For example, it requires the Secretary of Health and Human Services to establish guidelines in physical activity for children under the age of 5 and the Secretary of Agriculture to establish a grant program promoting and expanding efforts to create community gardens. Specific to small businesses and workplace wellness programs, there is a provision that allows employers to deduct the cost of athletic facility memberships for their employees and exempts this benefit as taxable income for employees.

The HeLP America Act also creates systems that give Americans the information they need to make informed decisions. In particular, there is a provision that requires uniform guidelines be developed for the use of nutrient labeling symbols or systems on the front of food packages. There are provisions meant to strengthen federal initiatives to improve the health literacy of consumers by making health information easier to understand and health care systems easier to navigate.

Let me be clear, this bill doesn't just tinker around the edges; it changes the very paradigm of a variety of systems to make it easier for Americans to be healthy. After many years of advocating for wellness and prevention, I

am thrilled to see that these things were at the very heart of the historic Affordable Care Act passed into law. But there is still much more to be done, and the HeLP America Act is an important step in continuing our transformation into a genuine wellness society and getting health care costs under control.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Healthy Lifestyles and Prevention America Act” or the “HeLP America Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTHIER KIDS AND SCHOOLS

Sec. 101. Nutrition and physical activity in child care quality improvement.

Sec. 102. Access to local foods and school gardens at preschools and child care.

Sec. 103. Fresh fruit and vegetable program.

Sec. 104. Equal physical activity opportunities for students with disabilities.

TITLE II—HEALTHIER COMMUNITIES AND WORKPLACES

Subtitle A—Creating Healthier Communities

Sec. 201. Technical assistance for the development of joint use agreements.

Sec. 202. Community sports programs for individuals with disabilities.

Sec. 203. Community gardens.

Sec. 204. Physical activity guidelines for Americans.

Sec. 205. Tobacco taxes parity.

Sec. 206. Leveraging and coordinating federal resources for improved health.

Subtitle B—Incentives for a Healthier Workforce

Sec. 211. Tax credit to employers for costs of implementing wellness programs.

Sec. 212. Employer-provided off-premises athletic facilities.

Sec. 213. Task force for the promotion of breastfeeding in the workplace.

Sec. 214. Improving healthy eating and active living options in Federal workplaces.

TITLE III—RESPONSIBLE MARKETING AND CONSUMER AWARENESS

Sec. 301. Guidelines for reduction in sodium content in certain foods.

Sec. 302. Nutrition labeling for food products sold principally for use in restaurants or other retail food establishments.

Sec. 303. Front-label food guidance systems.

Sec. 304. Rulemaking authority for advertising to children.

Sec. 305. Health Literacy: research, coordination and dissemination.

Sec. 306. Disallowance of deductions for advertising and marketing expenses relating to tobacco product use.

Sec. 307. Incentives to reduce tobacco use.

TITLE IV—EXPANDED COVERAGE OF PREVENTIVE SERVICES

Sec. 401. Required coverage of preventive services under the Medicaid program.

Sec. 402. Coverage for comprehensive workplace wellness program and preventive services.

Sec. 403. Health professional education and training in healthy eating.

TITLE V—RESEARCH

Sec. 501. Grants for Body Mass Index data analysis.

Sec. 502. National assessment of mental health needs.

TITLE I—HEALTHIER KIDS AND SCHOOLS

SEC. 101. NUTRITION AND PHYSICAL ACTIVITY IN CHILD CARE QUALITY IMPROVEMENT.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) by striking “choice, and” and inserting “choice,”; and

(2) by inserting after “referral services)” the following: “, and the provision of resources to enable eligible child care providers to meet, exceed, or sustain success in meeting or exceeding Federal or State high-quality program standards relating to health, mental health, nutrition, physical activity, and physical development”.

SEC. 102. ACCESS TO LOCAL FOODS AND SCHOOL GARDENS AT PRESCHOOLS AND CHILD CARE.

Section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) DEFINITIONS.—In this subsection:

“(A) CHILD CARE CENTER.—The term ‘child care center’ means a child care center participating in the program under section 17 (other than a child care center that solely participates in the program under subsection (r) of that section).

“(B) SPONSORING ORGANIZATION.—The term ‘sponsoring organization’ means an institution described in subparagraphs (C), (D), or (E) of section 17(a)(2).”;

(3) in paragraph (2) (as so redesignated)—

(A) in the paragraph heading, by striking “IN GENERAL” and inserting “ASSISTANCE”;

(B) in the matter preceding subparagraph (A), by inserting “, child care centers, sponsoring organizations for home-based care,” after “schools”; and

(C) in subparagraph (A), by inserting “, child care centers, sponsoring organizations for home-based care,” after “schools”;

(4) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraph (2)”;

(5) in paragraph (4) (as so redesignated)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking “or”;

(ii) in subclause (II), by striking the period at the end and inserting “; or”;

(iii) by adding at the end the following:

“(III) a consortium of at least 2 child care centers or sponsoring organizations for home-based care with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more age groups at 2 or more eligible centers or family child care homes supported by sponsoring organizations for home-based care.”;

(B) in subparagraph (F), by striking “paragraph (1)(H)” and inserting “paragraph (2)(H)”.

SEC. 103. FRESH FRUIT AND VEGETABLE PROGRAM.

Section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) is amended—

(1) by striking subsections (c) and (d) and inserting the following:

“(c) SCHOOL PARTICIPATION.—

“(1) IN GENERAL.—Each State shall carry out the program in each elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in the State—

“(A) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

“(B) that submits an application in accordance with paragraph (2).

“(2) APPLICATION.—

“(A) IN GENERAL.—An interested elementary school shall submit to the State an application containing—

“(i) information pertaining to the percentage of students enrolled in the school who are eligible for free or reduced price school lunches under this Act;

“(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school);

“(iii) a plan for implementation of the program, including efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity; and

“(iv) such other information as may be requested by the Secretary.

“(B) PARTNERSHIPS.—Each State shall encourage interested elementary schools to submit a plan for implementation of the program that includes a partnership with 1 or more entities that will provide non-Federal resources (including entities representing the fruit and vegetable industry).”;

(2) by striking subsection (i) and inserting the following:

“(i) FUNDING.—

“(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section such sums as are necessary, to remain available until expended.

“(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.”;

(3) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively.

SEC. 104. EQUAL PHYSICAL ACTIVITY OPPORTUNITIES FOR STUDENTS WITH DISABILITIES.

(a) IN GENERAL.—Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end the following:

“SEC. 511. EQUAL PHYSICAL ACTIVITY OPPORTUNITIES FOR STUDENTS WITH DISABILITIES.

“(a) IN GENERAL.—The Secretary shall promote equal opportunities for students with disabilities to be included and to participate in physical education and extracurricular athletics implemented in, or in conjunction with, elementary schools, secondary schools, and institutions of higher education, by ensuring the provision of appropriate technical

assistance and guidance for schools and institutions described in this subsection and their personnel.

“(b) **TECHNICAL ASSISTANCE AND GUIDANCE.**—The provision of technical assistance and guidance described in subsection (a) shall include—

“(1) providing technical assistance to elementary schools, secondary schools, local educational agencies, State educational agencies, and institutions of higher education, regarding—

“(A) inclusion and participation of students with disabilities, in a manner equal to that of the other students, in physical education opportunities (including classes), and extracurricular athletics opportunities, including technical assistance on providing reasonable modifications to policies, practices, and procedures, and providing supports to ensure such inclusion and participation;

“(B) provision of adaptive sports programs, in the physical education and extracurricular athletics opportunities, including programs with competitive sports leagues or competitions, for students with disabilities; and

“(C) responsibilities of the schools, institutions, and agencies involved under section 504, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and any other applicable Federal law to provide students with disabilities equal access to extracurricular athletics;

“(2) facilitating information sharing among the schools, institutions, and agencies, and students with disabilities, on ways to provide inclusive opportunities in physical education and extracurricular athletics for students with disabilities; and

“(3) monitoring the extent to which physical education and extracurricular athletics opportunities for students with disabilities are implemented in, or in conjunction with, elementary schools, secondary schools, and institutions of higher education.

“(c) **DEFINITIONS.**—In this section:

“(1) **AGENCIES.**—The terms ‘local educational agency’ and ‘State educational agency’ have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) **SCHOOLS.**—The terms ‘elementary school’, ‘secondary school’, and ‘institution of higher education’ mean an elementary school, secondary school, or institution of higher education, respectively (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), that receives or has 1 or more students that receive, Federal financial assistance.

“(3) **STUDENT WITH A DISABILITY.**—

“(A) **IN GENERAL.**—The term ‘student with a disability’ means an individual who—

“(i) attends an elementary school, secondary school, or institution of higher education; and

“(ii) who—

“(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

“(II) is an individual with a disability, for purposes of section 504 or the Americans with Disabilities Act of 1990.

“(B) **STUDENTS WITH DISABILITIES.**—The term ‘students with disabilities’ means more than 1 student with a disability.”

(b) **TABLE OF CONTENTS.**—The table of contents in section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 509 the following:

“Sec. 510. Establishment of standards for accessible medical diagnostic equipment.

“Sec. 511. Equal physical activity opportunities for students with disabilities.”

TITLE II—HEALTHIER COMMUNITIES AND WORKPLACES

Subtitle A—Creating Healthier Communities

SEC. 201. TECHNICAL ASSISTANCE FOR THE DEVELOPMENT OF JOINT USE AGREEMENTS.

(a) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the Secretary of Education and in consultation with leading national experts and organizations advancing healthy living in the school environment, shall develop and disseminate guidelines and best practices, including model documents, and provide technical assistance to elementary and secondary schools to assist such schools with the development of joint use agreements so as to address liability, operational and management, and cost issues that may otherwise impede the ability of community members to use school facilities for recreational and nutritional purposes during nonschool hours.

(b) **DEFINITION.**—In this section, the term “joint use agreement” means a formal agreement between an elementary or secondary school and another entity relating to the use of the school’s facilities, equipment, or property, including recreational and food services facilities, equipment, and property, by individuals other than the school’s students or staff.

SEC. 202. COMMUNITY SPORTS PROGRAMS FOR INDIVIDUALS WITH DISABILITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 399V-5. COMMUNITY SPORTS PROGRAMS FOR INDIVIDUALS WITH DISABILITIES.

“(a) **IN GENERAL.**—

“(1) **INDIVIDUAL WITH A DISABILITY DEFINED.**—For purposes of this section, the term ‘individual with a disability’ means any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(2) **INDIVIDUAL WITH A PHYSICAL DISABILITY.**—The term ‘individual with a physical disability’ means an individual with a disability that has a physical or visual disability.

“(3) **COMMUNITY SPORTS GRANTS PROGRAM.**—The Secretary, in collaboration with the National Advisory Committee on Community Sports Programs for Individuals with Disabilities, may award grants on a competitive basis to public and nonprofit private entities to implement community-based, sports and athletic programs for individuals with disabilities, including youth with disabilities.

“(b) **APPLICATION.**—To be eligible to receive a grant under this section, a public or nonprofit private entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(c) **AUTHORIZED ACTIVITIES.**—Amounts awarded under a grant under subsection (a) shall be used for—

“(1) community-based sports programs, leagues, or competitions in individual or team sports for individuals with physical disabilities;

“(2) regional sports programs or competitions in individual or team sports for individuals with physical disabilities;

“(3) the development of competitive team and individual sports programs for individ-

uals with disabilities at the high school and collegiate level; or

“(4) the development of mentoring programs to encourage participation in sports programs for individuals with disabilities, including individuals with recently acquired disabilities.

“(d) **PRIORITIES.**—

“(1) **ADVISORY COMMITTEE.**—The Secretary shall establish a National Advisory Committee on Community Sports Programs for Individuals with Disabilities that shall—

“(A) establish priorities for the implementation of this section;

“(B) review grant proposals;

“(C) make recommendations for distribution of the available appropriated funds to specific applicants; and

“(D) annually evaluate the progress of programs carried out under this section in implementing such priorities.

“(2) **REPRESENTATION.**—The Advisory Committee established under paragraph (1) shall include representatives of—

“(A) the Department of Health and Human Services Office on Disability;

“(B) the United States Surgeon General;

“(C) the Centers for Disease Control and Prevention;

“(D) disabled sports organizations;

“(E) organizations that represent the interests of individuals with disabilities; and

“(F) individuals with disabilities (including athletes with physical disabilities) or their family members.

“(e) **DISSEMINATION OF INFORMATION.**—The Secretary shall disseminate information about the availability of grants under this section in a manner that is designed to reach public entities and nonprofit private organizations that are dedicated to providing outreach, advocacy, or independent living services to individuals with disabilities.

“(f) **TECHNICAL ASSISTANCE.**—The Secretary, in conjunction with the United States Olympic Committee and disabled sports organizations, shall establish a technical assistance center to provide training, support, and information to grantees under this section on establishing and operating community sports programs for individuals with disabilities.

“(g) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report summarizing activities, findings, outcomes, and recommendations resulting from the grant projects funded under this section during the year for which the report is being prepared.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—To carry out this section, there are authorized to be appropriated such sums as may be necessary.

“(2) **LIMITATION.**—Not to exceed 10 percent of the amount appropriated in each fiscal year shall be used to carry out activities under subsection (c)(4).”

SEC. 203. COMMUNITY GARDENS.

Subtitle D of title X of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2109) is amended by adding at the end the following:

“SEC. 10405. COMMUNITY GARDEN GRANT PROGRAM.

“(a) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) a nonprofit organization; or

“(B) a unit of general local government, or tribal government, located on tribal land or in a low-income community.

“(2) **LOW-INCOME COMMUNITY.**—The term ‘low-income community’ means—

“(A) a community in which not less than 50 percent of children are eligible for free or reduced priced meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

“(B) any other community determined by the Secretary to be low-income for purposes of this section.

“(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ‘unit of general local government’ has the meaning given the term in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

“(b) PROGRAM ESTABLISHED.—Using such amounts as are appropriated to carry out this section, the Secretary shall award grants to eligible entities to expand, establish, or maintain community gardens.

“(c) APPLICATION.—To be considered for a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) an assurance that priority for hiring for jobs created by the expansion, establishment, or maintenance of a community garden funded with a grant received under this section will be given to individuals who reside in the community in which the garden is located; and

“(2) a demonstration that the eligible entity is committed to providing non-Federal financial or in-kind support (such as providing a water supply) for the community garden for which the entity receives funds under this section.”

SEC. 204. PHYSICAL ACTIVITY GUIDELINES FOR AMERICANS.

(a) REPORT.—

(1) IN GENERAL.—At least every 5 years, the Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall publish a report entitled “Physical Activity Guidelines for Americans”. Each such report shall contain physical activity information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal health program.

(2) BASIS OF GUIDELINES.—The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared, and shall include guidelines for identified population subgroups, including children, if the preponderance of scientific and medical knowledge indicates those subgroups require different levels of physical activity.

(b) APPROVAL BY SECRETARY.—

(1) REVIEW.—Any Federal agency that proposes to issue any physical activity guidance for the general population or identified population subgroups shall submit the text of such guidance to the Secretary for a 60-day review period.

(2) BASIS OF REVIEW.—

(A) IN GENERAL.—During the 60-day review period established in paragraph (1), the Secretary shall review and approve or disapprove such guidance to assure that the guidance either is consistent with the “Physical Activity Guidelines for Americans” or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretary. If after such 60-day review period the Secretary has not notified the proposing agency that such guidance has been disapproved, then such guidance may be issued by the agency. If the Secretary disapproves such guidance, it shall be returned to the agency. If the Secretary finds that such guidance is incon-

sistent with the “Physical Activity Guidelines for Americans” and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such 60-day period, the Secretary disapproves such guidance as inconsistent with the “Physical Activity Guidelines for Americans” the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed physical activity guidance;

(ii) provide in such notice for a public comment period of 30 days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

(B) REVIEW OF COMMENTS.—After review of comments received during the comment period, the Secretary may approve for dissemination by the proposing agency a final version of such physical activity guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

(C) ANNOUNCEMENT.—Any such final physical activity guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

(D) NOTIFICATION OF DISAPPROVAL.—If after the 30-day period for comment as provided under subparagraph (A)(ii), the Secretary disapproves a proposed physical activity guidance, the Secretary shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

(E) REVIEW OF DISAPPROVAL.—If a proposed physical activity guidance is disapproved by the Secretary under subparagraph (D), the Federal agency proposing such guidance may, within 15 days after receiving notification of such disapproval under subparagraph (D), request the Secretary to review such disapproval. Within 15 days after receiving a request for such a review, the Secretary shall conduct such review. If, pursuant to such review, the Secretary approves such proposed physical activity guidance, such guidance may be issued by the Federal agency.

(3) DEFINITIONS.—In this subsection:

(A) The term “physical activity guidance for the general population” does not include any rule or regulation issued by a Federal agency.

(B) The term “identified population subgroups” shall include, but not be limited to, groups based on factors such as age, sex, race, or physical disability.

(c) EXISTING AUTHORITY NOT AFFECTED.—This section does not place any limitations on—

(1) the conduct or support of any scientific or medical research by any Federal agency; or

(2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency.

SEC. 205. TOBACCO TAXES PARITY.

(a) INCREASE IN EXCISE TAX ON SMALL CIGARETTES AND SMALL CIGARS.—

(1) Section 5701(a)(1) of the Internal Revenue Code of 1986 is amended by striking “\$50.33” and inserting “\$77.83”.

(2) Section 5701(b)(1) of the Internal Revenue Code of 1986 is amended by striking “\$50.33” and inserting “\$77.83”.

(b) TAX PARITY FOR PIPE TOBACCO AND ROLL-YOUR-OWN TOBACCO.—

(1) Section 5701(f) of the Internal Revenue Code of 1986 is amended by striking “\$2.8311 cents” and inserting “\$38.32”.

(2) Section 5701(g) of the Internal Revenue Code of 1986 is amended by striking “\$24.78” and inserting “\$38.32”.

(c) CLARIFICATION OF DEFINITION OF SMALL CIGARS.—Paragraphs (1) and (2) of section 5701(a) of the Internal Revenue Code of 1986 are each amended by striking “three pounds per thousand” and inserting “four and one-half pounds per thousand”.

(d) CLARIFICATION OF DEFINITION OF CIGARETTE.—Paragraph (2) of section 5702(b) of the Internal Revenue Code of 1986 is amended by insert before the final period the following: “, which includes any roll for smoking containing tobacco that weighs no more than four and a half pounds per thousand, unless it is wrapped in whole tobacco leaf and does not have a cellulose acetate or other cigarette-style filter”.

(e) TAX PARITY FOR SMOKELESS TOBACCO.—

(1) Section 5701(e) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking “\$1.51” and inserting “\$20.75”;

(B) in paragraph (2), by striking “50.33 cents” and inserting “\$8.30”; and

(C) by adding at the end the following:

“(3) SMOKELESS TOBACCO SOLD IN DISCRETE SINGLE-USE UNITS.—On discrete single-use units, \$77.83 per each 1,000 single-use units.”.

(2) Section 5702(m) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), “or chewing tobacco” and inserting “chewing tobacco, discrete single-use unit”;

(B) in paragraphs (2) and (3), by inserting “that is not a discrete single-use unit” before the period in each such paragraph;

(C) by adding at the end the following:

“(4) DISCRETE SINGLE-USE UNIT.—The term ‘discrete single-use unit’ means any product containing tobacco that—

“(A) is intended or expected to be consumed without being combusted; and

“(B) is in the form of a lozenge, tablet, pill, pouch, dissolvable strip, or other discrete single-use or single-dose unit.”.

(f) CLARIFYING OTHER TOBACCO TAX DEFINITIONS.—

(1) TOBACCO PRODUCT DEFINITION.—Section 5702(c) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: “, and any other product containing tobacco that is intended or expected to be consumed”.

(2) CIGARETTE PAPER DEFINITION.—Section 5702(e) of the Internal Revenue Code of 1986 is amended by striking “except tobacco,” and inserting “or cigar”.

(3) CIGARETTE TUBE DEFINITION.—Section 5702(f) of the Internal Revenue Code of 1986 is amended by inserting before the period “or cigars”.

(4) IMPORTER DEFINITION.—Section 5702(k) of the Internal Revenue Code of 1986 is amended by inserting “or any other tobacco product” after “cigars or cigarettes”.

(g) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products manufactured in or imported into the United States which are removed before any tax increase date and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of

1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to \$500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on such date for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products on any tax increase date to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date that is 120 days after the effective date of the tax rate increase.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on any tax increase date shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of such Code shall have the same meaning as such term has in such section.

(B) TAX INCREASE DATE.—The term “tax increase date” means the effective date of any increase in any tobacco product excise tax rate pursuant to the amendments made by this section.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2010.

SEC. 206. LEVERAGING AND COORDINATING FEDERAL RESOURCES FOR IMPROVED HEALTH.

(a) HEALTH IMPACTS OF NON-HEALTH LEGISLATION.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the

National Prevention, Health Promotion and Public Health Council, shall enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study to assess the potential health impacts of major non-health related legislation that is likely to be considered by Congress within a year of completion of the study. Such study shall identify the ways in which such legislation involved is likely to impact the health of Americans and shall contain recommendations to Congress on ways to maximize the positive health impacts and minimize the negative health impacts.

(2) TIMING.—The timing of the study under paragraph (1) shall be provide for in a manner that ensures that the results of the study will be available at least 3 months prior to the consideration of the legislation involved by Congress.

(3) GUIDELINES.—To the extent practicable, the Council under paragraph (1) shall ensure that the study conducted under this subsection complies with the consensus guidelines on how to carry out a health impact assessment, including stakeholder engagement guidelines, such as the HIA of the Americas Practice Guidelines and guidelines promulgated by the World Health Organization and other consensus bodies.

(4) REPORT.—Upon completion of the study under this subsection, the Institute of Medicine shall submit to the Council under paragraph (1), and make available to the general public, a report that—

(A) summarizes the direct, indirect, and cumulative health impacts identified in the assessment; and

(B) contains recommendations for how to maximize positive health impacts and minimize negative health impacts of the legislation involved.

(5) TYPE OF LEGISLATION.—For purposes of this subsection, the term “non-health related legislation” shall have the meaning given such term by the Council under paragraph (1), and shall include legislation that is likely to have impacts on the health of Americans where such impacts are not likely to be considered by Congress to the extent required by their scope without the conduct of an assessment under this subsection. Examples of major non-health related legislation that could be the subject of the study include reauthorizations of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU; Public Law 109-59), the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), and the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) IMPROVING HEALTH IMPACTS OF FEDERAL AGENCY ACTIVITIES.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the National Prevention, Health Promotion and Public Health Council, shall detail employees of the Department of Health and Human Services to policy and program planning offices of other Federal departments and agencies, including the Department of Transportation, the Department of Housing and Urban Development, the Department of Agriculture, the Department of Education, and the Department of the Interior, in order to assist those departments and agencies to consider the impacts of their activities on the health of the populations served and to assist with the integration of health goals into the activities of the departments and agencies, as appropriate.

(2) DUTIES.—Employees detailed under paragraph (1) shall assist with assessments

of the potential impacts of the programs and activities of the department or agency involved on the health and well-being of the populations served, the development of metrics and performance standards that can be incorporated, as appropriate, into the activities, performance measurements, and grant and contract standards of the department or agency, and the development of the report detailed in paragraph (3).

(3) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, each department and agency with a detailee under this section shall submit to the National Prevention, Health Promotion and Public Health Council, the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report detailing the health impacts of the department or agency’s activities and any plans to improve those impacts.”

Subtitle B—Incentives for a Healthier Workforce

SEC. 211. TAX CREDIT TO EMPLOYERS FOR COSTS OF IMPLEMENTING WELLNESS PROGRAMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“SEC. 45S. WELLNESS PROGRAM CREDIT.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, the wellness program credit determined under this section for any taxable year during the credit period with respect to an employer is an amount equal to 50 percent of the costs paid or incurred by the employer in connection with a qualified wellness program during the taxable year.

“(2) LIMITATION.—The amount of credit allowed under paragraph (1) for any taxable year shall not exceed the sum of—

“(A) the product of \$200 and the number of employees of the employer not in excess of 200 employees, plus

“(B) the product of \$100 and the number of employees of the employer in excess of 200 employees.

“(b) QUALIFIED WELLNESS PROGRAM.—For purposes of this section—

“(1) QUALIFIED WELLNESS PROGRAM.—The term ‘qualified wellness program’ means a program which—

“(A) consists of any 3 of the wellness program components described in subsection (c), and

“(B) which is certified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and Secretary of Labor, as a qualified wellness program under this section.

“(2) PROGRAMS MUST BE CONSISTENT WITH RESEARCH AND BEST PRACTICES.—

“(A) IN GENERAL.—The Secretary of Health and Human Services shall not certify a program as a qualified wellness program unless the program—

“(i) is consistent with evidence-based research and best practices, as identified by persons with expertise in employer health promotion and wellness programs,

“(ii) includes multiple, evidence-based strategies which are based on the existing and emerging research and careful scientific reviews, including the Guide to Community Preventive Services, the Guide to Clinical Preventive Services, and the National Registry for Effective Programs, and

“(iii) includes strategies which focus on employee populations with a disproportionate burden of health problems.

“(B) PERIODIC UPDATING AND REVIEW.—The Secretary of Health and Human Services shall establish procedures for periodic review and recertifications of programs under this subsection. Such procedures shall require revisions of programs if necessary to ensure compliance with the requirements of this section and require updating of the programs to the extent the Secretary, in consultation with the Secretary of the Treasury and the Secretary of Labor, determines necessary to reflect new scientific findings.

“(3) HEALTH LITERACY.—The Secretary of Health and Human Services shall, as part of the certification process, encourage employers to make the programs culturally competent and to meet the health literacy needs of the employees covered by the programs.

“(c) WELLNESS PROGRAM COMPONENTS.—For purposes of this section, the wellness program components described in this subsection are the following:

“(1) HEALTH AWARENESS COMPONENT.—A health awareness component which provides for the following:

“(A) HEALTH EDUCATION.—The dissemination of health information which addresses the specific needs and health risks of employees.

“(B) HEALTH SCREENINGS.—The opportunity for periodic screenings for health problems and referrals for appropriate follow up measures.

“(2) EMPLOYEE ENGAGEMENT COMPONENT.—An employee engagement component which provides for—

“(A) the establishment of a committee to actively engage employees in worksite wellness programs through worksite assessments and program planning, delivery, evaluation, and improvement efforts, and

“(B) the tracking of employee participation.

“(3) BEHAVIORAL CHANGE COMPONENT.—A behavioral change component which provides for altering employee lifestyles to encourage healthy living through counseling, seminars, on-line programs, or self-help materials which provide technical assistance and problem solving skills. Such component may include programs relating to—

“(A) tobacco use,
 “(B) overweight and obesity,
 “(C) stress management,
 “(D) physical activity,
 “(E) nutrition,
 “(F) substance abuse,
 “(G) depression, and
 “(H) mental health promotion (including anxiety).

“(4) SUPPORTIVE ENVIRONMENT COMPONENT.—A supportive environment component which includes the following:

“(A) ON-SITE POLICIES.—Policies and services at the worksite which promote a healthy lifestyle, including policies relating to—

“(i) tobacco use at the worksite,
 “(ii) the nutrition of food available at the worksite through cafeterias and vending options,
 “(iii) minimizing stress and promoting positive mental health in the workplace,
 “(iv) where applicable, accessible and attractive stairs, and
 “(v) the encouragement of physical activity before, during, and after work hours.

“(B) PARTICIPATION INCENTIVES.—

“(i) IN GENERAL.—Qualified incentive benefits for each employee who participates in the health screenings described in paragraph (1)(B) or the behavioral change programs described in paragraph (3).

“(ii) QUALIFIED INCENTIVE BENEFIT.—For purposes of clause (i), the term ‘qualified in-

centive benefit’ means any benefit which is approved by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor. Such benefit may include an adjustment in health insurance premiums or co-pays.

“(C) EMPLOYEE INPUT.—The opportunity for employees to participate in the management of any qualified wellness program to which this section applies.

“(d) PARTICIPATION REQUIREMENT.—

“(1) IN GENERAL.—No credit shall be allowed under subsection (a) unless the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and Secretary of Labor, as a part of any certification described in subsection (b), that each wellness program component of the qualified wellness program applies to all qualified employees of the employer. The Secretary of Health and Human Services shall prescribe rules under which an employer shall not be treated as failing to meet the requirements of this subsection merely because the employer provides specialized programs for employees with specific health needs or unusual employment requirements or provides a pilot program to test new wellness strategies.

“(2) QUALIFIED EMPLOYEE.—For purposes of paragraph (1), the term ‘qualified employee’ means an employee who works an average of not less than 25 hours per week during the taxable year.

“(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) EMPLOYEE AND EMPLOYER.—

“(A) PARTNERS AND PARTNERSHIPS.—The term ‘employee’ includes a partner and the term ‘employer’ includes a partnership.

“(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

“(2) CERTAIN COSTS NOT INCLUDED.—Costs paid or incurred by an employer for food or health insurance shall not be taken into account under subsection (a).

“(3) NO CREDIT WHERE GRANT AWARDED.—No credit shall be allowable under subsection (a) with respect to any qualified wellness program of any taxpayer (other than an eligible employer described in subsection (f)(2)(A)) who receives a grant provided by the United States, a State, or a political subdivision of a State for use in connection with such program. The Secretary shall prescribe rules providing for the waiver of this paragraph with respect to any grant which does not constitute a significant portion of the funding for the qualified wellness program.

“(4) CREDIT PERIOD.—

“(A) IN GENERAL.—The term ‘credit period’ means the period of 10 consecutive taxable years beginning with the taxable year in which the qualified wellness program is first certified under this section.

“(B) SPECIAL RULE FOR EXISTING PROGRAMS.—In the case of an employer (or predecessor) which operates a wellness program for its employees on the date of the enactment of this section, subparagraph (A) shall be applied by substituting ‘3 consecutive taxable years’ for ‘10 consecutive taxable years’. The Secretary shall prescribe rules under which this subsection shall not apply if an employer is required to make substantial modifications in the existing wellness program in order to qualify such program for certification as a qualified wellness program.

“(C) CONTROLLED GROUPS.—For purposes of this paragraph, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

“(f) PORTION OF CREDIT MADE REFUNDABLE.—

“(1) IN GENERAL.—In the case of an eligible employer of an employee, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

“(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

“(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

“(2) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term ‘eligible employer’ means an employer which is—

“(A) a State or political subdivision thereof, the District of Columbia, a possession of the United States, or an agency or instrumentality of any of the foregoing, or

“(B) any organization described in section 501(c) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code.

“(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘employer payroll taxes’ means the taxes imposed by—

“(i) section 3111(b), and
 “(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

“(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

“(g) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2017.”

(b) TREATMENT AS GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following:

“(37) the wellness program credit determined under section 45S.”

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) WELLNESS PROGRAM CREDIT.—

“(1) IN GENERAL.—No deduction shall be allowed for that portion of the costs paid or incurred for a qualified wellness program (within the meaning of section 45S) allowable as a deduction for the taxable year which is equal to the amount of the credit allowable for the taxable year under section 45S.

“(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

“(A) the amount of the credit determined for the taxable year under section 45S, exceeds

“(B) the amount allowable as a deduction for such taxable year for a qualified wellness program, the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

“(3) CONTROLLED GROUPS.—In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 41(f)(5)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 41(f)(1)(B)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subparagraphs (A) and (B) of section 41(f)(1).”

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“Sec. 45S. Wellness program credit.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(f) OUTREACH.—

(1) IN GENERAL.—The Secretary of the Treasury, in conjunction with the Director of the Centers for Disease Control and members of the business community, shall institute an outreach program to inform businesses about the availability of the wellness program credit under section 45S of the Internal Revenue Code of 1986 as well as to educate businesses on how to develop programs according to recognized and promising practices and on how to measure the success of implemented programs.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the outreach program described in paragraph (1).

SEC. 212. EMPLOYER-PROVIDED OFF-PREMISES ATHLETIC FACILITIES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) IN GENERAL.—Gross income shall not include—

“(i) the value of any on-premises athletic facility provided by an employer to its employees, and

“(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed \$900 per employee per year.”

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

“(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

“(ii) which is not a private club owned and operated by its members,

“(iii) which does not offer golf, hunting, sailing, or riding facilities,

“(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

“(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.”

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “Paragraphs (1) and (2) of subsection (a)” and inserting “Subsections (a)(1), (a)(2), and (j)(4)”, and

(2) by striking the heading thereof through “APPLY” and inserting “CERTAIN EXCLUSIONS APPLY”.

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed \$900 per employee per year.”

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting “the first sentence of” before “subsection (a)(3)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 213. TASK FORCE FOR THE PROMOTION OF BREASTFEEDING IN THE WORKPLACE.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services and the Secretary of Labor, or their designees, shall convene a task force for the purpose of promoting breastfeeding among working mothers (referred to in this section as the “Task Force”).

(b) MEMBERSHIP.—The Task Force shall be composed of members who are—

(1) expert staff from the Department of Labor with expertise in workforce issues;

(2) expert staff from the Department of Health and Human Services with expertise in the areas of breastfeeding and breastfeeding promotion;

(3) members of the United States Breastfeeding Committee;

(4) expert staff from the Department of Agriculture; and

(5) appointed by the Secretary of Health and Human Services and the Secretary of Labor, including—

(A) working mothers who have experience in working and breastfeeding; and

(B) representatives of the human resource departments of both large and small employers that have successfully promoted breastfeeding and breastmilk pumping support at work.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Task Force. Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) CHAIR.—The Task Force shall be chaired jointly by the Secretary of Health and Human Services and the Secretary of Labor, or their designees.

(e) DUTIES OF THE TASK FORCE.—

(1) EXAMINATION.—Consistent with the Department of Health and Human Services Blueprint for Action on Breastfeeding (2000), the Task Force shall examine the following issues:

(A) The challenges that mothers face with continuing breastfeeding when the mothers return to work after giving birth.

(B) The challenges that employers face in accommodating mothers who seek to continue to breastfeed or to express milk when the mothers re-enter the workforce, including different challenges that mothers of varying socio-economic status and in different professions may face.

(C) The benefits that accrue to mothers, babies, and to employers when mothers are able to continue to breastfeed or to express breastmilk at work after the mothers have re-entered the workforce.

(D) Federal and State statutes that may have the effect of reducing breastfeeding and breastfeeding retention rates among working mothers.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Task Force shall issue a public report with recommendations on the following:

(i) Steps that can be taken to promote breastfeeding among working mothers and to remove barriers to breastfeeding among working mothers.

(ii) Potential ways in which the Federal Government can work with employers to promote breastfeeding among working mothers.

(iii) Areas in which changes to existing Federal, State, or local laws would likely have the effect of making it easier for working mothers to breastfeed or would remove impediments to breastfeeding that currently exist in such laws.

(iv) Whether or not increased rates of breastfeeding among working mothers would likely have the result of reducing health care costs among such mothers and their children, and, in particular, whether increased rates of breastfeeding would be likely to result in lower Federal expenditures on health care for such mothers and their children.

(v) Areas in which the Federal Government, through increased efforts by Federal agencies, or changes to existing Federal law, can and should increase the Federal Government's efforts to promote breastfeeding among working mothers.

(B) COPY TO CONGRESS.—Upon completion of the report described in subparagraph (A), the Task Force shall submit a copy of the report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations of the House of Representatives.

(f) POWERS OF THE TASK FORCE.—

(1) HEARINGS.—The Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Task Force may secure directly from any Federal department or agency such information as the Task Force considers necessary to carry out this section. Upon request of the Chair of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

(3) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) DONATIONS.—The Task Force may accept, use, and dispose of donations of services or property.

(g) OPERATING EXPENSES.—The operating expenses of the Task Force, including travel expenses for members of the Task Force, shall be paid for from the general operating expenses funds of the Secretary of Health and Human Services and the Secretary of Labor.

SEC. 214. IMPROVING HEALTHY EATING AND ACTIVE LIVING OPTIONS IN FEDERAL WORKPLACES.

(a) MENU LABELING IN FEDERAL FOOD ESTABLISHMENTS.—

(1) IN GENERAL.—

(A) EXECUTIVE AND JUDICIAL BUILDINGS.—Section 403(q) of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 343(q)) is amended by adding at the end the following:

“(6)(A) The requirements of subparagraph (5)(H) shall apply—

“(i) to a restaurant or similar retail food establishment located in a Federal building in the same manner as such subparagraph applies to a restaurant or similar retail food establishment that is part of a chain with 20 or more locations, as described in subparagraph (5)(H)(i); and

“(ii) to a person that operates a vending machine located in a Federal building in the same manner as such subparagraph applies to a person who is engaged in the business of owning or operating 20 or more vending machines, as described in subparagraph (5)(H)(viii).

“(B) In this subparagraph, the term ‘Federal building’ means a building that is—

“(i) under the control of the Federal agency (as defined in section 102 of title 40, United States Code);

“(ii) owned by the Federal Government; and

“(iii) located in a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.”.

(B) **APPLICABILITY.**—The requirement in the amendment made by paragraph (1) shall apply to restaurants or similar retail food establishments and vending machines located in a Federal building beginning 12 months after the date of enactment of this Act.

(2) **CONGRESSIONAL BUILDINGS.**—The Architect of the Capitol, in coordination with the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, shall establish a program to apply the requirements of section 403(q)(5)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(H)) (as amended by paragraph (1)) to—

(A) food that is served in restaurants or other similar retail food establishments that are located in Congressional buildings and installations;

(B) food that is sold through vending machines that are operated in Congressional buildings and installations; and

(C) food that is served to individuals within Congressional buildings and installations pursuant to a contract with a private entity.

(b) **NUTRITIONAL STANDARDS FOR FOOD IN FEDERAL BUILDINGS.**—

(1) **EXECUTIVE AND JUDICIAL BUILDINGS.**—Subchapter V of chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

“**SEC. 594. NUTRITIONAL STANDARDS FOR FOOD IN FEDERAL BUILDINGS.**

“(a) **IN GENERAL.**—The Administrator of General Services, in consultation with the Secretary of Health and Human Services, shall establish, by regulation, nutritional standards for all food products provided at Federal buildings and installations (including food products provided by contractors or vending machines).

“(b) **USE OF AMOUNTS.**—Amounts appropriated to an executive agency for installation, repair, and maintenance, generally, may be used to achieve compliance with the regulations promulgated pursuant to this section.

“(c) **LIABILITY.**—Nothing in this section increases or enlarges the tort liability of the Federal Government for any injury to an individual or damage to property.”.

(2) **CONGRESSIONAL BUILDINGS.**—The Architect of the Capitol, in coordination with the Committee on Rules and Administration of

the Senate and the Committee on House Administration of the House of Representatives shall establish nutritional standards for all food products provided at Congressional buildings and installations (including food products provided by contractors or vending machines).

(c) **ENCOURAGEMENT OF USE OF STAIRS.**—

(1) **EXECUTIVE AND JUDICIAL BUILDINGS.**—Subchapter V of chapter 5 of subtitle I of title 40, United States Code, as amended by subsection (b), is further amended by adding at the end the following:

“**SEC. 595. ENCOURAGEMENT OF USE OF STAIRS.**

“(a) **IN GENERAL.**—Each Federal agency shall install point-of-decision prompts encouraging individuals to use stairs wherever practicable at each relevant building and installation that is—

“(1) under the control of the Federal agency;

“(2) owned by the Federal Government; and

“(3) located in a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

“(b) **REIMBURSEMENT.**—Subsection (a) may be carried out by—

“(1) reimbursement to a State or political subdivision of a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States; or

“(2) a means other than reimbursement.

“(c) **REGULATIONS.**—Subsection (a) shall be carried out in accordance with such regulations as the Administrator of General Services may promulgate, with the approval of the Director of the Office of Management and Budget.

“(d) **USE OF AMOUNTS.**—Amounts appropriated to a Federal agency for installation, repair, and maintenance, generally, shall be available to carry out this section.

“(e) **LIABILITY.**—Nothing in this section increases or enlarges the tort liability of the Federal Government for any injury to an individual or damage to property.”.

(2) **CONGRESSIONAL BUILDINGS.**—The Architect of the Capitol shall implement a program to install point-of-decision prompts encouraging individuals to use stairs wherever practicable in Congressional buildings and installations in the same manner as established under section 595 of title 40, United States Code (as added by paragraph (1)).

(d) **ACCOMMODATIONS FOR BICYCLE COMMUTERS.**—

(1) **EXECUTIVE AND JUDICIAL FEDERAL BUILDINGS.**—Subchapter V of chapter 5 of subtitle I of title 40, United States Code, as amended by subsection (c), is further amended by adding at the end the following:

“**SEC. 596. ACCOMMODATIONS FOR BICYCLE COMMUTERS.**

“(a) **IN GENERAL.**—Each Federal agency shall install and maintain a bicycle storage area and equipment (such as a bicycle rack) and a shower for bicycle commuters at each relevant parking structure that is—

“(1) under the control of the Federal agency;

“(2) owned by the Federal Government; and

“(3) located in a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

“(b) **REIMBURSEMENT.**—Subsection (a) may be carried out by—

“(1) reimbursement to a State or political subdivision of a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States; or

“(2) a means other than reimbursement.

“(c) **REGULATIONS.**—Subsection (a) shall be carried out in accordance with such regula-

tions as the Administrator of General Services may promulgate, with the approval of the Director of the Office of Management and Budget.

“(d) **USE OF AMOUNTS.**—Amounts appropriated to a Federal agency for installation, repair, and maintenance, generally, shall be available to carry out this section.

“(e) **LIABILITY.**—Nothing in this section increases or enlarges the tort liability of the Federal Government for any injury to an individual or damage to property.”.

(2) **CONGRESSIONAL BUILDINGS.**—The Architect of the Capitol, in coordination with the Sergeant at Arms and Doorkeeper of the Senate, the Sergeant at Arms of the House of Representatives, and the United States Capitol Police, shall implement, within their respective jurisdictions, a program to make accommodations for bicycle commuters on the United States Capitol complex in the same manner as established under section 596 of title 40, United States Code (as added by paragraph (1)).

TITLE III—RESPONSIBLE MARKETING AND CONSUMER AWARENESS

SEC. 301. GUIDELINES FOR REDUCTION IN SODIUM CONTENT IN CERTAIN FOODS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations establishing guidelines for the reduction, over a 2 year period, in the sodium content of processed food and restaurant food following, as appropriate, the recommendations made by the Institute of Medicine report entitled “Strategies to Reduce Sodium Intake in the United States”.

(b) **DEFINITIONS.**—For purposes of this section—

(1) the term “processed food” has the meaning given such term in section 201(gg) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(gg)); and

(2) the term “restaurant food” means food subject to the requirements of section 403(q)(5)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(H)).

SEC. 302. NUTRITION LABELING FOR FOOD PRODUCTS SOLD PRINCIPALLY FOR USE IN RESTAURANTS OR OTHER RETAIL FOOD ESTABLISHMENTS.

Section 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by striking clause (G).

SEC. 303. FRONT-LABEL FOOD GUIDANCE SYSTEMS.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall begin soliciting public comments regarding—

(1) the use of retail front-label food guidance systems to convey nutrition information to the public using logos, symbols, signs, emblems, insignia, or other graphic representations on the labeling of food intended for human consumption that are intended to provide simple, standardized, and understandable nutrition information to the public in graphic form;

(2) appropriate nutrition standards by which a retail front-label food guidance system may convey the relative nutritional value of different foods in simple graphic form; and

(3) whether American consumers would be better served by establishing a single, standardized retail front-label food guidance system regulated by the Food and Drug Administration, or by allowing individual food

companies, trade associations, nonprofit organizations, and others to continue to develop their own retail front-label food guidance systems.

(b) **EFFECT ON NUTRITION FACTS PANEL.**—In soliciting public comments under subsection (a), the Secretary shall inform the public that any retail front-label food guidance system is intended to supplement, not replace, the Nutrition Facts Panel that appears on food labels pursuant to section 403(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)).

(c) **PROPOSED REGULATION.**—Not later than 12 months following the closure of the public comment solicitation period under subsection (a), the Secretary shall—

(1) publish a notice in the Federal Register that summarizes the public comments and describes the suggested retail front-label food guidance systems received through such solicitation; and

(2) publish proposed regulations that—

(A) establish a single, standardized retail front-label food guidance system; or

(B) establish the conditions under which individual food companies, trade associations, nonprofit organizations, and other entities may continue to develop their own retail front-label food guidance systems.

SEC. 304. RULEMAKING AUTHORITY FOR ADVERTISING TO CHILDREN.

(a) **PURPOSE.**—The purpose of this section is to restore the authority of the Federal Trade Commission to issue regulations that restrict the marketing or advertising of foods and beverages to children under the age of 18 years if the Federal Trade Commission determines that there is evidence that consumption of certain foods and beverages is detrimental to the health of children.

(b) **AUTHORITY.**—Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) is amended—

(1) in subsection (a), by striking “Except as provided in subsection (h), the” and inserting “The”;

(2) by amending subsection (b) to read as follows:

“(b) **PROCEDURE APPLICABLE.**—When prescribing a rule under subsection (a)(1)(B) of this section, the Commission shall proceed in accordance with section 553 of title 5 (without regard to any reference in such section to sections 556 and 557 of such title).”;

(3) by striking subsections (c), (f), (h), (i), and (j);

(4) by striking subsection (d) and inserting the following:

“(c) When any rule under subsection (a)(1)(B) takes effect a subsequent violation thereof shall constitute an unfair or deceptive act or practice in violation of section 5(a)(1) of this Act, unless the Commission otherwise expressly provides in such rule.”;

(5) by redesignating subsections (e) and (g) as subsections (d) and (e), respectively; and

(6) in subsection (d), as redesignated—

(A) in paragraph (1)(B), by striking “the transcript required by subsection (c)(5).”;

(B) in paragraph (3), by striking “error” and all that follows through the period at the end and inserting “error.”; and

(C) in paragraph (5), by striking subparagraph (C).

SEC. 305. HEALTH LITERACY: RESEARCH, COORDINATION AND DISSEMINATION.

(a) **IN GENERAL.**—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

“SEC. 904. HEALTH LITERACY: RESEARCH, COORDINATION AND DISSEMINATION.

“(a) **DEFINITION.**—In this section, the term ‘health literacy’ means a consumer’s ability

to obtain, process, and understand basic health information and services needed to make appropriate health care decisions and the adaptation of services to enhance a consumer’s understanding and navigation of applicable health care services.

“(b) **HEALTH LITERACY PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Director shall establish within the Agency a program (referred to in this section as the ‘program’) to strengthen health literacy by improving measurement, research, development, and information dissemination.

“(2) **DUTIES.**—In carrying out the program, the Director shall—

“(A) gather health literacy resources from public and private sources and make such resources available to researchers, health care providers, and the general public;

“(B) identify and fill research gaps relating to health literacy that have direct applicability to—

“(i) prevention;

“(ii) self-management of chronic disease;

“(iii) quality improvement;

“(iv) the barriers to health literacy;

“(v) relationships between health literacy and health disparities, particularly with respect to language and cultural competency; and

“(vi) the utilization of information on comparative effectiveness of health treatments;

“(C) sponsor demonstration and evaluation projects with respect to interventions and tools designed to strengthen health literacy, including projects focused on—

“(i) the provision of simplified, patient-centered written materials;

“(ii) technology-based communication techniques;

“(iii) consumer navigation services; and

“(iv) the training of health professional providers;

“(D) give preference to health literacy initiatives that—

“(i) focus on the particular needs of vulnerable populations such as the elderly, racial and ethnic minorities, children, individuals with limited English proficiency, and individuals with disabilities; and

“(ii) partner with institutions in the community such as schools, libraries, senior centers, literacy groups, recreation centers, early childhood education centers, area health education centers, and public assistance programs;

“(E) assist appropriate Federal agencies in establishing specific objectives and strategies for carrying out the program, in monitoring the programs of such agencies, and incorporating health literacy into research design, human subjects protections, and informed consent in clinical research;

“(F) seek to enter into implementation partnerships with organizations and agencies, including other agencies within the Department of Health and Human Services, such as the Centers for Medicare & Medicaid Services and the Health Resources and Services Administration, the Office of the Surgeon General, the Joint Commission on the Accreditation of Healthcare Organizations, the Office of the National Coordinator for Health Information Technology, and the National Committee for Quality Assurance, to promote the adoption of interventions and tools developed under this section, particularly in the training of health professionals; and

“(G) coordinate with other agencies within the Department of Health and Human Services to collect data that monitors national trends in health literacy by including rel-

evant items in surveys such as the Medical Expenditure Panel Survey, the National Health Interview Survey, and the National Hospital Discharge Survey.

“(3) **REPORT.**—The Agency for Healthcare Research and Quality shall annually submit to Congress a report that includes—

“(A) a comprehensive and detailed description of the operations, activities, financial condition, and accomplishments of the Agency in the field of health literacy; and

“(B) a description of how plans for the operation of the program for the succeeding fiscal year will facilitate achievement of the goals of the program.

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2012 through 2016.

“(c) **STATE HEALTH LITERACY GRANTS.**—

“(1) **GRANTS.**—The Director of the Agency shall award grants to eligible entities to facilitate State and community efforts to strengthen health literacy.

“(2) **USE OF FUNDS.**—An entity receiving a grant under this subsection shall use amounts received under such grant to—

“(A) support efforts to monitor and strengthen health literacy within a State or community;

“(B) assist public and private efforts in the State or community in coordinating and delivering health literacy services;

“(C) encourage partnerships among State and local governments, community organizations, non-profit entities, academic institutions, and businesses to coordinate efforts to strengthen health literacy;

“(D) provide technical and policy assistance to State and local governments and service providers; and

“(E) monitor and evaluate programs conducted under this grant.

“(3) **REPORT.**—Not later than September 30 of each fiscal year for which a grant is received by an entity under this section, the entity shall submit to the Director a report that describes the programs supported by the grant and the results of monitoring and evaluation of those programs.

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for each of fiscal years 2012 through 2016.”.

(b) INSTITUTE OF MEDICINE STUDY AND REPORT.—

(1) **STUDY.**—The Secretary of Health and Human Services shall seek to enter into a contract with the Institute of Medicine to conduct a study identifying opportunities within the Department of Health and Human Services to strengthen the health literacy of health care providers and health care consumers in accordance with the Patient Protection and Affordable Care Act (Public law 111-148).

(2) **REPORT.**—A contract entered into under paragraph (1) shall include a provision requiring the Institute of Medicine, not later than 1 year after the date of enactment of this Act, to submit a report concerning the results of the study conducted under paragraph (1) to the Secretary of Health and Human Services and the appropriate committees of Congress.”.

SEC. 306. DISALLOWANCE OF DEDUCTIONS FOR ADVERTISING AND MARKETING EXPENSES RELATING TO TOBACCO PRODUCT USE.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following new section:

“SEC. 280I. DISALLOWANCE OF DEDUCTION FOR ADVERTISING AND MARKETING EXPENSES RELATING TO TOBACCO PRODUCT USE.

“No deduction shall be allowed under this chapter for expenses relating to advertising or marketing cigars, cigarettes, smokeless tobacco, pipe tobacco, or any other tobacco product. For purposes of this section, any term used in this section which is also used in section 5702 shall have the same meaning given such term by section 5702.”.

(b) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following new item:

“Sec. 280I. Disallowance of deduction for tobacco advertising and marketing expenses.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 307. INCENTIVES TO REDUCE TOBACCO USE.

(a) CHILD TOBACCO USE SURVEYS.—

(1) ANNUAL PERFORMANCE SURVEY.—

(A) IN GENERAL.—Not later than August 31, 2012, and annually thereafter, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall publish the results of an annual tobacco use survey, to be carried out not later than 18 months after the date of enactment of this Act and completed on an annual basis thereafter, to determine—

(i) the percentage of all young individuals who used tobacco products within the 30-day period prior to the conduct of the survey involved; and

(ii) the percentage of young individuals who identify each brand of each type of tobacco product as the usual brand used within such 30-day period.

(B) YOUNG INDIVIDUALS.—For the purposes of this section, the term “young individuals” means individuals who are under 18 years of age.

(2) SIZE AND METHODOLOGY.—

(A) IN GENERAL.—The survey referred to in paragraph (1) may be the National Survey on Drug Use and Health or shall at least be comparable in size and methodology to the NSDUH that was completed in 2009 to measure the use of cigarettes (by brand) by youths under 18 years of age within the 30-day period prior to the conduct of the study.

(B) CONCLUSIVE ACCURATENESS.—A survey using the methodology described in subparagraph (A) shall be deemed conclusively proper, correct, and accurate for purposes of this section.

(C) DEFINITION.—In this section, the term “National Survey on Drug Use and Health” or “NSDUH” means the annual nationwide survey of randomly selected individuals, aged 12 and older, conducted by the Substance Abuse and Mental Health Services Administration.

(3) REDUCTION.—The Secretary, based on a comparison of the results of the first annual tobacco product survey referred to in paragraph (1) and the most recent NSDUH referred to in paragraph (2)(A) completed prior to the date of enactment of this Act, shall determine the percentage reduction (if any)

in youth tobacco use for each manufacturer of tobacco products.

(4) PARTICIPATION IN SURVEY.—Notwithstanding any other provision of law, the Secretary may conduct a survey under this subsection involving minors if the results of such survey with respect to such minors are kept confidential and not disclosed.

(5) NONAPPLICABILITY.—Chapter 35 of title 44, United States Code, shall not apply to information required for the purposes of carrying out this section.

(b) TOBACCO USE REDUCTION GOAL AND NON-COMPLIANCE.—

(1) GOAL.—It shall be the tobacco use reduction goal that youth tobacco use be reduced by at least 5 percent or a level determined significantly sufficient by the Secretary between the most recent NSDUH referred to in subsection (a)(2)(A) and the completion of the first annual cigarette survey (and such subsequent surveys as compared to the previous year’s survey) referred to in subsection (a)(1).

(2) NONCOMPLIANCE.—

(A) INDUSTRY-WIDE PENALTY.—If the Secretary determines that the tobacco use reduction goal under paragraph (1) has not been achieved, the Secretary shall, not later than September 10, 2012, and September 10 of each year thereafter, impose an industry-wide penalty on the manufacturers of cigarettes in an amount that is in the aggregate equal to \$3,000,000,000.

(B) PAYMENT.—The industry-wide penalty imposed under this subsection shall be paid by each manufacturer based on the brand share among youth ages 12-17 (as determined by the survey described in subsection (a)(1)) as such percentage relates to the total amount to be paid by all manufacturers.

(C) FINAL DETERMINATION.—The determination of the Secretary as to the amount and allocation of a surcharge under this section shall be final and the manufacturer shall pay such surcharge within 10 days of the date on which the manufacturer is assessed. Such payment shall be retained by the Secretary pending final judicial review of what, if any, change in the surcharge is appropriate.

(D) LIMITATION.—With respect to cigarettes, a manufacturer with a market share of 1 percent or less of youth tobacco use shall not be liable for the payment of a surcharge under this paragraph.

(E) USE OF AMOUNTS.—Amounts collected under subparagraph (A) shall be deposited into the Prevention and Public Health Fund established under section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11). Such funds shall remain available for transfer through September 30th of the fifth fiscal year following their collection, subject to the terms and conditions of such section 4002.

(3) PENALTIES NONDEDUCTIBLE.—The payment of penalties under this section shall not be considered to be an ordinary and necessary expense in carrying on a trade or business for purposes of the Internal Revenue Code of 1986 and shall not be deductible.

(4) JUDICIAL REVIEW.—

(A) AFTER PAYMENT.—A manufacturer of cigarettes may seek judicial review of any action under this section only after the assessment involved has been paid by the manufacturer to the Department of the Treasury and only in the United States District Court for the District of Columbia.

(B) REVIEW BY ATTORNEY GENERAL.—Prior to the filing of an action by a manufacturer seeking judicial review of an action under this section, the manufacturer shall notify the Attorney General of such intent to file

and the Attorney General shall have 30 days in which to respond to the action.

(C) REVIEW.—The amount of any surcharge paid under this section shall be subject to judicial review by the United States Court of Appeals for the District of Columbia Circuit, based on the arbitrary and capricious standard of section 706 of title 5, United States Code. Notwithstanding any other provision of law, no court shall have the authority to stay any surcharge payment due to the Secretary under this section pending judicial review until the Secretary has made or failed to make a compliance determination, as described under this section, that has adversely affected the person seeking the review.

(c) ENFORCEMENT.—

(1) INITIAL PENALTY.—There is hereby imposed an initial penalty on the failure of any manufacturer to make any payment required under this section not later than a period determined sufficient by the Secretary after the date on which such payment is due.

(2) AMOUNT OF PENALTY.—The amount of the penalty imposed by paragraph (1) on any failure with respect to a manufacturer shall be an amount equal to 2 percent of the penalty owed under subsection (b) for each day during the noncompliance period.

(3) NONCOMPLIANCE PERIOD.—For purposes of this subsection, the term “noncompliance period” means, with respect to any failure to make the surcharge payment required under this section, the period—

(A) beginning on the due date for such payment; and

(B) ending on the date on which such payment is paid in full.

(4) LIMITATIONS.—No penalty shall be imposed by paragraph (1) on—

(A) any failure to make a surcharge payment under this section during any period for which it is established to the satisfaction of the Secretary that none of the persons responsible for such failure knew or, exercising reasonable diligence, would have known, that such failure existed; or

(B) any manufacturer that produces less than 1 percent of cigarettes used by youth in that year (as determined by the annual survey).

TITLE IV—EXPANDED COVERAGE OF PREVENTIVE SERVICES

SEC. 401. REQUIRED COVERAGE OF PREVENTIVE SERVICES UNDER THE MEDICAID PROGRAM.

(a) MANDATORY COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 4107(a)(1) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in subsection (a)(4)—

(A) by striking “and” before “(D)”; and

(B) by inserting before the semicolon at the end the following new subparagraph: “; and (E) preventive services described in subsection (ee);” and

(2) by adding at the end the following new subsection:

“(ee) PREVENTIVE SERVICES.—For purposes of subsection (a)(4)(E), the preventive services described in this subsection are diagnostic, screening, preventive, and rehabilitative services not otherwise described in subsection (a) or (r) that the Secretary determines are appropriate for individuals entitled to medical assistance under this title, including—

“(1) evidence-based services that are assigned a grade of A or B by the United States Preventive Services Task Force; and

“(2) with respect to an adult individual, approved vaccines recommended for routine

use by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.”.

(b) **ELIMINATION OF COST-SHARING.**—

(1) Subsections (a)(2)(D) and (b)(2)(D) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended by inserting “preventive services described in section 1905(ee),” after “emergency services (as defined by the Secretary).”.

(2) Section 1916A(a)(1) of such Act (42 U.S.C. 1396o-1(a)(1)) is amended by inserting “, preventive services described in section 1905(ee),” after “subsection (c)”.

(c) **CONFORMING AMENDMENT.**—Effective as if included in the enactment of the Patient Protection and Affordable Care Act (Public Law 111-148), the provisions of, and amendments made by, section 4106 of such Act are repealed.

(d) **INTERVAL PERIOD FOR INCLUSION OF NEW RECOMMENDATIONS IN STATE PLANS.**—With respect to a recommendation issued on or after the date of enactment of this Act by an organization described in subsection (ee) of section 1905 of the Social Security Act for a preventive service included under such subsection, the Secretary of Health and Human Services shall establish a minimum interval period, which shall be not less than 12 months, between the date on which the recommendation is issued and the plan year for which a State plan for medical assistance under title XIX of the Social Security Act shall be required to include such preventive service.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) take effect on the date of enactment of this Act.

(2) **EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.**—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation or State regulation in order for the plan to meet the additional requirements imposed by the amendments made by subsections (a) and (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 402. COVERAGE FOR COMPREHENSIVE WORKPLACE WELLNESS PROGRAM AND PREVENTIVE SERVICES.

Section 8904(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following:

“(G) Comprehensive workplace wellness program benefits that meet the requirements of section 10408 of the Patient Protection and Affordable Care Act (Public Law 111-148).

“(H) Preventive services benefits deemed an ‘A’ or ‘B’ service by the United States Preventive Services Taskforce.

“(I) Immunizations that have in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individuals involved.

“(J) With respect to infants, children, and adolescents, evidence-informed preventive

care and screenings provided for in the comprehensive guidelines supported by the Health Resources and Services Administration of the Department of Health and Human Services.”; and

(2) in paragraph (2), by adding at the end the following:

“(G) Comprehensive workplace wellness program benefits that meet the requirements of section 10408 of the Patient Protection and Affordable Care Act (Public Law 111-148).

“(H) Preventive services benefits deemed an ‘A’ or ‘B’ service by the United States Preventive Services Taskforce.

“(I) Immunizations that have in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individuals involved.

“(J) With respect to infants, children, and adolescents, evidence-informed preventive care and screenings provided for in the comprehensive guidelines supported by the Health Resources and Services Administration of the Department of Health and Human Services.”.

SEC. 403. HEALTH PROFESSIONAL EDUCATION AND TRAINING IN HEALTHY EATING.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by striking section 399Z and inserting the following:

“SEC. 399Z. HEALTH PROFESSIONAL EDUCATION AND TRAINING IN HEALTHY EATING.

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in collaboration with the Administrator of the Health Resources and Services Administration and the heads of other agencies, and in consultation with appropriate health professional associations, shall develop and carry out a program to educate and train health professionals in effective strategies to—

“(1) better identify patients at-risk of becoming overweight or obese or developing an eating disorder;

“(2) detect overweight or obesity or eating disorders among a diverse patient population;

“(3) counsel, refer, or treat patients with overweight or obesity or an eating disorder;

“(4) educate patients and the families of patients about effective strategies to establish healthy eating habits and appropriate levels of physical activity; and

“(5) assist in the creation and administration of community-based overweight and obesity and eating disorder prevention efforts.

“(b) **EATING DISORDER.**—In this section, the term ‘eating disorder’ includes anorexia nervosa, bulimia nervosa, binge eating disorder, and eating disorders not otherwise specified, as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders or any subsequent edition.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2012 through 2016.”.

TITLE V—RESEARCH

SEC. 501. GRANTS FOR BODY MASS INDEX DATA ANALYSIS.

(a) **ESTABLISHMENT.**—The Secretary of Health and Human Services may make grants to not more than 20 eligible entities to analyze body mass index (hereinafter in this section referred to as “BMI”) measurements of children, ages 2 through 18.

(b) **ELIGIBILITY.**—An eligible entity for purposes of this section is a State (including the District of Columbia, the Commonwealth of

Puerto Rico, and each territory of the United States) that has a statewide immunization information system that—

(1) has the capacity to store basic demographic information (including date of birth, gender, and geographic area of residence), height, weight, and immunization data for each resident of the State;

(2) is accessible to doctors, nurses, other licensed medical professionals, and officials of the relevant department in the State charged with maintaining health and immunization records; and

(3) has the capacity to integrate large amounts of data for the analysis of BMI measurements.

(c) **USE OF FUNDS.**—A State that receives a grant under this section shall use the grant for the following purposes:

(1) Analyzing the effectiveness of obesity prevention programs and wellness policies carried out in the State.

(2) Purchasing new computers, computer equipment, and software to upgrade computers to be used for a statewide immunization information system.

(3) The hiring and employment of personnel to maintain and analyze BMI data.

(4) The development and implementation of training programs for medical professionals to aid such professionals in taking BMI measurements and discussing such measurements with patients.

(5) Providing information to parents and legal guardians in accordance with subsection (e)(2).

(d) **SELECTION CRITERIA.**—In selecting recipients of grants under this section, the Secretary shall give priority to States in which a high percentage of public and private health care providers submit data to a statewide immunization information system that—

(1) contains immunization data for not less than 20 percent of the population of such State that is under the age of 18; and

(2) includes data collected from men and women who are of a wide variety of ages and who reside in a wide variety of geographic areas in a State (as determined by the Secretary).

(e) **CONDITIONS.**—As a condition of receiving a grant under this section, a State shall—

(1) ensure that BMI measurements will be recorded for children ages 2 through 18—

(A) on an annual basis by a licensed physician, nurse, nurse practitioner, or physicians assistant during an annual physical examination, wellness visit, or similar visit with a physician; and

(B) in accordance with data collection protocols published by the American Academy of Pediatrics in the 2007 Expert Committee Recommendations; and

(2) for each child in the State for whom such measurements indicate a BMI greater than the 95th percentile for such child’s age and gender, provide to the parents or legal guardians of such child information on how to lower BMI and information on State and local obesity prevention programs.

(f) **REPORTS.**—

(1) **REPORTS TO THE SECRETARY.**—Not later than 5 years after the receipt of a grant under this section, the State receiving such grant shall submit to the Secretary the following reports:

(A) A report containing an analysis of BMI data collected using the grant, including—

(i) the differences in obesity trends by gender, disability, geographic area (as determined by the State), and socioeconomic status within such State; and

(ii) the demographic groups and geographic areas most affected by obesity within such State.

(B) A report containing an analysis of the effectiveness of obesity prevention programs and State wellness policies, including—

(i) an analysis of the success of such programs and policies prior to the receipt of the grant; and

(ii) a discussion of the means to determine the most effective strategies to combat obesity in the geographic areas identified under subparagraph (A).

(2) REPORT TO CONGRESS AND CERTAIN EXECUTIVE AGENCIES.—Not later than 1 year after the Secretary receives all the reports required pursuant to paragraph (1), the Secretary shall submit to the Secretary of Education, the Secretary of Agriculture, and to Congress a report that contains the following:

(A) An analysis of trends in childhood obesity, including how such trends vary across regions of the United States, and how such trends vary by gender and socioeconomic status.

(B) A description of any programs that—

(i) the Secretary has determined significantly lower childhood obesity rates for certain geographic areas in the United States, including urban, rural, and suburban areas; and

(ii) the Secretary recommends to be implemented by the States (including States that did not receive a grant under this section).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for each of fiscal years 2012 through 2016.

SEC. 502. NATIONAL ASSESSMENT OF MENTAL HEALTH NEEDS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 506B (42 U.S.C. 290aa-5b) the following:

“SEC. 506C. NATIONAL ASSESSMENT OF MENTAL HEALTH NEEDS.

“(a) IN GENERAL.—The Secretary, acting through the Administrator, and in consultation with the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall establish and implement public health monitoring measures to address the mental and behavioral health status of the population of the United States and other populations served by the Administration, that include—

“(1) monitoring the mental health status of the population, including the incidence and prevalence of mental and behavioral health conditions across the lifespan;

“(2) monitoring access to appropriate diagnostic and treatment services for mental and behavioral health conditions, including trends in unmet need for services;

“(3) monitoring mental and behavioral health conditions as risk factors for obesity and chronic diseases to the extent practicable;

“(4) enhancing existing public health monitoring systems by including measures assessing mental and behavioral health status and associated risk factors; and

“(5) to the extent practicable, monitoring the immediate and long-term impact of disasters or catastrophic events, whether natural or man-made on the mental and behavioral health of affected populations.

“(b) DISTINGUISHING AMONG AGE GROUPS.—In designing and implementing the measures described in subsection (a) the Secretary shall ensure that data collection and reporting standards stratify data by age groups, in

particular, to the extent practicable, children under the age of 5 years.

“(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit a report to Congress that describes the progress on the implementation of the monitoring measures described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary to carry out this section for each of fiscal years 2012 through 2016.”.

By Mr. HARKIN (for himself, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 187. A bill to provide for the expansion of the biofuels market; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, I rise today to discuss the great importance of expanding the production and availability of biofuels, and the significant impact that biofuels continue to have on reducing our overall consumption of petroleum in the United States.

Our national energy situation continues to deteriorate. Because we import 60 percent of the petroleum we consume, our economy faces a constant threat from volatile petroleum prices as well as significant amounts of American wealth being transferred to foreign producers. Because more than two-thirds of our petroleum supply is consumed by our transportation sector, we can improve this situation by expanding the production and use of alternatives to petroleum-derived fuels. Domestic biofuels have been by far our most successful alternative. Biofuels already displace close to 10 percent of our gasoline supplies, and they have the potential to make significantly larger contributions in the years ahead. Expanding domestic biofuels production and use also will support economic recovery by creating jobs in the areas of feedstock production and delivery, fuels processing in bio refineries, and biofuels marketing.

The American people understand the need to reduce our dependence on foreign petroleum supplies. Congress has expressed broad agreement on two fundamental approaches—increasing efficiency of vehicles and increasing use of alternative fuels. We mandated more efficient vehicles by passing the Energy Independence and Security Act of 2007, EISA. That bill mandates a brisk expansion of biofuels production under the Renewable Fuels Standard. However, biofuels currently are facing critical market barriers. The most common form of biofuel, ethanol, can only be used as a 10 percent blend with gasoline in most highway vehicles. To enable much larger production and use levels, we need to expand the number of flex-fuel vehicles that can use higher blends, and we need to expand the number of filling stations selling those higher blends. We also need to enable safer and more economical transport of

higher volumes by supporting development of biofuel pipelines.

To these ends, I am proud today to introduce the Biofuels Market Expansion Act of 2011. This measure would require that at least 90 percent of new auto sales in the United States be flex fuel vehicles by 2016. It would also require major fuel distributors, those owning or branding more than 50 gasoline filling stations, to install increasing numbers of blender pumps at their retail filling stations, and it would authorize funding to support blender pump installations by smaller filling station operators. Finally, this measure would authorize guarantees for loans covering 80 percent of renewable fuel pipeline project costs.

The requirements and assistance authorized in this bill will ensure that the number of flex-fuel automobiles and the availability of alternative fuels are expanding in tandem with the production and use of biofuels in our national fuel supply over the next 8 years and beyond. This is a job-creating bill that reduces American dependence on foreign petroleum by giving Americans the option of choosing clean, domestically-produced fuels for their personal transportation needs in the future. These steps represent critical components in the transition of our energy systems away from fossil and imported fuels toward the benefits of greater reliance on sustainable domestic fuel sources.

Today, I urge my Senate colleagues to join us in taking action to boost the transition to a cleaner, more resilient, and more secure energy economy. I urge Senators' support for this bill and its rapid enactment.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Biofuels Market Expansion Act of 2011”.

SEC. 2. ENSURING THE AVAILABILITY OF DUAL FUELED AUTOMOBILES AND LIGHT DUTY TRUCKS.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

“§ 32902A. Requirement to manufacture dual fueled automobiles and light duty trucks

“(a) IN GENERAL.—For each model year listed in the following table, each manufacturer shall ensure that the percentage of automobiles and light duty trucks manufactured by the manufacturer for sale in the United States that are dual fueled automobiles and light duty trucks is not less than the percentage set forth for that model year in the following table:

“Model Year	Percentage
Model years 2014 and 2015	50

"Model Year	Percent- age
Model year 2016 and each subsequent model year	90

"(b) EXCEPTION.—Subsection (a) shall not apply to automobiles or light duty trucks that operate only on electricity."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

"32902A. Requirement to manufacture dual fueled automobiles and light duty trucks."

(c) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations to carry out the amendments made by this Act.

SEC. 3. BLENDER PUMP PROMOTION.

(a) BLENDER PUMP GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BLENDER PUMP.—The term "blender pump" means an automotive fuel dispensing pump capable of dispensing at least 3 different blends of gasoline and ethanol, as selected by the pump operator, including blends ranging from 0 percent ethanol to 85 percent denatured ethanol, as determined by the Secretary.

(B) E-85 FUEL.—The term "E-85 fuel" means a blend of gasoline approximately 85 percent of the content of which is ethanol.

(C) ETHANOL FUEL BLEND.—The term "ethanol fuel blend" means a blend of gasoline and ethanol, with a minimum of 0 percent and maximum of 85 percent of the content of which is denatured ethanol.

(D) MAJOR FUEL DISTRIBUTOR.—

(i) IN GENERAL.—The term "major fuel distributor" means any person that owns a refinery or directly markets the output of a refinery.

(ii) EXCLUSION.—The term "major fuel distributor" does not include any person that directly markets through less than 50 retail fueling stations.

(E) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) GRANTS.—The Secretary shall make grants under this subsection to eligible facilities (as determined by the Secretary) to pay the Federal share of—

(A) installing blender pump fuel infrastructure, including infrastructure necessary for the direct retail sale of ethanol fuel blends (including E-85 fuel), including blender pumps and storage tanks; and

(B) providing subgrants to direct retailers of ethanol fuel blends (including E-85 fuel) for the purpose of installing fuel infrastructure for the direct retail sale of ethanol fuel blends (including E-85 fuel), including blender pumps and storage tanks.

(3) LIMITATION.—A major fuel distributor shall not be eligible for a grant or subgrant under this subsection.

(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be up to 50 percent of the total cost of the project.

(5) REVERSION.—If an eligible facility or retailer that receives a grant or subgrant under this subsection does not offer ethanol fuel blends for sale for at least 2 years during the 4-year period beginning on the date of installation of the blender pump, the eligible facility or retailer shall be required to repay to the Secretary an amount determined to be appropriate by the Secretary, but not more than the amount of the grant provided to the

eligible facility or retailer under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection, to remain available until expended—

(A) \$50,000,000 for fiscal year 2012;

(B) \$100,000,000 for fiscal year 2013;

(C) \$200,000,000 for fiscal year 2014;

(D) \$300,000,000 for fiscal year 2015; and

(E) \$350,000,000 for fiscal year 2016.

(b) INSTALLATION OF BLENDER PUMPS BY MAJOR FUEL DISTRIBUTORS AT OWNED STATIONS AND BRANDED STATIONS.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

"(13) INSTALLATION OF BLENDER PUMPS BY MAJOR FUEL DISTRIBUTORS AT OWNED STATIONS AND BRANDED STATIONS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) E-85 FUEL.—The term 'E-85 fuel' means a blend of gasoline approximately 85 percent of the content of which is ethanol.

"(ii) ETHANOL FUEL BLEND.—The term 'ethanol fuel blend' means a blend of gasoline and ethanol, with a minimum of 0 percent and maximum of 85 percent of the content of which is denatured ethanol.

"(iii) MAJOR FUEL DISTRIBUTOR.—

"(I) IN GENERAL.—The term 'major fuel distributor' means any person that owns a refinery or directly markets the output of a refinery.

"(II) EXCLUSION.—The term 'major fuel distributor' does not include any person that directly markets through less than 50 retail fueling stations.

"(iv) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

"(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major fuel distributor that sells or introduces gasoline into commerce in the United States through majority-owned stations or branded stations installs or otherwise makes available 1 or more blender pumps that dispense E-85 fuel and ethanol fuel blends (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) for a period of not less than 5 years at not less than the applicable percentage of the majority-owned stations and the branded stations of the major fuel distributor specified in subparagraph (C).

"(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable percentage of the majority-owned stations and the branded stations shall be determined in accordance with the following table:

Applicable percentage of majority-owned stations and branded stations	Percent:
Calendar year:	
2014	10
2016	20
2018	35
2020 and each calendar year thereafter	50.

"(D) GEOGRAPHIC DISTRIBUTION.—

"(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major fuel distributor described in that subparagraph installs or otherwise makes available 1 or more blender pumps that dispense E-85 fuel and ethanol fuel blends at not less than a minimum percentage (specified in the regulations) of the majority-owned stations and the branded stations of the major fuel distributors in each State.

"(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major fuel distributor installs or otherwise makes available 1 or more blender pumps described in that clause in each State in which the major fuel distributor operates.

"(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major fuel distributor described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the blender pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

"(F) PRODUCTION CREDITS FOR EXCEEDING BLENDER PUMPS INSTALLATION REQUIREMENT.—

"(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the majority-owned stations and the branded stations of a major fuel distributor at which the major fuel distributor installs blender pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major fuel distributor shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

"(ii) TRADING CREDITS.—Subject to clause (iii), a major fuel distributor that has earned credits under clause (i) may sell the credits to another major fuel distributor to enable the purchaser to meet the requirement under subparagraph (C).

"(iii) EXCEPTION.—A major fuel distributor may not use credits purchased under clause (i) to fulfill the geographic distribution requirement in subparagraph (D)."

SEC. 4. LOAN GUARANTEES FOR PROJECTS TO CONSTRUCT RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

"(6) RENEWABLE FUEL.—The term 'renewable fuel' has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), except that the term includes all types of ethanol and biodiesel.

"(7) RENEWABLE FUEL PIPELINE.—The term 'renewable fuel pipeline' means a pipeline for transporting renewable fuel."

(b) AMOUNT.—Section 1702(c) of the Energy Policy Act of 2005 (42 U.S.C. 16512(c)) is amended—

(1) by striking "(c) AMOUNT.—Unless" and inserting the following:

"(c) AMOUNT.—

"(1) IN GENERAL.—Unless"; and

(2) by adding at the end the following:

"(2) RENEWABLE FUEL PIPELINES.—A guarantee for a project described in section 1703(b)(11) shall be in an amount equal to 80 percent of the project cost of the facility that is the subject of the guarantee, as estimated at the time at which the guarantee is issued."

(c) RENEWABLE FUEL PIPELINE ELIGIBILITY.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

"(11) Renewable fuel pipelines."

(d) RAPID DEPLOYMENT OF RENEWABLE FUEL PIPELINES.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting " , or, in the case of projects described in paragraph (4), September 30, 2012" before the colon at the end; and

(B) by adding at the end the following:

“(4) Installation of sufficient infrastructure to allow for the cost-effective deployment of clean energy technologies appropriate to each region of the United States, including the deployment of renewable fuel pipelines through loan guarantees in an amount equal to 80 percent of the cost.”; and

(2) in subsection (e), by inserting “, or, in the case of projects described in subsection (a)(4), September 30, 2012” before the period at the end.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall promulgate such regulations as are necessary to carry out the amendments made by this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 14—HONORING THE VICTIMS AND HEROES OF THE SHOOTING ON JANUARY 8, 2011 IN TUCSON, ARIZONA

Mr. MCCAIN (for himself, Mr. KYL, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was ordered held at the desk:

S. RES. 14

Whereas on January 8, 2011, a gunman opened fire at a “Congress on your Corner” event hosted by Representative Gabrielle Giffords in Tucson, Arizona, killing 6 and wounding 13 others;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan

Stoddard, and Gabriel Matthew Zimmerman lost their lives in this attack;

Whereas Christina-Taylor Green, the 9-year-old daughter of John and Roxanna Green, was born on September 11, 2001, and was a third grader with an avid interest in government who was recently elected to the student council at Mesa Verde Elementary School;

Whereas Dorothy Morris, who was 76 years old, attended the January 8 event with George, her husband of over 50 years with whom she had 2 daughters, and who was also critically injured as he tried to shield her from the shooting;

Whereas John Roll, a Pennsylvania native who was 63 years old, began his professional career as a bailiff in 1972, was appointed to the Federal bench in 1991, and became chief judge for the District of Arizona in 2006, was a devoted husband to his wife Maureen, father to his 3 sons, and grandfather to his 5 grandchildren, and heroically attempted to shield Ron Barber from additional gunfire;

Whereas Phyllis Schneck, a proud mother of 3, grandmother of 7, and great-grandmother from New Jersey, was spending the winter in Arizona, and was a 79-year-old church volunteer and New York Giants fan;

Whereas Dorwan Stoddard, a 76-year-old retired construction worker and volunteer at the Mountain Avenue Church of Christ, is credited with shielding his wife Mavy, a longtime friend whom he married while they were in their 60s, who was also injured in the shooting;

Whereas Gabriel Matthew Zimmerman, who was 30 years old and engaged to be married, served as Director of Community Outreach to Representative Gabrielle Giffords, and was a social worker before serving with Representative Giffords;

Whereas Representative Gabrielle Giffords was a target of this attack, and was critically injured;

Whereas 13 others were also wounded in the shooting, including Ron Barber and Pamela Simon, both staffers to Representative Giffords; and

Whereas several individuals, including Patricia Maisch, Army Col. Bill Badger (Retired), who was also wounded in the shooting, Roger Salzgeber, Joseph Zamudio, Daniel Hernandez, Jr., Anna Ballis, and Dr. Steven Rayle helped apprehend the gunman and assist the injured, thereby risking their lives for the safety of others, and should be commended for their bravery: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the horrific attack which occurred at the “Congress on your Corner” event hosted by Representative Gabrielle Giffords in Tucson, Arizona, on January 8, 2011;

(2) offers its heartfelt condolences to the families, friends, and loved ones of those who were killed in that attack;

(3) expresses its hope for the rapid and complete recovery of those wounded in the shooting;

(4) honors the memory of Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Matthew Zimmerman;

(5) applauds the bravery and quick thinking exhibited by those individuals who prevented the gunman from potentially taking more lives and helped to save those who had been wounded;

(6) recognizes the service of the first responders who raced to the scene and the health care professionals who tended to the victims once they reached the hospital, whose service and skill saved lives;

(7) reaffirms the bedrock principle of American democracy and representative government, which is memorialized in the First Amendment of the Constitution and which Representative Gabrielle Giffords herself read in the Hall of the House of Representatives on January 6, 2011, of “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”;

(8) stands firm in its belief in a democracy in which all can participate and in which intimidation and threats of violence cannot silence the voices of any American;

(9) honors the service and leadership of Representative Gabrielle Giffords, a distinguished member of the House of Representatives, as she courageously fights to recover; and

(10) when adjourning today, shall do so out of respect to the victims of this attack.

SENATE RESOLUTION 15—DESIGNATING THE WEEK OF AUGUST 1 THROUGH AUGUST 7, 2011, AS “NATIONAL CONVENIENT CARE CLINIC WEEK”, AND SUPPORTING THE GOALS AND IDEALS OF RAISING AWARENESS OF THE NEED FOR ACCESSIBLE AND COST-EFFECTIVE HEALTH CARE OPTIONS TO COMPLEMENT THE TRADITIONAL HEALTH CARE MODEL

Mr. INOUE (for himself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 15

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who might otherwise be delayed or unable to schedule an appointment with a traditional primary care provider;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, continue to expand rapidly, and as of June 2010, consist of approximately 1,100 clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains or sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physician offices, urgent care, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that

generally last only 15 to 20 minutes: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 1 through August 7, 2011, as “National Convenient Care Clinic Week”;

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes the obstacles many people in the United States face in accessing the traditional medical home model of health care;

(4) encourages the use of convenient care clinics as a complimentary alternative to the medical home model of health care; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

Mr. INOUE. Mr. President, today I rise to recognize all of the providers who work in retail-based Convenient Care Clinics in a Resolution to designate August 1 through August 7, 2011 as National Convenient Care Clinic Week. National Convenient Care Clinic Week will provide a national platform from which to promote the pivotal services offered by the more than 1,100 retail-based convenient care clinics in the United States.

Today, thousands of nurse practitioners, physician assistants, and physicians provide care in convenient care clinics. At a time when Americans are more and more challenged by the inaccessibility and high costs of health care, convenient care offers a vital high-quality primary care alternative.

A Senate Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to Convenient Care Clinics.

SENATE RESOLUTION 16—TO REQUIRE THAT ALL LEGISLATIVE MATTERS BE AVAILABLE AND FULLY SCORED BY CBO 72 HOURS BEFORE CONSIDERATION BY ANY SUBCOMMITTEE OR COMMITTEE OF THE SENATE OR ON THE FLOOR OF THE SENATE

Mr. ENSIGN (for himself, Mr. BURR, Mr. ENZI, Mr. VITTER, Mr. CRAPO, Mr. ISAKSON, Mr. JOHANNIS, Mr. COBURN, and Mr. THUNE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 16

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF LEGISLATION AND THE COST OF THAT LEGISLATION.

(a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the

Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays, and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee; and

“(2) the final score shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of $\frac{2}{3}$ of the Members of the subcommittee or committee. An affirmative vote of $\frac{2}{3}$ of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

“(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

“(e) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments.”

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“6. (a) It shall not be in order in the Senate to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays, and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a)—

“(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

“(2) the final score shall be available on the official website of the Congressional Budget Office.

“(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment but does not include perfecting amendments.”

SEC. 2. PROTECTION OF CLASSIFIED INFORMATION.

Nothing in this resolution or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Mem-

bers in a timely manner as appropriate under existing laws and rules.

SENATE RESOLUTION 17—DESIGNATING THE MONTH OF NOVEMBER 2011 AS “NATIONAL MILITARY FAMILY MONTH”

Mr. INOUE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 17

Whereas military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2011 as “National Military Family Month”; and

(2) encourages the people of the United States to observe National Military Family Month with appropriate ceremonies and activities.

Mr. INOUE. Mr. President, today I rise to honor all our military families by introducing a Resolution to designate November as National Military Family Month. As we all know, memories fade and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services YMCA has sponsored Military Family Week in late November since 1996. However, due to frequent “short week” conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observances on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

This resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

SENATE RESOLUTION 18—EXPRESSING SUPPORT FOR PRAYER AT SCHOOL BOARD MEETINGS

Mr. VITTER submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 18

Whereas the freedom to practice religion and to express religious thought is acknowledged to be a fundamental and unalienable right belonging to all individuals;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the Framers intended that the First Amendment to the Constitution would prohibit the Federal Government from enacting any law that favors one religious denomination over another, not prohibit any mention of religion or reference to God in civic dialogue;

Whereas in 1983 the Supreme Court held in *Marsh v. Chambers*, 463 U.S. 783, that the practice of opening legislative sessions with prayer has become part of the fabric of our society and invoking divine guidance on a public body entrusted with making the laws is not a violation of the Establishment Clause of the First Amendment, but rather is simply a tolerable acknowledgment of beliefs widely held among the people of the Nation;

Whereas voluntary prayer in elected bodies should not be limited to prayer in State legislatures and Congress;

Whereas school boards are deliberative bodies of adults, similar to a legislature in that they are elected by the people, act in the public interest, and hold sessions that are open to the public for voluntary attendance; and

Whereas voluntary prayer by an elected body should be protected under law and encouraged in society because voluntary prayer has become a part of the fabric of our society, voluntary prayer acknowledges beliefs widely held among the people of the Nation, and the Supreme Court has held that it is not a violation of the Establishment Clause for a public body to invoke divine guidance: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

SENATE RESOLUTION 19—TO REQUIRE THAT A DESCRIPTIVE SUMMARY OF EACH PROVISION OF ANY LEGISLATIVE MATTER BE AVAILABLE 72 HOURS BEFORE CONSIDERATION BY ANY SUBCOMMITTEE OR COMMITTEE OF THE SENATE OR ON THE FLOOR OF THE SENATE

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Rule and Administration:

S. RES. 19

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF A DESCRIPTIVE SUMMARY OF EACH PROVISION OF LEGISLATION.

(a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a descriptive summary of each provision of the legislative matter has been publicly available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a), the legislative matter and descriptive summary of each provision shall be available on the official website of the committee.

“(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of $\frac{2}{3}$ of the Members of the subcommittee or committee. An affirmative vote of $\frac{2}{3}$ of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

“(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

“(e) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment.”

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

“6. (a) It shall not be in order in the Senate to proceed to any legislative matter unless the legislative matter and a descriptive summary of each provision of the legislative matter has been publicly available on the Internet as provided in subparagraph (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

“(b) With respect to the requirements of subparagraph (a), the legislative matter and descriptive summary of each provision shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter.

“(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(d) In this paragraph, the term ‘legislative matter’ means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment.”

SEC. 2. PROTECTION OF CLASSIFIED INFORMATION.

Nothing in this resolution or any amendment made by this resolution shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

SENATE RESOLUTION 20—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD IMMEDIATELY APPROVE THE UNITED STATES-KOREA FREE TRADE AGREEMENT, THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT, AND THE UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT

Mr. JOHANNIS (for himself, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. ROB-

ERTS, Mr. BOOZMAN, Mr. CORNYN, Mr. PORTMAN, Mr. INHOFE, Mr. ENZI, Mr. LUGAR, Mr. WICKER, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 20

Whereas the United States has signed free trade agreements with South Korea, Colombia, and Panama, but Congress has not approved those agreements;

Whereas, according to the United States International Trade Commission, the gross domestic product of the United States will likely increase by \$10,100,000,000 to \$11,900,000,000 as a result of increased access to the market of South Korea under the provisions of the United States-Korea Free Trade Agreement;

Whereas, according to the United States International Trade Commission, implementing the United States-Korea Free Trade Agreement will increase exports from the United States by an estimated \$9,700,000,000 to \$10,900,000,000 each year;

Whereas, according to the United States International Trade Commission, implementing the United States-Korea Free Trade Agreement would create 20,000 to 24,000 jobs in the United States;

Whereas the implementation of the United States-Korea Free Trade Agreement will ensure that agricultural products exported from the United States to South Korea receive treatment equivalent to the treatment provided by the United States to agricultural products exported from South Korea and will significantly increase exports of agricultural products from the United States to South Korea;

Whereas the American Farm Bureau estimates an increase of \$1,800,000,000 in United States agricultural trade per year after the United States-Korea Free Trade Agreement is fully implemented;

Whereas increased trade will help to strengthen ties between the United States and South Korea and advance important national security goals;

Whereas the United States and Colombia negotiated and signed the United States-Colombia Trade Promotion Agreement on November 22, 2006;

Whereas, according to the Office of the United States Trade Representative, Colombia is currently the 27th largest trading partner of the United States with respect to goods;

Whereas, according to the United States International Trade Commission, implementation of the United States-Colombia Trade Promotion Agreement will increase exports from the United States by an estimated \$1,100,000,000 each year;

Whereas, according to the United States International Trade Commission, implementation of the United States-Colombia Trade Promotion Agreement will create 3,693 jobs;

Whereas, in 2010, more than 90 percent of exports from Colombia to the United States entered the United States duty-free under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) and the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.);

Whereas, according to the United States International Trade Commission, goods valued at \$11,400,000,000 were exported from the United States to Colombia in 2008, an increase from \$3,600,000,000 in 2002;

Whereas, according to the Office of the United States Trade Representative, more than 80 percent of consumer and industrial

products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States-Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be eliminated within 10 years after the Agreement enters into force;

Whereas, according to the Office of the United States Trade Representative, the primary exports from the United States to Colombia in 2008 were \$2,600,000,000 in machinery, \$10,000,000,000 in mineral fuel, \$974,000,000 in organic chemicals, \$969,000,000 in corn and wheat cereals, and \$950,000,000 in electrical machinery;

Whereas, according to the Office of the United States Trade Representative, Colombia is the 15th largest market for farm products exported from the United States, with the United States exporting almost \$1,700,000,000 worth of farm products to Colombia in 2008;

Whereas, according to the Department of Agriculture, 99.9 percent of agricultural products imported into the United States from Colombia already enter the United States duty-free, but no agricultural products exported from the United States to Colombia currently enter Colombia duty-free;

Whereas, according to the American Farm Bureau Federation, the United States-Colombia Trade Promotion Agreement would increase sales of agricultural products produced in the United States by \$910,000,000 each year;

Whereas, according to the Department of Agriculture, more than half of agricultural products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States-Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be phased out over time;

Whereas the United States and Panama, after 10 rounds of negotiations, signed the United States-Panama Trade Promotion Agreement on December 16, 2006;

Whereas the United States values its long-standing bilateral relationship with Panama;

Whereas the National Assembly of Panama ratified the United States-Panama Trade Promotion Agreement by a vote of 58 to 4 on July 11, 2007;

Whereas 88 percent of United States commercial and industrial exports will enter Panama duty-free immediately after the United States-Panama Trade Promotion Agreement enters into force and all remaining tariffs on such exports will be phased out over 10 years;

Whereas more than 60 percent of exports of agricultural products from the United States will enter Panama duty-free immediately after the United States-Panama Trade Promotion Agreement enters into force and all remaining tariffs on agricultural products will be phased out over 20 years;

Whereas, according to the United States International Trade Commission, the primary effect of the implementation of the United States-Panama Trade Promotion Agreement will be to increase exports from the United States to Panama because 96 percent of imports from Panama already enter the United States duty-free; and

Whereas concerns about Panama's alleged position as a "tax haven" have been addressed with the November 30, 2010, signing of a United States-Panama Tax Information Exchange Agreement, which permits the competent authorities of the United States and Panama to request information on most taxes to better increase transparency in an attempt to combat illegal financial trans-

actions, including those linked to drug smuggling and money laundering: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes that the implementation of the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement will—

(A) create jobs in the United States;

(B) increase export opportunities for businesses and agricultural producers in the United States; and

(C) further develop cross-cultural business relationships between the United States and South Korea, Colombia, and Panama, respectively; and

(2) it is the sense of the Senate that it is in the security, economic, and diplomatic interests of the United States to enhance relationships with South Korea, Colombia, and Panama, respectively, by immediately approving the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

SENATE RESOLUTION 21—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE PROCEDURES FOR EXTENDED DEBATE

Mr. MERKLEY (for himself and Mr. UDALL of New Mexico) submitted the following resolution; which was submitted and read:

S. RES. 21

Resolved,

SECTION 1. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) designating the first 3 undesignated paragraphs as subparagraphs (a), (b), and (d), respectively;

(2) in subparagraph (d), as designated by paragraph (1), by striking "Thereafter" and inserting "If the Senate agrees to bring debate to a close under paragraphs 2 or 3, thereafter"; and

(3) inserting after subparagraph (b), as designated by paragraph (1), the following:

"(c)(1) If the Senate has voted against closing debate on a measure, motion, or other matter under subparagraph (b), but a majority of senators present and voting have voted to bring debate to a close, then the procedures under this subparagraph shall be in order at any time, so long as that measure, motion or other matter has continued as the only pending business subsequent to the vote against closing debate.

"(2) Under the circumstances described in clause (1), it shall be in order for the Majority Leader or his designee to move to bring debate on the pending measure, motion, or other matter to a close on the grounds that no Senator seeks recognition to debate the matter. Immediately after the motion is made and before putting the question thereon, the Presiding Officer shall immediately inquire whether any Senator seeks recognition for the purpose of debating the measure, motion or other matter on which the Senate had previously voted against closing debate under subparagraph (b). If a Senator seeks recognition for that purpose, the Presiding Officer shall announce that the Senate is proceeding under extended debate, and shall recognize a Senator who seeks recognition

for debate. After the Presiding Officer's announcement under the preceding sentence the Senate shall continue to proceed under extended debate subject to the conditions provided in clause (3). Notwithstanding rule XIX, Senators may speak more than twice on a question during extended debate.

"(3)(A) If the Senate enters into extended debate under this clause, no dilatory motions, motions to suspend any rule or any part thereof, nor dilatory quorum calls shall be entertained.

"(B) If during extended debate the proceedings described in either subclause (C), (D), or (E) occur and unless the Majority Leader or his designee withdraws the motion made under clause (2), the Senate shall proceed immediately to vote on that motion or to vote at a time designated by the Majority Leader or his designee within the next 4 calendar days of Senate session. When voted on, that motion shall be decided by a majority of Senators chosen and sworn.

"(C) If, at any point during extended debate when no Senator is recognized, no Senator seeks recognition, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition and shall recognize a Senator who seeks recognition for the purpose of debate. If no Senator then seeks recognition (or if no Senator sought recognition in response to the Presiding Officer's inquiry under clause (2)), the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2), in the manner specified in subclause (B).

"(D)(i) If, at any point during extended debate, a Senator raises a question of the presence of a quorum, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate.

"(ii) If no Senator then seeks recognition for debate—

"(I) the Presiding Officer shall direct the Clerk to call the roll;

"(II) upon the establishment of a quorum, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B); and

"(III) if the Senate adjourns for lack of a quorum and when the Senate next convenes and the morning hour or any period for morning business is expired or is deemed to be expired, the Senate shall dispose of the motion of the Majority Leader (or his designee) made to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

"(E)(i) If, at any point during extended debate, a Senator having been recognized moves to adjourn, recess, postpone the pending matter, or proceed to other business, then unless the motion is made or seconded by the Majority Leader or his designee, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate, and said motion shall be considered withdrawn. If no Senator then seeks recognition for debate, then the Presiding Officer shall immediately put the question on the motion offered, unless the vote is delayed as provided in item (ii). If the Senate agrees to a motion to adjourn or recess it shall resume consideration of the pending measure, motion or other matter pending at the time of adjournment or recess when it first takes up business after it next reconvenes, and the Senate shall still be in a period of extended debate. Upon the negative disposition of the motion to adjourn, recess,

postpone, or proceed to other business, unless such motion was made by the majority leader or his designee, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(F) During a period of extended debate, the Majority Leader or his designee may delay any vote until a designated time within the next 4 calendar days of Senate session, and any votes ordered or occurring thereafter shall likewise be delayed.

“(4) If the motion of the Majority Leader to bring debate to a close pursuant to clause (3)(B) is agreed to by a majority of Senators chosen and sworn, the Presiding Officer shall announce that extended debate is ended and that the measure, motion, or other matter pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of and further proceedings on the measure, motion or other matter shall occur in accordance with subparagraph (d). If the Majority Leader withdraws the motion to bring debate to a close pursuant to clause (3)(B) or that motion is not agreed to by a majority of Senators chosen and sworn the Presiding Officer shall announce that extended debate is ended.

“(5) If extended debate on a measure, motion or other matter is ended under this subparagraph, other than by agreement to the motion made by the Majority Leader under clause (4), further consideration of the measure, motion or other matter shall occur as otherwise provided by the rules, except that if the Senate subsequently again votes against closing debate under subparagraph (b), the procedures under this subparagraph shall apply.”.

SENATE RESOLUTION 22—CONDEMNING THE NEW YEAR'S DAY ATTACK ON THE COPTIC CHRISTIAN COMMUNITY IN ALEXANDRIA, EGYPT AND URGING THE GOVERNMENT OF EGYPT TO FULLY INVESTIGATE AND PROSECUTE THE PERPETRATORS OF THIS HEINOUS ACT

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. WICKER, Mr. CARDIN, Mr. INHOFE, Mr. LAUTENBERG, Mr. LEVIN, Mr. CASEY, Mr. JOHNSON of South Dakota, Mrs. BOXER, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 22

Whereas Coptic Christians are a native Egyptian population and the Coptic Orthodox Church of Alexandria was founded by the Evangelist Saint Mark the Apostle in approximately 42 A.D. and is the oldest Christian church in Africa;

Whereas Copts in Egypt constitute the largest Christian community in the Middle East and the largest Christian minority group in the region;

Whereas Coptic Christians account for at least 9 percent of Egypt's population of 80,000,000 and number more than 3,000,000 outside of Egypt, including 1,000,000 in the United States;

Whereas, on New Year's Day 2011, a suicide bomber targeting Coptic Christians blew himself up in front of the Saint George and Bishop Peter Church in Alexandria, Egypt killing at least 21 people and injuring almost 100 others;

Whereas President Barack Obama and other world leaders have condemned the attack and called for its perpetrators to “be brought to justice for this barbaric and heinous act”;

Whereas the head of Egypt's Coptic Christian community, Pope Shenouda III, has called on President of Egypt Hosni Mubarak to increase security for the Coptic Christian community and to reach agreements over the building and repairing of churches, including the adoption of a single law applicable to both churches and mosques; and

Whereas the freedom of religion is central to the ability of people to live together and must be upheld by the laws and practices of every democratic nation: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the New Year's Day 2011 attack on the Saint George and Bishop Peter Church in Alexandria, Egypt;

(2) expresses its deep condolences to the Coptic Christian community who suffered from this attack and lost their loved ones and to all Egyptians who have suffered from terrorist attacks;

(3) calls on President Hosni Mubarak and the Government of Egypt to continue to fully investigate the bomb attack and to lawfully prosecute the perpetrators of this heinous act;

(4) calls on President Hosni Mubarak and the Government of Egypt to continue to enhance security for the Coptic Christian community and to work to ensure in law and practice religious freedom and equality of treatment for all people in Egypt;

(5) calls on the President to work with the Government of Egypt to identify the perpetrators of the New Year's Day attack; and

(6) calls on the Secretary of State to address the issues of religious freedom and equality of treatment for all people in Egypt with the Government of Egypt.

SENATE RESOLUTION 23—TO PROHIBIT UNAUTHORIZED EARMARKS

Mr. INHOFE (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 23

Resolved,

SECTION 1. PROHIBITION ON UNAUTHORIZED EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, conference report, or amendment that provides an earmark.

(b) SUPERMAJORITY.—

(1) WAIVER.—The provisions of subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fourths of the Members, duly chosen and sworn.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fourths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) EARMARK DEFINED.—In this resolution, the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending

a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district unless the provision or language—

(1) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction;

(2) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or

(3) is awarded through a statutory or administrative formula-driven or competitive award process.

SENATE RESOLUTION 24—TO PROPOSE A STANDING ORDER TO GOVERN EXTENDED DEBATE

Mr. MERKLEY (for himself and Mr. UDALL of New Mexico) submitted the following resolution; which was submitted and read:

S. RES. 24

Resolved,

SECTION 1. STANDING ORDER FOR EXTENDED DEBATE.

(a) STANDING ORDER.—This section shall be a standing order of the Senate.

(b) RULES FOR EXTENDED DEBATE.—

(1) IN GENERAL.—If a question to close debate on a measure, motion, or other matter is decided in the negative and a majority of senators present and voting have voted to bring debate to a close, the extended debate procedures under this section shall be in order at any time if that measure, motion or other matter has continued as the only pending business subsequent to the vote against closing debate.

(2) CLOSING DEBATE.—Under the circumstances described in paragraph (1), it shall be in order for the Majority Leader or his designee to move to bring debate on the pending measure, motion, or other matter to a close on the grounds that no Senator seeks recognition to debate the matter. Immediately after the motion is made and before putting the question thereon, the Presiding Officer shall immediately inquire whether any Senator seeks recognition for the purpose of debating the matter on which the Senate had previously voted against closing debate. If a Senator seeks recognition for that purpose, the Presiding Officer shall announce that the Senate is proceeding under extended debate and shall recognize a Senator who seeks recognition for debate. After the Presiding Officer's announcement under the preceding sentence the Senate shall continue to proceed under extended debate subject to paragraph (3).

(3) EXTENDED DEBATE.—

(A) IN GENERAL.—If the Senate enters into extended debate under this paragraph, no dilatory motions, motions to suspend any rule or any part thereof, nor dilatory quorum calls shall be entertained.

(B) CONDITIONS FOR ENDING DEBATE.—If during extended debate the proceedings described in either subparagraph (C), (D), or (E) occur and unless the Majority Leader or his designee withdraws the motion made under paragraph (2), the Senate shall proceed immediately to vote on that motion or to vote at a time designated by the Majority Leader or his designee within the next four calendar days of Senate session. When voted on, that motion shall be decided by a majority of Senators chosen and sworn.

(C) DEBATE ENDS.—If, at any point during extended debate when no Senator is recognized, no Senator seeks recognition, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition and shall recognize a Senator who seeks recognition for the purpose of debate. If no Senator then seeks recognition (or if no Senator sought recognition in response to the Presiding Officer's inquiry under paragraph (2), the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to paragraph (2), in the manner specified in subparagraph (B).

(D) QUORUM CALLS.—

(i) QUESTION.—If, at any point during extended debate, a Senator having been recognized raises a question of the presence of a quorum, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate.

(ii) DISPOSITION.—If no Senator then seeks recognition for debate under clause (i)—

(I) the Presiding Officer shall direct the Clerk to call the roll;

(II) upon the establishment of a quorum, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to paragraph (2) in the manner specified in subparagraph (B); and

(III) if the Senate adjourns for lack of a quorum, then when the Senate next convenes and the morning hour or any period for morning business is expired or is deemed to be expired, the Senate shall dispose of the motion of the Majority Leader (or his designee) made to bring debate to a close pursuant to paragraph (2) in the manner specified in subparagraph (B).

(E) MOTIONS.—

(i) IN GENERAL.—If at any point during extended debate a Senator having been recognized moves to adjourn, recess, postpone the pending matter, or proceed to other business and unless the motion is made or seconded by the Majority Leader or his designee, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate, and said motion shall be considered withdrawn. If no Senator then seeks recognition for debate, then the Presiding Officer shall immediately put the question on the motion offered, unless the vote is delayed as provided in clause (ii).

(ii) RECONVENING.—If the Senate agrees to a motion to adjourn or recess it shall resume consideration of the pending measure, motion or other matter pending at the time of adjournment or recess when it first takes up business after it next reconvenes, and the Senate shall still be in a period of extended debate. Upon the negative disposition of the motion to adjourn, recess, postpone, or proceed to other business and unless such motion was made by the Majority Leader or his designee, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to paragraph (2) in the manner specified in subparagraph (B).

(iii) DELAY.—During a period of extended debate, the Majority Leader or his designee may delay any vote until a designated time within the next 4 calendar days of Senate session, and any votes ordered or occurring thereafter shall likewise be delayed.

(4) FINAL DISPOSITION.—If the motion of the Majority Leader to bring debate to a close pursuant to paragraph (2) is agreed to by a majority of Senators chosen and sworn, the Presiding Officer shall announce that ex-

tended debate is ended and that the measure, motion, or other matter pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of and further proceedings on the measure, motion or other matter shall occur as if the Senate had decided to invoke cloture. If the Majority Leader withdraws the motion to bring debate to a close pursuant to paragraph (2) or that motion is not agreed to by a majority of Senators chosen and sworn the Presiding Officer shall announce that extended debate is ended.

SENATE RESOLUTION 25—EXPRESSING THE SENSE OF THE SENATE THAT COMPREHENSIVE TAX REFORM LEGISLATION SHOULD INCLUDE INCENTIVES FOR COMPANIES TO REPATRIATE FOREIGN EARNINGS FOR THE PURPOSE OF CREATING NEW JOBS

Mrs. BOXER submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 25

Whereas innovative proposals to create new American jobs must be enacted in order to reduce the United States unemployment rate, which was 9.4 percent at the end of 2010;

Whereas United States multinational companies have an estimated \$1,000,000,000,000 in overseas earnings that could be used to invest in the economic recovery, but the current tax structure gives them more incentive to leave those earnings overseas;

Whereas Congress passed section 422 of the American Jobs Creation Act of 2004, which allowed for the short term repatriation of foreign earnings at a lower tax rate to encourage companies to bring their overseas earnings back to invest in this country during the economic downturn;

Whereas more than \$300,000,000,000 in foreign earnings was returned to the United States as a result of section 422 of the American Jobs Creation Act of 2004; and

Whereas \$18,000,000,000 in additional revenue was provided to the United States Treasury as a result of section 422 of the American Jobs Creation Act: Now, therefore, be it

Resolved, That it is the sense of the Senate that innovative proposals to create new American jobs, such as repatriation, should be considered in the 112th Congress as part of comprehensive tax reform.

SENATE CONCURRENT RESOLUTION 3—HONORING THE SERVICE AND SACRIFICE OF STAFF SERGEANT SALVATORE GIUNTA, A NATIVE OF HIAWATHA, IOWA, AND THE FIRST LIVING RECIPIENT OF THE MEDAL OF HONOR SINCE THE VIETNAM WAR

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 3

Whereas Staff Sergeant Salvatore Giunta of the United States Army, a native of Hiawatha, Iowa, was awarded the Medal of Honor by President Obama on November 16, 2010;

Whereas the Medal of Honor is the highest honor awarded to members of the Armed Forces for valor in combat;

Whereas the official citation awarding the Medal of Honor to Staff Sergeant Giunta states that Staff Sergeant Giunta "distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty in action with an armed enemy in the Korengal Valley, Afghanistan, on October 25, 2007";

Whereas Staff Sergeant Giunta joins an elite group of Medal of Honor recipients dating back to the Civil War;

Whereas the production and distribution of a medal of honor recognizing individual valor was first proposed by a fellow Iowan, Senator James W. Grimes, and the Secretary of the Navy was authorized to award the first "medals of honor" under section 7 of the Act of December 21, 1861 (12 Stat. 330; chapter 1);

Whereas Staff Sergeant Giunta is the first living recipient of the Medal of Honor since the Vietnam War;

Whereas Staff Sergeant Giunta displayed true courage in the face of enemy fire, risking his own life for the benefit of an injured soldier;

Whereas the actions of Staff Sergeant Giunta represent the highest values of the Army and the United States;

Whereas Staff Sergeant Giunta has demonstrated humility and dedication to his fellow soldiers on numerous occasions, stating that the Medal of Honor does not belong to him alone, but also to his fellow soldiers, both living and dead, for whom he holds the Medal of Honor in trust; and

Whereas the brave actions of Staff Sergeant Giunta, which went above and beyond the call of duty, as well as the modesty and selfless service exhibited by Staff Sergeant Giunta, stand as the embodiment of the best attributes of the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of Staff Sergeant Salvatore Giunta of the United States Army, who is the first living recipient of the Medal of Honor since the Vietnam War; and

(2) encourages the people of the United States to recognize the valor and heroism exhibited by Staff Sergeant Giunta.

PRIVILEGES OF THE FLOOR

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent Tim Woodbury, my law clerk, be granted the privilege of the floor for the duration of this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING STAFF SERGEANT SALVATORE GIUNTA

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Con. Res. 3.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 3) honoring the service and sacrifice of Staff

Sergeant Salvatore Giunta, a native of Hiawatha, Iowa, and the first living recipient of the Medal of Honor since the Vietnam War.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I now ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res 3) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 3

Whereas Staff Sergeant Salvatore Giunta of the United States Army, a native of Hiawatha, Iowa, was awarded the Medal of Honor by President Obama on November 16, 2010;

Whereas the Medal of Honor is the highest honor awarded to members of the Armed Forces for valor in combat;

Whereas the official citation awarding the Medal of Honor to Staff Sergeant Giunta states that Staff Sergeant Giunta "distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty in action with an armed enemy in the Korengal Valley, Afghanistan, on October 25, 2007";

Whereas Staff Sergeant Giunta joins an elite group of Medal of Honor recipients dating back to the Civil War;

Whereas the production and distribution of a medal of honor recognizing individual valor was first proposed by a fellow Iowan, Senator James W. Grimes, and the Secretary of the Navy was authorized to award the first "medals of honor" under section 7 of the Act of December 21, 1861 (12 Stat. 330; chapter I);

Whereas Staff Sergeant Giunta is the first living recipient of the Medal of Honor since the Vietnam War;

Whereas Staff Sergeant Giunta displayed true courage in the face of enemy fire, risking his own life for the benefit of an injured soldier;

Whereas the actions of Staff Sergeant Giunta represent the highest values of the Army and the United States;

Whereas Staff Sergeant Giunta has demonstrated humility and dedication to his fellow soldiers on numerous occasions, stating that the Medal of Honor does not belong to him alone, but also to his fellow soldiers, both living and dead, for whom he holds the Medal of Honor in trust; and

Whereas the brave actions of Staff Sergeant Giunta, which went above and beyond the call of duty, as well as the modesty and selfless service exhibited by Staff Sergeant Giunta, stand as the embodiment of the best attributes of the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the service and sacrifice of Staff Sergeant Salvatore Giunta of the United States Army, who is the first living recipient of the Medal of Honor since the Vietnam War; and

(2) encourages the people of the United States to recognize the valor and heroism exhibited by Staff Sergeant Giunta.

UNANIMOUS-CONSENT AGREEMENT—S. RES. 14

Mr. REID. I ask unanimous consent that S. Res. 14, which is a resolution honoring the victims and heroes of the shootings on January 8, 2011, in Tucson, AZ, submitted earlier today by Senators McCain and Kyl, remain at the desk; that the Senate proceed to its consideration at 10:30 a.m. tomorrow morning, Wednesday, January 26; that there be 3½ hours of debate, equally divided between the majority leader and the Republican leader or their designees, and upon the use or yielding back of that time, the Senate proceed to vote on adoption of the resolution; that there are no amendments, motions or points of order in order prior to the vote on adoption; further, that if the resolution is adopted, the preamble be agreed to and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING APPOINTMENT OF A COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House to escort the President of the United States into the House Chamber for the joint session to be held tonight at 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ FOR THE FIRST TIME—S. 162 AND S. 163

Mr. REID. I am told there are two bills at the desk for their first reading. I ask we consider those en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills en bloc for the first time.

The assistant legislative clerk read as follows:

A bill (S. 162) to cut \$500,000,000,000 in spending in fiscal year 2011.

A bill (S. 163) to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

Mr. REID. Mr. President, I ask for the second reading en bloc, but I object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

The Republican leader.

MEASURE READ FOR THE FIRST TIME—H.R. 2

Mr. McCONNELL. I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 2) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. McCONNELL. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

The PRESIDING OFFICER. The majority leader.

ORDER FOR RECESS AND ORDERS FOR WEDNESDAY, JANUARY 26, 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate recess until 8:30 p.m. tonight and proceed as a body at 8:40 p.m. to the Hall of the House of Representatives for the joint session of Congress, provided under the provisions of H. Con. Res 10; that upon dissolution of the joint session, the Senate adjourn until 9:30 a.m. Wednesday, January 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks the Senate proceed to a period of morning business until 10:30 a.m. with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each during that time, with the Republicans controlling the first half and the majority controlling the second half; finally, that following morning business the Senate proceed to the consideration of S. Con. Res 14, the resolution honoring the victims of the tragedy in Tucson, AZ, as provided under the previous order; finally, I ask that upon disposition of the resolution, the Senate resume morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should therefore expect a rollcall vote at approximately 2 p.m. tomorrow afternoon on adoption of the Tucson resolution. I would also say that we have had a lot of good work today. We have not been on the floor a lot doing what appears to be a lot of substantive stuff. But what we have been able to accomplish, in the halls of the building and the various Senate office buildings, has been extremely important. I appreciate everyone's cooperation.

Senator McCONNELL and I have had occasions to speak, and we know how difficult it has been for everybody involved. But we think the result is going to be very good for the Senate.

RECESS

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:03 p.m., recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNET).

JOINT SESSION OF THE TWO
HOUSES—ADDRESS BY THE
PRESIDENT OF THE UNITED
STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed as a body to the Hall of the House of Representatives to receive a message from the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Martina Bradford, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear the

address by the President of the United States, Barack H. Obama.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

At the conclusion of the joint session of the two Houses and in accordance with the order previously entered, at 10:20 p.m., the Senate adjourned until Wednesday, January 26, 2011, at 9:30 a.m.

EXTENSIONS OF REMARKS

MARCH FOR LIFE

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. SCHOCK. Mr. Speaker I rise today to recognize the thousands of Americans who have come to Washington, D.C. for the annual March for Life. Starting as a grassroots movement in response to the U.S. Supreme Court's fateful 1973 decision in *Roe v. Wade*, the March for Life has grown to over 200,000 participants in recent years. I applaud this year's marchers who traveled across the country, including many from my home state of Illinois, to show their support for the unborn.

Abortion is one of the great tragedies of the last half century. In 2008 there were 1.21 million abortions in the United States, the equivalent of 100,000 abortions per month. I believe we need to continue to work with women, many of whom are afraid of the consequences of an unwanted pregnancy, on the alternatives to abortion. Crisis Pregnancy Centers, for example, provide various services to pregnant women including pre-natal care, counseling, pregnancy tests and information on adoption.

Putting a child up for adoption is never an easy choice, but it is a preferred alternative to abortion. Adoption gives the pregnant woman the opportunity to bring happiness to another family that may not have the ability to have children of their own. According to the Administration for Children and Families and the U.S. Census Bureau, 57,000 children were adopted in the United States in 2009. Those 57,000 children will now have a better chance to have a successful and productive life.

On this, the 38th anniversary of *Roe v. Wade*, I applaud the hard work of all who were involved in this year's March for Life. I urge my colleagues to support legislation which honors the most innocent of human life.

CONGRATULATING THE UNIVERSITY OF NOTRE DAME WOMEN'S SOCCER TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise before you to congratulate the University of Notre Dame Women's soccer team. The Irish won the NCAA National Championship for the third time with a 1 to 0 win over top-ranked Stanford University on December 5, 2010. The game, played at WakeMed Soccer Park in Cary, NC, capped a successful 22-2-2 season. With the spectacular victory, Notre Dame became just the second school in the 29-year history of the NCAA Division I

Women's Soccer Championship to win three titles, having also won in 1995 and 2004.

The 2010 season was one of many successes for the team. Aside from capturing the championship trophy, Head Coach Randy Waldrum was named the National Soccer Coaches Association of America Mondo Division I National Coach of the Year. This was the third consecutive season that Coach Waldrum has been recognized for a national coaching honor. In 2008, he was named the Field Turf Tarkett Division I National Coach of the Year and in 2009, he was awarded the Soccer America Division I National Coach of the Year. In his twelve years as coach at Notre Dame, he has posted a 253-36-11 record and has led the team to five national championship games and seven Big East titles. Coach Waldrum was assisted by Coaches Dawn Greathouse and Ken Nuber and volunteer Assistant Coach Jeannette Boudway.

However, Coach Waldrum credits the successful season to the dedication and skill of his players. The 2010 Fighting Irish included: Seniors Rose Augustin, Lauren Fowlkes, Erica Iantorno, Julie Scheidler, and Nikki Weiss; Juniors Courtney Barg, Ellen Bartindale, Molly Campbell, Haley Chamberlain, Brynn Gerstle, Melissa Henderson, Ellen Jantsch, and Jessica Schuveiller; Sophomores Lindsay Brown, Jazmin Hall, Liz McNeil, and Jordan Snyder; and Freshmen Mandy Laddish, Adriana Leon, Kecia Morway, Elizabeth Tucker, Tayler Turner, Rebecca Twining and Elizabeth Wilson. Coach Waldrum noted after the victory, "To me, we're the best team in the country . . . I'm really proud of the girls."

The players had many personal successes as well as team victories. Junior All-America Forward Melissa Henderson was named first runner-up for the coveted Hermann Trophy, soccer's national women's player of the year award. She also won the Honda Sports Award given to the nation's top player and was named Big East Offensive Player of the Year. Senior defender and co-captain Lauren Fowlkes, senior forward/midfielder Erica Iantorno and junior midfielder Molly Campbell were ESPN Academic All-District V selections. Lauren was then named to the 2010 ESPN Academic All-America Women's Soccer Team and was chosen in the first round of the 2011 Women's Professional Soccer Draft. Senior Rose Augustin was chosen in the third round of the draft. The team members worked hard on the field, in the classroom and in service to the community.

I offer my congratulations to the coaches, the players, members of the university administration and the Notre Dame community for their accomplishments this season on the road to the NCAA National Championship.

IN HONOR AND MEMORY OF MR. GORDON S. MURRAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Mr. Gordon S. Murray. When Mr. Murray, a retired Wall Street executive, was diagnosed with an aggressive form of brain cancer in 2008, he decided rather than quietly and privately succumbing to the disease, he would write a guidebook outlining his investment strategy. In doing so, he helped many Americans make sense of investing.

Mr. Murray, a Baltimore native, spent years working for some of Wall Street's biggest names, including Goldman Sachs. Upon his retirement in 2001, he sought investment advice from Mr. Daniel Goldie of Dimensional Fund Advisors, who introduced him to a new way of understanding investment. Dimensional advisers suggested going against the Wall Street mentality of taking exorbitant risks and attempting to beat the markets. Mr. Murray was quickly convinced of this system's merits and began working for Dimensional as a consultant.

Last year, when brain scans revealed a new tumor, Mr. Murray made the decision to end aggressive treatment, and began to focus on writing a book with Mr. Goldie in an attempt to spread their knowledge to the greater public. They initially self-published the resulting book, "The Investment Answer," which sold out of the original 200,000 copies last fall. Mr. Murray passed away just days before the hardcover version of the book was set to hit shelves. Mr. Murray felt that writing "The Investment Answer" was a beneficial experience. He stated, "To have a purpose and a mission for me has been really special. It probably has added days to my life." (New York Times, 1/24/2011)

Mr. Speaker and Colleagues, please join me in honor and memory of Mr. Gordon S. Murray, who proved to be an inspiration through his refusal to let his terminal illness prevent him from achieving his life's work. Mr. Murray will be loved and remembered by many, especially his widow, Randi; his mother; his two sons, Sam and Ben; two sisters, Gillian Koerber and Norma Inglehart; his many friends, colleagues and all who knew him.

HONORING COLLIN RYAN CROSSLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Collin Ryan

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Crossley. Collin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and earning the most prestigious award of Eagle Scout.

Collin has been very active with his troop, participating in many Scout activities. Over the many years Collin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Collin has contributed to his community through his Eagle Scout project. Collin led the refurbishing effort for the horseshoe pits in Claycomo, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Collin Ryan Crossley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING THE DEFENSE AND DEFICIT REDUCTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. STARK. Mr. Speaker, I rise today to introduce the Defense and Deficit Reduction Act, legislation that will reduce defense spending and thereby decrease the deficit over the next 5 years. This legislation serves as an addendum to the Majority's H. Res. 38, a resolution that reduces all non-defense discretionary spending to 2008 levels. If all other discretionary spending is slated for cuts under the Republican plan, then defense should not be exempt.

My bill will reduce government spending by over \$36 billion this year and about \$182 billion over the next 5 years. The legislation then requires that these funds be dedicated to reducing the deficit. As defense constitutes almost 60 percent of all discretionary spending, it only makes sense that it be included when other discretionary spending is being cut. These figures cannot and should not be ignored.

Even Department of Defense Secretary Gates has acknowledged the need for defense spending reductions saying, "We must come to realize that not every defense program is necessary, not every defense dollar is sacred or well-spent, and more of everything is simply not sustainable."

Going back to 2008 levels of defense spending would be approximately a 5 percent reduction. With the President reducing the number of troops in Afghanistan starting this year, we should be able to lessen our current spending on war costs. We also have the support of the American people. According to a recent CBS News Poll, over 50 percent of Americans believe we should reduce defense spending to decrease the Federal deficit. Making reductions to the defense budget can help solve our Nation's long-term fiscal problems.

If the new Majority in Congress really wants to lower the deficit as they claim to, then they must take all spending into consideration.

I urge my colleagues to join me in working to rein in wasteful spending and support the Defense and Deficit Reduction Act.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Monday, January 24, 2011 due to travel. If I were present, I would have voted: Nay on rollcall 17, on ordering the previous question, H. Res. 43—Providing for consideration of the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels; nay on rollcall 18, on agreeing to the resolution, H. Res. 43—Providing for consideration of the resolution (H. Res. 38) to reduce spending through a transition to non-security spending at fiscal year 2008 levels.

OFFICER DAVID MOORE

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. CARSON of Indiana. Mr. Speaker, this weekend in Indianapolis, we were tragically reminded of the sacrifices our law enforcement officers make in order to protect our families.

Officer David Moore of the Indianapolis Metropolitan Police Department was shot four times on Sunday morning during a traffic stop, and he's now fighting for his life in a local hospital.

There's no doubt Officer Moore knew the dangers of police work—his father is retired law enforcement, and his mother still serves on the Indianapolis police department.

But like so many who wear the badge in communities across our Nation, David Moore took an oath to serve and protect others. To run to danger—not away from it.

I ask all my colleagues to join me in praying for Officer Moore and his family. And I ask everyone in this esteemed body to go back to their districts and take the time to thank their local law enforcement officers for the work they do—and the sacrifices they make.

SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM OF RELIGIOUS MINORITIES IN THE NEAR EAST AND SOUTH CENTRAL ASIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. WOLF. Mr. Speaker, I rise today to draw the attention of my colleagues to the plight of Christians and other religious minorities in the Near East and South and Central Asia and to announce that I am introducing legislation which would require the administration to appoint a special envoy for religious minorities in these regions to make this issue a foreign policy priority. I hope my colleagues will join me in supporting this important legislation.

Last October, at least 70 people were killed during a siege on Our Lady of Salvation Church in Baghdad making it the worst massacre of Iraqi Christians since 2003. Less than two months later, extremists bombed the homes of more than a dozen Christian families throughout Baghdad. In a hearing before the Tom Lantos Human Rights Commission, an Iraqi nun testified that the current spate of violence against Christians is worse than anything experienced under the ruthless dictator Saddam Hussein. The U.S. has a moral imperative to ensure that these minorities are protected.

On New Year's Eve, Miriam Fekry, a 22-year-old Egyptian woman posted on her Facebook page before leaving for mass that "2010 is over. This year has the best memories of my life. Really enjoyed this year. I hope that 2011 is much better. Plz God stay beside me & help make it all true." Tragically, that evening Miriam and 22 other people were killed by a suicide bomber in Alexandria, Egypt while coming out of mass at St. Mark and St. Peter Coptic Church. It was the worst violence against the country's Christian minority in a decade. Just ten days after the attack in Alexandria, an off-duty police officer fatally shot a Coptic Christian man and wounded five others Copts on a train in Egypt.

In Afghanistan and Pakistan, countries where the United States has invested its treasure and the lives of countless brave young American soldiers, persecution of Christians runs rampant. On November 7 last year, a Pakistani court sentenced Asia Bibi, a Christian mother of five, to death for the "crime" of blasphemy. Only after intervention by the international community was her execution delayed. Her fate remains unclear. Unfortunately this is symptomatic of a much larger problem in Pakistan. Pakistan's blasphemy laws are often used to victimize both religious minorities and Muslims. In fact, Punjab's governor, influential governor, Salman Taseer was shot and killed by his own body guard who reportedly told police, "that he killed Mr. Taseer because of the governor's opposition to Pakistan's blasphemy law."

In Afghanistan, a televised broadcast of Afghans being baptized resulted in the arrest of four Christians last August, who were eventually released due to international pressure. However, two Afghan converts to Christianity remain imprisoned on account of their faith. One of the Christian converts who is facing a possible death sentence reportedly said, "Without my faith I would not be able to live."

Other religious minorities including the Ahmadis, Baha'is, Zoroastrians and Jews are under increasing pressure in the region.

Last May, militants in Pakistan attacked two Ahmadi mosques in Pakistan killing at least 80 people. While the Ahmadis consider themselves Muslim, Pakistani law does not recognize them as such and they have been the target of large-scale coordinated attacks by extremist groups.

According to the Baha'i World News Service, some 335 Baha'is have been arrested in Iran on account of their religious beliefs. Seven leaders of the Baha'i faith in Iran have been imprisoned since their arrest in 2008. According to the State Department's 2010 International Religious Freedom Report,

Zoroastrians living in Iran also face persecution and blatant discrimination.

Members of the Jewish faith continue to experience discrimination and persecution throughout the region. The Special Envoy for Anti-Semitism Hannah Rosenthal has noted that Holocaust glorification "is especially virulent in the Middle East media."

In the wake of these devastating attacks on religious freedom, which in some cases are so severe that they literally threaten to wipe these ancient indigenous communities from the lands they've inhabited for centuries, it is clear that more must be done. Sadly, against the backdrop of these attacks, the post of Ambassador-at-Large for International Religious Freedom at the State Department has been vacant for two years.

If the international community fails to speak out, the prospects for religious pluralism and tolerance in the region are bleak. President Ronald Reagan once said that the U.S. Constitution is a "covenant that we have made not only with ourselves, but with all of mankind."

I believe that the United States has an obligation to speak out for the voiceless around the world, and I urge my colleagues to join me in supporting my legislation calling for a special envoy dedicated to speaking out for religious minorities in the Near East and South and Central Asia and elevating this issue as a foreign policy priority for America.

HONORING JOSEPH DANIEL MOSS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Joseph Daniel Moss. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 260, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many Scout activities. Over the many years Joseph has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joseph has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Joseph Daniel Moss for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING MS. JUANITA BRADLEY

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. TURNER. Mr. Speaker, I am proud to recognize a member of the General Daniel "Chappie" James American Legion Auxiliary

Post 776, located in my congressional district in Riverside, Ohio, for the service she has given to her community.

On November 6, 2010, Ms. Juanita Bradley was honored as the "Woman of the Year" in Dayton, Ohio, for her lifetime of work and dedication to assist needy families in Dayton and the surrounding communities.

Ms. Bradley is the founder and chairman of the American Legion Post 776 "Needy Family Committee" which has provided holiday food baskets to needy families in Dayton for over 25 years. Under Ms. Bradley's guidance and leadership, the number of families receiving food baskets has grown from 12 to 60 families. These baskets, which are delivered on the third Saturday in December, are the size of a large laundry basket, and are filled with a variety of perishable and non-perishable items.

Ms. Bradley and her committee also serve hot meals to a homeless residence at the St. Vincent Hotel on a monthly basis. Most of the meals served are cooked by Ms. Bradley herself.

Ms. Bradley is also the Chair of "Make a Difference Day," which for two years has "adopted" the children of service men and women who have been deployed overseas. The event offers an alternative to trick-or-treating by hosting a Halloween party where kids can enjoy pizza, sodas, and other treats in a safe and fun environment. Last year, the event also provided the children with phone cards that could be used to call their parents during the holidays.

The American Legion Auxiliary is the world's largest, nonprofit patriotic women's service organization whose members do volunteer work for a multitude of worthwhile causes that benefit America's veterans, children and communities. It is my pleasure to congratulate Ms. Juanita Bradley for her receipt of the "Woman of the Year" award in Dayton, Ohio.

IN RECOGNITION OF MS. PAULA BUONOMO'S 14 YEARS OF DEDICATED SERVICE TO THE MASSACHUSETTS THIRD CONGRESSIONAL DISTRICT

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. MCGOVERN. Mr. Speaker, I rise today in recognition of a true friend and valued public servant, Ms. Paula Buonomo, for her years of dedicated service to the constituents of the Massachusetts Third Congressional District. After 14 years as District Representative in my Worcester Congressional Office, Paula is retiring to spend more time with her family and especially her beautiful baby granddaughter, Abigail.

Paula joined my Worcester office early in my first term in 1997. Since that time she has exhibited consistent excellence and shown a thoughtful and compassionate hand in all of her work. She has been tireless in her approach with constituents, always welcoming and personable, a model of patient kindness. Most of all, Paula has been a delight to work

with these many years, and I know that I speak not only for myself, but for my entire staff when I say that we will all miss her dearly.

It is bittersweet to say goodbye to a beloved and loyal colleague, but I know that Paula will remain involved in many other important efforts, including her work at the Worcester County Food Bank, where she serves on the board, and her church, St. Matthew's Parish of Worcester. Whatever projects or ventures she takes on, I am confident that Paula will continue to make a positive difference in her community.

Mr. Speaker, I am sure that the United States House of Representatives joins me in recognizing Ms. Paula Buonomo for her many years of dedicated public service to the constituents of the Massachusetts Third Congressional District, and for the indispensable role she has played as one of my most trusted and valued staff members. I wish her only the best in all of her future endeavors.

HONORING RYAN JACOB ROBERTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ryan Jacob Roberts. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1180, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many Scout activities. Over the many years Ryan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ryan has contributed to his community through his Eagle Scout project. Ryan designed and constructed a picnic area in the Kansas City, Missouri Police Department's Trail of Heroes park, as a place of significant importance to Ryan as both his father and brother are Kansas City Police officers.

Mr. Speaker, I proudly ask you to join me in commending Ryan Jacob Roberts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. SMITH of Washington. Mr. Speaker, yesterday evening, Monday, January 24, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted "no" on rollcall vote No. 17 (on ordering the previous question), and "no" on rollcall vote No. 18 (on agreeing to the resolution H. Res. 43).

SPECIAL INSPECTOR GENERAL
FOR AFGHANISTAN RECON-
STRUCTION, MAJOR GENERAL
ARNOLD FIELDS' WARNING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. KUCINICH. Mr. Speaker, the outgoing Special Inspector General for Afghanistan Reconstruction, Major General Arnold Fields, issued a last warning yesterday before moving on from his post.

Fields warned that over \$11 billion of U.S. aid is at risk, citing insufficient planning and a lack of oversight. The \$11 billion are funds designated to build facilities to house and train Afghan security forces.

The lack of security in Afghanistan also poses a problem, placing any potentially beneficial projects that are completed at risk. Even if all the facilities scheduled to be built are completed, does Afghanistan have the capability to protect and maintain them?

A March 2010 report by the United Nations states that there is a "massive human rights deficit" in Afghanistan, with 36 percent of the population living in absolute poverty and another 37 percent living just above the poverty line. Only 23 percent of the country has access to clean water. This, despite the billions of dollars in reconstruction and development aid we have funneled into the country.

So where is our money going? We know that President Karzai and his cronies are living large, while the rest of the country falters. It is time to bring our troops home.

HONORING ZACH ILDZA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Zach Ildza. Zach is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and earning the most prestigious award of Eagle Scout.

Zach has been very active with his troop, participating in many Scout activities. Over the many years Zach has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Zach has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Zach Ildza for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MR. SCOTT MAHER

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. GINGREY of Georgia. Mr. Speaker, on behalf of the National Franchisee Association, NFA, which serves the Burger King community in its advocacy, training, and service-related functions and which is located in Georgia's 11th Congressional District, I am honored to recognize Mr. Scott Maher, a 25-year employee of the Coca-Cola Company.

This year, Mr. Maher celebrates a landmark anniversary as an employee of the Coca-Cola Company. In his 25 years, he has dedicated himself to providing excellent service, honoring his commitments as a businessman and serving as a friendly face to the Coca-Cola name. In relation to the NFA, Mr. Maher actively advocates on behalf of small business owners around the country by supporting—both financially and personally—NFA's Government Relations Summit every year. Every September, you can count on Mr. Maher to schedule a meeting with my office through NFA to discuss the effects of anti-business legislation on NFA members and, consequently, the Coca-Cola Company.

The NFA is eternally grateful for Mr. Maher's support of the franchising industry and of Burger King franchisees in particular. Congratulations on 25 years of service with the Coca-Cola Company and I wish you many more to come.

PERSONAL EXPLANATION

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. SIRE. Mr. Speaker, on January 24, 2011, I missed rollcall vote Nos. 17 and 18. Had I been present, I would have voted "no" on rollcall 17 and "no" on rollcall 18.

STATEMENT OF CONCERN REGARDING THE TAKEOVER OF LEBANON'S INSTITUTIONS BY THE TERRORIST GROUP HEZBOLLAH

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mrs. MYRICK. Mr. Speaker, more than a week ago, a coalition led by the terrorist organization Hezbollah caused the crumbling of the Lebanese Government. Hezbollah is now seeking to form a new cabinet where the organization and its allies would control many crucial Lebanese ministries—including defense, interior, foreign affairs, and the finances of the country.

This is an unprecedented power grab by a terrorist organization, which has a global reach in the Middle East, Africa, Europe, Latin Amer-

ica, and even on our southern border and perhaps inside the United States itself. Hezbollah is the proxy army of Iran, and Iran has made it into the most well-trained and well-funded terrorist group in the world. The situation in Lebanon, and the growing global power of Hezbollah, should be a great cause of concern to Americans.

The people of Lebanon, particularly the Lebanese youth, have been demonstrating in the streets of Beirut, Tripoli and other areas, sending America a clear message about their rejection of Hezbollah. For some time now, Lebanon has been under the threat of Hezbollah's powerful militia, which has thousands of rockets and missiles, and whose members—according to media reports—are likely to be indicted in the 2005 terror assassination of former Lebanese Prime Minister Rafic Hariri. Hezbollah is using this militia to threaten and bully Lebanon so that it can create a new government that would become a puppet of the Iranian regime, much like the Syrian regime. We must not let Iran gain further influence in the Middle East.

I ask Congress and the President to declare its solidarity with the Lebanese people and to reject any recognition of a Hezbollah government. I also call on the President to ask the United Nations to implement UNSCR 1559, which calls for disarming of militias in Lebanon, which are a threat to all of its peace-loving people. I also ask my colleagues in Congress to issue strong statements of support for the Cedars Revolution and to the people of Lebanon as they face the takeover of their country by terrorist organization Hezbollah.

INTRODUCTION OF THE INTERNATIONAL WOMEN'S FREEDOM ACT OF 2011

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mrs. MALONEY. Mr. Speaker, today I am proud to reintroduce the International Women's Freedom Act with my colleagues, Representatives CHAKA FATTAH, JIM MORAN, JERRY MCNERNEY, LYNN WOOLSEY, and TIM RYAN. This bill is a comprehensive piece of legislation which will increase awareness of human rights violations against women, as well as provide a set of mechanisms for the U.S. to address the violations of women's human rights abroad.

The bill is modeled after the International Religious Freedom Act of 1998, IRFA. IRFA created the U.S. Commission on Religious Freedom which has been successful in identifying violations of religious freedom abroad and recommending actions to Congress, the Secretary of State, and the President.

It has been clear for many years that expanding opportunities for women not only improves their position in society, but also has a positive impact on economic growth and burgeoning democracies. As Secretary of State, Hillary Clinton has stated publicly regarding American foreign policy, "there has to be special attention paid to the needs of women and girls. It's in America's national security interests to do so." And yet around the world,

many countries relegate women to second-class status, denying them the right to vote, restricting their travel, and limiting their access to education and health care.

The International Women's Freedom Act would ensure we have the tools to empower women on a global level. Modeled after the successful International Religious Freedom Act, the bill would establish a Commission on International Women's Rights and would expand the duties of the existing Office of International Women's issues in the State Department and rename it, the Office on International Women's Rights. Both the Commission and the Office on International Women's Rights would be granted the responsibilities of issuing a report on the status of women's rights abroad and advising the President and Secretary of State regarding matters affecting these issues.

We need to work harder to ensure women's full participation in society. This legislation would move us closer to achieving this foreign policy imperative.

HONORING MAHLON KRUSE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Mahlon Kruse. Mahlon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Civil Air Patrol and earning the most prestigious General Billy Mitchell Award.

Mahlon has been very active with his patrol, participating in many activities. Over the many years Mahlon has been involved with the patrol, he has not only earned numerous decorations, but also the respect of his family, peers, and community. Most notably, Mahlon has earned the rank of Second Lieutenant in the Platte Valley Squadron and further distinguished his record at Hawk Mountain Ranger School and at the National Glider Flight Academy. Mahlon has also maintained an impressive 3.97 GPA and is also planning on serving his country by attending the Air Force Academy.

Mr. Speaker, I proudly ask you to join me in commending Mahlon Kruse for his accomplishments with the Civil Air Patrol and for his efforts put forth in achieving the highest distinction of the Mitchell Award.

HONORING MR. BOB SHRYOCK, RESPECTED JOURNALIST AND ADMIRABLE MEMBER OF THE SOUTH JERSEY COMMUNITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor Bob Shryock for his contributions to South Jersey through his journalism and civic involvement.

Mr. Shryock began his long and successful writing career at the age of 11 as a daily golf columnist. Since this precocious start, Mr. Shryock has worked for 62 years in the newspaper industry and written over 10,000 columns. He began his South Jersey career as sports editor for the Gloucester County Times in 1964. During this time, Mr. Shryock hired me for my first job. It was my responsibility to call Mr. Shryock and report on Bellmawr Little League scores. It was a duty I took very seriously and I remain grateful for that opportunity to this day. Between 1969 and 1980, Mr. Shryock was managing editor for both the Gloucester County Times and the Camden Courier Post. His columns are still a highlight for me in the Gloucester County Times.

Mr. Shryock is a very active member of the South Jersey sports community and has been a high school football announcer for over 30 years. In 1967, Mr. Shryock co-founded the Touchdown Club of South Jersey to honor high school football players. The club has expanded over the years to honor athletes for both their athletic achievements and their academic successes.

Mr. Speaker, I am proud to have benefitted from Mr. Shryock's sage words for many years. I look forward to reading many more columns from Bob and I hope that he will continue to announce at football games for many years to come.

FORT LEWIS COLLEGE TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. TIPTON. Mr. Speaker, I rise today to celebrate the centennial anniversary of the founding of Fort Lewis College, of Durango, Colorado, on January 25, 1911. Fort Lewis College has continually provided a world-class liberal arts education for students of 47 States and is consistently recognized as a top university in the United States.

On January 25, 1911, Governor John Shafroth signed a bill creating an agricultural high school open to all students and offering a free education to Native Americans. The school received \$60,000 in funding for its first year from the State of Colorado. Since then, Fort Lewis College has proven itself able to adapt to the educational needs of its time. The school has progressed from agricultural high school to a junior college in 1927 and eventually a four year liberal arts college. The school has survived numerous attempts to shut it down, and in 1948 became an independent educational institution under the Colorado State Board of Agriculture. In 1956, Fort Lewis College, then Fort Lewis A&M, officially moved to its present location in Durango, Colorado.

Fort Lewis College offers a demanding, stimulating college experience, fostering a culture of learning that values community outreach and a strong liberal arts education. Fort Lewis College boasts an impressive list of accomplishments, including five Colorado Professor of the Year awards—only the U.S. Air Force Academy has a higher number of professors with the same distinction in Colorado.

Of four year institutions, Fort Lewis College awards the highest number of bachelor's degrees to Native Americans. Eleven NCAA Division II varsity teams compete in the Rocky Mountain Athletic Conference and the college offers ninety unique academic programs and seventy student organizations.

Mr. Speaker, I would like to congratulate Fort Lewis College, my alma mater, for turning 100, and wish the institution another 100 years of academic success.

RECOGNIZING THE AWARD OF EAGLE SCOUT EARNED BY TYLER BARRY

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. HANNA. Mr. Speaker, I proudly pause to recognize Tyler Barry of Marathon, NY. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many Scout activities. At the age of 6, Tyler began Scouting and over the years, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Tyler has also contributed to his community through his Eagle Scout project. Tyler designed and constructed a handicap ramp for St. Stephen's Church, of which he is an active member.

Tyler plays three sports at Marathon High School, has a part-time job and also plays in band with some of his peers.

Mr. Speaker, I proudly ask you to join me in commending Tyler Barry for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 110TH ANNIVERSARY OF GEORGE HENRY WHITE DAY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. BUTTERFIELD. Mr. Speaker, I rise in recognition of George Henry White Day being held in Tarboro, North Carolina on Saturday, January 29, 2011. That day will mark the 110th anniversary of Congressman George Henry White's famous farewell speech Floor of the United States House of Representatives.

Born on December 18, 1853, George Henry White was the only African American in Congress when he was elected in 1896 and re-elected in 1898. He was the last African American elected to Congress from the post-Civil War era.

George Henry White left Congress in 1901, and it would be almost 30 years before another African American would be elected to Congress. And, as we know, no blacks were

elected to Congress from the South until 1972; well after the passage of the Voting Rights Act in 1965.

George Henry White was a strong and gifted speaker, who often condemned the harsh and brutal treatment of blacks in the South and introduced the first anti-lynching legislation in Congress.

In 2002, the Tarboro Town Council approved a resolution declaring January 29 as the annual George Henry White Day in Tarboro. In 2003, the Edgecombe County Board of Commissioners approved a similar resolution declaring January 29 as the annual George Henry White Day in Edgecombe County.

On June 25, 2004, the Tarboro Post Office was officially named the George Henry White Post Office Building after the President signed a legislation I introduced into Congress.

On George Henry White Day, January 29, 2005, the Phoenix Historical Society unveiled a commissioned portrait of George Henry White in the Superior Court Room of the Edgecombe County Court House following approval by the Edgecombe County Board of Commissioners.

In 2007, I introduced legislation urging the Citizens Stamp Advisory Committee to consider honoring George Henry White with a commemorative postage stamp. I reintroduced the legislation in 2009, and I will again reintroduce this legislation during the 112th Congress.

Last year, the North Carolina Historical Commission approved recommendations of the Capitol Monument Study Committee to lift a moratorium of new monuments on the state capitol square to include among others a monument to commemorate the achievements and public statements of U.S. Representative George Henry White.

Mr. Speaker, George Henry White fearlessly and consistently stirred the conscience of America to embrace racial justice and equality for all people. It was a life worthy of remembering. Please join me in recognizing George Henry White, and in sending our best wishes to the Phoenix Historical Society, which organized the George Henry White Day.

IN HONOR OF JUDGE BRAD BRADLEY FOR A LIFETIME OF COMMUNITY SERVICE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to recognize Judge Brad Bradley and his commitment to community service in Southlake, Texas. As recognition for his outstanding contributions to his community, the Southlake Style Magazine is honoring Judge Bradley with the Lifetime Community Service Award.

Judge Bradley was born in Peabody, Massachusetts, graduated from Northeastern University, and attended New England School of Law. After moving to Texas, Judge Bradley graduated from Southern Methodist University with a Juris Doctorate. Judge Bradley has had a distinguished legal and judicial career in

Northeast Tarrant County. After deciding to stay in Texas as municipal judge, Judge Bradley established the first law office in Southlake, Texas.

After settling in Southlake in 1983, he recognized the need for civic organizations to benefit the growing community. As a creative planner and master organizational architect, Judge Bradley is credited with creating or co-founding at least twenty-nine vital organizations in the greater Southlake community. These organizations include the Southlake Chamber of Commerce, Southlake Executive Forum, educational foundations, community organizations, and charitable organizations to benefit disadvantaged citizens. Because of his vision, hard work, and strategic thinking, the vast majority of these organizations continue to fulfill their missions and goals. Of particular note is Judge Bradley's work in establishing the MetroPort Teen Court to provide alternative sentencing of teens by local municipal courts; the Carroll Education Foundation, which has provided more than \$839,000 in teacher grants and \$109,000 in scholarships for graduating seniors in the local school district; and the Pro Players Foundation, a non-profit organization pairing professional athletes with businesses and community volunteers to enrich the lives of children and ensure they have the opportunity for success. As an innovative public servant, Judge Bradley has been the cornerstone of development and growth in Southlake.

Since 1987, Judge Bradley has been elected to numerous positions as judge, including the Municipal Court Judge of Southlake, 1987. He has also served or currently serves as Judge in Westlake, Haslet, Grapevine, Southlake, Trophy Club, Balch Springs, Edgecliff Village, and Burleson, Texas.

On behalf of the 24th Congressional District of Texas, I would like to thank Judge Bradley for his exceptional judicial career and community service contributions to the greater Southlake area. Because of his leadership and expertise, thousands of residents in Southlake and Northeast Tarrant County receive vital services each year. I ask all my distinguished colleagues to join me in recognizing Judge Bradley for his lifetime of community service.

DAVE DILL TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize David Lee Dill of Pueblo, Colorado, for his service to his community and his immense contribution to local, State, and Federal Government.

Dave was born in Lamar, Missouri, and moved around the State until he graduated from high school in Springfield. After his diploma, Dave served in the Navy and trained to be a hospital corpsman. Following his honorable discharge from the Navy he went back to night school at Drury College in Springfield to earn his bachelor's in history while he simultaneously worked full-time and started a family. He has spent a career rising through the ranks

of the operations management field in various States and in 1994 was promoted to vice president of operations at Artistic Greetings, in Elmira, New York. By 1997, Dave and his family decided they needed to move back home to Pueblo, Colorado.

Dave has always been intensely interested in government and has dedicated much of his life to fostering strong civic ties between citizens and elected officials. While living in Colorado Springs as a young man, Dave's employer suggested he meet his Congressman and other office holders. Since then, Dill has felt a need to serve others and motivate them to care about their elected representatives.

Dill has risen through the ranks of the Republican Party, starting as a volunteer on local races and eventually becoming a valuable electoral asset working on statewide and congressional campaigns. In 2007, he saw an opportunity to advance the political dialogue in the diverse Pueblo community and ran successfully for two terms as Republican County Chairman. During his tenure, he revolutionized the Pueblo County Republican Party by revamping fundraising efforts and increasing outreach through social media. He was also responsible for inviting Dana Perino as the keynote speaker at Pueblo County's 2010 Lincoln Day dinner. He has decided to retire from his unpaid, yet full-time, position as county chair.

Mr. Speaker, through the efforts of citizens like David Dill, America is able to foster a positive, representative democracy. I would like to thank Mr. Dill for his respectfulness, passion, and excitement in electoral politics, as well as for his countless hours of community service.

HONORING NEW JERSEY STATE SENATOR NIA GILL AND HER COMMITMENT TO SOCIAL JUSTICE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor State Senator Nia Gill for her contributions to the 34th legislative district of New Jersey and its residents.

A proud mother and grandmother, Senator Gill was born in Glen Ridge and raised in Montclair. Before earning her law degree at the Rutgers School of Law—Newark, Senator Gill graduated from Upsala College. Senator Gill also holds an honorary Doctor of Laws from Essex County College.

Ms. Gill began her career in government as a Legislative Aide to the late Senator Wynona Lipman, over 20 years ago. After serving four terms in the New Jersey State Assembly, Ms. Gill was elected to the New Jersey State Senate in 2001. Senator Gill's district includes Montclair, East Orange, Glen Ridge, Clifton, and Woodland Park.

In January of 2010, Ms. Gill was chosen by her Senate colleagues to serve as Senate President Pro Tempore. Currently, Senator Gill is a member of the Senate Judiciary Committee, making her the first African American and the first woman to hold this position.

An advocate for human rights, Senator Gill has sponsored legislation that provided more than 100,000 young, uninsured New Jersey citizens with health insurance coverage. Ms. Gill has also assisted women-owned businesses in New Jersey with a bill providing loans and training, ensuring that these businesses are able to prosper in the future.

A respected member of the legislative community, Senator Gill was honored by Selma, Alabama as one of the '100 women in the 20th Century' who contributed to the struggle for civil rights. Senator Gill will also be honored as a community leader by the Rutgers School of Law—Camden at the Champions of Social Justice and Equality Banquet.

Mr. Speaker, I am proud to honor Senator Gill and thank her for her legislative accomplishments on behalf of the state of New Jersey and its residents.

IN HONOR OF OLAN FAULK,
FORMER MAYOR OF RICHLAND,
GEORGIA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a great public servant to the State of Georgia and our great Nation, Olan Faulk. His work as a rural educator, a community action program administrator, a long-time and effective aide for former U.S. Senator Sam Nunn, and as Mayor of his adopted hometown of Richland, Georgia, are proof positive that Olan Faulk made a difference with his life.

At the age of 80, Mr. Faulk, entered into his eternal rest on Thursday, January 20, 2011. He was born on September 17, 1930 in Cairo, Georgia, one of four children, to the late Elijah and Missy Powell Faulk.

Mr. Faulk was a graduate of Washington High School in Cairo. He received his Bachelor of Science degree from Fort Valley State College, now Fort Valley State University, where he was a dedicated lifetime member of the Fort Valley State University National Alumni Association. He taught vocational agriculture for 7 years in the Stewart County School System and later worked for 13 years as Program Developer and Director of Operations for the Enrichment Services Program in Columbus, Georgia. He bravely served his country during the Korean War.

Mr. Faulk's distinguished public service career is highlighted through his work as a Senior Administrative Aide to one of our Nation's most influential and respected Members of Congress, Senator Sam Nunn of Georgia. Following Mr. Faulk's retirement from Senator Nunn's office, Mr. Faulk dedicated himself to full-time community service in his adopted hometown of Richland, Georgia. In 1998, he was elected as the city's first African American mayor, successfully serving two terms.

With an unyielding humanitarian spirit, he served on many city and state boards, councils, and committees. His many memberships and appointments included lifetime membership in the National Association for the Advancement of Colored People (NAACP); a member of the Stewart-Webster Rural Health Board of Directors; the Columbus, Fort Benning, and Phenix, Georgia Civilian Military Council; the A. J. McChung YMCA Board of Directors; the Muscogee County Rotary Club; the Georgia Municipal Association, and a proud lifetime member of Phi Beta Sigma Fraternity.

Mr. Faulk was an active volunteer for many organizations and projects, including serving as volunteer sponsor of the Richland Annual Pig Fest, the Stewart County Historical Society, and Habitat for Humanity. In 1993, he was honored as one of the Fifty Most Influential African Americans in the Columbus, Phenix, and Fort Benning Area. In 1996, he was honored when the city of his birth, Cairo, proclaimed December 1 as "Olan Faulk Day."

A true Christian, Mr. Faulk was a faithful member of Bethel African Methodist Episcopal, AME, Church of Richland, where he served as a church steward and trustee. He later joined the Resurrection of Our Lord Catholic Church in Savannah, where he remained an active member.

Mr. Faulk is survived by his loving family: his wife, Risco Faulk; his son, Wendell Faulk of Buena Vista, Georgia; four daughters, Vickie Faulk Clemons of McDonough, Georgia; Angela Mobley Chavis, Marilyn Mobley Geiger, and Carolyn Mobley Pierce, all of Savannah; his brother, Outley Faulk of Milledgeville, Georgia; 15 grandchildren; 10 great-grandchildren; and a host of nephews, nieces, cousins, and many friends.

Mr. Speaker, Olan Faulk was a great public servant, model citizen, and a trusted friend to my wife, Vivian, and me. His years of selfless service to his community, the State of Georgia, and America are his lasting legacy.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. SHERMAN. Mr. Speaker, it is my practice to vote present on a legislative proposal when I agree with the purposes and sentiment behind the proposal, but I believe that the particular legislative proposal is not drafted in a way which will achieve its objective or in a way that is effective and practicable, or where I believe that the language will have unintended consequences. I voted present on the motion to recommit which came before the House today. I strongly believe that we should take all reasonable steps to encourage companies to provide employment in the U.S. and to discourage offshoring and outsourcing.

HONORING COLONEL DENISE K.
LEW

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Ms. CASTOR of Florida. Mr. Speaker, I rise to herald the achievements of Colonel Denise

K. Lew and to acknowledge our pride in her valuable contributions to the United States Air Force Medical Service.

Colonel Lew was born and raised in the San Francisco Bay Area. She entered active duty in 1984 through a direct commission into the Air Force Medical Service Corps (MSC). She is a board certified Health Care Executive, and a Fellow of the American College of Healthcare Executives. She has also earned designations as a Health Insurance Associate and Managed Healthcare Professional from The Center for Insurance Education and Professional Development, which is an educational program offered by America's Health Insurance Plans (AHIP).

Colonel Lew has received numerous awards and honors throughout her career. Among them are the: Defense Superior Service Medal, Meritorious Service Medal with four oak leaf clusters, Air Force Commendation Medal, and Air Force Outstanding Unit Award with three oak leaf clusters. In 1996, she received the American College of Healthcare Executives Early Career Regent's Award. Also, in 2002, she earned the Air Force Materiel Command Commitment to Service Award.

Colonel Lew will be completing an outstanding 26-year career in the United States Air Force in January 2011. She has served with dedication and honor as a Medical Service Corps officer. Furthermore, as the Director of the Medical Service Corps, she has greatly impacted the careers of hundreds of health care executives in the Corps and will influence several generations beyond the tenure of her career. Her efforts have enhanced the medical capability needed to ensure success in overseas contingency operations. It is for this reason that we would like to honor and recognize the remarkable career of Colonel Lew.

The Tampa community and MacDill Air Force Base are proud to recognize Colonel Lew for her outstanding career and her many significant contributions to the Air Force and our country. Her determination and hard work have made her an inspirational leader within our Air Force.

HONORING MR. SETH WILLIAMS,
PHILADELPHIA DISTRICT ATTORNEY
AND RESPECTED COMMUNITY LEADER

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor District Attorney Seth Williams for his service and dedication to the City of Philadelphia and the surrounding community.

Raised in West Philadelphia by his loving parents Imelda and Rufus Williams, Mr. Williams graduated from Central High School in 1985. He later attended Pennsylvania State University, where he served as President of the Black Caucus and President of the Undergraduate Student Government. He continued on to graduate studies at Georgetown University where he earned his law degree.

After law school, he served ten years as the assistant district attorney of Philadelphia and

as the Inspector General for the city until 2008.

Mr. Williams' dedication and drive proved vital on his path to the District Attorney's office. His perseverance pushed him through last year's Democratic primary and the general election last November. Mr. Williams' election made him the first black District Attorney in Philadelphia history.

District Attorney Williams currently lives in Philadelphia with his wife, Sonita, his mother Imelda, and his two daughters, Taylor and Hope. I am pleased that Mr. Williams will soon be honored as a community leader by the Rutgers School of Law-Camden at the Champions of Social Justice and Equality Banquet.

Mr. Speaker, Seth Williams has an impressive record and I wish him continued successes in his future endeavors.

HONORING ROGER MILLIKEN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to pay tribute to Roger Milliken, a dear friend and true champion of American workers and manufacturing. Roger passed away on December 30 after a long life of hard work and passionate advocacy. His passing signals the end of an era when corporate leaders valued more than profits and when American companies did not jump at the first chance to ship jobs overseas just to save a buck.

Milliken was larger than life in many ways. He had many passions and lived vibrantly. We are fortunate for this, because it means his legacy will still be here to inspire us to do more and work harder. It will also remind us to never give up on U.S. manufacturing and the idea that you can make things in America.

In fact, it was Roger's commitment to American manufacturing that sparked our friendship. About six years ago, Roger came to my office on Capitol Hill without any previous introduction. He walked into my office nearly unannounced at the respectable age of 90 to shake hands and talk about our common concerns with U.S. trade policy's impact on our manufacturing sector. He introduced himself and forged a friendship with me, a new and far-from-senior Member of Congress, simply because he wanted to thank me for my attention to manufacturing and trade and to encourage me to continue the fight to make U.S. policy on both issues better.

One funny anecdote in particular speaks to Roger's honest, friendly character. I couldn't be at an event one morning, so one of my staff went in my place. Roger was at the event, and listened to my staffer's speech, which she had to give sitting down because she didn't feel well. After her remarks, Roger went up to her and seeing that she wasn't feeling very good and knowing she had recently gotten married, said, "have you considered the possibility that you're pregnant?" My staffer had not even considered that idea but a few days later confirmed that Roger's prediction had been right. And that's the kind of guy he was, compassionate and honest in the

best way. Now everyone knows Roger Milliken had enormous foresight, but this took it to a whole new level.

Our friendship was not an obvious one. Roger was a mill owner, and before I came to Congress I was a mill worker. Roger was a Republican, and I am a Democrat. He lived a long life in South Carolina, and I come from Maine. Still, Roger was the kind of guy who looked for commonalities, regardless of the number of differences. And we shared a commitment to fixing U.S. trade policy and promoting U.S. manufacturing.

Roger truly believed in innovation and hard work as the keys to being good at making things. And he believed in a corporate code of morals. He rolled up his sleeves, got involved in the day-to-day workings of his company and pushed his employees to do the best work they could. And through these qualities, he created the largest privately held textile empire in the world. He also became a pioneer of corporate patriotism and firmly held the belief that profits didn't have to come at the expense of American jobs. He believed the strength of our nation relied on a strong manufacturing base. He lived what he preached.

One story is very telling about Roger's commitment to his country and to his employees. In 1995, one of his plants in LaGrange, Georgia burned to the ground. This tragedy happened right after NAFTA had passed, and it would have been a perfect opportunity to move his plant to Mexico to take advantage of lower labor costs. But he did not do that. Instead, Roger found temporary jobs for all of his employees and said he would have the plant up and running again in 6 months. He moved down to LaGrange to personally oversee the rebuilding of the plant, and in true Roger form, the plant was back up and operational right on schedule.

It's unlikely there will ever be another Roger Milliken. He was truly one-of-a-kind. But our country needs more leaders like him who are guided by principles and not by profits. It needs more corporations who are committed to their country. More who believe that the best solution is not always the easiest solution but that hard work and creativity will forge a better, more sustainable path. We need more corporations to carry Roger's torch of corporate patriotism and a commitment to making things in America.

I urge all of my colleagues on both sides of the aisle to work with me to remember Roger Milliken. Through bipartisan, collaborative efforts to promote American manufacturing and to fix our trade policy, we can make the most of the paths he forged and the standards he set. We can honor him in the way he would have wanted to be honored: by being more innovative, working harder and advancing the notion that corporate patriotism is better and more sustainable for all Americans.

Mr. Speaker, please join me in expressing sincerest condolences to Roger's family, Milliken Company and Associates, all of his community in South Carolina, to his co-advocates in the manufacturing and trade community and all those who were blessed to know him. He will be missed.

HONORING FREDERICK "RICK" OBER, RESPECTED WOODROW WILSON HIGH SCHOOL TEACHER

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor Mr. Rick Ober for his service to the students of Woodrow Wilson High School.

A graduate of Rutgers School of Law-Camden, Mr. Ober practiced criminal law in Southern New Jersey and Pennsylvania prior to beginning his teaching career. He currently teaches U.S. history, urban studies, civics and government at Woodrow Wilson High School in Camden.

Mr. Ober also leads the school's award-winning New Jersey Model Congress Team and acts as an advisor for the student government. Additionally, he was elected as the union head for Woodrow Wilson's Camden Education Association.

Mr. Ober is also a founder of the Woodrow Wilson High School Candidate's Forum, a program that brings politicians, including Senator Arlen Specter and Governor Jon Corzine, into the school to discuss current political issues with the students. Incorporating his love of music and teaching, Mr. Ober is involved with the Symphony in C of Haddonfield both through performance and education. Mr. Ober has also brought classical music education to underserved communities through the Classroom Symphony Project. Mr. Ober helped to develop a program that prepared developmentally disabled adults to attend symphony performances.

I am happy to announce that Mr. Ober will soon be honored as a community leader by Rutgers School of Law-Camden at the Champions of Social Justice and Equality Banquet.

Mr. Speaker, I am proud to honor Mr. Ober for his work with the students of Woodrow Wilson High School and his efforts to bring government to life for the children of Camden.

HONORING RALPH GILL UPON THE OCCASION OF HIS RETIREMENT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. ALEXANDER. Mr. Speaker, I rise today to commend Mr. Ralph Gill, for his exceptional service to the Parish of Rapides on the occasion of his retirement as Tax Assessor. After 42 years of service in the Rapides Parish Assessor's Office, Mr. Gill's retirement becomes effective January 31, 2011.

While in this capacity, Mr. Gill served as assessor for the past 16 years and credits the work as both a challenging and rewarding experience that has more than fulfilled his life's goal of serving the public. He is very proud of his accomplishments during his tenure as Tax Assessor and is grateful to the people of Rapides Parish for the confidence and support they gave him throughout his career. Mr. Gill believes his success would not have been

possible without the support of the outstanding men and women he has worked with throughout the years.

Following his rewarding career of community service, he looks forward to spending more time with his wife, children and grandchildren. He also plans to work on his farm and possibly enjoy some traveling.

I ask my colleagues to join me in congratulating Mr. Ralph Gill, a man who has served the people of Rapides Parish for over four decades. His commitment, compassion and leadership warrant this laudable recognition.

**INTRODUCING LEGISLATION TO
MAKE THE DEDUCTION FOR
STATE AND LOCAL SALES
TAXES PERMANENT**

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Mr. YOUNG of Florida. Mr. Speaker, today I introduced legislation that would make the deduction for state and local sales taxes permanent. Unlike state income taxes, the deductibility of which has long been a permanent fixture of the tax code, the citizens in states with only a sales tax—including my home state of Florida—have been forced to rely on short-term extensions of the sales tax deduction from year to year.

Without this deduction, taxpayers in the nine states with no state income tax, including Alaska, Florida, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington, and Wyoming, would not have the opportunity to deduct from their federal tax obligation the sales taxes paid to their state and local governments. This measure helps to level the playing field for the taxpayers in these states, allowing them to deduct state taxes like those in income tax states. Making this deduction permanent enjoys broad bipartisan support, and more than 11 million taxpayers utilized this deduction in 2008.

Making the deduction permanent provides certainty to the taxpayers, allows for more efficient financial planning, and ensures fairness in the tax code for taxpayers in states without an income tax.

In closing, I urge the Committee on Ways and Means to consider this proposal as they begin to consider ways to make the tax code simpler and more efficient.

**IN RECOGNITION OF MICHELE
JACKSON**

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor Michele Jackson, Executive Director of Shelter

Network for the last 10 years. Michele is a true professional and has been an exceptional leader of this wonderful agency. Shelter Network, a godsend to our country, has helped thousands of homeless families and individuals in San Mateo County find homes and become self-sufficient since 1987.

As a member of the advisory board I have witnessed how Michele and Shelter Network have turned lives around and reintegrated homeless families into our community.

She initiated the designing, opening and maintaining of shelters that meet the needs of homeless families. In 2000, she oversaw the rebuilding and reopening of Haven Family House in Menlo Park. She led campaigns to rebuild First Step for Families in San Mateo in 2004 and to renovate Redwood Family House in Redwood City in 2006.

Michele has turned Shelter Network into a model organization for our community, our county and the world. Under her guidance, services for homeless families and individuals have expanded and new ones created, among them the Motel Voucher and Homeless Outreach programs, The Vendome which houses chronically homeless adults, rapid re-housing and prevention initiatives like Housing First and HPRP, mental health services for children and the Shelter Network's Alumni Association.

In addition to running Shelter Network, Michele has dedicated her time and energy to volunteer for many worthy causes. She is a board member of HEART, the Housing Endowment and Regional Trust, and of Local Emergency Food and Shelter FEMA/EHAP. Michele is the Chair of the Executive Committee for the San Mateo County Continuum of Care, a member of the Interagency Council for HOPE: San Mateo County's 10-Year Plan to End Homelessness. She also is a member of CHRAC, the Community Health Reform Advocacy Committee, and San Mateo County's Housing Operations and Policy Committee. Michele serves as the secretary and board member of Riley's Place, a non-profit organization dedicated to enrich the lives of low-income or chronically ill children through interaction with animals.

Michele's altruism and dedication to those in need have earned her many friends and fans—including myself—and well deserved awards. In 2003, she received the Heart of Social Work Award from the National Council on Social Work Education for excellence in field instruction. In 2010, she was presented with the Housing Leadership Day Award by San Mateo County's Housing Leadership Council.

Michele earned both her Bachelor and Masters of Social Work from San Francisco State University.

She lives in Belmont with her husband Bill Jackson. I have no doubt she will stay engaged in the community during her retirement and find more time to enjoy her family, ride her horse Tywy, spend time with her new puppy, travel and read.

Mr. Speaker, I ask this body to join me in honoring Michele Jackson for her decade as Executive Director of Shelter Network and for her three decades in social work on this day of her retirement, January 26, 2011.

**IN MEMORY OF WILLIAM
BOLDENWECK**

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2011

Ms. SPEIER. Mr. Speaker, I rise to honor William Boldenweck, who leaves behind an extraordinary legacy as a journalist and teacher. Mr. Boldenweck passed away January 11, 2011, at the age of 79 and is survived by his wife Lynn Boldenweck and two sons William C. Boldenweck III and Stephen Boldenweck.

Mr. Boldenweck spent over three decades as a reporter for the San Francisco Examiner and two decades as a journalism teacher at San Francisco State University. He started his journalism career after his military career with the U.S. Marine Corps reserve.

Mr. Boldenweck, a Portland, Oregon native, was called up in the Korean War in 1950. He was in combat in the Inchon invasion, a battle that recaptured Seoul. He was also at the legendary battle at Chosin Few, the decisive battle of the Korean War. He never missed a reunion of that veterans group.

After the war, Mr. Boldenweck enrolled in San Francisco City College and San Francisco State University. He became a reporter at the Marin Independent Journal and was quickly snatched by the Examiner in 1960.

Mr. Boldenweck was a classic newspaper reporter, the kind that are far and few between today. His colleagues admired his ability as a journalist saying he could cover any story and was the best barroom story teller of his generation. He was also loved by his friends for his affable personality.

On the first day of class every semester at San Francisco State University, he shocked his beginning journalism students by making them write their own obituaries. His justification for that was that it would help them impart the reality of journalism and make them focus on the facts that matter.

At the end of his own life, though, he left the writing of his obituary to his fellow reporters.

Mr. Speaker, I ask this body to join me in honoring an extraordinary man of letters, William Boldenweck, who I was blessed to call a friend, for his service to our country and for his dedication and contributions to the profession of journalism.

SENATE—Wednesday, January 26, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Lord of history, lead our Senators above all irrelevancies and trivialities to a unity of passion and purpose. Create in them an elevated and refined patriotism that will make them eager to know and do Your will. May the words of their mouths and the meditations of their hearts be acceptable to You, O God, our strength and our Redeemer.

In the awareness that "without a vision the people perish," give our Senators a fresh vision of the United States of America. Also, keep ever before them the dream of the better world that is yet to be.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 26, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, if any, there will be a period of morning business until 10:30 this morning, with Senators permitted to speak for up to 10 minutes each during that period of time. The Republicans will control the first half, the majority will control the final half.

At 10:30, the Senate will proceed to consideration of S. Res. 14, a resolution honoring the victims of the tragedy in Tucson, AZ. There will be up to 3½ hours for debate on the resolution prior to a vote. As a result, Senators should expect a rollcall vote about 2:15 today.

Following the vote, we will resume morning business, with 10-minute limitations.

MEASURES PLACED ON THE CALENDAR—S. 162, S. 163, H.R. 2

Mr. REID. Madam President, there are three bills at the desk due for their second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills en bloc.

The bill clerk read as follows:

A bill (S. 162) to cut \$500,000,000,000 in spending in fiscal year 2011.

A bill (S. 163) to require the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

A bill (H.R. 2) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. I object to any further proceedings with respect to each of these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

Mr. REID. Madam President, I suggest the absence of a quorum and ask the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

IMPORTANT PUBLIC ISSUES

Mr. THUNE. Madam President, I rise to speak about the issues that I think are most important to the American public. I appreciated the opportunity I had last evening, along with the Presiding Officer, to sit and listen to the President's State of the Union Address, which is an annual rite of passage where the President lays out his blueprint and his vision for the next year. In those remarks he did, as he did last year, touch on a number of themes that I think speak to issues that are important for the country to face.

Certainly, there were statements in that speech I agree with, in terms of the things he said we need to be focused on. There are some statements with which I did not agree. But in terms of the broader agenda, what strikes me about the speech is he talked about the need for tax reform, which is something I agree with. I think it is an issue of competitiveness. He talked about medical malpractice reform, which is something many of us have been trying to get to be part of the health care debate in this country for a long time. Unfortunately, that got left on the cutting room floor last year. He talked about strengthening Social Security and entitlement reform, also a critical priority if we are serious about getting spending and debt under control. He also talked about regulatory reform, looking at government reform and the types of actions we might be able to take to streamline or shrink or make more efficient the Federal Government. He also talked about the importance of enacting trade agreements, and I could not agree more. I think trade is a critical part of our economy. Export opportunities for businesses in this country would create economic growth. It would create jobs. Unfortunately, again, those are trade agreements that have been stalled out here for some time in the Congress.

What strikes me about the speech is this. Last year, we heard a lot of the same themes. The President this year, I forgot to mention, talked about a 5-

year freeze on spending. Last year, he talked about a 3-year freeze on spending. He talked about trade agreements 1 year ago. Many of those same themes were struck 1 year ago. Yet we have not seen the results of the rhetoric. What I would argue to the American people and to all my colleagues is, it is important that we judge people not by their rhetoric but by their actions. Don't watch what we say, watch what we do. I think that is true of anyone in public life. We all need to be judged by what we do and whether we are following through with what we say we are going to do.

So when the President talks about those priorities, I could not agree more. But, frankly, in order for any of those things to happen, it is going to take Presidential leadership. If we are going to do something on tax reform, if we are going to do something on entitlement reform, if we are going to do something about spending and debt, the President is going to have to step forward with bold proposals in order to accomplish that because bold things, big things, need to be done on a bipartisan basis.

The opposite example of that we saw a year ago, when the health care reform bill was being debated on the floor of the Senate. This is something that impacts literally one-sixth of the American economy. Yet you had a bill that passed the Senate without a single Republican vote. In fact, in most cases Republicans were not included, were not consulted, did not have input into that legislation. So you had a bill that literally impacts one-sixth of the American economy pass out of this Chamber on a party-line vote. That is historic. Because in most cases, if you look throughout our Nation's history, when this country needs to do big things, there is a bipartisan effort to try to get a bill that can attract broad bipartisan support.

So as much as I support many of the things the President said last night, I would argue that the proof is in the pudding. We are going to wait and see now whether his actions comport with his words because the talk about spending and debt rings hollow if, in fact, you are not willing to take on spending in this country, spending in our government, and willing to take on the issue of entitlement reform. In fact, notwithstanding the President's talk last year about a 3-year freeze on spending, we saw the largest buildup, the most massive expansion of government we have seen literally since the 1960s.

The health care bill is a \$2½ trillion new expenditure for the Federal Government when it is fully implemented, at a cost, I believe, to be much larger than that over time when you start seeing these costs pile up and more and more people shifted over into the government program.

Hopefully, we are going to have a vote here in the Senate. I believe we will have a vote. Our leader has indicated that we will get a vote on repealing health care reform. In my view, before this begins to get implemented, it would make sense to throw it overboard and start over and do this right and do it in a way that attracts bipartisan support and actually does something to drive down the cost of health care rather than increasing it because what we have seen already is what we predicted would happen; that is, insurance rates are going up, not down. The massive taxes on that bill, of course, get passed on, so consumers end up paying more for their health care, not less. I would argue that we are going to see some disastrous results from some of the pay-fors in the bill.

The so-called CLASS Act, which is another new entitlement program, is something that even the chairman of the Senate Budget Committee, a Democratic chairman, a year ago when this was being debated, said is a Ponzi scheme of the highest order, something Bernie Madoff would be proud of. It has a tail on it that is going to create deficits in the outyears and make the financial fiscal picture we face even worse.

There are so many things about this bill that argue for us starting over and doing it right. But I want to say this morning, because I want to focus specifically on this issue of spending and debt, that much has been made of the fact that we are going to have a vote coming up. On March 4, the continuing resolution expires, at which point we will have to decide what we are going to do in terms of funding the government. I hope that debate or the lead-up to that vote sparks a debate about spending because if we don't start getting spending under control, this problem we have continues to snowball. We have a \$14.3 trillion debt.

The other point I would make is there is another big vote looming sometime between late March and early May—in the April timeframe most likely—where we are going to have to raise the debt limit. We are already \$14.3 trillion in debt as a nation, and we are going to have to extend the nation's borrowing authority above that so that we can finance the government. We have maxed out the credit card. We cannot do this any longer. We don't have the luxury of time. When we are facing a \$14.3 trillion debt, much of which we owe to other countries around the world, we put ourselves at great peril. We put our economy at great peril.

I would argue it is a national security issue, and I am not the only one saying that. The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, said a few months back that the greatest threat to America's national security is our national debt. That is the top

ranking military official in this country saying it is not the—when we talk about the greatest threat to America's national security, he could have talked about al-Qaida, he could have talked about the Iranian nuclear program, he could have talked about China, he could have talked about North Korea. But what did he say? The greatest threat to America's national security is our national debt. That speaks volumes about what we need to be focused on and what we as public officials here in the Senate need to devote our energies to.

So when we think about that, there are a couple of things that, obviously, we can do. I have advocated, as have others, that we go back to the 2008 spending levels because in the last 2 years, we have seen spending on the non-national security discretionary part of the budget increase by 21 percent, at a time when inflation in the overall economy is 2 percent. So the government has grown at 10 times the rate of inflation in the last 2 years.

When the President talks about freezing spending this year, he is, in my view, dealing with an issue that really—the only analogy I can use—is like closing the barn door after the horse has already gotten out. We have a major problem. We had a dramatic runup in spending in the last 2 years, and freezing it now will enshrine and lock in to the baseline that massive increase in spending.

If we go back to the 2008 levels, it will be painful, but we don't have the luxury of not dealing with this now. It is going to be painful, but it is going to be necessary if we are serious about providing a better future for our children and grandchildren. The alternative is that we continue to run up these trillion-dollar, \$1.5 trillion deficits year over year over year, adding significantly more to that debt and putting ourselves on a trajectory when I think our economy is in great peril in the future.

That is one aspect of it. We talk about the non-national security discretionary part of the budget. Of course, the national security part of the budget is already being scrutinized and scrubbed. The Secretary of Defense, Robert Gates, has made it clear that they are going to try to find savings and efficiencies in there to the tune—in fact, I think they have already determined they can save somewhere on the order of \$150 to \$170 billion in the defense budget over the next 5 years. But then you have this other part of the budget, the entitlement programs—Social Security, Medicare, and Medicaid—which, of course, Medicare and Medicaid are driven by health care costs, and until we figure out what we are going to do on health care to rein that in, to get that cost under control, it is going to be complicated to try to fix. But that being said, I think that is

what argues for actually putting remedies in place that will put downward pressure on health care costs, on utilization, so we can bring health care costs back under control.

There are a number of good ideas out there about how to do that. The debt commission made some recommendations, although most in the area of Medicare and Medicaid were largely cosmetic because they couldn't come to an agreement about how to fix health care. Social Security, on the other hand, is available. It can be fixed. I think the debt commission made a series of recommendations that I hope the President and his team will take seriously and come to the Congress. I think Republicans here in Congress are willing to work with him because that is something we can put on a sustainable path. We ought to do it, and we ought to do it now because the longer we wait, the worse the problem becomes.

So you have the entitlement issues, you have the non-national security discretionary spending—things that can be done, that this President, if he is willing to put his rhetoric into action and take leadership, can actually put up as a record of accomplishment for the American people. The alternative is that we continue to add to the \$14.3 trillion debt.

I am not going to sit here and say for a moment that we are not all responsible for this. Obviously, there were previous administrations and previous Congresses. We have gotten where we are today because we did not make the hard choices when he should have, and now the choices become much harder.

I would also say that in the last 2 years, that debt has grown by over \$3 trillion, largely because of a trillion-dollar stimulus bill that we borrowed from our children and grandchildren, which didn't do anything to create jobs but did add \$1 trillion to the debt, and the health care bill, which, again, many of the costs of that we are going to see into the future, but it has a profound impact on the fiscal picture the country is going to be considering.

What does it mean to finance a \$14.3 trillion debt? Well, it means this: We spend so much on interest that next year the amount we spend on interest will equal the amount we spend on national security. Think about that. The entire security budget to defend this country, that amount of money will be equalled by the amount we spend on interest to finance the debt, and that continues to explode in the years ahead. If for some reason we were to have a runup in interest rates, if something happened in the economy, which, with inflation starting to take off a little bit, generally interest rates would follow that—and at some point in the not too distant future, we could see interest rates tick up. Well, we have been able to manage our debt by the way we

financed it and the short-term borrowing. If you saw interest rates reset and go up, it would have an even more profound impact on the amount we pay to finance that debt and the amount we make in interest payments.

Every child in America today under the age of 18 owes \$114,000 because of that debt, and 6 years from now it will be \$196,000. What are we doing to future generations when we saddle them with this enormous debt and put them in a position where they are going to be faced with a lower standard of living and a lower quality of life than what we have experienced simply because we did not have the courage to make the hard decisions that were necessary to get this situation under control.

So I would suggest to my colleagues and to the President after his speech last night that this is not about talk. It is not about rhetoric. It is about action. It is about what the American people asked us to come here and do. I think there were three messages coming out of the election last fall: The American people want us focused on jobs and the economy, they want us focused on spending, and they want us focused on debt.

We are going to have an opportunity in the next few months, when the continuing resolution expires and we look at the issue of funding the government into the future, to deal with the issue of spending. When we get to the debt limit vote that will come up sometime this spring, we will have an opportunity to talk about the debt. But it ought to generate and spark a serious effort here in the Congress, not a cosmetic one, not a superficial one, not one where we provide lipservice but where we are serious about reining in spending—not just non-national security spending but also looking at the long-term issues that are going to affect this country's balance sheet well into the future, and those are our entitlement programs. It is going to be tough stuff. It is not easy to do this.

I can't help but think that if we had made some of these hard decisions a few years ago, we wouldn't be in the situation we are today. I came here as a freshman Congressman back in 1997. One of the first votes we had—big votes, I should say, on the floor of the House of Representatives at the time—was a vote on a balanced budget amendment, something that I think 38 States have. Our State of South Dakota has a balanced budget amendment, which means our legislature and Governor can't go home until they balance the budget. That vote passed. It takes two-thirds majorities in both the House and the Senate and 38 States to ratify to get a constitutional amendment approved. We got a big, larger than two-thirds vote in the House of Representatives at that time. It came to the Senate, and it failed by one vote. Now, 67 votes here is the magic number

to get the two-thirds threshold. It got 66 votes in the Senate 14 years ago.

I can't help but think how much better out financial picture would be today had we taken that step back in 1997 and put a balanced budget amendment—enshrined that into our Constitution and imposed a discipline on the Congress that hasn't existed. Clearly, for politicians here in Washington, it is too easy, when it comes down to making hard choices, to take the easy way, to hand the bill to our children and grandchildren. It is time to stop. We cannot afford this any longer. We are at \$14.3 trillion and adding \$1 trillion every single year.

So this is going to require tough decisions, hard decisions. But I believe this is a great country with great people. We have met big challenges before. I think the American people are ready to step forward and deal with this challenge. I think they are looking for political leadership to do that, to join them in that quest. As I said before, Presidential leadership is critical. It is going to take leadership here in the Senate and the House of Representatives.

We cannot afford to kick the can down the road any farther, to punt the ball to the next generation. It is not fair to them. For generations in this country, we have had a sort of guiding principle; that is, one generation sacrifices so the next generation can have a better life. We may be the first generation that turns that ethic on its ear and asks the next generation to sacrifice because we have not been willing to live within our means.

So I hope we can muster the courage that is necessary, and I am going to do everything I can to continue to shine a light on this issue when we get into these budget debates. I, frankly, have a series of budget reforms. I think that, absent a constitutional amendment, we ought to be putting some statutory reforms in place that would force downward pressure on spending.

I have a bill that calls for a 2-year or biennial budget where we budget in one year, in the odd-numbered year, and in the even-numbered year we do more oversight. So when people here are running for reelection, instead of worrying about how to spend more money to curry favor with a particular constituency, we will be doing oversight and looking at how we can save money for the next generation. So I would like to get a debate on that. I think we ought to make the budget resolution we pass here binding and give it the teeth and the force of law which it does not have today. I think there are a series of prescriptions that would be worthwhile for us to not only entertain but hopefully implement to really take seriously the challenge that is before us.

I thank the chair for the time, and I look forward to engaging in a debate about spending and about debt and how

to better create jobs in this economy for the American people, which is what I think they want us focused on. I hope it will be not just rhetoric but action that follows.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time remains in morning business on the minority side?

The ACTING PRESIDENT pro tempore. There is 6 minutes 47 seconds remaining.

Mr. DURBIN. I ask unanimous consent to reserve that time. I do not believe there is another Republican Senator on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to begin the Democratic side of the morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INVESTING IN AMERICA

Mr. DURBIN. Madam President, I listened closely to the speech given by the Senator from South Dakota about the deficit. I was thinking as he gave the speech that it was a good one, but I think a little bit of history is warranted at this moment.

In the year 2000, 11 years ago, President William Jefferson Clinton was leaving office. We had gone through a period of budget surpluses. We were taking the budget surplus generated each year and buying more longevity in Social Security, as appropriate. It was a very positive situation. The national debt of America when President William Jefferson Clinton left office was \$5 trillion. In other words, the accumulated debt of America from George Washington to the end of William Jefferson Clinton was \$5 trillion. And as President Clinton left office, he said to President Bush: I want to give you, in the next year, a \$120 million surplus in terms of what you can anticipate to happen in the next year. It was a pretty positive situation with a lot of job creation, businesses doing well, homes being built.

Now fast forward from 2000 to 2008, 8 years later. Let's take a snapshot. What was the state of the economy? We were facing unemployment at record levels in numbers growing by the month. We no longer had a national debt of \$5 trillion. Eight years later after President George Bush, that national debt was \$12 trillion, more than doubled in an 8-year period. The obvious question is, what happened? Why were we doing so well 8 years before and had fallen so badly 8 years later?

We had two wars not paid for—we just added those to the national debt—in Iraq and Afghanistan. We had tax

cuts even to the wealthiest, something that had literally never occurred in the history of the United States, and that added directly to the debt. We had programs unpaid for, signed by the President into law, very expensive programs, even in the area of Medicare. Accumulate those things with the 9/11 occurrence and the downturn in the economy, and we saw our national debt go from \$5 trillion to \$12 trillion. Instead of President Bush leaving new President Obama a surplus for the next year, they anticipated a \$1.2 trillion deficit as President Bush left office. That is what Barack Obama inherited 24 months ago.

To hear some of the comments being made, one would think President Obama had created the deficit crisis. He inherited the deficit crisis from President George Bush. He said: The first thing we need to do is get the economy up and running. Republicans were virtually no help. Only three Republican Senators joined us in a stimulus bill which is now being mocked and criticized. But, in fact, one-third of the stimulus was in tax cuts, tax cuts to working families to help them through a recession. Another third was a safety net, unemployment insurance, as well as help to State and local governments. The final third was infrastructure, building roads and bridges and things across America for the economy. That is what the stimulus was.

Did it bring us back in a hurry from our recession? No. But it stopped the decline in our economy, and we are bringing ourselves back now as more consumer confidence is being demonstrated than we have seen in a long time.

I was a member of President Obama's deficit commission. For the record, I want people to know that that deficit commission originally was legislation. It was a statute. We were going to enact a law to give this commission the authority to come up with a report and force Congress to vote on it. Powerful stuff, with a lot of bipartisan support. When this powerful piece of legislation came to the floor of the Senate, seven Republican Senators who were cosponsors of the bill voted against the bill that they cosponsored, this effort to try to deal with our budget deficit in honest terms. After the bill failed, the President said: I will create one by Executive order. I served on it. It was Erskine Bowles and Alan Simpson cochairing an effort with 18 members. At the end of the day, 11 of us, including myself, signed on to the final report. I always added the caveat—and I think most would—that I don't agree with all of it, but I think it was the closest we were going to come to facing a terrible crisis.

The crisis is this: Out of every dollar we spend in Washington, we borrow 40 cents. That is unsustainable. Whether

we are using that dollar to build a missile or to pay for food stamps doesn't make much difference. We have to borrow 40 cents for every dollar we spend. Where do we borrow the money? One of our major creditors was in town last week, President Hu Jintao of China, a major creditor and a major competitor. Which takes me to the President's State of the Union Address last night.

The Republicans are fixed on one particular area. They believe the sum and substance of all that we do in Washington should be focused on the deficit. I think the deficit is critically important. I voted for the deficit commission report. We have to do things that are unpopular and we have to do them in a sensible and timely way. But it isn't the whole story. What the President tried to remind us last night is that we also have a great American economy. We have to ask ourselves: Will that economy be able to compete in the world of the 21st century? How will we do against competitive nations such as China and Japan and Germany? Those were questions asked by the President last night.

I have heard many Republican Senators and Congressmen since say those investments, that spending, we don't need. What we need is to focus on the deficit.

I think the President got it right. The President is calling for balance, responsible deficit reform, and investment in America that makes a difference in who we are and what we can be. The President talked about the Sputnik moment, long before the Presiding Officer was born, the Sputnik moment, October 4, 1957, when the Soviet Union launched the satellite Sputnik into outer space. It scared us to death. Here this nemesis of the United States in the Cold War, the Soviet Union, with the capacity to develop a bomb that could destroy major parts of America, was now in outer space and we were not. They had a missile that launched a satellite. It was a tiny little thing, about the size of a basketball. It circled the Earth. At that time in October of 1957, a chill set in on Capitol Hill when people got to thinking, maybe we are not as good as we thought when it comes to math and science and education, if the Russians beat us into outer space.

Congress did something in 1958 in response to that that was historic and considered radical at the time. Congress came up with something called the National Defense Education Act. It was the first time in the history of the country when we had offered college loans to those other than veterans, and it was a program that was going to reach across America and try to put more young people in college. Did it work? Look at the numbers. In 1940, 15 percent of college age students went to college, about a half a million students in college. In 1958, we started the loan

programs. By 1960, the number of college age students in college had grown to 3.5 million. Two years later I was one of them.

Now fast forward 10 more years to 1970. By 1970, 7.5 million students in America were in college. Forty percent of college age students were going to college. The investment of this government into the National Defense Education Act and student loans democratized higher education, dramatically increasing the number of students in colleges and universities, and not only prepared us for a man on the Moon and NASA but prepared our economy for more important things to come.

Let me give an example. When Sputnik was circling the globe, our scientists were sitting there upset and frustrated that the Russians were the first in space. Up in Baltimore, there were two scientists at a laboratory, and they decided they would try to track the Sputnik satellite. The Russians, in order to prove they were actually doing something, were emitting a signal from this satellite, this little basketball-sized satellite. These scientists said: Let's see if we can find that signal, the frequency. They did. Then they used—and I will get lost here in a hurry because I am a liberal arts lawyer—the Doppler effect to determine where the satellite was circling the globe and its speed. They told some people at the Department of Defense what they had found. The Department of Defense challenged them and said: If you can tell us where the satellite is and how fast it is moving, could you reverse that equation? We would like to know if we had a satellite in outer space whether we could figure out where your radio receiver was. So they did the calculations and did the work, and they determined it.

The purpose in asking the question was so that we could reach a point in national defense when, if the Russians launched a missile with a bomb on it toward the United States, we could tell where it came from and launch one in return. We did this calculation, and we started the development of this in 1958, where we could figure out where the receiving station was on Earth, if there was a transmitting satellite. If it sounds as if it might have led to something, it did. It led to a situation today where I can carry in my pocket a BlackBerry which has a GPS. GPS came out of that calculation. Now someone can basically determine where DURBIN is by where his cell phone is. That has become common technology and science, but it was research by the Federal Government that led us 50 years later to this moment.

I say that because the President was trying to make that point last night. When it comes to the future of our economy and where we will be and whether we will be competitive, we need to invest—it is not a bad word, it

is a good word—in our country: in people so they have the education and training, so they can compete; in businesses so they have basic research and the kind of incentives for innovation so they can move forward in growing their businesses and increasing the number of employees; and in building the infrastructure of America that makes a difference.

There was a company a few decades ago that became very popular named Lands End. Most people know it. It has since sold to Sears. They own it today. But when Lands End was thriving, it was located in a small town in Wisconsin. A lot of people wondered how they could run a big mail order operation out of a small town in Wisconsin. The answer was they had put together enough infrastructure that it worked. There were enough highways and enough ways to provide their product by mail and other delivery all around the United States.

Now we are in a new generation of challenges. That generation is calling for technology. The President talked about advancing the technology of computer reach to make sure we have high speed computer accessibility across the United States. That technology, innovation, and education is going to build a platform for us to be competitive. I think the President got it right. We deal honestly with the deficit, but we don't do it so quickly that we make the recession worse. And we invest in our people so that we are ready to compete in the 21st century.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I thank my colleague from Illinois for his as usual right-on-the-money words about the President's speech. I anticipate eagerly the speech of my colleague from Rhode Island who graciously yielded to me.

I rise to commend President Obama on the pitch perfect State of the Union he delivered last night. His speech was smart and balanced, forward thinking, and unabashedly upbeat about the future of our country.

Fundamentally, the President spoke about the need to preserve the American dream, to bequeath its promise to the next generation as our parents bequeathed it to us. The American dream is very simple. It means there is a strong likelihood that you will be doing better 10 years from now than you are doing today and an even greater likelihood that your children will be doing better than you did.

Many people in America think that dream is in peril today. Some people even fear that America is in decline, that our greatest period of prosperity is behind us. To these purveyors of gloom and doom, to those who are sour and dour and think America and its government can't do anything right,

the President sent a clear message: You could not be more wrong about America. We are and will remain the most economically vibrant, the most culturally vibrant country in the world, with the best system. We are the only country on Earth that tells a young man or woman, 12 or 13 or 14 years old, whether their family has been in this country 12 or 6 generations or whether they are a new immigrant, you can achieve the stars. No other country has that. That is a precious part of our birthright that remains alive and well today, as we see in the successes of so many.

It is true that we live in a much different world today than the generation that preceded us. The rules have changed, and it is tougher to get ahead. Unemployment is unacceptably high, and the competition for jobs is real. The middle class feels squeezed. But, as the President said, this should not discourage us. It should challenge us.

Last night, the President explained how we can rise to that challenge. He outlined how we can outinnovate, outeducate, and outbuild the rest of the world, tapping the creativity and imagination of our populous.

He urged us to invest in clean energy technology and other cutting-edge industries and challenged us to put a million alternative-fuel vehicles on the road by 2015. Thanks to the ingenuity of researchers such as those at the GM fuel cell facility in Honeoye Falls, NY, I believe we can achieve this ambitious goal. I am also hopeful we can take up and pass clean energy legislation in the months ahead.

The President also called on Congress to reform No Child Left Behind in order to restore America's global leadership in education. I am particularly pleased that the President enthusiastically endorsed a permanent extension of the \$2,500 college tuition tax credit I authored 2 years ago. I would like it to be even higher, to go to \$3,000 this year.

It is no secret that much of our Nation's infrastructure is in disrepair and that too many Americans do not have access to high-speed Internet or high-speed rail. For America to stay ahead of our foreign competitors, we need to improve the ways in which we transport people and information.

Since the days of Henry Clay, with the internal improvements, when our Nation builds infrastructure, economic growth follows, and this has clearly always been a government function. The President clearly understands this fact and spoke to it last night.

The President did not just focus on growing jobs, the economy, and middle-class paychecks last night. He showed an acute awareness of the need to rein in Federal spending to get our Nation's fiscal house in order. I echo his call to consolidate or eliminate unnecessary government programs and to revisit and revise regulations that have long

outgrown their usefulness. Of course, we need to find a balance, but I am confident that more can and will be done to make our government more agile and efficient.

The President had the right blend: Yes, cut out the waste, even eliminate wasteful and inefficient and duplicative programs, but do not throw out the baby with the bathwater or, as he said, do not throw the engine off the airplane when the plane is overweight. So the combination of growth, investment in our future, and innovation, with fiscal moderation and reining in waste, is just pitch perfect for the American people.

Lastly, I applaud the President for addressing one of the most critical matters facing the country: our broken immigration system. As you know, I have championed comprehensive immigration reform for some time, and the President seemed to endorse many aspects of the approach. He likes the approach, bipartisan, that Senator GRAHAM and I put together. He has told us that on several occasions. So I look forward to working with him as well as my colleagues on the other side of the aisle as we map a path to comprehensive reform in the 112th Congress.

Some pundits and handicappers said Congress seemed subdued, even restrained last night. Well, if last night's speech did not seem like the usual partisan pep rally, that is because it was not. The President's speech was not meant to appeal to Democrats or Republicans or even Independents. It was meant to appeal to Americans. In that, the President succeeded overwhelmingly. The fact that we sat together side by side, Democrats and Republicans, was a fine fit with the President's appeal to the whole of America, not to one side or the other.

The address last night embodied so many of the values and ideals that unite us as Americans. It displayed the kind of optimism we relish, thrive on, and believe in. It was a great speech, a wonderful moment of comity. I expect this moment will not fade soon, and I hope so too.

I yield the floor for my colleague from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I compliment my distinguished colleague from New York on his remarks. I would like to add a few observations of my own, but first I want to echo very much what he said. What the President did last night was to point a finger toward the future, and some people were just capable of seeing the finger. But for most people, they saw where he was pointing, and he has pointed us toward an important future for our country. These are the issues we are going to have to address in the decades ahead, and we have to be prepared now. I want to touch on about

three areas he pointed to. The first, of course, is infrastructure. I am not the only person in America who has noticed our crumbling infrastructure. Everybody who drives on our roads, everybody who goes across our bridges, everybody who has been to our water and sewage plants knows we have underinvested in those areas for decades.

As the President pointed out last night, America's own engineers give America a D for the status of our infrastructure. The Environmental Protection Agency has estimated that we have \$662 billion in total capital needs for clean water and drinking water investments over the next 10 years—\$662 billion that we need to put into our water and water treatment system in the next 10 years. By contrast, in the so-called stimulus bill, we put in \$6 billion; 1 percent of what we need. We have a lot of work we still have to do to make sure America has the clean water treatment and drinking water it needs.

The infrastructure question is not just about infrastructure the Romans could have built. It is not just about roads and bridges and waterworks. The President referred to a Sputnik moment many years ago and President Kennedy's drive to get us up into space and to accelerate our space program.

When President Kennedy pushed to put a man on the Moon within 10 years and bring him safely home, what that delivered was not just a man on the Moon. What it delivered was the technology that allowed a company called COMSAT, a public-private corporation, to put up into space the satellite technology that became the infrastructure of our modern communications system. That was done because of that call to action.

It is not just our communications system that is core infrastructure, as well as our roads and our bridges and our waterworks, it is also our information technology system, particularly in health care. When we build a robust health information infrastructure—so that as an American you are no longer carrying your cardboard file-covered records from appointment to appointment, no longer having to explain who you are and what you have and what medications you are on and why you are there for the umpteenth time because the doctor has not seen your file because it is not available to him electronically—when we fix all that so your pharmacy, your specialist, the laboratories you go to, the hospital, if you have had to visit one, are all connected to your primary care provider who is directing the care for your condition, that is a piece of infrastructure that, like our health care infrastructure, will enable enormous growth in the private sector.

That is what infrastructure does. Roads are not valuable because people

go out with picks and shovels and bulldozers and asphalt pavers and make them. They are valuable because once they are made, commerce runs across them and the private sector expands. That is just as true of communications and information technology and broadband and our energy grid. We need to invest in infrastructure, and we need to think about our modern infrastructure, not just the infrastructure the Romans could build.

The other point the President made that was critically important is that American manufacturing is not now competing on a level playing field with our foreign opponents. Many people have said this was a very "America first" speech; that the President seemed more nationalistic than he has been before. I suspect that is because in his years as President, it has been driven home to him how many disadvantages our foreign competition puts our manufacturers at. It is not fair. It creates immense disabilities for them and real handicaps, and we have to put American manufacturing back on a level playing field with their competitors around the globe.

I can go to the Cranston Print Works Company in Rhode Island, which is one of the last remaining vestiges of the vaunted Rhode Island textile industry. It was Rhode Island's textile industry that started the industrial revolution. Rhode Island's textile industry propelled Rhode Island to have more millionaires per capita than any other State in the country. Now it has winnowed away, winnowed away, and companies such as Cranston Print Works that has been able to hang on and survive and be successful keenly know how bad the disadvantages are.

You could have their CEO, George Shuster, give you a speech about how in almost every dimension of their operations they are at a disadvantage, and very often a disadvantage that America has created, against their foreign competition. I just want to mention one.

I have introduced the Offshoring Prevention Act because if George Shuster were to take his facility in Rhode Island and move it overseas, he could choose the year he declared his profits and defer them to the most advantageous tax year. When he stays in Rhode Island, he has to declare his profits in that year no matter what. There is no reason on Earth we should reward an American company that moves its processes overseas with a tax deferral advantage that they do not get when they are here at home. My Offshoring Prevention Act would prevent that.

The last thing I want to say—because I see my distinguished colleague from Arizona on the Senate floor and I want to make sure I leave him time—is just a word about our long-term debt. I was immensely gratified the President took

a firm position to defend Social Security. We who are familiar with the actual facts know that Social Security has never contributed a dime to our deficit, never contributed a dime to our debt, and that it is solvent for more than a quarter century ahead of us. It is not an immediate problem, and with very small adjustments it can be never a problem.

In States such as Rhode Island and New York, and I suspect Arizona as well, we have people who count on Social Security. Social Security gives us freedom. Social Security gives our seniors freedom from want and freedom from fear. It gives them freedom from privation and freedom from poverty. It gives the younger generation freedom to pursue their own dreams, knowing their parents will have a dignified old age because of Social Security, and they can take risks and seek opportunities they would never otherwise be able to take if they knew they were the only support for their parents in their old age, if the only thing that stood between their parents and penury was them. Thankfully, Social Security gives that liberty to young people across this country, as well as the freedom it gives to old people. So I am delighted he took this stand and that Social Security will not be improperly thrown under the bus of the important debt and deficit reduction work we need to do.

With that, I will yield. I see, again, Senator McCAIN on the Senate floor. He is a distinguished Senator and a great friend, and I do not want to take time from him.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HONORING THE VICTIMS AND HEROES OF THE SHOOTING ON JANUARY 8, 2011, IN TUCSON, ARIZONA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Res. 14, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 14) honoring the victims and heroes of the shooting on January 8, 2011, in Tucson, Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Madam President, this resolution states that we honor the victims and heroes of the shooting on January 8, 2011, in Tucson, AZ. As we all know, and the Nation and the world knows, on January 8, a gunman opened fire at a "Congress on Your Corner" event hosted by Representative GABRIELLE GIFFORDS in Tucson, AZ, killing 6 and wounding 13 others.

Among those who lost their lives were 9-year-old Christina-Taylor Green, Dorothy Morris, Judge John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Matthew Zimmerman.

Christina-Taylor Green was the 9-year-old daughter of John and Roxanna Green. She was born on September 11, 2001. She was a third grader, with an avid interest in government, who was recently elected to the student council at Mesa Verde Elementary School.

Dorothy Morris was 76 years old. She attended the January 8 event with George, her husband of over 50 years, with whom she had two daughters and who was also critically injured as he tried to shield her from the shooting.

John Roll, whom I will talk about later on, is a Pennsylvania native who was 63 years old. He began his professional career as a bailiff in 1972. He was appointed to the Federal bench in 1991 and became a chief judge for the District of Arizona in 2006. He was a devoted husband to his wife Maureen, father to his three sons, and grandfather to five grandchildren. He heroically attempted to shield Ron Barber from additional gunfire.

Phyllis Schneck, the proud mother of three and grandmother of seven and great-grandmother, from New Jersey and spending the winter in Arizona, was a 79-year-old church volunteer and New York Giants fan.

Dorwan Stoddard, a 76-year-old retired construction worker and volunteer at the Mountain Avenue Church of Christ, is credited with shielding his wife Mavy, a long-time friend whom he married while they were in their sixties and who was also injured in the shooting.

Gabriel Matthew Zimmerman was 30 years old, engaged to be married, and served as director of community outreach to Representative GABRIELLE GIFFORDS and was a social worker before serving with Representative GIFFORDS.

We all know GABRIELLE GIFFORDS was the target of the attack and was critically injured. Overnight, we received extremely good news in that her condition has been upgraded from critical to good. That is incredible news and is heartening to all of us.

Thirteen others were also wounded in the shooting, including Ron Barber and Pamela Simon, who were both staffers to Representative GIFFORDS, and several individuals, including Patricia Maisch, Army COL Bill Badger, retired, was also wounded in the shooting. Roger Sulzgeber, Joseph Zimudie, Daniel Hernandez, Jr., Anna Ballis and Dr. Steven Rayle helped apprehend the gunman and assist the injured, thereby risking their lives for the safety of others.

Some of the actions that took place during this tragedy have been carried extensively in the media. The reaction

of the people of Tucson and in Arizona to this tragedy has been incredibly uplifting and encouraging to all of us. There are so many stories of courage and bravery associated with this action. The quick reaction of our police and other first responders was remarkable, not to mention the incredible and extremely rapid care provided by the doctors and nurses and caregivers in Tucson. So in this great tragedy that has taken place, we can be comforted with the knowledge that our citizens reacted in the way that Americans do—with heroism, with courage, and with sacrifice.

I think it is entirely appropriate that this resolution be passed as one of the first acts of the new 112th Congress of the Senate and House. I wish to thank all Americans for their concern, their prayers and the sympathy and support they have extended not only to the victims and their families but also to the people of Arizona.

There will be discussion for weeks and months ahead as to how it was possible for this event to take place. I don't pretend to know all the answers. It was clearly a deranged individual, an individual who perhaps we could argue, while I can't say for certain, his mental illness should have been brought to the attention of the proper authorities. We do have a law that provides for such an action in the State of Arizona. At the same time, the question needs to be asked: The actions that we now have become very aware of, was the possibility of those actions brought to the attention of the proper people so they could take action?

The fact is it happened. The fact is we who are elected representatives will continue to have contact with our constituents. We will do so and not be deterred by the actions of this deranged individual. We cannot allow the actions of a deranged individual to prevent us from interacting, in a fundamental way, with our constituents. They deserve it. I am confident we will be able to continue the practice of townhall meetings, "Congress on Your Corner," the kinds of activities that are, in some ways, not entirely unique to the United States of America but certainly are not practiced in most parts of the world.

So we are encouraged by the news concerning GABRIELLE GIFFORDS and we will harbor the hope and pray that she will return to her duties in the Congress, representing the people of southern Arizona. We pray for the family of Judge John Roll and those others who gave their lives. Senator KYL and I attended the various memorial services and events surrounding this tragedy in Tucson and we come away obviously with deep sorrow over the event, yet at the same time with a great deal of pride and appreciation for our fellow citizens in Arizona and in Tucson who have reacted in a heroic and giving and loving and sharing fashion.

So I guess we will be voting on this issue sometime this afternoon, and I know other colleagues will be speaking on behalf of this resolution.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 188 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCAIN. Madam President, I suggest the absence of a quorum, with the time being charged to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. S. Res. 14.

Mr. DURBIN. Madam President, I want to thank Majority Leader REID and our colleagues from Arizona, Senators KYL and MCCAIN, for bringing this important resolution to the floor of the Senate. It has been over 2 weeks, but our shock and sadness over what happened on that beautiful Saturday morning in Tucson is still very real. They were just ordinary Americans, engaged in what we might call the dialog of democracy, when a gunman stepped in and began firing. Within seconds Congresswoman GABRIELLE GIFFORDS and a dozen innocent bystanders lay injured, and six irreplaceable lives were ended.

Most of us never had the good fortune to meet Judge John Roll, Gabe Zimmerman, Phyllis Schneck, Dot Morris, Dorwan Stoddard, or that beautiful little girl, Christina Green. While they shared the Earth with us, we did not know them. But we have come to know them in the last 2 weeks. They were good and decent people who loved their families, tried to help others, and believed in the promise of this great Nation.

We mourn their loss. GABBY GIFFORDS, our colleague in the House, believes in the promise of America's democracy. She believes in it so passionately that she chose to run for Congress, even though she probably could have found a more comfortable and even more financially rewarding life. She believed in democracy so much that she was one of those Members of Congress who would hop on an airplane and fly across America on a weekly basis to be back home in her district in Arizona.

She believed in this country so deeply that she continued to reach out to her constituents even after the end of a

spirited campaign when a lot of Members of Congress were trying to find at least a few weeks to take it easy before they got back into the swing of things.

She was concerned about her safety. But she was dedicated to her job and her Nation and certainly the people she represented. We are grateful to the doctors and all of the medical professionals who worked wonders to save her life and to heal those who were hurt. We are grateful to the first responders and ordinary citizens who acted with such extraordinary courage to help the victims, tackle the gunman, and prevent an even more devastating loss of life.

We offer our deepest condolences to the heartbroken families and friends of those who were lost and all those who were wounded in body and spirit by this tragedy. We pray that time and God in His infinite mercy will bring them comfort and peace.

A few days ago, we were encouraged to learn that Congresswoman GIFFORDS was moving to a rehab hospital in Houston to begin a new phase of her recovery. Yesterday her overall medical condition was upgraded to "good," certainly good news. Soon we need to begin the next phase in our national discussion of this tragedy, in order to lessen the prospects of such violence in the future.

We cannot simply mourn and move on. We have to have the courage to face this tragedy squarely. It appears this terrible carnage was caused by a man with a history of mental illness and a gun. It is not the first time. In 1981, President Ronald Reagan was shot by a mentally ill man with a gun. Nearly 4 years ago, a mentally ill student shot and killed 32 people at Virginia Tech. On Valentine's Day 2008, a former student with a history of mental instability walked into the lecture hall at Northern Illinois University in DeKalb, armed with a shotgun and three handguns. He killed six people including himself and injured 21 others.

In 1998, a man with a serious mental illness walked into this building, the Capitol, and before it ended he had shot and killed two members of the Capitol Police force. Some are going to argue you cannot stop a disturbed person who is intent on committing an act of violence. To some extent that is certainly true. But you can take steps to limit the harm that person can cause by keeping the deadliest of weapons out of that person's hands. The gunman in Tucson used a semiautomatic handgun with a high-capacity ammunition clip capable of holding over 30 rounds. He fired off 31 shots in a matter of seconds before he had to reload and was tackled by brave citizens.

If he had had to reload sooner, say, after 10 rounds, at least 9 people in Tucson would not have been shot. High-capacity clips were used to commit mass murder at Virginia Tech,

Fort Hood in Texas, and in Tucson. There is no legitimate sporting or self-defense purpose for such high-capacity weaponry. Hundreds of homeowners do not need to fire 31 rounds in a matter of seconds.

High-capacity clips were once illegal under the 1994 Federal assault weapons ban signed by President Clinton, supported by Presidents Reagan, Carter, and Ford. But that law expired 7 years ago in 2004.

Even former Vice President Dick Cheney, a hunter, and an outspoken second amendment rights advocate, has said in his words, "maybe it is appropriate" to reinstate the ban on high-capacity clips in the wake of the Tucson tragedy.

We also need to plug the holes in the Federal background check system to make it harder for people with a history of serious mental illness or substance abuse from getting guns. This man who was charged with the murders in Tucson is someone who was rejected by our military because of his mental condition. He was also told to leave a community college because they feared that he was a danger to himself and others. And yet he could purchase a weapon and a high-capacity clip in Arizona, in America.

No one is proposing to take guns away from responsible hunters and law-abiding citizens. The Supreme Court has made it clear, individuals have the right to own guns and I respect that decision. But the Supreme Court has also said that the second amendment is "not a right to keep and carry any weapon whatsoever, in any manner whatsoever, and for whatever purpose."

We ought to be able to agree to keep the deadliest weapons out of the hands of people who are seriously unstable. President Obama gave a very moving speech in Tucson about Christina Green, the little third grader who had just been elected to her student council and often wore red, white, and blue in honor of her country.

The President said, "I want to live up to her expectations. I want our democracy to be as good as Christina imagined it. I want America to be as good as she imagined it."

I hope we will put political agendas aside and put our heads together so we can lessen the chances of another tragedy such as Tucson. That would be the very best memorial we could build to those who lost their lives, and the best we could do for America to do our job to keep it safe.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise to give some brief remarks about the resolution we are considering today. First and foremost, this resolution condemns, in the strongest possible terms, the horrific attack that took place earlier this month in Tucson, AZ, while my friend and colleague GABRIELLE GIFFORDS was giving time to her constituents through a "Congress at Your Corner" event, an event that many of us in the Congress host for our constituents, for them to come speak to us about issues that matter to them most.

During that attack, many lives were lost. We express our deepest and heartfelt condolences to the families and the friends and the loved ones who lost their loved ones during that attack.

Each of those who are honored today will be remembered for all they gave to their communities and all they have done, including a great judge, John Roll, and community members Dorothy Morris, Phyllis Schneck, Dorwan Stoddard, and a great public servant, Gabriel Matthew Zimmerman. They are all in our thoughts and prayers.

President Obama took the time to really talk about one life that was lost that affected me most deeply, and that was about Christina-Taylor Green, the 9-year-old girl who went to the "Congress at Your Corner" event to learn about public service, to see her Congressman do her job, to hear what she had to say.

That young girl and her life and the image President Obama talked about in his speech not only in Tucson but in his speech last night I thought affected all of us because his speech was about the hope and the dreams that every child in America has for this country, for our democracy, the true aspirations that Christina had for this government, the expectations she had for us.

I believe last night President Obama gave a call to action to all of us about who we should be as Americans, what this country stands for, why we are all public servants, and why we are here to do our jobs. I think it is the image and the life of Christina that gives us hope for the future about what we can be and what we can do together, and I think that is what last night's speech was most about.

I want to take a moment to talk about my dear friend GABBY, whose courage and whose strength has been extraordinary and is something that not only inspires me but I think inspires every one of the young people here today and all of us in this country because she is surviving and she is determined to overcome this horrific attack against her and our democracy and against all of us. Every day she recovers is one more day where her strength is there as a bright light for

all of us, as a reminder of what we are all capable of and a reminder of what is best in each of us. I am going to go visit GABBY this weekend and sit with her and give her the well wishes and the prayers of all of us here.

Having her seat remain open last night was a stark reminder of what can be so easily lost, and the importance of our presence in that Chamber to do the people's business, that we are there not for ourselves, we are not there as Democrats or Republicans, but we are there as public servants, to do the will of the American people, to do our jobs, and to represent the people we are sent here to represent.

So I thank GABBY and her extraordinary husband Mark, whose love for her truly is pulling her every day across the finish line, for their courage and their dedication, and I wish to let them know we will continue to pray for their recovery, we will continue to pray for all those who were injured and are recovering, and we pray for all the families who have lost their loved ones.

Mr. President, I ask unanimous consent that the debate time on the resolution be extended to 2:30 p.m., that all provisions of the previous order remain in effect, and that the vote on adoption of the resolution occur at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that all quorum calls during the remainder of the debate on S. Res. 14 be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, yesterday I spoke to the events of January 8 in Tucson, AZ, specifically referencing the people we are honoring by the resolution that is before us today. At 2:30 this afternoon, we will have an opportunity to act as a body, Democrats and Republicans from all parts of our country, to recognize the people who were injured, the families of those who were killed, and, of course, the heroes of the tragic Tucson shooting.

On that morning of January 8, Representative GABRIELLE GIFFORDS arrived at a Tucson Safeway store for her "Congress on Your Corner" event. She was there to meet with constituents, which is something she enjoyed doing very much. This was the first such event of the year. She had hosted others previously.

She was joined by members of her staff. Among them were Pam Simon,

Ron Barber, Gabriel Zimmerman, and Daniel Hernandez, an intern. They stood alongside as Congresswoman GIFFORDS greeted her constituents who had lined up to speak with her. One of those individuals was Judge John Roll, chief judge of the U.S. District Court of Arizona, a personal friend of mine. Like most mornings, he had attended mass. Then he decided to stop by the Safeway to thank the Congresswoman for her assistance in dealing with the court's overwhelming caseload. Also attending the event was 9-year-old Christina-Taylor Green, who, like Congresswoman GIFFORDS, had recently won elected office. This third grader had recently been elected to the student council by Mesa Verde Elementary School. Dorothy Morris and her husband George, a retired marine, were attending the event together. And Phyllis Schneck, a great grandmother who spent the winters in Tucson but was actually from New Jersey, was there as well, as were Dorwan and Mavy Stoddard. As all of these people were waiting to speak to Congresswoman GIFFORDS, a gunman approached and shot the Congresswoman in the head, then turning his gun on the others in line. Gabriel Zimmerman, Judge Roll, Christina-Taylor Green, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard were all killed. George Morris, Mavy Stoddard, Pamela Simon, Ron Barber, and the Congresswoman were injured, along with eight others.

Those who were killed had much more to offer in their lives.

Gabe, the Congresswoman's director of community outreach, was only 30 years old. He was engaged to be married. According to news reports, he was killed while rushing to assist others. He worked closely with my Tucson staff.

Judge Roll was not only a very distinguished and respected jurist but was known most of all in the Tucson community for his kindness and courtesy. He was killed as he tried to protect Ron Barber, who had been shot just moments before.

Christina-Taylor Green, as I mentioned, was only 9 years old, a third grader.

Dorothy Morris was married for 50 years to George, and he was injured trying to protect his wife. The couple has two daughters. I met one of them when I visited with George in the facility in which he is recuperating, where I was last Friday.

Phyllis, like others in this group, was a volunteer at her church. She was also known for her cooking.

Dorwan Stoddard I mentioned was also a church volunteer, and he, too, was shot as he dove to the ground to cover his wife, who escaped with wounds to her legs. I had an opportunity to visit with her again Friday as well.

As we know, the gunman was prepared to take more lives. His plans for more bloodshed were thwarted by brave and selfless citizens. Their stories have been documented in the media in the past few weeks, but a few of their heroic acts are worth recounting here.

After a bullet grazed his head and took him to the ground, Bill Badger, a 74-year-old retired Army colonel—and in good shape, I might add—got up and he helped hold the gunman down until the police arrived.

Anna Ballis was shopping that morning at Safeway. She was leaving the store when the shooting began. According to reports, she rushed to the aid of Barber after a bullet hit an artery in his leg. Anna is the mother of two U.S. marines who have been deployed to Iraq and Afghanistan multiple times. I mentioned yesterday visiting Ron Barber in the hospital, holding Anna's hand, repeating over and over again how she had saved his life.

Such multiple acts of bravery and kindness.

Daniel Hernandez was in the gallery at the State of the Union speech last night. He is a 21-year-old intern for Congresswoman GIFFORDS. He rushed to her aid right after the incident. He had some training in first aid and applied pressure to her wounds, which prevented her from bleeding more than she did. He stayed with her even after emergency service personnel arrived.

Sixty-one-year-old Patricia Maisch grabbed the magazine of additional ammunition the gunman was hoping to reload in his weapon and then administered first aid to a shooting victim.

Steve Rayle, a doctor and former emergency room physician, helped subdue the gunman until law enforcement arrived, and then he, too, helped to care for the injured.

As the gunman was trying to reload his weapon, Roger Salzgeber wrestled him down from behind.

Joseph Zamudio ran toward the scene from a nearby store when he heard the shots being fired and helped subdue the gunman again until law enforcement officers arrived.

We are obviously grateful for these acts of bravery. We are proud of the people I have mentioned but also all of the emergency workers who quickly arrived on the scene and provided lifesaving aid and comfort to the injured in the very crucial moments following the attack.

I must mention also the incredible team of professionals, the surgeons and other highly skilled personnel at University Medical Center. We are proud of that facility in southern Arizona, and they certainly showed their competence in dealing with all of the wounded and some who died.

It has now been more than 2 weeks since the tragedy, and the families who lost loved ones are obviously still grieving. We all pray that they find

comfort in the days ahead, and we hope and pray that the wounded will soon make full recoveries. In recent days, we have received some good news in that regard as those who were wounded are beginning to recover and leave the hospital. Our friend and colleague GABBY GIFFORDS, although she remains in serious condition, we are heartened to hear positive reports from her doctors, and we wish her the very best as she begins a new phase of her recovery in Houston.

The tragedy in Tucson was a shock to us all. It is difficult to comprehend that such horror could be visited upon such fine individuals and their families. In some respects, however, we see once again how it has brought out the best in good people.

In honor of the victims and the heroes of this tragic event, Senator MCCAIN and I ask our colleagues in the Senate to pass S. Res. 14. We can do little to bring solace to those who lost loved ones, but we can affirm that this body is united in its grief for the fallen, its admiration for the heroes, and prayers for the injured.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, first, I would like to express my strong support for the resolution on the floor honoring the victims and the heroes of the Tucson shooting, and I thank Senators KYL and MCCAIN for submitting it.

Let me take this opportunity to express once again my sympathy to the families of those who lost their lives that morning and to join with all those who are persevering in prayer for the injured, including Congresswoman GIFFORDS, whose condition, thankfully, still appears to be improving day by day.

We will never forget the heroism of those who sacrificed their own safety that morning in Tucson for the good of those around them nor the dedication of those who attended to the wounded immediately after the shooting both at the scene and in the hospital rooms in the days that followed.

We thank all of them for giving us, in the midst of this horrific event, some reason for hope and a powerful example of service to follow.

It is my hope that today's resolution will help in some way to preserve the

memory of the dead, the injured, and the heroes of Tucson.

Hopefully, out of this terrible national tragedy the rest of us can draw strength and inspiration, grow in concern for those around us, and deepen our sense of purpose about the work we do here every day.

STATE OF THE UNION ADDRESS

Mr. President, for 2 years I have insisted again and again that the two parties can and should work together on legislation that would spur the economy, create an environment for good private sector jobs, and put our Nation on a stronger footing for the future. Last night, the President did the same. So this afternoon I would like to accept the President's offer to work together just as I did after last year's State of the Union.

I agree with the President that we can and should work together to increase, without Federal mandates, production of more domestic sources of energy, including nuclear, clean coal, and natural gas; on strengthening and protecting our borders and enforcing immigration laws; on increasing U.S. exports by completing free-trade agreements with South Korea but also Panama and Colombia; on medical liability reform to rein in frivolous lawsuits; on finding a bipartisan solution to strengthen Social Security for future generations of Americans; on finishing the job in Iraq and Afghanistan; and on simplifying the individual Tax Code and reducing our corporate tax rates, which are making it harder and harder for U.S. companies to compete around the world.

Working together in all these areas would help the economy by encouraging the creation of private sector jobs, improving security, and helping us keep our commitments to our children and our parents. I take the President at his word when he says he is eager to cooperate with us on doing all of it.

But achieving each of these things should be an end unto itself. It cannot be contingent on some cynical bargain whereby one party agrees to secure the border as long as the other party agrees to amnesty for illegal immigrants; where one side agrees to increase domestic energy exploration as long as the other side agrees to cripple the economy with higher fuel prices; where one side agrees to fight terror as long as the other side agrees to artificial timelines and preordained withdrawal dates—in other words, a bargain whereby the party offering to work together has no real intention of working together at all. And too often that has been the approach this President and his party have taken over the last 2 years.

Take health care. For more than a year, we offered to work with the White House and Democrats on a bill that would incorporate the best thinking on both sides. They refused every

step of the way. In the end, they got the bill they wanted: a massive government-driven system that creates an unknowable number of new bureaucratic entities and two massive new government entitlements, which is already leading people to lose the care they like, which nearly two-thirds of U.S. doctors surveyed predict will lead to worse care, and which is causing already struggling businesses to struggle even more with a mountain—a mountain—of new mandates and fees. It is only after this disastrous bill has become law that the President says he is now interested in making it better, even as he belittles the legitimate concerns so many Americans continue to have about it.

He has taken the same approach to spending and debt. Two years ago, the President came to Congress and told the country we needed to invest in the future through a trillion-dollar stimulus that was supposed to be a model of transparency and efficiency. Within a year, this bill, which was sold to us as the answer to our Nation's economic woes, had become a national punch line, a tragic waste of money. And 2 years after that investment in our future was signed into law, what do we have? Nearly \$3.5 trillion more in debt and nearly 3 million more Americans out of work.

These out-of-work Americans do not want to sit around and wait for the Democratic vision of the future to appear, compliments of the experts in Washington. They are not particularly moved by someone's vision of what America could look like 40 years from now if only they hand over more of their paychecks or more of their freedoms now. They want a job. They want Washington to stop trying to help them and let them help themselves.

So the President talks a good game, but call us skeptical, because when all of the applause is over and the speeches are through, the debt is higher, more and more wasteful spending and job-stifling regulations come to light, and millions of Americans are still asking the same simple, persistent question: Mr. President, where are the jobs?

The President made some good suggestions on areas where we could work together, and we stand ready to do so, just as we have in the past. But we have now seen enough to know that what the President says and what the President does are two very different things. He has called for investments in energy before and we got the stimulus. He called for working with us on trade. We are still waiting. He said before we need to get serious about the debt, even as it reached dizzying new heights as a result of his policies. He speaks like one who recognizes that spending is out of control, and yet his response is to propose that we lock in spending levels we already know are completely unsustainable. This isn't

progress. This is an admission of defeat. Americans don't want a spending freeze at unsustainable levels. They want cuts—dramatic cuts—and I hope the President will work with us on achieving them soon.

To put it simply, the President still sounds as though he is trying to have it both ways. His tone may be changing, but based on past performance we will remain skeptical until we see actual results. Republicans have pledged to the voters that we will do everything we can to cut wasteful government spending, work to lower the debt, get government out of the way of economic growth, and to work to repeal the health care bill, even as we replace that health care bill with the kind of commonsense reforms people actually want. The President has shown he is willing to talk about some of these things. Let's hope he surprises us by showing a new willingness to do more than that—to actually work with us on achieving real results.

Mr. President, I yield the floor.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that all time has been used under the order that is now before the Senate. If it has not, let's pretend it has and let's start the vote now.

The PRESIDING OFFICER. Without objection, the order for the vote will be changed to 2:25.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Virginia (Mr. WEBB) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—97

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Hoeben	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Whitehouse
DeMint	McCaskill	Wicker
Durbin	McConnell	Wyden
Ensign	Menendez	
Enzi	Merkley	

NOT VOTING—3

Feinstein Rockefeller Webb

The resolution (S. Res. 14) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 14

Whereas on January 8, 2011, a gunman opened fire at a "Congress on your Corner" event hosted by Representative Gabrielle Giffords in Tucson, Arizona, killing 6 and wounding 13 others;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Matthew Zimmerman lost their lives in this attack;

Whereas Christina-Taylor Green, the 9-year-old daughter of John and Roxanna Green, was born on September 11, 2001, and was a third grader with an avid interest in government who was recently elected to the student council at Mesa Verde Elementary School;

Whereas Dorothy Morris, who was 76 years old, attended the January 8 event with George, her husband of over 50 years with whom she had 2 daughters, and who was also critically injured as he tried to shield her from the shooting;

Whereas John Roll, a Pennsylvania native who was 63 years old, began his professional career as a bailiff in 1972, was appointed to the Federal bench in 1991, and became chief judge for the District of Arizona in 2006, was a devoted husband to his wife Maureen, father to his 3 sons, and grandfather to his 5 grandchildren, and heroically attempted to shield Ron Barber from additional gunfire;

Whereas Phyllis Schneck, a proud mother of 3, grandmother of 7, and great-grandmother from New Jersey, was spending the winter in Arizona, and was a 79-year-old church volunteer and New York Giants fan;

Whereas Dorwan Stoddard, a 76-year-old retired construction worker and volunteer at the Mountain Avenue Church of Christ, is credited with shielding his wife Mavy, a longtime friend whom he married while they were in their 60s, who was also injured in the shooting;

Whereas Gabriel Matthew Zimmerman, who was 30 years old and engaged to be married, served as Director of Community Outreach to Representative Gabrielle Giffords, and was a social worker before serving with Representative Giffords;

Whereas Representative Gabrielle Giffords was a target of this attack, and was critically injured;

Whereas 13 others were also wounded in the shooting, including Ron Barber and Pamela Simon, both staffers to Representative Giffords; and

Whereas several individuals, including Patricia Maisch, Army Col. Bill Badger (Retired), who was also wounded in the shooting, Roger Salzgeber, Joseph Zamudio, Daniel Hernandez, Jr., Anna Ballis, and Dr. Steven Rayle helped apprehend the gunman and assist the injured, thereby risking their lives for the safety of others, and should be commended for their bravery: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the horrific attack which occurred at the “Congress on your Corner” event hosted by Representative Gabrielle Giffords in Tucson, Arizona, on January 8, 2011;

(2) offers its heartfelt condolences to the families, friends, and loved ones of those who were killed in that attack;

(3) expresses its hope for the rapid and complete recovery of those wounded in the shooting;

(4) honors the memory of Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Matthew Zimmerman;

(5) applauds the bravery and quick thinking exhibited by those individuals who prevented the gunman from potentially taking more lives and helped to save those who had been wounded;

(6) recognizes the service of the first responders who raced to the scene and the health care professionals who tended to the victims once they reached the hospital, whose service and skill saved lives;

(7) reaffirms the bedrock principle of American democracy and representative government, which is memorialized in the First Amendment of the Constitution and which Representative Gabrielle Giffords herself read in the Hall of the House of Representatives on January 6, 2011, of “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”;

(8) stands firm in its belief in a democracy in which all can participate and in which intimidation and threats of violence cannot silence the voices of any American;

(9) honors the service and leadership of Representative Gabrielle Giffords, a distinguished member of the House of Representatives, as she courageously fights to recover; and

(10) when adjourning today, shall do so out of respect to the victims of this attack.

The PRESIDING OFFICER (Mr. BEGICH). The motion to reconsider is laid upon the table.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will resume morning business.

PASSING OF ANTHONY AND NICOLE RIGGAN

Mr. PRYOR. Mr. President, today I come to the floor to honor CPT Martin Anthony Riggan, Jr., and his wife Nicole Riggan. Their journey on this Earth was cut short but it was one filled with honor, purpose, and distinction.

Anthony was one of those individuals whom everyone knew would grow up to be exceptional, and he did. I have known him since he was a small child. We went to church together. I think it was in maybe the seventh grade when he approached me the first time about going to the U.S. Air Force Academy. I have followed his path since he graduated from Pulaski Academy High School in Little Rock in 2003, where he served as class president, Honor Council president, and was a representative on the Varsity Football Leadership Council. During this time, Anthony received numerous awards for his character, service to others, and hard work.

Then he fulfilled his lifelong dream to attend the United States Air Force Academy where he continued to receive accolades for performance and leadership. As a member of the Board of Visitors at the Air Force Academy, I was able to visit the academy from time to time. I enjoyed seeing the facilities and visiting with the brass, but honestly I most enjoyed getting to visit with Anthony in Colorado. During these times, he reminded me about the true definition of selfless service.

In his senior year, Anthony was selected to be Group 1 Commander for the Cadet Wing, overseeing 1,200 cadets and their activities. He was also named cadet colonel, the highest rank possible for a cadet at the academy. He shared with me how excited he was to be graduating and how proud he was to serve our Nation in our military. I was proud of all he was achieving and he was certainly representing Arkansas well.

Following graduation, Anthony began undergraduate pilot training in Columbus, MS, flying the T-6 Texan, the T-38 Talon and the B-1B Lancer Strategic Bomber. He received the Top Gun Award for Formation Flying and was presented with the Leadership Award by the local Air Force association. Classified as “exceptionally qualified” to pilot the B-1, Anthony was scheduled to deploy this month to Qatar.

In life, Anthony’s favorite copilot was his wife Nicole. She shared his strong faith and purpose. After graduating from Colorado’s Lewis-Palmer

High School as valedictorian, Nicole participated in Serteen, a volunteer program for teens and in mission trips to Peru and Guatemala.

She went on to study theater education at the University of Northern Colorado, graduating magna cum laude. She pursued her theater career and continued leadership roles in Bible studies and youth groups. During this time, many of Anthony and Nicole’s friends and families found guidance through the devotionals they regularly sent.

Today we continue to find encouragement and inspiration through the selfless lives they lived. I will miss my friend Anthony and his lovely wife Nicole, and I look forward to the day when I see them again.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CAN-DO AMERICA

Mr. NELSON of Florida. Mr. President, whenever a Senator, such as Senator PRYOR from Arkansas, has to announce to the Senate the loss of a near personal friend, especially one he has been friends with, and with their parents, for years, it is always a tremendous loss.

We are coming up in a couple of days on the 25th anniversary of another great loss in this country, when the Space Shuttle Challenger exploded before our eyes on our television screens on January, 28, 1986. It was such a shock to the Nation, and it hit deep in our psyche because the symbol of America’s technological prowess was the space shuttle in the early infancy of the program. The Challenger was only the 25th flight of the space shuttle that the Nation witnessed. In that rerun over and over of the close-up view of those solid rocket boosters going off in different directions 10 miles high in the Florida sky, the Nation witnessed that extraordinary loss.

I will never forget the memorial service in Houston at the Johnson Space Center, when the President of the United States—as sometimes happens in times of grief—became not the President of the United States, not the Commander in Chief, but the comforter in chief. And that was again vividly illustrated a few weeks ago as President Obama delivered that ringing and highly emotional speech in Tucson, AZ. So 25 years ago, as all the crews gathered there at the Johnson Space Center, President Reagan touched the Nation

as the comforter in chief and pointed out that despite that tragedy, those brave souls were doing what America has in our genes. By nature, we are explorers and adventurers, and we don't ever give that up. Otherwise, we become a second-rate Nation.

Look at the history of America as explorers. Remember the criticism we read about in our history books concerning President Thomas Jefferson when he wanted to spend a paltry couple of thousand dollars on an expedition called the Lewis and Clark expedition, to see if they could find the passage to the Pacific coast. As a result of that mission, from which miraculously they returned and most of them were alive, they brought back all the artifacts of what this broad land contained.

Remember when Tom Hanks played Jim Lovell in "Apollo 13." "Apollo 13" was one of the most successful American space ventures not because they didn't land on the Moon, because they couldn't. Most of the spacecraft on the way to the Moon blew up. We thought we had three dead astronauts who were going to drift in space until they ran out of consumables. And it was that incredible story about how all of America's aerospace expertise resided with the astronaut who had stayed behind. He had been training, but he was exposed to the measles and so he was replaced. So then he was there, with all that knowledge and training for the mission and he could go into the simulator and they were able to simulate in real time how they were going to convert that motor of the lunar lander to get the space ship kicked out of lunar orbit and back on a trajectory to Earth. And remember after they got back—as Tom Hanks is playing Jim Lovell, the commander, in the movie—someone in the audience asks the commander of the now safely returned crew of Apollo 13: Well, is there really the money to continue to explore space? And Lovell's answer is: What would it have been like if Columbus had returned from America and they never went back to follow in his footsteps as an explorer?

So it is, during this time of tragedy, and hearing an individual Senator, Senator PRYOR, talk about the loss of loved ones and family friends and young people with bright futures, and the reflection in a day or so of the anniversary of the Challenger tragedy and the loss of seven lives, including the teacher, Christa McAuliffe, who was going to teach that lesson plan to the classrooms from space, we are once again reminded that because we dare to venture, because we are by nature explorers, there are risks, and sometimes the price to be paid is with human life. But that is not a reason not to take the risk and to boldly venture forth.

This is a good reminder for us as Americans as we face so many uncer-

tainties—whether it be financial and our future of trying to get out of the recession, or whether it be the uncertain future in Afghanistan or Pakistan, or how the leadership of al-Qaida is being morphed into other countries, such as Yemen or Somalia, or the constant uncertainty of whether we will have a job tomorrow, or whether we can retrain for the new kinds of jobs that are coming on line.

There are a lot of uncertainties—the uncertainties of our energy future. Can we remain dependent on 70 percent of our daily consumption of oil coming from places such as the Persian Gulf and Nigeria and Venezuela? No. It is time for us to venture forth, to explore new realms, to develop new technologies and to be creative. And, of course, as the President spoke last night, we can't do that unless we have an educated workforce, which is so necessary for us to be creative. It is that creativity, that Yankee ingenuity of Americans, that keeps us competitive in the global marketplace today because we can outinvent, we can outcreate. That is the change America has.

As we reflect upon the tragedies, the individual tragedies that we have, the collective tragedy that we had as a nation—25 years ago with Challenger, several years ago with the loss of Columbia, the losses we had most recently that are seared into our hearts in Tucson—the hope that springs forth for those who are wounded, that they would come back to lead normal lives, these are our challenges. Keep at it. Keep at it.

I say this also. Because it is a time of uncertainty, a lot of pundits are having fun because it appears that NASA is in disarray. NASA should not be in disarray. We have a blueprint. We have a roadmap for the future in the NASA bill that passed this Congress—one of the few that passed in the Congress before the lameduck session. It simply says let's continue to encourage the commercial companies to develop a service of taking astronauts and cargo to and from the space station and let's see if we can do that safely, as determined by NASA, but more efficiently and, therefore, more cheaply, given the constraints of budgets.

But, at the same time, we then allow NASA to do what it does best, which is to venture out and explore the heavens. In so doing, we are going to build a new rocket that will take large components up and that will fulfill the President's goal, which is to go to Mars.

The President specifically set a timetable of 2025 to land and return safely on an asteroid. That is no easy feat, given how fast an asteroid flies through space. But it will give us new technologies, as we develop, to go to Mars.

Think of the unbelievable time it would take us under conventional tech-

nology—10 months to get to Mars. Then, once you got to Mars, you pretty well have to stay on the surface of Mars for 1 year, until the planets are realigned, revolving about the Sun, so Mars comes in closer to the Earth for the 10-month trip back. That is why we need new technologies. An astronaut who flew seven times, Dr. Franklin Chang-Diaz, a plasma physicist from MIT, is developing a plasma rocket that will take us to Mars in 39 days. Then, with that short time flying, at 400,000 miles per hour by plasma thrust, we could stay on the surface 1 month, to return to Earth without having to stay 1 year.

These are exciting new technologies. A pilot project of that plasma rocket, with the acronym VASIMR, is being developed to fly on the space station and provide a continuous pulse that will keep the space station boosted, instead of it having, in the degrading of its orbit for conventional technology, to keep boosting it.

Not only is the sky the limit, not only is the stratosphere the limit, the heavens are the limit if we as Americans will assume this can-do posture that is so typical of the personalities of explorers and adventurers; in other words, the personalities of we, the Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

ADDITIONAL TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. BEGICH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 366, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 366) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BEGICH. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 366) was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI ON JANUARY 12, 2010

Mr. BEGICH. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 26, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 26) recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the Haitian people.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BEGICH. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 26) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 26

Whereas on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti;

Whereas, according to the United States Geological Survey, the epicenter of the earthquake was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti;

Whereas, according to the United States Geological Survey, the earthquake was followed by 59 aftershocks of magnitude 4.5 on the Richter scale or greater, with the most severe measuring a magnitude of 6.0 on the Richter scale;

Whereas, according to the Government of Haiti, more than 230,000 people died as a result of the earthquake, including 103 citizens of the United States;

Whereas an untold number of international aid personnel also died as a result of the earthquake, including more than 100 United Nations personnel;

Whereas, according to the United Nations and the International Organization for Migration—

(1) an estimated 3,000,000 people, or nearly ½ of the population of Haiti, have been directly affected by the disaster; and

(2) an estimated 1,300,000 people were displaced from their homes to settlements;

Whereas casualty numbers and infrastructure damage, including damage to roads, ports, hospitals, and residential dwellings, place the earthquake as the worst cataclysm to hit Haiti in more than 200 years and, proportionally, as one of the worst natural disasters in the world in modern times;

Whereas the Post Disaster Needs Assessment, which was conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts, estimates that damage and economic losses totaled \$7,800,000,000, which is equal to approximately 120 percent of the gross domestic product of Haiti in 2009;

Whereas the Post Disaster Needs Assessment estimates that \$11,500,000,000 is needed during the next 3 years for the reconstruction of Haiti and to lay the groundwork for long-term development;

Whereas Haiti was the poorest, least developed country in the Western Hemisphere before the January 2010 earthquake, when—

(1) more than 70 percent of Haitians lived on less than \$2 per day; and

(2) Haiti was ranked of 149th out of 182 countries on the United Nations Human Development Index;

Whereas, before the earthquake, Haiti was in the process of recovering from a catastrophic series of hurricanes and tropical storms, food shortages, rising commodity prices, and political instability, but was showing encouraging signs of improvement;

Whereas President Barack Obama vowed the “unwavering support” of the United States and pledged a “swift, coordinated and aggressive effort to save lives and support the recovery in Haiti”;

Whereas Senate Resolution 392, which was agreed to on January 21, 2010, by unanimous consent—

(1) expressed the profound sympathy and unwavering support of the Senate for the people of Haiti; and

(2) urged all nations to commit to assisting the people of Haiti with their long-term needs;

Whereas the response to the tragedy from the global community, and especially from the countries of the Western Hemisphere, has been overwhelmingly positive;

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute;

Whereas individuals, businesses, and philanthropic organizations throughout the United States and the international community responded to the crisis by supporting Haiti and its people through innovative ways, such as fundraising through text messaging;

Whereas more than \$2,700,000,000 is estimated to have been raised from private donations in response to the tragedy in Haiti;

Whereas the Haitian diaspora community in the United States, which was integral to emergency relief efforts—

(1) has annually contributed significant monetary support to Haiti through remittances; and

(2) continues to seek opportunities to partner with the United States Agency for International Development and other Federal agencies to rebuild Haiti;

Whereas Haiti continues to suffer from extreme poverty, gross inequality, a deficit of political leadership at all levels, and weak or corrupt state institutions;

Whereas significant long-term challenges remain as Haiti works to recover and rebuild;

Whereas the International Organization for Migration estimates that approximately 800,000 people remain in spontaneous and organized camps in Haiti;

Whereas, according to numerous non-governmental organizations and United

States contractors, the pace of reconstruction in Haiti has lagged significantly behind the original emergency relief phase;

Whereas there is an acute need—

(1) to increase local capacity in health care and education; and

(2) to focus international attention on employment opportunities, rubble removal, permanent and sustainable shelter, reconstruction of roads, safety and security, and fundamental human rights in Haiti, especially in temporary camps and shelters;

Whereas the alleged irregularities and fraud that occurred in the election held in Haiti on November 28, 2010, have imperiled the credibility of the electoral process, undermined the recovery effort, and further destabilized security throughout Haiti;

Whereas political leadership is required to ensure that a democratically elected government, which is respected by the people of Haiti and recognized by the international community, is prepared to assume office on February 7, 2011, or shortly thereafter;

Whereas, on October 19, 2010, an outbreak of cholera was detected in the lower Artibonite region of Haiti;

Whereas initial efforts to contain the epidemic were disrupted by Hurricane Tomas and resulting widespread flooding, which led to the spreading and entrenchment of the disease throughout Haiti;

Whereas, according to the Haitian Ministry of Public Health and Population, between the outbreak in October 2010 and January 21, 2011—

(1) more than 3,850 people have died from cholera in Haiti; and

(2) more than 194,000 people in Haiti have been affected by the disease;

Whereas, according to the Pan American Health Organization and the Centers for Disease Control and Prevention, cholera could spread to as many as 400,000 people within the first year of the epidemic, potentially causing 8,000 deaths at the current case fatality rate;

Whereas the United States has provided \$40,000,000 worth of assistance to combat the cholera epidemic, primarily through the Office of Foreign Disaster Assistance, to assist with stockpiling health commodities, equipping cholera treatments centers, providing public information, and developing a safe and sustainable water and sanitation system;

Whereas the efforts to combat the cholera epidemic have helped to drive the mortality rate from cholera down from 7 percent to 1 percent of all contracted cases during the 3-month period ending on January 21, 2011;

Whereas, during the first year following the January 12, 2010 earthquake in Haiti, the people of Haiti have demonstrated unwavering resilience, dignity, and courage;

Whereas at the conference of international donors entitled “Towards a New Future for Haiti”, which was held on March 31, 2010, 59 donors pledged approximately \$5,570,000,000 (including nearly \$1,200,000,000 pledged by donors from the United States) to support the Action Plan for National Recovery and Development of the Government of Haiti;

Whereas the United Nations Office of the Special Envoy for Haiti estimates that approximately 63 percent of the recovery and development funds pledged for 2010 have been disbursed; and

Whereas Haiti requires sustained assistance from the United States and the international community in order to confront the ongoing cholera epidemic and promote reconstruction and development: Now, therefore, be it

Resolved, That the Senate—

(1) honors those who lost their lives as a result of the tragic earthquake in Haiti on January 12, 2010;

(2) honors the sacrifices of the men and women of the Government of Haiti, the Government of the United States, the United Nations, and the international community in their responses to those affected by the earthquake;

(3) expresses continued solidarity with the people of Haiti as they work to rebuild their neighborhoods, livelihoods, and country;

(4) reaffirms the commitment of the Senate to support the long-term reconstruction of Haiti, in partnership with the Government of Haiti and in coordination with other donors;

(5) supports the efforts of the Executive Branch to prevent the spread of cholera, treat persons who contract the disease, provide technical assistance to the Haitian Ministry of Public Health, and improve long-term water, sanitation, and health systems;

(6) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, other United States Government personnel, and all members of international organizations who have persevered through adverse local conditions and continue to serve Haiti and the Haitian people;

(7) supports the continued effort of the Interim Haiti Recovery Commission, under the leadership of former President Bill Clinton and Prime Minister Bellerive, in its efforts to improve coordination, build state capacity, and bring donors and the Government of Haiti together to effectively lead the reconstruction process;

(8) urges the international community—

(A) to call on the leaders of Haiti to immediately reach a democratic resolution to the current electoral crisis to enable the newly elected leaders of the Government of Haiti to take office by February 7, 2011, or shortly thereafter;

(B) to continue to focus assistance on the priorities of the Government of Haiti;

(C) to develop, improve, and scale-up communications and participatory mechanisms to more substantially involve Haitian civil society at all stages of the cholera and post-earthquake responses; and

(D) to give priority to programs that protect and involve vulnerable populations, including internally displaced persons, children, and persons with disabilities;

(9) urges aid agencies—

(A) to train and use Haitian local and national authorities in the delivery of assistance; and

(B) to enhance their coordination and consultation with the Haitian people and key Haitian Government ministries to ensure the effectiveness of aid; and

(10) expresses support for—

(A) the continuation of the work of United States agencies, nongovernmental organizations, private volunteer organizations, regional institutions, and United Nations agencies to confront the consequences of the crises affecting Haiti;

(B) comprehensive assessments of the long-term needs for confronting the cholera epidemic in Haiti, including the construction of adequate water and sanitation infrastructure; and

(C) the continuation of humanitarian and development efforts between the Government of the United States and the Government of Haiti, the Haitian Diaspora, and international actors who support the goal of a better future for Haiti.

MEASURE READ THE FIRST TIME—S. 192

Mr. BEGICH. Madam President, I understand that S. 192, introduced earlier today by Senator DEMINT, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The bill clerk read as follows:

A bill (S. 192) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. BEGICH. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The President pro tempore of the Senate and the Speaker of the House of Representatives, pursuant to the provisions of section 201(a)(2) of the Congressional Budget Act of 1974, have appointed Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office for the term expiring January 3, 2015.

The Chair, on behalf of the Republican leader, pursuant to Public Law 111-25, announces the appointment of the following individual to serve as a member of the Ronald Reagan Centennial Commission for the life of the commission: The Honorable ORRIN HATCH of Utah vice Robert Bennett.

Mr. BEGICH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE JOHN ROLL

Mr. INHOFE. Madam President, I heard this morning the tributes that were made by Senator JOHN MCCAIN and Senator JOHN KYL about the role that was played by the very heroic judge who lost his life in the tragedy that took place in Tucson.

Shortly after the tragedy, the offices of Senators MCCAIN and KYL reached out to my committee—the committee on which I am ranking member and Senator BOXER is chairman. They talked about how they would go about honoring Judge John Roll by naming the new courthouse that will be constructed in Yuma, AZ, after him.

Many of us have come to know the work of Judge Roll after his tragic, heroic death in the recent shooting where

he died protecting Ron Barber, Congresswoman GIFFORDS' district director, and sacrificing himself. My office knew about him before, about Judge Roll's work on behalf of the judicial system in Arizona.

Judge Roll contacted my committee staff last year, after a GAO report criticizing the way Arizona was utilizing their courthouse space. This is a letter from Judge Roll to us:

On behalf of the district of Arizona, I strongly disagree with many of the conclusions in the report, particularly as they relate to Arizona and its attempts to cope with an ever-burgeoning criminal caseload largely arising from border enforcement.

He hoped his response to the report would be helpful to us. It was. We have learned that the problems they have in Arizona on the border are something they have never experienced before. It has put their judicial system into real problems, and consequently this judge was taking a leadership role in reaching out to us to let us know that GAO report was not accurate.

We have had a chance to talk with both Senator MCCAIN and Senator KYL. I sat down with Senator BOXER, who is the chairman of our committee, and talked about what we might be able to do in a very expeditious way. I believe the decision to name the Yuma, AZ, courthouse after Judge Roll is a fitting tribute to a man who served his State with distinction.

The courthouse is a new courthouse, government construction, to help alleviate some of the overcrowding going on in Arizona right now, primarily because of the problems that exist on the border.

I do not know of any time in the years I have been here that a bill has been introduced and then discharged the same day. We all feel strongly enough that this needs to be handled in this way. It is the very least we can do.

Judge Roll was highly regarded by his colleagues and clearly took his judgeship seriously, doing more than simply deciding cases and going home. He was an active advocate for the judicial system in Arizona. I believe we would have had this courthouse named after him upon his retirement had his life not been tragically taken.

Today Senators MCCAIN and KYL introduced S. 188, and I am happy to announce that Senator BOXER and I have discharged S. 188 to the floor on this same day. Anything else I do not think would have been appropriate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

HEALTH CARE

Mr. BROWN of Ohio. Mr. President, I come to the floor pretty regularly to read letters from Ohioans, from people in my State, about things in their lives that are important to them. I think in this institution we—all of us, myself included—too often forget the pain of so many people at home who have lost jobs, who have lost hopes, who have lost health care.

I think often about—as I know the Senator from Oregon does—how difficult it would be for a parent to explain to their son or daughter: I lost my job and we lost our health insurance and now we may have to move.

Nobody has worked harder in the Senate than the Presiding Officer from Oregon on fixing HAMP and reforming some of the programs that can help people stay in their homes. I appreciate the work the Presiding Officer does.

My letters today are from people all over Ohio about health insurance. It was a long fight to be able to take on the insurance companies and basically say to the insurance companies: You are not going to run this health care system the way you have, excluding people with preexisting conditions, denying claims after they have turned in their insurance after they have been sick, dealing with all the problems people have.

The business model for health insurance in this country too often has been the insurance companies hire a bunch of bureaucrats to keep people from buying insurance—the preexisting condition exclusion—and then hire a bunch of people on the other end, when someone gets sick and turns in their insurance claims, to try to deny them their claims. I understand insurance companies do that. I do not even blame insurance companies because they are all competing with one another. They may have to do that. But the fact is, it does not work for our health care system.

That is what we fixed last year, and that is what Ohioans understand. I guess I—I do not want to say “resent,” but in some ways I do resent when I see conservative Washington politicians, who, for 20 or 25 years, have had taxpayer-financed health insurance for them and their families, and now they want to vote—in the House of Representatives, and some do here—to take away benefits for senior citizens or take away benefits for small businesses or young people who have a preexisting condition or others.

I will not take too long, but I wish to read three or four stories or maybe a handful more than that.

Laura—I will only mention first names. These are letters from people in Ohio who have written me. Laura, from Dayton, in Montgomery County in southwest Ohio, writes:

My youngest nephew has juvenile diabetes and he just started college in-state. Due to

the new health care law, he will be able to stay on my older sister's health care insurance plan when he graduates from college. My third oldest nephew can now go back on my second oldest sister's insurance plan.

It appears [that some in Congress care] more about money than the American people. Please fight for me so I won't have to worry about losing my health insurance plan if I get seriously ill in the future.

This story comes from Christine in Medina County, up close to where I live. It is a county south of Cleveland. She writes:

My name is Christine and I want to tell you the story of Carol . . . my mom. . . .

Nine years ago, my father was downsized. His position of over 40 years was eliminated and so was my parents' health coverage. My father was only a few months shy of retirement so Medicare was available to him and my mom was on COBRA. My mom's employer of over 20 years had just recently shut its doors and while she found work through a temp agency, it was only part-time and she didn't qualify for benefits.

A few months later my mom was diagnosed with Non-Hodgkin's Lymphoma and Emphysema.

Fortunately, her life was not in immediate danger and their lives were coasting along until her COBRA ran out.

COBRA is a plan you pay a lot of money for. Actually, you pay the employer's and the employee's side—yours and the employer's—to get coverage for up to 18 months after you lose your job and your insurance.

Christine writes:

. . . have you ever tried to find healthcare coverage for someone with a history of cancer and emphysema? I can, so from personal experience, it's infuriating, but I was able to find it. It would . . . cost her \$1,400 per month—

Mr. President, \$1,400 per month—with a \$4,000 deductible per year.

That means she would pay insurance—\$1,400 a month. She would not be able to collect on any of her bills until she had already paid an additional \$4,000 out of her pocket.

This was more than my parents were bringing home each month so needless to say whatever savings and retirement they had was used up quickly. What other option did [they] have?

During this time, my mom's health deteriorated. She required chemo and several hospital stays due to her lung collapsing. . . . I remember sitting with her in the hospital and listening to how worried she was about how she was going to pay [her] bill.

As if these kinds of illnesses are not bad enough in the stress it causes to a family, the anxiety it causes to a family, on top of that, they just wonder: What do we do about insurance? We know people get sicker and recover more slowly when they have that kind of anxiety about paying the bills.

My parents are good people. My dad is a veteran. They worked their entire lives and sacrificed to give me and my older sisters a better life than they had. They were fortunate to have 3 tireless advocates always looking out for them. Not everyone has that.

She then goes on:

State and Federal programs are what helped my parents. Without them, I honestly don't know where they'd be today.

My hope is that you'll remember my mom and everyone like her. Their lives are depending on it.

She says: State and Federal programs are what helped my mother.

This whole attitude of let's repeal the health care bill and then get the government out of it, and letting individuals take care of themselves is the American way—no, it is not. The American way is Medicare, is Medicaid, is Social Security, is private enterprise, is individualism, is helping one another, is a spirit of community in our communities. It is all that, and it is not get government out of our lives. They are against Social Security and they are against Medicare. Those are not the American values I was raised with and most people I know were raised with.

Michael from Twinsburg, north of Akron, in northeast Ohio, writes:

. . . my 22 year old son—a college student—was kicked off my insurance plan because of his age last year. It now costs \$460 a month to insure him.

In January, he will be added back to my policy and it will cost nothing. There is no additional charge to add my son. This is due to the health insurance legislation.

Please [talk about] these good things. Most people do not know this and other good things.

Keep in mind, as I read these, this kind of benefit that goes to Michael's son. If the people in this body and in the other body—the people in the House of Representatives who actually voted to repeal the health care bill—if they have their way—and these are mostly people who they themselves are getting taxpayer-financed health insurance—they want to deny to Michael and his son, they want to deny those kinds of benefits we have voted for, while they, at the same time, are getting taxpayer-financed health insurance. I guess one word would be hypocritical, another would be callous, another would be cold. I do not understand that way of thinking from some of my colleagues.

Steve from Groveport, in Franklin County, Columbus, the center of the State, writes:

I believe the new health care law is one of the greatest things ever done for the middle class. . . .

I am so tired of hearing that [many in] this country [are] against it. Every poll I've seen shows it's split . . . down the middle. The other side . . . has got to be heard!

Steve wrote this a couple weeks ago. I think what we have seen has changed, as people learn more about these benefits. For instance, come January 1, every senior in America can go to the doctor and get, without copays and deductibles, a physical or can get a mammography test or can get screened for osteoporosis or can get colorectal screening.

Seniors also, in the so-called doughnut hole, where they continue to pay a

premium but do not get a benefit—under the Bush-constructed health care bill, there is this huge hole that costs people a lot of money—because of the health care bill, because it is law, because the Senator from Oregon and I and others voted for it and the President signed it, those seniors now will see their drug costs during that period cut entirely in half, not taxpayer-subsidized cut in half but the drug companies giving up half of what they were paid.

This is from Donald in Hardin County, northwest of Columbus:

I know firsthand that the lack of necessary medical and dental services for children and students of all ages has created a serious impediment to the learning process. Families with access to a regular source of medical care are more likely to keep the entire family healthy and create a better learning environment within the home.

The health care reforms you helped pass are vital to the nation's economic recovery and a crucial ingredient for great public schools. . . . Moreover, passage of this reform was a moral imperative. . . .

Donald, in addition to what he writes about young people—there is an effort in the Ohio legislature where I believe 30 Republican legislators have legislation to cancel or eliminate universal all-day kindergarten—as if cutting back on children of that age, when children's brains are developing, and they are growing and maturing, especially at those crucial ages of 3, 4, 5, 6 years old—to pull the rug out from under them makes absolutely no sense.

The last letter I will read is from Rachael, who lives in Cincinnati, in southwest Ohio:

I simply wanted to thank you for the Pre-Existing Condition Insurance Plan. It is . . . very important . . . to me.

Your support for health care reform is greatly appreciated. Health insurance for my pre-existing condition will become one less thing I need to worry about. Thank you, thank you, thank you!

I can now concentrate solely on finding a job to replace the one I lost in January. . . .

Again, I hear people say—I have heard this for years. President Bush said it a few times, others have said it: Everybody in this country gets health care. If something is wrong, you go to the hospital, you go to the emergency room.

Well, the emergency room does not take care of you if you have chronic asthma, the emergency room does not take care of you if you have cancer. The emergency room will take care of you if you go in with a heart attack, but the emergency room does not take care of you if you need preventive care to keep you out of the hospital, to make you less likely to have that heart attack.

I read these letters about health insurance. I don't want to debate health insurance legislation anymore. I don't think we need to talk about this. We have passed the law. We have made things better. We have given people

who have insurance better insurance now because of these consumer protections. People without insurance now will get assistance. People who have insurance and were about to get thrown off can keep it now.

We need to focus on the real problems in this country that we haven't addressed well enough, one of which is job creation. I am hopeful my colleagues will back off this whole idea of let's keep debating health insurance and let's keep relitigating this and let's keep rediscussing it and let's try to repeal it. Instead, we can fix some things, as the President said last night, make some minor changes in it. But let's go back to what we need to do: create jobs in this country and help manufacturing.

My State is the third largest manufacturing State in the country. We need to do a lot to make sure that as we innovate, as we do the best innovation in the world and do the best research and development, that those jobs stay in the United States and don't get outsourced. That is our mission, to make sure these jobs are created here.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Oregon, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Oregon, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:45 p.m., recessed subject to the call of the Chair and reassembled at 8:25 p.m. when called to order by the Presiding Officer (Mrs. HAGAN).

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of the following resolutions en bloc:

A Wyden-Grassley-McCaskill resolution relative to secret holds, which is at the desk; a Udall of Colorado resolution regarding waiving the reading of an amendment, which is at the desk; S. Res. 8, Senator HARKIN; S. Res. 10, Senator UDALL of New Mexico with a substitute amendment, which is at the

desk; and S. Res. 21, Senator MERKLEY, with a substitute amendment, which is at the desk; that there be up to 8 hours of debate, equally divided between the two leaders or their designees, for the purpose of debating these resolutions concurrently; that upon the use or yielding back of time, the substitute amendment to S. Res. 10 be agreed to and the substitute amendment to S. Res. 21 be agreed to; the Senate then proceed to vote in relation to the resolutions in the order listed above with no intervening action or debate; that the following resolutions be subject to a 60-vote threshold for adoption: Wyden-Grassley-McCaskill resolution and Udall of Colorado resolution; that the following remaining resolutions be subject to a threshold of two-thirds of those voting for adoption: S. Res. 8; S. Res. 10, as amended; and S. Res. 21, as amended; that there be no amendments, motions or points of order in order to any of these resolutions prior to the vote in relation to the resolution, except for the substitute amendments to S. Res. 10 and S. Res. 21 listed above; further, that if a resolution fails to achieve the listed threshold for adoption, it be returned to its previous status.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have had a number of conversations this evening with my counterpart, the Republican leader. We on this side have a caucus scheduled for tomorrow at 12:30 and so do the Republicans. These votes are all going to occur after we finish our caucuses anyway, so there are going to be no votes in the morning. The debate will start in the morning. We are going to come in at 10 o'clock. There will be no morning business. It has been suggested we come in at 10:30 because of the inclement weather, and that is fine. There will be no morning business in the morning, and then we will vote immediately on these matters set forth in this agreement.

The weather reports are that the Sun is going to be shining. Tomorrow it will be cold, and we know the streets are bad. But as I have indicated, we are not going to have the votes until tomorrow afternoon, so we hope it will all work out. Senator MCCONNELL and I will visit this issue again if anything untoward happens. We know it would be better if we didn't have this bad weather, but we are not all fortunate enough to live in southern Nevada. Sometimes bad weather does come. That being the case, we have been out of session now for several weeks. We have this organizational stuff that we have to get out of the way so we can start having matters referred out of the committees. So as inconvenient as it is for everyone, we need to move forward.

BOMBING OF SAINTS CHURCH

Mr. DURBIN. Madam President, shortly after midnight Mass during the early hours of New Year's Day, a heinous suicide bombing attack at the Saints Church in Alexandria, Egypt, killed 21 innocent worshippers and injured dozens of others.

My condolences go out to the families of the victims and to the Coptic community. This was a devastating loss for the Christian community in Egypt and Christian communities around the world, including in my home State of Illinois.

I urge the Egyptian government to work swiftly and within the rule of law to bring those responsible for this heinous crime to justice.

The Obama administration already has offered U.S. law enforcement assistance, which I encourage Egypt to accept—particularly in light of findings that indicate al-Qaida or other international terrorism networks were involved.

Unfortunately, this bombing attack is not an isolated incident in Egypt. Just about one year ago, three men armed with automatic weapons killed six Christian churchgoers as they emerged from a Christmas Mass service in the Egyptian town of Naga Hammadi, along with one Muslim off-duty police officer.

While I commend the Egyptian government's quick arrest and ongoing prosecution of the four suspects in that case, the fact that these incidents of violence against their own Christian community have continued in Egypt is very worrying.

Coptic Christians have been practicing their faith in Egypt since antiquity. Egypt is home to some of the oldest Christian schools in the world, where students have been taught theology and the text of the Bible. Coptic Christians are an important part of Egyptian society and make up approximately ten percent of Egypt's population. Protecting them and other religious minorities from acts of violence should be a top priority for the Egyptian government.

The New Year's bombing in Egypt is, unfortunately, also part of a disturbing pattern of violence against religious minorities in the Middle East.

For example, on October 31, 2010, Our Lady of Salvation Church in Iraq was the victim of a vicious attack by an al-Qaida affiliate, where over 50 innocent lives were taken.

Such despicable acts of aggression should not be tolerated. They force minority communities, who deserve greater protection, to live in fear of random acts of violence.

Such violence and discrimination cause members of minority communities to become refugees in their own country or to seek refuge in other countries. The ability of religious minorities to worship freely and safely

should be a basic tenet of any modern society.

It is incumbent on Egypt, as a leader in the Middle East, to promote an atmosphere of tolerance where members of all religions are given an equal opportunity to thrive and participate in the life of the country.

Earlier, Senator WHITEHOUSE joined me in a letter to President Mubarak expressing our concern for the protection of minority communities in Egypt, including the lack of representation that Coptic Christians have in government as well as the government's failure to fully prosecute those responsible for acts of violence against Coptic Christians in the past.

We are concerned that the current situation may embolden extremists and foster increasing religious intolerance and sectarian violence.

I have joined Senator ROBERT MENENDEZ on a resolution condemning the New Year's Day attack in Egypt and expressing condolences to all Egyptians who have suffered from terrorist attacks in the past.

Egypt has a reputation as a peaceful, moderate Arab state, where, as provided under its laws, all faiths are free to practice their religion without fear of retribution or violence. Egypt is a leader in the region and a close friend of the United States. But there is no place in Egyptian society for the kind of extremists who attacked and killed peaceful churchgoers on New Year's Day.

I again express my deepest condolences to the members of Saints Church and join all of America in prayers for the victims of this tragedy.

REMEMBERING SARGENT SHRIVER

Mr. LEAHY. Madam President, I would like to take a moment to pay tribute to a hero of mine, Robert Sargent Shriver. He was a man of real courage, extraordinary idealism, committed to serving this country, and a dear friend.

As a veteran of World War II, the founding director of the Peace Corps, and the driving force behind Lyndon Johnson's war on poverty, Sarge believed in the good things government can do for people. Among his many accomplishments, he gave us the Head Start program, the Job Corps and Legal Services for the Poor, and the Volunteers in Service to America. Later in life he became the U.S. Ambassador to France, and then president of the Special Olympics, an organization founded by his remarkable wife Eunice Kennedy Shriver.

Sargent Shriver's impact on American life was profound. Through the many programs he championed, Sarge had a direct and lasting effect on the lives of millions of Americans. He was wholly committed to helping people and to the ideals he believed our coun-

try ought to stand for, and he was tireless and unrelenting in his pursuit of those goals.

The Peace Corps, one of Sarge's most important and long-lasting accomplishments, enables young Americans to serve their country by building understanding between cultures and working to improve the lives of others in developing countries. Shriver's spirit lives on through the Peace Corps, and it is incumbent on all of us to ensure that the agency fulfills his vision, and the vision of President Kennedy.

My friend Bono, a committed advocate in the fight against global poverty, was himself inspired by President Kennedy's call to action and by Sargent Shriver's work to put it into effect. He recently wrote an op-ed which appeared in the New York Times entitled, "What I Learned From Sargent Shriver." In honor of Sarge, I ask unanimous consent that a copy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

[From the New York Times, Jan. 19, 2011]

WHAT I LEARNED FROM SARGENT SHRIVER

(By Bono)

The Irish are still mesmerized by the mythical place that is America, but in the '60s our fascination got out of hand. I was not old enough to remember the sacrifices of the great generation who saved Europe in the Second World War, or to quite comprehend what was going on in Vietnam. But what I do remember, and cannot forget, is watching a man walk on the moon in 1969 and thinking here is a nation that finds joy in the impossible.

The Irish saw the Kennedys as our own royal family out on loan to America. A million of them turned out on J.F.K.'s homecoming to see these patrician public servants who, despite their station, had no patience for the status quo. (They also loved that the Kennedys looked more WASP than any "Prod," our familiar term for Protestant.)

I remember Bobby's rolled-up sleeves, Jack's jutted jaw and the message—a call to action—that the world didn't have to be the way it was. Science and faith had found a perfect rhyme.

In the background, but hardly in the shadows, was Robert Sargent Shriver. A diamond intelligence, too bright to keep in the darkness. He was not Robert or Bob, he was Sarge, and for all the love in him, he knew that love was a tough word. Easy to say, tough to see it through. Love, yes, and peace, too, in no small measure; this was the '60s but you wouldn't know it just by looking at him. No long hair in the Shriver house, or rock 'n' roll. He and his beautiful bride, Eunice Kennedy Shriver, would go to Mass every day—as much an act of rebellion against brutal modernity as it was an act of worship. Love, yes, but love as a brave act, a bold act, requiring toughness and sacrifice.

His faith demanded action, from him, from all of us. For the Word to become flesh, we had to become the eyes, the ears, the hands of a just God. Injustice could, in the words of the old spiritual, "Be Overcome." Robert Sargent sang, "Make me a channel of your peace," and became the song.

Make me a channel of your peace:

Where there is hatred let me bring your love.
Where there is injury, your pardon, Lord,
And where there's doubt, true faith in you.
Oh, Master grant that I may never seek,
So much to be consoled as to console.
To be understood as to understand,
To be loved as to love with all my soul.
Make me a channel of your peace,
Where there's despair in life, let me bring
hope.

Where there is darkness, only light,
And where there's sadness, ever joy.

The Peace Corps was Jack Kennedy's creation but embodied Sargent Shriver's spirit. Lyndon Johnson declared war on poverty but Sarge led the charge. These, and the Special Olympics, were as dramatic an incarnation of the ideas at the heart of America as the space program.

Robert Sargent Shriver changed the world more than a few times and, I am happy to say, changed my world forever. In the late '90s, when the Jubilee 2000 campaign—which aimed to cancel the debts that the poorest nations owed to the richest—asked me to help in the United States, I called on the Shriver clan for help and advice. What I got were those things in spades, and a call to arms like a thump in the back.

In the years since, Bobby Shriver—Sarge's oldest son and—I co-founded three fighting units in the war against global poverty: DATA, ONE and (RED). We may not yet know what it will take to finish the fight and silence suffering in our time, but we are flat out trying to live up to Sarge's drill.

I have beautiful memories of Bobby and me sitting with his father and mother at the Shriver's kitchen table—the same team that gazed over J.F.K.'s shoulder—looking over our paltry attempts at speechifying, prodding and pushing us toward comprehensibility and credibility, a challenge when your son starts hanging round with a bleeding-heart Irish rock star.

Toward the end, when I visited Sarge as a frailer man, I was astonished by his good spirits and good humor. He had the room around him laughing out loud. I thought it a fitting final victory in a life that embodied service and transcended, so often, grave duty, that he had a certain weightlessness about him. Even then, his job nearly done, his light shone undiminished, and brightened us all.

ADDITIONAL STATEMENTS

RECOGNIZING BRUCE RANDOLPH SCHOOL

• Mr. BENNET. Madam President, today I congratulate Bruce Randolph School in Denver, which President Obama recognized in the State of the Union Address for its remarkable turnaround.

Just 3 years ago, Bruce Randolph was one of the lowest performing schools in my home State of Colorado, but last May, 97 percent of the seniors graduated, including many who will be the first in their families to go to college.

I remember as superintendent working with the principal at the time, Kristin Waters, to get these turnaround efforts off the ground, and it is tremendous to see all the progress that has been made on behalf of the students at Bruce Randolph.

The Bruce Randolph community has seen firsthand that school turnarounds are possible, and with hard work and flexibility, we can improve our schools to better prepare our kids for success in college and the 21st century job market. We truly can improve the lives of our kids when teachers, parents, principals and communities come together.

And now we need to work together to bring similar turnaround efforts to other low-performing schools in Colorado and across the country. To build on successes like these, we need to put politics aside, listen to the ideas and aspirations of those closest to our kids, and work together to reform our public schools in a way that supports talented teaching, closes the achievement gap and equips our kids with the skills they are going to need to compete for the jobs of the 21st century.

On a more personal note, for me, for one moment, in a place that sometimes feels so removed from the work being done in classrooms across the country, having the children and teachers of Bruce Randolph invoked as an example of what is possible in public education was very powerful.

Congratulations again to teachers, parents, students and the principal at Bruce Randolph School. This is a great honor for all those involved in the turnaround effort and the continued success at Bruce Randolph School. •

REMEMBERING DR. ALFRED KAHN

• Mr. KOHL. Madam President, as chairman of the Senate's Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, I pay tribute to a giant of antitrust law and economics, the economist and legal scholar Alfred E. Kahn, who passed away on December 27, 2010, at the age of 93.

A scholar at the forefront of public utility deregulation, Dr. Kahn was perhaps best known as the "father of airline deregulation." His work in the Carter administration in the 1970s to deregulate the airline industry led the way for dramatic reductions in airline fares, saving consumers billions, when he spearheaded passage of the U.S. Airline Deregulation Act of 1978 as chair of the now-defunct Civil Aeronautics Board. While a highlight of his career, this was just one of many of Dr. Kahn's achievements—throughout his life he was an outstanding advocate for consumers, against monopoly and unnecessary government interference in the private market, and for the creative and vigorous enforcement of antitrust law.

Born on October 17, 1917, in Paterson, NJ, the son of Russian immigrants, Alfred Edward Kahn graduated from New York University, first in his class, at the age of 18 and received a Ph.D. from Yale University. In the early 1940s, Dr. Kahn worked at the Brookings Institu-

tion, in the Antitrust Division of the Department of Justice, and for the War Production Board as an economist.

During World War II, Dr. Kahn served as an Army economist for the Commission on Palestine Surveys. Soon after the war, he spent 2 years as a professor at Ripon College in Wisconsin, before beginning his esteemed career at Cornell University, which, other than the time he spent in public service, would last until his death.

Before stepping onto the national political scene, Dr. Kahn served as head of the New York State Public Service Commission, the State's regulator for electricity, gas, water, and telephones. From there, seeking to use deregulation as a means to stimulate economic growth, President Carter tapped Dr. Kahn to serve as chairman of the now-defunct Civil Aeronautics Board in 1977. The CAB was entrusted with economic regulation of the airlines—including the routes carriers could fly and the fares they could charge.

At the time of his appointment, Dr. Kahn professed to know little about the airline business, referring to airplanes as "marginal costs with wings." However, he was a quick study, and the industry was ripe for change. Substantial investments had recently been made in wide-body aircraft, and industry players wanted access to new routes and new passengers. Though slight in physical stature and viewed purely as an academic and not someone who could wield much influence, Dr. Kahn was able to take on the industry and persuade the establishment that excessive government regulation had long-harbored inefficiency and was facilitating artificially inflated fares.

Through various avenues, including the press, CAB proceedings, and testimony in Congress, Dr. Kahn was the intellectual leader and primary advocate of deregulating the airline industry, highlighting that many planes were flying half full at fares many could not afford. Less than 2 years after assuming his post at the CAB, Congress passed and President Carter signed into law the Airline Deregulation Act. This landmark legislation was the first complete dismantling of a Federal regulatory scheme since the 1930s. In all, Dr. Kahn testified before U.S. House and Senate committees more than 70 times in his career. He testified before our Antitrust Subcommittee several times, always eloquently and honestly, with impressive candor and penetrating insight.

In later years, Dr. Kahn steadfastly defended his work on airline deregulation by pointing out that more Americans were flying with greater choice at lower rates than ever before. In a 1998 essay in the New York Times, Dr. Kahn admitted that even though the "resulting competitive regime has been far from perfect, it has saved travelers more than \$10 billion a year." For Dr.

Kahn, the deregulation of the airline industry had one powerful effect: empowering the consumer through competition. This was perhaps the signal achievement of his outstanding career. Throughout his life, he stood for consumers against entrenched monopolies, for innovation against the established economic order, and for unleashing the dynamism and creativity of an unfettered free market and excessive and heavyhanded regulation.

Not only a brilliant economist and legal scholar, Dr. Kahn will be remembered for his sharp wit and humor. Dr. Kahn famously created a buzz with his initiative to eliminate government "bureaucratese" when the Washington Post published a copy of his memo calling for his staff to use "plain English" and "quasi-conversational, humane prose" in their writing. Following his time in Washington, Dr. Kahn returned to chair the economics department at Cornell, where he would author more than 130 academic papers and 8 books.

Upon his passing, I want to express my gratitude to Dr. Alfred Kahn for his contributions to the antitrust and regulatory economics fields and for his service to the American people and offer my deepest condolences to his wife and family.●

WELLS WOOD TURNING & FINISHING, INC.

● Ms. SNOWE. Madam President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I have the privilege of hearing countless small business success stories from hard-working entrepreneurs across the country. And these stories are all the more gratifying when they involve companies located in my home State of Maine. Today I recognize the extraordinary achievements of Wells Wood Turning & Finishing, Inc., a small firm which recently celebrated several major milestones in the company's history.

Wells Wood Turning, located in the western Maine town of Buckfield, specializes in turning, finishing, and manufacturing a variety of custom wood products. Wells fashions a number of traditional wooden handles, knobs, and table legs, in addition to all manner of custom craft turnings, like bird houses, salt and pepper shakers, and napkin rings. The company also produces wooden toy parts, and miniature and promotional baseball bats. Wells Wood Turning primarily uses white birch in the construction of its products, but also utilizes other species of wood, such as ash, maple, and hickory.

In December, Wells Wood Turning marked two significant milestones. First was the company's 25th anniversary, which is a major accomplishment in any industry, much less Maine's competitive wood products industry. And December 24 marked the com-

pany's 18th year without a lost time accident at its plant, a truly remarkable feat. These milestones are a testament to the company's skilled workforce and their diligent efforts to promote a strong and safe working environment. I congratulate Tom Wallace, the company's president, and everyone at Wells Wood Turning for their dedicated service and impeccable record of quality and safety over the past quarter century.

A member of the Maine Wood Products Association and the Wood Products Manufacturers Association, Wells Wood Turning & Finishing has proven itself to be an exemplary small business. With a commitment to serving the customer by providing striking wood products, designed to the customers' specifications and in a timely manner, Wells Wood Turning has earned a reputation for fine craftsmanship. I again thank Tom Wallace and everyone at Wells Wood Turning for their strong work ethic and extraordinary safety record, and wish them continued success.●

REMEMBERING GENERAL VANG PAO

● Mr. WHITEHOUSE. Madam President, today I commemorate the recent passing of an iconic figure from a bygone era—a man who, with the help of his loyal Hmong people, kept what some estimate to be as many as 70,000 North Vietnamese soldiers from deploying through Laos to kill Americans during the Vietnam war.

General Vang Pao, the military leader of the mountain-dwelling Laotian Hmong during this era, was already at war with Pathet-Lao communist forces in Laos when the United States began working with him. The goal of the U.S. in Laos at the time was to prevent North Vietnamese from using Laos as a supply line for their attacks on South Vietnam along what was known as the Ho Chi Minh Trail. Unfortunately for the Hmong, who lived in the mountainous jungles between Laos and North Vietnam, their homes were located along this trail.

Vang Pao told the New York Times in 2008 that "There were three missions that were very important that were given to us and to me . . . One was stopping the flow of the North Vietnamese troops through the Ho Chi Minh Trail to go to the south through Laos. Second was to rescue any American pilots during the Vietnam War. Third, to protect the Americans that navigated the B-52s and the jets to bomb North Vietnam."

Bill Lair, Vang Pao's contact with the CIA, recounted Vang Pao saying, "You give us the weapons, and we'll fight the communists." And so began a covert war in Laos in which thousands of Vang Pao's Hmong soldiers gave their lives, always persevering despite very heavy casualties.

To his mountain people and even to some of his CIA contacts, Vang Pao had a larger-than-life status. He shared meager food rations with his troops, commanded from the field instead of his headquarters, and led troops on the frontlines of battles, where he suffered bullet wounds to his arm and chest.

Vang Pao was known to have stated, "If we die, we die together. Nobody will be left behind." These words proved tragic as the Vietnam war came to an end. U.S. forces evacuated Vang Pao and his leadership but were unable to mount an evacuation of the majority of his people. Vang Pao and his top associates were forced to leave Laos as over 20,000 of their compatriots stood on an airstrip in the mountains, waiting to be evacuated by their U.S. supporters as the enemy quickly approached. The evacuation never occurred. Thousands were left behind and killed as communist forces completed their invasion.

Today, many Hmong reside in poverty-stricken resettlement villages in Laos. A few thousand still remain in the mountains, where there are allegations that they have been persecuted in recent years. And many have resettled in the United States. Minnesota, California, Wisconsin, and Rhode Island are proud to have Hmong call our States their home.

In 1997, the Clinton administration authorized a plaque to be placed at Arlington National Cemetery stating that the valor of General Vang Pao's troops would never be forgotten. As my colleague, Senator AL FRANKEN, from Minnesota told Minnesota's Star Tribune, there would be a few thousand more names on the Vietnam Veterans Memorial were it not for the efforts of the Hmong. Today, we in the Senate and thousands of Hmong throughout the world remember the bravery and dedication Vang Pao and his troops exercised while fighting to uphold democracy and protect the lives of so many young Americans at War in Southeast Asia.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13396 ON FEBRUARY 7, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2011.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. In March 2007, the Ouagadougou Political Agreement was signed by the two primary protagonists in Côte d'Ivoire's conflict. As demonstrated by recent events surrounding the presidential election in Côte d'Ivoire, the situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.

THE WHITE HOUSE, January 26, 2011.

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Novotny, announced that pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), the Democratic leader appoints the following Member to the Board of Trustees for the John C. Stennis Center for Public Service Training and Develop-

ment for a term of 6 years: TERRI A. SEWELL of Alabama.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 162. A bill to cut \$500,000,000,000 in spending in fiscal year 2011.

S. 163. A bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

H.R. 2. An act to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 192. A bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-123. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-625 "Department of Health Functions Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-124. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-626 "Performance Parking Extension Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-125. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-627 "Extension of Time Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-126. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-628 "Fiscal Year 2011 Income Tax Secured Revenue Refunding Bond Issuance Temporary Approval Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-127. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-629 "Fiscal Year 2011 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-128. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-630 "Veterans License Plates Authorization Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-129. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-631 "Artist Protection Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-130. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-632 "Samuel J. Simmons NCBA Estates No. 1 Limited Partnership Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-131. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-634 "District of Columbia Uniform Law Commission Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-132. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-635 "Saving D.C. Homes from Foreclosure Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-133. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-636 "Alternative Money Lending and Services Reform Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-134. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-637 "Computation of Gross Income Clarification Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-135. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-638 "Annual Financial Reporting Modernization Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-136. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-639 "Closing of a Public Alley in Square 0441, S.O. 09-8516, Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-137. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-640 "Settlement Payment Integrity Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-641 "14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-139. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-642 "Long-Term Care Ombudsman Program Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-140. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-643 "Capital Access Program Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-141. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-644 "Closing of G Street, S.E., adjacent to Square 1104, S.O. 06-5665, Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-142. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-645 "Processing Sales Tax Clarification Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-143. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-646 "Reverend Donald Robinson Field Designation Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-144. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-647 "District of Columbia Good Time Credits Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-145. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-648 "Miss B's Center, the Bernice Elizabeth Fonteneau Building Designation Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-146. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-649 "Rental Housing Commission Reform Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-147. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-650 "Rental Housing Act Extension Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-148. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-149. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Re-Issuance of the Prevention of Significant Deterioration Applicability Determination for the Carlsbad Energy Center Project, Carlsbad, CA" (FRL No. 9256-9) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC-150. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Rural PACE Provider Grant Program"; to the Committee on Finance.

EC-151. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program: Final Fiscal Year 2009 and Preliminary Fiscal Year 2011 Dispropor-

tionate Share Hospital Allotments, and Final Fiscal Year 2009 and Preliminary Fiscal Year 2011 Institutions for Mental Diseases Disproportionate Share Hospital Limits" (RIN0938-AQ44) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC-152. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers" (RIN0938-AQ20) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Finance.

EC-153. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans" (Notice 2011-1) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC-154. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Initial Guidance on the Application of Section 162(m)(6)" (Notice 2011-2) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC-155. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Over-the-Counter Drugs—Additional Guidance" (Notice 2011-5) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC-156. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2011-7) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Finance.

EC-157. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Notice 2010-71" (Notice 2011-9) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Finance.

EC-158. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Permitted Disparity in Employer-Provided Contributions or Benefits" (Revenue Ruling 2011-3) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC-159. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Inflation Adjusted Items for 2011" (Rev. Proc. 2011-12) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC-160. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of CC:INTL No-Rule Revenue Procedure, Rev. Proc. 2010-7" (Revenue Procedure 2011-7) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Finance.

EC-161. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Section 7216 Regulations—Disclosure or Use of Information By Preparers of Returns" ((RIN1545-BI86)(TD 9478)) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Finance.

EC-162. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0190-2010-0197); to the Committee on Foreign Relations.

EC-163. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0001-2011-0006); to the Committee on Foreign Relations.

EC-164. A communication from the Program Manager, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Permanent Certification Program for Health Information Technology" (RIN0991-AB59) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-165. A communication from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-49; Small Entity Compliance Guide" (FAC 2005-49) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-166. A communication from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Public Access to the Federal Awardee Performance and Integrity Information System" ((RIN9000-AL96)(FAC 2005-49)) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-167. A communication from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition

Circular 2005-49; Introduction” (FAC 2005-49) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-168. A communication from the Executive Director of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's annual FAIR Act Inventory Summary for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-169. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-170. A communication from the Regulatory Officer, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2010 Tariff-Rate Quota Year” (7 CFR Part 6) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-171. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Prevention of Payments to Deceased Persons” (RIN0560-AH91) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-172. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Required Scale Tests” (RIN0580-AB10) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-173. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Highly Pathogenic Avian Influenza” (Docket No. APHIS-2006-0074) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-174. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Mefenoxam; Pesticide Tolerances” (FRL No. 8855-1) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-175. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Fluazifop-P-butyl; Pesticide Tolerances” (FRL No. 8861-1) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-176. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Fluazinam; Pesticide Tolerances” (FRL No. 8859-3) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-177. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Sulfentrazone; Pesticide Tolerances” (FRL No. 8860-1) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-178. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the Oversight of Caron Markets Working Group's report entitled “Report on the Oversight of Existing and Prospective Carbon Markets” received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-179. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Guidelines for Awarding Clean Water Act Section 319 Base Grants to Indian Tribes” (FRL No. 9247-8) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC-180. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Rules and Regulations for Control of Air Pollution; Permitting of Grandfathered and Electing Electric Generating Facilities” (FRL No. 9248-9) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC-181. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Testing of Certain High Production Volume Chemicals; Second Group of Chemicals” (FRL No. 8846-9) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC-182. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Alaska: Adequacy of Alaska Municipal Solid Waste Landfill Permit Program” (FRL No. 9247-6) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Environment and Public Works.

EC-183. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Standards of Performance for Fossil-Fuel-Fired, Electric Utility, Industrial-Com-

mercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units” (FRL No. 9255-1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Environment and Public Works.

EC-184. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard for the New Jersey Portion of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area” (FRL No. 9255-5) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC-185. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area” (FRL No. 9251-7) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC-186. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standard” (FRL No. 9250-6) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC-187. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation 1” (FRL No. 9209-3) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC-188. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions, and Update of Appendices” (FRL No. 9255-9) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC-189. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Flat Wood Paneling Coatings” (FRL No.

9256-2) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Environment and Public Works.

EC-190. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Testing of Certain High Production Volume Chemicals; Second Group of Chemicals; Technical Correction" (FRL No. 8862-6) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-191. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Antelope Valley Air Quality Management District, Ventura County Air Pollution Control District and Placer County Air Pollution Control District" (FRL No. 9249-5) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-192. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9249-2) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-193. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Alabama" (FRL No. 9259-8) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-194. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Nashville, Tennessee area" (FRL No. 9259-2) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-195. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Mississippi" (FRL No. 9259-7) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-196. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identifying and Listing Hazardous Waste Exclusion" (FRL No. 9259-1) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-197. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard; Withdrawal of Direct Final Rule" (FRL No. 9258-7) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Environment and Public Works.

EC-198. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Format and Content of Plant-Specific Pressurized Thermal Shock Safety Analysis Reports for Pressurized Water Reactors" (Regulatory Guide 1.154) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Environment and Public Works.

EC-199. A communication from the Assistant Secretary for Fish and Wildlife Parks, National Wildlife Refuge Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2010-2011 Refuge-Specific Hunting and Sport Fishing Regulations—Additions" (RIN1018-AX20) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Environment and Public Works.

EC-200. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of the Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-513, Revision 3, 'Revise PWR Operability Requirements and Actions for RCS Leakage Instrumentation' (NRC-2009-0444) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Environment and Public Works.

EC-201. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Nuclear Critically Safety Standards for Fuels and Materials Facilities" (Regulatory Guide 3.71, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Environment and Public Works.

EC-202. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-611 "Wayne Place Senior Living Limited Partnership Real Property Tax Exemption Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-203. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-612 "2323 Pennsylvania Avenue Southeast Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-204. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-613 "Thirteenth Church of Christ Real Property Tax Relief and Exemption Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-205. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-614 "800 Kenilworth Avenue Northeast Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-615 "Randall School Disposition Restatement Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-616 "Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-617 "African American Civil War Memorial Freedom Foundation, Inc., African-American Civil War Museum Approval Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-633 "Prevention of Child Abuse and Neglect Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-210. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-027, Personal Identity Verification of Contractor Personnel" ((RIN9000-AL60)(FAC 2005-48)) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-211. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-031, Terminating Contracts" ((RIN9000-AL56)(FAC 2005-48)) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-212. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2011-005, Repeal of the Small Business Competitiveness Demonstration Program" ((RIN9000-AL87)(FAC 2005-48)) received during adjournment of the Senate in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-213. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-018, Payrolls and Basic Records" ((RIN9000-AL53)(FAC 2005-48)) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-214. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-215. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Homeland Security and Governmental Affairs.

EC-216. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a nomination in the position of Principal Deputy Director of National Intelligence; to the Select Committee on Intelligence.

EC-217. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to an order that would cancel construction debt assessed against Indian-owned lands within the Flathead Indian Irrigation Project; to the Committee on Indian Affairs.

EC-218. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report entitled "Funding Requirements for Contract Support Costs of Self-Determination Contracts Fiscal Year 2009 Report"; to the Committee on Indian Affairs.

EC-219. A communication from the Deputy General Counsel, Office of Government Contracting, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Women-Owned Small Business Federal Contract Program" (RIN3245-AG06) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Small Business and Entrepreneurship.

EC-220. A communication from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Veteran-Owned Small Business Verification Guidelines" (RIN2900-AM78) received during adjournment of Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself and Mr. KYL):

S. 188. A bill to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. MORAN (for himself, Ms. CANTWELL, Mr. ROBERTS, Mrs. MURRAY, Mr. BLUNT, Mrs. McCASKILL, and Mr. GRAHAM):

S. 189. A bill to require the Secretary of Defense, in awarding a contract for the KC-X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess; to the Committee on Armed Services.

By Mrs. HUTCHISON:

S. 190. A bill to amend title 23, United States Code, to prohibit the imposition of new tolls on the Federal-aid system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 191. A bill to direct the Department of Homeland Security to undertake a study on emergency communications; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. McCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, Mr. WICKER, Mr. KIRK, Ms. SNOWE, and Mr. ENZI):

S. 192. A bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010; read the first time.

By Mr. LEAHY:

S. 193. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself, Mr. COBURN, and Mr. JOHANNES):

S. 194. A bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions; to the Committee on Finance.

By Mr. REID of Nevada (for Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE)):

S. 195. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

By Mr. GRASSLEY:

S. 196. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice President, Members of Congress, political appointees, and congressional staff; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself, Mr. INHOFE, Mr. VITTER, Mr. BURR, Mr. CORNYN, and Mr. ALEXANDER):

S. 197. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 198. A bill to require the return and redistribution among State transportation departments of certain unexpended highway funding; to the Committee on Environment and Public Works.

By Mr. CASEY:

S. 199. A bill to require the obligation of certain highway funding within a 3-year period; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 200. A bill for the relief of Alemseghed Mussie Tesfamariam; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 201. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL (for himself, Mr. DEMINT, and Mr. VITTER):

S. 202. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH:

S. 203. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to institute research into the special circumstances associated with oil spill prevention and response in Arctic waters, including assessment of impacts on Arctic marine mammals and other wildlife, marine debris research and removal, and risk assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 204. A bill to amend the Oil Pollution Act of 1990 to permit funds in the Oil Spill Liability Trust to be used by the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies for certain research, prevention, and response capabilities with respect to discharges of oil, for environmental studies, and for grant programs to communities affected by oil spills on the Outer Continental Shelf, and to provide funding for such uses and for other purposes; to the Committee on Finance.

By Mr. BEGICH:

S. 205. A bill to amend the Outer Continental Shelf Lands Act to require that oil produced from Federal leases in certain Arctic waters be transported by pipeline to onshore facilities and to provide for the sharing of certain Outer Continental Shelf revenues from areas in the Alaska Adjacent Zone; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. ALEXANDER, and Mr. ENSIGN):

S. 206. A bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LEAHY, Mr. REID of Nevada, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 207. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 208. A bill to amend the Internal Revenue Code of 1986 to extend the 100 percent exclusion for gain on certain small business stock; to the Committee on Finance.

By Mr. KIRK:

S. 209. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, and certain other enemy belligerents to the United States; to the Committee on Armed Services.

By Mr. COBURN (for himself and Mr. WARNER):

S. 210. A bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress; to the Committee on Rules and Administration.

By Mr. HATCH (for himself, Mr. CORNYN, Mr. CRAPO, Mr. INHOFE, Mr. MCCAIN, Mr. GRASSLEY, Mr. ROBERTS, Mr. LUGAR, Mr. BURR, Ms. SNOWE, Mr. ENSIGN, Mr. ISAKSON, Mr. BARASSO, Mr. JOHANNIS, Mr. CHAMBLISS, Ms. AYOTTE, Mr. PORTMAN, Mr. BLUNT, Mr. HOEVEN, and Mr. KIRK):

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself, Mr. KERRY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. CASEY, Mr. LAUTENBERG, Mr. LUGAR, Mr. CORKER, Mr. MENENDEZ, Mr. RUBIO, and Ms. LANDRIEU):

S. Res. 26. A resolution recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the Haitian people; considered and agreed to.

By Mr. WEBB:

S. Res. 27. A resolution designating January 26, 2011, as "National Kawasaki Disease Awareness Day"; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Con. Res. 4. A concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1, a bill to strengthen the economic competitiveness of the United States.

S. 7

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 7, a bill to reform the Federal tax code.

S. 18

At the request of Mr. JOHANNIS, the names of the Senator from Kentucky (Mr. PAUL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 18, a bill to repeal the

expansion of information reporting requirements for payments of \$600 or more to corporations and for other purposes.

S. 19

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 20

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 21

At the request of Mr. REID, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 21, a bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 34

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 34, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 49

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 49, a bill to amend the Federal anti-trust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 72

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 75

At the request of Mr. KOHL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 75, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 81

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 167

At the request of Mr. ENSIGN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 167, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. RES. 10

At the request of Mr. UDALL of New Mexico, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 10, a resolution to improve the debate and consideration of legislative matters and nominations in the Senate.

S. RES. 20

At the request of Mr. JOHANNIS, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

S. RES. 21

At the request of Mr. MERKLEY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Pennsylvania (Mr. CASEY),

the Senator from Iowa (Mr. HARKIN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 21, a resolution to amend the Standing Rules of the Senate to provide procedures for extended debate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. KYL):

S. 188. A bill to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse"; to the Committee on Environment and Public Works.

Mr. MCCAIN. Mr. President, I wish to introduce legislation to name the United States courthouse in Yuma, AZ, the John M. Roll United States Courthouse. Is that legislation at the desk?

The ACTING PRESIDENT pro tempore. The bill will be received.

Mr. MCCAIN. Madam President, I am pleased to introduce legislation, along with Senator KYL, that would designate the soon-to-be-constructed Federal courthouse in Yuma, AZ, to be named in honor of Chief Judge John Roll, who died tragically during the senseless act of violence against Congresswoman GIFFORDS and other Arizonans in Tucson earlier this month. I had the distinct privilege of knowing and working with Chief Judge Roll for many years. In fact, it was my honor to recommend him to President George Herbert Walker Bush for nomination to the Federal bench in 1991. He served with distinction. Most recently, Judge Roll became known by so many in the State of Arizona, the Judicial Conference, and many in Congress as a tireless advocate for the plaintiffs, defendants, and judges in Arizona by working to secure additional funding and resources to assist the court in its heavy caseload.

The morning of the shooting, Judge Roll was in line to speak to Congresswoman GIFFORDS, who was also a friend, about his efforts to have the Ninth Circuit declared a judicial emergency in the District of Arizona. He died doing what he did each and every day: working to guarantee the Federal courts in our State were capable of handling the growing caseload, while ensuring swift justice for all.

Judge Roll exemplified the qualities all Presidents should seek in candidates for the Federal bench: intelligence, humility, integrity, and fidelity to the law. He embodied all these qualities and many more. Additionally, he was known as a kind neighbor, a dedicated father and husband, and a loyal friend. He will now be known also as a hero.

The Arizona Daily Star reported on January 20, 2011:

Surveillance footage of the January 8 shooting campaign in Tucson showed that

Judge Roll used his body as a shield to cover the wounded Ron Barber. Roll then took a bullet to the back and lost his life in the process.

"The judge is a hero," Pima County sheriff's Bureau Chief Rick Kastigar said.

The article states that the suspected gunman:

... shot Barber, Giffords' district director. Almost simultaneously, Roll moved Barber toward the ground and both crawled beneath a table, Kastigar said. Roll then got on top of Barber.

"Judge Roll is responsible for directing Mr. Barber out of the line of fire and helped save his life," Kastigar said.

Barber told the Arizona Daily Star:

That just gives me more admiration for the judge than I ever had. . . . John Roll was a dear, dear man.

Barber and Judge Roll had been friends for many years, dating back to their days as college students at the University of Arizona. Most recently, they worked together with the Arizona congressional delegation to secure funding for a new Federal courthouse in Yuma, AZ, to alleviate the congestion at the Tucson Federal courthouse. In fact, Judge Roll had just reviewed the architectural drawings of the new courthouse weeks before his death and told my office he was very pleased with the design.

It is the hope of myself and Senator KYL and every Member of the Arizona delegation that the architectural designs will soon include the name of Chief Judge John Roll prominently on the building. This esteemed jurist, friend, and hero deserves this honor and much more. Our State has lost a good man, a true and able advocate for justice for all, and a great Arizonan. For this reason, I ask my fellow Senators to join me in passing this legislation to allow the new Yuma Federal courthouse to be proudly known as the John M. Roll United States Courthouse.

Mr. KYL. Mr. President, my State has lost an outstanding jurist, a true and able public servant, and a great Arizonan in Judge John M. Roll. In his honor, my Arizona colleague, Senator MCCAIN, and I propose naming the soon-to-be constructed Yuma Federal courthouse the "Judge John M. Roll United States Courthouse."

Judge John Roll was the top proponent for the addition of a new courthouse in Yuma, which is intended to help deal with the vast number of Federal cases in the underserved Yuma sector. He was involved in nearly every aspect of its approval, working tirelessly to overcome the many obstacles that arose during the process and spending countless hours poring over designs and meeting with architects and contractors. Without Judge Roll's energy and enthusiasm the project may not have been accomplished.

We name special places after special people not just to thank them, although we do, but to honor the quali-

ties that make them exceptional and distinct.

I had the privilege and honor of working with Judge John Roll for many years. He was known for his fairness to all who appeared in his courtroom, both plaintiffs and defendants. As chief judge, he was a vigorous advocate, working to guarantee the Federal courts in Arizona were capable of handling their extraordinary caseload. In fact, he died protecting the life of a member of Representative GIFFORDS's staff with whom he had just been discussing the need to designate the need for more judges as a judicial emergency.

We are eternally grateful for his many years of public service. I believe naming the courthouse in his honor benefits the rich legacy he leaves behind.

I urge my colleagues to support this legislation in honor of my friend Judge John Roll.

By Mr. LEAHY:

S. 193. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, Congress now faces a deadline to take action on the expiring provisions of the USA PATRIOT Act. The bill I introduce today, the USA PATRIOT Act Sunset Extension Act of 2011, will preserve law enforcement techniques that are set to expire on February 28, 2011, and extend them to December 2013. This bill will also promote transparency and expand privacy and civil liberties safeguards in current law. It increases judicial oversight of government surveillance powers that capture information on Americans. This is a package of reforms that all Americans should support. In fact, a bipartisan group of Senators on the Judiciary Committee voted in favor of it in the last Congress.

In the 111th Congress, the Judiciary Committee reported virtually identical legislation, S. 1692, with bipartisan support, including the votes of Senators KYL and CORNYN. Subsequent negotiations produced a package that was endorsed by the Attorney General and the Director of National Intelligence. Because Congress did not act on that negotiated package of reforms, but instead passed an extension of the expiring authorities until February 28, 2011, I took steps to see that key portions of the package were implemented administratively by the Department of Justice.

Even with this progress, enacting the USA PATRIOT Act Sunset Extension Act of 2011 remains imperative for several reasons. First, surveillance authorities are set to expire in a matter of weeks. We should not play politics with national security by delaying debate over these issues until the 11th hour. I am prepared to extend the sunsets on the three expiring provisions to

December 2013, the same sunset date I included in S.1692RS, the bill I introduced in the 111th Congress. Earlier this month, a bill was introduced in the House of Representatives to extend the expiring provisions only until February 2012, an expiration date chosen deliberately to try to force a debate over national security in an election year. My bill sets a longer sunset period, which law enforcement strongly favors.

Second, the Senate should pass the USA PATRIOT Act Sunset Extension Act of 2011 to codify the steps forward that the Attorney General has taken by implementing parts of the bill administratively. The reforms adopted by this Attorney General could be undone by a future Attorney General with the stroke of a pen. We must ensure that the progress in accountability and transparency that we achieved last year is not lost simply because it was never written into the statute.

Third, we must enact the parts of the bill that the Attorney General did not or could not adopt because they require a change in the statute. Chief among these is adding a new sunset on National Security Letters. Second is repealing the presumption in favor of the government that a judge must honor when he or she reviews an application for a section 215 order for business records. The government does not need this presumption. In fact, the Attorney General endorsed the repeal of the presumption when he expressed his support for the bill in the prior Congress.

When this bill was considered by the Judiciary Committee in the 111th Congress, it received a bipartisan vote. Members of the committee agreed to continue discussions over a handful of provisions to ensure that the final language promoted transparency, protected civil liberties, and aided law enforcement. I appreciate the votes of Senators KYL and CORNYN in favor of the reported bill. In the weeks following the 2009 markup, this bipartisan group of Senators worked closely with me and Senator FEINSTEIN to reach an agreement on language that each Senator supported, and that the Department of Justice endorsed. In a letter dated November 9, 2009, the Attorney General strongly endorsed the bill and stated unequivocally that the bill did not pose any operational concerns. That support was reaffirmed in a letter from the Attorney General and the Director of National Intelligence to Senate and House leadership on February 19, 2010.

The bill I introduce today is virtually identical to the product of those negotiations. It includes only two non-controversial updates. First, the new bill updates the deadlines by which the Department of Justice must issue public reports. This modification simply reflects the fact that more than 1 year has passed since the original dates

were written into the bill. Second, the section of the bill that previously required the Department of Justice to establish minimization procedures for National Security Letters is redrafted to reflect that fact that the Department adopted such procedures in October 2010. Otherwise, this bill is the same in substance as that which was supported by a bipartisan majority of the Senate Judiciary Committee in 2009.

We must move quickly, in advance of the looming deadline, to pass this bipartisan package. We can preserve the authorities currently in place, which give law enforcement the tools it needs to protect national security. And we can ensure that inspectors general, the Congress, and the public maintain vigilant oversight of the government, making sure these authorities are used properly and within Constitutional bounds. I urge all Senators to support the USA PATRIOT Act Sunset Extension Act of 2011.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT Act Sunset Extension Act of 2011".

SEC. 2. SUNSETS.

(a) SECTIONS 206 AND 215 SUNSET.—

(1) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "February, 28, 2011" and inserting "December 31, 2013".

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 3 of this Act, is amended—

(i) in the table of contents in the first section, by striking the items relating to title V and sections 501, 502, and 503 and inserting the following:

"TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

"Sec. 501. Definitions.

"Sec. 502. Access to certain business records for foreign intelligence and international terrorism investigations.";

(ii) in title V (50 U.S.C. 1861 et seq.)—

(I) in the title heading, by striking "AND OTHER TANGIBLE THINGS"; and

(II) by striking section 503; and

(iii) in section 601(a)(1)(D) (50 U.S.C. 1871(a)(1)(D)), by striking "section 501;" and inserting "section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);".

(B) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of

2008 (Public Law 110-261; 122 Stat. 2477) is amended by striking the period at the end and inserting " , except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

"(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on December 31, 2013.

(b) INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.—

(1) EXTENSION OF SUNSET.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended to read as follows:

"(b) SUNSET.—

"(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

"(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013."

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting "pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note);".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on December 31, 2013.

(c) NATIONAL SECURITY LETTERS.—

(1) REPEAL.—Effective on December 31, 2013—

(A) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(A) section 3511 of title 18, United States Code, is amended—

(i) in subsections (a), (c), and (d), by striking “or 627(a)” each place it appears; and

(ii) in subsection (b)(1)(A), as amended by section 6(b) of this Act, by striking “section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)” and inserting “section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)”;

(B) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(i) in subparagraph (C), by adding “and” at the end;

(ii) in subparagraph (D), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (E); and

(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

SEC. 3. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking “a statement of facts showing” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”; and

(ii) by striking “clandestine intelligence activities,” and all that follows and inserting “clandestine intelligence activities;”;

(B) by striking subparagraph (B) and inserting the following:

“(B) if the records sought are the circulation records or patron lists of a library (as defined in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)), a statement of facts showing that there are reasonable grounds to believe that the records sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii) I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(C) a statement of proposed minimization procedures.”; and

(3) in subsection (c)(1)—

(A) by inserting “and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)” after “subsections (a) and (b)”;

(B) by inserting “, and directing that the minimization procedures be followed” after “release of tangible things”; and

(C) by striking the second sentence.

(b) TRANSITION PROCEDURES.—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

“SEC. 503. DEFINITIONS.

“In this title, the terms ‘Attorney General’, ‘foreign intelligence information’, ‘international terrorism’, ‘person’, ‘United States’, and ‘United States person’ have the meanings given such terms in section 101.”.

(2) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”.

(3) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(A) by striking the items relating to title V and section 501 and inserting the following:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.”; and

(B) by inserting after the item relating to section 502 the following:

“Sec. 503. Definitions.”.

SEC. 4. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “a certification by the applicant” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.”.

(b) MINIMIZATION.—

(1) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

“(4) The term ‘minimization procedures’ means—

“(A) specific procedures, that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that nonpublicly available information, which is not foreign intelligence information shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance; and

“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.”.

(2) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)(1), by striking “the judge finds” and all that follows and inserting the following: “the judge finds—

“(A) that the application satisfies the requirements of this section; and

“(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.”; and

(B) by adding at the end the following:

“(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with any applicable minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”.

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures be followed, if appropriate.”.

(4) USE OF INFORMATION.—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by striking “provisions of this section” and inserting “minimization procedures required under this title”.

(c) TRANSITION PROCEDURES.—

(1) ORDERS IN EFFECT.—Notwithstanding the amendments made by this Act, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) EXTENSIONS.—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request or order;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D) PROHIBITION OF CERTAIN DISCLOSURE.—

“(i) PROHIBITION.—

“(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

“(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

“(aa) a danger to the national security of the United States;

“(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(cc) interference with diplomatic relations; or

“(dd) danger to the life or physical safety of any person.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(aa) those persons to whom disclosure is necessary in order to comply with the request;

“(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

“(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

“(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(iii) RIGHT TO JUDICIAL REVIEW.—

“(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

“(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

“(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of

an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

SEC. 6. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

- (1) in subparagraph (A)—
 - (A) in clause (i)—
 - (i) by striking “a production order” and inserting “a production order or nondisclosure order”; and
 - (ii) by striking “Not less than 1 year” and all that follows; and
 - (B) in clause (ii), by striking “production order or nondisclosure”; and
- (2) in subparagraph (C)—
 - (A) by striking clause (ii); and
 - (B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

“(b) NONDISCLOSURE.—
 “(1) IN GENERAL.—
 “(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific and articulable facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

- “(A) a danger to the national security of the United States;
 - “(B) interference with a criminal, counterterrorism, or counterintelligence investigation;
 - “(C) interference with diplomatic relations; or
 - “(D) danger to the life or physical safety of any person.
- “(3) STANDARD.—A district court of the United States shall issue a nondisclosure re-

quirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

- “(A) a danger to the national security of the United States;
- “(B) interference with a criminal, counterterrorism, or counterintelligence investigation;
- “(C) interference with diplomatic relations; or
- “(D) danger to the life or physical safety of any person.”.

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking “Not later than” and all that follows and inserting “At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”.

SEC. 7. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

- (1) by striking subsection (e);
- (2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
- (3) by inserting after subsection (b) the following:

“(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).”.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

- (1) by striking subsection (h);
- (2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and
- (3) by inserting after subsection (c) the following:

“(d) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking “FORM OF CERTIFICATION” and inserting “CERTIFICATION”;

(2) by striking “The certification” and inserting the following:

“(1) FORM OF CERTIFICATION.—The certification”; and

(3) by adding at the end the following:

“(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).”.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

- (1) by striking subparagraph (C);
- (2) by redesignating subparagraph (B) as subparagraph (C); and
- (3) by inserting after subparagraph (A) the following:

“(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).”.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

“(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).”.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510(e) of title 18, United States Code, is amended by striking “section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),” and inserting “section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)),”.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

- (A) by striking paragraphs (4) and (5); and
- (B) by redesignating paragraph (6) as paragraph (4).

SEC. 8. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

“(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘applicable period’ means—

“(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the USA PATRIOT Act Sunset Extension Act of 2011 and ending on December 31, 2011; and

“(ii) with respect to the second report submitted under paragraph (2) or (3), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

“(B) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(2) CLASSIFIED FORM.—

“(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

“(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

“(i) the number of authorized requests under the provision, including requests for subscriber information; and

“(ii) the number of authorized requests under the provision—

“(I) that relate to a United States person;

“(II) that relate to a person that is not a United States person;

“(III) that relate to a person that is—

“(aa) the subject of an authorized national security investigation; or

“(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

“(3) UNCLASSIFIED FORM.—

“(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

“(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

“(i) that relate to a United States person;

“(ii) that relate to a person that is not a United States person;

“(iii) that relate to a person that is—

“(I) the subject of an authorized national security investigation; or

“(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

SEC. 9. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

“SEC. 602. ANNUAL UNCLASSIFIED REPORT.

“Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

“Sec. 602. Annual unclassified report.”

SEC. 10. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2011”; and

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

“(C) with respect to calendar years 2007 through 2011, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.”; and

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on

Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2011, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

“(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

“(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

“(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

“(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”; and

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”; and

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) and (c)(2)” and inserting “any report submitted under subsection (c) or (d)”; and

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”; and

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”; and

(7) by adding at the end the following:

“(g) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

“(2) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2011”; and

(B) in paragraph (3)(C), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”; and

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.”

(3) by striking subsection (g) and inserting the following:

“(h) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

“(2) the term ‘national security letter’ means a request for information under—

“(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

“(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

“(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

“(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

“(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

“(3) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2011, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

“(A) examine the use of national security letters by the element of the intelligence community during the period;

“(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

“(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

“(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.”

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”; and

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”; and

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) or (c)(2)” and inserting “any report submitted under subsection (c) or (d)”; and

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking “The reports submitted under subsections (c)(1) or (c)(2)” and inserting “Each report submitted under subsection (c)”; and

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”. ”

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2011.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2011;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 and 2011, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector

General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(4) INTELLIGENCE ASSESSMENT.—

(A) IN GENERAL.—For the period beginning January 1, 2007 and ending on December 31, 2011, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

(B) SUBMISSION DATES FOR ASSESSMENT.—

(i) CALENDAR YEARS 2007 THROUGH 2009.—Not later than September 30, 2011, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) CALENDAR YEARS 2010 AND 2011.—Not later than December 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 and 2011.

(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) UNCLASSIFIED FORM.—Each report submitted under paragraph (3) and any com-

ments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section—

(1) the terms “foreign intelligence information” and “United States person” have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 11. DELAYED NOTICE SEARCH WARRANTS.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking “30 days” and inserting “7 days”.

SEC. 12. PROCEDURES.

(a) IN GENERAL.—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) CONSIDERATIONS.—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) REVISIONS TO PROCEDURES AND OVERSIGHT.—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 13. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

SEC. 14. OFFSET.

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$5,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

SEC. 15. EFFECTIVE DATE.

The amendments made by sections 3, 4, 5, 6, 7, and 11 shall take effect on the date that is 120 days after the date of enactment of this Act.

By Mr. MCCONNELL (for himself,

Mr. COBURN, and Mr. JOHANNIS):

S. 194. A bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2009.”.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

“SEC. 9014. TERMINATION.

“The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.”.

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

“(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury.”.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

“SEC. 9043. TERMINATION.

“The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.”.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9014. Termination.”.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

“Sec. 9043. Termination.”.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 195. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I rise to introduce the Child Support Protection Act of 2011 with my colleagues, Senators CORNYN, KOHL, and SNOWE. This bill continues the long-standing, bipartisan support of Congress for the Child Support Enforcement program, which began with the passage of the authorizing legislation in 1974.

Child support enforcement is a strong partnership between the Federal Government and State governments to help parents provide long-term support for their children. It includes a network of 60,000 dedicated staff serving 17 million children across this country. It provided \$24.4 billion to children in 2009. The Congressional Research Service reports that receipt of child support

reduces child poverty by nearly 25 percent. The Urban Institute estimates that \$4 in child support expenditures reduces spending in other public programs by \$5.

So, the Child Support Enforcement program's results are impressive and it is widely recognized as one of the most effective programs operated by the Federal Government. In fact, the program is notable for collecting \$4.78 for each dollar of expenditure. It is a true bargain that works well.

Child support programs do much more than just collect money. It works with noncustodial parents who need employment so that they can make regular payments. Child support staff also plays a critical role in times of high unemployment, by processing adjustments to support orders so that noncustodial parents do not fall hopelessly behind.

When Congress passed the Child Support Performance and Incentive Act of 1998, CSPIA, it created an innovative incentive program that rewards efficient, results-oriented child support enforcement efforts. These earned performance incentives must be used for child support activities. One of every four dollars from State expenditures to fund the child support program comes from CSPIA incentives and matched Federal funds. The Deficit Reduction Act, DRA, of 2005 repealed the authority to use the earned performance incentives as a match for Federal funds. The bill we have introduced today reverses the funding reduction imposed by the DRA.

States are using the incentives in a variety of ways. In my State of West Virginia, the incentive dollars are being used to invest in technology to upgrade services and enhance customer service. Thirty States or territories are investing in staff and program operations. Sixteen States are investing in technology, and three others are investing in customer service programs.

The Child Support Protection Act would give States the authority to use earned performance incentives to fund this important work and continue the impressive results that are being achieved. This permanent reversal is critical so that those in State and local government can budget for the future. I urge my colleagues in the Senate to cosponsor this much needed legislation that is not only important to child support enforcement, but our children, their families, and the States.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 201. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleague,

Senator KYL, in introducing a bill that would clarify the jurisdiction of the Bureau of Reclamation over program activities associated with the C.C. Cragin Project in northern Arizona. A companion measure is being introduced today in the House by Congressman PAUL GOSAR from Arizona.

Pursuant to the Arizona Water Settlements Act of 2004, AWSA, Congress authorized the Secretary of the Interior to accept from the Salt River Project, SRP, title of the C.C. Cragin Dam and Reservoir for the express use of the Salt River Federal Reclamation Project. While it is clear that Congress intended to transfer jurisdiction of the Cragin Project to the Department of the Interior, and in particular, the Bureau of Reclamation, the lands underlying the Project are technically located within the Coconino National Forest and the Tonto National Forest. This has resulted in a disagreement between the Bureau of Reclamation and the National Forest Service concerning jurisdiction over the operation and management activities of the Cragin Project.

For more than 5 years, SRP and Reclamation have attempted to reach an agreement with the Forest Service that recognizes Reclamation's paramount jurisdiction over the Cragin Project. Unfortunately, the Forest Service maintains that this technical ambiguity under the AWSA implies they have a regulatory role in approving Cragin Project operations and maintenance. This bill represents a negotiated compromise between the agencies and our offices that appropriately clarifies each agency's role with respect to the Dam and the Federal lands surrounding it. A similar bill was introduced during the 111th Congress and was reported with an amendment by the Senate Energy and Natural Resources Committee. The version we are introducing today is identical to the Committee reported bill.

Speedy resolution of this jurisdictional issue is urgently needed in order to address repairs and other operational needs of the Cragin Project, including planning for the future water needs of the City of Payson and other northern Arizona communities. This clarification would simply provide Reclamation with the oversight responsibility that Congress originally intended. I urge my colleagues to support this bill.

By Mr. PAUL (for himself, Mr. DEMINT, and Mr. VITTER):

S. 202. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PAUL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reserve Transparency Act of 2011".

SEC. 2. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed before the end of 2012.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after "in writing."

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. ALEXANDER, and Mr. ENSIGN):

S. 206. A bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Scholarships for Opportunity and Results Act—SOAR—which seeks to reauthorize the DC Opportunity Scholarship Program or OSP. And I am proud to be joined by a bipartisan group of Senators in introducing this bill—Senator COLLINS, Senator FEINSTEIN, Senator ALEXANDER and Senator ENSIGN.

The DC Opportunity Scholarship Program offers scholarships to low-income students, especially those from failing schools, to attend private schools where they can get a better education. This program offers District of Columbia students and their families a choice

that improves the quality of their education and significantly increases their likelihood of graduating from high school and attending college.

Here in Washington, there are many families who can exercise school choice. They can afford to live in neighborhoods with good schools, they can provide engaging supplemental and afterschool opportunities for their children, or they can choose to send their children to private schools. However, there are many low-income families whose children are trapped in failing schools and do not have those options.

School reformers in Washington, through their hard work and, at times, controversial policies, have begun to make a difference for students in the District of Columbia. I applaud the work of Michelle Rhee and her team in their tireless efforts to make the District's schools better. I am pleased that Mayor Gray has indicated he will continue school reform because there is much more work to do on behalf of Washington's schoolchildren. District of Columbia test scores are on the rise but even so, according to recent National Assessment of Educational Progress data, the District of Columbia, while having one of the highest per pupil expenditures in the country, settles at the bottom of all states in reading and math for both 4th and 8th grade students. District of Columbia schools also have among the lowest graduation rates in the country.

We all know that meaningful and effective change is slow and we still have a long way to go before we can be confident that each student in the District is getting the public education they deserve. Ronald Holassie, a high school student in the OSP, expressed the implications of this well when he said "public schools in the District did not go bad over night and they won't get better over night." Students cannot wait for reforms to take effect in the worst of the District's public schools—they need a good education right now if they are going to be able to fulfill their potential. The Opportunity Scholarships respond to that immediate need.

One of the goals of the OSP is holistic support of the reforms that are helping to improve education in all sectors of education here in the District. Since 2003, Congress has supported a tri-sector approach by appropriating new funds for District public schools, District public charter schools and the Opportunity Scholarship Program. Critics of the OSP argue that it takes away funds from public schools. That is simply not true. The scholarship program was intentionally designed to ensure that any funding for Opportunity Scholarships would not reduce funding for public schools. This legislation will provide additional new money for the District of Columbia's Public Schools, for District of Columbia Public Charter Schools, and for the

continuation of the Opportunity Scholarship Program. We have not changed the three part funding design of the initiative.

The SOAR Act also strengthens the existing requirements for all schools participating in the OSP by requiring a valid certificate of occupancy and ensuring that teachers in core subjects have an appropriate college degree. The bill continues to target students from lower income families who are attending those schools most in need of improvement and it increases the tuition amounts slightly to levels consistent with the tuition charged at typical participating schools. The new amounts are still well below the per pupil cost of educating a child in the District of Columbia public schools. While we have kept the income ceiling for entry into the program unchanged, we have increased slightly the income ceiling for those already participating in the program to ensure that parents are not forced to choose between a modest raise in their income and the scholarship.

The most recent study conducted by the Department of Education's Institute of Education Science shows that the offer of an OSP scholarship raised a student's probability of completing high school by twelve percentage points overall. The offer of a scholarship improved the graduation prospects by thirteen percentage points for the high-priority group of students from schools designated "Schools in Need of Improvement" and for those students actually using an OSP scholarship the improved graduation rate went up to twenty percentage points. In the District of Columbia, where the graduation rates are among the lowest in the country, this is important data that cannot be overlooked. Overall, parents of OSP students were more satisfied and felt school was safer if their child was offered or used an OSP scholarship.

In a landmark education speech at the outset of his presidency, President Obama promised that Education Secretary Arne Duncan "will use only one test when deciding what ideas to support . . . : It's not whether an idea is liberal or conservative, but whether it works." By that standard, this program should be continued. It is not a Democratic, Republican, or Independent program—it is not a liberal or conservative program—it is a program that puts children first. The Opportunity Scholarship Program works as evidenced by increased graduation rates, higher reading proficiency, and the overwhelming support of District families. I urge Republicans and Democrats to rally behind the OSP program. Last year we had a vote on the bill that received the support of 42 Senators. In this Congress, I will be fighting for another vote and am confident there will be more than 50 votes to reauthorize the program. With these votes and the

strong support of Speaker BOEHNER I am hopeful we can give students here in the District the opportunities they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Scholarships for Opportunity and Results Act of 2011" or the "SOAR Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, as well as under other public school choice programs, is inadequate. More educational options are needed to ensure all families in the District of Columbia have access to a quality education. In particular, funds are needed to provide low-income parents with enhanced public opportunities and private educational environments, regardless of whether such environments are secular or nonsecular.

(3) While the per-student cost for students in the public schools of the District of Columbia is one of the highest in the United States, test scores for such students continue to be among the lowest in the Nation. The National Assessment of Educational Progress (NAEP), an annual report released by the National Center for Education Statistics, reported in its 2009 study that students in the District of Columbia were being outperformed by every State in the Nation. On the 2009 NAEP, 56 percent of fourth grade students scored "below basic" in reading, and 44 percent scored "below basic" in mathematics. Among eighth grade students, 49 percent scored "below basic" in reading and 60 percent scored "below basic" in mathematics. On the 2009 NAEP reading assessment, only 17 percent of the District of Columbia fourth grade students could read proficiently, while only 13 percent of the eighth grade students scored at the proficient or advanced level.

(4) In 2003, Congress passed the DC School Choice Incentive Act of 2003 (Public Law 108-199, 118 Stat. 126), to provide opportunity scholarships to parents of students in the District of Columbia to enable them to pursue a high quality education at a public or private elementary or secondary school of their choice. The DC opportunity scholarship program (DC OSP) under such Act was part of a comprehensive 3-part funding arrangement that also included additional funds for the District of Columbia public schools, and additional funds for public charter schools of the District of Columbia. The intent of the approach was to ensure that progress would continue to be made to improve public schools and public charter schools, and that funding for the opportunity scholarship program would not lead to a reduction in funding for the District of Columbia public and charter schools. Resources would be available for a variety of educational options that

would give families in the District of Columbia a range of choices with regard to the education of their children.

(5) The DC OSP was established in accordance with the U.S. Supreme Court decision, *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), which found that a program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(6) Since the inception of the DC OSP, it has consistently been oversubscribed. Parents express strong support for the opportunity scholarship program. Rigorous studies of the program by the Institute of Education Sciences have shown significant improvements in parental satisfaction and in reading scores that are more dramatic when only those students consistently using the scholarships are considered. The program also was found to result in significantly higher graduation rates for DC OSP students.

(7) The DC OSP is a program that offers families in need, in the District of Columbia, important alternatives while public schools are improved. This program should be reauthorized as 1 part of a 3-part comprehensive funding strategy for the District of Columbia school system that provides new and equal funding for public schools, public charter schools, and opportunity scholarships for students to attend private schools.

SEC. 3. PURPOSE.

The purpose of this Act is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security, and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

SEC. 4. GENERAL AUTHORITY.

(a) **AUTHORITY.**—From amounts made available to carry out this section in accordance with section 14(b)(1), the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 5 to carry out a program to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this Act.

(b) **DURATION OF GRANTS.**—The Secretary shall make grants under this section for a period of not more than 5 years.

(c) **MEMORANDUM OF UNDERSTANDING.**—

(1) **IN GENERAL.**—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the implementation of the program authorized under subsection (a) and the funding described in paragraphs (2) and (3) of section 14(b).

(2) **CONTENTS.**—The memorandum of understanding shall address how the Mayor of the District of Columbia will ensure that the public schools and the public charter schools

of the District of Columbia comply with all reasonable requests for information as necessary to fulfill the requirements for evaluations conducted under section 9.

(d) **SPECIAL RULES.**—

(1) **USE OF FUNDS.**—Notwithstanding any other provision of law, funds appropriated for the DC opportunity scholarship program under the Omnibus Appropriations Act, 2009 (Public Law 111–8, 123 Stat. 654), the Consolidated Appropriations Act of 2010 (Public Law 111–117, 123 Stat. 3181), or any other Act, shall be available until expended and may be used to provide opportunity scholarships under section 7 to new applicants.

(2) **REPEAL OF SITE INSPECTION AND REPORTING REQUIREMENTS.**—The fourth and fifth provisions under the heading “Federal Payment for School Improvement” of title IV of Division C of the Consolidated Appropriations Act of 2010 (Public Law 111–117, 123 Stat. 3182) are repealed. Any unobligated amounts reserved to carry out such provisions shall be made available to an eligible entity for administrative purposes or for opportunity scholarships under a grant under subsection (a), including for opportunity scholarships for new applicants for the 2011–2012 school year.

SEC. 5. APPLICATIONS.

(a) **IN GENERAL.**—In order to receive a grant under section 4(a), an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) **CONTENTS.**—The Secretary may not approve the request of an eligible entity for a grant under section 4(a) unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 6;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 6;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities in order to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 7(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will—

(i) seek out private elementary schools and secondary schools in the District of Columbia to participate in the program; and

(ii) ensure that participating schools will meet the reporting and other requirements of this Act, and accommodate site visits in accordance with section 7(a)(4)(D);

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under a grant under section 4(a) effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 9.

SEC. 6. PRIORITIES.

In awarding grants under section 4(a), the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) give priority to students whose household includes a sibling or other child who is already participating in the program of the eligible entity under section 4(a), regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 9;

(3) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(4) provide students and families with the widest range of educational options.

SEC. 7. USE OF FUNDS.

(a) **OPPORTUNITY SCHOLARSHIPS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), an eligible entity receiving a grant under section 4(a) shall use the grant funds to provide eligible students with opportunity scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2011–2012. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such eligible entity's program under section 4(a) to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) **PAYMENTS TO PARENTS.**—An eligible entity receiving a grant under section 4(a) shall make scholarship payments under the program under section 4(a) to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this Act.

(3) **AMOUNT OF ASSISTANCE.**—

(A) **VARYING AMOUNTS PERMITTED.**—Subject to the other requirements of this section, an eligible entity receiving a grant under section 4(a) may award scholarships in larger amounts to those eligible students with the greatest need.

(B) **ANNUAL LIMIT ON AMOUNT.**—

(i) **LIMIT FOR SCHOOL YEAR 2011–2012.**—The amount of assistance provided to any eligible student by an eligible entity under a program under section 4(a) for school year 2011–2012 may not exceed—

(I) \$8,000 for attendance in kindergarten through grade 8; and

(II) \$12,000 for attendance in grades 9 through 12.

(ii) **CUMULATIVE INFLATION ADJUSTMENT.**—The limits described in clause (i) shall apply for each school year following school year

2011-2012, except that the Secretary shall adjust the maximum amounts of assistance (as described in clause (i) and adjusted under this clause for the preceding year) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) **PARTICIPATING SCHOOL REQUIREMENTS.**—None of the funds provided under subsection (a) for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) agrees to submit to site visits as determined to be necessary by the eligible entity, except that a participating school shall not be required to submit to more than one site visit per year;

(E) has financial systems, controls, policies, and procedures to ensure that funds are used in accordance with the requirements of this Act; and

(F) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree.

(b) **ADMINISTRATIVE EXPENSES.**—An eligible entity receiving a grant under section 4(a) may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under such section during the year, including—

(1) determining the eligibility of students to participate;

(2) selecting eligible students to receive scholarships;

(3) determining the amount of scholarships and issuing the scholarships to eligible students; and

(4) compiling and maintaining financial and programmatic records.

(c) **PARENTAL ASSISTANCE.**—An eligible entity receiving a grant under section 4(a) may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the program under this Act and assisting parents through the application process under this Act during the year, including—

(1) providing information about the program and the participating schools to parents of eligible students;

(2) providing funds to assist parents of students in meeting expenses that might otherwise preclude the participation of eligible students in the program; and

(3) streamlining the application process for parents.

(d) **STUDENT ACADEMIC ASSISTANCE.**—An eligible entity receiving a grant under section 4(a) may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance in the students' new schools. If there are insufficient funds to pay for these costs for all such students, the eligible entity shall give priority to students who previously attended an elementary

school or secondary school that was identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) as of the time the student attended the school.

SEC. 8. NONDISCRIMINATION.

(a) **IN GENERAL.**—An eligible entity or a school participating in any program under this Act shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) **APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) **SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.**—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) **APPLICABILITY.**—For purposes of this Act, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this Act as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this Act.

(c) **CHILDREN WITH DISABILITIES.**—Nothing in this Act may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) **RELIGIOUSLY AFFILIATED SCHOOLS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a school participating in any program under this Act that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1 et seq.), including the exemptions in such title.

(2) **MAINTENANCE OF PURPOSE.**—Notwithstanding any other provision of law, funds made available under section 7(a) to eligible students, which are used at a participating school as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) **RULE OF CONSTRUCTION.**—A scholarship (or any other form of support provided to parents of eligible students) provided under section 7(a) shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any such scholarship (or other form of support provided to parents of an eligible student) shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 9. EVALUATIONS.

(a) **IN GENERAL.**—

(1) **DUTIES OF THE SECRETARY AND THE MAYOR.**—The Secretary and the Mayor of the District of Columbia shall—

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under section 4(a), and the Mayor shall ensure that, for the purposes of this evaluation, all public and public charter schools of the District of Columbia comply with all reasonable requests for information;

(B) jointly enter into an agreement to monitor and evaluate the use of funds authorized and appropriated under paragraphs (2) and (3) of section 14(b) for the public schools and public charter schools of the District of Columbia; and

(C) make the evaluations public in accordance with subsection (c).

(2) **DUTIES OF THE SECRETARY.**—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation under paragraph (1)(A) is conducted using the strongest possible research design for determining the effectiveness of the program funded under section 4(a) that addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program in increasing the academic growth and achievement of participating students, and on the impact of the program on students and schools in the District of Columbia.

(3) **DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.**—The Institute of Education Sciences shall—

(A) use a grade appropriate measurement each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for an opportunity scholarship under a program under section 4(a) (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under section 4(a), agree that the student will participate in the measurements given annually by the Institute of Education Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 6(2).

(4) **ISSUES TO BE EVALUATED.**—The issues to be evaluated include—

(A) a comparison of the academic growth and achievement of participating eligible students in the measurements described in this section with the academic growth and achievement of eligible students in the same grades in the public schools and public charter schools of the District of Columbia, who sought to participate in the scholarship program but were not selected;

(B) the success of the program in expanding choice options for parents, improving parental and student satisfaction, and increasing parental involvement in the education of their children;

(C) the reasons parents choose for their children to participate in the program;

(D) a comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the program funded under section 4(a), as compared to the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such program;

(E) the impact of the program on students, and public elementary schools and secondary schools, in the District of Columbia;

(F) a comparison of the safety of the schools attended by students who participate in the program funded under section 4(a) and the schools attended by students who do not participate in the program, based on the perceptions of the students and parents and on objective measures of safety;

(G) such other issues as the Secretary considers appropriate for inclusion in the evaluation; and

(H) an analysis of the issues described in subparagraphs (A) through (G) with respect to the subgroup of eligible students participating in the program funded under section 4(a) who consistently use the opportunity scholarships to attend a participating school.

(5) PROHIBITION.—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than December 1 of each year for which a grant is made under section 4(a), on the progress and preliminary results of the evaluation of the program funded under such section; and

(2) a final report, not later than 1 year after the final year for which a grant is made under section 4(a), on the results of the evaluation of the program funded under such section.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 5 percent of the total amount appropriated to carry out section 4(a) for the fiscal year.

SEC. 10. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each eligible entity receiving funds under section 4(a) during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee receiving funds under section 4(a) shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 academic years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee receiving funds under section 4(a) shall ensure that each school participating in the grantee's program under this Act during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate;

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions; and

(C) the accreditation status of the school.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—

(1) REPORTS BY SECRETARY.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives, and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate, an annual report on the findings of the reports submitted under subsections (a) and (b).

(2) REPORTS BY MAYOR.—In order for funds under paragraphs (2) and (3) of section 14(b) to be made available to the District of Columbia, the Mayor of the District of Columbia shall submit to the Committees on Appropriations, the Committee on Education and the Workforce, and the Committee on Oversight and Government Reform, of the House of Representatives, and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs of the Senate, information on—

(A) how the funds authorized and appropriated under paragraphs (2) and (3) of section 14(b) for the public schools and public charter schools of the District of Columbia were utilized; and

(B) how such funds are contributing to student achievement.

SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under section 4(a) shall comply with all requests for data and information regarding evaluations conducted under section 9(a).

(b) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—Each school participating in a program funded under section 4(a), including each participating school described in section 8(d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

(c) NATIONALLY NORM-REFERENCED STANDARDIZED TESTS.—

(1) IN GENERAL.—Each school participating in a program funded under section 4(a) shall administer a nationally norm-referenced standardized test in reading and mathematics to each student enrolled in the school who is receiving an opportunity scholarship. The results of such test shall be reported to the student's parents or legal guardians and

to the Secretary, through the Institute of Education Sciences of the Department of Education, for the purposes of conducting the evaluation under section 9.

(2) MAKE-UP SESSION.—If a school participating in a program funded under section 4(a) does not administer a nationally norm-referenced standardized test or the Institute of Education Sciences does not receive data regarding the results of such test for a student who is receiving an opportunity scholarship, then the Secretary, acting through the Institute of Education Sciences, shall administer such test not less than once during each school year to each student receiving an opportunity scholarship.

SEC. 12. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL.—The term “elementary school” means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term “eligible student” means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line; or

(ii) in the case of a student participating in the program under this Act in the preceding year, 300 percent of the poverty line.

(4) PARENT.—The term “parent” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term “poverty line” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term “secondary school” means an institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 13. TRANSITION PROVISIONS.

(a) REPEAL.—The DC School Choice Incentive Act of 2003 (title III of division C of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126)) is repealed.

(b) REAUTHORIZATION OF PROGRAM.—This Act shall be deemed to be the reauthorization of the District of Columbia opportunity scholarship program under the DC School Choice Incentive Act of 2003.

(c) ORDERLY TRANSITION.—Subject to subsections (d) and (e), the Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under the provisions of the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this Act or a repeal made by this Act shall be construed to alter or affect the memorandum of understanding entered into with

the District of Columbia, or any grant or contract awarded, under the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act.

(e) **MULTI-YEAR AWARDS.**—The recipient of a multi-year grant or contract award under the DC School Choice Incentive Act of 2003 (Public Law 108-199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this Act, for the uses described in subsection (b), \$60,000,000 for fiscal year 2012 and each of the 4 succeeding fiscal years.

(b) **USE OF FUNDS AUTHORIZED UNDER THIS ACT.**—For each fiscal year, any amount appropriated to carry out this Act shall be equally divided among—

(1) the Secretary, in order to carry out the District of Columbia opportunity scholarship program established under section 4(a);

(2) the District of Columbia Public Schools, in order to improve public school education in the District of Columbia; and

(3) the State Education Office of the District of Columbia, in order to expand quality public charter schools in the District of Columbia.

Ms. COLLINS. Mr. President, I am pleased to be joining Senator LIEBERMAN in introducing the Scholarships for Opportunity and Results Act of 2011, also known as the SOAR Act. This important piece of legislation will reauthorize the DC Opportunity Scholarship Program, which has successfully provided additional educational options for some of our nation's most at-risk children.

Sadly, DC's public schools continue to underperform despite a per-pupil expenditure rate that is one of the highest in the nation. Experts have carefully studied the DC Opportunity Scholarship Program and concluded that the educational success of the program's participants in reading has outpaced those in DC public schools.

Approximately 6 years ago, leaders in the District of Columbia became frustrated with institutionalized failure within the public school system, and designed a unique "three-sector" strategy that provided new funding for public schools, public charter schools and new educational options for needy children. Working with the District, Congress and the Bush administration then implemented the DC School Choice Incentive Act in 2004, giving birth to the DC Opportunity Scholarship Program.

The program is the first to provide federally funded scholarships to students, and has enabled low-income students from the District of Columbia public school system to attend the independent-private or parochial school of their choice. For many of these students, this was their first opportunity to access a high-quality education.

In March 2009, the Department of Education released its evaluation of

the program's impact after three years, which showed that overall, students offered scholarships had higher reading achievement than those not offered scholarships—the equivalent of an additional three months of learning.

Studies have also shown that parents were overwhelmingly satisfied with their children's experience in the program. Common reasons for this higher level of satisfaction included, appreciation for the ability to choose their child's school, the success their children are having in new school environments, and the support provided by the DC Children and Youth Investment Trust Corporation, which runs the program.

In May 2009, Chairman LIEBERMAN and I held a compelling hearing in the Homeland Security and Governmental Affairs Committee where we heard the personal success stories of current and former participants in the program. Their testimony helped to highlight the real-world implications of discontinuing the program.

Ronald Holassie, then a junior at Archbishop Carroll, gave compelling testimony about the impact this program has had on his life. His mother was so concerned about the education he had been receiving that she was considering sending him to school in her home country of Trinidad, until she found out about the Opportunity Scholarship Program. Ronald said something very near the end of our hearing in response to a question from a member of the Committee that I also found enlightening. He said, "DC schools didn't get bad over night, and they aren't going to get better over night either." The program is critical to that improvement.

Based on what we have learned over the past few years, Chairman LIEBERMAN and I drafted a bipartisan bill to reauthorize the DC Opportunity Scholarship Program. This effort is also being replicated in the House with a bill introduced by Speaker BOEHNER.

One of the reasons that I so strongly believe in the three-sector approach to funding for education in the District is that it reaffirms Congress' commitment to improving educational outcomes and opportunities, not just for the students attending private schools, but also for all students in the District—including those attending DC public and charter schools.

I know that each of us shares the common goal of ensuring that all students in the District are receiving the highest quality education, which is why it is incumbent upon us to act and to act now to fully reauthorize the DC Opportunity Scholarship Program.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LEAHY, Mr. REID, Mr. LAUTENBERG, Mrs. BOXER, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 207. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators LEAHY, REID, WHITEHOUSE and others to introduce the COPS Improvement Act of 2011. This legislation would reauthorize and make improvements to one of the Department of Justice's most successful efforts to fight crime, the Community Oriented Policing Services, COPS, program.

The success story of the COPS program has been told many times, but it is worth repeating. The goal in 1994 was to put an additional 100,000 cops on the beat. Over the next 5 years, from 1995 to 1999, the COPS Universal Hiring Program distributed nearly \$1 billion per year in grants to state and local law enforcement agencies in all 50 states to hire additional law enforcement officers, allowing us to achieve our goal of 100,000 new officers.

Common sense told the American people that having more police walking the beat would lead to less crime, and our experience with the COPS program proved that to be true. This unprecedented effort to put more police officers in our communities coincided with significant reductions in crime during the 1990s. As the number of police rose, we saw 8 consecutive years of reductions in crime. Few programs can claim such a clear record of success.

Unfortunately, the success of the COPS program led some to declare victory. Beginning in 2001, funding for the COPS program came under attack. President Bush proposed cuts to state and local law enforcement programs that totaled well over \$1 billion during his tenure. Despite bipartisan efforts in Congress to prevent those cuts, state and local law enforcement funding consistently declined. Ultimately, the administration succeeded in eliminating the COPS Hiring Program in 2005.

These cuts have been felt by the people who work tirelessly every day to keep our communities safe, and the consequences have been real. Cities across the country have seen the size of their police forces reduced. Many cities have hundreds of vacancies on their forces that they cannot afford to fill. They have been forced to choose between keeping officers employed and buying vital equipment. The men and women who have sworn to protect us from ever-evolving threats cannot go without either.

Over the past several years, there has been a bipartisan effort in Congress to renew our commitment to local law enforcement by restoring COPS funding. In 2009, we dedicated \$1 billion to the COPS program through the American Recovery and Reinvestment Act. These funds helped state, local, and tribal law

enforcement agencies create and preserve thousands of law enforcement positions. This boost has gone a long way to help many departments weather the economic downturn, but need is great—the COPS Office received nearly 7,300 applications requesting 39,000 officers and \$8.3 billion in funds in response to this grant funding.

We can all agree that local law enforcement needs our unwavering support. One way we can do this is to reauthorize the COPS program through the COPS Improvement Act of 2011. This legislation will re-authorize hiring programs for three specific purposes—general community policing, local counter-terrorism officers, and school resource officers. The bill steps up our commitment to community policing and community cooperation by reauthorizing community prosecutor grants. Technology grants that cut down on investigation time and paperwork are included so that officers can spend more time on the beat and less time behind a desk. The bill also creates an independent COPS Office within the Department of Justice, a step that is important to the program's continued success and oversight. Finally, the legislation revitalizes a Troops-to-Cops program to encourage local police agencies to hire former military personnel who are honorably discharged from military service or who are displaced by base closings.

The bill makes additional improvements to the COPS program by including safeguards to ensure that our money is being spent wisely. For example, it will allow the COPS Office to do more than simply revoke or suspend a grant if a recipient fails to comply with its terms. The COPS Office, at the direction of the Attorney General, would be able to take any enforcement action available to the Department of Justice, such as civil penalties or recoupment of funds.

In addition to strengthening law enforcement's ability to prevent and fight crime, the COPS Improvement Act directly creates jobs and helps local governments cope with the economic downturn without jeopardizing community safety. Furthermore, by hiring more officers we will be better able to combat the crime that harms our economy by driving business opportunities out of distressed neighborhoods, taking with them economic opportunity.

The COPS Improvement Act of 2011 would authorize \$900 million per year over six years for the COPS program. It would allocate \$500 million per year for the hiring officers, \$150 million for community prosecutors, and \$250 million per year for technology grants.

To be sure, some will argue that \$900 million is too large a price tag. But it is hard to put a price tag on the security of our communities. Investing money in such a successful program

with such an important goal is certainly worth the cost. We must also remember that preventing crime from occurring saves taxpayers from the costs associated with victim assistance and incarceration. For that reason, a recent report by the Brookings Institution found "COPS . . . to be one of the most cost-effective options available for fighting crime."

It is difficult to overstate the importance of passing the COPS Improvement Act. Because of the success of the program and the need for a renewed commitment to it, the bill has long had the support of every major law enforcement group in the Nation, including the International Association of Chiefs of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, and the Fraternal Order of Police. These law enforcement officers put their lives on the line every day to make our communities a safe place to live, and they deserve our full support.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "COPS Improvements Act of 2011".

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c);

(3) by striking subsection (a) and inserting the following:

"(a) THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES.—

"(1) OFFICE.—There is within the Department of Justice, under the general authority of the Attorney General, a separate and distinct office to be known as the Office of Community Oriented Policing Services (referred to in this subsection as the "COPS Office").

"(2) DIRECTOR.—The COPS Office shall be headed by a Director who shall—

"(A) appointed by the Attorney General; and

"(B) have final authority over all grants, cooperative agreements, and contracts awarded by the COPS Office.

"(b) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsections (c), (d), (e), and (f).";

(4) in subsection (c), as so redesignated—

(A) in the heading, by striking "uses of grant amounts.—" and inserting "COMMUNITY POLICING AND CRIME PREVENTION GRANTS";

(B) in paragraph (3), by striking "to increase the number of officers deployed in community-oriented policing";

(C) in paragraph (4), by inserting "or train" after "pay for";

(D) by striking paragraph (9);

(E) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(F) by inserting after paragraph (4) the following:

"(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools";

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14), (15), and (16) as paragraphs (13), (14), and (15), respectively;

(I) in paragraph (15), as so redesignated, by striking "and" at the end;

(J) by redesignating paragraph (17) as paragraph (18);

(K) by inserting after paragraph (15), as so redesignated, the following:

"(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

"(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted."; and

(L) in paragraph (18), as so redesignated, by striking "through (16)" and inserting "through (17)";

(5) by striking subsections (h) and (i);

(6) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively;

(7) by redesignating subsections (d) through (g) as subsections (g) through (j), respectively;

(8) by inserting after subsection (c), as so redesignated, the following:

"(d) TROOPS-TO-COPS PROGRAMS.—

"(1) IN GENERAL.—Grants made under subsection (b) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

"(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

"(e) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (b) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

"(1) handle cases from specific geographic areas; and

"(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

"(f) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection

(b) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.”;

(9) in subsection (g), as so redesignated—

(A) in paragraph (1), by striking “to States, units of local government, Indian tribal governments, and to other public and private entities,”;

(B) in paragraph (2), by striking “define for State and local governments, and other public and private entities,” and inserting “establish”;

(C) in the first sentence of paragraph (3), by inserting “(including regional community policing institutes)” after “training centers or facilities”;

(10) in subsection (i), as so redesignated—

(A) by striking “subsection (a)” the first place that term appears and inserting “paragraphs (1) and (2) of subsection (c)”;

(B) by striking “in each fiscal year pursuant to subsection (a)” and inserting “in each fiscal year for purposes described in paragraph (1) and (2) of subsection (c)”;

(11) in subsection (j), as so redesignated—

(A) by striking “subsection (a)” and inserting “subsection (b)”;

(B) by striking the second sentence;

(12) in subsection (k)(1), as so redesignated—

(A) by striking “subsection (i) and”;

(B) by striking “subsection (b)” and inserting “subsection (c)”;

(13) by adding at the end the following:

“(m) **RETENTION OF ADDITIONAL OFFICER POSITIONS.**—For any grant under paragraph (1) or (2) of subsection (c) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.

“(n) **PROPORTIONALITY OF AWARDS.**—The Attorney General shall ensure that the same percentage of the total number of eligible applicants in each State receive a grant under this section.”

(b) **APPLICATIONS.**—Section 1702 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “, unless waived by the Attorney General” after “under this part shall”;

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) **RENEWAL OF GRANTS.**—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended to read as follows:

“SEC. 1703. RENEWAL OF GRANTS.

“(a) **IN GENERAL.**—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

“(b) **NO COST EXTENSIONS.**—Notwithstanding subsection (a), the Attorney Gen-

eral may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.”

(d) **LIMITATION ON USE OF FUNDS.**—Section 1704 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-3) is amended—

(1) in subsection (a), by striking “that would, in the absence of Federal funds received under this part, be made available from State or local sources” and inserting “that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources”;

(2) by striking subsection (c).

(e) **ENFORCEMENT ACTIONS.**—Section 1706 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-5) is amended—

(1) in the section heading, by striking “**REVOCAION OR SUSPENSION OF FUNDING**” and inserting “**ENFORCEMENT ACTIONS**”;

(2) by striking “revoke or suspend” and all that follows and inserting “take any enforcement action available to the Department of Justice.”

(f) **DEFINITIONS.**—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8(1)) is amended—

(1) by striking “who is authorized” and inserting “who is a sworn law enforcement officer and is authorized”;

(2) by inserting “, including officers for the Amtrak Police Department” before the period at the end.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking “\$1,047,119,000 for each of fiscal years 2006 through 2009” and inserting “\$900,000,000 for each of fiscal years 2012 through 2017”;

(2) in subparagraph (B)—

(A) in the first sentence—

(i) by striking “3 percent” and inserting “5 percent”;

(ii) by striking “section 1701(d)” and inserting “section 1701(g)”;

(B) by striking the second sentence and inserting the following: “Of the funds available for grants under part Q, not less than \$500,000,000 shall be used for grants for the purposes specified in section 1701(c), not more than \$150,000,000 shall be used for grants under section 1701(e), and not more than \$250,000,000 shall be used for grants under section 1701(f).”

(h) **PURPOSES.**—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking “development” and inserting “use”;

(2) in the matter following paragraph (4), by striking “for a period of 6 years”.

(i) **COPS PROGRAM IMPROVEMENTS.**—

(1) **IN GENERAL.**—Section 109(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting “, except for the program under part Q of this title” before the period.

(2) **LAW ENFORCEMENT COMPUTER SYSTEMS.**—Section 107 of title I of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3712f) is amended by adding at the end the following:

“(c) **EXCEPTION.**—This section shall not apply to any grant made under part Q of this title.”

By Mr. KERRY (for himself and Ms. SNOWE):

S. 208. A bill to amend the Internal Revenue Code of 1986 to extend the 100 percent exclusion for gain on certain small business stock; to the Committee on Finance.

Mr. KERRY. Mr. President, for years I have worked to encourage investment in small businesses. We all realize that small businesses are the backbone of our economy. As the economy continues to recover, we must help small businesses have access to capital.

Many of our most successful corporations started as small businesses, including AOL, Apple Computer, Compaq Computer, Datastream, Intel Corporation, and Sun Microsystems. As you can see from this partial list, many of these companies played an integral role in making the Internet a reality.

Investing in small businesses is essential to strengthening our economy. Not only will investment in small businesses spur job creation, it will lead to new technological breakthroughs. We are at an integral juncture in developing clean energy technology. I believe that small businesses will repeat the role it played at, the vanguard of the computer revolution—by leading the Nation in developing the technologies which result in clean energy. Small businesses already are at the forefront of these industries, and we need to do everything we can to encourage investment in these small businesses.

Today, Senator SNOWE and I are introducing legislation to extend the zero capital gains rate on certain small business stock and the exception from minimum tax preference treatment through 2012. During the past two Congresses, Senator SNOWE and I introduced legislation which would make permanent changes to the 50 percent exclusion for gain on small business stock.

Back in 1993, I worked with Senator Bumpers to enact legislation to provide a 50 percent exclusion for gain for individuals from the sale of certain small business stock that is held for 5 years. Since the enactment of this provision, the capital gains rate has been lowered without any changes to the exclusion. Due to the lower capital rates, the 50 percent exclusion no longer provided a strong incentive for investment in small businesses.

Our efforts to improve this provision have been successful. The American Recovery and Reinvestment Act temporarily increased the exclusion to 75 percent. The Small Business Jobs Act of 2010 temporarily increased the exclusion to 100 percent and the alternative minimum tax, AMT, preference item

for gain excluded under this provision would be temporarily eliminated. These provisions were further extended through 2011 by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010. The legislation that I am introducing would extend these provisions through 2012.

Extending the zero capital gains rate on small business stock through 2012 would put this provision on equal footing with the extension of the lower capital gains rate included in the Tax Relief, Unemployment Insurance, Reauthorization, and Job Creation Act of 2010.

I believe that the additional improvements should still be made to the exclusion for small business stock and I will continue to work on this issue. As Congress begins its work on tax reform, encouraging investment in small businesses should be a goal of tax reform.

I urge my colleagues to support an extension of the zero capital gains rate and I look forward to working on tax reform which encourages job creation and investment in small businesses.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 26—RECOGNIZING THE ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI ON JANUARY 12, 2010, HONORING THOSE WHO LOST THEIR LIVES IN THAT EARTHQUAKE, AND EXPRESSING CONTINUED SOLIDARITY WITH THE HAITIAN PEOPLE

Mr. NELSON of Florida (for himself, Mr. KERRY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. CASEY, Mr. LAUTENBERG, Mr. LUGAR, Mr. CORKER, Mr. MENENDEZ, Mr. RUBIO, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 26

Whereas on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti;

Whereas, according to the United States Geological Survey, the epicenter of the earthquake was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti;

Whereas, according to the United States Geological Survey, the earthquake was followed by 59 aftershocks of magnitude 4.5 on the Richter scale or greater, with the most severe measuring a magnitude of 6.0 on the Richter scale;

Whereas, according to the Government of Haiti, more than 230,000 people died as a result of the earthquake, including 103 citizens of the United States;

Whereas an untold number of international aid personnel also died as a result of the earthquake, including more than 100 United Nations personnel;

Whereas, according to the United Nations and the International Organization for Migration—

(1) an estimated 3,000,000 people, or nearly 1/3 of the population of Haiti, have been directly affected by the disaster; and

(2) an estimated 1,300,000 people were displaced from their homes to settlements;

Whereas casualty numbers and infrastructure damage, including damage to roads, ports, hospitals, and residential dwellings, place the earthquake as the worst cataclysm to hit Haiti in more than 200 years and, proportionally, as one of the worst natural disasters in the world in modern times;

Whereas the Post Disaster Needs Assessment, which was conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts, estimates that damage and economic losses totaled \$7,800,000,000, which is equal to approximately 120 percent of the gross domestic product of Haiti in 2009;

Whereas the Post Disaster Needs Assessment estimates that \$11,500,000,000 is needed during the next 3 years for the reconstruction of Haiti and to lay the groundwork for long-term development;

Whereas Haiti was the poorest, least developed country in the Western Hemisphere before the January 2010 earthquake, when—

(1) more than 70 percent of Haitians lived on less than \$2 per day; and

(2) Haiti was ranked of 149th out of 182 countries on the United Nations Human Development Index;

Whereas, before the earthquake, Haiti was in the process of recovering from a catastrophic series of hurricanes and tropical storms, food shortages, rising commodity prices, and political instability, but was showing encouraging signs of improvement;

Whereas President Barack Obama vowed the “unwavering support” of the United States and pledged a “swift, coordinated and aggressive effort to save lives and support the recovery in Haiti”;

Whereas Senate Resolution 392, which was agreed to on January 21, 2010, by unanimous consent—

(1) expressed the profound sympathy and unwavering support of the Senate for the people of Haiti; and

(2) urged all nations to commit to assisting the people of Haiti with their long-term needs;

Whereas the response to the tragedy from the global community, and especially from the countries of the Western Hemisphere, has been overwhelmingly positive;

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute;

Whereas individuals, businesses, and philanthropic organizations throughout the United States and the international community responded to the crisis by supporting Haiti and its people through innovative ways, such as fundraising through text messaging;

Whereas more than \$2,700,000,000 is estimated to have been raised from private donations in response to the tragedy in Haiti;

Whereas the Haitian diaspora community in the United States, which was integral to emergency relief efforts—

(1) has annually contributed significant monetary support to Haiti through remittances; and

(2) continues to seek opportunities to partner with the United States Agency for International Development and other Federal agencies to rebuild Haiti;

Whereas Haiti continues to suffer from extreme poverty, gross inequality, a deficit of political leadership at all levels, and weak or corrupt state institutions;

Whereas significant long-term challenges remain as Haiti works to recover and rebuild;

Whereas the International Organization for Migration estimates that approximately 800,000 people remain in spontaneous and organized camps in Haiti;

Whereas, according to numerous non-governmental organizations and United States contractors, the pace of reconstruction in Haiti has lagged significantly behind the original emergency relief phase;

Whereas there is an acute need—

(1) to increase local capacity in health care and education; and

(2) to focus international attention on employment opportunities, rubble removal, permanent and sustainable shelter, reconstruction of roads, safety and security, and fundamental human rights in Haiti, especially in temporary camps and shelters;

Whereas the alleged irregularities and fraud that occurred in the election held in Haiti on November 28, 2010, have imperiled the credibility of the electoral process, undermined the recovery effort, and further destabilized security throughout Haiti;

Whereas political leadership is required to ensure that a democratically elected government, which is respected by the people of Haiti and recognized by the international community, is prepared to assume office on February 7, 2011, or shortly thereafter;

Whereas, on October 19, 2010, an outbreak of cholera was detected in the lower Artibonite region of Haiti;

Whereas initial efforts to contain the epidemic were disrupted by Hurricane Tomas and resulting widespread flooding, which led to the spreading and entrenchment of the disease throughout Haiti;

Whereas, according to the Haitian Ministry of Public Health and Population, between the outbreak in October 2010 and January 21, 2011—

(1) more than 3,850 people have died from cholera in Haiti; and

(2) more than 194,000 people in Haiti have been affected by the disease;

Whereas, according to the Pan American Health Organization and the Centers for Disease Control and Prevention, cholera could spread to as many as 400,000 people within the first year of the epidemic, potentially causing 8,000 deaths at the current case fatality rate;

Whereas the United States has provided \$40,000,000 worth of assistance to combat the cholera epidemic, primarily through the Office of Foreign Disaster Assistance, to assist with stockpiling health commodities, equipping cholera treatments centers, providing public information, and developing a safe and sustainable water and sanitation system;

Whereas the efforts to combat the cholera epidemic have helped to drive the mortality rate from cholera down from 7 percent to 1 percent of all contracted cases during the 3-month period ending on January 21, 2011;

Whereas, during the first year following the January 12, 2010 earthquake in Haiti, the people of Haiti have demonstrated unwavering resilience, dignity, and courage;

Whereas at the conference of international donors entitled “Towards a New Future for Haiti”, which was held on March 31, 2010, 59 donors pledged approximately \$5,570,000,000 (including nearly \$1,200,000,000 pledged by donors from the United States) to support the Action Plan for National Recovery and Development of the Government of Haiti;

Whereas the United Nations Office of the Special Envoy for Haiti estimates that approximately 63 percent of the recovery and

development funds pledged for 2010 have been disbursed; and

Whereas Haiti requires sustained assistance from the United States and the international community in order to confront the ongoing cholera epidemic and promote reconstruction and development: Now, therefore, be it

Resolved, That the Senate—

(1) honors those who lost their lives as a result of the tragic earthquake in Haiti on January 12, 2010;

(2) honors the sacrifices of the men and women of the Government of Haiti, the Government of the United States, the United Nations, and the international community in their responses to those affected by the earthquake;

(3) expresses continued solidarity with the people of Haiti as they work to rebuild their neighborhoods, livelihoods, and country;

(4) reaffirms the commitment of the Senate to support the long-term reconstruction of Haiti, in partnership with the Government of Haiti and in coordination with other donors;

(5) supports the efforts of the Executive Branch to prevent the spread of cholera, treat persons who contract the disease, provide technical assistance to the Haitian Ministry of Public Health, and improve long-term water, sanitation, and health systems;

(6) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, other United States Government personnel, and all members of international organizations who have persevered through adverse local conditions and continue to serve Haiti and the Haitian people;

(7) supports the continued effort of the Interim Haiti Recovery Commission, under the leadership of former President Bill Clinton and Prime Minister Bellerive, in its efforts to improve coordination, build state capacity, and bring donors and the Government of Haiti together to effectively lead the reconstruction process;

(8) urges the international community—

(A) to call on the leaders of Haiti to immediately reach a democratic resolution to the current electoral crisis to enable the newly elected leaders of the Government of Haiti to take office by February 7, 2011, or shortly thereafter;

(B) to continue to focus assistance on the priorities of the Government of Haiti;

(C) to develop, improve, and scale-up communications and participatory mechanisms to more substantially involve Haitian civil society at all stages of the cholera and post-earthquake responses; and

(D) to give priority to programs that protect and involve vulnerable populations, including internally displaced persons, children, and persons with disabilities;

(9) urges aid agencies—

(A) to train and use Haitian local and national authorities in the delivery of assistance; and

(B) to enhance their coordination and consultation with the Haitian people and key Haitian Government ministries to ensure the effectiveness of aid; and

(10) expresses support for—

(A) the continuation of the work of United States agencies, nongovernmental organizations, private volunteer organizations, regional institutions, and United Nations agencies to confront the consequences of the crises affecting Haiti;

(B) comprehensive assessments of the long-term needs for confronting the cholera epi-

demic in Haiti, including the construction of adequate water and sanitation infrastructure; and

(C) the continuation of humanitarian and development efforts between the Government of the United States and the Government of Haiti, the Haitian Diaspora, and international actors who support the goal of a better future for Haiti.

SENATE RESOLUTION 27—DESIGNATING JANUARY 26, 2011, AS “NATIONAL KAWASAKI DISEASE AWARENESS DAY”

Mr. WEBB submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 27

Whereas Kawasaki disease is a serious illness characterized by the inflammation of blood vessels throughout the body;

Whereas symptoms of Kawasaki disease include fever, rash, swelling, irritation, redness of the whites of the eyes, and inflammation of the mouth, lips, and throat;

Whereas Kawasaki disease primarily affects young children and is a leading cause of acquired heart disease in the United States;

Whereas the Centers for Disease Control estimates that in 2006 approximately 5,500 individuals with Kawasaki disease were hospitalized in the United States;

Whereas Kawasaki disease affects children of all races, but occurs most often in children of Asian and Pacific Island descent;

Whereas the cause of Kawasaki disease is unknown;

Whereas Kawasaki disease can usually be treated if diagnosed promptly, but can cause major health problems or even death if left untreated;

Whereas there is no test to definitively diagnose cases of Kawasaki disease;

Whereas a lack of awareness among health professionals and the public may contribute to the underdiagnosis of Kawasaki disease; and

Whereas on January 26, 1961, Dr. Tomisaku Kawasaki saw his first patient who suffered from what would later be termed Kawasaki disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 26, 2011, as “National Kawasaki Disease Awareness Day”;

(2) recognizes the importance of awareness in diagnosing and properly treating cases of Kawasaki disease;

(3) urges all people of the United States to educate themselves about Kawasaki disease and the signs and symptoms of Kawasaki disease; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 4—EXPRESSING THE SENSE OF CONGRESS THAT AN APPROPRIATE SITE ON CHAPLAINS HILL IN ARLINGTON NATIONAL CEMETERY SHOULD BE PROVIDED FOR A MEMORIAL MARKER TO HONOR THE MEMORY OF THE JEWISH CHAPLAINS WHO DIED WHILE ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES

Mr. SCHUMER submitted the following concurrent resolution; which

was referred to the Committee on Veterans' Affairs:

S. CON. RES. 4

Whereas 13 Jewish chaplains have died while on active duty in the Armed Forces of the United States;

Whereas Army Chaplain Rabbi Alexander Goode died on February 3, 1943, when the USS *Dorchester* was sunk by German torpedoes off the coast of Greenland;

Whereas Chaplain Goode received the Four Chaplains' Medal for Heroism and the Distinguished Service Cross for his heroic efforts to save the lives of those onboard the *Dorchester*;

Whereas Army Chaplain Rabbi Irving Tepper was killed in action in France on August 13, 1944;

Whereas Chaplain Tepper also saw combat in Morocco, Tunisia, and Sicily while attached to an infantry combat team in the Ninth Division;

Whereas Army Chaplain Rabbi Louis Werfel died on December 24, 1944, at the young age of 27, in a plane crash while en route to conduct Chanukah services;

Whereas Chaplain Werfel was known as “The Flying Rabbi” because his duties required traveling great distances by plane to serve Army personnel of Jewish faith at outlying posts;

Whereas Army Chaplain Rabbi Meir Engel died at the Naval Hospital in Saigon on December 16, 1964, after faithfully serving his country during World War II, the Korean War, and the Vietnam War;

Whereas Army Chaplain Rabbi Morton Singer died on December 17, 1968, in a plane crash while on a mission in Vietnam to conduct Chanukah services;

Whereas Army Chaplain Rabbi Herman Rosen died in service of his faith and his country on June 18, 1943;

Whereas Chaplain Rabbi Herman Rosen's son, Air Force Chaplain Solomon Rosen, also died in service of his faith and his country, on November 2, 1948;

Whereas Army Chaplain Rabbi Nachman Arnoff died in service of his faith and his country on May 9, 1946;

Whereas Army Chaplain Rabbi Frank Goldenberg died in service of his faith and his country on May 22, 1946;

Whereas Army Chaplain Rabbi Henry Goody died in service of his faith and his country on October 19, 1943;

Whereas Army Chaplain Rabbi Samuel Hurwitz died in service of his faith and his country December 9, 1943;

Whereas Air Force Chaplain Rabbi Samuel Rosen died in service of his faith and his country on May 13, 1955;

Whereas Air Force Chaplain Rabbi David Sobel died in service of his faith and his country on March 7, 1974;

Whereas Chaplains Hill in Arlington National Cemetery memorializes the names of 242 chaplains who perished while on active duty in the Armed Forces of the United States; and

Whereas none of the 13 Jewish chaplains who have died while on active duty are memorialized on Chaplains Hill: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker, to be paid for with private funds, to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States, so long as the

Secretary of the Army has exclusive authority to approve the design and site of the memorial marker.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 1, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the American Medical Isotopes Production Act of 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Amanda Kelly at kelly@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 224-5521 or Abby Campbell at (202) 224-1219.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 3, 2011, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Energy and Oil Market Outlook for the 112th Congress.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda Kelly at kelly@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, February 16, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2012.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Abigail Campbell at Abigail.Campbell@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 224-3357, or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on January 26, at 9:30 a.m., in room SR-325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate at 10 a.m. on January 26, 2011, in Dirksen 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2011, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Protecting American Taxpayers: Significant Accomplishments and Ongoing Challenges in the Fight Against Fraud."

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 112-1

Mr. REID. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 26 of this year by President Obama:

Protocol Amending Tax Convention with Swiss Confederation (Treaty Doc. No. 112-1).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to their ratification, the Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996, signed on September 23, 2009, at Washington, as corrected by an exchange of notes effected November 16, 2010 (the "proposed Protocol") and a related agreement effected by an exchange of notes on September 23, 2009 (the "related Agreement"). I also transmit for the information of the Senate the report of the Department of State, which includes an Overview of the proposed Protocol and related Agreement.

The proposed Protocol and related Agreement provide for more robust exchange of information between tax authorities in the two countries to facilitate the administration of each country's tax laws. They generally follow the current U.S. Model Income Tax Convention and the Organization for Economic Cooperation and Development standards for exchange of tax information. The proposed Protocol and related Agreement also provide for mandatory arbitration of certain cases that the competent authorities of each country have been unable to resolve after a reasonable period of time.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and related Agreement and give its advice and consent to their ratification.

BARACK OBAMA.

THE WHITE HOUSE, January 26, 2011.

ORDERS FOR JANUARY 27, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. tomorrow, Thursday, January 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to the consideration of the rules changes resolutions, as provided for under the previous order.

Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the caucus meetings that I have indicated we are going to have.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, if all time is used, Senators should expect a

series of rollcall votes tomorrow night about 7 o'clock. We hope that a lot of this time can be yielded back, but we have to wait and see. Those votes will be in relation to a series of resolutions to change the Senate rules. We have talked about that earlier this evening.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order and under the provisions of S. Res. 14, as a further mark of respect for the victims and heroes of the tragedy in Tucson, AZ.

There being no objection, the Senate, at 8:29 p.m., adjourned until Thursday, January 27, 2011, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE KAREN J. WILLIAMS, RETIRED.

MICHAEL CHARLES GREEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE DAVID G. LARIMER, RETIRED.

RAMONA VILLAGOMEZ MANGLONA, OF THE NORTHERN MARIANA ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS FOR A TERM OF TEN YEARS, VICE ALEX R. MUNSON, RETIRED.

J. PAUL OETKEN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE DENNY CHIN, ELEVATED.

NELVA GONZALES RAMOS, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE HAYDEN WILSON HEAD, JR., RETIRED.

V. NATASHA PERDEW SILAS, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE CLARENCE COOPER, RETIRED.

LINDA T. WALKER, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE BEVERLY B. MARTIN, ELEVATED.

DEPARTMENT OF JUSTICE

DONALD B. VERRILLI, JR., OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE ELENA KAGAN, RESIGNED.

DEPARTMENT OF COMMERCE

ERIC L. HIRSCHHORN, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE MARIO MANCUSO, RESIGNED.

FEDERAL MARITIME COMMISSION

MARIO CORDERO, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2014, VICE HAROLD J. CREEL, JR., RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

PHILIP E. COYLE, III, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE ROSINA M. BIERBAUM.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SCOTT C. DONEY, OF MASSACHUSETTS, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, VICE KATHRYN D. SULLIVAN.

FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2015. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

DEPARTMENT OF HOMELAND SECURITY

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM.

DEPARTMENT OF THE TREASURY

MICHAEL F. MUNDACA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ERIC SOLOMON, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL W. PUNKE, OF MONTANA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED.

ISLAM A. SIDDIQUI, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER.

UNITED STATES TAX COURT

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED.

DEPARTMENT OF THE TREASURY

TIMOTHY CHARLES SCHEVE, OF PENNSYLVANIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2015, VICE NANCY KILLEFER, TERM EXPIRED.

DEPARTMENT OF STATE

MATTHEW J. BRYZA, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

ROBERT STEPHEN FORD, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

NORMAN L. EISEN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

FRANCIS JOSEPH RICCIARDONE, JR., OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

DAVID LEE CARDEN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

OVERSEAS PRIVATE INVESTMENT CORPORATION

KATHERINE M. GEHL, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2013, VICE COLLISTER JOHNSON, JR., TERM EXPIRED.

ROBERTO R. HERENCIA, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE PATRICK J. DURKIN, TERM EXPIRED.

MATTHEW MAXWELL TAYLOR KENNEDY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE SAMUEL E. EBBESEN, TERM EXPIRED.

DEPARTMENT OF LABOR

PAUL M. TIAO, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AGNES GUND, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016. (NEW POSITION)

UNITED STATES INSTITUTE OF PEACE

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011, VICE KATHLEEN MARTINEZ.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES

INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011, VICE RON SILVER.

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE GERALD WALPIN.

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE JACOB JOSEPH LEW, TERM EXPIRED.

LISA M. QUIROZ, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2014, VICE VINCE J. JUARISTI, TERM EXPIRED.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMON, RESIGNED.

MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE LEONA WHITE HAT, TERM EXPIRED.

MARGUERITE W. KONDRACK, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2014, VICE RICHARD ALLAN HILL, TERM EXPIRED.

JANE D. HARTLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE DONNA N. WILLIAMS, RESIGNED.

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2012, VICE TOM OSBORNE, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

RAFAEL BORRAS, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE ELAINE C. DUKE, RESIGNED.

GOVERNMENT PRINTING OFFICE

WILLIAM J. BOARMAN, OF MARYLAND, TO BE PUBLIC PRINTER, VICE ROBERT CHARLES TAPELLA, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE THOMAS M. SULLIVAN.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ERIC E. FIEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. HOWARD D. STENDAHL

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DONALD S. WENKE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DENNIS L. VIA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARK P. HERTLING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SUSAN S. LAWRENCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. BEDNAREK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCIS J. WIERCINSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID C. COBURN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RE-

SERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. RENALDO RIVERA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM M. BUCKLER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARK J. MACCARLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARC T. ARELLANO
ROBERT C. BRAMLISH
MICHAEL A. ERWIN
GERALD E. HADLEY
JOHN K. MCHUGH
DAVID J. MONK
DONALD F. STRUBE
HOWARD E. WHEELER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GREGREY C. BACON

STEVEN A. FERNANDEZ
MARCUS R. HATLEY
TREVOR L. JACKSON
BRIAN R. NESVIK
DONNIE J. QUINTANA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES P. MCGRATH III

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JOHN G. BROWN

To be lieutenant commander

WILLIAM A. MIX

EXECUTIVE OFFICE OF THE PRESIDENT

HEATHER A. HIGGINBOTTOM, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE ROBERT L. NABORS, RESIGNED.

KATHARINE G. ABRAHAM, OF IOWA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE CHRISTINA DUCKWORTH ROMER, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID S. COHEN, OF MARYLAND, TO BE UNDER SECRETARY FOR TERRORISM AND FINANCIAL CRIMES, VICE STUART LEVEY, RESIGNING.

HOUSE OF REPRESENTATIVES—Wednesday, January 26, 2011

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Almighty God, Your wisdom is profound beyond our grasp and Your love penetrates all You create to reveal Your infinite beauty in everything and to everyone.

Bless the House of Representatives, its Members, and all who work here serving the people of this Nation. May the vision of righteousness, where justice and peace reign and where truth and true patriotism are standard, remain the constant guide in the daily labor to enact just laws and clear policies.

Gracious God, in truth we recognize that our own insights and powers are not able to right all the wrongs or find the paths to peace and reconciliation. So we turn to You, all powerful Lord, and place our trust in Your faithfulness, now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Ms. SLAUGHTER) come forward and lead the House in the Pledge of Allegiance.

Ms. SLAUGHTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches from each side.

HOPE VS. REALITY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the President's speech last night was long on hope and short on reality.

The administration's answer to America's problems is more investments, which is a fancy word for more spending and more government control.

The administration plans to freeze domestic spending, but domestic spending is already too high. Since last year the national debt has gone up over \$1.7 trillion.

Once again, the administration presents an incomplete solution to America's economic problems: A spending freeze is not enough to fix the deficits or the debt. We must go one step further and actually cut massive out-of-control government spending to get us out of this spending madness.

If we cut spending, then we need to also cut taxes. Putting money back in the hands of the American people is the proven way to stimulate the economy. We must cut both taxes and spending to reboot the American economy. We need less spending, fewer taxes, and less government. Congress needs to deal in reality, not hope.

And that's just the way it is.

UNEMPLOYMENT

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, the President gave a great speech last night. In it he mentioned the word "jobs" 31 times; he used the word "innovate" 11 times. But he didn't mention the word "unemployment" a single time.

That's because creating jobs is different than ending unemployment. In America capitalism and entrepreneurship have created great things and great wealth. To name a few, the automobile, the personal computer, the airplane. It is my hope that the cure for cancer will come from an enterprising entrepreneur.

But there is one persistent problem that innovation has not solved: unemployment. As FDR said, "Necessitous men are not free men."

So I challenge our leading innovators to help find a way to eliminate unemployment, since Democrats and Republicans have run out of ideas.

Mr. Gates, Mr. Buffett, Mr. Zuckerman, Mr. Immelt, Mr. Mulally: Put your organizational genius, your job-creating skills to use so that our Nation can be free from the threat of unemployment. But don't give us ideas that have been tried before, because

none of them have eliminated unemployment.

Our task as leaders should be to end the scourge of unemployment once and for all so that life, liberty, and the pursuit of happiness can really be available to all Americans.

IRANIAN CHRISTIANS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on an early morning last month, over 70 Christians in Iran were suddenly arrested and detained by the Iranian authorities. As these Iranian Christians were taken to a notorious Tehran prison, one married couple was forced to leave a 2-year-old child behind. Another mother was taken while breast-feeding her baby.

Eleven were released after hours of harsh interrogation. The fate of the others remains unknown. According to some reports they are suffering through sleep deprivation and blindfolded interrogations. They are likely to face charges of proselytizing, a death penalty offense in Iran.

The peaceful worship of these Christians poses no threat to the Iranian Government, and the government's persistence in accusing its own population of being enemies does nothing to strengthen the regime.

We stand with these oppressed Christians and other religious minorities in Iran that face constant harassment and potential prosecution. Most of all, we call on the Iranian Government to release those prisoners so they can raise their families and peacefully practice their faith.

Mr. Speaker, why would a government that claims to be so powerful be afraid or threatened by such a small, peaceful minority?

PAYING TRIBUTE TO DOCK BROWN

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, it is with great sadness that I rise today to pay tribute to a community giant, Mr. Dock M. Brown, a very special friend who passed away yesterday.

As a lifelong resident of Weldon, North Carolina, Dock Brown was an undeniable force who dedicated his 81 years to serving his community and as a champion for education. Dock Brown

was a veteran of the Korean War, teacher, principal, county and town commissioner, a State legislator, 50-year deacon at First Baptist Church in Weldon, and much more.

He was a true public servant with a legacy that will live on through the many people he inspired over the years.

I ask my colleagues to join me in recognizing the life and work of Dock Monteria Brown and to join me in praying for his wife, Helen, and his entire family and community during these difficult times.

SAFETY OF OUR SHORELINES

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, I represent a gulf coast district in Florida; so the safety of our coastlines is critical—it's of the utmost importance to me.

I am troubled that Cuba is moving ahead with plans to drill oil 50 miles off Florida's coast. Florida doesn't allow drilling within 125 miles of our shores; so why in the world would we allow Cuba to drill even closer?

Cuba's rig, built by the Chinese, would even drill deeper than BP's rig that exploded a year ago. And if there was a spill, they claim it would only take 3 days to get to our shores.

Whose problem does it become then? Let me guess, America's problem.

I have introduced legislation to stop this project. I hope my colleagues from both sides will join me in this effort to protect our coast.

TRIBUTE TO JACK LALANNE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to honor the life of a truly remarkable constituent of mine, Mr. Jack LaLanne, who passed away this past Sunday.

Known as the godfather of fitness, Mr. LaLanne opened his health club in Oakland in 1936. For over 30 years, he starred in "The Jack LaLanne Show," encouraging all Americans to eat healthier and to exercise.

Today, as our country faces an epidemic of obesity, we know that Jack LaLanne's emphasis on physical fitness and healthy eating made him a man truly ahead of his time.

In addition, he accomplished many remarkable feats over the course of his life, such as swimming handcuffed from Alcatraz to Fisherman's Wharf in San Francisco in 1955, completing 1,033 pushups in 23 minutes on TV in 1956, and swimming the Golden Gate Channel towing a 2,500-pound cabin cruiser in 1957.

Jack LaLanne used to say, "I can't afford to die; it would wreck my

image." But I think we can all agree that his image is intact and his influence on our Nation's health will continue for years to come.

He is survived by his wife of over 50 years, Elaine, and 3 children: Dan, Yvonne, and Jon.

Thank you, Jack LaLanne, for all you have done for the health of this country.

□ 1010

NATIONAL SCHOOL CHOICE WEEK

(Mr. DUNCAN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today in honor of a grassroots movement that is currently taking place all across our great Nation, the celebration of National School Choice Week. In many States across the country, events are being held to promote school choice as a commonsense idea that gives every parent the power and freedom to choose what's best for their children's education.

Here in Washington, D.C. we've seen the positive impact of injecting free-market principles into the educational system. While the previous Congress chose to decide against innovation, I sincerely hope this new Congress will see fit to remember that every child is important and that every child learns differently.

Across this Nation, we are seeing proposals for school choice expansion in places like Wisconsin, Florida, Georgia, Indiana and others. In my home State of South Carolina, I'm pleased to see that legislators in both chambers and on both sides of the aisle have introduced a bill that would give opportunity to all children in South Carolina to attend the school of their choice.

It is imperative that we empower parents with the ability to choose the best educational experience for their child, whether it is public, charter, private, or home school.

May God bless our children, and may God continue to bless the United States of America.

CONGRESS ON YOUR CORNER

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, less than 3 weeks ago, a horrible tragedy in Arizona gave our Nation pause. All Americans were horrified at the news that Congresswoman GABBY GIFFORDS, her staff, and constituents were shot in an appalling act of violence. Six people lost their lives that day. Even more were hurt. And our friend GABBY now faces a long road to recovery.

But some good came out of all of that horror. Ordinary Americans risked their lives to help those in need. Violence was denounced from the left and from the right. And Members of Congress pledged to not let this tragedy keep them from meeting with their constituents.

To honor GABBY, the other Tucson victims, and our great democracy, I have introduced a resolution today that designates the first Saturday in January as "National Congress on Your Corner Day."

We cannot allow one single gunman to alter our representative form of government. In that spirit, I will be holding a Congress on Your Corner in my district this weekend. And I know that when GABBY is fully recovered, she will do the same.

To honor all those affected by the Tucson tragedy, I urge support of this resolution.

SUPPORTING FREE AND OPEN ELECTIONS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, last night, President Obama said that the U.S. stands with the people of Tunisia and supports the democratic aspirations of the people. That has not always been true, however. We've stood for far too long with the undemocratic and the dictatorial Ben Ali, the President of Tunisia. And it is time that we stand, as the President said, with the people of Tunisia now and support their democratic aspirations.

The U.S. gets another chance to stand with the democratic aspirations of another people, the people of Egypt, against the autocratic, dictatorial, and undemocratic leadership of Hosni Mubarak. For too long, the U.S. has stood against the people of Egypt seeking a more democratic country and a more democratic government. Every election has been rigged by the Mubarak government, and the state emergency power laws have been extended so that people would be rounded up so his viable opponents would be thrown into jail and political parties would be outlawed.

The time has come to stop this. The time has come for the United States to tell the Mubarak government that this election has to be free and open. The sole purpose of the election cannot be to pass on a great country to the son of the current leader in spite of the democratic aspirations of the Egyptian people.

REDUCE FEDERAL SPENDING

(Mr. DREIER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, "we have to confront the fact that our government spends more than it takes in. That is not sustainable. Every day, families sacrifice to live within their means. They deserve a government that does the same."

Those are the words that were stated less than 24 hours ago, at 9 o'clock last night, by the President of the United States. And I have to say that truer words have never been spoken.

Mr. Speaker, when Ms. FOXX calls up this rule, we will be proceeding with the first modified open rule for debate in 4 years, and we will be putting ourselves on a path towards reducing the size, scope, and reach of government so that we will send a signal out there that job creation and economic growth can finally, finally get moving.

PROVIDING FOR CONSIDERATION OF H.R. 359, ELIMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTIONS

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 54 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 54

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means and the chair and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed five hours. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 54 provides for a modified open rule for consideration of H.R. 359, which is a bill to reduce Federal spending and the deficit by terminating taxpayer financing of Presidential election campaigns and party conventions.

Mr. Speaker, it is refreshing to stand before you in a House dominated by a new Republican majority focused on changing the direction from the failed liberal policies that have dominated Washington for the past 4 years. Although there remains some obstacles to realizing the full breadth of a Republican agenda so desperately needed to pull our economy out of the doldrums, it is indeed a new day.

This rule provides for consideration of H.R. 359, legislation authored by my friend, Mr. COLE, that I have cosponsored as it represents a small step towards a brighter future for our country. Instead of considering legislation providing perpetual spending increases as the solution for all that ails us, in a departure from Washington groupthink, H.R. 359 would actually reduce Federal spending, Mr. Speaker.

Although this concept may be foreign to many liberals and many Washington Beltway insiders, it's what the Americans expect out of the new Republican majority they recently sent to represent them here in the people's House. Instead, H.R. 359, which CBO estimates would save \$617 million over 10 years, eliminates an expensive Federal program that wastes taxpayer money funding Presidential campaigns and national party conventions.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague for yielding time, and I yield myself such time as I may consume.

I rise in opposition to the proposed rule to H.R. 359 to terminate the Presidential Election Campaign Fund and the ability for taxpayers to designate \$3 of their Federal tax liability for financing of Presidential election campaigns.

This week, Republicans have engaged in what amounts to a shifty attack on a program that successfully limited the influence of corporations and special

interests in our Presidential campaigns, tilting the playing field further in favor of multimillionaires who can, and often do, spend their own money.

Just as poll taxes and literacy tests prevented poor people and minorities from voting, eliminating this program will place those without the multimillion-dollar political clout yet another step away from having their day in a Presidential race.

□ 1020

This program allows every taxpaying American to voluntarily check a box—and I think I should reiterate here the individual "opts in" to this program—on their 1040 to put \$3 in the Presidential Election Campaign Fund. A married couple has the option of \$6 if filing jointly.

Checking the "yes" box does not increase the amount of taxes an individual owes, nor does it decrease any refund to which he or she is entitled.

In establishing the checkoff program, Congress left the single most important decision to the taxpayer. The taxpayer, not the House Republican leadership, decides whether he or she wants \$3 of their taxes to be used for the Presidential funding program. The choice is theirs to voluntarily check "yes" or "no." And I might add, during our hearing in the Rules Committee yesterday, several of us, including some of my Republican colleagues, indicated that they had at one time or another participated in this program. And yet now they want to eliminate it. Yes, this program does need improvement, but it is far from ineffective or obsolete.

Since the fund's inception in 1976, every Presidential candidate before 2008 has used the Presidential Election Campaign Fund in the general election, and Republicans' own 2008 Presidential candidate, Senator JOHN MCCAIN, used it to fund his election.

During the 2008 election cycle, nearly \$17 million of public funds were spent for the Republican convention, and an equivalent amount for Democrats; \$84 million to Republicans for general election grants; and a total of \$18 million for primary matching funds for parties' candidate nominations.

House Republican leaders have promised to bring reform and accountability to Congress, and I quote from the Republican Pledge to America: "We are fighting to bring much-needed sunlight to the process." Is this the kind of reform and sunlight that you pledge to the American people?

YouCut gives Americans a choice? Really? A Web site where you only have the opportunity to vote "yes" for cutting—that is, either you support the Republican agenda, or we do not care what you think. A Web site where saying "yes" to meaningful programs, such as the National Endowment For the Arts, Legal Services Corporation,

the Community Development Program, and a fund that was created specifically to empower Presidential candidates to participate in the political system regardless of their socioeconomic status or their relationship with special interest influence, is not welcome.

I have said it before, and I will say it again: A more fitting name for the "YouCut" program would be "CutYou" because it hurts everyday Americans while doing little to cut the Federal deficit.

Simply put, YouCut undercuts our democracy. The summary's headline for the legislation we are considering today is: End the Presidential Election Fund—Savings of \$520 million over 10 years.

The biased paragraph goes on to say: "In short, it provides taxpayer subsidies to political candidates and parties." Not only are the summaries provided on YouCut inaccurate, they are written to elicit a specific response.

We know that use of the fund has declined in recent years. President Obama was the first candidate since the fund's inception to opt out of the public financing in the general election, and other candidates have opted out of public financing in primary elections. If candidates from major parties continue to decline public financing, then the savings from eliminating the fund could and likely will be substantially lower.

Confusing YouCut voters with one-sided jargon and eliminating programs like the Presidential Election Campaign Fund are not the answers; fixing the public financing system and paying attention to what the American people really want are the answers.

What Republicans fail to mention is that the YouCut program is inherently selective, and therefore biased. Neither online nor cell phone voters are able to vote to save a program rather than cut it. Furthermore, the YouCut program conveniently targets only those who have Internet access and cell phones, which disproportionately leaves out a lot of the poor and elderly. The last time I checked, an undisclosed number of votes on a partisan Web site does not constitute the will of the American people.

Republicans seem to think that this online gimmick is an effective substitute for good governance. Now, the Republicans have promised over and over again that the 112th Congress would be a new wave of accountability and transparency. And yet this, like every other major bill that has been considered thus far, is lacking in both. The Republican leadership has held no hearings or markups, failed to consider alternatives, and crafted a bill so narrow that very few amendments can even be considered germane.

Mr. Speaker, this bill eliminates rather than repairs the Presidential

public financing system, which is, in my judgment, irresponsible and will move our Nation in the wrong direction. I suggest that the next campaign more than likely on either side, Republican or Democrat, will cost as much as \$1 billion each.

The House Republican leadership has touted that they are going to change the permissive culture of Congress. Today's consideration of this legislation is evidence that the only thing House Republicans want to do is glorify the permissive culture of their own party.

I urge my colleagues to instead focus on repairing the system and maintain the focus on increasing the roles of average citizens in our Presidential election process.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chair of the Rules Committee.

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my good friend from Grandfather Community for doing her typically wonderful job of managing the rule. I also want to say to my friend from Fort Lauderdale that I appreciate his thoughtful remarks. I am somewhat dumbfounded, though, that for the first time since April 8, 2008—I said earlier it's been 4 years, April 8, 2008, it was a beach bill that was being considered here—we had a modified open rule. We now are going to allow Members of this House to engage in a free-flowing debate. Our Rules Committee colleague, Mr. POLIS, came up to me last night right before the State of the Union message saying that he was looking forward to offering an amendment that he told me he submitted for the RECORD last night. So we are going to, for the first time in a long time, allow for free-flowing debate. So I can understand why my friend might want to oppose the underlying legislation—I disagree with him—but I can't understand why in the world they would conceive of opposing for the first time since April 8, 2008, having the kind of free-flowing debate that both Democrats and Republicans and the American people deserve to see their Representatives have in this institution.

And what is this legislation all about? This legislation is all about job creation and economic growth. Job creation and economic growth. And one might say, when you are talking about the Presidential checkoff, how is that about job creation and economic growth?

Well, I will tell you, Mr. Speaker. Last night the President time and time again talked about the importance of creating jobs. And as I said during my 1-minute presentation here, the President made it very clear that we need to make sure that we live within our means. Now, what is it that living within our means will do?

□ 1030

We need to send a message to those potential job creators out there that the United States Government is getting its fiscal house in order so that there can be a level of confidence for those businesses to create jobs. Right now, when you look at the fact that we have this \$14 trillion debt, when you look at the fact that we have deficits as far as the eye can see, it's not sending a very positive signal for those people who want to create jobs.

So you ask, Why is it we're taking on a new program like this? Well, the new estimate has it from \$520 million to \$617 million. This is based on the new estimates.

Now, is it a small amount of money? Of course it's a small amount of money.

Why is this chosen? Well, I think that there is a reason. It's the fact that it has failed.

President Obama chose to cast aside and not utilize this system when he was running for President, and JOHN MCCAIN did use it, as my friend from Fort Lauderdale said in the Rules Committee yesterday. We've already had the President of the United States announce that his plan is to raise \$1 billion for his reelection campaign. That would lead me to conclude that President Obama, assuming he runs for reelection, is not planning to use this fund.

Let's also look at the fact that, since 1980, when it was in effect, 28.7 percent of the American people utilized that checkoff; and today, about 7.3 percent—or something like that—of the American people are using that check-off system that is there.

Now, I listened to the remarks of my friend from Fort Lauderdale in which he said that the notion of getting rid of this would allow corporations to be involved in a much greater way, and he implied that there would be all kinds of corruption.

No one—no one, Mr. Speaker—is advocating that we go back to the way the campaign finance law was before 1974 and Watergate. I mean, it was a horrible, horrible time. Disclosure and accountability are very important, and we have in place today, under the Federal election law, limitations that exist. No corporate contributions are allowed to be made to Federal advocates. No corporate contributions are allowed to be made to Federal candidates.

There is the notion of somehow claiming that, by saving \$617 million, the idea of taking that amount of money off the table and allowing people to voluntarily support the candidates of their choice is somehow going to encourage greater corporate contributions. It's against the law. This does nothing to change that, and I think that it's a very specious argument to propound something other than the case here.

Mr. Speaker, I will say again we are going to have a rigorous debate on this, and Members are going to have an opportunity to participate. If Members do want to oppose the underlying legislation, I think they should be welcomed to do that, but I still find it very hard to believe that for the first time in the history of our Republic, now approaching 222 years this spring, we saw an entire Congress have not a single bill considered under an open amendment process; and while this is not an open rule—and I'm not claiming it's an open rule—it is a modified open rule that does allow for the kind of free-flowing debate that we haven't seen in a long period of time.

So, Mr. Speaker, I urge my colleagues to join with Ms. FOXX in support of this rule. Then let's have the free-flowing debate and allow, as Speaker BOEHNER regularly says, the House to work its will. Then we'll have a vote, and people can vote however they'd like at the end of the debate.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, that free-flowing debate consists of six preprinted amendments. Five of those amendments are not in order. So we're going to have a free-flowing debate on six matters that are offered; and if what he just said is going to give the American public the impression that we're having a free-flowing debate, then I must have missed something.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. DREIER. Let me just say that, obviously, this is a very positive step in the direction for allowing for that debate. If we had 100 amendments filed that were germane, we'd have the outside time limit and an opportunity for a debate to take place on those amendments.

So, again, any Member had the chance—Democrat or Republican alike—to file amendments last night so that we could consider them on the House floor, and I think it's a great thing.

I thank my friend for yielding.

Mr. HASTINGS of Florida. I reclaim my time merely to point out that I don't consider five matters that are not in order and one that's going to be ultimately debated to be a free-flowing debate.

We'll get there. Perhaps we'll get there after we listen to my good friend, the former chair of this committee and the distinguished ranking member from New York.

I yield 3 minutes to the gentlelady from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman from Florida.

You know, it's rather ironic that we are having this debate today, because it is almost exactly 1 year from the day

the Supreme Court decided the Citizens United case. That decision opened the floodgates for anonymous special interests and corporations to dump unlimited amounts of cash into our political system. Predictably, the result of this awful judgment was to set loose a torrent of secret money to influence the midterm elections this past November.

Now my Republican colleagues propose to further erode whatever protections our government has left against a state of "democracy for the highest bidder" by attempting to undo our system of Presidential public financing.

Let's remember where this system came from. It was a direct response to the Wild West—unregulated, free-wheeling campaigns that led up to the Watergate scandal. The atmosphere of that time was described by campaign finance expert Fred Wertheimer as so bad that contributors to Richard Nixon's reelection campaign were "literally flying into Washington with satchels of cash." Hidden, unregulated, private money ruled.

In response to that, Congress acted as much as it could to clean up that system, and we have done fairly well with that.

Our democracy will not be able to afford a return to that corruption, but that is what we start today with this bill. This bill will result in even more corporate and special interest money in our campaigns than we have today—and that's really saying something. We don't even know how much money comes in from foreign money.

The Presidential Election Campaign Fund is the one place in our Federal electoral system where we take some of the pressure off of candidates who otherwise have to raise bushels of private money. For the life of me, I can't see how this bill does anything other than add insult to the injury of the terrible Citizens United decision last year. This bill will also take away from American taxpayers the freedom to choose to support good government, to choose to support the public financing of campaigns.

Republicans cite the low participation rate as a reason to scrap the entire program. I don't see the sense of that argument. The amount of money that goes into the Presidential Election Campaign Fund is directly proportional to how many people check the box on the tax form. Apparently, there is enough support for the program for American taxpayers to designate a projected \$617 million, since that's the number being thrown around here today, to be saved over the next 10 years. That sounds to me like enough support to keep the program around. Now, that is certainly not to say that this current system is perfect. It has not really been changed since the seventies. On the contrary, our current system is one in dire need of reform.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional minute.

Ms. SLAUGHTER. As the Washington Post said yesterday in an editorial opposing this bill: We have a great need to rehab it. Let's fix it. Don't junk it.

I wholeheartedly agree.

I'd like to see an honest attempt to reform our campaign finance system to provide for openness, transparency and good government. I hope that the other side will join me in supporting such an effort. There are already two bills introduced last Congress and being circulated now that will do just that. The House's very own campaign finance policy expert, Mr. PRICE of North Carolina, introduced a bill last year, H.R. 6061, the Presidential Funding Act of 2010, which would strengthen and expand the system the Republicans want to dismantle, to bring the system into line with the reality of today's campaigns and boost participation rates.

Also, H.R. 5175 in the last Congress, the DISCLOSE Act, which this House passed last year. The DISCLOSE Act would make sure we know where the money flooding our campaigns is coming from.

I urge my colleagues to vote "no" on the previous question, "no" on the rule, and "no" on the bill. Instead of this anti-small-d-democratic bill the Republicans have brought to the floor without any public input, without any committee hearings and markups, let's debate a serious plan to improve our campaign finance system and strengthen our democracy.

□ 1040

Ms. FOXX. Mr. Speaker, I would like to point out to our colleagues across the aisle who are complaining about some of the proposed amendments being declared not germane that it is not the Republicans who decide whether amendments are germane or not germane; it is the Parliamentarian's office that decides that. They can do the same thing to our amendments as well as to the Democrats' amendments.

I now yield such time as he may consume to my colleague on the Rules Committee, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Speaker, I could not get over here to the floor fast enough when I saw this rule come up for debate, and I rise in strong support of this rule today and in strong support of the underlying legislation.

I am pleased to be joined on this day after the State of the Union not just by my colleagues but with so many young people in the gallery today, because that is exactly what this debate is about.

We've heard much talk on the floor of this House over the past week about the upcoming CBO baseline report. Well, if it arrived in your email boxes this morning like it did mine, you saw that CBO's most recent score predicts a \$6.9 trillion, 10-year operating deficit. That's not the \$14 trillion in debt that these young people are going to have to pay back, it's the actual operating deficit, the additional debt that we're

going to add over the next 10 years. This proposal today is one small step towards attacking that operating deficit.

Now we're talking about big numbers here today. Somewhere between \$500 million and \$600 million will be saved with the elimination of this proposal. But folks, \$6.9 trillion is where we have to go over the next 10 years. So if you think that this underlying proposal, the public financing proposal, has some merit, I look forward to debating that when the time comes, when we get our operating deficit under control. But we don't just need to pass this provision today; we need to pass this provision and 10,000 more just like it to get to a balanced budget.

Now, I want you to think about that. All of the discussion, all of the gnashing of teeth, the handwringing about eliminating this provision today, folks, this is just the beginning. This proposal and 10,000 more just like it are what we need to pass in this House. The question isn't why are we bringing up this proposal today; the question is why don't we have three or four or five more just like it.

I look forward to joining with my colleagues on both sides of the aisle to talk about those provisions, talk about those spending items in our budget that we can get rid of. But folks, I am absolutely certain, as the YouCut site pointed out when America voted, that public financing is one of the top 10,000 things that we can get rid of. We don't have to decide today whether this is number one of the 10,000 most wasteful programs in government or number 10,000 of the 10,000 most wasteful programs in government; we only have to decide if it's somewhere on that spectrum. I tell you that it is, and I rise in strong support of this rule.

The second reason I had to rush over here to the floor is I'm brand new. I've been in this House less than 1 month, and I'm down here speaking on a rule that offers an open amendment process.

Now, if anybody has been watching the House floor, as I have, over the past 2 years, you might wonder what an open amendment process is, and you would be right to wonder because you've never seen one. I may be a freshman in this body, but folks who came 2 years before me, the sophomores in this body, they don't have any more experience in this process than I do, because this is the first open amendment process that we've seen on the floor of the House. Why are we seeing it? Because it's the right thing to do for the institution.

Speaker BOEHNER has made a point of saying the House is going to work its will. I come from a very conservative district in the northeastern suburbs of Atlanta. And I tell you, when the House works its will, we're not always going to get what we want in the

northeastern suburbs of Atlanta, because the House sits kind of here in the middle, and I'm a little further over here on the right-hand side of the spectrum. But in order for this Congress to work, in order for this House to work, in order to restore the dignity of this House, we have to allow the House to work its will.

I am just so pleased, in my very first month in Congress, that we not only have seen very narrowly focused pieces of legislation come to the floor, but we're seeing them come to the floor under an open amendment process.

And let me just say one thing about that open amendment process, particularly for folks, again, who haven't seen one before, folks who are in the gallery or watching on TV who have not seen an open amendment process before. Just because it's open doesn't mean you can do whatever you want to do on the House floor. We're talking about the public financing of elections today. So if you have an amendment that's going to change the way we finance education, that amendment is not going to be germane. If you have an amendment about what you want to do with the health care system, that amendment is not going to be germane.

When you bring narrowly crafted pieces of legislation to the floor, the amendments that are germane are narrowly crafted amendments. And folks, I love that. For too long we have had 2,000-page bills, 1,000-page bills that folks can't read and can't understand and that can't be amended. And I am so pleased today to be standing here in strong support of my colleague from North Carolina's resolution. I will be voting in favor of the rule, and I will be voting in favor of the underlying legislation.

I thank the gentlelady for the time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to direct their remarks to the Chair and not to occupants of the gallery.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to my good friend, the distinguished gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman from Florida for allowing me to speak on the rule.

I rise in opposition today to the rule and the underlying bill.

Mr. Speaker, first it was repealing patients' rights; then it was a budget resolution with no budget. Every one of us in this Chamber was elected to Congress with a goal of creating jobs and growing our economy, yet there hasn't been any talk about that.

Today, the Republican leadership has brought to the floor another piece of political posturing that takes us away from that goal of creating jobs for millions of Americans and establishing economic stability and growth. Rather than wasting time bringing these bills

to the floor, we should be working to develop innovative, bipartisan solutions that will create jobs, reduce the deficit, and put our economy back on track.

We can all agree that our campaign finance system is broken. In every election, more and more dollars are spent by wealthy corporations and special interests on campaigns, inflicting great damage on the American people's trust in government. I know a lot of my friends wanted to turn the television off by the end of the last campaign. But ending the Presidential Campaign Fund would only further breach that trust.

Recent polls have found that the public overwhelmingly believes that money buys elections—by 5 to 1 in some polls. And it's no surprise, because election spending has gone up fourfold between the 2006 and 2010 congressional elections. With a voluntary \$3 individual contribution, the Presidential Campaign Fund is a modest part of the answer to the Nation's campaign finance needs, not the problem. It is a way to include the people's voice in our government by honoring small donations and helping restore the people's faith in democracy.

Nearly all Presidential candidates from both parties over the past 35 years have used this fund as a way to reduce the emphasis on fundraising and special interests. Our democracy in its current form would cease to exist if only the rich and powerful could influence public officials.

I ask you today, when the middle class is suffering and job creation is our number one goal, why do we continue to talk about giving more power to big money contributors for Presidential campaigns? After the Supreme Court's terrible decision on Citizens United, we need the exact opposite of this bill—true, reasonable campaign finance reform. That's how democracy is restored and people are empowered.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. POLIS. The people's House should not be spending its time cutting off the connection of the people of this country to the White House. Yes, our Presidential campaign finance system is broken. It needs to be repaired, not eliminated, so we can have a fair way of electing our leaders.

I urge a "no" vote on the rule and the bill.

Ms. FOXX. Mr. Speaker, I would like to say to my colleague from Colorado, this is not cutting off access of our citizens to the White House. Our citizens have voted in lots of different ways to express their opinions in this country in the last year or so. In November, they voted to replace our spendthrift colleagues on the other side of the aisle with people on our side of

the aisle who want to cut government spending. They voted on this program by reducing their involvement in this program to a very small number. If they wanted this program, they could have continued to participate in it. They participated in the YouCut program, which singled out this program as something that needed to be cut.

We are listening to the American people, Mr. Speaker—we are doing that in many different ways; this is one of the ways—because they've told us at least in three different ways that they want a different kind of working going on in Washington, D.C. They don't want a lot of spending; they want us to cut back spending. And they've told us this on this program three different ways. So I would like to point that out.

Mr. Speaker, according to Congressional Quarterly, nearly \$139 million in public funds were spent during the 2008 election cycle, including \$17 million each for the Democratic and Republican conventions, \$84 million to Republicans for general elections grants, and a total of \$18 million for primary matching funds for candidates for the nominations of Democrats, Republicans, and other parties.

□ 1050

As is the case with so many other actions, the Federal Government has no business funding political campaigns, particularly while the troubled economy demands fiscal restraint. And let me point out that the way the Federal Government gets its money is, again, by taxing the American people or, in this case, by using funds that the people have said that it could be used for.

The proposal embodied by H.R. 359 first received attention as a result of then-Republican Minority Whip CANTOR's initiative dubbed "YouCut." Majority Leader CANTOR is continuing this innovative effort which encourages public participation in our wonderful American democracy.

The Web site, located at majorityleader.gov/YouCut, for the first time enables Americans to make their voices heard by voting weekly on various proposals to shrink, rather than grow, Federal spending. As I said in my earlier remarks, this is one of the ways the American people can tell us what they think.

According to the official YouCut Web site, "The Presidential Election Campaign Fund provides Federal tax dollars in the form of matching funds to candidates in Presidential primaries provided the candidates qualify and agree to abide by certain spending and contribution limits. It provides grants to qualifying Presidential candidates in general elections, if they agree not to accept other contributions. The program also provides grants to sponsor national party conventions.

"In short, it provides taxpayer subsidies to political candidates and par-

ties. Since 2000, some major candidates have chosen to forgo public financing. While some have argued that providing even more taxpayer funding for this program might entice more candidates to participate, eliminating the program altogether . . . would require candidates and political parties to rely on private donations rather than tax dollars. The amount of funding for the public financing system is determined by checkoffs on income tax returns, and taxpayer participation via the checkoffs has declined," Mr. Speaker, "from 28.7 percent in 1980 to 7.3 percent in 2009." And that's the end of the quote from the Web site.

Again, Mr. Speaker, the American people are telling us how they feel about this program because they're not using the checkoff.

As the program grows increasingly less popular, its purpose is accordingly muddled. For example, while on the campaign trail, then-candidate Barack Obama, who portrayed himself as a longtime supporter of public financing, ultimately broke his pledge to participate in the presidential public financing system. If public financing isn't good enough for such a vehement supporter, why should taxpayers finance partisan political campaigns?

That's why I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Virginia, my good friend, GERRY CONNOLLY.

Mr. CONNOLLY of Virginia. I thank my good friend.

Mr. Speaker, we just heard a reference to YouCut and that this was one of the most popular cuts suggested by people on this Republican blog. Well, Mr. Speaker, 10 million Americans want to participate in public financing of Presidential campaigns. And I would dare say that dwarfs anything we've heard from YouCut. So if we're going to get in the business of what the American people want and how they've expressed themselves, 10 million voices are in threat of being silenced today by this rule and the underlying legislation.

The idea that we're going to save money and solve the deficit by eliminating public financing in presidential campaigns is fallacious. But I will give the other side credit: It is intellectually honest. When you have a Supreme Court ruling like Citizens United that fosters anonymous financing of campaigns, no wonder you want to delete public financing of campaigns.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my friend of longstanding, the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I don't like to reference the Republican chairman of the Rules Committee, Mr. DREIER, because he did leave the floor. But he made a couple of statements that I have to comment on.

First of all, he said that this Republican initiative is about creating jobs. Nothing could be further from the truth, in my opinion. I've watched as the Republicans have been in the majority now for about 3 or 4 weeks, and they're not doing anything to create jobs. And this certainly doesn't create jobs.

And then Mr. DREIER said that there can be no corporate contributions under the current law. Well, the Citizens United case clearly says that there are unlimited corporate contributions, and that's the problem. Rather than having public financing of campaigns—which this legislation would eliminate—we're going to have more and more corporations just spending millions and millions of dollars to finance campaigns. And that's what this is all about.

This is the Republicans basically catering to special interests and the large corporations who will spend unlimited amounts of corporate money on campaigns, and not having in this case a public financing component through voluntary largely small donations.

Now, I have to say this is a system that we have now that's been in place since Watergate. It was a reform that Democrats and Republicans used, a reform of a very bad system that the Watergate scandal showed was not the way we should go. And I agree that the system needs to be updated, but it should be changed to meet the needs of today's elections that are costing more, and more primaries, and the focus should be on small donations, not getting rid of small donations.

But what we see instead is the Republican majority eliminating the system altogether and making Presidential campaigns more susceptible to what I call outside influence.

We saw the effect of the Citizens United case in the past election, where corporations and special interests poured money to sway the elections in their favor. With disclosure requirements almost nonexistent, we have no way of knowing whether foreign corporations or entities were contributing to the elections. And we have to question whose side the new Republican House majority is on.

Unfortunately, it appears that this is just another attempt by the Republicans to support their special interest friends and big corporations who have an unfair and undue influence on our electoral process.

Ms. FOXX. Mr. Speaker, I don't think that the American people are buying these tired arguments that our colleagues across the aisle are using

about us wanting to be the tools of corporate interest. That is not the issue here.

The issue here is that the public has said in at least three different ways, as I said before, that this program is not worth continuing.

My colleague from Virginia said that we're denying 10 million Americans the opportunity to participate in donating to campaigns. That isn't true. Individuals can donate to any campaign they want to. So these American people who are now doing the checkoff can easily write a \$3 check to the candidates of their choice. We're not stopping that in any way whatsoever.

What we are doing is saying we don't need to be supporting political conventions, primarily, and candidates. They're perfectly capable of raising the money directly from the American people. And what we are doing, though, is saying that \$617 million is real money. Our colleagues across the aisle don't think \$617 million will put a dent in our deficit? That shows you how far away from the American people they are. They don't think of \$617 million as significant.

Mr. Speaker, the American people think that \$617 million is significant. They want us to cut spending wherever we can, and this is a program that has long ago outlived its usefulness.

I reserve the balance of my time.

□ 1100

Mr. HASTINGS of Florida. Mr. Speaker, in closing, I am one of those people among the 10 million that did do the checkoff of \$3 for publicly-financed Presidential campaigns and to support the national parties' conventions. I feel very strongly that my \$3 now is directed in a way that I did not wish that it should be directed.

I do urge my friend from North Carolina to understand that at least one Member on this side clearly understands that \$617 million is a whole whale of a lot of money. To some of us, \$617 or \$67 is a whole lot of money. That said, what is balanced here is whether or not we should try in this institution to eliminate the kind of corruption that comes by virtue of a flood of dollars going into campaigns.

To correct my colleague from California—and I wish he were here; I would yield to him to respond—when he cites the fact that no corporate dollars can be contributed to the respective candidates who are on the ballot, he is absolutely correct. That is the law. But under the aegis of the Citizens United decision, corporations and individuals can contribute anonymously to any campaign. And we saw evidence of that on both sides.

Now, I have seen every iteration of reform during the last 50 years in the United States of America. Some of it was good and some of it didn't achieve its mark. This particular measure had

some limitations and at the very same time did permit people like Eugene McCarthy, Jimmy Carter, Pat Buchanan, Pat Robertson, Jerry Brown, Jesse Jackson, Sr., just to mention a few, and more recently my good friend Dr. RON PAUL—it gave them an opportunity to put forward their ideas. And the argument that they can go out there and raise the kind of money that would allow for that to happen I think is specious at best.

For most candidates, public funding from the Presidential election campaign fund has been the source of sorely needed funds at crucial points in Presidential races. To make matters worse, as has been pointed out by Ms. SLAUGHTER and myself and others, the legislation we are considering today is a repeat of the disastrous Citizens United decision, which on January 21, 2010, unleashed massive corporate influence-buying expenditures in our national elections. In the face of the first anniversary of Citizens United, we know for a fact how essential it is to repair the Presidential public financing system and provide Presidential candidates with a viable alternative for financing their elections, as opposed to having to depend on influence-seeking big donors, lobbyists, bundlers, and corporate spenders. We cannot eliminate the corruption of our political system when we are eliminating a program that was created to try to do that.

Mr. Speaker, a vote for this legislation is a vote for big corporations and big private money to fund the election of their desired candidates. The Presidential public financing system needs repairs, but eliminating a program that works, that is voluntary, and that gives a voice to the American people is not the answer.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule it will bring up the DISCLOSE Act, with the same text as H.R. 5175 from the 111th Congress, as it passed the House on June 24, 2010. This Republican proposal to eliminate voluntary public financing for Presidential elections is, in my view, a step in the wrong direction.

When Presidential campaigns stop receiving this clean money, they'll have to go after private contributions instead. That's going to mean more time spent talking to special interests and the powerful and less time spent talking with the voters and communities and groups that have good ideas and real problems to discuss but don't have multi-million dollars to donate to a campaign.

Is that really what we want for our constituents? I am confident that the answer is a resounding "no." Make no mistake, this will affect the quality of our campaigns and it will affect our democratic process.

We should be considering real campaign finance reform like the DISCLOSE Act. That bill would establish disclosure requirements for election-related spending by corporations, unions, and other organizations. And I might add, Mr. Speaker, it was a measure, as offered in the previous Congress, that did go through regular order, did have substantial committee hearings, and was presented to the Rules Committee, as opposed to this measure that has had absolutely no hearings and just comes here direct to the floor under the rubric of a modified open rule. And it would require, this DISCLOSE measure, any person or organization making so-called "independent expenditures" over \$10,000 to disclose them within 24 hours. That's what we need after Citizens United, not politicians spending more time and energy to raise big money.

The DISCLOSE Act would put a check on donations by Federal contractors and prohibit contributions and expenditures by foreign-controlled domestic corporations. And among its other provisions, for example, is a prohibition on recipients of TARP funds from making contributions or expenditures.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can debate and pass real campaign finance reform today.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 54 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting only of the text of H.R. 5175 of the 111th Congress as passed by the House. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except

one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee

on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge my colleagues to vote for the previous question, rule, and underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 178, not voting 22, as follows:

[Roll No. 22]

YEAS—234

Adams	Chabot	Gingrey (GA)
Aderholt	Chaffetz	Gohmert
Akin	Coble	Goodlatte
Alexander	Coffman (CO)	Gosar
Altmire	Cole	Gowdy
Amash	Conaway	Granger
Austria	Cravaack	Graves (GA)
Bachmann	Crawford	Graves (MO)
Bachus	Crenshaw	Griffin (AR)
Barletta	Culberson	Griffith (VA)
Bartlett	Davis (KY)	Grimm
Barton (TX)	Denham	Guinta
Bass (NH)	Dent	Guthrie
Benishak	DesJarlais	Hall
Berg	Dold	Hanna
Biggert	Dreier	Harper
Bilbray	Duffy	Harris
Bilirakis	Duncan (SC)	Hartzler
Bishop (UT)	Duncan (TN)	Hastings (WA)
Blackburn	Ellmers	Hayworth
Bonner	Farenthold	Heck
Bono Mack	Fincher	Heller
Boustany	Fitzpatrick	Hensarling
Brady (TX)	Flake	Herger
Brooks	Fleischmann	Herrera Beutler
Buchanan	Fleming	Huelskamp
Bucshon	Flores	Huizenga (MI)
Buerkle	Forbes	Hultgren
Burgess	Fortenberry	Hunter
Burton (IN)	Fox	Hurt
Calvert	Franks (AZ)	Issa
Camp	Frelinghuysen	Jenkins
Campbell	Gallegly	Johnson (IL)
Canseco	Gardner	Johnson (OH)
Cantor	Garrett	Johnson, Sam
Capito	Gratch	Jones
Carter	Gibbs	Jordan
Cassidy	Gibson	Kelly

King (IA)	Myrick	Schock
King (NY)	Neugebauer	Schweikert
Kingston	Noem	Scott (SC)
Kinzinger (IL)	Nugent	Scott, Austin
Kline	Nunes	Sensenbrenner
Labrador	Nunnelee	Sessions
Lamborn	Olson	Shimkus
Lance	Palazzo	Shuster
Landry	Paul	Simpson
Lankford	Paulsen	Smith (NE)
Latham	Pearce	Smith (NJ)
LaTourette	Pence	Smith (TX)
Latta	Platts	Southerland
Lee (NY)	Poe (TX)	Stearns
Lewis (CA)	Pompeo	Stivers
LoBiondo	Posey	Stutzman
Long	Price (GA)	Sullivan
Lucas	Quayle	Terry
Luetkemeyer	Reed	Thompson (CA)
Lummis	Rehberg	Thompson (PA)
Lungren, Daniel E.	Reichert	Thornberry
Mack	Renacci	Tiberi
Manzullo	Ribble	Tipton
Marchant	Rigell	Turner
Marino	Rivera	Upton
McCarthy (CA)	Roby	Walberg
McCaul	Roe (TN)	Walden
McClintock	Rogers (AL)	Walsh (IL)
McCotter	Rogers (KY)	Webster
McHenry	Rogers (MI)	West
McKeon	Rohrabacher	Westmoreland
McKinley	Rokita	Whitfield
McMorris	Rooney	Wilson (SC)
Rodgers	Roskam	Wittman
Meehan	Ross (FL)	Wolf
Miller (FL)	Royce	Womack
Miller (MI)	Runyan	Woodall
Miller, Gary	Ryan (WI)	Yoder
Mulvaney	Scalise	Young (FL)
Murphy (PA)	Schilling	Young (IN)
	Schmidt	

NAYS—178

Ackerman	Edwards	McCollum
Andrews	Ellison	McDermott
Baca	Engel	McGovern
Baldwin	Eshoo	McIntyre
Barrow	Farr	McNerney
Bass (CA)	Fattah	Meeks
Becerra	Filner	Michaud
Berkley	Fudge	Miller (NC)
Berman	Gonzalez	Miller, George
Bishop (GA)	Green, Al	Moore
Bishop (NY)	Green, Gene	Moran
Blumenauer	Grijalva	Murphy (CT)
Boren	Gutierrez	Nadler
Boswell	Hanabusa	Napolitano
Brady (PA)	Harman	Neal
Braley (IA)	Hastings (FL)	Oliver
Brown (FL)	Heinrich	Owens
Butterfield	Higgins	Pallone
Capps	Himes	Pascarell
Cardoza	Hirono	Pastor (AZ)
Carnahan	Holden	Payne
Carney	Holt	Pelosi
Carson (IN)	Hoyer	Perlmutter
Castor (FL)	Inslee	Peters
Chandler	Israel	Peterson
Chu	Jackson (IL)	Polis
Cicilline	Jackson Lee	Price (NC)
Clarke (MI)	(TX)	Quigley
Clarke (NY)	Johnson (GA)	Rahall
Clay	Johnson, E. B.	Reyes
Cleaver	Kaptur	Richardson
Clyburn	Keating	Richmond
Cohen	Kildee	Ross (AR)
Connolly (VA)	Kind	Rothman (NJ)
Cooper	Kissell	Royal-Allard
Costa	Kucinich	Ruppersberger
Costello	Langevin	Ryan (OH)
Courtney	Larsen (WA)	Sánchez, Linda T.
Critz	Lee (CA)	Sanchez, Loretta
Crowley	Levin	Sarbanes
Cuellar	Lewis (GA)	Schakowsky
Cummings	Lipinski	Schiff
Davis (CA)	Loebach	Schrader
Davis (IL)	Lofgren, Zoe	Schwartz
DeFazio	Lowey	Scott (VA)
DeGette	Lujan	Scott, David
DeLauro	Lynch	Serrano
Deutch	Maloney	Sewell
Dicks	Markey	Sherman
Dingell	Matheson	Shuler
Donnelly (IN)	Matsui	Sires
Doyle	McCarthy (NY)	

Slaughter	Tsongas	Waxman
Smith (WA)	Van Hollen	Weiner
Speier	Velázquez	Welch
Stark	Visclosky	Wilson (FL)
Sutton	Walz (MN)	Woolsey
Thompson (MS)	Wasserman	Wu
Tierney	Schultz	Yarmuth
Tonko	Waters	
Towns	Watt	

NOT VOTING—22

Black	Garamendi	Pingree (ME)
Broun (GA)	Giffords	Pitts
Capuano	Hinchey	Rangel
Conyers	Hinojosa	Ros-Lehtinen
Diaz-Balart	Honda	Rush
Doggett	Larson (CT)	Young (AK)
Emerson	Mica	
Frank (MA)	Petri	

□ 1131

Messrs. HOLT, GEORGE MILLER of California, and Ms. WASSERMAN SCHULTZ changed their vote from “yea” to “nay.”

Mr. GRAVES of Missouri changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. BLACK. Mr. Speaker, on rollcall No. 22, I was detained in committee. Had I been present, I would have voted “yea.”

Mr. MICA. Mr. Speaker, on rollcall No. 22, I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. HONDA. Mr. Speaker, during rollcall vote No. 22 on H.R. 54, the button did not record my “no” vote as the gavel fell.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. WEINER. Mr. Speaker, on the bill we’re going to be considering shortly, the Presidential checkoff bill, there’s a requirement under the rules that the amendments be printed in the RECORD. Is that RECORD available?

The SPEAKER pro tempore. The Chair understands that the printed RECORD is not yet available.

Mr. WEINER. Further inquiry, does the Speaker have any guidance for the House on when that RECORD might be available so we can read what we’re going to be considering in a matter of minutes?

The SPEAKER pro tempore. The Chair does not currently have that information. Under the terms of House Resolution 54, any issue would become ripe when the amendment process begins.

Mr. WEINER. Thank you, Mr. Speaker.

GENERAL LEAVE

Mr. ROSKAM. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 359.

ELIMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTIONS

The SPEAKER pro tempore. Pursuant to House Resolution 54 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 359.

□ 1134

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means and the chair and ranking minority member of the Committee on House Administration.

The gentleman from Illinois (Mr. ROSKAM), the gentleman from Washington (Mr. McDERMOTT), the gentleman from California (Mr. DANIEL E. LUNGREN), and the gentleman from Pennsylvania (Mr. BRADY) each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last night, the President in this very Chamber issued us an invitation. In that invitation, there were several opportunities, but two of them I would like to highlight. One is, he said this: He said he is willing to eliminate whatever we can honestly afford to do without. I take the President at face value that he’s interested in doing that.

The other thing that the President issued was an invitation where he said this: He said, in fact, the best thing we could do on taxes for all Americans is to simplify the Tax Code.

Well, the law governing the Presidential Election Campaign Fund and the Presidential Primary Matching Payment Account is located in the Internal Revenue Code, which really inherently makes no sense.

And I think during the course of this debate, Mr. Chairman, we’re going to lay out the argument as to why the President’s first point can be greeted and agreed to, that first goal that this is simply something that we can do without.

Let me make a couple of quick points. I think it’s important to recognize the irony of the Statement of Administration Policy that was published on January 25, and I’m reading in the third paragraph—the administration, in criticism of this effort, says, “Its effect would be to expand the power of corporations and special interests in the Nation’s elections to force many candidates into an endless cycle of fundraising at the expense of engagement with voters on the issues.”

How can that be, Mr. Chairman? President Obama, when he was a candidate in 2008 for the United States Presidency, declined to participate in this fund, both in his primary and in his general election. And if President Obama has been able to rise above that, I think other Americans can rise above that.

Also, I would just like to bring your attention to that same argument, and that is, a “Dear colleague” that was sent criticizing this bill said basically the same thing: By creating a viable alternative to private fundraising, the public financing system was designed to level the electoral playing field and ensure that candidates remain accountable to voters, not special interests.

So does that mean, implicitly, Mr. Chairman, that candidates who didn’t participate in the program are somehow not accountable to voters? I think President Obama would say he’s really accountable to voters.

I reserve the balance of my time.

□ 1140

Mr. McDERMOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Mr. Chairman, I rise in strong opposition to this measure, which, along with the Supreme Court’s radical decision in Citizens United, takes our Nation’s campaign finance system in precisely the wrong direction: less transparency and less information for the voters.

Americans from across the political spectrum—Democrats, Republicans, Independents—want less special interest money in politics, not more. They want clean, transparent, and competitive elections; and campaigns where candidates—those of us in this room and Presidential candidates—rise and fall based on the quality of their ideas, the strength of their arguments, and their ability to attract support from the voters that they seek to represent.

What they don’t want are campaigns decided by how much secret money flows into an election from secret outside groups. And they will no longer tolerate, I believe, those politicians turning around and saying to those citizens: You have no right to know who is paying for what in our political campaigns; you have no right to know

who is paying for those TV advertisements you're watching.

Let's remember what we are talking about here. The current Presidential financing system that this bill would eliminate arose from public outrage in the post-Watergate period. Rather than Presidential candidates trafficking in secret slush funds, our Nation decided that our democracy would be better served by a system of public disclosure, contribution limits, and emphasis on smaller-dollar contributions matched by the Presidential financing fund.

The system is voluntary, one line on our Tax Code, not complicated; and while not perfect, for most of its 36 years in existence, it has served this Nation well. Candidates from across the political spectrum, from Ronald Reagan to Jesse Jackson, have voluntarily participated in the Presidential financing system.

As my colleague on the other side of the aisle mentioned there is no doubt that the current law needs to be modernized; it needs to be fixed. We saw that in the last Presidential election. But rather than throw out something that has served the country and the electorate well for 36 years, let's fix it. And the gentleman from North Carolina (Mr. PRICE) and I and others have introduced legislation to do exactly that.

So rather than shielding an avalanche of unlimited special interest money from public view, we should shine a light on it. We should do it by modernizing the Presidential system, and we should also pass the DISCLOSE Act, which we could have brought up and voted on except for the previous question was just defeated.

Mr. Chairman, at the end of the day, our Nation's democracy doesn't belong to Presidents or Members of Congress; it belongs to the voters who send us here, and we have a solemn responsibility to safeguard it on their behalf and protect it for future generations from the lessons in corruption in history. Let's mend it. Let's fix it. Let's not throw it out.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. SMITH of Nebraska) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 3. Concurrent resolution honoring the service and sacrifice of Staff Sergeant Salvatore Giunta, a native of Hiawatha, Iowa, and the first living recipient of the Medal of Honor since the Vietnam War.

The SPEAKER pro tempore. The Committee will resume its sitting.

ELIMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTIONS

The Committee resumed its sitting.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 359, which terminates the taxpayer financing of Presidential election campaigns and party conventions.

At the outset, I just want to mention in response to something that was said by the other side, this has absolutely nothing to do with the Citizens United case decided by the Supreme Court. That changed not one iota of campaign finance law. Corporations still cannot make contributions to campaigns or candidates. It does not change that.

Citizens United had to do with the question of whether or not one loses his or her First Amendment protections of free speech, particularly with respect to expressions of political nature, merely because they associate with another person. The Supreme Court told us that you do not in fact lose your First Amendment rights because you happen to say it jointly with someone else. As a matter of fact, they pointed out that some people with the least amount of influence in a society actually expand their influence in the political debate by joining with others. And then the question that the Supreme Court answered was, if that association happens to be corporate in nature, happens to be a union, happens to be a for-profit, happens to be a not-for-profit, whether that changes the dynamic as contemplated by the First Amendment protections, and they told us it did not. So let's get rid of that canard here on the floor right away. This has absolutely nothing to do with that. This has absolutely nothing to do with corporate contributions to campaigns or foreign contributions to campaigns, both of which remain illegal, with criminal sanctions, under the law.

So let's get that out of the way to begin with so we don't have a lot of debate here that has nothing to do with the bill before us.

Mr. Chairman, we find ourselves at a unique juncture in the longstanding debate over this issue; but, frankly, in reality, it is a juncture no longer. Taxpayer financing of Presidential elections and party conventions of the two major parties is simply no longer defensible.

The first tax liability contributions from American taxpayers to be diverted toward the funding of Presidential elections began 35 years ago in 1976. This new practice was, as we were told by the other side, supposed to raise the public's trust in their government as well as increase both the number of candidates and, thus, electoral competition and the financial footing between parties. I believe, Mr. Chairman, it has failed on all accounts.

It did allow us to have Lyndon LaRouche be a participant in the Presidential elections. I am not sure when we have had someone who had been subjected to a criminal conviction and actually conducted part of his campaign while still incarcerated, but that was brought to us by way of this fine law.

Since 1976, approximately \$1.5 billion has been spent on this system. As we speak, there is a balance of \$195 million sitting in the Presidential Election Campaign Fund at the U.S. Treasury Department. And yet this system of electoral subsidization has not changed the public's perception of our Presidential elections or our politics. According to one survey after another, Americans continue to harbor deep distrust of their elected officials. So does anyone think that our Presidential elections over the past 35 years have shown a virtuous progression toward more accuracy and more honesty?

Mr. Chairman, prominent Presidential candidates, candidates who even supposedly believe in this system, have opted out of this taxpayer financing scheme in recent years. In 2004 and 2008, several candidates declined public financing for their primary campaigns.

And as was mentioned by the gentleman from Illinois, during the most recent Presidential election, for the first time, a nominee of one of our two major political parties withdrew from the public financing during the general election and instead went on to raise record amounts of money for his campaign. And I recall when I thought we heard a pledge to participate in this program because of the virtuous nature of the program. Somehow that was lost along the campaign trail.

One of the things I would like to point out is this: There is this idea that somehow we are going to be able to suppress money that goes into politics. The fact of the matter is it is like a balloon, a water balloon. If you squeeze it on one side, it comes out on the other side. The question is: How do we get it within the system?

We should be talking about the idea of this silly demarcation between our parties and our candidates where we limit in extreme fashion the amount of money that can be transferred or coordinated, as if somehow that corrupts the candidate to have him or her identified with the very party they represent. We ought to be working towards those kinds of changes that will allow a greater responsibility on the party and the candidates to express their positions and to hold to their positions, be responsible for their positions. But no, we talk about these ways of how we are going to somehow reduce the impact of money in campaigns. It hasn't worked under this system. It hasn't worked.

□ 1150

In addition to Presidential primaries and general elections, if there is anything the American taxpayer should not be subsidizing, I would say—as much as I enjoy them—it is the week-long Presidential conventions. On our side of the aisle, in our party, I think we've had some indications of what I consider to be wasteful spending in preparation for our upcoming convention; and to say to the taxpayer that, in light of that, we ought to continue to subsidize the production of our Presidential conventions by the two major parties, it is very difficult to articulate and even to understand.

They are, as I say, grand fun, wonderful occasions—week-long party gatherings that are, unfortunately, in this day and age, largely symbolic. One can't even argue something important is being decided because, unfortunately, they ceased to have real significance sometime ago, and that was part of our effort to try and cleanse the system.

Rather than having people selected by these delegates that come to these conventions, we should move more and more to the primary operation and, of course, then earlier and earlier in the season so that somehow it becomes a 2-year event. I guess we're already in that. Taxpayers would be shocked, if not outraged, to discover that they have been funding these extravagant photo ops.

Mr. Chairman, as I mentioned, since 1976, approximately \$1.5 billion has been spent on publicly funding our Presidential primaries, our Presidential general elections, and our Presidential party conventions. The American taxpayer has paid enough for this unwise experiment. I think it should be ended and the balance in the Presidential Election Campaign Fund and the Presidential Primary Matching Payment Account returned to the Treasury to be used for deficit reduction. I think we'd actually have the American people cheering us for that. According to a 2010 Congressional Budget Office estimate, the elimination of this program will save American taxpayers \$617 million over the next 10 years.

Now, some could say, Well, that's your opinion. We have our opinion. Why change things?

Well, why don't we look to the opinion of the American people. Not a bad idea in this House. Simply put, this program does not have the support of the American people.

Taxpayer support has declined precipitously over time. I remember, years ago, I thought it was a good experiment. I thought it was a good idea. I checked off for some of my taxes to go to this program. I was in hopes that it would actually prove to be a good change. I, like most Americans, though, who contributed to that in the

past, have given up on the program. We don't believe it gave us what we thought it might.

In 1980, for instance, the percentage of taxpayers participating through their tax form checkoffs was 28.7 percent. It was so popular that in 1985 it was 23 percent. It proved so successful that in 1990 it was 19.5 percent. Boy, it really proved itself by the year 1995, because then 12.9 percent of the American taxpayers decided they'd participate. In the year 2000, it dropped to 11.5 percent. In 2005, it was 9.1 percent. According to the IRS data obtained from the FEC, the checkoff rate in 2010 was 7.3 percent.

In other words, on a direct vote, a plebiscite taken by the taxpayers of America, 92.7 percent reject the notion. Now, where I come from, that's a landslide. I think even in Chicago it would be a landslide—even if you paid your taxes only once.

Mr. Chairman, this candidate and convention subsidy is obviously unpopular. To paraphrase one former member of the Federal Election Commission, "Any system of public financing must have popular support to succeed. Today's low taxpayer checkoff rates cast serious doubt on whether the public financing system has this support. When only one in 13 taxpayers are participating, it is very difficult to conclude that the public financing system has broad popular support."

Mr. Chairman, as we promised in the Pledge to America and as we have promised here on the floor during these initial weeks of the 112th Congress and as we have verified by our transparency-enhancing rules package, our bipartisan votes to trim Congress' budget and end excessive congressional printing, by our determination to return discretionary spending to fiscal year 2008 levels or less and now through this bill, the Republican majority is committed to fiscal stewardship, to having a relentless eye on waste and inefficiency, and to a continued commitment through this 112th Congress to reduce spending, to create private sector jobs, and to produce meaningful legislation that makes long-lasting reforms.

Mr. Chairman, if we, in fact, mean what we say when we say we are willing to look at those programs that already exist and to judge whether or not they have proven to be efficacious, or efficient or successful, in promoting the principles that underlie their passage in the first place, we ought to start with this. This is a program that almost 93 percent of the American people who pay taxes reject, and we're asking them to participate. Maybe we ought to listen to what they are saying and, instead, allow the savings garnered by this particular bill to go toward deficit reduction.

This bill, introduced by my colleague from Oklahoma, should garner over-

whelming bipartisan support. We should thank him for introducing it—and I do—and for his commitment to a more responsible and efficient stewardship of taxpayer dollars. I would urge my colleagues to understand what this bill is and understand what it is not and to support H.R. 359.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentlelady from California (Ms. ZOE LOFGREN), a distinguished member of the Committee on House Administration.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise in opposition to H.R. 359.

This bill will unnecessarily eliminate the \$3 checkoff box—it's voluntary—on tax returns to fund Presidential elections, and it could increase the influence of special interests in the funding of Presidential campaigns.

Now, the bill has been fast-tracked by the Republican leadership—without any hearings, no markups, no respect for the committee process. As a member of the House Administration Committee and as a former chair of the Subcommittee on Elections, I am very concerned by the end run around our committee and the lack of deference shown to the committee and its members.

Speaker BOEHNER promised 2 weeks ago, when he took the Speaker's gavel, more transparency in the legislative process and to focus on job creation. Last week, the new majority fast-tracked a health care reform repeal bill. This week, they expedite the repeal of this voluntary program without the proper process. So I think the Speaker may need to revisit his statement about process and transparency.

In addition to the process concerns, I question the need for Congress to pass this bill at all. I was here as a young staffer when the Judiciary Committee took up the impeachment of President Nixon. It is worth remembering that the public finance system was created as a direct result of the Watergate scandal.

Remember Phillips Petroleum, which illegally contributed \$498,000 to the Nixon campaign; or Ruth Farkas, who told the Watergate grand jury that she gave \$300,000 to the Nixon campaign as an explicit exchange for an ambassadorship to Luxembourg; or the Nixon tapes that revealed that Secretary John Connally shook down dairy farmers for \$600,000 in contributions in exchange for raising milk price supports—to the detriment of children who needed milk around the country.

These incidents eroded public confidence, not only in the Nixon administration, but in the entire system. In response, pursuant to the General Welfare clause of the U.S. Constitution,

Congress passed sweeping election reforms, including the Presidential checkoff system.

Now, I would not argue that this system is perfect at this time. I think it does need reform.

□ 1200

But I think mere elimination without a committee process is a huge mistake.

I would hope that the committee could convene, that we could sort through what the problems are with this current system and how do we fix them, work in a bipartisan way to create the fixes, and then come to this House for the solution.

I urge opposition to this bill.

Mr. ROSKAM. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma, the author of the bill, Mr. COLE.

Mr. COLE. I thank the gentleman for yielding.

As I listen to my colleagues on the other side of the aisle, I would just urge them to read the bill. It's only three pages long.

Frankly, most of the things I've heard so far don't have anything to do with this legislation. This legislation doesn't raise the legal contribution limit for anybody. This legislation doesn't allow corporate contributions. This legislation keeps in place all the disclosure requirements for Presidential campaigns that we currently have. So those of you that are concerned about those things don't need to be concerned about this bill.

H.R. 359 is really a very simple piece of legislation. It does two things: It removes taxpayer funding for Presidential campaigns, and it eliminates taxpayer funding for political party conventions by the two major parties.

Now, I have to say, if you look at whether or not these ideas have been popular, historically they, frankly, haven't. When this was put in in the 1970s, the idea was that it would spread. It hasn't. We don't fund any of our elections with taxpayer dollars, our colleagues in the other body with taxpayer dollars; and, frankly, as my friend Mr. LUNGREN pointed out, popular participation in this program has declined for almost 30 consecutive years, from a high of 28 percent in 1980 to barely 7 percent today. So there is not much indication that it's popular.

I need to say, for the record, that I philosophically have always been opposed to taxpayer dollars being used for political advocacy of any kind. Some of my friends on the other side have a very different point of view, and I respect that. We just have a philosophical difference. I think this is an inappropriate use of public money.

Having said that, as I think even my friends on the other side at least tactically acknowledge, this is a program that is broken beyond belief. And the current system didn't just begin to

break down in 2008. I'd go back to 2000. President Bush didn't use this system during the primary campaign. He only used the public system during the general election. Four years later, neither President Bush nor Senator KERRY chose to use this system in the primary portion of the campaign.

Fast-forward another 4 years to 2008, neither President Obama nor now-Secretary Clinton chose to use this in the primary campaign. And the President, having committed to use it in the general, then chose not to use it in the general—certainly his right—but said at the time he still thought it was a great idea and that some day we ought to go back and fix it.

Now, I will say this for the President. Having said that, we haven't seen any action on that front. He has been in office for 2 years. There has not been a proposal from the White House to fix this system. In fact, as my friends on the other side of the aisle know, currently he is planning to run for reelection; he is setting up a campaign. There has been a lot of thought on how to raise the money and how to put together a campaign, but no proposal from the administration to actually fix the system that they purport to support and that they said years ago they were going to try and fix. That's not true, by the way, of every Member on the other side. There have been some that have, I think, genuinely tried to fix things, but let's recognize this system has been in decline and decay for a long time.

Now the estimates are that we could save \$612 million over a 10-year period. We all know in this Chamber we have a \$1.4 trillion deficit problem. Governing is choosing and prioritizing. This is \$612 million that doesn't feed a single American, doesn't educate a single American, doesn't build a single mile of interstate highway or infrastructure, doesn't pay to defend the country; it simply goes to support a handful of politicians that want to run for President, many of whom are marginal.

The CHAIR. The time of the gentleman has expired.

Mr. ROSKAM. I yield the gentleman 1 additional minute.

Mr. COLE. So in an era where we have to make genuinely hard decisions, to me, this is a no-brainer. This is a lot less important than a lot of the things that we need to consider and a lot of the decisions that we will have to make.

There is leadership by lip service and there is leadership by example. If my friends on the other side think this is the appropriate thing—and certainly if the President thinks it, he ought to lead by example and participate in the system. If not, we ought to recognize it's broken, end it, save the money; and if somebody wants to rewrite a bill, then they ought to do that and let's introduce it and have that debate. But

right now, this is money we can't afford to waste and this is a system that's broken.

I urge my colleagues to support H.R. 359. Let's get rid of this outdated system.

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

The short title of this bill ought to be "The White Flag of the United States Congress on Campaign Finance." My distinguished colleague from Oklahoma says, if it's broke, why don't we write a bill. That's exactly what the point is. There weren't very many people on this floor who were involved in politics when this whole thing blew up. You've forgotten 1972. We wrote a bill in the Congress—we didn't, but the Congress wrote a bill. Interestingly enough, they left themselves out of it, but they tried to control how much money went into a Presidential campaign. Now, if you don't index it for inflation or do some kind of mechanism, it's pretty clear that a law written with the limits of 1972 is going to be pretty out of date by 2012.

There are some things we could do to change this process and make it more in sync with what's going on in society financially. But by saying you repeal it with nothing to replace it, you simply are saying we don't care how much money is spent in the election of the President of the United States; it is of no concern to the Republican Party whatsoever.

It fits very nicely with the Citizens United lawsuit that allows corporate money to come in in a variety of other ways. And the system is now so corrupt that what you heard my colleague from California say, that is, all the things that were uncovered as a result of Watergate and the investigation that followed and led to the ejection of the President from the White House, was because we didn't have any controls on anything.

Now, did we put the perfect controls in? No. Should we be amending this bill? Yes. Because I don't know what 2012 is going to cost—maybe \$1 billion on either side. Sarah Palin will have \$1 billion and Barack Obama will have \$1 billion, and that will be all right with everybody. But the problem with that is that the ordinary folks in this country don't have any opportunity to participate.

They also know that people don't give \$1 billion with no expectation of something coming back. That's what happened in 1972. People gave money and they expected something back. And that's where the real fallacy here is in simply wiping this out without trying to fix it. It's an admission that you do not care how much money gets spent in a Presidential campaign. And if that's your view of how the democracy works, I think we are in serious trouble.

I'm one of those who think there should be publicly financed campaigns. I think even my opponents against me—I get 84 percent, but I think my opponent ought to have an equal shot at me. But the Congress didn't put that in this bill because they didn't want that. Neither did the Senate want that. They wanted to put it on the President and say, well, we fixed it over there. We really need it for this House and the Senate as well as what's going on in the Presidential election. And to simply repeal this is bad public policy and it is an admission that we don't care.

I oppose the bill.

STATEMENT OF ADMINISTRATION POLICY

H.R. 359—TERMINATION OF PUBLIC FINANCING OF PRESIDENTIAL CAMPAIGNS AND PARTY CONVENTIONS

(Rep. Cole, R-Oklahoma, and 18 cosponsors, Jan. 25, 2011)

The Administration strongly opposes House passage of H.R. 359 because it is critical that the Nation's Presidential election public financing system be fixed rather than dismantled.

The Presidential election public financing system was enacted in the aftermath of the Watergate scandal to free the Nation's elections from the influence of corporations and other wealthy special interests. Rather than candidates having to rely on raising large sums of private money in order to run, the system provides qualifying presidential candidates with the option of accepting matching funds in the primary and a public grant in the general election. It has done so at minimal cost to taxpayers, who fund it by voluntarily choosing to direct \$3 of their Federal taxes to this beneficial system. For many years, the system worked well and attracted wide participation. In time, however, it became clear that a system introduced in the 1970s was in need of modernization and repair. Beginning in the 2000 Presidential campaign, candidates began to opt out. Since that time, promising proposals for the strengthening of the system have been made.

H.R. 359 would kill the system, not strengthen it. Its effect would be to expand the power of corporations and special interests in the Nation's elections; to force many candidates into an endless cycle of fundraising at the expense of engagement with voters on the issues; and to place a premium on access to large donor or special interest support, narrowing the field of otherwise worthy candidates. After a year in which the Citizens United decision rolled back a century of law to allow corporate interests to spend vast sums in the Nation's elections and to do so without disclosing the true interests behind them, this is not the time to further empower the special interests or to obstruct the work of reform.

Mr. Chairman, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Pennsylvania (Mr. BRADY).

The CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1210

The CHAIR. The Chair would advise that there is now a single manager on the Democratic side of the aisle.

The gentleman from Pennsylvania has 19½ minutes, the gentleman from Illinois has 7½ minutes, and the gentleman from California has 3 minutes.

Mr. BRADY of Pennsylvania. Mr. Chairman, it is my pleasure to yield 6 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to H.R. 359, a bill summarily repealing our system of public funding for Presidential elections.

The process by which this bill has been brought to the floor—no hearings, no committee consideration, no markup, no deliberation—is the opposite of responsible legislating. It contradicts everything the Republican majority committed to a mere 3 weeks ago.

The process is atrocious; the substance is even worse. This repeal bill would destroy one of the proudest and most successful examples of reform that followed the Watergate scandal. Have we forgotten what the Watergate scandal was about? The Committee to Re-Elect the President, fueled by huge quantities of corporate cash, paying for criminal acts and otherwise subverting the American electoral system.

The hallmark of the Federal Election Campaign Act of 1974—enacted in response to Watergate at a time when public confidence in the government was dangerously low—the hallmark was our voluntary program of public financing for Presidential elections. To this day, this innovative reform stands as the flagship of public financing systems used in the United States and one of the greatest steps we have taken to bring transparency and accountability to our electoral system.

The Supreme Court, in affirming the constitutionality of the system, noted its basic purposes: "To reduce the deleterious influence of large contributions on our political process, to facilitate communication by candidates with the electorate, and to free candidates from the rigors of fundraising."

Presidential public financing has worked remarkably well—being utilized in the general election by every Republican and Democratic Presidential nominee from 1976 through 2004 and by JOHN MCCAIN in 2008—although in recent years the need for modernization has become evident.

Perhaps the best example of this program's success is President Ronald Reagan, who participated in the Presidential public financing system in all three of his Presidential campaigns in 1976, 1980, and 1984.

In his 1976 primary campaign, Reagan had less than \$44,000 in campaign money at the end of January of 1976 while his opponent, incumbent President Gerald Ford, had fifteen times more cash on hand. The \$1 million in public funds that Reagan received in January and the \$1.2 million that he received in February were essential in allowing him to continue his campaign.

Reagan was once again short of cash at the end of March and was allowed to continue as a result of an infusion of public money, which matched small private contributions. This illuminates one way that public financing has worked in both parties. It has often benefited candidates who challenge the party establishment.

In later elections, due to his broad base of supporters throughout the Nation, Reagan was able to capitalize on his small-donor fund-raising capacity to accrue substantial amounts of public money. In fact, even in 1984 when he was seeking reelection without significant opposition from within his own party, President Reagan raised about 60 percent of his campaign funds from small donors and as a result received \$9.7 million in matching funds. This was the maximum amount of public money a primary candidate could receive in accordance with the law at that time. And to this day, President Reagan is the only candidate ever to reach that public funding primary campaign maximum.

My colleagues, the Reagan case is merely illustrative of the positive effects that public financing has had in both parties at both the primary and general election stages. It also highlights the system's focus on small donations, rather than big bucks from large contributors. This is no free ride. This is no willy-nilly spending program. All primary candidates must seek the support of thousands of small donors, and only then do they receive matching public funds.

Today one could wish not for this Republican juggernaut—flying in the face of the positive history of this program, flying in the face of prior Republican support, flying in the face of responsible legislating—but for a bipartisan effort to repair the system, to restore its effectiveness.

I don't know of any policy challenge that exemplifies the maxim "mend it; don't end it" better than this one.

Yesterday, Congressman VAN HOLLEN and I reintroduced a bill, H.R. 414, that would do just that. The White House has cooperated in formulating this bill. It would modernize the Presidential public financing system and again make it an attractive and viable option for Presidential candidates. Our bill would bring available funds into line with the increased costs of campaigns, adjust the program to the front-loaded primary calendar, and enhance the role of small donors further. It also would remove public funding of political conventions, as their roles indeed have changed since the system was first instated. This bill has been carefully designed. It deserves deliberation and debate through the normal committee process in this body.

At a time when confidence in government is low and assumptions of government corruption are high, why is the

new majority trying to return us to the dark days that preceded Watergate? Why would we even want to contemplate such a thing?

Let's, instead, restore and improve our public financing system and move on to real solutions to put our Nation's fiscal house in order.

Mr. DANIEL E. LUNGREN of California. Before I yield 1 minute to our majority leader, I'd like to take 15 seconds to say when I find myself on the floor listening to my colleagues on the other side declaring Ronald Reagan to be the patron saint of Democratic Party ideas, I am bemused a bit because I served here when Ronald Reagan was President, and I don't recall those same words at that time.

However, at this time I would like to yield 1 minute to the majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

Mr. Chairman, over the past 2 years, the legislative schedule of this House was dominated by spending money, not cutting spending. But after the people voiced their displeasure in November, the discussion in this town is now focused on rolling back the unchecked growth of government and Federal expenditures.

Our majority is dedicated to cut and grow: cutting spending and job-destroying regulations; growing private sector jobs and the economy.

Yesterday, we directed the Budget Committee chairman to set spending levels so we return non-defense discretionary spending to 2008 levels or below.

Today, the American public, through the YouCut program, has put on the chopping block an example of unnecessary government waste. Specifically, this bill would eliminate the Presidential Election Campaign Fund, an outdated mechanism that provides Federal tax dollars to candidates in Presidential primaries in the form of matching funds and general elections and subsidies for the Democratic and Republican National Conventions.

Eliminating this program would save taxpayers \$617 million over 10 years and would require candidates and political parties to rely on private contributions rather than tax dollars.

In times when government has no choice but to do more with less, voting to end the Presidential Election Campaign Fund should be a no-brainer. I urge my colleagues to vote in favor of this measure.

Mr. BRADY of Pennsylvania. I now yield 2 minutes to the gentlelady from California (Ms. WOOLSEY).

□ 1220

Ms. WOOLSEY. Mr. Chairman, one of the things that the Republicans will accomplish with this legislation to upend the Presidential campaign finance system is to drown out the voice

of the people and to give more power, not less, to their well-heeled special interests. Actually, this repeal bill is the beginning of the end of any hope for a system of public financing for all elections in this country.

So Mr. Chairman, I am not surprised. After all, the majority largely owe their unprecedented spending levels in the last election thanks to the Citizens United decision that turned on the spigot of anonymous, unaccountable corporate cash. And in keeping with the spirit of secrecy and lack of transparency, it's somehow fitting that this bill comes to the floor without any hearings, without any committee referral, without full debate or deliberation.

We have a deeply corrupt campaign system, Mr. Chairman. Special interest money is having a corrosive effect on our democracy, eating away at the people's confidence in their government and their elected Representatives. The one beacon of light in this system is the public financing of Presidential campaigns. It is, I would remind everyone, a voluntary system. Americans must choose to opt in on their tax returns. It has served the country well, at limited expense. It needs updating. It does not need to be dismantled. We need more public financing, in all of our Federal elections, not less. H.R. 359 goes in exactly the wrong direction.

I urge my colleagues to vote "no."

Mr. ROSKAM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chairman, earlier this month I read articles about President Obama's reelection campaign plans on raising upwards of three-quarters of a billion dollars. There is no system of public financing for our Presidential elections that can accommodate anywhere near that level of spending. That is why I believe the President's strong opposition to legislation abolishing a system the President himself found unworkable in reality is profoundly hypocritical.

Putting out a statement of administration policy that states repealing the public financing system would, quote, "force many candidates into an endless cycle of fundraising at the expense of engaging with the voters on the issues; and to place a premium on access to large donors or special interest support, narrowing the field of otherwise worthy candidates"—what incredible audacity. This is like the proverbial arsonist child who kills his parents by setting their house on fire and then appeals for sympathy by exclaiming he is an orphan.

The President's statement is absolutely saying one thing while doing the opposite. A New York Times editorial on January 24 of this year said, "ERIC CANTOR is targeting for extinction the publicly subsidized Presidential campaign finance system adopted in the wake of the Watergate scandals."

Wrong. It was President Obama who killed it and made a mockery of public financing of Presidential campaigns with his arrogant pressing of self-advantage, his unprecedented move to decline public financing for the first and only time since the adoption of this system.

In disparaging the majority leader, the Times went on to say that, "We suspect his real motive is to give an even bigger voice to big-money contributors in Presidential campaigns." Once again, the record needs correcting. No campaign in American history had more maximum donors, at \$30,400 per person, than Obama for America. Much has been made of that committee's legendary prowess in generating small donors over the Internet. But that committee also had a record-shattering haul among big donors, bundlers, and influence peddlers. But such is the right for Mr. Obama as a candidate in America.

However, when he alone has refused to participate in public financing of a general election for a Presidential campaign, his protestations ring rather hollow. No one has made more of the system operationally obsolete than Barack Obama. Actions do speak louder than words. And Barack Obama alone has refused to participate on the level playing field that existed in publicly financed Presidential general election campaigns in history.

It was not that the system was antiquated that forced Barack Obama to break a very sanctimonious campaign promise to participate in public financing. It was his decision to put expediency over his expressed support for the Democrat mantra of public financing. It was all about a ruthless pressing of self-advantage, despite a core campaign theme of promising to rise above self-interested politics.

Today, we will hear about on the floor measures to address the inadequacies of the system and the need to repair the system. First, I want to note an earlier New York Times editorial on June 20, 2008, which stated, "Senator Russ Feingold, the ranking authority on campaign finance reform, rightly points out that while the primary cycle's public matching subsidies are 'broken' and need updating for inflation, 'the system for the general election is not.'"

Secondly, I ask my Democratic colleagues this: Have any of you received the specifics of what it would take to change the law that would cause President Barack Obama's campaign to abide by public spending limits in the general election for 2012? Because without those specifics, this debate is not grounded in the reality that the incumbent President has zero intention of giving up his gargantuan financial advantage in his reelection campaign by opting out of one of the most perfect systems of public financing we could possibly adopt.

I ask the supporters of public financing for Presidential campaigns, are you willing to adopt a system that makes it mandatory for all candidates to participate in the system? And can you unequivocally pledge that the President's reelection committee will agree to be bound by your new system? And if not, I would suggest you are preaching at the wrong end of Pennsylvania Avenue.

The CHAIR. The Chair would advise Members that the gentleman from Illinois has 2½ minutes, the gentleman from California 1¾ minutes, and the gentleman from Pennsylvania 11½ minutes remaining.

The Chair would further advise that ascribing unworthy motivations or intentions to the President of the United States or another Member of the United States Congress is inappropriate.

Mr. BRADY of Pennsylvania. Mr. Chairman, it is my honor to yield 1 minute to our Democratic leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

Thank you for your leadership, Mr. BRADY, and participating in this important discussion, as fundamental as our democracy, on the floor today.

Mr. Chair, I rise today to urge this Congress to focus on our number one priority, the creation of jobs. This is a priority for the American people and for this Congress. We should be focusing on it. That was the message we heard last night from President Obama on this floor, who called on us to out-educate, out-innovate, and out-build the rest of the world.

But instead of talking about job creation, this legislation we debate today will not create jobs, will not reduce the deficit, and will not strengthen the middle class. And those are the standards we should apply to any legislation that comes to the floor. Instead, it will put American elections more squarely into the hands of special interests.

One year ago, the Supreme Court decision in *Citizens United* opened the floodgates to unlimited, uninhibited, undisclosed special interest spending in our elections and unlimited special interest influence over our public policy debate. In response to the *Citizens United* ruling, Democrats worked to restore transparency, fairness, and accountability to our political process. Last Congress, with bipartisan support, the House passed the DISCLOSE Act to require corporations and donors to stand by your ad. Why are you running and hiding? And to keep foreign-owned entities from participating in our elections.

But Senate Republicans blocked DISCLOSE. Even though it came out of the House with bipartisan support, Senate Republicans blocked DISCLOSE from even receiving an up-or-down vote, and

now House Republicans are perpetuating a sneak attack on campaign finance reform.

The result was clear in the last election. Special interest groups spent tens of millions of dollars more in the 2010 election than ever before. Again, undisclosed, without identification. There is a reason they don't want it disclosed. First of all, if the public knew who was paying for those ads, they would realize that their own personal interests were not being served, but the special interests. That's our experience in California, where we had a special interest initiative placed on the ballot by outside oil companies. And the strongest statement against the initiative was to see the disclosure at the bottom of the ad as to who was funding it. That spoke more eloquently to the fact that it was not in the people's interest. And the initiative was defeated.

□ 1230

Eliminating the Presidential Election Fund, as this election would do, opens the door for foreign-owned entities and large corporations to enjoy an even greater role in the funding of political campaigns.

In the past, Members from both sides of the aisle have supported legislation to reform, not eliminate, the public financing system. We should come together to ensure that the American people are heard and that they are not drowned out by special interest dollars.

In our democracy—and God bless our Founders for establishing it—voters determine the outcome of our elections. That's the way it should be. Special interests should not be determining the outcome of our elections. One year after the Supreme Court's decision undermined that fundamental American value, let's come together to fight on behalf of the public interest, to preserve the integrity of our political campaigns; and, therefore, to strengthen our democracy. And maybe we could, instead of undermining it here today, strengthen our country by creating jobs, by reducing the deficit, by strengthening the middle class, none of which is being done by this legislation.

I urge my colleagues to oppose this effort to further empower the special interests over the people's interest.

Mr. ROSKAM. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. WOMACK).

Mr. WOMACK. I thank the gentleman for yielding.

Mr. Chairman, last night just a few seats down from where I stand, I listened to our President say that he would offer his support to eliminate whatever we can honestly afford to do without. I stand here today in this House Chamber feeling a little less like a freshman representative of the United States Congress and more like a guy presiding over the people's choice awards. There is no better program in

my judgment that is tailor-made for elimination than this program.

In overwhelming fashion, the people of Arkansas and indeed the people of America spoke loud and clear last year about the need to reduce spending in this country. The gentleman from Oklahoma talked about the fact that this program does not educate anyone; it doesn't feed anyone; it doesn't produce a mile of interstate highway. The gentleman from California articulated the declining participation in this checkoff program. I don't think there's a better barometer out there for the overwhelming support that the people have for this particular measure.

I urge my colleagues to join me today and vote in favor of H.R. 359.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to H.R. 359. Adopted in the shadow of the Watergate scandal, the public financing of Presidential elections eases the burden of fund-raising campaigns and lessens the impact of private donations by a small number of wealthy donors.

Since 1976, candidates from across the political spectrum have used the public financing program to run for President. Is the system perfect? Absolutely not. The system needs to be reformed, not repealed. I heard one of my colleagues on the floor mention that our President, President Obama, opted out of this program. That was his choice. I do not think we should be in a position to legislate the American people's choice. That's their choice, to opt out or to check that box. I don't think we have the right to do that, nor should we do that.

With the Supreme Court's decision in *Citizens United* little over a year ago, we are already well on our way to elections brought to the American people by the highest corporate bidder. If this bill passes, there will be even more incentive for foreign controlled companies to secretly invest in political causes that could help move American jobs overseas. Companies that outsource jobs will have a very simple message to Presidential candidates—support our agenda, or face the consequences. This bill takes secret corporate dominance of our elections to the next level.

This bill is also being considered at the wrong time and under the wrong circumstances. Less than 3 weeks ago, the American people were promised an open Congress, a Congress that allowed for open debate, one that allows for open rules. The American people are still waiting. In consideration of this matter, the committee process was completely disregarded. There have been no hearings. No testimony from witnesses either for or against. No markup. No refining in the committee

or input from experts. Zero. None. When we did the DISCLOSE Act, we had three hearings and 17 witnesses. We learned from our witnesses. They gave us their opinion and they gave us their education on what they thought, pro and con. To bypass that, which we have never done before in our committee, I think is wrong. We should have had our hearings and let it happen.

There's no reason why we have to rush this thing over to the Senate. I would doubt very much if they're sitting there waiting for it. And we could have taken our time, done our hearings, which we do in a complete and nonpartisan way; and we could have had this thing thrashed out, we could have aired it out, people could have put their amendments in, they could have offered amendments at our committee level, we could have aired it out perfectly and gotten much more education and maybe had a chance to reform it for the better.

While reforming the Presidential financing system is an important effort which I support, the next Presidential election is 2 years away. This bill does not create or save a single job. Zero. None.

There is a time and a place for campaign reform. While here might be the place, now is certainly not the time. I urge my colleagues to oppose this bill and to get back to the important task of putting the American people back to work.

Mr. Chairman, I reserve the balance of my time.

The CHAIR. The Chair would advise that the gentleman from Pennsylvania still has 8½ minutes. The majority side has a combined 3¼ minutes. The gentleman from Illinois is reserving; the gentleman from California is reserving.

The order of closing that the Chair would prefer in this instance would be that the gentleman from Pennsylvania would exhaust time on the minority side; we will then move to the gentlemen on the majority side for conclusion.

Mr. BRADY of Pennsylvania. Mr. Chairman, it is my pleasure to yield as much time as he may consume to, in my opinion, an expert on this matter, the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman.

I am pleased to close for our side with a plea to our colleagues that they not dismantle, in an irresponsible and summary fashion, one of the proudest achievements of post-Watergate political reform in this country.

I also can't let pass what the gentleman from Illinois (Mr. SCHOCK) said about our President. Of course we want President Obama, we want all Presidential candidates, to opt into this system. We've made it about as clear as we possibly could that the bill that the

gentleman from Maryland (Mr. VAN HOLLEN) and I have introduced is designed to make it feasible once again for candidates to participate in the public financing system.

But the gentleman from Illinois—talk about having it both ways—comes onto this floor to condemn President Obama for opting out of the system, and then he proposes to abolish the system so that everybody has to opt out! Neither President Obama nor anyone else could participate. The logic of that is way beyond me.

Of course we want a system that works. We know the system needs to be adjusted. And we have constructive efforts under way to do just that. What we should be doing, instead of having this up-or-down exercise on the floor today, with no committee consideration, is actually undertaking that kind of discussion, that kind of reform, that kind of improvement.

There is a bipartisan history here. There is a bipartisan history of supporting this program; a bipartisan history of participating in the program. I assume that is out of fashion now for our Republican colleagues.

But under the pretense of achieving fiscal responsibility, to come to this Chamber and abolish one of the proudest and most successful of our reform efforts—that does a disservice to the new majority and to this House. It also violates all the pledges we had 3 weeks ago—of hearings, committee consideration, markups. None of that has been done. This is simply an up-or-down vote, as I say, flying under the false colors of fiscal responsibility.

We have a chance to take on this challenge—to mend it, not end it—to make certain that we preserve this reform, but to adjust it to the realities of modern campaigning.

□ 1240

To simply abolish this, to once again turn over Presidential financing to big private and corporate interests, to overlook the abuses, the problems that led to this system in the first place, falls far short of what we should be about as responsible legislators looking out for our country's best interests.

I ask for Members to look at our legislation, to repair and rejuvenate the public funding system and in the meantime to reject this summary attempt to destroy one of the proudest achievements of reform.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman from California is recognized for 1¼ minutes.

Mr. DANIEL E. LUNGREN of California. First of all, Mr. Chairman, the ranking member of our committee has

been very fair in the proceedings that he had with us over the last number of years, and I appreciate that. We will continue that tradition.

We were unable to have any hearings or consideration of this matter before our committee until yesterday when we finally were told by the minority party as to who they wish to have on our committee.

We could not meet as a full committee until we had a complement of both Democrats and Republicans. We established our side several weeks ago.

I am sorry that happened. We will have plenty of hearings in the future on this and other issues.

What is the current system that we are hearing the other side defend? What has it given us? It has given us Lyndon LaRouche, but it would prevent Eugene McCarthy from being a successful Presidential candidate. That's what we don't hear.

The system works against some people like a Eugene McCarthy, who was a poor fundraiser but managed to have a number of people who supported him, who gave him large contributions.

And yet he was able to change the course of history, bringing down a sitting President and allow for—well, he was called the Pied Piper of the youth vote.

So let's understand the complexity of the history of this law. The fact of the matter is, Mr. Chairman, this law has failed us. It has failed the American people.

The American people have rendered their judgment. Nearly 93 percent of the American people who paid taxes have voted "no" to this system. That ought to give us good guidance as to where we could find savings to bring down our national debt.

As I understand it, we are going to have an amendment from the Democratic side of the aisle which causes any money saved here to go to bringing down the debt. I hope that it comes forward, and I will support it.

I hope we have the support of our colleagues for this bill.

Mr. ROSKAM. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman from Illinois is recognized for 1½ minutes.

Mr. ROSKAM. Mr. Chairman, the minority leader was on the floor a couple of minutes ago—and I know the weather is urgent, I didn't want to prolong this drama—but it seemed to me to make the argument that this doesn't do anything as it relates to economic growth is just an incredible overstatement.

One of the things that we continue to hear, and the President's own debt commission spoke eloquently about the nature of debt and the stifling nature of debt on the economy and the stifling nature of spending on the economy. Here the Congressional Budget Office says, without ambiguity, H.R. 359

would reduce direct spending by \$617 million over the 2011–2021 period.

This is an opportunity for us to take the admonition of the minority leader, to take the admonition of the President, to take the admonition of what the electorate told us in November and that is to concentrate on ways that we can trim this government, the burden on the taxpayer that adds absolutely no value.

There is not one Member on this House floor, Mr. Chairman, that has defended the results of this system. I urge passage of this bill.

Mrs. CAPPS. Mr. Chair, I rise today in opposition to H.R. 359.

This deeply flawed legislation would do away with a voluntary program that helps ensure transparency in our elections.

Created in the wake of Watergate, the presidential election public financing system—which this bill would eliminate—has helped stop corporate interests from buying elections with large anonymous donations.

While I'm disappointed that Republicans are playing political games with our election safeguards, I can't say that I'm surprised. H.R. 359 is just the latest effort by the new Majority to undermine our campaign finance laws in favor of Wall Street Banks and foreign corporations.

This political gimmick comes one year after the catastrophic Citizens United Supreme Court ruling that opened the floodgates to unlimited and anonymous special interest spending in our elections.

Last year my Democratic colleagues tried to repair some of the damage done by passing the DISCLOSE Act—a bill that would require corporations to stand by their advertisements and to keep foreign-owned entities from funding our elections.

Virtually all Republicans voted against this bill in the House, and their colleagues in the Senate blocked it from consideration.

Mr. Chair, this bill is nothing more than a thinly veiled attack on transparency in our elections that does absolutely nothing to create American jobs or encourage economic growth. In fact, by shifting our election system to favor big business, this legislation could strengthen the power of companies that ship American jobs overseas.

I urge my colleagues to stand up for an open and transparent election process, and vote no on this deeply flawed legislation.

Mr. WAXMAN. Mr. Chair, I rise in strong opposition to H.R. 359, which repeals nearly 40 years of reforms in how our Presidential election campaigns are funded. It is a great disservice to our democracy and to fundamental democratic processes.

As with the House vote to repeal the Affordable Care Act, this sweeping measure has been brought up for a vote without any hearing, without any testimony, without any documentation, and without any opportunity for those who support current law to state their case before the American people. The new Republican leadership pledged to be open, transparent, and fair in the workings of the House. These good principles are simply being ignored, once again.

I don't believe the American electorate wants to have even more corporate influence

in Presidential elections. During the midterm election season, there was no call to scrap our public finance system, but there was a real sense of concern and a vigorous debate about the huge amounts of corporate funds that entered the campaign season as a result of the Supreme Court's ruling in Citizens United last year.

H.R. 359 would undermine processes that have been an essential part of our electoral system since the Federal Election Campaign Act Amendments of 1974 were enacted in the wake of the greatest corruption scandal in modern American history, Watergate. Watergate was marked, in significant measure, by revelations of massive amounts of cash from undisclosed sources being funneled into our presidential election campaigns and expended without proper accountability. Congress responded with significant reforms that restored the integrity of our Presidential elections.

For decades there has been a consensus that public funding of Presidential campaigns is preferable to special interest funding. Every Republican and Democratic Presidential nominee from 1976 through 2008, except for Barack Obama, used the public finance system for their general election campaigns. The system is contingent on support from private donors; there is a match of public funds, which are donated on a purely voluntary basis by Americans who want to promote honest elections. The system makes campaigns possible for candidates who initially do not have access to substantial funding. It encourages the broadest participation by candidates across the political spectrum. This strengthens our democracy and the vibrancy of political campaigns, thereby serving the interest of the American people.

Proposals have been introduced in recent Congresses to strengthen and improve the public finance system, which has had difficulty providing sufficient funding to meet the almost uncontrollable escalation in the costs of running for President. We should be considering legislation today to update and improve it, not to destroy it.

Although the public finance system runs on voluntary contributions, the Republican leadership has promised that getting rid of it will control the deficit. In reality it will only further lard Presidential campaigns with special interest money.

Like our vote on the Affordable Care Act last week, the Republicans can vote to repeal our landmark post-Watergate reforms without offering anything to replace them. Their indifference toward the public interest is a threat to the integrity of future elections.

I urge my colleagues to vote against this legislation.

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 359, which would eliminate the presidential public campaign financing system. A year ago, the Supreme Court handed down one of its most devastating decisions in recent memory, ruling in Citizens United vs. the FEC that corporations could spend unlimited amounts in elections to argue for the election or defeat of a candidate. The ruling indeed opened the floodgates: corporate and special interests spent nearly \$300 million in the 2010 midterm elections, four times what was spent during the 2006 midterms.

Citizens United provided corporations like Exxon Mobile and Goldman Sachs the same free speech rights under the First Amendment as teachers, factory workers, and janitors. And yet, at a time when most Americans are fed up with the amount of special interest money flowing in Washington, the Republican party wants to make it easier for corporate voices to be heard. Moreover, these corporate donations can be funneled to tax-exempt organizations that do not have to disclose their donors, decreasing transparency when Americans want more of it.

Last year, the House passed a bipartisan bill to increase disclosure and transparency in federal elections. Unfortunately, the legislation died in the Senate. The last thing we need to counteract the harmful Citizens United decision is to eliminate the public campaign finance system established by Congress in the wake of Watergate which has helped candidates whose voices would not otherwise be heard to participate in federal elections.

Mr. Chair, we were promised more transparency and regular order from the new Republican majority. But we are considering this legislation six days after it was introduced, bypassing the committee process of hearings and mark-ups. I applaud the majority for allowing amendments; but, the truth is, this bill is so tightly written that few amendments are germane. And in the height of hypocrisy, the majority is using an estimate provided by the non-partisan Congressional Budget Office to justify savings to taxpayers, the same agency which the majority party was decrying just last week when it reported that repeal of the health care reform law would add to the deficit.

Unlike my friends across the aisle, I will not dismiss the CBO's score of this legislation as somehow deceptive. However, the bill's savings over 10 years amounts to less money than is spent in 1 month on the war in Afghanistan. Mr. Chair, I agree that we need to find solutions to our deficit problems but this is not one of them. Rather, eliminating the public—financing system will cost us much more in the long term, requiring our elected officials to spend more time raising money to keep up with the corporate spending in elections than legislating.

Everyone agree that the presidential public campaign financing system must be fixed. Fewer Americans are checking the box on their tax forms to contribute to it. President Obama eschewed it in 2008 in favor of receiving small dollar donations via the Internet. Let us work together, in a bipartisan fashion, to reform the system and make it work for the 21st century. As the Washington Post editorial said, "fix the system—don't junk it."

Mr. BLUMENAUER. Mr. Chair, I strongly oppose H.R. 359. This bill terminates the Presidential Election Campaign Fund, which provides grants and matching funds during a presidential campaign for primary candidates, general election nominees, and party conventions.

Elections are not the problem in America. Our troubles don't stem from a case of too much non-special interest money.

Every year, nearly 40 million Americans voluntarily choose to support the public financing system by directing \$3 of their Federal taxes to the fund. This program, with little expense

to the taxpayer, has played an important role of increasing transparency, ensuring that campaigns are funded at an appropriate and sustainable level, and strengthened the voice of small-donor Americans.

While I appreciate that this bill has been brought to the floor under a modified open rule, that does not excuse the fact H.R. 359 bypassed committee hearings, silencing a much-needed debate. In an era of half-a-billion dollar—and growing—presidential campaigns, public financing needs reform, not repeal.

This system was first used 35 years ago in the wake of Watergate to ease pressure on political candidates, enabling them to spend more time connecting with voters and less time securing large contributions.

Before costs outstripped financing, the system helped every candidate from 1976 to 2008, increased the number of viable contenders, and promoted competition in an otherwise restrictive two-party dominated system. The system is broken and has not kept pace with the new campaign environment, but on the anniversary of Citizens United, a decision that upended a century of law that had brought transparency to our electoral process, the last thing we need are presidential campaigns more beholden to private donations.

This piecemeal approach of addressing this nation's fiscal woes is wrong and insufficient. You can't right-size the deficit through spending cuts alone. We must change the way we do business by addressing defense, Social Security, Medicare and Medicaid. Until this happens, we will have a very long and unproductive Congress that fails to address the long-term stability of our economy.

H.R. 359 will eliminate the system when we need—more than ever—to strengthen it. Getting rid of the public financing option in Presidential elections would close the path that leads back towards a better, more transparent democracy where the candidate can more clearly hear the voters, not large corporate interests.

Mr. HOLT. Mr. Chair, I rise today in strong opposition to H.R. 359, a bill that would terminate the public financing system for presidential election campaigns. The vast majority of Americans oppose the damage done to the integrity of the electoral system by the Citizens United v. FEC, which opened the floodgates for corporate spending in elections. According to a Washington Post poll, 80 percent of Americans oppose the ruling, with little difference reflected by party affiliation (85 percent of Democrats oppose it, 76 percent of Republicans, and 81 percent of independents). Yet, inexplicably, the majority is celebrating the one-year anniversary of that disastrous and poorly-reasoned decision by offering a bill that would make that damage vastly worse.

Frankly, I believe we would be moving just plain backwards if, instead of building upon the public financing system for presidential elections by updating it and adding to it a system of public financing for House and Senate races, instead, we remove the public financing system for presidential elections. So far, the new majority seem focused on undoing landmark legislative achievements rather than strengthening them.

I find two aspects of this bill particularly puzzling. First, it is being offered to “reduce Fed-

eral spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.” But nothing in the bill would specifically reduce either federal spending or federal borrowing. The Presidential Election Campaign Fund is funded exclusively by a check-off box on Americans' tax returns, stating that they want \$3 (\$6 for joint returns) of their tax liability to be deposited in the Fund. If that check-off box were removed, their tax liability would be the same, but the \$3 or \$6 would simply be allocated to something else. That is, the size of the revenue pie would be the same but the slice that would have been spent on presidential election campaigns would simply be spent on something else, and nothing in the bill would prevent additional borrowing to increase the size of the pie.

In addition, even if the entire existing balance of the fund were transferred to the Treasury, as called for by the bill, according to the fiscal year 2011 budget the unobligated balance in the fund is approximately \$200 million. The national debt is more than \$14 trillion. So transferring \$200 million to the Treasury for the express purpose of debt reduction would only reduce the debt by one one-thousandth of one percent. The majority argue that this bill would save hundreds of millions of dollars in mandatory funding over the next decade, but the only thing it seems to do is keep those hundreds of millions of dollars out of the Presidential Election Campaign Fund.

That is how little would be gained. But what would be lost? That brings me to the second aspect of this bill that is puzzling. The Presidential Election Campaign Fund is a completely voluntary program. It only exists because people volunteer to participate in it. Although tax-payer designations have decreased in recent years, the American people voluntarily contributed the more than \$1.3 billion that presidential candidates and party committees have received under the program between 1976 and 2004. Why would the American people voluntarily contribute that much money to the program if they didn't prefer the neutrality of public money being used to finance elections to the bias and manipulative potential of private money being used for that purpose?

Similarly, virtually all American presidential candidates have voluntarily participated in the program since it was founded. With the exception of President Obama, every single Republican and Democratic presidential nominee since 1976 has used the public financing system to fund their general election campaigns. Why would the majority—with no real fiscal benefit ensured by this bill—terminate a program that both the citizens and the candidates have voluntarily supported for decades?

The Citizens United decision is drowning out the voice of the average citizen under a tidal wave of corporate spending. The Presidential Election Campaign Fund amplifies the voice of the average American as against the voice of corporate America. It is a critical and valuable program that we should be updating, enhancing and expanding, as a number of Members of this body have been seeking to do. For example, Representative PRICE of North Carolina and Representative VAN HOLLEN championed in the prior Congress, and reintroduced yester-

day with my support, legislation that would increase the role of small donors and decrease the role of corporate spenders and other big donors in presidential campaigns. It would also eliminate spending limits, freeing up candidates to compete with the onslaught of corporate spending resulting from Citizens United. And it would increase the amount available in the fund by increasing the tax return check-off amount from \$3 to \$10 (and from \$6 to \$20 for joint filers). Representative LARSON and Representative JONES also championed legislation that would establish a program of public financing for House elections. I think these efforts are the ones we should be devoting our time to.

I want to reiterate—the check-off box for the Presidential Election Campaign Fund is a strictly voluntary funding mechanism. Keeping it does not constitute an appropriation. Eliminating it does not, in and of itself, reduce spending or borrowing. Eliminating it in this case would simply take away the only national program American citizens and presidential candidates have been able to use to help ensure that elections are as free as possible from the manipulative force of wealthy and powerful special interests.

I strongly oppose this bill and, for the sake of preserving the voice of the American people in elections, I urge my colleagues to do the same.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in strong opposition to H.R. 359, terminating voluntary taxpayer financing of presidential elections. This legislation seeks to end a 35-year-old program that uses money taxpayers choose to help pay for presidential campaigns and political conventions. The impetus for creating this public-financing system was the 1970s Watergate scandal and the desire to make fundraising for presidential elections more transparent. This bill would terminate the taxpayer option to designate a mere \$3 of income taxes to the financing of presidential campaigns, thereby also eliminating the Presidential Election Campaign Fund and the Presidential Primary Matching Payment Account.

Currently, taxpayers can designate a \$3 contribution to the public-financing system by checking a box on their federal income tax form. The money comes from taxes paid to the U.S. Treasury and does not affect a person's tax refund or payment. Passing this legislation would do irreparable harm to our presidential election system by preventing everyday Americans from having their voices heard while opening the door for special interests and large corporations to dominate presidential elections even more. This legislation would prevent patriotic, tax-paying grandmothers who may not be technologically savvy enough to go to the Web site of a presidential campaign but who have for years and decades checked this box from expressing their civic right to support a presidential campaign. I think we should all stand up for grandmothers throughout this great Nation and oppose this legislation.

Furthermore, this attempt to fast-track a bill that will destroy the presidential public finance system and privatize election fundraising is highly irresponsible. This violates recent pledges by the GOP's leadership of increased

transparency, accountability and debate in Congress. Not one hearing has been held on the legislation, nor has a single committee debated its merits at a markup. If it passes, this legislation will roll back more than 30 years of law born out of the Watergate scandal, eviscerating one of the few remaining protections stopping corporations from heavily influencing American elections even more. The Supreme Court already opened the floodgates to unrestricted special interest spending in our elections and over our public policy debate in the Citizens United case; this legislation would pave the way for special interest groups, large corporations, and other large donors to dominate the political landscape even more at the expense of everyday, hard-working, tax-paying Americans.

House Republicans' much-touted "Pledge to America" criticized Democrats for "limiting openness and debate" during the legislative process and vowed to "ensure that bills are debated and discussed in the public square." The pledge says the GOP "will fight to ensure transparency and accountability in Congress and throughout government." And in Speaker JOHN BOEHNER's first remarks after taking control of the House, he spoke of a greater emphasis on "real transparency" and "greater accountability." He went on, "Above all else, we will welcome the battle of ideas, encourage it, and engage in it—openly, honestly, and respectfully." Bringing forth such sweeping legislation without committee hearings and markups completely contradicts these promises.

Public financing of presidential campaigns provides matching tax dollars to the small donations received by candidates who agree to publicly finance their campaigns, instead of relying on private donations. The intent is to encourage small donations and the burden on taxpayers is not much: Americans can voluntarily contribute \$3 to the fund on their federal tax filings. The public finance system was created in the aftermath of the Watergate scandal in the mid-1970s. After President Richard Nixon's re-election campaign was found to have illegally accepted hundreds of thousands of dollars from big corporations, Congress created a public financing system so that candidates would not have to rely on corporations and deep pocketed donors to finance their campaigns.

Legislation to make presidential public financing more competitive has won support from both parties in the past. In 2003, Senators Russ Feingold and JOHN MCCAIN introduced a bill that would reform the public financing system; Reps. Christopher Shays and Marty Meehan filed a companion bill in the House. "The public financing system for presidential elections, which aims to allow candidates to run competitive campaigns without becoming overly dependent on private donors, is a system worth improving and preserving," the lawmakers said in a joint statement.

More recently, Rep. DAVID PRICE introduced the Presidential Fund Act, which would notably increase the funds available to candidates who opt in to public financing. In 2007, when PRICE introduced his bill, cosponsors included three Republicans—Reps. Mike Castle of Delaware, TODD PLATTS of Pennsylvania, and Shays. Rep. PRICE has offered the bill again in the 112th Congress with Rep. VAN HOLLEN.

Since 1976, every Democratic and Republican presidential candidate has used the public financing system except Barack Obama's 2008 campaign. The way reformers see it, the presidential public financing system needs repair, not repeal. This legislation has drawn sharp criticism from campaign-finance watchdog groups who argue that the program should be expanded, not eliminated, to reduce special-interest money in elections.

Meredith McGehee, policy director at the Campaign Legal Center, says the amount of public funds currently available to candidates is too small to be competitive in modern presidential races. She says lawmakers need to update the system to better emphasize small donations to candidates and raise the total amount of public funding available. "Imagine if you didn't make any changes to the tax code since 1976. Of course public financing is outdated. The issue, then, is not to get rid of, but how to fix."

Craig Holman from the public interest group Public Citizen says his organization and others like it will urge lawmakers to oppose the GOP's bill because it violates the GOP's transparency promises, both on the 2010 campaign trail and now as the House majority. "This just came out of the blue, has had no deliberation and no discussion within the Republican and Democratic conferences," Holman says. "They have just been seated and they're already breaking the ground rules on how they'll do business."

This legislation is strongly opposed by Americans for Campaign Reform, the Brennan Center for Justice, Common Cause, Democracy 21, the League of Women Voters, People for the American Way, and U.S. PIRG, to name a few.

I urge my colleagues to oppose this legislation, which would be damaging to our democracy.

Ms. KAPTUR. Mr. Chair, this past Thursday marked the one year anniversary of the United States Supreme Court's ruling on the case Citizens United v. Federal Elections Commission.

That is the day the liberty of the American Republic went on sale to the highest bidder.

And today, the House gathers to remove one of the few remaining tools the average American has to voluntarily participate in a presidential election—let me remind those in support of H.R. 359 that the average American is not a multi-national corporation with hundreds of millions of dollars at their disposal.

My friends on the other side have said that this bill has nothing to do with the Citizens United case; I respectfully disagree.

Because of the overreaching ruling in Citizens United, not only are large corporations now allowed to reach into their deep pockets to spend unlimited funds in support of those running for office. But they can pay for political advertisements in the days leading up to an election—a provision previously banned by the Bipartisan Campaign Reform Act.

The winner in this case was not Citizens United and the loser was not the Federal Elections Commission. The winners are multi-national corporations and Wall Street. The loser is the liberty of the American people. For if money = free speech, then lack of money = lack of free speech.

Corporations have always had heavy influence in the U.S. government. But today, as a result of the Supreme Court's decision one year ago, we have entered a new era in the corporate ownership of America.

In this past mid-term election, the fallout of Citizens United v. FEC saw close to \$4 billion poured into the mid-term cycle. This was an all-time record.

It is frightening to imagine how much money will be spent during a presidential election year if public financing is stripped.

Four billion dollars—a record-breaking amount of money—was spent at a time when our country's unemployment hovers near 10 percent.

That gross amount of cash came from big business and Wall Street. To claim the Citizens United made no difference in the billions spent is absurd.

A few justices on the Supreme Court curiously decided that giant banks—which have already taken so much from the American people—are deserving of the same protection under the First Amendment of the Constitution as the very people they hurt.

Wall Street has stripped the average American of their retirement funds, their homes, and drown our society in debt; now the Supreme Court has stripped them clean of their Constitutional right to a free democracy.

This is unacceptable.

Those who benefit from the big money that is injected into elections by big business and Wall Street banks have tried to stop legislative fixes. The Supreme Court has shown its willingness to overturn a century's worth of legislation designed to protect our electoral system. Now this Congress is about to vote to remove the voluntary public financing system put in place in the wake of the Watergate Scandal.

My friends in the new majority say that the system is broken, and I agree.

That is why I have introduced, year after year, a Constitutional amendment, H.J. Res. 6, to ensure that no corporation, no Wall Street bank, no big oil company, no deep pocket interest will be able to buy elections.

I believe, the only long-term solution is to amend the United States Constitution.

America's founders had the wisdom to know that as our young Republic matured, changes would need to be made.

That is why they wrote Article V of the United States Constitution, which allows for amendments to the Constitution.

The time has come to exercise this Constitutional right and fundamentally protect American liberty.

Additionally, H.J. Res. 8, another amendment I have introduced, will amend the Constitution to give Congress the authority to set limits on the amount of contributions that may be accepted by a candidate.

Congress cannot allow a tidal wave of big money to drown the integrity of our electoral system. Citizens United v. Federal Elections Commission was not a question of First Amendment rights; instead, it was an opportunity to protect the voices of average Americans who have been silenced by huge corporate bank accounts.

One year ago this free Republic suffered a staggering blow.

Today, we must be firm and resolute in our response.

I urge my colleagues to protect public funding, to vote in favor of the Polis amendment, and to vote NO on H.R. 359.

The freedom and liberty our founders envisioned truly is at stake.

Mr. KUCINICH. Mr. Chair, I rise in opposition to H.R. 359, which would repeal the presidential public funding system. Thanks to Wall Street, unemployment is nominally at 9.4 percent but in actuality is much higher and foreclosures continue to defy efforts to get them under control. Thousands die from no or inadequate access to medical care every year because the health insurance companies have given rise to one of the most expensive, least accessible, and lowest quality health care systems in the developed world. Defense companies profit handsomely off of two major wars, one of which is still expanding almost 10 years on. Fossil fuel companies continue to alter the planet at a pace that has been declared not only a major environmental and economic issue, but also a national security issue. According to the Congressional Research Service, "in 2007, the top 5 percent of wealth owners accounted for about 60 percent of all wealth accumulated by households."

These are also industries who happen to contribute mightily to campaigns of both parties. The Center for Responsive Politics estimates that special interests spent \$281.6 million during the 2010 election cycle. These industries are not contributing out of the goodness of their hearts, but because their large investments pay dividends. It is the cost of doing business.

This is not a situation in which it is a good idea to give the wealthy more influence over the public's governance. But H.R. 359 will do that. By reducing the opt-in, voluntary contribution to presidential campaigns, this Congress will declare that the vast majority of Americans should have less influence over the selection of its government and the corporations should have more.

Instead, we should be demanding full public financing of elections with small maximum contributions. We should be amending the Constitution to clarify that our founders did not intend to create a system in which one dollar equals one vote. And we must reverse the corrosive decision to grant corporations the same rights as people in the eyes of the law.

We can do better. A thriving democracy demands it.

Mr. CAPUANO. Mr. Chair, I rise today in opposition to H.R. 359. To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions. It is my fervent belief that in this age of increasing corporate donations and outside influence on the American elections process, we need to improve public financing systems, not end them outright.

As we all know, the Presidential Election Campaign Fund was born out of the Watergate scandal as a way to provide transparency and integrity to presidential elections. The tax check off box has given millions of Americans the opportunity to support more open elections for over 30 years, and polling indicates that voters favor a transition to public financing for all federal elections, not just presidential races.

I concede that the system created in the 1970's has not changed much since its inception and could be greatly improved to better reflect the realities of campaigns today. The solution to this is to fix the Presidential Election Campaign Fund, not end it. I urge defeat of H.R. 359 today and look forward to working with my colleagues to instead improve our options for campaign financing moving forward.

Mr. ROSKAM. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 5 hours and shall be considered read.

The text of the bill is as follows:

H.R. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) **TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.**—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) **TERMINATION.**—This section shall not apply to taxable years beginning after December 31, 2009."

(b) **TERMINATION OF FUND AND ACCOUNT.**—

(1) **TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.**—

(A) **IN GENERAL.**—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9014. TERMINATION.

"The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election."

(B) **TRANSFER OF EXCESS FUNDS TO GENERAL FUND.**—Section 9006 of such Code is amended by adding at the end the following new subsection:

"(d) **TRANSFER OF FUNDS REMAINING AFTER TERMINATION.**—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury."

(2) **TERMINATION OF ACCOUNT.**—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9043. TERMINATION.

"The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section."

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9014. Termination."

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

"Sec. 9043. Termination."

The CHAIR. No amendment to the bill shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and except pro forma amendments for the purpose of debate.

The Chair would advise, in light of the gentleman from New York's par-

liamentary inquiry earlier, that the printed RECORD is available.

Each amendment printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read.

AMENDMENT NO. 1 OFFERED BY MR. PETERS

Mr. PETERS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 23, strike "Treasury." and insert "Treasury, to be used only for reducing the deficit."

The CHAIR. Pursuant to the rule, the gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. PETERS. Mr. Chairman, there is a strong bipartisan agreement that the long-term health of our economy necessitates confronting persistent budget deficits and the growing national debt.

Democrats and Republicans were able to work together to create balanced budgets in the 1990s and a similar attempt is needed now.

While I appreciate the efforts of the Republican leadership to put forward a specific budget cut, I have serious concerns with eliminating the public campaign financing system. However, if the House is going to vote on this, we owe it to the American people to ensure that the funds are actually used for deficit reduction and not for additional spending.

When I was reading the text of this legislation, I was surprised to find that the bill does not make specific provisions for using the remaining money in the Presidential Election Campaign Fund to reduce the deficit. This is why I am putting forward my amendment that will ensure that the \$194 million in tax dollars currently sitting in the Presidential Election Campaign Fund will be used to reduce the deficit should this legislation become law.

As introduced, H.R. 359 would transfer this money to the Treasury's general fund where it could be dedicated to new spending or lent to government trust funds. My amendment would simply specify that upon transfer to the Treasury, these funds are to be used only, to be used only, for reducing the deficit.

This is about sending a message to taxpayers. If we are going to put deficit reduction in a bill's title, then we should make sure the deficit reduction is in the statutory language as well.

It is a matter of fact that the bill, as introduced, simply returns the \$194 million in the Presidential Election Campaign Fund to the Treasury's general fund and it is from this fund that most expenditures are made, as well as loans to a number of government trust funds. If we are going to pass a bill to reduce the deficit, let's make sure it actually does that.

It is not uncommon or unprecedented to specify funds being returned to the Treasury to be used for deficit reduction. In fact, I am proud to be a bipartisan cosponsor of two Republican bills introduced this session, one by my colleague from Michigan, Chairman CAMP, and Representative GINGREY, that would codify the requirements that unspent funds from the Members' representational allowances be used specifically for deficit reduction.

This amendment basically uses the same language as in both of those bills by Mr. CAMP and Mr. GINGREY. If Congress is going to send a message to taxpayers that cutting spending is a top priority, then let's make sure those recovered funds are actually used to reduce the deficit.

My amendment is a commonsense change that ensures that the stated purpose of this bill, deficit reduction, will actually be carried out.

I yield back the balance of my time.

Mr. ROSKAM. Mr. Chairman, I rise in support of the amendment.

The CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. I wholeheartedly agree and ask that it be passed.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. CASTOR OF FLORIDA

Ms. CASTOR of Florida. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, amend line 21 to read as follows: "to the Office of Justice Programs for local law enforcement for costs of providing security at Presidential nominating conventions."

□ 1250

Mr. ROSKAM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIR. A point of order is reserved.

The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Mr. Chairman, I rise today in support of the Castor amendment to safeguard the local government security funds that come from the Presidential Election Campaign Fund. I know a lot of the debate has been focused on public campaign financing of Presidential campaigns, but another important portion of that fund

goes to local communities to help them with local security and local law enforcement costs when they host a political party convention.

And we're very proud in my hometown of Tampa to be the host of the 2012 Republican convention. It's no wonder that the Republicans selected Tampa; it's a wonderful place. We have beautiful beaches. We need the business and the jobs. So we're going to be a very welcoming community. We do conventions very well. And we're very happy that we're going to play host to the Republican convention.

But here are great warning flags going off because what I hear from my local law enforcement community is that the security costs, especially in the post-9/11 world, are very daunting. They are very concerned with the cost of providing security for the Republican convention, just like, I think, any host community would be for any party convention.

So what this amendment does is it says that, rather than completely do away with this fund, we will retain the portion that will cover local law enforcement security costs. We're going to need this help.

What I understand from my colleagues in Minneapolis after the last convention is that they received over \$16 million from this fund to help them cover the costs of security, yet that wasn't enough to fully cover all the cost. And let me tell you, in this economy right now, in an area where we were hard hit by the recession in 2007, early 2007, our local governments simply don't have the wherewithal to go this extra mile and cover all of these security costs.

So what I'm asking through this amendment, as we come together in a bipartisan way to cover those local law enforcement costs, is let's not throw out the entire fund. Let's retain this amount, or what's left in the fund, to go to cover these local security costs.

Let's face it, too, this is voluntary. This is the voluntary checkoff on your income tax form that taxpayers all across America can decide if they want to do this or not. This is not something that is mandatory upon all taxpayers across the country. And if folks around the country, if taxpayers want to say, voluntarily, We want to help keep big money out of campaigns and we want to help cover local security issues, then we should be following through with that commitment and not eliminating it, not giving them any choice at all.

Overall, if the majority will not accept this amendment, since you have raised the point of order, and it seems like you don't want to bring it up to a vote, I would urge everyone to vote "no" on H.R. 359 because it puts in danger dollars that can be used by the City of Tampa, the Tampa Bay area, and other communities for security, transportation, preparation, and other allowable purposes.

This amendment intends to replace the \$100 million we spend for security every 4 years with funding from this voluntary fund. If we kill this fund, we're going to be hurting many local communities such as my hometown of Tampa. The host committee will be way behind the eight ball. They're doing a good job but, boy, this was a commitment, this is the law, and you're going to really stick it to them by taking these security funds away.

So let's focus on making our communities safe when we rally a democracy under our political conventions.

Mr. Chairman, at this point, since the majority party has offered a point of order, it appears that they are not going to allow this amendment and probably the next one to come up for a vote. So because the majority has raised a point of order to prevent a vote on my amendment, I reluctantly ask unanimous consent to withdraw both of my amendments, which would have safeguarded our security funds for local law enforcement.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 4 OFFERED BY MS. TSONGAS

Ms. TSONGAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

SEC. 2. PROHIBITION ON THE USE OF FEDERAL FUNDS FOR PRESIDENTIAL CAMPAIGN AND LOBBYING ACTIVITIES.

With respect to Federal funds received by an entity, other than a natural person, it shall be unlawful for such entity to—

- (1) use such funds to advocate the election or defeat of a Presidential candidate;
- (2) use such funds to engage in any lobbying activity; or
- (3) donate such funds to any entity that advocates for the election or defeat of a Presidential candidate or engages in lobbying activities.

Mr. ROSKAM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIR. A point of order is reserved.

The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. Mr. Chairman, it is my intention to withdraw, however reluctantly, the amendment. But I would like to thank my colleagues on the other side of the aisle for giving me this opportunity to discuss what I believe is a critically important issue for our democracy.

My amendment is straightforward. Entities that received Federal funds may not use those funds, be they bailouts, earmarks, grants, or payments for contracts, toward the election or defeat of a Presidential candidate.

I understand what my colleagues on the other side of the aisle hope to accomplish with the underlying bill

today. They want to protect taxpayer dollars. Saving taxpayer dollars is a noble goal, particularly in these tough economic times.

Unfortunately, this bill eliminates the voluntary fund that taxpayers elect to put toward campaign financing and does nothing about the much larger share of taxpayer dollars that can now go to campaign financing with no say from taxpayers. If we are truly serious about protecting taxpayer dollars, it is these dollars we should be concerned with. We should ensure that corporations and other entities receiving taxpayer money cannot turn around and use that same money to finance Presidential campaigns.

The Supreme Court, in *Citizens United*, allowed corporations to have unlimited influence in elections. It removed longstanding protections that prevented corporations from making large contributions to candidates and drowning out the voices of everyday Americans trying to participate in our democracy. In the wake of *Citizens United*, public financing of Presidential elections is all the more important to ensure a level playing field for candidates running for office and to preserve the voice of the American taxpayer. By eliminating the Presidential Campaign Fund, my colleagues across the aisle would increase the influence of special interests in the elections, leaving Presidential candidates beholden to large, private contributions.

If my colleagues insist on eliminating this important and completely voluntary fund, let us at least make sure that corporations receiving taxpayer money through bailouts, earmarks, and other Federal funds are not able to then use these taxpayer funds towards influencing Presidential elections. Let us level the playing field and protect all American voters by ensuring that these large, private contributions to political candidates aren't funded using taxpayer money.

Mr. Chairman, I reluctantly ask unanimous consent to withdraw my amendment.

The CHAIR. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MS. MOORE

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TAXPAYER OPTION TO CONTRIBUTE OWN FUNDS TO PRESIDENTIAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Section 6096 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6096. CONTRIBUTIONS OF OWN FUNDS BY INDIVIDUALS.

“(a) GENERAL RULE.—Every taxpayer who makes a return of the tax imposed by chap-

ter 1 for any taxable year may designate that \$3 (\$6 in the case of a joint return) in addition to any payment of tax for such taxable year shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a).

“(b) MANNER AND TIME OF DESIGNATION.—Any designation under subsection (a) for any taxable year—

“(1) shall be made at the time of filing the return of the tax imposed by chapter 1 for such taxable year and in such manner as the Secretary may by regulation prescribe, except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature, and

“(2) shall be accompanied by a payment of the amount so designated.”.

(b) CLERICAL AMENDMENT.—The item relating to section 6096 in the table of sections for part VIII of subchapter A of chapter 61 of such Code is amended to read as follows:

“Sec. 6096. Contributions of own funds by individuals.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. ROSKAM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIR. A point of order is reserved.

The gentlewoman from Wisconsin is recognized for 5 minutes in support of her amendment.

Ms. MOORE. Mr. Chairman, the Supreme Court ruling in *Citizens United v. Federal Election Commission* created an uninhibited voice for special interest spending in our elections and unlimited corporate speech in our public policy debate.

Special interests were heard loud and clear this past election cycle to the tune of \$281.6 million, almost five times greater than the previous midterm election of 2006. By eliminating the Presidential Election Campaign Fund where everyday Americans can have their voices heard, special interest groups will be able to shout from the top of the mountain and dominate Presidential elections even more.

Currently, between 7 and 8 percent of Americans choose to direct \$3 of their tax liability to the Presidential Election Campaign Fund. My amendment is simple. Instead of directing that amount, that \$3 of their tax liability by checking that box, citizens would be able to check that box and voluntarily make a donation in the same amount to the Presidential Election Campaign Fund.

What's important here is not whether a President uses the fund or doesn't use the fund. What's important is to preserve the opportunity for the average American to have that speech and the opportunity to say loud and clear that they support clean, good, and fair elections.

□ 1300

My amendment, instead of eliminating the entire program, lets Americans make a donation out of their own

pockets. Good government groups are against the underlying bill, such as the League of Women Voters, Common Cause, Democracy 21, and Public Citizen. Rather than eliminating the public financing system, we should be working together in a bipartisan manner to reform it and improve it.

Now, I understand that a point of order is being reserved against my amendment because CBO has scored my amendment as saving only \$400 million over 10 years, while the underlying bill saves \$600 million. So I think given that my amendment does contribute to deficit reduction, we shouldn't throw the baby out with the bath water.

Understanding, Mr. Chairman, that a point of order has been reserved, I ask unanimous consent to withdraw my amendment.

The CHAIR. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

The CHAIR. Are there further amendments to the bill?

AMENDMENT NO. 5 OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. VOLUNTARY FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) IN GENERAL.—Section 6096 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6096. VOLUNTARY DESIGNATION BY INDIVIDUALS.

“(a) GENERAL RULE.—Every taxpayer who makes a return of the tax imposed by chapter 1 for any taxable year may designate an amount shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). The amount designated under the preceding sentence—

“(1) may not be less than \$1, and

“(2) shall be in addition to any payment of tax for the taxable year.

“(b) MANNER AND TIME OF DESIGNATION.—Any designation under subsection (a) for any taxable year—

“(1) shall be made at the time of filing the return of the tax imposed by chapter 1 for such taxable year and in such manner as the Secretary may by regulation prescribe, except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature, and

“(2) shall be accompanied by a payment of the amount so designated.

“(c) TREATMENT OF AMOUNTS DESIGNATED.—For purposes of this title, the amount designated by any taxpayer under subsection (a) shall be treated as a contribution made by such taxpayer to the United States on the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.”.

(b) CLERICAL AMENDMENT.—The item relating to section 6096 in the table of sections for part VIII of subchapter A of chapter 61 of such Code is amended to read as follows:

“Sec. 6096. Voluntary designation by individuals.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. ROSKAM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIR. A point of order is reserved.

The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, I rise today to discuss an amendment that can maintain our commitment to true democracy and reduce the corrupting influence of Big Money in Presidential campaigns, but will also allow for fiscal responsibility and the savings that Members of both parties believe so strongly about.

Rather than end the program, as has been proposed in the Republican bill to fund Presidential elections and reduce the influence of Big Money on our political system, this amendment would make the source of the voluntary individual donations to the Presidential Election Campaign Fund. It can be structured in such a way where the same amount of money is saved because rather than, and when I looked into this matter, like many Americans, I thought and many people thought that the \$3 check-off was actually additional money you pay. On the tax form, it looks like it is and you check it off. Most people think it is additional; it is not actually an additional \$3. It comes out of the money you already pay.

So what this amendment would do is say it would be an optional amount on top of the other amount that you pay. So it would be an additional \$3 or \$5 or \$10. We actually leave it open and allow people themselves to designate how much money they would like to apply to fighting Big Money in politics.

So with this approach, we can separate these two issues. One is an issue of fiscal responsibility with which I think there is strong bipartisan support for making cuts, even cuts of programs that we hold dear. Frankly, I am a supporter of public financing and am a co-sponsor of the Fair Elections Act. I support more public financing, but I am also fiscally responsible, and I would make cuts elsewhere. Let's separate that out and say we can save the \$520 million we need to save, but allow the program of public financing to continue as a program that individuals themselves can choose how much to fund when they are filling out their taxes. I think that is a very critical component with regard to this.

By not capping the amount of voluntary donations, the amount of the fund could even be improved. It could remain solvent and strong because some taxpayers might dedicate \$30, \$100, or \$500. We would make it easy by empowering taxpayers.

I do have a technical fix for the amendment that I would like to offer.

This is all happening so quickly, I will get that amendment to you in a moment. But effectively what this would do is, as you know, as it is now structured, all of the money you save going forward and the existing money from the fund is returned to Treasury.

Certainly the intent of my amendment was to do the same thing, but there is some ambiguity about whether the existing money in the fund would be returned to Treasury, which is the intent of the amendment.

I ask unanimous consent to modify for a technical correction the copy of the amendment I am sending to the desk.

The CHAIR. If the gentleman would send the modification to the desk.

Mr. POLIS. I withdraw the request to modify my amendment so I can continue with my time. How much time do I have remaining?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. POLIS. So again, with regard to this amendment, it is designed to save the same amount of money because it does, obviously. It simply allocates the money both in the fund; and I offer in terms of a clarification on legislative intent that it is the intent. There is certainly nothing in the language of the amendment that precludes it, as well as any future funds that come in under the regular taxes that are paid. It allows the fund in the future to be funded out of voluntary contributions.

I think if opponents of the Presidential campaign fund want to end the program for budgetary purposes, my amendment gives a reason to maintain the fund. We can, if you believe in the mission of public financing and fighting Big Money interests, also be fiscally responsible by maintaining the fund. Eliminating the fund would continue the trend of shutting out the public's voice in Federal campaigns.

Again, I sympathize with the need to save \$520 million, and I support the need to save \$520 million; and that is a beginning. That is a small beginning for what we need to cut, but we can do so in a way that will allow this concept that was created in the wake of Watergate to continue to exist and work.

I worry about the fate of our democracy with regard to the impact of Big Money on elections, and to get rid of public financing in Presidential campaigns would inflict greater damage on our campaigns and on our democracy.

The CHAIR. The time of the gentleman has expired.

Does the gentleman from Illinois insist on his point of order?

POINT OF ORDER

Mr. ROSKAM. Mr. Chairman, I must insist on the point of order. I raise a point of order against the amendment because it violates clause 10 of rule XXI, known as the CutGo rule. The amendment proposed increased mandatory spending without an equal or

great reduction in existing mandatory spending relative to the underlying bill in violation of the rule.

The CHAIR. Does any Member wish to be heard on the point of order?

Mr. POLIS. Yes, I do.

The CHAIR. The gentleman from Colorado is recognized to be heard on the point of order.

Mr. POLIS. The point of order is legitimate in the sense that there is an ambiguity with regard to what happens to the money. I would press the point that the legislative intent is to allow the money that exists in the fund to be returned to the Department of the Treasury. We would be happy to work with the gentleman on a technical fix to the amendment that would make that clear. I would argue that it is already clear enough in the sense that certainly nothing is prohibited in terms of returning that money. The formal scoring came back as saving at least, I believe, \$422 million, which is all of the money going forward.

So this is a question of the \$100 million or so that is now in the fund. The legislative intent is to return that to the Treasury which would, therefore, result in identical savings. And we would be happy, to the gentleman's satisfaction and during the course of debate before the votes are called, to clarify that through a technical fix.

The CHAIR. The Chair recognizes the gentleman from California to be heard on the point of order.

Mr. DANIEL E. LUNGREN of California. On the most recent clarification by the gentleman from Colorado, the intent of our legislation is to stop this program. Not only would the funds be returned that are already in there, but the program would not go forward.

□ 1310

So, therefore, the administrative costs to the IRS would be eliminated. The gentleman, by continuing the program, increases the net cost because you will continue having the administrative costs that otherwise would be no longer in effect as a result of the underlying bill; and therefore, the point of order would still be appropriate.

The CHAIR. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule.

The gentleman from Illinois makes a point of order that the amendment offered by the gentleman from Colorado violates clause 10 of rule XXI by proposing an increase in mandatory spending over a relevant period of time.

Pursuant to clause 10 of rule XXI and clause 4 of rule XXIX, the Chair is authoritatively guided by estimates from the chair of the Committee on the Budget that the net effect of the provisions in the amendment would increase mandatory spending over a relevant period as compared to the bill.

Accordingly, the point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 1 OFFERED BY MR. PETERS

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment on which further proceedings were postponed.

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. PETERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 7, not voting 31, as follows:

[Roll No. 23]

AYES—396

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishke
Berg
Berkley
Berman
Biggart
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu

Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett

Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Mica
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee

Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel E.

Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer

Clarke (NY)
Edwards
Holt

Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader

NOES—7

Jackson Lee (TX)
Lee (CA)

NOT VOTING—31

Baca
Becerra
Bilirakis
Buchanan
Capps
Capuano
Carter
Cooper
Costa
Diaz-Balart
Doggett

Doyle
Emerson
Engel
Frank (MA)
Garamendi
Giffords
Heinrich
Hinchey
Hinojosa
Holden
Larson (CT)

Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souterland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry

Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

Ms. CLARKE of New York changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. LUMMIS. Mr. Chair, on rollcall No. 23 I was absent because I was having a root canal.

Had I been present, I would have voted “aye.”

Mrs. McCARTHY of New York. Mr. Chair, I was unavoidably detained on January 26, 2011 and missed rollcall vote No. 23 on the amendment to H.R. 359 offered by Representative PETERS. If I had been present, I would have voted “aye” on rollcall No. 23.

Mr. ENGEL. Mr. Chair, on rollcall No. 23, had I been present, I would have “aye.”

Mr. BECERRA. Mr. Chair, earlier today I was unavoidably detained and missed rollcall vote No. 23. If present, I would have voted “aye” on rollcall vote No. 23.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. LATOURETTE, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, and, pursuant to House Resolution 54, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. WALZ of Minnesota. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALZ of Minnesota. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walz of Minnesota moves to recommit the bill H.R. 359 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. CAMPAIGN DISCLOSURE AGREEMENT.

(a) DISQUALIFIED ENTITY.—Section 9003 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) DISQUALIFIED ENTITY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘disqualified entity’ means any entity that has not entered into a campaign disclosure agreement with the Department of the Treasury.

“(2) CAMPAIGN DISCLOSURE AGREEMENT.—The term ‘campaign disclosure agreement’ means an agreement in which the entity agrees—

“(A) to file disclosure statements with the Internal Revenue Service at such times, and covering such periods, as are required under section 527(j)(2),

“(B) with respect to its receipt of payment for electioneering communications from covered persons on or after January 1, 2013, to include within those disclosure statements—

“(i) the amount, date, and purpose of each payment and the name and address of the covered person making the payment, and

“(ii) the name and address of each disqualified contributor making a payment on or after January 1, 2013, to the covered person (including the occupation and name of employer of such individual) and the amount and date of each payment, and

“(C) to pay damages to the Secretary for failure to comply with these disclosure requirements in an amount equal to 35 percent of the amount that was required to be disclosed.

“(3) DISQUALIFIED CONTRIBUTOR.—The term ‘disqualified contributor’ means—

“(A) any person who makes payments (directly or indirectly) of more than \$100,000 to the covered person during the calendar year, and

“(B) any foreign individual, foreign corporation, or foreign country who makes any payment (directly or indirectly) to the covered person during the calendar year.

A payment that is deposited into an account of a covered person that is not available for electioneering communications shall not be taken into account for purposes of the preceding sentence.

“(4) ELECTIONEERING COMMUNICATION.—The term ‘electioneering communication’ means a communication that—

“(A) refers to a clearly identified candidate for any Federal public office,

“(B) reflects a view on such candidate or on the record of such candidate, and

“(C) is made within 30 days of a general election or a primary election.

“(5) COVERED PERSON.—

“(A) IN GENERAL.—The term ‘covered person’ means any of the following persons:

“(i) Any foreign individual, corporation, partnership, limited liability company, limited liability partnership, trust or similar entity or foreign country.

“(ii) Any domestic corporation, partnership, limited liability company, limited liability partnership, trust or similar entity.

“(iii) Any person described in section 501(c) and exempt from tax under section 501(a).

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any person if the aggregate payments for electioneering communications during the calendar year by such person does not exceed \$25,000.”

(b) CONDITION.—Subsection (a) of section 9003 of such Code is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by inserting after paragraph (3) the following new paragraph:

“(4) agree to not make any payment to a disqualified entity for print, broadcast, cable, or satellite communications.”

(c) PRESERVATION OF FUNDS FOR PRESIDENTIAL CANDIDATES.—Subsection (b) of section 9006 of such Code is amended to read as follows:

“(b) PAYMENTS FROM THE FUND.—Amounts in the Presidential Election Campaign Fund shall be available, as provided by appropriation Acts, solely for making expenditures to eligible candidates of a political party. No expenditures may be made from such fund unless the Secretary of the Treasury has receipt of a certification from the Commission under section 9005.”

(d) PRESERVATION OF FUND FOR PRESIDENTIAL PRIMARIES.—Subsection (b) of section 9037 of such Code is amended to read as follows:

“(b) PAYMENTS FROM THE MATCHING PAYMENT ACCOUNT.—Amounts in the Presidential Primary Matching Payment Account shall be available, as provided by appropriation Acts, solely for making transfers to the candidate. No amount may be transferred from the account unless the Secretary has receipt of a certification from the Commission under section 9036, but not before the beginning of the matching payment period. In making such transfers to candidates of the same political party, the Secretary shall seek to achieve an equitable distribution of funds available under subsection (a), and the Secretary shall take into account, in seeking to achieve an equitable distribution, the sequence in which such certifications are received.”

(e) PRESERVATION OF FUNDS FOR NATIONAL COMMITTEE.—Paragraph (3) of section 9008(b) of such Code is amended to read as follows:

“(3) PAYMENTS.—Amounts in the appropriate account maintained under subsection (a) shall be available, as provided by appropriation Acts, solely for making expenditures to the national committee of a major party or minor party which elects to receive its entitlement under this subsection. Such payments shall be available for use by such committee in accordance with the provisions of subsection (c). No expenditures may be made from such fund unless the Secretary of the Treasury has receipt of a certification from the Commission under subsection (g).”

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. WALZ of Minnesota (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. ROSKAM. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

□ 1340

Mr. ROSKAM (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes in support of his motion.

Mr. WALZ of Minnesota. Mr. Speaker, I yield to the gentleman from Maryland (Mr. VAN HOLLEN), a true champion of transparency and openness in government and our elections.

Mr. VAN HOLLEN. I thank my colleague and thank him for offering this motion because it's very simple. What this does is allow the American public

to finally know who is funding the political ads that they're watching financed by a lot of these shadowy groups.

Mr. Speaker, earlier today our Republican colleagues rejected the idea of having broad transparency by adopting the DISCLOSE Act. What this does is target it in one very important area, an area that the American public deserves to know, and that is when commercials, TV commercials, are paid for by special interests, Big Money special interests, including foreign corporations, and corporations that are owned or controlled by foreign governments, whether they be China, Iran, Venezuela, whoever it may be, that the American public has a right to know who is paying for those ads.

It's simple, it's transparent, and in fact our Republican colleagues even recently said they were in favor of more transparency. Speaker BOEHNER said on Meet the Press, and I quote: “I think what we ought to do is we ought to have full disclosure, full disclosure of all the money we raise and how it is spent. I think sunlight is the best disinfectant.” I would hope that would also be true about foreign-controlled corporations trying to secretly finance ads in this country.

Majority Leader CANTOR told Newsweek, and I quote: “Anything that moves us back toward the notion of transparency, real-time reporting of donations and contributions would be helpful toward restoring confidence of the voters.”

Mr. Speaker, this motion is very simple. Let's let the American public know when you have these Big Money special interests, including foreign-controlled corporations, spending this money to influence their vote. Eighty percent of the American people, Democrats, Republicans, and independents, say they want to know. A vote against this motion is a vote to keep the American public in the dark, to continue to allow those shadowy groups, including those controlled by foreign interests, to continue to try and influence the elections in this country without telling a single person. That's wrong. It violates the kind of pledge towards transparency and greater accountability that we heard a lot in this last election.

So I urge my colleagues to act on a bipartisan basis to simply give the public the right to know when those kinds of organizations, including foreign-controlled corporations, are spending gobs of money on TV and not telling the American people who they are or who is financing them.

Mr. WALZ of Minnesota. I thank the gentleman. And on the morning after the night we sat here together and listened to the President talk about us working together, we have got a motion to recommit that I think we can all agree upon. As the gentleman spoke about something very uniquely American in our election process, it is that

humble idea of someone like myself, a school teacher, football coach, and soldier, with no political connections and no personal wealth, can actually get their friends together and win elections to Congress.

The idea that we should have our elections be influenced by undisclosed foreign money runs counter to everything in this Nation's history. This piece of legislation was a bipartisan piece of legislation that was meant to curb the excesses in the post-Watergate era. It has been used by every President, including Ronald Reagan, to make sure that our election processes were fair.

So we offer this motion to recommit in the spirit of last night's speech, something we can agree upon together, that foreign corporations should not buy our elections, that any American wishing to run for office should do so on merit and should do so with transparency and the knowledge of the American public.

I encourage my colleagues on both sides of the aisle, support this very simple motion to recommit to keep our elections fair, to keep the American people informed, and to keep this democracy in our hands, not foreign corporations.

I yield back the balance of my time.
Mr. ROSKAM. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Speaker, there is really no sense of irony here, is there, that the proponents, the self-described proponents of transparency and openness, in the twinkling of an eye before a vote on an adjournment day come over and say there's your motion to recommit?

This was posted online, Mr. Speaker, on Thursday of last week. The proponents—and this is a modified open rule—the proponents had an opportunity, Mr. Speaker, on Friday to file an amendment, on Monday to file an amendment, on Tuesday to file an amendment. But the very described people who are now cloaking themselves in a mantle of openness and transparency say, "There you go"—moments ago. Okay, that's the program. I get the program.

What is this ultimately all about? There is a sincere effort on the part of this majority, and I think some folks on the minority as well, to take the President up. There is a real attempt on the part of the proponents of this bill, Mr. COLE of Oklahoma, to try and save money, to look out over the entire course of this budget and all of these challenges. And Mr. COLE and the folks that are behind H.R. 359, the underlying bill, are ultimately saying we can save \$617 million over a 10-year period. Mr. Speaker, that's according to the CBO.

So it comes down to a very simple thing. If you want to save the money, you defeat the amendment. If you want to play games on the day that we're all heading out, trying to act like you are full of transparency and openness, support the amendment.

I urge a "no" vote.

I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WALZ of Minnesota. Parliamentary inquiry.

The SPEAKER pro tempore. Please state your parliamentary inquiry.

Mr. WALZ of Minnesota. Does the underlying bill cut spending? Does the motion cut spending?

The SPEAKER pro tempore. The Chair cannot respond to inquiries regarding the content of a pending proposition.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALZ of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 173, nays 228, not voting 33, as follows:

[Roll No. 24]

YEAS—173

Ackerman	Davis (IL)	Keating	Sánchez, Linda	Thompson (MS)
Andrews	DeFazio	Kildee	T.	Tierney
Baldwin	DeGette	Kind	Sanchez, Loretta	Tonko
Barrow	DeLauro	Kissell	Sarbanes	Towns
Bass (CA)	Deutch	Kucinich	Schakowsky	Tsongas
Becerra	Dicks	Langevin	Schiff	Van Hollen
Berkley	Dingell	Lee (CA)	Schrader	Velázquez
Berman	Donnelly (IN)	Levin	Schwartz	Visclosky
Bishop (GA)	Edwards	Lewis (GA)	Scott (VA)	Walz (MN)
Bishop (NY)	Ellison	Lipinski	Scott, David	Wasserman
Blumenauer	Engel	Lofgren, Zoe	Serrano	Schultz
Boren	Eshoo	Lowey	Sewell	Waters
Brady (PA)	Farr	Lujan	Sherman	Watt
Braley (IA)	Fattah	Lynch	Shuler	Waxman
Brown (FL)	Filner	Maloney	Sires	Weiner
Butterfield	Fudge	Markey	Slaughter	Wilson (FL)
Cardoza	Gonzalez	Matheson	Smith (WA)	Woolsey
Carnahan	Green, Al	Matsui	Stark	Wu
Carney	Green, Gene	McCarthy (NY)	Sutton	Yarmuth
Carson (IN)	Grijalva	McCollum	Thompson (CA)	
Castor (FL)	Gutierrez	McDermott		
Chandler	Hanabus	McGovern		
Chu	Harman	McIntyre		
Cicilline	Hastings (FL)	McNerney		
Clarke (MI)	Higgins	Meeks		
Clarke (NY)	Himes	Michaud		
Clay	Hirono	Miller (NC)		
Cleaver	Holt	Miller, George		
Clyburn	Honda	Moore		
Cohen	Hoyer	Moran		
Connolly (VA)	Inslie	Murphy (CT)		
Conyers	Israel	Nadler		
Costello	Jackson (IL)	Napolitano		
Courtney	Jackson Lee	Neal		
Critz	(TX)	Olver		
Crowley	Johnson (GA)	Owens		
Cuellar	Johnson, E. B.	Pallone		
Cummings	Jones	Pascrell		
Davis (CA)	Kaptur	Pastor (AZ)		
		Adams	Gardner	Miller (FL)
		Aderholt	Garrett	Miller (MI)
		Akin	Gerlach	Mulvaney
		Alexander	Gibbs	Murphy (PA)
		Altmire	Gibson	Myrick
		Amash	Gingrey (GA)	Neugebauer
		Austria	Gohmert	Noem
		Bachmann	Goodlatte	Nugent
		Bachus	Gosar	Nunnelee
		Barletta	Gowdy	Olson
		Bartlett	Granger	Palazzo
		Barton (TX)	Graves (GA)	Paul
		Bass (NH)	Graves (MO)	Paulsen
		Benishek	Griffin (AR)	Pearce
		Berg	Griffith (VA)	Pence
		Biggart	Grimm	Petri
		Billbray	Guinta	Pitts
		Bilirakis	Guthrie	Platts
		Bishop (UT)	Hall	Poe (TX)
		Black	Hanna	Pompeo
		Blackburn	Harper	Posey
		Bonner	Harris	Price (GA)
		Bono Mack	Hartzler	Quayle
		Boustany	Hastings (WA)	Reed
		Brady (TX)	Hayworth	Rehberg
		Brooks	Heck	Reichert
		Broun (GA)	Heller	Renacci
		Buchanan	Hensarling	Ribble
		Bucshon	Herger	Rigell
		Buerkle	Herrera Beutler	Rivera
		Burgess	Huelskamp	Roby
		Burton (IN)	Huizenga (MI)	Roe (TN)
		Calvert	Hultgren	Rogers (AL)
		Camp	Hunter	Rogers (KY)
		Campbell	Hurt	Rogers (MI)
		Canseco	Issa	Rohrabacher
		Cantor	Jenkins	Rokita
		Capito	Johnson (IL)	Rooney
		Carter	Johnson (OH)	Roskam
		Cassidy	Johnson, Sam	Ross (FL)
		Chabot	Kelly	Royce
		Chaffetz	King (NY)	Runyan
		Coble	Kingston	Ryan (WI)
		Coffman (CO)	Kinzinger (IL)	Scalise
		Cole	Kline	Schilling
		Conaway	Labrador	Schmidt
		Cravaack	Lamborn	Schock
		Crawford	Lance	Schweikert
		Crenshaw	Landry	Scott (SC)
		Culberson	Lankford	Scott, Austin
		Davis (KY)	LaTourette	Sensenbrenner
		Denham	Latta	Sessions
		Dent	Lee (NY)	Shimkus
		DesJarlais	Lewis (CA)	Shuster
		Dold	LoBiondo	Simpson
		Dreier	Long	Smith (NE)
		Duffy	Lucas	Smith (NJ)
		Duncan (SC)	Luetkemeyer	Smith (TX)
		Duncan (TN)	Lungren, Daniel	Southerland
		Ellmers	E.	Stearns
		Farenthold	Mack	Stivers
		Fincher	Marchant	Stutzman
		Fitzpatrick	Marino	Sullivan
		Flake	McCauley	Terry
		Fleischmann	McClintock	Thompson (PA)
		Fleming	McCotter	Thornberry
		Flores	McHenry	Tiberi
		Forbes	McKeon	Turner
		Fortenberry	McKinley	Upton
		Fox	McMorris	Walberg
		Franks (AZ)	Rodgers	Walden
		Frelinghuysen	Meehan	Walsh (IL)
		Gallegly	Mica	Webster

West
Westmoreland
Wilson (SC)
Wittman

Wolf
Womack
Woodall
Yoder

Young (AK)
Young (FL)
Young (IN)

Fleming
Flores
Forbes
Fortenberry

LaTourette
Latta
Lee (NY)
Lewis (CA)

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Olver
Pallone
Pascarell
Pastor (AZ)

Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta

Tierney
Tonko
Towns
Tsongas

NOT VOTING—33

Baca
Boswell
Capps
Capuano
Cooper
Costa
Diaz-Balart
Doggett
Doyle
Emerson
Frank (MA)

Garamendi
Giffords
Heinrich
Hinchey
Hinojosa
Holden
Jordan
King (IA)
Larsen (WA)
Larson (CT)
Latham

Loebsack
Lummis
Manzullo
McCarthy (CA)
Miller, Gary
Nunes
Ros-Lehtinen
Speier
Tipton
Welch
Whitfield

Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)

Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marchant
Marino
Matheson
McCauley
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers

Runyan
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Rooney
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Sarbanes
Schakowsky
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)

NOT VOTING—35

Baca
Boswell
Braley (IA)
Capps
Capuano
Cooper
Costa
DeFazio
Diaz-Balart
Doggett
Doyle
Emerson

Frank (MA)
Garamendi
Giffords
Heinrich
Herger
Higgins
Hinchey
Hinojosa
Holden
King (IA)
Larson (CT)
Latham

Loebsack
Manzullo
McCarthy (CA)
Miller, Gary
Nunes
Owens
Peterson
Ros-Lehtinen
Roskam
Speier
Welch

□ 1412

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 25, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. BRALEY of Iowa. I regret missing a floor vote on Wednesday, January 26, 2011 due to a ceremony honoring Staff Sergeant Salvatore Guinta. Had I registered my vote, I would have voted: "nay" on rollcall 25, on final passage of H.R. 359—To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, I missed two votes today because of weather-related conditions. If I had been here, I would have voted "no" on rollcall No. 24 and "yea" on rollcall No. 25.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on January 26, 2011 I missed rollcall votes 22 and 23, due to a family emergency. Had I been present on rollcall vote 22, I would have voted "no" or "nay". Had I been present on rollcall vote 23, I would have voted "yes" or "aye." Had I been present on rollcall vote 24, I would have voted "yes" or "aye." Had I been present on rollcall vote 25, I would have voted "no" or "nay."

PERSONAL EXPLANATION

Mr. COOPER. Mr. Speaker, I was unable to be present for several votes taken on the House floor earlier today. As a result, I missed

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1406

Ms. GRANGER changed her vote from "yea" to "nay."

Mr. WAXMAN changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 24, I missed the vote inadvertently due to a constituent meeting in my office. Had I been present, I would have voted "yes."

Stated against:

Mr. LUMMIS. Mr. Speaker, on rollcall No. 24, because I was having a root canal, had I been present, I would have voted "no."

Mr. TIPTON. Mr. Speaker, on rollcall No. 24, I was with a Medal of Honor winner. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONAWAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 160, not voting 35, as follows:

[Roll No. 25]

YEAS—239

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Bartlett
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack

Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)

Cole
Conaway
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Elmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann

Ackerman
Andrews
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Ciocline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)

Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Himes
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones

Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal

NAYS—160

rollcall Votes Nos 23, 24, and 25. Had I been present, I would have voted in the following manner: rollcall No. 23: "yea"; rollcall No. 24: "yea"; rollcall No. 25: "nay."

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on January 26, 2011 and would like the RECORD to reflect that I would have voted as follows: rollcall No. 23: "yes"; rollcall No. 24: "yes"; rollcall No. 25: "no."

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.J. RES. 22

Mr. TURNER. Mr. Speaker, I ask unanimous consent to remove all cosponsors of H.J. Res. 22.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON ETHICS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Ethics:

JANUARY 26, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, Washington, DC 20515.

DEAR SPEAKER BOEHNER: This letter is to notify you that as of close of business today I am resigning as the Ranking Member of the Committee on Ethics.

Sincerely,

ZOE LOFGREN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES
Washington, DC, January 26, 2011.

Speaker of the House JOHN BOEHNER,
U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: This letter is to advise you that, effective today, I am taking a leave of absence from the Committee on Small Business until my tenure on the Committee on the Budget is completed. It is my understanding from Clause C of Rule 19 of the Democratic Caucus rules (referenced below) that I will continue to accrue seniority during the leave of absence, at the same rate as if I had continued to serve on the Committee on Small Business.

Rule 19, Clause C: "Any Member of the Committee on the Budget shall be entitled to take a leave of absence from service on any committee or subcommittee during the period he or she serves on the Budget Committee and seniority rights of such Member

on such committee and on each subcommittee to which such Member was assigned at the time shall be fully protected as if such Member had continued to so serve during the period of the leave of absence."

Accompanying this letter is a letter from the Democratic Leader verifying that my seniority on the Committee on Small Business will continue to accrue during my absence.

Thank you for your attention to this matter.

Sincerely,

HEATH SHULER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ETHICS.—Ms. Linda T. Sánchez of California, Ms. Hirono, Mr. Yarmuth, Ms. Edwards, and Mr. Pierluisi.

(2) COMMITTEE ON SMALL BUSINESS.—Mr. Peters, Mr. Owens, and Mr. Keating.

(3) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Donnelly of Indiana, Mr. Walz of Minnesota, Mr. Barrow, and Mr. Carnahan.

Mr. BECERRA (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. RUPPERSBERGER, Maryland
Mr. THOMPSON, California
Ms. SCHAKOWSKY, Illinois
Mr. LANGEVIN, Rhode Island
Mr. SCHIFF, California
Mr. BOREN, Oklahoma
Mr. GUTIERREZ, Illinois
Mr. CHANDLER, Kentucky

APPOINTMENT OF MEMBERS TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. Pursuant to sections 5580 and 5581 of the re-

vised statutes (20 U.S.C. 42-43), and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. JOHNSON, Texas
Mr. LATOURETTE, Ohio

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. TURNER, Ohio, Chairman
Mr. SHIMKUS, Illinois
Mr. SHUSTER, Pennsylvania
Mr. MILLER, Florida
Mrs. EMERSON, Missouri
Ms. GRANGER, Texas
Mr. BILIRAKIS, Florida

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY PARTNERSHIP

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 5, 112th Congress, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the House Democracy Partnership:

Mr. DREIER, California, Chairman
Mr. FORTENBERRY, Nebraska
Mrs. BIGGERT, Illinois
Mr. CONAWAY, Texas
Mr. BUCHANAN, Florida
Mr. BOUSTANY, Louisiana
Mr. WILSON, South Carolina
Mr. ROSKAM, Illinois
Mr. CRENSHAW, Florida
Mr. DIAZ-BALART, Florida

APPOINTMENT AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore. Pursuant to section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601), and the order of the House of January 5, 2011, the Chair announces that the Speaker and President pro tempore of the Senate hereby jointly appoint Dr. Douglas W. Elmendorf as Director of the Congressional Budget Office for the term expiring January 3, 2015.

NATIONAL SCHOOL CHOICE WEEK

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week, January 23 to 29, is National School Choice Week.

Earlier this week in Harrisburg, Pennsylvania, students, parents, and legislators from both parties and varying walks of life, from across the commonwealth, gather to rally for school choice in the State capitol.

Every day, tens of thousands of children attend schools where quality education is not being offered. Meanwhile, those that defend the status quo claim that, if we just do more of the same, at some point schools will improve. Throughout the laboratories of democracy in this great Nation, concerned parents are moving forward with a different vision which is better for our children.

So as we continue in this new 112th Congress, let's make a commitment for America's parents that they will not be forced to send their children to low-quality schools without other choices. Let's provide parents with options, whether they are public, private, charter, home, or cyber schools, for the education that is the best fit for their children.

Children don't have the luxury of waiting for change. For today's students, reform only works if it takes place while they are still in school.

I commend those back home that are standing up for our children. And I will do in my part here in Washington to support their efforts, not just this week, but always, in order to ensure that each child has the opportunity to live up to his or her individual learning potential.

□ 1420

A PLAN FOR DEFICIT REDUCTION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, just a few minutes ago, this House voted to eliminate one of the anchors of democracy: allowing Americans to check off on their IRS filing form \$3—just \$3—to promote and support the democratic process of electing the President of the United States, all in the name of deficit reduction.

But deficit reduction doesn't work without a plan. It doesn't work without thinking about the many State Departments of Transportation that can no longer fix the highways and freeways in your community; or that can promote rail mobility in order to take cars off the road; or that can, in fact, keep the doors of community colleges open; or that can support primary education while State legislatures are struggling to find resources to provide for teachers and students.

So let me say this: I want to work with you on deficit reduction. In fact, I've done it before but not without a plan. I believe that investing in the infrastructure of America is a plan that will allow jobs to be created. That's the

serious way of dealing with moving America forward and allowing for the genius of America—having a plan that responds to building America and not making false projections about saving money.

HONORING SHERIFF JAMES A. ALDERDEN

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, I rise today to honor Sheriff James A. Alderden. Sheriff Alderden served as Sheriff of Larimer County in my congressional district from January, 1999, until his recent retirement on January 10, 2011.

Sheriff Alderden served the State of Colorado in various capacities prior to becoming Sheriff of Larimer County. His resume includes periods of work for the Colorado Bureau of Investigations, the Colorado State University Police Department, as well as the Steamboat Springs Police Department. His career is a shining example of dedication to the State of Colorado.

In addition to having a great sense of humor, he is a leader. He has great respect and gives his colleagues great respect. Sheriff Alderden would incorporate all employees into the decision-making process by giving them the respect and authority they deserve to identify problems and to correct them.

As his lasting legacy, he implemented the police department's motto of serving with the acronym PRIDE, which stands for Professionalism, Respect, Integrity, Duty, and Empowerment. Sheriff Alderden embodied these virtues throughout his career. He also personifies these virtues on a personal level.

It is my great honor to stand here on the House floor honoring Sheriff Jim Alderden and thanking him for his service.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. BRADY, Texas, Chairman
Mr. BURGESS, Texas
Mr. CAMPBELL, California
Mr. DUFFY, Wisconsin
Mr. AMASH, Michigan
Mr. MULVANEY, South Carolina

HONORING HOUSE STAFFER MIKE WIEHE FOR HIS PUBLIC SERVICE

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, as elected officials, all of us who serve in this Chamber have the honor of representing our constituents in public service. And as elected officials, we are also fortunate that some of our best and most able Americans choose to serve their Nation and their communities by working in our offices as congressional staffers.

In my office, I have a staffer who is leaving who I want to recognize here today.

Mike Wiehe first began working for me when I served as Mayor of Dayton and has continued to work for me and for the best interests of his community for the greater part of 12 years now.

Mike is a native of Celina, Ohio, and is a graduate of Celina Senior High School and of Wright State University. He has held literally almost every single position in my office: serving as scheduler, communications director, legislative assistant, military legislative assistant, legislative director, acting chief of staff, and finally, as district director and director of military affairs. He has excelled in each of these roles by always performing his job well and by leading his fellow staffers by example.

Mike's last day in my office will be January 31. I ask my colleagues to join me in thanking Mike for his tremendous service and for the huge sacrifices that he has made over the years in pursuit of public service.

Mike, we wish you all the best in all your future endeavors.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE "RIDE PAST THE WRECKAGE" IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, President Obama gave a stirring speech last night, most of which I agreed with, especially the calls for defense cuts; the investments in innovation, education, and infrastructure; and the elimination of oil company subsidies.

But given the sacrifice endured by the American people, I thought Afghanistan got short shrift—a mere two paragraphs.

The American Prospect magazine described the State of the Union as a "ride past the wreckage." I think that was because it applies to the State of the Union's treatment of Afghanistan.

The fact is that the training of Afghan security forces has been slow and ineffective. The inspector general for

Afghanistan reconstruction said as much this very week. The Taliban remains a vital force in many pockets of Afghanistan, and the head of the Afghan NGO safety office reports a very precarious security situation.

The President was correct when he said that Afghanistan will need to provide better governance, but it's hard to see that happening with President Karzai regularly lashing out at us and, at one point, saying he would choose the Taliban over the United States and the international community.

Mr. Speaker, the American people are tired of being talked down to about this war, tired of being told everything is fine and under control, tired of being urged to stay the course, tired of talk about progress that seems to be little more than an illusion.

The President reiterated last night that we will begin to bring our troops home in July, but there's plenty of evidence to suggest we're ramping up this war instead of winding it down.

Earlier this month, for example, 1,400 additional marine combat forces were deployed, with the possibility of additional mini-surges during the spring, that would push our troop levels in Afghanistan to the 100,000 mark.

We're also using heavily armored tanks for the first time, and there are reports that we're considering expanding the war across the border in an unprecedented way, with risky and dangerous special operations ground raids into Pakistan.

Does this sound like a war that's drawing to a close?

Then in a trip to Afghanistan a few weeks ago, the Vice President suggested to his hosts that the occupation could extend beyond 2014. "We're not leaving if you don't want us to leave," he said. He should check out recent polling that indicates the Afghan people's deep skepticism, if not downright hostility, regarding the United States' military presence in their country.

Besides, what about what the American people believe? When are we going to respect their point of view? They're the ones paying for this war in blood and treasure, and clear majorities believe that this war has outlived its usefulness and that it's not worth fighting.

It is time, Mr. Speaker, to listen to the American people. There is only one sensible and humane solution: That is to bring our troops home and bring them home now.

□ 1430

POLICE OFFICER ANN NONETTE O'DONNELL, UNIT 429

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, on Christmas Eve, 2010, about 1 month

ago, most Americans were with their families and their friends enjoying the holiday season, the joy and happiness of being together at that special time of the year. But holidays do not come for peace officers; they work all the time, especially on holidays. One such officer was Ann O'Donnell. She was a University of Houston police officer. She liked to call herself "Unit 429." She was on patrol December 24, 2010, about 1 o'clock in the morning. She was the first to respond to a possible kidnapping in the Houston area. She sped to the scene, but her vehicle went out of control and she crashed and was killed.

This is a photograph of Officer Ann O'Donnell, 24 years of age. Her father, Jim O'Donnell, who was close to his daughter, normally talked to his daughter sometime between 2 o'clock and 4 o'clock in the morning those nights that she worked. On this day, this Christmas Eve, he received no such phone call from his daughter.

Ann was a resident of Houston, Texas, and Galveston, Texas. She had been a peace officer for only 13 months. She loved being a Texas police officer, and Mr. Speaker, she was good at it. She is the daughter of Nonette and Jim O'Donnell. Her father, Jim, said about his daughter, "Ann will never experience the joys of marriage, having her own children to cherish and to grow by her example." As a father of four kids, three of them daughters, three of them about the same age as Ann, I understand the close relationship between a father and a daughter. That is a special relationship. But no parent wants to lose their child before their time.

Ann was a compassionate police officer. She not only arrested the bad guys; once she arrested an underage minor for an alcohol offense. Rather than send this child to detention, she called the parents and got the parents involved in this child's life. She was from Ball High School in Galveston, Texas. She went to the University of Houston and Galveston College. In her youth, she learned from the Galveston County police officers about being a peace officer. She wanted not only to capture outlaws, but to help the good people of our community.

Mr. Speaker, police officers are the last strand of wire in the fence between the fox and the chickens, and Officer O'Donnell was one of those officers. They, like Ann, do society's dirty work, and they go and serve and are first responders to public safety. Ann was such a person.

Ann was the 252nd female police officer killed in the line of duty in this country since 1796. Already this year, in 2011, 14 police officers in our country have given their lives for the rest of us. Ann died protecting and serving the people of Texas, and at Ann's funeral 500 police officers paid her honor in the rain. Harvey Rice of the Houston

Chronicle said it best about her funeral, "Officers filed out of the church while the bells tolled 'Hark The Herald Angels Sing.'" The officers re-formed ranks and stood at attention again in the rain as the casket was carried down the steps and placed in a black hearse. At the cemetery, the rain-drenched officers again gathered as a riderless horse followed the casket to the grave site and bagpipes played "Amazing Grace." Officers fired a 21-gun salute, and two buglers played "Taps."

Amazing person, this Officer Ann O'Donnell. We admire her and thank her for being a Texas peace officer, and for her life that she gave for the people. We mourn her loss, but Mr. Speaker, we are grateful that such a person as Officer O'Donnell ever lived.

And that's just the way it is.

SLAIN MIAMI-DADE POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today with a heavy heart to also honor our first responders killed in the line of duty, two brave south Florida police officers shot and killed just this past week. Miami-Dade County veteran detectives 41-year-old Roger Castillo and 44-year-old Amanda Haworth died last Thursday while protecting the community they love.

As part of a fugitive task force working with the U.S. Marshals Service, Officers Castillo and Haworth were members of a professional elite unit whose mission is to go after violent career criminals. Last week, they were attempting to arrest one such violent criminal. They were hunting a fugitive suspected of murdering another man simply for raising his voice with the suspect. When police knocked on the door of a home where he was believed to be, the suspect opened fire, killing Officers Castillo and Haworth and injuring Officer Diedra Beecher.

Combined, Officers Castillo and Haworth dedicated 44 years to serving the citizens of south Florida. They put their lives on the line every day to make us safer. And last Thursday, these two heroes made the ultimate sacrifice. We lost them to a senseless act of violence by someone with a total disregard for the lives of others. We grieve their loss not only to the community they served, but to the families and loved ones they leave behind.

A 21-year veteran on the force, family members say Detective Roger Castillo loved two things in this world, his family and his job. His wife of 15 years, Debbie, also works as a police officer. Officer Castillo leaves behind his three sons, 14-year-old Anthony, 11-year-old Michael, and 9-year-old Brian.

A dedicated father, neighbors said that he was the kind of dad you would see on the front lawn tossing around a football with his boys.

Amanda Haworth spent 23 years on the force. A neighbor said the only thing she loved more than her job was her 13-year-old son, Austin. A single mom, Amanda Haworth would never miss her son's baseball games and would often practice with him in their backyard. Amanda Haworth was the first female detective ever killed in the line of duty in Miami-Dade County.

While I did not have the good fortune of knowing these two detectives, I know this: I know these were two exceptional individuals taken from us and lost too soon. These were incredible parents, ripped from their families before their time. They were excellent public servants trying to make our community a better place to live. We send our thoughts and prayers to heal their families.

To their families and loved ones, I struggle to find words that can offer solace and comfort in your time of distress. The great poet William Wordsworth once said, "Not without hope we suffer and we mourn." Perhaps he meant that we find hope in the belief that our thoughts and prayers will in time heal their families, and in the hope and belief that the children of Officers Castillo and Haworth will grow up knowing that their parents made this sacrifice to make their world and our world a better place. In the meantime, we will suffer and mourn.

After going through our own senseless tragedy with our colleague, GABBY GIFFORDS, we share in the pain of senseless loss and inexplicable violence. Officers Castillo and Haworth will be forever in the hearts of our community.

HOW THE 20-YEAR WAR STARTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, how did the 20-year war get started? It had been long assumed that the United States Government, shortly before Iraq invaded Kuwait in August of 1990, gave Saddam Hussein a green light to attack. A State Department cable recently published by WikiLeaks confirmed that U.S. Ambassador April Glaspie did indeed have a conversation with Saddam Hussein one week prior to Iraq's August 1, 1990, invasion of Kuwait. Amazingly, the released cable was entitled, "Saddam's Message of Friendship to President Bush." In it, Ambassador Glaspie affirmed to Saddam that "the President had instructed her to broaden and deepen our relations with Iraq." As Saddam Hussein outlined Iraq's ongoing border dispute with Kuwait, Ambassador Glaspie

was quite clear that, "we took no position on these Arab affairs."

There would have been no reason for Saddam Hussein not to take this assurance at face value. The U.S. was quite supportive of his invasion and war of aggression against Iran in the 1980s. With this approval from the U.S. Government, it wasn't surprising that the invasion occurred. The shock and surprise was how quickly the tables were turned and our friend, Saddam Hussein, all of a sudden became Hitler personified.

The document was classified, supposedly to protect national security, yet this information in no way jeopardized our security. Instead, it served to keep the truth from the American people about an event leading up to our initial military involvement in Iraq and the region that continues to today.

□ 1440

The secrecy of the memo was designed to hide the truth from the American people and keep our government from being embarrassed.

This was the initial event that had led to so much death and destruction—not to mention the financial costs—these past 20 years. Our response and persistent militarism toward Iraq was directly related to 9/11, as our presence on the Arabian Peninsula—and in particular Saudi Arabia—was listed by al Qaeda as a major grievance that outraged the radicals who carried out the heinous attacks against New York and Washington on that fateful day.

Today, the conflict has spread through the Middle East and Central Asia with no end in sight.

The reason this information is so important is that if Congress and the American people had known about this green light incident 20 years ago, they would have been a lot more reluctant to give a green light to our government to pursue the current war—a war that is ongoing and expanding to this very day.

The tough question that remains is was this done deliberately to create the justification to redesign the Middle East, as many neo-conservatives desired, and to secure oil supplies for the West; or was it just a diplomatic blunder followed up by many more strategic military blunders? Regardless, we have blundered into a war that no one seems willing to end.

Julian Assange, the publisher of the WikiLeaks memo, is now considered an enemy of the state. Politicians are calling for drastic punishment and even assassination; and, sadly, the majority of the American people seem to support such moves.

But why should we so fear the truth? Why should our government's lies and mistakes be hidden from the American people in the name of patriotism? Once it becomes acceptable to equate truth with treason, we can no longer call ourselves a free society.

MAKING AMERICA FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I want to thank the President for his message last night, and I especially would like to focus on one aspect of the message.

The President indicated to us that sitting together was important. It has great symbolism, and it's a positive thing; but he also indicated to us that this is not the final step in the process. Sitting together can never, never replace working together. So it is what we do today—last night he said tomorrow—sitting together tonight, he indicated, but working together tomorrow; this is where we have to focus our energies and efforts. We must work together. And if we're going to work together to fulfill what I believe is a great challenge—and that is America first, to make America number one—if we're going to make America first, America number one, we absolutely have to focus on education.

Education is important because the jobs, as we go forward, will require much more education than we have been allowed to have and have good jobs in the past. We must focus on education to have the good jobs that we want. And jobs are a priority for all of us.

Some statistical information is available to help us better understand why we need to focus on education.

Currently, about 25 percent of our students are completing high school. Over the next 10 years, half of all new jobs will require more than a high school education. If we compare our 15-year-olds to 15-year-olds around the world, we find that we are 20 when it comes to science literacy; China is number 13; Korea 3. The U.S. is number 28 when it comes to mathematics literacy among our 15-year-olds; China is number 1; Korea number 3. The U.S. is ranked 16 when it comes to reading literacy among 15-year-olds, China is number 1, Korea number 2.

We must focus on and maintain an educated workforce. An educated workforce requires that we understand that we have to have quality teachers and that we are going to have to make sure that these teachers will invest in education themselves because they see it as a means by which they can have a livelihood.

I understand that most teachers don't teach simply because they want money. They teach because they want to be with children, and they want to see children learn. This is important. But teachers have to feed their families, too. I support making sure that teachers get a decent day's pay for a hard day's work. I support teachers and making sure that the teachers are available to educate our children.

If we're going to have America first, we have to have a first-rate health care system. We had a great sickness-care system. We were among the best when it came to sickness care. We spent a hundred billion dollars a year treating persons in emergency rooms, in facilities outside of primary care facilities.

But if we're going to be number one, we had to move away from the \$2.5 trillion that we were spending annually on health care, which translates into \$79,000 a second—17.6 percent of GDP—and by 2018 it would have become \$4.4 trillion per year—more than 20 percent of GDP—\$139,000 a second.

To have America first, we've got to educate our people and we've got to have them receive quality health care. Quality health care can never be underestimated because of the way it impacts the workplace.

America can be first. I stand for America first. I love America. And I stand here today to say to my colleagues across the aisle that I am willing and ready to reach out and work with you to help make America first because if America is first, not only is the United States a better place, but the world would be a better place because of the values that we hold so near and dear to us.

We believe in liberty and justice for all. We believe in government of the people, by the people, for the people. We believe that every person ought to succeed on his merits or fail on his demerits. That's what America gives to the world—the notion that there is a fair system that allows anyone to rise to the top, to reach the zenith of life, the best that life can offer. We take this to the world, and I want America to be first so that the world can benefit from what America has to offer.

Thank you, Mr. President, for your message. And I assure you I have taken the challenge that you have accorded us. I will work with others to make sure that we get beyond the symbolism of sitting together and move to working together which will make the difference in the lives of the people in this country and, indirectly, the people around the world.

God bless you, Mr. President, and God bless the United States of America.

TRIBUTE TO CORPORAL ERIC M. TORBERT, JR., U.S. MARINE CORPS, OF LANCASTER, PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Speaker, I rise today with a heavy heart to remember and honor Corporal Eric M. Torbert, Jr., of Lancaster, Pennsylvania.

On December 18, 2010, Eric was killed by an explosion while conducting com-

bat operations in the Helmand Province of Afghanistan.

In 2007, Eric displayed his willingness and enthusiasm to serve and defend his country by enlisting in the United States Marine Corps at Parris Island, South Carolina. He was then assigned to the 1st Combat Engineer Battalion, 1st Marine Division, 1st Marine Expeditionary Force, Camp Pendleton, California. He deployed to Afghanistan in October in 2010.

Eric understood what it means to live a life with purpose. He served a cause greater than himself. He served the cause of liberty. Eric gave his life to bring hope to all freedom-loving people as did many marines before him in the 1st Marine Division.

Activated aboard the battleship Texas on February 1, 1941, the 1st Marine Division is the oldest, largest, and most decorated division in the United States Marine Corps with nine Presidential Unit Citations. Eric has joined this storied tradition of service and excellence.

Before deploying to Afghanistan, Eric married Marcelle L. Sebastian on June 12, 2010. Marcelle supported Eric when he joined the Marine Corps in 2007 and throughout his entire career. Her steadfast care and sacrificial love for Eric and our Nation deserve our sincerest gratitude.

□ 1450

Eric was a leader. He was a caring husband, a friend, a son, a brother, and a devoted member of a local band. He leaves behind family and friends proud of his service and his distinguished career in the military.

Eric earned a number of awards during his service in the Marine Corps, which demonstrates his commitment to our Nation and his professionalism as a marine. His personal service awards include the Purple Heart, Combat Action Ribbon, National Defense Service Medal, Global War on Terrorism Service Medal, Afghanistan Campaign Medal, and the Sea Service Deployment Ribbon.

May God grant to Eric's family the peace that surpasses all understanding. We grieve their loss. Our prayers and most heartfelt gratitude go out to them, and I offer them my deepest condolences. I am humbled by the dedicated service and sacrifice of their loved one.

Eric's valor and service cost him his life, but his sacrifice will live on forever among the many dedicated heroes this Nation has called to defend freedom. He joins the revered ranks of the many thousands of men and women throughout American history who have given their lives to secure the freedom of the people of the United States of America and the freedom-loving people around the world. He is an inspiration to us all. Semper Fidelis.

SUPPORT BIOMEDICAL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HIGGINS) is recognized for 5 minutes.

Mr. HIGGINS. Mr. Speaker, last night the President spoke to Congress and to the Nation about the need for increased funding for biomedical research, both to improve the quality of life of our Nation's citizens, and to generate new economic investment. He is right, and we must heed his call on this initiative.

Cancer research is a vital part of our Nation's biomedical research enterprise, but our Federal commitment to this promising field has not kept up with the rapid place of scientific innovation. In fact, when you take into account medical inflation, our funding commitment to the National Cancer Institute and the National Institutes of Health has actually been cut over the past 7 years. We can, and must, do better.

We will only see new, promising cancer therapies that increase survival and life quality through a sustained, multi-year commitment of Federal funding for cancer research. There is only one failure in cancer research. It's when you quit or you're forced to quit because of lack of funding. When Federal cancer funding is cut or not sustained over the long term, we lose not only promising cancer research, but we also lose talented cancer researchers.

President Nixon recognized this 40 years ago when he signed the National Cancer Act. At that time, less than 50 percent of cancer patients lived 5 years beyond their diagnosis. Today, with advances in early detection, healthy lifestyles, and new cancer therapies, the survival rate is 65 percent for adults and 80 percent for kids. That would not have happened without a significant investment in Federal research funding. The National Cancer Act led to a continued, sustained investment in cancer research that funded the research community to develop a new generation of smart drugs that help thousands of cancer patients every single day.

Smart drugs are highly targeted to attack fast-growing cancer cells without damaging healthy cells. Drugs like herceptin for breast cancer, avastin for lung cancer, gleevec for gastrointestinal stromal tumors inhibit or block cancer cell growth. In fact, less than 10 percent of cancer deaths are attributed to the original tumor. It's when cancer metastasizes, when it grows, when it advances to a vital organ the cancer becomes lethal.

All this could not be more important to the community that I serve in western New York. Buffalo, New York, gave the Nation and the world cancer research when the New York State Cancer Laboratory was first established by Dr. Roswell Park in 1897. Roswell Park Cancer Institute continues that mission today. And the research put out by

doctors has led to many breakthroughs that alleviate suffering due to cancer every single day.

Roswell Park is one of 40 National Cancer Institute-designated comprehensive cancer centers around the country that are the engine for our Nation's war on cancer. An important part of Buffalo and western New York's future relies upon the success of research completed at Roswell and companies at the Buffalo Niagara Medical Campus coming to market, creating new small businesses, and high-quality jobs. If we don't have a sustained investment in cancer research moving forward, the promise of that research and the jobs it will create will be lost. The time to act is now. Cancer is estimated to cost our Nation \$263 billion in 2010 alone, according to the National Institutes of Health.

Mr. Speaker, I urge my colleagues to support a renewed commitment to cancer research because there is no better time than now. Alleviating suffering and death due to cancer in our lifetime should not only be Congress's goal; it should be America's goal. And we should insist on a huge Federal investment toward that goal.

CITY OF HOPE 10,000TH BONE MARROW TRANSPLANT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. CHU) is recognized for 5 minutes.

Ms. CHU. Mr. Speaker, I rise today to pay tribute to City of Hope, a renowned biomedical research and treatment center in my district. On January 13, City of Hope reached a milestone few in the world have ever achieved. Doctors performed their 10,000th bone marrow transplant, 34 years after they completed one of the most successful transplants ever, and it was the first.

But this is more than just another milestone. This is a time to remember the thousands of children and adults who have benefited from City of Hope. Patients like Rodrigo Nunez, a Mexican immigrant who, at the age of 17, became ill. After a transplant and the kindness of the community, he graduated from college. He has proudly spent over two decades as a nurse at City of Hope.

Please join me in congratulating City of Hope for their achievement and wish them luck on the next 10,000.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HIGGINS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PITTS, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. CHU, for 5 minutes, today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today after 2 p.m.

Mr. DOYLE (at the request of Ms. PELOSI) for today after 1 p.m.

SENATE BILL REFERRED

Concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 3. Concurrent Resolution honoring the service and sacrifice of Staff Sergeant Salvatore Giunta, a native of Hialeah, Iowa, and the first living recipient of the Medal of Honor since the Vietnam War; the Committee on Armed Services.

ADJOURNMENT

Ms. CHU. Mr. Speaker, pursuant to Senate Concurrent Resolution 1, 112th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.), the House adjourned until Tuesday, February 8, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

226. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Organizational Conflicts of Interest in Major Defense Acquisition Programs (DFARS Case 2009-D015) (RIN: 0750-AG63) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

227. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 18, 2011,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

228. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

229. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Community Reinvestment Act Regulations (RIN: 3064-AD68) received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

230. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Community Reinvestment Act Regulations (RIN:3064-AD60) received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

231. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Withdrawal of Regulatory Guide 1.154, "Format and Content of Plant-Specific Pressurized Thermal Shock Safety Analysis Reports for Pressurized Water Reactors" [NRC-2011-XXXX] [7590-01-P] received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

232. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-113, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

233. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

234. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Inmate Discipline Program/Special Housing Units: Subpart Revision and Clarification [Docket No.: BOP-1118-F] (RIN: 1120-AB18) received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

235. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2009-0913; Directorate Identifier 2009-NM-101-AD; Amendment 39-16545; AD 2010-26-06] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

236. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model FU24-954 and FU24A-954 Airplanes [Docket No.: FAA-2010-1021; Directorate Identifier 2010-CE-053-AD; Amendment 39-16541; AD 2010-26-02] (RIN: 2120-AA64) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

237. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2008-1098; Directorate Identifier 2008-NM-108-AD; Amendment 39-16532; AD 2010-24-13] (RIN: 2120-AA64) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

238. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747 Airplanes [Docket No.: FAA-2010-0674; Directorate Identifier 2010-NM-012-AD; Amendment 39-16546; AD 2010-26-07] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

239. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models B200, B200GT, B300, and B300C Airplanes [Docket No.: FAA-2010-1242; Directorate Identifier 2010-CE-062-AD; Amendment 39-16542; AD 2010-26-03] (RIN: 2120-AA64) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

240. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Models BR700-710A1-10; BR700-710A2-20; and BR700-710C4-11 Turboprop Engines [Docket No.: FAA-2010-0614; Directorate Identifier 2010-NE-24-AD; Amendment 39-16538; AD 2010-25-05] (RIN: 2120-AA64) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200C, -200F, -400, -400D, and -400F Series Airplanes [Docket No.: FAA-2010-0232; Directorate Identifier 2009-NM-032-AD; Amendment 39-16549; AD 2010-26-10] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

242. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No. FAA-2010-0127; Directorate Identifier 2009-NM-242-AD; Amendment 39-16547; AD 2010-26-08] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

243. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-211, -212, -231, and -232 Airplanes [Docket No.: FAA-2010-1201; Directorate Identifier 2010-NM-081-AD; Amendment 39-16551; AD 2010-26-12] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

244. A letter from the Program Manager, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S76A, B, and C Helicopters [Docket No.: FAA-2010-1250; Directorate Identifier 2010-SW-075-AD; Amendment 39-16548; AD 2010-26-09] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

245. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — DASSAULT AVIATION Model Falcon 10 Airplanes; Model FAN JET FALCON, FAN JET FALCON SERIES C, D, E, F, and G Airplanes; Model MYSTERE-FALCON 200 Airplanes; Model MYSTERE-FALCON 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes; Model FALCON 2000 and FALCON 2000EX Airplanes; and Model MYSTERE-FALCON 50 and MYSTERE-FALCON 900 Airplanes, and FALCON 900EX Airplanes [Docket No.: FAA-2009-0864; Directorate Identifier 2008-NM-202-AD; Amendment 39-16544; AD 2010-26-05] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

246. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200 Series Airplanes [Docket No.: FAA-2009-0430; Directorate Identifier 2008-NM-148-AD; Amendment 39-16540; AD 2010-26-01] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

247. A letter from the Trial Attorney, Department of Transportation, transmitting the Administration's final rule — Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2011 [FRA-2008-0136, Notice No. 3] (RIN: 2130-ZA04) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

248. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Establishment of Emergency Relief Dockets and Procedures for Handling Petitions for Emergency Waiver of Safety Regulations [Docket No.: FRA-2006-24838] (RIN: 2130-AB79) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

249. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Portland, OR [Docket No.: FAA-2010-0719; Airspace Docket No. 10-ANM-8], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

250. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30762; Amdt. 3407] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

251. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Feathering Propeller Systems for Light-Sport Aircraft Powered Gliders [Docket No.: FAA-2010-0812; Amendment No. 1-66] (RIN: 2120-AJ81) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

252. A letter from the Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule — Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar year 2010 [FRA-2008-0136, Notice No. 1] (RIN: 2130-ZA02) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

253. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Yamhill-Carlton Viticultural Area [Docket No.: TTB-2010-0002; T.D. TTB-87; Re: Notice No. 104] (RIN: 1513-AB65) received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

254. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansion of the Santa Maria Valley Viticultural Area [Docket No.: TTB-2010-0001; T.D. TTB-88; Re: Notice No. 103] (RIN: 1513-AB31) received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

255. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Supersession of Rev. Proc. 2008-52 and Modification of Rev. Proc. 97-27, Procedures for Automatic and non-Automatic Changes in Method of Accounting (Rev. Proc. 2011-14) received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

256. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — Air Cargo Security Requirements; Compliance Dates; Amendment [Docket No.: TSA-2004-19515; Amendment Nos. 1544-7, 1546-4, and 1548-4] (RIN: 1625-AA52) received January 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. HIRONO:

H.R. 447. A bill to amend the Small Business Act to improve the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO:

H.R. 448. A bill to amend the Small Business Act to improve the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO:

H.R. 449. A bill to amend the Small Business Act to improve the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mrs. MYRICK):

H.R. 450. A bill to repeal limitations imposed by the Patient Protection and Affordable Care Act on health-related tax benefits

under the Internal Revenue Code of 1986 and to treat high deductible health plans as qualified health plans under such Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN:

H.R. 451. A bill to ensure that patients receive accurate health care information by prohibiting misleading and deceptive advertising or representation in the provision of health care services, and to require the identification of the license of health care professionals; to the Committee on Energy and Commerce.

By Mr. ROE of Tennessee (for himself, Mr. BURGESS, Mr. POSEY, Mrs. BLACKBURN, Mr. PAUL, Mr. WESTMORELAND, Mr. LAMBORN, Mr. JONES, Mr. LONG, Mr. SESSIONS, Mr. CRAWFORD, Mr. ROONEY, Mr. DUNCAN of Tennessee, Mr. GARY G. MILLER of California, Mr. NUNNELEE, Mr. FRELINGHUYSEN, Mr. HUNTER, Mr. CONAWAY, Mr. HALL, Mr. BROUN of Georgia, Mr. COFFMAN of Colorado, Mr. COBLE, Mr. THOMPSON of Pennsylvania, and Mr. ROHRABACHER):

H.R. 452. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Ways and Means, and in addition to the Committees on Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself, Mr. COOPER, Mr. BARROW, Mr. MATHESON, Mr. CARDOZA, Mr. SCHIFF, Ms. LORETTA SANCHEZ of California, Mr. BOSWELL, Mr. BACA, Mr. ALTMIRE, Mr. BOREN, Mr. ROSS of Arkansas, Mr. HOLDEN, Mr. CUELLAR, Mr. MCINTYRE, Mr. CHANDLER, Mr. COSTA, Mr. DONNELLY of Indiana, and Mr. SCHRADER):

H.R. 453. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE of Tennessee:

H.R. 454. A bill to authorize the United States Capitol Police to reimburse local law enforcement agencies for protective services provided at official public Congressional events, and for other purposes; to the Committee on House Administration.

By Mr. COLE (for himself, Mr. ROONEY, Mr. BISHOP of Utah, Mr. BOREN, Mr. GARRETT, Mr. WILSON of South Carolina, Mr. LUCAS, Mr. MILLER of Florida, Mr. SCOTT of South Carolina, Mr. SULLIVAN, Mr. GRIFFIN of Arkansas, Mr. BILBRAY, Mr. KLINE, Mrs. BLACKBURN, Mr. HANNA, Mr. TERRY, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, Mr. LANKFORD, Mr. BARTON of Texas, Mr. SCHOCK, Mr. MCHENRY, Mr. HALL, Mr. PEARCE, Mr. CARTER, Mr. ISSA, Mr. CHABOT, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. WALBERG, Mr. FLORES, Mr. POE of Texas, Mr. YOUNG of Indiana, Mr. STUTZMAN, Mr. MARCHANT, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. WESTMORELAND, Mr. SOUTHERLAND, Mr. NUGENT, Ms.

GRANGER, Mr. POSEY, Mr. BILIRAKIS, Mr. POMPEO, Mr. HUELSKAMP, Mr. FARENTHOLD, Mr. SCHWEIKERT, Mr. AKIN, Mr. WALSH of Illinois, Mr. CRAWFORD, Mr. FLEMING, Mr. CHAFFETZ, Mr. GIBBS, Mr. CAMPBELL, Mr. KINGSTON, Mr. MANZULLO, Mr. PAUL, Mr. CANSECO, and Mr. BENISHEK):

H.R. 455. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself and Mr. JONES):

H.R. 456. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKINLEY (for himself, Mrs. CAPITO, Mr. JOHNSON of Ohio, Mr. GIBBS, and Mr. RAHALL):

H.R. 457. A bill to amend the Federal Water Pollution Control Act to remove the Administrator of the Environmental Protection Agency's authority to disapprove after a permit has been issued by the Secretary of the Army under section 404 of such Act; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself and Mrs. CAPITO):

H.R. 458. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAUL (for himself, Mr. COFFMAN of Colorado, Mr. THOMPSON of Pennsylvania, Mr. ALEXANDER, Mr. MCCLINTOCK, Mr. BILIRAKIS, Mr. BACHUS, Mr. CHAFFETZ, Mr. FORTENBERRY, Mr. LATOURETTE, Mr. BURTON of Indiana, Mr. POSEY, Mr. JONES, Mr. REED, Mr. BROUN of Georgia, Mr. HELLER, Mr. BARTON of Texas, Mr. WOODALL, Mr. MCCAUL, Mr. ROHRABACHER, Mr. LANCE, Mrs. McMORRIS RODGERS, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. LAMBORN, Mr. SMITH of Texas, Mr. REHBERG, Mrs. MYRICK, Mr. MCKEON, Mr. WITTMAN, Mrs. BLACKBURN, Mr. MARCHANT, Mr. GALLEGLY, Ms. KAPTUR, Ms. WOOLSEY, Mr. SCHOCK, Mr. BURGESS, Mr. ROSS of Florida, Mr. CALVERT, Mr. FLORES, Mr. GRAVES of Georgia, Mr. MCKINLEY, Mr. LOBIONDO, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. YOUNG of Florida, Mr. FORBES, Mr. GARRETT, Mr. GERLACH, Mr. GOHMERT, Mr. HUIZENGA of Michigan, Mr. KUCINICH, Mr. YOUNG of Alaska, Mr. CAMPBELL, Mr. PETRI, and Mr. BARTLETT):

H.R. 459. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CHAFFETZ (for himself, Mr. MATHESON, and Mr. BISHOP of Utah):

H.R. 460. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself and Mr. BISHOP of Utah):

H.R. 461. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes; to the Committee on Natural Resources.

By Mr. GOODLATTE (for himself, Mr. ADERHOLT, Mr. AUSTRIA, Mr. BACHUS, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CARTER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. DUNCAN of Tennessee, Mr. FORBES, Mr. GOHMERT, Mr. GRAVES of Missouri, Mr. GRIFFITH of Virginia, Mr. HUNTER, Mr. JONES, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. MCCLINTOCK, Mr. MCINTYRE, Mrs. McMORRIS RODGERS, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mr. SCALISE, Mr. SENSENBRENNER, Mr. SIMPSON, Mr. TERRY, Mr. THORNBERRY, Mr. WESTMORELAND, Mr. WITTMAN, and Mr. YOUNG of Alaska):

H.R. 462. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself, Mr. ISSA, Mr. FLAKE, Mr. HENSARLING, Mr. PAUL, Mr. BACHUS, Mr. PLATTS, Mr. POE of Texas, Mr. ROGERS of Michigan, Mr. SMITH of Nebraska, Mr. MACK, and Mr. QUIGLEY):

H.R. 463. A bill to apply the Freedom of Information Act to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation during any period that such entities are in conservatorship or receivership; to the Committee on Financial Services.

By Mr. CHAFFETZ:

H.R. 464. A bill to prohibit United States contributions to the International Fund for Ireland; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H.R. 465. A bill to direct the Secretary of Veterans Affairs to conduct a pilot project on the use of educational assistance under programs of the Department of Veterans Affairs to defray training costs associated with the purchase of certain franchise enterprises; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 466. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a

semipostal to raise funds for breast cancer research; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 467. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 468. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. ANDREWS, Mr. HOLT, Mr. LOEBACK, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mr. POLIS, Ms. HIRONO, and Mr. GRIJALVA):

H.R. 469. A bill to promote minimum State requirements for the prevention and treatment of concussions caused by participation in school sports, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HECK (for himself, Mrs. NAPOLITANO, Mr. BACA, and Mr. DREIER):

H.R. 470. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. ISSA, Mr. KLINE, Mr. LIPINSKI, Mr. HUNTER, and Mr. GOWDY):

H.R. 471. A bill to reauthorize the DC opportunity scholarship program, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BOREN:

H.R. 472. A bill to reauthorize the Impact Aid Program under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. BOREN:

H.R. 473. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Natural Resources.

By Mr. BOREN:

H.R. 474. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 475. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. REICHERT, Mr. SAM JOHNSON of Texas, Ms. BERKLEY, Mr. LARSEN of Washington, Mrs. BLACKBURN, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mrs. ADAMS, Mrs. LUMMIS, Mr. POSEY, Mr. POE of Texas, Mr. YOUNG of Florida, Ms. GRANGER, Mr. HELLER, Ms. BROWN of Florida, Mr. COOPER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DUNCAN of Tennessee, Mr. McDERMOTT, Ms. HERRERA BEUTLER, and Mr. McCAUL):

H.R. 476. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 477. A bill to amend the Internal Revenue Code of 1986 to extend the exemption from employer Social Security taxes with respect to previously unemployed individuals, and to extend the credit for the retention of such individuals; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. McKEON, Mr. ROGERS of Michigan, Mr. LAMBORN, Mr. BURTON of Indiana, and Mr. SMITH of Texas):

H.R. 478. A bill to require that all foreign terrorists with links to terrorist networks who attack the United States or its Government be considered enemy combatants to be tried by military tribunals instead of civilian courts; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD:

H.R. 479. A bill to provide for the issuance of a commemorative postage stamp in honor of George Henry White; to the Committee on Oversight and Government Reform.

By Ms. CASTOR of Florida:

H.R. 480. A bill to establish programs to aid in the economic, environmental, and public health recovery of the Gulf States from the damage and harm caused by the blowout of the mobile offshore drilling unit Deepwater Horizon and the resulting degradation of the Gulf over time, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia (for himself, Mr. BLUMENAUER, Mrs. LUMMIS, and Mr. WITTMAN):

H.R. 481. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified conservation contributions which include National Scenic Trails; to the Committee on Ways and Means, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself and Mrs. BLACKBURN):

H.R. 482. A bill to amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. KISSELL, and Mr. McINTYRE):

H.R. 483. A bill to create an electronic employment eligibility verification system to ensure that all workers in the United States are legally able to work, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEUTCH (for himself and Mr. GRIJALVA):

H.R. 484. A bill to amend title 5, United States Code, to clarify the personal privacy exemption in the Freedom of Information Act; to the Committee on Oversight and Government Reform.

By Mr. FRANKS of Arizona:

H.R. 485. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. GARAMENDI (for himself, Ms. MATSUI, Mr. McNERNEY, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California):

H.R. 486. A bill to establish the Sacramento-San Joaquin Delta National Heritage Area; to the Committee on Natural Resources.

By Mr. GARAMENDI (for himself, Mr. DEFAZIO, Mr. HINCHEY, and Mr. HOLDEN):

H.R. 487. A bill to require 100 percent domestic content in green technologies purchased by Federal agencies or by States with Federal funds and in property eligible for the renewable energy production or investment tax credits; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH (for himself, Mr. THOMPSON of Pennsylvania, Mr. HOLDEN, Mr. DENT, Mr. ALTMIRE, Mr. KELLY, Mr. MARINO, Mr. PLATTS, and Mr. PITTS):

H.R. 488. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; to the Committee on Ways and Means.

By Mr. GOSAR:

H.R. 489. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Natural Resources.

By Mr. HEINRICH:

H.R. 490. A bill to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the Manzano Mountain Wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. HEINRICH:

H.R. 491. A bill to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. INSLEE, Mrs. CAPPS, Mr. PALLONE, Mr. FRANK of Massachusetts, Ms. LEE of California, Mr. YARMUTH, Mr. CONNOLLY

of Virginia, Mr. HINCHEY, Mr. GARAMENDI, Ms. WOOLSEY, Ms. SUTTON, Mr. FARR, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. PINGREE of Maine, Mr. BRALEY of Iowa, Mr. COHEN, Ms. SPEIER, and Mr. STARK):

H.R. 492. A bill to amend the Oil Pollution Act of 1990 to require responsible parties to pay the full cost of offshore oil spills, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JONES:

H.R. 493. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following their death; to the Committee on Armed Services.

By Ms. KAPTUR:

H.R. 494. A bill to authorize the President to reestablish the Civilian Conservation Corps as a means of providing gainful employment to unemployed and underemployed citizens of the United States through the performance of useful public work, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. WALSH of Illinois, Mr. MEEHAN, Mr. QUAYLE, Mr. LONG, Mr. MARINO, Mr. FARENTHOLD, and Mr. ROYCE):

H.R. 495. A bill to amend the Homeland Security Act of 2002 to provide immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. BISHOP of New York, Mr. ENGEL, Mr. RANGEL, and Ms. CHU):

H.R. 496. A bill to amend title 18, United States Code, to prohibit the carrying of a firearm near a place where a senior Federal official is holding an official public event or carrying out an official or representational duty, or where any person is campaigning for Federal elective office; to the Committee on the Judiciary.

By Mr. LATTA (for himself, Mr. MCCLINTOCK, Mr. LEWIS of California, Mr. AUSTRIA, Mr. BURTON of Indiana, Mr. SCALISE, Mr. ROGERS of Kentucky, Mr. CALVERT, Mr. JONES, Mr. DANIEL E. LUNGREN of California, Mr. WOLF, Mr. FRELINGHUYSEN, Mr. GRIMM, Mr. CHABOT, Mr. CRAWFORD, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. ISSA, Mr. FLEMING, Mr. HERGER, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. BRADY of Texas, Ms. BUERKLE, Mrs. BLACKBURN, Mr. MARCHANT, Mr. FLORES, Mr. LAMBORN, and Mr. POSEY):

H.R. 497. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Financial Services.

By Mr. LATTA (for himself, Mr. HOLDEN, Mr. CONNOLLY of Virginia, Mr. AUSTRIA, Mr. ROONEY, Mr. PASCRELL, Mrs. LUMMIS, Mr. LEE of New York, Mr. WESTMORELAND, and Mr. DENT):

H.R. 498. A bill to amend section 1502 of title 5, United States Code, to permit law enforcement officers to be candidates for sheriff, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LATTA (for himself, Mr. KISSELL, and Mr. ROSS of Florida):

H.R. 499. A bill to amend the Internal Revenue Code of 1986 to increase the standard

charitable mileage rate for delivery of meals to elderly, disabled, frail and at risk individuals; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. DINGELL, Mr. BLUMENAUER, Mr. KILDEE, Mr. CLARKE of Michigan, and Mr. PETERS):

H.R. 500. A bill to amend the Internal Revenue Code of 1986 to increase the manufacturer limitation on the number of new qualified plug-in electric drive motor vehicles eligible for credit; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. RAHALL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Ms. WOOLSEY, and Mrs. CAPPS):

H.R. 501. A bill to provide for the implementation of the recommendations of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, Energy and Commerce, Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI (for herself and Mr. DINGELL):

H.R. 502. A bill to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. MARKEY):

H.R. 503. A bill to provide whistleblower protections to certain workers in the offshore oil and gas industry; to the Committee on Education and the Workforce.

By Mrs. MYRICK:

H.R. 504. A bill to provide immunity from civil liability to first responders engaged in lawful efforts to prevent acts of terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 505. A bill to amend title 18, United States Code, to place limitations on the possession, sale, and other disposition of a firearm by persons convicted of misdemeanor sex offenses against children; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 506. A bill to amend the District of Columbia Home Rule Act to eliminate Congressional review of newly-passed District laws; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself and Mr. WU):

H.R. 507. A bill to increase assessment accuracy to better measure student achievement and provide States with greater flexibility on assessment design; to the Committee on Education and the Workforce.

By Mr. POSEY (for himself, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. YOUNG of

Alaska, Mrs. BLACKBURN, and Mr. BARTLETT):

H.R. 508. A bill to amend the Internal Revenue Code of 1986 to make permanent the child tax credit and to allow for adjustments for inflation with respect to the child tax credit; to the Committee on Ways and Means.

By Mr. REHBERG (for himself, Mr. MATHESON, Mrs. LUMMIS, Mr. ROSS of Arkansas, Mr. BISHOP of Utah, Mr. BOSWELL, Mr. BOREN, Mr. BROUN of Georgia, Mr. CARDOZA, Mr. CHAFFETZ, Mr. HELLER, Mr. KLINE, Mr. LABRADOR, Mr. SIMPSON, Mr. WALDEN, and Mr. YOUNG of Alaska):

H.R. 509. A bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to the gray wolf (*canis lupus*); to the Committee on Natural Resources.

By Mr. REHBERG (for himself, Mr. SIMPSON, and Mr. LABRADOR):

H.R. 510. A bill to amend the Endangered Species Act of 1973 to prohibit treatment of gray wolves in Idaho and Montana as endangered species, and for other purposes; to the Committee on Natural Resources.

By Mr. ROONEY:

H.R. 511. A bill to amend title 18, United States Code, to prohibit the importation of various injurious species of constrictor snakes; to the Committee on the Judiciary.

By Mr. SABLON (for himself, Ms. MOORE, Ms. RICHARDSON, and Mr. GRIJALVA):

H.R. 512. A bill to encourage students from American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands to become civically engaged through local and Federal government fellowships; to the Committee on Natural Resources.

By Mr. SCHOCK (for himself, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. HULTGREN, Mr. KINZINGER of Illinois, Mr. MANZULLO, Mr. ROSKAM, Mr. SCHILLING, Mr. SHIMKUS, and Mr. WALSH of Illinois):

H.R. 513. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, and certain other enemy belligerents to the United States; to the Committee on Armed Services.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, and Mr. ROGERS of Michigan):

H.R. 514. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. BURTON of Indiana, and Mr. ROHRBACHER):

H.R. 515. A bill to reauthorize the Belarus Democracy Act of 2004; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. ROGERS of Kentucky, Mr. WITTMAN, Mr. AUSTRIA, Mr. MCKINLEY, Mr. LIPINSKI,

Ms. KAPTUR, Mr. RUPPERSBERGER, and Mr. FORBES):

H.R. 516. A bill to establish a strategy to encourage manufacturing in the United States and for the repatriation of manufacturing jobs off-shored to other countries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Financial Services, the Judiciary, Ways and Means, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. JONES, Mr. MCKINLEY, Mr. CARTER, Mr. POE of Texas, Mr. BROUN of Georgia, Mr. LATTA, and Mr. GRIF-FITH of Virginia):

H.R. 517. A bill to amend the Federal Water Pollution Control Act to eliminate the authority of the Administrator of the Environmental Protection Agency to deny or restrict the use of a defined area as a dredged or fill material disposal site, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska:

H.R. 518. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Ways and Means.

By Mr. FORBES (for himself, Mr. CHAFFETZ, Mr. WILSON of South Carolina, Mr. GARY G. MILLER of California, Mr. JONES, Mr. ROE of Tennessee, Mr. ROSS of Arkansas, Mrs. BLACKBURN, Mr. GARRETT, Mr. COFFMAN of Colorado, Mr. PENCE, Mr. CONAWAY, Mr. LANKFORD, Mr. SHUSTER, Mr. GINGREY of Georgia, Mr. LIPINSKI, Mr. KLINE, Mr. RAHALL, Mr. BURGESS, Mr. BROUN of Georgia, Mr. DAVIS of Kentucky, Mr. BACHUS, Mr. FLORES, Mr. ALEXANDER, and Mr. WOLF):

H. Con. Res. 13. Concurrent resolution reaffirming "In God We Trust" as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions; to the Committee on the Judiciary.

By Mrs. BONO MACK:

H. Res. 57. A resolution expressing the sense of the House of Representatives that the United Nations and other international governmental organizations shall not be allowed to exercise control over the Internet; to the Committee on Foreign Affairs.

By Ms. SPEIER (for herself, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. ELLISON, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. SCHIFF, Ms. SUTTON, Ms. EDWARDS, Ms. TSONGAS, Mr. CONNOLLY of Virginia, Mr. JACKSON of Illinois, Mr. TONKO, Mr. HINCHAY, Ms. NORTON, Mr. SMITH of Washington, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 58. A resolution expressing support for designation of the first Saturday in January after Congress reconvenes as "National Congress on your Corner Day"; to the Committee on House Administration.

By Mr. CROWLEY (for himself, Mr. ROYCE, Mrs. MALONEY, Mr. HOLT, Mr. AL GREEN of Texas, Mr. WEINER, Mr. HIGGINS, Mr. ENGEL, Mr. RYAN of Ohio, Mr. McDERMOTT, and Mr. RUSH):

H. Res. 59. A resolution expressing the sense of the House of Representatives regarding the democratic Constitution of the Republic of India and United States-India relations; to the Committee on Foreign Affairs.

By Mr. POE of Texas (for himself, Mr. ROHRBACHER, Ms. JACKSON LEE of Texas, Mr. DICKS, Mr. TOWNS, Ms. CHU, Mr. YOUNG of Alaska, Mr. CLEAVER, Mr. SCHOCK, and Mr. FRANKS of Arizona):

H. Res. 60. A resolution urging the Secretary of State to remove the People's Mojahedin Organization of Iran from the Department of State's list of Foreign Terrorist Organizations; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI (for himself, Mr. SMITH of New Jersey, Mr. REED, Mr. JONES, Ms. KAPTUR, Ms. MCCOLLUM, Ms. HIRONO, Mr. AKIN, Mr. BACA, Mr. DONNELLY of Indiana, Mr. GRIJALVA, Mr. RUPPERSBERGER, Mrs. CHRISTENSEN, Mr. HOLDEN, Ms. DELAURO, Ms. BORDALLO, Mr. GONZALEZ, Mr. HIGGINS, Mr. KING of New York, Mr. MCCAUL, and Mr. PASCRELL):

H. Res. 61. A resolution supporting the contributions of Catholic schools; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut:

H. Res. 62. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BISHOP of New York:

H. Res. 63. A resolution supporting the goals and ideals of Student Financial Aid Awareness Month to raise awareness of student financial aid; to the Committee on Education and the Workforce.

By Mr. GARAMENDI (for himself, Mr. FARR, Mr. GEORGE MILLER of California, Mr. LEVIN, Ms. BORDALLO, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. MARKEY, Mr. MORAN, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. BERMAN, Mr. VAN HOLLEN, and Mr. MCGOVERN):

H. Res. 64. A resolution honoring the life and work of Robert Sargent Shriver; to the Committee on Education and the Workforce.

By Ms. KAPTUR:

H. Res. 65. A resolution recognizing the 16th anniversary of the Future Leaders Exchange (FLEX) program, a program funded by the Government of the United States to provide an opportunity for high school students from the countries of the former Soviet Union to study and live in the United States in order to promote democratic values and institutions in Eurasia, and supporting the mission, goals, and accomplishments of the FLEX program; to the Committee on Foreign Affairs.

By Ms. KAPTUR:

H. Res. 66. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on Foreign Affairs.

By Mr. LAMBORN (for himself, Mr. POLIS, Mr. TIPTON, and Mr. GARDNER):

H. Res. 67. A resolution to amend the Rules of the House of Representatives to prohibit bills and joint resolutions from containing more than one subject; to the Committee on Rules.

By Mr. QUIGLEY (for himself, Mr. CAPUANO, Mr. HIGGINS, Ms. MCCOLLUM, Mr. CICILLINE, and Mr. LIPINSKI):

H. Res. 68. A resolution supporting the goals and ideals of "Hockey is For Everyone Month"; to the Committee on Education and the Workforce, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. GRIJALVA, Mr. TOWNS, Mr. MEEKS, Ms. BORDALLO, Mr. LOEBBACH, Ms. LEE of California, and Ms. SUTTON):

H. Res. 69. A resolution expressing support for designation of the week of February 7 through February 11, 2011, as "National School Counseling Week"; to the Committee on Education and the Workforce.

By Mr. SCHWEIKERT:

H. Res. 70. A resolution amending the Rules of the House of Representatives to prohibit the consideration of any bill or joint resolution carrying more than one subject; to the Committee on Rules.

By Mr. STEARNS:

H. Res. 71. A resolution honoring the life of Dr. D. James Kennedy; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. HIRONO:

H.R. 447.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 8.

By Ms. HIRONO:

H.R. 448.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 8.

By Ms. HIRONO:

H.R. 449.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 8.

By Mr. REICHERT:

H.R. 450.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. SULLIVAN:

H.R. 451.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: "The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes."

By Mr. ROE of Tennessee:

H.R. 452.

Congress has the power to enact this legislation pursuant to the following:

The repeal of this provision is consistent with the powers that are reserved to the States and to the people as expressed in Amendment X to the United States Constitution.

By Mr. SHULER:

H.R. 453.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, of the Constitution expressly provides Congress with the power to enact laws governing the time, place, and manner of elections for Members of the House of Representatives. This express grant of power would appear to permit Congress to limit the number of times states can conduct congressional districting and to prescribe how such districting is conducted.

By Mr. ROE of Tennessee:

H.R. 454.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7, which states: "No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. COLE:

H.R. 455.

Congress has the power to enact this legislation pursuant to the following:

This bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

This bill is enacted pursuant to the power granted to Congress under Article I, Section 9, Clause 6 which prohibits the regulation of commerce which favors one state over another.

This bill is enacted pursuant to Amendment IX of the United States Constitution.

By Mr. GONZALEZ:

H.R. 456.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Mr. McKINLEY:

H.R. 457.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Ms. SLAUGHTER:

H.R. 458.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, 3, and 18 of Section 8 of Article I of the Constitution.

By Mr. PAUL:

H.R. 459.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by Article I, Section 8 of the Constitution: "To coin Money, regulate the Value thereof, and of

foreign Coin, and fix the Standard of Weights and Measures" and "To provide for the Punishment of counterfeiting the Securities and current Coin of the United States".

By Mr. CHAFFETZ:

H.R. 460.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clause 2.

By Mr. CHAFFETZ:

H.R. 461.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under the 10th Amendment.

By Mr. GOODLATTE:

H.R. 462.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 Section 8 of Article 1 of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. CHAFFETZ:

H.R. 463.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 1; Article 1, Section 8, Clause 2; and Article 1, Section 8, Clause 18.

By Mr. CHAFFETZ:

H.R. 464.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. ALEXANDER:

H.R. 465.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, Article 1 of the Constitution, which states, "The Congress shall have Power to . . . provide for the common Defense and general Welfare of the United States . . ."

By Mr. BACA:

H.R. 466.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Ms. BERKLEY:

H.R. 467.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8 of the United States Constitution.

By Ms. BERKLEY:

H.R. 468.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8 of the United States Constitution.

By Mr. BISHOP of New York:

H.R. 469.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, 3, and 18 of Section 8 of Article I of the Constitution.

By Mr. HECK:

H.R. 470.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. BOEHNER:

H.R. 471.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 and Clause 17 of Section 8 of Article I of the Constitution of the United States

grants the Congress the power to enact this law.

By Mr. BOREN:

H.R. 472.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. BOREN:

H.R. 473.

Congress has the power to enact this legislation pursuant to the following:

Clause II, Section III, Article IV of the Constitution.

By Mr. BOREN:

H.R. 474.

Congress has the power to enact this legislation pursuant to the following:

Clause III, Section VIII, Article I of the Constitution.

By Mr. BOREN:

H.R. 475.

Congress has the power to enact this legislation pursuant to the following:

Clause I, Section VIII, Article I of the Constitution.

By Mr. BRADY of Texas:

H.R. 476.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7: "All Bills for raising Revenue shall originate in the House of Representatives . . ."

Article I, Section 8: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, . . ."

Amendment XVI (16th Amendment): "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

By Mr. BRALEY of Iowa:

H.R. 477.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. BUCHANAN:

H.R. 478.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this resolution rests is the power of Congress as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. BUTTERFIELD:

H.R. 479.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

By Ms. CASTOR of Florida:

H.R. 480.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause (1) and Clause (3).

By Mr. CONNOLLY of Virginia:

H.R. 481.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. COOPER:

H.R. 482.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to its authority under Clause 3 of Section 8 of Article 1 of the Constitution to regulate commerce among the several states.

By Mr. DEFAZIO:

H.R. 483.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization.

By Mr. DEUTCH:

H.R. 484.

Congress has the power to enact this legislation pursuant to the following:

The First Amendment of the United States Constitution.

By Mr. FRANKS of Arizona:

H.R. 485.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1.

By Mr. GARAMENDI:

H.R. 486.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

"To borrow Money on the credit of the United States;

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

"To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

"To coin Money, regulate the Value thereof and of foreign Coin, and fix the Standard of Weights and Measures;

"To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

"To establish Post Offices and post Roads;

"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

"To constitute Tribunals inferior to the Supreme Court;

"To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

"To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

"To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

"To provide and maintain a Navy;

"To make Rules for the Government and Regulation of the land and naval Forces;

"To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

"To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection

of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GARAMENDI:

H.R. 487.

Congress has the power to enact this legislation pursuant to the following:

Article 1—The Legislative Branch, Section 8—Powers of Congress:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

"To borrow money on the credit of the United States;

"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

"To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

"To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

"To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

"To establish Post Offices and Post Roads;

"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

"To constitute Tribunals inferior to the Supreme Court;

"To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

"To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

"To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

"To provide and maintain a Navy;

"To make Rules for the Government and Regulation of the land and naval Forces;

"To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

"To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GERLACH:

H.R. 488.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. GOSAR:

H.R. 489.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, to exercise exclusive legislation over federal lands in addition to the Congressional power to control obstructions to navigable waters, including dams, and the historical doctrine recognizing that the States possess dominion over the beds of all navigable streams within their borders, and the servitude that Congress' power to regulate commerce imposes upon such streams. *United States v. Chandler-Dunbar Co.*, 229 U.S. 53, 73 (U.S. 1913) (recognizing Congressional authority over dams obstructing navigable waters and the re-sale of hydroelectric water power). See also *Arizona v. California*, 283 U.S. 423 (U.S. 1931) (Court deferred to Congress for establishment of the Boulder Canyon Project Act and reasoning that "As the river is navigable and the means which the Act provides are not unrelated to the control of navigation . . . the erection and maintenance of such dam and reservoir are clearly within the powers conferred upon Congress. . . . And the fact that purposes other than navigation will also be served could not invalidate the exercise of the authority conferred, even if those other purposes would not alone have justified an exercise of congressional power." Finally, the Court has construed Congressional regulation over navigable waters broadly concluding that "that authority is as broad as the needs of commerce. *United States v. Appalachian Power Co.*, 311 U.S. 407, 409-410 (U.S. 1940).

By Mr. HEINRICH:

H.R. 490.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3 of the United States Constitution.

By Mr. HEINRICH:

H.R. 491.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3 of the United States Constitution.

By Mr. HOLT:

H.R. 492.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution.

By Mr. JONES:

H.R. 493.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article 1, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Ms. KAPTUR:

H.R. 494.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to

the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate commerce among the several states), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. KING of New York:

H.R. 495.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Article I, Section 8, Clause 18: "The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. KING of New York:

H.R. 496.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Mr. LATTA:

H.R. 497.

Congress has the power to enact this legislation pursuant to the following:

Clause 6, Section 8, Article 1, which states "The Congress shall have the power . . . to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

By Mr. LATTA:

H.R. 498.

Congress has the power to enact this legislation pursuant to the following:

Amendment I to the United States Constitution, which states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

By Mr. LATTA:

H.R. 499.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution, which states "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Amendment XVI to the United States Constitution, which states "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among several States, and without regard to any census or enumeration."

By Mr. LEVIN:

H.R. 500.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

By Mr. MARKEY:

H.R. 501.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3, which provides that Congress shall have the power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

By Ms. MATSUI:

H.R. 502.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18.

By Mr. GEORGE MILLER of California:

H.R. 503.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Section 8, Article I, of the U.S. Constitution.

By Mrs. MYRICK:

H.R. 504.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution—Article 1, Section 8—"The Congress shall . . . provide for the common defence and general welfare of the United States . . ."

By Mr. NADLER:

H.R. 505.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Section 8 of Article I of the Constitution.

By Ms. NORTON:

H.R. 506.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of Section 8 of Article I of the Constitution.

By Mr. PETRI:

H.R. 507.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. POSEY:

H.R. 508.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. REHBERG:

H.R. 509.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution: "The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

The specific Constitutional Authority cited here is not intended and should not be construed to be exclusive of any other general or specific Constitutional Authority that is otherwise applicable.

By Mr. REHBERG:

H.R. 510.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution: "The Congress shall have

Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

The specific Constitutional Authority cited here is not intended and should not be construed to be exclusive of any other general or specific Constitutional Authority that is otherwise applicable.

By Mr. ROONEY:

H.R. 511.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;"

By Mr. SABLON:

H.R. 512.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Congress may also make laws that are necessary and proper for carrying into execution their powers enumerated under Article I.

By Mr. SCHOCK:

H.R. 513.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 and Article I, Section 9 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 514.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SMITH of New Jersey:

H.R. 515.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authorities on which this bill rests are those given in Article I, Section 5, Clause 2; Article I, Section 8, Clause 1; Article I, Section 8, Clause 4; Article I, Section 8, Clause 18.

By Mr. WOLF:

H.R. 516.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate foreign and interstate commerce, as enumerated in Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 517.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulate commerce, as enumerated in Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 518.

Congress has the power to enact this legislation pursuant to the following:

Article I: Section 8: "The Congress shall have Power To lay and collect Taxes . . . [and] to regulate Commerce . . . among the several States, and with the Indian Tribes."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. YOUNG of Florida, Mr. CICILLINE, Mr. COHEN, Mr. JORDAN, and Mr. CARNAHAN.

H.R. 10: Mr. GRIFFIN of Arkansas, Mr. REHBERG, Mr. DIAZ-BALART, Mr. FORBES, Mr. LONG, Mr. WALBERG, Mr. ROSS of Florida, Mr. PENCE, Mr. ROONEY, Mr. FLEMING, Mr. PAULSEN, Mr. HARRIS, Mr. MCCAUL, Mr. SCALISE, Mr. THOMPSON of Pennsylvania, Mr. ROYCE, Mr. AUSTRIA, Mr. SOUTHERLAND, Mr. DREIER, Mr. HUELSKAMP, Mr. HANNA, Mrs. MYRICK, Mr. RIVERA, Mr. TIBERI, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mrs. ADAMS, Mr. FITZPATRICK, and Mr. WEBSTER.

H.R. 21: Mr. GRIFFITH of Virginia, Mr. BRADY of Texas, Mr. ISSA, Mr. DESJARLAIS, and Mr. MARCHANT.

H.R. 24: Mrs. MCCARTHY of New York, Mr. QUIGLEY, Mr. TIBERI, and Mr. KLINE.

H.R. 27: Mr. DOYLE, Mr. YARMUTH, Mr. BRALEY of Iowa, Mr. THOMPSON of Mississippi, Mr. PAYNE, and Mrs. LOWEY.

H.R. 51: Ms. NORTON.

H.R. 97: Mr. PAULSEN, Mr. JORDAN, Mr. AUSTRIA, and Mr. YOUNG of Florida.

H.R. 100: Mr. CALVERT.

H.R. 110: Mr. RYAN of Ohio.

H.R. 127: Mr. WOODALL, Mr. MARCHANT, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. FORBES, Mr. DESJARLAIS, Mr. RIGELL, Mr. FARENTHOLD, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. HARRIS, and Mr. KING of Iowa.

H.R. 153: Mr. YOUNG of Alaska and Mr. GRIFFITH of Virginia.

H.R. 177: Mr. WALBERG and Mr. NUGENT.

H.R. 178: Mr. WU, Mr. CALVERT, Mr. LATTA, Mr. LUETKEMEYER, and Mr. NUGENT.

H.R. 181: Mr. WU, Mr. WITTMAN, and Mr. BOREN.

H.R. 190: Mr. GENE GREEN of Texas.

H.R. 191: Ms. MCCOLLUM.

H.R. 192: Ms. HIRONO, Mr. GRIJALVA, Mr. MCNERNEY, Ms. JACKSON LEE of Texas, and Mr. HASTINGS of Florida.

H.R. 198: Mr. PLATTS.

H.R. 263: Ms. HARMAN, Mr. DEUTCH, Mr. CICILLINE, and Mr. GRIJALVA.

H.R. 300: Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. MEEKS, Ms. NORTON, Mr. CLAY, and Mr. GRIJALVA.

H.R. 306: Mr. WHITFIELD.

H.R. 308: Ms. DELAULO and Mr. GRIJALVA.

H.R. 317: Mr. HOLT.

H.R. 321: Ms. MOORE.

H.R. 333: Mr. LANCE, Ms. MCCOLLUM, Ms. HANABUSA, Mr. LUETKEMEYER, Mr. ALTMIRE, Mr. BACA, and Mr. CUELLAR.

H.R. 337: Mr. YOUNG of Alaska, Mr. GARY G. MILLER of California, and Mr. KELLY.

H.R. 343: Mr. ALTMIRE, Mr. DEFazio, and Mr. JOHNSON of Illinois.

H.R. 358: Mr. HARPER, Mr. HUELSKAMP, and Mr. LATHAM.

H.R. 365: Mr. ROGERS of Michigan, Mr. PLATTS, Mr. DENT, and Mr. KING of New York.

H.R. 371: Mr. FLAKE.

H.R. 372: Mr. DIAZ-BALART, Mr. RIVERA, and Mr. NUGENT.

H.R. 389: Mr. WALBERG, Mr. LEE of New York, Mr. SCHILLING, Mr. MARCHANT, Mr. DUNCAN of Tennessee, Mr. LONG, and Mr. DOLD.

H.R. 397: Mr. SCHOCK.

H.R. 402: Mr. RUSH, Mr. FARR, Mr. MCGOVERN, Mr. WELCH, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, and Ms. JACKSON LEE of Texas.

H.R. 410: Mr. GENE GREEN of Texas.

H.R. 412: Mr. HASTINGS of Washington and Mr. SMITH of Washington.

H.R. 413: Mr. POLIS, Mr. FILNER, and Ms. LEE of California.

H.R. 414: Mr. HASTINGS of Florida, Mr. HOLT, Ms. SLAUGHTER, Ms. JACKSON LEE of

Texas, Mr. POLIS, Mr. MORAN, and Ms. WOOLSEY.

H.R. 416: Mr. AL GREEN of Texas, Mr. WEINER, Mr. COURTNEY, and Mr. FILNER.

H.R. 417: Mr. CARNAHAN.

H.R. 431: Mr. GINGREY of Georgia, Mr. FLEMING, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. MARCHANT, Mr. FLORES, and Mr. POSEY.

H.R. 440: Mr. CALVERT and Mr. FORTENBERRY.

H.R. 445: Mr. MARCHANT.

H.J. Res. 1: Mr. FINCHER, Mr. GIBBS, Mr. GOWDY, Mr. MCCOTTER, Mr. SOUTHERLAND, Mr. STUTZMAN, Mrs. SCHMIDT, Mr. MARCHANT, Mr. SCHWEIKERT, Mr. MULVANEY, Mr. DESJARLAIS, and Mr. MCINTYRE.

H.J. Res. 2: Mr. BISHOP of Georgia, Mr. COOPER, Mr. MCINTYRE, Mr. DAVID SCOTT of Georgia, Mr. FINCHER, Mr. GIBBS, Mr. GOWDY, Mr. JOHNSON of Illinois, Mr. MCCOTTER, Mr. SOUTHERLAND, Mr. STUTZMAN, Mrs. SCHMIDT, Mr. RUNYAN, Mr. GIBSON, Mr. ROSS of Arkansas, Mr. BASS of New Hampshire, Mr. DESJARLAIS, and Mr. BOSWELL.

H.J. Res. 4: Mr. TIPTON.

H.J. Res. 10: Mr. ALTMIRE.

H. Res. 19: Mr. FARR.

H. Res. 20: Mr. ISRAEL.

H. Res. 21: Mr. FARR.

H. Res. 40: Mr. ROGERS of Alabama, Ms. BUERKLE, Mrs. HARTZLER, Mrs. BLACK, Mr. POMPEO, Mr. WEBSTER, Mr. GINGREY of Georgia, Mr. WOMACK, Mr. LATTA, Mr. PAULSEN, Mr. POSEY, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. CAMPBELL, Mr. SOUTHERLAND, Mr. FLAKE, Mr. CRAWFORD, Mr. MCHENRY, Mr. CHABOT, Mr. NUNNELEE, Mr. BUCHSON, Mr. LAMBORN, Mr. BURTON of Indiana, Mr. PEARCE, Mr. FLEMING, Mr. HERGER, Mr. ROYCE, and Mr. GARRETT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 22: Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BONNER, Mr. BOUSTANY, Mr. BROWN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DIAZ-BALART, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. HALL, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAMBORN, Mr. LANCE, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LEWIS of California, Mr. LONG, Mr. LUCAS, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCKEON, Mr. MICA, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. REHBERG, Mr. REICHERT, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. STEARNS, Mr. TERRY, Mr.

TIBERI, Mr. WALDEN, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 359

OFFERED BY: Mr. WALZ of MINNESOTA

AMENDMENT No. 7: Mr. Walz of Minnesota moves to recommit the bill H.R. 359 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. CAMPAIGN DISCLOSURE AGREEMENT.

(a) DISQUALIFIED ENTITY.—Section 9003 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) DISQUALIFIED ENTITY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘disqualified entity’ means any entity that has not entered into a campaign disclosure agreement with the Department of the Treasury.

“(2) CAMPAIGN DISCLOSURE AGREEMENT.—The term ‘campaign disclosure agreement’ means an agreement in which the entity agrees—

“(A) to file disclosure statements with the Internal Revenue Service at such times, and covering such periods, as are required under section 527(j)(2),

“(B) with respect to its receipt of payment for electioneering communications from covered persons on or after January 1, 2013, to include within those disclosure statements—

“(i) the amount, date, and purpose of each payment and the name and address of the covered person making the payment, and

“(ii) the name and address of each disqualified contributor making a payment on or after January 1, 2013, to the covered person (including the occupation and name of employer of such individual) and the amount and date of each payment, and

“(C) to pay damages to the Secretary for failure to comply with these disclosure requirements in an amount equal to 35 percent of the amount that was required to be disclosed.

“(3) DISQUALIFIED CONTRIBUTOR.—The term ‘disqualified contributor’ means—

“(A) any person who makes payments (directly or indirectly) of more than \$100,000 to the covered person during the calendar year, and

“(B) any foreign individual, foreign corporation, or foreign country who makes any payment (directly or indirectly) to the covered person during the calendar year.

A payment that is deposited into an account of a covered person that is not available for electioneering communications shall not be taken into account for purposes of the preceding sentence.

“(4) ELECTIONEERING COMMUNICATION.—The term ‘electioneering communication’ means a communication that—

“(A) refers to a clearly identified candidate for any Federal public office,

“(B) reflects a view on such candidate or on the record of such candidate, and

“(C) is made within 30 days of a general election or a primary election.

“(5) COVERED PERSON.—

“(A) IN GENERAL.—The term ‘covered person’ means any of the following persons:

“(i) Any foreign individual, corporation, partnership, limited liability company, limited liability partnership, trust or similar entity or foreign country.

“(ii) Any domestic corporation, partnership, limited liability company, limited liability partnership, trust or similar entity.

“(iii) Any person described in section 501(c) and exempt from tax under section 501(a).

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any person if the aggregate payments for electioneering communications during the calendar year by such person does not exceed \$25,000.”.

(b) CONDITION.—Subsection (a) of section 9003 of such Code is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by inserting after paragraph (3) the following new paragraph:

“(4) agree to not make any payment to a disqualified entity for print, broadcast, cable, or satellite communications.”.

(c) PRESERVATION OF FUNDS FOR PRESIDENTIAL CANDIDATES.—Subsection (b) of sec-

tion 9006 of such Code is amended to read as follows:

“(b) PAYMENTS FROM THE FUND.—Amounts in the Presidential Election Campaign Fund shall be available, as provided by appropriation Acts, solely for making expenditures to eligible candidates of a political party. No expenditures may be made from such fund unless the Secretary of the Treasury has receipt of a certification from the Commission under section 9005.”.

(d) PRESERVATION OF FUND FOR PRESIDENTIAL PRIMARIES.—Subsection (b) of section 9037 of such Code is amended to read as follows:

“(b) PAYMENTS FROM THE MATCHING PAYMENT ACCOUNT.—Amounts in the Presidential Primary Matching Payment Account shall be available, as provided by appropriation Acts, solely for making transfers to the candidate. No amount may be transferred from the account unless the Secretary has receipt of a certification from the Commission under section 9036, but not before the beginning of the matching payment period. In making such transfers to candidates of

the same political party, the Secretary shall seek to achieve an equitable distribution of funds available under subsection (a), and the Secretary shall take into account, in seeking to achieve an equitable distribution, the sequence in which such certifications are received.”.

(e) PRESERVATION OF FUNDS FOR NATIONAL COMMITTEE.—Paragraph (3) of section 9008(b) of such Code is amended to read as follows:

“(3) PAYMENTS.—Amounts in the appropriate account maintained under subsection (a) shall be available, as provided by appropriation Acts, solely for making expenditures to the national committee of a major party or minor party which elects to receive its entitlement under this subsection. Such payments shall be available for use by such committee in accordance with the provisions of subsection (c). No expenditures may be made from such fund unless the Secretary of the Treasury has receipt of a certification from the Commission under subsection (g).”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 111TH CONGRESS 2D SESSION AND FOLLOWING PUBLI- CATION OF THE FINAL EDITION OF THE CON- GRESSIONAL RECORD OF THE 111TH CONGRESS 2D SESSION

HOUSE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE AD- JOURNMENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

December 29, 2010:

H.R. 6398. An Act to require the Federal Deposit Insurance Corporation to fully insure interest on Lawyers Trust Accounts.

H.R. 6517. An Act to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

January 2, 2011:

H.R. 847. An Act to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

January 4, 2011:

H.R. 81. An Act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

H.R. 628. An Act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

H.R. 1107. An Act to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts".

H.R. 1746. An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

H.R. 2142. An Act to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

H.R. 2751. An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

H.R. 4445. An Act to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico.

H.R. 4602. An Act to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the "Emil Bolas Post Office".

H.R. 4748. An Act to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

H.R. 4973. An Act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer

programs and community partnerships for national wildlife refuges, and for other purposes.

H.R. 5116. An Act to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

H.R. 5133. An Act to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the "Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building".

H.R. 5470. An Act to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

H.R. 5605. An Act to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the "George C. Marshall Post Office".

H.R. 5606. An Act to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building".

H.R. 5655. An Act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office".

H.R. 5809. An Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

H.R. 5877. An Act to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

H.R. 5901. An Act to amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees.

H.R. 6392. An Act to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building".

H.R. 6400. An Act to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office".

H.R. 6412. An Act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

H.R. 6510. An Act to direct the Administrator of General Services to convey a parcel of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes.

H.R. 6533. An Act to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, and for other purposes.

January 7, 2011:

H.R. 6523. An Act to authorize appropriations for fiscal year 2011 for military activi-

ties of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE AD- JOURNMENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

December 29, 2010:

S. 4058. An Act to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgage and mortgage foreclosure.

January 4, 2011:

S. 118. An Act to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 841. An Act to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 1481. An Act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 3036. An Act to establish the National Alzheimer's Project.

S. 3243. An Act to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

S. 3447. An Act to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3481. An Act to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3592. An Act to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the "First Lieutenant Robert Wilson Collins Post Office Building".

S. 3874. An Act to amend the Safe Drinking Water Act to reduce lead in drinking water.

S. 3903. An Act to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo.

S. 4036. An Act to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury.

EXTENSIONS OF REMARKS

RULES OF THE COMMITTEE ON
AGRICULTURE

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LUCAS. Mr. Speaker, I am pleased to submit, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on January 25, 2011.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE
112TH CONGRESS

RULE I—GENERAL PROVISIONS

(a) APPLICABILITY OF HOUSE RULES.—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees. (See Appendix A for the applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(2) of House Rule XI, each subcommittee is part of the Committee and is subject to the authority and direction of the Committee and its rules so far as applicable. (See also Committee rules III, IV, V, VI, VII and X, *infra*.)

(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House and in accordance with clause 2(m) of House Rule XI.

(c) AUTHORITY TO PRINT.—The Committee is authorized by the Rules of the House to have printed and bound testimony and other data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(i)(1) of House Rule X in accordance with clause 1(c) of House Rule XI. (See also paragraphs (d), (e) and (f) of Committee rule VIII.)

(d) VICE CHAIRMAN.—The Member of the majority party on the Committee or subcommittee designated by the Chairman of the full Committee shall be the vice chairman of the Committee or subcommittee in

accordance with clause 2(d) of House Rule XI.

(e) PRESIDING MEMBER.—If the Chairman of the Committee or subcommittee is not present at any Committee or subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or subcommittee are not present at a Committee or subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d), House Rule XI.

(f) PUBLICATION OF RULES.—The Committee's rules shall be publicly available in electronic form and published in the Congressional Record not later than 30 days after the Chair is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(g) JOINT COMMITTEE REPORTS OF INVESTIGATION OR STUDY.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—
REGULAR, ADDITIONAL AND SPECIAL

(a) REGULAR MEETINGS.—(1) Regular meetings of the Committee, in accordance with clause 2(b) of House Rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee, if any, for that month. The Chairman shall provide each member of the Committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman believes that there will not be any bill, resolution or other matter considered before the full Committee and there is no other business to be transacted at a regular meeting, the meeting may be cancelled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of Committee rule X for provisions that apply to meetings of subcommittees.)

(b) ADDITIONAL MEETINGS.—(1) The Chairman may call and convene, as he or she considers necessary, which may not commence earlier than the third day on which members have notice thereof after consultation with the Ranking Minority Member of the Committee or after concurrence with the Ranking Minority Member, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such additional meetings pursuant to the notice from the Chairman.

(2) A hearing or meeting may begin sooner than specified in clause (1) (in which case the chair shall make the announcement specified at the earliest possible time) if the committee so determines by majority vote in the presence of the number of members required

under the rules of the committee for the transaction of business.

(3) At least 24 hours prior to the commencement of a meeting for the markup of a measure or matter the Chair shall cause the text of such measure or matter to be made publicly available in electronic form.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Staff Director (serving as the clerk of the Committee for such purpose) shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House Rule XI. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Majority Staff Director (serving as the clerk) of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS;
BROADCASTING

(a) OPEN MEETINGS AND HEARINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI. (See Appendix A.)

(b) BROADCASTING AND PHOTOGRAPHY.—Whenever a Committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall:

(1) To the maximum extent practicable the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(2) Be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI (See Appendix A). When such radio coverage is conducted in the Committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The Chairman of the Committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) **CLOSED MEETINGS.—ATTENDEES.**—No person other than Members of the Committee or subcommittee and such congressional staff and departmental representatives as the Committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) **ADDRESSING THE COMMITTEE.**—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration (See Committee rule VII (e) relating to questioning a witness at a hearing). The time a member may address the Committee or subcommittee for any such purpose shall be limited to five minutes, except that this time limit may be waived by unanimous consent. A member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) **MEETINGS TO BEGIN PROMPTLY.**—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) **PROHIBITION ON PROXY VOTING.**—No vote by any Member of the Committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) **LOCATION OF PERSONS AT MEETINGS.**—No person other than the Committee or subcommittee Members and Committee or subcommittee staff may be seated in the rostrum area during a meeting of the Committee or subcommittee unless by unanimous consent of Committee or subcommittee.

(h) **CONSIDERATION OF AMENDMENTS AND MOTIONS.**—A Member, upon request, shall be recognized by the Chairman to address the Committee or subcommittee at a meeting for a period limited to five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in Committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the Committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) **DEMANDING RECORD VOTE.**—

(1) A record vote of the Committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The Chairman of the Committee or Subcommittee may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. If the Chairman postpones further proceedings:

(A) the Chairman may resume such postponed proceedings, after giving Members adequate notice, at a time chosen in consultation with the Ranking Minority Member; and

(B) notwithstanding any intervening order for the previous question, the underlying proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) **SUBMISSION OF MOTIONS OR AMENDMENTS IN ADVANCE OF BUSINESS MEETINGS.**—The Committee and subcommittee-Chairman may request and Committee and subcommittee Members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee or the subcommittee twenty-four hours before a Committee or subcommittee business meeting.

(k) **POINTS OF ORDER.**—No point of order against the hearing or meeting procedures of the Committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) **LIMITATION ON COMMITTEE SITTINGS.**—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(m) **PROHIBITION OF WIRELESS TELEPHONES.**—Use of wireless phones during a committee or subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS

(a) **WORKING QUORUM.**—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) **MAJORITY QUORUM.**—A majority of the members of the Committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure (See clause 2(h)(1) of House Rules XI, and Committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g), 2(k)(5) and 2(k)(7) of the Rule XI of the Rules of the House;

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House Rule XI (See also Committee rule VI.); and

(4) as where required by a rule of the House.

(c) **QUORUM FOR TAKING TESTIMONY.**—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS

(a) **MAINTENANCE OF RECORDS.**—The Committee shall keep a complete record of all Committee and subcommittee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all Committee and subcommittee action and a record of all votes on any question and a tally on all record votes. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request and also made publicly available in electronic form within 48 hours of such record vote. Not later than 24 hours after adoption of an amendment to a measure or matter, the chair of the Committee shall cause the text of such amendment adopted thereto to be made publicly available in electronic form. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition,

and the names of those members present but not voting.

(b) **ACCESS TO AND CORRECTION OF RECORDS.**—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the Committee. Members of the Committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the Committee. The Committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed ten calendar days after the last oral testimony, unless the Committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the Committee or subcommittee determines otherwise. The Committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) **PROPERTY OF THE HOUSE.**—All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as Chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(d) **AVAILABILITY OF ARCHIVED RECORDS.**—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rule VII. The Chairman shall notify the Ranking Minority Member of the Committee of the need for a Committee order pursuant to clause 3(b)(3) or clause 4(b) of such House Rule, to withhold a record otherwise available.

(e) **SPECIAL RULES FOR CERTAIN RECORDS AND PROCEEDINGS.**—A stenographic record of a business meeting of the Committee or subcommittee may be kept and thereafter may be published if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or subcommittee.

(f) **ELECTRONIC AVAILABILITY OF COMMITTEE PUBLICATIONS.**—To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) **AUTHORITY TO SIT AND ACT.**—For the purpose of carrying out any of its function and duties under House Rules X and XI, the Committee and each of its subcommittees is

authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The Chairman of the Committee or subcommittee, or any member designated by the Chairman, may administer oaths to any witness.

(b) **ISSUANCE OF SUBPOENAS.**—(1) A subpoena may be authorized and issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House Rule XI. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all Members of the Committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) **EXPENSES OF SUBPOENAED WITNESSES.**—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington D.C., the subpoenaed witness may contact the Majority Staff Director of the Committee, or his or her representative, before leaving the hearing room.

RULE VII.—HEARING PROCEDURES

(a) **POWER TO HEAR.**—For the purpose of carrying out any of its functions and duties under House Rule X and XI, the Committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of Committee rule VI and paragraph (f) of Committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) **ANNOUNCEMENT.**—The Chairman of the Committee shall after consultation with the Ranking Minority Member of the Committee, make a public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. The Chairman of a subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and after consultation with the Ranking Minority Member of the subcommittee, and the Chairmen of the other subcommittees after such consultation with the Committee Chairman, and shall request the Majority Staff Director to make a public announcement of the date,

place, and subject matter of such hearing at least one week before the hearing. If the Chairman of the Committee or the subcommittee, with concurrence of the Ranking Minority Member of the Committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman of the Committee or subcommittee, as appropriate, shall request the Majority Staff Director to make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) **SCHEDULING OF WITNESSES.**—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the Chairman of the Committee or subcommittee, unless a majority of the Committee or subcommittee determines otherwise.

(d) **WRITTEN STATEMENT; ORAL TESTIMONY.**—(1) Each witness who is to appear before the Committee or a subcommittee, shall insofar as practicable file with the Majority Staff Director of the Committee, at least two working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to Committee or subcommittee Members, staff, and the news media. Insofar as practicable, the Committee or subcommittee staff shall distribute such written statements to all Members of the Committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of Committee rule VI, the Chairman of the Committee or one of its subcommittees, or any Member designated by the Chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years. Such statements, with appropriate redactions to protect the privacy of witnesses, shall be made publicly available in electronic form not later than one day after the witness appears.

(e) **QUESTIONING OF WITNESSES.**—Committee or subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for five minutes until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness for five minutes; and thereafter the Chairman of the Committee or subcommittee may limit the

time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or subcommittee determines otherwise, no committee or subcommittee staff shall interrogate witnesses.

(f) **EXTENDED QUESTIONING FOR DESIGNATED MEMBERS.**—Notwithstanding paragraph (e), the Chairman and Ranking Minority member may designate an equal number of Members from each party to question a witness for a period not longer than 60 minutes.

(g) **WITNESSES FOR THE MINORITY.**—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon as provided in clause 2(j)(1) of House Rule XI.

(h) **SUMMARY OF SUBJECT MATTER.**—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman of the Committee or subcommittee shall, to the extent practicable, make available to the members of the Committee any official reports from departments and agencies on such matter. (See Committee rule X(f).)

(i) **OPEN HEARINGS.**—Each hearing conducted by the Committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House Rule XI (see also Committee rule III (b)). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) **HEARINGS AND REPORTS.**—(1)(i) The Chairman of the Committee or subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or

evidence shall be presented in executive session, notwithstanding the provisions of paragraph (i) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The Committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the Committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or subcommittee. In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or subcommittee. (See paragraph (c) of Committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

RULE VIII.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) FILING OF REPORTS.—The Chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Committee unless a majority of Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Majority Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

(b) CONTENT OF REPORTS.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of Committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of the each record vote on any amendment in the Committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the Committee with respect to the subject matter of the bill or resolution as re-

quired pursuant to clause 3(c)(1) of House Rule XIII and clause 2(b)(1) of House Rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the Committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate by the committee of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with—

(i) a comparison of these estimates with those made and submitted to the Committee by any Government agency when practicable, and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

(12) the changes in existing law (if any) shown in accordance with clause 3 of House Rule XIII;

(13) the determination required pursuant to section 5(b) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(14) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104-4).

(15) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act, Public Law 104-1.

(c) SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent cal-

endar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk of the House not later than one hour after the expiration of such time. All such views (in accordance with House Rule XI, clause 2(1) and House Rule XIII, clause 3(a)(1)), as filed by one or more Members of the Committee, shall be included within and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) PRINTING OF REPORTS.—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House Rule XII, clause 3(a)(1)) are included as part of the report.

(e) IMMEDIATE PRINTING; SUPPLEMENTAL REPORTS.—Nothing in this rule shall preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or (2) the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) AVAILABILITY OF PRINTED HEARING RECORDS.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) COMMITTEE PRINTS.—All Committee or subcommittee prints or other Committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) POST ADJOURNMENT FILING OF COMMITTEE REPORTS.—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the Chairman of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

(i) The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

RULE IX.—OTHER COMMITTEE ACTIVITIES

(a) OVERSIGHT PLAN.—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the Committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) review specific problems with federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals;

(3) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(4) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years; and

(5) include proposals to cut or eliminate programs, including mandatory spending programs, that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments.

The Committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House Rule X. The Committee shall include in the report filed pursuant to clause 1(d) of House Rule XI a summary of the oversight plans submitted by the Committee under clause 2(d) of House Rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon.

(b) ANNUAL APPROPRIATIONS.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) BUDGET ACT COMPLIANCE: VIEWS AND ESTIMATES. (See Appendix B)—Not later than six weeks after the President submits his budget under section 1105(a) of title 31,

United State Code, or at such time as the Committee on the Budget may request, the Committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see Appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) BUDGET ACT COMPLIANCE: RECOMMENDED CHANGES.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See Appendix B).

(e) CONFERENCE COMMITTEES.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking Minority Member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in House Rule I, clause 11, the names of those Members of the Committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority party Members to minority party Members on the Committee. In making recommendations of Minority Party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

(f)(1) The Committee, or a subcommittee, shall hold at least one hearing during each 120-day period following the establishment of the committee on the topic of waste, fraud, abuse, or mismanagement in Government programs which the committee may authorize.

(2) A hearing described in subparagraph (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

(g) The Committee or a subcommittee, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

(h) The Committee or a subcommittee, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the

committee may authorize are at 'high risk for waste, fraud, and mismanagement, known as the 'high-risk-list' or the 'high-risk series'.

(i)(1) Not later than the 30th day after June 1 and December 1, the Committee shall submit to the House a semiannual report on the activities of the committee. After adjournment sine die of a regular session of Congress, or after December 15, whichever occurs first, the Chair may file the second or fourth semiannual report, a copy of which shall be made available to each member of the committee for at least seven calendar days, with the Clerk at any time.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of House Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken with respect thereto.

RULE X.—SUBCOMMITTEES

(a) NUMBER AND COMPOSITION.—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including *ex officio* members.¹ The Chairman may create additional subcommittees of an *ad hoc* nature as the Chairman determines to be appropriate subject to any limitations provided for in the House Rules.

(b) RATIOS.—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the *ex officio* members of the subcommittees and ratios below reflect that fact.

(c) JURISDICTION.—Each subcommittee shall have the following general jurisdiction and number of members:

Conservation, Energy, and Forestry (22 members, 12 majority and 10 minority).—Soil, water, and resource conservation, small watershed program, energy and biobased energy production, rural electrification, forestry in general and forest reserves other than those created from the public domain.

Department Operations, Oversight, and Credit (10 members, 6 majority and 4 minority).—Agency oversight, review and analysis, special investigations, and agricultural credit.

General Farm Commodities and Risk Management, (26 members, 15 majority and 11 minority).—Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, risk management, including crop insurance, commodity exchanges, and specialty crops.

Livestock, Dairy, and Poultry, Ratios (20 members, 11 majority and 9 minority).—Livestock, dairy, poultry, meat, seafood and seafood products, inspection, marketing, and promotion of such commodities, aquaculture, animal welfare, and grazing.

Nutrition and Horticulture, Ratios (10 members, 6 majority and 4 minority).—Food stamps, nutrition and consumer programs, fruits and vegetables, honey and bees, marketing and promotion orders, plant pesticides, quarantine, adulteration of seeds and insect pests, and organic agriculture.

Rural Development, Research, Biotechnology, and Foreign Agriculture, Ratios (14 members, 8 majority and 6 minority).—Rural Development, farm security and family farming matters, research, education and extension, biotechnology, foreign agriculture assistance, and trade promotion programs, generally.

(d) REFERRAL OF LEGISLATION.—

(1)(a) IN GENERAL.—All bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the Committee. After consultation with the Ranking Minority Member, the Chairman may determine that the Committee will consider certain bills, resolutions, or other matters.

(b) TRADE MATTERS—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

(2) The Chairman, by a majority vote of the Committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the Committee. The Committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the Committee for the Committee's direct consideration or for reference to another subcommittee.

(3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an *ad hoc* subcommittee appointed by the Chairman for the purpose of considering the matter and reporting to the Committee thereon, or make such other provisions deemed appropriate.

(e) PARTICIPATION AND SERVICE OF COMMITTEE MEMBERS ON SUBCOMMITTEES.—(1) The Chairman and the Ranking Minority Member shall serve as *ex officio* members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The Chairman and the Ranking Minority Member may not be counted for the purpose of establishing a quorum.

(2) Any member of the Committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings or meetings in accordance with clause 2(g)(2) of House Rule XI. Such member may not:

- (i) vote on any matter;
- (ii) be counted for the purpose of establishing a quorum;
- (iii) participate in questioning a witness under the five minute rule, unless permitted to do so by the subcommittee Chairman in consultation with the Ranking Minority Member or a majority of the subcommittee, a quorum being present;
- (iv) raise points of order; or
- (v) offer amendments or motions.

(f) SUBCOMMITTEE HEARINGS AND MEETINGS.—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the Committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee Chairmen with the Committee Chairman. (See Committee rule VII.)

(2) After consultation with the Committee Chairman, subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Staff Director to make any announcement relating thereto. (See Committee rule VII(b).) In setting the dates, the Committee Chairman and subcommittee Chairman shall consult with other subcommittee Chairmen and relevant Committee and Subcommittee Ranking Minority Members in an effort to avoid simultaneously scheduling Committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) Subcommittees may hold meetings or hearings outside of the House if the Chairman of the Committee and other subcommittee Chairmen and the Ranking Minority Member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of Committee meetings under Committee rule II(a) and special or additional meetings under Committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the Chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The Chairman may also appoint an acting subcommittee Chairman until the vacancy is filled.

(g) SUBCOMMITTEE ACTION.—(1) Any bill, resolution, recommendation, or other matter forwarded to the Committee by a subcommittee shall be promptly forwarded by the subcommittee Chairman or any subcommittee member authorized to do so by the subcommittee. (2) Upon receipt of such recommendation, the Majority Staff Director of the Committee shall promptly advise all members of the Committee of the subcommittee action.

(3) The Committee shall not consider any matters recommended by subcommittees until two calendar days have elapsed from the date of action, unless the Chairman or a majority of the Committee determines otherwise.

(h) SUBCOMMITTEE INVESTIGATIONS.—No investigation shall be initiated by a subcommittee without the prior consultation with the Chairman of the Committee or a majority of the Committee.

END NOTE

¹The Chairman and Ranking Minority Member of the Committee serve as *ex officio* Members of the Subcommittees. (See paragraph (e) of this Rule).

RULE XI.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) COMMITTEE BUDGET.—The Chairman, in consultation with the majority members of the Committee, and the minority members of the Committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and

other expenses of the Committee and subcommittees. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) COMMITTEE STAFF.—(1) The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House Rule X, clause 9).

(2) The Ranking Minority member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House Rule X, clause 6(d)).

(c) COMMITTEE TRAVEL.—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House Rule X, clause 8 (reprinted in Appendix A)). Official travel for any member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Committee Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

- (i) The purpose of the official travel;
- (ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;
- (iii) The location of the event for which the official travel is to be made; and
- (iv) The names of members and Committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the subcommittee Chairman and the full Committee

Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and (ii) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

RULE XII.—AMENDMENT OF RULES

These rules may be amended by a majority vote of the Committee. A proposed change in these rules shall not be considered by the Committee as provided in clause 2 of House Rule XI, unless written notice of the proposed change has been provided to each Committee member two legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

IN RECOGNITION OF DAVID N. WALSH

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Sergeant David N. Walsh, who is retiring after 31 years of law enforcement service—21 years of service to the city of Fairfield, nearly eight years with the Contra Costa Sheriff's Department, and more than two years with Fresno County Sheriff's Department. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

David began his law enforcement career as a Deputy Sheriff with Fresno County and then Contra Costa County. He was then hired as a

Police Officer with the Fairfield Police Department on November 27, 1989. As an officer, he worked in various capacities including Patrol, Investigations, Firearms Instruction, and Field Training. He joined the Special Activity Felony Enforcement, SAFE, Team in 1992 and was promoted to Police Corporal on April 19, 2002.

On July 9, 2004, David was promoted to Police Sergeant and ultimately supervised a number of different teams including Patrol, Violent Crime Suppression, Traffic and Investigations. He was an extremely capable and team orientated leader. Over the course of his career, David has received numerous commendations from the community and his co-workers.

David was a valued employee and leader of the Fairfield Police Department. His commitment to the community was unwavering. He was a loyal representative of the law enforcement community and admired amongst his peers for his hard work, dedication and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing David N. Walsh continued success and happiness in all of his future endeavors.

TRIBUTE TO DOCK MONTERIA BROWN

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. BUTTERFIELD. Mr. Speaker, It is with great sadness that I rise today to pay tribute to a community giant, Dock Monteria Brown, a very special friend who passed away on Tuesday, January 25, 2011.

Dock Monteria Brown was born on January 30, 1929 in Halifax County to Nelson and Vilvie Brown. His father was a Veteran of World War I.

Dock graduated from J.A. Chaloner Senior High School in 1948 and entered Shaw University that fall. In 1951, just one year before graduation, Dock was drafted into the U.S. Army and was deployed to fight in the Korean War.

He served for 12 months in Korea before returning to Fort Bragg and his native North Carolina to serve out the remainder of his tour. Immediately after his Honorable Discharge, Dock resumed his education at Shaw University and earned his undergraduate degree.

In order to fulfill his dream of becoming a teacher, Dock then attended my alma mater, North Carolina Central University and earned a Master's Degree in Sociology and School Administration. Dock taught high school History at Weldon High School and Eastman High School for 24 years, and served as principal of Pittman High School for 10 years.

As an educator, Dock Brown made a tremendous and undeniable impact on the lives of students in Halifax County. He was truly the catalyst for many young people growing into strong, well-educated and productive adult citizens.

Over his many years of service, he served as a Halifax County Commissioner; state rep-

resentative in the North Carolina House of Representatives, Weldon Town Commissioner; Trustee at Elizabeth City State University, and as an appointee to the Governor's Commission to select Superior Court Judges. For his untiring service to the State of North Carolina, Dock was awarded the state's highest civilian honor—the Order of the Long Leaf Pine—by then-Governor James Hunt.

Dock Brown also served on the county's health board and he was honored with the Lifetime Achievement Award from the State Mental Health Association for his tireless dedication to the issue of Mental Health.

He was also an active member of First Baptist Church in Roanoke Rapids starting at age 11, and he served in many capacities including Deacon for over fifty years.

Dock Brown was a true public servant with a legacy that will live on through the many people he inspired over the years, including myself. I had the pleasure of offering legislation to this body that was signed into law naming the Weldon, N.C. Post Office in honor to Dock Brown. It was a fitting honor, and I know his community will truly miss him.

Dock Brown leaves behind his wonderful wife, Helen, after nearly 60 years of marriage. They raised two wonderful children: Dock Brown, Jr. and Ivy Brown Singleton, who is married to U.S. Army Lt. Col. Terance Singleton, II.

Mr. Speaker, I ask my colleagues to join me in recognizing the remarkable life of Dock Monteria Brown, and to join me in praying for his wife and family during these difficult times. I know they will draw comfort in knowing that he lived a great life and that he left a great and indelible mark on his community.

RECOGNIZING THE NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise today to thank the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling for their thorough and comprehensive review of the disastrous Gulf oil spill. I appreciate the hard work and diligence of the Commissioners and their staff in compiling this report and know it will prove beneficial as we consider legislative responses to the spill during the 112th Congress. In addition, I would like to commend the Commission for completing the report on time and under budget.

By now, we are all too familiar with the account of the spill. On April 20th, a BP oil rig located 52 miles off of the Louisiana coast exploded with 126 workers on the rig, resulting in 11 families losing their loved ones. With no plan in place for failure of the blowout preventer and no clear leader in the federal response, efforts to stop the flow of oil from the damaged well took far too long. The BP oil spill is now the largest spill in United States history and the environmental and economic

impacts of this disaster will be felt for years to come. The report by the Oil Spill Commission provides further details of the causes of the spill, including the fact that the disaster could have been prevented to begin with.

The report also emphasizes that we can not just focus on reforming the deficiencies in current drilling regulations, we must also continue to monitor the environmental impact of the spill on the Gulf of Mexico. Recovery may take years and the long-term effects of the oil spill, as well as those of the response and clean-up efforts, are still unclear. This monitoring will ensure we are prepared to quickly respond to the unforeseen consequences of this spill.

Thankfully, institutions of higher learning around the country are already conducting vital research as we begin ecosystem recovery efforts, including at the University of South Florida whose College of Marine Science has become an international center for the study of our nation's and our world's waters and of our coastal lands. Together with the Florida Institute of Oceanography, also in St. Petersburg, which is drawing together all the state of Florida's marine research expertise, and a variety of other local, state and federal organizations, our community has provided key information to our nation's decision makers about the impact it is having on our environment and the development of long-term strategies to clean it up.

Last Congress in response to the Deepwater Horizon spill, I also introduced the SAFEGUARDS Act and was pleased to see many of the issues I had addressed in the measure included in the Commissions report, including updating the National Contingency Plan and ensuring that National Environmental Policy Act requirements are not ignored going forward. Their recommendations will prove useful as I work on revising this legislation for reintroduction later in the 112th Congress.

Mr. Speaker, I ask my colleagues to join with me today in thanking the Oil Spill Commission for their independent and impartial report. Their suggestions will prove useful as we continue our response to last years horrific oil spill and I urge my colleagues to work together to ensure the complete recovery of the Gulf of Mexico.

TRIBUTE TO CLIVE SIMPSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the retirement of Clive Simpson of Boone County, Iowa. For the last 28 years, Clive has worked for the Boone News-Republican, delivering the "Boone County Shopping News" to rural Iowans.

Clive was born May 12, 1915 in Sac County, and he retired after working for 30 years for the Federal Highway Administration in Ames, Iowa. However, that retirement did not last long. At his wife's urging in 1982, Clive began delivering the "Boone County Shopping News" once a month every month. In the 28 years since, Clive has delivered over 187,000 issues and covered over 60,000 miles, all in his own

car. Now at the age of 95, Clive decided that it's finally time for him to officially retire.

I thank Clive for his strong and diligent work ethic. It is an admirable character trait, and one that I hope to see many Americans embody. Clive is a good role model for many younger Americans in that respect.

I know that my colleagues in the United States Congress will join me in commending Clive Simpson for his decades of service at the Boone News-Republican. It is an honor to serve as his representative, and I wish Clive and his wife Gertrude a happy and healthy retirement.

MEMORIALIZING MIDDLETOWN TOWNSHIP POLICE DETECTIVE CHRIS JONES

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to memorialize one of Bucks County's finest, Middletown Township Police Detective Chris Jones.

Chris Jones was working overtime on January 29, 2009 when he was struck and killed while in the performance of his duties.

As he was returning to his patrol car, two cars collided and careened into his vehicle, which then struck and pinned him under his own police cruiser. He was transported to a local hospital where he succumbed to his injuries a short time later.

Mr. Speaker, our nation's police officers risk their lives every day in order to preserve communities throughout our country that are safe and free. Those who give their lives in that mission deserve our eternal gratitude.

Detective Jones served with the Middletown Township Police Department for 10 years and had previously served in the United States Navy for 7 years, a veteran of Operation Desert Storm. Just 37 at the time, Chris left a wife and three children at home the day he went to serve the people of his community.

Detective Jones is the only officer of the Middletown Township Police Department to have lost his life in the line of duty and he will be remembered this week during a solemn ceremony at the police station where he served.

HONORING DR. THOMAS M. GELLHAUS' LIFELONG DEDICATION TO WOMEN'S HEALTH AT HOME AND AROUND THE GLOBE

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to bring the House's attention to the work and dedication of one of my constituents, Dr. Thomas M. Gellhaus.

Dr. Gellhaus is a longtime obstetrician-gynecologist in Davenport, Iowa, and earned his medical degree at the University of Iowa. He

has delivered a generation of Iowans, cared for our daughters, wives, mothers, and grandmothers, and done everything he can to make sure their health is well-cared for.

For many years, Dr. Gellhaus has held a leadership position among ob-gyn members of the American College of Obstetricians and Gynecologists in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Manitoba and Saskatchewan. He leaves this position this year, but leaves physicians with a long legacy of advocacy and caring for their patients.

Dr. Gellhaus has been a key advocate for patient safety in ob-gyn care and care for underserved women throughout the world. He's been a member of ACOG's Executive Board, helping guide health care policy; in 1999, he was chosen for ACOG's prestigious McCain Fellow Advocacy Program, in which a practicing ob-gyn works with Congress and the Administration; and was a member of the 2002 Class of the Primary Health Care Fellowship sponsored by the U.S. Department of Health and Human Services. Dr. Gellhaus recently endowed a new program, the ACOG Gellhaus Resident Fellow Advocacy Award, which encourages 3rd and 4th year ob-gyn residents to work with Congress on behalf of women's health.

In addition to a very busy private practice, since 1996, Dr. Gellhaus has dedicated nearly a year of his life to the preparation for and participation in international health mission projects. These projects have taken him to Central America, South America, Africa and the Dominican Republic. He has been the project medical director for most of these missions; organizing, fundraising, securing medical supplies and recruiting medical personnel. During the missions, Dr. Gellhaus has worked with over 559 other mission participants. His medical teams have, over the years, had more than 18,520 patient encounters, dispensed 48,052 prescriptions and have performed more than 1,472 surgical procedures.

He has personally financed the cost of many participants' missionary project costs, without which they would not have been able to participate. Dr. Gellhaus' deep faith and compassion are lived through these medical missions. In 1999, Dr. Gellhaus was honored with the ACOG Award for International Service in recognition of his mission work in third world countries.

Dr. Gellhaus has a beautiful family, with his wife, Melanie, and their 3 daughters. He reminds us of what is right in America. It is my pleasure to honor Dr. Gellhaus' work and dedication.

TRIBUTE TO VETERANS MEMORIAL HOSPITAL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the outstanding care provided by the emergency room staff at the Veterans Memorial Hospital (VMH) in Waukon, Iowa. For their dedication to providing quality care and

compassionate service, the VMH was recently awarded the 2010 Summit Award by the Press Ganey Association, recognizing it as one of the best emergency rooms in the nation.

The Summit Award is given every year to one hospital in the country that has consistently demonstrated a high level of patient satisfaction. Since 2007, Press Ganey has sent out thousands of surveys to patients who have received care in an emergency room. These surveys are then collected, and the information in each is used to rank the hospitals according to the level of satisfaction its patients reported. In each consecutive quarter for the last three years, VMH has scored in the top five percent of hospitals nationwide and patient visits have increased by 15 percent.

I commend the staff of Veterans Memorial Hospital for their hard work in promoting superb care and a positive patient experience. It is this dedication to serving patients that we hope to see in hospitals around the country. I urge my colleagues in the United States Congress to join me in congratulating Veterans Memorial Hospital for their achievement. I wish them the best of luck in the future.

HONORING CITY OF HOPE

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Ms. CHU. Mr. Speaker, today I pay tribute to City of Hope for reaching a milestone achievement, as its doctors performed their 10,000th bone marrow transplant, on January 13, 2011. City of Hope is one of the first biomedical research institutions in the world to reach this milestone. They give people battling diseases like leukemia, lymphoma and myeloma with a second chance at life.

City of Hope is a biomedical research, treatment and education center located in my district, the 32nd California Congressional district. Since its founding in 1913, City of Hope has achieved numerous scientific breakthroughs and pioneered many lifesaving procedures that benefit patients worldwide. It is one of only 40 comprehensive cancer centers, the highest designation bestowed by the National Cancer Institute.

This institution is a pioneer in the field of bone marrow transplantation. In the nearly 35 years since City of Hope physicians performed one of the nation's first successful bone marrow transplants, the institution has helped transplantation evolve into a gold standard treatment for several diseases.

Bone marrow or stem cell transplants typically include intensive high-dose chemotherapy and radiation, followed by weeks or even months of recovery in the hospital. The return on these hundreds of hours of treatment is the possibility of a renewed life cured of the disease.

City of Hope scientists continue to make transplants safer and more effective, and help extend the length and quality of patients' lives. New transplant procedures are improving cure rates, extending the procedure to older patients and expanding the use of transplants to diseases beyond leukemia, lymphoma and

multiple myeloma. As an example, researchers at City of Hope are developing a transplant based gene therapy for AIDS-related cancers that may be able to treat both the cancer and the HIV infection.

Today, City of Hope has one of the largest and most successful bone marrow transplant programs in the country. It is because of their dedicated physicians, nurses, and researchers who have helped transplantation evolve from an investigational procedure into a lifesaving treatment for people here and around the world.

Mr. Speaker, I ask my colleagues to join me today in recognizing City of Hope for reaching their 10,000th bone marrow transplant and providing hope to so many cancer patients—and their loved ones—worldwide.

IN RECOGNITION OF TROY D. FREEMAN

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Police Corporal Troy D. Freeman, who is retiring after 28 years of law enforcement service—26 years of service to the City of Fairfield and three years with the San Francisco State University Department of Public Safety. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Troy began his law enforcement career as a Police Officer with the San Francisco State University Department of Public Safety. He was then hired as a Police Officer with the Fairfield Police Department on March 5, 1984. As an officer, he worked in various capacities including Patrol, K-9, Firearms Instruction, and Field Training. He joined the Special Activity Felon Enforcement (SAFE) Team in 1991, earned the Police Officer of the Year award in 2005, and was promoted to Police Corporal on August 19, 2005.

One of Troy's most significant contributions to the Police Department was his involvement with the K-9 Unit. He was a K-9 handler from 1989–2001 with two very special dogs, Cito and Brend, and continued to train and lead the K-9 program even after his dogs retired. He was responsible for developing, coordinating, conducting, and documenting all of the training for the K-9 Unit. He also managed the asset seizure records and researched updates in law and training methods. Troy was instrumental to the success of the Police Department's K-9 program.

Troy was a valued employee and leader of the Fairfield Police Department. His commitment to the community was unwavering. He was a loyal representative of the law enforcement community and admired amongst his peers for his hard work, dedication and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Troy D. Freeman continued success and happiness in all of his future endeavors.

TRIBUTE TO BRANDON BATES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LATHAM. Mr. Speaker, I rise to recognize the achievement of Brandon Bates, a Boy Scout from Winterset, Iowa, who recently received the Eagle Scout Award. I commend Brandon on his perseverance and dedication to improving his community.

Brandon, who is the son of Jerry and Roxanne Bates, first joined the Boy Scout organization as a Tiger Scout at age 7. He went on to become a Cub Scout and then a Boy Scout. Throughout his years in scouting, Brandon has worked hard to earn many merit badges and awards, all of which involve personal betterment and community service. As a Cub Scout, he earned the "Arrow of Light," which is the highest award that a Cub Scout can earn. As a Boy Scout, Brandon has earned the World Conservation Award, the Leave No Trace patch, and now the Eagle Scout Award.

The Eagle Scout Award is the highest award that a Boy Scout can receive. In order to be eligible for this award, a Boy Scout must earn a minimum of 21 merit badges. Brandon has currently earned 40. Only 2% of Boy Scouts nationwide receive this honorable reward, and it is looked upon with distinction in the military, in many colleges and in the business world.

I know that my colleagues in the United States Congress will join me in commending Brandon Bates for his achievement. It is an honor to serve as his representative, and I wish him luck in the future.

HONORING MCKAY HATCH'S NO CUSSING EFFORTS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. SCHIFF. Mr. Speaker it is with great pleasure that I rise today to honor McKay Hatch, founder of The No Cussing Club.

During middle school, McKay grew tired of the constant stream of obscene and cruel language from his peers that lowered their self-esteem. He courageously asked his classmates to not cuss around him. His peers accepted the challenge and stopped cussing and thanked him for his leadership efforts.

Encouraged by his peers' support for his efforts, McKay founded the No Cussing Club at South Pasadena Middle School. Club members take the No Cussing Challenge, which is a commitment to use better language. The commitment not only improves their lives but also the world around them by using empowering, instead of deflating, language. Through the club motto of "Leave People Better Than You Found Them," members seek out opportunities to lift people up through their words and actions.

In high school, McKay formed a No Cussing Club during his freshman year and it soon had

over 100 active members. The club dedicated itself to spreading its message and adding members in all 50 states. Today the No Cussing Club has over 50,000 members, in all 50 states and 30 different countries.

McKay and the No Cussing Club have also worked with local and state leaders to designate local and state cuss free weeks. In 2008, the city of South Pasadena declared the first week of March and all subsequent first weeks of March as No Cussing Week. In 2009, the Los Angeles County Board of Supervisors adopted a similar proclamation and in 2010 the California legislature adopted a resolution declaring the first week of March to be No Cussing Week. The local and statewide No Cussing Weeks serve as a reminder to both public officials and private citizens to be more civil toward one another and to elevate the level of discourse in both public and private life.

McKay now travels regularly to spread his message of using clean and respectful language that is uplifting, encouraging, and motivating to students all over the country. He has recently expanded his efforts to encourage an end to bullying, which includes reducing the use of negative and discouraging language.

I ask all Members to join me in honoring the inspiring work of McKay Hatch.

LEAVE OF ABSENCE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. TIERNEY. Mr. Speaker, I submit the following.

Hon. NANCY PELOSI,
Democratic Leader, U.S. Capitol,
Washington, DC.

DEAR MADAM LEADER: I agree to take a leave of absence from the House Permanent Select Committee on Intelligence (HPSCI) with the understanding that I can be reappointed in the 113th Congress.

Serving on the HPSCI has been a privilege, and I have appreciated the opportunity it has afforded me to ensure that appropriate oversight is conducted over our intelligence and national security programs. Like you, I believe rigorous congressional oversight is critical to the successful implementation of such programs and helps reassure our constituents that their hard-earned tax dollars are being well-spent.

As you know, I am currently serving as a member of the House Committees on Education and the Workforce and Oversight and Government Reform. As such, and in light of the new Republican Majority's decision to reduce the number of members on standing committees in the House, I agree that it is appropriate at this time to take a leave of absence from the HPSCI with the understanding that I can be reappointed in the next Congress.

I thank you for the courtesy you have extended to me, and I look forward to continuing our work together on addressing the important challenges confronting the American people.

Sincerely,

JOHN F. TIERNEY,
Member of Congress.

TRIBUTE TO JORDANNE BLAIR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the achievement of Jordanne Blair of Lake City, Iowa. Jordanne, who was crowned Miss Rodeo Iowa 2010, recently represented Iowa in the Miss Rodeo America pageant in Las Vegas, Nevada.

Jordanne is the daughter of Lee and Joanne Blair and is a 2009 graduate of South Dakota State University. She has been passionate about competing in rodeos for many years, and has inspired that same passion in others as Miss Rodeo Iowa 2010. In that role, she was successful in establishing the annual Exceptional Rodeo in Lake City for handicapped individuals.

On December 4, 2010, Jordanne attended the Miss Rodeo America pageant in Las Vegas as the candidate from Iowa. Competing in the pageant were 28 women from around the country, and Jordanne was selected to be one of the ten semi-finalists. Although it was her close friend Haley McKenzie of South Dakota who took the title of Miss Rodeo America 2011, Jordanne had an exciting experience at the competition.

On January 1, 2011, Jordanne was succeeded by Heidi Gansen of Zwingle, Iowa, who is currently Miss Rodeo Iowa 2011. However, Jordanne has no plans to retire from the rodeo scene. She will advise Heidi in her new role, continue to promote the Exceptional Rodeo and the Lake City Rodeo, serve on the Miss Rodeo Iowa Board, and resume competitive barrel racing. Jordanne also plans to pursue a career in marketing or broadcast journalism.

I commend Jordanne for her devotion to her passion, her community and her state. I know my colleagues in the United States Congress will join me in congratulating and thanking her for the work she has done as Miss Rodeo Iowa 2010. It is an honor to represent her in Congress, and I wish her the best of luck in the future.

CENTER FOR AMERICAN VALUES TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize The Center for American Values (CAV) based in Pueblo, Colorado. They recently opened their doors with a mission to preserve fundamental American ideals including honor, integrity and patriotism. The organization is committed to ensuring that the values this nation was founded on are passed down to future generations.

The Center for American Values launch late last year was inspired by a few devoted individuals who seek to recognize citizens who have taken great risks in the name of protecting America's freedom. CAV's mission

statement is concise: "A nonpartisan organization committed to recognizing the need to honor the extreme sacrifices made to help sustain America's values. We strive to ensure these extraordinary actions are preserved . . . forever." CAV emphasizes Medal of Honor recipients and other military heroes, and fittingly so—Pueblo is the home of four Medal of Honor recipients. Cofounders Drew Dix, a Vietnam veteran and Medal of Honor winner, and Dr. Adolph Padula, who produced a documentary on Medal of Honor recipients, saw CAV as an opportunity to ensure that American citizens do not forget what makes our nation unique and exceptional. Both men also note that CAV honors heroes from all segments of society. For instance, the organization stresses remembrance of those who have taken economic risks when starting a new business. Regardless of their background, risk-takers continue to propel our country forward.

Currently, The Center for American Values is directed by Tom Allee, with support from its corporate officers Brad Padula and Drew Dix, and board members Sue Smith and Bob Root. CAV is lined with over 140 pictures of Medal of Honor recipients and the building that the organization occupies has been fully renovated from its previous crumbling state. Through community outreach, educational opportunities, and frequent conferences and partnerships with charitable organizations, the CAV will continue to carry out its mission statement for years to come. Ultimately, CAV hopes to influence societal values on a national stage.

Mr. Speaker, it is with great pride that I stand here today to recognize The Center for American Values. Their commitment to the public good and preservation of fundamental American ideals is a great service to the citizens of Pueblo and the nation at large.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I was unable to cast votes on the following legislative measure. If I were present for roll call votes, I would have voted "aye" for the following vote: rollcall No. 12, January 18, 2011: On Motion to Suspend the Rules and Pass, as Amended: H.R. 292, Stop the Over Printing (STOP) Act.

MARY WATT TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Mary Watt of Montrose, Colorado. She has an exemplary record of public service to her community and has given countless hours of service to her hometown.

Mary began her remarkable career in public service in 1973, starting as an executive assistant to the city manager of Montrose. In

1979, she was promoted to city clerk and treasurer, where she handled a variety of issues, including budget preparation, administration of municipal elections, and interpretation of municipal and city ordinances. In 1993, Mary was given the post of administrative services director and city clerk. In this capacity she was recognized as a top public administrator, receiving the Manager's Award for Excellence in 1996, which cited her ability to balance her professional duties while remaining intensely involved in community service. Mary has quickly climbed the professional ladder in the past decade, rising from administrative services director in 2004, to interim city manager in 2005. In August 2005, the Montrose City Council appointed her as full-time City Manager, where she currently serves as CEO of Montrose, Colorado.

Mary is capable of lending her managerial and organizational skills in to a variety of roles—she is truly multitasked. For instance, she served on the Montrose Chamber of Commerce, where she eventually led the organization as president. Her outreach and influence extends far beyond her professional life, too. Since 1980, she has been an active member of the Altrusa Club, a community service organization in Montrose. She has selflessly helped guide the club in multiple roles, most notably as president in 1986.

Mr. Speaker, I am honored to recognize Mary's track record as a reliable public leader. She has given decades of her life in pursuit of improving local government and her community.

A TRIBUTE TO MAJOR GENERAL
VANG PAO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. COSTA. Mr. Speaker, I rise today with my colleagues Mr. CARDOZA, Ms. BORDALLO and Mr. KISSEL to honor the memory of Major General Vang Pao of Fresno, California, who passed away Thursday January 6th after a battle with pneumonia.

Major General Vang Pao led the Royal Lao Army during the Secret War in Laos, fighting against the People's Army of Vietnam in cooperation with the Central Intelligence Agency and United States military forces. Bravely leading thousands of soldiers in a guerilla war against communism, Vang Pao became a hero, due to his leadership and dedication.

Growing up in the Xiengkhuang province, Vang Pao became interested in military service early in life. He left his family farm as a teenager to join the French Military in defense of his fellow Hmong as the Japanese invaded, and began a historic military career. At the end of World War II, and the departure of the Japanese, Vang Pao was recruited as an officer in the First Indochina War to fight the Viet Minh.

As he rose within the Royal Lao Army, Vang Pao was heralded for his valor and dedication and was the only ethnic Hmong to attain the rank of General in the Royal Lao Army. In the early 1960's, when the CIA recruited Hmong

men in Laos to join a guerrilla unit during the Vietnam War, Vang Pao was chosen to be the commander. As his Hmong soldiers rescued downed American pilots from enemy territories and defended American outposts in Laos, he gained a reputation for being a disciplined, honorable leader.

The Hmong soldiers also attacked many North Vietnamese convoys that were using the Ho Chi Minh trail from North Vietnam into South Vietnam. By attacking these supply routes, thousands of U.S. soldiers' lives were saved in South Vietnam. Vang Pao and the Royal Lao Army valiantly fought for their cause throughout the entire Secret War.

Immigrating to the United States in May of 1975, Major General Vang Pao was instrumental in negotiating the resettlement of thousands of his fellow Hmong. Vang Pao continued his leadership after his exit from military service. He was active in fostering U.S.-Laos relations, and combating human rights abuses abroad, as well as serving as an icon and mentor to the Hmong-American community. A widely respected figure, General Vang Pao was a constant feature at Hmong-American events and celebrations nationwide.

Major General Vang Pao is survived by his widow, Mrs. May Song Vang, 25 children, 68 grandchildren, 17 great grandchildren and numerous friends and community members.

Mr. Speaker, I ask my colleagues to join Mr. CARDOZA, Ms. BORDALLO, Mr. KISSEL and myself in honoring the life of Major General Vang Pao as we offer our condolences to his family and celebrate his memory and service to our country.

DR. S.K. RAO MUSUNURU

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Dr. S.K. Rao Musunuru who will be recognized at the Community Aging and Retirement Services (CARES) Annual Benefit on February 5, 2011, for his continued philanthropic commitment to our community.

He began his formal study of medicine in 1968, but what is most noteworthy is his ability to couple his medical expertise with community involvement—enhancing the knowledge base, furthering the medical profession, and ensuring that local needs are met. While Dr. Musunuru boasts numerous memberships in nationally and internationally acclaimed organizations, including the American Medical Association, the International Society of Heart Transplantation, and the Society of Critical Medicine, he is still mindful of the medical needs in his own backyard.

He was instrumental in transforming a 50-bed rural hospital into a 290-bed Heart Institute, meriting recognition for its high standard of care. During his tenure as Chairman of the Board for Pasco Hernando Community College, the college had a 100 percent increase in nursing enrollment, and he has been vocal in his teachings of "proper prevention and prompt intervention, so that people can live longer and stronger."

Dr. Musunuru's involvement in the community certainly does not go unrecognized. He recently became the recipient of the 2010 Outstanding Physician Award and, for the second consecutive year, received Rotary International's highest honor, the Paul Harris Fellowship recognition. While his accomplishments and awards are extensive to list, words cannot adequately acclaim Dr. Musunuru achievements. The lives he has impacted are countless, and I applaud him for his resolve to use his talents to meet the growing needs of the community and the larger medical profession.

TED VALERIO TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Detective Ted Valerio of Montrose, Colorado. The Montrose Police Department recently awarded him the Employee of the Year for 2010, as well as a Merit Citation.

Detective Valerio was hired on April 30, 2001. Since then, his superiors and coworkers have recognized him as a respected individual of exceptional character and integrity. Detective Valerio has taken the lead and solved a number of important felony cases in the past decade and continues to prove himself an asset on the force. Aside from his responsibilities as a detective, he administers pre-hire polygraph exams for all police department employees—he is the second polygraph examiner to ever work in the Montrose Police Department. Detective Valerio also serves on the Montrose Special Weapons and Tactics team (SWAT), which carries a great risk of personal injury.

Mr. Speaker, Detective Valerio is consummate law enforcement professional and I am proud to congratulate him on his recent awards. I would also like to thank him and the countless other officers who continue to serve their communities.

IN RECOGNITION OF MELVIN E.
FERRO

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Corporal Melvin E. Ferro, who is retiring after more than 28 years of law enforcement service to the City of Fairfield. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Mel started his law enforcement career when he was hired as a Police Officer with the Fairfield Police Department on March 19, 1982. As an officer, he worked in various capacities including Patrol, Investigations, and Field Training. He earned awards for his performance, including Police Officer of the Year

for 1994, and twice he was named Police Officer of the Quarter—June through October 2000 and again for July through December 2007. Mel served as a Field Training Officer beginning in 1995 and was later promoted to Police Corporal on December 31, 1999.

One of Mel's most significant contributions to the Fairfield Police Department has been his expertise in investigating and solving major crimes. His knowledge and memory pertaining to the activity and association of criminals in the area was a resource for the entire Police Department. He took community-orientated policing to a new level because he made an effort to learn where criminals lived in Fairfield, and he tracked their travel and associates. Additionally, as a trainer of fellow police officers, he taught what most police officers rarely develop—the craft of being a police officer.

Mel was a valued employee and leader in the Fairfield Police Department. His commitment to the community was unwavering. He was a loyal representative of the law enforcement community and admired amongst his peers for his hard work, dedication and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Melvin E. Ferro continued success and happiness in all of his future endeavors.

PERSONAL EXPLANATION

HON. JOHN C. CARNEY, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. CARNEY. Mr. Speaker, on rollcall No. 18, had I been present, I would have voted "no."

MARIANNA RAFTOPOULOS TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. TIPTON. Mr. Speaker, it is my great privilege as the representative of Colorado's 3rd district to rise and pay tribute to the inspirational life of Mrs. Marianna Raftopoulos. Mrs. Raftopoulos was a woman with a deep sense of civic conviction, a loving wife and mother of three.

Marianna Raftopoulos was raised on a sheep ranch in Western Colorado, and the spirit of the west remained with her for the duration of her exemplary life. After graduating from the University of Colorado, Marianna pursued many passions. Most notably were her efforts to improve Moffat County, and the Colorado Republican Party. She was a champion of many causes including chairwoman of the Republican Central Committee, The Moffat Tunnel Commission, The Moffat County Economic Development Partnership, and served as a Moffat County commissioner and chairwoman of Colorado Wildlife Commission. With the passing of Marianna Raftopoulos, Western

Colorado has lost an inspiring leader, and our nation has lost a great patriot.

Mr. Speaker, it has been a true honor to stand in tribute and pay respect to the life of Mrs. Marianna Raftopoulos. She was a great leader, who is still greatly missed.

RECOGNIZING BONNIE ARD AS WALTON COUNTY, FLORIDA'S EDUCATIONAL SUPPORT PERSON OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mrs. Bonnie Ard as the 2012 Walton County, Florida Educational Support Person of the Year. I am honored to recognize her achievements and her dedication to the students and teachers of northwest Florida.

Bonnie Ard is the secretary for Maude Sanders Elementary School in DeFuniak Springs, Florida. Mrs. Ard considers the faculty and staff at the school to be a team and part of her family. She sets the tone for the rest of the school's faculty and staff, using her space in the front office to establish a professional, caring, and family-friendly environment that epitomizes the work of the faculty and staff at Maude Sanders Elementary. Tracey Dickey, Principal of Maude Sanders Elementary, extols Mrs. Ard's excellent rapport with the parents and students of the school and her steadfast desire to seek to serve the parents and students of Maude Sanders Elementary as efficiently as possible.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Bonnie Ard as the Walton County Educational Support Person of the Year. Her passion for the students of Maude Sanders Elementary is laudable and her dedication to her profession is exemplary. My wife Vicki joins me in congratulating Mrs. Ard, and we wish her all the best.

HONORING THE ACCOMPLISH- MENTS OF SARAH BRACHMAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. HALL. Mr. Speaker, I rise today to recognize a fellow Texan; Sarah Brachman, who has been named the National Down Syndrome Society's 2011 Advocate of the Year.

This young lady is one of more than 400,000 Americans living with Down Syndrome, but that has never slowed her down. She is more engaged than many in our political system—having interned here in Washington and in both Federal and State legislative offices in Kentucky where she's in school. And she truly is an advocate for the disabled, happily talking to anyone who will listen about her life and what it means to live with a disability, and personally recruiting over thirty Members of Congress, myself included, for the Congressional Down Syndrome Caucus.

Mr. Speaker, I hope you and all of our colleagues will join me in congratulating Sarah for this well deserved honor.

CELEBRATING THE CITY OF BROOKLYN CENTER'S CENTENNIAL

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. PAULSEN. Mr. Speaker, I rise today to recognize a wonderful community in my district, Brooklyn Center. 2011 is no ordinary year for Brooklyn Center, as next week they will celebrate their centennial.

A quaint suburb located west of Minneapolis, throughout its 100-year history, Brooklyn Center has embraced growth, the importance of family values, and the development of industry, all while maintaining its small-town charm.

Brooklyn Center's residents take great pride in its many diverse and successful residents, its great schools, many shops and recreation options—including the famous Dudley/Budweiser Minnesota Classic Softball Tournament.

As an avid biker, I appreciate Brooklyn Center's acres of picturesque parks and miles of trails. The city's many nature areas are a great representation of the community's pride and commitment to civic improvement.

Congratulations Brooklyn Center on 100 years of being "a great place to start and a great place to stay." I'm sorry I won't be there to celebrate with you, but I hope your Centennial Celebration is truly the "Party of the Century."

RECOGNIZING VANESSA BUMP AS WALTON COUNTY, FLORIDA'S TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mrs. Vanessa Bump as the 2012 Walton County, Florida Teacher of the Year. For twenty years, Mrs. Bump has been an inspiration to her students, colleagues, and community; I am honored to recognize her achievements.

During her career as an educator, Vanessa Bump has served as the Media Specialist at Bay Elementary School, the Library/Media Specialist at Walton High School, and as a Social Studies Teacher in the Escambia County School District. She currently teaches Social Studies and Journalism at South Walton High School. Her outstanding performance was recognized there when she received the 2004 Walton High School Teacher of the Year award.

In addition to her distinction in the classroom, Mrs. Bump serves in myriad other capacities, including Yearbook Sponsor, School Technology Coordinator, Junior Class Sponsor, Prom Sponsor, History Fair Coordinator,

and Project-Based Learning Trainer. She has also been presented with the Herff-Jones Outstanding Journalism Educator of the Year award and holds a National Journalism Certification.

Teachers are amongst our most valuable public servants, as they are responsible for educating the future of our country. To be honored as Teacher of the Year, selected from a pool of exemplary educators, is an immense honor. This honor is a reflection of the impact Vanessa Bump has had on her students and the difference she has made in their lives. She has proven herself to be among the many great teachers in our nation, and I am proud to have her as a constituent of Florida's First District.

Mr. Speaker, on behalf of the United States Congress, I am proud to honor Vanessa Bump for her accomplishments and her continuing commitment to excellence at South Walton High School and in the Walton County School District.

**HONORING LIZ BURNS, RECIPIENT
OF THE 2010 WESTERN SPRINGS
CITIZEN OF THE YEAR AWARD**

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Liz Burns, who will receive the 2010 Western Springs, IL Citizen of the Year Award on January 30, 2011. A resident of Western Springs for 47 years, Mrs. Burns has been an invaluable asset to her community in large part due to her contributions to the local library system.

Mrs. Burns was first appointed to the board of the Thomas Ford Memorial Library in 1991 and solidified her status as a permanent fixture on the board in 1993 with an election to a four-year term. She served as president of the board from 1995 to 1997 and oversaw the \$3.1 million library expansion project during her tenure. In 1997, she led efforts to produce and implement the Library's long-range plan, preserving a high-quality learning environment for generations to come.

Since the end of her term as president of the board, Mrs. Burns has served as a trustee at the Thomas Ford Library Foundation. She became chair of the Foundation's board of trustees in 2004, and has worked to build an endowment for the Friends of the Library's continuing educational programs and activities. Liz continues to serve her community as a volunteer reading tutor at the St. Gregory Episcopal School for Boys.

Born and raised in Charleston, IL and the youngest of six children, Mrs. Burns attended the University of Illinois, Urbana where she earned a degree in English. She taught English and Journalism at Riverside-Brookfield High School before starting her family. She later became licensed as a Certified Financial Planner and went to work at the Western Springs Federal Credit Union. Mrs. Burns moved on to Merrill Lynch in 1987 then to Charles Schwab in 1991 where she worked as a securities specialist until her retirement in 2002.

I ask you to join me in honoring Mrs. Liz Burns on her selection as a 2010 Western Springs Citizen of the Year, and may she continue to enjoy educating through her work as a tutor and a trustee of Thomas Ford Memorial Library.

**INTRODUCTION OF THE DISTRICT
OF COLUMBIA LEGISLATIVE AU-
TONOMY ACT OF 2011**

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Ms. NORTON. Mr. Speaker, today, I introduce the District of Columbia Legislative Autonomy Act of 2011, to end the unnecessary and redundant congressional review of District of Columbia legislation. This bill would eliminate the congressional review period for civil (30 legislative days) and criminal (60 legislative days) legislation passed by the District of Columbia. Under the District of Columbia Home Rule Act, if a congressional resolution disapproving a D.C. bill is signed into law during the congressional review period, that bill does not become law. The congressional review period, which is limited only to those days when Congress is in session, delays D.C. bills from becoming law, often for many months. The delays force the D.C. Council to pass most bills several times, using a cumbersome and complicated process in which bills are passed on an emergency, temporary, and permanent basis to ensure that the operations of this large and rapidly changing city continue uninterrupted. The D.C. Legislative Autonomy Act would allow bills passed by the D.C. Council and signed by the mayor to become law immediately.

My bill would do no more than align the Home Rule Act with congressional practice over many decades. Since the 1973 Home Rule Act, of the more than 4,500 legislative acts transmitted to Congress, only three resolutions to disapprove a D.C. bill have been enacted—in 1979, 1981, and 1991—and two of those involved distinct federal interests. Placing a congressional hold on 4,500 D.C. bills has not only proven unnecessary, but also a waste of money and time for both the District and Congress. Instead of using the formal disapproval process to overturn D.C. legislation, Congress has preferred to use appropriations riders. It is particularly unfair to require the D.C. Council to engage in a phantom process that Congress has itself discarded.

The wastefulness of the layover process is all the more apparent considering that my bill does not prevent review of District laws by Congress. Under clause 17 of section 8 of article I of the U.S. Constitution, the House and the Senate may scrutinize every piece of legislation passed by the D.C. Council, and, using that authority, change or strike such legislation at any time if it desired. My bill would only eliminate the automatic hold placed on local legislation and the need for the D.C. Council to use a process initially passed for the convenience of Congress, but one that Congress has since eliminated in all but law. The bill would promote efficiency and cost

savings for both Congress and the District. The bill would benefit the city's bond rating, which is affected by the shadow of congressional review and the delay in the finality of District legislation.

The limited legislative autonomy granted in this bill would allow the District to realize the greater measure of meaningful self-government and home rule that it deserves, and has more than earned in the 37 years since the Home Rule Act became effective. I urge my colleagues to support this important measure.

**IN MEMORY OF PAULINE
MURILLO, ELDER OF THE SAN
MANUEL BAND OF SERRANO
MISSION INDIANS**

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LEWIS of California. Mr. Speaker, I would ask my colleagues to join me in praising the life of Pauline Murillo, who was a wonderful lady, a strong leader for the San Manuel Band of Serrano Mission Indians, and one of the most important chroniclers and teachers of Indian history in Southern California. Mrs. Murillo passed away Jan. 21, 2011.

Pauline Chacon was born in 1934 on the San Manuel Reservation, which is in the foothills of the San Bernardino Mountains in Southern California. When Pauline was a young child, the reservation was tucked away from any nearby towns, and was little known to the residents of San Bernardino County.

But from an early age, Pauline became involved with an effort to reach beyond the boundaries of the reservation to help area schoolchildren learn the history and culture of the San Manuel tribe. Pauline and her mother, Tribal Spokeswoman Martha Manuel Chacon, visited schools to share factual accounts of tribal history, culture and language.

Pauline would carry this work forward as a tribal culture bearer, native speaker, author and presenter dedicated to a principal, "To never forget who you are or where you came from." Today she is regarded as one of the most knowledgeable and influential resources on Southern California Indian history and culture.

She married George Murillo in 1952, and together they have three children, eight grandchildren and 19 great-grandchildren.

Mrs. Murillo wrote two books about her life and San Manuel culture and traditions, "Living in Two Worlds" and "We Are Still Here Alive and in Spirit." Both contained hundreds of rare photographs. She was instrumental in the creation of an interactive CD-ROM for the Serrano-language and made traditional Indian cradle dolls and other crafts.

Pauline and George are well known for their philanthropy, donating time and funds to hospitals, schools and non-profits to benefit the greater community. In 2009 the Murillos donated \$900,000 to Cal State San Bernardino to construct an observatory, which was named for the family. In 2008 the family's contribution to Loma Linda University Medical Center allowed the hospital to expand its lounge for oncology patients and their families and was rededicated to the family.

While Pauline Murillo was leading the San Manuel tribe in reaching out to the greater community, the cities of San Bernardino and Highland have grown to surround the reservation's borders. Although the reservation was once impoverished, tribal members have found success with the opening of casinos—and have become one of the top local employers in the process. As a highly-respected tribal elder, Pauline Murillo has ensured that the tribe remains a strong presence throughout the community. She was a member of the Highland Senior Center, the Highland Women's Club and the "Red Hat Ladies" service group.

Mr. Speaker, Pauline Murillo was beloved throughout our region—her nickname of Dimples tells much about her always-smiling presence. She was a treasured resource for Native American culture, identity and tradition. She spent hours with high school students and faculty telling of the language and history of the Serrano people. We will all miss her greatly. I ask you and my colleagues to join me in extending condolences to her loving family and friends, and to express our appreciation for the lifetime of service to her community.

IN RECOGNITION OF MICHAEL M.
JOHNSTONE

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Captain Michael M. Johnstone, who is retiring after nearly 30 years of law enforcement service—26 years of service to the City of Fairfield and almost four years with the Oakland Police Department. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Michael began his law enforcement career as a Police Officer with the Oakland Police Department. He was then hired as a Police Officer with the Fairfield Police Department on October 29, 1984. As an officer, he worked in various capacities including Patrol, Investigations, Special Operations, Narcotics, and Field Training. He earned the Police Officer of the Year award in 1996, joined the Crisis Negotiation Team in 1997, and was promoted to Police Corporal on December 31, 1999.

On December 28, 2001, Michael was promoted to Police Sergeant and ultimately served in a number of capacities including Patrol, Investigations, Professional Standards, and Public Information. He was a strong and decisive leader which led to him receiving the Manager of the Year award in 2003. On December 7, 2007, he was promoted to Police Lieutenant and served as Commander for Patrol, Quality of Life, and Administrative Divisions. As the Police Department experienced changes in leadership and command staff, Michael consistently stepped in and assisted City management in filling the gaps. Over the last two years, he assumed the Captain's position and managed Patrol Operations twice and he

also acted as Deputy Police Chief when needed.

Michael was a valued employee and leader of the Fairfield Police Department. His commitment to the community was unwavering. He was a loyal representative of the law enforcement community and admired amongst his peers for his hard work, dedication and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Michael M. Johnstone continued success and happiness in all of his future endeavors.

HONORING ALDO SANTORUM

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. SHUSTER. Mr. Speaker, I rise today to honor the life of Aldo Santorum, the father of my friend and colleague, former Pennsylvania Senator Rick Santorum.

Aldo Santorum passed away on January 15th in Crescent Beach Florida at the age of 88 in the home where he and his wife, Catherine Dughi, had spent the past 20 years together.

Aldo was an American patriot who served alongside fellow members of the Greatest Generation who honored the call to service in World War II.

After the war, Aldo Santorum took advantage of the GI Bill to earn a degree in psychology from St. Francis College in Loretto, Pennsylvania as well as a graduate degree from Catholic University in Washington and a doctorate in clinical psychology from the University of Ottawa.

Instead of going into private practice, Aldo devoted his professional career to serving fellow veterans as a clinical psychologist for the Veterans Administration.

Throughout his career, Aldo Santorum served in VA hospitals in Martinsburg, West Virginia, Butler, Virginia and in Chicago until 1990, when he and his wife Catherine retired to Crescent Beach, Florida.

In addition to his wife and children, Aldo Santorum is survived by an extended, but closely-knit family of 10 grandchildren.

I extend my condolences to Rick Santorum and the entire Santorum family for their loss.

INTRODUCING THE FEDERAL
RESERVE TRANSPARENCY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. PAUL. Mr. Speaker, I rise to introduce the Federal Reserve Transparency Act. Throughout its nearly 100-year history, the Federal Reserve has presided over the near-complete destruction of the United States dollar. Since 1913 the dollar has lost over 98% of its purchasing power, aided and abetted by the Federal Reserve's loose monetary policy.

How long will we as a Congress stand idly by while hard-working Americans see their savings eaten away by inflation? Only big-spending politicians and politically favored bankers benefit from inflation.

Serious discussion of proposals to oversee the Federal Reserve is long overdue. I have been a longtime proponent of more effective oversight and auditing of the Fed, but I was far from the first Congressman to advocate these types of proposals. Esteemed former members of the Banking Committee such as Chairmen Wright Patman and Henry B. Gonzales were outspoken critics of the Fed and its lack of transparency.

Since its inception, the Federal Reserve has always operated in the shadows, without sufficient scrutiny or oversight of its operations. While the conventional excuse is that this is intended to reduce the Fed's susceptibility to political pressures, the reality is that the Fed acts as a foil for the government. Whenever you question the Fed about the strength of the dollar, they will refer you to the Treasury, and vice versa. The Federal Reserve has, on the one hand, many of the privileges of government agencies, while retaining benefits of private organizations, such as being largely insulated from Freedom of Information Act requests.

The Federal Reserve can enter into agreements with foreign central banks and foreign governments, and the GAO is prohibited from auditing these agreements. Why should a government-established agency, whose police force has federal law enforcement powers, and whose notes have legal tender status in this country, be allowed to enter into agreements with foreign powers and foreign banking institutions with no oversight? Particularly because the Fed has operated swap lines with foreign central banks and provided hundreds of billions of dollars of bailouts to foreign commercial banks, the Fed's negotiations with the European Central Bank, the Bank of International Settlements, and other foreign institutions should face increased scrutiny, most especially because of their significant effect on foreign policy. Given the currency crisis in Europe and the prospect of the Fed propping up foreign governments or bailing out American banks invested in European debt, this issue is of especially pressing concern.

The Fed's funding facilities and its agreements with the Treasury should be reviewed. The Treasury's supplementary financing accounts that fund Fed facilities allow the Treasury to funnel money to Wall Street without GAO or Congressional oversight. Additional funding facilities that have allowed the Fed to keep financial asset prices artificially inflated and subsidize poorly performing financial firms should be scrutinized, as well as the Mortgage-Backed Securities Purchase Program, which has subsidized banks by transferring trillions of dollars of worthless debt off their books.

The Federal Reserve Transparency Act would eliminate restrictions on GAO audits of the Federal Reserve and open Fed operations to enhanced scrutiny. We hear officials constantly lauding the benefits of transparency and especially bemoaning the opacity of the Fed, its monetary policy, and its funding facilities. By opening all Fed operations to a GAO

audit and calling for such an audit to be completed by the end of 2012, the Federal Reserve Transparency Act would achieve much-needed transparency of the Federal Reserve. I urge my colleagues to support this bill.

HONORING PETE CARIS, RECIPIENT OF THE 2010 WESTERN SPRINGS CITIZEN OF THE YEAR AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mr. Pete Caris, who will receive the 2010 Western Springs, IL Citizen of the Year Award on January 30, 2011. Born and raised in Western Springs, Mr. Caris has been selected for this award in large part due to his accomplishments with the Western Springs Historical Society.

Mr. Caris was the president of the Western Springs Historical Society Board from 1999 to 2006. During his tenure, he has worked hard to raise funds for the Ekdahl House project to preserve and showcase one of the oldest houses in Western Springs. He has also volunteered at the Tower Museum where visitors can learn about the rich history of Western Springs. Mr. Caris stood out as a nominee for his award not only because of his position on the board, but also because of his hard work increasing the visibility of the Historical Society. He consistently leads public events including the Gathering on the Green and the Christmas Walk in his hometown.

In addition to being active with the Historical Society, Mr. Caris has been involved with the First Congregational Church of Western Springs for many years. He has also acted as a mentor to many young citizens while coaching church league basketball for 23 years. All of Mr. Caris' work in Western Springs, whether leading youth teams or ensuring the preservation of local historical treasures, makes him a deserving recipient of the 2010 Citizen of the Year award.

I ask you to join me in honoring Mr. Pete Caris on his selection as a 2010 Western Springs Citizen of the year, and may he continue to happily serve the citizens Western Springs, IL, young and old.

THE HIGH SCHOOL ATHLETICS ACCOUNTABILITY ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Ms. SLAUGHTER. Mr. Speaker, I am proud to rise today to introduce the High School Athletics Accountability Act. As opportunities for girls and women to participate in sports and athletics have been made increasingly available, women's participation has grown exponentially. Over three million high school girls now participate in organized sports, as opposed to 294,015 in 1971 before Title IX was

enacted. Athletic participation has brought with it confidence and camaraderie among young women, giving them memories and friends that will last a lifetime.

Despite our progress, persistent attacks against equality for women's sports require that we continue to protect the rights our nation's young women deserve. Currently high schools are not required to disclose any data on equity in sports, making it difficult for high schools and parents to ensure fairness in their athletics programs. The High School Athletics Accountability Act requires that high schools report basic data on the number of female and male students in their athletic programs and the expenditures made for their sports teams. The data will help high schools improve opportunities for girls in sports, and thereby help high schools and parents of schoolchildren foster fairness in athletic opportunities for girls and boys. Ultimately better information will encourage greater participation of all students in athletics.

Without information about how athletic opportunities and benefits are being allocated at the high school level, female students may be deprived of their chance to play sports. For many young women, sports are often their ticket to higher education. A survey conducted by the National Federation of State High School Associations indicates that female students receive 1.3 million fewer opportunities to play high school sports than do male students, which translate into many lost opportunities for athletic scholarships. Other studies show that student athletes tend to graduate at higher rates, perform better in school and are less likely to use drugs and alcohol. The New York Times recently highlighted research that found that the "increase in girls' athletic participation caused by Title IX was associated with a 7 percent lower risk of obesity 20 to 25 years later, when women were in their late 30s and early 40s." The study notes that while a 7 percent decline in obesity is modest, "no other public health program can claim similar success." Women athletes also tend to have more confidence, better body image, and higher self-esteem than female non-athletes—critical attributes that help them succeed throughout their lives.

We must give our schools the tools they need to identify inequities in their programs so that current and future generations of women can enjoy the benefits of sports.

Mr. Speaker, I urge my colleagues to join me in this effort to help girls move toward equality in athletics at every level and in every community across the Nation.

CONGRATULATING PAUL KARAFIOL ON RECEIVING THE PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I wish to congratulate Paul Karafiol, an educator at Walter Payton College Prep in Chicago, on re-

ceiving the Presidential Award for Excellence in Mathematics and Science Teaching. The Presidential Award for Excellence in Mathematics and Science Teaching is administered by the National Science Foundation on behalf of the White House Office of Science and Technology Policy. Awardees are selected by a panel of scientists for their prowess in teaching pre-college-level science and mathematics. I am elated that Mr. Karafiol received this distinguished honor for the caliber of his teaching of math. His ability to convey mathematics concepts to students in clear and interesting ways provides a great benefit to Chicago, and the Presidential award is a well-earned recognition of his skill.

Mr. Karafiol is a Chicago native and Chicago Public School graduate. He received his bachelor's degree in Philosophy from Harvard University and his master's degree in Philosophy from the University of Chicago. Mr. Karafiol has always had a love for math. As a youth, he was on the Math Team at the Kenwood Academy. His first summer jobs involved working as a junior staff member in math programs for talented students held at the University of Chicago, Hampshire College, and ENSAE in Toulouse, France. After teaching at Phillips Academy in Andover, Massachusetts for many years, Mr. Karafiol moved back to Chicago in 1997 to teach math at Providence-St. Mel, another wonderful school in Chicago. In 2000, he assisted in opening the math department at Walter Payton College Prep, becoming the Chairman of the math department in 2009. When you talk with Mr. Karafiol, his passion for teaching math is evident. He speaks of his excitement at understanding the connections among concepts and discovering surprises using numbers; it is this love of the subject that he shares with his students by creating environments in which they too can appreciate these learning revelations.

Walter Payton College Prep—the school at which Mr. Karafiol teaches—has an environment of continuous collaboration, reflection, and dedication to excellence. Through the commitment of Mr. Karafiol and the math department staff, Walter Payton College Prep was given the Intel Star Innovator award for the finest math and science program in the country. Over 150 schools competed in the Intel Schools of Distinction competition. Three schools were named as finalists in each of six categories: High School Math and Science; Middle School Math and Science; and Elementary Math and Science. Payton's math program was cited as the High School Mathematics winner; it also received the competition's grand prize—the Star Innovator Award. Mr. Karafiol notes that collaboration between the math and science departments at Walter Payton improve both departments' understandings of what math skills students need to be successful, when students need which skills, and how best to teach, reinforce, or remediate particular math skills. This joint process also helps Payton's math teachers gain new ideas about applications and contexts that they could integrate into their classes to improve mathematics learning. Impressively, over a quarter of the students at Walter Payton take five or more math courses before graduation. In addition to this rigorous set of core classes, many of the students at Walter

Payton fill their electives with advanced placement statistics and/or university-level math courses: Over 99 percent of the student population scores as "Meeting or Exceeding" state math standards on the Prairie State Achievement Examination.

We have an obligation to the future of our Nation to assure every segment of our population has the opportunity to pursue careers in science and math. When children have an effective educator in these fields, they experience an excitement and understanding of math and science that increases their self confidence and interest in pursuing careers in science and mathematics. I celebrate with Mr. Karafiol and Walter Payton College Prep on the Presidential Award for Excellence in Mathematics and Science Teaching. Their dedication prepares students in Chicago to take an active role in making America a leader in math and science among the community of nations in the 21st century.

INTRODUCTION OF THE "TAX CODE TERMINATION ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. GOODLATTE. Mr. Speaker, last night we gathered in this Chamber to hear President Obama deliver his State of the Union Address. I was particularly encouraged to hear the President say, "the best thing we could do on taxes for all Americans is to simplify the individual tax code." The President stated he was prepared to join both parties in simplifying our tax code. I join the President in calling for a simplified tax code, and I rise today to introduce the Tax Code Termination Act. This legislation can be the impetus for overhauling our tax system.

The fact is our current tax system has spiraled out of control. At a time when Americans devote a total of 7 billion hours each year to comply with the tax code, we need tax simplification. Today's tax code is unfair, discourages savings and investment, and is impossibly complex. The Tax Code Termination Act will force Congress to finally debate and address fundamental tax reform. This bi-partisan legislation is simple. It will abolish the Internal Revenue Code by December 31, 2015, and call on Congress to approve a new Federal tax system by July of the same year.

While almost every Member would acknowledge that our tax code is no longer working in a fair manner for Americans, nothing has been done to create a more equitable tax code. Congress won't act on fundamental tax reform unless it is forced to do so. My bill will force Congress to finally debate and address fundamental tax reform.

Once this bill becomes law, today's oppressive tax code would survive for only four more years, at which time it would expire and be replaced with a new tax code that will be determined by Congress, the President, and the American people. This legislation will allow us, as a Nation, to collectively decide what the new tax system should look like. Having a date-certain to end the current tax code will

force the issue to the top of the national agenda.

Although many questions remain about the best way to reform our tax system, I am certain that if Congress is forced to address the issue we can create a tax code that is simpler, fairer, and better for our economy than the one we are forced to comply with today.

Whichever tax system is adopted, the key ingredients should be: a low rate for all Americans; tax relief for working people; protection of the rights of taxpayers and reduction in tax collection abuses; promotion of savings and investment; and encouragement of economic growth and job creation. Taxes may be unavoidable but they don't have to be unfair and overcomplicated.

Just like other programs that require reauthorization, the tax code must be reviewed to examine whether it is fulfilling its intended purpose and then Congress must make any changes that are necessary.

America's future depends on overcoming the handicap of the current tax code. There is widespread consensus that the current system is broken, and keeping it is not in America's best interest. I urge my colleagues to support this legislation and end the broken tax system that exists today.

IN HONOR OF SGT. ZAINAH C. CREAMER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a fallen hero who was a respected and dedicated officer in the United States Army. On January 12, 2011, our state and nation lost a great patriot when Sergeant Zainah C. Creamer, aged 28, was killed in the line of duty in support of Operation Enduring Freedom. Sgt. Creamer died in Kandahar Province, Afghanistan, of injuries sustained when an improvised explosive device detonated near her unit.

Sgt. Creamer was born in Texarkana, Texas, and graduated from Arkansas High School in Texarkana, Ark., in 2000. Although I never had the honor of meeting Sgt. Creamer, it is clear by the outpouring of praise from her friends and family that she was a special person who deeply loved her country and never hesitated to help those in need. I extend my deepest condolences on behalf of all Arkansans to her family, friends, colleagues and acquaintances for this devastating loss.

Sgt. Creamer was assigned to the 212th Military Police Detachment, Headquarters Battalion, Fort Belvoir, Va. She was a soldier for more than six years and was an Army dog handler serving her second deployment with the 2nd Battalion of the 502nd Infantry Regiment.

With her bravery and dedication to duty, Sgt. Creamer exemplified what it meant to be a U.S. soldier; she made this nation and her family proud. My deepest thoughts and prayers go out to all of her family and friends during this very difficult time.

Today, I ask all Members of Congress to join me as we honor the life of Army Sergeant

Zainah C. Creamer and her legacy, as well as each man and woman in our Armed Forces, and all of those in harm's way supporting their efforts, who give the ultimate sacrifice in service to this great country. We owe them our eternal gratitude.

IN RECOGNITION OF ROBERT D. BUNTING

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Lieutenant Robert D. Bunting, who is retiring after 27 years of law enforcement service—21 and a half years of service to the City of Fairfield and five and a half years with the Calistoga Police Department. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Robert started his law enforcement career as a Police Officer with the Calistoga Police Department. He was then hired as a Police Officer with the Fairfield Police Department on June 12, 1989. As an officer, he worked in various capacities that included Patrol, Firearms Instruction, and Field Training. Robert joined the Special Activity Felony Enforcement, SAFE, Team in 1992 and was promoted to Police Corporal on September 20, 2002.

On February 4, 2005, Robert was promoted to Police Sergeant and ultimately supervised a number of different teams including Violent Crime Suppression, Special Enforcement, and Patrol. Since being promoted to Police Lieutenant on May 9, 2008, he has served as the Commander for the Major Crimes Division, Patrol, and Public Information. Not only was Robert a capable and decisive leader but he also demonstrated resourcefulness, teamwork, and a devotion to duty which led to him receiving a Distinguished Service Medal in 2007. Additionally, he has received numerous commendations from community members, local businesses, and supervisors during his career.

Robert was a valued employee and leader of the Fairfield Police Department. His commitment to the community was unwavering. He was a loyal representative of the law enforcement community and admired amongst his peers for his hard work, dedication and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Robert D. Bunting continued success and happiness in all of his future endeavors.

LEAVE OF ABSENCE FROM THE
COMMITTEE ON SMALL BUSI-
NESS DURING TENURE ON BUDG-
ET COMMITTEE

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. SHULER. Mr. Speaker, I would like to submit the following letters:

JANUARY 25, 2011.

Democratic Leader NANCY PELOSI,
U.S. Capitol,
Washington, DC.

DEAR LEADER PELOSI, This letter is to advise you that, effective today, I am taking a leave of absence from the Committee on Small Business until my tenure on the Committee on the Budget is completed. It is my understanding from Clause C of Rule 19 of the Democratic Caucus rules (referenced below) that I will continue to accrue seniority during the leave of absence, at the same rate as if I had continued to serve on the Committee on Small Business.

Rule 19, Clause C: "Any Member of the Committee on the Budget shall be entitled to take a leave of absence from service on any committee or subcommittee during the period he or she serves on the Budget Committee and seniority rights of such Member on such committee and on each subcommittee to which such Member was assigned at the time shall be fully protected as if such Member had continued to so serve during the period of the leave of absence."

Accompanying this letter is a letter from the Democratic Leader verifying that my seniority on the Committee on Small Business will continue to accrue during my absence.

Thank you for your attention to this matter.

Sincerely,

HEATH SHULER,
Member of Congress.

JANUARY 25, 2011.

Hon. HEATH SHULER,
House of Representatives, Cannon House Office
Building, Washington, DC.

DEAR HEATH: Thank you for your interest in serving on the House Budget Committee in the 112th Congress. According to the Democratic Caucus rules, members are entitled to take a leave of absence from their standing committee until their tenure on the Budget Committee is complete. Thus, your full seniority on the Small Business Committee shall be fully protected for the duration of your service on the Budget Committee.

Thank you for your leadership.

Sincerely,

NANCY PELOSI,
House Democratic
Leader.
ROSA DELAURO,
Co-Chair House
Democratic Steering
& Policy Committee.

JANUARY 25, 2011.

Democratic Steering and Policy Committee,
Chairwoman ROSA DELAURO,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRWOMAN DELAURO: This letter is to advise you that, effective today, I am taking a leave of absence from the Committee on Small Business until my tenure on the

Committee on the Budget is completed. It is my understanding from Clause C of Rule 19 of the Democratic Caucus rules (referenced below) that I will continue to accrue seniority during the leave of absence, at the same rate as if I had continued to serve on the Committee on Small Business.

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Thank you for your leadership.

Sincerely,

NANCY PELOSI,
House Democratic
Leader.
ROSA DELAURO,
Co-Chair House Demo-
cratic Steering &
Policy Committee.

HONORING RESIDENTS OF THE
VILLAGE OF WESTERN SPRINGS,
ILLINOIS ON THEIR 125TH ANNI-
VERSARY AS A VILLAGE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the residents of Western Springs, Illinois, a village in my district and my hometown, which will celebrate its quasiquintennial anniversary on January 30, 2011.

Western Springs enjoys a long and colorful history beginning in the early 19th century. The area, originally consisting of swampland and flat plains, was settled by a small population of farmers in 1834. These rural families enjoyed a very quiet life until the CB&Q Railroad arrived in 1863. New construction filled the swamps and the Western Springs Land Association purchased the three tracts of land on which Western Springs now sits for \$105,000.

Many of the area's earliest inhabitants were Quaker, so the town adopted a personality that included a simple lifestyle and a prohibition of alcohol. Eventually, developer Thomas Clarkson Hill moved to the area and helped to organize the community to attract more residents. Area inhabitants built a school house in 1872 and a post office in 1873 and as more new immigrants arrived, Quaker influence dwindled. After several more community projects, the Village of Western Springs incorporated in 1886, named for the mineral springs to the southwest of the town.

In 1890, the Village hired Edgar and Benezette Williams to design and build a waterworks system after the local water springs were depleted. The famous Western Springs Water Tower was part of that project and still stands 112 feet tall as a National Register Historic Place.

Western Springs' other most historic site is the Ekdahl House, built by August Ekdahl as a general store. The general store was one of the town's first businesses and later served as a post office. The building is now a museum where local residents can learn about the history of their village. The preservation of the Water Tower and the Ekdahl house can be attributed to the efforts of the determined members of the Western Springs Historical Society.

Although Western Springs has come a long way since its days as a Quaker farm settlement, it is still a safe and quiet town as demonstrated by its being named by Business Week a "Great Place to Raise Kids" and one of CNN Money's "Best Places to Live." My wife Judy and I are proud to be counted among the Village's 12,493 residents. I will gather with my fellow Western Springs residents at McClure Junior High on January 30th to celebrate the Village's 125th year. We will enjoy festivities including a giant tower cake, ice skating, and a bonfire, along with honoring the 2010 Citizens of the Year.

I ask you to join me in honoring the residents of Western Springs, Illinois on their 125th anniversary as a village. May they enjoy this weekend's celebration and may the Village continue to thrive as a close community.

COMMENDING THE EFFORTS OF
NATIONAL SCHOOL CHOICE WEEK

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. BARTON of Texas. Mr. Speaker, parents across this country have taken a stand, and they are demanding more academic choices for their children. In that spirit, I would like to highlight that this week, January 23-29, marks the inaugural "National School Choice Week," an event that promotes giving parents a choice on education.

The mission of National School Choice Week is simple: we need a K-12 education system that provides a wide array of options. We need an effective education system that has the flexibility to personalize and motivate students and allow parents to choose the school that is best for their child.

To provide a system of learning that meets the needs of tomorrow's students, we need to

empower the parents, teachers and school systems today. I am honored to take this opportunity to champion this cause and the individual freedom to choose. I believe that promoting educational choice for parents and students is a vital part of the educational process. Our students deserve the best teachers, facilities, and studying environments. I am proud to say that I am "all in" for National School Choice Week.

IN REMEMBRANCE OF BLACK
JANUARY IN AZERBAIJAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. TOWNS. Mr. Speaker, I rise today with the people of Azerbaijan in remembrance of the tragic events of Black January, when at midnight of January 19, 1990, 26,000 Soviet troops stormed the capital city of Baku with tanks and armored vehicles.

That night the Soviet military machine intended to restore public order by bulldozing innocent people and firing on peaceful demonstrators, including on women and children. According to Azerbaijani records, as a result of this merciless act authorized by then President Mikhail Gorbachev, 130 people died, 611 were injured, 841 were arrested, and 5 went missing.

Human Rights groups have condemned the Baku incursion for its attacks on medical personnel, ambulances and even hospitals. The punishment inflicted by Soviet soldiers was intended as a warning to nationalists, not only in Azerbaijan, but in other Republics of the Soviet Union. The Soviet use of force in Baku was a desperate attempt to rescue the totalitarian regime. However, Black January had the opposite effect on Azerbaijan. It consolidated the rising independence movements in the country and united the Azerbaijani nation in their quest for freedom.

Azerbaijan has developed into a thriving country and has become an essential partner of the United States in the region, collaborating on strengthening energy security and working together to counter terrorism and extremism. I would like to thank the Azerbaijani people for their friendship and share my thoughts and prayers with the families of those who gave their lives fighting for a better Azerbaijan. The United States will continue to work with Azerbaijan and other countries in the region to promote human rights, maintain stability, strengthen institutions, enhance the rule of law, and settle conflicts.

HONORING THE LATE HMONG GENERAL VANG PAO FOR HIS VALIANT SERVICE AND STEADFAST ALLIANCE WITH THE UNITED STATES DURING THE VIETNAM WAR

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. HERGER. Mr. Speaker, I rise today to honor and pay tribute to General Vang Pao, the revered leader of the Hmong community residing in my Northern California congressional district and throughout the United States. I join that community in mourning his loss.

It is fitting for all Americans to pause and reflect on General Vang Pao's steadfast alliance with the United States during the Vietnam War. General Vang Pao commanded the Secret Army, a highly effective CIA-trained and supported force that fought against the Pathet Lao and People's Army of Vietnam. His tremendous courage and leadership aided American soldiers against aggression from the North Vietnamese. By fighting valiantly at our nation's side, he helped preserve and protect our way of life.

Our nation should not forget General Vang Pao's contributions to the American cause. We must also remember the Hmong who lost their lives or who were forced out of their homeland as they fought against the evils of communism. They sacrificed tremendously and deserve our enduring gratitude.

HONORING MELVIN E. ZIEGLER

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize Melvin E. Ziegler, who soon is to receive the World War II Bronze Star Medal. This prestigious award is given to those in the United States Army distinguished as heroic or meritorious during their service fighting against an enemy of the United States.

Mr. Ziegler fought in the 88th Infantry Division during World War II in Italy. He previously was honored with the Purple Heart and the Combat Infantryman Badge. Unbeknownst to Mr. Ziegler, he was awarded The Bronze Star Medal; however, it was never awarded or issued to him. Melvin recently received a letter from the Department of the Army informing him of this honor. I am pleased to say that after 65 years, Melvin E. Ziegler will receive the medal he so greatly deserves.

During World War II, Private Ziegler was part of the force driving the Nazis from North Italy. Melvin was shot by a German machine gunner. The bullet was stopped from going through his chest by a New Testament Bible that he held in his chest pocket. Mr. Ziegler stated that he frequently did not read the Bible at the time, but since that fateful day, he reads it often.

Melvin currently lives in Owensville, Missouri, with his wife of over 60 years, Iola. He will be presented the medal on Sunday, January 30, 2011, at his church of 20 years, the Salem Full Gospel Church in Salem, Missouri. Surrounded by his family, friends, and congregation members, Melvin E. Ziegler will finally receive the Bronze Star Medal for his service and heroism.

In closing, Mr. Speaker, I ask all my colleagues to join me in honoring Melvin E. Ziegler for this celebrated award and thank him for his service to this great country.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,062,239,904,820.69.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,423,814,158,526.89 since then.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING ROSEMARIE DUERTA HUGGINS FOR HER SERVICE TO THE CABRILLO CIVIC CLUBS OF CALIFORNIA, INC.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. COSTA. Mr. Speaker, I rise today to honor Rosemarie Duerta Huggins for her outstanding leadership and service as the 2010 President of Cabrillo Civic Clubs of California, Inc.

Rosemarie is a long-standing civic leader in California's Portuguese community. Upon joining Cabrillo Civic Club #10 Fresno County in 1967, Rosemarie embraced the mission of the Clubs, which is to be dedicated to the progress of California in memory of Portuguese compatriot, Joao Rodrigues Cabrilho, discoverer of California; to observe September 28 of each year as "Cabrillo Day"; to erect and maintain appropriate memorials, shrines and landmarks of Portuguese navigators who discovered and explored California; to teach and foster Americanization; to promote scholarships; and encourage better education and to perpetuate the achievements of their pioneer forefathers in the Golden State.

As president, Rosemarie served the Clubs' membership and communities of California with exemplary service. Her dedication led to expansion of the Clubs' charitable services and programs, including organizing blood drives, coordinating fundraising efforts for polio and cancer research, and assisting candidates for U.S. citizenship. During Rosemarie's tenure, the Clubs also awarded approximately

157 deserving students of Portuguese descent with \$500 scholarships for higher education.

Prior to her service as state president, Rosemarie served in several capacities to help advance the Clubs' mission, including assuming the role of president of the Club's Fresno County Chapter from 1992 to 1993. Through her chairmanship on program and fundraising committees, Rosemarie was also highly instrumental in fostering awareness of the Club's founding principles including supporting scholarship and education, Americanization, and participation in civic affairs in the local community and across California. In addition to her years of service with the California Cabrillo Civic Clubs of California, Inc., Rosemarie has successfully attended to the needs of her household, her career at Children's Hospital Central California, and her duties as an active member of the Portuguese Lodge SPRSI and Clovis Hills Community Church.

Rosemarie lives by the conviction that "It is up to us to keep our heritage alive so it will not perish." Her leadership and dedication is highly commendable and should serve as an example for all of us to follow. I ask my colleagues to rise with me to honor Rosemarie Duerta Huggins for her many contributions and countless efforts that have kept the Portuguese legacy vibrant in communities across California and our great nation.

TRIBUTE TO JUDGE RICHARD FIELDS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a trailblazing legal professional and one of my mentors, Judge Richard Fields.

Judge Fields is being honored on February 10, 2011, by the Center for Heirs Property Preservation with the Commitment to Justice Award. Although I cannot be there in person due to Congressional obligations, I cannot allow this occasion to pass without adding my personal recognition of this remarkable man.

Judge Richard E. Fields has a story not unlike that of many African Americans born in the segregated South. He was born and raised in Charleston, South Carolina to parents who spent their youth working in the fields, unable to earn more than a fourth grade education. Yet that didn't stop them from wanting a better life for their son.

Judge Fields left home in 1940, and went to West Virginia State College, now University, where he earned a BS in Business Administration. In 1944 he entered the Howard University Law School and graduated with a law degree in 1947.

Two years later, Judge Fields returned to his hometown and became the first African American to open a law office in Charleston since the early 1900s and he had the distinction of becoming the first black litigator.

After distinguishing himself over two decades as an outstanding legal advocate, he was elected in 1969 as a Municipal Judge for the City of Charleston. He served in that position until 1975, when he was elected Judge of

the Family Court of Charleston County. Five years later, he was elected Judge of the Circuit Courts of South Carolina where he remained until his retirement in 1992.

In retirement, Judge Fields has been very active in the legal community. He was a member of the Committee to Establish the School of Law and now serves on the Advisory Committee to the Charleston School of Law which was established in 2004.

In 1952, Judge Fields joined the Claflin College, now University, Board of Trustees, where he served for more than 50 years. In 1992, the Richard E. Fields and Myrtle E. Fields Scholarship was established at Claflin to provide financial assistance to students of merit.

Throughout his career, Judge Fields has served on numerous boards and committees in both the public and private sectors. In 1980, he along with several businessmen, established the Liberty National Bank, and he served on its Board of Directors for a number of years.

After returning to Charleston to practice law, Judge Fields resumed his membership in historic Centenary Methodist Church. He was elected Treasurer of that congregation in approximately 1950, and held that position for more than 50 years. He has been the Church's delegate to the South Carolina Annual Conference for more than 50 years. In 1970, Judge Fields was elected to the General Board of Finance and Administration, the corporate body of the Church.

He has been honored by the local chapter of "100 Black Men" and by the American Board of Trial Advocates which established "The Richard E. Fields Civility Award" to be given annually to a judge or attorney embodying his high standards of decency, civility, and equanimity. West Virginia State University also honored him in 2009 as the Alumnus of the Year.

In addition to all his public accolades, I must add my personal commendation to Judge Fields. I often recount the story of when I was a young man just out of college intent on changing the world from my place in Charleston, Judge Fields gave me advice that I will never forget. He reminded me of the story of the three little pigs and the wolf that huffed and puffed and couldn't blow their brick house down. Judge Fields equated the obstacles that had been built to keep African Americans out to the brick house. He told me, "You got to get inside. You can't change things from outside no matter how well-meaning you may be." Judge Fields words helped me to define my political philosophy, and that is how I have come to build a career as a public servant.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the transformative work of The Honorable Richard Fields. His life story is an example of overcoming obstacles with integrity and leadership. He continues, through his work with the Center for Heirs Property Preservation, higher education institutions, his church and his legal profession, to promote opportunity and justice for all. Judge Fields is a South Carolina and a national treasure, who is very deserving of this recognition.

INTRODUCTION OF THE SBIR ENHANCEMENT ACT, THE SBTT ENHANCEMENT ACT, AND THE SMALL BUSINESS INNOVATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Ms. HIRONO. Mr. Speaker, I rise today to introduce three bills that will strengthen the existing Small Business Innovation Research Program and the Small Business Technology Program by increasing the percentage of federal funding that goes to these important programs and increasing the size of the grants, which have significantly declined in real value since they were last authorized. The bills are H.R. 448, the Small Business Innovation Enhancement Act; H.R. 447, the SBIR Enhancement Act; and H.R. 449, the SBTT Enhancement Act.

Small companies, like Cellular Bio-engineering, Oceanit, and Archinoetics in Hawaii are a source of great innovative talent. However, too many great ideas never come to fruition because small entrepreneurial firms lack the resources they need to test an idea and bring it to fruition. The Small Business Innovation Research, SBIR, Program and the Small Business Technology Transfer, SBTT, Program have proven track records.

The SBIR Program, for instance, has awarded some \$16 billion in awards since 1983. Some 1.45 million people are employed in SBIR firms and these firms have 450,000 employees with graduate degrees in engineering and science—more than all U.S. academic institutions combined.

However, the number of new firms entering into the SBIR program has declined drastically in recent years. Part of the reason is the difficulty in applying for grants and the fact that the grant maximum amount for Phase I of the program was limited to \$100,000. My bill doubles that amount to \$200,000. Phase I funding is used to explore the scientific, technical, and commercial feasibility of an idea or technology.

Phase II funding, previously limited to a maximum of \$750,000, is increased to \$1.5 million in my bill. Phase II awards are given to companies that successfully complete phase I and can be used for R&D work as the developer moves to commercializing their invention.

The Small Business Technology Transfer Program or SBTT is very similar to SBIR, but the grants are specifically designed to fund public/private collaborations between nonprofit research institutions and small businesses that want to develop commercial applications for technologies developed by those institutions. The SBTT program uses the same Phase I and Phase II funding formula as SBIR. Eligible nonprofit research institutions include U.S.-based nonprofit colleges or universities, domestic nonprofit research organizations, and federally funded R&D centers. The University of Hawaii would be an eligible institution for SBTT grants.

Last year, when the House prohibited Members of Congress from seeking earmarks for private companies, I worried about the effect

this would have on small high technology companies in Hawaii and throughout the country. I've been so impressed by the innovative scientists and engineers I've met and have proudly sought earmarks in the past to further their work. In the absence of earmarks, I believe that strengthening the SBIR and SBT programs is our best chance to provide the opportunities these creative entrepreneurs need to create new businesses and products that will provide good jobs, strengthen our economy, and improve our quality of life.

In his State of the Union address last night, President Obama highlighted the importance of encouraging private sector innovation to spur economic growth and exports. Passing my bills to strengthen SBIR and SBT would be a good first step.

INTRODUCTION OF THE ASSESSMENT ACCURACY AND IMPROVEMENT ACT OF 2011

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. PETRI. Mr. Speaker, as Congress considers the reauthorization of the No Child Left Behind Act this year, we have an obligation to listen closely to the students, parents, and educators that we represent to ensure that our efforts result in responsible and pragmatic improvements. While we have made great strides in the areas of assessment and accountability over the last nine years, this reauthorization provides a critical opportunity to learn from our experiences and fine-tune the law.

One example of a lesson my constituents have learned, and have vigorously shared with me, is that we should be encouraging states to move towards better assessment models. As I have met with educators over the past several years, one of the primary concerns that I have heard is that the state assessment fails to provide information of value to educators and administrators. Even more disturbing, it often takes four to six months before scores are returned to schools, which leaves little or no time for teachers to use the information to address student performance before they advance to the next grade.

However, I believe there is a sensible solution that Congress can adopt to address these concerns and give states more options in assessment design. Today, Rep. DAVID WU and I are introducing the bipartisan Assessment Accuracy and Improvement Act of 2011 to give states the option to use adaptive testing as their statewide assessment measuring reading, math, and science to fulfill No Child Left Behind requirements. I believe that this legislation will give states the ability to truly track the academic growth of every child and provide more accurate information to teachers, parents and school administrators through the use of an adaptive test.

For those who may be unfamiliar with adaptive testing, it is a test that changes in response to previously-asked questions. For example, if a student answers a question correctly, the test presents a question of in-

creased difficulty. If a student answers incorrectly, the test presents a question of decreased difficulty. As you can see, an adaptive test customizes itself to a student's actual level of performance with a great degree of accuracy.

Giving states the flexibility to use an adaptive test and to ask questions outside of grade level will improve the accuracy of student assessment and enable educators to target appropriate instruction for each child based on performance at, above, or below grade level. In addition, using an adaptive test over time will allow accurate measurement of the performance growth of each individual student.

In Wisconsin, hundreds of school districts currently use their own funds to participate in adaptive testing in addition to the state assessment required by NCLB. Educators and administrators appreciate the diagnostic information it yields and the efficiency that it provides. I believe that school districts nationally are already "speaking with their wallets" by spending scarce resources to voluntarily participate in this testing because it provides valuable information that the state assessment does not.

Additionally, 30 states are currently participating in the Smarter Balanced Assessment Consortium, SBAC, one of the two state assessment consortia to receive funding under Race to the Top. SBAC is developing a researched-based computer adaptive test aligned to the common core standards. This legislation will ensure that these states will be able to fully utilize the capabilities of this next assessment.

Mr. Speaker, adaptive testing is one of the keys to putting the 'child' back into No Child Left Behind. I hope that our colleagues will join us in this pragmatic and responsible improvement to the law as we work towards a bipartisan reauthorization this year.

INTRODUCTION OF H.R. 242

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Mr. HERGER. Mr. Speaker, for the last few years, national forests throughout California have been in the process of implementing the Forest Service's 2005 Travel Management Rule, TMR. As a result, many national forests have proposed to reduce off-highway vehicle, OHV, access by 90 percent or more, in addition to restricting use on so-called maintenance-level 3, ML-3, roads by classifying them as "highways."

Throughout the travel management process, recreational users and local governments provided substantive documentation and comments to address safety issues and other concerns with this flawed policy. Despite the best efforts of these elected officials and pro-access groups, their comments were all but ignored as the Forest Service moved forward with the TMR. For these reasons, and given the significant economic damage this rule will cause to recreational communities throughout California, I have introduced legislation, H.R. 242, to restrict funding to the Forest Service to

continue implementing the TMR in the State of California until the agency develops a more balanced and workable OHV policy.

Repeated requests for the Forest Service to change course within its own authority have gone unanswered. This legislation will help ensure that this agency is being held accountable to the public it is required to serve instead of using their tax dollars to restrict access to their Federal lands. I would encourage you to support H.R. 242.

JOB CREATION, ECONOMIC RECOVERY, AND DEBT REDUCTION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2011

Ms. RICHARDSON. Mr. Speaker, as the 112th Congress goes to work on the policies and actions needed to move America forward, Democrats continue to make job creation, economic recovery and debt reduction the top priorities. Unfortunately, the first actions by the new Republican Majority are not consistent with these priorities.

These goals should be accomplished in a way that is aligned with the needs of working families—what will generate good jobs for working people; what will ease the burden for middle class families; what will create long-term economic growth for everyone. Democrats measure everything Congress does by these goals.

In the 37th district of California, things are improving, but unemployment and foreclosure rates are still well above the national average; this is the time to keep moving forward with policies tailored to help working families. Now is not the time to move backwards to policies that got us into this recession in the first place.

The Republicans have employed a lot of rhetoric about jobs and the economy; however, their first actions in control of the House show no follow through. The initial issues being pursued by the GOP are:

The repeal of Health Care Reform. Republicans knew the repeal would go nowhere in the Senate, but still insisted upon wasting valuable time that could have been spent on job creation.

The Republicans have offered what they call a "Budget Resolution"—but what should be called a "Budgetless Resolution" because it contains no numbers, no specifics and, worst of all, no ideas for job creation or economic recovery.

The Budgetless Resolution is a one-page document that makes the vague goal of reducing federal spending to 2008 levels. This budgetless resolution opens the door to reckless slashes in funding to programs that are critical to our fragile economic recovery.

In California alone, Republicans' blind budget slashing would cut 237 million from Title I funding for poor students. The cuts would leave over 332,000 poor students in California without additional academic support that helps them perform to their full potential in school and, ultimately, achieve their dreams and goals; this does not help us stay competitive in the global marketplace. And this is just one

example of Republican cuts in one area in one state. Imagine the damage that Republicans' across the board, reckless cuts will do to our economic recovery.

This is not the smart way to manage the budget. It is worse than arbitrary; it is like budgeting with blindfolds on. It gives no thought, no reasons and no real discussion on how the cuts would be made and what the ramifications would be.

Democrats believe that jobs and the economy should be the top priorities and everything we do is measured against those goals. Republicans are failing the test.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 27, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED FEBRUARY 1

10 a.m.
Budget
To hold hearings to examine the U.S. economic outlook. SD-608

Energy and Natural Resources
To hold hearings to examine the American Medical Isotopes Production Act of 2011. SD-366

Foreign Relations
To hold hearings to examine Iraq, focusing on transitioning to a civilian mission. SD-419

Judiciary
To hold hearings to examine foreclosure mediation programs, focusing on if bankruptcy courts can limit homeowner and investor losses. SD-226

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine improving Federal contract auditing. SD-342

FEBRUARY 2

10 a.m.
Budget
To hold hearings to examine tax reform, focusing on fiscal responsibility. SD-608

Environment and Public Works
To hold an oversight hearing to examine public health and drinking water issues. SD-406

Homeland Security and Governmental Affairs
To hold hearings to examine catastrophic preparedness, focusing on FEMA. SD-342

Judiciary
To hold hearings to examine the constitutionality of the Affordable Care Act. SD-226

2 p.m.
Judiciary
To hold hearings to examine certain nominations. SD-226

FEBRUARY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the energy and oil market outlook for the 112th Congress. SD-366

FEBRUARY 16

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012. SD-366

SENATE—Thursday, January 27, 2011

The Senate met at 10:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we lift our hearts to You, the giver of wisdom and strength. Guide our lawmakers through the deliberations of this day. Give them wisdom to work for justice and to advance Your kingdom on Earth. May they set a course for this Nation that unites people in dedication to truth and righteousness. Lord, empower them to meet today's joys with gratitude, its difficulties with fortitude, and its duties with fidelity. Teach them to toil and to ask for nothing more than to know they are pleasing You.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 27, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will

begin en bloc consideration of several resolutions to change the Senate rules. There will be up to 8 hours of debate prior to a series of stacked rollcall votes in relation to the resolutions.

The Senate will recess from 12:30 until 2:15 to allow for caucuses. It is my understanding that both the Democrats and Republicans will be holding meetings today during that hour.

If all time is used, the series of votes will begin around 8 p.m. However, we expect time to be yielded back so that the votes can begin earlier. Senators will be notified if and when any time is yielded back and when the votes are expected to begin.

MEASURE PLACED ON THE CALENDAR—S. 192

Mr. REID. Mr. President, I understand S. 192 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 192) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. Mr. President, I object to further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

ORDER OF BUSINESS

Mr. REID. My understanding now is that as soon as the clerk announces the order for the day, the 8 hours will begin to run; is that right, Mr. President?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMENDING THE STANDING RULES AND PROCEDURE OF THE SENATE—S. RES. 8, S. RES. 10, S. RES. 21, S. RES. 28, AND S. RES. 29

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the en bloc consideration of the following resolutions, which the clerk will report.

The legislative clerk read the titles of the resolutions as follows:

A resolution (S. Res. 8) amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate;

A resolution (S. Res. 10) to improve the debate and consideration of legislative matters and nominations in the Senate;

A resolution (S. Res. 21) to amend the Standing Rules of the Senate to provide procedures for extended debate;

A resolution (S. Res. 28) to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter;

A resolution (S. Res. 29) to permit the waiving of the reading of an amendment if the text and adequate notice are provided.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the clerk begin calling the quorum and that the time be evenly divided for the duration of the consideration of the resolutions. If there are quorum calls during this debate, I ask unanimous consent that the time be equally divided on both sides during those quorum calls.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that we have more reporting to be done by the clerk on matters that will come before the Senate.

AMENDMENTS NOS. 1 AND 2

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the two amendments that are in order.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 1 to S. Res. 10; and the Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2 to S. Res. 21.

The amendments are as follows:

AMENDMENT NO. 1

(Purpose: In the nature of a substitute.)

Strike all after the resolving clause and insert the following:

SECTION 1. DEBATE ON MOTIONS TO PROCEED.

Rule VIII of the Standing Rules of the Senate is amended by striking paragraph 2 and inserting the following:

"2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and

controlled by, the majority leader and the minority leader or their designees except for a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter, which shall not be debatable.”.

SEC. 2. ELIMINATING SECRET HOLDS.

Rule VIII of the Standing Rules of the Senate is amended by inserting at the end the following:

“3. No Senator may object on behalf of another Senator without disclosing the name of that Senator.”.

SEC. 3. RIGHT TO OFFER AMENDMENTS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

“After the filing of a cloture motion under this paragraph but prior to a vote on such motion, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided. A leadership amendment shall require the approval of at least three-fifths of the Senators duly chosen and sworn.”.

SEC. 4. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) by designating the first 3 undesignated paragraphs as subparagraphs (a), (b), and (d), respectively;

(2) in subparagraph (d), as designated by paragraph (1), by striking “Thereafter” and inserting “If the Senate agrees to bring debate to a close under subparagraphs (b) or (c), thereafter”; and

(3) by inserting after subparagraph (b), as designated by paragraph (1), the following:

“(c)(1) If the Senate has voted against closing debate on a measure, motion, or other matter under subparagraph (b), but a majority of senators present and voting have voted to bring debate to a close, then the procedures under this subparagraph shall be in order at any time, so long as that measure, motion or other matter has continued as the only pending business subsequent to the vote against closing debate.

“(2) Under the circumstances described in clause (1), it shall be in order for the Majority Leader or his designee to move to bring debate on the pending measure, motion, or other matter to a close on the grounds that no Senator seeks recognition to debate the matter. Immediately after the motion is made and before putting the question thereon, the Presiding Officer shall immediately inquire whether any Senator seeks recognition for the purpose of debating the measure, motion or other matter on which the Senate had previously voted against closing debate under subparagraph (b). If a Senator seeks recognition for that purpose, the Presiding Officer shall announce that the Senate is proceeding under extended debate, and shall recognize a Senator who seeks recognition for debate. After the Presiding Officer’s announcement under the preceding sentence the Senate shall continue to proceed under extended debate subject to the conditions provided in clause (3). Notwithstanding rule XIX, Senators may speak more than twice on a question during extended debate.

“(3)(A) If the Senate enters into extended debate under this clause, no dilatory motions, motions to suspend any rule or any part thereof, nor dilatory quorum calls shall be entertained.

“(B) If during extended debate the proceedings described in either subclause (C), (D), or (E) occur and unless the Majority Leader or his designee withdraws the motion made under clause (2), the Senate shall proceed immediately to vote on that motion or to vote at a time designated by the Majority Leader or his designee within the next 4 calendar days of Senate session. When voted on, that motion shall be decided by a majority of Senators chosen and sworn.

“(C) If, at any point during extended debate when no Senator is recognized, no Senator seeks recognition, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition and shall recognize a Senator who seeks recognition for the purpose of debate. If no Senator then seeks recognition (or if no Senator sought recognition in response to the Presiding Officer’s inquiry under clause (2)), the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2), in the manner specified in subclause (B).

“(D)(i) If, at any point during extended debate, a Senator raises a question of the presence of a quorum, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate.

“(ii) If no Senator then seeks recognition for debate—

“(I) the Presiding Officer shall direct the Clerk to call the roll;

“(II) upon the establishment of a quorum, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B); and

“(III) if the Senate adjourns for lack of a quorum and when the Senate next convenes and the morning hour or any period for morning business is expired or is deemed to be expired, the Senate shall dispose of the motion of the Majority Leader (or his designee) made to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(E)(i) If, at any point during extended debate, a Senator having been recognized moves to adjourn, recess, postpone the pending matter, or proceed to other business, then unless the motion is made or seconded by the Majority Leader or his designee, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate, and said motion shall be considered withdrawn. If no Senator then seeks recognition for debate, then the Presiding Officer shall immediately put the question on the motion offered, unless the vote is delayed as provided in subclause (F).

“(ii) If the Senate agrees to a motion to adjourn or recess it shall resume consideration of the pending measure, motion or other matter pending at the time of adjournment or recess when it first takes up business after it next reconvenes, and the Senate shall still be in a period of extended debate. Upon the negative disposition of the motion to adjourn, recess, postpone, or proceed to other business, unless such motion was made by the majority leader or his designee, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(F) During a period of extended debate, the Majority Leader or his designee may delay any vote until a designated time within the next 4 calendar days of Senate session, and any votes ordered or occurring thereafter shall likewise be delayed.

“(4) If the motion of the Majority Leader to bring debate to a close pursuant to clause (3)(B) is agreed to by a majority of Senators chosen and sworn, the Presiding Officer shall announce that extended debate is ended and that the measure, motion, or other matter pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of and further proceedings on the measure, motion or other matter shall occur in accordance with subparagraph (d). If the Majority Leader withdraws the motion to bring debate to a close pursuant to clause (3)(B) or that motion is not agreed to by a majority of Senators chosen and sworn the Presiding Officer shall announce that extended debate is ended.

“(5) If extended debate on a measure, motion or other matter is ended under this subparagraph, other than by agreement to the motion made by the Majority Leader under clause (4), further consideration of the measure, motion or other matter shall occur as otherwise provided by the rules, except that if the Senate subsequently again votes against closing debate under subparagraph (b), the procedures under this subparagraph shall apply.”.

SEC. 5. POSTCLOTURE DEBATE ON NOMINATIONS.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following: “If the matter on which cloture is invoked is a nomination, the period of time for debate shall be 2 hours.”.

AMENDMENT NO. 2

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

SECTION 1. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) designating the first 3 undesignated paragraphs as subparagraphs (a), (b), and (d), respectively;

(2) in subparagraph (d), as designated by paragraph (1), by striking “Thereafter” and inserting “If the Senate agrees to bring debate to a close under subparagraphs (b) or (c), thereafter”; and

(3) inserting after subparagraph (b), as designated by paragraph (1), the following:

“(c)(1) If the Senate has voted against closing debate on a measure, motion, or other matter under subparagraph (b), but a majority of senators present and voting have voted to bring debate to a close, then the procedures under this subparagraph shall be in order at any time, so long as that measure, motion or other matter has continued as the only pending business subsequent to the vote against closing debate.

“(2) Under the circumstances described in clause (1), it shall be in order for the Majority Leader or his designee to move to bring debate on the pending measure, motion, or other matter to a close on the grounds that no Senator seeks recognition to debate the matter. Immediately after the motion is made and before putting the question thereon, the Presiding Officer shall immediately inquire whether any Senator seeks recognition for the purpose of debating the measure, motion or other matter on which the Senate had previously voted against closing debate under subparagraph (b). If a Senator seeks recognition for that purpose, the Presiding Officer shall announce that the Senate is proceeding under extended debate, and shall recognize a Senator who seeks recognition for debate. After the Presiding Officer’s announcement under the preceding sentence

the Senate shall continue to proceed under extended debate subject to the conditions provided in clause (3). Notwithstanding rule XIX, Senators may speak more than twice on a question during extended debate.

“(3)(A) If the Senate enters into extended debate under this clause, no dilatory motions, motions to suspend any rule or any part thereof, nor dilatory quorum calls shall be entertained.

“(B) If during extended debate the proceedings described in either subclause (C), (D), or (E) occur and unless the Majority Leader or his designee withdraws the motion made under clause (2), the Senate shall proceed immediately to vote on that motion or to vote at a time designated by the Majority Leader or his designee within the next 4 calendar days of Senate session. When voted on, that motion shall be decided by a majority of Senators chosen and sworn.

“(C) If, at any point during extended debate when no Senator is recognized, no Senator seeks recognition, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition and shall recognize a Senator who seeks recognition for the purpose of debate. If no Senator then seeks recognition (or if no Senator sought recognition in response to the Presiding Officer's inquiry under clause (2)), the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2), in the manner specified in subclause (B).

“(D)(i) If, at any point during extended debate, a Senator raises a question of the presence of a quorum, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate.

“(ii) If no Senator then seeks recognition for debate—

“(I) the Presiding Officer shall direct the Clerk to call the roll;

“(II) upon the establishment of a quorum, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B); and

“(III) if the Senate adjourns for lack of a quorum and when the Senate next convenes and the morning hour or any period for morning business is expired or is deemed to be expired, the Senate shall dispose of the motion of the Majority Leader (or his designee) made to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(E)(i) If, at any point during extended debate, a Senator having been recognized moves to adjourn, recess, postpone the pending matter, or proceed to other business, then unless the motion is made or seconded by the Majority Leader or his designee, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate, and said motion shall be considered withdrawn. If no Senator then seeks recognition for debate, then the Presiding Officer shall immediately put the question on the motion offered, unless the vote is delayed as provided in subclause (F).

“(ii) If the Senate agrees to a motion to adjourn or recess it shall resume consideration of the pending measure, motion or other matter pending at the time of adjournment or recess when it first takes up business after it next reconvenes, and the Senate shall still be in a period of extended debate. Upon the negative disposition of the motion to adjourn, recess, postpone, or proceed to other business, unless such motion was made

by the majority leader or his designee, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(F) During a period of extended debate, the Majority Leader or his designee may delay any vote until a designated time within the next 4 calendar days of Senate session, and any votes ordered or occurring thereafter shall likewise be delayed.

“(4) If the motion of the Majority Leader to bring debate to a close pursuant to clause (3)(B) is agreed to by a majority of Senators chosen and sworn, the Presiding Officer shall announce that extended debate is ended and that the measure, motion, or other matter pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of and further proceedings on the measure, motion or other matter shall occur in accordance with subparagraph (d). If the Majority Leader withdraws the motion to bring debate to a close pursuant to clause (3)(B) or that motion is not agreed to by a majority of Senators chosen and sworn the Presiding Officer shall announce that extended debate is ended.

“(5) If extended debate on a measure, motion or other matter is ended under this subparagraph, other than by agreement to the motion made by the Majority Leader under clause (4), further consideration of the measure, motion or other matter shall occur as otherwise provided by the rules, except that if the Senate subsequently again votes against closing debate under subparagraph (b), the procedures under this subparagraph shall apply.”

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the prior order of the Chair be put in place again, that there be a quorum call that would begin now and that the time be charged equally.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent, because of the time delay here, that the recess not start until 1 o'clock rather than 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I appreciate very much the courtesy of my two friends, the distinguished Senator from New Mexico, Mr. UDALL, and my dear friend from Oregon, Mr. MERKLEY, for being understanding. We had some word changes. We were tied up on words. Senator MCCONNELL had to work that out this morning. We were able to get that done just now. I appreciate that very much. He is always very thoughtful and so easy to work with.

Our ability to debate and deliberate without restraints of time limits is

central and unique to the Senate. It is supposed to be that way. It is in our DNA. It is one of the many traits intentionally designed to distinguish this body from the House of Representatives and from every other legislative body in the world. It has always been central to the Senate, and it always should be.

But when that arrangement is abused, we have to do something not merely in the name of efficiency or for the sake of a political party's fortunes in the next election, we have to act because when abuses keep us from doing our work, they deter us from working together, and they stop us from working for the American people. And within these four walls, it degrades the relationships that make the Senate run.

What is special about the Senate is that this body operates by consensus. It runs on a fuel made of comity and trust. When abuses happen or when colleagues act in bad faith, it dilutes and degrades that fuel and the Senate stalls.

There are nearly as many opinions on what to do about the Senate as there are Senators. Senators HARKIN, UDALL of New Mexico, and MERKLEY have listened to many ideas and have worked to find solutions. I thank them for their time, efforts, and energy. So have Senators SCHUMER and ALEXANDER. No one has worked harder than they have to find a way out of this crisis, and I admire and appreciate their efforts.

Leader MCCONNELL and I have worked alongside all of them and with each other to find common ground.

In the spirit of compromise that we are trying to restore to the Senate, this is how we have agreed: As to secret holds, we have to get rid of secret holds.

Last year, a single Senator held up 70 nominations. Why? Because of some parochial issue in his State that had nothing to do with what we were trying to do in approving nominations. The standoff finally ended but only after it became public. What he did was within his right, but it was not the right thing to do, and the rule has to be changed.

Senators will no longer be able to hide, and the light of day will shine harder on the Senate as a body. I thank Senators WYDEN, GRASSLEY, and MCCASKILL for their leadership on this subject.

About nominations, we have to recognize that public servants are not political pawns. An appointment by the President to a Federal agency is a great honor. In recent years, it has become a sentence to purgatory.

The Senate no longer efficiently performs our constitutional duty of confirming nominees. That leaves important offices without leaders, leaves important duties unfulfilled, and unfairly leaves in limbo well-qualified nominees.

The Senate is responsible for confirming about 300 nominees to part-

time boards and commissions. Every one of these nominees to boards and commissions requires the approval of the Senate. Because of that, the vetting process for these boards and commissions takes an inordinate amount of time. They spend as much time as the FBI does and other people who do the background checks on these part-time jobs as they do someone who is going to become an Assistant Secretary or a judge, and it just eats up time that is unnecessary. There is no reason for Senators to keep them from their posts. But that is exactly what happens. It is not always the fault of the Senators.

We have to get rid of as many of these nominations as we can, and that is what the Rules Committee leadership is recommending. Senator SCHUMER, the chairman, and Senator ALEXANDER, the ranking member, have come up with something I think is so very important. They are going to help us get rid of about one-third of these nominations, not only these to part-time boards and commissions but others.

This process needs to be changed. We will work to cut by about one-third the number of executive nominations that require the Senate's approval. Senators SCHUMER and ALEXANDER, as I indicated, are the leaders of this issue as far as what we have done to this point.

This legislation will be turned over, and they will be working with Senators LIEBERMAN and COLLINS, who are the chairman and ranking member of the committee of jurisdiction at this stage, to develop legislation that will do what I have outlined.

Third, we cannot afford to waste time for the sake of wasting time. One of the minority's favorite tactics has been to force or threaten to force the clerks to read amendments.

My colleagues will note that I said "one of the minority's favorite tactics has been to force or threaten to force the clerks to read amendments." I did not say "the Republicans' favorite tactic has been to force or threaten to force the clerks to read amendments." We have all threatened to do it. It is wrong, and it has to stop. That is what we are going to do later today.

To have these amendments read is nothing short of showmanship. In this day and age, it is almost always totally unnecessary. In the 18th and 19th centuries, when Senators' offices were their desks—that is all they had; they did not have offices like we have. Their offices were right here on the Senate floor, so hearing a clerk read aloud a bill was probably a more essential—and that is an understatement—part of the debate. Today that is no longer the case.

During the health reform debate two Decembers ago, while snow covered Washington and Christmas neared, opponents of the bill worked hard to delay its inevitable passage.

On a Saturday toward the end of the debate, the minority forced the non-partisan Senate clerks to read the entirety of an important amendment to the bill. The reading started just before 8:30 a.m. and lasted until just before 4 p.m. That is more than 7 hours of time during which nobody listened to the reading of a bill everyone had already studied. It had been filed a long time before, and it was after each Senator had already decided how he or she would vote anyway.

We do not have time for these kinds of gratuitous delays. So the third change we will make is this: If an amendment has already been filed, a Senator cannot force its reading.

Finally, as to what we call around here inside politics, motions to proceed and filling the tree—let me talk a little bit about these two items. I have often expressed my concerns about the procedural hurdle of forcing a preliminary vote simply to determine whether we can have a second vote to determine whether we can debate a bill—the vote called cloture on the motion to proceed. It is another one of the most commonly used tactics deployed simply to frustrate progress and waste time.

Last Congress, we had 26 cloture votes on motions to proceed. Most all of them were bills that were not controversial. We had to hold a vote on whether to hold a vote on whether to debate a bill to promote tourism coming to our country called the Travel Promotion Act. After wasting days of precious time, it passed 90 to 3.

We had to jump through the same hoops before we could vote on extending emergency unemployment benefits, which passed with 87 votes, and before we could vote on letting the FDA regulate tobacco, which passed with 84 votes, and before we could vote on updating our food safety laws for the first time in a century, which passed with 75 percent of the Senate.

Democrats are bothered by how often Republicans have forced procedural votes such as those on cloture on the motion to proceed. I know Republicans are equally frustrated with me for filling the amendment tree on occasion. Their argument is—and they are right—it prevents amendments from being offered.

This agreement Leader MCCONNELL and I have reached is going to clean up a lot of them. Just as I will exercise restraint in using my right as majority leader to fill the amendment tree, he and his Republican conference will curtail their habit of filibustering the motion to proceed. Both practices should be the exception rather than the rule. And starting now, they will be.

I will conclude again expressing my appreciation to those parties who have been so heavily involved in this effort: Senators UDALL, MERKLEY, HARKIN, of course my friend from Tennessee,

LAMAR ALEXANDER, and CHUCK SCHUMER.

Especially, I wish to express my appreciation to the Republican leader. As we have said on this floor lots of times, what most all of the American public sees us doing is fighting. We are here arguing on behalf of a Senator on our side or a problem we have on our side. But much of the work done in this body is done by Senator MCCONNELL and myself in my office or his office trying to work through some of these problems. They take a lot of time, and they take our patience and the patience of the entire Senate. That is why I started my remarks this morning telling everyone I appreciate their understanding as we are trying to work out these issues.

We have been working on this effort a long time. These changes are important. I appreciate the attitude of my friend, the Republican leader, in recognizing we have to make some progress.

The changes we will agree to today are, one, secret holds; two, reducing by one-third the number of executive nominations that are subject to Senate delays; three, ending the time-consuming practice of reading aloud amendments that have been publicly available for 3 days; four, limiting the use of filibusters on motions to proceed; and, fifth, filling the amendment tree only when necessary.

I know some want us to go even further. There are just as many arguments for not going too far. But remember this: We are making these changes in the name of compromise, and this agreement itself was constructed with the same respect for mutual concession.

Senator MCCONNELL and I both believe our reverence for this institution must always be more important than our respective political parties. And as part of this compromise, we have agreed I will not force a majority vote to fundamentally change the Senate—that is the so-called constitutional option—and he will not in the future.

The five reforms we are making, however, are very significant. They will move us five steps closer to a healthier Senate—in the minds of many, not far enough; in the minds of some, too far. But that is what the Senate is all about. It is about compromise, consensus building.

Yes, we want the Senate to move deliberately, but if we want it to move we have to find a balance that encourages us to debate but also enables us to legislate. We are governed by a delicate mix of rules, rights, and responsibilities in this body. To that mix, we need to add respect.

The Senate should function as the Founders intended it to function and as the country needs it to function, not simply as slowly as the rules will allow it to function.

The PRESIDING OFFICER (Mrs. HAGAN). The Republican leader.

Mr. MCCONNELL. Madam President, the colloquy which the majority leader and I are working on at the moment will reflect the entirety of our understanding. But with regard to comments about how we got to this place, let me just say, first to my good friend from Nevada, on several occasions I heard both him and the President of the United States talk about how much was accomplished in the last Congress. I am often perplexed as to which was the case. Either an extraordinary amount of legislation was passed and signed or the Senate was obstructing. They could not both be true.

I suspect the real view that most historians will have is that the last Congress passed a great deal of very significant legislation. Then we had a referendum on that November 2, and the American people changed the equation.

Without getting back into that or a litany of complaints by the minority—the Senate has heard them before. The principal complaint the minority has had over the last 2 years is the number of times the tree has been filled and we have been unable to offer amendments. We are all aware of grievances on both sides.

As is often the case in the Senate, we have worked together through Senator ALEXANDER and Senator SCHUMER to come to an agreement as to how the Senate will go forward and the procedures that will be employed. We will have votes later, consistent with the precedents of the Senate, at the thresholds that are required under Senate rules. Then we will move on with the people's business.

I am optimistic that my good friend, the majority leader, and I can convince our colleagues that we ought to get back to operating as the Senate did as recently as 3 or 4 years ago. When bills came up, they were open for amendments, we voted on amendments, and at some point the bill would be completed. I know we can do that. I think it is the right way for the Senate to operate.

I thank my friend, the majority leader, for his leadership in working through this difficult period of rules consideration.

I say to my colleagues in closing that the colloquy which we will have will reflect the entirety of our understanding as to how we go forward. Then we will have the votes later which will give the Senate a chance to go on record about some changes that have been agreed to and some that are being proposed that are not agreed to.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, first I thank both our leader, HARRY REID, and our minority leader, MITCH MCCONNELL, for their leadership and guidance. They are walking out together, and that is a good metaphor for

what has happened today. I thank my colleague, LAMAR ALEXANDER, as well. Under the two leaders' authorization, we talked and, of course, in constant touch with them, worked out this agreement.

I rise to speak in support of the bipartisan agreement on Senate rules reform. It is an important step forward in changing the way we do business in the Senate.

Last year, the Rules Committee held six hearings on the filibuster. We heard about the history of the filibuster and what happened and how it had gone out of control. Those hearings were requested, actually, by a member of the Rules Committee, TOM UDALL, the Senator from New Mexico, and it is why we embarked on the hearings. And I very much appreciate his suggestion that we do that.

At the hearings, Democrats brought up that the majority was no longer able to move forward to consider bills by filibusters on motions to proceed, and Republicans argued that they were too often blocked from offering amendments by the majority filling the tree. Both sides had legitimate complaints. What couldn't be disputed was that, in many ways, the Senate was broken. It had become harder and harder for the body to consider, debate, and decide on legislation and nominations that it is supposed to take care of.

It is true what Senator MCCONNELL said—that we had a very productive session. But that doesn't gainsay the fact that there were 74 filibusters and that many issues that should have been decided weren't decided, and that the Senate, to many, may not be functioning in the way it used to, with debate being stifled by both the majority and the minority, and so we resolved this.

When I first came to the Senate 12 years ago, a senior Senator pulled me aside and said the role of the majority is to set the agenda. They put bills on the floor and they are debated. And the role of the minority is to offer amendments to change the legislation. We are not doing that much anymore. What usually happens is we offer a bill, and the minority says, we don't want it. They may say, we don't want it because Democrats have refused to allow unlimited amendments; whereas we think they do not want it because they may just want to gum up the Senate. But whatever the reason, both sides have legitimate complaints here and we are trying to resolve some of those. So clearly, the time for change has come. I believe the reforms we are adopting today give us a very good chance to go back to the way of operating where we had real debate on bills and amendments and votes on bills and amendments.

This won't happen overnight, and both sides will still use the procedural tools available to them on the most

important issues. But we hope it will work well enough to get us back on track. Leaders REID and MCCONNELL in the colloquy they will put forward—which Senator ALEXANDER and I participated in framing—will do two things, in addition to the changes that we will make. One, each will say we should use the motion to proceed to block bills from coming to the floor infrequently, and the majority will say we should use filling the tree to block amendments that might come forward on those bills infrequently.

Obviously, we are going to have to watch to see how this works over the next several months. And, obviously, there will be times when each side decides they have to use the right that the Senate gives them to block things. But the presumption will be that in the usual course of business we will not do that; that they will be the exception, not the rule.

A second thing that will be stated by both leaders is whoever is in the majority next Congress will not try to change the rules by simple majority in this Congress or next. Some on our side were worried if we didn't try to invoke the constitutional option, should the other side get the majority—and I don't personally think we have to worry about that or that it will happen anyway, but should that happen, then they might invoke it and do something else, so why not do it now? Well, both leaders have agreed they will not do that. Without leader support, it is virtually impossible for it to get done.

So that is a significant change, and when the colloquy is presented in the RECORD, we will see both leaders have agreed to that. I want to thank them for providing strong leadership and guidance throughout this process.

I became convinced, working with my good friend, the Senator from Tennessee, and having plenty of conversations with my friend and Leader HARRY REID, and a few with Senator MCCONNELL, that everybody wanted to come to an agreement here. Everyone wanted to see the Senate work better, and that made me feel pretty good regarding what we did here.

Second, I want to recognize the many Senators from my party who worked tirelessly to identify the momentum for change, and at the head of the list, of course, are TOM UDALL, JEFF MERKLEY, and TOM HARKIN. They worked very hard on these issues. Two of them are newer in the Senate—freshmen—and one has much more experience than I do in the Senate. Senator HARKIN, and they all worked hard to see that we changed the rules.

While the changes aren't everything they would have liked or I would have liked, certainly the changes we are getting, not insignificant at all, are because TOM UDALL started pushing this idea when he got here to the Senate. I think his predecessor, Clinton Anderson, had done some of this, and JEFF

MERKLEY and TOM HARKIN joined in the cause early on and actually brought us to the point where the inertia of not doing anything would no longer govern and we would get together to get something done.

There were other Senators who played a very important role: Senator LAUTENBERG, with his proposals; MICHAEL BENNET, MARK UDALL, and AL FRANKEN all had proposals and all played a very significant role here and can feel very good about the changes we have wrought.

I particularly want to thank Senator KLOBUCHAR for leading the working group of Senators who spent hours reviewing and refining. Without all of them, I don't think the agreement would have been possible.

I would make one other point, and this is a disappointment to me, so I will make it for myself. One idea championed by the reform-minded Senators I thought made eminent sense is the talking filibuster. It didn't change the balance in the Senate, it simply said that if you were going to filibuster, you had to stay on the floor and talk. You couldn't just be there and object.

The American public understands when a Senator wants to filibuster a bill, that Senator should be required to stand up and talk on the Senate floor. I strongly support the talking filibuster. We sometimes call it the Jimmy Stewart talking filibuster, because everyone recognizes that from the movie. I believe it would pull back the curtain on the kind of filibusters we have now. We wouldn't change the rule of 60, but the filibustering Senator and his supporters right now don't even have to show up or talk for a vote. This talking filibuster is one change I hope the Senate will adopt in the future because it makes good sense and we should do it.

I don't believe we should eliminate the filibuster altogether, but we need to make it real. The talking filibuster proposals would do that, and I hope someday we will make the talking filibuster part of the Senate rules, and I will vote for that resolution that will be on the floor later today. Of course, it will need two-thirds to pass.

Finally, I wanted to thank Senator ALEXANDER. He and I have been friends before this, but we worked together being here throughout the holidays, vacations, and recesses, and he was creative, he was flexible, as always, he was congenial and, as usual, he was smart. His concern for this institution helped bring the minority and the majority together, and I very much appreciate Senator ALEXANDER's role.

Senator REID outlined the other parts of the bipartisan proposal—the end to secret holds, which will be done by rule; the end of reading of amendments filed for at least 72 hours, also done by rule; and the third proposal is to limit the number of executive nomi-

nations—there are so many. About 30 percent of the total we propose to eliminate. He and I, and Senators LIEBERMAN and COLLINS, who have the jurisdiction in their committee, will introduce a bill that we hope to move quickly. We have gotten the agreement from the House that they will move the bill, and we should eliminate confirmation on so many of these positions that shouldn't require confirmation, such as members of part-time boards and commissions, officials who handle legislative or public affairs, and things such as that, and I want to thank Senators LIEBERMAN and COLLINS for that.

Finally, as chairman of the Rules Committee, I believe there is more we can do. I want to see our efforts at reform continue. I wish to continue working on the streamlining of confirmation of nominations, both executive and judicial, and our Rules Committee will continue to look at that.

Change doesn't come often or easily to the Senate, but we are here because many Members worked hard on reform, and both parties, continuing the feeling of bipartisanship that began in the lameduck and I think has continued through the State of the Union speech, are continuing again today. I hope our efforts will make a difference. I hope the Senate will function better, and I am very hopeful that with these changes, both formal and informal, they will.

We know there are still sharp differences within our body on issues, and those won't disappear. On certain bills, both sides will use every procedural tactic that makes the Senate a different body than the House, but hopefully, on most, we won't.

In conclusion, while those of us who wanted reform in the Senate didn't get everything we wanted, the Senate will be a significantly better place for the changes we are enacting. As a result of this agreement, there should be more debate, more votes, fewer items blocked by a single Senator or small minority of Senators. Make no mistake about it, this agreement is not a panacea, but it is a very significant step on the road to making the Senate function in a better, fairer way.

Again, I thank all of my colleagues who participated in this effort.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I wish to thank the Senator from New York, the Senators from New Mexico and Oregon, and Senator HARKIN of Iowa for their efforts—some over many years—to achieve two goals: to help make the Senate a place that is better able to deal with the serious business that comes before us, and second, to preserve the Senate as a unique forum—unique in the world, really—as a legislative body that protects minority rights.

This is an important step forward—the reform of the Senate—but the re-

form the Senate needs is a change in behavior, not in its rules. These rules move us in the right direction, but the behavior that the Senator from New York spoke about and that the majority leader and the minority leader spoke about is what, in the end, will make the most difference.

I have talked with many Senators on both sides of the aisle. We have done a lot of talking both on the floor here and off the floor about where the Senate is today, and a great many of us feel the Senate is a shadow of its former self in terms of its ability to function as a truly deliberative body.

It is hard to see how the majority can complain after a legislative session where they passed health care legislation, financial reform legislation, and other legislation that may have even resulted in the diminishing of their numbers. They had a productive session, from their point of view. But the truth is, on both sides of the aisle—on both sides of the aisle—we wish to see the Senate function in a different way.

The majority leader and the Republican leader have put out in a colloquy what that way is, and that will govern what we do. But basically, I believe it is this: We want the same thing—a Senate where most bills are considered by committee, where most bills come to the floor as a result of bipartisan cooperation, where most bills are then debated and amended and then voted upon.

To someone who may have just tuned into the Senate, they may say: Well, that is a very simple solution. I thought that is what the Senate was supposed to be. It is what the Senate is supposed to be. It wasn't so long ago that it was the standard operating procedure. Senator MCCONNELL said it was just a few years ago. He and Senator REID have both been here a number of years.

I remember watching the Senate—and I have mentioned this before in this debate—between 1977 and 1985, when Howard Baker of Tennessee and Robert Byrd of West Virginia were the Republican and Democratic leaders. I had worked for Senator Baker before that as a legislative assistant. I knew Senator Byrd. Here is what went on then, and here is what could go on today: Most pieces of legislation that came to the floor started in committee. That gave us a chance to see what they did and to improve them and to hear from voices from all over the country. That legislation then came to the floor.

During Senator Baker's day, when he was the majority leader, he would rarely bring a bill to the floor unless both the Republican chairman and the Democratic ranking member supported it because he didn't want to waste the Senate's time. He knew that the Senate's 60-vote requirement forces consensus.

People talk about the filibuster. But what we have is a requirement that most important bills get 60 votes. If you are sitting with 53 Democrats and 47 Republicans, you don't have to have an advanced degree in mathematics to figure out if you don't have some Democrats and some Republicans, you don't get to 60.

So Senator Baker was saying back in the 1980s, bring the bill to the floor if it has the Republican chairman and the Democratic ranking member's support. Then the call would go out for amendments, and sometimes there would be 300 amendments filed.

The Senator from North Carolina or Tennessee might file 40. And no one said: Whoa, stop. You cannot do that. Instead, they said: Bring them on in. Sometimes there would be 300 amendments. Then Senator Baker or Senator Byrd would ask for unanimous consent to close off amendments. Well, I guess because the Senators by that time were exhausted from writing amendments, they all agreed to it, and then they started voting.

Now, it got to be Wednesday or Thursday, and the party secretaries would go to the Senators and they would say: I notice you still have 30 amendments waiting. Maybe you would only like to offer 15. It might get to Friday, and they would say: I notice you have five left. Maybe you would only like to have one. But if they had one they wanted to get, they almost always got the amendment. That is what the real importance of this agreement is today.

The difference of opinion we have had that has caused us to degenerate, in some cases, to a body that has not functioned as well as it should has been because on that side of the aisle—the majority—people did not want to vote. It is like joining the Grand Ole Opry and saying: I do not want to sing. Some Republican Senator might offer an amendment that side does not want to vote on, and they say, well, we do not want to vote or they say, well, we do not want to work on Friday. So they go home. And they put pressure on the majority leader to use a procedure called filling the tree which cuts off votes and the right to amend. The majority leader used that power to cut off all amendments and debate 44 times. That's more than the last 6 majority leaders combined. Then what happens over here? Well, then Republican Senators, now in the minority, say: Well, we are not going to get amendments; we are going to start objecting. So we have what is called a lot of filibusters. We say: You are counting filibusters when you cut off our right to offer amendments. They say: You guys over there are keeping us from doing our business. On both sides, there is some truth to what has been said.

So I think most Senators are happy with this result. I think they will be. I

hope it works. I mean, the idea would be that the leaders will do their best to see that most bills go to committee, come to the floor, and that when they do, if the Senator from North Carolina has an amendment the Senator from Tennessee would rather not vote on, she offers it anyway if she wants to, or if I have one she would rather not vote on, I may offer it anyway because it is important to the people of my State, even though we might be in a political minority at the moment. I believe that in most cases, if most Senators in the minority have that opportunity, that will help us get back to the kind of Senate we want to see.

I wish to compliment Senator UDALL, Senator MERKLEY, and Senator HARKIN. I learned a long time ago in life that if you start out in one direction, you do not always get exactly where you want to go, but you do not get anywhere if you do not start out. I think what they have done with their intelligence and diligence and persistence in this has created a period of time here where the Senate is taking some steps today that will help the people of this country know that serious issues—and we have plenty of them—the debt, for example, where 42 cents out of every dollar we spend is borrowed; jobs, for example, and in my State we have had 24 months of 9-percent unemployment or higher—these changes will help us deal better with those issues. I will have more opportunity to talk about those after lunch later this afternoon. I want my friends on the other side to have a chance to make their points before we adjourn or take a recess for an hour.

Fundamentally, the steps we are taking make a difference. The one I am especially glad to see is the effort to make it easier for a President—any President—to staff his or her government. One of the problems—and Senator REID talked about it—is we confirm too many people. It is not necessary for us to confirm the PR officer for a minor department. There is no need for that. The Secretary needs to go ahead and be able to appoint that person. We need to be able to work on more important issues.

Secondly, we have created a phenomenon in this town that I refer to as “innocent until nominated.” We have created a situation where any citizen who is invited by the President to serve in his government has to run such a gauntlet that it is almost impossible to get to the end of the gauntlet without being branded as a criminal. The reason is, we have a maze of conflicting forms in the executive branch, plus an IRS audit, and a maze of conflicting forms in the Senate. It not only delays, but it traps people and it tricks people into filling out one definition of “income” here and another one there. We all know this is true. We all know it needs to be fixed.

We have tried to fix it before—not just some of us; the majority leader

and the Republican leader tried to fix it, and they didn't get it done. Senator LIEBERMAN and Senator COLLINS tried to fix it, and they could not get it done. And 2 years ago, at a bipartisan breakfast which Senator LIEBERMAN and I hosted, we had a whole group of us who said: Let's try to get this done. We talked to President Obama's administration about it. They said: Sure, go ahead. We would like to see that happen, either for us or for the next President. But we could not get it done because of resistance in this body to giving up any sort of power.

Right now, we have a unique confluence of support for the idea of making it easier for any President to staff his or her government. The majority leader and the Republican leader are solidly behind the effort. Senator LIEBERMAN and Senator COLLINS are solidly behind the effort. Senator SCHUMER and I are working on a bill to do that, and we hope we can succeed. This opportunity, this window would not have happened if it had not been for the work of the Senators who have been arguing for reforms.

The other step we are likely to take is abolishing the secret hold. I think that is a good idea. I speak from experience. When I was nominated by the first President Bush to be Education Secretary, a Senator put a hold on my name, and it took 3 months to get it off. I finally found out who it was. I never knew exactly why he did it or why he took it off, but it might have helped if I had known it a little earlier. So I think it is a good idea. The majority leader put a hold on one of my TVA nominees, but he did it publicly. So I put a hold on one of his nominees, and I did it publicly. And we worked it out. So there is nothing wrong with asserting our rights, but we might as well do it in public. I congratulate the Senators for making that effort. Senator WYDEN and Senator GRASSLEY have been working for more than a decade on that, as well as other Senators.

The step that says that if an amendment has been filed and on the Internet for 72 hours, we cannot require the clerks to read it all night long—that is a very commonsense proposal. I know it will be greatly appreciated by the employees of the Senate who have the job of reading the amendment. If they had a chance to vote, this would probably be the resolution on which they would like to have a chance to vote yes.

So these are important steps in the right direction which we will have a chance to talk about more today as the debate goes on. But I would like to end where I began. What we need most in the Senate is a change in behavior in addition to this change in rules. We need to preserve the Senate as a forum for minority rights. We need to preserve the 60-vote requirement for major votes. That will force consensus. That

will cause us to work together. That will build support out in the country for the result of what we do because they can see that both Republicans and Democrats think, for example, that the way we have gone about trying to make Social Security solvent is a good way, rather than one side or the other just jamming through their partisan way.

There is a reason it is a good idea for this not to be a body that operates by a simply majority as the House does. I mean, the House can repeal the health care bill overnight. Bring it over to the Senate, and that side says: Let's stop and think about it. The House, if it is Democratic, can repeal the secret ballot in union elections overnight, and it did with its vote in the last Congress. But when it came over here, the Republican side said: Let's stop and think about it. The American people are better served by having these two different kinds of bodies, and the Senate and the American people will be better served both by the rules changes we are likely to adopt this afternoon and especially by the agreement by the majority leader and the Republican leader, which I feel confident has the backing of almost all of us, that we would like to work in a Senate where most bills are considered by committee, where most bills come to the floor, and where Senators, most of the time, have an opportunity to offer their amendments and debate. To be sure, there will be times when, if it is repeal of health care, that side does everything it can to exercise its rights to stop it, or if it is repeal of the secret ballot in union elections, this side will do everything we can to exercise our rights to stop it. But that will not be the ordinary course of events if this works the way we hope it does.

So I hope my friends on the other side feel good about what they have done. They have not achieved everything they sought to achieve, but we rarely ever do, particularly in a body of 100 that operates by consent of 100. What they have done, I believe, in addition to the rules changes we are likely to adopt, is create a window in which we have had a good, open discussion about the kind of place we want to work, the kind of Senate we hope would serve the American people the best, and we have come to a consensus about a change in behavior, which I believe in the end will be more important than the change in the rules.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, before Senator ALEXANDER leaves, and I know we have our conferences, and I guess we are going to go to about 1:00 today, I would like to thank him for all of his efforts. I really look forward to Senator ALEXANDER being the ranking member—I believe

he is going to be the ranking member—on the Rules Committee now that Bob Bennett has moved on to other things. He has participated in many of these hearings. I look forward to continuing the exchange on rules that we have had. I do not think this is the end of the rules debate. I think that is why we have a full-time Rules Committee to take a look at this.

I hope these new Senators who are listening to us today—whom you are going to talk to on your side, I am sure, in about 15 minutes—that they look at our rules and offer suggestions and that we still continue this discussion in the Rules Committee.

I thank all of the leaders who came down here today and talked.

Senator REID and Senator MCCONNELL have announced an agreement. We are moving forward with reforms.

Senator SCHUMER has been a real champion on rules reform. I remember going to him and asking for hearings, and he said: Well, what kinds of hearings are we looking at? What do we want to do? And I explained to him, went through—we need to talk about the history of the filibuster. You know, the filibuster was not in the original Senate. There were rules for 17 years where you had what was called a motion to order the previous question. That is a majority motion to cut off debate. And then later it was changed. So I said: We have to get the history out there for everybody to see because some of these charges are not very accurate. And he was a champion. He allowed us to do six hearings. We brought in constitutional scholars. Both sides participated, and it was very productive.

So here we are at the beginning of a Congress, and we have been pressing—with my good colleague and friend from Oregon—for rules reform through the Constitution, relying on the Constitution. In article I, section 5 of the Constitution, it gives us the power and the authority—a majority of us at the beginning of an organizing session—to determine what rules we function under for the next 2 years. That is the exercise in which we have been engaged.

Both the Senator from Oregon and I realize if we hadn't utilized our rights under the Constitution, if we hadn't pushed this very hard and said we are trying to round up 51 Senators who will stand with us and say they want change in this institution, we want to get back to being the greatest deliberative body, we want to consider all the important bills in a timely way—budget bills, appropriations bills—by utilizing our constitutional option or our rights under the Constitution, we have come a long way in 1 year. We have had many debates in our caucus. We have had many discussions.

We are not exactly where the Senator and I think we should be at this par-

ticular point in time. These reforms—and let me say, these reforms are steps forward and in some ways significant. The fact that we are getting rid of secret holds, if we have that vote today and get 60 votes, is a good thing. Nominations, letting the President get his team in place, that is a good thing. Reading of amendments, my cousin, Senator MARK UDALL, is involved in that. The motion to proceed, the gentlemen's agreement on the motion to proceed and filling the tree, that is a significant step in behavior to say: Let's change our behavior, and then the fact that we will have votes today on S. Res. 10, on the Merkley talking filibuster and the Harkin proposal, these are significant votes to be taken and significant steps forward.

I strongly disagree with one thing announced here, the idea that the two leaders are taking off the table us utilizing our constitutional rights. That was what was announced. I think we both heard it the same way. Leader MCCONNELL and Leader REID both said they are not going to rely on a majority vote for rules in the future, no matter who is in power and what is happening.

The beauty of the Constitution—and we all realize this—is that is a good agreement for them. It doesn't apply to 98 other Senators. Each Senator under the Constitution has his or her right to rely on those constitutional rights. I urge, as has been done every time in the past when we have had a movement for change on rules, that it be bipartisan. We are seeking 51 Senators who will join with us. Because if 51 Senators join at the beginning of a Congress and say they want rules reform, they want this place to function better, they want to do the people's work better, they want to take up some House bills, the 400 bills that died, they want to do appropriations bills in a timely way—all these things are very important to a better functioning Senate, and a better functioning Senate is all about the people's work.

I know the Senator from Oregon has some initial comments. But I thought we could talk about the idea that we have moved a long way. We have pushed the constitutional option. I don't think there is any doubt that he and I are giving up on our constitutional rights. Other Senators can say what they want to do, but we are going to stand and utilize our rights as we move down the road. We are hoping we will be at a place where we have 51 Senators, Democrats and Republicans, who will continue to look at this and find a better way to make this institution work in terms of modern issues, modern times. I think we are kind of stuck back in another century with some of these rules. We need to bring it up to date.

With that, the Senator from Oregon and I are going to engage in a colloquy,

but I know he had some additional comments. I am happy to yield.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank my colleague from New Mexico for his leadership on the constitutional option. Some may ponder how it is that we have come to have this constitutional argument at this moment. As he has noted, under the Constitution, this body is empowered to organize itself. That is not that those who spoke 100 years ago or 50 years ago get to tell us how to operate but that we today in this Chamber have the power of the Constitution to organize ourselves. There is little question from constitutional scholars about this understanding of the very plain words written by our forefathers as they designed this institution. Indeed, they were clear, when supermajority requirements were set—supermajority for overriding a Presidential veto, supermajority for impeachment, supermajority for treaties—but a simple majority to pass bills, a simple majority to pass amendments, a simple majority to adopt the rules by which we function. Indeed, that is exactly what the first Congress did. They used a simple majority to adopt their rules, and they extended to each other a courtesy to hear each other out, those 26 Senators coming from 13 States. They heard each other out so they could make better decisions.

Over time that courtesy has grown to be informally entrenched in a Senate rule that says shutting down debate takes a supermajority. But when that was done, it went hand in hand with a social contract to understand that such power for one Senator to shut down this body—to require a supermajority, delay action for a week—would be a power rarely used, a power used in courtesy and respect to other Members, that it would only be used for the most important issues, the highest issues of concern to one's particular State or to the future of the Nation. That social contract is what has disappeared that went hand in hand with the rule, with the supermajority.

Let me display a simple chart that shows the deterioration of that social contract. Here we are with the average number of cloture motions—that is, to shut down debate—filed. The average from 1900 to 1970 on was one per year. In the 1970s, it went to 16. We can see how this grows over time until in the 1990s we were at 36, in the 2000s at 48, and these last 2 years, 68 per year. This is the change from the courtesy of hearing each other out to using a supermajority as an instrument of legislative destruction to blockade a good debate, to blockade the will of the majority, to blockade and paralyze the Senate as a whole.

Recognizing this damage that meant that no appropriations bills were

adopted last year, that no budget was adopted, that 400 House bills lay collecting dust on the floor rather than being processed and voted on, that more than 100 nominations were never acted on and that we failed in our constitutional duty to advise and consent, it is in recognizing all that—it was particularly apparent as new Members of the Senate observing this—that something had to be done. That is why I was so impressed when the Senator from New Mexico stepped forward and said: We will use the power of the Constitution to help restore the broken Senate. It has been a privilege and an honor to team up with him and to team up with many Members in this effort.

We come to this point today where, as my colleague mentioned, there are a number of steps forward coming out of this debate. They are modest steps forward. Some of them are ones that have been debated for years. I applaud Senator WYDEN from my State, who worked with Senator GRASSLEY and Senator MCCASKILL on secret holds. As Senator WYDEN likes to note, for 15 years he has argued we should not be able to put a hold on legislation without taking public responsibility, literally since he came to the Senate. He is absolutely right. Today, I think a supermajority will adopt that.

These other steps—not abusing the reading of amendments, reducing the number of folks subject to confirmation—are steps forward.

But I would like Members to envision three 60-foot-high walls between where they are now and where they need to be to have the Senate work as a body that debates legislation and votes on legislation. The first 60-foot wall is cloture on the motion to proceed. The next 60-foot wall is cloture on an amendment. Actually, there can be any number of those. The third 60-foot wall is final passage, closing down debate for final passage. In this agreement today, there has been a sense between the leaders that the motion to proceed will not be filibustered. That is the first wall. That is being taken down or at least a commitment not to use it except in extraordinary circumstances. But that means there are two more major walls left in place.

I step back from that and ask: How much will it change for the Senate? If I go back to this chart, the first wall is one that has only been occasionally used. It is the second and third walls that are driving the paralysis of the Senate.

I hope, indeed, that when the majority and minority leader talk about changing behavior, when my good friend from Tennessee, Senator ALEXANDER, talks about changing behavior, I hope they are talking about restoring the social contract, that the filibuster would rarely be used. That would be a tremendous step forward. I will hold out that promise.

Meanwhile, recognizing that it will only happen when a Senator comes forward and does a frivolous effort to continue debate on an amendment or a bill or a nomination that is overwhelmingly supported, that it will be up to leadership to say that is not acceptable. We need to restore the social contract. If that change in behavior happens, that would be a tremendous step.

Meanwhile, I echo the comments of my colleague. I cannot surrender the rights under the Constitution to use a majority to continue to pursue rules that will make our broken Senate work better. I reserve that right, as does he.

There are many who say the Senate should be different than the House, that it should be a cooling saucer. That was related to the debate in the design of the Constitution, when terms were staggered so one-third is elected every 2 years. The country may be way over here and the Senate may change accordingly, but only one-third is up for election. Then, maybe over here the Senate changes less. In addition, this courtesy, this respect of hearing each other out and pondering the arguments of each other. But a cooling saucer is very different than the routine use of the filibuster to obstruct the ability to act, very different than the way it has been used these last 2 years to prevent us from doing appropriations bills, from doing House bills, preventing nominations from being considered. That has to end. That has to change.

I pledge myself to continue working, hoping that behavior will change on its own but working with others to say, when it doesn't change, we need to change, we need to change the rules to make this institution fulfill its constitutional responsibilities.

We will be breaking soon. When we come back, I hope to resume a conversation about some of the specific items we will be voting on later today. The one I particularly wish to talk about is Jimmy Stewart or the talking filibuster. It is a compromise that takes into account the desire that we hear each other out, the desire that we be a cooling saucer but prevents an opportunity to be accountable to the public, not to have the silent or secret filibuster we have now but to have the public and talking filibuster, where we actually debate. I will say more about that when we come back.

I close by thanking all those who have been in this conversation, certainly LAMAR ALEXANDER from the Republican Party and CHUCK SCHUMER, who have been working on rules to hold hearings to craft the structure for our leadership, our majority leader HARRY REID and our minority leader MITCH MCCONNELL, who have been in this conversation that has resulted in these steps forward that we are taking today. I applaud all the Members who have said that as Senators sworn to uphold

the Constitution, they have an obligation to make the Senate a great deliberative body, something it once was, something it is not now but something that is in our hands to make happen again.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 1:01 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SANDERS).

AMENDING THE STANDING RULES AND PROCEDURE OF THE SENATE—S. RES. 8, S. RES. 10, S. RES. 21, S. RES. 28, AND S. RES. 29—Continued

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I call up S. Res. 28, the Wyden-Grassley-McCaskill resolution to end secret holds.

The PRESIDING OFFICER. The resolution is pending.

Mr. WYDEN. Mr. President, with the passage of this resolution, no longer will it be possible for a Senator to engage in the unconscionable practice of secretly blocking a piece of legislation that affects millions and millions of Americans.

The fight for more sunshine in the way the Senate does business feels like it has been the longest running battle since the Trojan War. Today, after scores of battles, the cause of open government is going to prevail.

Over the years, Senator GRASSLEY and I, with the strong support of Senator MCCASKILL, have been able to secure leadership agreements to end secrecy. We have been able to pass amendments to end secrecy and send them to conference committees—where they would then magically disappear. We actually, at one time, got a watered-down version of our law passed. In each case, the defenders of secrecy have found a way to keep sunshine out and obstruct the public interest. When this proposal passes, we believe there will be real change.

There are three reasons why we believe our bipartisan proposal to end secret holds will be different from previous approaches.

First, now with any hold here in the Senate, there would be a public owner. Every single hold would have a Senator who is going to be held accountable for blocking a piece of legislation.

Second, there will be consequences. In the past, there have never been any consequences for the Senator who objected anonymously. In fact, the individuals who objected would usually send somebody else out to do their objecting for them, and they would be completely anonymous. Essentially,

the person who would be doing the objecting would sort of say: I am not involved here. I am doing it for somebody else. So the entire Senate lacked transparency with respect to who was actually responsible.

Third, the Wyden-Grassley-McCaskill proposal would deal with all holds, whether they reach the point of an objection on the floor or are objected to when the bill or nomination is hotlined. Our approach requires objections to a hotline be publicly disclosed, even for bills or nominations that never get called up on the floor. This is a particularly important provision.

Senator GRASSLEY and Senator MCCASKILL feel very strongly about this as well because most holds never reach the point that there is an objection on the floor, and that is something I think has been lacking in this debate. They hear about discussions of people objecting on the floor. Most holds never reach that point. Typically, what happens is, a Senator who objects to a bill or nomination tells the Senator's leader that the matter should not be allowed to come up for a vote, and then the leader objects to bringing up the bill when it is hotlined. Because of that objection, the bill or nomination never actually gets called up on the floor. That type of hold effectively kills the bill or nomination long before it gets to the point of an objection on the floor. So we want to make it clear this is an important distinction and, for the first time, we would not just be talking about objections that are made on the floor.

I see my friend and colleague, Senator MCCASKILL, who has crusaded relentlessly for this. Senator GRASSLEY and I—I say to Senator MCCASKILL we sort of feel like we have been at it as part of the longest running battle since the Trojan War. I say to the Senator, your energy has been absolutely crucial in this fight.

I would also point out—and I think we know—the defenders of secrecy will always try to find a way around anything that passes. We think we have plugged the holes. We think we finally made the crucial differences. But the fact that the Senator has been such a relentless watchdog for the public interest, an opponent of secrecy, has been a tremendous contribution. I thank my colleague from Missouri and welcome her remarks.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, very briefly, I am proud to join Senator GRASSLEY and Senator WYDEN in their long crusade on this issue. I am giddy, frankly. I cannot believe it. I cannot believe we are this close to amending the Senate rules by a wide margin. I will predict this will be a very lopsided vote, which is ironic. I do not think there has ever been anything that has taken as long as this has that is going

to win by as big a margin as this is going to win because people were stubborn about holding on to their secrecy. It is a lot easier to do business, a lot easier to get your deals if you do not have to be public about it.

So there are very few things that you can grab a hold of in the Senate and actually see to the finish line, and I believe this will be the finish line. But let me say one warning. If anyone thinks they can figure out a way around this, all of us who have worked on this are not going to give up. So 6 months from now, if something is not moving and no one knows why and we figure out that one person has decided to own the holds, such as the minority leader—I will just own all the holds—that is not going to work, because we will come right back and we will point out to the American public: Believe it or not, they are trying to get around this rule.

So a warning to everyone: If we are going to amend the rule, be prepared to live by it because it is the right thing to do. I think our stock will rise with the American people. I think the transparency is essential.

I am very proud that it appears—I will keep my fingers and toes crossed because it has not happened yet—we have bipartisan agreement that this nonsense is going to end.

I wish to thank my colleague from Tennessee, Senator ALEXANDER, because I think he has been essential in these negotiations as it has related to an amending of the rules as it relates to the secret holds.

Thank you, Mr. President. I yield the floor.

Mr. WYDEN. Mr. President, I thank our colleague, our invaluable ally in this fight.

Senator GRASSLEY, I believe, is on his way. But the Senator from Tennessee has had many discussions on this topic with me and other Senators, and I wish to thank him for all the time and effort he has put into it. I yield him whatever time he would like.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, Senator GRASSLEY and Senator WYDEN and more recently Senator MCCASKILL, have pointed out the obvious fact that so-called holds that Members of the Senate place on nominations or legislation should be public. I think that is a good idea. That has bipartisan support. I believe today we will change the rules to make that clear, and I congratulate Senators WYDEN, GRASSLEY, and MCCASKILL for their perseverance and persistence in pushing this ahead.

I have always been glad to be public with my holds. I remember when Senator REID filibustered my TVA nominee by putting a hold on him, so I filibustered one of his Nevada citizens by putting a hold on him. Then we were able to work it out. But Senator REID and I made our objections public. I

knew what he was doing and he knew what I was doing. That is important to build confidence in the Senate.

Senator GRASSLEY is on his way over and he has been the partner with Senator WYDEN on reforming holds for some time. I would like to say to Senators WYDEN and McCASKILL and others—as I have already said to Senators UDALL and MERKLEY—that the efforts they have made to change the rules of the Senate have created a window of opportunity which I believe those of us on both sides of the aisle believe will make the Senate a better functioning forum. These Senators will not succeed in all the changes they are seeking to make but this window of opportunity will allow the Senate to better function as a place to discuss serious issues.

The majority leader and the Republican leader earlier today said they were going to do their best to see that most bills come to the floor after first going to committee. Then once bills get here we will have amendments. I think that is what most of us want. We want a chance to represent the views we have and those we are elected to represent. Sometimes our views are in the minority. Sometimes we are very solitary with our views. Maybe we are the only one who has a particular view. But we want a chance to be heard and a chance to offer amendments to express our views.

I think we are preserving the Senate as a forum in which that can be done, but at the same time we are making it a more effective place in which to do that. I congratulate Senator WYDEN and his colleague, Senator GRASSLEY, and others for their efforts.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, while we wait for Senator GRASSLEY, who, as Senator ALEXANDER has mentioned, has been relentlessly pursuing this with us for years—again and again, Senator GRASSLEY would come to the floor and make the point that a Senator simply ought to have the guts, just ought to have the guts, to stand and say: Look, this is important to me. I am the individual who ought to be held accountable. Senator GRASSLEY, in that inimitable Midwestern way, always manages to get these issues down to what they are truly all about. It is about accountability and, as Senator GRASSLEY says, it is about guts.

I would also mention, what is striking about the secret hold is this astounding power. I think it is only fair to describe it that way. I know of few powers that an elected official has that resemble the ability to anonymously block a bill or a nomination that affects millions of people. It is an astounding power, and for years and years it has never been written down anywhere.

As part of the ethics legislation that was passed a few years ago, we were

able to get a watered-down version of secret holds reform in there. But literally to think that a power such as this—so sweeping, almost unrivaled in terms of the powers an elected official has—could be exercised in secret is something worth reflecting about in and of itself.

I will also tell colleagues that for those who want to get into the history of this, there are all kinds of holds. There was the revolving hold. There were a number of different ones. But my favorite over time was the “Mae West” hold, which came to also be known as the “come look me over” hold, which was almost as if a Senator was declaring that they were not sure what they wanted to do with their hold, but somebody ought to come up and see them sometime.

It just goes to show you, these kinds of practices—and this is what has been good about the work done by Senator SCHUMER and Senator ALEXANDER, my friend and colleague from Oregon, Senator MERKLEY, and Senator UDALL, which has been so important—because, for the first time, they have brought out into real debate what these rules are all about. My hope is, this will just be the beginning of the discussion about how, in the days ahead, it will be possible to bring more sunshine and more transparency to the Senate.

But Senator GRASSLEY, who has made this point in the past about doing business in public—that the principle at stake is accountability and transparency—has made the case for a long time and has additionally told Senators that since he—and there have been a number of us who have always put our holds in the CONGRESSIONAL RECORD; I have not used them very often. Senator GRASSLEY has made the point that colleagues will find, when they do it, it does not hurt at all. In fact, not only do they not suffer any detrimental consequences, but they do it and the public thinks more of them.

One final point as we wait for Senator GRASSLEY is that I am particularly interested in having holds reform enacted as part of our work today because the secret hold is a huge bonanza for the lobbyists. The lobbyists can, as we have seen year after year, go to a Senator and say: It would be a big favor to me if you would put a hold on something so we can get a little more time to have a chance to make our case. Sometimes we have competing lobbyists asking for secret holds, so we have one Senator putting a secret hold on a piece of legislation and making a whole array of lobbyists happy. Sunshine will be good for the Senate, and it will certainly be good because it will shine the hot light on some of these lobbyists’ practices that we have been trying to discourage here on the floor of the Senate.

I have just been notified that Senator GRASSLEY is unavoidably detained. He

is not going to make it to the floor at this time.

On behalf of myself, Senator GRASSLEY, and Senator McCASKILL, at this time I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I first wish to commend Senator WYDEN, Senator GRASSLEY, and Senator McCASKILL for their incredible determination to get this done. We thought we did it when our class of Senators came in. We thought we had gotten rid of the secret hold, but lo and behold, people found a way to work around it, and their determination has meant we are finally going to do this and we are going to do it right.

Secondly, I wish to thank Senator ALEXANDER as well as Senator SCHUMER of the Rules Committee for negotiating a number of these changes, as well as Senator REID and Senator MCCONNELL. When I think back over the last few months and what has happened, we had an incredibly productive lameduck session at the end of the last Congress. We all know there is a lot of work to be done, but in the closing months of this year, we showed people—I think to their surprise—that we could truly get some things done on a bipartisan basis. When the American people unite and see a clear issue—whether it was the nuclear arms treaty, whether it was the vote on the repeal of don’t ask, don’t tell, or whether it was the first responders after 9/11—and they see what is happening in this Chamber because they actually see a debate, they see someone standing up and making their points as the Presiding Officer does so well on so many issues, then they can make a decision. That is all we are talking about, when we talk about these sometimes complicated and convoluted rules changes, is getting things out in the open. Obviously, the first thing is to get rid of the secret holds and permanently end them.

The second important thing is filibuster reform. It is a longstanding tradition in the Senate that one Senator can, if she chooses, hold the floor to explain her objections to a bill. We always think of Jimmy Stewart’s character Jefferson Smith in “Mr. Smith Goes to Washington.” This is where Senator UDALL—and by the way, I always think his voice sort of sounds like Jimmy Stewart—and Senator MERKLEY have done such a tremendous job of pushing these filibuster reform issues, as well as Senator TOM HARKIN, who has been working on this long before our group ever came to the Senate.

A group of us got together with the smart proposals made by Senators

HARKIN, UDALL, and MERKLEY to determine the best reforms and what are the ones we can truly get through; what is a package we can go to the other side of the aisle with and talk about what we need to do to get it done. The agreement that has been reached includes some of the important changes we want. The first I mentioned is to get rid of secret holds, but of course critical reforms to the filibuster are still necessary as far as I can see. One of the things I hope we reconsider as we go down this road is the idea that we could actually make people stand to filibuster, so that they are in this Chamber, they are discussing why it is so important that they hold up something, whether it is a judge, whether it is the assistant secretary of Oceanic Affairs, whether it is a major bill or a minor bill. People should be able to hear the arguments and then make their own decision. By the way, if they have a good argument for filibustering something or if a group of Senators has a good idea, the American people will say OK, I can understand why this is happening. If they are just doing it for reasons that don't make any sense to the people of this country, then they are going to be seen for what they are doing, and that is slowing down the progress of this country at a time when there are so many major issues we need to deal with in this Chamber.

So I am happy we have been able to reach agreement on a number of these important issues. It would not have happened without the determination of the people who are here today, and I look forward to more changes and agreements in the future.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to continue the debate on this set of rule proposals, but specifically to talk about the talking filibuster.

There is one scene from an American movie that captures everyone's attention, and that is the scene of Jimmy Stewart here in the well of the Senate holding forth to make his case before his colleagues and before the American people to stop a corrupt act designed to destroy a camp for children. That is Jimmy Stewart in the role of Jefferson Smith in "Mr. Smith Goes to Washington." He wasn't making some behind-the-scenes move, some backroom deal; he was out in front of the American people. That is why we have brought both the end of secret holds and the end of secret filibusters to the floor today.

The concept of the talking filibuster is that the American people believe when you filibuster, you are making a personal action, a courageous action, a public action, with personal time and energy, to stand up and say what you think needs to be said and to fight for what you need to fight for to make

your State or this Nation or this world a better place. But this is not what the filibuster has become in modern times. Folks object to closing debate and they go off to dinner, have a glass of wine or two while they paralyze the Senate. It happened 136 times in the last 2 years. Each one of those filibusters proceeded to paralyze this body for a week, and yet those folks would not stand before the public here on the floor of the Senate and make their case.

The secret filibuster must go. It is an issue the American people understand, since they believe we will make our case before them when we wish to stall the Senate on an important issue. Let's make it so. Let's make it so with the vote that will take place here in this Chamber within the next couple of hours.

I wish to note that hundreds of thousands of people have signed petitions across this country. They have heard about this on the Web and other places. CREDO Action, Common Cause, Daily Kos and the Sierra Club, just those four groups generated almost 200,000 signatures calling for accountability, calling for transparency, calling for us to make our case before the American people so the American people can weigh in as to whether we are heroes or bums.

When we hold the vote on the talking filibuster today—I understand there has been a lot of pressure applied for there to be a unanimous party-line vote across the aisle against it. It troubles me. A number of our new Senators campaigned on transparency. They campaigned on accountability. They campaigned on changing the broken ways of Washington, and one of the first votes their leadership is asking them to do is toss away accountability, toss away transparency, and not help fix the broken Senate.

There are some who said we must make sure we protect the rights of the minority. The talking filibuster does exactly that. We still need 60 votes to close debate. My colleague from Oregon, Senator WYDEN, was just here. If there were an issue affecting Oregon that we must oppose, the two of us alone could take and hold this floor back and forth to make sure this body doesn't run over the rights of Oregon as long as we have the 40 colleagues with us to avoid cloture. That is the way it is now and that is the way it will be under the talking filibuster.

I am not going to belabor this. There are others who wish to speak and we want to hear them. But let me say this: When we have gotten to the point that we could not get a single appropriations bill done in 2010, when we cannot address 400 House bills that lie collecting dust on the floor, when we have 100 nominations in which we did not fulfill our constitutional responsibility to advise and consent, then we have a responsibility to work together to

change the conduct of this Senate, to change the rules of this Senate, so those rules are not abused in a fashion that undermines our performance under the Constitution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from Oregon has talked about the number of nominations that couldn't be considered. I am sure the Senator from Oregon remembers that there cannot be a filibuster on a motion to proceed to a nomination. All the majority leader has to do is bring it up. You can't debate that. If he should bring up the motion to proceed to a nomination, and if a Senator over here or over there objected, then the motion can be put to a simple majority vote. When I was nominated by President George H.W. Bush to be Education Secretary, a secret hold was placed on my nomination. Senator Metzenbaum, as it turned out, had a hold on my nomination for 3 months when all it would have taken for me to be confirmed was for the majority leader to bring my name to the floor. Then if we had gotten 60 votes for it, we could have debated for 30 hours and had a final vote on my nomination.

What would happen during the 30 hours? We don't have Senators going out to dinner except on the other side of the aisle. Because under the current rules, in those 30 hours, one Senator gets 7 hours to speak. We know a Senator can do that because a distinguished Senator from Vermont demonstrated very capably that he was capable of doing that not long ago. He did a great job. People all over the country saw it, wrote him, and he became a little bit of a celebrity for that day. Senators are still capable of that. But if a Senator had wanted to take the whole 30 hours in a postcloture period, he then has to get 23 more Senators to join him in taking an hour of that 30 hours. Without getting into the complications of it, if Senators fail to talk, then the majority leader can say those are dilatory tactics and force any Senator who wants to extend the debate to be very uncomfortable. That Senator would have to get up to 23 Senators to come join him at some time during the speech and take 7 hours himself. The reason why that hasn't been done is because the majority didn't want to do it.

Now I am not just saying that. The master of the Senate rules, Senator Byrd, said it in his last testimony before our Rules Committee last May.

He said this:

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady.

Senator Byrd was talking about what some considered the abuse of a filibuster. Most recently, before he died, Senator Byrd said:

Senate Majority Leader Reid announced that the Senate would stay in session around

the clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of a filibuster was withdrawn. I heartily commend the majority leader for this progress, and I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster.

I know what it is to be majority leader, and wake up on a Wednesday morning in November, and find yourself a minority leader.

Senator Byrd said the Senate rules provide the means to break a filibuster. He went on to describe that.

Mr. President, I don't want to suggest to the distinguished whip, who knows the rules of the Senate much better than I, or to HARRY REID, the majority leader, how to break a filibuster that he thinks is an abuse. But they know how to do it. That takes a little trouble. You cannot go out to dinner and have a glass of wine, as the Senator from Oregon was talking about. You have to sit on that side of the floor and have 50 Senators ready. You can sit there and say: I would like for the Senator from Tennessee to assert himself. And you can stay all night. I imagine if you do that once or twice, or if we voted on more than zero Fridays, which was the number of Fridays we voted on last year, you could confront filibusters.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. After I finish my sentence, I will yield the floor to the Senator from Illinois.

I say to my friends, what we are trying to do today is to move past this time where we point out that the majority leader has cut off our right to amend and debate six times more than recent majority leaders. That is what gets everybody stirred up over here. It is like telling us we can join the Grand Ole Opry, but we can't sing.

We are here to let people know what the people in Tennessee and other States think. We might be in the minority, but we are in the Senate where the minority is supposed to have a voice.

When, time after time, you bring a bill to the floor and cut it off, and you call that a filibuster—that is why we are upset. You are upset because as a result of that you didn't get to bring as many bills to the floor as you would like. We are trying to put that all behind us today. This window of opportunity has produced what I think is important. These rules changes we are going to adopt are good and will move us in the right direction.

The real value of this whole effort has been to cause us to think about how the Senate operates and realize the best way to do it is for most bills to go to committee, come to the floor, and for most Senators to get to offer most of the amendments they want to offer and get them voted on. We might

have to vote on a Friday—maybe even a Thursday night or maybe even a Saturday. It might be that the majority has to confront a filibuster by saying: Senator so-and-so, if you are going to slow us down, we are going to make you use that 30 hours. You are going to have to talk your 7 hours and get 23 other Senators, and we are going to be here to see that you do it.

My guess would be that you do that about once, maybe twice, and that would end that particular problem. My real guess is if this general attitude that the majority and minority leaders talked about earlier today occurs, then you will see very few uses of the filibusters you think are inappropriate. The Leaders described an attitude which is that we are going to do our best to see that most bills come to the floor, that most Senators get to offer the amendments they want, and that Senators get the votes on those amendments they want. If you think inappropriate filibusters are occurring, according to Senator Byrd, you have the means to confront them.

My hope is that this whole exercise not only is producing some rules changes that are valuable but a change in behavior on both sides of the aisle which will be valuable. We will wait and see.

I am happy to yield to my friend from Illinois.

Mr. DURBIN. Mr. President, I see others standing. I will be brief and just say a few words in support of the so-called talking filibuster. In the world of the most arcane things that people can concentrate on, this book would be on the top 10 best-seller list. It is the Senate Manual with the rules of procedure and the rules of precedents of the Senate. Unless you live here and work here and follow the Senate, most people never, ever have any glancing occasion to even observe these rules, let alone pay any attention to them.

Why are we doing this when we have all these people unemployed in America and we have so many challenges at home and abroad? Why are we taking the time of the Senate to talk about this book and the rules included? Many of us, including my friend—and that term is sometimes used loosely here but I mean it literally, know what happens on the floor of the Senate has an effect on America and the world. If we do our job well, we are going to solve some of the problems of the world. If we do it poorly, the exact opposite is the case.

What my colleagues from Colorado and Oregon and New Mexico have urged us to do is to think about whether we can do things better in the Senate. The history of the filibuster in the Senate is an interesting one. There was a time when any Senator could stand up and object and stop the proceedings of the Senate. Then Woodrow Wilson, as President, suggested that we should

arm the Merchant Marine so that our ships could fire back if the Germans and others fired at them. He asked for legal authority for that. He brought that issue to the Senate before World War I, and two or three pacifist Senators stood up and said: No, we don't want these ships to have guns because that will drag us into a war.

At that point, Wilson said: I want to take that issue to the American people. Three Senators should not be able to stop that from a vote. He got his way.

At the end of the day, the rule was initiated—the cloture rule—that said two-thirds of the body could decide to move forward even if one or more Senators objected. That cloture rule of two-thirds guided the Senate until the 1960s, and the civil rights debate ended up amending that rule from 67, under that day's count, to 60. So 60 has been the guiding way to end a filibuster. It has been that way the entire time I and the Senator from Tennessee have served in the Senate.

What is being suggested is fundamental. I would at least say I disagree in principle with the Senator from Tennessee, respectfully, and here is what I believe. I think the movants of this idea believe this: If the Senator from Tennessee believes in his heart of hearts that something is so bad, so controversial, so wrong that he wants to stop the business of the Senate in considering and debating an amendment or a bill—if he feels that strongly about the value or principle that would lead him to want to stop the Senate, what we are being told is that he ought to be willing to stand here and say why.

Currently, you can initiate a filibuster and close down the Senate, where for 30 hours nothing happens except the drone—the lovely drone—of quorum calls. People across America tune in and say: What is happening there? Are they going to actually pay these men and women for doing nothing another day?

A person who initiates a filibuster can literally leave the floor and head out for dinner, and the Senate is stopped cold. What is being suggested is that if you believe it, if it is important enough to stop the business of the Senate, for goodness' sakes, stand up and tell us why. Defend yourself. Stand up for your principles.

I remind the Senator from Tennessee—I think he was a Member at this time—that one of our colleagues, who will go unnamed but is from his side of the aisle, initiated a filibuster once which forced us to come in on a Saturday—as you say, it is a rare occurrence here—and to be here and have over 60 votes because of his filibuster. That Senator didn't show up. He initiated the filibuster and didn't stick around. He was asked later about it, and he said: I had something important to do back home.

Mr. ALEXANDER. Will the Senator yield for a question?

Mr. DURBIN. After I explain my position I will.

That is a classic illustration of someone who initiates a filibuster and then takes a powder—goes out to dinner or goes home to attend an event and says: Just let the Senate burn up 30 hours. I will be back later.

What we are hearing is that it is better to say to that Senator, if it means that much to stop the Senate it should mean enough for that Senator and that Senator's colleagues to stand up and fight for that right. Is it worth it? Will the Senator at least take the floor and speak to it?

The Senator from Tennessee says there is a better way: to force the entire Senate, during a filibuster, to be here—all of us. So any one Senator can change and affect the lives of all Senators by saying we are going to stay all night. We will have live quorum calls and we will sleep on cots in the marble room, and that is the way to stop the filibuster. Think about that, I say to my friend from Tennessee. Is this a punishment to the person who initiates the filibuster? Does it even put responsibility on the person who initiates it? The answer is clearly no. The burden, under the defense of your position, falls on the entire Senate to sit here all night long because one Senator objects.

I think this talking filibuster is much more reasonable. If it means enough to object to the Senate moving forward on the debate of an amendment or a bill, then, for goodness' sakes, have the courage and be open enough to stand at your desk and defend your position. That is not unreasonable. If you find that you cannot hold a number of colleagues to your position, let's move on. If you don't want to stand and debate the issue but want to go out to dinner with your buddies, fine. But don't stop the Senate while you are on your way to a nice dinner—not you personally, but the person who would move the filibuster.

I support the talking filibuster, not because of Jimmy Stewart, who created this mental image, but I think the principle is sound and what our colleagues recommend would help the Senate.

Mr. ALEXANDER. Mr. President, since the distinguished whip has apparently renamed this amendment the "which side of the aisle goes out to dinner" amendment, let me ask him this: Isn't it true that if your side didn't go out to dinner—since you asked to be elected to the Senate, you raised a lot of money, and you worked hard and defeated some Republican to get here—if you really think somebody over here is abusing their minority rights by filibustering, then why would you go out to dinner, and why would you not want to be here and hear that person talk and respond to him? Why would you not do that?

Isn't it true that Senator Byrd said that forceful confrontation to the threat of a filibuster is undoubtedly the antidote to the malady? He did not want us tampering with this 60-vote procedure we have that forces consensus.

My question to the majority whip is this: Why did you go out to dinner so often—through the Chair—when instead, you could have been here, under the rules as Senator Byrd suggested, dealing with abuses to the filibuster or what you consider they were?

Mr. DURBIN. The obvious question is, what do we accomplish by staying here all night? Every 15 minutes or every hour the majority leader could ask for a live quorum and Members could be asked to come vote. If they don't, their voting record would reflect that. So the body would pay the price of applying pressure—the confrontation that Senator Byrd speaks of.

What the Senators proposing this suggest is that the person who wants to stop the Senate should have the burden of explaining why or standing and defending his or her position. I don't think that is unreasonable.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I want to correct the record on something that has been said on the other side of the aisle; that is, the abuse of the filibuster has been a response to filling the tree. In the last 2 years, we had the tree filled once. We had 33 filibusters. In response to those filibusters, the tree was filled 9 times. We had 34 filibusters, the tree filled 6 times, and a filibuster 36 times. Obviously, 36 times was not a response to 6 times filling the tree.

That myth created by the opposing side is actually a myth. So while it is a convenient argument, it happens to be a wrong one. I think that is important to know.

I also wish to note that my colleague from Tennessee was talking about postclosure discussions for 30 hours, thereby confusing the conversation about the filibuster on the motion to proceed, the filibuster on amendments, the filibuster on a bill with a 30-hour requirement on nominations. Actually, we had a proposal to reduce those 30 hours to 2 hours. That proposal is in S. Res. 10 that will be voted on today.

I do hope my colleague, in support of the principle he was putting out, which is that those hours should be reduced, will support S. Res. 10, noting that is a very logical way to reduce the delay of the Senate.

My colleagues wish to speak. I will close with this comment: If you have the courage of your convictions and you want to exercise the privilege of shutting down the Senate for a week, then stand up and make yourself accountable to the American people.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise to speak on a particular proposal we will consider later today, but I wish to associate myself with the Senator from Oregon, who has been tireless in pushing for commonsense reforms in the way the Senate operates.

The majority whip made the comment in his remarks before the Senator from Oregon spoke that we want to make these changes so the Senate can respond to the changing nature of the world around us and in particular focus on our economy and getting Americans back to work. If the Senate is tied in knots, we are not going to put the policies in place that these stalwart, committed Senators, including the Senator from Iowa, Mr. HARKIN, and the Senator from New Mexico, Mr. UDALL, so compellingly presented to us.

I know there are others who wish to speak, so I will briefly speak to the proposal I have submitted that would bring us a step closer to fixing some of the redundancy in the rules that slow down our progress here and I think ultimately make not just our constituents in our individual States frustrated but Americans all across our country. Put simply, this proposal would encourage Senators to file their amendments 72 hours in advance of a vote to ensure we all have a chance to review that amendment. But then it would also discourage the practice of delaying a final vote by calling for an out-loud reading of the amendment. I have heard concerns from Members of both parties about this particular practice. We all want to have an opportunity to read the provisions in amendments and broader bills, but it has become increasingly obvious to me that we need to make changes in our rules, as I said, to ensure the process works smoothly.

My proposal would encourage Senators to file amendments 72 hours in advance, and it would prevent any Senators from creating a logjam on the Senate floor by forcing the text of that amendment to be read aloud if it is made available in advance.

Mr. President, you and I have been around long enough to know that in the days before copy machines and the Internet, if one was serving in the Senate, it was probably helpful to sit here and hear the text of each amendment read out loud. That practice is outdated, and it is not the way the Senate operates today. Instead, our technology allows us instant access to the text of amendments, and therefore there is no crucial need to hear them read aloud at the last minute. Most of the time, in fact, we just waive the reading and move to the final vote. When a full reading, however, has been forced, it largely brings this place to a halt, as Senator DURBIN pointed out earlier. The effect has been to tie the Senate in knots, and it creates a spectacle when the hard-working clerks, who are actually the people who make

this Senate run, have to stand here and read amendments, sometimes for hours, to an empty Chamber. That said, there have been cases in which one party believes the text of a rather large amendment has been withheld from them in order to deny them adequate time to review it. I do not want to take that power away from the minority to reasonably voice their opinions on the floor to get the information they need, which is why my proposal is a balanced way of fixing the Senate rules.

This resolution is designed to help us find common ground and prevent needless delays by allowing us to prevent the live reading of an amendment when the text has been available long enough for everyone to have studied it in advance. Instead of allowing an individual Senator to put the Senate on hold literally for hours by forcing an amendment to be read, a simple majority of Senators would be able to collectively vote to dispense with the reading, provided that it was filed on time. This is a commonsense approach. It seeks to address the concerns of those who want more time to read amendments and those who see the forced reading of amendments as needlessly obstructive. It is a simple approach, and I believe later today the Senate will approve such a rules change.

In ending my remarks, I wish to acknowledge the work of Chairman SCHUMER and Senator ALEXANDER. There is an agreement, as I understand it, and we will vote on it later today. I applaud their work and offer my very sincere thanks.

I also acknowledge Leader REID and Leader McCONNELL for helping bring this package to the floor today and for reaching their own agreement on how to improve the way the Senate works.

Finally, as I did in my beginning remarks, I wish to acknowledge Senator TOM HARKIN, Senator TOM UDALL, and Senator JEFF MERKLEY for bringing true attention to a concern so many Americans have had on this particular issue. Senator MERKLEY and Senator DURBIN spoke to the fact that this may seem an obscure topic to many constituents. This is historic progress we are going to make today that ultimately will make the Senate function together. I know that is the mission of these three outstanding Senators.

I ask unanimous consent that Senator MERKLEY be listed as a cosponsor of the resolution I am offering today.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I close on this note: I urge my colleagues to vote for the simple commonsense reform of the Senate rules.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to support the Wyden-Grassley-McCaskill public hold proposal. I apologize to my two colleagues from Oregon and Missouri that I was not on the floor at the proper time. It is all my fault.

I am pleased to see this day come where the Senate will finally have the opportunity for an up-or-down vote on our freestanding Senate resolution to require public disclosure of holds. Senator WYDEN and I have been at this for a long time. We have made progress at times, and we have also had many disappointments where things did not quite work out the way we had hoped and what we thought the Senate had spoken on through even rollcall votes.

It has also been good to have Senator McCASKILL join us in helping push this issue to the forefront easily. She did that—I shouldn't say "easily" but recently because it has not been easy. Ending secret holds seems like a simple matter, doesn't it. But that has not proved to be the case because secret holds are an informal process. It is easier said than done to push them out into the open using formal Senate procedures. It is kind of like trying to wrestle down a greased hog. However, after a lot of thought and effort, two committee hearings, and many careful revisions, I think this resolution does a pretty good job of accomplishing our simple goal. That goal is to bring some more transparency into how the Senate does its business and, with transparency, more accountability.

This is not the only proposal we are considering today related to Senate procedure, and I do not want there to be any confusion. This proposal is not about altering any balance of power between the majority party and the minority party; neither does our resolution alter the rights of any of the 100 Members of this Senate.

Over the time I have been working on this issue, I have occasionally encountered arguments purporting to defend the need for secret holds. However, the arguments invariably focus on the legitimacy of holds, not on the subject of secrecy. I want to be very clear that secrecy is my only target and the only thing this resolution eliminates. I fully support the fundamental right of individual Senators to hold or withhold his or her consent when unanimous consent is requested. Senators are not obligated to give their consent to anything they do not want to, and no Senator is entitled to get any other Senator's consent to their motion.

I think the best way to describe what we seek to do with this resolution is to explain historically how holds came into being, as Senators have heard me do before.

In the old days, when Senators conducted much of their business in a daily way from their desks on the Senate floor, it was a simple matter to

stand up and say "I object" when necessary. These days, most Senators spend most of their time off the Senate floor. We are required to spend time in committee hearings, meetings with constituents, and attending to other duties that keep us away from this Chamber. As a result, we rely on our respective party leaders in the Senate to protect our rights and prerogatives as individual Senators by asking them to object on our behalf.

Just as any Senator has the right to stand up on the Senate floor and publicly say "I object," it is perfectly legitimate to ask another Senator to object on our behalf if we cannot make it to the floor when consent is requested. By the same token, Senators have no inherent right to have others object on their behalf while keeping their identity secret. If a Senator has a legitimate reason to object to proceeding to a bill or nominee, then he or she ought to have the guts to do so publicly.

We need have no fear of being held accountable by our constituents if we are acting in their interest as we were elected to do. Transparency is essential for accountability, and accountability is an essential component of our constitutional system. Transparency and accountability are also vital for the public to have faith in their government. As I have said many times, the people's business ought to be done in public. In my view, that principle is at stake.

I see my colleague from Oregon. If he will indulge me, I ask unanimous consent to engage in a colloquy with the Senator from Oregon to get his thoughts as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, as Senator GRASSLEY has said, Senator GRASSLEY, Senator McCASKILL, and I have always maintained that there is no legitimate reason for Senators to keep holds they have placed with their leaders secret for any period of time. In fact, for quite some time, we have made a practice of immediately disclosing any hold we place in the CONGRESSIONAL RECORD, and that has been at the heart of our resolution, in my judgment. Would my friend from Iowa agree?

Mr. GRASSLEY. Absolutely correct. One of the defects of the watered-down secret holds provision that was included in the ethics reform bill in the 110th Congress was that it allowed for large windows of secrecy before disclosure was required. Our resolution states that the leaders shall recognize holds placed with them only if two conditions are met: if the Senator first submits the notice of intent to object in writing to the appropriate leader and grants in the notice of intent to object permission for the leader or designee to object in the Senator's name and, secondly, not later than 2 session

days after submitting the notice of intent to object to the appropriate leader, submits a copy of the notice of intent to object to the CONGRESSIONAL RECORD and to the legislative clerk for inclusion in the applicable calendar section.

Mr. WYDEN. I thank the Senator because I think that is an important point because the bipartisan resolution clearly establishes the responsibility of all Senators to go public with their holds and the understanding that the leaders will not honor secret holds.

In addition, a concern that has been expressed is the lack of an enforcement mechanism in case there is a breakdown in this process, that it does not work as intended. Will the Senator from Iowa address that point? I believe our resolution addresses that concern as well.

Mr. GRASSLEY. It certainly does. Even if the process we talked about is not followed, once a hold comes to light in the form of an objection, someone will be required to own up to that hold. It will no longer be possible for a leader or their designee to object but claim it is not their objection. They can say on whose behalf they are objecting and why not.

We also require Senators placing a hold to give their permission to object in their name. Still, if a Senator objects and does not name another Senator as having the objection, and another Senator does not promptly come forward claiming the objection, the Senator making the objection will be listed in the relative section of the Senate calendar as having placed that hold.

I yield, for a final conclusion, to the Senator from Oregon.

Mr. WYDEN. I thank the Senator from Iowa, because with this colloquy he has laid it out very well. The fact is we have been at this so that it sometimes feels as though it has been the longest running battle since the Trojan War, given the fact we have had leadership agreements, we have had amendments, and we have had a watered-down version of the law. Today, we finally have an opportunity to ensure this unconscionable practice of secrecy that keeps the American people, millions of Americans, from learning about who is blocking a bill or a nomination, and that practice is finally eliminated, and I thank my colleague. It has been a long fight and a pleasure to work with my friend from Iowa and to have the energy and enthusiasm of Senator McCASKILL, who has given this cause a huge push.

Madam President, I ask unanimous consent to add Senator MERKLEY as a cosponsor to the bipartisan Senate resolution eliminating secret holds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I appreciate the hard work of the leadership and my partners

in this effort, Senator GRASSLEY and Senator McCASKILL. We would not be here today without them. We have a strong, bipartisan bill that will bring greater transparency to the process of holds.

There are a few matters that we wanted to clarify to ensure there is no confusion during the implementation. First, subsection (d) notes that when a Senator makes an objection, but within 2 session days, no Senator submits a Notice of Intent to Object to the Record, then the clerk should add to the Notice of Intent to Object calendar the name of the Senator who actually made the objection. Obviously, the calendar should also note the name of the matter actually objected to, as well as the date that the objection was made on the floor. Is that my colleague's understanding, as well?

Mr. GRASSLEY. My colleague is correct and that is pretty straightforward. The Notice of Intent to Object calendar should reflect all of the matter necessary to understand holds. If no other Senator has come forth and claimed the objection, then the Senator who actually made the objection should be credited with holding the matter objected to. It is also worth noting that this approach saves a Senator who actually made an open objection on the floor on his or her own behalf the trouble of filing the "Notice of Intent to Object" with the clerk.

Mr. WYDEN. Yes, the Senator from Iowa makes a good point. Our resolution turns the Notice of Intent to Object calendar into a one-stop shop for recording information about objections made to covered requests. At the same time, some have asked us—what happens if a matter that had been objected to later passes? Shouldn't the clerk just remove the relevant information from the Notice of Intent to Object calendar in that situation? It seems to me that makes sense and such action by the clerk would be keeping with the intent of our resolution.

Mr. GRASSLEY. I agree. If something has passed the Senate, then obviously it is not being held. The Notice of Intent to Object calendar should be updated to reflect that development. Some of my colleagues have raised another small wrinkle on this issue with me—what if the matter passes after an objection has been made but before the 2 session days have elapsed? It seems to me that in that case, the clerk does not need to go through the ministerial motion of adding an item to the Notice of Intent to Object calendar, only to immediately remove it. Again, if a matter has passed the Senate, there obviously is no hold.

Mr. WYDEN. That seems like a commonsense approach to me. I thank my colleague for his help on secret holds. We are achieving a big victory for transparency at the beginning of this Congress.

Mr. GRASSLEY. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, people across this country are feeling pressures from so many points of view—job loss, threatened losses in the future as pressure exists on businesses, particularly small businesses across our country. They look to us in the Senate and in the House to help them solve their problems, but what they have seen has resulted in an attitude, to a certain degree, of disdain about those of us who serve in the Senate and the House of Representatives. The reason it has developed that way is because they think we are not doing our job. If they watch television or listen to what is going on, it further confirms the fact they have in mind that we are not doing our jobs; that we are wasting time; that we are not paying attention to the country's needs.

That kind of a picture is appropriately formed, with the situation as it is. The Senate has been a roadblock to progress in our country. I salute my colleagues, Senators UDALL of New Mexico and MERKLEY of Oregon, for the work they are doing, and the others who are associated with it, and I commend the Senator from Tennessee on the other side for his willingness, for his interest in establishing a consensus of view about how we can improve the functioning of our body. I salute him and commend him for it, and I have mentioned that to him privately. We have all been wrestling with this problem. But finally, I think we are coming to a time when we can solve it.

I have spent the past year trying to improve Senate rules so we improve our functioning; that we show the people in the country we are actively trying to solve their problems, and they will understand that when they see people on the floor debating the issues and not seeing a clock working without any action to support it.

Last year, and again this month, I introduced the Mr. Smith Act, to require filibustering Senators to come to the floor and actually filibuster. The filibuster is a right that is reserved for Senators when they object to a piece of legislation that we are dealing with, and if they are able to get the floor, to keep it until such time as 60 votes develop, which says, let us end this debate. So we know that at the moment that is a tool the minority has used regularly and it brings the Senate to a halt. But if the plurality—the majority—shifts, the same thing is liable to happen but with the Democrats then using the filibuster for dilatory reasons.

What we are going to do will make the body more transparent. It will reduce the practice of grinding the Senate to a halt for no good reason. Today, we will have the opportunity to vote on

a couple of resolutions that include proposals based on the Mr. Smith Act. Everybody knows what the Mr. Smith situation was. Jimmy Stewart came to Washington and he stood for hours—an unimaginable length of time—to try to get something done. It was a heroic gesture and it has lasted as an icon for the American people.

Like my bill, which we entitled the Mr. Smith bill, the proposals put forward by Senators MERKLEY and UDALL come down to a simple idea: Senators who want to delay action on a bill or a nomination must stand up here and explain why we are delaying responding to the needs of the American people. An empty Senate Chamber can't help put Americans back to work, protect people from dangerous weapons, or improve our country's schools. We can't invest in our railways, roads and bridges, other infrastructure needs, and help struggling Americans to stay in their homes if there is no Senator willing—sent here after, I am sure in every case, an arduous election, even though the numbers might not say that—to debate the issues. Why aren't they at work? We would have no tolerance for schoolchildren if they continued in their absence from their classrooms doing their homework. Why in the Senate should it be allowed without intervention?

We want people to be able to see that there are Senators in this Chamber debating the issues; that they are not clock watching and doing nothing to take care of the needs of the country. We are not making progress on vital issues because the rules of the Senate are being abused. Some of our colleagues are conducting silent filibusters, which is a disguise for inaction. Under these silent filibusters, Senators are allowed to object to a bill or a nomination without ever having to defend their position. Instead of explaining to their colleagues and the American people why they oppose a bill, they are able to skip off to dinner, leaving this Chamber to total gridlock. Is it any wonder so many Americans have such a low opinion of Congress? When people look at the Senate and they see us stuck in a morass of dilatory activities, they do not appreciate it, they do not like it, and they want action. They want the people whom they have sent here, whom they voted for, whom they depend upon, to do something on their behalf. If there is a disagreement about whether one path is right, they will understand that at least we are trying to do something.

That is why I have spent so many months in trying to improve the way we conduct business. Passing these resolutions today will assure the American people that we are here to do their business.

In addition to the Merkley-Udall resolutions, we will be voting on other important reforms to the Senate rules

today. For example, I support the measure of the Senator from Oregon, Senator WYDEN, to end secret holds, because the American people, again, deserve to know who is holding up important legislation. Transparency is something we talk about constantly around here. Yet we are not willing to put it in front of the people. This is a much-needed reform.

But we need to do more to make the Senate a more effective and more efficient Chamber. The Senate—and I have been here a long time—was once known as the world's greatest deliberative body. At some point we decided—some years ago—that in order to bring the message more clearly to the American people we would allow television cameras to be here so the American people could watch us at work. They could see us at work—maybe even call it supervise us at work. Well, when they see a beautiful facility such as the Senate Chamber with no action going on, it gets to be quite depressing as far as they are concerned, and as far as we here are generally concerned.

As I said, the Senate was known as the world's greatest deliberative body—the place where national conversations began and the major issues of the day were debated. Many of my colleagues and I want to see the Senate regain the respect of the American people and restore our reputation for serious debate and civil discourse, but we will never achieve this if we continue to allow our own rules to be abused. So I urge my friends and colleagues to join in supporting these resolutions, because if we want to help the American people get back to work, if we want to restore their confidence, if we want to let them know government is here to help and not delay, then we have to get back to work too. The fact is time is being spent, but it is not being spent on behalf of progress for the country.

With that, Madam President, I yield the floor, and I thank my colleague from Iowa, Senator HARKIN, who agreed to let me intervene with my remarks before he spoke at the time that was agreed to.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, exactly 16 years ago, in January of 1995, for the first time in 8 years I found myself as a member of the minority party here in the Senate. At the beginning of that Congress, Republicans outnumbered Democrats 53 to 47; the exact same majority-to-minority ratio that exists today, just in reverse order. Yet

even though I was opposed at that time to the majority party's agenda, I introduced legislation to change the Senate rules regarding the filibuster.

My plan would have ensured ample debate and deliberation, which I always hear is the stated purpose of the filibuster, but would also have allowed a bill or a nominee to eventually receive a yes-or-no vote. Again, my proposal didn't pass.

I first proposed this at a conference of our Democratic Senators that was held in 1994, because at that time I saw and I predicted—and it is in the CONGRESSIONAL RECORD that I had predicted this at that time—there was an escalating use of the filibuster that was being used not for debate purposes, not just to slow things down, but to actually provide for a veto of pending legislation by the minority.

I predicted, at that time, if this arms race were not nipped in the bud, it would escalate because it had been escalating since the 1980s. Democrats were in power. Republicans would have X number of filibusters, and then when the Republicans were in power, the Democrats would do the same to the Republicans. Then the Republicans would come back in power and the Democrats would do the same to them and back and forth, but each time it escalated—an escalating arms race.

I predicted, at that time, if we did not do something about it, it was going to get worse. Unfortunately, my prediction became all too true. In the intervening years, because of the extraordinary use of the filibuster, the ability of our government to legislate and to address the critical problems has been severely jeopardized.

Sixteen years after I first introduced my proposal, it is even more apparent that for our government to properly function, we must reform the use of the filibuster. There are those who have criticized me and argued that Senator HARKIN would not be doing this if he were in the minority. Well, again, that is not true. I repeat. In 1995, when I was a member of the minority party, I first introduced my proposal.

The truth is, in the future, whether the Chamber is controlled by Democrats or Republicans, I will continue to work to accomplish a couple things. One, to provide that if there is going to be a filibuster, that it is a real filibuster; that the filibuster is used to slow down processes, to give the minority ample time to debate and discuss and to amend, but in the end the majority rule must come to the Senate.

I thank Senator SCHUMER and Senator ALEXANDER for the effort they made to negotiate a package of badly needed reforms. Of course, eliminating secret holds is long overdue. It is wrong that not only can the minority block the majority from acting, but, too often, it does it secretly and without any public accountability. So

eliminating that and eliminating the confirmations of many low-level executive branch nominees I think is meaningful movement in the right direction.

While I fully support these steps, they are far from the meaningful reforms that I think are essential to make the Senate a properly functioning legislative body. Keep in mind, we are a legislative body. The filibuster was once an extraordinary tool, used in the rarest of instances. Across the entire 19th century, there were only 23 filibusters. From 1917, when the Senate first adopted rules on this until 1969, there were fewer than 50 in that whole timespan—less than one a year.

During the 104th Congress, in 1995, when I first introduced my resolution, there were 82 filibusters. But it was not until the 110th and 111th Congresses that the abuse of the filibuster would spin wildly out of control. In the 110th Congress, there were an astonishing 139 motions to end filibusters. In the 111th Congress just ended, there were 136. That is 275 filibusters in just over 4 years. It has spun out of control.

This is not just a cold statistic of 275 filibusters. It means the filibuster, instead of a rare tool to slow things down, has become an everyday weapon of obstruction, of veto. On almost a daily basis, one Senator is able to use just the threat of a filibuster to stop bills from even coming to the floor for debate and amendment, let alone a final vote.

In the last Congress, the filibuster was used to kill many pieces of legislation that enjoyed majority and often bipartisan support. The reality is, because of the way the filibuster is abused today, the minority—the minority—has unchecked veto power over public policy. When I say minority, I do not say Republicans, I say the minority. It could be the Democrats, it could be the Republicans.

Think about this. We are a legislative body, elected by the voters of this country every 6 years to legislate, to pass legislation with the House, to send it to the President or to defeat legislation, one way or the other, through our votes.

But it would seem to me that reason alone—reason alone—would suffice to say that legislation should be able to be passed with a majority vote. But that is not what has happened in the Senate. The power to pass legislation has been given to the minority. Reason alone would dictate there is something inherently wrong and inherently unconstitutional about this.

As James Madison noted when rejecting a supermajority requirement to pass legislation, here is what James Madison said: “It would no longer be the majority that would rule; the power would be transferred to the minority.”

Unfortunately, Madison’s prediction has come true. We are the only demo-

cratic body in the world—and I challenge anyone, I challenge anyone, to contradict me on this with proof—we are the only democratic body in the world where the minority, not the majority, controls.

In today’s Senate, democracy, of which we all claim to be such strong supporters, democracy is turned on its head. The minority rules; the majority is blocked. The majority has responsibility and accountability but lacks the power to govern. The minority has power but lacks accountability or responsibility.

This means, as we have seen recently, that the minority can block bills that would improve the economy, create jobs, and then turn around and blame the majority for not fixing the economy. The minority can block popular legislation, then accuse the majority of being ineffective.

Again, I wish to note that when I refer to the minority, I am not saying Republicans, I am saying the minority. Both parties have abused the filibuster in the past and both will, absent real reform, abuse the filibuster in the future. Although Republicans are currently in the minority, there is no question that control of this body will change again at some point, as it always does periodically.

Some have argued that filibuster reform is nothing more than a “power grab” by a Democratic Senator reacting to the recent elections in which his party lost seats. I have heard that said. Well, it is true it is now harder for either party to obtain the 60 votes needed to pass legislation. But I wish to make clear that the reforms I advocate are not about one party or one agenda gaining an unfair advantage, it is about the Senate, as an institution, operating more fairly, effectively, and democratically.

I wish to repeat, I first introduced this in 1995 when I was in the minority. So as we say in law school, in the court of equity, I come with clean hands. The truth is, as it is situated right now with Republicans controlling the House, any final legislation will need to be bipartisan, with or without a filibuster.

Let me also say, again, that for a bill to become law, it has to be passed by the House and the Senate in the same form—in the same form. Then it must go to the President. The President can veto it and then it takes a two-thirds vote to override a veto. There are a lot of checks and balances out there. So the need for the check on legislation by the minority with the ultimate power to veto that is not needed—not needed; in fact, inimical to a democratic institution.

It was former majority leader Bill Frist who said, when he normally shut down the body over the use of filibusters to block a handful of judges, again by Democrats, “This filibuster is noth-

ing less than a formula for tyranny by the minority.”

Further, I wish to make it clear it is not those of us who seek reform who are engaged in a power grab. It is those who insist on hanging on to an antiquated rule who are grabbing for power. It is those who have taken an extraordinary tool, once used sparingly, to ensure ample debate and deliberation and turned it into a monstrosity, destroying the power of the majority to govern, turning over effective control of the Senate to the party that failed to elect a majority of Senators.

That is the real power grab. That is the real power grab. Moreover, despite the dire predictions of opponents of reform, filibuster reform does not mean the end of minority rights in the Senate. Senators of all parties will continue to have ample time to make arguments, attempt to persuade the public or a majority of their colleagues.

The reform proposals that are being considered fully protect the rights of the minority to full and vigorous debate and deliberation, maintaining the hallmark of the Senate.

Presently, Republicans have stated the filibusters were necessary because Democrats employed a procedural maneuver to deprive them of the right to offer amendments, the so-called filling of the tree. Well, notwithstanding the rejoinder that Republican abuse amendments, such as offering amendments totally unrelated to the pending matter—and there again this is where you get into the chicken and egg, who did it first to whom? Nonetheless, I am sympathetic to the argument that the minority ought to have the right to be able to offer amendments. That is why I have included in my resolution guaranteed rights to offer germane amendments—germane amendments, not an amendment dealing with something totally unrelated to the legislation on the floor—to offer legitimate, germane amendments which the minority feels would improve or change, to the minority’s liking, whatever legislation, amendment or bill might be on the floor.

Too many people, I believe, confuse minority rights with minority winning. Having the right to debate and to deliberate and to offer amendments does not mean you have the right to get your way. Being allowed to vote on your amendment does not mean you have a right to win the vote. The minority does not deserve the right to prevail in every instance.

The minority obviously can convince some of the majority to join them. Then they become the majority on a given issue or given amendment. That used to happen all the time around here. There is nothing wrong with that. But the minority, I submit, does not deserve the right, under our Constitution, nor under any reasonable interpretation of a Democratic legislative

body—they do not have the right to systematically block action by the majority and to veto, to have veto power, over what can even be considered on the floor of the Senate.

The fact is, provided that the minority is vested with ample protections, as it is in my proposal, at the end of ample debate, the majority should be allowed to act. What is so radical? What is so strange about the notion that in a legislative body, the peoples' representatives should vote up or down on legislation or a nominee?

As Senator Henry Cabot Lodge stated many years ago: "To vote without debating is perilous, but to debate and never vote is imbecile."

I think at the heart of this debate is a central question that we are not coming to grips with. Do we truly believe in democracy? Do we truly believe the issues of public policy should be decided at the ballot box and not by the manipulation of archaic procedural rules? I think the truth is, both parties appear to be afraid of majority rule, afraid of allowing a majority of Senators to work their will.

At its heart, those who hang on to this outdated rule, those who vigorously oppose the majority having the ability to govern fear the American people. They fear that the people's choices and wishes will be translated into action here in Washington.

The central question for this body is clear: Do we or do we not believe in democracy and majority rule? Elections should have consequences. After ample protections for minority rights, the majority party in the Senate, whether Democratic or Republican, duly elected by the American people, should be allowed to carry out their agenda and be allowed to govern.

Should I be opposed to reform of the filibuster because I am afraid Republicans someday will become the majority party in the Senate and proceed to enact their agenda? No. I believe in democracy for Republicans and Democrats alike. I believe in majority rule for Republicans and Democrats alike.

The distinguished minority leader said recently in regard to this proposal that Democrats ought to be concerned because a couple years from now Republicans might take over this place and would be able to undo a lot of the things we did—fear that somehow the Republicans will get the majority and be able to enact their agenda. I say to my friends, God bless them. If they win the election and become the majority party, they ought to govern. What are the checks and balances? We don't know whether the President will be a Democrat or a Republican. We don't know what the House is going to be. There are still a lot of internal checks and balances in the committee structure.

The minority, under my proposal, can still slow things down. I read in the

paper that one Senator said it ought to be the right of the minority to slow things down. I believe that. I believe that in the Senate the minority ought to have the right to slow things down. That is why my proposal provides for that. There is ample opportunity to slow things down, throw some sand in the gearbox of the majority. But in my proposal, at the end of a period of time of 8 days, the majority can govern. So one can slow it down—slow down everything, every amendment, every bill—so compromise negotiations would still go on.

I hear from my side: What if the tea party gains a majority in the Senate? We will need to filibuster to stop them. I say to my friends on this side and others, it is a sad day in America when the only way we can stop the tea party or any other extreme group is through subterfuge, through filibusters, secret holds, and parliamentary trickery. We have to have a fundamental confidence in democracy and the good sense of the American people. We have to have confidence in our ability to make our case to the American people and to prevail at the ballot box. We must not be afraid of the American people. We must not be afraid of how they cast their votes or for whom. I am not afraid of the will of the people expressed at the ballot box. That is what sent me to this Chamber. I should note, that used to be the operating principle of this body, but over the years, especially recently, it has become grossly distorted.

We all have our views on the recent election and what the American people said. Everybody has a view on that. I will say what my view is. The American people spoke loudly that they are fed up and angry with Washington, with government, and with Congress. They want change, and they want an end to the dysfunction in this city. In too many critical areas—job creation, energy, the economy—people see a Congress that is unable to respond effectively to the urgent challenges of our time.

My proposal is basically the same as I offered 16 years ago. It would amend the Standing Rules of the Senate to permit a decreasing majority of Senators over a period of 8 days to invoke cloture on a given matter. A determined minority could slow things down for 8 days. Senators would have ample time to make arguments and attempt to persuade the public and a majority of their colleagues. This protects the right of the minority to full and vigorous debate and deliberation, again maintaining the hallmark of the Senate. At the end of ample debate, however, there would be an up-or-down vote on an amendment, a bill, a nominee. My proposal would restore a basic and essential principle of representative democracy: majority rule in a legislative body.

I also think there is another advantage—that it would lead to greater

compromise. Many have argued that it is the filibuster that forces compromise and collaboration. I disagree. The fact is, right now the minority has no real incentive to compromise. Why should they if they can totally block something and then go out and campaign on a message that the majority just couldn't get anything done? Again, the minority has a great deal of power but zero incentive on compromise.

I believe my proposal would encourage a more robust spirit of compromise. If the minority knows that at the end of the day, at the end of 8 days, 51 votes will be enough to bring a bill to the floor or to end debate on an amendment or a nominee, it seems they would be more willing to come to the table and compromise. And for the majority, the reason to compromise is because for the majority party in the Senate—either one, Democratic or Republican—one of the most valuable things is time, allocation of time. The majority always wants to save time. So rather than chew up 8 days on a nominee or an amendment, the majority would like to get it done in a day or so. The minority, knowing that at the end of 8 days, 51 votes can pass something, will say: Maybe we ought to compromise now and get what we can out of it without dragging it out 8 days. Right now, there is literally zero incentive to compromise.

I also strongly encourage colleagues to support the talking filibuster proposal of Senator MERKLEY. They claim it is about silencing the minority. The fact is, the filibuster has nothing to do with debate and deliberation. It is used to prevent consideration. Rather than serve to ensure the representation of minority views and to foster deliberation, the minority uses the filibuster to prevent debate and deliberation. The filibuster has been used to defeat bills and nominees without their receiving a discussion on the floor. So the world's greatest deliberative body has now become the world's greatest nondeliberative body.

I think a "yes" vote today on a vote for reform, for change, and for a government that can effectively address our Nation's challenges is a vote to move ahead. It is a vote for progress—or we can vote for continued gridlock, continued obstruction, and broken government. This body does not function the way it is supposed to.

To be sure, the Founders put in place a system of checks and balances that makes it enormously difficult to enact legislation. It must pass both Houses of Congress. It has to go through committees first. It must pass both Houses of Congress, go to a conference committee, then it goes to the President. He can veto it. And then it can be challenged in court. All are very significant checks.

I often hear opponents of reform claim that what I am proposing would

turn the Senate into the House of Representatives because at the end of 8 days, 51 votes could move something. I ask my friends: When did the Senate become defined by Senate rule XXII, which is the filibuster rule? I thought the Senate was defined in the Constitution. Rule XXII, the filibuster rule, is not the essence of the Senate. Regardless, the Senate will continue to be totally different from the House. We have two Senators from small States, two Senators from large States. We are elected every 6 years. We have sole jurisdiction over treaties, impeachments. And the Senate operates, as we know, in so many instances based on unanimous consent. That will continue. So the power of one single Senator remains to object to any unanimous consent request. Eliminating the filibuster will not change the basic nature of this body, nor the constitutional structure of the Senate.

For most of the Senate's history, there were very few filibusters—at most one or two a year. Can someone suggest that the Senate of Henry Clay or Daniel Webster, Lyndon Johnson, Everett Dirksen, that that Senate was the same as the House of Representatives? Even in my short time here—26 years—we used to have amendments on the floor that we would debate and vote, and if you got 51 votes, you won. We don't do that anymore. Under the present structure of the Senate, under the present rule XXII, the way it is being used today, every measure that passes the Senate must have 60 votes. Whatever happened to the idea of majority rule? Now one has to have 60 votes.

I have heard some say that if we have to have 60 votes, this encourages compromise to get to the 60 votes. I am all for compromise. I have brought a lot of legislation to the floor in my time here, and some has been adopted 100 to nothing. Farm bills, appropriations bills, others that I have brought to the floor, both in the majority party and in the minority party as the ranking member on a committee—and we didn't need 60 votes. If someone offered an amendment, they had the right to offer an amendment and get 51 or 52 or 53 votes and win. I have never stood at that desk, either as a committee chair or as ranking member, and insisted that a bill we had on the floor had to have 60 votes in order to pass. But that is what has happened in the Senate now.

Some say that promotes compromise. Anyone who has a bill or an amendment wants to get the most votes possible, right? They want to get more votes. That is the nature of legislation. But sometimes there is a bill or an amendment that does not lend itself to easy compromise. It may be contentious. We may have to take a hard vote. Maybe it only gets 51 votes. Should that amendment go down to

failure because it got 51 or 52 or 53 or 54 or 55 or 58 or 59 votes? Go out and explain that to the American people. Go to the next townhall meeting and say: No matter what happens, you can't pass anything with 51 votes. You have to have 60 votes to pass anything in the Senate. That gives the minority the right to veto anything. See how people react to that. When they understand it, they say: That is nuts.

We all stand for election every 6 years. If we only get 52 percent of the vote, maybe we shouldn't be here because obviously there was no consensus among the people who voted for us that we should represent them if we didn't get 60 percent of the vote. Is that what is coming, that we have to have 60 percent of the vote to even serve in the Senate? I know I am taking it to its extreme. I know no one is suggesting that. But boiled down to its essence, what we are saying is, without adopting reform of the filibuster, yes, we as a U.S. Senate believe a minority has the right to veto anything in this Senate.

I would much rather be on the side that says the minority has a right to slow things down, the minority has the right to debate, the minority has the right to amend, and the minority has a right to win those amendments with 51 votes. But a minority should not have the right to veto and stop legislation.

That is what my proposal does: adequate time for debate, adequate time for amendments, ensuring that the minority can offer an amendment, but, in the end, the majority would rule. It was never intended—never, never intended—that a supermajority of 60 votes would be needed to enact any piece of legislation, any amendment, or confirm a nominee.

Indeed, the Framers of our Constitution were very clear about where a supermajority was required. There were only five to the original Constitution: ratification of a treaty, overriding a veto, votes of impeachment, passage of a constitutional amendment, and expulsion of a Member.

It may come as a shock to many people, but the filibuster is not in the Constitution of the United States. In fact, historically, the first Senate, when it met, included a rule that permitted the majority to end debate and bring a measure to a vote with a majority. It was called "invoking the previous question." But they had the right to do that. It was done away with by Aaron Burr, then-Vice President of the United States. We know what happened to him. But that was done away with.

So the Senate embarked upon a little over 100 years of having no rules. But, then again, the Senate did not do much. They really did not do much. However, in the 21st century, as a major superpower, with things happening with lightning speed around the world, we have to be able to react a lit-

tle bit more rapidly than how we reacted in the 19th century.

Moreover, reform of filibuster rules stands squarely within a tradition of updating Senate rules as needed to foster an effective government that can respond to the challenges of the day. The Senate has adopted rules that forbid the filibuster in numerous circumstances, such as war powers and the budget. Think about that. For some reason, the Senate, at some point in time, said you cannot filibuster the budget. Imagine that. You can filibuster other things, but you cannot filibuster the budget. How about war powers? What could be more important than whether or not we go to war? It is a power granted to the Congress by the Constitution, but you cannot filibuster it. Think about that.

So we have rules that forbid the filibuster. We have passed four significant reforms of the filibuster since 1917. Today, unfortunately, it has become abundantly clear that we cannot govern a 21st-century superpower when a minority of 41 Senators can dictate action or inaction to a majority of the Senate and a majority of the American people—a majority of the American people.

We had a bill here last year; it was called the DISCLOSE Act. The House passed it twice overwhelmingly. They sent it to the Senate. Now, what did the DISCLOSE Act say? All it did is say the Supreme Court decision in *Citizens United*, that allowed corporate money to be funneled into campaigns to defeat or support an opponent and did not have to be accounted for, did not have to be made public. Many people suspected there was foreign money coming in through various sources to influence campaigns in the United States because they did not have to report it. So the bill came through that did not overturn the Supreme Court decision. It just said: If you are going to do this, you have to disclose where you got the money.

It passed the House. Polls showed it was supported by well over 80 percent of the people, a majority of Republicans and Democrats around the country. It came to the Senate twice. It got 59 votes. Why isn't it law today? Because you need 60 votes—60 votes. Go back and explain that at your town meetings. Go back and tell them: We don't have that today. We don't have that sunshine law because we need 60 votes, even though we got 59.

This is not the kind of representative democracy the Founders envisioned. It is not the kind of representative democracy that our sons and daughters have fought and died for for over 200 years. How many of our young men and women in uniform today—risking their lives in Afghanistan, Iraq, around the globe—how many of them know they are risking their lives for minority rule—for minority rule, not majority

rule—minority rule? Very few, I submit. Very few.

It is time to end the paralysis, the drift, and the decline in the Senate. Yes, let's commit ourselves to debate and deliberation. There is nothing wrong with that, nothing wrong with extended debate. There is nothing wrong with having compromises. There comes a time when maybe a compromise is not in the cards. But should that mean we cannot vote on it, I say to my friends? Should that mean if we cannot get 60 votes, we do not even deserve to have 51 or 52 or 53 votes? Is that what we are saying?

I have heard my friends on the other side—I think I heard; I do not know exactly who it was today—say: Well, the 60 votes promotes compromise. I am all for that. But what if we cannot get the compromise, I say? Then are we saying we cannot have a vote because we cannot get 60 votes? That is, in essence, what they are saying. It is not the bedrock of democratic principle to deny the majority to rule, to finally have a vote.

So there may be a lot of misinterpretations of the amendment I am offering: Oh, it is going to make us like the House. Nonsense. It is going to take away minority rights. Nonsense. It is going to take away the right of the minority to slow things down. Nonsense.

What my amendment does is it says, finally, at some point in time, we are going to exercise our constitutional obligation.

I will close on this: Every 6 years we have an election and we go down here and hold up our right hand and we swear an oath. We swear an oath to uphold and defend the Constitution of the United States against all enemies, foreign and domestic, and to bear true faith and allegiance to the same.

I submit we are not living up to our oath of office in terms of bearing true faith and allegiance to the Constitution when, on the other hand, we enact rules that deny the majority the right to govern—when we deny the majority the right to govern.

So I say every Senator has a lot of power here. The power of a Senator comes not from what we can do but from what we can stop. I have often said that is kind of the dirty little secret of the Senate.

Well, I think it is time for each of us to give up a little bit of our power, to give up a little bit of our power for the good of the country, to give up a little bit of our power of being able to stop something in order that the majority—whomever that majority may be—can carry out their agenda on behalf of the American people.

I do not fear—I do not fear—the voters. I do not fear the ballot box. What I fear is this Senate will continue to be dysfunctional, it will not be able to act, we will continue to drift, we will

not be able to respond to the exigencies of our time, the American people will get more and more frustrated and disappointed in the workings of our government, and the end result will be a decline in America.

Look, I am not Pollyannaish. I know none of these proposals will succeed. It takes 67 votes, they say, to change the rules of the Senate. I believe that is inherently unconstitutional. Can one Congress bind another? Can one Congress bind all future Congresses? Can one Senate bind all future Senates? Can one Senate in a moment of time say we need 90 votes to pass anything here because 90 Members happen to be of one party, so they enact a rule and they say we have to have 90 votes to change any rule, knowing it will probably never happen again?

As Senator Byrd said one time—I know he is being quoted a lot around here today and when it comes to these debates—we should not be bound by the dead hand of the past—the dead hand of the past.

I believe it is the inherent right of the Senate to change its rules by a majority vote at the beginning of any Congress. That is what it says in the Constitution. Each House shall make its rules. It does not say each House makes its rules and every succeeding House must abide by those rules. It does not say that.

So I think we are left with a situation where the Senate—where the Senate—cannot live up to its constitutional obligation. I think it is almost inherently impossible for the Senate to do so. Therefore, I think we must now have to look to the courts to provide some relief in this matter, just as the Supreme Court decided in *Baker v. Carr* that legislatures could not reapportion themselves. So, therefore, they found it unconstitutional.

I, quite frankly, think a case can be made to the courts that the Senate rules, as they are now applied with the 67-vote threshold, prevent me, a Senator from Iowa, prevent a Senator from Georgia, prevent a Senator from Oregon from fulfilling his or her constitutional obligations to their constituents, to the people who elected them, to try to get legislation passed on a majority basis.

So, like I said, I am not Pollyannaish. I know where the votes are today. I do not know—I know my proposal will not get many votes. It did not get many in 1995 either. And people say: Well, HARKIN, why are you doing this? Why do you do it when you know you do not get many votes? I do it because I believe in it. I believe with all my heart and all my soul that the Senate is not operating constitutionally right now. So I feel this fight must continue.

As I said, I now come to that point in time where I believe that perhaps we must look to the courts for their deci-

sion on whether the Senate is capable of fulfilling its constitutional responsibilities and obligations.

So I hope we do not have to go there. I hope we could adopt some of these reforms, such as the Merkley amendment or my proposal. Quite frankly, at the essence of it is the proposal by the Senator from New Mexico. That is the heart of it. Can a majority of the Senate change its rules at the beginning of a Senate? I believe it is constitutionally not only permissible, but I think we are obligated by the Constitution every 2 years to adopt the rules of the Senate by a majority vote and not by 67 votes.

So I close my part of the debate by appealing to the conscience of our Senators to think about majority rule, think about the rights of the minority but think about the rights of the American people to have their voices heard here by a majority vote and not by a supermajority. I believe that is our constitutional obligation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I rise briefly to address a few remarks made by the senior Senator from Iowa and to compliment my colleague from Tennessee. But first, regarding all of these talks about our Founding Fathers and our Constitution, if our Founding Fathers had not intended for supermajorities to determine certain acts of this Congress, why would two-thirds of us have to vote to pass a constitutional amendment and three-fourths of the States have to vote to ratify one? I think that showed the intent. If our Founding Fathers had not intended for minority representation to exist, I wouldn't have two Senators like California; everybody would have a proportionate number of Senators. Finally and most importantly, with regard to the notion that we are the only democracy in the world to have a rule where majority rules, the fact is, that may be true. We are also the richest, safest, most prosperous democracy in the world, and that has a lot to do with the way we govern ourselves. So I wanted to make those three points.

I wish to congratulate Senators WYDEN, MCCASKILL, and GRASSLEY on what I think is a very appropriate amendment to make sure we have total transparency in our process of holds in the Senate. I think that is right, and I think that is exactly what the American people would express.

Lastly, I wish to thank the Senator from Tennessee and the Senator from New York. In the last few weeks, they have done a lot of good work—yeoman's work, as a matter of fact—to make sure this Senate doesn't rush to judgment and make a mistake that would not be in the interests of the institution or the American people. The

Senate in the end is all about Senators putting their shoulders to the grindstone and making things work, and I think in this case the Senator from Tennessee has done exactly that, and I wish to compliment him on his work.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I wish to thank all of the Senators who have come down for this debate. These are just a couple of cleanup, housekeeping things I need to do.

First of all, the charge was made that we are trying to make the Senate like the House. Rather than get in a long debate here, I ask unanimous consent to have printed in the RECORD Federalist Paper No. 62 and a letter from a number of scholars who testified before the Rules Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FEDERALIST PAPERS
FEDERALIST NO. 62

The Senate

Alexander Hamilton or James Madison

To the People of the State of New York:

HAVING examined the constitution of the House of Representatives, and answered such of the objections against it as seemed to merit notice, I enter next on the examination of the Senate.

The heads into which this member of the government may be considered are:

- I. The qualification of senators;
- II. The appointment of them by the State legislatures;
- III. The equality of representation in the Senate;
- IV. The number of senators, and the term for which they are to be elected;
- V. The powers vested in the Senate.

I. The qualifications proposed for senators, as distinguished from those of representatives, consist in a more advanced age and a longer period of citizenship. A senator must be thirty years of age at least; as a representative must be twenty-five. And the former must have been a citizen nine years; as seven years are required for the latter. The propriety of these distinctions is explained by the nature of the senatorial trust, which, requiring greater extent of information and stability of character, requires at the same time that the senator should have reached a period of life most likely to supply these advantages; and which, participating immediately in transactions with foreign nations, ought to be exercised by none who are not thoroughly weaned from the prepossessions and habits incident to foreign birth and education. The term of nine years appears to be a prudent mediocrity between a total exclusion of adopted citizens, whose merits and talents may claim a share in the public confidence, and an indiscriminate and hasty admission of them, which might create a channel for foreign influence on the national councils.

II. It is equally unnecessary to dilate on the appointment of senators by the State legislatures. Among the various modes which might have been devised for constituting this branch of the government, that which has been proposed by the convention is probably the most congenial with the public

opinion. It is recommended by the double advantage of favoring a select appointment, and of giving to the State governments such an agency in the formation of the federal government as must secure the authority of the former, and may form a convenient link between the two systems.

III. The equality of representation in the Senate is another point, which, being evidently the result of compromise between the opposite pretensions of the large and the small States, does not call for much discussion. If indeed it be right, that among a people thoroughly incorporated into one nation, every district ought to have a PROPORTIONAL share in the government, and that among independent and sovereign States, bound together by a simple league, the parties, however unequal in size, ought to have an EQUAL share in the common councils, it does not appear to be without some reason that in a compound republic, partaking both of the national and federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation. But it is superfluous to try, by the standard of theory, a part of the Constitution which is allowed on all hands to be the result, not of theory, but "of a spirit of amity, and that mutual deference and concession which the peculiarity of our political situation rendered indispensable." A common government, with powers equal to its objects, is called for by the voice, and still more loudly by the political situation, of America. A government founded on principles more consonant to the wishes of the larger States, is not likely to be obtained from the smaller States. The only option, then, for the former, lies between the proposed government and a government still more objectionable. Under this alternative, the advice of prudence must be to embrace the lesser evil; and, instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice.

In this spirit it may be remarked, that the equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. So far the equality ought to be no less acceptable to the large than to the small States; since they are not less solicitous to guard, by every possible expedient, against an improper consolidation of the States into one simple republic.

Another advantage accruing from this ingredient in the constitution of the Senate is, the additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the States. It must be acknowledged that this complicated check on legislation may in some instances be injurious as well as beneficial; and that the peculiar defense which it involves in favor of the smaller States, would be more rational, if any interests common to them, and distinct from those of the other States, would otherwise be exposed to peculiar danger. But as the larger States will always be able, by their power over the supplies, to defeat unreasonable exertions of this prerogative of the lesser States, and as the faculty and excess of law-making seem to be the diseases to which our governments are most liable, it is not impossible that this part of the Constitution may be more convenient in practice than it appears to many in contemplation.

IV. The number of senators, and the duration of their appointment, come next to be considered. In order to form an accurate judgment on both of these points, it will be proper to inquire into the purposes which are to be answered by a senate; and in order to ascertain these, it will be necessary to review the inconveniences which a republic must suffer from the want of such an institution.

First. It is a misfortune incident to republican government, though in a less degree than to other governments, that those who administer it may forget their obligations to their constituents, and prove unfaithful to their important trust. In this point of view, a senate, as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases a salutary check on the government. It doubles the security to the people, by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient. This is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it. I will barely remark, that as the improbability of sinister combinations will be in proportion to the dissimilarity in the genius of the two bodies, it must be politic to distinguish them from each other by every circumstance which will consist with a due harmony in all proper measures, and with the genuine principles of republican government.

Secondly. The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions. Examples on this subject might be cited without number; and from proceedings within the United States, as well as from the history of other nations. But a position that will not be contradicted, need not be proved. All that need be remarked is, that a body which is to correct this infirmity ought itself to be free from it, and consequently ought to be less numerous. It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration.

Thirdly. Another defect to be supplied by a senate lies in a want of due acquaintance with the objects and principles of legislation. It is not possible that an assembly of men called for the most part from pursuits of a private nature, continued in appointment for a short time, and led by no permanent motive to devote the intervals of public occupation to a study of the laws, the affairs, and the comprehensive interests of their country, should, if left wholly to themselves, escape a variety of important errors in the exercise of their legislative trust. It may be affirmed, on the best grounds, that no small share of the present embarrassments of America is to be charged on the blunders of our governments; and that these have proceeded from the heads rather than the hearts of most of the authors of them. What indeed are all the repealing, explaining, and amending laws, which fill and disgrace our voluminous codes, but so many monuments of deficient wisdom; so many impeachments exhibited by each succeeding against each preceding session; so many admonitions to the people, of the value of those aids which may be expected from a well-constituted senate?

A good government implies two things: first, fidelity to the object of government,

which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. I scruple not to assert, that in American governments too little attention has been paid to the last. The federal Constitution avoids this error; and what merits particular notice, it provides for the last in a mode which increases the security for the first.

Fourthly. The mutability in the public councils arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government. Every new election in the States is found to change one half of the representatives. From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures. But a continual change even of good measures is inconsistent with every rule of prudence and every prospect of success. The remark is verified in private life, and becomes more just, as well as more important, in national transactions.

To trace the mischievous effects of a mutable government would fill a volume. I will hint a few only, each of which will be perceived to be a source of innumerable others.

In the first place, it forfeits the respect and confidence of other nations, and all the advantages connected with national character. An individual who is observed to be inconstant to his plans, or perhaps to carry on his affairs without any plan at all, is marked at once, by all prudent people, as a speedy victim to his own unsteadiness and folly. His more friendly neighbors may pity him, but all will decline to connect their fortunes with his; and not a few will seize the opportunity of making their fortunes out of his. One nation is to another what one individual is to another; with this melancholy distinction perhaps, that the former, with fewer of the benevolent emotions than the latter, are under fewer restraints also from taking undue advantage from the indiscretions of each other. Every nation, consequently, whose affairs betray a want of wisdom and stability, may calculate on every loss which can be sustained from the more systematic policy of their wiser neighbors. But the best instruction on this subject is unhappily conveyed to America by the example of her own situation. She finds that she is held in no respect by her friends; that she is the derision of her enemies; and that she is a prey to every nation which has an interest in speculating on her fluctuating councils and embarrassed affairs.

The internal effects of a mutable policy are still more calamitous. It poisons the blessing of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?

Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uniformed mass of the people. Every new regulation concerning commerce or revenue, or in any way affecting the value of the different species of prop-

erty, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow-citizens. This is a state of things in which it may be said with some truth that laws are made for the FEW, not for the MANY.

In another point of view, great injury results from an unstable government. The want of confidence in the public councils damps every useful undertaking, the success and profit of which may depend on a continuance of existing arrangements. What prudent merchant will hazard his fortunes in any new branch of commerce when he knows not but that his plans may be rendered unlawful before they can be executed? What farmer or manufacturer will lay himself out for the encouragement given to any particular cultivation or establishment, when he can have no assurance that his preparatory labors and advances will not render him a victim to an inconstant government? In a word, no great improvement or laudable enterprise can go forward which requires the auspices of a steady system of national policy.

But the most deplorable effect of all is that diminution of attachment and reverence which steals into the hearts of the people, towards a political system which betrays so many marks of infirmity, and disappoints so many of their flattering hopes. No government, any more than an individual, will long be respected without being truly respectable; nor be truly respectable, without possessing a certain portion of order and stability.

PUBLIUS.

DECEMBER 2, 2010.

DEAR MEMBERS OF THE SENATE: As you know, the Senate has debated the merits of the filibuster and related procedural rules for over two centuries. Recently, several senators who are advocating changes to Senate Rule XXII have renewed this discussion. We write this letter today to clarify some of the common historical and constitutional misperceptions about the filibuster and Rule XXII that all too often surface during debates about Senate rules.

First, many argue that senators have a constitutional right to extended debate. However, there is no explicit constitutional right to filibuster. In fact, there is ample evidence that the framers preferred majority rather than supermajority voting rules. The framers knew full well the difficulties posed by supermajority rules, given their experiences in the Confederation Congress under the Articles of Confederation (which required a supermajority vote to pass measures on the most important matters). A common result was stalemate; legislators frequently found themselves unable to muster support from a supermajority of the states for essential matters of governing. In the Constitution, the framers specified that supermajority votes would be necessary in seven, extraordinary situations—which they specifically listed (including overriding a presidential veto, expelling a member of the Senate, and ratifying a treaty). These, of course, are all voting requirements for passing measures, rather than rules for bringing debate to a close.

Second, although historical lore says that the filibuster was part of the original design of the Senate, there is no empirical basis for that view. There is no question that the framers intended the Senate to be a deliberative body. But they sought to achieve that goal through structural features of the chamber intended to facilitate deliberation—

such as the Senate's smaller size, longer and staggered terms, and older members. There is no historical evidence that the framers anticipated that the Senate would adopt rules allowing for a filibuster. In fact, the first House and the first Senate had nearly identical rulebooks, both of which included a motion to move the previous question. The House converted that rule into a simple majority cloture rule early in its history. The Senate did not.

What happened to the Senate's previous question motion? In 1805, as presiding officer of the Senate, Vice President Aaron Burr recommended a pruning of the Senate's rules. He singled out the previous question motion as unnecessary (keeping in mind that the rule had not yet routinely been used in either chamber as a simple majority cloture motion). When senators met in 1806 to recodify the rules, they deleted the previous question motion from the Senate rulebook. Senators did so not because they sought to create the opportunity to filibuster; they abandoned the motion as a matter of procedural housekeeping. Deletion of the motion took away one of the possible avenues for cutting off debate by majority vote, but did not constitute a deliberate choice to allow obstruction. The first documented filibusters did not occur until the 1830s, and for the next century they were rare (but often effective) occurrences in a chamber in which majorities generally reigned.

Finally, the adoption of Rule XXII in 1917 did not reflect a broad-based Senate preference for a supermajority cloture rule. At that time, a substantial portion of the majority party favored a simple majority rule. But many minority party members preferred a supermajority cloture rule, while others preferred no cloture rule at all. A bargain was struck: Opponents of reform promised not to block the rule change and proponents of reform promised not to push for a simple majority cloture rule. The two-thirds threshold, in other words, was the product of bargaining and compromise with the minority. As has been typical of the Senate's past episodes of procedural change, pragmatic politics largely shaped reform of the Senate's rules.

We hope this historical perspective on the origins of the filibuster and Rule XXII will be helpful to you as matters of reform are raised and debated. Please do not hesitate to contact us if we can provide additional clarification.

Very truly yours,

Sarah Binder, Senior Fellow, Governance Studies, The Brookings Institution; Professor of Political Science, George Washington University.

Gregory Koger, Associate Professor of Political Science, University of Miami.

Thomas E. Mann, W. Averell Harriman Chair & Senior Fellow, Governance Studies, The Brookings Institution.

Norman Ornstein, Resident Scholar, American Enterprise Institute for Public Policy Research.

Eric Schickler, Jeffrey & Ashley McDermott Endowed Chair & Professor of Political Science, University of California, Berkeley.

Barbara Sinclair, Marvin Hoffenberg Professor of American Politics Emerita, University of California, Los Angeles.

Steven S. Smith, Kate M. Gregg Distinguished Professor of Social Sciences & Professor of Political Science, Washington University.

Gregory J. Wawro, Deputy Chair & Associate Professor of Political Science, Columbia University.

Mr. UDALL of New Mexico. Time and time again last year, during the Rules Committee hearings on rules reform, my Republican colleagues said that any attempt to change the filibuster would make the Senate no different than the House. They said reforming the filibuster would be contrary to our Founders' intent to make the Senate a more deliberative body.

This argument makes little sense to me. The filibuster was never part of the original Senate—the Founders made this body distinct from the House in many ways, but the filibuster is not one of them.

A letter from seven prominent political science scholars, six of whom testified in last year's Rules Committee hearings, states the following:

[T]here is no explicit constitutional right to filibuster. In fact, there is ample evidence that the framers preferred majority rather than supermajority voting rules. The framers knew full well the difficulties posed by supermajority rules, given their experiences in the Confederation Congress under the Articles of Confederation (which required a supermajority vote to pass measures on the most important matters). A common result was stalemate; legislators frequently found themselves unable to muster support from a supermajority of the states for essential matters of governing.

But we do not have to rely on today's scholars to tell us that the Senate's uniqueness is not premised on the filibuster and unlimited debate. Our Founders explained their vision for our Republic in the Federalist Papers, and Federalist No. 62 explained quite clearly the ways the Senate is unique from the House of Representatives.

In Federalist 62, Alexander Hamilton and James Madison wrote the following:

The qualifications proposed for senators, as distinguished from those of representatives, consist in a more advanced age and a longer period of citizenship. A senator must be thirty years of age at least; as a representative must be twenty-five. And the former must have been a citizen nine years; as seven years are required for the latter.

They go on to explain about how Representatives will be directly elected by the people, but Senators will be appointed by the State legislatures. This of course was changed in 1913 by the 17th amendment, which established direct election of Senators by popular vote.

This, I would argue, is a far more drastic change to the Senate than anything we could do with rules reform, yet even that change did not turn the Senate into the House.

But perhaps the most important distinction between the bodies is whom we represent.

Federalist 62 explains that the equality of representation in the Senate was the:

result of compromise between the opposite pretensions of the large and the small States. . . . [T]hat among a people thoroughly incorporated into one nation, every

district ought to have a proportional share in the government, and that among independent and sovereign States, bound together by a simple league, the parties, however unequal in size, ought to have an equal share in the common councils . . . [and] the government ought to be founded on a mixture of the principles of proportional and equal representation.

It is this fact that makes the Senate very different than the House. As a Senator from New Mexico, I represent just over 2 million people. Senators FEINSTEIN and BOXER represent over 37 million constituents in California. And Senators BARRASSO and ENZI, representing Wyoming with a population of just over half a million, actually have fewer constituents than members of the House.

Yet we all have the same vote in the Senate. This is what makes this body unique. Our founders did not intend to protect a minority party from being steamrolled by a majority party, but instead to protect small States from being run over by the large States.

Federalist 62 goes on to discuss how the number of Senators, and the duration of their term, is another key distinction between the bodies. Unlike the House, who are always facing reelection less than 2 years away, two-thirds of the Senate is always free from the same worry.

Coupled with the fact that senators were appointed by the State legislatures, the Founders believed that the Senate would be a check on the House against legislation that was passed too quickly and without sufficient consideration. But they intended the structure of the Senate to make us a more deliberative body, not the rules that govern us.

So whatever changes we might make to our standing rules, whether minor or significant, the Senate will always be distinct from the House of Representatives. The cloture rule was only implemented in 1917—any changes we make to it today cannot destroy the uniquely deliberative nature of this body.

So to speak more generally now, today we come to the floor as a body to debate changes to the rules that guide this institution. All of the proposals we consider today have merit, in my opinion, and all deserve an up-or-down vote by this prestigious body.

Each proposal is important, but as we consider them one-by-one, we must remind ourselves what brought us to this point in the first place.

The reason we are here is simple: This Senate is broken. Because of partisan rancor and our own incapacitating rules, this body is failing to represent the best interests of the American people.

The unprecedented abuse of the filibuster, of secret holds, and of other procedural tactics routinely prevents the Senate from getting its work done. It prevents us from doing the job the American people sent us here to do.

In the Congress that just ended, because of rampant and growing obstruction, not a single appropriations bill was passed. There wasn't a budget bill. Only one authorization bill was approved—and that was only at the very last minute. More than 400 bills on a variety of important issues were sent over from the House. Not a single one was acted upon. Key judicial nominations and executive appointments continue to languish.

The American people are fed up with it. They are fed up with us. And I don't blame them. We need to bring the workings of the Senate out of the shadows and restore its accountability.

That begins with addressing our own dysfunction. Specifically, the source of that dysfunction—the Senate rules.

That is what I—along with my colleagues and friends Senator MERKLEY of Oregon and Senator HARKIN of Iowa—have been trying to do these past weeks. We have been trying to restore the uniquely deliberative nature of this body—while also allowing it to function more efficiently.

On Tuesday, Senator HARKIN, Senator MERKLEY and I each were denied unanimous consent to bring up our resolutions for immediate debate in accordance with article 1, section 5 of the Constitution.

Denying us the ability to debate the important constitutional issue of how this body adopts its rules was unprecedented.

Ten times previous to this—from 1917 to as recently as 1975—the Senate debated reforms to the use of the filibuster, as well as the underlying constitutional issue of adopting reforms by a simple majority at the beginning of a Congress.

The results of these debates varied. But the point I make today is this: each and every time a rules change was proposed, this Senate never denied those Senators the right to debate their proposals through the constitutional option.

During many of these debates, the reform proposal was defeated, often by tabling it—but they had the debate.

1975 was the last time we had a major reform to our filibuster rules.

On three occasions that year, the Senate voted by a simple majority to table points of order against Senator Mondale and Senator Pearson's reform proposal—a proposal that would have amended the cloture threshold from "two-thirds to three-fifths present and voting."

It was these votes by a simple majority of the Senate that forced the compromise reform that changed the Senate's cloture threshold to the present rule "three-fifths duly chosen and sworn."

We are here today debating the substance of several different proposals, all of which share a goal of restoring debate, deliberation, and transparency

to this great body. And this afternoon, we will have votes on these proposals.

But, we will have those votes under thresholds that I strongly believe the Constitution does not require. To deny us the right to have that debate about the constitutional question was unprecedented and, I believe, a mistake.

But, however misguided I believe that decision to be, that decision has been made, and it is one we have to live with.

Now we must seize the opportunity that remains, and that opportunity is the chance for the most substantive debate of the Senate rules in 35 years.

I believe this debate is fundamentally important to the health of this institution. Reform is badly needed. We have a responsibility to the American people to come together and fix the Senate.

Whether that is through the constitutional option—as I believe we have the right and the responsibility—or through other means, I welcome the debate.

As I said more than a year ago when I first proposed the constitutional option: It is time for reform. There are many great traditions in this body that should be kept and respected, but stubbornly clinging to ineffective and unproductive procedures should not be one of them.

Mr. President, I want to close by saying this.

Since the beginning of this process, my actions have been guided by the great respect I have for the institution of the U.S. Senate, my reverence for the many great men and women who have served here, and my sincere affection for my colleagues.

That remains true today. I want to thank my colleagues for their consideration of our proposals, for their willingness to listen, and for their friendship.

And I want to make clear to all those who have supported this effort—our work is not complete: our cause endures. History has made clear that substantial rules reform is—more often than not—the work of many Congresses, not just one.

The debate that began in this Congress will serve as a foundation for reform moving forward. And I commit to doing all I can to ensure that the Senate is not a graveyard for good ideas—but instead remains a shining light of Democracy around the world.

So now we come to the concluding point in the debate where I think it is very appropriate to thank staff. My two staff members who have worked the hardest—all my staff have worked very hard on this, but Matt Nelson and Tim Woodbury deserve individual recognition for their tireless work. I know that as a result of this, we put a lot of pressure on the Rules Committee. Jean Boudwich and her whole crew over there have done a great job and the

Parliamentarian shop headed by Alan Frumin. We have also had great assistance from them in terms of answering questions and working with them, so I applaud Alan and all of the Parliamentarians.

At several places in the RECORD, a variety of different items were mentioned. To clarify the RECORD, I ask unanimous consent to have printed, No. 1, a New York Times editorial from January 25; No. 2 includes quotes from constitutional scholars and conservative scholars on the constitutional option; and No. 3 is an op-ed from the Washington Post entitled “Fixing a Broken Set of Rules.”

I also commend to my colleagues a Harvard Law and Policy Review article entitled “The Constitutional Option: Reforming the Rules of the Senate to Restore Accountability and Reduce Gridlock.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 2011]

MAKE THEM WORK FOR IT

Senate Democrats now have a rare opportunity to reduce the abuse of the filibuster and increase the chances that the people's work actually gets done. Instead, they are close to an agreement on a watered-down package of changes that will have only a modest effect on the chamber's gridlock.

Over the last four years, Republicans have more than doubled the number of filibusters from the previous period, requiring 60-vote supermajorities for virtually every measure to move forward. In most, a single senator has raised an objection, bringing progress to a halt.

A group of Democratic senators—led by Tom Udall of New Mexico and Jeff Merkley of Oregon—came up with a reasonable proposal to reduce this practice while preserving the minority's right to wage a fight. It would require 10 senators to start a filibuster and then speak continuously on the floor to keep it going. If an issue is important enough to block, then senators should be willing to work for it and explain themselves to the public.

Democrats could have passed this rule change with a simple-majority vote. But Senate aides say several Democrats are afraid the new rules will put them at a disadvantage should their party fall to a minority. That misses a much more important point. The rules need to be changed not to cripple one party or the other but to improve the efficiency of the Senate no matter who is in power. There is no excuse for even routine budgets and spending bills to languish for lack of 60 votes.

The agreement being negotiated by the leadership of both parties would at least make it harder to block presidential nominations with anonymous holds and would reduce the number of positions needing Senate confirmation—welcome changes.

The two parties are also expected to reach a “handshake agreement” to cut back on filibusters and allow the minority party a greater chance to offer amendments to bills. But such agreements can easily fall apart in the chamber's charged environment.

Senator Harry Reid, the majority leader, said Tuesday that the matter would be settled shortly. That means there is still a

chance for the Senate to adopt real rules, allowing majority votes to prevail in most circumstances and reserving delaying tactics for unusual cases. Without this reform, the Senate will remain dysfunctional.

CONSERVATIVES SUPPORT THE CONSTITUTIONAL OPTION

In 1957, when the Constitutional Option was attempted on the first day of Congress, Vice President Nixon issued the following opinion while presiding in the Senate:

[W]hile the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

In 2005, Senator Orrin Hatch (R-UT) wrote:

“The compelling conclusion is that, before the Senate readopts Rule XXII by acquiescence, a simple majority can invoke cloture and adopt a rules change. This is the basis for Vice President Nixon's advisory opinion in 1957; as he outlined, the Senate's right to determine its procedural rules derives from the Constitution itself and, therefore, ‘cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.’ . . . So it is clear that the Senate, at the beginning of a new Congress, can invoke cloture and amend its rules by simple majority.”

In 2003, Senator John Cornyn (R-TX) wrote:

“Just as one Congress cannot enact a law that a subsequent Congress could not amend by majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by majority vote. Such power, after all, would violate the general common law principle that one parliament cannot bind another.”

Senator Cornyn also held a hearing in 2003 when he was Chairman of the Subcommittee on the Constitution, Civil Rights and Property Rights of the Judiciary Committee (S. HRG. 108-227). Some of the nation's leading conservative constitutional scholars testified or submitted testimony at that hearing, and all of it supports the principle that a previous Senate cannot enact a rule that prevents a majority in a future Senate from acting. Below is a sample of those quotes:

Steven Calabresi, a professor of law at Northwestern University School of Law, former law clerk for Justice Antonin Scalia, and co-founder of the Federalist Society testified that:

“The Senate can always change its rules by majority vote. To the extent that Senate Rule XXII purports to require a two-thirds majority for rules changes, Rule XXII is unconstitutional. It is an ancient principle of Anglo-American constitutional law that one legislature cannot bind a succeeding legislature. This principle goes back to the great William Blackstone, who said in his commentary, ‘Acts of Parliament derogatory from the power of subsequent Parliaments bind not.’”

Douglas Kmiec, then Dean of the Columbus School of Law at Catholic University, testified about the unconstitutional entrenchment of supermajority rules and stated:

“We currently have in play a process where carryover rules, rules that have not been

adopted by the present Senate, are requiring a supermajority to, in effect, approve and confirm a judicial nominee. As you know, to close debate, it requires 60 votes; in order to amend the rules, it requires 67. These are carryover provisions that have not been adopted by this body and by virtue of that, they pose the most serious of constitutional questions because, as I quote, Senator, the Supreme Court has long held the following: "Every legislature possess the same jurisdiction and power as its predecessors. The latter must have the same power of repeal and modification which the former had of enactment, neither more nor less."

Dr. John Eastman, a professor of Constitutional Law at Chapman University School of Law, said at the hearing that "the use of supermajority requirements to bar the change in the rules inherited from a prior session of Congress would itself be unconstitutional."

Testimony submitted to the Committee for this hearing also supports this principle. Professor John C. McGinnis of Northwestern University and Professor Michael Rappaport of the University of San Diego School of Law stated in their written testimony that:

"[The Constitution does not permit entrenchment of the filibuster rule against change by a majority of the Senate. Although the filibuster rule itself is a time-honored senatorial practice that is constitutional, all entrenchment of the filibuster rule, or of any other legislative rule or law, that would prevent its repeal by more than a majority of a legislative chamber, is unconstitutional. Therefore, an attempt to prevent a majority of the Senate from changing the filibuster rule, through a filibuster of that proposed change in the Senate rules, would be unconstitutional."

Finally, renowned constitutional law scholar Ronald Rotunda stated in written testimony: "The present Senate rules that create the filibuster also purport not to allow the Senate to change the filibuster by a simple majority. However, these rules should not bind the present Senate any more than a statute that says it cannot be repealed until 60% or 67% of the Senate vote to repeal the Statute. . . . I do not see how an earlier Senate can bind a present Senate on this issue."

[From the Washington Post, Jan. 4, 2011]

A SENATE NEW YEAR'S RESOLUTION: FIXING A BROKEN SET OF RULES

(By Tom Udall)

Many of us have made new year's resolutions, thinking back on the year that has recently ended and pledging to strive for progress and self-improvement to overcome our shortcomings.

Unfortunately, this sort of self-reflection is not a tradition familiar to the U.S. Senate. It is a tradition, however, that I and several of my Senate colleagues hope to institute on Wednesday, when the 112th Congress convenes.

On that day, my colleagues and I will introduce common-sense proposals to fix the source of our dysfunction—our broken Senate rules. Reform will make the Senate a better legislative body by instituting the transparency and accountability the American people deserve.

Over the past few years, open and honest debate has been replaced too often with secret backroom deals and partisan gridlock. Up-or-down votes on important issues have been unreasonably delayed or blocked entirely at the whim of a single senator. In the past two years alone, more than 400 House-

passed bills went unnoticed by the Senate. Stalled judicial and executive nominations left more key government posts vacant longer than during any other period in our country's history. We couldn't even properly fund the government.

We need to bring the workings of the Senate out of the shadows and restore accountability within the chamber.

Under the Constitution, the Senate and the House each "may determine the rules of its proceedings." On the first day of the new session, the rules can be changed under a simple, rather than two-thirds, majority. It is past time for senators to reflect on our rules, how they incentivize obstructionism; how they inhibit, rather than promote, debate; and how they prevent bipartisan cooperation. We then have an obligation to the American people to implement logical reforms to confront these challenges—reforms along the lines many of my colleagues have submitted over the past year.

Ultimately, such changes will not reward one political party over another. Instead, reform will pull back the curtain on those who obstruct the Senate's business for no reason other than to score political points. Rules reform is about restoring good-faith legislating for the betterment of the country. We need to take the backroom deals out of the legislative process and rein in rampant obstruction from individuals; this means no more secret holds and endless delays by threat of filibuster.

With reform, we will ensure that all senators have a full and fair opportunity to debate legislation, offer amendments and evaluate nominees. We will respect the Senate's unique history of unfettered debate and ensure that the minority's voice is heard. But we also will prevent the chamber's rules from being manipulated to allow a small minority to silently obstruct the will of the majority.

The last Congress produced amazing achievements of which we can be extremely proud—health-care reform, Wall Street reform and repeal of "don't ask, don't tell"—are just a few. But the Senate also failed in many of its key responsibilities, by, for example, not passing a single appropriations bill, keeping critical government posts empty and leaving hundreds of House bills to die. It also failed by too often keeping the debate behind closed doors while the chamber sat empty.

I hope that this is the year we make the Senate accountable to the American people again. It's no wonder constituents are fed up with the way business is done in Washington. The first, fundamental step toward changing that culture lies in exercising our constitutional authority to reexamine the stagnant rules that have allowed dysfunction to thrive. I urge my colleagues to recognize the obstruction that has prevented us from doing our jobs and join me in reforming Senate rules for the good of our country.

Mr. UDALL of New Mexico. Finally, once again, I wish to thank our leaders. LAMAR ALEXANDER and CHUCK SCHUMER, both working on the Rules Committee, have done a remarkable job in terms of negotiating. Leader REID and Leader MCCONNELL have made a decision which was announced earlier today, and that decision was to change some of the rules, to let us vote on some changes to the rules. And also, I think one of the most significant things—and I know Senator ALEXANDER has mentioned this—is to try to

change behavior. More than anything, I think that could be very significant. They talked and decided they would like to do this differently. We would like to get back to the Senate functioning where we bring things up, we debate them, we allow robust debate, we allow the amendment process to work forward. I know Senator ALEXANDER addressed this at one point in his Heritage speech, saying the Senate is a shadow of itself. We want to get back to that Senate with the robust debate and amendment process, and I think both sides have tried to pull that together.

So I very much hope this is a new day in the Senate.

Mr. LEVIN. Madam President, I wanted to take a moment to commend and thank several of my colleagues for their work to end the abuses of the Senate rules. Senators SCHUMER, HARKIN, MERKLEY, UDALL of New Mexico, UDALL of Colorado, and many others dedicated time and effort to this cause. Without their effort, the Senate would not be voting on these resolutions today. I want to briefly outline my views on the five measures we will vote on shortly.

While I believe there are superior ways to end the use of the secret hold, I intend to support the Wyden-McCaskill-Grassley resolution.

I oppose the use of the secret hold, which is a notice by an anonymous Senator of his or her intention to object to proceeding to a measure or matter. Under current Senate practice, a Senator can place a hold on a measure or matter by notifying the Senate leadership of his or her intention to object. Such a notice does not prevent Senate leadership from moving to a particular measure or matter. The problem is that the threat of a filibuster of the motion to proceed is allowed. It should not be. But if Senators threaten to filibuster, that should be made public so they should have to openly defend their threat.

Nowhere in the Standing Rules of the Senate is there any mention of a hold. The hold, secret or otherwise, ends when the leader moves to proceed. I believe the most effective way to end secret holds would be to amend the rules to simply say: "No Senator may object on behalf of another Senator without disclosing the name of that Senator." But the Wyden proposal is useful nonetheless.

The resolution by the Senator of Colorado, Mr. UDALL, would establish a non-debatable motion to waive the reading aloud of an amendment if that amendment has been filed at least 72 hours before the motion and is printed in the RECORD. I support the resolution which is designed to end an abuse of the rules where Senators force or threaten to force the reading aloud of amendments, not to advance their position, but only to delay and prevent debate.

The Harkin resolution would permit a decreasing majority of Senators to invoke cloture. I believe the Harkin resolution goes too far in weakening the fundamental minority rights. The Harkin resolution would allow limited germane amendments during postcloture consideration of a measure, but in my opinion the germane standard is too technical and restrictive. The Harkin resolution would deny the minority the right to offer relevant amendments and therefore I will vote against it.

The substitute amendment to S. Res. 10 offered by Senator TOM UDALL, Senator HARKIN, Senator MERKLEY and others makes important improvements to a measure designed to end abuses of the rules that have prevented the Senate from doing its work in recent Congresses. I support most of the provisions in this resolution. I support ending filibusters on motions to proceed; I support limiting postcloture consideration of nominations; and, I support the elimination of secret holds in the manner prescribed in this resolution.

Those meritorious provisions would go a long way towards ending current abuses of the Senate rules. Those improvements to Senate procedure offset my concern with the extended debate provision. I will address this point in more detail when discussing the Senator from Oregon's provision.

In spite of my concerns with the extended debate provision, I believe this resolution would end many of the common abuses of the rules and deserves support.

Senator MERKLEY has put together a thoughtful proposal to address the abuses of the rules in recent Congresses where a few Senators with too little effort have prevented the Senate from doing its work. However, it does not protect the minority adequately. Under the provisions of his resolution, a simple majority could offer a bill, fill the amendment tree, and file cloture on the bill. If there are more than 50 but fewer than 60 votes to invoke cloture—that is, if cloture is not invoked—once the minority is eventually exhausted, the Senate would proceed to a simple majority vote on the bill without the minority having the opportunity to offer amendments. Because the Merkley resolution does not protect the right to offer amendments, under the rules of the Senate the minority could be precluded from offering amendments. I am concerned that the Merkley resolution, which is designed to end abuses of the minority, could thereby become a tool of abuse by the majority.

Under the current practices and procedures of the Senate, I believe there is too much protection for the minority. However, before the rules are changed for ending debate, sufficient protections in the rules must be provided to the minority to offer relevant amend-

ments. I do not believe this resolution provides those protections and I, therefore, will vote against it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I have already congratulated Senator UDALL, Senator WYDEN, Senator MERKLEY, and Senator HARKIN for stimulating a good, full discussion about two objectives. No. 1 is, how do we make the Senate the best possible place to deal with serious issues that come before our country, because we have plenty of them right now, starting with our national debt and the high unemployment rates. They have done a good job on that. They have led us today to adopt what I believe are two important steps, one having to do with secret holds and another having to do with taking time away, that might otherwise be better used, by having the clerk read an amendment.

This debate has also produced a couple of other things. One is to create broader support than we have had over a number of years on dealing with the persistent problem of the difficulty a President has in staffing the government. Senator REID and Senator MCCONNELL, when they were whips, tried to deal with this issue. We had three bipartisan breakfasts on this, working with the White House, 2 years ago. Senator LIEBERMAN and Senator COLLINS, who are the committee chairs, have tried to deal with this issue. And we have all failed so far.

But Senator SCHUMER and I will be introducing a bill which we will be discussing with committee chairmen and ranking members especially, and it will have the support of the leaders, Senators MCCONNELL and REID. It will have the active involvement of Senator LIEBERMAN and Senator COLLINS. What we hope to do is two things. One is to reduce the number on Senate confirmed positions—Senator HARKIN spoke about this a little earlier. He has been a ranking member and a chairman. He basically said that we don't need to spend our time here having Senate confirmation of hundreds of part-time boards and commission members or the public relations official for some department. We should focus our attention on issues that affect the American people such as jobs, debt and terror.

The second thing we should do is to end this practice of making it so that the citizens who are invited by the President of the United States to serve in our government are innocent until nominated. We drag them through a maze of conflicting forms, many of them created by the executive branch and many of them created by the Senate. These nominees fill out forms that trap them and trick them and embarrass them. It is surprising that anybody will accept the opportunity to

serve. I remember majority leader Howard Baker was nominated by President Bush to go to Japan as Ambassador. Everybody in the Senate knew him very well. He was voted "Most Admired Senator" by Senators on both sides of the aisle in the 1980s. It cost him \$250,000 to fill out the forms so that he could be the Ambassador to Japan. I could give many examples of similar difficulties.

Washington, DC, has become the only place where you hire a lawyer, an accountant, and an ethics officer before you find your house and put your kid in school if you come to work here. We need good people in the government. We need to be able to attract them here. We should fix the current system. I greatly appreciate the work Senators SCHUMER, REID, MCCONNELL, LIEBERMAN, COLLINS and others have done. I hope our colleagues will join us in bringing this forward in an expedited way.

I ask unanimous consent to include at the end of my remarks, remarks I made on March 9, 2009, on the Senate floor entitled "Innocent Until Nominated."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Madam President, only two other things.

I wish to congratulate Senator MCCONNELL and Senator REID for leading us in this way. Changing rules is an important step forward. I do not in any way want to diminish what I believe we are about to do, but we need a change in behavior more than we need a change in rules. This debate has caused us to talk across party lines about what we want, and I think what we want is what Senator UDALL said as a whole. We would like most bills to come through committee and then come to the floor. We want to have a chance for most Senators to be able to offer most of their amendments and then to get votes. That is what we should try to do most of the time. Sometimes the Republicans will want to repeal the health care law, and the Democrats will use all of their resources to defeat our efforts. Sometimes the Democrats in the House will send over a bill to repeal the secret ballot in union elections, and Republicans will try to defeat that. We will use all of our resources in those instances. But that won't be most of the time. Most of the time, we will be able to do our jobs better to represent the people who sent us here.

I hope those who have provoked this discussion feel a sense of satisfaction about what they have done, even though I know that in every case they didn't get exactly what they want.

Finally, I ask unanimous consent that a long response to Senator HARKIN's excellent comments on his amendment which he has been fighting

for for 16 years, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. Senator HARKIN is very straightforward about his difference of opinion. He believes we ought to bring every debate eventually to 51 votes. So I would respectfully term his amendment as sort of a “hang me now or hang me later.” We know that eventually it is not 60 votes we are going to require, it is 51, and he says that is the way it ought to be. I disagree. So do many others.

I will just cite two distinguished Senators who spoke on the floor of the Senate about 5 years ago when a number of Republicans got it in their minds that they would like to change the filibuster rule as it affects judges. This is what Senator HARRY REID said then:

The filibuster is far from a procedural gimmick. It is part of the fabric of this institution that we call the Senate. For 200 years we've had the right to extend the debate. It's not a procedural gimmick. Some in this Chamber want to throw out 214 years of Senate history in the quest for absolute power. They want to do away with Mr. Smith as depicted in that great movie being able to come to Washington. They want to do away with the filibuster. They think they are wiser than our Founding Fathers. I doubt that's true.

The then-Senator from Illinois, Barack Obama, referring then to the Republican majority:

Then if the majority chooses to end the filibuster, if they choose to change the rules and put an end to Democratic debate, then the fighting and the bitterness and the gridlock will only get worse.

I would suggest that, as a result of this discussion, we preserve the Senate as an institution, a forum for deliberation where minority rights are protected.

But we have also taken some important steps forward—or are about to—with rules changes to make them function better. We have reached a consensus among ourselves—informally, anyway—that is represented by the colloquy that will be placed in the RECORD by Senator REID and Senator MCCONNELL. They said what we want is an opportunity to represent the American people the way they sent us here to do it, which is to take legislation, bring it through committee, bring it to the floor, and for us to have a chance to amend, debate, and vote. That would be most of the time. Some of the time we will exercise our minority and majority rights to defeat a bill, because that is also what we are sent here to do.

I thank the Senators for this spirited debate. As far as I know, there are no more speakers on the Republican side.

EXHIBIT 1

FLOOR REMARKS OF U.S. SENATOR LAMAR ALEXANDER (R-TN), “INNOCENT UNTIL NOMINATED”

(March 9, 2009)

Mr. President, in the midst of much talk about bipartisanship and not much to show for it, I have a nomination for an issue upon which we can work together, and that is this: review the maze of conflicting forms, FBI investigations, IRS audits, ethics requirements, and financial disclosures to make it possible for President Obama and future Presidents to put together promptly a team to help them solve big problems.

This is an urgent problem today because during the worst banking crisis since the Great Depression, the man in charge of fixing the crisis, Treasury Secretary Timothy Geithner, apparently is sitting in his office without much help, at least from any Obama Presidential appointees.

According to news accounts, among the key vacant positions at the Treasury Department are the Assistant Secretary for Tax Policy; the Deputy Assistant Secretary for Tax Policy; the Deputy Assistant Secretary for Tax Analysis; the Deputy Assistant Secretary for Tax, Trade, and Tariff Policy; and the Deputy Assistant Secretary for International Tax Affairs. The first choice for Deputy Secretary of the Treasury appears to have withdrawn her name from consideration.

Four months after the President's election, according to TheBigMoney.com, the list of vacancies on the Treasury Department Web site shows that “Main Treasury Building is a lonely place, conjuring up visions of Geithner signing dollar bills one by one . . . watering the plants, and answering the phones when he's not crafting a bank rescue plan.”

Of course, there are the career employees available and at least one holdover Assistant Secretary and various czars in the White House—but even one of the czars has expressed concern about the slow pace of filling Treasury Department jobs at a critical time.

Part of the problem may be attributed to the Treasury Secretary's boss, our impressive new President, who is nevertheless subject to the criticism that he is living over the store but not minding it.

Presidents have many problems to solve, but no one ever suggested that the wisest course is to try to solve them all at once. There is a tradition that Washington, DC, can only do one thing well at a time. And Presidents are supposed to exclude from the White House the merely important issues so they may deal with the truly Presidential problems, which surely must not include being distracted by debates with radio talk show hosts.

President Eisenhower, who knew something about leading complex organizations, said in 1952: “I will go to Korea.” The country relaxed and elected him, confident that the general would end the Korean war.

We need for President Obama to say in Eisenhower fashion “I will fix the banks”—and then stay home long enough to do it. Then the country might relax a little and gain some confidence that this might actually happen, which is the first step and perhaps the main step in economic recovery.

But the President needs a team at Treasury to help persuade the American people that he can and will get the job done.

The President has brought on himself some of the difficulty of putting together a team. In addition to having too many balls in the air at once, in my opinion, his standards for

hiring sometimes seem to have the effect of disqualifying people who know something about the problem from being hired to solve the problem.

But another part of the President's difficulty in filling jobs—one that has afflicted every President since Watergate—is the maze of investigations and forms that prospective senior officials must complete and the risk they run that they will be trapped and humiliated and disqualified by an unintentional and relatively harmless mistake.

I voted against the nomination of Secretary Geithner because I thought it was a bad example for the man in charge of collecting the taxes not to have paid them. And I thought his excuse for not paying was not plausible. But that does not mean that we should disqualify every Presidential nominee for minor tax discrepancies that result from the complexity of our Byzantine Tax Code, a Tax Code which has reached 3.7 million words, according to a January report by the National Taxpayer Advocate, and which is badly in need of reform.

I suspect very few Americans with complex tax returns can go through a multiple-year audit without finding something with which the IRS might disagree.

Take the case of former Dallas mayor Ron Kirk, President Obama's nominee to be U.S. Trade Representative, who headlines report paid back taxes primarily because he failed to list as income—and then take a charitable deduction on—speaking fees that he gave away to charity. Common sense suggests, and his tax preparer thought, what Mr. Kirk did was appropriate. After all, he did not keep the money. The IRS apparently has a more convoluted rule for dealing with such things. In any event, the matter is so trivial as to be irrelevant to his suitability to be the trade nominee.

Tax audits are only the beginning. There is the FBI full field investigation during which friends of the nominee are asked such questions as: Does he live and his means?

When I was nominated for Education Secretary a few years ago, one of my friends replied to the FBI agent: Don't we all?

There are Federal financial disclosures. Then there is the White House questionnaire, and, of course, the questions from the confirming Senate committee. The definition of what constitutes “income” on some forms is different than the definition of “income” on others. It is easy to make a mistake.

This is not as bad as it could be. We have a Democratic President and a Democratic Congress with big majorities in both Chambers. So the nominees have gone through fairly quickly. But when the Congress is of a different party than the President, the congressional questionnaires expand and sometimes delay the nomination for more weeks.

Washington, DC, has become the only place where you hire a lawyer, an accountant, and an ethics officer before you find a house and put your kid in school.

The motto around here has become: “Innocent until nominated.”

Every legal counsel to every President since Nixon would, I suspect, agree that in the name of effective government, this process needs to be changed. Most have tried to change it, but in Washington style, new regulations pile up on top of old ones, creating a more bewildering maze. So I have this suggestion—and one of the Senators to whom I want to make the suggestion is here today, the Senator from Connecticut. I suggest Senator Lieberman and Senator Collins, who are the chairman and ranking member of the committee with jurisdiction over this mess

and who have a tradition of working well together, should set as a goal to clean it up by the end of the year. Invite all the former White House counsels of both parties to give their opinions. Consolidate and simplify the forms so we learn only what we need to know.

To help with this, I suggest that Senators Lieberman and Collins form one of those "gangs" that we occasionally form in the Senate, maybe a dozen or more Senators equally divided among both parties—some from the Homeland Security and Governmental Affairs Committee and some not—in order to limit the possibility that everyone will run away from the final recommendations because they fear someone might think Senators are not interested in ethical and good government.

Good government right now means fixing the banks and having the best possible team to do it.

As a Washington Post editorial writer said yesterday of the President:

As he convened his "health care summit" at the White House . . . the stock market was hitting another 12-year low, General Motors was again teetering on the brink of insolvency and the country was still waiting to hear the details of the Treasury's proposal to bail out banks. Maybe we can make this grand bargain with our new President: If you will keep your eye on the ball—in this case, fixing the banks so the economy will get moving again—we will work in a bipartisan way to make it easier for you and for future Presidents to promptly assemble a team and govern us properly.

I thank the Chair. I yield the floor.

EXHIBIT 2

THE FILIBUSTER: "DEMOCRACY'S FINEST SHOW . . . THE RIGHT TO TALK YOUR HEAD OFF"

ADDRESS BY SENATOR LAMAR ALEXANDER,
HERITAGE FOUNDATION

(January 4, 2011)

Voters who turned out this in November are going to be pretty disappointed when they learn the first thing some Democrats want to do is cut off the right of the people they elected to make their voices heard on the floor of the U.S. Senate.

In the November elections, voters showed that they remember the passage of the health care law on Christmas Eve, 2009: midnight sessions, voting in the midst of a snow storm, back room deals, little time to read, amend or debate the bill, passage by a straight party line vote.

It was how it was done as much as what was done that angered the American people. Minority voices were silenced. Those who didn't like it were told, "You can read it after you pass it." The majority's attitude was, "We won the election. We'll write the bill. We don't need your votes."

And of course the result was a law that a majority of voters consider to be an historic mistake and the beginning of an immediate effort to repeal and replace it.

Voters remembered all this in November, but only 6 weeks later Democratic senators seemed to have forgotten it. I say this because on December 18, every returning Democratic senator sent Senator Reid a letter asking him to "take steps to bring [Republican] abuses of our rules to an end."

When the United States Senate convenes tomorrow, some have threatened to try to change the rules so it would be easier to do with every piece of legislation what they did with the health care bill: ram it through on a partisan vote, with little debate, amend-

ment, or committee consideration, and without listening to minority voices.

The brazenness of this proposed action is that Democrats are proposing to use the very tactics that in the past almost every Democratic leader has denounced, including President Obama and Vice President Biden, who has said that it is "a naked power grab" and destructive of the Senate as a protector of minority rights.

The Democratic proposal would allow the Senate to change its rules with only 51 votes, ending the historical practice of allowing any senator at any time to offer any amendment until sixty senators decide it is time to end debate.

As Investor's Business Daily wrote, "The Senate Majority Leader has a plan to deal with Republican electoral success. When you lose the game, you simply change the rules. When you only have 53 votes, you lower the bar to 51." This is called election nullification.

Now there is no doubt the Senate has been reduced to a shadow of itself as the world's greatest deliberative body, a place which, as Sen. Arlen Specter said in his farewell address, has been distinctive because of "the ability of any Senator to offer virtually any amendment at any time."

But the demise of the Senate is not because Republicans seek to filibuster. The real obstructionists have been the Democratic majority which, for an unprecedented number of times, used their majority advantage to limit debate, not to allow amendments and to bypass the normal committee consideration of legislation.

To be specific, according to the Congressional Research Service:

1. the majority leader has used his power to cut off all amendments and debate 44 times—more than the last six majority leaders combined;

2. the majority leader has moved to shut down debate the same day measures are considered (same-day cloture) nearly three times more, on average, than the last six majority leaders;

3. the majority leader has set the record for bypassing the committee process—bringing a measure directly to the floor 43 times during the 110th and 111th Congresses.

Let's be clear what we mean when we say the word "filibuster." Let's say the majority leader brings up the health care bill. I go down to the floor to offer an amendment and speak on it. The majority leader says "no" and cuts off my amendment. I object. He calls what I tried to do a filibuster. I call what he did cutting off my right to speak and amend which is what I was elected to do. So the problem is not a record number of filibusters; the problem is a record number of attempts to cut off amendments and debate so that minority voices across America cannot be heard on the floor of the Senate.

So the real "party of no" is the majority party that has been saying "no" to debate, and "no" to voting on amendments that minority members believe improve legislation and express the voices of the people they represent. In fact, the reason the majority leader can claim there have been so many filibusters is because he actually is counting as filibusters the number of times he filed cloture—or moved to cut off debate.

Instead of this power grab, as the new Congress begins, the goal should be to restore the Senate to its historic role where the voices of the people can be heard, rather than silenced, where their ideas can be offered as amendments, rather than suppressed, and where those amendments can be debated and voted upon rather than cut off.

To accomplish this, the Senate needs to change its behavior, not to change its rules. The majority and minority leaders have been in discussion on steps that might help accomplish this. I would like to discuss this afternoon why it is essential to our country that cooler heads prevail tomorrow when the Senate convenes.

One good example Democrats might follow is the one established by Republicans who gained control of both the Senate and House of Representatives in 1995. On the first day of the new Republican majority, Sen. Harkin proposed a rule change diluting the filibuster. Every single Republican senator voted against the change even though supporting it clearly would have provided at least a temporary advantage to the Republican agenda.

Here is why Republicans who were in the majority then, and Democrats who are in the majority today, should reject a similar rules change:

First, the proposal diminishes the rights of the minority. In his classic *Democracy in America*, Alexis de Tocqueville wrote that one of his two greatest fears for our young democracy was the "tyranny of the majority," the possibility that a runaway majority might trample minority voices.

Second, diluting the right to debate and vote on amendments deprives the nation of a valuable forum for achieving consensus on difficult issues. The founders knew what they were doing when they created two very different houses in Congress. Senators have six-year terms, one-third elected every two years. The Senate operates largely by unanimous consent. There is the opportunity, unparalleled in any other legislative body in the world, to debate and amend until a consensus finally is reached. This procedure takes longer, but it usually produces a better result—and a result the country is more likely to accept. For example, after the Civil Rights Act of 1964 was enacted, by a bipartisan majority over a filibuster led by Sen. Russell of Georgia, Sen. Russell went home to Georgia and said that, though he had fought the legislation with everything he had, "As long as it is there, it must be obeyed." Compare that to the instant repeal effort that was the result of jamming the health care law through in a partisan vote.

Third, such a brazen power grab by Democrats this year will surely guarantee a similar action by Republicans in two years if Republicans gain control of the Senate as many believe is likely to happen. We have seen this happen with Senate consideration of judges. Democrats began the practice of filibustering President Bush's judges even though they were well-qualified; now Democrats are unhappy because many Republicans regard that as a precedent and have threatened to do the same to President Obama's nominees. Those who want to create a freight train running through the Senate today, as it does in the House, might think about whether they will want that freight train in two years if it is the Tea Party Express.

Finally, it is hard to see what partisan advantage Democrats gain from destroying the Senate as a forum for consensus and protection of minority rights since any legislation they jam through without bipartisan support will undoubtedly die in the Republican-controlled House during the next two years.

* * *

The reform the Senate needs is a change in its behavior, not a change in its rules. I have talked with many senators, on both sides of the aisle, and I believe most of us want the same thing: a Senate where most bills are

considered by committee, come to the floor as a result of bipartisan cooperation, are debated and amended and then voted upon.

It was not so long ago that this was the standard operating procedure. I have seen the Senate off and on for more than forty years, from the days in 1967 when I came to the Senate as Sen. Howard Baker's legislative assistant. That was when each senator had only one legislative assistant. I came back to help Sen. Baker set up his leadership office in 1977 and watched the way that Sen. Baker and Sen. Byrd led the Senate from 1977 to 1985, when Democrats were in the majority for the first four years and Republicans were the second four years.

Then, most pieces of legislation that came to the floor had started in committee. Then that legislation was open for amendment. There might be 300 amendments filed and, after a while, the majority would ask for unanimous consent to cut off amendments. Then voting would begin. And voting would continue.

The leaders would work to persuade senators to limit their amendments but that didn't always work. So the leaders kept the Senate in session during the evening, during Fridays, and even into the weekend. Senators got their amendments considered and the legislation was fully vetted, debated and finally passed or voted down.

Sen. Byrd knew the rules. I recall that when Republicans won the majority in 1981, Sen. Baker went to see Sen. Byrd and said, "Bob I know you know the rules better than I ever will. I'll make a deal with you. You don't surprise me and I won't surprise you."

Sen. Byrd said, "Let me think about it."

And the next day Sen. Byrd said yes and the two leaders managed the Senate effectively together for eight years.

What would it take to restore today's Senate to the Senate of the Baker-Byrd era?

Well, we have the answer from the master of the Senate rules himself, Sen. Byrd, who in his last appearance before the Rules Committee on May 19, 2010 said: "Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady [abuse of the filibuster]. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn . . . I also know that current Senate Rules provide the means to break a filibuster."

Sen. Byrd also went on to argue strenuously in that last speech that "our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. 'Senators,' he said, 'have understood this since the 'Senate first convened.'"

Sen. Byrd then went on: "In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were 'first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.' That fence," Sen. Byrd said in that last appearance, "was the United States Senate. The right to filibuster an-

chors this necessary fence. But it is not a right intended to be abused."

"There are many suggestions as to what we should do. I know what we must not do. We must never, ever, ever, ever tear down the only wall—the necessary fence—this nation has against the excess of the Executive Branch and the resultant haste and tyranny of the majority."

What would it take to restore the years of Sens. Baker and Byrd, when most bills that came to the floor were first considered in committee, when more amendments were considered, debated and voted upon?

1. Recognize that there has to be bipartisan cooperation and consensus on important issues. The day of "we won the election, we jam the bill through" will have to be over. Sen. Baker would not bring a bill to the floor when Republicans were in the majority unless it had the support of the ranking Democratic committee member.

2. Recognize that senators are going to have to vote. This may sound ridiculous to say to an outsider, but every Senate insider knows that a major reason why the majority cuts off amendments and debate is because Democratic members don't want to vote on controversial issues. That's like volunteering to be on the Grand Ole Opry but then claiming you don't want to sing. We should say, if you don't want to vote, then don't run for the Senate.

3. Finally, according to Sen. Byrd, it will be the end of the three-day work week. The Senate convenes on most Mondays for a so-called bed-check vote at 5:30. The Senate during 2010 did not vote on one single Friday. It is not possible either for the minority to have the opportunity to offer, debate and vote on amendments or for the majority to forcefully confront a filibuster if every senator knows there will never be a vote on Friday.

There are some other steps that can be taken to help the Senate function better without impairing minority rights.

One bipartisan suggestion has been to end the practice of secret holds. It seems reasonable to expect a senator who intends to hold up a bill or a nomination to allow his colleagues and the world know who he or she is so that the merits of the hold can be evaluated and debated.

Second, there is a crying need to make it easier for any President to staff his government with key officials within a reasonable period of time. One reason for the current delay is the President's own fault, taking an inordinately long time to vet his nominees. Another is a shared responsibility: the maze of conflicting forms, FBI investigations, IRS audits, ethics requirements and financial disclosures required both by the Senate and the President of nominees. I spoke on the Senate floor on this, titling my speech "Innocent until Nominated." The third obstacle is the excessive number of executive branch appointments requiring Senate confirmation. There have been bipartisan efforts to reduce these obstacles. With the support the majority and minority leaders, we might achieve some success.

Of course, even if all of these efforts succeed there still will be delayed nominations, bills that are killed before they come to the floor and amendments that never see the light of day. But this is nothing new. I can well remember when Sen. Metzenbaum of Ohio put a secret hold on my nomination when President George H.W. Bush appointed me education secretary. He held up my nomination for three months, never really saying why.

I asked Sen. Rudman of New Hampshire what I could do about Sen. Metzenbaum, and he said, "Nothing." And then he told me how President Ford had appointed him to the Federal Communications Commission when he, Rudman, was Attorney General of New Hampshire. The Democratic senator from New Hampshire filibustered Rudman's appointment until Rudman finally asked the president to withdraw his name.

"Is that the end of the story?" I asked Rudman.

"No," he said. "I ran against the [so-and-so] and won, and that's how I got into the Senate."

During his time here Sen. Metzenbaum would sit at a desk at the front of the Senate and hold up almost every bill going through until its sponsor obtained his approval. Sen. Allen of Alabama did the same before Metzenbaum. And Sen. John Williams of Delaware during the 1960's was on the floor regularly objecting to federal spending when I first came here forty years ago.

* * *

I have done my best to make the argument that the Senate and the country will be served best if cooler heads prevail and Democrats don't make their power grab tomorrow to make the Senate like the House, to permit them to do with any legislation what they did with the health care law. I have said that to do so will destroy minority rights, destroy the essential forum for consensus that the Senate now provides for difficult issues, and surely guarantee that Republicans will try to do the same to Democrats in two years. More than that, it is hard to see how Democrats can gain any partisan advantage from this destruction of the Senate and invitation for retribution since any bill they force through the Senate in a purely partisan way during the next two years will surely be stopped by the Republican-controlled House of Representatives.

But I am not the most persuasive voice against the wisdom of tomorrow's proposed action. Other voices are. And I have collected some of them, mostly Democratic leaders who wisely argued against changing the institution of the Senate in a way that would deprive minority voices in America of their right to be heard:

[Video—transcript follows]

[From Mr. Smith Goes to Washington]

Jimmy Stewart: Wild horses aren't going to drag me off this floor until those people have heard everything I've got to say, even if it takes all winter.

Reporter: H.V. Kaltenborn speaking, half of official Washington is here to see democracy's finest show. The filibuster—the right to talk your head off.

[Sen. Robert Byrd's final appearance in the Senate Rules Committee.]

SENATOR ROBERT BYRD: We must never, ever, ever, ever, tear down the only wall, the necessary fence, that this nation has against the excesses of the Executive Branch.

SEN. CHUCK SCHUMER: The checks and balances which have been at the core of this Republic are about to be evaporated. The checks and balances which say that if you get 51% of the vote, you don't get your way 100% of the time.

FORMER SEN. CLINTON: You've got majority rule. Then you've got the Senate over here where people can slow things down where they can debate where they have something called the filibuster. You know it seems like it's a little less than efficient, well that's right, it is. And deliberately designed to be so.

SEN. DODD: I'm totally opposed to the idea of changing the filibuster rules. I think that's foolish in my view.

SEN. BYRD: That's why we have a Senate, is to amend and debate freely.

SEN. ALEXANDER: The whole idea of the Senate is not to have majority rule. It's to force consensus. It's to force there to be a group of Senators on either side who have to respect one another's views so they work together and produce 60 votes on important issues.

SEN. DODD: I can understand the temptation to change the rules that make the Senate so unique and simultaneously so terribly frustrating. But whether such temptation is motivated by a noble desire to speed up the legislative process or by pure political expediency, I believe such changes would be unwise.

SEN. ROBERTS: The Senate is the only place in government where the rights of a numerical minority are so protected. A minority can be right, and minority views can certainly improve legislation.

SEN. ALEXANDER: The American people know that it's not just the voices of the Senator from Kansas or the Senator from Iowa that are suppressed when the Majority Leader cuts off the right to debate, and the right to amend. It's the voices that we hear across this country, who want to be heard on the Senate floor.

SEN. GREGG: You just can't have good governance if you don't have discussion and different ideas brought forward.

SEN. DODD: Therefore to my fellow Senators, who have never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules.

SEN. REID: The Filibuster is far from a "Procedural Gimmick." It's part of the fabric of this institution that we call the Senate. For 200 years we've had the right to extend the debate. It's not a procedural gimmick. Some in this chamber want to throw out 214 years of Senate history in the quest for absolute power. They want to do away with Mr. Smith, as depicted in that great movie, being able to come to Washington. They want to do away with the filibuster. They think they're wiser than our Founding Fathers, I doubt that's true.

FORMER SEN. OBAMA: Then if the Majority chooses to end the filibuster, if they choose to change the rules and put an end to Democratic debate; then the fighting and the bitterness and the gridlock will only get worse.

The PRESIDING OFFICER: The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I am the last speaker after this very good debate, which was preceded by months and months of serious discussion. I think every one of us is better for going through this process. We understand the Senate better. We have deeper feelings about this hallowed institution, about what it has done, what it can do, and what is wrong with it as well. I think every one of us agrees that the Senate needed to be fixed, and we also agree that we did a lot last year, despite the fact that it was broken. We had different paths to fix it, but fix it we must and fix it we will.

I will say this: Obviously, there are going to be some rules changes and some statutory changes. But a lot of what will make this work is the agree-

ment—informal but serious—between Senators REID and MCCONNELL, which Senator ALEXANDER and I were part of. I say to my colleagues, hopefully, we are opening up a bit of a new era, where bills are allowed to come to the floor, except under extraordinary circumstances, where amendments are allowed to be added to those bills, except under extraordinary circumstances, and there is vigorous debate.

I ask my colleagues to forbear—it is easy for any Senator to stand up and bollix up the whole works. The spirit of the new agreement says think twice, or maybe three times, before you do, because that was the path that led us to the dysfunction.

I, too, want to salute my colleagues, Senators HARKIN, UDALL, and MERKLEY for the great job they did. Senator WYDEN and Senator MCCASKILL and Senator GRASSLEY will have a dream of theirs enacted into the rules momentarily. This has been a fine debate. I don't think the talking filibuster cuts against anything my colleagues on the other side of the aisle have said. I am going to proudly vote for that provision, and maybe—miracle of miracles—it will get two-thirds. But at least there will be a vote, and maybe we can work toward that in the future.

I also do believe that the proposal to not invoke the constitutional option for this Congress and next Congress gives us some time to figure all this out, without closing the door on it forever, because some on our side, I know, were worried about that.

Let us go forward in the spirit of comity that we have seen since the lameduck session. Let us go forward in a bipartisan way that we have worked on these rules changes and move forward in the next few months and try to legislate in the way many of us who have been here longer than a few years used to love, enjoy, and relish. If we can bring those times back, the Senate will be a better place for every one of us, no matter our party or ideology.

I thank all of my colleagues, including my colleague from Tennessee and the two leaders, who stepped to the plate, and the so-called young turks, some of whom have been here much longer than I have been, for importing us to act.

I yield the floor.

DIRECTION OF THE 112TH CONGRESS

Mr. REID. Madam President, over the past few months, Democrats and Republicans have had many positive discussions about the direction of the 112th Congress. There are many important issues facing our country and solutions will require bipartisan cooperation. In particular, there has been a lot of discussion lately about the Senate rules. Many of my colleagues have spoken to me about the way the Senate operated during the last Congress. I think my friend from Kentucky would agree with me that there was great frustration on both sides of the aisle.

The Senate was always intended to be, has always been, and should always remain, the saucer that allows the boiling tea to cool to ensure rash actions do not get enacted into law; to ensure that laws reflect the cold rationality of reason and not the heat of perhaps misplaced passion. But, there has been concern in recent years that the Senate rules have been abused—that a very few have turned rules designed to ensure careful examination into a simple bottleneck for parochial purposes. Some have even expressed concern that the Senate is broken.

Now, I wouldn't say the Senate is broken, as I am proud to say that the last Congress was historic in its achievements. But the Senate Republican leader, my friend from Kentucky, and I have heard concerns from many different Senators about Senate rules and processes, and we have discussed the issue with each other at length. Senators SCHUMER and ALEXANDER have been an important part of this discussion. Together, we have made important progress on a number of important areas.

Mr. MCCONNELL. I thank the Senator. Senators in both of our parties agree that there has been a significant breakdown in the Senate, though I am sure there are different perspectives on the causes of the breakdown. We both recall that in the not too distant past, when the minority and majority were reversed, we both had somewhat different perspectives on these issues. But know that the majority leader and I both care about this institution and the vital role it plays in our democracy.

I am happy about the reforms that we will be adopting today. The rules create many rights—for individual Senators, for the minority, and for the majority leader. But, with rights come responsibilities and Senator REID and I have discussed how to ensure that we return to a better balance between those two this Congress, and that the twin hallmarks of the Senate—the right to debate and amend legislation—are restored.

Mr. REID. Yes, we both would like to see a different Senate this year—with fewer filibusters and procedural delays and more opportunities for debate and amendments. In many cases, the problem is not necessarily in the Senate rules, it is in the lack of restraint in the exercise of prerogatives under the rules. Toward that end we will now enter into a colloquy to discuss some of these issues. I have discussed with Senator MCCONNELL that many Senators in the majority have been very unhappy at the excessive use of the filibuster the last two Congresses, particularly on motions to proceed but also at other times when a matter that has bipartisan support is filibustered purely for delay.

Mr. MCCONNELL. And, in my caucus, I have many Senators who have

complained that the majority leader has abused his ability to “fill the amendment” tree, preventing Senators from offering and debating amendments that they believe are important, especially when a matter has not gone through committee or cloture is filed too quickly.

Mr. REID. As we have discussed, in the interests of comity and more open process in the Senate, we have agreed that we should use these procedural options of filling the amendment tree and filibustering the motion to proceed infrequently. And we will do our best to ensure that other members of our caucuses respect this colloquy, as well.

Mr. MCCONNELL. I agree that both sides should do their best to reinstitute regular order, where bills come to the floor and Senators get amendments. Of course, there will be times when there is no consensus and when either side may want to use all its rights to defeat a bill. But we should endeavor to work together to follow the regular order where practicable and use our procedural options with discretion. And, I will do my best to ensure that other members of my caucus respect this.

I want to close by clearly reaffirming my view that if we are going to change Senate rules, we must do so within those rules. As rule 5 states, the Senate is a continuing body, and the rules continue unless changed within the parameters of the rules.

I strongly reject this notion that a simple majority can muscle their way to new rules at the beginning of a new Congress. I believe this is a flawed approach. Majorities come and go. My Democratic colleagues should be wary of attempting this maneuver because they will not always be in the majority. The Senate is not the House of Representatives, and our Founding Fathers never intended it to be. What some of my colleagues in the majority propose would damage the institution and turn the Senate into a legislative body like the House where a simple majority can run roughshod over the minority. I would oppose such an effort to change the rules with a simple majority in this Congress or the next Congress, regardless of which political party is in the majority. I ask the majority leader to join me in rejecting this effort.

Mr. REID. The minority leader and I have discussed this issue on numerous occasions. I know that there is a strong interest in rules changes among many in my caucus. In fact, I would support many of these changes through regular order. But I agree that the proper way to change Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate's rules other than through the regular order.

And I hope and expect that we will have a more deliberative and efficient

Senate this Congress. In particular, I hope we can reach an agreement to move nominees in regular order. One important reform to the nominations process is reducing the number of Senate confirmed positions. Our offices are working with Senators SCHUMER, ALEXANDER, LIEBERMAN, and COLLINS to draft a bill to accomplish this goal. This bill will be introduced in short order and we will work to get it enacted as quickly as possible.

Many of these positions are part-time boards and commissions or various agency positions that are unrelated to the management of that agency. They could be Presidentially appointed rather than going through the Senate. Although similar efforts have been proposed in the past, I think all of my colleagues realize the need to address this situation as soon as all the details are finalized.

Mr. MCCONNELL. I agree that the Senate spends too much time dealing with a growing number of nominees. It makes sense to reduce the number of positions confirmed and free up committee staff to focus on other nominees or legislation. I appreciate the work of these Senators and look forward to passing this legislation as soon as it is complete.

Mr. REID. I look forward to putting into practice the sentiments in this colloquy. Finally, I hope Senators of good will in both parties will continue discussions as to how we can make the Senate a better institution.

Our discussion today is in a spirit of bipartisan cooperation to express hope and anticipation that the 112th Congress will be different in many ways than the 111th. We look forward to greater comity on both sides of the aisle so that we can move legislation and nominees that have bipartisan support from the majority of Senators in this body. There are areas that we can and should work together to achieve progress for the American people.

Mr. MCCONNELL. I agree with the majority leader that this Congress should be more bipartisan than the last Congress. I do support the idea that the Senate should be able to move forward and complete action on matters with broad bipartisan support. Neither party has all of the solutions to the problems our Nation faces. Many of the successes of past Congresses have been the result of bipartisan cooperation and input. I look forward to such cooperation and input in this Congress.

Mr. REID. Madam President, I ask unanimous consent that all remaining time be yielded back and that there be 2 minutes of debate, equally divided, prior to each vote; further, that all rollcall votes after the first one be for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, they have been.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The pending measure is S. Res. 28. Under the previous order, a vote of 60 is required for adoption of this resolution. There will now be 2 minutes of debate, equally divided.

The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, there has been much discussion about the proposed rules reforms and how far they go. To those who say that this resolution doesn't go far enough, I ask, why have the friends of secrecy fought so hard for so long to allow Senators to anonymously block legislation and nominations?

The fact is this resolution deals with a sweeping, almost unparalleled legislative power—the ability of one Senator to anonymously block a bill or a nomination from going forward. That is not right. Senator GRASSLEY, Senator MCCASKILL, and I have worked with colleagues on both sides of the aisle to say that if you want to exercise that extraordinary power, you ought to do it in the sunlight. There ought to be public disclosure. There ought to be transparency.

I yield the remainder of our time to Senator GRASSLEY, who has championed this cause along with Senator MCCASKILL.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, the time has come to end secrecy on the floor of the Senate. The time has come for Senators who think they ought to put a hold on a bill to be able to continue to put a hold on a bill or a nomination, but it is also time to show that you have guts enough to let the people know who you are and, more importantly, to let your colleagues know who you are. So if there is something wrong with a piece of legislation or a nomination, we can find out what it is and move the business of the Senate ahead.

This is something that is going to make the Senate a much more efficient place to work and get the people's business done, and it will do what is most important—the public's business in public.

I yield the floor.

The PRESIDING OFFICER. The question is an agreeing to the resolution.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays were announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—92

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson (NE)
Barrasso	Grassley	Nelson (FL)
Baucus	Hagan	Portman
Begich	Harkin	Pryor
Bennet	Hatch	Reed
Bingaman	Hoeben	Reid
Blumenthal	Inhofe	Risch
Blunt	Isakson	Roberts
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Rubio
Brown (MA)	Johnson (WI)	Sanders
Brown (OH)	Kerry	Schumer
Burr	Kirk	Sessions
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Shelby
Carper	Kyl	Snowe
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Coats	Leahy	Thune
Coburn	Levin	Toomey
Cochran	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Manchin	Vitter
Coons	McCaskill	Warner
Corker	McConnell	Webb
Cornyn	Menendez	Whitehouse
Crapo	Merkley	Wicker
Durbin	Mikulski	Wyden
Enzi	Moran	

NAYS—4

DeMint	Lee
Ensign	Paul

NOT VOTING—4

Feinstein	Inouye
Hutchison	McCain

The PRESIDING OFFICER. On this vote the yeas are 92, the nays are 4. The 60-vote threshold having been achieved, the resolution is agreed to.

Mr. CARDIN. Madam President, I move to reconsider the vote by which the resolution was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution (S. Res. 28) was agreed to, as follows:

S. RES. 28

Resolved,

SECTION 1. ELIMINATING SECRET SENATE HOLDS.

(a) IN GENERAL.—

(1) COVERED REQUEST.—This standing order shall apply to a notice of intent to object to the following covered requests:

(A) A unanimous consent request to proceed to a bill, resolution, joint resolution, concurrent resolution, conference report, or amendment between the Houses.

(B) A unanimous consent request to pass a bill or joint resolution or adopt a resolution, concurrent resolution, conference report, or the disposition of an amendment between the Houses.

(C) A unanimous consent request for disposition of a nomination.

(2) RECOGNITION OF NOTICE OF INTENT.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent to object to a covered request of a Senator who is a member of their caucus if the Senator—

(A) submits the notice of intent to object in writing to the appropriate leader and

grants in the notice of intent to object permission for the leader or designee to object in the Senator's name; and

(B) not later than 2 session days after submitting the notice of intent to object to the appropriate leader, submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section described in subsection (b).

(3) FORM OF NOTICE.—To be recognized by the appropriate leader a Senator shall submit the following notice of intent to object:

"I, Senator _____, intend to object to _____, dated _____. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 2 session days and I give my permission to the objecting Senator to object in my name." The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date that the notice of intent to object is submitted.

(4) NOTICES ON THE SENATE FLOOR.—The requirement to submit a notice of intent to object to the Legislative Clerk and the Congressional Record shall not apply in the event a Senator objects on the floor of the Senate and states the following:

"I object to _____, on behalf of Senator _____."

(b) CALENDAR.—

(1) OBJECTION.—Upon receiving the submission under subsection (a)(2)(B), the Legislative Clerk shall add the information from the notice of intent to object to the applicable Calendar section entitled "Notices of Intent to Object to Proceeding" created by Public Law 110-81. Each section shall include the name of each Senator filing a notice under subsection (a)(2)(B), the measure or matter covered by the calendar to which the notice of intent to object relates, and the date the notice of intent to object was filed.

(2) OBJECTION ON BEHALF.—In the case of an objection made under subsection (a)(4), not later than 2 session days after the objection is made on the floor, the Legislative Clerk shall add the information from such objection to the applicable Calendar section entitled "Notices of Intent to Object to Proceeding" created by Public Law 110-81. Each section shall include the name of the Senator on whose behalf the objection was made, the measure or matter objected to, and the date the objection was made on the floor.

(c) REMOVAL.—A Senator may have a notice of intent to object relating to that Senator removed from a calendar to which it was added under subsection (b) by submitting to the Legislative Clerk the following notice:

"I, Senator _____, do not object to _____, dated _____. The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date of the submission to the to the Legislative Clerk under this subsection.

(d) OBJECTING ON BEHALF OF A MEMBER.—Except with respect to objections made under subsection (a)(4), if a Senator who has notified his or her leader of an intent to object to a covered request fails to submit a notice of intent to object under subsection (a)(2)(B) within 2 session days following an objection to a covered request by the leader or his or her designee on that Senator's behalf, the Legislative Clerk shall list the Sen-

ator who made the objection to the covered request in the applicable "Notice of Intent to Object to Proceeding" calendar section.

The PRESIDING OFFICER. The question is on the adoption of S. Res. 29. Under the previous order, 60 votes are required for adoption.

Who yields time? The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, the resolution before us, which I introduced, would encourage Senators to file their amendments 72 hours in advance of a vote to ensure that Members have time to review it, but it would also delay the practice of calling for an outloud reading of the amendment in front of us.

It addresses a concern I think we all have about the amendment process. When a full reading of the amendment has been called for, it ties our Senate into knots. It is a spectacle, with the clerks standing here reading amendments for hours to an empty Chamber. My amendment would prevent needless delays by waiving the live reading of an amendment when the text has been available long enough for all of us to look it over. It would have to be submitted 72 hours in advance.

So I ask for the yeas and nays, and I hope for an overwhelmingly bipartisan approval of this important change to the Senate rules.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, this amendment puts into effect what the Republicans called in the health care debate the Bunning rule, which is, if it is not on the Internet and not available for 72 hours, it shouldn't be brought up.

We think this is a sensible—I think this is a sensible amendment, and I urge a "yes" vote.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—81

Akaka	Enzi	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hoeven	Portman
Blumenthal	Isakson	Pryor
Blunt	Johanns	Reed
Boozman	Johnson (SD)	Reid
Boxer	Johnson (WI)	Roberts
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Kirk	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Kyl	Shelby
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Chambliss	Leahy	Tester
Coats	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Coons	McCaskill	Whitehouse
Corker	McConnell	Wicker
Durbin	Menendez	Wyden

NAYS—15

Coburn	Hatch	Rubio
Cornyn	Inhofe	Sessions
Crapo	Lee	Thune
DeMint	Paul	Toomey
Ensign	Risch	Vitter

NOT VOTING—4

Feinstein	Inouye
Hutchison	McCain

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 15. The 60-vote threshold having been achieved, the resolution is agreed to.

The resolution (S. Res. 29) was agreed to, as follows:

S. RES. 29

Resolved,

SECTION 1. READING OF AMENDMENTS.

(a) STANDING ORDER.—This section shall be a standing order of the Senate.

(b) WAIVER.—The reading of an amendment may be waived by a non-debatable motion if the amendment—

(1) has been submitted at least 72 hours before the motion; and

(2) is available in printed or electronic form in the Congressional Record.

The PRESIDING OFFICER. The question is on the adoption of S. Res. 8. Under the previous order, an affirmative vote of two-thirds of the Senators voting is required for adoption. There is 2 minutes evenly divided.

The Senator from Iowa.

Mr. HARKIN. Mr. President, this is the same resolution I offered 16 years ago. I continue to offer it. If you believe the minority ought to have the right to slow things down, that is fine. But if you believe the minority should have the right to veto anything that comes on the floor, you don't want to vote for my resolution.

What my resolution says is that basically you need 60 votes. Then, if you don't get it, 3 days later you have another vote, it would be 57 votes; 3 days later, 54 votes; after 8 days, 51 votes could move a nominee, an amendment, or a bill. So it gives the minority the right to slow things down, the right to amend, the right to debate, the right to

make their voices heard, but in the end it gives the majority the right to move legislation. We are a legislative body. The majority ought to have the right to move legislation. The minority should not have the right to veto.

Right now in the Senate you have to have 60 votes to pass anything. We used to be able to bring up amendments here and get 51 or 52 votes and pass it. That no longer happens.

If you believe in democracy, trust the American people, trust the ballot box. I am not afraid. I am not afraid of the majority enacting its will as long as I have the right to debate an amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time in opposition? The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, this amendment might be called the "if you are going to hang me later, hang me now" amendment. This would eliminate the filibuster by making certain that it only took 51 votes, eventually, to pass a bill. This filibuster, according to the current majority leader in 2005, "is a part of the fabric of this institution we call the Senate." Former Senator Obama said in the same year, "If the majority," he then referred to the Republicans, "chooses to end the filibuster, if they choose to change the rules and put an end to democratic debate, then the fighting and the bitterness and the gridlock will only get worse."

We have agreements today that will begin to end fighting and gridlock, bring bills to the floor, having more amendments.

I urge a "no" vote on the proposal.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 12, nays 84, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—12

Begich	Harkin	Lieberman
Blumenthal	Kerry	Mikulski
Durbin	Kohl	Shaheen
Gillibrand	Lautenberg	Udall (NM)

NAYS—84

Akaka	Ensign	Murray
Alexander	Enzi	Nelson (NE)
Ayotte	Franken	Nelson (FL)
Barrasso	Graham	Paul
Baucus	Grassley	Portman
Bennet	Hagan	Pryor
Bingaman	Hatch	Reed
Blunt	Hoeven	Reid
Boozman	Inhofe	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Sessions
Carper	Kyl	Shelby
Casey	Landrieu	Snowe
Chambliss	Leahy	Stabenow
Coats	Lee	Tester
Coburn	Levin	Thune
Cochran	Lugar	Toomey
Collins	Manchin	Udall (CO)
Conrad	McCaskill	Vitter
Coons	McConnell	Warner
Corker	Menendez	Webb
Cornyn	Merkley	Whitehouse
Crapo	Moran	Wicker
DeMint	Murkowski	Wyden

NOT VOTING—4

Feinstein	Inouye
Hutchison	McCain

The PRESIDING OFFICER. On this vote, the yeas are 12, the nays are 84. Two-thirds of those voting for adoption not having voted in the affirmative, the resolution is rejected.

Mr. KERRY. Mr. President, I am necessarily absent for the votes today on S. Res. 10 and S. Res. 21. If I were able to attend these vote sessions, I would oppose S. Res. 10 and would support S. Res. 21.

The PRESIDING OFFICER. The question is on the adoption of S. Res. 10. Under the previous order, an affirmative vote of two-thirds of the Senators voting is required for adoption.

The substitute amendment is agreed to.

There is now 2 minutes of debate, equally divided.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, S. Res. 10 does five simple things: limits debate on the motion to proceed to 2 hours; eliminates secret holds; No. 3, guarantees the majority and minority three amendments with a 60-vote threshold; No. 4, institutes a talking filibuster; and, No. 5, shortens postcloture debate on nominations, both executive and judicial, from 30 hours to 2 hours.

I would ask my colleagues to support the resolution. I yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in his last appearance before the Rules Committee, Senator Byrd quoted James Madison's description of this body as a necessary fence against rulers and transient impressions and said the right to filibuster anchors this necessary fence and we must never, ever tear down the only wall, the necessary fence, that the Nation has against these excesses.

This amendment does not tear down that fence, but it seriously weakens it. I recommend a "no" vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the resolution.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—44

Akaka	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Klobuchar	Sanders
Boxer	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Whitehouse
Durbin	Merkley	Wyden
Franken	Mikulski	

NAYS—51

Alexander	Ensign	Murkowski
Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Baucus	Grassley	Pryor
Blunt	Hatch	Reed
Boozman	Hoeven	Reid
Brown (MA)	Inhofe	Risch
Burr	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kirk	Shelby
Cochran	Kohl	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	McConnell	Webb
DeMint	Moran	Wicker

NOT VOTING—5

Feinstein	Inouye	McCain
Hutchison	Kerry	

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 51. Two-thirds of those voting for adoption not having voted in the affirmative, the resolution, as amended, is rejected.

The question is on agreeing to S. Res. 21, as amended. Under the previous order, an affirmative vote of two-thirds of the Senators voting is required for adoption of the substitute amendment, as agreed to.

There is now 2 minutes of debate equally divided.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank Senator LAUTENBERG for introducing the concept of a talking filibuster 2 years ago, and I thank all colleagues who have worked to end the abuse of our current filibuster. The fact is, we have not done any appropriations bills in 2010. We left 100 nominations without our advise and consent or opposition, and we left 400 House bills collecting dust on the Senate floor. The American people believe the filibuster is an act of personal courage. Let's make it so. They believe those who filibuster should make their case before the public. Let's make it so. They believe when 41 Senators want additional debate, let's make it so. Let's end the secrecy and obstruction of the silent filibuster and establish the accountability of the talking filibuster.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in his last appearance before the Rules Committee, Senator Byrd said:

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady.

He also said:

I also know that current Senate rules provide the means to break a filibuster.

If Senator Byrd, who knew the rules better than any of us, thought that, we don't need to change the rules.

I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 21 as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUE), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—46

Akaka	Bingaman	Brown (OH)
Begich	Blumenthal	Cantwell
Bennet	Boxer	Cardin

Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Conrad	Lieberman	Shaheen
Coons	Manchin	Stabenow
Durbin	McCaskill	Tester
Franken	Menendez	Udall (CO)
Gillibrand	Merkley	Udall (NM)
Hagan	Mikulski	Warner
Harkin	Murray	Webb
Johnson (SD)	Nelson (NE)	Whitehouse
Klobuchar	Nelson (FL)	Wyden
Kohl	Reed	
Landrieu	Rockefeller	

NAYS—49

Alexander	Ensign	Murkowski
Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Baucus	Grassley	Pryor
Blunt	Hatch	Reid
Boozman	Hoeven	Risch
Brown (MA)	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kirk	Snowe
Cochran	Kyl	Thune
Collins	Lee	Toomey
Corker	Levin	Vitter
Cornyn	Lugar	Wicker
Crapo	McConnell	
DeMint	Moran	

NOT VOTING—5

Feinstein	Inouye	McCain
Hutchison	Kerry	

The PRESIDING OFFICER. On this vote, the yeas are 46 and the nays are 49. Two-thirds of those voting for adoption not having voted in the affirmative, the resolution, as amended, is rejected.

Mr. KERRY. Mr. President, earlier today I supported S. Res 8 because I believe additional action to change existing Senate rules to limit filibusters are needed.

I very much appreciate the work of Majority Leader REID and Minority Leader MCCONNELL in developing a colloquy printed in the RECORD today. Specifically, I support the pledges to limit the use of filibusters on motions to proceed and to fill the amendment tree on legislation only when necessary.

Unfortunately, I do not believe that these pledges alone go far enough to address the dysfunction—the epic dysfunction—of the last years.

Frankly, the extraordinary measure of a filibuster has become an ordinary expedient. Today it's possible for 41 Senators representing only about one-tenth of the American population to bring the Senate to a standstill. The filibuster has its rightful place. I used it to stop drilling for oil in the Arctic Wildlife Refuge because I believed that was in our national interest—and 60 or more Senators should be required to speak up on such an irrevocable decision. But we have reached the point where the filibuster is being invoked by the minority not necessarily because of a difference over policy, but as a political tool to undermine the Presidency. Consider this: in the entire 19th century, including the struggle against slavery, fewer than two dozen filibusters were mounted. Between 1933 and

the coming of World War II, it was attempted only twice. During the Eisenhower administration, twice. During John Kennedy's presidency, four times—and then eight during Lyndon Johnson's push for civil rights and voting rights bills. By the time Jimmy Carter and Ronald Reagan occupied the White House, there were about 20 filibusters a year.

But in the 110th Congress of 2007–2008, there were a record 112 cloture votes. And in the 111th Congress, there were 136, one of which even delayed a vote to authorize funding for the Army, Navy, Air Force and Marine Corps during a time of war. That is not how the Founders intended the Senate to work—and that's not how our country can afford the Senate not to work.

Chris Dodd said it best in his farewell address just a few weeks ago—a speech the Republican leader called one of the most important in the history of the Chamber. Chris sounded a warning: “What will determine whether this institution works or not, what has always determined whether we will fulfill the Framers’ highest hopes or justify the cynics’ worst fears, is not the Senate rules, the calendar, or the media. It is whether each of the one hundred Senators can work together.”

That was a speech that needed to be heard. But the question now isn't whether it was heard; it is whether we really listened to it. Because when it comes to the economy, our country really does need 100 Senators who face the facts and find a way to work not just on their side, but side by side.

It was with Chris's words in mind that I supported Senator HARKIN's effort to reform the filibuster rules even though I have concerns about how the provision would affect debate in the Senate by moving to a majority vote. I did so because I believe it is important to protest the actions by the minority over the past four years and make a statement that we must have an end to the unprecedented disruption that has occurred.

Ultimately, Leader REID is right—the question is not the rules, but our decisions about how to abuse those rules. I hope the minority will end this needless obstructionism as we move forward in the 112th Congress.

The PRESIDING OFFICER. The Senator from Delaware.

MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

THE NEXT GENERATION OF AMERICAN MANUFACTURING

Mr. COONS. Mr. President, I rise to speak for the first time in this Chamber as a Senator. It is an honor to do so. Already, after my service at the end of the 111st Congress, I am keenly aware of the impressive array of skills brought to this place by my colleagues and of the great traditions of this Chamber, as well as the tremendous challenges facing both our Nation and this institution as we work together to make progress.

On November 2, the citizens of Delaware elected me to come here on their behalf and work with 99 other Senators for a very specific goal: getting America moving again and getting our economy back on track. With our country just now recovering from the loss of so many jobs, with a substantial deficit and the painful and lingering wreckage of a great recession, we must set aside politics and focus on progress.

I am honored to have this opportunity to serve. I am especially honored to serve alongside our State's distinguished senior Senator, TOM CARPER, and to serve at a time when the President of the Senate is another distinguished Delawarean, Vice President JOE BIDEN, whose service in this body for 36 years was marked by a tireless advocacy for America's middle class and the people of our State. Membership in the Senate is a privilege not to be taken lightly, and I am determined to make the greatest contribution I can to solving the challenges facing us all.

Similar to my colleagues, my path to the Senate involved many experiences that have shaped my views and priorities. Growing up in Delaware, my family taught me the values of faith, hard work, and service to others. As a student, traveling and volunteering in Africa and later working with the homeless in this country, I learned difficult truths about poverty and human suffering but also witnessed the awesome power of hope and faith. Later, working for the National “I Have a Dream” Foundation and running an AmeriCorps program, I saw the transformative power of education and of national service to change lives.

Following these early years of learning and service, I spent 8 years as in-house counsel to one of Delaware's most innovative, high-tech manufacturing companies, where I saw the strength of American ingenuity and entrepreneurship. Later, as county executive, running a local government that served half a million Delawareans, I learned how to make the tough choices that led to reining in spending, to growing our local economy, balancing a budget, and achieving a surplus. Most important, today, as a husband and father of three young children, I spend more time than ever concerned about their future, wondering whether we

will leave them and all our children a nation burdened by debt and struggling to maintain its place in the world or a nation with a renewed strength and focus on the fundamentals that made this the greatest Nation in human history. As a Member of the Senate, I look forward to applying these lessons while working with my new colleagues.

I said a few moments ago our constituents sent us here with the goal of getting our economy back on track, a goal of focusing relentlessly on economic recovery. However, mere recovery—recovery alone—cannot be our goal. The American people deserve and expect from us policies that will lead to an economy and a job market stronger, more vibrant, and more prosperous than before. To achieve this, I believe we need to pursue a new manufacturing agenda, one that will lead to the creation of inventive businesses and that will open new plants and hire skilled workers for modern and sustainable jobs, one that will produce the next generation of American manufacturers. It should focus on sustaining and growing American manufacturing by rewarding innovation and fostering entrepreneurship and by pairing those great American strengths to an equally great American workforce.

As someone long committed to progressive values, I believe the best way to help stabilize neighborhoods and support families, to advance social justice and fight poverty, is through ensuring more and more Americans have access to good, high-quality jobs. I am encouraged President Obama chose to highlight competitiveness and innovation in his State of the Union Address and its potential to create those sustainable middle-class jobs. He is right to call this our generation's “Sputnik moment.”

We have a choice. We can keep doing the things we have for years, but then we will simply keep getting the same results or we can recommit ourselves, as we did as a nation during the space race, to outinnovate, outcompete, and outproduce every other Nation. That is how we, once again, can spark an era of growth and prosperity. Unlike so many other sectors of our economy, with manufacturing, it is not just about creating jobs, it is about creating and sustaining good jobs, jobs that pay a livable wage, provide quality health insurance, jobs with longevity and security.

According to the National Association of Manufacturers, the average manufacturing worker in our country earned 25 percent more than workers in all other sectors. That is over \$72,000 last year, including pay and benefits, while the average nonmanufacturing worker earned less than \$59,000. Manufacturing jobs means higher wages and better benefits, and they have for decades been a reliable path for the middle class for millions of hard-working

American families. That path is not nearly as wide or as clear as it was just 10 years ago. Since then, our Nation has lost more than 3 million manufacturing jobs not only to the developing world but to our competitors in the industrialized world as well.

For those who have lost jobs, the stakes couldn't be higher, and for we as leaders our mandate couldn't be clearer.

I strongly disagree with those who believe America's leadership in manufacturing is behind us and that our future lies somehow in being a country dedicated to services and consumption financed by debt. Those naysayers point to factories that have sprouted up across the developing world, that it is cheaper labor and looser environmental and worker protections—key reasons why we have, in fact, seen millions of our manufacturing jobs move offshore.

However, while labor-intensive commodity manufacturing may, in fact, have permanently moved offshore, we can remain a global leader in innovative and high-performance manufacturing, as we still are today in industries ranging from aircraft to pharmaceuticals, if we will just focus our efforts on creating an encouraging environment in tax and trade policy, in education and training that matches the strength of American engineering and innovation.

Many Americans may not realize it today, but ours still remains the No. 1 manufacturing economy in the world. We still produce one-fifth of all manufactured goods worldwide, and this sustains more than 18 million private sector jobs. Advanced manufacturing businesses know that to achieve the quality and productivity they need, they must find a top-notch workforce, modern infrastructure, and a fair and predictable system of regulation.

I learned this myself firsthand when I was working in the private sector at a company known as W.L. Gore & Associates. It is better known perhaps for discovering and marketing GORE-TEX fabrics, but it is a materials-based company that manufactures hundreds of products, from medical devices to wire and cable. At one point, I was part of a site location team that had to decide where to build a new state-of-the-art manufacturing plant, costing more than \$100 million. It could have been anywhere in the world, but we wanted to locate it right here in America. As we considered many cities and States bidding for the plant, we ultimately made a decision.

What made the difference? What were we looking for? First, a reliable and skilled workforce. Second, State, county, and city governments that were responsive and had already made investments in local infrastructure. While we also considered tax credits and training grants, an educated workforce, respon-

sive local government, and high-quality infrastructure were the main factors that attracted our business.

When we visited the ultimate site, our team was greeted by area educators who told us about a strong public education system and city leaders who informed us of the public infrastructure we would need, such as water, electricity, sewer, and ready access to road, rail, and air, which were already in place. When we asked local officials how long it would take to get building permits, they said: Just send us your plans. Everything we needed was ready to go.

In the end, we were able to stand up a successful and profitable new venture in record time and to achieve significant growth in the local tax base and the economy, offering hundreds of clean, high-tech manufacturing jobs to a responsive community.

That experience on the site selection team taught me two things: the advanced manufacturing sector can really thrive in America, and we in government have a critical role to play.

It will be the private sector and America's entrepreneurs and innovators that will create jobs. It is our job in government though, to ensure our country is the most attractive choice for business investment.

We can do it by reducing bureaucratic hurdles and investing in an educated workforce capable of high productivity and ongoing innovation.

That's the critical role we can play not only in getting Americans back to work but ensuring a bright and prosperous future for America's middle class.

Right now, far too many middle-class families are struggling not because they made poor choices but in spite of having made the right ones. People who worked hard in school, who raised good families, who served in the military, who gave back by volunteering in their communities—Americans who did everything right—in this recession they still lost their jobs.

They need to know that we in Congress have their backs.

The truth is, we are not going to be able to reopen all the plants that have closed and get those workers back on the assembly lines making the same products they used to make. This is why we must make this push for advanced manufacturing.

Thankfully, we are not starting from scratch. Innovative businesses, including many from my home State, have long been leaders in creating new manufacturing jobs based on new inventions.

This, I believe, is the result of Delaware's highly educated workforce and the State and local government commitment to working with business as partners toward growth.

One of the most compelling examples of this partnership between govern-

ment and business took place in Delaware over the past 2 years. More than one thousand people lost their jobs when General Motors shut down its plant in Newport, DE, in 2009, a plant that had been in production more than 60 years and was long touted as one of the most productive in the country.

Some of those workers packed up their families and sought work elsewhere in the country. Some stayed and found other work. Too many are still looking today.

But they weren't the only ones looking for jobs. Led by our tireless Governor, Jack Markell, those of us in State and local government in Delaware were engaged in a job search as well, and after months of searching and hard work, we were able to bring Fisker Automotive to Newport, DE, to take over and reinvest in the shuttered GM plant. We did it by bringing together state and local officials, UAW union leaders, and Federal tax credits and investments. This partnership could not have been possible without \$500 million in Federal stimulus funds.

I was proud to be a small part of the team that brought Fisker to Delaware, but I will be even prouder to watch hundreds of Delawareans stream through the plant's gates again when it reopens to build plug-in electric automobiles.

When I asked the leadership of the new company what made them choose Delaware, it was a familiar answer—a skilled and reliable workforce, a responsive State and county governments, strong local infrastructure, and access to global markets through our roads, rails, and the Port of Wilmington.

Fisker is just one example. In Delaware, we have recently seen long-established leaders such as DuPont as well as relative newcomers such as Ashland Chemical, Agilent, and Perdue invest in new facilities, new research or new production.

My State has also been at the forefront of high-tech job growth with innovative Delaware companies such as ILC Dover, Solar Dock, and Miller Metal, as well as multinational companies such as Sanosil, Motech, and Fraunhofer USA that have brought jobs there.

I am proud that so many new products and technologies that are invented here are also "Made in America, Manufactured in Delaware."

In Delaware, businesses have seen that we're "ready to go."

In our State, we have the ability to bring together stakeholders often seen as adversaries and deliver productive collaboration. This involves both labor and businesses making sacrifices and sharing responsibility.

We need to replicate this model and these successes all over the country as much as possible.

Indeed, we are already seeing progress nationally, as the latest manufacturing numbers attest. In 2010, our

manufacturing sector grew 136,000 new jobs. Some economists have predicted a further gain of more than double that this year.

Despite predictions that American manufacturing was in a permanent decline, we are actually seeing a modest uptick, one on which we must capitalize.

The formula for our economic success has long been the unstoppable combination of an innovative citizenry and investment in cutting-edge research. This is what generates companies that invent new products, often high-tech and research-driven products, and, along with these new products, create skilled jobs right here in the United States.

Investments in an educated workforce, our public infrastructure, and critical funding for research and development will be the keys to both short-term economic recovery and long-term growth. These investments must coincide with efforts to make it easier for Americans to start and expand small businesses and for multinational companies to locate advanced manufacturing here in America.

As we embark on this renewed effort, we must continue, though, to safeguard the important workplace safety, labor, and environmental protections we have put in place over the past decades. Our manufacturing growth must be a function of innovation, not a turning-back of the clock.

That is why I strongly support policies such as extending the research and development tax credit, a manufacturing tax credit tied to research and development done here, in and the extension of the Build America Bonds program for public infrastructure improvements.

We have unfinished work to do to change the focus of our tax and trade policies. We must stop providing incentives to move productive work offshore. Instead, we should reward those companies that reinvest in America—in both inventing a new generation of products and manufacturing them here.

We will also need to focus more of our attention on clean-energy manufacturing. Government investment in clean energy technologies has been a core factor in our competitors' growth. We need to help our businesses compete with theirs.

I was disappointed, frankly, that the Senate was unable to reach an agreement to include the advanced energy manufacturing tax credit in the bipartisan tax relief package we passed last December. That credit is an example of the kinds of policies that will help spur the innovation, manufacturing, and new deployment that will generate clean-energy jobs. I am encouraged, though, that it included funding for the treasury grant program, which leverages private investment in clean-

energy projects, for which I pushed along with a number of my colleagues to be included in the package.

Additionally, if we wish to remain on the cutting edge of new clean-energy manufacturing technologies and retain our place as the global leader in scientific innovation, we need to pass more legislation like the America COMPETES Act. In addition to creating ARPA-E, which makes strategic investments through the Federal Department of Energy in game-changing technologies, it also focuses resources on science, technology, engineering, and mathematics education.

I am proud to have been a cosponsor of the America COMPETES Act, which was so actively championed by my predecessor, Senator Ted Kaufman, who served Delaware so well. This is just the type of legislation that I came here to support.

We need to find additional ways to expand educational opportunities for more of our students, especially in these fields essential to future competitiveness. There is vital work to be done in ensuring that our business leaders are at the table as we renew America's education policy, helping make certain that our schools are educating our children for the demands of the modern workplace.

This is especially critical in light of recent international standardized test scores that once again showed American students falling behind their competitors from Asia and Europe in reading, science, and mathematics.

A strong educational foundation is the launching pad for new ideas, which will soar to become tomorrow's products and industries.

To achieve this, we must have a strong Federal investment in great teachers and strong schools, set high standards matched with the resources to achieve them, and engage parents, communities, and employers.

We should never settle for just recovery. We must reach for the prosperity and growth I know we can together achieve. We can do it if we make these critical investments and changes in direction today.

That is why I am excited to get to work with my colleagues on a number of important legislative projects. Because I believe we need to redouble our efforts to protect the fruits of that innovation through stronger protections for our intellectual property, I am proud to be an original cosponsor of the Patent Reform Act and look forward to working with Chairman LEAHY on the Judiciary Committee toward its passage.

Likewise, I found out this week that I will be serving on the Foreign Relations Committee, and I will be pushing for us to be tougher on our trading partners to ensure fairness and a level playing field for American exports, as well as new efforts to expand the range of our overseas markets.

I am honored as well to be a new member of the Energy and Natural Resources Committee, and I am eager to work with Chairman BINGAMAN, Senator MURKOWSKI, and the other members on finding ways to spur clean-energy manufacturing here in America.

My other assignment will be as a member of the Budget Committee, and I look forward to working with my colleagues there to identify ways to address the deficit comprehensively and in line with our necessary priorities of simplifying the Tax Code, investing in our workforce, and incentivizing manufacturing job growth.

Outside of my committee assignments, I am excited to get to work reinvigorating the Senate Manufacturing Caucus with many of my colleagues, including Senators STABENOW of Michigan, BROWN of Ohio and GRAHAM of South Carolina. We are going to renew this Chamber's focus on what voters sent us here to do: restoring our economy by getting our neighbors back to work.

The American people have at times grown frustrated with the Senate because it seems as if this body has not realized the scale of our Nation's challenges; that legislators have taken a piecemeal approach to important policies and have failed to address our most difficult problems comprehensively.

Why are we not looking at tax policy, education policy, and job growth strategy collectively? Our problems are interrelated, and the solutions must be as well.

Likewise, our budget deficit should not be treated merely as a talking point or a source of partisan advantage but instead as the serious threat that it is. And real deficit reduction will only come with a careful approach, and a willingness to share in the sacrifice will see us toward real deficit reduction.

Working together, we can change how we get things done here, and we can find a way to do it without jeopardizing the Senate's vital role in our political system.

Even more importantly, at a time when many worry about the tone of our politics, we as Senators must do all we can to return this body to its founding mission as a stabilizing force in our political system.

The Senate must lead by example and for this Nation be a source of civility, a beacon of cooperative spirit, and a place where we come together to address our greatest challenges.

That is how we will move forward together to solve our problems. That is how we will boost our manufacturing sector and get millions back to work. And that is how we will build a strong, prosperous, and sustainable future for America's middle class.

Those who have lost their jobs are doing the very best they can to find

new ones. We owe it to them to do our best—to be determined and deliberate, to focus on progress not partisanship, to be true to our principles, but not so unyielding in our positions that we make more news than progress.

These are serious times, and our Nation—our people—face tough challenges. I look forward to working with each and every one of my new colleagues to bear down and work together to find innovative solutions, real solutions, that will build a brighter future for all Americans.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTER RULE

Mr. WHITEHOUSE. Mr. President, while Senator MERKLEY and Senator UDALL are still on the floor, I wish to extend a word of appreciation to both of them for the work they put into trying to solve the problem of the filibuster—more particularly, the problem of the abuse of the filibuster rule in this body.

We have come to a resolution that is not the rules change many of us hoped for. Experience will be the test of whether the understanding that has been reached between the leaders has any meaning or impact in the way this Chamber conducts its business. I hope that experience shows this was a productive agreement. If not, we will have to come back and revisit the rule.

I very much doubt the agreement that was reached between the two leaders and expressed on the floor today would have happened had it not been for the efforts of a great number of Senators who argued very hard for this change but most particularly Senator TOM UDALL and Senator JEFF MERKLEY. I am very pleased to stand and give them a word of recognition for the enormous amount of effort and energy and persistence and argument and conviction that all went into this effort.

I will close with one point that I think bears remembering as we evaluate whether the test of experience is met in the future, and that is what the filibuster changed into, what was really going on on the floor as we all sat in the Chamber.

We remember the glory days of the filibuster when you had Senators on the floor reading from the phonebook, standing here as long as they could. The famous example of it from Hollywood, of course, was Jefferson Smith in the famous movie by Frank Capra, "Mr. SMITH Goes to Washington." There is that wonderful scene in the

movie where the reporter is upstairs in the gallery, and he is covering what Jimmy Stewart is doing down here. He describes the filibuster. He is talking into his microphone. He says: The filibuster is going on down there. It is democracy's finest show—the right to talk your head off. The American privilege of free speech in its most dramatic form. One lone and single American holding the greatest floor in the land, bleary-eyed, voice gone. You can hear the drama of it. That was the filibuster of old, and that is the filibuster Americans understand. It made it very hard for Americans to understand when we said: Oh, there is a filibuster going on in the Senate, and they turned on C-SPAN and there was nobody here. The Senate floor was silent, except for the quiet voice of the clerk slowly droning through the names of Senators in a tedious, ineffectual quorum call.

The quorum call became the emblem of the modern filibuster. Why is that? That is because the filibuster rule requires a 30-hour debate period when cloture is invoked to stop a filibuster. If you are the minority party and you can force the majority leader to invoke cloture, what have you just done? You have accomplished a very valuable prize: You have taken 30 hours of the time of this Senate and you have dedicated it to debate on a proposition and you do not actually have to debate the proposition. You just let the quorum calls roll, and you burn 30 hours of the Senate's time.

The New York Times reported that Democrats have been forced to break 275 filibusters in the past two Congresses. If we had to burn the 30 hours for cloture in every one of those filibusters, the math on that is 8,250 hours lost to the Senate, lost to silence and ineffectual, droning quorum calls. If you count 8-hour days, that is more than 1,000 days of time wasted, of work undone, of the authority of the Senate and of this branch of the U.S. Government stripped away and consigned to the dustbin of wasted time.

The test as we go forward is going to be how often that strategy of just burning the time of the Senate is used. One important measure is, will we see these filibusters and forced cloture motions on things that end up being not very contentious? The people would ask me: Why are they filibustering this? They don't really object to this.

This is not like civil rights in the old days when people were violently opposed to it. They would come to the floor, and they would filibuster their heads off. This is a different strategy. Under the modern strategy, you do not just filibuster the bills you hate; you filibuster everything because that is more of those 30-hour blocks of time burned, chucked in the dustbin, unavailable for the work of this body and this country.

I hope very much that the spirit of this shows itself in experience on the

floor. I applaud Senator ALEXANDER and Senator SCHUMER for having reached that agreement. I applaud the two leaders for having formalized it in their colloquy on the Senate floor earlier today. But, as Ronald Reagan used to say, trust but verify. And we will have the chance to verify in the coming weeks and months whether, in fact, the abuse of this rule is done with and we get back to being the Senate of which we can be proud or whether the abuse continues and we continue to be a Senate frustrated by endless quorum calls and delay and obstruction and a continued inability to do the basic business of this country. I hope we turn out much for the better.

I yield the floor.

NEVADA NATIONAL SECURITY SITE

Mr. REID. Mr. President, I rise to recognize the 60th anniversary of the Nevada National Security Site, N2S2. The Nevada National Security Site, formerly known as the Nevada Test Site, has played an important role in keeping our Nation safe and will continue to do so as we face new security challenges.

On January 27, 1951, a half kiloton nuclear weapon called "Able" was dropped on N2S2, launching a 40-year era. In that instant, N2S2 became the Nation's most important nuclear weapons proving grounds. I am thankful for the work done by the men and women at the site who dedicated their careers and sacrificed their health to keeping America safe. Nearly 20 years after our Nation's last nuclear test, I am proud to say that N2S2 is still helping secure America with a new mission tailored to 21st century threats and making us energy independent.

Mr. President, 928 atmospheric and underground tests were performed at the N2S2 before the United States established a moratorium on nuclear weapons testing in 1992. The vast majority of testing in this period took place underground in a network of tunnels and shafts. Even though these tunnels were designed to contain radiation from the explosions, thousands of N2S2 workers still experienced radiation exposure from most of the underground detonations.

In 2000, after a number of my colleagues and I had begun to hear disturbing stories about illnesses our Cold War veterans had gotten from their nuclear weapons work and their inability to get any financial compensation from the government, we passed the Energy Employees Occupational Illness Compensation Program Act. This legislation was designed to allow thousands of America's Cold War veterans receive compensation that would help pay their medical bills and honor the sacrifices they and their families had made for our country.

Unfortunately, it soon became clear that even with this new law, it would not be easy for many workers to get the compensation they deserved. In 2005, I again began to hear from workers and survivors—this time complaining that they were being put through an endless stream of bureaucratic red tape only to be denied in the end. I was enraged that these workers were denied compensation, so I worked for the next 5 years before successfully securing automatic compensation for most of Nevada's Cold War veterans and their families.

On August 23, 2010, I joined Tom D'Agostino, the administrator of the National Nuclear Security Administration, and officials from the State Department, Department of Homeland Security, and Department of Defense to recognize the continued importance of one of our Nation's vital national security sites. We established not only a new name, but a new mission for N2S2. Changing the site's name from the Nevada Test Site to Nevada National Security Site reflects the unique opportunities to use the site for detecting dangerous weapons, treaty verification, fighting terrorism and nuclear smuggling, and training first responders.

The Nevada National Security Site is the ideal laboratory for this work. It is uniquely secure, and close to Nevadans who are eager to get back to work as soon as they can find a good job. And it already has a workforce of 3,000 men and women dedicated to serving their country.

The Nevada National Security Site is not only breaking ground on new ways to keep us safe from weapons; it is also breaking ground on developing clean energy technologies that will make us energy independent. The former nuclear weapons proving ground will soon be a proving ground for advanced solar energy technologies. Last August, I joined Energy Secretary Chu and Interior Secretary Salazar to designate a 17,000 acre portion of N2S2 as the Nation's solar demonstration zone for testing the most innovative and promising solar technologies in an area with almost perpetual sun shine.

When Nevadans and all Americans look at the N2S2, they will see opportunities embodying the core values of innovation, leadership and security. I ask all my colleagues to join with me and the people of Nevada in recognizing the Nevada National Security Site's 60th anniversary, its rich history and bright future.

TRIBUTE TO SARAH BRACHMAN

Mr. REID. Mr. President, I rise today to honor Sarah Brachman, who has received the 2011 Advocate of the Year Award from the National Down Syndrome Society.

Throughout her life, Sarah has been dedicated to the important cause of

raising awareness and increasing public understanding of Down syndrome. She has been instrumental in the growth of the Congressional Down Syndrome caucus and has assisted in pushing their initiatives through legislation, all the while helping their membership increase. As a result of her efforts, more than 30 Members of Congress have now joined the caucus.

I am proud of all that Sarah has accomplished, and all she will continue to achieve. Along with the National Down Syndrome Society, I congratulate Sarah Brachman for her concerted effort and dedicated service.

REMEMBERING WILLARD "BILL" LOWERY

Mr. MCCONNELL. Mr. President, I rise today to honor the extraordinary life and career of Mr. Willard "Bill" Lowery, who passed away on December 20, 2010. He was 80 years old. As a beloved member of his community in Burnside, KY, Bill was a prime example of a man who poured his heart into serving and protecting his family, his community, and his country.

Born in Pulaski County, KY, Bill not only served his community selflessly, but touched the lives of all who had the pleasure of meeting him. He courageously served in the U.S. Army during the Korean War, and continued his public service as a Burnside police officer. It is no wonder that Bill's friendly demeanor and dedication earned him the position of chief of police, which he held for 6 years.

Bill continued to serve his community as an employee at the Pulaski County Detention Center, a member of Blue John Baptist Church, the American Legion Post 38, and, even more impressively, as a 50-year member of the Burnside Masonic Lodge. It is evident that the people in this close-knit community respected and valued Bill's tireless dedication, when more than 50 residents, including fellow police officers, lined the streets of Burnside following his funeral procession to pay their respects.

I could surely continue to praise the works and accomplishments of this hard-working and humble man, but I would simply ask that my colleagues join me in remembering this unsung hero, who showed incredible character and relentless dedication in service to his community, his country, and the Commonwealth. My thoughts go out to his beloved wife Wanda, his son Eugene, his two daughters, Alice and Penny Jo, 6 grandchildren, and 14 great-grandchildren, and many other beloved friends and family members.

The Commonwealth Journal in Somerset, KY, recently published a story about Bill Lowery. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITIZENS HONOR LATE POLICE CHIEF LOWERY ALONG U.S. 27

(By Chris Harris)

Anyone who saw dozens of individuals lining U.S. 27 last Thursday and holding signs might have wondered what was going on. If one looked at the signs closely enough, the answer would be evident.

The life and career of Willard "Bill" Lowery, who passed away Monday, Dec. 20 at the age of 80, was honored last week by friends and Burnside neighbors.

It was a fitting way to begin the mayoral career of Ron Jones as well. Jones, who was chosen as mayor of Burnside in the November elections, played a role in making the tribute reality, and his wife Emma Lou is credited with being one of the primary organizers of it.

"Ms. Emma Lou arranged for everybody to make signs," said Penny Johnson, one of Lowery's daughters. Lowery had three children—son Eugene and daughters Alice and Penny.

The funeral was held last Thursday at Lake Cumberland Funeral Home. Two Burnside police cars followed the funeral procession, led by Chief Craig Whitaker—one car in front, one in the back—to the Blue John Cemetery, where Lowery was buried. The Burnside police officers stopped at the intersection of the Ky. 914 bypass and U.S. 27 and halted traffic for a salute to Lowery.

Starting near Guthrie's River House restaurant in Burnside, the highway was lined all the way into downtown Burnside with individuals holding signs to remember Lowery. Johnson estimated about 50 people took part in the tribute.

"Lowery was a dedicated police officer for our community for a long time," said Ron Jones. "We felt like he should be given some recognition, and recognition to his family."

When Jones moved to Burnside in the mid-1970s, Lowery was one of the first people Jones met. They maintained a friendship throughout the years.

"Back then, they were just a one-man team," said Jones of the Burnside Police Force in Lowery's day. "Things sure have (changed). It's not such a sleepy little town anymore."

Lowery was Chief of Police in Burnside from 1969 to 1975. He was also retired from the Pulaski County Detention Center, and was a 50-year member of the Burnside Masonic Lodge #634, a member of the American Legion Post 38, a U.S. Army veteran of the Korean War, and attended the Blue John Baptist Church.

"It touched my heart," said Johnson of the tribute to her father. "I don't even know what the words are to say. It's unbelievable what the community did for him so that his legend lives on forever. It was just overwhelming."

DATA PRIVACY DAY

Mr. LEAHY. Mr. President, I join privacy advocates, industry leaders and government officials from across our Nation in celebrating Data Privacy Day 2011—a day to raise awareness about data privacy practices and rights.

Today, Americans from all walks of life reap the countless benefits of the Internet and the latest technological

advances. But, with these many rewards, comes growing uncertainty and unease about how sensitive personal information is collected, shared and stored.

In the digital age, our Nation faces the difficult challenge of protecting our computer networks from cyber threats. At the same time, we must encourage American innovation and respect privacy rights.

Data Privacy Day provides an important opportunity to remind all Americans about how essential privacy is to our daily lives. This day is also a time for us in Congress to remember the important work that we must complete to better protect digital privacy rights. As the chairman of the Senate Judiciary Committee, I will continue to do my part.

This year, I will continue—and hopefully complete—work on bipartisan data privacy legislation that will better protect Americans' sensitive personal data and reduce the risk of data security breaches. The Senate Judiciary Committee has favorably reported my Personal Data Privacy and Security Act three times. We must finish this pressing work during the 112th Congress and finally enact comprehensive data privacy legislation.

I will also continue the important work that the Judiciary Committee began during the last Congress to update the Electronic Communications Privacy Act, ECPA, so that our digital privacy laws keep pace with the information age. When I first wrote ECPA in the mid-1980s, no one could have imagined the technological advances and threats to digital privacy that we see today. Updating this law to reflect the realities of our time is essential to keeping us safe from cyber threats and critical to ensuring that our Federal privacy laws keep pace with advancing technologies. The year ahead will also present opportunities to study emerging privacy issues, such as the use of full body scanners at our airports and threats to online privacy.

The 112th Congress affords all of us in Congress an opportunity to make sure that this universal right to be left alone remains viable in the digital age.

I commend the many stakeholders and leaders from across the Nation who are holding events to commemorate Data Privacy Day. I look forward to working with Members of Congress on both sides of the aisle, and in both Chambers, on legislation to better protect the privacy rights of all Americans.

STATE OF THE UNION SEATING GESTURE

Mr. UDALL of Colorado. Mr. President, on Tuesday we made history in a small but significant way here in Congress. When we filed into the House Chamber for the President's annual

State of the Union Address, many of us cast aside a long-held custom and crossed the aisle—literally—and sat together rather than divided by party. In some cases, as with my colleagues from my home State of Colorado, we sat by State delegation, Republicans and Democrats together.

I advocated for that change as a symbolic gesture. It was something I have done since I served in the Colorado State House.

In the days leading up to Tuesday's speech, folks here, and in the media, had a lot of fun comparing our plans to finding a date to a high school dance. They started speculating on what was next—trust falls? A ropes course? I am an old mountaineer—I have been joking that the aisle has become a mountain to climb.

And while those jokes have been entertaining for us inside the beltway, I think the media's interest in the drama highlights part of the problem that led me to call for a change in the way we sit during the State of the Union.

My staff did quite a bit of research on the history of the State of the Union Address, and they couldn't find any historical reason for divided seating. It seems to have developed along with the evolution of broadcast journalism.

So it appears that the media's hunger for drama—and our own need to use the media to project fierce party unity to the audience at home—has made the State of the Union like a pep rally—or a kind of sideshow to the main event. We've lost our focus on the content of the speech in an effort to get a moment of air time or a good headline.

I will be the first to admit that Tuesday's new seating arrangements aren't going to suddenly change the atmosphere here in Congress. But I hope it was the start of a new tradition. It certainly was a step in the right direction. Coloradans and Americans overwhelmingly supported the idea. It is something Americans are hungering for—I was just the messenger. There is no question it got us talking to people outside our comfort zones. I think the result was a more respectful—and less divided—State of the Union Address.

And I bring this up today—2 days after the State of the Union—because I don't want this to be an anomaly—a brief moment of half-hearted kumbaya before we slip back into our old habits. There was an even more serious reason for bringing us all together. We are not just divided during the President's State of the Union Address—it is nearly every day—in Washington and on the campaign trail.

If you go out and talk to citizens—as I do when I am in Colorado—the vast majority of people say they are frustrated with the bickering in Washington, and they believe it is hurting our Nation. The words used by politicians and commentators on the right

and the left have become over the top—even violent.

After the horrific events of January 9, it is only natural that we ask whether there is a connection between the fact that Congresswoman GIFFORDS was the subject of violent gun metaphors on the campaign trail and the attack by a disturbed gunman only a few months later.

I, personally, think it would be simplistic to believe that one was the sole—or even a part—cause of the other. But it is incontrovertible that the level of violence and vitriol in our political language has been escalating year after year to a point where the space between rhetoric and reality has grown from a gap into a chasm.

To quote Jon Stewart of the “Daily Show” during his rally to restore sanity in politics: “We live now in hard times, not end times.” Yet you wouldn't know it by listening to the 24-hour media spin cycle.

I know GABBY well. She represents the district my father represented for 30 years. I grew up in Tucson, and a piece of me will always be rooted in its sandy soil. It is a border district, full of independent westerners whose ancestors made a good living there, despite harsh conditions and punishing temperatures. Its people include moderates as well as staunch liberals and strong-minded conservatives. In order to represent the area well, you really have to be outside politics, willing to hear everyone's point of view and to bring them together regardless of party. That is GABBY in a nutshell.

It would be a huge disservice to GABBY, Judge Roll, Christina Greene, and all of the other victims of the Tucson shooting if we didn't seize this moment to reflect on how to rein in the rhetoric—to become more civil to each other—and—as our President said eloquently—live up to their ideals for our democracy.

So sitting together was only a small step. I hope we can follow it up with more efforts to work together—perhaps bipartisan retreats—or, as was suggested by a few of my colleagues—doing away with the aisle altogether.

I want to thank my co-leaders in this effort—Senator MURKOWSKI of Alaska, and Representatives HEATH SHULER and PAUL GOSAR. I look forward to working with them and any others in ways that will eventually help us solve the big challenges that confront us—because if we cannot sit together, we are kidding ourselves if we think we can win the global economic race, pay down our debt, develop a 21st century energy policy, fix our broken immigration system—or address any of the myriad other problems facing our country.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHNNY THE BRAVE

• Mr. BOOZMAN. Mr. President, today I wish to reflect on the courage and strength of Johnny Ties or as most people know him, Johnny the Brave.

Johnny lives in Gravette, AR, with his family who supports him with their faith and love. While he enjoys playing soccer, off the field he is a true warrior and champion who is setting a great example for us all.

Johnny is bravely battling an illness. I join his family, friends and community in showing just how proud we are of this amazing 8-year-old whose optimism and zest for life is something we can all learn from.

Our thoughts and prayers are with Johnny the Brave. •

MESSAGES FROM THE HOUSE

At 2:23 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 359. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 366. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message further announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. BRADY of Texas, Chairman, Mr. BURGESS of Texas, Mr. CAMPBELL of California, Mr. DUFFY of Wisconsin, Mr. AMASH of Michigan, and Mr. MULVANEY of South Carolina.

The message also announced that pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. TURNER of Ohio, Chairman, Mr. SHIMKUS of Illinois, Mr. SHUSTER of Pennsylvania, Mr. MILLER of Florida, Mrs. EMERSON of Missouri, Ms. GRANGER of Texas, and Mr. BILIRAKIS of Florida.

The message further announced that pursuant to section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601), and the order of the House of January 5, 2011, the Speaker and the President Pro Tempore of the Senate hereby jointly

appoint the following individual to the Congressional Budget Office for the term expiring January 3, 2015: Dr. Douglas W. Elmendorf, Director.

The message also announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42-43), and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. JOHNSON of Ohio and Mr. LATOURETTE of Ohio.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 192. A bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 223. A bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-221. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, a report entitled "Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project Status Report to Congress for Fiscal Year 2009"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-222. A communication from the Management Analyst, Directives and Regulations Branch, Forest Service, transmitting, pursuant to law, the report of a rule entitled "Prohibitions in Areas Designated by Order—Closure of National Forest System Lands to Protect Privacy of Tribal Activities" (RIN0596-AC93) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-223. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products" (RIN0583-AC60) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-224. A communication from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting, pur-

suant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program: Regulation Restructuring to Reflect the End of Coupon Issuance System" (RIN0584-AD48) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-225. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Black Stem Rust; Additions of Rust-Resistant Varieties" (Docket No. APHIS-2010-0088) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-226. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-227. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a quarterly report relative to withdrawals or diversions of equipment from Reserve component units from July 1, 2010 to September 30, 2010; to the Committee on Armed Services.

EC-228. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2010 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-229. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Armed Forces Retirement Home—Washington's 2010 Accreditation Report; to the Committee on Armed Services.

EC-230. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, the Department's Health Care Quality Report for 2010; to the Committee on Armed Services.

EC-231. A communication from the Deputy Assistant Secretary of Defense (Force Health Protection and Readiness) performing the duties of the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to pain care initiatives provided by the health care programs of the Department of Defense; to the Committee on Armed Services.

EC-232. A communication from the Acting Director of the Acquisition Policy and Legislation Branch, Office of the Chief Procurement Officer, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Revision of Department of Homeland Security Acquisition Regulation" (RIN1601-AA16) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Armed Services.

EC-233. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Organizational Conflicts of Interest in Major Defense Acquisition Programs" ((RIN0750-AG63) (DFARS Case 2009-D015)) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Armed Services.

EC-234. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD34) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-235. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD32) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-236. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "The Low Income Definition" (RIN3133-AD75) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-237. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN7100-AD50) (FRB Docket No. R-1387) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-238. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Issuer Review of Assets Underlying Asset-Backed Securities" (RIN3235-AK76) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-239. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AD60) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-240. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure for Asset-Backed Securities Required by Section 943 of the Dodd-Frank Wall Street Reform and Consumer Protection Act" (RIN3235-AK75) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-241. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Additions and Revisions to the List of Validated End-Users in the People's Republic of China: CSMC Technologies Corporation and Advanced Micro Devices China, Inc." (RIN0694-AF07) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-242. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-243. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-244. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-245. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-246. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-247. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-248. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-249. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-250. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-251. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-252. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-253. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-254. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-255. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-256. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-257. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-258. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-259. A communication from the President of the United States of America, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-260. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency that was declared in Executive Order 13396 on February 7, 2006, with respect to the situation in or in relation to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC-261. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's 2011 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-262. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AD68) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-263. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Clothes Dryers and Room Air Conditioners; Final Rule" (RIN1904-AC02) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Energy and Natural Resources.

EC-264. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the acceptance of gifted land in Tulare and Kern Counties, California; to the Committee on Energy and Natural Resources.

EC-265. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deferral of Income from Sale of Gift Cards" (Rev. Proc. 2011-18) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Finance.

EC-266. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Changes in Method of Accounting for Organizations to which Section 833 Applies" (Notice 2011-4) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Finance.

EC-267. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections: Matters Sub-

ject to Protest and Various Protest Time Limits" (CBP Dec. 11-02) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Finance.

EC-268. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States—Oman Free Trade Agreement" (RIN1515-AD68) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Finance.

EC-269. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Safeguarding Child Support Information" (45 CFR Parts 301, 302, 303, and 307) received in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-270. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; End-Stage Renal Disease Quality Incentive Program" (RIN0938-AP91) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Finance.

EC-271. A communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2010; to the Committee on Finance.

EC-272. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to the continuing need for authorized bankruptcy judgeships; to the Committee on the Judiciary.

EC-273. A communication from the Associate Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Applicability of the Sex Offender Registration and Notification Act" (RIN1105-AB22) received in the Office of the President of the Senate on January 25, 2011; to the Committee on the Judiciary.

EC-274. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Inmate Discipline Program/Special Housing Units: Subpart Revision and Clarification" (RIN1120-AB18) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on the Judiciary.

EC-275. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Yamhill-Carlton Viticultural Area" (RIN1513-AB65) received in the Office of the President of the Senate on January 25, 2011; to the Committee on the Judiciary.

EC-276. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Santa Maria Valley Viticultural Area" (RIN1513-AB31) received in the Office of the President of the Senate on January 25, 2011; to the Committee on the Judiciary.

EC-277. A communication from the Clerk of Court, United States Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2010; to the Committee on the Judiciary.

EC-278. A communication from the National Executive Secretary, Navy Club of the United States of America, transmitting, pursuant to law, a report relative to the national financial statement of the organization, and national staff and convention minutes for the year ending July 31, 2010; to the Committee on the Judiciary.

EC-279. A communication from the Chief Privacy and Civil Liberties Officer, Office of Privacy and Civil Liberties, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Privacy Act System of Records of the Federal Bureau of Investigation: 'Data Integration and Visualization System, (DIVS), FBI-021'" (28 CFR Part 16) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on the Judiciary.

EC-280. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program" (RIN1205-AB61) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-281. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of Six Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974, as Amended" (RIN1218-AC25) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-282. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (Docket No. FDA-2000-N-0011) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-283. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Informed Consent Elements" ((RIN0910-AG32)(Docket No. FDA-2009-N-0592)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-284. A communication from the Executive Analyst, Department of Health and Human Services, transmitting, pursuant to law, a report relative to (2) vacancies in the Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-285. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled,

"Health, United States, 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-286. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Simonds Saw and Steel Company, Lockport, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-287. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from BWX Technologies, Inc., Lynchburg, VA, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-288. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Texas City Chemicals, Inc., Texas City, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-289. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-290. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the implementation of the Danger Pay Allowance for Nogales, Mexico; to the Committee on Foreign Relations.

EC-291. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Federal Information Security Management Act Report for Fiscal Year 2010; to the Committee on Foreign Relations.

EC-292. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan" ((RIN1625-AA17)(Docket No. USCG-1998-4623)) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-293. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Traffic Separation Schemes: In the Strait of Juan de Fuca and its Approaches; in Puget Sound and its Approaches; and in Haro Strait, Boundary Pass, and the Strait of Georgia" ((RIN1625-AA48)(Docket No. USCG-2002-12702)) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-294. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; U.S. Coast Guard BSU Seattle, Pier 36, Seattle, WA; Correction" ((RIN1625-AA87)(Docket No. USCG-2010-0021)) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-295. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Standard Instrument Approach Procedures (193); Amdt. 3404" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-296. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (26); Amdt. 3405" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-297. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (44); Amdt. 3406" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-298. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (26); Amdt. 3407" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-299. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Using Agency for Restricted Areas R-5301; R-5302A, B, and C; and R-5313A, B, C, and D; Airspace Docket No. 10-ASO-28" ((RIN2120-AA66)(Docket No. FAA-2010-1071)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-300. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Process for Requesting a Waiver of the Mandatory Separation Age of 56 for Air Traffic Control Specialists" ((RIN2120-AJ66)(Docket No. FAA-2010-0567)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-301. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Feathering Propeller Systems for Light-Sport Aircraft Powered Gliders" ((RIN2120-AJ81)(Docket No. FAA-2010-0812)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-302. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; USS Fort Worth Launch, Marinette, WI" ((RIN1625-AA00)(Docket No.

USCG-2010-1044)) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-303. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Bridge Demolition; Illinois River, Seneca, IL" ((RIN1625-AA00)(Docket No. USCG-2010-1043)) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-304. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 'Contagion' Movie Filming, Calumet River, Chicago, IL" ((RIN1625-AA00)(Docket No. USCG-2010-1013)) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON (for himself, Mrs. SHAHEEN, Mr. ALEXANDER, Mr. VITTER, Mr. THUNE, Mr. CRAPO, Mr. CHAMBLISS, Mr. CORKER, and Mr. HARKIN):

S. 211. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government; to the Committee on the Budget.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 212. A bill to amend title 10, United States Code, to authorize long-term contracts for the procurement of certain liquid transportation fuels for the Department of Defense; to the Committee on Armed Services.

By Mr. ROBERTS (for himself and Mr. MORAN):

S. 213. A bill to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 214. A bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MENENDEZ:

S. 215. A bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 216. A bill to increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated; to the Committee on the Judiciary.

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ENZI,

Mr. GRAHAM, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. MORAN, Mr. PAUL, Mr. RISCH, Mr. SHELBY, Mr. THUNE, Mr. VITTER, Mr. WICKER, Mr. ROBERTS, Mr. CORKER, and Mr. CORNYN):

S. 217. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN:

S. 218. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. COCHRAN, Mr. LEVIN, Mrs. McCASKILL, Mrs. SHAHEEN, Mr. SCHUMER, Mr. UDALL of Colorado, Mrs. FEINSTEIN, Mr. LUGAR, Mr. CARDIN, Mr. GRAHAM, Mr. ROCKEFELLER, and Mr. BEGICH):

S. 219. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 220. A bill to provide for the reforestation of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself, Mr. ROCKEFELLER, Ms. STABENOW, and Mr. CASEY):

S. 221. A bill to amend the Internal Revenue Code of 1986 to extend the health insurance costs tax credit, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 222. A bill to limit investor and homeowner losses in foreclosures, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 223. A bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself, Mr. GRASSLEY, Mrs. McCASKILL, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. COLLINS, Mr. DURBIN, Mrs. GILLIBRAND, Mr. TESTER, Mr. JOHANNES, Mr. MERKLEY, Mr. BEGICH, and Mr. MANCHIN):

S. Res. 28. A resolution to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter; considered and agreed to.

By Mr. UDALL of Colorado (for himself and Mr. MERKLEY):

S. Res. 29. A resolution to permit the waiving of the reading of an amendment if the text and adequate notice are provided; considered and agreed to.

By Ms. SNOWE (for herself and Mrs. MURRAY):

S. Res. 30. A resolution celebrating February 2, 2011, as the 25th anniversary of "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

By Mr. REID (for Mr. INOUE (for himself, Ms. MURKOWSKI, and Mr. COCHRAN)):

S. Res. 31. A resolution commemorating the 110th anniversary of the United States Army Nurse Corps; considered and agreed to.

By Mr. CRAPO (for himself and Mr. LIEBERMAN):

S. Res. 32. A resolution designating the month of February 2011 as "National Teen Dating Violence Awareness and Prevention Month"; considered and agreed to.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. Res. 33. A resolution expressing the sense of the Senate relating to the 150th anniversary of the admittance of the State of Kansas to the United States as the 34th State; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 18

At the request of Mr. JOHANNES, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 18, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations and for other purposes.

S. 21

At the request of Mr. REID, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 21, a bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

S. 23

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 72

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 168

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 168, a bill to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and to require organizations to register with the State prior to the distribution of such forms.

S. 183

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 183, a bill to clarify the applicability of certain maritime laws with respect to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon.

S. RES. 21

At the request of Mr. MERKLEY, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Colorado (Mr. UDALL), the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. Res. 21, a resolution to amend the Standing Rules of the Senate to provide procedures for extended debate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 216. A bill to increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce legislation to hold criminals who poison our food supply accountable for their crimes. This is an issue that received considerable attention last year, and I was pleased that the Congress finally passed comprehensive food safety reforms. But our work is not done. The Food Safety Accountability Act increases the sentences that prosecutors

can seek for people who violate our food safety laws in those cases where there is conscious or reckless disregard of a risk of death or serious bodily injury. The legislation I propose will allow law enforcement to seek sentences of up to 10 years in jail for those who contaminate our food supply with the intent to mislead or defraud consumers, and endanger Americans.

Last year, I introduced similar legislation which received unanimous support from the Senate Judiciary Committee. I hope the Judiciary Committee, and the full Senate, will give it the same consideration this year. I'd like to thank Senator KLOBUCHAR and Senator FRANKEN for their ongoing support of the bill. Senator SESSIONS, Senator HATCH, Senator COBURN, and Senator GRASSLEY had concerns about its breadth, and we were able to work together to address these concerns in the legislation I introduce today.

Just last summer, a salmonella outbreak caused hundreds of people to fall ill and triggered a national egg recall. The company responsible for the eggs at the root of this summer's salmonella crisis had a long history of environmental, immigration, labor, and food safety violations. It is clear that fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who intentionally poison the food supply will go to jail. The Food Safety Accountability Act will help to do that in the most egregious cases.

Current statutes do not provide sufficient criminal sanctions for those who violate our food safety laws with the intent to mislead or defraud. Doing so is already illegal, but it is merely a misdemeanor right now, and the Sentencing Commission has found that it generally does not result in jail time. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business.

In the last Congress, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her seven-year-old son, Christopher, who became severely ill and was hospitalized for six days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, but Mrs. Meunier's story highlighted improvements that are needed in our food safety system. No parent should have to go through what she experienced. The American people should be confident that the food they buy for their families is safe.

After hearing Mrs. Meunier's account, I called on the Department of Justice to conduct a criminal investigation into the outbreak of sal-

monella that made Christopher and many others so sick. These products were linked to the deaths of nine people and have sickened more than 600 others. It appears that the company responsible knew that their peanut products had tested positive for deadly salmonella, but rather than immediately disposing of the products, the company sought ways to sell them anyway. The evidence suggests that the public was misled, and that the company put profit above the public's safety. The Food Safety Accountability Act increases the chances that those who disregard the safety of Americans and commit food safety crimes will face jail time, rather than merely a slap on the wrist, for their criminal conduct.

On behalf of the hundreds of individuals sickened by recent salmonella outbreaks, I hope Senators of both parties will act swiftly to pass this bill. We have come a long way, but must continue to be diligent to ensure that our food safety system is strong. The Justice Department must be given the tools it needs to investigate and prosecute crime involving food safety, and we must work together, from farm to fork, to improve the safety of food in this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Safety Accountability Act of 2011".

SEC. 2. CRIMINAL PENALTIES.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. Misbranded and adulterated food

"(a) DEFINITION.—In this section, the term 'food' has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(b) OFFENSE.—Any person who violates subsection (a), (b), (c), or (k) of section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) with respect to any food—

"(1) knowingly and intentionally to defraud or mislead; and

"(2) with conscious or reckless disregard of a risk of death or serious bodily injury, shall be fined under this title, imprisoned for not more than 10 years, or both."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1041. Misbranded and adulterated food."

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 220. A bill to provide for the reforestation of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon; to the

Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I rise today to introduce critical forest legislation for my home State of Oregon.

This is legislation that I introduced in the last Congress. Unfortunately, despite making significant progress and gaining the support of the administration, my legislation did not get passed before Congress adjourned. But the need remains as great as ever and it remains one of the top priorities for my State. So today, early in this new Congress, I am reintroducing the bill and sending the message that this urgent priority needs to get done.

I am pleased that my colleague from Oregon, Senator MERKLEY, has joined me today in introducing this bill. Like me, he recognizes the severe needs in our forests and in the forest dependent communities.

For too many decades, Oregon has been at war with itself over the fate of its forests. Nowhere has the negative impact of this battle been greater than in Oregon's eastside forests.

Over-logging and disastrous fire suppression policies of the past gave way over time to excessive litigation and gridlock.

That excessive litigation and gridlock has resulted in millions of acres of Oregon's Federal forest landscape containing choked, overstocked stands that are at great risk of uncharacteristic catastrophic fires, insect infestations and disease.

Controversial logging that holds the industry and the environment hostage to competing ideologies serves no one's interest. The focus should be on areas that everyone agrees desperately need management: to thin and restore our forests and watersheds, and to reduce hazardous fuels putting our forests at risk.

That is why I introduced legislation in the last Congress to begin to tackle the challenges facing Oregon's Eastside forests.

Leaders on both sides of these difficult issues came together with me after intense negotiations to bring peace, jobs, and a healthier tomorrow to the 8.3 million acres on the 6 Federal forests in eastern and central Oregon.

Those leaders realized that each side had armed itself politically enough to survive, but not enough to succeed.

With each passing month and each attempted timber sale and threatened lawsuit, our inability to take action, our inability to address the needs of Oregon's declining forests means that they are growing more at risk of preventable fire and disease.

Leaders on both sides of this issue realized that unless something fundamental changes, Oregon's Federal forest landscape, with millions of acres of choked, at-risk forest in desperate need of management, millions of acres of old growth, species habitat, and watersheds face an uncertain future.

Timber executives came together with leaders of the Oregon environmental community to take shared responsibility for saving our endangered forests, following months of intense negotiations to reach an agreement on legislation.

Since my bill was introduced in the last Congress, there have been continuing discussions and negotiations as my stakeholders and I have worked with the Administration and the Energy and Natural Resources Committee to get the bill ready for passage in the Senate. Today's bill reflects some of those changes, but it preserves the core elements of the agreement that I crafted with the stakeholders to this agreement—a push to increase the timber produced from our national forests, landscape scale restoration efforts and protections for watersheds and old growth.

Today in eastern Oregon we are down to only a small handful of surviving mills. Without far greater certainty of supply and an immediate increase in merchantable timber, more mills will close.

If that happens, our Eastside forests will pay the price.

Without mills to process saw logs and other merchantable material from forest restoration projects, there will be no restoration of our Eastside forests.

Fortunately leaders on both sides of this issue recognize that and that is why they set aside their differences to forge an agreement.

Job One must be saving the remaining infrastructure of forestry—Oregon's mills and its timber workers—in central and eastern Oregon while preserving our old growth and watersheds.

My stakeholders and I worked very hard on the agreement and to advance this legislation. As I predicted, we have already seen our share of challenges. But I have great faith that we will stand firm to see this legislation implemented.

I am not going to let Congressional gridlock stop the historic progress that has been made on forestry issues in Oregon. This issue is simply too important.

I also want to point out that none of our efforts will succeed unless Oregon Federal forests are also adequately funded to properly manage and restore these valuable Federal assets.

Together, as a team, we will fight for the funding to put our people back to work and restore the health of our forests.

I want to thank my stakeholders for their support and tireless work in crafting this agreement and ultimately in working with me through the legislative process.

I am proud to introduce this legislation today, and I am going to keep working with all the folks in my State who are willing to talk in good faith about restoring our eastside forests.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 28—TO ESTABLISH AS A STANDING ORDER OF THE SENATE THAT A SENATOR PUBLICLY DISCLOSE A NOTICE OF INTENT TO OBJECTING TO ANY MEASURE OR MATTER

Mr. WYDEN. (for himself, Mr. GRASSLEY, Mrs. McCASKILL, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. COLLINS, Mr. DURBIN, Mrs. GILLIBRAND, Mr. TESTER, Mr. JOHANNES, Mr. MERKLEY, Mr. BEGICH, and Mr. MANCHIN) submitted the following resolution; which was considered and agreed to:

S. RES. 28

Resolved,

SECTION 1. ELIMINATING SECRET SENATE HOLDS.

(a) IN GENERAL.—

(1) COVERED REQUEST.—This standing order shall apply to a notice of intent to object to the following covered requests:

(A) A unanimous consent request to proceed to a bill, resolution, joint resolution, concurrent resolution, conference report, or amendment between the Houses.

(B) A unanimous consent request to pass a bill or joint resolution or adopt a resolution, concurrent resolution, conference report, or the disposition of an amendment between the Houses.

(C) A unanimous consent request for disposition of a nomination.

(2) RECOGNITION OF NOTICE OF INTENT.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent to object to a covered request of a Senator who is a member of their caucus if the Senator—

(A) submits the notice of intent to object in writing to the appropriate leader and grants in the notice of intent to object permission for the leader or designee to object in the Senator's name; and

(B) not later than 2 session days after submitting the notice of intent to object to the appropriate leader, submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section described in subsection (b).

(3) FORM OF NOTICE.—To be recognized by the appropriate leader a Senator shall submit the following notice of intent to object:

"I, Senator _____, intend to object to _____, dated _____. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 2 session days and I give my permission to the objecting Senator to object in my name." The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date that the notice of intent to object is submitted.

(4) NOTICES ON THE SENATE FLOOR.—The requirement to submit a notice of intent to object to the Legislative Clerk and the Congressional Record shall not apply in the event a Senator objects on the floor of the Senate and states the following:

"I object to _____, on behalf of Senator _____."

(b) CALENDAR.—

(1) OBJECTION.—Upon receiving the submission under subsection (a)(2)(B), the Legislative Clerk shall add the information from the notice of intent to object to the applicable Calendar section entitled 'Notices of Intent to Object to Proceeding' created by Public Law 110-81. Each section shall include the name of each Senator filing a notice under subsection (a)(2)(B), the measure or matter covered by the calendar to which the notice of intent to object relates, and the date the notice of intent to object was filed.

(2) OBJECTION ON BEHALF.—In the case of an objection made under subsection (a)(4), not later than 2 session days after the objection is made on the floor, the Legislative Clerk shall add the information from such objection to the applicable Calendar section entitled "Notices of Intent to Object to Proceeding" created by Public Law 110-81. Each section shall include the name of the Senator on whose behalf the objection was made, the measure or matter objected to, and the date the objection was made on the floor.

(c) REMOVAL.—A Senator may have a notice of intent to object relating to that Senator removed from a calendar to which it was added under subsection (b) by submitting to the Legislative Clerk the following notice:

"I, Senator _____, do not object to _____, dated _____. The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date of the submission to the Legislative Clerk under this subsection.

(d) OBJECTING ON BEHALF OF A MEMBER.—Except with respect to objections made under subsection (a)(4), if a Senator who has notified his or her leader of an intent to object to a covered request fails to submit a notice of intent to object under subsection (a)(2)(B) within 2 session days following an objection to a covered request by the leader or his or her designee on that Senator's behalf, the Legislative Clerk shall list the Senator who made the objection to the covered request in the applicable "Notice of Intent to Object to Proceeding" calendar section.

SENATE RESOLUTION 29—TO PERMIT THE WAIVING OF THE READING OF AN AMENDMENT IF THE TEXT AND ADEQUATE NOTICE ARE PROVIDED

Mr. UDALL of Colorado (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 29

Resolved,

SECTION 1. READING OF AMENDMENTS.

(a) STANDING ORDER.—This section shall be a standing order of the Senate.

(b) WAIVER.—The reading of an amendment may be waived by a non-debatable motion if the amendment—

(1) has been submitted at least 72 hours before the motion; and

(2) is available in printed or electronic form in the Congressional Record.

SENATE RESOLUTION 30—CELEBRATING FEBRUARY 2, 2011, AS THE 25TH ANNIVERSARY OF “NATIONAL WOMEN AND GIRLS IN SPORTS DAY”

Ms. SNOWE (for herself and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 30

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates February 2, 2011, as the 25th anniversary of “National Women and Girls in Sports Day”; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe “National Women and Girls in Sports Day” with appropriate ceremonies and activities.

SENATE RESOLUTION 31—COMMEMORATING THE 110TH ANNIVERSARY OF THE UNITED STATES ARMY NURSE CORPS

Mr. REID of Nevada (for Mr. INOUE for himself, Ms. MURKOWSKI, and Mr.

COCHRAN)) submitted the following resolution; which was considered and agreed to:

S. RES. 31

Whereas throughout the history of the United States, nurses have served the United States Armed Forces during times of peace and war;

Whereas the establishment of the United States Army Nurse Corps (referred to in this preamble as the “Army Nurse Corps”), a permanent nursing corps, was authorized under section 19 of the Act of February 2, 1901 (31 Stat. 753, chapter 192);

Whereas for the 110 years since its establishment, the Army Nurse Corps has served with distinction at home and abroad;

Whereas more than 21,000 Army nurses served in World War I, providing care in evacuation, mobile surgical hospitals, and on hospital trains and transport ships;

Whereas in World War II, more than 57,000 Army nurses served with distinction, including 67 nurses who were captured in the Philippines and held as prisoners of war for 3 years before their liberation in February 1945;

Whereas Army nurses have served with the United States Army in hostilities in Korea, Vietnam, Grenada, Panama, Kuwait, and Somalia;

Whereas Army nurses have served shoulder to shoulder with the United States Army for more than 9 years in Afghanistan and 7 years in Iraq;

Whereas as of the date of agreement to this resolution, nurses in the Army Reserve, the Army National Guard, and the Regular Army are deployed in more than 15 countries;

Whereas the motto of Army nurses, “Embrace the Past, Engage the Present, Envision the Future”, symbolizes the bond of the Army Nurse Corps to its rich history as well as its commitment to the care of future generations of Americans;

Whereas Army nurses, who selflessly serve the United States, will continue to serve the United States Army, regardless of the cause, location, or magnitude of future battles; and

Whereas the Army Nurse Corps is committed to providing quality care to the United States Army during times of peace and war, at any time and in any place: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the valor, commitment, and sacrifice that United States Army Nurse Corps nurses have made throughout the history of the United States;

(2) commends the United States Army Nurse Corps for 110 years of selfless service; and

(3) calls upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

SENATE RESOLUTION 32—DESIGNATING THE MONTH OF FEBRUARY 2011 AS “NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH”

Mr. CRAPO (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 32

Whereas while dating, domestic, and sexual violence and stalking affect women regardless of age, teens and young women are especially vulnerable;

Whereas according to Liz Claiborne's 2009 Parent/Teen Dating Violence Poll, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a rate that far exceeds victimization rates for other types of violence affecting youth;

Whereas according to the Centers for Disease Control and Prevention, nearly 10 percent of high school students have been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend in the past year;

Whereas according to the American Journal of Public Health, more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;

Whereas according to a Youth Risk Behavioral Survey, almost 20 percent of teen girls who were exposed to physical dating violence did not attend school on 1 or more occasions during the past 30 days due to feeling unsafe at school or on the way to or from school;

Whereas violent relationships in adolescence can have serious ramifications for victims, putting such victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas being physically and sexually abused leaves teen girls up to 6 times more likely to become pregnant and more than twice as likely to contract a sexually transmitted disease;

Whereas nearly 3 in 4 “tweens”, individuals who are between the ages of 11 and 14, report that dating relationships usually begin at age 14 or younger and about 72 percent of eighth and ninth graders report “dating”;

Whereas 1 in 5 tweens say that their friends are victims of dating violence, and nearly half of tweens who are in relationships know friends who are verbally abused;

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens;

Whereas teen dating abuse most often takes place in the home of 1 of the partners;

Whereas according to Liz Claiborne's 2009 Parent/Teen Dating Violence Poll, although 82 percent of parents are confident that they could recognize the signs if their child was experiencing dating abuse, a majority of parents (58 percent) could not correctly identify all the warning signs of abuse;

Whereas 74 percent of teenage boys and 66 percent of teenage girls say that they have not had a conversation with a parent about dating abuse in the past year;

Whereas digital abuse and “sexting”, or sending or receiving nude pictures of other young people on a cellphone or on the Internet, is becoming a new frontier for teen dating abuse;

Whereas according to a National Crime Prevention Council survey, 43 percent of middle and high school students reported experiencing cyberbullying in the past year;

Whereas 1 in 4 teens in a relationship say that they have been called names, harassed, or put down by their partner through cellphones and texting;

Whereas according to a survey by The National Campaign, more than half of teen girls say pressure from a boy is a reason girls send suggestive messages or images, while only 18 percent of teen boys say pressure from a girl is a reason for such behavior, and 12 percent of teen girls who have sent suggestive messages or images say they felt “pressured” to do so;

Whereas according to a 2009 survey by Cox Communications, 19 percent of teens revealed that they had been harassed, embarrassed, or threatened online or by text message;

Whereas 3 in 10 young people have "sexted", and 61 percent of young people who have "sexted" report being pressured to do so at least once;

Whereas targets of digital abuse are almost 3 times more likely to contemplate suicide as those who have not encountered digital abuse, and targets of digital abuse are nearly 3 times more likely to have considered dropping out of school;

Whereas according to Liz Claiborne's 2010 College Dating Violence and Abuse Poll, 63 percent of college students report having a college friend who experienced violent and abusive dating behavior;

Whereas according to Liz Claiborne's 2010 College Dating Violence and Abuse Poll, 41 percent of dating college students report experiencing violent and abusive dating behaviors;

Whereas 65 percent of college students who were in an abusive relationship failed to realize that they were in an abusive relationship, and 53 percent of such students said that no one helped them;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence was established in adolescence;

Whereas primary prevention programs are a key part of addressing teen dating violence, and many successful examples of such programs include education, community outreach, and social marketing campaigns that are culturally appropriate;

Whereas skilled assessment and intervention programs are also necessary for youth victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of February 2011 as "National Teen Dating Violence Awareness and Prevention Month";

(2) supports communities in empowering teens to develop healthier relationships throughout their lives; and

(3) calls upon the people of the United States, including youth, parents, schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and activities that promote awareness and prevention of teen dating violence in their communities.

SENATE RESOLUTION 33—EXPRESSING THE SENSE OF THE SENATE RELATING TO THE 150TH ANNIVERSARY OF THE ADMITTANCE OF THE STATE OF KANSAS TO THE UNITED STATES AS THE 34TH STATE

Mr. MORAN (for himself and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 33

Whereas January 29, 2011, marks the 150th anniversary of the admittance to the State of Kansas to the United States as the 34th State;

Whereas the sesquicentennial of the statehood of the State of Kansas is cause for celebration and reflection;

Whereas the name Kansas is derived from the Kansa Indians who, among many other Indian tribes, have inhabited the plains of the United States for centuries;

Whereas Kansas received official recognition as a territory in 1854;

Whereas the territorial years of Kansas, commonly known as "Bleeding Kansas", were marked by violence and bloodshed over whether Kansas would join the United States as a State that permitted slavery;

Whereas the territorial population of Kansas was committed to the ideals of personal freedom and individual liberty, which led to armed conflict with neighboring regions;

Whereas the battle between pro-freedom and pro-slavery interests over the future of Kansas were fought politically and violently in both Kansas and Washington, District of Columbia;

Whereas Kansas was admitted to the United States as a free State on January 29, 1861, under President James Buchanan following a debate that served as a factor in the outbreak of the Civil War;

Whereas the legislature of the State of Kansas convened for the first time in March 1861, only a month prior to the commencement of the Civil War with the firing on Fort Sumter in the State of South Carolina in April 1861;

Whereas two-thirds of the able-bodied males in the State of Kansas served in the Union Army over the course of the Civil War;

Whereas the State of Kansas was born in the midst of blood and battle, has established itself as a national leader in agriculture and aviation, and is a key contributor to the culture of the United States;

Whereas Kansas agricultural producers produce food, fuel, and fiber that is used throughout the United States and exported across the globe;

Whereas Kansas aircraft manufacturers have led the world in producing quality aircraft since the early days of aviation;

Whereas throughout the State and across generations, the people of the State of Kansas employ a work ethic and sense of duty befitting the American Dream, none better exemplify this than President Dwight D. Eisenhower, the boy who rose from humble beginnings to lead as Supreme Allied Commander in World War II and later serve as the 34th President of the United States;

Whereas from the days of the "Bleeding Kansas" border wars through the current deployments in the Middle East, patriotic people of the State of Kansas have answered the call of duty to fight for the United States and the cause of liberty, including Senator Bob Dole who was wounded as a young infantry officer in World War II and later served as Senate Majority Leader and the Republican Nominee for President of the United States in 1996;

Whereas the State of Kansas continues its proud military tradition by supporting troops and their families in the National Guard in towns across the State and at Fort Riley, McConnell Air Force Base, and the Army Staff and Command College in Leavenworth; and

Whereas the motto of the State of Kansas, "Ad Astra per Aspera," which means "To the Stars through Difficulty," pays respect to the turbulent past of the State of Kansas, while remaining hopeful about the future: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the people of the United States should observe and celebrate the 150th anniversary of the admittance of the State of Kansas to the United States as the 34th State;

(B) the people of the State of Kansas should—

(i) be honored for their pioneering spirit and innovations; and

(ii) reflect on the distinguished past of the State and look forward to a promising future; and

(C) there is no place like home; and

(2) the Senate respectfully requests the Secretary of the Senate to transmit to the Governor of the State of Kansas an enrolled copy of this resolution for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. UDALL of New Mexico proposed an amendment to the resolution S. Res. 10, to improve the debate and consideration of legislative matters and nominations in the Senate.

SA 2. Mr. MERKLEY (for himself and Mr. BEGICH) proposed an amendment to the resolution S. Res. 21, to amend the Standing Rules of the Senate to provide procedures for extended debate.

TEXT OF AMENDMENTS

SA 1. Mr. UDALL of New Mexico proposed an amendment to the resolution S. Res. 10, to improve the debate and consideration of legislative matters and nominations in the Senate; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. DEBATE ON MOTIONS TO PROCEED.

Rule VIII of the Standing Rules of the Senate is amended by striking paragraph 2 and inserting the following:

"2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter, which shall not be debatable."

SEC. 2. ELIMINATING SECRET HOLDS.

Rule VIII of the Standing Rules of the Senate is amended by inserting at the end the following:

"3. No Senator may object on behalf of another Senator without disclosing the name of that Senator."

SEC. 3. RIGHT TO OFFER AMENDMENTS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"After the filing of a cloture motion under this paragraph but prior to a vote on such motion, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided. A leadership amendment shall require the approval of at least three-fifths of the Senators duly chosen and sworn."

SEC. 4. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) by designating the first 3 undesignated paragraphs as subparagraphs (a), (b), and (d), respectively;

(2) in subparagraph (d), as designated by paragraph (1), by striking “Thereafter” and inserting “If the Senate agrees to bring debate to a close under subparagraphs (b) or (c), thereafter”; and

(3) by inserting after subparagraph (b), as designated by paragraph (1), the following:

“(c)(1) If the Senate has voted against closing debate on a measure, motion, or other matter under subparagraph (b), but a majority of senators present and voting have voted to bring debate to a close, then the procedures under this subparagraph shall be in order at any time, so long as that measure, motion or other matter has continued as the only pending business subsequent to the vote against closing debate.

“(2) Under the circumstances described in clause (1), it shall be in order for the Majority Leader or his designee to move to bring debate on the pending measure, motion, or other matter to a close on the grounds that no Senator seeks recognition to debate the matter. Immediately after the motion is made and before putting the question thereon, the Presiding Officer shall immediately inquire whether any Senator seeks recognition for the purpose of debating the measure, motion or other matter on which the Senate had previously voted against closing debate under subparagraph (b). If a Senator seeks recognition for that purpose, the Presiding Officer shall announce that the Senate is proceeding under extended debate, and shall recognize a Senator who seeks recognition for debate. After the Presiding Officer’s announcement under the preceding sentence the Senate shall continue to proceed under extended debate subject to the conditions provided in clause (3). Notwithstanding rule XIX, Senators may speak more than twice on a question during extended debate.

“(3)(A) If the Senate enters into extended debate under this clause, no dilatory motions, motions to suspend any rule or any part thereof, nor dilatory quorum calls shall be entertained.

“(B) If during extended debate the proceedings described in either subclause (C), (D), or (E) occur and unless the Majority Leader or his designee withdraws the motion made under clause (2), the Senate shall proceed immediately to vote on that motion or to vote at a time designated by the Majority Leader or his designee within the next 4 calendar days of Senate session. When voted on, that motion shall be decided by a majority of Senators chosen and sworn.

“(C) If, at any point during extended debate when no Senator is recognized, no Senator seeks recognition, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition and shall recognize a Senator who seeks recognition for the purpose of debate. If no Senator then seeks recognition (or if no Senator sought recognition in response to the Presiding Officer’s inquiry under clause (2)), the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2), in the manner specified in subclause (B).

“(D)(i) If, at any point during extended debate, a Senator raises a question of the presence of a quorum, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate.

“(ii) If no Senator then seeks recognition for debate—

“(I) the Presiding Officer shall direct the Clerk to call the roll;

“(II) upon the establishment of a quorum, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B); and

“(III) if the Senate adjourns for lack of a quorum and when the Senate next convenes and the morning hour or any period for morning business is expired or is deemed to be expired, the Senate shall dispose of the motion of the Majority Leader (or his designee) made to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(E)(i) If, at any point during extended debate, a Senator having been recognized moves to adjourn, recess, postpone the pending matter, or proceed to other business, then unless the motion is made or seconded by the Majority Leader or his designee, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate, and said motion shall be considered withdrawn. If no Senator then seeks recognition for debate, then the Presiding Officer shall immediately put the question on the motion offered, unless the vote is delayed as provided in subclause (F).

“(ii) If the Senate agrees to a motion to adjourn or recess it shall resume consideration of the pending measure, motion or other matter pending at the time of adjournment or recess when it first takes up business after it next reconvenes, and the Senate shall still be in a period of extended debate. Upon the negative disposition of the motion to adjourn, recess, postpone, or proceed to other business, unless such motion was made by the majority leader or his designee, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(F) During a period of extended debate, the Majority Leader or his designee may delay any vote until a designated time within the next 4 calendar days of Senate session, and any votes ordered or occurring thereafter shall likewise be delayed.

“(4) If the motion of the Majority Leader to bring debate to a close pursuant to clause (3)(B) is agreed to by a majority of Senators chosen and sworn, the Presiding Officer shall announce that extended debate is ended and that the measure, motion, or other matter pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of and further proceedings on the measure, motion or other matter shall occur in accordance with subparagraph (d). If the Majority Leader withdraws the motion to bring debate to a close pursuant to clause (3)(B) or that motion is not agreed to by a majority of Senators chosen and sworn the Presiding Officer shall announce that extended debate is ended.

“(5) If extended debate on a measure, motion or other matter is ended under this subparagraph, other than by agreement to the motion made by the Majority Leader under clause (4), further consideration of the measure, motion or other matter shall occur as otherwise provided by the rules, except that if the Senate subsequently again votes against closing debate under subparagraph (b), the procedures under this subparagraph shall apply.”

SEC. 5. POSTCLOTURE DEBATE ON NOMINATIONS.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing

Rules of the Senate is amended by inserting at the end the following: “If the matter on which cloture is invoked is a nomination, the period of time for debate shall be 2 hours.”

SA 2. Mr. MERKLEY (for himself and Mr. BEGICH) proposed an amendment to the resolution S. Res. 21, to amend the Standing Rules of the Senate to provide procedures for extended debate; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) designating the first 3 undesignated paragraphs as subparagraphs (a), (b), and (d), respectively;

(2) in subparagraph (d), as designated by paragraph (1), by striking “Thereafter” and inserting “If the Senate agrees to bring debate to a close under subparagraphs (b) or (c), thereafter”; and

(3) inserting after subparagraph (b), as designated by paragraph (1), the following:

“(c)(1) If the Senate has voted against closing debate on a measure, motion, or other matter under subparagraph (b), but a majority of senators present and voting have voted to bring debate to a close, then the procedures under this subparagraph shall be in order at any time, so long as that measure, motion or other matter has continued as the only pending business subsequent to the vote against closing debate.

“(2) Under the circumstances described in clause (1), it shall be in order for the Majority Leader or his designee to move to bring debate on the pending measure, motion, or other matter to a close on the grounds that no Senator seeks recognition to debate the matter. Immediately after the motion is made and before putting the question thereon, the Presiding Officer shall immediately inquire whether any Senator seeks recognition for the purpose of debating the measure, motion or other matter on which the Senate had previously voted against closing debate under subparagraph (b). If a Senator seeks recognition for that purpose, the Presiding Officer shall announce that the Senate is proceeding under extended debate, and shall recognize a Senator who seeks recognition for debate. After the Presiding Officer’s announcement under the preceding sentence the Senate shall continue to proceed under extended debate subject to the conditions provided in clause (3). Notwithstanding rule XIX, Senators may speak more than twice on a question during extended debate.

“(3)(A) If the Senate enters into extended debate under this clause, no dilatory motions, motions to suspend any rule or any part thereof, nor dilatory quorum calls shall be entertained.

“(B) If during extended debate the proceedings described in either subclause (C), (D), or (E) occur and unless the Majority Leader or his designee withdraws the motion made under clause (2), the Senate shall proceed immediately to vote on that motion or to vote at a time designated by the Majority Leader or his designee within the next 4 calendar days of Senate session. When voted on, that motion shall be decided by a majority of Senators chosen and sworn.

“(C) If, at any point during extended debate when no Senator is recognized, no Senator seeks recognition, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition and shall recognize a

Senator who seeks recognition for the purpose of debate. If no Senator then seeks recognition (or if no Senator sought recognition in response to the Presiding Officer's inquiry under clause (2)), the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2), in the manner specified in subclause (B).

“(D)(i) If, at any point during extended debate, a Senator raises a question of the presence of a quorum, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate.

“(ii) If no Senator then seeks recognition for debate—

“(I) the Presiding Officer shall direct the Clerk to call the roll;

“(II) upon the establishment of a quorum, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B); and

“(III) if the Senate adjourns for lack of a quorum and when the Senate next convenes and the morning hour or any period for morning business is expired or is deemed to be expired, the Senate shall dispose of the motion of the Majority Leader (or his designee) made to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(E)(i) If, at any point during extended debate, a Senator having been recognized moves to adjourn, recess, postpone the pending matter, or proceed to other business, then unless the motion is made or seconded by the Majority Leader or his designee, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate, and said motion shall be considered withdrawn. If no Senator then seeks recognition for debate, then the Presiding Officer shall immediately put the question on the motion offered, unless the vote is delayed as provided in subclause (F).

“(ii) If the Senate agrees to a motion to adjourn or recess it shall resume consideration of the pending measure, motion or other matter pending at the time of adjournment or recess when it first takes up business after it next reconvenes, and the Senate shall still be in a period of extended debate. Upon the negative disposition of the motion to adjourn, recess, postpone, or proceed to other business, unless such motion was made by the majority leader or his designee, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

“(F) During a period of extended debate, the Majority Leader or his designee may delay any vote until a designated time within the next 4 calendar days of Senate session, and any votes ordered or occurring thereafter shall likewise be delayed.

“(4) If the motion of the Majority Leader to bring debate to a close pursuant to clause (3)(B) is agreed to by a majority of Senators chosen and sworn, the Presiding Officer shall announce that extended debate is ended and that the measure, motion, or other matter pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of and further proceedings on the measure, motion or other matter shall occur in accordance with subparagraph (d). If the Majority Leader withdraws the motion to bring debate to a close pursuant to clause (3)(B) or that motion is not agreed to by a majority of Senators cho-

sen and sworn the Presiding Officer shall announce that extended debate is ended.

“(5) If extended debate on a measure, motion or other matter is ended under this subparagraph, other than by agreement to the motion made by the Majority Leader under clause (4), further consideration of the measure, motion or other matter shall occur as otherwise provided by the rules, except that if the Senate subsequently again votes against closing debate under subparagraph (b), the procedures under this subparagraph shall apply.”

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 27, 2011, at 1:30 p.m., to conduct a hearing entitled, “Gulf Coast Recovery: An Examination of Claims Administration and Social Services in the Aftermath of the Deepwater Horizon Oil Spill.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 27, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 27, 2011, at 2:15 p.m., to hold a European Affairs subcommittee hearing entitled, “Crackdown in Belarus: Responding to the Lukashenko Regime.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “The Affordable Care Act: The Impact of Health Insurance Reform on Health Care Consumers” on January 27, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 27, 2011, at 11 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 27, 2011, at 2:15 p.m., to hold a European Affairs subcommittee hearing entitled, “Crackdown in Belarus: Responding to the Lukashenko Regime.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “The Affordable Care Act: The Impact of Health Insurance Reform on Health Care Consumers” on January 27, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 27, 2011, at 11 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that Tim Woodbury on my staff be granted floor privileges for today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Danielle Holliday and Megan Culligan of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 110TH ANNIVERSARY OF THE U.S. ARMY NURSE CORPS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to S. Res. 31.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 31) commemorating the 110th anniversary of the United States Army Nurse Corps.

There being no objection, the Senate proceeded to consider the resolution.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. INOUE. Mr. President, today I rise to commemorate the 110th anniversary of the U.S. Army Nurse Corps. As a proud supporter of the officers, enlisted, and civilian personnel of the Army Nurse Corps, I am pleased that we are recognizing their contributions to our Army and our great Nation.

Since 1901, Army nurses have demonstrated again and again their total commitment to the highest standards of military nursing excellence. Both men and women have served as Army nurses since 1775, but the Army Nurse Corps did not become a part of the Army Medical Department until 1901. The distinguished contributions of female contract nurses during and following the 1898 Spanish-American War became the justification and demonstrated the need for a permanent female nurse corps.

When the United States entered World War I in 1917, there were only 4,093 nurses on Active Duty. By November 1918, there were 21,460 Army nurses, with 10,000 serving overseas. During the war, nurses served primarily in base, evacuation, and mobile surgical hospitals in the United States, France, Hawaii, Puerto Rico, and the Philippines. They also provided care on hospital trains in France and transport ships carrying wounded home across the Atlantic. Approximately 270 nurses lost their lives in the conflict.

When the United States entered World War II, fewer than 7,000 nurses were on Active Duty. By 1945, more than 57,000 Army nurses were assigned to hospital ships and trains, flying ambulances, field hospitals, evacuation stations, and general hospitals at home and overseas. In Europe, Army nurses assisted in developing the concept of recovery wards for immediate post-operative nursing care. Military nursing gained a greater understanding of the process of shock, blood replacement, and resuscitation. Air evacuation from the combat zone by fixed-wing aircraft brought patients to definitive treatment quickly. Army flight nurses helped to establish the incredible record of only 5 deaths in flight per 100,000 patients.

Nurses endured hardships caring for their patients. In May 1942, with the fall of Corregidor in the Philippines, 67 Army nurses became Japanese prisoners of war. During the 37-month captivity, the women endured primitive conditions and starvation rations. Yet they continued to care for the ill and injured in the internment hospital. On Anzio, nurses dug their foxholes outside their tents and cared for patients under German shellfire. Their example bolstered the spirits of the soldiers who shared the same tough experience. By war's end, 215 brave nurses died for their country.

Army nurses once again played a major role in support of combat troops when President Truman ordered U.S. forces into Korea in June 1950. Army nurses cared for combat troops during the landing on Inchon; the advance across the 38th parallel into North Korea; the amphibious landing on the east coast of Korea; the drive toward the Yalu River; and the retreat to the 38th parallel. Throughout the Korean war, 540 Army nurses served on the embattled peninsula.

Mobility and increased patient acuity characterized service in Vietnam. Evacuation by helicopter brought wounded to medical units located within minutes flying time of the battlefield. The UH-1H helicopter ambulance, nicknamed the "Dustoff," not only transported patients from battle locations 50 percent faster than in Korea but also provided triage and resuscitative services for casualties. Trauma care specialization, as well as shock trauma units, developed from this experience. The "chain of evacuation" from Vietnam was extraordinary. A soldier could be wounded on the battlefield one day and 2 days later be in an Army hospital in the continental United States. In Vietnam, of the nearly 5,000 Army Nurses who served in 44 hospitals, 8 women made the ultimate sacrifice for their Nation.

During Operation Desert Storm, approximately 2,200 nurses served in 44 hospitals. Two of every three nurses in the Arabian Gulf were from the Army National Guard or Army Reserves. This was the first major conflict that DEPMEDS, Deployable Medical Systems, were used. Another unique feature was that Army hospital staff coexisted with host nation personnel in fixed facilities forming joint national professional organizations. Before, during, and after the 100-hour ground war, U.S. forces sustained a disease and non-battle injury rate that was the lowest ever recorded in a conflict.

Recent years have seen Army nurses active throughout the world both in armed conflicts and humanitarian endeavors. In 1983, they supported combat troops in Grenada; in 1989 in Panama; and in 1991 in the Middle East. Since December 1995, Army nurses have been deployed with medical units in support of NATO alliance troops in Haiti, Bosnia, Herzegovina, and Kosovo. Nurses have continued to serve proudly during relief efforts following natural disasters such as Hurricane Mitch in 1998. Today, the legacy of these military nurses lives on. Currently, Army nurses serve throughout the world in support of multiple overseas contingency operations.

Throughout its history, the Army Nurse Corps has earned the deep respect and gratitude of the American people because of its dedication to providing the best possible care to our soldiers and their families while serving

our country in war and peace. Army nurses have unselfishly come to the aid of victims of disaster and disease throughout the world. Over time, the mission has grown broader. Yet there has been one constant—the devotion of the individual nurse in providing excellent nursing care.

Today, as soldiers serve our Nation, defending freedom across the globe, they can rest assured, should they get injured or become ill, an Army nurse will be by their side, as they were there by my side during my hour of need.

Happy 110th anniversary, Army nursing. •

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 31) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 31

Whereas throughout the history of the United States, nurses have served the United States Armed Forces during times of peace and war;

Whereas the establishment of the United States Army Nurse Corps (referred to in this preamble as the "Army Nurse Corps"), a permanent nursing corps, was authorized under section 19 of the Act of February 2, 1901 (31 Stat. 753, chapter 192);

Whereas for the 110 years since its establishment, the Army Nurse Corps has served with distinction at home and abroad;

Whereas more than 21,000 Army nurses served in World War I, providing care in evacuation, mobile surgical hospitals, and on hospital trains and transport ships;

Whereas in World War II, more than 57,000 Army nurses served with distinction, including 67 nurses who were captured in the Philippines and held as prisoners of war for 3 years before their liberation in February 1945;

Whereas Army nurses have served with the United States Army in hostilities in Korea, Vietnam, Grenada, Panama, Kuwait, and Somalia;

Whereas Army nurses have served shoulder to shoulder with the United States Army for more than 9 years in Afghanistan and 7 years in Iraq;

Whereas as of the date of agreement to this resolution, nurses in the Army Reserve, the Army National Guard, and the Regular Army are deployed in more than 15 countries;

Whereas the motto of Army nurses, "Embrace the Past, Engage the Present, Envision the Future", symbolizes the bond of the Army Nurse Corps to its rich history as well as its commitment to the care of future generations of Americans;

Whereas Army nurses, who selflessly serve the United States, will continue to serve the United States Army, regardless of the cause, location, or magnitude of future battles; and

Whereas the Army Nurse Corps is committed to providing quality care to the United States Army during times of peace and war, at any time and in any place: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the valor, commitment, and sacrifice that United States Army Nurse Corps nurses have made throughout the history of the United States;

(2) commends the United States Army Nurse Corps for 110 years of selfless service; and

(3) calls upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH

Mr. REID. I ask unanimous consent that we turn to the consideration of S. Res. 32.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 32) designating the month of February 2011 as “National Teen Dating Violence Awareness and Prevention Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 32) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 32

Whereas while dating, domestic, and sexual violence and stalking affect women regardless of age, teens and young women are especially vulnerable;

Whereas according to Liz Claiborne’s 2009 Parent/Teen Dating Violence Poll, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a rate that far exceeds victimization rates for other types of violence affecting youth;

Whereas according to the Centers for Disease Control and Prevention, nearly 10 percent of high school students have been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend in the past year;

Whereas according to the American Journal of Public Health, more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;

Whereas according to a Youth Risk Behavioral Survey, almost 20 percent of teen girls who were exposed to physical dating violence did not attend school on 1 or more occasions during the past 30 days due to feeling unsafe at school or on the way to or from school;

Whereas violent relationships in adolescence can have serious ramifications for victims, putting such victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas being physically and sexually abused leaves teen girls up to 6 times more likely to become pregnant and more than twice as likely to contract a sexually transmitted disease;

Whereas nearly 3 in 4 “tweens”, individuals who are between the ages of 11 and 14,

report that dating relationships usually begin at age 14 or younger and about 72 percent of eighth and ninth graders report “dating”;

Whereas 1 in 5 tweens say that their friends are victims of dating violence, and nearly half of tweens who are in relationships know friends who are verbally abused;

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens;

Whereas teen dating abuse most often takes place in the home of 1 of the partners;

Whereas according to Liz Claiborne’s 2009 Parent/Teen Dating Violence Poll, although 82 percent of parents are confident that they could recognize the signs if their child was experiencing dating abuse, a majority of parents (58 percent) could not correctly identify all the warning signs of abuse;

Whereas 74 percent of teenage boys and 66 percent of teenage girls say that they have not had a conversation with a parent about dating abuse in the past year;

Whereas digital abuse and “sexting”, or sending or receiving nude pictures of other young people on a cellphone or on the Internet, is becoming a new frontier for teen dating abuse;

Whereas according to a National Crime Prevention Council survey, 43 percent of middle and high school students reported experiencing cyberbullying in the past year;

Whereas 1 in 4 teens in a relationship say that they have been called names, harassed, or put down by their partner through cellphones and texting;

Whereas according to a survey by The National Campaign, more than half of teen girls say pressure from a boy is a reason girls send suggestive messages or images, while only 18 percent of teen boys say pressure from a girl is a reason for such behavior, and 12 percent of teen girls who have sent suggestive messages or images say they felt “pressured” to do so;

Whereas according to a 2009 survey by Cox Communications, 19 percent of teens revealed that they had been harassed, embarrassed, or threatened online or by text message;

Whereas 3 in 10 young people have “sexted”, and 61 percent of young people who have “sexted” report being pressured to do so at least once;

Whereas targets of digital abuse are almost 3 times more likely to contemplate suicide as those who have not encountered digital abuse, and targets of digital abuse are nearly 3 times more likely to have considered dropping out of school;

Whereas according to Liz Claiborne’s 2010 College Dating Violence and Abuse Poll, 63 percent of college students report having a college friend who experienced violent and abusive dating behavior;

Whereas according to Liz Claiborne’s 2010 College Dating Violence and Abuse Poll, 41 percent of dating college students report experiencing violent and abusive dating behaviors;

Whereas 65 percent of college students who were in an abusive relationship failed to realize that they were in an abusive relationship, and 53 percent of such students said that no one helped them;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence was established in adolescence;

Whereas primary prevention programs are a key part of addressing teen dating vio-

lence, and many successful examples of such programs include education, community outreach, and social marketing campaigns that are culturally appropriate;

Whereas skilled assessment and intervention programs are also necessary for youth victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of February 2011 as “National Teen Dating Violence Awareness and Prevention Month”;

(2) supports communities in empowering teens to develop healthier relationships throughout their lives; and

(3) calls upon the people of the United States, including youth, parents, schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and activities that promote awareness and prevention of teen dating violence in their communities.

RECOGNIZING 150TH ANNIVERSARY OF ADMITTANCE OF STATE OF KANSAS TO THE UNITED STATES

Mr. REID. I ask unanimous consent that we turn to the consideration of S. Res. 33.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 33) expressing the sense of the Senate relating to the 150th anniversary of the admittance of the State of Kansas to the United States as the 34th State.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 33) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 33

Whereas January 29, 2011, marks the 150th anniversary of the admittance to the State of Kansas to the United States as the 34th State;

Whereas the sesquicentennial of the statehood of the State of Kansas is cause for celebration and reflection;

Whereas the name Kansas is derived from the Kansa Indians who, among many other Indian tribes, have inhabited the plains of the United States for centuries;

Whereas Kansas received official recognition as a territory in 1854;

Whereas the territorial years of Kansas, commonly known as “Bleeding Kansas”, were marked by violence and bloodshed over whether Kansas would join the United States as a State that permitted slavery;

Whereas the territorial population of Kansas was committed to the ideals of personal

freedom and individual liberty, which led to armed conflict with neighboring regions;

Whereas the battle between pro-freedom and pro-slavery interests over the future of Kansas were fought politically and violently in both Kansas and Washington, District of Columbia;

Whereas Kansas was admitted to the United States as a free State on January 29, 1861, under President James Buchanan following a debate that served as a factor in the outbreak of the Civil War;

Whereas the legislature of the State of Kansas convened for the first time in March 1861, only a month prior to the commencement of the Civil War with the firing on Fort Sumter in the State of South Carolina in April 1861;

Whereas two-thirds of the able-bodied males in the State of Kansas served in the Union Army over the course of the Civil War;

Whereas the State of Kansas was born in the midst of blood and battle, has established itself as a national leader in agriculture and aviation, and is a key contributor to the culture of the United States;

Whereas Kansas agricultural producers produce food, fuel, and fiber that is used throughout the United States and exported across the globe;

Whereas Kansas aircraft manufacturers have led the world in producing quality aircraft since the early days of aviation;

Whereas throughout the State and across generations, the people of the State of Kansas employ a work ethic and sense of duty befitting the American Dream, none better exemplify this than President Dwight D. Eisenhower, the boy who rose from humble beginnings to lead as Supreme Allied Commander in World War II and later serve as the 34th President of the United States;

Whereas from the days of the "Bleeding Kansas" border wars through the current deployments in the Middle East, patriotic people of the State of Kansas have answered the call of duty to fight for the United States and the cause of liberty, including Senator Bob Dole who was wounded as a young infantry officer in World War II and later served as Senate Majority Leader and the Republican Nominee for President of the United States in 1996;

Whereas the State of Kansas continues its proud military tradition by supporting troops and their families in the National Guard in towns across the State and at Fort Riley, McConnell Air Force Base, and the Army Staff and Command College in Leavenworth; and

Whereas the motto of the State of Kansas, "Ad Astra per Aspera," which means "To the Stars through Difficulty," pays respect to the turbulent past of the State of Kansas, while remaining hopeful about the future: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the people of the United States should observe and celebrate the 150th anniversary of the admittance of the State of Kansas to the United States as the 34th State;

(B) the people of the State of Kansas should—

(i) be honored for their pioneering spirit and innovations; and

(ii) reflect on the distinguished past of the State and look forward to a promising future; and

(C) there is no place like home; and

(2) the Senate respectfully requests the Secretary of the Senate to transmit to the Governor of the State of Kansas an enrolled copy of this resolution for appropriate display.

MEASURE READ THE FIRST TIME—S. 223

Mr. REID. Mr. President, I am told S. 223, which was introduced earlier today by Senator ROCKEFELLER, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but then object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDER FOR MEASURE TO BE PLACED ON THE CALENDAR—S. 223

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, on Friday, January 28, S. 223 be considered to have received a second reading, an objection made to further proceedings, and the bill placed on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA AUTHORIZATION BILL

Mr. REID. Mr. President, this legislation is the FAA authorization bill, which is extremely important. We have been trying to do this bill for years. I hope with what took place today, we can move to this bill and have a good debate on an extremely important piece of legislation. The vast majority of the Senate wants this to get done, Democrats and Republicans.

This will greatly aid the Nation and the traveling public. This is such an important bill. We throw the words around "jobs bill." This is a jobs bill. At the minimum, this bill will create more than 100,000 jobs. It will do it by investing in airport infrastructure and improving aviation technology in every State in the Nation. This is a conservative estimate as to how many jobs will be produced.

The bill improves air service for rural communities such as those in Colorado that are struggling to have air transportation.

I can remember Nevada, when there was good transportation in Ely and Elko, but now it is very difficult. You have to go to Utah first to get into Nevada. This bill will allow us to work toward changing things such as that.

It also provides for a passenger bill of rights. How many times have people who are listening to us talk today been

frustrated by what happens at an airport? We will not go into what has happened. We have all had those experiences. We now have the rights of a passenger that are laid out in this bill. So air travelers, if they are stranded, have certain rights—maybe a meal, maybe a refund of their ticket. It will be a bill of rights so you do not have to go beg people to talk to you as to what can happen or not happen.

Frankly, it is better for the airline personnel that they will know what their rights are. People will have the ability to know what they have and will not be able to abuse, as they do sometimes, these airline employees.

This legislation will help strengthen air safety. There will be enhanced oversight of air carriers, especially in foreign repair stations. We have heard some of the horror stories about these airplanes being repaired in places a long way from where they are used here in the United States, in foreign countries.

The bill creates a modernized air system that will provide enormous industry and environmental benefits by reducing the rate of fuel burned as well as reducing noise and fuel emissions. This is a win-win for the American public.

I can remember once I was stranded at an airport in Texas—Dallas. We were pulled up to the gate. Actually, we did not pull up to the gate. That was the problem—3½ hours waiting out there on that tarmac. There were people pretty upset about that. This legislation addresses situations such as that.

So it is a good bill. It is a jobs bill. We have said we would move to a jobs bill. I have discussed this legislation with Senator MCCONNELL. This is the time to have a debate. People can offer amendments. There will be no tree filled. This is the time for a good, old-fashioned Senate debate, something that will help the American people. Then we will send it to the House, and I think they will be able to finish it fairly quickly.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints and reappoints the following Senators as Members of the Board of Regents of the Smithsonian Institution, respectively: the Honorable JACK REED of Rhode Island, vice the Honorable Christopher J. Dodd of Connecticut, and reappointment of the Honorable PATRICK J. LEAHY of Vermont.

ORDERS FOR MONDAY, JANUARY 31, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, January

31; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, for the information of Senators, there will be no

rollcall votes during Monday's session of the Senate. With the committees just having been formed today—we finished those at 1:30 or so today—we still have some funding issues as to the committees so we are not getting a ton of stuff out of the committees. That is an understatement because they haven't been able to begin their work, but we are going to continue to get more legislation out here. As Senators know, we are going to be voting on a lot of Mondays and Fridays during our work periods here, but we are not in a position to do that now.

We look forward to moving to the aviation administration bill quickly. There is no reason we can't start that legislation on Monday. That is when it will be on the Senate Calendar.

ADJOURNMENT UNTIL MONDAY,
JANUARY 31, 2011, at 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Monday, January 31, 2011, at 2 p.m.

SENATE—Monday, January 31, 2011

The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God, our Father, in whom we live and move and have our being, use our Senators to bring help to others, credit to themselves, and honor to You. Give them the wisdom to be cheerful when things seem to go wrong, to persevere when things seem difficult, and to stay serene when things seem to irritate. Lord, guide them to be at peace with themselves, with others, and with You. May their highest motive be to earn Your divine approval. Give them a strong faith to believe that, though Your will may be hindered and obstructed by human folly and failure, it must in the end be triumphant.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. In my capacity as Senator from the State of Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business with Senators permitted to speak for up to 10 minutes each. I am confident we will be able to move to the Federal Aviation Administration authorization bill very quickly. There will be no rollcall votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

Mr. KYL. Mr. President, subject to the unanimous-consent request, I asked a moment ago to exceed the 10-minute limit.

The PRESIDING OFFICER. The Senator is correct.

NEW START TREATY

Mr. KYL. Mr. President, as some of us predicted, problems are already arising from the Senate's ratification of the New START treaty last December. The Russians just ratified it, and their interpretation of its meaning and obligation is different from ours. That is going to cause problems. I will also discuss this afternoon the President's fiscal year 2012 budget in the areas of nuclear modernization and missile defense, both of which were closely tied to the Senate's support of the New START treaty.

First, what the Russians are saying about the treaty. The Russian State

Duma and the Federation Council, which is their counterpart to the Senate, last week passed its Federal law on the New START treaty, and that is the Russian equivalent to our resolution of ratification. That document demonstrates there is a significant divergence of views between the two countries on several key provisions and core principles of the New START treaty.

For example, Russian officials continue to assert, despite statements from the Obama administration and despite the Senate's legally binding positions to the contrary, that various treaty provisions, including in the preamble, constrain U.S. military options regarding missile defense and conventional prompt global strike. Far from supporting the touted "reset" in its relations, this lack of meeting of the minds is a ticking time bomb for disruption of our relations.

First, regarding missile defense. The Senate unanimously adopted an amendment to the resolution of ratification providing that the New Start preamble does not impose a legal obligation on the parties. The Senate's principal concern and rationale for this provision was the language in the preamble linking offensive forces to missile defenses, a clear attempt by the Russians to foreclose future qualitative and quantitative improvements to U.S. missile defense capabilities. Contrary to the U.S. position, Russian officials have recently declared that the preamble is an integral part of the treaty and is thus binding on the parties. Russian Foreign Minister Sergey Lavrov has stated:

There are a few problems, one of the main ones being the assertion contained in this [Senate floor] statement that the correlation between strategic offensive and defensive weapons, reflected in the treaty, is not legally binding for the U.S. and Russia because it is stipulated in the preamble. This thesis cannot be defended by lawyers.

Contradicting President Obama's December 18 letter on missile defense to Senators REID and MCCONNELL and the Senate's resolution of ratification, Foreign Minister Lavrov further contends:

The content of the treaty unequivocally points to the correlation between strategic offensive weapons and missile defense, it is set out in the preamble, whereas the text of the treaty contains an article that allows either party to withdraw in the event of an emergency. We are convinced that the implementation of the full-scale global missile defense by the U.S. will be precisely such an emergency.

These statements stand in apparent contradiction to the resolution of ratification adopted by the Senate.

On the point concerning the legality of the preamble, which includes the unfortunate linkage between offensive arms and missile defense, the Russian Federal law on the New START ratification highlights the importance that Russia attaches to the preamble and this linkage between missile defense and strategic offensive arms, and it introduces a new issue: The possibility of “understandings” between the parties not revealed to the Senate.

Here is what article 4, paragraph 1 of the Russian law says:

The provisions of the preamble of the New START treaty shall have indisputable significance for the understanding of the Parties intentions upon its signature, including the content of the terms agreed between them and the understandings without which the New START treaty would not have been concluded. In this connection, they must be considered in toto by the parties in the course of implementing the New START treaty.

Because of these “terms” and “understandings,” article 4 goes on to state that the Russian Federation shall exercise its right to withdraw from the treaty in the case of extraordinary events, including the “deployment by the United States of America, another state, or a group of states of a missile defense system capable of significantly reducing the effectiveness of the Russian Federation’s strategic nuclear forces.”

So now the Russian Parliament is clearly on record that the deployment of the U.S. national missile defenses or missile defense deployments in conjunction with our NATO allies could be cause for Russian withdrawal from the treaty. Since Russia opposed the deployment of 10 ground-based interceptors in Poland, it is likely to oppose as well the planned deployment of land-based SM-3 missiles in Romania and Poland capable of intercepting Iranian ICBMs.

This provision of the Russian law is fundamentally incompatible with the U.S. understanding of the treaty and with current U.S. plans to deploy these U.S. defenses in Europe and to deny U.S. national missile defenses as the President affirmed to us in his December 18 letter. The administration should immediately work to resolve this dispute with the Russians. Otherwise, the United States would be willfully perpetrating a future collision course between Russia and the United States.

I am sending a letter to Assistant Secretary of State Rose Gottemoeller which raises this issue and asks for clarification of the assertion that there were understandings between the negotiators not reflected in the public record.

The President will have to decide whether to exchange the instruments of ratification with the Russian Federation with this discrepancy extant—and the others that I will briefly touch

on. I am not aware of a bilateral treaty that is entered into force where such a divergence of views existed. Perhaps there is clarification on these matters in some secret cable or in another part of the classified negotiating record. The administration’s stubborn refusal to share these materials with the Senate has denied Senators the answer.

Part of the Corker-Lieberman amendment to the treaty also requires the administration to communicate to Russia at the time of the exchange of instruments of ratification that it is the policy of the United States to continue development and deployment of U.S. missile defense systems, including qualitative and quantitative improvements to such systems. I urge the administration to consult with the Senate to ensure that our intent is accurately conveyed before exchanging this policy statement and the instruments of ratification.

The resolution of ratification also makes clear that missile defense will not be on the table in any future treaty. Understanding No. 1 makes clear that no limits on U.S. missile defenses can be achieved through the New START treaty, including the Bilateral Consultative Commission it creates, without the advice and consent of the Senate which, if I have anything today about it, will not be forthcoming.

There is also declaration No. 1 which states:

Further limitations on the missile defense capabilities of the United States are not in the national security interests of the United States, and the LeMieux amendment, which made it the policy of the United States not to include defensive missile systems in any negotiations with Russia on tactical nuclear weapons.

The administration might have created the impression with Russia that the United States would discuss missile defense, whether in the Tauscher-Rybakov track of secretive side negotiations—the full extent of which the administration is hiding from Congress—or by agreeing to the preamble language, or article V, section III, in contravention of section 1251 of the fiscal year 2010 Defense authorization bill.

With regard to Under Secretary Tauscher’s side negotiations, I note that the Russians know more about the U.S. position and these negotiations than the Senate does, which brings to mind again article 4 of the Russian Federal law on ratification which states that the “provisions of the preamble of the New START treaty shall have indisputable significance for the understanding of the Parties’ intentions . . . including the content of the terms agreed between them and the understandings without which the New START treaty would not have been concluded.”

What understandings are these? Is this referring to something beyond the text of the treaty and the preamble? Unfortunately, the Senate is unaware

of such understandings because we have been denied access to the negotiating record.

There is the potential here for a major confrontation between the Senate and the administration if the administration does not immediately make a full disclosure to the Senate on these matters. The Senate’s action in the resolution of ratification should also make clear that it will not accept any further linkage between offensive nuclear reductions. I am pleased to note a recent product of the Arms Control Association, called “Strategic Missile Defense: A Threat to Future Nuclear Arms Reductions,” that seems to agree with my point. In its recent analysis, this group correctly observed that the United States will continue to require exempting strategic missile defense from treaties.

Now, while the Arms Control Association seems to believe this is a mistake, I am pleased the Senate sent a message so unmistakable that even the arms control community comprehended it. The administration will have an opportunity to prove whether its statements of support for missile defense, including the President’s December 18 letter, were mere rhetoric or actual policy, beginning when it submits the fiscal year 2012 budget request. Initial press reports hint that the Defense Department is anticipating yet another reduction in funding for missile defense programs over the next 5 years, despite funding plans that are already about \$4 billion below what was envisioned by the last administration for fiscal years 2010 through 2013. This is inconceivable given the funding shortfalls increasingly apparent in the President’s own plans for improving U.S. missile defenses as well as four phases of the phased adaptive approach to missile defense in Europe. It appears that elements of the administration’s phased adaptive approach for missile defense are already falling behind, and the President’s budgets for missile defense have almost guaranteed the atrophy and obsolescence of the only national missile defense system we now have.

If these reports are accurate, it would belie the President’s commitment to missile defense, which was central to Senate support for the New START treaty, and suggests the Senate was misled during its consideration of the treaty.

With regard to Conventional Prompt Global Strike—remember, this is the concept where U.S. intercontinental range missiles could substitute a conventional warhead for a nuclear warhead for prompt delivery to a place far away on the globe in a time of emergency—Senators’ concerns were not limited to missile defense, as I said. We also talked about this Prompt Global Strike issue in connection with the

START treaty. Referencing this capability, Foreign Minister Lavrov told the Russian Duma:

The [U.S.] Senate's resolution claims that the treaty does not apply to new kinds of nonnuclear strategic weapons that could be developed in the future. But this is not true.

Then he also stated:

We find unacceptable the unilateral American interpretation of the treaty, according to which future strategic range systems with non-nuclear warheads not meeting the parameters stated in the treaty shall not be regarded as new types of strategic offensive weapons covered by the treaty.

Likewise, Russian Federal law states in article 2, paragraph 7:

The question of the applicability of the provisions of the New START treaty to any new kind of strategic-range offensive arms should be resolved within the framework of the Bilateral Consultative Commission . . . prior to the deployment of such new kind of strategic-range offensive arms.

Hence, Russia is rejecting the U.S. understanding on strategic range non-nuclear weapons systems contained in the Senate's resolution of ratification, which states:

. . . nothing in the New START treaty prohibits deployments of strategic-range non-nuclear weapon systems.

In other words, conventional Prompt Global Strike.

The President must make this fact plain to both Russia and the Senate when he provides the report on the conventional Prompt Global Strike systems to the Senate prior to entry into force of the treaty. It mocks the very idea of a U.S.-Russian arms control pact if such a disagreement—Russia's rejection of a formally adopted U.S. understanding—is allowed to stand.

Let me mention telemetry. In response to Senators who raised concerns about the inadequacy of the verification and telemetry provisions in New START, the administration essentially said: Not to worry; the treaty permits each side to exchange telemetry on up to five tests per year. As could have been expected when the administration capitulated to Russian demands concerning telemetry, the Russian Federal law now prohibits "providing to the United States of America telemetric information about the launches of new types of intercontinental ballistic missiles and submarine ballistic missiles." That is exactly what treaty opponents predicted. As a result, we will know less about new Russian systems than under the previous START verification regime.

At the very least, Russia's action in its federal law to deny the United States telemetry on this future missile development will place greater burdens on our national technical means to monitor the development of new Russian ballistic missiles. The denial of telemetry from new delivery systems poses a material risk by aiding Russia's potential for breakout from the treaty limits, which is, of course, a

central concern of the Senate in conditions Nos. 2 and 4 of the resolution of ratification.

Finally, the Russian Foreign Minister seems to have taken aim at the Senate's condition that negotiations begin within a year to address the disparity in tactical nuclear weapons between Russia and the United States. In noting the imbalance in conventional forces, plans to deploy weapons in space, and U.S. global missile defense plans, Russian Minister Lavrov stated:

It is possible to hold future negotiations only with due account of all these factors and after the fulfillment of the New START.

Clearly, Russia is not interested in beginning such negotiations anytime soon.

The Foreign Minister has proven correct those Senators who cautioned that after this treaty was ratified, the United States would lose whatever leverage it had to address nonstrategic nuclear weapons. Assistant Secretary Gottemoeller appears to take seriously the Senate's instruction in this regard, even referring to it as her "marching orders." I trust she views equally the Senate's "marching orders" that a subsequent treaty not deal with U.S. missile defenses.

I am not aware of an example where the United States has ratified a bilateral treaty in the face of clear evidence that there is no meeting of the minds on key treaty terms. While New START was under Senate consideration, administration officials continually spoke about how critical the treaty was to "reset" relations with Russia and how the completed treaty manifestly improved relations between the two countries. This can be the case, however, only if the parties actually agree on the fundamentals of the treaty's meaning.

Now let me speak to the anticipated 2012 budget for nuclear modernization.

The Senate, in condition 9 of the resolution, linked its support for the New START treaty on a clear commitment to "ensuring the safety, reliability, and performance of its nuclear forces." This commitment requires full funding to ensure a robust Stockpile Stewardship Program, a modernized nuclear weapons production capability, and the development of new nuclear delivery systems to replace the aging nuclear triad of bombers, submarines, and ICBMs.

If in a given year funding fails to meet the 10-year plan or required levels of resources are greater than the 10-year plan, the President is required by condition 9 to submit a report on how the administration will remedy the shortfall, the project requiring funds and the level that is required, the impact of the shortfall on nuclear readiness, and whether it is in the national interest to remain a party to the treaty. We must codify the requirement to provide an annual update to section

1251, requiring the administration to annually provide updated assessment of the levels of funding required to maintain and modernize the stockpile. And the administration has agreed this is necessary.

As it currently stands, the administration's proposed 10-year budget for nuclear weapons activities, as promised in the update to the section 1251 report, takes a critical first step toward nuclear weapon sustainment and modernization. It proposes an \$85 billion budget for weapons activities over 10 years, from 2011 through 2020, and describes the critical near-term requirements of at least \$7 billion in 2011 and \$7.6 billion in 2012.

To be successful, the modernization program must have the complete backing of the President, the Armed Services Committees and the Appropriations Committees, as well as the full House and Senate. These budget requests will allow the laboratories and plants responsible for nuclear weapons to begin a slow recovery from the neglect that has been crippling their ability to address real issues as our current stockpile ages. The administration must, however, continue to review and revise its estimates for the modernization program and follow through on its commitments to obtain this funding from the Congress.

This modernization program must address the past, the present, and the future of our nuclear weapons complex. For example, the Stockpile Surveillance Program evaluates the current condition of our aging stock. This program has been seriously underfunded in recent years, resulting in a decreased confidence in our nuclear weapons. This is not my assessment but, rather, the assessment of some of the premier authorities on nuclear weapons—the Directors of the nuclear weapons laboratories. It is likewise the conclusion of the bipartisan Congressional Commission on the U.S. Strategic Posture.

Likewise, budget requests must allow for the continuation of current life extension programs, including the W-76, which is currently in production, the B-61, which is rapidly nearing its end of life but continues to be required for both strategic and tactical roles, and the W-78, which will require a very extensive and challenging life extension to correct aging issues and incorporate higher standards for safety and security. These three planned programs will likely not be completed until the end of the 2020 decade. As it stands, there does not appear to be capacity in the complex to insert the long-range strike option warhead production in the next decade, which will be needed to replace our current W-80 warheads and air-launched cruise missiles. As we are the only nuclear weapons state without a nuclear weapons production capability, restoring the health of our current weapons is critically important.

Finally, the balanced program must prepare us for the future by improving the quality of our facilities, many of which are Cold War- and even Manhattan Project-era facilities. Design and engineering development of the chemistry and metallurgy replacement nuclear facility and the uranium processing facility should be accelerated to the extent possible, construction estimates should be properly evaluated, and completion of these facilities should be aggressively pursued for their completion by 2020. This is another so-called marching order for the administration. It is difficult to overstate the importance of these facilities to our future national security.

The opportunity exists to push these programs forward. For example, the recent exchange of letters between the Senate appropriations leaders and the President shows that the commitment must be bipartisan and must include both Congress and the administration. Notably, the Senate Appropriations Committee leaders, Senators INOUE and COCHRAN, and the Energy and Water Development Subcommittee leaders, Senators FEINSTEIN and ALEXANDER, stated on December 16, 2010, that “funding for nuclear modernization and the National Nuclear Security Agency’s proposed budgets should be considered defense spending, as it is critical to national security.” And they state that “this represents a long-term commitment by each of us, as modernization of our nuclear arsenal will require a sustained effort.”

The President responded on December 20, 2010, with a commitment to support the \$85 billion budget, and he also committed to an annual update to the section 1251 report. Here is what he said:

I recognize that nuclear modernization requires investment for the long term, in addition to this one-year budget increase. That is my commitment to Congress.

It must be our commitment to hold the President to his word and to likewise provide our full support for nuclear weapon modernization.

Finally, on nuclear delivery systems and the President’s commitment to missile defense, first, we expect to see significant funding for the next-generation nuclear ballistic missile submarine and follow-on heavy bomber, which the administration now seems to support, although it has not yet confirmed that the United States intends the bomber to be capable of a nuclear standoff mission, as well as a final decision that the follow-on to the air-launched cruise missile will be nuclear capable.

Finally, we expect to see greater clarity with respect to the administration’s intention to maintain the ICBM leg of the triad after the Minuteman III reaches the end of its life.

I expect the administration’s commitment to these delivered platforms

to become increasingly evident in the Defense Department’s 2012 budget request as promised in the update to the section 1251 report. Modernization of the delivery platforms must parallel the commitment to the nuclear weapons. To continue to use Ms. Gottemoeller’s formulation, this is another “marching order” from the Senate for the administration.

The President made clear his commitment to missile defense during the course of the Senate’s consideration of the New START treaty, as I mentioned before. In his December 18 letter to Senators REID and MCCONNELL, he wrote:

As long as I am President, and as long as Congress provides the necessary funding, the United States will continue to develop and deploy effective missile defenses to protect the United States, our deployed forces, and our allies and partners.

The President reiterated what the Senate made clear in the resolution of ratification—that the New START treaty places no limitations on the development and deployment of our missile defense programs—and he stated that he “will take every action available to me to support the deployment of all four phases” of the planned missile defense deployments in Europe. The Secretary of Defense also indicated during a Senate Armed Services Committee hearing on December 17 that the Department was looking at an increase in missile defense funding for fiscal year 2012.

As I said before, however, initial press reports hint that the Department of Defense is anticipating a reduction for missile defense programs over the next 5 years. Any cut to the missile defense budget would be especially shocking in light of President Obama’s commitments to the Senate. Likewise, it would be absolutely indefensible in view of Secretary Gates’s recent comment that North Korea was within 5 years of being able to strike the United States with an intercontinental ballistic missile and that “with North Korea’s continuing development of nuclear weapons . . . North Korea is becoming a direct threat to the United States.”

Indeed, the recent discovery of a clandestine enrichment site in North Korea raises significant concern about our ability to estimate the pace at which that country is developing nuclear and ballistic missile capabilities—and should make us think twice as well about our estimate of Iranian nuclear and ballistic missile capabilities.

Also troubling are recent statements by senior military officials, including the commander of U.S. forces in the Pacific and the Director for Naval Intelligence, suggesting China’s anti-ship ballistic missiles, designed to target U.S. aircraft carriers, are now nearly operational. This new anti-ship bal-

listic missile, combined with Beijing’s current and growing arsenal of short and medium-range ballistic missiles, threatens to alter the strategic balance in Asia by potentially grounding Pacific-based U.S. air forces and sinking U.S. ships out to a range of 1,000 nautical miles—not to mention the ability to strike U.S. allies and friends in the region.

The Russian Parliament provided its interpretation of the treaty and preamble in its Federal Law on Ratification, and it is clearly at odds with the Senate’s resolution of ratification in several key respects, including missile defense and conventional prompt global strike. To say that their interpretation is not legally binding on the United States is to miss the point, which is, as many of us said during debate over New START, that because there is no meeting of the minds on these matters, the potential for disputes and increasing tension between the two sides is likely. What was to serve as a vehicle for “reset” may, in fact, serve to promote increasing discord.

In fact, the first indication of this may have occurred last week, when the U.S. and its NATO partners met with Russia to find common ground on missile defense cooperation. In advance of that meeting, the Russian President threatened “either we agree to certain principles with NATO, or we fail to agree, and then in the future we are forced to adopt an entire series of unpleasant decisions concerning the deployment of an offensive nuclear missile group.” If this is the language of reset, I wonder what the tone might have been had we not agreed to New START? As it turns out, Russia appears to have rejected the NATO approach.

Mr. President, we will watch carefully to ensure the administration fulfills its 10-year commitment to nuclear modernization, starting with the fiscal year 2012 budget request, and that nuclear reductions called for under the New START treaty do not outpace the commitment to modernization.

We must make certain, too, the administration modernizes our national missile defense system to stay ahead of increasing threats; provides the necessary direction and funding to ensure full, timely deployment of missile defense assets in Europe to address the growing Iranian threat; and directs the Missile Defense Agency to develop defensive countermeasures to the anti-ship ballistic missile capability of China. Finally, we must resurrect the Reagan vision of defensive missile defense capabilities based in space, which is the only truly effective means for protecting the Nation and its deployed forces.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAILURE OF LEADERSHIP

Mr. SESSIONS. Mr. President, first, I thank my colleague, Senator KYL, who is this body's premier student of the nuclear strategic posture of the United States. I served and have served as chairman of that subcommittee of Armed Services. I share his concern. I am thankful that he is here and is keeping up with these matters year after year. Most of us would rather not talk about them, but they represent the serious responsibilities of a great nation that must be able to defend itself, to be able to live freely and prosperously. So I thank the Senator for his remarks, and I value his friendship and enjoy following his leadership.

Last week, the Congressional Budget Office issued a report that—our Congressional Budget Office's leadership is selected by the majority in the Congress, the Democratic majority—that report showed our deficit for this year, which will end September 30, will be \$1.5 trillion. That is the largest deficit the Nation has ever had. The last 2 years have been \$1.3 trillion and \$1.4 trillion. This year's deficit is projected to come in at \$1.5 trillion. We complained—I have—that President Bush spent more money than he should have, but his highest deficit was one-third of that, or \$460 billion. So we are at unprecedented levels of annual deficit and debt. Our gross debt, the total United States debt, internal and external, will equal, by the end of the year, 100 percent of GDP. Annual interest payments—we borrow money; people loan us their money, and we give them Treasury bills and bonds in exchange, and we pay them interest on the debt. The amount of interest we pay will rise to \$750 billion by the end of this decade. That means a 1-year interest payment will cost us nearly as much as 20 years of current highway construction spending. We spend about \$40 billion a year, for example, on Federal highway expenditures. We are talking about interest payments going from \$180 billion or so a couple of years ago to \$750 billion, and our debt will triple in that time—from \$5 trillion to over \$15 trillion.

The total amount of interest we expect to pay between now and the end of the decade is \$5.5 trillion in interest, which is enough money to fund our entire government for 18 months.

The situation is so serious that former Federal Reserve Chairman Alan Greenspan warned very recently that we may face a bond market crisis in the next 2 to 3 years. He said it is a little better than a 50-50 chance that it won't happen, but not much better. That was his comment.

CBO Director Doug Elmendorf testified last week before the Budget Committee, where I am ranking member, that we were entering "unfamiliar territory for all developed nations over the last several decades." He is talking about financially, debt.

Analysts for Standard and Poors stated that "absent a credible plan, the rating on the U.S. Federal Government will come under pressure"—in other words, the rating on our debt, which is AAA. If that happens, our interest rate, as I have been suggesting, will go up, because if our ratings go down, people will demand higher interest before loaning us money. The International Monetary Fund urged the United States to take much stronger action. This is on the Washington Post business page of a few days ago:

U.S. Must Reduce Deficit, IMF Warns.

They are not perfect, but they claim to be the conscience of the world and warn profligate nations to get their houses in order before it creates systemic problems for other nations. It says:

European countries have begun a pointed dialog with their residents about what government can and cannot afford. Moves to cut public salaries, trim services, and curb public pensions have touched off strikes and protests, but also puts the deficits of those countries on what seems to be a "securely downward path," the IMF said. Those are the choices the United States has been hesitant to make.

Two prominent economists, Carmen Reinhart, who testified before our committee, and Dr. Kenneth Rogoff, issued a paper explaining the negative impact of excessive debt on economic growth. He actually wrote a book. They have studied countries in the last 200 years that have had their economies collapse as a result of debt—a lot of South American countries at various times, such as Argentina and others. They caution that there is a point beyond which you do not want to go. That point is when your debt equals 90 percent of your economy, 90 percent of GDP. That is a very respected study—the first time anybody ever studied the economies that have had economic collapse. This is a key factor in that. We are now at 94 percent of GDP, and by the end of the year, the CBO projects we will be at 100 percent. Our debt will equal 100 percent of the entire goods and services produced in this economy.

Our Nation is on a dangerous—as everybody we have had testify before the committee and virtually anybody who has expressed themselves calls it—unsustainable path. The President said we are on an unsustainable path. We need strong leadership from our President. The day before his State of the Union, I wrote an op-ed that was published in the Washington Post. I called on him to present a broad vision for reducing spending. I said, "his proposals cannot be timid" and that this was "a defining moment for his Presidency."

I have to say that he did not rise to that occasion. Instead of a bold vision, he put forward a meek plan to continue spending at current levels for 5 more years, calling that a freeze. But we have had a surge in spending in the last 2 years. Freezing at that level cannot be acceptable. These are the levels that produced the \$1.5 trillion deficit.

The President's speech, I must say, was disconnected from reality. Nowhere in that speech did he enter into a dialog with the American people about the severity of the crisis we face, or make any attempt to call on them in a serious way to understand why it is that we can't continue at this level of spending. He failed to present a credible plan.

This is what the Washington Post said in an editorial yesterday. They weren't mean spirited about it, but you could tell they were disappointed:

In his State of the Union Address Tuesday night, President Obama failed to present a credible plan for a long-term debt reduction. It's no secret that we think he made a big mistake. If America can't get a handle on its finances, everything else is at risk.

But not only has the President failed to lead with ideas, he has set about to thwart, to block others from taking action. This is concerning to me. This Sunday, on one of the big news programs, his new Chief of Staff, Bill Daley, balked at a Republican plan to cut spending for the rest of the year. He said any budget cuts must be paired with new spending—"investments," as he and the President called them. He taunted the Republicans, I think, with, "Where's the beef? Let's see the cuts they're talking about."

The President refuses to lead and then sends his emissaries to attack any Republican who makes a serious proposal and, I assume, as being heartless and wanting to throw children in the streets, and so forth. For instance, the President's chief economic adviser, Austan Goolsbee, lashed out at Republicans for wanting to reduce discretionary spending before we raise the debt ceiling. We have to have some sort of bipartisan agreement before we agree to raise this debt ceiling that we are going to reduce some of the spending, clip back on the credit card a little bit, something significant.

The President's own Secretary of the Treasury, Tim Geithner, recently argued that it was too early to begin cutting the deficit. So it is unsustainable, but it is too early to start cutting it now—maybe in 2012, or after that, maybe. Geithner's comments ring all too similar to those of his predecessor, Hank Paulson, Secretary of the Treasury under President Bush, who said the housing downturn was under control, before the Wall Street firms began falling like dominoes.

But ignoring the reality of our situation does not change it. The money

simply isn't there to support the President's spending agenda that he announced at the State of the Union Address. We don't have the money. Our Nation cannot afford another era of big government.

In 2 weeks, on February 14—just 2 weeks from now—the President will submit a new budget to Congress. He will go to our Budget Committee. This may be—and I say this seriously—his last chance to get it right, for the President to be a credible voice in this debate. He must put forward a budget that significantly lowers spending levels. He cannot present Congress with the same unserious plan he presented last Tuesday night.

Three years into his turn, I think this budget he will be submitting is a defining act of what he views and how he views the debt we face. I think if this budget fails to meet the necessary demands for curtailing spending, we will know pretty conclusively where the President is.

Numbers count. You can have rhetoric and we can disagree, but at some point you have to put out your budget that says what you are going to do, how much you are going to spend, and where you are going to get the money—in this case, how much we are going to borrow to carry on the government at that time. So we are going to see whether the President is moving with the American people to fiscal and economic sanity or whether he will continue his ideological commitment to big government. I think that is it. I think we will know in 2 weeks. It is a serious matter.

So I think we need to turn back from the cliff toward which we are heading and get on a new road. We need to reduce both the size of the deficit, and we will have to reduce the size of the government somewhat. We are not going to sink into the ocean. If we go back to 2008, 2006 levels of Federal spending, will the country collapse? Give me a break. Certainly, it is not going to collapse, but it will put us on a road to fiscal sanity. It will restore not only public confidence in our economy, but it will restore the foundations of American prosperity.

I truly believe one of the clouds over the American economy is the perception—unfortunately, too true—that we are spending at a reckless rate, that we are irresponsibly running up the debt, and that could cause us to inflate the value of our currency, that could cause a debt crisis, which Mr. Greenspan said was almost a 50-50 chance in the next 2 to 3 years. If you have money to invest, what does that say to you? Maybe you better sit back and see a little more until we get this debt—that is spiraling out of control—under control. Until we are headed on a downward path toward a balanced budget, we are not going to see the economic growth that is possible. I think that is where we should be heading.

So strong, sustained reductions in spending will not be easy. It will take us down a tough road, but it is the only road, the only course that will lead to a better financial future for ourselves and our children and preserving the integrity of the U.S. economy in a way that is necessary for growth to occur.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARNED-INCOME TAX CREDIT AWARENESS DAY

Mr. AKAKA. Mr. President, this past Friday marked the annual Earned-Income Tax Credit Awareness Day. I rise to recognize the success and importance of this vital tax benefit for hard-working Americans.

As our country continues its steady recovery from the worst economic conditions hard-working American men and women have faced since the Great Depression, families need financial relief and many people need jobs.

As we renew our efforts to promote job creation, increase access to credit for small businesses, and restore confidence and stability to markets, we should not forget that we already have what one President once called “the best anti-poverty, the best pro-family, the best job-creation measure to come out of Congress.” President Ronald Reagan was talking about the earned-income tax credit.

Since 1975, the EITC has helped to offset the impact of Social Security taxes for low- and moderate-income individuals. Nearly 26 million taxpayers across the country received the EITC when they filed their tax returns last year. In Hawaii alone, over 100,000 low- and middle-income workers received an average of nearly \$2,000 for this tremendous tax benefit. These vital EITC resources help families pay for essentials such as food, housing, clothing, transportation, and education expenses.

The earned-income tax credit is more important now than ever before. With many Americans still out of work, some families accustomed to budgeting based on the earnings of two people are struggling to survive on the income of one. Some people in Hawaii and across the country who are working new, lower paying jobs may be eligible for the earned-income tax credit for the first time.

To be clear, every taxpayer who receives the EITC is hard working because the earned-income tax credit is only provided to Americans who work

for a living. The EITC encourages individuals to find work, support themselves and their families, and improve their quality of life.

A few years ago, only one in five taxpayers eligible for the EITC claimed their benefits. Since then, tremendous progress has been made. The number has risen to four in five, thanks in part to the tireless work of taxpayer consumer advisers and advocates in our communities.

Our goal now should be to see to it that all eligible taxpayers claim their EITC benefits this year. That would mean in Hawaii alone about 34,000 more taxpayers would receive much needed financial relief, with similar results across the country.

I plan to reintroduce the Taxpayer Abuse Prevention Act in this 112th Congress. My bill is intended to protect low- and middle-income taxpayers from falling victim to unscrupulous lenders. Historically, many EITC recipients have turned to predatory refund anticipation loans which are short-term loans typically carrying steep interest rates. Working families cannot afford to lose a significant portion of their EITC to these expensive short-term predatory loans. My bill will better protect consumers from predatory lenders that prey on the EITC benefits of low-income taxpayers, and I urge my colleagues to support it when the bill comes to the floor. In today's economy every penny counts, and the value of the earned income tax credit is magnified.

I look forward to working with my colleagues to better educate, protect, and empower taxpayers. I urge my colleagues to join me to increase awareness of the earned-income tax credit.

Thank you very much, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CONGRESSIONAL STAFF

Mr. WARNER. Mr. President, this is the second week of the 112th Congress. I welcome back the Presiding Officer. I have spent many a Monday afternoon presiding over this Chamber as a new Member in my first 2 years. While they are not here, I welcome my new colleagues in the Senate and, obviously, our new colleagues in the House.

We still have an enormous number of challenges facing us as a country, and I look forward to working with Members in both bodies to make sure we meet these challenges in a bipartisan way.

Last year, I took up the banner that had actually been started by the Presiding Officer's colleague who preceded him in this Chamber, and that was the effort of honoring, on a regular basis, exemplary Federal employees right here on the Senate floor. It is a tradition that was begun by Senator Ted Kaufman.

I want to start this new 112th Congress with what will be a weekly occurrence where I will come forward and recognize Federal employees who play an extraordinarily important role in our country. I have been blessed to have had a great number of those employees in the Commonwealth of Virginia, as the occupant of the Chair has been in Delaware.

Today, I thought I would actually rise on no specific employee but to honor congressional staff on Capitol Hill and in the many congressional districts across the country. There are nearly 6,000 Federal employees in the Senate, and nearly 10,000 serve in the House of Representatives. I am referring to the individuals who sort the mail, the clerks who sit before you in the presiding chair, the folks who manage the Chamber day in and day out, and the Capitol Police, who do an incredibly important job of making sure we are able to work in a safe environment. I am also referring to those folks who work directly for us as Members of Congress. They work their hearts out for us. Beatriz is here with me today. They work long hours and get little attention. Clearly, they impact the lives of millions of Americans every day.

I know a little about this firsthand because I started my career in politics as a staff member for then-Congressman Chris Dodd. I did manage to get him lost a number of times when I drove him around his district in eastern Connecticut. That experience taught me how dedicated the congressional staff is and that they are truly public servants and are instrumental to the democratic process that takes place on the floor of the Senate and on the floor of the House.

Congressional staff help Members of Congress draft and analyze legislation. They respond to literally thousands of letters, phone calls, and e-mails on a regular basis. More often than not, they are out in the district or back at home when we are in Washington.

I know my State staff has helped Virginians with securing adoptions, reuniting families through our immigration casework, and simply helping countless Virginia families navigate the complex bureaucracy that we know as the Federal Government.

Congressional staff also help us plan events that bring us closer to those we represent so we can continue to hear their views or complaints as we try to communicate our agenda.

I want to take a special moment—and we did this as a body last week—to

pay tribute to those who were lost in the horrible shooting in Tucson. It is important to remember as we pray for the recovery of Congresswoman GIFFORDS that we recall as well a member of her staff, Gabe Zimmerman, who was Congresswoman GIFFORDS' director of community outreach. Gabe was one of the victims of that mass shooting. He was simply doing his job organizing "Congress On Your Corner" for the Congresswoman to make sure the folks who hired her, the people of Arizona, had a chance to see her firsthand and express their views.

I want to make sure we also recognize and continue to keep in our prayers Pamela Simon and Ronald Barber who were injured on that day and are in the process of making their recovery.

As we keep in mind that tragedy, I think it is important that we recall not only are those of us who are directly hired sometimes put in harm's way by this job, but there are literally thousands of particularly young people who work for us day in and day out without a lot of recognition who are public servants as well. As we saw with the tragedy a month or so ago in Tucson, they sometimes give the greatest devotion of service as well.

I hope my colleagues will join me over the coming week or two and say a special thanks to all of those who work long and hard for us on our staffs, including the pages who keep the order; the reporters who make sure, even when we are a little bit too long-winded, that they take down virtually every word; and those special folks on the dais who have been known at times to keep new Members awake during particularly long-winded speeches by Members.

I thank our congressional staff. We will be back on a regular basis to celebrate the very good work of Federal employees in various walks of life. I can't think of a better way to restart this tradition than this week honoring those great staff members who serve us in the Senate and in the House.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. REID. Mr. President, we are in morning business; is that right?

The PRESIDING OFFICER. That is correct.

ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS

Mrs. BOXER. Mr. President, the Hon-est Leadership and Open Government

Act of 2007—the act—calls for the Select Committee on Ethics of the United States Senate to issue an annual report not later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the committee's activities in 2010 in the categories set forth in the act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the Committee: 84. (In addition, 9 alleged violations from the previous year were carried into 2010.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 56. (This figure includes 1 matter that was carried into 2010.)

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 25.

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 12. (This figure includes 6 matters from the previous calendar year carried into 2010.)

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 00.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit: 08. (This figure includes 4 matters carried into 2010.)

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 00.

(7) The number of matters resulting in a disciplinary sanction: 00.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2010, the Committee staff conducted 4 new Member ethics training sessions; 14 employee code of conduct training sessions; 21 Member and committee office campaign briefings; 43 ethics seminars for Member DC offices, state offices, and Senate committees; 2 private sector ethics briefings; and 10 international ethics briefings.

In 2010, the Committee staff handled approximately 11,137 telephone inquiries and 1,227 inquiries by email for ethics advice and guidance.

In 2010, the Committee wrote 769 ethics advisory letters and responses including, but not limited to, 540 travel and gifts matters (Senate Rule 35) and 134 conflict of interest matters (Senate Rule 37).

In 2010, the Committee issued 3,527 letters concerning financial disclosure filings by Senators, Senate staff and Senate candidates and reviewed 1,727 reports.

REMEMBERING SUZANNE WAUGHTEL-HOPPER

Mr. BROWN of Ohio. Mr. President, I rise today to honor the heroic life of Suzanne Waughtel-Hopper, a deputy sheriff of Clark County, OH, and a beloved mother, wife, daughter, sister, and friend who was killed in the line of duty on the morning of January 1, 2011.

On that fateful day, Deputy Hopper, who went 6 years without ever missing a work day, volunteered to work overtime where she was scheduled to start her shift at 3 a.m. But by 2:34 a.m. she had already started her patrol, and by 2:58 a.m. she had already made an arrest by taking a drunk driver off the street. Throughout the morning, she fielded calls of theft and criminal activity, and by 11:30 a.m. she answered her last call, a report of a dispute at a local campground. While taking forensic evidence photographs, she was shot and killed and German Township officer Jeremy Blum was injured. As Deputy Hopper did each day of her career, she answered her call to duty, the call to uphold the sacred oath she took to protect her community.

In the days since her tragic loss, family and friends have recounted her commitment to the core values of the Clark County Sheriff's Office—integrity, duty, courage, and honor. During the celebration of her life on January 7, 2011, at First Christian Church in Springfield, OH, thousands of people from Clark County and across the State and the Nation remembered her acts of courage on the job, her kindness and empathy to the community, and her love and affection for her family. Flag waving mourners gave thanks and prayers to a public servant who kept their streets and neighborhoods safe for the last 12 years.

School children will remember her as a role model and DARE instructor. Special Olympians will remember her encouragement and support, while several charities will remember her generosity and selflessness. Families who she helped in the line of duty will remember the clothing and food she provided them while she was off duty. From Young's Dairy to Diane's in North Hampton to the streets of Clark County, her friends from old remember a young girl who grew up into the police officer she always wanted to be. And her fellow heroes in the Clark County Sheriff's office will remember her camaraderie and friendship, forged through her many different assignments and numerous divisions where she served with distinction and honor.

I express my deepest sympathies to Deputy Sheriff Hopper's parents Charles and Bonnie Bauer; her husband Matthew Hopper; her daughter and son Emily Bauer and Charlie Waughtel; her stepchildren Cole and Madeleine Hopper; her sisters and brothers-in-law Annette and Robert Bauer-English, and Marie and Eric Lundgren; her parents-in-law Victoria Hopper and Joseph Kleehammer; and numerous other loved ones.

A grateful State will forever remember Deputy Sheriff Suzanne Waughtel-Hopper, a trusted and true public servant.

ADDITIONAL STATEMENTS

REMEMBERING OFFICER FIRST CLASS JON-MICHAEL RONDA

• Mr. COONS. Mr. President, today I remember Officer First Class Jon-Michael Ronda, formerly of the New Castle County Police Department, who passed away on December 2, 2010, after a long and courageous battle with cancer.

Officer Ronda was an outstanding citizen of Delaware, and the selflessness of his service to the people of New Castle County and the Nation will not be forgotten. He was born in Panama and moved with his family to New Jersey, where he graduated from Pemberton Township High School and Trenton State College. Determined to serve his country, Officer Ronda joined the 177th Security Forces Squadron of the New Jersey Air National Guard in 1995 and was deployed to Qatar in 2002. He was an outstanding staff sergeant and combat arms instructor, recognized with the Air Reserve Forces Meritorious Service Medal, the Air Force Training Ribbon, the National Defense Service Medal, the Air Force Longevity Service Award Ribbon, the Good Conduct Ribbon, the New Jersey Merit Award, and the Small Arms Expert Marksman Ribbon. Officer Ronda's strength in the face of adversity was a hallmark of his service, and he received an honorable discharge in 2007.

Officer Ronda joined the New Castle County Police Department in 1998 and was a member of the National Latino Peace Officers Association. He was a well-respected member of the Department who received several complimentary letters for his service.

I extend my deepest sympathies and condolences to his family and friends and join the people of Delaware in my gratitude for his service.●

CENTER FOR FAMILY RESOURCES

• Mr. ISAKSON. Mr. President, today I honor in the RECORD the 50th anniversary of the Center for Family Resources in Marietta, GA.

In 1960, three community leaders—Fred Bentley, Sr., Howard Ector, and Harry Holliday—envisioned a better way to combine six existing emergency assistance organizations in the county under one roof to be more effective and efficient. After working with the United Way for funding, they founded the Cobb County Emergency Aid Association, Inc.—CCEAA.

For a decade, the organization worked tirelessly to help meet the emergency needs of the citizens of Cobb County, GA, through financial assistance, furniture, clothing, medical supplies, food and a Christmas program.

As the organization grew, it began to look for ways to become more effective

in helping families become independent and self-sufficient. Families repeatedly faced limited access to affordable transportation, childcare and housing, as well as a lack of education and training to secure and maintain employment. The organization determined the removal of those barriers was the real key to breaking the cycle of poverty.

In 2004, the agency changed its name to the Center for Family Resources. The Center for Family Resources has grown from a small emergency aid agency to a multifunction human services organization, serving both generations of the family to develop personal responsibility and a self-sufficient lifestyle. The center develops and maintains collaborative partnerships with organizations to improve services for local families.

Today, the Center for Family Resources serves an average of 10,000 individuals each year and has served more than 400,000 individuals since 1960.

It gives me a great deal of pleasure and it is a privilege to recognize the Center for Family Resources and its contributions to Cobb County. I congratulate Jeri Barr, the Board of Directors, the staff and volunteers of the Center for Family Resources on their many accomplishments.●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the following enrolled bill, previously signed by the Speaker of the House, was signed on January 28, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

H.R. 366. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES PLACED ON THE CALENDAR DURING ADJOURNMENT

Under the authority of the order of the Senate of January 27, 2011, the following bill was read the second time, and placed on the calendar:

S. 223. A bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-305. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Benton, IL" ((RIN2120-AA66) (Docket No. FAA-2010-0838)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-306. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Central City, NE" ((RIN2120-AA66) (Docket No. FAA-2010-0837)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-307. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Crewe, VA" ((RIN2120-AA66) (Docket No. FAA-2010-0692)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-308. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Port Clarence, AK" ((RIN2120-AA66) (Docket No. FAA-2010-0354)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-309. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Report to Congress Under Section 319 of the Fair and Accurate Credit Transactions Act of 2003 (December 2010)"; to the Committee on Commerce, Science, and Transportation.

EC-310. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Johnson, KS" ((RIN2120-AA66) (Docket No. FAA-2010-0841)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-311. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Taos, NM" ((RIN2120-AA66) (Docket No. FAA-2010-0842)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-312. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Henderson, KY" ((RIN2120-AA66) (Docket No. FAA-2010-0937)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-313. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Columbus, OH" ((RIN2120-AA66) (Docket No. FAA-2010-0770)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-314. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mansfield, OH" ((RIN2120-AA66) (Docket No. FAA-2010-0771)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-315. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Revocation of Class E Airspace; Vero Beach, FL" ((RIN2120-AA66) (Docket No. FAA-2010-09241)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-316. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Rawlins, WY" ((RIN2120-AA66) (Docket No. FAA-2010-0919)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-317. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Portland, OR" ((RIN2120-AA66) (Docket No. FAA-2010-0719)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-318. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Lone Star, TX" ((RIN2120-AA66) (Docket No. FAA-2010-0772)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-319. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and E Airspace, and Revocation of Class E Airspace; Flagstaff, AZ" ((RIN2120-AA66) (Docket No. FAA-2010-0784)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-320. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd. and Co. KG Models BR700-710A1-10; BR700-710A2-20; and

BR700-710C4-11 Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0614)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-321. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Models B200, B200GT, B300, and B300C Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1242)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-322. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0614)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-323. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Limited Model FU24-954 and FU24A-954 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1021)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-324. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-27042)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-325. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0430)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-326. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0913)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-327. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

The Boeing Company Model 747 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0674)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-328. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0127)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-329. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-200C, -200F, -400, -400D, and -400F Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0232)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-330. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A321-211, -212, -231, and -232 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1201)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-331. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S76A, B, and C Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1250)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-332. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DASSAULT AVIATION Model MYSTERE-FALCON 50 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1155)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-333. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318-111 and A318-112 Airplanes and Model A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0670)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-334. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Series Airplanes"

((RIN2120-AA64) (Docket No. FAA-2010-0850)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-335. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-30, DC-9-40, and DC-9-50 Series Airplanes, Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes, and Model MD-88 and MD-90-30 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0934)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-336. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Models Jetstream Series 3101 and Jetstream Model 3201 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0942)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-337. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ROLLADEN-SCHNEIDER Flugzeugbau GmbH Model LS6 Gliders" ((RIN2120-AA64) (Docket No. FAA-2010-1286)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-338. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0827)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-339. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-200, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0437)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-340. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-300 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0805)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-341. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Model PA-28-161 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1006)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-342. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes; Airbus Model A330-300 Series Airplanes; and Airbus Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0952)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-343. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1023)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-344. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328-100 and -300 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0955)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-345. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0854)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-346. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0100 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0701)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-347. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model MD-90-30 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0953)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-348. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; B/E Aerospace Protective Breathing Equipment (PBE) Part Number 119003-11 Installed on Various Transport Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0797)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-349. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company (Cessna) ((Type Certificate A00003SE Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company)) Models LC41-550FG and LC42-550FG Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1297)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-350. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model BD-700-1A10 and BD-700-1A11 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0959)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-351. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0855)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-352. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretation of 'Children's Product'" (16 CFR Part 1200) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-353. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Involvement in Voluntary Standards" (16 CFR Part 1031) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-354. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Substantial Product Hazard Reports" (16 CFR Part 1115) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-355. A communication from the Trial Attorney, Federal Railroad Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2011" (RIN2130-ZA04) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-356. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2010" (RIN2130-ZA02) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-357. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea Pollock Total Allowable Catch Amount" (RIN0648-XA121) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-358. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2011 Quota Adjustments; 2011 Summer Flounder Quota for Delaware" (RIN0648-XY82) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-359. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Bering Sea and Aleutian Islands Groundfish Fisheries Off Alaska; Correction" (RIN0648-BA31) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself, Mrs. HUTCHISON, Mr. KOHL, and Mr. CHAMBLISS):

S. 224. A bill to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, and Mr. LEAHY):

S. 225. A bill to permit the disclosure of certain information for the purpose of missing child investigations; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. VITTER, Mr. HATCH, Mr. CORNYN, Mr. SESSIONS, and Mr. ROBERTS):

S. 226. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. CONRAD):

S. 227. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. INHOFE, Mr. BLUNT, Mr. ENZI, Mr. VITTER, Mr. ROBERTS, Mr. MORAN, Mr. THUNE, Mr. CORNYN, Mr. HATCH, and Mr. LEE):

S. 228. A bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. WYDEN):

S. 229. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Ms. MURKOWSKI, and Mrs. MURRAY):

S. 230. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. JOHNSON of South Dakota, Mr. MANCHIN, Mr. NELSON of Nebraska, and Mr. CONRAD):

S. 231. A bill to suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 232. A bill to amend the Internal Revenue Code of 1986 to increase the manufacturer limitation on the number of new qualified plug-in electric drive motor vehicles eligible for credit; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 233. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 234. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL (for herself, Mr. WHITEHOUSE, Ms. COLLINS, Mr. CASEY, and Mr. NELSON of Florida):

S. 235. A bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the

Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MCCASKILL (for herself and Mr. CARPER):

S. 236. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mrs. MCCASKILL (for herself and Ms. COLLINS):

S. 237. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN of Massachusetts:

S. 238. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to require that fishery impact statements be updated each year and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself and Mr. BROWN of Massachusetts):

S. 239. A bill to support innovation, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. BEGICH, Mr. HATCH, Ms. MURKOWSKI, Mr. REID, and Mr. RISCH):

S. 240. A bill to require an Air Force study on the threats to, and sustainability of, the test and training range infrastructure; to the Committee on Armed Services.

By Mrs. MCCASKILL (for herself and Mr. WEBB):

S. 241. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. JOHNSON of South Dakota, Mr. LEAHY, Ms. SNOWE, Mr. KERRY, and Mr. WYDEN):

S. 242. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LEVIN, and Mr. SANDERS):

S. Res. 34. A resolution designating the week of February 7 through 11, 2011, as "National School Counseling Week"; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Mr. WICKER, Mr. LEAHY, Mrs. FEINSTEIN, Ms. SNOWE, Mrs. BOXER, and Mr. PRYOR):

S. Res. 35. a resolution expressing support for the designation of January 28, 2011 as National Data Privacy Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 20

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 34

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 34, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 45

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 45, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable for imported property.

S. 72

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 72, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 82

At the request of Mr. JOHANNES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 192

At the request of Mr. DEMINT, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. HOEVEN), the Senator from Indiana (Mr. LUGAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 192, a bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

S. 219

At the request of Mr. TESTER, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S.J. RES. 3

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. RISCH) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 32

At the request of Mr. CRAPO, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 32, a resolution designating the month of February 2011 as "National Teen Dating Violence Awareness and Prevention Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. CONRAD):

S. 227. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator CONRAD to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under State law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a two-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait 11 days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been

able to authorize when the patient was in the facility.

The Home Health Care Planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners, and the Visiting Nurse Associations of America. I urge all of my colleagues to join us as cosponsors of this important legislation.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. JOHNSON of South Dakota, Mr. MANCHIN, Mr. NELSON of Nebraska, and Mr. CONRAD):

S. 231. A bill to suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes, to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators WEBB, MCCASKILL, TIM JOHNSON, MANCHIN, BEN NELSON, and CONRAD to introduce the EPA Regulations Suspension Act of 2011. We are introducing this legislation for a simple but enormously important reason. At a time when our economy is finally headed toward a recovery, the last thing we want to do is add new burdens to American companies that could result in them cutting jobs or being less productive in the global marketplace.

In fact, I believe that the fate of our entire economy, our wide and varied manufacturing industries and our workers, especially our coal workers, rests in part on the decisions we make here in Washington. One thing we should never do is put the fate of an entire industry into the hands of the Environmental Protection Agency.

My legislation is simple and reasonable. It requires that for 2 years the EPA can take no regulatory action, regarding carbon dioxide and methane emission from stationary sources. During that time no facility can be subjected to any requirement to obtain a permit or meet a New Source Performance Standard under the Clean Air Act with respect to carbon dioxide or methane. At the same time the legislation specifically allows for the widely-supported motor vehicle emission standards to continue moving forward.

At the beginning of this year regulations came into effect that say if a company wants to retrofit an existing or build a new power plant, or factory, they now have to find ways to reduce their greenhouse gas emissions.

Later this year the EPA will propose expanding these rules to cover existing stationary sources that are not expanding their operations. The impact of these rules is that companies will sit on the sidelines and opportunities for innovation and job creation will be lost. Because of these new rules companies won't build that new factory. They won't build that new power plant. And so they won't employ some of the millions of Americans who are out of work. That is why I believe these regulations need to be suspended.

I want to make one thing perfectly clear. I believe that climate change is an important issue and Congress should and will address it working collaboratively with the administration and the private sector.

But the lead should come from Congress and not the EPA. Congress, unlike the EPA, can craft proposals that reduce greenhouse gases while simultaneously protecting our economy. Most importantly, Congress is directly accountable to the people whose lives we impact.

We are capable of tackling this great challenge in a way that supports rather than undermines our economy and our future.

But the process has to work. It has to be open. It has to be truly bipartisan. It has to acknowledge the fact that all of our States use energy in very different ways. It has to protect our economy. This will not be achieved overnight, but it is possible.

Technology can be a solution to this problem. West Virginia is poised to lead the effort on clean energy technology: because we know energy. We know coal. We know natural gas. We know Carbon Capture and Storage or CCS as few others do. We are coming to know wind and we have great potential in learning how to use our geothermal resources as well.

The fact is, we in West Virginia know and embrace what too many others either don't understand or refuse to see, which is that our Nation and countries around the world are dependent on coal. That is not something that will change when half the globe is struggling to rise out of poverty.

In this country we get almost half our electricity from coal. That will not change anytime soon. Globally countries such as China and India continue to increase their usage of coal as they develop their economies.

To fight climate change we can't just choose to stop using coal. Even if we in the United States did, the rest of the world wouldn't; and the problem would continue. Instead we must find the technological solution that allows us

to use coal, while reducing its impact on the Earth and her people.

I know that there are many on the Republican side of the aisle who believe it does not go far enough. There are many on my side of the aisle who believe it goes too far in tying the EPA's hands. Ultimately I believe this is good legislation because it is an achievable compromise. Too often in this body we seek to score political points on issues rather than solve problems that the country is facing now.

And right now our Nation's manufacturing and industrial sectors are facing the prospect of overwhelming EPA regulation. Regulation that makes it harder for them to put America back to work. While many might think this is not the perfect solution it is a solution that I believe we can and should move early this year.

One piece of the debate that is often missing in our discussions is to keep our focus on people and all the problems, including the problem of climate change, that affect their future.

My focus is on protecting the hard-working people I represent—people who changed my life when I was born anew in the coalfields of West Virginia at the age of 26. These people, their work and their lives matter. Any regulatory solution that creates more problems for them than it fixes; and causes more harm than good in their lives is no solution at all. EPA regulation of greenhouse gases does just that.

So that, Mr. President, is why I have introduced this legislation today. I hope that this body will act on it quickly, for we do not have time to waste. I yield the floor.

By Mr. LEVIN:

S. 232. A bill to amend the Internal Revenue Code of 1986 to increase the manufacturer limitation on the number of new qualified plug-in electric drive motor vehicles eligible for credit; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I am introducing legislation that is an important step for the competitiveness of U.S. manufacturing by continuing the nurturing of the market for the next generation of electric vehicles. This bill will continue the availability of the \$7,500 consumer tax credit for plug-in hybrid vehicles. Current law limits the availability of this plug-in hybrid tax credit to the first 200,000 vehicles per manufacturer, which is too small to support the revolutionary technological change that we are hopefully going to witness. Failure to provide this support risks falling short of President Obama's important goal of putting 1 million electric vehicles on the road by 2015.

The U.S. auto industry is poised for a technological explosion that promises to fundamentally change transportation here and around the world. Already, the success of GM's Volt has

demonstrated that electric vehicles are not just an engineer's dream or a science fiction story. They are real, and there is plenty more innovation ready to be unleashed.

But like almost every transformational technology, from the great railroads to the Internet, this technological revolution needs support if it is to spread. President Obama last week laid out a vision of how this kind of technology can help ensure our economic future. With the proper support, we can transform transportation and create new jobs for American workers. But if we fail to support this revolution, we risk missing an opportunity that we may never get back. If we do not get it right, there is no doubt that other countries will—and their workers—in China, India, South Korea and elsewhere—will then build these vehicles instead of American workers.

So I am pleased today to be introducing this bill that is identical to one that my brother SANDY LEVIN introduced last week in the House of Representatives. This legislation will increase the cap on the number of vehicles eligible for the plug-in hybrid tax credit in current law and provide much greater certainty to our manufacturers. It says to our manufacturers that we will support technology of great potential and it says to consumers we will continue to help make these vehicles more available and affordable. This change in law will make a difference immediately, and it is an important signal of future support for the transformation of our transportation sector.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN MANUFACTURER LIMITATION ON THE NUMBER OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.

Paragraph (2) of section 30D(e) of the Internal Revenue Code of 1986 is amended by striking “200,000” and inserting “500,000”.

By Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 234. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Strengthening Pipeline Safety and Enforcement Act of 2011, with my colleague and friend, Senator BARBARA BOXER.

This bill strengthens and expands legislation proposed by U.S. Transportation Secretary Ray LaHood, and it includes many provisions to improve pipeline safety and inspection that Senator BOXER and I proposed last year.

In addition, the bill would also mandate that natural gas pipeline operators comply with recently issued urgent recommendations of the National Transportation Safety Board, NTSB, which call on operators to create “a traceable, verifiable and complete” record of pipeline components in order to verify the “maximum allowable operating pressure” of every pipeline segment.

NTSB issued these recommendations earlier this month because it discovered very serious problems with Pacific Gas and Electric's recordkeeping during its investigation of the tragic pipeline disaster in San Bruno, California.

Pipes were mislabeled. One was labeled as a seamless 30-inch pipe. In fact, there is no such thing as a 30-inch seamless pipe. Pipes that large are manufactured with seams, according to experts.

Maximum Allowable Operating Pressures of the pipeline at issue cannot be verified.

NTSB's findings are deeply concerning to me. I believe that a utility sending explosive gas under neighborhoods must know what kind of pipe lies under that community.

If it does not know what pipe is underground, how can it operate the pipeline at a safe pressure? How can it inspect for faulty seams and welds if inspectors do not know the pipe has welds in the first place?

I am very distressed by NTSB's findings, and I call on all pipeline operators to verify their records, including Pacific Gas and Electric. The operators should do this on their own accord. In case they do not, this legislation will mandate it.

On September 9th, at 6:11 p.m., a natural gas pipeline in San Bruno, California, just south of San Francisco, exploded, turning a quiet residential area into something resembling a war zone.

The blast in the Crestmoor neighborhood shook the ground like an earthquake.

The first reports suggested it was a plane crash, as the blast site was only two miles from San Francisco International Airport. But as the fire raged on it became clear that something was fueling it.

Firefighters were powerless, as the water main in the area had been burst in the blast. CalFire helicopters were brought in.

The inferno burned for 1 hour and 29 minutes before the gas to the 30-inch transmission pipe could be turned off at two different locations.

One of the valves was 1 mile from the blast, and another was 1.5 miles away.

They were both in secured locations. To shut each valve, a worker needed to drive through rush hour traffic, use a key to get into the area, and attach a handle to the valve to crank it.

It took more than 5 hours to turn off the gas distribution pipelines to the homes on fire.

The blaze damaged or destroyed 55 homes, injured 66, and killed eight people. It consumed 15 acres.

The next day I called the National Transportation Safety Board Chair. Two days later, I visited San Bruno. I walked through the devastation with Christopher Hart, vice chairman of the NTSB.

I saw homes and cars totally incinerated. It was like a bomb had struck.

The sections of pipeline that exploded—now a key part of the investigation—appeared to have ripped apart along longitudinal and circular welds, now 55 years old.

A gaping crater demonstrated the size of the initial blast.

This crater was located at the low point in the valley, where the street and pipeline, that ran down the middle of the street, dipped and rose.

This tragedy shows the heavy toll, in death and destruction, when high pressure natural gas pipelines fail. The risk is unacceptably high.

To address this risk, I join with my colleague, Senator BARBARA BOXER, to introduce the Strengthening Pipeline Safety and Enforcement Act of 2011. The legislation:

Doubles the number of Federal pipeline safety inspectors. The Pipeline and Hazardous Materials Safety Administration currently has 100 pipeline inspectors, responsible for 217,306 miles of interstate pipeline. Each inspector is responsible for 2,173 miles of pipeline—the distance from San Francisco to Chicago. NTSB has recently recommended that inspectors “must establish an aggressive oversight program that thoroughly examines each operator’s decision-making process.” Doubling the number of inspectors will make this possible.

Verifies Maximum Allowable Operating Pressure. The bill would mandate that pipeline operators comply with NTSB’s urgent recommendation to verify the accuracy of each pipeline’s Maximum Allowable Operating Pressure.

Specifically, pipeline operators must establish “a traceable, verifiable and complete” record of pipeline components in order to verify the “maximum allowable operating pressure,” based on the weakest section of the pipeline. Pipelines with incomplete records must be pressure tested or replaced, and must operate at reduced pressure until testing is completed.

Requires deployment of electronic valves capable of automatically shutting off the gas in a fire or other emergency. Manual operated valves must be

located, accessed, and physically turned off in an emergency. Automatic valves could dramatically reduce damage caused by a pipeline breach.

Mandates inspections by “smart pigs,” or the use of an inspection method certified by the Secretary of Transportation as equally effective at finding corrosion and weld defects. Accident statistics over the past decade identify corrosion as the leading cause of all reported pipeline accidents, and the NTSB has found substantial defects in weld of the pipes in San Bruno.

Prohibits natural gas pipelines from operating at high pressure if they cannot be inspected using the most effective inspection technology. This precautionary approach to pipeline operations assures that pipelines more likely to have undetected problems are operated at lower risk.

Prioritizes old pipelines in seismic areas for the highest level of safety oversight. Today, regulators consider a pipeline’s proximity to homes and buildings. Other risk factors are not a defining consideration, even though pipe age and seismicity have a clear impact on the risk of a catastrophic incident.

Directs the Department of Transportation to set standards for natural gas leak detection equipment and methods. Today there are no uniform national standards for how to detect leaks.

Finally, the legislation adopts a number of common-sense provisions proposed by Secretary LaHood to improve pipeline safety, including increasing civil penalties for safety violations; expanding data collection to be included in the national pipeline mapping system; closing jurisdictional loopholes to assure greater oversight of unregulated pipelines; and requiring consideration of a firm’s safety record when considering its request for regulatory waivers.

Senator BOXER and I introduce this legislation in order to initiate quick action to make our pipeline system safer.

We have put forward our best ideas to improve inspection, address old pipes, and advance modern safety technology. We hope to improve these ideas as new information comes forward about the San Bruno tragedy.

For instance, just last week, the NTSB issued a new report, which concluded that the welded seams of the San Bruno pipe were imperfect.

Microscopic and X-ray evidence turned up 27 defects on that longitudinal seam that fell short of current day standards, including too-shallow welds and both debris and gas bubbles trapped inside welds.

For the welds running around the circumference of the pipe, investigators found 166 substandard defects.

This pipeline’s weld defects were not discovered during 55 years of inspections, even though the Federal Code of

Regulations clearly requires utilities to look for such defects, 49 CFR 192.917.

I hope the committee will take a serious look at how to develop an effective inspection regime to find and address flaws and weaknesses in pipeline welds.

We look forward to working with the Senate Commerce Committee to move and improve this legislation expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Strengthening Pipeline Safety and Enforcement Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States code.
- Sec. 3. Additional resources for Pipeline and Hazardous Materials Safety Administration.
- Sec. 4. Civil penalties.
- Sec. 5. Collection of data on transportation-related oil flow lines.
- Sec. 6. Required installation and use in pipelines of remotely or automatically controlled valves.
- Sec. 7. Standards for natural gas pipeline leak detection.
- Sec. 8. Verification of maximum allowable operating pressure.
- Sec. 9. Considerations for identification of high consequence areas.
- Sec. 10. Regulation by Secretary of Transportation of gas and hazardous liquid gathering lines.
- Sec. 11. Inclusion of non-petroleum fuels and biofuels in definition of hazardous liquid.
- Sec. 12. Required periodic inspection of pipelines by instrumented internal inspection devices.
- Sec. 13. Minimum safety standards for transportation of carbon dioxide by pipeline.
- Sec. 14. Cost recovery for pipeline design reviews by Secretary of Transportation.
- Sec. 15. International cooperation and consultation on pipeline safety and regulation.
- Sec. 16. Waivers of pipeline standards by Secretary of Transportation.
- Sec. 17. Collection of data on pipeline infrastructure for National pipeline mapping system.
- Sec. 18. Study of non-petroleum hazardous liquids transported by pipeline.
- Sec. 19. Clarification of provisions of law relating to pipeline safety.

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees of the Pipeline and Hazardous Materials Safety Administration by not fewer than 100 compared to the number of full-time equivalent employees of the Administration employed on the day before the date of the enactment of this Act to carry out the pipeline safety program, of which—

(1) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2011;
 (2) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2012;
 (3) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2013; and

(4) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training pipeline enforcement personnel.

SEC. 4. CIVIL PENALTIES.

(a) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended by striking subsection (c) and inserting the following:

“(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

“(1) IN GENERAL.—If the Secretary determines, after written notice and an opportunity for a hearing, that a person has committed a major consequence violation of subsection (b) or (d) of section 60114, section 60118(a), or a regulation prescribed or order issued under this chapter such person shall be liable to the United States Government for a civil penalty of not more than \$250,000 for each such violation.

“(2) SEPARATE VIOLATIONS.—A separate violation occurs for each day the violation continues.

“(3) MAXIMUM CIVIL PENALTY.—The maximum civil penalty under this subsection for a related series of major consequence violations is \$2,500,000.

“(4) DEFINITION.—In this subsection, the term ‘major consequence violation’ means a violation that contributed to an incident resulting in any of the following:

“(A) One or more deaths.

“(B) One or more injuries or illnesses requiring hospitalization.

“(C) Environmental harm exceeding \$250,000 in estimated damage to the environment including property loss.

“(D) A release of gas or hazardous liquid that ignites or otherwise presents a safety threat to the public or presents a threat to the environment in a high consequence area, as defined by the Secretary in accordance with section 60109.”

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended—

(1) by striking “If the Secretary” and inserting the following:

“(1) IN GENERAL.—If the Secretary”; and

(2) by adding at the end the following:

“(2) CIVIL PENALTIES.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out an inspection or investigation under this chapter.”

(c) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—Section 60120 is amended by adding at the end the following:

“(d) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.”

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—

(1) IN GENERAL.—Section 60119(a)(1) is amended by striking “about an application for a waiver under section 60118(c) or (d) of” and inserting “under”.

(2) CLERICAL AMENDMENT.—The heading for section 60119(a) is amended to read as follows: “REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS”.

SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102 is amended by adding at the end the following:

“(n) COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.—

“(1) IN GENERAL.—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the production facility where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed.

“(3) CONSTRUCTION.—Nothing in this subsection may be construed to authorize the Secretary to prescribe standards for the movement of oil through—

“(A) production, refining, or manufacturing facilities; or

“(B) oil production flow lines located on the grounds of production facilities.”

SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 60102(j) is amended by striking paragraph (3) and inserting the following:

“(3) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—

“(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe regulations requiring the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

“(B) CONSULTATIONS.—In developing regulations prescribed in accordance with subparagraph (A), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.”

SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DETECTION.

Section 60102, as amended by sections 5, is further amended by adding at the end the following:

“(o) NATURAL GAS LEAK DETECTION.—Not later than 1 year after the date of the enactment of the Strengthening Pipeline Safety

and Enforcement Act of 2011, the Secretary shall establish standards for natural gas leak detection equipment and methods, with the goal of establishing a pipeline system in which substantial leaks in high consequence areas are identified as expeditiously as technologically possible.”

SEC. 8. VERIFICATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.

Section 60102, as amended by sections 5 and 7, is further amended by adding at the end the following:

“(p) VERIFICATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

“(1) ESTABLISHMENT OF RECORDS.—

“(A) IN GENERAL.—Not later than 6 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall require pipeline operators to submit to the Secretary a traceable, verifiable, and complete record of all interstate and intrastate natural gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that have not had a maximum allowable operating pressure established through prior, verifiable pressure hydrostatic testing or an equivalent pressure testing method.

“(B) ELEMENTS.—Each traceable, verifiable, and complete record under subparagraph (A) shall include, with respect to a transmission line, the following:

“(i) As-built drawings.

“(ii) Alignment sheets.

“(iii) Specifications.

“(iv) All design, construction, inspection, testing, maintenance, and other related records relating to transmission line system components, such as pipe segments, valves, fittings, and weld seams.

“(v) Such other elements as the Secretary considers appropriate.

“(2) ESTABLISHMENT OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

“(A) IN GENERAL.—Not later than 9 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall require the operator of each natural gas transmission line described in paragraph (1)(A) to determine the maximum allowable operating pressure for the transmission line based on the weakest section of the transmission line or component thereof.

“(B) USE OF TRACEABLE, VERIFIABLE, AND COMPLETE RECORD.—In establishing the maximum allowable operating pressure of a transmission line under subparagraph (A), the operator shall use the traceable, verifiable, and complete record required for such transmissions line under paragraph (1).

“(C) LIMITATION.—A new maximum allowable operating pressure established under this paragraph for a transmission line shall not be higher than the maximum pressure at which the transmission line has operated previously.

“(3) MANDATORY PRESSURE TESTING.—For any segment of a transmission line described in paragraph (1)(A) for which a traceable, verifiable, and complete record is not available under paragraph (1) or for which a valid maximum allowable operating pressure cannot be established under paragraph (2), the Secretary shall require the operator of the transmission line to, not later than 5 years after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011—

“(A) conduct a pressure test and a pressure spike test as expeditiously as economically feasible; or

“(B) replace the transmission line segment.

“(4) ESTABLISHMENT OF INTERIM MAXIMUM ALLOWABLE OPERATING PRESSURE.—For any transmission line described in paragraph (1)(A) for which a traceable, verifiable, and complete record is not available under paragraph (1) or for which a valid maximum allowable operating pressure cannot be established under paragraph (2), the Secretary shall require the operator of the transmission line to establish an interim maximum allowable operating pressure for the transmission line that does not exceed 80 percent of the highest pressure at which the transmission line segment has previously operated, until a pressure test and a pressure spike test are completed under paragraph (3).”

SEC. 9. CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.

Section 60109 is amended by adding at the end the following:

“(g) CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.—In identifying high consequence areas under this section, the Secretary shall consider—

- “(1) the seismicity of the area;
- “(2) the age of the pipe; and
- “(3) whether the pipe at issue can be inspected using the most modern instrumented internal inspection devices.”

SEC. 10. REGULATION BY SECRETARY OF TRANSPORTATION OF GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) GAS GATHERING LINES.—Paragraph (21) of section 60101(a) is amended to read as follows:

“(21) ‘transporting gas’ means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce.”

(b) HAZARDOUS LIQUID GATHERING LINES.—Section 60101(a)(22)(B) is amended—

- (1) by striking clause (i); and
- (2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 11. INCLUSION OF NON-PETROLEUM FUELS AND BIOFUELS IN DEFINITION OF HAZARDOUS LIQUID.

Section 60101(a)(4) is amended—

- (1) in subparagraph (A), by striking “and” at the end;
- (2) by redesignating subparagraph (B) as subparagraph (C); and
- (3) by inserting after subparagraph (A) the following:

“(B) non-petroleum fuels, including biofuels that are flammable, toxic, corrosive, or would be harmful to the environment if released in significant quantities; and”

SEC. 12. REQUIRED PERIODIC INSPECTION OF PIPELINES BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

Section 60102(f) is amended by striking paragraph (2) and inserting the following:

“(2) PERIODIC INSPECTIONS.—

“(A) IN GENERAL.—Not later than 270 days after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109.

“(B) INSPECTION WITH INTERNAL INSPECTION DEVICE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the standards prescribed under subparagraph (A) shall require that an inspection shall be conducted at least once every 5 years with an instrumented internal inspection device.

“(ii) EXCEPTION FOR SEGMENTS WHERE DEVICES CANNOT BE USED.—If a device described in clause (i) cannot be used in a segment of a pipeline, the standards prescribed in subparagraph (A) shall require use of an inspection method that the Secretary certifies to be at least as effective as using the device in—

- “(I) detecting corrosion;
- “(II) detecting pipe stress;
- “(III) detecting seam and weld stress, weakness, or defect; and
- “(IV) otherwise providing for the safety of the pipeline.

“(C) OPERATION UNDER HIGH PRESSURE.—The Secretary shall prohibit a pipeline segment from operating above 80 percent of its maximum allowable operating pressure if the pipeline segment cannot be inspected—

“(i) with a device described in clause (i) of subparagraph (B) in accordance with the standards prescribed pursuant to such clause; or

“(ii) using an inspection method described in clause (ii) of such subparagraph in accordance with the standards prescribed pursuant to such clause.”

SEC. 13. MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE.

Subsection (i) of section 60102 is amended to read as follows:

“(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—Not later than 5 years after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.”

SEC. 14. COST RECOVERY FOR PIPELINE DESIGN REVIEWS BY SECRETARY OF TRANSPORTATION.

Subsection (n) of section 60117 is amended to read as follows:

“(n) COST RECOVERY FOR DESIGN REVIEWS.—

“(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the construction, expansion, or operation to pay the costs incurred by the Secretary relating to such reviews.

“(2) FEE STRUCTURE AND COLLECTION PROCEDURES.—If the Secretary exercises the authority under paragraph (1) with respect to conducting facility design safety reviews, the Secretary shall prescribe—

“(A) a fee structure and assessment methodology that is based on the costs of providing such reviews; and

“(B) procedures to collect fees.

“(3) ADDITIONAL AUTHORITY.—This authority is in addition to the authority provided under section 60301.

“(4) NOTIFICATION.—For any pipeline construction project beginning after the date of the enactment of this subsection in which the Secretary conducts design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials not later than 120 days prior to the commencement of such project.

“(5) PIPELINE SAFETY DESIGN REVIEW FUND.—

“(A) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the ‘Pipeline Safety Design Review Fund’ (in this paragraph referred to as the ‘Fund’).

“(B) ELEMENTS.—There shall be deposited in the fund the following, which shall constitute the assets of the Fund:

“(i) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this subsection.

“(ii) All other amounts received by the Secretary incident to operations relating to reviews described in paragraph (1).

“(C) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to carry out the provisions of this chapter.”

SEC. 15. INTERNATIONAL COOPERATION AND CONSULTATION ON PIPELINE SAFETY AND REGULATION.

Section 60117 is amended by adding at the end the following:

“(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

“(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—Subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks if the Secretary determines that such activities would benefit the United States. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

“(2) CONSULTATION.—Subject to guidance from the Secretary of State, the Secretary may, to the extent practicable, consult with interested authorities in Canada, Mexico, and other interested authorities to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

“(3) CONSTRUCTION REGARDING DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section shall be construed to require that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.”

SEC. 16. WAIVERS OF PIPELINE STANDARDS BY SECRETARY OF TRANSPORTATION.

(a) NONEMERGENCY WAIVERS.—Paragraph (1) of section 60118(c) is amended to read as follows:

“(1) NONEMERGENCY WAIVERS.—

“(A) IN GENERAL.—Upon receiving an application from an owner or operator of a pipeline facility, the Secretary may, by order, waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on such terms as the Secretary considers appropriate, if the Secretary determines that such waiver is not inconsistent with pipeline safety.

“(B) CONSIDERATIONS.—In determining whether to grant a waiver under subparagraph (A), the Secretary shall consider—

“(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

“(ii) the applicant’s compliance history;

“(iii) the applicant’s accident history; and

“(iv) any other information the Secretary considers relevant to making the determination.

“(C) EFFECTIVE PERIOD.—

“(i) OPERATING REQUIREMENTS.—A waiver of 1 or more pipeline operating requirements

under subparagraph (A) shall be effective for an initial period of not longer than 5 years and may be renewed by the Secretary upon application for successive periods of not longer than 5 years each.

“(i) DESIGN OR MATERIALS REQUIREMENT.—If the Secretary determines that a waiver of a design or materials requirement is warranted under subparagraph (A), the Secretary may grant the waiver for any period the Secretary considers appropriate.

“(D) PUBLIC NOTICE AND HEARING.—The Secretary may waive compliance under subparagraph (A) only after public notice and hearing, which may consist of—

“(i) publication of notice in the Federal Register that an application for a waiver has been filed; and

“(ii) providing the public with the opportunity to review and comment on the application.

“(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a recipient of a waiver under subparagraph (A) and opportunity to show cause, the Secretary may modify, suspend, or revoke such waiver for—

“(i) failure of the recipient to comply with the terms or conditions of the waiver;

“(ii) intervening changes in Federal law;

“(iii) a material change in circumstances affecting safety; including erroneous information in the application; and

“(iv) such other reasons as the Secretary considers appropriate.”.

(b) FEES.—Section 60118(c) is amended by adding at the end the following:

“(4) FEES.—

“(A) IN GENERAL.—The Secretary shall establish reasonable fees for processing applications for waivers under this subsection that are based on the costs of activities relating to waivers under this subsection. Such fees may include a basic filing fee, as well as fees to recover the costs of technical studies or environmental analysis for such applications.

“(B) PROCEDURES.—The Secretary shall prescribe procedures for the collection of fees under subparagraph (A).

“(C) ADDITIONAL AUTHORITY.—The authority provided under subparagraph (A) is in addition to the authority provided under section 60301.

“(D) PIPELINE SAFETY SPECIAL PERMIT FUND.—

“(i) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the ‘Pipeline Safety Special Permit Fund’ (in this subparagraph referred to as the ‘Fund’).

“(ii) ELEMENTS.—There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

“(I) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this paragraph.

“(II) All other amounts received by the Secretary incident to operations relating to activities described in subparagraph (A).

“(iii) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to process applications for waivers under this subsection.”.

SEC. 17. COLLECTION OF DATA ON PIPELINE INFRASTRUCTURE FOR NATIONAL PIPELINE MAPPING SYSTEM.

Section 60132 is amended—

(1) in the matter before paragraph (1), by striking “Not later than 6 months after the date of the enactment of this section, the” and inserting “Each”;

(2) in subsection (a), by adding at the end the following:

“(4) Such other geospatial, technical, or other pipeline data, including design and material specifications, as the Secretary considers necessary to carry out the purposes of this chapter, including preconstruction design reviews and compliance inspection prioritization.”; and

(3) by adding at the end the following:

“(d) NOTICE.—The Secretary shall give reasonable notice to the operator of a pipeline facility of any data being requested under this section.”.

SEC. 18. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

(a) AUTHORITY TO CARRY OUT ANALYSIS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation shall conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis shall identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation.

(b) REPORT.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the Secretary with respect to the analysis conducted pursuant to subsection (a).

SEC. 19. CLARIFICATION OF PROVISIONS OF LAW RELATING TO PIPELINE SAFETY.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) OWNER OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

(c) ONE CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: “This limitation shall not apply to proceedings against persons who are pipeline operators.”.

By Mr. ROCKEFELLER (for himself, Mr. JOHNSON of South Dakota, Mr. LEAHY, Ms. SNOWE, Mr. KERRY, and Mr. WYDEN):

S. 242. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

Mr. ROCKEFELLER. Mr. President, I rise before you today with Senators SNOWE, LEAHY, WYDEN, JOHNSON and KERRY to introduce important legislation—the Guardians of Freedom Act of 2011—which will make the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff. This legislation will strengthen our national security both abroad and here at home.

The Joint Chiefs of Staff does an outstanding job providing support to the Secretary of Defense and performing oversight of military personnel and resources within the Department of Defense. However, it lacks the voice of the Chief of the National Guard Bureau

who represents more than twenty percent of the uniformed service members.

This is important because each member of the Joint Chiefs of Staff is a military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. In that role, they may offer their advice and opinions to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. And, as we all know, the National Guard has important homeland security responsibilities in addition to national defense responsibilities.

As the former Governor of West Virginia, I cannot say enough about the importance of the National Guard. The National Guard is always there. Whether it is flooding, snow storms, tornadoes, or other disasters, the National Guard comes to the rescue of communities in every State throughout our Nation. And, I would bet that there is a member of the National Guard living in every single congressional district and every single community in our country. These citizen-soldiers are our Governors' emergency force.

Unlike our active-duty forces, the National Guard has both a State and Federal mission. Now I'm not taking anything away from our active-duty or reserve forces as they have always performed, and will continue to perform, in an outstanding fashion. However, the National Guard is unique in that it serves each State's Governor in addition to the President and Commander-in-Chief.

The National Guard's State mission includes responding to natural and man-made disasters as well as domestic emergencies. They have been called to respond to hurricanes, floods and snow storms. They serve next door to each of us.

Among the National Guard's Federal responsibilities is providing homeland defense and defense support to civil authorities. The National Guard accomplishes its Federal mission through a variety of programs. One of those programs is the Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Teams, which respond to incidents and support local, State, and Federal agencies as they conduct decontamination, medical support, and casualty search and extraction.

Last year's Quadrennial Defense Review acknowledged that the Department of Defense must be prepared to provide appropriate support to civil authorities. One key finding of the Quadrennial Defense Review was the recognition of the need to field faster, more flexible chemical, biological, radiological, nuclear, and high-yield explosives events consequence management response forces. As a result of this finding, the National Guard will build a Homeland Response Force in each of the 10 Federal Emergency Management Agency regions. These 10

Homeland Response Forces will provide the needed response capability. These are just two of the many ways in which the National Guard works directly with the homeland security community as the central connection between the Federal Government and State and local officials. And, I would be remiss if I did not mention that a primary training unit for these Homeland Response Forces is the West Virginia National Guard's Joint Interagency Training & Education Center.

These Federal programs, along with the National Guard's State mission, clearly illustrate the National Guard's unequivocal role in protecting our home front. And, it goes without saying that our Guard members make tremendous contributions to military operations outside of the United States.

Today, tens of thousands of Guard members train with first responders and protect life and property here at home, while also engaging in combat operations in far-off, dangerous locations—including Iraq and Afghanistan.

Since September 11, 2001, our National Guardsmen have been called upon to deploy abroad at a higher rate than ever before. At the same time their domestic and State missions have expanded. Given the National Guard's role in defending our country, it is important that the National Guard be resourced and equipped to fulfill its dual mission.

Our Guard members must be assured of the ability to meet their obligations to their Governors, their next door neighbors, and to our Nation as a whole. In order to do that, the National Guard's voice must be heard at the highest levels of our government.

By making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff, the Guardians of Freedom Act of 2011 will guarantee that the National Guard is a part of the discussion as the Nation responds to threats both foreign and domestic. It also makes certain that the concerns of the Nation's Governors are considered when resources are scarce. And it will build upon the relationship developed between the active-duty forces and the National Guard, a bond has been strengthened as a result of the ongoing operations.

Before I end my remarks, I want to acknowledge Major General Allen Tackett, the Adjutant General of the West Virginia National Guard for the last 15 years and the longest serving Adjutant General in the country. Major General Tackett is retiring today after enlisting in the Army more than 45 years ago. He has been a great partner and visionary over the years. He led the transformation of the West Virginia National Guard and, according to General McKinley, Chief of the National Guard Bureau, is leaving West Virginia with the Nation's finest National Guard. I can honestly say that

we are better off as a Nation because he chose to dedicate his life to defending ours. Thank you, Major General Tackett. God smiled on West Virginia the day he gave us you, and we are eternally grateful.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 34—DESIGNATING THE WEEK OF FEBRUARY 7 THROUGH 11, 2011, AS “NATIONAL SCHOOL COUNSELING WEEK”

Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LEVIN, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 34

Whereas the American School Counselor Association has designated the week of February 7 through 11, 2011, as “National School Counseling Week”;

Whereas the importance of school counseling has been recognized through the inclusion of elementary and secondary school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 457-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 7 through 11, 2011, as “National School Counseling Week”; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 35—EXPRESSING SUPPORT FOR THE DESIGNATION OF JANUARY 28, 2011 AS NATIONAL DATA PRIVACY DAY

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Mr. WICKER, Mr. LEAHY, Mrs. FEINSTEIN, Ms. SNOWE, Mrs. BOXER, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 35

Whereas the protection of the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals;

Whereas new and innovative technologies enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the development and the widespread use of such technologies;

Whereas the use of numerous technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken, by individuals, government, and businesses, to protect personal information;

Whereas many individuals are unaware of the risks to privacy posed by new technologies, of data protection and privacy laws generally, and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and promote education about the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy and security professionals and educators are being encouraged to take the time to discuss data privacy and security issues with teens and young adults in schools and Universities across the country, and parents are being encouraged to discuss data privacy issues with their children;

Whereas the Federal Government has a demonstrated interest in promoting privacy and security education in schools;

Whereas the third annual Congressional recognition of National Data Privacy Day will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information; and

Whereas January 28, 2011, would be an appropriate day to designate as National Data Privacy Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of a National Data Privacy Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages educators and privacy professionals to discuss data privacy and security issues with teens in high schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers; to design privacy into products they create where possible; and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 4. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treas-

ury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 4. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 128, strike line 5 and all that follows through page 141, line 9, and insert the following:

SEC. 411. REPEAL OF ESSENTIAL AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—Title 49, United States Code, is further amended—

(1) in section 329(b)(1), by striking “except that” and all the follows through the semicolon;

(2) in section 40109(f)(3)(B), by striking “, including the minimum” and all that follows through “this title”;

(3) in section 40117(e)(2), by striking subparagraph (B) and redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in section 41110—

(A) in subsection (a)(2)(B), by striking “41712, and 41731–41742” and inserting “and 41712”; and

(B) in subsection (c)—

(i) in paragraph (1), by striking “carrier—” and all that follows through “does not provide” and inserting “carrier does not provide”; and

(ii) in paragraph (2), by striking “(1)(B)” and inserting “(1)”; and

(5) in section 47124(b)(3)(C), by striking clause (iv) and redesignating clauses (v) through (vii) as clauses (iv) through (vi), respectively.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 2, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Fiscal Year 2012 proposed budget for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural

Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks or Allison Seyferth.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 3, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Fiscal Year 2012 proposed budget for the USDA Forest Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller or Allison Seyferth.

CONDEMNING THE NEW YEAR'S DAY ATTACK ON THE COPTIC CHRISTIAN COMMUNITY IN ALEXANDRIA, EGYPT

Mr. REID. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 22 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 22) condemning the New Year's Day attack on the Coptic Christian community in Alexandria, Egypt and urging the Government of Egypt to fully investigate and prosecute the perpetrators of this heinous act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 22) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 22

Whereas Coptic Christians are a native Egyptian population and the Coptic Orthodox Church of Alexandria was founded by the Evangelist Saint Mark the Apostle in approximately 42 A.D. and is the oldest Christian church in Africa;

Whereas Copts in Egypt constitute the largest Christian community in the Middle East and the largest Christian minority group in the region;

Whereas Coptic Christians account for at least 9 percent of Egypt's population of 80,000,000 and number more than 3,000,000 outside of Egypt, including 1,000,000 in the United States;

Whereas, on New Year's Day 2011, a suicide bomber targeting Coptic Christians blew himself up in front of the Saint George and Bishop Peter Church in Alexandria, Egypt, killing at least 21 people and injuring almost 100 others;

Whereas President Barack Obama and other world leaders have condemned the attack and called for its perpetrators to "be brought to justice for this barbaric and heinous act";

Whereas the head of Egypt's Coptic Christian community, Pope Shenouda III, has called on President of Egypt Hosni Mubarak to increase security for the Coptic Christian community and to reach agreements over the building and repairing of churches, including the adoption of a single law applicable to both churches and mosques; and

Whereas the freedom of religion is central to the ability of people to live together and must be upheld by the laws and practices of every democratic nation: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the New Year's Day 2011 attack on the Saint George and Bishop Peter Church in Alexandria, Egypt;

(2) expresses its deep condolences to the Coptic Christian community who suffered from this attack and lost their loved ones and to all Egyptians who have suffered from terrorist attacks;

(3) calls on President Hosni Mubarak and the Government of Egypt to continue to fully investigate the bomb attack and to lawfully prosecute the perpetrators of this heinous act;

(4) calls on President Hosni Mubarak and the Government of Egypt to continue to enhance security for the Coptic Christian community and to work to ensure in law and practice religious freedom and equality of treatment for all people in Egypt;

(5) calls on the President to work with the Government of Egypt to identify the perpetrators of the New Year's Day attack; and

(6) calls on the Secretary of State to address the issues of religious freedom and equality of treatment for all people in Egypt with the Government of Egypt.

NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I ask unanimous consent we proceed to S. Res. 34.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 34) designating the week of February 7 through 11, 2011, as "National School Counseling Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 34) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 34

Whereas the American School Counselor Association has designated the week of February 7 through 11, 2011, as "National School Counseling Week";

Whereas the importance of school counseling has been recognized through the inclusion of elementary and secondary school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 457-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 7 through 11, 2011, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

NATIONAL DATA PRIVACY DAY

Mr. REID. Mr. President, I ask we now proceed to S. Res. 35.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 35) expressing support for the designation of January 28, 2011, as National Data Privacy Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 35) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 35

Whereas the protection of the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals;

Whereas new and innovative technologies enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the development and the widespread use of such technologies;

Whereas the use of numerous technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken, by individuals, government, and businesses, to protect personal information;

Whereas many individuals are unaware of the risks to privacy posed by new technologies, of data protection and privacy laws generally, and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and promote education about the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy and security professionals and educators are being encouraged to take the time to discuss data privacy and security issues with teens and young adults in schools and Universities across the country, and parents are being encouraged to discuss data privacy issues with their children;

Whereas the Federal Government has a demonstrated interest in promoting privacy and security education in schools;

Whereas the third annual Congressional recognition of National Data Privacy Day will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information; and

Whereas January 28, 2011, would be an appropriate day to designate as National Data Privacy Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of a National Data Privacy Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages educators and privacy professionals to discuss data privacy and security issues with teens in high schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers; to design privacy into products they create where possible; and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

ORDERS FOR THURSDAY,
FEBRUARY 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that at 1 p.m. on Thursday, February 3, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes for the purpose of

giving remarks relative to the upcoming centennial of the birth of President Ronald Reagan; further, that at 3 p.m. on Thursday, February 3, Senator MANCHIN be recognized for up to 25 minutes to give his maiden speech to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY,
FEBRUARY 1, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Tuesday, February 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks the Senate proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly caucus meetings. Finally, I ask that at 2:15 p.m., the Senate pro-

ceed to the consideration of Calendar No. 5, S. 223, the Federal Aviation Administration Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we have made significant progress. Tomorrow, we will begin the amendment process on FAA. Senators are encouraged to contact the bill managers, Senators ROCKEFELLER and HUTCHISON, if they intend to offer amendments, in order to arrange a time to do so. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Tuesday, February 1, 2011, at 10:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 1, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 2

- 10 a.m.
Budget
To hold hearings to examine tax reform, focusing on fiscal responsibility. SD-608
- Environment and Public Works
To hold an oversight hearing to examine public health and drinking water issues. SD-406
- Homeland Security and Governmental Affairs
To hold hearings to examine catastrophic preparedness, focusing on FEMA. SD-342
- Judiciary
To hold hearings to examine the constitutionality of the Affordable Care Act. SD-226
- 2 p.m.
Judiciary
To hold hearings to examine the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Kathleen M. Williams, to be United States District Judge for the Southern District of Florida, and Mae A. D'Agostino, of to be United States District Judge for the Northern District of New York, and Timothy J.

Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice. SD-226

FEBRUARY 3

- 9:30 a.m.
Armed Services
To hold hearings to examine United States policy toward Iraq. SD-106
- Energy and Natural Resources
To hold hearings to examine the energy and oil market outlook for the 112th Congress. SD-366
- 10 a.m.
Budget
To hold hearings to examine challenges for the United States economic recovery. SD-608
- Finance
To hold hearings to examine the status of the Airport and Airway Trust Fund. SD-215
- Judiciary
Business meeting to consider S. 23, to amend title 35, United States Code, to provide for patent reform, S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, and the nominations of James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Amy Totenberg, and Steve C. Jones, both to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg, and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, Paul Kinloch Holmes III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, Diana Saldana, to be United States District Judge for the Southern District of Texas, Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Marco A. Hernandez, to be United States District Judge for the District of Oregon, Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Michael H. Simon, to be United States District Judge for the District of Oregon, and Sue E. Myerscough, and James E. Shadid, both to be United States District Judge for the Central District of Illinois. SD-226

Small Business and Entrepreneurship
Organizational business meeting to consider committee's rules of procedure and budget for the 112th Congress. SR-428A

Environment and Public Works
Superfund, Toxics and Environmental Health Subcommittee
To hold hearings to examine assessing the effectiveness of United States chemical safety laws. SD-406

2 p.m.
Budget
To hold hearings to examine modernizing performance, focusing on using the new framework. SD-608

Health, Education, Labor, and Pensions
To hold hearings to examine simplifying security, focusing on encouraging better retirement decisions. SD-430

2:30 p.m.
Intelligence
To hold hearings to examine the nomination of Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence. SD-562

FEBRUARY 16

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012. SD-366

MARCH 2

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior. SD-366

MARCH 3

9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program. SD-106

Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service. SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Tuesday, February 1, 2011

The Senate met at 10:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, we thank You that Your mercies are new every morning.

Strengthen our Senators to serve You in fulfillment of their sacred commitment. Lord, give them kind thoughts, gentle words, and generous deeds. Teach them that it is better to give than to receive, better to serve than be served, and better to forgive than to be bitter. Give them such grace that they will obscure no truth, evade no duty, nor shrink from any sacrifice that will achieve justice and peace.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 12:30 today, with Senators permitted to speak therein for up to 10 minutes each. At 12:30, we are going to each have our weekly caucus meetings, which we do every week. At 2:15, the Senate will begin consideration of the Federal Aviation Administration authorization bill. As I said last night, Senators with amendments to the bill should contact the bill managers to arrange for a time to offer their amendments. Senators will be notified when votes are scheduled.

HEALTH CARE

Mr. REID. Mr. President, a lot of people are talking this morning about a judge in Florida regarding his opinion on the health reform law. I wish to talk about the law very briefly and then talk about the effort to take away the rights that are in the law that are now prevalent in the land.

The health reform bill has already saved lives and saved lots of money. It is saving lives because children are not getting their insurance taken away, as happened before we passed this law. They can stay on their parents' health insurance plans until they are 26, and even younger kids can't get kicked off their plans because they have a pre-existing condition such as asthma or diabetes. Older Americans are healthier because we are starting to close the coverage gap on Medicare, which means they can have a wellness check for nothing—it doesn't cost anything—which means, as far as the Medicare doughnut hole, seniors can finally afford the prescription drugs they had to skip or split before we passed this law.

Saving money. Last week, we saw how much this law is helping cut down fraud in the health insurance industry. We have recovered more than \$4 billion so far, and the law will keep cracking down on those who are taking advantage of the vulnerable. As small businesses in Nevada and across the country have discovered, we are cutting taxes for businesses that give their employees health care.

These consequences of the health reform law—I have mentioned only a few of them: save lives, save money, and save Medicare as we promised—are just the tip of the iceberg. As more parts of the law go into effect, it will do even more good; even more lives and more money will be saved. It is important to remember this context when we talk about the opinion handed down yesterday in Florida.

Two Federal judges have ruled in favor of the law, two have ruled against it. Lawsuits and lawmakers' efforts to repeal this bill are nothing more than attempts to raise taxes on small businesses, add more than \$1.5 trillion to the deficit, force seniors to pay more for their prescriptions, and let insurance companies once again stand in the way of a child and the medical care he or she needs.

Health care reform is complex, but this debate is very simple. We put patients in control of their health care. Repeal would be insurance companies back in charge. We cannot afford it, not with our wallets and certainly not with our lives and health.

Let me spend just a minute on jobs. The health reform bill is about jobs. I was visiting with someone from George Washington University, the medical department. As I walked in, she said: You know, because of the health care bill, we are going to hire 500 new physicians. I went back and told my staff, and they said: Oh, no, that couldn't be true. I had my staff go back and check with the woman who told me that, and it is true. That is just one facility.

Also about jobs, we need to look to the future. Democrats are working to create jobs and strengthen the middle class, and we are starting today with the first jobs bill of this Congress. This bill, which will modernize Americans' air travel, creates and protects more than 280,000 jobs. We are improving the infrastructure and reducing costly passenger delays. We are going to have a passengers' bill of rights. This is the kind of commonsense solution that creates jobs while making our economy more efficient and America more competitive. This is a bipartisan bill. We need to stop refighting yesterday's fights and start strengthening our future. We are ready to work, to get the American people back to work, and I am hopeful and confident our Republican colleagues will join us in starting with this jobs bill on the floor today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE REPEAL

Mr. MCCONNELL. Mr. President, it is no secret that most Americans opposed the health care bill that Democrats jammed through Congress last March. It is also no secret that Democrats would like to move past it. But the fact is, the more Americans learn about this bill the less they like it, and the more urgent it becomes for those who pledged to repeal and replace it to follow through.

Opposition to the bill continues to build. And when two Federal courts in a row rule that this bill is unconstitutional and we learn every day of some other way it is not only making health care worse but also hurting jobs and the economy, it is no wonder more Americans support repeal than oppose it, and that the percentage of those who say they support full repeal is higher now than ever. Americans are outraged that the promises they were made about this bill have turned out to be empty. And court rulings like the one out of Florida yesterday only add to the urgency of scrapping this bill and starting over.

Leave aside for a moment all the broken promises. The first requirement of this law or any law is that it at least be constitutional. This bill fails to meet that basic test.

And, as yesterday's ruling concluded, it can't be fixed.

This entire bill hinges on its core requirement that every citizen purchase health insurance. If that is unconstitutional, and two Federal courts now say it is, then the whole thing needs to be scrapped.

But of course we knew that already, based on all the other chaos this bill has wrought.

Let's review.

The President said as recently as last week that this law would slow rising health care costs—that it would bend the cost-curve down. Yet just 2 days later, his own actuary at the Centers for Medicare and Medicaid Services said that Federal health spending would rise by hundreds of billions of dollars over the next 10 years as a result of this bill.

The President said again and again that Americans would be able to keep the plans they had. Yet since the bill's passage, business after business has announced that it would rather pay a fine to the government than cover the health insurance costs of employees that would grow under the new mandates and regulations, and millions of seniors are now expected to lose access to the Medicare Advantage plans they know and like.

As recently as last week, the President said: "This Law Will Lower Premiums." Yet since its passage we continually hear the opposite: insurers across the country are raising premiums to cover the cost of all the new mandates they will have to comply with. One insurer in California recently stunned policyholders by announcing it would be increasing rates by as much as 59 percent for tens of thousands of customers starting next month. Hikes are also expected in Iowa, Vermont, and Connecticut. In Washington State, one father of five was recently told his \$532 monthly premium could nearly triple next year. He said that when he heard the news he just sat back and said: "You've got to be kidding me."

It is a good way to sum up how many Americans have felt about this bill all along.

And that is to say nothing of the effect this bill has had on the economy and jobs. Despite the empty promises we have heard from politicians about this bill being a job-creator, we continue to hear just the opposite from the businesses themselves. Job creators are telling us that all of the bill's new mandates and fees are stifling businesses and making it even harder for them to start hiring again.

The National Federation of Independent Business says that if this bill stays intact it will "stifle the ability [of businesses] to hire, grow and invest. . . ." "Simply put," the NFIB said in a recent letter, "Congress must repeal [this bill] immediately." To take just one example, Abbott Laboratories said last week it plans to cut nearly 2,000 jobs in response to changes in the health care industry, including this bill.

As I said, yesterday's ruling out of Florida, only adds to the urgency of repeal. As if it weren't enough that this bill increases health care costs, increases insurance premiums, and is leading people to lose coverage they already have and like, it is also unconstitutional—something many opponents of the bill, including me, have been arguing all along. The state can no more compel Americans to buy health insurance under the Constitution than it can compel them to buy vitamins, even if it concluded they would be good for our health. While Congress may have the power to regulate commercial activity, no court in our nation's history has ever interpreted that to mean that Congress can regulate commercial inactivity as well, which is precisely what the health care bill would do.

Most Americans have opposed this bill from the start because they were skeptical of all the claims that were being made about what it would do. The process that was used to jam it through made it even less popular. But the reality has been even worse than people feared. It violates the Constitution—which is reason enough to repeal

it—it is driving up premiums, increasing costs, and driving people off the plans they have. And Americans are just as outraged by the special waivers the administration is giving out to select groups as it was by the special deals. The special deals are reminiscent of the deals it gave out to lawmakers who agreed to vote for it. In other words, the implementation of this bill is no better than the process used to pass it.

At this point, it would be a dereliction of duty if Republicans didn't fight for repeal. We made a promise to our constituents that we would vote to repeal this bill on their behalf and that is just what we intend to do.

The importance of a repeal vote becomes more evident every day. Americans view it as an important decision point—a marker that shows we are serious about a return to limited government. On that point, it should be clear where Republicans stand. Every one of us voted against the bill. Every one of us voted for repeal after that. And this week, every Republican reaffirmed his or her commitment to doing it again.

Democrats made a lot of promises about this bill. Virtually every one has proved to be empty. Republicans have made one promise: that we would work to repeal it and replace it with common-sense reforms that lower costs, protect job creation and that people actually want. It is a promise we will keep.

AFGHANISTAN VISIT

Mr. MCCONNELL. Mr. President, we have entered our tenth year of fighting in Afghanistan, and we can never express our gratitude enough to the heroic men and women of our Armed Forces who continue the battle there. Many of them—nearly one-fifth of all U.S. forces in that country—are from units based in Kentucky: Fort Campbell, Fort Knox, the Kentucky National Guard, the Marine Corps and the Reserves.

I recently led a Congressional delegation to the region and spent some time in Afghanistan to see up close the progress our forces are making there in clearing out the Taliban and creating the opportunity for Afghan security forces to assume greater responsibility. During my visit, I had the honor of meeting many of the servicemembers from Kentucky. I told them that we are proud of them, we support them, we thank them for their service, and we pray for their safe return.

Forces in Afghanistan from Kentucky units number more than 18,000 strong. They have seen much military success—but in the process, many have made the ultimate sacrifice for their country.

The 101st Airborne Division, based out of Fort Campbell and known as the Screaming Eagles, endured a particularly hard year, losing more than 100

soldiers since last March. In fact, nearly one out of five American lives lost in Afghanistan in the past year has been lost from the 101st. The men and women who stood beside them honor their sacrifice by continuing the fight.

After a long deployment, many of the soldiers from the 101st are due to return home over the next few months, just as their brothers-in-arms from Fort Knox are deploying. About 3,500 soldiers from the 3rd Brigade Combat Team, 1st Infantry Division and the 703rd Explosive Ordnance Disposal Detachment will arrive in Afghanistan in the next few weeks or are already there. It is the biggest deployment from Fort Knox since World War II.

Hundreds of servicemembers from the Kentucky Air and Army National Guard are performing critical missions in Afghanistan as well. The 123rd Airlift Wing, the 2123rd Transportation Company, the 20th Special Forces Group and a Kentucky Guard Agricultural Development Team have all recently sent men and women to the fight, some who have served as many as six tours.

It was my honor to meet some of these brave warriors in person this month when I visited the headquarters of the 101st Airborne Division at Bagram Air Base in Afghanistan and also during my stop at Camp Leatherneck in the southern part of that country, the outpost for a number of Kentucky Marines.

These extraordinary men and women leave their loved ones thousands of miles behind and put on their country's uniform every day, with their lives in the balance. They have seen their friends and fellow soldiers and Marines make the ultimate sacrifice, and yet they fight on to accomplish a difficult mission. And they continue to make their country, the Commonwealth of Kentucky, and this Senator very proud.

When we honor our servicemembers, we also honor their families, who endure the long months with a loved one gone and in harm's way. This country would not have the finest fighting force in the world without their sacrifice and support as well.

It is brave servicemembers like the ones I got to meet who keep this country free. When both the Senate and the House of Representatives met in joint session recently to hear the President deliver his State of the Union address, we did so under the cloak of freedom that these heroes provide. America is grateful for their service and their sacrifice.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee.

(The remarks of Mr. CORKER and Mrs. MCCASKILL pertaining to the introduction of S. 245 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, my remarks may take a little longer than 10 minutes, so I ask unanimous consent that I may deliver my remarks in full.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Thank you, Mr. President.

AFFORDABLE CARE ACT

Mr. HATCH. Mr. President, we have come a long way in 1 year.

On December 24, 2009—1 day before Christmas—this body passed a radical overhaul of our Nation's health care system. That is right. The majority passed ObamaCare on Christmas Eve.

It was not this body's finest moment. It was not the administration's finest moment. And I expect that this debate will go down in history for its persistent lack of attention to the considered views of ordinary Americans—Americans who rejected ObamaCare's giant new entitlement expansions and the job-killing taxes haphazardly cobbled together to pay for them.

It did not have to be this way. In the midst of the greatest fiscal collapse since the Great Depression, Americans wanted Democrats, who controlled all of the levers of power in Washington, to focus on job creation. Instead, like teenagers set loose when mom and dad leave town, they did what they wanted to, and focused on a government takeover of the Nation's health care system.

Surprising only the most ideologically driven, support for ObamaCare cratered during the townhall meetings of August 2009. The message was loud and clear. Our health care system, and in particular the government policies that contribute to unsustainable inflation in the health care sector, might be in need of reform. But the solution to our problems is not additional government regulation and control of health care delivery by Washington bureaucrats. And the solution is most definitely not to be found in the billions of dollars in new taxes, most of which will be passed through to American families in the form of higher premiums.

For those who did not deliberately put on blinders, the wishes of their constituents were obvious.

Stop the push for ObamaCare and move onto fixing the economy.

But the Senate did not listen.

Instead, prodded ahead by an administration that saw the great liberal dream of government-run health care slipping, the long march continued.

First, the Democratic majority cut short the Finance Committee's bipartisan negotiations.

Then, heads down, the majority plowed forward on the floor, allowing virtually no meaningful amendments.

And before going home for Christmas, it passed the most sweeping reform of the Nation's economy in over 70 years without a single Republican vote.

Every Democratic senator supported the bill.

Not one Republican did.

When ObamaCare passed the Senate, its proponents assumed it was on the glidepath to enactment. But the American people had a different idea.

Our national unemployment rate was 10.2 percent—the highest in 26 years.

The American people understood that at a moment of historic economic challenges, the last thing the country needed was another budget-busting entitlement and sky-high taxes.

And just about 1 month later, this message was delivered again. In a new shot heard across the world, our colleague, the junior Senator from Massachusetts, SCOTT BROWN, was elected in a very clear referendum on the Democrats' health care bill.

The verdict of the American people, if the previous summer's townhalls left any doubt, was now crystal clear.

The push for ObamaCare must end.

Yet, the administration refused to yield.

They thought the people would eventually come to embrace the elegance of ObamaCare. If only the messaging was better, Americans would appreciate all of the good things that Washington politicians and bureaucrats had to offer them.

So after taking time to regroup and weigh their options, Democrats decided to defy the American people yet again.

A little over a year ago, the President hosted a summit at the White House and began his final push for his federalizing of American health care.

The resulting display was ugly. Americans, already revolted by the deals cut in this Chamber to secure the bare number of votes needed to pass the bill, now witnessed historic arm twisting and desperate efforts in the House to deny the obvious—that ObamaCare represented an unprecedented intrusion of the Federal government into the lives of citizens and clearly was a massive burden on taxpayers.

And so it passed.

And ObamaCare became law.

And the administration set about writing the thousands of pages of regulations that would govern how American businesses provide health benefits to their employees.

Fast forward to November of 2010.

The American people did not forget their snubbing by self-proclaimed progressive Democrats who in fact ignored the will of the people at every opportunity during the ObamaCare debate.

At voting booths across the country, they made clear to those congressmen and Senators who provided the votes for this job-destroying health care bill that such high-handed, illiberal behavior was not acceptable in a democratic republic.

Fast forward one more time.

Yesterday, barely 13 months after ObamaCare passed the Senate, and less than one year since it became law, the entire scheme was struck down in Federal court.

In a triumph for both personal liberty and the American Constitution, the individual mandate was found unconstitutional and ObamaCare was struck down.

Not part of ObamaCare.

All of ObamaCare.

Not surprisingly, the administration and its special interest allies responded with the same derision toward ordinary American citizens that has been on display throughout this debate. Instead of acknowledging the obvious—that ObamaCare represents a massive departure from any traditional understanding of limited government—White House officials went on the attack, calling the decision outside of the mainstream and ridiculing its reasoning.

Really?

Millions and millions of Americans believe that provisions essential to the operation of ObamaCare are unconstitutional intrusions on personal liberty that vastly expand the power of the Federal government.

They understand that the justification for the individual mandate by ObamaCare's proponents essentially removes any limits on the power of the Federal government to regulate personal and economic decisions.

Twenty-six states participated in this challenge to ObamaCare.

Thirty-two Members of this body, including myself, signed an amicus brief challenging the constitutionality of ObamaCare.

But, according to the administration's narrative, we are the ones who are out of the mainstream.

This administration came into office buoyed by the good will of the American people and carrying banners of bipartisanship.

Two years later, after the politically disastrous decision to overhaul one-seventh of the Nation's economy with virtually no Republican support, they are blaming the victim.

After a Federal judge looked at this tough issue and determined that key elements of ObamaCare represented an unprecedented and unconstitutional expansion of the national government, the problem remains—as it always is for liberals—the people.

Their views are just not sophisticated enough to grasp ObamaCare's consistency with a government of limited and enumerated powers.

The Democrats continue to think that if only they focus group ObamaCare better, they will get the messaging right.

The American people will learn to love it.

I don't think so.

The American people get it. I know my constituents in Utah do.

In an article yesterday in "Politico", Patrick Caddell and Douglas Schoen highlighted the reasons for the public's deepening disdain for ObamaCare. According to them, it is possible that no major piece of legislation "has created the continued, vehement public opposition that health care has provoked since the Kansas-Nebraska Act of 1854."

In their view, "[t]here is one big underlying factor that continues to cause many Americans to oppose the health care bill: Its passage was anti-democratic. If the Republicans' campaign slogan of 1854 was the Crime Against Kansas, in 2010 it would be the Crime Against Democracy."

Americans know that the Senate bill was 2,074 pages long.

They know it authorized 70 government programs.

They know it delegated regulatory power to the Obama administration 1,697 times.

They know it cut \$465 billion from Medicare at a time when it already faced a \$38 trillion unfunded liability.

They know the bill took from one already unsustainable entitlement to pay for a brand new entitlement.

They know it raised taxes by over \$550 billion, repeatedly violating the President's pledge not to raise taxes on middle class families.

They know ObamaCare will destroy 695,000 American jobs at a time when millions of Americans are looking for work.

They know the Medicaid expansions threaten to bankrupt the States, with CBO estimating that the Medicaid expansion will cost American taxpayers \$435 billion over 10 years.

They know the total cost of ObamaCare is \$2.6 trillion.

And they know we can not afford it.

To borrow from Justice Scalia, the American people despise ObamaCare because the American people love democracy and the American people are not fools. They know that this law was enacted in a totally partisan manner, and over the loud opposition of a majority of Americans.

And they know that the partisans promoting ObamaCare were not, and are not, forthright when they say it is budget neutral.

ObamaCare cuts \$155 billion from hospitals.

It cuts \$202 billion from 11 million seniors on Medicare Advantage.

It cuts nearly \$15 billion from nursing homes.

It cuts nearly \$40 billion from home health agencies.

It cuts nearly \$7 billion from hospices.

But these cuts don't go toward strengthening Medicare, a program with catastrophic unfunded liabilities. Rather, Democrats poured the savings from these cuts back into a brand new entitlement program.

Furthermore, so-called comprehensive health care reform managed to neglect the pressing need for a permanent doc fix. Yet, CBO's most recent estimate is that a long-term doc fix freezing Medicare payment rates at 2011 levels would raise the deficit by \$249 billion, not counting an additional \$53 billion in debt service obligations.

Not surprisingly, an Associated Press fact check of the President's State of the Union address concluded: "the idea that Obama's health care law saves money for the government is based on some arguable assumptions."

That might qualify for the understatement of the year so far.

The likelihood that ObamaCare will not, as its advocates claimed, save the government money was confirmed again at a hearing last week by the CMS Chief Actuary Richard Foster. He testified that the law will not likely hold costs down, and that contrary to the President's mantra, everyone will not be able to keep their insurance coverage if they like it.

In response, the White House political operation attacked the Administration's own nonpartisan professional expert, stating in a blog post: "Once again, we disagree . . . History shows that it is possible to implement measures that will save money for Medicare and the Federal government."

Who are you going to believe?

The chief actuary at CMS or a White House political operative?

The average American citizen might not have a Ph.D. in economics. But Americans do understand that massive new entitlement programs do not save money. In their guts, they know that former CBO director Doug Holtz-Eakin is right when he concludes that repeal of this flawed law would actually reduce the deficit by \$300 billion.

Ultimately, all we want is a vote on repeal.

Last week, some of my Democratic colleagues came to the floor to advocate for rules changes that would have substantially limited the rights of the minority to debate.

The filibuster, they insisted, is an affront to democracy and majority rule.

Well, let them put their money where their mouths are.

All we are asking for is an up or down vote on repeal of ObamaCare.

This is what the people want.

Ultimately, you have to ask why the Democratic majority would deny us this vote.

I think I know the answer. It has a great deal to do with members of the caucus who know their constituents hate this law. Yet, these Members are torn between two masters. On the one hand are their conservative constituents. And on the other are the liberal interest groups who supported the government takeover of the Nation's health care system.

Unfortunately, the people again stand to lose in this calculus.

I understand that the conventional wisdom is that my colleagues and I are pursuing a symbolic act.

The guardians of the conventional wisdom opine that attempts to repeal ObamaCare might make for good theatre, but are senseless exercises.

In my view, this attitude demonstrates a profound lack of respect for the citizens of a democratic republic.

Over time, given the power of ideas and an engaged citizenry, initially symbolic acts have a way of becoming law. It might not happen overnight, but citizens—exercising their constitutional rights of petition and redress—have a way of reminding even the most hardened of partisan politicians that their job is to represent their constituents.

I have no doubt that some scoff at our efforts to repeal this bill.

But I rest easy knowing that I am standing with my fellow Utahans and the people of this country whose distrust of ObamaCare grows as they learn more about it.

I look forward to the day when ObamaCare is finally repealed. It may not be next month. It may not be next year, but it will be repealed. If we are smart, we will make it next month or in the very near future. When it is, it will be a triumph for our Constitution, a triumph for personal liberty and, most importantly, it will be a triumph for the American people to persevere in their resistance to this law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, it is interesting that we face one of the toughest economic recessions in modern history and a world in turmoil, as many countries are challenging their leadership and assessing the future, and the focal point of the Republican

legislative effort appears to be the repeal of health care reform.

If you look at what the American people think about this, they don't agree. They think that if there are ways to improve the bill, we should do it; that if there are changes we can make in the bill to make it more effective, we should. But the notion that we would repeal this law and walk away from the basic provisions in it is not acceptable by the majority of the people.

The House Republicans, new to the majority this year, decided they needed to keep faith with their followers and repeal health care reform as their highest priority. As the whip in the Senate who counts votes on this side of the aisle, I sense that we are not going to repeal this law, nor do I think we should.

It appears Republicans want us to spend some time debating whether health care reform is good for America. I welcome that debate because, as you know, when we reflect on what we have achieved so far, in a little over 1 year, with this health care reform and what is to follow, it strikes me as unusual that there are people who want to walk away from all that. The important starting point in this debate is government-administered health care. If you listen to the other side—the Republicans—the issue they object to the most is the fact that the government has some hand in this health insurance industry. They call it government-run health care. Those who would take the time to read the bill—and I have—will realize that at the end of the day, the only entities offering health insurance in America are private companies, aside from Medicare and Medicaid. So what the Republicans are objecting to is a government effort to extend the availability of private health insurance to more and more Americans.

I know every single Republican and Democratic Senator is protecting their own families with government-administered private health insurance. The very thing they are condemning in the health care reform bill is the source of their own personal health insurance for their families. You see, Members of Congress are part of the Federal Employees Health Benefits Program, a program that covers 8 million Federal employees and their families. My wife and I, each year, have an open enrollment where we can choose from nine different private health insurance companies in Illinois. We pick the plan we like the best. At our point in life, we have more coverage than younger people might, and more money is taken out of my paycheck because of that decision, but it is our decision to pick this private insurance company in a plan administered by the Federal Government.

As the Republicans stand and criticize the notion of extending this avail-

ability of options to more Americans, they are criticizing the same insurance plan they are using to protect their own families. If it is good enough for a Member of the Senate, should it not be good enough for most Americans? The insurance exchanges we are creating will offer the option for people to choose from private health insurance plans in the future. That, to me, is a good thing. It has certainly been good for my family, in terms of the Federal Employees Health Benefits Program.

There are other parts of the health care reform bill the Republicans want to repeal, which I know the American people think are very valuable. Right now, young adults up to the age of 26 would lose their insurance coverage through their parents' health plans if the Republicans prevail. This would affect 47,200 people in Illinois and 1.2 million nationally. Who are these young people, age 25? They are graduates of college looking for jobs. They are finished with their education and maybe had student health insurance and they are looking for a job and maybe the first one they find doesn't offer benefits. So mom and dad say: Don't worry. We still have you under the family health insurance plan.

That is part of the health care reform bill these people—the Republican side of the aisle—want to repeal. I remember going through this with our kids, as I am sure others do. You called them after college and said: Jennifer, how are you doing?

I am fine.

Do you have health insurance?

Dad, I don't need that yet; I will get it later. At which point you say: Girl, you have to have it, even if we have to pay for it. We know we are just one diagnosis or accident away from needing health insurance. That worry is relieved for those through the age of 25 under health care reform and would be repealed by the Republicans.

How about lifetime limits? People with private insurance coverage, if the Republicans have their way and repeal this measure, would find themselves suddenly vulnerable again to having lifetime limits placed on how much insurance companies will spend on their health care. This affects 7½ million people in Illinois and 165 million nationally.

I talked to a retired firefighter in Chicago. He happened to be a man who volunteered and went to New York on 9/11. He came down with leukemia. I said: How are you doing?

He said: I'm feeling good. I'm getting a lot of treatment, and it's working, but I'm worried. I'm not old enough to qualify for Medicare yet, and I have a \$1 million limit. I had no idea I would come down with cancer, and I have already spent \$150,000. If I need additional medical care, it will be taken out of my savings if I go past this limit.

We eliminate the limits on health insurance policies. Repeal of the law will reestablish those limits.

How about rescissions? Insurance companies, if the Republicans have their way and repeal our Affordable Health Care Act, would once again be allowed to cut off someone's coverage unexpectedly when they are in an accident or become sick because of a simple mistake on their application. That would leave 612,000 people in Illinois and 15.9 million nationally at the risk of losing their insurance at the moment they need it the most. One of the worst abuses of the insurance industry would become legal again if the Republicans have their way and repeal affordable health care.

How does this work? Well, I can tell you what happens. We have seen it. People have contacted our office. The most notorious example was a woman who said when she needed coverage for a surgery, the health insurance company went through her application and said: You failed to disclose a pre-existing condition. We rescind the policy.

She asked: What preexisting condition?

You had acne as a teenager.

Think about it. Would you ever put that down as a preexisting condition when you are applying for health insurance? It was enough for the health insurance company to turn her loose and refuse to cover her.

Also, nearly 7.5 million residents in Illinois and 165 million nationally would not know if they are receiving value for their health insurance premium dollars because the Republican repeal of health care would remove the requirement that insurers spend at least 80 to 85 percent of premium dollars on actual health care—not on bonuses, not on salaries, not on advertising, and not on administrative expenses but actually on health care. It is an effort to have the States monitor these health insurance companies and make sure when the rates go up the money being collected is actually going to health care. That would be eliminated if the Republicans have their way in repealing the Affordable Health Care Act.

How about preventive care? Nearly 1.8 million seniors in Illinois who have Medicare coverage and 44 million nationally would be forced to pay a copay to receive important preventive services such as mammograms and colonoscopies, and they wouldn't receive a free annual wellness visit. We know what happens when a person doesn't have a lot of money and is in their senior status and they are faced with the possibility of getting a test. They put it off. The longer you put it off, unfortunately, it is more likely something bad will occur. The Republican repeal of health care would mean that this preventive care currently of-

fered under the bill for Medicare recipients would be eliminated.

Then there is the doughnut hole, or the gap in coverage, for Medicare prescription drugs for which 109,421 seniors in Illinois and 2.7 million nationally would see significantly higher prescription drug costs if the Republicans are successful in repealing health care. Last year, these beneficiaries received a one-time, tax-free \$250 rebate to help fill the gap for prescription drugs in the doughnut hole coverage gap.

Medicare beneficiaries who fall into the doughnut hole in 2011 will be eligible for 50 percent discounts on covered brand-name prescription drugs. Without this law, the burden of high prescription drug costs will hurt millions of Medicare beneficiaries across the country. That is the reality.

What the Republicans would do with the repeal of health care is to say to seniors on fixed incomes: Turn to your savings; pull more out of your savings for the prescription drugs your doctor tells you that you need to stay well. We are filling that gap, that hole. They want to go back to the old days when seniors were on their own.

There is the Early Retiree Reinsurance Program, where 279 employers in my State and 4,748 nationally wouldn't receive help from this program. It is a program that provides businesses, schools, unions, State and local governments and nonprofits much needed financial relief to help early retirees and their families continue to have quality affordable health care coverage.

Who are these people? One was in my family. My brother retired from working for a major corporation before he reached the age of 65. He had a heart attack and needed surgery and couldn't get insured. He had to wait until he was qualified for Medicare. This plan allows early retirees to find insurance before they qualify for Medicare and provides an incentive for that to happen. The repeal of this law by the Republicans would basically eliminate that program.

So when they stand before us and tell us they are just doing the right thing—what Americans really want—I am afraid that isn't the case. Most Americans want us to keep health care reform—change it, modify it, if necessary, but not repeal it—because when we repeal it, these basic things I have described will be in trouble.

What about this court case yesterday in Florida? It is getting a lot of attention today. A judge in Florida issued a decision in a case filed by 25 Republican attorneys general and Governors striking down the Affordable Health Care Act. This ruling is out of the mainstream of judicial reasoning in its treatment of precedent and in the type of analysis employed. I don't think it is likely to be upheld.

Twelve Federal judges have already dismissed challenges to the constitu-

tionality of the health reform bill, and two judges in the Eastern District of Michigan and Western District of Virginia have upheld the law. In one other case, a Federal judge in the Eastern District of Virginia issued a very narrow ruling on the constitutionality of the health reform law's individual responsibility provision and upheld the rest of the law.

The ruling yesterday in Florida issued by Judge Vinson in the Northern District is a plain case of judicial overreaching. The judge declared the entire law was null and void, even though the only provision he found unconstitutional related to the individual responsibility provision. This decision is at odds with decades of established Supreme Court law which has consistently found that courts have a constitutional obligation to preserve as much of a statute as can be preserved.

Under this view of the law, the estimated 4 million seniors who fall into the Medicare prescription drug coverage gap I mentioned earlier will pay higher prices for prescription drugs. If the judge from Florida has his way, 44 million seniors on Medicare will be denied access to preventive care, up to 4 million small businesses will not be eligible for tax credits to make health care more affordable, and new provisions that prevent insurance companies from denying coverage and the like will not become part of the law.

History is on our side when it comes to this measure, Madam President. Tomorrow, the Senate Judiciary Committee, at my request, is going to hold a hearing on the constitutionality of the Health Care Reform Act. It is the first congressional hearing on this issue. As a person who is aspiring to be the chairman of the Constitution Subcommittee, I asked this be the first subject we take up. The reason I am still aspiring is we haven't closed all of the negotiations about funding of committees, so nothing has become formal yet, but it is likely to occur.

What we will look at tomorrow is article I, section 8 of the Constitution. That is the article that specifically cites the powers that Congress—the Senate and the House—have. It is spelled out. In the course of spelling it out, it cites, among other things, that we have the power to tax, and we have the power related to provisions relating to commerce. It came to be viewed in the courts as interstate commerce—commerce between the States or between the United States and other nations.

Those who are arguing that the health care reform bill is unconstitutional first argue that the health care insurance industry is not commerce. If the health care insurance industry—which offers industry across State lines to millions of Americans—is not commerce, and it affects 18 percent of our

economy, then I don't know what commerce might be. I think that position is particularly weak.

When it comes to the individual responsibility, or individual mandate system that is in the bill, the question is being asked of the court: Why is this necessary? Well, here is why it is necessary. If we say to insurance companies they don't have to insure anyone with a preexisting condition, then of course they are going to exclude people. But if we tell them they have to insure everybody, even those with preexisting conditions, then the obvious question is, when will a person buy insurance?

If we don't have a responsibility on individuals to buy insurance, two things will occur: They will wait until they are sick to buy insurance, which completely destroys the risk model that insurance companies use, or they will present themselves, as they do today, to many hospitals for coverage and care, the cost of which is passed on to other people. So the individual responsibility section says: If you don't have insurance coverage, then you have to pay a tax penalty. And that is what many are objecting to. You cannot eliminate exclusions for preexisting conditions and not move more and more people into the risk pool at an earlier stage. If people can wait until the last minute to get into the risk pool, then the insurance model is destroyed. That is why it is in there.

I think we will find, ultimately—and I hope we do—from the Supreme Court that what we have passed is entirely consistent with the regulations or powers given to Congress under article I, section 8 of the Constitution to deal with issues of commerce. Secondly, I think we will find that the imposition of a tax in this health care reform bill is clearly enumerated in the powers given to Congress to levy taxes, and what we have done is necessary and proper to reach the goal where we eliminate discrimination because of preexisting conditions in health insurance plans.

That debate is ahead of us, but it is a debate we need to take up. I am happy to talk about the health care reform bill because I think it is moving in the right direction. It is not perfect—it can be improved—but if the Republicans want to repeal it, they are in for a fight because the important provisions we have to protect families and businesses need to be protected.

What we want to bring up as soon as we can—when we get beyond this debate on health care repeal—is the reauthorization of the Federal Aviation Administration. We have been struggling with this issue for a long time, and we believe this bill, which our majority leader HARRY REID has asked to bring to the floor, creates and protects more than 280,000 jobs by modernizing the air travel infrastructure and reducing

costly delays. I think this is an important step forward not just to create jobs—and we need them very badly—but also to make certain our airplanes and airliners and all those who are serving us at the airports have a safer environment, establishing new standards for safety when it comes to the operation of our airlines.

I think this is a critical issue, and I hope we can move to it soon. I am sorry we are going to be diverted into a debate on health care reform. But as I said, I think it is a welcome debate. It is time we brought some of these facts before the American people so they understand health care reform has real value to families and businesses across the United States, making health care insurance more affordable and more accessible.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. DURBIN).

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 223, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the

Senate proceed to a period of debate only on the FAA authorization bill for the purposes of opening remarks from the chairman—that being me—and ranking member—that being Senator HUTCHISON—of the Commerce Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I wish to thank the majority leader for bringing this bill to the floor so promptly—the first bill of this year, the 112th Congress. The Air Transportation Modernization and Safety Improvement Act reauthorizes the Federal Aviation Administration. It has been postponed 17 times over the last 4 years, to the consternation of all of us who care about this subject. There are three Commerce Committee members in the Chamber right now, and we are all frustrated about getting it done. So it is the first piece of legislation.

The bill which I introduced and which we are considering is the text of the FAA reauthorization bill that was approved by the whole Senate last year by a vote of 93 to nothing. All of the matters of safety and air traffic control systems and all the rest of it that we talk about are all incorporated already in this bill. Although the Senate and the House of Representatives informally conferred, it was not productive, and we were unable to come to a final resolution, so here we are once again. I thought that beginning this year's consideration of the FAA reauthorization bill with the legislation that did pass unanimously last year would signal a commitment to bringing forward a bill that had broad bipartisan support—at least last year. It wasn't that long ago. There are some new Members, and some issues still stand out. We didn't resolve all of them.

I wish to say at the beginning that this is a monumentally important bill. I would also say that I recognize without rancor that there are a lot of Members of the Congress who don't really keep up with aviation because they kind of take it for granted. It is highly technical and not always interesting but always important—always important. It employs 11 million people, just for a start. It is a vastly important bill, and we are vastly behind where we should be, and this bill will help us move forward.

I wish to thank particularly Senator HUTCHISON, the ranking member of the Commerce Committee and my able partner, for her efforts on this bill last year. I look forward to working with her again this year in passing this bill, as I know she wants to have it happen, and get it enacted into law. She and I can't sign it into law, but we want to have a good bill signed into law. I believe this bill reflects a shared vision and our mutual goal of making sure the United States continues to have

the safest, most efficient, and most modern aviation system possible.

Given the importance of the airline industry to our Nation's economy—again, many people take this for granted, but it is a vast industry—I can't think of a more important piece of legislation to our Nation's long-term economic competitiveness. It is the right bill to start with. We know this legislation will create and support good-paying American jobs. It already does—11 million is a lot of jobs. That is slightly more than the population of West Virginia. The bill improves the safety and efficiency of our Nation's aviation system by preventing something called runway incursions, which people often aren't aware of unless their plane runs into another on the tarmac, which happens infrequently but does happen. People would be shocked to know how often and how many times incursions are just about to happen until they are rescued by an understaffed control tower which says: Hey, head right, head left, stop—whatever. It also modernizes our air traffic control system. That is an easy phrase—"modernizes our air traffic control system." It is a vast, new concept. We are living in an age when everybody else is GPS and digitalized, and I include Mongolia. I would like to include Mongolia because it does have a GPS system, and the thought of Mongolia being ahead of us is deeply disturbing to me, and it is a way of making a point, I think one would agree. I wish to reduce delays that frustrate fliers, and we do that. It opens the door to better economic development, especially in rural and underserved areas. It makes a very big point of that, with essential air service, airport improvement programs, and other programs.

Simply put, this bill helps protect our position as the global leader in aviation. Now, I said "global leader." We are. We are. The aviation needs and goals of Texas and West Virginia are the same. People might not believe it, but they are. My good friend Senator HUTCHISON represents some of the largest airports in the country. I represent some of the finest smaller airports in the Nation. All of our airports are critical economic engines to their respective communities. Senator HUTCHISON may have more flights in and out of Texas than we have in West Virginia—in fact, I guarantee she does—but we both know the importance of air service to economic growth and global competitiveness.

Every one of our constituents wants the safest aviation system possible. Before assuming our current roles, Senator HUTCHISON and I rotated being chairman and ranking member of the aviation subcommittee. We did that for 10 years, so we are pretty heavily into the subject, and we agree on virtually everything—virtually everything. But we share a passion for aviation because

we know how critical this industry is to our economy, to the comfort and mobility of our people, and to our Nation's future. We both share a strong desire to get this legislation enacted into law. I have already said that. It has been far too long—4 years—since the last FAA reauthorization bill was enacted. Our Nation cannot afford to wait one second longer.

Sadly, when many people think of flying, their first reaction is often negative, and that is usually what we hear—people complaining about TSA lines, about delays, about weather; airlines are meant to control weather. Actually, they don't, statutorily or otherwise. But people are not happy, so there is sort of a grumpiness about this subject, which we don't address, but we try to take away the causes of grumpiness.

I will be the first to admit from my own point of view that travel is not always enjoyable. That is a symptom of a number of expectations we have somehow developed over the years. Air travel has changed with deregulation. Oh, how well I remember regulation. American Airlines, big jets in Charleston, WV; United Airlines, big jets in Charleston, WV; Eastern Airlines, big jets in Charleston, WV; deregulation, and one month later, no more jets, and we now subsist basically on prop planes with two propellers. If you are my height, it takes an hour or so to restore your blood flow after you get out of one of those—if you are lucky enough to get an exit seat. If you are not, it may take 2 or 3 hours. Anyway, some of the changes with deregulation have been for the better. Not all of those changes have been for the best. There have been frustrating changes for travelers as the industry has adapted to this new reality. There have been many other benefits, primarily cheaper tickets to more places for the average flier.

We must also remember that aviation is more than just a commercial air travel service. Aviation accounts for \$1 trillion-plus worth of economic activity for the country and, again, supports more than 11 million jobs. It is a critical sector of our economy. Boeing is the Nation's largest exporter, and aerospace sales from large and small producers provide billions of dollars toward balanced trade for the United States with international buyers. This is a great success story, but we haven't been tending to it. That is why we are doing this bill now.

In 2010, the United States did not have a single commercial aviation fatality. That is a truly remarkable statistic. It is one we should not only be thankful for but very proud of. Safety is the No. 1 priority of the Federal Aviation Administration, the airline industry, and the people who work for both, and it is the No. 1 priority of Senator HUTCHISON and myself, and well as the Commerce Committee as a whole.

It always is and has to be. It is through the hard and dedicated work of the thousands of FAA and airline industry employees that we do, in fact, have the safest aviation system in the world. Improving the safety of our aviation system has been a huge priority for all of us. You can't rest on your laurels in aviation in any respect. The industry is always shaky. The public is always a little bit shaky. Times are shaky—bad times, fewer passengers; better times, more passengers. That sounds like good news—more passengers—but I am coping to that. It isn't necessarily good news that there will be more passengers in the future.

I strongly believe this bill is fundamentally about the future of aviation, and it is vastly important. This bill is about making sure we have the most technologically advanced satellite-based air traffic control system in the world. This bill is about catapulting our air traffic control system out of the 19th century and into the 21st century with every other industrialized country in the world. We do not share that with them now. More people drive rented cars with GPS systems than airplanes have. It sort of doesn't make sense, but that is a fact. Today, as I said, we are behind Europe and even Mongolia. We have to remedy that fact, and we have to do it quickly.

This bill is about making sure we continue to have the most dynamic aviation industry in the world. I will say it again. The U.S. civil aviation sector generates \$1 trillion a year in economic activity and employs 11 million people. All of that activity creates jobs in every sector of our economy, including airport construction jobs and building airplanes, from the smallest general aviation planes to Boeing's state-of-the-art 787 Dreamliner. All this activity creates jobs—jobs in airlines, jobs in general aviation, such as the small airports that dot both Senator HUTCHISON's State and mine, the rural parts thereof, as well as the Presiding Officer's. Airports and the aviation industry support millions of indirect jobs. That makes sense. One need only look—and this is sort of the most obvious presentation of it—at the growth around Dulles, Dallas/Fort Worth, and Denver International. Denver International was built out in the middle of the desert. Not anymore. I don't think Dallas/Fort Worth was ever out in the middle of the desert, but the growth is extraordinary. It attracts jobs. People don't want to bicycle to Dallas or Charleston or anywhere else; they want to go by air. Business decisions are made by air. So that point speaks for itself.

In Beckley, WV, which is not huge but has a wonderful airport, what is interesting is that it also has an enormously successful business park at that facility. Our major airports in Charleston and Huntington have direct

flights to the major headquarters of chemical and energy companies that allow businesses to grow in West Virginia.

I believe the future of the U.S. aviation system has unlimited potential. We face serious challenges in making sure we reach that potential, but I know we are up to it. To make it work, we have to upgrade our 1950s-era, antiquated air traffic control system. Investing in technology and infrastructure is a very good place to start. It is embarrassing that some of our newer cars have more sophisticated global positioning systems than many of our aircraft in the skies. That has to change, and it costs money. It has everything to do with lives and safety. It is going to get much bigger, with many more passengers. We have about 750 million people flying every year now. In another decade it will be nearly 1 billion. So it is almost like a 50-percent increase in the number of people flying. Everything gets more complicated and crowded.

It is eye-opening to see the speed with which China and other developing nations are investing in their air traffic control systems and their airports. They know what they are doing. They take nothing for granted. Growth is on their minds. Again, we have to make the effort to get ahead or we will be left far behind. I am sorry, but that is the way it works. It is not a sentimental industry. It is one that needs to be treated well, nurtured, and supported.

If we don't act quickly, we are at risk for falling behind our global competitors. We will lose the cargo hubs, the aircraft manufacturing plants, and the economic development that aviation causes. I cannot understate the importance of a vibrant and strong aviation system. I have made no attempt to be shy on that account. I cannot be. It is fundamental to our Nation's long-term economic growth and to my State's ability to attract new investment.

When choosing to invest in an area, the quality of air service is the prime consideration. I say "the"; you could say "a." You can have a great quality of life, but it doesn't give you a factory. Quality of life is good, but it isn't preemptive. The ability to fly from West Virginia to almost any corner of the world, which we now have, is critical for our ability to attract new businesses and jobs.

Why do we have 20 Japanese companies in West Virginia? That is actually a cerebrally interesting question. The reason is, because we have good air service and good workers. But if we had good workers and no particularly good air service, we would not have them. You have a lot more of that in Texas, but for West Virginia that is a phenomenal statistic. All of our futures are tied to modern aviation systems.

Over the last several years, we have focused more on the inconveniences of

air travel, rather than trying to solve the underlying problems that make air travel so challenging.

Most Americans do not understand how fragile our air transportation system is. The economic downturn of the last several years masked this fragility because fewer people flew, so there was less pressure on the system.

As our economy recovers, I am afraid the inherent weakness of our system will loom larger than ever in years to come as we get to 1 billion passengers a year.

The possibility of a meltdown of the air traffic control system may become reality, unless we modernize it. This will create more than inconvenience; it will put passenger safety at a very substantial and unnecessary risk.

These are not the only troubling signs, as I noted. There were no commercial aviation fatalities in 2010, but that doesn't mean the system is working to perfection. We were lucky and people worked hard. Over the last few years, the FAA and the industry have faced serious questions over their commitment to safety. That commitment has been called into question.

The grounding of thousands of aircraft throughout the system in 2008 raised questions about the quality of airline maintenance practices and the FAA's ability to provide sufficient oversight of air carriers and their maintenance, not just domestic but also overseas, which is another subject.

The tragic accident, the downing of flight 3407 on that snowy night in Buffalo, exposed problems with pilot training, flight crew fatigue, particularly pilot fatigue, and the ability of the industry to assure the traveling public that there is one level of safety throughout the entire system. This bill addresses that through a number of stipulations, but we are making it a rule. We have to get this into law. The FAA is putting some of this into practice, but we have to make it into law. People have to get enough sleep. Above 10,000 feet, they can talk about something other than aviation, but below 10,000 feet, where the crowd gathers and aviation is being scrutinized by air-traffic control folks, you have to have what is called a sterile cockpit, where nobody talks about anything but landing. So I am deeply proud of the reforms we have put into place in the area of safety, and they offer even more incentive to pass the bill quickly.

Before I close, I wish to recognize the efforts of former Senator Byron Dorgan and I think Senator HUTCHISON would join me in saying this—for his hard work on behalf of the safety issue. I am pleased to say the FAA is currently working on implementing the two dozen provisions of the law that he helped, with others, to create.

I feel very strongly that improving our aviation system is a national priority. My passion comes from a deep

belief that our future is tied to a healthy aviation industry. America is the cradle of aviation. I don't want to see that change.

Since 1988, I have worked diligently, as the chairman of the Aviation Subcommittee and now as chairman of the Commerce Committee, to support our aviation system and to address its challenges; to wit, inadequate funding for the FAA, a chronically unprofitable commercial aviation industry, and minimal investment in aerospace research.

Nobody moves forward in industry without doing research, and we will not pay for it. So a lot of it is not done.

In some areas, we have made progress. We have increased our investment in airport infrastructure, we have opened new markets for U.S. air carriers and, thanks to the Obama administration, we have finally begun to make serious investments in modernizing our air traffic control system. It is a multi-year process, highly expensive.

I know many of my colleagues will say we cannot afford to make those investments in aviation at this time. But now, it seems to me, it is the precise time to make them.

The recession has prevented widespread delays from occurring. So we were lulled into thinking everything was going well. Over the last decade, airlines dramatically cut capacity and parked hundreds of planes in the desert. We don't have them in West Virginia, and I don't know where they are parked—somewhere in the desert. They were taken offline because of a lack of passenger demand. Anyway, we cannot make shortsighted budget decisions. The cost of inaction will be far greater.

I ask my colleague from Texas, I am proceeding well, but I am not finished; is that acceptable?

Mrs. HUTCHISON. Yes.

Mr. RUCKELFELLER. I thank the Senator. Our economy has begun to slowly turn around, and the demand for air travel has slowly begun to grow. Airlines have cautiously increased capacity. If we act now, we can be prepared to meet the challenges of adding millions of passengers to the system in the next decade. If we fail to act, congestion will plague the system again, delays will be a fact of life, and today will look like the golden age of travel.

The benefits of investing in air traffic control modernization extend far beyond the ability to handle more passengers. Most important, the Next Generation Air Transportation System, what we call NextGen, will dramatically improve the safety of our air transportation system by providing pilots and air traffic controllers with better situational awareness. Now you can't tell if there is a mountain in front of you, you can't tell about the ground situation, and you can't tell

very well about separation. It is inefficient. Planes land, but they could land more quickly. You cannot read the distance and altitude between one plane flying in for a landing or one taking off. It is inefficient—dangerous, in fact. So we have to do this. We have to be able to see other aircraft and detailed weather maps in real time and to be able to go from one place to another in a straight shot. That is what NextGen will do for us. Now planes are going all over the place, avoiding this and that, as they go from one TRACON to another TRACON, a weather system or an unexpected flight. GPS NextGen will allow for straight flights. That saves a lot of fuel and a lot of time, and delays cost the American economy over \$30 billion a year.

So, again, we have to provide our pilots and air traffic controllers with better situational awareness. They will be able to see other aircraft and detailed weather maps, and that becomes important.

A new satellite-based ATC system will allow airplanes to move more efficiently by taking more direct routes, which saves our economy billions of dollars on an annual basis.

Greater operational efficiency will also create substantial environmental benefits. Drastic reductions in fuel consumption means not only that we will achieve lower carbon emissions—less of them will be spewed out—but almost every community near an airport will benefit greatly from this effort. Also, planes are becoming quieter. In all ways they are getting better. We still have to guide them correctly.

As I noted, the President clearly recognizes the value of investing in our air transportation system, and this was reflected in his budget request. The administration proposed a total of over \$1 billion in fiscal year 2011 for NextGen programs, which is more than a 30-percent increase from the fiscal year 2010 budget. Is that bad in this time and age of skepticism about budgets? I hope we can continue this level of budget, even in lean budget years.

Modernizing the ATC system will require a sustained focus and substantial resources. This legislation takes concrete steps to make sure the FAA accelerates and achieves key NextGen programs and that the agency implements modernization efforts in an effective and efficient manner in the long run. How many airports can be done by 2014 and by 2018? It is laid out in the bill.

Let me discuss a few key measures in S. 223 that further address modernization. To improve accountability, this bill establishes an air traffic modernization board, and it designates a chief NextGen officer to provide specific oversight of the FAA's modernization activities. Oversight is what Congress is for, and we don't do it well enough because we are all on too many

committees and have too much work to do. Putting somebody in who is responsible for overseeing NextGen within the FAA is a good idea, not a silly one.

The bill also establishes specific deadlines for the implementation of the key NextGen programs. It has fancy names for them. Area Navigation, or RNAV, and Required Navigation Performance, or RNP, procedures must be developed at the Nation's largest 30 airports by 2014. Where these technologies are already in place, we are seeing dramatic benefits in reduced fuel consumption and many other benefits.

All aircraft are required to be equipped with Automatic Dependent Surveillance-Broadcast. I will not bore you with what that is about. It is called ADS-B, and it is the cornerstone of the FAA's traffic control modernization effort. It provides controllers and pilots with an aircraft's immediate position. Pilots will be able to see the real-time position of other aircraft in their vicinity and receive the same information the controllers are seeing in their towers. They will see them in their cockpit.

The FAA estimates that NextGen will cost probably about \$20 billion through 2025 and the airlines another \$20 billion in aircraft equipage. In other words, they have to match—the airlines—to a certain extent what the Federal Government is doing. They will do that. Again, some will argue we cannot afford this investment. I say it is the other way around.

This bill is paid for. It makes a substantial commitment to providing the FAA with the resources it needs. I have worked with Senators INOUE and BAUCUS to reach an agreement that moves us in the right direction. S. 223 will create a new subaccount with the aviation trust fund to fund FAA's modernization efforts. This modernization subaccount will dedicate \$400 annually to NextGen efforts and to nothing else. So it is boxed right in. Our colleagues have worked hard on this issue.

A word on small community air service. That is another core challenge. Every part of my State of West Virginia is basically rural, and every State has some rural parts. Everybody thinks of LaGuardia and JFK, but try upstate New York, try around the Saranac or west of that into Buffalo. They deal with small aircraft. That is where the small aircraft crash took place, in Buffalo. The pilot was drowsy.

The continuing economic crisis has hit the U.S. airline industry very hard. Rural communities are at the end of the food chain. If something bad happens at the top of the food chain, there will be some suffering. But the real suffering takes place at the bottom of the food chain. That is where the flights get cut off, that is where they get limited, that is where some flights suddenly stop going to places. There is

hope for better times, but we do not have them yet. We are in crisis.

The reduction or elimination of air service has a devastating effect on the economy of the community nearby. I stipulate that with the previous sentence. Having adequate air service is not just a matter of convenience but also a matter of economic survival. Without access to reliable air service, no business is going to locate their operations there. I already talked about that issue. Small airlines and small airports are important.

When Congress deregulated the airline industry in 1978, we made a promise to small communities—an official promise—that they would continue to have access to the Nation's air transportation system. I believe that the Federal Government needs to provide additional resources and tools for small communities to help them attract adequate air service. This legislation does this by building on existing programs.

Authorized funding for the Essential Air Service program is increased to \$200 million annually. The EAS program is critical to dozens of communities throughout this country. I made that point. It is needed. It also provides a lot of flexibility to EAS, and what small airports can do with EAS. Someone may be phasing out being a commercial EAS airport and headed to being a general aviation airport. This allows that transition to move forward.

I am almost at the end. Consumer protection is key. We are about protecting lives, protecting people, protecting passengers. The bill strengthens passenger protections by incorporating elements of the passenger bill of rights which came right out of the Commerce Committee to deal with the most egregious flight delays and cancellations.

Talk about angry travelers. This is where you run into them. The industry would be required to take basic steps to improve the passenger experience. To wit, passengers must be provided with information regarding on-time arrivals and chronically delayed flights when they purchase tickets. Most of them will do that online so the airlines have to publish what is their record for on-time takeoffs or on-time landings, what is their delay, what is their cancellation. That has to be posted so that fliers who want to purchase tickets can compare and go elsewhere if they want.

Air carriers are also required to permit passengers to deplane after 3 hours have elapsed. We all heard about 9-hour waits on the tarmac. It is usually not as dramatic as that. If you are a mother and have three children, 3 hours not moving is a long time. Three hours moving is a long time, but not moving is a very long time. They would have, after 3 hours, the right to deplane. It is their right to deplane. Airlines cannot stop that unless the pilot has a certain belief that they are just about to take

off. They have to be given water and medical attention, if they need it, bathroom facilities, and the rest of it.

The Department of Transportation has taken steps to improve customer protections, and I applaud their actions. But I for one believe statutory protections are better than when a government agency decides to do it.

In conclusion, when we began work on this bill, I at least had four simple goals: One, take steps to address critical safety concerns; two, establish a roadmap for the implementation of NextGen and accelerate the FAA's key modernization programs; three, make sure we adequately invest in airport infrastructure; and four, continue to improve small communities' access to the Nation's aviation system. This bill takes those steps.

I feel very strongly about the bill. The Airport Improvement Program, which is part of this bill, is estimated to support 120,000 jobs annually. This bill authorizes a total of \$8.1 billion for this account. Moving forward with NextGen will certainly help us keep our position as a global leader. This is the culmination of more than 4 years of work with Senator HUTCHISON and myself and the hard-working members of the Commerce Committee.

Again, this language passed 93 to 0 less than 12 months ago. It is an important bill—important for the safety of the traveling public, important to our ability to create jobs, important to sustaining an aerospace industry, important to having healthy airlines, important to general aviation's future, and important to our future competitiveness.

I urge my colleagues to support this bill, and I welcome ideas on how we might improve it. I ask my colleagues to join me in our determination to complete our work and reauthorize FAA.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, as ranking member of the Committee on Commerce, Science and Transportation, I, too, wish to discuss the FAA reauthorization bill and agree with the chairman, Senator ROCKEFELLER, who has just spoken, that we have worked in a bipartisan way on this bill for 4 years.

I am glad he mentioned Senator Dorgan, who was the chairman of the subcommittee, who pushed so hard last year for us to come to a conclusion and try to pass a permanent bill.

The bill that is before us is the bill that passed last year. There are many good provisions in this bill. It passed unanimously in the Senate, and we were on our way to conference with the House. But the House bill was quite different. We never got to the point of being able to work out the differences.

I do think there was one part of the bill, which I will discuss more later,

where we worked on a compromise to achieve a goal of easing the perimeter rule at Washington's Reagan Airport. We were able to come to an agreement among the leaders on the committee, but we were not able to get the full agreement of the Senate. That was a gentlemen's agreement, if you will, that we would work on putting that into the conference report, but that never came to pass.

The perimeter rule around National Airport has slot restrictions and mileage restrictions on how far a plane can go directly in and out of National Airport. The perimeter rule prohibits flights traveling to or from points that are more than 1,250 miles from National Airport unless there is an exemption. Many Western States would like more of those exemptions, especially given that the airport can now handle additional capacity.

I want to be clear at the onset of this process, I cannot support a final bill that does not address this issue. We need to work out either a consensus majority or an agreement that addresses the issue rather than just leaving it out.

The FAA has operated under a series of short-term extensions since 2007; 18 short-term extensions have occurred. That is not providing the policy to keep us in the forefront of modernization of our air traffic system. We need to have a bipartisan, commonsense, multiyear FAA reauthorization to provide the stability that the FAA and its stakeholders—the airlines and passengers—need to make sound investment decisions for our future aviation system.

The current short-term extension expires March 31. If we address these issues in our Senate bill, I believe we can work with the House that has already begun to formulate the basis of its bill and have a true multiyear reauthorization bill that would be able to pass on March 31 instead of yet another short-term extension.

The House version last year was quite different from our bill. While a year now has almost elapsed, many of the bill's provisions need to be updated. The one we have before us would modernize the air traffic control system, NextGen, which was mentioned by Senator ROCKEFELLER. It would improve aviation and it would ensure passengers are treated well, especially if they are delayed and stuck in an aircraft for more than 3 hours. I call it the captive passenger rule that we need to enact.

First, modernization. Probably the most important area we address in this bill is expediting the FAA's air traffic control air modernization program, known as NextGen. The FAA operates the largest and safest air traffic control system in the world. In fact, the FAA's air traffic control system handles almost half of the world's air traf-

fic activity. The United States has been a leader in developing and implementing new technologies to create a safer and more efficient airspace system.

However, today's air traffic control system is not much different from that which was started in the 1960s. The system is based on radar tracking and ground-based infrastructure. NextGen will move much of the air traffic infrastructure from ground based to satellite based by replacing antiquated, costly ground infrastructure with orbiting satellites and onboard automation. By doing this, the FAA will be able to make our aviation system more safe and efficient while increasing capacity at our Nation's busiest airports.

Some of the modernization provisions in the bill include establishing clear deadlines for the adoption of existing Global Positioning System navigation technology. It mandates 100 percent coverage at the top 35 airports by 2014, with the entire national airspace system to be required to be covered by 2018.

Aviation safety. As a former vice chairman of the National Transportation Safety Board, I understand well the critical and difficult mission the FAA has in overseeing our Nation's airlines and aviation system. Aviation safety and the public trust that goes along with it are the bedrock of our national aviation policy, and we simply cannot allow any degradation of safety for the flying public. This bill goes a long way to advance and promote the air travel system.

Last August, as part of one of the short-term extensions, several of the important safety provisions were enacted into law that were the direct result of weaknesses identified from the tragic crash and aftermath of Colgan flight 3407 in Buffalo, NY. While those provisions were of great importance and will have an impact on creating one level of safety through all sectors of aviation, we still have important work to do, and in this bill we do it, such as addressing inconsistent application of airworthiness directives by improving the voluntary disclosure reporting process to ensure adequate actions are taken in response to reports; limiting the ability of FAA inspectors to work with air carriers over which they had oversight.

The PRESIDING OFFICER. Will the Senator yield?

Mrs. HUTCHISON. I will be happy to yield if the leaders allow me to come in when they are finished and continue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senator STABENOW be recognized to offer an amendment related to 1099 reporting forms; that she give her speech regarding this after Senator MCCONNELL offers an amendment relating to health care, and the amendments be debated concurrently.

Senator McCONNELL can do whatever he feels appropriate, but he will speak before Senator STABENOW. How much more time does the Senator from Texas need?

Mrs. HUTCHISON. Probably about 5 or 6 minutes.

Mr. REID. So whatever she and Senator McCONNELL decide on that is fine with me.

Mrs. HUTCHISON. So I will speak after Senator McCONNELL, and before Senator STABENOW.

Mr. McCONNELL. My statement is pretty brief, if the Senator from Texas would not mind. I think Senator STABENOW is willing to let me do my statement and lay down my amendment.

Mr. REID. Then Senator STABENOW will be willing to let the Senator from Texas finish her statement.

I ask unanimous consent that Senator STABENOW be recognized to offer her amendment and then Senator McCONNELL would offer his.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 9

Ms. STABENOW. Mr. President, I have an amendment at the desk, amendment No. 9, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 9.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes)

On page 335, after line 20, insert the following:

TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$44,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall sub-

mit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I thank the Senator from Texas very much for letting me make a brief statement about the amendment I am about to offer, and apologize for interrupting her comments.

What we have today is an opportunity—an opportunity—for the majority to reevaluate what it has done on the issue of health care and to take another path. It is no secret the American people don't like the health care bill that was passed last year. If you have talked with doctors or nurses or anybody else involved in health care over the last year, most of them will tell you they do not like it either. Employers, big and small, have been desperately trying to get the message across of how damaging this bill will be to their ability to create jobs. They tell us the impact of the bill is severe—higher taxes, penalties for hiring workers, new regulations that have already run to more than 6,000 pages, and mountains of new paperwork all at a time when businesses want to create jobs and millions of Americans are looking for one.

Don't take it from me. Here is how the National Federation of Independent Business puts it:

Small business owners everywhere are rightfully concerned that the unconstitutional new mandates, countless rules and new taxes in the health care law will devastate their businesses and their ability to create jobs.

Yesterday, a Federal court in Florida found the crux of the law to be unconstitutional. So we have an opportunity today—an opportunity for all those who supported the health law—to reevaluate your vote and to listen to your constituents, who are desperately trying to get your attention. You can say, perhaps, this was a mistake, we can do this better or you can continue to dismiss the majority of the people in this country as not knowing what they are talking about.

It is not every day that you get a second chance on a big decision after you know all the facts. Today is one of those days. For all of us who opposed the health care bill, today we reaffirm our commitment to work a little harder to get it right. We can't afford to get it wrong.

I urge my colleagues to move beyond party affiliation. Look at the facts before us. If everyone in this Chamber evaluated this bill for what it is, we would repeal it right now, and then we

would begin to work on achieving our mutual goal of delivering health care at a higher quality for lower cost. Let us not miss this opportunity.

AMENDMENT NO. 13

Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 13.

The amendment is as follows:

(Purpose: To repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010)

At the appropriate place, insert the following:

TITLE —REPEAL OF JOB-KILLING HEALTH CARE LAW

SEC. 01. SHORT TITLE.

This title may be cited as the "Repealing the Job-Killing Health Care Law Act".

SEC. 02. REPEAL OF THE JOB-KILLING HEALTH CARE LAW AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) JOB-KILLING HEALTH CARE LAW.—Effective as of the enactment of Public Law 111-148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. 03. BUDGETARY EFFECTS OF THIS TITLE.

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this title, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this title.

Mr. McCONNELL. Mr. President, I thank the Senator from Texas, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am pleased we are starting on the FAA bill and having an open amendment process so everyone can be heard. I will finish my remarks, as the ranking member of the Commerce Committee, and then I know Senator STABENOW wants to speak on the first amendment that is going to be offered. It is probably unrelated to our FAA bill but nevertheless is very important for our country.

Let me go back to where I was on the part of the FAA reauthorization bill

that addresses aviation safety. We do limit the ability of FAA inspectors to work for air carriers over which they have had oversight, and we will require the conducting of independent reviews of safety issues identified by employees.

We also need to require enhanced safety oversight of foreign repair stations, including a minimum of two FAA inspections annually, with exceptions for those that have comprehensive bilateral aviation safety maintenance agreements with the United States, and requiring alcohol and drug testing at any foreign facilities that perform maintenance on U.S. commercial aircraft.

Finally, the bill also provides infrastructure investment to our Nation's airports. As we all know, you can have the best planes and the best air traffic system but they mean nothing without the proper airport infrastructure in place.

This bill contains many important provisions and deserves the support of the Senate. We have been operating under short-term extensions for far too long. It is also one of the reasons we need to finally address the DCA perimeter rule, which has impeded the passage of this bill on too many occasions. While I have been talking about what is in the bill, this is the one issue that is currently not included in the bill and must be addressed if we are to have a successful final passage.

After months of negotiation last year, the chairman, the subcommittee chairman, western Senators, and our ranking member on the subcommittee and I reached a compromise agreement that we hoped would finally resolve the issue, but we didn't have an opportunity to bring the consensus version to the floor before we adjourned. It is a very reasonable approach. Here are the provisions of the compromise:

It would add five new round-trip flights beyond the perimeter for new entrants or limited incumbents, which means airlines that have very small bases at National Airport now. This means we would add competition with the five new round-trip flights.

It allows for conversion of 16 round-trip flights from large hub airports inside the perimeter to any airport outside the perimeter phased in over 2 years.

The conversion concept seeks to address congestion concerns by replacing existing flights rather than creating more new flights. Since 2000, there have only been 12 new flights at National Airport. That is since the year 2000. Now we are asking for five more new flights, which would increase competition. The conversion flights would have no impact on congestion at the airport because they will not be new flights.

It prohibits the use of wide-body aircraft for converted flights to address

any noise concerns from local residents. But in reality, the noise issue is so different today than it was when the first aviation authorization was passed. We have Stage 3 aircraft now, which are much quieter than the planes that have gone in and out in the past. And not to allow the use of bigger aircraft protects the residents who might live around the airport. In fact, I would argue it gives them an added convenience, because those residents would also have access to the long-haul flights at an airport convenient to them.

The DOT would evaluate the proposed flights and be able to disapprove of the conversions if they determined they are not in the public interest.

The air carriers could only convert flights currently used to operate flights to large hubs within the perimeter in an effort to protect small communities. So, in other words, you would not see conversions from very small airports to be able to take long-haul flights away. It would only be conversions from a big hub airport to another big hub airport. So our small communities should not feel threatened by this.

Carriers would be prohibited from selling, trading, leasing or otherwise transferring the rights to fly beyond the perimeter.

It also eliminates financial restrictions in place between National and Dulles that would allow for revenue sharing between the two airports, which is comparable to other airport systems across the country to address any financial impact on the airport authority.

I lived through, dealt with, and negotiated the Wright amendment in Texas and the lifting of the Wright amendment that allowed an incremental easing of the Wright amendment restrictions at Dallas's Love Field. That was put in place to protect DFW Airport when it was first built. That was much of the reason for the restrictions at National Airport when Dulles Airport was built, to assure that Dulles would be financially secure. Dulles is financially secure. So it is time to deal with the issue of allowing National to have more service to the western half of America. The people out West deserve to have more access to National Airport if that is where they choose to fly.

I think Dulles has captured the international flights, and I think that has been a good way for Dulles to become one of our busiest airports and certainly one of our most successful. So I know these are difficult issues, because I dealt with them in my own State, but now I think this modest expansion of only five new flights out of Reagan National should be very doable. I think the western Senators have come up with a compromise, with the conversions, that will not affect the traffic or the congestion around National but

will allow better access, which I think is a win-win for everyone.

So especially for you, Mr. President, with some humor, I find it a bit ironic that tomorrow is Groundhog Day—February 2. If ever there were a piece of legislation that fits the bill, this one is it. Since starting this legislation in 2007, 18 short-term extensions later, and this being the third consideration of the FAA bill on the floor, it does feel like Groundhog Day. And in a nod to that holiday—that esteemed important holiday in America—let us hope there are no shadows seen and winter will quickly end in a well-debated and bipartisan FAA bill.

Mr. President, I thank the Senator from Michigan, the majority leader, the Republican leader, and my chairman for allowing us to start the debate on this bill and finish our remarks. I know we will have many amendments, but I hope in the end we have a good bill that satisfies everyone's needs and that we can say permanently that winter is over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I want to congratulate Senator ROCKEFELLER and Senator HUTCHISON for their leadership in putting together what is such an important bill for 280,000 jobs that are saved or created as a result of this bill, and focusing on our ability to out-innovate and out-build in a global economy. We can't do that without a 21st century FAA system—airports, air traffic control, and so on. So I join with Senator HUTCHISON in hoping that—and I am sure it will be true—at the end of the day we will have a strong bipartisan vote, because they are moving forward in the spirit in which we have all come together in saying we want to move forward; that is, working hard and focusing on jobs. That is what the American people want us to do, focus on jobs, and find common ground, working across the aisle. That is evident from this bill.

I am very appreciative of the fact they are focusing, and I want to thank our leader for making sure that the first bill we are bringing up is about jobs. We understand that too many families—certainly in my State—are still looking for work. They have worked hard all their lives, and they never thought in a million years they would find themselves in the situation they are now facing. They want us to be laser-focused on jobs and the economy and outcompeting in the global economy, as the President said. This bill is exactly the kind of policy on which we should be focused. What is concerning to me is that while we are doing that, we are now going to have a debate that is very divisive, really looking backward rather than looking forward.

One of the things the President talked about—again, which I agree

with strongly—is that in the area of health care, what we passed last year, we know there are measures we can fix to make our system more competitive, to make it better for families, to put families back in control rather than insurance companies. We know we can make it better. Certainly no one has been more of a champion than our leader on this legislation, now the chairman of the Commerce Committee but one of the leaders, the No. 2 on the Finance Committee, who brought his passion to the issue of health care as well. We know this can be fixed, and we want to work together to make it better but not fight old fights, create old political fights and division, and certainly not roll back the clock where we put all the control in the insurance companies and we see our families losing the freedom and security to make sure their children, their families have the health care they need.

Let me first talk about my amendment and then why I believe we should be focused on this kind of amendment to fix the bill that passed last year, the new law, to make it better rather than rolling the clock back. Certainly we have heard now, if you follow the polls, that four out of five Americans are saying: Don't go back and just repeal what was done; fix it. So the majority of people are not supporting going back to old political fights or going back, frankly, to a system that is an uncontrolled system where insurance companies can raise rates 20, 30, 40 percent every year without some plan, some focus to be able to lower costs, to be able to get people out of emergency rooms and into the doctors' offices, and, frankly, for people who have insurance not to be placed into a situation where they continually see their rates go up to pay for people who do not, which is what we have put in place.

There is a provision that has been a concern of mine and many others. We have debated it on the floor. We have attempted to get it fixed several different times. I hope today, I hope tomorrow—whenever we vote—that we will actually be able to get this fixed. This has been supported on both sides of the aisle, and it deals with eliminating redtape and burdensome IRS reporting requirements for our businesses, particularly small businesses.

We are particularly concerned about what this means for small businesses. The provision that was placed into the bill that now, as we look at how the IRS would implement it, is clearly too burdensome—my amendment would repeal that. It would allow business owners to spend their time growing their companies and creating jobs instead of filling out paperwork from the IRS. We want them creating jobs. It is a commonsense solution to an issue that has come up. Basically, it would make sure that the provision that would require a

1099 form for every vendor when a company has a purchase of \$600 or more for goods would no longer be in place. This is a provision that actually does not take effect until next year, but we want to send a very clear message to businesses that have expressed great concern about this, about what is coming for them at the end of the year. We want to let them know that we will not continue the new provision. We would allow small businesses that already create 64 percent of the jobs to be able to keep creating those jobs, and we would make sure we are not putting in place additional paperwork for them.

It is important to note that, according to the IRS, the provision we want to repeal if left unchecked would impact about 40 million American businesses and 26 million of them are sole proprietorships—our smallest businesses. They would be overwhelmed with the paperwork that is involved. It does not make any sense.

We passed a great small business jobs bill last fall that created eight different tax cuts and focused on making capital loans more available for small businesses. We don't want to now go in the other direction and see a mountain of paperwork added to the small businesses we have been very committed to fighting for and supporting. Unfortunately, if this provision were allowed to stand, it would require a 2000-percent increase in 1099 filings. Frankly, that does not make sense.

This particular provision would repeal what was placed into the new health care law. We pay for the repeal by cutting \$44 billion in unobligated spending. We do make it clear that certainly this does not affect Medicare or Social Security benefits in any way. I would not support that. I know colleagues on the floor would not as well. It makes it clear that the Departments of Defense and Veterans Affairs and the Social Security Administration are not included. But it would give the Office of Management and Budget the ability to look at the possibility in areas for cuts, and they would then report back to us in 60 days after enactment—to the Secretary of Treasury and the Congress—concerning the amounts and the accounts they would be using in order to cut back, in order to save this particular provision.

This is an area where we can come together, where Democrats and Republicans—both sides of the aisle—who care passionately about small businesses can come together and eliminate redtape and burdensome IRS reporting provisions. We would get that off the table and make it clear to small businesses that there is no intent or actuality that this is going to happen. We can do that together.

But what we should not be doing is what the next amendment, the Republican leader's amendment, would do because his amendment would take us

back to the time of uncontrolled insurance company increases, of no accountability, and it would put the control of health care coverage and costs back in the hands of insurance companies. What I support and what the new law allows is the freedom and security for families to make sure they can get the medical care they need when they need it.

I have two beautiful grandchildren, a granddaughter age 3 and a grandson age 1, and they are the most beautiful children in the world, just for the record. I want my son and daughter-in-law picking up the phone and calling the doctor when they get sick, not fighting with the insurance company. If this is repealed, they go back to fighting with the insurance company. I want to ensure that my children, as well as my grandchildren, my mom, everyone else in my family, as well as everyone in Michigan and the country, is getting the medical care they need, not fighting with the insurance companies, not worrying that because their child has juvenile diabetes or leukemia or some other disease or condition, the insurance company is going to say: Tough luck, we are not going to cover your child even though your child needs care or you suddenly get sick and they say: You know, there is some fine print over here, and we know you are sick, but we are going to cancel your coverage or we have 10 treatments we will provide even though the doctor says you need 20.

Right now, because of what we have done in the Patients' Bill of Rights that was put into place, we put those decisions in the hands of families and doctors instead of insurance companies. I certainly am not going to vote to taking it back to putting it in the hands of insurance companies.

Frankly, I have had many families approach me to say "thank you" who now have the ability, the freedom, the security to put their child—this 22-, 23-, 25-year-old—on their insurance. They get that first job, and it doesn't have health insurance, but they can go out, get started, and know they have the peace of mind that they have health insurance. That would be taken away under what the Republican leader is proposing. We would see young people going back to no insurance as a result of that.

Right now, we have seniors who know they are going to have their freedom and security to be able to get the cancer screening they need, the wellness visits, even if they do not have the out-of-pocket—the copay and deductible they were used to being charged in the past because there is no co-pay and deductible now. They will be able to get what they need in preventive care.

They will have the peace of mind, the security to know that if they use a lot of medicine and they fall in a gap in coverage, the cost in that gap is going

to be cut in half for any brand-named drugs—cut in half. What does that do? It means my mom, who is 84, has the security to know that her great-grandchildren are going to have her around longer—a lot longer, I hope—because she is going to be able to play with those kids. Every older person is going to know they have a better chance to be around for their grandkids because they are going to be able to afford the medicine that will help them get healthy. That is taken away with the Republican leader's amendment, the freedom and security for seniors to know they can stay healthy, they can stay in their homes, they can have the medicine they need or the doctors' visits they need to be able to stay healthy and live a long, healthier life. That is taken away.

There will be the freedom and security for women to know that we are not going to pay twice as much as men for insurance—which, by the way, in the majority of policies prior to passing this legislation, if women went out to buy an insurance policy, in over half the policies, women paid as much as twice as much. We changed that.

We have also said that things such as maternity care ought to be a basic part of a health insurance policy. Maybe we will not be 39th in the world in the number of babies who live through the first year in their lives if moms are able to get the prenatal care they need and babies are able to get it through the first year of their lives. This gives women the freedom and security of knowing they are going to get what they need to have healthy babies. Isn't that what we all want? That is taken away with the amendment of the Republican leader.

Among many other things, I will just mention two others. For the first time, we are putting accountability on the insurance industry—again, our chairman of the Commerce Committee led this effort and the Finance Committee—to say that you know that if you pay a hard-earned dollar out of your pocket for health insurance, and it is tough and the rates are high—and unfortunately, until we get this implemented, they keep going up, they keep having it go up until they have to stop—the majority of that is going to go for medical care. So, depending upon the size of your policy, either 80 or 85 percent that you pay out has to go into medical care, not executive compensation or bureaucracy but medical care. What does that mean? It means it will limit the rate increases over time and put more accountability on the company. The amendment of the Republican leader rolls that back. We have companies now that spend 60 percent of every dollar you give on medical care or 70 percent. This would say that 80 or 85 percent, the majority of your hard-earned dollars—they are hard to come by in this economy—if it

is for health care, then it should be used on health care. That is what is repealed in this—accountability on insurance companies.

Finally, what is also repealed is a major focus in this bill on supporting small businesses to be able to get a better deal on health insurance, and this takes away the freedom and security for a small business to get the leverage they need, like a big business, to get a better deal on rates. This was something that took effect. If we were going to change something, I wish we could speed that up. That needs to be faster, in my judgment, and not having to wait for the next 3 years because we have all kinds of small businesses that are going to be able to band together and be able to get a better rate like a big business through competition in the marketplace—not government control, private sector competition.

I had an opportunity to talk to a gentleman who runs a program for our automakers and other manufacturers for retirees. It is a health exchange, exactly like we passed in the new law. He said to me: I don't think, Senator, even you guys realize how good it is, in terms of what we have done in creating a marketplace and bringing rates down.

He said: We bring rates down about 30 percent for the auto companies, for retirees, about 30 percent, because of competition in this bill, leveraged for small businesses, and tax cuts to help small businesses pay for it in the new law, taken away by the McConnell amendment.

I hope in the spirit of the underlying bill, which is a great jobs bill, a great bill for innovation—it is about rebuilding our infrastructure; it is about competing in a global economy; it is about being the best we can be—I would hope in the spirit of the FAA bill, we would not succumb to this backward, divisive, political debate on repeal. If we want to join on something on health care, I strongly urge a 100-percent vote on eliminating the burdensome provision for small businesses, eliminate the redtape, eliminate this IRS provision on 1099. Let's do something together that both sides agree should be done. Let's fix the things that need to be fixed, but let's not roll back the clock and put insurance companies in charge of everything, every medical decision, every rate increase as they were in the past.

I urge adoption of the Stabenow amendment.

We will have a number of colleagues in the process of joining. I don't have a whole list. We have a number of colleagues who will be cosponsors. I thank Senator BAUCUS for his leadership, his ongoing leadership on this amendment as well. I urge adoption of this amendment to fix what we know needs to be fixed, and then let us go on to jobs.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I don't see any other folks who want to speak on the FAA bill for the moment or on much else for the moment. I will suggest the absence of a quorum but not yet. I am hoping Senator BAUCUS and Senator HATCH will come down to oversee the 1099 argument and repeal of the health care bill, which is about the worst idea I have ever heard. I think it will be voted down, and I believe the minority knows that. I don't know who they are trying to speak to. When I think of the health care bill and all the work that went into it—the work that went into it is not that important, it is the product that came out. When he says the American people are against it, that was actually quite true for a year and a half, maybe almost 2 years, because we were in the process of making the bill and it was kind of like making sausage, and people turned against it. But now it is going in quite the opposite direction. Now as people begin to get some of the benefits, they understand some of the conditions they will be unbonded from, that they won't be slaves anymore to costs determined by others who don't care about their health care, I think the momentum is swinging.

What we would be condemned to, if the amendment were to pass and health care were to be repealed, in that there aren't any particular ideas of note which were put forward by the other party about what we should do to make it better other than to repeal it, is another 2 or 3 years trying to write a bill and not having a bill. We would be in a situation as follows: I recall in the year 2008—and I just happen to recall this because we worked on this in the Commerce Committee—the five largest health insurance companies in America made profits of \$12.4 billion. I don't have a problem with that. What I do have a problem with is what they were doing and what will continue to happen if we repeal the health care bill; that is, while they were making all that money, they were, through the process of rescission—and that means a unilateral decision that because somebody has acne or has been through a C-section or asthma or any number of things—they actually insured 3 million fewer people while they were making that \$12.4 billion by the sole act, which is their right under previous law, which we corrected, to do rescission. That is, by their own decision to simply remove health care from people who made an agreement with them, signed up, had been sending in premiums and all the rest of it.

I also think about a young 8-year-old I met in Charleston at a town meeting. He had had leukemia for a while. Without this health care bill, there are lifetime limits and annual limits on what

one can get in the way of health insurance. And when you have leukemia, the lid is lifted off. The boy died. He died because he couldn't get insurance. His family obviously couldn't afford to pay for it, and he couldn't get it so he died. People say that is kind of an extra dramatic example. Unfortunately, it is not. It is very common.

Something else that would disappear, if the health care bill were repealed, is something which nobody ever talks about but which is sort of the philosophical basis for a lot of this, and it is called the fee-for-service system which we now have in America on medical care, particularly with Medicare, but generally. That is the person who provides the service or the medical equipment person who provides the medical equipment or the hospital which provides the service, they provide the service, and they bill Medicare. Medicare doesn't ask any questions. Medicare just pays the bill. That is one of the reasons, of many, if the bill is repealed, we will go into hock \$1.3 trillion more on our deficit, because our bill saves that kind of money. Their bill would vitiate that savings. Fee-for-service is not the way health care ought to work. The way it ought to work is that like anything else, this very bill, there is no tree on this bill. What happened in the Senate? It was an epiphany of some sort. We decided to be transparent and accountable. So anybody can offer amendments on anything. And indeed, they are and will. But accountability causes efficiency and makes better results. Under the bill that has been passed, people are held accountable for what they do. Hospitals, for example, or doctors or medical equipment people, are measured by their outcomes. In other words, it is evidence-based outcomes. What are the results of what you have been doing in health care? Are they better? Are they worse? Did fewer people die? MRSA is a reason hundreds of thousands of people in this country die. Basically that comes from relatively unclean bathrooms in hospitals that don't pay attention to that and accreditation folks who don't pay enough attention to that either. That is a disease which is easily cured, one, by cleaning up bathrooms and, secondly, it is just automatically a part of the expense part of health care and it should not be. Evidence-based outcomes, you prove to me that you are doing a better job this year than you were in the last 2 or 3 years, or whatever the range might be. So it is not fee-for-service. It is fee for the explanation of the efficacy and the lifesaving quality of the service.

That is the direction health care has to go. That isn't discussed but if this whole bill is repealed, that is exactly what will happen. Everybody is held accountable. We are being held more accountable. The big three automobile

companies were held more accountable. They were embarrassed, but they have come back pretty nicely. The way we make our progress in America now is to make sure that people do what they are meant to be doing, and they do it well, and they can show it. Actually some of the paperwork is you have to convince the folks from Medicaid and Medicare, whatever else it is, that you are doing a better job. If half of all Medicare is spent, as it is, in the last 6 months of life, that bears analysis. Why is that so? What are we doing? What are we not doing? Don't just pay the bill because it is sent to you. You look at it and you ask questions. That is the direction of the new health care. I think it is a fair direction. It is one which I am sure the Mayo Clinic does routinely. But it is not a good idea.

I will speak on this more later. I am now waiting for Senators BAUCUS and HATCH to handle both matters since it is within their jurisdiction. I am on the Finance Committee. I am close to Senator BAUCUS, but I am not Senator BAUCUS. He needs to be down here to do that. I hope he will be down shortly.

Pending that situation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I wish to speak briefly on the amendment that has been offered by the Republican leader, Senator MCCONNELL, that would, in effect, repeal the health care bill that was passed on Christmas Eve at 7 a.m. in the morning about 1 year ago—1 year ago this last Christmas Eve.

Since the time the bill was passed, strictly along party lines, with 60 votes—all our colleagues on the Democratic side voted for it; all the folks on our side voted against it—we predicted this bill would lead to an increase in premiums for those who have health insurance, it would raise taxes on everyone in order to fund this huge expansion of the Federal Government—some \$2.7 trillion worth of extra spending—and it would also take a \$½ trillion from Medicare—which, as you know, is one of our troubled entitlement programs that is sorely in need of reform—it takes \$½ trillion from Medicare to fund yet a new entitlement program, this health care bill.

We also know that on at least two occasions now a Federal judge has found that this bill violates the Constitution of the United States because both these judges have said Congress has overreached its authority under the Constitution.

The arguments were made that this was within Congress's power, but actu-

ally I agree with a law professor, Jonathan Turley, whose comments I saw today, who said that if the Supreme Court of the United States upholds this health care bill as being within Congress's power, federalism is dead.

There is no limit to the Federal Government's authority if the Federal Government can compel you or me or anyone else to buy a government-approved product. There are no limitations. The 10th amendment of the U.S. Constitution that says all powers not delegated to the Federal Government are reserved to the States and to the people might as well be written out of the Constitution.

So that is why I think these decisions are very important—the one in Florida and the earlier one in Virginia—because they reveal a defect in this bill over and above the others I have already mentioned: raising taxes, taking from Medicare to create a new entitlement program, and, of course, imposing this onerous mandate.

But the real problem with this bill is more nuanced than my remarks would suggest. What it does is, by imposing a mandate on employers to provide government-approved health insurance or pay a penalty—what many employers are going to find out is, it will cost them less to pay the penalty than it will to provide health insurance for their employees. Thus, many Americans who have health coverage they like, which the President promised them time and time again they would be able to keep if they liked it, will find that is not the case because employers will—making a rational business decision, where it costs less to pay the penalty than it does to provide the government-mandated health insurance—they will simply choose to drop their employees and, thus, they will have to go into the exchanges which are supposed to be created by 2014 under this bill.

What is wrong with that? Well, we know this bill was gamed in all sorts of ways to try to provide a Congressional Budget Office score which actually only reflects a fraction of its true cost, implemented over 10 years. The most accurate estimate I have seen is this bill actually will cost some \$2.7 trillion over 10 years as opposed to the roughly \$1 trillion pricetag the Congressional Budget Office has given, in part, because it was scored over a 10-year period of time but with only 6 years of implementation and through various other ways. As I say, that score—the true cost of this bill—was gamed.

But one of the things the bill provides is that individuals who go to the State-based exchanges to buy their health insurance because they do not have it available from their employer will be subsidized by the Federal taxpayers up to, I believe, \$88,000 for a family of four. What happens if a whole lot more people drop their coverage or

their employers drop their coverage and they are forced to go to the State-based exchanges in order to buy their health care, which is subsidized to this degree? Well, it is going to explode the costs of this health care bill in ways the Congressional Budget Office score does not adequately reflect.

I am not quibbling with the Congressional Budget Office. They take the assumptions they are asked to take and they do the best they can to try to predict what the costs will be. But, again, it is possible and, indeed, this is an example to game the Congressional Budget Office scoring process to make it look much cheaper than it will actually be, once fully and finally implemented.

So at a time when we are going to be asked to raise the debt limit—our credit card is maxed out, nearly maxed out at \$14 trillion-plus—at a time when our deficits are \$1.5 trillion—that is just for this current, last fiscal year—we are left with the question, everything else aside about this health care bill: Can we and can the American people afford it? I would say the answer to that is absolutely not. Because we can do so much better by making sure the government does not get between patients and their doctor and by leaving the flexibility and the choices in the hands of consumers to make decisions that are in their best interests.

We could, if we tried—and I hope we will—come up with a better way of delivering health care because, unfortunately, this bill did not—well, we squandered an opportunity to try to help bend that cost curve down. Indeed, all the evidence is, it bends the cost curve up and makes it more expensive.

Let me conclude on this thought. At a time when the President's own fiscal commission says our fiscal situation is dire and is unsustainable, at a time when the President—I had hoped during his State of the Union Message he would say: This fiscal commission I appointed has come up with a report. We need to take this seriously and need to work, on a bipartisan basis, to try to fix what is broken about our Federal Government's finances. The President did not do that. He talked about investment, which we all know when the Federal Government invests money, it is code for more spending, and we have been on a spending binge the last 2 years, with 42 cents of every dollar borrowed from the next generation and beyond, and we know we cannot keep it up.

So beyond the fundamental problems with this bill—No. 1, that it is unconstitutional, so held by two Federal judges; that it continues to make health care more expensive rather than more affordable; that it denies people the opportunity to keep what they have because of the incentives it puts on employers to dump their employees into the exchanges and that they will

get the subsidies that Congress voted on, which will make this bill even more expensive than it was originally thought to be—this bill is one that should be repealed. We can, working together on a bipartisan basis, do better.

This is what happens when one side or the other overreaches. They think the victory is worth it when, in fact, what we find out is, there is a tremendous backlash by the American people, reflected in the November 2 election. The more they learn about this bill, they do not like it more, they like it less. Now that two Federal judges have held that this bill is unconstitutional, it is time for us to take up this matter again—once we repeal this bill—and do a better job, which we should have done in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I wish to commend my colleague from Texas, a former Texas Supreme Court justice, for analyzing the legal issues, as he has just done. It is yet another indication of why it is time for us to start over. I join him in urging repeal and replacement of this health care bill.

I would like to speak briefly about yet another reason why this needs to be done, and it is a very specific example. It concerns my home State of Arizona. There are other States that are in the same position, but I can speak to the specifics with respect to my own State. It has to do with just one of the many burdensome new mandates.

In this bill, as we know, there are mandates on individuals to purchase insurance, for example, as my colleague was just saying. There are mandates on families and companies and mandates on States as well. I wish to talk about the mandate on States, with respect to the Medicaid provisions of the bill, which is called the maintenance of effort mandate or MOE mandate.

Let me describe what that is. The maintenance of effort requirement forces an unfunded Medicaid mandate on States by denying them the full ability to manage their Medicaid Programs to fit their own budgets and their own unique Medicaid populations.

This is a huge problem because Arizona, along with most other States, is experiencing a dire budget crisis. Our State has lost over 300,000 jobs in the last few years, and revenue collections are down by 34 percent since the start of the recession. In the 2010 fiscal year, Arizona collected about \$3 billion less in gross revenues than it did just 3 years prior in 2007.

During this same period, enrollment in Arizona's Medicaid Program has increased by 44 percent. Think of that. More than 1.3 million Arizonans are now covered by Medicaid. That is more than 20 percent of the entire population of our State.

Ordinarily, the State would be able to dial back that coverage in order to fit within its budget. But believe it or not, the ObamaCare law that was passed prevents a State from managing its own Medicaid Program by determining who is going to be covered by that program.

Right now, the Arizona Medicaid Program consumes almost 30 percent of the State's general fund spending. That is an increase of 17 percent over 4 years ago. So Arizona could, as I said, dial this back, except for one thing; that is, ObamaCare.

As our Governor, Jan Brewer, noted in a recent letter to Speaker BOEHNER:

The growth in Arizona Medicaid spending is a key cause of our state budget crisis and is unsustainable. . . . We cannot afford this increase without gutting every other state priority such as education and public safety.

So the Arizona legislature has taken steps to address this. They have now cut \$2.2 billion in spending from a \$10 billion budget, but that does not go far enough to address the rest of their budget problems. Despite these cuts, the budget shortfall is projected to be \$1.2 billion in the next fiscal year.

So let me describe how this maintenance of effort requirement or mandate affects Arizona's budget. In 2009, the Federal Government imposed a mandate on States by which States could not change their Medicaid eligibility standards or methodologies and procedures in place on July 1, 2008.

This sounds identical to the maintenance of effort requirement in ObamaCare, but there is one crucial difference: The Federal Government's maintenance of effort stimulus requirement—the requirement I am talking about that was in the stimulus bill—was funded by the Federal Government. So the State was not adversely affected from a budget standpoint. Under the stimulus, the States received an enhanced Federal share of their Medicaid costs. But under ObamaCare, the maintenance of effort requirement is still there, except that the States have to pick it up. They are stuck with an unfunded mandate.

So even though States such as Arizona cannot afford their current Medicaid obligations, ObamaCare has forced an extension of the maintenance of effort requirement until 2014 but without providing any assistance to pay the exorbitant costs. In June of 2011, when stimulus funds expire, Arizona's share of its Medicaid Program will increase by an astounding \$700 million. The annual cost of the mandate is almost \$1 billion, which is simply unaffordable. This problem is especially acute for Arizona and a handful of other States because we actually expanded Medicaid eligibility for childless adults beyond Federal requirements. So Arizona, in an effort to cover more people, by law, included additional people in the Medicaid coverage—adults without children. Rather

than allow States such as Arizona to cut back to the level of other States—for example, to forgo that coverage at least for now—the health care law, ObamaCare, freezes in all of the existing disparities. So there are big differences between or among the States, depending upon how liberal, in effect, their coverage is.

We have tried to do our best to find ways to ameliorate the problem. We have devoted more resources toward Medicaid fraud prevention. There have been some very difficult decisions made, for example, including reimbursing health care providers with less money. As my colleagues can imagine, that hasn't gone over well. Even more controversial and very sad: Arizona has stopped Medicaid funding for several kinds of transplant surgeries effective October 1. This is actually a kind of rationing that is required by ObamaCare. The State cannot afford to provide the most expensive procedures and, therefore, it has to cut them back, all because they are prevented by law from dialing back the coverage of these adults without children. So the one place where they can cut is transplants—a very sad day, as I said. There is nothing good to say about it. Nobody is pleased with the outcome, but there is no other option.

But even that option obviously doesn't save enough money to forestall this budget crisis. Many of those who have been critics of the decision with respect to transplants have failed to tell the whole story which is that the Governor had to make that difficult decision because the health care reform bill eliminated a key option that she otherwise would have had to dial back the coverage to the level of other States.

Before enactment of the President's health care bill, the Federal Government and States were partners in health care delivery. Now States are merely a financing mechanism for the Federal Government's demands. What States need is permanent reduced Medicaid demand by way of authority to reduce eligibility standards for their Medicaid programs. As I am suggesting, all Arizona wants the authority to do is dial it back to where other States are.

Governor Brewer recently made a formal request to HHS Secretary Sebelius for a waiver from the maintenance-of-effort provision. Since the administration has granted over 700 waivers to companies and labor unions, one can only hope that the same fairness will be provided to States that are much more crucial partners to the Federal Government in the delivery of health care. Under the terms of the waiver request, Arizona would preserve Medicaid coverage for 1 million Arizonans who represent the core of Medicaid's mission—the aged, disabled, the blind, pregnant women, and children.

I support the Governor's request and I urge the administration to grant the waiver. But ultimately, only repeal of this law will provide permanent relief to all of the States such as Arizona and all of the other States similarly situated. So I am strongly in support of the amendment that provides for repeal and replacement with something that will work and will not punish our families, our residents, and our States.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I have come to address two amendments that are before us. First, I wish to salute my colleagues Senator ROCKEFELLER and Senator HUTCHISON and all of those on both sides of the aisle who have brought this FAA bill before us. It is something that is needed. It is something that is long overdue. It is sad that in America we don't have a GPS system—and just about every western country does—even Mongolia does; Tibet does not—to move forward and modernize our airports. It is important for jobs. It is important for travelers' convenience, but I would say most of all it is important for America's productivity. When people sit and wait on a runway, when planes are delayed or flights canceled, the amount of output that our country loses is enormous. We are losing much more than France or Germany or England because they have these systems. It is about time we put them in.

I will make one more point about it. There are some who say, Let's go back to the 2006 level of spending. In 2006, the budget did not have a GPS system. Certainly we have to cut where there is waste, but just an across-the-board, roll-the-clock-back approach doesn't make much sense. Technology advances, the world advances, and we cannot march backward. There are certain things we need to keep this country strong, and the President talked about some of those in his address. Investments—and transportation has always been one since the days of the Erie Canal, which caused my city, New York City, to become the largest city in the country and it still is, praise God.

But I came to talk about the two amendments that are here before us. It is sort of a “do and don't,” in my opinion. We had a long debate on the health care bill. We all know how long it was. The American people decided—the majority did not want to repeal the bill. In fact, 80 percent don't. Even those who want to change it, the majority say, Don't repeal it, just change it. That is the point here.

Senator STABENOW is offering an amendment to change something in the bill that very much needs changing. The change in the reporting requirements to 1099 put an onerous obligation on small business people. My dad was a small businessman, and I know how

small business people struggle. To ask them to file paperwork every time they bought something new, even at low cost, is a bit over the top. So I am glad we are repealing that. No one is claiming ownership. It is going to pass in a bipartisan way.

None of us on this side of the aisle is saying the health care bill can't be improved, but just repealing it without putting anything in place creates a number of problems. One problem, which we will see tomorrow when the actual vote is called, is it would increase the deficit by \$260 billion in the first decade and \$1 trillion in the second, because the health care bill actually does cut some costs, and we know there is a tremendous amount of duplication, inefficiency, waste in our health care system. It is the best in the world. It is also probably the least efficient in the world. Our goal and our job is to keep that quality of care for people but at the same time reduce the inefficiencies that cost the government and cost businesses. So it does reduce the deficit.

When our colleagues are calling for repeal, when Senator MCCONNELL, the Republican leader, calls for its repeal, he is going to increase the deficit. So we have all this talk: “We have to reduce the deficit,” and then the first move the other side makes, whether you like the health care bill or not, is to increase the deficit. Why wouldn't they propose \$260 billion in other cuts to at least keep the bill deficit neutral?

The second point I would make is this: Repeal says get rid of everything. It is simple, it is easy, it is quick. It is wrong. There are many good things in this bill supported not only by the majority of Americans—the vast majority—many of which are supported by the majority of Republican voters who were polled, but even supported by many Members on the other side of the aisle. I have heard them speak. Even the new freshman class that is coming into the House—very militant—says, But I am not for repealing this, or I am not for repealing that. So why can't our colleagues on the other side of the aisle at least acknowledge there are very good things people like?

When they say repeal, do they want to repeal the provision that makes it easier for senior citizens to pay for prescription drugs? That is the so-called doughnut hole that says after you—and this comes from the Medicare bill that George Bush put forth, not from this health care bill, but they didn't have enough money to pay for it. So they said that after \$2,500, seniors would have to pay prescription drug costs on their own. Any of us who buy prescription drugs—I do; I am taking one for my back because my back went out yesterday—knows how expensive they are. You get up to \$2,500 when you are

a senior citizen and need eight medications—one to lower your blood pressure, one for diabetes, one for cholesterol, you name it. When you get up to that number, our seniors in my State and I am sure in the Presiding Officer's State and in any one of the other 48 States, are having real trouble paying for prescription drugs once they reach that doughnut hole, once they reach the level after which Medicare no longer pays. Well, in the health care bill, we deal with that. We reduce their costs 50 percent in the first year. That saves the average senior citizen—and this is not chicken feed—\$550. By the time it is fully implemented, we save them \$2,400 a year. They want to repeal that? Well, when they vote for repeal, they are voting to repeal it.

How about this one: There are countless American families who have kids in their early 20s. They get out of college, they get a job, let's hope. It is hard to get a job these days. By the way, we should be focusing on job creation, not on repealing this bill, and the FAA bill does that, as I mentioned. They have a dilemma. These jobs are new, they are not paying top dollar, most of them, and they don't come with health care. What are these young people to do? They can't afford health care themselves—\$800, \$900, \$1,000 a month. They are not making that much money, but they know, God forbid, if they get into a car accident or they get a serious disease, how can they be without health care? It is a dilemma that has plagued American families from coast to coast, from North to South and East to West. The health care bill corrects it. Here is what it says, very simply: Any young person 21 to 26 can stay on their family's health care plan. It is a great idea. It is very popular. I wish to ask my colleagues on the other side of the aisle who are going to vote for repeal, are they for taking away the benefit of young people 21 to 26 to stay on their family's health care plan if they wish? I doubt it.

How about this one: We all know preventive medicine saves billions, so in the health care bill every senior citizen on Medicare gets a wellness checkup free once a year to encourage them to go in. Why? Not because we want some giveaway, but the statistics show overwhelmingly and without doubt conclusively that when senior citizens get a preventive care checkup, not only are they healthier, but it saves the Medicare system billions and billions of dollars. God forbid someone has a melanoma. Before the melanoma gets into the lymph nodes, it is a simple operation rather than thousands and thousands of dollars and months and months of agony and illness. Do they want to stop those checkups? When people get a colonoscopy or any of these other preventive exams, including mammography, it saves the tax-

payers much money. The recipient is healthier. That is why we put it in the bill. Do they want to repeal those? Do they want to tell every senior citizen, You don't get that wellness checkup which will save billions? I can't believe they would want to do that, I say to my colleagues on the other side of the aisle.

How about this one: Small businesses. Small businesses are not required to have health care now, and under our bill, if they have under 50 employees, they won't be required to. But some of them provide health care for their employees. Some do it because it is a good way to retain a good, young employee, or a good middle-aged or a good older employee. Some do it because the employer is just a good guy or gal. Well, what we tell them is, if you have a business that makes less than \$1.2 million and has fewer than 25 workers, we will give you a 35-percent tax credit for that health care. It is a great thing. Hundreds of thousands of businesses in my State of New York will benefit. It started January 1. What does it mean? It means, A, more people get health care; B, it means businesses have more money to spend on job creation, small businesses, because some of their health care costs are being defrayed; and C, it may mean a small business that wasn't going to provide health care for its workers can now. Do my colleagues on the other side want to get rid of that tax credit for small businesses, the mainstay of America? I don't think they do.

How about this one: We all have heard of people calling their insurance company and saying my wife, my husband, my daughter, or my son has gotten this terrible illness and it requires an operation that costs a whole lot of money. Then you get a call back from the insurance company and they say, You know what, your policy doesn't quite cover this. Or when you signed it, you were supposed to check this little box and you didn't. You are out. If you don't dot every I and cross every T—they usually let you get away with it because they are collecting your money, but not when somebody has a serious illness that might cost them thousands and thousands and thousands of dollars. Now the insurance company calls you and it is basically, Tough rocks, Jack. Under our bill, that can't happen anymore. And when the insurance companies decide to raise their rates dramatically, there is an insurance commissioner in the State and Federal authorities who can say, You have to show us that you needed to raise the rates as much as you did. Do my colleagues want to get rid of that and let insurance companies rule the roost? I don't think so.

There is so much in this bill that is good, that is supported by the overwhelming majority of Democrats, Independents, and Republicans.

There is so much in this bill that moves us forward. If you think there are things that should not be in the bill, come talk to us. Madam President, 1099 is a bipartisan effort. Senator STABENOW has been out front. Senators KLOBUCHAR, CANTWELL, and NELSON sent a letter to Speaker BOEHNER saying: Please get us a 1099 bill. Senator JOHANNIS has done a good job. It is bipartisan.

We are not saying everything is perfect in this bill and that it can't be improved. We are saying: Let's work together in a bipartisan manner to make it better. But the other side is saying: Just repeal it—repeal the good things, the things they don't like, create a huge hole in our deficit, and leave us with nothing. The slogan was going to be "repeal and replace," but we have only heard the first part of that. Where is the "replace"? I will tell you why there is no replace. It is hard to take this huge, unwieldy, inefficient health care system and shape it up. That is why it took us so long, and that is why it created a great deal of controversy. I will be the first to admit that. But I don't see a substitute.

If you wanted to be fair and you were being straight with the American people about actually improving people's health care, you would have a replacement on the floor, and then we could compare the repeal of what you want to what you propose. We will wait. Maybe we should have a clock—the first day without repeal and replace, the second day, and so forth. I have a feeling we are not going to see a replacement. Do you know what that would say? That this is just political, throwing out some red meat, but don't dare show a replacement because, guess what, to replace is hard, and you really don't have a solution for replacement.

I urge that we vote strongly against the McConnell amendment. I urge my colleagues on the other side to rethink it.

I look forward to hearing the remarks of not only the chairman of the Commerce Committee, who is head of the FAA bill, but also the No. 2 person, the ranking Democrat on the Finance Committee on which I serve, who has made so many invaluable contributions to the bill, on the cost-cutting side, in terms of the 80 and 85 percent rule and all the other things we have done.

With that, I will be happy to yield the floor so that we might hear my distinguished colleague, the senior Senator from West Virginia, speak for a few minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, after that last sentence, I had to drink a little water to sort of balance myself out. To be praised at such length by Senator SCHUMER—one can't take it lightly.

I wish to make a few comments on the health care bill, which, in and of

itself, interests me because we are here doing FAA. If I remember correctly, I stood here at excessive length and gave a speech about the importance of the FAA bill. KAY BAILEY HUTCHISON did the same. Then, all of a sudden, here we are on health. That is very interesting because we have sort of made ourselves entirely transparent. Anybody can offer amendments. The leader doesn't fill up the tree, so it is open. And what happens is, immediately everybody pops in with their favorite amendment. I don't resent that; I just say it is an interesting phenomenon which is showing itself on the very first day. Whether that will last, I don't know.

In any event, I think they are still working—Senators BAUCUS and HATCH and others—on the FAA stuff and the 1099 matter, so I wish to talk about a couple of things on health care.

I think it is very important—and I mentioned this in my earlier comments—when you say the American people don't want this bill, there was a period of time when that was correct because the bill was made in front of everybody on C-SPAN—whoever watches it, but enough people did because a lot of people were interested in what was happening—and it wasn't a very pretty process.

The public option, for example—AL FRANKEN and I put a public option bill on the floor and thought it would save the world. Then all the talk shows took it up, either blasting it or loving it—in excess in both cases. There was one problem with the public option: It didn't have any votes in the Finance Committee, which means it couldn't have gotten far. That was based on a \$50 billion Medicare benchmark. So it was a real cost saver and a very good—obviously, to get a nonprofit option as you buy your health care is very appealing—all of which is true but all of which was unpersuasive because it sounded like too much government. Maybe if we had called it the freedom option, it would have been different. That doesn't matter. It didn't get the votes. My version got 10 votes, and CHUCK SCHUMER got 8 votes on his—or maybe it was the opposite. We then came up with a medical loss ratio, which nobody understood because of the ridiculous wording, except that it works.

I want to talk about a couple of things like that until somebody comes, and then I will humbly and gladly yield the floor.

Does the Senator wish to speak?

Mr. BARRASSO. After the Senator finishes.

Mr. ROCKEFELLER. I will not be too long.

As it happens, on the poll, over a period of months and months, people saw this thing happening, and they didn't like it. People lined up on one side or the other—mostly one side—and they

didn't like it. It turns out that the New York Times and CBS did a poll—I don't necessarily have to trust them because they took a poll; I don't trust polls—that says 80 percent of Americans oppose repeal. I found that in the cloakroom. I don't live by polls. But that is based on January 20 of this year. Let's suppose it is off by 10 percent or 15 percent. One thing that becomes clear from the generalization of that number—certainly it could go lower—is that people don't want repeal.

Then that takes you to, well, what if we do have repeal? Does the repeal then lead you to a thought-out process that would then be substituted for what we created and the President signed? And then very quickly one comes to the realization that there isn't an alternative from the other side. There never has been. From that, it quickly follows that the deduction is what they want is the present system. If that is not true, then they can come down and tell me about that. That is what I have to believe because I haven't heard the new ideas or the alternatives to what it was we worked on and accomplished over a very difficult period of many months and much angst, agony, and screaming at town-halls and all the rest of it, which was worth it.

The bill, although not perfect, was a real step forward. It looks at the fee-for-service system, which has always been a fallacy in the American health care system, that you automatically get paid for whatever you do if you are a doctor, a hospital, or you sell medical equipment, no questions asked. You don't save money, you don't improve health care by doing that. Productivity, efficiency, and excellence are done by oversight, by accountability, by asking questions, asking people to show, through the evidence of what they have done for a particular service, that it is better than it was the year before.

I will mention—unpleasant probably and not fit for this floor—that one of the biggest problems we have in health care today is something called MRSA. MRSA is in almost every hospital in the country. Unfortunately, it emanates from bathrooms that are not kept that clean. So if we don't do our bill and it is repealed and hospitals then are not judged on MRSA and many other things, such as too many MRIs in one hospital, too many MRIs in one town that can only support two but has seven because you have to make money off of them but they are not used very much—all of these have to be checked and looked at carefully before people are paid. That is the way you save money, and that is the reason the health care bill that was finally signed saves \$1.3 trillion over 20 years and \$240 million or \$280 million in the very first year. It is a cost saver.

So, by definition, if we went back to the present system, you would have to

start with the fact that we would be losing those savings and therefore adding it onto our deficit. So we would have \$1.3 trillion more in deficit over 20 years, et cetera, et cetera. It is unwise. But then cost isn't absolutely everything. We understand that. The Senator from New Hampshire understands that. We have to use good judgment.

Then you look at the public option, which didn't work, and then you look at the medical loss ratio. Folks don't know what that is—even some in this body. It is a simple system where you simply say—and it will disappear if Senator MCCONNELL's amendment passes—that health insurance companies are required to spend 80 percent of all—85 percent if it is a large institution or, if it is a small business or an individual, 80 percent—they have to spend that percentage of their premiums they collect on health care, and then they have to show to HHS that it is being spent on health care that makes Americans better or at least keeps them where they are. The bathrooms get cleaner, to be crude about it but actually quite accurate about it.

That is a very good system because it is not sort of mandating; it is called oversight. The American people should want to do oversight over their health care dollars because it is so much of their income they have to spend on health care. The medical loss ratio—a strange name but a sound principle—is where 85 or 80 percent of all premium dollars have to be spent on health care, and health care cannot just be health care but better than it was in the previous year or 2 or 3 years. Obviously, we are not into that system entirely yet and won't be until 2014.

Is it possible for me to explain that I am very disturbed that this bill we are now wanting to repeal will insure 32 million people who don't have health insurance, and then I am saying to myself that there are a lot more than that who are uninsured in this country, but that is all we could afford to do because we didn't have enough money. So let's say it is really 45 million and then decide there are many millions more than that who are underinsured. You may be dealing with 50 million people, and all of a sudden, their prospects for getting health insurance disappear. They simply disappear because we repeal the bill.

Now, truth in telling, the 32 million people—we weren't going to be able to get that all done until 2020 because of the lack of funds. We had to do as much as we could as soon as we could, but we couldn't do more than that because we didn't have the money. Everything was scored by CBO, which is very tough. But I am astounded by the prospect of the excellent people who are on that side of the aisle—they are like us; a different party, but so what—saying that 32 million would lose their health insurance—or they were going to get

health insurance, but now they will not, so they are on their own.

What happens then? Well, they take up the practice, which I saw first when I was chairman of the Children's Commission for 4 years in the early 1980s or the late 1980s—we went out to Chicago in one visit, to Cabrini-Green, and Chicago was a robust health care city, and the folks out there told me that in that particular year, eight emergency rooms in hospitals had closed down. Why? Because they were being overwhelmed even then.

Secondly, they are by far the most expensive part of the hospital. They cost the most. They drain health care because of all the emergency service. People wait 5, 6 hours—we have all been through it—and they get their health care, maybe. It is so inefficient, so brutal, such an awful system where more attention, because of health insurance, would allow more cautious, attentive, logical work to be done on patients. That is gone. That is simply gone.

Emergency rooms are important, but a lot of them are going out of business because they still cannot afford to stay open. They are too expensive for the hospital corporation that makes that decision. I do not blame them for that.

I know my colleague wants to speak. I think of when I was a VISTA volunteer—I sometimes talk about that on the floor—a long time ago. There were no jobs, no health care. Nobody went to school because the schoolbus did not come to pick up any of the kids because we were considered too far away. It was kind of a bad community. I latched on to that community. It is the reason I went to West Virginia and then stayed in West Virginia.

They depended on a rural community center. It was right next door, the Lincoln County Community Health Center. It was not a hospital so they did not have to worry about going up in an elevator because many of them in very rural parts of the State have not been in an elevator before, have not crossed a traffic light, red or green. That is new to them. They live in rural places. They deal with it that way. I suspect it is true in parts of New Hampshire, although New Hampshire has gotten so sophisticated.

People trust rural health centers. Why? Because they are not hospitals. They are on the first floor. They are an old Kroger store, an old Safeway store, an old hardware store. But inside are doctors, nurses, and now health IT, which is in this bill and heavily promoted, which may be coming on its own, but I doubt it.

This bill is really important to health IT. They could communicate with any university, any medical center, not just in West Virginia but in the world. They can get experts to look at, let's say, a mole on a 14-year-old's arm. Is that just a mole or is that can-

cer? I have seen that done. A doctor at West Virginia University—this was 20 years ago—I can't believe that—looking at a kid in Moscow with a physician assistant attending. They put the then-technology on that mole. The doctor in West Virginia was able to analyze it and say it is not cancerous. That was a wonderful event.

People gravitate to community centers. Poor people gravitate to them. Rural people gravitate to them. They are easily accessible. They have very good doctors. There is a lot in the bill to help with those kinds of doctors, those kinds of nurses, the staff, those kinds of places and the whole health IT issue which makes the work they do there checkable, accessible anywhere else in the State, the country, or in the world. Those would be gone.

We have \$10 billion in our bill for 1,000 new community health centers all across America. I am excited about that. I think that is great for rural America, and a lot of America is rural. Most of America is rural. That goes.

Then I think about subsidies for small business. I spoke to a Chamber of Commerce in a rural part of West Virginia, a conservative part of West Virginia. They did not like the bill. That is why I went there. They were all small business people. There are no big businesses down there. I spent 3 hours with them. I went through the whole health care bill.

What was unusual to them is I stayed around and answered all their questions. That was interesting. In other words, you do not just say this is good, this is bad, here I am. You say: Have at me and I will answer you as best as I can. Where you do not agree with me, you tell me that.

They had no idea that they get a 35-percent tax reduction, a tax credit for giving health insurance. They cannot afford to give health insurance. Maybe 35 percent is not enough, but they get that, and they get that until 2014. And then after 2014, it goes up to 50 percent. They did not know that. All of a sudden the possibility of keeping their employees and doing the right thing by their employees—people in New Hampshire, people in Wyoming, and people in West Virginia care about each other. That is one of the beauties of small States. People really care. They want to do the right thing because they all live together. They do not commute out to the suburbs. There are not a lot of suburbs around. That was impressive to me.

When I left, I got a standing ovation. I am going to put that aside because I cannot believe that standing ovation, but what I do believe is that they were interested. They at that point did not know it was in the bill and there is no reason they should have known it was in the bill. Then someone who had been a major part in writing that bill talks to them and answers all their ques-

tions, the end point of which is 3 hours, and I get up and leave. That perplexes me.

If the minority leader's amendment prevails in that I do not think there is an alternative coming, we go back to the present system. That all goes. The Senator from Wyoming, when he speaks, may say, yes, there is an alternative, and we will have to listen to that. If we do an alternative, that whole negotiation may be 2 to 3 more years. I do not think people can wait that long.

In any event, I worry about the doughnut hole. Madam President, you know that. It is so unfair that seniors pay up to a certain amount, they get their prescription drugs, and they keep paying the premiums. But then from \$2,000 something to \$5,000 something, they have to keep paying their premiums but they do not get any prescription drugs. That is the doughnut hole which we close, again not until the year 2020, but they know it is going to close. That is gone. They have to work the system as best they can, pay their premiums if they can, and if they cannot they are out of luck. They will get cut off.

To me it would be brutally devastating if preexisting conditions, for children in particular, which starts right away, which is in effect now, disappears. I was speaking about a 9-year-old kid who had cancer. He was killed by the fact that he could not get any treatment because of annual limits. That is in effect now, and no lifetime limits is in effect now. Annual comes into effect in 2014. He died. I was a friend of that kid. I met with that kid. I met with his parents. I keep in touch with them. He died. He could not get health care under the present system. Under our bill, he would have gotten health care. One can say maybe it was too late, but that does not matter in the sense that he is just an example of somebody who is sick, who could get health care, and who otherwise could not get health care and he died.

I am haunted by that because I remember his face. His name was Sam. He was a lovely kid. He is not around any longer because of the old health care system.

Health care is a very hard subject. It uses all kinds of words and acronyms. It is true in the Federal aviation bill, too, if we ever get back to that. Acronyms are not bad, they are just not friendly. They still mean something, and because something is complicated it does not mean it is bad or wrong, it means it is complicated.

Health care by definition has to be complicated. People have to understand how the parts work together. It is very hard to do. I plead with my colleagues to be cautious about repealing something which is in place which appears people do not want to see repealed. They certainly want to give it

a chance. They certainly are seeing the benefits from it. We are already reading about those things, and it has just literally started. It is a month-and-a-half old or a month old. We need to be cautious about that, particularly on repeal if it means going back to our present system or any substantial part of our present system. That would be a tragedy.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent that when I am finished with my remarks, the junior Senator from South Dakota be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I come to support Senator McConnell's amendment to repeal this health care law. I listen very carefully. I listen to the people in Wyoming. The University of Wyoming conducted a survey. Sixty-eight percent of people in my home State want this law repealed. The people of Wyoming have great concerns about the unfairness of the law. Our seniors who rely on Medicare are concerned with the unfairness of a law that takes over \$500 billion from them, from our seniors on Medicare, not to help Medicare, not to save Medicare, not to secure Medicare, but to start a whole new government entitlement program for someone else.

Let's look at the specific cuts to Medicare: \$155 billion from hospitals; \$202 billion from the 11 million seniors on Medicare Advantage, and there is an advantage to Medicare Advantage. That is why so many seniors have signed up for it. Nearly \$15 billion from nursing homes; another \$40 billion from home health agencies; and \$7 billion from hospice.

The President the other night, in his State of the Union Address, said: If you have some ideas on ways to get down the cost of care and improve care, I want to listen. Republicans have been bringing ideas to the floor during the entire year-long debate, and those ideas have been ignored and rejected. I suggest the President listen to his own Debt Commission. He appointed the Commission. They had a lengthy discussion. What the members of the Debt Commission said is that if you cut Medicare, a program designed for seniors, do not do what you did, do not do what you suggested, Mr. President, do not do what the Democrats in the Senate have suggested, do not do what NANCY PELOSI wanted. If you cut that kind of money from Medicare, the Commission says, you should use that to help and save Medicare, not start a new government entitlement.

The Commission also said that we should repeal the CLASS Act. That is a part of this health care law. It is called

the CLASS Act. It has been described by Democrats as a Ponzi scheme that would make Bernie Madoff proud because of the fact they use trickery, gimmicks to say: We will bring in money now and the big costs will not show up until 10 years from now.

I heard my distinguished colleague from West Virginia talking about small business and the tax credits. The small business owners in Wyoming looked to that. What they found is if they want to hire an additional worker, if they are at 10 or 11 workers and want to go to 12, they lose part of the credits. Do you know how much low-paying jobs have to be to get the tax credits? The average income has to be \$25,000. It cannot be higher than \$25,000 a year. If you want to give someone a raise, you are going to lose your tax credits.

Small business owners across the country who looked closely at this issue have said this does not help me at all. They are saying we need to make it cheaper and easier to create private sector jobs, and this health care law, with its expensive mandates and obligations, makes it more expensive and tougher to create private-sector jobs. We want this law repealed.

Just yesterday, a court in Florida ruled that this entire health care law was unconstitutional. There has been a separate ruling in Virginia prior to the beginning of this year. I will tell you that ruling in Florida yesterday is a second stake in the heart of this health care law.

This government, this Senate, the House does not have a right to go into the homes of the people of my State of Wyoming or anywhere around the country and say to them: You must buy a product. You must purchase something. If the government can tell people they have to buy health insurance, where does it stop? That is why I am encouraged, as are Americans all across this country, when I see the ruling coming out of Florida. People inherently understand this is unconstitutional. The health care law even fails to meet the President's own promise. In Wyoming, we have a code of the West that says: If you give your word, keep it. The President promised this health care law would actually bring down the cost of care, he said by \$2,500 a family. What are we seeing with insurance costs? The costs continue to go up and up and up. The President said: If you like what you have, you can keep it. That hasn't been true either. In terms of the insurance people have, they are losing what they have, if they like it. And even though several pages of the health care law may have implied that, when the Secretary of Health and Human Services came out with over 100 pages of regulations, it was clear that if you get your insurance through work—big company, small company—the majority of Amer-

icans will not be able to keep the health insurance they have and that they like.

A recent poll, released today, said that 58 percent of Americans would like to have this health care law repealed. The interesting thing about this was that this recent polling went further to say that when you poll people who have actually talked to a nurse or talked to a doctor or talked to a physician's assistant or an EMT or people involved in the health care area, even more of those people who have talked to a health care provider want this health care law repealed.

As NANCY PELOSI said, first you have to pass it to find out what is in it. And as more and more people become aware of what is in it, more and more people want this health care law repealed. The mandates are excessive and they are expensive, and States—with Governors of both parties—are being impacted by these huge expenses.

It is interesting. There was an article in Saturday's New York Times entitled: "For Governors, Medicaid Looks Ripe for Slashing." That is Governors of both parties. Well, what is Medicaid? They are going to slash Medicaid. The article states:

Hamstrung by Federal prohibitions against lowering Medicaid eligibility, governors from both parties are exercising their remaining options in proposing bone-deep cuts to the program.

I have just heard other colleagues on the Senate floor talk about this huge expansion of Medicaid. That is the solution; that is the President's solution; that is the Democrats' solution; to cram more people onto Medicaid, a program initially designed for the poor, with low reimbursements rates and where over half of the doctors in the country won't see Medicaid patients. That is their solution.

I listened to my colleagues on the other side of the aisle talk about coverage and talk about care and they use the words interchangeably. That is misleading to the American people. You can get a Medicaid card but that doesn't mean you can get in to see a doctor in the way that you might think. Half of the doctors don't want to see patients. Why? Because the reimbursement is so low.

The New York Times article of Saturday speaks to U.S. aid running dry and States proposing Medicaid cuts, and the first person they cite is Governor Jerry Brown of California, a Democrat, and under him, Andrew Cuomo, a Democrat of New York. What does it say? It says:

The shrinking of Medicaid programs, if approved by the state legislatures, would come at a tenuous moment for the Obama administration. Starting in 2014, the health care law calls for an enormous expansion of Medicaid eligibility that is expected to add 16 million beneficiaries by 2019.

The health care law puts in place a program that will hire IRS agents to

make sure people buy health insurance, but it doesn't pay to train the doctors and the nurses needed to take care of those patients. As the article goes on, it says:

States have already cut payments to health care providers and scaled back benefits over the last few years, so these new proposed cuts are much more painful.

I will tell you, the people of Wyoming want this law repealed. The chairman of our health committee in our State Senate—and I served under him for 5 years when I was a member of the Wyoming State Senate—whose name is Charles Scott, has been in the State Senate over two decades and has studied this extensively. He had an article in the Caspar Star Tribune on January 30 speaking to this.

Mr. President, I ask unanimous consent to have printed in the RECORD this article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPEAL OF "OBAMACARE" WOULD HELP
WYOMING

(By Charles Scott)

Contrary to the assertions made in Barb Rea's and Jan Drury's Jan. 22 Star-Tribune guest column, "Repealing health care law doesn't help Wyoming," repeal of Obamacare would help Wyoming because that law is a disaster for our country and especially for Wyoming.

We need health care reform. Our American health care system costs too much. There are too many uninsured. On average, Americans die earlier than citizens of any other developed country. Unfortunately the Obama reform makes these problems worse. The Obama strategy for controlling costs is to attack the health insurance companies. There is much to dislike about insurance companies. Too often their strategy's to make money by not insuring anyone who might get sick and not paying for it when they do. However what they are telling us with their high prices is that our health care system is out of control. We pay for too many medical tests and procedures that do us little good. The Obamacare strategy amounts to shooting the messenger and doesn't solve the underlying cost problem.

The centerpiece of the Obama effort to insure the uninsured is to expand the Medicaid program, the existing program for poor people. This is the most expensive way available to insure the uninsured. The Medicaid program is designed to be a high-cost program. The federal government has required a set of Medicaid benefits that are richer than any insurance the rest of us can buy. The feds forbid most of the effective cost controls the rest of us face. One consequence is that Medicaid clients are free to use the hospital emergency room for things most of us take care of at home. The health care costs for an adult in Medicaid are one and a half times larger than for a comparable adult insurance by our largest private insurer and a child costs two and a half times as much. The federal government cannot afford the Medicaid expansion without a massive tax increase and neither can the state government once the law is changed so we have to pay our normal share.

So what is the Legislature doing to deal with the problem?

Last year, three weeks before Obamacare passed, we passed the Healthy Frontiers pilot project. It is an effort to insure the working uninsured using incentives for cost control. It has an expanded prevention package and a health savings account. The individual pays part of the cost on a sliding scale according to income. The strategy is to spend more up-front on everyone to save by reducing the need for very expensive care later. Right now it is funded for only about 200 people and only through June 30. We have legislation this time to expand the numbers to 3,000 so we can find out if it really will save money. Our computer models say it will, but there is no substitute for trying it with real people. If Obamacare is not repealed this will give us an alternative to the expensive Medicaid expansion. If it is repealed, then Healthy Frontiers is an alternative way to solve the problem of the uninsured and could be imitated by private insurance to reduce costs for everyone.

Obamacare will make our existing shortage of doctors, particularly primary care doctors, even worse. To help solve this problem my committee is proposing expanding the community health centers. They can recruit doctors better than anyone else in the state because they are not subject to our tort liability system. They are under the federal tort claims act so their doctors are not bothered by our malpractice problems. Our failure to reform our tort liability system makes it too hard to recruit enough doctors to the state otherwise.

Obamacare mandates organizations called insurance exchanges which can either be ways to improve competition among private insurance companies (the Utah model) or pass out government subsidies (the Massachusetts model). To work effectively these may require more people to spread the costs of running the exchanges than Wyoming has. We are examining this concept and the federal requirements to see if they can work in Wyoming.

Obamacare requires federal agencies to write several hundred sets of new federal regulations. We fully expect some of these rules to be impractical for a small state like Wyoming or to go beyond what the federal law allows in very expensive ways. My committee has proposed a litigation fund so we can fight these regulations in court when need to. I have also proposed a constitutional amendment to keep the state from participating in any attempts to explicitly ration care which I expect to eventually be part of the effort to have the government take over our health care system.

Mr. BARRASSO. Mr. President, the headline of the article is: "Repeal of 'Obamacare' Would Help Wyoming." I want to cite a few excerpts:

Repeal of Obamacare would help Wyoming because that law is a disaster for our country. Our American health care system costs too much. There are too many uninsured. Obama reform makes these problems worse. The centerpiece of the Obama effort to insure the uninsured is to expand the Medicaid program, the existing program for poor people. This is the most expensive way available to insure the uninsured.

This is from someone who has studied this for 20 years. He goes on to say:

The Medicaid program is designed to be a high-cost program. The Federal Government has required a set of Medicaid benefits that are richer than any insurance the rest of us can buy. The feds forbid most of the effective cost controls the rest of us face. One

consequence is that Medicaid clients are free to use the hospital emergency room for things most of us take care of at home. The health care costs for an adult in Medicaid are one and a half times larger than for a comparable adult insurance by our largest private insurer and a child costs two and a half times as much.

Those are the things we are dealing with. That is the solution the Democrats have presented to the country. That is what has been passed. This solution is not a solution. What we need to do is repeal and replace this health care law.

The American people notice when month after month the Secretary of Health and Human Services rolls out more waivers for people under this health care law. Last week, she granted 500 new waivers. We now have 2.2 million Americans to whom this law does not apply. They have gotten their waivers, so it doesn't apply to them.

You might say: Who are these people? Well, they are people with friends in high places, because 166 of these are union benefit funds—166 entities covering 860,000 Americans. These are some of the same union members who lobbied Congress, who contributed in ways to say we need this health care law. Yet they say: Oh, once we have looked at it—followed NANCY PELOSI's idea and actually read the bill to see what was in it after it got passed—we don't want it to apply to us.

So 40 percent of all the waivers have gone to unions, even though union workers only account for 7 percent of the private workforce in this country. Well, if this health care law is so great for the country, why should companies and unions need waivers? And why can't the rest of America receive a waiver and get the same treatment?

That is why I come to the floor today, to tell my colleagues this health care law is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and it is bad for the taxpayers. By voting to repeal this health care law, we will give these waivers to every American and give them the opportunity and the freedom they request, and the flexibility they need to get the health care that works best for them, not a one-size-fits-all approach that comes out of Washington loaded with Washington wasteful spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to add to the comments made by my colleague from Wyoming, who in his former life was a physician, and so he understands this issue probably better than any of us here in the Chamber. I think he very eloquently pointed out why this amendment we are hopefully going to be voting on, which will repeal the health care law, is so important.

Obviously, there is a big debate that has been raging in the country over the

past year about this legislation as it was being considered here in the Congress, and I think the one thing that is clear about the public's view of this is that they think it was a bad idea. And that hasn't changed. That was true a year ago, that was true 6 months ago, and that is still true today.

I think the administration had tried to argue they had merely done a poor job of communicating to the American people how great this health care reform idea was. But that excuse misses the point entirely. The American people are not clueless. They know a bad idea when they see one, and they understand that the Democratic health care plan was a bad idea. So despite the administration's full court PR press in trying to reverse the public opinion, the health spending law remains unpopular in the polls.

In fact, as was quoted by my colleague from Wyoming, there was a poll that came out today where 58 percent of likely voters in a recent Rasmussen poll favor repeal. In fact, if you drill down a little further into that survey, it says 47 percent strongly favor repeal, 38 percent oppose repeal, and 29 percent strongly oppose repeal. But you have a decisive majority in this country—58 percent of the population—saying they wish to see this repealed, and nearly half are strongly committed to that position.

So notwithstanding efforts by the administration to reverse the public's view, the American people still get it. I think the administration had hoped this would get behind them, that people would, once they were educated about the benefits, come to a different conclusion, but I think they see clearly now that hasn't happened. That hasn't been the case.

This whole health care law has failed the test of being something the American people think is important and something they want to see done. I don't doubt for a minute they want to see the issue of health care addressed in this country—health care reform. Unfortunately, this particular proposal didn't do anything to reform health care. It expanded health care dramatically and expanded the cost most people are going to bear when it comes to paying for their health insurance premiums. So it failed the test of public support of the people in this country who have been following this debate very carefully, because it affects them in a very personal and profound way. Health care is something every American understands. It is something they get, and it is regrettable we passed it. I think the American people have turned a thumbs down on it, and that should speak to the importance of this amendment and our trying to go back and do this the right way.

The other test it failed—which everybody here talks about, and there is a great deal of lip service and a great

deal of rhetoric paid to it—is the issue of jobs. Honestly, I think if there was a message coming out of November's election it was this: The American people want us focused on three things. They want us focused on jobs, they want us focused on spending, and they want us focused on the debt.

On the issue of jobs, this also fails the test. Why? Because it raises taxes so dramatically. If you look at the tax increases in the bill—\$569 billion in taxes on virtually every sector of the American economy. For instance, the measure penalizes employers for hiring more workers by raising the Medicare payroll tax by \$210 billion, levying new taxes on many small businesses that will serve as the engine of economic growth and job creation.

If we want to get this economy recovering again and creating jobs, the one thing you don't want to do is to impose new mandates, new burdens, new taxes, new regulations on the economic engine, the job creators in America today, and that is our small businesses. So if we are serious about the issue of jobs, this certainly didn't do anything to create jobs.

I think the American people made it plain, and it is clear, they want us focused on jobs. They want us exclusively focused on getting this economy back on track, creating jobs and getting the American people back to work. So it failed on that test.

How about on the test of spending? I think the American people understand that very basic sort of adage—if you want to call it that—which says when you are in a hole, you don't keep digging. What we have done is we have dramatically expanded the size of government at a time when we are running year-over-year trillion-dollar deficits. So what did this do? When it is fully implemented, it will increase spending by \$2.6 trillion. That is the 10-year score between 2014 and 2023. That is a massive expansion—the most dramatic expansion we have seen in government, literally, since the 1960s.

So this doesn't do anything to address the issue that the American people spoke loudly about, and that is getting Washington spending under control.

Arguably, as I said before, I think they care deeply about the issue of health care and getting health care costs under control. As I will get to in a minute, this does little, if anything, to address health care costs. But it certainly increases Federal spending and increases the role and the size of government at a time when most Americans are saying we want the government reined in. We want less government. We want the government to start living within its means. Instead, we have increased and expanded the size of government dramatically.

How about the issue of debt? A lot has been made by our colleagues on the

other side that if we were to repeal this, it is going to add to the deficit. Let's go back to the reason why they can make that argument. The reason they can make that argument is because of all the gimmicks, all the phony accounting that was included when this bill was passed in the first place.

We have all referenced and talked about the double counting of Medicare savings, to the tune of about \$400 billion, new payroll taxes, savings that are supposed to be achieved by reductions in Medicare spending double counted, counted both as a "paid for," an offset to pay for the new health care entitlement program, and as a credit to the Medicare trust fund. You cannot double count. You cannot score these things in a way that dips into the same revenues twice. That was one of the great ironies of this legislation, when it was being debated here, that issue did not become more fully discussed, the way this thing was accounted for and the way in which the trust funds were credited with saving or extending the lifespan of Medicare at the same time the same dollars were being used to pay for this new health care entitlement. You cannot spend the same money twice and that is exactly what happened.

The American people get that. I cannot feature any other place in America where you could get away with what happened here during the health care debate. So you had the \$400 billion—\$398 billion, to be exact—that was double counted on Medicare. You also had \$29 billion in Social Security revenues that was double counted as well. The Social Security trust fund was credited with \$29 billion at the same time the revenue that was coming in from higher Social Security payroll taxes because some changes that were made in the legislation were counted to pay for the new health care entitlement. So you had Social Security and Medicare payroll taxes that were double counted, that were essentially scored twice, to credit the Social Security trust fund and the Medicare trust fund, at the same time they were being used to finance the new health care entitlement.

Add in the \$70 billion that was listed as revenues to pay for this from yet another new entitlement program called the CLASS Act, which is a long-term care entitlement program. As was described by my colleague from Wyoming, even the Senate Budget Committee chairman, the Senator from North Dakota, described the CLASS Act as a Ponzi scheme of the highest order, something Bernie Madoff would be proud of. Yet \$70 billion was scored as being a revenue raiser to pay for the new health care entitlement program, knowing that full well, at some point in the future, the people who paid premiums into this new program were going to demand some sort of payment

when it came time to stake a claim against that, against that trust fund, those benefits were going to have to be paid out. So in the outyears it dramatically expands and explodes the deficit, even though in the near term it was counted as revenue that was used to shield the true cost of the health care bill.

If you add in the cost of implementation, which turned out to be \$115 billion, something that was not discussed nor included in the debate nor was it included in the initial CBO score, you have about a \$208 billion cost to do the doctors fix, to take care of the physician fee issue, which will be coming to us, which was left out of this bill to understate the true cost of this bill to put it into balance, my point simply is, by any objective measure, if you look at the games that were played, the gimmicks that were used, the phony accounting that was used to claim that somehow this was going to be a positive impact on the deficit, it does not pass the smell test. No rational American would look at this and say this makes any sense at all.

In fact, if you add up everything I just said, if you take all these accounting gimmicks, all the phony accounting that was used, and you offset that against what is claimed as a budget savings, you actually get not a \$143 billion savings, you get about a \$700 billion deficit. That is what we would be looking at over the 10 years.

Remember also that you have the 6 years of spending in this bill in the first 10-year window, which is what the CBO used to score this, and about 10 years of revenues. So the tax increases start right away, the revenues are counted immediately, but the spending doesn't come until later. You front-load the revenue, you back-end load the spending in that decade and try to claim that somehow this thing balances out. Again, the American people see through this. They get it, which is why they have taken the position they have on the health care bill in the first place. On the test of debt, on the test of how does this impact the deficit, how does this impact America's long-term fiscal standing, this bill is a failure.

One other point I would like to make—I wanted to come back to it earlier—I think a lot of Americans were hoping that when Congress took on this issue of health care, it actually would be with an eye toward reducing the cost of health care insurance premiums for most Americans. What we are seeing is the contrary. Actually, what we predicted would happen is coming true. Many of us who were involved in that debate said, at the time, this was going to lead to higher health care costs for most Americans, and it is actually true. Actually, the CBO said the same thing. They said the individual health insurance premiums

would increase by about \$2,100 per family as a result of the new law and that some consumers would face total premium increases of more than 20 percent. Those are things we are seeing come to fruition now. A lot of people are seeing their health insurance premiums go up. That is a fact. It is a reality. It is a complete contradiction of what was promised when this bill was being debated.

You have not only higher taxes on small businesses that are costing us jobs, that are destroying jobs, you have this massive expansion of spending, you have the debt and the deficit which, in the outyears, are going to explode because of all these accounting gimmicks, and then when all is said and done, you still have not done anything that lowers health care costs for most Americans. I believe, for most Americans, that is what they wanted to see come out of the health care debate in the Congress. They wanted to see reforms passed that put downward pressure on health care costs to them and their families rather than increase it. In fact, what we have seen is the opposite. It has not decreased cost; it has increased costs. I think we are going to continue to see costs go up because as these tax increases kick in, a lot of businesses around the country obviously are going to pass these costs on to the American consumer. So it fails the test of doing anything to lower costs for most Americans.

Finally, it is also now failing the legality test, as we are seeing these courts coming out and determining that this whole exercise was unconstitutional. That triggers a whole other debate in this country, a debate that I think we are going to watch probably for a while, but I hope, as this moves through the courts, it does engage the American public about what is the role of the government and how intrusive should it be and what kind of mandates can it impose on the American people. There was a very well-reasoned decision that came out of the Florida court yesterday which says this legislation is unconstitutional. Again, that makes the argument that many of us were making as this was being debated last year.

The bottom line is, we are in a position to do something about it. This is not the end. This should not be the end of the debate. We should look at this as an opportunity. If the amendment that was offered by the Senator from Kentucky, Mr. MCCONNELL, actually were to pass and we were to repeal this, we could start over. We could go about this in a way that actually does reform health care in this country in a way that lowers costs rather than raises costs for most Americans. I think that would be a welcome thing for the American people.

The other side is going to argue we do not need to do this. We do not need

to repeal this. We just need to “repair” it. We can make these little modifications to it. But the fundamental fact is, this was a mistake in the first place and we should acknowledge it. I think, again, the fact that it passed last year on a total party-line vote, a total partisan vote—there was not a single Republican in the Senate who voted for this. Usually, when you are doing big, bold things, when you look historically in the country, it is done in a bipartisan way. It is done in a way that incorporates the best thoughts, best ideas, best inputs from both sides, and you generally get a bipartisan vote in support of something such as that. This was passed on a party-line vote. It is now facing a challenge—and I think a very direct challenge—in the courts, which is going to play out in the course of the next several months. But we in the Senate could do something by repealing this law and starting over and going about this the right way. That is not to say for a moment there are not issues that need to be addressed with regard to health care in this country. Many of them have been touched upon by speakers who have come down here before me. But there is a better way to do it. There is a way to do this that does not dramatically expand, increase the size of our Federal Government, that does not add and explode the debt in the outyears, that does not raise taxes on our small businesses when we are asking them to create jobs, that actually does lower the cost of health care insurance for most people in this country rather than increasing it and is done in a way consistent with what our Framers intended, in terms of the basic parameters that are allowed by our Constitution.

I hope the McConnell amendment will be voted on. I think it is important for all of us, obviously, to be on record. But I hope my colleagues on the other side may reconsider the position they took when this was voted last year and conclude with many of us that this was a failure and that starting over is the very best solution for the American people, if we are serious about giving them a health care system in this country that is affordable, that delivers the high quality they expect, and enables them to have the maximum amount of choice and decisionmaking authority when it comes to something that is so personal and so important to them; that is, their health.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I listened to my friend from South Dakota. I was thinking about how long we have been debating health care reform. If we were to repeal the bill we enacted last year, how long would it be before we would be able to get back to serious health care changes?

It took us 1 year to debate and pass the bill that was ultimately signed by

the President, but it took us 30 years to get to this subject and several administrations, both Democratic and Republican, that offered proposals where we could bring down the cost of health care and make it more available to the people of this country.

We brag, and rightly so, that we have the highest quality, most technologically advanced health care in the world in the United States. I look at my own State of Maryland, and I know people come from all over the world to get their health care needs met and get their doctors trained, whether it is at Johns Hopkins University or the University of Maryland Medical Center or what is happening at NIH. I know the Presiding Officer can tell us about the great institutions in the State of Pennsylvania, and that is true.

The problem is, it is out of the reach for too many Americans. It is too expensive. We don't have access to care in too many communities in America. The Congress last year did something about that. We took major steps forward to help the people of our Nation.

I have gotten hundreds of letters and phone calls from people in Maryland who told me their stories about fighting health insurance companies or their stories about trying to get access to preventive health care and how they were denied under our current system. I have talked to seniors in Maryland. I know how expensive health care is to them.

Seniors are very fortunate in that they have Medicare. But seniors, as an age group, have the highest out-of-pocket costs of any group of Americans. There are too many gaps in the system. We have to improve the system.

The problem I have with the amendment of Senator MCCONNELL is, if we repeal what we did last year, we have to understand what consequences that will mean. We are not sure when Congress will be able to deal with this subject again. It might be 30 years from now. If we just repeal the bill, as suggested by Senator MCCONNELL, the consequences of that action will be very damaging to the seniors in Maryland and around the Nation.

Let me tell you why. The bill we enacted last year started to deal with the gap in coverage for prescription drugs. Seniors last year received \$250. This gap—after you spend a couple thousand dollars on prescription medicines, you then have to pay 100 percent of the costs of your prescription medicines under current law, until you spend another couple thousand. For many seniors, they cannot afford that. That means doing without prescriptions, cutting pills in half, compromising their own health care.

I have received many letters from seniors in Maryland telling me: I had to leave a prescription on the counter because I couldn't afford it and I have

Medicare and I have coverage under Medicare D, but I could not afford it because I fell within the coverage gap. Do something about it.

It is not fair. Taking medicine to keep me healthier—I should be able to get that coverage here in the wealthiest Nation in the world. We did something about it last year, and repeal would eliminate that protection. We are going to close totally that coverage gap, that so-called doughnut hole. This year, the benefits are going to be worth about \$500 to seniors who fall within that coverage gap. That would be lost if the McConnell amendment were adopted and became law. We can't let that happen. Next year, it will even be a better benefit because it gets up to about \$2,400. That would be lost if we were to repeal the legislation.

It goes beyond that. We are now providing a wellness exam every year to seniors. They will be able to get covered for their preventive health care. They don't have that today. We expand their benefits. We guarantee their benefits will be provided, but we go beyond that. We eliminate a lot of the copayments on preventive health care. We make the program stronger, increasing the benefits for seniors.

At the same time, we do something which is extremely important: We make the program safer for tomorrow. We extend the solvency of the Medicare trust fund for a decade. That is what we did last year.

If we repeal the bill, if the McConnell amendment becomes law, the Medicare system will be on much weaker ground, making it much more vulnerable to the types of attacks some of my Republican colleagues have been talking about, much more likely that would become a reality. That is what this bill means for the seniors of Maryland and the seniors of West Virginia and the seniors of Pennsylvania.

That is what we did. We strengthened the program. That would be lost if the McConnell amendment were to become law.

It goes beyond seniors. It goes to all families. I can't tell my colleagues how many families I have run into who have said to me: Senator CARDIN, we want to cover our children, but under the old law, once they became 21 or 22, they lost coverage, even though they still needed insurance coverage.

We changed that to the age of 26. Under this law, one is allowed to be on their parents' policy until age 26. That is the law of the land right now. The McConnell amendment will repeal that. It will tell these young people who perhaps have graduated from college, who may be in their first job but they don't have insurance available, that they will not have an affordable option for health coverage. They can't be on their parents' policy. Do we want to do that? That doesn't help American families. That moves us in the wrong direction.

We have told the private insurance marketplace that your premium that you pay, whether you do it through work and your employer and your own contributions or the premium you pay, that most of that premium should go for health benefits. It should not go for bonuses for insurance company executives. It should not go for nonmedical expenses. Most of it should go for benefits. The bill we passed last year says that now 80 to 85 percent of the premium you pay for your health insurance must go for benefits. If it doesn't, you will get a rebate. The money will actually come back to you in your pocket. That is taking on the private insurance companies, telling them they have to work within at least acceptable ranges. That is going to provide real benefits, improved coverage for the people. If the McConnell amendment were to become law, that would be lost. We would be at the mercy of private insurance companies.

How many constituents have we heard from who have told us examples of insurance companies using preexisting conditions to block their coverage? I could tell you about a family in Montgomery County. A husband and wife with two children had to take out two insurance policies because the insurance company said that one of their children had a preexisting condition. They had to take out two insurance plans, paying two premiums and two deductibles. That is outrageous. We have done away with preexisting conditions for children.

We are going to do away with preexisting conditions for all Americans, as we should. You buy insurance to protect you. I was surprised to learn how many Americans, if they try to buy insurance today without government protection, would run into an insurance company that tells them they have a preexisting condition. If you have high blood pressure, even if it is under control—preexisting condition. God forbid you should need to see a cardiologist—not covered. If you have high cholesterol, take a pill, it is under control. You think you are in good shape. Your cholesterol numbers are still good. Not for the insurance company; that has been considered a preexisting condition. If you are a victim of domestic violence, that is considered a preexisting condition. Quite frankly, some insurance companies consider women to be a preexisting condition, the way they write their policies. We do away with that. If the McConnell amendment were to become law, all that protection is gone.

If you think we will be able to pass it again quickly in this Congress, come down here and watch the way Congress works. Thirty years it took us to bring this bill up and get it passed. These are protections that are critically important to families. We need to make sure these are protected.

Caps. You buy an insurance plan and find out you have annual caps and lifetime caps which you thought you were buying protection against in a catastrophe. It is not there. We have done away with the caps to protect American families. That would be gone if the McConnell amendment were to become law.

I have heard a lot of discussion about small businesses. One of the reasons I worked so hard for passage of the Affordable Care Act is to help small businesses. They are discriminated against. It costs a small business owner more for the same coverage for its employees than a large company. On average, it is about 20 percent higher for smaller companies to insure their employees. That is just wrong. We take steps to correct that immediately by giving small businesses a credit. We help them by making it more affordable for them to cover their employees.

I heard my colleagues complain that premiums are going up. Yes, they are, because of the current system, the one we have changed or are in the process of changing. It is going to take some time for us to get full implementation of that law. That is understandable. It is wrong. I wish we could do more to bring it down quicker. But for this bill the premiums would be even higher. We know that.

This bill helps us to start to get a handle on helping small businesses have affordable coverage for their employees. Once again, if the McConnell amendment were adopted and became law, that protection, that help for small businesses would be lost.

Let me talk about taxpayers for a moment. There is a lot of discussion on both sides of the aisle—and I hope we are able to reach agreement—about bringing down the deficit. We need to do that for the sake of our economy and for our children and grandchildren. It is wrong for us to pass on our debt to future generations. We need to be serious about deficit reduction. I hope we do come up with a game plan in order to bring that about, but you don't do that by repealing the health reform bill.

Our own Congressional Budget Office, our independent evaluators, tells us that repealing this bill will add about \$1.5 trillion to the national deficit over the next 20 years. I know people who are listening to me may not believe what I say. I understand that. I understand there has been a lot of misinformation given out. My colleagues on both sides of the aisle have tried to oversell this.

The Congressional Budget Office is our independent evaluator.

I remember when Senator ROCKEFELLER was working on this bill, and we thought we had a pretty good understanding on how to bring the bill out. But, unfortunately, the CBO said: We can't give you all the savings you

think you are going to get by keeping people healthy. Senator ROCKEFELLER and the Finance Committee had to go back and find some additional savings in order to meet the CBO's requirement so that we made sure we didn't add to the deficit. In fact, we reduced the deficit with this bill.

So what do my colleagues in the House do? They say the CBO doesn't mean anything. If we do that with every bill we pass here, we will never attack the deficit. We have to have objective rules for evaluating what we do and its impact on the deficit.

One thing is clear by the objective scorekeepers: The McConnell amendment will add \$1.5 trillion to the national debt because of what we were able to do in the Affordable Care Act.

We could argue this from many different sides. I am always amazed that my friends on the other side of the aisle say this is what the American people want us to do. I have looked at the polls. They go back and forth. Americans are divided on this issue, but most Americans want us to move forward. They want us to deal with job creation and job growth.

The bill my friend from West Virginia has brought forward, the FAA bill, is a very important bill for the American people. It is going to make our air traffic safer, but it will also create more jobs in communities—the exact type of bill we should be bringing forward. We should be working today to create more jobs and keep more jobs. That is what this underlying bill does, not the McConnell amendment. That won't help us create jobs. That will add to the deficit and make it more difficult for Americans to keep and get affordable health care. That is not what we should be doing.

I invite my Republican friends, we should be working together on this bill. We should be looking at ways to improve health care. We never said, when we completed our work last year, that we know there is no more work to be done. We know there are ways we can improve health care. Let's work today to do that, but let's not go backward. Let's move forward for the American people. Let's create the jobs we need for our economy. Let's continue to make health care accessible to more and more Americans and affordable to more and more Americans. Let's provide the quality of care that is befitting of this great Nation to all of our citizens.

In my State of Maryland, we have a person whom we will never forget—Diamante Driver, a 12-year-old who lived in Prince George's County. In the wealthiest Nation in the world, in 2007, he needed to see a dentist but had no health insurance. So his mom tried to get him to a dentist. No dentist would treat him because he had no money. So he went to a social worker. His mom took him there. They made a lot of

calls. No one would treat him. His condition got worse. He went to an emergency room, which is what happens with a lot of people who have no health insurance. Talk about saving money. One of the ways we save money under the Affordable Care Act is to bring people out of the emergency rooms and into our clinics and get them the health care they need. Diamante Driver went to an emergency room months after he should have seen the dentist. Because his tooth had become abscessed and had gone into his brain, he had severe headaches. He went to the emergency room because of his headaches. They found that the only way they had a chance to save his life was through emergency surgery.

Two surgeries later, $\$1\frac{1}{4}$ million spent, where it would have cost \$80 to take care of his need, Diamante Driver lost his life in 2007 in the wealthiest Nation in the world.

I understand that health care is personal to every person. Everyone looks at how they are going to be taken care of in this health care bill. That is what they should do. We think the overwhelming majority of Americans benefit by the bill we passed last year. But I would hope every American wants to make sure we have no more Diamante Drivers, that every person has access to affordable quality care. That was the signature accomplishment in the last Congress. We did it in a way that helped seniors, that helped families, that helped small businesses, that helped taxpayers and helped America to become at long last a Nation that said health care is a right, not a privilege. All that is lost if the McConnell amendment were to become law.

I urge my colleagues to think before they vote on this amendment as to whether they want to be on the right side of an issue that has helped define the Nation. I urge my colleagues to reject the McConnell amendment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from West Virginia.

MR. ROCKEFELLER. Mr. President, that was a magnificent speech.

For the information of all Senators, there will be no rollcall votes this evening. I will continue to work with my ranking member, Senator HUTCHISON, and the leadership on both sides of the aisle on an agreement to dispose of the pending amendments tomorrow. Actually, it is on the FAA bill. Remember that? We sort of started out the day doing that. That is a very important bill, as the Senator from Maryland pointed out.

I ask unanimous consent that there be debate only on the FAA authorization bill for the remainder of the evening.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I have come to the floor today to talk about the amendment Senator MCCONNELL brought forward in terms of repealing the health care bill. I am probably going to approach this differently than a lot of my colleagues have. I do not doubt that the intent of what was passed a year ago last December was well intentioned, with the thought of solving health care problems in this country.

My experiences, as a physician for 25 years, and as a manufacturer in the medical device field for the 10 years before that, gives me a little bit different take on what the consequences are associated with this bill.

During that hardy debate we all had, I made some claims that people doubted in this Chamber which have become absolutely apparent and true. Costs are going through the roof, faster than we thought; portions of people cannot tolerate the plans, so we are giving them exemptions because it will not work in the business model to keep people covered but, most importantly, what is getting ready to happen is what happens between a patient and their access and their care and their provider. As well meaning as the bill was, the destruction of that aspect of health care will cause us to rue the day we put into motion what we are putting into motion.

Let me explain. Most of the doctors in this country became very interested in this health care bill, and rightly so. They are the ones who are going to be impacted, along with their patients, because they are the ones delivering the care. When you poll those doctors, what do you find, now that they actually know what this bill is going to do?

Well, some pretty significant statistics have come out—one by Thomson Reuters—where two-thirds of the doctors in this country absolutely believe the care of their patients is going to suffer as a consequence of this legislation.

Think for a minute if you are an individual needing to access care and we are in 2014, 2015, and the Advisory Payment Board of Medicare is intact. We also know what the Medicare trustees have said about that, that when this is fully impacted, the payment under Medicare—this is a very important point—the payment under Medicare will be less than the reimbursement for Medicaid.

So all of a sudden who was your family physician or who was your surgeon

is no longer there. You see, this bill is about whether you can walk in and have the attention and care of somebody dedicated to you, who has your best interests at heart in terms of your health. What we are moving to is somebody who is going to have their best interests of survival at heart and your interests second.

That is the real tragedy of what is happening with this bill and the implementation of it. Not only are we going to have payments reduced in Medicare—that is the only way the bill works, by the way; it is the only way we can ever get out of the jam until we address fixing Medicare—but 55 percent of the specialists in this country today will not see Medicaid patients at the reimbursement rate we have, and we are going to have a reimbursement rate for Medicare lower than Medicaid.

Let me give you another example. What we know on Medicaid is, if you have no insurance and you go to an emergency room with a significant illness versus if you have Medicaid and you go to an emergency room with the same illness, the outcome for you with no insurance is better than the outcome for you with Medicaid. That has been repeated in four different studies now, and we are putting 18 million people into a system who are not going to have access to the best doctors because the payment is so low that there is a loss every time you see a patient.

So describe to yourself for a minute what happens to the mother who has three young children and has their 4-year-old all of a sudden sick with a fever, and there is no primary care doctor available under the 18 million new people who are going into Medicaid, and this child does not get seen for 72 hours. The mother thinks: Well, I will wait the fever out. I don't have a doctor I can call. I will wait the fever out.

When the child gets to the emergency room, because there was not a primary care doctor for that Medicaid patient to call, what do they find? They find the 4-year-old not with otitis media any longer, but with the early stages of meningitis. What was a simple, treatable disease—because access, even though guaranteed, was denied because there are not the available resources to care for that child—the child ends up with a very complicated hospital stay and potentially the loss of hearing or brain damage. Those are the real consequences of what we are talking about as we put 18 million people into a Medicaid system.

We have had several Senators today talk about the cost and the gimmicks. I am not going to do that. But I want to talk about the real issues. The one place we failed in health care is we did not fix the real problem. The real problem is, everybody's health care costs too much. We did not ask the right question: How do you drive costs down? Even when you go through all the num-

bers that have been given by CBO, Medicare trustees, Medicaid trustees, and outside studies, what we know is, what we did not do is drive any costs down. In fact, in the short term we have actually driven costs up.

So how do we do that? The way we do that is put some responsibility on both the physician and the purchaser of health care for the cost. It is human nature. If I gave you an insurance card for your groceries, and once your deductible was met all you had to pay was 20 percent of that cost from then on out, your diet would significantly improve in terms of the quality and price of the products you buy. That is all in our human nature.

What we have failed to do is to address the real cost drivers. That cost driver is: There is no connection with my purchasing of health care with the actual payment of health care. How do we know if we connect it, it works?

Go to any place in the country that has Amish folks. They do not have health insurance—none of them. They do not buy health insurance. What do they do? They are grand consumers and very discretionary consumers of health care because they come forward and they want to know what they are getting and what it costs before they buy it, every time. I have delivered over 500 Amish babies, and there was not one time I wasn't asked at the time the patient came to see me: What is the price for this? Will you take a cash payment up front so I can buy for cheaper? Are there some other places where I can get the tests done? Every test I ordered, I would be questioned on whether they absolutely needed the test. They were discretionary purchasers and very sharp in their discretion on how they wanted to pay for health care. Consequently, their cost for the same thing was 40 percent less than anybody who walked in with insurance.

So we have totally missed this connection of market forces allocating scarce resources by making discerning consumers out of the purchasers of health care. We have gone exactly the other way. We have taken people who are at 133 percent of poverty and said: You are going into Medicaid, and by the way, you can't buy private insurance even if you want to. You have to be in Medicaid—a far substandard health care system. All the studies show the outcomes are poor, even after you equate for social disparities. We are going to put 18 million into that program, and we are going to have a shortage of over 100,000 primary care doctors in this country in the next 10 years. So who is going to see them?

Let me give another example. It happened this weekend. A patient—90 years of age—severely bent over from kyphoscoliosis, bad aging and kyphoscoliosis, is running a fever and can't breathe well. She goes to the ER. She had seen a physician on Friday. She

had a chest x ray, and no pneumonia showed. She goes to the ER that night. She has a pulse ox of 81 percent. Normal is 93, 94 percent. They put her on oxygen, change her antibiotics, and send her home.

Well, what happened? Had we not interceded—I personally as a physician making a call to another physician—she would be dead by now because what she had was a full-blown, raging pneumonia and restrictive lung disease, but she was sent home from the ER because a physician—not a doctor—a physician did not see her. So consequently she goes back to the ER the same night and is admitted to the hospital. They take a chest x ray, and all of a sudden they see this full-blown pneumonia. She had all the symptoms, but the person seeing her in the ER didn't have the experience to make the judgment. So is that really what we want? We want substandard care, so somebody can go home and die versus coming to the hospital? Today, she is 200 percent better. She is eating. Her pulse ox, now on room air, is 91 percent.

We actually saved her life because a real physician put hands on a patient and made the right diagnosis. But we are going to put people into a system where that doesn't happen because we are going to use physician extenders. That doesn't mean they are bad; they just don't have the same experience, and people die when they don't have the same experience. But we are going to inflate the utilization of less than a physician to care for the vast majority of these people who are going into Medicaid.

These are real examples of what the consequences are of what we have done.

As I started, I said I don't doubt the intent of my colleagues in terms of what they were trying to get to, but the biggest disease Washington has is fixing the wrong problem. We have expanded health care access under this bill, but access doesn't mean you are going to get care. And when you add 18 million people to the Medicaid rolls, let alone what is going to happen to the States, ultimately, with the cost on the maintenance of effort where they have Medicaid now and we are going to go to 133 percent, what you have done is put the States in a pinch, and they are in a pinch already.

So my question to my colleagues is, Where are the things that drive the costs down? Where is the discerning consumerism that allocates scarce resources in the most effective way? In this bill, it is not there. Nowhere is it there.

Now, what is there? What is there is a tremendous amount of new taxes. There is \$52 billion over 10 years on employers who fail to comply with the insurance mandate; 40 percent excise tax on high-cost health plans, \$32 billion; ban on purchase of over-the-counter

drugs from somebody's health savings account, \$5 billion; increased Medicare tax on wages of small businesses, nine-tenths of 1 percent; a 3.8-percent surtax on investment income, and that is \$210 billion; increase from 7.5 percent to 10 percent of income the threshold after which you can make a medical deduction; \$2,500 annual cap on flexible spending account contributions—and I could go through this and through this. The point is, we are increasing spending on health care by \$2.6 trillion after this is truly in play. Also, the gimmickry in terms of accounting and the problems associated with that have been discussed on the floor.

One of the things that is there that concerns me as a physician, getting back to talking about patients, is cost comparative effectiveness. It was really cheap to send that 90-year-old person home. There was an ER visit, a little bit of oxygen, a change in antibiotics. That was really cheap. Comparative effectiveness would have said: Oh, that is OK—except she would have been dead in 24 hours.

Every physician who is maintaining their license or their specialty certification studies comparative effectiveness every day. They read it in the journals. They do it to get recertified. They know the comparative effectiveness. What they don't know is that we are going to mandate what they will do, what is the cheapest—not what is the best, what is the cheapest.

Well, I will tell my colleagues, if you look at heart disease in our country, if you look at cancer cure rates in our country, if you look at recovery rates from massively serious illnesses in our country from both trauma and otherwise, what you will see is the highest rate of recovery in the world. We have the highest 5-year survival rate on almost every cancer by 20 or 30 percent over every other system in the world. Do we really want to take that away?

In 2003, I was diagnosed with colon cancer. I had metastatic colon cancer. I am so thankful for the health care system we had that generated new devices, that incentivized great care, and after a major surgery where half of my colon was taken out, radical lymphadenectomy was carried out, and 6 months of chemotherapy, I stand before you today, 7 years after that. I want to tell you, had I been in England or Canada, my cure rate would have been about 35 percent. Do we know what it is in this country for somebody with metastatic colon cancer? It is nearly 70 percent. Now, what created that? What gave us the technology to do that? It is because we looked at the best clinical effectiveness, not the best price. We said: How do we best and most effectively get an outcome of cure?

This bill goes the other way. This bill is going to be a mandate from Washington on what your doctor can do

you, and it is also going to mandate from Washington what price should be paid. There is no question that, according to the trustees for Medicare, for us to maintain what has been put in this bill, Medicare reimbursement rates will fall below Medicaid rates. Do we really want that to happen? I will tell my colleagues, for those in my condition, those people who are diagnosed today with colon cancer, you don't want that to happen.

Now, how do we get the cost down? There is no question that there is tons of waste in our health care system. We have not attacked in the way we should attack—and I can say as a practicing physician that I wasted money caring for people because I didn't concentrate on that individual because that individual wasn't paying the bill. Some nebulous insurance company was paying the bill. Some government program was paying the bill. But when somebody such as an Amish patient looks you in the face and you know that what you spend of their hard-earned money is going to come directly out of their pocket, all of a sudden the other obligation of a physician jumps up: How do I do this in the most efficient and effective way that still gives the best outcome? And we have totally missed that.

The most personal of all interchanges between humans besides those within a family are between patients and their physicians, and we are going to interrupt that. We are going to undermine it, and we are going to undermine it because somebody from Washington is going to be looking and saying: Did you do it the way we said to do it, Doctor?

Now, what is the doctor's oath? Is it to do what Medicare says or is it to do what is in the best interests of the patient? So that is the rub. That is where we are going with this program. So what we are going to have is, first of all, we are going to have tens of thousands of physicians retire over age 55—our best, most experienced physicians. They are leaving. They are not going to play this game. And then we are going to give physician extenders the role as primary care. They are very good in what their limited knowledge will give them but not anywhere compared to a full 8 years of medical training, including residency. They have 2 years. And then we are going to treat all of these people. What do we think the cost of that is going to be in terms of lost lives, in terms of delayed diagnosis? Delayed care is denied care. What good is it if I have Medicaid and I can't see a doctor?

So the problems are very real with this bill, and I don't say that as a fiscal hawk. I want to fix health care, and I want to drive the costs down. And we can drive the costs down \$300 billion or \$400 billion a year.

Thomson Reuters did a study. I talked about it in our debate last year.

The fact is, we know that over \$580 billion a year is blown in health care. That is enough to cut everybody's health care costs 20 percent. But we didn't address any of those issues. Not one of the issues that Thomson Reuters has brought up that said, here is what is wrong, here is why health care is more expensive—we didn't address those in the health care bill that was passed. Yet we wonder why we are out here wanting to change this bill. It is not so we can say: You did it wrong; it is because we really care, as you do, that we have to fix the real problem, and this bill didn't fix the real problem.

So I hope my colleagues will take in the spirit that it is intended—that we don't believe we have done anything except expand coverage under a very broken system that is highly inefficient, that tells people they are going to have care, but they are not going to have care, and those who have a doctor are going to be told by the Federal Government what care they are going to have. It is exactly the opposite of what we should have done, and we did it in haste.

We know there are 1,600 new sets of rules coming, of which about 100 are through. We have another 1,500 to go.

CBO says that is \$100 billion in costs just to implement all this, which was never even considered in the cost of this bill. That doesn't consider the cost of complying with all of the new rules and regulations.

My time is up. I will be back to talk on this again. My hope is that—now we have three physicians in the Senate and we have all seen the same thing. I am a primary care OB, one is an ophthalmologist, and one is an orthopedist. We pretty well have it covered.

What we have done is not going to work. We are going to be sorry we did it. But do you know who will be the most unfortunate receivers? It is the people who think they have care but don't, the people who get seen by less than qualified individuals for the care they need, and we are going to pay twice what it should cost.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. I ask unanimous consent that I may proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SHELBY and Mr. UDALL pertaining to the introduction of S.J. Res. 4 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I have the opportunity to speak on the floor of the Senate for the first time as part of the work of the Senate. I am pleased to be here on a day when the Senate is

addressing the topic of health care because clearly it was a major topic on the minds of Missourians and all Americans last year.

I support the amendment the Senator from Kentucky has offered that would repeal the health care bill and make us start again looking at how we make the health care system work better.

This is my first speech to the Senate, so let me say a couple things about that.

As I look in the desk drawer, I understand the tradition of the Senate is that people who have used this desk, the desk I get to use on the Senate floor—and coming from the House where nobody had a desk, it is quite an accomplishment just to get a desk—but the desk I will use on the Senate floor has names carved in it by other Missourians who have used that desk before: Senator Truman, Senator Eagleton, Senator Danforth, and Senator Bond.

I am honored and humbled to get to sit at the same desk those individuals used as they served our State, and they all served our State in a dedicated way. In fact, the collective service of those Senators, in various jobs working for Missourians, probably totals about two centuries of collective service, where they worked hard for Missourians and worked hard to advance the views they believed were so important.

Senator Bond, whose place I am taking on the Senate floor this year, for 24 years in the Senate, I think, showed an unmatched understanding of our State and in recent years a real understanding of the national security issues we face and what is necessary to protect the country. He was a great competitor on the Senate floor and in all other ways a great friend of mine, and certainly my wife Abby and I value the friendship we have had with Senator Bond and his wife Linda.

In fact, as I campaigned last year all over our State in 931 events, I never had a single person tell me they thought I would be a better Senator than Kit Bond and for good reason.

I am here today thinking about those events all over our State last year. At first, I was surprised, having campaigned in Missouri before, at the level of engagement on the domestic issues the country was facing. I truthfully had never seen anything like it, where people were ready to talk about the specifics of the issues about which the country was talking.

As I thought more and more about it, it occurred to me why wouldn't they be engaged. This is not like we are trying to decide what your family's position is going to be on the missile defense system. This is not like we are trying to decide your family's position about foreign policy toward the Middle East. This was an election about jobs and health care and taxes and, in our State, whether your utility bill might double

in 10 years. Why wouldn't people be engaged in ways that were extraordinary? They were.

They said they want government to move over and allow them the chance to get the economy back on the right track. They understood that government jobs, while some of them are necessary—and I am glad to have one—do not pay the bill; government jobs are the bill. We need to be focused on private sector jobs and how to create those jobs. The questions were: Why is the Federal Government spending so much more money than it has ever spent before? Where are the private sector jobs? Frankly, I would have thought that would be the overriding topic of the first speech I had a chance to give on the Senate floor.

But as I think about those two questions, I do not know that anything is a bigger issue in this health care discussion than the impact the health care bill has had on private sector job creation and on our estimates of future government spending.

The biggest single deterrent to job creation is uncertainty. We have certainly done great things in the last few years to create a sense of uncertainty. If you do not know what your tax liability is going to look like, if you do not know what your utility bill will be, if you do not know what your health care expenses are going to be, you are less likely to take that risk that anybody takes when they create a private sector job than you would be if you had a greater sense of those questions.

In health care, for every job they create or every job a job creator would think about continuing, this is a time they have to wonder: What is the obligation going to be? What is the cost going to be?

I was with a group of small businesspeople in northwest Missouri one day last year, right after the health care bill passed, about 30 days after the health care bill passed. I was at Rock Port, MO. Somebody at that meeting said: I have 47 employees. I have looked at the health care bill and my accountants have looked at the health care bill. I need 4 or 5 more people right now, but I am not going to hire them because I am not going to get 1 employee closer to 50 than I am now because 50 creates new obligations that 49 or 48 or 47 does not. I am not going to hire those people. What am I going to do? I am going to pay overtime in the short term, but in the long term I am going to look at what I am doing that is not making much money, and I am going to quit doing that.

There is somebody telling me a handful of jobs ready to be created that he believed he needed to create are not going to happen because he does not want to get any closer to this health care moment. He does not want to get any closer to where the government comes in and says: We are going to

make you do things you do not have to do if you do not create these jobs.

People I talked with in Columbia, MO, in the middle of the State, in the fast food industry, said: We are going to try to figure out how not to have full-time employees. What he said was the person who gives you your breakfast sandwich in the morning may be the same person who, across the street, gives you your fast food lunch because we are not going to have that person as a full-time employee if we can figure out how not to have that obligation.

Real, sustainable private sector job creation does not happen in an environment of uncertainty. We need to be focused on jobs that are family supporting. We need to be focused on economic growth that includes letting American families keep more of what they earn, which includes economic incentives for small businesses and employers, and encourages the government to get out of the way so employers of all sizes can create self-sustaining, stable, private sector jobs.

We need a government that meets the requirements of the Constitution. Rarely do we have a chance to revisit a misguided decision. In fact, this decision and this bill was the result of a set of circumstances that nobody would have anticipated.

When this bill was passed by the Senate with the 60 votes the Senate required at that moment, nobody thought this bill would be the final product. Not a single person who voted for that bill thought that is the bill that will go to the President's desk. Everybody who voted for the bill thought this will be a bill that gets the Senate to conference with the other part of the Congress, and we will work out all the things in the conference that need to be worked out between the two.

What happened was, suddenly the 60 votes that passed that bill were not there anymore. That became the only bill that could become law. The plan the Republican leader, the minority leader, advances lets us go back and revisit this discussion and do this the right way.

Two Federal courts have already ruled that the law, one said, did not meet the constitutional standard and could not go forward. Why was that? That was because of the way the bill was put together, in a way that did not have the normal legislative language that would allow severability, that would allow if something is unconstitutional.

Nobody thought this was going to be the bill, and the American people are the victims of having to rush forward with a bill that was not ready to become law.

Another Federal judge said part of the law is unconstitutional, that which makes people buy a commercially available product. I, along with a lot of

other people, have thought from day one that there is nothing in the Constitution that allows that to be a requirement.

Voters in the State of Missouri, my State, on the primary election day—the second biggest election we have had; we had hundreds of thousands of people vote—were faced with a question the legislature put on the ballot that essentially said: Do you want to be part of this process? Do you want to be part of the mandatory obligation to buy insurance? Do you want to be part of the health care bill?

Over 70 percent of the voters who voted that day said no. They were the first voters anywhere in the United States to go to the polling place and have a chance to say at the ballot box how they felt about this law that would go forward. They said they did not want to be part of it. Those voters understood that this was a misguided plan, that it put government between people and their doctors in ways Dr. COBURN talked about earlier today, in a meaningful way that he and other doctors who join us as Members of this body would understand.

It puts government between people and their doctors. It implodes the current health care system. I believe the current health care system will not survive this bill, not that the current health care system is perfect. But it certainly produces great results for people who come here from all over the world.

This is a bill that cuts Medicare to pay the bill. Missourians understood that. I heard it over and over at the ballot box. They said they did not want to be part of it. I thought, for three election opportunities—2004, 2006, and 2008—that health care would become the biggest domestic issue. It maybe is too complicated, maybe too difficult to deal with, maybe too personal and people did not want to engage and they did not engage.

This law gives us the opportunity now to go back and get it right. We needed to deal with health care for a long time. When I worked in this Capitol on the other side of the building, we sent medical liability reform to the Senate seven times in 10 years. We sent plans half a dozen times where people could join together in what we were calling associated health plans and get their insurance that way and become part of however big a group they could figure out to associate with.

It is not as if nobody was doing anything, but there was not enough pressure. This bill very likely creates the pressure we need to go back and look for better solutions. They are there, such as this idea of associated health plans, where you can join other individuals who are somehow similar to you or other small businesses similar to your small business. Medical liability reform saves the most money of

anything that can be done for taxpayers, but it also saves money for taxpayers who are paying for their own health care because it takes a lot of expense out of the whole system.

Certainly, we want people to have access to insurance coverage who have preexisting conditions. In fact, I proposed in the past and will propose again this year, along with other ways, to expand risk pools so people can have access to coverage but not coverage they wait for until they are in the ambulance and need it, coverage they get because they want it.

We need to empower families. One of the reasons government-designed anything does not work very well is the one-size-fits-all concept does not fit very well. In fact, the so-called one size fits all almost never fits anybody. That is what I think this bill does for the health care that means so much to American families.

Somebody told me one time that when everybody in your family is well, you have lots of problems, and when somebody in your family is sick, you have one problem. This discussion of health care focused Missourians and Americans on one problem: How do we have access to health care that is the best health care we can have and also is health care that is affordable? There is no real competition in this system, so I am for buying across State lines.

You aren't going to see anybody on television tonight advertising health care insurance, but it is pretty hard to watch television for a couple hours in the evening and not see people competing for your business in every other area of insurance. There is no little green lizard for health care. There are all kinds of other people competing to get your other insurance business, but this hasn't really had a marketplace. It hasn't been transparent, it hasn't been competitive. We can achieve all those things, and we need to achieve all those things. Choice plus competition equals quality and price. And in health care, we haven't had enough choice or competition, so we haven't seen that reflected in quality and price.

I don't believe the government has the authority to penalize citizens for refusing to buy private health insurance. I don't believe taxpayers will benefit from this bill that is built on too many false premises. The idea that we are going to cut compensation to doctors back to levels of a decade ago is not going to happen, and it is \$¼ trillion of the so-called pay-fors in this bill. It is not going to happen. It is almost equally unlikely that \$500 billion of Medicare costs are not going to happen. And if we can find savings in Medicare, we should find them and use them to save Medicare. Only in Washington, DC, would you say: Look, we have one program that is about to get in really big trouble in a handful of years, so let's cut that program to start another

program. I don't think those pay-fors are going to happen, either, Mr. President.

When employers are telling us they are not hiring because of the uncertainty created by this new law, when courts are ruling the law unconstitutional, when voters are overwhelmingly rejecting it, we need to understand why. Americans deserve a country where the people are bigger than the government. This health care bill opens the door to a future where the government is bigger than the people, and I think we should reject the law, repeal it now, move forward with more competition, more transparency, and better health care.

Better health care at a lower cost is achievable if we do the right things. I believe this bill does the wrong things, and the more the American people look at it, the more they are convinced that it leads us to a future that is not the health care future they want.

So, Mr. President, I am pleased to be able to speak on the Senate floor, and I am pleased to be able to represent Missourians.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. If I may, Mr. President, I believe this is the first opportunity the new Senator from Missouri has had to address the Senate and his colleagues, and he certainly has chosen a most important topic to begin his career here in the Senate. I wish to express my admiration not only for the comments he just made on what many of us believe is right near the top of the list of America's priorities but also his extraordinary service in the House of Representatives over the last 14 years and also to welcome the Senator from Missouri to the Senate. As I indicated, he certainly picked an appropriate topic on which to make his maiden speech to the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I appreciate Senator BLUNT's maiden speech, too. I had the honor of listening to it. Of course, I disagree with his comments.

I have heard all this before. I have heard Republicans say this is a bad law, that we have to deal with all these issues. I hear that over and over. But I also notice, by even a cursory observation or a look back at our Nation's recent history, that when President Bush was in office, when our Republicans controlled the House of Representatives and they controlled the Senate, the only thing they did on anything relating to health care or pensions was try to privatize Social Security. They didn't really do anything to try to provide health insurance for people who did not have it. They passed no real consumer protections in terms of

eliminating preexisting conditions. They did nothing for a 23-year-old to stay on their parents' health insurance plan. They were woefully inadequate in their efforts to assist small businesses in providing health insurance for their employees.

So, Mr. President, it really is the same kind of empty rhetoric we have heard from Republicans for years. They do not like doing it this way, they want to repeal and fix it, but they don't really want to fix it because they haven't really offered anything to fix it, particularly when they had the ability to pass something through both Houses and get it signed by the President. They really don't ever stand up to the insurance interests. The Republican Party receives huge contributions from the insurance industry. The Republican Party receives huge contributions from the pharmaceutical industry and the medical device industry. So they really have shown little interest in providing for the kind of people whose letters I am about to share.

We hear Republicans say: Well, we will provide insurance by selling across State lines and enacting malpractice reform. Well, even the most optimistic estimates reveal that might insure 2 or 3 million more people and cut costs in health care by a minuscule—I don't even know if it is 1 percent but nothing substantive that really matters in people's lives or to any degree, not to mention that it takes away a person's ability to get redress when they have been injured by a negligent hospital or provider.

So this is mostly empty rhetoric from Republicans in this whole debate. But I want to bring it back and put a human face on it. The law of the land today—much of what we passed a year ago—will affect people's lives.

I am particularly troubled when I hear people stand on the House and Senate floor—or people in attorneys general offices in Columbus and around my State or around the country—and say they are in favor of bringing a suit against this health care bill. When I think about that, I think about conservative politicians who have been the beneficiaries, they and their families have been the beneficiaries of taxpayer-financed health insurance for their whole careers, but now they want to take benefits away from voters and citizens and families in my State. They want to take benefits from seniors—some of their Medicare benefits. They want to take benefits away from families. And it just strikes me as rank hypocrisy.

But I can illustrate this better by reading these letters than I can just by talking.

Megan, from Summit County, is a college student. Megan is from the Akron area, and she says:

Being a 22-year-old college student, it can be very demanding trying to keep a success-

ful schedule going to maintain health care under my parents. As for my brother, who does not attend college, health care is nearly impossible because of costs. This law will allow both of us to remain under our parents for a little while longer while we get our feet planted.

Megan knows even when she graduates how difficult it will be to find a good job with good-quality health insurance, so she knows she has the option, because of this law, to stay on her parents' health insurance until her 27th birthday. When Republicans talk about repealing this health insurance law, what are they going to tell Megan or promise Megan in return? I assume nothing.

Rose, from Cuyahoga County in the Cleveland area, northeast Ohio, is a small business owner. She says:

As a small business owner, I do not want the new health care bill to be repealed. We are excited at the small business tax credit for health care and also the new plans being rolled out that will give us more choices. This bill will help us to continue to offer health care to our employees.

Rose, if she has fewer than 50 employees, is not required to buy them health insurance, but she will have available to them a 35-percent tax credit, beginning last fall, which she can use to insure her employees, and most small employers want to do that. Most employers, period, want to do that. Also, by 2014, Rose will be able to benefit in her small business with a 50-percent tax credit.

Richard, from Huron County, west and south of where I live in the Norwalk area, writes:

I've been reading where Mitch McConnell wants to force a vote in the Senate on the repeal of the health care law. If he does this, when you are allotted the time to speak, will you ask all the Republicans if they will give up their Federal health care since they are so opposed to this bill? Ask them if they are willing to keep the insurance provided by the government, but yet at the same time take away the help for seniors toward their prescriptions or the preventive checkups. Or ask them to tell all the families that their sons and daughters aren't covered under their family's policies.

Richard understands there are a bunch of people in this town and a bunch of conservative politicians who do not believe in government but who are enjoying their taxpayer-financed insurance. Yet they are willing to take Medicare benefits away from seniors, and they are willing to take benefits away from families.

Tawnya, from Warren County, southwest Ohio near Cincinnati, writes:

Please fight the repeal of the Health Care law. Please don't let them take away pap smears and mammograms from being part of preventive health. People with pre-existing medical conditions need insurance, too. There is a lot of good in this bill that will be erased if it is repealed. Please fight so all Americans can have basic care.

Craig, from Cuyahoga County, has children who are college-aged, and he writes:

A number of years ago, my 23-year-old daughter was in a bad car accident. She had no health insurance because her employer did not offer it. Since she had no good access to good health care, she received substandard care and she continues to suffer. Contrast this to the present. My 21-year-old son is taking a year off to earn money to return to school. We cannot afford his tuition and living expenses as he pursues a double major in physics and economics. In the past, he would be uncovered by insurance unless he could afford his own. In case of an accident, his prognosis is much better than his sister's. Now, he is covered under my insurance until he either gets a job or turns 26. Thank goodness. My point with all this is to beg you to keep the health care bill intact and fight for it.

This is the last letter I will read. This is from Sue of Franklin County, the center of the State, the capital of Columbus, where the Presiding Officer lived for a little while. Sue writes:

Please do not let the Republicans take away my daughter's health insurance. My husband and I are retired civil servants on a fixed income. I was overjoyed when my health insurance company informed me that my 21-year-old daughter could remain on my policy until she is 26. Currently, she is a senior at the Ohio State University and under the old regime, would have been dropped from my policy in April 2011, when she turns 22. This may not seem like a big deal to you, but my daughter has a preexisting condition that requires her to take three prescriptions a day, not to mention doctor appointments and blood work. I paid for private insurance for my older daughter for 3 years until her husband's employer covered her. By the end of the 3 years, I was paying almost \$200 a month for my daughter's policy and she was a healthy 25-year-old without preexisting conditions.

We know the kinds of hardships the repeal of this health care bill will inflict on all kinds of Americans—the college student, the recent graduate, the child with a preexisting condition, the senior who wants to be able to have access to mammograms and a checkup and an osteoporosis screening. We know the small businessperson really needs this tax credit so she can cover her 5 to 10 employees, not because the law tells her to but because she wants to. All these reasons just underscore to me how outrageous it is that a bunch of people dressed like this—who get elected to offices and who enjoy government insurance, so they and their families have benefited from taxpayer-funded insurance—are willing to continue to take their insurance, continue to enjoy those benefits, but are willing to take them away from so many seniors, so many families, so many small businesspeople, so many people who are working hard and playing by the rules and trying to achieve the American dream, but in many cases this just stops them cold in their tracks.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, the country is debating a lot of issues. We passed the health care bill last year. Now there is an effort in the House to repeal and replace it. I join my House colleagues with the idea that we should start over and come up with some product that is truly bipartisan that will lower costs. All the information we received about this bill since it was passed is showing it is going in the wrong direction. In May 2010, CBO Director Doug Elmendorf stated:

Rising health care costs will put tremendous pressure on the Federal budget during the next few decades. In CBO's judgment, health legislation enacted earlier this year does not substantially diminish that pressure.

We are getting more and more input about the effect this bill has on cost because there are over 700 waivers now in terms of the mandates. Forty percent of all the waivers given are to union health care plans, and the union workforce is 7 percent of the total workforce. The idea that more and more people are asking for waivers indicates that the cost component of this bill is a real problem for the country.

The whole goal of health care reform is lower cost and improved quality. I am afraid what we have done with the health care bill is we have increased costs, consolidated power in the Federal Government, and Medicare and Medicaid already are unsustainable when it comes to Federal financial obligations. The Obama health care bill, if fully enacted by 2014, would extend Medicaid coverage in the State of South Carolina to 29 percent; 29 percent of South Carolinians would be covered by Medicaid. That is a substantial increase over the number of people on Medicaid today. That would require my State to come up with \$1 billion more of State matching money, in the next 7 years, to get the Federal Government Medicaid dollars.

The second largest expense in South Carolina today is the State's matching requirement to get existing Medicaid dollars from the Federal Government. If you expand Medicaid, you are going to bankrupt South Carolina.

I think there is a better way to deliver health care to low-income Americans. I was on a bipartisan bill with Senators WYDEN and BENNETT that did cover everyone, but it allowed people to buy health care in the private sector with tax credits that took deductions away from employers. That is a lot of money. It took that pool of money and allowed individuals to buy their own health care in a more competitive environment.

At the end of the day, it looks like we are going to be taking a vote here

soon in the Senate, I hope, to repeal and replace the health care law that was passed last year. If it is repealed, it should be replaced. The way you replace something this complicated, that affects one-fifth of the economy, is you do it deliberately, you do it in a bipartisan manner. Let's remember how this bill became law. It got exactly 60 votes, a party-line vote in the Senate. It was passed on Christmas Eve more than a year ago.

At the end of the day, the process I thought was not befitting of the Senate. There were a lot of provisions given to Senators in particular States. Such as in Florida, the Medicare Advantage participants had a lot more Medicare Advantage availability than other States. Ohio, Michigan—some health care companies in those States got special deals.

At the end of the day, it was done in a backroom, partisan fashion, not transparent, not negotiated before C-SPAN, as President Obama promised. It reinforced the worst of politics, and it is no surprise to me that something that came out of that process is not going down well.

What I say today with Mr. BARRASSO, a physician, a Senator from Wyoming, is allow States to opt out if they choose to. If this is such a good deal, let the State legislatures throughout the country decide whether they want to be covered by the individual mandate, the employer mandate or Medicaid expansion. I know the answer in South Carolina. My Governor, my legislators, want to opt out of expanded Medicaid because it will bankrupt the State, and they do not want any part of the employer mandates. I will challenge the Congress, if repeal and replace doesn't work, let the individual States have a say about whether they want to be in the system.

I do hope we can repeal it and replace it. That vote is coming up soon. But the amount of tax increases in this bill—\$17 billion in individual penalties, \$52 billion in employer penalties, \$500 billion taken out of Medicare to help pay for the uninsured—at the end of the day, the formula, the construct of this bill I think is going to grow the size and scope of the Federal Government when it comes to health care at a time we need more private sector competition in medicine. It is going to increase taxes on businesses at a time when we should lower their taxes. It is going to make it very hard in the future for senior citizens to find doctors to take Medicare because, at the end of the day, the more you consolidate power in the Federal Government, the more obligations the Federal Government has when it comes to health care, the less we can pay because we are so broke.

I hope this vote will happen soon. To my colleagues who want to keep this bill, I respectfully disagree, but that is

what debate is all about. We can have a civil debate about the future of health care. I think the Congress would be wise to start over and come up with a new product. It does put pressure on Republicans, if we do repeal this bill, to replace it with something that makes sense. What makes sense to me is to lower cost and make sure people have access to health care and that the uninsured are taken care of. But one size does not fit all.

I look forward to casting my vote to repeal and replace. If that does not work, I look forward to having my amendment, along with Senator BARRASSO, on the floor of the Senate, allowing States to opt out if they choose.

My guess will be that a majority of the States would opt out of the individual mandate, the employer-mandated Medicaid expansion, and some Democratic Governors are going to be talking to the Members of this body about how their States will be devastated by Medicare expansion. I think you are going to have some big States in the hands of Democratic Governors that are going to feel the impact of this Medicaid expansion. They are going to petition this Congress to do something about it, and I hope we listen to them.

This vote should happen soon. We are in a new Congress. There are new people here with new ideas and now is the time to allow the American people to participate because most of this bill was passed in secret, without a whole lot of bipartisan give and take. Now is the time to start over, take the idea of health care reform, a blank sheet of paper, and see what we come up with in a bipartisan, incremental fashion. The only way we can do that is to replace the bill we have before us.

I look forward to this debate. I look forward to the vote. This issue is not going away. Between now and 2012 we are going to have a very serious debate about the future of health care in America. I would argue that anybody running for Governor between now and 2012 should be asked the question: If you could, would you opt your State out of the provisions I just described, the individual mandate, employer mandate, and Medicaid expansion? Those are good questions to ask and answer and maybe they would have a good answer why they would say no. But anybody running for the statehouse throughout the country should have a genuine debate about whether their State should be included in Obama health care. That is why I hope, if we do not repeal and replace the bill with the current amendment that will be offered by Senator MCCONNELL, that we not abandon this debate.

Debating policy in a civil way is the essence of democracy. At the end of the day, I do believe there is a better way to come up with health care reform than that chosen by our Democratic colleagues in the last couple years.

Having said that, the status quo is unacceptable. I am very much for eliminating the preexisting illness exclusion that denies Americans the ability to buy health care when they get sick. I am very much for shopping around and buying a plan that is best for you and your family and, if you are a low-income person, helping you make that purchase but I don't want to consolidate any more power in the Federal Government when it comes to health care because the health care obligations of the Federal Government, Medicare and Medicaid alone, in 20 years, are going to cost as much as the entire Federal Government does today. This is an unsustainable course. Entitlement reform has to be embraced. But until we get to that day, I would like to restart the debate, have a new dialog with new Members of Congress who heard, loudly and clearly in the last election, the displeasure the American people have for the process—a bill that was passed in the dead of night on Christmas Eve, with a lot of chicanery, replace it with a new process that leads to a better bill.

That puts us all on the hook to try to find middle ground. There was no middle ground found last time. Frankly, I don't think a lot of people looked for middle ground. Those days are behind us. There is a new Congress. If this election said anything to us in Washington, it ought to be that the country does not like what we are doing—Republicans or Democrats—and the health care bill, the way it was passed, is the worst of Washington, not the best. I look for better days.

I know the Senate president tonight has genuinely tried to reform this institution to make it more reflective of the American people's hopes and dreams. The health care bill was passed in a way that none of us, quite frankly, should be proud of. If we start over, the obligation exists for all of us to find some middle ground to move the debate forward.

The vote will be soon. It will probably be less than 60, but that doesn't mean the debate ends. There are other ways to address this issue. I can assure the people in South Carolina that this fight will continue, that I will do the best I can as a Senator from South Carolina to make sure the Obama health care bill, President Obama's plan that was passed by the Democratic Congress, is dramatically changed and altered before it takes hold and becomes irreversible.

We have a chance, in the next year or so, to fix this before it gets out of control. I hope we will take advantage of it. I look forward to the debate. I look forward to offering solutions. I look forward to more than just saying no, but I do look forward to a genuine debate, where I do have a say and hopefully people on the other side will listen.

With that, I yield. The Senator from Pennsylvania is next.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I ask to speak as in morning business, ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. CASEY. Mr. President, I rise tonight to speak about the conflict in Afghanistan from one perspective; that is, of those who have given their lives in the service of our country. I do so, knowing we have a lot of work to do this year, to debate and discuss and spend a good deal of time this year talking about the policy, what is happening in Afghanistan, whether it is our policy as it relates to security or governance or development. But tonight I just wish to focus on those who gave, as Lincoln said, "the last full measure of devotion to their country."

At times such as this, we have to ask maybe one threshold question. For me, it is this question: How do we adequately pay tribute to our fighting men and women serving in Afghanistan or anywhere around the world? I guess the other part of that question is, How do we adequately express our gratitude for those who are serving, those who served and came back with no injury or were able to get back to some semblance of a normal life, those who served and came back but are suffering grievously from an injury, and finally how do we adequately express our gratitude to those who were killed in action and express gratitude to their families as well?

The answer to all those questions is we cannot adequately express our gratitude. But even though it is inadequate, even though it falls short of what we hope it could be, we still have to thank them—we still have to—and should express our gratitude. I do that tonight, with a healthy dose of humility, with recognition it is very difficult to express our altitude.

We are a nation at war. As we pay tribute to the troops who are fighting for us, we should also never forget the sacrifices of their families, the families who support those fighting men and women—and of course, by extension, support all of us—an enormous sacrifice when a loved one goes overseas. Even, as I said before, if they serve and come back and are OK at the end of that service, just the time away, the things they miss in their families' lives, month after month, year after year—they miss family celebrations, birthdays and weddings and literally the birth of a child is sometimes missed because of their deployment. That is nowhere near an exhaustive list. We do want to pay tribute, in a very personal way, to the families as well.

Sometimes—when we talk about our troops and talk about our country, we

search for language and stories and meaning—we look to the Scriptures. As I have often done, we quote Abraham Lincoln. We can also look to some of our more modern and current artists, and there are plenty of them we can cite. I am thinking a lot about some words from the great recording artist Bruce Springsteen.

He wrote a series of songs that connected to or were inspired by the horrific events of 9/11. Most of the songs on that, what we used to call an album, “The Rising,” were connected to the events of 9/11. But he wrote one song, of which I think the words and the theme of the song have direct application to folks who are serving our country and who are, in fact, missing from their families. There is a repetition of some lines in that song where he says: You are missing. At one point the song goes like this. He says: You are missing. When I shut out the lights, you are missing. When I close my eyes, you are missing. And he finally says: When I see the sunrise, you are missing.

I always thought that made a lot of sense to me in terms of trying, as best I can, to understand what our families are going through when a loved one is deployed, that that family is missing that family member when they are serving in Iraq or Afghanistan or anywhere around the world.

Of course, it is especially meaningful and poignant and sad and moving when it means you are missing because you have been killed in action. And every day they are missing, when someone is turning out the lights at night, when they are sleeping, and when they see the sun rise in the morning.

So we think of those words and the fact that there are a lot of people missing today from their families, because of their deployment, or because of their death.

I have read the names of those who were killed in action in Iraq over time, in 2007, 2008 and 2009. We got through that list of those who had lost their lives in Iraq. In that conflict to date, 197 Pennsylvanians lost their lives. As we remember those who were killed in action, from—in this case I will be referring to Pennsylvanians—we also must remember the wounded warriors who have returned from the battlefield. In Pennsylvania that is, to date, 398 brave men and women who have been wounded in this war, the war in Afghanistan.

Last week I met two courageous young men, Army CPL Russell Carter of Springfield, PA, Delaware County, right outside of the city of Philadelphia, and Marine CPL David Noblit of Herndon, PA. That is in North Umberland County in the middle of our State. They had just returned from Afghanistan, both wounded, remarkably strong and capable soldiers fighting for us, and not a word—the Presiding Officer knows from the soldiers he has spo-

ken to—not a word of complaint about what happened to them, not a word of complaint about their care. And they are getting great care at Walter Reed.

I salute obviously their bravery and their valor, but we also, of course, salute the sacrifice of their families at this time. We commend the efforts of the Walter Reed staff who take care of them, remarkable, almost miraculous care and treatment of our soldiers. They work every day to make sure that those soldiers not only are cared for but that they are progressing because of that care, because of that dedicated care at so many facilities, whether it is Walter Reed or veterans hospitals or whatever across the country.

One of the reasons they do that is to ensure that the future choices of those young service members are not determined by an IED blast or by the bullet from a sniper; that because of the rehabilitation, because of the healing and hope that comes from that work, that that soldier's future is determined and will be determined by that soldier and not by the enemy.

The rehabilitation work done at Walter Reed is remarkable. We are reminded when we see those soldiers in that care of their strength, we are reminded of their skills, the dignity that comes as a result of that care and treatment over time. And they, in fact, will determine their own future because of that care.

So what I will do now for the next couple of moments is I will read the names of Pennsylvanians who have been killed in action in Afghanistan in Operation Enduring Freedom. I will do so in alphabetical order and read their hometown. But the alphabetical order, of course, will be based on the last name of the soldier. I will start with someone actually from my home county:

SGT Jan Argonish of Scranton, PA; SFC Scott Ball of Carlisle, PA; LTC Richard Berrettini of Wilcox, PA; CPT David Boris of Pottsville, PA; PVT Matthew Brown of Zellenople, PA; SGT Douglas Bull of Wilkes-Barre, PA; SGT Joseph Caskey of Pittsburgh, PA; 1LT Jeffrey Deprimo of Pittston, PA; PFC James Dillon, Jr., of Grove City, PA; PFC Michael Dinterman of Littlestown, PA; SSG Troy Ezernack of Lancaster, PA; LCPL Ralph Fabbri of Gallitzin, PA; SGT Louis Fastuca of West Chester, PA; SFC Robert Pike of Conneautville, PA; SSG Sean Flannery of Wyomissing, PA; SGT James Fordyce of Newtown Square, PA; PO3 John Fralish of New Kingstown, PA; LCPL Michael Freeman of Fayetteville, PA; A1C Austin Gates Benson of Hellertown, PA; SGT Christopher Geiger of Northampton, PA; 2LT Michael Girdano of Apollo, PA.

CPL Joshua Harton of Bethlehem, PA; SGT Michael Heede, Jr., of Delta, PA; SGT Brett Hershey of State College, PA; SP Derek Holland of Wind Gap, PA; SFC Bryan Hoover of West Elizabeth, PA; LCPL Abram Howard of Williamsport, PA; SSG Matthew Ingham of Altoona, PA; PFC David Jefferson of Philadelphia, PA; LCPL Larry Johnson of Scranton, PA; SGT Nathan Kennedy of

Claysville, PA; CPL Jarrod King of Erie, PA; SP Dale Kridlo of Hughesstown, PA; PFC Serge Kropov of Hawley, PA; SSG Patrick Kutschbach of McKees Rocks, PA; SGT Ryan Lane of Pittsburgh, PA; MSG Arthur Lilley of Smithfield, PA; CPT Ronald Luce, Jr., of Wayne, PA; SP Jonathan Luscher of Scranton, PA; MSGT Thomas Maholic of Bradford, PA; SGT Jonathan McColley of Gettysburg, PA; SGT Andrew McConnell of Carlisle, PA. 1SG Christopher Rafferty of Brownsville, PA; SP Jesse Reed of Orefield, PA; SGT Joshua Rimer of Rochester, PA; GYSgt Justin Schmalstieg of Pittsburgh, PA; SGT Derek Shanfield of Hastings, PA; SFC Michael Shannon of Canadensis, PA; CWO4 Michael Slebodnik of Gibsonia, PA; SSG Marc Small of Collegeville, PA; SSG Glen Stivison, Jr. of Blairsville, PA; CPL Sascha Struble of Philadelphia, PA; PFC Brandon Styer of Lancaster, PA; SSG Paul Sweeney of Lakeville, PA; SSG Richard Tieman of Waynesboro, PA; CPL Eric Torbert, Jr. of Lancaster, PA; LCPL Joshua Twigg of Indiana, PA; SP Anthony Vargas of Reading, PA; SSG William Vile of Philadelphia, PA; SGT David Wallace III of Sharpville, PA; SGT Jonathan Walls of West Lawn, PA; SSG David Weigle of Philadelphia, PA; CPT Bryan Willard of Hummelstown, PA; and CPL Anthony Williams of Oxford, PA.

Those are the names of those Pennsylvanians who have been killed in action in Afghanistan. We now have a total of 64 brave servicemembers from the Commonwealth of Pennsylvania, who as I said before, quoting Lincoln, gave the last full measure of devotion to their country.

Twenty-seven of these young men came from towns with less than 5,000 people. You notice in that list some came from big cities such as Pittsburgh and Philadelphia and other big cities such as Erie and Allentown. But 27 of the 64 came from very small communities where the death of one soldier in a town of 5,000 or less has a seismic impact, a searing impact, first and foremost on that soldier's family and on their relatives and loved ones, but obviously even on the community itself.

All we can do at times like this, when it comes to paying tribute, is to do our best to convey a sense of gratitude, a sense of respect, and also to commit ourselves not only to helping the living, to help those who come after them, who have been wounded, their family and others.

Lincoln also talked about “him who has borne the battle,” and talked about those who have been wounded and their families. But all we can do for those who have been killed is, as best we can, to help their families and to pay tribute to their service and their memory, but also to make sure we are doing everything possible to get this policy right, to make sure that our policy is commensurate with their sacrifice.

In one sense, as my father said a long time ago, in reference to the gulf war of 1991: We pray for them who serve. We pray for them and we pray for ourselves that we may be worthy of their valor.

So tonight we do that, not only for those killed in action that I have read from Pennsylvania, but for those who have lost their lives from States across the country, including the State of Colorado that our Presiding Officer represents.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CHARLES BENJAMIN

Mr. REID. Mr. President, I wish to note the passing last December of a singular Nevadan, Charles Benjamin, who worked to promote clean energy. While he lived in Nevada for only 4 short years, his efforts will pay positive dividends long into the future.

He passed away on December 13, 2010, after a valiant battle with cancer, at the young age of 60.

Before Charles moved to Nevada in 2006, he was a lobbyist and attorney for the Kansas Chapter of the Sierra Club. His career in environmental law included a law practice representing more than 25 neighborhood associations across Kansas on a variety of land use and zoning issues. He was also a political science professor at Bethel College in Kansas where he taught courses in environmental studies, American government, and international relations, and served 16 years as a county commissioner in Harvey County, KS. Charles earned a B.A., an M.A., and a Ph.D. from the School of International Relations at the University of Southern California, and a J.D. from the School of Law at the University of Kansas.

During his time in Nevada, Charles worked tirelessly to promote clean energy by developing and strengthening relationships with key Nevada stakeholders, including utilities, the State's consumer advocate, legislators, the governor, business interests, and the environmental community. He was quite helpful to me in my efforts to diversify Nevada's economy through development of our State's vast renewable energy resources and to make Nevada energy independent.

Charles was a feisty advocate for environmental justice and came to Nevada to help drive our State and the Nation toward a cleaner energy future.

To me, he was always courteous, honest and expressed his love for the environment. Nevada and the Nation need more people like Charles who are willing to work hard to tap into the limitless resources of the Sun, the wind and the Earth, and energy efficiency, to build a stronger, cleaner and more sustainable world. He will be missed.

TRIBUTE TO DR. MARGARET T. BURROUGHS

Mr. DURBIN. Mr. President, I wish to honor the life and legacy of Dr. Margaret T. Burroughs, an artist, writer, and cofounder of the DuSable Museum of African American History in Chicago, IL.

Although she was born in Louisiana, Dr. Burroughs moved to Chicago to pursue a career in education and the arts. She spent her life documenting and preserving the history and culture of people of African descent and encouraging fair representation of African Americans. Dr. Burroughs made the first of her many contributions to African-American arts and culture at the age of 22 when she founded the South Side Community Arts Center, a community organization that serves as a gallery and workshop studio for artists and students.

She later went on to establish the DuSable Museum of African American History in 1961, the first museum in the country developed to preserve and interpret the experiences and achievements of people of African descent. The museum is recognized internationally as an educational resource for African-American art and history, with a collection of over 15,000 pieces, including paintings, sculptures, and historical memorabilia.

Dr. Burroughs' many contributions to art and history have been honored nationally. Her literary works and painting have traveled throughout the country—from my home State of Illinois to Washington, DC—and they serve as an inspiration to students and collectors of art. In 1975, Dr. Burroughs was honored for her service to the arts with the President's Humanitarian Award by President Gerald Ford.

Dr. Burroughs' passing in November of 2010 reminds us of the importance of history and the arts and our responsibility to preserve it. Her presence in Chicago and at the DuSable Museum will be greatly missed. As the city of Chicago recognizes the achievements of African Americans and the DuSable Museum during Black History Month, we in Congress honor the life of the DuSable Museum's founder, Margaret Burroughs. It is my hope that her legacy will live on through aspiring artists, historians, and philanthropists.

THE AFGHAN CIVILIAN ASSISTANCE PROGRAM

Mr. LEAHY. Mr. President, I want to take a minute to call the Senate's attention to a small U.S. aid program in Afghanistan that has a big impact, which I suspect few people here know about.

Shortly after 9/11 and the U.S. invasion to topple the Taliban, a young Californian woman named Marla Ruzicka traveled alone to Afghanistan where she soon learned about incidents where U.S. bombs had missed their targets and killed civilians. The international press ran stories about those tragedies but nothing was being done to take responsibility for what had happened or help the families of the victims.

Marla decided to do something about it, and she organized protests at the U.S. Embassy in Kabul, rallied the media, and not long after was in Washington urging Congress to help the families and show that the United States does not turn its back on innocent victims of our own mistakes.

It was because of Marla that we started a new program, now known as the Afghan Civilian Assistance Program, ACAP, which is managed by the U.S. Agency for International Development and implemented by the Afghan staff of the International Organization for Migration. Over the past 8 years, ACAP has provided millions of dollars in small grants to families and communities that have suffered losses as a result of the military operations. The funds have been used for such things as to rebuild a house that was damaged or destroyed, buy a herd of sheep, start a small grocery or weaving business, or provide medical care or vocational training.

After the invasion of Iraq, Marla moved on to Baghdad and, to make a long story short, again thanks to her advocacy we started a similar program there. Tragically, on April 16, 2005, she too became an innocent victim, and died, along with her Iraqi colleague Faiz Ali Salim, in a car bombing. That program is now known as the Marla Ruzicka Iraqi War Victims Fund, and it has helped the families of thousands of innocent Iraqi victims rebuild their lives.

Earlier this week I received from USAID some descriptions of recent ACAP assistance to Afghan families. While they describe exceedingly tragic losses of innocent life, they also illustrate the difference a program like this makes and why it is so important to our larger goals in that country. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTHERN REGION

DAWRI RABAT VILLAGE, CHARDARA DISTRICT,
KUNDUZ

School teacher Ghulam Sakhi was shot dead during a firefight between international military forces and the Taliban. The incident happened in the village of Nahri Suf, Chardara District, in February 2010. Ghulam Sakhi was the breadwinner for his family. He left behind his wife, four daughters and five sons.

His eldest son Zabihullah is 20 years old and a student. After the death of his father, Zabihullah was forced to take responsibility for his family. He decided to leave school in search of work. He was unsure how he would be able to support his family.

ACAP provided Ghulam Sakhi's family with a livestock business, together with the full range of standard kits, plus a livestock kit.

Zabihullah said: "After my father was killed, life was very hard for us. We asked for help from Allah. We were very happy when a worker from ACAP came to interview us and offered help. We were told we would be given help setting up our own small business. We chose a livestock business because my mother, sisters and brothers could take care of the animals, leaving me with the time to resume my education. We sell the milk from the cows to a dairy and make enough money not to be worried. Without this help, my family would find it very difficult to live. Now we can earn a living for ourselves."

WESTERN REGION

ESHAQ SULEIMAN VILLAGE, INJIL DISTRICT,
HERAT

Widow Zubaida lost her son during an air strike on her village in October 2001. A total of 26 civilians were killed and 62 injured in the incident. Fourteen families suffered serious damage to their property.

ACAP was informed of the incident several years later and recently completed a monitoring report in order to measure the impact of assistance on one widow's life.

Zubaida had received a small livestock business. Her children and grandchildren received educational lessons. ACAP also provided Zubaida with the full range of the program's standard kits, which include household goods, as well as educational, tailoring, and livestock items.

She told the ACAP monitoring assistant: "After the death of my husband in an IED explosion in late 2000, my son Abdullah was the only supporter of our family. He was running a shop and we could handle the difficulties of life. Abdullah and I were living in a small rented house happily but it did not last long.

"One year later there was a conflict in Eshaq Suleiman, where I am originally from. We were bombarded due to the presence of Taliban fighters in the area. In the morning Abdullah left the house to work but he did not come back again. After the death of Abdullah I not only lost my son but my only supporter."

She added: "I was not able to pay the rent any more so I left the house and went to live in my daughter's house. I tried to find a job. I did everything I could. I worked as a housemaid—cooking, cleaning, and washing. Life was passing with difficulties but then your colleague came to meet me six months ago.

"I received the livestock through which I now earn my living. Before I felt that I was a burden on my daughter and resting on her husband's shoulder but now I have a source of income that pays for the house expenditures. Farzanah and Khalil Ahmad, my

granddaughter and son, are enjoying the education assistances of your office. They are both attending an English course. I received all the needed equipment for keeping my livestock. Receiving the assistance from ACAP has changed my life and that is why I am really grateful for this program."

Another victim of the incident whom ACAP has helped is mother-of-three Rezagul. She lost her husband in the fierce bombardment. Rezagul has two sons and one daughter. After her husband died, her eldest son Gul Ahmad, who was 13 at the time, was forced to abandon school to become the breadwinner for the family. He tried his best to continue his education in his spare time but it proved too difficult for him.

He was responsible for financially supporting his mother as well as his younger brother Basir Ahmad and sister Sima Gul. He knew that if he did not work full-time then his family would face severe hardship.

An ACAP field assistant assessed the family's requirements. A small business grant was approved which was used to set up a grocery shop. Rezagul's daughter Sima Gul received English lessons. ACAP also provided standard kits.

Sima now helps her brother run their family grocery business. She packs the dry fruit which is sold to export companies. Rezagul told how she no longer has money worries. She said: "My husband was the only financial supporter of the family. Losing him was extremely difficult. My son did not have a fixed job." She added: "We always wanted to have a family business where my younger son and I could help in the absence of my eldest son. But we could not afford that. But we have been given that opportunity through your generosity."

NORTHERN REGION

OMARKHIL VILLAGE, ALI ABAD DISTRICT,
KUNDUZ

An ISAF air-strike on two oil tankers captured by the Taliban resulted in a high civilian death toll. It is estimated that 70 civilians were killed and dozens injured. ACAP has helped 59 families affected by the incident. One beneficiary said that assistance from ACAP helped prevent up to 600 men from joining the Taliban. The air-strikes took place in September 2009 in Kunduz province. The Taliban had hijacked two NATO oil tankers but one of the vehicles became stuck in mud at a riverbank. German forces called in air support and a U.S. Air Force F-15E was dispatched to destroy the tankers. Local villagers had flocked to the abandoned tankers in order to siphon off fuel. They were mistaken for insurgents.

One of the affected families which ACAP helped is that of widow Lailoma. When her husband was killed in the air-strike, she was left unable to financially support her five children.

Lailoma had to rely on friends' charity until ACAP stepped in. Lailoma received the full range of standard kits, which include household goods, as well as educational, tailoring, and livestock items. Lailoma decided to use her ACAP small business grant to buy a pick-up truck. She teamed up with a business partner and now the business generates enough money so that she can comfortably support her family.

CELEBRATING BLACK HISTORY MONTH

Mr. UDALL of Colorado. Mr. President, I rise in celebration of Black History Month and to acknowledge the

unique contributions of Colorado's African-American communities to my home State and our Nation.

The history of Colorado's African-American communities is long, rich and diverse; it spans from our earliest days as a territory to modern times. I think it safe to say that all Coloradans have benefited tremendously from African-American communities' hard work and dedication to continuously making Colorado a better place to live.

Last year in my remarks on Black History Month, I made special note of the diversity of settlers who moved west during the expansion of the United States. Like other settlers, African Americans moved west in search of new opportunity—some to be free, others to become entrepreneurs, traders, and leaders, but all played an active role in the formation of Colorado as a territory and then a State.

A watercolor painting hangs in my Senate office to remind me of the early presence of African-American westerners. The painting "One of the First" by noted African-American artist and Coloradan James Wider depicts a Buffalo soldier during a snowstorm, reminiscent of a time of great hardship in our State's early history. For me, this image portrays the struggles and determination of all the people who shaped the West we know today. I am appreciative to the artist, as well as Dr. Anthony Young, the vice chairman of the Black American West Museum & Heritage Center, for allowing me the privilege to temporarily hang the painting in my office.

While this painting highlights the early presence of African-Americans in the West, it also reminds me of the countless individuals in Colorado's Black community who have served and continue to serve their communities, our State and our Nation in more contemporary times. I would like to highlight two Coloradans who reflect this influence: Dr. Evie Dennis and Rev. Milton Proby.

Dr. Evie Dennis rose in her career as a teacher to become the superintendent of Denver public schools from 1990 to 1994, when she worked to improve the education of all of Denver's schoolchildren. In 2008, Dr. Dennis was inducted into the Colorado Women's Hall of Fame, and she continues to work in support of communities across the State.

Rev. Milton Proby was a prominent figure during his 47 years in southern Colorado, where he proudly faced adversity in championing against inequality and injustice. The reverend served under three Colorado Governors and helped to establish Colorado's Civil Rights Commission, among many other notable achievements and awards.

People like Dr. Dennis and Reverend Proby have overcome struggle to serve—and lead—our State. Their contributions remind us of how vital African-American communities have been

to our State's history, and I have no doubt that the same communities will continue to be a driving force toward a better future.

Mr. President, Black History Month is a time for all Coloradans and Americans to reflect on the contributions of African Americans to our State and throughout our great Nation. I encourage my fellow Coloradans to celebrate these contributions not only during this month but throughout the entire year.

ADDITIONAL STATEMENTS

TRIBUTE TO JACK LALANNE

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Jack LaLanne, a fitness pioneer who inspired generations of Americans to exercise regularly and eat healthily. Mr. LaLanne passed away on January 23rd at his home in Morro Bay, CA. He was 96 years old.

Francois Henri LaLanne was born in San Francisco on September 26, 1914, and was nicknamed "Jack" by his brother. He spent his early years in Bakersfield before his family moved to Oakland.

As a child, Jack was a self-described sugar addict who had an affinity for junk food. At the age of 15, he heard a lecture on healthy living by nutritionist Paul Bragg at the Oakland Women's City Club that would change his life. Inspired by the lecture to become healthier and more fit, Jack developed a zeal for physical fitness and good nutrition that he would later pass on to millions of people in America and around the world.

In 1936, he opened the Jack LaLanne Physical Cultural Studio in downtown Oakland. Mr. LaLanne's devotion to help others adopt healthier exercise and eating habits was apparent as he would often call his clients at home to check why they had missed scheduled workouts. His reputation as a fitness enthusiast grew quickly.

In 1952, he began hosting a morning workout show on a local television station. The Jack LaLanne Show was especially appealing to children who he encouraged to exercise with their parents. The television show was eventually syndicated and ran for 34 years in the United States and Europe.

Mr. LaLanne's rise to prominence came during a time when many people doubted the benefits of regular exercise and a healthy diet. To overcome this skepticism, he participated in a series of public demonstrations to prove the positive impacts of his teachings. At age 40, he swam from Alcatraz to San Francisco's Fisherman's Wharf while towing a 2,000-pound cabin cruiser. At 60, he swam the Golden Gate Channel while handcuffed and shackled and towing a 1,000-pound boat. At 70, he

towed a flotilla of 70 boats for a mile in Long Beach Harbor, once again, handcuffed and shackled.

A man with an unparalleled fervor for healthy living and an appreciation for life that was an inspiration to so many over the years, Mr. LaLanne accomplished his goal of getting people of all ages and from all walks of life to adopt a more active and healthy lifestyle. He will be missed.

I send my deepest sympathies to his family, especially to his wife of 51 years Elaine, daughter Yvonne, son Jon, and stepson Dan Doyle.●

TRIBUTE TO THE HONORABLE W. R. "BOB" HOLCOMB

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in reflecting on the life, accomplishments and service of the late W. R. "Bob" Holcomb. Mr. Holcomb was well-known as a committed civil rights activist and visionary on behalf of the city. Mr. Holcomb held the distinction of being the longest serving mayor in the city of San Bernardino's history, serving for a total of 18 years, from 1971 to 1985 and 1989 to 1993. Mr. Holcomb passed away on November 29, 2010.

Mr. Holcomb grew up in San Bernardino and attended San Bernardino High School, graduating in 1940. After high school, Mr. Holcomb continued his education at UC Berkeley. Like many others of his generation, he grew into adulthood in a military uniform. Mr. Holcomb left UC Berkeley to join the U.S. Army in 1942, serving as a bomber pilot. After the war, Mr. Holcomb married Pearl Pennington in 1946 and returned to UC Berkeley, graduating in 1949. He continued his studies on the other side of San Francisco Bay and earned his law degree from UC Hastings College of Law in 1950.

Mr. Holcomb's experiences in the military and later as an attorney helped to mature him into being the extraordinarily effective leader for the people of San Bernardino that he was. Mayor Holcomb helped further the socioeconomic progress of San Bernardino, spearheading projects such as the establishment of the city's first affirmative action office; the relocation of Little League Baseball regional headquarters to San Bernardino; the founding of California State University, San Bernardino; and forging an alliance with neighboring cities to create Omnitrans—the region's first transportation agency—to represent the area's best interest. According to longtime San Bernardino journalist Cassie McDuff, "He did what he thought was best for the city . . . and didn't care if he got credit or not."

I extend my heartfelt condolences to Mr. Holcomb's family and friends. He will be missed.●

RETIREMENT OF COMMAND SERGEANT MAJOR ROBIN SHIPLEY

• Mr. HATCH. Mr. President, today I wish to speak on the occasion of CSM Robin Shipley's retirement after 42 years of honorable service in the U.S. Army Reserve.

A native of Ogden, UT, he rose to the highest rank of the Noncommissioned Officer Corps, command sergeant major—a crowning achievement after a long distinguished career. I am most impressed in his recent role as operations sergeant major for the Joint and Special Troops Support Command.

The Joint and Special Troops Support Command only recently was activated at Fort Douglas, UT. The difficult task of activating a new command requires tremendous leadership and tireless commitment. True to the finest traditions of the United States Army and the Noncommissioned Officer Corps, Sergeant Major Shipley rose to the challenge and performed his duties in an outstanding manner. This capstone performance was a fitting end to his long remarkable career.

Accordingly, as recognition of his exemplary service, Command Sergeant Major Shipley was awarded the Legion of Merit, Meritorious Service Medal with second oak leaf cluster, Army Reserve Commendation Medal with third oak leaf cluster, and the National Defense Service Medal.

I am sure Command Sergeant Major Shipley would agree, his honorable career would not have been possible if not for the support of his wife, Judy, and son, Cody. To them, we are also grateful.

I know I am joined by all of my colleagues in the Senate congratulating the command sergeant major on the occasion of his retirement and extending to him the Senate's sincere gratitude for his dedication to the defense of our Nation. We wish him and his family only happiness in the years to come.●

TRIBUTE TO TERRY WOSTER

• Mr. JOHNSON of South Dakota. Mr. President, today I wish, with great honor and pride, to pay tribute to a member of the Fourth estate in my home State of South Dakota. Terry Woster's career in journalism has spanned 44 years—an impressive mark in any profession, most certainly in the newspaper field.

Terry was born to Henry and Marie Woster and grew up on a farm near Reliance in Lyman County. He graduated from Chamberlain High School in 1962 and from South Dakota State University in 1966 with a degree in journalism. Terry grew up with two brothers and two sisters, fondly known as the Woster clan.

Terry married his high school sweetheart, Nancy Gust, after finishing college. Together they raised three children in Pierre.

Terry began his journalism career in 1967 at the Sioux Falls Argus Leader. He covered sports, wrote features, and was a photographer for 2 years before he went to work for the Associated Press in Pierre. After 9 years with the AP covering the Capitol and politics, Terry became editor of the Pierre Times and then managing editor for the Daily Capitol Journal. He became the Capitol reporter for the Argus Leader, a position he held for 22 years.

Readers of the Argus Leader, as well as other South Dakota newspapers, have become acquainted with Terry and his chosen topics through his weekly human interest columns. His writings accurately reflect life in South Dakota and have sometimes earned him the title of South Dakota's poet laureate.

South Dakotans have come to know the man who treasures his family, recounting many stories of growing up near Reliance, playing basketball for Chamberlain High, and boating on the Missouri River. He loves history, politics, and enjoyed going to work every day in Pierre where he got to know the Governors, legislators, and all who worked in the South Dakota State Capitol Building. His strong sense of community service was reflected in many ways including service on the Pierre Library Board.

Terry's journalism skills have earned him many prestigious awards over the years. The Argus Leader, South Dakota Farmers' Union, South Dakota Newspaper Association, and South Dakota Press Association have all presented him awards. He is the recipient of the Distinguished Alumnus Award from South Dakota State University.

Terry has authored and published three books, including "South Dakota 100," "The Woster Brothers' Brand," written with his brothers, Kevin and Jim, and "The Spirit of Sioux Falls."

South Dakotans of all political persuasions know Terry Woster as a fair and well-respected reporter. I am among those who have long valued Terry's political reporting, wit, and wisdom. I also am proud to call Terry a friend. We have shared our experience with prostate cancer and are proud of our wives who are breast cancer survivors.

Thank you, Terry, for sharing your career and personal life with the newspaper readers and the citizens of South Dakota, and congratulations on a career filled with professionalism and dedication. You can take great pride in your career achievements and accomplishments, and you are a true credit to the State of South Dakota.●

45TH ANNIVERSARY OF YOUTH AND FAMILY SERVICES

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the 45th anniversary of Youth and

Family Services, YFS, a wonderful nonprofit organization based in Rapid City, SD, that provides support services for children and families. YFS has steadily grown in the last 45 years to become a thriving center of support to more than 11,000 children and their families every year.

Beginning in 1965, the organization was known as Girls Club and was one of many organizations offering programs and services to children and families. With hard work and a devotion to serving others, Girls Club evolved into Youth and Family Services, growing dramatically to incorporate several programs that offered similar services. YFS is one of the most comprehensive youth development organizations in western South Dakota.

The available programs have been consistently expanded to encompass more of the community. Working closely with other organizations, YFS remains focused on fulfilling its mission statement to help children and their families be capable, caring, and contributing members of their communities. YFS is working to serve an additional 3,000 to 5,000 children and families by expanding programs within child obesity prevention, healthy eating, and fatherhood programming, along with many others. In these hard economic times, the programs offered are even more critical, and YFS is building a strong endowment to ensure that they can continue to serve.

I am proud to recognize Youth and Family Services and all the people who have made reaching its 45th anniversary a success. The goals of Youth and Family Services are praiseworthy. This organization plays a vitally important role in western South Dakota, and I am thankful for all the devoted citizens who make the programs possible.●

TRIBUTE TO FRANK WOODRUFF BUCKLES

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to Frank Woodruff Buckles on the occasion of his 110th birthday. Frank has gained fame as the last living World War I veteran in the United States and has humbly accepted praise on behalf of the veterans who have gone before him. His story, like that of so many of the doughboys, is one of patriotism. As a 16-year-old in 1917, Frank lied to a military recruiter about his age so that he could join the Army. Once overseas, Frank served as an ambulance driver in England and France. Following the Armistice, Frank was part of a company returning prisoners of war back to Germany.

During World War II, while working for a private shipping company in Manila, Frank spent 3 years and 2 months as a Japanese prisoner-of-war. He still has, to this day, the small tin cup that he ate his paltry meals out of during that time period.

While we appropriately honor Frank for his service to our country, we should also recognize him for his longevity. His 110 years of life are no doubt due to his dedication to fitness and his love of learning. Well into his hundreds, Frank was still doing 50 situps a day and driving both his car and his tractor. Frank's love of learning has led him to learn numerous foreign languages and read countless books.

Frank never intended to have the distinction of being the last American World War I veteran. As he has said, "I knew it would happen to somebody, but I didn't necessarily think it was going to be me." Mr. President, I think you will agree with me that Mr. Buckles has accepted this honor with grace and humility. We salute you today, Frank Buckles, and wish you the best on this special occasion.●

TRIBUTE TO DR. EDMOND DYAS

● Mr. SESSIONS. Mr. President, it is appropriate that we take a moment to note the passing of Dr. Edmond Dyas of Mobile, AL, who was one of Alabama's most famous athletes and an accomplished orthopedic surgeon. Dr. Dyas first came to my attention when I was a young Boy Scout thrilled with the opportunity to have the chance to attend Auburn University football games as an usher. He was one of my first heroes. He was an Auburn team leader, a three-time Academic All American and All American, the Southeastern Conference's top running back in 1960, and set the NCAA record for career field goals, and he was selected as a member of the College Football Hall of Fame in 2009. He finished fourth in 1960 in the Heisman Trophy balloting.

I was at the game when he was pushed and injured hitting the bench with his face, causing him to miss the Alabama game, thus losing the opportunity to perhaps win the Heisman Trophy. I also was at Auburn for a famous Auburn-Georgia game. Georgia was led by Fran Tarkenton and Pat Dye, later Auburn's head coach. In that classic game, Ed Dyas hit three field goals and Durwood Pennington hit two. The final: 9 to 6.

Ed was a superb surgeon, community leader, and family man. He fought his cancer like the champion he was. Our thoughts and prayers are with his wife Diane, four children, and seven grandchildren.●

TRIBUTE TO HALL WILLIAMS THOMPSON

● Mr. SESSIONS. Mr. President, Tom Brokaw, in his book "The Greatest Generation," describes the generation that survived the Great Depression and World War II. He notes that their sacrifices made possible the many comforts and conveniences we enjoy today.

On October 27, 2010, America and Alabama lost one of the best examples of that generation with the death of Hall Williams Thompson of Birmingham, AL.

That Hall Thompson was a very successful family man, businessman, civic leader, and philanthropist, there can be no doubt, and much could be said about a host of areas where he served, giving back to his State and his Nation. But I want to share a few remarks about one of his most notable qualities—his patriotism. Hall Thompson loved his country. He had fought for it, serving in the Pacific during World War II in the Army Air Corps. And that commitment to serving his country never abated.

Indeed, while he had strong views about our country and the exceptional nature of the American experience and was never afraid to express them, he was ever anxious to respect those who may disagree. He would, with sincerity, ask questions about the subject which concerned him and at the end of the conversation would say something like, “Well, I just think . . .” or, “I am just concerned.” He made his point clearly but courteously.

On a personal note, I called Hall and asked him to support a political event. Quickly, he assured me he could come and asked if Lucy, his wonderful wife and partner of 66 years, could attend. The answer, of course, was yes, as everyone loves Lucy. But in asking that question, Hall showed his humility and courtesy.

So, we gathered on October 19, and I took the opportunity during the event to personally thank Hall for his support for me in 1994 when I ran for attorney general of Alabama and for his support of many great causes. He did not know me well in 1994 but had heard good things about me, and he was very generous in his support. I thanked him for that and noted that he had never asked for a single thing personally, only for good government. The fact that there are others in our country like Hall who support their candidates, Republicans and Democrats, liberal and conservative, because of values and principles and not for personal gain, is important to our country's political health. They should be appreciated. They make the country a better place.

Later during that same meeting, Hall Thompson suffered the stroke that would sadly take his life 9 days later. He had lived a full life of 87 years. He left an accomplished and loving family and a host of friends and admirers. He loved America, closely monitored her progress, and was ready to help whenever possible.

He was a true patriot. Our State and Nation will miss him.●

TRIBUTE TO TERESA SCANLAN

● Mr. JOHANNIS. Mr. President, I am pleased to congratulate 17-year-old Te-

resa Scanlan of Gering, NE, on being crowned as Miss America 2011. Teresa represented our great state as Miss Nebraska 2010 at the Miss America Pageant held earlier this year in Las Vegas, NV. She is the first Miss Nebraska to win the pageant, and I know our State is very proud of Teresa.

Teresa, the daughter of Jamie and Mark Scanlan, graduated from Scottsbluff High School and plans to attend college at Patrick Henry College in Virginia after her year as Miss America. In the future, she would like to get involved with politics and attend law school.

As Miss America, Teresa will travel throughout the United States. She will raise awareness of the dangers of eating disorders and will also serve as the National Goodwill Ambassador for Children's Miracle Network Hospitals. I thank Teresa for her efforts to make a real difference in the lives of others and to set a positive example for other young people to follow.

Congratulations, again, to Miss America 2011, Nebraska's very own Teresa Scanlan.●

TRIBUTE TO CHAD MILLER

● Mr. THUNE. Mr. President, today I recognize Chad Miller, an intern in my Sioux Falls, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Chad is a graduate of Washington High School in Sioux Falls. Currently he is attending the University of Saint Thomas, where he is majoring in psychology and political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Chad for all of the fine work he has done and wish him continued success in the years to come.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-360. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Shipping Act, Merchant Marine, and Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Provisions; Fishing Vessel, Fishing Facility and Individual Fishing Quota Lending Program” (RIN0648-AY16) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-361. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, De-

partment of Commerce, transmitting, pursuant to law, the report of a rule entitled “Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Tilefish Fishery” (RIN0648-BA42) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-362. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “International Fisheries; Pacific Tuna Fisheries; Vessel Capacity Limit in the Purse Seine Fishery in the Eastern Pacific Ocean” (RIN0648-AY75) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-363. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area” (RIN0648-XZ61) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-364. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer” (RIN0648-XA073) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-365. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount” (RIN0648-XA120) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-366. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts” (RIN0648-XA119) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-367. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Value-Added Producer Grant Program” (RIN0570-AA79) received in the Office of the President of the Senate on January 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-368. A communication from the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report entitled “Navy Fisher House Annual Report, Fiscal Year 2010;” to the Committee on Armed Services.

EC-369. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations" (31 CFR Part 515) received in the Office of the President of the Senate on January 26, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-370. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Belarus Sanctions Regulations" (31 CFR Part 548) received in the Office of the President of the Senate on January 26, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-371. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Azerbaijan; to the Committee on Banking, Housing, and Urban Affairs.

EC-372. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-373. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle program for fiscal year 2010; to the Committee on Energy and Natural Resources.

EC-374. A joint communication from the Deputy Secretary of the Interior and the Deputy Secretary of State, transmitting a legislative proposal relative to the Compact of Free Association between the Government of the United States of America and the Government of Palau; to the Committee on Energy and Natural Resources.

EC-375. A communication from the Chief of the Mid-Atlantic Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, transmitting, a report relative to the Indian River Tidal Hydrokinetic Energy Project; to the Committee on Energy and Natural Resources.

EC-376. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a report relative to the Annual 2011 Session of the Parliamentary Conference on the World Trade Organization; to the Committee on Foreign Relations.

EC-377. A communication from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting, pursuant to law, a report relative to the vacancy in the position of Special Counsel; to the Committee on the Judiciary.

EC-378. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act Enforcement actions taken for the period beginning on July 1, 2009; to the Committee on the Judiciary.

EC-379. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Herbicide Exposure and Veterans with Covered Service in Korea" (RIN2900-AN27) received in the Office of the President of the Senate on January 26, 2011; to the Committee on Veterans' Affairs.

EC-380. A communication from the Under Secretary, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "U.S.-India Bilateral Understanding: Revisions to U.S. Export and Reexport Controls Under the Export Administration Regulations" (RIN0694-AF10) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-381. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pacific Junction, Iowa)" (MB Docket No. 10-108) received in the Office of the President of the Senate on January 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-382. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Mortgage Assistance Relief Services" (RIN3084-AB18) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-383. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Guides for the Jewelry, Precious Metals, and Pewter Industries" (16 CFR Part 23) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC-384. A communication from the Deputy Chief Counsel for Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Air Cargo Security Requirements: Compliance Dates; Amendment (RIN1652-AA52) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC-385. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Civil and Criminal Penalties; Penalty Guidelines" (RIN2130-AB70) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-386. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice: Direct Final Rulemaking Procedures" (RIN2130-AB77) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-387. A communication from the Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Emergency Relief Dockets and Procedures for Handling Petitions for Emergency Waiver of Safety Regulations" (RIN2130-AB79) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011;

to the Committee on Commerce, Science, and Transportation.

EC-388. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Transportation: Revisions of Special Permits Procedures" (RIN2137-AE57) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-389. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Anthropomorphic Test Devices; Hybrid III 6-Year-Old Child Test Dummy, Hybrid III 6-Year-Old Weighted Child Test Dummy" (RIN2127-AK34) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-390. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties" (RIN2127-AK78) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-391. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the National 911 Program; to the Committee on Commerce, Science, and Transportation.

EC-392. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC-393. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Information Technology (IT) Security" (RIN2700-AD46) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC-394. A communication from the Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Government Property" (RIN2700-AD37) received in the Office of the President of the Senate on January 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC-395. A communication from the Deputy Chief, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Model for Predicting Digital Broadcast Television Field Strength Received at Individual Locations" (FCC 10-194) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-396. A communication from the Deputy Chief, Office of Engineering and Technology,

Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Measurement Standards for Digital Television Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004" (FCC 10-195) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-397. A communication from the Assistant Division Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 1 and 63 of the Commission's Rules" (FCC 10-187) received during the adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-398. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Preserving the Open Internet; Broadband Industry Practices" (FCC 10-201) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-399. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "High-Cost Universal Service Support, WC Docket No. 05-337, Federal-State Joint Board on Universal Service, CC Docket No. 96-45" (FCC 10-205) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-400. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Reporting Requirements Under Section 8 of the Clayton Act, 15 U.S.C. Section 19(a)(5)" received in the Office of the President of the Senate on January 27, 2011; to the Committee on Commerce, Science, and Transportation.

EC-401. A communication from the Chief Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Airports of Entry or Departure for Flights to and from Cuba" (RIN1651-AA86) received in the Office of the President of the Senate on January 26, 2011; to the Committee on Commerce, Science, and Transportation.

EC-402. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Revocation of Requirements for Full-Size Baby Cribs and Non-Full-Size Baby Cribs" (16 CFR Parts 1508 and 1509) received in the Office of the President of the Senate on January 26, 2011; to the Committee on Commerce, Science, and Transportation.

EC-403. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; North Pole and Plattsburgh, New York" (MM Docket No. 99-238, DA 10-2443) received in the Office of the President of the Senate on January 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-404. A communication from the Secretary of the Commission, Bureau of Com-

petition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Reporting Requirements Under Section 7A of the Clayton Act, 15 U.S.C. Section 18a" (RIN3084-AA91) received in the Office of the President of the Senate on January 27, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN:

S. 243. A bill to enhance and improve the Yellow Ribbon Reintegration Program of the Department of Defense; to the Committee on Armed Services.

By Mr. BARRASSO (for himself and Mr. GRAHAM):

S. 244. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. CORKER (for himself, Mrs. MCCASKILL, Mr. BURR, Mr. MCCAIN, Mr. ALEXANDER, Mr. ISAKSON, Mr. CHAMBLISS, Mr. INHOFE, and Mr. KIRK):

S. 245. A bill to reduce Federal spending in a responsible manner; to the Committee on the Budget.

By Mr. CASEY (for himself and Mr. ENZI):

S. 246. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. GILLIBRAND):

S. 247. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 248. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BARRASSO, Mr. CRAPO, Mr. RISCH, Mr. MCCAIN, Mr. KYL, Mr. LEE, and Mr. ENZI):

S. 249. A bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to any gray wolf (*Canis lupus*); to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. HARKIN):

S. 250. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of

DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. CRAPO, and Mr. DEMINT):

S. 251. A bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON:

S. 252. A bill to permit a State to elect to receive the contributions of the State to the Highway Trust Fund in lieu of the Federal-aid highway program apportionment of the State for the subsequent fiscal year, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. THUNE, and Mr. BLUNT):

S. 253. A bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. BENNETT, Mr. BURR, Mr. SANDERS, and Mr. CASEY):

S. 254. A bill to reduce the rape kit backlog and for other purposes; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. ROBERTS, Mr. BOOZMAN, and Mr. UDALL of Colorado):

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. MCCAIN, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. KERRY, Ms. LANDRIEU, Mr. BEGICH, Mr. WYDEN, Mr. BURR, and Mr. HATCH):

S. Con. Res. 5. A concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest surviving United States veteran of the First World War; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. JOHANNES, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 18, a bill to repeal the expansion of

information reporting requirements for payments of \$600 or more to corporations and for other purposes.

S. 19

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 20

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 27

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 27, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 72

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 81

At the request of Mr. ISAKSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 139

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 139, a bill to provide that certain tax planning strategies are not patentable, and for other purposes.

S. 163

At the request of Mr. TOOMEY, the names of the Senator from Idaho (Mr. RISCH) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 163, a bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. RES. 20

At the request of Mr. JOHANNES, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

S. RES. 23

At the request of Mr. INHOFE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 23, a resolution to prohibit unauthorized earmarks.

S. RES. 32

At the request of Mr. CRAPO, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. Res. 32, a resolution designating the month of February 2011 as "National Teen Dating Violence Awareness and Prevention Month".

AMENDMENT NO. 3

At the request of Mr. JOHANNES, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 3 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself, Mrs. MCCASKILL, Mr. BURR, Mr. MCCAIN, Mr. ALEXANDER, Mr. ISAKSON, Mr. CHAMBLISS, Mr. INHOFE, and Mr. KIRK):

S. 245. A bill to reduce Federal spending in a responsible manner; to the Committee on the Budget.

Mr. CORKER. Mr. President, I am glad to be here today with the Senator from Missouri, my friend CLAIRE MCCASKILL. We are introducing a bill called the Commitment to American Prosperity Act, the CAP Act. It is a 10-page bill designed to limit spending in

Washington and set our country back on a sustainable fiscal path.

We have cosponsors in Senators ALEXANDER, BURR, MCCAIN, ISAKSON, CHAMBLISS, INHOFE, and KIRK. I thank them for joining us in this effort. I hope many more will do the same.

I spent a lifetime in business, and I came to the Senate not to score political points, not to be involved in messaging, but to solve our country's problems. Everyone in this body understands we have tremendous fiscal and financial issues with which to deal. This morning I was happy to see 33 Senators meet over at the visitor center from both sides of the aisle to listen to people involved in the financial industry talking about the path we are on and what that is going to lead to as far as the ruination of our fiscal situation and our ability to borrow money at low rates as we are today. All of us know what that will mean to our citizens.

There is no one who doesn't understand how problematic our financial situation is. I know the Congressional Budget Office just said that this year alone we will have a \$1.5 trillion budget deficit. I think everyone in this body is very aware that we cannot continue on that path. For that reason, Senator MCCASKILL and I have crafted a 10-page bill, a very simple bill. It does a lot, but there are not a lot of whereases. One of its purposes is to cap spending relative to economy.

Most people understand that when we look at economies in other countries of the world, people look at the amount of spending their government does relative to their economic output. Senator MCCASKILL's husband is a businessman. When he looks at the amount of debt he has in his company, he looks at that in relation to revenues and the amount of income he has and his ability to pay the debt. That is the way the world looks at the health of countries.

For the last 4 years—this is the post-entitlement period—our country has been spending 20.6 percent of our GDP or economic output at the Federal level. Everybody knows that right now we are way above that number, at over 24 percent. So again, not to try to create some messaging tool but to solve this problem, Senator MCCASKILL and I have joined to say we need to get back to the norm over a 10-year period, on a glide path that takes us back to fiscal health and to that 20.6 percent of our economy being spent at the Federal level.

The legislation calls for multiyear averaging so we can make sure that economic differentials don't create volatility, so we know exactly what those targets are in advance, so we can go about our work in appropriations in a methodical and thoughtful way. In addition, it creates something called sequestration. That means if Congress does not have the courage, which we

recently have not shown, to do the things it needs to do to make those cuts to live within this glide path we have laid out, then sequestration will take place. The Office of Management and Budget, 45 days after the end of the year, if we have not done those things we need to do to make sure we are on this glide path, will, on a pro rata basis, take money out of the accounts of both mandatory and nonmandatory spending. In addition, if there is an emergency that comes up, it would take a two-thirds vote by both Houses of Congress to overcome those spending limits.

To my knowledge, this is the first time in the entitlement era that we have ever tried to put in place a total spending limit on government. Many of us talk about discretionary spending. All of us know that discretionary spending is less than a third of all Federal spending. All of us know that if we don't redesign the entitlement programs that are about two-thirds of our spending at the Federal level, then there is no way for us to deal appropriately with this issue. So for this reason, this bill would kick in, if it is implemented, in 2013, giving us time to redesign the entitlement programs, especially Medicare and Social Security, so that we know they are here for future generations, so we know that seniors have the benefits they need.

This is the first time we would be putting everything on the table in a comprehensive way as we look at the Federal budget. Simply, this bill will cause us to live within our means.

The problem we find ourselves in today is not a Republican problem or a Democratic problem. Both parties have contributed to the situation. What this bill would require us to do is to set priorities. It would mean that we would have to ensure that programs are being run as effectively and efficiently as possible. I know our main cosponsor, Senator MCCASKILL, has spent a lot of time looking at waste and abuse within the Federal Government. One of the best things about this bill is, if we want to limit spending relative to the country's economic output, it is obviously easier to do so if the economy is growing. So what that would mean is that both parties would be joined at the hip to put in place policies that promote economic growth.

I thank Senator MCCASKILL for her courage in stepping forth with me and others on this bill. It is my hope that we will have people from both sides of the aisle who will join us in this effort. Again, this is being put forth as a serious bill. It is a bill that has no ideology base, simply a bill to solve a problem. We are going to a 40-year average of spending relative to our country's gross domestic product. We are not trying to do things differently than in the past. Both of us know we have not had the courage in recent times to live

within our means, to set priorities as they need to be set. This bill is something that will take us toward that end.

We have a very monumental vote that will be taking place a little bit later in the year regarding the debt ceiling. All of us know it would be irresponsible not to be responsible prior to that debt ceiling vote. We offer this bill as a responsible way to put us on a glide path toward a place that is reasonable for this country, giving us time to redesign the programs that need to be redesigned. It is my hope this bill or something of its nature will pass prior to the debt ceiling vote. It is also my hope that we will go ahead and vote on actual cuts to the Federal budget prior to that time so we can show markets around the world and the American people that we have the ability to work together to solve what I think is our most pressing domestic issue and that is getting our fiscal house in order.

I again thank Senator MCCASKILL. She has been a leader on fiscal issues since she has been here.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, like my colleague, I appreciate the work he has done on this issue. We have been talking about this for a number of weeks. Our staffs have been hammering out the details.

I will be candid. As I left my office, some members of my staff said: OK, good luck walking that plank. We will see how it works out for you. Because this is politically risky, what the Senator and I are trying to do. As I was riding over here on the tram to make this speech, I got a text message from one of my kids. All of a sudden it became clear to me what this is like. This is like saying no when you are a parent. It is so easy to say yes to your kids. When they want something, when they want to do something we think is risky, the easiest thing in the world to do is to say yes.

When they want money, when they want to have a new car, when they want to borrow your car, when they want to go spend the night at a friend's you do not know very well, when they want to stay out later, when they want this, that, when they want to go to the mall, it is so easy to say yes. It does not take a lot of time. It makes them happy. You feel good. But there is always that voice in your head that says: If I am going to be a good parent, sometimes it is more important to say no.

Well, we have a bunch of people in Congress who have made a lifetime career of saying yes. I understand it. We run for office around here. We want everyone to be happy with us. We want everyone to love us. We do not want to disappoint anyone. We do not want there to be controversy about the decisions we make. So how do we avoid the

controversy? We say yes. We say yes. And we have said yes and yes and yes until we find ourselves at this point in our history where our unwillingness to say no, our unwillingness to embrace controversy and political risk, has led us to an economic brink, a place where if we do not do something that is going to make some people angry, that is going to cause some negative ads to be run against us, then we are not doing our job as stewards. That is all we are here. We are passing through. We are not entitled to these jobs. We borrowed these jobs. They belong to the American people, and we have a responsibility as stewards to say no now, to say no.

I remember when I used to tell my kids: It is so much easier for me to tell you yes. And they would say: Well, it is easier for you. It was easier for me. I would say: The right thing to do is for me to say no. And they would say: Well, that is not easier for us.

That is beginning to be what is happening around here. I have noticed some of my colleagues on the other side of the aisle saying: We are going to cut, cut, cut, cut. Now it is all bubbling up, with all the people saying: No, you can't cut our subsidy; No, you can't cut the oil company subsidy; you can't cut a farm program; you can't cut this; you can't cut that. Everyone is coming out of the woodwork to protect the spending that is embraced by our bad habit of saying yes.

So that is why this bill is necessary. This is like telling Congress: You have to be better parents, and if you cannot muster the courage to say no, these cuts are going to happen anyway. It is like a discipline for us. And I do not go here lightly. I do not go here without understanding the political risks involved. But I go here because I deeply believe it is necessary for our country. We cannot get control of the deficit if we do not control spending.

Let me talk for a minute about debt and deficit because as I go out and talk to people, there are a lot of people who use those two terms interchangeably. They do not understand. There is a big difference between the debt and the deficit. The deficit is like your monthly budget and not having enough money to come in to meet your monthly expenses. We talk about the deficit on an annual basis: How much money is the government bringing in and how much money is going out. When more is going out than coming in, we have a deficit.

What happens to that deficit every year? It goes on our debt. It is like a family's mortgage. But instead of us paying down the mortgage every year, we keep adding to the mortgage every year. That is why we now have a \$1.4, \$1.5 trillion deficit this year. We are going to spend that much more than we take in this year. We have \$14 trillion in debt. That is the long-term

mortgage our country has right now that we owe someone that we have to pay. So we have to get hold of this debt.

I want to compliment the President of the United States because the short-term spending stuff is important. And I want to compliment Senator SESSIONS. He and I have worked on short-term spending caps for over a year. But now it is time for us to look at long-term discipline and what we can do to get our country on a glide path where we no longer are precariously on the edge of not being the strongest economic power in the world.

Our deficits are unsustainable and our debt is out of control. This bill takes a very measured approach, gives us time to figure things out. It is not like the ridiculous proposal over in the House where we are going to cut \$2.5 trillion this year. Anybody who thinks that is going to happen, I have a tutu you need to wear down the hall tomorrow. That is a ridiculous proposal. That is impossible to do. But this bill is possible and responsible. This puts us on a glide path to say to the American people that our spending is going to be capped at a certain percentage of our economic activity in this country. That is possible, and it is responsible, and we should do it.

Who is to blame? Let's be honest about how we got here. The biggest factor in our deficits the last 2 years is our poor economy. I know, I know; you would think it is the stimulus. You would think it is TARP. It is not. Political cheap shots but not true. The biggest fiscal hole we are facing is because of the poor economy.

The biggest increase in spending in the last 2 years? You would think it was the auto bailouts or you would think it was the bank bailout or you would think it was the stimulus. It was not. Do you know what the biggest increase in spending was over the last 2 years? Unemployment benefits because of our bad economy. That was the biggest increase in spending over the last 2 years. Our fiscal hole has grown primarily because of a bad economy over the last 2 years.

But there also have been bad decisions by both parties over the last decade. When Clinton left office, our debt—he may have been running a surplus in terms of the deficit, but our debt was \$5.7 trillion. When Bush left office, he had doubled it from \$5.7 trillion to \$10.6 trillion. And today it is \$14 trillion.

Over the past decade, we have had two wars we did not bother to pay for, a brandnew Medicare entitlement—brand spanking new—that was not means tested. We are buying Warren Buffett's prescription drugs. Go figure. Like we are busted and we are buying multihundred-million-dollar billionnaires prescription drugs, and we did not bother to pay for it. We have had in-

creases in discretionary spending by both parties that increased our deficit and exceeded inflation.

I want to talk a minute about the boogie man of the TARP and the stimulus. I am so sick of that being blamed. It is so wrong and factually incorrect. We have tax cuts that go on forever that have contributed to this. We have wars that we are fighting that have contributed to this. We have entitlement programs that are not paid for. But the stimulus was a one-time expenditure. It is not something that goes on. It has no tail.

Anyone who understands economics and understands the balance sheet of the U.S. Government knows this problem was not the stimulus. One-third of the stimulus was tax cuts. The last time I looked, unpaid-for tax cuts were the way of the world. One-third of the stimulus was tax cuts. Another third of it, almost, was unemployment benefits. That is not the problem. And TARP? Let's be honest. It was a genius decision in many ways because it stabilized our financial sector, and it has cost us a mere fraction of the money that was used on a temporary basis to make sure our economy did not twist down the drain, as it was likely to do had President Bush not intervened with his economic team to ask us on a bipartisan basis to do something that was in the best interest of our Nation.

We can move on as to who is to blame because now we have to talk about tomorrow's problems. I am proud the President is dealing with short-term spending by his freeze. I am proud he is working on earmarks and all of the other things that are a symptom of the disease around here. But our challenge is long-term spending. In the long term, spending is going to drive the debt up even higher. Medicare and Medicaid cuts are going to double by 2021. Social Security is going to increase by 70 percent by 2021.

We have to look at those issues and make sure on a bipartisan basis we do what is responsible. We have to make sure these programs—Medicare, Medicaid, and Social Security—are stable and secure for my children and their children. If we cannot agree even on the modest measures such as the 3-year discretionary spending cap Senator SESSIONS and I have been pushing for over a year, I question whether we have the discipline to do the hard work. Getting control of spending is very hard, but we have to do it, and we have to do it now.

First and foremost, we need to focus on eliminating the waste and mismanagement. That is what drives Americans crazy. It drives people crazy that we are spending money on duplicative programs and we are not even checking to see if they work. It drives them crazy when the Federal Government runs huge deficits and we are paying out \$55 billion in improper pay-

ments at Health and Human Services and \$12 billion of improper payments by Treasury to people who do not even qualify.

It drives Americans crazy when we do not make the reforms our auditors recommend. The Defense Department has 1,200 suggestions that have been made by our government auditors about how it can manage its money and its programs better, and they have not acted on almost 1,200 of them. It drives people crazy we are running deficits when we have Departments such as the Agriculture Department and Homeland Security that get failing management grades for 8 straight years. And it drives people crazy when we are running deficits and we are passing appropriations bills with \$15 billion worth of earmarks.

I have been working hard to try to clean up all this waste. We have been working on contract management. I have never requested an earmark. I voted against every omnibus appropriations bill that has come to the floor since I have been a Senator, and I have worked hard for the last year with Senator SESSIONS to cap spending. Now I look forward to working hard with Senator CORKER and many of my friends in the Republican Party to work on the Corker-McCaskill bill to put a cap long term on spending in the Federal Government.

As I say, this is a bold step. It has risks. And if this bill is distorted and twisted, it could cost me my Senate seat. I will say that again. If this bill is distorted and twisted, it could cost me my Senate seat. But it is a price I am willing to pay. It is a price I am willing to pay for my country and, more importantly, it is a price I am willing to pay for my grandchildren.

By Mr. CARDIN (for himself, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. GILLIBRAND):

S. 247. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today, on the first day of Black History Month, I am proud to reintroduce The Harriet Tubman National Historical Park and The Harriet Tubman Underground Railroad National Historical Park Act. I am joined by Mr. SCHUMER, Ms. MIKULSKI, and Ms. GILLIBRAND as original co-sponsors.

The woman, who is known to us as Harriet Tubman, was born in approximately 1822 in Dorchester County, Maryland and given the name Araminta, Minty, Ross. She spent nearly 30 years of her life in slavery on Maryland's Eastern Shore. As an adult

she took the first name Harriet, and when she was 25 she married John Tubman.

Harriet Tubman escaped from slavery in 1849. She did so in the dead of night, navigating the maze of tidal streams and wetlands that, to this day, comprise the Maryland Eastern Shore landscape. She did so alone, demonstrating courage, strength and fortitude that became her hallmarks. Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline counties where, under the most adverse conditions, she led away many family members and other slaves to freedom in the Northeastern United States. Tubman became known as "Moses" by African-Americans and white abolitionists. She is the most famous and most important conductor of the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout and a nurse. She served in Virginia, Florida and South Carolina. She is credited with leading slaves from those slave states to freedom during those years.

Following the Civil War, Tubman settled in Auburn, NY. There she was active in the women's suffrage movement, and she also established one of the first incorporated African-American homes for aged. In 1903 she bequeathed the home to the African Methodist Episcopal Zion Church in Auburn. Harriet Tubman died in Auburn in 1913 and she is buried there in the Fort Hill Cemetery.

Slaves were forced to live in primitive buildings even though many were skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand. The landscapes of the Eastern Shore of Maryland, however, remain evocative of the time that Tubman lived there. Farm fields and forests dot the landscape, which is also notable for its extensive network of tidal rivers and wetlands. In particular, a number of properties including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the master plan boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are today protected by various conservation easements. Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to their freedom.

In New York, on the other hand, many of the buildings associated with

Tubman's life remain intact. Her personal home, as well as the Tubman Home for the Aged, the church and rectory of the Thompson Memorial AME Zion Episcopal Church, and the Fort Hill Cemetery are all extant.

In 1999, the Congress approved legislation authorizing a Special Resource Study to determine the appropriateness of establishing a unit of the National Park Service to honor Harriet Tubman. The Study has taken an exceptionally long time to complete, in part because of the lack of remaining structures on Maryland's Eastern Shore. There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, has been exceedingly difficult. Eventually, the National Park Service determined that designating a Historical Park that would include two geographically separate units would be an appropriate tribute to the life of this extraordinary American. The New York unit would include the tightly clustered Tubman buildings in the town of Auburn. The Maryland portion would include large sections of landscapes that are evocative of Tubman's time and are historically relevant. The Special Resource Study, completed by the National Park Service in the Fall of 2008, confirmed these findings and on July 15, 2009, the National Park Service endorsed S. 227 as introduced in the 111th Congress during a legislative hearing in the Senate Energy and Natural Resources Committee.

During the process of preparing S. 227 for markup in the Senate Energy and Natural Resources Committee, the Chairman of the Committee, Mr. BINGAMAN, drafted a substitute amendment of the bill. The contents of the Bingaman substitute are the result of his work to accommodate concerns that the Ranking Member on the Senate Energy and Natural Resources Committee had with S. 227 as introduced. An agreement was reached on the contents of the substitute amendment. An opportunity to mark up S. 227, consider the Bingaman substitute, and hold a vote in Committee never happened in the final months of the 111th Congress.

The legislation I am introducing today incorporates the proposed changes from the Bingaman substitute to S. 227. The bill establishes two parks.

The Harriet Tubman National Historical Park is comprised of important historical structures in Auburn, NY. They include Tubman's home, the Home for the Aged that she established, the African Methodist Episcopal AME Zion Church, and the Fort Hill Cemetery where she is buried.

The Harriet Tubman Underground Railroad National Historical Park in-

cludes historically important landscapes in Dorchester, Caroline and Talbot counties, Maryland, that are evocative of the life of Harriet Tubman.

In Dorchester County, the parcels would not be contiguous, but would include about 2,775 acres. All of these parcels are located within the established master plan boundaries of the Blackwater National Wildlife Refuge but are not currently owned by the U.S. Fish and Wildlife Service. The four parcels located within the Blackwater National Wildlife Refuge Boundary, are sites significant to the life of Harriet Tubman. These parcels include the Anthony Thompson plantation parcel where Harriet Tubman likely was born, The Brodess Plantation parcel where Tubman worked as a young girl, the Cook Plantation parcel where as a teenager Harriet Tubman worked as a seamstress, and the Jacob Jackson parcel which is believed to be the location of one of the first safe houses along the Underground Railroad. The Park would be established upon the fee simple acquisition, by the National Park Service, of any of these parcels located within the current boundary of the Blackwater National Wildlife Refuge.

Additional areas that would comprise the Harriet Tubman historic area include about 2,200 acres in Caroline County that comprise the Poplar Neck plantation that Tubman escaped from in 1849. The 725 acres of viewshed across the Choptank River in Talbot County would also be included in the Park. These parcels are authorized to come under protection through conservation easements held by the private property owners.

The bill authorizes such sums as necessary to meet the goals and objectives of the bill. Funds can be used for the construction of the Harriet Tubman Park Visitors Center, through a cost sharing requirement, for easements, or acquisition of the designated parcels eligible for fee simple acquisition.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts. She lived those principles and shared that freedom with hundreds of others. In doing so, she has earned a nation's respect and honor.

Harriet Tubman is one of many great Americans that we honor and celebrate every February during Black History Month. In schools across the country, American History curriculums teach our children about Tubman's courage, conviction, her fight for freedom and her contributions to the greatness of our nation during a contentious time in U.S. history. Now it is time to add to Tubman's legacy by preserving, protecting and commemorating the places evocative of Harriet Tubman's extraordinary life.

I am so proud to introduce this legislation, establishing the Harriet Tubman National Historical Park and the

Harriet Tubman Underground Railroad National Historical Park. I look forward to working with my colleagues to establish this important and fitting tribute to Harriet Tubman, a life worthy of recognition.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Harriet Tubman National Historical Parks Act”.

SEC. 2. HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “historical park” means the Harriet Tubman Underground Railroad National Historical Park established by subsection (b)(1)(A).

(2) MAP.—The term “map” means the map entitled “Authorized Acquisition Area for the Proposed Harriet Tubman Underground Railroad National Historical Park”, numbered T20/80,001, and dated July 2010.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Maryland.

(b) HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park, including an official boundary map for the historical park.

(D) AVAILABILITY OF MAP.—The official boundary map published under subparagraph (C) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman and the Underground Railroad.

(3) LAND ACQUISITION.—

(A) IN GENERAL.—The Secretary may acquire land and interests in land within the areas depicted on the map as “Authorized Acquisition Areas” by purchase from willing sellers, donation, or exchange.

(B) BOUNDARY ADJUSTMENT.—On acquisition of land or an interest in land under subparagraph (A), the boundary of the historical park shall be adjusted to reflect the acquisition.

(C) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance

with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERAGENCY AGREEMENT.—Not later than 1 year after the date on which the historical park is established, the Director of the National Park Service and the Director of the United States Fish and Wildlife Service shall enter into an agreement to allow the National Park Service to provide for public interpretation of historic resources located within the boundary of the Blackwater National Wildlife Refuge that are associated with the life of Harriet Tubman, consistent with the management requirements of the Refuge.

(3) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, colleges and universities, non-profit organizations, and individuals—

(i) to mark, interpret, and restore nationally significant historic or cultural resources relating to the life of Harriet Tubman or the Underground Railroad within the boundaries of the historical park, if the agreement provides for reasonable public access; or

(ii) to conduct research relating to the life of Harriet Tubman and the Underground Railroad.

(B) VISITOR CENTER.—The Secretary may enter into a cooperative agreement with the State to design, construct, operate, and maintain a joint visitor center on land owned by the State—

(i) to provide for National Park Service visitor and interpretive facilities for the historical park; and

(ii) to provide to the Secretary, at no additional cost, sufficient office space to administer the historical park.

(C) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity under this paragraph may be in the form of in-kind contributions or goods or services fairly valued.

(D) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)).

(2) CONSULTATION.—The general management plan shall be prepared in consultation with the State (including political subdivisions of the State).

(3) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Blackwater National Wildlife Refuge;

(B) the Harriet Tubman National Historical Park established by section 3(b)(1)(A); and

(C) the National Underground Railroad Network to Freedom.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. HARRIET TUBMAN NATIONAL HISTORICAL PARK, AUBURN, NEW YORK.

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “historical park” means the Harriet Tubman National Historical Park established by subsection (b)(1)(A).

(2) HOME.—The term “Home” means The Harriet Tubman Home, Inc., located in Auburn, New York.

(3) MAP.—The term “map” means the map entitled “Harriet Tubman National Historical Park”, numbered T18/80,000, and dated March 2009.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of New York.

(b) HARRIET TUBMAN NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman National Historical Park in Auburn, New York, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park.

(D) MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) BOUNDARY.—The historical park shall include the Harriet Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church and Rectory, and associated land, as identified in the area entitled “National Historical Park Proposed Boundary” on the map.

(3) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman.

(4) LAND ACQUISITION.—The Secretary may acquire land and interests in land within the areas depicted on the map by purchase from a willing seller, donation, or exchange.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Auburn, New York, relating to the life of Harriet Tubman.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the owner of any land within the historical park to mark, interpret, or restore nationally significant historic or cultural resources relating to the life of Harriet Tubman, if the agreement provides that—

(i) the Secretary shall have the right of access to any public portions of the land covered by the agreement to allow for—

(I) access at reasonable times by historical park visitors to the land; and

(II) interpretation of the land for the public; and

(ii) no changes or alterations shall be made to the land except by mutual agreement of the Secretary and the owner of the land.

(B) RESEARCH.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, institutions of higher education, the Home and other nonprofit organizations, and individuals to conduct research relating to the life of Harriet Tubman.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions or goods or services fairly valued.

(D) ATTORNEY GENERAL.—

(i) IN GENERAL.—The Secretary shall submit to the Attorney General for review any cooperative agreement under this paragraph involving religious property or property owned by a religious institution.

(ii) FINDING.—No cooperative agreement subject to review under this subparagraph shall take effect until the date on which the Attorney General issues a finding that the proposed agreement does not violate the Establishment Clause of the first amendment to the Constitution.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”)(16 U.S.C. 1a-7(b)).

(2) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Harriet Tubman Underground Railroad National Historical Park established by section 2(b)(1); and

(B) the National Underground Railroad Network to Freedom.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act, except that not more than \$7,500,000 shall be available to provide financial assistance under subsection (c)(3).

By Mr. WYDEN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 248. A bill to allow an earlier start of State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, I rise today to reintroduce the Empowering States to Innovate Act with my colleagues, Senators SCOTT BROWN and MARY LANDRIEU.

At a time when we are looking for ways to bring this country together to deal with the most contentious issues of our time, we ought to be supporting innovation. We ought to be supporting

unleashing creative kinds of approaches to deal with domestic issues. That is the foundation of this legislation.

What Senators BROWN, LANDRIEU and I are seeking to do is to show it is possible on a significant issue—I think we all understand health care is about as important as it gets—that we can come together, and facilitate this kind of innovation. It is pretty clear that what works in Springfield, OR, may not be exactly ideal for Springfield, MA. But what we can do is come up with a way to provide more flexibility and particularly more choice and more competition for our States and other States around the country.

If we can just move away from a Federal cookie-cutter approach and encourage the kind of creative thinking we have seen in Oregon and in Massachusetts and other parts of the country, I think we will be well served and will be in a position to better contain health care costs. I think we all understand that how to rein in these medical costs that are gobbling up everything in sight is first and foremost on the minds of our constituents.

The Empowering States to Innovate Act encourages additional innovative approaches in States, approaches that are tailored to the needs of States’ own residents, that will help us, in my view, to promote choice and competition in the American health care system. As long as they meet certain requirements as far as coverage and affordability are met, the States are free to do whatever they choose. I just offer up my own judgment that right now, at a time when most Americans still don’t get much choice in their health care coverage, this is an ideal opportunity that both Democrats and Republicans can support. As States seek to go forward with this approach, they can make their own choices.

In particular, what I have been concerned about, after talking to health policymakers over the last few months, is if, in the State of New York, for example, you go out and set up a process to comply with the legislation for purposes of 2014 and you see that the waiver, as now constituted under 1332, starts in 2017, you say: How am I going to reconcile those two? Am I going to set up one approach for 2014 and then do another approach in 2017? It is going to put us through a lot of bureaucratic water torture to try to figure out how to synchronize those two dates. So it only makes sense to speed it all up and make it possible for everybody to get started in 2014.

We have outlined the two key changes in the legislation that is law today. The first change is to make the waivers effective in 2014 rather than in 2017 so States only have to change their systems once. The second thing the Empowering States to Innovate Act does is it requires the Department

of Health and Human Services to begin to review State waiver applications within 6 months of enactment of the legislation. This would allow States early notification of whether their State waivers have been approved and would give them adequate time to roll out their State-specific plans. I think this, too, will help us create more competition, more choice, and more affordability in American health care because it will give the States adequate time to gear up. That is the philosophy behind the Empowering States to Innovate Act, whether one likes one particular approach or another. Clearly, there will be great diversity of approaches tried at the State level.

This legislation offers an opportunity for States to engage in a “race to the top” for what will deliver the best health care choices and options to their constituents. This provides a chance for States to do it better. I look forward to working with colleagues on both sides of the aisle to give States that chance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Empowering States to Innovate Act”.

SEC. 2. EARLIER START FOR STATE HEALTH CARE COVERAGE INNOVATION WAIVERS.

Section 1332(a) of the Patient Protection and Affordable Care Act is amended—

(1) by striking “January 1, 2017” in paragraph (1) and inserting “January 1, 2014”; and

(2) by inserting “beginning not later than 180 days after the date of the enactment of the Empowering States to Innovate Act” after “application” in paragraph (4)(B)(ii).

Mr. BROWN of Massachusetts. Mr. President, I rise today to join my colleague, Mr. WYDEN, to introduce legislation that will protect Massachusetts by allowing it to waive out of specific requirements under the Patient Protection and Affordable Care Act.

As my colleagues know, my single priority is and has always been to ensure that what we do here in Washington does not harm my State of Massachusetts, or the people of Massachusetts, and that we are responsible stewards with every tax dollar.

This has been true when it comes to voting against raising taxes on families and businesses. It has been true when it comes to fighting for commonsense, pro-growth policies that will create jobs in Massachusetts. And it has been true in my efforts to be sure that the Federal health care reform bill does not diminish or harm the health care innovations that have occurred in Massachusetts.

Today we get to make a correction to the Federal health care reform bill to be sure that we are doing the right thing, not just for the State of Massachusetts but for other States who seek to waive out of certain requirements of the Federal health care reform law.

In many ways, Massachusetts has been on the forefront of implementing health care reform—expanding access, designing systems to increase market participation and choice, and increasing transparency for consumers and providers. We continue to learn lessons every day in Massachusetts about what works and doesn't work in health care reform.

And this is an important point because it speaks directly to the purpose of the legislation that I am introducing today with my colleague, Mr. WYDEN from Oregon.

As difficult as it is for me to admit this, not every State wants to be like Massachusetts. Massachusetts is a great State, with the best hospitals, physicians, researchers and health care providers in the country and the world.

But I recognize that my colleague from Oregon is interested in protecting the reform efforts of Oregon. He doesn't want to be like Massachusetts because Oregon is different from Massachusetts. Oregon's insurance market is different, its provider network is different, its beneficiaries and population are different from Massachusetts. Oregon might want to implement reforms or create a coverage mechanism that I do not like or that would not work in a State like Massachusetts. The same is true for the other 49 States—each State is different, unique—and each State should be able to find solutions that work for their citizens and their State budgets.

Which is why the legislation that I am introducing today with Mr. WYDEN—the Empowering States to Innovate Act—is so important.

Right now, as provided under section 1332—“The Waivers for State Innovation”—of the Patient Protection and Affordable Care Act, States can waive out of provisions of the Federal reform law. That's the good news. The bad news is that this waiver authority is not scheduled to take effect until 2017, a full 3 years after PPACA is scheduled to be fully implemented.

That makes no sense, so we are going to fix it.

The first thing our bill does is to allow States to waive out of specific parts of PPACA in 2014 rather than 2017. This makes sense not just from an operational standpoint—because PPACA takes effect in 2014—but also from an economic and fiscal standpoint. Why should Massachusetts be delayed in obtaining a waiver from the Federal reform bill when it may have already met and or exceeded specific provisions of PPACA? Holding Massachusetts back—limiting my State's

ability to innovate, remain flexible and responsive to the health care market—costs money; it costs taxpayer money.

That doesn't make sense. So our legislation fixes that.

The second piece our bill does is to provide States with certainty with the waiver process. Not every State will be eligible for a waiver and not every waiver will be granted. But our bill provides some certainty for those States who apply for a waiver by requiring the Secretary of Health and Human Services to begin reviewing applications within 6 months of enactment of this bill. The earlier a State knows whether it has received a waiver, the earlier it can begin implementing its specific plans and proposals.

Taken together, these two changes are good for Massachusetts. They are good for other States who are trying to innovate and advance in the areas of health care reform, cost containment, and coverage.

During Wednesday's Finance Committee hearing, Dr. Berwick, who is from the State of Massachusetts, I might add, said this about State innovation and flexibility.

And I quote:

The cliché about states as laboratories of democracy is not just a cliché, it's true. The diversity of approaches that we're seeing emerge state by state has been there for a long time. I think we should be doing everything we can to encourage it.

I couldn't agree more. I am a strong supporter of state rights and for allowing States to solve problems without the Federal Government's interference.

We should be encouraging State innovation, not hampering it.

And that is what the Empowering States to Innovate Act does—it helps ensure that States aren't held back from innovating and seeking solutions that work for their citizens, their taxpayers, their providers, and their communities.

Finally, Mr. President, I want to associate myself with Mr. WYDEN's comments about how our bill fits into the Federal health care reform debate. Enacting this legislation is the right thing to do because it is good for States like Massachusetts. It is good for States like Oregon and Utah, who have begun to make changes and reforms at the State level.

The legislation provides flexibility and says that a one-size-fits-all health care system doesn't fit the needs of every State. I know a Federal standard isn't in the best interest of my State of Massachusetts, which is why passing this bill is the right thing to do.

I thank my colleague, Mr. WYDEN, for his thoughtful remarks and urge my colleagues to join us in supporting this legislation that I think both parties can and should agree on.

By Mr. LEAHY (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. HARKIN):

S. 250. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the Justice for All Reauthorization Act of 2011. The Justice for All Act, passed in 2004, was unprecedented, bipartisan criminal justice legislation. It was Congress's most significant step forward in many years to improve the quality of justice in this country and to improve public confidence in the integrity of the American justice system.

After several hearings and much work, with this legislation we continue the process of building on that foundation to go still further in making sure our criminal justice system works fairly and effectively for all Americans. Senator KLOBUCHAR, Senator FRANKEN, and Senator HARKIN join me today as original cosponsors of this important bill, and I thank them for their ongoing support.

I also appreciate the involvement of Senators on the other side of the political aisle, including Senators SESSIONS and GRASSLEY, who have participated in the development of this bill and provided valuable input. I am confident that this bill will pass with bipartisan support, as the original Justice for All Act did, and I look forward to working with Senators from both parties to reach that goal.

In 2000, I introduced the Innocence Protection Act, which aimed to improve the administration of justice by ensuring that defendants in the most serious cases receive competent representation and, where appropriate, access to post conviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong.

The Innocence Protection Act became a key component of the Justice for All Act. The act also included vital provisions to ensure that crime victims have the rights and protections they need and deserve and that States and communities take major steps to reduce the backlog of untested rape kits and ensure prompt justice for victims of sexual assault. These and other important criminal justice provisions made the Justice for All Act a groundbreaking achievement in criminal justice reform.

The programs created by the Justice for All Act have had an enormous impact, and it is crucial that we reauthorize them. Unfortunately, the Judiciary Committee's hearings and recent headlines have made clear that simply reauthorizing the existing law is not enough. Significant problems remain, and we must work together to address them.

In too many communities around the country, large numbers of untested rape kits have been found, many of which have not even made their way to crime labs. It is unacceptable that rape victims must still live in fear and wait for justice. We must act to fix this continuing problem.

The original Justice for All Act included the Debbie Smith DNA Backlog Reduction Program, which authorized significant funding to reduce the backlog of untested rape kits so that victims need not live in fear while kits languish in storage. That program is named after Debbie Smith, who lived in fear for years after being attacked before her rape kit was tested and the perpetrator was caught. She and her husband Rob have worked tirelessly to ensure that others need not experience the ordeal she went through. I thank Debbie and Rob for their continuing help on this extremely important cause.

Since we passed this important law in 2004, the Debbie Smith Act has resulted in hundreds of millions of dollars going to States for the testing of DNA samples to reduce backlogs. I have worked with Senators of both parties to ensure full funding for the Debbie Smith Act each year.

As I have researched this problem of untested rape kits, there is one thing that I have heard again and again: the Debbie Smith program has been working and is making a major difference. I have heard from the Justice Department, States including my home State of Vermont, law enforcement, and victims' advocates that Debbie Smith grants have led to significant and meaningful backlog reduction, and to justice for victims, in jurisdictions across the country.

Unfortunately, despite the good strides we have made and the significant Federal funding for backlog reduction, we have seen alarming reports of continuing backlogs. A study in 2008 found 12,500 untested rape kits in the Los Angeles area alone, and while Los Angeles has since made progress in addressing the problem, other cities have now reported backlogs almost as severe. In 2009, the Justice Department released a report finding that in 18 percent of open, unsolved rape cases, evidence had not even been submitted to a crime lab.

That Justice Department study gets to a key component of this problem that has not yet been addressed. No matter how much money we send to

crime labs for testing, if samples that could help make cases instead sit on the shelf in police evidence rooms and never make it to the lab, that money will do no good. Police officers must understand the importance of testing this vital evidence and must learn when testing is appropriate and necessary. In too many jurisdictions rape kits taken from victims who put themselves through further hardship to take these samples—rape kits that could help law enforcement to get criminals off the street—are sitting untested.

The bill we introduce today will finally address this part of the problem by mandating that the Department of Justice develop practices and protocols for the processing of DNA evidence and provide technical assistance to State and local governments to implement those protocols. The bill authorizes funding to States and communities to reduce their rape kit backlogs at the law enforcement stage by training officers, improving practices, developing evidence tracking systems, and taking other key steps to make sure that this crucial evidence gets to the labs to be tested.

The bill will also help us get to the bottom of this problem by calling for the development of a standardized definition of "backlog" covering both the law enforcement and lab stages and by implementing public reporting requirements to help us to identify where the backlogs are. It also takes steps to ensure that labs test DNA samples in the best order so that those samples which can help secure justice for rape victims are tested most quickly. It will also put into place new accountability requirements to make sure that Debbie Smith Act money is being spent effectively and appropriately.

The bill makes important changes to existing law to ensure that no rape victims are ever required to pay for testing of their rape kits and that these costs are covered with no strings attached. Senator FRANKEN has been a strong advocate of this important provision, and I thank him for his help.

In the years since the Justice for All Act passed, we have also seen too many cases of people found to be innocent after spending years in jail, and we have faced the harrowing possibility that the unthinkable may have happened: the State of Texas may have executed an innocent man. We must act to ensure that our criminal justice system works as it should so that relevant evidence is tested and considered and all defendants receive quality representation.

The Justice for All Reauthorization Act takes important new steps to ensure that defendants in serious cases receive adequate representation and, where appropriate, testing of relevant DNA samples. As a former prosecutor, I have great faith in the men and women of law enforcement, and I know

that the vast majority of the time our criminal justice system does work fairly and effectively. I also know though that the system only works as it should when each side is well represented by competent and well-trained counsel, and when all relevant evidence is retained and tested.

Sadly, we learn regularly of defendants released after new evidence exonerates them. We must do better. It is an outrage when an innocent person is punished, and it is doubly an outrage that, in those cases, the guilty person remains on the streets, able to commit more crimes, which makes all of us less safe.

This legislation takes important new steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive constitutionally adequate representation. It requires the Department of Justice to assist States that want help developing an effective and efficient system of indigent defense, and it establishes a cause of action for the Federal Government to step in when States are systematically failing to provide the representation called for in the constitution.

This is a reasonable measure that gives the States assistance and time needed to make necessary changes and seeks to provide an incentive for States to do so. Prosecutors and defense attorneys recognize the importance of quality defense counsel. It was persuasive to me when Houston District Attorney Patricia Lykos testified before the Judiciary Committee that it helps her do her job as a prosecutor when there are competent defense attorneys. I have also learned through this process that the most effective systems of indigent defense are not always the most expensive. In some cases, making the necessary changes may also save States money.

This legislation will also help ensure that the innocent are not punished while the guilty remain free by strengthening Kirk Bloodsworth Post Conviction DNA Testing Grant Program, one of the key programs created in the Innocence Protection Act. Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. He was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence.

This program provides grants to States for testing in cases like Kirk's where someone has been convicted, but where significant DNA evidence was not tested. The last administration resisted implementing the program for several years, but we worked hard to see the program put into place. Now, money has gone out to a number of States, and the Committee has heard strong testimony that the program is

making an impact. The legislation we introduce today expands the very modest authorization of funds to this important program and clarifies the conditions set for this program so that participating States are required to preserve key evidence, which is crucial, but are required to do so in a way that is attainable and will allow more States to participate.

The bill also asks States to produce comprehensive plans for their criminal justice systems, which will help to ensure that criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need. The bill reauthorizes and improves key grant programs in a variety of areas throughout the criminal justice system. Importantly, it increases authorized funding for the Paul Coverdell Forensic Science Improvement Grant program, which is a vital program to assist forensic laboratories in performing the many forensic tests that are essential to solving crimes and prosecuting perpetrators. I appreciate Senator SESSIONS' longstanding support for this important program.

Finally, the legislation strengthens rights for victims of crime. It gives crime victims an affirmative right to be informed of all of their rights under the Crime Victims' Rights Act and other key laws, and it takes several steps to make it easier for crime victims to assert their legal rights in court. I thank Senators FEINSTEIN and KYL for their leadership in this area and their assistance in developing these provisions.

In these times of tight budgets, it is important to note that this bill would make all of these improvements without increasing total authorized funding under the Justice For All Act and that many of these changes will help States, communities, and the Federal Government save money in the long term.

I thank the many law enforcement and criminal justice organizations that have helped to pinpoint the needed improvements that this law attempts to solve. Numerous organizations including the Fraternal Order of Police, the National Sheriffs' Association, and the National District Attorneys' Association have expressed strong support for this bill.

Today, we rededicate ourselves to building a criminal justice system in which the innocent remain free, the guilty are punished, and all sides have the tools, resources, and knowledge they need to advance the cause of justice. Americans need and deserve a criminal justice system which keeps us safe, ensures fairness and accuracy, and fulfills the promise of our constitution. This bill will take important steps to bring us closer to that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for All Reauthorization Act of 2011".

SEC. 2. CRIME VICTIMS' RIGHTS.

Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(9) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.";

(2) in subsection (d)(3), in the fifth sentence, by inserting " , unless the litigants, with the approval of the court, have stipulated to a different time period for consideration" before the period; and

(3) in subsection (e)—

(A) by striking "this chapter, the term" and inserting the following: "this chapter:

"(1) COURT OF APPEALS.—The term 'court of appeals' means—

"(A) for a violation of the United States Code, the United States court of appeals for the judicial district in which a defendant is being prosecuted; and

"(B) for a violation of the District of Columbia Code, the District of Columbia Court of Appeals.

"(2) CRIME VICTIM.—

"(A) IN GENERAL.—The term";

(B) by striking "In the case" and inserting the following:

"(B) MINORS AND CERTAIN OTHER VICTIMS.—In the case"; and

(C) by adding at the end the following:

"(3) DISTRICT COURT; COURT.—The terms 'district court' and 'court' include the Superior Court of the District of Columbia."

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking "\$2,000,000" and all that follows through "2009" and inserting "\$5,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016";

(2) in paragraph (2), by striking "\$2,000,000" and all that follows through "2009," and inserting "\$5,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016";

(3) in paragraph (3), by striking "\$300,000" and all that follows through "2009," and inserting "\$500,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016";

(4) in paragraph (4), by striking "\$7,000,000" and all that follows through "2009," and inserting "\$11,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016"; and

(5) in paragraph (5), by striking "\$5,000,000" and all that follows through "2009," and inserting "\$7,000,000 for each of fiscal years 2012, 2013, 2014, 2015, and 2016".

(b) CRIME VICTIMS NOTIFICATION GRANTS.—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking "this section—" and all that follows and inserting "this section \$5,000,000 for each of the fiscal years 2012, 2013, 2014, 2015, and 2016."

SEC. 4. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) IN GENERAL.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended to read as follows:

"SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'backlog for DNA case work' has the meaning given that term by the Director, in accordance with subsection (b)(3);

"(2) the term 'Combined DNA Index System' means the Combined DNA Index System of the Federal Bureau of Investigation;

"(3) the term 'Director' means the Director of the National Institute of Justice;

"(4) the term 'emergency response provider' has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

"(5) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"(b) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS OF EVIDENCE BACKLOG FOR DNA CASE WORK.—

"(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the Justice for All Reauthorization Act of 2011, the Director shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

"(A) how to determine—

"(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

"(ii) the preferred order in which evidence from the same case is to be tested; and

"(iii) the preferred order in which evidence from different cases is to be tested;

"(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

"(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed; and

"(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

"(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

"(3) DEFINITION OF BACKLOG FOR DNA CASE WORK.—The Director shall develop and publish a definition of the term 'backlog for DNA case work' for purposes of this section—

"(A) taking into consideration the different stages at which a backlog may develop, including the investigation and prosecution of a crime by law enforcement personnel, prosecutors, and others, and the laboratory analysis of crime scene samples; and

"(B) which may include different criteria or thresholds for the different stages.

“(c) AUTHORIZATION OF GRANTS FOR THE COLLECTION AND PROCESSING OF DNA EVIDENCE BY LAW ENFORCEMENT.—

“(1) PURPOSE.—The Attorney General may make grants to States or units of local government which may be used to—

“(A) ensure that the collection and processing of DNA evidence from crimes, including sexual assault and other serious violent crimes, is carried out in an appropriate and timely manner;

“(B) eliminate existing backlogs for DNA case work, including backlogs from sexual assault cases; and

“(C) ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

“(2) APPLICATION.—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

“(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious collection and processing of DNA evidence in accordance with this section; and

“(B) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose specified in each of subparagraphs (A), (B), and (C) of paragraph (1).

“(3) COLLECTION AND PROCESSING OF SAMPLES.—A plan described in paragraph (2)(A)—

“(A) shall require a State or unit of local government to—

“(i) adopt the appropriate protocols and practices developed under subsection (b)(1); and

“(ii) ensure that emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel within the jurisdiction of the State or unit of local government receive training on the content and appropriate use of the protocols and practices; and

“(B) may include the development and implementation within the State or unit of local government of an evidence tracking system to ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, defense counsel, courts, crime laboratory personnel, and crime victims regarding the status of crime scene evidence subject to DNA analysis.

“(4) REPORTING AND PUBLICATION OF DNA BACKLOGS.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require a State or unit of local government to submit to the Attorney General an annual report reflecting the current backlog for DNA case work within the jurisdiction in which the funds are used, which shall include—

“(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

“(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

“(iii) any other information the Attorney General determines appropriate.

“(B) COMPILATION.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

“(d) AUTHORIZATION OF GRANTS FOR DNA TESTING AND ANALYSIS BY LABORATORIES.—

“(1) PURPOSE.—The Attorney General may make grants to States or units of local government to—

“(A) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples collected under applicable legal authority;

“(B) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect;

“(C) increase the capacity of laboratories owned by the State or unit of local government to carry out DNA analyses of samples specified in subparagraph (A) or (B);

“(D) collect DNA samples specified in subparagraph (A); and

“(E) ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

“(2) APPLICATION.—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

“(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

“(B) certifying that each DNA analysis carried out under the plan shall be maintained in accordance with the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

“(C) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(A) and the percentage of the amounts the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(B);

“(D) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for a purpose described in paragraph (1)(C);

“(E) if submitted by a unit of local government, certifying that the unit of local government has taken, or is taking, all necessary steps to ensure that the unit of local government is eligible to include in the Combined DNA Index System, directly or through a State law enforcement agency, all analyses of samples for which the unit of local government has requested funding; and

“(F) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose described in paragraph (1)(D).

“(3) ANALYSIS OF SAMPLES.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require that, except as provided in subparagraph (C), each DNA analysis be carried out in a laboratory that—

“(i) satisfies quality assurance standards; and

“(ii) is—

“(I) operated by the State or a unit of local government; or

“(II) operated by a private entity pursuant to a contract with the State or a unit of local government.

“(B) QUALITY ASSURANCE STANDARDS.—

“(i) IN GENERAL.—The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director of the Federal Bureau of Investigation considers adequate to assure the quality of a forensic laboratory.

“(ii) EXISTING STANDARDS.—For purposes of this paragraph, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

“(4) USE OF VOUCHERS OR CONTRACTS FOR CERTAIN PURPOSES.—

“(A) IN GENERAL.—A grant for a purpose specified in subparagraph (A), (B), (E), or (F) of paragraph (1) may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

“(B) REDEMPTION.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

“(C) PAYMENTS.—The Attorney General may use amounts appropriated to carry out this section to make payments to a laboratory described under subparagraph (B).

“(5) REPORTING AND PUBLICATION OF DNA BACKLOGS.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require the State or unit of local government to submit to the Attorney General an annual report reflecting the backlog for DNA case work within the jurisdiction in which the funds will be used, which shall include—

“(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

“(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

“(iii) any other information the Attorney General determines appropriate.

“(B) COMPILATION.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

“(e) FORMULA FOR DISTRIBUTION OF GRANTS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among States and units of local government applying for grants under this section that—

“(A) maximizes the effective use of DNA technology to solve crimes and protect public safety; and

“(B) allocates grants among States and units of local government fairly and efficiently, across rural and urban jurisdictions, to address States and units of local government in which significant backlogs for DNA case work exist, by considering—

“(i) the number of offender and casework samples awaiting DNA analysis in a State or unit of local government;

“(ii) the population in the State or unit of local government;

“(iii) the number of part 1 violent crimes in the State or unit of local government; and

“(iv) the availability of resources to train emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel on the effectiveness of appropriate and timely DNA collection, processing, and analysis.

“(2) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total amount appropriated in a fiscal year for grants under this section.

“(3) LIMITATION.—In distributing grant amounts under paragraph (1), the Attorney General shall ensure that for each of fiscal years 2012 through 2016, not less than 40 percent of the grant amounts are awarded for purposes described in subsection (d)(1)(B).

“(f) RESTRICTIONS ON USE OF FUND.—

“(1) NONSUPPLANTING.—Funds made available under this section shall not be used to supplant funds of a State or unit of local government, and shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from the State or unit of local government for the purposes described in this Act.

“(2) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 3 percent of the amounts made available under a grant under this section for administrative expenses relating to the grant.

“(g) REPORTS TO THE ATTORNEY GENERAL.—Each State or unit of local government that receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report at such time and in such manner as the Attorney General may reasonably require, that contains—

“(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

“(2) such other information as the Attorney General may require.

“(h) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to Congress a report that includes—

“(1) the aggregate amount of grants made under this section to each State or unit of local government for the fiscal year;

“(2) a summary of the information provided by States or units of local government receiving grants under this section; and

“(3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how the plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

“(i) EXPENDITURE RECORDS.—

“(1) IN GENERAL.—Each State or unit of local government that receives a grant under this section shall keep such records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

“(2) ACCESS.—Each State or unit of local government that receives a grant under this

section shall make available, for the purpose of audit and examination, any records relating to the receipt or use of the grant.

“(j) USE OF FUNDS FOR ACCREDITATION AND AUDITS.—The Attorney General may distribute not more than 1 percent of the amounts made available for grants under this section for a fiscal year—

“(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;

“(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community to—

“(A) defray the costs of external audits of laboratories operated by the State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

“(B) assess compliance with any plans submitted to the Director that detail the use of funds received by States or units of local government under this section; and

“(C) support capacity building efforts; and

“(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

“(k) USE OF FUNDS FOR OTHER FORENSIC SCIENCES.—The Attorney General may make a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

“(1) certifies to the Attorney General that in such State or unit—

“(A) all of the purposes set forth in subsections (c) and (d) have been met;

“(B) there is not a backlog for DNA case work, as defined by the Director in accordance with subsection (b)(3); and

“(C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely processing of DNA case work or offender samples; and

“(2) demonstrates to the Attorney General that the State or unit of local government requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

“(1) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—If a laboratory operated by a State or unit of local government which has received funds under this section has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of the audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with the standards, the State or unit of local government shall implement any such remediation as soon as practicable.

“(m) PENALTY FOR NONCOMPLIANCE.—

“(1) IN GENERAL.—The Attorney General shall annually compile a list of the States and units of local government receiving a grant under this section that have failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g). The Attorney General shall publish each list compiled

under this paragraph on the website of the Department of Justice.

“(2) REDUCTION IN GRANT FUNDS.—For any State or local government that the Attorney General determines has failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g), the Attorney General may not award a grant under this section for the fiscal year after the fiscal year to which the determination relates in an amount that is more than 50 percent of the amount the State or local government would have otherwise received.

“(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsections (c) and (d) \$151,000,000 for each of fiscal years 2012 through 2016.”

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall evaluate the policies, standards, and protocols relating to the use of private laboratories in the analysis of DNA evidence, including the mandatory technical review of all outsourced DNA evidence by public laboratories prior to uploading DNA profiles into the Combined DNA Index System of the Federal Bureau of Investigation. The evaluation shall take into consideration the need to reduce DNA evidence backlogs while guaranteeing the integrity of the Combined DNA Index System.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Director of the Federal Bureau of Investigation completes the evaluation under paragraph (1), the Director shall submit to Congress a report of the findings of the evaluation and any proposed policy changes.

(c) TRANSITION PROVISION.—

(1) DEFINITION.—In this subsection, the term “transition date” means the day after the latter of—

(A) the date on which the Director of the National Institute of Justice publishes a definition of the term “backlog for DNA case work” in accordance with section 2(b)(3) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a); and

(B) the date on which the Director of the National Institute of Justice publishes a description of protocols and practices in accordance with section 2(b)(1) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a).

(2) GRANT AUTHORITY.—Notwithstanding the amendments made by subsection (a)—

(A) the Attorney General may make grants under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), as in effect on the day before the date of enactment of this Act, until the transition date; and

(B) the Attorney General may not make a grant under section 2 of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a), until the transition date.

SEC. 5. RAPE EXAM PAYMENTS.

Section 2010 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) is amended—

(1) in subsection (a)(1)—

(A) by striking “entity incurs the full” and inserting the following: “entity—

“(A) incurs the full”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) coordinates with regional health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victims.”;

(2) in subsection (b)—

(A) in paragraph (1), by adding “or” at the end;

(B) in paragraph (2), by striking “; or” and inserting a period; and

(C) by striking paragraph (3); and

(3) in subsection (d), by striking “(d) RULE OF CONSTRUCTION.—” and all that follows through the end of paragraph (1) and inserting the following:

“(d) NONCOOPERATION.—

“(1) IN GENERAL.—To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.”.

SEC. 6. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2012 through 2016”.

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2275) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2012 through 2016”.

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2012 through 2016”.

SEC. 7. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

Section 101(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(K) \$35,000,000 for each of fiscal years 2012 through 2016.”.

SEC. 8. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking “\$75,000,000 for each of fiscal years 2005 through 2009” and inserting “\$50,000,000 for each of fiscal years 2012 through 2016”; and

(2) in subsection (b), by inserting before the period at the end the following: “, or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422.”.

SEC. 9. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking “death”; and

(B) in paragraph (3)(A), by striking “and the applicant did not—” and all that follows through “knowingly fail to request” and inserting “and the applicant did not knowingly fail to request”; and

(2) in subsection (g)(2)—

(A) in the matter preceding subparagraph (A), by striking “establish by compelling evidence” and inserting “establish by a preponderance of the evidence”; and

(B) in subparagraph (B), by striking “death”.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A(c) of title 18, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 10. INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2012 through 2016”; and

(2) by striking paragraph (2) and inserting the following:

“(2) provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

“(A) provides DNA testing of specified evidence under a State statute to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence consistent with section 3600(a) of title 18, United States Code (which may include making post-conviction DNA testing available in cases in which the testing would not be required under that section) and, if the results of the testing exclude the applicant as the perpetrator of the offense, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

“(B) preserves biological evidence under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of a State felony offense (including, at a minimum murder, non-negligent manslaughter and sexual offenses) in a manner consistent with section 3600A of title 18, United States (which may require preservation of biological evidence for longer than the period of time that the evidence would be required to be preserved under that section).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended—

(1) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2012 through 2016”; and

(2) by striking “\$5,000,000” and inserting “\$10,000,000”.

SEC. 11. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2278) is amended by adding at the end the following:

“SEC. 414. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

“(a) IN GENERAL.—The Director of the National Institute of Justice shall—

“(1) establish best practices for evidence retention; and

“(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

“(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b)

of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

“Sec. 414. Establishment of national standards promulgated by NIJ.”.

SEC. 12. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the “Effective Administration of Criminal Justice Act of 2011”.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting “(a) IN GENERAL.—” before “To request a grant”; and

(2) by adding at the end the following:

“(6) A comprehensive State-wide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

“(A) be designed in consultation with local governments, and all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

“(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

“(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions; and

“(D) be updated every 5 years, with annual progress reports that—

“(i) address changing circumstances in the State, if any;

“(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

“(iii) provide an ongoing assessment of need;

“(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

“(v) reflect how the plan influenced funding decisions in the previous year.

“(b) TECHNICAL ASSISTANCE.—

“(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

“(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

“(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

“(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated

\$5,000,000 for each of fiscal years 2012 through 2016 to carry out this subsection.”

(C) PROTECTION OF CONSTITUTIONAL RIGHTS.—

(1) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by officials or employees of any governmental agency with responsibility for the administration of justice, including the administration of programs or services that provide appointed counsel to indigent defendants, that deprives persons of their rights to assistance of counsel as protected under the Sixth Amendment and Fourteenth Amendment to the Constitution of the United States.

(2) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may, in a civil action, obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) EFFECTIVE DATE.—This subsection shall take effect 2 years after the date of enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. THUNE, and Mr. BLUNT):

S. 253. A bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I; to the Committee on the Judiciary.

Mr. ROCKEFELLER. Mr. President, today—February 1—is the 110th birthday of Frank Buckles, the longest surviving veteran of World War I.

It is also the day that I am proud to introduce a bipartisan bill to recognize the extraordinary efforts of 4 million men and women who served in World War I. I am joined by my colleagues Senators WEBB, MCCASKILL, THUNE and BLUNT. We are united in our effort to prepare for the upcoming centennial of World War I. Our goal is to rededicate the DC memorial on the Mall as the District of Columbia and National World War I Memorial, and rededicate the Liberty Memorial of Kansas City as the National World War I Museum and Memorial. Our legislation also creates a commission to plan the national observance of the centennial.

Having the appropriate tributes for our World War I veterans has been a cause for Frank Buckles. Over the years, he has become a representative of his generation of veterans. His personal story is similar to many young men of his era. As an eager 16-year-old, Frank Buckles tried to enlist in the Army several times and finally succeeded. He then pestered his officers to be sent to France. Mr. Buckles drove motorcycles, cars, and ambulances in England and France, and during the Occupation, he guarded German prisoners. Following the war, he went to work for the White Star steamship line. In December 1941, while on busi-

ness in Manila, the Japanese attacked the Philippines. Frank Buckles spent over 3 years as a prisoner at the city's Los Baños prison camp. On February 23, 1945, a unit from the 11th Airborne Division freed him and 2,147 other prisoners in a daring raid on the Los Baños prison camp. Mr. Buckles was affected by and has memories of both World War I and World War II.

I had the privilege of listening to Frank Buckles' compelling stories in his home in West Virginia while sitting with his daughter. He generously shares his memories of working to enlist and get to France, as well as meeting French soldiers and guarding German prisoners. Everyone can hear his reflections by visiting the Library of Congress's special Web site for its Veterans History Project. It has personal interviews of Mr. Buckles and thousands of other veterans that have served our Nation both during times of war and peace. Visiting this Web site is an incredible resource for scholars, students and every American, and it reminds us of the compelling personal stories of bravery, commitment, and sacrifice made by our country's veterans and how they shaped our world.

Our bipartisan bill is designed to honor and remember over 4.35 million Americans, like Frank Buckles, who answered the call of duty and served from 1914-1918 in World War I. What became known as the Great War claimed the lives of 126,000 Americans, wounded 234,300, and left 4,526 as prisoners of war or missing in action.

At the end of World War I, numerous cities and States erected local and state memorials to honor their citizens who answered the call and proudly served the United States of America. On Armistice Day in 1931, President Hoover dedicated the DC World War I Memorial to honor the 499 District of Columbia residents who gave their lives in the service of our country. Since then, national monuments to commemorate the sacrifice and heroism of those who served in World War II, the Korean War, and the Vietnam War have all been built on the National Mall. I believe that the DC Memorial should be rededicated in time for the centennial as well as the Kansas City Museum and Liberty Tower.

By Mr. SHELBY (for himself, Mr. ROBERTS, Mr. BOOZMAN, and Mr. UDALL of Colorado):

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the

previous calendar year; to the Committee on the Judiciary.

Mr. SHELBY. Mr. President, I rise to introduce a piece of legislation that I have introduced in every Congress since 1987—a proposed constitutional amendment requiring Congress to balance our Nation's budget. This bill has bipartisan support and will allow us to finally begin to get our fiscal house in order.

A balanced budget amendment to the Constitution, I believe, is the only certain mechanism that will break the cycle of deficit spending.

I believe we must ensure that the government does not continue to saddle our children and grandchildren with the current generation's debts. Essentially, this amendment that I propose requires the United States not spend more money than it receives in revenue, except in times of war, or when suspended by a vote of three-fifths of both Houses of Congress.

This bill that we propose will provide financial stability to our Nation. Bailouts, stimulus programs, government takeovers of private industry, and costly new programs have consumed and overwhelmed the Federal budget.

Over the past 30 years, annual deficits have become routine and the Federal Government has incurred massive debt—nearly \$14 trillion and rising quickly.

For a moment, let me share this chart with you. It says, “The Case for a Balanced Budget Amendment to the Constitution.” If we go back to 1980—just 30 years ago—we owed, as a nation, \$909 billion—not yet a trillion dollars. That was after nearly 200 years of government, including the First World War debt, the Depression, the Second World War, the Korean war, and the Vietnamese war, and many deficits. But from 1980 to 1990, this jumped to \$3 trillion. From 1990 to 2000—a 10-year span—it jumped from \$3 trillion to \$5.6 trillion. That was pretty bad. But from the year 2000 to 2010, which ended a few weeks ago, it went from \$5 trillion to \$13 trillion—in 10 years. It is slated now, in the next 11 years, to go to \$25 trillion. That is unsustainable.

In fact, for the record, the United States has only had 2 years in its entire history where it has been debt free. Look back a while. It was 1834 and 1835. I repeat, only 2 years free from debt. It seems to me that the most powerful Nation in the world has had its weaknesses exposed. Foreign markets cannot stand on our wobbly financial legs. The reverberations of our fiscal ineptitude have not only cost American jobs, which we badly need, but have weakened how other nations perceive us. Something must be done.

Unfortunately, we don't have to look back far in history to see an example of a once great empire sitting on the curb with its hand held out. Greece's excessive public spending, coupled with a

massive borrowing campaign, has put its fiscal insolvency woes on the entire European Union. Greece's bond rating was downgraded to "junk" by Standard and Poor's in April. Bondholders were warned they could recover as little as 30 percent of their initial investment. The euro weakened and the European stock markets plunged. The question is, will the dollar soon be seen as "junk" to the rest of the world? I hope not.

American taxpayers are rightly infuriated by the Federal Government's disregard for the same economic principles that govern every household and business budget. Unfortunately, until the Federal Government is required to spend only the amount of money it takes in, I fear we will continue to write checks the Treasury cannot cash.

In fiscal year 2010, the total interest alone on the Treasury debt securities was \$413 billion. I believe this money could be better spent on improving education, supporting our law enforcement or, even better, by returning it to the people who earned it, the taxpayers.

We hear on a daily basis the rhetoric about tough choices, sacrifice, and austerity. What we need to hear more about is basic mathematics when we are talking about the budget. A balanced budget amendment to the Constitution is the solution, I believe, to a perpetual problem that we do not have the political will to fix. It will finally put our Nation on a path to paying off our national debt. The adoption of an amendment that would require the Federal Government to do what every American already has to do—balance its checkbook—is what this country needs to prove that Washington is serious about accomplishing this feat.

A balanced budget amendment is simply a promise to the American people that the government will spend their hard-earned tax dollars responsibly. Some opponents of a balanced budget amendment state that it is a drastic measure not necessary at this time. They are also correct that it is bold. But I believe it is also necessary.

I have introduced this legislation, as I said, in every Congress since 1987. If not now, when?

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I am proud to join my colleague, the Senator from Alabama, in introducing legislation today that would amend the Constitution to require a balanced budget.

The idea of requiring a balanced Federal budget seems like common sense to most American families, who have to balance their own checkbooks. And in these hard times, they wonder why the Federal Government doesn't have to do the same. In fact, the United States has only balanced its budget 5

times in the last 50 years. We heard the Senator from Alabama point out the Federal budget balanced only twice in our history.

The budgets of nations are not the same as family budgets. Since the Great Depression of the 1930s, we have known that national emergencies sometimes require deficit spending. But we are fast approaching a tipping point where our debt threatens this economic orthodoxy. We are approaching a tipping point where an unprecedented level of debt—and our institutional failure to address it—risks our national security. We need to take action now to turn around our fiscal situation.

By restoring responsible spending through a reasonable balanced budget amendment, we can begin climbing out of our economic hole, and, perhaps just as important, this amendment would send a strong signal to the financial markets, U.S. businesses, and the American people that we are serious about stabilizing our economy for the long term. That is a signal I believe we need to send now.

Before going further, I want to recognize the obvious—that there is a wide range of strong opinions about the wisdom of adding a balanced budget amendment to our U.S. Constitution. Tinkering with the Constitution is not something any of us takes lightly, and this amendment is certainly no exception.

I myself have had doubts in the past about similar legislation. During the Clinton years, our government ran a surplus, and there was no pressing need for such a requirement. When we started running deficits again, part of me hoped we could use other tools at our disposal to get our Nation back on a financially sound path.

Additionally, Members of my party raised—and continue to raise—credible arguments about why a balanced budget amendment could actually hurt our economy in some circumstances. Some of them believe it is nothing more than a rhetorical tool designed only to make a political statement and move us inevitably toward smaller government.

The recent history of the balanced budget amendment is a partisan one. Of the five proposals that were introduced last Congress, none had a Democratic cosponsor—largely because of, in my opinion, extraneous provisions that manipulated the budget in one way or another to protect favored tax breaks or certain spending.

However, if you take a longer view into the past, it was actually progressive Democratic Senator Paul Simon—along with Senator HATCH of Utah—who led the balanced budget amendment effort that came closest to passage in 1995. They knew that if we balanced our Federal budget, we would be better able to make more intelligent choices about spending, rather than

spending billions on debt service, and we would actually see family incomes rise.

Today, the dilemma we face as a result of our debt is even more extreme. That is why I am cosponsoring this legislation.

Our government debt, as Senator SHELBY pointed out, is now over \$14 trillion. That is \$45,300 for every person in this country. If we don't put limits on how we spend money, the question we face isn't whether we can make intelligent choices; it is whether we will be able to afford any of the programs that we value at all—programs we need to help propel the middle class and small business over the longer term.

What is at stake isn't just family income; it is our Nation's ability to continue to lead in the global economic race. The cochairman of President Obama's bipartisan commission on reducing the debt called our debt a "cancer" that is eating away at our economic health. That is a point I wish President Obama had made in his State of the Union Address last week when he spoke about some of the investments America needs to make to spur innovation and economic growth—education, clean energy, and infrastructure, to name a few.

He is right that without targeted investments to help hard-working Americans and businesses, the United States will be relegated to second-class status. We won't be able to compete with countries around the world or to grow jobs in America. We won't be able to unleash our innovative spirit and give our children and grandchildren their shot at the American dream.

I have also come to the conclusion that unless we put constraints on spending, Congress simply lacks the political will to make the extremely difficult decisions that will lead us out of the dire fiscal situation in which we find our Nation.

I have been fighting for many years for smart budgeting tools—the Presiding Officer has as well—including pay-as-you-go budgeting, a line-item veto, and a ban on earmarks, which would help reduce waste and rein in Federal spending. I am also working with a group of bipartisan Senators trying to make sure the recommendations by the President's fiscal commission can get an up-or-down vote in Congress. A balanced budget amendment is one more important tool we need.

Let me say a few words about the legislation itself. Senator SHELBY, to his credit, first introduced this legislation—I think I can say that it was when he was a Democrat, some 25 years ago, and he continues to reintroduce it every Congress since he became a Republican. I thank him and acknowledge his leadership.

The Shelby-Udall balanced budget amendment would create a requirement that Federal spending cannot exceed revenue and that total expenditures of the government cannot exceed 20 percent of the previous year's gross domestic product.

As Senator SHELBY pointed out, this requirement wouldn't apply when the United States is at war, and it can be suspended by a supermajority, or three-fifths, vote of each House of Congress in the event certain spending is necessary to address a national emergency.

To my friends who worry that this balanced budget amendment puts our economy into an inflexible strait-jacket, I say it is not true. It allows commonsense safety valves to be used for exceptional circumstances—to give the flexibility that is sometimes needed in situations that can't be predicted or planned for.

All in all, I am confident our proposed amendment provides a responsible approach to putting us on a path toward a balanced budget.

We talked a lot last week during and after the State of the Union Address about the need to work together to address our biggest challenges, not just sitting together. Today, I hope I am putting my money where my mouth is by joining my good friend from Alabama. I hope our partnership will send a signal that collaboration can help us address our most pressing national issues. The American people are demanding that of us. As usual, they are a few steps ahead of us. It is time for us to catch up.

I ask my colleagues of both parties in both Chambers to work with Senator SHELBY and me on this idea. We may not have it perfect. Nothing is ever perfect. But it is a good start. Let's at least have an honest and spirited dialog about this legislation and ways to dig ourselves out of our economic hole. Our children's future depends on it.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 5—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL TO HONOR FRANK W. BUCKLES, THE LONGEST SURVIVING UNITED STATES VETERAN OF THE FIRST WORLD WAR

Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. MCCAIN, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. KERRY, Ms. LANDRIEU, Mr. BEGICH, Mr. WYDEN, Mr. BURR, and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK W. BUCKLES.

(a) IN GENERAL.—The Rotunda of the Capitol is authorized to be used at any time during the 112th Congress at a time to be determined jointly by the Majority Leader of the Senate, the Minority Leader of the Senate, and the Speaker of the House of Representatives, in consultation with the Architect of the Capitol, for a ceremony to honor the longest surviving veteran of the First World War, Mr. Frank Woodruff Buckles, as a tribute and recognition of all United States military members who served in the First World War.

(b) IMPLEMENTATION.—Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Mr. ROCKEFELLER. Mr. President, today is the 110th birthday of Frank Buckles, the longest surviving American veteran of the First World War. Frank Buckles is a wonderful man who still lives on his farm in West Virginia thanks to the extraordinary care provided by his daughter Susannah Flanagan. I am sure that my colleagues will join me in wishing Frank, "Happy Birthday."

I also believe it is important that we as a nation express our deep conviction for the sacrifices that Mr. Buckles and all the World War I veterans endured for our country. Frank is a representative of the extraordinary men who fought in numerous battles of the Great War in the defense of our nation. They have made sure that we as Americans are able to enjoy the quality of life that we so cherish.

Mr. Buckles has witnessed the world change drastically throughout his lifetime and has experiences that most of us can only dream about. He has seen the metamorphosis that has defined the American social and cultural revolutions of the last century. As a young man, he served in the Army's ambulance corps in France and Germany, where he evacuated wounded soldiers from the battlefield. During the Second World War, he spent over three years confined to a Japanese prison camp in the Philippines as a civilian.

Today, I am introducing a resolution to allow for a tribute in the Capitol to Frank Buckles as the representative of all World War I veterans during the 112th Congress. As the longest surviving veteran, Frank represents nearly 4.5 million U.S. soldiers, sailors, and airmen who joined forces with over 37 million Allied soldiers to defeat the Central Powers. These men witnessed atrocities such as gas warfare that were unprecedented at the time. Each and every serviceman made his own significant contribution to the war effort that cannot be understated. This generation of dynamic young men was able to alter the course of history for the betterment of each and every one of us here today. Frank, like many young men of this time, worked hard to enlist and serve his country, and in doing so helped to change our world.

As America's last surviving veteran of the First World War, Mr. Buckles

represents our final link to a generation that built a legacy as the defenders of the free world in the first large-scale global conflict. I can promise you that his legacy and the legacy of all veterans will live on forever in the ideals and values that make America the strongest nation in the world. I appreciate the bipartisan support of our cosponsors and hope more will join our effort to honor such a special veteran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 6. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 7. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 8. Mr. WHITEHOUSE (for himself, Mr. KIRK, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 9. Ms. STABENOW (for herself, Mr. BROWN of Ohio, Mr. CARDIN, Mrs. MCCASKILL, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. TESTER, Mr. UDALL of Colorado, and Mr. WEBB) proposed an amendment to the bill S. 223, supra.

SA 10. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 11. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 12. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 13. Mr. MCCONNELL proposed an amendment to the bill S. 223, supra.

SA 14. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 15. Mr. INOUE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 16. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 17. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 18. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 19. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 20. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 21. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 44920(b) of title 49, United States Code, is amended by striking “The Under Secretary may approve any application submitted under subsection (a).” and inserting “Not later than 30 days after receiving an application submitted under subsection (a), the Under Secretary shall approve the application.”

SA 6. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SECTION 732. LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS.

(a) **SHORT TITLE.**—This section may be cited as the “Volunteer Pilot Organization Protection Act of 2011”.

(b) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds the following:

(A) Many volunteer pilot nonprofit organizations fly for public benefit and provide valuable services to communities and individuals.

(B) In calendar year 2006, volunteer pilot nonprofit organizations provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(C) Such nonprofit organizations are no longer able to purchase non-owned aircraft liability insurance to provide liability protection at a reasonable price, and therefore face a highly detrimental liability risk.

(D) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during times of national emergency.

(2) **PURPOSE.**—The purpose of this section is to promote the activities of volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(A) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(B) Flights for humanitarian and charitable purposes.

(C) Other flights of compassion.

(c) **LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.**—Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking “the harm” and inserting “(A) except in the case of subparagraph (B), the harm”;

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(B) the volunteer—

“(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

“(ii) was properly licensed and insured for the operation of such aircraft.”; and

(2) in subsection (c)—

(A) by striking “Nothing in this section” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in this section”; and

(B) by adding at the end the following:

“(2) **EXCEPTION.**—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

“(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

“(B) is properly licensed for the operation of such aircraft; and

“(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer’s operation of such aircraft.”.

SA 7. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, between lines 7 and 8, insert the following:

SEC. 565. RESTRICTION ON ALTERATION OF FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS FOR SUPPLEMENTAL OPERATIONS.

(a) **IN GENERAL.**—The flight time limitations and rest requirements for supplemental operations under subpart S of part 121 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), shall remain in effect unless and until the Administrator of the Federal Aviation Administration issues a final rule in a rulemaking proceeding described in subsection (b).

(b) **RULEMAKING PROCEEDING DESCRIBED.**—A rulemaking proceeding described in this subsection is a rulemaking proceeding—

(1) with respect to modernizing the flight time limitations and rest requirements only

with respect to supplemental operations under subpart S of part 121 of title 14, Code of Federal Regulations; and

(2) that is not a part of, or otherwise connected to, the rulemaking proceeding under Docket No. FAA-2009-1093, as described in the notice of proposed rulemaking published in the Federal Register on September 14, 2010 (75 Fed. Reg. 55852).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section requires the Administrator of the Federal Aviation Administration to conduct a rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations under subpart S of part 121 of title 14, Code of Federal Regulations, if the Administrator determines that the flight time limitations and rest requirements under that subpart (as in effect on the day before the date of the enactment of this Act) are sufficient to ensure the safety of supplemental operations.

SA 8. Mr. WHITEHOUSE (for himself, Mr. KIRK, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) **OFFENSE.**—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

“§ 39A. Aiming a laser pointer at an aircraft

“(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) As used in this section, the term ‘laser pointer’ means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

“(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

“(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

“(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

“(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

“(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees

on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

“39A. Aiming a laser pointer at an aircraft.”.

SA 9. Ms. STABENOW (for herself, Mr. BROWN of Ohio, Mr. CARDIN, Mrs. MCCASKILL, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. TESTER, Mr. UDALL of Colorado, and Mr. WEBB) proposed an amendment to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 335, after line 20, insert the following:

TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$44,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

SA 10. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 278, line 2, strike “5 years” and insert “3 years”.

SA 11. Mr. LAUTENBERG submitted an amendment intended to be proposed

by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 2 and 3, insert the following:

SEC. 408. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

(1) in the section heading by striking “**scheduled**” and inserting “**passenger**”; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.—An individual may not smoke in an aircraft—

“(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

“(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).”

“(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

“(1) in scheduled passenger foreign air transportation; and

“(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).”

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

“41706. Prohibitions against smoking on flights.”.

SA 12. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. STAFFING OF NEWARK LIBERTY AIRPORT.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall staff the Newark Liberty Airport air traffic control tower with a minimum of 35 certified professional controllers.

SA 13. Mr. MCCONNELL proposed an amendment to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —REPEAL OF JOB-KILLING HEALTH CARE LAW

SEC. 01. SHORT TITLE.

This title may be cited as the “Repealing the Job-Killing Health Care Law Act”.

SEC. 02. REPEAL OF THE JOB-KILLING HEALTH CARE LAW AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) JOB-KILLING HEALTH CARE LAW.—Effective as of the enactment of Public Law 111-148, such Act is repealed, and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. 03. BUDGETARY EFFECTS OF THIS TITLE.

The budgetary effects of this title, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this title, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this title.

SA 14. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. EXCLUSION OF EMPLOYEES OF THE TRANSPORTATION SECURITY ADMINISTRATION FROM THE COLLECTIVE BARGAINING RIGHTS OF FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This section may be cited as the “Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011”.

(b) IN GENERAL.—Section 7103(a) of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) in clause (iv), by striking “; or” and inserting a semicolon;

(B) in clause (v), by striking the semicolon and inserting “; or”; and

(C) by adding at the end the following:

“(vi) an officer or employee of the Transportation Security Administration of the Department of Homeland Security;”;

(2) in paragraph (3)—

(A) in subparagraph (G), by striking “; or” and inserting a semicolon;

(B) in subparagraph (H), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(I) the Transportation Security Administration of the Department of Homeland Security;”.

(C) AMENDMENTS TO TITLE 49.—

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 114(n) of title 49, United States Code, is amended by adding “This subsection shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.” at the end.

(2) PERSONNEL MANAGEMENT SYSTEM.—Section 40122 of title 49, United States Code, is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following:

“(j) TRANSPORTATION SECURITY ADMINISTRATION.—Notwithstanding any other provision of this section (including subsection (g)(2)(C)), this section shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any collective bargaining agreement (as defined under section 7103(a)(8) of title 5, United States Code) entered into on or after that date, including the renewal of any collective bargaining agreement in effect on that date.

SA 15. Mr. INOUE (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

SA 16. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the

air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 733. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Section 47107 of title 49, United States Code, is amended by adding at the end the following:

“(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

“(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to the airport access to the airfield of the airport for the following:

“(A) Aircraft of the person.

“(B) Aircraft authorized by the person.

“(2) THROUGH THE FENCE AGREEMENTS.—

“(A) IN GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor’s relationship with the property owner.

“(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner shall require the property owner, at minimum—

“(i) to pay airport access charges that, as determined by the airport sponsor, are comparable to those charged to tenants and operators on-airport making similar use of the airport;

“(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to the airport access to the airfield of the airport;

“(iii) to maintain the property for residential, noncommercial use for the duration of the agreement; and

“(iv) to prohibit access to the airport from other properties through the property of the property owner.

“(3) GENERAL AVIATION AIRPORT DEFINED.—In this subsection, the term ‘general aviation airport’ means a public airport that is located in a State and that, as determined by the Secretary of Transportation—

“(A) does not have scheduled service; or

“(B) has scheduled service with less than 2,500 passenger boardings each year.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner entered into before, on, or after the date of enactment of this Act.

SA 17. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration,

and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. . FULL FAITH AND CREDIT ACT.

(a) SHORT TITLE.—This section may be cited as the “Full Faith and Credit Act”.

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

SA 18. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 509.

SA 19. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. . NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”) with respect to any project or program funded under this Act (or amendment).

SA 20. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 3 and 4, insert the following:

SEC. 224. RESCISSION OF CERTAIN AMOUNTS APPROPRIATED FOR GRANT PROGRAMS OF THE FEDERAL AVIATION ADMINISTRATION TO REDUCE THE DEFICIT.

The unobligated balance of the amount appropriated under the heading “GRANTS-IN-AID FOR AIRPORTS” under the heading “FEDERAL AVIATION ADMINISTRATION” in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123

Stat. 205) is rescinded and shall be deposited in the Treasury and used for deficit reduction.

SA 21. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.

Notwithstanding any other provision of, or amendment made by, this title, the total amount authorized to be appropriated by this title to the Federal Aviation Administration for fiscal year 2011 is \$14,719,000,000.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mrs. BOXER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 1, 2011, at 2:30 p.m. to conduct a hearing entitled, "Improving Federal Contract Auditing."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on February 1, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 1, 2011, at 10 a.m., to hold a hearing entitled, "Iraq: The Challenging Transition to A Civilian Mission."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate, on February 1, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled, "Foreclosure Mediation Programs: Can Bankruptcy Courts Limit Homeowner and Investor Losses?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on February 1, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN M. ROLL UNITED STATES COURTHOUSE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 188, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 188) to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 188) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN M. ROLL UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 98 West First Street, Yuma, Arizona, shall be known and designated as the "John M. Roll United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "John M. Roll United States Courthouse".

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 70-770, appoints the Senator from Arkansas (Mr. PRYOR) to the Migratory Bird Conservation Commission, vice the Senator from Arkansas (Mrs. Lincoln).

The Chair, pursuant to Executive Order 12131, as amended and extended, reappoints the following Members to the President's Export Council:

Reappointment: The Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Ms. STABENOW), and the Senator from Ohio (Mr. BROWN).

ORDERS FOR WEDNESDAY, FEBRUARY 2, 2011

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, February 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks, Senator PAUL be recognized in morning business for up to 20 minutes in order to deliver his maiden speech to the Senate; finally, I ask that following his remarks, the Senate resume consideration of Calendar No. 5, S. 223, the Federal Aviation Administration authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, tomorrow the managers of the bill will continue to work with the leadership on an agreement to dispose of the pending amendments. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, February 2, 2011, at 10 a.m.

SENATE—Wednesday, February 2, 2011

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, father of us all, continue to guide our lawmakers during these challenging times. Infuse them with wisdom and energy so that they will not become discouraged by what sometimes seems an impossible situation. Show them the road that will lead to a desired destination as You assure them of Your presence, love, and grace in their work. Lord, help them to defer to each other, to respect each other, so that by attitude and action they will reflect Your divine will. May they fulfill their responsibilities in ways that honor You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 2, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REPEAL

Mr. McCONNELL. Madam President, later today, as I noted yesterday, the Senate will have a rare opportunity. For those who have supported the health care spending bill in the past, it is an opportunity to revisit your first vote, to listen to those who have desperately been trying to get your attention, to say, yes, maybe my vote for this bill was a mistake, maybe we can do better, to listen to the small business owners who have been contacting our offices every single day and telling us all the ways this bill keeps them from creating the jobs we need, to show you have actually noticed most Americans don't want this bill, to show you are aware more people want it repealed than do not, to show you have noticed the townhalls in your States, to show you have noticed the opposition to this bill continues to grow, to show you have noticed the Federal court rulings that show this bill is unconstitutional at its core.

It is not every day you get a second chance on a big decision after you know all the facts. This is that second chance.

For all of us who opposed the health care bill, today we reaffirm our commitment to work a little harder to get it right; we can't afford to get it wrong. But let's not anyone hide behind the preposterous talking point that repealing this bill would add to the deficit. Only in Washington would somebody claim that spending trillions of dollars on a brand new government entitlement and a massive bureaucracy to go along with it will save money.

I urge all my colleagues to move beyond party affiliation, to look at the facts alone. If everyone in this Chamber did that, we would repeal this bill right now, and then we would begin the work of achieving our common goal of delivering health care at a higher quality for lower cost. We would put in place the commonsense reforms people actually want.

We also expect a vote later today that would clear away one of the many impediments to job creation that was layered into this bill. It turns out Senator JOHANNIS did such an outstanding job of raising awareness about the 1099 requirement that our friends on the other side have basically co-opted the idea and are now claiming it as their own. Actually, that is fine with us. It is not a bad precedent, actually. We have a lot of other good ideas we would be happy to share—not replacing one 2,700-page bill with another but passing commonsense reforms that people actually want.

The case against this bill is more compelling every day. Everything we learn tells us it was a bad idea, that it should be repealed and replaced. The courts say so, the American people say so, job creators say so. It is time for those who passed this bill to show they noticed. Let's take this opportunity.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following my remarks, Senator PAUL of Kentucky will be recognized for up to 20 minutes in morning business to deliver his first speech as a Member of the Senate. Following Senator PAUL's remarks, the Senate will resume consideration of S. 223, the Federal Aviation Administration Authorization bill. I have spoken to the Republican leader, and we will have some votes between 5 and 6 o'clock tonight. We will have three votes. Senators will be notified as to the specific time at a later hour today.

HEALTH CARE

Mr. REID. Madam President, if the American people want to understand the difference between Democrats and Republicans, it is my suggestion that they pay attention to what is happening on the Senate floor this week. The two parties simply have different priorities. Democrats are fighting to modernize our Nation's air travel. Republicans are fighting to repeal the health care reform law, ignoring the 80 percent of Americans who want them to leave it alone. In other words, Democrats want to get passengers the rights they deserve. Republicans want to take away patients' rights that they already have, rights that are saving lives, saving money, and saving Medicare, just as we promised when we wrote this law.

What Republicans refuse to understand, or at least what they hope the people do not realize, is that in America we give our citizens rights; we don't take them away. That principle comes first and inspired the country's founding and has directed our evolution and defines our promise.

We as Senators have a choice. We can move forward or we can look backward; we can make progress or we can stage

a futile fight with the future. It is clear this week that while the American people and Senate Democrats are looking ahead, Senate Republicans are looking for a way to distract the American people. This is what moving forward looks like: Our bill to modernize our Nation's air travel will protect consumers. It is a passengers' bill of rights. We know delays happen when we fly from the airports around the country. We try to fly sometimes. When we do, we want to make sure passengers are treated right. We want to make sure passengers have the right to timely and accurate information about their flight. We want to make sure passengers have the right to food, water, and access to restrooms when they are forced to wait.

We want to make sure passengers have the right to know that while they are sitting on an airplane that is on a tarmac—as I said here yesterday, 3½ hours in Dallas alone waiting for a gate—we want to make sure passengers know the airline they are flying has a contingency plan to get them where they need to go.

This bill will also make flying safer and make it more efficient. It will help prevent accidents on the runways. It will finally introduce GPS technology to our Nation's air traffic control system. Mongolia has GPS. We don't. In most every country in the world, they determine where airplanes are with GPS. They do it in the air. We are still doing it on the ground. This bill will improve access to rural communities, which is important to Nevadans in rural cities such as Ely, NV, which is not near a big metropolitan area, and would reduce delays in the first place. That is what moving forward looks like, and that is why Senator ROCKEFELLER has worked for years to get this bill passed.

But there have been little side issues that have come up. The side issues are going to be debated on the floor and we will either pass them or get rid of them and get this bill on the road to the President's desk. So what I have talked about is what moving forward looks like. That is what we Democrats want to do.

This is what moving backward would look like: Republicans' symbolic effort to repeal the rights in the health care reform bill would put us all at risk. I am going to only mention a few of the things, but it would let insurance companies, once again, stand in the way of a child and the medical care that child needs. It would take away that child's right to get health insurance and instead give insurance companies the right to use asthma or diabetes as the excuse to take away that care. It would kick kids off their parents' health insurance. It would take away seniors' rights to a free wellness check. It would force seniors to pay more for their prescriptions. It would raise taxes on small businesses and add \$1.5 trillion to our deficit.

That is what their amendment would do.

This is how health insurance worked before reforms became the law of the land. We do not want to go back. Madam President, I am sure you have had parents come to you with tears in their eyes, saying: Now my child can get insurance. We don't want to have mothers say: What am I going to do? That is what they said in the past.

There is one more difference between Democrats and Republicans. We are fighting for jobs this week. Along with all the advantages in the aviation modernization bill I mentioned a minute ago, it is also a jobs bill. It will create and protect at least 280,000 American jobs. That is why we are fighting so hard for this bill. This is a bipartisan bill. Let's get to passing it.

While the health care reform law is making sick Americans healthier and better, it is also helping unemployed Americans find work. A healthier health care system is going to create hundreds of thousands of jobs a year for the next decade.

I went to GW University Hospital—I wasn't sick—to visit somebody there. A woman—she must have been one of the administrators—said: Oh, I am so happy. She said: You know that health care bill you passed, we are going to hire 500 new physicians. I came back and told my staff that and they said you must have it mixed up. Five hundred? I said: Let's find out her name and you call her. They called her. I was right. That is what she told me, and she said that is because of the health care bill we passed.

We are talking about this health care bill also helping unemployed Americans find work. A healthier health care system is going to create hundreds of thousands of jobs a year for the next decade. That is what they tell us. That is because when businesses do not have to spend much on premiums, they can spend more on people—and healthier workers are, of course, more productive workers and that helps our economy at every level.

This is the difference between moving forward and moving backward. It is the difference between giving people rights and taking them away. In the late days of the health care reform debate, my colleagues on the other side asked us to stop everything and start over. It is nothing more than an excuse to keep insurance companies in charge of health care in this country. The minority is again asking us to turn back the clock on the progress we made, turn health care back to the insurance companies. They can dig in their heels, try to slam on the brakes as hard as they want, but the course of our country goes in only one direction. We move forward.

Madam President, as I announced earlier, Senator PAUL is going to give his maiden speech. I am sure his father

is looking on through the magic of all of the new communications we have to listen to his son give a speech in the Senate. We are all anxious to hear him. Senator PAUL.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business with the Senator from Kentucky, Mr. PAUL, recognized for 20 minutes.

AMERICA'S FISCAL CRISIS

Mr. PAUL. Madam President, I am honored by the privilege of serving in the Senate. I am both honored and humbled by the responsibility of defending our Constitution and our individual freedoms. I will sit at Henry Clay's desk. There is likely no legislator from Kentucky more famous than Henry Clay. He was the Speaker of the House; he was a leader in the Senate. He ran for President four times and nearly bested James Polk.

Henry Clay was called the "Great Compromiser." During my orientation, one of my colleagues came up to me and asked: Will you be a great compromiser? I have thought long and hard about that. Is compromise the noble position? Is compromise a sign of enlightenment? Will compromise allow us to avoid the looming debt crisis?

Henry Clay's life is at best a mixed message. His compromises were over slavery. One could argue that he rose above sectional strife to keep the Union together, to preserve the Union. But one could also argue that he was morally wrong and that his decisions on slavery, to extend slavery, were decisions that actually may have even ultimately invited the war that came, that his compromises meant that during the 50 years of his legislative career he not only accepted slavery but he accepted the slave trade.

In the name of compromise, Henry Clay was by most accounts not a cruel master, but he was a master nonetheless of 48 slaves, most of which they did not free during his lifetime, and some of which were only freed belatedly 28 years after his death.

He supported the fugitive slave law throughout his career. He compromised on the extension of slavery. When he was the Speaker of the House, there was a vote on extending slavery into Arkansas. The vote was 88 to 88. He came down, extraordinarily, from the Speaker's chair to vote in favor of extending slavery into Arkansas.

Before we eulogize Henry Clay, we should acknowledge and appreciate the contrast with contemporaries who refused to compromise. William Lloyd Garrison toiled at a small abolitionist press for 30 years, refusing to compromise with Clay, with Clay's desire to send the slaves back to Africa. Garrison was beaten, chased by mobs, and imprisoned for his principled stand.

Frederick Douglass traveled the country at the time. He was a free Black man, but he traveled at great personal risk throughout the countryside. He proved, ultimately, that he was the living, breathing example that intellect and leadership could come from a recently freed slave.

Cassius Clay was a cousin of Henry Clay, and an abolitionist. In the Heidler's biography of Henry Clay they describe Cassius Clay as follows: A venomous pen was his first weapon, and a Bowie knife his second weapon. He was so effective with the first weapon that he was wise to have a second weapon handy.

Cassius parted ways with his cousin Henry Clay, although they worked together on some things, and Henry Clay got him out of a few difficult times with the law. But they parted ways when Cassius Clay published a letter where Henry Clay seemed to be more in favor of emancipation than he was publicly. They never spoke again after that. Henry Clay disavowed the letter and condemned Cassius Clay.

Cassius Clay was an unapologetic abolitionist. He was an agitator. He made people mad, particularly slave owners and slave traders. One night in Foxtown, he was ambushed by Squire Turner and his boys. They were slave traders. They came at him with cudgels and knives. They ambushed him from behind and stabbed him in the back repeatedly. As he fell to the ground, Tom Turner held his pistol to the head of Cassius Clay and fired. The gun misfired. He fired again and it misfired. He fired a third time, and as it misfired for a third time, Cassius Clay was able to reach into his belt and pull his Bowie knife and gutted one of the Turner boys, killing him.

Cassius Clay refused to compromise. Cassius Clay was a hero, but he was permanently estranged from Henry Clay. Henry Clay made no room for true believers. Henry made no room for the abolitionists. Who are our heroes? Are we fascinated and enthralled by the Great Compromiser or by Cassius Clay?

Henry Clay came within 38,000 votes of winning the Presidency. He almost beat James Polk. He lost one State. If he had won that one State, he would have been President. The State was New York, and he lost it because a small fledgling party, the Liberty Party, a precursor to the Republican Party, an abolitionist party, refused to vote for Henry Clay because of his

muddled views on slavery. One could argue that Clay's compromises ultimately cost him the Presidency.

Those activists who did not compromise—Garrison, Wendell Phillips, Frederick Douglass, Cassius Clay—are heroes because they said slavery is wrong and they would not compromise.

Today we have no issues, no moral issues, that have equivalency with the issue of slavery. Yet we do face a fiscal nightmare, potentially a debt crisis in our country. Is the answer to compromise? Should we compromise by raising taxes and cutting spending, as the debt commission proposes? Is that the compromise that will save us from financial ruin? Several facts argue against that particular compromise.

Government now spends more money than it ever has before. Raising taxes seems to only encourage more spending. Government now spends one in four GDP dollars. Twenty-five percent of our economy is government spending.

Any compromise must shrink the government sector and expand the private sector. Any compromise should be where we cut Federal spending, not where we raise taxes. The problem we face is not a revenue problem, it is a spending problem. It is spending that is now swollen to nearly a fourth of our economy. The annual deficit is nearly \$2 trillion.

Entitlements and interest will consume the entire debt, the entire budget, if we do nothing. Within a decade, there will be no money left for defense, no money left for infrastructure, no money left for anything other than the entitlements and interest if we do not tackle this problem.

Many ask, will the Tea Party compromise? Can the Tea Party work with others to find a solution? The answer is, of course there must be dialog and ultimately compromise. But the compromise must occur on where we cut spending.

Even across the aisle, we have Democrats who are now saying, you know what, it is a problem. We should not raise taxes in a recession. So we are finding some agreement. The compromise we as conservatives must acknowledge is that we can cut some money from the military. The other side, the liberals, also must compromise that they can cut some money from domestic spending. Freezing domestic spending, though, at 2010 levels, as the President proposed in his State of the Union, does almost nothing. In fact, it freezes inflated spending levels, and will do nothing to avoid a crisis.

There is a certain inevitability to this debate, as the debt bomb looms and grows perilously large. As long as I sit at Henry Clay's desk, I will remember his lifelong desire to forge agreement. But I will also keep close to my heart the principled stand of his cousin Cassius Clay, who refused to for-

sake the life of any human simply to find agreement.

Madam President, I yield back the remainder of my time.

Mr. McCONNELL. Madam President, I congratulate Senator PAUL on his maiden speech in the Senate, and applaud him for taking the opportunity to underscore the seriousness of the fiscal situation we are in.

Solving the Nation's fiscal problems will indeed require principled leadership, and I am confident Senator PAUL will play an important role in guiding us toward real solutions.

Senator PAUL is a lawmaker to watch. He brings a keen intellect and rare passion to the job. He will be an important voice in this body in the many debates to come.

I look forward to working with him on behalf of Kentuckians and all Americans.

Mr. DEMINT. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Stabenow amendment No. 9, to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations.

McConnell amendment No. 13, to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. ROCKEFELLER. Madam President, this is, in fact, the aviation bill. As everybody knows, that is what we are doing; we are doing the aviation bill. We are talking about health care, but secretly we are doing the aviation bill. So I thought it would be interesting to talk about the aviation bill,

to sort of bring people's minds back to that very important subject. It is interesting, because we want transparency, no filling up of the tree, everybody could offer all of the amendments they want. We immediately got amendments to repeal health care and other kinds of things but nothing about aviation. So as manager of that bill, I am going to talk about aviation. I do not guarantee it will be a scintillating speech, but it is going to be about aviation, because that is the bill we are on.

I rise to speak about—which I did a little bit yesterday—the modernization of the Nation's air traffic control system. It is kind of important to New York and New Jersey.

I cannot emphasize enough to all of my colleagues the importance of this issue to the United States. It is an issue I care deeply about, one Senator HUTCHISON cares deeply about, one I am completely committed to getting done. We have to. It is a *sine qua non*. It will make air traffic safer, more efficient, provide numerous economic and environmental benefits.

I touched on air traffic modernization in my opening statement yesterday. But I want to spend a short time, knowing that my colleague Senator HUTCHISON is here and wants to talk, on the air traffic modernization. It just has to be discussed in a tiny bit greater detail so people understand how important it is.

There will be some technical stuff in here, and I apologize for that, but people have to understand this. I know this subject is very technical. It is very confusing. It has lots of acronyms, unmemorable acronyms, but the technology will change aviation in truly amazing ways, and it is of overwhelming importance to the country.

Every time I get in my car, I find it implausible that so many automobiles navigate using more sophisticated global positioning systems than aircraft. Well, that is amusing, except it is horrifying, actually. It is horrifying. We can do it in Detroit with automobiles that sell for \$15,000, \$25,000, but we cannot do it on a multimillion-dollar aircraft because we have not decided to do it aggressively in our legislation. So we have to upgrade our system now or we are going to face absolutely enormous consequences.

I continue to believe that the modernization of our Nation's antiquated air traffic control system has to be one of the Nation's highest priorities. We have fallen behind, as is now—it is actually kind of interesting. It has become a mantra: We have fallen behind Mongolia. People like to talk about that. I am the original author of that startling fact—this tiny little nation ahead of us. But it does not make any difference. Everybody should steal the line because it makes the point: They have it. They are building it from scratch. We do not. So if we recognize

the benefits of using the most advanced technology and if they do, perhaps it is something we might think about.

The United States, of course, has a much larger and more complex airspace system than Mongolia or any other country in the world, but this is precisely the problem: that we are so big and we are so complicated; there are 36,000 flights in a day. There are airplanes during the day, all day long, all over the country, at different altitudes, coming in, avoiding weather, avoiding each other, facing delays or not. Our aviation system actually moves 30,000 flights a day—I would say 36,000, but it says 30,000—and nearly 800 million people per year—a lot tougher than Mongolia. But we face gridlock if we do not make significant progress on modernization and make it very soon. The FAA's most recent forecasts estimate demand for air travel will be about 1 billion people within the next decade. That is a 40-percent increase. That is horrific.

Senator ISAKSON has just come on the floor. His airport in Atlanta is one of the most complicated and busy in the entire world. He needs, as do we all, an air traffic control system which is digitalized, which makes communication between air traffic controllers and pilots much more accurate so they can see terrain, they can see mountains, they can see weather, all in streamingly live exactitude.

The economic downturn of the past several years has actually, in a quirky way, bought us some time to reform our system. We have declined to use it, but this will quickly change as the economy rebounds. Our present air traffic control system is stretched to its limits already. Anyone who flies on a regular basis has experienced the system's congestion and delay problems. We talked about that yesterday. We will talk more. This system will not meet the projected growth of the next decade.

So we have this choice. An industry that employs 11 million people and several more in indirect jobs, that traffics 800 million people around the country to all kinds of places large and small, very complicated—runway problems, gateway problems, all kinds of problems—if we do not have this up to speed, we are a nation in trouble and people will start dying.

The Next Generation Air Transportation System, NextGen, will create significantly more capacity by allowing aircraft to move more efficiently and take more direct routes. I talked about that yesterday. It is so important. Planes now, because of the sort of radar ground-based system, wind their way to their destination, avoiding planes, avoiding weather, and how quickly can they see it, how accurately can they see it, are they aware of the altitude of other planes above them and below them? Probably not very ac-

curate. So they don't take direct routes. So these improvements, if they do take direct routes, will save our economy billions annually.

The technology will also allow the FAA to safely allow the closer spacing of aircraft. More aircraft can land and do so more safely because of the reality of the digitalization of everything is so clear to the pilot and to the air traffic controller. They are in sync for the first time with a highly sophisticated system. And the Northeast corridor probably will be the greatest beneficiary of all of that. It will be.

Greater operational efficiency will also create substantial environmental benefits. Drastic reductions in fuel consumption—taking more of a straight line from one place to another rather than going all over the place—saves a lot of fuel, and that means less carbon emissions, and it also significantly lowers noise emissions. Almost every community near an airport will greatly benefit from this effort, and this will also save airlines millions of dollars annually in fuel costs.

Airlines, you have to remember—people just assume they are always there. Well, they are almost always in trouble financially. They merge. Sometimes they merge not because they want to but because they have to because one of them is declining financially. They have to be able to meet payroll.

Most importantly, NextGen will dramatically improve the safety—the safety—of our air transportation system. It will provide pilots and air traffic controllers with better situational awareness. The military uses that term—SA it is called. It is called SA, situational awareness. Pilots and controllers will be able to see other aircraft and detailed weather maps and other things such as mountains in real time. If they are flying low, they need to have a very good sense of what the terrain holds. So just as in battle, better SA—situational awareness—will save lives.

Modernizing our air traffic control system will require sustained focus and a lot of money. Our bill takes concrete steps to make sure the implementation of this system begins now. And there is some of it out there in a few airports, and where it is out there, it is working very well, just as Senator HUTCHISON and I have described.

The bill directs the FAA to move forward on dedicated timelines to implement key NextGen technologies. In particular, it requires clear deadlines for the adoption of existing GPS navigation technology. All of this has to be calibrated. Carriers have been very excited about using this; it is just that we have not made it available to them. And they are a part of it because as we build it they are going to have to have corresponding avionics and systems within their own cockpits, which they will pay for. They want to do that because they want to have this safer system so they are not harassed so much

and so they can save fuel and just do better in general. Why do something out of the 19th century when you can do it out of the modern era that will last for years?

It also requires the FAA to move forward on developing air traffic procedures to make certain airlines will reap the benefits of equipping aircraft in their fleet.

These technologies are as follows. They are called area navigation and required navigation performance, RNP. That will permit aircraft to fly more precise routes in both the en route environment and enable aircraft to land more efficiently and safely at airports. Our legislation requires the FAA to develop the procedures that accompany this technology at the Nation's 30 largest airports by 2014—Senator HUTCHISON said that yesterday—and at all commercial airports across this country by 2018, if we do our work here. Then the whole thing will be done in the country by 2018 and all the biggest ones by 2014.

The bill accelerates the timeframe for the integration of automatic dependent surveillance-broadcast—ADS-B—technology by requiring the use of ADS-B Out on all aircraft by 2015 and the use of ADS-B In on all aircraft by 2018. This technology will significantly improve the safety of our system by providing pilots and air traffic controllers with more precise information on their location. That is everything in air traffic control—where people are, how high, how low, how close, how far. The FAA has moved forward on the requirement for ADS-B Out for all aircraft operating in our airspace, and we plan to work with them to make sure this is a success.

The bill—coming to the end—takes further steps to make certain that implementation of NextGen continues at the FAA, including the creation of an air traffic control modernization oversight board. Oh, wonderful, another board. Well, this is a really complicated system, and you need to have an advisory group that oversees, gives oversight—as we in the Commerce Committee will do—of FAA's modernization activities.

It establishes a Chief NextGen Officer position at FAA. Oh, another person to oversee something at FAA. Well, we have not done this. We are not doing it. And to have an officer dedicated to that I think is very important.

It requires the development of processes to include representatives of Federal employees in the planning of NextGen projects. Why is that important? Because it means that people who are working the towers, who are actually involved in the system as it is now—and if you go out to other places—Herndon—you can see these enormous rooms of computers with air traffic controllers and these sort of vague shapes. We want to turn those

into precise shapes. That is what our bill would do.

It establishes a new process to make certain labor disputes at the FAA are adequately resolved through mediation and arbitration if necessary.

So our future as the world's leader in aviation, our safety, our economy—all depend on a successful modernization of our air traffic control system. An FAA-funded study determined that our economy lost \$33 billion in 1 year as a result of delays attributed to the air traffic control system. That is not smart and it is not safe. Of this total, \$8 billion was from the airlines themselves. They are not in the position to lose \$8 billion—an amount that would go a long way toward giving them a healthier bottom line and making other improvements. The other \$25 billion in losses was borne by the traveling public—they had to pay for it—and business.

So this overdue FAA reauthorization takes the necessary steps to make certain we begin to implement this critical upgrade of our airspace technology right now. We must follow through on these efforts or face dramatic challenges. This is not a song and dance effort; this is life and death for the future of our air system, in literal terms and symbolic terms.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I commend the chairman of the Commerce Committee. He and I have been working on this bill since 2007.

As we mentioned when we began consideration of the bill yesterday, this is the 18th short-term extension we are on. I think any person in America, any person who flies in America, any person who is subject to FAA regulation, and certainly any businessperson in America knows you cannot do long-term planning and ensure that your agency is doing its work knowing what they can expect in support from Congress in short-term extensions for over 4 years. That is not good business, it is not good management, and it is certainly not the way government should run. So I am in agreement with Senator ROCKEFELLER, our chairman, that we need to act on this bill. I hope it is going to be an effort that is bipartisan, that we will address the issues that have held up the bill in the past in a reasonable way so we can get on with, hopefully, a 3-year authorization of the FAA, and especially so we can start next year.

America is the premier user of air traffic control systems. Our system is based on the 1960s technology of ground operations and use of radar. We want to move to a satellite-based system that will increase the capacity at our clogged airports—the bigger airports that have more traffic than they can accommodate—and where the traveling

public is in the most need. We need the efficiency and we need the modern technology. That is what this bill will set us on the path to do.

So I agree with the chairman in that respect, and I look forward to working with my colleagues on their amendments that pertain to this bill going forward.

I wish to take a few moments to speak to the amendment that is at hand, which is not an amendment about the FAA authorization, but it is a very important amendment. Basically, it is Senator MCCONNELL's amendment that would repeal the health care reform that was passed over a year ago. He is trying to say: Let's stop right now. We have seen every signal that the concerns we had when we spoke against this bill in December of 2009 are coming home to roost. In fact, the concerns we raised are now being shown to be a huge problem in this country.

The health care reform bill that was passed cost \$2.6 trillion. Over 6,000 pages were added to the Federal Register to implement this law. All of this indicates the bill does a whole lot more than my colleagues are referencing right now in the floor debate because when I hear the floor debate, the people who supported this bill are saying all we did was fix a few problems with our health care system that we all agree on. But in reality, this is a bill that costs \$2.6 trillion, \$500 billion in new taxes on business and on individuals, and it cuts \$500 billion out of Medicare, a program that isn't working to the maximum extent possible. It is certainly not considered the most efficient program. Now we are putting \$500 billion out for a new government entitlement program that puts the Federal Government between patients and their doctors.

Here are a few of the provisions that are in the 2,000 pages of the health reform law. First, if you don't buy government-approved health insurance for you and your family, the health reform bill says you must pay a new tax. That is the individual tax.

If you own a business and don't buy government-approved health insurance, which is going to have a formula and a requirement for how much businesses have to pay and what has to be in it, then you must pay a new tax. If business owners want to grow their employees over the 50 mark where it kicks in for businesses, then there will be costly new Federal regulations with which they will have to comply.

So here we are in an era where unemployment is at all-time highs, and we are putting a cap on employees for businesses that are going to incur huge expenses if they go over 50. So if an employer is in the 40-to-45 range, they are looking very carefully at not going above 50. Is that really what our economy needs right now? I don't think so.

What we want is to encourage businesses to hire. That is what every one of us in this body should want, and we should be passing laws that would ensure that businesses have the freedom to hire, not a stifling effect on that kind of effort. We need to get the government off the backs of our job creators and not put up miles of redtape and more bureaucracy and more regulations and more taxes and fees that would curb the ability to hire and still make a profit.

Next, it was said during the health care reform debate that if you like your current health plan, you will be able to keep it. But everything that has happened since the bill passed says you can't keep it because even the administration is now admitting that when it issued the rules that employers now have to follow when deciding what health care plan it will offer, that because of health reform, by 2013 as many as 80 percent of small businesses will no longer offer the same health care plans they offer today.

Families who rely on their health savings accounts or flexible spending accounts, which have been a wonderful boon for families to be able to put money aside before taxes to be able to use on the health care expenses they have that are not covered by insurance, that is being used by more and more people—in the millions. But in the health care reform bill there is now a restriction, a cap, on how much you can put aside, and you have to have a prescription drug to be able to pay for it with your pretax dollars. You can no longer buy a bottle of Tylenol or aspirin off the counter and have your health savings account help you pay for that. So here we are.

The Presiding Officer and I have children. Are we going to stop and call the doctor or run and get a prescription if we have a health savings account to buy aspirin or Tylenol? That is not helpful.

Why would we put a restriction on what people can set aside for their own health care costs? Why wouldn't we make it easier for them? Instead, the health care reform bill makes it harder to use those pretax dollars. There is no reason for it. I will have an amendment that will try to take the caps off and take the restrictions off so that people can provide for their health care out-of-pocket expenses with pretax dollars. That is the kind of incentive we need, not the opposite, which is in the health care reform bill.

If you are a woman under 50, whether you have access to routine mammograms is going to depend on a task force that was granted new and unchecked powers by the health care reform bill. The same task force that is going to have that power has already given the indication that mammograms under the age of 50 are not necessary to be covered. The women of the

Senate stood firm years ago when the Clinton administration was trying to pass a health care reform bill to say we are absolutely not going to stand in the way of a woman and her doctor, knowing her history and her family, from having a mammogram whenever it is needed. There is not one person in this body who doesn't have a friend or a relative who has had breast cancer before the age of 50 and probably before the age of 40. So that is in the health care reform bill, and it needs to come out.

This week, another Federal court announced that the Federal Government could not force individual Americans to purchase a private product—even health care. The judge in the most recent case in Florida said when Congress passed health reform it exceeded its constitutional power and, therefore, the court voided the entire law. This is the second court that has found the health reform bill unconstitutional.

Now, this lawsuit is going through the judicial process. Yet even though it is being appealed by the Obama administration, it will most likely go to the Supreme Court of America. We shouldn't have to wait for the Supreme Court to rule that this law is unconstitutional. We shouldn't have to wait for them to reassure the American people that Congress most certainly shouldn't be regulating anything and everything just because the Federal Government says so. We don't have to spend millions more in taxpayer dollars implementing a bill that ultimately could be struck down by the highest Court in the land.

The Senate has the opportunity, and I believe the responsibility, to say: Moratorium. Let's wait until the Supreme Court has ruled on this enormous bill and the enormous cost that is being incurred for implementation right now. Let's wait. Let's repeal this bill now and start all over so we do not have to spend taxpayer dollars that we know are being borrowed to implement a bill that may be unconstitutional, and we have now had two Federal courts that have said so. Why not repeal and support this amendment? Some of what is in the bill could be re-enacted because it is good, but some of the things I have just talked about should be repealed immediately.

Most certainly we could repeal items such as the 1099 which will be another amendment we can vote on. That 1099 form is the biggest thing I hear about from my small businesses in this country, and certainly those in Texas have said: What are you all doing up there? Well, of course, I am happy to say I didn't support this bill. But these are the kinds of things we can repeal today and start all over. We can take the good parts of the Obama health care. Let's do away with the bad parts instead of spending millions of dollars to make a mom have to get a prescription

from a doctor to get Tylenol with her health savings account.

The American people have made their opinion on this bill known loudly and clearly. They spoke at the ballot box: Enough is enough. That is what the voters said. Enough deficit spending; enough government intrusion into our businesses, our families, our lives, and our health care decisions. The people of America support the repeal of this bill, and they will work with us to substitute responsible health care reform that will allow them to have health savings accounts to provide for the costs not covered, that will give them affordable coverage which we all want to have, but not with the government prescription, not with a government task force that can tell a woman that she doesn't need a mammogram before the age of 50. We don't need a task force to tell us that. We need the doctor who is looking at this patient and her family history.

Those are the things that need to come out right now. Repeal and replace. That is what this Senate could do, and we can move forward on a bill that we can get a bipartisan consensus to pass that I think would show the American people we heard what they said. We know we can do better, and it is our responsibility to do so.

Thank you, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask if the Senator from the State of Washington would grant me 30 seconds to say one thing.

Mrs. MURRAY. Of course, I will.

Mr. ROCKEFELLER. Madam President, yesterday Senator HUTCHISON raised a very good point about slots. Slots are kind of the hidden problem in the FAA bill. What I think I would like to put forward—and I wish she were here to hear me—is that I recognize the majority of the population growth in this country, and, therefore, the need for more flights, is in the West. It is not in the East. That is extremely important. We deny it, but a lot of people are east coast centric, and we have to learn how to be equally west coast centric.

So one of the things that occurs to me is that maybe we are thinking too much about airlines and not enough about the people who take those airlines to go to various places in the West.

It cannot stand that Los Angeles has a flight a day to DC. It cannot stand. They need at least four or five. They can bear that traffic.

I want to lay before the Congress—and the Senator from Texas made this point yesterday and I totally agree with her—the growth of population in this country and the need for air flights, yes, is in the East but it is more now in the West. As we go

through this bill and come to the matter of slots, it is important we keep that in mind and that we think about the public flying as individuals, not necessarily is it United, is it USAir, is it American, is it whatever. It is the question, Can we get them to where they want to go.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, will the Senator from Washington allow me to make a couple minutes response to the Senator from West Virginia?

Mrs. MURRAY. I will.

Mrs. HUTCHISON. Madam President, I appreciate so much what the chairman has just said. That is a major statement because what he says is true. There is one flight from Washington National to California. That is all we have, one direct flight. That is not fair. It is not fair to the people in the West, certainly in the largest State in population in America—California.

I hope what he has said will lead us to a table to negotiate this issue so we can be fair to the entire western half of the United States, so that we are also taking into account the people who live in and around the Washington metropolitan area, which is what I think the Western Senators have tried to do. But let's talk about it, let's get something on the floor, let's negotiate this because with that, this is a bill that, with a few tweaks perhaps, ought to pass for the right reasons for our country and for the traveling public.

I thank the chairman for his leadership, and I thank Senator MURRAY.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, we are here today to debate the FAA reauthorization bill, very important legislation. It will create thousands of jobs and put in place the infrastructure for us to make sure we are competitive in the future.

It is disheartening to me that this bill has now been hijacked by a political debate, an amendment to repeal health care reform. Not every bill has to become political. Unfortunately, that is what we have today because we have an offer of an amendment to repeal health care reform. Let me speak to that amendment.

Last year, I watched as President Obama signed health care reform into law with a young man by the name of Marcelas Owens. He stood just a few feet away from the President. I met Marcelas a few months earlier at a rally in Seattle, and he told me a story that stayed with me throughout the health care debate. I want to mention it again.

Marcelas, a little boy, came up to me at this health care rally. He leaned in close to me and he said he wanted to tell me about his mom named Tiffany.

She was a single mom, working hard. She got sick and lost her job. Because she lost her job, she lost her health care. Because she lost her health care, she lost her life. Little Marcelas looked up at me and said: Please don't let this happen to any other little boy. Please pass health care.

I was proud when that health care reform law was passed and is now working to make sure Marcelas and thousands of other little kids do not get into that terrible situation through which he has lived.

He was not alone. I heard from thousands of people from my home State of Washington who were demanding reform to the system we have. I heard from small business owners who wanted to cover their employees but they could not continue to do it because of the skyrocketing premiums. I heard from moms and dads who wanted to cover their children but they were getting rejected because their son or daughter had a preexisting condition. I heard from seniors who were desperate because they had fallen into the doughnut hole. They did not know how they were going to afford the drugs they needed to take so that they could have dignity of life in their senior years.

I heard from men and women in every part of my State, some barely holding on to their health insurance and a lot with no coverage at all. Each one of their stories had a common thread: The health care system we have in this country did not work for them. It failed their families one way or another, and they wanted it to change.

That is why I fought so hard with so many of my colleagues to reform that broken health insurance system, to fight for our families who needed help and were desperate and to level the playing field for people who needed a little bit of support.

We got that done for our families, and we can never go back. We cannot go back to a time when millions of Americans stayed up at night worrying about what would happen to them and their families if they lost their job and their health insurance; when insurance companies put unreasonable and unfair lifetime caps on coverage for our families; when women were not able to get equal access to coverage; when small businesses could not afford health care; and when so many seniors who could not afford it had to pay the full cost of expensive medications. We cannot go back to that situation.

My question for Republicans today is, why would they want us to?

The changes we made require insurance companies to cover preventive services with little or no cost sharing on the part of patients. It gives families access to new streamlined assistance to help them appeal services they have been denied or not covered adequately, something so many families

got lost in prior to passage of this legislation.

It helps anyone who has ever been buried under a blizzard of forms from their insurance company and denials for coverage they need to have. It helps our small businesses to afford care for themselves and their employees who are now getting a tax deduction. As they fill out their forms, they say: I did not know this was in the health care bill. And we are going to vote to take that away?

I ask, why do Republicans want to take away the benefits as part of the business of the Senate as we just get started to get our economy back on track?

In my home State of Washington, the Republicans' plan would mean nearly 900,000 seniors who have Medicare coverage will be forced now to pay more for regular checkups and important preventive services. It would mean they will lose out on the 50-percent discounts on some of their prescription drugs. And it would mean that insurance companies would no longer be required to allow young people to stay on their policies until they are 26 and that, by the way, is going to be especially harmful now when so many of those young people today are having trouble finding a job.

Our families are depending on the changes we made within this health care reform law. It is why I supported reforming our health care system. It is why I fought so hard for so long to make sure it worked for our families and small business owners. And it is why I am going to keep fighting to make sure we do not go back to the way things were, that we continue to make progress and do this right.

I am happy to work with anyone—Democrat or Republican—to improve this law, but I will do everything I can to fight a full repeal that will devastate our families and small business owners across America. I urge my colleagues to vote no against this full repeal of health care reform.

One final point. We hear so many people talking about the deficit today and how important it is that we get our hands around the budget and our budget deficit. It is astonishing to me that this first amendment brought by the Republicans will cost our Federal Government \$1.5 trillion and put us deeper into a deficit hole.

Progress is important. Getting our families back on track is important. Making sure that our economy is moving within the FAA bill we are talking about on the floor is important. And it is important that we continue to make sure the health care reform insurance system we put in place works for our families. That is what I will be voting on later today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, yesterday I spoke on one of the reasons for the repeal of this legislation; that is to say, the support for the amendment to repeal the health care legislation that is pending before us. Today I wish to speak about a couple other reasons to support that amendment.

One of the things that was said in the campaign to pass the health care bill was that those who liked their current health care would be able to keep it. But as we know now and as we pointed out prior to the bill's passage, provisions in the law would cause many Americans and will cause many Americans to lose their coverage. That is why the administration is now giving out waivers for some of the bill's most burdensome provisions.

I wish to speak for a moment about these waivers the administration has granted and the problems that the waivers reveal with the bill as a whole.

So far, the administration has granted 729 waivers. All of these are temporary. They protect companies and labor unions from one of the bill's most onerous mandates—the phasing out of annual caps on costs paid by insurers. Another four waivers were granted to States applying on behalf of insurers. According to the administration, waivers may be granted if the applicant can show that a “large increase in premiums” or a “significant decrease in access to coverage” would occur absent a waiver.

So far, the waivers cover 2,283,106 people. That is more than 2 million people whom the administration has had to protect from its own bill.

All of these waivers were granted to limited benefit plans, or so-called mini-med plans. About 1.4 million Americans have these mini-med plans, including many part-time employees who work in the restaurant and retail industries. These plans are low cost and usually have an annual cap on costs the insurer would pay out.

Under the Obama plan, these plans would be outlawed. A phaseout on annual caps begins this year. Starting this year, plans cannot impose an annual limit of less than \$750,000. That threshold gets progressively higher, until 2014 when ObamaCare will prohibit annual caps altogether.

What this does, of course, is create an incentive for employers who currently offer mini-med plans below the \$750,000 threshold to drop their coverage completely until the employer mandate and penalties become effective in 2014. They can either comply with the requirements of the health care law or pay a fine for each employee.

The employees caught in this mess who currently have coverage through mini-med plans will have to hope in the meantime that their employer can get a waiver; otherwise, those employees will have to wait until 2014 and buy

a government-approved policy from the new insurance exchanges or hope that their employer is in compliance with the many employer requirements in the bill.

McDonald's, for example, which offers mini-med plans to many of its employees, received a 1-year waiver. The company warned that absent a waiver, 30,000 employees could lose their current coverage and would be left “without an affordable, comparably designed alternative until 2014.”

It is not clear what will happen when the 1-year waiver expires. That is another part of the problem. The waivers are often given on the condition that the recipient brings itself into compliance during the waiver period. Whether the waiver renewals are available is unclear. As with many other provisions of ObamaCare, the uncertainty for businesses surrounding annual cap waivers is immense.

While the waivers are welcomed by those who benefit, they represent a poor way to run the government or health care. When the government picks which entities will have to abide by the law and which ones will not, it is literally picking winners and losers. That is not the recipe for objective or wise policymaking. It is called discrimination.

I will note that a large number of these waivers were being given to the administration's political allies. Unions, for example, many of which praised the bill's passage, are a major beneficiary. Of the 733 waivers granted, 182 went to unions. That is a quarter of all the waivers, even though unionized workers make up only 7 percent of the private workforce.

Many of the unions applying for waivers are the very same that were full of praise upon passage of ObamaCare. In its press release praising passage of the bill, the Service Employees International Union gushed that “it is a new day.” About 6 months later, Local 25 SEIU applied for a waiver from the annual limits limitation for 31,000 of its members. It was granted 2 weeks later. Apparently, it is a new day—just not for 31,000 SEIU members.

Similarly, when the bill was enacted, the American Federation of Teachers referred to it as an occasion where “morality trumped greed.”

Six months later, its New York City affiliate obtained a waiver affecting 351,000 individuals.

In the recent column in *Forbes* magazine, law professor Richard Epstein explains the dangers of administrative discretion related to waivers and how the waiver process can undermine the rule of law:

Waivers are by definition an exercise of administrative discretion that benefits the party who receives its special dispensation. Nothing in ObamaCare explains who should receive these waivers or why. The dangers

from this uncertainty are enormous. . . . Without major steps to overhaul or repeal ObamaCare, government by waiver will become standard operating procedure to the detriment of us all.

This is a bill that was written behind closed doors, creates a huge uncertainty and problems for job-creating businesses and their employees, and now waivers are being dispensed by the administration to protect almost 2.3 million people from the very law it fought so hard to get passed.

These developments are yet more confirmation that the law is deeply flawed and one more reason why it should be repealed in its entirety.

The second issue I would like to speak to is the fact that under this law, there are substantial increased costs, but they are being masked by the way the bill has been written, and the calculations, therefore, some have suggested, would actually result in a savings of \$230 billion. This is only plausible if you believe the way this bill was written was an honest way of stating its costs. It is not that the CBO has done anything wrong in its calculations, it is that it was told how to calculate certain things. The bill's authors said: Never mind what the reality or truth is, here is how you will calculate the cost of it. The CBO, as a functionary, did exactly that to come up with a number.

But former CBO Director Douglas Holtz-Eakin recently cowrote an article, along with Joseph Antos and James Capretta, explaining that the bill's purported deficit reduction is based on “budget gimmicks, deceptive accounting, and implausible assumptions used to create the false impression of fiscal discipline.” The fact is, repeal will not add to the deficit. The bill itself is the budget buster, not repeal.

I am in favor of full repeal of the so-called Affordable Care Act. There are many problems with this bill and many reasons to support repeal. Today, I want to talk about cost.

A central talking point from the bill's supporters has been that the bill, intended to cover 32 million Americans, will reduce the deficit by about \$230 billion, according to the Congressional Budget Office. Therefore, repeal will increase the deficit by the same amount.

Maybe this sounds plausible—but only until you study these numbers more closely. Only in Washington could the “cost” of repealing a massive entitlement program add to the deficit.

This is not because of anything the Congressional Budget Office did wrong. Remember, when the Congressional Budget Office calculates these estimates, it is required to accept every assumption it is given, however unrealistic such assumptions are. That's how the authors of ObamaCare got CBO to produce such a favorable number.

Indeed, former Congressional Budget Office director Douglas Holtz-Eakin recently cowrote an article, along with Joseph Antos and James Capretta, explaining that the bill's purported deficit reduction is based on "budget gimmicks, deceptive accounting, and implausible assumptions used to create the false impression of fiscal discipline," and that repeal will not, in fact, add to the deficit. The bill itself is the real budget buster. Not repeal.

Let me walk through the false assumptions and gimmicks Holtz-Eakin and his co-authors describe.

First, as Republicans pointed out again and again before the bill's passage, the bill's original \$938 billion pricetag does not reflect the true 10-year cost. That estimate was generated using 10 years of taxes to pay for 6 years of subsidies. Remember, while the taxes begin this year, the subsidies don't kick in until 2014. So, the 10-year cost of the bill's full implementation is actually about \$2.3 trillion.

Second, there is an additional entitlement program within this new entitlement: the so-called CLASS Act, a new, government-run, government-funded program for long-term care, intended to compete with long-term care plans provided by private insurers.

Participants would pay into the system for 5 years before they start collecting benefits. So, for at least the first 5 years, the program would generate surplus receipts for the government. But eventually, outflows would exceed receipts. This is why the chairman of the Senate Budget Committee referred to the CLASS Act as "a Ponzi scheme, the kind of thing that Bernie Madoff would have been proud of."

This is a bailout waiting to happen. As Holtz-Eakin, Antos, and Capretta write, "CLASS Act hitched a ride on the Affordable Care Act for one reason only: Premiums are collected in the first 10 years, but no benefits are provided. Voila, it creates the perception of a \$70 billion deficit reduction. . . . Only in Washington could the creation of a reckless entitlement program be used as an 'offset' to grease the way for another entitlement program."

Third, is the illusory savings from cuts made to Medicare's health-care providers, which would bring payments below those made to Medicaid providers. We know that the network of doctors and hospitals willing to see Medicaid patients is constrained in part because of low reimbursement rates.

Accordingly, about 15 percent of America's hospitals and physicians would have to stop seeing Medicare patients to help curtail their losses, although the bill assumes that seniors would not see any change in their care. Holtz-Eakin, Antos, and Capretta write, "The idea that Medicare could pay less than Medicaid is such sheer folly that Congress will rapidly reverse

course. The truth is these cuts cannot be relied upon for anything."

In addition, the bill double counts these so-called Medicare "savings," claiming that they can both shore up Medicare's solvency and help pay for ObamaCare.

Fourth, "a central CBO assumption" about how many Americans will get federal health care subsidies "could be disastrously off the mark."

Today, about 111 million Americans are eligible for subsidies through the new insurance "exchanges" if they don't have an employer-based plan. But the bill assumes that only 19 million would receive these subsidies. This assumption fails to take into account the incentive the bill creates for certain employees to find their way onto the exchanges, rather than accept coverage from their employers, if offered. As the authors note, "the new subsidies are so generous that low- and moderate-income workers come out way ahead if they get paid in cash, not benefits, and move to the new entitlement."

If only the 35 million lowest paid workers jump onto the new entitlement, Federal spending will rise by another \$1 trillion in the first decade alone.

So, those are four reasons that the purported cost estimates for this bill are simply wrong or misguided. It's clear that the claims that the bill will reduce the deficit, or else increase it upon repeal, do not hold up upon close inspection. Repeal is not a threat to the budget; to the contrary. The real budgetary threat is ObamaCare itself.

For these reasons, and many others, I support full repeal of this bill.

Again, there were four basic false assumptions that were built into the legislation in the way it was drafted, which theoretically demonstrate a savings of money through the adoption of the legislation, as the authors point out, but which actually result in not a savings but an increase in the Federal budget deficit.

One of these has to do with the fact that taxes are collected for 10 years, but costs only accrue over 6 years. Obviously, you are going to get some money that way. But after that first 6 years, you have to count the costs as well as the revenue taken in.

Another is the inclusion of the so-called CLASS Act, which has been described by some as a Ponzi scheme—actually, by the chairman of the Senate Budget Committee—because it collects all the money upfront and doesn't pay out any benefits. Once you have to pay out benefits, there will be a cost. That is a way to show that you are taking in money and you are not spending it. But it is a dishonest way to write the bill.

Third, the way the cost of Medicare was calculated. The \$500 billion savings is not a savings at all but rather goes to pay for other parts of the bill. It doesn't help Medicare at all. It only

works if, as the Congressional Budget Office said, Congress actually follows up with the cuts to hospitals and physicians, which nobody believes Congress would have the courage to do.

Finally, there are the subsidies and exchanges calculations, which, as I pointed out in these comments, are woefully understated, as a result of which it is likely we will have a significant budget deficit rather than a savings as a result of this legislation.

In fact, repeal of the bill is going to save taxpayers money. The legislation is what costs money. Think about this: How can you cover an additional 30 million people—or however many will be covered by this—without increasing costs? It can't be done. It would not be done under this legislation. In addition to the reason I talked about yesterday—the cost of Medicaid to the States—and the two points here today and the fact that these waivers are being granted in a discriminatory way only demonstrates that the underlying bill is not a good idea and that the cost calculations are way off.

I hope my colleagues will take this opportunity to follow the advice of the American people and vote to repeal ObamaCare.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, we, unfortunately, are in a period where we are going to be redebating health care reform. We had long debates on health care reform in the last couple years. I cannot think of legislation that has occupied so much time in this body, as well as the other body. But, regrettably, we are going to redebate health care reform, even though legislation was passed last year, and even though the legislation was signed by the President. The law is enacted. Nevertheless, this body, regrettably, is going to spend, it looks like, a lot of time redebating health care reform. Why? Basically, because the other side of the aisle wants to do so—wants to not admit health care reform is the law of the land. It wants to repeal it.

The other side knows there are not sufficient votes to repeal health care reform. That is a well-known fact. The other side knows and those who have covered health care debate reform know the votes are not there. It is the law of the land, signed last year, and it will remain the law of the land.

So then, you might ask, if it is the law of the land today and if everybody knows Congress will not repeal health care reform, why in the world are we going to debate this for another who knows how many weeks, months or maybe even years? To be honest, I think it is because the other side thinks—and I will pick the charitable explanation first. They don't like health care reform, for whatever reason, even though I strongly disagree

with their reasons. But in addition to that, they think it is a political issue. They think they can score political points by mentioning points which, in the main, are not accurate but say them anyway, and they will say it over and over, and unless those points are refuted or those myths are busted, many of the American people will start to believe some of that stuff.

There is another reason, which is a bit regrettable, and that is because there have been lawsuits filed in Federal district courts around the country, alleging that the law is unconstitutional—the health care law. It looks like those decisions will eventually make their way up to the Supreme Court of the United States, and I expect the Supreme Court will not rule for, I don't know, maybe 1 year, which means we will further debate health care reform, waiting to see the outcome of the U.S. Supreme Court.

I heard one that I think is a very ill-advised argument a few minutes ago, which is that because the Supreme Court has not yet decided on the constitutionality of health care reform, we should, in effect, pass a moratorium. We should forget the provisions of the law because we don't know how the Court will rule.

That is one of the most specious and inadvisable arguments I have heard in a long time. That, in effect, means that whenever any law is passed and there is a lawsuit filed, that law is invalid because the suit is filed. If we are to follow that line of reasoning, then anytime we enact a law, anybody who doesn't like it could rush off and file a lawsuit, and that would mean we don't follow the law. I think the better course, by far, is to assume the law is the law of the land, until it is overturned on a statutory basis or a constitutional basis. That is the way we should operate.

The Senator who suggested, about one-half hour ago, that we should enact a moratorium, in effect, I think should rethink her position. If she wants that to be the precedent, I think she would recognize that pretty soon the country could not function because anybody could file a lawsuit on maybe something passed 10 years ago. They could say: I don't like that law, so I will file a lawsuit. Following the Senator's line of reasoning, we can't enforce that law because somebody doesn't like it. That makes no sense.

One of the myths that has been discussed many times, and as was said by the previous speaker in his argument for repeal of health care reform, is that repeal will save money. He thinks the health care bill adds to the deficit.

You and I have been around here long enough, Madam President. We have lived long enough to know that anybody can come up with any set of figures or statistics that he or she wants. That is a fact of life. So if somebody

asserts this and that, I think it is wise to see what that person's authority is. Who says that? Where does that come from? Who verifies or validates that? We well know there is one organization that has studied health care reform and has concluded that health care reform saves, I think, about \$240 billion; it reduces the deficit by \$240 billion in the first 10 years, and it reduces the deficit by north of \$1 trillion in the next 10 years. That is the Congressional Budget Office.

The CBO, I remind my colleagues—and for anybody listening—is a non-partisan, professional organization that analyzes legislation for both Republicans and Democrats for the House and the Senate. They are a very professional outfit. They work very hard. No one has ever even hinted that this outfit, the Congressional Budget Office, is unprofessional or that it has a partisan bias. Nobody has suggested that. Everybody knows they work very hard and do the best they can, under difficult circumstances—I say “difficult” because it is difficult to predict the future, to know exactly how any request they are given will actually score. It is a complicated process. You have to build models. It takes a long time to build a model and to know what goes into the model.

I wish to make it very clear to anybody listening that repeal of the health care law will actually increase the deficit by about \$240 billion over 10 years and increase the deficit by over \$1 trillion in the next 10 years. That is what the CBO says. That is the organization that all Members of Congress must live by. Different Members of Congress might have different points of view. They may belong to some different organization—very liberal or very conservative—that has an ax to grind, and they can come up with some other figure. But they usually have an ax to grind, a bias they want to perpetuate.

The one arbiter in the middle, which is professional, the one organization nobody has ever accused of being partisan or unprofessional is the CBO. They conclude, again—and they have written letters to us in the Congress—that repeal would essentially add about \$¼ billion to the deficit over 10 years. It would add; that is what repeal would do. It will add to the deficit over \$1 trillion in the next 10 years.

That should end the argument right there because it is the one neutral professional organization that has looked at this. Other organizations can have their points of view, but the one that is professional, the CBO, has ruled, and we have to go by those numbers anyway in passing legislation here. That should be the end of the argument. That has been settled. That is what the effect of repeal would be. That is it, as anybody knows when he or she is spouting off numbers that are not the CBO's but some other organization—I

don't know which—maybe Heritage or some other organization. First of all, they are not neutral. They are not unbiased. Second, we can't go by those numbers anyway under the rules of the Senate. So it is kind of silly, frankly. They may be scare tactics. That is one of the scare tactics used on this floor to try to score political points, but it is inaccurate. It is just plain simply inaccurate.

Now, a couple of other points. What do we spend on health care in America today all together? We spend about \$2½ trillion a year on health care, we Americans do. About half of that is public—that is Medicare, Medicaid, children's health insurance—and about half of that is private—the commercial insurance industry. That is the American way. That was the division before health care reform was enacted.

What is the division after health care reform was enacted? It is about the same. It is about 50-50. So this is no government takeover. This is no government takeover. It is still about the same. Maybe it is a percentage point or so different, I don't know, but it basically is the same. There is no government takeover. Half of it is still private commercial insurance, as it always has been.

Also, in America we spend much more per person on health care than the next most expensive country. I don't know the exact number. I think it is 50 percent, 60 percent more per person on health care than the next most expensive country, but we are not 50 percent to 60 percent more healthy per person than the next most expensive country.

In fact, all the international health care data ranked us pretty low. We are not No. 1; we are not No. 2 in health care. We are way down there. I have seen statistics—I haven't looked at it recently—that show us being maybe 14th and 20th in terms of health. Our infant mortality rate is much higher than many countries. Our death rate is higher than many countries. I don't know about our diabetes rate, but I expect that is high compared to other countries, and maybe cardiac and other chronic care is high compared to other countries. But we are not No. 1 in terms of health care. We are No. 1 in per capita cost of health care.

So I would think we should begin to reduce the rate of growth of health care expenditures in our country, and that is what this legislation does. It starts to reduce the rate of growth of health care costs in this country. That is probably why the Congressional Budget Office reaches the conclusion that it actually reduces the deficit by \$¼ trillion over 10. It is probably why the Congressional Budget Office says it reduces the deficit over \$1 trillion over the next 10 years. And it is probably also why the Congressional Budget Office says that compared with prior law,

I think it is 90 percent of Americans' premiums will be lower—90 percent of people's premiums will be lower.

Again, that is the Congressional Budget Office. That is a neutral organization. They do the best they can. They are professionals. Some Members of Congress criticize them because they do not come to the conclusions they like. Other Members of Congress criticize the CBO because the CBO doesn't come up with the conclusions they like. It is tough what they do, but they have always been praised for doing the best job they can, and they have never been criticized for any partisanship or unprofessionalism. They are a very good outfit.

I have had my problems with the head of CBO, Mr. Elmendorf. I have talked to him many times on the phone. Most of the time it is saying: Can't you get your numbers to us more quickly? Why does it take so long?

He does his best. He is very professional. He says: Senator, I am just doing the best I can. And I know he is, but still I am a little frustrated, but I know he is, and I think he does a pretty decent job.

Now, you might ask: Why are American health care costs so high? Why is that? Why are American health care costs so high? Well, there are a lot of reasons for that. Essentially, it is waste. It comes down to waste. There is a lot of waste in the American system, and this legislation, among other things, is designed to root out a lot of the waste.

What is some of the waste? I am not going to go into great detail, but I am struck with an article written by Dr. Guandi on June 1, 2009, in the New Yorker magazine comparing El Paso, TX, with McCallum, TX. What conclusion did he reach? This is an article that many in the health care industry cite because most people think this fellow got the nub of the issue right.

Health care costs in El Paso are about half per person as compared to health care costs in McCallum, TX. They are both border towns so it has been adjusted for immigration and so forth. The outcomes in El Paso are higher. People do better in El Paso than they do in McCallum, TX.

Why, one might ask. The basic conclusion of this article is that it is because of the way we in America reimburse doctors and hospitals and providers. It is a way which allows a culture in a community to spend a lot of dollars on health care, if it wants to, and it is a way it allows a culture in a community to spend fewer dollars and focus more on a patient, if it wants to. That is the culture of a community. That is because we pay providers in America; that is, doctors, hospitals, the pharmaceutical companies, medical equipment manufacturers, and so forth, on the basis of quantity and volume, not on the basis of quality.

So there is a bias in the system. Doctors want to do the right thing, but there is a bias for a doctor to order an extra procedure. There is a bias to order an extra drug for this or that. There is a bias to get this new equipment, and I might say, too, though it is awfully technical, but when we reimburse hospitals there is something called DRGs, the DRG purp, and it is according to procedure in a hospital, but it does not include the medical equipment. So there is no real fix on what is the cost of that medical equipment. So the medical equipment manufacturers can charge virtually what they want, and they charge a lot.

We have read lots of stories about how you can go to Walmart and get the same little small whatever it is for about one-tenth of the cost that a hospital is going to charge, and it is because the providers are purchasing through DRGs. That is an example of a lot of the waste that occurs in the system.

Let me give another example. I think there are excessive procedures in America. You can do a lot with anecdotes, but this is one that I think gives some indication of one of the problems we face in America.

I know a doctor, he is a neurosurgeon, and a very reputable, very good one. He said to me: MAX, you know, there is another neurosurgeon group that wanted me to join their practice. So I went to talk to them. We talked a while. I have my own practice, and they have their practice. After a while, the negotiations kind of cooled a little bit. Why? It turned out the group who was seeking to have my friend join them did an audit on my friend's neurosurgical practice, and it was that audit which kind of cooled the ardor of the group having my friend join them. Why? Well, the group said: Our hit rate is 2 to 1, and your hit rate is only 20 to 1.

Those were the exact words they used—"hit rate." What does that mean? That means in the practice of the several neurosurgeons, for every two patients they see, they perform one procedure. They have a hit rate of 2 to 1. My friend's hit rate is 20 to 1. For every 20 patients he sees, he performs 1 procedure. Those doctors in that group love procedures. They want to do everything under the Sun. You have a back pain, it is an operation, a procedure, and all that; whereas, often you don't have to have the most expensive procedures.

But our system in America, because it compensates doctors and hospitals on the basis of volume and quantity, has a bias toward excessive procedures. That is one reason we have waste in America today. Nobody disputes that. It is one reason we have waste in America today.

Something else. There is something called the Atlas study by a guy named

Jack Wennberg. This is from a few years ago. He looked at health care costs across the country, and what did he conclude? By the way, this study has not been refuted in any significant way over the years. He concluded basically—and I am exaggerating now—if a person lives, say, in a Wheat Belt State, say Montana, the Dakotas, or the Northern Plain States, that person's health care costs per person are roughly one-half of what they would be if that person were in a Sun Belt State—you know, Miami, Denver, Los Angeles, Phoenix, or Dallas. The outcomes in the Wheat Belt States versus the Sun Belt States are better. People have better outcomes; that is, they are cured better, faster than are people in the Sun Belt States where the cost is twice as much per person.

Well, you might ask, why is that? The reason is because, basically, it is supply driven; that is, in the South there are a lot more doctors per person. There are a lot more hospitals per person. People like to live in the South. They like the sunshine weather. When you have more doctors and more hospitals, that is supply driven, and that tends to push up costs because those doctors and those hospitals want to do things. They want to order procedures for their patients, to make them worthwhile, and that is what happens.

Now, most doctors around the country, including the South, are good doctors. They want to do the right thing. But I can tell you, I have run into individuals—one cataract surgeon, an ophthalmologist, told me—and I couldn't believe it because he was very upset—he was only getting paid \$2 million a year. Basically, he had people come in and rotated people in his office to do more cataract procedures—more cataract—and he was upset that he was only getting paid \$2 million a year.

So this health care bill is trying to address that basic problem, and it is called health care delivery reform. We are going to move slowly toward reimbursing doctors and hospitals a little more on the basis of quality as opposed to quantity. It is hard to measure quality. How do we measure quality? It is hard, very hard. But there are some provisions in this legislation—which have been criticized by people unfairly—designed to help both the doctor and the patient have a better idea of what the right procedure is and how to get the highest quality health care. That is what it is designed to do. There are lots of names for it—bundling, ACOs, and all kinds of things—but that is the whole purpose of it.

The key is this: It is not at all intended to tell the doctor or the patient what to do, as has been claimed. It is not that at all. Rather, it is just the opposite. It is to help the doctor and the hospital have better, more information so the doctor and the patient can decide for themselves what procedures

should next be performed or not. It is more information to the patient, it is more information to the doctor so the patient and the doctor can make their own decision.

There are implications by some on the other side of the aisle that this legislation destroys or significantly undermines the doctor-patient relationship. There is not a whit of truth to that. It is just the opposite. It helps with information to the doctors and information to the patients so they are in a lot better position to know what they should and should not do.

I have talked to a lot of doctors. They want to learn more. Right now, the drug rep comes into their office and pedals this drug, and the doctor wonders: Gee, is this the right drug? We are trying to get a little more objective source of information so that the doctor and the hospital and the patient have better information.

Let me go back to the earlier point. I mentioned that health care costs, according to the Dartmouth study, are much lower in the Northern High Plains States than the Southern States. The Congressional Budget Office—people don't like this because it is the Congressional Budget Office. People on one side of the aisle may not like it because it is the Congressional Budget Office. But they concluded that if the entire country's health care system were applied, nationwide, in the way that it is applied in Wheat Belt States; that is, Montana and other Northern High Plains States, the cost of health care in America would be reduced by 29 percent. Remember, the outcomes in the Wheat Belt States are better than are the outcomes in the Sun Belt States.

I said earlier that we spend \$2.5 trillion on health care. Thirty percent of \$2.5 trillion is a lot of money. What is that—north of \$800 billion a year? I do not stand here to say we are going to save all that money, but I am saying that is some indication of some of the waste that occurs in the current system. Others will say there is waste because too many doctors have to practice defensive medicine. I do not deny that. I think too many docs do have to practice defensive medicine, and that has to be addressed. But that is waste. That, by and large, is waste. It must be addressed.

I know there are other Senators who wish to speak, but there are a couple of points I want to make.

Preexisting conditions is really a big deal. In my State of Montana, about 425,000 people have preexisting conditions. That is nearly half the population. That means that without health care reform, most of those 425,000 would not get quality health insurance. They would not get health insurance—certainly not quality health insurance. They may get it, but they will have to pay too much in premiums to get coverage.

This legislation moves us toward that day where a health insurance company cannot deny coverage based on preexisting conditions. We have already done it for kids. We have a pool for kids. In a couple of years, all Americans will be able to get quality health insurance. They will not be denied coverage based upon preexisting conditions.

What is the consequence today of denial based on preexisting conditions? Part of it is people do not have health insurance, but also it is this: In my State of Montana—this is true in all States—a lot of people go to the emergency room. They go to the doctor—they get hit by a truck or get cancer—and they don't have insurance. If you don't have insurance, what do you do? You go to the ER, that is what you do. You have a good ER doc, and he or she takes care of you, and you see another doc.

If you can't pay the hospital bill because you don't have insurance, what happens? You get the care. But the cost of the doc, the ER doc, and the other physicians and the drugs in the hospital—somebody has to pay for it. So who pays? All the rest of us who have health insurance, we pay. It is all transferred to the rest of us who pay. Our health care bills, our premiums, are higher today because of the people who do not have health insurance. It is called uncompensated care. In Montana, the bill is about \$2,100 a year—the premium in Montana, \$2,100, family health care premium in Montana, due to uncompensated care. If people had health insurance, if the whole country had health insurance, we would not have that cost transfer to the rest of us who have to pay for you.

Then you say: Gee, how do you get those other people to pay for health insurance? That is one of the questions that comes up in this bill. It is an honest question. This bill says two things. People must have health insurance. They can do two things. If they are poor, they can go to Medicaid. That is expanded a little bit. Then there are issues such as, that costs too much, aren't States having to pay big bills, and so forth. The answer is, there is no increase in bills to the States for 3 years. Then the match is reduced from 100 percent down a little bit—that is after several years—which is much higher in Federal dollars than it is for other Medicaid. We can have that discussion and figure out ways to help States legitimately needing help. But still it is more insurance for people because if they need health care, those bills are not passed on to the rest of us.

The other way is to give assistance to people who cannot afford health insurance. It is through a rebate in the Tax Code. That is where a lot of the money goes. But it is clear that some people who would have too much money to qualify for Medicaid but not

enough to buy health insurance are going to need some assistance, so this legislation is designed to help those people get assistance, and the wealthier they are, the less assistance they get. Some say that is why this bill costs so much.

I think it is important to remind people here that according to the Congressional Budget Office—again, the neutral group that we trust. Nobody questions their integrity. It says this bill does not cost a thin dime. A lot of people like to say it is \$1 trillion. It does cost \$1 trillion, but it raises \$1 trillion, so on that basis it doesn't cost anything. The dollars are raised because the rates we pay providers are cut back a little bit. There are also some fees on some of the providers. That is true. That is true. That is how this bill is paid for.

But let's remember, almost all those providers, all those people who are paying a little higher taxes, and all those groups whose reimbursement rate is a little lower favored the bill. They are in favor of it. You might ask, why in the world do they favor this bill? The answer is, because more people have insurance. If more people have insurance, their margins might drop a little, but their volume will increase. They can make money. They figure they are going to make money under health insurance reform. Hospitals, pharmaceutical, medical equipment manufacturers, most of the insurance industry, you name it, they think they can make some money.

I don't want to take too much of my colleagues' time here, although I do have one other point, and that is Medicare. It is stated on this floor: This hurts Medicare. It takes money out of Medicare. That is a red herring—a red herring in the sense that somebody says something that on the face of it is true, but it is irrelevant to the main point. It is true that reimbursement rates to providers is a little lower, but it is also true that this legislation extends the life of the Medicare trust fund by about 120 years. The trust fund under this legislation is extended. The life of the trust fund is extended by 12 years compared to what it would be before this law was enacted. Some people want to repeal that. They want to cut back the life of the Medicare trust fund.

What else do they want to cut back with repeal? Repeal gives many seniors—4 million Americans I think is the number—a drug benefit in the doughnut hole of \$250 a year. In my State of Montana, it is 9,000 Montanans. After a period of time, that doughnut hole will be closed, so seniors will not have to pay for excessive costs on prescription drugs. Repeal would repeal that. Repeal would say: Oh, all you seniors, 4 million seniors, we are going to send you a \$250 bill. We want you to pay \$250, in effect, for drugs. We

don't want you to get any break. That is what repeal does. I don't think Americans want health care reform repealed—certainly those 4 million seniors do not want it repealed.

I have a lot to say. I will finish up. All I ask is this. We are going to have this debate, regrettably, for about a year until the Supreme Court finally decides. I ask that we all stick with the facts. Stick with the facts and don't indulge in histrionics, scare tactics, and so forth. "Just get the facts, ma'am," because facts generally control. You can't change facts. The fact is, what does CBO say? There are lots of facts here. I urge us to stick with the facts. We could argue what they mean, but let's stick with the facts. Let's not manufacture the facts. You can't manufacture facts and have a good-faith debate. I assume this is going to be a good-faith debate, so let's stick with the facts.

I have one more small thing. A person once stood here years ago in the Senate—it was Mike Mansfield from Montana. He was majority leader in the Senate for 17 years. No other leader served for as many years as Mike Mansfield. I ran across a statement by him which he gave in 1989 to a bunch of wide-eyed students. I can't remember exactly what he said, but the main point of it is this—he was a very reasonable guy, revered in Montana—in all efforts to be constructive, you have to listen. Listen very well, very closely to the other person's point of view. He went on to say: You are not always right. They are not always wrong. The more you listen and the more they listen, you will see where you are not right and you will see where they are not wrong. You also see where you are right and they are wrong. But you have to listen to try to find that common ground where somebody is right and somebody is not right in an objective sense of the term and then use that information constructively and with knowledge and with good faith.

I ask all of us to do just that.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that at the conclusion of my remarks, Senator JOHANNIS be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I think any American who heard the explanation of what ObamaCare does for Americans will realize that the complexity of the health care system, the importance of the patient-physician relationship cannot be managed from the Federal level. I had difficulty really determining exactly what was being said there.

I do want to talk about health care, but before I do, I need to make a couple of comments about the FAA perimeter

rule that is part of the discussion to which the health care amendment will be attached.

The perimeter rule is an antiquated policy adopted in the 1960s that prohibits aircraft flying in and out of Reagan National originating or departing anywhere beyond an arbitrary 1,250-mile limit. Congress imposed this limitation five decades ago in an attempt to help the Dulles Airport in Virginia when it was first being opened. The rationale was that the best way to ensure growth at Dulles was to limit the growth at National Airport, and so, by federal fiat, a short-haul airport was created at National and a long-haul airport created at Dulles. At the time, Congress assumed government could create an efficient aviation system and the government would best decide prices, routes, and schedules.

The perimeter rule is outdated today. Americans out West want to fly directly into downtown DC. Travelers from downtown DC do not want to go to Dulles to fly to the west coast. The government needs to do away with the perimeter rule, just as it did with the regulation of the aviation system long ago.

Dulles is now an international airport and can easily compete with National or any other airport in the country. The Federal transportation policy should be based on competition and consumer need, but the existing perimeter rule is denying consumers choice in air travel and frustrating market forces that could accommodate these consumers.

Consumer choices in the markets should govern the schedule and flights out of Reagan National, not the Federal Government.

This week, President Obama gave a speech about health care—or actually I guess it was last week now. The speech was at a fancy hotel here in Washington. He told jokes to make everyone laugh and sad stories to endear his audience further to his cause.

The President said, as he has many times before, his law will lower the cost of health care. President Obama knows how to give a good speech. He also knows how to tell it like it isn't. While President Obama was busy selling his policies on the stump, others were busy analyzing the real effects of his health care law. It is not limiting cost.

We have heard some of the figures given by the Democrats here from the Congressional Budget Office. But we have to expose that they are playing with numbers. If you tell the Congressional Budget Office to take \$500 billion from Medicare, which is already bankrupt and cannot pay doctors to see patients, you take \$500 billion and call that "savings" that are created by ObamaCare, that is part of where they get their money. The other part is to raise taxes on a lot of health care prod-

ucts and services and call that new revenue creating by ObamaCare.

Any thinking American knows you cannot create a trillion-dollar new health care entitlement and it actually saves us money. When the Congressional Budget Office looks at our whole health care spending at the Federal level, it tells us, without all of those funny assumptions, that the Federal spending on health care is going to double over the next 10 years. That is not saving us money.

This is the same office that found, without these funny assumptions, that ObamaCare would cause premiums to rise an average of \$2,100 per year for families in the individual market. That is telling it like it is.

It was not that long ago that some of the country's largest insurance carriers sent a letter to their enrollees warning them that ObamaCare was going to drive up the cost of premiums. They told it like it is. The Obama administration did not want this information to get out. So the Department of Health and Human Services sent a letter back to the insurance carriers saying their claims were not true, and HHS would have zero tolerance for this type of misinformation. They want to keep on telling it like it isn't.

Richard Foster, the Chief Actuary for Medicare, an independent economic expert, recently testified before the House Budget Committee. He was asked if it was true or false that Obama's health care bill would lower cost. A true-or-false question. He said: I would say false more than true. He told it like it is. False more than true is a very polite way of saying no, it will not lower health care costs. That claim is false.

President Obama also promised that if you would like to keep your health care plan, you can keep it. Richard Foster was also asked if those who liked their health care plans would be able to keep their coverage. He said: Not true in all cases.

It certainly is not true if you live in one of the 34 States where health insurance insurers stop selling child-only policies. It is not true if you live in Colorado and have Aetna Insurance. Politico reported Monday evening that the health insurance carrier was pulling out of the individual markets. Many Americans will lose their health plans with ObamaCare.

But you can keep your health care plan if your union or company got one of the 733 ObamaCare waivers so far. The waivers cover almost 2.2 million people. You can get your health care or you can keep it if you are a member of the six chapters of the Service Employees International Union which got waivers, and whose political action committee spent more than \$27 million helping Barack Obama get elected, or if you are one of the 8,000 members of the United Food and Commercial

Workers Union that got waivers. Their PAC has spent millions helping Barack Obama and Democrats get elected.

These are the unions that supported cramming ObamaCare down the throats of the rest of America. Even though labor unions represent less than 7 percent of the private workforce, they have received 40 percent of the waivers. They do not want the health care they want other Americans to have to accept. Most Americans do not play these political games. They do not have lobbyists and PACs. But I think they should all get a waiver too.

I think we should name this repeal bill that we will vote on today the Great American Waiver. Every Republican in the Senate is committed to repealing this bill. Every American gets a waiver when we repeal this bill. Soon, we will have a vote to repeal ObamaCare here in the Senate. I strongly urge my colleagues to follow the House in repealing it and returning it to the sender in the White House.

I am aware the President currently in the White House might want to veto our repeal. There is, however, going to be a Presidential election in 2012, and this health care bill, this health care law, is going to be a defining issue in that election. 2012 is 2 years before the law will fully be implemented. We can get a supermajority to overturn his veto in the next election or we can get a new President who will support its repeal. I think both outcomes are possible. Let's all go on record now showing where we stand. I suspect there are some Democrats who might want to repeal this law before voters repeal them. The question is, do they have the courage to break with their party?

For now, the President wants us to think his law can be fixed by modifying it slightly. It cannot be fixed. Trying to fix it with a few good ideas is like pouring a few glasses of fresh water into a polluted river. ObamaCare cannot be fixed by tinkering with its provisions, because the basic premise is flawed.

This law is actively creating a government-controlled system that relies on high taxes, less choices, and bureaucrats making health care decisions for Americans. This is exactly what we are opposed to and why we insist on a full repeal. A recent analysis by the Center for Health Transformation found it will give the Secretary of Health and Human Services 1,968 new powers. Last year the Joint Economic Committee found that ObamaCare created 159 new Federal programs and bureaucracies to make decisions that should be made between patients and their doctors.

If the Democrats and Federal bureaucrats are permitted to control our health care system, our Tax Code will look simple by comparison. Worst of all, in the rush to pass this legislation, none of its proponents cared if it was unconstitutional. They were not going

to let the Constitution get in the way of their health care takeover. Even now, when asked about the constitutionality of the bill, the Secretary of Health and Human Services has said: I am leaving those arguments to our legal team from the Department of Justice.

So far their legal team is losing. Two judges have told it like it is. ObamaCare has been ruled unconstitutional by judges in Virginia and Florida. The Virginia court held that the individual mandate requiring every American to purchase government-approved health insurance was unconstitutional. The Florida court ruled the entire bill was unconstitutional because of the individual mandate included in it. In his decision handed down on Monday, Florida District Judge Roger Vinson compared the law to a finely crafted watch in which one of the pieces is defective and must be removed.

But what happens to ObamaCare when you remove that one piece, which is clearly unconstitutional? The rest of the law falls to pieces—as the judge might say: The watch will not work. Vinson wrote: “I must conclude that the individual mandate and the remaining provisions are all inextricably bound together in purpose and must stand or fall as a single unit.”

An unconstitutional law that touches the most important personal decisions Americans ever make must not stand. We must repeal the bill in its entirety. Because at the very heart of it, which makes all of the other parts work, that very heart, that individual mandate, violates the highest law of our land.

It is already failing Americans. Health care costs and premiums are going up, despite the false assumptions we hear on the other side. Choices and consumer control over the health care system are going down. By continuing to follow a failing plan, the government is planning to allow our health care system to fail.

Obama's broken promises are going to create a broken future for our country. If we do not fully repeal this bill, it is going to add nearly half a trillion dollars in new health care taxes and raise the Federal budget deficit by more than \$500 billion in the next 10 years, and nearly \$1.5 trillion in the next decade.

Yet the President says this is going to save us money. We know this so-called Affordable Health Care Act for America does not live up to its label. We must repeal this bill and implement commonsense solutions that will lower the cost of health care for consumers and make health insurance available to everyone, even with preexisting conditions.

We should allow Americans to choose affordable plans across State lines, and we should end frivolous lawsuits that drive up costs, and give equitable tax

treatment to those who do not get insurance from their employer. ObamaCare does none of this. The facts and figures tell it like it is. President Obama tells it like it isn't. It is time for Congress to tell it like it is and repeal ObamaCare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNES. Mr. President, I had an opportunity during the comments of my colleague Senator DEMINT to sit here and listen to those. I wish to start my comments today by complimenting Senator DEMINT. Those were very thoughtful comments.

Many of my friends on the other side of the aisle are now acknowledging the problems with the health care law. It was a fascinating process, last September and October as we were leading up to the November elections, to see Members running to be on the other side of the aisle and saying, well, I would have done this differently, and if I get there, I will do that differently.

One such provision designated for repair is my legislation to repeal the 1099 reporting mandate that is in the legislation. To be clear, I have never argued that that was the start of the unraveling of the health care bill. I do not believe that for a moment. What I would say is this: That provision should have never been in the health care law.

I am very pleased to report today that that legislation, after two attempts to try to get it repealed, now has the support, bipartisan support, of 61 Senators. The President mentioned repealing this provision in the State of the Union Address.

While there is bipartisan agreement on this provision that it needs to be taken out and repealed, the rest of the 2,700-page bill is still bursting at the seams with flawed provision after flawed provision. Months and months ago, as this bill was making its way forward, each one of us individual Senators had an opportunity to decide: Can this bill be changed enough to be saved? The conclusion I reached is there were no amendments that could change this bill enough that I could ever support it. It is fatally flawed and you cannot repair the problems.

The catch phrase these days—the catchy slogan—is that we will repair this bill. Well, this bill is beyond repair. We cannot tinker around the edges. We cannot just kick the tires and put some air in them. A good detailing job on this bill will not save it. Even a major overhaul cannot get this bill back on the road. It needs to go back to the factory. This bill is a lemon. It is simply beyond repair. That is why it is important for all of us to support Senator MCCONNELL's amendment to repeal the health care bill in its entirety.

Let me start out and say what courts are now acknowledging: This is an unconstitutional piece of legislation. The

underlying foundation of the health care law is predicated on a false premise: that the Constitution somehow allows us—us, here in Congress—to demand of every private citizen that they buy a government-approved product or face a penalty.

Let me repeat that. The premise of this legislation—the false premise, the unconstitutional premise—is that somehow we, as elected representatives, possess the constitutional power to force every individual in America to buy a government-mandated and approved product or face a fine. That is an unconstitutional premise.

Recently, this fundamental flaw was exposed by court rulings in Virginia and Florida. As a lawyer, I have read both of them, first word to last word. I just finished reading the Florida decision yesterday. These courts, in thoughtful opinions, found that this so-called individual mandate was simply unconstitutional.

Judge Vinson, in his Florida ruling, said:

If Congress can penalize a passive individual for failing to engage in commerce, the enumeration of powers in the Constitution would have been in vain for it would be “difficult to perceive any limitation on federal power” and we would have a Constitution in name only.

You see, according to Judge Vinson’s ruling, the entire health care law is unconstitutional because it is predicated upon the individual mandate. President Obama has argued that. Members have argued that on the floor. Now there is this attempt to extricate from that argument, and it will not work.

The law will continue to be debated in other courtrooms, but I believe we are looking forward to a day when the Supreme Court of the United States says to Congress: You went too far. You went beyond the Constitution of this great Nation.

However, the health care law is flawed, even beyond this congressional overreach, this unprecedented congressional overreach. The health care law double counts dollars, threatens the health care infrastructure of this great Nation, and adds more individuals to a system I am very familiar with as a former Governor: the broken Medicaid system.

There is not a Governor in America who would come before any hearing of Congress and argue that the Medicaid system is anything but broken.

This bill is also paid for by over \$500 billion in tax increases and over \$500 billion in real cuts to Medicare.

Regardless of the claims to the contrary, Medicare cuts simply cannot be counted twice. They cannot simultaneously reduce the deficit, extend the solvency of Medicare, and then pay for this open-ended entitlement.

Well, I am sure any American out there would see the fallacy of trying to say to them: Well, you can spend the

same dollar twice. You can, on one hand, pay for your mortgage and, on the other hand, use the same dollar to make the car payment. No American would believe that. You see, only in Washington could you get away with such Enron-type accounting. It is simply budget hocus-pocus.

Even the administration’s own CMS concludes that the law’s Medicare cuts “cannot be simultaneously used to finance other federal outlays . . . and to extend the trust fund.”

I have long made the assertion that if Congress makes reductions in the Medicare Program, then those dollars need to stay in the Medicare Program, to shore up a program that is running out of money, not to pay for a new health care entitlement. Instead, here is what we end up with. These cuts to Medicare are going to have long-term consequences to seniors’ access to physician and health care services.

Let me focus on my own State for a moment. Nebraska home health agencies. Under this bill, in just 5 short years, two-thirds of our home health agencies will be operating in the red.

Nebraska nursing facilities, already stretched to the limit, will have to endure \$93 million in cuts. Does anyone want to argue that is not going to force the closing of nursing homes in Nebraska? Of course it will.

Hospitals and hospice—major reductions in funding. Mr. President, 35,000 Nebraskans who like and receive the advantages of Medicare Advantage are going to see reductions in their benefits.

If Nebraskans are going to endure these cuts, and others across the country do the same, they should at least have the security of knowing that the sacrifice they are being asked to endure is going to improve the Medicare Program.

If all the tax increases and all the Medicare cuts were not enough, the law’s projected cost completely ignores the \$115 billion it will cost to implement the legislation.

Around here, billions of dollars are thrown around. We, all of a sudden in the last 2 years, added new words to our vocabulary, “trillions.” A program is not big enough unless it has a trillion-dollar pricetag anymore. Well, let us remind ourselves that those are hard-earned dollars to somebody out there trying to make a living.

This is not about funding trillion-dollar programs. This is about poor individuals in this Nation who are struggling to get by, nearly 20 percent of whom are underemployed or completely unemployed.

All these hidden costs will drive up the pricetag even more for this ill-advised statute. However, one of the most troubling aspects of this so-called reform is its massive expansion of Medicaid. It simply heaps more unfunded mandates onto State budgets. As a

former Governor, I do not know how Governors are doing it these days. They are in a financial meltdown, with few exceptions, and here we are simply heaping more unfunded mandates onto State budgets that are already crumbling.

It puts—get this—16 million more people into the most broken part of the health care system: Medicaid. I can attest to the challenge of trying to provide quality health services for those on Medicaid today, not even addressing the millions to be added. Even now, our offices are flooded with frustrated individuals completely unable to find someone to provide health care services to them due to the lack of participation in the Medicaid Program.

You see, the story is this: 40 percent of doctors do not take Medicaid patients. Why? They cannot afford to. Ask any doctor, any hospital administrator in America: Could you keep your office or your hospital open on Medicaid reimbursement, and they would laugh at you. They would say: Absolutely not. We would go broke.

So what is the government’s solution to that problem? Put 16 million more people into a broken system. It is not because they do not want to treat these patients, you see. They do. But the Medicaid reimbursement rates would drive them into bankruptcy.

So instead of dealing with that problem—a very serious problem in terms of access for poor people—what do we do? We burden our States with additional costs with this legislation. We saddle them with little flexibility through maintenance of effort mandates and totally disregard the big question of how all these new eligible individuals ever have a chance of finding care.

According to a recent study, the Medicaid expansion is going to cost Nebraska between \$458 million and \$691 million over 10 years, depending upon participation rates.

More shocking is that almost one in five Nebraskans will now be forced on Medicaid—a system where we cannot find them care. We are not unique. This is the true story in every State in the United States.

The impact on this Medicaid expansion could be profound to many hospitals because Medicaid-eligible individuals who are unable to find primary care—and there will be millions of them—will turn to the emergency ward for their care.

Recently, the Centers for Disease Control reported detailed statistics on nationwide emergency room usage. While only 14.1 percent of all households in the United States had Medicaid coverage, Medicaid patients comprised more than one-quarter—25.2 percent—of all ER visits nationwide.

This preliminary May CDC report confirmed that the uninsured do not visit the ER the most often, which is

contrary to the arguments made on the very floor I am standing. This preliminary May CDC report confirmed that the uninsured do not visit the ER the most often; patients with Medicaid do. Specifically, more than 30 percent of Medicaid patients under 65 visited the ER at least once, compared to fewer than 20 percent of uninsured patients and those with private insurance.

An ER physician put it best:

High utilization (of the ER) is no surprise; many patients have difficulty finding primary care providers who take Medicaid, so the ER is the only alternative.

So what does this new law do to solve this problem? Nothing. It exacerbates and exaggerates and compounds the problem. I could go on and on because the flaws in the law are so abundant and so severe that it cannot operate.

Let me wrap up with this thought: The people of America deserve better than this effort. The people of America deserve something better than an unconstitutional attempt to say the Federal Government knows better than you. No mechanic could get this jalopy running again. They would just scratch their head and say: Haul it to the junkyard.

This health care bill is so fatally flawed, it cannot be fixed. The only option, contrary to what happened 1 year ago, is to go back and, in a bipartisan way, work to build solutions to the health care challenges, a step at a time, for once and for all; instead of compounding problems, solve them.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I hear the requests of people on the other side of the political aisle to repeal a health reform bill that has been put in place, received majority support in the House and in the Senate when developed. Now what we are witness to is that within a bill that is planned for the continued support for the FAA, which takes care of the conditions under which our aviation structure works, there is an amendment put in here that says: We want to repeal, recall the health care bill, the health reform bill that was signed into law by the President of the United States.

We have heard that there are challenges in court, but we hear also that there are verifications in the courts that say this bill, this act, does appear to be constitutionally sound. I am listening, and my vantage point is that I grew up in a very poor working-class family with all of the ills that follow poverty. I see America through that kind of a prism.

I see an America whose intention is to be fair, to take care of our citizens, to provide them with services, to make sure we have military forces to protect us from enemies, to make sure we have labor standards that try to make conditions healthy for working people so

their health is protected as they perform their tasks. There is an implicit promise that says we are going to educate those in the early years for sure with a reasonable education. In other words, there is a distribution of the assets this country of ours holds to which almost everyone is entitled to.

We are not talking about differences in income or differences in personal material wealth—housing, et cetera—that somehow others don't have. I am not talking about that. I am a capitalist. I came up the capitalist ladder, working hard, and I will talk about that in a minute.

So when I listen to the rhetoric that is delivered here on a continuing basis about government interference in keeping people alive, keeping people healthy—why should the government interfere with people's chances to be overcome by illness or injury? I consider it an outrage that some of our colleagues want to repeal a law that is designed to improve the lives of millions of Americans.

I think the push to repeal health care reform is the worst kind of hypocrisy coming from this place and the other end of the Capitol—here with 100 people and the other side with 435 people. There are those who have voted not to have this health care reform in the first place, and now they are jumping on the opportunity to repeal a law that is designed to help people's health, to help kids grow healthily, to help families be able to maintain a degree of functioning when illness strikes their family, to provide services that increase longevity to our people. I, for one, speak well for that effort.

It is so hypocritical to me because the Senators who are advocating repeal have access to the best health plan in our country. They get to walk down the hall to a clinic with a half dozen doctors, competent and skilled people. There are health care aides who work there, professionals, and all they have to do is go in there and say: Doc, I feel something here or I feel something here or I have this swelling here, and they get care. We pay for it; not a lot but we pay for it. But it is available. It is available. It is the kind of perk, I will call it, that people across this country would be astonished to see how well we treat those who make the laws in this country, those who have the responsibility of taking care of our people, our constituents. They would be astonished to see how easy it is to go into the clinic, and—yes, we will take you. You need some surgery and we will get you over to the hospital in short form and we are going to take care of this before your disease gets the better of you.

When people here—Senators, Congressmen—get sick, they just have to walk down the hall to the Senate Physician's Office. They don't have to get in the car or anything like that. They

don't know the worry or understand the worry that comes if medical bills overtake the opportunity to buy food or housing or even force people into bankruptcy.

Again, let me say this isn't simple rhetoric for me. I lived through these conditions. Yet these people who are up for repeal are fighting to take away the lifeline the health care reform law has given to families in need. I know firsthand what it is like when your family doesn't have access to basic health care. I grew up in a family of modest means in Paterson, NJ. It is a mill town. It was typically a city that received immigrants on a regular basis. My father spent his short life working in local silk mills, and he died of cancer at 43 years of age when I was still a teenager. My mother was 37 when she became a widow.

I joined the Army. I enlisted in the Army. I attended college under the GI bill. I was a soldier. I served in Europe during World War II.

As a consequence of the opportunity I had to get an education, I was able to join a couple of friends and start a company that is known across the globe. The company is called ADP. We have more than 40,000 people working around the world in more than 20 countries, three of us, from poor families. Two of them are brothers, and their father was a mill worker also. Because of the success I had in business, all my family had to do was worry about their good health and not back-breaking medical bills. But I never forgot what it was like to see my mother working so hard behind the counter of the store to pay the doctors, the pharmacies, the hospitals, to keep my father comfortable for the 13 months he was in bed with cancer, robbing him of his life on a daily basis.

That is why I was proud to vote for the historic health care reform law which is holding insurers more accountable and making our system more sustainable.

I looked at the history of the health insurers because we see the health care bills constantly taking more of the GDP. But you wonder where the health care cost increases take place. I have looked at some of the companies. For instance, I took the year 2009. It was a tough year for lots of people. Lots of bankruptcies, lots of foreclosures, lots of jobs lost in 2009.

CIGNA had profits of \$1.4 billion 5 years earlier and about the same in 2009. The company's CEO got \$18 million worth of salary, providing a commodity service. Humana, in 5 years, went from \$270 million worth of revenues to \$1.3 billion. The CEO got \$6.5 million. United Health had a heck-of-a 5-year period. They started off with \$2.4 billion worth of revenues in 2004, and in 2009 it went to \$3.8 billion. From \$2.4 billion to \$3.8 billion, and the CEO got \$9 million in salary, he got big kickers

at the end of the year. A company called WellPoint, in 2004 they did \$960 million worth of sales revenues. Five years later they did \$4.7 billion. The CEO got \$13 million.

I look at that as we ponder where the money has gone to pay for health care in this country. So I see one place that a lot of it goes, and that is to the insurance companies.

Some of our colleagues want to recall this bill and remove the health care protection from 30 million Americans—30 million people across this country. Almost 10 percent of our population will lose health care if we repeal the bill that is now in place and is law. The fact is, repealing the health care reform law would be an enormous step backward for our country. It would hurt seniors, children, and small businesses, and our deficit would balloon, grow larger.

Repealing this law would raise drug costs for seniors by removing from them a 50-percent discount on drugs they purchase when they are in the period of the doughnut hole. By the way, repeal of this law would serve to prevent us from totally closing that doughnut hole. Seniors across the country, listen to the truth about what is being said: The doughnut hole is going to be closed. It is roughly a \$4,500 element in people's income—or cost, rather.

This repeal would also give the biggest insurance companies more power over their patients to charge outrageous fees than ever before.

This means the insurers could once again reduce benefits, stop coverage during a person's illness, and refuse to care for individuals and children stricken with preexisting conditions.

Repealing health care reform would also hurt young adults, who would no longer be able to stay on their parents' health plans until age 26. For young adults—especially new college graduates facing a tough job market—staying on a parent's health insurance is the only reasonably priced insurance option available.

If health reform is repealed, small businesses will lose tax credits for up to 35 percent of health insurance premium costs. It would jeopardize the recent growth in the number of small businesses offering health insurance coverage to their employees.

This repeal effort is fiscally irresponsible because ending health reform would increase the deficit by at least \$1 trillion when we are all looking at the deficit here and wondering what we can do to bring it under control. We cannot do it with the costs we have scheduled for health care.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. LAUTENBERG. Yes.

Mr. MCCAIN. How much longer will he be?

Mr. LAUTENBERG. About 3 minutes.

Mr. MCCAIN. I thank the Senator.

Mr. LAUTENBERG. As a country, how could we repeal this law and then look our children and grandchildren in the eye? We should be focused on getting this critical jobs bill signed into law, not refighting last year's partisan battles.

Make no mistake, Democrats are willing and eager to fix the parts of the health care reform law that might need adjustment. I, for one, would salute that kind of a review. But to repeal the entire law is an example of outrageous overreach. Instead of meeting us halfway, our colleagues on the Republican side are engaging in misguided political battles. It is wrong, and we can't allow repeal of this law which is improving the lives of millions of Americans.

I thank my colleague from Arizona for permitting me a courteous extension of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Wyoming, Mr. BARRASSO.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, obviously we rise in support of the amendment put forward by the Republican leader for repeal of the health care bill. As we know, the House of Representatives has already acted in an overwhelming fashion. Neither the Senator from Wyoming nor I intend to go through all of the arguments we went through for nearly a year here on the floor of the Senate. In the years I have been here, I have never spent more time on any single issue, by far, than on the health care issue on the floor of the Senate.

One of the most important parts of this debate has been the overall cost—either savings or loss—if this legislation is repealed. Of course, the highly regarded Congressional Budget Office has determined that there would be an overall increase in the cost of health care in America if the bill were repealed. I think it is very important for us to recognize the valuable work the Congressional Budget Office does. They are really one of the most important parts of the decisions we make on legislation. But I think it is also very important to point out that the Congressional Budget Office makes decisions directly related to the input and the parameters and the details of legislation they are sent. The Congressional Budget Office, most appropriately, does not decide on policy; they are simply there as a budget office. So what I am saying is, garbage in, garbage out. If you are given a certain database on which to make judgments of costs, then of course you are going to come out with basically predetermined results and analysis.

One of the numerous aspects or parts of the legislation that was not taken into consideration by the CBO because of the way the legislation was written is the so-called doc fix. The doc fix, as we all know, is in compliance with a reduction in Medicare payments to doctors that was mandated several years ago. Then we found out that doctors would stop treating Medicare patients if they were deprived of the Medicare payments they needed in order to make up for the costs of the treatment they provided to Medicare enrollees. We know that every single year we have had to do the doc fix, which has not allowed the previously legislated reductions in Medicare payments to physicians. So that is an additional \$208 billion over 10 years—that alone is \$208 billion. Nowhere is that put into the equation.

Then we have, of course, the so-called CLASS Act, which is a poorly designed Federal long-term care program. It was inserted at a point in the debate that was never in the original bill passed through the HELP Committee.

I ask my colleague, it is a program for long-term care where people pay into the system in order to be eligible for long-term care benefits, but over time that money comes back out—not in the timeframe that was given to the CBO. There are a number of other provisions.

I ask my colleague from Wyoming what his assessment of the costs were taking into consideration the doc fix, the CLASS Act, the envisioned Medicare cuts by \$500 billion, and others, which are simply not going to happen. I would be interested in the Senator's total of the costs that actually would be saved by repeal of this legislation.

Mr. BARRASSO. What we are trying to do is actually provide people with the care they need, the doctors they want, at a cost they can afford. Yet, when we look at this health care law that—remember, it was written behind closed doors in spite of the promises. That is why people were so offended and are still opposed to this. We had votes in the middle of the night, and there were all those special deals cut for Senators to get that 60th vote.

What I hear most about as I travel my State are the proposed cuts to Medicare. As the Senator mentioned, it was \$500 billion. You talked about the President having a commission to look at the debt. What that commission said is that if you are going to take money from Medicare, which this law does—\$500 billion—it doesn't do it to help strengthen Medicare or lengthen the life or the vitality of Medicare; it does it to start a whole new government program. It takes \$155 billion from hospitals, \$202 billion from the 11 million seniors on Medicare Advantage, \$15 billion from nursing homes, \$40 billion from home health agencies, and \$7 billion from hospices.

As my colleague from Arizona said—he mentioned the CLASS Act, which has been called a Ponzi scheme that Bernie Madoff would be proud of. The President's own debt commission says repeal that because, with the way that is set up in terms of taking the money in first so they can count that as coming in, the obligations 10 years and beyond will bankrupt this country. Everyone on both sides of the aisle realizes that. The bipartisan President's debt commission realized it to the point that they put it in one of their recommendations. To hear our colleagues and the last speaker talk about the fact that this may actually help with the deficit and with the debt, anybody who looks at this over the long term and the nature of our country knows this will bankrupt the country.

I worry about the jobs in this country. We are at 9.4 percent unemployment. I know both of us as Senators are working to try to find ways to make it easier and cheaper to create private sector jobs in America. This health care law makes it more expensive and harder to create private sector jobs.

Mr. MCCAIN. Nowhere during the debate, I ask my friend, did I understand that there would be a very large use of "waivers" for different companies, including unions, businesses, et cetera, and already we have had well over 700 waivers granted to unions and others who have sought relief from this legislation.

I am told that only entails about 1 percent of America's economy, but isn't that quite a remarkable repudiation of this legislation? I would have liked to have heard during the debate: By the way, the Secretary of Health and Human Services is going to have to give well over 700 waivers for people so they won't have to comply with this law. And the only reason you give a waiver, obviously, is because the implementation of the law would be harmful to them. I am very interested in hearing my colleague's comments about this so-called waiver business.

Along with that, the Governor of my State has written to the Secretary of Health and Human Services to give the State of Arizona a waiver. I hope that, since the Secretary of Health and Human Services is in that business, she will grant that to my home State.

Mr. BARRASSO. I would like to see every citizen in this country get a waiver. I would like every State to have an opportunity to get waivers because last week the Secretary of Health and Human Services gave another 500 new waivers. The total now is 729 waivers. You can find them on the HHS Web site. It covers 2.2 million people.

It is interesting because before this bill was passed through in the middle of the night, labor unions publicly supported this health care law. Now there

are 166 union benefit funds that are exempt and have gotten the waivers. They got the waivers. Unions now have 860,000 out of the 2.2 million waivers. Unions now have 40 percent of all the waivers even though they are only 7 percent of the private sector workforce in this country.

My question to my colleague is, if this law is so good, why do so many people who supported it in the first place now say they don't want it to apply to them? Is it, as NANCY PELOSI said when she was Speaker of the House before the election—before the election that repudiated this health care law and the way it was crammed down the throats of the American public—didn't Speaker PELOSI say that first you have to pass it before you get to find out what is in it?

It seems to me, and I ask my colleague from Arizona, that as people know more about what is in this law, it is less popular on a daily basis. Yesterday, 58 percent of Americans, in a Rasmussen poll, said they would like to have it repealed, and the numbers of people who thought all of us ought to be able to get waivers was even higher than that.

Mr. MCCAIN. I thank my colleague for his enormous contribution to this debate and his knowledge and background in the medical profession.

There is one other issue I want to mention. Of course, I was pleased to hear the President, in the State of the Union Message, say that we ought to look at the issue of medical malpractice reform. I can't tell the number of times we have tried on this floor to have at least the beginning of some kind of meaningful medical malpractice reform. I said to the Secretary of Health and Human Services at a hearing the other day that I hoped she would be making some proposals to us, to the Congress, so that we could obtain some kind of medical malpractice reform.

As we all know, sometimes as much as 20 to 30 percent of the cost of health care is accrued because of the physician's prescription for unneeded and unwanted and unnecessary tests for fear of the physician finding himself or herself in court trying to defend the treatment of a patient. That, of course, is a huge portion of the additional costs in health care in America today.

I was pleased to hear the President of the United States say he wanted to examine and visit the issue of medical malpractice reform. I know my colleague stands ready to work with him on that issue.

Mr. BARRASSO. The President said the same thing in June of 2009 when he visited and spoke to the American Medical Association. So when that issue didn't really come to the floor, as a number of us would have liked, in this health care law that was written, as I say, behind closed doors, they

asked Howard Dean, then-chairman of the Democratic National Committee, why they don't include it, and he said: We can't stand up to the trial lawyers—who have such a remarkable influence on the party on the other side of the aisle.

I am hoping that the President, in his statement in his State of the Union Address, was sincere because it clearly did not follow through what he said in June of 2009 when he met with doctors from all across the country.

Mr. MCCAIN. I thank my colleague. I thank the Senator from Maryland for her patience.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise today in very strong opposition to any attempt to repeal the health care reform bill. The Republican leadership has offered an amendment to repeal the Affordable Health Care Act. They are only keeping half of their promise. They went out there and campaigned—and the tea party had a teapot boiling over—and they said: We are going to offer a bill to repeal and to replace. Guess what they are doing today. One more hollow, symbolic, pander-to-the-masses amendment. Their amendment offers a repeal, but it does not offer a plan or strategy to replace. Do you know why? They have no ideas. They just want to pander to the crowd.

I want my colleagues to know that I am emphatically and unabashedly against the repeal of health care reform. But I want to say to my colleagues, as I listened to this colloquy, every Senator has the right to rewrite legislation, but they do not have the right to rewrite history or to rewrite the facts.

I heard CBO criticized and being dismissed. But yet it was the Republican Party who said we could not move anything, bring up anything, even get a Kleenex without getting a CBO score. Now they do not want a CBO score. You cannot say I want a CBO score one day and then make fun of it the next. Garbage in, garbage out.

Then second: Oh, they rewrote the bill in the middle of the night, sweetheart deals, whatever. I was on the HELP Committee. I chaired the task force on quality. I went to several hearings in an open, public forum to get the best ideas to produce the best bill. In many of those instances, very few of the other party even bothered to show up. So I am not real excited about their criticism.

Then we went into a markup of the bill, 4 weeks in the HELP Committee, open, public markups in full view and on C-SPAN. Over 300 amendments were dealt with—300 amendments. How is that secret? How is that behind closed doors? How is that in the middle of the night? We worked in the middle of the

night because there were so many amendments. Fine, that is democracy. That is the way the legislative process works. But don't try to rewrite history. Don't try to rewrite facts. And if you want to rewrite the bill, keep your promise, Republican Party. If you want to repeal, then let's go to replace.

I want to hear their ideas for replacement. I challenge them right here, right now, today on this amendment. Come in with other amendments on your ideas for replacement. I want to know what it is they want to do. I want to know which parts of the health care reform they want to repeal and replace. What is it they want to repeal and replace?

How about this? No longer can big insurance deny coverage to a child with a preexisting condition. Do they want to repeal that? And with what are they going to replace it? Do they want to repeal the part where we allow young people to stay on their parents' plans until they are 26? Do they want to repeal that? And with what do they want to replace it?

We eliminated the cap on what an insurance company could pay out. Do they want to repeal that cap—if you have cancer, if you need heart surgery? And with what are they going to replace it?

I am proud of what we did in health care. It is an excellent bill. We accomplished four goals. First of all, we save and strengthen Medicare. We end those punitive practices of insurance companies. We expanded universal access. And, guess what. We came up with quality and prevention measures that save lives and save money. This is what people wanted in health care reform. I heard it all over Maryland and heard it at hearings. I had roundtables, hearings, I was in diners, I held online townhall meetings, phone calls, letters. Once they got the straight information about what we did, they liked it.

Let's go to Medicare. We extended the solvency for a decade. We closed the doughnut hole that has been so hard to swallow. Last year, more than 32,000 Maryland seniors received a \$250 rebate check to help pay for prescription drugs. That is in the health care reform bill. If we repeal it, do I have to call up 32,000 Marylanders and say give it back? Give it back; we repealed. Wow, I bet that is going to go over.

These same seniors will now get 50 percent off their brand-name drugs when they hit the prescription drug coverage cap. Are we going to repeal that? And with what are we going to replace it?

Also, one of my favorite parts of this bill is ending the punitive practices of insurance companies, such as seeing a child denied coverage because of chronic conditions because of asthma or juvenile diabetes.

I also fought very long and hard, as everyone knows, for women. Did you

know, Mr. President, when we began our hearings on the bill, we found out that in many instances insurance companies charged women 25 to 40 percent more in their premiums simply because they were a woman, more than guys with the same age and same health status? Are we going to repeal that and bring back gender discrimination?

Also, we ended the despicable practice of just being a woman being treated as a preexisting condition. Another point my hearing disclosed is that in seven States and the District of Columbia, women were denied coverage for simply being a victim of domestic violence. They were abused by their partner, and they were then abused by the insurance company. Are we going to abuse them once again by repealing that provision? Not if I can help it.

Then there were other issues also related to the whole issue of prevention. We offered a prevention amendment. When they tried to take our mammograms away from us, the Democratic women took to the floor—and good guys supported this bill and we passed it: preventive measures at no cost and no deductible in order to make sure we not only had our mammograms but that there were other preventive services.

Provision after provision—are we going to go back to that? I hope not. If they are going to repeal, that is what they are repealing. They are really repealing the way we ended the punitive practices of insurance companies. They are really repealing our attempt to make sure Medicare is solvent and close the doughnut hole for prescription drugs for seniors and also get them better health evaluations. We also did other things.

I am so proud of this. We said to the insurance companies, 80 percent of what you collect has to go into health care. It cannot go into administrative costs. It cannot buy you another Armani suit or a pair of Gucci shoes or a third or fourth home or \$1,000 bottles of wine when you have those conferences where you think about price fixing; you have to put it back into health care. I do not want to repeal that provision. I want that 80 percent collected to go back into health care. I think that is a good idea.

In our bill, one of the things I am proud of is that we stop big insurance from putting lifetime dollar caps on benefits. I heard from a woman in Columbia who told me her husband had reached his lifetime limit. So when he needed an EKG to deal with a long-time cardiac problem, they had to pay for it out of pocket. Even with health insurance, their health care costs still topped \$17,000 a year with their annual income at \$60,000. By lifting that cap, the man can get his EKG and prevent other kinds of problems.

I could go case example after case example.

Let's go to something called quality and prevention. I know that is often ridiculed. That is goosh; that is not like real medicine. I want to tell the story of a brilliant and talented physician at Johns Hopkins, Dr. Pronovost. He developed a checklist that, if followed, lowers infections that are caught in hospitals which takes lives, takes money, and extends stays.

In health care reform, we improve patient safety and help prevent medical errors. The Pronovost checklist, which we allow to occur in the bill, has now, we found out, reduced in Michigan patient deaths by 10 percent, and it has nearly had over an 85-percent effective rate at eliminating bloodstream infections.

The cost savings to both public and private insurance in Michigan has been stunning. Do we really want to repeal these measures that are saving lives and saving money?

I do not want to repeal this bill. We did a lot of good things in it. If the Republicans have ideas, then I do not think they should vote to repeal unless they have a better idea to replace what I outlined today. I challenge them: If you want to repeal, keep the other half of your campaign promise—replace. Let's put those replacement ideas out into the light of day. Let's put them out for debate and discussion and then vote. I am up to the task. I wonder if they are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to urge my colleagues to repeal this highly unpopular health care law. Here is what repealing this health care bill will mean to Georgians.

First of all, the Federal Government will not be required to spend \$8,470 on health care for every single Georgian every year; 176,000 Georgia seniors who are today enrolled in Medicare Advantage will not have their benefits reduced; and the \$500 billion in Medicare cuts will not be used to pay for new programs under this law; around 2.1 million Georgia households making less than \$200,000 will not have to pay higher taxes to fund this monstrous bill; 70 percent of small employer purchasers will not face higher premiums; small businesses employing 50 or more people and 8,000 Georgia construction companies with five or more employees will not have to pay higher health care costs or be subjected to new penalties due to government mandates.

Under this law, hundreds of thousands of additional low-income Georgians will become eligible for Medicaid in 2014. That is going to result in an estimated \$1 billion in new expenses for my State to fund that program. How are we going to fund that \$1 billion? We are a State that has to have a balanced budget every year, and we are struggling right now. Our Governor and the

legislature are making tough and hard decisions cutting expenses to balance the budget this year.

Under this bill, they are going to have to come up with another \$1 billion. They are going to have to raise taxes, raise tuition costs at our universities. Where are we going to get it? We do not know the answer to that, but that is what this bill would require.

While States work to prepare balanced budgets in anticipation of Medicaid expansion, they will not be given the flexibility to make prudent market-based decisions to improve their fiscal outlook. The Governor of Georgia has put forward proposals such as ending Medicaid coverage of dental, vision, and podiatry treatment for adults. These are painful decisions that States are being forced to make, but the health care law requires States to maintain eligibility levels for beneficiaries in order to keep their Federal Medicaid dollars.

Reimbursement from Medicaid is already so low that a majority of doctors will not see Medicaid patients. States are left with little options other than further reducing payments to providers or raising copayments for beneficiaries.

The Federal Government should not be hindering States' flexibility in dealing with their individual budget issues. This is not an area where the Federal Government should be impeding on the sovereignty of our States.

America's deficit is the single biggest issue facing our country today. Repealing the health care bill means that our deficit will not increase by an estimated \$2.6 trillion when this bill is fully implemented over a 10-year period, and it would also prevent that same \$500 million in cuts coming from Medicare to pay for entitlements that would do nothing but exacerbate our budgetary woes.

My constituents in Georgia, and citizens all across this country, have made it clear that they want Congress to repeal this legislation and work to lower health care costs and insure Americans through commonsense solutions that are not negotiated behind closed doors. We need a law that replaces this law and that actually reduces health care costs and enacts insurance reforms immediately.

Americans should be allowed to buy insurance policies across State lines; small businesses should be allowed to pool resources and offer more affordable insurance to workers; we need to limit baseless lawsuits against doctors; and we should expand health savings accounts.

Furthermore, in light of recent judicial decisions in Virginia and Florida, it appears the law may not be upheld in the courts. I applaud the decisions reached by Judge Hudson and Judge Vinson that Congress does not have the authority to force Americans to either

purchase health insurance or pay a penalty for not doing so. That provision of law, obviously, is ultimately going to be decided by the Supreme Court.

I plan to vote on repealing this law and working with my colleagues on both sides of the aisle to start the process over, to make sure the next time we do it in the open and not behind closed doors and that we get it right.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I thank my colleague from Oklahoma. I know he has been gracious enough to allow me to speak in front of him. My speech today, hopefully, will be fairly short, but I do want to raise something that I think is of critical importance to the country.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 256 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, there has been some confusion, moving around the time. While I was supposed to be here earlier, let me ask unanimous consent that I be allowed to speak in morning business for such time as I will consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I say to my friend from Arkansas who just spoke, I know a little bit about the program you have. In fact, the Senator is fully aware my daughter Molly is a marketing professor at the University of Arkansas, who has talked about this very concept. I do not know why all the successes have gravitated to northwest Arkansas, but it seems that they have. Maybe this has something to do with it. I look forward to following through with the Senator on this program.

I wish to mention a couple things I have been wanting to talk about, but I am here actually to describe two amendments I have to the FAA bill.

First, I would like to say publicly how proud I am of the new attorney general, Scott Pruitt, that we have in the State of Oklahoma. He is taking the leadership in suing to determine the constitutionality of the government-run health care. We are doing that currently in the State of Oklahoma. I am looking for some great results from that.

As I look at this, sometimes you have to ask the very basic questions. If

you are talking about a government-run system, something that doesn't work in Sweden or Denmark or the UK or Canada, why would it work here, when we have all these members of Parliament coming over saying: Why are you insisting on going to something that is a dismal failure at the same time we are moving toward a much more successful health delivery system, the model for the whole world, and that is what we have in the United States.

I have to say also, when I look and listen to people talking about the debt and the deficit and the problems we have, I think it is ludicrous that we can go back and try to act like Bush had these great deficits. If you take the deficits during the 8 Bush years, add them all up and divide by 8, it came out to \$247 billion each year. Now we have a President who has in just 2 years accumulated almost \$3 trillion—six times the deficit that was there under the Bush administration. When people keep saying something over and over that is not true, they assume people will eventually believe it. In this case, I believe the American people are so concerned about the spending, the unprecedented spending, the unsustainable spending of this administration, this President and his majority in both Houses, they are up on this issue.

Before I get to my two amendments, I wish to mention one other aspect I was going to have as an amendment to the FAA bill. Unfortunately, there was not time to put it together, so I will be doing some sometime this summer, but I wish to serve notice. I have the distinction, I guess you would say, since the retirement of Senator John Glenn, I am now, I believe, the last remaining active commercial pilot in the Senate. When I look at the FAA bill, I have a lot of interest in it.

I had an incident that occurred to me on October 20 of this year when I was flying my twin-engine airplane into a field in south Texas. It was called Cameron County Airport, a noncontrolled field. I experienced something that is going to make me go back and revisit to see if perhaps what happened to me, if it happens to someone else, people in the FAA would be just as generous as they were with me.

Before I tell you what happened, I have to say the FAA could not have been better. They could not have been more cooperative. I sat down and talked with them about the incident. I will tell you what happened. I was flying some passengers in one of my planes, a twin-engine airplane, into Cameron County Airport. This happened to be a nice day. It was a VFR—visual flight rules is what that means—so I didn't have to have control with the controllers on the way down. However, as a precautionary measure, what I always do, I talk to them anyway. So

when you go down straight south from Tulsa, OK, to Cameron County Airport, you fly right over Corpus Christi. That is about 120 miles north of the Cameron County Airport.

Because they have a lot of training down there—they have the Navy guys, the training that takes place—it is always safer, when you are flying around down there with a lot of kids who may only have 30 or 40 hours, to get on control so they are watching you. When you get on a control, in this case it is an approach control, they give you a squawk so you know—they know who you are, where you are, how fast you are going, how you relate to the other traffic in the area. So I got on Corpus Christi approach and I said: This is Twin Cessna 115 echo alpha. I will be coming south on VFR, descending through 15,500 to go to the Cameron County Airport.

Halfway down they handed me off—this is the terminology that is used—to the FAA controller down there in the valley. This is way down South. A lot of the people back East here do not understand that Texas, when you get down to the southern tip, that is farther south than Miami, FL. It is way down there.

We went down and they handed me off to what they call valley approach. Valley approach took me all the way down to Cameron County Airport, turned me loose—and I am trying to get the recording so I know exactly when it was—to land at the Cameron County Airport. This is the FAA.

The problem is, when I went ahead and landed—by the time I got everything in landing configuration, it was too late to go around. We are going below the blue line, as the saying is, so I had to land when there were workers on the runway.

I say to my friend from Iowa, the way they normally preclude something from happening, as he well knows, is they have you on their radar. They know you are there. But they publish NOTAMs, that is Notice to Airmen. Before you fly into any place, you check the NOTAMs to see if there is construction on the runway, if there is any kind of problem. Of course, we checked and there were no NOTAMs that day for Cameron County Airport, but there were people working on the runway.

I wish to offer legislation, and I will include in the legislation a requirement that NOTAMs are published where they can be found by the pilot. In this case, the NOTAM that came out that there is someone working on the airport did not come out until November 2 and this was October 20, so I had no control over it. I am not blaming anyone. I am saying they need to be in a conspicuous place where that will happen.

The second problem I see that affects general aviation is everything we do when we talk to a controller is re-

corded, and the public should have access to these recordings. I know it is a difficult thing. I have requested this, now, since way back in October and have not yet received it. I am going to try to set up a system where that is available to everyone.

Then, last, because even though no action was taken—I didn't violate anything and everything turned out fine; I did study procedures and all that—but the bottom line is, all during that process, someone, a bureaucrat, could have taken away my license. Here I have more hours than most American airline pilots. I fly, on average, probably 4 hours a week still to this day. That would be taking away a major part of my life and that is how serious it is.

Many years ago, about 10 years ago, the greatest pilot in America, named Bob Hoover—he is a tremendous pilot, up in years, actually considerably older than I am—and they actually took away his license. This is called an emergency revocation. I authored a law to require a type of an appeal, appellate process. We passed it. I think a similar thing should be afforded to all members.

Again, I wish to say the FAA could not have been more cooperative and more thorough, but I think we need to change the rules. We will probably have to do it legislatively. I plan to do that during the summer.

My two amendments. The first is one I think most people, when they understand it, will appreciate; that is, they are attempting, it is my understanding—right now there is a rule that is pending. It is not part of this legislation directly but in a way it is because, with my amendment, we would be able to preclude this from happening. The air carriers are scheduled airlines and unscheduled. The unscheduleds—they are called charter airlines and other types of airlines—they are under a different FAR, the Federal Aviation Regulation, part 121, but it is a subpart S. Subpart S says, if you are an unscheduled airline, you are not restricted to the same crew restrictions they have for a scheduled airline. There is a reason for this.

The reason is this. A scheduled airline, they are out there every day, and they adjust their schedules for crew rest time. A charter does not have that opportunity. So they may go maybe three or four times what the crew's rest would be and then have to take a longer flight. This does affect the military. Right now, if you are flying blood into Afghanistan, it is flown in by charter airlines. These airlines will take it down to Qatar and then go in probably on a C-17.

To go from Ramstein down to Qatar and back is longer than they can take without crew rest or, if they take it into Afghanistan, that charter flight would have to do crew rest actually in Afghanistan—maybe in Kabul. Obvi-

ously, they cannot leave a civilian plane there under some of those conditions. So the only choice, then, is we would have to use some of our lift capacity of the C-17s to do that.

The problem we are having right now, our C-17s are so overworked, our crews are overworked, so I believe that exemption should continue to be in place and we will be trying to pass this amendment. I am going to try to get in the queue. This is actually our amendment No. 7.

The other amendment I have I am very sensitive to because I have participated in these programs. There are a lot of voluntary organizations, volunteer pilots—I have done it at my own expense, helping heart patients get around different places, flying in to help people out. A lot of pilots are very generous with their equipment and time and money and they do this. What I want to do is get them a release from some of the liability to which they would otherwise be exposed. In other words, these people are doing this at their own expense, on their own time, but they are also exposing themselves to major lawsuits.

These are the two amendments. That happens to be amendment No. 6. I will be trying to get that in the queue after tonight's vote, so perhaps we will be voting on it sometime between now and Tuesday.

With that, I appreciate the patience of my friend from Iowa and I yield the floor.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN.) Without objection, it is so ordered.

Mr. HARKIN. Mr. President, if there is one clear message that voters sent in the last election, it is that they want Democrats and Republicans in Congress to cut out the bickering and the partisanship and to focus like a laser beam on boosting the economy, creating jobs, and reducing the deficit. So I find it absolutely astonishing that the Republicans' No. 1 priority, indeed their obsession in these opening weeks of the new Congress, is to launch bitter new partisan attacks on the new health reform law, in an attempt to repeal it in its entirety, something that would cost hundreds of thousands of jobs, and add \$240 billion to the deficit in the next 10 years.

It would be sufficient to oppose this reckless amendment strictly on budgetary grounds. As I said, it would add \$240 billion to the deficit in the first decade. Nearly \$1 trillion would be added to the deficit in the second decade, if we repeal the Affordable Care Act.

The sponsors of the repeal amendment have proposed no offsets whatsoever. So for all of the Republicans' crocodile tears over big budget deficits, their first action in the new Congress is to propose adding nearly $\$3/4$ trillion to the deficit over the next 10 years, and over \$1 trillion in the second 10 years.

The Congressional Budget Office is our only objective nonpartisan referee when it comes to budget projections. CBO has told us in no uncertain terms that the McConnell amendment, the repeal amendment, will add \$240 billion to the deficit this decade. The Republicans' response is to attack the credibility of CBO, the Congressional Budget Office, and to claim that the hundreds of billions in budget savings, thanks to new health reform law, are based on "gimmicks." That is complete nonsense. The budget savings in this new law are real. If anything, CBO has underestimated the savings that will come about, especially as a result of the robust wellness and prevention provisions in the new law, provisions that will keep Americans healthy and out of the hospital in the first place.

I would simply add that if the savings in the new law were based on gimmicks, then those gimmicks would surely show up by the second decade of the law's implementation. That is the nature of gimmicks; they eventually get exposed. But the savings in the new law actually skyrocket in the second decade to nearly \$1 trillion. So to wildly assert that the savings in the new health reform law are based on gimmicks is flat wrong. It is irresponsible.

Let's be clear. The Republicans' obsession with repealing the new health reform law is not based on budgetary considerations, it is based strictly on ideology. They oppose the law's crack-down on abuse by health insurance companies, and they oppose any serious effort by the Federal Government to secure health insurance coverage for tens of millions of Americans who currently have none.

We all remember William Buckley's conservative motto, sort of the father of the, I would say, modern American conservative movement. William Buckley said once that: The role of conservatives is "to thwart history, yelling 'stop.'"

In 1935 Franklin Roosevelt and the Congress passed Social Security, providing a basic retirement security for every American. Republicans fought it bitterly, and 75 years later they are still trying to undo it and privatize it. In 1965, President Johnson and the Congress passed Medicare, ensuring seniors access to decent health care. Republicans fought it bitterly, and 45 years later they are still trying to undo it and privatize it. To quote another famous Republican President: Here they go again.

By the way, notice that the Republicans are no longer even pretending to

offer a realistic comprehensive alternative. They used to talk about "repeal and replace." Now they are just talking about "repeal." As always, the Republican approach to health reform can be summed up in five words: Pray you don't get sick.

So make no mistake, the fight to provide access to quality affordable health care for all Americans has only just begun, it looks like. The same ideologue who came up with the big lies about the death panels and pulling the plug on grandma are rolling out their latest campaign of misinformation.

The good news is that this time around the dynamics of the debate have shifted. Just as I long predicted, as people learn more about the great things in the Affordable Care Act, the benefits and protections that are now guaranteed by law, support for health care reform is growing steadily as time goes by and people learn more about what is in it.

A year ago, we were bogged down in the messy, frustrating politics of passing a bill. This time around the law is the law, and what is at stake is crystal clear: Are we going to put the health insurance companies back in the driver's seat, once again free to discriminate based on preexisting conditions, free to cancel your policy if you get sick, free to cut off payments? Are we going to revoke access to health insurance for more than 30 million Americans? Are we going to add hundreds of billions of dollars to the deficit by wiping out all of the savings of the Affordable Care Act? Are we going to impose higher taxes on up to 4 million small businesses that are eligible for health care tax credits thanks to this new health reform law?

I also want to rebut the extreme ideological attacks on the individual mandate in the new law. Republicans claim that this is somehow an assault on freedom. Let's look at it another way. It is certainly an assault on an individual American's freedoms when someone goes without insurance and they show up in the emergency room and they stick other Americans with their emergency room bill. How about that freedom? Shouldn't I be free, shouldn't you be free, from having to pay for someone because they did not have insurance and they show up at the emergency room, which is the most expensive form of health care, and now we have got to pay the bill? What about that freedom?

The individual mandate is just common sense, and that is why so many Republicans supported it in the past. Senator John Chafee's reform bill in the early 1990s included an individual mandate. It was supported by a number of Republicans, some of whom are still here. Republican Senator GRASSLEY, my colleague from Iowa, Senator HATCH, Senator LUGAR, all supported

that individual mandate. More recently, the original Wyden-Bennett bill—that is Senator Bennett, a Republican from Utah—included an individual mandate. It was supported by Senators ALEXANDER, CRAPO, CORKER, and GRASSLEY.

As we all know, the individual mandate was a critical piece of Republican Governor Mitch Romney's health reform in Massachusetts. As I said, it is just common sense. By eliminating free riders and putting everyone in the risk pool, we keep rates down for everyone, and it is the only way that people with preexisting conditions are not left out in the cold.

So it comes down to this, as we learned—I was watching in the last few weeks the HBO series, now on DVD—about John Adams. What the early colonists finally realized is that they could enhance their freedom, they would have more freedom, if they stuck together, if they worked together, if they joined together.

The same is true here in health reform. When everyone is covered and no one is left out, we enhance an individual's liberty. So health reform is all about freedom, freedom from the fear that if you get sick, you will not be able to afford a doctor; freedom from the fear that a major illness will lead to financial ruin. These are the practical freedoms that matter to Americans.

I cannot tell you how many people have come up to thank me and other sponsors for passing the Affordable Care Act. They tell me how it has personally affected their families in profoundly positive ways. Let me first tell you about Sarah Posekany of Cedar Falls, IA.

She was diagnosed with Crohn's disease when she was 15 years old. During her first year of college, she ran into complications from Crohn's, which forced her to drop classes in order to heal from multiple surgeries. Because she was no longer a full-time student, her parents' private insurance company terminated her coverage, and 4 years later, she found herself—are you ready for this—\$180,000 in debt, and was forced to declare bankruptcy. Sarah was able to complete one semester at Hawkeye Community College but could not afford to continue. Because of her earlier bankruptcy, every bank she applied to for student loans turned her down.

With the new health law, people like Sarah will be able to stay on their parents' health insurance until they are age 26. This is a real person. This is a real story. These are real people. So they want to repeal this? They want to tell Sarah: Sorry, we cannot help you any, and we cannot help other young people like you stay on their parent's policies until they are age 26.

We can consider the case of Eleanor Pierce, also of Cedar Falls, IA. When

her job with a local company was eliminated, she lost her health insurance. She had the option of purchasing COBRA insurance, but it was completely unaffordable. So she searched for coverage on the private individual market and was almost universally denied access because of a preexisting condition of high blood pressure. The plans that would cover her came with premiums that she could not hope to afford without an income. So Eleanor, at age 26, suffering from high blood pressure, had no choice but to go without insurance and hope for the best. "Hope for the best" is no substitute for regular medical care. One year later, Eleanor suffered a massive heart attack. When all was said and done, she had racked up \$60,000 in medical debts. So real people, real problems, and real solutions.

We need to get beyond the ideological obsession and listen to ordinary Americans, victims of the old broken sick care system. Americans have a clear message: The new law has important new benefits and protections; do not take those protections away. Nearly half of nonelderly Americans have some type of preexisting condition such as high blood pressure, arthritis, heart disease. The new law outlaws the denial of coverage based on preexisting conditions. The McConnell amendment on repeal takes that away. The largest health insurer in California used technicalities to cancel the policies of women who got breast cancer. The new law outlaws the practice of cancelling policies when people get sick. The McConnell amendment takes away that protection and restores the right of health insurers to return to that despicable practice. The new law prohibits insurers from imposing lifetime limits on benefits. The McConnell amendment sweeps that away. The law allows parents to keep adult children on their policies until age 26, as I spoke about with Sarah. The McConnell amendment takes that away.

I want to briefly mention the destructive impacts the McConnell amendment would have on my State of Iowa. One, it would raise taxes on more than 260,000 Iowans by taking away tax credits to help them purchase health care coverage. More than 8,300 young adults would lose their insurance coverage on their parents' health plans. Tens of thousands of Iowa seniors would face higher prescription drug prices and once again have to pay a copay for preventive services, such as colonoscopies and mammograms, which now they can get without a copay. And, of course, the 1.9 million Iowans with private coverage would once again be vulnerable to a whole range of abuses and discriminatory practices by the health insurance industry, like cutting you off if you get breast cancer or putting a lifetime cap on it or an annual cap.

In addition, I want to mention that the new health care reform law dramatically remedies the discrimination against Iowa, my State, and a number of other States in terms of Medicare reimbursement.

A little background. Under a very complicated Medicare formula, doctors in Iowa and a number of States were paid less for their services than their colleagues elsewhere for the same service. Under the formula, for example, Iowa physicians are reimbursed less than doctors in Louisiana for the same procedure.

As part of the new health care reform bill, I joined with Congressman BRUCE BRALEY, Congressman LEONARD BOSWELL, and Congressman DAVE LOEBACK on the House side to negotiate a compromise that provides an immediate \$800 million to address geographic disparities for both doctors and hospitals, as well as written guarantees from Health and Human Services Secretary Sebelius for further action to reform Medicare reimbursement rates. This great achievement is wiped out if the McConnell amendment passes.

In addition, thanks to the new law, mid-sized hospitals in Iowa—we call them the so-called tweeners. They are not big enough to have economies of scale. They are not small enough to be put into the small-hospital category. They are sort of in between, but they are important providers of health care to so many communities in Iowa and other States around the Nation. Well, thanks to the new law, we will see greater Medicare reimbursement to these mid-sized hospitals in Iowa and other States. The 2-year fix will cover fiscal years 2011 and 2012. It will aid these low-volume hospitals, some of which have struggled to keep their doors open. The fix was included in the new health care reform law, the Affordable Care Act.

At the heart of the reform mission was an effort to decrease the number of uninsured and increase access—access—to affordable care. The law does just that and will ensure every Iowan access to quality health care, which these mid-sized community hospitals provide. Again, that goes away if the McConnell amendment prevails. We fought very hard to get that compromise to protect these twener hospitals—wiped out by the McConnell amendment.

Finally, I want to mention the many millions of Americans who will be denied health coverage if the McConnell amendment passes. The Republicans apparently reckon that middle-class Americans who already have health insurance do not care about those who are not so fortunate. I could not disagree more strongly. I believe Americans do care about the uninsured, and they are well aware of the devastating human costs of repeal. Nearly 45,000 Americans die each year in part be-

cause they do not have health insurance.

With the landmark law, we are ensuring at long last that every member of our American family has access to quality, affordable health care as a right and not a privilege—as a right and not a privilege. I believe the American people, even those who have good private coverage understand—understand deep down—that it is not right in our society for 30 million Americans to go without health insurance coverage and the devastating effects it has on those individuals and their families when they do not have that health insurance coverage. So the American people are not going to allow the Republicans to take away this great humanitarian achievement.

I urge my colleagues to oppose the McConnell amendment. It blows a huge hole in the budget deficit. It destroys hundreds of thousands of jobs. It repeals the Patients' Bill of Rights, allowing health insurers to return to the same old abusive and discriminatory practices. It revokes health insurance coverage for tens of millions of Americans. Instead, let's listen to those voices of the American people who have cried out for so long—for so long—for health reform. Let's get rid of the ideological obsessions.

If there are things that need to be fixed, we can fix them. I have said many times that the health reform law is not the Ten Commandments, written in stone for all eternity. It is a law. We pass laws. No laws are perfect, and sometimes you have to make changes. We make changes in laws all the time. We are about to make a change in part of the health care reform law now dealing with small businesses. Fine. These things need to be adjusted and worked on as we go ahead. They should be done in a nonideological and hopefully bipartisan fashion. But to propose that we repeal everything—everything; repeal it—makes no sense.

Let's move forward to build a reformed health care system that works not only for the healthy and the wealthy but for all Americans.

Mr. President, I mentioned in my remarks about how we had changed the law for Medicare reimbursement to benefit certain Iowa hospitals, and because of that, many of the hospitals in Iowa were going to get a bump up in their payments this year. I have a chart here. I did not have time to get it put on a poster. For example, St. Luke's Hospital in Cedar Rapids will get an additional payment this year of \$794,841—this year. That will be taken away by the McConnell amendment, by the way. Trinity Regional Medical Center, in Webster County, will get \$434,913 additional this year, taken away by the McConnell amendment. Mercy Medical Center will get \$584,883, in Iowa City, taken away by the McConnell amendment. We worked hard to get these

payments to help these hospitals that are under duress and not able to serve people who are in their communities. We are able to get this additional money to help them survive. Yet the McConnell amendment would take it all away.

Mr. President, I ask unanimous consent to have an article by James Q. Lynch that was in the Cedar Rapids Gazette and also a chart showing the reimbursement to Iowa hospitals under our new Medicare rules for 2011 printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Finally, I just say, for those of us in Iowa, in a small, rural State, with a lot of midsized hospitals, with a lot of people uninsured—and quite frankly, we are not in the upper echelons of income in the United States—for us this health care law provides immediate protections, immediate benefits, and promises even more benefits as we get to 2014 and beyond. It would be a devastating blow to my constituents in Iowa to have this health care reform bill repealed. That is why I so strenuously urge all my colleagues to oppose the McConnell amendment.

Mr. President, I yield the floor.

EXHIBIT 1

MEDICARE REIMBURSEMENT CHANGES WILL BENEFIT IOWA HOSPITALS, DOCTORS

(By James Q. Lynch, July 1, 2010)

A proposed change in Medicare reimbursement could increase payments to Corridor hospitals by more than \$4 million next year.

Under changes expected to be finalized later this month, reimbursement for Medicare services would increase payments to St. Luke's Hospital by \$794,841 and to Mercy Medical Center by \$584,883. In Iowa City, the University of Iowa Hospitals and Clinics could see an increase of \$2.3 million in 2011 and Mercy Hospital could get a \$509,898 boost.

At the same time, a rule change on reimbursement to doctors could boost their Medicare payments by 5 percent beginning next year.

"This will mean a great deal to Iowa hospitals that have been struggling for many years," according to 1st District Rep. Bruce Braley, a Waterloo Democrat. He is part of a group of U.S. House members who have sought to move Medicare away from payment plans that resulted in geographic disparities that "punished health care providers in Iowa that provide high-quality care and get low reimbursement rates."

REIMBURSEMENT TO IOWA HOSPITALS UNDER PROPOSED MEDICARE RULES

Hospital	County	2011 Payment
Marshalltown Medical & Surgical Center	Marshall	164,967
St. Anthony Regional Hospital	Carroll	104,979
Unity Hospital	Muscatine	74,985
Trinity Regional Medical Center	Webster	434,913
Iowa Lutheran Hospital	Polk	479,904
Mercy Hospital	Johnson	509,898
Mary Greeley Medical Center	Story	479,904
Skiff Medical Center	Jasper	104,979
St. Lukes Hospital	Linn	794,841

REIMBURSEMENT TO IOWA HOSPITALS UNDER PROPOSED MEDICARE RULES—Continued

Hospital	County	2011 Payment
University of Iowa Hospital & Clinics	Johnson	2,399,520
Mercy Medical Center—North Iowa	Cerro gordo	1,004,799
Mercy Medical Center—Cedar Rapids	Linn	584,883
Iowa Methodist Medical Center	Polk	1,709,658
Mercy Medical Center—Des Moines	Polk	2,129,574
Broadlawn Medical Center	Polk	44,991
Spencer Municipal Hospital	Clay	164,967
Lakes Regional Healthcare	Dickinson	74,985
St. Lukes Regional Medical Center	Woodbury	374,925
Grinnell Regional Medical Center	Poweshiek	89,982
Mercy Medical Center—Sioux City	Woodbury	779,844
Continuing Care Hospital at St. Luke's	Iowa	Less than .0001%
Total		12,507,499

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I ask unanimous consent that Senator ISAKSON be recognized to speak following my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PAUL. Mr. President, today we will vote on repealing President Obama's Federal takeover of health care. This vote will be not only to repeal the specifics of this legislation but to reassert that we operate under constitutional restraint.

When this bill first came up, many on the other side sniffed and were incredulous that we would mention the Constitution. Many on the other side said the Constitution—they really had not even comprehended that the question would be asked, "Where do you get the authority under the Constitution to do this?" Well, interestingly, we do still operate in a society with constitutional restraint, and the courts have now decided that the commerce clause does not mean you can do anything.

The commerce clause, though, for the last 70 years has gotten larger and larger. I used to joke that you can drive a truck through it now, it is so big. I also used to joke that if my shoes were made in Tennessee, they could regulate my walking in Kentucky.

The commerce clause—the expansive definition and understanding of it—has been supplying no restraint to this body. But I think this court case and I think this bill is about so much more than health care. It is about whether we live and operate with constitutional restraint of government.

This has been going on for a long time. It started with Wickard v. Filburn back in the 1940s, where they told a farmer he could not grow as much wheat as he wanted to.

He wanted to grow 20 acres of wheat, and the government said: You can only grow 10 acres of wheat.

He said: Why?

They said: Well, because of the interstate commerce clause, we can tell you how much you are going to grow.

He said: Well, I am not going to sell it to anybody. How am I engaged in commerce? I am just going to feed it to my livestock.

They told him that by not selling it, he could indirectly affect the price of wheat between the States. It was a ludicrous argument then, and it is a ludicrous argument now.

My hope is that out of this case, as it moves forward to the Supreme Court, maybe we will see a Court that takes a step toward overturning Wickard v. Filburn. I think that would be the most important case in the last 70 years in the Supreme Court, if we do it. Will we get there? I do not know. But listen to what the Founding Fathers said about this. Many people say: Oh, the general welfare clause says we can do this or the commerce clause says we can do this. Madison wrote that we would not have enumerated these specific powers and given them to the Federal Government if we intended for there to be no restraint.

Recently, in the two Federal court decisions, the judges made a point of saying that if you can regulate inactivity—basically, the nonact of not buying insurance—then there is no aspect to our lives that would be left free from government regulation and intrusion.

So I think this court case is incredibly important, more important even than the specifics of the health care bill. There are many reasons we should have opposed the health care bill and still should, but really No. 1 among them is that we need to have a government that operates under the Constitution and operates under a commerce clause that was intended to promote free trade between the States and was never intended to allow a government to grow so large and so invasive that it could intrude into every nook and cranny of our economic lives.

With regard to the specifics of the health care bill, there were some problems in health care. As a physician, I have seen some of the problems. But do you know what the No. 1 complaint I got was? It was the expense of health insurance, the rising expenses. The Federal takeover of health care did nothing to that. In fact, it has already increased the expenses to those. You see premiums rising.

But when you see problems, there are two directions to go. We had problems in health care, but you could say: Do we need more government or less government? From my perspective as a physician, I saw we already had too much government involvement in health care. I saw that what we had going on limited competition. You need more competition in health care if you want to drive prices down. So you need to allow insurance to be sold across State lines. You need to allow competition in prices.

One of the surgeries I did was LASIK surgery, where you correct someone's

eyes so they do not have to wear glasses anymore. No insurance covers it, and you would think: Well, gosh, maybe this body will get together and force people to buy insurance for LASIK surgery. It is good. It is a great thing. Well, do you know what. Without government getting involved, competition drove the prices down on LASIK. So the prices were driven down because the consumer was involved. The same way with contact lenses; you can buy a contact lens for 4 bucks, maybe 3 bucks. It used to be \$20 or \$30 a contact. Competition works.

So what we should have asked ourselves when we looked at this health care debate is—yes, there are problems. Yes, we can agree portability was a problem. Yes, we can agree preexisting conditions were a problem. But we should have said: Do these problems exist because there is too much capitalism or too little capitalism? I would argue there is very little capitalism at all.

I do cataract surgery also. Do you know what. I charge the exact same price as every other doctor in my town, every other doctor in the State, and every other doctor in the country because the prices are set in Washington by a central committee. That is not capitalism, and that is why health care is broken.

We need to get back to the fundamentals, and we need to say: Why does capitalism work in nine-tenths of the economy but doesn't work in health care? Well, maybe it is because we are not allowing capitalism to operate in health care.

Today's vote on repeal is very important. There is great symbolism to this because we have to say: Yes, we operate as a body under the restraint of the Constitution, but there is also a message about economic systems. The American economic system is capitalism, and we should be proud of it. We should try to inject capitalism into more enterprises and not less capitalism. We should not have such great faith in government that government has all the answers because government is notoriously inept and inefficient at most of the things it does.

I rise today to support the repeal of the President's takeover of health care. I hope the Democrats will reconsider. I understand some of them are reconsidering.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, first of all, I commend the Senator from Kentucky, Mr. PAUL, for his remarks and particularly his reference to the Constitution. When I read the decision of Judge Vinson in Florida, it read a lot like the CONGRESSIONAL RECORD of December 23 of last year when we were on the floor right before Christmas Eve

debating whether to pass the Affordable Care Act. Judge Vinson was clear and precise both on his ruling on the commerce clause as well as recognizing the necessary and proper clause nor the general welfare clause can substantiate requiring people to make the decisions that the health care bill requires.

I am going to vote for the amendment by Senator MCCONNELL to repeal the Affordable Care Act. I wish to repeat the reasons I stated a year and a half ago on the floor of the Senate as to why I believe that. First of all, it has little or nothing to do with affordable care, in my judgment, and we have seen in the 13 months since its passage and the 9 months since its signing increase after increase in costs, both in terms of insurance premiums as well as the application of the law to the practice of medicine. So it is not about affordable care; it is about care going up in its costs.

Secondly, if you look at the way in which the bill ostensibly claimed it paid for itself, it shot big holes in America's health care future, taking \$500 billion out of Medicare to begin with, reducing the reimbursement almost in its entirety for home health care which, in a State such as Georgia with many rural people, is the primary way in which health care is delivered to them, and the assessment of taxes, whether it be on hearing aids and medical devices or the 3.8-percent surtax placed on earned income for those people making more than \$200,000 or families making \$250,000.

It is appropriate to start over, but by starting over it doesn't mean we delay dealing with the problems Americans face with their health care. It may mean we, in fact, accelerate it beyond what this bill would have done if it is carried out to its entirety.

When we had the meeting at the Blair House a year and a half ago in the middle of the health care debate, when the President and the Democratic leadership sat down across the table from the Republican leadership and for 4 hours engaged in a discourse over the differences in the two ideas, it became quite clear what the majority wanted to do. They wanted to change the paradigm and put the government in charge of health care in America.

That is why every provision in the bill, from the fines for not buying insurance to the provisions of reimbursement, drives government to be the decisionmaker and the controller, just as the distinguished Senator from Kentucky talked about the price of health care today. The price of health care begins and ends with the assessment of reimbursement made in Washington, DC.

So, No. 1, we do need to change the paradigm and get back to a capitalistic-type system and a competitive system. For example, repealing the barrier on interstate sales of health in-

surance and having a national marketplace. Allow affiliated groups or similar groups to join together and compete across State lines as a larger risk pool like independent contractors, like the profession I came from, real estate agents, who are not employees, who don't have the benefits of ERISA coverage but bound together could compete with IBM or any other company in buying insurance as a group with a large enough risk pool to reduce the cost of their premiums and raise their coverage.

It is very important to realize that the real solution to health care, both in terms of its costs as well as a healthy America in the future, is the way we practice wellness and disease management. Those are the types of programs we can then begin to incentivize now to raise them in their practice and lowering in the outyears the cost of health care and begin to get our arms around what is right now a spiraling contributor to the deficit and to the debt.

But most importantly of all, the fact that over 70 waivers have been issued by Health and Human Services already is proof the bill is flawed, and it is proof its continuation up until its beginning in 2014 is going to be nothing more than making other exceptions for other groups for trying to make a bill that is designed to fail work. It won't happen. It should be repealed.

I commend the leader on his amendment, and I will vote for it this afternoon.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, it was my understanding that another member of the Democratic Party was going to speak at this time, but not seeing him, I think I will just go ahead and deliver my presentation.

As a candidate for the Senate during this past year, I met with many Hoosier families and small business owners, as well as health care providers, patients, doctors, and all those involved with concerns about where this health care process was going to go. Everywhere I went, from Lake County to Fort Wayne to Indianapolis, Muncie, and down to Evansville—all across the State I heard a resounding plea to overturn the costly and intrusive health care law that was passed by this last Congress and signed into law by the President.

The issue for these people was not whether we needed to address issues of health care, whether it was quality, cost-effectiveness, or access; the issues for them were two things: One, they resented the process where a massive bill, which many did not fully understand or grasp the implications of, was forced through these Chambers and passed hours before Christmas. The rules were bent to try to move the bill

through the process, and it became a policy which was not supported on a bipartisan basis but yet a policy that affected virtually every American.

If experience tells us anything, it is that massive changes in policy need bipartisan support to be acceptable if they are going to be effective. The majority of people I spoke to about the health care plan that is now in place believe it is fatally flawed and needs to be repealed so we can start over with a much more cost-effective, efficient, affordable health care plan.

Those who have listened to the people express their views on this particular issue have come to the conclusion that their voices were not heard, as they expressed throughout the deliberation of this; that Congress wasn't hearing what they were saying. The results of November—I think with this issue being central to the election—ratified that. So I urge my colleagues in the Senate to listen to the American people and repeal the law that is before us, a health care law that raises taxes, penalizes businesses, straps States with costly mandates, and increases premiums for American families.

Recent polls show a significant majority of Americans want the President's health care law to be repealed, and they want Congress to start over and put together a plan which does not cost the taxpayers a lot of money and will not provide the access and the care and the quality Americans are looking for.

We know more than half the States, including my State of Indiana, have joined in lawsuits challenging provisions of the constitutionality of the law that will be settled by the Supreme Court in due time. But I believe we must take this opportunity now to overturn the law and start over.

Let me address some of the consequences to my State of Indiana and to Hoosiers if we do not repeal the current health care law. Hoosier families will clearly face higher premiums. Nonpartisan budget experts from the Congressional Budget Office reported that individual health insurance premiums will increase by \$2,100 per family as a result of this new law. If we do not repeal the health care law, 50,000 low-income Hoosiers will be dropped from the Healthy Indiana Plan. This was the plan implemented by our Governor and our State representatives and senators, an innovative plan that addressed the real problem of low-income Hoosiers not qualifying for other support. This plan put in place a proposal for health savings accounts. The program has been so popular that it now includes more than 50,000 participants.

Unfortunately, as a result of the health care law, the State may need to terminate the Healthy Indiana Plan and place its participants into Medicaid. This is just one example of a pro-

vision of law enacted at a Federal level that denies units of government—States, localities, and others—from innovating and bringing about sensible, market-based solutions to problems they face.

The one-size-fits-all Federal health care law basically says to those States and those innovators: No, we know better. We will tell you what to do regardless of what the cost is or regardless of how effective your program is. Our Governor had negotiated savings for prescription drugs for low-income recipients, but this law prevents that type of innovation and progress made on the state level.

If we do not repeal the health care law, Hoosier taxpayers will bear a heavy burden. The law will force Indiana to expand Medicaid, enrolling approximately one of every four citizens in the program. According to an actuarial analysis by the Indianapolis-based Milliman, Inc., Indiana will have to absorb an estimated \$3.6 billion in new costs over the next decade if the 1.5 million eligible Hoosiers enroll in Medicaid, which they may under this plan. That burden is passed on to Hoosier taxpayers, and our State, frankly, cannot afford to do that.

The report also predicts that Indiana would have to spend more than \$300 million on new administrative costs alone. So with States already facing budget cuts, there is no doubt these costs will either be passed on to taxpayers or the State will opt out of the plan and turn people over to the exchanges and to the control of the Federal Government.

If we don't repeal the health care law, Hoosiers will see a decrease in the quality of service of care. I met with physicians, health care providers, and hospital administrators at sites all across the State. I heard a very common concern: The new law will jeopardize the quality of care for patients.

The health care plan cuts reimbursement dollars for hospitals and providers at a time when they can least afford it. These cuts simply exacerbate the dire shortage of doctors and nurses and will result in less advanced care for people in need, less personal attention from providers, and fewer choices for patients.

If we do not repeal the health care law, Hoosier businesses will suffer. The President's health care overhaul hits our job creators with harmful mandates and regulations, mountains of paperwork, and countless taxes. The new law requires businesses with 50 or more people on staff to pay a \$2,000 tax per worker if the employer does not offer an acceptable health insurance plan for its employees.

If I heard one thing more than any other thing from business owners, it was that this law will drive them to make employment decisions that are adverse to the benefit of those seeking

employment. Companies that were in the 45-to-50 range of employees, or even less, have basically said if the choice comes down to whether to hire new employees or whether to outsource or whether to use technology to replace those employees, they will do so to prevent going over 50 employees and being forced to offer insurance or pay a penalty.

An arbitrary line drawn at 50 basically puts the job creators of this country—the small- and medium-sized businesses—in the position of having to decide whether to take on the mandated tax burden of the Federal Government or simply not go forward and hire over that particular limit, forcing them to find other ways to produce their product without added employment.

At a time when we are facing 9-plus—nearly 10 percent in many areas—unemployment, putting a law into place on a nationwide basis that discourages businesses from hiring is simply the wrong thing to do.

Other businesses may find it more cost effective—and many have told me they would drop workers from their health insurance plan and pay the fine instead. Turtle Top, a shuttle bus maker located in New Paris, IN, found that dropping health care coverage for employees and paying the Federal penalty would generate a savings in the six-figure range for the company. That is a story repeated over and over. The law dictates that it financially benefits some companies to drop their insurance plans and shift coverage for employees over to the Federal taxpayer.

In fact, the administration's own estimates revealed that more than 6,000 pages of regulations mandated by the law could force half of all employers—as many as 80 percent of small businesses—to give up their current health care coverage within the next 2 years.

One burdensome regulation is the 1099 provision. I believe we are going to vote on that amendment, and I hope it passes. This is one of the many egregious, unexpected consequences of pushing a law through without fully understanding the law or the implications of the law. Rather than beginning a piecemeal approach to de-construct this approximately 2,100-page bill, I believe it is expeditious for us to repeal and start over.

The medical device tax particularly impacts my State. It adds a 2.3-percent sales tax on medical devices. This is an industry in the State of Indiana that probably is one of our top manufacturers, is making a profit, and is hiring people. Yet it will be arbitrarily taxed as a way of helping to pay for the cost of the health care bill. Cook Medical, a medical device company in Bloomington, IN, expects that the new health care law will cost the company \$15 million to \$20 million per year. This is a company, along with Biomet, Zimmer, and other medical device companies,

that had the deep pockets because they were producing products that the world wanted to buy. They were one of our export leaders, and because they were making profits at a time when the Federal Government was looking for money to pay for other aspects of the health care plan, they simply added a 2.3-percent sales tax on the devices, to a total of about \$20 billion.

The health care law devastates Indiana businesses. At a time when nearly 1 out of every 10 individuals today in Indiana is looking for a job, Congress should be focused on a way to encourage private sector growth and job creation, not stifle it.

Our health care system in America has problems, but restructuring it with a one-size-fits-all, government-run plan that increases taxes, raises premiums, and hits businesses with penalties is not the right thing to do.

Congress needs to repeal the current law and start over with a step-by-step approach that reduces the skyrocketing costs of care.

Listening to Hoosiers over this past year, I created a list of 10 priorities that Congress, I believe, should focus on when we start over on health care:

One, allow competition to cross State lines. We need to improve access and the quality of care by increasing competition and allowing consumers to purchase health insurance across State lines.

Encourage innovation. I talked about the innovation taken away from our State through this law.

Eliminate frivolous lawsuits and include liability reform. Passing a health care bill without liability reform part of it—when all of us know defensive medicine is forced upon doctors and providers at hospitals through frivolous lawsuits and without a sensible process of providing for those who clearly are victims of malpractice—undermined the credibility of what Congress was trying to do and what the American people and the health care providers were looking for.

Improving Medicaid and the SCHIP program.

Allowing for the immediate creation of association health plans for small businesses.

Incentivizing and rewarding healthy lifestyles.

Expanding health savings accounts, not reducing them.

Advancing the use of electronic medical records, while retaining privacy.

Increasing cost transparency.

Retaining our promises to our military personnel veterans and their eligible family members.

Those are all components of the more detailed plan I outlined this past year in Indiana.

Most important, I believe the underlying principles to ensure that our health care system is one that preserves personal freedoms and puts indi-

viduals in control of their own health care decisions is critical to addressing the next bill we take up.

Let's take this opportunity now and listen to the patients, listen to the health care providers, the physicians and listen to the job creators and small business owners and then let's listen to the American people who sent us here to represent them. Let's repeal this law and let's start over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, it seems to me that what we ought to be doing with regard to this law is fixing it instead of repealing it. We ought to be focusing on fixing it instead of focusing on repeal. Already, unanimously, it seems, people have embraced different parts of this law as certainly necessary. You could go down the list. Twenty-six-year-olds can now stay on their parents' health insurance policies. Health insurance companies can't go off spending all kinds of money on all kinds of jet airplanes and vacations. They have to deliver, on large group insurance policies, 85 cents of health care out of the \$1 of premium paid—85 percent.

Then, of course, you can't have a health insurance company cancel you in the middle of your coverage. Who in the world would not embrace this in the law; that is, you can't have some silly kind of reason that you are not going to give health insurance to a patient because they had a preexisting condition when, in fact, they had a skin rash, and that is an excuse.

There is a lot in this law that is good, not the least of which is that there are 35 million people out of the 45 million who are uninsured in this country who, come 2014, will have private insurance, private exchanges, called health insurance exchanges, in each State, to which they can go and shop for health insurance. If they can't afford it because they are somewhere between that and the rate at which they are eligible for Medicaid or they are up to 400 percent of the poverty level for a family of four, they will have some assistance from the Federal Government so they can purchase that private enterprise exchange insurance. If you can bring 35 million people into the health insurance system, what happens to it? If they have health insurance, they start getting preventive care. That means you avoid what happens now, which is they don't have health insurance, they avoid going to the doctor because they can't afford it, and they wait until the health problem turns into an emergency. Where do they end up? They end up in the emergency room, which is the most expensive place now, with a full-blown emergency, and the laws of the 50 States require the emergency rooms to treat those people. Guess what. Who pays? All the rest of us pay.

So if you can bring 35 million people out of the 40-some million uninsured Americans into the health insurance system, you bring down the per-unit cost that all the rest of us pay, which is tacked onto the health insurance premiums we pay. Because when the hospital picks up the tab, who do you think pays? It is distributed right out to the health insurance system, and the rest of us end up paying. So there is a lot of good in here. What we ought to do is fix it. We should not repeal it.

There is another issue that has arisen in this great debate we are having, which is of historic proportions, on what is going to happen to this law that was passed in this body by a 60-vote margin. What has happened is there have been a lot of lawsuits filed. In two cases, Federal district judges have ruled the law is constitutional. In two other cases, Federal district judges—this is the lower court of the Federal court system—have ruled it is not constitutional. Of course, we have had action by the legislative branch, the other House, the House of Representatives, which has voted to repeal the law. Now here we are with the issue in front of us on which we will vote later today.

Well, doesn't anybody conclude that this matter is going to the Supreme Court to decide if this law is constitutional? When the Supreme Court decides, regardless of what we have done or what we haven't done, the Supreme Court decision is going to discard political and partisan interests. So isn't it in our commonsense interest if we would come here and join together in a resolution to petition the Supreme Court to have an expedited review of this case?

Typically, what happens with these two for and two against, that will work its way up through the court of appeals, and that will take another year, year and a half, and then it will get to the Supreme Court. That will take another year, year and a half. Why don't we expedite the matter? Why don't we express our intent to have an expedited review by the Supreme Court?

I have filed such a sense of the Congress—a resolution—and its passage might prevent people from arguing back and forth over this law for the next several years. Everybody in this country that will be affected would have an answer, and they deserve an answer. Therefore, I urge the Senate to consider adopting the resolution asking the Supreme Court to step in and decide quickly whether the current law meets the constitutional test.

My preference is that we fix the law, that we not throw it out. I don't want to go back to the days of the insurance companies dropping people because they get sick or depriving seniors of help getting their prescription drugs. But because the matter ultimately is going to be resolved by the Nation's

highest Court, I think we ought to take a commonsense approach on this resolution. I urge my colleagues to adopt it.

Mr. President, I see no one else is on the floor seeking recognition. I will just add that another commonsense component in this law that certainly means don't repeal it is the assistance that is given to senior citizens.

That assistance is in the form of help with the cost of their prescription drugs. The Congress passed, and it was signed into law years ago, a prescription drug benefit, but that benefit was only partially assisted by the Federal Government, and senior citizens had to pick up a big part of the tab. This law closes a lot of that gap, what is commonly referred to as the doughnut hole. We do not want to take that away from senior citizens. I certainly think that is going to stand the constitutional muster.

There is another part of this law that is so beneficial as well, and that is, are we not concerned about the deficit, are we not concerned about how we are going to get our country back on a road toward balance of our deficit so that we have a balanced budget? What this law does, which seems to me common sense that you do not want to repeal it, it saves the Federal Government, according to the Congressional Budget Office, a nonpartisan, highly technical economic team, \$250 billion over the next 10 years and in the second 10-year period would save up to \$1.2 trillion to the Federal Government.

There are plenty of reasons that we ought to fix it instead of repealing it. I urge my colleagues—and I see my dear friend from the State of Nevada came in. Before he came in, I had urged us to consider a sense-of-the-Congress resolution to have an expedited appeal to the U.S. Supreme Court.

Mr. President, I yield the floor.

Mr. ENSIGN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. ENSIGN. Mr. President, I rise today in support of the amendment offered by the Republican leader to repeal what I believe is an unconstitutional government takeover of our health care system. Make no mistake, we all want to improve access to affordable health insurance for all Americans, including those individuals with preexisting conditions. Unfortunately, this health reform law is not the right prescription.

Over the past year, I have spoken with tens of thousands of Nevadans

about this bill. They were very clear when they said that this law is not the cure for our broken health care system.

This law imposes new burdens on most Nevadans and most Americans. It requires that every American citizen purchase health insurance coverage. Those who fail to buy health insurance that meets the minimum requirements are subject to financial penalties.

Two weeks ago, I received an e-mail message from Tommy Felt, a Boy Scout in Las Vegas. This is a picture of Tommy. He is 12 years old. He attends Molasky Junior High School, and he is working to earn his Citizenship in the Nation Merit Badge.

Tommy's e-mail stated:

I'm really concerned that the bill will damage our country. I think it is unconstitutional for the government to force citizens to buy health coverage. Also, I believe that the hidden costs in this bill will drive our country much deeper into debt. My dad says that this bill will lead to the elimination of Senior Dimensions and Medicare Advantage plans for our seniors.

I wish that more than half of my colleagues would heed the words of this young 12-year-old.

I could not agree with Tommy more. I, too, am also concerned that this health reform law will destroy our health system in our country. I am also concerned about the unprecedented overreach of the government's demand that every American purchase health insurance just because they live in America.

A judge in Florida, as we have all heard, ruled that the entire health care law is unconstitutional. Let's ask the question, Is it really Constitutional for the government to tell all Americans they must buy health insurance coverage? What is next? What personal liberty or property will the Congress seek to take away from Americans next? Will the government mandate what cars we are allowed to drive or what food we feed our children? Where do we draw the line? Or will we even draw one at all?

After all, the Constitution is about enumerated powers, the specific powers given to the Congress. This bill blows the lid off those enumerated powers.

I have spoken at length about the unconstitutional provision and even raised a Constitutional Point of Order before the Senate voted to pass this reform bill.

As I previously mentioned, earlier this week, a Florida judge ruled the individual mandate unconstitutional and even went so far as to say that the whole bill is unconstitutional because the mandate cannot be separated out. In December 2010, a Federal judge in Virginia also struck down the individual mandate as unconstitutional.

We know it could take several years for this case to reach the Supreme Court of the United States. My good friend from Florida, Senator NELSON, talked about expediting that proce-

dure—which makes a lot of sense—so that we do not have to wait several years for the Supreme Court to reach its decision. The administration should ask for that. The administration has the right to bypass the Court of Appeals and go directly to the Supreme Court. In the meantime, because it may take several years, we should act to repeal this law before we begin to suffer under its tyranny.

Now, going back to Tommy. His e-mail addresses the significant costs associated with this health reform bill. Tommy has every right to be concerned. In fact, every American should be concerned. Spending in this country has continued to spiral out-of-control. The health reform law is only adding to our financial demise. Unless we repeal it, the law will further exacerbate the cost of health care, explode our deficit and debt, and forever alter the relationship between the government and the American people.

We hear from the other side that this bill is going to reduce the deficit because there are \$500 billion in cuts to Medicare as well as tax increases. By the way, the Congress could repeal those cuts in Medicare and often does. The other side also used fuzzy math when this bill was being debated. A lot of the savings in Medicare were counted twice. That is why a study by the Republican side of the Senate Budget Committee said that this bill would actually increase the deficit in the first 10 years by \$700 billion.

Let's have some common sense. Do you think you can increase the Medicaid rolls by 16 million people in America and actually cut costs? Does that make sense to anyone? Increase the Medicaid rolls, which are paid by the Federal Government and the States, and then say we are actually going to decrease the deficit? That defies common sense.

Many small business owners in my State have already seen a dramatic increase in their health insurance premiums. This bill was supposed to bring down costs. It is doing exactly the opposite.

I have met with many companies across our State. At least three large companies I've met with tell me they are considering, because of the costs, dropping their health insurance and paying the \$2,000 fine per employee. It makes sense to them. They can pay their employees a little stipend, they can put their employees on the government system, and they are money ahead.

With businesses struggling just to make it today, this decision could be the difference between staying in business or not. They are looking at huge increases in their premiums, or paying the fine and putting people on the government system. That is one of the reasons I think this bill is going to massively increase the Federal debt.

This law does not help the typical Nevada family who purchases insurance in the individual market either. In fact, in traveling the State, I met with Nevadans who are already seeing increases in their premiums. Those who purchase insurance plans in the individual market could see a 10- to 13-percent increase in their premiums because of this bill. But some of the small businesses that I have talked with are already seeing increases this year around 15 to 30 percent. A few of the small businesses are seeing increases around 8 or 9 percent, but most of them are in the 15- to 30-percent range.

In my State, unfortunately, about 70 percent of all the health plans provided by businesses will not meet the minimum requirements that will be mandated by the government starting in 2014.

In Tommy's e-mail to me, he also mentioned Medicare Advantage. There are more than 100,000 Nevada seniors who choose a Medicare Advantage plan. These Nevadans are not better off because of this reform. Their extra benefits actually will be reduced by more than half.

This bill does not help middle-income workers in Nevada either. Our hard-working hotel housekeepers, casino restaurant workers, airline workers, teachers, and police officers now look forward to collectively sharing the burden of the \$200 billion tax on health insurance holders.

Many American workers will pay for new taxes and penalties with reduced wages and lost jobs. Oh, and by the way, there are also new taxes on prescription drugs, clinical lab work, and medical devices that will also get passed on to the American people.

Simply put, I believe this health care bill is a job killer. My State cannot afford to lose more jobs. We have 14.5 percent unemployment in my State, and 9.4 or 9.6 percent across the Nation. We cannot afford to lose more jobs.

I am sure many of us have heard the phrase that the devil is in the details. Truer words could not be spoken when talking about this health care reform bill.

We know when Democrats passed this legislation that they gave enormous discretion to the Secretary of Health and Human Services. But I do not think any of us could have fathomed that the 2,000-page bill would generate potentially up to 20,000 new pages and regulations.

I have printed off many of the rules and regulations as well as the bill itself. Look at the size of this stack, and they are not even close to being done writing all the regulations. I challenge any company or any American to try to understand this bill and its regulations. It is virtually impossible. It takes a team of lawyers and health care experts to even come close to un-

derstanding all the implications of this bill.

According to my staff's calculations, so far there are about 6,200 pages of regulations. As I mentioned before, this could go to at least 20,000 pages. It is safe to say that the devil is in the details with this health bill.

The American people are going to learn more about the unintended consequences of this legislation as more and more of these regulations roll out. Remember last year when NANCY PELOSI said, We have to pass the bill so we can find out what is in it. We may be able to find out what is in the bill if you are able to understand it when you get through reading it all. I wonder how many people in this body have read not only the legislation but the rules regulations. It is absolutely daunting.

This health care reform bill is an over 2,700-page bill full of new taxes on Americans, funding cuts for programs they rely on, and raised premiums, which is why we should be repealing this bill. Instead of doing so, however, this administration is granting special waivers to various provisions in this law. These waivers are basically exceptions to the rules, and they allow organizations to circumvent the standards required in this health reform law. If waivers are needed, isn't that proof the health care reform bill is problematic? Isn't it proof this health care reform bill isn't working, or are special interest waivers a greater priority than the plight of the American people? It is interesting to me that some of the biggest supporters of this law have been working behind the scenes so they can obtain special waivers to get out of complying with this law so that they will not be held to the same standards as businesses in Nevada.

Nevadans are not behind this bill. The American people are not behind this bill. But there is no doubt that we need to improve health care in the United States. What is the primary problem with health care in the United States? The new Senator from Kentucky said it best: It is too expensive to buy health insurance in the United States. This bill does nothing but make that problem worse.

The people of this country did not sign up for the kind of change that brings with it billions of dollars in new taxes and a potential loss of their current insurance coverage or the choice to decide which coverage they have. The American people don't want a bureaucrat coming between them and their doctor.

Now, turning my attention back to taxes just for a moment, this bill alone ensures that hard-working Americans hand over even more of their paychecks each month to the government. It is funny how reforming health care means more money for Uncle Sam.

There is a new surtax on investment income—which, yes, does include a

gain on home sales—which has many Nevadans infuriated.

There are new limits on the use of flexible spending accounts, which concerns many Nevadans who use these accounts to fund exceptional medical costs, even though President Obama promised that people could keep their current health care plans.

There is also a new tax on certain employer-provided health care—the so-called Cadillac plans. There are taxes on drug companies, medical devices, indoor tanning services, and the onerous 1099 reporting requirements for small businesses that, apparently, even President Obama opposes now.

President Obama said in his State of the Union Address that we need to fix parts of the bill that need fixing and move forward. Well, I believe this whole bill needs fixing. So let's repeal it and replace it with real health care reform that actually attacks cost, the No. 1 problem in health care in the United States. We can go back to the drawing board, take the best ideas from both sides of the aisle, and put together a health reform bill that will take us into the future.

Republicans have come up with many ideas on ways to fix the Nation's broken health care system. The answer is not unbearable taxes, unsustainable growth of the government, or paying for a brandnew entitlement program.

Those aren't the qualities of comprehensive health reform. They are the qualities of a terrible policy that will lead to devastating results for Americans and our health care system, which is the best in the world. There is a better way. It will take time, but if we can change the way Americans think about health care, then we can create a better system.

Imagine a system where Americans get to keep their choices in health care and where they are allowed to buy insurance across State lines. Imagine a system where there is transparency, where you know how much your doctor's visit will cost and how much your surgery will be. Ask yourself: When was the last time you went to a doctor's office and got a written estimate? In this third-party payer system we have, where someone else is paying the bill and you are receiving the service, the doctors don't care what you think of the cost. So there is no transparency in today's system. We need to have a system that is transparent, where you can shop around for the best value for your money.

Imagine a system that rewards individuals for engaging in healthy behaviors. Imagine a system where you are not punished for having a preexisting condition. Imagine a system that allows small businesses to pool their purchasing power together to provide health insurance to their employees through small business health plans.

Imagine a system where doctors can practice medicine to heal patients instead of practicing medicine with the goal of not being sued. And imagine a patient-centered health care system instead of an insurance-centered system or a government-centered system, which is what we have today.

These are all standards we should work toward. We cannot afford to settle for this bill.

I believe this bill will bankrupt our country, our families, and our neighbors.

We simply cannot survive with this agenda of taxing and spending away our future. We can't survive it; we can't afford it.

Mr. President, I believe we should repeal this bill: all of its pages, all of its regulations, all of the regulations to come. I believe we should work together—not as Republicans, not as Democrats—as Americans to address the primary problem in health care in this country: the cost. It is critical for the future competitiveness of American business, and it is incredibly important for the quality of health care and for the future of our citizens as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in strong, vehement opposition to the amendment offered by the minority leader, Senator MCCONNELL, to repeal the health care reform law.

First, I would say to my good friend from Nevada, yes, we would like to work together to further reduce costs, but this bill does reduce costs significantly. The CBO has said in no uncertain terms that repeal would balloon the deficit by \$230 billion in the first decade and more than \$1 trillion in the second decade. That is because the law smokes out a good deal of the waste, the inefficiency, and the duplication that we all know is part of our system.

That is the place where we have to continue to work together. Our country delivers the best health care in the world, but it is also the most inefficient. We spend 17 percent of our GDP on health care. The next highest spending country is only 10 percent. Under the reformed law, we will begin the first large step in keeping quality care but getting costs under control.

If my colleagues on the other side of the aisle said: You know, you are right; we have to reduce costs, we have a better way and they offered a bill on the floor, well, then, maybe we would take a look at it. But they are silent. It is very easy to sit there and say repeal, but what would they put in its place?

The reason this amendment will be so easily defeated today is because a budget point of order says if you are going to raise the deficit \$230 billion in the first decade and \$1 trillion in the second, you better find out where that

money is coming from. The other side is silent, not a peep about where that money would come from. So that makes one feel this is sort of for show. Let's wave the flag for some of our hard-core supporters who definitely want repeal, but there is nothing in its place.

The old mantra the other side seemed to have—some of them—of repeal and replace is gone. It is now repeal and we have nothing to replace it with. That does not meet with the favor of the American people. In fact, the number who are against repeal is growing. Only about one-fifth of those who say they want to see the law changed want full repeal. Only 20 percent of the public wants full repeal. If those numbers are correct, and I believe they are, that means almost certainly that a majority of Republican voters don't want full repeal.

The bottom line, Mr. President, and particularly in this area of health care, is that talking about deficit reduction is a lot easier than doing it. That fact is evidenced by the amendment my friend, the leader from Kentucky, will offer. That is why a budget point of order is the appropriate response, and that is why this will be defeated rather handily.

In later days maybe my colleagues will come up with parts of the bill they wish to change. We will be open to it. Today Senator STABENOW is offering an amendment to change the 1099 section of the law. She has worked with people on both sides of the aisle. I know Senator JOHANNIS has been a leader, the Republican from Nebraska. We are going to pass that today. So the idea that we are unwilling to change any part of this law is belied by what we are doing on the Senate floor.

We want to work together. But somehow, when we get a repeal amendment—repeal the whole thing, no substitute, no answer to how to deal with the debt—one wonders what this repeal is all about.

Furthermore, why is the American public becoming more favorable to this law as we go through this debate? That is what the polling data has shown. Well, I would give two reasons. First, many of the horrors that were banded about as the law was being put together are proving not to be true.

I will never forget that last summer someone came to me, a gentleman from Long Island, and he said: Senator SCHUMER, I am a Democrat. I have voted for you in every election, but I am not going to vote for you again.

I said: Why?

He said: I hate the health care law.

I said: What do you hate about it?

He said: I am going to lose my health care benefits on Labor Day.

I said: What is your profession?

He said: I am a New York City firefighter. He lived on Long Island, but he was a New York City firefighter.

Well, anyone who knows even a little about the health care bill knows that a New York City firefighter will not lose their benefits on Labor Day or any other time under this provision. But this poor man had listened to some talk radio and they had convinced him he was going to lose his benefits.

But that is all fading. I haven't spoken to the gentleman since. I don't know his name. I just met him at a summer street fair. But he has found his benefits are just as good today as they were on the day before Labor Day, so it is pretty logical to suppose he would have said repeal the law a year ago but wouldn't say so today.

But there is another reason, and probably an even more important reason, this law is gaining support as people learn about it, and we owe some thanks to our Republican colleagues because they have given us a second chance to make a first impression. Most who looked last year said the messaging—rightly or wrongly, falsely or truly—was done better by the opponents than by the proponents of the law. But now, as people look at the law, they are learning about the many good things in the bill.

I daresay that most of my colleagues on the other side of the aisle want to keep those good things. I would be quite certain that the vast majority of Americans would want to keep those things, and the polling data backs that up.

So when you say repeal, when you just use a hatchet and not a scalpel, you lose all the good things, many of which are in effect today. So I would ask my colleagues on the other side of the aisle who support repeal: Do you support increasing prescription drug costs for our Nation's seniors? Thanks to this law, the so-called doughnut hole—which was created in the prescription drug plan of 2003 under George Bush—will be fixed. Seniors who fall into this doughnut hole—which says when they pay about \$2,500 for drugs, the government will help them no longer—will now get a 50-percent discount on their medications. This first year that will amount to a savings of \$550 for the average senior.

When you are a senior on a fixed income, \$550 is a nice amount of change, and that will help a whole lot of people. The discount keeps increasing every year until the last crumb of the doughnut hole is gone.

I will admit that is a mixed metaphor because a doughnut hole, by definition, has no crumbs. But good try, staff. Excellent work, in any case. It sounded very good to me too.

But in these times, these savings aren't exactly chicken feed. They will make a huge difference for seniors. The average senior, when the doughnut hole is fully eliminated—crumbs and all—will save more than \$2,000 a year.

How about the provision that helps young people? Every one of us knows of

instances where young men and women get out of college or get out of high school and they go into the job market. Oftentimes those new jobs they are seeking do not provide health care. That happens quite often. It is a new job, it is a low-paying job, they are just starting out. I know—I have spoken to many young people like this, and their parents—there is a lot of anguish. Does that young person who maybe has a job that pays \$25,000 or \$30,000 a year pay \$1,000 a month for health care for himself or herself? They cannot afford that.

On the other hand, to go without health care insurance—yes, they are young and healthy but God forbid they have an accident, go to the hospital, come up with some unusual and rare and expensive disease. What are they going to do? This keeps lots of young people and their parents up at night. This new bill solves that problem because you can stay on your parents' health care insurance, should they have it, until you are 26. By then you are in the labor force a little bit longer and the likelihood of your employer giving you health care is somewhat greater. Do my colleagues on the other side of the aisle want to take that away? If so, what are you going to put in its place? What are you going to tell the young people, 22 and 23 and 24 and 25 and 26, to do?

Then there is another provision that I think is worth keeping—preventive medicine. We all know one of the big problems with our health care system as opposed to some of the others in some of the other western countries is we do not do enough prevention. So instead of a disease being nipped in the bud, making the patient healthier and costing the system a whole lot less, it waits and waits. Those of us who put this health care bill together realized that and said early detection saves not only lives but billions of dollars. In this health care bill Medicare will provide a free wellness checkup once a year for every senior citizen. If there is a little bit of illness, they can nip it in the bud.

We all know the earlier you detect cancer or heart disease or diabetes or emphysema, the better chance of curing it and the less expensive to cure it. This is going to save billions of dollars. Just giving certain tests at these wellness checkups will save people themselves money but, more importantly, save the Medicare system money, a lot of money. It is important for the people to save their money too, of course. This makes a great deal of sense.

A mammography can find breast cancer before it metastasizes. A simple blood test can find prostate cancer before it spreads. What are my colleagues on the other side of the aisle going to say to seniors? What are they going to say to the Medicare system, which is

trying to get more effective by getting involved in early detection and prevention? Forget it? That is what you are doing when you vote for repeal. You have nothing in its place.

How about the small business tax credit? My dad was a small businessman. He had a little exterminating business. I know how small businessmen struggle. My father truly never became happy until he left the business. Now, praise God, he is 87 and he is a much happier guy than he was, even at 60, struggling in that business. One of the dilemmas that small business people face is the high cost of medical care for their employees. They want to provide it, A, because they want their employees to be healthy, B, because they like most of their employees, and C, because they want to keep the employees from going somewhere else if they are good—but it costs so darned much. Here is what is in the bill. If you are a small business that makes less than \$1.2 million and you have 25 or fewer employees, you get a 35-percent credit, going up to 50 percent in 2014. That is a huge help to small businesses that are already providing health care for their workers, and a great incentive for small businesses that are not already to do so. Hundreds of thousands of small businesses in my State alone will benefit from this. What, my friends on the other side of the aisle, are you saying to those small businesses? What are you saying to their workers? Go at it alone? Because you want to repeal it but you have nothing—nothing—to replace it.

There is one more provision I want to speak of. There are so many good things in this bill. No matter how much you don't like some of the bad provisions—and I know that is genuinely held by some of my colleagues—to just repeal it and get rid of the good stuff makes no sense, in my judgment. We have all heard the horror stories of insurance companies—when you go to them after you, your spouse, your kid has an illness and you say: Thank God, I have insurance—the insurance company deliberately, or maybe not but anyway they say: Mr. Smith, you did not check off that little box on page 17. You did not dot that I or cross that t. You are not covered.

We all know the intent was to cover it. We all know the insurance company was happy to take the premiums even without that dotted I or crossed t or checked box when the family was healthy and money was coming in. But now all of a sudden they say bye-bye. This bill does not allow that to happen.

The kinds of rescission I talked about are banned. What are we saying, not just to the families who have experienced this but to every American family with insurance who worries about this? What are we saying to them? Again, you have nothing in its place because you are repealing, not replac-

ing, even though people said early on that is not what they are doing.

I have one more point before I conclude. We are willing to work with you. The Stabenow amendment on the floor of the Senate shows that. I would have drafted it a different way and there will be a Levin amendment that I would prefer. But either way we are going to address the 1099 issue. Many people on your side of the aisle, many people on our side recognize that was a mistake. Not every bill is perfect. We are not digging in and saying we have to have the bill exactly as written and exactly as drafted. But you are doing the inverse—you are saying we have to have no part of this bill because if you wanted to retain parts of it you would have had an amendment on the floor saying take these parts out and keep these parts in. But you are not. Why? Your guess is as good as mine. But it is a lot easier to tear down than create, as we learned when we did the health care bill. But you have an obligation, unless you believe there should not be a health care system or we ought to go back to the system without any changes in the law that we have, which nobody liked. It is not fair.

In conclusion, No. 1, this bill reduces the deficit. The repeal increases the deficit and there is no money there to make up for those funds that the bill would bring in by cost cutting and by fees. No. 2, there are lots of good things in the bill that probably my colleagues would support but they get rid of them with no replacement—nothing. Nothing for the seniors, nothing for the 21- to 26-year-olds, nothing for the people who are treated poorly by their insurance companies. And, No. 3, we want to work with you. There are some changes we could work together on in the bill, not only 1099 but walking farther down the road of reducing the inefficiencies in the system, the high cost, the waste, by still preserving good care for the people who get it. That is something that would lend itself, particularly in these times of high deficits, to bipartisan support and working together.

Today, simple repeal, again, it may feed some red meat to the minority in this country. It is a small minority, if you believe the polling, who say repeal it. But the responsible job of a legislator, whether you agree with this bill or disagree with this bill, is not to repeal but to improve. That is not happening today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise in strong and vehement support of the amendment of Senator McCONNELL to repeal the health care reform law as now constituted, and I will support replacing it with reforms that truly provide Americans with access to quality, affordable health care, reduce skyrocketing health care costs, and put

our Nation on a more sustainable fiscal path. These good goals can be achieved. But this current bill does not do it.

I am pleased to see my colleague say he would accept some amendments, but the Johanns amendment he referenced was voted on twice last year. When the Democrats held a significant majority in this body they voted it down. After seven new Members have been added, many of them elected on a promise to repeal this bill—virtually everyone on the promise to repeal this bill—we now have agreement to change the 1099 reporting requirements, which is about one-thousandth of 1 percent of what is significant about this legislation. Indeed, if Senator SCOTT BROWN had been elected a month or so sooner, the bill would not have been passed on December 24, the day before Christmas.

The truth is, the American people have never supported this bill. Polling numbers show they still do not support this bill. The Democratic health care legislation was sold as a package that would reduce insurance premiums by \$2,500 dollars per family. We were told that repeatedly. It was also supposed to reduce the Federal deficit, and immediately create 400,000 new jobs.

Sadly, none of these promises were met. They were all false. The claims were attacked on this floor by sophisticated people who pointed out how these matters were not going to be achieved, and they have not been. They were false then, and they are false now.

Instead, the new health care law will cause health care spending to rise over the next decade. Americans will see dramatic increases in their premiums. That is a fact. The Federal deficit will increase by an additional \$700 billion. This bill does not reduce the deficit, and the law's expensive mandates, penalties, and tax hikes will lead to job losses and layoffs that will damage our economy. The last thing we need to do now is to have employers lay off people because of surging health care costs, as is happening. Talk to small businesses in your community to confirm this.

As our Nation's reckless fiscal policy and surging debt bring us ever closer to a tipping point—a debt crisis that could substantially damage our country, as it has others around the world—respected economists have stressed the need for Congress to reduce Federal spending and contain mounting health care cost. But rather than tackle these problems that threaten the long-term stability of our Nation, the new health care law exacerbates our fiscal crisis by creating a new, open-ended entitlement, a monumental new entitlement program and by introducing \$2.6 trillion in new spending. Tell me how we can spend \$2.6 trillion and not increase our country's debt.

Entitlements today are hammering our budget. They are surging our deficit. Entitlements are dangerous things. The last thing we need to do is

create a new entitlement program that is not going to have restrained spending. According to the Congressional Budget Office, our official analysts appointed by the Democratic majority, says that the health care law will cause insurance premiums in the individual market to soar by 10 percent to 13 percent; for American families, translating into a \$2,100 increase in their costs for purchasing health care coverage by 2016. That is huge.

Another \$2,100? That is a stunning development, and it is the exact opposite of the promises for the bill. CBO determined that. Total health care spending in the United States consumes already 17.3 percent of GDP, and we have felt that was too high. It is the largest of any industrialized nation in the world. But under this new law, the national health care spending will approach 20 percent of GDP by the end of this decade.

Sadly, many supporters of the health care law continue to perpetuate the myth that repealing this law would increase the deficit. My friend, Senator SCHUMER, said: Repeal the law, and the deficit will go up. A thorough examination of the law pulls back the curtains and exposes the deceptive budget gimmicks to reveal its true cost.

First, our Democratic colleagues double counted \$398 billion in Medicare costs and taxes, \$29 billion in Social Security taxes, \$70 billion in new long-term health care premiums to pay for the new health care spending—all double counted money. It is the largest false accounting scheme, I suppose, in the history of the world.

Think I am exaggerating? December 23—the night before this health care bill was finally passed 60 to 40, 60 Democrats, 40 Republicans—I called the Congressional Budget Office and Dr. Elmendorf, selected by our Democratic colleagues to be the Budget Director. This is what he said: The key point is, savings to the HI trust fund—that is the hospital insurance trust fund of Medicare—under the health care bill would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and, at the same time, pay for current spending on the other parts of the legislation or on other programs.

This bill was cutting Medicare benefits and raising Medicare taxes. They did not use the money to strengthen Medicare, which is heading to insolvency. They took the money and spent it on a new program. Actually, they borrowed the money from Medicare. But it was not the Treasury's money to spend on new programs.

The way it was written, the CBO score double counted the money. It is this money that they are counting to say this bill actually creates a surplus. Without this money, there is no surplus.

Since Medicare is going into deficit, they are going to call their debt instru-

ments, their bonds from the Treasury as they go into deficit. By the way, the U.S. Treasury pays Medicare interest on the money they borrowed from them to start this new program. Soon that money is going to be gone. We are going to have to borrow money on the open market to fund this new entitlement, and the new entitlement is going to cost far more than is currently estimated.

Over the 10-year budget window, the Congressional Budget Office reports point out how the law was doctored to start certain revenue enhancements, taxes, and so forth now, but only starting the expenditure programs in 2014. Why is that important? Well, they got a score from CBO of what it would cost over 10 years. So you get income for 10 years and you get expenditures for 6. This plus the double counting of the money and several other gimmicks might look pretty good, which is how they say this is creating a surplus. But it is not a surplus.

As the ranking member on the Budget Committee, I am stunned by how difficult and how challenging our current financial situation is. We have to do something about it. We need the President to help us and lead, but he is not, so it looks like Congress may have to tackle it.

The former Director of the CBO, Douglas Holtz-Eakin, an economist who understands budget gimmicks and has seen them for many years, cowrote an article in the Wall Street Journal in January that eliminates any confusion about the law's impact. I am disappointed that Members of our Senate are still coming down here to suggest that repeal of this law is going to adversely impact our deficit. I am stunned to see this continue to be repeated.

This is what Dr. Holtz-Eakin, a highly respected individual, said in the Wall Street Journal in January. The article is entitled, "Health Care Repeal Won't Add to the Deficit."

He said this:

Repeal is a logical first step towards restoring fiscal sanity.

Fiscal sanity. He goes on:

How then does the Affordable Care Act magically convert \$1 trillion in new spending into painless deficit reduction? It is all about budget gimmicks, deceptive accounting, and implausible assumptions used to create the false impression of fiscal discipline. Repeal is not a budget buster, keeping the Affordable Care Act is.

This Dr. Douglas Holtz-Eakin, former Director of the Congressional Budget Office. There is no question about it. That is a stunning thing. A poll by the Kaiser Foundation and Harvard University released last week revealed that the American people are seeing through these ploys. They have heard these talks before, and they are not buying it. Sixty percent of the country believes the health care law will increase the deficit over the next 10

years, while only 11 percent think it will lower the deficit.

So, colleagues, give us a break, would you? The American people are not going to buy this argument. I wish it would not be repeated. But the President continues to say it himself. Clearly, the American people, once again, show they are wiser than their government leaders in many instances.

The final point I would like to make about the health care law is its debilitating impact on jobs. The expensive mandates and penalties included in the health care law, coupled with rising costs of insurance facing families and businesses, are costing us jobs right now, and it will continue to do so in the future.

I will just add, I had meetings with small business groups in Phenix City, AL, and Jasper, AL, with 10 or 15 individuals. Every one of them told me, without question, this health care law would cause them to reduce their employment. We do not need to be reducing employment; we need to be increasing employment.

This bill is a job killer. It is indisputable. Over 6,000 pages of regulations have been written. Economic estimates indicate that repealing the law that threatens our economic recovery would save 700,000 jobs. It is imperative that Congress repeals this law. Yes, we need to start and continue to work on things we already agreed on, such as pre-existing conditions, interstate competition, and other things that we all agreed on and could agree on to make health care better. That is not the massive Federal entitlement program that funded by dubious gimmicks imposed on the American people against their will and damaging to the American economy.

We cannot allow this. It will be repealed, in my view. I know my time is up. I will just conclude by saying, we had a new election. A lot of people took that issue to the American people. I think their voice was clear. The American people are not happy with Congress, which did not listen to them and passed the bill against the public's wishes. They expect Congress to reconsider it, eliminate it and start over with new legislation.

Their message is clear, and that is what we need to do. I urge my colleagues to support Senator McCONNELL's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, it is very hard for me to understand how anyone could be voting to repeal the entire health care bill. Because when you do that, among other things, what you are saying is that we will continue the odious practice by insurance companies of denying health care to people who have preexisting conditions.

For 8 years under President Bush, more and more people lost their health

insurance, the cost of health care soared, and our Republican friends had virtually nothing to say on health care.

Now that a bill has been passed, which I am the first to agree is not the best bill we could have passed—and I will tell you why. It has its share of problems which should be remedied. But to say right now, when 50 million Americans have no health insurance, when States all over this country are wrestling with huge budget deficits, which no doubt will result in millions more being thrown off health insurance, to say we should retreat to where we were is beyond comprehension.

Second of all, for my Republican friends to say let's repeal health care, there are millions of families who now are beginning to be able to include within their own health care plans their sons and daughters, up to the age of 26. Goodbye to that. Furthermore, in a nation which ends up spending more on health care, almost double per person, compared to any other nation on Earth, we have put in the health care reform bill billions of dollars for disease prevention.

We are, as a nation, very weak in terms of trying to keep people healthy, trying to keep them out of the hospital. We spend a fortune on people after they are sick. In this bill, we have made some significant steps forward in terms of disease prevention, wellness, which is very cost effective in terms of health care dollars, not to mention human pain and suffering.

In that regard, I am proud to have worked with a number of other Senators in doubling, in that bill, the number of community health centers in America, which are providing the most cost-effective primary health care that is provided in this country, keeping people out of emergency rooms, keeping people out of hospitals, giving them access to primary health care, dental care, low-cost prescription drugs, and mental health counseling.

In the midst of an extraordinary crisis in terms of primary health care, where everybody recognizes we do not have enough primary health care doctors or nurses or technicians, we tripled funding for the National Health Service Corps, and it is already working effectively in getting doctors and dentists and nurses and other practitioners into underserved areas. All that would be undone. I think that makes no sense whatsoever.

Now, to my mind, what we have to do is not to repeal this bill but to make it a better bill. I will give you one very specific suggestion that I have worked on now for over 1 year. Senator WYDEN has worked on this, others have worked on it. That is to say, that if a State in this country, the State of Vermont, the State of Alaska, any other State, can maintain the high standards for quality health care and coverage that the

national health care bill did, then that State should be given significant flexibility to perhaps do it in their own way and do it more cost effectively.

I should tell you that in the State of Vermont, our new Governor is a supporter of a Medicare-for-all single-payer program. There are other States that want to move in a different direction, maintaining high standards but doing it perhaps in a different way than has been proposed by the national legislation.

In my view, they should have that right. And if Vermont is effective in doing what I believe we could—providing quality health care to all of our people in a cost-effective way—I suspect other States around the country can learn from Vermont's experience. I think that is a positive step forward.

The beauty of our Federalist system: 50 States—every State has a good idea. I think if we maintain standards that are high and give States flexibility, this can improve the health care reform bill we passed last year. But killing this whole bill makes no sense to me at all.

SOCIAL SECURITY

Mr. President, I also want to say a word on an issue which is getting more and more attention; that is, Social Security.

In my view, Social Security has proven itself to be the most successful social program in American history. Over a 75-year period—and this is really extraordinary; we take it for granted, but it is an extraordinary success story—in good times and in bad times, Social Security has paid out every nickel owed to every eligible American. And it does that with a minimal administrative cost.

Despite its strong record of success over the last 75 years, Social Security now faces unprecedented attacks from Wall Street, from many of my Republican friends, and from some Democrats. I have to be very clear: If the American people are not prepared to stand up and fight back, we could begin to see the dismantling of Social Security this very year.

Let me cite the facts with regard to Social Security. I know when we watch TV tonight there will be some guy up there saying: Social Security has gone bankrupt. Social Security is collapsing. That is absolutely untrue. There has been a significant number of misstatements regarding Social Security. Here are the facts that nobody denies.

No. 1, according to the latest report of the Social Security Administration, Social Security will be able to pay out 100 percent of all benefits owed to every eligible American for the next 26 years. Now, you tell me how a system is going bankrupt—we have a lot of problems in this government, and our country faces enormous problems, but when you can pay out every benefit

owed to every eligible American for the next 26 years, do not tell me this is a program in crisis or going bankrupt. After 2037, Social Security will be able to pay out 78 percent of promised benefits. Do we have to deal with that over the next 26 years? Yes, we do. But it is not a crisis, and this Senator will do everything he can to oppose any effort toward privatization, any effort to raise the retirement age, any effort to lower benefits.

Second point. Everybody is concerned about the deficit crisis we face—a \$14 trillion national debt. How much has Social Security contributed to the deficit and the national debt? How much? Well, not one penny. Not one-half a penny. Social Security is funded by the payroll tax. Social Security has a \$2.6 trillion surplus. That surplus will go up. To attack Social Security because of the deficit crisis is grossly unfair.

Do you want to know why the deficit went up? We are in the middle of a recession. We fought two wars in Afghanistan and Iraq and forgot to pay for those wars. We gave hundreds of billions of dollars in tax breaks to the wealthy; bailed out Wall Street; Medicare Part D prescription drug program, written by the insurance companies—all unfunded. Those are the reasons you have a deficit. Social Security has nothing to do with it.

So I would suggest that in the midst of all of this financial instability that is out there, with the middle class shrinking and poverty increasing and people really worried about their retirement years, one of the most significant things we as a Congress can do is stand up and say: We are there. We are going to protect Social Security. We are not going to cut it. And we are going to make it stronger so that, while it has done a great job for the last 75 years, it will continue to do a good job for the next 75 years.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise today in strong support of the McConnell amendment No. 13 that would completely repeal President Obama's, in my view, unconstitutional health care bill. Of course, I was an active participant in the debate last Congress about ObamaCare and fought that tooth and nail. The day after it passed into law, I introduced a freestanding measure to repeal it completely. The first day of this new Congress that I could file bills, I reintroduced that measure. Of course, for all those reasons, I certainly support this amendment that accomplishes that important goal.

Let me begin by responding to the suggestions of my distinguished colleague from Vermont. Everybody who wants to repeal this law, including me—we do not want to do away with

the idea that you should not be shoved off insurance because of preexisting conditions, that you should not have portability, you should not be able to meet those obligations. We do not think that at all. We are, however, for complete repeal for a very simple reason.

What is wrong with this bill, what is wrong with ObamaCare is not one detail here and one comma there, it is not at the periphery of the plan; it is at the heart of the plan, it is the essentials, it is the core of the plan. We can and should and must pass significant reforms such as protection for individuals with preexisting conditions. That is why we have introduced those measures. We have advocated those measures in a targeted way. That does not mean we can or should or must preserve the whole of ObamaCare, which has significant problems at the core of that gargantuan bill.

Let me mention four of those core problems from my point of view.

The first is—maybe most fundamental, most basic—there are important elements at the core of ObamaCare that are flatout unconstitutional. Even if they were not unconstitutional, they would be unwise because they are a dramatic expansion of the power and role and authority of the Federal Government.

The most obvious is an absolute mandate in the bill, a mandate from your Federal Government that every man, woman, and child in the United States must buy health insurance.

This is unprecedented. There has never been a mandate like that from the Federal Government or any level of government. There has never been this forced purchasing of a product in the private marketplace.

Some people bring up the comparison with car insurance, but that is not a close comparison at all because at the State level that is not a forced mandate; that is simply saying: If you want the right, the privilege of driving a car, which is not some constitutionally guaranteed right, then part of the deal is you have to cover the damages from any accident. So that is not a good comparison.

So this absolute mandate that every man, woman, and child in the United States go out and purchase health insurance, purchase a product in the private marketplace, is unprecedented, and for that reason it is unconstitutional. It is an unprecedented expansion of the power and role and authority of the Federal Government.

In the last few days, there have been hearings—quite late to the hour, but there have been hearings in the Senate in the committees about the constitutionality or unconstitutionality of ObamaCare. Of course, this central question came up. I found the response of some of the witnesses at the hearings who favored ObamaCare or advo-

cate for ObamaCare pretty startling on this point. One Senator in the committee asked them: Well, if we can mandate constitutionally that every American man, woman, and child buy health insurance, why can't we pass a law that says obesity is a real problem in this country—which it is—and therefore we are going to mandate that every man, woman, and child in America eat certain vegetables and certain healthy foods every day? Do you know what the response was from this advocate of ObamaCare? Well, I don't think you can mandate that they eat the food; you can only mandate that they buy the food. Great. Very reassuring. To me, that is not an argument for the constitutionality of ObamaCare; that is a clear argument for the unconstitutionality and danger of the ObamaCare Federal power overreach.

There are many other aspects of ObamaCare which also pose serious constitutional problems. My point is, these are big problems, and they are not minor details which we can tweak with amendments. They go to the heart of this gargantuan bill.

Similarly is the dramatic expansion of government and the cost of that expansion. Instead of controlling and lowering health care costs, ObamaCare is expanding government and expanding health care costs. In fact, the Senate Budget Committee estimates that the bill will cost \$2.6 trillion for the first 10 years of full implementation. All of that new spending does not lower health care costs, and there are multiple sources affirming that. Yet President Obama continues to claim that the act will "slow these rising costs." Maybe he did not see that CMS's Chief Actuary, Richard Foster, said that overall national health expenditures will increase by a total of \$311 billion over the next 10 years under the law. Now, when the CMS Actuary was asked directly if President Obama's health care bill would hold down unsustainable medical costs just last week, that Actuary replied: "I would say false."

Last year, CBO also confirmed our concerns about the bill's inability to contain costs, stating, "In CBO's judgment, the health legislation enacted earlier this year does not substantially diminish that pressure."

In addition to increased costs for the government and present and future taxpayers, health insurance premiums will increase for Americans and their families. In fact, the CBO estimated that premiums will increase by \$2,100 even though at least candidate Obama promised to lower premiums by \$2,500 per family.

So that big expansion of government and cost and health care costs, including taxes and health care premiums, is another big problem. Again, this is not a minor detail which we can fix with a perfecting amendment, with a few

tweaks to the bill. This goes to the core of the entire plan.

Another fundamental issue which goes to the core of the entire plan is the fact—and I think it is a well-established fact—that the ObamaCare plan will cost us not just money, not just increased taxes, not just increased health insurance premiums, it will cost us jobs. That should always be worrisome, but it should be particularly worrisome as we stand here today and debate this in a horrible economy, as we are trying to come out of the worst recession since the Great Depression of the 1930s. Again, this is not just any period of time; this is a time of prolonged historic unemployment.

This bill costs us jobs, and this bill absolutely decimates job creation. The bill taxes jobs and places more burdens on job creators. For instance, the National Federation of Independent Business, representing thousands of American small businesses, including many in Louisiana, my home State, said:

If new taxes, new mandates and new government programs in PPACA—

That is the ObamaCare bill—remain intact the law will stifle the ability to hire, grow and invest. . . .

In addition to the often-discussed 1099 paperwork nightmare for small businesses, the bill also includes a pay-or-play mandate on job creators. This complicated new tax penalty imposes a tax on businesses with more than 50 workers if they do not offer coverage or do offer coverage but workers elect to decline that benefit. Yet again, this is a fundamental problem with the bill that goes to the heart of the bill, not the periphery. This aspect of the bill will have many dire consequences. First, because the \$2,000 penalty for not offering insurance is less than the \$6,100 average employer benefit contribution, businesses are actually given an incentive to drop coverage. So there is a concrete money incentive, a major money incentive for businesses to drop coverage and actually push workers off good coverage many have right now.

Second, businesses that are able to grow and hire more workers may choose not to create jobs and to stay under the 50-employee threshold to avoid all of these disincentives and difficulties.

Because of all this, the nonpartisan Congressional Budget Office concluded that the bill “will encourage some people to work fewer hours or to withdraw from the labor market.” It also said: On net, it will reduce the amount of labor used in the economy. Is that what we want to encourage in any economy but particularly in a horribly down economy? We are trying to come out of the worst recession since the Great Depression. Do we want to reduce labor opportunity in our economy?

These are stunning conclusions that so many of us warned against during

the debate—conclusions the majority of Americans feared. Taxing American job creators and sticking businesses with more government compliance requirements and costs is absolutely the wrong approach, particularly in a down economy.

Finally, there is another core concern which I share with so many others in this body that again goes to the heart of the bill. It is not a minor debate. It is not something we can solve with a perfecting amendment. It is not at the periphery. It is not changing a comma, changing a sentence. It is at the heart of the bill; that is, the bill contains at its heart over \$500 billion in Medicare cuts—yes, over $\$1\frac{1}{2}$ trillion in cuts to Medicare. These cuts aren't invested back into Medicare. They don't help Medicare stay solvent. They don't help Medicare survive or stay solvent longer. They don't help fix the looming Medicare challenge. They are stolen from Medicare to pay for brandnew stuff for other people in ObamaCare.

These Medicare cuts directly impact seniors, and one study shows that the massive cuts to Medicare Advantage will hit Louisiana seniors particularly hard. A study by the Heritage Foundation shows that Louisiana seniors enrolled in Medicare Advantage plans lose more than any other State in the Nation because of the Obama health bill. The report says that projected enrollment in Medicare Advantage will drop by over 125,000 Louisianians—62 percent—and benefits will be cut by \$5,000 per beneficiary.

So this bill takes away benefits and choices for seniors not to fix Medicare, not to preserve Medicare, not to preserve its solvency for longer, but steals it from Medicare, steals it from seniors for brandnew purposes for other folks. This directly contradicts the President's promise that “if you like what you have, you can keep it.” No, you can't, Mr. President. Thousands of Louisiana seniors can't. In fact, CMS's Chief Actuary also verified that the promise will be broken, confirming that Americans may lose their current health care coverage regardless of whether or not they want to keep it.

So I respond directly to my friend and colleague from Vermont by saying that we want full repeal of ObamaCare for a very simple reason: The big problems with the bill, the big problems with the plan aren't at the margin, they are at the core, and the big problems can't be fixed with a perfecting amendment, with changing a comma, changing punctuation, revising 1 or 2 or 5 or 10 sentences. The big problems are at the core of the plan, starting with a mandate from the Federal Government—unprecedented—that every man, woman, and child in America needs to go into the market and buy a particular product.

That is why we demand repeal, that is why we will continue to pursue re-

peal until it happens, and that is why we will replace this huge burdensome bill with targeted reforms such as protecting folks with preexisting conditions, such as reimportation, such as generics reform and other measures to reduce prescription drug prices, such as allowing American citizens to shop for health insurance across State lines and to pool together through their small businesses, through other means, through association health plans.

Thank you, Madam President. With that, I urge all of my colleagues to come together. Let's repeal this very problematic plan, and let's start anew with focused, targeted reforms that the American people have been asking for.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Madam President, I rise today in support of the McConnell amendment to the FAA reauthorization bill.

What we have this afternoon actually is an opportunity to show the American people that we are listening to them. The American people want the ObamaCare law—the affordable health care law, as it is known—to be repealed and replaced with something less expensive, with something workable. Polls show this, the individuals with whom we speak when we go home tell us this, and this vote will be an opportunity for us to show them we are listening.

I have heard some of my colleagues come to the floor this week and suggest that this massive, 2,000-page, tax-increasing, job-killing bill is, in fact, just what we need. I would suggest there are a number of facts that indicate otherwise. The other side would have us believe that without this health care law, this country is going to fall off the tracks and the world will virtually come to an end. They try to cite one or two popular proposals that are in this law, which, of course, could be enacted after repeal practically by unanimous consent, and ignore the fatal flaws in the law.

The former Speaker of the House, NANCY PELOSI, during the consideration of this act in the House and Senate, famously told a grassroots group that had come to Washington, DC: We need to hurry up and pass the bill so you can find out what is in it. Well, indeed, since the passage and signing of the law of ObamaCare, every day the American people are finding out something new that is in the bill that they

don't like. As a matter of fact, it turns out that Members of the House and Senate who voted for ObamaCare also did not know precisely what was in the bill and certainly did not anticipate the ramifications of this massive, ill-advised law.

Under the new law, it is absolutely a fact, and we know this, that Medicare will face over \$500 billion in cuts, and senior citizens have a right to be concerned. Future senior citizens have a right to be concerned about these cuts. They include \$155 billion from hospitals, \$202 billion from Medicare Advantage, \$15 billion from nursing homes, \$40 billion from home health agencies, and \$7 billion from hospice.

Cuts from these Federal expenditures in Medicare are to pay for the new ObamaCare legislation.

Everyone agrees that Medicare needs to be made more solvent, and we need to work on Medicare. But these reckless cuts will only make Medicare's problems worse.

Another thing Americans have found out about this affordable health care law which is being implemented even as we speak is that the law falls short of the President's goal of controlling runaway costs. In fact, it raises projected spending.

Last week, in his State of the Union Address, President Obama said the health insurance law we passed last year will slow these rising costs. This is simply not true. To support my assertion it is not true, I cite the President's own Actuary. CMS reports that, in fact, spending will be increased by about 1 percent over what it would have been over 10 years. That increase could get bigger, of course, the report points out, since the Medicare cuts I have pointed out may be unrealistic and politically unsustainable, according to the report. CMS said, overall, national health expenditures under the health reform act would increase by a total of \$311 billion and that health expenditures will be 21 percent of the gross domestic product by 2019.

But it is not just the government bean counters who are worried. Here is what the National Federation of Independent Business said:

Small businessowners everywhere are rightfully concerned that the unconstitutional new mandates, countless rules and new taxes in the health care law will devastate their business and their ability to create jobs.

That is the National Federation of Independent Business. The National Association of Manufacturers says that manufacturers remain adamantly opposed to the employer mandates and to the Medicare hospital insurance tax increases. These employers who are faced with incorporating the first round of health care changes are grappling and having difficulty with how to comply with the long list of new rules.

These are not scare tactics. These are not unwarranted fears by a confused

public. These are people who work with health care every day and are telling us that this Congress has made a mistake. In fact, there are already real consequences of this health care reform law.

Abbott Laboratories said it is cutting about 1,900 jobs. It is just a fact. The job cuts come "in response to changes in the health care industry, including U.S. health care reform and the challenging regulatory environment." That is simply a fact. It is not conjecture.

Blue Shield California Health Insurer recently stunned individual policyholders with a huge rate increase, effective March 1, seeking cumulative hikes of as much as 59 percent in premiums for tens of thousands of their customers. That San Francisco-based Blue Shield said the increases were the result of fast-rising health care costs and other expenses relating to the new health care law.

Again, just a fact, Madam President. It is also an absolute certainty that State taxes are going to go up, and they are going to go up big time unless we repeal this health reform law.

In my State of Mississippi, the legislation will cost the State \$1.7 billion over 10 years, including \$443 million in year 10 alone. From fiscal year 2014 to fiscal year 2020, the massive expansion of Medicaid will cost Mississippi taxpayers \$225 million to \$250 million extra each year. Our Governor—one of the staunchest opponents of tax hikes I have ever heard of—has stated that this law will certainly force the State of Mississippi to increase its taxes unless it is repealed. Again, these costs are simply facts. They result from the mandate.

Madam President, there is also bipartisan opposition to this law. We didn't see much bipartisan support for its repeal in the other body, and I was disappointed by that. But when you get off of Capitol Hill and out to individuals, it is not a Republican or Democratic issue. There is a bipartisan American opposition to this law.

I have repeatedly quoted former Governor Phil Bredesen, a Democrat of Tennessee, someone who ran as a Democrat in his State successfully twice and ran as the standard bearer for his party three times—a loyal Democrat who, of course, called this law the "mother of all unfunded mandates."

After the law was enacted, he wrote an op-ed in the Wall Street Journal on October 21, 2010. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 21, 2010]

OBAMACARE'S INCENTIVE TO DROP INSURANCE

(By Philip Bredesen)

One of the principles of game theory is that you should view the game through your opponent's eyes, not just your own.

This past spring, the Patient Protection and Affordable Care Act (President Obama's

health reform) created a system of extensive federal subsidies for the purchase of health insurance through new organizations called "exchanges." The details of these subsidies were painstakingly worked out by members of my own political party to reflect their values: They decided who was to benefit from the subsidies and what was to be purchased with them. They paid a lot of attention to their own strategies, but what I believe they failed to consider properly were the possible strategies of others.

Our federal deficit is already at unsustainable levels, and most Americans understand that we can ill afford another entitlement program that adds substantially to it. But our recent health reform has created a situation where there are strong economic incentives for employers to drop health coverage altogether. The consequence will be to drive many more people than projected—and with them, much greater cost—into the reform's federally subsidized system. This will happen because the subsidies that become available to people purchasing insurance through exchanges are extraordinarily attractive.

In 2014, when these exchanges come into operation, a typical family of four with an annual income of \$90,000 and a 45-year-old policy holder qualifies for a federal subsidy of 40% of their health-insurance cost. For that same family with an income of \$50,000 (close to the median family income in America), the subsidy is 76% of the cost.

One implication of the magnitude of these subsidies seems clear: For a person starting a business in 2014, it will be logical and responsible simply to plan from the outset never to offer health benefits. Employees, thanks to the exchanges, can easily purchase excellent, fairly priced insurance, without pre-existing condition limitations, through the exchanges. As it grows, the business can avoid a great deal of cost because the federal government will now pay much of what the business would have incurred for its share of health insurance. The small business tax credits included in health reform are limited and short-term, and the eventual penalty for not providing coverage, of \$2,000 per employee, is still far less than the cost of insurance it replaces.

For an entrepreneur wanting a lean, employee-oriented company, it's a natural position to take: "We don't provide company housing, we don't provide company cars, we don't provide company insurance. Our approach is to put your compensation in your paycheck and let you decide how to spend it."

But while health reform may alter the landscape for small business in unexpected ways, it also opens the door to what is a potentially far larger effect on the Treasury.

The authors of health reform primarily targeted the uninsured and those now buying expensive individual policies. But there's a very large third group that can also enter and that may have been grossly underestimated: the 170 million Americans who currently have employer-sponsored group insurance. Because of the magnitude of the new subsidies created by Congress, the economics become compelling for many employers to simply drop coverage and help their employees obtain replacement coverage through an exchange.

Let's do a thought experiment. We'll use my own state of Tennessee and our state employees for our data. The year is 2014 and the Affordable Care Act is now in full operation. We're a large employer, with about 40,000 direct employees who participate in our health

plan. In our thought experiment, let's exit the health-benefits business this year and help our employees use an exchange to purchase their own.

First of all, we need to keep our employees financially whole. With our current plan, they contribute 20% of the total cost of their health insurance, and that contribution in 2014 will total about \$86 million. If all these employees now buy their insurance through an exchange, that personal share will increase by another \$38 million. We'll adjust our employees' compensation in some rough fashion so that no employee is paying more for insurance as a result of our action. Taking into account the new taxes that would be incurred, the change in employee eligibility for subsidies, and allowing for inefficiency in how we distribute this new compensation, we'll triple our budget for this to \$114 million.

Now that we've protected our employees, we'll also have to pay a federal penalty of \$2,000 for each employee because we no longer offer health insurance; that's another \$86 million. The total state cost is now about \$200 million.

But if we keep our existing insurance plan, our cost will be \$346 million. We can reduce our annual costs by over \$146 million using the legislated mechanics of health reform to transfer them to the federal government.

That's just for our core employees. We also have 30,000 retirees under the age of 65, 128,000 employees in our local school systems, and 110,000 employees in local government, all of which presents strategies even more economically attractive than the thought experiment we just performed. Local governments will find eliminating all coverage particularly attractive, as many of them are small and will thus incur minor or no penalties; many have health plans that will not meet the minimum benefit threshold, and so they'll see a substantial and unavoidable increase in cost if they continue providing benefits under the new federal rules.

Our thought experiment shows how the economics of dropping existing coverage is about to become very attractive to many employers, both public and private. By 2014, there will be a mini-industry of consultants knocking on employers' doors to explain the new opportunity. And in the years after 2014, the economics just keep getting better.

The consequence of these generous subsidies will be that America's health reform may well drive many more people than projected out of employer-sponsored insurance and into the heavily subsidized federal system. Perhaps this is a miscalculation by the Congress, perhaps not. One principle of game theory is to think like your opponent; another is that there's always a larger game.

Mr. WICKER. Madam President, among other things, Governor Bredeesen, who was still Governor at the time, said:

Our Federal deficit is already at an unsustainable level, and most Americans understand that we can ill afford another entitlement program that adds substantially to it. But our recent health reform has created a situation where there are strong economic incentives for employers to drop health coverage altogether. The consequence will be to drive many more people than projected—and with them, much greater cost—into the reform's federally subsidized system.

The Democratic-elected Governor of Tennessee criticized this act. He pointed out other facts that are wrong. In

his subsequent book on the subject, Phil Bredeesen also criticizes the health care law, saying it will cause deficits to go up, costs to continue increasing, employers to drop coverage, State costs to increase, governments to grow, and will make our current problems worse.

"Obamacare is not what the doctor ordered," according to Governor Bredeesen.

My time is limited. I could go on and on, and Members of the Senate and House could and will go on and on as we face this issue, if we don't win it today.

The facts are there. This is a terribly flawed piece of legislation. Facts are stubborn. The consequences have already started to mount up. Opposition is strong. Support for repeal is strong and bipartisan, and for those reasons I will vote in favor of the McConnell amendment when we consider it later today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I can't say with any certainty anything about the critics of the government's affordable health care plan, except one thing: Each of the critics on the Republican side of the aisle of what they call government-administered health insurance—every single Senate Republican critic is currently protecting his or her family with government-administered health care. In other words, what is good enough for their families should not be good enough for the rest of America.

As a show of good faith, I think the Republican Senators should come to the floor today and say: Not only are we going to vote for repeal of health care reform, we are going to show our personal commitment by walking away from the Federal Employees Health Benefits Program, a government-administered health insurance program. I would admire them so much if their actions as Senators reflected their speeches on the floor. But they don't. They are denying to the rest of America what every single Member of Congress has available today to protect their families. That, to me, is indefensible.

A judge in Florida this week decided that this Affordable Health Care Act was unconstitutional. Before we get carried away with that decision, step back. This law has been challenged 16 times in Federal courts. Twelve courts have dismissed the challenges on procedural grounds, saying the person who filed the suit didn't have standing in court. Four of the Federal courts decided it on the merits. Two of the Federal courts decided it was a constitutional law, and two said it was unconstitutional.

You say to yourself: Wow, two Federal district courts said this law was unconstitutional. Aren't you worried?

Well, I don't take anything for granted, but I do understand a little bit of history. What other laws in America were found unconstitutional by lower courts and then constitutional by the Supreme Court? Anything significant? Social Security was found unconstitutional; then the Supreme Court said, no, it is constitutional. The Federal minimum wage law was found unconstitutional by a lower court, and the Supreme Court said it was constitutional. The Civil Rights Act of 1964 was found unconstitutional by a lower court, and the Supreme Court said it was constitutional.

Let's not get carried away with lower court decisions that are clearly split on this issue. We had a hearing in the Judiciary Committee today that I chaired where we had constitutional experts from across the United States. There was a lot of difference of opinion between Democrats and Republicans. I think the case is clear and strong that we have the power, under article I, section 8 of the Constitution—the enumerated powers of Congress—to regulate commerce.

Is there anybody on the Republican side who will stand here and argue that the health care industry, which represents 18 percent of the economy of America, is not commerce? Of course it is. Then, of course, we have the authority in that same section to pass laws necessary and proper, to carry out the responsibilities and authority given us.

Here is what we are trying to do. We are trying to make sure everybody in America has health insurance. We say to the 83 percent of Americans who currently are insured: You don't have to worry about this argument. You already have health insurance. For the 17 percent who are uninsured, many of them are people who have preexisting conditions and have been denied coverage or they can't afford it. Some are people who, frankly, cannot afford coverage even if they don't have a pre-existing condition.

This law moves us to a point where more Americans will be covered with health insurance. We say those who can afford health insurance, and don't buy it, will pay a tax because of that decision. Is that heartless? Is that a Federal mandate on people who want to be left alone? If they were just being left alone, that is one thing, but human experience teaches us that these people who want to go it alone—don't bother me, I am on my own—will get sick someday. When they go to the hospital, they will be treated. When they can't pay for their treatment, do you know who will pay? All of the rest of us. Everybody else paying health insurance premiums has to absorb the cost of those who are freeloading on the system. It is not fair.

It used to be that conservative Republicans preached personal responsibility. When we put personal responsibility in this law, all of a sudden they

don't like it. I think personal responsibility still counts. I believe it is clearly constitutional to include it. I have listened to some of the arguments about repealing this law. I heard the Senator from Mississippi say how bipartisan the support is for it. I would have liked to have asked him how he explains the fact that four out of five people in America—80 percent of Americans—oppose repeal. They don't think the law is perfect. Many say improve it if you can, but 80 percent oppose repeal.

The signature issue for the House Republicans, and now the Senate Republicans, is the repeal of affordable health care. It would be devastating if we did. The first thing you will notice, if you read the amendment—three pages—filed by Senator MCCONNELL, the Republican leader, is that on the second page he manages to include the Statutory Pay-As-You-Go Act of 2010, as passed and printed by the House of Representatives. Unless you are a person who follows closely what is going on around here, you may not know what that says.

What it says is that Senator MCCONNELL wants us to ignore the fact that repeal of the Health Care Act will add \$230 billion to our national deficit over the next 10 years and more than \$1 trillion in the decade after that. A party that comes to the floor every single day telling us of their passionate determination to end our deficits and address our debt with the McConnell amendment will add \$230 billion to our national deficit over 10 years and \$1 trillion more in the next 10 years.

This is a budget buster amendment. This will add more to the deficit in one fell swoop than any single thing we have done in Congress in the time I have served. And it is being offered by the party of so-called fiscal responsibility.

When we talk about premium increases currently taking place under health insurance policies across America, I understand it. We have all lived through it. We have seen it. Businesses see it all the time. There is a provision in our Affordable Health Care Act which addresses that issue that would be repealed by the McConnell amendment. The provision is called medical loss ratio. It says a health insurance company has to spend 80 to 85 percent of premium dollars on actual health care. They cannot take it away in advertising, in administrative costs, in salaries and bonuses for their CEOs.

One of the things that will happen if the Republicans have their way and repeal health care is that health insurance companies will be allowed to raise premiums at any level as quickly or as much as they want without being held to this medical loss ratio.

That may not be the worst thing, though. Any person in America who has been raised in a family where someone in the family suffers from

what is known as a preexisting condition knows that you always live in fear that you will not have health insurance and fear that if you have to go out and buy it on the open, public market, you will never be able to afford it.

This law that Senator MCCONNELL and the Republicans want to repeal today says no health insurance company in America can discriminate against anyone under the age of 18 who has a preexisting condition. That is something any parent would appreciate. You never know if that beautiful son or daughter of yours is going to have problems with asthma, diabetes, cancer, or mental illness. And you certainly want that child, that love of your life, to have health insurance coverage.

Senator MCCONNELL and the Republicans want to repeal the protection for families who have children with a preexisting condition. That is fact. It is not as though they are offering exclusions and saying: No, no, we will keep that. They eliminate the entire law with this 3-page amendment. They eliminate the protections.

How about protections for those who get diagnosed with a serious illness and health insurance companies cutting them off completely, putting a cap on the amount of money they will spend to provide for medical services and treatment, saying at some point they are going to eliminate their policies altogether because they failed to make a disclosure on the application form? It happens too often.

In my State, we sadly lead the Nation in what is called rescissions—health care insurance companies that cancel coverage when people get seriously ill. How would you like to be in that predicament? How would you like to face a serious illness that keeps you awake at night tossing and turning about whether you are going to live or die and then fight the insurance company in daylight hours in the hopes they will cover the prescriptions and treatment you need to stay alive?

That is a reality addressed by the Health Care Act, a reality that will be repealed by Senator MCCONNELL and the Republicans' efforts today. Those are the real results of what they want to do. It is not about who wins the political debate and has the largest cheering section when it is over. It is about real life changes.

How about senior citizens under Medicare? Many of them struggle to pay for prescription drugs. Even with the Medicare prescription drug plan there is a gap in coverage called the doughnut hole. We start to close that gap and say to seniors: If you have expensive prescription drugs, we are going to make sure ultimately they are covered completely from the first of the year to the end of the year. Now there is a gap in the coverage.

The Republicans and Senator MCCONNELL want to repeal that provision of

the Health Care Act which provides for seniors not only more coverage for their prescription drugs, but also an opportunity for an annual physical and the kind of preventive care they need to stay healthy, strong, and independent in their homes for a longer period of time. That is what Senator MCCONNELL and the Republican Senators want to do with the repeal of this law.

What about job creation? The Senator from Mississippi talked about one company cutting some employees. I am not sure of the particulars in that company, but one of the things we did in this law was to take a look at tax subsidies to medical device and pharmaceutical companies, if they were duplicative or overly generous, to make sure they got closer to a reality of what a company needs in incentives to grow. It is true some of those tax subsidies were eliminated and some of the companies were not happy about it. The bottom line is we were trying to make sure that health care is affordable. We cannot afford to provide massive subsidies to profitable companies on an unlimited basis.

This bill the Republicans want to repeal will crack down on fraud in Medicare and Medicaid. It will simplify paperwork for private insurers, it invests in prevention, it creates a pathway for generic biologic drugs, and tests new ways to pay health care providers to reward value rather than volume.

If the law is repealed, we will have fewer jobs and higher costs for families and businesses. The No. 1 complaint of Illinois small businesses across our State is the cost of health insurance. If the Republicans have their way and repeal this law we passed, the cost of health insurance will grow, the cost to businesses will grow, the number of employees will shrink.

A 1-percent or 1.5-percent growth in health care costs above the rates under the new law will prevent employers from creating 2.5 to 4 million jobs over the next 10 years. Talk about a job destroyer.

The Republican repeal amendment does just that. Repeal means going back to the same broken system we have had for so long with insurance companies once again free to overcharge families and businesses to protect their corporate profits and CEO bonuses; the same broken system with workers seeing their paychecks shrink as more and more of their hard-earned wages are deducted to cover skyrocketing premiums; the same broken system with seniors being forced to shoulder the full cost of prescription drugs in the doughnut hole; and the same broken system with small businesses closing their doors and laying off workers because they cannot afford the crushing cost of health insurance.

The Republican claim that this health care bill is a job killer is just

plain false. The economy has been gaining private sector jobs since President Obama signed the bill a year ago after losing jobs for a long period of time before. Since the President signed the bill, we have created more than 1.1 million private sector jobs. By contrast, in the 10 years before health reform was enacted, we lost 3.3 million private sector jobs.

Average real incomes for Americans are back on the rise after years of being stalled under the old health care system. Just this week, the Commerce Department reported that average real disposable income has risen 1.3 percent over the past year, after falling one-tenth of 1 percent in each of the previous 2 years.

I will close by saying that our hearing today before the Senate Judiciary Committee on the constitutionality question makes it clear to me that the Supreme Court, if it follows the clear precedents that have been handed down for decades, if Supreme Court Justices who have spoken eloquently and directly on the commerce clause will view this Health Care Act in the same context, they will find it constitutional. Then perhaps we can move on. Perhaps at that point the Republicans will stop beating this drum on repealing health care, will join us in making it an even stronger bill, and will focus on creating jobs instead of killing jobs as this McConnell amendment would do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Madam President, I wish to talk about two topics today, first on this health care bill and then on the situation in Egypt.

I rise today in support of the amendment to repeal the health care law. We made a mistake last year in passing this law, and a large majority of American people know it. In the face of the largest debt in our history, it was the height of folly to create a new spending program, offering subsidized health care to 30 million Americans. It is a promise we cannot afford to keep and one that our lenders may force us to retract.

Before losing our credit rating or suffering the humiliation of foreign lenders denying us new loans, we should take the decisive action now to end this entitlement. Congress should replace this mistaken law with bipartisan reforms that prohibit the government from overriding the decisions you make with your doctor, that defend your right to buy insurance from any State in the Union, and to make lawsuit reforms to lower the costs of defensive medicine.

The failed health care law now ruled as unconstitutional by two Federal courts uses the commerce clause of the Constitution to create an unlimited government that could require Ameri-

cans to buy what they do not want. The very heart of the Constitution was the creation of a limited government that could only accomplish its defined missions, leaving all else to the people and to the States.

These courts are right, the law is unconstitutional. It spends over \$2.6 trillion, it hurts small businesses, it cuts senior health care under Medicare, and levies billions in new taxes against our economy in the teeth of the great recession.

Recently, I visited Decatur Memorial Hospital in Decatur, IL. Their president, Ken Smithmier, warned me that the Medicare cuts required by the new health care law would cut \$10 million annually from their hospital, resulting in the loss of over 200 jobs. Decatur is not alone in its troubles. In nearly half of my State's counties, hospitals are among the top three employers. They are the backbone of our local economies, and their employment would be greatly harmed by this health care law.

We made a promise to seniors who depend on Medicare that we would take care of them. This law cuts Medicare and hurts them. We should honor, instead, our promises to defend the Nation, to support seniors on Social Security and who depend on Medicare before making an extravagant promise that is irresponsible and cannot be kept under the health care law.

EGYPT

Madam President, I also wish to take this time to speak on an entirely different subject, which is what is going on in Egypt.

I entitle this discussion "The Muslim Brotherhood: Its Leaders in Their Own Words."

Will Egypt follow Poland or Georgia to foster a new democratic government or will it follow Iran's revolution, converting Egypt into a state sponsor of terror?

While U.S. policy should support human rights and democracy, we face the risk that the Muslim Brotherhood, the al-Ikhwan al-Muslimun, could seize power. Who is part of the brotherhood and what are its political objectives?

A detailed study shows why these questions should command the attention of the Congress and the President. With so much at stake in the Middle East, Americans must be clear-eyed about the Muslim Brotherhood and its radical Islamic agenda with a pledge of jihad against the West and the State of Israel.

The Muslim Brotherhood is the largest Islamist movement in the Middle East and is widely described as the most organized political force in Egypt. Its membership is estimated at over 600,000.

Although it claims to be nonviolent, this conservative organization, the Muslim Brotherhood, has profoundly influenced Islamic terrorist organizations such as al-Qaida, Islamic Jihad,

and Hamas. One of its disciples was the prominent Islamist theologian Sayyid Qutb who provided the intellectual underpinnings of al-Qaida. Ayman al-Zawahiri, al-Qaida's second in command, was once a member of Egypt's Muslim Brotherhood.

As recently as 2004, the organization's motto was as follows:

Allah is our objective.

The Prophet is our leader.

Qur'an is our law.

Jihad is our way.

Dying in the way of Allah is our highest hope.

The Muslim Brotherhood was founded in 1928 by Hassan al-Banna. Banna is famously quoted as saying that "it is the nature of Islam to dominate, not to be dominated, to impose its law in all nations and to extend its power to the entire planet."

The Muslim Brotherhood has a violent history. Back in 1946, the U.S. Army issued an intelligence report stating that the Muslim Brotherhood "maintains commando units and secret caches of arms."

Throughout the 1940s, the paramilitary branch of the movement carried out targeted bombings and assassinations. In 1948, the Muslim Brotherhood was implicated in the murder of Egyptian Prime Minister Mahmoud Naqrashi. In 1954, the group allegedly tried to assassinate then-Prime Minister Gamal Abdel Nasser. The government banned the brotherhood as a political party that very same year.

The Muslim Brotherhood went underground only to resurface during the 1980s. It claimed to disavow violence and attempted to win political power as a religious and social organization. It was increasingly successful with allied candidates, winning 17 seats in the Parliament in 2000 and then a stunning 88 seats, or 20 percent of Egypt's Parliament, in 2005.

The Muslim Brotherhood is not a monolithic organization, but it does maintain a leadership structure and a core set of beliefs. Its leader is called the general guide. He has several deputy guides. Below them is a guidance council, comprised of 15 to 16 senior leaders as well as a broader body, the Shura, comprised of roughly 100 members.

Mohammed Badi was elected as the eighth general guide of the Muslim Brotherhood in January of 2010. As noted by the U.S. Government's Open Source Center, Badi is "influenced by the writings of famous Muslim Brotherhood ideologue Sayyid Qutb, and is known for his conservative views."

In an April interview in 2010, Mr. Badi said:

We will continue to raise the banner of Jihad and the Koran in our confrontation with the enemy of Islam. The Muslim Brotherhood still considers the Zionists to be its main and only enemy. The Jews who occupy Palestine have their eyes set on Egypt.

Two days ago, a leading member of the Muslim Brotherhood, Muhammed

Ghannem, reportedly told Al-Alam Iranian news network that he “would like to see the Egyptian people prepare for a war against Israel,” adding that the world should understand “the Egyptian people are prepared for anything to get rid of this regime.” He went on to say that the Suez Canal should be “closed immediately” and that the flow of gas from Egypt to Israel should cease “in order to bring about the downfall of the Mubarak regime.”

In 2007, the Muslim Brotherhood released a political platform which contained a number of indications on how this organization would govern Egypt if it came to power. According to the Congressional Research Service, the platform called for “the establishment of a board of religious scholars with whom the President and the legislature would have to consult before passing laws.”

As noted by Mohamed Elmenshawy—the editor-in-chief of *Taqrir* Washington and Arab Insight:

Reminiscent of Iran’s Guardian Council, this undemocratically selected body could have the power vested by the state to veto any and all legislation passed by the Egyptian parliament and approved by the president that is not compatible with Islamic Shari’a law.

The same document raises the important question of the Muslim Brotherhood’s commitment to a pluralistic society. Despite pledges to treat minorities and women as equals, the platform allows neither to hold high public office. As stated in the platform: “Non-muslims are excused from holding this mission.” For women, the post of President or Prime Minister would “contradict her nature, social and other humanitarian roles.” The draft also cautions against “burdening women with the duties against their nature or role in the family.”

The people of Egypt and apparently its army are mandating the fall of the Mubarak regime. While we support human rights and democracy, we must heed the growing warnings about the Muslim Brotherhood, their leaders, and plans for taking Egypt all the way back to the 13th century. We, as Americans, have seen this movie before—in Iran, in Lebanon, and in Gaza.

To prevent a strategic reversal on the scale of what happened in Iran, the United States and her allies should do all they can to support Egypt’s armies and secular leaders, ensuring no future for the Muslim Brotherhood. Egypt, locked under Shari’a law and oppressing women, Christians, and Jews, would be a catastrophic setback for progress in the Middle East. Such a state could renounce the Camp David peace accords or even start yet another war with Israel.

Decisive action and influence now will benefit the national security and economy of the United States later. The defeat of the Muslim Brotherhood

and victory for Egyptian secular nationalists would be the best way to avoid war and restore economic confidence in the Middle East and the wider world.

Mr. ENZI. Madam President, I rise to urge my colleagues to vote to repeal the new health care law. Repeal is the only way we can prevent the job losses, insurance premiums increases and devastating Medicare cuts that are a direct consequence of the new health care law.

We are just now beginning to see many of the consequences resulting from this poorly conceived, hurriedly drafted 2,700 page law. Rather than taking the time to get it right, the majority rushed to enact this new law, despite the many warning signs pointing out serious flaws in the new law.

These consequences are a result of the majority willfully ignoring those who criticized their proposals and deciding that folks in Washington knew what was best for small businesses and families across the country.

One example of this kind of unintended but easily predicted consequence is the impact on child only health plans. Last week, my staff conducted a survey, and found that the new law and the regulations implemented it have caused many health insurers to stop selling child only plans.

As a direct result of the new law, insurance plans in 34 States have stopped offering child-only plans, and parents in at least 20 states are no longer able to purchase any child only plans. This is a devastating problem for parents who need to buy health insurance plans for their children.

Many parents need to buy child only plans for their children, because their jobs provide insurance for them but not for family members. Before the new law took effect, these parents could buy child only policies for their kids. Unfortunately, because of the new law, parents in 20 States no longer have this option.

For other parents the cost of getting a family plan is too expensive, and their family budget can only afford to buy health insurance for their kids. Again, because of the new law these parents in 20 States no longer have the ability to buy health insurance for their children.

I recently got a letter from a disabled Veteran in Wyoming. He wrote to tell me that because of the new law, he can’t get health insurance for his kids. He gets his health care from the VA so he doesn’t need a family policy. He needs a policy for his two kids. Because of how the law was drafted and then implemented, this veteran now cannot get health insurance for his children.

I discussed this issue with Secretary Sebelius at a hearing last week in the HELP Committee and her reply was that kids can enroll in SCHIP or the

new high-risk pools. In fact, the veteran in Wyoming doesn’t qualify for either. While some low income kids are eligible for public programs like SCHIP or Medicaid and some sick kids are eligible for high-risk pools, many children are ineligible for any of these plans, and will now go without insurance as a result of the new law.

Another unintended but easily predicted consequence of the new law is how the new law is undermining the economy and the preventing the creation of new jobs. During that same HELP Committee hearing, we also heard the testimony of Mr. Joe Olivo, who owns a small printing company in Moorestown, NJ.

Mr. Olivo told us how the new law will actually restrict his ability to expand his business and hire new workers. While he currently has 46 employees, he will do everything he can to not hire 5 more people, in order to avoid the new law’s mandate to offer health insurance to his employees or pay a new tax. Small businesses across the country are being forced to make similar decisions, in order to avoid the \$52 billion in new taxes that the new law attempts to place on employers.

A study by the National Federation of Independent Business estimates that the employer mandate will eliminate 1.6 million jobs at a time when over 15 million Americans are searching for new jobs, most of which are small businesses.

We need to be encouraging our businesses to grow, not discouraging them. Over the last 2 years our economy has lost almost 3 million jobs. Unfortunately, the health reform law makes a bad employment situation even worse.

Another consequence of the new health care law will be to increase the health insurance premiums paid by millions of Americans. During the health care debate, GOP Senators highlighted how the new health care law will cause millions of Americans to pay higher health insurance premiums.

In November of 2009, the Congressional Budget Office estimated that the new law will increase health insurance premiums by 10 to 13 percent. This means families purchasing coverage on their own will have to pay \$2,100 a year more because of the new law.

The Joint Committee on Taxation estimates that many of the new taxes included in the health care reform law will be passed on directly to consumers. This means that each of these new taxes, including the \$60 billion tax on health plans, the \$20 billion tax on medical devices, and the \$27 billion tax on prescription drugs, will further increase premiums for Americans.

In addition to CBO and JCT, six additional private actuarial analyses published by Oliver Wyman, PriceWaterhouseCoopers, the Hay Group, Milliman, Wellpoint and Lewin have all shown that the new law could

increase premiums, with increases ranging as high as 60 percent.

Additional studies by Milliman determined that because Medicaid pays doctors and hospitals below costs, these providers must increase their costs to everyone else, thereby costing the average American family an extra \$1,700 per year. Forcing 16 million more people on to Medicaid will further increase insurance premiums for many Americans, as providers try to shift the costs resulting from inadequate Medicaid reimbursements.

The estimates of the law increasing insurance premiums are already being born out in the market. I heard from a small business owner in Saratoga, WY, whose health insurance premiums are going up by 30 percent.

A 30-percent increase in health insurance premiums could tip him over the edge of staying in business or closing his doors. He wrote to me to tell me that he is considering closing the doors of his construction company because he is having trouble making ends meet; he urged me to repeal the new health care law.

Blue Shield of California—a non-profit health insurer—recently filed a 59-percent premium increase for some of their individual market plans and said that at least a portion of its increase was a direct result of the new law. They estimate premiums will increase by 4 percent to comply with the new mandated benefit.

Another unintended yet easily predicted consequence is the impact of cutting \$500 billion from the Medicare Program. You can't cut a program by a \$½ trillion and not expect to see decreases in covered benefits or access to providers.

Republicans understand how important Medicare is to nearly 46 million seniors and disabled Americans. We want to protect and strengthen it. We all know Medicare faces tremendous challenges in the near future.

Yet the law cuts over \$500 billion from Medicare, not to strengthen Medicare, but to fund new entitlement spending. More importantly, the new law fails to address even the most basic problems with the Medicare Program, such as the broken physician payment formula.

I have already heard from seniors in Wyoming about how the new law is hurting them. A lady from Thermopolis, WY, wrote to tell me that she got a letter from her Medicare Advantage plan saying her premiums were drastically increasing because of the changes made in the new law.

She wrote say “unfortunately, my former policy was \$0. The ones available now—even the most expensive one—have fewer benefits than what I was getting for free before ObamaCare took so much money from Part C. For instance, \$45 for a specialist instead of \$35; \$10 for a generic drug instead of \$6;

and up to \$350 for tests, when the old policy had a flat rate of \$16 for tests. I can't afford the premiums on my Social Security and am considering dropping Part B, which would save me \$97 per month.”

These are real life examples of the impact this new law is having on everyday Americans. I get letters every day from my constituents asking me to repeal this new health care law that is limiting their freedoms and emptying their pocketbooks. The Senate will soon vote on whether or not to repeal the new health care law. I urge my colleagues to listen to their constituents and vote in favor of repeal.

Madam President, we need to pursue a step by step, bipartisan, approach to health reform that will reduce costs, expand coverage and allow our economy to expand. Using that process will allow us to thereby avoid the unintended consequences of this deeply flawed new law.

Ms. SNOWE, Madam President, I support Senator MCCONNELL's effort to fully repeal the Patient Protection and Affordable Act. I opposed the final passage of this new law because it was the product of a seriously flawed process that was rushed on a host of artificial timelines resulting in fundamentally defective policy that did not resolve the issue of affordability of health care in Maine and across the country. In addition, the preponderance of the beneficial reforms and subsidies do not kick in until 2014, so between now and then most Mainers will continue to experience what they know all too well—a continuation of premiums that have skyrocketed by 426 percent over the past decade and diminishing competition and plan choices in our markets.

Regrettably, what the Democratic majority rushed through the Senate floor last Congress was a 2,740-page bill, which we were forced to complete by Christmas day after a mere 21 days on the floor. As the result of this massive bill, we have a bloated and over-extended new law that dramatically augments the reach of the Federal Government in health care. According to the U.S. Chamber of Commerce, the new health reform law mandates 41 separate rulemakings, at least 100 additional regulatory guidance documents, and 129 reports. In addition, the new law is paid for with a job-killing \$210 billion increase in Medicare taxes on businesses and an estimated \$500 billion overall increase in taxes at this time of economic peril.

I happen to believe the details matter of what we do here in Congress. And I also believe the American people would agree. It is not irrational for them to expect that we actually know what is in this bill, how it will work, and whether we can reasonably expect it to be effective and bring down costs for the American people. And there is mounting evidence that it will not, as

a recent study projects an 8.8-percent premium increase for employer-sponsored coverage in 2011—up from 6.9 percent in 2010 and 6 percent in 2009—and out-of-pocket premium costs for employees will rise 12.4 percent next year.

During consideration of the health reform bill, I had serious concerns about affordability—and whether an affordable coverage option would be available to all Americans in the private insurance market. That is why I requested an analysis from the non-partisan Congressional Budget Office, CBO, back in December 2009, with a State-specific analysis of premium affordability, but regrettably a complete analysis was never provided.

So I support efforts to fully repeal of the health care reform law. And because the majority has endorsed once again their misguided health law by defeating today's full repeal vote, I will also support targeted efforts to repeal other provisions—starting with the onerous 1099 mandate that we have just repealed that would have required millions of businesses to send billions of new information reporting forms to the IRS and other businesses. I want to commend Senator JOHANNES for his recognition of this onerous burden and his tireless efforts to repeal it. Since last summer he has done a yeoman's job of leading on this issue.

If this amendment was not adopted here in the Senate, every business in America, starting in 2012, must report to the IRS on business purchases that exceed a threshold of only \$600 per vendor or supplier—for purchases of supplies and equipment and also services ranging from cell phone coverage to window washing to utilities.

This new mandate was imposed in the health reform law, yet it had absolutely nothing to do with health insurance reform. What it does is make the Federal Government a more intrusive and burdensome presence in every aspect of American business—which is the very last thing American business needs during these tumultuous economic times. What small firms are clamoring for is certainty and relief from these extreme regulatory nuisances. They need the Federal Government to help foster an entrepreneurial environment under which they can do what they do best—create new jobs—and not saddle them with an incessant and unnecessary paperwork burden such as this new 1099 filing requirement.

Missing from the amendment we just passed is the fact that rental real estate would still be subject to this 1099 reporting requirement. Rental real estate was added to this paperwork morass as part of the Small Business Jobs Act last year at a time when the 1099 reporting quagmire was already known. Yet, remarkably, the majority forged ahead regardless and inexplicably expanded rather fixing

this problem. For those parts of the country that have tourism as an economic foundation, rental real estate is a major factor, and for Maine, for which the State motto is "Vacationland" this is a major problem—and it is something we need to repeal this year.

We also need to strike the employer mandate from the bill, which is something of critical importance to me as ranking member of the Senate Small Business Committee. Under the new law, starting in 2014, firms with more than 50 workers would have to pay \$2,000 per employee with just the first 30 employees exempted. And if that is not enough, part-time workers will be counted in determining if the mandate would apply. That means countless more middle-sized firms such as restaurants and retailers would be subject to the mandate, which will raise \$52 billion in revenue.

Mr. President, exactly how is this going to help our Nation's greatest job generators—our small businesses—to lead us out of this recession, especially since we are also now going to hit them with increased Medicare taxes? And that is another tax increase we must repeal. That is right—starting in 2013, the new law includes \$87 billion in Medicare taxes that disproportionately harm small businesses because they apply to the income those businesses would normally reinvest. Plain and simple, this 0.9 percentage point increase in Medicare HI payroll taxes, coupled with a 3.8-percent Medicare tax that is unprecedented because it will imposing a payroll tax on investment income, will result in a grand total of \$210 billion in new Medicare taxes—a job killer as it essentially takes away capital from the very small business owners who are the most likely to employ between 20 and 250 employees.

Furthermore, I am deeply troubled by the manner in which the Medicare tax increases in this bill are to be utilized. According to CBO—and these are their exact words—"To describe the full amount of HI trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double count a large share of those savings and thus overstate the improvement in the government's fiscal position."

Speaking of double counting, we need to repeal the so-called CLASS Act. Now, while proponents point to estimates that this provision would raise \$72 billion over the first 10 years, that savings only occurs as a result of a fiscal shell game of using funds promised to beneficiaries later to lower the deficit today. As CBO says, "The program would pay out far less in benefits than it would receive in premiums over the 10-year budget window," raising \$70 billion in premiums that will fund benefits outside the window. As a result, CBO further concluded that "in the

decade following 2029, the CLASS program would begin to increase the deficit." Again, this is exactly the wrong direction for America.

We also need to repeal the administration's "grandfathering" regulations. Not even a year after the administration promised that if you like the coverage you have, you can keep it, we find out that buried in 121 pages of regulations, which resulted from just 2 pages of legislative text, I might add that, no, that is not exactly true—far from it. In fact, the administration itself projects that up to 69 percent of all businesses and 80 percent of small businesses will not be able to retain the coverage they currently provide and will be forced to offer more costly coverage as opposed to hiring new workers and growing their businesses. So we must repeal these regulations this year.

Finally, I also strongly oppose the individual mandate in the new law, which would require, starting in 2014, Americans to have maintain insurance coverage or be subject to a financial penalty that would ultimately be the greater of \$695 per uninsured individual or 2.5 percent of income. How can the Federal Government require its citizens to purchase health coverage without first guaranteeing that an affordable coverage option will be available to all Americans in the private insurance market?

Numerous court challenges are underway questioning the constitutionality of the individual mandate. Last November, I joined with Republican Leader MCCONNELL with 30 other GOP Senators to file a friend-of-the-court brief in the lawsuit in a Florida Federal court brought by the National Federation of Independent Business and now 26 States, including Maine, and I am pleased that just this week, the Florida judge agreed with us and struck down not just the individual mandate but the entire bill.

In its ruling, the court held that the "individual mandate is outside Congress' Commerce Clause power" and that it is not constitutional. The court concluded that the new law has "450 separate pieces, but one essential piece (the individual mandate) is defective and must be removed. It cannot function as originally designed." In the courts view, and I agree, "that the individual mandate and the remaining provisions are inextricably bound together in purpose and must stand or fall as a single unit."

So moving forward, with serious questions about the constitutionality and workability of this new law, a top priority this Congress must be to repeal the health reform bill and replace it with workable alternatives that would result in more competitive health insurance markets. That is why, first and foremost, we must expedite allowing individuals and small busi-

nesses to purchase health insurance across State lines, which, as I have long said, would interject unfettered competition and new coverage options into stagnant insurance markets like those in Maine, where we have just two carriers offering coverage in the individual insurance market. That is why in the Senate, I long championed association health plan, AHP, legislation—and developed regional compact proposals—that would have allowed small business and the self-employed to band together, across State lines, to secure quality coverage made affordable through administrative cost savings and greater bargaining power.

We must also develop a plan for affordability by maintaining certain widely agreed upon elements of reform, such as outlawing unconscionable insurance industry practices, banning preexisting condition limitations, and allowing parents to keep children on plans until age 26.

Mr. LEAHY. Madam President, the 112th Congress began just 1 month ago, with both sides of the political aisle voicing a renewed commitment to cooperation. It is not hard to understand why I am disappointed that at the first opportunity, Senate Republicans have chosen to manipulate the open amendment process. The Senate minority is demanding a vote on an amendment to repeal the health care reform law in its entirety—an issue totally unrelated to the bill we are considering, the FAA Transportation Modernization Safety Improvement Act, which creates jobs, makes airline travel safer and more efficient, and offers consumers a 'passenger bill of rights.'

The Senate's vote today follows the carefully staged show vote a few weeks ago by the new Republican majority in the House of Representatives. The American people have the right to know what a vote to repeal the Affordable Care Act really means. Repeal of this law would take away the rights of millions of patients and would eliminate insurance coverage for millions more, from the aging and elderly, to men and women with preexisting conditions, to the most vulnerable children.

When you boil away the rhetoric, the only alternative offered to the American people by advocates of repeal is: Don't get sick.

This amendment would turn back the clock to a time when, once again, women would have to pay more for health insurance than men, insurance companies could rescind a health insurance policy because someone gets sick, and coverage could forever be denied to someone born with a disease or ailment. In Vermont, repeal would mean nearly 2,000 young adults would no longer have coverage through their parents' insurance plans, more than

5,000 Vermont seniors would see an increase in the price of their prescriptions, and 350,000 Vermonters with private insurance could have lifetime limits slapped on how much insurance companies will spend on their health care.

Some in Congress want to drain federal spending on domestic programs while looking the other way in supporting a repeal amendment that will accelerate the health cost spiral and add to our ballooning deficit. The nonpartisan Congressional Budget Office estimates that repeal of the Affordable Care Act would boost the federal debt and deficits by \$230 billion. The economic turmoil would reach beyond the overall costs of repeal by removing vital antifraud provisions I have long advocated that have helped the Obama administration recover billions of taxpayer dollars. Repealing the Affordable Care Act would remove these fiscal safeguards and reopen the floodgates to insurance discrimination, by putting insurance companies back in charge.

Opponents of the Affordable Care Act have gone to new lengths to repeat and prolong this political battle. Not only do they want to replay a 2-year long debate on a law that was enacted by a decisive majority, but some opponents are also replaying the debate in the courts. These political opponents seek to achieve in the courts what they could not in Congress. They want judges to override legislative decisions properly assigned by the Constitution to Congress, the elected representatives of the American people.

Today, the Judiciary Committee held a hearing on the constitutionality of the historic Affordable Care Act. A dozen federal courts have dismissed challenges to the law. Another four courts have heard arguments about its constitutionality; two have upheld the law as constitutional, and two have not. Legal challenges to the law are expected to reach the U.S. Supreme Court.

As I concluded during the debate on the Affordable Care Act, I have no doubt that Congress acted well within the bounds of its constitutional authority in working to secure affordable health care for all Americans through this plan that is based on the long established health insurance marketplace. The testimony we heard today from constitutional scholars makes clear that the language and spirit of the Constitution provides for such a response to a clearly established national need, as do judicial precedent and prior acts of Congress that also protect hard-working Americans in the national health care market and promote the general welfare.

The Senate should not be spending its valuable time relitigating a law that has already helped millions of Americans and will help millions more as the law is fully implemented. The

American people rightly expect us to work together and make progress on so many challenges that we face today.

I will not support a return to less protection, less coverage, less fairness and higher costs. The Affordable Care Act extended health insurance to millions of families in Vermont and across the country. Those who represent the American people in Congress should stand ready to get to work for their constituents. This is not a time to cobble back together a broken system that has burdened most American households with health coverage uncertainty and crippling costs.

Mr. LEVIN. Madam President, we are here today, holding this debate, preparing for this vote, because our Republican friends believe a collection of myths. Some of them say they want to repeal a law that amounts to a "government takeover" of health care. Some of them say they want to repeal a bill that violates the Constitution. They say they want to repeal a law that will cut the benefits on which Medicare recipients depend. Others say they want to repeal a bill that will explode the deficit, or that they want to repeal the law because it will kill jobs.

If such a law existed, I would want to repeal it too. Thankfully, the law Republicans describe is a fiction.

The Affordable Care Act, the law Republicans want us to repeal, does not take over the health care system; it strengthens and protects our existing private health insurance system. The independent fact checkers at Politifact.com found that the law "is, at its heart, a system that relies on private companies and the free market," and called the claim that government would take over the system Politifact's "Lie of the Year."

This bill does not violate the Constitution. Opponents claim that the individual mandate included in this bill violates the Constitution because it requires citizens to purchase insurance; under their arguments, many other programs, including Medicare, would violate the Constitution. Perhaps that is what these opponents believe, but it is emphatically not what most Americans believe, and it is contrary to decades of legal precedent.

This law does not reduce care for Medicare beneficiaries. In fact, most Medicare recipients already enjoy expanded benefits under the Affordable Care Act. As a result of this law, Medicare beneficiaries now receive preventive care such as annual check-ups with no out-of-pocket costs, and starting last year this law began to shrink the "donut hole" that hits so many seniors with significant drug costs. The law strengthens Medicare by beginning to rein in the enormous costs that threaten to swamp the system in coming years, and it does so by encouraging efficiency and reducing waste and abuse, not by cutting benefits.

The Affordable Care Act does not explode the deficit. The independent, nonpartisan Congressional Budget Office has found that repeal of the Affordable Care Act would increase the deficit by \$143 billion over the first decade, and by significantly more in the years to follow. It is ironic in the extreme that Senators who describe the 2010 election as a mandate to reduce the deficit could now try to add \$143 billion to that deficit as their first major action of the new Congress by repealing the Affordable Care Act.

This law does not kill jobs. Again, independent observers have dismissed this claim as patently false. The independent FactCheck.org called the claim "exaggerated and misleading" and that Republicans have "badly misrepresented" findings by the Congressional Budget Office in making their arguments.

We should leave the realm of myth and discuss what the Affordable Care Act does, in fact, do.

This law protects Americans from abuses by insurance companies, such as denial of coverage for preexisting conditions or gender. It allows parents to keep children covered under their insurance plan until age 26. It requires that coverage include preventive care at no out-of-pocket cost. It limits the unilateral power of insurance companies to arbitrarily impose annual or lifetime coverage limits. Those arbitrary limits have forced families to choose between foregoing much-needed care and bankruptcy. Families will be protected from unexplained premium increases, and they will get clear, easy-to-read summaries of their options. Small businesses will receive tax credits to help them provide affordable insurance coverage to their workers. And insurance companies will be prevented from rescinding coverage when patients need it most, when they get sick.

This law is not a government takeover of health care. It is sensible, moderate reform that in the coming years will make health insurance more affordable and secure for those who have it today, and make affordable coverage available for millions of Americans who are now without it. It will reduce the deficit, protect the Medicare benefits that seniors depend on now and in the future, and help ensure that families can afford the insurance coverage they need. It is unfortunate that so many of our colleagues subscribe to the mythical notions about this law. But here, in the real world, we need to preserve and protect the Affordable Care Act.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that at 5:15 p.m. today, the Senate proceed to votes in relation to the following amendments

to S. 223, the FAA authorization bill, in the order listed below:

Levin amendment relative to repeal of 1099, the text of which is at the desk; the Stabenow amendment No. 9, repeal of 1099; and the McConnell amendment No. 13, which is the repeal of health care reform; that no other amendments, points of order or motions be in order to these amendments prior to the votes, except that a budget point of order, if applicable, remain in order to each of these amendments, and if one is raised, a motion to waive the budget point of order be in order; that if the motion to waive is agreed to, the amendment be considered agreed to; and the Senate then proceed to vote in relation to the next amendment in the sequence; further, that the Levin amendment be subject to a 60-vote threshold for its adoption and if it fails to achieve 60 affirmative votes, the amendment be withdrawn.

Finally, that there be 2 minutes of debate, equally divided, prior to each vote; and that all votes after the first vote be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KIRK. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 28

Mr. LEVIN. Madam President, there is, I believe, overwhelming bipartisan support for repeal of the recent changes to the 1099 reporting requirement. Small businesses in my State and across the country have told us that the new reporting requirements they face under the Affordable Care Act will create an unnecessary burden that can make already tough times even tougher.

I believe there may even be a consensus among our colleagues that we should act, but I strongly oppose one of the methods proposed to address this problem. That method would undermine Congress's role in the constitutional scheme of separation of powers among the branches of government and it would abdicate Congress's responsibility to decide on the spending of taxpayer dollars. We can and we should remove the 1099 burden on small businesses. We can and we should do so without abandoning our role in determining Federal spending. The power of the purse should not be handed to the President, any President. The challenge we face is that repealing the section 1099 provision carries a cost of about \$22 billion over 10 years. The mechanism that some support to meet

that cost would empower the Director of the Office of Management and Budget to decide by himself which funds we have appropriated but that have not yet been obligated—which of those unobligated funds should be cut to pay the cost of repeal.

To some this may be a convenient way to relieve Congress of its responsibility to make difficult choices. To others it may be a convenient way to shift the blame for the painful impact of any cuts from Congress onto the President. But what is convenient is not always right. The Constitution places in our hands and ours alone the authority to appropriate funds. We cannot statutorily pass that buck, and we should not.

The Framers of the Constitution consciously and deliberately placed the power of the purse in the hands of the Congress. James Madison described this authority as, “the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people.”

We do not know what programs the Director of OMB will decide to reduce under the approach that some have proposed, but I do know that what they are proposing is that this would be his decision and his decision alone. What are some areas the OMB Director could unilaterally cut? What is the universe of the potential cuts? Do we care? We surely should, because the implications for our constituents will be significant.

Disaster Relief Enhancement Funds were set aside to help States affected by natural disasters in 2008. According to the Appropriations Committee, 13 States received such funding and they all have unobligated balances. Would the Senators from those States turn over to the OMB Director the decision whether to eliminate the unobligated balances affecting their States? I would not. But that is what could happen under the proposal that is going to be considered here later.

The Appropriations Committee tells us that the EPA has \$624 million in unobligated balances in the Clean Water State Revolving Fund and \$343 million in the Drinking Water State Revolving Fund. In addition, there is \$388 million unobligated in specific State sewer programs approved by Congress. The two State revolving funds, \$967 total, include projects in all 50 of our States. So there is a \$1.3 billion target that could affect sewer and drinking water infrastructure in every one of our States. We appropriated those funds and if they are going to be cut, then we should do the cutting and not hand that power over to the executive branch, to the President's OMB Director.

According to our Appropriations Committee, the Department of Justice had a total of \$1.25 billion in unobligated funds as of November 30 last year. It is probably lower now, but

what is it? What programs are part of it? Do we know? Do we care? We surely should. Will the OMB Director decide to cut funding for U.S. Attorneys' investigations and prosecutions? What about U.S. Marshals, who provide security to our courthouses? Will the OMB Director decide to reduce funding for Project Gunrunner, which is focused on firearms enforcement along the Southwest border?

NASA had a total unobligated balance of \$155 million as of the end of January. About \$10 million of that is for Constellation, the follow-on manned space vehicle to the shuttle.

According to the Appropriations Committee, in recent years spending for the Women, Infants and Children Program, the WIC Program, has totaled more than \$6 billion. Is the OMB Director going to decide to cut unobligated balances in the WIC Program? He could do so if we adopt the approach that is going to be before us after the vote on our amendment. I might agree to some of these cuts in a larger package but I would surely want to know what is in the whole package so we can adopt some priorities.

I favor the repeal of the 1099 reporting requirement and I favor paying the cost of repeal, whether through spending reductions or closing tax loopholes. But I strongly oppose paying for the repeal by abdicating our power of the purse, the power we have under the Constitution. We cannot and we should not abdicate this to the executive branch to unilaterally make spending cuts to programs we have previously enacted.

The provisions we are going to debate today but hopefully not adopt must also be understood in a larger context, one that foresees the difficult decisions ahead on how we will return to fiscal discipline. There are many, perhaps even some in this Chamber, who believe that we in the Senate and here in the Congress are incapable of making these decisions. They point out there are only two ways of lowering the deficit, reducing spending or increasing taxes, and that neither of these is popular with our constituents. They argue we will prove unable to muster the political courage to make decisions that we know will be unpopular, and there is some truth in those sentiments. Restoring fiscal balance will be painful and we are in the fiscal hole we are in because spending is popular and so are tax cuts, and we have provided plenty of both. It would certainly be easier for all of us if we could hand somebody else the authority to decide how to remedy the excesses of the past. But we cannot and should not run from this responsibility.

Justice Kennedy once put it this way: “Failure of political will does not justify unconstitutional remedies.” He added: “The Constitution is a compact, enduring for more than our time, and

one Congress cannot yield up its own powers. . . . Abdication of responsibility," he said, "is not part of the constitutional design."

We must not run from painful decisions. Difficult or not, only the Congress can decide how to pay for repeal of these reporting requirements. And difficult or not, only Congress can decide the larger issue of how to bring our spending in line with our revenues. If we cannot today exercise our responsibility on the finding of \$22 billion to pay for the repeal of these reporting requirements, how can we expect to tackle the much larger budget deficit we face?

There is an alternative amendment which we are offering today. I, along with Senator INOUE and others, am proposing today an amendment which will make specific decisions on spending cuts and revenue increases to account for the cost of repealing this provision. We would reform unjustified tax expenditures related to oil and gas production by large oil companies, companies that are enormously profitable with or without these tax expenditures. Our amendment will reform a loophole that provides tax credits to filers who pay taxes both in the United States and in foreign countries, and our amendment will eliminate some unintended loopholes used to avoid clearly intended rules on gift tax exemptions.

If there are better alternatives than the ones we are proposing, fine. Let's consider them. But what we cannot support is the abdication of our responsibility to make these decisions. It was the will and the wisdom of the Framers of the Constitution to give us that responsibility and I urge our colleagues not to shrink from it but to exercise it. I will yield the floor but first I call up our amendment and ask for its consideration.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. INOUE, Mr. LEAHY, Mr. SANDERS, Mr. ROCKEFELLER and Mrs. FEINSTEIN, proposes an amendment numbered 28.

The amendment is as follows:

(Purpose: To repeal the expansion of information reporting requirements under the Patient Protection and Affordable Care Act, and for other purposes)

On page 335, after line 20, insert the following:

TITLE XI—ADDITIONAL PROVISIONS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 1102. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of

1986 is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of a taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)), oil related qualified production activities (within the meaning of subsection (d)(9)(B))."

(b) CONFORMING AMENDMENT.—Section 199(d)(9)(A) of the Internal Revenue Code of 1986 is amended by inserting "(other than a major integrated oil company (as defined in section 167(h)(5)(B)))" after "taxpayer".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 1103. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period with respect to combined foreign oil and gas income (as defined in section 907(b)(1)) shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2010.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 1104. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following:

"(C) combined foreign oil and gas income (as defined in section 907(b)(1))."

(b) COORDINATION.—Section 904(d)(2) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

"(J) COORDINATION WITH COMBINED FOREIGN OIL AND GAS INCOME.—For purposes of this section, passive category income and general category income shall not include combined foreign oil and gas income (as defined in section 907(b)(1))."

(c) CONFORMING AMENDMENTS.—

(1) Section 907(a) of the Internal Revenue Code of 1986 is hereby repealed.

(2) Section 907(c)(4) of such Code is hereby repealed.

(3) Section 907(f) of such Code is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) TRANSITIONAL RULES.—

(A) CARRYOVERS.—Any unused foreign oil and gas taxes which under section 907(f) of the Internal Revenue Code of 1986 (as in effect before the amendment made by subsection (c)(3)) would have been allowable as a carryover to the taxpayer's first taxable year beginning after December 31, 2010 (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(B) LOSSES.—The amendment made by subsection (c)(2) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

SEC. 1105. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right,

(2) by striking "For purposes of" and inserting the following:

"(1) IN GENERAL.—For purposes of",

(3) by striking "paragraph (1) or (2)" in paragraph (1)(C) (as so redesignated) and inserting "subparagraph (A) or (B)", and

(4) by adding at the end the following new paragraph:

"(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

"(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

"(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

"(C) the remainder interest has a value greater than zero determined as of the time of the transfer."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise today in support of the Levin amendment, which I believe is a far superior alternate to the Stabenow amendment as it currently stands. The amendment offered today by Senator STABENOW proposes to rescind \$44 billion from unobligated balances of appropriated funds that are designated for specific purposes in various appropriations bills

previously enacted by Congress. The Senator offers these rescissions in order to offset the loss of revenues resulting from an amendment.

This amendment is a perfect representation of what I expect to be a flood of similar amendments and stand-alone bills that seek to eviscerate the nondefense functions of the Federal Government. With the exception of the proposal from the junior Senator from Kentucky, which had the courage to list each and every cut he proposed, I expect many other bills and amendments will be blanket rescissions that leave it to the executive branch to decide how the taxpayers' moneys will be spent. These bills and amendments turn the constitutional separation of powers on its head and provide a terribly dangerous precedent.

In the specific case of the Stabenow amendment, it simply provides for generic rescission of funds, with the authority and decisionmaking on the programs to be impacted delegated entirely to the executive branch. Rescinding funds in this manner, as pointed out by Senator LEVIN, may be politically convenient as it simply cites the top line number of \$44 billion, but it is also thoughtless and rash. It will serve to shelter those who vote in its favor from the righteous anger of Americans whose lives are disrupted when important and, in some cases, vital projects and programs are shut down as they inevitably will be, should the amendment be agreed to.

I can also promise that if this amendment is enacted into law, the force of these cuts will be felt in each of the 50 States, and the capricious nature of the cuts will only deepen the pain.

I know that because we are in the middle of the second quarter of the fiscal year operating under a CR. Consequently, as I explained in November, the only unobligated balances remaining outside of those for operating under a CR in 2011 are those accounts that have slow spend rates, such as construction and infrastructure accounts. That is why it is taking \$44 billion in rescissions to pay for a \$19 billion problem. As a result, we will be cutting deeply into our nondefense discretionary programs without congressional guidance and without any analysis of the ultimate costs and impacts. This approach is simply irresponsible.

While we cannot say with certainty what the cuts will be because the executive branch will have complete authority over what programs will be impacted, I believe the following cuts are likely: State and local law enforcement will face cuts of \$200 million to \$300 million in grant programs, including \$82 million in Violence Against Women grants, \$81 million in Byrne and other Office of Justice grants, and \$10 million in Juvenile Justice grants. Cutting these grant funds will take funding from programs already expected to be

awarded, and will fall particularly hard on States with large problems with crime.

A cut of \$95 million from the DEA would mean halting efforts to go after and take down Mexican drug cartels, to enforce narcoterrorist investigations, and information sharing, and to address emerging technologies used by drug traffickers. The TSA stands to lose \$674 million of funds to procure and install over 200 explosive detecting systems at airports across the Nation.

Finally, the U.S. Marshals would face a cut of \$48.7 million, bringing an end to courthouse security equipment projects and also halting Marshals' operations in the Southwest border where they engage in activities such as tracking fugitives.

Supporters of the Stabenow amendment would claim that I am using scare tactics, painting a dark picture when the real cuts are not as devastating.

How can anyone stand here and claim we can cut \$44 billion and not have it hurt our States and our constituents? This amount is equivalent to funding the entire Department of Homeland Security, which covers everything from the Coast Guard to FEMA, from the Secret Service to the Border Patrol.

No one denies that waste, fraud, and abuse exist and that we need to continue to enact reforms that will lesson waste, convict those who would defraud the government, and eliminate abuses of programs that are designed to help those who need it most. But if this amendment is signed into law, then 60 days later we will all get a harsh reminder that campaigning against waste, fraud, and abuse is not the same thing as implementing a policy that cuts billions of dollars in useful spending. These rescissions will hurt individuals, they will hurt communities and jeopardize safety of life and our security.

Let me also point out to my colleagues that if this amendment is enacted, we cannot stop rescissions of unobligated balances from a single account we may view as vital because the amendment gives sole decisionmaking power in identifying cuts to the executive branch.

I will say this again. This amendment is not in the best interests of the Senate, it is not in the best interests of our democratic priorities, and it is certainly not in the best interests of the American people.

If it is indeed the will of the Senate to eviscerate these critical programs, let's stop hiding behind generic rescissions. Let's instead support the Levin amendment, which offsets a revenue loss with a revenue gain, which eliminates unnecessary tax loopholes, and which will leave important national priorities intact.

I yield the floor.

Mr. WHITEHOUSE. Mr. President. I am in strong support of Senator

LEVIN's effort to repeal the enhanced tax form 1099 reporting requirements enacted in the Patient Protection and Affordable Health Care Act. Since passage of the bill, I have heard from hundreds of Rhode Island small business owners about the paperwork and record-keeping costs of complying with the new 1099 standards. The provision, which was intended to cut down on fraud and generate revenue, has simply proven too burdensome on small businesses. I support the repeal of the new 1099 provision and am pleased to have voted in favor of the Levin amendment which would do so.

While I support the Levin approach to repealing the 1099 provision, I cannot lend my support to Senator STABENOW's amendment which would pay for the repeal by rescinding \$44 billion in appropriated funds. The rescission could endanger priorities for Rhode Island like funds appropriated for water infrastructure, housing assistance, and to help Rhode Island recover from the historic floods of March 2010. Senator REED and I fought hard to bring Federal help to Rhode Islanders struggling to rebuild after the worst flood in 200 years, and I simply am not willing to jeopardize that relief.

Once again, I fully support the repeal of the enhanced 1099 reporting requirements, and I hope we can pass a measure to do that without endangering funding for critical programs like flood recovery.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 28, offered by the Senator from Michigan, Mr. LEVIN.

Mr. LEVIN. Mr. President, I have just spoken on this. I ask unanimous consent that we be allowed to yield back the time on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—44

Akaka	Boxer	Carper
Baucus	Brown (OH)	Casey
Bennet	Cantwell	Coons
Blumenthal	Cardin	Durbin

Feinstein	Leahy	Rockefeller
Franken	Levin	Sanders
Gillibrand	Manchin	Schumer
Hagan	McCaskill	Shaheen
Harkin	Menendez	Stabenow
Inouye	Merkley	Tester
Johnson (SD)	Mikulski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (FL)	Whitehouse
Kohl	Reed	Wyden
Lautenberg	Reid	

NAYS—54

Alexander	DeMint	McConnell
Ayotte	Ensign	Moran
Barrasso	Enzi	Murkowski
Begich	Graham	Nelson (NE)
Bingaman	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Pryor
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Snowe
Collins	Kyl	Thune
Conrad	Landrieu	Toomey
Corker	Lee	Vitter
Cornyn	Lugar	Webb
Crapo	McCain	Wicker

NOT VOTING—2

Lieberman	Warner
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The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 9

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 9, offered by the Senator from Michigan, Ms. STABENOW.

The Senator from Michigan.

Ms. STABENOW. Mr. President, we all know that small business is the engine of the economy. This amendment will address a burdensome regulation we have all talked about. We need to repeal an unnecessary, burdensome provision in the law that would require 40 million businesses in America, most of them small businesses, to file 2,000 percent more paperwork with the IRS. We have a chance to do something about that with this amendment.

I wish to thank Senator BAUCUS and his staff for their work. I wish to thank Senator JOHANNIS for his work and my colleagues who are cosponsoring this amendment. I also wish to thank the 11 business organizations supporting this, including the Chamber, the Farm Bureau, the Motor & Equipment Manufacturers Association, the National Association of Manufacturers, Realtors, NFIB, the Small Business & Entrepreneurship Council.

This is an amendment that is fully paid for without raising taxes, while it protects our Nation's defense, our veterans, and our Social Security. So I would hope we would all join in supporting this effort to make a needed change that eliminates burdensome paperwork for our small businesses.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from Hawaii.

Mr. INOUE. Mr. President, I yield back my time. But I make a point of order that the pending amendment violates section 311 of S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 81, nays 17, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—81

Alexander	DeMint	Menendez
Ayotte	Ensign	Merkley
Barrasso	Enzi	Moran
Baucus	Feinstein	Murkowski
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Hagan	Paul
Blumenthal	Hatch	Portman
Blunt	Hoeven	Pryor
Boozman	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sessions
Cantwell	Johnson (WI)	Shaheen
Cardin	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Klobuchar	Stabenow
Coats	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Toomey
Collins	Lee	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Vitter
Corker	McCain	Webb
Cornyn	McCaskill	Wicker
Crapo	McConnell	Wyden

NAYS—17

Akaka	Inouye	Reed
Carper	Lautenberg	Reid
Durbin	Leahy	Sanders
Franken	Levin	Schumer
Gillibrand	Mikulski	Whitehouse
Harkin	Murray	

NOT VOTING—2

Lieberman	Warner
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The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to waive having been agreed to, the amendment is agreed to under the previous order.

AMENDMENT NO. 13

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 13 offered by the Republican leader.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to make a point of order that the pending amendment violates section 311 of S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009.

Mr. President, the amendment will significantly worsen the deficit—a fact confirmed by the CBO in a letter to Speaker BOEHNER on January 6. The CBO letter says clearly they estimate that enacting the health care law repeal would increase Federal deficits in the decade after 2019 by an amount that is in the broad range around one-half percent of GDP for that period. The GDP for that period is \$293 trillion. Mr. President, one-half of 1 percent is an increase in the deficit and debt of this country of more than \$1.4 trillion.

We have heard colleagues on all sides say we have to get our deficits and debt under control. Yet one of the first measures is to explode the deficits and debt, add \$1.4 trillion to the debt. That is not just irresponsible, it is reckless. I urge my colleagues to support the budget point of order.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, only in Washington could you argue with a straight face that starting a new multitrillion-dollar entitlement program is going to save money. CBO could only look at the proposition that was presented to it, which frontloads tax increases in Medicare cuts and backloads benefits.

Therefore, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(G)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

Mr. REID. Mr. President, we are going to have no more votes tonight. We have an amendment that Senator WHITEHOUSE is waiting to offer, and there are a number of other FAA-related amendments. We hope to have a productive day tomorrow. In the near future, we hope to develop a finite list of amendments so we can conclude this bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to waive. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—2

Lieberman Warner

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The motion to waive having been rejected, the point of order is sustained and the amendment falls.

VOTE EXPLANATIONS

• Mr. LIEBERMAN. Mr. President, I regret having missed votes to consider amendments to the FAA Air Transportation Modernization and Safety Improvement Act. I was celebrating the joyous occasion of my newest grandson's birth with my wife and children.

Had I been present, I would have voted to oppose the motion to waive the Budget Act on the amendment to repeal the landmark health care reform legislation, the Patient Protection and Affordable Care Act. This law provides health care coverage to more than 30 million Americans and also reduces the deficit. The benefits that have already been achieved by this law are substantial. Its repeal would force seniors to pay more for their drug coverage, businesses would lose valuable tax credits that enable them to provide health care coverage to their employees, and millions of Americans would no longer receive vital consumer protections from the health insurance in-

dustry. Additionally, this law extends the solvency of Medicare for 12 more years.

I have said before that a law this comprehensive would not be without flaws. I will support efforts to strengthen the Affordable Care Act and reduce the unintended consequences from it. I do not, however, support its repeal, which would not only be risky for our economy, but would have the effect of increasing the number of uninsured and causing vital programs such as Medicare to face insolvency in the very near future.

Had I been present, and consistent with my desire to continue to improve the Affordable Care Act, I would have supported both Senators LEVIN and STABENOW's amendments to repeal the form 1099 reporting requirement. This provision imposes an onerous compliance obligation on businesses of all sizes, and Congress should act quickly to remove that burden and allow businesses to direct their time, energy, and resources to growing their businesses and creating new jobs. •

• Mr. WARNER. Mr. President, I voted for the Affordable Care Act because the current health care system is simply unsustainable and it will bankrupt our Nation. This law helps lay the groundwork for containing health care costs through leveraging private sector innovation and competition to improve the quality and value of care in this country. I was unable to vote today because of a family emergency, but I wanted to register my strong opposition to Senator MCCONNELL's amendment which would repeal the Affordable Care Act.

The Affordable Care Act is already helping millions of Virginians and Americans. The law has helped lower prescription costs for seniors, including over 63,000 Medicare beneficiaries in the Commonwealth of Virginia. It has provided affordable coverage for millions of young adults throughout the country who have been able to stay on their parent's plan and stopped insurers from denying coverage to children due to a preexisting condition. Small businesses are benefiting from tax credits to cover the cost of offering health insurance coverage to their employees.

The Congressional Budget Office has stated that repealing the health care reform law would add \$230 billion to the deficit and take away these immediate benefits and many other critical delivery systems reforms which currently are being implemented. Taking us back to the status quo is not an option.

This law is not perfect, nor will it be the final say in efforts to ensure that we have a quality, affordable health care system which works for American families and businesses. I have continued to push for fixes to parts of this law, including repealing the provision which placed a burdensome require-

ment on small businesses to file a form 1099, and will continue to pursue additional steps to further lower health care costs.

I look forward to working with my colleagues from both sides of the aisle to provide affordable, quality care to all Americans. •

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 261 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 8

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to set aside any pending amendment and call up amendment No. 8.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself, Mr. KIRK, Mrs. BOXER, Mr. DURBIN, Mr. CASEY, Mr. MENENDEZ, and Mr. SCHUMER, proposes an amendment numbered 8.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to waive further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes)

At the end of title VII, add the following:
SEC. 733. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§ 39A. Aiming a laser pointer at an aircraft

"(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

"(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

"(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

"(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

"(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

“(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

“39A. Aiming a laser pointer at an aircraft.”.

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of this amendment I have offered with Senators KIRK, BOXER, DURBIN, CASEY, MENENDEZ, and SCHUMER to secure aircraft cockpits against lasers. This common-sense and bipartisan amendment would protect passengers and pilots by making it a Federal criminal offense to knowingly aim the beam of a laser at an aircraft.

As explained in a recent article in the New York Times, “a beam that is $\frac{1}{25}$ of an inch wide at its origin can be 2 to 3 feet wide by the time it reaches an airliner approaching or departing an airport.” As a result, when targeted at aircraft, laser stripes can instantly flash across the cockpit, temporarily blinding the pilot and the crew. One pilot described the feeling of being hit by a laser like this:

It immediately lit up the whole cockpit and it hit both of my eyes and burned both of my corneas. Instantly, I was blinded. It felt like I was hit in the face with a baseball bat—just an intense burning pain.

FAA Administrator Randy Babbitt similarly recently warned that lasers can “damage a pilot’s eyes or cause temporary blindness.” Indeed, pilots have described the need to hand control of their aircraft to a copilot as a result of one of these incidents.

It goes without saying that such a threat to a pilot’s sight, particularly during the critical phases of takeoff and landing, poses an unacceptable risk to the traveling public, to our pilots, and to citizens on the ground. For this reason, Secretary of Transportation Ray LaHood recently described laser incidents as “a serious safety issue.”

The problem is growing. According to a recent report by the Federal Aviation Administration, 2,836 pilots reported that they were targeted with lasers in 2010, nearly double the number in 2009. In other words, every day, eight pilots and the passengers they fly are put at risk in the manner I described. The problem affects airports of all sizes across the country.

At T.F. Green Airport, for instance, in my home State of Rhode Island, there were 12 such reported incidents

just in the last year. The problem also is worsening as new and more powerful lasers become commercially available. These new lasers emit an increasingly bright beam that can reach aircraft miles away from the airport.

Current Federal law does not provide prosecutors with ready tools to prosecute and thus deter this dangerous conduct. Ill-fitting existing statutes occasionally can be used, but only in limited cases, leaving even identified perpetrators to go unpunished. My amendment would solve this problem by creating a criminal offense that clearly and distinctly covers this harmful conduct. It would explicitly criminalize knowingly aiming the beam of a laser pointer at an aircraft. Violations would lead to punishment of imprisonment for up to 5 years or fines of up to \$250,000.

The legislation would exempt valid uses of lasers in the aviation context, such as designated research and development activities, flight test operations, training, and emergency signaling. Prosecutors would gain a new, valuable tool to protect air safety without any burden being imposed on the legitimate use of lasers.

Comparable bipartisan legislation has previously passed the House of Representatives and was reported favorably out of the House Judiciary Committee this year. It is widely supported. For example, this amendment is supported by the Airline Pilots Association and the National Association of Police Organizations.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from those organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNMENT AFFAIRS DEPARTMENT,
AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL,

Washington, DC, February 1, 2011.

DEAR SENATOR: On behalf the Air Line Pilots Association, International (ALPA) which represents 53,000 pilots who fly for 38 airlines in the U.S. and Canada, I urge you to support the Whitehouse-Kirk-Boxer amendment to protect aircraft flight decks from the threat posed by laser illuminations as the Senate considers S. 223, the FAA reauthorization bill.

On January 19, the FAA announced that the number of reports of lasers pointed at airplanes nearly doubled in one year to more than 2,800. The inappropriate use of widely available laser pointers against airborne flight crews is a genuine safety and security concern and is simply unacceptable. At a minimum, the laser illumination of a cockpit creates a flight crew distraction and in more serious cases can result in eye damage and temporary incapacitation.

Along with a number of federal law enforcement organizations, ALPA has long maintained that the reckless and malicious laser illumination of airliners should be prosecuted as a specific federal offense and not solely as a violation of state laws. This amendment ensures that such activity will, in fact, be classified and prosecuted in that

manner and will provide additional benefit by informing the public that shining laser beams into aircraft cockpits is a dangerous offense which will be met with serious consequences.

ALPA applauded the U.S. House of Representatives last year for passing similar legislation, the Securing Aircraft Cockpits Against Lasers Act of 2010. It should be noted that the House Judiciary Committee has this year unanimously reported out an identical bill, H.R. 386.

Again, we urge you to support the Whitehouse-Kirk-Boxer amendment which will enhance the safety and security of all airline passengers and crewmembers.

Sincerely,

LEE MOAK,
President.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Alexandria, VA, February 1, 2011.

Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WHITEHOUSE: On behalf of the National Association of Police Organizations (NAPO), representing 241,000 rank-and-file police officers from across the United States, I would like to thank and commend you for your support to secure aircraft cockpits against laser pointers. The House of Representatives Judiciary Committee recently passed H.R. 386, a bill that would prohibit the aiming of a laser beam at an aircraft or in its flight path by punishing offenders with an imposed fine or prison term.

The Federal Flight Deck Officers Association is a member of NAPO. Together, we have a vested interest in protecting pilots and passengers from the harmful effects of laser pointers. On January 19, 2010, the Federal Aviation Administration announced that the reports of laser pointers being pointed at aircrafts basically doubled in one year from 1,400 to 2,800 incidents. Laser beams pointed at an aircraft can cause temporary blindness to pilots and jeopardize aviation security.

Helping to protect our nation from potential gaps in the enforcement of homeland security is one of NAPO’s top priorities. NAPO urges both chambers to take swift action in passage of legislation that seeks to bolster security and thwart criminal acts.

Securing cockpits is an important safety measure that law enforcement is willing to support. NAPO believes H.R. 386 and companion legislation is essential to assist the law enforcement community in the protection of our nation from security threats. If you have any questions on how NAPO can support your efforts, please feel free to contact me, or NAPO’s Director of Government Affairs, Rachel Hedge.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

Mr. WHITEHOUSE. Mr. President, I thank Senators KIRK, BOXER, DURBIN, CASEY, MENENDEZ, and SCHUMER for their leadership on this issue. I also thank our partners in the House for their work, and let me thank Chairman ROCKEFELLER and Ranking Member HUTCHISON for considering this amendment.

I hope Senators on both sides of the aisle will join me in voting for this amendment that will protect our public safety against this new hazard.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to be added as a cosponsor to this superb amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I have some notes, but the distinguished Senator from Rhode Island has exhausted my brilliant notes in his own speech. Just let it be said that it is an extraordinarily dangerous situation, this whole concept of stronger lasers, more carefully targeted lasers from greater distances, and being able to do it from behind trees and hidden places blinding, probably temporarily at this point but maybe permanently as they become stronger or doing damage to the eye.

When the Senator spoke about having to turn over the duties of landing the airplane or taking off the airplane to a copilot because of this threat, it makes me worry that it is going to get worse because this is kind of easy to do. In essence, it becomes an act of terrorism, not just the problem of safety for the airplane and its passengers and the pilots.

It is a superb amendment. It is my strong feeling it will pass this body easily and it will become law. The Senator from Rhode Island deserves enormous credit for bringing this to the attention of the Congress.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the distinguished chairman for his very kind words. Let me thank him for his efforts to support this amendment. His cosponsorship is extremely important. I look forward to working with whatever I can bring to get this amendment successfully adopted into the bill and to get the bill successfully passed. I very much appreciate the chairman's distinguished leadership.

Mr. ROCKEFELLER. Mr. President, I reluctantly suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ANDRE KIRK AGASSI

Mr. REID. Mr. President, I rise today to recognize the extraordinary achieve-

ments of Andre Kirk Agassi, professional tennis player and fellow Nevadan, for his induction into the International Tennis Hall of Fame earlier this month.

He was born on April 29, 1970, in Las Vegas to Mike and Betty Agassi. The son of a former Iranian Olympic boxer, Andre Agassi's father taught him to play tennis at a very young age. At 16 he made his professional debut, and 1 year later he won his first singles title. He quickly rose to the international stage and was soon ranked No. 1 in the world. He continued to represent Nevada and the United States, as well as athletes by winning a gold medal, which he earned at the 1996 Olympic Games in Atlanta, and by capturing eight Grand Slams.

He is known as one of the most impressive champions in tennis history, and his charisma for the game drew attention and rivals alike. Many recall the great tennis rivalry with Pete Sampras of the mid-1990s which recaptured a robust following of tennis fans.

Despite his tremendous success as an athlete, his accomplishments off the court are just as impressive. After his first Grand Slam title, Agassi founded the Andre Agassi Charitable Association, which has raised more than \$60 million to help disadvantaged youth in Nevada. In 2001, he also established a charter school for children in underserved communities and has funded countless scholarships. And just as he achieved the No. 1 ranking as a tennis player, Agassi recently reached the top spot on the New York Times Best Sellers List when he released his autobiography.

I commend Andre for his efforts and extend my congratulations to his wife Steffi and their two children. Andre Agassi is an inspiration to all Nevada's student-athletes and I am pleased that his hard work and excellence is being recognized with the highest honor an athlete can receive.

DELISTING OF THE GRAY WOLF

Mr. KYL. Mr. President, I have joined my colleagues to introduce legislation to amend the Endangered Species Act of 1973 to remove the gray wolf. The Endangered Species Act has proved a failure for wolf conservation. I believe Congress must pave the way for a new State-based approach.

Since the listing of the gray wolf as endangered in 1976, the Federal wolf recovery programs have been in continuous litigation. The latest Federal district court decision returning the Rocky Mountain gray wolf to the Endangered Species List despite a population in excess of agreed upon recovery goals was the last straw. It is evident now that science is not driving recovery; rather, judicial decisions and consent agreements with special interest groups are dictating the fate of

wolves and impacted communities. Despite the authorities and responsibilities conveyed to States by Congress under section 6 of the Endangered Species Act, State wildlife agencies have become mere bystanders in wolf management under this paradigm.

Take the Mexican gray wolf in the Southwest. The U.S. Fish and Wildlife Service, USFWS, has not been able to revise the recovery plan for that wolf in 28 years. Why? Because of the litigious nature of activist organizations. Another attempt to overhaul the program and develop a recovery plan is under way, but USFWS estimates that plan is at least 4 to 6 years away, assuming no litigation. We can't expect the public or the wolves to continue to wait.

Acceptance of wolves on the landscape requires preventing, mitigating and responding to livestock depredation and nuisance issues on public, private and tribal lands. It requires trust and implementation of solutions collaboratively developed by local stakeholders. It's time to give States the chance to demonstrate that they can make wolf conservation work for both people and wolves.

Restoring wildlife is not new to States or tribes. In my home State of Arizona, the Game and Fish Department has been very successful in collaborative conservation. A great example is the Southwestern bald eagle. The Game and Fish Department's intensive interagency management of this species has increased its numbers and prevented its listing. The Arizona Game and Fish seeks to apply this proven approach to wolf conservation. This bill, if enacted, would give them the opportunity.

I ask unanimous consent that the following documents be printed in the RECORD in support of this legislation: a letter from the Arizona Game and Fish Department dated December 7, 2010, and a resolution adopted by the Western Association of Fish and Wildlife Agencies dated January 9, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE OF ARIZONA,
GAME AND FISH DEPARTMENT,
Phoenix, AZ, December 7, 2010.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

Hon. TRENT FRANKS,
House of Representatives,
Washington, DC.

DEAR SENATOR JOHN MCCAIN, SENATOR JON KYL AND CONGRESSMAN TRENT FRANKS: The Arizona Game and Fish Commission has concluded it is beyond time to try a different approach to Mexican wolf conservation. We ask that you help us do that by working with other members of Congress to delist the gray wolf rangewide (i.e. including the Mexican wolf) and place the conservation burden for

this species on the States and willing Tribes. Restoring wildlife is not new to either the States or the Tribes. Witness what has been accomplished with many other species since the early 1900s. And recognize that when the U.S. Fish and Wildlife Service (USFWS) speaks with justifiable pride about its efforts to recover endangered and threatened species, many, if not most, of those efforts are carried out by or at least with substantial assistance from State and Tribal wildlife agencies.

After a lengthy public session on December 4, the Arizona Game and Fish Commission (Commission) voted 4-1 to support Congressional actions to delist the gray wolf from protection under the Endangered Species Act (ESA) of 1973, as amended. The vote reflects the fact that we do not want to get out of the wolf conservation business; rather, we want to get in deeper but more affordably, efficiently and effectively. Bureaucratic process compelled by litigation has driven the cost of Mexican wolf conservation out of reach for States, Tribes and private stakeholders. We cannot print our own money.

According to USFWS estimates, we are faced with the prospects of at least 2 years of recovery planning, 4-5 years of environmental impact analysis and 1 to 2 years of federal rulemaking. Even if some of the Federal process can occur simultaneously, and even if litigation does not draw the process out (an extremely unlikely event), it would likely be 4 to 6 years before all the pieces are in place to effect significant change in the current approach to Mexican wolf recovery through reintroduction. We want to put precious State resources, public resources and private resources into on-the-ground wolf conservation rather than regulatory process and legal fees.

The Commission sees this as an opportunity to break through the litigation and Federal process gridlock in Mexican wolf recovery and reintroduction that has impeded progress since 2001 and welcomes the opportunity to manage this important species. The Commission desires to work with every stakeholder and all who are willing to come to the table to seek (and collaboratively fund) solutions to issues. Local governments, sportsmen, livestock operators, environmentalists and the White Mountain Apache Tribe have all repeatedly stated their support for Mexican wolf conservation in Arizona, as has the Commission. Opponents of wolf conservation are a distinct but vocal minority.

If the Mexican wolf were delisted by Congressional action, the Commission would anticipate taking the same approach to its conservation that we have taken with the Southwestern bald eagle. We would sustain the interagency conservation effort that has been in place since 1998 but modify it as necessary to address significant problems that were identified in program reviews in 2001, 2002 and 2005. USFWS is our most important agency partner in wildlife conservation and we would work closely to engage them under a new paradigm developed with our stakeholders. We are confident that, unfettered by the regulatory and litigation gridlock that has peaked over the past three years, we and willing cooperators in the governmental (including USFWS and Tribes) and nongovernmental sectors could find an appropriate balance among the more significant needs for and constraints on Mexican wolf conservation. Such a balance would result in an ecologically appropriate wolf population, sufficient prey populations to support the wolves without eroding hunter opportunity or un-

necessarily reducing other outdoor recreation, and with significantly reduced uncompensated impacts on public, Tribal and private lands livestock producers in Arizona.

Maintaining a robust Mexican wolf conservation program is fundamental to our commitment to wildlife under Arizona Revised Statutes Title 17 and is indicative of our commitment since 1985 under Section 6 of the ESA to maintain an "adequate and active program for the conservation of endangered species and threatened species." We have invested more than \$5 million in Mexican wolf conservation and since 2003 the Department has been the primary glue holding the interagency Arizona-New Mexico wolf reintroduction project together at the agency oversight and field levels. We have tried everything possible, short of legal action or Congressional intervention, to remedy the gridlock resulting, in large part, from litigation. The U.S. Fish and Wildlife Service has been unable to respond as necessary to resolve even the most obvious significant problems, perhaps largely because of legal and policy issues stemming from litigation over the Northern Rockies and Western Great Lakes gray wolf programs as well as the Mexican wolf program, but also, at least in part, because of the complexity and rigidity of Federal regulatory processes. Regardless, the livestock producers affected by Mexican wolf reintroduction simply cannot afford more years of gridlock and neither can Arizona Game and Fish. Further, Arizona cannot afford to continue investing significant time and money in wolf conservation only to arrive at a day when, as has occurred in the Northern Rockies and Western Great Lakes, special interest groups with public lands agendas much broader than wolf conservation refuse to accept as recovered even a population of wolves that is several times larger than required by an approved Recovery Plan they helped develop.

We realize Congressional listing or delisting of any species would usurp authorities conveyed through the ESA to the Secretaries of Interior and Commerce. That would set a precedent few if any of us have ever wanted to see, including Arizona Game and Fish. However, none of us ever anticipated the degree to which the judiciary would usurp those same authorities in an environment of continuous litigation under the ESA and the Administrative Procedures Act. Congressional delisting is not a step that we advocate lightly but the Mexican wolf was included in the 1976 Federal listing of the gray wolf as endangered and there is still no indication the ESA-driven approach to recovery will ever be successful. In fact, there is ample evidence to the contrary. USFWS has not been able to revise the Recovery Plan in 28 years; how can anyone possibly hope it can achieve Mexican wolf recovery in our lifetimes under the current procedural morass that constrains it?

Congressional delisting would represent sailing uncharted waters fraught with unforeseen challenges. So be it. Far better to test ourselves against those challenges than to allow the current gridlock to force us all to continue doing the same unproductive things over and over again for another decade; with litigation at virtually every step of the way, no change in outcome and no greater hope for success in our lifetimes. A decade from now, we would much rather regret having stepped boldly and failed than having wasted another 10 years trying to make the litigation-driven approach to Mexican wolf conservation work.

It is truly ironic that successful conservation of the Mexican wolf might hinge on re-

moving it from the control of the Congressional Act that was intended to save it.

Please let me know if there is anything more I can do to encourage or facilitate your consideration of this crucial issue. I would be happy to send a member of my staff to Washington, D.C. to provide key members of your staffs a more detailed description of the gridlock I have referenced above. One member of my staff has worked with Mexican wolf conservation for 28 years and has a comprehensive grasp of the story from the beginning through present times. It is a compelling story that makes the depth of frustration among Arizona stakeholders more understandable.

Representatives from sportsman, environmental, livestock producer, Tribal and local government stakeholders are prepared to accompany my staff to answer your questions regarding this situation and the need for constructive change. An alternative would be for key members of your staffs to meet with these stakeholders in Alpine, Arizona, so a better appreciation of the local situation could be provided, possibly through a tour of "wolf country" in Arizona. I would be equally happy to facilitate such a meeting, as I believe would any of the three County governments in eastern Arizona that are among our most constructive cooperators in Mexican wolf conservation.

Thank you for your consideration.

Sincerely,

LARRY D. VOYLES,
Director.

RESOLUTION

DELIST THE GRAY WOLF AND RESTORE MANAGEMENT TO THE STATES

Whereas, the northern Rocky Mountain distinct population segment of gray wolves exceeded the U.S. Fish and Wildlife Service recovery level of thirty or more breeding pairs in 2002; and

Whereas, population estimates as of 2009 include at least 1,700 animals well distributed among Idaho, Montana, and Wyoming; and

Whereas, the remarkable increase in gray wolf populations was only possible because of the historic management and stewardship of ungulates by state fish and wildlife agencies; and

Whereas, a primary purpose of the Endangered Species Act (ESA) is to "provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section"; and

Whereas, the primary purpose of the ESA has clearly been achieved for the gray wolf, and gray wolves have recovered in the States of Idaho, Montana, and Wyoming; and

Whereas, a lack of delisting, given the species has met recovery goals, can result in an erosion of public acceptance of wolves and the ESA; and

Whereas, State wildlife agencies are the competent authorities to manage resident species for their sustained use and enjoyment; and

Whereas, the overall aim of the ESA is to recover species such that the species can be managed by the appropriate entity. State wildlife agencies are the appropriate entities to assume management of the gray wolf as a resident species; and

Whereas, delays in federal decision-making, induced partly by citizen-suit litigation

over virtually all aspects of Mexican gray wolf recovery, have, after 34 years of protection under the ESA, including 12 years of re-introduction efforts, resulted in failure to recover the Mexican gray wolf; and

Whereas, the States of Arizona and New Mexico, the White Mountain Apache Tribe, various local governments and local stakeholders are willing and able to use incentives and interdiction measures without being encumbered by the gridlock resulting from federal listing, to increase the Mexican gray wolf population to levels in both states that, coupled with conservation efforts in Mexico, would establish and maintain a rangewide population of Mexican gray wolves that is self-sustaining and managed at levels sufficient to meet scientifically-valid population objectives. Now, therefore, be it

Resolved, That the Western Association of Fish and Wildlife Agencies supports and endorses immediate delisting of gray wolves in the WAFWA member states from the ESA, either through legislative or administrative means, and that this species be managed by the respective State wildlife agencies.

Mr. MCCAIN. Mr. President, I am pleased to have joined my colleagues in introducing legislation that would delist the gray wolf from endangered species status thereby returning wolf population management to the respective State wildlife agencies. As my colleagues know, Federal efforts to recover the gray wolf and related subspecies are controversial throughout the West and Midwest including my home State of Arizona.

Officially listed in 1974, the gray wolf was among the first animals protected under the Endangered Species Act. At that time, gray wolves were undoubtedly a broken species, hunted to near extinction by western pioneers. But in the 1990s, the U.S. Fish and Wildlife Service launched an ambitious wolf repopulation effort in several States where wolves had been eradicated. Federal biologists released dozens of wolf breeding pairs into parts of Montana, Wyoming, Idaho as well as Arizona and New Mexico in the hopes that these so-called experimental populations would reestablish their historic ranges.

In the northern Rocky Mountains, these efforts largely paid off in 2002 when the U.S. Fish and Wildlife Service announced that it achieved its population goal of 30 breeding pairs and 300 wolves in Idaho, Montana and Wyoming. In fact, the Rocky Mountain Wolf Recovery Program was so successful at breeding pups that by 2005 they reached 49 breeding pairs and 663 total wolves. Today those numbers stand at over 71 breeding pairs and about 1,700 total wolves, far surpassing the stated goals of the Federal Government's wolf recovery plan. Despite this remarkable comeback, several environmentalist groups have used the judicial process to keep gray wolf populations under various forms of Federal protection, even to the detriment of native deer and elk populations which are dropping dramatically because of so many predator wolves. By keeping wolves locked into federally protected status, State

wildlife authorities are legally prevented from rightfully controlling their exploding wolf population. At the same time the U.S. Fish and Wildlife Service is forced to overextend its resources, reach and welcome on a program that achieved its goals almost a decade ago. This simply cannot continue.

With respect to Arizona, my support for delisting the gray wolf is not a mandate for wolf hunts but rather to establish a path forward for saving the Mexican gray wolf from a failed Federal recovery program and to provide essential protections for livestock growers. If you compare the success of the northern Rockies against the dismal returns of the Mexican Wolf Recovery Program in Arizona and New Mexico, you see how Federal mismanagement and judicial activism have combined to hurt both ranchers and wolves. The U.S. Fish and Wildlife Service introduced 13 wolves in 1998 and estimated that the Southwest should have 100 wolves by now but in fact we have barely topped 42 wolves over the past 12 years. Pup survival in Arizona and New Mexico remains bleak with 31 observed in 2009 but only 7 surviving the winter. Livestock depredations remain a constant concern even though the U.S. Fish and Wildlife Service recently rescinded rules that allow rancher's to protect their cattle for depredation. To date, the Mexican Wolf Recovery Program has cost taxpayers roughly \$20 million or roughly \$500,000 per wolf with no end in sight. By removing Federal protections for the Mexican gray wolf, management and recovery responsibilities would be transferred from the U.S. Fish and Wildlife Service to the State's wildlife authority, the Arizona Game and Fish Commission, which recently voted to support this proposal.

The facts on the ground paint a clear picture that it is time to return management and recovery of these wolf populations to the States. I urge my colleagues to support this legislation.

UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME

Mr. CRAPO. Mr. President, today I wish to pay tribute to the Uni-Capitol Washington Internship Programme, UCWIP. For more than a decade, this international internship program has been enabling outstanding Australian college students to participate in internships throughout the U.S. Congress.

Students participating in the program obtain immeasurable experience through their congressional internships, and participants also have the opportunity to participate in other educational experiences, including U.S. historic site and government agency visits and other learning events. I am proud to be involved in this rewarding

and well-rounded exchange program, and I am grateful for the contribution Uni-Capitol Washington Programme interns continue to make in providing valuable viewpoints and helping me serve Idaho constituents.

Gemma Whiting, a UCWIP participant, has joined my staff as an intern this semester. She is studying law/arts at the University of Western Australia, where she is majoring in political science and international relations. Gemma has spent many hours helping keep my schedule and activities running smoothly, and she has been an immense asset. Her commitment and hard work are appreciated, and we are fortunate to have Gemma as a part of the team. I asked her to share her impressions regarding the program and her internship. She said, "It was an honor to be a part of UCWIP 2011. The opportunity to work in Senator CRAPO's office has been the most remarkable experience. I could not have hoped for a more welcoming and affable office. The insight gained through this opportunity is invaluable, adding a higher level of understanding to the intricate workings of the U.S. Congress and the world's foremost democracy. This internship has been a once-in-a-lifetime opportunity, adding priceless knowledge to my studies in Law and Political Science. I could not have had a more enjoyable or memorable experience thanks to Senator CRAPO's office."

I also commend the efforts of the program's director and founder, Eric Federer, who has utilized his own Capitol Hill and Australia experiences to provide this important exchange opportunity that benefits both Australian students and congressional offices. His interest and skill have been instrumental in shaping an outstanding program.

I look forward to continuing my association with the Uni-Capitol Washington Internship Programme, which I have been honored to be involved with for 5 years. I commend Gemma Whiting, Eric Federer and the other Uni-Capitol Washington Internship Programme participants and interns for contributing to the 12 successful years of this important program that facilitates the valuable broadening of relationships and understanding between our two countries.

ADDITIONAL STATEMENTS

ABILITYONE PROGRAM AND THE ARC OF CADDO-BOSSIER

• Ms. LANDRIEU. Mr. President, today I recognize a program which in the last several years has helped more than 45,000 Americans who are blind or who have significant disabilities gain skills and training that ultimately led to gainful employment, the AbilityOne Program.

The AbilityOne Program is the single largest source of jobs for Americans who are blind or have significant disabilities. The program harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills, training, good wages, benefits, while providing greater independence and quality of life.

I am especially proud to acknowledge that the AbilityOne Program is affiliated with the Arc of Caddo-Bossier in Shreveport, LA.

The history of the Arc of Caddo-Bossier represents a true example of what it means to grow and help people with disabilities to become an active and contributing part of society. The Arc of Caddo-Bossier was founded in 1954 by a small group of parents with a mission to promote the growth of their children by developing programs and services to meet their needs. In 1996, the Arc of Caddo-Bossier Foundation was established to further promote community involvement and programs for people with mental disabilities. Today, the Arc of Caddo-Bossier still remains committed to their unique mission to help the needs of people with developmental disabilities and their families.

It is with great pleasure that I first extend my support to the AbilityOne Program. Secondly, I commend the dedication and commitment of the Arc of Caddo-Bossier executive director, Janet Parker, and her staff for helping individuals who have a disability find employment. Their work helps people live fuller lives and become more active members of their community. I also commend each AbilityOne employee who works every day to improve their lives and make our country a better place to live.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE RATIFICATION OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE RUSSIAN FEDERATION ON MEASURES FOR THE FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS, SIGNED IN PRAGUE ON APRIL 8, 2010 (THE "NEW START TREATY")—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

I have considered the United States Senate's December 22, 2010, Resolution of Advice and Consent to Ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol, including Annexes (the "New START Treaty"; Treaty Document 111-5), and I hereby certify that:

1. United States National Technical Means, in conjunction with the verification activities provided for in the New START Treaty, are sufficient to ensure effective monitoring of Russian compliance with the provisions of the New START Treaty and timely warning of any Russian preparation to break out of the limits in Article II of the New START Treaty.

2. The New START Treaty does not require, at any point during which it will be in force, the United States to provide to the Russian Federation telemetric information under Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol for the launch of (a) any missile defense interceptor, as defined in paragraph 44 of Part One of the Protocol to the New START Treaty; (b) any satellite launches, missile defense sensor targets, and missile defense intercept targets, the launch of which uses the first stage of an existing type of United States intercontinental ballistic missile (ICBM) or submarine-launched ballistic missile (SLBM) listed in paragraph 8 of Article III of the New START Treaty; or (c) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty.

3. I intend to (a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base.

4. (a) The United States will seek to initiate, following consultation with NATO Allies but not later than 1 year after the entry into force of the New START Treaty, negotiations with the

Russian Federation on an agreement to address the disparity between the non-strategic (tactical) nuclear weapons stockpiles of the Russian Federation and of the United States and to secure and reduce tactical nuclear weapons in a verifiable manner; and (b) it is the policy of the United States that such negotiations shall not include defensive missile systems.

5. I intend to (a) accelerate, to the extent possible, the design and engineering phase of the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing Facility (UPF); and (b) request full funding, including on a multi-year basis as appropriate, for the CMRR building and the UPF upon completion of the design and engineering phase for such facilities.

6. It is the policy of the United States to continue development and deployment of United States missile defense systems to defend against missile threats from nations such as North Korea and Iran, including qualitative and quantitative improvements to such systems. As stated in the resolution, such systems include all phases of the Phased Adaptive Approach to missile defenses in Europe, the modernization of the Ground-Based Midcourse Defense system, and the continued development of the two-stage Ground-Based Interceptor as a technological and strategic hedge. As I stated in my letter to the Senate of December 18, 2010, the United States believes that these systems do not and will not threaten the strategic balance with the Russian Federation. Consequently, while the United States cannot circumscribe the sovereign rights of the Russian Federation under paragraph 3 of Article XIV of the Treaty, the United States believes continued improvement and deployment of United States missile defense systems do not constitute a basis for questioning the effectiveness and viability of the Treaty, and therefore would not give rise to circumstances justifying the withdrawal of the Russian Federation from the Treaty.

The report called for in the sixth Condition of the Resolution will be provided under separate cover to the Committees on Armed Services and Foreign Relations.

BARACK OBAMA.
THE WHITE HOUSE, February 2, 2011.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-405. A communication from the Director of Human Capital and Resource Management performing the duties of the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to a list of controlled merchandise items; to the Committee on Armed Services.

EC-406. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA155) received in the Office of the President of the Senate on February 1, 2011; to the Committee on Commerce, Science, and Transportation.

EC-407. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-11, Annual Survey of U.S. Direct Investment Abroad" (RIN0691-AA74) received in the Office of the President of the Senate on February 1, 2011; to the Committee on Commerce, Science, and Transportation.

EC-408. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-577, Quarterly Survey of U.S. Direct Investment Abroad—Direct Transactions of U.S. Reporter with Foreign Affiliate" (RIN0691-AA75) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-409. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" (Docket No. NHTSA-2010-0125) received in the Office of the President of the Senate on January 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-410. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Suppression of Rev. Proc. 2008-52 and Modification of Rev. Proc. 97-27, Procedures for Automatic and Non-Automatic Changes in Method of Accounting" (Rev. Proc. 2011-14) received in the Office of the President of the Senate on January 31, 2011; to the Committee on Finance.

EC-411. A joint communication from the Chairperson and Vice-Chairperson of the National Commission on Children and Disasters, transmitting a report relative to funding the establishment of a National Resource and Information Center on Children and Disasters; to the Committee on Health, Education, Labor, and Pensions.

EC-412. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Generic Drug User Fee Act for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-413. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Animal Drug User Fee Act for Fiscal Year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-414. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-48; Small Entity Compliance Guide"

(FAC 2005-48) received in the Office of the President of the Senate on January 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-415. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Homeland Security in the position of Administrator, U.S. Fire Administration, received in the Office of the President of the Senate on February 1, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-416. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to privacy and security concerns relating to electronically filed documents in the federal courts; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A resolution adopted by the Legislature of Rockland County, New York urging Congress to pass the Livable Communities Act of 2010; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION NO. 624

Whereas, the Rockland County Legislature agrees that demographic trends support the need for cooperation in land use planning and the development of housing and transportation. The population of the United States will grow from approximately 307,000,000 people to approximately 439,000,000 people during the period between 2009 and 2050, an increase of more than 40 percent; and

Whereas, the Energy Information Administration of the Department of Energy forecasts that driving will increase 59 percent between 2005 and 2030, far outpacing the projected 23 percent increase in population; and

Whereas, demographers estimate that as much as 30 percent of current demand for housing is for housing in dense, walkable, mixed-use communities, and that less than 2 percent of new housing is in this category; and

Whereas, people who live in areas of compact development (where housing, shopping, jobs, and public transportation are in close proximity) drive 20 to 40 percent less than people who live in average development patterns in the United States; and

Whereas, transportation accounts for 70 percent of the oil consumed in the United States and nearly 1/3 of carbon emissions in the United States come from the transportation sector. Reducing the growth of the number of miles driven and providing transportation alternatives through good planning and sustainable development is a necessary part of the energy independence and climate change strategies of the United States; and

Whereas, a number of studies, reports, and articles by organizations including the Environmental Protection Agency, the National Association of Realtors, and the Transit Cooperative Research Project have found that one of the keys to revitalizing and maintaining the character of town centers and preserving surrounding agricultural land in small and rural communities is to prevent commercial and residential development on the outskirts of town, by promoting inte-

grated housing, economic, and transportation development in town centers; and

Whereas, funding for integrated housing, transportation, energy, environmental, and economic development and other land use planning efforts at the local and regional levels is necessary to provide for sustainable development and smart growth; and

Whereas, the Livable Communities Act of 2010 would provide funding and support services to help municipalities make smart planning decisions by:

1. facilitating and improving the coordination of housing, community development, transportation, energy, and environmental policy in the United States;

2. encouraging regional planning for livable communities and the adoption of sustainable development techniques, including transit-oriented development;

3. providing a variety of safe, reliable transportation choices, with special emphasis on public transportation and complete streets, in order to reduce traffic congestion, greenhouse gas emissions, and dependence on foreign oil;

4. providing affordable, energy-efficient, and location-efficient housing choices for people of all ages, incomes, races, and ethnicities, and making the combined costs of housing and transportation more affordable to families;

5. promoting economic development and competitiveness by connecting the housing and employment locations of workers, reducing traffic congestion, and providing families with access to essential services;

6. supporting public health and improving quality of life for the residents of and workers in communities by promoting healthy, walkable neighborhoods, access to green space, and the mobility to pursue greater opportunities;

and
Whereas, to accomplish these goals, the Livable Communities Act of 2010 would establish the Office of Sustainable Housing and Communities, the Interagency Council on Sustainable Communities, a Comprehensive Planning Grant Program, and a Sustainability Challenge Grant Program; and

Whereas, the Planning and Public Works Committee has met, considered and by a vote of four ayes, two nays and one absent, approved this resolution; Now therefore be it

Resolved, That the Legislature of Rockland County hereby requests that the United States Senate and House of Representatives pass bills S. 1619 and H.R. 4690—the Livable Communities Act of 2010, and that the President of United States sign such legislation; and be it further

Resolved, That the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Barack H. Obama, President of the United States; Hon. Charles E. Schumer and Hon. Kirsten E. Gillibrand, United States Senators; Hon. Eliot Engel, Hon. Nita Lowey and Hon. Nan Hayworth, Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

POM-2. A message from the Executive Director, The Privacy Projects, transmitting, a report relative to the Organization for Economic Cooperation and Development (OECD)

Privacy Guidelines; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN (for himself, Mr. CRAPO, Mr. INHOFE, and Mr. JOHANNIS):

S. 255. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget.

By Mr. PRYOR:

S. 256. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in small business concerns; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. KERRY):

S. 257. A bill to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. MENENDEZ (for himself, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. REED, Mrs. BOXER, Mr. NELSON of Florida, and Mr. LEAHY):

S. 258. A bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences; to the Committee on Finance.

By Mr. VITTER:

S. 259. A bill to require that the Government give priority to payment of all obligations on the debt held by the public and payment of social security benefits in the event that the debt limit is reached; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. INHOFE, Mr. BEGICH, Mrs. BOXER, Mr. BINGAMAN, Mr. SANDERS, Mr. UDALL of Colorado, Ms. SNOWE, Mr. VITTER, Mr. BROWN of Ohio, and Mr. KERRY):

S. 260. A bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation; to the Committee on Armed Services.

By Ms. COLLINS:

S. 261. A bill to amend chapter 81 of title 5, United States Code, to provide for reform relating to Federal employees workers compensation; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself, Mrs. HUTCHISON, Mr. LEAHY, Mr. CHAMBLISS, Mr. KOHL, and Mr. ISAKSON):

S. Res. 36. A resolution raising awareness and encouraging prevention of stalking by designating January 2011 as "National Stalking Awareness Month"; considered and agreed to.

By Mr. VITTER (for himself, Ms. LANDRIEU, and Mr. JOHANNIS):

S. Res. 37. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 38. A resolution congratulating Brooklyn Center, Minnesota, on its 100th anniversary; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Res. 39. A resolution congratulating the Auburn University football team for winning the 2010 Bowl Championship Series National Championship; considered and agreed to.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. Res. 40. A resolution congratulating the University of Akron men's soccer team on winning the National Collegiate Athletic Association Division I Men's Soccer Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 72

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 72, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 81

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 104

At the request of Mr. JOHANNIS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 104, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 139

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 139, a bill to provide that certain tax planning strategies are not patentable, and for other purposes.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 186

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.

186, a bill to provide for the safe and responsible redeployment of United States combat forces from Afghanistan.

S. 196

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 196, a bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice President, Members of Congress, political appointees, and congressional staff.

S. 219

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 237

At the request of Mrs. MCCASKILL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 237, a bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

S. 245

At the request of Mr. CORKER, the names of the Senator from Arizona (Mr. KYL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 245, a bill to reduce Federal spending in a responsible manner.

S. 251

At the request of Mr. VITTER, the names of the Senator from Texas (Mr. CORNYN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mr. BLUNT), the Senator from Indiana (Mr. COATS), the Senator from South Dakota (Mr. THUNE), the Senator from Arizona (Mr. KYL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Illinois (Mr. KIRK), the Senator from Oklahoma (Mr. COBURN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 251, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S.J. RES. 4

At the request of Mr. SHELBY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the

Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the previous calendar year.

AMENDMENT NO. 7

At the request of Mr. INHOFE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 7 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 8

At the request of Mr. WHITEHOUSE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 8 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 8 proposed to S. 223, supra.

AMENDMENT NO. 9

At the request of Ms. STABENOW, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 9 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 11

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 11 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 19

At the request of Mr. PAUL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 19 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 256. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in small business concerns; to the Committee on Finance.

Mr. PRYOR. Mr. President, we know we need to focus on cutting our spending. We know we need to focus on the tax reform effort. I think everybody generally agrees on that. Although they may disagree on what the particulars would be, they agree we need to do those two things. The third thing we also must do is to focus on the economy and jobs. This is something that we have seen in this country over the last 2½ years, where we have gone through a very harsh, very difficult recession and we have seen an unemployment number that stays stubbornly high. We have seen a lot of topsy-turvy economic numbers over the last 2½ years, and I believe the Congress—the House and Senate—and the White House need to set the table for job creation and economic growth in this country, and we need to do it in a very smart way.

Today, I am here to talk about the angel investment tax credit bill I am introducing. I want to encourage my colleagues to consider reading the bill and becoming cosponsors. I would love to be working on this over the next few weeks to get a broad base of support and to get as much emphasis on this effort as possible right now. It is one of many job-creating pieces of legislation I am interested in in this Congress, but I would love to get as many colleagues as possible interested now to look at this and see if it is something we could pass sooner, rather than later, around here.

The angel investment tax credit is modeled after the new market tax credit, and it would provide a 25-percent Federal income tax credit for investing in qualified early-stage small businesses. The focus will be on advanced manufacturing, aerospace, biotechnology, clean energy, and transportation. The bill would provide that up to \$2 million per year in tax credit-eligible cash equity investments could be made, with a total of \$10 million per small company. The goal would be that

for every \$1 we put in, there would be \$4 of private-sector stimulus.

This is the private sector getting back on its feet with a little bit of grease provided by the government to get things going in the right direction through the Tax Code. The bill I have written would authorize \$500 million per year for 5 years for these tax credits. As I said, this proposal is expected to stimulate \$2 billion per year in new capital formation.

Let me give one quick example of how this can work. All these companies on this chart here started with an angel investment to get over the hump. What happens is someone will have a good idea. They think they can innovate, they think they can produce, they think they can have value in the marketplace, but they can't get the capital in order to get established. They can't quite get over the hump. J. B. Hunt company is now a \$5 billion company. It employs 14,500 people and has 400 facilities in 48 States. In 1961, J. B. Hunt had an idea and he went to five poultry company executives with his hat in his hand asking for money. They gave him \$25,000 in seed money, and that is what he has done with that company throughout the course of his lifetime.

There are lots of examples of folks like that—HP; there is a company in Arkansas called NanoMech, BlueInGreen, and other companies we have seen do this. But many of these companies are very much household names—Google, Facebook, Amazon, eBay, and Apple. All of these companies started with angel investment to get them through what they call the valley of death. The valley of death is usually that period where something has gone from the idea stage to the marketplace. They usually need somewhere between \$1 million and \$4 million to get their ideas to market.

Our bill is designed to bridge that gap and cross that valley of death so we can see a lot of startup companies come into the marketplace. We are looking for the next J.B. Hunt, we are looking for the next Apple, or the next Amazon. We are trying to find the next HP, whoever is out there who has great ideas who wants to come in and invest. Angel investment led to the creation of 250,000 jobs in 2009 and 2009 wasn't a great year, but angel investment led to the creation of 250,000 jobs. This represented about 5 percent of all the new jobs in the United States, so this can have a measurable impact. This can move the needle in the right direction.

The time is now for us to work on this. I encourage my colleagues on both sides of the aisle to read the legislation. If they are interested, I would like to visit with them about it. I would love to get this bill moving through the system as quickly as possible.

By Ms. LANDRIEU (for herself and Mr. KERRY):

S. 257. A bill to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the Senate floor today to discuss an issue of great importance to small businesses, the drivers of this Nation's economy.

In the same way the interstate highway system and the railroads revolutionized transport, connecting main streets across the Nation to facilitate the stream of commerce; broadband technology has forever changed the relationship between small businesses and the customers that they serve. This is especially true for rural small businesses, which now have direct access to new customers in major cities across the globe through broadband connectivity. Over 95 percent of the world's customers are located outside of our borders, and in the United States alone, an estimated 60 million Americans use the Internet on a daily basis. With the click of a mouse, they now have access to goods and services from main streets around the world. With every click, our Nation's small businesses are growing, and helping to create jobs as well as further innovate within the U.S. economy.

Unfortunately, too many of our small businesses are missing out on these opportunities for growth. Due to a combination of factors that range from a lack of computer literacy to the inability to access high speed or broadband Internet services, many entrepreneurs have yet to capitalize on the resources available to them via the Internet. In fact, it is estimated that fewer than 24 percent of our Nation's small businesses routinely use e-commerce applications to sell their products online. As a result, they are missing out on opportunities to expand to new markets or find new customers. We must do more to help our Nation's small businesses utilize advanced technologies like broadband so that they can best compete in the global marketplace.

As Chair of the Committee on Small Business and Entrepreneurship, I have made increasing the ability of small businesses to access high-speed broadband Internet a top priority. That is why today, I along with my distinguished colleague on the Small Business Committee, former Chairman JOHN KERRY, am introducing the Small Business Broadband and Emerging Information Technology Enhancement Act of 2011. This critical piece of legislation will help to level the playing field for our entrepreneurs and small businesses by implementing key findings from the Federal Communications Commission's 2010 National Broadband Plan.

More specifically, this legislation calls on the Small Business Administration to take a lead role in helping our small businesses to access broadband and other advanced technologies. To accomplish this, the legislation requires the SBA to make three key improvements to its core programs. First, it calls on the agency to create a Broadband and Emerging Information Technology Coordinator to facilitate the development of small business broadband initiatives within the agency, and also to act as a liaison with other Federal agencies. Second, the legislation requires SBA resource partners, such as Small Business Development Centers, SBDCs, to provide technical assistance related to both accessing and utilizing broadband and emerging information technology. Finally, the bill will improve the SBA's popular 7(a) and microloan programs by allowing borrowers to use the proceeds of their loans to finance the purchase of broadband services, equipment or other emerging technologies. Making these three simple changes will allow more of our small businesses to not only access previously untapped customers and markets; it will also allow them to become more competitive with their foreign counterparts, fostering innovation and job creation.

I have heard from a number of my Committee members and I know how important this issue is to them, and I am proud to introduce this legislation for the second consecutive Congress. I look forward to working with them in the coming months to get this legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Broadband and Emerging Information Technology Enhancement Act of 2011".

SEC. 2. FINDINGS.

Congress finds that, according to a report by the Federal Communications Commission entitled "Connecting America: The National Broadband Plan", dated March 2010, the Commission recommends that—

(1) "To fully implement next-generation technology within its operations, the SBA should also appoint a broadband and emerging IT coordinator. This individual would ensure that SBA programs maintain the requisite broadband expertise, tools and training courses to serve small businesses.";

(2) "Congress should consider ways to leverage existing assistance provided through" entrepreneurial development programs, "to focus training on advanced IT and broadband applications";

(3) "Congress could also consider ways to support technology training among women entrepreneurs through" women's business centers;

(4) "The training programs should include an entry-level 'Broadband 101' course to give small businesses an introduction to how to capitalize on broadband connectivity, as well as more advanced applications for IT staff.";

(5) small and medium enterprise "IT training should include resources for non-IT staff, such as how to use e-commerce tools for sales, streamline finance with online records or leverage knowledge management across an organization."; and

(6) "To facilitate the development of broadband networks, Congress should consider allowing all agencies to set the fees for access to rights-of-way for broadband services on the basis of a direct cost recovery approach, especially in markets currently underserved or unserved by any broadband service provider. The Executive Branch should also develop one or more master contracts for all federal property and buildings covering the placement of wireless towers."

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 4. BROADBAND AND EMERGING INFORMATION TECHNOLOGY COORDINATOR.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 46; and

(2) by inserting after section 44 the following:

"SEC. 45. BROADBAND AND EMERGING INFORMATION TECHNOLOGY.

"(a) DEFINITION.—In this section, the term 'broadband and emerging information technology coordinator' means the individual assigned the broadband and emerging information technology coordination responsibilities of the Administration under subsection (b)(1).

"(b) ASSIGNMENT OF COORDINATOR.—

"(1) ASSIGNMENT OF COORDINATOR.—The Administrator shall assign responsibility for coordinating the programs and activities of the Administration relating to broadband and emerging information technology to an individual who—

"(A) shall report directly to the Administrator;

"(B) shall work in coordination with—

"(i) the chief information officer, the chief technology officer, and the head of the Office of Technology of the Administration; and

"(ii) any Associate Administrator of the Administration determined appropriate by the Administrator;

"(C) has experience developing and implementing telecommunications policy in the private sector or government; and

"(D) has demonstrated significant experience in the area of broadband or emerging information technology.

"(2) RESPONSIBILITIES OF COORDINATOR.—The broadband and emerging information technology coordinator shall—

"(A) coordinate programs of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and other emerging information technologies;

"(B) serve as the primary liaison of the Administration to other Federal agencies involved in broadband and emerging information technology policy, including the Department of Commerce, the Department of Agriculture, and the Federal Communications Commission; and

“(C) identify best practices relating to broadband and emerging information technology that may benefit small business concerns.

“(3) TRAVEL.—Not more than 20 percent of the hours of service by the broadband and emerging information technology coordinator during any fiscal year shall consist of travel outside the United States to perform official duties.

“(c) BROADBAND AND EMERGING TECHNOLOGY TRAINING.—

“(1) TRAINING.—The Administrator shall provide to employees of the Administration training that—

“(A) familiarizes employees of the Administration with broadband and other emerging information technologies; and

“(B) includes—

“(i) instruction counseling small business concerns regarding adopting, making innovations in, and using broadband and other emerging information technologies; and

“(ii) information on programs of the Federal Government that provide assistance to small business concerns relating to broadband and emerging information technologies.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

“(d) REPORTS.—

“(1) BIENNIAL REPORT ON ACTIVITIES.—Not later than 2 years after the date on which the Administrator makes the first assignment of responsibilities under subsection (b), and every 2 years thereafter, the broadband and emerging information technology coordinator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the programs and activities of the Administration relating to broadband and other emerging information technologies.

“(2) REPORT ON FEDERAL PROGRAMS.—Not later than 1 year after the date of enactment of this section, the broadband and emerging information technology coordinator, in consultation with the Secretary of Agriculture, the Assistant Secretary of Commerce for Communications and Information, and the Chairman of the Federal Communications Commission, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the programs of the Federal Government that provide assistance to small business concerns relating to broadband and emerging information technologies, which shall include recommendations, if any, for improving coordination among the programs.”

(b) ELIMINATION OF VACANT POSITION REQUIRED.—

(1) ELIMINATION.—Before assigning the first broadband and emerging technologies coordinator under section 45 of the Small Business Act, as added by subsection (a) of this section, the Administrator shall—

(A) identify a position within the Administration that is—

(i) vacant on the date of enactment of this Act; and

(ii) required to be filled by an employee in the Senior Executive Service or at GS-15 of the General Schedule; and

(B) eliminate the position identified under subparagraph (A).

(2) RESTRICTION.—For purposes of paragraph (1), the Administrator may not eliminate a position established by the Small

Business Act (15 U.S.C. 631 et seq.), the Small Business Investment Act 1958 (15 U.S.C. 661 et seq.), or any Federal statute.

SEC. 5. ENTREPRENEURIAL DEVELOPMENT.

Section 21(c)(3)(B) of the Small Business Act (15 U.S.C. 648(c)(3)(B)) is amended—

(1) in the matter preceding clause (i), by inserting “accessing broadband and other emerging information technology,” after “technology transfer,”;

(2) in clause (ii), by striking “and” at the end;

(3) in clause (iii), by adding “and” at the end; and

(4) by adding at the end the following:

“(iv) increasing the competitiveness and productivity of small business concerns by assisting entrepreneurs in accessing broadband and other emerging information technology.”

SEC. 6. CAPITAL ACCESS.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended in the matter preceding paragraph (1) by inserting “(including to purchase equipment for broadband or other emerging information technologies)” after “equipment”.

(b) MICROLOANS.—Section 7(m)(1)(A)(iii)(I) of the Small Business Act (15 U.S.C. 636(m)(1)(A)(iii)(I)) is amended by inserting “(including to purchase equipment for broadband or other emerging information technologies)” after “or equipment”.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Administrator, in consultation with the Administrator of General Services, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on ways to assist with the development of broadband and wireless technology that would benefit small business concerns.

(b) CONTENT OF THE REPORT.—The report submitted under subsection (a) shall—

(1) outline the participation by the Administration in the National Antenna Program, including the number of wireless towers deployed on facilities which contain an office of the Administration;

(2) information on agreements between the Administration and the General Services Administration related to broadband and wireless deployment in offices of the Administration; and

(3) recommendations, if any, on opportunities for the Administration to improve broadband or wireless technology in offices of the Administration that are in areas currently underserved or unserved by broadband service providers.

By Ms. COLLINS:

S. 261. A bill to amend chapter 81 or title 5, United States Code, to provide for reform relating to Federal employees workers compensation; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise this evening to introduce the Federal Employees Compensation Reform Act of 2011. This bill would preserve the essential purpose of the Federal Workers' Compensation Program, which is to ensure income for injured Federal and postal workers, while at the same time it would protect the program from fraud and abuse.

The Federal Employees Compensation Act, which is known as FECA, pro-

vides benefits that serve as a safety net for Federal employees and postal employees who are injured on the job, providing income until the healing process and rehabilitation allowed them to return to work. Obviously, we want to support those employees until they can return to work. That is both humane and just.

Over the years, however, this program has unintentionally morphed into an alternative retirement program that is far more financially lucrative for recipients than the standard Federal retirement system. Because of the way the program is structured, for some individuals, FECA has become a gold-plated retirement system, tainted by unfairness, perverse incentives, and the potential for abuse and fraud.

This program pays monthly benefits to about 49,000 recipients. Those are recipients who have suffered a work-related injury and have been approved for workers' comp benefits.

In the past fiscal year, this program cost \$2.78 billion. Of that amount, nearly \$1.1 billion went to Postal Service employees receiving these benefits.

This program has become increasingly expensive and requires some commonsense reforms—reforms that many States have already implemented in their own workers' comp programs.

As it currently operates, FECA includes a perverse financial incentive that encourages older employees who otherwise would have retired to continue to receive workers' comp benefits.

Remember, these payments are designed as a bridge to help injured workers until they are able to return to work. That is the important phrase—“return to work.” This program was never intended to serve as a higher paying alternative to the Federal retirement system.

Federal employees on FECA receive an average of 73 percent of their gross pay. Moreover, these workers' comp benefits are tax free—another substantial benefit.

By contrast, a Federal employee, with 30 years of service under the Civil Service Retirement System, would average slightly more than 56 percent of his or her gross pay as a retirement benefit, and these retirement benefits are taxed. It pays then to stay on workers' comp for as long as possible, since many recipients receive more money under that program than they would if they were to retire.

Let me again emphasize that these workers' comp payments are tax free—another big difference.

In fact, according to the numbers produced by the Department of Labor, nearly 30 percent of the current workers' comp recipients are age 66 and older, while the average retirement age for both Federal employees and postal workers is age 60.

With no mandatory Federal retirement age, FECA recipients are allowed

to stay on workers' comp rolls for their entire lifetimes, even when there is no expectation that they will return to work because of their advanced age.

Some employees have continued to receive Federal workers' comp benefits into their hundreds. For the U.S. Postal Service alone, let's look at the statistics.

As we can see, there are more than 15,000 recipients in total. Of those, more than 2,000 recipients are age 70 or older; 927 recipients are age 80 or older; 132 recipients are age 90 or older; and astonishingly enough, 3 postal employees receiving workers' comp are age 98 or older.

Mr. President, it is obvious these workers are not going back to work. They clearly should be transitioned to the retirement system. I must ask the obvious question: Is there any likelihood at all these recipients are ever going to return to the workforce? No. Then why aren't they transitioning to the retirement system when they reach retirement age? Think how unfair that is to the worker who does retire, say, at age 65 and gets a lesser amount.

Right now, the way the system is structured it does not encourage people to go back to work or to transfer to retirement at an age when most of their fellow workers would have retired. To prevent this continued abuse, my bill would convert retirement-eligible postal and Federal employees on workers' compensation to the retirement system when they reach age 65.

Now, that is generous, Mr. President, because we know the average retirement age is actually 60. I would choose age 65. This is a commonsense change that would save millions of dollars that the Postal Service, the Federal Government, and the American taxpayer cannot afford to spend. It is also a matter of fairness, Mr. President. But we must also examine other elements of the FECA program to determine whether there are some additional improvements that are necessary.

Unlike many State programs, the Federal workers' compensation program has no cap nor time limits on benefits. Moreover, the Federal Department of Labor acknowledges a 2- to 3-percent fraud rate in the program. I suspect it may be even higher. We need to reduce this rate of fraud by examining whether the medical certification requirements and other internal controls should be strengthened. Are we doing medical reviews to see if these individuals could go back to work?

For example, a former postal worker was sentenced just a week or so ago to 5 months in jail after pleading guilty to workers' compensation fraud. The employee claimed he was unable to walk from his parked car to the post office. But at the same time he was receiving tax-free workers' compensation benefits, he was also operating a snow removal and lawn care business.

In addition, about 100 other claimants per year are prosecuted by the Department of Labor's Office of Inspector General because they received workers' compensation and their retirement pay. These are the so-called "double-dippers."

Mr. President, as part of my effort to strengthen oversight of this program, I have asked the Government Accountability Office, along with Senator COBURN and Senator MCCASKILL, to audit the FECA program and report on the length of time individuals remain on the program, the number of recipients who exceed the standard Federal retirement age, and how the Federal program compares to State workers' compensation best practices. I expect these findings will lead to additional reform proposals as the bill proceeds through the Senate.

I also intend to work with stakeholders to determine if changes in the Federal Employees Retirement System, the FERS system, as opposed to the old Civil Service Retirement System are necessary to make sure that workers' compensation recipients would be treated fairly when they are converted to FERS retirement benefits under this bill.

For example, this may require the Department of Labor to administer the Thrift Savings Plan contributions for recipients or to require Social Security contributions from workers' compensation recipients.

What is clear, however, is that this program is in need of urgent reform. The program is costing too much, injured workers are not being monitored sufficiently and helped to return to productive work, recipients who should be in the retirement system are instead receiving tax-free benefits, and some agencies have high claim rates, suggesting that safety improvements are needed.

For the sake of fairness and fiscal responsibility, we must reform this program now. Not doing so is an affront to the thousands of Federal employees who enter the retirement system. It is a disservice to those Federal and postal employees who truly need workers' compensation benefits, and it is an unnecessary burden on taxpayers.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 36—RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING BY DESIGNATING JANUARY 2011 AS "NATIONAL STALKING AWARENESS MONTH"

Ms. KLOBUCHAR (for herself, Mrs. HUTCHISON, Mr. LEAHY, Mr. CHAMBLISS, Mr. KOHL, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 36

Whereas in a 1-year period, an estimated 3,400,000 people in the United States reported being stalked, and 75 percent of victims report that they were stalked by someone they know;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 11 percent of victims reported having been stalked for more than 5 years, and 23 percent of victims reported having been stalked almost every day;

Whereas 1 in 4 victims reported that they were aware of email, instant messaging, blogs or bulletin boards, internet sites, or chat rooms being used against them by their stalkers, and 1 in 13 victims reported that stalkers had used electronic devices to monitor them;

Whereas stalking victims are forced to take drastic measures to protect themselves, including changing identity, relocating, changing jobs, and obtaining protection orders;

Whereas 1 in 7 victims has relocated in an effort to escape a stalker;

Whereas approximately 130,000 victims reported having been fired or asked to leave a job because of stalking, and about 1 in 8 employed victims missed work because they feared for their safety or were taking steps to protect themselves, such as seeking a restraining order;

Whereas less than half of victims report stalking to police, and only 7 percent of victims contacted a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and under the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the criminal justice system's response to stalking through more aggressive investigation and prosecution;

Whereas there is a need for increased availability of victim services across the country, and such services must include programs tailored to meet the needs of stalking victims; and

Whereas the Senate finds that "National Stalking Awareness Month" provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 2011 as "National Stalking Awareness Month";

(2) applauds the efforts of the many stalking victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking;

(3) encourages policymakers, criminal justice officials, victim service and human service agencies, college campuses and universities, nonprofit organizations, and others to increase awareness of stalking and the availability of services for stalking victims; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through "National Stalking Awareness Month".

SENATE RESOLUTION 37—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself, Ms. LANDRIEU, and Mr. JOHANNES) submitted the following resolution; which was considered and agreed to:

S. RES. 37

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,119,341 students and maintain a student-to-teacher ratio of 14 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives." Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

SENATE RESOLUTION 38—CONGRATULATING BROOKLYN CENTER, MINNESOTA, ON ITS 100TH ANNIVERSARY.

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was considered and agreed to:

S. RES. 38

Whereas February 5, 2011, marks the 100th anniversary of the establishment of Brooklyn Center, Minnesota;

Whereas in the summer of 1852, individuals came to Brooklyn Center and cleared rich, tillable land to farm and build homes;

Whereas those industrious individuals quickly transformed Brooklyn Center into a prosperous farming community, where Minnesotans grew and gathered harvests that fed countless families throughout the region;

Whereas Brooklyn Center was incorporated as a village in 1911, became a city in 1967, and continues to be a community where all residents can feel proud to live, work, and raise their families;

Whereas Brooklyn Center has successfully balanced economic growth and business development with an enduring focus on family values and small town charm;

Whereas, as of the date of agreement to this resolution, Brooklyn Center boasts 522 acres of parks and nature centers, a first-rate education system, quality health care options, accessible transportation, and the historic Earle Brown Heritage Center; and

Whereas Brooklyn Center is a city with a proud history and a strong place in the heritage of the State of Minnesota and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Brooklyn Center, Minnesota on its 100th anniversary; and

(2) commends the Minnesotans who have made Brooklyn Center, Minnesota "A Great Place to Start and a Great Place to Stay".

SENATE RESOLUTION 39—CONGRATULATING THE AUBURN UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2010 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following resolution; which was considered and agreed to:

S. RES. 39

Whereas the Auburn University Tigers won the Tostitos Bowl Championship Series National Championship Game (referred to in this preamble as the "BCS National Championship Game") in Glendale, Arizona, on January 10, 2011, in a thrilling victory over the University of Oregon Ducks with a score of 22 to 19;

Whereas the Auburn University Tigers earned their seventh Southeastern Conference title by defeating the University of South Carolina Gamecocks on December 5, 2010, with a score of 56 to 17;

Whereas the Auburn University Tigers finished the 2010 season with a perfect record of 14 wins and 0 losses;

Whereas the Auburn University Tigers won 6 games against nationally ranked opponents during the 2010 season;

Whereas the 2010 BCS National Championship Game marks the second national college football championship in the storied history of Auburn University;

Whereas the Auburn University football team earned its first national college football championship in the 1957 season, when the team was led by Coach Ralph "Shug" Jordan and quarterback Lloyd Nix;

Whereas the victory of the Auburn University Tigers in the 2010 BCS National Championship Game was the fifth consecutive BCS national championship won by a school in the Southeastern Conference;

Whereas in 2010, the Auburn University Tigers were led by quarterback Cam Newton, winner of the Heisman Trophy, the Maxwell Award, the Davey O'Brien Award, the Walter Camp Award, the Associated Press Player of the Year Award, and the Manning Award;

Whereas during the BCS National Championship Game, Lombardi Award winner Nick Fairley recorded 5 tackles, including 3 tackles for losses, 1 sack, and 1 forced fumble, and was named the Bowl Championship Series Defensive Player of the Game;

Whereas running back Michael Dyer rushed for 143 yards on 22 carries, including 57 yards on the game-winning drive, and was named the Bowl Championship Series Offensive Player of the Game;

Whereas Wes Byrum kicked a 19-yard field goal in front of 78,600 fans as time expired to break the 19 to 19 tie and win the game;

Whereas Gene Chizik, in his second season as head coach of the Auburn University football team, won the Associated Press Southeastern Conference Coach of the Year Award, the Home Depot Coach of the Year Award, the Liberty Mutual Coach of the Year Award, the Bobby Bowden National Collegiate Coach of the Year Award, and the Paul "Bear" Bryant Award;

Whereas Gene Chizik instilled character, integrity, and the values espoused in the Auburn Creed in his players and inspired the Auburn players, students, and fans throughout the season with the theme of "All In";

Whereas offensive coordinator and quarterbacks coach Gus Malzahn was recognized as the top assistant coach in the country, receiving the 2010 Broyles Award for leading the offense of the 2010 Auburn University football team to single-season school records for total offensive yards, total rushing yards, and points scored;

Whereas the vision and leadership of President Jay Gogue and Athletic Director Jay Jacobs was instrumental in bringing academic and athletic success and national recognition to Auburn University;

Whereas the winning season of the 2010 Auburn University football team was also made possible by the leadership and service of past Auburn men such as George Petrie, John Heisman, Ralph "Shug" Jordan, Jim Fyffe, and James E. Foy;

Whereas the 2010 BCS National Championship Game was a victory not only for the 2010 Auburn University football team, but also for the great Auburn University football teams and players throughout the history of the program, including the undefeated teams of 1958, 1993, and 2004 and players Bo Jackson, Pat Sullivan, Tracy Rucker, Terry Beasley, Jason Campbell, Carnell Williams, Ronnie Brown, Ed Dye, and Quentin Riggins; and

Whereas the 2010 Auburn University football team has brought great honor to Auburn University, the Auburn University family, and the entire State of Alabama: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Auburn University football team for winning the 2010 Bowl Championship Series National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication were instrumental in helping the Auburn University Tigers win the national championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the President of Auburn University, Dr. Jay Gogue;

(B) the Athletic Director of Auburn University, Jay Jacobs; and

(C) the Head Coach of the Auburn University football team, Gene Chizik.

SENATE RESOLUTION 40—CONGRATULATING THE UNIVERSITY OF AKRON MEN'S SOCCER TEAM ON WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S SOCCER CHAMPIONSHIP

Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 40

Whereas on December 12, 2010, the University of Akron men's soccer team, known as the Zips, won the National Collegiate Athletic Association College Cup in Santa Barbara, California and became the first team to win a national title in the history of the University of Akron;

Whereas, with the victory over the previously undefeated and top-ranked University of Louisville Cardinals, the 2010 University of Akron men's soccer team finished its historic championship season with a record of 22 wins, 1 loss, and 2 draws;

Whereas the 2010 University of Akron men's soccer team has become a symbol of pride and success to the University of Akron and the communities in Northeast Ohio surrounding the University of Akron;

Whereas the athletic program of the University of Akron encourages student-athletes to compete on the field, complete degrees in the classroom, and become contributing members of society;

Whereas, each year, University of Akron student-athletes and coaches participate in community service activities;

Whereas the head coach of the University of Akron men's soccer team, Caleb Porter, has won 1 national title and taken the men's soccer team to 2 national championship games in the 2 years prior to date of the approval of this resolution;

Whereas associate head coach Jared Embick, assistant coach Oliver Slawson, and volunteer assistant coach Liam Curran played an important role in coaching the University of Akron men's soccer team;

Whereas midfielder Scott Caldwell was named the most outstanding offensive player of the College Cup;

Whereas defender Kofi Sarkodie was named the most outstanding defensive player of the College Cup;

Whereas forward and midfielder Darlington Nagbe is a finalist for the Hermann Trophy, which is awarded to the best men's collegiate soccer player in the United States;

Whereas 44 members of the University of Akron men's soccer team have been named All-Americans, including 2 members from the 2010 season, defender Kofi Sarkodie and forward and midfielder Darlington Nagbe;

Whereas 12 members of the University of Akron men's soccer team have been named

Academic All-Americans, including 4 members from the 2010 season—defender Kofi Sarkodie, defender Chad Barson, goalkeeper David Meves, and midfielder Anthony Ampaipitakwong;

Whereas the 2010 University of Akron men's soccer team was comprised of—

(1) 3 seniors—midfielder Anthony Ampaipitakwong, defender Chris Korb, and defender Enrique Paez;

(2) 5 juniors—midfielder Michael Balogun, midfielder and defender Matt Dagilis, forward and midfielder Darlington Nagbe, midfielder Michael Nanchoff, and defender Kofi Sarkodie;

(3) 7 sophomores—defender Chad Barson, midfielder Scott Caldwell, goalkeeper David Meves, goalkeeper Anthony Ponikvar, forward Thomas Schmitt, midfielder Ben Speas, and defender Zarek Valentin; and

(4) 9 freshmen—midfielder Reinaldo Brenes, forward Richard Diaz, Jr., forward Gabriel Genovesi, midfielder Perry Kitchen, forward Darren Mattocks, goalkeeper Andrian McAdams, midfielder Martin Ontiveros, midfielder Eric Stevenson, and forward McKauly Tulloch;

Whereas 11 members of the 2010 University of Akron men's soccer team hail from the State of Ohio; and

Whereas the University of Akron men's soccer team should be praised for its historic season of both athletic and academic accomplishments: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Akron men's soccer team on winning the National Collegiate Athletic Association Division I Men's Soccer Championship;

(2) recognizes the athletic program of the University of Akron for encouraging student-athletes to achieve in both sports and academics; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the University of Akron;

(B) Dr. Luis M. Proenza, the President of the University of Akron; and

(C) Caleb Porter, the head coach of the University of Akron men's soccer team.

AMENDMENTS SUBMITTED AND PROPOSED

SA 22. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 23. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 17 submitted by Mr. TOOMEY and intended to be proposed to the bill S. 223, supra; which was ordered to lie on the table.

SA 24. Mr. COCHRAN (for himself, Mr. PRYOR, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 25. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 26. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 27. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 28. Mr. LEVIN (for himself, Mr. INOUE, Mr. LEAHY, Mr. SANDERS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mrs. SHAHEEN) proposed an amendment to the bill S. 223, supra.

SA 29. Mr. NELSON of Nebraska (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 30. Mr. BROWN of Ohio (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 31. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 32. Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 33. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 34. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 35. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 22. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, beginning on line 10, strike “for” and all that follows through “enplanements” on line 13 and insert “capped at 20 percent”.

SA 23. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 17 submitted by Mr. TOOMEY and intended to be proposed to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(c) **PRIORITIZE PAYMENT OF SOCIAL SECURITY BENEFITS.**—Notwithstanding subsection (b), in the event that the debt of the United States Government, as so defined, reaches the statutory limit, the authority described in subsection (b) and the authority of the Commissioner of Social Security to pay

monthly old-age, survivors', and disability insurance benefits under title II of the Social Security Act shall be given equal priority over all other obligations incurred by the Government of the United States.

SA 24. Mr. COCHRAN (for himself, Mr. PRYOR, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ____ . AMENDMENT RELATING TO PEST CONTROL EXPLOSIVES.

(a) **SPECIFIC EXEMPTION.**—Section 845(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking “and” after the semicolon;

(2) in paragraph (6), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(7) pest control pyrotechnics manufactured, imported, used, and stored in accordance with regulations issued by the Attorney General.”.

(b) **EXEMPTION AUTHORITY.**—Section 845 of title 18, United States Code, is amended by inserting at the end the following:

“(d) The Attorney General may exempt from all or a part of the provisions of this chapter explosive materials or explosive devices containing such materials when a determination is made, by regulation, that the explosive materials or explosive devices—

“(1) are of a type that does not pose a threat to public safety; and

“(2) are unlikely to be used as a weapon.”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SA 25. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7 ____ . SUBSISTENCE USE OF NATURAL RESOURCES.

(a) **DEFINITIONS.**—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended by adding at the end the following:

“(45) **BARTER.**—The term ‘barter’ has the meaning given the term in section 100.4 of title 50, Code of Federal Regulations (or a successor regulation).

“(46) **SUBSISTENCE COMMUNITY.**—The term ‘subsistence community’ means an Indian tribe or other community in which there exists, as determined by the Secretary, a legitimate system of bartering natural resources taken for subsistence uses.

“(47) **SUBSISTENCE USE.**—The term ‘subsistence use’ has the meaning given the term in section 100.4 of title 50, Code of Federal Regulations (or a successor regulation).”.

(b) **SUBSISTENCE USE.**—Section 1002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C.

2702(b)(2)) is amended by striking subparagraph (C) and inserting the following:

“(C) **SUBSISTENCE USE.**—Damages for loss of subsistence use of natural resources, which shall be recoverable by—

“(i) any claimant who so uses natural resources that have been injured, destroyed, or lost, without regard to the ownership or management of the resources; or

“(ii) any subsistence community the bartering system of which is negatively affected by a discharge of oil.”.

(c) **GULF COAST NATURAL RESOURCES.**—Section 1006 of the Oil Pollution Act of 1990 (33 U.S.C. 2706) is amended by adding at the end the following:

“(h) **GULF COAST NATURAL RESOURCES.**—Not later than 30 days after the date of enactment of this subsection, for the purpose of making payments of damages described in section 1002(b)(2)(C), the Administrator of the Gulf Coast Claims Facility shall complete an assessment of subsistence communities (including the Vietnamese community) in the Gulf Coast region to determine the quantity and value of natural resources harvested and retained for bartering within each subsistence community.”.

SA 26. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. ____ . SENSE OF CONGRESS RELATING TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) **FINDINGS.**—Congress finds that—

(1) on March 23, 2010, President Obama signed the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119) into law, overhauling the healthcare system of the United States and guaranteeing access to medical insurance for millions of uninsured Americans;

(2) nearly two dozen lawsuits trying to block all or portions of the Patient Protection and Affordable Care Act have been filed in United States district courts since the date of enactment of that Act;

(3) the lawsuits are focused largely on the constitutionality of the so-called individual mandate, the requirement that all Americans purchase healthcare coverage or pay a fine, that is included in the Patient Protection and Affordable Care Act;

(4) the first two United States district court judges to rule on the question, one in Detroit, Michigan, and one in Lynchburg, Virginia, upheld the constitutionality of the individual mandate;

(5) two other United States district court judges, in Richmond, Virginia, and Pensacola, Florida, found that the individual mandate exceeds the regulatory authority of Congress under the Commerce Clause of the Constitution;

(6) these conflicting decisions have left the fate of the Patient Protection and Affordable Care Act uncertain;

(7) the decisions have been appealed to the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Sixth Circuit, and the United States Court of Appeals for the Eleventh Circuit; and

(8) on January 19, 2011, the House of Representatives voted 245 to 189 to repeal the Patient Protection and Affordable Care Act.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the constitutionality of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119) is of imperative public importance; and

(2) on petition, the Supreme Court of the United States should grant a writ of certiorari under rule 11 of the Rules of the Supreme Court of the United States regarding the constitutionality of that Act before judgment in the matter is entered in a United States court of appeals.

SA 27. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, lines 4 and 5, strike “at 4 test sites in the National Airspace System by 2012” and insert “by 2012 at 10 test sites in the National Airspace System, one of which shall include a significant portion of public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722))”.

SA 28. Mr. LEVIN (for himself, Mr. INOUE, Mr. LEAHY, Mr. SANDERS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mrs. SHAHEEN) proposed an amendment to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

On page 335, after line 20, insert the following:

TITLE XI—ADDITIONAL PROVISIONS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 1102. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) **IN GENERAL.**—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by inserting after clause (iii) the following new clause:

“(iv) in the case of a taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)), oil related qualified production activities (within the meaning of subsection (d)(9)(B)).”.

(b) **CONFORMING AMENDMENT.**—Section 199(d)(9)(A) of the Internal Revenue Code of 1986 is amended by inserting “(other than a major integrated oil company (as defined in section 167(h)(5)(B)))” after “taxpayer”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 1103. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) **IN GENERAL.**—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.**—

“(1) **GENERAL RULE.**—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period with respect to combined foreign oil and gas income (as defined in section 907(b)(1)) shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

“(2) **DUAL CAPACITY TAXPAYER.**—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2010.

(2) **CONTRARY TREATY OBLIGATIONS UPHOLD.**—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 1104. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) **SEPARATE BASKET FOR FOREIGN TAX CREDIT.**—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) combined foreign oil and gas income (as defined in section 907(b)(1)).”

(b) **COORDINATION.**—Section 904(d)(2) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

“(J) **COORDINATION WITH COMBINED FOREIGN OIL AND GAS INCOME.**—For purposes of this section, passive category income and general category income shall not include combined foreign oil and gas income (as defined in section 907(b)(1)).”

(c) **CONFORMING AMENDMENTS.**—

(1) Section 907(a) of the Internal Revenue Code of 1986 is hereby repealed.

(2) Section 907(c)(4) of such Code is hereby repealed.

(3) Section 907(f) of such Code is hereby repealed.

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) **TRANSITIONAL RULES.**—

(A) **CARRYOVERS.**—Any unused foreign oil and gas taxes which under section 907(f) of

the Internal Revenue Code of 1986 (as in effect before the amendment made by subsection (c)(3)) would have been allowable as a carryover to the taxpayer's first taxable year beginning after December 31, 2010 (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(B) **LOSSES.**—The amendment made by subsection (c)(2) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

SEC. 1105. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) **IN GENERAL.**—Subsection (b) of section 2702 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right,

(2) by striking “For purposes of” and inserting the following:

“(1) **IN GENERAL.**—For purposes of,”

(3) by striking “paragraph (1) or (2)” in paragraph (1)(C) (as so redesignated) and inserting “subparagraph (A) or (B)”, and

(4) by adding at the end the following new paragraph:

“(2) **ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.**—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

“(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

“(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

“(C) the remainder interest has a value greater than zero determined as of the time of the transfer.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SA 29. Mr. NELSON of Nebraska (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) **IN GENERAL.**—Part I of title 18, United States Code, is amended by adding at the end the following:

“CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

“Sec.

“2731. Criminal penalty for unauthorized recording and distribution of security screening images.

“§ 2731. Criminal penalty for unauthorized recording and distribution of security screening images

“(a) **IN GENERAL.**—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

“(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

“(2) to distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

“(b) **EXCEPTIONS.**—

“(1) **RECORDINGS TO BE USED IN CRIMINAL PROSECUTION.**—The prohibition under subsection (a) shall not apply to an individual who, during the course and within the scope of the individual's employment, records or distributes an image described in subsection (a) solely to be used in a criminal investigation or prosecution.

“(2) **LIABILITY OF JOURNALISTS.**—The prohibition under subsection (a) shall not apply to a journalist that publishes an image described in that subsection if the journalist has a good faith belief that the image was not recorded or distributed in violation of that prohibition.

“(c) **PENALTY.**—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) **DEFINITIONS.**—In this section:

“(1) **ADVANCED IMAGING TECHNOLOGY.**—The term ‘advanced imaging technology’—

“(A) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

“(B) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(2) **JOURNALIST.**—The term ‘journalist’—

“(A) means a person who—

“(i) with the primary intent to investigate events and procure material in order to disseminate to the public news or information concerning local, national, or international events or other matters of public interest, regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes on such matters by—

“(I) conducting interviews;

“(II) making direct observation of events; or

“(III) collecting, reviewing, or analyzing original writings, statements, communications, reports, memoranda, records, transcripts, documents, photographs, recordings, tapes, materials, data, or other information whether in paper, electronic, or other form;

“(ii) has such intent at the inception of the process of gathering the news or information sought; and

“(iii) obtains the news or information sought in order to disseminate the news or information by means of print (including newspapers, books, wire services, news agencies, or magazines), broadcasting (including dissemination through networks, cable, satellite carriers, broadcast stations, or a channel or programming service for any such media), mechanical, photographic, electronic, or other means;

“(B) includes a supervisor, employer, parent company, subsidiary, or affiliate of a person described in subparagraph (A); and

“(C) does not include any person who is—

“(i) a foreign power or an agent of a foreign power, as those terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

“(ii) a member or affiliate of a foreign terrorist organization designated under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

“(iii) any person whose property and interests in property are blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transacting with persons who commit, threaten to commit, or support terrorism), Executive Order 12947 (60 Fed. Reg. 5079; prohibiting transactions with terrorists who threaten to disrupt the Middle East peace process), or any other executive order relating to terrorism;

“(iv) committing or attempting to commit the crime of terrorism, as that offense is defined in section 2331(5) or 2332b(g)(5) of title 18, United States Code;

“(v) committing or attempting to commit the crime of providing material support or resources, as that term is defined in section 2339A(b)(1) of title 18, United States Code, to a terrorist organization; or

“(vi) aiding, abetting, or conspiring in illegal activity with a person described in clause (i), (ii), (iii), (iv), or (v).”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

“124. Unauthorized recording and distribution of security screening images 2731”.

SA 30. Mr. BROWN of Ohio (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, after line 20, insert the following:

TITLE XI—EXTENSION OF HEALTH INSURANCE COSTS TAX CREDIT

SEC. 1101. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) **IN GENERAL.**—Section 35(a) of the Internal Revenue Code of 1986 is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(b) **CONFORMING AMENDMENT.**—Section 7527(b) of such Code is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to coverage months beginning after February 12, 2011.

SEC. 1102. PAYMENT FOR THE MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF THE ADVANCE PAYMENTS OF CREDIT.

(a) **IN GENERAL.**—Section 7527(e) of the Internal Revenue Code of 1986 is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to coverage months beginning after February 12, 2011.

SEC. 1103. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) **IN GENERAL.**—Section 35(c)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to coverage months beginning after February 12, 2011.

SEC. 1104. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) **IRC AMENDMENT.**—Section 9801(c)(2)(D) of the Internal Revenue Code of 1986 is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(b) **ERISA AMENDMENT.**—Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)) is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(c) **PHSA AMENDMENT.**—Section 2701(c)(2)(C) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)(C)) is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after February 12, 2011.

SEC. 1105. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) **IN GENERAL.**—Section 35(g)(9) of the Internal Revenue Code of 1986 is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(b) **CONFORMING AMENDMENT.**—Section 173(f)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(8)) is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to months beginning after February 12, 2011.

SEC. 1106. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) **ERISA AMENDMENTS.**—

(1) **PBGC RECIPIENTS.**—Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)) is amended by striking “February 12, 2011” and inserting “June 30, 2012”.

(2) **TAA-ELIGIBLE INDIVIDUALS.**—Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)) is amended by striking “February 12, 2011” and inserting “June 30, 2012”.

(b) **IRC AMENDMENTS.**—

(1) **PBGC RECIPIENTS.**—Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by striking “February 12, 2011” and inserting “June 30, 2012”.

(2) **TAA-ELIGIBLE INDIVIDUALS.**—Section 4980B(f)(2)(B)(i)(VI) of such Code is amended by striking “February 12, 2011” and inserting “June 30, 2012”.

(c) **PHSA AMENDMENTS.**—Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(A)(iv)) is amended by striking “February 12, 2011” and inserting “June 30, 2012”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after February 12, 2011.

SEC. 1107. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

(a) **IN GENERAL.**—Section 35(e)(1)(K) of the Internal Revenue Code of 1986 is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to coverage months beginning after February 12, 2011.

SEC. 1108. NOTICE REQUIREMENTS.

(a) **IN GENERAL.**—Section 7527(d)(2) of the Internal Revenue Code of 1986 is amended by striking “February 13, 2011” and inserting “July 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to certificates issued after February 12, 2011.

SEC. 1109. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) **IN GENERAL.**—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “of goods or services” and all that follows and inserting “of—

“(A) goods or services sold or leased to the Federal Government, or

“(B) in the case of levies issued during the 2-year period beginning after the date of the enactment of this subparagraph, property so sold or leased.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SA 31. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC-X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) **REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.**—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) **REPORT.**—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) **REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.**—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) The term “congressional defense committees” has the meaning given such term in section 101(a)(16) of title 10, United States Code.

(2) The term “unfair competitive advantage”, with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

SA 32. Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the

air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 96, strike line 9 and all that follows through page 97, line 8, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) uniquely addresses the requirements of military and nonmilitary unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) **TEST SITE CRITERIA.**—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) **CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.**—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

SA 33. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 320, add the following:

(c) **CENTER OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.**—Within 6 months of the date of enactment of this Act, the Administrator shall designate an institution or coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems.

SA 34. Mr. NELSON of Florida submitted an amendment intended to be

proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 1 on page 236, strike through line 14 on page 237.

SA 35. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. EXTENDING THE LENGTH OF FLIGHTS FROM RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

Section 41718 is amended by adding at the end the following:

“(g) **USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.**—Notwithstanding section 49109 or any other provision of law, any air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of January 1, 2011, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, which are being used as of that date for scheduled service between that airport and a large hub airport (as defined in section 40102(a)(29)), may use such slots for service between Ronald Reagan Washington National Airport and any airport located outside of the perimeter restriction described in section 49109.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate at 10 a.m. on February 2, 2011, in room SD-406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 2, 2011, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Constitutionality of the Affordable Care Act.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Sen-

ate, on February 2, 2011, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor during the debate of the FAA Air Transportation Modernization and Safety Improvement Act:

Ellen Montz, Lisa Yen, Jonathan Jaffery, Kevin Ward, Shannon Olberding, Jack McGillis, Eric Roberts, Brian Allison, Michael Grant, Andrew Fishburn, Matthew McFeeley, and Jessica Kawamura.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Steven Brenner and Kirsten Abel of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that Coti-Lynne Haia, a fellow on Senator INOUE's staff, be granted the privilege of the floor for the duration of the Senate's consideration S. 233, the FAA Air Transportation Modernization and Safety Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration and the Senate now proceed to consideration of S. Res. 30.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 30) celebrating February 2, 2011, as the 25th anniversary of “National Women and Girls in Sports Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROCKEFELLER. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 30) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 30

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;
Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates February 2, 2011, as the 25th anniversary of "National Women and Girls in Sports Day"; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe "National Women and Girls in Sports Day" with appropriate ceremonies and activities.

RESOLUTIONS SUBMITTED TODAY

Mr. ROCKEFELLER. I ask unanimous consent the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 36, S. Res. 37, S. Res. 38, S. Res. 39, and S. Res. 40.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. ROCKEFELLER. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid on the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. Res. 36

Raising awareness and encouraging prevention of stalking by designating January 2011 as "National Stalking Awareness Month".

Whereas in a 1-year period, an estimated 3,400,000 people in the United States reported being stalked, and 75 percent of victims report that they were stalked by someone they know;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 11 percent of victims reported having been stalked for more than 5 years, and 23 percent of victims reported having been stalked almost every day;

Whereas 1 in 4 victims reported that they were aware of email, instant messaging, blogs or bulletin boards, internet sites, or chat rooms being used against them by their stalkers, and 1 in 13 victims reported that stalkers had used electronic devices to monitor them;

Whereas stalking victims are forced to take drastic measures to protect themselves, including changing identity, relocating, changing jobs, and obtaining protection orders;

Whereas 1 in 7 victims has relocated in an effort to escape a stalker;

Whereas approximately 130,000 victims reported having been fired or asked to leave a job because of stalking, and about 1 in 8 employed victims missed work because they feared for their safety or were taking steps to protect themselves, such as seeking a restraining order;

Whereas less than half of victims report stalking to police, and only 7 percent of victims contacted a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and under the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the criminal justice system's response to stalking through more aggressive investigation and prosecution;

Whereas there is a need for increased availability of victim services across the country, and such services must include programs tailored to meet the needs of stalking victims; and

Whereas the Senate finds that "National Stalking Awareness Month" provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 2011 as "National Stalking Awareness Month";

(2) applauds the efforts of the many stalking victim service providers, police, prosecutors, national and community organizations,

and private sector supporters for their efforts in promoting awareness about stalking;

(3) encourages policymakers, criminal justice officials, victim service and human service agencies, college campuses and universities, nonprofit organizations, and others to increase awareness of stalking and the availability of services for stalking victims; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through "National Stalking Awareness Month".

S. RES. 37

Recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States.

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,119,341 students and maintain a student-to-teacher ratio of 14 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives." Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

S. RES. 38

Congratulating Brooklyn Center, Minnesota on its 100th anniversary.

Whereas February 5, 2011, marks the 100th anniversary of the establishment of Brooklyn Center, Minnesota;

Whereas in the summer of 1852, individuals came to Brooklyn Center and cleared rich, tillable land to farm and build homes;

Whereas those industrious individuals quickly transformed Brooklyn Center into a prosperous farming community, where Minnesotans grew and gathered harvests that fed countless families throughout the region;

Whereas Brooklyn Center was incorporated as a village in 1911, became a city in 1967, and continues to be a community where all residents can feel proud to live, work, and raise their families;

Whereas Brooklyn Center has successfully balanced economic growth and business development with an enduring focus on family values and small town charm;

Whereas, as of the date of agreement to this resolution, Brooklyn Center boasts 522 acres of parks and nature centers, a first-rate education system, quality health care options, accessible transportation, and the historic Earle Brown Heritage Center; and

Whereas Brooklyn Center is a city with a proud history and a strong place in the heritage of the State of Minnesota and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Brooklyn Center, Minnesota on its 100th anniversary; and

(2) commends the Minnesotans who have made Brooklyn Center, Minnesota “A Great Place to Start and a Great Place to Stay”.

S. RES. 39

Congratulating the Auburn University football team for winning the 2010 Bowl Championship Series National Championship.

Whereas the Auburn University Tigers won the Tostitos Bowl Championship Series National Championship Game (referred to in this preamble as the “BCS National Championship Game”) in Glendale, Arizona, on January 10, 2011, in a thrilling victory over the University of Oregon Ducks with a score of 22 to 19;

Whereas the Auburn University Tigers earned their seventh Southeastern Conference title by defeating the University of South Carolina Gamecocks on December 5, 2010, with a score of 56 to 17;

Whereas the Auburn University Tigers finished the 2010 season with a perfect record of 14 wins and 0 losses;

Whereas the Auburn University Tigers won 6 games against nationally ranked opponents during the 2010 season;

Whereas the 2010 BCS National Championship Game marks the second national college football championship in the storied history of Auburn University;

Whereas the Auburn University football team earned its first national college football championship in the 1957 season, when the team was led by Coach Ralph “Shug” Jordan and quarterback Lloyd Nix;

Whereas the victory of the Auburn University Tigers in the 2010 BCS National Championship Game was the fifth consecutive BCS national championship won by a school in the Southeastern Conference;

Whereas in 2010, the Auburn University Tigers were led by quarterback Cam Newton, winner of the Heisman Trophy, the Maxwell Award, the Davey O’Brien Award, the Walter Camp Award, the Associated Press Player of the Year Award, and the Manning Award;

Whereas during the BCS National Championship Game, Lombardi Award winner Nick Fairley recorded 5 tackles, including 3 tackles for losses, 1 sack, and 1 forced fumble, and was named the Bowl Championship Series Defensive Player of the Game;

Whereas running back Michael Dyer rushed for 143 yards on 22 carries, including

57 yards on the game-winning drive, and was named the Bowl Championship Series Offensive Player of the Game;

Whereas Wes Byrum kicked a 19-yard field goal in front of 78,600 fans as time expired to break the 19 to 19 tie and win the game;

Whereas Gene Chizik, in his second season as head coach of the Auburn University football team, won the Associated Press Southeastern Conference Coach of the Year Award, the Home Depot Coach of the Year Award, the Liberty Mutual Coach of the Year Award, the Bobby Bowden National Collegiate Coach of the Year Award, and the Paul “Bear” Bryant Award;

Whereas Gene Chizik instilled character, integrity, and the values espoused in the Auburn Creed in his players and inspired the Auburn players, students, and fans throughout the season with the theme of “All In”;

Whereas offensive coordinator and quarterbacks coach Gus Malzahn was recognized as the top assistant coach in the country, receiving the 2010 Broyles Award for leading the offense of the 2010 Auburn University football team to single-season school records for total offensive yards, total rushing yards, and points scored;

Whereas the vision and leadership of President Jay Gogue and Athletic Director Jay Jacobs was instrumental in bringing academic and athletic success and national recognition to Auburn University;

Whereas the winning season of the 2010 Auburn University football team was also made possible by the leadership and service of past Auburn men such as George Petrie, John Heisman, Ralph “Shug” Jordan, Jim Fyffe, and James E. Foy;

Whereas the 2010 BCS National Championship Game was a victory not only for the 2010 Auburn University football team, but also for the great Auburn University football teams and players throughout the history of the program, including the undefeated teams of 1958, 1993, and 2004 and players Bo Jackson, Pat Sullivan, Tracy Rucker, Terry Beasley, Jason Campbell, Carnell Williams, Ronnie Brown, Ed Dwyer, and Quentin Riggins; and

Whereas the 2010 Auburn University football team has brought great honor to Auburn University, the Auburn University family, and the entire State of Alabama: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Auburn University football team for winning the 2010 Bowl Championship Series National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication were instrumental in helping the Auburn University Tigers win the national championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the President of Auburn University, Dr. Jay Gogue;

(B) the Athletic Director of Auburn University, Jay Jacobs; and

(C) the Head Coach of the Auburn University football team, Gene Chizik.

S. RES. 40

Congratulating the University of Akron men’s soccer team on winning the National Collegiate Athletic Association Division I Men’s Soccer Championship.

Whereas on December 12, 2010, the University of Akron men’s soccer team, known as the Zips, won the National Collegiate Athletic Association College Cup in Santa Barbara, California and became the first team to

win a national title in the history of the University of Akron;

Whereas with the victory over the previously undefeated and top-ranked University of Louisville Cardinals, the 2010 University of Akron men’s soccer team finished its historic championship season with a record of 22 wins, 1 loss, and 2 draws;

Whereas the 2010 University of Akron men’s soccer team has become a symbol of pride and success to the University of Akron and the communities in Northeast Ohio surrounding the University of Akron;

Whereas the athletic program of the University of Akron encourages student-athletes to compete on the field, complete degrees in the classroom, and become contributing members of society;

Whereas each year, University of Akron student-athletes and coaches participate in community service activities;

Whereas the head coach of the University of Akron men’s soccer team, Caleb Porter, has won 1 national title and taken the men’s soccer team to 2 national championship games in the 2 years prior to date of the approval of this resolution;

Whereas associate head coach Jared Embick, assistant coach Oliver Swanson, and volunteer assistant coach Liam Curran played an important role in coaching the University of Akron men’s soccer team;

Whereas midfielder Scott Caldwell was named the most outstanding offensive player of the College Cup;

Whereas defender Kofi Sarkodie was named the most outstanding defensive player of the College Cup;

Whereas forward and midfielder Darlington Nagbe is a finalist for the Hermann Trophy, which is awarded to the best men’s collegiate soccer player in the United States;

Whereas 44 members of the University of Akron men’s soccer team have been named All-Americans, including 2 members from the 2010 season, defender Kofi Sarkodie and forward and midfielder Darlington Nagbe;

Whereas 12 members of the University of Akron men’s soccer team have been named Academic All-Americans, including 4 members from the 2010 season—defender Kofi Sarkodie, defender Chad Barson, goalkeeper David Meves, and midfielder Anthony Ampaipitakwong;

Whereas the 2010 University of Akron men’s soccer team was comprised of—

(1) 3 seniors—midfielder Anthony Ampaipitakwong, defender Chris Korb, and defender Enrique Paez;

(2) 5 juniors—midfielder Michael Balogun, midfielder and defender Matt Dagilis, forward and midfielder Darlington Nagbe, midfielder Michael Nanchoff, and defender Kofi Sarkodie;

(3) 7 sophomores—defender Chad Barson, midfielder Scott Caldwell, goalkeeper David Meves, goalkeeper Anthony Ponikvar, forward Thomas Schmitt, midfielder Ben Speas, and defender Zarek Valentin; and

(4) 9 freshmen—midfielder Reinaldo Brenes, forward Richard Diaz, Jr., forward Gabriel Genovesi, midfielder Perry Kitchen, forward Darren Mattocks, goalkeeper Andrian McAdams, midfielder Martin Ontiveros, midfielder Eric Stevenson, and forward McKauly Tulloch;

Whereas 11 members of the 2010 University of Akron men’s soccer team hail from the State of Ohio; and

Whereas the University of Akron men’s soccer team should be praised for its historic season of both athletic and academic accomplishments: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Akron men's soccer team on winning the National Collegiate Athletic Association Division I Men's Soccer Championship;

(2) recognizes the athletic program of the University of Akron for encouraging student-athletes to achieve in both sports and academics; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the University of Akron;

(B) Dr. Luis M. Proenza, the President of the University of Akron; and

(C) Caleb Porter, the head coach of the University of Akron men's soccer team.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149 adopted, October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, further amended by S. Res. 625, adopted December 6, 2006, and further amended by S. Res. 715, adopted November 28, 2008, and amended by S. Res. 706, adopted December 22, 2010, the appointment of the following Senators as members of the Senate National Security Working Group for the 112th Congress: the Senator from Hawaii (Mr. INOUE), who will serve in his capacity as President pro tempore of the Senate; the Senator from Michigan (Mr. LEVIN) as Democratic Co-Chairman; the Senator from Massachusetts (Mr. KERRY) as Democratic Co-Chairman; the Senator from New Jersey (Mr. LAUTENBERG) as Democratic Co-Chairman; the Senator from Illinois (Mr. DURBIN); the Senator from Florida (Mr. NELSON); the Senator from Maryland (Mr. CARDIN); the Senator from Pennsylvania (Mr. CASEY), and the Senator from Massachusetts (Mr. KERRY) as Majority Administrative Co-Chairman.

The Chair, on behalf of the Vice President, pursuant to Public Law 83-420, as amended by Public Law 99-371, appoints the Senator from Ohio (Mr. BROWN) to the Board of Trustees of Gallaudet University.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84 and Public Law 106-292, appoints and reappoints the following Senators to the United States Holocaust Memorial Council for the 112th Congress: the Honorable FRANK R. LAUTENBERG of New Jersey (reappointment); the Honorable BERNARD SANDERS of Vermont (reappointment); and the Honorable RICHARD J. DURBIN of Illinois (appointment).

The Chair, on behalf of the Vice President, pursuant to Public Law 94-

304, as amended by Public Law 99-7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe during the 112th Congress: the Honorable BENJAMIN L. CARDIN of Maryland (Co-Chairman); the Honorable SHELDON WHITEHOUSE of Rhode Island; the Honorable TOM UDALL of New Mexico; the Honorable JEANNE SHAHEEN of New Hampshire, and the Honorable RICHARD BLUMENTHAL of Connecticut.

The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, appoints the following Senator as Chairman of the U.S.-China Interparliamentary Group conference during the 112th Congress: the Honorable PATTY MURRAY of Washington.

The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110-161, appoints the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the 112th Congress: the Honorable DANIEL K. INOUE of Hawaii.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senator as Chairman to the Mexico-U.S. Interparliamentary Group conference for the 112th Congress: the Honorable TOM UDALL of New Mexico.

The Chair, on behalf of the majority leader, pursuant to section 154 of Public Law 108-199, appoints the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 112th Congress: the Honorable E. BENJAMIN NELSON of Nebraska.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Vermont (Mr. LEAHY) as Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 112th Congress.

ORDERS FOR THURSDAY,

FEBRUARY 3, 2011

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, February 3; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and following any leader remarks, the Senate resume consideration of Calendar No. 5, S. 223, the Federal Aviation Administration authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROCKEFELLER. Mr. President, Senators should expect rollcall votes to

occur throughout the day in relation to amendments to the FAA authorization bill. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Thursday, February 3, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

PAUL A. ENGELMAYER, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE GERARD E. LYNCH, ELEVATED.
ARVO MIKKANEN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE TERRY C. KERN, RETIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

IRENE ARINO DE LA RUBIA, OF FLORIDA
DAVID N. ARIZMENDI, OF FLORIDA
STEVEN R. ARNDT, OF VIRGINIA
DEANNA K. BEARDEN, OF TEXAS
ADAM RYDER BENZ, OF IOWA
DAVID J. BERGER, OF PENNSYLVANIA
ADRIENNE C. BORY, OF THE DISTRICT OF COLUMBIA
ERIN BOYER, OF NORTH CAROLINA
RACHEL CLARA BRANDENBURG, OF THE DISTRICT OF COLUMBIA
CLAIRE E. BUTLER, OF VIRGINIA
JUAN MANUEL CAMMARANO, OF VIRGINIA
JUAN CARLOS CAMPOS, OF FLORIDA
AMELIA S. CANTER, OF TEXAS
ELLIOT CARMEAN, OF PENNSYLVANIA
JOHN M. CARPENTER, OF VIRGINIA
DEAN I. CHANG, OF PENNSYLVANIA
JAMES E. DAY, OF VIRGINIA
BENJAMIN R. DILLON, OF THE DISTRICT OF COLUMBIA
DONALD CLAYTON EMERICK, OF NEW HAMPSHIRE
MARY CHRISTINE ERMEL, OF TEXAS
MAUREEN J. ETZEL, OF VIRGINIA
ALEXANDRA EVANS, OF TEXAS
MONICA SAGEBIEL EWING, OF TEXAS
SAMUEL R. FERGUSON, OF UTAH
MATTHEW STEPHEN FERRY, OF MISSOURI
KEVIN CHRISTOPHER FISHER, OF WASHINGTON
RYAN C. FOGLE, OF VIRGINIA
BENJAMIN FONG, OF TEXAS
JEFFREY DOYLE FRITTS, OF VIRGINIA
KEVIN T. FUREY, OF MONTANA
PAMELA ANN GARNER, OF FLORIDA
SEAN C. GILFILLAN, OF RHODE ISLAND
LISA BENJAMIN GOODGAME, OF TEXAS
NAIMA NILAJA MARIANA GREEN, OF OHIO
SANG KYUN HAHN, OF VIRGINIA
SARAH EMILY CALDEJON HAMILTON, OF TEXAS
CHARLES A. HENDRIX, OF MINNESOTA
EUI SOON HWANG, OF VIRGINIA
BARRY EDWIN JEFFRIES, OF VIRGINIA
ELVIN JOHN, OF TEXAS
CHRISTOPHER A. KEELEY, OF ALABAMA
ANDREW EMMETT KELLY, OF MARYLAND
DEVIN KENNINGTON, OF MARYLAND
JEFFREY KLICK, OF ILLINOIS
JOEL ERIK KNIGHT, OF NEW MEXICO
LYNN CHUANG KRAMER, OF TEXAS
MATTHEW COURTNEY LAMM, OF WASHINGTON
DANIEL K. LEE, OF CALIFORNIA
SCOTT T. LEO, OF CONNECTICUT
DAVID LINFIELD, OF FLORIDA
PETER ALBERT LOSSAU, OF NORTH CAROLINA
BENJAMIN LOWENBERG, OF WISCONSIN
DANIEL P. MADAR, OF NEVADA
BRIAN AARON MATTYS, OF NEW YORK
KERRY MCINTOSH, OF VERMONT
DAVID D. MCKAY, OF UTAH
KURT A. MEDLAND, OF VIRGINIA
KRISTIN ASHLEY MENCER, OF TENNESSEE
CHAD GREGORY MINER, OF THE DISTRICT OF COLUMBIA
JESSICA C. MURRAY, OF FLORIDA
DANE RAY MUSIL, OF KANSAS

RAY NAYLER, OF CALIFORNIA
MARY E. NEWMAN, OF FLORIDA
KEVIN RICHARD NIX, OF VIRGINIA
MAUREEN ELIZABETH O'MALLEY, OF VIRGINIA
CASSANDRA A. O'TOOLE, OF VIRGINIA
GREG PARDO III, OF TEXAS
CHARLES PARK, OF THE DISTRICT OF COLUMBIA
DAVID N. PASQUANTONIO, OF THE DISTRICT OF COLUMBIA

DONALD ALLEN PEARSON, OF VIRGINIA
LEAH H. PILLSBURY, OF CALIFORNIA
BENJAMIN C. PLATT, OF VIRGINIA
KEVIN C. PRICE, OF MARYLAND
JEFFREY R. RANDS, OF WASHINGTON
ADITYA MALIREDDY REDDY, OF VIRGINIA
REBECCA RESNIK, OF MARYLAND
CHRISTOPHER T. REYES, OF VIRGINIA
NATHAN PAUL RINGGER, OF UTAH
DAVID ANTHONY RODRIGUEZ, OF FLORIDA
TIMOTHY A. RUSSELL, OF VIRGINIA
RICHARD M. SAUNDERS, OF FLORIDA
GARY SCHUMANN, OF FLORIDA
BRADLEY SIERSDORFER, OF MARYLAND
JEFFREY HANCOCK SILLIN, OF MASSACHUSETTS
ALEXANDRA F. STEWART, OF VIRGINIA
JOHN THOMPSON, OF TEXAS
GREGORY VINSON TOLLE, OF GEORGIA
VICTORIA M. TYSZKA, OF MICHIGAN
DAVID MARK URBIA, OF MINNESOTA
SETH VAN DE VEN, OF VIRGINIA
MIMI WANG, OF PENNSYLVANIA
KEITH E. WEST, OF RHODE ISLAND
SARAH WILKENING, OF VIRGINIA
LISA M. WOLFE, OF VIRGINIA
ALICE ELIZABETH WOLFRAM, OF CALIFORNIA
DEREK WONG, OF MARYLAND
SAMUEL S. YEE, OF CALIFORNIA
HYUN YOON, OF NEW JERSEY
NADIA ZIYADEH, OF NORTH CAROLINA
THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE JANUARY 16, 2011:
ALAN GREELEY MISENHEIMER, OF VIRGINIA
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 16, 2011:
MICHAEL J. ADLER, OF MARYLAND
CHARLES KEVIN BLACKSTONE, OF VIRGINIA
ROBERT JOSEPH FAUCHER, OF TEXAS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

JOSHUA J. SLATER
RYAN C. WATTAM
MARK K. FRYDRYCH
JUSTIN T. KEESEE
MATTHEW T. BURTON
CARL G. RHODES
TIMOTHY M. SMITH
JAMES T. FALKNER
CHRISTOPHER S. SKAPIN
CHAD M. MECKLEY
CARYN M. ZACHARIAS
MEGAN A. NADEAU
MARC E. WEEKLEY
PATRICK M. SWEENEY, III

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant (junior grade)

AARON D. MAGGIED
MARINA O. KOSENKO
JOHANNES A. GEBAUER
DAVID B. COWAN
JASMINE L. COUSINS
MATTHEW H. O'LEARY
MICHAEL J. MARINO
LYNDSEY E. KEEN
KYLE R. JELLISON
LAURA L. GIBSON
VAN T. HELKER
CARMEN M. ALEX
MATTHEW R. FORREST
BRYAN M. BEGUN
ALBERT E. DAVISON
SARA A. SLAUGHTER
RENI L. RYDLEWICZ
JOSEPH K. CARRIER, III
ROBERT J. MITCHELL
TANNER A. SIMS
BRIAN R. KENNEDY
TAMERA J. REUL
KELLY M. SCHILL
ANTHONY J. IMBERI
DAVID O. VEJAR
MICHAEL S. SILAGI

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED

CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

ERIC P. GOOSBY

To be senior surgeon

RICHARD J. BROSTROM

To be surgeon

DAVID A. DUNCAN
GLEN D. MACPHERSON
RENEE M. PAZDAN

To be senior assistant surgeon

AARTI AGARWAL
BRIAN J. BAKER
SARAH D. BENNETT
MEGHAN E. BRETT
CRISTINA V. CARDEMIL
GRACE L. CHEN
AMIT S. CHITNIS
SALLYANN M. COLEMAN-KING
TARAYN A. FAIRLIE
KATHERINE E. FLEMING
SHIKHA GARG
MELISSA R. GERHART
ALYSON B. GOODMAN
PRABHU P. GOUNDER
NEIL GUPTA
BRENDAN R.G. JACKSON
LINDSAY KIM
CANDICE K. KWAN
PATRICK D. LYNCH
ADAMMA C.N. MBA-JONES
FRANCISCO A. MEZA
TIMOTHY D. MINNIEAR
ROBYN C. NEBLETT
EKWUTOSI M. OKOROH
CHRISTOPHER S. PIROMALLI
JANELLE A. ROUTH
CYRUS G. SHAHPAR
MAHESH SWAMINATHAN
AVA B. WALTON
DANA M. WOODHALL

To be dental surgeon

MARY E. WILLIARD

To be nurse officer

PENELOPE L. ADAMS
ERIC O. CARTAGENA
BARBARA S. DEL SESTO
MINDY A. GOLATT
CHARLES M. LOVELL
MEGAN S. MATTINGLY
HEATHER M. VICE

To be senior assistant nurse officer

WILLIAM C. BRENNEMAN
TRACY M. CHRIST
ANGELA L. DAVIS
LINDSAY N. HOUSTON-MCCARTER
KERRI-ANN E. JENNINGS
AMY R. KOLWAITE
WINONA L. MASQUAT
ANNE R. MCARDLE
DYANNE V. MEDINA
KATHERINE A. OCONNOR
CARRIERTHA RIGSBY
THERESA L. RODZEVIK
BEVERLY A. TIMOTHY
SHARLENE TODICHEENEY
JULIANA UPSHAW

To be assistant nurse officer

ROBERT A. BANTA
KRISTOPHER C. BYMAN
AMANDA M. HILL
SANDRA M. LAFROMBOISE
MARCHITA R. MAGBIE
LELO T. NGOMA
JEREMY D. PEACOCK
BERNADINE L. RUSSELL
JODI M. SIDES
JOANNE SPAFFORD

To be junior assistant nurse officer

TRACIE J. ASBILL
NATHAN P. CAULK
CANDREA C. CHERRY
RICHESHA C. CLARK
MICHAEL S. CRUSE
ADAM S. HORNBECK
YOLONDA S. JENKINS
KIRI E. NEVIN
COLINDA L. SOHNS
AMITY TUCKER
ABBY C. ZIEGLER

To be senior assistant engineer officer

MICHEL D. JANDA
TAMARA S. ROSBURY

To be assistant engineer officer

ABBAS Q. BANDUKWALA
JULIA C. MAJKRZAK
JASON A. SCHNEIDER

JITENDRA V. VIRANI
TRISTAN T. WOSTER

To be scientist

MICHELE P. GODWIN

To be senior assistant scientist

KAMIL E. BARBOUR
ADAM C. BJORK
EDUARDO O. CUA
ZEWDITU DEMISSIE
TAMARA J. HENDERSON
NAOMI L. HUDSON
ASHA Z. IVEY
DAWN D. MCDANIEL
TODD E. MYERS
ERIKA C. ODOM
SARA Y. TARTOF

To be assistant scientist

TIMOTHY J. CUNNINGHAM
JOANNA L. GAINES
NATASHA D. HOLLIS
JEAN Y. KO
TYLER M. SHARP

To be senior assistant environmental health officer

BRYAN E. CHRISTENSEN
COLLEEN L. GEIB

To be assistant environmental health officer

THIDA G. BUTTKE
LANDON T. WIGGINS

To be junior assistant environmental health officer

RACIO T. CARTER
MATTHEW G. DULING

To be veterinary officer

AMY E. PETERSON

To be senior assistant veterinary officer

JEFFREY T. MCCOLLUM
JENNA M. WEBECK

To be pharmacist

JOSEPH M. ALLEN
NGA T. DOAN
MALIK M. IMAM
MARK M. ISERI
LORELEI J. PIANTEDOSI
MELINDA M. WILSON
STEVEN W.K. YANG

To be senior assistant pharmacist

JOSE A. APARICIO
PHONG D. DO
JAMES S. DVORSKY
REBECCA E. GEIGER
PETER N. GOLDEN
AARON J. JOHNSON
ELIZABETH MOHAM
KHANG D. NGO
CARL OLONGO
MONICA M. REED
ASHLEE N. RIBEC
HOBART L. ROGERS, JR.

To be assistant pharmacist

KRISTIN M. ABAONZA
LINZI R. ALLEN
CHRISTINA A. ANDRADE
GOLDEN B. BERRETT
BENJAMIN R. BISHOP
STEVEN T. BIRD
MICHAEL B. BRADY
LYLE J. CANIDA
CARL B. COATS
MEGAN J. CONNELLY
CHRISTINE G. CORSEY
SAMUEL T. CROPP
HONEYLIT K. CUECO
PIERRE-ALEX DUUVIVIER
MARC E. GENTILE
DANEIL N. HAMIL
DONNIE L. HODGE
EVELYN N. HONG
AMY N. HOUTCHENS
JOSHUA S. HUNT
ELLIOT KLAPPERICH
JEAN M. LESTER
MOLLY M. MACDONNELL
CASSANDRA I. METU
LAWRENCE A. MOMODU
MONICA A. MUNOZ
THERESA H. NGUYEN
LINDA M. PARK
SALVATORE R. PEPE
HANNAH PHAM
ERIN M. RESSLER
TARA L. SMITH
HELEN S. STEVENS
RYAN W. STEVENS
HILLARY L. VOLSTEADT
JESSICA VOQUI
HONG VU

RACHELLE WATTS
DAVID W. WEBB IV

To be dietitian

GWENIVERE G. ROSE

To be senior assistant dietitian

FRANK J. KOCH
ROGELIO RUVALCABA

To be junior assistant dietitian

DOREEN P. CANETTI

To be senior assistant therapist

CARLA CHASE-STANDIFER
LESLIE J. HARRIS
MICHAEL R. KLUK
ALLISON H. LONGENBERGER

To be assistant therapist

CLARA V. STEVENS

To be junior assistant therapist

NGOCANH C. BUI

To be health services officer

SEAN K. BENNETT
KELLI L. BONYEAU
AMY B. CASON
KARI B. HARRIS
JANE E. OLLEN
TINA L. SCOTT

To be senior assistant health services officer

KENDALL N. BOLTON
TRICIA H. BOOKER
RYAN A. CLAIRMONT
DONNA J. CLEVINGER
ELIZABETH M. DAVIS
SABRINA DEPOSE
SYLVERA DEMAS
VALERIE T. GARDNER
SARAH A. GARRETT
MICHELLE L. GIELSKI
JESSICA GRAHAM
MALAYSIA H. GRESHAM
INDIRA M. HARRIS
LAMAR B. HENDERSON
SHARANYA M. KRISHNAN
PAUL A. LICATA
TROY B. MATTHEWS
BENOIT MIRINDI
JEMEKIA E. MORRIS-THORNTON
ALFRED MURPHY, JR.
JOSEPH R. RALPH
LUZ E.M. RIVERA
BRIAN D. ROBB
CLIFTON Y. SMITH
RYAN M. THRASHER
COLE D. WEEKS

To be assistant health services officer

VASHTI E. BOCKER
CHRISTIAN L. BULLOCK
GREGORY J. DAWSON
ANITA EDWARDS
ERIN K. GRASSO
TALA Q. HOOBAN
JAMES JONES IV
DAVID H. LEWIS
SENECA M. SMITH
MARGARET V. WHITTAKER

To be junior assistant health services officer

JOHNNA L. BLEEM
NATHAN A. BOGGS
TIMOTHY P. BRENNAN
REBECCA BRESSMAN
ASHLEY S. FROST
HELEN HERNANDEZ
ANDREW D. KLEVOS
BRANDY M. ROSE
LIZA D. SOZA
JEFFREY L. SUMTER

IN THE COAST GUARD

THE BELOW NAMED OFFICER FOR APPOINTMENT AS DEPUTY COMMANDANT FOR OPERATIONS OF THE UNITED STATES COAST GUARD, A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD, TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. BRIAN M. SALERNO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY COMMANDANT FOR MISSION SUPPORT OF THE UNITED STATES COAST GUARD, A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 14, U.S.C., SECTION 50:

TANCE AND RESPONSIBILITY UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. ROBERT C. PARKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. MANSON K. BROWN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ARLEN R. ROYALTY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL JUAN G. AYALA
BRIGADIER GENERAL DAVID H. BERGER
BRIGADIER GENERAL WILLIAM D. BEYDLER
BRIGADIER GENERAL MARK A. BRILAKIS
BRIGADIER GENERAL MARK A. CLARK
BRIGADIER GENERAL CHARLES L. HUDSON
BRIGADIER GENERAL THOMAS M. MURRAY
BRIGADIER GENERAL LAWRENCE D. NICHOLSON
BRIGADIER GENERAL ANDREW W. O'DONNELL, JR.
BRIGADIER GENERAL ROBERT R. RUARK
BRIGADIER GENERAL GLENN M. WALTERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL CHARLES G. CHIAROTTI
COLONEL DAVID W. COFFMAN
COLONEL THOMAS A. GORRY
COLONEL PAUL J. KENNEDY
COLONEL JOAQUIN F. MALAVET
COLONEL NIEL E. NELSON
COLONEL LORETTA E. REYNOLDS
COLONEL RUSSELL A. SANBORN
COLONEL GEORGE W. SMITH, JR.
COLONEL CRAIG Q. TIMBERLAKE
COLONEL MARK R. WISE
COLONEL DANIEL D. YOO

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES P. WISECUP

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERWIN RADER BENDER, JR.
MICHAEL G. ELLIOTT
CATHERINE A. HALLETT

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

DAVID M. CRAWFORD

To be major

FORREST JELLISON
KRISTEN C. STILLIE
KATHRYN F. SULLIVAN
UYEN P. VIETJE
JAMES H. WALSH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD T. ALDRIDGE
CONNIE L. ALLEN
CHRISTOPHER T. AMEND
DALE C. ANDREWS
MICHAEL A. ASSID
ALONNA D. BARNHART
EDWARD T. BARRETT
MICHAEL S. BENDING
SUZANNE BERGMEISTER
DAVID KEITH BERKOWITZ
WILLIAM MARCY BERKSTRESSER
DANIEL S. BLUE

MICHAEL LEON BONNER
BRIAN K. BORGES
JOHN M. BREAZEALE
ROBERT E. BRINLEY, JR.
CARL DANE BRUNNER
DARREN JOHN BUCK
BETTY J. BULLINGTON
MATTHEW J. BURGER
RAINER ERWIN BURGER
AUDREY CATHRINE BURKEL
MICHAEL P. BURNS
TIMOTHY E. BUSCH
JERRY C. BYARS, JR.
DAVID A. CARLISLE
COLIN N. CARR
MICHAEL E. CLARK
CHARLES M. COMBS
BRYAN E. COOK
THOMAS L.S. COOK
STEPHANIE A. COURTOIS
HECTOR L. CRUZ
MICHAEL CZAJKA
WILLIAM R. CZYZEWSKI
BRIAN S. DAVIS
BRIDGET FRANCES DAVIS
MARK E. DAVIS
PETER F. DEFRECE
RICKY C. DENMAN
GARY L. DRAKE
DOUGLAS A. DRAKELEY
KURT E. DRISKILL
DOUGLAS P. DUNBAR
JOHN M. EMMERT
BRAD C. FELLING
LAWRENCE M. FELTMAN
BRUCE E. FINLEY
JAMES J. FONTANELLA
DONALD B. FORRER
DALE M. FOX
BRENT E. FRENCH
KURT J. GALLEGOS
DAVID P. GARFIELD
RICHARD D. GAY
MICHAEL J. GEYSER
JAY SCOTT GOLDSTEIN
DANIEL J. GORMLEY
BART A. GRAY
JAMES L. GREGORY II
KERRI O. GRIMES
CHRISTOPHER J. GUNDERSON
MARK S. GUNZELMAN
KENNETH D. HAMILL
TERESA A. HAMLIN
JOHN PATRICK HEALY
RANDY A. HELBACH
JOSEPH B. HEROLD
VICTOR GUZMAN HERRERA
JEFFREY S. HINRICH
SCHEID P. HODGES
LARRY W. HUBLER, JR.
JULIE B. HUDSON
JENNIFER L. HUGHES
WILLIAM S. HUGHES
CHARLES A. HURRY
DAVID W. HUTCHINSON
MARSHALL S. IRVIN, JR.
BRUCE K. JOHNSON
SHARON M. JOHNSON
CRAIG R. JONES
JOSEPH C. JONES
KIMBERLY L. KENDALL
JACK T. KNIGHT, JR.
JEFFREY R. KOLB
DAVID KOLTERMANN
WILLIAM R. KOUNTZ, JR.
GRETCHEN M. KURLANDER
JAMES R. LACKEY
BRET C. LARSON
JOHN M. LARSON
TODD R. LAUGHMAN
WILLIAM A. LEAKE
GREGORY D. LEE
JOHNNY E. LINDSEY
RALPH W. LUNT
WILLIAM A. LYONS
JAMES D. MACAULAY
MARK T. MAIN
WILLIAM C. MARRS
SCOTT G. MCCAULEY
EDWARD FITZGERALD MEYER
PAUL A. MEYER
KATHLEEN R. MIKKELSON
RONALD L. MILLIGAN
STEPHEN J. MITCHELL
JEFFORY P. MOORE
BRIDGET A. MOORMAN
MARK E. MOYER
ROBERT JOHN MOYNIHAN
DAVID RUSSELL NELSON
CHRISTOPHER F. NICK
MICHAEL R. OLSON
DOUGLAS A. OTTINGER
BOYD C. L. PARKER IV
LOUIS A. PATRIQUIN II
KIRK S. PEDDICORD
JAMIE C. PEOPLES
MICHAEL W. PIETRUCHA
JACQUELINE P. PINKHAM
JOSEPH M. POTTS
RANDALL C. PUHRMANN
BRYAN J. REINHART
SCOTT H. REMINGTON

ROBERT C. RHODEN
 RICHARD B. RISNER
 DANNY J. ROBB
 STEFANIE M. ROBERTS
 KIMBERLY ANNE ROBINSON
 DAVID RODRIGUEZ
 HAROLD EUGENE ROGERS, JR.
 WILLIAM JOHN ROLOCUT
 BARRY D. RUSSELL
 MICHELLE R. RYAN
 PATRICK H. RYAN
 CHRISTOPHER J. SABO
 JONATHAN J. SANDERS
 KENNETH G. SAUNDERS
 BARON L. SAVAGE
 KENNETH W. SHARPE
 TRACEY A. SIEMS
 JOHN R. SIMEONI
 ALAN N. SIMS
 ROBYN L. SLADE
 JOHN P. SOTHAM
 DEAN C. SPAHR
 ROY MORGAN STANLEY
 CAROLYN D. STEPHENS
 BRUCE W. STEPHENSON
 DAWN M. SUITOR
 TIMOTHY M. SUTTLES
 DARRYL S. TAYLOR
 ALAN C. THERIAULT
 JEFFERY N. THURSTIN
 MATTHEW W. TOWERS
 CRAIG A. TRAMMELL
 RAYMOND TSUI
 JEFFREY A. VANDOOTINGH
 CHARLES E. VANDRUFF
 ARTHUR L. VANHOUTEN III
 SHEILA LLYN K. VANNEDERVEEN
 CHARLES A. VANSLOTEN
 TROY D. VOKES
 PATRICK M. WADE
 LARRY J. WALKER, JR.
 DAWN M. WALLACE
 KEITH T. WESLEY
 MARK W. WILBANKS
 JEROME WILLIAMS
 JOEL F. WINTON
 MICHAEL B. WOOD
 RICHARD S. WRIGHT
 LISA A. YACOB
 CHRISTOPHER F. YANCY
 VICKY J. ZIMMERMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

SEBASTIAN A. EDWARDS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 4336(A):

To be colonel

GREGORY R. EBNER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CURTIS O. BOHLMAN, JR.
 SAUL A. FERRER
 WILLIAM D. GRIFFIN
 JANICE E. KING
 LAWRENCE R. POWELL
 MARTIN E. POWELL
 ROBERT A. PREISS
 THOMAS R. RASMUSSEN
 JUAN A. RIVERA
 ROBERT C. SMOTHERS

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL A. SIERRA

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TIMOTHY E. LEMASTER

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANGELLA M. LAWRENCE

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAZ HAMMERS
 DAVID STEVENS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD MARTINEZ
 JAMES P. STOCKWELL

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WILLIAM FRAZIER, JR.
 JASON G. LACIS
 KEITH J. LUZBETAK
 MICHAEL A. NOLAN

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DOUGLAS R. CUNNINGHAM
 JOSEPH M. FLYNN
 LEROY J. HESSNER
 DARREN R. JESTER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES E. HARDY, JR.
 DARRYN H. LINDSEY
 JOSHUA B. ROBERTS
 JAMES C. ROSE

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CONRAD G. ALSTON
 KENNETH W. BURTON, JR.
 MARK A. RATLEDGE
 TRACY L. SAMPSON
 LEWIS E. SHERMERY III

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID M. ADAMS
 JUNIOR L. LOGAN
 CLIFF D. MRKVICKA
 DONALD E. REID, JR.
 MICHAEL C. ROGERS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEFAN R. BROWNING
 BRYAN J. CALDWELL
 JOHN C. GELTMACHER
 CASEY L. MCKINNEY
 RUSSELL G. PHILBRICK, JR.
 STEVE R. TRASK

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOEL T. CARPENTER
 JAMES B. CHILDRESS
 RAYMOND W. HOWARD
 JOSEPH C. LINDSEY III
 LUIS A. MARIN
 MARTY A. MESSER
 RANDAL J. PARKAN

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROGER N. RUDD

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LOWELL W. SCHWEICKART, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KATRINA GASKILL

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL R. CIRILLO

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SEAN J. COLLINS
 JOHN L. MYRKA

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PETER G. BAILIFF
 TIMOTHY D. SECHREST

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM H. BARLOW
 GUY E. COOLEY
 DANNY R. MORALES

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY S. FORBES

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES H. GLASS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RICHELLE L. KAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN M. WECHSLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

FERNANDO HARRIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

CHRIS W. CZAPLAK
 ANGELA J. TANG

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

SCOTT D. SCHERER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

CARLOS E. MOREYRA

To be lieutenant commander

WILLIAM N. BRASSWELL

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DAVID Q. BAUGHIER

CHRISTOPHER E. BLAIS
MICHAEL G. CHARNOTA
GREGORY J. CROSBY
CHRISTOPHER B. DORSEY
TELLIS A. FEARS
WILLIAM J. FIACK
JEFFREY GARCIA
CHARLES C. GASTON
KEVIN C. GORECKE
JONATHAN M. GUIDRY
MICHAEL W. KESSLER
CHRISTOPHER T. KONA
MICHAEL J. KOS
WAYNE C. LEFEBVRE
JOSHUA L. LUSK
JESSE M. MAYNOR

CHARLES G. MCDERMOTT
LOUIS P. MCFADDEN III
JON A. MILLER
KEVIN M. MOELLER
JOSEPH T. MORRISON
PATRICIA A. PALMER
TIMOTHY M. PRATT
MICHAEL T. RICE
NICHOLAS E. SAFLUND
ERIC C. SKALSKI
GREGORY L. TAYLOR
PATRICK A. WEED
JOHN C. WIEDMANN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

STEPHEN K. REVELAS

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR
APPOINTMENT TO THE GRADE INDICATED IN THE
UNITED STATES MARINE CORPS UNDER TITLE 10, U.S. C.,
SECTION 624:

To be major

TIMOTHY M. CALLAHAN
STEVEN R. LUCAS
JAMES N. SHELSTAD

To be captain

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 3, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 15

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Michael Vickers, of Virginia, to be Under Secretary for Intelligence, and Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary for Personnel and Readiness, both of the Department of Defense.

SD-G50

FEBRUARY 16

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012.

SD-366

FEBRUARY 17

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year

2012 and the Future Years Defense Program.

SD-G50

MARCH 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior.

SD-366

MARCH 3

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD-106

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service.

SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Thursday, February 3, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose Name is love, draw our Senators to You by the cords of Your eternal love. Help them to strive to know You, cultivating a relationship of peaceful trust in Your providential leading. Lord, may the experience of being in Your presence enable them to better comprehend the role You desire for them to play in fulfilling Your purposes on Earth. Sharpen their vision to perceive Your movements in our Nation and world. Where there is anxiety, give them the poise that comes from a confident faith in You.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, there has been a minor change in the schedule. It has been cleared on both sides. I ask unanimous consent that, following any leader remarks, the Senate proceed to a period of morning business until 10:30 a.m. this morning, with Senators permitted to speak during that period of time for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Following that morning business, the Senate will resume consideration of S. 223, the Federal Aviation Administration authorization bill. Currently, we have one amendment pending. Other Members are waiting to offer their amendments. It is my understanding Senator WICKER is ready to offer his as soon as the bill is reported. Senators should expect rollcall votes to occur throughout the day in order to make significant progress on this most important legislation.

THE ECONOMY

Mr. REID. Mr. President, we have a long way to go before our economy is back to normal. Ask any American and they will tell you: We have a lot more jobs to create and fill, a lot more homes to save, and a lot more consumer confidence to recover.

I hear every day from families in Nevada who still need us to fight for them. I know every Senator hears the same from citizens in their State.

There are currently bits and pieces of good news. They are not enough, that is for sure. But the Dow Jones opened this morning above 12,000. That is the highest in many years. Manufacturing is rising more than expected. Consumer spending is beating forecasts also. Corporate profits are higher than anyone predicted. We got a decent jobs number today, better than most economists predicted—not good enough but decent. So it is not all bad news. But I am not satisfied hearing that things are simply better than expected. Nevada, similar to every other State, is still hurting, and our job is not to beat expectations, it is to beat unemployment and beat back the deficit. We cannot as-

sume we are back to normal every time we hear encouraging news. We don't have that luxury because it is not true. We can't let our guard down and we can't waste any more time on symbolic votes.

The fight to repeal the patients' rights enshrined in the health reform law is behind us now. The arguments have been made, the votes have been counted, and similar to the majority of the American people, the Senate has decided the law of the land is better than the broken system it replaced.

I don't wish to spend a lot of time talking about health care because the vote speaks for itself, but I will say this. Those who want to deny Americans the right to afford a healthy life had their say in 2008, when President Obama was elected on the promise of change. They had their say in 2009, when we first passed this law. They had their say in 2010, when we finalized it. Now they have had their say in 2011, when they tried to repeal it. Each time the votes fell on the side of patients, patients' rights—more rights, not fewer. The Senate voted each time to put people, not insurance companies, in control. The Senate voted each time for health, not sickness. So it is time to move on.

Let's talk about jobs. We are on a jobs bill right now, the Federal Aviation Administration authorization. The Aviation Modernization Act, which is this bill, is to bring to America modern air travel, travel into the 21st century. This legislation will create hundreds of thousands of jobs—not hundreds, not thousands but hundreds of thousands. That is why we are fighting so hard for this legislation. It is a bipartisan piece of legislation. It is not a Democratic bill. It is not Republican. It is a bipartisan bill. The same bill passed the Senate unanimously last year. So I hope we come together in the spirit of compromise we all promised and finish it as quickly as possible. This bill alone will not eradicate unemployment, but it will help. It is going to move us further toward that goal, and the quicker we pass it the quicker 280,000 Americans will breathe easier by knowing a good, consistent paycheck is on the way.

We are all concerned about the deficit. There is nothing more important than creating jobs, though. We can never have a healthy economy when we have 15 million people out of work. We can never have a balanced budget when we have 15 million people out of work.

The deficit is something that is very important. Jobs, as I indicated, will work toward solving that problem, but

it is not the only way to strengthen our economy. We also need to keep digging out of the fiscal hole we inherited over the last decade. In the short term, we can responsibly cut spending. In the long term, we can cut our deficit. There are some things we have to be careful to avoid, such as jeopardizing the full faith and credit of our great country. That is what will happen if we don't raise our Nation's debt limit. If we don't act, if we allow the country to default on our legal obligations, we will send our economy into default for the first time in its history. That will certainly not save a single job or save a single home from foreclosure or encourage the domestic and foreign investment we need to grow. It will be just the opposite. Each of these steps is an important stride toward recovery. Together, they are a powerful leap forward.

We might be on the right track and heading in the right direction, but we still have a ways to travel. Let's avoid the temptation to get distracted and derailed. Let's keep driving toward that goal. If we work toward putting people back to work, soon Nevada and every other State will not just read good news in a headline here or there, they will see it before their eyes—in their workplaces and in their wallets and throughout our country.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CENTENNIAL OF RONALD REAGAN'S BIRTH

Mr. MCCONNELL. Mr. President, this month we celebrate the 100th anniversary of the birth of Ronald Reagan, our Nation's 40th President. He was born in a second-story apartment above a tavern in small-town Tampico, IL, on February 6, 1911.

The values he learned there he would carry with him throughout a long and momentous life—from the radio announcer's booth, the Hollywood sound stage, and the union leader's negotiating table to the Governor's mansion, the White House and the world.

One hundred years after his birth, 30 years after his inauguration as President, and only 7 years after his passing, it is already widely acknowledged by both sides of the aisle that Ronald Reagan was a great man and a great President. His role in ending the Cold War, with America victorious and the forces of Marxism-Leninism, as he so eloquently put it, "on the ash heap of history," has been assured. You could almost say we are all Reaganites now.

But oh, how so much has changed. For when Ronald Reagan was still a force actively shaping history, and not

yet a part of it, he had many fewer friends.

One opinion writer in 1986 made his disdain clear when he wrote this:

It seemed to us, the carping critics, that this man was not terribly bright, not terribly thoughtful or well informed, not terribly honest, and in most other ways not up to the most important job in the world.

But it seems a lot of people just did not understand Ronald Reagan's vision at the time—not just his Communist adversaries, not just his political opponents here at home, even those in his own party, and on his own staff sometimes failed to see the strength of the man's commitment to freedom—or his courage in seeking it.

I can think of one prominent example: The words that we now think of as Reagan's most powerful utterance as President were almost never spoken. On June 12, 1987, Reagan traveled to what was then West Berlin to make unmistakably clear his commitment to increasing freedom in Soviet-dominated Eastern Europe. As the draft of his prepared remarks was circulated through the many byzantine layers of bureaucracy that come with the modern presidency, one little phrase kept getting edited out.

Virtually the entire foreign policy apparatus of the U.S. Government was opposed to what Reagan wanted to say. His Secretary of State, his National Security Adviser—they told him he would embarrass his host, West German Chancellor Helmut Kohl. They said he would anger and provoke Soviet Premier Mikhail Gorbachev. They warned he would arouse false hopes among the East Germans unlucky enough to live on the wrong side of the Berlin Wall.

It finally got to the point where Reagan had to have a confrontation with his own deputy chief of staff. "I'm the president, right?" he is reported to have asked. "So I get to decide whether the line about tearing down the wall stays in?" When assured that he was, and he did, Reagan said, "Then it stays in."

Only after pulling rank on his own staff this way did Reagan finally address the crowd of 20,000 gathered at the Brandenburg Gate and issue his famous declaration, "Mr. Gorbachev, tear down this wall."

Two years later, Germans East and West did exactly that, presaging German unification and the fall of the Soviet Union. A piece of the Berlin Wall is preserved today at the Ronald Reagan Presidential Library in Simi Valley, CA, to remind us of the power one man's words can have.

Ronald Reagan once said, "We don't have to turn to our history books for heroes; they are all around us." That is true even if you don't know where to look. Thirty years ago some dismissed Reagan as a man of no great importance. With hindsight it is much easier

to see him for the giant figure in history that he was.

And while we are thankful that, for most of us, Ronald Reagan's vision and accomplishments are still within living memory, his life, his vision of a freer America and a free world, and his accomplishments to achieve that are most assuredly in the history books.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Whitehouse amendment No. 8, to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes.

Ms. CANTWELL. Mr. President, we are continuing this morning on this important FAA bill, which is a very important jobs bill for America. I know my colleagues have been down on the Senate floor—the chairman of the full committee, Senator ROCKEFELLER, and the ranking member, Senator HUTCHISON—and they have been doing a good job of explaining why it is so important to move ahead on something that can create hundreds of thousands of jobs both in construction at our airports across America and on the implementation of the NextGen system, which is really about making a digital conversion to air transportation so our flights can be safer, so they can be more fuel efficient, and so there can be coordination on the ground with the flights and all of our transportation systems.

So this morning we want to keep moving through this process to get this

legislation done so we can get it implemented and start creating jobs and improving our air transportation safety.

I think there are amendments to be offered under the agreement. I will yield to my colleague from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

AMENDMENT NO. 14

Mr. WICKER. I thank the Senator from Washington, and I thank the Presiding Officer.

I ask unanimous consent to set aside the pending amendment so that I may call up my Wicker amendment No. 14, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 14.

Mr. WICKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees)

At the appropriate place, insert the following:

SEC. ____ . EXCLUSION OF EMPLOYEES OF THE TRANSPORTATION SECURITY ADMINISTRATION FROM THE COLLECTIVE BARGAINING RIGHTS OF FEDERAL EMPLOYEES.

(a) **SHORT TITLE.**—This section may be cited as the “Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011”.

(b) **IN GENERAL.**—Section 7103(a) of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) in clause (iv), by striking “; or” and inserting a semicolon;

(B) in clause (v), by striking the semicolon and inserting “; or”; and

(C) by adding at the end the following:

“(vi) an officer or employee of the Transportation Security Administration of the Department of Homeland Security;”;

(2) in paragraph (3)—

(A) in subparagraph (G), by striking “; or” and inserting a semicolon;

(B) in subparagraph (H), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(I) the Transportation Security Administration of the Department of Homeland Security;”.

(c) **AMENDMENTS TO TITLE 49.**—

(1) **TRANSPORTATION SECURITY ADMINISTRATION.**—Section 114(n) of title 49, United States Code, is amended by adding “This subsection shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.” at the end.

(2) **PERSONNEL MANAGEMENT SYSTEM.**—Section 40122 of title 49, United States Code, is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following:

“(j) **TRANSPORTATION SECURITY ADMINISTRATION.**—Notwithstanding any other provision of this section (including subsection (g)(2)(C)), this section shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any collective bargaining agreement (as defined under section 7103(a)(8) of title 5, United States Code) entered into on or after that date, including the renewal of any collective bargaining agreement in effect on that date.

Mr. WICKER. Mr. President, this amendment deals with the notion of collective bargaining by TSA employees. The Transportation Security Administration was formed approximately 10 years ago by the Aviation and Transportation Security Act of 2001, Public Law 107-71. Since that time, Transportation Security Administration employees have fared very well. They are a familiar sight in our airports. They are familiar to any of us who fly and who frequent the airports of the United States. It is a good job, and they are well taken care of.

During that 10-year period, TSA employees have not been allowed to collectively bargain. There is a reason for that. First of all, under that act which I referenced, as a compromise back in that day, the Under Secretary of Transportation for Security, who is now the TSA Administrator, was given the ability to fix the compensation and terms thereof, and included in that was the determination about whether collective bargaining rights would be afforded to these TSA employees.

In a 2003 memo, the Under Secretary of Transportation for Security at that time prohibited TSA security screeners from unionizing with collective bargaining rights. The Under Secretary wrote:

I hereby determine that individuals carrying out the security screening function under section 44901 of Title 49, United States Code, in light of their critical national security responsibilities, shall not, as a term or condition of their employment, be entitled to engage in collective bargaining or be represented for the purpose of engaging in such bargaining by any representative or organization.

The determination was made by the predecessor of the TSA Administrator that in light of their critical national security responsibilities, it was not appropriate for collective bargaining rights to be included.

Now we have every reason to believe that under this new administration, that decision is about to be reversed. A decade of experience and practice will be ended unless this Congress acts, and the appropriate vehicle on which to act is this reauthorization bill before us. Wicker amendment No. 14 would simply exclude TSA personnel from forming a union with collective bargaining

rights. I point out to my colleagues that the FBI and the CIA and the Secret Service, which all have similar critical national security responsibilities, do not have collective bargaining rights either. So the spirit of amendment No. 14 would be to continue TSA employees in that same vein.

TSA workers have fared well indeed during the past decade. It is a good job. I enjoy seeing them, I enjoy working with them, and we are glad to have them. But for good reason, they have been excluded from collective bargaining rights.

The TSA and TSA leadership need the flexibility to innovate and to move quickly during times of national emergency on issues involving the security of the traveling public, and for that reason I submit that adding the burdensome responsibility of union demands and dealing with collective bargaining demands could limit the ability of those responsible for the very important function of security at some of the most high-risk targets and make it harder for our security personnel to do their job.

So I will be urging my colleagues during this day—we will be urging the American people to contact their Senators and to let their voices be heard. TSA has worked well in this regard, and we do not need to burden it with extra responsibilities when they need to be concentrating on security.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

PROTESTS IN EGYPT

Mr. MERKLEY. Mr. President, over the last week, I have watched the affairs in Tahrir Square in Cairo, as millions of Americans have, and I was deeply impressed by the peaceful demonstration of Egyptian citizens calling for change in their nation—change that would respond to the economic plight of ordinary citizens, change that would give ordinary citizens the opportunity to be a part of the voice directing the course of their nation.

Until yesterday, those protests were absolutely peaceful. But that did change yesterday when pro-Mubarak forces entered the fray. Last night, I was watching as Molotov cocktails were being thrown by pro-Mubarak forces down from adjacent buildings onto the protesters below. I watched as organized thugs proceeded to stone those protesters. I watched as there was sporadic gunfire in the square. I watched as a group of horsemen galloped through the crowd whipping people with their whips.

This thuggery against citizens who were peacefully protesting is absolutely unacceptable. The United States has had a long and close relationship with Egypt. We channel a tremendous amount of economic development aid to Egypt. But let me be very clear.

What happened yesterday cannot happen again. What happened yesterday, with thugs attacking peaceful demonstrators on behalf of the government must not happen again.

In no way can America turn a blind eye to this ruthless assault on ordinary citizens. This morning, there were voices from within the Egyptian Government calling what happened yesterday a fatal error. Prime Minister Shafik called it a fatal error. This morning, there were signs that the army, instead of allowing and organizing thugs and allowing them on the square to assault the demonstrators, was standing in to protect them. This is a right turn of events.

Let it be noted by all who would care to listen that the citizens of the United States of America are not going to stand by and support a government that is attacking peaceful demonstrators in a square in Cairo. If we see a repeat of this violence, America must send a very strong message that there will be no further aid to the Mubarak government.

We do not know what the ultimate outcome of these protests will be, but peaceful action against government is a hallmark of democracy, a hallmark of freedom. We should ensure that those protests could continue—those peaceful protests—calling for a voice for ordinary citizens, and that Egypt can move toward free and fair elections.

I yield the floor.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 5

Mr. BLUNT. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I can call up my amendment, No. 5, which is at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BLUNT] proposes an amendment numbered 5.

Mr. BLUNT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company)

On page 311, between lines 11 and 12, insert the following:

SEC. 733. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 44920(b) of title 49, United States Code, is amended by striking "The Under Secretary may approve any application submitted under subsection (a)." and inserting "Not later than 30 days after receiving an application submitted under subsection (a), the Under Secretary shall approve the application."

Mr. BLUNT. Mr. President, this is an amendment that deals with an issue going back to the beginning of the TSA screening program, almost 10 years ago now, at the end of 2001. We had significant discussion between the House and the Senate about how that program would run. In fact, the House, which I was a Member of at the time and the occupant of the chair was a Member of at the time, passed a bill which said the screening would continue to be competitive and private and determined by local airports. The Senate's view at the time was this was a new responsibility that would be taken over everywhere by the Federal Government and the TSA.

The final determination was that, while the Federal Government would take this responsibility, there would be allowed to be pilot airports that would be determined and be monitored to determine whether a pilot project would verify that another alternative would be a competitive, private screening as one of the options available to airports. In fact, in 2004, the screening partnership program was created.

The pilots had worked. The verification was that the private screeners were performing at a level that was equal to that of the government-paid screeners, that the cost was comparable, and that airports in the future would be able to apply to go from the government-run program to a competitive program, and about 16 airports have done that. I think the biggest one is probably the San Francisco airport. The Kansas City airport, which I use and that I represent, may be the second biggest of those. Rochester, NY, is also in this program, as are a number of smaller airports.

In fact, as recently as a few months ago, the TSA was still telling airports and recommended to four airports in Montana—a State where seven of their airports are currently in this program—the TSA recommended to four more airports in Montana that they look at this program as a potential better alternative for them. Only in recent weeks did TSA determine in responses to the Springfield, MO airport, the four Montana airports, and perhaps as many as a handful of other airports that, no,

we think that program is big enough. This is an option that is no longer available to local airport boards.

This amendment would reach the conclusion that the local airport board is still an important determiner of which system works best in an airport. Essentially, this amendment would tell the TSA that if local airports apply, the TSA would allow them to become part of the screening partnership program and treat them as they are treating the 16 airports that have been in that program—some for as long as a decade now, since the beginning of screening as we see it in airports today.

I hope we get to where we actually give authority back, or maintain authority at the local airport level to determine which system works better for them. A competitive system allows flexibility, and flexibility allows more adaptability, more innovation and, frankly, I think, encourages the government-run systems to be more competitive and responsive.

That is why I am offering this amendment. I hope it becomes part of this bill, and I look forward to working with the committee on this amendment and over the next few days as we continue to debate FAA. This has a real impact on a number of the authorities that are under the Federal Aviation Administration. I think this is an important time to solve this problem. It is one that was created, in my view, totally by TSA deciding on their own something that the law never envisioned. I was part of that debate a decade ago. I know what the intention was, and it was not the intention of the pilot program, or of the determination we made at the end of 2001, that TSA would determine for local airport authorities what was best for their airport.

This amendment would require the TSA to work with local airports and implement their desire to change from the system they have at the time—totally run by TSA—to a system under the screening partnership program. That is the essence of this amendment, and I urge its adoption and inclusion in this bill.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 8

Mr. KIRK. Mr. President, today I am pleased to join Senator WHITEHOUSE, Senator BOXER and a growing list of my colleagues in support of the Whitehouse-Kirk-Boxer amendment that will

improve airline safety throughout the Nation.

Most individuals are familiar with laser pointers that are often used in presentations. What you may not know is the growing danger these devices pose to pilots.

Last month, the FAA released nationwide data on lasers pointed at aircraft. From 2009 to 2010, incidents nearly doubled from 1,527, to 2,836. To show how quickly this has become a problem, when the FAA first began to track this problem in 2005, incidents were under 300.

Transportation Secretary LaHood has acknowledged this is a serious safety issue. Lasers can temporarily blind pilots, which is incredibly dangerous, but even more so during the critical time of takeoff and landing. Advancements in laser technology also are making the problem worse. Certain color variations, such as green lasers, are 35 times brighter than comparable red lasers.

This is a particular worry for me and for my State's busiest airport—O'Hare. According to the FAA, last year O'Hare had the second-highest number of laser events in the Nation at 98.

The Whitehouse-Kirk-Boxer amendment creates new penalties for knowingly pointing a laser pointer at an aircraft, or at the flight path of an airplane. Commonsense exemptions are provided to allow further research and testing activities.

Current law has not kept up to date with this new threat. It is time we give law enforcement and prosecutors additional tools to reduce the likelihood of a tragedy.

The amendment is supported by the Air Line Pilots Association and the National Association of Police Organizations which includes the Federal Flight Deck Officers Association.

I thank Senator WHITEHOUSE and his staff for their leadership on this issue, and I urge my colleagues to support this bipartisan proposal to help make our Nation's pilots, and especially their passengers, safer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, we are sitting here, and what is good is we are not doing health care amendments. What is bad is we are not doing any amendments.

The Republicans have proffered a number of amendments. We need to do them by pairs so we can work them out. Some of them will be able to be accepted by voice vote. I expect that Sen-

ator WHITEHOUSE's on laser use into pilots' eyes will probably be accepted by voice vote. But he may want a vote. If I were he, I would want a vote because it is so important to emphasize the issue.

But we need to have Democrats—I know we have some amendments that Democrats want to offer. But they are not coming to the floor to offer those amendments. So this is my plea, through the distinguished Presiding Officer, for Democrats please to come to the floor and do their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. First of all, let me say that the manager has been very kind to me in offering to allow me to come up at some point. I do not care so much when it is, but I do have two amendments I have already discussed on the floor. I would like to get them in the queue so at some time we will be able to do that. So I would wait until such time as the majority feels it would be appropriate, and then I would be asking them if I can do that.

Mr. ROCKEFELLER. Mr. President, I understand the Senator from Oklahoma has a particularly difficult scheduling problem right now and for most of the afternoon. So putting his amendments in and talking about them, whatever he wishes to do, is important to him and also is hard to do in terms of the schedule. So that renews my offer, my request, my prayer, that Democrats who have amendments will come down and offer them.

It is called the Federal aviation bill. It reauthorizes it. It is monumental, and we are kind of sitting here. So the Republicans are sort of doing their part, but the Democrats are not doing our part. So please come down, if you have amendments, because I wish to accommodate not just Senator INHOFE but all others who have amendments, many of which we can probably work out.

Some will be accepted by voice, others may have to be voted on. But we have to have amendments before we can get to any of that. So that is my request.

Mr. INHOFE. Mr. President, reclaiming my time. First of all, I thank you very much. The one set of amendments I have, I would hope to get into the managers' amendment or somehow have them come up and even be voice voted. But they are issues I have talked about in the past quite often. I think we all understand—or most of us do—that when our good friend Senator Glenn retired, that left me as the last

active commercial pilot, on a regular basis, in the Senate. So I have these two amendments I am very interested in. I will yield the floor. When such time comes—what the Senator from West Virginia said is true. Right now, because of the Prayer Breakfast that is taking place, I happen to be hosting the African dinner tonight, so I have groups coming by every 30 minutes throughout the day.

At some time today, I wish to be able to get two amendments, Nos. 6 and 7, in the queue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

REMEMBERING DON TYSON

Mr. PRYOR. Mr. President, I come to the floor to honor a great man, a great Arkansan and a great American, Donald John Tyson.

Don Tyson was one of the three iconic Arkansans who helped move our State forward. Don Tyson, Sam Walton, and J.B. Hunt transformed the northwest part of our State and made Arkansas a mecca for business.

When I think of Don, one of his favorite phrases comes to mind. He would say: "I don't have time to have a bad time." Don lived life to the fullest and enjoyed every minute of it. Don came to Arkansas in very humble circumstances. He was born in Kansas but moved to Springdale as an infant when, as Don liked to tell it, his father's truck ran out of gas.

There in Springdale, Don took over the family business when his father passed away. Don's hard work helped turn his father's small poultry business into the most successful meat processor in the world. As chairman of the board and CEO of Tyson Foods, Don revolutionized the poultry industry and made protein more accessible to Americans, helping create Chicken McNuggets, chicken tenders, chicken sandwiches, and much more.

He was responsible for developing the Rock Cornish game hen, smaller birds that weigh only a few pounds that were more profitable but also immensely popular. Under Don's leadership, the company's revenue increased from \$51 million to more than \$10 billion.

As the Washington Post said: "For many Americans, Tyson products became the answer to a daily question: What's for dinner?"

Even as he rose to great heights, Don remained true to his roots—his trademark khaki Tyson uniform with "Don" embroidered on the front pocket. He referred to all staff members as coworkers, never employees. Don understood that the truck drivers and plant workers were as essential to Tyson's success as the executives in the corner offices.

Don was also committed to giving back to his community. A noted philanthropist, Don created the Tyson Family Foundation, which provides

scholarships for students from communities where Tyson Foods operates, including many communities in Arkansas.

Don was a huge supporter of the University of Arkansas, helping fund many of the school's educational and athletic programs. He also was a great friend to veterans. One of his most recent projects was helping preserve the Fayetteville National Cemetery. An avid fisherman and devoted conservationist, Don created the Billfish Foundation, which promotes catch-and-release practices for billfish to conserve their populations. Don's charitable work had a real impact on Arkansas and communities across the country.

Finally, Don understood the importance of family. Tyson Foods has always been and remains a family-run business, starting with Don's father John Tyson and continuing with his son John. Don's emphasis on family, from his father-son collaborations to the way he treated all his coworkers as extended family, is what made Tyson Foods great.

In looking back on Don Tyson's life, I see a man who loved his business, who loved his community, who loved his family, and who lived life. Today, I join all Arkansans in celebrating a life well lived.

Don, you will be missed.

Mr. INHOFE. Will the Senator yield?

One of the things that is interesting about northwest Arkansas is that you were just talking about Don Tyson. You could just as well have been talking about Sam Walton, Hunt, and many others.

I do not know what it is about northwest Arkansas, that these great entrepreneurs who changed the world seem to all come from that area, as the Senator from Arkansas knows. I am very familiar with that area, since my daughter Molly is a professor at the University of Arkansas.

I have been over there many times. I was just listening to you describe the life of Don Tyson and how consistent that is with many of the other entrepreneurs. I salute all those guys up there and you for bringing that to the floor.

Mr. PRYOR. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING PRESIDENT RONALD REAGAN

Mr. DURBIN. Sunday is the 100th anniversary of the birth of President Ronald Reagan.

When Ronald Reagan was born, his father Jack looked at his new son and exclaimed, "He looks like a fat little Dutchman but who knows, he might grow up to be President some day."

In fact, Ronald Reagan grew up to become not just a President but one of America's most memorable Presidents.

As we mark the 100th anniversary of his birth, much is being said and written about Ronald Reagan's White House years, and understandably so. But in my State of Illinois, people are also remembering an earlier time in the life of this iconic American.

Ronald Wilson Reagan is the only American President born in Illinois.

He entered this world on Feb. 6, 1911, in the little town of Tampico, IL, in an apartment above a bakery on Main Street.

His father Jack sold shoes to support his wife and two sons.

Over the first 9 years of his life, the Reagan family moved four times, from Tampico to Galesburg, to Monmouth, and the south side of Chicago before finally settling in Dixon, IL, population 10,000.

Today, the white frame house at 810 South Hennepin Street in Dixon, the Ronald Reagan Boyhood Home, draws visitors from around the world.

It was in Dixon that the shy boy would begin to discover self-confidence and the talents that would serve him so well in life. He acted in his first play in Dixon, and he was elected student body president during his senior year at Dixon High School.

From Dixon, Ronald Reagan went to Eureka College, a small college near Peoria. The tuition was \$180 a year, twice that much with room and board, more than the Reagan family could afford. But Ronald Reagan did not let that discourage him. He received a "needy student scholarship" and waited tables and washed dishes at his fraternity house to help pay his way.

Once again, he was elected president of his senior class.

1935, Ronald Reagan was working as a radio sports announcer. He followed the Chicago Cubs to spring training in California and slipped away one day to visit Hollywood and explore whether there might be a future for him in movies.

Two years later, Ronald Reagan packed his possessions into a Nash convertible and moved to California, where he would become a successful actor and later Governor. But he never forgot his Illinois roots.

In his first inaugural parade in 1981, Ronald Reagan included the Dixon High School band.

On a visit to Eureka College in 1992, President Reagan told students, "Everything good that happened to me, everything, started here on this campus."

In 1990, 2 years after he left the White House, President Reagan travelled to Abilene, KS, for a ceremony marking the 100th anniversary of President Eisenhower's birth.

He said that day:

I learned long ago that in order to find the heart of America you need only visit the heartland of America.

It was a lesson he had learned years earlier in those small towns in Illinois.

Both the State of Illinois and the town of Dixon have created Ronald Reagan Centennial Commissions to celebrate the 100th anniversary of his birth. If you want to see the places that helped shape America's 40th President, come to Illinois this year, where it all began.

Ronald Reagan was President when I was first elected to the House of Representatives in 1982. While our views of government differed remarkably, I admired his optimism and his unshakable faith that America's best days were ahead of us. He restored a sense of confidence in many Americans at a time when we really needed it.

He told us:

America is too great to dream small dreams.

And he was right.

In 1992, 2 years before he announced he had Alzheimer's disease, Ronald Reagan addressed his party's nominating convention for the last time.

He said then:

Whatever else history may say about me when I'm gone, I hope it will recall that I appealed to your best hopes, not your worst fears, to your confidence rather than your doubts.

In 1983, in one of the most important accomplishments of his Presidency, Ronald Reagan brought together Democrats and Republicans to head off a funding crisis in Social Security. That bipartisan agreement helped add years of solvency to one of the most successful programs this government has ever created. It brought 50 years of solvency to Social Security and is one of the crowning jewels of his leadership.

In 1986, he signed America's last major tax reform act to simplify the Income Tax Code, broaden the tax base and eliminate loopholes that allowed some to avoid their obligations while unfairly increasing the tax burden on others.

Today we face a far greater challenge. Not only do we have to protect Social Security for the long run, we also have to simplify our Tax Code again, and put in place a responsible plan to reduce our deficits even as we invest in a stronger economic future.

In this centennial year of his birth, it would be a fitting tribute to President Reagan if Democrats and Republicans could work together to solve our challenges in the same spirit of patriotic pragmatism that President Reagan and others brought to protecting Social Security a generation ago. I hope we can work together to help get Americans back to work today and to lay the foundation for a strong economic future so that our children can continue to say, as President Reagan said so often, that America's best days are still ahead.

After Ronald Reagan clinched the delegates needed to win his party's 1980 Presidential nomination, a newspaper

reporter asked him what he thought he needed to do next. He replied that he wanted to dispel the notion that he was a hard-nosed radical who would oppose compromise on principle.

These are his words. He said:

You know, there are some people so imbued with their ideology that if they can't get everything they want, they'll jump off the cliff with the flag flying. As Governor, I found out that if I could get half a loaf, instead of stalking off angrily, I'd take it.

Ronald Reagan was a man who believed deeply in his core principles. He would not want any of us to compromise our own core principles in his memory.

But there is such a thing as principled compromise. President Reagan understood that. He knew that accommodation was needed to make the system work. We would honor his memory by remembering that lesson and working to restore to our politics the same civility that we associate with him. Let's remember that there is no dishonor in accepting half a loaf. That is how democracy works.

Finally, I wish to express my admiration for Mrs. Reagan. Her love and steadfast devotion to her husband during his illness moved us all, and her courageous work in support of new treatments for Alzheimer's disease will surely help other families. Our thoughts are with her and the rest of President Reagan's family as we mark this historic centennial.

(Mrs. HAGAN assumed the chair.)

Mr. DURBIN. Madam President, the FAA authorization expired in October of 2007. For more than 3 years we have been operating on short-term extensions—17 total short-term extensions. The Federal Aviation Administration, airlines, and the flying public, all deserve a long-term authorization to provide certainty to our national aviation system. The bill before us will improve the safety of air travel, modernize our air traffic control system, boost the economy, and create thousands of jobs. This is a jobs bill.

The FAA estimates commercial aviation is responsible for over 5 percent of our gross domestic product and generates \$1.2 trillion a year in economic activity. The aviation industry provides \$346 billion in earnings and 11 million jobs. This bill will help grow those numbers. The funding provided in this bill will support over 280,000 jobs.

Economist Mark Zandi said:

Aviation is the glue that keeps the global economy together.

We know that in Illinois. We know it because of that great airport called O'Hare, which we are currently in the process of modernizing. This bill will boost our economy now and keep the United States competitive in the global marketplace. The Senate Commerce Committee, chaired by Senator ROCKEFELLER, with ranking member Senator INHOFE, has held dozens of hearings

over the past few years on aviation. Each was different. All of them focused on safety. Last year we passed into law many safety provisions the committee recommended, but we need to do more.

This bill will improve safety by preventing runway incursions. Improving runway safety, according to the NTSB, is the highest priority. There were 988 runway incursions last year. This year there have already been 66. This bill will require the FAA to review all commercial service airports in the United States and initiate action to improve lighting, signage, and runway and taxiway markings.

Another key component of this bill is NextGen. NextGen is the term we use to describe our transition to a more modern satellite-based air traffic control system. I mentioned on the Senate floor before that I recently read a book by Steve Johnson about innovation. He told a fascinating story that on October 4, 1957, when the Soviets launched sputnik, America was caught by surprise. Here our adversaries in the Cold War had the capacity, with a missile, to launch a satellite that circled the Earth. It was the first manmade satellite. We knew they had the bomb. Now they had these missiles and the capacity to launch a satellite.

The Russians, to prove to the world they had launched the satellite, had this basketball-sized sputnik satellite emitting a signal. There were two scientists near Baltimore working for the Federal Government who decided they would try to track this signal. They found it. As they tracked it, they used their scientific expertise and the Doppler effect to determine not only the trajectory of this satellite but its speed. They reported their findings to the Department of Defense. They could tell the Department of Defense where sputnik was and how fast it was moving.

The Department of Defense challenged them and said: If you can tell us where that satellite is and how fast it is moving, could you tell where that signal is being received on Earth? They went to work. It took them several weeks. They came up with the means to determine from a satellite where the signal was being received on Earth. We know it as GPS.

GPS is in our pockets. We carry it with our cell phones. People can locate us based on the cell phone we carry in our pockets. The problem is, airplanes don't have GPS. They still rely on aging technology, radar and the like, to locate the planes and to move them safely. This bill is going to move us into this new generation of technology. It is about time.

NextGen will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky, to avoid problems, to move things more smoothly, safely, and efficiently. The FAA has called for action on implementing NextGen.

Last year U.S. airlines carried 704 million passengers, including a lot of Senators and Congressmen. Soon those numbers will increase. The FAA reports that U.S. airlines will carry more than 1 billion passengers by 2023 and more than 1.2 billion by 2030. Our outdated air traffic control system cannot handle this increase in traffic. But with NextGen we hope to triple the capacity of our national aviation system and not compromise at all when it comes to safety. This technology will allow planes to fly the straightest, quickest route from point A to point B. With more precise information and better communication, we can fit more planes safely in our airspace. Doing so will save airlines fuel and money. It will reduce airport delays significantly.

Chicago's Midway Airport was ranked dead last over the past few months for ontime departures. Chicago's O'Hare has won that dubious distinction more than once. The main reason is the lack of capacity in our aviation control system. Fully implementing NextGen could reduce these delays dramatically. It will also save a lot of fuel and money for the airlines. This is a great investment.

Illinois is in the middle of the largest airport expansion project in American history at O'Hare. The \$6.6 billion project will completely reconfigure the runways and make sure traffic moves in and out of O'Hare more efficiently. Moving this project along means a lot to the people of Chicago and Illinois. O'Hare already generates 450,000 jobs and \$38 billion in economic activity for Chicago and my State. This modernization project will create 195,000 more jobs and another \$18 billion in annual economic activity. We need to move forward as a nation, with the FAA, to make certain O'Hare is modern and safe and can accommodate the increased capacity in air service.

I hope we can take up this bill and the amendments that have been offered to it in a timely fashion and pass the legislation soon. This bill will help airports the size of O'Hare, but also smaller airports around the United States. It has already helped us in many ways.

The Essential Air Service Program has been critical for a lot of small airports, and certainly that is true in Illinois. We need to make sure that communities large and small across America have access to passenger air service.

There is a provision in this bill that tries to coordinate some of the bookings between Amtrak and airlines. During floor consideration of this bill in the previous Congress, my amendment was adopted that I hope can help travelers better coordinate and use both passenger rail and air travel. Particularly for travel to and from less urbanized areas, this option will help move people more efficiently. We can do offer

this in more communities. And we can do so at less expense to the Federal Government.

I thank both Senator INHOFE and Senator ROCKEFELLER for their leadership on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, let me say that most everything the Senator from Illinois has talked about I agree with. We have been talking about this bill for a long time.

I join Senator ROCKEFELLER in encouraging anyone, Democrats particularly, to bring any amendment down they want. Procedurally, I don't think I can get my two amendments in the queue until that happens.

For the moment, I ask unanimous consent that I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING PRESIDENT RONALD REAGAN

Mr. INHOFE. Madam President, the Senator from Illinois was talking about our friend, our beloved Ronald Reagan. I thought I would make a couple of comments that might surprise a few people.

I was not from Oklahoma originally. I was actually born in Iowa. When I was a very small child, Ronald Reagan was the sports announcer for WHO radio.

My father was a claims adjuster. They officed in the same room—not the same building but the same room. They played the pinball machine together. I can remember at that time they never said Ronald Reagan; they said Dutch Reagan. That was his name. That was his name as a sports announcer too. He would actually come by and we referred to him as Uncle Dutch. That was in Des Moines. That was back during the Depression and shortly after.

When my family moved to Oklahoma, we didn't have a lot of money. So we never went to movies. At that time they didn't have TV. The only time we would ever see a movie is if Dutch Reagan had a movie. I went down once to Atoka, OK, which was probably roundtrip driving about 4 hours. We went down to see a Dutch Reagan movie.

Later on, I became the mayor of Tulsa. During that time Reagan was in his first term. He had me do all of his domestic work. I was debating Democratic mayors from all over the country on the policies that Ronald Reagan had initiated and tried to perpetuate, and they were all very successful, I might add. Now, in retrospect, a lot of people on the other side of the fence realize they were.

Saying this was a personal relationship, I look beyond what everyone knows about Ronald Reagan, what his persona was, and I can say he was such a warm and personable person. It never

occurred to me—I thought of him as one of the family until the time he started running for political office.

It is kind of interesting because his first election, of course, was running for office out in California. At that time, we still did not have a lot of money, but my father—I think that was the first race he got involved with financially, and Ronald Reagan never forgot it. I can remember when I came to Congress he was in his second term, and he would always comment: There is young Congressman INHOFE. His daddy was one of my first financial contributors.

So anyway, I will just say this: When you lose somebody like him, you do not just lose a leader that in retrospect looks good to everyone, but you lose someone who is very warm and loving. Here is a guy who, in the Oval Office, would never ever walk in without a coat and tie on. This is the way he distinguished the office, and this is the way the office distinguished him.

So we dearly miss him on this, his 100th birthday anniversary.

Madam President, let me make one comment about the two amendments I have on the bill. I think it is important we address both of them, but one of them is, in particular, very significant. We have a subpart S version of the FARs that affects scheduled and non-scheduled airlines. A scheduled airline can live with the flight crew rest and duty time because they can adjust their schedules to do that. The unscheduled cannot. So the subpart S in the FARs today allows a subpart S to work longer hours, but they also have longer rest hours in between. They average out actually with longer rest hours per active hours than under the law that affects the scheduled airlines.

Let me give you a couple examples why it is important. Ninety-five percent of our troop movement over in theater, where the Presiding Officer and I just came back from, after having spent New Year's Eve with our troops over in Kabul and Afghanistan—during that time, there were several times when they had to bring blood in.

If a nonscheduled airline has to bring the blood in, they cannot do it because that is too far. They would have to leave the plane there and have crew rest in Kabul and come back. Well, they cannot do that because we have rules against it.

Ninety-five percent of the troop activity, movement, comes from non-scheduled airlines. Forty percent of the material comes in and out. That is what we are talking about. We are talking about getting blood over to our troops in the AOR.

So it has worked well. There has not been, in 15 years, one case where an accident on a nonscheduled airline has taken place due to the fatigue of anyone. So it is a problem that does not exist, and I have always had this hang-

up about fixing things that are not broken. So, consequently, I am hoping we will be able to keep that.

What is happening today is there is a comment period and a rule that would do away with that subpart S, and I would like to have this amendment in here. It would keep that from happening. So I think it is very important, and I think it means a lot to our troops over there. The only alternative—if you take the blood example—is, you would have to find, from maybe Qatar or some other place, a military plane, a C-130 or a C-17, to take them in. As you know, right now the OPTEMPO of our lift capacity is to the point we cannot take on anything more. So I think this is a life-and-death type of thing.

The other amendment I feel strongly about—I mentioned a minute ago when Senator Glenn retired, that left me as the last active commercial pilot in the Senate and I still am and have been flying for 50 years. Many times in the past I have, at my own expense and in my own aircraft, done things where we are helping out people because there is no one else to do it, either taking people for medical treatment or taking, in one case, a limb that had been amputated back to be reattached, this type of thing.

So for people to do it—the pilots and the equipment, such as my equipment—it costs us money to do it. But we feel, in order to encourage them to do it, they should be exempt from liability should something happen so they do not have frivolous lawsuits. If you do, then it discourages people from being generous. So this is kind of a Good Samaritan type of amendment.

These are amendments Nos. 7 and 6. I am hoping to get them in the queue. I cannot do that at this time. I want to cooperate with Senator ROCKEFELLER, but as soon as we can, I want to get these in.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I am waiting just momentarily to receive the documentation on offering an amendment. But in the meantime, I would like to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EGYPT

Mr. NELSON of Florida. Madam President, it is very apparent that President Mubarak must step down. The longer he waits to realize he has to step down, the more difficult it is going to be in order to have an orderly transition and to keep the peace in Egypt.

The longer he waits to announce he is stepping down immediately, the more difficult it is to transfer power to his Vice President, General Omar Suleiman.

If he had done this several days ago, then that transition would have been so much easier because General Suleiman is well respected in Egypt, certainly by the military. He is well respected by the Arab neighbors in the region, and he is well respected in Israel, as well as the United States.

But every day there is violence and bloodshed in these clashes, it makes the Arab street much more difficult to accept any semblance of authority that would come from Mubarak, even though, under the Egyptian Constitution, there is a Vice President, albeit that Vice Presidency has been vacant for years and years and years. But, nevertheless, there is a Vice President who is in the constitutional line of succession to become President.

Again, I say what I said several days ago: President Mubarak needs to recognize, despite his long years of great service in keeping Egypt stable, especially in the aftermath of the assassination of President Anwar Sadat, that it is time for him to step down, that there is a new nation of Egypt out there and they want reform and they want free and fair elections and most of them want a peaceful and orderly transition of power.

I would again call on the President of Egypt to step down and step down immediately and let the Presidency be assumed by his Vice President, with the guarantee of free and fair elections in September and the guarantee that President Mubarak is not going to run for reelection.

Madam President, I yield the floor and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 34

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the pending amendment be set aside in order to call up amendment No. 34.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Florida [Mr. NELSON] proposes an amendment numbered 34.

Mr. NELSON of Florida. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 605)

Beginning with line 1 on page 236, strike through line 14 on page 237.

Mr. NELSON of Florida. Madam President, the NASA bill we passed last fall strongly reaffirmed that aeronautics research is an integral part of the agency and made the point in that bill of increasing a focus on NASA's aeronautics research programs. As a matter of fact, what does NASA stand for? It has become a noun, but it actually stands for the National Aeronautics and Space Administration. The first A in NASA stands for "aeronautics." It is vital to our research programs in both air and space, the research that is going on.

We have existing aeronautics research facilities that are national assets, and they are in places such as the Ames Research Center in California; the Glenn Research Center named after our former colleague, Senator John Glenn, which is in Cleveland; Langley Research Center in Virginia; the Dryden Flight Research Center, and that is at Edwards Air Force Base in California.

These NASA centers are unique in their ability to leverage the complementary and ever-increasing synergies between space and aviation systems through these incredibly experienced technical researchers, and they make remarkable advances in aerospace-related disciplines such as materials and structures, flight controls, aerospace systems health management, and high speed aerothermal analysis tools. We take for granted when we get on commercial airliners some of the improvements that have been made. Well, where do we think a lot of that came from? It came from NASA and the research there. These advances not only accelerate space and aviation systems but also other very complex systems such as the smart grid, remote medicine and medical robotics, smart cars, a whole bunch of things.

NASA's fundamental aeronautics research capability happens to be also integrated with enabling the future space missions of NASA. The Nation's aeronautics research and development investment currently is planned and well coordinated through the National Aeronautics Research and Development Policy as well as in Executive Order 13419 in which the roles and responsibilities of executive departments and agencies in Federal aeronautics R&D are clearly defined and delineated all the way through the rest of this decade, until 2020.

What happened when this FAA bill was put together years ago is that it had a transfer to some committee of NASA's successful aeronautics R&D investment leadership and this competitiveness, this investment has supported springing forth key technologies that directly contradict a national policy of

doing this in a committee instead of doing it in NASA. The unnecessary reassignment, when this bill was crafted some time ago, of those responsibilities to other agencies of government would clearly jeopardize the success of this extraordinary R&D program.

The amendment, to which we have no objection, is to take this part out of the bill with the new NASA bill that was passed, with the robust aeronautics research and development that is within NASA, be the operative policy.

If it is appropriate, if this is the proper parliamentary procedure, I ask for the yeas and nays—or I would ask for a voice vote. I am told we are not in the proper venue for that. So I have offered the amendment, it is laid down, and we will deal with it appropriately.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING PRESIDENT RONALD REAGAN

Mrs. FEINSTEIN. Madam President, as a native Californian, I come to the floor now to honor the 100th birthday of President Ronald Reagan.

Former First Lady Nancy Reagan asked that I serve on the Ronald Reagan Centennial Commission and I was very honored to accept. Today, I join Senator JIM WEBB, also a member, and ORRIN HATCH, to continue President Reagan's spirit of bipartisanship. We have invited Senators on both sides of the aisle to join us here on the floor.

From Simi Valley, in his beloved California, to our Nation's capital, Americans this month are honoring President Ronald Reagan. These centennial events are intended to reach all Americans, including many born after President Reagan left office. Those who remember Ronald Reagan as Governor or as President know how he impacted history. But there are some who may not realize that the society we live in today is, in part, due to the policies of President Reagan. Young adults today grow up without the fear of nuclear war in the back of their mind, and students of tomorrow will work to achieve President Reagan's dream of a world without nuclear weapons.

It can be said that every great President can be remembered in just one sentence. Some examples: "He freed the slaves;" "He made the Louisiana Purchase." Yet, 22 years after he left office and 7 years after his death, the name Ronald Wilson Reagan can still provoke a complex debate. There is no one phrase that can describe his legacy. Some come to mind: "The great

communicator.” Or: “Mr. Gorbachev, tear down this wall.” That is the one that does it for me.

There is much debate over President Reagan because we all think of him differently, and over time, history sweetens our memories. But no matter what policy disagreements one may have had with him, one has to admire his style of politics. He was a conservative Republican, but he understood that in order to get anything done, he had to work across the aisle, which he did.

In his 1983 State of the Union Address, President Reagan said:

Let us, in these next 2 years—men and women of both parties, every political shade—concentrate on the long-range, bipartisan responsibilities of government, not the short-range or short-term temptations of partisan politics.

Also, Ronald Reagan had common-sense conviction that helped his achievements.

He was a true gentleman in American politics. You would not have seen him giving a speech—like some do today—calling his opponents names or giving out generalized insults. Dignity and wit were his weapons of choice.

Also, President Reagan served during times of divided government, when one party had the White House and the other controlled at least one Chamber of Congress, giving each side some governing responsibility to find solutions.

It was a time when a financial and fiscal crisis brought the two parties together to compromise on tough choices about taxes and spending. In 1983, President Reagan and Speaker Tip O'Neill came together to compromise on Social Security, based on proposals from a commission led by Alan Greenspan. President Reagan is credited with creating the conditions that led to the end of the Cold War, reviving the economy, and returning a sense of optimism to our country.

One of the things I most admired was his work to reduce the number of nuclear weapons in the world and his dream of a world one day free of these awful weapons.

President Reagan expressed this vision during his second inaugural address on January 21, 1985. He declared:

We seek the total elimination one day of nuclear weapons from the face of the Earth.

It was a remarkable statement from a President who had deployed tactical nuclear missiles in Europe to counter the Soviet Union's fearsome SS-20 missile fleet. But President Reagan understood the grave threat that nuclear weapons pose to humanity, and he boldly set himself to achieve their eventual elimination.

My good friend, George Shultz, who was Secretary of State under President Reagan, remembers that many at that time thought the President's initial negotiations to reduce strategic arms were not serious—even quite ridiculous. A classified report released re-

cently showed that President Reagan asked the Joint Chiefs of Staff about the cost of an all-out Soviet attack and plans for retaliation. He asked Secretary Shultz:

What's so good about keeping the peace after wiping each other out?

Mr. Shultz believes if he were around today, President Reagan would have been in favor of the New START treaty. At the famous Reykjavik Summit with Soviet President Mikhail Gorbachev in October 1980, President Reagan went far beyond Gorbachev's proposal to slash strategic arms by 50 percent. He truly believed we should go to zero. The Reykjavik talks may not have worked out, but the idea that we should create a world free of nuclear weapons endures to this day.

Secretary Shultz thinks President Reagan would want to be remembered for his complete faith in freedom and his conviction that you had to be strong to defend that freedom. And that is certainly true.

Ronald Reagan came into office with character and charisma, traits that take other elected officials years to develop. It was that charisma that impressed California's Republicans and led to his nomination as Governor of my great State.

Ronald Reagan was elected Governor of California in 1966 by nearly a 1 million-vote margin. He was elected to a second term in 1970. He did not seem to mind that people underappreciated him at the time.

Decades later, as volumes of his handwritten essays were released to the public, Americans saw just what a thoughtful and visionary man he was. If we remember Ronald Reagan with one sentence, let's remember him as one who took big ideas, a crafting of words, and a conviction of freedom to change the entire world.

On the 100th anniversary of the birth of “The Great Communicator,” I hope we can embody his spirit of bipartisanship to keep our country strong and united today.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise to speak also on the 100th anniversary of the birth of Ronald Reagan, and I am so pleased to follow my colleague from California who has been under the weather for a little while. We are very glad she is back.

I think all of us will have an opportunity to talk about one of the great Presidents of the last century and to mark the 30 years since Ronald Reagan's inauguration.

When Ronald Reagan was elected in 1980, America faced an anemic economy, high unemployment, and a sense of malaise emanated from Washington. But President Reagan never doubted that America's potential was unlimited. During his second inaugural ad-

dress, he said America “can out-produce, out-compete and out-sell anybody, anywhere in the world.” The Reagan Revolution was fueled by the understanding that, given the opportunity, Americans would dream, create, and build. He also knew the road to greatness was through an individual's effort, not through expanded government. So President Reagan set about reinvigorating the stagnant economy.

He cut government spending. He reduced government regulation. He ended the practice of wage and price controls. He passed tax cuts for all Americans. He famously noted that “Government's first duty is to protect the people, not run their lives.” The American economy responded with sustained growth, and a new era of economic prosperity had been ushered in.

Reagan's vision of the greater good also extended beyond our shores. He was a fierce advocate for freedom. With our Cold War adversary, the Soviet Union, imposing the tight grip of communism on much of the world, President Reagan launched a resurgence of American military might through the Strategic Defense Initiative. As he said:

Of the four wars in my lifetime, none came about because the United States was too strong.

It was his firm resolve to negotiate from a position of strength that led to successful arms talks with the Soviets and ultimately to the downfall of the Soviet Empire. During his first inaugural address, he clearly stated where America stood:

As for the enemies of freedom, those who are potential adversaries, they will be reminded that peace is the highest aspiration of the American people. We will negotiate for it, sacrifice for it; we will not surrender for it—now or ever.

President Reagan understood that all people, regardless of where they live, long for liberty and freedom. He believed that America was a beacon of hope to all of the oppressed people of the world, a “shining city on the hill,” as he described it. As Jeffrey Bell wrote in the *Weekly Standard*, Ronald Reagan “believed that people all over the world craved self-government just as much as Americans did.” Even today, he is still being proven right. He said:

Concentrated power has always been the enemy of liberty.

These words still echo in today's tumultuous times. We witnessed the poignant photographs of women in Iraq voting and joyously holding up their purple-stained thumbs. We are now seeing the marches of people in Egypt who long to be able to vote in a real election for the first time in 30 years. He also understood the importance of information in promoting freedom, calling it the “oxygen of the modern age. It seeps through the walls topped by

barbed wire; it wafts across the electrified borders."

His words are as true today as when he uttered them. Freedom and individual liberty are America's greatest assets. They are the core of our national identity. They are the foundation of our economic prosperity, and these precious assets have been protected by the service and sacrifice of patriots in every generation from the beginning of America's history to today. Ronald Reagan understood and appreciated the duty we all have to preserve these American ideals.

As he said:

Democracy is worth dying for, because it is the most deeply honorable form of government devised by man.

When President Reagan died in 2004, there was a spontaneous, worldwide outpouring of grief and tribute that caught some seasoned political pundits by surprise. Throughout his political career, Ronald Reagan was underestimated by "establishment" political intellectuals of the day. He was dismissed sometimes by the media. But when he spoke, the American people listened, they understood, and they agreed with this down-to-Earth but very profound man. And so did the world.

We all remember him fondly, with great respect, and are honored to have known him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I want to take a quick minute or two to talk about an amendment that will be called up later in the afternoon on my behalf to expand and improve the unmanned aerial systems—known as UAS programs—that are part of the Federal Aviation Administration reauthorization bill. My amendment is No. 27.

I thank Chairman ROCKEFELLER and his staff because they have worked closely with me on this and several other amendments.

Growth in the unmanned aerial systems sector of the aviation business has been extraordinary in the last few years. I think it is well known that these systems are proven critical to military operations in Iraq and Afghanistan. But they also have tremendous potential in the civilian sector whether it is for firefighting, law enforcement, border control, search and rescue, or environmental monitoring.

Law enforcement uses for this technology would be especially helpful in rural areas like much of my home State of Oregon. Unfortunately, the FAA has not yet been able to come up with a real plan for how to integrate these unmanned aerial systems vehicles into our airspace. That is why I am pleased the Rockefeller bill before us includes requirements for the FAA to get to work on a plan in this area and to establish test sites for unmanned aerial systems research.

The bill, however, includes only four of these sites. I would like to see us be bolder, particularly in an area where I think there is so much opportunity for innovation, development, and job creation.

This amendment would expand the number of sites to 10, which would require the FAA to explore the most useful and safest way for unmanned aerial systems to be integrated into the airspace.

The amendment would require at least one of these test sites to investigate how unmanned aerial systems can be useful in monitoring public land. As the chairman of the Subcommittee on Public Lands and Forests, I have heard repeatedly from law enforcement officials that remote public lands are too often being used as a place for criminals to grow drugs without detection. The Bureau of Land Management and the Forest Service, two agencies that work in this field, simply don't have the resources to use expensive helicopters and do all the necessary work to root out these illegal operations.

I will conclude by saying that I believe unmanned aerial systems could be a cost-saving way to address this problem. By getting the ball rolling with my amendment, I believe it will be possible to more significantly fight these reprehensible drug operations that are taking place on public lands.

I hope this amendment, No. 27, will be accepted as part of the Rockefeller legislation, and I look forward to working with the bill's managers to encourage the development in this sector, which I think is right at the heart of what we need to do to promote innovation in the aviation field. I thank Chairman ROCKEFELLER.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each for the purpose of giving remarks relative to the upcoming centennial of the birth of President Ronald Reagan.

The Senator from Arizona.

REMEMBERING PRESIDENT RONALD REAGAN

Mr. MCCAIN. Madam President, there are many of us who will come to the floor this afternoon to pay tribute to one of the great Presidents in American history. Many of us will recollect times and experiences and contacts we had with President Reagan and the way he inspired us personally as well as a nation.

When I was a prisoner of war in North Vietnam, the Vietnamese went

to great lengths to restrict the news from home to the statements and activities of prominent opponents of the war in Vietnam. They wanted us to believe America had forgotten us. They never mentioned Ronald Reagan to us or played his speeches over the camp loud speakers. No matter. We knew about him. New additions to our ranks told us how the Governor and Mrs. Reagan were committed to our liberation and our cause.

When we came home, all of us were eager to meet the Reagans, to thank them for their concern. But more than gratitude drew us to them. We were drawn to them because they were among the few prominent Americans who did not subscribe to the then-fashionable notion that America had entered her inevitable decline.

We prisoners of war came home to a country that had lost a war and the best sense of itself, a country beset by social and economic problems. Assassinations, riots, scandals, contempt for political, religious, and educational institutions gave the appearance that we had become a dysfunctional society. Patriotism was sneered at, the military scorned. The world anticipated the collapse of our global influence. The great, robust, confident Republic that had given its name to the last century seemed exhausted.

Ronald Reagan believed differently. He possessed an unshakable faith in America's greatness, past and future, that proved more durable than the prevailing political sentiments of the time. His confidence was a tonic to men who had come home eager to put the war behind us and for the country to do likewise.

Our country has a long and honorable history. A lost war or any other calamity should not destroy our confidence or weaken our purpose. We were a good nation before Vietnam, and we are a good nation after Vietnam. In all of history, you cannot find a better one. Of that, Ronald Reagan was supremely confident, and he became President to prove it.

His was a faith that shouted at tyrants to "tear down this wall." Such faith, such patriotism requires a great deal of love to profess, and I will always revere him for it. When walls were all I had for a world, I learned about a man whose love of freedom gave me hope in a desolate place. His faith honored us, as it honored all Americans, as it honored all freedom-loving people.

Let us honor his memory especially today by holding his faith as our own, and let us too tear down walls to freedom. That is what Americans do when they believe in themselves.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I was honored to hear Senator McCain's comments on Ronald Reagan. This Sunday is indeed the 100th anniversary of his birth. It is an opportunity for the whole Nation to honor the memory of a man who honored us with his leadership.

In the 1980s, we were a weakened country. Inflation and unemployment were in double digits. The hostage crisis in Iran dragged on, with no end in sight. Our standing abroad was waning and so too was our military strength. Challenges at home were answered with one failed Washington program after another. We had lost confidence in our future and really in the principles that made us exceptional.

Ronald Reagan changed that. Part of that change began with 12 simple, crucial words:

Government is not the solution to our problem; government is the problem.

It is a big part of our problem.

He stirred the passions of our country, revitalizing not only our economy but our identity and confidence as free people. What some have called the Reagan revolution he called the great rediscovery. He instilled us with a new confidence in our future and in America's role as the last best hope of mankind.

His achievements are well known, but they bear repeating.

Working with Paul Volcker, Chairman of the Federal Reserve, he tamed the inflation which was robbing Americans of their life's work and savings. It was a tough course, a tough road, but he saw it through. He stayed on the course, and we were stronger as a result. We need to get on a tough road and stay the course today.

He lowered taxes dramatically, including a reduction in the top rate from nearly 70 percent, and he reined in a runaway bureaucracy that had trapped innovation and productivity in a labyrinth of regulation and redtape.

His faith in the free market was not misplaced. It rewarded us. He created 20 million new jobs, grew our gross national product by 26 percent, and began the longest peacetime boom in our history. Conditions improved for Americans in every walk of life. The net worth of families earning between \$20,000 and \$50,000 rose by 27 percent.

Reagan's stunning success debunked every myth of those who believe a bigger government is more compassionate and can do more for more people. The growth and potential productivity of the private sector is what has made America the most prosperous Nation.

This success at home was matched by his success abroad. He defended our principles and our way of life with clar-

ity, confidence, and vigor. His policies brought down the Soviet Empire. "Mr. Gorbachev, tear down this wall" still resonates in our minds, and it liberated untold millions.

Today, more than 20 years after President Reagan left office, we find ourselves facing many of the same challenges: a sagging economy, a growing government, and a diminished standing in the world. We would be wise to remember the lessons of that era: peace through strength, prosperity through freedom. He understood that our future greatness lies in the same place it always has—through our pioneering, restless, enterprising spirit that is filled with ambition and excitement, and a deep sense of honor and decency that defines who we are as a people and who we will be tomorrow.

In President Reagan's farewell address, he issued a word of caution:

If we forget what we did, we won't know who we are. I am warning of an eradication of that—of the American memory that could result, ultimately, in an erosion of the American spirit.

As we face daunting, defining challenges of our time, I hope we look back to the leadership he provided.

On a personal note, I was tremendously honored to have been appointed a U.S. attorney in the Southern District of Alabama by President Reagan in 1981. It was an office in which I had served as an assistant a number of years before. To be able to come back and lead that office was such a personal thrill.

The President did not give me any directions as to what we were to do, but I absolutely knew—and I have often said it is a great example of true leadership—I knew exactly what he wanted me to do. I gathered the staff, many of whom I had worked with years before, and used these words: President Reagan sent me here to prosecute criminals and protect the U.S. Treasury. I believe that is what he did. I believe that was implicit in his campaign, his consistent leadership, that he believed in law and order and efficiency, and he wanted us to fight corruption and try to help produce a more efficient government.

I remember in those days we went to a U.S. attorneys conference. I attended with my good friend, recently the Deputy Attorney General of the United States, Larry Thompson. We would share rooms on the trips to save money because we knew and believed President Reagan wanted us to save money. Our spending was out of control, and we had a serious financial problem. Our budgets were frozen. But we worked harder and we produced more.

That can be done today. This whining that we cannot reduce spending—and many times, they define "reducing spending" as a reduction of the projected rate of growth. It is not even a reduction of current level spending.

These kinds of things happened throughout the government. It increased productivity of our government. It reduced the take of the Federal Government of the private economy. The private economy grew, and the government sector became more efficient and more productive. That is what we need to return to.

It was such a fabulous honor to have the opportunity to serve in that position. I hope I was faithful to the values of the President who appointed me. I have to say, I think I knew what they were, and I know I gave my best effort to be worthy of the trust he placed in me. That was true of many more people throughout the Federal Government.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I rise for a moment to join my colleagues in paying tribute to the late Ronald Reagan, President of the United States—a great conservative leader of our country and an inspiration to many, many Americans.

I want to dedicate my remarks to a lady named Kathie Miller. Kathie works for me here in Washington. She has loved Ronald Reagan since the day he came on the scene and can probably quote him verbatim much better than I can. He had a meaningful impact on her life, and so I dedicate these remarks to her today.

My speech will be about two events I happened to attend where Ronald Reagan was speaking and the impact of those events not only on me but on everybody else who was there, and actually on the future of our country. One took place in 1975, when he was beginning his pursuit of the nomination for the Presidency of the United States. Gerald Ford was still President at that time and Ronald Reagan was running for the nomination for a full term.

Ronald Reagan came to Cobb County, GA. Cobb County, GA, is where I live. It is a very Republican county right now, but in 1975 it was not a very Republican county. In fact, there was only one elected official in the entire county who was a Republican, out of literally 100 or more who were Democratic officials.

Ronald Reagan came to the civic center in Cobb County, and an unanticipated thing happened, not by plan, certainly, not by the generation of politicians, but a crowd so large came to hear him that the fire marshals shut the building down. This is a very good-sized, 4,000-seat auditorium. People came to hear a positive message about America.

I was fortunate enough, because I had been in politics a little bit, to be able to get in that room and listen to his speech. In 1975, for America, it was not the most prosperous of times. In fact, a lot of the things we have been suffering through these last couple of years we went through in 1974 and 1975. We had a difficult housing market, higher interest rates, higher unemployment, and things of that nature.

So this former actor came to Cobb County and he lit a fire under everybody, and not necessarily about him but about ourselves. He uplifted people who needed uplifting and he did it with a message of a belief in ourselves, a belief in our country, pride in America, and defense through strength. Those messages were so clearly Ronald Reagan. It inspired me. And it inspired me so much that I hoped he would get that nomination and be elected President of the United States. But he failed. He did not get the nomination. Ultimately, Gerald Ford got it, not Ronald Reagan. But Ronald Reagan didn't go home and pout. He did not stop participating. He didn't drop out. He set his sights on the 1980 Republican nomination for President of the United States, and history reflects that he achieved it. He won it, and it was 8 great years for our country, 8 great years with a man who could inspire and who could lead.

I have oftentimes said that two of the truly great Presidents we have had—John Kennedy and Ronald Reagan—had something in common. They were from different parties, but they could stand before a group of people and make a speech about a subject they didn't agree with and, by the time they finished, they got a standing ovation. So, first, they were great communicators. Second, they were committed to a safe and prosperous America. They were hawks on defense. They confronted our enemies straight up, as Kennedy did with Khrushchev and President Reagan did. Third, and most important, they reduced taxes and brought prosperity to the economy of the United States.

The second occasion I met Ronald Reagan was an interesting one. It was in the Omni Coliseum in Atlanta, where professional basketball was played at the time. The coliseum seats 16,000 people. I was then the minority leader of the Georgia House of Representatives and was elected to be the MC of a program that featured Senator Mack Mattingly, running for reelection from Georgia, but the keynote speaker was Ronald Reagan. In fact, he flew from Washington to Atlanta to make that speech and then went to Reykjavik, Iceland where he confronted Gorbachev and Brezhnev and the Russians and he stood for peace through strength, and a strong buildup of forces in America so we could be a strong country that could defend ourselves,

not a weak country subservient to anybody else.

In that auditorium of 16,000 people, he stood up before them and did the same thing he did in the auditorium in 1975. He inspired them to believe in their country, inspired them to believe in what was right, and inspired them to believe in peace through strength. And when he left, everybody was uplifted.

I think when Ronald Reagan left the Presidency in 1988, we would all agree our country was uplifted. It was a period of prosperity and a period of strength, and it was a renaissance of the American spirit. That is the test of true leadership. So I am honored and privileged to join many of my colleagues on the floor today to pay tribute to the memory and the commitment of Ronald Reagan, President of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I wish to join my other colleagues who have come to the floor at this time to speak in honor of our late President, Ronald Reagan, on the occasion of his 100th birthday. I wish to begin by giving my best wishes to Mrs. Reagan and wish her all the best for her continued health. Also, as someone who had three different positions in the Reagan administration, I am thinking of a lot of very fine people with whom I had the opportunity to serve, especially Cap Weinberger whom I met and worked with every day for about 4 years, who is one of the finest people I ever worked with, and also John Herrington, who was the Director of White House Personnel, who first brought me into the Reagan administration and later served our country as Secretary of Energy.

As I mentioned, I had three different positions in the Reagan administration, first as a member of the National Advisory Committee, and then I spent 4 years to the day in the Pentagon as Assistant Secretary of Defense, and then as Secretary of the Navy. It was truly an inspiring time in my life, to have worked for an individual who had the leadership qualities Ronald Reagan demonstrated. He knew how to inspire our country. He knew how to bring strong personalities together to work toward the good of the country and for its future. He knew how to make decisions, he knew how to make hard decisions, and one of the great qualities he had was he was never afraid to take responsibility for the consequences of any of those decisions. That is some-

thing which I think motivated every-one who served in his administration.

If we go back to that time period, those of us who were of age, 1980 was a bad time in this country. Our country was in tremendous turmoil. We were demoralized in the wake of the fall of South Vietnam and the bitterness that had affected so many of us along class lines, particularly between those who opposed the Vietnam war and those who had fought it, and what we were going to do in terms of resolving those issues here in this country and then our reputation internationally. Inflation was rampant, sometimes in the high teens. People were saying that the Presidency was too big a job for any one person. Our military was overworked, underpaid, and dramatically underappreciated.

I had friends with whom I had served or I had gone to the Naval Academy with, who had gone into the Navy, who were saying during this time period if you make commander you may as well get your divorce because you are going to go to sea for 4 years. The Navy had gone from 930 combatant ships during the Vietnam war down to 479, precipitously, at the same time our country had assumed the obligations in the Indian Ocean and the Persian Gulf, obligations it didn't have before.

The Soviet Union, it is hard to remember right now, was in a state of high activity, diplomatically and militarily. It had invaded Afghanistan, threatening instability in that part of the world. It had a massive naval buildup in the Pacific following our withdrawal from Vietnam. Our diplomatic and military personnel in Tehran had been taken hostage by the Iranian regime and were being taunted daily on TV. Our national self-image was in a crisis state. Who were we as a country? Did we really have a future?

Ronald Reagan campaigned based on our national greatness and on the intrinsic good of our society and on restoring our place at the top of the world community. I can vividly remember in the summer of 1980 when Ronald Reagan made a speech at the Veterans of Foreign Wars Convention and mentioned, as he was so wont to do, with symbolic phrases that Vietnam had been a noble cause. He had the media following him around the country mocking the comment at this point, only 5 years after the fall of South Vietnam, but for those of us who had stepped forward and served in order to attempt to bring democracy to South Vietnam, that was a great moment of inspiration.

Once he was elected, Ronald Reagan governed with the same sense of certainty about the greatness of our system and the goodness of our people. He convinced strong, talented people to join his administration. With George Shultz as Secretary of State and Cap Weinberger as Secretary of Defense, he

brought two lions into his Cabinet who did not always agree—which was rather famous in Washington at the time—but who were able to combine fierce competitive intellects with decades of valuable experience.

When Ronald Reagan left the White House, our military had been rebuilt, our people had regained their pride in our country and their optimism for its future. The United States was again recognized as the leading nation in the world community and the failed governmental concept that had produced the Soviet Union was on the verge of imploding, not because of external attack but soon to disappear at the hands of its own citizens, who could look to the West and see a better way of life. To paraphrase an old saying, “You never know when you are making history. You only know when you did.”

Ronald Reagan did make history and I was proud to be a small part of it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. KIRK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. KIRK. Mr. President, as the junior Senator representing the State of Illinois, and one who will lead a celebration of President Reagan's life in Chicago Saturday night, for Sunday, the 100th birthday of our native Illinoisan, our 40th President, Ronald Reagan, I want to talk for a moment about his life and what he has meant to the United States, now on the 100th anniversary of President Reagan's birth.

On February 6, 1911, in Tampico, IL, with a population of 820, John and Nelle Reagan welcomed a child who would one day change the direction not just of our country but the world. According to the Reagan family lore, when he first gazed upon his son, John Reagan prophetically quipped: “He looks like a fat little Dutchman. But who knows, he might grow up to be President someday.”

His father was a strong believer in the American dream and Nelle Reagan passed on to her son her penchant to always look for the good in people, regardless of their current position.

It was those early lessons in perseverance and faith that would inspire Ronald Reagan to pursue his dream of becoming a Hollywood actor. He signed his first professional acting contract in 1935 and went on to enjoy a successful career on the silver screen. But by 1946, after serving 3 years in the Army Air Force Intelligence Corps during the height of World War II, he began to have ambitions beyond Hollywood. A 5-year stint as the president of the Screen Actors Guild laid the founda-

tion for Ronald Reagan's political career. During the turmoil of the Hollywood communism craze, Reagan proved himself to be a skilled dealmaker and an influential leader as he successfully navigated the upheaval in the Hollywood community.

In 1964, Ronald Reagan was thrust into the national spotlight as he gave his televised speech entitled, “A Time for Choosing,” in support of the Presidential nominee Barry Goldwater.

Following his speech, a group of influential citizens became convinced that Ronald Reagan should become the next Governor of California. After winning in the primary and enduring a very hard-fought campaign, Ronald Reagan unseated the two-time Governor of California, Pat Brown, to become the 33rd Governor in California's history.

During his 2 terms as Governor, Californians enjoyed a smaller, less costly, and more efficient State government. Governor Reagan returned \$5 billion to the taxpayers and used his line-item veto authority 943 times to ensure that the State's budget matched its priorities.

Ronald Reagan had once again proved himself a determined and capable leader in difficult times, but soon the American people would learn that his best days were very much ahead of him. After an unsuccessful Republican Presidential attempt in 1976, he knew that he wanted to be President but would only enter the race if the people of the United States actually wanted him to run. In the years following the 1976 primary, Ronald Reagan became increasingly concerned about the direction the country was headed, especially in the areas of national security, unemployment, and the economy. More than anything, Reagan sensed that Americans had lost their sense of confidence, not just in themselves but also in the country.

Interestingly, the concerns Mr. Reagan felt as he weighed the decision to run for President are not unlike many of the challenges we face today.

Ronald Reagan was confident that he was the man who could lead the country out of a dark recession and into the light of a new prosperity and national pride. After winning a landslide election in November, Ronald Reagan was sworn in as our 40th President on January 20, 1981. He immediately went to work on repairing a broken economy by enacting the Economic Recovery Tax Act of 1981, with his solid belief being that if people had more money in their pockets and confidence to invest, the country would get back on a sound financial footing. During his first months in office, Reagan was as much to thank for the new found economic stability as he was for a heightened sense of optimism that was returning to the United States after very hard times.

He thoughtfully guided the country through a series of national tragedies and terrorist attacks on our military forces abroad. Yet through it all, President Reagan's resolve never wavered, his confidence that the American people would meet the myriad challenges they faced never faltered. This was a man who, after surviving an assassination attempt, continued to meet with congressional leaders in his hospital room as he recovered because he believed it in the best interest of the American people that he continue working to the extent his body would allow. It was that type of steadfast determination that allowed the negotiations with Soviet leader Mikhail Gorbachev to move forward and eventually led to the tearing down of the Berlin Wall, the signing of the I.N.F. Treaty and eventually the end of Soviet oppression in Eastern Europe. The issue that got him into politics, ending the spread of communism, became the crowning achievement of his Presidency.

His constant refrain throughout his time in the White House was that government was becoming too big, too inefficient, too unresponsive and too wasteful. As Governor, Reagan demonstrated the ability to exercise fiscal restraint and he urged leaders in Congress to do the same thing. I think it appropriate that we are celebrating Reagan's 100th birthday at a time when national debt and the deficit are at an all-time high. While we know that Reagan possessed the willingness to tackle such issues, I believe the lesson we can learn most from his Presidency is the endlessly optimistic attitude he had that the United States and its people would meet challenges of the day and emerge stronger because of the struggle to overcome.

His assertion that America was “the shining city on a hill” guided him, as it should us. A hard-nosed, gritty politician, Reagan would have jumped at the chance to take on the responsibility of leading this country out of this recession, just as he did in 1981. So as we celebrate Ronald Reagan's 100th birthday, let us take a moment to reflect upon the life of a man who, as President, always did what was necessary to move the country forward in the way he felt was most beneficial to those who mattered most, the people.

I know his legacy is most associated with the people of California, but as the junior Senator for Illinois, we will claim our right to note his birth in Tampico, his childhood in Dixon, and his college years at Eureka College. We will be very happy to mark the 100th birthday on Saturday in Chicagoland and through celebrations in other parts of the State, one of our great Presidents who very much changed the course and direction of this country and this world for the better.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, in 3 days' time, across our country, from the North Country of New Hampshire to his final resting place in Simi Valley, CA, Americans will celebrate the legacy of President Ronald Reagan. It will be the occasion of the 100th anniversary of his birth. I am very honored to rise today to join other colleagues of both parties and others throughout the United States and, I am sure, the world in paying tribute to America's 40th President.

I cannot speak as personally about President Reagan as some in this Chamber can. I met him only a few times when, as a visiting State attorney general during the eighties, I was at the White House. He was always gracious, always responsive to us. But I did have one meeting that I might call a virtual meeting with President Reagan that reminds me of his enduring importance for our country today.

Twenty-two years ago, on January 4, 1989, as President Reagan was departing the White House, having completed his second term, I had just arrived in Washington as a freshman Senator from Connecticut. President Reagan was set to give his final weekly radio address on that brisk Saturday morning, and then-Senate majority leader George Mitchell had honored me by asking me if I would give the Democratic response. It was a real honor, although a daunting one, for me to be asked to do that on that occasion.

Looking back, I believe President Reagan's 331st and final radio address on that January morning was among the most masterful and moving of his career. In it, he captured the very essence of the American spirit. He said:

Whether we seek it or not, whether we like it or not, we Americans are keepers of the miracles. We are asked to be guardians of a place to come to, a place to start again, a place to live in the dignity God meant for his children. May it ever be so.

President Reagan concluded that morning. Needless to say, President Reagan's final radio address was quite literally a tough act to follow. In my remarks, I praised him for his love of country, for his fervent devotion to freedom, and for his commitment to the values of faith, flag, and family. I was, as I put it then, inspired and encouraged by his patriotism, and I urged all Americans to "work on our unfinished business and the challenges ahead with the spirit of purpose and confidence that is the legacy of the Reagan years."

Today, 22 years later, I continue to feel deeply honored that I was able to

deliver those remarks and evermore confident of the importance of Ronald Reagan's legacy to us and the generations of Americans to come. The optimism, moral clarity, and confidence President Reagan radiated inspired a generation, and they are precisely the ideals we need today to rekindle and reinspire the current generation of Americans and others, frankly, living without freedom around the world.

I didn't always agree with President Reagan. That is a matter of public record. But I always understood the enduring value and strength and sincerity of his faith in America's values and America's destiny. In 1980, Ronald Reagan promised to make America great again. And he did. He expressed with total confidence that those who would challenge our hard-won freedoms would collapse. And they did.

He led our country and the free world to victory in the Cold War against Soviet communism, and he never doubted for a moment that America and our cause could and would prevail. When in 1977 Ronald Reagan was asked about his vision for the end of the Cold War—remember, he was not yet President—he responded with characteristic and refreshing directness. He said:

My idea of American policy toward the Soviet Union is simple, and some would say simplistic. It is this: We win and they lose.

Well, President Reagan's understanding of world affairs was far from simplistic. He was an optimist without illusions, who guided by and, frankly, expressed moral judgments about what was right and what was wrong. We do not see that enough today. There is a kind of relativism afoot. But some things are just plain wrong, and some things, thank God, are just plain right.

President Reagan had the moral clarity to make distinctions between good and evil and the moral courage to speak the truth of those distinctions unambiguously and to support them unwaveringly.

When he addressed an audience of veterans and world leaders commemorating the 40th anniversary of D-day, standing as he spoke on the windswept coast of northern France, the very clifftop in Normandy where courageous allied soldiers fought to liberate Europe from the yoke of Nazi tyranny, President Reagan magnificently, masterfully, compellingly revealed again his moral clarity, and I am honored to quote these words today on this floor.

The men of Normandy had faith that what they were doing was right, faith that they fought for all humanity, faith that a just God would grant them mercy on this beachhead, or on the next. It was the deep knowledge—and pray God we have not lost it—that there is a profound moral difference between the use of force for liberation and the use of force for conquest. You were here—

He said to the veterans—to liberate, not to conquer, and so you and those others did not doubt your cause. And you were right not to doubt. You all knew

that some things are worth dying for. One's country is worth dying for, and democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man. All of you loved liberty. All of you were willing to fight tyranny, and you knew the people of your countries were behind you.

It is thrilling just to read those words again. Yet President Reagan never spoke about America's enemies belligerently; rather, he spoke firmly and frankly about the deep divide between our morality and that of the Soviet Union. In doing so, I think he reawakened in all of us the belief that every human being has the potential to change history because history, as Reagan knew, was not by abstract inexorable forces, but by real live men and women.

It was President Ronald Reagan who came to the defense of the dissidents in their fight against the Soviet Union and reminded the world that a single courageous human face, a single courageous voice can tear down the faceless inhumanity of a massive repressive system such as the Soviet Union.

The great Soviet dissident and later Israeli leader and human rights activist Natan Sharansky once shared with me his memory of the moment he first learned of President Reagan's 1982 speech before the British Parliament, the speech in which Reagan described the Soviet Union as an evil empire.

There were some in this country who thought that was much too stark and disrespectful. But Sharansky, who was a prisoner for nearly a decade in the Soviet gulag, described to me how word of Reagan's speech spread through that heartless prison and he and his fellow dissidents tapped on walls and talked through pipes and even toilets to communicate the extraordinary news that the leader of the free world had spoken the truth, a truth, as Sharansky put it, "that burned inside the heart of each and every one of us."

Indeed, President Reagan was willing to expose an inconvenient truth about the Soviet Union that unsettled and unnerved some of his contemporaries who feared his undiplomatic words were a threat to stability. The truth is, they were. President Reagan refused to accept the stability of an authoritarian status quo that consigned millions of people to live under perpetual tyranny. So he did challenge the stability of the Berlin Wall and the gulag as the Stasi. In doing so, his moral courage helped inspire the men and women who brought down the Iron Curtain and expanded the frontiers of freedom.

In his approach to foreign policy, President Reagan embodied that quintessentially American combination of idealism and pragmatism. He understood what America was about, which is freedom and opportunity. He fought to extend those great values here at home and throughout the world.

In his final words to the Nation as our President, in a radio address on that January morning 22 years ago, President Reagan shared a story about a meeting Winston Churchill had with a group of American journalists in 1952. It was a time when many doubted whether the West could meet the challenges of the Cold War and prevail.

Churchill asked the reporters:

What other nation in history, when it became supremely powerful, has had no thought of territorial aggrandizement, no ambition but to use its resources for the good of the world? I marvel at America's altruism, her sublime disinterestedness.

Churchill's friend and physician, Lord Moran, described the Prime Minister's demeanor as he spoke:

All at once I realized Winston was in tears. His eyes were red. His voice faltered. He was deeply moved.

President Reagan was drawn to that story in his final radio address to the Nation 22 years ago because he understood that in that moment Churchill understood and acknowledged the greatness of the American spirit. Imperfect though we are as human beings, it is the spirit that explains who we are and expresses all we aspire to be. He saw America's devotion to a cause that has defined us for over two centuries, a cause greater than our own individual self-interest or even national self-interest very often and that has given an enduring purpose to our national destiny. That is the cause of human dignity and human freedom.

At a time when we face many challenges both at home and abroad and when it has, unfortunately, become fashionable to suggest that our best days as a nation are behind us, President Reagan's optimism and his abiding faith in America are more important to remember than ever before. They are as wise as they are true. Our shared national destiny has always inspired us as Americans and propelled us forward together. It is the spirit that Ronald Reagan re-inspired in America at a time of great peril. It is spirit, at this time of peril here at home and around the world, that can carry us forward and continue to make us the greatest Nation on Earth and the last best hope of mankind.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate the remarks of the Senator from Connecticut. I am glad I had the opportunity to hear them.

I, too, am here to celebrate Ronald Reagan's life, born 100 years ago, but also his nearly 50 years of influence on American public policy. I begin in this way. A few years ago when he was President, President Reagan attended one of the many Washington press dinners held here. I think it was the Gridiron dinner. It was well known to 90

percent of the people in the audience that members of the press had a different point of view on politics than he did, but they liked him anyway, and they respected him, just as he respected them. I remember that evening that he strode into the Gridiron dinner smiling and looking like a million bucks. The press rose and smiled back and applauded him. President Reagan stood in front of the media until the applause subsided and then he said:

Thank you very much. I know how hard it is to clap with your fingers crossed.

The media laughed. They had a wonderful time with President Reagan.

The first thing we think about, those of us who had a chance to know him—and that was a great many of us—is that Ronald Reagan was a very friendly, congenial man, an easy person to know, the kind of person one would enjoy spending time with. He was very comfortable, as we say, in his own skin. What we saw in private was what everybody else saw in public.

Ronald Reagan was about more than being friendly and congenial. Each of us has a personal story of his or her connection to President Reagan. I have mine, and I wish this as an example.

Sixteen years ago this month I stood, as a great many Members of this body have, on the front porch of my hometown courthouse. In my case, it was in Maryville, TN. There I announced my candidacy for President of the United States. It was an offer the people of the United States did not accept. My preacher brother-in-law said I should consider that defeat as a reverse calling. I have, and I have gone on to other things.

As an example of the influence President Reagan had on my generation and others, let me read an example of what I said in 1995, 16 years ago:

Thirty years ago Ronald Reagan, before he was elected to any public office, made an address called "A Time For Choosing." He said that in America freedom is our greatest value, and that then there were two great threats: communism abroad and big government at home.

Looking back over those last 30 years, I suppose we could say, one down and one to go. Communism, the evil empire, has virtually disappeared. But big government at home has become an arrogant empire, obnoxious and increasingly irrelevant in a telecommunications age. In every neighborhood in America, the government in Washington is stepping on the promise of American Life. The New American Revolution is about lifting that yoke from the backs of American teachers, farmers, business men and women, college presidents, and homeless shelter directors and giving us the freedom to make decisions for ourselves.

Ronald Reagan put it this way in 1964: "This is the issue of the election. Whether we believe in our capacity for self government or whether we abandon the American Revolution and confess that a little intellectual elite in a far distant capital can plan our lives for us better than we can plan ourselves."

That was also the issue of the election in 1994. It will be the issue of 1996, and for years

to come. It took 30 years of unfashionable principled leadership by the last Republican Washington outsider who became President to help collapse the evil empire. Now is a good time to give another Republican Washington outsider the opportunity to help put some humility into the arrogant empire in Washington, D.C.

So we see that the issues of 1964, the issues of 1994, the issues of 2010, and most likely the issues of 2012 and 2016 and beyond have a lot of similarities.

Over that half century, Ronald Reagan was the finest spokesman for that point of view, the finest and the most persuasive.

We Americans say anything is possible. Nothing symbolizes that more than the American Presidency. We see it in President Obama today, we saw it in President Lincoln, we saw it in President Truman, we saw it in President Eisenhower, and we saw it in Ronald Reagan. No President symbolized that more in the last half century than President Reagan did, though. He reminded us of what it means to be an American. He lifted our spirits, he made us proud, he strengthened our character, and he taught us a great many lessons. We celebrate the centennial of his birth and the half century of his influence in public life.

I ask unanimous consent to have printed in the RECORD Ronald Reagan's speech "A Time for Choosing," given on October 27, 1964, which launched him into public debate in the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RONALD REAGAN—"A TIME FOR CHOOSING"

(October 27, 1964)

Thank you. Thank you very much. Thank you and good evening. The sponsor has been identified, but unlike most television programs, the performer hasn't been provided with a script. As a matter of fact, I have been permitted to choose my own words and discuss my own ideas regarding the choice that we face in the next few weeks.

I have spent most of my life as a Democrat. I recently have seen fit to follow another course. I believe that the issues confronting us cross party lines. Now, one side in this campaign has been telling us that the issues of this election are the maintenance of peace and prosperity. The line has been used, "We've never had it so good."

But I have an uncomfortable feeling that this prosperity isn't something on which we can base our hopes for the future. No nation in history has ever survived a tax burden that reached a third of its national income. Today, 37 cents out of every dollar earned in this country is the tax collector's share, and yet our government continues to spend 17 million dollars a day more than the government takes in. We haven't balanced our budget 28 out of the last 34 years. We've raised our debt limit three times in the last twelve months, and now our national debt is one and a half times bigger than all the combined debts of all the nations of the world. We have 15 billion dollars in gold in our treasury; we don't own an ounce. Foreign dollar claims are 27.3 billion dollars. And we've just had announced that the dollar of

1939 will now purchase 45 cents in its total value.

As for the peace that we would preserve, I wonder who among us would like to approach the wife or mother whose husband or son has died in South Vietnam and ask them if they think this is a peace that should be maintained indefinitely. Do they mean peace, or do they mean we just want to be left in peace? There can be no real peace while one American is dying some place in the world for the rest of us. We're at war with the most dangerous enemy that has ever faced mankind in his long climb from the swamp to the stars, and it's been said if we lose that war, and in so doing lose this way of freedom of ours, history will record with the greatest astonishment that those who had the most to lose did the least to prevent its happening. Well I think it's time we ask ourselves if we still know the freedoms that were intended for us by the Founding Fathers.

Not too long ago, two friends of mine were talking to a Cuban refugee, a businessman who had escaped from Castro, and in the midst of his story one of my friends turned to the other and said, "We don't know how lucky we are." And the Cuban stopped and said, "How lucky you are? I had someplace to escape to." And in that sentence he told us the entire story. If we lose freedom here, there's no place to escape to. This is the last stand on earth.

And this idea that government is beholden to the people, that it has no other source of power except the sovereign people, is still the newest and the most unique idea in all the long history of man's relation to man.

This is the issue of this election: Whether we believe in our capacity for self-government or whether we abandon the American revolution and confess that a little intellectual elite in a far-distant capitol can plan our lives for us better than we can plan them ourselves.

You and I are told increasingly we have to choose between a left or right. Well I'd like to suggest there is no such thing as a left or right. There's only an up or down—[up] man's old—old-aged dream, the ultimate in individual freedom consistent with law and order, or down to the ant heap of totalitarianism. And regardless of their sincerity, their humanitarian motives, those who would trade our freedom for security have embarked on this downward course.

In this vote-harvesting time, they use terms like the "Great Society," or as we were told a few days ago by the President, we must accept a greater government activity in the affairs of the people. But they've been a little more explicit in the past and among themselves; and all of the things I now will quote have appeared in print. These are not Republican accusations. For example, they have voices that say, "The cold war will end through our acceptance of a not undemocratic socialism." Another voice says, "The profit motive has become outmoded. It must be replaced by the incentives of the welfare state." Or, "Our traditional system of individual freedom is incapable of solving the complex problems of the 20th century." Senator Fullbright has said at Stanford University that the Constitution is outmoded. He referred to the President as "our moral teacher and our leader," and he says he is "hobbled in his task by the restrictions of power imposed on him by this antiquated document." He must "be freed," so that he "can do for us" what he knows "is best." And Senator Clark of Pennsylvania, another articulate spokesman, defines liberalism as

"meeting the material needs of the masses through the full power of centralized government."

Well, I, for one, resent it when a representative of the people refers to you and me, the free men and women of this country, as "the masses." This is a term we haven't applied to ourselves in America. But beyond that, "the full power of centralized government"—this was the very thing the Founding Fathers sought to minimize. They knew that governments don't control things. A government can't control the economy without controlling people. And they know when a government sets out to do that, it must use force and coercion to achieve its purpose. They also knew, those Founding Fathers, that outside of its legitimate functions, government does nothing as well or as economically as the private sector of the economy.

Now, we have no better example of this than government's involvement in the farm economy over the last 30 years. Since 1955, the cost of this program has nearly doubled. One-fourth of farming in America is responsible for 85 percent of the farm surplus. Three-fourths of farming is out on the free market and has known a 21 percent increase in the per capita consumption of all its produce. You see, that one-fourth of farming—that's regulated and controlled by the federal government. In the last three years we've spent 43 dollars in the feed grain program for every dollar bushel of corn we don't grow.

Senator Humphrey last week charged that Barry Goldwater, as President, would seek to eliminate farmers. He should do his homework a little better, because he'll find out that we've had a decline of 5 million in the farm population under these government programs. He'll also find that the Democratic administration has sought to get from Congress [an] extension of the farm program to include that three-fourths that is now free. He'll find that they've also asked for the right to imprison farmers who wouldn't keep books as prescribed by the federal government. The Secretary of Agriculture asked for the right to seize farms through condemnation and resell them to other individuals. And contained in that same program was a provision that would have allowed the federal government to remove 2 million farmers from the soil.

At the same time, there's been an increase in the Department of Agriculture employees. There's now one for every 30 farms in the United States, and still they can't tell us how 66 shiploads of grain headed for Austria disappeared without a trace and Billie Sol Estes never left shore.

Every responsible farmer and farm organization has repeatedly asked the government to free the farm economy, but how—who are farmers to know what's best for them? The wheat farmers voted against a wheat program. The government passed it anyway. Now the price of bread goes up; the price of wheat to the farmer goes down.

Meanwhile, back in the city, under urban renewal the assault on freedom carries on. Private property rights [are] so diluted that public interest is almost anything a few government planners decide it should be. In a program that takes from the needy and gives to the greedy, we see such spectacles as in Cleveland, Ohio, a million-and-a-half-dollar building completed only three years ago must be destroyed to make way for what government officials call a "more compatible use of the land." The President tells us he's now going to start building public housing units in the thousands, where heretofore

we've only built them in the hundreds. But FHA [Federal Housing Authority] and the Veterans Administration tell us they have 120,000 housing units they've taken back through mortgage foreclosure. For three decades, we've sought to solve the problems of unemployment through government planning, and the more the plans fail, the more the planners plan. The latest is the Area Redevelopment Agency.

They've just declared Rice County, Kansas, a depressed area. Rice County, Kansas, has two hundred oil wells, and the 14,000 people there have over 30 million dollars on deposit in personal savings in their banks. And when the government tells you you're depressed, lie down and be depressed.

We have so many people who can't see a fat man standing beside a thin one without coming to the conclusion the fat man got that way by taking advantage of the thin one. So they're going to solve all the problems of human misery through government and government planning. Well, now, if government planning and welfare had the answer—and they've had almost 30 years of it—shouldn't we expect government to read the score to us once in a while? Shouldn't they be telling us about the decline each year in the number of people needing help? The reduction in the need for public housing?

But the reverse is true. Each year the need grows greater; the program grows greater. We were told four years ago that 17 million people went to bed hungry each night. Well that was probably true. They were all on a diet. But now we're told that 9.3 million families in this country are poverty-stricken on the basis of earning less than 3,000 dollars a year. Welfare spending [is] 10 times greater than in the dark depths of the Depression. We're spending 45 billion dollars on welfare. Now do a little arithmetic, and you'll find that if we divided the 45 billion dollars up equally among those 9 million poor families, we'd be able to give each family 4,600 dollars a year. And this added to their present income should eliminate poverty. Direct aid to the poor, however, is only running only about 600 dollars per family. It would seem that someplace there must be some overhead.

Now—so now we declare "war on poverty," or "You, too, can be a Bobby Baker." Now do they honestly expect us to believe that if we add 1 billion dollars to the 45 billion we're spending, one more program to the 30-odd we have—and remember, this new program doesn't replace any, it just duplicates existing programs—do they believe that poverty is suddenly going to disappear by magic? Well, in all fairness I should explain there is one part of the new program that isn't duplicated. This is the youth feature. We're now going to solve the dropout problem, juvenile delinquency, by reinstituting something like the old CCC camps (Civilian Conservation Corps), and we're going to put our young people in these camps. But again we do some arithmetic, and we find that we're going to spend each year just on room and board for each young person we help 4,700 dollars a year. We can send them to Harvard for 2,700! Course, don't get me wrong. I'm not suggesting Harvard is the answer to juvenile delinquency.

But seriously, what are we doing to those we seek to help? Not too long ago, a judge called me here in Los Angeles. He told me of a young woman who'd come before him for a divorce. She had six children, was pregnant with her seventh. Under his questioning, she revealed her husband was a laborer earning 250 dollars a month. She wanted a divorce to

get an 80 dollar raise. She's eligible for 330 dollars a month in the Aid to Dependent Children Program. She got the idea from two women in her neighborhood who'd already done that very thing.

Yet anytime you and I question the schemes of the do-gooders, we're denounced as being against their humanitarian goals. They say we're always "against" things—we're never "for" anything.

Well, the trouble with our liberal friends is not that they're ignorant; it's just that they know so much that isn't so.

Now—we're for a provision that destitution should not follow unemployment by reason of old age, and to that end we've accepted Social Security as a step toward meeting the problem.

But we're against those entrusted with this program when they practice deception regarding its fiscal shortcomings, when they charge that any criticism of the program means that we want to end payments to those people who depend on them for a livelihood. They've called it "insurance" to us in a hundred million pieces of literature. But then they appeared before the Supreme Court and they testified it was a welfare program. They only use the term "insurance" to sell it to the people. And they said Social Security dues are a tax for the general use of the government, and the government has used that tax. There is no fund, because Robert Byers, the actuarial head, appeared before a congressional committee and admitted that Social Security as of this moment is 298 billion dollars in the hole. But he said there should be no cause for worry because as long as they have the power to tax, they could always take away from the people whatever they needed to bail them out of trouble. And they're doing just that.

A young man, 21 years of age, working at an average salary—his Social Security contribution would, in the open market, buy him an insurance policy that would guarantee 220 dollars a month at age 65. The government promises 127. He could live it up until he's 31 and then take out a policy that would pay more than Social Security. Now are we so lacking in business sense that we can't put this program on a sound basis, so that people who do require those payments will find they can get them when they're due—that the cupboard isn't bare?

Barry Goldwater thinks we can.

At the same time, can't we introduce voluntary features that would permit a citizen who can do better on his own to be excused upon presentation of evidence that he had made provision for the non-earning years? Should we not allow a widow with children to work, and not lose the benefits supposedly paid for by her deceased husband? Shouldn't you and I be allowed to declare who our beneficiaries will be under this program, which we cannot do? I think we're for telling our senior citizens that no one in this country should be denied medical care because of a lack of funds. But I think we're against forcing all citizens, regardless of need, into a compulsory government program, especially when we have such examples, as was announced last week, when France admitted that their Medicare program is now bankrupt. They've come to the end of the road.

In addition, was Barry Goldwater so irresponsible when he suggested that our government give up its program of deliberate, planned inflation, so that when you do get your Social Security pension, a dollar will buy a dollar's worth, and not 45 cents worth?

I think we're for an international organization, where the nations of the world can seek

peace. But I think we're against subordinating American interests to an organization that has become so structurally unsound that today you can muster a two-thirds vote on the floor of the General Assembly among nations that represent less than 10 percent of the world's population. I think we're against the hypocrisy of assailing our allies because here and there they cling to a colony, while we engage in a conspiracy of silence and never open our mouths about the millions of people enslaved in the Soviet colonies in the satellite nations.

I think we're for aiding our allies by sharing of our material blessings with those nations which share in our fundamental beliefs, but we're against doling out money government to government, creating bureaucracy, if not socialism, all over the world. We set out to help 19 countries. We're helping 107. We've spent 146 billion dollars. With that money, we bought a 2 million dollar yacht for Haile Selassie. We bought dress suits for Greek undertakers, extra wives for Kenya[n] government officials. We bought a thousand TV sets for a place where they have no electricity. In the last six years, 52 nations have bought 7 billion dollars worth of our gold, and all 52 are receiving foreign aid from this country.

No government ever voluntarily reduces itself in size. So governments' programs, once launched, never disappear.

Actually, a government bureau is the nearest thing to eternal life we'll ever see on this earth.

Federal employees—federal employees number two and a half million; and federal, state, and local, one out of six of the nation's work force employed by government. These proliferating bureaus with their thousands of regulations have cost us many of our constitutional safeguards. How many of us realize that today federal agents can invade a man's property without a warrant? They can impose a fine without a formal hearing, let alone a trial by jury? And they can seize and sell his property at auction to enforce the payment of that fine. In Chico County, Arkansas, James Wier over-planted his rice allotment. The government obtained a 17,000 dollar judgment. And a U.S. marshal sold his 960-acre farm at auction. The government said it was necessary as a warning to others to make the system work.

Last February 19th at the University of Minnesota, Norman Thomas, six-times candidate for President on the Socialist Party ticket, said, "If Barry Goldwater became President, he would stop the advance of socialism in the United States." I think that's exactly what he will do.

But as a former Democrat, I can tell you Norman Thomas isn't the only man who has drawn this parallel to socialism with the present administration, because back in 1936, Mr. Democrat himself, Al Smith, the great American, came before the American people and charged that the leadership of his Party was taking the Party of Jefferson, Jackson, and Cleveland down the road under the banners of Marx, Lenin, and Stalin. And he walked away from his Party, and he never returned till the day he died—because to this day, the leadership of that Party has been taking that Party, that honorable Party, down the road in the image of the labor Socialist Party of England.

Now it doesn't require expropriation or confiscation of private property or business to impose socialism on a people. What does it mean whether you hold the deed to the—or the title to your business or property if the government holds the power of life and death

over that business or property? And such machinery already exists. The government can find some charge to bring against any concern it chooses to prosecute. Every businessman has his own tale of harassment. Somewhere a perversion has taken place. Our natural, unalienable rights are now considered to be a dispensation of government, and freedom has never been so fragile, so close to slipping from our grasp as it is at this moment.

Our Democratic opponents seem unwilling to debate these issues. They want to make you and I believe that this is a contest between two men—that we're to choose just between two personalities.

Well what of this man that they would destroy—and in destroying, they would destroy that which he represents, the ideas that you and I hold dear? Is he the brash and shallow and trigger-happy man they say he is? Well I've been privileged to know him "when." I knew him long before he ever dreamed of trying for high office, and I can tell you personally I've never known a man in my life I believed so incapable of doing a dishonest or dishonorable thing.

This is a man who, in his own business before he entered politics, instituted a profit-sharing plan before unions had ever thought of it. He put in health and medical insurance for all his employees. He took 50 percent of the profits before taxes and set up a retirement program, a pension plan for all his employees. He sent monthly checks for life to an employee who was ill and couldn't work. He provides nursing care for the children of mothers who work in the stores. When Mexico was ravaged by the floods in the Rio Grande, he climbed in his airplane and flew medicine and supplies down there.

An ex-GI told me how he met him. It was the week before Christmas during the Korean War, and he was at the Los Angeles airport trying to get a ride home to Arizona for Christmas. And he said that [there were] a lot of servicemen there and no seats available on the planes. And then a voice came over the loudspeaker and said, "Any men in uniform wanting a ride to Arizona, go to runway such-and-such," and they went down there, and there was a fellow named Barry Goldwater sitting in his plane. Every day in those weeks before Christmas, all day long, he'd load up the plane, fly it to Arizona, fly them to their homes, fly back over to get another load.

During the hectic split-second timing of a campaign, this is a man who took time out to sit beside an old friend who was dying of cancer. His campaign managers were understandably impatient, but he said, "There aren't many left who care what happens to her. I'd like her to know I care." This is a man who said to his 19-year-old son, "There is no foundation like the rock of honesty and fairness, and when you begin to build your life on that rock, with the cement of the faith in God that you have, then you have a real start." This is not a man who could carelessly send other people's sons to war. And that is the issue of this campaign that makes all the other problems I've discussed academic, unless we realize we're in a war that must be won.

Those who would trade our freedom for the soup kitchen of the welfare state have told us they have a utopian solution of peace without victory. They call their policy "accommodation." And they say if we'll only avoid any direct confrontation with the enemy, he'll forget his evil ways and learn to love us. All who oppose them are indicted as warmongers. They say we offer simple answers to complex problems. Well, perhaps

there is a simple answer—not an easy answer—but simple: If you and I have the courage to tell our elected officials that we want our national policy based on what we know in our hearts is morally right.

We cannot buy our security, our freedom from the threat of the bomb by committing an immorality so great as saying to a billion human beings now enslaved behind the Iron Curtain, “Give up your dreams of freedom because to save our own skins, we’re willing to make a deal with your slave masters.” Alexander Hamilton said, “A nation which can prefer disgrace to danger is prepared for a master, and deserves one.” Now let’s set the record straight. There’s no argument over the choice between peace and war, but there’s only one guaranteed way you can have peace—and you can have it in the next second—surrender.

Admittedly, there’s a risk in any course we follow other than this, but every lesson of history tells us that the greater risk lies in appeasement, and this is the specter our well-meaning liberal friends refuse to face—that their policy of accommodation is appeasement, and it gives no choice between peace and war, only between fight or surrender. If we continue to accommodate, continue to back and retreat, eventually we have to face the final demand—the ultimatum. And what then—when Nikita Khrushchev has told his people he knows what our answer will be? He has told them that we’re retreating under the pressure of the Cold War, and someday when the time comes to deliver the final ultimatum, our surrender will be voluntary, because by that time we will have been weakened from within spiritually, morally, and economically. He believes this because from our side he’s heard voices pleading for “peace at any price” or “better Red than dead,” or as one commentator put it, he’d rather “live on his knees than die on his feet.” And therein lies the road to war, because those voices don’t speak for the rest of us.

You and I know and do not believe that life is so dear and peace so sweet as to be purchased at the price of chains and slavery. If nothing in life is worth dying for, when did this begin—just in the face of this enemy? Or should Moses have told the children of Israel to live in slavery under the pharaohs? Should Christ have refused the cross? Should the patriots at Concord Bridge have thrown down their guns and refused to fire the shot heard ‘round the world? The martyrs of history were not fools, and our honored dead who gave their lives to stop the advance of the Nazis didn’t die in vain. Where, then, is the road to peace? Well it’s a simple answer after all.

You and I have the courage to say to our enemies, “There is a price we will not pay.” “There is a point beyond which they must not advance.” And this—this is the meaning in the phrase of Barry Goldwater’s “peace through strength.” Winston Churchill said, “The destiny of man is not measured by material computations. When great forces are on the move in the world, we learn we’re spirits—not animals.” And he said, “There’s something going on in time and space, and beyond time and space, which, whether we like it or not, spells duty.”

You and I have a rendezvous with destiny. We’ll preserve for our children this, the last best hope of man on earth, or we’ll sentence them to take the last step into a thousand years of darkness.

We will keep in mind and remember that Barry Goldwater has faith in us. He has faith that you and I have the ability and the dig-

nity and the right to make our own decisions and determine our own destiny.

Thank you very much.

Mr. ALEXANDER. I ask unanimous consent to print in the RECORD as well remarks I made in Orange County, CA, on October 28, 1994, on the 30th anniversary of the speech “A Time for Choosing.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

30TH ANNIVERSARY OF RONALD REAGAN
REVOLUTION

(By Lamar Alexander, Oct. 28, 1994)

I don’t think Ronald Reagan would mind if before we get down to business, I told you one Minnie Pearl story. They are pretty good friends. Most people who have run for governor of Tennessee in the past 30–40 years have done so in order to live next door to Minnie Pearl. Her house is next door to the governor’s mansion. And, you learn very quickly living next door to Minnie that you don’t try to tell a better story than she can; because, she’ll one up you.

I was telling her after I left office about how people would look at me, but they could not remember why they knew they had seen me before. One man up in the mountains walked up and stared me in the face and said, “Ain’t you Alexander?” I said, “Yes, sir.” He stared a while longer and said, “Well, you sure don’t favor yourself.”

Minnie said, “Well, let me tell you what happened to me. . . . I was in the elevator in Opryland Hotel, minding my own business, and this tourist from California gets on and looks me up and down and says, ‘I’ll bet a lot of people tell you that you look like Minnie Pearl.’” She said, “and I said very sweetly, ‘Yes, sir, they do,’ and, he looked me down a while longer and said, ‘And, I’ll bet it makes you mad, don’t it?’”

It was reported that several Goldwater aides warned against letting Ronald Reagan make a speech this summer. He’ll be inflammatory, they said. Sen. Goldwater intervened and made sure he didn’t. And, Ronald Reagan didn’t disappoint those aides. He began in this way, “I am going to speak of controversial things and I make no apologies for this.” The speech that we saw has made a landmark. It defines the things we Americans value most, our freedom. And, what most menaced that freedom, communists abroad and big government at home. It became a call to arms for conservatives, a rallying point, a promise of hope for the future.

We are here tonight less than two weeks before another election, one that has taken on all the characteristics of a presidential election. It’s become a referendum on the direction of our country. I would like to talk tonight for a few minutes about what the speech, “A Time for Choosing,” has meant to America during the last thirty years and what lessons we might learn for the next thirty.

If I had to put it in one sentence, what we have learned from the last thirty, that the principle threat to freedom abroad has been defeated and the principle of threat at home has gotten more menacing. The evil empire in the Kremlin has collapsed but the government in Washington has become an arrogant empire; spreading its tentacles into our everyday lives.

I was a student at New York University on October 27, 1964. And, to tell you the truth, I wasn’t paying much attention to politics. So, I was struck when I read what we just

saw, what Ronald Reagan said about the 1964 campaign. He said, “This is the issue of the election whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far distant Capitol can plan our lives better than we can plan our lives ourselves.”

Replace the words “little intellectual elite” with an arrogant empire and you have the issue of this election, the one in 10 days, as well. In 1964, Ronald Reagan’s talk of peace overseas could have just as easily applied to the dangers of the approaching encroachments of Washington, DC, into our everyday lives at home. He said it. “Every lesson of history teaches us that the greater risk lies in people. There is a price we will not pay. There is a point beyond which our enemies must not advance. You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on earth that we will sentence them to take the last step into a thousand years of darkness.”

Those were dramatic words, but these are dramatic events with dramatic consequences. Sometimes we forget just how unproven Ronald Reagan’s thinking generally was. Even after he was president. At Westminster, he predicted that the Soviet Union would wind up in the ash heap of history. No other world leader would say anything like that.

I remember one Sunday in 1984, when I was sitting in a church in Amsterdam, our family had just left Anne Frank’s house and were remembering the stories how on another Sunday morning the German tanks had unexpectedly arrived in 1940. I was listening to the minister in that church in Amsterdam denounce the cold war policies, as he said, of Reagan and Begin and Hitler.

In 1987, when Pres. Reagan was preparing for his speech at the Brandenburg gate, some nervous aides wanted to eliminate the phrase, “Mr. Gorbachev, tear down this wall.” They were afraid it was so unlikely that it would seem un-presidential. Pres. Reagan told Martin Anderson, not long ago, that, “When I called them the evil empire I did it on purpose. I wanted them to know that we saw them for what they were.”

The evil empires collapsed; the Berlin Wall has come down. And we should never forget that Germany would not be united, that we and the Russians would not be dismantling weapons of mass destruction, that Arafat and Rapine would not have shaken hands, if the Cold War hadn’t ended, and the Cold War would not have ended unless President Reagan had persisted in that bold and unfashionable thinking that he outlined in his speech in 1964.

Unfortunately, the second great menace that Ronald Reagan pointed to in 1964 is if anything more menacing. He said in ‘64, “Our government continues to spend \$17 million a day more than our government takes in.” 30 years later our government spends \$643 million a day more than our government takes in. Ronald Reagan said in 1964, we haven’t balanced our budget for 28 out of the last 34 years. Well, that is still true today, except it is 57 out of the last 64.

But we don’t need statistics to prove that, we see that in our everyday lives. I saw it this summer. Between the 4th of July and Labor Day when I did something many Americans do, I drove across the country. I came to Orange County on that drive. I spent many of the nights on that drive with families I had never met before; eating supper; staying up late talking.

Driving across America, there are several ways to take the temperature of the country. Bumper stickers, for example. One of them on Interstate 10 in Louisiana said, "Make welfare as hard to get as a building permit." Another one, in Florida said, "I love my country but I fear my government!" But, as I drove along, I found a better way to take the temperature of the country. And that was by asking a question of the families with whom I stayed, and tonight I would like to ask you to ask yourselves that question, and it is this: "Looking ahead 30 years, do you believe your children and your grandchildren will have more opportunities growing up in this country than you have had?"

When I asked that question this summer, I got a lot of long pauses and most people were afraid to say yes. This ambivalence about our future, if it is allowed to persist, will destroy what is special about this country. Namely, our almost irrational belief in the unlimited future of America and that every one of us, no matter where we come from, no matter what our station in life is, has a chance to have a piece of that future. On my drive, I was reminded that we Americans know exactly what is causing that loss of optimism. It is, first, the government in Washington, and it is, second, our drift away from standards and principles and values that have made this such a remarkable country in the first place.

This is not something that I just heard at Republicans dinners. Father Jerry Hill, for example, runs a homeless shelter in Dallas, Texas. He won't take a federal grant anymore because he has grown tired of filling out forms all day Friday to justify what he has done Monday through Thursday. He says federal grants have made a nation of liars of us; applying for money that we don't need to spend for things we do need. And he is absolutely outraged that the government in Washington is paying \$446 a month in Social Security disability benefits to drug addicts. He says, "I can't help it when they have that kind of support for their addiction."

Whether it is a school board member, whether it is a small business man or woman, a teacher, a hospital director, a housing project director, a former Cherokee Indian Chief—I have visited them all and they have had it up to here. They have had it up to here, and they can hardly say in civil terms how much they resent, not just the meddling, but the arrogance of the government in Washington, DC.

Let me give you an example close to home. Many of you are candidates for the school boards of Orange County. I salute you. I cannot think of anything more important, but, let me ask you this in very blunt terms: Do you really believe that you are too stupid to set the weapons policy for the schools of Orange County? Well, your United States Senator does and most of the Congress agrees with her.

In fact, the entire Congress passed a thousand-page education bill that takes a great many decisions from you, if you should be elected: The decision about what to say in a parent/teacher conference. The decision about how much school choice could be granted to parents. A definition of what a family is. The decision about whether text books should be replaced with new textbooks that focus on gender equity as defined by the new Assistant Secretary of Education. That all passed in the last week of this session of this Congress. Congress decided all of it and established in addition a sort of national school board, and they are not even embarrassed about it.

President Clinton and Senator Feinstein held a press conference here in California to say, in effect, that they were proud of the fact that they had taken away the freedom of a thousand California school boards to assign a weapons policy for 7,100 schools and more than 5 million children. Senator Kennedy and President Clinton held a press conference of their own in Massachusetts. And for what? To pat themselves on the back for taking away your freedoms to make decisions in your own neighborhoods in your own schools about how to educate your own children.

Here is the most powerful lesson of "A Time for Choosing" in the last 30 years. With the evil empire, President Reagan did exactly what a president ought to do. He solved the menace to freedom. He put aside less important issues. He developed a strategy. He persuaded at least half the people he was right. He persisted. He threw himself unfashionably into it until he wore everyone else out, and then he succeeded.

Now we must do the same at home. We should train our sights on the arrogant empire in Washington, DC. That is the issue of this election, and it will be issue of 1996 as well.

In 1992, Bill Clinton had a wonderful opportunity. This country was ready for a new generation of leadership; it wanted to look outside Washington for its answers. President Clinton gave us five minutes of hope and then proceeded to lead us in exactly the wrong direction. Washington taxes, Washington healthcare, a national school board, reinventing everything in Washington, DC. He has help in 2 years to create an even more arrogant empire. Which is why in California, and why in this country, we will be having a Republican sweep in 10 days.

Whether that dream comes, something else will have been created which is an opportunity a mile wide for the Republican Party. Because the voters will then turn around to us and say, "Well, what are you guys for?" And we should not kid ourselves. The voters are not going to be expecting too much from us because our Republican agenda has either been non-existent, or too tempered, so much so that it sounds like usually that about all we can do is be against what the Democrats are for.

So let us remember Ronald Reagan's example and his boldness and train our sights on the menace of freedom at home in the same way he trained his sights on the mask of freedom abroad. For example, instead of congressional reform at the margins, I say we should cut their pay and send them home. I mean by that that the United States Congress should spend six months in Washington; six months at home and have half as much pay. Let them take a real job, live alongside the rest of us. If you want a Congress of citizens who's more responsive to you than to the lobbyist in Washington, this is the way to do it. The eleven states with the lowest taxes have a legislature that is limited to meeting for 90 days. That would be one thing.

Instead of reforming welfare in Washington, DC; let's end welfare in Washington, DC. Send them home and send the tax base with them back to the states. Send most of elementary and secondary education and jobs-related there as well. Send some of the departments and agencies, too. No more entitlements, period. Not one more law that imposes an unfunded mandate on a state government or a federal government. Term limits; balanced budget; line-item veto; a wholesale review of the federal rule making

authority and an education bill that would free local schools from Washington control; privatize all public housing. All of this will increase our freedoms at home by preventing someone in Washington, DC, from making those decisions for us.

An agenda like this will catch plenty of flak. Remember Reagan and Begin and Hitler. Already the Washington establishment has said it can't imagine a dumber idea than a citizen Congress. I cannot count the number of nights that I have been in editorial board meetings and been accused of trying to destroy public schools because I suggested that at least poor children ought to have more of the same choices of the best schools—the ones that the members of the editorial board send their children to.

Approved thinking is not always right thinking. We'll be accused of turning and taking America back to the dark ages. We have already been accused by the Democrats in this election of going as far back as the days of Ronald Reagan. If that is an issue on Election Day, I think I know how the referendum will come out. But, eventually, we will be seen for what we are. Painters of a picture of America's future based on freedom and opportunity.

I have this prediction to make. The arrogant empire at home will also be consigned to the ash heap. It will for a while be unfashionable to say this and it will seem overly dramatic to suggest that calling a halt to this "too big for its britches" government in Washington, DC, is a rendezvous with destiny for this generation but I believe that it is so. And, just as the collapse of the Soviet Union didn't solve all of our problems abroad—in fact it created a much more uncertain and unstable world that we have yet to learn how to grapple with—the devolution of responsibility from Washington, DC, to families, to churches, neighborhoods and schools will put plenty of problems in your hands; the problems that trouble us the most every day. But that is where the responsibility ought to be.

I was reminded every day, on that drive across America, that we know exactly what to do in this country to put our nation back on track. We will have to do it community by community; family by family; school board by school board. In Murfreesboro, TN, families now have choices of schools 12 hours a day; all day, every year at no extra cost to the taxpayer. Reuben Greenberg, the police chief of Charleston, SC, has made even the housing projects as safe as any part of Charleston now that the government lets him kick criminals out of the housing projects. Reverend Henry Delaney has cleaned up the crack houses on 32nd street in Savannah and he knows what to do about welfare if someone in Washington will stop reinventing it long enough to ask him. And, Dan Biederman is taking whole blocks of New York City and with a private company making those blocks safe and clean and free from homeless. My own answer to the question, "Looking ahead 30 years, do you believe your children and grandchildren will have more opportunity growing up in this country than you have had?" is absolutely yes, because I am going to do everything in my power to see that they do, because that was done for me.

When I was appointed Secretary of Education, the New York Times felt obligated to write that, Mr. Alexander grew up in a lower-middle class family in the mountains of Eastern Tennessee. That was alright with me, but not, I discovered, when I called home the next week, alright with my mother, who

was literally reading Thessalonians to gain strength for how to deal with this slur on the family. "We never thought of ourselves that way," she said. "You had a library card from the day you were three and music lessons from the day you were four; you had everything you needed that was important."

And, I also had a grandfather who ran away from home when he was eight; somehow got to Oklahoma and became a railroad engineer and finally retired back to the mountains just in time to instruct us growing up in Maryville, "Aim for the top there's more room there." So we grew up thinking we could be the railroad engineer, or the English teacher, or the school board member, or the principal or the governor or even the President of the United States.

If some president had come on the radio offering me and my friends growing up a government credit card with benefits for the rest of my life, my grandfather would have thrown his boot through the radio because that was not his idea of America's future. When I was 5 years old, I visited my grandfather who was then a switch engineer in Newton, Kansas, a division point of the Santa Fe Railway. His job was to push and pull those huge belching steam engines into the round house put them on the turntable, turn them around and head them in the right direction.

Our country today is like one of those steam engines. It is headed in exactly the wrong direction, and in the election 10 days from now, we have to slow it down and get it on the turntable and turn it around and, at least by 1996, get it headed in the right direction. That is the challenge for our party and for our country.

I couldn't conclude this evening without acknowledging the magic of Ronald Reagan. The storyteller in this case was at least as important as the story. The speech would have just been a speech in anyone else's hands. He made sure he had his feet planted firmly on the ground before he entered public life and he kept them there. He knew and we knew where he stood. He assumed no false importance.

He seemed to know his job was not to change everyone's mind but to speak the mind of the voters, of the citizens, and not be swayed by elites who told ordinary people they were too stupid to know what to do. He was firm and civil and eloquent and optimistic in his presidency. He appealed to the best of us. He knew and knows the value of a good story. And he knew, as President, that with the right purpose in that office, if he threw everything he had into it, he could wear everybody else out. That is how he helped to defeat the evil empire that threatened freedom in his generation and that is how in this generation that we, standing on Ronald Reagan's shoulders, can finish his work and expand our freedoms by dismantling the arrogant empire at home.

Thank you.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to print in the RECORD remarks I made in tribute to President Reagan in June of 2004.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE FLOOR REMARKS OF SEN. LAMAR ALEXANDER—TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

(June 7, 2004)

Mr. President, a few years ago when Ronald Reagan was President of the United States, he attended one of the many press

dinner which are held. I think it was the Gridiron Dinner. I think it is well known that maybe 90 percent of the press corps in Washington had a different point of view on issues than Pres. Reagan did, but they liked him anyway, and they respected him and he had fun with them, just as they did with him.

I remember on that evening he strode into the Gridiron Dinner looking like a million dollars, smiling big. The press rose, smiling back, applauding. Pres. Reagan stood in front of them until it subsided, and then he said to his adversaries in the media, "Thank you very much—I know how hard it is to clap with your fingers crossed." And they laughed, and they had a wonderful time with Pres. Reagan.

The first thing we think about, those of us who had any opportunity to get to know him—a great many of us—was that Ronald Reagan was a very friendly man. He was a congenial person, an easy person to know, the kind of person you want to spend a lot of time with, if you had the opportunity, and that what you saw in private was what everyone else saw in public.

Howard Baker, the former majority leader of the Senate when Ronald Reagan was president, got to know him especially well. And then in 1987, Pres. Reagan invited former Sen. Baker to come to be his chief of staff, which he was for nearly two years.

I remember Sen. Baker telling me that, to his surprise, when his 9 a.m. meetings came every morning with Pres. Reagan, he discovered that Mr. Reagan had a funny little story to tell to Sen. Baker, his chief of staff. What surprised Sen. Baker even more was Pres. Reagan expected Sen. Baker to have a funny little story to tell back. So for that two years, virtually every morning at 9 a.m., when the president of the United States and the chief of staff of the White House met, they swapped funny little stories. It is very reassuring to me that two men who have maybe the two biggest jobs in the world were comfortable enough with themselves, each other, and their responsibilities to begin the day in that sort of easy way. That is the part of Ronald Reagan we think more about.

Another part of Ronald Reagan which I think is often overlooked is that he was a man of big ideas. I would say intellectual, although I guess there is a little difference between being devoted to ideals and being intellectual but not much difference.

Unlike most people who are candidates for president of the United States, Ronald Reagan wrote many of his own speeches. When he had a few minutes, he would sit in the back of a campaign airplane and make notes on cards in the shorthand that he had. His former aide, Marty Anderson, has written a book about that and told that, to a great extent, Ronald Reagan's words were his own words, ideas he expressed or ideas he gathered himself and ideas he had thought through and wanted to promulgate.

Maybe that is partly why he seemed so comfortable with himself when he finally entered public life. He came to it late in life. He was age 55 when he became governor of California, so by then he knew what he thought, and he had a sense of purpose, and he knew what he wanted to do.

I got an idea of that kind of big thinking when I went to see Pres. Reagan in my third year as governor, his first year as president in 1981. I talked to him about a big swap which I thought would help our country.

I suggested, the Federal Government take over all of Medicaid and let the State and local governments take over all responsi-

bility for kindergarten through 12th grade. That would make it clear, I said, where the responsibility lies. You cannot fix schools from Washington, and it would make more efficient our health care system if we did things that way. He liked the idea. It fit his unconventional brand of thinking. He advocated it. It was a little too revolutionary for most people in Washington in the early 1980s.

He had the same sort of unconventional attitude toward national defense policy. Many people overlooked the fact that Ronald Reagan did not just want us to have as many nuclear weapons as the Soviet empire did; he wanted to get rid of nuclear weapons. He saw them as wrong, as bad, and he wanted a world without nuclear weapons. Instead of mutual assured destruction, which was the doctrine at the time, he built up our strength so we could begin to reduce nuclear weapons and then unilaterally begin to do it before the Soviets did, hoping they would then follow. We can see the results.

At the time, some people said Ronald Reagan was naive to think we could transfer power from Washington, from an arrogant empire at home or naive to think we could face down an evil empire abroad. And especially naive to think our policy should be based upon getting rid of nuclear weapons. It turned out Ronald Reagan saw further than most of those critics did.

Perhaps his most famous speech, not my favorite speech—my favorite speech is the one we heard a lot about this weekend, 20 years ago at Normandy, which moved the whole world to tears and reminded Americans why we are Americans and what we fought for—but his most famous speech may be the one in 1987 at the Brandenburg Gate in Berlin where he said, "Mr. Gorbachev, tear down this wall."

Earlier this year, I visited Berlin with John Kornblum who at the time was U.S. minister and deputy commandant in the American sector of West Berlin where tanks challenged tanks and white crosses marked grave sites of those who were killed trying to escape over the wall from East Berlin. Mr. Kornblum talked about the development of that speech that Ronald Reagan gave that day. Those words, or the thought, "tear down this wall," went into the speech at an early stage. Some fought to keep it in. Many fought to take it out. Those who had thought Ronald Reagan was wrong to say the Soviet Union was an evil empire were not anxious for him to say, "tear down this wall."

Some suggested that Pres. Reagan try his hand at German as Pres. Kennedy had in a memorable speech at the Berlin Wall in the early 1960s. Some suggested that the speech should not be made at the Brandenburg Gate. That was too provocative, Mr. Kornblum remembers. But the speech was made at the Brandenburg Gate, and Mr. Reagan did keep his words in that speech. He did make his point, and his point was clear, "Mr. Gorbachev, tear down this wall."

For those of us who had a chance to see the new countries of Eastern Europe and their enthusiasm for freedom and for a free market system, we can see the legacy of Ronald Reagan and his unconventional thinking.

I think it is important for us to remember that this genial president was a man of ideas, of all the presidents I have worked with, as much a man of ideas as any one of those presidents.

Ronald Reagan also taught us something about leadership. I recall in 1980 when he and Mrs. Reagan visited the Tennessee governor's mansion during the presidential campaign. I had not known him very well. He

had served as governor. He was several years older. He was from the west. It was really my first chance to meet him. After one hour or an hour-and-a-half of breakfast with him the next morning, I remember going away thinking this man has a better concept of the presidency than anyone I have ever been privileged to meet.

Ronald Reagan understood what George Reedy said in his book, "The Twilight of the Presidency," is the definition of presidential leadership: First, see an urgent need; second, develop a strategy to meet the need; and, third, persuade at least half the people that you are right. Ronald Reagan was as good as anyone at persuading at least half the people that he was right. He taught that and he also taught us the importance of proceeding from principles.

Sometimes we are described in Washington these days as being too ideological, too uncompromising, too partisan. Pres. Reagan was a principled man. He operated from principles in all of his decisions, insofar as I knew. He advocated his principles as far as he could take them, but he recognized that the great decisions that we make here are often conflicts between principles on which all of us agree. It might be equal opportunity versus the rule of law. And once we have argued our principle and the solution, and strategy has been taken as far as it could go, if we get, as he said 75, 80, or 85 percent of what we advocated, well, then that is a pretty good job.

So, he was very successful because he argued from principles. He argued strenuously. He was good at persuading at least half the people he was right. Then he was willing to accept a conclusion because most of our politics is about the conflict of principles.

There is another lesson that he taught us, and that was to respect the military. Now, that seems unnecessary to say in the year 2004 where we have a volunteer military that is better than any military we have ever had in our history; when we have witnessed the thousands of acts of courage, charity, kindness, and ingenuity in Iraq and Afghanistan recently; when the men and women of our National Guard and reserves are also being called up. We have a lot of respect for our military.

In 1980, we were showing a lot less respect for the men and women of our military. I remember riding with Pres. Reagan in a car in Knoxville during the 1980 campaign. As we pulled out of the airport by the National Guard unit, there were a number of the soldiers waving at him, understanding and sensing that he respected them. He turned to me and said something like this: I wish we could think of some way to honor these men and women more. He said we used to do that in the movies in the 1930s and 1940s. We would make movies honoring men and women in the military and that is how we showed our respect for them.

Well, he did find a way to honor them during his presidency in the 1980s, and by the time he left at the end of that decade, there was no question that the American people remembered to honor the men and women in the military.

There is one other aspect of Pres. Reagan's leadership that I would like to mention, which is probably the most important aspect of the American character, and that is the belief that anything is possible. The idea that we uniquely believe in this country, and people all around the world think we are a little odd for believing it, is that no matter where you come from, no matter what race you are, no matter what color your skin, if

you come here and work hard, anything is possible.

That is why we subscribe to ideals such as all men are created equal, even though we know achieving that goal will always be a work in progress, and we may never reach it. That is why we say we will "pay any price, bear any burden," as Pres. Kennedy said, to defend peace, even though we know that is a work in progress, and we may never reach it.

That is why we say more recently we want to leave no child behind when it comes to learning to read. We know that is a work in progress, and we may not reach it, but that is our goal.

We Americans say that anything is possible, and nothing symbolizes that more than the American presidency. And no president has symbolized that more in the last century than Ronald Reagan. He has reminded us of what it means to be an American. He lifted our spirits, he made us proud, he strengthened our character, and he taught us a great many lessons.

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise to join with my colleagues. I appreciate what the Senator from Tennessee had to say about our former President, as we look upon his 100th birthday coming up this weekend and all of us pay tribute to the legacy he gave this country and the tremendous contributions he made during his time in office.

We all have different remembrances of his Presidency. I was a sophomore in college when he was elected to his first term as President. It was the first election in which I had the opportunity to vote. I guess I could say I was sort of coming of age at the time he was coming on the national political stage. He had run for President 4 years earlier.

I remember, as a young person, beginning to pay a little bit of attention to politics, at the time being so impressed with the attributes that characterized him personally and were primarily responsible for his tremendous success as President and for the great legacy he left behind.

I was someone who grew up in a small town in South Dakota, and my father and mother had both come through the Great Depression. They were similar in terms of their remembrances of that period and could identify in many respects with some of the things President Reagan talked about.

But he was a person of strong convictions. I think he had a strength of conviction that was really appealing to a lot of Americans. He was someone who believed in American exceptionalism. He understood that the greatness of this country was not in its government institutions but in its peoples and its ideals.

He was someone who was willing to confront the threats we faced around the world. The way he took on the threat of communism and promoted freedom and democracy around the globe is something for which he will always be remembered, not only here at home but by other countries around the world.

I think he possessed, in many respects, a lot of the qualities we value in the Midwest. He was a very humble person. I think his humility is something that really stood out. He was always referred to as "Dutch Reagan" in his growing up, his formative years. I think the impact he had on this country was because he saw himself as just an ordinary American like every other American, and he was able to connect and identify with the challenges and the opportunities that were facing Americans across this country at the time.

I think he also possessed, although he was the Governor of California, a midwestern sensibility that never left. He had, in many respects, values that, as I said before, many of us in the Midwest find really important—his belief that you ought to live within your means. His sort of midwestern bedrock values of individual responsibility were things he always touched upon, themes he referenced in his remarks. I think those were the types of qualities that really differentiated him on the national stage.

I remember, too, as a young person being impressed with his sense of humor. Often today there are serious matters we deal with, matters of great gravity and great weight, and they need to be taken with the right level of seriousness. But he also was able to see the best in people and to use his sense of humor to connect with people about what was really distinctive and really unique about America.

I remember the story that was told while we were fighting the Cold War about the guy in the Soviet Union who went in to buy a car, and he said: I want to buy a car.

The guy at the transportation bureau said: Well, you can have your black sedan and you can pick it up 10 years from today.

The guy thought about it for a minute, and he said: Will that be in the morning or in the afternoon?

The guy at the transportation bureau said: What difference does it make? It is 10 years from now.

And the guy said: Well, because I have the plumber coming in the morning.

Ronald Reagan had a way of putting into very simple and understandable and sometimes humorous terms what was so distinctive and unique about the American experience. I think that is something that also really set him apart.

When it came to the big issues of the day, he had a statement he made that I quote. He said: There are no easy answers, but there are simple answers. I think oftentimes we face these complex problems, and we overanalyze a little bit. And the truth is, in a lot of the challenges we face today, not unlike the times when he was President, there are not easy answers, but I believe there are simple answers. Those

very basic, core principles and those values that helped shape his Presidency and the things he never lost sight of are what made him an effective President. I believe that is a lesson we can apply today. There are no easy answers, but there are simple answers.

When we believe in the greatness of America, when we look at the foundation of this country—personal freedom, personal liberty, coupled with individual responsibility—he believed profoundly that you achieve peace through strength. He was willing to confront communism at a point in this Nation's history when it posed a great threat to freedom-loving countries around the world. I think those are the types of qualities for which President Reagan will be remembered.

As, again, someone who was very impressionable at that time, he was a great inspiration to public service. I think he represented the very best of public service. He got into it for all the right reasons. He understood the importance of what he was doing, the issues with which he was dealing, but always had an eye toward making a difference and providing a better future for the next generation. That is a lesson that I think all of us need to remember: that sometimes we have a tendency to believe it is about us, it is about today. We always have to keep an eye on tomorrow, on the future, and what we are doing to build a better and brighter and more prosperous and stronger nation for future generations.

When I think about and remember President Reagan as we come upon his 100th birthday, those are the types of things that strike me as really standing out—his humility, his sense of humor, his belief in American exceptionalism. Those are what history has already written about him, but they certainly are permanently impressed upon my mind, my experience, in my time in public life—just the types of qualities I want to apply and bring to the work we do in the U.S. Senate.

So I rise along with many of my colleagues today to pay tribute to our 40th President and to his family. Of course, we thank them for their great service and sacrifice too, because anybody who has been in this arena knows the sacrifice that comes with public service. But we are indeed grateful for his great service to our country, for the way he impacted so many, both here at home and around the world, and for the way he continues through his legacy to impact generations of Americans today.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I wish to speak for a few minutes today about Ronald Reagan.

Ronald Reagan inspired freedom and changed the world. Maybe nobody said that better than former British Prime Minister Margaret Thatcher in a prerecorded eulogy that was played at President Reagan's funeral at the National Cathedral. I would like to read just a little of that eulogy. It starts:

We have lost a great president, a great American and a great man. And—

Mrs. Thatcher said—

I have lost a dear friend.

In his lifetime, Ronald Reagan was such a cheerful and invigorating presence that it was easy to forget what daunting historic tasks he set for himself. He sought to mend America's wounded spirit, to restore the strength of the free world and to free the slaves of communism. These were causes hard to accomplish and heavy with risk.

Mrs. Thatcher went on:

Yet they were pursued with almost a lightness of spirit. For Ronald Reagan also embodied another great cause—what Arnold Bennett once called “the great cause of cheering us all up.” His politics had a freshness and optimism that won converts from every class and every nation—and ultimately from the very heart of the evil empire.

Yet his humor often had a purpose beyond humor. In the terrible hours after the attempt on his life, his easy jokes gave reassurance to an anxious world. They were evidence that in the aftermath of terror and in the midst of hysteria, one great heart at least remained sane and jocular. They were truly grace under pressure.

And perhaps they signified grace of a deeper kind.

Mrs. Thatcher said:

Ronnie himself certainly believed that he had been given back his life for a purpose. As he told a priest after his recovery, “Whatever time I've got left now belongs to the Big Fella Upstairs.”

And surely it is hard to deny that Ronald Reagan's life was providential, when we look at what he achieved in the eight years that followed.

Others prophesied the decline of the West; he inspired America and its allies with renewed faith in their mission of freedom.

Others saw only limits to growth; he transformed a stagnant economy into an engine of opportunity.

Others hoped, at best, for an uneasy cohabitation with the Soviet Union; he won the Cold War—not only without firing a shot, but also by inviting enemies out of their fortress and turning them into friends.

Mrs. Thatcher goes on to say:

I cannot imagine how any diplomat, or any dramatist, could improve on his words to Mikhail Gorbachev at the Geneva summit—

Quoting President Reagan—

“Let me tell you why it is we distrust you.”

Mrs. Thatcher said:

Those words are candid and tough and they cannot have been easy to hear. But they are also a clear invitation to a new beginning and a new relationship that would be rooted in trust.

Ronald Reagan's truly “only in America” life story began 100 years ago this weekend.

During his lifetime, he was a Democrat and later a Republican, he was a liberal and then a conservative, he was a labor union president and then President of the United States. During his lifetime, he developed a philosophy of faith, life, and government that Americans understood.

During his Presidency, the people of this country had an extraordinary understanding of what their President would think and how their President would react to events and circumstances. The strength of the certain trumpet, the strength of the clarion call is, I believe, impossible to overestimate. Knowing how your President, how your leader views the world and views the circumstances that may meet us in the world is an incredibly comforting feeling.

In fact, there is an epic Greek fable, more often applied to President Lincoln, about the fox and the hedgehog. In the epic Greek fable of the fox and the hedgehog, the fox is wily, the fox is clever, the fox knows lots of little things, but the hedgehog knows one really big thing. In that fable and in reality, the fox can never defeat the hedgehog.

Now, neither Lincoln—I am really not comfortable referring to either Lincoln or Reagan and characterizing them as a hedgehog, but I am comfortable characterizing them as men of big ideas, men who understood the big things, leaders who understood the big things. With President Lincoln, it was the Union. With President Reagan, it was a focus on the big things, with an understanding that you measured the circumstances and events that came up by your view of the big things that guide the country, that guide us individually, that guide lives and, in fact, guide the lives of a nation.

President Reagan understood big things. He could quickly evaluate any issue or challenge through that prism and the prism of those core values.

Ronald Reagan inspired freedom and changed the world. The centennial celebration of his birth that begins this week and officially begins this weekend gives us an opportunity to think about what it was that made this President great; what it was that puts this President on the cover of news magazines, in the decade before the centennial, in one recent cover arm in arm with the current President of the United States; and what it was that made this extraordinary man so extraordinary.

I will just say again, Ronald Reagan inspired freedom and changed the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise today to pay tribute to one of California's own, President Ronald Reagan.

It has been nearly 7 years since President Reagan passed away, but he is still fondly remembered by so many in California, across this country and across the globe.

The first time I met President Reagan was right after I was elected to Congress in 1982. I was invited to the White House as part of a large Democratic freshman class, and I wondered how President Reagan would greet us. After all, he had campaigned hard for a Republican Congress. When we arrived at the White House, he and First Lady Nancy Reagan could not have been more warm and gracious to us. I still have the photo from that evening hanging in my home office.

Ronald Reagan showed all of us that you can disagree without being disagreeable, and that even if you have sharply different views on some issues, you can still work to find common ground.

President Reagan once said: "I've always believed that a lot of the troubles of the world would disappear if we were talking to each other instead of about each other."

He believed if we were all respectful to each other, we could find those areas of agreement. We could get things done. That was an important lesson for me and for all of us that evening because, in the Senate, with the rules of the Senate, the only way to get things done for our constituents and for our country is by working together.

I believe he had learned this lesson in California, where as a Republican Governor, he worked with a Democratic State legislature. He brought that same approach from Sacramento to the Nation's Capital.

As Governor, in keeping with the values and wishes of most Californians, he helped to establish the Redwood National Park. He regulated auto emissions to reduce pollution. He opposed the State proposition that discriminated against teachers based on sexual orientation. He was willing to reach across party lines and find consensus.

He continued these efforts to work across the aisle when he became President. Although there were serious disagreements on important issues, President Reagan worked closely with a Democratic House to ratify and sign important arms control agreements, increase investments in math and science education, and reauthorize the Superfund hazardous waste cleanup program.

President Reagan was a conservative, but he was not an ideologue. He fulfilled his campaign promise to appoint the first woman to the Supreme Court, choosing Sandra Day O'Connor as the first female Justice of the U.S. Supreme Court, even though she was considered too moderate by many conservatives.

Of course, there were many areas of disagreement—from offshore oil drilling to the role of the national government, to the fight against AIDS, to policies in Central America. Those disagreements were deep, but they were never taken personally by President Reagan. He and House Speaker Tip O'Neill were genuinely fond of each other. They often shared a drink after work, and they laughed after a day of locking horns. Their good nature was infectious. It raised the level of comity throughout the Nation's Capital.

I believe that President Reagan will be remembered for his focus on freedom for the people behind the Iron Curtain. He saw in Soviet President Mikhail Gorbachev a leader he could successfully challenge to step to the plate. And when President Reagan said, tear down this wall, he said it directly to Mr. Gorbachev. He touched Mr. Gorbachev, he touched America, and he touched people all around the world.

After President Reagan passed away, Mr. Gorbachev wrote in the New York Times: "Reagan was a man of the right. But, while adhering to his convictions, with which one could agree or disagree, he was not dogmatic; he was looking for cooperation. And this was the most important thing to me: he had the trust of the American people."

As we honor President Reagan today, I believe the greatest tribute we can pay is to find a cure for the disease that took his life, took him away from his loved ones and from the world.

Ten years before his death, Ronald Reagan knew he was battling Alzheimer's. He knew he was losing the battle. In an act of enormous courage and in a handwritten open letter, he told the American people he was suffering from the illness. He wrote: "I now begin the journey that will lead me into the sunset of my life."

And he movingly wrote: "I know that for America there will always be a bright dawn ahead." Even in his darkest hour, President Reagan's eternal optimism shone through.

Nancy Reagan stood by her husband throughout his long ordeal and protected him in his most vulnerable time. She has become a leading champion for increased funding for medical research to fight Alzheimer's and other diseases. She has been brave and courageous in her advocacy.

In memory of Ronald Reagan, in honor of Nancy Reagan and all of the families who have lost loved ones to Alzheimer's, we must continue to seek a brighter dawn for Alzheimer's victims and their families.

As a California Senator, certainly Ronald Reagan is one of our most famous residents as Governor and then as President. I was in the House of Representatives while he was the President. Clearly, there were a lot of disagreements between President Reagan and many of those in Congress such as myself who didn't believe government was the problem, which was his definite belief at that time. We certainly had a loyal opposition, and we certainly worked together when we could.

One of the things that was so interesting to me compared to working with other Presidents—because I have had the honor of serving for so long that actually President Obama is the fifth President I have had the honor of serving with. I went to every State of the Union Address, all of which were very impressive.

I think the thing about Ronald Reagan that I grew to admire was, as hard as one might debate with him on his vision of what the priorities should be—what should we invest in, what was important—when those debates were over and a decision was made, regardless of who won the day, we just moved on to the next issue. We tried to find common ground, and if we didn't we had the respectful debate. It was never taken personally.

Again, there were many things I disagreed with him about. I remember being a young Member of Congress at the time when the AIDS epidemic came out, and I remember I was so frustrated because President Reagan was very compassionate, but he didn't want to discuss the issue of AIDS. We had to work very hard with the Surgeon General at the time, and we finally made a little bit of progress.

So, yes, there were many tough debates. Of course, his presence, his very sunny presence, his optimism about the country's future was very important to a Nation that had been torn asunder because of many tough issues that separated the generations.

I add my voice on this day when we remember former President Ronald Reagan, someone whom California is very proud of and someone who has obviously gone down in history for the many things he accomplished, particularly his rapprochement with the Soviet Union at that time. It was a big contribution to the world.

Thank you very much.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, just over 30 years ago, Ronald Reagan was inaugurated as the 40th President of the United States. It is hard to believe that three decades have passed since he stood in front of this Capitol, just yards away, and announced to this Nation and the world that America's moment had not passed. It is hard to think that we have been without him now for over 6 years. I think of him and his wonderful, lovely wife Nancy quite often. I knew them both very well. I know Nancy very well to this day. She is a terrific human being, as was he.

One of my first campaign trips for Ronald Reagan was with Nancy, and I can tell my colleagues there never was a stronger advocate for her husband.

As a man, he had the rare combination of good humor and a commitment to principle. As the leader of his party and as President, he reminded us of the need for constant recommitment to our constitutional ideas, and as a couple Ron and Nancy were a pair for the ages. If there was any doubt, my colleagues have confirmed today in their tributes to President Reagan on the centennial of his birth that Ronald Reagan might have passed on, but he is most certainly not forgotten—not by a long shot.

When Reagan was President, he inspired great reactions from both parties. I can attest, particularly with respect to my colleagues on the other side of the aisle, that not all of those reactions were positive. Yet today's bipartisan celebration of President Reagan's legacy shows that he has become as much a part of the American story as his greatest predecessors in office.

Like other great men before him, Ronald Reagan seemed to embody the times during which he lived. The man himself, his personal story, in many ways personified America's 20th century.

Ronald Wilson Reagan was born in the Midwest and became a westerner, moving to California like so many other of his fellow Americans. The country he grew up in looked very different from our own today. As Michael Barone recently reminded us in an article in the *Claremont Review of Books*, when America entered the Second World War, one-quarter of Americans still lived on farms, and half of those were either without electricity or only recently acquired electricity.

America's population was at the same time both more diffuse and more concentrated than it is today. America's nonrural population was clustered in a few great cities. Again, as Barone explained, at the outbreak of the Second World War, 2 percent of all Americans lived in Brooklyn, NY. America in the 20th century became a less rural, less agricultural nation. Yet instead of concentrating in existing urban centers, new communities grew and suburbs expanded.

That was the story of Ronald Reagan, who was born in tiny Tampico, IL, population 772 as of the 2000 census, and came to the world's attention in California, home of suburban life and the American highway. He became a Californian through and through. He loved his ranch, and he loved being on the back of a horse. The large landscapes of California and of the entire West suggested the boundless opportunity that is afforded those who work hard in this country. It was there that Ronald Reagan found his professional and political success. It was where he met Nancy and raised his family, and it is where he was finally laid to rest.

Ronald Reagan did not have it easy. As he put it, he did not grow up on the wrong side of the tracks. But he could hear the train. He lived through the Great Depression. Yet like countless Americans before and after him, with dogged determination and a good deal of pluck, he succeeded.

At a time when college was a luxury, Ronald Reagan graduated from Eureka College. He went on to have a successful career in radio as a sportscaster. But that was not enough, so he moved to Hollywood where he became an actor. Of all the roles Ronald Reagan would play, we eventually identified him most closely with the character of George Gipp in "Knut Rockne: All American." It should come as little surprise that we would associate a good Irishman such as Ronald Reagan with a movie about Notre Dame and the Fighting Irish.

When George Gipp first appears on screen, Knute Rockne, the head coach of the Irish, is at his wit's end with his team. Seeing Gipp—who was not a member of the team—lying around, Rockne asked him if he could go in and run the ball against the varsity. Reagan's Gipp responded, with an Irish twinkle in his eye: How far? Naturally, he ran down the field, scored a touchdown, and took his place in Notre Dame lore.

For Ronald Reagan, like George Gipp, there was no challenge too big. It is a good thing he thought that way because he faced plenty of obstacles. With the outbreak of World War II, his promising acting career was put on hold. Yet he would go on to serve as President of the Screen Actors Guild, and later he worked in television as the host of "General Electric Theater." It was that association with General Electric that sent Reagan on his path toward the Presidency.

Going on what he called the "mashed potato circuit," he spoke across the country to the thousands of GE employees, giving what would later be called "The Speech." Giving these after dinner remarks, Reagan honed his thoughts about freedom, the size of government, and the Soviet menace.

In 1964, on the eve of the Presidential election, he would deliver that speech

to the Nation. Senator Barry Goldwater went on to lose that election in an epic landslide.

Today we know that conservatives might have lost that battle, but they would ultimately win the war.

A week before the election, Ronald Reagan delivered a taped address—"A Time for Choosing"—on Goldwater's behalf. He spoke as a partisan for liberty, and he urged his fellow Americans to join him in that struggle. He concluded his remarks telling a national television audience:

You and I have a rendezvous with destiny. We'll preserve for our children this, the last best hope of man on earth.

This speech resonated with the American people. It raised \$8 million for Goldwater, an astronomical sum at the time. More importantly, it made Ronald Reagan a formidable presence on the political scene.

I knew Barry Goldwater. I knew him well. When I ran for the Senate, he was one of two people I came to visit in Washington just to get some advice. I admired him so much, and it was a privilege to serve with him. The other one was CHUCK GRASSLEY who was then in the House, and I count him as one of my dearest friends on Earth.

Against the odds and conventional wisdom, Ronald Reagan ran for Governor of California in 1966. The California establishment made the mistake of underestimating this actor from the Midwest, and he went on to beat his more liberal primary opponent and the popular incumbent Governor.

Underestimating Reagan was a mistake that the Washington establishment would make time and again when he arrived there 14 years later. They never seemed to understand what was so obvious to President Reagan.

For all of the superficial differences, Americans of his age were not so different than the generation that founded this Nation, fought the Civil War, worked through the Great Depression, and struggled for civil rights. In the end, Americans of today are committed to the same principles of liberty and equality that animated the authors of our Declaration of Independence and Constitution.

This shared commitment to our founding principles served him well, because he took office at a time of great uncertainty, a time not unlike our own. A combination of factors seemed to be putting the aspirations of Americans out of reach.

To be blunt, America was on its heels. The prime interest rate was 15 percent. Inflation was 12½ percent. And civilian unemployment was at 7 percent. Government regulations and tax rates were smothering American innovation, and with it the American dream. And abroad the picture was just as grim. An imperialist Soviet Union had invaded Afghanistan, and was supporting revolutionary movements

across the globe. The American hostages had not yet been freed from Iran.

Yet when Ronald Reagan left office 8 years later, he had left his mark. According to his biographer, Lou Cannon, when he came into office, there were 4,414 individual tax returns with an adjusted gross income of more than \$1 million. By 1987, fueled by tax cuts, the breaking of inflation, and explosive economic growth, there were 34,944 such returns. When he entered the White House, only 1 in 6 Americans owned a microwave, and VCRs were a luxury for the wealthy. By the time he left office, these were common household goods. He helped to restore our understanding of a limited judiciary that respects the traditions of the American people and their elected representatives. And he restored faith in our men and women in uniform.

Just before he left office, President Reagan reviewed the troops at Andrews Air Force Base one last time. During that visit, he said that serving as commander-in-chief was "the most sacred, most important task of the presidency."

Barely five years after America left South Vietnam, Reagan spoke at the Veterans of Foreign Wars convention and reminded America that Vietnam had been a "noble cause." The rush to "blame America first" in our conflict with totalitarian regimes, and the days of holding our military men and women in low esteem, came to an end with the Reagan Presidency. And though his greatest achievement—the collapse of the Soviet Empire—would occur on his successor's watch—the writing was on the wall by the time Ronald Reagan left office. His commitment to freedom during our twilight struggle with what was truly an evil empire quite literally saved the world and liberated millions.

It is no surprise that he will be honored in Prague, Budapest, and Krakow—the home of his great partner Pope John Paul II—later this summer for his role in exposing the great lie that was the Soviet Union.

Ronald Reagan succeeded as president because he knew what he was about. In his farewell address from the Oval Office, he said, "I went into politics in part to put up my hand and say, Stop. I was a citizen politician, and it seemed the right thing for a citizen to do. I think we have stopped a lot of what needed stopping. And I hope we have once again reminded the people that man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts."

I could not agree more.

And that Reagan Revolution—the aspiration of citizens for greater freedom and greater futures for the generations that follow—continues. I am proud to be a part of that revolution.

President Reagan took a flyer on me when I first ran for the Senate, supporting me in my primary. I have tried to do him proud. I remember well the blistering hot day in the Rose Garden when he signed the Hatch-Waxman legislation into law in 1984. In his signing statement, he joked that with this law "[e]veryone wins, particularly our elderly Americans. Senior citizens require more medication than any other segment of our society. I speak with some authority on that."

In my opinion, that law typified the commitments of President Reagan. Since its passage it has saved the Federal Government and consumers hundreds of billions of dollars—some say trillions—and it essentially created the generic drug industry and incentives for the creation of the next generation of life saving drugs.

I worked with him when he was in office. And as I work today for the citizens of Utah, his principled example is always on my mind. We still have work to do. Reagan understood the danger of what is today called progressivism, but was then called liberalism. It knows no bounds.

As he put it, "No government ever voluntarily reduces itself in size. Government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on this Earth."

In some respects, Ronald Reagan belonged to a different age. He was governor during the student protests of the 1960s. He entered the national political consciousness during a presidential campaign where the possibility of global nuclear conflict was an imminent threat. When he became President, he was only a few years removed from widespread urban riots and the end of the Vietnam war. When he spoke at Pointe-du-Hoc on the 40th anniversary of D-Day, he spoke to the men who actually scaled those cliffs and liberated a continent. Today, most of those veterans have passed on. But ultimately, Reagan remains one of us. I think that his advisor, David Gergen, got it wrong when he mused that Reagan's legacy was how much he changed our minds.

In my view, Ronald Reagan was a success because he understood that the American people did not need to change their minds. Americans, in 1980, had the same beliefs and hopes that we have always had. Ronald Reagan's genius was in giving voice to those hopes.

Ronald Reagan was a big man, made for a big screen, and eventually the biggest stage. He played his part well. To borrow from Hollywood, he knew that even as time goes by . . . the fundamental things apply.

Before leaving office, President Reagan addressed the Nation one last time. Speaking to the citizens of this shining city upon a hill, he told us,

"[w]e did it. We weren't just marking time. We made a difference. We made the city stronger. We made the city freer, and we left her in good hands. All in all, not bad, not bad at all."

Indeed.

It has been said that Ronald Reagan had a love affair with the American people. He did. But it took two to tango. Ronald Reagan loved his country. But I think his country loved him more. That includes people on both sides of the aisle.

Ms. COLLINS. Mr. President, in early 1983, the Soviet dissident Natan Sharansky was in an 8-by-10 foot cell in a Siberian prison when jailers permitted him to read the latest issue of the official Communist Party newspaper.

The front page was filled with global condemnations of American President Ronald Reagan for calling the Soviet Union an "evil empire." Tapping on the walls and whispering through plumbing pipes, political prisoners spread the word. Rather than being demoralized by the criticisms, they were ecstatic. The leader of the free world had spoken the truth. There was hope.

By the end of the decade, hope became freedom, freedom for the hundreds of thousands imprisoned in the Soviet gulag and for the hundreds of millions trapped behind the Iron Curtain. Countless men and women of courage and determination, their names lost to history, stood up to tyranny and won a great victory with a leader whose name will forever be remembered by history. Lech Walesa, the founder of the valiant Solidarity movement, said this of President Reagan: "We in Poland . . . owe him our liberty."

In this centennial year, we are experiencing something rare. While many great figures of their time diminish over time, our regard for Ronald Reagan only grows. This cannot be explained by merely citing the qualities for which he was so well known: his confidence in America, his wit, and his optimism. It goes beyond his courage when attacked by an assassin's bullet or, at the end, a devastating disease or even his skills as the "Great Communicator." Ronald Reagan looms ever larger because of his ideas and the enduring convictions that gave those ideas their power. "History comes and goes," he said, "but principles endure and inspire future generations to defend liberty, not as a gift from government, but a blessing from our Creator."

Ronald Reagan knew that liberty was not a blessing merely to enjoy but one that must always be defended. He expressed his faith in our ability to rise to its defense with these words: "No weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women." His optimism sprang from his belief in the nobility of the human spirit.

The very ideas that are the foundation of this great Nation were the foundation of Ronald Reagan's character. He became President at a time when America had begun to question its place in the world and the values upon which this Nation was built. He tore down the wall of doubt and reminded us that our many blessings carried with them great obligations. Ronald Reagan was a great communicator because he had something great to communicate: the exceptionalism of the United States of America.

The birthday of one who has passed from this life is always a bittersweet occasion as we remember what we had and reflect on what we have lost. I would like to extend my best wishes to President Reagan's beloved First Lady, Nancy, and to the entire Reagan family.

Ronald Reagan was the right man for his time. He now belongs to the ages. He is missed, but his ideals will always be with us.

Mr. ENZI. Mr. President, we will soon mark the 100th anniversary of the birth of Ronald Reagan, one of our greatest Presidents. In the days and months to come, in cities and towns all across this great Nation of ours, people will pause for a moment to reflect on the past and remember him, each in their own way, for the greatness in him that inspired a nation. I know he would be humbled by and greatly appreciative of our remembrance of his legacy of service and touched by the great admiration and affection with which we will always remember him.

I don't think anyone is a better example of the American dream than Ronald Reagan. He was born in Illinois, the son of a shoe salesman. His mother loved to read and she encouraged him to do the same by reading to him. In books Reagan was able to tap into the wisdom of our Founding Fathers and many other great leaders of our past. What he learned from his reading would help to shape his character and ultimately mold his destiny.

It wasn't long before Reagan's natural confidence and his determination to do something with his life began to show itself, first during his school years and later when he pursued a career as an actor. He proved to be a born leader and he took a leadership role at every stage of his life. While in college, he served as student body President. In his acting days he served as the president of the Screen Actors Guild. In between he worked hard and built a career as a successful actor in film and television as he became a familiar face in Hollywood.

If that had been all he had done, he would be remembered for his talents and abilities as an actor. He would have earned his reputation for being unafraid of hard work and his life would have inspired others to follow his path just by his success in Holly-

wood. All of the fame and notoriety that came from his acting days would have been enough for most people, but not for Ronald Reagan. He was just getting warmed up. The best was yet to come.

With his beloved wife Nancy by his side, Ronald Reagan began to pursue a bigger dream. He wanted to make an impact on the world that would put him on a bigger stage. He wanted to get more involved in politics and put his principles and values into action in the work that had to be done to solve the problems facing the Nation.

His first effort was a run for Governor of California. People thought that was an impossible dream of his and he would never make it. Ronald Reagan proved them wrong—not for the first or the last time. He took his case to the people, put together a coalition of both Republicans and Democrats and when the votes were counted, he had won.

I still remember meeting him when I was the president of the Wyoming Jaycees. We held our national convention in California and Ronald Reagan spoke to us. I had a chance to meet him and I was quickly impressed by his personality and his style. He clearly had a way not only with words, but to connect to people one on one. Still, I don't think any of us could have guessed what would happen next in his life.

Reagan had his sights set on the Presidency of the United States. He knew it wasn't going to be easy, but for Ronald Reagan the only failure would be to fail to try. He wasn't successful at first, but he never gave up. He kept traveling around the country, speaking to groups, and sharing his message of hope and opportunity with the people who came to hear him speak. This seemed to be another impossible dream, but once again Reagan made it happen. He won the Republican nomination for President, facing an incumbent who spoke often about the terrible problems facing the Nation. Ronald Reagan didn't speak with doubt and uncertainty about the future; he spoke with strong and passionate certainty that things would get better if we all worked together.

Unfortunately, optimism will only get you so far—so when the time came for him to take the oath of office, he knew he had a lot of work to do. He often referred to our economic problems as the "misery index." We were in the middle of a time of high unemployment, high interest rates and high inflation. The Nation seemed to have lost its self-confidence and no longer believed that it could dare to do great things—and succeed. The experts all seemed to say that there was little if anything that one person could do to change things and reenergize the Nation.

Once again, Ronald Reagan proved the experts wrong. It seemed almost

overnight things changed. There was a renewed sense of confidence in our shared destiny as a nation, a new feeling of hope and opportunity about the future, and a return to the spirit of America that had been lost. In just a short time, with his words and his actions, he inspired a generation to look to the future with the kind of confidence that comes from our belief in and commitment to the principles upon which our Nation was founded.

I remember those days very well. I was the mayor of Gillette, WY, and when the National League of Cities held its national meeting the President flew to California to speak to our group. I had a chance to meet with him again and enjoyed having an opportunity to speak to him. He was the greatest ambassador for the West and our Western way of life that we have ever had. He understood rural life and because of it he understood the problems of our rural communities. He also understood public service for what it is—service—and he continued to see himself as a public servant throughout his career and his life.

I always thought the years he spent living on his ranch in California were responsible for his passion for speaking the truth, regardless of whether or not it was politically expedient to do so. It is a trait that people in Wyoming appreciate and expect from their leaders. It quickly led to some of his best moments.

I believe we all have strong memories of Ronald Reagan speaking by the Berlin Wall, taking advantage of the occasion to challenge Mikhail Gorbachev to "tear down this wall." He then went counter to the advice of his staff and referred to the Soviet Union as the "evil empire." For Ronald Reagan, life was that simple. If it was the truth, it must be said for there are two kinds of people in the world—the good guys and the bad guys. If the good guys worked hard and were willing to sacrifice and do whatever it took to succeed, they won. In Ronald Reagan's world, we were the good guys and, during his Presidency, more often than not, we won.

Still, no matter how harsh the rhetoric may have seemed, his political opponents always knew that it wasn't personal—it was principle based. That is why, after all that he said, he was still able to form a friendship with Mr. Gorbachev. Our two countries were two of the biggest superpowers in the world and he knew he would have to find a way to keep the lines of communication, trust and understanding open between them, a necessity that gave way to another of his trademark lines, "Trust but verify."

Over the years he turned many a phrase that reflected the strength of his character, his sense of humor and more. He had a unique way of expressing complex truths in simple sentences

that held great meaning by virtue of their simplicity.

Because of his trademark one liners and other famous remarks, he has often been called the Great Communicator, a title that caused Reagan to remark "I never thought it was my style that made a difference—it was the content. I wasn't a great communicator, but I communicated great things."

Ronald Reagan did communicate great things and he communicated them in a number of ways—most importantly by the way he lived his life. There is an old saying that reminds us that we can play it safe and take the well worn path or we can dare to go where few have gone before and blaze our own trail in life, leaving a path for others to follow. Such was Ronald Reagan's philosophy and by so doing he helped to give us an example of what was possible for us as individuals and for our Nation.

In the end, Ronald Reagan will be remembered for many things. He found a cure for an ailing economy. He helped to bring an end to the Cold War. He did all of that and so much more but he also did something else that was to prove to be far more important. He helped us to regain our spirit as Americans. He helped us to regain that great pride we had always had for our heritage. He helped us to believe in ourselves again and in our ability to serve as the leaders of the free world, a title we were always meant to carry. Thanks to Ronald Reagan, it is a title we have carried proudly and with purpose ever since. Through his words and his enthusiasm for life and living, the Great Communicator was able to infuse our country with optimism, patriotism and an unashamed hope for a better tomorrow. Thanks to him, the United States of America became a brighter, better place for us all to live as the impact he had on the world around us continues to be felt to this day.

Ronald Reagan's burial site is inscribed with the words he delivered at the opening of his Presidential Library. "I know in my heart that man is good, that what is right will always eventually triumph and that there is purpose and worth to each and every life."

As in so many things in life, just like the old show business adage reminds us, he left us wanting more. And that is why he will never be forgotten by those who knew him and those who remember how he touched a generation for the better just by the great strength of his character and the warm gentleness of his soul.

Mr. RUBIO. Mr. President, I am proud to honor Ronald Reagan on the 100th anniversary of his birth. President Reagan was a man who inspired millions of Americans to serve their country and fulfill its promise as the shining city on a hill. His genial demeanor, resilience, no-nonsense approach to governing and rock solid

principles attracted flocks of young Americans to the Republican Party, and I am proud to include myself in that number.

I was fortunate to have grown up and come of age politically just as President Reagan was in office. His words and deeds inspired our entire country to take pride in our patriotic values and the free market principles that have made America exceptional. He also comforted us during moments of national tragedy. And his willingness to speak out against communism—as both a bankrupt economic system and an immoral violation of human dignity—was a ray of sunlight to those living in its darkness.

I will never forget my parents' reaction the day the Berlin Wall fell in 1989. Having lost their country to Fidel Castro's communism, they had spent 30 years divided from their homeland, friends, and relatives—just as the Wall had done to millions in Europe.

Especially for my parents' generation of Cuban exiles, whose hopes and dreams were shattered by communism, the Wall's fall was a historic event they questioned would ever come. It was a day of celebration and rekindled hope that all lands within communism's grip would soon be free as well. Ronald Reagan helped bring about the change that made communism's fall possible. By joining with other world leaders like Pope John Paul II, he seized the opportunity to highlight communism's failures. In doing so, he helped make millions of oppressed people more self-aware of their intrinsic dignity, more confident that their pursuit of freedom was justified, and more hopeful that they were not alone in their struggles.

In commemorating Ronald Reagan's 100th birthday, we also remember the work that remains to be done to tear down other oppressive walls that still stand. America's responsibilities in this effort cannot be underestimated.

Economically, we cannot allow Washington's borrow-and-spend binges to diminish our free enterprise system, nor can we allow our debt to make our commitment to freedom and human rights subservient to our debt holders.

Militarily, as Ronald Reagan said, "Of the four wars in my lifetime, none came about because the U.S. was too strong." A free and secure world requires a strong America led by our brave men and women in uniform. America's commitment to the defense of our allies should never waver. Diplomatically, we must not confuse a desire for security and the promotion of democratic values as mutually exclusive goals.

The United States and the world owe a great debt to Ronald Reagan for his decisive leadership, adherence to conservative principles and inspiring example during a tumultuous period. And we owe a special debt of gratitude to

his wife Nancy for her efforts to keep his memory and legacy alive.

Now the question before us is whether we are going to do as Ronald Reagan did and ensure that future generations can inherit the single greatest society in all of human history. I, for one, am fully committed to honoring Ronald Reagan's legacy by standing up for the principles that defined him and have made America exceptional for more than two centuries.

Mr. HOEVEN. Mr. President, today, when our country faces enormous challenges—both domestic and international—we have an opportunity to recognize President Ronald Reagan on the 100th anniversary of his birth.

Today—when we need big doses of optimism and a renewed faith in America—the memory of Ronald Reagan tells us that our challenges can be met and our obstacles can be overcome.

I remember the Reagan era well. The late seventies and early eighties were tough times. I had just finished college and returned to North Dakota, and America was clearly hurting.

It was the era of stagflation—stag-nant economic growth and inflation, all at the same time.

It was an era of fuel shortages, long lines at the gas station, and sticker shock when you got to the pump.

A few years later, America was emerging from that recession and the country was on the mend. We could see light on the horizon. President Reagan told us: "It's morning again in America." And it was.

It was also the era of the Cold War. For more than a generation, the Soviet Union had kept Eastern Europe and its own people under its heel, and threatened the West with belligerent rhetoric and an arsenal of nuclear weapons.

In 1987, at a time when much of the world was resigned to a tense doctrine of coexistence, with a literal and figurative wall between us, President Ronald Reagan would have none of it. He stood at the Berlin Wall, and challenged: "Mr. Gorbachev, tear down this wall!" And made it happen.

In some of our Nation's darkest hours, President Ronald Wilson Reagan was there to remind us that we are a great nation and a great people—a nation kind and generous beyond measure, when deserved, but tough and enduring when circumstances warranted.

He knew that believing in ourselves was vital, and then working together to get the job done. That is a lesson worth remembering, today, 100 years after the birth of one of America's greatest presidents.

We can—and we will—build a brighter future for ourselves and for future generations. We will continue to truly be that shining city on a hill—a beam of light and liberty for the world.

Mr. LUGAR. Mr. President, I have had numerous opportunities to comment on the amazing life and Presidency of Ronald Reagan. He had bold

ideas and the courage to see them through. He was the true embodiment of the American success story. I have often referred to the fact that he was charismatic, determined and consistent, and he enjoyed a remarkable batting average of being right. It has always been a point of great pride to me that my voting record was supportive of President Reagan's positions more than any other Member of the Senate.

As the Senate commemorates the 100th anniversary of President Reagan's birth, I want to share with my colleagues and the public a speech I wrote when President Reagan was given the Hudson Institute James Doolittle Award.

It was November 22, 1991, and it was a tumultuous time for Washington and the world. Yet you could still see the sparkle in the President's eyes and his warmth and good humor. What we did not know was that President Reagan's effort to end the Cold War was quickly coming to fruition. Within days, on December 1, Ukraine would vote to break away from the Soviet Union, and on Christmas Day, Mikhail Gorbachev announced the end of the USSR.

During his Presidency, when President Reagan decided to renew arms control negotiations with the Soviets, he had the wisdom and political strength to ask the Senate to form an official observer group so that there would be understanding and support for any treaty coming out of the negotiations. As cochair of the Arms Control Observer Group, I worked closely with Senator Sam Nunn of Georgia and began a partnership with him that continued for many years.

Subsequently, after the failed coup against Gorbachev in the summer of 1991, we heard from Soviet officials we had met that they were worried about the control of the Soviet nuclear arsenal as political events unfolded. By that November when President Reagan was being honored, Senator Nunn and I succeeded in passage of the Nunn-Lugar Cooperative Threat Reduction Act.

Thanks to his leadership and vision, President Reagan helped build the foundation for the Nunn-Lugar Program. Now thousands of missiles and warheads, any one of which could have destroyed my city of Indianapolis, have been eliminated. The success of the Nunn-Lugar Program is a clear derivative of President Reagan's legacy. Thank you, President Reagan.

Mr. President, I ask unanimous consent to have printed in the *RECORD* the speech I wrote in honor of President Reagan when he received the Hudson Institute James Doolittle Award.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

ADDRESS BY SENATOR RICHARD G. LUGAR IN
HONOR OF PRESIDENT RONALD REAGAN
(November 22, 1991)

President and Mrs. Reagan, Governor Du Pont, trustees, scholars and friends of the Hudson Institute—We are assembled at the Hudson Institute's James H. Doolittle Award luncheon to Celebrate the Patriotism, personal courage, and strategic wisdom which has made the United States of America historically unique.

I am grateful to Governor Du Pont for the extraordinary public service he gave to the Congress of the United States and to the State of Delaware and for the remarkable years of public witness he has given as a champion of market economics and vital federalism. I admire the strength of his ideas, the skill of his advocacy, and I am grateful for the constancy of his loyal friendship.

I thank the Hudson Institute for giving me this opportunity to visit with President and Mrs. Reagan. It was my privilege to sit beside Mrs. Reagan during several White House and Republican Party events and to understand the strength of her ideals and her hopes for our country as she worked thoughtfully with the President, day by day, to make those dreams come true.

I begin with mention of dreams, hopes, visions because the service of President Reagan to our country can only be approached by understanding how wide he cast the net of potential achievement.

President Reagan actually believed and articulated that our country had a special destiny, that no barriers were insurmountable because we are Americans. He actually believed and said that the Soviet Union was an Evil Empire, that its political and economic institutions were disintegrating, and that if its leadership and people knew the alternatives which our country presented, they would choose democracy and market economics.

President Reagan was prepared to invest an increasing portion of our national treasure in military defense with the certainty that we would negotiate successfully with our adversaries from a position of strength. He shocked foreign policy and defense specialists by proposing that all intermediate nuclear missiles be destroyed, a negotiating position labelled universally as a bizarre arms-control non-starter.

He affirmed the staying power of NATO by deploying Pershing missiles to Germany and cruise missiles to Italy even after the Soviets declared that such deployment would end all arms control negotiations and stimulate Soviet nuclear buildup.

Add to this President Reagan's startling proposal that the United States should develop a Strategic Defense Initiative to protect our country against incoming missiles fired upon us. He contended that we should and could try to defend ourselves against the so-called balance of terror.

He proposed to President Gorbachev that the United States and the Soviet Union ban all nuclear weapons. In fact, he was confident that if he could take Gorbachev on an extended tour of America that Gorbachev would want to shape the Soviet Union into many of our successful traditions.

Meanwhile, President Reagan knew that substantial new growth must occur in our domestic economy to pay for the special leadership role he had envisioned in foreign policy. He was confident that substantial cuts in individual marginal tax rates and a host of investment incentives would establish and sustain the longest peacetime prosperity we have ever enjoyed. Our prosperity

underwrote the magnificent gains in free and fair trade which he championed and world wide wealth grew abundantly.

When Ronald Reagan stood on a balcony of the Reichstag in Berlin and challenged Gorbachev to tear down the Berlin Wall, he could see white crosses just below where courageous persons seeking freedom had lost their lives in that pursuit. Everything still appeared to be so locked up and grim, and sophisticated observers were barely patronizing in comment on his Berlin Wall challenge.

When Germans hacked the Wall down in November of 1989 and Eastern Europeans drove authoritarian communists from positions of power, many scholars and journalists applauded President Gorbachev as Man of the Decade. These awards revealed virtual ignorance of the actual history of Europe in the 1980s and a deliberate attempt to ignore the very public words and leadership of Ronald Reagan for eight years.

The Evil Empire crumbled, the Berlin Wall and other walls fell, all of the intermediate nuclear force weapons were destroyed exactly in three years as the INF Treaty provided, and the United States became the only superpower with the strongest economy and the ability, uniquely, to extend military authority around the world.

All of this occurred because President Reagan persuaded the Congress and his countrymen to build our armed forces, to build our economy through the growth incentives termed "Reaganomics," to maintain the successful strategies of our NATO alliance, to utilize military force to support foreign policy as required, and to commence Strategic Defense Initiative research.

We now know that the Soviets were much weaker than experts estimated. We now know that they could not keep up the pace and that desperate attempts to do so led to the collapse of the Soviet Empire and then to the collapse of the Union, itself.

President Reagan advocated two more things which were inspiring and critically important in world history.

First, he rejected the Brezhnev Doctrine—the idea that territory which socialism has occupied can never be reclaimed. When he advocated this roll back of the Iron Curtain, he created deep anxiety and alarm among most international foreign policy advisers who loved liberty a lot, but loved stability even more.

U.S. Stinger missiles shipped to the expert ministrations of the Mujadahn in Afghanistan were a major instrument of the Soviet roll back, and the world watched in awe as the Soviet troops withdrew to a smaller socialist world.

Second, President Reagan enunciated a new policy in a statement sent to Congress after the Philippine election and revolution. He stated that henceforth, we would oppose tyranny of the left and tyranny of the right, that we were for democracy developed by the people who sought to know and enjoy democracy and human rights. This statement was severely criticized by experts who suggested that in the "real world" a good number of dictators were friendly to the U.S. and certainly useful in waging the Cold War against communism.

In articulating his vision on the roll back of the Iron Curtain; in identifying with nations all over the world who applauded our passion for building democratic institutions; in celebrating human rights and free market principles; in all of these areas, Ronald Reagan was far ahead of the prevailing wisdom. Yet he ultimately brought other leaders in America and around the world to his point of view in a relatively short interval.

Surely the spirit of the Doolittle Award strongly commends not only being courageous, and being on the right side of history, but performing these deeds in a very public way which instructs and inspires others. Some of us have learned much from President Reagan as we have watched him speak and act. He is charismatic, he is determined and consistent, and he enjoys a remarkable batting average of being right.

We now have an important responsibility to make certain that our children comprehend the greatness of his presidency, his optimism about the particular uniqueness of our future opportunities in this country, and the foundations for world peace which his leadership established and which we are charged to build upon.

We now also have the opportunity today to correct the historical mistake made a few years ago in designating Mikhail Gorbachev "Man of the Decade." It has to be a high moment in each of our lives to be able to present to President and to Mrs. Reagan even a small fraction of all of the tributes which well up in our minds and hearts today.

On behalf of all of your friends assembled to celebrate your life and service, President Reagan, it is my honor to announce that you are the recipient of the James H. Doolittle Award and to express the unbounded gratitude which we have come here to demonstrate today.

Ms. SNOWE. Mr. President, I rise today to join with my colleagues in this august Chamber, especially Senators FEINSTEIN, HATCH, and WEBB, members of the Ronald Reagan Centennial Commission, as we pause to pay tribute to the indelible legacy of one of America's truly great Presidents, Ronald Reagan, who would have turned 100 years old on February 6, 2011. It is indeed fitting that as this month of February is filled with historic birthdays of transformational Presidents like George Washington, who founded our Nation, and Abraham Lincoln, who preserved it, that we honor the President who reigned its spirit, Ronald Reagan.

A friend of freedom, a foe of tyranny, and always—an advocate for America, President Reagan inspired our Nation eloquently and powerfully to recapture and reaffirm our founding ideals of individual freedom, common sense, and limited government. He reminded us with unshakable optimism that America, as the great experiment in self-government, had planted an eternal stake along the timeline of human history as, in the words of Abraham Lincoln, "the last best hope of Earth."

Many of my colleagues will be sharing their own personal remembrances of this threshold figure whom we rank as among the most rarefied of American Presidents. What I recall is a President who brought his passionate belief in the ideals of America to bear in advancing our Nation and projecting the hope of freedom as a force for good in the world and a leader who was, contrary perhaps to conventional wisdom, not averse to consensus-building in implementing his vision for this country.

Like those rising to speak in this venerable Chamber today, I remember

well the arduous challenges facing our Nation in 1980. At the time, I had just completed my freshman term as a Member of the U.S. House of Representatives. Internationally, our country was precariously mired in the Cold War, and reeling from the Iran hostage crisis. On the domestic front, our economic vitality had been sapped by double-digit inflation, hampered by interest rates that would soar to 21 percent, stifled by massive tax burdens including a top tax rate of 70 percent, and idled by an energy crisis, exemplified by half mile long lines at the gas pump.

Against that backdrop, President Reagan arrived in Washington with an unflagging conviction that the greatest untapped potential lies in the American people themselves. And by embracing hope, not resignation, he charted a course for America that led to greater prosperity and security.

As Commander-in-Chief, President Reagan was steadfast in his uncompromising foresight and ultimate success in building up our military, and displayed unequivocal mettle in confronting the world's only other superpower, laying the foundation for victory in the Cold War. With peace through strength, Ronald Reagan called America to a purpose he described in his own hand in 1980. He wrote: "I believe it is our pre-ordained destiny to show all mankind that they too can be free without having to leave their native shore." And nothing evoked that immutable faith in humanity and belief in the possibilities for a better future more than his demand at the Brandenburg Gate forever etched in our memory: "Mr. Gorbachev, tear down this wall!" Two years later, that wall did crumble, and not long after, so too did the Soviet Empire.

President Reagan battled to reduce the size of the Federal bureaucracy—to return tax dollars to the families who had earned them and disseminate power out of Washington and back to local governments. And I well recall meeting with President Reagan numerous times to discuss issues as far ranging as the MX missile, the budget, women's issues, or the impact of proposed trade policies on traditional Maine industries such as potatoes or lumber.

And I can attest to the fact that, as a problem solver on every front, President Reagan understood that in order to bring to fruition his core principles and also ensure he could be resolute in implementing his vision for the country, he had to make it happen with persuasion and openness. After all, it was President Reagan who believed "if I can get 70 or 80 percent of what it is I'm trying to get . . . I'll take that and then continue to try to get the rest in the future."

In the end, President Reagan's deeds and words summoned America's resolve

and essential goodness, and his steady hand guided this great land in working to foster liberty and kindle the fires of freedom that have always made America as President Reagan said better than anyone—"a shining city on a hill." On the occasion of his 100th birthday, we express our eternal gratitude to President Reagan for his timeless leadership of our Nation which he aptly described in his first inaugural address as "the breed called Americans."

Mr. CHAMBLISS. Mr. President, I rise to join my colleagues from both sides of the aisle today to mark the 100th birthday of former President Ronald Reagan.

It is fitting that this is a bipartisan tribute. After all, Reagan had been a Democrat, then a Republican, in his political career, and he transformed the political landscape for both parties by appealing to a broad cross-section of Americans.

Much has been written about President Reagan's life. His story is well-known, and is a classic tale of the American dream—a boy from the Nation's heartland makes good.

And Ronald Reagan was a surprising man, a man of paradoxes: An actor affectionately remembered by a generation of Americans for his authenticity, a former union leader who fired striking union members, and the oldest president who was most popular among young Americans, many of whom are in leadership positions today, and some of whom are in this very Chamber.

But what I would like to focus on in my time here today is the part of Reagan that is still with us today: his legacy.

One of the most frequently cited achievements of Ronald Reagan is ending the Cold War.

Behind his eloquence and warmth was a steeliness that sent a clear message to Moscow: You cannot hope to compete with us. We will beat you.

And so we did. Thanks to Reagan's steadfastness and the rise of a Soviet leader who recognized America's toughness under Reagan's leadership, the Iron Curtain ultimately clanged into a pile of rubble.

Reagan also gave birth to the Republican Party that those of us on this side of the aisle belong to today.

Thanks to Reagan's efforts to broaden the tent of the Republican Party, for the first time in many years, scores of religious, socially conservative Americans finally found a political home.

His became a party of pro-military, pro-business, pro-small-government, anti-tax, anti-Communist Americans. And while communism worldwide has been largely designated to oblivion, Reagan's legacy of tax-cutting, smaller government, personal responsibility and fewer onerous regulations from Washington have stood the test of time

and approval from the American people.

Reagan's most lasting legacy, however, may be his innate optimism.

When he took office, America had suffered the indignity of Watergate, high gas prices and long lines at the pumps, a 21-percent inflation rate and the taking of 52 of our citizens from America's own embassy in Tehran, Iran. We were a deflated Nation.

But Reagan, in many ways through the sheer force of his personality, gave Americans hope, gave us the urge to dare to dream, and the confidence to be great again. When he told us it was morning again in America, we believed him. And it was.

When Reagan was born on February 6, 1911, the airplane had only been invented 8 years earlier. The horrors of World War I, the Great War that helped spawn the modern Soviet Union, were still several years away and Teddy Roosevelt had been out of the White House for just 2 years.

How fitting that Reagan's lifetime and legacy would book-end such advances in technology, foreign policy and even his own Republican Party.

That includes the space flight that helped America surpass its Soviet rivals and his words of consolation to a grieving Nation when the Space Shuttle *Challenger* disintegrated. And outlasting the Soviet Union after a lifetime of opposition. And becoming a worthy successor to Roosevelt as an optimistic Republican leader who left a lasting imprint on a changing Nation.

As usual, Reagan put it best when he told us, "America's best days lie ahead. You ain't seen nothing yet."

Ms. SNOWE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANCHIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

FINDING COMMONSENSE SOLUTIONS

Mr. MANCHIN. Madam President, it is my great honor to speak on the floor for the first time as a Senator. I am truly humbled by this auspicious occasion and the enormous privilege to serve the greatest people in America—the people of West Virginia. West Virginia may be a small State, but our impact on our Nation's history and our future is far greater than the size of our geography or population.

West Virginia was borne out of the turmoil of the Civil War, founded by patriots who shared a united pursuit for justice and freedom for all. Since

this historic beginning, our lands and vast natural resources have helped build this Nation. Our people's hard work, sacrifices, and patriotism have helped make our Nation stronger and safer. From the mining of the coal that powers our cities to the forging of the steel, we have done and will do the heavy lifting that has built America.

But this great responsibility to serve as a Senator for West Virginia would never have come about had our State not lost a true giant, our beloved Senator Robert C. Byrd. Senator Byrd was a mentor to me, a great friend to West Virginia, and a tireless advocate for us all. West Virginia would not be the State it is today without the inexhaustible commitment he made every day. Every day without Senator Byrd is a loss for us all, but we can all take comfort that he made not just West Virginia a better State, but he made America a greater nation. While no one will be able to fill his shoes, I hope to honor his memory by continuing down the path he blazed fighting to better the lives of West Virginians and all Americans.

I would also like to recognize the unwavering leadership of West Virginia's distinguished senior Senator who has left a dynamic mark on history, my dear friend Senator JAY ROCKEFELLER. He has committed his life to giving outstanding public service to a very grateful State.

Throughout my 20 years in public service, I have been fortunate beyond words to have been able to serve the great people of West Virginia. Again and again, I have been inspired by West Virginians' devotion to family, their love of country, their belief in hard work and sacrifice and, above all, their undeniable spirit to weather any storm by coming together.

I have seen our State endure the most devastating challenges—horrific flooding, the tragic mining accidents—and I have seen our State in the best of times. But at all times, the spirit of West Virginia has never been broken. It is this spirit of working together and finding commonsense solutions to any challenge that inspires me. It is this spirit that also inspired both sets of my grandparents to immigrate to America—one from Italy and the other from Czechoslovakia. My grandparents came here with the same goals shared by countless generations of immigrants: to provide a better quality of life for their families through hard work and sacrifice. They did just that.

This is what I learned growing up in West Virginia: When things are tough, we do not back down. When we are having trouble paying our bills, we do not think of spending more money. When we face difficult times, we work together to make things better. When faced with a problem, we do not avoid what needs to be done; we try to solve it. This is what West Virginians would call common sense.

I was born and raised in Farmington, WV, a small coal mining town. Nothing will teach you common sense like growing up in a town of less than 500 people. I was educated in our public schools and became the first member of my family to graduate from college. I met my partner in life, my wife Gayle, in West Virginia. We raised our three children in the State we love.

I have long believed in the importance of public service, beginning with my days supporting a volunteer rescue squad in Marin County and working with the United Way more than three decades ago.

As for my public life, my first days as a State legislator to my last days as Governor, I realized that none of us in this or any body are simply elected to an office. We are not here for the title. We are here to make a difference.

I am here to work hard and do this job, and I will work with anyone who offers commonsense solutions on how to best move this country forward.

In my maiden inaugural address as West Virginia's 34th Governor, I said that in order for us to be successful, it was going to take the commitment of civic leaders, public employees, businesspeople and laborers, educators, students and parents, lawyers and doctors, veterans, young professionals, senior citizens, and Republicans, Democrats, and Independents.

At the time, very few thought such a diverse coalition could ever be forged, let alone actually accomplish something in the process. But we West Virginians put politics aside. We listened to each other, we worked together, and we came together to find common ground and develop commonsense solutions.

As a result, we changed the direction of our State for the better. We got our financial house in order. We lowered our taxes for both families and businesses. We paid down unfunded liabilities. We created thousands of new jobs.

There was a surplus every year I was Governor. West Virginia became a stronger State and one of the very few fiscally solvent States in this Nation, all during the worst recession in generations. We solved the actual problems that were holding our State back, and those problems were not solved with partisan rhetoric and the mentality "If you win, I lose." Not at all. West Virginians came together with a shared vision and a common purpose. By working together, we found commonsense solutions. In doing so, we made the future we all share better.

This commonsense model is by no means unique to only West Virginia. I truly believe we can develop commonsense solutions to the problems our Nation faces—commonsense solutions defined not by party or ideology but by doing what is right and what makes sense for our State and our country. I am committed to doing just that.

Of course, cynics will argue that gridlock is inevitable and that commonsense solutions are impossible because the partisan division in Washington is too great. I say they are wrong. While the legislative reality we face is divided government, it does not mean we must be divided. In fact, since the day I was sworn in as a Senator, I have been fortunate to sit and talk with many of my Democratic and Republican colleagues. Every time, what I heard was a profound love for this great Nation and an unbreakable commitment to leave this country better and stronger for future generations.

While disagreements in how we solve our Nation's great challenges will occur, they need not divide us. I see these disagreements as an opportunity for us to seek the common ground that will unite us and move our Nation forward. I am committed to working with both sides to do what is right to address the serious economic and policy challenges we face as a nation and which are of deep concern to the hard-working people of West Virginia.

I heard these concerns loudly and clearly during our most recent work period. During those 2 weeks in January, I traveled more than 2,100 miles on my "Call for Common Sense" tour. I held more than 28 events and met with the unemployed, seniors, veterans, small business owners, young professionals, labor leaders, educators, leaders from our coal and energy industry, as well as leaders in manufacturing. I held townhall meetings in Wheeling and Elkins, where West Virginians with diverse concerns came together to share their opinions.

Again and again, I heard their serious concerns about the economy and jobs, the need to protect coal and our energy industry, as well as their fears from rising debt and deficits. I heard about what government was doing or not doing to ensure that we keep our promises to our seniors and our veterans.

What I also heard was a lot of commonsense ideas about what our country needs to focus on and what we must do to provide a more secure future for our children and grandchildren.

Addressing these top concerns—job creation, deficit reduction, energy independence, and keeping our promises to our veterans and our seniors—matters not only to West Virginians and me, but they matter to every one of you and all of America.

With respect to job creation, our Nation continues to struggle with high unemployment and a great recession that feels too much like a Great Depression for the millions of Americans looking for work.

For too long, we have seen America's manufacturing sector decimated by the cruel irony of rules and regulations that make it easier to create jobs abroad than in the United States. West

Virginians are not asking for a hand-out. We are asking for a work permit.

We have seen small business owners—the bedrock of our economy and our job growth—increasingly strangled by paperwork and regulatory obstacles that make doing business more difficult.

I believe that to create a thriving economy and jobs, we must lessen the burdens of unnecessary rules and regulations. Bureaucrats should not be able to regulate what has not been legislated. We need to make government work smarter and its agencies operate more efficiently and effectively. We are not asking government to be our provider; we are asking government to be our partner.

I truly hope that we in this session of Congress will work together to reform our Federal bureaucracy so we can make sure our government works for us instead of the other way around.

As a small businessperson, I know firsthand the last thing any small business owner needs is more regulation or paperwork. It is why I was proud to be one of the lead Democrats to work across the aisle to cosponsor legislation with my friend, Senator MIKE JOHANNIS, to repeal the 1099 provision from our health care reform. I was even more proud to add my voice last night to the many Senators from both parties who showed we can and will work together on commonsense reform of health care legislation. It is why I will continue to work with any of my colleagues to ensure we do everything we can to help small businesses, not just by improving health care reform but also by strengthening the access to the capital and investment that small businesses so desperately need to create jobs.

Improving the opportunity for small businesses and boosting job creation will also depend on making difficult choices to rein in wasteful spending and rising debt. As we learned last week, the fiscal 2012 deficit is projected to be \$1.5 trillion. The Congressional Budget Office projects that under current law, our national debt will reach \$25 trillion by 2021.

What I heard from my fellow West Virginians is that we must get our financial house in order. My proud grandfather always told me crippling debt will lead us to make cowardly decisions.

America is not a country of cowards. During a recent townhall meeting I held in Wheeling, a young college student, worried about getting married and having a family in the near future, told me she was worried because of the debt and fiscal burdens her child would inherit. For me, this young woman's words are a tragic reminder of the consequences that will come from inaction. In America, no one should have to have second thoughts about starting a family because of his or her worries

about our Nation's out-of-control spending and rising debt.

As I have said before, we as a nation cannot spend ourselves to prosperity. We must confront our fiscal situation and be willing to make the right investments and the difficult choices. Doing so for West Virginians is just common sense. West Virginians do not go out and spend more money when they face tough financial problems. They cut back and live within their means. I believe we all in America must do the same, especially in Washington. To that end, I believe we must declare a bipartisan war against wasteful spending and begin to take responsible steps to scour our Nation's budget for all waste and redundant programs.

In the coming weeks, I look forward to working with my colleagues on both sides of the aisle to develop a commonsense strategy on how to best cut spending and address our rising debt and deficits. While these steps will require difficult decisions, I believe if we put partisanship aside and work together, we can have a bipartisan, commonsense plan that improves our fiscal future and sets our Nation on a new course for fiscal responsibility.

But strengthening our economy will also depend on our Nation achieving not just independence from debt but real energy independence. As a Senator from a true energy State, the second leading producer of coal with abundant resources, a net exporter of electricity, I am very proud of the critical role West Virginians play in providing energy to our Nation. I imagine the lights in this very Chamber would be a little dimmer were it not for West Virginia and West Virginia coal.

Moving forward, achieving true energy independence demands that we not only start realizing the importance coal has in achieving this goal, it means we must stop demonizing one resource and start realizing we must develop a comprehensive plan that utilizes all of our domestic resources—coal, natural gas, the development of nuclear, wind, and solar—so we can, once and for all, end our dependence on foreign oil within this generation.

If we are going to truly be secure, we must declare our country to be energy independent, and every State in this great Nation must do its part. West Virginia is using every ounce of its natural resources—our coal, our abundant supply of natural gas, biomass, wind, hydroelectric, solar—all of which should be used in the most environmentally responsible way.

As a country, we must stop buying oil from the countries that promote violence against their own people and the United States. That is just common sense.

I am also strongly committed to working with my fellow Senators to develop a realistic and responsible clean energy policy for the future that balances the needs of our country and our

environment. I believe we can achieve this commonsense balance while protecting the vital role that coal and natural gas and our other resources play in our Nation's economy.

Defending the critical role coal and West Virginia play in our Nation's energy production is one reason I submitted today my first piece of legislation—the EPA Fair Play Act of 2011—which will check the power of the Environmental Protection Agency.

I believe it is fundamentally wrong for any bureaucratic agency, including the EPA, to regulate what has not been legislated, to have absolute power to change the rules at the end of the game and to revoke a permit, as the EPA did in southern West Virginia's Spruce Mine, after it was lawfully granted and employees were hired. Giving any agency such absolute power will have a chilling effect on investment and job creation far beyond West Virginia, and I am proud there is already bipartisan support for this legislation.

Achieving a brighter future for our Nation will also depend on us keeping our promises to our seniors and veterans. West Virginia's seniors and veterans helped build and defend this Nation and we have an obligation to them we must never break.

As I traveled the State last month, I heard from seniors at breakfasts, in nursing homes, in courthouses, and at townhalls about their Social Security being at risk. I made it clear to them that I will never support going back on our promises. I also heard there are concerns about living for 2 years without a COLA increase, and I am committed to finding a commonsense solution—a recalculation of the COLA formula to make sure it reflects the reality of the cost of living today.

To our seniors, Social Security and Medicare are not just government programs, they are promises made by a thankful nation to ensure a quality of life well earned from years of hard work and sacrifice.

For our veterans, their sacrifices and patriotism know no bounds. They have answered the call of our State and this Nation again and again. They have served with unparalleled honor and distinction. As Governor, I was so proud and honored to have been commander-in-chief of the West Virginia National Guard, the greatest guard in the Nation.

West Virginia is one of the most patriotic States in the country and we are proud of the number of veterans and active-duty members who have served our military and served honorably and proudly. During this session of Congress, I am strongly committed to working with my colleagues on legislation that will ensure our veterans and their families have the best care and benefits they deserve. That is why I am so proud to be a cosponsor with the leader of this bill—Senator JAY

ROCKEFELLER's legislation—giving the National Guard their rightful place on the Joint Chiefs of Staff. Our National Guard and Reserve forces have bravely assumed a major role in our combat missions, and they deserve a seat at the table along with our Active-Duty Forces. West Virginia National Guard and Reserve forces are the best in the Nation, and as Governor I was proud to be their commander-in-chief. Not only are they an operational force to be reckoned with on the front lines defending our Nation abroad, they are also first on the scene during disasters here at home.

Looking ahead, addressing the issues of job creation, rising debt and deficits, energy independence, keeping our promises to our seniors and our veterans will demand not just commonsense policies but a renewed bipartisan spirit. No matter how large a divide may seem at times, we must work together to find common ground to achieve commonsense solutions. I truly believe Republicans and Democrats and Independents can and will work together to chart a new course for this Nation.

It is why I am so proud and honored to have been selected to serve on such esteemed committees as the Armed Services Committee, the Energy and Natural Resources Committee, and the Special Committee on Aging. I look forward to working with Senators LEVIN and MCCAIN, BINGAMAN and MURKOWSKI, KOHL, CORKER, and all my committee colleagues to address the wide array of issues and challenges that will come before these important bodies.

Whether it is my work on these committees or elsewhere, I am committed to working hard and being the best Senator I can be for the State I love. Like all 99 of my colleagues, who are here for the right reasons, I will represent my State to the best of my abilities and work to make America stronger and my State proud. I pledge to you that I will not only work with each and every one of my fellow Senators to find commonsense solutions, I will do what I can to usher in a new bipartisan spirit in the Senate and in this Congress. In that spirit, I will strive to always find that commonsense bridge that unites our parties and reminds us and the world that we, no matter what State we may represent, share one common and unbreakable bond—we are all Americans. We all share a love for this Nation, for our families and for our children, and it is this bond which will unite us in these difficult times and which gives me the hope and optimism that once again we will rise above any challenge we face.

Madam President, I yield the floor.

Mr. UDALL of New Mexico. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, you have just heard a classic JOE MANCHIN speech. It truly is. It is full of optimism, strength, common purpose, no problem cannot be solved, and the desire for bipartisan cooperation. If anybody can bring our two sides together, surely he can do that. He is aggressive, he is thoughtful, but above all he is optimistic. He has a positive approach, a constructive approach. He is unafraid of any problem and thrilled about doing whatever kinds of public service he does.

We actually have fairly common careers. We both served in the State legislature. He served in both branches. I served in one branch. We were both Secretaries of State and we both ran for Governor. Now we are both in the Senate. So I have known the Manchin family for years.

I have known JOE MANCHIN for years. I have always been proud of his work. He is fun. He loves sports. That is very important in life—very important in life. He loves sports. He is a devoted Mountaineer. Sometimes I think he calls the plays for our team. This is going to be a better Senate because of JOE MANCHIN, because of his personality.

I have watched him in the couple of months he has been here—couple of weeks, a month, two—and he has been all over the floor. It is fun to watch him. Somebody sits down that side, this side, and all of a sudden Senator JOE MANCHIN is seated right beside him, grabbing an arm, making a point, establishing a friendship, bonding. That is the way he is with our people.

He comes from the very heart of West Virginia—coal mining country—and that is the way he acts. That is the way his father acted. It is the way his family has always acted. They are part and parcel of the blood, the beginning and the struggle of West Virginia.

One of the reasons I am in public service is because West Virginia is always fighting uphill. People don't pay attention to us the way we think they should. They do not pay attention to what our economy has to offer the way they should. That is what motivates JOE MANCHIN. If you are a West Virginian, you simply have to fight harder. If you are a West Virginia public servant, at whatever level, you have to fight harder and you have to have an optimistic view. You have to believe things can work. You have to be determined things can work, and you have to see the course all the way to end. That is exactly who JOE MANCHIN is.

I am incredibly proud to serve with him. I read his speech before. He said

some very nice things about me—all accurate. But because we have been colleagues for so long, I can tell you—and those who don't know him as well as you will—that he is a real asset to this body. We are a body which now is in the process of struggling to find out who we are. It is not always a pretty sight, but everybody here takes public life seriously. Senator MANCHIN has the problem—some would say the opportunity, but not many—to have to be re-elected again in 2 years. So life already is more complicated for him, because that is the way the election system has worked out. But he is a bright light, and a young, aggressive bright light with an absolutely marvelous wife who is now part of us.

I think he has a unique perspective—it is a classic West Virginia perspective—and I look forward to his making an enormous difference in this body, to our State, and to our country. So I welcome him, and I congratulate him on his opening statement.

I made an opening statement some years ago. It was actually one of the most boring speeches I ever listened to. But those were the days when you weren't allowed to make a speech until you had been here for 6 months, and then everybody turned out. All the old guard—you know, such as the senior Senator from New York over there. The guys with gray beards, the wise old men, would turn out, and they all planted themselves around here and listened to this incredibly boring speech of mine, which was all about a steel company because that is what I happened to be working on at the time.

Russell Long stood up afterwards and said: that is the most brilliant speech I ever heard. But those were the days of a certain type of protocol. Times are much faster now. We have to react much faster. We don't have time for that. So Senator MANCHIN has made his speech, but he goes from his speech to his work, and there he will simply not stop until we get a better State and a better country.

I congratulate him and I welcome him officially and forever to the Senate.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I will say that I join the Senator from New York in welcoming another West Virginia Governor to the Senate. Governor Manchin succeeds a man who is irreplaceable in the Senate's history—Senator Byrd—but he brings to our Senate the skills of a Governor. Governor Rockefeller and I are very partial to those skills. We think the Senate needs more Governors. Governors are accustomed to looking for consensus, to making things work, to making things happen. We have a different sort of job here in the legislature, but those qualities are important, and especially important now when we have such

large challenges to face, such as the fact that we are spending \$3.7 trillion and collecting \$2.1 trillion. All of us are shocked by that, and we have to deal with it one way or the other.

I welcome him and I welcome his wife, a distinguished educator, to the Senate family. I know she is here today, so we welcome her and look forward to learning from her as well.

I join Governor Rockefeller in saying it was a great speech. Your maiden speech is always your best speech. I remember walking with the University of Tennessee basketball coach in Knoxville in the dogwood parade—or in some parade before the season started. He was very popular before the season began. And Senators who make maiden speeches always have their best speeches then, as basketball coaches always are most popular at the beginning of the year.

But I look forward to working with Senator MANCHIN. He will make a tremendous contribution to the Senate. I am glad I was here to hear his outstanding address, and I thank the Senator from New York for his courtesy in letting me make my remarks.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I too want to join in the accolades for our Senator from West Virginia, Senator MANCHIN. He is one fine guy. I got to know him when he was Governor and then campaigning, and he is doing a wonderful job here already.

To have passion about where you come from is noble. I think the great poets from Greek times on have written that, and nobody has more passion about where he comes from and his roots than Senator MANCHIN—JOE MANCHIN. You can see it and feel it in everything he does, as we could in this speech today. So I too join in thanking him for coming here. America needs his perspective and his wisdom, and I know he will make a great Senator. We are already great friends, and so I thank him.

I also compliment my colleague, the senior Senator from West Virginia as well, Senator ROCKEFELLER, for his kind remarks. He is a great leader. JOE and I have talked about how you cannot go wrong watching and imitating and emulating Senator ROCKEFELLER. With the two of them, I believe West Virginia might have the tallest delegation in the Senate, not just tall in inches but in stature, ability to get things done, and passion for the State they represent. It is my honor to be here as well and to congratulate JOE on a very fine and introductory speech.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I also rise today to congratulate the Senator from West Virginia on his speech and welcome him to the Senate

and express pleasure in working together. I want to echo the comments of Senator LAMAR ALEXANDER, the good Senator from Tennessee, as well. Being a former Governor, I actually got to know JOE MANCHIN in his days as Governor. We worked together in his days as Governor and certainly I look forward to working with him as Senator.

Our States share many interests. One of those interests is coal. I want to express my intent today to join as a cosponsor on legislation regarding EPA regulation that Senator MANCHIN is putting forward. That is a good example where we can work together to create jobs and opportunities. I certainly look forward to doing that.

Again, I congratulate the good Senator on his speech today.

I yield the floor.

Mr. ROCKEFELLER. Madam President, are we back in regular order?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. S. 223 is the pending measure.

Mr. ROCKEFELLER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 21

Mr. PAUL. Madam President, I ask unanimous consent to set aside the pending amendments and call up amendment No. 21.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment. The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 21.

Mr. PAUL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008)

At the end of title I, add the following:

SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.

Notwithstanding any other provision of, or amendment made by, this title, the total amount authorized to be appropriated by this title to the Federal Aviation Administration for fiscal year 2011 is \$14,719,000,000.

Mr. PAUL. Madam President, the amendment I have presented to the

floor for the FAA bill is an amendment that I think is a first step toward looking at budgetary restraint. The President, in his State of the Union Address, talked about freezing spending at 2010 levels. If we were to do that at the inflated levels of 2010, we would add \$3.8 trillion to the debt over the next 5 years. It does nothing to the looming debt crisis to leave things at 2010 levels because these were levels where we had already increased spending by over 20 percent.

What I am asking is a very modest proposal; that is, that all spending go back to the 2008 levels. This is not a significant cut. We have increased things dramatically in recent years. FAA has been increased in funding by 50 percent over the last 8 years. We can fund the upgrading of NextGen and various things by looking for cost savings within the bill. These are things we must do.

The American people are demanding cost savings. The American people do not understand why we must pay inflated rates for our wages for the workers on Federal projects. They do not understand why Davis-Bacon wages, which were often 30 percent higher than the wages paid on other projects, private projects, must be paid. People are familiar with this even in their home States when you talk about the building of schools, how schools cost 20 and 30 percent more because of having to have inflated wages and extra regulations, extra paperwork that the Davis-Bacon laws require.

What we are looking for is cost savings everywhere—in this bill, in every bill that comes forward. As long as I am able to and as long as I am allowed, we will ask for spending reductions.

Many people in this city are for a balanced budget. They say they are for a balanced budget amendment. But how can they be for a balanced budget amendment if they are not willing to cut spending? This is a very small, almost token cut in spending, but we have to do it everywhere.

When people ask how will you balance the budget, you have to say I will cut spending. This is a very small first step to take the spending for this particular department to 2008 levels. I think it is a step long overdue. It is a chance for Members who say they are for a balanced budget to put their vote where their mouth is.

Let's vote to cut spending. Let's vote to cut spending on this bill now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

AMENDMENT NO. 27

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that amendment No. 27, offered by the Senator from Oregon, Mr. WYDEN, be added to the list of pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. WYDEN, proposes an amendment numbered 27.

The amendment is as follows:

(Purpose: To increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands)

On page 96, lines 4 and 5, strike "at 4 test sites in the National Airspace System by 2012" and insert "by 2012 at 10 test sites in the National Airspace System, one of which shall include a significant portion of public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722))".

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I rise to discuss an alarming trend that seems to be developing on this, the first substantive legislation we are considering in this new Congress. At least three amendments have been filed—one of which has already been offered, others expected to be offered shortly—that make unnecessary and misplaced attacks on basic rights and protections for American workers.

I find it deeply disturbing that in this difficult economy, some of my colleagues on the other side of the aisle seem to be chomping at the bit to bring American workers down a notch or two more. I don't think the safety of our skies has to come at the expense of fair wages, safe working conditions, and other basic workplace rights. I hope all Republicans in this Chamber don't share that radical viewpoint.

AMENDMENT NO. 14

The first amendment I will focus on today would deny transportation security officers basic collective bargaining rights. That amendment was offered by my friend, the distinguished Senator from Mississippi. Well, that is fundamentally unfair and a poor way to treat hard-working people who are on the frontlines of our effort to keep America safe.

Currently, most Federal employees—including other employees at the De-

partment of Homeland Security, such as Border Patrol, Immigration and Customs officials, and the Coast Guard—all have a voice in the decisions that affect their safety, their families, and their future.

Other Federal security employees also have these protections—the right to collective bargaining—including Border Patrol agents, Capitol Police officers, Customs and Border inspection officers, and Federal Protective Service officers.

That is right. All these wonderful policemen we see out here day after day, who are doing a hard job protecting us, protecting all the people who work in the Capitol and all these buildings around here, all our Capitol Police officers—guess what—have the fundamental right of being organized and collectively bargaining for their hours, wages, and conditions of employment. Do we feel any less safe because of that? Of course not.

Despite working side by side with these colleagues, transportation security officers, TSOs, are denied the rights these other employees enjoy. They do not have a voice at work. They do not have statutory whistleblower protections or the right to appeal if they are subject to discrimination or unfair treatment by their supervisors.

The absence of collective bargaining rights has made TSA less effective. Our transportation security officers, TSOs, have twice the average rate of injury for Federal employees. A recent Best Places to Work survey ranked TSA 220 out of 224 Federal employers, and turnover rates are among the highest for any Federal agency. Let me repeat that. Turnover rates at TSA are among the highest for any Federal agency.

I submit that low morale and high turnover at a frontline security agency are a recipe for disaster, and Senator WICKER's amendment will only exacerbate the problem and make it worse.

I have heard some deeply disturbing rhetoric from my Republican colleagues about the effects of granting TSOs collective bargaining rights. They say collective bargaining rights keep security workers from performing their jobs effectively. Well, these insinuations are an insult to every man and woman in uniform who works under a collective bargaining agreement across this country. To suggest that unionized workers will not do what is best for our country in the event of an emergency is scandalous.

How many remember that image of 9/11—9/11—when we saw the towers come crumbling down, and we saw men and women running to escape the disaster, running away from it? Who was running into it? Our firefighters, our emergency medical teams, our police officers—all of them unionized, members of organized labor, operating under a collective bargaining agreement.

Does anyone question their loyalty, their devotion to duty—many of whom

lost their lives or are severely impaired for life because they did their duty—simply because they were union members? We are saying somehow they are less, they are less than others simply because they belong to a union?

Also, on 9/11, Department of Defense employees, operating under a collective bargaining agreement, were required to report wherever they were told, regardless of their usual work assignments. No Federal union tried to hold up this process in any way to bargain or seek arbitration, and not one single grievance was filed to challenge the redeployments after the fact—not one.

Increasing employees' voices at work has the potential to improve the functioning of our security systems. Think about this: When you travel abroad, you go through screening devices. Go to London, go to Paris, go to Luxembourg, go to Rome, go to Tokyo, go to Brisbane, go to Sydney, go anywhere around the world where they have airport screeners and—guess what—they all work under collective bargaining agreements. The unions that represent these screeners have worked hand in hand with their governments to improve security procedures and to make our skies safer.

Senator WICKER referenced a 2003 memo from the Under Secretary of Transportation for Security for the rationale for his bill. Well, currently TSA is reviewing that 2003 decision and is expected to make a determination soon about the relationship between safety and collective bargaining. I think we should defer to that agency's expertise on this issue rather than hastily approving an amendment that would limit the administration's ability to adapt.

Collective bargaining, I believe, is the best way to bring dignity, consistency, and fairness to a workplace. It will make our TSO workforce more safe and stable, enhancing the security of our skies. Restoring these essential rights is long overdue. I urge my colleagues to oppose the Wicker amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senator PAUL be recognized to call up amendment No. 19 which deals with the Davis-Bacon issue; that there be 30 minutes of debate equally divided between Senators PAUL and ROCKEFELLER or their designees; that upon the use or yielding back of time, there be 10 minutes of de-

bate equally divided on the Whitehouse amendment No. 8 dealing with laser pointers; that this time be equally divided between Senators WHITEHOUSE and HUTCHISON or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Whitehouse amendment, to be followed by a vote in relation to the Paul amendment; further, that there be no amendments or points of order in order to the amendments prior to the votes; and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. That being the case, we will have votes probably around 5:30, give or take a few minutes. Everyone should be alerted that there is likely to be some time yielded back. If that is the case, we will begin voting sooner.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 19

Mr. PAUL. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up my amendment, amendment No. 19, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 19.

Mr. PAUL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the application of the Davis-Bacon Act in the case of projects funded under this Act)

On page __, between lines __ and __, insert the following:

SEC. __. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the "Davis-Bacon Act") with respect to any project or program funded under this Act (or amendment).

Mr. PAUL. Mr. President, the amendment I have offered to the FAA bill is an amendment to exempt the FAA from the Davis-Bacon restrictions. Most of us know, when we talk about schools being built in our district or in our neighborhood, the cost of schools and anything built under Davis-Bacon determines prevailing wages. This means if you are a carpenter making usually \$14 an hour in Bowling Green, KY, the government comes in and says, Well, you need to pay \$35 an hour. It inflates the cost of building projects and it does us no good as a society. What happens is we build less schools, less

airports, and we are unable to have enough money in our country to provide for the things we want. We can build 20 to 30 percent more airports if we don't force union wages that are above the market wages on our government projects.

I think it is inexcusable, at a time when we run a deficit of between \$1.5 trillion and \$2 trillion in a year, that we want to inflate the cost of government projects. The marketplace should determine market wages, and we should have a marketplace that allows us to build more airports and more schools.

I think it is not a good idea to have the government get involved by forcing wages above the market wage. If you pass this and you allow an exemption from Davis-Bacon, you will save about \$500 million just in this department. If you would allow this across government, you would save \$11 billion.

My point in bringing this up is that this won't balance the budget, but you have to start somewhere. Everybody says we have to do something, but nobody is willing to do anything that will reduce government expenditures. I think this is one small step forward, and if you can't vote for this one small step forward, you are not serious about balancing the budget. That is why the American people are unhappy with us in Congress, because we won't do anything, we won't step forward, we will not be bold, and we will not start cutting spending.

I recommend to the Senate that we pass this amendment as one small step forward but an important step toward trying to get our fiscal house in order.

I yield to Senator HUTCHISON.

Mrs. HUTCHISON. Mr. President, how much time does Senator PAUL control?

The PRESIDING OFFICER. There is 12½ minutes remaining.

Mrs. HUTCHISON. Mr. President, I want to withhold until the other side has had a chance to speak. Then I will take part of Senator PAUL's time.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. Mr. President, does the Senator from Iowa wish to speak?

Mr. HARKIN. Yes, I will. Mr. President, I assume the chairman of the committee yields me whatever time I want to consume, and I am reserving some time also for the chairman.

Here we go again. It is not the first time we have had an attack on Davis-Bacon. I am sure it will not be the last. Again, we have to get the facts out and not be led astray by misconceptions and by lack of really good data.

The fact is that Davis-Bacon doesn't just create good jobs, it saves government money in Federal construction costs. Again, my friend from Kentucky has said this is going to cost more money. Well, I would like to see the

studies because we have had a lot of studies on this over the years, and they show that prevailing wage laws lead to reductions in the costs and responsible contractors that pay workers at least a prevailing wage, higher productivity, and fewer safety problems.

We need Davis-Bacon so that our infrastructure projects are built safely for the hundreds of millions of Americans who rely on them, because contractors that pay prevailing wages hire higher skilled and better trained workers, and they produce safer buildings, airports, bridges, roads, and tunnels. Senator PAUL's amendment would undermine public safety by making it much easier for less responsible contractors to build important public infrastructure projects with shoddy construction.

Congress has rejected attacks on Davis-Bacon before, going clear back to 1931. It should do so again. In the most recent vote in the Senate, in 2007, a bipartisan vote of Democrats and Republicans voted against an amendment to strip Davis-Bacon protection from funds to repair bridges. There has always been bipartisan support in this body for Davis-Bacon. In fact, we ought to read history. Senator Davis and Representative Bacon were both Republicans. It was originally a Republican bill. I hope my colleagues will recognize the value of continuing to support fair wages in these difficult economic times.

This is the wrong time to start pulling the rug out from underneath our construction workers. Our fair wages that we have under Davis-Bacon are a key component of middle-class security for working families. Now is the wrong time to be attacking these essential protections.

Prevailing-wage laws, such as Davis-Bacon, require that workers be paid the prevailing local wages and benefits. These laws ensure that federally supported construction projects don't undermine local labor standards. By removing these protections, Senator PAUL's amendment would drive down wages, creating a dangerous race to the bottom. Again, that is the wrong approach to take in this troubled economy, the wrong approach to take for worker safety, the wrong approach to take for making sure what we build with taxpayer money is built well, with well-trained, well-motivated, and well-paid workers.

We want a real recovery. These working families—construction workers who haul steel, pour concrete, build the bridges and the walls and do all these things—build the infrastructure of our country. We want to make sure they have good, family-supporting jobs, with fair wages and decent benefits. That is what Davis-Bacon is about.

I urge a defeat of the Paul amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I oppose this amendment also. There are reasons for Davis-Bacon. One of them, for example, is it protects communities and employers by keeping the wage standards of low-wage areas from being imported into high-wage areas, and also the reverse. What do I mean by that? Obviously, West Virginia has a very different wage level than New York or Maryland or many parts of Virginia. They could come in and bid on a contract and either bid very low and do a bad job or bid very high and get it, for whatever reason. This prevents artificially inflating wages.

The inference was that it costs more to have Davis-Bacon. Some people don't like Davis-Bacon, and I understand that. But the law specifically requires that all workers must be paid no less than the prevailing wages and benefits that are paid in similar projects in that area. So it attaches the Davis-Bacon concept onto the regional local wage area. Virginia and Maryland are not far from West Virginia, so people want contracts, and they are likely to bid.

Since it was enacted, Davis-Bacon has protected taxpayers and workers from low-ball contractors who try to compete. You know that song. We all see it so much. They come in and bid a low price, and they get it, and there are all kinds of extra things added on—cost-plus. It doesn't happen under this; it isn't allowed. So the law effectively makes sure the taxpayers get their money's worth. As the Senator from Iowa indicated, numerous studies indicate that projects built under Davis-Bacon are more likely to be completed on time, within budget, and with fewer repair costs.

So this is a very significant amendment. But it is not about bilking the taxpayers. It is protecting the taxpayers. Davis-Bacon puts the contract wages in line with what is prevailing locally. That is the law. It makes sense to me. I strongly oppose the amendment.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the Paul amendment.

The Davis-Bacon Act was passed in 1931. We had a very different labor and diversity of wages. There were not minimum wages to the extent we have today. Today, every State has a different cost of living, different standards of what kinds of construction requirements there are, and thousands of buildings in this country are built in the private sector very safely, very efficiently. But when Davis-Bacon kicks in, for a government program, it skews the entire wage scale of that community, causing an inflation to other projects.

The studies I have seen prove that Davis-Bacon increases costs throughout a community because it sets an artificial standard, not taking into account the cost of living in that area. No one can argue that the cost of living in New York is very different from the cost of living in Texas or West Virginia or Tennessee. We should not be trying to change the norm in an area by artificially inflating the costs, and that is exactly what Davis-Bacon does.

If we are going to hear the voice of the people, who said last November: We are tired of business as usual in Washington and in Congress, we will pass the Paul amendment because this is the first step toward efficiency—to say that the projects going forward in this bill will not be subject to Davis-Bacon; they will be subject to bidding on contracts. And bidders do not necessarily win because they have the lowest bid. The person who is doing the contracting has the leeway to take into account quality and the reputation of the builder. So it is not as if the lowest bidder gets every bid. It is a process that is orderly. But Davis-Bacon does inflate the cost.

I think the Paul amendment is an excellent one. I think it will show that the people in this Senate got the message in November—that we don't have to sit with a 1931 law that is no longer necessary because the protections are in place, and we need to build our taxpayer-funded facilities in the most efficient way that saves taxpayer dollars. I support the Paul amendment and hope it will pass.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Kentucky. He is on the mark. Our priorities are two: One, to make it easier and cheaper to create private sector jobs; two, to reduce the Federal debt.

The Paul amendment makes it easier and cheaper to create private sector jobs. Why? Because it permits more contractors to hire more people to do more work at the lowest possible cost to the taxpayer.

Also, according to the General Accounting Office, it will help lower the Federal debt. In fact, the GAO has recommended changes to the Davis-Bacon Act as a means for trimming the Federal deficit. Leaving the law the way it is, applying the Davis-Bacon law to construction projects all over the country, will mean fewer jobs, less construction, higher taxes, and a higher Federal debt.

Passing the Rand Paul amendment will mean that we will make it easier and cheaper to create private sector jobs. Day after day in this Senate, we should be acting on legislation that remembers that in Tennessee, for example, we have had 24 straight months of unemployment above 9 percent.

I am glad to be a cosponsor of the Paul amendment because, in my State

and across the country, it will make it easier and cheaper to create private sector jobs instead of adding to the debt, creating fewer jobs, less construction, slower airport contracts, and higher taxes.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). Who yields time?

Mrs. HUTCHISON. Mr. President, if I may, I ask the Senator from Kentucky if he is ready to yield back time and I ask the majority if they are ready to yield back time on the Paul amendment. If so, we can move on to the Whitehouse amendment.

Mr. HARKIN. I say to my friend from Texas, I would like to have an additional 2 minutes.

Mrs. HUTCHISON. I will reserve an additional 2 minutes for Senator PAUL, and we can close this out.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I heard my friend from Tennessee—and he is my friend—talk about how this will be cheaper, it would be cheaper to build things. The new Senator from Kentucky referred to that too.

Sometimes cheapest is not always the least expensive. Sometimes cheapest can turn out to be the most expensive, depending upon the quality of the work, how long these projects are, and whether they are done on time.

I have a friend in Iowa who happens to be one of the largest contractors in the Midwest, if not in the entire country. He has big earth-moving equipment. He is a huge contractor. He probably does work in Tennessee, Kentucky, Texas, and everywhere else.

He told me once: I will only hire union labor. I asked him why. He said: Because they have a great apprenticeship and training program. Plus, he said: I know I get well-trained workers on my construction jobs.

He said: I don't mind Davis-Bacon because I get apprenticeship, I get training, plus I get workers I don't have to look over their shoulders all the time. I get quality work done.

He said: I didn't get big by undercutting everybody. I got big because I did good work, and I got good quality.

He is able to go head to head with nonunion contractors, and he has become the largest contractor because of the quality of his work.

That is why I say to my friend, sometimes the cheapest is not always the best in terms of the interest of the taxpayers and of this country.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, this amendment is not about quality. It is not about unions. It is about a Federal Government that is spending too much money, and it is about an enormous debt we have. It is about starting somewhere.

People agree that you save money if you do not have to pay the prevailing wage. Everybody knows it. The gallery knows it. The public knows it. In Kentucky, schools cost 30 percent more if you have prevailing wage. You build less schools. Your money does not go as far. It is not a good efficient use of your money.

With regard to quality, to imply that you cannot have quality unless it is union labor, unless it is prevailing wage, completely ignores what goes on in our economy; that is to say, the 90 percent of things that are made in our country that are nonunion and nonprevailing wage do not have quality. The argument is specious. It has no substance.

What this is about is making a first step toward controlling our deficit. We need to cut costs in government. If we cannot do these little things—this would save \$500 million on this bill. It is a small amount in Washington. It is a large amount to us in Kentucky, to individuals. It is a small amount, but it is a first step toward saying we are going to be responsible as a Congress and say: Enough is enough; we cannot live with \$2 trillion deficits each year. It is out of control. We are headed toward financial ruin, and this is one first step forward.

I hope the rest of the Senate will support this amendment to exempt from the FAA bill the considerations of Davis-Bacon.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back on the pending amendment?

Mr. ROCKEFELLER. We yield back all time.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on the Paul amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I move to table the amendment. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 8

There is now 10 minutes evenly divided on the Whitehouse amendment. Who yields time?

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to speak to this amendment which makes it a Federal criminal offense to target an aircraft with a laser.

The prevalence of this activity has increased enormously. According to

the FAA, there were 2,836 instances of lasers aimed at airplanes in 2010, which is a ninefold increase over the past 5 years.

The consequences of one of these attacks in the cockpit of an aircraft are significant. I am reading from a news report:

Glendale, CA, police Sgt. Steve Robertson remembers the first time he encountered a laser strike. He says his helicopter was hit by a powerful beam of green light one night while he was on patrol. "It immediately [lit] up the whole cockpit and it hit both of my eyes and burned both of my corneas," said the veteran pilot. "Instantly, I was blinded. It felt like I was hit in the face with a baseball bat—just an intense, burning pain."

Robertson was momentarily incapacitated and would have crashed if his co-pilot hadn't been able to land the chopper.

Thankfully, he recovered from his injuries.

I express my appreciation to both Senators BOXER and FEINSTEIN who are cosponsors of this amendment. Clearly, it is a major issue in California. I thank Senator MARK KIRK of Illinois who is the lead Republican cosponsor.

O'Hare Airport is one of the busiest airports in the country. It had 98 of these events take place in 2010.

Senator DURBIN also of Illinois is a cosponsor as well. I express my appreciation to him.

The House has passed a similar measure. There is every reason to believe that if we take this step we will be able to help defend our airspace from these attacks. Obviously, they are most dangerous near airports when planes are taking off or landing or in low level flight, as police sergeant Steve Robertson was.

It has the support of the National Association of Police Agencies and the Pilots Association.

I hope very much that my colleagues will vote in favor of it and take this simple step to protect our aircraft travel from a new and emerging risk.

Does the chairman wish to speak? I yield back our time but for the 2 minutes to the chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, this is an enormously important amendment. To be quite truthful, I think Senator WHITEHOUSE would have been satisfied with just having it accepted by both sides, which it would have been. I said: Please bring it to a vote.

This is a national security threat. The technology is going to get much better. He spoke about the pilot who was temporarily blinded, whose corneas were affected. As the technology increases, it is going to blind pilots permanently. Maybe if they are accurate, they can get both the pilot and the copilot.

All of this will take place around airports where there is obviously room to sight in on these people taking off and

landing, particularly landing, I would think. It is absolutely a threat, and the numbers in the last 2 years absolutely prove it.

I wish to emphasize, yes; this is on a Federal aviation bill, but it could be on an Armed Services Committee bill. It could be on an Intelligence Committee bill. It could be on a Homeland Security Committee bill. It is a very powerful vote because there will be a future for terrorists in this business, so the criminal penalties have to be established. The Whitehouse amendment, which I strongly support, does that.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I support the Whitehouse amendment. It will add to the security of our aircraft flying. I urge my colleagues to support it as well.

If time has been yielded back, I call for a vote.

Mr. WHITEHOUSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

If all time is yielded back, the question is on agreeing to amendment No. 8. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Utah (Mr. HATCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—96

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Vitter
DeMint	McCaïn	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—1

Paul

NOT VOTING—3

Coburn Hatch Warner

The amendment (No. 8) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have made good progress on this bill. We are working through the amendments. The staff has been doing yeomen's work. The Finance Committee is going to meet on Tuesday to report out funding for this bill. They have a path forward to do that. We need to keep the amendments relative to the Federal Aviation Administration and that has been good. We have made, as I indicated, progress. We have had some substantive amendments we worked on. We are voting on a couple here this evening and staff have worked on a number that they can resolve.

We are going to make more progress next week. We hope to complete action early in the week of February 14. As indicated—it has been scheduled for a long period of time—the Democratic Senators have a retreat next week. We are going to have votes Monday night and Tuesday morning. Everyone can count on that. But we believe, looking at the schedule tomorrow, we can accomplish just as much with having the Senate in session tomorrow. The majority will be here taking amendments or doing whatever is necessary on this bill. If somebody wants to give a speech on whatever their heart desires, they will be able to do that tomorrow also. This next vote will be the last vote of the week.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, we are making good progress on this bill. This bill is being handled as we have been accustomed in the old days to handling bills in the Senate. I commend the majority leader for that. We are going to be able to work our way through it with amendments related to the subject from here on in and wrap it up, as he suggests, the week of February 14.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Kentucky. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Utah (Mr. HATCH).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—55

Akaka	Harkin	Murray
Baucus	Inouye	Nelson (NE)
Begich	Johanns	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Kirk	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Mikulski	
Hagan	Murkowski	

NAYS—42

Alexander	DeMint	McConnell
Ayotte	Ensign	Moran
Barrasso	Enzi	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Brown (MA)	Hoeven	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	McCain	Wicker

NOT VOTING—3

Coburn Hatch Warner

The motion was agreed to.

AMENDMENT NO. 6

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment for consideration of Inhofe amendment No. 6.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Reserving the right to object, I ask the indulgence of the Senator, before he engages in a discussion of his amendment, if he would permit Senator MCCAIN and me to send to the desk a resolution with respect to Egypt. We would both like to speak very briefly on it.

Mr. INHOFE. Mr. President, all I want to do is get two amendments in the queue in 30 seconds.

Mr. KERRY. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 6.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations, and for other purposes)

At the end of title VII, insert the following:

SECTION 732. LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS.

(a) **SHORT TITLE.**—This section may be cited as the “Volunteer Pilot Organization Protection Act of 2011”.

(b) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds the following:

(A) Many volunteer pilot nonprofit organizations fly for public benefit and provide valuable services to communities and individuals.

(B) In calendar year 2006, volunteer pilot nonprofit organizations provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(C) Such nonprofit organizations are no longer able to purchase non-owned aircraft liability insurance to provide liability protection at a reasonable price, and therefore face a highly detrimental liability risk.

(D) Such nonprofit organizations have supported the homeland security of the United States by providing volunteer pilot services during times of national emergency.

(2) **PURPOSE.**—The purpose of this section is to promote the activities of volunteer pilot nonprofit organizations that fly for public benefit and to sustain the availability of the services that such nonprofit organizations provide, including the following:

(A) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(B) Flights for humanitarian and charitable purposes.

(C) Other flights of compassion.

(c) **LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.**—Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking “the harm” and inserting “(A) except in the case of subparagraph (B), the harm”;

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(B) the volunteer—

“(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

“(ii) was properly licensed and insured for the operation of such aircraft.”; and

(2) in subsection (c)—

(A) by striking “Nothing in this section” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in this section”; and

(B) by adding at the end the following:

“(2) **EXCEPTION.**—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

“(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

“(B) is properly licensed for the operation of such aircraft; and

“(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer’s operation of such aircraft.”.

AMENDMENT NO. 7

Mr. INHOFE. I ask unanimous consent to set aside the pending amendment for the consideration of Inhofe amendment No. 7.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 7.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements may be altered)

On page 230, between lines 7 and 8, insert the following:

SEC. 565. RESTRICTION ON ALTERATION OF FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS FOR SUPPLEMENTAL OPERATIONS.

(a) **IN GENERAL.**—The flight time limitations and rest requirements for supplemental operations under subpart S of part 121 of title 14, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), shall remain in effect unless and until the Administrator of the Federal Aviation Administration issues a final rule in a rulemaking proceeding described in subsection (b).

(b) **RULEMAKING PROCEEDING DESCRIBED.**—A rulemaking proceeding described in this subsection is a rulemaking proceeding—

(1) with respect to modernizing the flight time limitations and rest requirements only with respect to supplemental operations under subpart S of part 121 of title 14, Code of Federal Regulations; and

(2) that is not a part of, or otherwise connected to, the rulemaking proceeding under Docket No. FAA-2009-1093, as described in the notice of proposed rulemaking published in the Federal Register on September 14, 2010 (75 Fed. Reg. 55852).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section requires the Administrator of the Federal Aviation Administration to conduct a rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations under subpart S of part 121 of title 14, Code of Federal Regulations, if the Administrator determines that the flight time limitations and rest requirements under that subpart (as in effect on the day before the date of the enactment of this Act) are sufficient to ensure the safety of supplemental operations.

Mr. INHOFE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

EGYPT

Mr. KERRY. Mr. President, I will not send the resolution to the desk. It is currently being hotlined in both offices. It may actually be dealt with in a short period in wrap-up. Senator MCCAIN and I wish to speak briefly to this resolution.

This is a resolution which expresses the deep concern of the Senate over the events taking place in Egypt at this time. We acknowledge the long relationship and importance of the relationship with Egypt. Most important, we call attention to the need at this moment for the Government of Egypt and for all the parties involved to take every step possible to avoid violence, to respect the rights of people to assemble, to express their rights, to fight for and demonstrate for a transition in their lives and in their country.

This is now a many-days-long demonstration, the longest in the history of Egypt. Hundreds have been killed, many thousands wounded. It is our hope—and we express this—that over the next days, responsible leadership will stand on all sides and work toward a transition process that respects people’s rights and that builds a future that meets the aspirations expressed so passionately in the streets of cities all across Egypt. We hope this process will respect the right of journalists to report on the events in Egypt to the people of Egypt as well as the people of the world who are watching. We ask the leadership there to find a path by which they can transition to some kind of interim government over these next days that will build toward elections that can be free and fair and set an example for how any country in this kind of crisis can deal with it and, most importantly, meet the aspirations of their people.

I am privileged to join with Senator MCCAIN, Senator GRAHAM, and others in an effort to try to send this message from the Senate about our deep concern over the violence and our hopes and prayers that in the next hours and days responsible leadership will step up and do what is right.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, on behalf of Senator KERRY, the distinguished chairman of the Foreign Relations Committee, myself, and others, we will send this resolution to the desk. I will send it after I finish my remarks. We will not be seeking a vote at this time because we are hotlining the resolution.

This is a seminal moment in the history of the Middle East and the world. We are seeing an uprising and a movement that spread across the entire Middle East. Egypt is the heart and soul of the Arab world. What we have been watching unfold in the last week has grieved and concerned all of us. There is every possibility that this crisis lurches into a genuine massacre. We cannot afford that. We must do everything in our power to see that it stops. Our resolution urges the Egyptian military to demonstrate maximum professionalism and restraint and emphasizes the importance of working to

peacefully restore common order, while allowing for free and nonviolent freedom of expression. We do not want the Egyptian military to encourage thugs. We do not want the Egyptian military to be a party to increased violence.

We are concerned about an interim government. That interim government must be representative of all democratic forces within Egypt. In the resolution, we call on President Mubarak to immediately begin an orderly and peaceful transition to a democratic political system, including the transfer of power to an inclusive interim caretaker government in coordination with leaders from Egypt's opposition, civil society, and the military.

Again, I emphasize, I know my colleagues know, the Egyptian military is the most respected institution in Egypt. They risk turning the people of Egypt against them unless they act as a genuine peacemaker in Egypt.

I have been involved in Middle Eastern affairs for many years. I have traveled many times to the region. What is happening is a seminal event. How it turns out will affect the future of the 21st century. If Egypt turns to radical Islamic extremism and other countries as well, it poses not only a threat to America's national security but to the well-being of tens or hundreds of millions of people who have the God-given right of life, liberty, and the pursuit of happiness as we guarantee to all people.

I thank Senator KERRY again. We are sending a message from the Senate that I am sure the overwhelming majority of my colleagues will agree with: Stop the bloodletting. Let's start a peaceful transition to a free and open society and a government that can regain and hold the trust of the people of Egypt. This is a seminal moment and one that I believe the future of peace in the world will be relied upon.

I thank my colleagues. We look forward to further discussion. We wanted to bring this up now. It is very important, since tomorrow could be a very critical day in the history of the Egyptian people's struggle for independence and freedom.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I congratulate and compliment my colleagues from Massachusetts and Arizona. This resolution represents the best of the Senate. We have two people who are very well versed in the ways of the world and understand America and what we stand for. They have crafted a document I would like to cosponsor.

I ask unanimous consent that I be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Tomorrow is a big day for the future of Egypt. Senator

MCCAIN said it well: To the Army, I doubt if they are watching C-SPAN, but they have a chance to bring order out of chaos and to continue to have respect throughout the world and within the borders of Egypt. Do not let this opportunity pass. An interim government should be formed quickly, as this resolution urges. When it comes to the Egyptian people, I have faith that the young women who are risking life and limb in the square tonight and tomorrow are not doing so to be required to wear a burqa in the future. I have faith that the young men who are risking life and limb tonight and tomorrow would not want such a fate for their daughters and their wives. I have great respect for Islam. Radical Islam, similar to any other form of radical religion, is a threat to all we hold dear. The Egyptian people have a chance to chart a new way for the future of the Arab world and the world at large. This resolution is a statement of principle by the Senate that we stand with you and all those who believe in tolerance and the dignity of mankind.

This statement is bipartisan. It is well thought out. I think it reflects where the American people want to be in relation to Egypt.

To those in Congress who want to act quickly about defunding our relationship with Egypt, please consider the consequences of such action. Give the Egyptian people a chance to work this out. Give the Army a chance to bring order out of chaos. It is in our national security interest that we have a stable Egypt. The army is the most respected institution.

Mr. MCCAIN. Will the Senator yield?

Mr. GRAHAM. Yes.

Mr. MCCAIN. Isn't it time to urge democracy and freedom and not the time to threaten? There is plenty of time to threaten the Government and people of Egypt with reprisal. The time now is to urge democracy and freedom.

Mr. GRAHAM. Well said. It is now time for the United States to say what we are for and urge the Egyptian people to realize their hopes and dreams and that we want to be their partner. Now is not the time to sever the partnership. Now is the time to stand by a future partnership that would be beneficial to both countries. This resolution is a statement of principle that I hope the Egyptian people will see as an acknowledgment by the Senate that we are with them when it comes to their best hopes and dreams.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. I also ask unanimous consent to be added as a cosponsor of the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. I also commend these two great leaders, Senator KERRY and Senator MCCAIN, for coming to-

gether on this resolution. A lot of people try to bring us apart in this institution. But they were counted here today with one voice. I was in Vietnam with Senator MCCAIN. I couldn't get over all the people who came up to him and still talked about the work he and Senator KERRY had done together, with POWs and other issues, how they had gone to Vietnam together. Well, once again, they have come together at a time of great crisis to have the Senate tell the people of Egypt that we are there with them and we are behind them.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

AMENDMENT NO. 14

Mr. AKAKA. Mr. President, I rise today to strongly oppose Senator WICKER's amendment to prevent Transportation Security Administration employees from being able to collectively bargain.

There is no need for the Senate to use valuable time considering this issue right now. Congress gave the Administrator of TSA the authority to determine if and how collective bargaining should take place in the Air Transportation Security Act, which established TSA in the wake of the attacks of September 11.

Administrator Pistole, who has a strong national security background, is evaluating this issue in detail and I believe we should let him complete his review.

Although I believe Administrator Pistole should be given time to make the decision on granting collective bargaining rights to TSA employees, I want to address the arguments some are making in opposing TSA workers' rights.

I believe giving TSA employees a greater voice in the workplace would be good for security. TSA suffers from low morale, high attrition, and high injury rates.

National security is jeopardized when agencies charged with protecting our safety continually lose trained and talented employees due to workplace injuries and a lack of employee protections.

Moreover, the vast majority of Federal employees have collective bargaining rights. This includes other employees of the Department of Homeland Security performing similar security functions, such as Border Patrol agents, Federal Protective Service officers, and Immigration and Customs Enforcement officers.

In addition, there currently are some private airport screeners with full collective bargaining rights. Airport security is handled by contract screeners in a handful of airports, including some large ones. These contract employees have full collective bargaining rights. Ironically, some have recently been arguing for contracting security at more

airports, saying the security is better there. To be clear, I strongly support federalized airport security, but if there are any benefits where security is contracted, perhaps it is because the screeners are unionized, not because they are privatized.

Proponents of collective bargaining restrictions say they are necessary so that TSA has the flexibility to respond to emergencies. That is simply not true. Under Federal law, agencies are provided authority to take any actions they deem necessary to carry out their missions during an emergency. Granting collective bargaining rights would not in any way hinder TSA's flexibility to transfer employees in the event of a national emergency.

Moreover, under civil service laws, TSA employees, as other Federal employees, would be prohibited from striking if they are granted collective bargaining rights.

We all remember the heroic first responders who rushed into the World Trade Center and the Pentagon on September 11, 2001. I vividly recall the Capitol Police officers working frantically to protect our safety when it appeared the fourth plane could strike the Capitol. These were unionized workers. Like the heroes of 9/11, the brave men and women of TSA have dedicated themselves to protect our security. There is absolutely no basis for the Republicans to argue that TSA employees would invoke union contract restrictions rather than rise to the occasion in an emergency.

I urge all Senators to protect TSA employees' opportunity to have a voice in their workforce by opposing the Wicker amendment.

Mr. President, I yield back my time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 32

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to set aside the pending amendment to call up, on behalf of Senator ENSIGN, Ensign amendment No. 32.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. ENSIGN, Mr. CONRAD, and Mr. HOEVEN, proposes an amendment numbered 32.

Mr. ROCKEFELLER. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System)

Beginning on page 96, strike line 9 and all that follows through page 97, line 8, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) uniquely addresses the requirements of military and nonmilitary unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

VOTE EXPLANATION

Mr. WARNER. Mr. President, I was unable to vote today because of a family emergency. I want to be clear that if I were present in the Chamber, I would have voted in favor of Senator SHELTON WHITEHOUSE's amendment No. 8 to provide penalties for pointing laser pointers at airplanes. Instances of this dangerous practice doubled last year, and I believe we need to take the strong actions necessary to protect our flight crews and the flying public from dangers such as this.

I also would have voted in support of the motion to table Senator RAND PAUL's amendment No. 19 to prohibit any funds made available by the FAA Reauthorization Act to be used to administer or enforce wage-rate requirements with respect to any project or program funded under the bill. I will continue to work with my colleagues on both sides of the aisle to protect American workers, especially in these tough economic times.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING EDDIE ESCOBEDO

Mr. REID. Mr. President, I extend my condolences to the family of my good friend Mr. Eddie Escobedo, who passed away in Las Vegas, NV, on October 15, 2010. He was 77 years old.

Eddie left behind his loving wife of 50 years, Doña María Escobedo, his children, Eddie, Jr., Hilda, Nicolas, Victor, and nine grandchildren. His passing leaves an empty place in the lives of those who knew and loved him, but it also leaves an enormous void in the Las Vegas community.

Eddie was best known as the publisher of the Spanish-language *El Mundo* newspaper and a strong advocate for the Hispanic community. He arrived in southern Nevada when approximately 60,000 people lived in the Las Vegas Valley. His assertive leadership drew attention to the issues that pertain specifically to the Latino community, paving the way for hundreds of thousands of them who now reside in Nevada.

Eddie was born in Juarez, Mexico, in 1932, and as a teenager immigrated to the United States. He recognized early on that in America he would have the opportunity to accomplish his dreams. He enlisted in the Air Force and earned his citizenship after serving with distinction.

Several years ago I received a call from my friend Eddie to invite me to Christmas in the Barrio, where he would help give toys to needy children. Seeing those little faces glow because they would have a little bit of Christmas even though their families were struggling is a memory that I keep very fondly. Eddie's actions that day crystallized who he was in this community, and it reinforced my commitment to public service.

Eddie spread democracy through his incisive columns published in his newspaper, which often became the voice of the Latino community in Las Vegas. His columns also inspired his 175,000 weekly readers to become active in the community and to exercise their right to vote.

Eddie Escobedo's dedication to Nevada changed the community that he loved and fought for. He will be missed. His legacy and big heart will live on through his publication—*El Mundo* Newspaper—as it continues to play a vital role in the lives of Hispanics throughout Nevada by conveying the challenges and experiences Latino families face on a daily basis.

SUPER BOWL XLV

Mr. LEVIN. Mr. President, when we tune in this Sunday night to watch Super Bowl XLV, we will cheer players from all across our Nation. But as a Michigani-ian, I will take special pride in watching the several players from Michigan colleges. I will cheer Flozell Adams of Michigan State University; Charlie Batch and T.J. Lang of Eastern Michigan University; Larry Foote, LaMarr Woodley and Charles Woodson of the University of Michigan; Greg Jennings of Western Michigan University; and Nick McDonald of Grand Valley State University.

But what is perhaps most extraordinary is the fact that four of the players on the field this Sunday will come from a single Michigan institution, Central Michigan University. As reported by the Morning Sun of Mount Pleasant, CMU's hometown paper, only three other schools—Louisiana State, Ohio State and Tennessee—will have as many players on the field, and none will have more.

The four CMU players—Steelers receiver Antonio Brown and Packers cornerback Josh Gordy, linebacker Frank Zombo and defensive tackle Cullen Jenkins—each enjoyed stellar careers for the Chippewas. Brown, Gordy and Zombo all played on multiple Mid-American Conference championship teams. The presence of these four players shows that it's not the size or the fame of the football program, but the effort and determination of its people, that bring success.

That is true not just in athletics, but academics as well. CMU is ranked among the Nation's top 20 research institutions with 16 or fewer doctoral programs. It offers groundbreaking programs in fields such as athletic training and public relations. Its research efforts are helping the Department of Defense develop water filtration technology to protect servicemembers from harm, and helping develop new treatments for Parkinson's disease. CMU's efforts to educate the next generation and conduct research that improves lives embody the school's motto, "Sapientia, Virtus, Amicitia"—wisdom, virtue, friendship.

So Sunday's game will be a great reminder to all who are watching of what Central Michigan University and its students have accomplished. And in addition to cheers for the Packers and Steelers, I hope we will hear a few cries of "Fire Up, Chips!"

ADDITIONAL STATEMENTS

MISSOURI RIVER RELIEF

• Mrs. McCASKILL. Mr. President, I ask the Senate to join me in honoring the 10th anniversary of Missouri River Relief and their dedication to preserving Missouri rivers.

As a lifelong Missourian, I have visited and enjoyed the natural beauty and recreational opportunities along the Missouri River. These riverbanks and waterways are treasured attractions throughout Missouri. The Missouri River enjoys over 1 million visitors from across the Nation each year who have the opportunity to experience the splendor and excitement these natural resources provide for our state. That is why I am so thrilled to acknowledge the work of the Missouri River Relief program.

Founded in 2001, Missouri River Relief began with just a few Missouri River enthusiasts dedicated to cleaning up our State waters. Ten years later, 12,000 Missourians have joined their communities in fighting for this cause, removing over 1 million pounds of trash and debris, making our waters safer for all to enjoy. In 2010 alone, over 1,100 student and teacher volunteers helped clean over 70 miles of river.

Missouri River Relief has contributed to promoting river education throughout the State. By sponsoring recreational activities and festivals that incorporate the arts alongside river education, this organization has made it their mission to teach Missouri families about our local rivers and how the rivers contribute to our environment.

This project has received an outpouring of State and corporate sponsorships that have made this growing cause a reality. Neighboring States have also included their support, cleaning up almost 400 miles of the Missouri River. The trash gathered from these clean ups have included recyclable and environmental friendly particles that have been turned into useful resources.

Working to preserve one of our country's most affluent and beautiful rivers, this organization deserves our gratitude and commemoration. Missouri River Relief is committed to water safety and education and its service to the community stands as an inspiration to all Missourians and a strong signal of our State's continued growth and success.

Mr. President, I ask that the Senate join me in recognizing the 10th anniversary of the Missouri River Relief.●

NORTHEAST ORGANIC FARMING ASSOCIATION OF VERMONT

• Mr. SANDERS. Mr. President, today I honor the Northeast Organic Farming Association of Vermont. NOFA Vermont is a nonprofit association of farmers, gardeners, and consumers working to promote an economically viable and ecologically sound Vermont food system for the benefit of current and future generations. This year it celebrates its 40th anniversary of helping farms thrive, making locally grown and organic foods available to all, and increasing consumer access at farmers

markets across our Green Mountain State.

NOFA Vermont was founded in Putney in 1971, making it one of the oldest organic farming associations in the United States. Today, they are proud to have more than 1,200 members throughout the State and to certify over 525 farms and processors to the USDA national organic program standards. They are passionate about increasing the acreage of certified organic land in Vermont, while also increasing access to local organic food by all Vermonters. The entirety of their programs strives to meet these goals, whether it involves working with schools to bring local foods into the cafeteria, or providing business planning services to farmers to ensure their businesses stay viable.

With a vision that consists of small farms and agriculturally based businesses that are improving the ecology of Vermont foodscapes, where organic farms and gardens supply food to all members of their communities and where everyone knows their farmers, I see NOFA-VT as an exemplary national leader for the USDA campaign "Know your Farmer, Know your Food."

Executive director, Enid Wonnacott, has led this exceptional organization for the past 30 years. She and her dedicated team offer technical assistance and revolving loan funds; and supply information on energy management, apprenticeships, and educational and electronic resources. They have built direct markets between farmers and consumers through the VT Farmers Market Association and have sponsored outstanding conferences yearly. This year they expect more than 1,500 farmers to attend their winter conference, which is extremely well-run, worthwhile, and fun. They provide knowledgeable speakers, workshops brimming with information and healthy attitudes for the 21st century of farming.

Finally, I have been very impressed with their commitment to Vermont's future and our children as NOFA-VT has been a significant partner in the advancement of the Vermont Food and Farm Education program, FEED. This critical program provides schools, farmers, food service directors, and community partners with technical assistance, training, and professional development to advance student achievement, improve childhood nutrition, and create community-based farm to school programs. It is through programs such as these that children are able to connect with the farm in their community, understand where their food comes from, and have the opportunity to eat local healthy food in their school meal programs.

I offer my sincerest congratulations to NOFA-VT on the occasion of their 40th anniversary of service to our great State of Vermont and wish them many more years of continued success.●

RECOGNIZING NORTH EAST WIPERS

• Ms. SNOWE. Mr. President, America is home to millions of innovative and forward-thinking small businesses, which is critical to our future. And, as President Obama said in this State of the Union Address, “We need to out-innovate the . . . rest of the world” to maintain our position of global economic power. As such, I rise today to recognize a small company from my home State of Maine that represents a shining example of America’s ingenuity and innovative spirit.

North East Wipers got its start a little over a year ago after a conversation between two long-time friends. Gerard Dubois, the owner of Pioneer Transport in Waterville, told his friend Ray Lawrence, a machinist with 25 years experience, about an idea to create mini wiper blades that can be affixed to rearview mirrors on big rig trucks, so that the driver would not have to stop every few minutes during inclement weather to clear off snow or remove dirt and salt. Not only was this a commonsense idea, it was a matter of safety for truckers who are often forced to drive in unforgiving weather conditions to deliver timely goods on which the American people rely.

As a result of the conversation, Ray and Gerard gathered \$10,000 in startup costs and set to work on creating a number of prototypes. They eventually coalesced around a simple yet durable model that attaches to mirror mounts without using electrical or motorized parts that cannot clog or freeze. Once affixed to the mirror, all the driver has to do is push a button for the wipers to work. Even more appealing is that the system costs \$500, roughly the amount it costs to fill a tractor trailer with diesel fuel.

While originally designed for logging trucks facing difficult conditions on roads across Maine and other snow-plagued States, Gerard Dubois and Ray Lawrence are seeking to make their invention available to other major commercial vehicles on the road. Recognizing the merits of North East Wipers’ product, the Maine Technology Institute recently announced it will be providing the company with a seed grant to support further development and commercialization of the wiper blades. Such capital is critical for the success of a project like this, and it recognizes the value and practicality of this unique invention. Gerard and Ray’s ultimate goal is to work with a truck manufacturer on making the wipers standard equipment for its big rigs.

Maine is home to scores of groundbreaking entrepreneurs and creative thinkers, and clearly Gerard Dubois and Ray Lawrence fit that bill. I am extremely proud of the ingenuity they have demonstrated and the dedication they have shown in making their product a reality. I thank them

for their inventiveness, and wish them much success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES DISCHARGED

The following bill was discharged from the Committee on Rules and Administration, and referred as indicated:

S. 126. A bill to reduce the amount of financial assistance provided to the Government of Mexico in response to the illegal border crossings from Mexico into the United States, which serve to dissipate the political discontent with the higher unemployment rate within Mexico; to the Committee on Foreign Relations.

The following bill was discharged from the Committee on Finance, and referred as indicated:

S. 109. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 289. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes.

S. 290. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes.

S. 291. A bill to repeal the sunset provisions in the USA PATRIOT Improvement and Reauthorization Act of 2005 and other related provisions and permanently reauthorize the USA PATRIOT Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-417. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community

Eligibility” ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-418. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Television Broadcasting Services; Huntsville, AL” (MB Docket No. 08-194, DA 11-27) received in the Office of the President of the Senate on February 1, 2011; to the Committee on Commerce, Science, and Transportation.

EC-419. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Preserving the Open Internet; Broadband Industry Practices” ((FCC 10-201)(GN Docket No. 09-191)) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-420. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Sculpins, Sharks, Squid, and Octopus in the Gulf of Alaska” (RIN0648-XA156) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-421. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Passenger Weight and Inspected Vessel Stability Requirements” ((RIN1625-AB20)(Docket No. USCG-2007-0030)) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-651 “Closing and Dedication of Portions of a Public Alley in Square 5260, S.O. 10-13494, Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-652 “Corrupt Election Practices Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-653 “Sustainability Energy Utility Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-654 “Thelma Jones Way Designation Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-655 “Closing of Public Streets, Dedication of Land for Street Purposes, and the Elimination of Highway Plan Encumbrances, in and abutting Squares 3655, 3656, and 3657, S.O. 09-10589, Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-656 "District of Columbia Housing Authority Board of Commissioners Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-679 "Prohibition on Government Employee Engagement in Political Activity Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-680 "Human and Environmental Health Protection Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-681 "Private Fire Hydrant Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-682 "Health and Safety 911 Abuse Prevention Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-432. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-683 "Adams Morgan Main Street Group Clarification Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-433. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-684 "Transportation Infrastructure Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-434. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-685 "Returning Citizen Public Employment Inclusion Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-435. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-686 "Ballpark Fee Clarification Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-436. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-687 "Perry Street Affordable Housing Tax Exemption and Relief Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-437. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-688 "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-438. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-689 "Rhode Island Avenue Metro Plaza Revenue Bonds Amendment Act

of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-439. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-690 "Not-for-Profit Hospital Corporation Personnel Administration Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-440. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-691 "Southeast Federal Center/Yards Non-Discriminatory Grocery Store Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-441. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-692 "Rent Administrator Hearing Authority Second Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-442. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-696 "Residential Tranquility Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-443. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-697 "Lead Hazard Prevention and Elimination Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-444. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-698 "Green Building Technical Corrections, Clarification, and Revision Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-445. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-699 "Disorderly Conduct Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-446. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-700 "Open Meetings Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-447. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-701 "Anti-SLAPP Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-448. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-702 "Residential Housing Tax Abatement Clarification Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 23. A bill to amend title 35, United States Code, to provide for patent reform.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia.

Paul Kinloch Holmes III, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California.

Edward J. Davila, of California, to be United States District Judge for the Northern District of California.

Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas.

Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

Marco A. Hernandez, of Oregon, to be United States District Judge for the District of Oregon.

Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia.

James Emanuel Boasberg, of the District of Columbia, to be United States District Judge for the District of Columbia.

Amy Berman Jackson, of the District of Columbia, to be United States District Judge for the District of Columbia.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Massachusetts:
S. 262. A bill to repeal the excise tax on medical device manufacturers; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. ALEXANDER, and Mr. COCHRAN):

S. 263. A bill to provide for child safety, care, and education continuity in the event of a presidentially declared disaster; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 264. A bill to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 265. A bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 266. A bill to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. ISAKSON, and Mr. KOHL):

S. 267. A bill to amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 268. A bill to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 269. A bill to designate the Department of Veterans Affairs medical center in Big Spring, Texas, as the George H. O'Brien, Jr., Department of Veterans Affairs Medical Center, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 270. A bill to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 271. A bill to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MANCHIN (for himself, Mr. ROCKEFELLER, Ms. MURKOWSKI, Mr. WICKER, Mr. BOOZMAN, Ms. LANDRIEU, Mr. HOEVEN, and Mr. PORTMAN):

S. 272. A bill to amend the Federal Water Pollution Control Act to clarify and confirm the authority of the Environmental Protection Agency to deny or restrict the use of defined areas as disposal sites for the discharge of dredged or fill material; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. UDALL of New Mexico, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. BEGICH):

S. 273. A bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving; to the Committee on Environment and Public Works.

By Mrs. HAGAN (for herself, Mr. FRANKEN, Mr. BROWN of Ohio, and Mr. JOHNSON of South Dakota):

S. 274. A bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mr. MENENDEZ, and Mr. BEGICH):

S. 275. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT (for himself and Mr. UDALL of Colorado):

S. 276. A bill to amend the National Trails System Act to provide for the study of the

Pike National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself, Mrs. HAGAN, Mr. NELSON of Florida, and Mr. GRASSLEY):

S. 277. A bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of Colorado (for himself and Mr. BENNETT):

S. 278. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNETT):

S. 279. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 280. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. COBURN, Mr. CRAPO, Mr. ENSIGN, Mr. INHOFE, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. MORAN, Mr. RISCHE, Mr. ROBERTS, Mr. WICKER, Mr. BARRASSO, Mr. COATS, Mr. BLUNT, and Mr. CORNYN):

S. 281. A bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits; to the Committee on Finance.

By Mr. COBURN (for himself and Mr. BEGICH):

S. 282. A bill to rescind unused earmarks; to the Committee on Appropriations.

By Mr. LEVIN:

S. 283. A bill for the relief of Marco Antonio Sanchez; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 284. A bill for the relief of Guy Vang, Genevieve Chong Fong, Caroline Vang, and Melina "Melanie" Vang; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 285. A bill for the relief of Sopuruchi Chukwueke; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 286. A bill for the relief of Anton Dodaj, Gjyljana Dodaj, Franc Dodaj, and Kristjan Dodaj; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 287. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 288. A bill for the relief of Josephina Valera Lopez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 289. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes; read the first time.

By Mr. LEAHY:

S. 290. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes; read the first time.

By Mr. MCCONNELL (for himself, Mr. GRASSLEY, and Mr. CHAMBLISS):

S. 291. A bill to repeal the sunset provisions in the USA PATRIOT Improvement and Reauthorization Act of 2005 and other related provisions and permanently reauthorize the USA PATRIOT Act; read the first time.

By Mr. LEE (for himself, Mr. KYL, Mr. BARRASSO, Mr. BURR, Mr. DEMINT, Mr. GRAHAM, Mr. PAUL, Mr. RISCHE, Mr. RUBIO, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, Mr. CRAPO, and Ms. AYOTTE):

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Nebraska:

S. Res. 41. A resolution expressing the sense of the Senate that Congress should reduce spending by the amount resulting from the recently announced earmark moratorium; to the Committee on the Budget.

By Mr. REID:

S. Res. 42. A resolution to constitute the majority party's membership on certain committees for the One Hundred Twelfth Congress, or until their successors are chosen; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 43. A resolution to constitute the minority party's membership on certain committees for the One Hundred Twelfth Congress, or until their successors are chosen; considered and agreed to.

By Mr. KERRY (for himself, Mr. MCCAIN, Mr. GRAHAM, Ms. KLOBUCHAR, Mr. CARDIN, Mr. NELSON of Florida, Mr. DURBIN, and Mr. LEVIN):

S. Res. 44. A resolution supporting democracy, universal rights, and the peaceful transition to a representative government in Egypt; considered and agreed to.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 45. A resolution congratulating the Eastern Washington University football team for winning the 2010 National Collegiate Athletic Association Division 1 Football Championship Subdivision title; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 21, a bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

S. 81

At the request of Mr. ISAKSON, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel

and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 210

At the request of Mr. COBURN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 249

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 249, a bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to any gray wolf (*Canis lupus*).

S. 255

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 255, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. CON. RES. 4

At the request of Mr. SCHUMER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 5

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Con. Res. 5, a concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest surviving United States veteran of the First World War.

S. RES. 20

At the request of Mr. JOHANNIS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

AMENDMENT NO. 8

At the request of Mr. WHITEHOUSE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of amendment No. 8 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 11

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 11 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 19

At the request of Mr. PAUL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 19 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 27

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 27 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 29

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 29 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 32

At the request of Mr. ENSIGN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 32 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 34

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 34 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN of Massachusetts: S. 262. A bill to repeal the excise tax on medical device manufacturers; to the Committee on Finance.

Mr. BROWN of Massachusetts. Mr. President, I rise today to introduce legislation to repeal the tax imposed on medical device manufacturers.

As my colleagues know, this 2.3 percent sales tax imposed on medical device manufacturers—a tax that will ultimately be passed on to consumers—is part-and-parcel of the Federal health care reform bill that passed last Congress.

Like others in this chamber, I am extremely concerned that this tax could threaten jobs in my State, reduce domestic investment in research and development and ultimately diminish access to life-saving medical devices for patients.

Medical technology companies employ more than 375,000 workers in the United States. In Massachusetts alone, we have more than 225 medical device firms, which employ more than 20,000 workers, and contribute nearly \$1 billion in payroll. Medical devices are one

of our State's top exports, contributing \$6 billion to our State's economy.

These are powerfully good numbers. These are the numbers that make my State tick, help drive our economy, and keep people working. I want to make certain that what happens in Washington does not reverse these numbers, does not undermine my State's ability to compete, and does not hamper our chances to grow and hire workers.

Massachusetts' position as an industry leader, a hub of innovation and entrepreneurship must be preserved. That has been and will continue to be my focus in the U.S. Senate.

So how do I intend to accomplish this?

For starters it means working to eliminate the medical device tax, which I believe will diminish our ability to compete, will increase costs for consumers, and could result in our medical device and technology jobs being sent overseas, where the costs of labor and production are cheaper.

The effort that I am spearheading—and that I ask my colleagues to join—eliminates the medical device tax in a way that does not add to the deficit. I propose eliminating this harmful tax—a tax that will stifle innovation, be passed on to consumers, and increase the cost of care—and propose that we offset the cost by using unobligated discretionary dollars. This is the same source of funding, the same offset, that 81 of my colleagues supported yesterday.

As my colleagues know, I worked on an amendment that would repeal the medical device tax last Congress. I will continue this work because the harmful effects of this tax are the last thing Massachusetts needs—more industry jobs lost, our workers at a competitive disadvantage.

But the medical device tax doesn't just lead to job uncertainty, it leads to investment uncertainty as well, which results in private capital staying on the sidelines rather than being invested in Massachusetts based companies and their workers.

The medical device tax, coupled with other provisions in the Federal health reform bill, increases the level of uncertainty at a time when businesses, consumers and investors are craving the exact opposite.

For example, some medical devices are approved as combination products, both as medical devices and drugs and/or biologics. The Secretary has yet to determine how these medical devices will be captured under the law, how they will be taxed.

I pledge to work with my Senate colleagues—and during the Medical Device User Fee Modernization Act reauthorization slated for next year—to ensure that the medical device companies whose products are approved as combination products by the FDA are not

double-taxed by way of the medical device tax and the pharmaceutical tax.

With the rolling implementation of the Federal health care reform bill, this Congress will provide many opportunities for me to protect the interests of and work on behalf of Massachusetts families, Massachusetts taxpayers, Massachusetts workers, and Massachusetts businesses.

I hope my colleagues will join my efforts to find opportunities to correct what is wrong with the Federal health reform law—to protect innovation, the jobs, and the development and growth that can occur in a sector that is vitally important to our Nation's health.

I know that a robust medical device sector translates into a healthier America—physically, economically, and socially. The same is true for Massachusetts.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 270. A bill to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce two bills that will provide two important communities in rural Oregon with the means to promote their cultural history and their economic development opportunities. These are bills that I introduced in the last Congress and were reported out of the Energy and Natural Resources Committee, but were unfortunately not passed in the Senate. I am pleased to be joined by Senator MERKLEY in this effort.

These bills both are intended to help leaders in rural communities in my State continue to grow their economies and make the most of the abundant resources surrounding their communities. As in many rural communities in my State and in many places in the Western United States, not much happens without the Federal Government's involvement. In fact, the Federal Government owns much of the land surrounding these small communities. While many of these lands are treasures, this high percentage of Federal land ownership sometimes limits the ability of local governments and civic leaders to solve problems and serve the public. I firmly believe the Federal Government can and should be an active partner in strengthening communities and improving a region's quality of life.

That is why I am re-introducing these two pieces of legislation today. These bills—both passed out of the Senate Energy and Natural Resources Committee in the last Congress with minor modifications—demonstrate the possibilities that can come when the Federal Government partners with proactive, innovative communities to tackle challenging economic condi-

tions and the pattern of Federal land ownership.

My first bill, the La Pine Land Conveyance Act, would convey two parcels of property to Deschutes County, Oregon and a third parcel to the City of La Pine. The bill directs the transfer of Bureau of Land Management, BLM, lands to Deschutes County and the City of La Pine to enable the small town of La Pine to develop rodeo and equestrian facilities, expand a sewage treatment site, and develop the library or other public facilities.

La Pine has a set of unique challenges but the town's incorporation has brought a feeling in the community that good things can happen if they work together to make their town as good as it can possibly be.

My bill proposes the transfer of 150 acres of BLM land contiguous to the La Pine city limit to enable construction of public equestrian and rodeo facilities that have become increasingly important in La Pine. In addition, the land will provide a location for development of ball fields, parks, and recreation facilities, which can be developed as the town grows and budgets allow.

My bill also directs the transfer of approximately 750 acres of BLM lands to Deschutes County for the purpose of expanding the town's wastewater treatment operation. For several years this has been the City's top priority for a land transfer under the Recreation and Public Purposes Act. Although the BLM began an administrative transfer it was not completed, limiting this small community's ability to be competitive for state and federal economic stimulus funds. This project is too important to let languish.

Perhaps the most important issue affecting water quality in Deschutes County involves the threat to groundwater and the Deschutes River from household septic systems in southern Deschutes County, the region around La Pine. This project directly reduces nitrate loading into south county groundwater in two ways. First, by enabling expansion of the District service boundary to residential areas where septic systems are generating elevated groundwater nitrate levels; and second, by closing the current location for spreading treated effluent, over a relatively high groundwater area, to this new location which is judged not to threaten groundwater. That is why I am introducing legislation today to make sure this transfer moves forward.

The third parcel that would be transferred under this legislation would convey approximately 10 acres to the City of La Pine. This is a parcel right in the heart of downtown La Pine. The City is exploring its use for expansion of library space or using it as an open space.

My second bill, S. 271, the Wallowa Forest Service Compound Conveyance Act would convey an old Forest Service

Ranger Station compound to the City of Wallowa, OR. In Wallowa County, this Forest Service compound was built by the Civilian Conservation Corps in the 1930's. For many years it was the center of town and this site continues to represent the natural and cultural history of one of Eastern Oregon's most beautiful communities. The City of Wallowa, along with County Commissioners, the local arts organizations, and a broad group of community leaders intend to restore this important example of Pacific Northwest rustic architecture and tribute to bygone times, making a valuable community interpretive center at this site. The conveyance of this property will allow the community to move forward with this project. The community worked hard to list the Ranger Station on the National Register of Historic Places, and ownership by the City will allow this coalition to restore the buildings and again develop a vibrant community center. Oregon Public Broadcasting aired a segment depicting an early 20th century railroad logging community—a significant part of the rich and diverse history and traditions that will be preserved and celebrated as this Forest Service Compound is developed as an interpretive center.

I want to express my thanks to all the citizens and community leaders who have worked to build their communities and develop these projects. They represent the pioneering spirit and vision that defines my State.

By Mrs. HAGAN (for herself, Mr. FRANKEN, Mr. BROWN of Ohio, and Mr. JOHNSON of South Dakota):

S. 274. A bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program; to the Committee on Finance.

Mrs. HAGAN. Mr. President, today, I am proud to reintroduce the Medication Therapy Management, MTM, Empowerment Act of 2011, with my colleagues from Minnesota, Senator FRANKEN, from Ohio, Senator BROWN, and from South Dakota, Senator JOHNSON.

A recent analysis conducted by the New England Healthcare Institute estimates that the overall cost of medication nonadherence is as much as \$290 billion per year. According to a recent article published in the New England Journal of Medicine, over \$100 billion is spent annually on avoidable hospitalizations because patients do not take their medications correctly.

Not only does nonadherence cost our system billions of dollars, nonadherence to medication regimens also affects the quality of life for seniors and may lead to early death. The elderly typically take many more prescription medicines than the general population

and therefore are at greater risk for problems associated with improper use of medications. For example, the same New England Journal of Medicine article I just referenced found that better adherence to antihypertensive treatment alone could prevent 89,000 premature deaths in the U.S. annually.

With as much as one half of all patients in the U.S. not following their doctors' orders regarding their medications, medication therapy management could help reduce some of the wasted health care costs in our system.

North Carolina has implemented some very successful MTM programs.

The Asheville Project, which focuses on diabetes, asthma, and cardiovascular disease, has seen improved health outcomes and significant savings among city employees since it began in 1997. For example, in the Asheville Project's diabetes MTM Project, they have seen a decrease in medical costs of between \$1,622 to \$3,356 per patient per year; a decrease in insurance claims of \$2,704 per patient in year one and a \$6,502 decrease in year five; a 50 percent decrease in use of sick days; and increased productivity gains estimated at \$18,000 annually.

In 2007, the North Carolina Health and Wellness Trust Fund Commission launched an innovative statewide program, Checkmeds NC, to provide MTM services to North Carolina seniors. During the program's first year, more than 15,000 North Carolina seniors and 285 pharmacists participated. A total of 31,000 seniors have participated since 2007. The seniors bring all of their prescriptions, over-the-counter medicines, vitamins and supplements to the pharmacy to be thoroughly reviewed in a one-on-one session. The pharmacist follows up and educates the patient about his or her medication regimen. The program has saved an estimated \$34 million to date, and countless health problems have been avoided.

During consideration of health care reform, I was pleased to have successfully secured language in the bill that built off these North Carolina models and implemented MTM nationally for seniors suffering from two or more chronic conditions.

The bill I am reintroducing today takes MTM one step further. Specifically, this bill would expand MTM eligibility to seniors with any chronic condition that accounts for high spending in our health care system, such as heart failure and diabetes. Currently, only 12.9 percent of Part D beneficiaries are eligible under the MTM criteria for multiple chronic conditions. However, of those, more than 85 percent have chosen to participate in the benefit. Clearly this program is very popular and widely utilized by those who are already eligible. By expanding eligibility to more seniors, MTM will certainly result in Medicare savings.

The bill also ensures access to MTM for seniors at a pharmacy or with a qualified health care provider of their choice.

To ensure pharmacists and health care providers are able to provide MTM to seniors, this bill requires that they are appropriately reimbursed for their time and service. This provision will permit pharmacies and other health care providers to spend considerable time and resources evaluating a person's drug routine and educating them on proper usage—all critical components of a successful MTM program.

Finally, this bill would establish standards for data collection to evaluate and improve the Part D MTM benefit.

The value of MTM is widely known and discussed. I am proud that North Carolina is a leader in this arena. Expansion of MTM to more seniors will no doubt improve their overall health, while at the same time reducing waste in our health care system.

I urge my colleagues to support this bill.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 278. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, fighting fires is very serious business in my home State of Colorado. Just a few months ago, we experienced the most expensive fire in our history—the Fourmile Fire, near Boulder. This fire destroyed more than 150 homes and burned over 6,000 acres.

We could not have stopped this fire without the dedicated efforts of hundreds of public servants, including volunteer firefighters from local fire districts. These individuals saved lives and property, often risking their own lives. That is, in part, why I believe we should do everything we can to help these fire districts and the volunteers who serve them.

One fire district involved in the Fourmile Fire—the Sugar Loaf Fire District—lost 17 homes in the fire. The Sugar Loaf Fire District is critical to protecting thousands of Coloradans, but instead of being able to focus on fighting fires this District has been wrapped up trying to resolve a land issue with the Forest Service for many years now. It is a very simple land exchange to make sure that the Fire District owns the land under two of its three fire stations.

The Fire District has occupied and operated the fire stations on these properties for nearly 40 years. If they can secure ownership, the lands will continue to be used as sites for fire stations and training. The Fire District is willing to trade the property it owns,

an undeveloped inholding in Forest Service land, for the property under the stations. This is a simple and fair exchange that will serve the public good and help protect the local area from growing wildfire threats.

The Fire District has made a strong, persistent, and good faith effort to acquire the land under the stations through administrative means by working with the Forest Service. Furthermore, the Fire District has demonstrated its sincere commitment to this project by expending its monetary resources and the time of its staff to satisfy the requirements set forth by the Forest Service.

However, those efforts have not succeeded and it has become evident that legislation is required to resolve the situation.

To help facilitate this land exchange, I am introducing the Sugar Loaf Fire Station Land Exchange Act of 2011 today. This language is the same as what passed the Senate Energy and Natural Resources Committee in the last Congress.

Under the bill, the land exchange will proceed if the Fire District offers to convey acceptable title to a specified parcel of land amounting to about 5.17 acres. This land resides between the communities of Boulder and Nederland in an unincorporated part of Boulder County within the boundaries of the Arapaho-Roosevelt National Forest. In return, the land—about 5.08 acres—where the two fire stations are located will be transferred to the Fire District.

The lands transferred to the Federal Government will become part of the Arapaho-Roosevelt National Forest and managed accordingly.

This is a relatively minor bill but one that is important to the Sugar Loaf Fire District and the people it serves. As public lands bills pile up in Congress because of ideological obstruction, this fire district is being forced into wasting time and money trying to resolve an otherwise commonsense and technical public lands fix. I think this bill deserves enactment without unnecessary delay.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sugar Loaf Fire Protection District Land Exchange Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **DISTRICT.**—The term “District” means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

(3) **NATIONAL FOREST.**—The term “National Forest” means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE.

(a) **IN GENERAL.**—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) **APPLICABLE LAW.**—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) **TIME FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) **AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.**—

(1) **IN GENERAL.**—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) **VALUE OF FEDERAL LAND.**—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) **DISPOSITION OF PROCEEDS.**—

(1) **IN GENERAL.**—The Secretary shall deposit in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) **USE OF PROCEEDS.**—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest.

(g) **MANAGEMENT AND STATUS OF ACQUIRED LAND.**—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) **REVOCATION OF ORDERS; WITHDRAWAL.**—

(1) **REVOCATION OF ORDERS.**—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) **WITHDRAWAL.**—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 279. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Camp Hale Study Act of 2011, which would direct the Secretary of the Interior to study the feasibility and suitability of establishing Camp Hale, near Leadville, CO, as a national historic district. Camp Hale is an important part of our Nation's proud national defense legacy, and it deserves to be recognized and protected.

This bill concerns an important military legacy from the World War II and Cold War eras. Camp Hale, located in the mountains of central Colorado, was a training facility for combat in high alpine and mountainous conditions. Principally, it was a training venue for the Army's 10th Mountain Division and other elements of the U.S. Armed Forces. The geography of the area was ideal for winter and high-altitude training, with steep mountains surrounding a level valley suitable for housing and other facilities. The facility itself was located in Eagle County along the Eagle River, and its training boundary included lands in Eagle, Summit, Lake, and Pitkin Counties.

In addition to the 10th Mountain Division, the 38th Regimental Combat Team, 99th Infantry Battalion, and soldiers from Fort Carson were trained at

Camp Hale from 1942 to 1965. Throughout this time, the Army tested a variety of weapons and equipment at Camp Hale.

Between 1956 and 1965, the camp was also used by the Central Intelligence Agency as a secret center for training Tibetan refugees in guerilla warfare to resist the Chinese occupation of their mountainous country. Just last year, at my urging, the Forest Service put in place a plaque honoring these Tibetan Freedom Fighters. I joined many of those brave Tibetans, their CIA trainers, and their families in a moving ceremony to honor those who trained at Camp Hale.

In July 1965, Camp Hale was deactivated, and in 1966, control of the lands was returned to the Forest Service. Today the site is part of the White River and San Isabel National Forests. The U.S. Army Corps of Engineers is working to clean up potentially hazardous munitions left over from weapons testing at the site, particularly in the East Fork.

Camp Hale was placed on the National Register of Historic Places in 1992, but this bill would direct the Secretary of the Interior to complete a special resource study of Camp Hale to determine the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System. That would include an analysis of the significance of Camp Hale in relation to the defense of our Nation during World War II and the Cold War, including the use of Camp Hale for training of the 10th Mountain Division and for training by the Central Intelligence Agency of Tibetan refugees seeking to resist the Chinese occupation of Tibet.

I have worked with Representative LAMBORN on this bill since he first introduced it in the House in the 110th Congress, when I proudly cosponsored it. I introduced this bill in the Senate in the last Congress and shepherded it through the Senate Energy and Natural Resources Committee. However, because of opposition from a few Senators to all public lands bills, we could not pass this bipartisan bill on the Senate floor.

Camp Hale should be recognized for the role it played in our country's national security. The people who trained there are proud of their accomplishments, and I am proud to join Representative LAMBORN in supporting this legislation. I am confident that we will have more success in passing this legislation in this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Camp Hale Study Act".

SEC. 2. SPECIAL RESOURCE STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING CAMP HALE AS A UNIT OF THE NATIONAL PARK SYSTEM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, (hereinafter referred to as the "Secretary") shall complete a special resource study of Camp Hale to determine—

(1) the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of Camp Hale by the National Park Service, other Federal, State, or local government entities or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 3. EFFECT OF STUDY.

Nothing in this Act shall affect valid existing rights or the exercise of such rights, including—

(1) all interstate water compacts in existence on the date of the enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(2) water rights decreed at the Camp Hale site or flowing within, below, or through the Camp Hale site;

(3) water rights in the State of Colorado;

(4) water rights held by the United States;

(5) the management and operation of any reservoir, including the storage, management, release, or transportation of water; and

(6) the ability, subject to compliance with lawful existing local, State, and Federal regulatory requirements, to construct and operate that infrastructure determined necessary by those with decreed water rights to develop and place to beneficial use such rights.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 280. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the No Child Left Behind Flexibility and Improvements Act. I am pleased to be joined in this effort by my colleague from Maine, Senator SNOWE. Our legislation would give greater local control and flexibility to Maine and other states in their efforts to implement the No Child Left Behind Act, NCLB. It provides common sense reforms in the statute while retaining elements to help ensure transparency and accountability.

Since the enactment of NCLB 9 years ago, I have had the opportunity to meet with numerous Maine educators

to discuss their concerns with the law. In response to their concerns, Senator SNOWE and I commissioned the Maine NCLB Task Force to examine the implementation issues facing Maine under both NCLB and the Maine Learning Results. Our task force included members from every county in our State, and had superintendents, teachers, principals, school board members, parents, business leaders, former State legislators, special education specialists, assessment experts, officials from the Maine Department of Education, and was chaired by a former Maine commissioner of education and a dean from the University of Maine's College of Education and Human Development. In other words, it was a broad-based commission that brought a great deal of expertise, experience, and perspective to the task force's work.

After a year of study, the task force presented us with its final report outlining recommendations for possible statutory and regulatory changes to the act. The task force recommendations highlighted the need for greater flexibility for the Maine Department of Education and local schools in order to address various implementation concerns facing Maine. The legislation we are introducing today would make significant statutory changes designed to provide greater local control to Maine and greater flexibility to all States in their implementation efforts, not just Maine.

First, our legislation would provide greater flexibility to states in the ways that they measure student progress in meeting state education standards. Current NCLB law has proven to be too restrictive. Our legislation would permit states to use additional models to more accurately track the progress of all students over time. Specifically, it would allow States to use a cohort growth model, which tracks the progress of the same group of students over time. It would also permit the use of an "indexing" model, where progress is measured based on the number of students whose scores improve from, for example, a "below-basic" to a "basic" level, and not simply on the number of students who cross the "proficient" line. Even if a school is unable to meet the trajectory targets set by the NCLB time-line, a school would not be identified as failing to make AYP provided it demonstrates improved student achievement according to these additional models. We would also require the Secretary to provide examples of these models to give practical assistance to States in the design of these systems. While the trajectory goals set in the statute are certainly valuable, our legislation seeks to clarify that States should be granted greater flexibility in the design of different accountability systems provided that they are consistent with the principle of improved student performance.

Second, our legislation would provide schools with better notice regarding possible performance issues, allowing schools a chance to identify and work with a particular group of students before being identified. It would expand the existing “safe-harbor” provisions to allow more schools to qualify for this important protection. The changes made in our bill are in keeping with what assessment experts and teachers know—that significant gains in academic achievement tend to occur gradually and over time. In addition, the legislation addresses my concern about the statute’s current requirement that all schools reach 100 percent proficiency by 2013–2014 by requiring the Secretary of Education to review progress by the States toward meeting this goal every three years, and allowing him to modify the time-line as necessary.

Furthermore, the Task Force report raised important concerns that in some schools, special education students fear that they are being blamed for their school not making adequate yearly progress. Our legislation would allow the members of a special education student’s Individual Education Plan, IEP, team to determine the best assessment for that individual student, and would permit the student’s performance on that assessment to count for all NCLB purposes. This legislative change is also based on principles of fairness and common sense. Many times, it simply does not make sense to require a special needs student to take a grade-level assessment that educators and parents know he or she is not ready to take. Many special education students are referred for special education services precisely because they cannot meet grade-level expectations. Allowing the IEP team to determine the best test for each special needs student will bring an important improvement to the act while still ensuring accountability.

Finally, our legislation would provide new flexibility for teachers of multiple subjects at the secondary school level to help them meet the “highly qualified teacher” requirements. Unfortunately, the current regulations place undue burdens on teachers at small and rural schools who often teach multiple subjects due to staffing needs, and on special education teachers who work with students on a variety of subjects throughout the day. Under the bill, provided these teachers are highly qualified for one subject they teach, they will be provided additional time and less burdensome avenues to satisfy the remaining requirements.

While it has been some time since Maine’s Task Force issued its report, its findings and recommendations remain valid. Our legislation is still necessary to provide greater flexibility and common sense modifications to ad-

dress those key NCLB challenges identified in Maine. Our goals remain the same as those in NCLB: a good education for each and every child; well-qualified, committed teachers in every classroom; and increased transparency and accountability for every school. I look forward to working with my colleagues on both sides of the aisle on these issues during the upcoming NCLB reauthorization process.

By Mrs. FEINSTEIN:

S. 289. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes; read the first time.

Mrs. FEINSTEIN. Mr. President, on January 25, I introduced S. 149, the FISA Sunsets Extension Act of 2011 to extend the three expiring provisions of the Foreign Intelligence Surveillance Act—the authority to conduct, subject to court order, so-called “roving wiretaps,” “lone wolf” surveillance, and collection of business records. S. 149 was referred to the Committee on the Judiciary.

Today, I am reintroducing that legislation with a new, identical bill. This new bill, just as S. 149 would do, will extend these three authorities, otherwise set to expire on February 28, to December 31, 2013. The bill will also change the expiration date of the intelligence collection authorities provided in the FISA Amendments Act of 2008 so they, too, last until the end of 2013.

The sole purpose of reintroducing the measure is to begin the process under Senate rule XIV to place the reintroduced extension bill on the Senate calendar. The three provisions of FISA will sunset in a little more than 3 weeks. One of those weeks is a congressional recess. By placing the extension bill on the Senate calendar, we will, at least, be one procedural step closer to acting.

On January 28, Attorney General Eric Holder and Director of National Intelligence James Clapper wrote to urge Congress to grant a reauthorization of sufficient duration to provide intelligence and law enforcement agencies with reasonable certainty and predictability concerning the tools available to them.

The FISA sunsets have most recently been the subject of two short-term extensions: a 2-month extension from December 31, 2009 to February 28, 2010, and then a 1-year extension from that date to February 28, 2011.

In their January 28 letter, the DNI and the Attorney General expressed their concern about the devolution of FISA sunsets “into a series of short-term extensions that increase the uncertainties borne by our intelligence and law enforcement agencies in carrying out their missions.”

The letter states that “S. 149, the FISA Sunsets Extension Act of 2011, would avoid these difficulties by reauthorizing the three expiring provisions until December 2013, together with the provisions of Title VII of FISA that are currently scheduled to sunset next year. We look forward to working with you to ensure the prompt enactment of this or similar legislation.”

Yesterday, the House and Senate Intelligence Committees also received a classified report from the Attorney General and the DNI on the important intelligence collection made possible by authority that is subject to the approaching sunset. The Department of Justice and the Office of the DNI have asked for our assistance in making this classified report available, in a secure setting, directly and personally to any Member of the Senate. We did so for a similar report a year ago when Congress considered the last sunset extension.

Each Senator is invited to read this classified report in the Intelligence Committee’s offices in 211 Hart Senate Office Building. The Attorney General and DNI have offered to make Justice Department and intelligence community personnel available to meet with any Member who has questions. Our Intelligence Committee staff is also prepared to meet with Members. Vice Chairman CHAMBLISS and I are sending a Dear Colleague letter to each Senator conveying this invitation.

In concluding, I call upon my colleagues in the Senate and House to heed the Attorney General’s and DNI’s concern about the uncertainty created by short-term extensions. The 3-year extension that my legislation proposes will give our law enforcement and intelligence officials the tools and certainty they need in protecting the Nation. It will align the several sunsets so that Congress can review FISA more comprehensively in 2013. In setting that date Congress will wisely be separating that review of FISA from the debates of a presidential election.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. JOHN BOEHNER,
Speaker, U.S. House of Representatives,
Washington, DC.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. NANCY PELOSI,
Democratic Leader, U.S. House of Representatives,
Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR SPEAKER BOEHNER AND LEADERS REID, PELOSI, AND MCCONNELL:

In the current threat environment, it is imperative that our intelligence and law enforcement agencies have the tools they need

to protect our national security. The Foreign Intelligence Surveillance Act ("FISA") is a critical tool that has been used in numerous highly sensitive intelligence collection operations. Three vital provisions of FISA are scheduled to expire on February 28, 2011: section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps that may thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides expanded authority to compel production of business records and other tangible things with the approval of the FISA court; and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides the authority under FISA to target non-United States persons who engage in international terrorism or activities in preparation therefor, but are not necessarily associated with an identified terrorist group (the so-called "lone wolf" amendment).

It is essential that these intelligence tools be reauthorized before they expire, and we are committed to working with Congress to ensure the speedy enactment of legislation to achieve this result.

We also urge Congress to grant a reauthorization of sufficient duration to provide those charged with protecting our nation with reasonable certainty and predictability. When Congress enacted the PATRIOT Act, it included a three-year sunset on these authorities. While we welcome Congressional oversight into the use of these tools, Congress did not contemplate that this sunset would devolve into a series of short-term extensions that increase the uncertainties borne by our intelligence and law enforcement agencies in carrying out their missions.

S. 149, the FISA Sunsets Extension Act of 2011, would avoid these difficulties by reauthorizing the three expiring provisions until December 2013, together with the provisions of Title VII of FISA that are currently scheduled to sunset next year. We look forward to working with you to ensure the prompt enactment of this or similar legislation.

The Administration also remains open to proposals that enhance protections for civil liberties and privacy while maintaining the effectiveness of these and other intelligence collection tools.

Finally, we are prepared to provide additional information to Members concerning these critical authorities in a classified setting, as we did in connection with the previous reauthorization of the expiring provisions.

The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program.

Sincerely,

JAMES R. CLAPPER,
Director of National Intelligence.
ERIC H. HOLDER, JR.,
Attorney General.

By Mr. MCCONNELL (for himself,
Mr. GRASSLEY, and Mr. CHAM-
BLISS):

S. 291. A bill to repeal the sunset provisions in the USA PATRIOT Improvement and Reauthorization Act of 2005 and other related provisions and permanently reauthorize the USA PATRIOT Act; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT Reauthorization Act of 2011."

SEC. 2. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT REPEAL OF SUNSET PROVISIONS.

Section 102(b) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is repealed.

SEC. 3. REPEAL OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is repealed.

By Mr. LEE (for himself, Mr. KYL, Mr. BARRASSO, Mr. BURR, Mr. DEMINT, Mr. GRAHAM, Mr. PAUL, Mr. RISCH, Mr. RUBIO, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, Mr. CRAPO, and Ms. AYOTTE):

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced; to the Committee on the Judiciary.

Mr. LEE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 5

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

"SECTION 2. Total outlays shall not exceed 18 percent of the gross domestic product of the United States for the calendar year ending prior to the beginning of such fiscal year.

"SECTION 3. The Congress may provide for suspension of the limitations imposed by section 1 or 2 of this article for any fiscal year for which two-thirds of the whole number of each House shall provide, by a roll call vote, for a specific excess of outlays over receipts or over 18 percent of the gross domestic product of the United States for the calendar year ending prior to the beginning of such fiscal year.

"SECTION 4. Any bill to levy a new tax or increase the rate of any tax shall not become law unless approved by two-thirds of the whole number of each House of Congress by a roll call vote.

"SECTION 5. The limit on the debt of the United States held by the public shall not be increased, unless two-thirds of the whole number of each House of Congress shall provide for such an increase by a roll call vote.

"SECTION 6. Any Member of Congress shall have standing and a cause of action to seek judicial enforcement of this article, when authorized to do so by a petition signed by one-third of the Members of either House of Congress. No court of the United States or of any State shall order any increase in revenue to enforce this article.

"SECTION 7. The Congress shall have the power to enforce this article by appropriate legislation.

"SECTION 8. Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States except those for repayment of debt principal.

"SECTION 9. This article shall become effective beginning with the second fiscal year commencing after its ratification by the legislatures of three-fourths of the several States."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 41—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REDUCE SPENDING BY THE AMOUNT RESULTING FROM THE RECENTLY ANNOUNCED EARMARK MORATORIUM

Mr. NELSON of Nebraska submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 41

Whereas the debt of the United States exceeds \$14,000,000,000,000;

Whereas it is important for Congress to use all tools at its disposal to address the national debt crisis;

Whereas Congress will not earmark funds for projects requested by Members of Congress; and

Whereas the earmark ban should be utilized to realize actual savings: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reduce spending by the amount resulting from the recently announced earmark moratorium.

SENATE RESOLUTION 42—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TWELFTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID of Nevada submitted the following resolution; which was considered and agreed to:

S. RES. 42

COMMITTEE ON AGRICULTURE, NUTRITION, and FORESTRY: Ms. Stabenow (Chairman), Mr. Leahy, Mr. Harkin, Mr. Conrad, Mr. Baucus, Mr. Nelson (Nebraska), Mr. Brown (Ohio), Mr. Casey, Ms. Klobuchar, Mr. Bennet, and Mrs. Gillibrand.

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mrs. Feinstein, Mr. Durbin, Mr. Johnson (South Dakota), Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson (Nebraska), Mr. Pryor, Mr. Tester, and Mr. Brown (Ohio).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed,

Mr. Akaka, Mr. Nelson (Nebraska), Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Manchin, Mrs. Shaheen, Mrs. Gillibrand, and Mr. Blumenthal.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Johnson (South Dakota) (Chairman), Mr. Reed, Mr. Schumer, Mr. Menendez, Mr. Akaka, Mr. Brown (Ohio), Mr. Tester, Mr. Kohl, Mr. Warner, Mr. Merkley, Mr. Bennet, and Mrs. Hagan.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Inouye, Mr. Kerry, Mrs. Boxer, Mr. Nelson (Florida), Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Udall (New Mexico), Mr. Warner, and Mr. Begich.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Wyden, Mr. Johnson (South Dakota), Ms. Landrieu, Ms. Cantwell, Mr. Sanders, Ms. Stabenow, Mr. Udall (Colorado), Mrs. Shaheen, Mr. Franken, Mr. Manchin, and Mr. Coons.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Udall (New Mexico), Mr. Merkley, and Mrs. Gillibrand.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson (Florida), Mr. Menendez, Mr. Carper, and Mr. Cardin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Mrs. Shaheen, Mr. Coons, Mr. Durbin, and Mr. Udall (New Mexico).

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Harkin (Chairman), Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Whitehouse, and Mr. Blumenthal.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, and Mr. Begich.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Schumer, Mr. Durbin, Mr. Whitehouse, Ms. Klobuchar, Mr. Franken, Mr. Coons, and Mr. Blumenthal.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr. Rockefeller, Mr. Wyden, Ms. Mikulski, Mr. Nelson (Florida), Mr. Conrad, Mr. Udall (Colorado), and Mr. Warner.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, and Mr. Coons.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, and Mr. Leahy.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairman), Mr. Levin, Mr. Harkin, Mr. Kerry, Mr. Lieberman, Ms. Cantwell, Mr. Pryor, Mr. Cardin, Mrs. Shaheen, and Mrs. Hagan.

COMMITTEE ON VETERANS' AFFAIRS: Mrs. Murray (Chairman), Mr. Rockefeller, Mr. Akaka, Mr. Sanders, Mr. Brown (Ohio), Mr. Webb, Mr. Tester, and Mr. Begich.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mr. Nelson (Florida), Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall (Colorado), Mr. Bennet, Mrs. Gillibrand, Mr. Manchin, and Mr. Blumenthal.

JOINT ECONOMIC COMMITTEE: Mr. Casey (Chairman), Mr. Bingaman, Ms. Klobuchar, Mr. Webb, Mr. Warner, and Mr. Sanders.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown (Ohio).

COMMITTEE ON INDIAN AFFAIRS: Mr. Akaka (Chairman), Mr. Inouye, Mr. Conrad, Mr. Johnson (South Dakota), Ms. Cantwell, Mr. Tester, Mr. Udall (New Mexico), and Mr. Franken.

SENATE RESOLUTION 43—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TWELFTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 43

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Roberts, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Chambliss, Mr. Johanns, Mr. Boozman, Mr. Grassley, Mr. Thune, and Mr. Hoeven.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. McConnell, Mr. Shelby, Mrs. Hutchison, Mr. Alexander, Ms. Collins, Ms. Murkowski, Mr. Graham, Mr. Kirk, Mr. Coats, Mr. Blunt, Mr. Moran, Mr. Hoeven, and Mr. Johnson (Wisconsin).

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Wicker, Mr. Brown (Massachusetts), Mr. Portman, Ms. Ayotte, Ms. Collins, Mr. Graham, Mr. Cornyn, and Mr. Vitter.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Crapo, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, Mr. Toomey, Mr. Kirk, Mr. Moran, and Mr. Wicker.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Blunt, Mr. Boozman, Mr. Toomey, Mr. Rubio, and Ms. Ayotte.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Burr, Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Paul, Mr. Coats, Mr. Portman, Mr. Hoeven, and Mr. Corker.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Vitter, Mr. Barrasso, Mr. Sessions, Mr. Crapo, Mr. Alexander, Mr. Johanns, and Mr. Boozman.

COMMITTEE ON FINANCE: Mr. Hatch, Mr. Grassley, Ms. Snowe, Mr. Kyl, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Enzi, Mr. Cornyn, Mr. Coburn, and Mr. Thune.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Corker, Mr. Risch, Mr. Rubio, Mr. Inhofe, Mr. DeMint, Mr. Isakson, Mr. Barrasso, and Mr. Lee.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. Paul, Mr. Hatch, Mr. McCain, Mr. Roberts, Ms. Murkowski, and Mr. Kirk.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Col-

lins, Mr. Coburn, Mr. Brown (Massachusetts), Mr. McCain, Mr. Johnson (Wisconsin), Mr. Ensign, Mr. Portman, and Mr. Paul.

COMMITTEE ON THE JUDICIARY: Mr. Grassley, Mr. Hatch, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Lee, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Sessions, Mr. Grassley, Mr. Enzi, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Graham, Mr. Thune, Mr. Portman, Mr. Toomey, and Mr. Johnson (Wisconsin).

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Alexander, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Roberts, Mr. Shelby, and Mr. Blunt.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Vitter, Mr. Risch, Mr. Rubio, Mr. Paul, Ms. Ayotte, Mr. Enzi, Mr. Brown (Massachusetts), and Mr. Moran.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown (Massachusetts), Mr. Moran, and Mr. Boozman.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Ms. Collins, Mr. Hatch, Mr. Kirk, Mr. Moran, Mr. Johnson (Wisconsin), Ms. Ayotte, Mr. Shelby, Mr. Graham, and Mr. Chambliss.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Chambliss, Ms. Snowe, Mr. Burr, Mr. Risch, Mr. Coats, Mr. Blunt, and Mr. Rubio.

JOINT ECONOMIC COMMITTEE: Mr. DeMint, Mr. Coats, Mr. Lee, and Mr. Toomey.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Hoeven, Mr. Crapo, and Mr. Johanns.

SENATE RESOLUTION 44—SUPPORTING DEMOCRACY, UNIVERSAL RIGHTS, AND THE PEACEFUL TRANSITION TO A REPRESENTATIVE GOVERNMENT IN EGYPT

Mr. KERRY (for himself, Mr. MCCAIN, Mr. GRAHAM, Ms. KLOBUCHAR, Mr. CARDIN, Mr. NELSON of Florida, Mr. DURBIN, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 44

Whereas the United States and Egypt have long shared a strong bilateral relationship;

Whereas Egypt plays an important role in global and regional politics as well as in the broader Middle East and North Africa;

Whereas Egypt has been, and continues to be, an intellectual and cultural center of the Arab world;

Whereas on January 25, 2011, demonstrations began across Egypt with thousands of protesters peacefully calling for a new government, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption;

Whereas on January 28, 2011, the Government of Egypt shut down Internet and mobile phone networks almost entirely and blocked social networking websites;

Whereas on January 29, 2011, President Hosni Mubarak appointed Omar Suleiman, former head of the Egyptian General Intelligence Directorate, as Vice President and Ahmed Shafik, former Minister for Civil Aviation, as Prime Minister;

Whereas the demonstrations have continued, making this the longest protest in modern Egyptian history, and on February 1,

2011, millions of protesters took to the streets across the country;

Whereas hundreds of Egyptians have been killed and injured since the protests began;

Whereas on February 1, 2011, President Hosni Mubarak announced that he would not run for reelection later this year, but widespread protests against his government continue;

Whereas on February 1, 2011, President Barack Obama called for an orderly transition, stating that it “must be meaningful, it must be peaceful, and it must begin now.” He also affirmed that: “The process must include a broad spectrum of Egyptian voices and opposition parties. It should lead to elections that are free and fair. And it should result in a government that’s not only grounded in democratic principles, but is also responsive to the aspirations of the Egyptian people.”;

Whereas despite President Hosni Mubarak’s pledge in 2005 that Egypt’s controversial emergency law would be used only to fight terrorism and that he planned to abolish the state of emergency and adopt new antiterrorism legislation as an alternative, in May 2010, the Government of Egypt again extended the emergency law, which has been in place continuously since 1981, for another 2 years, giving police broad powers of arrest and allowing indefinite detention without charge;

Whereas the Department of State’s 2009 Human Rights Report notes with respect to Egypt, “[t]he government’s respect for human rights remained poor, and serious abuses continued in many areas. The government limited citizens’ right to change their government and continued a state of emergency that has been in place almost continuously since 1967.”;

Whereas past elections in Egypt, including the most recent November 2010 parliamentary elections, have seen serious irregularities at polling and counting stations, security force intimidation and coercion of voters, and obstruction of peaceful political rallies and demonstrations; and

Whereas any election must be honest and open to all legitimate candidates and conducted without interference from the military or security apparatus and under the oversight of international monitors: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the central and historic importance of the United States-Egyptian strategic partnership in advancing the common interests of both countries, including peace and security in the broader Middle East and North Africa;

(2) reaffirms the United States’ commitment to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expresses strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights;

(3) condemns any efforts to provoke or instigate violence, and calls upon all parties to refrain from all violent and criminal acts;

(4) supports freedom of the press and strongly condemns the intimidation, targeting, or detention of journalists.

(5) urges the Egyptian military to demonstrate maximum professionalism and restraint, and emphasizes the importance of working to peacefully restore calm and order while allowing for free and non-violent freedom of expression;

(6) calls on President Mubarak to immediately begin an orderly and peaceful transi-

tion to a democratic political system, including the transfer of power to an inclusive interim caretaker government, in coordination with leaders from Egypt’s opposition, civil society, and military, to enact the necessary reforms to hold free, fair, and internationally credible elections this year;

(7) affirms that a real transition to a legitimate representative democracy in Egypt requires concrete steps to be taken as soon as possible, including lifting the state of emergency, allowing Egyptians to organize independent political parties without interference, enhancing the transparency of governmental institutions, restoring judicial supervision of elections, allowing credible international monitors to observe the preparation and conduct of elections, and amending the laws and Constitution of Egypt as necessary to implement these and other critical reforms;

(8) pledges full support for Egypt’s transition to a representative democracy that is responsive to the needs of the Egyptian people, and calls on all nations to support the people of Egypt as they work to conduct a successful transition to democracy;

(9) expresses deep concern over any organization that espouses an extremist ideology, including the Muslim Brotherhood, and calls upon all political movements and parties in Egypt, including an interim government, to affirm their commitment to non-violence and the rule of law, the equal rights of all individuals, accountable institutions of justice, religious tolerance, peaceful relations with Egypt’s neighbors, and the fundamental principles and practices of democracy, including the regular conduct of free and fair elections;

(10) underscores the vital importance of any Egyptian Government continuing to fulfill its international obligations, including its commitments under the Egypt-Israel Peace Treaty signed on March 26, 1979 and the freedom of navigation through the Suez Canal; and

(11) ensures that United States assistance to the Egyptian Government, military, and people will advance the goal of ensuring respect for the universal rights of the Egyptian people and will further the national security interests of the United States in the region.

SENATE RESOLUTION 45—CONGRATULATING THE EASTERN WASHINGTON UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2010 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION 1 FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 45

Whereas on January 7, 2011, the Eastern Washington University football team (referred to in this preamble as the “Eagles”) defeated the University of Delaware Blue Hens by a score of 20 to 19, to win the 2010 National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

Whereas the Eagles were down for most of the championship game, trailing 0 to 19 until late in the third quarter;

Whereas, it was not until 1 minute and 48 seconds remained in the third quarter of the championship game that quarterback Bo

Levi Mitchell threw a 22-yard touchdown pass to Brandon Kaufman;

Whereas Mitchell then threw another touchdown to Nicholas Edwards with 8 minutes and 16 seconds left in the fourth quarter;

Whereas Mitchell threw a third touchdown, again to Kaufman, with 2 minutes and 47 seconds left in the game, clinching a win in the Eagles’ first trip to the National Collegiate Athletic Association Division 1 Football Championship Subdivision game;

Whereas the Eagles began the 2010 season in the newly renovated and dedicated Roos Field, named after Eastern Washington University alumnus and offensive lineman Michael Roos of the National Football League’s Tennessee Titans;

Whereas Roos Field is the only Division 1 college football stadium to feature a red playing surface, leading Roos Field to be aptly nicknamed “The Inferno”;

Whereas head coach Beau Baldwin was named the Coach of the Year by College Sporting News;

Whereas the 2010 Buck Buchanan Award, honoring the most outstanding defensive player in the Division I Football Championship Subdivision, was awarded to Eagles linebacker J.C. Sherritt;

Whereas Big Sky Conference honors were awarded to Eagles running back Taiwan Jones, who was named Offensive Player of the Year, and Eagles linebacker J.C. Sherritt, who was named Defensive Player of the Year;

Whereas the Eagles clinched a share of the 2010 Big Sky Conference title, with a conference record of 7-1 and an overall season record of 13-2, and finished the 2010 season with an 11-game win streak; and

Whereas the Eagles enjoyed widespread support from their dedicated and spirited fans, as well as the entire Eastern Washington University community: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Eastern Washington University football team for winning the National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and dedication of the players, head coach Beau Baldwin, and the assistant coaches and support personnel who all played critical roles in helping the Eastern Washington University Eagles win the Subdivision title; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) the President of Eastern Washington University, Dr. Rodolfo Arévalo;

(B) the Athletic Director of Eastern Washington University, Bill Chaves; and

(C) the Head Coach of the Eastern Washington University football team, Beau Baldwin.

AMENDMENTS SUBMITTED AND PROPOSED

SA 36. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 37. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her

to the bill S. 223, supra; which was ordered to lie on the table.

SA 38. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 39. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 40. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 41. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 42. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 43. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 44. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 45. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 46. Ms. CANTWELL (for herself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 36. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 7. UPDATES TO FEDERAL BUDGET DEFICIT CALCULATIONS; OMB REPORT TO CONGRESS.

(a) **UPDATES TO FEDERAL BUDGET DEFICIT CALCULATIONS.**—Thirty days after the date of enactment of this Act, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall update the Federal budget deficit calculations to take into account any loss of Federal revenue resulting from projected reductions in oil and gas production during each of the 5- and 10-year periods beginning on the date of enactment of this Act due to the moratorium on oil and gas leasing in the Gulf of Mexico set forth on May 25, 2010, and all following notice to lessees, rules, and regulations by the Department of Interior pertaining to offshore energy production.

(b) **REPORT TO CONGRESS.**—As soon as practicable after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report that provides—

(1) an estimate of the total revenues generated by Department of the Interior due to domestic offshore oil and gas production during each of the preceding 10 fiscal years; and

(2) projections of the total revenues to be generated by the Department of the Interior due to domestic resource production for each of fiscal years 2011 through 2015.

SA 37. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 214, and insert the following:

SECTION 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(b)(2)(D) is amended to read as follows:

“(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

“(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

“(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

“(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

“(iv) the sponsor’s decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;”.

SA 38. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, strike lines 4 through 8 and insert the following:

(b) **TEST SITE CRITERIA.**—In determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located, the Administrator shall—

(1) take into consideration geographical and climate diversity; and

(2) consult with the Secretary of the Air Force and the Administrator of the National Aeronautics and Space Administration to determine the test sites with available research radars to most efficiently meet national defense and civilian aerospace needs.

(c) **SYSTEMS AND DETECTION TECHNIQUES.**—Within 6 months after date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure

of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Air Force to develop detection techniques for small unmanned aerial vehicles and validate sensor integration and operation of unmanned aerial systems.

SA 39. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 224. TWO-YEAR PROHIBITION ON EXPANSION OF BULLDOG MILITARY OPERATING AREAS.

The Administrator of the Federal Aviation Administration may not amend, expand, or modify, or approve an amendment, expansion, or modification of, the Bulldog Military Operating Area (MOA) A or Bulldog Military Operating Area (MOA) B until 2 years after the date of enactment of this Act.

SA 40. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 307, strike line 1 and all that follows through page 310, line 10, and insert the following:

SEC. 730. TRANSPORTATION OF COMPRESSED OXYGEN AND OXIDIZING GASES WITHIN ALASKA.

In circumstances in which it is impracticable to transport compressed oxygen and other oxidizing gases within the State of Alaska through transportation modes other than by aircraft, the transportation of such gases within Alaska shall not be subject to the requirements under—

(1) paragraphs (3), (4), and (5) of section 173.302(f) of title 49, Code of Federal Regulations;

(2) paragraphs (3), (4), and (5) of section 173.304(f) of such title; and

(3) appendices D and E of part 178 of such title.

SA 41. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 320, and insert the following:

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a plan to accelerate the integration of unmanned aerial systems into the National Airspace System. The plan shall—

(1) create a pilot project to integrate unmanned aerial systems into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) create a test and development center to research new applications for unmanned aerial systems in the National Airspace System through a partnership with public universities and private industry;

(3) create a safe, nonexclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(4) establish a process to develop certification, flight standards, and air traffic requirements for such unmanned aerial systems at each of the test sites;

(5) dedicate funding for unmanned aerial systems research and development for certification, flight standards, and air traffic requirements;

(6) encourage leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(7) address both military and civilian unmanned aerial system operations;

(8) ensure the unmanned aircraft systems integration plan is incorporated in the Federal Aviation Administration's NextGen Air Transportation System implementation plan; and

(9) provide for verification of the safety of the unmanned aerial systems and navigation procedures before their integration into the National Airspace System.

(b) **TEST SITE CRITERIA.**—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity in determining where the test sites authorized under subsection (a)(1) are to be located.

(c) **UNMANNED AERIAL SYSTEMS TEST AND DEVELOPMENT CENTER.**—

(1) **IN GENERAL.**—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate, through partnerships with State public universities and private industry, an Unmanned Aerial Systems (UAS) Test and Development Center that focuses on the development of new commercial unmanned aircraft systems. The Center shall focus on—

(A) the use of biofuels and alternative fuels to power the unmanned aerial systems;

(B) the applied research of commercial applications of unmanned aircraft systems, including the application of such systems in forest and wildfire management;

(C) the application of such systems in agriculture and livestock management;

(D) the application of such systems in wildlife and predator management; and

(E) the application of such systems in a maritime and gulf environment.

(2) **LOCATION OF CENTER.**—

(A) **IN GENERAL.**—The Center shall be in close proximity to a test area that is suitable for unmanned aircraft systems that includes—

(i) Class G airspace with low air traffic use located in a sparsely populated, low-density area within the continental United States;

(ii) a diversity of climate and weather conditions; and

(iii) a variety of terrain, topography, and vegetation, including forested and mountainous terrain, a diversity of crop and grazing lands, and areas inhabited by wildlife and livestock.

(B) **ACCESS TO MARITIME AREAS.**—The Center shall also have access to maritime and gulf areas through collaborative agreements with other universities and research institutions.

(3) **CERTIFICATION PROCESS.**—The Administrator of the Federal Aviation Administration shall expedite the approval process for Certificate of Authorization (COA) requests from the UAS Test and Development Center.

(d) **REPORT.**—Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the progress of integrating unmanned aerial systems into the National Airspace System.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator of the Federal Aviation Administration for each of the fiscal years 2011 through 2013 such sums as may be necessary to carry out this section.

SA 42. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 146, after line 23, add the following:

SEC. 435. FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) **BEYOND PERIMETER EXEMPTIONS.**—Section 41718(a) is amended by striking “24” and inserting “40”.

(b) **LIMITATIONS.**—Section 41718(c)(2) is amended by striking “3 operations” and inserting “6 operations”.

(c) **ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.**—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) **SLOTS.**—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of title 14, Code of Federal Regulations, by a total of 16 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).”

(d) **SCHEDULING PRIORITY.**—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) **SCHEDULING PRIORITY.**—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations

conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.”

SA 43. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 224. REPAYMENT OF FEDERAL GRANTS BEFORE PRIVATIZATION OF AIRPORTS.

Section 47134(b)(2) is amended to read as follows:

“(2) **REPAYMENT REQUIREMENTS.**—

“(A) **IN GENERAL.**—Before a sponsor that has received an exemption under this section sells or leases an airport as described in subsection (a), the sponsor shall repay to the Secretary—

“(i) the Federal share of the fair-market value of any land that is part of the airport and that was purchased after September 3, 1982, with a Federal grant; and

“(ii) the lesser of—

“(I) the Federal share of the remaining unamortized portion, as determined by the Secretary, of any grant made under this subchapter after September 3, 1982, for improvements to the airport; or

“(II) the Federal share of the value of the improvements to the airport made with the grant described in subclause (I).

“(B) **DETERMINATION OF VALUE OF IMPROVEMENTS.**—For purposes of subparagraph (A)(ii)(II), the value of the improvements to the airport shall be the value of the improvements at the time of the sale or lease of the airport approved under subsection (a), as determined by the Secretary.

“(C) **EFFECT OF AMOUNT OF COMPENSATION.**—A sponsor shall repay the amounts required by subparagraph (A) without regard to the amount of compensation received pursuant to the sale or lease of the airport approved under subsection (a).

“(D) **EFFECT OF REPAYMENT ON CERTAIN OBLIGATIONS.**—The repayment of the amounts required under subparagraph (A) shall not terminate—

“(i) any obligation of the Federal Government to operate the airport; or

“(ii) any obligation of the sponsor, or owner or lessee of the airport, with respect to—

“(I) funding airport land or improvements to the airport; or

“(II) any Federal land conveyed to be used for airport purposes.”

SA 44. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . PUBLIC INTEREST CONSIDERATIONS IN CERTAIN REGULATIONS.

(a) **USE OF AIRSPACE.**—Section 40103(b)(1) is amended by adding at the end the following: “The Administrator may take into account the matters considered under section 40101(a) in determining what is in the public interest under this paragraph in matters related to—

“(A) carrying out subpart II of this subtitle; and

“(B) those provisions of subpart IV applicable in carrying out subpart II.”.

(b) **SAFETY REGULATION.**—Section 40109(b) is amended by adding at the end the following: “The Administrator may take into account the matters considered under section 40101(a) in determining what is in the public interest under this paragraph in matters related to—

“(1) carrying out subpart II of this subtitle; and

“(2) those provisions of subpart IV applicable in carrying out subpart II.”.

SA 45. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 297, line 19, insert “(a) IN GENERAL.—” before “Not”.

On page 298, strike lines 7 through 10 and insert the following:

(2) the potential impact to the aerospace industry from the degradation of capabilities due to the loss or change to the radio frequency spectrum allocated to the aeronautical mobile telemetry service.

(b) **NO IMPACT ON FCC ORDER.**—Nothing in this section shall prohibit, delay, or interfere with the Federal Communications Commission’s issuance of an order in FCC ET Docket No. 08–59.

SA 46. Ms. CANTWELL (for herself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) **GENERAL RULES.**—

(1) **ROLLOVER OF AIRLINE PAYMENT AMOUNT.**—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred,

in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) **TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.**—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) **EXTENSION OF TIME TO FILE CLAIM FOR REFUND.**—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) **TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.**—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee’s gross income under subsection (a).

(c) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this section—

(1) **AIRLINE PAYMENT AMOUNT.**—

(A) **IN GENERAL.**—The term “airline payment amount” means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee’s interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) **EXCEPTION.**—An airline payment amount shall not include any amount payable on the basis of the carrier’s future earnings or profits.

(2) **QUALIFIED AIRLINE EMPLOYEE.**—The term “qualified airline employee” means an employee or former employee of a commer-

cial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) **TRADITIONAL IRA.**—The term “traditional IRA” means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) **ROTH IRA.**—The term “Roth IRA” has the meaning given such term by section 408A(b) of such Code.

(d) **SURVIVING SPOUSE.**—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) **EFFECTIVE DATE.**—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON ARMED SERVICES**

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 3, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on February 3, at 9:30 a.m., in room SH-216 of the Hart Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 3, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Status of the Airport and Airway Trust Fund.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,

and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Simplifying Security: Encouraging Better Retirement Decisions" on February 3, 2011, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 3, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 3, 2011, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 3, 2011 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Toxics, and Environmental Health of the Committee on Environment and Public Works be authorized to meet during the session of the Senate at 10 a.m., on February 3, 2011, in Dirksen 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE FUNDING

Mr. REID. Mr. President, over the last 20 years, the apportionment of committee funding has gone a straight two-thirds for majority and one-third for minority during the 1990s, regardless of the size of the majority and minority, to biannual negotiations during the past decade. It is my intention that the approach adopted for this Congress will be used in the future. This new funding allocation for Senate committees is based on the party division of the Senate, with 10 percent of the total majority and minority salary baseline going to the majority for administrative expenses. However, regardless of the party division of the Senate, it is also intended that the minority share will never be less than 40 percent, and the majority share will never exceed 60 percent.

Mr. McCONNELL. Mr. President, it is my intention also that this new ap-

proach will serve us for the Congress and future Congresses. In addition, we are making a transition to restore Special Reserves to its historic purpose. We know that we will face tight budgets for the foreseeable future and cannot expect increases in funding. We have to move toward funding authorizations that are in line with our actual resources and I look forward to working with my friend, the majority leader, to accomplish this.

Mr. REID. I thank my friend, the Republican leader, and ask unanimous consent that a joint leadership letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT LEADERSHIP LETTER

We mutually commit to the following for the 112th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of this date, including an additional ten percent (10%) to be allocated to the Chairmen for administrative expenses, to be determined by the Rules Committee. However, the amount of funding authorized for each individual Committee in the 112th Congress is being reduced by the amount that was allocated to that Committee from Special Reserves in the last Congress.

Special Reserves is being restored to its historic purpose. Requests for funding will only be considered when submitted by a Committee Chairman and Ranking Member for unanticipated, non-recurring needs. Such requests shall be granted only upon the approval of the Chairman and Ranking Member of the Rules Committee.

Funds for Committee expenses shall be available to each Chairman consistent with Senate rules and practices of the 111th Congress.

The Chairman and Ranking Member of any Committee may, by mutual agreement, modify the apportionment of Committee funding and office space.

The division of Committee office space shall be commensurate with this funding agreement.

CONSTITUTING MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TWELFTH CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 42.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 42) to constitute the majority party's membership on certain committees for the One Hundred Twelfth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no inter-

vening action or debate, and any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 42) was agreed to, as follows:

S. RES. 42

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Twelfth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Ms. Stabenow (Chairman), Mr. Leahy, Mr. Harkin, Mr. Conrad, Mr. Baucus, Mr. Nelson (Nebraska), Mr. Brown (Ohio), Mr. Casey, Ms. Klobuchar, Mr. Bennet, and Mrs. Gillibrand.

COMMITTEE ON APPROPRIATIONS: Mr. Inouye (Chairman), Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Kohl, Mrs. Murray, Mrs. Feinstein, Mr. Durbin, Mr. Johnson (South Dakota), Ms. Landrieu, Mr. Reed, Mr. Lautenberg, Mr. Nelson (Nebraska), Mr. Pryor, Mr. Tester, and Mr. Brown (Ohio).

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Nebraska), Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Manchin, Mrs. Shaheen, Mrs. Gillibrand, and Mr. Blumenthal.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Johnson (South Dakota) (Chairman), Mr. Reed, Mr. Schumer, Mr. Menendez, Mr. Akaka, Mr. Brown (Ohio), Mr. Tester, Mr. Kohl, Mr. Warner, Mr. Merkley, Mr. Bennet, and Mrs. Hagan.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Rockefeller (Chairman), Mr. Inouye, Mr. Kerry, Mrs. Boxer, Mr. Nelson (Florida), Ms. Cantwell, Mr. Lautenberg, Mr. Pryor, Mrs. McCaskill, Ms. Klobuchar, Mr. Udall (New Mexico), Mr. Warner, and Mr. Begich.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Chairman), Mr. Wyden, Mr. Johnson (South Dakota), Ms. Landrieu, Ms. Cantwell, Mr. Sanders, Ms. Stabenow, Mr. Udall (Colorado), Mrs. Shaheen, Mr. Franken, Mr. Manchin, and Mr. Coons.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mrs. Boxer (Chairman), Mr. Baucus, Mr. Carper, Mr. Lautenberg, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Udall (New Mexico), Mr. Merkley, and Mrs. Gillibrand.

COMMITTEE ON FINANCE: Mr. Baucus (Chairman), Mr. Rockefeller, Mr. Conrad, Mr. Bingaman, Mr. Kerry, Mr. Wyden, Mr. Schumer, Ms. Stabenow, Ms. Cantwell, Mr. Nelson (Florida), Mr. Menendez, Mr. Carper, and Mr. Cardin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Mrs. Shaheen, Mr. Coons, Mr. Durbin, and Mr. Udall (New Mexico).

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Harkin (Chairman), Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Whitehouse, and Mr. Blumenthal.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, and Mr. Begich.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein,

Mr. Schumer, Mr. Durbin, Mr. Whitehouse, Ms. Klobuchar, Mr. Franken, Mr. Coons, and Mr. Blumenthal.

SELECT COMMITTEE ON INTELLIGENCE: Mrs. Feinstein (Chairman), Mr. Rockefeller, Mr. Wyden, Ms. Mikulski, Mr. Nelson (Florida), Mr. Conrad, Mr. Udall (Colorado), and Mr. Warner.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, and Mr. Coons.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, and Mr. Leahy.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Landrieu (Chairman), Mr. Levin, Mr. Harkin, Mr. Kerry, Mr. Lieberman, Ms. Cantwell, Mr. Pryor, Mr. Cardin, Mrs. Shaheen, and Mrs. Hagan.

COMMITTEE ON VETERANS' AFFAIRS: Mrs. Murray (Chairman), Mr. Rockefeller, Mr. Akaka, Mr. Sanders, Mr. Brown (Ohio), Mr. Webb, Mr. Tester, and Mr. Begich.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Chairman), Mr. Wyden, Mr. Nelson (Florida), Mr. Casey, Mrs. McCaskill, Mr. Whitehouse, Mr. Udall (Colorado), Mr. Bennett, Mrs. Gillibrand, Mr. Manchin, and Mr. Blumenthal.

JOINT ECONOMIC COMMITTEE: Mr. Casey (Chairman), Mr. Bingaman, Ms. Klobuchar, Mr. Webb, Mr. Warner, and Mr. Sanders.

SELECT COMMITTEE ON ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Brown (Ohio).

COMMITTEE ON INDIAN AFFAIRS: Mr. Akaka (Chairman), Mr. Inouye, Mr. Conrad, Mr. Johnson (South Dakota), Ms. Cantwell, Mr. Tester, Mr. Udall (New Mexico), and Mr. Franken.

CONSTITUTING MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TWELFTH CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 43.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 43) to constitute the minority party's membership on certain committees for the One Hundred Twelfth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to, as follows:

S. RES. 43

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Twelfth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Roberts, Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Chambliss, Mr. Johanns, Mr. Boozman, Mr. Grassley, Mr. Thune, and Mr. Hoeven.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran, Mr. McConnell, Mr. Shelby, Mrs. Hutchison, Mr. Alexander, Ms. Collins, Ms. Murkowski, Mr. Graham, Mr. Kirk, Mr. Coats, Mr. Blunt, Mr. Moran, Mr. Hoeven, and Mr. Johnson (Wisconsin).

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Wicker, Mr. Brown (Massachusetts), Mr. Portman, Ms. Ayotte, Ms. Collins, Mr. Graham, Mr. Cornyn, and Mr. Vitter.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby, Mr. Crapo, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, Mr. Toomey, Mr. Kirk, Mr. Moran, and Mr. Wicker.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Blunt, Mr. Boozman, Mr. Toomey, Mr. Rubio, and Ms. Ayotte.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Burr, Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Paul, Mr. Coats, Mr. Portman, Mr. Hoeven, and Mr. Corker.

COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe, Mr. Vitter, Mr. Barrasso, Mr. Sessions, Mr. Crapo, Mr. Alexander, Mr. Johanns, and Mr. Boozman.

COMMITTEE ON FINANCE: Mr. Hatch, Mr. Grassley, Ms. Snowe, Mr. Kyl, Mr. Crapo, Mr. Roberts, Mr. Ensign, Mr. Enzi, Mr. Cornyn, Mr. Coburn, and Mr. Thune.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar, Mr. Corker, Mr. Risch, Mr. Rubio, Mr. Inhofe, Mr. DeMint, Mr. Isakson, Mr. Barrasso, and Mr. Lee.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. Paul, Mr. Hatch, Mr. McCain, Mr. Roberts, Ms. Murkowski, and Mr. Kirk.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown (Massachusetts), Mr. McCain, Mr. Johnson (Wisconsin), Mr. Ensign, Mr. Portman, and Mr. Paul.

COMMITTEE ON THE JUDICIARY: Mr. Grassley, Mr. Hatch, Mr. Kyl, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Lee, and Mr. Coburn.

COMMITTEE ON THE BUDGET: Mr. Sessions, Mr. Grassley, Mr. Enzi, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Graham, Mr. Thune, Mr. Portman, Mr. Toomey, and Mr. Johnson (Wisconsin).

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Alexander, Mr. McConnell, Mr. Cochran, Mr. Chambliss, Mrs. Hutchison, Mr. Roberts, Mr. Shelby, and Mr. Blunt.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe, Mr. Vitter, Mr. Risch, Mr. Rubio, Mr. Paul, Ms. Ayotte, Mr. Enzi, Mr. Brown (Massachusetts), and Mr. Moran.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown (Massachusetts), Mr. Moran, and Mr. Boozman.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Ms. Collins, Mr. Hatch, Mr. Kirk, Mr.

Moran, Mr. Johnson (Wisconsin), Ms. Ayotte, Mr. Shelby, Mr. Graham, and Mr. Chambliss.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Chambliss, Ms. Snowe, Mr. Burr, Mr. Risch, Mr. Coats, Mr. Blunt, and Mr. Rubio.

JOINT ECONOMIC COMMITTEE: Mr. DeMint, Mr. Coats, Mr. Lee, and Mr. Toomey.

SELECT COMMITTEE ON ETHICS: Mr. Isakson, Mr. Roberts, and Mr. Risch.

COMMITTEE ON INDIAN AFFAIRS: Mr. Barrasso, Mr. McCain, Ms. Murkowski, Mr. Hoeven, Mr. Crapo, and Mr. Johanns.

SUPPORTING DEMOCRACY, UNIVERSAL RIGHTS, AND PEACEFUL TRANSITION TO A REPRESENTATIVE GOVERNMENT IN EGYPT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 44.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 44) supporting democracy, universal rights, and the peaceful transition to a representative government in Egypt.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 44) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 44

Whereas the United States and Egypt have long shared a strong bilateral relationship;

Whereas Egypt plays an important role in global and regional politics as well as in the broader Middle East and North Africa;

Whereas Egypt has been, and continues to be, an intellectual and cultural center of the Arab world;

Whereas on January 25, 2011, demonstrations began across Egypt with thousands of protesters peacefully calling for a new government, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption;

Whereas on January 28, 2011, the Government of Egypt shut down Internet and mobile phone networks almost entirely and blocked social networking websites;

Whereas on January 29, 2011, President Hosni Mubarak appointed Omar Suleiman, former head of the Egyptian General Intelligence Directorate, as Vice President and Ahmed Shafik, former Minister for Civil Aviation, as Prime Minister;

Whereas the demonstrations have continued, making this the longest protest in modern Egyptian history, and on February 1, 2011, millions of protesters took to the streets across the country;

Whereas hundreds of Egyptians have been killed and injured since the protests began;

Whereas on February 1, 2011, President Hosni Mubarak announced that he would not run for reelection later this year, but widespread protests against his government continue;

Whereas on February 1, 2011, President Barack Obama called for an orderly transition, stating that it “must be meaningful, it must be peaceful, and it must begin now.” He also affirmed that: “The process must include a broad spectrum of Egyptian voices and opposition parties. It should lead to elections that are free and fair. And it should result in a government that’s not only grounded in democratic principles, but is also responsive to the aspirations of the Egyptian people.”;

Whereas despite President Hosni Mubarak’s pledge in 2005 that Egypt’s controversial emergency law would be used only to fight terrorism and that he planned to abolish the state of emergency and adopt new antiterrorism legislation as an alternative, in May 2010, the Government of Egypt again extended the emergency law, which has been in place continuously since 1981, for another 2 years, giving police broad powers of arrest and allowing indefinite detention without charge;

Whereas the Department of State’s 2009 Human Rights Report notes with respect to Egypt, “[t]he government’s respect for human rights remained poor, and serious abuses continued in many areas. The government limited citizens’ right to change their government and continued a state of emergency that has been in place almost continuously since 1967.”;

Whereas past elections in Egypt, including the most recent November 2010 parliamentary elections, have seen serious irregularities at polling and counting stations, security force intimidation and coercion of voters, and obstruction of peaceful political rallies and demonstrations; and

Whereas any election must be honest and open to all legitimate candidates and conducted without interference from the military or security apparatus and under the oversight of international monitors: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the central and historic importance of the United States-Egyptian strategic partnership in advancing the common interests of both countries, including peace and security in the broader Middle East and North Africa;

(2) reaffirms the United States’ commitment to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expresses strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights;

(3) condemns any efforts to provoke or instigate violence, and calls upon all parties to refrain from all violent and criminal acts;

(4) supports freedom of the press and strongly condemns the intimidation, targeting, or detention of journalists.

(5) urges the Egyptian military to demonstrate maximum professionalism and restraint, and emphasizes the importance of working to peacefully restore calm and order while allowing for free and non-violent freedom of expression;

(6) calls on President Mubarak to immediately begin an orderly and peaceful transition to a democratic political system, including the transfer of power to an inclusive

interim caretaker government, in coordination with leaders from Egypt’s opposition, civil society, and military, to enact the necessary reforms to hold free, fair, and internationally credible elections this year;

(7) affirms that a real transition to a legitimate representative democracy in Egypt requires concrete steps to be taken as soon as possible, including lifting the state of emergency, allowing Egyptians to organize independent political parties without interference, enhancing the transparency of governmental institutions, restoring judicial supervision of elections, allowing credible international monitors to observe the preparation and conduct of elections, and amending the laws and Constitution of Egypt as necessary to implement these and other critical reforms;

(8) pledges full support for Egypt’s transition to a representative democracy that is responsive to the needs of the Egyptian people, and calls on all nations to support the people of Egypt as they work to conduct a successful transition to democracy;

(9) expresses deep concern over any organization that espouses an extremist ideology, including the Muslim Brotherhood, and calls upon all political movements and parties in Egypt, including an interim government, to affirm their commitment to non-violence and the rule of law, the equal rights of all individuals, accountable institutions of justice, religious, tolerance, peaceful relations with Egypt’s neighbors, and the fundamental principles and practices of democracy, including the regular conduct of free and fair elections;

(10) underscores the vital importance of any Egyptian Government continuing to fulfill its international obligations, including its commitments under the Egypt-Israel Peace Treaty signed on March 26, 1979 and the freedom of navigation through the Suez Canal; and

(11) ensures that United States assistance to the Egyptian Government, military, and people will advance the goal of ensuring respect for the universal rights of the Egyptian people and will further the national security interests of the United States in the region.

CONGRATULATING THE EASTERN WASHINGTON UNIVERSITY FOOTBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 45, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 45) congratulating the Eastern Washington University football team for winning the 2010 National Collegiate Athletic Association Division 1 Football Championship Subdivision title.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 45) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 45

Whereas on January 7, 2011, the Eastern Washington University football team (referred to in this preamble as the “Eagles”) defeated the University of Delaware Blue Hens by a score of 20 to 19, to win the 2010 National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

Whereas the Eagles were down for most of the championship game, trailing 0 to 19 until late in the third quarter;

Whereas, it was not until 1 minute and 48 seconds remained in the third quarter of the championship game that quarterback Bo Levi Mitchell threw a 22-yard touchdown pass to Brandon Kaufman;

Whereas Mitchell then threw another touchdown to Nicholas Edwards with 8 minutes and 16 seconds left in the fourth quarter;

Whereas Mitchell threw a third touchdown, again to Kaufman, with 2 minutes and 47 seconds left in the game, clinching a win in the Eagles’ first trip to the National Collegiate Athletic Association Division 1 Football Championship Subdivision game;

Whereas the Eagles began the 2010 season in the newly renovated and dedicated Roos Field, named after Eastern Washington University alumnus and offensive lineman Michael Roos of the National Football League’s Tennessee Titans;

Whereas Roos Field is the only Division 1 college football stadium to feature a red playing surface, leading Roos Field to be aptly nicknamed “The Inferno”;

Whereas head coach Beau Baldwin was named the Coach of the Year by College Sporting News;

Whereas the 2010 Buck Buchanan Award, honoring the most outstanding defensive player in the Division I Football Championship Subdivision, was awarded to Eagles linebacker J.C. Sherritt;

Whereas Big Sky Conference honors were awarded to Eagles running back Taiwan Jones, who was named Offensive Player of the Year, and Eagles linebacker J.C. Sherritt, who was named Defensive Player of the Year;

Whereas the Eagles clinched a share of the 2010 Big Sky Conference title, with a conference record of 7-1 and an overall season record of 13-2, and finished the 2010 season with an 11-game win streak; and

Whereas the Eagles enjoyed widespread support from their dedicated and spirited fans, as well as the entire Eastern Washington University community: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Eastern Washington University football team for winning the National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and dedication of the players, head coach Beau Baldwin, and the assistant coaches and support personnel who all played critical roles in helping the Eastern Washington University Eagles win the Subdivision title; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) the President of Eastern Washington University, Dr. Rodolfo Arévalo;

(B) the Athletic Director of Eastern Washington University, Bill Chaves; and

(C) the Head Coach of the Eastern Washington University football team, Beau Baldwin.

DISCHARGE AND REFERRAL—S. 126 AND S. 109

Mr. REID. I ask unanimous consent that S. 126 be discharged from the Committee on Rules and Administration and be referred to the Committee on Foreign Relations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent the Finance Committee be discharged from further consideration of S. 109 and the bill be referred to the Committee on Foreign Relations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME EN BLOC—S. 289, S. 290, AND S. 291

Mr. REID. Mr. President, I am told there are three bills at the desk due for their first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills en bloc.

The legislative clerk read as follows:

A bill (S. 289) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes.

A bill (S. 290) to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes.

A bill (S. 291) to repeal the sunset provisions in the USA PATRIOT Improvement and Reauthorization Act of 2005 and other related provisions and permanently reauthorize the USA PATRIOT Act.

Mr. REID. Mr. President, I ask for a second reading of these matters en bloc but object to my own request en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be read the second time on the next legislative day.

APPOINTMENT

The ACTING PRESIDENT pro tempore. The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, further amended by S. Res. 625, adopted December 6, 2006, and further amended by S. Res. 715, adopted November 28, 2008, and amended by S. Res.

706, adopted December 22, 2010, the appointment of the following Senator as a member of the Senate National Security Working Group for the 112th Congress: the Senator from Connecticut (Mr. LIEBERMAN).

ORDERS FOR FRIDAY, FEBRUARY 4, 2011

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, February 4, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:27 p.m., adjourned until Friday, February 4, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

JENNIFER A. DI TORO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JUDITH E. RETCHIN, RETIRED.

DONNA MARY MURPHY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE KAYE K. CHRISTIAN, RETIRED.

YVONNE M. WILLIAMS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE BROOK HEDGE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ELLEN M. PAWLIKOWSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL J. BASLA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RHETT A. HERNANDEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PURL K. KEEN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOHNNY M. SELLERS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JANSON D. BOYLES

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

STEPHEN L. BUSE
CYNTHIA J. CAPUTO
ANGELA P. PETTIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS J. COLLINS
JUDITH P. PATTON
LINDA A. STOKESCROWE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PHILLIP M. ARMSTRONG
THOMAS D. KELLY
ROBERT C. LEIVERS
RICHARD E. SPEARMAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LLOYD H. ANSETH
BRENDAN M. DONOGHUE
DON A. GOLDSMITH
MARK T. MEANS
KARL B. ROSS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KATHLEEN M. FLARITY
KATHLEEN Z. MAGUIRE
JANET D. POUNCY
JULIA K. SCOTT
KAREN R. WADE
TONI L. WILKINS
JENNETTE L. ZMAEFF

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MELINA T. DOAN
MEDIRINA B. GILLIAM
LENONIE M. HANLEY
EDWARD M. LOPEZ
GREGORY L. MASIELLO
MICHAEL C. OTT
FELIPE D. VILLENA, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL D. DIETZ
BRENT J. ERICKSON
BONNIE E. GOODALE
FREDERICK H. GRANTHAM
NORMAN T. GREENLEE
DAVID L. JOHNSON
JOHL K. KLEIN
DANIEL S. MCNULTY
STEPHEN M. MOUNTS
CATHERINE M. NELSON
SUSAN J. PIETRYKOWSKI
DOREEN F. WILDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

VILLA L. GUILLORY
MARTIN J. HAMILTON
MARK R. HENDERSON

KENN K. KANESHIRO
JOHN W. KERSEY, JR.
JAMES F. KNOWLES
SCOTT C. MALTHANER
DONALD SHEETS, JR.
CHARLES A. STOCK
BRADLEY M. TURNER
MICHAEL N. WAJDOWICZ
DANNY K. WONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ALFRED P. BOWLES II
CURTISS B. COOK
RICHARD J. DINSDALE
JIMMIE J. DRUMMOND, JR.
MANUEL H. ENRIQUEZ
THOMAS EARL FRANKLIN
BRAD S. GOLDMAN
MEREDITH ANN GOODWIN
EVAN ZACHARY KAPP
HENRY T. LEIS
JUAN C. NARVAEZ
REBECCA A. REYNOLDS
JOSEPH W. THOMPSON
HERMINIGILDO V. VALLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BRIAN F. AGEE
DANIEL J. BALOG
CATHERINE A. BOBENRIETH
MARK E. BOSTON
DANIEL B. BRUZZINI
WILLIAM D. CLOUSE
DAVID L. CUNNINGHAM
CARLO GREG N. DEMANDANTE
DEVIN L. DONNELLY
MARK D. ERVIN
CARLOS R. ESQUIVEL
MERLIN B. FAUSETT
EARL E. FERGUSON III
MICHAEL R. GAURON
WILLIAM HALLIER
ALDEN D. HILTON
MARK E. HUBNER
KEITH W. HUNSAKER
RONALD B. JOHNSTON, JR.
KATHLEEN M. JONES
PATRICK J. KEARNEY
LESLIE A. KNIGHT
ERIK K. KODA
TAMMY J. LINDSAY
JOSEPH A. LOPEZ
PATRICK D. LOWRY
DAVID J. LUTHER
LOUIS MARTINEZ, JR.
RICHARD J. MAYERS
TIMOTHY A. MCGRAW
JEFFREY D. MEDLAND
WILLIAM P. MUELLER
ALAN D. MURDOCK
STEVEN E. PFLANZ
BILLY D. PRUETT
CHARLES D. REILLY
MATTHEW G. RETZLOFF
DAVID M. ROSSO
WANDA L. SALZER
JAMES L. SANDERSON
DALE M. SELBY
PAUL M. SHERMAN
DANIEL A. SHOOR
PAMELA D. SMITH
ERIKA J. STRUBLE
LYNDA K. VU
KELLY N. WEST
BRADFORD WILLIAMS
ANITA JO ANNE WINKLER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

EARL R. ALAMEIDA, JR.
DAVID J. ALEXANDER
JOHN R. ANDERSON
JEFFREY F. ARNDT
JAMIE L. BAGGSTROM
JANEL K. BENNETT
DONALD R. BEVIS, JR.
DAVID A. BRADLEY
DAVID SCOTT BRENTON
NICHOLAS A. BROCCOLI
BARBRA S. BULS
STEVEN JOSEPH BUTOW
KEVIN J. CAMPBELL
DAVID ALAN CASS
DOUGLAS SCOTT CHAMPAGNE
CHRISTOPHER J. CHARNEY
JULIAN L. CLAY
KIRBY R. COLAS
MAC ALAN CRAWFORD
KEVIN K. DAWKINS
ROBERT CARL DESKO

ANTHONY JOHN DEVITO
JOHN R. DIDONNA
REED C. DRAKE
THOMAS C. DUKE
ANNE MARIE DUTCHER
RICHARD LEWIS EDWARDS, JR.
BRIAN C. ELBERT
ERIC K. ELY
ROBERT R. ERICKSON
LAURIE M. FARRIS
JOHN T. FERRY
PAUL E. FOLLETT
FREDERICK W. FRENCH
JOHN M. GAEDKE
CLAY L. GARRISON
SHARON ALINE GATTENS
BARRY D. GORTER
BRADLEY G. GRAFF
ROBERT J. GREGORY III
CHET P. HAHN
JOEL LON HARRIS
PETER K. HARRIS
JAMES P. HARTLINE, JR.
MARK A. HEDLUND
GREGORY MICHAEL HENDERSON
MERLE ELISE HERETH
ELIZABETH ANNE HILL
STEVEN R. HILSDON
RICHARD DALLAS HOWARD
TIMOTHY M. JONES
LORINDA C. KECK
PAUL K. KINGSLEY
PETER L. LINDE
WAYNE A. LITHTERLAND
JOHNNY S. LIZAMA
KERRY RAYELLE LOVELY
KEITH G. MACDONALD
MATTHEW J. MANIFOLD
MICHAEL J. MAWSON
WAYNE M. MCCAUGHEY
THOMAS J. MCENTEE
CURTIS N. MCCLAIN
MICHAEL A. METZLER
DAVID J. MEYER
GREGORY SCOTT MYERS
JEFFREY T. NAMIHIRA
SCOTT W. NORMANDEAU
MAYNARD S. OSBORNE
BARTLEY MITCHELL OTOOLE
ERIK A. PETERSON
KEVIN D. PHILPOT
RUSSELL L. PONDER
BRIAN L. PRESTON
KYLE DOUGLAS REID
FERMIN ANTHONY RUBIO
MICHAEL D. RUMSEY
MARK SAKADOLSKY
LORI J. SCHEUERMAN
JOSEPH H. SCHULZ
JAY NELSON SELANDERS
JOSEPH B. SIMMONS II
BRIAN MALCOLM SIMPLER
DAVID ANDREW SMITH
WILLIAM LEBARON SPARROW
KARL BRIAN STARK
CHARLES G. STEVENSON
JAMES ROBERT STEVENSON, JR.
URIEL B. STRICKLAND
CLAUDE C. SWAMMY
DAVID T. TRIMBLE
GLEN R. WASS
JOHN MARK WEEK
PATTY R. WILBANKS
WALTER FREDERICK WINTSCH, JR.
MICHAEL C. WOLFE
JOHN F. WOLVERTON
CHARLES E. WOODS
BRIAN P. WYNEKEN
DANIEL S. YENCHESKY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

EDWARD J. BENZ III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHARLES E. LYNDE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

OZREN T. BUNTAK
ADAM R. LIBERMAN
JOSEPH MIR
RUTH NELSON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MARCIA A. BRIMM
PENNY H. CUNNINGHAM
HEATHER V. SOUTHEY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DUSTIN C. FRAZIER
WAYNE W. KIM

To be major

JAN I. MABY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT L. BIERENGA
DOUGLAS A. ETTER
ANDREW L. GIBSON
GENE G. HENKE
BENJAMIN K. HODGE
PETER J. LAWSON
CARL N. STEELE
JOHNNIE M. TOBY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DON A. CAMPBELL
AUSTIN J. COE
STEVEN M. EDDY
JOHN W. GIBBON
LEONARD R. HIGGINS
RONALD R. HUFFMAN
DAVID J. HUNTER
HOWARD R. LUCAS, JR.
THOMAS R. SHEPARD
JOSEPH W. SMITH
BENNIE J. WIGGINS II
KEVIN T. WILKINSON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERNEST L. ACKISS III
WILLIAM S. EBELING
ROBERT F. JABLONSKI
GEORGE A. MASSEY
JAMES P. MCGUIRE
CLAY O. RUNZI
THEODORE SILVESTER III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PHILIP Q. APPLEGATE
RODERICK T. ARRINGTON
KENNETH M. BRANDEL
JOSEPH A. CABELL
JOHN C. CHURCH, JR.
MICHAEL K. CLAUSEN
STANTON S. COERR
DAVID B. CRIST
MARTIN F. CROXTON
ROBERT A. DEROZIERE
DAVID C. DEVORE
DANIEL J. DEWHIRST
DOUGLAS A. DREW
WALTER B. ESTEP III
ROBERT D. FREEMAN
JAVIER GARCIA
ROBERT J. GOETZ
JAMES W. F. GREEN
RICHARD HAROOTUNIAN
MARK V. HARRISON
ROBERT H. HASHIMOTO
ROBERT W. JACKSON
WILLIAM B. JOHNSON
BARRY R. KIMBROUGH
GUS KOSTAS
THOMAS M. KRUGLER
CURTIS T. LEE
DAVID V. LITTLE
STEVEN P. LOGAN
MARIA S. LONG
ROBERT B. LUCAS III
TODD J. MACDONALD
STEVEN R. MARAVILLAS
DONALD A. MARKWARD
MICHAEL P. MCCARTHY
PAUL H. MCCONNELL
JOHN G. MCGINNIS
JAMES E. MEAD
JULIA A. MEADE
JOSEPH C. MORRIS

STEPHEN B. NORDHOFF
DARIUS NOVICKIS
HARRY D. OAKLEY
PAUL R. OZMER
KOREEN K. PARRY
JAMES W. PRICE
STEVEN T. RAMOS
TIMOTHY A. RAYNOR
MICHAEL J. REILLY II
DARREN L. RICHARDSON
ROB B. ROBERSON
ANDREW T. ROBERTO
JAY R. RODNE
GEOFFREY R. ROLLINS
WILLIAM J. RUSCIOLELLI
HOWARD D. RUSSELL
WILLIAM T. RYAN
LUIS R. SANCHEZ
STEPHEN P. SANTIAGO
JON W. SHELburne
SCOTT H. SMITH
PAUL L. STARITA
KURT W. STEIN
BRADLEY R. STILLABOWER
MARSHALL L. SWOR
RICHARD D. THOMPSON, JR.
MICHAEL A. TORMENTI
ROBERT J. VEHE, JR.
RICHARD R. WARBOLD II
STEVEN D. WEINTRAUB
SCOTT C. WERTZ
KURTIS P. WHEELER
LAWRENCE L. WHITE III
JAMES D. WILMOTT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES MA-
RINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CARLTON W. ADAMS
JOHN B. ADAMS
JOSEPH S. AGRES
ANDREW P. ALBANO
JUSTIN J. ANDERSON
KAIN C. ANDERSON
RYAN L. ANDERSON
ERIC M. ARBOGAST
JOSEPH J. ATHERALL
THOMAS A. ATKINSON
JOSEPH T. BACHMANN
ANTHONY BAGGS
ANTHONY J. BANGO
DAVID M. BANNING
STEVEN K. BARRIGER
JOHN C. BARRY
SHAWN M. BASCO
SHAWN B. BELTRAN
BRIAN D. BERNTH
JAMES W. BISHOP
WILLIAM E. BLANCHARD
SPENCER S. BLODGETT
JAMES A. BOERIGTER
DARYL S. BOERSMA
JAMES Y. BOUNDS II
MICHAEL A. BOWERS
COLIN J. BRAINARD
SEAN C. BRAZIEL
CHRISTOPHER J. BRONZI
JAMES J. BROWN
JASON P. BROWN
MICHAEL D. BROYN
VINCENT R. BRYAN
SHAWN J. BUDD
BRYANT E. BUDD
THOMAS A. BUDREJKO
MICHAEL J. BUTLER
WALTER J. BUTLER, JR.
RUSSELL P. BUTTRAM
MICHAEL K. CAGLE
RICHARD D. CALLAHAN
LOUIS A. CAMARDO II
LEO J. CANNON
CHARLOTTE J. CARPENTER
MICHAEL J. CARREIRO
ANITA W. CARROLL
MICHAEL A. CARTER
ROMAN K. CASON
MICHAEL V. CAVA
GABRIELLE M. CHAPIN
MICHAEL J. CHARNEY
JAMES F. CHERRY, JR.
WILLIAM D. CHESAREK, JR.
LESLEY W. CHIU
BRETT A. CLARK
ADRIAN K. CLEYMANS
THOMAS E. CLINTON, JR.
SCOTT E. COBB
DANIEL H. COLEMAN
COREY M. COLLIER
TERENCE M. CONNELLY
WILLIAM J. CONNER
JAMES B. CONWAY
SCOTT M. CONWAY
TOMMY D. CORNSTUBBLE, JR.
BRIAN P. COYNE
PATRICK R. CRAWFORD
CHRISTOPHER J. CURTIN
JON W. DAVENPORT
BRADLEY T. DAVIN
CORY E. DEKRAAI
JOHN Y. DELATEUR

ERIC R. DENT
JOHN J. DEPINTO, JR.
KEVIN L. DIGMAN
KEVIN J. DOBZYNAK
JOSEPH E. DONALD III
WILLIAM P. DONNELLY III
ERIC J. DOUGHERTY
BRIAN S. DRYZGA
JAN R. DURHAM
JUSTIN W. DYAL
ANDREW D. DYER
AMY R. EBITZ
JASON M. EBY
AARON D. ECKERBERG
JUSTIN W. EGGSTAFF
GEORGES T. EGLI
MARK W. ELPERS
JHAKE ELMAMUWALDI
KEVIN M. ERKER
ARMANDO ESPINOZA
JAMEY M. FEDERICO
JOHN D. FERGUSON
GREGORY L. FIELD
PAUL F. FILLMORE
MICHAEL J. FITZGERALD
KISHA M. FLAGG
JOHN P. FLYNN
DARIN J. FOX
FRANK I. FRITTMAN
TRAVIS T. GAINES
MATTHEW C. GANLEY
THOMAS H. GARNETT IV
CHRISTOPHER E. GEORGI
JEREMY L. GETTINGS
TRENT A. GIBSON
STEVE E. GILLETTE
SEAN M. GLEASON
ARMANDO GONZALEZ
MATTHEW T. GOOD
MICHAEL S. GOODWIN
JOSHUA S. GORDON
BRIAN T. GRANA
DANIEL GRANADO
EDWARD C. GREELEY
BRUCE V. GREENE
JOHN F. GRIFFIN
RICHARD R. GRIMM
JAIME L. GUTIERREZ
MATTHEW J. HAEFNER
EDWARD J. HANDLER IV
SEAN M. HANKARD
JEFFREY D. HANSON
JOHN W. HARMAN
JOHN E. HARRIS
BRIAN K. HARWELL
KELLY K. HASTINGS
ROBERT C. HAWKINS
BRIAN G. HEATHERMAN
WILLIAM D. HILL
GREGORY S. HOFFMAN
JOEL M. HOFFMAN
CHRISTOPHER L. HOLLOWAY
ROBERT A. HUBBARD
DAVID T. HUDAK
ROBERT C. HUNTER
JOSEPH R. HUTCHESON
CHRISTOPHER S. IEVA
JOHN B. JACKSON III
SAMUEL E. JACKSON
TIMOTHY J. JENT
JASON E. JOLLIFF
JAMES B. JONES
RICHARD D. JOYCE
STEPHEN P. KAHN
JEFFREY S. KAWADA
JOHN K. KELLEY
MELISSA P. KELLEY
ERIC W. KELLY
JEFFREY R. KENNEY
MATTHEW D. KERLIN
JASON D. KINDRED
CHESTER J. KING
JUSTIN W. KNOX
BRIAN T. KOCH
SCOTT M. KOLTICK
KEVIN R. KORPINEN
JAMES R. KYTE
SAMUEL LABOY
MATTHEW J. LANDRY
DAVID L. LANE
GREGORY J. LANE
LUIS F. LARA
VINCENT G. LARATTA
DANNY R. LEDFORD
BRIAN R. LEWIS
FREDERICK L. LEWIS
MICHAEL E. LINDBLOM
MICHAEL J. LIVINGSTON
JONATHAN P. LONEY
JOHN P. LONGSHORE
HENRY K. LYLES
JOHN J. LYNCH II
JAIME MACIAS
FRANK A. MAKOSKI, JR.
ERIC C. MALINOWSKI
STEPHANIE L. MALMANGER
SCOTT D. MANNING
TODD M. MANYX
DONALD G. MARASKA
CHRISTOPHER M. MARISE
ANDREW V. MARTINEZ
JACOB M. MATT

KRISTIN L. MCCANN
FRANK L. MCLINTICK
ROBERT W. MCCrackEN IV
LYLE L. MCDANIEL, JR.
ERIK P. MCDOWELL
GEOFFREY J. MCKEEL
ANDREW J. MCNULTY
JOHN L. MEDEIROS, JR.
JOSE R. MEDINA
CHRISTOPHER L. MEDLIN
DOWAL E. MEGGS, JR.
PAUL C. MERIDA
MANUEL A. MERINO
MARK A. MERRILL
THOMAS B. MERRITT, JR.
ANDREW A. MERZ
MARK W. MICKE
BRIAN L. MILAN
NATHAN A. MILLER
PAUL R. MILNE
MICHAEL J. MONROE
DONALD B. MOOR
TOBY F. MOORE
JONATHAN C. MOREL
MICHAEL M. MOTLEY
DAVID A. MUELLER
BRIAN W. MULLERY
KENNETH C. MUSIAL
BARTON K. NAGLE
KIRK B. NELSON
BRIAN J. NEWBOLD
JASON L. NICKERL
THOMAS B. NOEL
BRENDAN G. OCONNELL
CHRISTOPHER P. OCONNOR
JONATHAN R. OHMAN
WILLIAM C. OLIVER
DAVID A. OLSON
JEFFREY M. ONEILL
JEFFREY M. OPSITOS
NEIL J. OWENS
BENJAMIN J. PAPPAS
RICHARD A. PARADISE
TEAGUE A. PASTEL
LANCE G. PATRICK
TOBY D. PATTERSON
TERRY M. PAUSTENBAUGH
CORNEILL A. PAYNE
LESLIE T. PAYTON
CHRISTOPHER M. PERRINE
FORD C. PHILLIPS
JOSEPH M. PLENZLER
JEFFREY S. POOL
TIMOTHY R. POWLEDGE
KEVIN J. PRINDIVILLE
THOMAS R. PRZYBELSKI
STEVEN D. PUCKETT
RORY B. QUINN
MICHAEL P. QUINTO
MARK A. RAFFETTO
OMAR J. RANDALL
DANIEL N. REBER
CHESTER T. REESE
JABARI J. RENEAU
JERSEY Y. REYES
BRIAN T. RIDEOUT
JOSHUA A. RIGGS
WILFRED RIVERA
MICHAEL J. ROACH
MARK C. ROBINSON
PATRICK R. ROBINSON
ADRIAN B. ROMERO
ERIC S. ROTH, JR.
WILLIAM H. ROTHERMEL
RICHARD A. ROYSE
LEE M. RUSH
BRIAN E. RUSSELL
RAUL L. SALCIDO
ALFRED M. SANCHEZ
DENNIS A. SANCHEZ
DOUGLAS C. SANDERS
MARK K. SAUER
KURT J. SCHILLER
WILLIAM F. SCHOEN, JR.
SAMUEL C. SCHOOLFIELD
LOUIS M. SCHOTEMEYER
DEAN A. SCHULZ
GREGORY G. SEAMAN
ANDROY D. SENEGAR
BRIAN P. SHARP
RYAN P. SHEEHY
JAMES L. SHELTON, JR.
LADD W. SHEPARD
WILLIAM SHERIDAN IV
MATTHEW R. SIMMONS
DANIEL B. SMITH
TRES C. SMITH
ROBERT B. SOTIRE II
MARTIN V. STARTA
ERICH I. STEFANYSHYN
GARRY T. STEFFEN
MICHAEL W. STEHLE
JEFFREY R. STEVENSON
WILLIAM C. STOPHEL
JARROD W. STOUTENBOROUGH
ROBERT A. SUCHER
BYRON D. SULLIVAN
JAMES G. SWEENEY
DANIEL E. TARBUTTON
JAMES T. TAYLOR
DANIEL W. TEMPLE
GARY W. THOMASON

ANDREW J. THOMPSON
ERIC N. THOMPSON
JEREMY S. THOMPSON
KELSEY R. THOMPSON
BRADFORD W. TIPPETT
KEITH H. TOPEL
STEWART T. UPTON
SCOTT E. VASQUEZ
CHARLIE R. VONBERGEN
BRIAN J. VONHERBULIS
DANIEL C. WAGNER
WILLIAM F. WAHLE
STEVEN O. WALLACE
RANDAL M. WALSH
LAWRENCE M. WALZER
CHRISTIAN M. WARD
ROBERT S. WASHINGTON
ROBERT S. WEILER
ANDREW J. WEIS
SIDNEY R. WELCH
BRADLEY C. WESTON
DON M. WHITE
WILLIAM T. WILBURN, JR.
MICHAEL B. WILLIAMS
PHILIP A. WILLIAMS
CHARLES P. WINCHESTER
ERIC S. WOLF
MATTHEW J. WORSHAM
JUDY J. YODER
ERIC W. YOUNG
THOMAS G. ZIEGLER, JR.
WAYNE R. ZUBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES MA-
RINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL M. ABOUD
ADRIAN S. ADAME
BENJAMIN S. ADAMS
JOSEPH K. ADAMS, JR.
MATTHEW J. AGNOLI
TOM E. AGUILAR
ANTONY E. ALEXANDER
STEVEN ALFONSO
JAMES G. ALLEN
KELLY B. ALLEN
MICHAEL D. ALLEN
STEVEN C. ALLSHOUSE
ROBERT C. ALMENDAREZ
CHRISTOPHER D. ALVINO
ANDREW M. ARANDA
JUSTIN K. ARCHIBALD
DAVID ARJONA
JASON C. ARMAS
CHERYL A. ARMSTRONG
JOHN P. ARNOLD
ERIK L. AUBEL
GREGORY H. AVEDIKIAN
WILLIAM V. BACKLUND III
JOHN BACON, JR.
SHAWN S. BAHK
BARET L. BAILEY
CARL A. BAILEY
MARK E. BAILEY
CHRISTOPHER M. BAKER
KATHRYN E. BAKER
PETER A. BAKER
GABRIEL M. BALCH
JENIFFER P. BALLARD
JEREMIAH S. BARBRE
JASON T. BARNES
GEORGE R. BARTIMUS
PAUL T. BARTOK
NATHAN P. BASTAR
ANDREW J. BAUGHER
BENJAMIN J. BEACH
MICHAEL S. BEAMES
STANLEY E. BEDNAR
IVAN L. BEJARANO
SHON S. BELCHER
CHARLES F. BENBOW
NOAH R. BENGUR
LYNN W. BERENDSEN
JUSTIN P. BETZ
HENRY G. BILLINGS, JR.
RICHARD A. BIRT II
MICHAEL D. BLAKEMORE
JEFFREY C. BLAND
CHARLES B. BLANKENSHIP
CHRISTOPHER G. BLOSSER
PAUL B. BOCK
BRETT A. BOHNE
NUTE A. BONNER
JOSHUA G. BOOMER
PETER T. BORSAY
CHRISTOPHER E. BOURBEAU
ZAHAR BOUZA
ROBERT L. BOYCE III
ROBERT D. BRADLEY
RYAN T. BRANNON
BRIAN K. BRISCOE
CASEY M. BROCK
CHRISTOPHER R. BROUWER
LANCE E. BROWN
ARTHUR Q. BRUGGEMAN
THEODORE A. BUCIERKA
KEITH W. BUCKLEW
JOSHUA A. BULLARD
JASON R. BURGAN
SCOTT R. BURLISON

SHANE J. BURSAAE
ALFRED L. BUTLER IV
JACOB D. BUTZ
LAUCLIN D. BYRD IV
ARMANDO D. CABRALES
BRYAN M. CADDEN
MARC W. CALDWELL
JAMES D. CALLICOATT
CARIN O. CALVIN
JULIET H. CALVIN
SHAWN M. CAMPBELL
BETHANNE CANERO
SHAWN A. CAPPS
TRAVIS D. CARLSON
DANIEL W. CAROFFINO
EMMANUEL T. CARPER
DOUGLAS N. CARR
JOSE L. CASTILLO
MARCELO B. CASTRO
NATHAN B. CHANDLER
JESUS A. CHAPAGARCIA
JOHN T. CHARLTON II
KENNY K. CHASE
TUNG T. CHAU
BENJAMIN J. CHAVEZ
CARLOS CHAVEZ
NEAL J. CHERAMIE, JR.
LORENA CHILDERS
JOSHUA C. CHRISMON
RYAN E. CHRIST
TRAVIS E. CHRISTENSEN
JEFFREY J. CISEK
JASON K. CLARK
NICOLE M. CLARK
MATTHEW B. CLINGER
ZACHARY A. COATES
GARRY M. COLBERT
AMANDA A. COLEMAN
LEE G. COLLINS
CRAIG J. COLTEY
DARREL F. COMMANDER
JEFFREY A. COMPTON
ANTONIO M. CONTRERAS
BENJAMIN G. COOK
DUSTIN B. COOK
THEODORE D. CORBEILL, JR.
RICARDO J. CORDEROTORRES
LEROY R. CORTERREAL
DAVID J. COTE
SEAN P. COX
ZANE K. CRAWFORD
HEATHER M. CRENSHAW
KEITH S. CRIM, JR.
DORIAN L. CROCKER
BENJAMIN L. CROES
TODD A. CRUMBO
EDWARD F. CUNNINGHAM IV
SAMUEL M. DABNEY
SALEH P. DAGHER
JASON N. DALE
SHAWN H. DALEY
ANTHONY G. DAVIS
JEREMY H. DAVIS
PHILLIP B. DAVIS
JIMMY W. DEAN
ROBERT C. DEIS
LOUIS T. DELIA III
CHRISTOPHER J. DENARDO
DAVID R. DENIAL
NATHAN M. DENSFORD
ARTURO J. DERRYBERRY
JARROD A. DEVORE
GABRIEL L. DIANA
ERIK S. DICKERSON
JOHN B. DIEFENBACH
NICHOLAS J. DIGUIDO
EDWIN B. DILLARD, JR.
JOSEPH R. DIMAMBRO
JONATHAN S. DISBRO
DAVID W. DODGE
ORONDE S. DOMINIQUE
AIXA R. DONES
GREGORY G. DONO
ANGELA S. DOTSON
JAMES P. DOYLE
TIMOTHY R. DRIESLEIN
JASON T. DUKE
ANDREW M. DURNING
ROBERT M. DYKMAN
WILLIAM B. EASTER
BRETT H. EBERHARDT
TIMOTHY B. EGAN
MAJDI M. ELAHWAL
DAVID M. ELLIOTT
JON S. ERSKINE
EDWIN A. ESPINET
ALEXANDER X. ESPINOZA
CHRISTOPHER Z. ESREY
PHILLIP A. ESTRELLA
MELVIN K. EURING
CAMERON P. EVANS
JAMAH K. EVANS
THOMAS H. EVANS
DOMINIC I. EWERS
SALLY A. FALCO
JESSE M. FALERIS
JASON T. FALIVERNE
ANDREW L. FANNING
SEAN C. FAY
CHRISTIAN R. FELDER
DALE R. FENTON
MICHAEL E. FEUQUAY

AARON F. FISHER
DANIEL S. FIUST
JOHN V. FLANAGAN
JAMES D. FLEMING
JULIAN X. FLORES
GEORGE J. FLYNN III
SEAN C. FLYNN
CHAD G. FOLEY
DAVID W. FORBELL
SEAN M. FORESTER
GARRY L. FRANCIS II
DANIEL B. FRANK
JOSEPH F. FRESHOUR
JAMES C. FULLER, JR.
BRADLEY N. FULTZ
THOMAS D. FUSS
JOHN L. GALLAGHER IV
BLAIR J. GARNER
ROMMUELLE E. GATONGAY
TODD P. GAY
BETTINA L. GEHRIS
ORLANDO GIARRATANO
THOMAS J. GIBBONS
JOSHUA B. GIBBS
RAYMOND N. GILETA
DOUGLAS A. GIVEN
FRED GLENCAMP III
JONATHAN C. GLOVER
SEAN D. GOBIN
JERRY A. GODFREY
CHARLES D. GODWIN, JR.
RUSSELL G. GOGAN
ALBERT J. GOLDBERG
DANIEL O. GOMES
EVERETT M. GOOD
MELISSA I. GORDON
BRANDON J. GORMAN
CAINE M. GOYETTE
MATTHEW J. GRABOWSKI
ANDREW J. GRAHAM
EDWARD P. GRAHAM
MICHAEL R. GRENE
INDIGO M. GREGORY
ERIC D. GRENER
CHAD R. GRIMMETT
MATTHEW J. GRUBA
ADAM C. GUGELMEYER
DOUGLAS L. HACKL
GARRETT W. HAGER
MATTHEW L. HAGER
JAMES D. HALE
DONALD P. HALL II
RICHARD D. HALLETT
BRADLEY W. HANSON
MACKALYNN J. HARMON
RYAN F. HARRINGTON
ADRIAN B. HASKAMP
JONATHAN L. HAYES
JOHN D. HECKER
WILLIAM A. HEPTY
TERRY W. HEICHELBECH
AARON E. HEISINGER
LEE W. HEMMING
JOSE H. HERNANDEZ, JR.
OMAR HERNANDEZ
PAUL M. HERZBERG
RONALD A. HESS
MICHAEL S. HESTER
BRAD A. HIGGINS
JUSTIN J. HILL
COLE B. HODGE
BENJAMIN J. HODGINS
BRETT D. HOHMANN
TYLER J. HOLLAND
ROGER A. HOLLIDAY, JR.
GEOFFRY M. HOLLOPETER
WILLIAM J. HORTON
JOSEPH C. HORVATH
DONALD L. HOTCHKISS
CHRISTINE M. HOUSER
JONATHAN C. HOWARD
THOMAS W. HUDSON
MELVIN L. HUNGATE, JR.
ALFRED E. HUNTER
CHRISTIAN P. HUR
CHARLES E. INGOLD, JR.
JAMES K. ISAACS II
BROGAN C. ISSITT
WILLIAM D. IVINS III
JOSHUA M. JABIN
WILLIAM T. JACOBS
PAUL D. JARR
JAMES S. JERABEK IV
JASON T. JEWELL
ADAM L. JOHNS
CHRISTOPHER I. JOHNSON
KELLY M. JOHNSON
NICKOLI C. JOHNSON
JASON R. JOHNSTON
CHRISTOPHER A. JONES
CHRISTOPHER E. JONES
COURTNEY D. JONES
DANTE A. JONES
JACOB M. JONES
CHRISTOPHER A. JULIAN
KALLE G. KANGAS
CLINTON C. KAPPEL
AMELIA B. KAYS
JOHN P. KEARNS
KIM T. KEEFER
SEAN P. KEENAN
ANDREW W. KELEMEN

PETER V. KEOUGH
 CATALINA E. KESLER
 DAVID S. KIM
 SUNGWOOK KIM
 DANIEL R. KING
 DAVID A. KING
 KARL M. KINGRY
 CHRISTOPHER P. KLEMPAY
 JOSHUA B. KLING
 JAMES F. KNIPE
 DANIEL P. KNUTSON
 DAVID A. KOBIE II
 JASON P. KOECK
 ANDREW J. KONICKI
 CRISTA D. KRAICS
 DANIEL E. KREHLING
 ANGELA G. KUHN
 STEPHEN R. KULAS
 MATTHEW J. KUTILEK
 ANDREW L. LADNER II
 KAVAN O. LAKE
 KEVIN R. LAMPINEN
 JOSEPH B. LANDGRAF III
 ALLEN T. LAPINSKY
 KENNETH A. LARETTO
 JARED A. LAURIN
 BRYAN E. LEAHY
 THOMAS B. LEE
 DOUGLAS H. LEHTINEN
 KEVAN D. LEWIS
 CHARLIE LICHTENBERGER
 BRIAN A. LIONBARGER
 GREGORY A. LIZAK
 KIP M. LODER
 JOSEPH P. LOGAN
 HOWARD L. LONGWELL
 BRAULIO LOPEZ
 CHARLES W. LOWRY, JR.
 NICHOLAS J. LOZAR
 ERIC C. LUM
 SERGIO H. LUNA III
 MICHAEL R. LUPIENT
 MICHAEL F. LYNCH
 RYAN A. LYNCH
 KEVIN T. LYSTER
 ROBERT A. MACDOUGALL, JR.
 DANIEL J. MACSAY
 JAMES H. MADRINAN
 JAY C. MALLORY II
 SAMUEL B. MALONE
 JASON MALONEY
 TIMOTHY P. MALONEY
 RUBEN E. MARIN
 ANGELA L. MARKEY
 MARK A. MARKLEY
 PETER B. MARKS
 RICHARD D. MARSHALL, JR.
 ERIC J. MARTINDALE
 ISAAH G. MARTINEZ
 ADAM C. MARTZKE
 MONICA A. MARUSCEAC
 CHEDDY W. MATTHEWS
 JUSTIN W. MAY
 DONALD R. MAYO, JR.
 JOSHUA J. MAYORAL
 CHRISTOPHER B. MAYS
 CHRISTY L. MCCUTCCHAN
 CRAIG W. MCDERMOTT
 CHARLES T. MCDONALD
 SEAN P. MCGEE
 RICHARD P. MCKENZIE
 DAX R. MCLENDON
 JOSEPH J. MCMENAMIN
 TAVIS C. MCNAIR
 JOSEPH A. MCNULTY
 MATTHEW T. MCSORLEY
 MICHAEL S. MCTEAGUE
 SHAUN M. MEALING
 FRANK P. MEASE, JR.
 JOE M. MEDEROS
 JENNIFER L. MEEK
 LUIS F. MEJIA
 ANTHONY M. MERCADO
 CARLOS A. MERCADO
 MICHAEL J. MIKLOS
 SHAWN A. MILLER
 TIMOTHY M. MILLER
 TODD A. MILLER
 SANTIAGO MIRAMONTES
 KEVIN A. MISNER
 NORMAN A. MITCHELL III
 JON D. MOHLER
 SAMUEL MONK
 MARK L. MONTGOMERY
 ISAAC D. MOORE
 NATALIE E. MOORE
 SEAN R. MOORE
 JOHN C. MORGAN
 RICHARD E. MORITZ
 KENNETH W. MORROW
 WILLIAM J. MURPHY II
 STEPHEN L. MUSICK
 CHAD E. NAGEL
 SUMMER J. NAGY
 CAROLYN M. NELSON
 LINDSAY M. NELSON
 BRANDON H. NEWELL
 FRANKLIN S. NEWTON
 MARK D. NICHOLSON
 RANDALL L. NICKEL, JR.
 ANDREW S. NIX
 JAMES W. NOLAN

KYLE M. NUNEMACHER
 RUSSELL G. OBAR
 CHAD A. OBRIEN
 JOSEPH E. OCONNOR
 DAVID A. ODELL
 DEAN R. OLTMAN
 RYAN J. OROZCO
 SANFORD C. ORRICK
 ANDREW M. OSBORN
 NATHAN I. OSBRACH
 MOMI PAGADOR
 MICHAEL P. PARROTT
 PAGE C. PAYNE
 MATTHEW R. PEARCE
 PETER M. PEDRAZA
 JAYSON L. PERGANDE
 LUKE A. PERNOTTO
 BRECK L. PERRY
 ARIC J. PETERSON
 DOUGLAS K. PETERSON
 MATTHEW H. PETERSON
 THOMAS L. PETERSON
 CHRISTIAN J. PFEFFER
 PAUL D. PFEIFER
 JEFFREY M. PHELPS
 MARADA D. PHILLIPS
 JAMES N. PHILPOT
 ZEBULON C. PHILPOTT
 ERIC W. PICKELSIMER
 RACHAEL E. PITTS
 DUANE D. POELLNITZ
 RUSSELL E. POUND
 JUSTIN D. POWELL
 THANOUSONE PRAVONGVIENGKHAM
 PETER F. PRIESTER
 JAMES J. PRUDEN
 THOMAS G. PUCKETT
 CHAD J. PUFF
 MARC A. PULLEY
 COREY L. PULLIG
 LEONARD H. PUSSINEN, JR.
 MATTHEW W. QUIGLEY
 SEAMUS M. QUINN
 ERIC R. RAASCH
 JOHN J. RADACSY IV
 TROY REES
 CRAIG Q. REESE
 TRAVIS T. REEVES
 JAMES E. REGAN
 ANNA V. REVES
 JUAN L. REYNA
 JAMES V. REYNOLDS
 RYAN A. REYNOLDS
 KEITH W. RICHARDSON
 SHAWN A. RICKRODE
 ZACHRY S. RIGGLE
 MATTHEW T. RITCHIE
 DAVID N. ROBERTS
 NATHAN M. ROBERTS
 BENJAMIN A. ROBLES
 MICHAEL C. ROCK
 ROBERTO RODRIGUEZ
 PAULINA S. ROJAS
 MATTHEW C. ROMOSER
 JEFFERY M. ROPER
 JULIAN D. ROSEMOND
 KIM R. ROSSITER
 KENNETH K. ROSSMAN
 JAMES M. ROWLETT III
 BENJAMIN B. ROY
 JESSE RUBIO
 CHRIS RUGE
 KEVIN A. SAMUELS
 JUSTIN M. SANDERS
 ELIEZER SANTANA, JR.
 KURTIS L. SARGENT
 LARRY L. SATTERFIELD
 DAVID E. SAUNDERS
 TROY M. SAYLER
 JONATHAN D. SCHAAFSMA
 RANDALL T. SCHINDLER
 LAURA A. SCHMITZ
 BENJAMIN M. SCHNEIDER
 MARK D. SCHOUTEN
 JOEL C. SCHUMACHER
 ROBERT D. SCHWAAB
 RAYMOND J. SCOTT, JR.
 ROBERTO SCRIBNER
 MICHAEL S. SEELY
 ARNOLD B. SELVIDGE
 SCOTT G. SHADFORTH
 THOMAS F. SHORT
 CHARLES S. SIEDLECKI, JR.
 THOMAS A. SIKORA
 CHRISTINE M. SILVA
 MARK J. SIMPSON
 WILLIAM H. SIMS IV
 MATTHEW J. SINNOTT
 PATRICK J. SISE
 RAY B. SLABBEKORN
 ARLON D. SMITH
 THEODORE R. SMITH
 TIMOTHY J. SMITH
 AARON C. SMITHLEY
 DAVID P. SNIPE
 RICHARD A. SOFGE
 ALAN J. SOLIS
 JOHN F. SOTO, JR.
 RICHARD M. SOUTHWORTH
 BROOKE J. SPEERS
 LESLIE M. STANSBERRY
 ERIC N. STARR

PAULEEN D. STEVENS
 RICHARD J. STINNETT, JR.
 ERVIN R. STONE
 DANIEL C. STONER
 CHRISTOPHER D. STORY
 THERESA P. STREBEL
 GEORGE A. SWEETLAND, JR.
 BENJAMIN T. TAGGART
 BRANDON R. TATTERSALL
 GLEN W. TAYLOR
 LEE E. TAYLOR
 JOHN A. TEMPONE, JR.
 PAUL L. TETZLOFF
 DUANE R. THOMPSON
 RYAN E. THOMPSON
 BRENT A. THORUD, JR.
 DANIEL L. THUNEN
 LUIS M. TIGLAO
 ANTHONY A. TILELLI
 CHRISTOPHER R. TIMMS
 MIGUEL J. TOLEDANO
 CHRISTOPHER M. TOMS
 STEVEN E. TORGERSON
 CHRISTOPHER M. TOUSANT
 DAVID M. TRAXLER
 AN K. TRUNG
 CHRISTOPHER S. TSIRLIS
 DEBORAH TURLEY
 NICHOLAS A. TURNER
 JUSTIN K. TWIGG
 ANDREW J. TYSON
 JACLYN N. URSO
 RICHARD D. VALLEE
 MIGUEL A. VALLEPORTILLO
 JEFFREY VANBOURGONDEN
 ALEXANDER J. VANSTON
 HENRY A. VANWINKLE
 DAVID J. VENETTOZZI, JR.
 KIMBERLY A. VERHEGGE
 ADAM VILLALPANDO
 JON K. VONSEGGERN
 ANNA M. VOYNE
 BRIAN D. VUKELIC
 BENJAMIN P. WAGNER
 ETHAN D. WAITE
 CLIFFORD C. WAKEMAN
 ROBERT J. WALKER
 STEVEN L. WALKER
 WILLIAM R. WALLACE
 SCOTT W. WARMAN
 NICHOLAS G. WARREN
 PAUL M. WEBBER
 DANIEL P. WEBSTER
 RYAN P. WELBORN
 LIZETTE G. WELCH
 JOSHUA A. WELLS
 SCOTT J. WERT
 DANIEL W. WHITE
 ROBERT F. WHITE, JR.
 BRAD E. WHITED
 NEIL D. WHITNEY
 JAMES Y. WHITTAKER
 MICHAEL W. WIEDL
 STEPHEN F. WILDT, JR.
 JEREMY S. WILKINSON
 MICHAEL P. WILLIAMS
 PATRICK S. WILLIAMS
 ROBERT G. WILLIAMS
 JOHN D. WILSON
 MARSHALL N. WIMBERLY III
 JOSHUA D. WINFREY
 JUSTIN R. WIRTH
 ARON K. WISHERD
 RICHARD H. WITT III
 MARLA J. WOHLFELD
 LUCAS M. WOOD
 JAMES P. WOODARD
 DAVID E. WRIGHT
 SEAN B. WRIGHT
 MICHAEL D. WYRSCH
 CHRISTOPHER R. YANITY
 SHAYNE P. YENZER
 TAYLOR N. YOUNG
 RICHARD V. YUDT, JR.
 JAY M. ZARRA
 DEREK C. ZEIGLER
 MANUEL O. ZEPEDA
 RICHARD M. ZJAWIN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY K. HAYHURST

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 IN THE GRADE INDICATED IN THE REGULAR NAVY
 UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

STEVEN D. ELIAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY
 UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRADLEY S. HAWKSWORTH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:		PATRICIA N. BEYER CHRISTINE R. BOSAU MICHAEL E. JONASSON THOMAS A. MONHEIM CARL J. TIERNEY ADAM E. TOREM		COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):	
<i>To be commander</i>				<i>To be captain</i>	
AMY R. GAVRIL				PHILLIP F. BROOKING	
<i>To be lieutenant commander</i>		THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531(A) AND 716:		THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:	
GRANT A. KIDD		<i>To be major</i>		<i>To be lieutenant commander</i>	
IN THE AIR FORCE		RICHARD C. ALES DEREK C. UNDERHILL		IVAN R. MENESES	
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:		IN THE COAST GUARD		<i>To be lieutenant</i>	
<i>To be colonel</i>		THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES		WILLIAM A. SCHULZ	
STEVEN L. ARGIRIOU					

SENATE—Friday, February 4, 2011

The Senate met at 10 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.

Almighty God, strengthen the desire of our Senators to serve You. May they join You in bringing peace, justice, and order to our Nation and the world. Confirm the wisdom of their service in the joy they receive from doing Your will. Lord, fill them with Your spirit so they can discover creative ways to meet the challenges of our time. Give them courage to change their minds when it is needed in order to travel along a more productive path. Let integrity be the hallmark of their characters.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 4, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will proceed to a period of morning business

with Senators permitted to speak for up to 10 minutes this morning. We have made significant progress on the FAA authorization bill this week and will make more progress next week. The Finance Committee is going to report out legislation on Tuesday, a funding amendment for this most important piece of legislation. We hope to complete action on this bill early in the week of February 14.

Today I will continue to work with the Republican leader on an agreement to vote Monday on the confirmation of several executive nominations.

There will be no rollcall votes during today's session of the Senate.

MEASURES PLACED ON THE CALENDAR—S. 289, S. 290, S. 291, EN BLOC

Mr. REID. I understand there are three bills ready for their second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (S. 289) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes.

A bill (S. 290) to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes.

A bill (S. 291) to repeal the sunset provisions in the USA PATRIOT Improvement and Reauthorization Act of 2005 and other related provisions and permanently reauthorize the USA PATRIOT Act.

Mr. REID. I object to any further proceedings with respect to each of these three bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from North Dakota.

FAA REAUTHORIZATION

Mr. HOEVEN. Mr. President, I would like to speak this morning in support of amendment No. 32. This amendment introduces new language to section 320 of the Federal Aviation Administration's authorization bill concerning unmanned aerial systems. It has been offered by Senator ENSIGN, Senator CONRAD, and myself.

It calls for the FAA to develop a process to integrate unmanned aerial systems—unmanned aerial vehicles and remotely piloted aircraft—into the National Airspace System.

We have all seen on television and read in the media about the remarkable role unmanned aerial vehicles and remotely piloted aircraft are playing overseas in the security of our Nation in the war on terror. They achieve military objectives without putting our men and women in uniform in harm's way.

Unmanned aerial systems will continue to play that vital role in our Nation's security abroad, but they are also poised to play a big role here at home in other important areas as well—areas such as enhancing our ability to patrol our borders and secure vital infrastructure, fight crime, detect wildfires, provide valuable crop data for our farmers, and respond to emergencies such as floods and fires.

I can give you a practical and personal example of their value. Two years ago, when my home State, along with our neighbor to the east, Minnesota, was battling flooding in the Red River Valley—many of you throughout the country saw this on television—Predator aircraft on loan from Customs and Border Patrol gave us real-time data on the status of ice jams and overland flooding all along the river and made a real difference in helping us to fight those floods and protect our citizens.

That vital information enabled both States to deploy resources in a timely and efficient manner and made a real difference for the people of North Dakota and Minnesota and throughout the region. Just a few years ago, that would have been the stuff of science fiction, a vision of the future. But today it is reality, and we can do much more.

In fact, unmanned aerial systems are about just that—they are about the future of aviation technology in America, and I am proud to say our State of North Dakota is playing an important role in that endeavor.

The Grand Forks Air Force Base in northeastern North Dakota is already home to Predator B aircraft that fly missions for Customs and Border Protection, and it will soon be home to the Global Hawk as well. Right now, overseas, Predator missions are being operated by our North Dakota Air Guard in Fargo, ND.

The Grand Forks Air Force Base is also a partner with the State's Unmanned Aircraft Systems Center of Excellence and UND—the University of North Dakota—School of Aerospace. These programs provide access to state-of-the-art training and technologies for the base.

Our Center of Excellence operates up to nine unmanned aircraft and is in the process of installing UAS simulators and training programs to prepare a generation of young pilots for this rapidly growing field.

The program is designed to combine the visionary thinking of researchers with the practical energy of entrepreneurs and businesses. In fact, the commercial applications of unmanned aircraft and the opportunities for America's aviation industry are enormous.

UAV spending will more than double over the next decade, from current worldwide UAV expenditures of \$4.9 billion annually to \$11.5 billion annually, totaling just over \$80 billion for the next 10 years, according to a 2010 Teal Group market study.

Here and abroad, our Nation has led the way in this breakthrough technology. But we need to do more. We need to seize the opportunity, and this amendment provides our opportunity to not only maintain but build on that leadership position.

This amendment will authorize the FAA to set up pilot projects in the United States that will develop a plan for these aircraft to fly safely either concurrently or in layered air zones in our Nation's skies.

We need them to develop air traffic requirements, as well as certification and flight standards, for unmanned aerial systems to fly in the national airspace.

We are already flying UAVs in airspace all over the world. Now we need to open the skies for them right here at home to make our Nation more secure, our communities safer, our economy more dynamic, and create jobs and opportunity throughout our country. If we do not, you can be sure other nations will. The goal is to make UAVs, with all their remarkable capabilities, a fully functioning, fully empowered component of America's aviation system.

American industry and ingenuity can continue to lead the way. They can continue to lead the way forward in the world of aviation, but we must provide the environment that enables our aviation industry to do it right here at home. This amendment will help us do that. I strongly urge support for this amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. SESSIONS. Mr. President, the news broke this morning concerning the jobs report for January. The numbers came in that we only added 36,000 new jobs to the U.S. economy. The Wall Street Journal lead is, "Economy Adds Few Jobs." It is a difficult matter. Some say maybe the weather had something to do with it. The Washington Post report noted that job creation was far less than economists had predicted.

Mr. President, 36,000 might sound pretty good, at least not bad; but in truth it is not good. Mr. Bernanke, the Chairman of the Federal Reserve, testified before our Budget Committee—of which the Presiding Officer, Senator BEGICH, is a member—that our economy needs to produce about 150,000 jobs a month—it needs to add that many—to stay even. We need to be adding about 250,000 a month to begin to reduce unemployment in a significant way.

The numbers were mixed. Some people saw some good news in the report. The Household Survey showed a drop in unemployment, which was not a bad. But I think the low number of actual jobs created was pretty troubling.

I will say a few things I believe are important and need to be understood.

This Congress passed a stimulus package that was supposed to keep unemployment from going above 8 percent. It went to 9.6. It has dropped some since then, but it is still extraordinarily high. We passed that package, and it did not stop unemployment from rising. It was based on the Keynesian concept of government borrowing money to spend into the economy on the theory that government can create jobs.

Not long before the vote, Gary Becker, the Nobel Prize-winning economist from the University of Chicago, wrote an op-ed. In it he said he examined the proposal and that it was far too ineffective in creating jobs and economic

growth. He warned that it would not be effective. He warned that the growth factor was below 1. It should be above 1. He said maybe .7, and that this, in his opinion, was not a good investment of \$800 billion. Every penny of it was borrowed. We did not have that money. We decided to borrow the money in an attempt to stimulate the economy.

I know many heard it said, and the President repeated, that this was a new infrastructure program; that we were going to fix our crumbling infrastructure. We were going to create American jobs and make our highways and bridges safer and better.

That was an inaccurate statement. It became clear before the bill passed—I remember pointing it out, as did others—that only 5 percent of the \$800 billion went to bridges and highways—5 percent. This was not a bridge project. It expanded entitlements and bailed out states. It created no real growth in productivity. It has not done what it was advertised to do.

I hate to say "I told you so," but when you take \$800 billion of borrowed money and let it compound at 4 percent, you create a liability that will be on our books for the indefinite future, maybe forever—that we will be forced to pay about \$32 billion a year in interest.

Every year now when we do our budget, we have to figure that first we have to pay \$32 billion for the interest on that money we borrowed that was supposed to stimulate the economy, that did not stimulate the economy.

Mr. President, this amount we spend on the interest cost is roughly equivalent to what we spend on highways annually. Rather than paying interest on a bill that failed to increase economic growth, we could have doubled the Federal highway budget.

It was, as Bill Gross, the guru behind the PIMCO bond fund—one the largest bond funds in the world—said: Emphasis in America and some other nations has been on consumption, not effectively enough on growth, which is sort of what Professor Becker said and Federal Reserve Chairman, Mr. Bernanke, said recently—that there are going to be several years before we get to a normal job growth situation, a normal unemployment rate in our country.

Even though the unemployment rate seems to have dropped, it is important to note that a number of the people dropping off the unemployment rolls are dropping off because they have given up looking for work. They have gotten discouraged and they are no longer going down to the unemployment office registering and looking for work. That is not good. A healthy, vibrant, growing economy attracts more people into the workforce.

There was an article in *Baron's* financial magazine recently that noted that as of December, the number of hours being worked by employees had

not gone up. Normally if unemployment goes down and businesses hire more workers, they will show average hours worked going up. It was in the low thirties, and it was not going up. They said maybe that is a signal that some may be too optimistic.

They also noted that wages were basically flat, just a minor increase in wages. Whereas, the price of gasoline, which we are so thankful Alaska is producing for us, and food are going up. Cotton prices, soybean prices, corn prices are at record levels. This will translate into rising costs. If wages are flat and the number of people working is flat and costs are rising, then this is not good for the economy.

If government cannot borrow money and create real employment of a sustained nature, what should government do? Recently, at a Baron's roundtable, Mr. Gross said loose monetary and fiscal policy has had some benefit, but it is a sugar high. It will not last. We cannot keep it up. Do we not all know that this is a sugar high that we cannot continue?

What can we do? Are there things we can do? Is it hopeless? Should we do nothing? I do not think so. I think there are a number of things that I will mention that I absolutely believe we can do that will create jobs for people who are hurting this very moment, who are unemployed. It could help them have a new and better life, and it would not cost the U.S. Treasury anything. I believe these actions are significant.

First, we need to take actions that have the tendency to create mechanisms that will bring down energy costs. Energy is a hidden tax—a hidden tax. Rising energy costs are a tax on your current income. You get nothing more for it. You get the same number of gallons, the same assets you got before, but you just have to pay more for it. You don't have the same amount of money for your family, your rent, your automobile payment; you get less money to use toward that.

We need to produce more of it at home for two reasons: One, it helps contain the growing cost of fuel, which is a secret thief of the American citizen's income, and two, it creates American jobs. Wouldn't we rather have thousands more jobs in Alabama producing oil offshore or in Alaska, producing oil in Alaska, rather than sending our money to Venezuela, Nigeria, Saudi Arabia, and creating jobs there? It would be an additional supply source that helps bring down the cost, and it would create American jobs. Plus, it would keep that American wealth at home. It would keep that wealth at home. Sixty percent of the oil we are using to make the gasoline that goes into our automobiles is imported. That wealth is going abroad. That is not good.

So we need to take actions that will produce American energy at the lowest

possible cost. Yes, it needs to be safely produced. We saw the accident on the gulf coast. I have been on those beaches, and thank goodness they are cleaned up now, but it was a mess, and everybody was worried. It hammered our gulf coast tourism industry and our fishing industry for months, although fishing is coming back, and I think our tourism will be back. But it was an unnecessary disaster, and it can be prevented, and steps have already been taken to ensure it will not happen again. We can do that.

I like the Boone Pickens plan. We have discovered how to drill down into the ground and then turn that drill bit horizontally and go through shale rock to produce huge amounts of natural gas. Natural gas burns about 40 percent cleaner than gasoline or diesel fuel. It can produce energy that can even be used for vehicles. So that is all American. It is energy produced here in America. And we will have to have Americans to drill the wells, to move the natural gas, to process it and do all the things that go into that instead of importing oil from Venezuela. This makes sense.

This is not a theoretical vision for an energy program. The Energy Department has now projected that we have maybe 200 years of natural gas—twice what we projected just a few years ago because of the new, improved way to drill. We should be doing more of that to create American jobs. It would provide a new energy source that hasn't been there before that could be used for electricity. And natural gas prices are low—pretty surprisingly low, actually—compared to other sources of energy, and we ought to use more of it.

We can use it in vehicles, too, particularly larger trucks, city buses, and vehicles like that. It would take an infrastructure capability to be able to travel around the country and be able to get it to our truckers, but the city buses, the garbage trucks, and things such as that can be done all over America. That would reduce our imports, create jobs here, and create wealth in America without sending it abroad.

I know the President has said—and we are going to have to confront this and talk about it—that we are going to create green jobs by developing the solar and biofuels industries. But, really, it hasn't gone nearly as well in the United States as we had hoped. One big plant that had millions of dollars—in Massachusetts—put into it has gone bankrupt. China is undercutting prices and is producing things that were supposed to be produced by Americans. So it is not going so well, frankly.

I have to give this cautionary tale. No nation in the world is committed more to green jobs and this idea that you can create jobs in the energy sector by doing more windmills, solar and biofuels than Spain. And Spain has had a terrible time. It has the highest un-

employment rate in Europe. They drove up the price of their energy, and it adversely impacted the whole economy of Spain. They created some jobs in some of these new programs, but one study said they lost I think 2½ jobs for every 1 job that was created. Now, I wish this weren't so. I wish we could have a plan to invest in solar panels or corn ethanol, and it would create lots of jobs and create energy at a competitive cost. But it produces these energy sources at much higher cost, and someone has to pay for them. When businesses pay more for energy, they can't hire as many people, they can't make widgets in Alabama and sell them abroad if their energy prices go up as a result of these policies. You can't do it. There is no free lunch here. So I think we need to look at what happened in Spain.

I met with a group of pulp and paper workers—union members—yesterday. I knew a couple of them from the past at pulp and paper mills around where I grew up in rural Alabama. They are worried about Environmental Protection Agency regulations. There are a lot of these regulations, but the one that is hammering the timber industry and the pulp and paper industry is the boiler MACT proposal. They convert waste to wood product at these paper mills. They burn it and create steam and energy, which reduces their demand on the grid from the power companies that are creating energy through coal and natural gas. So they are using a renewable source, but they are being required to expend millions of dollars for new boilers.

I was at a sawmill in Alabama, in a rural area—good people—that exports half of what they produce. They produce a high quality of lumber for export, and they say this boiler MACT regulation will hammer them so hard, they may not be able to continue in business. And what would that do? All the people who go out in the woods and harvest timber, those who bring it in, those who work at the mill to saw it and plane it and produce it will be out of work. There would be less competition within the United States for wood products and less production of it, so the price might go up for the consumers. So this is not a good plan. This regulation went too far. It has to be repealed.

But there are a lot of regulations like that driving up costs. They could be eliminated at no cost to the government. It would reduce the number of bureaucrats who are out there enforcing them and allow industries to be more productive. There are lots of them out there. And a regulation that gets passed—sometimes that regulation might be beneficial to a narrow sector, but often it gets applied to 10 times or 100 times as many companies and businesses than is necessary or

beneficial, and it adds extra cost, reducing their productivity for no good benefit whatsoever.

All wasteful regulations need to be eliminated. I think the President has finally understood that. He has made some statement about it, but we need to be sure that it happens and it happens quickly because we have people unemployed today as a direct result of excessive regulation.

A lot of people may not realize that our corporate taxes—once Japan reduces theirs, as they plan to do—will be the highest corporate tax of any developed nation in the world. This is not a healthy place to be.

You can learn a lot in an airport. A businessman started talking to me about this, and we got on the plane together. I had an open seat, and so I asked him to sit by me. He was very impressive—a CEO for a North American division of an international corporation. They were going to produce a product in that company that would be sold in the United States and worldwide that would be energy efficient—a chemical product they wanted to produce. It would mean about 200 employees.

This is the story he told me, and he was so frustrated about it. Now, remember, this is a very intelligent, sophisticated man. He said they had the best price. These big companies, if they are going to make a new product, they ask every plant in their system who can build it the best, the cheapest, and the one that wins the competition gets the process. Well, he had won the competition—200 new jobs to the Alabama plant—until he got a call from the European headquarters. They said: You haven't considered the taxes. Well, what about that? You have to consider taxes. That is a cost of doing business. You have to recalculate it and do the taxes. And when they did, the United States lost. So this process is going to be built in another country that has lower taxes.

The idea that you can raise taxes on corporations and not have an impact on the competitiveness of America is utterly false. We just have to take a minute or two to think about it. Of course, that is damaging to our competitiveness, and we compete worldwide, not just within the United States. But producers can move to Mexico and they can move to Canada.

By the way, our corporate tax rate is 35 percent. Canada has already reduced theirs to the low twenties, and they are talking about going to 16½ percent. My colleague from Alaska understands that his state's firms can choose between building a plant in Alaska or Canada. And when they add up the numbers and you have to pay substantially more tax in the United States, that could be the tipping point to make the difference in where that plant is built. So it is not that we are trying to

help corporations by proposing that taxes be reduced; it is that we are becoming uncompetitive.

Ireland has had a financial crisis. Their banking system reached a real crisis. But a number of years ago, they reduced their corporate tax rate to the lowest in Europe and had an economic boom. This boom didn't have anything to do with the financial crisis. When the Europeans said, we are going to help bail you out but we want you to raise some revenue. The Irish responded that they would include some taxes increases in their budget, but they would not raise their corporate tax rate. They refused because they said it was helping them economically. And I really believe we need to do that.

So Canada is reducing theirs, Ireland has reduced theirs, the U.K.—the Brits—are reducing theirs. I think they are going to about the midtwenties, and we are at 35.

I know there is this idea that you can just eliminate the loopholes and bring down the overall rate to the high twenties in the United States and this will be the equivalent of a tax cut, but I really don't believe it is. I believe that all you have done is maybe created a little more efficient and simpler tax, which is not bad, but it hasn't gotten the economic tax burden off the American businesses that are trying to compete in the world marketplace.

What else could we do to create jobs? Eliminate the health care bill. I know, people are dug in on this, they don't want to talk about it. It was passed by one single vote. Had SCOTT BROWN been elected 2 weeks sooner, the bill would not have been passed; it would not be law today. But it is law.

What does the Congressional Budget Office say about its impact on jobs in America? CBO says it will reduce employment by half of 1 percent. Former CBO Director Doug Holtz-Eakin estimates that this translates into a loss of 700,000 jobs as a result of the health care bill. Actually, I believe it is quite a bit larger than that. I visited with small business people in Phoenix City, AL, Jasper, AL, 15 or 20 in each, and they told me it was going to cause them to reduce employment. There is no doubt about it. One man said: I have 10 fast food restaurants, 200 employees. I believe I am heading toward a reduction of 70 workers.

If it is a reduction of 10 workers, it is too many. Even if it is a reduction of five. We need growth in jobs, not a reduction in jobs. The health care bill is killing jobs.

The Congressional Budget Office Director is hired by the Congress. Mr. Elmendorf, who does that, was selected by the Democratic majority. I like him. I think he is an honest man. He said it will cost jobs in America to continue the health care bill. I believe it is going to be far more significant than he suggests.

At the Budget Committee hearing yesterday, I asked the witnesses if temporary extensions of tax rates add uncertainty to the economy? Would the economy be better with permanent rates? They said yes. Everyone—liberal, conservative—said this uncertainty is not good for economic growth and job creation in America. Congress must get together, and it is going to take a bipartisan effort to try to get these tax rates permanent and all of us are going to have to work on it. But permanent tax rates would clearly be helpful.

I believe the President is going to have to help us in Congress to reduce the surging deficit spending that is well on the path to doubling the entire debt of America in 5 years and tripling it in 10. I know people think that is not true but it is. We are entering into the third year of a 5-year trend to double the debt. It will triple again in 5 more years. The President announced he would freeze a small portion of our spending, discretionary spending, at its current 2010 levels—which surged in the last 2 years by double-digit increases. He would freeze it at that level. That is very small and will not alter the path we are on to doubling the debt in 5 years and tripling in 10. It will not alter that. That is how small an impact that proposal would have.

We have to get together here in Congress and wrestle with it, but we need some leadership. If we could get at the cloud of debt and fear that is out there among a lot of Americans on the street and fear among a lot of the world's best financial minds who move money around in huge amounts—they are afraid too. The only people who do not seem to be quite sufficiently grasping this are our Washington bureaucracy. I think the Congress is beginning to get it. I think Congress is thinking about it. I believe the Washington establishment is still sort of in denial. They think we can somehow make a few token changes in what we do and everything is going to be OK, but it won't.

I am saying, how do we create jobs now? Take some real firm steps, and the world says: Wow, the United States has gone off an unsustainable path to a path that could lead to prosperity and growth, and we are willing to invest in the country again.

Let me mention one more thing. We have a border that is still wide open and lawless. Thousands, millions of people are coming in illegally still, and they are taking jobs from American citizens. We arrested 500,000 people at the border last year. How many more got by? We just added 36,000 jobs this month. Some think that was a good number. It is below what we have to add. But we had that many illegal people coming into the country and seeking work and taking jobs from American citizens, providing competitive employment that drives down wages.

One of the things you do in a time of high unemployment is you reduce guest worker programs and you reduce illegal immigration.

Mr. Bernanke testified before our Budget Committee a couple of weeks ago that we are treading water. We need 150,000 jobs added every month to stay even, and to change the dynamic of high unemployment we need at least 250,000 a month. We have had that coming out of previous recessions. We are just not seeing it in this one. An economy that only creates 36,000 jobs, even if that number is somewhat low because of bad weather, is in bad shape. It is below what the experts projected. I believe we can say now with great confidence that the Federal Government's attempts to borrow money—on which we pay interest as long as we live on this Earth—to pump into the economy as a short-term stimulus, a sugar high, is not effective. It is not working.

We have to do the kinds of things I mentioned, and there are a lot more that would actually create productivity, make our corporations and businesses more competitive, and therefore allow them to compete against foreign competition, create jobs, growth, exports—reduce our imports of oil and gas that are helping drive up our energy costs and moving jobs out of the country and moving American wealth out of the country.

If we do those kinds of things, we can make real progress. I think we can. We need help from the administration. I believe the American people are open to these ideas. The idea is that this is not a popular plan because we are talking about cutting taxes on corporations and nobody wants to do that, they don't believe that, the American people won't support that. But I think the American people will understand we cannot tax our corporations more than they are doing in Canada—35 percent to 16 percent—and expect to win competition for jobs and business. We have to look at the taxes that are killing jobs and try to make our tax policy nurture growth and prosperity.

Spending restraint is necessary now because of our profligate habits and the situation we find ourselves in. But it is not the future, if we do the right thing. This country can compete if we take on good policies in an effective way.

I yield the floor.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 289. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes.

S. 290. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes.

S. 291. A bill to repeal the sunset provisions in the USA PATRIOT Improvement and Reauthorization Act of 2005 and other related provisions and permanently reauthorize the USA PATRIOT Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 292. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. BARRASSO, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

AMENDMENT NO. 29

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 29 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 292. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to speak to a bill that I am re-

introducing, being cosponsored by my colleague MARK BEGICH from Alaska, to resolve a land conveyance dispute in Northwest Alaska, the Salmon Lake Land Selection Resolution Act.

Shortly after Alaska became a State in 1959, Alaska selected lands near Salmon Lake, a major fishery resource in the Bering Straits Region of Northwest Alaska. In 1971, Congress passed the Alaska Native Claims Settlement Act to resolve aboriginal land claims throughout the 49th State. In that act Congress created 12 regional native corporations in Alaska, providing the corporations with \$966 million and the right to select 44 million acres of land in return for giving up claims to their traditional lands. The land and money was to go to make the corporations profitable to provide benefits to their shareholders, the native inhabitants of Alaska. The Bering Straits Native Corporation, one of those 12 regional corporations, promptly selected lands in the Salmon Lake region overlapping State selections promised the State at the time that Alaska joined the Union in 1959. The corporation selected the area around the lake because the waters upstream and downstream from the lake are a prime fishery spawning area and contains fisheries resources of significance to Alaska Natives, in addition to offering land suitable for a variety of recreational activities.

For the past 40 years there have been conflicts over the conveyances, delaying land from going to the corporation, harming the economic and cultural benefits of the corporation model for all Native shareholders, and complicating land and wildlife management issues between Federal agencies and the State of Alaska. Starting in 1994, but accelerating in 1997, talks began among the State, Federal agencies and native corporations and towns in the region, located north of Nome—Salmon Lake itself is located 38 miles north of Nome—to reach a consensus on land uses in the region. Those talks reached agreement on June 1, 2007, with a resolution that satisfied all parties. This seemingly non-controversial legislation will implement the land management regime in the area and finally complete the conveyance of ANCSA lands to the Bering Straits Native Corporation—giving the corporation title after surveys to the last of the 145,728 acres it was promised by Section 14(h)(8) of ANCSA nearly 4 decades ago.

By this bill the Corporation will gain conveyance to 1,009 acres in the Salmon Lake area, 6,132 acres at Windy Cove, northwest of Salmon Lake, and 7,504 acres at Imuruk Basin, on the north shore of Imuruk Basin, a water body north of Windy Cove. In return the Corporation relinquishes rights to another 3,084 acres at Salmon Lake to the Federal Government, the government then giving part of the land to the State of Alaska for it to maintain

a key airstrip near the lake. The Federal Bureau of Land Management also retains ownership and administration of a 9-acre campground at the outlet of Salmon Lake, which provides road accessible public camping opportunities from the Nome-Teller Highway. The agreement also retains public access to BLM managed lands in the Kigluaik Mountain Range. In return for the trade, the Federal Government gains other lands from the State.

The bill fully protects recreation and subsistence uses in the area, while providing the Corporation with access to recreational-tourism sites of importance to its shareholders and which might some day produce revenues for the Corporation. The agreement has prompted no known environmental group concerns and seems to be the classic "win-win-win" solution that all sides should be congratulated for crafting.

After this bill was introduced in late winter 2009, only support for its provisions was voiced by the public and the Administration and Federal agencies during a Senate hearing held by the Senate Public Lands and Forests Subcommittee of the Energy and Natural Resources Committee on Oct. 8, 2009. After that hearing, the bill was unanimously approved by the full Energy and Natural Resources Committee on December 16, 2009; and it was awaiting passage at the end of the 111th Congress. A nearly identical bill was approved by the full House of Representatives on July 1, 2010 by a unanimous vote of 410-0. According to Congressional Budget Office estimates last year, it would have "negligible" costs to the Federal Government during a 10-year scoring window, and it actually will likely reduce Federal outlays since the land's transfer will reduce Federal Bureau of Land Management administrative costs.

Passage of this act is certainly in keeping with the spirit of the Alaska Lands Conveyance Acceleration Act that this body passed 7 years ago that was intended to help settle all outstanding land conveyance issues in Alaska by 2009—the 50th anniversary of Alaska Statehood. While the original agreement/extension covering the land exchange among the Federal Government, the State of Alaska and Bering Straits Native Corporation expired in late 2010, it has been extended once again by all parties to give Congress additional time to ratify the land exchange's terms. Ratification will largely complete the land conveyance process in Northwest Alaska.

I hope that Congress this year, before the latest deadline passes, will quickly pass this legislation. I particularly hope that the land swap is ratified quickly since December 18, 2011 will mark the 40th anniversary of ANCSA's passage. The shareholders of the Bering Straits region have waited 40 years to

finally receive the land and economic benefits promised to them when they relinquished their aboriginal land claims. It is only just that they not be made to wait any longer to enjoy the full benefits of the claims settlement act. This bill is also very important for residents of Nome who utilize the area for recreation and subsistence purposes and for all Alaska Natives who live in the Bering Straits Region.

AMENDMENTS SUBMITTED AND PROPOSED

SA 47. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 48. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 49. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 50. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 47. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, line 3, insert "or subpoena" after "discovery".

On page 209, line 7, strike "or".

On page 209, line 9, strike "report," and insert "report; or".

On page 209, between lines 9 and 10, insert the following:

(D) hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

(i) assessing and managing aviation safety risk; or

(ii) a safety management system acceptable to the Administrator.

On page 210, beginning in line 5, strike "an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report" and insert "reports or data described in subsection (a)(1) only".

On page 210, beginning in line 17, strike "an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report," and insert "reports or data described in subsection (a)(1)."

On page 211, beginning in line 2, strike "privileged self-analysis information as defined under the Federal Rules of Evidence."

and insert "information protected by the self-analysis privilege."

On page 211, beginning in line 5, strike "an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report" and insert "reports or data described in subsection (a)(1)".

On page 211, beginning in line 14, strike "an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report" and insert "reports or data described in subsection (a)(1)".

SA 48. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ ADS-B OVERSIGHT.

(a) COST BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall contract with an independent third party to conduct an updated cost benefit analysis of acquisition approaches for the Automatic Dependent Surveillance-Broadcast program (referred to in this section as the ADS-B program).

(2) PARAMETERS.—The analysis must include a comparison of the service-based contract approach with more traditional acquisition approaches, both for the entire contract and for each individual phase of the program.

(3) INDEPENDENCE.—The independent third party selected to conduct the analysis may not have a financial interest in the ADS-B program, and may not have any significant financial ties with either the contractor or subcontractors involved with the program.

(4) REVIEW BY DOTIG.—The Department of Transportation Inspector General shall conduct a review of the final Cost Benefit Analysis.

(5) REPORT.—The final analysis and accompanying Inspector General review shall be provided to the appropriate Congressional Committees.

(b) PERFORMANCE AND FINANCIAL AUDIT.—The Department of Transportation Inspector General shall conduct a performance and financial audit of the ADS-B program and issue a report on the audit's findings. At a minimum, the audit and report shall—

(1) identify all cost overruns that have occurred or are highly likely to occur;

(2) review the factors used by the Administration to measure contractor performance;

(3) identify all incentive fees, award fees, and other financial performance rewards that have been awarded to the contractor, including the specific performance merits upon which those financial rewards were granted;

(4) identify all requirements changes, contract modifications, and change orders, including the costs of such changes and the extent to which each change was subject to review to identify, analyze, and document the associated needs, risks, costs, and benefits; and

(5) make specific recommendations that would allow the Administration to more accurately track both capital and operating

costs and ensure timely and accurate disclosure of cost overruns.

(C) ACQUISITION MANAGEMENT AND OVERSIGHT.—

(1) **PLAN.**—The Administrator shall develop and submit to Congress an acquisition management and oversight plan for the ADS-B program. The plan shall—

(A) contain an assessment of current Administration acquisition, management, oversight, and contracting resources and capabilities devoted to the ADS-B program;

(B) identify actions that the Administration will take to improve its acquisition management and oversight of the ADS-B program;

(C) include staffing predictions, human capital needs, and training needs;

(D) identify specific processes and procedures for developing clear contract performance requirements and analyzing, approving, and managing requirements changes, contract modifications, and change orders; and

(E) address specifically the question of whether the Administration can better leverage acquisitions oversight and management expertise from other agencies within the Federal government.

(2) **DOTIG REVIEW.**—The Department of Transportation's Inspector General shall conduct a review of the plan submitted under paragraph (1).

(3) **TECHNICAL REQUIREMENTS.**—The Administration shall maintain the technical authority to establish, approve, and maintain technical requirements for the ADS-B program.

(4) **SELF-CERTIFICATION PROHIBITED.**—All certifications for capability and performance of ADS-B systems shall be conducted by the Administration or an independent third party, and self-certification by a contractor or subcontractor is not allowed.

(d) **CONTRACT REVIEW.**—The Comptroller General shall conduct an audit and review of the ADS-B contracts, and issue a report to Congress which, at a minimum, identifies and analyzes—

(1) any terms and structural features of the contract that may put the Federal government at a financial, legal, technical, or negotiating disadvantage, both during contract execution and throughout the life-cycle of the ADS-B system;

(2) specific risks and management challenges that can be expected to arise from specific contract terms or from the overall contract and acquisition structure;

(3) unclear performance and contract requirements that may increase costs, risks, and the probability of inadequate system performance;

(4) the procedures that Administration and the contractor used to write the contract, including who was tasked with both writing and reviewing contract language;

(5) contract terms or structures that may prevent or discourage financial transparency;

(6) benefits, risks, management challenges, and potential conflicts of interest associated with allowing the contractor to sell value added services, including recommendations for how to protect the public interest under such an arrangement;

(7) risks associated with utilizing a performance-based contract for the ADS-B program; and

(8) the short and long term advantages, disadvantages, and risks of—

(A) utilizing a cost plus incentive fee structure for development of the ADS-B ground system; and

(B) Ownership of the ground systems by the contractor instead of the Administration.

(e) **RESTRICTIONS.**—Until the requirements of this section have been fulfilled, the Administrator—

(1) may not execute any additional contracts, contract changes, requirements changes, task orders, or work orders for the Automatic Dependent Surveillance-Broadcast Program; and

(2) may not exercise any contract options for the Automatic Dependent Surveillance-Broadcast Program.

SA 49. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. ____ DOÑA ANA COUNTY AIRPORT.

(a) **IN GENERAL.**—Notwithstanding section 23 of the Airport and Airway Development Act of 1970 (as in effect on August 4, 1982), or sections 47125 and 27153 of title 49, United States Code, the Secretary of Transportation may, subject to subsection (b), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30-82-0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(b) **CONDITIONS.**—Any release granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

SA 50. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS

Subtitle A—Emergency Medical Service Providers Protection

SEC. ____01. DALE LONG EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION ACT.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Dale Long Emergency Medical Service Providers Protection Act”.

(b) **ELIGIBILITY.**—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a pre-hospital emergency medical response agency;”;

and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking “as a chaplain” and all that follows through the semicolon, and inserting “or as a chaplain;”;

(B) in subparagraph (B)(ii), by striking “or” after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(D) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”

(c) **OFFSET.**—Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, \$13,000,000 are permanently cancelled.

(d) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply only to injuries sustained on or after June 1, 2009.

Subtitle B—Liability Protection

SEC. ____11. SHORT TITLE.

This subtitle may be cited as the “Volunteer Pilot Protection Act of 2011”.

SEC. ____12. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In calendar year 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) **PURPOSE.**—The purpose of this title is to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

SEC. ____13. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended in subsection (a)(4)—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “the harm” and inserting “(A) except in the case of subparagraph (B), the harm”;

(3) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(B) the volunteer—

“(i) was operating an aircraft to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability

of the services that such volunteers provide, including transportation at no cost to financially needy medical patients for medical

treatment, evaluation, and diagnosis, and for humanitarian and charitable purposes; and

“(ii) was properly licensed and insured for the operation of such aircraft.”.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Bina:									
United States	Dollar				9,175.90				9,175.90
Thailand	Baht		1,376.00						1,376.00
Ross Noland:									
United States	Dollar				9,175.90				9,175.90
Thailand	Baht		1,376.00						1,376.00
Claude Smith:									
United States	Dollar				14,709.00				14,709.00
Thailand	Baht		566.66						566.66
Brian Baenig:									
United States	Dollar				9,688.40				9,688.40
France	Euro		1,461.00						1,461.00
Belgium	Euro		381.00						381.00
United Kingdom	Pound		546.00						546.00
Cory Claussen:									
United States	Dollar				1,075.37				1,075.37
Germany	Euro		421.00						421.00
France	Euro		974.00						974.00
Belgium	Euro		381.00						381.00
United Kingdom	Pound		910.00						910.00
Patrick McCarty:									
United States	Dollar				10,562.40				10,562.40
France	Euro		974.00						974.00
Belgium	Euro		381.00						381.00
United Kingdom	Pound		910.00						910.00
Total			10,657.66		54,386.97				65,044.63

SENATOR BLANCHE L. LINCOLN,
Chairman, Committee on Agriculture, Nutrition and Forestry, Dec. 31, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gary Reese:									
United States	Dollar				6,387.49				6,387.49
Jordan	Dinar		620.00						620.00
Israel	Shekel		932.00						932.00
Brian Wilson:									
United States	Dollar				6,387.49				6,387.49
Jordan	Dinar		620.00						620.00
Israel	Shekel		932.00						932.00
Kate Fitzpatrick:									
United States	Dollar				10,124.70				10,124.70
Japan	Yen		875.00						875.00
Indonesia	Rupiah		121.00						121.00
Singapore	Dollar		202.00						202.00
Alycia Farrell:									
United States	Dollar				10,124.70				10,124.70
Japan	Yen		875.00						875.00
Indonesia	Rupiah		121.00						121.00
Singapore	Dollar		202.00						202.00
Christina Evans:									
United States	Dollar				9,412.00				9,412.00
Germany	Euro		696.00						696.00
Djibouti	Dollar		174.00						174.00
Italy	Euro		208.00						208.00
Dennis Balkham:									
United States	Dollar				9,412.00				9,412.00
Germany	Euro		696.00						696.00
Djibouti	Franc		174.00						174.00
Italy	Euro		208.00						208.00
Benjamin Hammond:									
United States	Dollar				9,486.50				9,486.50
Germany	Euro		696.00						696.00
Djibouti	Franc		174.00						174.00
Italy	Euro		92.12						92.12
Andy VanLandingham:									
United States	Dollar				9,342.80				9,342.80
Germany	Euro		696.00						696.00
Djibouti	Franc		174.00						174.00
Italy	Euro		218.00						218.00
Paul Grove:									
United States	Dollar				11,308.60				11,308.60
United Arab Emirates	Dirham		193.00						193.00
Afghanistan	Afghanis		28.00						28.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Pakistan	Rupee		60.00						60.00
Michele Wymer:									
United States	Dollar				10,259.20				10,259.20
Kenya	Shilling		1,956.00						1,956.00
Art Cameron:									
United States	Dollar				1,491.70				1,491.70
Colombia	Peso		306.00						306.00
Howard Sutton:									
United States	Dollar				1,491.70				1,491.70
Colombia	Peso		306.00						306.00
Senator Daniel Inouye:									
South Korea	Won		784.54						784.54
Japan	Yen		3,342.68						3,342.68
Nicole Diresta:									
South Korea	Won		784.54						784.54
Japan	Yen		1,285.36						1,285.36
Kay B. Webber:									
South Korea	Won		784.54						784.54
Japan	Yen		1,887.36						1,887.36
Senator Thad Cochran:									
South Korea	Won		784.54						784.54
Japan	Yen		3,342.68						3,342.68
Margaret Cuminsky:									
South Korea	Won		566.89						566.89
Japan	Yen		174.26						174.26
Stewart Holmes:									
South Korea	Won		784.54						784.54
Japan	Yen		1,617.36						1,617.36
Senator Arlen Specter:									
United States	Dollar				10,395.10				10,395.10
Turkey	Lira		308.00						308.00
Israel	Shekel		1,478.00						1,478.00
Syria	Pound		104.00						104.00
Germany	Euro		453.87						453.87
John Myers:									
United States	Dollar				8,181.04				8,181.04
Turkey	Lira		308.00						308.00
Israel	Shekel		1,478.00						1,478.00
Syria	Pound		104.00						104.00
Germany	Euro		453.87						453.87
Senator Barbara Mikulski:									
United States	Dollar				1,089.10				1,089.10
Canada	C. Dollar		718.00						718.00
Brian P. Monahan:									
South Korea	Won		960.00						960.00
Japan	Yen		114.76						114.76
Total			35,174.91		114,894.12				150,069.03

SENATOR DANIEL K. INOUE,
Chairman, Committee on Appropriations, Jan. 25, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jason W. Maroney:									
United States	Dollar				9,275.00				9,275.00
Germany	Dollar		482.00						482.00
Djibouti	Dollar		93.00						93.00
Italy	Dollar		372.00						372.00
John W. Heath, Jr.:									
United States	Dollar				9,466.70				9,466.70
Germany	Euro		318.98		153.05				472.03
William K. Sutey:									
United States	Dollar				9,466.70				9,466.70
Germany	Euro		310.56		153.05				463.61
Lucian L. Niemeyer:									
United States	Dollar				9,275.80				9,275.80
Germany	Euro		1,105.04						1,105.04
Djibouti	Dollar		332.13						332.13
Italy	Euro		1,015.23						1,015.23
Senator Joseph I. Lieberman:									
United Arab Emirates	Dollar		192.00						192.00
Afghanistan	Dollar		73.00						73.00
Pakistan	Dollar		60.00						60.00
Vance Serchuk:									
United Arab Emirates	Dollar		192.00						192.00
Afghanistan	Dollar		73.00						73.00
Pakistan	Dollar		60.00						60.00
Turkey	Dollar		165.00						165.00
Senator Joseph I. Lieberman:									
Qatar	Dollar		209.00						209.00
Bahrain	Dollar		86.00						86.00
Israel	Dollar		413.00						413.00
Vance Serchuk:									
Qatar	Dollar		325.00						325.00
Bahrain	Dollar		127.00						127.00
Israel	Dollar		653.00						653.00
Christopher Griffin:									
Qatar	Dollar		307.00						307.00
Bahrain	Dollar		96.00						96.00
Israel	Dollar		457.10						457.10

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brooke Buchanan:									
Canada	Dollar		172.00						172.00
United Arab Emirates	Dollar		192.00						192.00
Afghanistan	Dollar		73.00						73.00
Pakistan	Dollar		60.00						60.00
Turkey	Dollar		165.00						165.00
Senator Mark Udall:									
United Arab Emirates	Dollar		54.50		21.00				75.50
Iraq	Dollar				39.50				39.50
Jennifer Barrett:									
Kuwait	Dollar				25.00				25.00
Pakistan	Dollar		58.50						58.50
United Arab Emirates	Dollar		54.50						54.50
Iraq	Dollar				39.50				39.50
Senator Lindsey O. Graham:									
Canada	Dollar		65.64						65.64
Iraq	Dollar		2.80						2.80
United Arab Emirates	Dollar		297.42						297.42
Afghanistan	Dollar		15.59						15.59
Turkey	Dollar		167.01						167.01
Andy Olson:									
Canada	Dollar		65.64						65.64
Iraq	Dollar		2.80						2.80
United Arab Emirates	Dollar		297.42						297.42
Afghanistan	Dollar		15.59						15.59
Turkey	Dollar		162.81						162.81
Dana W. White:									
United States	Dollar				9,186.00				9,186.00
Turkey	Dollar		107.00						107.00
Georgia	Dollar		73.00						73.00
William G.P. Monahan:									
United States	Dollar				9,185.80				9,185.80
Turkey	Dollar		125.00						125.00
Georgia	Dollar		50.00						50.00
Christian D. Brose:									
Canada	Dollar		172.00						172.00
United Arab Emirates	Dollar		192.00						192.00
Afghanistan	Dollar		85.00						85.00
Turkey	Dollar		165.00						165.00
Sandra Luff:									
Canada	Dollar		57.00						57.00
Michael V. Kostiw:									
United States	Dollar				10,353.60				10,353.60
United Arab Emirates	Dollar		143.00						143.00
Senator John McCain:									
Canada	Dollar		79.94						79.94
Iraq	Dollar		2.80						2.80
United Arab Emirates	Dollar		297.42						297.42
Afghanistan	Dollar		315.59						315.59
Turkey	Dollar		20.81						20.81
Total			11,324.82		66,515.70		125.00		77,965.52

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, Dec. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher J. Dodd:									
Cuba	CUC		628.00						628.00
United States	Dollar				1,220.40				1,220.40
Joshua Blumenfeld:									
Cuba	CUC		418.00						418.00
United States	Dollar				1,220.40				1,220.40
Total			1,046.00		2,440.80				3,486.80

SENATOR CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs, Jan. 3, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Drake:									
United States	Dollar				12,971.80				12,971.80
Japan	Yen		5,162.00		1,012.00				6,174.00
Total			5,162.00		13,983.80				19,145.80

SENATOR JOHN D. ROCKEFELLER,
Chairman, Committee on Commerce, Science, and Transportation,
Jan. 25, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
United States	Dollar				9,342.60				9,342.60
Japan	Yen		2,126.15						2,126.15
Robert Simon:									
United States	Dollar				9,413.20				9,413.20
Japan	Yen		2,276.13						2,276.13
Jonathan Epstein:									
United States	Dollar				9,413.20				9,413.20
Japan	Yen		2,410.94						2,410.94
Trudy Vincent:									
United States	Dollar				10,641.20				10,641.20
Japan	Yen		2,122.01						2,122.01
Derek Dorn:									
United States	Dollar				10,641.20				10,641.20
Japan	Yen		2,231.21						2,231.21
Jonathan Black:									
United States	Dollar				618.72				618.72
Mexico	Peso		1,366.00						1,366.00
Total			12,532.44		50,070.12				62,602.56

SENATOR JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, Dec. 17, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Ordal:									
United States	Dollar				780.72				780.72
Mexico	Peso		1,038.00						1,038.00
Mexico	Peso					84.34			84.34
Kate Gilman:									
Mexico	Peso		681.00						681.00
Total			1,719.00		780.72		84.34		2,584.06

SENATOR BARBARA BOXER,
Chairman, Committee on Environment and Public Works, Jan. 25, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
China	Renminbi		1,874.71						1,874.71
United States	Dollar				16,575.10				16,575.10
Chelsea Thomas:									
China	Renminbi		2,101.56						2,101.56
United States	Dollar				15,719.10				15,719.10
Scott Mulhauser:									
China	Renminbi		2,034.81						2,034.81
United States	Dollar				15,204.10				15,204.10
Amber Cottle:									
China	Renminbi		2,042.23						2,042.23
United States	Dollar				16,575.10				16,575.10
Ayesha Khanna:									
China	Renminbi		2,128.72						2,128.72
United States	Dollar				16,575.10				16,575.10
Jonathan Selib:									
China	Renminbi		1,918.60						1,918.60
United States	Dollar				14,777.40				14,777.40
Gabriel Adler:									
China	Renminbi		2,066.31						2,066.31
United States	Dollar				18,685.10				18,685.10
Delegation Expenses:*									
China	Renminbi					8,636.32			8,636.32
Michael Smart:									
Republic of Korea	Won		2,397.26						2,397.26
United States	Dollar				9,600.50				9,600.50
Ayesha Khanna:									
Republic of Korea	Won		2,449.16						2,449.16
United States	Dollar				9,600.50				9,600.50
Total			19,013.36		133,312.00		8,636.32		160,961.68

*Delegation expenses include interpretation services, vehicle rentals, overtime, cell-phone rental and other expenses.

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, Jan. 31, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
United Arab Emirates	Dirham		14.00						14.00
United States	Dollar				11,060.10				11,060.10
Senator Kirsten E. Gillibrand:									
United Arab Emirates	Dirham		192.00						192.00
Afghanistan	Afghani		30.88						30.88
Turkey	Lira		207.12						207.12
United States	Dollar				6,570.10				6,570.10
Senator John Kerry:									
Sudan	Dinar		165.00						165.00
Syria	Pound		92.00						92.00
Turkey	Lira		71.00						71.00
Israel	Shekel		179.00						179.00
United States	Dollar				3,315.59				3,315.59
Senator John Kerry:									
Sudan	Dinar		231.26						231.26
United States	Dollar				8,831.69				8,831.69
Senator Richard Lugar:									
Spain	Euro		149.62						149.62
Uganda	Shilling		175.93						175.93
Kenya	Shilling		126.93						126.93
United Kingdom	Pound		84.52						84.52
Senator James Risch:									
United Kingdom	Pound		1,080.00						1,080.00
United States	Dollar				10,550.00				10,550.00
Fulton Armstrong:									
Mexico	Peso		175.75						175.75
United States	Dollar				1,125.94				1,125.94
Elana Broitman:									
United Arab Emirates	Dirham		192.00						192.00
Afghanistan	Afghani		15.59						15.59
Turkey	Lira		277.41						277.41
United States	Dollar				6,570.10				6,570.10
Neil Brown:									
Spain	Euro		355.00						355.00
Uganda	Shilling		435.00						435.00
Kenya	Shilling		286.00						286.00
United Kingdom	Pound		194.00						194.00
Jason Bruder:									
Estonia	Kroon		218.00						218.00
Lithuania	Lita		284.00						284.00
Poland	Zloty		620.00						620.00
United States	Dollar				4,339.20				4,339.20
Perry Cammack:									
Kuwait	Dinar		134.00						134.00
United States	Dollar				15,759.70				15,759.70
Douglas Frantz:									
United Kingdom	Pound		186.60						186.60
Sudan	Dollar		81.50						81.50
Israel	Shekel		24.65						24.65
United States	Dollar				8,796.69				8,796.69
Douglas Frantz:									
Austria	Euro		1,150.24						1,150.24
United States	Dollar				3,259.80				3,259.80
Mark Hayes:									
Spain	Euro		165.00						165.00
Uganda	Shilling		498.00						498.00
Kenya	Shilling		332.00						332.00
United Kingdom	Pound		166.00						166.00
Frank Jannuzi:									
Finland	Euro		507.00						507.00
Germany	Euro		378.00						378.00
United States	Dollar				2,084.60				2,084.60
Gregory Kausner:									
Kuwait	Dinar		40.00						40.00
United States	Dollar				15,759.70				15,759.70
Robin Lerner:									
Switzerland	Franc		838.00						838.00
United States	Dollar				1,713.10				1,713.10
Frank Lowenstein:									
Sudan	Dinar		218.00						218.00
Syria	Pound		71.00						71.00
Turkey	Lira		129.00						129.00
Israel	Shekel		169.00						169.00
United States	Dollar				3,358.59				3,358.59
Kenneth Myers Jr.:									
Spain	Euro		167.73						167.73
Uganda	Shilling		197.23						197.23
Kenya	Shilling		142.84						142.84
United Kingdom	Pound		94.20						94.20
Melanie Nakagawa:									
Mexico	Peso		813.00						813.00
United States	Dollar				1,225.79				1,225.79
Stacie Oliver:									
Afghanistan	Afghani		35.00						35.00
Kuwait	Dinar		40.00						40.00
Iraq	Dinar		44.00						44.00
United States	Dollar				9,764.60				9,764.60
Shannon Smith:									
Sudan	Dollar		268.00						268.00
United States	Dollar				8,796.69				8,796.69
Shannon Smith:									
Sudan	Dollar		354.00						354.00
United States	Dollar				6,252.10				6,252.10
Christopher Socha:									
United Kingdom	Pound		1,285.00						1,285.00
Armenia	Dram		683.65						683.65
United States	Dollar				3,114.60				3,114.60
Atman Trivedi:									
China	Renminbi		1,918.00						1,918.00
United States	Dollar				2,520.00				2,520.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anthony Wier:									
Estonia	Kroon		218.00						218.00
Lithuania	Lita		284.00						284.00
Poland	Zloty		620.00						620.00
United States	Dollar				4,339.20				4,339.20
Debbie Yamada:									
Italy	Euro		357.00						357.00
Charles Ziegler:									
United States	Dollar				11,060.10				11,060.10
Total			18,461.65		150,168.58				168,630.23

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Jan. 26, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph I. Lieberman:									
United States	Dollar				2,220.73				2,220.73
Christian Beckner:									
United States	Dollar				929.30				929.30
Canada	Dollar		476.26						476.26
Seamus Hughes:									
United States	Dollar				1,727.44				1,727.44
Canada	Dollar		277.10						277.10
Deborah Parkinson:									
United States	Dollar				952.30				952.30
United Kingdom	Pound		1,680.00						1,680.00
Jeffrey Greene:									
United States	Dollar				1,239.30				1,239.30
United Kingdom	Pound		1,820.00						1,820.00
Vance Serchuk:									
United States	Dollar				1,056.10				1,056.10
United Arab Emirates	Dirham		2,623.00						2,623.00
Total			6,876.36		8,125.17				15,001.53

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Jan. 27, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary-Sumpter Lapinski:									
Kenya	Shilling		1,956.00						1,956.00
United States	Dollar				10,259.70				10,259.70
Craig Martinez:									
Kenya	Shilling		1,956.00						1,956.00
United States	Dollar				10,259.70				10,259.70
Hayden Rhudy:									
Kenya	Shilling		1,956.00						1,956.00
United States	Dollar				10,259.70				1,956.00
Total			5,868.00		30,779.10				36,647.10

SENATOR TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions,
Jan. 27, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
United States	Dollar				8,463.00				8,463.00
Netherlands	Euro		1,712.22						1,712.22
Christopher Averill:									
United States	Dollar				18,569.20				18,569.20
Vietnam	Dong		792.00						792.00
Thailand	Baht		651.58						651.58
Singapore	Dollar		131.00						131.00
Caroline Bruckner:									
United States	Dollar				18,569.20				18,569.20
Vietnam	Dong		702.00						702.00
Thailand	Baht		703.58						703.58

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Singapore	Dollar		621.98						621.98
Jane Campbell:									
United States	Dollar				975.00				975.00
Netherlands	Euro		2,221.50						2,221.50
Jeanne Marie Ganucheau:									
United States	Dollar				1,012.00				1,012.00
Netherlands	Euro		1,791.50						1,791.50
Wallace Hsueh:									
United States	Dollar				18,569.20				18,569.20
Vietnam	Dong		882.67						882.67
Thailand	Baht		642.25						642.25
Singapore	Dollar		166.67						166.67
Tanner Johnson:									
United States	Dollar				975.00				975.00
Netherlands	Euro		1,566.00						1,566.00
Thomas Bradley Keith:									
United States	Dollar				1,092.00				1,092.00
Netherlands	Euro		2,221.50						2,221.50
Matthew Lehner:									
United States	Dollar				975.00				975.00
Netherlands	Euro		1,508.26						1,508.26
Cheryl Miller:									
United States	Dollar				18,569.20				18,569.20
Vietnam	Dong		863.83						863.83
Thailand	Baht		623.42						623.42
Singapore	Dollar		708.31						708.31
Ami Sanchez:									
United States	Dollar				18,615.60				18,615.60
Vietnam	Dong		885.33						885.33
Thailand	Baht		644.67						644.67
Singapore	Dollar		729.56						729.56
Matthew Walker:									
United States	Dollar				17,661.60				17,661.60
Vietnam	Dong		795.33						795.33
Thailand	Baht		554.91						554.91
Singapore	Dollar		79.34						79.34
Delegations Expenses*									
Netherlands	Euro					7,523.17			7,523.17
Vietnam	Dong					409.70			409.70
Thailand	Baht					922.24			922.24
Singapore	Dollar					1,295.59			1,295.59
Total			22,199.41		124,046.00		10,150.70		156,396.11

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–382, and S. Res. 179 agreed to May 25, 1977.

SENATOR MARY L. LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship,
Jan. 26, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE, ADDENDUM TO 3RD QUARTER 2010 FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Louis Tucker	Dollar				1,291.80		56.31		1,348.11
Total					1,291.80		56.31		1,348.11

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Jan. 19, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Coburn			390.62						390.62
Senator Saxby Chambliss	Dollar		304.98		10,939.50				10,939.50
Senator Orrin Hatch	Dollar		369.62		10,841.50				10,841.50
Jacqueline Russell	Dollar		390.62		10,939.50				10,939.50
Paul Matulic	Dollar		404.62		10,841.50				10,841.50
Jennifer Wagner	Dollar		465.62		10,841.50				10,841.50
Jeremy Hayes	Dollar		340.62		10,841.50				10,841.50
Eric Chapman	Dollar		1,424.00		16,462.50				16,462.50
Jeffrey Howard	Dollar		1,126.61		16,462.50				16,462.50
Jennifer Wagner	Dollar		631.00		9,761.20				9,761.20
James Smythers			636.00						636.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Matulic	Dollar		648.00		9,761.20				9,761.20
Senator Sheldon Whitehouse	Dollar		608.00		9,761.20				9,761.20
Andrew Grotto	Dollar		594.00		9,237.10				9,237.10
John Maguire	Dollar		1,418.00		9,237.10				9,237.10
Andrew Grotto	Dollar		1,464.00		16,462.50				16,462.50
Andrew Grotto	Dollar				16,462.50				16,462.50
Total			11,216.31		189,694.30				200,910.61

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Jan. 19, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rene Hanna:	Dollar				949.47				949.47
United States	Peso		1,200.00				1,259.00		2,459.00
Mexico									
Total			1,200.00		949.47		1,259.00		3,408.47

SENATOR DIANNE FEINSTEIN,
Senate Caucus on International Narcotics Control, Jan. 26, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin Cardin:									
Italy	Euro		157.00						157.00
United States	Dollar				3,999.80				3,999.80
Representative Chris Smith:									
Italy	Euro		90.00						90.00
United States	Dollar				4,915.20				4,915.20
Canada	Dollar		425.81						425.81
United States	Dollar				2,082.41				2,082.41
Fred Turner:									
Italy	Euro		545.00						545.00
Poland	Zloty		388.00						388.00
United States	Dollar				3,486.00				3,486.00
Azerbaijan	Manat		456.00						456.00
United States	Dollar				9,875.90				9,875.90
Cynthia Efrid:									
Kazakhstan	Tenge		409.26						409.26
United States	Dollar				11,645.20				11,645.20
Austria	Euro		2,649.78						2,649.78
United States	Dollar				3,405.90				3,405.90
Poland	Zloty		648.63						648.63
United States	Dollar				6,201.20				6,201.20
Orest Deychakiwsky:									
Bosnia & Herzegovin	Mark		930.00						930.00
United States	Dollar				2,766.50				2,766.50
Belarus	Ruble		1,085.00						1,085.00
United States	Dollar				3,380.40				3,380.40
Shelly Han:									
Austria	Euro		3,019.42						3,019.42
United States	Dollar				3,372.90				3,372.90
Kyrgyzstan	Som		546.13						546.13
United States	Dollar				10,828.52				10,828.52
Belgium	Euro		1,097.00						1,097.00
United States	Dollar				1,694.80				1,694.80
Janice Helwig:									
Kazakhstan	Tenge		2,279.00						2,279.00
United States	Dollar				10,199.70				10,199.70
Kyrgyzstan	Som		971.30						971.30
Poland	Zloty		388.00						388.00
United States	Dollar				10,904.52				10,904.52
Austria	Euro		2,439.15						2,439.15
United States	Dollar				5,460.60				5,460.60
Alex Johnson:									
Kazakhstan	Tenge		2,359.00						2,359.00
United States	Dollar				2,907.96				2,907.96
Denmark	Krone		330.00						330.00
Austria	Euro				690.00				690.00
Azerbaijan	Manat		570.00						570.00
Austria	Euro				1,102.78				1,102.78
Poland	Zloty		1,020.00						1,020.00
Austria	Euro				871.62				871.62
Austria	Euro		17,149.00						17,149.00
Marlene Kaufmann:									
Italy	Euro		436.00						436.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Malta	Euro		1,004.00						1,004.00
United States	Dollar				3,529.50				3,529.50
Ronald McNamara:									
Canada	Dollar		557.74						557.74
United States	Dollar				2,082.41				2,082.41
Winsome Packer:									
Austria	Euro		2,119.00						2,119.00
United States	Dollar				5,553.50				5,553.50
Daniel Redfield:									
Moldova	Leu		1,025.00						1,025.00
Germany	Euro		288.30						288.30
United States	Dollar				4,750.30				4,750.30
Erika Schlager:									
Kazakhstan	Tenge		2,332.85						2,332.85
United States	Dollar				10,199.70				10,199.70
Poland	Zloty		1,200.40						1,200.40
United States	Dollar				2,684.20				2,684.20
Josh Shapiro:									
Belarus	Ruble		1,135.00						1,135.00
United States	Dollar				3,991.60				3,991.60
Neil Simon:									
Kazakhstan	Tenge		1,857.88						1,857.88
United States	Dollar				10,199.70				10,199.70
Mischa Thompson:									
Austria	Euro		1,452.00						1,452.00
United States	Dollar				3,534.20				3,534.20
Poland	Zloty		494.00						494.00
United States	Dollar				2,750.50				2,750.50
Total			53,854.65		149,067.52				202,922.17

SENATOR BENJAMIN L. CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
Jan. 25, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tom Hawkins:									
Afghanistan	Dollar		28.00						28.00
Pakistan	Dollar		80.00						80.00
Total			108.00						108.00

SENATOR MITCH McCONNELL,
Republican Leader, Jan. 6, 2011.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that on Monday, February 7, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 3, 6, and 8; that there be 1 hour for debate, equally divided in the usual form; that upon the use or yielding back of that time Calendar No. 8 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 3 and Calendar No. 6 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 7, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Monday, February 7 at 2 p.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted during that hour to speak for up to 10 minutes; that following morning business, the Senate resume consideration of the Federal Aviation Administration authorization bill; and that at 4:30 the Senate proceed to executive session as required under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we hope to process some amendments to the FAA bill during Monday's session. If Senators have amendments to the bill, they should contact the bill managers.

Under the previous order, there will be two rollcall votes at 5:30 p.m. Those votes will be on confirmation of Calendar No. 3, Paul Holmes, of Arkansas, to be a district judge for the Western District of Arkansas; and Calendar No. 6, Diana Saldana, of Texas, to be a U.S. district judge for the Southern District of Texas.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 7, 2011, at 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:36 p.m., adjourned until Monday, February 7, 2011, at 2 p.m.

SENATE—Monday, February 7, 2011

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God, the center of joy, thank You for the privilege of prayer. In a world filled with change and decay, Lord, we are grateful that we can always call to You, the changeless one. Today we ask You to guide our lawmakers. Shine the light of Your wisdom and truth upon their path. Give them patience to wait for Your clear guidance and courage to follow where You lead. Remove pride from their hearts and replace it with a spirit of humility and unity. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, DC, February 7, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the order of the votes scheduled at 5:30 be as follows,

and that the remainder of the consent remain in effect: Calendar No. 6 would be first; Calendar No. 3 would be second.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following leader remarks there be a period of morning business until 3 p.m. At 3 p.m., the Senate will resume consideration of the Federal Aviation Administration bill. There will be a short recess around 4:20 p.m. in order to welcome the Prime Minister of Slovenia to the Senate floor. At 4:30 the Senate will turn to executive session to debate concurrently three district court nominations. Those nominations are Paul Holmes of Arkansas, Diana Saldana of Texas, and Marco Hernandez of Oregon. At 5:30 there will be two rollcall votes on confirmation of the Saldana and Holmes nominations in the order that was just entered.

100TH BIRTHDAY OF RONALD REAGAN

Mr. REID. Mr. President, Ronald Reagan's second inauguration was the first one I attended as a Member of Congress. It was bitterly cold that day. While the temperatures sank into the single digits, Reagan became the first and only President to take the oath of office in the Capitol Rotunda.

He said in an indoor inaugural address:

History is a ribbon, always unfurling. History is a journey. And as we continue our journey, we think of those that traveled before us.

Yesterday would have been President Reagan's 100th birthday. Today, we think of President Reagan and how he steered America's travels through history's journey. I first met President Reagan when he was Governor of California. I was the Lieutenant Governor of Nevada. We met in Heavenly Valley, on the Nevada side of Lake Tahoe, to watch the first annual "hot-dogging" skiing championship. As I said, I first met him and we had a wonderful visit. I enjoyed that day very much.

His own travels took him not only to Lake Tahoe in my State but through the entire State. California's Ronald Reagan was a close friend of Nevada's. In his earliest days as an actor, he entertained crowds at the Last Frontier on the Las Vegas strip. Decades later, the same week Ronald Reagan became Governor of California, Paul Laxalt became Governor next door in Nevada.

When Reagan first sought the Presidency, Laxalt managed his campaign, and when President Reagan worked down the street at the White House, Paul Laxalt worked here as Nevada's senior Senator. It was a special relationship, a unique relationship, one so close that some called Senator Laxalt the First Friend, and he was that.

I was fortunate enough to see firsthand President Reagan's appreciation for Nevada. After talking to Nevadans in Ely and across eastern Nevada, I came to the conclusion that I should drop some wilderness I was going to put in place and instead form a national park. Nevada did not have a national park, and we would call it the Great Basin National Park. After I introduced that legislation and it passed, President Reagan's Secretary of Agriculture recommended that he veto what would be Nevada's only national park. The Agriculture Secretary did not much like the idea of a young Member of Congress from the other political party putting such a bill on the President's desk.

I was worried about that. Word came to me that the President was going to veto this bill that was important to me. I asked for a meeting with his Superintendent of Parks, the National Parks Director. He had been the Superintendent of Parks for Ronald Reagan when Reagan was Governor of California. His name was Penn Mott. When he came to see me, he had been in the service of our country in many different ways. He was an elderly man when he came to see me. I explained to him what was happening and that I was told that President Reagan, upon recommendation of one of his Cabinet members, was going to veto my bill. That man looked at me and he said: President Reagan is not going to veto that bill. He said, when I was a young park ranger in 1928, Key Pittman, who was a famous Nevada Senator, very close to President Roosevelt, sent me to Nevada to find a place for a national park. He said: That is my park. I am the one who said it would go there. That is where it should go, and it never made it legislatively. But because of that meeting I had, and Ronald Reagan's understanding of what politics is all about, he did not veto my bill. He overruled his Secretary, and together, HARRY REID and Ronald Reagan created the Great Basin National Park.

It was not the last time President Reagan and I worked together to preserve our West. I introduced legislation that was important legislation. It involved two Indian tribes, two endangered species, it involved Lake Tahoe,

and it involved two rivers, the Truckee and Carson Rivers—I think I mentioned the two Indian tribes—a huge wetlands that had gone from a couple of hundred thousand acres to maybe less than a thousand very putrid acres. Birds died eating and drinking there. The wetlands basically had dried up.

It was a very important piece of legislation, but I got it passed. I got it passed here. Then it went to the House and got passed. Again, President Reagan's advisers recommended he veto that bill. Part of it was because of who pushed the legislation through. But President Reagan knew how important it was to Lake Tahoe, and one of his assistants, Sig Rogich, talked to him. Sig is a long-time Nevadan, worked very closely with President Reagan and with President Bush, and he talked to him about this important legislation. It was not vetoed. He signed this bill in spite of people recommending that this not be signed.

President Reagan's help in ending this water war meant a lot to me because he knew that when Americans are all in this together, even local issues, even statewide issues, are all of our concern. I remember how he signed my bill to establish this park because his view of that national park embodied his vision of the Nation.

He never looked at the legislation as a map of red States and blue States and purple States but as a landscape of States colored by green forests and brown deserts and clear waters.

My legislation, entitled the Negotiated Settlement, has changed that part of the country. Lake Tahoe is better off. The Indian tribes are better off. We preserved a lake, Lake Pyramid. It was landmark legislation. It could not have been done without his signature.

He knew when the Sun breached the horizon each day, the morning that dawned in America was a morning for all Americans and for families of all backgrounds. He said in that second inaugural address, "we have worked and acted together, not as members of political parties, but as Americans."

Ronald Reagan was a Republican President from the West, who cherished a famously close friendship with Tip O'Neill, a Democratic Speaker of the House from the East. Ronald Reagan was a patriot who created a friendship with Mikhail Gorbachev, the leader of a nation he called an Evil Empire. He would make certain America could defend herself but quietly sent a diplomatic team to start negotiating with the Soviet Union the minute he took office.

Ronald Reagan knew politics has always been and always will be about compromise, and that compromise can only happen when politicians share personal relationships. He knew public servants worked better as partners rather than partisans. And as much as he criticized government, he knew it

was not a faceless machine. He appreciated that government exists, as Lincoln said, of, for, and by the people.

That is why he was more beholden to simple pragmatism than stubborn principle. That is why he, a staunch conservative, raised taxes 11 times when the economy needed revenue. It is why he viewed the challenge of immigration through a practical lens. It is why he knew America could be strong and would be stronger still in a world without nuclear weapons.

He was not perfect. I did not agree with many of his politics or policies. But I always admired the way he captured our country's imagination. I always respected his honest assessment of his strengths and limitations alike. He was somebody who could look at himself and we would all smile a little bit.

One time he was running for Governor of California and someone asked him: Do you think you will be a good Governor? He said: I do not know. I have never acted the part.

That is who he was. He honestly assessed who he was, his strengths and limitations, and I admired the way he humbly surrounded himself with good, smart people.

A century after his birth Ronald Reagan's legacy remains as enduring as anyone who has ever unfurled the long ribbon of our Nation's history. That legacy lives not merely in his policies, and to honor it, it is not enough to try to apply his solutions of 30 years ago to the problems we confront today; rather, we should remember how he respected his colleagues and his constituents. We should try to emulate the confidence he communicated.

Ronald Reagan was a proud neighbor of Nevada, who united and motivated us by reminding us that all Americans live in the same neighborhood. That is a lesson I still remember today. That is a lesson I remember best about our 40th President, Ronald Reagan.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

COLOMBIA FREE TRADE AGREEMENT

Mr. MCCONNELL. Mr. President, earlier today, the President spoke to the Chamber of Commerce in what some have described as an effort to make nice with the business community. I will leave others to analyze what the speech means politically. The first concern of the American people is what it will mean for the economy. As I have said before, what the President says matters a lot less than what he does.

So we will just have to wait and see whether the administration's actions support its rhetoric. And it is in that spirit that I would like to suggest one thing the President could do immediately, with Republican support, to show he is serious about jobs and the economy. He could work with us to pass free trade agreements with Colombia and Panama that have been languishing for years now.

We welcome the President's support for the South Korea Free Trade Agreement which has earned strong bipartisan support. But by failing to show the same commitment in passing these two other free trade agreements, the President is missing out on an important opportunity to do something good for the economy and for jobs.

The President says he wants to double U.S. exports in 5 years. Free trade agreements with Colombia and Panama would go a long way toward meeting that goal—and creating jobs here in America—by opening markets in Latin America.

In my view, the time for delay on these two agreements is over. The President needs to do more than promise to "pursue" these agreements, as he did today. He should work with Congress to pass these two agreements and sign them into law.

This should be an easy one. Colombia is a strong strategic ally in South America, and it has made great strides in addressing the concerns of labor union critics here in the U.S. It has come a long way. We should not walk away from Colombia now. As for Panama, our two nations have had strong strategic and economic ties for years. This agreement would only strengthen those bonds and build on them.

As America sits on the sidelines, our competitors around the world, including the EU and Canada, are moving forward to lower barriers to trade and increase access for their businesses and

workers. This is unacceptable, particularly for an administration that is claiming as its top priority to "win the future."

It won't be enough for Republicans and it shouldn't be enough for the business community to allow the administration's trade agenda to start and end with South Korea. We should be passing all pending trade agreements and inking new ones on a bipartisan basis, even when it requires the President bringing his own party along.

We have heard Secretary Clinton, Senator BAUCUS, and Ambassador Kirk all express support for submitting a Colombia FTA to Congress. But the President's own pronouncements continue to fall short. It is not enough for the President to say good things about free trade while siding with labor bosses over job creators and the vast majority of American workers who do not belong to unions and who would largely benefit from opening markets overseas. We shouldn't allow labor union bosses to have veto power over economic policies that benefit us all.

So the question is: will the President allow our allies in South America to continue waiting for us to move forward, or will he send the message that America stands by her allies and is prepared to do something good for American workers, good for the American economy, and good for key allies. Congress is ready to pass these two deals today. It is time for the President to commit to the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I compliment the minority leader on his comments on trade. I wish to speak in morning business on the same topic. I will not have to speak long because I have talked about this many times since I joined the Senate over 2 years ago.

Today I will focus on the U.S.-Colombia trade agreement. This agreement was signed by both the United States and Colombia on November 22, 2006. It has been around many years. It is expected to create several thousand jobs. Yet for 5 years, to the detriment of U.S. exporters and job seekers, policymakers have punted on this important trade agreement. The Obama administration has been sitting on the sidelines watching other countries slowly chip away at U.S. competitiveness in the Colombian marketplace. Our friends to the north in Canada and to the south in Mexico wisely negotiated new agreements with Colombia. They saw the void U.S. companies and workers should have been filling and acted to fill that void themselves. I believe it is time we stop watching other countries make the moves that have been teed up for this country for about 5 years.

Implementing the agreement would increase U.S. exports by more than \$½

billion annually and create almost 4,000 much needed jobs in the United States. Simply stated, passing this agreement would help to improve our economy.

In last year's State of the Union Address, we heard our President say:

If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

I applauded his comments. I applauded his desire to increase exports. But, unfortunately, no action was taken on the President's words.

During this last year's State of the Union Address, the President again acknowledged the need for the Colombia trade agreement by saying:

We will strengthen our trade relations with key partners like South Korea and Panama and Colombia.

Once again, these words will ring hollow with no action. Yet again today, in a much touted speech to the Chamber of Commerce, the President talked about pursuing the Colombia trade agreement. I must admit, I asked the question: What on Earth is left to pursue? The agreement was signed nearly 5 years ago. It is ready for approval. All the President needs to do is submit it for our action. If the President thinks there was more pursuing to do, what have we been waiting for the past couple of years? Why has not the administration pursued whatever it is they think needs pursuing for now over 2 years?

Americans who are out of work know this administration is missing an opportunity to say to thousands of Americans: You have a job. Our job creators are waiting. My hope is the President stands behind his remarks today.

This is a golden opportunity for the President to send a signal that his words do have meaning and to show that we can, in fact, work together in a bipartisan way. He could submit the Colombia trade agreement to Congress for approval today and send an enormously powerful message that when he says "pursue," he means action, not stall.

Folks from my State are anxiously awaiting approval of this agreement as are folks from around the country. We should all be reminded that workers and businesses in our home States will benefit from the Colombia trade agreement. Our farmers and ranchers would benefit from the elimination of tariffs on more than 77 percent of agricultural goods. American workers will see more of their products sold as 76 percent of Colombian tariffs on our industrial goods are eliminated immediately. No doubt about it, this agreement will have a real impact on Nebraskans and other Americans who work hard every day to make a better life for their families.

Let me share a couple of examples of Nebraskans who want to see the U.S.-Colombia trade agreement ratified. Take Nebraska-based manufacturer

Valmont Industries, for example. Valmont has loyal customers in Colombia who buy its irrigation pivots. Currently, Colombia imposes a 15-percent duty or tax on those pivot systems. This would be eliminated by the Colombia trade agreement. If the 15-percent duty is, in fact, eliminated, Valmont estimates they would gain market share against European competitors and add 10 to 15 new jobs in Nebraska alone.

Take Rick Larson of Potter, NE. He grows wheat and corn. He has a small livestock operation. Unfortunately, the market share of American farmers is declining rapidly in Colombia. When we signed the agreement, American farmers such as Rick Larson in Potter supplied 76 percent of the wheat to Colombia. Today they sell 22 percent. For Rick that means he has lost 15 cents per bushel of wheat. That impacts a real family.

It is a similar story with corn. He has lost 4 cents per bushel. In a place where we throw around the idea of trillions, that may not sound like much, but it means Rick's wheat and corn revenues were down \$7,600 last year just because the administration had not submitted those trade agreements for our approval. Farmers such as Rick cannot believe we are sitting on our hands while our market share is evaporating right before our eyes. He shudders to think what will happen to his sales prices once Canada beats us to a free-trade agreement, even though it was signed 2 years after ours.

It is not easy to regain lost market share once it is gone. It worries exporters when they see their government standing between them and a promising marketplace. Nebraska farmers and ranchers and those across the country can compete with anyone. All they are asking for is a level playing field and a fair shot.

We have been giving exporters from Colombia more than a fair shot through the Andean Trade Preferences Act, which is set to expire on February 12. Under the agreement, a whopping 90 percent of goods and services coming into our country to compete with our citizens enters absolutely duty free.

I think we should extend the Andean Trade Preferences, but we should also knock down the barriers for our own exporters and level the playing field. We must give our workers that level playing field by approving the Colombia Free Trade Agreement.

American exporters have waited too long to realize the benefits of this trade agreement. Isn't it time to get serious about beating our global competitors in the Colombian market? Don't we all realize U.S. jobs depend upon this?

You see, we all represent people such as Valmont and farmers such as Rick.

Let's pay tribute to their entrepreneurial spirit by tearing down Colombian trade barriers that inhibit economic growth in this great Nation.

I urge the President to transmit the signed U.S.-Colombia trade agreement to Congress immediately. This is one Senator who is going to stand behind the President and do everything I can to try to get that agreement ratified in the Senate. It is time for Speaker BOEHNER and Leader REID to call it up for consideration as soon as it reaches their desks. But, most important, it is time for the President to lay it on their desks.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORPHANED EARMARKS ACT

Mr. BEGICH. Mr. President, I rise to join my friend from Oklahoma to talk about a commonsense piece of legislation. I come to the floor pretty often to talk about the deficit, and I wish to talk about something very specific we can do to address this matter. The Orphaned Earmarks Act would rescind earmarks that remain 90 percent or more unused 9 years after being appropriated.

In early January, USA Today published an article examining 20 years of earmarks that have not been spent. According to the analysis: "In at least 3,649 of those earmarks, not a single dollar had gone toward its intended purpose" and "Many of the orphan earmarks also count against a state's share of federal highway funds and have taken billions of dollars away from state transportation departments across the nation."

During the past 20 years, orphan earmarks reduced the amount of money States would have received in Federal highway funding by almost \$7.5 billion. That is \$7.5 billion that States could have used to replace obsolete bridges, repair aging roads, and bring jobs to rural areas.

As all of us know, when lawmakers earmark money, even if it is never spent for pet highway projects, that money still reduces what States receive from the Federal Government. In my own State of Alaska, \$187 million in funding was lost out in the past 20 years because of orphaned earmarks.

I know some of my colleagues are concerned about States losing out on money we all could use, especially these days, but let's not worry. I don't want to take away your earmarks that

help communities in need and help create jobs. We are talking about earmarks that have been abandoned for more than 10 years and are just sitting there like uncashed checks. Dr. COBURN and I have addressed this in our legislation. We have built in a 12-month period—I repeat, a 12-month period—for agency heads to make sure earmarks can be used before rescinding.

On that note, I wish to make something else clear. I do not personally support an earmark moratorium. I know my friend from Oklahoma and I disagree on this earmark funding, but I believe it is vital to my home State of Alaska. We have unique needs and have relied on this critical funding from day one to support health, safety, and jobs. What I have a problem with is wasteful spending that could have otherwise been used for a project or to cut the deficit.

Our legislation requires the Director of OMB to submit to Congress and publicly post on the OMB Web site an annual report that includes a listing and accounting for earmarks with unobligated balances summarized by agencies, including the amount of the original earmark, the amount of the unobligated balances, and the year the funding expires; the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; finally, a listing and an accounting for earmarks provided to Federal agencies scheduled to be rescinded at the end of the current fiscal year.

Senator Feingold offered an amendment last March to the FAA bill to rescind any DOT earmarks that remained 90 percent or more unobligated for 9 years after being appropriated, with the possibility of holding funds 1 more year for earmarks the agency head believed would be funded within 12 months. Because Senator Feingold had modified the legislation to reflect concerns by Senator BOXER and Senator MURRAY, the Senate voted 87 to 11 to pass this amendment. However, as we all know, the FAA bill did not pass last year.

The Coburn-Begich bill is modeled after a Bush administration proposal from 2008 and would have rescinded any highway and bridge earmark funds from the 1998 highway bill, TEA-21, that had less than 10 percent of the funds spent or obligated. That proposal would have saved about \$626 million, including \$389 million in 152 earmarks that had no funding obligated a decade after passing. The Coburn-Begich bill targets all orphaned earmarks, not just those in the highway bill.

Let me conclude. I know my friend from Oklahoma is here to speak as well. I will tell my colleagues that when I became mayor in 2003 in Anchorage, AK, we looked at what all of our bonds voters had voted on year-in and year-out, and we looked at all the

projects. What we found was that sizable amounts were being spent on projects where they were intended, but there was another percentage that for years had just been lying there for a variety of reasons. Maybe the project didn't pan out, maybe they didn't get enough money from another source or the project just vanished from the books because of public opposition to it. But what we found was we were passing bonds for projects that never went forward. So we cleaned the bonds up when I was mayor.

Then we did one other thing which I think this legislation now on the Federal level really focuses on, not only to make sure we clean up the books but also, when you have money, to make it very clear that we need to spend the money on the project for which it was identified. We made sure those projects that were on that bond, that voters voted for, that they put their taxpayer money toward, that 75 percent or more of those projects would be completed or substantially underway by the end of the year. That was important to make sure taxpayers knew their dollars were being used—not just forwarded or put away in an account somewhere and not having a project that they thought was happening.

So I think this is a good piece of legislation. It brings fiscal responsibility to the money that is out there. When we think about it, if we have a piece of legislation, an earmark, that has not been utilized—90 percent of it not utilized for 10 years or more—there is no reason we should have that money in some bank account in some agency somewhere hidden away. It should come back and go toward the deficit.

So I yield the floor at this time for my colleague from Oklahoma. I am honored to be able to join him in this effort to bring—I will use my words—fiscal sanity to this effort of trying to figure out how to manage this Federal Government's budget in a better way.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. First of all, let me thank my colleague from Alaska. As somebody who has been working on areas of fiscal management in our Federal Government for the last 6-plus years, this is one small step. Whether it saves \$500 million or whether it saves \$1 billion, it is important that America knows we need to do this 1,500 more times.

We hear a lot in the press now from the Republican appropriators, the Republican budgeteers, about the battle of how much to cut. It is the wrong language. The deficit is \$1.5 trillion this year. It was \$1.4 trillion last year. We have tons of areas, as my colleague knows full well, as does our former colleague, the Senator from Wisconsin, Russ Feingold, where we don't effectively utilize the money that has been given to us or that we are borrowing against our kids' future.

So this is a great start. We need to do this every day on every bill that comes before us. We can find it. We have identified 50 sets of duplication within the Federal Government, and they are not small duplications. There are 49 job-training programs across 9 different agencies. There are 105 science, technology, engineering, and math programs—something the President, in his State of the Union Address, said he wanted to enhance. We don't have a metric on any of them. We already have 105 programs. We are spending \$18 billion on job training, and we don't know if it is working, and we don't know if the people we have trained have gotten jobs in the areas in which they were trained. So I am excited about my colleague joining with me. The hope is that we can set a trend so that with every bill that comes out, we will start looking.

By the way, we do have coming from the Government Accountability Office the first third of all of the government programs. When we inquired 2 years ago to the Congressional Research Service and to the Office of Management and Budget and the GAO, we said: Give us a list of all the programs. Do my colleagues realize that nowhere in the Federal Government do we have a list of all of the programs where we spend money? We are highly critical of the Defense Department because it can't pass an audit, and we rightly should be, but we can't pass an audit because we don't even know what we are doing.

So this should not be controversial at all. It should save us close to \$1 billion when it is all said and done, and that is \$1 billion we won't borrow from the Chinese. All we have to do is do that 1,500 more times. The fact is, we can. We are like that little engine. We can. We can get up that hill. But what it is going to take is reaching across the aisle, as the Senator from Alaska and I have done, and saying: Here is an area of common ground, it is based in common sense, and it is something that should be done and should be done now.

Just to show how silly this is, the data shows that in Atlanta there is still money for the 1996 Olympics. Fourteen years ago, there was \$2.7 million sitting in a bank account. They can't spend it because the Olympics has already occurred, but we still have that money out there. That is the kind of silly stuff that happens when the Federal Government reaches into areas where it shouldn't be reaching.

What we can do—not to lay blame, not to say it is about earmarks or not about earmarks, but here is a common-sense solution that says: Here is a way to free up \$1 billion or \$500 million. If it is \$500 million, great, but here is a way to do that.

I wish to also take some time on the floor now to elucidate that the President's fiscal commission outlined \$4

trillion over the next 10 years we could eliminate that would go a long way toward starting to solve some of our problems.

So my hope is that with this amendment, we will start a trend where we can grab hold of and capture the things that make sense, that most Americans will never miss, and if they do miss it, it is because they are going to get something better instead and more efficient instead, and we start down this road. This is a great start.

I congratulate my colleague for his initiative in bringing this back up. What we need to do now is get on the phone and get our colleagues in the House to do the same thing and make sure, when this bill goes through and this amendment is adopted, it actually happens. Don't forget that the Bush administration wanted this to happen, and so does the Obama administration. Think about the amount of labor we are spending taking care of details on things that can't get spent or won't be spent and the amount of man-hours that goes into that.

I just thought I would finish with one of the recommendations of the fiscal commission, which is on the Federal workforce. There is a wonderful article that was published by Iain Murray on February 3 about how many Federal employees we have. It is easy for us to think about the fact that when we count true—just true—Federal employees, it is 2.8 million. But that doesn't come close to the actual number of employees the Federal Government has. When you add up what is actually there and you add in postal employees, you add in military, you add in contractors, we are at 11 million Federal employees.

We have a great Federal workforce. There are a lot of areas where we can be efficient and downsize. We don't have to lay anybody off; we can just not add. What we can do is, through attrition, markedly decrease the number of Federal employees we have, which will be that second, third, and fourth billion dollars.

The other thing the Commission recommended, which the Obama administration embraced, was a freeze on salaries, but most of us don't recognize that we have \$3 billion owed right now to the IRS in back taxes by Federal employees that has already been adjudicated.

So there are all sorts of things we can do. We have lots of ideas. My pledge is to work across the aisle with our colleagues to try to find one of these every day or one of these every other day. If we do that together, we don't have to borrow 40 cents out of every dollar we spend in this country. We can take it down to 20 or 15 or down to zero so that we can, in fact, ensure the future for our children.

Again, I thank my colleague, and I yield the floor.

Mr. BEGICH. Mr. President, I wish to thank the Senator from Oklahoma for joining me. I will tell my colleague, whether you look at—you are right, this should not be controversial. It should be easy. I mean, it is like if you receive a check and it sits there for 10 years, I can guarantee my colleagues, if you are in private business, as I have been, you have written that off already. It is gone. In this situation, what we are saying is that there is \$500 million—I think you are right; when it is all tallied up, it is probably closer to \$1 billion—sitting out there. We did this once before. We had great support on a much more narrow focus. If we did this on a regular basis, the opportunity is unlimited.

I wish to thank the Senator. I have sat in the Presiding Officer's chair many times and listened to the presentations of the Senator from Oklahoma regarding the budget. We may not always agree, but when we find agreements, here is an opportunity. This is an easy one, by the way. There are others, as the Senator knows and I know, regarding surplus property the Federal Government has that is under incredible disrepair, not being realized. From my real estate experience, I have seen this, and there is an enormous amount of resources there that could be turned back to the private sector for future development. That could actually grow this economy.

Mr. COBURN. Mr. President, the Federal Government has \$950 billion worth of property it is not using right now. We are spending \$9 billion a year taking care of it, and we have a budget gimmick that says an agency that needs a new building, because we are going to account for the cost of that building in the year in which they buy it and charge it all to the agency—what are we doing? We are leasing buildings. I guarantee we could own them much more cheaply than we could lease them. What we should be doing is changing that and getting rid of the excess property, lowering our cost to maintain it—there is 9 out of the 1,500 we have to do, right there, if we would just do that—and then change the way we purchase buildings for the Federal Government so the agency can own it instead of leasing it because it costs, over the life of the building, about twice the lease.

Mr. BEGICH. Mr. President, if the Senator will yield, as someone who has been in the real estate business for almost 30 years, there is enormous opportunity. I know that when I was mayor, we put more of the lands—we are not talking parks; we are talking about just surplus old buildings and sites that are no longer in use—we put them back into operation because not only will it save the Federal Government money in the sense of getting that surplus property off the books, but what we end up doing is turning that into

economic development companies for those communities. The private sector will come in and revitalize it and use it. There are many ideas out there.

I thank the Senator for the opportunity to sponsor this with him. As the Senator said, \$500 million is the minimum. I think it is close to \$1 billion just on this one idea.

I yield the floor.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Wicker amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees.

Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.

Nelson (FL) amendment No. 34, to strike section 605.

Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008.

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe amendment No. 6, to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations.

Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Admin-

istration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I have comments of my own, but I will yield to the Senator from Maryland. He has been down here waiting. He is interesting, provocative, thoughtful, and always right. I yield to him such time as he may feel comfortable with, provided it doesn't go past 5 o'clock.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I thank my colleague and congratulate him on the reauthorization of the Federal Aviation Administration. It is a bill that we can all be proud of. I thank him for his good work.

Mr. President, I rise to speak today on the legislation to reauthorize the Federal Aviation Administration.

Our Nation's economy is recovering from the worst economic recession in decades. Critical to getting our economy moving forward and getting Americans back to work is building an efficient and modern intermodal transportation system built to handle growing commerce in the 21st century.

I am pleased to see that this legislation, which is estimated to create 280,000 jobs in airports around the country, is one of the first orders of business for the Senate in the 112th Congress. It demonstrates this body's focus on job creation and helping get Americans back to work while updating the Nation's aviation infrastructure to ensure that America is ready for business.

The airline industry accounts for nearly 11 million U.S. jobs and \$1.2 trillion in annual economic activity. This bill provides the airline industry the essential infrastructure it needs to succeed and remain strong and competitive in the global airline industry.

Every day, the Federal Aviation Administration faces the daunting task of marshalling thousands of airliners, and the air travelers on those planes, across the country from airports and airfields both large and small located in nearly every corner of the United States. These members of the Federal workforce safely guide thousands of airplanes, serving tens of thousands of air travelers, across America's skies every day.

I applaud Senator ROCKEFELLER's dedication to getting this much needed legislation to the floor of the Senate. I greatly appreciate his willingness in the last Congress to incorporate a pro-

vision of mine that is important to keeping small rural airports in Maryland and in other parts of the country in operation. I look forward to continue working to build upon the great work he has done to get this important bill moving forward.

This bill is not just important to our big airports; it's important to all airports in this country. There are many challenges facing the FAA and air travelers. This bill sets a clear path towards addressing these challenges, not the least of which is working to reduce the number of flight cancellations and the frequency of flight delays that can range anywhere from 10 minutes to 9 or more hours that air travelers experience.

This bill will reduce delays by more than 20 percent—save passenger time, money and reduce airline fuel consumption, making our country more energy secure and reducing harmful greenhouse gas emissions.

While air travel remains a safe and fast way to travel between distant destinations, the technology is readily available to make essential improvements to our Nation's aviation infrastructure to make it even safer and faster.

The bill's authorization of facility and equipment funding reinforces the FAA's commitment to overhauling the guidance systems used to direct flights across the country. The deployment of NextGen flight systems will cut travel times and save energy by directing flights to take shorter routes that use less fuel.

Domestic commercial flight routes follow the same terrestrial based guidance air traffic control system that was put in place more than half a century ago. The paths planes follow between airports is not based on the shortest most efficient routes, but instead based on the location of broadcasting points on the ground. That no longer makes any sense. We know that we now have a GPS system that could put our planes on a much more direct route, which is faster and will save time and energy.

For example, air travelers flying from National Airport, across the Potomac in Arlington, VA, to Boston's Logan International Airport currently follow a route north through central Pennsylvania, east across New York State and the entire State of Massachusetts to Boston located on the Atlantic coast.

This flight pattern goes 537 miles, takes an hour and 15 minutes to fly, and burns 7,376 pounds of fuel.

Alternatively, NextGen's satellite-based guidance system, using global positioning systems, would guide that same flight on a 367 mile, northeasterly route directly up the Atlantic coast, that takes less than an hour, and use 5,883 pounds of fuel.

That's a 1,493 pound savings of expensive, carbon emission intensive, jet fuel.

These are significant savings that benefit the environment and the consumer. The Air Transport Association estimates that "even a 6% fleet-wide reduction in fuel burn results in fuel savings of 1.16 billion gallons of jet fuel and emissions savings of nearly 11 million metric tons or 24 billion pounds of CO₂." We would be saving fuel and costs and would be polluting much less.

NextGen is essential to achieving these types of greenhouse gas emissions reductions from the aviation sector.

NextGen is also critical to meeting future air travel demands and will go a long way to alleviating the actual "air traffic" that is responsible for much of the delays air passengers experience when travelling.

The research, engineering and development funding is set to advance undergraduate and technical school programs for aircraft maintenance focusing on new technology job training for pilots and air traffic controllers. This includes essential job training programs for the next generation of air traffic controllers that will use NextGen systems to guide America's airline fleets.

Job training and education are important for preparing America's workforce to advance into well paid and skilled jobs and are essential to the Nation's economic recovery.

The operations and maintenance, Airport Improvement Program and facilities and equipment funding authorizations give the green light to hundreds of airports across the Nation to advance pressing maintenance, facilities, security and new construction projects that will create thousands of jobs in the engineering, computer science, construction, and software development sectors and much more.

For example, at Baltimore Washington International-Thurgood Marshall Airport in Anne Arundel County, the Maryland Department of Transportation has nearly \$400 million in Airport Improvement Program projects that are ready to go. These projects will help improve runway safety, tarmac capacity and terminal efficiency at Maryland's largest airport.

BWI-Thurgood Marshall served 21 million passengers in 2009 and was ranked first out of 140 international airports, worldwide, that serve 15-25 million passengers annually by the Airports Council International's Airport Service Quality survey. We are proud of that and want to maintain that service at BWI. The reauthorization of these programs is critical to our doing that.

I appreciate the opportunity this bill gives me to show my support for Maryland's flagship airport and the 35 other commercial, municipal, regional and

general aviation airports across my State.

I mentioned earlier my colleague's willingness to work with me to incorporate an amendment to help small commercial airports. The program I am referring to is the Essential Air Service Program, which provides funding to keep the small yet critical commercial airports serving rural communities viable.

This program assures that rural communities are provided a minimal level of service to preserve their connection to the national air transportation system.

Western Maryland's Hagerstown Airport has benefitted greatly from this program and has allowed the airport to secure service contracts with Cape Air to fly four daily flights from Hagerstown to Baltimore. Without Hagerstown's daily flights to BWI, western Maryland residents, as well as people living in eastern West Virginia and southern Pennsylvania, would have to drive anywhere from 75 to more than 150 miles to get to the nearest airport with commercial service.

There are many other rural communities where major commercial air passenger service is located at even greater distances and the Essential Air Service helps alleviate the travel isolation of these communities. I am pleased that this bill addresses the needs of Hagerstown Airport and others like it.

Another issue critical to the success of Maryland's airports that will surely come up during the debate of this bill is changing the slot and perimeter rule at Reagan National Airport. This is an issue that I care deeply about because it has a specifically targeted effect on the economic success and job growth potential at BWI-Thurgood Marshall airport and the surrounding area.

In the 111th Congress, the proposed changes to operations at National Airport were made by Senators representing States well beyond the Greater Washington region. Changing the slot and perimeter rule in this fashion subverts the established process for altering these rules and undermines the authority of local transportation experts.

Restricted service at National Airport lends itself to the steady growth at the region's major hub airports, which has been at the heart of the region's business communities' economic development plans.

Companies such as Northrop Grumman, L3, General Dynamics, IBM, Deloitte, and other major employers in the Baltimore-Washington area strategically located themselves around BWI. The growth of that airport is critically important to our economic progress.

The steady growth in service at the region's large international airports helped create an attractive business climate for these major companies.

This would not have been possible without Congress's agreement to maintain the status quo of service at National Airport that, in turn, made Dulles and BWI the region's growth airports.

Based on existing service and prior historical evidence of the impacts of increased slots at DCA, allowing flights to be converted from within the perimeter to beyond the perimeter would have a direct impact on the service offered out of BWI Marshall.

Under any slot-change scenario, service reductions at BWI Marshall will reduce the value and return on Federal and State infrastructure investments made at BWI. Maryland has invested more than \$1.5 billion in the airport over the last 10 years and plans to invest \$684 million in the next 6 years. I welcome a collaborative and open process should changes in the region's airport operations be necessary.

In regard to another important provision in this legislation, I support the passenger bill of rights. No one should ever be forced to stay aboard a plane on a tarmac for extended periods of time.

I also applaud the provisions within the bill that provide customers with better information about the wide range of fees airlines and airports place upon the flying public.

I understand that between high fuel costs and the current economy, travelers are flying less and this has hurt the airline industry. As a result, airlines have resorted to charging a variety of fees for services on each flight. Airlines have counted on air travelers adapting to each change of policy so much that today's frequent fliers rarely expect a free meal or to check their bags for free.

Air travelers often have no choice but to pay the airlines' fees. The problem is how these fees come at the customers, often by surprise. If the fees are explained in advance, there is less with which to take issue.

Surprise fees have consumers upset and weary of flying. By the time travelers reach the ticket counter, they are committed to getting on that plane. At that point, the airlines have the clear upper hand when it comes to levying additional charges for baggage based on size, weight or type or even fees for simple onboard amenities such as refreshments, headphones or blankets once passengers are in their seats. In some instances, particularly the at-the-counter baggage fees, travelers have no choice but to pay the fee.

In the 111th Congress, I introduced legislation to ensure air travelers were made well aware of the fees they were being charged to fly. I look forward to working with my colleagues to make sure this issue is adequately addressed in this bill.

I want the airlines to succeed. Working to improve access to information

and require the honest disclosure of airline fees and improved passenger treatment help public confidence in the airline industry.

Currently, the airline industry can point at high fuel costs and a downturn in the economy as the top reasons for why less people are traveling by air. As the economy continues to improve and as more Americans find work, both business and leisure travel will begin to pick up. Whether the travelers look to the skies or the ground to get to their destination will largely depend on the users' experience.

The passenger bill of rights goes a long way to improving the users' experience for air travelers.

Before concluding on this legislation to reauthorize the Federal Aviation Administration, I think it is important that I comment on one amendment that may be brought up. I wish to express my opposition to an amendment that would exclude employees of the Transportation Security Administration, TSA, from collective bargaining rights of Federal employees. On June 23, 2010, more than 6 months ago, I spoke on the floor of the Senate about the need for collective bargaining for more than 60,000 TSA employees who work at BWI Marshall International Airport and airports around the Nation.

At that time, some Members of Congress opposed collective bargaining for TSA employees because of their concern that we need to be able to adapt quickly and effectively to specific aviation threats. The underlying premise of that argument is, we must choose between protecting the Nation from threats to aviation and collective bargaining. As I said in my June 23, 2010, speech, that choice is a false choice because national security and what I called smart collective bargaining are not mutually exclusive. Under a smart collective bargaining agreement, where a true emergency exists, TSA would be fully capable of deploying assets without there being any negative impact from collective bargaining.

At his confirmation hearing, Administrator Pistole stated that "we have to be able to surge resources at any time . . . not only nationwide but worldwide." The smart collective bargaining agreement I called for would enable us to do exactly that. Moreover, I believed then and I believe now that a smart collective bargaining agreement would enhance national security because it would enable TSA to recruit and retain better employees.

Our Nation's history with labor unions clearly teaches us that collective bargaining boosts morale, it allows employees to have a voice in their workplace, and it allows them to increase stability and professionalism.

On the other hand, poor workforce management can lead directly to high attrition rates, job dissatisfaction, and

increased costs, which lead to gaps in aviation security. In the past, there have been reports that the TSA has had low worker morale, which can undermine the agency's mission and our national security.

I am now pleased to learn that after he was confirmed by the Senate, Administrator Pistole did what he said he would do—he studied the issue and gathered all the facts and information he could from stakeholders, including TSA employees, TSA management, union presidents, and a variety of present and former leaders and experts in law enforcement agencies and organizations.

This past Friday, on February 4, Administrator Pistole decided that the more than 60,000 TSA employees working at BWI Marshall International Airport and at airports around the Nation could vote on whether they want or do not want representation for limited collective bargaining on nonsecurity employment issues.

Administrator Pistole's determination will provide a framework to protect TSA's ability to respond to evolving threats, while allowing TSA's employees the right to join a union under clear definitions.

This is a smart decision and can lead to the kind of solution I was talking about 6 months ago.

On issues of national security, we need to come together and reject the either/or. We need to be smart on national security, and this collective bargaining decision by Administrator Pistole is a smart decision. The fact is, the Department of Homeland Security's Customs and Border Patrol officers, some of whom work at the same airports as TSA employees, as well as DHS Federal Protective Service and the Capitol Police, all operate under collective bargaining agreements.

As our late colleague, Senator Kennedy, noted in August 2009 when he cosponsored a collective bargaining rights bill for public sector officers, tomorrow morning, thousands of State and local public safety officers, police officers, and firefighters will awake and go to work to protect us. They will put their lives on the line, responding to emergencies, policing our neighborhoods, and protecting us in Maryland and in communities all across the Nation. These dedicated public servants will patrol our streets and run into burning buildings to keep us safe. No one believes for a moment we are less safe because they have secured collective bargaining rights.

If opponents of Administrator Pistole's decision want to invoke 9/11 to support their views, they will soon discover that the legacy of 9/11 shows very clearly that national security will not be compromised by smart collective bargaining. Before 9/11, New York Port Authority police worked 8 hours a day, 4 days on and 2 days off. By the end of

the day on 9/11, however, vacations and personal time were canceled and workers were switched to 12-hour tours, 7 days a week. Indeed, schedules did not return to normal for 3 years. The union did not file a grievance, and everyone recognized it was a real crisis.

Administrator Pistole's decision will enhance our ability to recruit and retain the best TSA employees to protect us.

It will also lead to conditions that will improve our ability to recruit and retain the best employees, such as the countless number of American heroes who work every day to protect us and keep us safe, under collective bargaining agreements.

In concluding, I wish to acknowledge in the reauthorization of the FAA bill the thousands of hard-working government workers, pilots, flight attendants, and other members of our Nation's flight crews. Without their service, air travel would not be possible. I am pleased several of the labor organizations that represent so many hard-working Americans in the aviation industry support this bill. I also note the important worker safety provisions this legislation provides workers in the aviation industry.

Congress has passed 17 short-term extensions of this authorization. It is time for a permanent fix. It is time to pass this bill. It will provide stability, safety, and jobs for both the airline industry and its passengers.

It promotes jobs, consumer travel protections, homegrown technological innovation, and reductions of fuel consumption and greenhouse gas emissions. This could not come at a more opportune time.

I congratulate the chairman for all the work he has done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the good Senator from Maryland for his remarks.

I am sure, as I call on my vice chairman, Senator HUTCHISON will have remarks she will want to make. I simply wish to catch us up to where we are.

This is the Federal aviation bill. It has been deemed to be only the Federal aviation bill, which is good, because that means extraneous amendments are not germane. We are trying to work our way through this aviation policy issue business, which actually is turning out, so far, to be quite smooth. People commented it is being done in a bipartisan fashion. That is the way Senator HUTCHISON and I work always and it is the way the committee works and is probably why we put out more nominations and legislation than any other committee.

We have a number of pending amendments. I know my colleagues also have others. Some will come to the floor this afternoon to get into the queue

and speak on those amendments. We are making progress resolving some of the pending amendments. Others, I believe, will require votes. If we can do something without a vote, that is great. If we have to have a vote, that is also fine.

In addition, Senator HUTCHISON and I continue to work to resolve the issue of slots at National Airport. I thank all our colleagues for engaging in a constructive conversation on this very difficult issue. It has been very heartening that people seem to understand that if we cannot work out this issue, the whole bill goes down and 11 million jobs and over \$1 trillion of the economy are at risk.

We have played with fire with this now for 17 consecutive extensions of the bill. It is a horrible way to do business, to send out a 3-year contract for building an airport runway—it is awful. But we have not faced up to this bill. Senator HUTCHISON and I are doing that.

I suspect we will be on the bill this week. We hope to finish it the following week. I believe we can do that, but then again I am not sure. It is how the Senate wants to work its will.

Again, I urge my colleagues to speak with Senator HUTCHISON and myself if they have amendments they would like to offer. That is what we are here for.

The ACTING PRESIDENT pro tempore, The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate what the chairman has said. His message is the same as my message; that is, this is a very important bill. It is one—the authorization of the FAA—we have extended, since 2007, with 18 short-term extensions. Neither the chairman nor myself want a 19th short-term extension. That is, as he mentioned, not the way we ought to be doing business. We ought to be able to assure that a contract will be let for a new runway or a repair on a runway and that it will be finished. I hope we can get through some of the thornier issues, and there are several of those.

I ask my colleagues to come down and get their amendments pending because we want to close out amendments and then deal with the ones we have and move on.

Senator WICKER and Senator COLLINS are going to be here very shortly. They will be talking about the Wicker amendment. That is one I think they have now agreed to sponsor together. They have made some good changes. We have others that are also being worked on. It is time, if a colleague wants to offer an amendment, to come down and do it.

We are continuing to work on the perimeter slot rule from Washington National Airport, with the hope of coming to a consensus that will increase the number of opportunities for people from the Western half of the United States to come into Washington Na-

tional Airport. I will say, I believe it is in everyone's interest to open Washington National on a limited basis. We do not want to add to the congestion. The proposals that are being put forward would not add to congestion. They would be mostly incumbent carriers already flying, just transferring to longer haul flights but not with bigger airplanes.

So you can't make the argument that it is going to add to ground congestion or air congestion because you are not going to add that many new flights. It certainly is not a noise issue anymore, because we have Stage III aircraft that have made a significant improvement in air traffic noise for people who live near airports. I think it is in the interest of the people who live around National to have that same convenience—to be able to go to the western part of the United States, just as people who live farther away from the airports. So I think we are working through this. We need to come up with something that everyone would say is a fair compromise, and I hope we can do that.

The underlying bill is important because it does increase the safety measures we need to have. It certainly will modernize the air traffic control system and put America in the forefront of putting our air traffic control on a satellite-based system, rather than a ground-based radar system. That is the key reason for needing to go forward on this bill so we can start that transformation. It will take time, and it is something that needs to be done, but with a longer term authorization, which we are trying to do.

It will improve rural small town access to our aviation system. There are also good consumer protections. We don't think anyone should have to sit on an airplane for more than 3 hours on the ground with the door closed, and that is provided for in this bill. If you are sitting on the ground in an enclosed aircraft for more than 3 hours, the airline must open the doors and let passengers get off.

There are a lot of things we need to put into law. We have made a good start, and I would ask my colleagues to give us their amendments, if they have them, and let us work through them to move this bill.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Mississippi.

AMENDMENT NO. 14, AS MODIFIED

Mr. WICKER. Mr. President, I ask unanimous consent that my amendment No. 14 be modified with the changes I have sent to the desk.

The ACTING PRESIDENT pro tempore, Is there objection?

Hearing no objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ EXCLUSION OF EMPLOYEES OF THE TRANSPORTATION SECURITY ADMINISTRATION FROM THE COLLECTIVE BARGAINING RIGHTS OF FEDERAL EMPLOYEES.

(a) **SHORT TITLE.**—This section may be cited as the “Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011”.

(b) **IN GENERAL.**—Section 7103(a) of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) in clause (iv), by striking “; or” and inserting a semicolon;

(B) in clause (v), by striking the semicolon and inserting “; or”; and

(C) by adding at the end the following:

“(vi) an officer or employee of the Transportation Security Administration of the Department of Homeland Security;” and

(2) in paragraph (3)—

(A) in subparagraph (G), by striking “; or” and inserting a semicolon;

(B) in subparagraph (H), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(I) the Transportation Security Administration of the Department of Homeland Security;”.

(c) **AMENDMENTS TO TITLE 49.**—

(1) **TRANSPORTATION SECURITY ADMINISTRATION.**—Section 114(n) of title 49, United States Code, is amended by adding “This subsection shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.” at the end.

(2) **PERSONNEL MANAGEMENT SYSTEM.**—Section 40122 of title 49, United States Code, is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following:

“(j) **TRANSPORTATION SECURITY ADMINISTRATION.**—Notwithstanding any other provision of this section (including subsection (g)(2)(C)), this section shall be subject to the amendments made by the Termination of Collective Bargaining for Transportation Security Administration Employees Act of 2011.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any collective bargaining agreement (as defined under section 7103(a)(8) of title 5, United States Code) entered into on or after that date, including the renewal of any collective bargaining agreement in effect on that date.

SEC. ____ EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) **LABOR ORGANIZATION MEMBERSHIP; APPEAL RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE ISSUES.**—

(1) **IN GENERAL.**—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking “Notwithstanding” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding”; and

(B) by adding at the end the following:

“(2) **LABOR ORGANIZATION MEMBERSHIP.**—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.

“(3) **RIGHT TO APPEAL ADVERSE ACTION.**—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United

States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

“(4) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.”

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator”.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting “, or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note),” after “this Act”.

Mr. WICKER. Secondly, Mr. President, I ask unanimous consent that the following two Senators be added as cosponsors to my amendment: Senator COLLINS and Senator COBURN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I called up my amendment last week. This amendment would prohibit TSA employees from entering into collective bargaining agreements. A lot has happened since I called up my amendment. The Transportation Security Administration announced his intent on Friday to proceed with allowing TSA security employees to collectively bargain. That would reverse a decade of policy—since the inception of TSA, actually. Currently, TSA employees are not allowed to collectively bargain. The 2001 law that created TSA gives this decision to the Administrator, and previous Administrators have understood that collective bargaining agreements for TSA could compromise our Nation's security. TSA employees have been treated like those of the FBI, the CIA, and the Secret Service for purposes of collective bargaining. These personnel are treated very well by our government and taken care of in other ways. But because of the security concerns, collective bargaining is prohibited for those security personnel.

Frankly, I think many observers would conclude that the current administration is intent on doling out rewards to campaign supporters and, therefore, is moving to reverse this decade-old decision and allow for collective bargaining among TSA employees. On November 12, 2010, the Federal

Labor Relations Authority decided TSA employees will be allowed to vote on union representation, and then the decision came along on Friday to allow them to have collective bargaining rights.

I don't believe our country needs 50,000 TSA screeners to be part of a union. But the Obama administration does. Adding workers to union rolls has been a high priority of the administration since day one. As I pointed out, the FBI, the CIA, and the Secret Service do not have collective bargaining rights because burdensome union demands could limit the ability of those responsible for security at some of the most high-risk targets and hamper them in getting their job done.

Let me review a little bit of history. When a British airliner bombing plot was uncovered in 2006, the TSA overhauled security procedures in a matter of 12 hours to deal with the threat of liquid explosives. They had to act very quickly and flexibly. It is difficult to imagine that kind of flexibility under inflexible union rules.

In 2006, following a severe midwestern snow storm, local TSA employees were unable to get to the airport, but TSA was able to fly personnel in temporarily from other airports to cover these snowed-in personnel. This helped keep the airport open and the security lines moving. I wonder how injecting collective bargaining into this type of situation would have impacted TSA's ability to be flexible, to be quick on its feet, and to move personnel around.

There is also the issue of testing and rollout of software to protect the privacy of passengers utilizing advanced imaging technology. This should be done on the basis of national security and passenger safety and privacy concerns, and not delayed because of union concerns or intervention in the management of TSA employees.

I would reiterate, TSA has existed for almost 10 years without collective bargaining, and there is no legitimate policy reason to change this procedure at this time.

Working with Senator COLLINS, who I believe is prepared to also speak today, I have modified my amendment to make it clear that TSA employees have the baseline protections that almost all our Federal employees have, while preserving the flexibility needed to keep our Nation safe. The modified amendment would codify the 2003 TSA policy that prohibits collective bargaining agreements with security screeners. We do not need to limit the flexibility to respond immediately to emerging and evolving threats.

My amendment would also allow the Merit Systems Protection Board to hear adverse employment actions, such as demotions or firings, so TSA employees would have the same protections as other Federal security employees.

Also, if these modifications are accepted unanimously today, they would codify protections under the Whistleblowers Protection Act and would create an employee engagement process for workplace issues. My amendment simply adds these protections into the statute.

I would also point out that it is the public employees union contracts that States are grappling with today. Several of our States are literally facing bankruptcy because of the expensive and burdensome government union employee contracts—Illinois, New Jersey, California. The Governors, on a bipartisan basis, are struggling to get out from under these burdens and to free their States from these expensive public employee union contracts. They are causing the bankruptcy of States.

In the U.S. Government, we have the ability to deficit spend, and that is quite a problem. We will spend \$1.5 trillion this fiscal year that we don't have, and the American public is demanding that we do something about it. It is unimaginable to me that under those circumstances the Obama administration is taking action which can only make TSA more expensive and make dealing with our employees there more costly and add to the debt. I don't see any way around it.

As States and localities are moving in one direction, here comes the Obama administration and, swimming upstream on this issue, proposing to add to the public employee union collective bargaining regime some 40,000 to 50,000 additional Americans. I don't see how we can afford that. I don't see how it helps security or helps our Nation to adopt some more burdensome requirements, and I don't see how it helps national security.

I would urge my colleagues to vote in favor of Wicker amendment No. 14. That vote may occur as early as tomorrow morning, but I would urge its adoption. This is an issue that is not going to go away. It is going to be taken up in the other body. We are going to be following this issue, and it is something I think Americans feel strongly about.

At this point I would urge the adoption of my amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me thank my colleague and friend from Mississippi for working with me over the past few days to modify the amendment he originally proposed. I very much appreciated his willingness to sit down and talk about the amendment, and I am pleased to cosponsor Senator WICKER's modified amendment, which provides additional workforce protections for transportation security officers while ensuring the management flexibility that is absolutely vital to the operational efficiency of

the TSA and to the security of the American people. Our amendment would provide additional employment protections to TSA employees while preserving the agency's ability to respond quickly and effectively to security and operational challenges.

Through our committee's work on homeland security, I have become convinced that the ability for TSA to respond quickly and effectively to changing conditions, to emerging threats, to new intelligence, to impending crises, even to dramatic weather such as blizzards and hurricanes, is essential. From the intelligence community to our first responders, the key to an effective response is flexibility—the ability to put assets and personnel where they are needed, when they are needed, with a minimum of bureaucracy.

The TSA is charged with a great responsibility. In order to accomplish its critical national security mission, the Aviation and Transportation Security Act provided the TSA Administrator with certain workforce flexibilities. These flexibilities allowed the Administrator to shift resources and to implement new procedures whenever needed—daily, even hourly, in some cases—in response to emergencies, canceled flights, changing circumstances, or threats to our security. This authority has enabled TSA to make the best and fullest use of its highly trained and dedicated workforce.

I want to point out that this debate is not just theoretical. We are not talking about having some theoretical flexibility. We have already seen the benefits of this flexibility. We have seen exactly why it is necessary.

Let me give a couple of examples. In the aftermath of the thwarted airline liquids bombing plot that emanated from Great Britain, TSA was able to move quickly to change the nature of its employees' work and even the location of that work. With the liquids bombing plot, TSA, overnight, had to retrain its employees, had to deploy them differently, and was able to do so precisely because of the flexibility of the current law.

Another example is the December 2006 blizzard that hit the Denver area. When many local TSA employees were unable to get to the airport, TSA was able to act quickly, flying in volunteer TSA employees from Las Vegas to cover the shifts, and covering the Las Vegas shifts with officers who were transferred temporarily from Salt Lake City. Without that ability to deploy personnel where they were needed on a moment's notice, the Denver airport would have been critically understaffed while hundreds, perhaps thousands of travelers were stranded. This flexibility is essential to maintain, and that is what the Wicker-Collins-Coburn amendment would do.

TSA also redeployed hundreds of screeners to Houston and New Orleans

in response to hurricanes in 2008. These TSOs relieved local employees at those airports so that they could safely evacuate themselves and their families, and it helped to quickly resume screening operations after the storms had passed.

These were challenging times for TSA. Evacuations in these cities caused high volumes of airline passengers resulting in the TSOs in New Orleans screening more than 32,000 gulf coast residents within a 48-hour period.

TSA's announcement on Friday purports to preclude employees from bargaining over security policies and procedures. But if we look at precisely what it says, it does allow bargaining over the selection process for special assignments and on policies for transfers and shift trading—matters that could require very rapid resolution during an emergency. There will not be time for bargaining over those issues.

In addition, the very definition of what constitutes security policies and procedures could be the subject of dispute and litigation. That is exactly the point Secretary Chertoff made in a letter he sent to me in 2007 when the Senate was considering this very same issue. He wrote:

Although the administrator of TSA purportedly would not be required to bargain over responses to emergencies or imminent threats, it is inevitable that protracted litigation would ensue over the meaning of these terms.

That is exactly what would happen if we allow to stand the decision of the Administrator of TSA. Instead of drastically changing the TSA personnel system in a way that would interfere with TSA's ability to carry out its mission, there is an alternative. We should make some targeted but critical reforms in the personnel system to ensure that TSA's employees are treated fairly.

My point is there is a middle ground that we can reach, and that is what the modified amendment does. First, we should bring TSA employees under the Whistleblower Protections Act, which safeguards the rights of whistleblowers throughout the Federal Government. There is simply no reason to deny TSA employees that protection. Indeed, I would argue it hurts us to deny that protection because if there is a whistleblower at this critical agency who does not feel fully protected and does not come forward, that could hurt our security. So our amendment would codify that coverage and make that protection clear.

Second, we should make clear that TSA members do have the right to join a union. That is a different issue from collective bargaining. Some of them have chosen to be represented by a union now. Many have not chosen to be. But they should have that choice. That allows, for example, for them to get representation by a union if there is an adverse employment action. Our

amendment specifically provides that we are not depriving employees of that choice.

Third, we should give TSA employees the right to an independent appeal of adverse personnel actions such as removals, suspensions for more than 14 days, reductions in pay or grade, or certain furloughs. The amendment would give TSOs the right to have those appeals heard by the Merit Systems Protection Board. That is an independent board, separate from the agency, separate from the Department of Homeland Security, that sits in judgment of appeals filed by most other Federal employees. So I see no reason TSA screeners should not have that same right. That is an important protection because if a screener believes he or she is being treated unfairly by a supervisor, there is an independent arbitrator to whom that employee can appeal.

Here is the bottom line. We can provide TSA employees with important protections enjoyed by other Federal employees, such as the right to appeal adverse employment actions to the Merit Systems Protection Board and the statutory right to whistleblower protections without disrupting TSA's proven personnel system that has served the agency and this Nation well over the past decade. Previous Secretaries of Homeland Security and Administrators of TSA have described that personnel system in great detail to the Homeland Security Committee and to other entities, in the Senate in both classified briefings and open hearings, as necessary to accomplish the critical goals of TSA. Our amendment would preserve these flexible personnel systems while ensuring that TSA employees enjoy important legal protections available to other Federal employees.

I have been trying since 2007 to achieve a middle ground on this issue. Frankly, the previous administration was reluctant on some of the safeguards I have described. This administration has gone way overboard in the other direction, but a middle ground is exactly what this modified amendment strikes. It charts that middle ground, providing significant additional protections and rights to TSA employees without burdening a system that is working well now and that is essential to our security.

We simply have to allow the TSA Administrator to retain exactly the same kinds of flexibility to deploy personnel that he enjoys now and that have been used in the past. That is the important point. This debate is not theoretical. Those personnel flexibilities have proven absolutely essential to meet the threat of a terrorist attack and to deal with blizzards and hurricanes. I urge my colleagues to take a strong, close look at the modified amendment. I hope they will support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF MARCO A. HERNANDEZ

Mr. WYDEN. Mr. President, I thank the chairman of the Commerce Committee dealing with an exceptionally important bill. I appreciate his courtesy at this time.

Mr. President, later in the evening the Senate will confirm Judge Marco Hernandez, who has been nominated to serve as a U.S. district court judge for the District of Oregon. The vacancy that Judge Hernandez will fill is one that Chief Justice Roberts has designated a judicial emergency. Given that, I thank Chairman LEAHY, Ranking Member GRASSLEY, Majority Leader REID, and Minority Leader MCCONNELL for bringing this nomination to the floor today.

I also note Oregon has another opening and another outstanding nominee, Mr. Michael Simon, whom I expect to be reported out of committee this week. I hope he, too, will be brought to the Senate floor quickly.

It is no surprise that Judge Marco Hernandez was nominated to the Federal bench because his life could serve as a billboard for the American dream. At the age of 17, Marco Hernandez moved to Oregon by himself. Needing to support himself, he took a job as a dishwasher, later found a better job as a janitor, and eventually Marco became a teacher's aide. At that point, Judge Hernandez began taking night classes at a local community college with the hope of one day attending a 4-year college. Finally, he was able to enroll at Western Oregon State College, and he quickly demonstrated his ability to excel.

Judge Hernandez earned the Delmer Dewey Award as the most outstanding male student in his class. Following college, Marco went on to graduate from the University of Washington School of Law.

From the beginning of his legal career, Judge Hernandez demonstrated a strong commitment to public service. After law school, Judge Hernandez worked at Oregon Legal Services representing farm workers. He then served as a deputy district attorney and was later appointed as a State court judge, a position he has served in for the past 15 years.

Judge Hernandez is so well regarded across my home State and across the political spectrum that he has been nominated not by one but by two Presidents of different parties and at the recommendations of two Senators of different parties. Judge Hernandez was first nominated for the district

court by President Bush in 2008 when my friend and former colleague, Senator Gordon Smith, led the nomination process. At that time I supported the recommendation of Judge Hernandez.

Unfortunately, the 110th Congress was unable to act upon his nomination before adjourning. In the 111th Congress I recommended Judge Hernandez's nomination to President Obama, and I am very pleased that Senator MERKLEY, who has joined me in the Senate, has been a strong supporter of Judge Hernandez as well. I was very pleased when President Obama announced that he, too, like President Bush, thought it important for Judge Hernandez to serve on the Federal bench.

One of the reasons leaders from both political parties support Judge Hernandez is that throughout his judicial career he has demonstrated a special affinity for creative solutions. He implemented an innovative domestic violence program to aggressively pursue offenders and created a new program for mentally ill defendants, which Judge Hernandez continues to oversee.

With a tremendous record of public service, innovation, and commitment to justice, no one was surprised when Judge Hernandez was reported out of the Judiciary Committee unanimously. He has had the support of both Republicans and Democrats and a broad range of legal organizations. He has received the strong backing of the Hispanic National Bar Association. In fact, Judge Hernandez would be the first Hispanic article III judge in my home State.

It is good news for the people of Oregon, and it is good news for the Federal bench that today the Senate is taking up the confirmation of Judge Hernandez. I strongly urge all my colleagues to join me in supporting an outstanding individual, Judge Marco Hernandez, for U.S. district court judge.

I thank, again, Chairman ROCKEFELLER, who is dealing with an extremely important bill for his courtesy for letting me make these remarks about Judge Hernandez.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL.) The Senator from Arizona.

AMENDMENT NO. 4

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the essential air service program)

Beginning on page 128, strike line 5 and all that follows through page 141, line 9, and insert the following:

SEC. 411. REPEAL OF ESSENTIAL AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—Title 49, United States Code, is further amended—

(1) in section 329(b)(1), by striking “except that” and all the follows through the semicolon;

(2) in section 40109(f)(3)(B), by striking “, including the minimum” and all that follows through “this title”;

(3) in section 40117(e)(2), by striking subparagraph (B) and redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in section 41110—

(A) in subsection (a)(2)(B), by striking “41712, and 41731–41742” and inserting “and 41712”; and

(B) in subsection (c)—

(i) in paragraph (1), by striking “carrier—” and all that follows through “does not provide” and inserting “carrier does not provide”; and

(ii) in paragraph (2), by striking “(1)(B)” and inserting “(1)”; and

(5) in section 47124(b)(3)(C), by striking clause (iv) and redesignating clauses (v) through (vii) as clauses (iv) through (vi), respectively.

Mr. MCCAIN. Mr. President, I know we celebrated President Reagan's 100th birthday this past weekend. I quote from him on many occasions. He inspired many of us in many ways. President Reagan once stated:

Government programs once launched never disappear. Actually a government bureau is the nearest thing to eternal life we will ever see on this earth.

I do not know if President Reagan ever observed the Essential Air Service program, but it certainly fits his description. This amendment, to repeal a \$200 million government subsidy, may not be significant. And \$200 million, in the light of a \$1.5 trillion deficit this year, is probably not a lot of money. But a lot of Americans on November 2 said they wanted us to stop spending on things that are not absolutely essential. Although this program is called the Essential Air Service, in my view, it is far from “essential.” But the American people spoke on November 2. They said, stop the spending. Stop programs that are either unnecessary, have grown too much, are unwise, or even make some tough decisions.

In this bill, we are not cutting the Essential Air Service, we are actually increasing it to some \$200 million. My colleagues may be a bit confused by this chart right here. But it shows—by this way, this chart came from the FAA—that 99.95 percent of all Americans—99.95 percent of all Americans—live within 120 miles of a public airport

that has more than 10,000 takeoffs and landings annually.

So, yes, there are some parts of America that represent the .05 percent of all Americans who live outside of 120 miles from an airport that has 10,000 takeoffs and landings.

All the watchdog organizations—Citizens Against Government Waste, the National Taxpayers Union, all of those organizations that watch what we do support this amendment. Earlier this month Citizens Against Government Waste President Tom Schatz said: The nonessential air service has outlived its usefulness and is another reason why the country has a \$14 trillion national debt.

A lot of Americans will be watching the vote on this amendment. It is not the first amendment to try to cut back on spending, but it certainly is, in my view, very symbolic of whether we are serious. Last week, in the President's State of the Union speech, he said: The only way to tackle our deficit is to cut excessive spending wherever we find it, in domestic spending, defense spending, health care spending and spending through tax breaks and loopholes.

As House Budget Committee Chairman PAUL RYAN has told many, "There are no sacred cows when it comes to spending cuts." To put it bluntly, the Essential Air Service is not "essential." The program was created in 1978 when Congress deregulated the airline industry and allowed market forces to determine the price, quantity, and quality of service. Deregulation allowed most airline carriers to focus their resources on profitable, high-density markets. That is the way the market works. In response, Congress established the Essential Air Service to subsidize airline carriers that provide service to small communities at a loss, because, otherwise, no sane business would serve a market at a loss.

Again, as Ronald Reagan once eloquently stated, "Government does not solve problems, it subsidizes them." That is exactly what we did in 1978 by creating the Essential Air Program.

As with so many programs we have created, as Congress initially enacted the program, it was supposed to last 10 years. It was only 10 years that we enacted this program while markets adjusted and communities adjusted. In 1996, of course, we removed the 10-year limit, and like so many programs the government has created, it started with a few airline carriers and a few communities, and now has grown to subsidize a dozen airline carriers and over 100 communities. You cover enough communities, you get enough votes, you keep the program going, and then you increase the spending on the program.

In this bill, it increased costs of \$200 million. Again, not much in comparison to a \$1.5 trillion debt, \$14 trillion deficit—\$1.5 trillion deficit, \$14 trillion

debt. But it might be nice to start somewhere. Like so many other government programs, the program was initially funded for several million dollars, now up to \$200 million.

A July 2009 Government Accountability Office report questioned whether the AES program has outlived its usefulness, stating:

Current conditions raise concerns about whether the program continues to operate as it has. The growth of the air service, especially by low-cost carriers, which today serve most U.S. hub airports, weighed against the relatively high fares and inconvenience of Essential Air Service flights can lead people to bypass Essential Air Service flights and drive to hub airports.

As I mentioned, 99.95 percent of all Americans live within 120 miles of public airports with more than 10,000 takeoffs and landings—in other words, fairly large airports. Let me give you a good example of the kind of great expenditure of the taxpayers dollar this is.

Last year the Wall Street Journal published an article entitled, "John Murtha's Airport for No One," which reported on an airport in Pennsylvania that has received more than \$1.3 million over the past few years under the Essential Air Service program. The article states:

The airport sees an average of fewer than 30 people per day. There is never a wait for security, you can park for free right outside the gate. And you are almost guaranteed a row to yourself on any flight.

The article continues:

Tickets to fly to Johnstown are expensive, even though every passenger flying out of John Murtha Airport has a \$100 subsidy behind the ticket, courtesy of the Federal Essential Air Service Program, which provides support to struggling airports. So far it has gotten \$150 million of payments to what is called the Airport for No One. There are a total of 18 flights per week, all of which go to Dulles Airport in Washington, D.C.

The author goes on to say:

I was visiting the airport from Washington but because flights cost a pricy \$400, I drove. The drive took less than three and a half hours and cost about \$35 in gas—not to mention that it was arguably faster than flying. And this isn't a remote area of the state. Murtha airport is less than two hours from the Pittsburgh airport. The airport has an \$8.5 million taxpayer-funded radar system that has never been used. The runway was paved with reinforced concrete at a cost of more than \$17 million. The latest investment was \$800,000 from the \$787 billion American Recovery and Reinvestment Act to repave half of the secondary runway. (Never mind that the first one is hardly ever in use.)

Well, the list goes on and on. That is just an example.

I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal entitled "John Murtha's Airport for No One," and the Los Angeles Times article entitled, "Planes to nowhere? Congress plans to increase small-town airline subsidies," and the Seattle Times article entitled, "Rural air subsidies test resolve to cut spending."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 3, 2009]

JOHN MURTHA'S AIRPORT FOR NO ONE

A MONUMENT TO EARMARKS IN JOHNSTOWN, PA.

(By Tyler Grimm)

If you hate the hubbub of crowded airports, you might want to consider flying out of Johnstown, Pa. The airport sees an average of fewer than 30 people per day, there is never a wait for security, you can park for free right outside the gate, and you are almost guaranteed a row to yourself on any flight.

You might wonder how the region ever had the air traffic demand to justify such a facility. It didn't. But it is located in the district of one of Congress's most unapologetic earmarkers: Democrat John Murtha.

In 20 years, Mr. Murtha has successfully doled out more than \$150 million of federal payments to what is now being called the airport for no one. I took a trip to southwestern Pennsylvania to explore how this small town received so much money and whether the John Murtha Airport is a legitimate federal investment.

There are many in Johnstown who see the airport as crucial. Johnstown Chamber of Commerce President Bob Layo tells me: "If the airport isn't paying dividends now, it will in the future." But those dividends appear to be a mirage.

There are a total of 18 flights per week, all of which go to Dulles Airport in Washington, D.C. I was visiting the airport from Washington, but because flights cost a pricey \$400, I drove. The drive took less than three and a half hours and cost about \$35 in gas—not to mention that it was arguably faster than flying. And this isn't a remote area of the state: Murtha airport is less than two hours from the Pittsburgh airport.

The airport has an \$8.5 million, taxpayer-funded radar system that has never been used. The runway was paved with reinforced concrete at a cost of more than \$17 million. The latest investment was \$800,000 from the \$787 billion American Recovery and Reinvestment Act to repave half of the secondary runway. (Never mind that the first one is hardly ever in use.)

Airport Director Scott Voelker admitted in an interview that having a never-used unmanned radar system is "dumber than dirt." But he says the airport is necessary and blames its current shortcomings on the economy. "To get more passengers, we need more flights. To get more flights, we need more passengers," he says. Mr. Voelker believes the "economy has dictated to the airlines to cut back on flights." In other words: The airport was not built in response to passenger or airline needs.

The usually barren airport—there were several times during the day I paced the building for 15 minutes and did not see another human being—has a lot of unused advertising space. But you can't miss the large picture of John Murtha among a collage of Lockheed Martin workers at the airport's center. It's a monument to earmarks: "Partnerships Make a World of Difference," the ad reads.

Tickets to fly to Johnstown are expensive, even though every passenger flying out of John Murth Airport has a \$100 subsidy behind the ticket courtesy of the federal Essential Air Service program, which provides support to struggling rural airports. A woman who had just gotten off a flight told me that there were only four people on her

plane. "The plane could have held at least 30 passengers," she said.

In addition to the airport, Mr. Murtha's ability to corral federal funds is apparent in the local medical research center (named after his wife), the John P. Murtha Technology Center, the area's thriving defense contracting industry, and numerous other local landmarks. The unemployment rate in Johnstown is currently below the national average of 9.4% thanks to federal largess and the fact that so many have moved away from the area.

Bill Polacek, a local businessman and a member of the airport's board of directors, told me that the citizens of Johnstown need Mr. Murtha's earmarks. "Quite frankly, if he didn't do that, we wouldn't elect him," he said.

I asked Mr. Layo of the Chamber of Commerce if he thinks Mr. Murtha's earmarks should stop now that Johnstown has emerged from the economic crisis it faced two decades ago. "I don't think you're ever finished," he replied. As long as Mr. Murtha is in Congress, they never will be.

[From the Los Angeles Times, Sept. 19, 2009]

PLANES TO NOWHERE? CONGRESS PLANS TO INCREASE SMALL-TOWN AIRLINE SUBSIDIES

(By Alexander C. Hart)

WASHINGTON.—Ely is a Nevada mining town with a population of 4,000. Located about a four-hour drive north of Las Vegas, it is perhaps most famous as the birthplace of former First Lady Pat Nixon.

Ely also is a beneficiary of Essential Air Service, a federal program established in the 1970s after airline deregulation to prevent small communities from losing access to air travel. But opponents call the program wasteful spending, noting that much of the money provides service to areas with fewer than 30 passengers a day.

This week, the Senate passed a transportation bill that includes a \$38-million funding increase for the program, which now stands to receive \$175 million.

In 2008, according to Senate Appropriations Committee data, Great Lakes Airlines received a subsidy of about \$1.8 million for the 414 passengers it flew to and from Ely—about \$4,500 per person.

Since the program requires companies to offer at least two round trips most days, some subsidized flights were almost certainly empty. Service contracts usually last two years.

Ely is just one of many communities receiving heavily subsidized flights; in June 2009, 152 towns and cities participated, according to the Department of Transportation.

Costs vary widely in part because of differences in ridership. Glendive, Mont., saw a per-passenger subsidy of more than \$2,500 for each of the 418 people who flew last year. The 23,581 passengers using the airport in Manhattan, Kan., only cost the government \$50.82 each.

Steve Ellis, vice president of the watchdog group Taxpayers for Common Sense, said that the program "was supposed to go away over a period of time as we made the transition [from deregulation]. . . . Congress made sure it hasn't."

But residents of small towns defend the program.

"We are very isolated," said Karen Rajala, coordinator for the White Pine County Economic Diversification Council, which covers Ely. "The subsidy provides us a link to the urban areas of our state and the West."

But in a time of soaring deficits, Congress must be careful with how it spends money,

Ellis said. "I'm not saying there aren't people who benefit from this program," he said. "But the real question is, are the taxpayers as a whole getting their money's worth?"

Attempting to scale back the program, however, is difficult, as President George W. Bush learned when he proposed cutting funding to \$50 million in his 2006 budget. His push, which also included a cost-sharing requirement for cities receiving service, collapsed in the face of congressional opposition.

The House's transportation bill also contains \$175 million for the program. The two bills will be sent to a conference committee before President Obama signs a final version into law.

[From the Seattle Times, Feb. 3, 2011]

RURAL AIR SUBSIDIES TEST RESOLVE TO CUT SPENDING

(By Joan Lowy)

WASHINGTON.—A program that subsidizes air service to small airports, often in remote communities, is shaping up as an early test in the new Congress of conservatives' zeal for shrinking the federal government.

Sen. John McCain, R-Ariz., has proposed an amendment to an aviation bill pending before the Senate in order to eliminate the \$200 million annual essential air service program. The program pays airlines to provide scheduled service to about 150 communities, from Muscle Shoals, Ala., to Pelican, Alaska.

In the House, the Republican Study Committee—a group of conservative lawmakers—has also proposed killing the program.

Subsidies per airline passenger as of June 1, 2010, ranged as high as \$5,223 in Ely, Nev., to as low as \$9.21 in Thief River Falls, Minn., according to Transportation Department data for the lower 48 states.

The program was created to ensure that less-profitable routes to small airports wouldn't be eliminated when airline service was deregulated in 1978. But critics say the airports often serve too few people to merit the amount of money spent in subsidies. Urban growth over the past three decades has also placed transportation alternatives—other airports, trains and bus service—within a reasonable distance of some communities receiving subsidies.

Studies show that in a lot of those communities people drive to larger airports to get better service at a lower cost than they can get at the smaller airport, even with subsidized air service, said Severin Borenstein, a University of California-Berkeley business professor who is an expert on airline competition.

"Some communities can make a credible claim they need the service, particularly in Alaska, but I think those are a relatively small part of the program," he said.

The program has been remarkably resilient, partly due to the protection it receives from lawmakers from rural states and districts. It has been proposed for cuts or elimination many times over the years, but continues to grow.

"It's exactly in the political sweet spot," Borenstein said. Lawmakers don't feel it's worth upsetting the few people the program serves to achieve what amounts to a modest savings in federal budget terms, he said.

Supporters say the small airports and their air service are important to the communities' ability to attract investment and jobs.

Four Democratic senators—Mark Begich of Alaska, Ben Nelson of Nebraska, Robert Casey of Pennsylvania and Joe Manchin of West Virginia—are circulating a letter

among their colleagues for signature. It urges McCain to give up his attempt to kill the program, citing potential economic consequences.

"Eliminating the program will have a devastating impact on the economies of rural communities," their letter says.

"At a moment when the nation's economic recovery is starting to gain momentum, it makes little sense to reduce personal and business travel volume by cutting off residents of rural areas," the letter says. "And at a time when jobs are already so hard to come by in our rural communities, it makes even less sense to enact cuts that will only make the problem worse."

One of the program's biggest supporters is Sen. Jay Rockefeller, D-W.Va., chairman of the Senate Commerce, Science and Transportation Committee and the main sponsor of the pending aviation bill. It would increase rather than decrease funding for the program and give the Transportation Department more flexibility in structuring contracts with airlines to improve it. Rockefeller would also let the department adjust contracts to take into account rising fuel costs. There are five communities in West Virginia with subsidized service.

Several conservative senators from rural states declined to discuss McCain's amendment when approached by The Associated Press.

"I'll have to see it first. I haven't seen the amendment," said Sen. John Barrasso, R-Wyo. Two communities in Wyoming—Laramie and Worland—receive subsidized service, according to the Transportation Department.

"I just don't know about that," echoed Sen. Orrin Hatch, R-Utah. Three communities in Utah—Moab, Vernal and Cedar City—receive subsidized service.

Mr. MCCAIN. The Los Angeles Times article entitled "planes to nowhere," stated:

In 2008, according to Senate Appropriations Committee data, Great Lakes Airlines received a subsidy of about \$1.8 million for the 414 passengers it flew to and from Ely Nevada, which is about a 4-hour drive to Las Vegas. This amounts to a \$4,500 per-person subsidy. Since the program requires companies to offer at least two round trips most days, some subsidized flights were almost certainly empty.

The article says: Ely is a beneficiary of the Essential Air Service program established in the 1970s after airline deregulation, et cetera. Costs vary widely in part because of differences in ridership. Glendive, MT saw a per-passenger subsidy of more than \$2,000 for each of the 418 who flew last year. The 23,581 passengers using the airport in Manhattan, KS, only cost the government \$50.82 each.

Steve Ellis, vice president of the watchdog group Taxpayers for Common Sense, said: The program "was supposed to go away over a period of time as we made the transition [from deregulation]. . . . Congress made sure it hasn't."

Then, of course, I mentioned the Seattle Times article entitled, "Rural air subsidies test resolve to cut spending."

A program that subsidizes air service to small airports, often in remote communities, is shaping up as an early test in the new Congress of conservative zeal for shrinking the federal government.

It goes on to say:

A program that subsidizes air services to small airports, often in remote communities, is shaping up as an early test in the new Congress of conservative zeal for shrinking the Federal Government.

Subsidies per airline passenger as of June 1, 2010, ranged as high as \$5,223 in Ely, NV, to as low as \$9.21 in Thief River Falls, MN, according to Transportation Department data for the lower 48 States.

But critics say the airports often serve too few people to merit the amount of money spent in subsidies. Urban growth over the past three decades has also placed transportation alternatives—other airports, trains and bus service—within a reasonable distance of some communities receiving subsidies.

Studies show that in a lot of those communities people drive to larger airports to get better service at a lower cost than they can get at the smaller airport, even with subsidized air service, said Severin Borenstein, a University of California-Berkeley business professor who is an expert on airline competition.

"Some communities can make a credible claim they need the service, particularly in Alaska, but I think these are a relatively small part of the program," he said.

The program has been remarkably resilient, partly due to the protection it receives from lawmakers from rural states and districts. It has been proposed for cuts or elimination many times over the years, but continues to grow.

"It's exactly in the political sweet spot," Borenstein said. Lawmakers don't feel it's worth upsetting the few people the program serves to achieve what amounts to a modest savings in federal budget terms, he said.

I received a letter from four Senators that stated:

Eliminating the program will have a devastating impact on the economies of rural communities.

I believe the real devastation to rural communities—big communities, small communities, and medium-size communities—is if we don't stop mortgaging our children and grandchildren's futures, if we don't stop doing things that are unnecessary. This program was put into being in 1978. It was supposed to be there for 10 years. It was a few million dollars. Now, according to this bill, it will be \$200 million.

It is about time we match our rhetoric with our votes. I believe this will be a very interesting vote we will be taking on this amendment.

All of these red dots represent people served by large and major airports. There are some areas of the country that are not. Most of these are very sparsely populated areas.

I hope my colleagues will vote in favor of eliminating this program that was designed for 10 years of life and now has continued on for some 30 years. And, as Ronald Reagan said, they are the hardest thing in the world to either reduce or eliminate.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 50

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up, on behalf of Senator LEAHY, amendment No. 50, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. LEAHY, proposes an amendment numbered 50.

Mr. ROCKEFELLER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit)

At the appropriate place, insert the following:

TITLE —EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS

Subtitle A—Emergency Medical Service Providers Protection

SEC. —01. DALE LONG EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION ACT.

(a) **SHORT TITLE.**—This subtitle may be cited as the "Dale Long Emergency Medical Service Providers Protection Act".

(b) **ELIGIBILITY.**—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking "public employee member of a rescue squad or ambulance crew;" and inserting "employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

"(A) is a public agency; or

"(B) is (or is a part of) a nonprofit entity serving the public that—

"(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

"(ii) is officially designated as a pre-hospital emergency medical response agency;" and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking "as a chaplain" and all that follows through the semicolon, and inserting "or as a chaplain;"

(B) in subparagraph (B)(ii), by striking "or" after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting "or"; and

(D) by adding at the end the following:

"(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services."

(c) **OFFSET.**—Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, \$13,000,000 are permanently cancelled.

(d) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply only to injuries sustained on or after June 1, 2009.

Subtitle B—Liability Protection

SEC. —11. SHORT TITLE.

This subtitle may be cited as the "Volunteer Pilot Protection Act of 2011".

SEC. —12. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In calendar year 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) **PURPOSE.**—The purpose of this title is to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

SEC. —13. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended in subsection (a)(4)—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "the harm" and inserting "(A) except in the case of subparagraph (B), the harm";

(3) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting "and"; and

(4) by adding at the end the following:

"(B) the volunteer—

"(i) was operating an aircraft to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, and for humanitarian and charitable purposes; and

"(ii) was properly licensed and insured for the operation of such aircraft."

Mr. ROCKEFELLER. Mr. President, I wish to respond to the most interesting facts pointed out by the Senator from Arizona and also the collective bargaining matter. Senator NELSON is here with a particularly good amendment. Before we get to the 4:30 hour, at which time we will be debating judges, I wish to give him a chance to talk.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague, the chairman, for this opportunity to discuss an amendment to the FAA reauthorization bill which I will be offering shortly. We are currently working with the minority on some language changes. This amendment will be proposed before long. When it is, I will be seeking a rollcall vote.

The amendment, which I propose along with Senators SCHUMER, AKAKA, MENENDEZ, WHITEHOUSE, TESTER, and SHAHEEN, would make it a crime to photograph, record, or distribute a

body scan image taken by a body scan imaging machine at either an airport or any Federal building without express authorization to do so either by law or regulation. I have heard from many Nebraskans who are concerned that the use of body scan imaging machines is overly invasive and their privacy is being ignored. I, too, share these concerns. This isn't an abstract concern. According to news reports, the U.S. Marshals Service acknowledged last year that some 35,000 images from a body scanner at a security checkpoint at a Florida courthouse had been saved. That is despite promises from Federal agencies that these images would not be stored. One hundred of the saved images were leaked, and some are now online for anyone to view. So an invasion of privacy has already occurred.

Nebraskans and the American people understand that every step needs to be taken and every resource needs to be used to ensure the safety of our citizenry. Using technology to scan individuals for hidden weapons is a necessary, albeit sometimes unpleasant, aspect of making sure our airways and public buildings are safe. However, in the scope of doing such things, safeguards can and must be put in place to help deter individuals from collecting and using those images inappropriately. This is the goal of the amendment I and my colleagues are offering.

I am well aware Transportation Security Agency officials have said the agency will not keep, store, or transmit images, but that has not and doesn't ensure compliance. If passing laws or directives ensured compliance, there would be no speeders in America. What is needed is additional consequences to make anyone considering keeping, storing, or transmitting these scanned images think twice about the fact that they will be committing a felony. If the consequence is enough of a deterrent, we will have better compliance and the privacy of every American will be better protected.

Let me explain specifically what the amendment does. One, it makes it illegal to photograph, record, and subsequently distribute the images taken by body scan machines in an airport or any Federal building.

Two, it imposes a penalty of up to 1 year in prison and up to a \$100,000 fine for those who inappropriately collect and distribute these images.

Three, it says that any individual who is acting within the course and scope of their employment is not breaking the law by saving these images or sending them if the purpose for doing so is to use these images in a criminal investigation or prosecution.

By adopting this amendment, we will be telling the American people and my constituents that we are not going to ignore or compromise their privacy in the process of making sure we have

safe airports and Federal buildings. Our amendment takes a commonsense approach to addressing this issue and why I am seeking its inclusion in the FAA authorization.

I thank the chairman and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, in that we have a short reception at 4:30 and then we are going to judges, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRIME MINISTER OF THE REPUBLIC OF SLOVENIA, THE HONORABLE BORUT PAHOR

Mr. HARKIN. Mr. President, today we are honored to have as our guest the Prime Minister of the Republic of Slovenia, the Honorable Borut Pahor. He is the sixth Prime Minister since Slovenia won independence in 1991.

As many of my colleagues know, the Republic of Slovenia holds a very special place in my heart. My mother came to America from the village of Siha in what is now Slovenia nearly 90 years ago, and I have been tremendously impressed with the great strides Slovenia has made since breaking away from the former Yugoslavia. For the last 2 years, Prime Minister Pahor with great skill has continued to lead his nation on a successful course of democratic and free market economics. So make no mistake, the success of independent Slovenia, like the success of the young American Republic two centuries ago, was no accident. It was secured by visionary leaders and by a determined people. Nine decades ago, my mother left Slovenia—a Slovenia that was impoverished, ruled by autocrats, and dominated by foreign powers; a nation that sent forth immigrants desperate to find a better life. Today, a free, prosperous, and democratic Slovenia sends forth statesmen, diplomats, and humanitarians helping to build a better world.

Again, on behalf of the Senate, I welcome our honored guest, Prime Minister Pahor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HARKIN. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair so that we may welcome the Prime Minister of Slovenia and guests on the Senate floor.

There being no objection, the Senate, at 4:29 p.m., recessed subject to the call of the Chair and reassembled at 4:40 p.m. when called to order by the Presiding Officer.

EXECUTIVE SESSION

NOMINATION OF DIANA SALDANA TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

NOMINATION OF PAUL KINLOCH HOLMES III TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS

NOMINATION OF MARCO A. HERNANDEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas, Paul Kinloch Holmes III, of Arkansas, to be United States District Judge for the Western District of Arkansas, and Marco A. Hernandez, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, today, the Senate will consider, and I anticipate confirm, 3 of President Obama's nominations to fill judicial vacancies on Federal district courts in Arkansas, Oregon, and Texas. All 3 of the nominations—P.K. Holmes to the Western District of Arkansas, Judge Diana Saldana to the Southern District of Texas, and Judge Marco Hernandez to the District of Oregon—will fill judicial emergency vacancies. Given the serious need on those courts, and the qualifications of these nominees, there is no reason they could not have been confirmed when they were nominated and reported unanimously by the Judiciary Committee last Congress. There is every reason for the Senate to act promptly now that President Obama has renominated them, the Judiciary Committee has reconsidered them, and they have again been reported to the Senate unanimously.

I am hopeful that our actions today signal a return to regular order in the consideration of nominations without unexplained and damaging delays. I am

hopeful that this signals a return to cooperation to confront a judicial vacancies crisis that has put at serious risk the ability of all Americans to find equal access to a fair hearing in court. Chief Justice Roberts commented on this in his most recent statement on the judiciary. The White House counsel recently spoke to the crisis. The President wrote us last year urging action. The real costs of these unnecessary partisan delays fall on Americans who depend on the courts. Last September, President Obama wrote that these delays in Senate consideration of judicial nominees are “undermining the ability of our courts to deliver justice to those in need . . . from working mothers seeking timely compensation for their employment discrimination claims to communities hoping for swift punishment for perpetrators of crimes to small business owners seeking protection from unfair and anticompetitive practices.” The President was, and still is, right.

The Attorney General warned us last year that “the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.” The National Association of Assistant United States Attorneys, a group of career Federal prosecutors likewise wrote to us, stating that, “Our federal courts cannot function effectively when judicial vacancies restrain the ability to render swift and sure justice.”

As we consider these nominations today, there are still more than 100 vacancies in the Federal judiciary. Unlike the progress we made during President Bush’s first 2 years in office when the Senate confirmed 100 judges and sharply reduced judicial vacancies, during the first 2 years of President Obama’s term, we were only allowed to consider 60 judicial nominations. Despite vacancies for nearly 1 out of every 8 Federal judgeships, last year the Senate adjourned without voting on 19 judicial nominations favorably reported by the Judiciary Committee. The 3 judges we will confirm today were among those 19. They could and should have been confirmed last year.

The Senate must do better. We can consider and confirm this President’s nominations to the Federal bench in a timely manner. This President has reached across the aisle to work with home State Republican Senators. His nominees, like the nominees from Texas and Arkansas before us today, are supported by their home State Republican Senators. They are not controversial. They tend to be superbly qualified nominees with a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. The 3 nominees before us today, the 11 judicial nominees voted out of the Judiciary Committee unanimously last week, and the 4 other judicial nominations that will be considered on

February 17 are all nominees who were nominated last Congress and considered and approved by the Judiciary Committee with strong bipartisan support.

With judicial vacancies now at 104, nearly half of them judicial emergency vacancies, the Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary’s ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable. In order for the Senate to ensure that the courts are functioning at full capacity, we must restore regular order.

A return to regular order would mean that nominations sent by the Judiciary Committee to the Senate should be considered expeditiously, not stalled interminably. Noncontroversial nominations should be taken up and approved on a regular basis. They should not be stalled for weeks and months for no good reason. We must return to the Senate’s longstanding practice of quickly considering well-qualified consensus judicial nominations reported by the Judiciary Committee. Senators should not stall noncontroversial nominees. We should not have months and months of damaging delays for no good reason on virtually every judicial nomination.

If Senators want to debate a nomination, we should have one. But then we should vote. Nominations that do have opposition should be taken up on a regular basis for debate, with cloture votes if necessary, so that all nominations can be acted upon in a reasonable amount of time. The Senate must move beyond the petty partisanship that has resulted in this vacancy crisis.

I thank Senator GRASSLEY, the Judiciary Committee’s new ranking member, for his cooperation in helping us to report 11 of the previously reported judicial nominations last week, and for working with me to schedule our first confirmation hearing of the new Congress. I look forward to continuing to work with him, with Majority Leader REID and with Republican Leader MCCONNELL to schedule votes on the many other nominees reported favorably by the Judiciary Committee so that we can ensure that the Federal judiciary has the judges and resources it needs to provide justice to Americans in courts throughout the country.

When I was chairman of the Judiciary Committee during 17 months of President Bush’s first 2 years in office with a Democratic majority, we favorably reported 100 of his Federal circuit and district court nominees. All 100 were confirmed. I continued to work hard to make progress considering President Bush’s circuit and district court nominations as ranking member

during the President Bush’s 3rd and 4th years in office when Senator HATCH was the committee chairman, and the Senate confirmed another 105. That should be our benchmark. By the end of this Congress, we should consider and confirm 205 Federal judges, just as we did during President Bush’s first term. That is how we can reduce vacancies from the historically high levels at which they have remained throughout these first 2 years of the Obama administration to the historically low level we reached toward the end of the Bush administration. With the three confirmations today our total will stand at 63.

Overall, judicial vacancies were reduced during the Bush administration from more than 10 percent to less than 4 percent. During the Bush administration, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits. Regrettably, this progress has not continued with a Democratic President in office. Instead, the minority has allowed votes on only 60 of President Obama’s Federal circuit and district court nominees, judicial vacancies have skyrocketed and remain over 100 and over 10 percent.

Today the Senate considers 3 of President Obama’s qualified nominees. President Obama nominated Paul K. Holmes, III, last April to fill an emergency vacancy on the U.S. District Court for the Western District of Arkansas. Mr. Holmes is currently Of Counsel at the Fort Smith, AR, law firm where he formerly worked for more than two decades as an associate and a partner. Previously, he was the U.S. attorney for the Western District of Arkansas. As U.S. Attorney, Holmes served for 2 years on the Attorney General’s Advisory Committee. Mr. Holmes earned the highest possible rating—unanimously well qualified—from the American Bar Association’s Standing Committee on the Federal Judiciary, and his nomination has now garnered the support of 3 Arkansas Senators, Senators PRYOR and LINCOLN last Congress, and also Senator BOOZMAN. I thank the Senators from Arkansas for working with us. I am pleased that Mr. Holmes will be confirmed without further delay.

President Obama nominated Diana Saldana last July to fill an emergency vacancy in the Southern District of Texas, the district she has served as a magistrate judge since 2006. Before taking the bench, Judge Saldana served the Southern District for 5 years as a Federal prosecutor, and she previously was a lawyer in private practice and a trial attorney in the Civil Rights Division of the U.S. Department of Justice. The child of migrant farmworkers, Judge Saldana began working alongside her family in the sugar beet fields at age 10, and she continued to do so

for more than a decade. After graduating from law school, she served as a law clerk to then-Chief Judge George P. Kazen. If confirmed, Judge Saldana will fill the vacancy created by Judge Kazen's retirement. Judge Saldana earned the highest possible rating—unanimously well qualified—from the ABA's Standing Committee on the Federal Judiciary. She has the support of her two Republican home State Senators. Senator CORNYN called her "one of the toughest law enforcers in South Texas," and Senator HUTCHISON added that Judge Saldana "has some of the finest qualities we expect in our judges." Her nomination has twice been reported unanimously by the Judiciary Committee. I am pleased she will be confirmed without further delay.

Marco A. Hernandez was nominated last July to fill an emergency vacancy on the U.S. District Court for the District of Oregon. He has served as a State judge in Oregon for the last 15 years, first on the district court and now as a circuit court judge. Previously, Judge Hernandez was a deputy district attorney in Washington County, OR, and a lawyer for Oregon Legal Services. Judge Hernandez has the support of his two home State Senators, and he has now been nominated to this position by Presidents of both parties. If confirmed, he will become the first Latino to serve as a Federal judge in Oregon. His nomination was reported unanimously by the Judiciary Committee last Congress and again this Congress. It was ironic that after Senator SESSIONS made quite a fuss that Judge Hernandez had not been considered and confirmed when nominated at the very end of the Bush administration, the Senator then proceeded to delay committee consideration of his nomination last year and then Republican objections prevented Senate action last year. I thank Senator WYDEN and Senator MERKLEY for their consistent support for Judge Hernandez's nomination and am pleased that he will be confirmed without further delay.

I have often said that the 100 of us in the Senate stand in the shoes of over 300 million Americans. We owe it to them to do our constitutional duty of voting on the President's nominations to be Federal judges. We owe it to them to make sure that hard-working Americans are able to have their cases heard in our Federal courts.

All three branches of the Federal Government come together when the Senate considers a President's nomination to a lifetime appointment on the Federal bench. The Senate has a constitutional duty to act responsibly to consider the President's nominees and to confirm members of the Judiciary. Most importantly, the Senate has a responsibility to the American people to help ensure that Federal judges are

there to protect their rights and administer justice.

I mentioned that one of the nominees is Judge Diana Saldana to the Southern District of Texas. I see my good friends, both the Senators from Texas, are here, one of whom I have the privilege to serve with on the Senate Judiciary Committee and one of whom I have the privilege to serve with in the Senate.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the Judiciary Committee. I rise today to speak in support of the Diana Saldana confirmation to serve as a Federal judge for the Southern District of Texas in Laredo.

Judge Saldana's career has given her a breadth of experience that I believe will serve her well on the Federal bench. She received her B.A. in history and government from the University of Texas and then went on to receive a J.D. from the University of Texas School of Law.

She was born in Carrizo Springs, TX, only a stone's throw from where she is currently serving as a U.S. magistrate judge in Laredo, TX. Prior to that, Judge Saldana served 4 years as an assistant U.S. attorney. She handled as many as 350 active Federal criminal cases a year, ranging from immigration to narcotics to health care. It was in this capacity that she was selected coordinator for Chief Judge George Kazen. Before her work in the U.S. Attorney's Office, Judge Saldana spent time as a lawyer for the U.S. Department of Justice in the Civil Rights Division and the U.S. Department of Agriculture in the General Counsel's Office. She also served as a law clerk to Judge Kazen in the Southern District of Texas.

Judge Saldana has been admitted to practice before the U.S. Southern District of Texas Fifth Circuit Court of Appeals and the U.S. Supreme Court. Judge Saldana has good professional experience, and she is well respected in the South Texas community. The American Bar Association gave her a unanimous "well qualified" rating, and I believe she will be an effective Federal judge in South Texas.

In September, I introduced Judge Saldana before the Judiciary Committee, and today I urge my colleagues in the Senate to support her nomination and confirm her as a Federal judge for the Southern District in Laredo, TX.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to join my colleague, Senator HUTCHISON, in commending to our col-

leagues the nomination of Judge Diana Saldana of Laredo, TX, who has been nominated, as we have heard, to be a U.S. district judge in the Southern District of Texas. This is a busy docket, as one can imagine, being right on the U.S.-Mexico border, with the unfortunate drug-trafficking and immigration-related cases and the like. So this is a very important nomination. I hope my colleagues will join us in confirming her nomination.

Senator HUTCHISON and I, as do many Senators, have a bipartisan committee of lawyers in the State—people who are very respected in the legal community who screen the people who apply for these positions, recognizing the importance of them and that they are lifetime appointments. We do our very best to make this a depoliticized process, believing that whether one is a good judge doesn't depend on whether one is a Republican or an Independent or Democrat as long as one is always willing to enforce the law and not impose one's own personal beliefs or any other type of agenda.

Diana Saldana really represents the manifestation of the American dream. I had the opportunity to introduce her at the hearing she had before the Judiciary Committee, along with her wonderful family. Throughout the process, the more I learned about Diana's personal story, the more I grew to admire not only all she has accomplished but what she stands for in terms of our national guarantee that if you come to America, if you work hard, if you make the most of your God-given gifts, you can achieve anything. Judge Saldana represents that dream.

At the age of 10, she began traveling with her parents and siblings from her home in Carrizo Springs to Minnesota and North Dakota to work as migrant farmers in the soybean, sugar beet, and potato fields. Because of the seasonal nature of migrant farm work, Diana and her siblings would often leave South Texas before the school year ended and return after the next school year had begun. Of course, one can imagine how tough that is on a young student. She traveled 1,500 miles north and worked with her family in the fields every summer through high school and college, and she even worked in the fields during her first year of law school as well.

Despite these challenges, Diana rose to the occasion, and she succeeded in becoming the first person in her family to get a college degree. She recalls that while working as a migrant farmer, her mother told her that an education was the only way out of doing manual labor, and indeed she learned that lesson very well.

She was once asked what person had the greatest impact on her, and she said, as many of us might answer, her mother. She said:

My mother has a third grade education, but she was able to raise six children by

working hard and having a deep faith in God . . . I remember her working up to three jobs at a time, taking naps in the family car, when our finances were especially tight, to make ends meet . . . My mother instilled in us a strong work ethic and encouraged us to dream for a better life.

Today, Judge Saldana doesn't just receive the gifts she has gotten as being the child of a hard-working and dedicated and sacrificing mother, she has turned it around and become a mentor to young people herself, using her own story as an inspiration to others and saying: If I worked hard and I was successful, you can, too, even as improbable as that may seem at the time.

I could go on and on about Judge Saldana because her life story is truly remarkable and quite an inspiration, but I will conclude with this: Diana Saldana has been nominated to fill the vacancy left by her own mentor, Judge George Kazen, who is taking senior status. Judge Kazen knows Diana better than just about anybody, other than her family. She served as his law clerk, appeared before him as a Federal prosecutor, and presided over many cases as a Federal magistrate judge. Judge Kazen described Diana as "one of the finest law clerks" he ever had and a "tough, no-nonsense prosecutor." He called her the "quintessential judge—intelligent, hard-working, fair, honest, and decisive." Finally, Judge Kazen told us it would be his "personal honor" if Judge Saldana was confirmed as his successor. I can't think of any higher praise.

In just a few minutes, the Senate will confirm Diana Saldana as a U.S. district judge for the Southern District of Texas. I know I speak for many Texans when I say we could not be more proud.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, on the floor tonight we have three very distinguished individuals whom President Obama has nominated to be Federal judges. I commend the committee for bringing them forward and Senator LEAHY for his tremendous ongoing leadership on the Judiciary Committee. I know, as my colleagues from Texas have indicated, these are extremely competent individuals. All three of them were reported out of the Judiciary Committee with unanimous approval. In light of the current judicial emergencies, I urge my colleagues to confirm them this evening.

Mr. President, I ask unanimous consent that the time used during the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, in addition to my support for Judge Saldana and Mr. Holmes, I rise in support of Marco A. Hernandez to be U.S. district judge for the District of Oregon.

I am pleased the Senate is finally turning to this nomination. This is the third Congress to consider Mr. Hernandez's nomination. President Bush nominated Judge Hernandez to this seat in the 110th Congress. Unfortunately, his nomination stalled in the Judiciary Committee, although he had the full support of every Republican on the committee. After pending for over 5 months with no action, his nomination, at that time, was returned to the President.

This vacancy has been designated a judicial emergency. Therefore, I would have expected his nomination to have been made very early in the 111th Congress. However, it was not sent to the Senate until July of last year. Because of that delayed nomination, the Senate was unable to complete action on the nomination in that Congress. At the close of the 111th Congress, the nomination was again returned to the President.

Mr. Hernandez has been rated "qualified" by the American Bar Association. He received his B.A. from Western Oregon State College and his J.D. from the University of Washington School of Law.

After graduating from law school, he served as an attorney for Oregon Legal Services, where he represented migrant farmworkers. He later joined the Washington County district attorney's office as a deputy district attorney.

Mr. Hernandez is a fine nominee under President Bush's standards but also a fine nominee under President Obama's standards. I am pleased this nomination is finally before the Senate. I am, however, disappointed that we have a vacancy that could have been filled over 2 years ago. With our vote today, the President can fill this judicial emergency seat with a qualified nominee.

Mr. President, I also support the nomination of Diana Saldana to be a U.S. district judge for the Southern District of Texas. She has the support of both home State Senators who spoke very highly of her at her September 29, 2010, nomination hearing.

Judge Saldana received a BA in history and in government from the University of Texas. She received her JD from the University of Texas School of Law. Upon graduation, she clerked for the Honorable George Kazen.

She has had a very successful career. Judge Saldana has been a staff attorney in the Civil Rights Division at the

U.S. Department of Agriculture, a trial attorney with the Department of Justice, and served as an assistant U.S. attorney in the Southern District of Texas. She was appointed to be a U.S. magistrate judge in 2006.

Judge Saldana was nominated by the President on July 14, 2010. She was rated unanimously well qualified by the American Bar Association.

I am pleased to support Judge Saldana's nomination to this very important seat. Not only has it been deemed to be a judicial emergency but it is also the seat to which her mentor, Judge Kazen, previously occupied.

Mr. President, I also support Paul Kinloch Holmes III, a nominee to be a U.S. district judge for the Western District of Arkansas. A graduate of Westminster College and the University of Arkansas School of Law, Mr. Holmes has been rated unanimously well qualified by the American Bar Association.

After graduating from law school, Mr. Holmes became an associate at the law firm of Warner & Smith, a firm that focused on general civil practice. On August 6, 1993, President Clinton nominated him to be the U.S. attorney for the Western District of Arkansas. The Senate confirmed his nomination shortly after, and he served his role with distinction until 2001. Since then, Mr. Holmes has been in private practice handling both criminal and civil litigation.

Again, I am pleased to support the nomination of Mr. Holmes to this seat that has been deemed a judicial emergency.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to also support the nomination of Judge Marco Hernandez of Oregon to the U.S. district court. Judge Hernandez is unquestionably qualified to serve on this court. He has built his career through hard work and determination.

As a young man, he attended night classes at a local community college before enrolling at Western Oregon State College. He then proceeded to get a law degree at the University of Washington School of Law.

As a young man, he picked crops. After he graduated from law school at the University of Washington, he returned to Oregon to join Legal Aid Services and represent farm workers. He went on to serve as deputy district attorney in Washington County and was later appointed to be a State court judge, a position he has held since 1995.

As a State court judge, he established an innovative domestic violence program designed to aggressively pursue offenders. He also established a new program to assist mentally ill defendants, a program he continues to oversee.

Judge Hernandez was first nominated to the district court by President Bush

in 2008. Although Congress did not act on his nomination, he has again been nominated by President Obama and has the support of Republicans, Democrats, and organizations representing the spectrum of the legal community.

He also has strong support from the Hispanic National Bar Association and, if confirmed, will be the first Hispanic article III judge in the State of Oregon.

I urge my colleagues to support Judge Hernandez's confirmation. I look forward to his contributions, based on the depth and breadth of his life experience, to the U.S. district court.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that all time be yielded back so we can proceed to our votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all time having been yielded back, the nomination of Marco A. Hernandez is confirmed.

The Senate will proceed to vote on the nomination of Diana Saldana to be U.S. District Judge for the Southern District of Texas.

Mr. ROCKEFELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. LAUTENBERG) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 12 Ex.]

YEAS—94

Akaka	Feinstein	Murray
Ayotte	Franken	Nelson (NE)
Barrasso	Gillibrand	Nelson (FL)
Baucus	Graham	Paul
Begich	Grassley	Portman
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Blumenthal	Hatch	Reid
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Boxer	Inhofe	Rockefeller
Brown (MA)	Inouye	Rubio
Brown (OH)	Isakson	Sanders
Burr	Johanns	Schumer
Cantwell	Johnson (SD)	Sessions
Cardin	Johnson (WI)	Shaheen
Carper	Kirk	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kyl	Stabenow
Coats	Landrieu	Tester
Coburn	Leahy	Thune
Cochran	Lee	Toomey
Collins	Levin	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Vitter
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Crapo	McConnell	Whitehouse
DeMint	Merkley	Wicker
Durbin	Mikulski	Wyden
Ensign	Moran	
Enzi	Murkowski	

NOT VOTING—6

Alexander	Kohl	Lieberman
Kerry	Lautenberg	Menendez

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are going to have one more vote tonight. Senator McCONNELL and I have spoken earlier today. We will have one or two votes in the morning. We will terminate before 11 o'clock, so we will have a vote around 10 o'clock, 10:15 in the morning—maybe two—on the FAA bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, is there time for the Senator from Arkansas if he wants it? I request 2 minutes equally divided on the Arkansas nomination, and I yield my time to the senior Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I rise today to support the nomination of Paul K. Holmes—in Arkansas we call him P.K. Holmes—for the district court judgeship in western Arkansas. A lot of times when you stand here at this moment in a nomination, it is like making a closing argument. But in this particular case there is no argument; everybody is for him. The American Bar Association, Democrats, Republicans, plaintiffs, defendants, everybody in Arkansas is for him.

He has been an Arkansas Lawyer of the Year. He has been the Western District U.S. Attorney. He is a partner in Warner, Smith and Harris. P. K. Holmes has an outstanding record and outstanding reputation. He likes to talk about the fact that he has a small town general practice, and that is true. He has handled a little bit of everything, but he has always done it with

integrity. He has an outstanding reputation in Arkansas as a lawyer and a great member of the community.

I would hope all of my colleagues support this nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Paul Kinloch Holmes III, of Arkansas, to be U.S. District Judge for the Western District of Arkansas?

Mr. INOUE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—95

Akaka	Feinstein	Murkowski
Ayotte	Franken	Murray
Barrasso	Gillibrand	Nelson (NE)
Baucus	Graham	Nelson (FL)
Begich	Grassley	Paul
Bennet	Hagan	Portman
Bingaman	Harkin	Pryor
Blumenthal	Hatch	Reed
Blunt	Hoeven	Reid
Boozman	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown (MA)	Inouye	Rockefeller
Brown (OH)	Isakson	Rubio
Burr	Johanns	Sanders
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Sessions
Carper	Kirk	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Whitehouse
Durbin	Merkley	Wicker
Ensign	Mikulski	Wyden
Enzi	Moran	

NOT VOTING—5

Alexander	Kohl	Menendez
Kerry	Lieberman	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President shall be

immediately notified of the Senate's action.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the nomination of Paul Holmes to be United States District Judge for the Western District of Arkansas and Diana Saldana to be United States District Judge for the Southern District of Texas. If I were able to attend today's session, I would have supported both nominees.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.
The Senator from Iowa.

FOR-PROFIT ONLINE COLLEGES AND UNIVERSITIES

Mr. HARKIN. Mr. President, last December I came to the floor to discuss the Health, Education, Labor, and Pensions Committee investigation into for-profit online colleges and universities. It is an investigation that has now been going on for almost a year, and it is an investigation with profound consequences for taxpayers.

For-profit colleges, mostly online, receive more than \$26 billion in Federal student aid each year. While some of these schools may be doing a good job, taxpayers deserve to know that their education dollars are being well spent. It is also an investigation with profound consequences for students.

According to data released last week by the Department of Education, 25 percent of for-profit college student loan borrowers default within 3 years of leaving school. One out of every four student loan borrowers who go to these for-profit schools defaults within 3 years of leaving school.

For-profit colleges have correctly pointed out that they educate a disproportionate number of low-income and minority students. They argue that if they were not doing a good job, students would not continue to enroll. How, then, is it possible that schools with very high rates of withdrawal, high rates of loan debt, and high rates of default continue to enroll more and more students each year? The answer, according to my committee's investigation, lies in the enormous expenditure of money and effort that the for-profit colleges put into their recruitment process.

There have been many stories about abusive recruitment practices in newspapers and television programs across the country. Last August, the Government Accountability Office docu-

mented many of those abuses in undercover videos presented at a HELP Committee hearing. The industry argued that these misleading and deceptive practices were the work of a few rogue actors, but the overwhelming evidence of misleading, deceptive, and even fraudulent conduct documented by GAO cannot be attributed to anything but a systemic effort to enroll students at any cost.

For anyone who questions that this is a systemic effort to pressure, deceive, and mislead, I wish to take a few minutes to explore the details of the training practices that led directly to the GAO findings. I hope my colleagues on both sides of the aisle and on both sides of the Capitol find this a useful window into the training tactics used by these companies.

One of the most common words in the proprietary school industry's recruiting documents is the word "pain." It is not the first word that might come to one's mind if they think about enrolling in college. You might think of your son or daughter enrolling in college. You wouldn't think of "pain" as the first word. However, perhaps nothing worthwhile was ever accomplished without effort, so you might be thinking that schools are talking about preparing students for the hard work and the pain of excelling in college. The reality is quite the opposite. Proprietary higher education companies want to make college seem easy. The reason they are focusing on pain is to try to get students to enroll.

Consider this quote from a memo written by the director of recruitment at a campus of ITT, one of the largest of the for-profit schools. After falling short of the required quota of "starts"—that is the industry term for new students—the recruiter writes:

The department needs to focus on the selling of the appointment by digging in and getting to the pain of each and every prospective student. By getting to the pain, the representatives will be able to solidify the appointments and have a better show rate for the actual conducts.

Another example from an ITT document about what recruiters should do to keep students in class, reading now from one which I will include for the record, says:

Remind them of what things will be like if they don't continue forward and earn their degrees. Poke the pain a bit and remind them who else is depending on them and their commitment to a better future.

In their training, ITT went beyond rhetoric and created what they called a "pain fund." It is probably hard to see this piece of paper. I will try to get this included in the RECORD. It is a picture of a funnel, and it is called the "pain funnel and pain puzzle." It illustrates four levels of pain, with questions that are supposed to get progressively more hurtful to the prospective student.

Level one starts off with questions such as, tell me more about that; can you be more specific; how long has it

been a problem? Level two: What have you tried to do about that? What have you done to fix it? Level three pain: How do you feel about that? Then it gets down to level four. The recruiter is asking questions such as, have you given up trying to deal with the problem?

A different document from ITT goes to the same levels of pain. The level four question is, once again, what are you willing to change now or have you given up trying to deal with the problem?

What is the problem? The problem is, this young person is out of work. They have no future. They probably have a high school degree, maybe a D average in high school, C average at the most. They have answered an ad. The recruiter is talking to them, and they are stoking the pain.

The last thing they say is, OK, what are you willing to do to change it or are you just going to give up on it? That is a question I would like to ask the executives who believe that preying on past failures is a sound method for enrolling students or a reasonable way to run a college.

According to the Department of Education, 30 percent of student loan borrowers at ITT, the one I just quoted, default within 3 years of leaving school, and most of them leave before they ever get any kind of degree. They are there for a few weeks, maybe a few months, but when they drop out and when they default, ITT keeps the money.

Kaplan University also encourages its recruiters to focus on pain and fear. In a page from a manual dated July 8, 2009, with side notes about "advisor call control" and maintaining "rapport with PROSPECT," the document is similar to ITT's, with questions to "uncover the pain and fear"—"uncover the pain and fear." At the bottom: "It is all about uncovering their pain and fears," underlined. "Once they are reminded of how bad things are, this will create a sense of urgency to make this change." Sixteen pages of sales tactics later the recruiter is taught to "restate back word for word, the better you restate the brighter the dream."

Another Kaplan document says, "Keep digging until you uncover their pain, fears and dreams. . . ." If you get the prospect to think about how tough their situation is right now and if they discuss the life they can't give their family because they don't have a degree, you will dramatically increase your chances of gaining a commitment from the student. "Get to their emotions and you will create the urgency!" "Get to their emotions and you will create the urgency!" Is that the way we ought to be enticing young people to go to school? Stoke the pain, stoke the fear?

Again, according to the Department of Education, 30 percent of student

loan borrowers at Kaplan default within 3 years of leaving school. And, guess what, Kaplan keeps the money.

Let me cite just one more example—Corinthian Colleges. At Corinthian, recruiters are taught to convince students that their lives are bad and can be improved only by enrolling in the school. As a former recruiter, Mr. Shayler White testified in a lawsuit filed against Corinthian by ex-students: “The ultimate goal was to essentially make [prospective students] wallow in their grief, feel that pain of having accomplished nothing in life, and then use that pain” to pressure them to enroll.

I have focused on the blatant exploitation of pain to demonstrate the terrible cynicism that pervades these companies, but the schools’ recruiting documents also are ripe with misrepresentations.

From a brochure for Ashford University, owned by Bridgepoint, it says it was “established in 1918,” a “traditional 4-year campus with sports teams, dormitories, regionally accredited since 1950—what this means to you is that your degree will be recognized both professionally and academically.” That is from Bridgepoint, Ashford University. Well, what it does not tell you is that up until 2005, Ashford was a small religious school with 350 students. They were purchased by Bridgepoint and renamed “Ashford.” So 350 students at the end of 2005, and today they have 70,000 online students, with astronomical dropout rates. And 67 percent of Bridgepoint is owned by investment bank and private equity fund Warburg Pincus. Think about that—a private equity firm owns Bridgepoint. They buy a small religious school, with 350 students. They put out these things: You can go to

this school, with a great campus and all that, but you are going to school online. Now they have 70,000 students.

According to the Department of Education, 21 percent of student loan borrowers at Ashford’s parent company Bridgepoint default within 3 years of leaving school. That is a 17-percent increase in just 1 year.

The HELP Committee has heard testimony from experts in college counseling. This testimony details the detrimental effects such overly aggressive and misleading recruitment can have on the lives of students. When students are enrolled through deception or fear, they are less prepared to meet the challenges of college. Rather than offering students a better life, these types of strong-arm, emotionally abusive tactics are all too typical of schools that have little or no interest in providing students the academic help and support they need for the students to succeed.

Perhaps the attitude of these schools toward students is best exposed in a document provided by Vatterott, a privately held for-profit school. Under the heading of “Emotion,” it notes that:

We deal with people that live in the moment and for the moment.

That is whom they are going after.

Their decision to start, stay in school or quit school is based more on emotion than logic.

Pain is the greater motivator in the short term.

Think about the schools you are familiar with in your own States, your private, nonprofit schools, some religious based, then your public schools and your universities. Are they recruiting students like this? You will not find this in any of them. They are not going after pain and fear; they are going after students to help and sup-

port them when they go through school so they can have a better life.

Well, if this is the attitude—to stoke the fear and to stoke the pain—if that is the attitude of these for-profit colleges, what does it say about its students’ chances for success? Is it any wonder that outcomes are appalling and defaults are skyrocketing, accounting for nearly 47 percent of all student defaults?

Once again, I have to point out that the for-profit schools enroll about 10 percent of higher education students in America, but they account for 47 percent of the defaults—10 percent of the students, 47 percent of the defaults.

The bottom-line finding of my committee’s investigation is that, No. 1, these schools are very expensive; No. 2, they are exploitative; and No. 3, these documents show they are focused on their own success—paying their shareholders if they are publicly held or paying back their equity investors if they are equity owned. They are not focused on the success of their students.

The bottom line is that what we are confronting today with this tremendous explosion in for-profit schools, this tremendous explosion in their enrollment of students—as I said, Ashford in 2005, 350 students; today, 70,000 students—their tremendous churning of students that is going on every year—this has a striking resemblance to the subprime crisis that confronted America, a striking resemblance to the subprime crisis.

Mr. President, I ask unanimous consent that the documents I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Recruiting Documents – Senate HELP Oversight Request**Vatterott-Nation**

UNDERSTANDING OUR MARKET...

Who Are Our Students? Sales Begins With...

AWARENESS, UNDERSTANDING, ACCEPTANCE OF THE MARKET WE SERVE!

Student Profiles: Welfare Mom w/Kids; Recent High School Graduates; College Freshmen dropout; Pregnant Ladies; Recent Divorce; Military - Active & Retired; Low Self-Esteem; Low Income Jobs; Vocational Rehabilitation; Experienced a Recent Death; Experienced a Recent Birth; Empty Nest Syndrome; Recent Marriage; Relocation; Career Change; Upgrade Skills; Physically/Mentally Abused; Recent Incarceration; Drug Rehabilitation; Dead End Jobs-No Future; College Credits – 2 Years+; Living w/multitude of Families; Living with Parents; Living with Significant Other; Fired / Lay off; Self Employed w/ No Benefits

Emotion

We deal with people that live in the moment and for the moment. Their decision to start, stay in school or quit school is based more on emotion than logic. Pain is the greater motivator in the short term.

DIRECT QUOTES

Lately it seems admissions has been putting in some really troubled people... could this be a trend?" This last batch of students you guys dumped in here are about the worst I've seen in years" "I just walked by orientation—WOW-SCARRRRY!" "Do your ads say, LOSERS! ENROLL HERE!" "You need to target a better demographic it would make all of our jobs a lot easier!"

We Serve The UN-DEr World UNEMPLOYED UNDERPAID UNSATISFIED UNSKILLED UNPREPARED UNSUPPORTED UNMOTIVATED UNHAPPY UNDERSERVED!

Examples of Buying Motivation: Low Pay; Dependent upon others; Higher income; Job Security; Self-Esteem; Recognition; Daily Activity

EXPECTATIONS: Outbound Calls-50 MINIMUM Appointments Set-5 Appointments Held-3 3 Packaged per week Referrals-2 per week

Pain Funnel and Pain Puzzle**Eight Questions**

Level 1 Pain 1. Tell me more about that...? 2. Can you be more specific? Give me an example. 3. How long has it been a problem? Level 2 Pain 4. What have you tried to do about that? (What have you done to fix it?)

And did that work?

What results did you get?)

6. What has it cost you?

Level 3 Pain 7. How do you feel about that?

Level 4 Pain 8. Have you given up trying to deal with the problem?

Does the prospect have enough pain to qualify for the next step?

Does the prospect recognize the problem?

Is the problem one that you can fix?

Do they acknowledge it is a problem?

Consequences, Problem, Reasons

Are they committed to fixing it?

Are they willing to do something about it now?

High school/GED questions How would you describe your high experience?

Did you feel successful in high school?

Level 1 Pain Tell me more about that; Can you be more specific; Give me an example

How did that make you feel?

How did your parents feel?

What could you do differently?

What subjects did you feel most successful?

What do you think was attributable to your success?

What subjects did you feel least successful?

What do you think attributed to that?

Level 2 Pain What have/had you tried to do about it? And did that work?

What has it cost you?

Level 3 Pain How do you feel about that?

Level 4 Pain What are you willing to change now or have you given up trying to deal with the problem?

- additional education How long have you been going to xxx college?
 Have you worked while attending?
 Have you wanted to work while attending?
 Why did you put off attending college after high school?
 How would you describe your college experience?
 Did you feel successful at xxx college?
- Level 1 Pain Tell me more about that; Can you be more specific; Give me an example
 How did that make you feel? How does your family feel?
 What have you tried to do about that? And did that work?
 What subjects did you feel most successful?
 What do you think was attributable to your success?
 What subjects did you feel least successful?
 What do you think attributed to that?
- Level 2 Pain What have/had you tried to do about it? And did that work?
 Do you feel that spending x amount of time at xxx college has held you back from where you
 want to be?
 What has it cost you?
- Level 3 Pain How do you feel about that?
- Level 4 Pain What are you willing to change now or have you given up trying to deal with the problem?
- employment How well would you say you have been able to support your family in this position?
 How well would your family say you have been willing to support them?
- Level 1 Pain Tell me more about that; Can you be more specific; Give me an example
 How did that make you feel?
- Level 2 Pain What have you tried to do about that?
 And did that work?
 What has not having a college education cost you?
 In self worth?
 Financially?
- Level 3 Pain How do you feel about that?
- Level 4 Pain What are you willing to change now or have you given up trying to deal with the problem?

Ways to combat "drops" in Marketing during the class building period.

Communication

Remain centered, focused and calm. Remember, most of the time drops late in the quarter are due to FEAR!

Don't take things personally

Stay in constant contact through phone calls, emails, etc. Remember nothing can
 replace voice to voice contact.

Remind them of their motivation often. Use this to keep them motivated.

Remind them of what things will be like if they don't continue forward and earn their
 degrees.

Poke the pain a bit and remind them (if applicable) who else is depending on them
 and their commitment to a better future.

Use visuals and analogies. Remember most humans are visual learners.

Avoid words such as "concerns" or "issues". Many times these words imply there are
 not solutions. Instead talk about "obstacles"...obstacles can generally be moved in
 order to continue going down a specific path.

Watch the stress tone in YOUR voice when communicating with them. Remember,
 they are NOT numbers...they are students.

Use positive speak. Example "When you come to classes next week."

Invite the obstacles

Do not fear obstacles; embrace them. The better you are at inviting them, being
 patient to work on them, and taking on the role of "solutions provider" the stronger
 you will be as a Rep. AND the better your students will feel as you became their
 advocate to success.

In the initial (or future) phone calls listen for things which may give you some insight
 on potential obstacles. Things dealing with kids (potential time, money and
 transportation obstacles?), things dealing with transportation (shuttle passes?),
 spouses (are they supportive? Co-signer potential?), parents (are they supportive?
 Co-signer potential?), grandparents (supportive? Co-signer potential?), etc. Ask
 about their current employment situation. Are there potential work schedule

conflicts? If so, how supportive is the employer? Can we assist the student through Career Services seeking more "education friendly" employers allowing an appropriate work schedule for your student to attend class?

Remember, if cost is an obstacle...it is also part of their motivation! (If they don't make a change, where do they see their finances in 2 years, 5 years, 10 years? If they DO have a degree, where do they see their finances?)

Remember EVERYONE wants to graduate, but NO ONE wants to start. AVOID statements in your initial conversations such as "when do you see yourself starting classes?" Instead use phrases such as "How soon do you see yourself GRADUATING?"

FA Process

- Do your best to always get the "buying influence/buying committee" to attend the initial conducted interview. If they don't attend then, have them attend the actual FA Conduct. Have them show up about 15 minutes before their FA Conduct and pull the questionnaire back out and review the students motivation and what they liked about the school. Take another walk through the campus (with the buying influence/buying committee) and invite their questions. Get them in a positive state of mind before they meet with their FAA so they feel motivated again to embrace the next step.
- Do your best to ensure SmartForms is completed prior to the FA Conduct.
- Get your student in for the FA Conduct as soon as possible (72 hours or less) following the initial application interview. The sooner the better. Any scheduling over 7 calendar days must be approved by either the DOR or DOF.
- During your initial conducted interviews provide your FAA (prior to testing and the Pre-Req.) the students social security #, name and birthdate for them to look them up on NSLDS.
- Re-educate the student on the FA process. Ensure they (and any buying influences/buying committees) understand WHAT a co-signer is, and what it is NOT.
- Encourage activity in the initial FA Pre-Req. Have taxes faxed over right then from the IRS. Contact any potential co-signers and introduce yourself and ask if they have any questions for you or the FAA (while the student is sitting there with you).

Other ways to maintain the commitment

- Before a student signs the back of the questionnaire to apply have them hand-write their thoughts on "Why ITT" at the bottom right hand side of the inside of the questionnaire where it states "What Is Important To You Notes". Let the student know the Manager of Recruitment AND the Director of Recruitment review these to ensure the students we enroll are committed to success in their classroom and their futures.
- Be 100% sure when the students do this you enter this information in to IRIS. You will be able to refer back to it and use the information to help keep them motivated along the way.
- After they fill in their statement(s) ask them, "Teddy, this is great. What role can I play in helping you stay on track and being a supporter of your goals?"
- Have other Rep's call and confirm attendance for classes, conducts, FA Conducts, etc. Some times students will share other insight with someone other than you. Many students do not call us if they are scared, or if they change their minds, because they feel as though they are letting you down.
- If a student is getting cold feet, have them sit down (even if it's over the phone) and write out a "Pro's and Con's" list regarding their future if they do NOT start. Get them to verbalize things. Remember ASK DON'T TELL! You can not convince anyone to go to school by what you say. You CAN convince them to go to school by asking questions and allowing THEM to hear things in THEIR words why going to school will benefit their futures.
- Do NOT give up on finding a solution until you have exhausted your efforts in speaking with peers, managers, people in other departments, etc. Remember, b...e THE solutions provider for their future. They will thank you at graduation for your persistency and your tough love.

Reiterating the Objective of the Call:

As I stated a moment ago, our objective today is to become better acquainted. First, I want to know more about you - your hopes, dreams, goals and perhaps even fears. Does that sound fair?

TRANSITION: The best way for me to assist you today is to find out a bit more about you and your goals,

together we'll determine the right next steps.

UNCOVERING THE PAIN AND THE FEAR – CREATING URGENCY

- How long has this been a goal of yours? When did you first realize this is the direction you wanted to move in?
- What has stopped you in the past? What is different today?
- Whose life would this impact, besides you? What would it mean for them to see you finally take this step to a better life? (SILENCE.. THIS STIRS UP EMOTION)
- Who will be the most of you for making this change? In addition to your biggest supporter, who else would you invite to graduation? (PDL opportunity) I am assuming your friends and family have been thinking about making a positive change as well correct? GREAT! Once we get you started on this path to success, I will reach out to them and see if we can help make a positive change in their life just like you. Sound like a plan? Awesome!
- Lastly, what are something's you would LOVE to provide for your family but unfortunately due to your current situation you are unable to? Tell me more about that. (Keep digging until you get to their REAL DREAM- a house, taking family to Disney World. DO NOT ANSWER FOR THEM. LET THEM PAINT THEIR OWN PICTURE

Rubric Attribute – Objective of the call

Affected Rubric Attributes –

- Asks probing questions to explore student motivation
- Empower the student to respond/ Advisor Call Control
- Active Listening
- Advisor picks up on buying signals
- Build/ Maintain Rapport w/Prospect

KEEP DIGGING UNTIL YOU UNCOVER THEIR PAIN, FEARS AND DREAMS. DO NOT ANSWER FOR THEM. LET THEM PAINT THEIR OWN PICTURE. IF YOU CAN HELP THEM UNCOVER THEIR TRUE PAIN AND FEAR. IF YOU GET THE PROSPECT TO THINK ABOUT HOW TOUGH THEIR SITUATION IS RIGHT NOW, IF YOU TALK ABOUT THE LIFE THEY CAN'T GIVE THEIR FAMILY RIGHT NOW BECAUSE THEY DON'T HAVE A DEGREE...YOU DRAMATICALLY INCREASE YOUR CHANCES OF ENROLLING THIS PROSPECTIVE STUDENT. GET TO THEIR EMOTIONS, AND YOU WILL CREATE THE URGENCY! IF YOU CAN STIR UP THEIR EMOTIONS, YOU WILL CREATE URGENCY!

Overcoming Objections

The following are some common objections & tips on how to overcome them:

Concern: Not enough time

Response:

How much time do you believe this will take?

How much time can you invest in yourself?

Is there ever a good time to go back to school?

Why did you call or request the information? (Don't sound condescending)

Walk me through a day in the life of you. When do you get up/home from work, etc?

Do you see yourself having more time for school in the future?

How would having your degree afford you more time?

How long have you been thinking about finishing your degree?

Concern:

Response:

Money/Cost

Investing in yourself... You're worth it right?

Education is an asset that never depreciates.

How much did you plan for?

Compare cost vs. new car (\$20-30,000)

Ashford is more affordable than most private schools offering online programs.

How much more will you make once you have your degree?

What costs more, having your degree or not having it?

Are you aware of the financing options available for those who qualify?

- Student loans not income or credit based
- Loans deferred while in school
- Have up to 10 years to pay back

Concern:

Response:

Credibility/Reputability

What do you know about accreditation or AU?

- Established in 1918
- Traditional 4-year campus with sports teams, dormitories
- Regionally accredited since 1950

98% of students surveyed said they would recommend AU to a family member or friend

Concern: Fear

Response:

What concerns do you have?

Explain the benefit of having a personal advisement team (EA, AA FSA)

What makes you feel more anxious? Obtaining your degree or not having it?

Tell me about another time in your life you felt afraid and how you overcame that fear?

Students just like you that have been out of school, working adults, etc...

Many resources: online library, tech support, writing consultant, etc

Concern: Procrastination

Response:

What significant advantage is there in waiting to begin?

There will always be a reason for putting off finishing your degree. What is yours?

You could have completed __ classes by now.

It doesn't get better later, it just gets later.

Why are you waiting to begin?

How long have you wanted to finish this goal?

If you get laid off, it would be better to have a degree to fall back on, right?

Two years is going to pass. Wouldn't you be better off with a degree in that time?

There is a way around every obstacle.

If you want your degree, you can have it, and I will show you how to make it possible.

What is going to change in __ months/years when you plan to start?

If you procrastinate you'll never graduate! (Said with a big smile!)

Concern: Just Shopping

Response:

What research have you done so far?

What will be your determining factors in selecting a school?

What schools are you looking into?

How much does it cost to earn your degree there?

What do you know about AU?

What do you like at AU?

Would you like me to help you with your research? (Send AU Advantage)

Concern: Unsupportive Person in the Student's Life

Response:

What concerns does he/she have?

Is he/she available to speak to me/with us on the phone?

Let's discuss how you are going to present the information to him/her.

Concern: No computer or limited technology skills

Response:

Who is supporting your decision to go back to school?

Does he/she have a computer you can use?

Is he/she willing to help you with understanding how to use the computer?

Is your employer ok with you using the computer at work for school purposes?

Are you willing to go to a library?

If I made myself available to show you some tips on the computer, would this help?

Did you know that you will have access to a Writing Mentor in your 1st course?

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. It is the Presiding Officer's pleasure to recognize the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT—S. 223

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that at 10:20 a.m., the Senate proceed to the consideration of the pending Nelson of Florida amendment No. 34; that there be 10 minutes of debate equally divided between Senator NELSON of Florida and Senator HUTCHISON or their designees; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the amendment, with no intervening action or debate; that there be no amendments, motions, or points of order to the amendment prior to the vote; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Yes, from me. Yes, it is at 10:20 a.m. on Tuesday. I ask unanimous consent that it be at 10:20 a.m. on Tuesday, February 8, that the Senate proceed to it and then the rest of the request be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

ORDER OF PROCEDURE

Mr. BARRASSO. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague, the Senator from South Carolina, Mr. GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come today to the Senate floor as a physician who has practiced medicine in Wyoming for a quarter of a century, taking care of the families of Wyoming, and to do what I have done throughout the past year—provide a doctor's second opinion on this health care law people across the country are now coming to grips with as they finally are realizing what is in the bill or, as the former Speaker of the House, NANCY PELOSI, once said: First you have to pass it before you get to find out what is in it.

People are finding out what is in it, and people all across the country are not happy. We know what the American people want. I know what the people of Wyoming want in terms of health care. They want the care they need from the doctor they want at a cost they can afford. That was the goal many of us had over a year ago when we started this discussion and debate on the Senate floor. What ultimately got passed—and many people believe crammed down the throats of the American people—is now a health care law where people are at risk of losing what they want and what they have.

The promises made by the President are such that they have turned to be, in many ways, unfulfilled. The President said this would actually drive down the cost of care—the health care law—that insurance rates would go down \$2,500 per family. What people have seen all across the country is the cost of their health care insurance rates going up instead of down. The President said: If you like the care you have, you can keep it. Now we know that a majority of people who get their health insurance through their work are not going to be able to keep the coverage they have liked.

So I come to the floor with my colleague, Senator GRAHAM, because we have introduced a bill, S. 244, the State Health Care Choice Act, which allows States to make a decision to say: Is this something we want in our State?

I will turn to my colleague from South Carolina before getting into the specifics. I know the Senator has visited with his Governor about the concerns his Governor has, a newly elected Governor who has concerns and actually addressed those concerns with the President about the health care law and the mandates on the people of South Carolina.

So I would ask my friend and colleague, are there things we as a body ought to be considering to make life easier for the people of his home State of South Carolina? And I can talk about things for Wyoming as well.

Mr. GRAHAM. Yes. If I may, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. No. 1, Senator BARRASSO, who is an orthopedic surgeon, has been a great addition to the Republican conference and to the Senate as a whole. He is a doctor and has practiced medicine longer than he has been in politics, I am sure, and he sees this problem from the physician's point of view, from the patient's point of view. And our Presiding Officer was recently a Governor.

Here is what my Governor is telling me: that Medicaid is a program that needs to be reformed, not expanded the way we are doing it. The second largest expense to the State budget in South Carolina is Medicaid matching money.

For those who are home who may be watching, Medicaid is a program for low-income Americans. It is a Federal program and a State program, but it is a Federal Government mandate that if you reach a certain income level, you are eligible for Medicaid services to be administered by the States. But, quite frankly, the flexibility the States have is very limited, and this bill, the Obama health care bill, expands Medicaid eligibility to the point that 29 percent of the people in South Carolina would be Medicaid eligible.

Our State has an \$850 million shortfall in our budget. I think Wyoming is in pretty good shape, but I think we are probably closer to the average State. We have had a dramatic decrease in revenues, and the cost of complying with the Medicaid expansion in this bill would be \$1 billion to a State that cannot afford it. I am sure West Virginia is very similar.

So here is my commitment to the body. I would like to give the States an opportunity to speak as to whether they want the individual mandate, the Medicaid expansion, and employer mandate that I think adds a lot of cost to businesses that will decrease job opportunities at a time when South Carolina needs every job it can get.

But one thing we could do by passing this legislation is get this debate out of Washington, where everybody has kind of dug in their heels, and listen to the people. That is the one thing we have not been able to do.

This bill passed under the cover of darkness on Christmas Eve in a process that is not reflective of the hope and change we all would like to have. It was the worst of Washington. It is not as if the Republican Party has never, behind closed doors, passed bills on a party line. But we are all trying to break that formula. And this bill passed on a party-line vote on Christmas Eve. To get the 60th vote, quite frankly, was unseemly.

So what I am hearing from my Governor is, please give me some relief from a Medicaid Program that is drowning my State.

So after this opportunity comes to take the debate to the State level, I would like to join with Senator BARRASSO and the Presiding Officer and anyone else in this body who wants to come up with a way to fix Medicaid before it bankrupts all the States.

So this opt-out approach I think would make the debate more meaningful. It is not just about what people in Washington think; it is about what America wants and what Americans think. The best way to get their opinion is to allow them to speak at the State level.

So if my colleagues on the other side believe this is a great bill, then give other people a chance to validate what you think. We may be wrong. Senator BARRASSO and I may be wrong. We may

be hearing criticism from this bill that is very limited and unique to Wyoming and South Carolina. I don't think so, but we will never know if we don't give people the chance to speak.

That is what this bill does. It allows States, if they choose, to opt out of the individual mandate and the employer mandate of Medicaid expansion.

What is my colleague from Wyoming hearing about the effect of this bill on the State of Wyoming, and where do you think we should go as a nation?

Mr. BARRASSO. The people of Wyoming overwhelmingly want the opportunity to remove themselves from the heavy burden of the Obama-passed and supported health care law. There are huge expenses. The Medicaid mandate is huge.

Mr. GRAHAM. Mr. President, if I could interrupt and ask the Senator from Wyoming about waivers that have been given. Can the Senator tell us a little bit about the waivers that have been granted? Aren't we basically allowing a State to request a waiver by our bill?

Mr. BARRASSO. We are doing exactly that. As of last week, the Secretary of Health and Human Services has given—just last week—500 new waivers to allow individuals who get their insurance through work, and now a total of 729 waivers affecting 2.2 million people to opt out—individuals to opt out—of the specific requirement.

I think States ought to have the right to make decisions about the Medicaid mandate, about the individual mandate that requires everyone to buy government-approved health insurance. It is a mandate. Congress is telling people they have to buy government-approved health insurance. I think it is unconstitutional. The Supreme Court will ultimately decide. People will get penalized. There are going to be IRS agents checking to make sure people have this government-mandated and government-approved health insurance. I think people ought to be able to—the State ought to decide if they are going to make every employer in the State—the business creators, the entities that hire people, the small businesses, the job creators—I think the State ought to have the right to make the decision to say, Are we going to make those employers—force them—to provide government-approved health insurance.

It is a big cost for businesses that are trying to hire people. I think States ought to be able to opt out of the benefit mandate which defines how much insurance somebody has to have. Also, in many cases it is overinsurance—more than they need, more than they want, and more than they can afford.

Mr. GRAHAM. Mr. President, I ask the Senator, what percentage of the waivers involve union plans?

Mr. BARRASSO. Well, of the 2.2 million people who have gotten waivers by the Secretary of Health and Human

Services—and, as I say, you need to have friends in high places if you want a waiver, because I know the small business owners in my State, and probably in the State of the Senator from South Carolina as well, couldn't get to the Secretary of Health and Human Services to get these waivers. But 860,000 waivers have gone to members of 166 different unions' benefit programs. It is interesting, because across the country unions have received 40 percent of the waivers, yet union members are only 7 percent of the workforce. So it seems a disproportionate number of these waivers have been given to members of the unions.

What I find so intriguing is that these are the same people from the same unions that lobbied so hard to get this health care law passed. Now that they know what is in it, they don't want it to apply to them. That is a concern about which I think the American people will say, Well, if all of these different union members can get a waiver, why can't I? Why can't States be able to opt out as well?

In a national poll last Friday, February 4, the majority of Americans said States ought to have the right to opt out of the health care law. A majority of Americans believe their State ought to have a right to opt out. We now know that seven states—Arizona, Georgia, Idaho, Louisiana, Missouri, Oklahoma, and Virginia—have already passed laws or constitutional amendments making it illegal to force anyone to buy health insurance. Their State legislatures—to me, that is how I am reading it—say, we are going to opt out whether this law passes or not.

Mr. GRAHAM. Mr. President, along that line, if I could pose a question to my colleague: How many States have joined the lawsuit saying the individual mandate is unconstitutional, if the Senator knows that number? The Senator just indicated how many States have passed State laws saying we shouldn't be required to comply with individual mandates.

Mr. BARRASSO. Seven States have already passed laws or constitutional amendments making it illegal to force someone to buy health insurance.

Mr. GRAHAM. How many States have joined the lawsuit?

Mr. BARRASSO. Twenty-six States have joined the lawsuit, including my home State of Wyoming which recently joined. New Governors have been elected and sworn into office in January, so five new States have joined the lawsuit, saying, This law isn't constitutional. People from Congress shouldn't be able to go into your home and make you buy a government-approved product if you don't want to buy it. The background of the Senator from South Carolina is superior to mine in the legal field or the courts, but it sure sounds to me as if rulings from Virginia and Florida uphold my firm belief

that Congress can't make people buy products.

Mr. GRAHAM. If I may, I think the Senator is going to find this case going to the Supreme Court in a year or two—the sooner the better, as far as I am concerned. I don't know how the Court will rule, but I can understand why attorneys general would be arguing that requiring someone to do something to create activity is probably a real stretch of the commerce clause. Where does it end? There are two sides to that legal coin.

My point is, I doubt if the attorneys general of these States, who are mostly elected—or I am sure all of them are elected—would be bringing a lawsuit to challenge the constitutionality if they believed their constituents were really for the bill. Does that make sense to my colleague, that 26 attorneys general would be suing the Federal Government in court if they believed their own citizens felt as though this were the right way to go?

Mr. BARRASSO. I think the attorneys general are making decisions based on what they believe is in the best interests of the citizens of their State, and they are saying, People of our State have rights, and we have a Constitution, and that Constitution should trump the 2,700-page health care law.

Mr. GRAHAM. Mr. President, if I could make this point to my colleague: No judge is going to ask the average person what they think, nor should they. This is a legal question. I don't know how it is going to come out. I think it is probably 50–50.

What we are doing differently, I say to my friend from Wyoming, is we are not saying we need to pass it all from Washington or repeal it all from Washington. We are saying: Allow people to comment on the product that was created on a party-line vote on Christmas Eve, in an unseemly fashion, by allowing people at the State level, through their elected representative, to have a say. That is different than a court challenge. That is different than a Washington debate. Quite frankly, if we are going to turn one-fifth of the economy upside down, I think it would be very helpful to this country to involve our fellow citizens.

This will be a constitutional academic decision made on the law. What we are trying to do, I say to my good friend from Wyoming, is to take the debate on health care to the State level so people can speak up before we lock the country into a plan that I think is going to ruin the viability of the States' budgets by expanding Medicaid to 150 percent above poverty. Is that not the purpose, to give people the chance to speak as they have never had to this point?

Mr. BARRASSO. What do people want? What do the States want? Flexibility, freedom, and choice. I know

that is what people in Wyoming want. We are rugged individuals who want flexibility, freedom, and choice. I think every State ought to have the opportunity to make that decision, and that is why this bill is on the floor of the Senate.

Last week I did vote to repeal the entire Obama health care law because I think it is bad for patients and providers—the nurses and the doctors who take care of those patients—and I think it is bad for the taxpayers. I think it will bankrupt the Nation. I think what is now happening is it is also bankrupting the States. Governors, having to deal with this Medicaid mandate, are realizing that to listen to Washington, they are going to have to take money away from education. They are going to have to take money away from public services. They ought to have a right to make a decision at the State level as to what they want to do, what laws ought to apply.

One size doesn't fit all. I know what works in Wyoming is not necessarily what works in South Carolina or West Virginia and certainly may not work in California or New York. That is why States ought to make a decision about ways to help people in their own State get the care they need from the doctors they want at prices they can afford. This massive health care law does not accomplish that.

Mr. GRAHAM. One final question, and I do appreciate the Chair's indulgence. The whole idea of the status quo being acceptable is not what we are talking about. None of us believes the current health care situation is sustainable. Medicare and Medicaid need to be reformed, but so do private health care cost increases. There are monopolies out there by insurance companies. To be able to buy across State lines makes a lot of sense to me.

Briefly, if my colleague could, what does he see—I want to repeal the bill, not just to maintain the status quo, but to replace it with a bipartisan product that does improve quality and lowers costs. Is that the Senator's position, and how can we do that?

Mr. BARRASSO. There are things we mutually must do to make it easier and cheaper for people to get the health care they need, the doctors they want, at the price they can afford. Number 1, as my colleague mentioned, make it legal for people to shop around and buy across State lines. We can't do that right now in this country. That in itself, as studies show, would result in over 10 million Americans who don't have insurance today getting insurance.

Most people get their insurance through work for the simple reason that it is a tax deduction to the company they get their insurance through, but if they buy insurance personally, individually, they have to pay taxes on that money before they pay for the in-

surance. So I think people who end up buying their health insurance individually ought to get the same tax benefits as those who get it through work do. That would make a big difference in bringing down the specific costs to those folks.

I think we need to have incentives that help people actually stay healthy. I ran a program in Wyoming. I was a volunteer at a program called the Wyoming Health Fairs, bringing low-cost health screenings to people. I did health reports on television called "Helping You Care For Yourself," giving people information they could use to stay healthy.

This health care law has money in it aimed at prevention, but it basically has money for jungle gyms and street lamps and pathways, but actually no incentive to get somebody to get up and exercise and get their weight down and their cholesterol under control, their blood pressure under control.

Then I think we have to do something about the lawsuit abuse out there, which drives up the cost of care as doctors order tests not necessarily to help the patient but to make sure they are not missing some very rare condition, and that significantly adds to the cost of care, in the billions and billions of dollars every year.

Mr. GRAHAM. On that note, I would say to the Presiding Officer and to my friend from Wyoming, there seems to be a lot of ways to lower costs. The status quo is not acceptable. The solution we have chosen in a very partisan way I think is going to drive up the budget deficit and eventually lead to more people being in government-run health care at a time when the government is broke and is, quite frankly, going to take the State budget problems and make them unsustainable just by expanding Medicaid.

Our bill is pretty simple. If you think this is a very good idea, let it be tested by your Federal citizens through an opt-out provision. If you think this is a bill that most people would opt out of if they could on our side, give them a chance. The lawsuit is important, but this is a decision the Nation needs to make, and the lawsuit is one way to approach this. But the best way to come up with health care solutions is not going to court but having the Congress and the States and the people of America work together in a partnership. That is what we have not been able to achieve—a partnership where we listen to the States and the people, and from their input we pass laws in a bipartisan fashion.

That is what I hope will happen.

Mr. BARRASSO. That is why we come to the floor to discuss S. 244. The title is State Health Care Choice Act. That is what it truly is—State health care, and choice. It is a choice to be made by the States about health care because if the American people want

anything, it is flexibility, freedom, and choice.

Mr. GRAHAM. I thank my colleague. I have enjoyed the discussion.

I yield the floor.

Mr. BARRASSO. I yield the floor.

TRIBUTE TO MAJOR GENERAL THOMAS CUTLER

Mr. LEVIN. Mr. President, for the past 8 years, MG Thomas Cutler has been the leader of the Michigan National Guard. It has been my privilege to work closely with him in his efforts to keep the Guard prepared for its missions at home and abroad. The people of Michigan have benefitted greatly from his tireless efforts, and Americans and people around the world have enjoyed the benefits of his leadership of the men and women of the Michigan Guard who have served far from home.

General Cutler came to his position with extensive knowledge of the full spectrum of the National Guard's operations, having served in command positions in Battle Creek, Alpena and at Selfridge Air National Guard Base, working not only with Air National Guard personnel but in joint operations as well.

Over his 8 years, he was an extraordinary advocate for improvements to the State's military infrastructure, improvements that made Michigan's people safer, served units from other States that use Michigan facilities for training, and contributed greatly to the welfare of Guard members and their families. The list of ribbons we have cut and of ground we have broken to modernize Michigan Guard facilities is extensive, and the result is some of the most modern facilities in the nation.

He also skillfully led Michigan through the implementation of the 2005 round of base realignments and closures, helping to ensure that Michigan would maintain flying missions at two Air Guard bases and that the Michigan Guard could continue to effectively fulfill its missions.

General Cutler has continually sought new opportunities for the men and women under his command. Most notably among these is the Michigan National Guard's engagement with the armed forces of Latvia and now Liberia through the State Partnership Program. This program uses the civil and military skills of the National Guard to aid the development of partner nation militaries while providing Guard personnel with unique opportunities to interact and build relationships with other militaries. Most important, General Cutler has focused on the people of the Michigan National Guard—on its servicemembers and their families. He has brought to his job a keen understanding of the challenges our citizen-soldiers and airmen face, and the sacrifices of their families and communities.

On January 8, General Cutler left his position as adjutant general of the Michigan National Guard. I salute General Cutler for his service to Michigan and the Nation. The men and women of the Michigan National Guard, who have so benefitted from his passion for the Guard, will long remember his service, and I shall look back on the many times we have been together as some of my best memories.

HONORING OUR ARMED FORCES

SPECIALIST SHAWN A. MUHR

Mr. GRASSLEY. Mr. President, I have the sad task today of paying tribute to Specialist Shawn A. Muhr of Coon Rapids, IA, who has fallen in the line of duty in Afghanistan. Specialist Muhr was serving with the 546th Transportation Company, 264th Combat Sustainment Support Battalion, 82nd Sustainment Brigade out of Fort Bragg, NC. He was 26 years old.

Shawn's family described him as "a gentle person with an adventurous spirit." He is remembered fondly as a happy and generous individual, and I know his loss will be felt very keenly by all who knew him. My thoughts and prayers will be with his family at this time, including his wife Winifred, his father David, and his mother Shirley as well as his brother and sisters.

By all accounts, Specialist Muhr liked being in the Army and loved serving his country. He had previously served in Operation Iraqi Freedom as well as in South Korea and was serving his first tour in Afghanistan. What would we do without individuals like Shawn Muhr? Those young people who gladly serve their country, knowing the sacrifices they will be asked to make and the tremendous risk they take, are the ultimate bulwark in defense of our freedom. Shawn Muhr truly lived and died by the motto of the great State of Iowa, "Our Liberties We Prize, Our Rights We Will Maintain."

SUSQUEHANNA RIVER BASIN COMMISSION

Ms. MIKULSKI. Mr. President, I rise today to commend and congratulate the Susquehanna River Basin Commission, SRBC, in honor of their 40th anniversary. The Susquehanna River Basin Compact, which went into effect on January 23, 1971, brought together the Federal Government and the States of New York, Pennsylvania, and Maryland to form the SRBC, one of only two such Federal-interstate compact agencies in the Nation. The mission of SRBC is to manage the water resources of the Susquehanna basin under comprehensive planning principles, and to protect the Chesapeake Bay, one of the world's most productive ecosystems. The Susquehanna is America's largest eastern river and supplies over half the

fresh water entering the Chesapeake Bay.

This unique partnership has resulted in numerous benefits for the people of the basin, including the establishment of a basin-wide flood forecasting and warning system in one of America's most flood prone river systems; the storage and release of water during low flow periods from federally operated reservoirs; the management of large scale withdrawals and consumptive uses of water; and the monitoring of basin water quality. Furthermore, SRBC's involvement in hydroelectric relicensing has restored migratory fish runs, minimum flows, and improved recreational facilities.

The Susquehanna Flood Forecast and Warning System, administered by the National Weather Service, in cooperation with the U.S. Geological Survey and the SRBC, provides timely warnings to residents of the Susquehanna River basin to reduce loss of life and property damage during flood events. The funding I've helped to secure over the years supports the flood warning infrastructure—a network of gauges, radar and computer technology—to provide advanced flood warning information to communities along the river.

The Susquehanna System is about saving lives and saving communities. I have seen firsthand not only what the warning system accomplishes, but also its ongoing and compelling needs. This system has been critical in protecting families and businesses during flooding that has devastated communities along the east coast.

I extend my congratulations to the Susquehanna River Basin Commission for its 40 years of water resources management excellence, and I will continue to work closely with the Commission on important water resource issues in the future.

BLACK HISTORY MONTH

Mr. BEGICH. Mr. President, to commemorate February 2011 as Black History Month, I would like to acknowledge the contributions of African Americans to the cultural, technological, and social evolution of our Nation and American democracy.

Each year, the Association for the Study of African American Life and History sponsors Black History Month in February because two great men of historical significance were born in this month: Abraham Lincoln, the 16th President of the United States, and Frederick Douglass, a noted Black social reformer and abolitionist. Their actions greatly forwarded the cause of equality for all African Americans.

Given the association has chosen "African Americans and the Civil War" as their 2011 theme, it seems fitting to briefly contemplate initiatives of these two reformers who are from that era.

President Lincoln is forever linked to the momentous Emancipation Procla-

mation in 1863 which 3.1 million slaves living in States that were in rebellion against the Union were declared "forever free" and also allowed to join the military. The year before, Mr. Lincoln abetted the cause of freedom by forbidding Army officers from returning fugitive slaves and signed a law declaring the Federal Government would compensate slave owners who freed their slaves.

Frederick Douglass escaped slavery and became a leader of the abolitionist movement. He was a great orator and writer and after the war he was involved in Reconstruction efforts. His energies were devoted to helping America truly become a place where all citizens enjoyed liberty. Mr. Douglass once said, "I would unite with anybody to do right and with nobody to do wrong."

In observing Black History month, it would be impossible to author an exhaustive list of all influential African Americans. Yet one such individual in recent history stands out: Dr. Martin Luther King, Jr. In January, we celebrated his achievement of peaceful protest in furthering civil rights for minorities. Dr. King's accomplishments represent but a fraction of the positive impact African Americans have had on our society.

I also note the United Nations has proclaimed 2011 the International Year for People of African Descent. Their resolution calls for worldwide cooperation to further their full enjoyment of economic, cultural, social, civil and political rights, participation in political, economic, social and cultural aspects of society and promotion of a greater knowledge of and respect for their diverse heritage and culture.

I agree with these sentiments and urge Americans to continue to fulfill the potential of promise that our Nation offers everyone.

ADDITIONAL STATEMENTS

CLACKAMAS COMMUNITY COLLEGE

• Mr. WYDEN. Mr. President, I am proud that my home State of Oregon has so many citizen soldiers and even prouder of the way we take care of them. In the world of veterans' services, one real shining light is Clackamas Community College. I am delighted today to take this opportunity to recognize Clackamas Community College for being selected to receive the Patriotic Employer Award from the National Committee for Employer Support of the Guard and Reserve, ESGR. Clackamas Community College sets an extraordinary example in its care of our nation's veterans that I would hope every institution of higher learning could follow. Clackamas Community College doesn't just stop at educating its students. It serves every

member of its community, especially its veterans.

When servicemembers come back from the war zone, it takes some adjusting to get back to the routine of life they left behind when they went to serve. As anyone who has gone to college knows, just signing up for classes or applying for student aid can be a confusing experience let alone when you have been out of the university atmosphere for a while, fighting in battle. Clackamas Community College knows that. That is why it created a Veterans Education and Training—VET—Center to serve as a one-stop shop for students who are veterans. The VET Center's staff knows the ins and outs of veterans' education benefits, financial aid and every other veterans' resource and program.

The VET Center is also there for student veterans who have a hard time adjusting to being back in school after they have been deployed. The center serves as a safe haven for the veterans to talk things out and get help with problems only another veteran can understand. A veterans' club regularly meets at the VET Center to provide support and camaraderie for the folks they see as family—other vets.

Clackamas Community College also pays the VET Center staff to train college staff and faculty about issues that confront student veterans so they are ready when called upon to help. This helps create a tremendously supportive environment campuswide.

Through the VET Center, Clackamas Community College works to eliminate obstacles in the admissions process while making every effort to help veterans earn education credit for their military service and experience.

Clackamas Community College also recently joined with the Army Reserves to open an Army Strong Community Center—ASCC—on campus. This center, which connects military members and their families with support resources in the community, is the first ASCC west of the Mississippi River.

But Clackamas Community College does even more. As a leader in its community, it continues its veterans' outreach outside the campus boundaries. When nearly 1,500 Oregon National Guard soldiers were deployed to Iraq, the college sponsored two Oregon National Guard family reunions to support the families of deployed 41st Brigade soldiers. The college also hosted two yellow-ribbon reintegration events that touched the lives of more than 3,800 soldiers and their families.

When the college hosted a veterans job fair last year, they went above and beyond the call of duty to host the largest single veterans' job fair in the State. The college found room for 104 employers that were eager to hire veterans, 106 veterans' services providers and more than 3,100 veterans. The lo-

gistics were incredible, and they handled them with ease, even providing lunch and entertainment for the veterans' families while the veterans job-hunted.

In recognition of their ongoing efforts, Clackamas Community College was one of 20 colleges and universities to receive a \$100,000 grant to serve military veterans from the Wal-Mart Foundation and the American Council on Education. Clackamas Community College used the funds to further their efforts to help veterans transition from military service to college.

As an Oregonian and as their Senator, I could not be more proud of Clackamas Community College, its president, Joanne Truesdell, and the heroes they serve. Our citizen soldiers answer the call of our country every day, and Clackamas Community College returns the favor when they come home. It is my honor to thank them for their support of Oregon's veterans. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES DISCHARGED

The following bill was discharged from the Committee on Health, Education, Labor, and Pensions, and referred as indicated:

S. 248. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-449. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium and Potassium salts of N-alkyl (C8-C18)-beta-aminodipropionic acid; Exemption from the Requirement of a Tolerance" (FRL No. 8861-9) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-450. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8859-6) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-451. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "n-Octyl alcohol and n-Decyl alcohol; Exemption from the Requirement of a Tolerance" (FRL No. 8860-7) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-452. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "(S,S)-Ethylenediamine Disuccinic Acid Trisodium Salt; Exemption from the Requirement of a Tolerance" (FRL No. 8860-6) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-453. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Pesticide Tolerances" (FRL No. 8860-3) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-454. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isobutane; Exemption from the Requirement of a Tolerance" (FRL No. 8860-4) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-455. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bispyribac-sodium; Pesticide Tolerances" (FRL No. 8860-2) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-456. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Loan Servicing; Farm Loan Programs" (RIN0560-AI05) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-457. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Shareholder Approval of Executive Compensation and Golden Parachute Compensation" (RIN3235-AK68) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-458. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

“Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer” (RIN0648-XA084) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-459. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea and Aleutian Islands Atka Mackerel Total Allowable Catch Amount” (RIN0648-XA129) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-460. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications” (RIN0648-XY51) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-461. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled “Safety Standards for Full-Size Baby Cribs and Non-Full-Size Baby Cribs; Final Rule” (16 CFR Parts 1219, 1220, and 1500) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-462. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; DASSAULT AVIATION Model Falcon 10 Airplanes; Model FAN JET FALCON, FAN JET FALCON SERIES C,D,E,F, and G Airplanes; Model MYSTERE-FALCON 200 Airplanes; Model MYSTERE-FALCON 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes; Model FALCON 2000 and FALCON 2000EX Airplanes; and Model MYSTERE-FALCON 50 and MYSTERE-FALCON 900 Airplanes, and FALCON 900EX Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-0864)) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-463. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Diamond Aircraft Industries GmbH Models DA 40 and DA 40F Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-0845)) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-464. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Farmington, MO” ((RIN2120-AA66)(Docket No. FAA-2010-0769)) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-465. A communication from the Attorney Advisor of the Policy Division, Public Safety and Homeland Security Bureau, Fed-

eral Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Wireless E911 Location Accuracy Requirements” (FCC 10-176) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC-466. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department’s 2010 report to Congress on the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC-467. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, “Fundamental Properties of Asphalts and Modified Asphalts—III”; to the Committee on Commerce, Science, and Transportation.

EC-468. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Additional Air Quality Designations for the 2006 24-Hour Fine Particle National Ambient Air Quality Standards, 110(k)(6) Correction and Technical Correction Related to Prior Designation, and Decisions Related to the 1997 Air Quality Designations and Classifications for the Annual Fine Particles National Ambient Air Quality Standards” (FRL No. 9261-3) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Environment and Public Works.

EC-469. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Determination of Attainment for PM10; Columbia Falls and Libby Nonattainment Areas, Montana” (FRL No. 9260-6) received in the Office of the President of the Senate on February 2, 2011; to the Committee on Environment and Public Works.

EC-470. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Qualified Zone Academy Bond Allocations for 2011” (Rev. Proc. 2011-19) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Finance.

EC-471. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Biodiesel and Alternative Fuels; Claims for 2010; Excise Tax” (Rev. Proc. 2011-10) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Finance.

EC-472. A communication from the Deputy Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings: Interim Final Rule” (RIN0625-AA66) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Finance.

EC-473. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Land Border Carrier Initiative Program”

(RIN1651-AA68) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-474. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Loan Guaranty Revised Loan Modification Procedures” (RIN2900-AN78) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Veterans’ Affairs.

EC-475. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 2002 Base Year Emissions Inventory, Reasonable Further Progress Plan, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Pennsylvania Portion of the Philadelphia-Wilmington-Atlantic City 1997 8-Hour Moderate Ozone Nonattainment Area” (FRL No. 9262-7) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Environment and Public Works.

EC-476. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Authorization of State Hazardous Waste Management Program Revisions” (FRL No. 9261-9) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Environment and Public Works.

EC-477. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Authorization of State Hazardous Waste Management Program Revisions” (FRL No. 9262-2) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Environment and Public Works.

EC-478. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Alaska: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision” (FRL No. 9257-1) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Environment and Public Works.

EC-479. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Revision to Definitions; Construction Permit Program; Regulation 3” (FRL No. 9251-1) received in the Office of the President of the Senate on February 3, 2011; to the Committee on Environment and Public Works.

EC-480. A communication from the Regulatory and Policy Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of

a rule entitled "Indian Trust Management Reform—Implementation of Statutory Changes" (RIN1076-AF07) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Indian Affairs.

EC-481. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Update of Regulatory References to Technical Standards" (RIN2137-AD68) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-482. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Integrity Management Program Modifications and Clarifications" (RIN2137-AE07) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-483. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" (Docket No. NHTSA-2006-25686) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-484. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Disadvantaged Business Enterprise; Potential Program Improvements" (RIN2105-AD75) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-485. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Transportation for Individuals with Disabilities; Adoption of New Accessibility Standards" (RIN2105-AC86) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-486. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Canadian Charter Air Taxis—Technical Changes" (RIN2105-AD58) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-487. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Debarment and Suspension (Non-procurement) Requirements" (RIN2105-AD46) received in the Office of the President of the Senate on February 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-488. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Petition of the National Air Carrier Association for Rulemaking" (RIN2105-

AD38) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-489. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Review of Data Filed by Certificated or Commuter Air Carriers to Support Continuing Fitness Determinations Involving Citizenship Issues" (RIN2105-AD25) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-490. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Non-Evidential Alcohol Screening Devices" (RIN2105-AD64) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-491. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information" (RIN2105-AD67) received in the Office of the President of the Senate on February 4, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 293. A bill to modify the authority to use Cooperative Threat Reduction funds for proliferation threat reduction projects and activities outside the states of the former Soviet Union; to the Committee on Armed Services.

By Mr. SANDERS:

S. 294. A bill to enhance early care and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA:

S. 295. A bill for the relief of Vichai Sae Tung (also known as Chai Chaowasaree); to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. CASEY):

S. 296. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 297. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW:

S. 298. A bill to drive American innovation and advanced vehicle manufacturing, to re-

duce costs for consumers, and for other purposes; to the Committee on Finance.

By Mr. PAUL (for himself, Mr. DEMINT, Mr. ENSIGN, Mr. GRASSLEY, Mr. COBURN, Mr. BLUNT, Mr. THUNE, Mr. ENZI, Mr. CORNYN, Mr. HATCH, Mr. CHAMBLISS, Mr. JOHNSON of Wisconsin, Mr. ISAKSON, Mr. BARRASSO, Mr. WICKER, Ms. AYOTTE, Mr. SESSIONS, Mr. PORTMAN, Mr. JOHANNIS, Mr. BOOZMAN, Mr. VITTER, Mr. LEE, Mr. INHOFE, Mrs. HUTCHISON, and Mr. RUBIO):

S. 299. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 45

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 45, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable for imported property.

S. 81

At the request of Mr. ISAKSON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 82

At the request of Mr. JOHANNIS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit

to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 102

At the request of Mr. MCCAIN, the names of the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. GRAHAM), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 136

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 136, a bill to establish requirements with respect to bisphenol A.

S. 185

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 185, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 228

At the request of Mr. BARRASSO, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 239

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 239, a bill to support innovation, and for other purposes.

S. 260

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 277

At the request of Mr. BURR, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 277, a bill to amend title 38, United

States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S.J. RES. 1

At the request of Mr. VITTER, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 3

At the request of Mr. HATCH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 27

At the request of Mr. WEBB, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. Res. 27, a resolution designating January 26, 2011, as "National Kawasaki Disease Awareness Day".

AMENDMENT NO. 11

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 11 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 14

At the request of Mr. WICKER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 14 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 32

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 32 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by

air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 293. A bill to modify the authority to use Cooperative Threat Reduction funds for proliferation threat reduction projects and activities outside the states of the former Soviet Union; to the Committee on Armed Services.

Mr. LUGAR. Mr. President, today I introduce the Nunn-Lugar Global Cooperative Threat Reduction Improvement Act of 2011.

For many years, I have labored to ensure that the global Nunn-Lugar program has the flexibility it needs. Now that the global Nunn-Lugar program has begun to undertake important biological threat reduction campaigns in Africa and other regions, I believe the need has arisen to reexamine the authorities we have provided to the program to ensure that it can effectively implement projects around the globe. These projects protect the American people from nuclear, chemical and biological proliferation.

The record of the global Nunn-Lugar program has been impressive. The results now total: 7,599 strategic nuclear warheads deactivated; 791 intercontinental ballistic missiles, ICBMs, destroyed; 498 ICBM silos eliminated; 180 ICBM mobile launchers destroyed; 669 submarine launched ballistic missiles, SLBMs, eliminated; 492 SLBM launchers eliminated; 32 nuclear submarines capable of launching ballistic missiles destroyed; 155 bombers eliminated; 906 nuclear air-to-surface missiles, ASMs, destroyed; 194 nuclear test tunnels eliminated; and 507 nuclear weapons transport train shipments secured. We have also upgraded security at 24 nuclear weapons storage sites; built and equipped 20 biological monitoring stations; and neutralized 1,742 metric tons of Russian and Albanian chemical weapons agent.

In addition to authorities to operate worldwide, the global Nunn-Lugar program has been granted much needed flexibility in carrying out its mission. The global Nunn-Lugar program has been granted notwithstanding authority to spend up to 10 percent of annual program funds notwithstanding any other provision of law. The Secretary of Defense has the authority to accept funds from foreign governments and other entities to contribute to activities carried out under the global Nunn-Lugar program.

This flexibility came after more than a decade of work to eliminate annual certifications on global Nunn-Lugar assistance that hampered the ability of the United States to use the global

Nunn-Lugar program quickly and effectively. The certification and waiver processes consumed hundreds of man-hours of work by the State Department, the Intelligence Community, the Pentagon, as well as other departments and agencies. I argued that this time could be better spent tackling the proliferation threats facing our country. Former Under Secretary of State Bob Joseph noted during his confirmation process that, at the time, more than a dozen individual steps were required in the State Department alone to complete these annual certifications and waivers. After a strong vote in the Senate, Congress eliminated these annual certifications.

In 2003, I sought authority to use Nunn-Lugar funds outside states of the former Soviet Union. This was favored by the Bush administration. The National Defense Authorization Act for fiscal year 2004, as amended by the National Defense Authorization Act for fiscal year 2008, provides that the Secretary of Defense may spend Nunn-Lugar/Cooperative Threat Reduction funds for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such projects or activities will assist the United States in the resolution of a critical emerging proliferation threat or permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals. The law specifies that the Secretary of Defense may not obligate funds for projects or activities until the Secretary of State concurs in a determination regarding these projects and activities and in notifying Congress. The Secretary of State is also involved in subsequent steps before the global Nunn-Lugar program can put boots on the ground.

Unfortunately, the State Department has not been efficient in carrying out concurrences required by existing law. It is troubling that, after eliminating the lengthy certification processes of the 1990s, equally burdensome and ultimately un-executable interagency concurrence, determination and notification processes for the global Nunn-Lugar program are limiting accomplishments.

The bill I introduce today remedies this situation by providing that the Secretary of Defense be given sole authority regarding global Nunn-Lugar funds—to include making all relevant determinations and notifications to Congress. Originally, this authority had been given to the President. I worked to delegate it to the Secretary of Defense. When it was given by Congress to the Secretary of Defense, State Department officials insisted they had a role in the process. We have now had time to observe how this works in practice, and the result is

clear: it does not function in a manner consistent with the intent of law. Congress clearly intended that efficiency and immediacy accompany this authority.

I do not believe that reserving this authority to the Secretary of Defense means that the State Department does not play a role in other efforts; however, in the reorganized non-proliferation and arms control bureaus who oversee these matters within the State Department, as well as in its regional bureaus, it is the case that simply adding bureaucratic boxes to check has had little positive result. Too often, bureaucratic politics and inertia have intervened to prevent timely success.

We must work to ensure that our implementers have the tools and authorities they need to perform their missions in the Defense Department. It is to this end that I offer this simple bill. I look forward to working with Chairman LEVIN and Ranking Member MCCAIN on the Armed Services Committee on this legislation.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 297. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, today, along with my colleague Senator SNOWE of Maine, I am introducing legislation to exempt universal service contributions and the universal service support programs from what is commonly referred to as the Antideficiency Act.

The Telecommunications Act of 1996 demonstrated our long-standing commitment to ensuring the availability of telecommunications to all Americans at reasonable prices. This concept known as universal service has been the responsibility of the Federal Communications Commission, FCC, since its beginnings in 1934. As a result of the 1996 Act, the Universal Service Fund, USF, was established in 1997. This fund is administered by the Universal Service Administrative Company, USAC, whose Board of Directors is appointed by the Chairman of the FCC.

USAC administers the High Cost, Low Income, Rural Health Care, and Schools and Libraries, E-rate, universal service programs. USAC makes commitments, through letters, to schools for each school year under FCC rules, and it is obviously important these commitments be made before the beginning of the school year to assist schools in their planning processes and achievement of educational goals. The

letters of commitment are based upon funds the USF is authorized to collect, and the USF can adjust the contribution factor quarterly to ensure its receipts.

While the USF receives no Federal monies, FCC staff directed USAC in late September 2004 to treat E-rate and Rural Health Care commitment letters as government obligations subject to ADA requirements. Among the ADA requirements is the demand for cash on hand to cover all obligations. This requirement disrupted the distribution of funds for four months. Congress realized how ill-advised it is to subject these funds to the ADA and enacted legislation to provide for a one-year exemption of the USF from the ADA, through December 31, 2005, and this exemption has been extended for one-year increments in each subsequent year. The current extension expires December 31, 2011. Congress has made permanent similar exemptions for at least fourteen different programs, and we believe the time has come to end these annual one-year extensions and simply make the exemption permanent. This will allow USAC to continue administering these important programs in the most sensible and effective way.

It is important to understand that there is precedence to provide a permanent exemption. There are 14 agencies that currently have a permanent exemption for the ADA, including the Federal Aviation Administration, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration.

By Ms. STABENOW:

S. 298. A bill to drive American innovation and advanced vehicle manufacturing, to reduce costs for consumers, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the Charging America Forward Act, based on similar legislation I offered last year, to drive innovation and advance vehicle manufacturing and to lower costs for consumers when they buy these great new cars and trucks of the future which, by the way, I would remind folks are being made in Michigan. So we want people to be buying those automobiles.

In his State of the Union Address, President Obama called on us to rise to the challenge of the 21st-century economy to outinnovate, outeducate, and outbuild the rest of the world. We can do that.

He also challenged us to put 1 million electric vehicles on the road by 2015. The bill I have introduced today will help us achieve that goal. By investing in electric vehicle innovation, we can create the jobs of the future in America. We are already creating those jobs in Michigan with these investments.

We all know new technologies are always the most expensive, which is why

we passed a tax credit of up to \$7,500 on the purchase of a new electric vehicle. My bill makes that work even better for consumers. It turns that credit into a rebate that can be used at the time of purchase so that when you buy a car, you would get up to the \$7,500 off at the beginning, at the dealership, rather than waiting until you fill out your tax forms the next year.

Right now there is a cap on how many people can take advantage of these credits. My bill would double that so more people can get the savings from these particular credits and buy these new, great vehicles. Right now, when we see gas prices anticipated to rise like crazy into the summer, wouldn't it be great if you had an automobile that went 200 or 300 miles on a gallon of gas, or maybe didn't need any gas at all? That is what this is about.

The bill also increases investments in battery technology and innovation. We know that by supporting American innovation and manufacturing, we can bring jobs back. In fact, we are bringing jobs back from other countries because of what we have been doing through our investment efforts in the Recovery Act, and we can continue to create jobs in manufacturing in America.

We have invested \$2 billion in the Recovery Act toward advanced batteries—the kind of batteries that power these electric vehicles. Before we made that investment, the United States made 2 percent of the world's advanced batteries. In just 4 years, because of that investment, we will be making 40 percent of the world's advanced batteries. That is a big deal, an effective investment.

My bill calls for doubling this smart investment and building on these partnerships to create even more jobs. We want to make our country the undisputed leader in advanced battery technology, manufacturing, and development, and we are on the way to doing that. We need to keep focused and we will get there.

The Charging America Forward Act also extends a tax credit for businesses that purchase hybrid medium and heavy-duty trucks. This will help keep those technologies more affordable for our companies and job creators, in addition to the savings they will get from better fuel efficiency.

The bill extends an important tax credit to support charging stations, so we have the infrastructure needed in our homes or in our garages to be able to power the electric vehicles.

Innovation is the reason America has the strongest economy in the world, even with our challenges. We have always been the leader. To compete in the 21st century economy, we need a strong, vibrant investment strategy, an economy that looks to the future, not the past. That is what Charging America Forward is all about. With the

right investments, we can create jobs today that will last for years and years to come.

We are in a race for the future. We need to outcompete our global competitors around the world. We can do that. We will do that if we out innovate, outeducate, and outbuild. That is what this legislation is about—investing in the future to win that race, investing in advanced vehicles so we can get to that future we all want.

AMENDMENTS SUBMITTED AND PROPOSED

SA 51. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 52. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 53. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 54. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 55. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 56. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 51. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

“(1) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

“(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning Jan-

uary 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

“(3) DEFINITIONS.—In this subsection:

“(A) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual's body and reveals other objects on the body as applicable, including narcotics, explosives, and other weapons components; and

“(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term ‘automatic target recognition software’ means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

“(C) PRIMARY SCREENING.—The term ‘primary screening’ means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(1) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SA 52. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation

Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 23 and 24, insert the following:

(c) **QUALIFICATIONS BASED SELECTION.**—Section 40117, as amended by subsection (a), is further amended by adding at the end the following:

“(o) **QUALIFICATIONS BASED SELECTION.**—

“(1) **IN GENERAL.**—Any contract or subcontract described in paragraph (2) that is funded in whole or in part from the proceeds from passenger facility charges imposed under this section shall be awarded in the same manner as a contract for architectural and engineering services is awarded under chapter 11 of title 40, United States Code, or an equivalent qualifications-based requirement prescribed for or by the eligible agency.

“(2) **CONTRACT OR SUBCONTRACT DESCRIBED.**—A contract or subcontract described in this paragraph is a contract or subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services.”.

SA 53. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 208, between lines 19 and 20, insert the following:

(c) **IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.**—

(1) **INSPECTION.**—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) shall require a detailed inspection of each emergency locator transmitter (referred to in this section as “ELT”) installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer’s specifications.

(2) **MOUNTING AND RETENTION.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) **REVISION.**—Based on the results of the determination conducted under subparagraph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) **REPORT.**—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

SA 54. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 11 and all that follows through “or transfer” on line 23, and insert the following:

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “purpose;” and inserting the following: “purpose, which includes serving as noise buffer land that may be—

“(I) undeveloped; or

“(II) developed in a way that is compatible with using the land for noise buffering purposes;”; and

(ii) in subparagraph (B)(iii), by striking “paid to the Secretary for deposit in the Fund if another eligible project does not exist.” and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.”;

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

“(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

“(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for ongoing airport operational and capital purposes.

“(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

“(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

“(4) In approving the reinvestment or transfer

SA 55. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 7. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

(a) **DEFINITIONS.**—

(1) **CITY.**—The term “city” means the city of Mesquite, Nevada.

(2) **MAP.**—The term “map” means the map entitled “Mesquite Airport Conveyance” and dated February 6, 2011.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) **CONVEYANCE OF LAND TO CITY.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, sub-

ject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the city, without consideration, all right, title, and interest of the United States in and to the land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—The land referred to in paragraph (1) consists of land managed by the Bureau of Land Management described on the map as “Remnant Parcel”.

(3) **MAP AND LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(B) **MINOR ERRORS.**—The Secretary may correct any minor error in—

(i) the map; or

(ii) the legal description.

(C) **AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) **COSTS.**—The Secretary shall require the city to pay all costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (2).

(5) **WITHDRAWAL.**—Subject to valid existing rights, until the date of the conveyance under paragraph (1), the parcel of public land described in paragraph (2) is withdrawn from—

(A) location, entry, and patent under the public land mining laws; and

(B) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

(6) **REVERSION.**—If the land conveyed under paragraph (1) ceases to be used by the city for the purposes described in section 3(f) of Public Law 99-548 (100 Stat. 3061), the land shall, at the discretion of the Secretary, revert to the United States.

SA 56. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, line 11, strike “system shall—” and insert “system—”.

On page 184, line 12, insert “shall” after “(1)”.

On page 184, line 16, insert “may” after “(2)”.

On page 184, line 22, insert “shall” after “(3)”.

On page 186, line 1, insert “and extent” after “quality”.

On page 186, line 21, strike “proposed” and insert “final”.

On page 186, line 22, strike “employees” and insert “personnel”.

On page 186, line 25, strike “determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.” and insert “consistent with the requirements of section 45102 of this title and approved by the Administrator.”.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that the privilege

of the floor be granted to Scott J. Glick, a Department of Justice detailee to the Senate Judiciary Committee during today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, Mr. Glick will be leaving us soon. He has been an invaluable resource, particularly for the subcommittee I chaired in the 111th Congress that dealt with terrorism and homeland security. I thank him for his dedicated work in the Senate. It was extremely important work that he did dealing with the espionage statute and terrorists, generally. I thank him for his service.

Mr. HARKIN. Mr. President, I ask unanimous consent that Ashley Waddell, David Kerem, and Brian Burroughs of my staff be granted the privileges of the floor during the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 248

Mr. MANCHIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 248 and that the bill be referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 8, 2011

Mr. MANCHIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, Feb-

ruary 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks the Senate resume consideration of S. 223, the Federal Aviation Administration authorization bill, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANCHIN. Mr. President, Senators should expect a rollcall vote at 10:30 a.m. tomorrow in relation to the Nelson of Florida amendment No. 34 to the FAA authorization bill. That will be the only vote of the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANCHIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, February 8, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

SUZAN D. JOHNSON COOK, OF NEW YORK, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE JOHN V. HANFORD III, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND

APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

To be general

GEN. MARTIN E. DEMPSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. VINCENT K. BROOKS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. GINA D. SEILER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. MICHAEL A. CALHOUN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARK J. BELTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) GEORGE W. BALLANCE
REAR ADM. (LH) ROBIN R. BRAUN
REAR ADM. (LH) RUSSELL S. PENNIMAN IV
REAR ADM. (LH) GARY W. ROSHOLT

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, February 7, 2011:

THE JUDICIARY

PAUL KINLOCH HOLMES III, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS.

DIANA SALDANA, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

MARCO A. HERNANDEZ, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 8, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 15

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Michael Vickers, of Virginia, to be Under Secretary for Intelligence, and Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Sec-

retary for Personnel and Readiness, both of the Department of Defense.

SD-G50

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine counterterrorism lessons from the U.S. government's failure to prevent the Fort Hood attack.

SD-342

FEBRUARY 16

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012.

SD-366

FEBRUARY 17

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD-G50

MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed

session in SVC-217 following the open session.

SD-106

MARCH 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior.

SD-366

MARCH 3

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD-106

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service.

SD-366

MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Tuesday, February 8, 2011

The Senate met at 10 a.m., and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our strength, You fulfill the desires of those who trust in You. You are great in power and infinite in understanding. Give our lawmakers today a sense of Your nearness. May they open their hearts to Your presence, their minds to Your precepts, and their willingness to Your providence. Remind them, Lord, that You are the source of their abilities and the one who opens doors of opportunity that will keep this Nation strong. Dwell with them and make them productive for Your glory. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks the Senate will

resume consideration of the Federal Aviation Administration Authority bill. At 10:20 there will be up to 10 minutes of debate equally divided on the Nelson of Florida amendment—that is amendment No. 34—regarding NASA.

Senators should expect a rollcall vote at approximately 10:30 in relation to the Nelson of Florida amendment. Today will be only a short session in order to accommodate the Senators attending the Democratic issues conference.

FAA REAUTHORIZATION

Mr. REID. Madam President, I had a conversation last night with the Republican leader. For all Senators, we need to have amendments on this bill, the FAA bill, laid down. We all know there is a lot of feigning going on around here, a little posturing. We still have one issue left that deals with slots at airports. It is not going to be resolved. We have worked on this for years, and it will not be resolved except on the Senate floor. If it is not resolved and we do not have amendments laid down, taken care of, I will file cloture on this bill on Monday.

It is a shame. I wish I could blame the Republicans for the impasse, but it is both parties. We have people on both sides of the aisle who are trying to take advantage, as they see it, on this slot issue. This is an extremely important piece of legislation. I know the slots to individual Senators is important. But it is not important enough to hold up this bill. We have been trying for years—years—to get this bill passed. This will create or save 280,000 jobs. It will improve the safety of our air travels. It will give rights to people who are flying who do not have those rights. We have a passengers' bill of rights. It is a shame this one issue is holding up this bill.

I repeat, if we do not have this matter resolved Monday, I am filing cloture on this bill. We have to complete this legislation. Before we leave for our President's Day recess to go back to work in our States, we also have the FISA legislation that is a must. It expires. We have to take care of that before we leave. Of course, we have many other issues, but those are the two I am concerned about today. We have to pass the FAA bill, and we have to take care of the FISA legislation again.

So I would hope everyone understands that we are not going to be playing around with this slot issue for another year. This bill has to pass, and there is one way we can solve it: people offer their amendments, and we will

vote on them right down here in the well.

I heard yesterday there are meetings going on to try to resolve this issue. These meetings have been going on for months and months and months, and they have held up this legislation. That is unfair. So I tell everyone, we have to move forward on this legislation, and if we do not have this issue worked out by Monday I am going to file cloture on this bill. It is a shame.

I repeat, this is a bipartisan bill. This is not something that Republicans are trying to hold up or Democrats are trying to jam through. This is a bill that Democrats and Republicans believe is for the best interests of our country.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE DEFICIT

Mr. MCCONNELL. Madam President, as the debate over spending gears up ahead of the President's budget next week, I thought it important that we just step back this morning and note one thing: and that is the fact that this debate has completely changed. Two years ago, the President and Democrats running Congress were not debating whether to cut spending. They were debating how much to spend.

You will recall that a lot of them were disappointed that the stimulus wasn't bigger than it ended up being. Some still are.

So we have seen a welcome shift. Today, the only debate is how much to cut. It is a debate that Republicans and, I think, the vast majority of Americans, are happy to have.

And it is in that context that I wanted to mention the President's pledge to freeze his already outrageous spending levels for the next 5 years, and some troubling estimates we got yesterday about what that would mean for the deficit from the people whose job it is to analyze spending and debt here in Washington.

In their monthly budget review, the Congressional Budget Office said that if the current spending levels are frozen at the same level as they are now, and Congress were to enact no other legislation affecting spending or revenues, the Federal Government would end this fiscal year with a deficit of \$1.5 trillion, or about \$200 billion more than the deficit Democrats ran last year.

In other words, even if we do not add another dime to the current spending levels, the deficit will get even worse than last year. That is what would happen under the President's best offer, which is to lock in the dramatically higher spending levels from the past 2 years and put the budget on cruise control. The deficit would not stand still, it will grow by \$200 billion, over the next several months.

So yesterday's predictions by the CBO should be a wake up call to anyone who thinks they can hide behind a spending freeze. This is a dire warning that business as usual is a recipe for disaster. If we do not immediately reduce the size and scope of the Federal Government, the deficit will be even bigger than last year's record deficit.

So we have to get real. We need to listen to our constituents. Freezes are not going to cut it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Wicker modified amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.

Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.

Nelson (FL) amendment No. 34, to strike section 605.

Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for

fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008.

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe amendment No. 6, to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations.

Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the essential air service program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENTS NOS. 54 AND 55

Mr. REID. Madam President, I ask unanimous consent to set aside the pending amendment so I can call up amendments Nos. 54 and 55.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes en bloc amendments numbered 54 and 55.

The amendments are as follows:

AMENDMENT NO. 54

(Purpose: To allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes)

On page 27, strike line 11 and all that follows through "or transfer" on line 23, and insert the following:

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "purpose;" and inserting the following: "purpose, which includes serving as noise buffer land that may be—

"(I) undeveloped; or

"(II) developed in a way that is compatible with using the land for noise buffering purposes;" and

(ii) in subparagraph (B)(iii), by striking "paid to the Secretary for deposit in the Fund if another eligible project does not exist," and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes;"

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

"(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

"(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for ongoing airport operational and capital purposes.

"(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

"(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

"(4) In approving the reinvestment or transfer

AMENDMENT NO. 55

(Purpose: To require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, Nevada)

On page 311, between lines 11 and 12, insert the following:

SEC. 7. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

(a) DEFINITIONS.—

(1) CITY.—The term "city" means the city of Mesquite, Nevada.

(2) MAP.—The term "map" means the map entitled "Mesquite Airport Conveyance" and dated February 6, 2011.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) CONVEYANCE OF LAND TO CITY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the city, without consideration, all right, title, and interest of the United States in and to the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of land managed by the Bureau of Land Management described on the map as "Remnant Parcel".

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(B) MINOR ERRORS.—The Secretary may correct any minor error in—

(i) the map; or

(ii) the legal description.

(C) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) COSTS.—The Secretary shall require the city to pay all costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (2).

(5) WITHDRAWAL.—Subject to valid existing rights, until the date of the conveyance under paragraph (1), the parcel of public land described in paragraph (2) is withdrawn from—

(A) location, entry, and patent under the public land mining laws; and

(B) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

(6) REVERSION.—If the land conveyed under paragraph (1) ceases to be used by the city for the purposes described in section 3(f) of Public Law 99-548 (100 Stat. 3061), the land

shall, at the discretion of the Secretary, revert to the United States.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

AMENDMENT NO. 49

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to set aside the pending amendment so that I may call up my amendment No. 49, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 49.

Mr. UDALL of New Mexico. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize Doña Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes)

At the appropriate place insert the following:

SEC. —. DOÑA ANA COUNTY AIRPORT.

(a) IN GENERAL.—Notwithstanding section 23 of the Airport and Airway Development Act of 1970 (as in effect on August 4, 1982), or sections 47125 and 27153 of title 49, United States Code, the Secretary of Transportation may, subject to subsection (b), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30-82-0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(b) CONDITIONS.—Any release granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

Mr. UDALL of New Mexico. Madam President, this amendment is simple. It provides for a no-cost, fair-value land exchange between Dona Ana County in southern New Mexico and the adjacent property owners.

The Dona Ana County airport in Santa Teresa is a key component for economic growth in the region.

Unfortunately, when the land patent was granted to the county in 1982, it was described in aliquot parts. This created several triangles of land that have been difficult to improve because they meet at their corners and do not share common boundaries.

The county has requested the land exchange so that they may create a secondary access to the airport for general aviation. This new access would separate general vehicle traffic from taxiing aircraft.

The land exchange will also provide an alternate entry to the airport's fuel farm. And it will allow the county to expand airport capabilities to meet the needs of this growing community.

This region of New Mexico is growing and the airport needs to be able to expand to meet increased demand.

This land exchange will help achieve that goal and will improve the economic opportunities in this region. I hope my colleagues will concur that this amendment should be agreed to.

AMENDMENT NO. 51

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to set aside the pending amendment so that I may call up amendment No. 51, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 51.

Mr. UDALL of New Mexico. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software)

On page 311, between lines 11 and 12, insert the following:

SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

“(1) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

“(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

“(3) DEFINITIONS.—In this subsection:

“(A) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual's body and reveals other objects on the body as applicable, including narcotics, explosives, and other weapons components; and

“(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term ‘automatic target recognition software’ means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

“(C) PRIMARY SCREENING.—The term ‘primary screening’ means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(1) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

Mr. UDALL of New Mexico. Madam President, this amendment would significantly improve the privacy protections for passengers being screened by TSA whole body scanners, also referred to as advanced, imagining technology, or AIT.

In 2010, the TSA greatly expanded the use of AIT machines at airport checkpoints around the United States.

The image produced by an AIT machine is highly revealing and many passengers are uncomfortable being screened by the technology. Unfortunately, TSA's policy for passengers who refuse AIT screening is to conduct a full pat-down, hardly an ideal alternative for someone with privacy concerns.

There is a promising option to address the ongoing privacy concerns with AIT. New software, called automatic target recognition, can be installed on existing AIT machines to enhance privacy by eliminating passenger-specific images and instead detecting potential threat items and indicating their location on a generic outline of a person.

This month, TSA will begin testing the new software at Las Vegas McCarran International Airport,

Hartsfield Jackson Atlanta International, and Ronald Reagan Washington National Airport.

Senate amendment No. 51 would require TSA to have automatic target recognition software installed on all AIT machines by January 1, 2012. This will provide ample time for TSA to thoroughly field test the software and work with the manufacturers to make necessary adjustments.

However, by imposing a deadline, it will ensure that TSA and the manufacturers make the implementation of the software a priority and will eliminate the potential for unnecessary delay.

This is an issue that has received bipartisan attention and I hope that this amendment will receive strong support from both sides of the aisle.

In closing, I would like to thank my chairman and ranking member for their hard work on the underlying bill.

It is an honor to serve with them and I look forward to working together on the many important issues before the committee.

Just to conclude, I thank our chairman of the Commerce Committee, JAY ROCKEFELLER. I think both Chairman ROCKEFELLER and ranking member KAY BAILEY HUTCHISON have done an excellent job on this FAA authorization bill. I do not have any doubt that they, working in the committee, have pulled us all together. It is a remarkable bill because it is a job-creating bill. It is a bill that we need right now with the economic slowdown we have in America.

The other aspect of this bill that I think is very important is updating the air traffic control system. That is something that is terribly important. It is called NextGen. We are moving on to the next generation of air traffic control. I think it is important to remind people that we are behind the country of Mongolia when it comes to air traffic control. So it is very important that we get this bill passed.

I agree with Leader REID when he said we cannot be on this forever. We need to move it along. I look forward to helping with that process.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I want to reiterate something the leader has said and what the Senator from New Mexico said; that is, the vast importance of this bill. I have said many times on this floor there are 11 million people who work for the aviation industry. That is only the direct jobs. There are probably 2 or 3 million indirect jobs. It is one of the major parts of our economy.

Here we stand, after 17 delays sort of kicking it down the road for 3 months, completely messing up FAA's ability to work with runways or make improvements. We cannot fiddle around with runways. If something goes

wrong, they have to be fixed or people die. So the stakes are enormous. This business of slots has become a decision people will have to make. Do they want to see a bill which fails, which goes down, and we go into our 18th or 19th, whatever it is—I have stopped counting—or do they want to see something which is major to the American economy, major in terms of NASA research, in terms of air traffic control systems and which is major in terms of a passenger bill of rights. We have a lot of people stuck. I drove back from Clarksburg, WV, to Washington on Saturday. The reason I drove back is I was so sick of that airline that comes out of Clarksburg getting canceled or having mechanical problems, which means they probably didn't have enough passengers because we are a small State. We often don't have enough passengers to meet the bottom line. I drove back. It was 6½ hours. That was fine. I am prepared to do that. I hate doing that because it is a waste of my time. But the stakes are here.

This is huge, this bill. We have one good amendment, which we will do this morning when Senator NELSON of Florida comes down, and then I think we have to proceed. I appreciate the majority leader being quite tough about all this and saying he is going to lay down cloture. He doesn't want to fool around with this bill. There is only one part of this bill which is in any way contentious. That is slots. That has much more to do with campaign commitments than with the good of the Nation.

Nobody gets everything they want. In West Virginia we get almost nothing. I don't complain. I understand we are at the end of the food chain because we are a little State. Whenever there is a recession or airlines aren't doing very well financially because of fuel prices, we get cut off. My view about that is sort of more bitter but more maybe widespread and trying to look at the public good in general. As the tide rises, all the boats rise.

I strongly plead with Senators to consider the broader national interest and air traffic control system, which is digitalized GPS and which is three or four times more safe. I know whenever there is a near miss in the airways, when somebody has not calculated the distance correctly, either the pilot or the air traffic controller, I know about those things. They happen very frequently. There were several in the papers last week. We are playing with life and death. We are playing with the major exporter, by far the major exporter the United States has to other countries in terms of products and goods. Yet people sort of want to have just what they want to have because that is what they said last year, and they can't back off because, if they did, they would look weak or they are trying to protect a certain airline.

This, to me, is not about airlines. It is about passengers. The heck with airlines. We need to have more passengers going west because the West is growing faster than the East. They are underserved. There is one flight a day from DC to Los Angeles. That doesn't make any sense. All these things can be cured if people will be reasonable and not try to win out over some other group, some other constituency. My constituency is the national interest in this bill.

I don't mean to sound prudish, but I do say and believe very deeply.

If it is all right with the Presiding Officer, I will yield the floor to Senator BEN NELSON. He will make his amendment pending and then debate on the Nelson of Florida amendment will start at about 10:20.

AMENDMENT NO. 58

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. NELSON of Nebraska. I call up the amendment at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. SCHUMER, Mr. AKAKA, Mrs. SHAHEEN, Mr. TESTER, Mr. WHITEHOUSE, and Mr. MENENDEZ, proposes an amendment numbered 58.

Mr. NELSON of Nebraska. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings)

At the end of title VII, add the following:

SEC. 733. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

“CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

“Sec.

“2731. Criminal penalty for unauthorized recording and distribution of security screening images.

“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.

“(a) IN GENERAL.—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

“(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

“(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

“(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to an individual who, during the course and within the scope of the individual’s employment, records or distributes an image described in subsection (a) solely to be used in a criminal investigation or prosecution or in an investigation relating to foreign intelligence or a threat to the national security.

“(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) DEFINITIONS.—In this section:

“(1) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(A) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

“(B) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(2) FOREIGN INTELLIGENCE; THREAT TO THE NATIONAL SECURITY.—The terms ‘foreign intelligence’ and ‘threat to the national security’ have the meanings given those term in part VII of the guidelines entitled ‘The Attorney General’s Guidelines for Domestic FBI Operations’, dated September 29, 2008, or any successor thereto.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

“124. Unauthorized recording and distribution of security screening images 2731”.

Mr. NELSON of Nebraska. Madam President, the amendment Senators SCHUMER, AKAKA, SHAHEEN, TESTER, WHITEHOUSE, MENENDEZ, and I have offered is a commonsense approach to address the serious issue of protecting individuals’ privacy when they pass through security checkpoints at both airports and public buildings. Senator SCHUMER and I have been working on this issue for some time, and I appreciate very much his input and counsel in taking this approach. I appreciate the support of the additional sponsors as well as the Presiding Officer, who is one of those sponsors.

By creating a deterrent and establishing criminal penalties for those who take and distribute body scan images inappropriately, we will help protect the American people’s privacy while making sure we are using every resource available to try and assure their safety at the same time.

This is not an abstract concern. There has already been a case where these images, some 30,000, have been taken and posted, some of them, online inappropriately. It is our hope this amendment will help prevent that from occurring again.

By including this amendment in the FAA reauthorization, we are telling our constituents we will not ignore their privacy in the process of making sure we have safe airports and Federal

buildings. That is what they are asking of us. That is what we are going to deliver. I ask my colleagues to support our amendment when it comes up for a rollcall vote.

I yield the floor.

AMENDMENT NO. 34

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes of debate, equally divided, between the Senator from Florida and the Senator from Texas or their designees.

Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Madam President, while Senators are getting ready to speak, we have made good progress on the bill. Amendments are now coming in. Cloture is going to be filed Monday, so we need to have all the relevant amendments in by then.

I support the Nelson of Florida amendment on which we will vote at 10:30. We agreed last year, in a preconference meeting, that the amendment he has to drop language from the bill would be dropped. I support the amendment. The NASA Reauthorization Act has intervened, and that is the law of the land. It was passed unanimously by the Senate. I believe the Nelson of Florida amendment is a good one.

I yield the floor.

Mr. ROCKEFELLER. Madam President, I yield time to the distinguished Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I rise in support of the Nelson amendment. The amendment would strike section 605, as Senator HUTCHISON said, from the FAA bill. Section 605 would establish an advisory committee on the future of aeronautics to, among other things, consider transferring responsibility for civil aeronautics research and development from NASA to other existing departments. The sole purpose is to take away aeronautics from NASA. That is unacceptable. It belies the very purpose of NASA in our space and aeronautics mission. NASA stands for the National Aeronautics and Space Administration. His amendment ensures that NASA stays that way. This is a question of maintaining our space, aeronautics, and economic competitiveness.

Remember, one of our Nation’s top manufacturing exports—and we don’t export nearly enough manufactured goods—is aerospace, which includes civilian aircraft components. Ohio is the center for the aerospace industry. We make billions of dollars in components both for Boeing and Airbus and many other manufacturers. Section 605 would jeopardize America’s dominance in aerospace and would shift the programs that have strengthened our Nation’s global leadership away from the experience and expertise at NASA. A consor-

tium of nonprofits and colleges and private corporations and other government agencies can be effective and have been effective to promote public-private partnerships and economic development. But none of these entities, either by themselves or even working together, will ever be able to conduct aerospace and aeronautics research and development better than NASA. Its fundamental aeronautics research capability is already fully integrated. It ensures the future success of NASA space missions.

Furthermore, section 605 is in direct contradiction to the NASA Authorization Act of 2010, which reaffirmed that aeronautics research remains vital to NASA’s mission and deserves continued support. Simply put, section 605 jeopardizes not only the future of NASA but America’s dominance in the global aerospace marketplace.

NASA centers across the country are unique in their ability to leverage space and aviation systems through their experienced technical researchers. These NASA centers in Cleveland and nine other places around the country are stewards and operators of the Nation’s civil aeronautics R&D test infrastructure.

I applaud Senator NELSON of Florida for offering this amendment and his leadership on the Science and Space Committee.

I ask my colleagues to join Senator HUTCHISON and me in supporting the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield to Senator PAUL to allow him to offer an amendment into the pending amendments so we will have that done before cloture is filed.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

AMENDMENT NO. 18

Mr. PAUL. I ask unanimous consent to set aside the pending amendment and call up amendment 18.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 18.

Mr. PAUL. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration)

Strike section 509.

Mr. PAUL. Madam President, the amendment I am offering is to continue to have the airlines exempt from

OSHA. This isn't because I am not concerned with safety. It is that we have been doing it this way for 30 or 40 years. The FAA voluntarily adheres to OSHA standards in their own manual. I take the President and the opposing party at their word that they are concerned with adding frivolous paperwork and frivolous regulations when, in reality, we are not doing anything to add to safety since the FAA is already adhering to these standards through their own manual. I also suspect that the FAA may be a little bit better in learning to have their own safety manuals and regulations than would OSHA since they specifically have been involved in this.

We would like to ask Members to vote against allowing OSHA to become involved in the FAA.

I yield the floor.

AMENDMENT NO. 34

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Madam President, do I need to set aside the pending amendment to call up amendment 34?

The ACTING PRESIDENT pro tempore. The amendment is now pending, under the previous order.

Mr. NELSON of Florida. Madam President, others have already spoken on this amendment. It is to take out unnecessary language in the bill that has been superseded by the NASA authorization bill we have passed. The letters in NASA, the first A is aeronautics, the National Aeronautics and Space Administration. Aeronautics research is a big part of the NASA bill. We have plussed up a lot of money for aeronautics research. There is superfluous language in the bill about a study. Other studies have already been done. We want to get rid of that red-tape.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROCKEFELLER. Madam President, we yield back any remaining time on our side.

Mrs. HUTCHISON. Madam President, we yield back.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Nelson amendment No. 34.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—96

Akaka	Feinstein	Moran
Alexander	Franken	Murkowski
Ayotte	Gillibrand	Murray
Barrasso	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Begich	Hagan	Paul
Bennet	Harkin	Portman
Bingaman	Hatch	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Kirk	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Cooms	Levin	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	McCain	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Ensign	Merkley	Wicker
Enzi	Mikulski	Wyden

NAYS—1

Coburn

NOT VOTING—3

Kohl Lieberman Menendez

The amendment (No. 34) was agreed to.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE 1ST INFANTRY DIVISION AT FORT RILEY

Mr. ROBERTS. Mr. President, I rise today to honor the hard work and dedication of our men and women in the U.S. Army and all branches of service.

Just a couple of weeks ago, I had the pleasure of attending the uncasing ceremony at Fort Riley, KS. It was an honor. For those who have not attended an uncasing ceremony, it symbolizes a homecoming, and certainly that was the case at Fort Riley. It signifies the presence of the command and resumption of that command's authority. It offers a time to reflect on the heroic efforts and the leadership of the men and women of the Big First.

Since returning to Kansas in 2006, the 1st Infantry Division's headquarters deployed to Iraq. But this was not the first time the division has uncased its colors at Fort Riley. In fact, it was the fifth time in 55 years.

During their time in Basra, Iraq, the men and women of the Big Red One assisted in completing many vital projects.

Approximately 850 soldiers deployed from Fort Riley in February of last year. The division's efforts were sup-

ported by other services and also government agencies. The mission was more offensive than defensive—a change for the men and women of the Big Red One.

To quote Fort Riley's outstanding commanding general, MG Vincent Brooks:

The Big Red One as U.S. Division-South was a trusted partner to the Iraqi Security Forces, to 9 U.S. Provincial reconstruction teams led by the U.S. Department of State, with participants from other agencies of the U.S. Government, and to other U.S. forces in Iraq, the Big Red One ensured that the hard-earned stability emerging in Iraq would never drift away. Their success was our success.

The accomplishments of the Big Red One are numerous and merit the attention of my colleagues.

The division assisted Iraqis in completing the Basra Children's Hospital, a cancer center noted as one of the most modern facilities in the Middle East.

I was fortunate to spend time at the ceremony with about 30 soldiers in the unit. One noncommissioned officer in particular stood out. I asked all of them how many deployments they had made to Iraq or, for that matter, Afghanistan, and the answers were two or three or four. But this one noncommissioned officer had five deployments. I asked him what on Earth was wrong with the deployment situation in his case. He said: Oh, no, I wanted to come back to my unit, to the Big Red One; I wanted to come back to Iraq and continue the work I thought was so important. I asked him what the difference was, and he said: Well, when I was here first in Iraq, we lost nine in our unit; nine paid the ultimate sacrifice. But in this deployment, no shots were fired.

If there ever was testimony from somebody on the front line, and obviously the NCOs run the Army, with due respect to the officers, but he summed it up pretty well: first deployment, nine fatalities; last deployment, no shots fired.

I am truly grateful that all of the soldiers deployed from the Big Red One's division headquarters returned safe this time around.

By the way, General Vincent Brooks, remember that name as I am sure you will hear it again, will soon be receiving his third star and will be reassigned to the Central Command. Anyone who knows General Brooks and his wife, Dr. Carole Brooks, is not surprised. This promotion in the new command comes as no surprise to anyone in the area, especially the people who served under General Brooks and have had the privilege of knowing him. Simply put, he is an inspirational leader with an outstanding record.

From the Kansas congressional delegation, General, well done, sir. You will be missed, but our pride in your success, your future success, and the job you have done and the job you will do make us all proud. It is a pride we all share.

I ask unanimous consent to have General Brooks's comments printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

11D COLORS UNCASING
(By MG Brooks, 20 Jan. 10)

Good morning ladies and gentlemen. I want to first thank the division band, the CG's Mounted Color Guard, Salute Battery outside in the cold air—you both look and sound great. You look and sound great and you make it possible for us to be back.

We are joined today by many distinguished guests. Let me first begin by saying thanks to Governor Sam Brownback, Senator Pat Roberts—it seems we cannot have an important ceremony without a major snowstorm—we certainly appreciate you honoring us by taking the journey here to come here under the conditions to be with us today. We're just honored by your presence. Our civilian aide to the Secretary of the Army. Other distinguished local, state and national elected officials or their representatives, all of whom serve as champions for the interests of Fort Riley in their official capacities. Our friends from Kansas State University also who had the opportunity to witness firsthand the great work our soldiers in Iraq and the real opportunity that exists in Iraq—we thank them for being bold enough to make the journey. As I turn and look at this crowd I see many faces of friends. Faces we have come to know not only as neighbors and colleagues, but as dear friends.

Thank you all for joining us today as the division headquarters symbolically and ceremonially returns from accomplishing our mission and as we bring to a close another chapter in the history of this great division.

This is a fitting occasion—because uncasing the 1st Infantry Division Colors at Fort Riley, after accomplishing a mission overseas has become a well-established practice. For today marks the 5th time in the last 55 years that these Colors—the Colors of America's 1st Division in name and in fact, have been removed from their traveling case and opened at Fort Riley.

Just as in 1955, 1970, 1991, and 2006, today in 2011 we again uncased and unfurl these gallant Colors with new history having been added to the Colors since they were last seen here. Truly, Fort Riley is the home of the Big Red One and now that we are back, again, we are truly at home in the heartland. And it's good to be back home.

I hope you will indulge me for a few moments to tell you a few highlights of the many accomplishments and achievements that happened through our time of deployment and to thank some people along the way. This is going to be a bit longer than my usual speeches, certainly much longer than the one I gave on the 3rd of January upon our return. I will do my best to highlight some remarkable things that happened in our campaign here as well as our campaign there, overseas. Plus, it's been a while since most of you haven't had a speech from me in a year. So I have to make up for some lost time. So bare with me.

Let me begin by saying that the accomplishments on the homefront here at Fort Riley were at least as impressive as those that occurred in southern Iraq. I want to say that something so that everybody is absolutely certain of that great team that you have here.

You may recall that in this field house over a year ago the division headquarters

and the Victory 5 marched off to do our duty first, leaving a rear command supported by a mostly civilian mission support element and a mostly civilian U.S. Army garrison command.

Brigadier General David "Pete" Petersen and Command Sergeant Major Darrell "Buddy" Wallace took the lead for Fort Riley, standing forth bravely in what is still, in many ways, a journey in uncharted waters. You represented the command exceedingly well and I am very proud of both of you for all you did to shoulder a very, very heavy load with really hard work to do. Thanks to your ladies, Karen and "Lefty" also for your grace and patience and support of these two warriors. General Pete, congratulations on your upcoming promotion to Major general and recognition. And Command Sergeant Major Buddy Wallace, congratulations on the culminating role of a great career as you transition into the "U.S. Army—Retired" ranks.

[Applaud]

Believe me, the rear command would not have succeeded in the extraordinarily tough work that had to be done if there had not been a group of professionals, Army civilians, called the mission support element and led by Mr. Ollie Hunter. They were the surrogate staff—referred to as the "M staff" seated on the right behind BG Petersen and CSM Wallace, and they were magnificent.

The primary task of generating forces for deployment abroad fell to you—bringing together the modernization of equipment with the arrival of personnel to the individual and collective training that leads to forces ready to be deployed—from four different bases in four different states—in a year when every brigade under the division's responsibility deployed or redeployed, in part or in-toto, in some cases with a short-notice changes of theater and in some cases with a significantly shortened period of training—no matter the circumstances, no matter the curve ball pitched at you—you knocked it out of the park.

Nothing was normal about what you were asked to do, nothing was routine, there was no handbook and no standing operating procedure. Yet, you accomplished the mission in true Big Red One style, demonstrating what it means to say no mission too difficult, no sacrifice too great, duty first. Well done. Ladies and gentlemen, please join me in a round of applause.

[Applaud]

Then, there is the U.S. Army garrison command under the visionary and persistent leadership of Colonel Kevin Brown, Ms. Linda Hoeffner, Command Sergeant Major Ian Mann, and Colonel John Dvoracek all guiding the finest group of professional civilian directors in the entire Army.

What you have accomplished here in one year is absolutely amazing—and believe me that is understating the reality.

You moved the Fort Riley Campaign plan 2015, initiated last January, into a solid set of accomplishments. The opening of the Army's first warrior transition battalion complex; the expanded community covenants connecting Fort Riley even more to the 22 communities around Fort Riley; the start of the ongoing construction of the Army's newest community hospital; trail blazing resilience initiatives not only for soldiers but for military family members as well—programs that have been recognized as best practices throughout the Army; attracting national level leaders to come to Fort Riley to see the premier division level instal-

lation, in the making, and to gain their support for initiatives like military family housing and school expansion; the forward momentum of the Flint Hills Regional Council; and the generation of . . . conservatively . . . over \$2.2 billion of revenue for the state of Kansas.

These accomplishments, ladies and gentlemen, are figurative ice chips from an iceberg of excellence. I am immensely proud of the Garrison Command, and ladies and gentlemen please join me in applauding their efforts.

[Applaud]

I want to take this opportunity also to say thanks to our community leaders, our neighbors, our friends, for your patience through the challenges of the last year, and for your steadfast support not only of the leadership here at Fort Riley but all the efforts I have already highlighted, and also of our deployed soldiers and of our families who stayed behind in the Flint Hills while we were gone.

Believe me when I say we truly could not have done what we did without you. You are our reason for doing what we do and we are forever indebted to you and we are joyous to be back with you again.

Finally, I want to thank the families of the warriors who were (and I should add: still are) deployed. You carry a burden that cannot be described adequately, compared accurately, or appreciated fully. You are our hope and our inspiration. You are the focus of what we look forward to while we are gone. You are the finest examples of grace and strength. Thank you for who you are and for all you give. It is so good to be back in your embrace.

Ladies and gentlemen, bear with me for just a few more moments while I highlight what was accomplished by the soldiers who stand before you and all who served under the colors of the 1st Infantry Division in its role as United States Division—South, responsible for all U.S. operations in the southern half of the country of Iraq, 9 of the 18 provinces—and an area positioned between Iran to the east, Kuwait to the south and Saudi Arabia to the west. An area where ancient human history meets the future of the middle east.

Roughly 850 soldiers deployed from Fort Riley to fulfill this headquarters mission which we officially began on the 2nd of February 2010 from our headquarters in Basra, the second largest city in Iraq.

We commanded units from every part of our Army, and were augmented by Navy, Air Force, Marine and Coast Guard and other government agency teammates joined together as a pick-up team that resembled an all-star team.

The deployment was fast-paced, high-stakes, more psychological than physical, more offensive than defensive, more indirect than direct.

An abbreviated way to describe our greatest accomplishment is to say—the Big Red 1 as U.S. Division—South was a trusted partner to the Iraqi security forces, to 9 U.S. provincial reconstruction teams led by the U.S. Department of State with participants from other agencies of the U.S. Government, and to the other U.S. Forces out there in Iraq, ensuring that the hard-earned stability emerging in Iraq would never drift away. Their success was our success.

All we had to do was help Iraq become the sovereign, stable, and self-reliant strategic partner the U.S. has been looking for in the Middle East—all in the face of internal political intrigue and violence, and the ever-present legitimate and illegitimate influences of neighboring countries, especially Iran.

Our soldiers faced violence, uncertainty, and danger courageously while also seizing every emerging opportunity to meet the challenges in new and creative ways that led to remarkable successes and an acceleration of the stability in southern Iraq well ahead of the rest of the country.

16 Soldiers lost their lives while serving under the Colors of the Big Red One, brigades and battalions assigned to us. They will forever be a part of our history, they will always be in our prayers and our thoughts go out to their families. Yet, thanks be to God, every one of the 850 soldiers who deployed from Fort Riley as part of the division headquarters returned safely, despite repeated rocket attacks on our bases, ambushes against our vehicles, hundreds of hours in aerial flight, and the harsh conditions of extreme heat, Biblical dust storms, and unforgiving military equipment.

These are the soldiers who developed the intelligence to defeat the enemy networks so that they found no sanctuary.

These are the soldiers who planned the operations to provide the surveillance that supported the Iraqis who then, on their own, arrested the violent extremists and who taught the Iraqi investigators and the judges how to gather evidence that led to convictions under the rule of law.

These are the soldiers who established the satellite communications to reach everywhere even places where no other Army unit has been able to extend communications.

These are the soldiers who determined which Iraqis we should develop relationships with to gain influence, who committed money like a weapons system to change the environment around us, who determined which projects should receive our attention and fought for successful completion and closure of 628 separate projects.

And these are the soldiers who planned and executed the drawdown ending operation Iraqi Freedom, beginning operation New Dawn, including the movement of 1,200 trucks, 14,000 separate pieces of equipment, \$286 million dollars worth of U.S. property, responsibly moved out of the country of Iraq and the closure of 30 of 58 military bases in southern Iraq in only 6 months, including the conversion of a former prison complex into a logistics city for commercial enterprises to establish themselves.

These are the soldiers who created through their own initiative a program and center for building resilience even while deployed.

What a legacy to have been left by 800 Americans.

Ladies and gentlemen, these soldiers have truly added to the illustrious history of the Big Red 1 and have earned these decorations Command Sergeant Major Champagne and I affixed to the Colors and I would ask you please join me in a round of applause for these warriors.

Iraq is on the pathway to becoming sovereign, stable and self-reliant and we helped them have a chance. Now we are home and our attention is turned to rejoining our friends and loved ones—on building our resilience—and finally on our Fort Riley 2015 Campaign Plan which continues to move forward. We will address all of these with the same vigor, reunited and energized by the growth we have all experienced over the last 12 months. Exciting times await us. Forward the Big Red One.

Thank you again for joining us today. May God continue to bless you all and may his protection be with those who remain deployed and upon their families.

Duty First.

Mr. ROBERTS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT'S TALK WITH CHAMBER OF COMMERCE

Mr. SESSIONS. Mr. President, President Obama talked with the chamber of commerce yesterday. I think that was a good step, but talk and rhetoric are not policy and not action. It is reported that he received applause from two different lines, and he got that in a 35-minute address, which is a bit unusual.

It does appear the President understands he has a serious problem with the job-creating community and is willing to at least meet with people. But the problem really is policy and action. I am disappointed he has not gone further to deal, in a realistic way, with the job problems this Nation has.

He talked about lowering corporate taxes but not reducing the burden of government borne by these companies. In other words, he talked about lowering the rate through eliminating loopholes, and some of the loopholes, I am sure, are not justified. Some of them may be very effective in helping us to be competitive and create growth, not just eliminating those and making it appear that the corporate tax burden has been reduced.

I talked to the chamber of commerce and businesspeople, and they tell me we are in a competitive world environment, and businesses decide where to make products and hire workers based on the cost of doing business in that area. A CEO in North America, for an international company in my home State, told me: We thought we were going to add 200 jobs—at an Alabama plant that he oversees to make a chemical product. But his headquarter company in Europe said: No, after considering taxes, we are not going to build that plant in Alabama. It is going to be in a foreign country. In other words, they had won the competition on costs. Another country with lower tax rates on a corporation had won the bid. The idea that you can have a high tax rate is not good.

We have the highest tax rate in the developed world—as soon as Japan brings theirs down, which they are planning to do, then we will be the highest corporate tax country in the world. This makes us less competitive, and it creates fewer jobs. Simply to eliminate loopholes and bring it down from 35 to the high twenties, as apparently is being discussed, does not reduce the burden of taxes on corporations. Many of our corporations are

going to have a significant increase in their tax rates, and they will be less able to hire workers. This is a major issue that I think we have to confront. It is a competitiveness issue.

The President continued to talk, as he did in the State of the Union, about more investment spending. We don't have the money to do more spending. I am disappointed that he has not begun to realize that the day is over that we can just waltz in with a lot of good ideas for new spending programs. He continued to talk about spending and the role of democracy in this region and key industries at a time when we need to streamline regulations that are killing jobs in America. He did not call for a vigorous and realistic plan to reduce spending.

I appreciate the opportunity to speak. I appreciate the President beginning to enter into a dialog with the folks who create jobs. I am not suggesting that we need to reduce corporate rates to be nice to corporations. I do not have any grief to bear to try to make it somehow easier for corporate executives to make big amounts of money.

What I do understand is if we overtax American corporations, they will move other places. Canada is looking to reduce its corporate tax rate to 16 percent. If we are at 35 percent and Canada goes to 16, will that not be a factor in us losing jobs in competition with Canada? We have to defend our interests.

I see the distinguished majority leader. I know he is busy.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO STAN ISRAEL

• Mr. REED. Mr. President, today I pay tribute to an outstanding Rhode Islander, a Vietnam veteran, and champion of workers' rights and justice in the workplace who retired after 35 years of service—my friend, Stan Israel.

After serving two tours in Vietnam, Stan began working for the Service Employees International Union, SEIU, in 1974, first as an organizer with Local 1199, covering New York and Long Island. Stan represented health employees in hospitals and nursing homes organizing employees around workplace

safety and fair wages. Then, in 1983, after a short stay in neighboring Connecticut, Stan moved to Rhode Island to head the New England District of SEIU, where he recently retired as executive director.

For nearly three decades, Stan led Rhode Island's second largest union, which represents hard-working health care employees at hospitals across my State and hundreds of nursing and community health centers as well. Stan is a man of principle, good judgment, and great character. Moreover, he has been an unmatched advocate for the social and economic concerns of those in greatest need.

Indeed, Stan's focus and dedication has always been geared towards improving patient care in our hospitals and nursing homes and preserving the collective voice of workers' rights. He demonstrated an extraordinary commitment to workers and their families, which extended to their safety and health on and off the job.

Over the years, Stan organized the labor management committees at our hospitals to educate and train health care employees and worked to secure funding for training and professional growth programs. Moreover, Stan helped craft the Rhode Island Safe Patient Handling Act, a State law that has helped reduce the number of injuries suffered by patients and caretakers in health care facilities. And, after many years of Stan's efforts and activism, another bill was signed into Rhode Island law preventing hospitals from forcing mandatory overtime for nurses and nurse's aides, except in the case of emergencies.

But these are only a handful of Stan's achievements. And while these accomplishments came with great sacrifice and setbacks, Stan never quit and never stopped fighting to elevate the dignity and value of workers.

Stan's career represents a lifetime of distinguished service to his country, his State, and above all his members.

Now, after a well-deserved retirement, congratulations and thank you. I wish you and your wife, Cynthia, your children, Caitlin and John, the very best in all your future endeavors.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, and Ms. COLLINS):

S. 300. A bill to prevent abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. THUNE, Mr. WICKER, and Mr. COBURN):

S. 301. A bill to amend title 49, United States Code, to make technical and minor modifications to the positive train control

requirements under chapter 201; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 302. A bill to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in non-wilderness areas within the boundary of Denali National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 303. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 304. A bill to amend the Alaska National Gas Pipeline Act to improve the Alaska pipeline construction training program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida (for himself and Mrs. HUTCHISON):

S. 305. A bill to repeal a prohibition on the use of certain funds for the termination of the Constellation program of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. WEBB (for himself, Mr. BROWN of Ohio, Mr. DURBIN, Mr. FRANKEN, Mr. GRAHAM, Mrs. HAGAN, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mrs. McCASKILL, Mr. SCHUMER, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. HARKIN, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. MURRAY):

S. 306. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 307. A bill to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself and Mr. BROWN of Ohio):

S. 308. A bill to extend trade adjustment assistance and certain trade preference programs, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. HAGAN, and Mr. CARDIN):

S. 309. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. UDALL of Colorado, and Mr. TESTER):

S. 310. A bill to end unemployment payments to jobless millionaires; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. CASEY):

S. 311. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself and Mr. BARRASSO):

S. Res. 46. A resolution requiring that legislation considered by the Senate to be confined to a single issue; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 102

At the request of Mr. MCCAIN, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 148

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 148, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 272

At the request of Mr. MANCHIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 272, a bill to amend the Federal Water Pollution Control Act to clarify and confirm the authority of the Environmental Protection Agency to deny or restrict the use of defined areas as disposal sites for the discharge of dredged or fill material.

AMENDMENT NO. 14

At the request of Mr. WICKER, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 14 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 49

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 49 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself,
Mr. LIEBERMAN, and Ms. COL-
LINS):

S. 300. A bill to prevent abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, we often use the metaphor of credit cards to talk about uncontrolled government spending, but in some cases, wasteful government spending is quite literally enabled by the use of charge cards in the hands of government bureaucrats. That is why I am reintroducing the Government Charge Card Abuse Prevention Act. This legislation will ensure that Federal departments and agencies have in place, and keep in place, the kinds of safeguards necessary to prevent waste, fraud, and abuse with government issued charge cards. We have made a lot of progress since I first started shining the spotlight on this issue with the help of the Government Accountability Office, GAO. This legislation will secure the gains we have made to prevent any backsliding while adding in extra mechanisms to prevent and detect misuse of government charge cards.

In 1998, the General Service Administration, GSA, entered into a contract with a set of commercial banks to utilize charge cards, not unlike those used by businesses large and small and millions of consumers worldwide. This is called the SmartPay® program. These government charge cards include government purchase cards, which are used for acquisition of commercial goods and services by agencies and paid directly by the agency, and government travel cards, which are used to pay for individual government travel expenses and issued in the name of individual government employees.

Government charge cards were intended as a low cost method to streamline government acquisition and travel processes. The whole idea was to adopt the best practices of the commercial sector. In the business sector, charge cards have been a success. They save time and money. The main reason they work so well is because the control environment in the private sector is rock solid and accountability is a fact of life. When a business is spending its own money, it is going to be sure that it accounts for every penny or it won't stay in business. As a result, corporate America, if an employee is caught abusing a card, they'll lose it or get fired.

It is certainly a good idea for government to learn lessons from the business sector. However, there are certain fundamental differences between the private sector and the governmental sector that call for extra vigilance, mainly the fact that government spends other people's money. Human nature

being what it is, most people are not nearly as careful spending other people's money as they would be spending their own.

Sure enough, when the SmartPay® program was first implemented, Federal departments and agencies did not take near the care that a private business would when handing out company charge cards. When I started looking into this with the GAO, we uncovered blatant examples of wasteful spending. Government employees were using their government-issued charge cards to bypass any authorization and approval procedures and purchase items that had nothing to do with their official duties. We are talking about LA-Z-Boy reclining chairs, kitchen appliances, and even a sapphire ring being paid for with government purchase cards, and with the American taxpayer paying the bill no questions asked.

Government travel cards have been used for gambling, sporting events, concerts, cruises, and even gentlemen's clubs and legalized brothels. While travel cards are not paid directly with taxpayers' money like purchase cards, failure by employees to repay these cards results in the loss of millions of dollars in rebates to the Federal Government. Also, when credit card companies are forced to charge off bad debt, they raise interest rates and fees on everyone else.

A series of GAO reports over the last decade have identified an inadequate and inconsistent control environment across numerous Federal agencies with respect to both government purchase cards and government travel cards. This has led to millions of dollars in taxpayers' money wasted. In some cases purchases were outright fraudulent, and others were of questionable need or were unnecessarily expensive. In each report it has issued, the GAO has made recommendations about what kind of controls need to be implemented to prevent such abuses from occurring in the future. In many cases, the same controls were often missing or inadequate, and therefore the same recommendations are repeated in report after report. One agency would promise to clean up its act, but then we would find the exact same problems with another. That is why I worked to develop legislation that would incorporate GAO's recommendations regarding some of the most basic controls needed in every agency to prevent abuse of government charge cards.

As a result of the pressure applied by the relentless oversight of Congress, the GAO, and agency Inspectors General, we have seen some progress toward establishing a better control environment. In fact, the Office of Management and Budget has issued to Federal agencies a circular that seeks to bring about many of the controls we identified. However, this progress would not have been possible without the con-

tinual spotlight being shone on the problem and the threat of congressional action.

In addition to requiring the most important internal controls across the government, the bill requires all Federal agencies to establish penalties for violations, including dismissal when circumstances warrant. This is necessary not only so that taxpayers know that those who would squander their money are held accountable, but also to send a message to other government employees that such behavior will not be tolerated. The bill also increases oversight by providing that each agency Inspector General periodically conduct risk assessments and audits to identify fraud and improper use of government charge cards. We have had great success working with Inspectors General using techniques like data mining to reveal instances of improper use of government charge cards. Having this information on an ongoing basis will help maintain and strengthen a rigorous system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards.

This legislation has been revised a number of times with considerable input from the GAO as well as the Inspector General community and other stakeholders. In crafting the very carefully thought out bill before us today, I have appreciated the help and support provided by Chairman LIEBERMAN and Ranking Member COLLINS, who have again joined me as original cosponsors of this bill. The version I have introduced today is the same bill that passed the Senate in the last Congress and I look forward to seeing it pass both houses of Congress and enacted into law in the very near future. That day, the American taxpayers will be able to rest just a little easier knowing that at least one avenue to potentially waste their hard earned money has been blocked.

By Ms. MURKOWSKI (for herself
and Mr. BEGICH):

S. 302. A bill to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in nonwilderness areas within the boundary of Denali National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce legislation that I first offered in 2009 to authorize a right-of-way for construction of an Alaska in-state natural gas pipeline. The bill is being co-sponsored by my colleague from Alaska, Sen. MARK BEGICH. The pipeline would run along the State's main highway from Fairbanks to Anchorage, including 7 miles of highway through Denali National Park and Preserve.

While many in this body are familiar with plans for a large-volume natural

gas pipeline to run from the Prudhoe Bay oil fields to the Lower 48 States, there is concern that the large-diameter pipeline will not be finished in time to provide needed gas to Southcentral Alaska—gas that is vital for electric generation in Anchorage, the Mat-Su Borough, and Kenai Peninsula.

Currently, electricity in Alaska's southern Railbelt, as it is called, is largely generated by burning natural gas produced from the gas fields in Cook Inlet, south of Anchorage. Cook Inlet production has been falling for years and businesses have been forced to close as a result.

Serious concerns exist regarding the region's ability to produce sufficient gas for electric generation and home heating for Alaska's most populated area as early as the winter of 2014–15.

Given the pace of planning for construction of the main line, it is unlikely that a larger Alaska natural gas pipeline will be able to deliver gas until 2020 or later—6 or more years too late to aid Southcentral Alaska's growing need for natural gas. Thus, to provide a reliable natural gas supply, Alaska is considering investing in a smaller pipeline to meet medium term demand.

There are two proposals for small-diameter, 24-inch, in-state pipelines. One would run along the Richardson and Glenn Highways to the east, tying into existing transmission systems near Palmer, Alaska.

The other "bullet" line, is the pipeline of concern in this legislation. It would run from Alaska's North Slope region, past Fairbanks, along the Parks Highway to the Mat-Su Valley near Anchorage, bringing about 500 million cubic feet of gas a day to Southcentral Alaska. This project would be completed well in advance of when a larger-diameter pipeline might be in service to deliver 4 to 4.5 billion cubic feet a day to Lower 48 markets.

The shortest and most logical route for a pipeline through or around the roughly 10-mile bottleneck of the Nenana River Canyon and Denali National Park and Preserve follows the existing highway, 7 miles of which pass through the Park. This route causes the least environmental and visual impact due to its location in an existing corridor, and provides a route that is easily accessible for routine pipeline maintenance.

This route would be the least expensive to construct and operate. Moreover, it would offer several environmental advantages. Building the pipeline along the existing, previously disturbed Parks Highway right-of-way, would allow for electricity generation from natural gas in the park facilities at Denali. For the first time, reasonably priced compressed natural gas, CNG, would be available to power park vehicles. Currently, National Park Service permitted diesel tour buses

travel 1 million road miles annually. Converting the buses to CNG would significantly reduce air emissions in the park.

Another benefit is that in order for the pipe to cross the Nenana River, a new bridge will need to be built. The bridge would provide a pedestrian access/bicycle path for visitors who otherwise must walk along the heavily traveled highway.

For these reasons, 8 environmental groups have expressed support for pipeline construction along the existing highway right-of-way through Denali Park. These groups are the National Parks and Conservation Association, the Alaska Conservation Alliance, the Denali Citizens Council, The Wilderness Society, Cook Inlet Keeper, the Alaska Center for the Environment, the Wrangell Mountain Center, and the Alaska Wildlife Alliance.

Last year, the State of Alaska finished a preliminary study of the project. It continues to consider whether to permit and facilitate a "bullet" line project, compared to other options, in order to meet future Southcentral power needs. Alaska state regulators and financial markets will ultimately decide which pipeline projects will go forward. It is my desire, however, to introduce legislation that would clear legal impediments to planning for the Parks Highway route.

Approval of the right-of-way would remove a key unknown and provide greater certainty in the cost estimates and the timing for a project. Eliminating the uncertainty of permitting and regulatory delays will enable the Parks Highway route to compete on a level playing field with other pipeline projects.

In 2009, this bill was modified to meet concerns voiced by the environmental community, congressional staff, and the National Park Service. The version reintroduced today was approved unanimously by the Senate Energy and Natural Resources Committee and added to the American Clean Energy Leadership Act that passed from the Committee on June 17, 2009. The provision, according to the Congressional Budget Office, had nominal fiscal impacts when scored as part of the larger bill—S. 1462.

With the pressing need of Southcentral Alaskans in mind for natural gas, I implore this body to quickly approve this legislation in the 112th Session.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 303. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to

cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce legislation, being cosponsored by my colleague Senator MARK BEGICH from Alaska, to clarify Federal mining law and remedy a problem that has arisen from the extension process for "small" miner land claims.

Under revisions to the Federal Mining Law of 1872, 30 U.S.C. 28(f), holders of unpatented mineral claims must pay a claim maintenance fee originally set at \$100 per claim by a deadline, set by regulation, of September 1st each year. Since 2004 that fee has risen to \$125 per claim. But Congress also has provided a claim maintenance fee waiver for "small" miners, those who hold 10 or fewer claims, that they do not have to submit the fee, but that they must file to renew their claims and submit an affidavit of annual labor, work conducted on the claim, Dec. 31st each year, certifying that they had performed more than \$100 of work on the claim in the preceding year, 30 U.S.C. 28f(d)(1). The waiver provision further states: "If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: cure such defect or defects or pay the \$100 claim maintenance fee due for such a period."

Since the last revision to the law last decade, there have been a series of incidents where miners have argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff, mailing delays or for unexplained reasons, the applications or documents were not recorded as having been received in a timely fashion—and that BLM has then moved to terminate the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM or mail issues resulted in loss or the late recording of claim extension applications.

There have been a number of cases where Congress has been asked to override BLM determinations and reinstate mining claims simply because of the disputes over whether the claims had been filed in a timely manner. Congress in 2003 reinstated such claims in a previous Alaska case, and claims in another incident were reinstated following a U.S. District Court case in the 10th Circuit in 2009 in the case of *Miller v. United States*. Legislation similar to

this provision actually cleared the Senate in 2007, but did not ultimately become law.

This bill is intended to short circuit continued litigation and pleas for claim reinstatement by clarifying the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should their submittals not be received and processed by BLM officials on time. If all defects are not cured within 60 days—the obvious intent of Congress in passing the original act—then claims still are subject to avoidance.

The transition rule included in this measure will solve two pending cases in Alaska, one where a holder of nine claims on the Kenai Peninsula, near Hope, Alaska, has lost title to claims that he had held from 1982 to 2004. In this case, John Trautner had a consistent record of having paid the annual labor assessment fee for the previous 22 years and the local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline, but just not a record that the affidavit of annual labor had arrived. In the second case Don and Judy Mullikin of Homer, Alaska, lost title to nine claims on the Seward Peninsula outside of Nome in Alaska because the Anchorage BLM office has no record of them receiving the paperwork, even though the owners have computer time stamps of them having completed the paperwork 5 months before the deadline, but no other evidence of filing to meet BLM regulations. They lost their appeal in late 2009. These are claims that have been worked in Alaska yearly since 1937 and are the main livelihood for the Mullikins.

This legislation, supported by the Alaska Miners Association—S. 3175 in the 111th Congress—clearly is intended to remedy a simple drafting error in congressional crafting of the small miner claim defect process. While only a few cases of potential clerical errors have occurred over the past decade, it still makes sense for Congress to clarify that claim holders have a right to know that their applications have not been processed, in time for them to cure application-claim defects prior to being informed of the loss of the claim rights forever. Simple equity and due process requires no less.

Given the minute cost of this administrative change to the Department of the Interior, but its big impact on affected small mineral claim holders, I hope this bill can be considered and approved promptly this year.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 304. A bill to amend the Alaska Natural Gas Pipeline Act to improve the Alaska pipeline construction training program, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that would make a minor technical change to a provision that this Congress approved in 2004 to further construction of an Alaska natural gas pipeline system to move Alaska's conventional gas to market.

In 2004 Congress approved two pieces of legislation to help facilitate construction of an Alaska natural gas pipeline. In Public Law 108-324 Congress approved a Federal loan guarantee program, streamlined regulatory processes and approved a worker training program to guarantee a domestic labor supply for construction of the largest private-sector capital infrastructure project in the world's history. In a separate bill, Public Law 108-357, Congress also approved tax changes to provide accelerated depreciation for the pipe and a related gas conditioning plant needed for the project. A pipeline to move Alaska's 35 trillion cubic feet of known gas reserves, and its likely 315 trillion cubic feet of additional Arctic gas reserves from lands and Arctic waters would have a host of benefits to the Nation.

Being able to market only the known gas reserves at the Prudhoe Bay field will involve construction of a pipeline system estimated to cost between \$26 and \$40 billion. It is expected to produce 38,000 direct job-years of labor in Alaska and up to 31,000 direct jobs at the peak of construction. According to the National Defense Foundation it will produce direct employment of 172,369 jobs nationwide when related steel, pipe, valve and equipment jobs are included, not counting many more indirect jobs. At current prices it will generate about \$100 billion in Federal tax revenues, not counting \$40 billion in Alaska State revenues and \$30 billion in Canadian tax revenues over its first 20 years of operation. Recent estimates, however, indicate that development of gas from the offshore Arctic that a gas line will permit to occur, would add an average of an additional 54,700 new jobs in the U.S.—91,500 at peak employment. That would provide \$145 billion in total payroll—\$82 billion to workers in the Lower 48—and provide \$167 billion in tax and royalty revenues to the Federal Government, \$15 billion to the State of Alaska and total revenues of \$193 billion at forecast gas prices.

In the intervening 7 years since the gas line loan-permitting package became law, it has become clear that changes are needed. While those changes include revisions in the loan guarantee program, they also involve changes in the construction worker training provisions.

In the 2004 act, Sect. 113, the bill authorized \$20 million for worker training programs, with at least 15 percent of those funds going to pay for "design and construction of a training facility to be located in Fairbanks, Alaska." But language in the bill has prevented that training center from moving forward. This proposed bill would authorize Federal funding to be released immediately upon the request of the Governor of Alaska, to fund construction of the training center, and to broaden the center to permit it also to train oil, besides gas field workers, and environmental response employees.

According to the Alaska Department of Labor, the demand for skilled workers for gas and oil line projects on Alaska's North Slope grew by 50 percent from 2005 to 2009 to nearly 12,000 workers. At the same time, the average age of Alaska's skilled workforce is now 53, meaning that Alaska needs to train 1,000 new construction and pipeline workers annually simply to maintain the State's existing skilled workforce. Since it takes roughly 5 years to train a skilled construction/pipefitter, it is imperative that such training begin far in advance of estimated pipeline construction. According to State data, there are only about 2,130 plumbers, pipefitters and steamfitters working in Alaska and another 1,004 welders, solderers, brazers, and machine setters. Past estimates by one of the two consortia proposing to build an Alaska gas pipeline are that the gas line alone will require 1,650 welders/helpers, 2,000 equipment operators, 418 inspectors and 90 UT technicians, just to build the Alaska sections of the pipeline. That means there is an urgent need for the pipeline training center now.

The Fairbanks Pipeline Training Center's core mission is to provide a highly trained workforce that will meet the needs of the entire oil/gas/pipeline/refining industry; which is a significant component of Alaska's economy, providing 80 percent of the State's industrial tax base, 74 percent of all resources produced in the State, and 85 percent of State revenues) and a crucial component of the Nation's domestic energy supply, currently 13 percent of all domestically produced oil, while the proposed overland gas line will produce 7 percent of the Nation's total estimated gas demand in 2020. The necessity for this workforce is further emphasized because it is clear that an aging infrastructure will require an accelerated repair, replacement, and maintenance regime if production requirements and safety standards are to be met.

The training center is an innovative statewide collaboration between labor, industry, and local, State, and Federal Governments. Additionally, it is understood that as alternative fuel technologies emerge and are commercialize, a highly skilled, highly trained,

highly motivated workforce will be required. Again, through collaboration with others: the University of Alaska, the Cold Climate Housing Research Center, United Technologies Corporation, General Electric, and Alaskan commercial interests, requisite evolving workforce needs are understood and can be met.

The facility needs to be located in Interior Alaska, because the climate will permit workers to be fully trained in the real-world conditions they will face on the job. In order to complete the training center and thereby meet anticipated labor demand in a timely manner, funds must be secured in the upcoming budget cycle. Federal funding needed includes: \$5.5 million for Central Facility classrooms and shops, \$1.5 million for a Construction Camp Facility, \$1.0 million for a Pipeline Coating Training Facility and for corrosion control training, \$0.5 million for civil work improvements to the Field Training Site, and \$1.5 million for pipeline and transportation/logistical equipment.

The bill's changes will permit the creation of a domestic energy workforce that is stable, productive, and encourages safe working practices that will help to protect Alaska's environment and wildlife, while producing the energy that America needs. The proposal does not expand the size of the funding authorization approved in 2004. It simply makes it more likely that American workers will benefit from a gas line project when it proceeds—an important fact when the national unemployment rate remains at 9.4 percent. I hope that this Congress will consider this bill for quick consideration and passage.

By Mr. ROCKEFELLER:

S. 307. A bill to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse", to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President, it is with great pride that I come to the floor today to discuss legislation that I am introducing to name the Federal Building and United States Courthouse in Martinsburg, WV, in honor of a dear friend, W. Craig Broadwater.

Judge Broadwater served at this courthouse during his tenure on the Federal bench, until his untimely death in 2006 after a battle with cancer. This legislation is a small, yet fitting tribute to his remarkable service to West Virginia and America.

It is difficult to put into words how tremendous of a loss his death was to his family, friends, community, State, and Nation. But I think it becomes much clearer when one looks at his life—his contributions to Justice and

the Defense of our Nation, his love for his family, and the difference he made in the lives of those who were fortunate enough to know him.

Craig earned his undergraduate degree from West Virginia University in 1972 and his law degree from the West Virginia University College of Law in 1977. He spent the next several years in private practice in Wheeling, West Virginia, and also served as a hearing examiner for the West Virginia Worker's Compensation Fund and a special prosecuting attorney for Ohio County.

His career on the bench dates back to when I was Governor of West Virginia and had the honor of appointing him in 1983 to be a Circuit Judge for Ohio, Brooke, and Hancock Counties. There, he worked to protect our State's most vulnerable children as Chair of the Committee to Develop Child Abuse and Neglect Rules. The "Broadwater Committee", as it became known, reformed our courts' response to the needs of children in our judicial system.

Craig served as a state court judge until he was nominated by President Clinton to be a U.S. District Judge for the Northern District of West Virginia. He was confirmed by the Senate on July 12, 1996, and commissioned to serve on July 26, 1996.

During his ten years on the Federal bench, Craig exhibited all of the characteristics that we hope for in a judge. He was intelligent, thoughtful, principled, and fair. Anyone who appeared before him knew that the case would be decided on the merits, without bias towards any of the claimants.

But beyond his service on the bench, Craig was also a hero and a patriot who answered the call of duty time and again. He began his military career in 1972 with a tour in Korea as an Army Military Intelligence Officer. He continued his service as a member of the West Virginia National Guard, where he rose to the rank of Brigadier General. Even while serving on the Federal bench, Craig fought to protect our country. His service included a 2003 deployment as Deputy Commander of the Combined Joint Task Force-Horn of Africa at Camp Lemonier, Djibouti, and a 2005 deployment to Iraq as Commanding General of the Joint Interagency Task Force-High Value Individuals at Camp Victory, Iraq. His awards are too numerous to count, but among them are the Defense Superior Service Medal and the Bronze Star.

But despite all of his awards and accomplishments, the thing that made Craig the most proud was his family. I am privileged to know his wife Chong, and his children Chandra, Taeja, and Shane—and to have their blessing in introducing this legislation.

As I reflect on Craig's life and career, I still remember the day he was confirmed by the Senate for a seat on the Federal bench. It was a great day for me and for all West Virginians. At the

time, I came to the floor and said that Senator Byrd and I had recommended him for this position because he "represents the very best of our State"—and how true that is even today.

Those of us who were fortunate enough to know him personally describe him as courageous, kind, compassionate, and loving. And although his life was cut short, he had already achieved more than most of us could ever hope to accomplish in several lifetimes.

I am very appreciative that Congresswoman SHELLEY MOORE CAPITO has agreed to join me in introducing companion legislation in the House of Representatives, and is going to work with me to get this bill signed into law. The bipartisan nature of our effort is truly a testament to the impact that Craig had on all of us, regardless of political affiliation.

In closing, the naming of a Federal courthouse in his honor is such a small gesture, especially compared to what Craig did for our country.

But it is my hope that whenever the citizens of West Virginia visit or pass by the W. Craig Broadwater Federal Building and United States Courthouse in Martinsburg, West Virginia, they will remember his life and be inspired, as I have been inspired, to give back to our country in such a meaningful way.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. HAGAN, and Mr. CARDIN):

S. 309. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise to introduce legislation to authorize the extension of nondiscriminatory treatment, normal trade relations treatment, to the products of Moldova. This legislation would repeal the Cold War-era Jackson-Vanik trade restrictions on Moldovan products. Moldova has been in compliance with Jackson-Vanik-related concerns for some time now, and repeal of this legislation will provide an important impetus for improving trade relations between the United States and Moldova, advancing Moldova's Western ambitions, and laying the foundation for closer U.S.-Moldovan political engagement.

By Mr. KERRY (for himself and Mr. CASEY):

S. 311. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance, to the Committee on Finance.

Mr. KERRY. Mr. President, each year an estimated 2,550 children in the United States are diagnosed with metabolism disorders. For the rest of their lives they will need modified foods that do not have the nutrients their body is incapable of processing.

They may also require supplementation with pharmacological doses of vitamins and amino acids. The good news is that with treatment they can lead normal, productive lives. But without these foods and supplements, patients can become severely brain-damaged and hospitalized.

Through bipartisan efforts, we have made great strides in improving how quickly babies with these disorders are diagnosed. Newborn screening has made a tremendous difference in the early diagnosis of metabolic disorders. However, affordable and accessible treatment options remain out of reach for too many Americans. Medical foods and supplements which are necessary for treatment may not be covered by insurance policies and can be prohibitively expensive for too many families. For those with a metabolic disorder, medical foods are critical in treatment, just as other conditions are treated with pills or injections. The sporadic insurance coverage of treatment is a problem. In response, over 35 States have enacted laws to enforce coverage of medical foods. However, too many loopholes remain and federal legislation is necessary to ensure that these individuals receive what they need to stay well. It is time that we get treatment for those patients lost in insurance loopholes.

The Medical Foods Equity Act follows the April 2009 recommendations of the U.S. Health and Human Services, Secretary's Advisory Committee on Heritable Disorders in Newborns and Children. It will ensure coverage of medical foods and necessary supplements for individuals with disorders as recommended by the Advisory Committee and, most importantly, peace of mind for those families affected by inborn errors of metabolism.

The lack of medical food coverage available to families has a significant impact on their lives. With the current situation of varying regulations between States and insurance providers, even families with coverage find themselves living in fear that a change in insurance provider will lead to reduced or nonexistent coverage. Too many Americans across the country are struggling to access the treatment they need for this type of disorder.

Take the story of Donna McGrath from Wilmington, Massachusetts. Donna has two daughters with phenylketonuria, PKU, and she speaks eloquently about the frustration she experienced after her employer switched insurance plans. Because medical foods are not listed along with other necessary medicines, Donna was forced to navigate a long list mostly made up of durable medical equipment providers unequipped to help her. Even when she finally found a pharmacy that could order the formula, she was told that they required an upfront payment because they were wary of not being re-

imbursed by insurance companies. In Donna's own words, she was dismayed at "having that feeling like you're being held hostage every time a change may occur in your insurance or carrier." Medical treatment for inborn error of metabolism disorders is just as necessary as treatment for other conditions—like insulin for a diabetic or chemotherapy for a cancer patient.

As newborn screening and medical advances continue to improve the ability of those born with an inborn error of metabolism to lead full, healthy lives, we must make sure that the necessary treatments are available. That is why Senator CASEY and I are introducing the Medical Foods Equity Act. Our legislation would require medically necessary foods and supplements to be included in the definition of essential health benefits for qualified health plans, covered by federal health programs, Medicare, Medicaid, CHIP, TRICARE, and by the private health insurance market, fully insured group health plans, self-insured group health plans, and non-group health plans. The legislation requires the Secretary of Health and Human Services to make a determination of minimum coverage levels for medically necessary foods and supplements for certain rare metabolic conditions.

I would like to thank a number of organizations who have been integral to the development of the Medical Foods Equity Act and who have endorsed it today, including the National PKU Alliance, the Save Babies Through Screening Foundation, the National Organization for Rare Disorders, NORD, Genetic Alliance, and the American Dietetic Association.

The Medical Foods Equity Act will close existing loopholes in coverage and provide the parity in coverage these families deserve. It is my hope that we can move forward with this bill in a bipartisan manner. I ask all of my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 46—REQUIRING THAT LEGISLATION CONSIDERED BY THE SENATE TO BE CONFINED TO A SINGLE ISSUE

Mr. ENZI (for himself and Mr. BARASSO) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 46

Resolved,

SECTION 1. SINGLE ISSUE REQUIREMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill or resolution that is not confined to a single subject.

(b) SUPERMAJORITY WAIVER AND APPEALS.—
(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirma-

tive vote of two-thirds of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 30 minutes, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. ENZI. Mr. President, I rise today to discuss the legislative climate the United States Senate has found itself operating in. Like many of my colleagues, I began my political career in local government. I was mayor in my hometown and then served as a legislator in the Wyoming State Legislature. It was during this time I learned that the most effective legislation comes from a process that is transparent and focused. For example, the Wyoming State Legislature requires that all bills must be focused on one issue. They cannot be loaded up with random provisions, riders, and add-ons that have nothing to do with the overall legislation. In Congress, we often use omnibus bills to pass multiple legislative items that should be considered on their own merit. Omnibus bills often create more problems in the long run than they solve.

Instead of focusing on one policy issue at a time, we have allowed legislative logjams to foul up the Senate's work and ill-considered legislation to be hastily pushed through this institution. These legislative practices, which have become the norm, are a gangrene that eats away at this institution.

Legislation that is fundamental to our country's well-being has become politicized and burdened with extraneous provisions that have not been fully vetted through the regular order. Most of the time Members have not had the opportunity to read the bills they are voting on, let alone the public which will have to live under and pay for whatever lurks in the unseen pages. By tolerating this behavior, the Senate is allowing legislation needed to address our Nation's most pressing challenges to go through unrefined and lousy with special interest provisions.

To help bring this institution back in line with its original purpose, today I reintroduce my Single Issue Legislation bill. I want this bill to be a starting point for changing the attitude the Senate has toward building bills. It will allow us to focus on getting individual issues addressed more effectively. Specifically, this bill enacts a standing order that creates a point of order against a bill or resolution that is not confined to a single issue. This point of order can only be overruled by a supermajority.

My Single Issue Legislation gives the Senate the flexibility in the amendment process it has always enjoyed and

allows the Senate as a legislative body to develop the structure and scope of the standing order through practice and precedent rather than through arbitrary rules. At the same time, we ensure that our legislative process is focused and productive. In short, we bring ourselves back to how the Founding Fathers intended and wanted our legislative process to operate.

Our job is not to score political points by stuffing as many pet projects and knee-jerk provisions as we can into bills, but rather to represent the needs of our constituents, our States, and our country by doing what is best for us as a nation. We must get back to a better process for crafting and considering legislation so that we can enact effective policies to meet the many challenges we face today. This is why we were elected to serve in the United States Senate. We owe it to the people we represent to work through a process that allows legislation to be properly and thoroughly considered and debated. My Single Issue Legislation bill helps us do just that.

AMENDMENTS SUBMITTED AND PROPOSED

SA 57. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 58. Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) proposed an amendment to the bill S. 223, supra.

SA 59. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 57. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 3 and 4, insert the following:

SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) GENERAL AVIATION AIRPORT.—The term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

(b) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(d) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

SA 58. Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) proposed an amendment to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system,

reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of title VII, add the following:
SEC. 733. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

“CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

“Sec.

“2731. Criminal penalty for unauthorized recording and distribution of security screening images.

“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.

“(a) IN GENERAL.—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

“(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

“(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

“(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to an individual who, during the course and within the scope of the individual's employment, records or distributes an image described in subsection (a) solely to be used in a criminal investigation or prosecution or in an investigation relating to foreign intelligence or a threat to the national security.

“(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) DEFINITIONS.—In this section:

“(1) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(A) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

“(B) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(2) FOREIGN INTELLIGENCE; THREAT TO THE NATIONAL SECURITY.—The terms ‘foreign intelligence’ and ‘threat to the national security’ have the meanings given those term in part VII of the guidelines entitled ‘The Attorney General's Guidelines for Domestic FBI Operations’, dated September 29, 2008, or any successor thereto.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

“124. Unauthorized recording and distribution of security screening images 2731”.

SA 59. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic

control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Jeremy Parsons, a NASA detailee of Senator BILL

NELSON, be granted privilege of the floor during the Senate's consideration of S. 223, the FAA reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**ORDERS FOR THURSDAY,
FEBRUARY 10, 2011**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Thursday, February 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes during Thursday's session of the Senate. We hope to clear the trade assistance adjustment legislation on Thursday. Senators should expect the next rollcall votes to occur at 5:30 p.m. on Monday. We will have more than one vote on that evening, February 14, Valentine's Day. That vote could be on a judicial nomination. We will also have some amendments to vote on on the FAA authorization bill.

**ADJOURNMENT UNTIL THURSDAY,
FEBRUARY 10, 2011, AT 4 P.M.**

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:17 a.m., adjourned until Thursday, February 10, 2011, at 4 p.m.

HOUSE OF REPRESENTATIVES—Tuesday, February 8, 2011

The House met at 2 p.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal and gracious Lord, nothing escapes Your attention. You read the intentions of our minds and the true desires of our hearts.

May everything we do begin with Your holy inspiration, continue with Your sustaining grace, and reach Your divine purpose for the good of Your people, not just some people, but for the good of the entire Nation.

So both in word and deed, may we give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICAN TEENAGERS MURDERED IN MEXICO

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Juarez, Mexico, is one of the most dangerous cities in the world, experiencing a fierce turf war between drug cartels. More than 3,000 people were murdered there in 2010 alone. Three triple homicides occurred just this past weekend. Also, two American teenagers, Carlos Bermudez and Juan Echeverri, were brutally murdered in the weekend shootings.

Juarez, across from El Paso, Texas, as well as the rest of the border, is a lawless war zone controlled by the violent drug cartels. Despite the continued loss of American life, the United States Government refuses to admit that there is a war on the southern bor-

der. This violence is a lethal cancer and is spreading quickly into the United States. The narcoterrorists do not recognize international lines. This is a matter of national security, and it is the responsibility of the Federal Government to protect the border.

Meanwhile, the administration has proposed a whopping \$53 billion in high-speed rail subsidies. Instead of more choo-choo trains, that money should go to the national border security defense.

And that's just the way it is.

THE SPIRIT OF DETROIT

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, a couple of days ago, during the Super Bowl, a TV ad was aired that highlighted the grit and spirited ingenuity of Metro Detroiters, which gives us the ability to make some of the greatest cars in the world.

Well, that spirit of Detroit is rooted in our American values of life, of liberty, of the pursuit of happiness; and it is that spirit that transformed Detroit in World War II into the arsenal of democracy that saved this country—that saved this world—from the threat of fascism.

Mr. Speaker, I believe today that that same spirit of Detroit will help build the new cars that will be powered by electricity; will help build new homes and offices which will be heated by the Sun; and will help manufacture the best products in the world.

You see, when you make it in Detroit, you help make it in America.

APPRECIATING DR. CHARLES B. JACKSON, SR.

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as Americans recognize Black History Month, I am honored that this month in the midlands of South Carolina that history is being made by the Reverend Dr. Charles B. Jackson, Sr.

Dr. Jackson is being hailed on February 27 for serving a historic and extraordinary 40 years of dynamic leadership at Brookland Baptist Church in West Columbia. He began preaching at age 9, and at age 18 was installed as pastor, energizing one of the fastest-

growing congregations in the Southeast. With great humility, he encouraged the church's 65 ministries.

Dr. Jackson promoted a new sanctuary that seats 2,300, followed by a 68,000-square foot community resource center. In 2008, Brookland acquired a 94,000-square foot educational facility, with 11 acres downtown, while employing over 160 dedicated personnel. A second location was launched in Richland Northeast, pastored by Dr. Christopher Leevy Johnson.

Dr. Jackson is married to the former Robin Hoefer, and he is the father of two children, Rev. Charles B. Jackson, Jr., pastor of the New Laurel Street Baptist Church, and Candace Jackson, an associate attorney with Nelson Mullins Riley & Scarborough; along with his daughter-in-law, the former Iva Gaymon; and four grandchildren, Kayla, Charles, III, Caleb, and Carter.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

"DON'T TREAD ON ME"

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, this afternoon, the House will debate the extension of the Patriot Act.

I have here a report from the latimes.com that says that FBI intelligence investigations have compromised the civil liberties of American citizens far more frequently and to a greater extent than was previously assumed.

The report goes on to say that, in 2007, the Justice Department's Inspector General told Congress the FBI may have violated the law or government policy as many as 3,000 times since 2003 in the course of secretly collecting telephone, bank and credit card records without warrants—instead, using so-called “national security” letters that give them the ability to demand this kind of information and get it.

The Patriot Act is a destructive undermining of the Constitution. We started this Congress off with a discussion about reading the Constitution. Many of us carry Constitutions with us in our pockets. How about today we take a stand for the Constitution to say that all Americans should be free from unreasonable searches and seizures and to make certain that the attempt to reauthorize the Patriot Act is beaten down.

It is time that we really remember the essence of what that motto "don't tread on me" means. It means you protect your liberties; you stand for freedom.

HONORING RONALD REAGAN AND THE MIND ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, on November 5, 1994, former President Ronald Reagan announced that he had been diagnosed with Alzheimer's disease. "I now begin the journey that will lead me into the sunset of my life," he wrote in a letter.

At that time, 4 million Americans suffered with Alzheimer's. Today, over 5 million now carry that diagnosis. For members of my generation, that number will double to 10 million.

President Reagan's 100th birthday would have been this past Sunday. This week, I am introducing the MIND Act. If passed, it will establish the issuance of United States Alzheimer's bonds to aid in the funding of Alzheimer's research. Proceeds of bond sales would fund the program and would be available to the Director of the National Institutes of Health solely for Alzheimer's research. The revenues generated by the sale of bonds would be funds for research in addition to, not instead of, regular appropriated funds.

In his letter, President Reagan said, "I know that for America there will always be a bright dawn ahead."

I know he is correct.

There could be no more loving gift for members of my generation and of future generations than to provide additional non-Federal funding to help people who are afflicted or who will be diagnosed with Alzheimer's disease.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

THE TIME HAS COME TO DENY ALL FEDERAL FUNDING TO PLANNED PARENTHOOD OF AMERICA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it comes as a surprise to most Americans to learn that the largest abortion provider in

America is also the largest recipient of Federal funding under Title X. It is heartbreaking news this morning that Planned Parenthood of America has now been the subject of one more undercover video showing someone posing as a pimp being facilitated by employees at Planned Parenthood in how to secure secret abortions, STD testing, and contraception for child prostitutes.

You know, as a father of two teenage daughters, I see the video that came out this morning, I see the video that came out last week, and it is an outrage to me that employees of Planned Parenthood clinics across the country are facilitating the abuse of minor girls in this country. It should be a scandal to every American.

The time has come to deny all Federal funding to Planned Parenthood of America. I have authored the Title X Abortion Provider Prohibition Act, which would deny Title X funds to Planned Parenthood or any other abortion provider, and Congress must act and act now to move this important legislation. Pro-life Americans, and all Americans, should not be forced to subsidize America's largest abortion provider or to continue to provide Federal taxpayer dollars to Title X clinics that engage in this abhorrent behavior.

CALLING FOR A SPECIAL ENVOY ON RELIGIOUS MINORITIES IN THE MIDDLE EAST AND SOUTH CENTRAL ASIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. In the wake of the devastating attacks targeting Christians in Iraq and Egypt last year, it is clear that religious minorities in the Middle East are facing a grave threat. There are even reports of Christian women who, having fled Iraq, are living in ghettos in Syria and have been driven to prostitution in a desperate attempt to provide for their families.

With the exception of Israel, the Bible contains more references to ancient Iraq than any other country: Abraham, Nineveh, Esther, Daniel, to name a few.

Iraq and Egypt are not an anomaly. A Christian mother of five in Pakistan remains in prison charged with blasphemy. If found guilty, she faces the death penalty.

In the face of these grim realities, I have introduced bipartisan legislation, H.R. 440, which would create a special envoy at the State Department to advocate on behalf of religious minorities in the Middle East and South Central Asia. I urge all colleagues who care about the persecution of Christians in Iraq and Pakistan and Egypt to co-sponsor my bill.

HONORING RONALD REAGAN ON HIS 100TH BIRTHDAY

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, this past weekend, America came together to honor the 100th birthday of President Ronald Reagan.

President Reagan believed that personal accountability and hard work are the cornerstones of the American Dream. He understood America's greatness and its exceptionalism. No American will ever forget how he touted America as a shining city on a hill and "built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in harmony and peace."

In these troubling economic times, we would be wise to follow Reagan's lessons that limited government, low taxes, and free enterprise foster economic growth and job creation.

Reagan knew that freedom was America's greatest export to the world, whether it was promoting freedom overseas against a Communist threat or at home through free markets.

President Reagan left an unparalleled legacy to his country, and we honor his extraordinary life on what would have been his 100th birthday.

CONFINE THE DEBATE TO THE PATRIOT ACT ON THE THREE EXPIRING PROVISIONS

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, a few minutes ago, the distinguished gentleman from Ohio (Mr. KUCINICH) called for not reauthorizing temporarily three expiring provisions of the Patriot Act, allegedly because the FBI had found civil liberties violations. In his 1-minute address, the gentleman from Ohio unfortunately missed the point. He used the law on national security letters to show abuses of the Patriot Act.

The Patriot Act did not authorize national security letters. Those letters were authorized in 1986 under legislation sponsored by the Senator from Vermont, Mr. LEAHY, who opposes the Patriot Act and always has, but it was his national security letter authorization that the abuses were contained in.

I would hope as we debate the temporary reauthorization of three expiring provisions of the Patriot Act that we not paint that act with a broad brush, but if there are specific abuses of these three expiring provisions, we should confine the debate to them.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 26, 2011, at 3:55 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the national emergency with respect to Côte d'Ivoire first declared by Executive Order 13396 of February 7, 2006.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

CONTINUATION OF THE NATIONAL
EMERGENCY WITH RESPECT TO
CÔTE D'IVOIRE—MESSAGE FROM
THE PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 112-8)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2011.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. In March 2007, the Ouagadougou Political Agreement was signed by the two primary protagonists in Côte d'Ivoire's conflict. As demonstrated by recent events surrounding the presidential election in Côte d'Ivoire, the

situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.
THE WHITE HOUSE, January 26, 2011.

REMEMBERING JACK MURTHA

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, today marks the 1-year anniversary of the passing of our dear colleague Congressman Jack Murtha of Pennsylvania. I rise to pay tribute to him. He was a giant of this Chamber, a legislator of unsurpassed talents, a soldier of extraordinary courage, a political servant, a public servant to the end. Those of us who served with him were honored to call him "colleague." Those of us in this body, many of us, were privileged to call him "friend." Colleague and friend.

The outpouring of accolades that came forward at his passing was something quite remarkable, and I hope that it was a comfort and has been a comfort to his family. Certainly to those of us who worked with him, who knew his love of his district, who remember the way he held court in the Pennsylvania corner and gave out his blessing and his advice, Jack Murtha's wisdom, counsel, and knowledge will continue to inspire us all.

To watch Jack Murtha legislate was to see a master at work. But more indicative of his character was to watch him communicate with our men and women in uniform, whether near the battlefield or at their bedside. He thanked them for their courage and listened to their concerns. He always answered their needs, responding to their calls for body armor, up-armored vehicles, and reliable radios, among other things. In those moments, he bonded with them based on his own personal military experiences. He was awarded the Bronze Star and the Purple Heart himself.

I will never forget the sparkle in Jack's eye when he would visit a wounded warrior, proudly standing by his bedside wearing a Steelers jersey, saluting him.

The Nation saw Jack's courage on the battlefield and in Congress as he spoke out against the war in Iraq. And in doing so, he made the distinction between the war and the warrior.

Always committed to our national defense, forever bound to the cause of our national security, Jack Murtha measured the strength of our country not only by the might of our military;

he also measured it by the strength and well-being of our people.

A much-decorated champion on the battlefield, he was a hero in advancing scientific research to fight against breast cancer, prostate cancer, diabetes, as well as HIV and AIDS, to name a few.

Today we remember him, always thinking of "Semper Fi," the motto of the Marine Corps where Jack served proudly for 37 years, the motto of his life. To the end, he remained "always faithful" to God and country, to his hometown of Johnstown, and most of all to his wife, Joyce, his children, and his grandchildren.

Patriot. Champion. Hero. Giant. Jack Murtha. We will never see his likes again. Again, I hope it is a comfort to his family that this 1 year later so many of us remember Jack Murtha and pray for his family.

□ 1420

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 26, 2011.

Hon. JOHN A. BOEHNER,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 26, 2011 at 4:50 p.m.:

That the Senate passed without amendment H.R. 366.

Appointment:

Ronald Reagan Centennial Commission

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 27, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 27, 2011 at 4:03 p.m.:

Appointment:

Congressional Budget Office.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 1, 2011 at 10:52 a.m.:

Appointments:
Board of Regents of the Smithsonian Institution.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2011.

Hon. JOHN A. BOEHNER,
Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 2, 2011 at 12:00 p.m.:

That the Senate passed S. 188.

Appointments:

Migratory Bird Conservation Commission.
President's Export Council.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, February 3, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 3, 2011 at 10:33 a.m.:

Appointments:

Senate National Security Working Group.
Board of Trustees of Gallaudet University.
United States Holocaust Memorial Council.

Commission on Security and Cooperation in Europe.

United States-China Interparliamentary Group conference.

United States-Japan Interparliamentary Group conference.

Mexico-United States Interparliamentary Group conference.

United States-Russia Interparliamentary Group conference.

British-American Interparliamentary Group conference.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 4, 2011 at 11:52 a.m.:

Appointment:

Senate National Security Working Group.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Thursday, January 27, 2011:

H.R. 366, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2011” and inserting “December 8, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2011” and inserting “December 8, 2011”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 514 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Next September 11 will mark the 10-year anniversary of the worst terrorist attack on the U.S. in history. America is fortunate not to have suffered another attack of such magnitude in the past decade, but we must not take this relative security for granted or let our safety become complacency.

America is safe today not because terrorists and spies have given up their goal to destroy our freedoms and our way of life. We are safe today because the men and women of our Armed Forces, our intelligence community, and our law enforcement agencies work every single day to protect us. And Congress must ensure that they are equipped with the resources they need to counteract continuing terrorist threats.

On February 28, three important provisions of the USA PATRIOT Act will expire. These provisions give investigators in national security cases the authority to conduct “roving” wiretaps, to seek certain business records, and to gather intelligence on lone terrorists who are not affiliated with a known

terrorist group. These types of provisions have been used by domestic law enforcement agencies for years to apprehend typical criminals. It is common sense to give our national security investigators the same tools to fight terrorists that our police officers have to combat crime.

The ongoing threat from al Qaeda and other terrorist groups continues. In the last few years, terrorists have attempted to blow up a plane over Detroit; to bomb New York's subway system; to destroy skyscrapers in Dallas, Texas, and Springfield, Illinois; and to detonate a car bomb in New York City's Times Square. Most of these plots were thwarted thanks to the Patriot Act and other national security laws.

The Patriot Act works. It has proved effective in preventing terrorist attacks and protecting Americans. To let these provisions expire would leave every American less safe. We must continue these intelligence-gathering measures to win our fight against terrorists. And President Obama agrees.

In a letter to Congress last month, Director of National Intelligence Admiral Clapper and Attorney General Holder urged us to reauthorize the expiring provisions, noting that they are critical tools that "have been used in numerous highly sensitive intelligence collection operations."

□ 1430

This bill reauthorizes the expiring provisions through December 8, 2011, the last day that the House of Representatives is scheduled to be in session. This extension serves two important functions. First, it ensures that these intelligence-gathering tools will remain available to national security investigators. And second, it provides Congress with the opportunity to engage in a thorough review of these provisions as we pursue and consider a longer reauthorization.

I urge my colleagues to support our ability to continue to protect Americans against terrorist plots and attacks.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I reluctantly rise in nonsupport of this provision to extend expiring provisions of the Patriot Act because of section 215 of the Patriot Act, which I'd like to call to your attention. This is the act that allows a secret FISA court to authorize our government to collect business records or anything else, requiring that a person or business produce virtually any type record. We don't think that that was right then. We don't think it's right now. And I feel obligated to oppose any extension of these expiring acts since we've had no hearings, no markup, no committee vote, nobody's done anything about it.

They're saying, well, ex-chairman, just support this, and we'll get to it afterward. Well, I can't go along with that.

This provision is contrary to traditional notions of search and seizure which require the government to show reasonable suspicion or probable cause before undertaking an investigation that infringes upon a person's privacy. And so I urge a "no" vote on the extension of these expiring provisions.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is currently the chairman of the Crime, Terrorism, and Homeland Security Subcommittee of the Judiciary Committee, and who previously, as chairman of the Judiciary Committee itself, was responsible for writing the Patriot Act provisions.

Mr. SENSENBRENNER. Mr. Speaker, at the outset, let me say I'm a little bit puzzled that my friend from Michigan (Mr. CONYERS) is opposing the extension of these three provisions of the Patriot Act today because last year, he called up a Senate bill that provided for a year's extension of these three provisions, and managed the time and voted for it. And after hearing his comments, I'm wondering why he has changed his mind.

In 19 days, three national security laws will expire unless Congress votes to reauthorize them. H.R. 514 temporarily extends these laws—FISA business records, roving wiretaps, and the lone wolf definition—until December 8 of this year.

As chairman of the House Judiciary Committee in the last decade, I oversaw the enactment of the USA PATRIOT Act in response to the 9/11 terrorist attacks. Title II of the act addressed enhanced foreign intelligence and law enforcement surveillance authority. Sixteen sections of that title were originally set to expire on December 31, 2005. Also set to expire on that date was section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, which is the lone wolf definition.

In 2005, I again spearheaded the effort to reauthorize the Patriot Act. Recognizing the significance of the act to America's counterterrorism operations and the need for thorough oversight, the House Judiciary Committee held 9 subcommittee hearings, 3 days of full committee hearings, then a robust full committee markup reauthorizing legislation.

The USA PATRIOT Improvement and Reauthorization Act of 2005 made permanent 14 of the 16 intelligence provisions. The act extended the sunset on section 206 FISA roving wiretaps, section 215 FISA business records, and the lone wolf definition until the end of 2009.

But the three remaining temporary provisions were not reauthorized before

that deadline. Instead, the then-Democratic majority chose twice to extend the provisions, first for 2 months and then for a year, without ever bringing a reauthorization bill to the floor.

This Congress, things will be different. We must approve a temporary extension today to keep these critical national security tools in place. This extension will afford Congress sufficient time to hold hearings and markups, then adopt a permanent reauthorization of these provisions this year, which I intend to introduce soon.

The time for multiple temporary extensions is over. The terrorist threat has not subsided and will not expire, and neither should our national security laws.

It is equally important that Congress make permanent the lone wolf definition. This provision closes the gap in the FISA act and, if allowed to expire, could permit an individual terrorist to slip through the cracks and carry out his plot undetected. When FISA was originally enacted in 1978, terrorists were believed to be members of an identified group. That's not the case today.

Today, more than ever, we are confronted with threats from loosely organized terrorist groups or individuals who may subscribe to a movement or certain beliefs but do not belong to or identify themselves with a specific terrorist group. Without the lone wolf definition, our surveillance tools will be powerless to act against this growing threat to America's security.

Section 206 of the Patriot Act authorizes the use of roving or multipoint wiretaps for national security and intelligence investigations. This allows the government to use a single wiretap order to cover any communications device that the target uses or may use. Without roving wiretap authority, investigators would be forced to seek a new court order each time they need to change the location, phone, or computer that needs to be monitored.

Section 215 of the act allows the FISA court to issue orders granting the government access to business records in foreign intelligence, international terrorism, and clandestine intelligence cases. The 2005 act expanded the safeguards against potential abuse of section 215 authority and included additional congressional oversight, procedural protections, application requirements, and judicial review. Each of these provisions are integral to defending America's national security and must be kept intact.

I urge my colleagues to join me in passing H.R. 514.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York, JERROLD NADLER, who has been the chairman of the Constitution Subcommittee longer than any Member in the Congress.

□ 1440

Mr. NADLER. I thank the gentleman for yielding.

I rise in opposition to this extension of the expiring provisions of the Patriot Act and the Intelligence Reform and Terrorism Prevention Act.

I cannot support this extension when the House has done nothing to consider these provisions, or possible reforms, or even to hold a hearing or a markup. While in the past Members have had the opportunity to receive classified briefings, we have dozens of new Members who have received no such briefings.

Section 215 authorizes the government to obtain “any tangible thing” relevant to a terrorism investigation, even if there is no showing that the “thing” pertains to suspected terrorists or terrorist activities. It is sweeping in scope, and the government is not required to show reasonable suspicion or probable cause before undertaking investigation that infringes upon a person’s privacy, including the records of what he has read in the library. Congress should either ensure that things collected with this power have a meaningful nexus to suspected terrorist activity or allow the provision to expire.

Section 206 provides for roving wiretaps, which permit the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. This is supposedly to update the law to deal with portable cell phones and the like and other modern technology, but it goes too far. Without the necessity to specify either the person or the facility to be tapped, this is, for all practical purposes, a general grant of authority to wiretap anyone and anywhere the government wants. There are almost no limits to this authority and no requirement that the government name a specific target. This is very akin to the old British general Writs of Assistance which engendered the first colonial outrage that led to the American Revolution.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called lone wolf provision, permits secret intelligence surveillance of non-U.S. persons who are concededly not affiliated with a foreign government or organization. According to government testimony, this provision has never been used, yet it remains on the books. It has never been used because there is ample other authority to do that in any event.

Surveillance of an individual who is not working with a foreign government or organization is not what we normally understand as foreign intelligence. There may be many good reasons for government to keep tabs on such people, but that is no reason to suspend all our laws under the pretext that this is a foreign intelligence operation.

While some have argued that each of these authorities remain necessary tools in the fight against terrorism and that they must be extended without any modifications, others have counseled careful review and modification. Some have even urged that we allow some or all of these authorities to sunset. I believe we should not miss the opportunity to review the act in its entirety, to examine how it is working, where it has been successful, where it has failed, where it goes too far, and where it may need improvement. That is the purpose of sunsets, and to extend it without review undermines that purpose.

I have also introduced the National Security Letters Reform Act, which would make vital improvements to the current law in order to better protect civil liberties while ensuring that NSLs remain a useful tool in national security investigations. I hope we can work to strike that balance in a responsible and effective manner, but the record of the abuse of the NSL authority is too great for the Congress to ignore.

I realize the majority has the votes to extend these provisions. I hope we will be able, after this vote, to examine carefully the way these provisions have been used or abused and to look at ways to reform the law in light of experience. That was the purpose of sunsets, and I hope we can take advantage of that opportunity.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 12 minutes. The gentleman from Michigan has 15 minutes.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas, Mr. RON PAUL.

Mr. PAUL. Mr. Speaker, I rise in opposition to this bill. I was opposed to the Patriot Act in 2001, and do not believe now that it is a good idea to extend it.

The Fourth Amendment is rather clear. It says that we should be secure in our papers, our persons, our homes, and our effects; and, that if warrants are to be issued, we have to do it with probable cause, and describe in particular the places, the people, and the things that we are going to look at.

I think what has happened, though, over the years has been that we have diluted the Fourth Amendment. It was greatly diluted in 2001, but it started a lot earlier than that. When the FISA law was originally written in 1978, that really introduced the notion that the Fourth Amendment was relative and not absolute. Later on, it was further weakened in 1998, and then of course in 2001.

I think our reaction to the horrors of 9/11—we can understand the concern

and the fear that was developed, but I think the reaction took us in the wrong direction, because the assumption was made of course that we weren’t spending enough money on surveillance. Even though then our intelligence agencies received \$40 billion, that didn’t give us the right information. So now we are spending \$80 billion. But it also looks like the conclusion was that the American people had too much privacy, and if we undermine the American people’s privacy, somehow or another we are going to be safer.

I think another thing that has come up lately has been that the purpose of government is to make us perfectly safe. Now, it is good to be safe, but governments can’t make us safe. I question whether or not we have been made safer by the Patriot Act. But let’s say a law makes us somewhat safer. Is that a justification for the government to do anything they want?

For instance, if you want to be perfectly safe from child abuse and wife beating, the government could put a camera in every one of our houses and our bedrooms, and maybe there would be somebody made safer this way. But what would you be giving up?

So perfect safety is not the purpose of government. What we want from government is to enforce the law and to protect our liberties.

This, to me, has been, especially since 9/11, a classic example of sacrificing liberty for safety and security. Now, I didn’t invent those terms. They have been around a long time. And it is easily justified, and I can understand it, because I was here in 2001 when this came up, and people become frightened, and the American people want something done. But I think this is misdirected, and it doesn’t serve our benefits.

I think at this time we should really question why we are extending this. We are extending the three worst parts. Why were these sunsetted? Because people had concern about them. They weren’t sure they were good pieces and maybe they were overkill, and, therefore, they were saying we had better reassess it.

So what have we done? We have already extended it twice, and here we are going to do it again, with the intent, I think, in a year to reassess this. But this bill doesn’t make things worse, it doesn’t make anything better, but it does extend what I consider and others consider bad legislation. I ask for a “no” vote on this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I thank the gentleman for allowing me to speak on this very important issue, the reauthorization of the Patriot Act. For a variety of reasons, we need to reauthorize this bill.

First and foremost, there are three provisions I think we are all very familiar with. It's the lone wolf provision, it's the roving wiretaps of course, which is something else that we very much need to do, and also the business records provision.

With respect to roving wiretaps, I believe it has already been stated on this floor, but it should be stated once again: Law enforcement has been using roving wiretaps for years against drug dealers and organized crime, I believe since 1986. Extending that roving wiretap provision to terrorists makes good sense. We have been doing it. We need to give law enforcement and our intelligence services the tools they need to take down these terror plots before they become operational. That is why this extension is needed.

The lone wolf provision, it should be noted, is also important. Many of the types of plots we are trying to foil now are being carried out by lone wolves. Major Hasan is a good example. Jihad Jane and others are lone wolves, and we need this capacity so that we can pursue these lone wolves just as we would individuals or terrorists who are part of a terrorist organization or an agent of a foreign power. So that is absolutely essential.

With respect to the issue of the business records, often people would say that we are somehow trying to examine one's library records, what books they are reading. That's really not the case. We know that 9/11 terrorists were using public library computers. We knew that they were also using university library computers to make plane reservations as well as to confirm those reservations. So the idea is to be able to access one's business records. That's what we are after, to make sure that we cannot only apprehend or go after that individual who is planning an attack but also that cell or that network of individuals with whom that individual may be working. That is why we need this issue of business records contained in this reauthorization.

In fact, I am not even certain that the word "library" appears anywhere in the Patriot Act. Nevertheless, this has been dubbed the library provision, which really it is not.

For all of these reasons, I think it is critically important that we continue to provide our law enforcement with the tools they need, our intelligence services with the tools they need to stop terrorism. We cannot tie the hands of local law enforcement. We are asking them to do more and more.

The critics of this legislation often say we need to let law enforcement fight these battles. This gives them the tools. I urge passage and support for this reauthorization of the Patriot Act.

□ 1450

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the dis-

tinguished gentleman from Virginia (Mr. SCOTT), who has been the chair of the Subcommittee on Crime in the Judiciary Committee for 4 years.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 514, which would extend for 1 year sweeping governmental intrusions into our lives and privacy that were authorized by the USA PATRIOT Act and the 2004 Intelligence Act. Without meaningful oversight demonstrating that these extraordinary powers are needed, we should not extend these provisions for one full year, or for any period of time, for that matter; and I therefore oppose the bill.

I am opposed because I simply do not accept the argument that in order to be safe, we necessarily have to sacrifice our rights and freedoms. I agree with Benjamin Franklin, who stated during the formation of our Nation that "they who give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

One of the provisions in the bill reauthorizes section 215 of the Patriot Act that gives the government power to secretly invade our private records, such as books we read at the library, by merely alleging that they are relevant to a terrorism investigation, but without having to show that the seized material is in connection with any specific suspected terrorists or terrorist activities. There is no requirement to show probable cause or even reasonable suspicion of being related to a specific act of terrorism, and therefore there is no meaningful standard to judge whether or not the material is in fact necessary.

Another provision of H.R. 514 is section 206 of the Patriot Act, which is referred to as the "roving John Doe wiretap provision." It gives the government the power to wiretap a phone conversation without having to show which phone will be used or even who will be using it and without requiring a court order for the specific roving tap.

The third provision is section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, referred to as the "lone wolf" provision. It gives the government the power to spy on individuals in the United States who are not U.S. citizens or permanent resident aliens even though they are not agents of a foreign government or any terrorist organization. Unfortunately, this means that if those targeted have any interaction with an American citizen, then that U.S. citizen is spied upon as well.

We already allow spying on such non-citizens outside of the United States or even in the United States where there is probable cause that they are agents of a foreign government or members of a terrorist organization, but this is an extension of that power which could envelop anybody simply as a result of the occasion of interacting with a tar-

geted person even while we are in the United States.

The three provisions give the government power to invade our privacy even when there is no probable cause nor even reasonable suspicion or credible evidence of any wrongdoing and without allowing the kind of detached oversight such as a court warrant which is generally called upon when such power over individuals is extended.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman 30 additional seconds.

Mr. SCOTT of Virginia. Absent these oversight protections, even after the fact in the case of emergencies, all three provisions should be allowed to expire, unless we demonstrate in hearings and oversight hearings that these powers are necessary and narrowly tailored to achieve a compelling national security interest. The freedoms and protections these provisions take away are the very core of our values and liberties, so these protections should not be legislated away without rigorous oversight to protect against abuse.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, there has been some criticism today that section 215, business records authority, gives national security agencies too much access to confidential records, but section 215 has more strict requirements than grand jury subpoenas used in criminal investigations. Unlike a grand jury subpoena, which is not issued by a judge, a 215 order can only be used by a FISA court judge. Section 215 only grants terrorism investigators the power to get records held by third parties, such as a hotel or car rental records.

Also there has been criticism that section 215 violates Fourth Amendment protections against unreasonable searches and seizures. However, a request for business records held by a third party is not a search under the Fourth Amendment. The target of an investigation does not own the records and therefore has no reasonable expectation of privacy in them. Section 215 cannot be used to acquire records of U.S. persons based solely on First Amendment protected activity.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, no one has worked more carefully on this matter than DENNIS KUCINICH, the distinguished gentleman from Cleveland.

I yield the gentleman 2½ minutes.

Mr. KUCINICH. Thank you very much, Mr. CONYERS. I certainly appreciate that.

I will certainly never seek to impugn the feelings of those who say that we have to have the Patriot Act in order to protect our country. We are all patriots here, and we all want America to be protected; but we have to recognize

our constitutional experience here and the reason why we have a Fourth Amendment that protects people not just from unreasonable search and seizure, but from unwarranted intrusion by the government into their lives.

When we look at our constitutional experience and all of the efforts that made it and built up to it, we didn't hear "give my liberty or give me a wiretap." We didn't hear "don't tread on me, but it is okay to spy." What we heard was a ringing declaration about freedom, and it was enshrined in the Constitution.

I stood on the floor of the House way back when the Patriot Act came forward, voted against it because I read it and understood that it opened up the door for a broad reach and possibilities of broad reach by the government into our daily lives.

The gentleman from Wisconsin, who is my friend, correctly pointed out earlier the difference between National Security Letters and the Patriot Act. But it also is true that section 505 of the Patriot Act gave the government the ability to greatly expand who could issue a national security letter, so much so that nearly 50,000 national security letters were issued by the FBI in 2006, I think the year was. They don't have to use section 215 of the Patriot Act. They can just invoke the national security letter authority and reach into people's financial records, their medical letters, their reading material.

What is happening to our country? Why are we giving up our basic liberties? We need to take a stand here, and this is as good a day as any to take a stand. Many Members of Congress, including those supported by my friends in the tea party, maintain their goal is to get rid of big government, get government out of their lives. Well, how about the Patriot Act, which has the broadest reach and the deepest reach of government into our daily lives? Shouldn't we be thinking about that?

Some want to get government out of health care. Some want to get government out of retirement security. How about getting government out of people's bedrooms, out of people's financial records, out of people's medical records?

Vote "no" on extending the Patriot Act.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, there has been a lot said about national security letters. The authority for them was made permanent in 2006. It is not a part of this bill, so we ought to completely forget about the complaints about national security letters.

What I will say is that in the 2006 reauthorization of the Patriot Act there were provisions in it to give recipients

of a national security letter the right to obtain judicial review; and I am proud of that fact because I think whatever constitutional infirmities there were in this part of the Patriot Act, they were solved.

Now, we hear an awful lot about no oversight. The people on the other side of the aisle who are complaining about this had the authority to have oversight hearings. There was only one of them in the last Congress. Compare that to the nine subcommittee hearings, three full committee hearings, and the full markup that we had in 2006 when this side of the aisle had the majority. The people who have been doing the oversight have been the Republicans, not the Democrats. The people who know this law is making Americans safer are the Republicans, and the Democrats once again are complaining.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

□ 1500

Mr. HOLT. I thank the gentleman.

Mr. Speaker, the powers of intelligence and enforcement are among the most important powers of government, but also the most fearsome. They must be wielded very, very carefully. For decades, our government routinely has collected information on potential foreign threats through various forms of surveillance. These collection activities enjoy broad bipartisan support in our country because of their value in helping to protect American citizens and interests.

However, in the 1960s and 1970s, these collection capabilities were turned on the American people and executive branch agencies engaged in spying on the American public, sometimes even for political purposes. The ensuing public backlash triggered the adoption of legal reforms that gave us laws to help prevent a repeat of these abuses.

Subsequently, the tragedy of September 11, 2001, gave proponents of extended domestic surveillance a powerful political and rhetorical weapon, which they used to reduce constitutional protections against surveillance and seizures without appropriate warrants.

When the Congress passed the Patriot Act in March of 2006, it included sunset requirements of three provisions that you've heard about today. Since 2005, I've voted against extending these and other provisions because these provisions are overly broad and frequently abused while still not improving truly the security of the American people. My concerns are supported by the revelations of abuses of those authorities during hearings of the House Judiciary Committee in 2009 and in multiple reports issued by the Inspector General of the Department of Justice.

The bill before us today does nothing to fix these problems or prevent future

abuses. This bill does not raise the standards for intelligence collection to ensure that the right people are targeted in the first place. The law was not meant to sunset so that we could periodically reauthorize it, unchanged. We're now on the verge of the third "temporary" extension, with no remedies for the flaws identified by this body and the Department of Justice Inspector General.

For all of these reasons, I urge Members to vote "no."

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud now to yield 2 minutes to a senior member of the committee from Houston, Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the distinguished chairman and the ranking member of this committee.

I want to remind my colleagues of a singly important moment when those of us who were Republican and Democrat came together after 9/11, and out of this Judiciary Committee came a singular initiative that dealt with the crisis which we are facing.

I have in my hand the Constitution; and I am reminded that when the Founding Fathers came together and declared that we all were created equal, they, too, were concerned about treason, spying, the undermining of government, and maybe even the threat of violence. As we well know how this country came into being, we had to fight a war; yet they had in this Constitution the rights of the Fourth Amendment that we would be protected against unreasonable search and seizure; a Fifth Amendment of due process; and they believed that Americans should be protected.

This bill, however, comes to the floor again without amendments. And I'm very proud to say that over the series of my tenure on the Judiciary Committee I have submitted very vital and important amendments to protect the civil liberties of Americans, as well as to recognize the responsibility of all of us to secure this Nation.

I'm a member of the Homeland Security Committee. I am not unmindful of the everyday threats that we receive, but this bill would extend provisions that were created in 2005, that also were included in the intelligence reform bill. It extends a provision that allows for a roving electronic surveillance authority and a provision revising the definition of an "agent of foreign power" to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the "lone wolf," without protections. As a member of Homeland Security, I recognize that that is vital, but there needs to be a variety of protections. The other provisions, of course, are ones that invade privacy

and create a lack of recognition that we have a Constitution to abide by.

So I would ask my colleagues as we move on this legislation to remember it has not been amended; remember we have lived under a Constitution that protects civil liberties; and also remember it took a lawsuit to allow someone to say they had gotten a national security letter.

We must do things in a constitutional manner, Mr. Speaker; and I would argue we're not doing it in this legislative initiative. I ask my colleagues to vote "no" on this legislation; go back to the Judiciary Committee and abide by the Constitution.

Mr. Speaker, I rise today to express my opposition to the H.R. 514, "To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents."

This bill would extend provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, and the Intelligence Reform and Terrorism Prevention Act of 2004 through December 8, 2011. It extends a provision that allows a roving electronic surveillance authority, and a provision revising the definition of an "agent of a foreign power" to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the "lone wolf provision." It also grants government access to business records relating to a terrorist investigation.

As a member of the Homeland Security Committee, I understand and appreciate the importance of national security, and the challenges we face as we strive to protect our nation from foreign threats. However, as an American citizen, I am deeply concerned when our Constitutional rights run the risk of being infringed upon in the name of national security.

To win the war on terror, the United States must remain true to the founding architects of this democracy who created a Constitution which enshrined an inalienable set of rights. These Bills of Rights guarantee certain fundamental freedoms that cannot be limited by the government. One of these freedoms, the Fourth Amendment, is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient. While the PATRIOT Act is intended to improve our ability to protect our nation, it needs to be revised and amended to reflect the democratic principles that make this country the crown jewel of democracy. The bill before us today, however, does not do that. In fact, even the manner by which are even considering this bill, only days after introduction without any oversight hearings of mark-ups, circumvents the process we have in place to allow for improvements and amendments to be made.

Furthermore, this bill was considered last year in the 111th Congress, and went through oversight hearings and two days of mark-up in

the Judiciary Committee. Yet, none of those voted-on, bipartisan amendments that resulted from those hearings are included in this bill. In those hearings, multiple concerns were raised about the breadth of the PATRIOT Act and the leeway it gives to infringe upon an individual's privacy and civil liberties.

In the mark-up, I personally introduced amendments that would allow for greater transparency in the PATRIOT Act and enhanced protection against violation of individuals' civil liberties. None of my amendments, or those introduced by any of my colleagues, are included in this legislation. None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I am deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people, without so much as a hearing.

We have been faced with this type of legislation before. On August 3, 2007, I stood before you on the House floor discussing the Foreign Intelligence Surveillance Act, FISA, another piece of law essential to combating the war on terror, but one that was in need of improvements to protect Americans' constitutionally enshrined civil liberties. On that day, I said that, "we must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans," and I stand firmly behind that notion today.

When we were considering FISA, there were Fourth Amendment concerns around secret surveillance and secret searches, which were kept permanently secret from the Americans whose homes and conversations were targeted. There were also concerns such secret searches intended for non-U.S. citizens, could be used to target Americans.

I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority, and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our Constitution. I stand here today urging my colleagues to consider allowing similar amendments to the PATRIOT Act that better protect Americans' right to privacy before moving this legislation out of the House of Representatives and onto the other legislative body.

The three expiring provisions of the PATRIOT Act that H.R. 514 would extend overstep the bounds of the government investigative power set forth in the Constitution. One provision authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the "thing" pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show "reasonable suspicion" or "probable cause" before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity. If we do not take steps to improve this provision, then it should be allowed to expire.

Another provision, known commonly as the "roving John Doe wiretap," allows the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Like the first provision, this, too, was addressed in the Judiciary Committee during the last Congress, and is also contrary to traditional notions of search and seizure, which require government to state "with particularity" what it seeks to search or seize. If this provision were given the opportunity to be amended and improved, it should be done so to mirror similar and longstanding criminal laws that permit roving wiretaps, but require the naming of a specific target.

The third provision that H.R. 514 would extend is the "lone wolf" provision, which permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States. Moreover, according to government testimony, this provision has never been used. Because of the potential for abuse created by this provision, and the lack of need for its existence, it, too, should be allowed to expire.

All three of these provisions have been examined and amended in the past because they were in dire need of improvements to protect the rights of Americans. I was against these provisions, as written, in the past, and without amendments, I am still against them today.

Finally, H.R. 514 fails to amend other portions of the PATRIOT act in dire need of reform, specifically, those issues relating to the issuance and use of national security letters, NSLs. NSLs permit the government to obtain the communication, financial and credit records of anyone deemed relevant to a terrorism investigation even if that person is not suspected of unlawful behavior. I repeat, even if that person is not suspected of unlawful behavior.

As an American citizen, the security and safety of my constituency is pinnacle, but I will never stand for legislation that infringes on the basic rights afforded in our Constitution. When our founding fathers drafted the Constitution, after living under an oppressive regime in Britain, they ensured that the American people would never experience such subjugation. Where are the protective measures for our citizens in the PATRIOT act? Why are the measures addressed in the last Congress not included in the bill?

Instead of reauthorizing these provisions, Congress should conduct robust, public oversight of all surveillance tools and craft reforms that will better protect private communications from overbroad government surveillance.

There is nothing more important than providing the United States of America, especially our military and national security personnel, the right tools to protect our citizens and prevail in the global war on terror. Holding true to our fundamental constitutional principles is the only way to prove to the world that it is indeed possible to secure America while preserving our way of life.

Because of the negative privacy implications of extending all of these provisions, I ask my

colleagues to please join me in opposing H.R. 514, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents.

[From the American Civil Liberties Union, Aug. 10, 2010]

NATIONAL SECURITY LETTER RECIPIENT CAN SPEAK OUT FOR FIRST TIME SINCE FBI DEMANDED CUSTOMER RECORDS FROM HIM

NEW YORK.—The FBI has partially lifted a gag it imposed on American Civil Liberties Union client Nicholas Merrill in 2004 that prevented him from disclosing to anyone that he received a national security letter (NSL) demanding private customer records. Merrill, who received the NSL as the president of an Internet service provider (ISP), can now reveal his identity and speak about his experience for the first time since receiving the NSL. The ACLU and New York Civil Liberties Union filed a lawsuit challenging the NSL statute and the gag order on behalf of Merrill (then called John Doe) in April 2004, which resulted in numerous court rulings finding the NSL statute unconstitutional. Merrill was the first person ever to challenge an NSL in court.

"After six long years of not being able to tell anyone at all what happened to me—not even my family—I'm grateful to finally be able to talk about my experience of being served with a national security letter," said Merrill. "Internet users do not give up their privacy rights when they log on, and the FBI should not have the power to secretly demand that ISPs turn over constitutionally protected information about their users without a court order. I hope my successful challenge to the FBI's NSL gag power will empower others who may have received NSLs to speak out."

NSLs are secret record demands the FBI issues to obtain access to personal customer records from ISPs, libraries, financial institutions and credit reporting agencies without court approval or even suspicion of wrongdoing. Because the FBI can gag NSL recipients to prohibit them from disclosing anything about the record demands they receive, the FBI's use and potential abuse of the NSL power has been shrouded in excessive secrecy.

While the NSL served on Merrill stated that he was prohibited from telling anyone about it, he decided to challenge the demand in court because he believed that the FBI was ordering him to turn over constitutionally protected information about one of his clients. Because of the FBI-imposed gag, Merrill was prohibited from talking about the NSL or revealing his identity and role in the lawsuit until today, even though the FBI abandoned its demand for records from Merrill more than three years ago.

In December 2008, the Second Circuit Court of Appeals, ruling in Merrill's case, found that some of the NSL statute's gag provisions were unconstitutional because they wrongly placed the burden on NSL recipients to challenge gag orders, narrowly limited judicial review of gag orders and required courts to defer entirely to the executive branch. The appeals court sent the case back to the U.S. District Court for the Southern District of New York and ordered the government to justify the constitutionality of the gag on Merrill. On July 30, the parties reached a settlement in the case. As part of that settlement, the FBI agreed that Merrill could now identify himself as the John Doe NSL recipient.

"We are thrilled that Nick will finally be able to speak out about why he took the courageous step of challenging the FBI's NSL power. Thanks to Nick's actions, courts have now recognized the need for judicial oversight of the government's dangerous NSL gag power," said Melissa Goodman, staff attorney with the ACLU National Security Project. "But even though this case has resulted in significant improvements to NSL procedures, innocent Americans' private records remain too vulnerable to secret and warrantless data collection by the FBI. At a minimum, the FBI should have to show individual suspicion before it issues an NSL for an individual's personal information and invades Americans' right to privacy and free speech on the Internet."

While misuse and abuse of the NSL power has been widely documented, the Obama administration is now seeking to expand the statute to allow the FBI to demand even more records without court approval. In July, the Obama administration proposed to expand the statute to allow the FBI to get Americans' Internet activity records without court approval or even suspicion of wrongdoing.

In 2009, Congressmen Jerrold Nadler (D-NY) and Jeff Flake (R-AZ) reintroduced the National Security Letters Reform Act, aimed at reigning in abuse of the power. The ACLU has called on Congress to reform the remaining constitutional defects of the NSL gag power and reject Obama proposals to expand the NSL statute.

In addition to Goodman, attorneys on the case are Jameel Jaffer of the national ACLU and Arthur Eisenberg of the NYCLU.

Mr. CONYERS. I yield the balance of my time to the distinguished gentleman from Georgia (Mr. JOHNSON), a member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 2½ minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to H.R. 514, which would reauthorize expiring provisions of the Patriot Act without important modifications necessary to safeguard our civil liberties. While the threat of terrorism is real, and law enforcement must have the right tools to protect Americans, any counterterrorism measure must have a solid constitutional footing and respect the privacy and civil liberties of the American people.

This legislation fails to address shortcomings in the original Patriot Act legislation, and for that reason I will vote against it. One of the major problems with this bill is its failure to address the issuance and use of national security letters. These letters permit the government to obtain the communications of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. If Congress reauthorizes these provisions with no changes, Americans will remain subject to warrantless intrusions into their personal affairs—a gross overreach of Federal investigative authority that could be abused. It's just not how we do things in this country.

Rather than taking the time to craft reforms that will better protect private

citizens' communications and privacy from overbroad government surveillance, the Republican majority simply wants to cram this bill through without providing any opportunity for anyone to offer amendments that improve the bill. We all acknowledge that law enforcement needs new tools to keep up with 21st century threats; but surely it is the responsibility of Congress to reexamine legislation that was hurriedly passed through Congress in the wake of 9/11 to make sure it lives up to our national ideals.

Because this bill fails to contain any checks and balances to prevent law enforcement abuse and protect civil liberties, I will be voting against it, and I urge my colleagues to do the same.

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes remaining.

Mr. SMITH of Texas. I yield myself the balance of my time.

Mr. Speaker, extending the expiring provisions of the Patriot Act will ensure that America's law enforcement officials and intelligence agents are equipped to identify terrorist threats and prevent terrorist acts. The Patriot Act is an effective tool in the war on terror. As terrorists show no signs of ending their plots, neither should our laws that stop them be allowed to sunset. This temporary extension will facilitate further review and reauthorization of these provisions.

Mr. Speaker, this extension is supported by the Obama administration. I urge my colleagues to support this extension as well.

Mr. STARK. Mr. Speaker, I rise today to once again oppose the reauthorization of expiring provisions in the Patriot Act.

Last month, Republican leaders gave Members of Congress the chance to read the Constitution on the floor of the House. Perhaps we skipped over the Bill of Rights, because the provisions we're extending today are a direct infringement on Americans' constitutional rights.

This legislation grants the federal government sweeping authority to pry into the private lives of Americans. Federal authorities have the power to access private records like library records or credit card statements, even if it's not related to a terrorism investigation. Authorities can receive wiretapping permits without specifying who or what they're going to wiretap. Secret intelligence courts can authorize law enforcement to spy on foreigners who are not connected to terrorist groups.

Many of my colleagues were elected based on their rhetoric opposing more power to the federal government. Today's vote gives them a chance to put their money where their mouths are, and say no to giving government the power to violate Americans' civil liberties. I urge my colleagues to oppose this bill.

Mr. McDERMOTT. Mr. Speaker, I voted against the PATRIOT Act in 2001, voted against its extension in 2005, and will again vote against it again today. The PATRIOT Act was sold as a measure to ensure the safety of the American people. Instead, the PATRIOT

Act has served primarily to subvert fundamental rights afforded to American citizens.

A plain extension of the PATRIOT Act, without revisiting its many problems and abuses, is a huge mistake and missed opportunity to truly protect our country against terrorism and do so in the confines of the Constitution.

Freedom does not have to be compromised to defend liberty. Continuing to weaken fundamental American principles will not leave us more secure, but instead more vulnerable. Through mutual trust and fearlessness, we can progress together.

It is time to stop extending the PATRIOT Act and restore full American freedoms and liberty to our citizens.

Mr. BLUMENAUER. Mr. Speaker, today I voted against H.R. 514, another one-year extension of three overreaching provisions in the Patriot Act, which are set to expire on February 28, 2011.

I have opposed the Patriot Act since the original, bipartisan version of the bill was hijacked by the Bush administration and significantly expanded without safeguards for the rights of ordinary Americans. This is why it has been consistently opposed by thoughtful members of Congress from both parties.

In a country that prides itself on civil rights and freedom of speech, we must maintain a system with checks and balances to ensure that our government works for our citizens in a transparent way. I have no doubt that we can keep America safe without compromising our liberties. By simply extending this policy for another year, we are forfeiting the opportunity and neglecting the responsibility to have a meaningful review that can bring us closer to a more accountable approach that balances individual privacy with our national defense.

One of the many provisions in need of reform and left unaddressed in this bill is section 215. This provision fails to provide meaningful protection for library patrons, and library and business records. The burden should be on the government to show reasonable suspicion or probable cause before undertaking an investigation.

After a decade it is past time to review and refine this legislation. The intelligence community already has the tools necessary to keep us safe without compromising our privacy. Another one-year extension is a lost opportunity to make sure we protect the liberties of American citizens.

Ms. MCCOLLUM. Mr. Speaker, I firmly believe that we can fight terrorism and keep our communities safe without sacrificing the rights and liberties that generations of Americans have fought so hard to secure. H.R. 514 fails this critical test, and I will vote to oppose it.

Without a single hearing, committee vote, or even the opportunity to offer amendments, this legislation extends provisions that give the Federal Government sweeping authority to spy on U.S. citizens. One such provision allows the government to obtain "any tangible thing" in its anti-terrorism investigation—including library or bookstore records—regardless of its relevance to the case. Another provision allows federal law enforcement to obtain wiretaps without being required to identify the person, building, or business being spied upon to a secret court. During the Bush Administration, the Justice Department used this authority to

illegally wiretap American citizens. Evidence of past abuses demand that the Patriot Act be reformed with stricter oversight and better safeguards to ensure security does not come at the cost of our Constitutional freedoms.

The threat of terrorism is real and persistent. My first priority as a Member of Congress is to keep America safe. Be assured I will continue working with President Obama and my colleagues in Congress to ensure that all levels of law enforcement have the tools and flexibility they require.

Mr. SMITH of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 514.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1510

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 8, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 955(b) note), I am pleased to re-appoint the Honorable Betty McCollum of Minnesota to the National Council on the Arts.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

NANCY PELOSI,
DEMOCRATIC LEADER,
February 8, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C.) 1161, I am pleased to re-appoint Mr. James P. McGovern of Worcester, Massachusetts to the Board of Trustees of the Congressional Hunger Fellows Program.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

NANCY PELOSI,
DEMOCRATIC LEADER,
February 8, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4(b) of House Resolution 5, 111th Congress, I am pleased to appoint the following members to the House Democracy Partnership:

The Honorable David E. Price of North Carolina
The Honorable Lois Capps of California
The Honorable Rush D. Holt of New Jersey
The Honorable Allyson Y. Schwartz of Pennsylvania
The Honorable Donald M. Payne of New Jersey
The Honorable Sam Farr of California
The Honorable Keith Ellison of Minnesota
The Honorable Mazie Hirono of Hawaii
The Honorable Lucille Roybal-Allard of California

Thank you for your attention to these appointments.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 8, 2011.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4 of the Ronald Reagan Centennial Commission Act (Public Law 111-25), I am pleased to appoint the Honorable Silvestre Reyes of Texas to the commission.

Thank you for your consideration of this appointment.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 12 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mrs. EMERSON) at 6 o'clock and 30 minutes p.m.

EXTENDING COUNTERTERRORISM AUTHORITIES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 277, nays 148, not voting 9, as follows:

[Roll No. 26]
YEAS—277

Ackerman	Cooper	Hastings (WA)
Adams	Costa	Hayworth
Aderholt	Courtney	Heck
Akin	Cravaack	Heinrich
Alexander	Crenshaw	Hensarling
Altmire	Critz	Herger
Austria	Cuellar	Herrera Beutler
Baca	Culberson	Higgins
Bachmann	Davis (CA)	Hinojosa
Bachus	Davis (KY)	Holden
Barletta	Denham	Hoyer
Barrow	Dent	Huelskamp
Barton (TX)	DesJarlais	Huizenga (MI)
Bass (NH)	Diaz-Balart	Hunter
Benishek	Dicks	Hurt
Berg	Dold	Inslee
Berkley	Donnelly (IN)	Israel
Biggart	Dreier	Issa
Blibray	Duffy	Jenkins
Bilirakis	Duncan (SC)	Johnson (OH)
Bishop (GA)	Ellmers	Johnson, Sam
Bishop (NY)	Emerson	Jordan
Black	Farenthold	Keating
Blackburn	Fincher	Kelly
Bonner	Flake	Kind
Bono Mack	Fleischmann	King (IA)
Boren	Fleming	King (NY)
Boswell	Flores	Kinzinger (IL)
Boustany	Forbes	Kissell
Brady (TX)	Fortenberry	Kline
Brooks	Fox	Lance
Buchanan	Franks (AZ)	Landry
Bucshon	Frelinghuysen	Langevin
Buerkle	Gallely	Lankford
Burgess	Gardner	Larsen (WA)
Burton (IN)	Gerlach	Latham
Calvert	Gibbs	LaTourette
Camp	Gingrey (GA)	Latta
Canseco	Gohmert	Lee (NY)
Cantor	Goodlatte	Levin
Capito	Gosar	Lewis (CA)
Cardoza	Gowdy	Lipinski
Carnahan	Granger	LoBiondo
Carney	Graves (MO)	Long
Carter	Griffin (AR)	Lowey
Cassidy	Griffith (VA)	Lucas
Castor (FL)	Grimm	Luetkemeyer
Chabot	Guinta	Lummis
Chaffetz	Guthrie	Lungren, Daniel
Chandler	Hall	E.
Coble	Harman	Lynch
Coffman (CO)	Harper	Manzullo
Cole	Harris	Marino
Conaway	Hartzler	Matheson
Connolly (VA)	Hastings (FL)	McCarthy (CA)

McCarthy (NY)	Pompeo	Shimkus
McCaul	Price (GA)	Shuler
McCotter	Quayle	Shuster
McHenry	Quigley	Simpson
McIntyre	Rahall	Sires
McKeon	Reed	Smith (NE)
McKinley	Reichert	Smith (NJ)
McMorris	Renacci	Smith (TX)
Rodgers	Reyes	Smith (WA)
McNerney	Ribble	Southerland
Meehan	Rigell	Stearns
Mica	Rivera	Stivers
Miller (FL)	Roby	Stutzman
Miller (MI)	Rogers (AL)	Sullivan
Miller (NC)	Rogers (KY)	Terry
Miller, Gary	Rogers (MI)	Thompson (PA)
Mulvaney	Rokita	Thornberry
Murphy (CT)	Rooney	Tiberi
Murphy (PA)	Ros-Lehtinen	Tipton
Myrick	Roskam	Tsongas
Neugebauer	Ross (AR)	Turner
Noem	Ross (FL)	Upton
Nugent	Rothman (NJ)	Van Hollen
Nunes	Royce	Walberg
Nunnelee	Runyan	Walden
Olson	Ruppersberger	Walsh (IL)
Palazzo	Ryan (WI)	Webster
Pascarella	Scalise	West
Paulsen	Schiff	Westmoreland
Pearce	Schmidt	Whitfield
Pence	Schock	Wilson (SC)
Perlmutter	Schwartz	Wittman
Peters	Scott (SC)	Wolf
Peterson	Scott, Austin	Womack
Petri	Scott, David	Yarmuth
Pitts	Sensenbrenner	Yoder
Platts	Sessions	Young (FL)
Poe (TX)	Sewell	Young (IN)

NAYS—148

Amash	Graves (GA)	Paul
Andrews	Green, Al	Payne
Baldwin	Green, Gene	Pelosi
Bartlett	Grijalva	Pingree (ME)
Bass (CA)	Hanabusa	Polis
Becerra	Heller	Price (NC)
Berman	Himes	Rangel
Bishop (UT)	Hinche	Rehberg
Blumenauer	Hirono	Richardson
Brady (PA)	Holt	Richmond
Braley (IA)	Honda	Roe (TN)
Broun (GA)	Hultgren	Rohrabacher
Brown (FL)	Jackson (IL)	Roybal-Allard
Campbell	Jackson Lee	Rush
Capps	(TX)	Ryan (OH)
Capuano	Johnson (GA)	Sánchez, Linda
Carson (IN)	Johnson (IL)	T.
Chu	Johnson, E. B.	Sanchez, Loretta
Cicilline	Jones	Sarbanes
Clarke (MI)	Kaptur	Schakowsky
Clarke (NY)	Kildee	Schilling
Clay	Kingston	Schrader
Cleaver	Kucinich	Schweikert
Clyburn	Labrador	Scott (VA)
Cohen	Larson (CT)	Serrano
Conyers	Lee (CA)	Sherman
Costello	Lewis (GA)	Slaughter
Crowley	Loeb sack	Stark
Cummings	Lofgren, Zoe	Sutton
Davis (IL)	Lujan	Thompson (CA)
DeFazio	Mack	Thompson (MS)
DeGette	Maloney	Tierney
DeLauro	Marchant	Tonko
Deutch	Markey	Towns
Dingell	Matsui	Velázquez
Doggett	McClintock	Visclosky
Doyle	McCollum	Walz (MN)
Duncan (TN)	McDermott	Wasserman
Edwards	McGovern	Schultz
Ellison	Meeks	Waters
Engel	Michaud	Watt
Eshoo	Miller, George	Waxman
Farr	Moore	Weiner
Fattah	Moran	Welch
Filner	Nadler	Wilson (FL)
Fitzpatrick	Napolitano	Woodall
Frank (MA)	Neal	Woolsey
Fudge	Oliver	Wu
Garamendi	Owens	Young (AK)
Gibson	Pallone	
Gonzalez	Pastor (AZ)	

NOT VOTING—9

Butterfield	Giffords	Lamborn
Crawford	Gutierrez	Posey
Garrett	Hanna	Speier

□ 1904

Messrs. BRALEY of Iowa, CLEAVER, CLYBURN, WAXMAN, GONZALEZ, NEAL, ANDREWS, KINGSTON, HELLER, DEUTCH, ROE of Tennessee, CLARKE of Michigan, KILDEE, HIMES, Ms. BROWN of Florida, and Mr. CAMPBELL changed their vote from “yea” to “nay.”

Messrs. GRIFFITH of Virginia, MULVANEY, DUNCAN of South Carolina, and SCOTT of South Carolina changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERMISSION TO SUBMIT COMMITTEE RULES AND BUDGET MATERIAL FOR PUBLICATION

Mr. DREIER. I ask unanimous consent that, one, the chair of each committee be permitted to submit their respective committee rules for publication in the CONGRESSIONAL RECORD; and, two, that the chair of the Committee on the Budget be permitted to submit material related to the budget process for publication in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION DIRECTING COMMITTEES TO REVIEW REGULATIONS FROM FEDERAL AGENCIES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-6) on the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 72, DIRECTING COMMITTEES TO REVIEW REGULATIONS FROM FEDERAL AGENCIES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-7) on the resolution (H. Res. 73) providing for consideration of the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and

proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. SMITH, New Jersey, Chairman
Mr. PITTS, Pennsylvania
Mr. ADERHOLT, Alabama
Mr. GINGREY, Georgia

APPOINTMENT OF MEMBER TO RONALD REAGAN CENTENNIAL COMMISSION

The SPEAKER pro tempore. Pursuant to section 4 of the Ronald Reagan Centennial Commission Act of 2009 (P.L. 111-25), and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Member of the House to the Ronald Reagan Centennial Commission:

Mr. SCHOCK, Illinois

LACKING A COMPREHENSIVE ENERGY PLAN

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, last week, at the same time that oil broke \$100 a barrel, the President traveled to the Fifth District of Pennsylvania, home of the first oil well 151 years ago and to the world's largest natural gas play. It was an honor to have President Obama visit the Commonwealth and highlight the research being done at Penn State on energy efficiency. I was hopeful the President would touch on the importance of domestic energy production, especially oil, coal, and natural gas—each just as critical to any credible energy plan.

Unfortunately, I remain convinced that America lacks a comprehensive plan to end our reliance on foreign oil. In too many instances, this administration has undermined America's path to a comprehensive plan. This administration has withdrawn oil and gas leases in the West, imposed a moratorium on drilling in the Gulf, placed huge portions of the Outer Continental Shelf off limits to new offshore drilling, and proposed billions in higher taxes on American energy. These actions will not help cease America's dangerous reliance on foreign oil.

Our Nation needs a low-cost energy supply for economic growth and security. I hope my colleagues—on both sides of the aisle—will join me in that effort.

□ 1910

ENERGY INDEPENDENCE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Madam Speaker, as a follow-up to what was just said by my colleague from Pennsylvania, we all know about the problems in the Middle East. There's a real problem in Egypt. We don't know about that government, how it's going to turn out. There's problems in the gulf states, there's problems in other parts of the Middle East, and we get at least 30 percent of our energy from that area. We also get about 20 percent of our energy from Venezuela, and the President down there, Mr. Chavez, is no friend of ours.

If we don't move toward energy independence and there's a real problem in the Middle East, we've got problems here in this country. Can you imagine what would happen if we had 30 percent of our energy cut off because there was a blockage of the Suez Canal or the Straits of Hormuz in the Persian Gulf? We must move toward energy independence.

The President is blocking us from getting permits to drill in the gulf, we can't drill in the ANWR, we can't drill off the continental shelf, we can't use coal shale to produce oil. We have enough energy in this country to move to energy independence in 10 years with natural gas and these other fossil fuels. But the President will not move.

We're not going to solve this problem with windmills and solar energy. We've got to solve it with the energy that we have before us right now. It's in our national security and our economic security that we ought to do this.

IMPORTED FROM DETROIT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, during the Super Bowl, Chrysler aired an ad promoting the new Chrysler 200 that touched the hearts of America with its focus on redemption and the enduring spirit of a great American city—Detroit, Michigan.

The redemption of a city and a region that has made some mistakes but is also home to some of our Nation's greatest innovators, most skilled craftsman and best workforce.

The redemption of an industry that has also made some mistakes but is still the backbone of American manufacturing.

Redemption epitomized by the workers at Chrysler's Sterling Heights assembly plant in Sterling Heights, Michigan, which was slated to close during bankruptcy. But the workers fought and sacrificed and made the business case that they were the right people to build the Chrysler 200 featured in the ad.

In Detroit, we build things. That is what we do. And we do it better than anybody else in the world. We still have a long way to go, but the Detroit region is coming back and our story of redemption is distinctly American.

Mr. Speaker, to all Americans who are looking to buy a new car and who are considering imports, I have a simple message. If you want the best, you should buy it, imported from Detroit.

WAKE FOREST BASEBALL COACH DONATES KIDNEY TO OWN PLAYER

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I don't often talk about sports on the floor of the House, but sometimes a player, team or coach's actions are so exemplary that they must be recognized. Such is the case with Wake Forest University baseball coach Tom Walter. This week Coach Walter, in an act of profound personal sacrifice, donated one of his kidneys to Kevin Jordan, a freshman player on his team. Kevin Jordan suffered with failing kidneys and a donation was his only hope for a normal life. And before he even had a chance to swing his bat for Wake Forest, his coach stepped up and changed his life by offering one of his own kidneys.

This is not your everyday "take one for the team" story. Rather, this is a story of a man of great character and generosity taking initiative to improve the life of a promising young man like Kevin Jordan.

I want to wish both Kevin and Coach Walter a speedy recovery from their transplant surgeries and hope to see them one day soon on the ball diamond, winning games for Wake Forest.

Coach Walter's example is more than inspirational—it is the very image of a life lived well, of putting others first. His family, his players, his friends and his community could not ask for a better man to call their own.

PATIENTS FREEDOM TO CHOOSE ACT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, later this week, I plan on introducing legislation, the Patients Freedom to Choose Act, along with Senator KAY BAILEY

HUTCHISON from Texas. This legislation would repeal two provisions of the new health care law that limit a patient's choice in how to use their consumer-directed health care plans.

Beginning in 2013, contributions to flexible spending accounts will be limited by a new Federal cap of \$2,500. The new health care law will also prohibit individuals from using their health savings accounts and their flexible spending accounts to purchase over-the-counter medication without a prescription from their doctor.

Mr. Speaker, 10 million Americans now are enrolled in HSAs and over 35 million people have FSAs, while 85 percent of all large employers offer them as a benefit to their employees. This legislation is needed because these two provisions in the health care law will punish families at a cost of over \$5 billion.

Instead of limiting options as is happening under this new health care law, we should be empowering patients by giving them increased access to affordable, quality care.

PEPSI'S DEMEANING SUPER BOWL AD

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I have a sense of humor and I believe in the First Amendment; and I truly believe that many Americans had a great time either participating at the Super Bowl or maybe fellowshipping with family members. It's a great opportunity to share information and to inspire.

That is why I'm so disappointed with the Pepsi advertisement that showed a demeaning role for African American women, in an ad that showed a can being thrown and being utilized to wound someone else or hit someone else, and that individual fell to the ground.

In this month of African American history where we're trying to celebrate what is good and great, it certainly seems ridiculous that Pepsi would utilize this kind of humor. It was not humorous. It was demeaning—an African American woman throwing something at an African American male and winding up hitting a Caucasian woman.

I think that we can come together in a much better way, sell Pepsi, and as well talk about good nutrition. But, frankly, I consider this insulting, and so did many other women of all colors. It would be great to have a lot more women in ads at the Super Bowl and great to have more women involved, but it also would be great to have a sense of balance that will respect individuals for who they are and how they contribute—great women like the Honorable Barbara Jordan and the Honorable Shirley Chisholm. I think even

though they probably had a great sense of humor, they would find this very offensive.

LISTENING TO THE PEOPLE

(Mr. BARLETTA asked and was given permission to address the House for 1 minute.)

Mr. BARLETTA. Mr. Speaker, I rise today in order to share the feedback that I received from my constituents during my past week in the district. At a town hall meeting on Thursday night, I asked those in attendance to raise their hand if they felt they had a better life than their parents. Nearly everyone raised their hand. But when I asked if they believed that their grandchildren could look forward to a more promising future, not one person raised their hand. Not one person. That is simply unacceptable.

While this House has taken positive steps to address the out-of-control spending habits of this government, my constituents strongly feel that the best way to create a brighter future for our children and grandchildren is to cut spending, end government waste, and allow our economy to have the freedom to grow and create jobs. I thank everyone who has shared their thoughts and opinions with me over the past week and month, and I look forward to continuing our constructive dialogue.

□ 1920

REAGAN CENTENNIAL

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, I rise today in commemorating President Ronald Reagan's centennial.

President Reagan served as an inspiration for an entire generation of us to get involved in politics. I first had the honor of meeting Ronald Reagan as a young student in California, and in fact, this meeting led to my getting active in Youth for Reagan. He had a powerful message of economic freedom and limited government. Yet it was his ability to translate powerful messages like this into real reforms that set him apart from past leaders.

At the heart of all of Reagan's policies, from supply-side economics to promoting democracy overseas, was the importance of the individual, not the collective. It was the importance of freedom, not statism. This great legacy is what we celebrate today.

I remember, following the Carter administration, our economy was in a state of economic malaise—high unemployment and high inflation. In fact, that legacy led to the creation of the concept of the misery index—inflation plus unemployment—and that reached an all-time high. But through the enactment of a pro-growth agenda,

Reagan was able to cut that number in half in that era of stagflation and lead us into prosperity.

THE 100TH ANNIVERSARY OF THE BIRTH OF PRESIDENT RONALD WILSON REAGAN

The SPEAKER pro tempore (Mr. CRAVAACK). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, I have taken this time out this evening so that my colleagues and I might have the opportunity to talk about what took place the day before yesterday and the century that led up to it. I am referring, as did my friend from Fullerton, Mr. ROYCE, to the 100th anniversary of the birth of Ronald Wilson Reagan.

We know that Ronald Reagan is an individual who has provided inspiration to Democrats and Republicans alike, and there is a reason for that. The reason is that, while not everyone agreed with Ronald Reagan's policies, he was an individual who was able to provide encouragement; he was an individual who was able to provide inspiration; and I think most importantly, Mr. Speaker, he was an individual who was able to provide hope to so many people all over this country as well as across the globe.

Mrs. Reagan did an interview this past week leading up to February 6 in which she was asked the question: What do you most want your husband to be remembered for?

What she said was that she wanted him to be remembered for the fact that he instilled a sense of optimism for the American people. That great sense of optimism, which was not Pollyanna-like, because he was clearly very realistic, direct, had a great strength of character, an unwavering commitment to his principles, but at the same time, he was always able to encourage people to have hope for the future.

In fact, one of the great things that the Ronald Reagan Foundation has done, as we all know, Mr. Speaker—and we see it on a regular basis right down this hallway into the great rotunda of the Capitol—is there, due in large part, to the now distinguished chair of the Committee on Administration, Mr. LUNGREN, who worked on this statue, and I was honored that he consulted me on a few occasions as he was working on it. To me, the thing that is the most important part of the statue is inscribed at the base. Unfortunately, it's on the back, so you have to go through a little effort to see it, Mr. Speaker. But at the base of that statue, it has three of the great statements that Ronald Reagan was known for.

What were they?

They were, of course: "America's best days are yet to come." "Our

proudest moments are yet to be.” “Our most glorious achievements are just ahead.”

Now, if that doesn't instill optimism and encouragement, I don't know what does. Those three statements, I believe, define Ronald Reagan.

He obviously was someone who enjoyed having a good time. In fact, Nancy said on Sunday, at the party, that her husband always enjoyed celebrating his birthday and that he would have loved the party that took place. And for those who may not have been there or seen it, you should know that the celebration continues.

It actually began at the end of last year. I was privileged to give an address up at the library, during which I was talking about the challenges that exist today and the way that Ronald Reagan dealt with many of the similar problems that we face today. Then on New Year's Day, the Rose Parade featured a float marking the 100th anniversary of Ronald Reagan's birth. Then again this past weekend, on February 5 and 6, there were great activities that took place at the library.

I should say, the weekend before, there was a wonderful opportunity for us to have the Members of Congress who were elected in 1980, with Ronald Reagan, three decades ago, to convene for a class reunion that the Ronald Reagan Foundation helped us put together. At the same time, the Heritage Foundation hosted its meeting, which included many of the newly elected Members of Congress. It was basically a 2½-day gathering.

Several Members have told me about the opportunity to have Members of that 97th class, the class of 1980 which came in with Ronald Reagan, share their experiences with the newly elected Members—87 strong, the largest turnover in three-quarters of a century. We were able to share those experiences, and Members have said that it was probably the highlight of that 2½-day gathering that we had at the Ronald Reagan Library.

I also have to say, Mr. Speaker, that just yesterday we saw the opening of the new Ronald Reagan Museum, and that museum is an amazing facility. Now, remember, Air Force One, which is the aircraft that Ronald Reagan flew, including Marine One, are both there at the library. This museum, which has been renovated over the past year or so, was reopened. I said at one of the gatherings that anyone who had the opportunity to know Ronald Reagan, to work with Ronald Reagan would have had, clearly, at least one occasion as they went through the library to have a wonderful memory come back to the forefront—and even new experiences. In fact, I had a very moving experience when I went through the museum and saw something that I had not seen before.

The father of one of my closest family friends passed away just before he

was born—in fact, 4 months before he was born. He was an only son, and obviously never knew his father. As I walked through the Reagan Museum, I was struck because I saw on the wall the discharge papers that were signed by Captain Ronald Reagan.

When I saw them, I took out my telephone, and called my friend, and said, Did you know that Ronald Reagan had signed your father's discharge papers? He said, no, he didn't know it, and was, needless to say, very emotional having just learned that at that moment as I went in.

Well, this man is on March 20 going to mark his 50th birthday, and his name is John Clark Gable. His father was the legendary actor Clark Gable, who had had his discharge papers signed by Captain Ronald Reagan.

As you look, there is the good and the bad, which are outlined in this museum, including the very tragic day in March of 1981 when an assassination attempt was launched against President Reagan, to lots of exciting and fun times that took place during that period of time. Of course we all know of Ronald Reagan's legendary, legendary sense of humor.

One of my stories—and I'm happy my friend from Huntington Beach, whom I met when he was working for Ronald Reagan shortly after we came to Washington together in the early 1980s, my friend Mr. ROHRBACHER, likes to take credit for many of President Reagan's funny lines. You know, there is a raging debate that he and I have on that on a regular basis. One story I know Ronald Reagan enjoyed but did not, in fact, get from DANA ROHRBACHER, I should say for the record, Mr. Speaker, was when we were dealing with one of the most challenging economic times that the United States of America has gone through. It was in the early 1980s.

□ 1930

I was invited on a Saturday afternoon to a small party in Los Angeles. There were about 20 people gathered, and the people gathered were commiserating over the fact that we had at that point an unemployment rate that was well into double digits. We had an inflation rate that was sky high, and interest rates were in excess of 15 percent, and so naturally everyone was focused on this.

President Reagan stood up after lunch and said, The other day, somebody asked me how I was doing, and he said, I've never been better. Well, needless to say, everyone at that lunch looked around like how in the world could he say that. He said the reason I say that is I'm reminded of this huge caravan of farm animals being driven through a countryside, and there is a terrible accident, these animals strewn all over the highway. And the sheriff came roaring up, and he looked to the side of the road and saw a horse with

two broken legs, frothing at the mouth. So the sheriff pulled out his gun, put it to the horse's head, and put him out of his misery. And then he looked over and saw a dog, just about the same thing. This dog was shaking like there was no tomorrow, and so he put his gun to the dog's head and put him out of his misery. And then he looked over and saw the driver of one of the vehicles. This driver had at least one leg broken, badly bloodied and banged up, and the sheriff looked at the driver and said, And how are you feeling? And the driver responded by saying, I've never been better. And that, in fact, Mr. Speaker, demonstrated that great sense of optimism and hope that was always there for Ronald Reagan.

Now, his policies are something that are desperately needed today, and I'm so happy to see that as we have now won what would be a Reagan-like majority here in the House, that working together in a bipartisan way, which was a message that former Secretary of the Treasury, former Chief of Staff, former Secretary of State James Baker provided Sunday morning at the Reagan Library, working together in a bipartisan way to deal with our Nation's problems and the problems that we're dealing with around the globe is a very important thing.

And that's why as we look at the economic challenges, it seems to me that following what I like to describe as the Kennedy-Reagan economic model would be a great prescription for us to create jobs and get our economy back on track.

It seems to me, Mr. Speaker, that as we look at where it is that we're going, making sure that we have tax rates that encourage job creation and economic growth are important. Thanks to the fact that Japan has just reduced its top rate on job creators, the United States of America today has the highest tax rate on job creators of any country in the world. We have the highest tax rate of any country in the world when it comes to those businesses that are trying to create jobs. We continue to hear and decry the flight of jobs outside of the United States to other parts of the world, and people get into so many other issues. We need to look at our policies that encourage the flight of those jobs outside of the country.

I will tell you that if Ronald Reagan were President of the United States, I have no doubt that he would be championing the notion of reducing that top corporate tax rate, and I have to say, Mr. Speaker, that I was very gratified right behind me just 10 days ago President Obama stood here and advocated a reduction of that top rate on those job creators. We know that he has recently, President Obama, read Lou Cannon's book on Ronald Reagan and understands how successful Ronald Reagan was.

Now, I have lots of things that I want to say, but I'm privileged to be joined by four great Californians who are here right now, and so I think that the most appropriate thing for me to do would be to go by both age and seniority. And so I think that my friend DAN LUNGREN, who has been an inspiration to me as Ronald Reagan was, has joined us, and I mentioned him earlier. He's the distinguished chair of the Committee on House Administration, something that we were never able to do during the Reagan years, that being have the majority, and I know that Ronald Reagan would be very proud to see his friend DAN LUNGREN in the position that he is today.

Mr. Speaker, I'd like to yield to my friend.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman from California for taking this time and for yielding this time to me and I know to others as we come about this.

You and I and the other gentleman from California (Mr. ROHRBACHER) were privileged to be in that crowd on Sunday where we celebrated Ronald Reagan's 100th birthday.

I was reminded that the last time I spoke with him was 20 years before on his birthday, his 80th birthday, when I was calling him from my office in Sacramento, and he was his usual open, affable, and interested individual who always had an expression of concern for the person he was speaking with and who didn't take himself too seriously but obviously took the job that he had very, very seriously.

One of the insights into President Reagan I think is seen in a film that was done about Ronald Reagan's life that I saw recently, and at the end of the film or close to the end of the film, they had an interview with the Secret Service man who continued to be with Ronald Reagan to the very end, and this Secret Service man was distinguished by the fact that he was a fellow equestrian. He rode with Ronald Reagan, and it was the last time Ronald Reagan rode a horse. He went out riding with him, and when he came back he went to Mrs. Reagan and said, the President didn't have a very good day on the horse today, and that was a nice way of saying maybe it's time that he not risk injury by horse riding. And everybody knew that Ronald Reagan loved to ride horses. Probably his third greatest passion—his passion for his wife, his passion for this country, and then his passion for riding horses. And Mrs. Reagan told the Secret Service man, well, I can't tell him; you've got to tell him. And it was very uncomfortable. And the agent went up to the President and said very, very quietly, Mr. President, we didn't have a good day riding today. And Ronald Reagan sensed exactly what he was going to say, and instead of protesting, he made every effort to put the Secret

Service agent at ease, knowing that it was a difficult thing for him.

You have to understand that. He was being told that something that he loved almost as much as anything else in his life, his avocation, his—some people play golf; Ronald Reagan rode horses. He was being told he could no longer do that, and instead of thinking about himself and the pain it was going to cause him and the lack of opportunity to enjoy himself, his first concern was for the person who was delivering that message to him, and he wanted to put him at ease.

And that gives you a bit of an understanding of the character of the man who thought about what he was doing for others rather than what they were doing for him, or, excuse me, to put it this way: He thought more about what gratitude he had for what other people were doing for him, rather than accepting praise for what he was doing in that circumstance.

I remember the last great speech that I remember that Ronald Reagan gave. It was at the 1992 Republican convention in Houston, and some of you may remember it. You've seen film of it if you weren't there. He wore a suit or a sport coat and a shirt that, if we wore it, we would be told you don't wear those sorts of things when you're appearing at a political event. It was sort of a maroon or almost maroon to brown jacket, and I remember the shirt had a white collar and it had stripes that were of the same color as the coat.

And when he started to speak, and I was watching closely because my son, who at that time was in college, had gotten a pass to the floor of the convention, and I said, I want you to see the master speak, using that in quotation marks, because this may be the last great speech he ever gives. When Ronald Reagan got up, he looked every bit his age. In fact, he looked a little bit tired. As he started to speak, some young people in front of him began chanting his name and cheering him, and at first he couldn't hear very well. And then he realized what they were saying, and you saw that Ronald Reagan grin begin, and you saw him start to speak. And at the end of his speech, I guarantee you he was 20 years younger than when he started that speech.

And he gave that vibrancy to the entire assembled crowd there in that convention hall, and I was so happy that I had my son there to be able to see this remarkable man give this remarkable performance at the end of his career. But when you think about that, sometimes you think maybe we just think about him as the communicator, and as we know in the final address he made to the Nation from the Oval Office, he said some people say that I'm a great communicator. It's not so much that I'm a great communicator, it's that I was able to communicate great things that came from this country.

That always remained with me. I always thought Ronald Reagan had spent his whole life reading, thinking, thinking about this Nation, thinking about the principles that made this Nation great.

□ 1940

And in my own mind, whenever I met with him with other Members of Congress or alone, you had this idea that he had developed this philosophical or political schematic.

If you were speaking to him about a subject, he would put that schematic over that discussion. And if, in fact, it fit within those principles he had developed over a lifetime, he would basically allow you to go do it. He would basically give you a charge, and he would be behind you—may not tell you the details, but he would be with you. And if you didn't, if you had something that was outside that philosophical political schematic that he had developed over a lifetime, he would in some ways gently tell you that, No, I don't think we're going to do that. And you knew at that point in time that he wasn't going to be with you on it; but he was, again, thinking a little bit about you and the reaction that you would receive when he would tell you "no."

One of the most difficult things I ever had to do was to tell him "no" on the phone. I was in my office. He was calling on a vote. And I can't even recall what the subject was.

Mr. DREIER. If I can reclaim my time, I will tell you exactly what the vote was because I remember it so vividly. It was the 1982 Tax Equity and Fiscal Responsibility Act. And I further yield to my friend.

Mr. DANIEL E. LUNGREN of California. It may very well have been that.

He called me personally to talk to me about that. And I had the hardest time saying "no" to him, but I did. The remarkable thing about it was that he didn't pressure me anymore. He didn't make me feel bad. He didn't say, Well, you'll hear from us again, or if you want something in your district. All he said was, I understand. I'm sorry I couldn't convince you. I got off that phone. I thought I was right in the decision I had made, but I felt badly that I had to tell him "no," and I think that was it.

One of the highlights of my first 10 years in the Congress was going to my alma mater, the University of Notre Dame, on Air Force One with Ronald Reagan when he was going to unveil the stamp commemorating the 100th birthday of Knute Rockne—or as he said, "Ke-Nute" Rockne because that's what Knute Rockne's widow had told him was the proper pronunciation. And we flew there, and it was a great day. A little bit of rain. We got in the Athletic and Convocation Center, and it was standing room only. They didn't

have enough room for all the students. The overflow crowd was in another room that had a television.

There were four of us, graduates of the University of Notre Dame, who were Members of Congress at the time that he had with us and Dick Lyng who was the Californian who was the Secretary of Agriculture, also a Notre Dame grad. And in his speech, he said, "I want to introduce you to the new Four Horsemen of Notre Dame," and then mentioned each one of our names. I have that on tape, and that is one of my highlights of my life. And at some point in time, I will make sure I make copies and give it to my children and my grandchildren.

But he loved the fact that people remembered him for that role and for the spirit that he had there. And I am proud of the fact that after his recovery from that assassination attempt, the first public major address he made away from the Capitol was at the University of Notre Dame.

Ronald Reagan was a hero to many of us. He was an inspiration to many of us, but he was a real man. He had his weaknesses as well as his strengths. He had his shortcomings, and he would be the first one to admit it. But above all, he was that person who told us, as Republicans, that we should approach the future not only with confidence, not only with hope, but with a sense of joy, an idea that this country is the greatest country in the history of the world and gives us the greatest opportunity to succeed. And he always felt a sense of gratitude that he was here, that he was born here, that he was allowed to raise himself up. And he thought that ought to be the opportunity given to everybody.

When he came into a room, there was just a feeling there that was not there at any other time. And it's hard for some of us to realize that he has been gone for 6½ years now and that he would be 100 years old today. All we can say is, we're not looking backwards. We're trying to take the essence of the man, his commitment to the foundations of this country, his openness and his optimism, and utilize that at a time when we desperately need it.

I never thought that he looked at a person and thought, You're African American, you're Caucasian, you're Hispanic, you're Asian. He looked at you and said, You're an American; and therefore I'm going to expect the best out of you, and this country is going to give you the opportunity to be the very, very best.

So I thank the gentleman from California for this time. And this weekend was wonderful not only for us to reflect in our memories but also to bring the Ronald Reagan we know to the present people of America, particularly those young people who were not born when he was President of the United States and let them have a sense of what it

was that commanded this country, that led this country, that inspired this country.

Mr. DREIER. I thank my friend for his very thoughtful comments. And let me say before yielding to whichever of my colleagues gets to their feet next, Mr. Speaker, I think that when one thinks of some of the great, great Reagan stories that are legendary, you can't help but recall that he had joy in sharing those stories with people. And I guess that had to have been his Irish blood that was flowing that brought that out. But all of those stories did provide so much encouragement.

One of his great lines, to me—and my friend just referred to it—was when he would look to Americans, regardless of what their background was, and say, You're an American. And I am reminded of his famous line where he said, You know, if you immigrate to France, you don't become a Frenchman. If you immigrate to China, you don't become Chinese. The United States of America is the only country in the world where if you immigrate to the United States of America, you become an American which, again, underscores what a melting pot the United States of America is and *e pluribus unum*, "out of many, one." That is what has made us as great as we are.

Mr. Speaker, I am happy to yield to my friend from Huntington Beach, California (Mr. ROHRABACHER), the famous, legendary speechwriter of Ronald Reagan. We first met in the decade of the 1980s. We joined with Democrats and Republicans in both Houses of Congress to play a role in liberating the people of Afghanistan from the Soviet Union's horrendous control, and I'm sure he will seize this opportunity to get into that.

Mr. ROHRABACHER. Thank you very much, DAVID. Just to expand a little bit on the last point you made, when we were writing for Ronald Reagan, he would insist that we don't talk about people as being—he wouldn't say Irish Americans or Mexican Americans or German Americans. He always insisted that we say "Americans of Irish descent," "Americans of Mexican descent," "Americans of German descent." Americans together, up front. So that's a little bit of wisdom. Just that little expression showed the wisdom of that man.

It was my honor to join with my two colleagues at the 100th celebration. DAN and DAVE and I, we have a special place in our lives for this man, Ronald Reagan. And I think that that birthday and that gathering that we had at the Reagan Library is one of the most memorable times that I will have, and I am just so grateful that I was able to share that with you.

I think the Reagan Library is doing a terrific job, and they will then be able to carry what we are talking about tonight so that younger people, people

100 years from now, will get a good picture of this man who saved America and saved the world from tyranny. Also, the Young America's Foundation is doing a great job at restoring the Reagan ranch where Reagan spent so much of his time and got his inspiration, and is implementing some great educational activities up there.

I, of course, met Ronald Reagan so many years ago when I volunteered as a youth organizer for his first campaign for Governor. And I was in Youth for Reagan. I was the L.A. County High School chairman of Youth for Reagan, although I was a freshman at a junior college at the time.

There had been so much infighting going on—the Republicans almost enjoy fighting each other as much as they do fighting Democrats and everybody else. Well, it was true back then as well. And there was so much infighting going on in the Youth for Reagan, they were going to eliminate it. I got wind of this, and I had hundreds of kids out walking precincts. I thought this would be horrible for them. So I decided I had to talk to Ronald Reagan personally about this.

□ 1950

And I found out what his address was, and at 2 o'clock in the morning I hiked up this long driveway in Pacific Palisades up to his house. They didn't have a guard. Here's the guy, the candidate for Governor, and nobody is there guarding the gate. And so I camped out on his back lawn, and the next morning, about 6:30, 7:00, Nancy sticks her head out there, What are you doing? Who are you?

And I had a little sign that said, "Mr. Reagan, please speak to me." And I told her I was in the Youth for Reagan and I just needed 2 minutes, just 2 minutes with him, 120 seconds. And she said, Listen, if he comes out here, he's going to spend 20 minutes with you. He's either going to miss his breakfast or be late for the rest of the day. I can't permit that to happen. If you leave right now, I'll get you an appointment with the campaign manager.

Well, you know, that's the best I was going to get. So I was walking real slow down that long driveway dragging my sleeping bag. And behind me I hear, Wait a minute; wait a minute.

And there was Ronald Reagan chasing after me with shaving cream on his face; his shirt's wide open.

If you can spend the night on my back lawn, I can certainly spend a few moments with you. Now what's the problem, young man?

And, you know, he never let me down. I knew him for 40 years after that. He never let me down. He was the same caring, wonderful person.

And as my life went on and I was active in his campaigns, I was with him for 8 months from in the morning he got up till the time he went to bed during the '76 campaign, so I knew everything that was going on in his life. I

never heard him say the "F" word. I never heard him say, as the door slammed behind after someone who had been saying bad things about him, I never heard him say, "That SOB," or anything like that.

Ronald Reagan was centered. He was confident in himself, and he didn't feel threatened by people who disliked him. His way of doing things was always, be very strong for the things you believe, very principled. Be as strong an advocate as you can, but be very nice to people. Be very nice to people even if they're on the other side of the table arguing another case.

Mr. DREIER. If I could reclaim my time and just interject one little story here as we have a discussion here. I'm reminded that one of his domestic policy advisors, Professor Roger Porter from Harvard, had told me that he remembered sitting in the Oval Office with President Reagan, and a group came in and began just maligning and ripping him up one side and down the other. And the President just sat there patiently—and obviously he was on the opposite side of where they were—and they left.

And Professor Porter looked to him and he said, Gosh. He said, Why in the world, Mr. President, would you not respond to those people? I mean, they were so horrible to you.

And President Reagan looked to him and said, Well, you know, I can't control how other people act. I can only control how I act.

And that was his response to that kind of attack.

And I am happy to further yield to my friend.

Mr. ROHRBACHER. And I think that that kindness and his personality is what was dictating how he would act.

So I went on after that, and I was a freshman in college when he was running in '66. By the time his administration was over, I was a journalist. I was actually a reporter in Los Angeles. I'd graduated from college.

And anyway, I was someone who was well known as going to the heart of the matter and asking the toughest question at all the press conferences, and he was now Governor, finishing up his last couple of years as Governor of the State. And I remember a press conference that I covered with Ronald Reagan. DAN LUNGREN would appreciate this because it was his commission on crime, and he was going to make this big announcement as to what his commission on crime was recommending.

And I got up and of course wanted to ask the toughest question, and the question was: Governor, you suggested, and many times have suggested in your speeches, that you are a Christian and that this is an important value to you; you base many of your judgments on your faith. How can you justify in

Christian theology that you are taking someone, as the commission is suggesting that we expand the use of the death penalty, and that we take someone who is not at that moment a threat to another human being and is in custody and take that person's life? Isn't that contradictory to your Christian beliefs?

And Reagan, you could see that he really took it so seriously, and he just said, I've prayed about that so many times. I cannot tell you how much thought and prayer has gone into that very issue, and I sought religious help from people and guidance from various spiritual leaders, and I came to the conclusion, well, DANA, I came to the conclusion that if you're killing someone for vengeance, that is not consistent with what Jesus Christ has taught us. But if you realize you're taking that life to save the life of another because other murderers will be deterred from killing innocent victims, well, that's totally consistent.

And I tell you, my view of Ronald Reagan and my admiration for that man went right through the roof.

Well, what happened then, Evelle Younger, who was Attorney General of the State, grabs the microphone and says, Morality and religion have nothing to do with this. The people voted for the death penalty and they're going to get it.

Yeah, my opinion of Reagan was that high. And I would just note Evelle Younger ran for Governor and lost.

Well, this was the type of Ronald Reagan that I got to know, very principled person.

In '76, a year after that press conference, he ran for President. And I was about the only Republican that he could find in the press corps to hire as Lynn Nofsinger's Assistant Press Secretary, and I traveled with him, as I say, through '76 and '80 and then went to the White House with him after that.

And let me just note that when Ronald Reagan went to the White House, it has been again described so many times that our country was in such jeopardy. Freedom was in retreat. The Soviet Union was in the ascendancy. Tyranny, many of us felt in the late '70s that our country would lose the Cold War and that the world would be dominated by this Marxist, Leninist, totalitarian ideology. And of course our economy was near collapse and heading towards disaster.

Ronald Reagan, when he was a young person, was a lifeguard. He saved 77 lives. That was such a part of a self-image of being someone who was going to save the day. And I saw that at work. I saw that at work in the tough decisions.

And by the way, let me just note, I disagree with Jim Baker. I didn't see the bipartisanship that Jim Baker talked about. Maybe he did. But when

I worked in the White House with Ronald Reagan, because I went with him there after he won the 1980 campaign, and I was one of his five principal speech writers for 7 years. All I noticed was at that stand right over there the Democrats, over and over again, from this body and from the Senate would do everything they could to defile and to make it sound like Ronald Reagan was a warmonger because he wanted to make sure that the Soviets were not encouraged to go on further and expand their weapons by us freezing them into a position of superiority.

Mr. DREIER. If I could reclaim my time, I would just say to my friend, obviously that kind of partisan debate takes place regularly. But I think that what Secretary Baker was talking about was, first, the issue of Social Security, where President Reagan did work with Tip O'Neill to try and bring about an effort to save Social Security. In 1986, President Reagan worked with the then chairman of the Ways and Means Committee, Dan Rostenkowski, on the 1986 Tax Reform Act.

And so it's true. I mean, in fact, I thank my friend for raising this issue, because the sense that somehow everyone at the end of the day loved each other during that period of the 1980s is a mischaracterization of the way it existed. But President Reagan, as Secretary Baker pointed out, did at the end of the day, when it came to these important issues of economic growth dealing with Social Security, and even on the issue of foreign policy and dealing with both Afghanistan and Central America, while not all Democrats joined, there were more than a few who, with his encouragement, did this. Because remember, were it not for bipartisan support, these policies would not have been implemented because we had 192 Republicans in the House of Representatives and were, in fact, in the minority.

So I am happy to further yield to my friend.

□ 2000

Mr. ROHRBACHER. I will have to admit, even some of the people who were most guilty of not being bipartisan have suggested that it was bipartisanship that ended the Cold War. But your examples that you have given with the Social Security, for example, people don't know that had we not been working together and had Ronald Reagan not been there to provide the leadership, Social Security would have been bankrupt by now easily. But I saw these major events from inside the White House and watched him.

One note: I was there probably at the low point of the White House. That day was the day that 240 marines were blown to hell in Beirut. I remember my brother's best friend was the first name on that list of people who were killed.

Ronald Reagan felt that it was his worst mistake that he ever made, was

sending those marines in there. When his advisers suggested to him that now is the time we've got to prove we're tough. Send in a whole marine division to make sure we kick those guys' butts who killed our people to prove they can't do this and get away with it. Ronald Reagan was wise enough not to go for vengeance, but instead to use his head and to do what was the right policy that would not put us in jeopardy and put us in a quagmire.

Ronald Reagan said, "No. We are going to get our butts out of there" and had he not done that and sent in 20,000 American troops, we would have been on the defensive for the rest of his administration. Instead, he reached out and found elements around the world who were fighting the communist dictatorship, they called it the Reagan Doctrine, and he let the enemy of our enemies do the fighting. That was the Reagan Doctrine. That's what succeeded in Afghanistan and elsewhere. It drained the budget of the Soviet Union, and it collapsed.

One last story that I would like to tell, and that is, so many people who have tried to belittle President Reagan have tried to make him look—how many times have I heard this, Well, he's just an actor and he's just reading scripts. You guys are great script writers. First of all, let me note, I never wrote a speech for anybody until Ronald Reagan taught me how to write a speech.

We had a saying at the White House: If this guy wasn't President, he's a good enough writer to be the President's speechwriter. That's number one. But Ronald Reagan was not just reading lines and not just reading scripts, number one. It was his vision of the world we had to capture. But, more importantly, he was making very tough policy statements that would not have been made by other Presidents, and the best example of this is the Berlin Wall speech. As we noted at the 100th birthday, there is a chunk of the Berlin Wall, and the Soviet Union has disintegrated. And now in Russia, by the way, the churches are filled with people in Russia today. Back in those days, Christians and other people who believed in God were being repressed with all the other freedoms.

But Ronald Reagan was going to go to Berlin, and the speechwriters knew that the senior staff would do everything they could not to permit Ronald Reagan to say what he needed to say, which is, Tear down the wall. So we had to plan on it, and actually we underhandedly got the speech to Ronald Reagan. I won't describe the great details it went through, but it was an avenue that we knew once we used it once would be closed up to us.

Once Reagan saw the speech, it was, Oh, yes. This is exactly what I want to say. And then it wasn't the five speechwriters against all these senior

advisers to the President. It was the speechwriters and the President. And George Schultz came in; and he was with us the other day, but during that time he was yelling at Ronald Reagan that he was trying to reignite the Cold War by saying, Tear down the wall. All of these people who now are very happy with Ronald Reagan and suggest that, Oh, I was in on it. In this particular case, and many others, they were telling Reagan not to do these things, especially, Don't say, Tear down the wall.

I cannot tell you how far it went. Colin Powell actually gave him a speech and said, All your advisers except for speechwriters want this speech. And it was the same speech, except "tear down the wall," that page had been left out. And Reagan was, No. I think I'll use the one I've got, thank you.

Well, what happens is this: Reagan gets up, and he is courageous. He is being told not to do this, that this would create new Cold War animosities on the other side. He knew that this was a message to their leadership and to the people behind the Iron Curtain that we were serious about our advocacy of democracy and freedom and peace. He knew that. And he knew if he didn't say it, it would demoralize all of those people. It would change history for the worse if he didn't say it. And he got up there, and he made that strong statement.

The next day, of course, we were all watching to find out exactly what was going to be the reaction. And I don't know how, but somebody from the National Security Council had a copy of a verbatim transcript of Gorbachev's conversation with the senior staff. Now, I have no idea how we happened to get that into our possession, but Gorbachev was saying, This guy Reagan, once he gets his teeth into you, he's like a dog. He'll never let go. And we have got to find a way to bring down that wall and maintain our dignity. And sure enough, then all those other guys that we were talking about who fought this speech, and they did everything they could to get him not to say it, then they started claiming they had written the speech and they were for it all along of course.

Well, the one great thing about Ronald Reagan, he had it right on his desk, and it was, There is no limit to what a person can achieve if he doesn't care who gets the credit. Reagan wasn't looking for credit for the end of the war. He was looking to do great things for America. And I will tell you, he inspired all of us.

Do I have time for one more Reagan story?

Mr. DREIER. One more Reagan story. We want to hear from our two colleagues.

Mr. ROHRBACHER. Everyone knows Ronald Reagan the politician.

We can go on with all these lists of speeches and the bills and things, but I think the day I remember the most about Ronald Reagan was in North Carolina.

In 1976, Reagan was running and I was the assistant press secretary. And here he had probably 5,000, 10,000 people in this parking lot for a rally, and this lady comes up to me and says, You're with Governor Reagan? And I said, Yes, I am. She said, I have seven blind children here, and they can't get through the crowd. And I wonder if maybe after the speech we can bring them over here and Governor Reagan could shake hands with them. And I said, Let me clear it. Let me find out.

So I went behind the podium there with Mike Deaver. I said, Mike, there's a lady here; she's got these blind children and they can't get through the crowd. They would really like to shake hands with Governor Reagan. And Reagan was two steps behind us. He hears me and he jumps right in between us and he says, Of course we're going to say hello to those children. But, DANA, we don't want this to be a press event. And you get all the reporters in the buses, and I'll come right over here and spend a couple minutes with those children.

So, sure enough, the reporters head to the buses, and the kids are brought back there behind the podium. And there's Reagan and he is talking to them. They are about 7, 8 years old. And this is the sense of this man. He says, You know, I know that you can't see me. But maybe you would like to touch my face so you can get a sense about who I am and what I look like. And of course they did.

Now, imagine this: there's Ronald Reagan, a candidate for President, with seven of these little kids, beautiful little kids touching his face. There is not a politician in the world that would not give millions of dollars to have a picture of that. They would be on the cover of all the magazines, and Reagan knew that. But he didn't want anyone, he didn't want those kids or anyone to think that he was exploiting blind children. And it's like us today. We've got to get a sense or feel about this man and who he really was. And I hope that the Reagan Library and what they are doing with the Young America's Foundation up at the ranch will help future generations get a good feel for this wonderful person.

Mr. DREIER. Mr. Speaker, I thank my friend very much for his very thoughtful contributions. And his last two stories remind me very vividly of the fact that Ronald Reagan was in charge, whether it was ensuring that he penned the: "Mr. Gorbachev, tear down this wall," or whether he jumped forward and said, Of course I'm going to meet with those young people. And it brought to mind that famous "Saturday Night Live" skit where you may

recall where you saw Reagan come out. The perception of him was, as my friend said earlier, that he wasn't in charge and that he was scripted by everyone else but himself. What they did in the skit was he came out and he met with some young children and he shook hands with them and said, How are you doing? And was perceived as this guy who was a long way from being in charge. Then the moment they left, he went back and he said, Okay, fellas, let's get to work here now. So behind the curtain he was doing that. When, in fact, we do know that Ronald Reagan was in charge as he dealt with foreign policy and domestic policy as well.

And I'm very happy that we are joined by my colleague who came to the Congress during the last 2 years of the Reagan administration. He came here in 1986 and I know was inspired by President Reagan. He is a very, very thoughtful, hardworking member of the Ways and Means Committee and a subcommittee chairman. I am happy to recognize him at this time, my friend, Mr. HERGER.

□ 2010

Mr. HERGER. I want to thank my good friend from California (Mr. DREIER). Particularly, I want to thank my good friend for leading us in this incredibly special, special time to remember an individual who, as we have heard from the speakers before me, individuals like Mr. DREIER who actually spent a lot of time with President Reagan, sharing with us the incredible person, an inspiration, that our 40th President, who we are celebrating this week the 100th anniversary of his birth, is to each of us.

As the gentleman mentioned, I did have the privilege of serving for his last 2 years as President, 1987 and 1988. But I think about what President Reagan meant to me, and when I think about what he meant to me, I know as I have listened to these speakers before me what he meant to so many of us in our Nation and the world today.

My friend Mr. DREIER mentioned in his early remarks what the country was like in 1980 when Ronald Reagan ran for President. We think what it is like today. We have over 9 percent unemployment. We have very low inflation. But in 1980, when President Reagan was running, we had not 9 percent unemployment, but 12 percent unemployment. We had something that we haven't had since the early days of President Reagan's administration, and that was inflation, inflation that was running 13 percent.

As a small businessman then, I remember what it was like. You did not know what to price your products at because you didn't know what you were going to be buying them for again, and it was an unbelievably challenging time. Plus, as a small businessperson, we had a prime interest rate that was

21.5 percent. We had home mortgages that were hitting 16 percent.

Now, those of us who can remember back at that time, talk about challenging times, those were challenging times. And to have someone who was the type of inspiration that Ronald Reagan was, who literally exemplified everything he believed, and we heard so much from our speakers before me, but to Ronald Reagan it was morning in America. He believed. He not only had confidence in himself, he had even more confidence in our Nation. He had confidence in those of us who were small business people, who were Americans. As was mentioned, it didn't matter whether you were immigrants, like my grandparents were from Switzerland, you were an American. He had not only confidence in this, but he could emulate this to all of those around us.

It was interesting, because back about 10 years ago in a Republican Conference of fellow Republicans in Congress, someone asked a question, who among us, and there were, I don't know, about 150 or so, who among us were inspired by Ronald Reagan to run originally. And over half of us raised our hands. As a matter of fact, it was about three-quarters of us. It was Ronald Reagan who inspired us to leave our positions as a small businessman, as a family rancher or dairy person to run for office. So we see it today. We see those who ran this last time, a very similar time.

But God bless Ronald Reagan. God bless all that he inspired us with.

And, Mr. DREIER, I want to thank you for leading us. This is one of the greatest times of my life, to be able to participate along with you and Mr. LUNGREN and Mr. ROHRBACHER and others in remembering someone who I believe is one of the very greatest Americans ever to live, Ronald Reagan. Thank you.

Mr. DREIER. Mr. Speaker, I thank my friend very much for his thoughtful remarks. I want to assure him that it didn't begin or end this evening, but we are in an entire year's celebration. In fact, tomorrow evening, our colleague who represents the Ronald Reagan Library, ELTON GALLEGLEY, is going to be taking an hour out and talking about him as well.

To close out this evening, we are very pleased to have the newest Member who is here on the House floor, who has already become a veteran, one of the great champions of the conservative cause in our State of California, my good friend, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank my friend for yielding, and I want to continue where my friend from California (Mr. HERGER) left off, talking about what kind of times brought Ronald Reagan here to Washington.

We are told today that we face the worst economy since the Great Depres-

sion. There are a lot of us that remember an even worse time, when we did have double-digit unemployment and double-digit inflation and mile-long lines around gas stations and interest rates that exceeded 20 percent. And, by the way, when we hear that our world is growing more dangerous by the day, I remember when an American Embassy could be seized with impunity, when an aggressive and expanding Soviet Union daily challenged American interests around the world, when communism went unchallenged in the Western Hemisphere, when the American military had been so badly weakened it couldn't even launch a successful rescue mission.

Perhaps we don't remember those days as vividly because they didn't last very long. At that dark hour in our Nation's history, the American people turned to Ronald Reagan, who diagnosed our country's problems very accurately. In this crisis, he said, government is not the solution to our problems; government is the problem. He said the Soviet Union is indeed an evil empire, and it was time, he said, that America stopped apologizing for its interests and started asserting them.

At the time, the American left exonerated Reagan. They warned his policies would lead the Nation to starvation and the world to conflagration. Instead, we enjoyed a period of American prosperity and world influence that was best described with the words "morning again in America." He reduced the tax and regulatory burdens that were crushing America's economy. He reduced government spending as a percentage of GDP. He restored America's military strength and reasserted American interests around the world. He stopped apologizing for America's greatness and started celebrating it.

It was recalled earlier that in his farewell address Reagan attributed his success not to being a great communicator, but to the fact he was communicating great ideas, the self-evident truths of the American founding. He did one other thing. He restored those self-evident truths as the foundation of our domestic and foreign policy, and as a result our Nation prospered and the world enjoyed a rebirth of freedom.

Unfortunately, Reagan's successors gradually abandoned his policies and Americans gradually let loose of those self-evident truths that inspired and animated those policies. But now as our Nation endures prolonged economic distress at home and increasing strife abroad, Americans are beginning to realize that our Nation hasn't been struck down by some mysterious act of God. What has happened to our country is because of specific acts of government, and, as Reagan knew, acts of government are fully within our power to change.

Reagan charted the road back. Our Nation followed him down that road

and we discovered that, yes, it does indeed lead to a shining city on a hill. As we remember Ronald Reagan, all that he was and all that he stood for, let's also remember what he did and where he led us. It isn't too late to return to those policies and get back on that road.

Mr. Speaker, I want my children to know what morning again in America actually feels like. I want them to know the optimism that America's best days are yet ahead, and to know the pride and confidence of American exceptionalism. On this centennial of Ronald Reagan's birth, let's not just remember him; let's follow his example and get our Nation back on the road to freedom. And let those looking back on our generation say that just when it began to appear that our Nation had forgotten Ronald Reagan and squandered its wealth and abandoned its destiny and forsaken its founding principles, that this generation of Americans rediscovered, restored and revived the memory of Ronald Reagan and the promise of the American founding, and that from that moment in time, America began her next great era of expansion, prosperity and influence.

□ 2020

Mr. DREIER. Mr. Speaker, I thank my friend for his very thoughtful contribution and his dedication to the Reagan cause. As we think about where we are today, I said at the library the other night that I was privileged to be part of the Reagan revolution, having been elected with President Reagan in 1980. But thanks to the 87 newly elected Members who have joined us, I said what a privilege it is to be a part of the Reagan revolution, because I think that it does continue.

If we look at just foreign policy, again, the fact is that Ronald Reagan, in a very famous speech that he delivered in the early 1980s at Westminster talked about the need to develop the infrastructure, foster the infrastructure of democracy around the world. And he established the National Endowment for Democracy, which has made great strides in expanding the rule of law, political pluralism, the development of self-determination of democratic institutions around the world. And this is a war of ideas that will continue to this very day. It is a war of ideas that consists of that struggle. It's peace and prosperity through freedom and democracy versus oppression and poverty bred of violence and hatred.

And I believe that we can, in fact, win this war of ideas if we do get back to the core principles of Ronald Reagan. And, as I said, Mr. Speaker, the museum has reopened, and I want to encourage our colleagues to take the opportunity to visit this amazing, amazing facility, which I know will bring back memories for every single

American who was alive during the Reagan years, and it clearly will be a model for future generations.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CLEAN AIR ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. TONKO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TONKO. This evening, Mr. Speaker, we will be joined by a number of colleagues in the House to discuss the Clean Air Act and its impact on jobs, on public health, and our national security. It is interesting to note that we've had an outstanding 40-year record on behalf of the improvements that have come via the Clean Air Act, and now there are forces amongst us that would like to repeal important pollution control standards that are part of that Clean Air Act and roll backward the very progress that we have enjoyed, the impact that it has made. And they're being joined now, these forces, by big polluters, people who would choose to have us go backward and undo the tremendous standards that have brought about and enhanced quality of life.

Since 1970, the Clean Air Act has saved hundreds of thousands of lives and decreased air pollution by some 60 percent, at the same time having grown our economy by some 200 percent. So it is very important to note that there has been a high order of progress associated with the Clean Air Act, which came, by the way, through bipartisan vision that thought we could improve our situation here in America, and those visionaries were absolutely correct.

We now are at risk of endangering our children's health simply by attacking the health standards that the Clean Air Act promotes. We're also at risk of promoting ideas that will denounce innovation—innovation that has moved forward in breaking our gluttonous dependency on oil, oftentimes imported from unfriendly nations to the United

States, and where also we will roll back the progress that has come with creating our own sense of innovation as we have responded to these cleanup measures here in the States. This is an important juncture. After a 40-year record, 40 years of success, we're now faced with the forces of big polluters hooking up with our colleagues in the majority in this House looking to roll back progress and denounce policies that have impacted us favorably.

We're joined this evening by a number of colleagues. We're joined by Representative QUIGLEY from the Fifth District of Illinois, who has thoughts that he wants to share with us. We'll be hearing from a number of colleagues from Virginia and Washington State as the hour continues to roll.

Representative QUIGLEY, thank you for joining us this evening on this very important topic and on this very important effort to hold back any efforts made to undo the law and weaken it and put our health standards at risk.

Mr. QUIGLEY. Well, I want to thank you so much for having me. I want to thank my colleague from New York for his efforts and everyone who's here tonight toward this end. This issue is critical not just to our health, our Nation's health, but also to our country's national security and our economy. Because I rise today to protect the integrity of all things of science because it is science that these facts and figures that have led hundreds of scientists to confirm that global warming is real. It is this science that led the Supreme Court through jurisprudence to rule that the EPA does in fact have the authority to regulate greenhouse gases. And it is this science that led the Congress to pass the Clean Air Act, the act which designated the EPA as the body charged with overseeing, adapting, and implementing these regulations.

In the coming months, the EPA will begin regulating greenhouse gases from certain emitters for the first time. These regulations have become hugely controversial and, sadly, political. These rules combat man-made climate change—man-made climate change that is melting our polar ice caps, that is raising the level of our oceans, and that is modifying our seasonal temperatures; man-made climate change that is altering the duration of our growing season, that is flooding parts of the world and causing multi-year droughts on others; man-made climate change that is allowing particulate matters to infiltrate our children's lungs, making them suffer from lifelong asthma and making us die earlier.

But some would argue these rules, these new regulations, are burdensome; that they kill jobs, they imperil economic recovery, they are nonsensical, they aren't pragmatic. That is nonsensical.

Let's take EPA's proposed rule regarding toxic emission from industrial

boilers, a seemingly innocuous rule, right? Wrong. This rule called for the cleanup of units that burn fuel onsite to provide electricity and heat. This action, this rule, would cut mercury particulate matter, carbon monoxide, and acid gases by requiring facilities to install equipment to clean up these toxic emissions. This so-called “job-killing rule” would, as predicted, save from 2,000 to 5,000 lives each year. The need to crack down on greenhouse gases is based on sound science, the results of hundreds of peer-reviewed scientific studies that say that global warming is real and that man contributes to it.

And if you're keeping score at home, there are zero peer-reviewed scientific studies that say that global warming is not real and that man does not contribute to it. But, more than that, the need to crack down on greenhouse gas emissions, the need to give EPA the tools to do its duty as mandated by Congress and deemed their responsibility by the Supreme Court. This issue certainly is lethal. It kills people. And my friends who oppose this radical fight against global warming, you can't work if you're dead.

December 31, 2010, marked the 40th anniversary of the Clean Air Act. The Clean Air Act has saved the lives of over 160,000 people, as conservatively estimated by the EPA. This issue then is a public health issue.

Chicago is my hometown. It is in the midst of a public health crisis. We are the morbidity and mortality capital of the United States for asthma. Having two children who face this ailment, it strikes near and dear to home. We are dealing with skyrocketing rates of death due to asthma, but we're not the only city with this problem. A report released by the American Lung Association reported nearly 60 percent of Americans live in areas where air pollution has reached unhealthy levels that can and does make people sick.

□ 2030

Yet we are standing here on the House floor arguing against job preserving measures, measures that will keep us alive and able to work, measures that will create jobs in clean and green industrial areas.

As Al Gore said in 2005, “It is now clear that we face a deepening global climate crisis that requires us to act boldly, quickly and wisely.” Attacks on the Clean Air Act and the EPA's ability to regulate greenhouse gases are a huge piece of the larger climate crisis, a crisis that has a hefty cost—our health and our lives.

Mr. TONKO. Thank you, Representative QUIGLEY, for presenting your perspective on this important discussion.

I think it's important to note when we talk about the statistics, when we talk about an attack on public health standards, which this is, it's done to

enhance the opportunities—for lobbyists, for special interests, for deep pockets of the oil industry, where they want to avoid that sense of accountability and where they want to build their profit column at the expense of the health outcomes that we have generated to the good over the last 40 years. In fact, in 2010 alone, the stat is that some 160,000 lives plus were saved by this legislation, by this law that was produced 40 years ago. And when it comes to children, some 18 million cases over the last 20 years of children's bronchial or respiratory illnesses were prevented. So right there the proof is in the pudding. This is an attack on our public health, and I think it's important to state it for the record so that when these forces of negativity come into play, they're checked for their wanting to roll us backward.

I thank you for joining us this evening, Representative QUIGLEY.

Mr. QUIGLEY. Thank you for having me.

Mr. TONKO. We are joined by Representative GERRY CONNOLLY from the 11th District in Virginia. It is always good to hear from you, also, GERRY.

It is important, I think, that everyone share their perspective here this evening of what damage can be calculated here after 40 years of progress and where there is an attack on our health care standards and on job creation. Because, as we all know, innovation to respond to the efforts of this law, the intent purpose, produces jobs and produces a technical response that is unique and provides for America to dig deep into solutions.

Mr. CONNOLLY of Virginia. My friend from New York is absolutely right. Let me thank him for his leadership in taking up this Special Order tonight on the all-important preservation of the Clean Air Act. I can't think frankly of a more reckless idea than repeal of all or parts of the Clean Air Act. It would transform the quality of life for all Americans.

Our colleague from Illinois' comments about having children who live in Chicago, the number one asthma affected municipality in the United States, really resonates with me. I also have a close relative here in the Nation's capital, I represent the suburbs of Washington, DC, and I can tell you that as a nonattainment region, we have significant health effects from our air pollution. We are a nonattainment region as measured by the Environmental Protection Agency, and cleaning up our air quality is critical to thousands of people and thousands of children whose health depends on the efficacy of the Clean Air Act and making sure it is fully implemented.

I wanted just to share with my friend from New York and my colleagues tonight some of the costs of repealing the Clean Air Act, because I think Americans need to focus on that. It's not

cost-free to repeal this all-important environmental piece of legislation. Thanks to the Clean Air Act, Americans will see gas consumption of cars reduced by an average of 30 percent, saving the average car owner over \$2,000. That would be lost. Repealing the Clean Air Act would increase OPEC imports by 72 million barrels every year by 2020. Repealing the Clean Air Act will force Americans to spend \$9.9 billion each year to Libya and Venezuela and other OPEC countries, not all of which have America's best interests at heart. Repealing the Clean Air Act would forgo savings for Americans of 77 billion gallons of fuel over the life of the vehicles sold in those years, representing \$240 billion in benefits, including over \$182 billion in fuel savings.

In addition to undermining national security, repealing the Clean Air Act would cause thousands of premature deaths which my colleagues were referring to. For example, the proposed EPA boiler MACT standard would save from 2,000 to 5,100 lives each year. Those lives would not be saved with repeal of the Clean Air Act.

A report released by the American Lung Association recently reported that nearly 60 percent of all Americans live in areas where air pollution has reached unhealthy levels that can and do make people sick, including right here in the Nation's capital. Approximately 171,632 children and 544,013 adults have asthma in my home State of Virginia alone, according to the American Lung Association. Repealing EPA's authority to limit mercury, particulate matter, carbon monoxide and carbon dioxide pollution would increase those numbers significantly and would aggravate already existing respiratory conditions. We cannot afford to repeal the Clean Air Act when it would imperil public health, undermine national security, countermand all of our goals in terms of energy independence, and set a dangerous precedent for repealing our most important public health law.

I thank my colleague from New York for leading us tonight and highlighting the risks involved, the very serious and real risks involved in this reckless action that is proposed.

Mr. TONKO. Thank you, Representative CONNOLLY. We will continue to banter here this evening about the merits of the Clean Air Act and the good that it has produced. But when we talk about some of this innovation, how we can drive our energy independence, our self-sufficiency, it goes well beyond the public health efforts that can be secured simply by that kind of work as we reduce the amount of emissions, but it also turns into an issue of national security, where we know sending these over \$400 billion a year to foreign sources for our oil importation is actually feeding the treasuries of some very unfriendly nations to the U.S.,

and then perhaps having those dollars used to train the troops that are fighting our troops in our efforts for peace in the Mideast. It is a never ending cycle of madness that has to be prevented, and I think the Clean Air Act, accompanied by other efforts that we can do to spur jobs and create an innovation economy are very important aspects. They are outcomes of sound progressive legislation that then achieves wonderful results and allows us to address public health standards in a way that is magnanimous.

Mr. CONNOLLY of Virginia. My colleague could not be more correct. And, of course, as he recalls, not only sound progressive legislation but sound environmental legislation that had broad bipartisan support and was signed into law by a Republican President.

Mr. TONKO. Right. And produced great benefits for every dollar invested. You, Representative CONNOLLY, and I serve on SEEC, which is a wonderful group of legislators, like-minded in producing a green agenda that reaches to a sustainable energy and environmental outcome. That SEEC coalition is what is driving that agenda here in the House. One of our cochairs is with us this evening, the gentleman from Washington State's First District, JAY INSLEE. Representative JAY INSLEE is a member of the Energy and Commerce Committee and is ranker on a subcommittee, I believe, that will have a very important hearing.

Representative INSLEE, thank you for joining us this evening to talk about this important topic.

Mr. INSLEE. Thank you. I can't think of anything more important.

Tomorrow we will have the first hearing in Congress on the Dirty Air Act. Of course the Dirty Air Act is the act that intends to gut Uncle Sam's ability to protect clean air for all of us to breathe—Republicans, Democrats and independents. This Dirty Air Act is clearly bad for children with asthma. This Dirty Air Act is bad for senior men with respiratory problems. This Dirty Air Act is bad for senior American women with heart problems. This Dirty Air Act is bad for American workers who are going to lose the jobs that will be created in the innovative new industries that we're going to build so we can produce electricity and power for our cars in a clean way. This Dirty Air Act is one of the worst pieces of legislation I have seen in my time in the U.S. Congress and I will tell you why. It breaks faith with some of the values, at least two of the great works done by Republican Presidents. And it's really a tragedy that my colleagues across the aisle have fallen for the siren sound of the polluters, because it's the polluters who want to pass the Dirty Air Act, which by the way you could also call the Inhaler Enhancement Act of 2011, if you want to know what it does to children who have asthma.

We just spent an hour talking about the optimism of President Ronald Reagan, which was manifest and appreciated by Democrats and Republicans alike. And those of us who stand against this Dirty Air Act believe we ought to have optimism that we can create electricity in clean ways. We can do it in solar energy created and powered by Americans. We can do it with electric cars made by Americans. The GM Volt was just the car of the year made by Americans, General Motors; a plug-in electric hybrid car.

□ 2040

We can do it with wind. We can do it, perhaps, with advanced forms of nuclear power.

The point is that that sense of optimism has now been shucked overboard because the polluters have come up to Washington, DC, with their lobbyist friends, and have convinced our friends and colleagues to throw aside 40 years of Republican success. This thing was started by Richard Nixon with a good assist by William Ruckelshaus, who is now a citizen of Seattle, Washington. It was a Republican who recognized our ability to innovate in a way that would grow jobs and reduce air pollution.

I want to leave you with one statistic—and Richard Nixon was right in this regard. He was wrong on some other things, but he was right on this.

He said the polluting industry resisted the Clean Air Act when it started 40 years ago, but what he believed—and it turned out to be accurate—was that we could innovate our way to create new technologies to produce energy. That's why we have reduced air pollution by 60 percent since 1970. It is because of the Clean Air Act. Yet our economy has grown by 200 percent—a 200 percent growth at the time the polluters said this was going to wreck the U.S. economy. That's the same thing we can do now in using the innovative talents so we can start making electric cars here and ship them to China, so we can start making solar panels here, with jobs in America, so we can ship those to China.

I'll just part with one statement.

There ought not to be any debate about the health care impacts here either. Congress has received a letter signed by 2,505 American scientists, calling on Congress to resist and defeat the Republicans' dirty air act, because, it says, the Clean Air Act is a science-based law that has prevented 400,000 premature deaths and hundreds of millions of cases of respiratory and cardiovascular disease during the 40 years since it was first passed, all without diminishing economic growth.

Those are from American scientists, who understand American innovation, who understand American asthma, who understand the American ability to keep moving forward and to not go backwards. Heaven help those who

would support the dirty air act and who would support to repeal clean air protections for Americans.

Mr. TONKO. Representative INSLEE, you talk about the jobs effect. Obviously, there are those who would suggest that this kills jobs when, in fact, we have data from 2007 that shows the air pollution control equipment industry was generating some \$18.3 billion with \$3 billion of that in terms of exporting that is done.

So this spurs innovation. It puts into working order the science and tech community that creates sustainable-type jobs that really make an impact on our quality of life and on our public health standards. I think those facts are missing here when those forces of lobbyists, deep pocket sorts, and oil voices join with our partners on the other side of the aisle to kill this legislation.

Mr. INSLEE. If the gentleman would yield for a moment, I have a little story about how I've seen this firsthand.

I went to the coolest event a few weeks ago that I've ever gone to as a public official. It was in Woodinville, Washington, at the Woodinville Wooden Cross Church. I got to participate in the benediction, in the dedication, of the very first electric car charging station at a church in America. It was great. It was, you know, let there be light and there was light. Let there be power and there was power. More importantly, there were jobs, because every time we put in one of these charging stations, there are five American jobs created due to these investments.

If the Republicans get their way, what will happen is they will repeal the Clean Air Act, which will affect carbon and methane and ozone—very dangerous gasses in a lot of different ways. Instead of the investment going to create new energy industries, those investments are going to go to China, and it's China that is going to make the electric cars and the solar power and the advanced systems of maybe finding ways to burn coal cleanly.

We don't want to give that competitive advantage up. This is the pedal to the metal, this Clean Air Act, which drives the investment which has made America the leading producer of scrubbing equipment in the world today to clean up these stacks today. This is what makes us competitive. So I think this is a job killer to pass the dirty air act, and we've got to get in this race with China.

Mr. TONKO. You know, I think, too, it taps into the pioneer spirit of America—the ingenuity, the creative genius that has always guided us, that is nurtured simply by our open system of government and capitalist style of opportunity. We have been able to go forward with so many advances. In this case, as we address health-threatening,

life-threatening situations because of toxic poisoning, it produces jobs that are of a very sustainable quality and that are really tapping into the cerebral power of this country. I don't know why anyone would want to disrupt that progress as there is no higher priority than jobs, jobs, jobs in our society today.

At the same time, if we can create stronger public health standards—as you said, address women of senior age varieties and children of all types and working middle-aged couples around this country—everyone in every age demographic will be protected and helped by the Clean Air Act. There is 40 years of documented success that ought to guide us here and tell us this is a move in the wrong direction.

We are so happy that so many people are offering their thoughts here this evening in this Special Order, in this 1-hour's worth of info exchange. We are joined by a great Representative from New Jersey, who is, again, a very thoughtful scientist of types—a physicist, I believe—from New Jersey's 12th Congressional District, Representative RUSH HOLT.

Thank you so much, Representative HOLT, for joining us this evening.

Mr. HOLT. I would like to add a comment to Mr. INSLEE's point and just repeat: Pollution is costly. It's costly in lives and it's costly in dollars, and one of the best instruments that has existed in the world over the past 40 years is the Clean Air Act.

The Clean Air Act has decreased lead emissions by 95 percent. In using the Clean Air Act, the EPA, the Environmental Protection Agency, has reduced emissions from diesel engines by almost 90 percent, and that is saving lives and saving dollars. By phasing out ozone-depleting chemicals and working through international agreements, the EPA is cutting non-melanoma skin cancer by hundreds of millions, and reducing smog and soot reduces premature deaths. This is successful legislation.

My colleague, Mr. INSLEE, what do we call it? You were calling it the “dirty air act.”

Mr. INSLEE. I think it's simply fair to call it the “dirty air act” because that's what you get if this legislation passes. You get dirty air. If you pass a dirty air act, you get dirty air. I think it's a fair assessment of what it does.

Mr. HOLT. Undoing the Clean Air Act makes the air less clean. The Clean Air Act has been successful in reducing into the atmosphere the emissions of pollutants/chemicals that kill people. The Clean Air Act has been successful.

And what do we have before us?

Well, tomorrow, as you say, there will be a hearing on legislation not yet in final form—let's hope that it never finds its way into final form. It is legislation that would gut the Clean Air Act. It would prevent the Clean Air Act

from keeping up with the times. It would prevent the Clean Air Act from continuing to protect Americans by removing dangerous chemicals from the atmosphere. This is really a matter of public health, and it is also a matter of economics.

The cost of clean air safeguards has been exaggerated over the years. I remember—and I think my colleagues are old enough to remember. I certainly am—when the Clean Air Act was passed. At the time, they said, Oh, this is going to be terrible. It's going to ruin industry. You know, claims about the cost of sulphur dioxide standards were exaggerated by factors of—I don't know—5 or 10.

□ 2050

You know, we've seen from the market price of the sulfur dioxide allowances that the actual market is much less than the estimated cost of complying with the sulfur dioxide regulations. So, again and again, these have been exaggerated, and by implementing the Clean Air Act, we have saved lives and, by association, by extension, saved dollars.

Furthermore, if the Clean Air Act is allowed to continue to look after the air that you and I breathe, it will lead to further efficiency and all of the burgeoning industries that you, my colleague from New York, and you, my colleague from Washington, have talked about. This is going to be very good for the United States to be able to sell these environmentally attractive technologies to the rest of the world rather than to buy them.

So, for all sorts of reasons, we simply cannot afford the proposal of what's coming from the majority on the other side of the aisle that would increase our dependence on foreign oil, that would leave the air less breathable, that would aggravate asthma and heart disease, and would end up undoing the Clean Air Act. What Congress should be doing is making it possible for the Clean Air Act to continue to protect Americans' health and lives, not undoing it.

Mr. INSLEE. Would the gentleman yield for a moment?

Mr. HOLT. I'd be happy to.

Mr. INSLEE. Mr. HOLT made a really important point that we need to discuss. He made a strong statement that this dirty air act that the Republicans have introduced would gut the Clean Air Act. That is a strong statement, and it is entirely accurate.

Mr. HOLT. If I may explain, the Clean Air Act is based on science.

Mr. INSLEE. Yeah.

Mr. HOLT. And the Clean Air Act, as the years have gone by, has used the best science to find the best ways to remove the worst pollutants from our air, and this is a very unscientific approach that they're saying. They're saying because of politics we are not

going to listen to science; because of politics, we're going to say the Clean Air Act stops here.

Mr. INSLEE. What I want to make clear to the public is that when we say gut, we mean gut the Clean Air Act because the Republican dirty air act doesn't just reduce protections by 10 percent to children with asthma. It doesn't reduce it by 50 percent. It entirely eliminates the ability of the Environmental Protection Agency to provide kids with asthma any protection whatsoever for these listed emissions from polluting industries.

Mr. TONKO. Absolutely. And you know, I think that our goal, gentlemen, should be to strengthen the public health standards. When we think of the reduced amount of impacts on children, for instance, those 18 million cases that were prevented of respiratory diseases for children, those are important steps. That ought to drive us.

But you know, Representative HOLT talked about the cost of the program and the associated benefits. Well, right now the average has been for every dollar of investment there is a \$13 benefit. That's a tremendous, powerful outcome. Why would we not want to continue that sort of benefit that befalls the American public and produces jobs at the same time? This whole session of Congress that preceded this 112th and now this Congress, this session of Congress to date is all about jobs, and why would we walk away from the jobs potential and the public health improvements for the sake of politics? And by the way, those benefits are projected by the year 2020 to rise to \$20 trillion, which is a 30:1 ratio. For every dollar invested, \$30 of benefits will be produced. This is an awesome track record, and one that really, again, speaks to the well-being, the general health of the American public and produces jobs.

By the way, the American manufacturing teams that work on air pollution reduction technology are the kingpins in that global market. They are producing and exporting. Now, everywhere we go we're looking for American industry to be bolstered, for manufacturing to come back. We in this House have adopted the mantra, Make it in America, Make it in America again. Here we are, we're achieving and exporting, exporting, which is the goal here, so that we can bulk up the American economy, and getting good results from it.

Mr. HOLT. If the gentleman would yield on that very point.

Mr. TONKO. Absolutely.

Mr. HOLT. The rest of the world is not backing down. The rest of the world is not moving toward dirtier atmosphere, toward more atmospheric emissions. They understand that this is deadly and costly, and as I said a few moments ago, wouldn't it be better if

we Americans were selling the technologies to the rest of the world? Many of these technologies were developed here in the United States. Many of the opportunities for more energy efficiency and less atmospheric emissions can be developed here in the United States. Wouldn't it be better if we developed them here and sold them to the rest of the world instead of someday having to buy them?

Mr. TONKO. There's a point that comes to mind, Representative HOLT, when you talk about building it here and developing the technology and having that think-tank quality in this country. That also has to be nurtured by the next generation of workers. We have to pull from the students in the classroom today their experience or their awareness of science, technology, engineering, and math. We must enable them to explore those areas as a career path.

What sort of message are we offering out there? What is the message that resonates from this sort of approach? If I'm a youngster in a classroom, I'm thinking science and technology has no value in our society. We're able to clean up, but we don't want to clean up. We're able to produce jobs through air pollution reduction technology that requires some sort of research and development concept—we don't care about that.

We're sending a message to young people that these careers don't matter, and oh, by the way, your health doesn't matter because all of those young people, say from asthma or say from some sort of respiratory ailment, just don't matter. That is a terrible statement to offer our young people, I would think. And Representative INSLEE, you have something to say?

Mr. HOLT. I would urge you to put your comment in the conditional. This is not going to happen. We are not going to let it happen. It would be so unwise to say we're not going to follow the science. It would be so unwise to say to the young people, we're going to turn away from this innovative challenge. It would be so unwise to say to families with asthma, we're not going to make the atmosphere better.

Mr. HOLT. It's not going to happen, but we are here to say we won't let it happen.

Mr. TONKO. This following on the heels of the President saying right from the podium, right in the State of the Union, it's time to celebrate the science bowl as much as we celebrate the Super Bowl. Here he is trying to draw the innovation economy into the classroom to give students a sense of vision, partake in a creative venture out there that will make the world better, and now we're rolling back technology. What a terrible message to leave our young people.

Representative INSLEE.

Mr. INSLEE. You just may be thinking, President Obama gave a State of

the Union. He talked about celebrating winning the science bowl, about using the Chinese advances, and how clean energy is our Sputnik moment, so that we would be called to have a new Apollo energy project, and we know we can do in clean energy what our, you know, ancestors did in space, which is to lead the world in clean energy. We know this can be the American destiny, and the reason we know that is because our vision is one based on optimism and confidence. Our vision is that we know we can invent new forms of energy so that we don't cause additional asthma problems in our children.

□ 2100

Now this is a difference between us and the Republicans who want to pass this dirty air act. We realize two things about our children. Number one, when polluters pollute and expose them to dangerous levels of ozone and increase—dramatic increases—in asthma attacks and respiratory problems in senior citizens, those kids don't have anywhere to run and hide. You know, an oil company can go around places in the world. A kid is stuck where he lives, and there's nowhere to hide from dirty air. That's why I'm not very happy about this effort to put more of our kids in the way of dirty air, number one.

And number two, we realized that this is real when it comes to new technology. You know, when we passed the bill to create an investment in lithium ion battery manufacturing plants this year, some of our Republican colleagues scoffed at that effort. They thought, This is never going to happen. Well, in Holland, Michigan, we have laid-off American auto workers now making lithium ion batteries, or shortly, for sale all around the world to power electric cars.

We know there are jobs to make that happen. We know in Seattle, Washington, we've got the leaders in the discovery of location for wind power. We know those jobs can be made to happen. In Moses Lake, Washington, we have one of the largest manufacturers of silicone, a part of solar panels, to be shipped around the world. We know those jobs can be made to happen. At the Boeing Company, we are making airplanes—or shortly will—that can burn biofuels so we don't put out CO₂ emission and pollution. We know those jobs can happen.

Now we want our Republican colleagues to join us in this sense of optimism, because the rule that the EPA has proposed is really pretty modest. Now we're having a full-throated discussion here, debate, and we'll have a big debate tomorrow about this. But the rule is pretty modest. Let me tell you how modest it is. It simply requires essentially known efficiency standards at very, very large power plants, over 100,000 tons of emissions a

year. Now, a lot of small businesses are going to be told, this is going to shut down restaurants and dry cleaners, et cetera. That's bunk. This rule is only proposing to deal with very, very large emitters, like large coal plants. This is a very modest first step in an approach to try to rein in some of these dangerous gases like carbon dioxide and ozone and toxins like that. It is a reasonable first step.

Mr. TONKO. And people have asked, they said, Well, what are these emissions? What are these particulates that may be harmful to us or our children? And when you start talking, Representative INSLEE, about mercury poisoning, when you start talking about carbon emission, when there is the talk about arsenic and lead poisoning, people begin to see it as something very real, something they've heard of, that they know people have been impacted by. So of course people want to protect their children. They are our most sacred commodity. They are a precious commodity. And with so much track record here, 40 years of success, of strong public health standards, it's very difficult to imagine that someone wants to take that backward.

I think of the innovation that I saw when I served as the leader of NYSEERDA, the New York State Energy Research and Development Authority, which was my last workstation before entering the House. I saw what R&D and basic research, research and development can mean in the new shelf opportunities that come our way that are science and tech associated. You know, people said when you went to the catalytic converter for automobiles, it was going to kill the auto industry, and we're going to have no jobs here. It didn't happen. People understood that this catalytic converter can now clean us of that pollution, that emission.

You know, we were told of all sorts of things that would happen when we were addressing the emissions in some smokestacks. People came about and found ways to make it happen. The industries many times are painted—many out there that are part of this concern—have really come forward and said, This is a reasonable approach. Many have said that. They want predictability. They want some sort of plan, and they'll engage their operation into that plan and its outcome. There are many groups, like Entergy, Constellation Energy, NextEra Energy, National Grid, PSE&G, and one in my home base, the New York State Power Authority, all of whom have said that this is a reasonable approach, that they are willing to be those partners out there to make the world, the environment, the air that we breathe a better quality.

So the proof is in the pudding here. There is an outstanding 40-year track record. There are children who breathe freely, and there are lives that have

been saved. Just 160,000, if that matters, last year alone. But people need to look at the facts here and not be so connected to those deep pockets, special interests, friends from the oil industry that want to come here and partner with colleagues in the House and say, We're going to undo this, and we're going to kill jobs. Job-killing, life-threatening, health-threatening, toxic poisoning that can take place if we allow it to. And we will stop this, I'm convinced.

Mr. INSLEE. And I hope we will be successful and believe that we will because there are multiple reasons for this. And this really is an issue about democracy, about who is going to make a decision about the air we breathe and the air our children breathe. Is it going to be scientists and physicians at the American Lung Association and scientists who base their decision on science and health? Or is it going to be lobbyists for polluting industries?

Now we say it should be the scientists. We say we should follow the science. When we go to doctors, we get medical advice, it's based on science. When we want health advice, we don't go to lobbyists for polluting industries. We let a health decision be made by scientists. And unfortunately, the dirty air act that my Republican colleagues want to pass, they want to take that decision away from scientists and away from physicians and away from health practitioners and give it to the folks who lobby up here for special breaks. That's wrong.

And I will just make a closing comment, if I can. We are going to fight the dirty air act on behalf of the health of our kids. We are going to fight the dirty air act on behalf of our senior citizens with their health problems. And we are going to fight the dirty air act so that we can grow millions of clean energy jobs right here in this country and not ship them off to China.

Mr. TONKO. Well, I can't help but think too of the Citizens United case, where special interests now are able to open the corporate checkbook and just write sizable checks. The sky is the limit, according to the Supreme Court decision. And that can bring about special interest flavor into campaigns that are waged and into candidates that are produced into the House. And when we look at special interests like that, we then begin to see what the real agenda is, and it's counterproductive. It is kicking back progress that has been achieved for 40 years, celebrations of life that were allowed to breathe freely because of this legislation. And the introduction of innovation and technology.

So these deep-rooted power plays are perhaps going to be more prevalent as we go forward in time, and I think that it's setting a dangerous precedent. I think that what we have here is an op-

portunity to say "yes" to sound public health standards, "yes" to job creation, "yes" to innovation. I know that from the work that's being done—even in the auto industry, GE is putting together an advanced battery manufacturing facility that will be available for heavy fleets. We have those who are working on all sorts of alternative fuels. We are looking at renewables to cut the kind of pollution that has been allowed to continue because of our gluttonous dependency on oil imported from unfriendly nations to the U.S. And 60 percent of that demand is met simply by those oil imports. So there is an awful lot of progressive perspective that is associated with what the Clean Air Act has achieved. We have to go forward with this one.

Mr. INSLEE. I would just note in closing that if we are successful in asking Republicans to stand with us against the dirty air act, we will celebrate a Republican achievement of 40 years ago that we will have preserved, the Clean Air Act. And we will argue that the next electric vehicle should be called the Nixon. We want to honor a Republican President. Thanks very much.

Mr. TONKO. Thank you, Representative INSLEE.

You know, the efforts made here tonight were to inform people as to the impact that could be felt if we rolled back the progress of the Clean Air Act, one that has had this 40-year record of achievement, one that has given a big boost to innovation in our economy. Our President, this President, President Obama, has indicated that this is the sort of sustainable restructuring of our economy that can drive us forward.

□ 2110

If we invest in the intellect of this great American society, if we encourage education and higher education to be pronounced in the lives of individuals, if we can pull from them their interests in science, technology, engineering and mathematics, we can then have this hopeful opportunity of job creation that comes simply through ideas, ideas that are produced perhaps in that education experience that we can provide for our young people and by public policy that drives initiatives, that drives a series of goals to in this case clean the air quality that has enabled us to go forward with the soundness in the manufacturing sector that has retrofitted, has modernized, has adjusted, retooled that industry, those industries in the manufacturing realm to respond in a way that is much more sensitive to public health standards. This is the sort of progress that we can achieve in this country simply by moving forward with soundness of policy.

And so, I thank all of our colleagues this evening who have joined us in the efforts to speak to the soundness of clean air, what it means not only in

public health standards but certainly in the efforts to create jobs and to sustain the economy in a way that will continue to strive to build on the progress that we have achieved over these last four decades, and continue to explore new eras of job creation that will provide the soundness in our economy that will be the strength of this country in many, many decades and generations to come.

Mr. FALEOMAVAEGA. Will the gentleman yield?

Mr. TONKO. Yes, I will yield.

Mr. FALEOMAVAEGA. I was listening with interest to the gentleman's remarks and especially taking into interest the importance of the Clean Air Act, and I want to commend the gentleman for raising these issues not only with our colleagues, but the importance of why we have to make sure that this part of the element of our current laws are being sustained and upheld.

I think the question also is raised here in terms of this is not a new issue. This is really an issue that has been ongoing for years and years in terms of development versus conservation and the environment. I think the challenge for us as legislators is to see if we can find a sense of balance.

Currently, we have to import well over \$700 billion worth of oil from foreign countries. I don't think our Republican friends think that we're antidevelopment. I think we are for development and in doing it in such a way that the sciences are there and in such a way that it provides safety and, at the same time, provides the kind of resources that are really needed to meet the needs of the American people.

And I want to again commend the gentleman for raising this issue, and I hope that in the coming weeks and months we will continue the dialogue and debate on this very important matter.

Mr. TONKO. Well, Representative FALEOMAVAEGA, thank you for joining us this evening.

But during the course of this hour we have all talked about innovation that we see happening right in our very own districts. I have a global center on renewables that is conducted through the auspices of GE. We talked about their advanced battery manufacturing facility. I talked about the nanoscience that has been promoted in the 21st Congressional District of New York. We witness every day the semiconductor work that is done and work in the biotech and infotech and nanotech communities, all of which are critically important to providing the workforce of the future and the workplace of the future. This is what I think policy like this can initiate.

And I'm certain within the realm of your own district or in the region that you represent or the State that you call home, within that whole context

there are those stories of success and innovation. And that, I think, is the outcome here that we want to preserve, and not only preserve but enhance, so that we can continue to grow those jobs and provide a better quality of life for the people that we represent.

Mr. FALCOMA. I hope that in the coming weeks and months we will continue to discuss this issue and, hopefully, our friends on the other side will understand our concerns.

Again, it's the challenge of establishing a balance between development and the environment and the conservation, and I think the American people are looking for answers to those issues and those problems.

Mr. TONKO. Built on 40 years of success then, we want to defend people of all ages from the most young to the most senior in our society. They have experienced and lived the benefits of soundness of policy that came via the Clean Air Act, a bipartisan effort that was initiated by a Republican President. And so it defies logic to move forward with a plan that will take us backward. So we have to thwart that effort and call it for what it is, check it at the door and say, Look, it is a life-threatening, health-threatening, toxic-poisoning situation that would reduce jobs, denounce innovation in our society, in our economy, and really take us backward.

I think this House ought to be about moving us forward, creating jobs, enhancing the public health standards and embracing the quality of innovation in our society that really builds the magic in our economy, that digs deep into the pioneer spirit that is uniquely American. And we can make it happen simply by saying "no" to those agents that want to roll back progress and defeat us with their dirty air act.

Mr. Speaker, I yield back and thank you for the opportunity for all of us to express our concerns about those who are advancing a dirty air act.

Ms. SLAUGHTER. Mr. Speaker, I rise today to protect the Clean Air Act. Since the passage of the legislation our skies have become cleaner and our economy has become stronger. Thanks to the Clean Air Act, the United States has made significant gains in public health, a cleaner environment and a stronger more sustainable economy.

Air pollution is costly. It increases asthma attacks, heart attacks, strokes, respiratory diseases, and lung cancer, and causes premature deaths, hurting our families and burdening our economy. The dangers from air pollution are particularly acute for children and seniors.

It is well established that cleaner air and a healthier population go hand in hand. In fact, according to the American Lung Association, in 2010 alone, the Clean Air Act saved over 160,000 lives.

Cleaner air also helps build a stronger economy. In addition to keeping workers on the job, cleaning up air pollution can create new

jobs—in designing and manufacturing pollution controls, installing and operating new equipment, and building cleaner facilities.

The draft bill from Representative UPTON would return us to a Dirty Air Economy, an economy dominated by big polluters willing to pour pollution into our communities in order to help their companies. Erasing the Clean Air Act may be good for corporate profits but it's bad for our national interest.

The truth is that we can have clean air and a strong economy at the same time. The last 30 years have proved it. Since the passage of the Clean Air Act, the United States has reduced key air pollutants by 60 percent, while growing our economy by over 200 percent. The legislation, in conjunction with additional protections passed by both parties, has made our country a healthier, cleaner place to live.

A new study by scientists at the University of Rochester Medical Center and Clarkson University found that the air quality in Rochester, New York improved markedly in recent years and that public health may well improve as a result. Falling levels of air pollutants given off by cars, trucks and power plants has resulted in far fewer irritants in the air that could worsen asthma and lead to serious respiratory disease. The decline is in part due to the tighter federal rules on diesel fuel and engines that went into effect in 2006 under a Republican Administration. Like others have pointed out before, clean air standards have always been, and should continue to be, a bipartisan concern.

I have the privilege to represent the good people living in Tonawanda, New York—a city that has a staggering and urgent air pollution problem. These hard working Americans are surrounded by facilities that make up the highest concentration of air polluters in the state of New York. In 2007, a study found that the people of Tonawanda's risk of developing cancer are 100 times that of the New York State guideline.

During my time serving the 28th District of New York, I have received multiple letters from the people of Tonawanda telling me about how their family and loved ones have developed cancer, asthma and other illnesses due to the extremely poor air quality in their community.

Today, I would like to share the story of Ann, a woman who has lived in Tonawanda for 16 years. Ann's mother and father moved to the city to fulfill the American dream of owning their own home. Ann's mother cultivated her own garden in her yard, spending her free time outside gardening and breathing in what she thought was fresh, New York air.

Sadly, Ann lost her mother to cancer at the young age of 67, just nine years after moving to Tonawanda and breathing the dirty air. Ann can't help to think that if only her family knew what toxic, cancerous chemicals the local facilities were pumping into the air, they could have protected the health of their loved ones.

Mr. Speaker, I rise in support of upholding the Clean Air Act and supporting the Environmental Protection Act in doing its work to protect the American people against dangerous corporate polluters. I rise in support of improving our national health and economy, while reducing our dependence on oil. And I rise in support of Ann and the people of Tonawanda

who are facing the devastating consequences of air pollution every day.

The choice is simple. When it was passed in 1970, the Clean Air Act was enacted with strong bipartisan support. Like today, we had a divided government, with both parties coming together to enact a law that would protect public health and the environment, as well as our economy.

We must reject any effort to repeal our valuable protections, and recommit our pledge to the American people to work toward a cleaner, healthier, more prosperous future.

ROLL CALL OF THE PEACE CORPS VICTIMS

The SPEAKER pro tempore (Mr. WOMACK). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. POE) is recognized for half the time remaining before 10 p.m., which is roughly 22 minutes.

Mr. POE of Texas. Mr. Speaker, I want to address an important issue that has come to light recently. It has to do with the wonderful group of volunteers that serve in the United States Peace Corps.

The Peace Corps was the idea of John F. Kennedy. He went to the University of Michigan way back in 1960, and he started encouraging those college students to get involved in other countries and helping those countries in their social development and their cultural development in the name of peace. A wonderful idea.

When he became President in 1961, President Kennedy signed an Executive order establishing the now important Peace Corps. By 1966, there were over 15,000 young Americans, all volunteers, that were working in the Peace Corps throughout the world.

Since those early days of the Peace Corps, 200,000 Americans, mostly young people, 60 percent female, have volunteered for their 2-year service in the Peace Corps to work in Third World countries on everything from health to farming to small business, just helping other people throughout the world in a way that not only benefits them personally but benefits the recipients in these foreign countries. They really are, in my opinion, along with our United States military, the greatest ambassadors we have from our country to show that we are concerned about the welfare of other nations. And they help build a better life for not only the people that they come in contact with, but their generations and the children that they have as well. I think they are really volunteer angels.

The work that a Peace Corps volunteer does is hard work. It's important, but it's very difficult. They're in a place far from home, sometimes very remote and primitive areas, and yet they, on a daily basis, are working to improve the lives of these individuals.

Like I said, I think it's one of the best things that we do in this country

as ambassadors are those young people in the Peace Corps. It's tough work. It's hard work. I wouldn't do it. It's so difficult. And you know, there are people in our country, a lot of them mainly young people who choose that as a calling to help other people in other countries.

I've got four kids, and they're all kind of wanting to save the world, too. They've been to Mexico and lived in orphanages in Trinidad. They've been to Honduras. They've been to Africa and Zambia, all with that mentality of helping other people.

But the Peace Corps volunteers are people like that who spend at least 2 years in service to their country. And sometimes when they are in those foreign countries, they stick out. They are noticeable by the people who live in that country.

□ 2120

Because of that, occasionally, more often than it should be, they attract crimes that occur against them. That is the issue, Mr. Speaker, I want to address tonight.

Over the last 10 years, 1,000 Americans, mainly women, have been sexually assaulted, raped or assaulted in some other way, in a foreign country representing the United States in the Peace Corps.

Between 2000 and 2009, the Peace Corps themselves say there were over 221 rapes and attempted rapes, almost 150 major sexual attacks, and 700 other sexual assaults. Sexual assault is anything from groping to fondling to conduct that is offensive to that Peace Corps volunteer. Once again, 1,000 crimes against Peace Corps volunteers. Recently, the Peace Corps has announced that there is an average of 22 rapes a year against American Peace Corps volunteers.

This is not acceptable, Mr. Speaker. We are talking about real people. They are real stories and they are real victims, and I want to mention just a few of those tonight in the limited time that I have.

The first of those is a person that I have gotten to know personally. A wonderful person, Jess Smochek.

She joined the Peace Corps in 2004. On her first day as a Peace Corps volunteer in Bangladesh, a group of men started sexually groping her as she was just walking to the home that she was supposed to live in, but no one really did anything. She told the Peace Corps staff over and over again that she felt unsafe in Bangladesh in the situation she was in, but nobody did anything.

Months later, she came in contact with some men who kidnapped her. They beat her and they sexually assaulted her, but they weren't through. They abandoned her and threw her in a back alley somewhere in Bangladesh.

According to Jess, the Peace Corps did everything they could to cover this

up because they seemed to be more worried about the officials in Bangladesh and what they thought might happen to their relationship with the United States than they did about caring for this victim of crime. Jess says that the Peace Corps blamed her for the conduct of others. They blamed her for being a sexual-assault victim.

Mr. Speaker, a rape victim is never to blame for the crime that is committed against her. It is the offender that is always to blame. And we need to understand that these precious people who go overseas and represent us, when a crime is committed against them, we take their side. And we don't assume they did anything wrong, because they didn't. They were just a victim of crime, and the criminal is the one that should be held accountable for that conduct. Rape is never the fault of the victim. It's always the fault of the perpetrator.

But Jess got no satisfaction from the Peace Corps, according to her. When she got home, she was told to tell other people that she was coming back to the United States for medical reasons, to have her wisdom teeth pulled out.

Her case and a few others were brought to light recently by "ABC News" and "20/20," bringing her story and others. There are more, and I will try to cover as many as I can in the time that I have.

Laurel Jackson was sent to Romania, a Peace Corps volunteer. She was constantly harassed, both physically and verbally. She couldn't walk to her house where she was staying without verbal assaults and things being thrown at her. She was spit on, she was punched, and rocks were thrown at her and her life was threatened several times. This took place on a weekly basis. They told her that a young American with blonde hair would stand out, and that she was going to continue to be a victim.

She was fondled over 10 times when she tried to ride public transportation. So she quit riding public transportation in Romania, and she started walking, to help these folks in Romania. She said that the Peace Corps knew that these crimes were happening against her, but she says they didn't take it seriously and no legal recourse was offered. She was exposed to young men who exposed themselves; and she was told, Well, don't be around those people. No one did anything, and no one cared.

When she was followed home by some men, she did talk to the police and they gave her some bodyguards. She requested a new location, but she was turned down and her transfer was denied.

When she returned home, she tried to get counseling, but she received no counseling for the crimes committed against her. And here is what she has to say. She said, I would have liked the

Peace Corps to have never put me there. They knew it was unsafe for me. They should have communicated with the police and the school in their own investigation. I would have liked them to take me more seriously when I reported these crimes. I would have liked to have had counseling when I returned. But once again, Mr. Speaker, no one did anything.

When she left Romania, she told the Peace Corps not to send anybody else over there, but they did. And the person who replaced her was also racially abused with swastikas drawn on her residence because she was a Jewish American.

The next individual, I'm not going to use her real name because she doesn't want us to know her true identity, but she grew up on a ranch. She now lives in Texas, and she went to Lesotho in May of 1996 to convince farmers to plant trees and show them how to do that. But Mary Jo, as I will call her, stuck out the 2 years in this location, even though it was difficult. She lived in a small village in a string of villages that were about 80 miles south of Maseru.

She had arranged her ticket back to the United States when she was attacked because she felt unsafe. But here is what happened to her.

On an evening in 1999, Mary Jo and her neighbor left a village shop and were headed down a dirt path to their home. Her neighbor's ex-boyfriend followed and after a confrontation struck Mary Jo with a rock. The blow knocked out six of her teeth, destroyed her eye socket, and left a palm-sized crater in her face. The rock had crushed the bones in her face, and blood had started coming down the back into her throat. She ended up alone in a deserted section of the hospital when she was finally found. She says, It was dark, I was scared, and I didn't know where anyone was.

Taxis only ran from her village at night, and so she couldn't really reach the Peace Corps. So some neighbors found someone to drive her 20 miles to a local hospital. She remembers a young woman stitching her up and she remembers being, once again, left alone, abandoned. She felt abandoned by her own country.

The next day, she was moved to another hospital in South Africa, where a surgeon installed a metal plate to hold the bones together around her left eye and her chin and cheeks and nose.

The Peace Corps brought her back to her home base, but she said they didn't help her in her recovery. Mary Jo and her sister, who had flown in from the United States, had to sleep in a hotel because the agency wouldn't let them stay in a transit house, and they had difficulty getting back to the United States. She even had to beg the staff to take her to the airport. At no time, according to her, did the Peace Corps ask

her what they could do to help. She said, It was terrible. I was so messed up. She has had 10 operations in 2½ years, and surgeons put metal plates in her face and she also has false teeth.

Mary Jo, being the remarkable person she is, she wasn't really angry at the Peace Corps because she was attacked in this village by villagers. She was angry because nobody in the agency seemed to care. Once again, no one did anything.

"It was like I was never in the Peace Corps," she said. And when she got home, no one contacted her from the Peace Corps to check on her to see how this victim of crime was doing. The attacker went to jail for 3 weeks, but he was later released because Mary Jo had come back to the United States.

Kate Puzey was another angel from America who had gone to help a country that most of us have never heard of or would be able to locate on a map, Benin, where she went in 2007. She was a teacher at a local school. She formed a girls' club to help empower the young women that were in this school.

It's hard to be a girl in that part of the world, according to Kate's cousin, Ms. Jacobs. And the girls started speaking about some of the issues they were facing, and they were starting to communicate that to Kate. Before long, the girls began to tell Kate about another person who worked for the Peace Corps but wasn't an American. He was a citizen of Benin who was paid by the Peace Corps to help work with the Peace Corps. His name was Constant Bio, and these girls had said that this person was sexually assaulting these young girls.

□ 2130

She had started hearing that he had been sleeping with some of the girls, he had gotten some of them pregnant, and some of them had been raped.

At the request of several teachers, Kate sent an email to the Peace Corps in Benin's capital recommending that this person be fired from the Peace Corps. She said, "Please believe me, I'm not someone who likes to create problems, but this has been weighing on me heavily." This was in an email that she sent that was found later and turned over to ABC News. "This man is not someone I want representing the Peace Corps to this community."

Bio's brother worked as a manager in the Peace Corps office, and she asked her role to be kept secret because she didn't want this criminal, this rapist of young girls, in this country, to know that she had reported him. But he found out about it anyway. And so when he found out about it, this is what happened: on March 11, 2009, the day after the Peace Corps authorities had fired this criminal, Bio, and just 2 months short of completing her 2-year commitment to the Peace Corps, Kate was found dead on her front porch with her throat slit.

The Puzey family says the Peace Corps was insensitive in its treatment of them until officials had learned about the ABC News report, and then they got more involved. Unfortunately, it was too late. Unfortunately, no one did anything or paid attention.

Before the news reported this murder, this homicide, the Puzey family believes and states that the Peace Corps did little to show compassion or interest. Kate's father Harry says this: She was my hero. I thought maybe a representative would come to the house to talk to us, or at least a letter in the mail. But that did not happen, because just a box showed up with my daughter's belongings that came by deliveryman. This is disrespectful, Mr. Speaker, to the life of this wonderful person and to her family.

Now the Peace Corps has changed some of their procedures, and we will get to that in just a minute.

The fifth example I want to talk about is Jill Hoxmeier. She was a Peace Corps volunteer in Guyana, which is in South America. She was a volunteer, and she had created ways to help young women combat and understand the disease of HIV/AIDS and other functions and other diseases. She was teaching them life-skill courses and wanted to help build stronger relationships between the mothers there and their daughters.

In 2007, a year into her service, she was riding her bike home from work when she was assaulted, dragged in the bushes and sexually assaulted by a man who had been following her for some time. He choked her so hard she couldn't breathe or even scream.

She believes the Peace Corps needs to do more to help victims cut through the bureaucratic red tape and get the care they need. "It was too hard to navigate the problems that I had been going through all by myself." Once again, insensitivity, and nothing seemed to happen.

Jess and other victims who are members of the Peace Corps who have been victims have formed an organization, a support group, but it is going to be a group that is going to be active. They call it the First Response Action Group, and we will see more of them hopefully here on the Hill.

Today, I met with the Director of the Peace Corps, Aaron Williams, who happened to be in the Peace Corps years ago. He is now the director. I explained to him and talked to him about these issues and other cases that have come to light, and he and I discussed this problem. We are going to have, hopefully, a Foreign Affairs Committee hearing on this very issue, the Peace Corps and the relationship it has with its volunteers throughout the world, how to make them safe, how to take care of them once a crime is committed against them and how to take care of them after that crime has been committed against them.

The Peace Corps Director, Mr. Williams, assures me that they are going to develop a victim advocate program and hire a victim advocate. They are going to help these victims of crime get counseling services. They are going to help them medically, even after they have been discharged from the Peace Corps. Unfortunately, the Bureau of Labor has issues in dealing with these Peace Corps volunteers who are no longer in Peace Corps service who still have issues that they need to be taken care of, and the Peace Corps is going to work with the Department of Labor to work out this bureaucratic nonsense.

Every victim, he says, is going to have access to medical counseling and legal services; and when a crime is committed against an American in the Peace Corps overseas, the ambassador of that country is going to contact the highest ranking official in that country to let them know that America wants some results and wants to take care of the victim, but also wants the perpetrator held accountable.

One of the most important things that Director Williams has agreed to do is to set up a victims advocacy program, a victims advocacy advisory board made up of different groups like RAINN and other NGOs to give advice to the Peace Corps on how to take care of victims of crime. So we are not going to let this issue die. We are going to continue to promote and understand the Peace Corps.

But we want these wonderful people in the Peace Corps, who have in the past been harmed and had crimes committed against them, we want to rescue them as a nation. We want to take care of them, and the Director of the Peace Corps says we will go back and help those people. We want to take care of Peace Corps volunteers now that are being assaulted. Twenty-two a year, that is 22 too many. We don't want it to happen to anybody. But we want to take care of them, and we want to have procedures to make sure the Peace Corps is listening and takes care of victims of crime as well.

You know, Mr. Speaker, I spent most of my life at the court house in Houston. I was a prosecutor and criminal court judge for 30 years. I saw many of these victims of crime. Sexual assault, rape, to me is the worst crime that can be committed against a person. You can understand why people steal; you can understand some crimes. But that crime of sexual assault is a crime not of sex, but a crime of power; but it is also an attempt by the perpetrator to destroy the inner soul of the victim. We need to understand that, and we need to take these people, these victims, these wonderful volunteers of America, and take care of them.

We are doing a better job as a Nation in taking care of our wounded warriors in the military, another great group of

ambassadors that represents the rest of us. They come home with all kinds of injuries, and we are finally taking care of them. We need to understand that these Peace Corps volunteers are just as precious and take care of them as well.

People cry “peace, peace,” but there can be no peace as long as there is one American Peace Corps volunteer that has no peace.

And that’s just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind members of the gallery that they are here as guests of the House and any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

CALLING FOR PEACEFUL SOLUTION TO EASTER ISLAND CRISIS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for the time remaining before 10 p.m., which is roughly 22 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I generally don’t come into the well to give speeches, and I realize our Nation is confronted with very serious issues in different regions of the world, for example, the current crisis in Egypt and the Middle East, our involvement in Afghanistan and Pakistan and Iraq, the problem of nuclear proliferation on the Korean peninsula, the global economic recession, and many other issues that are now before us.

This evening, however, Mr. Speaker, I want to share with my colleagues and the American people a particular issue that is now brewing in the Pacific region. It is the current crisis now happening between the Government of Chile and the people of Easter Island.

Mr. Speaker, Easter Island is a province of Chile, also known as Rapa Nui among its native people. Located some 3,800 miles east of Tahiti and some 2,300 miles from Santiago, Chile, Easter Island is one of the most isolated pieces of land on the entire planet, as you can see there with the arrow pointing. It is also the southeastern point of the Polynesian triangle, from the State of Hawaii north and as far south as New Zealand, with several other islands in between, including the Samoan Islands.

On Easter day in 1722, the Dutch explorer Jacob Roggeveen landed on the island and thus named it Easter Island. Today, Easter Island is best known throughout the world for its massive stone statues of ancient days. There are some 877 of these huge, humongous stone statues throughout the island.

□ 2140

They stand an average of some 13 feet in height with an average weight of some 13 tons. The largest statue measures nearly 72 feet in height and weighs approximately 145 to 165 tons.

Given that Easter Island is a remote location, many people throughout the world mistakenly considered the island to be uninhabited. However, Easter Island is a home with a population of roughly 5,000 people, but approximately half of those people are indigenous of Rapa Nui, or what was then known in ancient times, the island was known as Rapa Nui.

Mr. Speaker, Rapa Nui, the people of Easter Island are small in number, yet they carry a very vibrant culture dating back centuries before the arrival of Europeans. Their means of preparing food and living off of the land and their respect for family and nature are all ways of life dating back to the time when the first Polynesians settled the Pacific Islands on double-hulled canoes. Because all Polynesians are connected in this way, the people of Rapa Nui are very similar to that of other Polynesian people, such as the native Hawaiians, the Samoans, the Tongans, the Tahitians, and the Maoris of Aotearoa or New Zealand. For example, there’s a strong connection between the older and younger generation and therefore a deep sense of respect for elders.

This is an example of a photo that shows a young man wearing traditional body painting which is used for ritual celebrations. This practice, which is characteristic of the Rapa Nui people, was passed down to him from generation to generation. The link between the old and young is further perpetuated through the study of genealogy. In the same way that the American historians study the founding documents of this Nation, the Polynesian people, including the Rapa Nui people, treasure and study their genealogy, which goes back centuries before, again, the arrival of Europeans. The point I hope to make is that the people of Rapa Nui, Mr. Speaker, their culture is still vibrant, and this is not a mysterious, uninhabited island as it has been thought of for all these years.

Like many other islands in the Pacific, Easter Island has had its sovereignty determined by more powerful outside influences. In 1888, the Chilean Government signed a disputed treaty with the leaders of Rapa Nui, and the treaty was organized in two columns. One side, written in Spanish, reads like a deed of cession. The other column, a phonetic transliteration of the native language, which did not even have a written form at that time, reads as a treaty of friendship and protection.

The fact of the matter is, Mr. Speaker, the poor people of Rapa Nui could not read nor do they understand the Spanish language, and therefore this

so-called treaty of 1888 is highly questionable in terms of its substance. Decades after the signing of the treaty, in the early 1900s, the Chilean Government forced all the native people of Rapa Nui to live in one square mile on the island, thereby transferring the lands for sheepherding, and all such lands were deemed as property of the state. The island was later annexed by Chile in 1933 and, again, without any consultation with the people of Rapa Nui or Easter Island. This annexation was considered *terra nullius*, which means “No Man’s Land.” On the contrary, Mr. Speaker, Rapa Nui was known as the “Te Pito te Henua” or “The navel of the Earth.” And as far as the people of Rapa Nui are concerned, there were people living on the island before, during, and even after the arrival of Europeans.

Mr. Speaker, Chile’s current relationship with Easter Island and the treatment of the native people posed many legal, policy, and human rights problems. With the annexation of Easter Island in 1933, the Government of Chile unilaterally developed and adopted laws regarding the ancestral lands of the people, and the enforcement of these laws continue to reflect the nature of Chile’s initial treaty and subsequent annexation—disputed, unclear, and still highly questionable in terms of the rights of these native people to their ancestral lands.

The Chilean law, also known as the “Easter Island Law,” is the current governing law for the property rights in Easter Island. This law provides for the authorization to grant land titles in favor of the people of Rapa Nui. It also prohibits transfers of real property to persons not of Rapa Nui ancestry. However, despite this clearly stated law, the administering authority on the island has conducted land transfers that directly contradict the law itself. To further emphasize how this action has disenfranchised the people of Rapa Nui, Mr. Speaker, I want to point out that Chile continues to violate this law within the meager square mile of land called “Hanga Roa” that the native Rapa Nui people have been confined to since the early 1900s.

In addition to the serious land right disputes, there are several other issues that threaten the livelihood of the people of Rapa Nui. For instance, the people of Rapa Nui have no voice when it comes to residency and immigration to their own island. Each year, an increased number of Chilean nationals travel to and remain on Easter Island. Some roughly 50,000 tourists visit each year to see the ancient Moai statues. Despite the influx of tourists, Easter Island is also prohibited from having a television and Internet signal. The influx of travelers and residents have given way to massive unemployment among the native people, exploitation

of natural resources, and increased pollution. Sustainability of natural resources is further threatened by foreign fishing boats which are allowed to fish around the island.

The parliament of Rapa Nui, clan leaders, and members have reached out to the Chilean Government through peaceful and diplomatic means to resolve the serious issues at hand. However, Chile has responded with efforts to create “task forces” and “working tables.” Despite these efforts, the bottom line, Mr. Speaker, is that there are many commissions that have not resulted in concrete resolutions, and the people—who have patiently withstood this treatment for decades—are no longer willing to tolerate it.

In July and August of last year, the clans among the Rapa Nui people wrote several letters to the President of the Republic of Chile voicing their concerns. They called for an end to colonialism so the Rapa Nui people can return to the people they were. The people of Rapa Nui also wrote to the Governor of Easter Island requesting permission for a peaceful demonstration. In the same time period, the clans also began to peacefully reoccupy their ancestral lands as a means to call attention to the need for serious constructive dialogue with the Government of Chile.

Mr. Speaker, Chile somewhat has made an effort to solve these issues diplomatically. In August of last year, the Minister of Interior visited Rapa Nui to announce the creation of “working tables” to address these issues. The project was given 60 days for its outcome. However, despite this attempt, the very same month a squadron of Chilean armed police, or “carabineros,” arrived on Easter Island, signaling the beginning of a 6-month-long violent conflict between the local inhabitants and the police forces that the Chilean Government sent to Easter Island.

On September 7, the troops forcibly evicted the Hito clan from the Hotel Hanga Roa grounds. The evictions that took place on September 7 are well documented. And I must say, Mr. Speaker, not a very pleasant experience in reading some of the experiences of some of these young people. For example, these four children, ages 9, 7, 5, and 3; Mr. Eddie Hito, the father. And the children stated, “My family was all sleeping at 5 in the morning when I heard a loud noise. Then 20 armed policemen entered into our room and held both my wife and I at gunpoint. I heard one officer radio that there were children, but his superior radioed back to proceed on with no mercy. In jail, they made us register all the children and forced us to sign forms.”

Another testimony. A 9-year old daughter said that when she awoke, police were aiming their guns at her and her younger brother. “They overturned

my mattress where I was sleeping with my brother, making me hit my head. The police threw me from the bed. They pulled my arm and threw me outside into their truck.”

The mother stated, “The police didn’t even give me a chance to dress the children nor myself. In that little time I took the two little ones. And without shoes, we were rushed and thrown into the police trucks and taken to the jails.”

□ 2150

“Only 2 weeks prior to this, the police had come to the children’s school to present themselves as helpers and protectors. Now my kids are presented with the complete opposite. They see it as the police abusing their family. Now they don’t want to go back to school or even to leave their homes. They don’t want to go to school. They are worried. Every night they ask me if everything is locked up because they are afraid that the police will break in again and hurt them.”

Another testimony from Mr. Claudio Hito with his two children, ages 12 and 8 months. The mother made this statement:

“There were at least three policemen holding us at gunpoint. Claudio took the baby, and they still held us at gunpoint. My boy was at the other end of the room. The police were shining a light in his face and hitting his chest with their beating stick. They hit him until he woke up. He woke up disoriented and they ordered him to hurry up.”

“The police physically threw us out, while threatening us. I had to change the baby in the police truck. I was using my cell phone light to change her, and they started to yell at me to turn off my phone, so I had to use the little light that seeped through the doors. And through the crack in the door I saw tons of policemen gathered outside.”

After the September 7 incident of last year, more evictions were conducted. The picture here is showing a man with a forehead wound.

Susan Hito made this statement in terms with her children, the same thing, being physically abused and physically assaulted by the police. These natives, Rapa Nuians, were completely taken by surprise in terms of the action taken by the police forces of the Chilean Government.

Mr. Speaker, this past Thursday, last week, Senator DANIEL AKAKA and I issued a joint letter to the President of Chile, Mr. Sebastian Pinera, expressing our concern over the situation unfolding in Rapa Nui or Easter Island, citing the failure of the Ministry of the Interior to seriously consider the legitimate land ownership claims of the people of Rapa Nui; the criminal prosecutions of Rapa Nui political leaders for their involvement in peaceful dem-

onstration; and the ongoing disproportionate use of force by Chilean Special Forces against the people of Rapa Nui.

Mr. Speaker, the point is this: This is the year 2011, and this type of treatment should not be happening. But unfortunately, Mr. Speaker, it is happening. As I stated before, Chile’s current relationship with Easter Island is disputed, unclear, and highly questionable. However, there is a choice to be made in how to address the many legal, policy and human rights issues that have stemmed from this unfortunate relationship.

I appeal to the Government of Chile to begin a dialogue for ways to help the Rapa Nui people achieve self-determination, economic self-sufficiency, and preservation of culture. We can learn, for example, how the Government of Nicaragua treated its people, the indigenous people of the Miskito tribe. We can learn from government-to-government relations how our own government has treated some 600 tribes here in the United States and in the same way that we ought to learn how we could better treat the people of Rapa Nui.

Mr. Speaker, just a few weeks ago, the President of the United States, Barack Obama, gave the State of the Union message in which he mentioned Chile twice. First of all, he mentioned the efforts of an American who owned a small company that helped develop a special machine that helped save the lives of these 33 Chileans who were stuck in the mines. This man used his skills to save a group of people whom he had never met. In fact, even to the time when these 33 Chileans came out of the mine, he took off for the United States, never bothered wanting to be recognized. President Obama also mentioned that in an effort to strengthen our ties with Latin America, he will visit three countries next month to discuss business relations and trade, one of which is Chile. This effort on the part of President Obama in Chile is geared towards strengthening our Nation’s relationship with Latin America, and particularly our bilateral relations with Chile.

I appeal to President Pinera to advocate for a more positive approach for partnership and dialogue with the indigenous people of Easter Island or Rapa Nui. The Rapa Nui people are in danger of being exterminated from their own lands.

Mr. Speaker, this seemingly peaceful island, which is known throughout the world for its mysterious moai stone statues, is no longer so peaceful. Let me conclude my remarks by making this special appeal, personal appeal to the Minister of Interior, the Minister of Foreign Affairs of Chile and more especially to the Honorable President of Chile, His Excellency Sebastian Pinera, to seriously address the problems affecting the people of Easter Island or Rapa Nui.

It is my honest belief that the indigenous people of Easter Island do not wish to do any harm against the some 17 million people living in Chile. In fact, there are only 2,500 Easter Islanders who remain on the island. Nor is there ever a possibility that the people of Easter Island will ever pose a threat to the military and strategic or national security interests of the Chilean Government or its people.

So, Mr. Speaker, I make this personal appeal to President Pinera. I ask for a true demonstration of his leadership and capacity to exercise fair judgment and above all show common decency towards the safety and welfare of probably the most helpless people who currently live on this planet, a people who centuries ago were among the greatest in the world as navigators and voyagers of the Pacific region, a people whom scientists today can still marvel at their ability to build statues cut

from stones weighing hundreds of tons, a people who only ask to be treated as any other human being would like to be treated.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAWFORD (at the request of Mr. CANTOR) for today on account of family medical reasons.

Mr. HANNA (at the request of Mr. CANTOR) for today on account of inclement weather.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 366. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small

Business Investment Act of 1958, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on January 28, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 366. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 9, 2011, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2010 pursuant to Public Law 95-384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORWAY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 8 AND DEC. 12, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nancy Pelosi	12/10	12/12	Norway		2,134.00		(³)				2,134.00
Hon. Wilson Livingood	12/10	12/12	Norway		1,963.00		(³)				1,963.00
Hon. Brian Monahan	12/10	12/12	Norway		1,318.00		(³)				1,318.00
Stacey Bako	12/09	12/12	Norway		1,999.00		4,896.00				6,895.00
Bridget Fallon	12/09	12/12	Norway		2,680.00		4,896.00				7,576.00
Kate Knudson	12/10	12/12	Norway		1,453.00		(³)				1,453.00
Jonathan Stivers	12/10	12/12	Norway		1,453.00		(³)				1,453.00
Andrew Hammill	12/10	12/12	Norway		1,453.00		(³)				1,453.00
Committee totals					14,453.00		9,792.00				24,245.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Jan. 18, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. PAUL RYAN, Jan. 19, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. NICK J. RAHALL II, Jan. 2, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Joseph Donnelly	12/10	12/13	Dubai				11,327.10				11,327.10
Committee total							11,327.10				11,327.10

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BOB FILNER, Jan. 12, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Jan. 13, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

257. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic Acid, Methyl Ester, Polymer with Ethenyl Acetate, Hydrolyzed, Sodium Salts; Tolerance Exemption [EPA-HQ-OPP-2006-0603 FRL-8114-9] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

258. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Shareholder Approval of Executive Compensation and Golden Parachute Compensation [Release Nos.: 33-9178; 34-63768; File No. S7-31-10] (RIN: 3235-AK68) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

259. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's "Major" final rule — Safety Standards for Full-Size Baby Cribs and Non-Full-Size Baby Cribs; Final Rule received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

260. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — EPAAR Prescription and Solicitation Provision — EPA Green Meetings and Conferences [EPA-HQ-OARM-2007-0102; FRL-8297-8] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

261. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-653, "Sustainable Energy Utility Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

262. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-652, "Corrupt Election Practices Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

263. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-684, "Transportation Infrastructure Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

264. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-685, "Returning Citizen Public Employment Inclusion Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

265. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-702, "Residential Housing Tax Abatement Clarification Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

266. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-701, "Anti-SLAPP Act of 2010"; to the Committee on Oversight and Government Reform.

267. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-700, "Open Meetings Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

268. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-683, "Adams Morgan Main Street Group Clarification Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

269. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-682, "Health and Safety 911 Abuse Prevention Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

270. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-681, "Private Fire Hydrant Act of 2010"; to the Committee on Oversight and Government Reform.

271. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-679, "Prohibition on Government Employee Engagement in Political Activity Act of 2010"; to the Committee on Oversight and Government Reform.

272. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-696, "Residential Tranquility Act of 2010"; to the Committee on Oversight and Government Reform.

273. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-691, "Southeast Federal Center/Yards Non-Discriminatory Grocery Store Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

274. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-692, "Rent Administrator Hearing Authority Second Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

275. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-697, "Lead Hazard Prevention and Elimination Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

276. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-698, "Green Building Technical Corrections, Clarification, and Revision Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

277. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-686, "Ballpark Fee Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

278. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-687, "Perry Street Affordable Housing Tax Exemption and Relief Act of 2010"; to the Committee on Oversight and Government Reform.

279. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-688, "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2010"; to the Committee on Oversight and Government Reform.

280. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-689, "Rhode Island Avenue Metro Plaza Revenue Bonds Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

281. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-680, "Human and Environmental Health Protection Act of

2010"; to the Committee on Oversight and Government Reform.

282. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-651, "Closing and Dedication of Portions of a Public Alley in Square 5260, S.O. 10-13494, Act of 2010"; to the Committee on Oversight and Government Reform.

283. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-699, "Disorderly Conduct Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

284. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-655, "Closing of Public Streets, Dedication of Land for Street Purposes, and the Elimination of Highway Plan Encumbrances, in and abutting Squares 3655, 3656, and 3657, S.O. 09-10589, Act of 2010"; to the Committee on Oversight and Government Reform.

285. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-654, "Thelma Jones Way Designation Act of 2010"; to the Committee on Oversight and Government Reform.

286. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; "Contagion" Movie Filming, Calumet River, Chicago, Illinois [Docket No.: USCG-2010-1013] (RIN: 1625-AA00) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

287. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bridge Demolition; Illinois River, Seneca, Illinois [Docket No.: USCG-2010-1043] (RIN: 1625-AA00) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

288. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Limited Services Domestic Voyage Load Lines for River Barges on Lake Michigan [Docket No.: USCG-1998-4623] (RIN: 1625-AA17) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

289. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; U.S. Coast Guard BSU Seattle, Pier 36, Seattle, WA; Correction [Docket No.: USCG-2010-0021] (RIN: 1625-AA87) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

290. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace, and Revocation of Class E Airspace; Flagstaff, AZ [Docket No.: FAA-2010-0784; Airspace Docket No. 10-AWP-5] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

291. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Rules of Practice: Direct Final Rulemaking Procedures [Docket No.: 2006-24141, Notice No. 2] (RIN: 2130-AB77) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

292. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of the Process for Requesting a Waiver of the Mandatory Separation Age of 56 for Air Traffic Control Specialists [Docket No.: FAA-2010-0567; Amendment No. 65-55] (RIN: 2120-AJ66) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

293. A letter from the Senior Program Advisor, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30761; Amdt. No. 3406] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

294. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30759; Amdt. No. 3405] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

295. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Extension of Important Restrictions Imposed on Archaeological Material Originating in Italy and Representing the Pre-Classical, Classical, and Imperial Roman Periods [CBP Dec. 11-03] (RIN: 1515-AD72) received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

296. A letter from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting the Department's "Major" final rule — Wage Methodology for the temporary Non-agricultural Employment H-2B Program (RIN: 1205-AB61) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on the Judiciary and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 72. Resolution directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth (Rept. 112-6). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 73. Resolution providing for consideration of the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth (Rept. 112-7). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN:

H.R. 519. A bill to secure the return to the United States the \$179 million overpaid into the United Nations Tax Equalization Fund as of December 31, 2009, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. WU, Mr. JONES, Mr. DEFAZIO, Mr. STARK, Mr. HOLT, and Mr. POLIS):

H.R. 520. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically engineered fish; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. WU, Mr. JONES, Mr. DEFAZIO, Mr. STARK, and Mr. POLIS):

H.R. 521. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically engineered fish; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. BARROW, and Ms. WOOLSEY):

H.R. 522. A bill to require the Secretary of Labor to issue an interim occupational safety and health standard regarding worker exposure to combustible dust, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GONZÁLEZ:

H.R. 523. A bill to make the United States exclusively liable for certain claims of liability to the extent such liability is a claim for damages resulting from, or aggravated by, the inclusion of ethanol in transportation fuel; to the Committee on the Judiciary.

By Mr. QUAYLE:

H.R. 524. A bill to amend the Internal Revenue Code of 1986 to repeal the provisions of the Patient Protection and Affordable Care Act that limit distributions from medical-related tax-preferred accounts for medicines only if the medicines are prescribed drugs or insulin and to repeal the increase in additional tax on distributions from health savings accounts and Archer MSAs not used for qualified medical expenses; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself and Mr. SCHRADER):

H.R. 525. A bill to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself and Mr. JACKSON of Illinois):

H.R. 526. A bill to direct the Secretary of Transportation to establish and collect a fee based on the fair market value of articles imported into the United States and articles exported from the United States in commerce and to use amounts collected from the fee to make grants to carry out certain transportation projects in the transportation trade corridors for which the fee is collected, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. GRAVES of Missouri, and Mr. COBLE):

H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on the Judiciary,

and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. GINGREY of Georgia, and Mr. GENE GREEN of Texas):

H.R. 528. A bill to require the submission of a report to the Congress on parasitic disease among poor Americans; to the Committee on Energy and Commerce.

By Ms. JENKINS (for herself, Mr. KIND, Mr. WESTMORELAND, Mr. FILNER, Mr. SARBANES, Mr. CHAFFETZ, Mr. YARMUTH, Ms. LEE of California, and Mr. LEWIS of Georgia):

H.R. 529. A bill to amend the Internal Revenue Code of 1986 to treat computer technology and equipment as eligible higher education expenses for 529 plans, to allow certain individuals a credit against income tax for contributions to 529 plans, and for other purposes; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 530. A bill to amend the Food and Nutrition Act of 2008 to remove the ineligibility of individuals who participate in a strike; to the Committee on Agriculture.

By Mr. BRALEY of Iowa:

H.R. 531. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish a Frontline Providers Loan Repayment Program; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. CONAWAY, Mr. PAUL, Mr. CARTER, Mr. MCCAUL, Mr. BARTON of Texas, Ms. GRANGER, Mr. GOHMERT, Mr. CULBERSON, Mr. OLSON, Mr. CANSECO, Mr. HALL, Mr. HENSARLING, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. FLORES, Mr. POE of Texas, Mr. MARCHANT, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. SESSIONS, Mr. NEUGEBAUER, and Mr. FARENTOLD):

H.R. 532. A bill to eliminate certain provisions relating to Texas and the Education Jobs Fund; to the Committee on Education and the Workforce.

By Mr. CALVERT (for himself, Mr. LEWIS of California, Mr. BACA, and Mrs. BONO MACK):

H.R. 533. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mrs. CAPITO:

H.R. 534. A bill to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Indiana (for himself, Mr. CONYERS, Mr. WALZ of Minnesota, Ms. BORDALLO, Mr. CICILLINE, and Mr. BLUMENAUER):

H.R. 535. A bill to amend title 10, United States Code, to expand the matters covered by preseparation counseling provided to members of the Armed Forces and their spouses; to the Committee on Armed Services.

By Mr. COLE (for himself, Mr. DUNCAN of South Carolina, Ms. FOXX, and Mr. SMITH of Nebraska):

H.R. 536. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes; to the Com-

mittee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia (for himself, Mr. BRALEY of Iowa, Mr. BLUMENAUER, and Mr. LATHAM):

H.R. 537. A bill to amend titles XVIII and XIX of the Social Security Act with respect to the qualification of the director of food services of a Medicare skilled nursing facility or a Medicaid nursing facility; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUELLAR:

H.R. 538. A bill to require the establishment of customer service standards for Federal agencies; to the Committee on Oversight and Government Reform.

By Mr. DEUTCH (for himself, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. CARNAHAN, Ms. PINGREE of Maine, and Mr. CRITZ):

H.R. 539. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Rules, Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 540. A bill to direct the Secretary of Defense to issue a medal to honor veterans of the Armed Forces who died after their service in the Vietnam War, but whose deaths were a direct result of their service in the Vietnam War; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 541. A bill to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) to make permanent the program of Federal reimbursement of emergency health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 542. A bill to eliminate the learned intermediary defense to tort claims based on product liability, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 543. A bill to amend title 31, United States Code, to provide for payments in lieu of taxes for certain Department of Homeland Security land; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 544. A bill to amend the Servicemembers Civil Relief Act to permanently extend the period of protections for servicemembers against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 545. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to reimburse certain volun-

teers who provide funeral honors details at the funerals of veterans; to the Committee on Veterans' Affairs.

By Mr. FORBES (for himself, Mr. BISHOP of Georgia, Mr. JONES, Mr. SCOTT of Virginia, Mr. DEFAZIO, Mr. CALVERT, Mr. WILSON of South Carolina, Mr. BACHUS, Ms. SUTTON, Mr. RIGELL, Mrs. MCMORRIS RODGERS, Mr. SIMPSON, Mr. RUPPERSBERGER, Mrs. BLACKBURN, Ms. FOXX, Ms. NORTON, Mr. LEE of New York, Mr. CARSON of Indiana, and Mr. CLAY):

H.R. 546. A bill to amend title 36, United States Code, to designate the Honor and Remember Flag created by Honor and Remember, Inc., as an official symbol to recognize and honor members of the Armed Forces who died in the line of duty, and for other purposes; to the Committee on the Judiciary.

By Mr. GARRETT (for himself, Mr. KINGSTON, Mr. BARTLETT, Mrs. BLACKBURN, Mr. CHAFFETZ, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. DESJARLAIS, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mrs. HARTZLER, Mr. HERGER, Mr. ISSA, Mr. LAMBORN, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. PAUL, Mr. ROE of Tennessee, Mr. PENCE, Mr. BROWN of Georgia, Mr. LATOURETTE, Mr. CONAWAY, Mr. WITTMAN, and Mr. SENSENBRENNER):

H.R. 547. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. GINGREY of Georgia (for himself, Mr. KLINE, and Mr. ISSA):

H.R. 548. A bill to repeal a rule of the National Mediation Board relating to representation election procedures; to the Committee on Transportation and Infrastructure.

By Mr. GRAVES of Missouri (for himself and Mr. BARROW):

H.R. 549. A bill to direct the Administrator of the Federal Aviation Administration to establish and carry out a program to safely and feasibly address piston engine aircraft emissions, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. REYES, and Mr. CUELLAR):

H.R. 550. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 551. A bill to allow a State to contribute State funds to Federal agencies, State agencies, or Indian tribes participating in an environmental review process under section 139 of title 23, United States Code, to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery for projects in that State; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 552. A bill to encourage States and units of general local government to use amounts received under the community development block grant program and the community mental health services and substance

abuse block grant programs to provide housing counseling and financial counseling for individuals before their release from inpatient or residential institutions for individuals with mental illness and periodic evaluation of the appropriateness of such counseling after such release; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. GRIJALVA, Mr. MORAN, and Ms. NORTON):

H.R. 553. A bill to amend the Safe Drinking Water Act regarding an endocrine disruptor screening program; to the Committee on Energy and Commerce.

By Mr. MCCOTTER:

H.R. 554. A bill to withdraw normal trade relations treatment from the products of foreign countries that do not maintain acceptable standards of religious freedom and worker rights; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. OLVER, Mr. TOWNS, Ms. LEE of California, Ms. SCHAKOWSKY, Mr. CONYERS, Ms. BROWN of Florida, Mr. HOLT, Mr. HINCHEY, Mr. STARK, Mr. NEAL, Mr. ANDREWS, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. MOORE, Mr. RANGEL, Mr. FILNER, Ms. BALDWIN, Mr. PAYNE, and Ms. HIRONO):

H.R. 555. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and the Workforce.

By Mr. MCCOTTER:

H.R. 556. A bill to repeal certain provisions in the Patient Protection and Affordable Care Act related to patient centered outcomes research and rescind unobligated appropriations related to such provisions and to repeal certain health care-related provisions in the American Recovery and Reinvestment Act of 2009 and rescind unobligated appropriations related to such provisions for purposes of reducing the national debt; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Science, Space, and Technology, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 557. A bill to amend the Consumer Financial Protection Act of 2010 to move the Bureau of Consumer Financial Protection into the Department of the Treasury; to the Committee on Financial Services.

By Mr. NEUGEBAUER:

H.R. 558. A bill to designate the Department of Veterans Affairs medical center in Big Spring, Texas, as the George H. O'Brien, Jr., Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Mr. RICHMOND (for himself and Mr. BOUSTANY):

H.R. 559. A bill to amend the Internal Revenue Code of 1986 to provide an additional year for the extension of the placed in service date for the low-income housing credit rules applicable to the GO Zone; to the Committee on Ways and Means.

By Mr. WALDEN (for himself, Mr. THOMPSON of California, Mr. ROSS of

Arkansas, Mrs. McMORRIS RODGERS, and Mr. MATHESON):

H.R. 560. A bill to amend titles XVIII and XIX of the Social Security Act to ensure proportional representation of rural interests on the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission, and to provide for greater transparency in proceedings of those Commissions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH:

H.R. 561. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit with respect to veterans; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 562. A bill to amend the Alaska Natural Gas Pipeline Act to improve the Alaska pipeline construction training program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself and Mr. BRADY of Pennsylvania):

H.R. 563. A bill to authorize issuance of certificates of documentation authorizing certain vessels to engage in coastwise trade in the carriage of natural gas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHWEIKERT:

H.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced; to the Committee on the Judiciary.

By Mr. NEUGEBAUER (for himself, Mr. CHAFFETZ, Mrs. McMORRIS RODGERS, Mr. MARCHANT, Mr. BURGESS, and Mr. GOMMERT):

H.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. QUAYLE:

H. Con. Res. 14. Concurrent resolution expressing the sense of the Congress that non-defense, non-security, non-veterans discretionary spending should be reduced by 20 percent; to the Committee on the Budget, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H. Res. 72. A resolution directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth; to the Committee on Rules.

By Mr. FORBES (for himself, Mr. LANCE, Mr. GOODLATTE, and Mr. BURTON of Indiana):

H. Res. 74. A resolution urging the Federal courts to expedite disposition of actions challenging the constitutionality of provisions of the Patient Protection and Affordable Care Act (Public Law 111-148); to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BOSWELL, Mrs. MCCARTHY of New York, Ms. BORDALLO, Mr. MCGOVERN, Mr. CONYERS, and Mrs. CAPPS):

H. Res. 75. A resolution recognizing National Nurses Week on May 8 through May 14, 2011; to the Committee on Energy and Commerce.

By Mr. LANCE (for himself and Mr. BURTON of Indiana):

H. Res. 76. A resolution urging the Federal courts to expedite disposition of actions challenging the constitutionality of provisions of the Patient Protection and Affordable Care Act (Public Law 111-148); to the Committee on the Judiciary.

By Mr. MACK (for himself and Mr. MEEKS):

H. Res. 77. A resolution expressing the solidarity of the House of Representatives with the families of the victims and those displaced by the heavy rains and widespread flooding in Colombia; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY:

H.R. 564. A bill for the relief of Rigoberto Padilla; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY:

H.R. 565. A bill for the relief of Angela Stefanova Boneva; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ROS-LEHTINEN:

H.R. 519.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution, including Clause 18 of that Section.

By Mr. YOUNG of Alaska:

H.R. 520.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. YOUNG of Alaska:

H.R. 521.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. GEORGE MILLER of California:

H.R. 522.
Congress has the power to enact this legislation pursuant to the following:

Clause 3 and 18 of Section 8, Article I, of the U.S. Constitution.

By Mr. GONZALEZ:

H.R. 523.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3; Article I, Section 8, Clause 18; Article I, Section 9, Clause 7.

By Mr. QUAYLE:

H.R. 524.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. BALDWIN:

H.R. 525.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the Constitution of the United States.

By Mr. CALVERT:

H.R. 526.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically Clause 1 and Clause 18.

By Mr. SMITH of Texas:

H.R. 527.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution; Article I, Section 8 of the United States Constitution, including, but not limited to, Clauses 1, 3 and 18 of Section 8; Article IV, Section 3, Clause 2 of the United States Constitution; and the Sixteenth Amendment to the United States Constitution.

By Mr. JOHNSON of Georgia:

H.R. 528.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, the Commerce Clause.

By Ms. JENKINS:

H.R. 529.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI to the United States Constitution.

Description: The first is "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises . . ."; and the second grants Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. BACA:

H.R. 530.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 531.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. BURGESS:

H.R. 532.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article I, Section IX, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law".

By Mr. CALVERT:

H.R. 533.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically Clause 1 and Clause 18, and Article IV, Section 3, Clause 2.

By Mrs. CAPITO:

H.R. 534.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. CARSON of Indiana:

H.R. 535.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, Clauses 12, 13, 14, and 16, which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. COLE:

H.R. 536.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I, Clause 2 of Section 2 of Article II.

By Mr. CONNOLLY of Virginia:

H.R. 537.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. CUELLAR:

H.R. 538.

Congress has the power to enact this legislation pursuant to the following:

Constitutional Authority—Necessary and Proper Clause (Article I, Section 8, Clause 18); the U.S. Constitution, Article I, Section 8; Powers of Congress, Clause 18.

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. DEUTCH:

H.R. 539.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 as interpreted by *Steward Machine Company v. Davis* and by *Helvering v. Davis* ("general welfare" and general taxation).

By Mr. FILNER:

H.R. 540.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper to execute these powers.

By Mr. FILNER:

H.R. 541.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 3, 14, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to make rules for the Government; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 542.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 3, 14, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to make rules for the Government; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 543.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 1, 3, 14, 17, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce with foreign Nations, and among the several States; to make rules for the Government; To exercise exclusive Legislation in all Cases whatsoever, over . . . other needful Buildings; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 544.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mr. FILNER:

H.R. 545.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper to execute these powers.

By Mr. FORBES:

H.R. 546.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 13; Article IV, Section 3, Clause 2.

By Mr. GARRETT:

H.R. 547.

Congress has the power to enact this legislation pursuant to the following:

In accordance clause 7(c) of rule XII of the Rules of the House of Representatives (relating to Constitutional Authority), I state that the power granted to Congress in the Constitution to enact this bill is derived from Article I of the Constitution, Section 8 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises . . ."), and from the 16th Amendment to the Constitution.

By Mr. GINGREY of Georgia:

H.R. 548.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution, Congress has the authority "to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. GRAVES of Missouri:

H.R. 549.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause 3, of the United States Constitution, Congress shall have the power to regulate Commerce with foreign Nations, and among several States, and with Indian Tribes.

GRAVES—007 seeks to address piston engine aircraft emissions. Piston engine aircraft are involved in intrastate and interstate commerce.

By Mr. HINOJOSA:

H.R. 550.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 551.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have the Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 552.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1.

By Mr. MARKEY:

H.R. 553.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. McCOTTER:

H.R. 554.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. KUCINICH:

H.R. 555.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, 3, and 18 of Section 8 of Article I of the Constitution.

By Mr. McCOTTER:

H.R. 556.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. NEUGEBAUER:

H.R. 557.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. NEUGEBAUER:

H.R. 558.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. RICHMOND:

H.R. 559.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the Gen-

eral Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. WALDEN:

H.R. 560.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is pursuant to the following:

(1) Article I, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

(2) Article I, Section 1—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. WELCH:

H.R. 561.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1—the taxing and spending clause.

By Mr. YOUNG of Alaska:

H.R. 562.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulate commerce, as enumerated in Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 563.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulate commerce, as enumerated in Article 1, Section 8, Clause 3 of the United States Constitution.

By Ms. SCHAKOWSKY:

H.R. 564.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

By Ms. SCHAKOWSKY:

H.R. 565.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

By Mr. SCHWEIKERT:

H.J. Res. 23.

Congress has the power to enact this legislation pursuant to the following:

Article 5 of the Constitution states: The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either

case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

By Mr. NEUGEBAUER:

H.J. Res. 24.

Congress has the power to enact this legislation pursuant to the following:

Article V: The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. BLACK, Mr. CAMPBELL, Mr. DENHAM, Mr. FARENTHOLD, Mr. FINCHER, Mr. FLEISCHMANN, Mr. FLORES, Mr. GALLEGLY, Mr. HUIZENGA of Michigan, Mr. LANCE, Mr. LATHAM, Mrs. MYRICK, Mr. PALAZZO, Mr. PEARCE, Mr. PLATTS, Mr. POE of Texas, Mr. QUAYLE, Mr. ROGERS of Alabama, Mr. SCHOCK, Mr. SCHWEIKERT, Mr. SESSIONS, Mr. SOUTHERLAND, Mr. STEARNS, Mr. THORNBERRY, Mr. WALSH of Illinois, Mr. WOMACK, and Mr. YOUNG of Indiana.

H.R. 4: Mr. BISHOP of New York, Mr. QUIGLEY, Mr. RUSH, Mr. CAPUANO, Mr. CONNOLLY of Virginia, Mrs. ROBY, and Mr. ENGEL.

H.R. 5: Mr. DENT, Mr. ROE of Tennessee, Mr. FLEMING, Mrs. MYRICK, Mr. BRADY of Texas, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. CRAWFORD, Mr. BURTON of Indiana, Mr. BUCSHON, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. HERGER, Mr. FLORES, Mr. MARCHANT, Mr. PEARCE, Mr. MCCLINTOCK, Mr. HARRIS, Mr. HUELSKAMP, Mr. HARPER, Mr. BILBRAY, Mr. ROYCE, Mr. GRIMM, Mr. SHIMKUS, Mr. GRAVES of Missouri, Mrs. BIGGERT, Mr. STEARNS, Mr. HELLER, Mr. GARRETT, Mr. WESTMORELAND, Mr. JOHNSON of Ohio, Mr. SIMPSON, Mr. AKIN, Mr. ROGERS of Kentucky, Mr. WALDEN, Mr. ROSS of Florida, Mr. WOLF, Mr. QUAYLE, Mr. CONAWAY, Mr. GIBBS, Mr. MILLER of Florida, Mr. GERLACH, Mr. YOUNG of Florida, Mrs. BLACK, Mr. GALLEGLY, Mr. GUTHRIE, Mr. TIBERI, Mr. MATHESON, Mr. WITTMAN, Mr. SCALISE, Mr. BOUSTANY, Mr. BUCHANAN, Mrs. BONO MACK, Mr. ISSA, Mrs. MCMORRIS RODGERS, Mr. GOSAR, Mr. MARINO, Mr. LATTA, and Mr. HUIZENGA of Michigan.

H.R. 21: Mr. GOWDY and Mr. YOUNG of Florida.

H.R. 23: Ms. MCCOLLUM, Mr. MCNERNEY, Mr. COURTNEY, Mr. ACKERMAN, Mr. VISCLOSKY, Mr. HASTINGS of Florida, and Ms. BROWN of Florida.

H.R. 25: Mr. LUCAS.

H.R. 38: Mrs. ADAMS, Mr. GRIFFITH of Virginia, Mr. CHAFFETZ, Mrs. HARTZLER, and Mr. PLATTS.

H.R. 85: Ms. NORTON and Mr. POLIS.

H.R. 97: Mr. STEARNS, Mr. LABRADOR, Mr. YODER, Mr. GUINTA, Mr. WITTMAN, and Mr. LANDRY.

H.R. 98: Mr. ROYCE and Mr. SESSIONS.

H.R. 100: Mr. ROGERS of Michigan and Mr. DREIER.

H.R. 104: Ms. ESHOO and Mr. LOBIONDO.

H.R. 111: Mr. HINCHEY, Mr. GUTIERREZ, Mr. CUMMINGS, and Mr. CONYERS.

H.R. 114: Mr. JONES and Mr. STIVERS.

H.R. 116: Mr. YOUNG of Florida.

H.R. 118: Mr. JONES and Mr. PAUL.

H.R. 120: Mr. MCCOTTER.

H.R. 121: Mr. WEST, Mr. ROKITA, and Mr. STEARNS.

H.R. 122: Mr. JOHNSON of Ohio and Mr. ROKITA.

H.R. 140: Mr. ROGERS of Alabama, Mr. BACHUS, Mr. NEUGEBAUER, Mr. SESSIONS, Mr. FORBES, Mr. DUNCAN of South Carolina, Mr. STEARNS, Mr. WALBERG, Mr. ROYCE, Mr. PALAZZO, and Mr. GRIFFIN of Arkansas.

H.R. 149: Mr. MCCOTTER.

H.R. 153: Mr. DUNCAN of South Carolina, Mr. ROSS of Florida, Mr. KINZINGER of Illinois, and Mr. SENSENBRENNER.

H.R. 154: Mr. DUNCAN of South Carolina, Mr. HECK, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mr. TIBERI, and Mr. WITTMAN.

H.R. 177: Mr. DUNCAN of South Carolina, Mr. AUSTRIA, Mr. YODER, Mr. YOUNG of Florida, Mr. SCHWEIKERT, Mr. MCINTYRE, Mr. TURNER, Mr. BROOKS, Mr. ROE of Tennessee, Mr. GRIMM, Mr. DUNCAN of Tennessee, and Mrs. MILLER of Michigan.

H.R. 192: Mr. FILNER, Mr. McDERMOTT, Ms. HARMAN, Mr. CARDOZA, Ms. CHU, Mrs. DAVIS of California, Ms. MATSUI, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. WATERS, Ms. BASS of California, Mr. WAXMAN, Mr. SHERMAN, Mr. VISCLOSKY, and Mr. ELLISON.

H.R. 198: Mr. MEEKS, Mr. TOWNS, Ms. HAYWORTH, Mr. BISHOP of New York, and Mr. CICILLINE.

H.R. 199: Mr. CRITZ.

H.R. 217: Mr. SAM JOHNSON of Texas, Mr. YODER, Mr. SCHWEIKERT, and Mr. AMASH.

H.R. 218: Mr. REYES and Ms. NORTON.

H.R. 219: Mr. JOHNSON of Ohio.

H.R. 234: Mr. BROUN of Georgia and Mr. ROE of Tennessee.

H.R. 261: Mr. CLAY and Mr. FILNER.

H.R. 263: Ms. WOOLSEY.

H.R. 280: Mr. DUNCAN of South Carolina and Mrs. MILLER of Michigan.

H.R. 282: Ms. HERRERA BEUTLER.

H.R. 290: Mr. ROSS of Florida, Mr. GINGREY of Georgia, Mr. LATTI, Mrs. ADAMS, Mr. AUSTRIA, Mrs. BACHMANN, Mr. CALVERT, Mr. SCHOCK, Mr. BISHOP of Utah, Mr. KLINE, Mr. CONAWAY, Mr. CHAFFETZ, and Mr. LAMBORN.

H.R. 300: Mr. STARK, Mr. TOWNS, Mr. BLUMENAUER, Mr. CONYERS, and Mr. KILDEE.

H.R. 302: Mr. KING of Iowa, Mr. ISSA, Mr. HECK, and Mr. GOHMERT.

H.R. 305: Ms. SUTTON, Mr. RUSH, and Ms. BROWN of Florida.

H.R. 314: Mr. GIBBS.

H.R. 317: Mr. SABLAN.

H.R. 326: Mr. GRIJALVA.

H.R. 327: Mr. MORAN, Mr. COURTNEY, and Mr. KING of New York.

H.R. 328: Mrs. NAPOLITANO.

H.R. 332: Ms. NORTON and Ms. WOOLSEY.

H.R. 333: Mr. PAYNE, Mr. SABLAN, Mr. YOUNG of Alaska, Mr. GERLACH, Mr. ROTHMAN of New Jersey, Mr. NUGENT, and Mr. KIND.

H.R. 340: Mr. GRIJALVA and Mrs. NAPOLITANO.

H.R. 361: Mr. LIPINSKI, Mrs. BACHMANN, Mr. BROUN of Georgia, Mrs. SCHMIDT, Mr. PAUL, Mrs. McMORRIS RODGERS, Mr. JONES, Mr. AKIN, Mr. LAMBORN, Mr. BURTON of Indiana, Mr. DESJARLAIS, Mr. HERGER, Mr. ROE of Tennessee, Mr. CULBERSON, Mr. BRADY of Texas, Mrs. BLACKBURN, Mr. GARRETT, Mr. MARCHANT, Mr. FLORES, Mr. HUELSKAMP, Mr. CHAFFETZ, Mr. HARRIS, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Ms. BUEKLE, Mr. PEARCE, Mr. PITTS, Mr. BACHUS, Mr. ROSS of Florida, Mr. GUTHRIE, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. FORTENBERRY, Mr. GIBBS, Mr. LANKFORD, and Mr. PENCE.

H.R. 363: Mr. HASTINGS of Florida and Mr. TOWNS.

H.R. 365: Mr. MEEKS, Mr. FITZPATRICK, and Mrs. MALONEY.

H.R. 372: Mr. DEUTCH, Mr. ROSS of Florida, Mr. WEST, Ms. CASTOR of Florida, Mr. YOUNG of Florida, and Mr. BURTON of Indiana.

H.R. 374: Mr. ROKITA, Mr. HARRIS, Mr. CARTER, Mr. FORBES, Mr. NUNNELEE, Mr. CRAVAACK, Mr. GRAVES of Missouri, Mr. PEARCE, and Mr. BENISHEK.

H.R. 389: Mr. MCCLINTOCK, Mr. RIBBLE, Mr. KINZINGER of Illinois, Mrs. BLACKBURN, Mr. JONES, Mr. HULTGREN, Mr. REED, Mr. DUNCAN of South Carolina, and Mr. WEST.

H.R. 401: Mr. RUSH.

H.R. 412: Mr. DAVIS of Kentucky, Mr. THOMPSON of Pennsylvania, Mr. GRIFFIN of Arkansas, Mr. HANNA, Mr. LOEBSACK, Mr. LAMBORN, Mr. McKEON, Mr. COSTELLO, Mr. SENSENBRENNER, Mr. BOSWELL, and Mr. ALEXANDER.

H.R. 413: Ms. WOOLSEY, Mr. FARR, Mr. GUTIERREZ, Mr. CONYERS, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. KUCINICH, and Ms. MOORE.

H.R. 415: Mr. STARK.

H.R. 416: Mr. WELCH, Mr. GUTIERREZ, Mr. CONYERS, Mr. McDERMOTT, Mrs. LOWEY, Ms. SLAUGHTER, and Mr. KUCINICH.

H.R. 417: Mr. CICILLINE, Ms. CHU, Mr. POLIS, Ms. SLAUGHTER, and Mr. HIGGINS.

H.R. 430: Mr. ROSS of Florida and Mr. BURTON of Indiana.

H.R. 432: Mr. FRANK of Massachusetts, Mr. ELLISON, Ms. DEGETTE, Ms. SPEIER, Mrs. MALONEY, Mr. GRIJALVA, Mr. MCGOVERN, Mr. OLVER, Mr. NADLER, Mr. INSLEE, Mr. JACKSON of Illinois, and Mr. POLIS.

H.R. 436: Mr. CALVERT, Mr. CAPUANO, Mr. DOLD, Mr. GARDNER, and Mr. ROSS of Florida.

H.R. 440: Mr. COHEN, Ms. SCHAKOWSKY, and Mr. GOWDY.

H.R. 458: Mr. SIRE, Ms. DELAURO, Mr. RUPERSBERGER, Ms. HIRONO, Ms. RICHARDSON, Mr. GRIJALVA, Mr. MORAN, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, and Mr. WU.

H.R. 459: Mr. DUNCAN of Tennessee, Mr. CANSECO, Mr. RIGELL, Mr. NUGENT, Mr. MULVANEY, Mr. CARTER, Mr. DAVIS of Kentucky, Mr. ROSS of Arkansas, Mr. DREIER, Mr. BUCHANAN, Mr. AMASH, Mr. LUETKEMEYER, Mr. WESTMORELAND, Mr. SCHWEIKERT, Mr. LANKFORD, and Mr. FINCHER.

H.R. 469: Mr. FRANK of Massachusetts.

H.R. 471: Mr. PENCE, Mr. WEBSTER, Mrs. McMORRIS RODGERS, Mr. SHUSTER, Mr. CAS-

SIDY, Mr. BISHOP of Utah, Ms. BUEKLE, Mr. WILSON of South Carolina, Mr. CALVERT, Mr. RIVERA, Mr. FITZPATRICK, Mr. SCOTT of South Carolina, Mr. HARPER, Mr. POSEY, Mrs. MILLER of Michigan, Mr. SCHOCK, Mr. HANNA, Mr. ROKITA, Mr. DREIER, Mr. HECK, Mr. FLEMING, Mr. AKIN, Mr. NUNES, Mr. ROONEY, Mr. BURTON of Indiana, Mrs. HARTZLER, Mr. THOMPSON of Pennsylvania, Mr. DUNCAN of South Carolina, Mr. HARRIS, Mr. WALSH of Illinois, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, and Mr. STIVERS.

H.R. 481: Ms. NORTON and Mr. PRICE of North Carolina.

H.R. 492: Mr. POLIS, Ms. ESHOO, and Ms. SLAUGHTER.

H.R. 495: Mr. WALBERG.

H.R. 501: Mr. WELCH.

H.R. 509: Mr. RYAN of Wisconsin.

H.R. 513: Mr. LONG, Mrs. MYRICK, Mr. WITTMAN, Mr. RUNYAN, Mr. MILLER of Florida, Mr. CHAFFETZ, Mrs. MILLER of Michigan, Mr. MCCAUL, and Mr. ROSS of Florida.

H.J. Res. 13: Mr. GENE GREEN of Texas, Mrs. BIGGERT, Mr. LEE of New York, Mr. YOUNG of Florida, Mr. DUNCAN of Tennessee, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mrs. MCCARTHY of New York, Mr. LOBIONDO, Mr. COFFMAN of Colorado, Mr. KING of Iowa, and Mr. LUETKEMEYER.

H.J. Res. 20: Mr. POSEY.

H.Con. Res. 11: Mr. LEWIS of Georgia.

H.Con. Res. 12: Mr. TIERNEY, Mrs. MALONEY, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. NADLER, Mr. SCHIFF, Mr. RYAN of Ohio, Mr. ISSA, Mr. ACKERMAN, Mr. GENE GREEN of Texas, Ms. BERKLEY, Ms. SCHWARTZ, Mr. ENGEL, Mr. CICILLINE, Mr. TOWNS, Mr. DEUTCH, and Mr. HOLT.

H. Con. Res. 13: Mr. WALBERG, Mr. ROSS of Florida, and Mr. SIMPSON.

H. Res. 11: Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. MCGOVERN, Ms. EDWARDS, Mr. BLUMENAUER, Ms. SUTTON, and Mr. REYES.

H. Res. 19: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. HIRONO.

H. Res. 20: Ms. NORTON, Ms. MCCOLLUM, and Mr. ENGEL.

H. Res. 21: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FILNER.

H. Res. 23: Mr. ROKITA.

H. Res. 40: Mr. KLINE, Mr. FLORES, Mr. JORDAN, and Mr. GOHMERT.

H. Res. 41: Mr. CROWLEY, Ms. JACKSON LEE of Texas, Mr. HONDA, and Mr. HINCHEY.

H. Res. 44: Mr. SCHOCK.

H. Res. 46: Mr. ELLISON, Ms. JACKSON LEE of Texas, Mr. WELCH, Mr. MICHAUD, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. VAN HOLLEN, Ms. MOORE, Mr. PASCRELL, Mr. McDERMOTT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. TONKO, and Ms. WOOLSEY.

H. Res. 51: Mr. KUCINICH, Mr. HONDA, Mr. HINOJOSA, Mr. CICILLINE, Mr. DAVID SCOTT of Georgia, Mr. CARSON of Indiana, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. TOWNS, Mrs. RICHARDSON, Mr. GUTIERREZ, Ms. WILSON of Florida, Mr. CONYERS, and Mr. CUMMINGS.

H. Res. 57: Mr. ROSS of Florida, Mrs. BLACKBURN, and Mr. LANCE.

H. Res. 60: Mr. BARTLETT, Mr. COFFMAN of Colorado, Mr. FILNER, Mrs. BACHMANN, Ms. RICHARDSON, Mr. CAPUANO, Mr. MCCLINTOCK, Mr. AL GREEN of Texas, and Mrs. BLACKBURN.

H. Res. 61: Mr. TOWNS, Ms. SUTTON, Ms. MOORE, Mr. RYAN of Ohio, Mr. MURPHY of Pennsylvania, and Mr. CALVERT.

EXTENSIONS OF REMARKS

IN HONOR OF MILLER-KEYSTONE
BLOOD CENTER GRAND OPENING

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Miller-Keystone Blood Center on its Grand Opening Celebration of its donor center in Lionville, Pennsylvania and to honor this healthcare institution for its commitment to serving the community.

In the forty years since its establishment in 1971, Miller-Keystone Blood Center has delivered the safe, reliable, and vital blood supply that our community needs. Miller-Keystone is the exclusive supplier of blood products to twenty-one hospitals in ten Pennsylvania and New Jersey counties, including having been the sole supplier to Pottstown Memorial Medical Center since 1997. In July 2010, the Center was announced as the exclusive blood provider to Brandywine Hospital and Phoenixville Hospital. No other blood organization supplies these facilities and only blood donated through Miller-Keystone is being transfused at these facilities.

Miller-Keystone Blood Center's new Lionville Donor Center will offer appointments both days and evenings, weekdays and weekends, providing residents throughout the Chester County region with many convenient opportunities to make a like-saving blood, platelet or plasma donation.

Mr. Speaker, I ask that my colleagues join me today in recognizing Miller-Keystone Blood Center on the occasion of the Grand Opening Celebration of its donor center in Lionville, Pennsylvania and to honor this healthcare institution for its commitment to serving the essential blood product supply needs of its community.

PADRE EUSEBIO FRANCISCO KINO,
S.J. "THE NOBLEST SOUTHWEST-
ERNER OF ALL"

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRIJALVA. Mr. Speaker, former Secretary of the Interior and Arizona Congressman Stewart L. Udall captured the essence of the life and legacy of Jesuit missionary and explorer Eusebio Francisco Kino when he wrote "His vision—and his ability to command the affection and loyalty of the native peoples he encountered—made him the preeminent pathfinder and mission builder in the West. . . . [He] dared to believe that, armed only with love, he could mount a horse and discover new lands and peoples and at the

same time serve his Lord by extending the boundaries of Christendom."

Padre Kino was a mission builder and itinerant priest who made 50 expeditions totaling over 19,000 miles beyond the then Spanish frontier into today's Arizona and California. Kino's phenomenal horseback rides of great distance and breakneck speed required all the physical and mental strength that only the best of the world's horsemen could possess. For this reason Padre Kino is historically known as "The Padre on Horseback."

Padre Kino was born Eusebio Chini in 1645 in the village of Segno located in the Italian Alps—twenty miles from the birthplace of the grandfather of Arizona's former U.S. Senator Dennis DeConcini. Padre Kino gave up his career as an Old World university professor to become a missionary in the New World. For his last 24 years he labored tirelessly as a Catholic priest in his Sonoran Desert parish—the 50,000 square mile Pimeria Alta (now southern Arizona and northern Sonora).

Before this assignment, Padre Kino worked for 3 years in the inhospitable deserts of Baja California but the ill-fated settlement effort was abandoned under order of the Spanish King. Padre Kino was saddened to leave the native people of Baja, but for the rest of his life Padre Kino never forgot them. He helped renew the missionary efforts and supplied much needed food and supplies from his missions farms and ranches on the other side of the Gulf of California.

As part of his work, Padre Kino was an accomplished builder, agriculturist, and cattleman.

He founded 24 missions including the beautiful Arizona mission San Xavier del Bac near Tucson—still an active parish church in the heart of the San Xavier District of the O'odham Nation. He also founded the missions at Tumacacori and Guevavi which are now part of our national park system's Tumacacori National Historical Park. He was among the first Europeans to see the Casa Grande Ruins—now another of our country's national monuments.

Padre Kino introduced horses, cattle and other herd animals, and the cultivation of Old World fruits and wheat into Arizona. Under his instruction the native people quickly learned new agricultural practices which stabilized their food supply. By his words in official reports to his superiors and by his actions in his work Padre Kino expressed his heartfelt conviction that missionary efforts begins with respect for the native people and the physical betterment of their lives.

Padre Kino was also a frontier diplomat who promoted peace among the warring tribes he encountered, and between the native people and the Spanish military. He demanded that the Spanish military and settlers respect the native people as their fellow humans. Before his arrival to the Pimeria, Kino obtained a decree from King Carlos II that prohibited the na-

tive people from being enslaved to work in the Spanish mines and haciendas. He defended the native people from the claims of powerful interests who coveted their lands and labor and who relentlessly attempted to undermine his missionary efforts right up until his final days on earth.

Padre Kino was a gifted scientist and cartographer having been a student and a professor in Europe's greatest universities. His careful scientific observations made during his journeys of exploration resulted in the first reliable definitive historical chronicles and accurate maps of these previously unknown lands. His maps of the Pimeria Alta and its adjacent regions were widely published in Europe during his lifetime and were used for over a century afterwards.

During Padre Kino's lifetime it was the commonly held belief that California was an island and separated from the North American mainland. At the Blue Shell Conference at San Xavier Mission he consulted with the native people throughout the region about the widespread trading of abalone shells. He heard from them that the shells originated on the Pacific Ocean coast of Baja California. Padre Kino then hypothesized that California was not an island and that a land route to Baja California did exist. Numerous expeditions to the Colorado River and its delta were necessary to prove his hypothesis. His discovery led to renewed efforts to build new missions serving the destitute native peoples of Baja California during his lifetime. It also prepared the way for the founding of the City of San Francisco, in present day California, by the De Anza expedition. These undertakings could have only succeeded with the support provided by the extensive chain of missions, farms and ranches built by the native people and Padre Kino.

Padre Kino died in Magdalena, Sonora on March 15, 1711 after saying the Mass for dedication for a new chapel for St. Francisco Xavier, his patron saint. His death bed consisted of his usual bed on the ground. His bed was made from his horse blankets with his saddle as a pillow. Padre Kino died at the age of 66.

Through his great faith and intellect, his gentle charisma and stamina, Padre Kino forever transformed the lives and hearts of all people living in the Pimeria Alta and the Californias. The native peoples of the region still revere and love their Padre on Horseback.

In 1965 Padre Kino was honored by the citizens of Arizona as the State's founder and its preeminent pioneer by the dedication of his statue in the Statuary Hall of the U.S. Capitol Building. The ceremony was attended by dignitaries from all over the world. This event was the catalyst to the Federal Government of Mexico to successfully complete in May 1966 Padre Kino's mortal remains. This ended a 40-year search for his grave. In May 2006 the Archdiocese of Hermosillo submitted the official documents to the Vatican to start the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

process of Canonization for Padre Kino's formal recognition as a saint by the Catholic Church.

Now on this day, March 15, 2011 which is the 300th year anniversary of his death, the Kino Heritage Society is issuing its own designed private U.S. postage stamp and cancel mark. This stamp will be cancelled by the United States Postal Service at a community-wide event honoring Padre Kino at the Postal History Foundation in Tucson, Arizona.

Other extensive celebrations of Padre Kino's life and legacy are being held this year in Italy, Mexico and other communities in the United States for this heroic man described by the noted historian Lawrence Clark Powell as "the noblest Southwesterner of all."

HONORING DALTON VERNON MARTIN FOR HIS LIFETIME OF SERVICE TO AMERICA

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. CASSIDY. Mr. Speaker, I rise today to honor the memory of Dalton Vernon Martin, Chief Petty Officer, United States Navy (Ret.), and Sherriff's Deputy, East Baton Rouge Sherriff's Department, who passed away on January 23, 2011.

Born in St. Francisville, Louisiana on November 11, 1921, Mr. Martin first excelled as a high school boxer, compiling a record of 63 victories in 65 bouts. He dedicated that resolve and fighting spirit towards serving and defending his country, enlisting in the U.S. Navy to fight in World War II and the Korean War, including the Pacific battles of the Gilbert and Marshall Islands, Tarawa, and Okinawa.

After a distinguished 38 year career in the Armed Forces, Mr. Martin retired from active duty and embarked on a new mission of service as a Deputy of the East Baton Rouge Sherriff's office. Here, Mr. Martin spent 23 years protecting his fellow citizens and upholding the rule of law.

Mr. Martin lived a life of service, but he never sought to label himself as the hero he truly was. He spoke honestly and openly about the fear and sadness that are inseparable from the glory and honor of serving in combat. He was grateful for the opportunities afforded by his service to visit the farthest reaches of the world, but he served for no other reason than to defend his country and one day return home to his beloved Louisiana.

If the measure of a person is by what they leave behind, then Mr. Martin sets a standard to which we should all aspire. His life's story is yet another testament to the strength and legacy of the Greatest Generation. And for his wife, Christy, his children, Paul, John and Susan, and his grandchildren, Erin, Tristan, Madeleine, Jack, Lauren and Caroline, his spirit and legacy live on. The country he helped to preserve as the greatest beacon for freedom and opportunity in the world remains forever grateful.

HONORING THE BROADWAY THEATRE OF PITMAN, NEW JERSEY ON ITS PERRY AWARDS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the Broadway Theatre of Pitman, New Jersey and its production of "All Shook Up" for the honors it received at the New Jersey Association of Community Theater's Perry Awards.

Opened in May 1926, the Broadway originally operated as a fully equipped movie and vaudeville theatre. Thanks to a strong community effort, the Broadway Theatre of Pitman reopened its doors in 2007. The theatre's owner Peter Stack has worked with the Greater Pitman Chamber of Commerce to preserve the theatre's history.

Each year the Broadway Theatre presents six main stage productions including comedies, dramas, and musicals. This historic 900-seat house is unique, combining the allure of the old-time theatre experience with modern themed shows and performances.

The theatre received several awards at this year's New Jersey Association of Community Theater's Perry Awards. The production of "All Shook Up," a lighthearted musical comedy based on Shakespeare's "Twelfth Night," was named Best Production of a Musical. In addition, the show's female star, Nicole Mangano, won the award for Best Youth Lead Actress in a Musical. The production also won awards for Best Lighting and Best Sound Design of a Musical thanks to the work of Shawn McGovern and Chris Rodig.

Mr. Speaker, the Broadway Theatre of Pitman and these individuals should be recognized for their achievement at the Perry Awards. I look forward to the Broadway Theatre of Pitman educating and entertaining the South Jersey community for many years to come.

RECOGNIZING THE PASSING OF COLONEL GREG MALLOY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I rise today to recognize the passing of Colonel Greg Malloy. Colonel Malloy exemplified the character and commitment of a true law enforcement officer. His tragic passing is an enormous loss for the northwest Florida community.

Colonel Malloy started working for the Florida Department of Corrections in 1988. He served the state of Florida with honor and distinction, and in 2010, his leadership and esteemed service was recognized when he was promoted to the rank of Colonel, the highest designation for a corrections officer.

Colonel Malloy was working as part of the Holmes Correctional Institution K-9 tracking team assisting in pursuit of a suspect in a

double homicide case. Law enforcement officers were alerted to the presence of the suspect by a local hunter who, after being shot at by the suspect, called 911. Colonel Malloy and the responding officers tracked the suspect in the woods for an hour when the suspect doubled back and ambushed the tracking teams. Colonel Malloy was mortally wounded in the ensuing gunfire.

Our law enforcement officers put themselves in danger to protect the families, friends, neighbors and citizens of their local community. Colonel Malloy paid the ultimate price; however, his bravery and dedication to serving the residents of his community and the state of Florida live on.

Colonel Malloy remains in the hearts and minds of those around him, not only as a well respected law enforcement officer, but as a loving husband, father, and son. He is survived by his wife Donna, daughter Payton, father Lynton, mother Sue, step-father Michael and sister Deidra.

Mr. Speaker, on behalf of the United States Congress, I extend my deepest condolences to Colonel Malloy's family. A committed community leader and loving family man, he paid the ultimate price protecting and defending his community. His life and sacrifice will not be forgotten. My wife Vicki joins me in extending our thoughts and prayers to the entire Malloy family.

PROCLAMATION CONGRATULATING NIEL YOUNG ON 15 YEARS OF EXCELLENCE IN RADIO BROADCASTING

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GUINTA. Mr. Speaker, on January 29, 2011 Niel Young will be celebrating 15 years of excellence in radio broadcasting on WEZS 1350 AM "The Advocates." Mr. Young has served the public in various capacities at both the local and state levels, and has been a strong advocate for taxpayers in Laconia and the state of New Hampshire.

Known for his colorful character and sharp wit, Mr. Young's radio program aims to inform the public and provide dialogue on the local, state and national issues of the day. Since his first day broadcasting, Mr. Young has fought for the principles that Granite Staters hold so dear.

This is a great day for Mr. Young, his wife Betty, and his listeners. I wish him the very best and many more years on the air.

HONORING JOSHUA SAMUEL HOPPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Joshua Samuel Hoppe. Joshua is a very special young man

who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joshua has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Joshua Samuel Hoppe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RULES OF THE COMMITTEE ON ARMED SERVICES

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. McKEON. Mr. Speaker, I respectfully submit the rules of the Committee on Armed Services, which were adopted by the Committee on January 20, 2011.

RULES OF THE COMMITTEE ON ARMED SERVICES 112TH CONGRESS

RULE 1. GENERAL PROVISIONS

(a) The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereinafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

(b) Pursuant to clause 2(a)(2) of rule XI of the Rules of the House of Representatives, the Committee's rules shall be publicly available in electronic form and published in the Congressional Record not later than 30 days after the chair of the committee is elected in each odd-numbered year.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10:00 a.m., when the House of Representatives is in session, and at such other times as may be fixed by the Chairman of the Committee (hereinafter referred to as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee Chairman shall set meeting dates after consultation with the Chairman, other subcommittee Chairmen, and the Ranking Minority Member of the subcommittee with a view toward avoiding, whenever possible, simultaneous scheduling of Committee and subcommittee meetings or hearings.

RULE 4. JURISDICTION AND MEMBERSHIP OF COMMITTEE AND SUBCOMMITTEES

(a) Jurisdiction

(1) The Committee retains jurisdiction of all subjects listed in clause 1(c) and clause 3(b) of rule X of the Rules of the House of Representatives and retains exclusive jurisdiction for: defense policy generally, ongoing military operations, the organization and reform of the Department of Defense and Department of Energy, counter-drug programs, security and humanitarian assistance (except special operations-related activities) of the Department of Defense, acquisition and industrial base policy, technology transfer and export controls, joint interoperability, the Cooperative Threat Reduction program, Department of Energy nonproliferation programs, detainee affairs and policy, intelligence policy, force protection policy and inter-agency reform as it pertains to the Department of Defense and the nuclear weapons programs of the Department of Energy. While subcommittees are provided jurisdictional responsibilities in subparagraph (2), the Committee retains the right to exercise oversight and legislative jurisdiction over all subjects within its purview under rule X of the Rules of the House of Representatives.

(2) The Committee shall be organized to consist of seven standing subcommittees with the following jurisdictions:

Subcommittee on Tactical Air and Land Forces: All Army, Air Force and Marine Corps acquisition programs (except Marine Corps amphibious assault vehicle programs, strategic missiles, space, lift programs, special operations, science and technology programs, and information technology accounts). In addition, the subcommittee will be responsible for Navy and Marine Corps aviation programs, National Guard and Army, Air Force and Marine Corps Reserve modernization, and ammunition programs.

Subcommittee on Military Personnel: Military personnel policy, Reserve Component integration and employment issues, military health care, military education, and POW/MIA issues. In addition, the subcommittee will be responsible for Morale, Welfare and Recreation issues and programs.

Subcommittee on Readiness: Military readiness, training, logistics and maintenance issues and programs. In addition, the subcommittee will be responsible for all military construction, depot policy, civilian personnel policy, environmental policy, installations and family housing issues, including the base closure process, and energy policy and programs of the Department of Defense.

Subcommittee on Seapower and Projection Forces: Navy acquisition programs, Naval Reserve equipment, and Marine Corps amphibious assault vehicle programs (except strategic weapons, space, special operations, science and technology programs, and information technology programs), deep strike bombers and related systems, lift programs, and seaborn unmanned aerial systems. In addition, the subcommittee will be responsible for Maritime programs under the jurisdiction of the Committee as delineated in paragraphs 5, 6, and 9 of clause 1(c) of rule X of the Rules of the House of Representatives.

Subcommittee on Strategic Forces: Strategic weapons (except deep strike bombers and related systems), space programs, ballistic missile defense, national intelligence programs, and Department of Energy national security programs (except non-proliferation programs).

Subcommittee on Emerging Threats and Capabilities: Defense-wide and joint enabling activities and programs to include: Special Operations Forces; counter-proliferation and counter-terrorism programs and initiatives;

science and technology policy and programs; information technology programs; homeland defense and Department of Defense related consequence management programs; related intelligence support; and other enabling programs and activities to include cyber operations, strategic communications, and information operations.

Subcommittee on Oversight and Investigations: Any matter within the jurisdiction of the Committee, subject to the concurrence of the Chairman of the Committee and, as appropriate, affected subcommittee chairmen. The subcommittee shall have no legislative jurisdiction.

(b) Membership of the Subcommittees

(1) Subcommittee memberships, with the exception of membership on the Subcommittee on Oversight and Investigations, shall be filled in accordance with the rules of the Majority party's conference and the Minority party's caucus, respectively.

(2) The Chairman and Ranking Minority Member of the Subcommittee on Oversight and Investigations shall be filled in accordance with the rules of the Majority party's conference and the Minority party's caucus, respectively. Consistent with the party ratios established by the Majority party, all other Majority members of the subcommittee shall be appointed by the Chairman of the Committee, and all other Minority members shall be appointed by the Ranking Minority Member of the Committee.

(3) The Chairman of the Committee and Ranking Minority Member thereof may sit as ex officio members of all subcommittees. Ex officio members shall not vote in subcommittee hearings or meetings or be taken into consideration for the purpose of determining the ratio of the subcommittees or establishing a quorum at subcommittee hearings or meetings.

(4) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee and participate during any of its hearings but shall not have authority to vote, cannot be counted for the purpose of achieving a quorum, and cannot raise a point of order at the hearing.

RULE 5. COMMITTEE PANELS AND TASK FORCES

(a) Committee Panels

(1) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(2) No panel appointed by the Chairman shall continue in existence for more than six months after the appointment. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman for a period of time which is not to exceed six months.

(3) Consistent with the party ratios established by the Majority party, all Majority members of the panels shall be appointed by the Chairman of the Committee, and all Minority members shall be appointed by the Ranking Minority Member of the Committee. The Chairman of the Committee shall choose one of the Majority members so appointed who does not currently chair another subcommittee of the Committee to serve as Chairman of the panel. The Ranking Minority Member of the Committee shall similarly choose the Ranking Minority Member of the panel.

(4) No panel shall have legislative jurisdiction.

(b) Committee and Subcommittee Task Forces

(1) The Chairman of the Committee, or a Chairman of a subcommittee with the concurrence of the Chairman of the Committee,

may designate a task force to inquire into and take testimony on a matter that falls within the jurisdiction of the Committee or subcommittee, respectively. The Chairman and Ranking Minority Member of the Committee or subcommittee shall each appoint an equal number of members to the task force. The Chairman of the Committee or subcommittee shall choose one of the members so appointed, who does not currently chair another subcommittee of the Committee, to serve as Chairman of the task force. The Ranking Minority Member of the Committee or subcommittee shall similarly appoint the Ranking Minority Member of the task force.

(2) No task force appointed by the Chairman of the Committee or subcommittee shall continue in existence for more than three months. A task force may only be reappointed for an additional three months with the written concurrence of the Chairman and Ranking Minority Member of the Committee or subcommittee whose Chairman appointed the task force.

(3) No task force shall have legislative jurisdiction.

RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for a hearing or markup only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of the Committee or subcommittee, as appropriate.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

(e) The Chairman, in consultation with the Ranking Minority Member, shall establish criteria for recommending legislation and other matters to be considered by the House of Representatives, pursuant to clause I of rule XV of the Rules of the House of Representatives. Such criteria shall not conflict with the Rules of the House of Representatives and other applicable rules.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

(a) Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee, or of any subcommittee, panel, or task force, shall make a public announcement of the date, place, and subject matter of any hearing or meeting before that body at least one week before the commencement of a hearing and at least three days before the commencement of a meeting. However, if the Chairman of the Committee, or of any subcommittee, panel, or task force, with the concurrence of the respective Ranking Minority Member, determines that there is good cause to begin the hearing or meeting sooner, or if the Committee, subcommittee, panel, or task force so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announce-

ment at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly made publicly available in electronic form.

(b) At least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of an announcement under paragraph (a) made within 24 hours before such meeting, the Chairman of the Committee, or of any subcommittee, panel, or task force shall cause the text of such measure or matter to be made publicly available in electronic form as provided in clause 2(g)(4) of rule XI of the Rules of the House of Representatives.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) Pursuant to clause 2(e)(5) of rule XI of the Rules of the House of Representatives, the Committee shall, to the maximum extent practicable, provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings. The Committee shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(b) Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee, or any subcommittee, panel, or task force, to the extent that the respective body is authorized to conduct markups, shall be open to the public except when the Committee, subcommittee, panel, or task force in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no fewer than two members of the Committee, subcommittee, panel, or task force may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee, subcommittee, panel, or task force being present.

(b) Whenever it is asserted by a member of the Committee or subcommittee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no

fewer than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade, or incriminate any person. A majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade, or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, one member of that member's personal staff, and an alternate, which may include fellows, with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s), panel(s), or task force(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony. The attendance of such a staff member or fellow at such hearings is subject to the approval of the Committee, subcommittee, panel, or task force as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public.

(e) The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing Committee or subcommittee meetings and hearings to the public;

(3) Authorizing the issuance of subpoenas;

(4) Authorizing the use of executive session material; and

(5) Voting to proceed in open session after voting to close to discuss whether evidence or testimony to be received would tend to defame, degrade, or incriminate any person.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) Subject to rule 15, the time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not more than five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five-minute limitation shall not apply to the Chairman and Ranking Minority Member of the Committee or subcommittee.

(b)(1) Members who are present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the Ranking Minority Member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the Majority to Minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(2) Pursuant to rule 4 and subject to rule 15, a member of the Committee who is not a member of a subcommittee may be recognized by a subcommittee chairman in order of their arrival and after all present subcommittee members have been recognized.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the respective Ranking Minority Member, may depart with the regular order for questioning which is specified in paragraphs (a) and (b) of this rule provided that such a decision is announced prior to the hearing or prior to the opening statements of the witnesses and that any such departure applies equally to the Majority and the Minority.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, panel, or task force hearings and meetings.

RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman and after consultation with the Ranking Minority Member of the Committee, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when author-

ized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Committee.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House of Representatives.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains national security information bearing a classification of Secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee as soon as practicable but not less than 24 hours in advance of presentation; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present. In cases where a witness does not submit a statement by the time required under this rule, the Chairman of the Committee or subcommittee, as appropriate, with the concurrence of the respective Ranking Minority Member, may elect to exclude the witness from the hearing.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of the submitted written statement.

(c) Pursuant to clause 2(g)(5) of rule XI of the Rules of the House of Representatives, written witness statements, with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

"Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?"

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose according to rule 11 of the Committee.

(b) Members of the Committee or subcommittee who so desire shall have not more than five minutes to question each witness or panel of witnesses, the responses of the witness or witnesses being included in the five-minute period, until such time as each

member has had an opportunity to question each witness or panel of witnesses. Thereafter, additional rounds for questioning witnesses by members are within the discretion of the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings conducted by the Committee, subcommittee, or panel will be published officially in substantially verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. The transcripts of markups conducted by the Committee or any subcommittee may be published officially in verbatim form. Any requests to correct any errors, other than those in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted. Any transcript published under this rule shall include the results of record votes conducted in the session covered by the transcript and shall also include materials that have been submitted for the record and are covered under rule 19. The handling and safekeeping of these materials shall fully satisfy the requirements of rule 20. No transcript of an executive session conducted under rule 9 shall be published under this rule.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous consent.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

(e) The Chairman of the Committee or a subcommittee, as appropriate, with the concurrence of the Ranking Minority Member or the most senior Minority member who is present at the time, may elect to postpone requested record votes until such time or point at a markup as is mutually decided. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, the underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, Minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee, or the Staff Director's designee. All such views so filed by one or more members of the Committee shall be included within, and shall be

a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the Committee report on the measure or matter.

(c) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee, the Chairman shall cause the text of each such amendment to be made publicly available in electronic form as provided in clause 2(e)(6) of rule XI of the Rules of the House of Representatives.

RULE 19. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and also made publicly available in electronic form within 48 hours of such record vote pursuant to clause 2(e)(1)(B)(i) of rule XI of the Rules of the House of Representatives. Information so available shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 20. PROTECTION OF NATIONAL SECURITY AND OTHER INFORMATION

(a) Except as provided in clause 2(g) of rule XI of the Rules of the House of Representatives, all national security information bearing a classification of Secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information that is received which is classified as Secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the House of Representatives, staff of the Committee, or staff designated under rule 9(c) who have the appropriate security clearances and the need to know, who has requested the opportunity to review such material.

(c) The Chairman of the Committee shall, in consultation with the Ranking Minority Member, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any proprietary information that is received by the Committee, subcommittee, panel, or task force. Such procedures shall be consistent with the Rules of the House of Representatives and applicable law.

RULE 21. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel or task force designated by the Chairman or chairmen of the subcommittees shall be subject to the Rules of the House of Representatives.

RULE 22. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the

House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 23. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 24. COMMITTEE ACTIVITY REPORTS

Not later than the 30th day after June 1 and December 1, the Committee shall submit to the House a semiannual report on its activities, pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives.

RECOGNIZING THE OPENING OF THE BEDFORD PUBLIC LIBRARY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to recognize and celebrate the grand opening of the Bedford Public Library. On February 12, 2011, the library will open its doors to the Bedford community, creating a haven for citizens to learn and have fun.

On June 30, 1964, the first Bedford Public Library opened on Bedford Road located in a small house rented by the city. Four years later the library moved to a larger home on Forest Ridge Drive. In 1972 a new city hall was built, and the library, along with its 19,800 items, opened on the first floor of the new facility. By 1987, the construction of the 17,000 square foot library on L. Don Dodson Drive was completed. In 2001, voters in the city of Bedford approved an \$8.85 million bond package that would allow for the construction of a new library.

The city of Bedford encouraged and incorporated community involvement during the library construction process by hosting Library Design Workshops. These workshops allowed the citizens to offer suggestions about design and layout features of the library that would meet their needs as well as the needs of citizens in the future. In July 2008, a town hall meeting was held and the community voted on their favorite library design.

In February 2010, construction began on the new Bedford Public Library. This facility has been transformed from a one-time grocery store into an educational establishment for Bedford residents. The library is 40,516 square feet, approximately three times larger than the old facility.

The new library utilizes modern technological and design features, which include many energy- and cost-saving elements such as 150 geothermal wells to heat and cool the building, 824 solar panels, reflective roof, added insulation, low E glass and LED ballasted lights with monitors throughout the building. The library contains over 100,000 items including nonfiction and fiction, paperbacks and hardbacks, adult and children's classics, DVDs and CDs, and many more. The new library also has 65 public access computers for Bedford residents to enjoy.

Mr. Speaker, I am honored to recognize the opening of the new Bedford Public Library. This facility exemplifies innovation and education within the 24th congressional district of Texas. The Bedford Public Library is an investment in the future of all citizens by combining cutting-edge technology with hands-on learning. I ask all my distinguished colleagues to join me in recognizing the Bedford Public Library.

COMMEMORATING THE 19TH ANNIVERSARY OF THE KHOJALY TRAGEDY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. FOXX. Mr. Speaker, I rise today in remembrance of the 613 ethnic Azerbaijani civilians who were killed during the massacre at Khojaly, in the Nagorno-Karabakh region of Azerbaijan, on February 25–26, 1992. According to Human Rights Watch, Memorial Human Rights Center, and other international observers, the Khojaly tragedy was committed by the ethnic Armenian armed forces, reportedly with the assistance of the Russian 366th Motor Rifle Regiment. At the time, the massacre at Khojaly was described by Human Rights Watch as “the largest massacre to date in the conflict” over Nagorno-Karabakh in Azerbaijan. Largely condemned by the international community, in 2001 at least 30 members of the Parliamentary Assembly of the Council of Europe stated in Written Declaration No. 324 that the “Armenians massacred the whole population of Khojaly and fully destroyed the town.” Mr. Speaker, I ask my colleagues to join me in remembering the town and people of Khojaly who died on those fateful days and in offering our deepest condolences to Azerbaijan on this tragic anniversary.

HONORING MR. JOHN EMERSON

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mrs. MYRICK. Mr. Speaker, I rise today to honor both a colleague and friend—Mr. John Emerson—who is retiring from the United States Drug Enforcement Administration after 30 years of Federal service.

John began his career in public service as a volunteer fireman on Long Island. He then worked as a Border Patrol Agent for the Immigration and Naturalization Service where he protected our borders from illegal immigration and drug smugglers.

He joined the Drug Enforcement Administration in 1984. He worked in New York, Los Angeles, Bolivia, and Virginia before being named the Assistant Special Agent in Charge for North Carolina. In all of these posts, he was instrumental in successfully fighting drug trafficking.

The work that John has done to combat illegal drugs in our state is immense. For example, under his leadership and tireless work

with local law enforcement, over 70 clandestine methamphetamine laboratories were discovered in Western North Carolina. Since then, lab seizures in Western North Carolina have dropped by over fifty percent.

He was also a vital proponent of having our area labeled as a High Intensity Drug Trafficking Area (HIDTA). Under this designation, our local and state law enforcement agencies will have access to the resources they need in order to fight drug trafficking in our state.

As a mayor of Charlotte, I've seen firsthand the negative effect that drug dealers and drug trafficking can have on a community. John has spent his life going after dangerous drug smugglers in order to keep communities across the globe safe. His work cannot be understated—his career is one that has truly made a difference.

Mr. Speaker, I'm honored to recognize Mr. John Emerson's service to his country today, and I'm proud to say that our area is a safer one because of his work.

HONORING ELI JAMES COOPER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Eli James Cooper. Eli is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Eli has been very active with his troop, participating in many scout activities. Over the many years Eli has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Eli has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Eli James Cooper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING RICHARD "DICK" ALLEN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to recognize Mt. Diablo Unified School District, Board of Education Member and former President, Richard "Dick" Allen and congratulate him as he approaches his well-earned retirement.

Mr. Allen's career in public service demonstrates his lifelong commitment to the students, parents, staff and communities of the Mt. Diablo Unified School District, MDUSD, and I am grateful to him for his service to my constituents.

For the past 55 years, Mr. Allen has been an excellent teacher, mentor, respected col-

laborator, student advocate, leader and school board member. He has no doubt nurtured hundreds of students as they developed their skills to become productive leaders and citizens.

Mr. Allen's dedication is evidenced in the Dick Allen Award which was named in his honor. This award was established in 2006 to recognize someone or a group of people who have contributed above and beyond to the alternative education students and programs of alternative high schools in MDUSD. The first award was presented to Mr. Allen as he was the original administrator of alternative education programs in the MDUSD and a strong supporter of alternative education in general. This is just one small example of his remarkable leadership and dedication to excellence in education.

As Mr. Allen retires, I am pleased to have this opportunity to thank him publicly for his service. Our children, their families, and our entire community have benefitted immensely from his work. His is a lasting legacy and I join with his family, colleagues, and friends in congratulating him on a long and highly successful career and wish him a happy and healthy retirement.

THE RETIREMENT OF MRS. FLOREINE MENTEL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. DINGELL. Mr. Speaker, I rise to honor a fine public servant, a community leader and a dear friend of mine, Mrs. Floreine Mentel, on the occasion of her retirement.

Floreine M. Mentel is retiring from a teaching career of 50 years, including her most recent service as a Monroe County Adult Education and a G.E.D. examiner. Floreine has dedicated her life to service, both for the people she taught and the community she lives in. She has set a tremendous example for her community and proven without any doubt that one person's involvement does make a difference. For 14 years she served as a Monroe County Commissioner, helping to lead the County with wisdom, and intelligence and passion. In addition to this public service, Floreine has given her time and talents to numerous groups such as the Monroe County 4-H; the Area Agency on Aging 1-B; the Monroe Women's Center; the Monroe County Historical Society and many others. She was especially instrumental in helping to build the necessary community support for the new River Raisin National Battlefield Park.

I wish Floreine and Bill, her husband of more than 50 years, many more years of happiness together and enjoyment in retirement. Floreine is a remarkable public servant, a dedicated community member and an incredibly wonderful human being.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. CAPUANO. Mr. Speaker, I missed votes on January 26, 2011 and I wish to state how I would have voted had I been present: Rollcall No. 22, "no"; Rollcall No. 23, "yes"; Rollcall No. 24, "yes"; Rollcall No. 25, "no".

CELEBRATING THE CENTENNIAL ANNIVERSARY OF THE NEW YORK BRANCH OF THE NAACP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the Centennial Anniversary of the founding of the New York Branch of the National Association for the Advancement of Colored People.

On January 27, 1911, exactly 100 years ago today, the New York Branch of the NAACP received its Charter. Organized by Executive Committee members Mary White Ovington, Charles H. Suddins, Frances Blascoer, Oswald Garrison Villard, Gilchrist Stewart, Joel E. and Arthur Spingarn, the New York Branch was the first Branch established in the National Association's history.

In April 1911, Dr. W.E.B. DuBois proposed that the Branch should have an investigator and organizer to examine cases and complaints, to raise funds and develop a "forum for discussion." Gilchrist Stewart, a young attorney, was chosen to fill this role and become Chairman of the New York Branch Vigilance Committee. In the fall of 1911, the Branch opened in Harlem where "colored people could report any cases of injustice before the law." During the first six months, three cases were handled involving police brutality, which led to the trial and suspension of one police officer.

The New York Branch had successful campaigns to break up the pattern of theatre segregation. Despite these activities, the Branch was adversely affected by a lack of stability. In December 1913, the Board decided that the New York Vigilance Committee be reorganized and focus on fundraising for the National Association. The legal work handled by the Vigilance Committee was transferred to the National NAACP office, which by then, had a full-time lawyer.

At one time, the New York Branch became inactive, and when the NAACP Annual Report was published in 1916, the Branch was not listed. According to historian Charles Flint Kellogg, the original charter had been lost. Since there was no record of its date of issue, a new charter had been issued on November 11, 1917, when James Weldon Johnson succeeded in organizing a Harlem Branch and became its Vice President. That same year, Ms. Mary White-Ovington secured approval from the NAACP National Board, to enroll those individuals who participated in the 1917

Silent March on 5th Avenue. Each individual received a compensation of \$1 while serving as a member of the branch for the duration of 1 year.

During the fall of 1931, the New York Branch reverted back to an inactive status, and the NAACP National office enlisted Field Organizer, Daisy Lampkin to conduct a membership campaign which ended on October 2, 1931. As a result of the campaign, 500 new members were enrolled and \$3,323.00 was raised. As a result, the Branch was reorganized and granted a renewed charter on November 9, 1931. Since that date, the New York Branch has been one of the largest leading membership Branches of the NAACP.

Led by its President, Dr. Annie B. Martin, the New York (Harlem) Branch is continuing to work steadfastly on the front lines of the fight for justice. The Unit played a prominent role in the "Overground Railroad" demonstrations over voter registration concerns, started a Saturday program to help students develop study habits, and held legal redress forums, community health fairs and civic engagement activities.

James E. Allen also served as president of the New York branch and later helped to organize and become the first New York State Conference President. Other former presidents of the organization include: Ella Baker, Russell Crawford, Jawn Sandifer, Lionel Barrow, Lind H. White, I. Joseph Overton, Hon. Percy E. Sutton, Hon. Basil A. Paterson, Richard A. Hildebrand, Jeff L. Greenup, Carl Lawrence and the current president Dr. Annie B. Martin.

HONORING ALEXANDER BRYCE HAGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alexander Bryce Hager. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 120, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alexander has earned the Arrow of Light and the rank of Firebuilder in the Tribe of Mic-O-Say. Alexander has also contributed to his community through his Eagle Scout project. Alexander renovated a cabin at the United Methodist Church of Chillicothe, Missouri, by leveling the floors, painting the exterior, repairing the roof and constructing a deck for the cabin.

Mr. Speaker, I proudly ask you to join me in commending Alexander Bryce Hager for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE CABRILLO CIVIC CLUBS OF CALIFORNIA 76TH ANNUAL CONVENTION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. COSTA. Mr. Speaker, I rise today to congratulate the Cabrillo Civic Clubs of California on this memorable occasion of their 76th Annual Convention. I am especially honored to welcome all of the members of the Cabrillo Civic Clubs, traditionally known as "Cabrillians" to Lemoore, California, located in the heart of the 20th Congressional District.

Organized in January 1934 and chartered on December 19 of that same year, the Cabrillo Civic Clubs of California was created by Californians of Portuguese descent to promote the legacy of Portuguese mariner João Rodrigues Cabrilho who is credited with the discovery of California. Early efforts to create awareness of the Portuguese compatriot resulted in two milestones, both in 1935, with the establishment of a statewide Cabrillo Day observed annually on September 28 and the creation of a Cabrillo National Monument in Point Loma, California. Cabrillians have succeeded in having State Highway 1 christened the "Cabrillo Highway" in 1957 and in fostering the issuance of a U.S. postal stamp in João Rodrigues Cabrilho's honor in 1992.

Today, Cabrillo Civic Clubs of California members remain dedicated to the principals of their pioneer forefathers in the Golden State. With 12 chapters and an active membership boasting over 2,800 individuals, Cabrillians continue to engage in opportunities that promote and enhance civic progress. Special events, such as the San Diego Cabrillo Festival, Portuguese Immigrant Week and local Festas Portuguesas, allow Cabrillians to share and create awareness of Portuguese customs and traditions in communities across California. As Americans born of Portuguese immigrants, Cabrillo Civic Club members are proud to live the American dream and have a deep commitment to making meaningful contributions to their communities. Cabrillians dedicate their time and resources to innumerable charitable activities, including: organizing blood drives, fund raising for polio and cancer research, assisting candidates for U.S. citizenship, and providing college scholarships for students of Portuguese descent. Cabrillians are able to give back to our communities in so many important ways throughout our great Golden State.

As a son of Portuguese immigrants, I am very proud of the efforts made by the Cabrillo Civic Clubs of California that keep the legacy of my Portuguese ancestors alive and a part of the rich ethnic and cultural fabric of America. I ask my colleagues to rise with me today to express our sincere appreciation to the Cabrillo Civic Clubs of California for their extraordinary contributions to California and wish them continued success in all their endeavors.

HONORING MARY E. BRYANT

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. CASTOR of Florida. Mr. Speaker, I rise to herald the achievements of Mary E. Bryant and to acknowledge our pride in her valuable contributions to the Tampa Bay community, Hillsborough County Public Schools, and the students she loved.

Mary Bryant was a Tampa native who grew up in the Jim Crow era, when it was toughest for African-Americans to receive equal rights. She attended Middleton High School and graduated in 1951. Although neither of her parents completed high school, they worked hard to ensure that their daughter would accomplish what they could not. Her father worked as a truck driver, while her mom worked as a maid and presser at a local dry cleaning business.

After graduating from Middleton, Mary went on to earn a bachelor's degree in elementary education from Bethune-Cookman College in 1955. She then completed a master's degree from Florida A&M University and a doctorate from University of South Florida. She was a lifelong educator, working hard to inspire children for more than 40 years. After working in Okeechobee for several years, she began her career in Hillsborough County as a teacher and learning specialist at Henderson Elementary in 1968. In 1971, she became the principal of Phillip Shore Elementary and then at Roland Park in 1974.

During her long tenure as an educator in Hillsborough County, Mrs. Bryant truly made it her responsibility to care for the children in her classroom. She was known for giving blankets to families that could not afford them and food to children that came to school on an empty stomach. She would even keep soap and deodorant in her office for the students who could not bathe because the water was turned off at their home. She would not let any obstacle stand in the way of educating children. She also served as a dedicated mentor to many teachers under her guidance. Mary Bryant was the educator and leader that we all want in the classrooms teaching our children.

Though she was very humble, Mary Bryant received numerous awards, honors and leadership positions as an educator. In 1986, Mrs. Bryant became the first African-American woman to be appointed an area director for Hillsborough's Area II schools. In 1992, she became the first African-American woman to serve as the assistant superintendent for support services. Also, in 1993, she received the Ida S. Baker minority educator award. Hillsborough County named Bryant Elementary School in her honor.

Even after she retired in 1997, Mary continued to show her love, support and passion for Hillsborough County schools. She volunteered at school events, attended school board meetings, and served as a liaison for new principals. It is clear that her hard work and efforts have influenced countless children and teachers in Hillsborough County. It is for this reason that we would like to honor and recognize the remarkable career and life of Mary Bryant.

I stand with the Tampa Bay community and Hillsborough County Schools as we mourn the loss of a dear friend and colleague. We are proud to recognize Mary Bryant for her outstanding career and her many significant contributions to the Hillsborough County School System. Her determination and hard work have made her an inspirational leader within our community.

A TRIBUTE TO THE LEAGUE OF
WOMEN VOTERS PASADENA AREA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to honor The League of Women Voters Pasadena Area, LWVPA, upon its 75th anniversary.

The Pasadena League was established in late February, 1936, when 50 women—charter members—met in the Pasadena home of Mrs. James Grant Macpherson. Shortly afterwards, on March 31, 1936, about 100 women held a public meeting in Pasadena to launch this local League of Women Voters chapter. Working out of an office in the Women's City Club, the fledgling Pasadena League followed the national League's goals of political education, legislation and getting out the vote, while also focusing on children's issues, city government, and eradication of gender and racial discrimination in housing, education and government.

In the first few years, the new League studied government and child welfare issues, and was instrumental in working on a "street-trader law" that protected youth who sold newspapers on city streets. The 1940s saw the League leading guided tours of Pasadena City Hall, the appointment of two women to the city's Planning Commission, and assisting on a school bond issue. In the 1950s, the League urged the formation of a redevelopment agency to address blighted residential areas of Pasadena and published a pamphlet, *The Perfect City*, about planning, zoning and urban renewal, and citizen participation.

In the 1960s and 1970s, the League worked on local issues such as school and municipal bonds, and was instrumental in the formation of the Pasadena Human Relations Commission and the Commission on the Status of Women. The League promoted minority representation in local government, backed a 1968 measure to change the election system of the Pasadena City Council, advocated for the integration of Pasadena's public schools and sued the Pasadena Board of Education for violations of the Brown Act over that issue. By 1976, with the expansion of the League to include La C nada Flintridge and Sierra Madre, and the later incorporation of the Alhambra and South Pasadena Leagues, the LWVPA was the second largest league in California and a prominent political force.

The 1980s and 1990s saw the LWVPA produce public affairs programs on cable television, advocate for greater citizen input regarding power deregulation, support local library tax assessments and participate in the study and adoption of Instant Runoff Voting, and SmartVoter.org. From 2000 to 2011,

some of the LWVPA's achievements include supporting Prop 11 which established a Citizen's Redistricting Commission, providing objective information on ballot measures and conducting candidate forums, and monitoring affordable housing in local communities.

It is my honor to ask all Members of Congress to join me in congratulating the League of Women Voters Pasadena Area upon 75 years of service to the community.

HONORING JOSHUA JAMES THIEME

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Joshua James Thieme. Joshua is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 120, and earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joshua has earned the Arrow of Light and the rank of Firebuilder in the Tribe of Mic-O-Say. Joshua has also contributed to his community through his Eagle Scout project. Joshua restored an 19th century cemetery by clearing trees and brush and rebuilding 24 toppled headstones on the cemetery grounds.

Mr. Speaker, I proudly ask you to join me in commending Joshua James Thieme for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 70TH ANNIVERSARY OF CATHOLIC CHARITIES OF SOUTHERN NEVADA

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the 70th anniversary of Catholic Charities of Southern Nevada.

In 1941, Bishop Thomas K. Gorman acknowledged the need for a social service organization that would benefit Nevada. He assigned Father Thomas F. Collins as the first diocesan director of the Catholic Welfare Program.

Through boundless efforts and dedication, Father Collins organized programs for the homeless and needy, family programs, adoption services, and provided services to the United Service Organization, USO.

By 1945, the agency was incorporated under Nevada statutes and acquired a non-profit status under the name of Nevada Catholic Welfare Bureau.

In the 1960s, the agency expanded and began development of thrift stores, a child care center, and the St. Vincent Dining Facility.

During the 1970s and 1980s, as the population growth of Las Vegas doubled, more programs were needed and developed for senior citizens, refugee and immigration services, as well as a home for girls in crisis, an emergency shelter, a work program for homeless men, and an employment services center.

In 1995, the name was changed to Catholic Charities of Southern Nevada.

As the senior population of Southern Nevada continued to grow, Catholic Charities incorporated Respite Care and Supportive Services, Marian Residence for Senior Women, Crossroads Transitional Housing for Senior Men, and Telephone Reassurance. In addition, the Social Ministry program was established to provide assistance to outreach programs and the community through resources and program development.

In 1998, a 120 room apartment building for individual residents was finished and Catholic Charities was able to rebuild additional structures for Social Services, Migration Refugee and Immigration Services, Employment Services Program, Resident Work Program and Administration offices.

Since 2006, the Women, Infant and Children, WIC, Food, Homeless to Home, Senior Services Medical Nutrition Therapy, and Foster Grandparent Programs were created to better serve our community.

Catholic Charities strives toward assisting each individual who is seeking help to gain self-sufficiency and independence with dignity by providing diverse social service programs that are designed to assist infants to seniors through the entire community.

As the Representative for Nevada's First Congressional District, it gives me immense pride to recognize the 70th anniversary of Catholic Charities of Southern Nevada as they continue to be one of the largest private non-profit social service providers in the State of Nevada, offering the most comprehensive range of human services.

HONORING KEANA PARQUET

HON. ANDR  CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. CARSON of Indiana. Mr. Speaker, I would like to recognize Keana Parquet, teacher at Crooked Creek Elementary School in Indianapolis, Indiana, and recipient of the 2010 Milken Educator Award. Through her creative thinking and tireless efforts, Ms. Parquet has proven herself to be one of the most distinguished teachers in the nation and truly deserves this honor.

Providing young people with a solid education is crucial to shaping the future of our country and the world. Each year, the Milken Family Foundation honors a select number of educators who have already achieved success and who have the potential to accomplish even more. Ms. Parquet has dedicated herself to serving youth in Indianapolis. By implementing effective instructional techniques and

inspiring her students, Ms. Parquet has set an example for her fellow educators. As a result, her impact on the quality of education in Indianapolis transcends the walls of her classroom.

I encourage all of my colleagues to join me in praising Ms. Parquet for her hard work and dedication to educating youth in Indianapolis. I have no doubt that she will build on her success and inspire the next generation of Hoosiers.

HONORING MARTIN D. FINK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize the exemplary career of one of my constituents, Martin D. Fink, who recently retired after working for the United States Navy for 52 years. As a research and development engineer, Mr. Fink helped improve existing technologies and develop new capabilities that increased the safety, functionality, and efficiency of various Navy vessels. Mr. Fink's fine work earned him the Meritorious Civilian Service Award (1990) and the Superior Civilian Service Award (1994), the second highest civilian award that the Department of the Navy can bestow. Over the course of his career, Mr. Fink patented several inventions for use by the Navy, including a "Method for quantifying parameters for a ship roll simulation system" (2004), a "Vertical motion compensation for a crane's load" (2003), and an "Integrated and automated control of a crane's rider tagline system" (2000). Mr. Fink retired on December 31, 2010.

In 1958, Mr. Fink began his work for the Navy while still in school through a cooperative education program at the David Taylor Model Basin-Naval Ship Research and Development Center in Bethesda, Maryland. Mr. Fink earned a Bachelor of Science degree in Aerospace Engineering from Virginia Polytechnic Institute and State University in 1963 and a Master of Science degree in Engineering Administration from The George Washington University in 1972. During his 18 years of service at Carderock, he worked on developing the performance and acquisition requirements and documentation for the groundbreaking JEFF(A) and JEFF(B) Amphibious Assault Landing Craft (AALC) air cushion vehicle test craft and was an integration engineer for the two design fabrication contracts. In 1976 Mr. Fink transferred to the Naval Coastal Systems Center (NCSC) in Panama City, Florida to continue his work on the AALC project and to help establish the AALC Experimental Trials Unit. Mr. Fink's work was critical to the development of the acquisition documentation for the current Landing Craft Air Cushion (LCAC), which evolved out of the AALC project and currently provides the Navy's rapid deployment capabilities for troops and equipment.

In 1981 Mr. Fink was selected to serve as manager of the Merchant Ship Naval Augmentation Program/Strategic Sealift Research and Development program at the Naval Sea

Systems Command (NAVSEA), then in Arlington, Virginia. While there, he improved the military utility of commercial ships in support of Naval fleet requirements by undertaking the acquisition, integration and installation of more modern Navy and commercial equipment on government-owned merchant ships. From 1992–2000, Mr. Fink worked in the Strategic Sealift Program Office in NAVSEA, where he oversaw, among other projects, the development and acquisition of new hardware to expand and improve naval sealift capacity. In 2000 Mr. Fink joined the Program Executive Office, Ships as the Acquisition Program Manager for the development of the Maritime Prepositioning Force. From 2007 until his retirement, Mr. Fink served as Principal Assistant Program Manager for Research and Development/Small Business Innovation Research and Future Platforms.

Martin Fink has made numerous substantial contributions to the Department of the Navy over his 52 years of diligent and innovative service. From aiding in the design, development, and testing of military vehicles such as the Landing Craft Air Cushion, the development of shipboard cargo handling and seabased operational logistics support systems, Mr. Fink has helped improve existing capabilities and provide the Navy with vital new tools to support our sailors and marines.

Mr. Speaker, I am honored to recognize the long and productive career of Martin D. Fink and the contributions he has made to our Navy and extend our gratitude and appreciation to him for his outstanding service to our country.

HONORING JACOB MICHAEL HOPPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jacob Michael Hoppe. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jacob has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Jacob Michael Hoppe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes on January 26, 2011, which included rollcall votes Nos. 23, 24 and 25.

If I had been present, I would have voted in favor of rollcall vote No. 23, Representative GARY PETERS' (MI-09) amendment to H.R. 359.

I would have also voted in favor of rollcall vote No. 24, the Motion to Recommit H.R. 359 offered by Representative TIM WALZ (MN-01).

Lastly, I would have voted against rollcall vote No. 25, the final passage of H.R. 359.

HAPPY 90TH TO THE DAUGHTERS
OF MYRTLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, I am proud to be the Representative in this House of the Myrtle Baptist Church, an extraordinarily important congregation which has served predominately, but not exclusively, the African-American community in the City of Newton, Massachusetts since the 19th century. Myrtle Baptist has played an important role in the racial progress we have made from those post-slavery days to the present, and while that fight has not yet been won permanently, the leadership that Myrtle Baptist has provided in the City of Newton and the Greater Boston area has contributed significantly to the progress that has occurred.

Ninety years ago, under the pastorate of the Reverend Wade Ryan, the Church saw the establishment of the Daughters of Myrtle, which was formed with the mandate "to serve the Church and community spiritually and financially."

Mr. Speaker, they have done that extraordinarily well. From a group of committed churchwomen who were picked by the Reverend Ryan to help with the preparation of the service for Northern Baptist Convention Annual Meeting, DOM rapidly evolved into a vital part of a vital church.

Today, ninety years after its founding, DOM in their words continues "to sponsor events at the Church and have broadened our service to include helping those in need throughout our community via outreach efforts such as supporting local women's shelters, conducting annual pamper drives, and contributing to book drives for children's wards in various metropolitan Boston hospitals."

Mr. Speaker, I recently had the great honor of being invited to attend an inspirational worship service at which the torch was passed from Pastor Howard M. Haywood, who has for years been a pillar of the Newton community, to a new, vigorous pastor, whose presence has been greatly welcomed, Pastor Brandon T. Crowley.

Mr. Speaker, I believe that the work of the Daughters of Myrtle is an inspiration from which many in our country can learn, and I ask that the 90th Anniversary of this important organization be noted here.

RECOGNIZING DR. ROBERT
"BOBBY" FONG

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. CARSON of Indiana. Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Robert "Bobby" Fong for his outstanding contributions to Butler University and Indianapolis. Dr. Fong has served as President of Butler for the past 10 years. During his tenure he has been instrumental to the overall success of the university.

Dr. Fong was born to working-class immigrant parents. Despite facing many hardships, he persevered and overcame adversity by getting a quality education. He graduated magna cum laude from Harvard University in 1973 before earning his doctorate in English Literature from the University of California, Los Angeles in 1978. Dr. Fong immediately turned around and used his education and experiences to inspire others through teaching.

When he came to Butler as president in 2001, Dr. Fong took an active approach to leadership by implementing and completing successful strategic and budgetary plans. In addition, Dr. Fong oversaw improvements to Butler's infrastructure and student housing, which have had positive impacts on the university and the surrounding communities.

After 10 years of leadership at Butler, Dr. Fong has accepted a new position as president of Ursinus College in Pennsylvania where he will undoubtedly be successful in shaping the lives of even more students in pursuit of higher education. On behalf of the Seventh District of Indiana, I would like to thank Dr. Fong for his contributions and dedication to education. It is with a grateful heart that the Indianapolis community bids Dr. Fong farewell and wishes him the best of luck in his future endeavors.

HONORING CODY DANIEL
DETERDING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Cody Daniel Deterding. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many scout activities. Over the many years Cody has been involved with scouting, he has not only earned numerous

merit badges, but also the respect of his family, peers, and community. Most notably, Cody has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Cody Daniel Deterding for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMITTEE ON NATURAL RESOURCES RULES

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to clause 2(a)(2) of House of Representatives Rule XI, I hereby submit the rules of the Committee on Natural Resources.

RULES OF THE COMMITTEE ON NATURAL RESOURCES, U.S. HOUSE OF REPRESENTATIVES, 112TH CONGRESS, ADOPTED JANUARY 26, 2011

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee on Natural Resources (hereinafter in these rules referred to as the "Committee") and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to "Committee" and "Chairman" shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint Vice Chairmen of the Committee and the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 10 a.m. every Wednesday when the House is in session, unless canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) and clause 2(k) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the

markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. The provisions of clause 4(f) of House Rule XI are specifically made part of these rules by reference. To the maximum extent practicable, the Committee shall provide audio and visual coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings, and maintain the recordings of such coverage in a manner that is easily accessible to the public. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and all other applicable rules of the Committee and the House.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. MEETING AND HEARING PROCEDURES IN GENERAL

(a) Notice and Information for Members and the Public.

(1) The Chairman shall publicly announce the date, place and subject matter of: (i) a Committee hearing, which may not commence earlier than one week after such notice; or (ii) a Committee meeting, which may not commence earlier than the third day on which Members have notice thereof.

(2) A hearing or meeting may begin sooner if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting or hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the meeting or hearing at the earliest possible time. The Chief Legislative Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly make publicly available in electronic form the appropriate information as soon as possible after the public announcement is made.

(3) To the extent practicable, a background memorandum prepared by the Majority staff for the Majority Members and the Minority staff for the Minority Members summarizing the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Public Availability of Markup Text.—At least 24 hours prior to the markup of any legislation (or at the time of an announcement under paragraph (a)(2) above made within 24 hours before such meeting), the Chairman shall cause the text of such legislation to be made publicly available in electronic form.

(c) Meetings and Hearings To Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(d) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee

Rule 4(f). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(e) Quorums.

(1) A majority of the Members of the Committee shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena, the closing of any meeting or hearing to the public under clause 2(g)(1), clause 2(g)(2)(A) and clause 2(k)(5)(B) of House Rule XI, and the releasing of executive session materials under clause 2(k)(7) of House Rule X. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one-third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 15 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Chief Legislative Clerk to note the names of all Members present within the 15-minute period.

(f) Participation of Members in Committee and Subcommittees.—Any Member of the Committee may sit with any Subcommittee during any meeting or hearing, and by unanimous consent of the Members of the Subcommittee, may participate in such meeting or hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(g) Proxies.—No vote in the Committee or its Subcommittees may be cast by proxy.

(h) Record Votes.—Record votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(i) Postponed Record Votes.

(1) Subject to paragraph (2), the Chairman may, after consultation with the Ranking Minority Member, postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman shall resume proceedings on a postponed request at any time after reasonable notice, but no later than the next meeting day.

(2) Notwithstanding any intervening order for the previous question, when proceedings resume on a postponed question under paragraph (1), an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(3) This rule shall apply to Subcommittee proceedings.

(j) Privileged Motions.—A motion to recess from day to day, a motion to recess subject to the call of the Chairman (within 24 hours), and a motion to dispense with the first reading (in full) of a bill or resolution if printed copies are available, are nondebatable motions of high privilege.

(k) Layover and Copy Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of

consideration of the measure or recommendation.

(l) Access to Dais and Conference Room.—Access to the hearing rooms' daises (and to the conference rooms adjacent to the Committee hearing rooms) shall be limited to Members of Congress and employees of the Committee during a meeting of the Committee, except that Committee Members' personal staff may be present on the daises if their employing Member is the author of a bill or amendment under consideration by the Committee, but only during the time that the bill or amendment is under active consideration by the Committee. Access to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(m) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais or in the Committee hearing rooms during a meeting of the Committee.

(n) Motion to go to Conference with the Senate.—The Chairman may offer a motion under clause 1 of Rule XXII whenever the Chairman considers it appropriate.

RULE 4. HEARING PROCEDURES

(a) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Chief Legislative Clerk of the Committee or Subcommittee Clerk, at least two working days before the day of his or her appearance, a written statement of their proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. In addition, all witnesses shall be required to submit with their testimony a resume or other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony. Failure to comply with these requirements may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony.

(b) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(c) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable the Majority staff shall make available to the Majority Members and the Minority staff shall make available to the Minority Members a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(d) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which

the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(e) Oaths.—The Chairman of the Committee or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

(f) Opening Statements; Questioning of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(g) Materials for Hearing Record.—Any materials submitted specifically for inclusion in the hearing record must address the announced subject matter of the hearing and be submitted to the relevant Subcommittee Clerk or Chief Legislative Clerk no later than 10 business days following the last day of the hearing.

(h) Claims of Privilege.—Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be

filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Chief Legislative Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Chief Legislative Clerk of this request, the Chief Legislative Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Chief Legislative Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

"This report has not been officially adopted by the {Committee on Natural Resources} {Subcommittee} and may not therefore necessarily reflect the views of its Members."

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERENCES

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on National Parks, Forests and Public Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserved water rights.

(2) The National Wilderness Preservation System.

(3) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the erection of monuments to the memory of individuals.

(5) Federal and non-Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963.

(6) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, his-

toric sites and programs for international cooperation in the field of historic preservation.

(7) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(8) Public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(9) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(10) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(11) Forest reservations, including management thereof, created from the public domain.

(12) Public forest lands generally, including measures or matters related to entry, easements, withdrawals, grazing and Federal reserved water rights.

(13) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs

(1) All matters regarding insular areas of the United States.

(2) All measures or matters regarding the Freely Associated States and Antarctica.

(3) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries (except for the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act), interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(4) Wildlife resources, including research, restoration, refuges and conservation.

(5) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(6) Coastal barriers.

(7) Oceanography.

(8) Ocean engineering, including materials, technology and systems.

(9) Coastal zone management.

(10) Marine sanctuaries.

(11) U.N. Convention on the Law of the Sea.

(12) Sea Grant programs and marine extension services.

(13) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(14) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development and recycling programs, including policies and procedures.

(5) Indian water rights and settlements.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(10) Rights of way over public lands for underground energy-related transportation.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Indian and Alaska Native Affairs

(1) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(2) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under Rule X of the Rules of the House of Representatives.

(3) All matters regarding Native Alaskans.

(4) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(b) Full Committee.—The following measures and matters shall be retained at the Full Committee:

(1) Environmental and habitat measures of general applicability, including the National

Environmental Policy Act, the Endangered Species Act, and reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.

(2) All matters regarding Native Hawaiians.

(3) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Full Committee under this paragraph.

(4) All other measures and matters retained by the Full Committee, including those retained under Committee Rule 6(e).

(5) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) *Ex-officio Members.*—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) *Powers and Duties of Subcommittees.*—Each Subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee. Each Subcommittee shall have general and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(e) *Referral to Subcommittees; Recall.*

(1) Except as provided in paragraph (2) and for those measures or matters retained at the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition,

a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(1) *Consultation.*—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) *Vacancy.*—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) *Appointment.*—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) *Ex-Officio Members.*—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each Task Force, or special or select Subcommittee if they are not otherwise members. Ex-officio Members shall have the right to fully participate in activities but may not vote and may not be counted in establishing a quorum.

(c) *Party Ratios.*—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) *Temporary Resignation.*—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) *Chairman and Ranking Minority Member.*—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Member shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Committee.

RULE 9. COMMITTEE RECORDS

(a) *Segregation of Records.*—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) *Availability.*—The Committee shall make available to the public for review at reasonable times in the Committee office transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee.

(c) *Archived Records.*—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to House Rule VII. The Chairman of the Committee shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule VII, to withhold, or to provide a time, schedule or condition for availability of any record otherwise available. At the written request of any Member of the Committee, the matter shall be presented to the Committee for a determination and shall be subject to the same notice and quorum requirements for the conduct of business under Committee Rule 3.

(d) *Records of Closed Meetings.*—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) *Classified Materials.*—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

(f) *Committee Information Available for the Public.*—In addition to any other requirement of these rules or the Rules of the House of Representatives, the Chairman shall cause to be made available publicly in electronic form the following:

(1) a record of the votes on any question on which a recorded vote is demanded which shall be posted no later than 24 hours after the vote is taken that shall include:

(i) a copy of the amendment or a detailed description of the motion, order or other proposition; and

(ii) the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, the names of those Members voting present, and the names of any Member not present.

(2) copies of all amendments adopted in Committee by voice vote or unanimous consent within 24 hours of the adoption of the amendment.

(3) the rules of the Committee, once adopted, and any amendments thereto, in accordance with clause 2(a)(2) of House Rule XI.

(4) the statements required under the second sentence of clause 2(g)(5) of House Rule XI, with appropriate redactions to protect the privacy of the witness, which shall be posted no later than one day after the witness appears before the Committee.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) *Budget.*—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee and the Ranking Minority Member, the Chairman shall present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) *Expense Resolution.*—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House Rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House of Representatives.

(c) *Amendments.*—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on consistent with Committee Rule 3(a). A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval and made publicly available in electronic form.

RULE 14. OTHER PROCEDURES

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the

Committee, in accordance with the rules of the Committee and the Rules of the House of Representatives.

HONORING LOGAN CASSIDY AZEVEDO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Logan Cassidy Azevedo. Logan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Logan has been very active with his troop, participating in many scout activities. Over the many years Logan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Logan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Logan Cassidy Azevedo for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING WILLIAM L. BLANCKENBURG OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Judge William Blanckenburg, a great leader in the community of Napa Valley. Judge Blanckenburg is being honored by the Napa Valley College Foundation with their "Spirit of Napa Valley College Award" for his many contributions to higher education in Napa County.

Judge Blanckenburg is being recognized this evening for being one of the founding fathers of the Napa Valley College Foundation. He served as its first President and as a member of the board of directors for 33 years. His vision and leadership was essential in growing the foundation—today it boasts assets of over \$5 million. He has also made personal financial contributions to the college by establishing several endowment funds to support the library, student scholarships and college programs.

Bill is one of Napa Valley's most accomplished citizens. He is a retired Napa County Judge who served for 22 years on the bench. He received his B.A. in History from UC Berkeley as well as a JD from Boalt Hall of Law. He was admitted to the State Bar of California in 1939, establishing a law practice in Napa from 1941 to 1957. Bill's career as an attorney was interrupted by his service with the United States Army in World War II. Judge

Blanckenburg was a combat infantryman with the 3rd division at Anzio and was later commissioned in the Judge Advocate General Corps Reserve.

Judge Blanckenburg's catalog of community involvement and achievements is far too prolific to list here. He is a past President of the Rotary Club of Napa as well as the Napa Chamber of Commerce and the Napa County Bar Association. He is also a lifetime member of the Ridgeview PTA and a Member of the UC Berkeley Alumni Council, among many other boards and commissions.

Mr. Speaker and colleagues, it is my distinct pleasure to recognize Bill Blanckenburg for his many years of service. He has been a model citizen and leader in the Napa Valley and his presence has enriched the lives of everyone in our community. I join his entire family in thanking Bill for a distinguished lifetime of service and wishing him continued success and fulfillment.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,099,823,671,305.06.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,461,397,925,011.20 since then.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING CLIFFORD M. KENDALL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor the outstanding achievements of my constituent, Clifford M. Kendall. On February 9, 2011, Mr. Kendall will be receiving the Technology Council of Maryland's Lifetime Achievement Award. This recognition is richly deserved.

Cliff Kendall is a widely-respected business leader and entrepreneur whose accomplishments have benefitted our local community and our Nation. The first member of his family to graduate from college, Cliff earned a B.A. from the University of Maryland. Following graduation, he received an ROTC commission and served as a contracting officer in the U.S. Air Force. After earning an M.B.A. from the George Washington University, Cliff held positions at the Washington Gas and Light Company, American University, Washington University in St. Louis, and the consulting firm of Booz, Allen, & Hamilton, Inc.

In 1968, Cliff Kendall co-founded Computer Data Systems, Inc. (CDSI), now one of the nation's largest government contractors for information technology services and consulting.

Serving as the company's President, CEO, and Chairman, Cliff helped CDSI become a company known for its outstanding service to Federal, State, and local government agencies and for its loyalty to its employees. Cliff is currently the Chairman of the Board of VSE Corporation, and has served on the Boards of i360technology, Inc. and Burdeshaw Associates, Ltd. He has also served as Chairman of the Board of On-Site Sourcing, Inc., and on the Boards of Washington Real Estate Trust and Affiliated Computer Services, Inc.

An inductee to the Washington Business Hall of Fame, Cliff Kendall has drawn admiration and respect from his peers and competitors alike. He has received numerous honors for his accomplishments in the business and education communities. He is Past Chairman of the Technology Council of Maryland, the Montgomery/Prince George's County CEO Business Roundtable, and the Greater Washington Board of Trade, and the President of the Montgomery County Education Connection. He has also served on the Board of the Maryland Economic Development Commission and the Suburban Maryland High Technology Council.

Cliff Kendall has dedicated substantial effort to ensuring access to higher education. He is currently serving in his eighth year as Chairman of the Board of Regents for the University System of Maryland and has also served on the Board of Directors for the Association of Governing Boards of Universities and Colleges. Cliff led the effort to build a new building for the George Washington University School of Business and continues to serve on the GWU Business School Advisory Board. He and his wife Camille created the Cliff and Camille Kendall Foundation, which funds scholarships to students studying Computer, Mathematical, and Physical Sciences at the University of Maryland and Montgomery College. Cliff also has taught the capstone course for Johns Hopkins University's M.B.A. program as an adjunct professor.

In addition to his leadership and many contributions to business and higher education, Cliff Kendall has been deeply involved with non-profit organizations. He is the Founding Chair of the Community Foundation of Montgomery County and has been active with Lighthouse for the Blind and the Greater Washington Salvation Army.

On a personal note, I have benefitted greatly from Cliff's sage advice on a range of issues over the years. He was actively engaged in our debates in Annapolis over the future of higher education in Maryland. He has also been a strong advocate for making sure Maryland is at the cutting-edge of the high-technology economy. I am very grateful for all he has done for our community.

Mr. Speaker, I am pleased to honor Clifford Kendall and his extraordinary contributions to our country.

RECOGNIZING THE 60TH ANNIVERSARY OF THE NEVADA TEST SITE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the 60th anniversary of the Nevada Test Site on January 27, 2011, and the contributions of the thousands of men and women who served there throughout the Cold War. I deeply appreciate their dedication to their work and their unwavering patriotism. These test site workers are outstanding Americans and I thank them for being outstanding members of the southern Nevada community.

In 1950, President Harry Truman approved the recommendations of the Atomic Energy Commission and the Department of Defense to establish a continental site for atomic bomb experiments. After consideration of possible sites throughout the United States, it was decided that the 5000 square mile Las Vegas Bombing and Gunnery Range would be used for America's atomic weapons development program.

Shortly after midnight on January 27, 1951, personnel from the Los Alamos Scientific Laboratory delivered a "nuclear capsule" to a heavily guarded Air Force B-50D sitting on a taxi strip at Kirtland Air Force Base outside Albuquerque. The B-50D lifted off from the runway and headed west through the darkness toward Frenchman Flat, a remote desert valley located on the new Nevada Test Site, sixty-five miles northwest of Las Vegas.

Shortly after 3:00 a.m., the go-ahead was issued for the test, code named Able. At 5:45 a.m., the device exploded as planned at a height of 1,060 feet. The Atomic Energy Commission swiftly moved to turn the Nevada Test site into a permanent proving ground for nuclear weapons.

For over four decades, the Nevada Test Site served as the nation's principal proving ground for nuclear weapons. Almost 90 percent of the 1,052 tests since 1945 were conducted at the Nevada Test Site. During the 1950s, atmospheric testing provided for some spectacular visual performances, but also sent radioactive clouds beyond the test site boundaries and over inhabited areas. Concern regarding radioactive fallout spurred international test ban negotiations that culminated in the Limited Test Ban Treaty of 1963. The test ban treaty banned atmospheric testing, replacing it with underground testing.

The Nevada Test Site played a major role in winning the Cold War. Nuclear weapons capabilities and their testing shaped the manner in which the Cold War was fought. Many have argued that it was the determining factor in keeping the struggle from becoming an all-out hot war.

The Nevada Test Site resembles an actual battleground. Hundreds of saucer-like craters, formed by the subsidence of the ground above an underground test shot, pock the test site, creating an almost moon-like landscape. Although massive amounts of high-level radioactivity were locked into the earth in the con-

tained blasts, plutonium and other radioactive substances are still detectable above ground. This is the legacy of Cold War combat.

As the Representative for Nevada's First Congressional District, it is my great honor to recognize the 60th anniversary of the Nevada Test Site and commend all the men and women who contributed to the security of our Nation through their expertise, service, sacrifice and duty to country.

HONORING JEFFREY BRENDAN LEAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jeffrey Brendan Lean. Brendan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Brendan has been very active with his troop, participating in many scout activities. Over the many years Brendan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Brendan has earned rank of Ordeal Member in the Order of the Arrow and Firebuilder in the Tribe of Mic-O-Say. Brendan has also contributed to his community through his Eagle Scout project. Brendan designed and supervised the construction of a brick walkway to connect the East Entrance to the Family Life Center at Liberty United Methodist Church in Liberty, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jeffrey Brendan Lean for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MORTGAGE FORECLOSURES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. KUCINICH. Mr. Speaker, banks repossessed more than 1 million homes and issued nearly 3 million foreclosure notices in 2010. These record-breaking numbers defy a massive effort over the last two years by the Obama Administration to prevent foreclosures. Nearly \$12 billion dollars has been spent on a system to incentivize banks into lowering the monthly payments of troubled borrowers. But the program hasn't made a serious dent, and here's why: banks make more money on foreclosure than they do on mortgage loan modification.

Banks who give mortgages to homeowners also own many of the companies, known as servicers, which collect the monthly payments by borrowers. This seems like a logical arrangement, until you understand that servicers

make more profit if a homeowner defaults on their mortgage and gets foreclosed on, than if the bank gives that struggling homeowner a mortgage modification. Yet one in five homeowners owe more on their mortgage than their home is even worth.

This has kept well-intentioned mortgage modification efforts by the Obama Administration will not be able to seriously reduce foreclosures until the banks are forced to write down the value of mortgages.

IN HONOR OF THE UNI-CAPITOL
WASHINGTON INTERNSHIP PROGRAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. FARR. Mr. Speaker, I rise today to recognize the current participants of the Uni-Capitol Washington Internship Program. The Uni-Capitol Washington Internship Program is a unique eight week experience that brings some of the most dedicated Australian university students who have exhibited a passion for civic engagement and public service to Washington, DC to work in Congressional offices.

This year, I am honored to welcome Elizabeth 'Liz' Noble into my Washington, DC office and I'm thrilled to have the opportunity to participate in this valuable exchange program, as I have since this program was established in 2000. Since its inception, the program has seen 118 young Australians walk the halls of Congress in various capacities and it is with the utmost pride that I recognize the importance of the Uni-Capitol Washington Internship Program in the United States House of Representatives.

Ms. Noble joined my office on January 3, 2011 from the University of Canberra where she is pursuing her B.A. in International Studies and Political Communication. During her time in my office, Liz has proven herself to be a tremendously caring, intelligent and dedicated intern and I am honored to host her. In addition to serving my constituents with professionalism and respect, she has attended hearings and briefings, drafted legislative correspondence and has assisted my staffers with a variety of important research projects.

Founded and directed by former House and Senate staffer, Eric Federer, the program fosters cultural and educational exchanges between the United States and Australia. Mr. Federer deserves distinguished praise for his efforts in coordinating this program and the support he provides to all participants is truly incredible. Outside of working in Democratic and Republican House, Senate and Committee offices, interns are given the opportunity to explore our brand of democracy through panel discussions with political correspondents, Members of Congress and representatives from various government offices as well as professionals at non-government agencies.

Mr. Speaker, I cannot fully express how remarkable the Uni-Capitol Washington Internship Program is and how critical it is to strengthening ties with America's allies. Par-

ticipating in this special exchange is a memorable experience that will stay with Liz, her peers and my staff for the rest of their lives. I extend my sincere appreciation to Mr. Federer for developing and organizing this program, to my fellow Members of Congress and their dedicated staff for hosting, to Liz for grasping this opportunity with an open heart and a curious mind and to all participants for engaging in public service. I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Washington Internship Program and, again, thank Elizabeth Noble for her admirable participation and diligent work.

ALEX WALKER TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Alex Walker IV, of Salida, Colorado. The Colorado District Attorneys Council named him Investigator of the Year for his outstanding track record and tenacious work ethic.

A native of Salida, Alex has progressively worked his way up through the law enforcement field. He served as a corrections officer at the Buena Vista prison for two years before becoming a detective at the Salida Police Department. After four years of detective work, Alex went to work for the 11th Judicial District Attorney's office as an investigator. Superiors and coworkers quickly recognized Alex's high level of integrity and determined approach to tackling tough cases. One murder case required Alex to document 60 miles of disjointed and rambling crime scene to prep a case for trial, a task few others wanted to take on. Another case looked hopeless after three failed searches for a missing murder weapon. After other members of his team thought it was a lost cause, Alex was able to turn up with the weapon and close the case for good.

Mr. Speaker, I am proud to recognize Alex Walker's committed approach to law enforcement. I would like to thank him for his service.

HONORING ELDER BERRESFORD
"BERRY" BINGHAM

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of Elder Berresford "Berry" Bingham, the political director of Service Employees International Union, SEIU, Local 1021. A devoted community member and the first African American elected to the Alameda School Board, Mr. Bingham was a beloved father, grandfather, friend and colleague. Berry Bingham was taken from us too soon, on January 25, 2011 at the age of 64. Today, let us find comfort in the joy his life inspired. He was a talented, kind and spiritual man who touched countless lives throughout the Bay Area and beyond.

Berry Bingham was born in Montego Bay, Jamaica, and moved with his family to the United States at the age of 12. After high school and a brief stint in college, Mr. Bingham enlisted in the U.S. Navy and began a two-decade naval career. After retirement from the service in 1994, Mr. Bingham became increasingly interested in local schools in Alameda. That very same year, he became the first African American ever elected to the Alameda School Board. During his tenure from 1994 to 2002 he was known as a patient and steadfast advocate for children from all walks of life.

He was passionate about ensuring equal education opportunities for underserved children, and he was a candid proponent for diversity in schools throughout the west and east ends of Alameda. Even after he joined Local 616, which became SEIU Local 1021, Mr. Bingham kept children's interests as a priority, often traveling to Stockton to develop a Head Start campaign. For over 17 years, Mr. Bingham utilized his skill as a professional worker's advocate to fortify the union's ties with community organizations. In his role as Community Strength Coordinator, Mr. Bingham worked to represent public workers, including those in the city of Oakland, Alameda County, and employees of BART. He was also passionate about advocating for home care workers.

In addition to being a delegate of the Central Labor Council and a stalwart leader in the labor community, Mr. Bingham served as a Deacon and Elder of his church. Often called the "neighborhood dad," Mr. Bingham was immensely proud of the accomplishments of his three adult children, Kenya, Jovon and Brian, from his union with former wife, Kathy Bingham. The amicably divorced couple had recently become proud grandparents.

On a personal level, I was proud to call Berry not only my friend and colleague, but my brother. I met him in the early 90s. Berry was a consistent supporter and worker in my political efforts, and he was also a confidant who always "watched my back." For that, I am deeply grateful.

Today, California's 9th Congressional District salutes and honors an outstanding human being, Elder Berresford "Berry" Bingham. The contributions he made to others throughout his life are countless and precious. Mr. Bingham was a dear friend and he will be deeply missed by an extended group of loved ones. Although these days are difficult, I pray that our fond memories of Berry will bring us comfort and strength as we celebrate his life and legacy. May his soul rest in peace.

THE JOBLESS RATE: A
STATISTICAL FAKE-OUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. KUCINICH. Mr. Speaker, recent headlines have celebrated the most recent unemployment statistics from January, which showed the number of unemployed Americans to 9 percent. The rate is down from 9.8 percent in November, at its lowest level since

April 2009. This is the biggest two-month decline in the unemployment rate since 1958. This news was celebrated along with news of the stock market breaking high levels not seen in years.

But the upbeat headlines celebrating these figures are little comfort to the nearly 15 million unemployed Americans. Pull back the headlines and you discover a grim reality. More than 40 million Americans are in poverty, and that number is actually closer to 50 million, once health care, transportation, child care and other costs are included. The labor force participation rate, a measure of the number of working-age Americans who are employed, are willing to work or are actively looking for work, is the lowest it has been in over a generation. The job situation has been so grim for so long, that of the more than 6 million Americans who have been unemployed for 27 weeks or longer, many have given up hope of ever finding a job, and are no longer being counted. So before we start patting ourselves on the back for climbing out of the Great Recession, let's remember that for too many Americans, behavioral economics and celebratory newspaper headlines are not something you can eat.

TRIBUTE TO SUE ANSCHUTZ-RODGERS

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. TIPTON. Mr. Speaker, it is a great honor and privilege of mine to rise and pay tribute to a lady who represents dignity, relentless perseverance and the pioneer spirit. Mrs. Sue Anschutz-Rodgers is an inspirational woman who can lay claim to being many different things at once. Most importantly she is the loving mother and grandmother of three wonderful daughters and many grandchildren. Aside from being the matriarch of her family, she is also a passionate philanthropist, a talented business woman and a dedicated rancher.

Mrs. Anschutz-Rodgers was born on the Kansas countryside, and those rural roots have never left her sense of being. She went on to graduate from the University of Kansas. She then moved to Arkansas before putting permanent roots in Denver with the rest of her family. It was not long before Anschutz-Rodgers results driven attitude began making great contributions to Denver and to Colorado. She has been a staple on the Anschutz Family Foundation since its inception in 1982, and is now the chairwoman and president. The Anschutz Family Foundation has been instrumental in aiding urban and rural charities and organizations across the State of Colorado. Mrs. Anschutz-Rodgers also owns and operates an impressive cattle ranch on Colorado's western slope. She is a reputable cattlegirl, and a champion of ranching causes throughout Colorado and the western United States. Sue has developed a remarkable ability to translate her own personal success as a philanthropist and business minded cattlegirl into benefitting Colorado and the

way of life she loves. Anschutz-Rodgers has actively supported and become closely involved in a multitude of beneficial organizations. She was an original member of the Colorado Cattleman's Agricultural Land Trust and actively serves the National Western Stock Show. In keeping with her rural background she has been instrumental in bringing about Colorado Philanthropy Days, which brings non-profit organizations to the rural regions of Colorado. She is also on the board of Crow Canyon Archeological Center in Cortez, CO; which strives to preserve the Native American culture in the Southwest part of our state. Anschutz-Rodgers is also quite active in The National Stroke Association, The Boy Scouts of America and the National Fish and Wildlife Foundation. Sue Anschutz-Rodgers has been a pillar in the Colorado Community, and has relentlessly given herself to countless causes that benefit an untold amount of people.

Mr. Speaker, Mrs. Sue Anschutz-Rodgers is the embodiment of the age old adage that to whom much is given, much is expected. Actions speak louder than words, and her actions reveal a woman who is dedicated to improving the world she lives in.

HONORING DR. LYNNE OPPERMAN ON BEING NAMED PRESIDENT-ELECT OF AMERICAN ASSOCIATION OF ANATOMISTS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Dr. Lynne Opperman on being named president-elect of the American Association of Anatomists.

Dr. Lynne Opperman currently serves as the director of the director of technology development and professor in biomedical sciences at the Texas A&M Health Science Center Baylor College of Dentistry located in Dallas, Texas. Her stellar career path in the sciences spans over twenty-five years where she has published numerous articles and served as a principal investigator for grants and subcontracts. She has been a friend and a mentor to many, inspiring the next generation of leaders in these fields. Dr. Opperman is constantly giving back to her community through her dedication and hard work and should be honored for the example she sets.

Throughout the years as a nurse, elected official and now as the Ranking Member on the Committee on Science, Space and Technology I have always been encouraged by individuals such as Dr. Opperman who are strengthening our Nation's Science and Technology infrastructure. I know that Dr. Opperman will take the same passion and vigor from her previous roles into her new position as President-Elect of the American Association of Anatomists.

Mr. Speaker, it gives me great pride to know talented individuals such as Dr. Opperman reside in the district I represent. It should give us all optimism knowing individuals such as Dr. Opperman are making a positive difference in this country. I ask all of my col-

leagues to join with me in celebrating Dr. Lynne Opperman being named as President-Elect of the American Association of Anatomists.

LAW ENFORCEMENT STATUS FOR LAW ENFORCEMENT OFFICERS!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. FILNER. Mr. Speaker, I recently reintroduced The Law Enforcement Officers Equity Act (H.R. 327). The purpose of this bill is simply to give law enforcement status to all federal law enforcement officers.

Many federal officials—for example, the Border Patrol—are classified as "law enforcement officers," for the purposes of determining salary and retirement benefits. But many other officers—such Immigration and Customs Enforcement (ICE) Inspectors, Veterans' Affairs Police Officers, U.S. Mint Police Officers, Internal Revenue Officers, Customs and Border Protection Seized Property Specialists, and police officers in about two dozen other agencies—do not have equal pay and benefits status.

The tragic irony is that the only time these officers are classified as law enforcement officers is when they are killed in the line of duty. Then their names are inscribed on the wall of the National Law Enforcement Officers Memorial right here in Washington.

Let me say that again. It is only when they are killed that they are called law enforcement officers, and that is a tragic irony.

My district encompasses the entire California-Mexico border and is home to two of the busiest border crossings in the entire world, so I am very familiar with the work of our nation's border inspectors. They wear bulletproof vests, they carry firearms, and, unfortunately, have to use them. Most importantly, these inspectors are subject to the same risks as other officers with whom they serve side-by-side. However, they are not eligible for early retirement and other benefits, which are designed to maintain a young and vigorous law enforcement workforce that we need to combat those who pose life-threatening risks to our society.

The Law Enforcement Officers Equity Act will provide well-deserved pay and retirement benefits to the officers protecting our borders, our ports of entry, our military and veterans' installations and other sensitive government buildings. The costs of these benefits would likely be off-set by savings in training costs and increased revenue collection. The bill will also reduce turnover, increase yield, decrease recruitment and development costs and enhance the retention of a well-trained and experienced workforce.

The simple fact is that these officers have dangerous jobs and deserve to be recognized as law enforcement officers, just like others with whom they serve, side by side, and who share the same level of risk. I encourage my colleagues to join me in supporting the Law Enforcement Officers Equity Act. The valiant officers who protect us deserve no less.

RUTH HUMPHREYS BROWN
TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize the life of Ruth Humphreys Brown of Aspen, Colorado. She passed away on December 30, 2010, at the age of 90. Ruth was an important contributor in her community.

Mrs. Brown grew up in Denver and received an education from the Kent School, Miss Porter's School in Connecticut and Finch College in New York. After graduation, she served in World War II as a Women's Air Force Service Pilot and received the Congressional Gold Medal for her wartime efforts. Following the war, she returned to her home in Colorado to start a family and small business. Brown married her husband, DRC Brown, and the two settled in Carbondale, Colorado, where they lived on a ranch for more than three decades.

Brown was a leader in her community and a constant contributor to the public good. She helped start the Tri County Medical Center, The Brown Ice Palace, the Aspen Recovery Unit, a blind skiing program, and the first Outward Bound program in the United States. In 1959, Mrs. Brown started a foundation in her name to benefit non-profits in Colorado. The city of Aspen has honored her by inducting Mrs. Brown into the Aspen Hall of Fame. Ruthie's Run, on Aspen, bears her name for her efforts in the skiing community.

Mr. Speaker, I am proud to honor a great American and committed citizen, wife and mother. Ruth Humphreys Brown deserves the recognition of this body for her service to her community and her country.

RULES OF THE COMMITTEE ON
HOMELAND SECURITY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. KING of New York. Mr. Speaker, I submit the following.

RULES OF THE COMMITTEE ON HOMELAND
SECURITY ADOPTED JANUARY 26, 2011

RULE I.—GENERAL PROVISIONS.

(A) *Applicability of the Rules of the U.S. House of Representatives.*—The Rules of the U.S. House of Representatives (the "House") are the rules of the Committee on Homeland Security (the "Committee") and its subcommittees insofar as applicable.

(B) *Applicability to Subcommittees.*—Except where the terms "Full Committee" and "subcommittee" are specifically mentioned, the following rules shall apply to the Committee's subcommittees and their respective Chairmen and Ranking Minority Members to the same extent as they apply to the Full Committee and its Chairman and Ranking Minority Member.

(C) *Appointments by the Chairman.*—Clause 2(d) of Rule XI of the House shall govern the designation of a Vice Chairman of the Full Committee.

(D) *Recommendation of Conferees.*—Whenever the Speaker of the House is to appoint

a conference committee on a matter within the jurisdiction of the Full Committee, the Chairman shall recommend to the Speaker of the House conferees from the Full Committee. In making recommendations of Minority Members as conferees, the Chairman shall do so with the concurrence of the Ranking Minority Member of the Committee.

(E) *Motions to Disagree.*—The Chairman is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(F) *Committee Website.*—The Chairman shall maintain an official Committee web site for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members, other Members, and the public at large. The Ranking Minority Member may maintain a similar web site for the same purposes. The official Committee web site shall display a link on its home page to the web site maintained by the Ranking Minority Member.

(G) *Activity Report.*—Not later than the 30th day after June 1 and December 1, the Committee shall submit to the House a semi-annual report on the activities of the Committee. After adjournment sine die of a regular session of Congress, or after December 15, whichever occurs first, the Chair may file the second or fourth semiannual report with the Clerk at any time and without approval of the Committee provided that a copy of the report has been available to each Member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a Member of the Committee.

RULE II.—TIME OF MEETINGS.

(A) *Regular Meeting Date.*—The regular meeting date and time for the transaction of business of the Full Committee shall be at 10:00 a.m. on the first Wednesday that the House is in Session each month, unless otherwise directed by the Chairman.

(B) *Additional Meetings.*—At the discretion of the Chairman, additional meetings of the Committee may be scheduled for the consideration of any legislation or other matters pending before the Committee or to conduct other Committee business. The Committee shall meet for such purposes pursuant to the call of the Chairman.

(C) *Consideration.*—Except in the case of a special meeting held under clause 2(c)(2) of House Rule XI, the determination of the business to be considered at each meeting of the Committee shall be made by the Chairman.

RULE III.—NOTICE AND PUBLICATION.

(A) *Notice.*—

(1) *Hearings.*—Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee shall make public announcement of the date, place, and subject matter of any hearing before the Full Committee or subcommittee, which may not commence earlier than one week after such notice. However, if the Chairman of the Committee, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The names of all witnesses scheduled to appear at such hearing shall be provided to Members no later than 48 hours prior to the commencement of such hearing.

(2) *Meetings.*—The date, time, place and subject matter of any meeting, other than a hearing or a regularly scheduled meeting, may not commence earlier than the third day on which Members have notice thereof except in the case of a special meeting called under clause 2(c)(2) of House Rule XI. These notice requirements may be waived if the Chairman with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting sooner or if the Committee so determines by majority vote, a quorum being present for the transaction of business.

(a) Copies of any measure or matter to be considered for approval by the Committee at any meeting, including any mark, print or amendment in the nature of a substitute shall be provided to the Members at least 24 hours in advance.

(b) At least 24 hours prior to the commencement of a meeting for the markup of a measure or matter, the text of such measure or matter, including any mark, print or amendment in the nature of a substitute, shall be made publicly available in electronic form and, to the extent practicable, posted on the official Committee web site.

(c) Not later than 24 hours after concluding a meeting to consider a measure or matter, the text of such measure or matter as ordered forwarded or reported, including any adopted amendments, shall be made publicly available in electronic form and, to the extent practicable, posted on the official Committee web site.

(3) *Publication.*—The meeting or hearing announcement shall be promptly published in the Daily Digest portion of the Congressional Record. To the greatest extent practicable, meeting announcements shall be entered into the Committee scheduling service of the House Information Resources.

RULE IV.—OPEN MEETINGS AND HEARINGS;
BROADCASTING.

(A) *Open Meetings.*—All meetings and hearings of the Committee shall be open to the public including to radio, television, and still photography coverage, except as provided by Rule XI of the Rules of the House or when the Committee, in open session and with a majority present, determines by recorded vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate a witness, or violate any law or rule of the House of Representatives.

(B) *Broadcasting.*—Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered by television broadcast, internet broadcast, print media, and still photography, or by any of such methods of coverage, in accordance with the provisions of clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI and all other applicable rules of the Committee and the House. Priority shall be given by the Committee to members of the Press Galleries. Pursuant to clause 2(e) of rule XI of the Rules of the House of Representatives, the Committee shall, to the greatest extent practicable, provide audio and video coverage of each hearing or meeting in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(C) *Transcripts*.—A transcript shall be made of the testimony of each witness appearing before the Committee during a Committee hearing. All transcripts of meetings or hearings that are open to the public shall be made available.

RULE V.—PROCEDURES FOR MEETINGS AND HEARINGS.

(A) *Opening Statements*.—At any meeting of the Committee, the Chairman and Ranking Minority Member shall be entitled to present oral opening statements of five minutes each. Other Members may submit written opening statements for the record. The Chairman presiding over the meeting may permit additional opening statements by other Members of the Full Committee or of that subcommittee, with the concurrence of the Ranking Minority Member.

(B) *The Five-Minute Rule*.—The time any one Member may address the Committee on any bill, motion, or other matter under consideration by the Committee shall not exceed five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be extended when permitted by unanimous consent.

(C) *Postponement of Vote*.—The Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed vote at any time, provided that all reasonable steps have been taken to notify Members of the resumption of such proceedings, including, when practicable, circulation of notice by the Clerk of the Committee. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(D) *Contempt Procedures*.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the Full Committee has, upon notice to all its Members, met and considered the alleged contempt. The person to be cited for contempt shall be afforded, upon notice of at least 72 hours, an opportunity to state why he or she should not be held in contempt prior to a vote of the Full Committee, with a quorum being present, on the question whether to forward such recommendation to the House. Such statement shall be, in the discretion of the Chairman, either in writing or in person before the Full Committee.

RULE VI.—WITNESSES.

(A) *Questioning of Witnesses*.—

(1) Questioning of witnesses by Members will be conducted under the five-minute rule unless the Committee adopts a motion permitted by clause 2(j)(2) of House Rule XI.

(2) In questioning witnesses under the five-minute rule, the Chairman and the Ranking Minority Member shall first be recognized. In a subcommittee meeting or hearing, the Chairman and Ranking Minority Member of the Full Committee are then recognized. All other Members that arrive before the commencement of the meeting or hearing will be recognized in the order of seniority on the Committee, alternating between Majority and Minority Members. Committee Members arriving after the commencement of the hearing shall be recognized in order of appearance, alternating between Majority and Minority Members, after all Members present at the beginning of the hearing have

been recognized. Each Member shall be recognized at least once before any Member is given a second opportunity to question a witness.

(3) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion, may permit an extension of the period of questioning of a witness beyond five minutes but the time allotted must be equally apportioned to the Majority party and the Minority and may not exceed one hour in the aggregate.

(4) The Chairman, in consultation with the Ranking Minority Member, or the Committee by motion, may permit Committee staff of the Majority and Minority to question a witness for a specified period of time, but the time allotted must be equally apportioned to the Majority and Minority staff and may not exceed one hour in the aggregate.

(B) *Minority Witnesses*.—Whenever a hearing is conducted by the Committee upon any measure or matter, the Minority party Members on the Committee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of such hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(C) *Oath or Affirmation*.—The Chairman of the Committee or any Member designated by the Chairman, may administer an oath to any witness.

(D) *Statements by Witnesses*.—

(1) Consistent with the notice given, witnesses shall submit a prepared or written statement for the record of the proceedings (including, where practicable, an electronic copy) with the Clerk of the Committee no less than 48 hours in advance of the witness's appearance before the Committee. Unless the 48-hour requirement is waived or otherwise modified by the Chairman, after consultation with the Ranking Minority Member, the failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony. The Clerk of the Committee shall provide any such prepared or written statement submitted to the Clerk prior to the hearing to the Members of the Committee prior to the commencement of the hearing.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vita and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness. Such disclosures shall be made publicly available, with appropriate redactions to protect the privacy of the witness, in electronic form not later than one day after the witness appears.

RULE VII.—QUORUM.

Quorum Requirements.—Two Members shall constitute a quorum for purposes of taking testimony and receiving evidence. One-third of the Members of the Committee shall constitute a quorum for conducting business, except for (1) reporting a measure or recommendation; (2) closing Committee meetings to the public, pursuant to Committee Rule IV; (3) authorizing the issuance of subpoenas; and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law. The Chairman shall make reasonable ef-

forts, including consultation with the Ranking Minority Member when scheduling meetings and hearings, to ensure that a quorum for any purpose will include at least one Minority Member of the Committee.

RULE VIII.—DECORUM.

(A) *Breaches of Decorum*.—The Chairman may punish breaches of order and decorum, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(B) *Access to Dais*.—Access to the dais before, during, and after a hearing, markup, or other meeting of the Committee shall be limited to Members and staff of the Committee. Subject to availability of space on the dais, Committee Members' personal staff may be present on the dais during a hearing if their employing Member is seated on the dais and during a markup or other meeting if their employing Member is the author of a measure or amendment under consideration by the Committee, but only during the time that the measure or amendment is under active consideration by the Committee, or otherwise at the discretion of the Chairman, or of the Ranking Minority Member for personal staff employed by a Minority Member.

(C) *Wireless Communications Use Prohibited*.—During a hearing, mark-up, or other meeting of the Committee, ringing or audible sounds or conversational use of cellular telephones or other electronic devices is prohibited in the Committee room.

RULE IX.—SUBCOMMITTEES.

(A) *Generally*.—The Full Committee shall be organized into the following six standing subcommittees and shall have specific responsibility for such measures or matters as the Chairman refers to it:

(1) Subcommittee on Border and Maritime Security

(2) Subcommittee on Emergency Preparedness, Response and Communications

(3) Subcommittee on Transportation Security

(4) Subcommittee on Counterterrorism and Intelligence

(5) Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies

(6) Subcommittee on Oversight, Investigations, and Management

(B) *Selection and Ratio of Subcommittee Members*.—The Chairman and Ranking Minority Member of the Full Committee shall select their respective Members of each subcommittee. The ratio of Majority to Minority Members shall be comparable to the Full Committee, except that each subcommittee shall have at least two more Majority Members than Minority Members.

(C) *Ex Officio Members*.—The Chairman and Ranking Minority Member of the Full Committee shall be ex officio members of each subcommittee but are not authorized to vote on matters that arise before each subcommittee. The Chairman and Ranking Minority Member of the Full Committee shall only be counted to satisfy the quorum requirement for the purpose of taking testimony and receiving evidence.

(D) *Powers and Duties of Subcommittees*.—Except as otherwise directed by the Chairman of the Full Committee, each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Full Committee on all matters within its purview. Subcommittee Chairmen shall set hearing and meeting dates only with the approval of the Chairman of the Full Committee. To the greatest extent practicable, no more than one meeting and hearing should be scheduled for a given time.

(E) *Special Voting Provision.*—If a tie vote occurs in a Subcommittee on the question of forwarding any measure to the Full Committee, the measure shall be placed on the agenda for Full Committee consideration as if it had been ordered reported by the Subcommittee without recommendation.

RULE X.—COMMITTEE PANELS.

(A) *Designation.*—The Chairman of the Full Committee, with the concurrence of the Ranking Minority Member, may designate a panel of the Committee consisting of Members of the Committee to inquire into and take testimony on a matter or matters that warrant enhanced consideration and to report to the Committee.

(B) *Duration.*—No panel appointed by the Chairman shall continue in existence for more than six months after the appointment.

(C) *Party Ratios and Appointment.*—Consistent with the party ratios established by the Majority party, all Majority members of the panels shall be appointed by the Chairman of the Committee, and all Minority members shall be appointed by the Ranking Minority Member of the Committee. The Chairman of the Committee shall choose one of the Majority Members so appointed who does not currently chair another Subcommittee of the Committee to serve as Chairman of the panel. The Ranking Minority Member of the Committee shall similarly choose the Ranking Minority Member of the panel.

(D) *Ex Officio Members.*—The Chairman and Ranking Minority Member of the Full Committee may serve as ex officio Members of each committee panel but are not authorized to vote on matters that arise before a committee panel and shall not be counted to satisfy the quorum requirement for any purpose other than taking testimony.

(E) *Jurisdiction.*—No panel shall have legislative jurisdiction.

(F) *Applicability of Committee Rules.*—Any designated panel shall be subject to all Committee Rules herein.

RULE XI.—REFERRALS TO SUBCOMMITTEES.

Referral of Bills and Other Matters by Chairman.—Except for bills and other matters retained by the Chairman for Full Committee consideration, each bill or other matter referred to the Full Committee shall be referred by the Chairman to one or more subcommittees within two weeks of receipt by the Committee. In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Full Committee. Bills or other matters referred to subcommittees may be reassigned or discharged by the Chairman.

RULE XII.—SUBPOENAS.

(A) *Authorization.*—Pursuant to clause 2(m) of Rule XI of the House, a subpoena may be authorized and issued under the seal of the House and attested by the Clerk of the House, and may be served by any person designated by the Full Committee for the furtherance of an investigation with authorization by—

(1) a majority of the Full Committee, a quorum being present; or

(2) the Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, during any period for which the House has adjourned for a period in excess of 3 days pursuant to a concurrent resolution when, in the opinion of the Chairman of the Full Committee, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The

Chairman of the Full Committee shall notify Members of the Committee of the authorization and issuance of a subpoena under this rule as soon as practicable, but in no event later than one week after service of such subpoena.

(B) *Disclosure.*—Provisions may be included in a subpoena with the concurrence of the Chairman and the Ranking Minority Member of the Full Committee, or by the Committee, to prevent the disclosure of the Full Committee's demands for information when deemed necessary for the security of information or the progress of an investigation, including but not limited to prohibiting the revelation by witnesses and their counsel of Full Committee's inquiries.

(C) *Subpoena duces tecum.*—A subpoena duces tecum may be issued whose return to the Committee Clerk shall occur at a time and place other than that of a regularly scheduled meeting.

(D) *Affidavits and Depositions.*—The Chairman of the Full Committee, in consultation with the Ranking Minority Member of the Full Committee, or the Committee may authorize the taking of an affidavit or deposition with respect to any person who is subpoenaed under these rules but who is unable to appear in person to testify as a witness at any hearing or meeting. Notices for the taking of depositions shall specify the date, time and place of examination. Depositions shall be taken under oath administered by a Member or a person otherwise authorized by law to administer oaths. Prior consultation with the Ranking Minority Member of the Full Committee shall include written notice three business days before any deposition is scheduled to provide an opportunity for Minority staff to be present during the questioning.

RULE XIII.—COMMITTEE STAFF.

(A) *Generally.*—Committee staff members are subject to the provisions of clause 9 of House Rule X and must be eligible to be considered for routine access to classified information.

(B) *Staff Assignments.*—For purposes of these rules, Committee staff means the employees of the Committee, detailees, fellows, or any other person engaged by contract or otherwise to perform services for, or at the request of, the Committee. All such persons shall be either Majority, Minority, or shared staff. The Chairman shall appoint, determine remuneration of, supervise, and may remove Majority staff. The Ranking Minority Member shall appoint, determine remuneration of, supervise, and may remove Minority staff. In consultation with the Ranking Minority Member, the Chairman may appoint, determine remuneration of, supervise and may remove shared staff that is assigned to service of the Committee. The Chairman shall certify Committee staff appointments, including appointments by the Ranking Minority Member, as required.

(C) *Divulgence of Information.*—Prior to the public acknowledgement by the Chairman or the Committee of a decision to initiate an investigation of a particular person, entity, or subject, no member of the Committee staff shall knowingly divulge to any person any information, including non-classified information, which comes into his or her possession by virtue of his or her status as a member of the Committee staff, if the member of the Committee staff has a reasonable expectation that such information may alert the subject of a Committee investigation to the existence, nature, or substance of such investigation, unless authorized to do so by the Chairman or the Committee.

RULE XIV.—COMMITTEE MEMBER AND COMMITTEE STAFF TRAVEL.

(A) *Approval of Travel.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any Committee Member or Committee staff shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Committee Member or Committee staff only in connection with official Committee business, such as the attendance of hearings conducted by the Committee and meetings, conferences, site visits, and investigations that involve activities or subject matters under the general jurisdiction of the Full Committee.

(1) Proposed Travel by Majority Party Committee Members and Committee Staff.—In the case of proposed travel by Majority party Committee Members or Committee staff, before such authorization is given, there shall be submitted to the Chairman in writing the following: (a) the purpose of the travel; (b) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (c) the location of the event for which the travel is to be made; (d) the estimated total cost of the travel; and (e) the names of Members and staff seeking authorization. On the basis of that information, the Chairman shall determine whether the proposed travel is for official Committee business, concerns a subject matter under the jurisdiction of the Full Committee, and is not excessively costly in view of the Committee business proposed to be conducted.

(2) Proposed Travel by Minority Party Committee Members and Committee Staff.—In the case of proposed travel by Minority party Committee Members or Committee staff, the Ranking Minority Member shall provide to the Chairman a written representation setting forth the information specified in items (a), (b), (c), (d) and (e) of subparagraph (1) and his or her determination that such travel complies with the other requirements of subparagraph (1).

(B) *Foreign Travel.*—All Committee Members and Committee staff requests for foreign travel must include a written representation setting forth the information specified in items (a), (b), (c), (d) and (e) of subparagraph (A)(1) and be submitted to the Chairman not fewer than ten business days prior to the start of the travel. Within thirty days of the conclusion of any such foreign travel authorized under this rule, there shall be submitted to the Chairman a written report summarizing the information gained as a result of the travel in question, or other Committee objectives served by such travel. The requirements of this section may be waived or abridged by the Chairman.

(C) *Compliance with Committee Travel Policy and Guidelines.*—Travel must be in accordance with the Committee Travel Policy and Guidelines, as well as with House Rules, the Travel Guidelines and Regulations and any additional guidance set forth by the Committee on Ethics and the Committee on House Administration. Committee Members and staff shall follow these rules, policies, guidelines, and regulations in requesting and proceeding with any Committee-related travel.

RULE XV.—CLASSIFIED AND CONTROLLED UNCLASSIFIED INFORMATION.

(A) *Security Precautions.*—Committee staff offices, including Majority and Minority offices, shall operate under strict security precautions administered by the Security Officer of the Committee. A security officer

shall be on duty at all times during normal office hours. Classified documents and controlled unclassified information (CUI)—formerly known as sensitive but unclassified (SBU) information—may be destroyed, discussed, examined, handled, reviewed, stored, transported and used only in an appropriately secure manner in accordance with all applicable laws, executive orders, and other governing authorities. Such documents may be removed from the Committee's offices only in furtherance of official Committee business. Appropriate security procedures, as determined by the Chairman in consultation with the Ranking Minority Member, shall govern the handling of such documents removed from the Committee's offices.

(B) *Temporary Custody of Executive Branch Material.*—Executive branch documents or other materials containing classified information in any form that were not made part of the record of a Committee hearing, did not originate in the Committee or the House, and are not otherwise records of the Committee shall, while in the custody of the Committee, be segregated and maintained by the Committee in the same manner as Committee records that are classified. Such documents and other materials shall be returned to the Executive branch agency from which they were obtained at the earliest practicable time.

(C) *Access by Committee Staff.*—Access to classified information supplied to the Committee shall be limited to Committee staff members with appropriate security clearances and a need-to-know, as determined by the Chairman or Ranking Minority Member, and under the direction of the Majority or Minority Staff Directors.

(D) *Maintaining Confidentiality.*—No Committee Member or Committee staff shall disclose, in whole or in part or by way of summary, to any person who is not a Committee Member or authorized Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session. Classified information and controlled unclassified information (CUI) shall be handled in accordance with all applicable laws, executive orders, and other governing authorities and consistently with the provisions of these rules and Committee procedures.

(E) *Oath.*—Before a Committee Member or Committee staff may have access to classified information, the following oath (or affirmation) shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Committee on Homeland Security, except as authorized by the Committee or the House of Representatives or in accordance with the Rules of such Committee or the Rules of the House.

Copies of the executed oath (or affirmation) shall be retained by the Clerk of the Committee as part of the records of the Committee.

(F) *Disciplinary Action.*—The Chairman shall immediately consider disciplinary action in the event any Committee Member or Committee staff member fails to conform to the provisions of these rules governing the disclosure of classified or unclassified information. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff, criminal referral to the Justice Department, and notification of the Speaker of the House. With respect to Minority staff, the Chairman shall

consider such disciplinary action in consultation with the Ranking Minority Member.

RULE XVI.—COMMITTEE RECORDS.

(A) *Committee Records.*—Committee Records shall constitute all data, charts and files in possession of the Committee and shall be maintained in accordance with clause 2(e) of House Rule XI.

(B) *Legislative Calendar.*—The Clerk of the Committee shall maintain a printed calendar for the information of each Committee Member showing any procedural or legislative measures considered or scheduled to be considered by the Committee, and the status of such measures and such other matters as the Committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of such revisions shall be made available to each Member of the Committee upon request.

(C) *Members Right To Access.*—Members of the Committee and of the House shall have access to all official Committee Records. Access to Committee files shall be limited to examination within the Committee offices at reasonable times. Access to Committee Records that contain classified information shall be provided in a manner consistent with these rules.

(D) *Removal of Committee Records.*—Files and records of the Committee are not to be removed from the Committee offices. No Committee files or records that are not made publicly available shall be photocopied by any Member.

(E) *Executive Session Records.*—Evidence or testimony received by the Committee in executive session shall not be released or made available to the public unless agreed to by the Committee. Members may examine the Committee's executive session records, but may not make copies of, or take personal notes from, such records.

(F) *Availability of Committee Records.*—The Committee shall keep a complete record of all Committee action including recorded votes and attendance at hearings and meetings. Information so available for public inspection shall include a description of each amendment, motion, order, or other proposition, including the name of the Member who offered the amendment, motion, order, or other proposition, and the name of each Member voting for and each Member voting against each such amendment, motion, order, or proposition, as well as the names of those Members present but not voting. Such record shall be made available to the public at reasonable times within the Committee offices and also made publicly available in electronic form and posted on the official Committee web site within 48 hours of such record vote.

(G) *Separate and Distinct.*—All Committee records and files must be kept separate and distinct from the office records of the Members serving as Chairman and Ranking Minority Member. Records and files of Members' personal offices shall not be considered records or files of the Committee.

(H) *Disposition of Committee Records.*—At the conclusion of each Congress, non-current records of the Committee shall be delivered to the Archivist of the United States in accordance with Rule VII of the Rules of the House.

(I) *Archived Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or

clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The Chairman shall consult with the Ranking Minority Member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE XVII.—COMMITTEE RULES.

(A) *Availability of Committee Rules in Electronic Form.*—Pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, the Committee shall make its rules publicly available in electronic form and posted on the official Committee web site and shall submit such rules for publication in the Congressional Record not later than 30 days after the Chairman of the Committee is elected in each odd-numbered year.

(B) *Changes to Committee Rules.*—These rules may be modified, amended, or repealed by the Full Committee provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken and such changes are not inconsistent with the Rules of the House of Representatives.

MARTHA ELIZABETH WERNER
HAZARD TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the life of Martha Elizabeth Werner Hazard, of Monte Vista, Colorado. Martha passed away this January, and she will be remembered for her passion for teaching and her service to her community.

A native of Moffat, Colorado, Martha graduated from Moffat High School and attended Western State College, eventually graduating from Adams State College, and embarking on a 35-year teaching career. Starting out in a one-room school house in Crested Butte, she eventually moved to Saguache to teach the first grade for the rest of her career. Even after her retirement in 1989, she spent a decade on the Saguache School Board serving her community.

Martha was involved in all aspects of her hometown. She was a Girl Scout leader, pep club sponsor, and leader in her school and church. She was also responsible for feeding hired help, in addition to her large family at Hazard family ranch. Martha loved the outdoors, reading, and helping others, in addition to spending as much time as possible with her family.

Mr. Speaker, Martha will be deeply missed by her family and her community, but her contributions will not be forgotten. I would like to thank her for her dedication to educating our youth and for her service to her community.

HONORING FIRST LADY CHARLENE JACKSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of the First Lady of Acts Full Gospel Church, Charlene Jackson. Affectionately called "Sister Charlene" by the community, she was loving wife, mother, sister and friend. Sister Charlene Jackson will be remembered for her warm and vivacious presence in daily life, as well as her exemplary service to her congregation and the powerful strength of her ministry. With Sister Jackson's passing on January 26, 2011, we are reminded of her life's journey and the joyful legacy she inspired.

Sister Jackson was born on May 14, 1946, and as a teenager, resided at the Termon Avenue Home for Children (now Three Rivers Youth). She graduated from David B. Oliver High School and Duff's Institute in Pittsburgh, Pennsylvania. In 1983, she and Bishop Bob Jackson were married. The couple began Acts Full Gospel Church the following year. Together, they had a son, David, as well as an extended family of youth who benefitted from their loving mentorship and guidance.

Sister Jackson was an effective administrator of church affairs in her roles as office manager and administrative assistant to Bishop Jackson. She faithfully served the ministry beside her husband, and was coordinator of the Praise Team, as well as a member of the Chords of Acts Adult Choir.

As a trusted counselor and mentor, Sister Jackson taught in the church's marriage ministry, Women's Department, and Young Adult Department. She also authored, "Don't Start No Mess, Won't Be No Mess," a text offering straight talk to women about conducting successful relationships with men.

Sister Jackson was truly a spirit-filled woman of God who inspired many to a life of faith. She fulfilled her role as the First Lady of Acts Full Gospel Church with dignity and love. And, as a wife and helpmate to Bishop Bob Jackson, she showed exemplary passion, support and commitment to her husband, family and congregation.

The legacy of her strength and grace will live on in the hearts of many as we celebrate her life for years to come. Sister Jackson leaves behind her loving husband, Bishop Jackson, her son, David, her sister Janice Canon, sister-in law Pastor Doris Limbrick, and Lisa, Jamal, Kamani and Shavonn.

Today, California's 9th Congressional District salutes and honors an outstanding human being, First Lady Charlene Jackson. The contributions she made to others throughout her life are countless and precious. My thoughts are with Bishop Jackson and his family as we commemorate the life of this incredible woman. May her soul rest in peace.

TRIBUTE TO THE PAISANO

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in honoring The Paisano on its 30th anniversary as the independent student newspaper for the University of Texas at San Antonio.

For 30 years, The Paisano has remained an all volunteer, student run publication that has celebrated freedom of the press, independent college news reporting and entrepreneurship. Throughout this time, The Paisano has been staffed by dedicated teachers, students and community volunteers who have kept the spirit of independent journalism alive in their community.

I am proud of a publication that circulates 7,000 free copies among UTSA campuses and their communities each week without the support of student fees or tax dollars. The Paisano Educational Trust, which operates as the publisher of this newspaper, offers modest scholarships for students and instills the spirit of entrepreneurship by providing on the job training.

I am inspired by the passion of students who run a publication without the support of a formal journalism department or program and the teachers who dedicate their time to foster their students' creativity. From story design to photography training, the fundamentals of journalism and the basics of business are taught through the creation of The Paisano.

San Antonio has benefited greatly from the diverse Paisano staff who then entered the workforce to become lawyers, accountants, school teachers, poets, writers, environmental researchers, advertizing specialists and editors. I congratulate this newspaper on their 30th anniversary and wish for its continued success.

LINWOOD WARWICK TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. TIPTON. Mr. Speaker, it is a considerable privilege for me to rise and pay honor to the career of Mr. Linwood Warwick. Aside from being a loving husband, and a caring father of six children, Mr. Warwick was a dedicated musical educator who mentored and inspired his students for nearly a half-century.

Lin Warwick is a native of Colorado's San Luis Valley, an area in which he had a profound impact teaching music for forty-seven years at Alamosa, Centauri and Sangre de Cristo Schools. His quality as a musical instructor is illustrated by the countless trophies his bands have been awarded throughout the years. 36 marching trophies in all. The state of Colorado recently inducted Warwick into the Colorado Music Educators Association Hall of Fame as a token of appreciation for his enduring legacy as an excellent music educator in the San Luis Valley. Though Mr. Warwick has

retired from teaching music, his passion for the art still burns strong as he still participates as a member in multiple bands.

Mr. Speaker, it has been an honor for me to stand and acknowledge the career of Mr. Linwood Warwick. A man who chose to give so much back to the community he was raised in; the school districts in the San Luis Valley will ever be indebted to an educator who strived to bring the most out of everyone he worked with.

HONORING ROBERT "BOB" S. CAULK

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. MATSUI. Mr. Speaker, I rise today to recognize Robert "Bob" Caulk, who has been a dynamic activist and practitioner of quality health care for more than forty-five years; the last twenty of which have been devoted to the Sacramento region. As he retires as the Chief Executive Officer of The Effort, Inc., I ask all of my colleagues to join me in thanking Bob for his endless service to the Sacramento community.

For the better part of five decades, Bob has served a leadership role at a number of health and human service agencies, such as Maryland's Department of Social Services and San Diego's Human Services Department. In 1991, Bob moved to Sacramento where he served as Director of Health and Human Services for Sacramento County. Following his tenure with Sacramento County, Bob served as the Executive Director for the Center for AIDS Research, Education and Services (CARES) and became instrumental in helping almost double CARES' annual budget from \$2.8 million to \$5.4 million.

In 2001, Bob took over the non-profit Family Services Agency and, in 2005, merged that counseling intervention organization with the primary health care services non-profit, The Effort. Today, The Effort Community Health Center has nine sites and provides primary care services, addiction treatment, mental health treatment, and crisis intervention throughout the Sacramento region. Without his vision and strong leadership, The Effort would not be the multifaceted and well-renowned network of community clinics it is today. Due to Bob's success, he has been able to establish meaningful partnerships with Sutter Health and the UC Davis Health System. For instance, in 2009, Sutter Health issued a two-year, one million dollar grant, to The Effort to help the organization cover costs associated with medical care and mental health care visits in the Sacramento area. In 2010, The Effort was awarded \$500,000 in federal funding to cover construction costs of a new primary health care clinic in North Highlands. These are only two of many examples where Bob's hard work has demonstrated how much he and the organization have grown under his tenure.

In addition to serving as director of various health care non-profits, Bob made time to serve on a number of non-profit boards, such

as of the American Leadership Forum Board of Directors. Bob's tireless effort to improve access to quality care to the underserved has not gone unnoticed. In 1997, he was named Outstanding Public Administrator by the American Society for Public Administration, Sacramento Chapter.

Mr. Speaker, as Bob, his wife Bette, family, friends and colleagues gather to celebrate his retirement, I ask all my colleagues to join me in saluting this pioneering man for his many years of service to the Sacramento community.

NO DOMESTIC AIRLINE FATALITIES IN 2010 IS WELCOME NEWS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, despite recent news that air traffic control errors have risen, I want to recognize the air traffic controllers, pilots, the Federal Aviation Administration (FAA) and others in the commercial aviation industry on news that there were no commercial airline fatalities in 2010. This marks the third year over the past four years that there were no deaths attributable to commercial aviation.

Last year there were more than 10 million domestic flights, carrying more than 700 million passengers. According to the National Transportation Safety Board, during this time, only 14 passengers suffered serious injuries and there were no major accidents.

The commercial aviation safety record in the U.S. is a result of safety-minded aviation professionals throughout our nation. I agree with the FAA that it is incumbent on all parties in the aviation system to identify its risks in order to eliminate or mitigate them.

History has shown that safety improvements are implemented more quickly and effectively when all sectors of the industry work together to develop solutions to identified and agreed upon areas that could use improvement.

I hope that a year from now, I can report again that there were no fatalities and even fewer major injuries attributable to our commercial aviation industry; and, believe this can happen if the airlines, pilots, flight attendants, mechanics, inspectors and the many others who play a role in our aviation industry work together and with the FAA on making safety their top priority.

JOHN VERNA TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. TIPTON. Mr. Speaker, it brings me great pleasure as a Colorado Congressman to rise and give tribute to a man whose vision for the future is only surpassed by the passion he has for his community. Pueblo resident John Verna has selflessly used his own success to enhance the city he resides in, and for his

decades of commitment to Southern Colorado he has been recognized as Pueblo's Citizen of the Year.

Mr. Verna is a successful entrepreneur, and a business man with a fruitful career that has involved many pursuits. John Verna owned and operated a landscaping company for more than thirty years, and was a major factor in the development of Lake Pueblo. Even more impressive than Mr. Verna's accomplished record in business is his ability to help the city of Pueblo, Colorado. He has served on the Pueblo Community College Foundation, the Youth Track Academy Advisory Commission, Pueblo City Council and the Pueblo Medal of Honor Foundation. Mr. Verna had such an effect on the Medal of Honor Foundation, that he brought the national convention to Pueblo in 2000. John was also very influential in leading the way for the new Pueblo Convention Center. John Verna's hard work and devotion has helped and improved his community in countless ways. Mr. Verna is a pillar within his community, and for his endless efforts he has been duly recognized as Pueblo's Citizen of the Year.

Mr. Speaker, it has been an honor to stand and recognize the accomplishments of Mr. John Verna. He is a wonderful example to all citizens of our country, and I congratulate him on his achievement as Pueblo's Citizen of the Year.

HONORING MS. BETTY GADLING

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Ms. Betty Gadling. Known affectionately as "Sister Betty," Ms. Gadling has served Allen Temple Baptist Church for 35 years as the venerable Minister of Music and Performing Arts.

A woman of many talents, Ms. Gadling has traveled the world as a performer, composed and published original pieces, recorded two albums of gospel music, directed numerous choral groups, and produced full-scale productions, such as *The Black Nativity* and *The Celebration of Light*. Through her passion and skill as a music instructor and mentor, she has developed countless programs that inspire our young people in the fields of music appreciation, instrumental instruction, voice lessons, music theory, business of music and ensemble playing.

Her contributions to the Bay Area through the Allen Temple Musical, Cultural and Performing Arts Committee are unmatched, and her musical gifts are only outweighed by her personal commitment to ministry, faith and service. In addition to a long musical career, Ms. Gadling was the first African-American female Sheriff in Contra Costa County, a valued staff member of the University of California, and an employee at Fairfield-Suisun Army Air Base (now Travis Air Force Base) while pursuing a degree at the San Francisco Conservatory of Music.

She has acted as a consultant for youth programs to the American Baptist Con-

ferences, served on the Committee of Musicians and Pastors for the African American Hymnal, and was honored in 2009 as a Cal State East Bay Outstanding Alumnus and a Hampton University Ministers' Conference and the Choir Directors' Organists' Guild Workshop, "Living Legend in Church Music."

Betty is a musical genius and giant. Her creative spirit soars. She has been an inspiration to those whose lives she has touched, including myself. On behalf of the residents of California's 9th Congressional District, Ms. Betty Gadling, I salute you. Thank you for your exceptional contributions to Allen Temple Baptist Church and to residents throughout the Bay Area. I wish you and your loved ones all the best in this next chapter of life.

HONORING GWENDOLYN E. BOYD

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. AL GREEN of Texas. Mr. Speaker, it was my privilege to have participated in the 22nd Delta Days, an annual Legislative Conference held in our Nation's capital today by the distinguished service organization, Delta Sigma Theta Sorority, Inc.

It is also my honor, during this Black History Month, to recognize a trailblazer in academia and a role model for thousands of Black women, the Honorable Gwendolyn E. Boyd. Due to her accomplishments both in the classroom and in the community, she was recently appointed by President Obama and confirmed by the United States Senate as a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation. Ms. Boyd was sworn in to this position by Senator BARBARA MIKULSKI.

Gwendolyn Elizabeth Boyd is a native of Montgomery, Alabama. She was educated in public schools and received a four-year scholarship to attend Alabama State University where she graduated summa cum laude with a B.S. degree in Mathematics with a double minor in Physics and Music. Additionally, Ms. Boyd was the first African American to earn a Masters degree in Mechanical Engineering from Yale University.

Gwendolyn Boyd is an engineer and the Executive Assistant to the Chief of Staff at the Johns Hopkins University Applied Physics Laboratory. She was appointed by the President of Johns Hopkins University as Chair of the Diversity Leadership Council, a position she has held since 2001. Ms. Boyd is a member of the Capital City Chapter of The Links, Inc., a Life Member of NAACP, the Alabama State University Alumni Association and the Association of Yale Alumni, as well as a participant in various engineering organizations for minorities.

From 2000–2004 Gwendolyn Boyd served as the 22nd National President of Delta Sigma Theta Sorority, Inc., an international service sorority with over 200,000 members in over 950 chapters throughout the world. She currently serves along with Patricia Lattimore, former Assistant Secretary of Labor for Administration and Management, as the Sorority's

National Social Action Co-Chair. Very active in "giving back" and helping promote an agenda for the positive growth and development of our youth, Ms. Boyd uses her many talents and skills to the benefit of the community. This includes freely sharing her time while she encourages their interests in careers in math, science and engineering and in their overall success.

It is my honor to recognize this accomplished woman and commend her many achievements.

DANIEL JOHN DENNEHY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor the life of Daniel John Dennehy, of Del Norte, Colorado, who recently passed away. Daniel was a career sailor in the U.S. Navy, an avid outdoorsman and expert knife maker.

A distinguished member of the United States armed forces, he joined the Navy at a young age and served in World War II, the Korean War, and Vietnam. He retired from active duty in 1970 as a chief petty officer.

Daniel was known worldwide for his expert knowledge in the art of knife-making, and for his highly coveted "Dan-D" knives. During World War II, he crafted and sold knives to Marines as they went into battle. Later in life he started his own knife-making company, Dan-D knives. Dennehy's knives are recognized globally as top of the line outdoor and tactical knives. They have been included in national outdoor and sporting publications and notable public figures such as Clint Eastwood, Barry Goldwater and Steve Miller count themselves as Dan-D knife owners. Most importantly, his knives have been at the front lines of every conflict since World War II. Elite units to include Navy SEALs, Marine Force Recon and Army Special Forces rely on Dan-D knives for their durability and high quality construction.

Daniel was an accomplished writer, an avid reader, hunter, fisher and competitive marksman. He was a regular contributor to numerous publications, writing editorials about various topics including politics and government. He was a lifelong learner and obsessive reader. Daniel was an accomplished marksman, and in the 1970's lent his time as a volunteer deputy sheriff for the Rio Grande Sheriff's Office.

Mr. Speaker, I am honored to recognize Daniel's significant contributions to his community and his trade, and thank him and his family for his military service.

HONORING MAJOR GENERAL VANG PAO

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor the life and achievements of Major Gen-

eral Vang Pao. General Pao served in the Royal Lao Army and fought alongside the United States Armed Forces during the Vietnam war. He passed away Thursday, January 6th, 2011.

General Pao was born December 8, 1929 in the Xiangkhuang Province of northeastern Laos. He worked as a farmer in Laos until Japanese forces occupied the region as part of the French Indo-China War. During the conflict he fought alongside fellow Laotians to protect his country against the Japanese invasion. Following the war, Vang Pao continued to serve in the army of the Kingdom of Laos under the King of Laos. General Pao received the honored title of Phagna Norapramok, roughly translated as "Lord Protector of the Country" from the last King of Laos, King Savang Vatthana.

During the 1960s and 1970s, General Pao led the Secret Army, during the Secret War, where they fought against the Pathet Lao and the People's Army of Vietnam to prevent the spread of communism into Southeast Asia. General Pao commanded the Military Region Two where he successfully fought to prevent the capture of this region by the communist forces of the North Vietnamese Army. Additionally, he was an ally of the Central Intelligence Agency and organized 39,000 guerrilla warriors to aid downed American pilots and defend American outposts from the enemy.

After the war, General Pao emigrated to the United States in May of 1975. He actively worked to ensure the resettlement of hundreds of thousands of Hmong and Lao immigrants in America and to ensure equal rights for them. Additionally he worked to help facilitate U.S.-Lao relationships and helped the Hmong community embrace their new identity as Hmong-Americans.

General Vang Pao dedicated his life to fight for freedom and democratic rights for all Southeast Asians. He relentlessly worked to improve the Hmong community and the world around him. General Vang Pao's legacy will not only be his leadership and accomplishments, but first and foremost, his service to his country and community.

Mr. Speaker, I rise today to honor General Vang Pao for his service and dedication to the United States and the Hmong community. I invite my colleagues to join me in honoring Major General Vang Pao.

TRIBUTE TO DR. GARY JEFFERS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Dr. Gary Jeffers as he concludes his term of service as President of the Michigan Dental Association.

After receiving an Artium Baccalaureatus degree from Malone College in 1969, Gary Jeffers went on, in 1971, to earn a Master of Science degree in Physiology and Pharmacology at Ohio University. He earned a Doctor of Dental Medicine degree at the University of Pittsburgh in 1975. Dr. Jeffers pursued graduate training at the United States Navy Re-

gional Medical Center in Portsmouth, Virginia, the Veterans' Administration Medical Center in Atlanta, Georgia and at Emory University.

Dr. Gary Jeffers was a member of the United States Navy Dental Corps from 1972 until 1979. He was employed as a Resident Instructor at Emory University and then as a Clinical Instructor at the University of Pittsburgh's School of Dental Medicine. Dr. Jeffers built a private practice of Oral and Maxillofacial Surgery in North Canton, Ohio before joining the staff of the University of Detroit Mercy School of Dentistry in July 1985 where he continues to be a Tenured Associate Professor.

Prior to being elected as President of the Michigan Dental Association, Dr. Jeffers served on the MDA Board of Trustees as the trustee of the 18th district before serving as MDA president-elect and as vice president. Having completed his term as President, he will continue to serve the MDA Board as past president.

Dr. Jeffers' extensive involvement with the MDA and organized dentistry is evident in the numerous committees and task forces on which he has served. These include the Reference Committee on Membership, Bylaws and Dental Practice; Board Committee on Finance, Board Planning Work Group for Strategic Planning, and the Washington Visitation team. In addition, Dr. Jeffers chaired the Committee on Governmental Affairs; MDA Insurance & Financial Group Endorsed Services Committee; and the MDA/MDAA and the MDA/MDHA task forces. He is also a past president of the Detroit District Dental Society and has served the American Dental Association in various capacities.

Dr. Jeffers' work outside the MDA bears acknowledgement. He is a licensing examiner for the North East Regional Board and spent four years serving on the Michigan Board of Dentistry. He also served as assistant to the Dean of Legislative Affairs at UDM and instigated the dental school's legislative activity on both the state and national level. During his tenure at UDM, Dr. Jeffers spearheaded a proposal resulting in an important \$2 million HUD construction grant that was used to help relocate the dental school to its current facility.

Mr. Speaker, as Dr. Gary Jeffers concludes his term as President of the MDA I am reminded of the words he spoke to first year dental students. These words bear remembering; "Ethics is not something that is easily taught or learned. It comes from within your heart and your soul." Today, I ask my colleagues to join me in honoring Dr. Gary Jeffers and in recognizing his years of loyal service to our community and country.

RECOGNITION OF MR. JOEL ALLISON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, February 17, 2011 marks the 9th Annual Virginia Chandler Dykes Leadership Award luncheon. On this day, the award will

be bestowed upon a dedicated leader in the Dallas community, Mr. Joel Allison. Mr. Allison will be presented the award by Dr. Ann Stuart, Chancellor and President of Texas Woman's University and the Bank of Texas.

In 2002, the award was established in honor of notable Dallasite Virginia Chandler Dykes, a health care provider committed to professional and civic achievements in her public service through helping others. Past award recipients include: Kathleen Mason, 2010; Caroline Rose Hunt, 2009; T. Boone Pickens, 2008; Lindalyn Adams, 2007; Dr. and Mrs. Kern Wildenthal, 2006; Gretchen Minyard Williams and J.L. "Sonny" Williams, 2005; Geraldine "Tincy" Miller, 2004; and Susan and Charles Cooper, 2003.

Mr. Allison has been with Baylor Health Care System (BHCS) since 1993 and was promoted from Chief Operating Officer to Chief Executive Officer in 2000. Under his visionary leadership, Baylor remains as a trusted health care system where patients can go to receive safe, compassionate, quality health care. BHCS has been ranked by US News as one of the best hospitals in the country for their care and treatment of kidney disorders, gastroenterology, and their rehabilitation services.

Mr. Speaker, I congratulate Mr. Allison for stellar leadership in the delivery of health care. Both he and Mrs. Dykes are a testament to the types of role models who inspire us to give our best in all that we do.

HONORING RAFAEL "RAY"
TALIAFERRO

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary journalistic contributions of veteran KGO-AM radio journalist Rafael "Ray" Taliaferro as he is inducted into the National Association of Black Journalists (NABJ) Hall of Fame.

Renowned for his San Francisco Bay Area 1 a.m. to 5 a.m. broadcast called, "The Early Show," Ray Taliaferro has been a progressive voice in lively, late-night discussions of political, cultural and current events for the past 25 years. Moreover, Mr. Taliaferro's entire broadcasting career spans four decades, and he is recognized as the first African-American talk show host on a major market radio station in our nation's history.

Born February 7, 1939, Mr. Taliaferro grew up in the Hunters Point district of San Francisco. After getting his start in talk radio in 1967 at San Francisco's KNEW-AM, Mr. Taliaferro began a career in television—commuting daily to Burbank, California to host on KHJ-TV. Before long, he was hired as a news anchor for San Francisco's KRON-TV station, and in 1977, he joined the team at KGO Radio.

Throughout his trailblazing career, Mr. Taliaferro has been a fearless leader and a bold advocate for numerous causes. He was president of the San Francisco chapter of the NAACP from 1968 to 1971, helped found the

National Association of Black Journalists in 1975, and was honored by the San Francisco Black Chamber of Commerce in 1994 with the Black Chamber Life Award. Additionally, due to his tremendous efforts to help raise money for leukemia research, Mr. Taliaferro was named board president of the Northern California Chapter of the Leukemia Society of America from 1995 to 2000.

Among his many achievements, Mr. Taliaferro has fostered a tremendous involvement in the arts. He led the San Francisco Art Commission for 16 years, was the Mayor's Commissioner of the War Memorial Trustee Board from 1992 to 2000, and served as president of the Frederick Douglass Symposium. He currently serves as a member of the Board of Governors of The Commonwealth Club of California. And, in addition to his talents as an orator, Mr. Taliaferro is an accomplished musician who conducted the "Ray Tal Chorale" and served as the music director of Third Baptist Church.

In September of 2010, Mr. Taliaferro was a recipient of another Hall of Fame honor through the Newseum in Washington DC, and in July of that year, the National Association of Black Journalists named "The Ray Taliaferro Entrepreneurial Award of Excellence" in his honor. A life-long Democrat, and one of the premier liberal talk show hosts in America, Ray Taliaferro has long encouraged civic engagement through astute political commentary. Furthermore, his strength of opinion and journalistic passion continue to be a catalyst for community dialogue and healthy debate.

As we join in celebration of Mr. Taliaferro and his fellow 2011 NABJ Hall of Fame inductees, Ed Bradley, Eugene Robinson, Merri Dee and JC Hayward, we are reminded of the invaluable service that America's journalistic community provides. What's more, we celebrate the countless contributions that journalists of color continue to make in the dissemination of news, the diversity of our media, and the history of our country. On behalf of California's 9th Congressional District, Rafael "Ray" Taliaferro, we salute you. Thank you for your continued service to the Bay Area community and to our great nation.

COMMUNICATION FROM THE
CHAIRMAN OF THE COMMITTEE
ON THE BUDGET REGARDING IN-
TERIM BUDGET ALLOCATION
FOR FISCAL YEAR 2011 FOR THE
COMMITTEE ON APPROPRIATIONS

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to Section 3 of House Resolution 5 and House Resolution 38, I submit for printing in the CONGRESSIONAL RECORD the allocation for fiscal year 2011 to the Committee on Appropriations.

This interim allocation will be used to enforce sections 302(f) of the Congressional Budget Act of 1974. Section 302(f) prohibits the consideration of legislation inconsistent

with the budgetary levels set forth in the budget resolution and the accompanying report.

For the Committee on Appropriations, the allocation for fiscal year 2011 is set at \$1,055 billion in discretionary budget authority.

This submission also includes language related to Advance Appropriations as required by House Resolution 5.

If there are any questions on this interim allocation, please contact Paul Restuccia, Chief Counsel of the Budget Committee.

ALLOCATION OF SPENDING AUTHORITY TO HOUSE COMMITTEE ON APPROPRIATIONS

(In millions of dollars)

		Fiscal year 2011
Discretionary Action	BA	1,054,684
	OT	1,283,861
Current Law Mandatory	BA	765,584
	OT	755,502

ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS

Section 3(e) of House Resolution 5 limits the amount and type of advance appropriations for fiscal years 2012 and 2013. Under this section, advance appropriations for fiscal year 2012 are restricted to \$28.852 billion for the programs, projects, activities, or accounts listed below. Advances for 2013 are listed separately with the same cap of \$28,852,000,000. Additional accounts are listed below for certain veterans programs which are also specified in House Resolution 5. The section defines advance appropriations as any new discretionary budget authority provided in a bill or joint resolution making general or continuing appropriations for fiscal year 2011 that first becomes available for any fiscal year after 2011.

Advance Appropriations for Fiscal Year 2012: Employment and Training Administration; Office of Job Corps; Education for the Disadvantaged; School Improvement Programs; Special Education; Career, Technical and Adult Education; Payment to Postal Service; Tenant-based Rental Assistance; Project-based Rental Assistance.

Advance Appropriations for Fiscal Year 2013: The Corporation for Public Broadcasting.

Other Allowable Accounts Receiving Advance Appropriations: Department of Veterans Affairs for the Medical Services; Medical Support and Compliance; Medical Facilities Accounts of the Veterans Health Administration.

LESSONS RONALD REAGAN
TAUGHT US

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Mr. POE of Texas. Mr. Speaker, liberals loathed him. Conservatives idolized him. The middle overwhelmingly loved him. He charmed America. His knack to connect was unmistakable. And although many have tried to replicate his charisma and appeal, no one has ever come close to being Ronald Reagan.

He made us laugh when we didn't think we could, or should. He always had a way to comfort us in the midst of tragedy. He could

disarm the press with a one-liner; and get a chuckle from even his fiercest opponents.

The first time I saw Ronald Reagan was at the 1968 Republican Convention in Miami Beach. Much to the dismay of my dyed-in-the-wool Democrat grandmother, I was there as a proud Texas College Republican delegate.

He lost the nomination to Nixon, but I was sold on Reagan from that moment on.

Of course, I instantly like him for his automobile of choice—a jeep. I drove the same kind and still do. He appealed to me and other renegade conservatives my age, particularly those of us in the yellow-dog South, because we were a herd without a shepherd. Back then, it was taboo to be a Republican in Texas. But then, along came Reagan. We were Reagan Republicans.

Reagan cut the class warfare. He transformed the “country-club GOP” image, and brought conservatism out of the shadows. It was cool to be a conservative. He represented what Americans wanted—Democrats and Republicans alike. He wasn’t the Grand Old Party leader; he was the people’s president.

Reagan’s tenure in the White House saw some of the most historic events in our country and the world. His line, “Mr. Gorbachev, tear down this wall,” will probably resonate for time immemorial.

Although criticized by his foes for being a Hollywood actor, Reagan masterfully engineered a feat that so-called political experts had little confidence could be accomplished—the end of the Cold War.

Within minutes of his swearing in, news broke in one of the most widely followed situations of that time. President Reagan announced the Iran hostage crisis was over. The Americans were coming home. Make no mistake—the significance of his election was an intimidating and influential factor in their release.

When the entire country was devastated by the Challenger tragedy, Reagan addressed a grieving nation by giving one of his most memorable and touching speeches. His ability to heal the brokenhearted was more than an admired political attribute. He never talked above the people—always to the people. It was what made him one of us.

And of course, there is his most beloved legacy. He single handedly made the jelly bean a national treasure.

Reagan never took himself too seriously. Even when his own life was on the line, the leader of the free world was cracking jokes. On his way into emergency surgery after the 1981 assassination attempt, he looked up at the surgeons and said, “I hope you are all Republicans.”

While he was a one-of-a kind politician—the Everyman of our time. He was a “pull yourself up by the boot straps” kind of guy.

From union halls to country clubs, everyone felt like Reagan was one of them. Being an American meant something to him. He was unabashedly unapologetic for our country’s success.

He was the great defender of capitalism. Reaganomics was hailed ingenious by the supply-side, pro-growth economists and harshly criticized as “voodoo” by the big government crowd.

Reagan proved that lower taxes and leaner government stimulates growth, spurs private

enterprise, inspires harder work and enables more savings and investment.

The American people got it then, and they want it back now.

As we celebrated the 100th birthday of President Reagan this Sunday (or the 61st anniversary of his 39th birthday; he never missed a chance to poke fun at his own age), we should learn from The Great Communicator.

Americans want to be talked to again, not pushed aside by a government that talks above them. In Reagan’s inaugural address he said, “It is time to check and reverse the growth of government which shows signs of having grown beyond the consent of the governed.”

The Gipper was right then, and he is right now. Happy birthday, Mr. President.

And that’s just the way it is.

HONORING DR. JANET L.
HOLMGREN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Dr. Janet L. Holmgren as she retires from over 20 years of transformative leadership as the president of my alma mater, Mills College, in Oakland, California. I can say with gratitude and admiration that, during her tenure, President Holmgren has propelled Mills into one of the most respected and successful liberal arts colleges in the United States.

In addition to increasing enrollment while simultaneously elevating the academic profile of the College, President Holmgren has created a national model for women’s education and increased educational opportunities for a diverse pool of talented women and men. Known for her thoughtful, strategic, creative and collaborative leadership ability, President Holmgren has been a staunch advocate for expanding educational access and student diversity. As one of the leading women’s colleges in the country with an impressive roster of innovative coed graduate programs, Mills is also considered one of the nation’s most diverse selective liberal arts colleges.

Reflecting the renowned multiculturalism of the surrounding Oakland area and the entire 9th Congressional District, the Mills College undergraduate student population comprises 39 percent students of color, and is instructed by a teaching community that is 25 percent faculty of color (A large jump compared to 21 percent students of color and 5 percent faculty of color in 1991). President Holmgren has also been a highly effective fundraiser, enabling Mills to grow its endowment to \$175 million. The College’s most recent capital campaign, ending in 2004, exceeded its \$100 million goal by \$32 million. And in the 2008–2009 fiscal year, Mills raised over \$18 million in crucial funding.

In the past decade alone, President Holmgren’s funding initiatives have resulted in over \$100 million of capital improvements, including facilities to house the School of Edu-

cation (offering Mills’ first doctoral degree) and two environmentally sustainable facilities—the Betty Irene Moore Natural Sciences Building and the Lorry I. Lokey Graduate School of Business.

Additionally, President Holmgren’s comprehensive leadership and long-term vision led her to be an early adopter of the American College and Universities’ Climate Commitment. She continues to make sustainability and environmental responsibility key tenets of Mills’ current strategic plan and campus values, and these efforts have earned Mills a rating as one of the greenest colleges in the nation by The Princeton Review.

A consummate leader and a dear friend, President Holmgren has been a steadfast champion for women’s education, student diversity, and improved access to higher learning. She has left an indelible mark on the higher education community in California and throughout the nation by way of her myriad accomplishments. Her many accolades and contributions include chairing numerous boards, being the 2006 recipient of the Chief Executive Officer Leadership Award from the Council for the Advancement and Support of Education, and being named one of the “Bay Area’s Most Influential Women in Business” by the San Francisco Business Times in 2008 and 2009.

As a proud Mills College alumna and former president of the Black Student Union during the early 1970s, I have been committed to bringing Mills College closer to the larger East Bay community. President Holmgren, in her many creative ways, has ensured that the outside world is well connected to the students and programs of this beautiful campus.

On behalf of the residents of California’s 9th Congressional District, Dr. Janet L. Holmgren, I salute you for three decades of outstanding leadership in higher education. I congratulate and thank you for your unparalleled service to our community. You have touched countless lives in profound ways throughout your career, and we wish you continued success and happiness as you transition to this exciting new chapter of life.

TSA WORKFORCE AT DALLAS-FORT WORTH INTERNATIONAL AIRPORT RECOGNIZED AS AIRPORT OF THE YEAR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am very privileged today to recognize the Transportation Security Administration (TSA) employees at Dallas-Fort Worth International Airport as having the best TSA operation for a major hub airport in the United States in 2010.

The TSA annually awards one of its operations at a major hub airport as the airport that exhibits exceptional internal as well as external customer service. Courtesy and attention to detail with respect to passengers, customers and all other stakeholders are its hallmark. Its crowning achievement would be in

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the seamless execution of exemplary customer service while maintaining the highest level of airport security.

Dedicated to the pursuit of the agency's core values of integrity, innovation, teamwork,

dedication, competence, diversity, courtesy and respect, the TSA airport workforce receiving this award has established a record of customer confidence and satisfaction through

its proactive and vigilant efforts to protect and serve the public.

I congratulate the TSA employees and DFW for this outstanding achievement.

HOUSE OF REPRESENTATIVES—Wednesday, February 9, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 9, 2011.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE DEFICIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Well, we hear now that the Republican majority is serious about the deficit, and that's good news because we are running up a huge pile of debt which is going to be handed on to our kids and our grandkids and won't be paid off over 30 years. Some of this debt will weigh upon the country. But the question is, how do we get there? The deficit this year will be \$1.5 trillion, an unimaginable amount of money, borrowed, a lot of it from China, and that is just virtually unfathomable.

Now, they're going to dink around essentially and pretend they're doing something meaningful next week. They're going to take out of a Federal budget of \$3.7 trillion—and remember, \$1.5 trillion of that is with borrowed money—they are going to discuss cuts to actually \$446 billion of that. So a \$3.7 trillion budget, but the only place you can cut is \$446 billion of that. Hmm, let's see, if we eliminated that entire \$446 billion of expenditures, we'd still have a deficit of over \$1 trillion.

Now, that doesn't seem quite to work. So perhaps they've made a few too many things off-limits in terms of where we might look to cut.

Then there's one other thing they've done which is totally bizarre and I don't think many Americans would think very honest. They're saying if we decrease the income of the Government of the United States, i.e., cut taxes, give you back your money, and we don't reduce expenditures in the same amount, that doesn't count as new debt or deficit. You've got to borrow the money, probably from China; and you can send the debt forward but it doesn't count. So they're not going to look at something called tax expenditures.

So, you know, we can't begin to address things like the \$20 billion of subsidies in the agriculture bill for five crops grown in eight States that are in surplus and paying people not to grow things. That's off-limits. That's mandatory spending. That can't be considered for cuts, paying people to not grow things. We can't do away with that. We're going to borrow the money so they can get paid to not grow things.

All right. Well, how about the oil companies? Now, Exxon Mobil reported the largest quarterly profit for a corporation in the history of the world the last quarter of last year, \$9 billion, and they didn't pay any taxes in the U.S. last year. None. They pay a lot of taxes around the world, but not in the United States. We actually gave them a tax refund because of the loopholes in the tax laws. That's called a tax expenditure. We're borrowing money to give to the Exxon Mobil Corporation, which had a \$9 billion profit by gouging consumers in America. Now, that's pretty extraordinary; but, no, we can't talk about eliminating the subsidy to Exxon Mobil. The Republicans have put that off-limits. That would be called a tax increase. You know, by plugging that loophole, that's a tax increase, can't talk about that.

Let's look at one other aspect of this. We were headed for a lower deficit this year. It would have been lower than last year, \$1.3 trillion last year. We were headed toward \$1.1 trillion, a good glide path, \$200 billion reduction in 1 year. If we could do that for 5 more years, we'd be down to virtually zero. But with one vote, one vote, with a deal cut between the Republicans and the President of the United States, we increased the deficit by \$400 billion this year. Yep, the tax cuts. But remember,

tax cuts don't count. Now, they increase the deficit by \$400 billion. We didn't cut expenditures by \$400 billion. So the money is going to be borrowed for those tax cuts, from China and elsewhere; and it's going to be passed on to our kids and our grandkids, part of the national debt.

But that doesn't count in the Republican world. Reducing the income of the government while not reducing expenditures by the same amount doesn't count. They pretend.

Let's not pretend. This is deadly serious. Let's not go after programs that are essential to America. They're going to put things like Pell Grants that are helping people get a college education and become more educated so they will have better lifetime earnings and our country will be more competitive, educate the next generation of folks to lead our Nation—that's on the table next week. We'll probably see some cuts there. Other programs like that will be on the table. Subsidies to oil companies? Tax cuts, yes, we can do more of those and increase the deficit.

So let's get real. It is a real problem, and let's stop pretending that you really care about it and you're going to do something about it.

FOREIGN AID: A TIME TO RECONSIDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I want to follow up on what my friend has just said about cutting Federal spending. I agree, cutting \$400 billion is really not much of a cut, especially in these times when Congress continues to spend more and more money. So let's talk about some specific areas where we ought to reconsider putting taxpayer money, and maybe it's time to reconsider our foreign aid that we send to countries throughout the world.

There are about 192 foreign countries in the world, give or take two that sometimes exist and sometimes don't. So there's 192 countries, and we give foreign aid to over 150 of them. Now, this map over here to my left shows the world, and most of it is in red. All of those countries that are in red on this map receive American taxpayer foreign aid. The countries in green receive military aid from the United States, which is almost all of the countries in the world. There are a few countries in Europe and one part in Africa that are in blue that receive no

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American aid. But the vast majority receive American money, and we just keep sending it and sending it and sending it, and we send it to countries that many Americans don't even understand why we send it to those countries, and I'm going to address some of those.

But here's how it works, Mr. Speaker, and this rule needs to be changed. When a country wants foreign aid, all of the foreign aid that America gives is put into one bill. In other words, when we write a check, we're writing a check on one bill. For example, we don't separate the countries one at a time and vote up or down on whether they ought to get American money. I think if we did that, most of these countries in red wouldn't be seeing any American money. With the way the rule works, we put all 150-plus countries in one package, and we vote for all of them.

Now, I personally think it's good for the United States foreign policy that we support Israel, that we send them foreign aid and military aid. We ought to keep doing that. But if we want to continue to send aid to Israel, we've got to send it to other countries like Egypt and Pakistan and some others.

□ 1010

Right now in the crisis in Egypt, maybe it's time that we reconsider sending aid to Egypt. You know, if the Muslim Brotherhood takes over that country of Egypt, the world's in a lot of trouble. And we've all seen on television those tanks going up and down those highways and the city of Cairo. Those are American tanks. They came from American taxpayers. It would be a tragedy if those tanks and other foreign aid ends up in that radical group, the Muslim Brotherhood. Take over the government. We don't know. Time to reconsider Egypt.

But, you know, we also give money to Pakistan—Pakistan is on the border with Afghanistan—and it's given in the name of helping that country. Pakistan doesn't support us, I think, adequately in our war on terror in Afghanistan, but yet we continue to give them money.

But here is something that most Americans may not know about. We give money to Venezuela. Why do we give money to Chavez and Venezuela? He hates the United States. He defies our President, makes fun of our Nation. We don't need to give him any foreign aid.

We give \$20 million to Cuba. Why do we give money to Cuba? Americans can't even go to Cuba. It's off limits. It's a communist country. But we're dumping money over there.

And we even give foreign aid to this massive country over here, Russia, that used to be called the USSR.

And the zinger of them all, this country. Even though we are in debt \$45,000 per American, and most of that debt is

owned by the Chinese, this Nation gives foreign aid to our good buddies the Chinese.

Why do we do that? It doesn't make any sense, and it's time to reevaluate our foreign aid policy. It's a time to reconsider. And let's start voting up or down on every one of these countries that want our aid.

And last thing I want to say is most of these countries we give money to, they don't even like us. There was a poll done by FOX News yesterday that said 82 percent of the people in Egypt don't even like Americans. Well, why do we keep giving them money? We don't need to pay them to hate us. As my friend LOUIE GOHMERT from Texas says: "We don't need to pay them to hate us. They can do it on their own."

So it's time we reconsider foreign aid and save American taxpayers money. We are at war in two countries now. This debt is tremendous. We have a lot of issues in this country, and we need to start taking care of America before we start sending American money to countries throughout the world. It's a time to reconsider foreign aid.

And that's just the way it is.

POLITICAL UNREST IN EGYPT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. MORAN) for 5 minutes.

Mr. MORAN. Mr. Speaker, I was going to talk about jobs, but I think in light of the last address on the other side of the aisle, I will talk a bit about foreign policy and specifically Egypt.

There is a quote in a play by Samuel Beckett. It's called "Waiting for Godot." The quote, though, is applicable. It says something to the effect that, at this time, in this place, at this very moment in time, all mankind is us. And in many ways, Mr. Speaker, all mankind should be with the Egyptian people.

Now, it's quite true that the Egyptian people are not supportive of America's foreign policy, at least Washington's foreign policy, but they are certainly supportive of America's fundamental values. And, in fact, that's what motivates this revolution.

This protest was not started by the Muslim Brotherhood, who may, at most, be 20 percent of the Egyptian people and have sworn violence, and, in fact, al Qaeda's second in command has issued any number of critical statements of the Brotherhood. That's not who is leading this. They may be jumping in now to take some advantage of it. But this was led by young, well-educated men and women very similar in motivation to those that led the American Revolution.

For the most part, these are folks much like the Google executive who yesterday explained that he could well lead a life of leisure. He was making a good income. His needs were being met.

He had a nice apartment. But he didn't have his dignity. He didn't have his dignity when he can be arrested at any place at any time for any reason by the Egyptian Police. In fact, that's what happened. Only because he was speaking out on the street, he was arrested, blindfolded, held in captivity for 12 days, had no contact with his family. Now that he is released, he epitomizes who it is that is conducting this protest and why they are conducting it.

They want their dignity back. Sure, they would like to be able to stand tall on an Arab street or on any street and be able to say "I am an Egyptian" without embarrassment. But most of all, they want their individual rights to vote in a free and fair election, to have a government that is not corrupt, that is responsive to their needs and desires but that, in fact, also looks out after the 36 million Egyptians who are living on less than \$2 a day.

These young people care about all of the people of that country. And they understand that under a repressive dictatorship, no one is able to fulfill their potential. They may be well cared for, some of them, but as John Kennedy said in his first inaugural address: "Unless we are prepared to address the needs of the many who are poor, we can't possibly protect the wealth of the few who are rich." They understand this.

It should also be said that in addition to upholding America's most fundamental values, they are empowered by American industry, by our creativity and innovation. It's Facebook. It's all the social networking. It's the Internet. It's Google. It's all of that technology that we have exported throughout the world. We should be proud of that. One was quoted as saying: The government can shut and lock all the doors on us, but they can't close the windows of the Internet.

This is a time when we should be excited, when we should be proud, and we should be on the side of the Egyptian people in Tahrir Square, Freedom Square.

JOB CREATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, I have said time and time again that my top priority this session of Congress is to focus on job creation and growing our economy. I think that many, if not all, of my Democratic colleagues share that same goal. However, let me share a few numbers with you here this morning on this new session of Congress. These numbers suggest that perhaps not every Member in this body shares that goal.

Five, the number of weeks that this House has been in session under the new leadership.

Twelve, the number of bills the House has voted on.

Zero, the number of House votes on bills that have been through their respective committees.

Zero, the number of House votes on bills intended to create jobs and address what should be our very top priority.

The most important contest we face today is not between Democrats and Republicans; rather, it's America's contest with competitors across the globe for the jobs and industries of our time. And economic growth is crucial for us to win this global race, not only for the future of our workforce but also as a way to balance our budget and drive down the deficit.

During his State of the Union address, I was happy to hear President Obama reiterate that we share the same top priority—jobs, jobs, and jobs. In fact, the Chairman of the Federal Reserve, Ben Bernanke, is sitting before the Budget Committee today. I plan to discuss the economic growth rate and the GDP with the Chairman later this morning.

In June 2010, Chairman Bernanke suggested that the GDP would rise by about 3 percent over the course of the year last year and would likely increase at a slightly higher pace in 2011. In fact, the fourth quarter of 2010 showed a rate of growth at 3.2 percent. Compare that nearly double-digit turnaround to the end of the Bush administration where we saw a 6 percent downturn in GDP.

□ 1020

In addition to that slow but steady growth, we've seen the private sector add 1.2 million jobs, another stark turnaround from the final month of the Bush administration, where we lost more than 8 million jobs.

Though we all acknowledge that job numbers need to grow more, I've been surprised at the enthusiasm for these GDP and private sector growth numbers coming from my colleagues on the other side of the aisle. They've been quite enthusiastic, claiming that the growth we've seen in the past few months is, in large part, from their policies. And yet we return to the numbers I mentioned previously—zero, the number of House votes on bills intended to create jobs since the start of this new session of Congress—and now we look to finish the budget for this year and await the budget proposal from President Obama for next year.

We heard a lot in the campaign last year about the other side's job plan to cut and grow. In fact, we've seen that plan come to fruition through the Republican Study Committee. They have proposed \$2.5 trillion in discretionary spending cuts over the next 10 years. This plan would put more than 1 million jobs at risk, halt our economic growth, and hurt middle class families.

Let me repeat that. This plan would put at risk more than 1 million jobs.

Some of the examples of job losses include small businesses, where some 161,000 jobs would be lost due to \$4 billion less in guaranteed loans. Law enforcement officials would lose their jobs where 12,900 jobs would be cut. Approximately 4,000 positions for FBI agents, 800 ATF agents, 1,500 DEA agents, and some 900 U.S. marshals would be lost, as would 5,700 correctional officers in our Federal prisons.

And 27,500 weatherization jobs would be cut. Just imagine, as one of the largest and strongest winter storms of the season just swept across the country, with some areas receiving record snowfall accumulations, temperatures that dropped dozens of degrees below zero, and deadly storms that knocked out power and left people in the cold. We are telling the weakest and neediest amongst us that they simply are not worth our investments.

Americans' top priorities are job creation and deficit reduction, and they demand that we work together to meet these goals. We are committed to deficit reduction, but we are not going to do it in an irresponsible way that will threaten jobs, economic growth, and the security of our middle class.

The budget cannot be slashed at the expense of jobs and investments in transportation, clean energy, innovation, and rebuilding—rebuilding America, not jeopardizing our economic recovery.

I agree with President Obama that we must out-innovate, out-educate, and out-build the rest of the world, but we cannot risk our economic future by rolling back investments that will help our private sector grow and put people back to work.

PROPOSED CUTS TO FOREIGN AID

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. ROTHMAN) for 5 minutes.

Mr. ROTHMAN of New Jersey. Mr. Speaker, some of my colleagues on the other side of the aisle, the Republican side of the aisle, have suggested that America would be better off if we cut out foreign aid.

In my opinion, there could be nothing further from the truth, Mr. Speaker. Cutting foreign aid from the United States to our allies and others we want to work with around the world is vital to the U.S.'s national security.

I'll say it again. Our foreign aid that we give out, which, by the way, what's the percentage of foreign aid in our budget compared to the whole budget? It's 1 percent. It's actually less than 1 percent. Some people think it's 20 or 30 percent. It's less than 1 percent of our whole budget. And what do we do with that foreign aid? We make alliances with trading partners. We make alli-

ances with strategic military partners all over the world. I think most Americans understand we still live in a very dangerous world and we need allies and friends and partners.

By the way, what does that foreign aid budget include? It includes money for embassies and diplomats, interpreters. Now, would we be better off in a big complex, interconnected, hostile world if we didn't have embassies all over the world? If we didn't have people who understood foreign languages? If we didn't have people who had lived in these countries, who are Americans who lived in these countries but nonetheless understood the cultures and way of thinking and history of these other nations whom we are not yet friends with or whom we are friends with but want to be better friends with, or countries on the fence whom we want to bring over to democracy and to Western values?

I think we'd be far poorer if we did not have a foreign aid budget. And don't just take my word; take the word, for example, of the head of the Joint Chiefs of Staff, Admiral Mullen, who said to Congress last year, the more significant the cuts to foreign aid, the longer military operations will take, and the more lives will be at risk. That's the head of the Joint Chiefs of Staff, not some crazy, wild-eyed, naive person, but the head of the Joint Chiefs of Staff saying cutting diplomacy in the State Department and foreign aid threatens the lives of our warfighters, of our men and women in uniform.

Or how about when Secretary of Defense Gates, then under President Bush, said in 2008, referring to cuts, proposed cuts to foreign aid, that it has become clear that America's civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long. This is Defense Secretary Gates, under former President Bush, relative to what we traditionally spend on the military and, more important, relative to the responsibilities and challenges our Nation faces around the world.

My goodness. Tunisia, Egypt, Lebanon, Libya, Iran, North Korea, China—to say now is the time to have fewer people understanding foreign languages, fewer embassies, fewer diplomats to try to avert war and nuclear proliferation when it constitutes less than 1 percent of the budget already? That's going to solve our problems? That not only won't solve our economic problems, that will create more and more danger to U.S. national security.

That is why, while we need to cut spending, while we need to get rid of waste, while we need to find additional sources of revenue, like the unnecessary \$4 billion that this Congress now gives already to the oil and gas and energy industries, to do what—\$4 billion to do what? To encourage them to look

for energy. Well, I thought they were making a profit at that already, the greatest profits in their histories. Yes, they are. So why give them \$4 billion in subsidies? Let's use that for other purposes. Cut taxes—use that to reduce our deficit. Use that not to cut foreign aid, which returns probably 1,000 times per dollar than what we contribute in terms of the 1 percent of our budget that goes to diplomats, embassies, the State Department, and the meager foreign aid we provide to our essential military allies who are helping us protect against al Qaeda and the Muslim Brotherhood, who are helping us protect our vital sea lanes and economic lifeblood around the world.

I look forward to working with my Republican colleagues, but priorities are priorities, and we ought to make cuts where they make sense, not where they jeopardize U.S. national security.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 29 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BONO MACK) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, our strength and salvation, You are worthy of all praise because true guidance has been granted this free Nation throughout its history.

Members of Congress, now chosen to make decisions that will honestly address the present needs of Your people, need Your help. Reward their efforts to establish equal justice for all and to make judgments in accordance with Your commands.

You can reach down and shatter any present barrier that hides the vision to progress. You can raise up Your forces beyond any wall of anger or prejudice and set all free; so united they may advance Your holy will.

We place all our trust in You, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 1-minute speeches on each side of the aisle.

TRIBUTE TO RONALD REAGAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday, Byron York, in the Washington Examiner, correctly recognized the memory of Ronald Reagan on the 100th anniversary of the President's birth.

Without question, President Reagan stood for policies like lower taxes, less regulation, and a strong national defense.

Having served President Reagan's Energy Secretary, Jim Edwards, as deputy general counsel from 1981 to 1982, I saw firsthand his success in reducing regulations; I witnessed the success of a strong national defense by being an International Republican Institute election observer in Bulgaria, witnessing captive nations achieve freedom and democracy, with victory in the Cold War causing the defeat of communism across Europe and Asia.

Ed Meese was quoted for his contrasting the liberating policies of Reagan as opposed to the Big Government agenda of the current President.

The resources for conservatives are highlighted in California at the Reagan Library at Simi Valley and the Reagan Ranch Center of the Young America's Foundation at Santa Barbara.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

UNEMPLOYMENT RATE

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACKSON of Illinois. Madam Speaker, the unemployment rate last month dropped from 9.4 percent to 9 percent, but only 36,000 jobs were created. Wow, 36,000 jobs equals 0.4 percent.

How did the rate drop so much with only 36,000 new jobs? Madam Speaker,

it's an illusion. If you are chronically unemployed and have given up looking for a job, you don't count as unemployed in America. You fall out of the statistics. So as more and more people are out of work for longer periods of time, they are literally left out of the system. Houdini couldn't have performed an illusion as clever as the Bureau of Labor Statistics.

But shouldn't the government of, for, and by the people care about its most vulnerable in this economic climate?

I want to remind the government of the urgency of our economic situation. Send me your resume and your story to resumesforAmerica@mail.house.gov. I want to have your story entered into the CONGRESSIONAL RECORD to remind the Congress of the fierce urgency of "now."

Madam Speaker, stop the illusions. The American people need jobs, and they want to go to work. We have too many Americans who are chronically unemployed, and we don't even count them anymore. We need to do something about it, and we need to do something about it now.

URGING EXTENSION OF THE TRADE ADJUSTMENT ASSISTANCE FOR WORKERS PROGRAM

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, my colleagues, the American people are watching. More than anything else, this Congress will be judged on what it does to help move this struggling economy forward.

One of our most important and effective programs to assist workers displaced by changes in the global economy has been the Trade Adjustment Assistance for Workers Act. Unfortunately, key provisions of this program are set to expire this week unless Congress takes action.

Last year, displaced workers in North Carolina received over \$56 million through TAA, the second largest amount given to a single State, to ensure that they had the support and training necessary to transition into an emerging sector of the economy.

This program is working. We must support the economy and these workers by immediately approving a long-term extension of the Trade Adjustment Assistance for Workers Program.

CLEAN AIR ACT

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, in 1970, our air was so polluted that breathing was literally a public health threat. Recognizing that need to give Americans clean air, Republican President Richard Nixon signed into law the Clean Air Act.

In its 40-year history, the Clean Air Act has saved the United States trillions of dollars by keeping Americans out of hospitals, in schools, and in the workforce.

The nonpartisan American Lung Association estimates that in 2010 alone it saved over 160,000 lives. But despite saving 160,000 lives and trillions of dollars in the last 40 years, the Republican majority claims this legislation is destroying the American economy. They believe that act must be repealed so Big Oil and corporate polluters can no longer be held responsible for destroying our air and endangering public health.

If Republican efforts to repeal the EPA's Clean Air Act authority are successful, we will return to a time when every breath you take will endanger your life. History disproves Republican claims and illustrates that the Clean Air Act saves lives, creates jobs, and saves the government tens of trillions of dollars. But, apparently, these facts that Richard Nixon understood do not matter.

GET OUR FISCAL HOUSE IN ORDER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Madam Speaker, one of the things that we are going to hear from our good friends on the Democrat side of the aisle day in and day out is how the Republicans are callous because we are cutting spending, and they can come to the floor and enumerate hundreds and hundreds of programs that are so good for America that they cannot be cut and, therefore, we shouldn't do anything to reduce our spending.

We have a \$14 trillion national debt. We are \$1.5 trillion short this coming fiscal year. If we don't do something, we are going to feel it; but our kids and our grandkids are going to have a lower quality of life because we cannot sustain this kind of spending.

So I would just like to say to my colleagues, I anticipate listening to you rant and rave about how we are cutting programs; but long term, unless we get our fiscal house in order, the future of America is really at risk. And I think the people across this country understand that it's time to take a scalpel to the budget.

PATRIOT ACT EXTENSION, H.R. 514

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, yesterday afternoon, 26 Republicans joined me and 121 of my Democratic colleagues in defeating a misguided attempt to extend, without badly needed changes, three soon-to-expire provisions of the Patriot Act.

We must remember that the powers of intelligence and enforcement are among the most important powers of government but also the most fearsome. They must be used very, very carefully.

Last year, I joined Representative CONYERS and other members in offering the USA PATRIOT Amendments Act. This bill would have revised the three controversial provisions we debated yesterday, and other provisions, to ensure that government agents would have to demonstrate a clear connection between the target of surveillance and terrorism investigation. It is that bill we should be voting on, and I ask the House leadership to schedule hearings and a vote on that bill.

□ 1210

HONORING THE LIFE AND ACCOMPLISHMENTS OF GENERAL VANG PAO

(Mr. DENHAM asked and was given permission to address the House for 1 minute.)

Mr. DENHAM. Madam Speaker, I rise today to honor the life and accomplishments of General Vang Pao. General Pao passed away on Thursday, January 6, 2011, and today marks the sixth and final day of the Hmong spiritual practices which are traditionally conducted by the Hmong community after the passing of an individual. I stand here today to support the internment of General Vang Pao in Arlington National Cemetery.

The accomplishments and service that General Vang Pao has given to the United States are not only numerous, but are everlasting. Not only was General Vang Pao determined to protect his country, but he served to protect the lives of American soldiers. He fought to cut off the Ho Chi Minh Trail so that supplies could not be utilized to fuel the enemy's war efforts. He provided aid and support to downed American pilots, in addition to defending American outposts.

The leadership of General Vang Pao helped save thousands of U.S. servicemembers' lives and was an influential force during the Vietnam War. The dedication and service of the general not only earned him the title of Lord Protector of the country, but has also made him a hero in both the Hmong community and the United States of America.

PROTECTING HIGHER EDUCATION

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, as we look for ways to put our economy back on track, we have to be mindful of the

quality of higher education that we are providing our future generations. I agree that difficult decisions must be made in order to guarantee this country's economic prosperity, but access to higher education should not be negotiable.

In California, we have seen tuition increased by as much as 10 percent on higher education, and Governor Brown has proposed a \$1.4 billion cut to higher education funding. We argue that sensible solutions to our economic difficulties are essential to prevent this burden from being passed on to the next generation. But let's look around. Our next generation is here. It is at higher education. Students are dropping out of colleges not because their GPA is too low, but because they can't afford the higher tuition costs.

Our future doctors, our engineers, our politicians, our educators, this is what we are talking about. We cannot rebuild our economy when we do so at the expense of our future generations and their American Dream.

TIME TO BEGIN THE DIALOGUE ABOUT JOBS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, I spent this morning talking with people at the Good Jobs, Green Jobs Conference. This conference is dedicated to building jobs for Americans that are sustainable, that are green, and that will help our country meet the needs of the future.

They talked about efficiency. They talked about saving money with weatherization and putting people back to work doing it. Manufacturing, windmills, solar, all these things are so vitally important, and also transit, all of these critically important things to make our employment grow and to help us stay green.

Unfortunately, however, Madam Speaker, we still have 14 million Americans who are unemployed; and in the time that we have spent in this new Congress, we have not spent any time talking about job creation, green or otherwise. The time is now to focus on jobs. I implore the majority caucus to begin the dialogue about jobs because we haven't talked about it at all.

WHERE IS THE JOB CREATION AGENDA?

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to ask my Republican friends a simple question: Where is the job creation agenda? In the first month of the 112th Congress, this body has not taken up a single piece of legislation that will create jobs and put Americans back to work.

Let's look at what we have done: H.R. 2, repeal protections of health insurance reform. Created no jobs. H.R. 359, eliminating public financing for Presidential campaigns. Created no jobs. H.R. 38, establishing a budget with no numbers. Created no jobs. H.R. 519 is on the floor today, to reduce our annual payment to the United Nations and go back into arrears. Again, creates no jobs.

Madam Speaker, my Republican friends claimed that job creation was their number one priority. The American people said loud and clear that job creation should be their number one priority. During the previous Congress we made that priority, which is why we are in the midst of 12 consecutive months of private sector job growth.

I ask my Republican friends to put aside ideology and join with the Democrats in making job creation their number one priority.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 8, 2011.

Hon. JOHN BOEHNER,
*Speaker of the House, U.S. Capitol,
Washington, DC.*

DEAR SPEAKER BOEHNER: Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803 (a)), I am pleased to appoint the Honorable SHEILA JACKSON LEE of Texas to the Congressional Award Board.

Thank you for your consideration of this appointment.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 8, 2011.

Hon. JOHN BOEHNER,
*Speaker of the House, U.S. Capitol,
Washington, DC.*

DEAR SPEAKER BOEHNER: Pursuant to section 4(b) of House Resolution 5, 112th Congress, I am pleased to re-appoint the Honorable JAMES P. MCGOVERN of Massachusetts as Co-Chair of the Tom Lantos Human Rights Commission.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 8, 2011.

Hon. JOHN BOEHNER,
*Speaker of the House, U.S. Capitol,
Washington, DC.*

DEAR SPEAKER BOEHNER: Pursuant to 2 U.S.C. 2081, I am pleased to re-appoint the Honorable MARCY KAPTUR of Ohio to the United States Capitol Preservation Commission.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

JOHN M. ROLL UNITED STATES COURTHOUSE

Mr. DENHAM. Madam Speaker, I move to suspend the rules and pass the bill (S. 188) to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN M. ROLL UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 98 West First Street, Yuma, Arizona, shall be known and designated as the "John M. Roll United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "John M. Roll United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentlewoman from Maryland (Ms. EDWARDS) each will control 20 minutes. The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 188.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENHAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Senate bill 188 would designate the Federal courthouse currently under construction in Yuma, Arizona, as the John M. Roll United States Courthouse.

On January 8, our Nation suffered a horrendous tragedy. One of our colleagues, the gentlewoman from California, Representative GIFFORDS, was carrying out her duties meeting with her constituents in Tucson, Arizona, when a gunman shot 19 people, killing six. Among those killed that day was Judge John Roll, who was simply stopping by on his way back from attending Mass to say hi to his Congresswoman.

Judge Roll was chief judge of the U.S. District Court for the District of Arizona and was first appointed to the Federal bench by President George H.W. Bush in 1991.

His commitment to serving the public predated his appointment to Federal court. For nearly 40 years, he dedicated his life to public service and the law. Before becoming a Federal judge, Judge Roll was a judge on the Arizona Court of Appeals, serving as presiding judge and vice-chief judge. Earlier in his career, he was an Assistant U.S. Attorney for the District of Arizona. He also served the citizens of Arizona at the local level, first as a Tucson assistant attorney and later as the deputy county attorney in Pima County. It is fitting to honor Judge Roll in this way, given his reputation as a respected jurist and his service to the law.

Although we are honoring the life of Judge Roll through naming a Federal courthouse after him, we must also honor and remember the others who were killed and wounded that tragic day. Among those killed was one of Representative GIFFORDS' staff members, a pastor, a secretary, a homemaker, a grandmother, and a 9-year-old little girl who had just been elected to her student council; each of them simply going that day to meet their Congressman, never thinking their lives would be in danger.

And in this tragedy, we must not forget the heroes, those who took action, risking their own lives, stopping the gunman and preventing more deaths and injuries.

Our prayers continue to be with Congresswoman GIFFORDS, the others who were wounded and the families of all the victims. In honoring Judge Roll by passing this legislation, it is important that we do not forget that all the victims that day should be honored and remembered.

I support passage of this legislation and urge my colleagues to do the same. I reserve the balance of my time.

□ 1220

Ms. EDWARDS. Madam Speaker, I yield myself such time as I may consume.

S. 188 is a bill to honor the life and public service of Judge John McCarthy

Roll, who was gunned down, along with others, at a community meeting in Tucson, Arizona.

Judge Roll graduated from the University of Arizona Law School in 1972, and he spent the next 40 years of his life dedicated to public service. Upon graduation from law school, Judge Roll served as a bailiff in the Pima County Superior Court and soon became Deputy County Attorney for Pima County, where he prosecuted criminal cases until 1980.

After his service as Pima County prosecutor, Judge Roll moved to the U.S. Attorney's Office in Arizona, where he served both as a civil attorney and criminal attorney until 1987, primarily prosecuting drug cases for the Federal Government. Judge Roll then served as a State court judge until he was appointed to the Federal bench by President George H. W. Bush in 1991.

From this perch, Judge Roll earned his reputation as a giant amongst the legal community in Arizona. Judge Roll was respected by his colleagues and the attorneys that appeared before him as someone who devoted his life to the rule of law and afforded all who appeared before him a fair opportunity to present their case.

Judge Roll's 20-year service to the judiciary ended tragically on January 8, 2011, when he was shot and killed while attending a local event sponsored by the gentlewoman, our colleague from Arizona, GABBY GIFFORDS. Judge Roll attended the event in the course of his duties to thank Congresswoman GIFFORDS for sending a letter to the Chief Judge of the Ninth Circuit Court of Appeals requesting that he declare Judge Roll's Federal district a judicial emergency because it was besieged with a high number of immigration and drug cases. Judge Roll also worked closely with Congresswoman GIFFORDS to justify to Federal officials the need for construction of the Yuma, Arizona, U.S. Courthouse to adjudicate the growing backlog of these cases.

Madam Speaker, given Judge Roll's extraordinary service to his country, it is so fitting and proper that we honor his memory by designating that very same courthouse—the U.S. courthouse now under construction in Yuma, Arizona—as the John M. Roll United States Courthouse. This action today, Madam Speaker, will clear the bill for the President and hopefully provide a small comfort to Judge Roll's wife, Maureen, his three children and his five grandchildren, in honor of his service.

I urge my colleagues to join me in supporting S. 188.

I reserve the balance of my time.

Mr. DENHAM. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman from California for yielding.

Madam Speaker, I rise today in support of S. 188.

I can think of no one more worthy of this honor than Judge John Roll. Naming a Federal courthouse after Judge Roll won't make the pain of his passing any easier for his family and close friends, but it will help ensure that his exceptional legacy and final act of heroism will never be forgotten. While the painful memories of the Tucson tragedy will eventually begin to fade, there will always be a John M. Roll United States Courthouse in Yuma.

Madam Speaker, John Roll's job was to look out for the people of Arizona. That's what a good judge is supposed to do. And John Roll was a great one. We've heard from friends and colleagues about how fair he was in the courtroom and how he worked to make sure that Arizona's judicial system—with its ever-growing caseload—was working efficiently for the people. And it was no surprise, Madam Speaker, when we learned that Judge Roll died while helping to save the life of Ronald Barber, one of Congresswoman GIFFORDS' staff members. So even at the very end, Madam Speaker, Judge Roll was doing what he did every day before that—looking out for the people of Arizona.

For your service to our great State and this country, Judge Roll, we offer our deepest thanks. We will never forget you or the other good Americans who passed away on that terrible day.

Ms. EDWARDS. Madam Speaker, I am pleased to yield 1 minute to the leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentlelady for yielding. I thank her and you, Mr. Chairman, for bringing this resolution to the floor to name a Federal courthouse in Yuma, Arizona, for John M. Roll. It will be called the "John M. Roll United States Courthouse." How appropriate.

Chief Judge Roll was a dedicated public servant, as our colleagues have referenced, serving as a Federal judge in Arizona, a State judge, and a prosecutor for the city, county, and at the Federal levels. Chief Judge Roll was a proud son of Arizona, moving to Arizona as a little boy, living there for the vast majority of his life, receiving his undergraduate and law degrees at the University of Arizona.

Tragically, Chief Judge Roll was one of the six Americans who were taken from us during the horrific shooting in Tucson. He died while helping to save the life of Ron Barber, as has been mentioned, a staffer for Congresswoman GIFFORDS—protecting him. He had just come from Mass. I spoke to his wife, Maureen, the other day, and she said that was his regular routine on Saturday, to go to Mass in the morning. He then went from there to see Congresswoman GABBY GIFFORDS at Congress on Your Corner, and you

know what happened next. He was going to talk to her about securing resources for the overwhelming court system. This was characteristic, as he dedicated his entire life to ensuring justice. He was known as a scholar of the law and a man of integrity. He is an example of the public servants who are doing serious and significant work in the judiciary every day.

We had the honor, when we went to Tucson with the President to visit GABBY and to meet with some of the families, to also take pride in the fact that Justice Anthony Kennedy from the Supreme Court came on the trip, and Sandra Day O'Connor, who is from Arizona, was there that evening as well. They were joined by other justices who served with Judge Roll as a tribute to him personally and officially. It was wonderful to hear the beautiful statements that they made in our conversations about Chief Judge Roll, and they all sang the praises of Maureen Roll.

So I hope it is a comfort to Maureen, to their three sons, and five grandchildren that so many people are saddened by their loss. We're praying for them at this very sad time. This courthouse will long stand as a tribute—and an appropriate tribute—to Judge Roll.

Mr. DENHAM. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. I stand here today in support of Senate Bill 188. Judge Roll lost his life in the tragic shooting in Tucson 1 month ago, and I believe it is a fitting tribute to honor his memory and service to our country by designating the Yuma courthouse the John M. Roll United States Courthouse.

Judge Roll loved his country. His service as a Federal judge and the chief judge for the United States District Court was admirable. He served selflessly, as he always worked to ensure that the rule of law was upheld.

Judge Roll loved Arizona. Attending the University of Arizona for his undergraduate work and the University of Virginia for his law degree, he returned to the State he loved to serve Pima County, Arizona, and the United States.

Judge Roll's patriotism was evident in the fact that he went out to talk with his Representative at the local Congress on Your Corner event. His love for his country inspired him to serve and motivated him to come and support GABBY GIFFORDS.

Judge Roll lost his life trying to protect another. His act of courage will always be remembered and his upstanding character will never be forgotten. My thoughts and prayers are with his family today.

The United States and Arizona has lost a distinguished public servant, but he will always be remembered for diligence and dedication to our Nation.

May God be with Judge Roll's family and all the victims of the shooting in Tucson.

Ms. EDWARDS. Madam Speaker, I yield 2 minutes to another of our colleagues from Arizona, ED PASTOR.

Mr. PASTOR of Arizona. First of all, I want to thank my colleague from Maryland for yielding the time.

About 3 years ago, Judge Roll informed us that the courthouse in Yuma, which is in southeastern Arizona, lacked the space because of the increased cases dealing with the drug cases and immigration cases that the Federal court was facing in the Yuma area.

□ 1230

It was very interesting. At the time, the request was kind of unusual because, in the line of things, at least in the court itinerary, the Yuma court was not under consideration, but Judge Roll impressed on the delegation that this was sorely needed in the Yuma area, which prompted the Arizona delegation to work in bringing forth some moneys. I have to tell you that, in the last appropriation bill that passed this House, which was the omnibus bill, Chairman JOSÉ SERRANO, from New York, was able to appropriate the moneys to have this courthouse constructed.

Also, I want to thank the leadership of the Congress, of the House of Representatives, for bringing this bill forward. It is very appropriate that we name this courthouse in the name of Judge Roll, who was the presiding judge of the Arizona courts. As you have been told—and rightfully so—he was a jurist, a scholar, and a man who had a deep belief in God; but more than that, he was a father, a good husband, and one who continually supported the efforts of his community.

So on behalf of the Arizonans, we thank this House for naming this courthouse in Yuma, Arizona, in honor of Judge Roll. May he rest in peace.

Mr. DENHAM. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I thank the committee for bringing this resolution forward. I rise in support of it.

Madam Speaker, as Judge John Roll pored over the plans and designs for a new courthouse to be built in Yuma, Arizona, I am sure his intentions were not to cement a legacy in brick and mortar. To those who knew him, maintaining a reputation as a fair, ethical and intelligent jurist was legacy enough.

One Tucson attorney said, "One of the finest compliments you could give him was that you got a fair day in court."

In fact, when the ability of the Arizona Federal court system to ensure such timely care and attention in all of its proceedings came into question by what he called a "tsunami of felony cases," Judge Roll declared a judicial emergency for the District of Arizona.

An Arizonan since childhood, a two-time graduate of the University of Arizona and a public servant within the State for nearly 40 years, Judge Roll was a tireless advocate. His mission would bring him to seek the assistance of his Representative, Congresswoman GABRIELLE GIFFORDS. Eventually, their efforts helped to secure approval of the funding for the Yuma courthouse.

With the construction of this building set to begin this July, Judge Roll labored over the finishing touches. To him, the building represented a means to an end to better serve the people of Arizona. The Judge John M. Roll United States Courthouse will now represent and commemorate Judge Roll's legacy as a selfless public servant.

Let me just say that I, along with some of my colleagues here, had the honor to attend his funeral. I heard stories of selfless service, of care and of what an incredible, wonderful jurist he was to represent the United States Government—to ensure that justice was served and for his service to the people of Arizona. There was such an outpouring of love and support for the family and, basically, just an honoring of the legacy of this great man. So I am glad we can do this small part to ensure that people remember what he has done for the State and for his country.

Ms. EDWARDS. Madam Speaker, I reserve the balance of my time.

Mr. DENHAM. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Madam Speaker, I never met Judge Roll, but if you were judged by the comments, the love, the number of touches I've received just in the last 24 hours, we have a gentleman here with an amazing history, an amazing reputation. Just walking up the stairs, while coming here onto the floor of the House, I was on the floor with a local attorney, named Steve Twist, who could not stop sharing comments of the fairness and of the devotion to his faith.

The fact of the matter is Judge Roll was tough, but you were always going to get your appropriate day in court. Therefore, I hope naming this courthouse in Yuma that he painstakingly spent time on helping design and get right is just the first step in a fitting tribute to a life well lived.

Ms. EDWARDS. Madam Speaker, one of the things that we don't talk about very often is that there are different ways that people choose to serve. Some choose to serve in elected office. Some choose to serve in uniform. Judge Roll chose to serve in our judiciary. It is one of those parts of our system that Judge Roll rightly recognized as one in which it is important to hear with fairness those who come before the court. Every aspect of Judge Roll's service indicated, with regard to those who appeared before him, that he operated

and functioned fairly in his courtroom. It is why he was so respected.

As we look at his 20-year service, ending so tragically just in January of 2011, perhaps several months ago, one would not have thought what the name of the courthouse would be under its construction in Yuma, Arizona. Yet, today, because of Judge Roll's service and the tragedy that met him, it seems so obvious that this courthouse should be named for such an important public servant. Given Judge Roll's extraordinary service to the country, it is true that, in his memory, we will remember him as a public servant, but we will also remember the purpose for which he served this country in our judiciary.

The John M. Roll United States Courthouse will be a place in which, not just his wife, Maureen, and his family will be able to recognize their memory, but will be one that other attorneys and judges and litigants will recognize as a place of fairness, as a fair representation of his service to this Nation.

So I do join my colleagues in supporting S. 188.

Mr. GRIJALVA. Madam Speaker, I rise today to honor the memory of Judge John Roll, a tireless advocate for justice and a model public servant. By designating the Federal courthouse under construction at 98 West First Street in Yuma, Arizona, as the "John M. Roll United States Courthouse," Congress has chosen to pass the legacy of a champion for justice to many generations of Arizonans and Americans.

A native Pennsylvanian, Judge Roll moved to Arizona as a child. He graduated from the University of Arizona with his Bachelor's Degree in 1969 and his J.D. in 1972. He began his legal career as a bailiff in the Pima County Superior Court later that year.

Judge Roll became an Assistant City Attorney for the City of Tucson and Deputy County Attorney for Pima County, prosecuting criminal cases until 1980. He later joined the U.S. Attorney's Office where he led the organized drug crimes task force, specializing in large drug cases, from 1982 to 1986. From 1987 to 1991 he served as a judge on the State Court of Appeals, and in 1991 also held a post on the Pima County Superior Court.

Judge Roll was appointed to the Federal bench in 1991 by President George H.W. Bush and was unanimously confirmed by the Senate. He served as the chief judge of the District of Arizona from 2006 until his tragic death on January 8, 2011. He displayed remarkable fairness and evenhandedness in his rulings, and was often recognized by peers and colleagues for setting aside his personal beliefs in service of the law.

According to multiple witnesses, Judge Roll died protecting Congresswoman GIFFORDS' district office director, Ron Barber, who continues his recovery. His sacrifice will never be forgotten by the Arizona community. I believe many join me in extending heartfelt sympathies to his widow Maureen, his three sons and his five grandchildren.

For many years, Judge Roll pushed for the construction of a new Federal courthouse in

Yuma. He worked diligently with my office and Ms. GIFFORDS' office to secure the funding, which finally came through the American Recovery and Reinvestment Act of 2009. His determination and persistence were key factors, and it is fitting that the building will bear his name.

John Roll was a great example to everyone of what a legal career can mean to a nation and a community. His passing was a very sad day for our State, and I can think of no greater tribute than to pass on his name to future generations through the courthouse he fought so hard to bring to Yuma.

Ms. EDWARDS. I yield back the balance of my time.

Mr. DENHAM. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, S. 188.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DENHAM. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

UNITED NATIONS TAX EQUALIZATION REFUND ACT OF 2011

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 519) to secure the return to the United States the \$179 million overpaid into the United Nations Tax Equalization Fund as of December 31, 2009, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United Nations Tax Equalization Refund Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately \$180 million in United States taxpayer funds overpaid to the United Nations remain in the hands of the United Nations because the United States has not requested the return of those funds.

(2) The funds were paid into the United Nations Tax Equalization Fund (TEF), which is used to reimburse United Nations staff members subject to United States income taxes for the cost of those taxes.

(3) In recent years, the TEF has taken in considerably more money than it has paid out, with the United States apparently overpaying into the TEF by \$52.2 million in the 2008-2009 timeframe alone.

(4) According to the United Nations Financial Report and Audited Financial Statements released on July 29, 2010, "As of 31 December 2009, an amount of \$179.0 million was

payable to the United States of America pending instructions as to its disposition."

(5) That balance was allowed to accrue notwithstanding United Nations Financial Regulation 4.12, which states that any such surpluses "shall be credited against the assessed contributions due from that Member State the following year."

(6) Allowing the United Nations to regularly overcharge the United States and to retain those overpayments, or to spend them on wholly unrelated activities, is a disservice to American taxpayers and a subversion of the Congressional budget process.

SEC. 3. REFUND OF UNITED STATES TAXPAYER DOLLARS FROM THE UNITED NATIONS TAX EQUALIZATION FUND.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to direct the United Nations to return to the United States the \$179,010,326 overpaid into the United Nations Tax Equalization Fund (TEF) as of December 31, 2009, which the United Nations itself has identified as "payable to the United States of America";

(2) to use the voice and vote of the United States to press the United Nations to reform its TEF assessment procedures to reduce the repeated discrepancies between TEF income and expenditures; and

(3) to annually instruct the United Nations to return to the United States any TEF surplus funds payable to the United States.

(b) CERTIFICATION AND WITHHOLDING.—Until the Secretary of State submits to the appropriate congressional committees a certification that the United Nations has returned to the United States the \$179,010,326 identified by the United Nations in its July 29, 2010 Financial Report as payable to the United States, the United States shall withhold \$179,010,326 from the United States contribution to the regularly assessed biennial budget of the United Nations.

SEC. 4. DEFINITIONS.

In this Act—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the term "United Nations Tax Equalization Fund" or "TEF" means the fund established under the provisions of United Nations General Assembly Resolution 973 (December 15, 1955) to equalize to net pay of United Nations staff members.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

□ 1240

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

The American people have spoken. They overwhelmingly voted for today's YouCut proposal calling for U.S. taxpayer funds overpaid to the United Nations to be returned to the United States. The United Nations holds about \$179 million overpaid by U.S. taxpayers into the U.N. Tax Equalization Fund. This is not about the U.N. finally doing

the right thing by paying for security upgrades at its headquarters in New York. The U.N. is not paying for anything.

After years of avoiding its responsibilities, the U.N., with the support of the Obama administration, is asking the American taxpayer to bail them out once again and pay 100 percent of the proposed construction costs. To make matters worse, allowing the U.N. to take \$100 million of the refund owed to U.S. taxpayers would be an increase for the U.N. budget.

This YouCut not only ensures that U.S. taxpayers receive the funds owed to the U.S. Treasury, but it prevents a \$100 million increase for the U.N. The U.N. doesn't want the American people to know this; so the U.N. and the State Department are now stating that they should allow this increase because it is for security upgrades. This is not about security. This is the U.N. and the Obama administration looking for another excuse to avoid making the difficult choices and requiring accountability from the United Nations.

This is not like U.S. embassy construction projects where the needs are assessed, where a detailed plan is developed on how the security needs will be addressed, on how the funding request is presented, and how the Congress will then allocate the funds, no. After months of requests, my colleagues on the committee and I are still waiting for the details on this proposed construction project and, more recently, on how the U.N. would fund it.

In news reports, I read that the State Department may have already handed over to the U.N. \$100 million of our overpayment into the TEF. The Tax Equalization Fund, TEF, is a roundabout mechanism premised on the U.N. belief that U.N. employee salaries and benefits should be tax free. The TEF has collected much more from the U.S. than it has paid out.

The U.N.'s most recent biennial financial report states that the amount of the U.S.-paid surplus has grown to \$179 million. The U.N. readily admits that it does owe the overpaid money to our U.S. taxpayers. According to the U.N.'s official financial report, the TEF surplus is "payable to the United States of America pending instructions as to its disposition."

This YouCut proposal declares that it is U.S. policy to seek the return of those funds and the reform of the TEF assessment process. And until the Secretary of State certifies to Congress that those funds have been returned, the bill withholds from our U.N. dues an amount exactly equal to the overpayment identified by the U.N.

That's the simple question, Madam Speaker, framed by today's vote. Should the 179 million taxpayer dollars, which the U.N., again, admits it has no right to keep, be returned to the

United States taxpayers? Should the American people be asked to foot the entire bill for the U.N. construction project?

Since this issue has begun receiving public attention, there has been a great deal of misinformation that I would like to address briefly.

Last week, the Assistant Secretary of State for International Organization Affairs reportedly said that, "The \$179 million in overpayments are in the form of credits, not cash, and thus cannot be refunded per se." Madam Speaker, this is simply not true. Not only does the statement by the IO Assistant Secretary conflict with what the State Department budget professionals have most recently told the Congressional Budget Office, but it conflicts with the U.N.'s own position. They can't even get their stories straight.

The U.N.'s most recent financial report makes clear that the \$179 million surplus is a distinct account payable to the United States of America. So the question is, should the U.S. pay an additional \$100 million to the U.N.?

I first raised the TEF surplus issue in a letter to Secretary Clinton on November 18 of last year. The State Department response since that time has been tardy, incomplete, and evasive. At a November 18 briefing, the State Department mentioned for the first time that it was considering whether to allow the U.N. to spend part of the U.S. surplus on an unrelated construction project at the U.N. headquarters in New York. Nothing certain. The Foreign Affairs Committee requested detailed plans, cost estimates, for the proposed construction project so that we could credibly assess the claimed \$100 million pricetag. I repeated that request on December 22, then on December 29, then on January 4, and on January 25. We're still waiting for those details. The only thing that we have gotten, Madam Speaker, other than a few PowerPoint slides, the only figures we have received is this: Less than a single page of summary totals, with no supporting documentation. This is it.

The State Department has admitted that this construction proposal, in the words of the Under Secretary for Management, "is primarily the responsibility of the United Nations," but they want to stick the American taxpayers with the bill.

I disagree with the State Department. And the American people, they know that we should not be penalized because the U.N. failed to adequately plan for its own security needs. If the administration wants to fund this project, the State Department should identify cuts to U.N. programs to offset the cost and then ask Congress to pay for it directly, explicitly, and clearly. Whatever the merits of this proposal, it should not be taken from a refund owed to U.S. taxpayers.

My colleagues, let's join together in support of this week's YouCut.

With that, Madam Speaker, I respectfully reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I rise in strong opposition to this legislation, and I yield myself 2½ minutes.

This is called the YouCut agenda. It's the second bill on the YouCut agenda. If this is the kind of bill that's going to be on the YouCut agenda, I would suggest that we name it the "YouCut what?" agenda.

The CBO says, in its official cost estimate, implementing H.R. 519 would have no effect on the Federal budget, no effect. Not \$1 is saved by this particular proposal.

So we are faced with a piece of legislation that jeopardizes critical security upgrades at the United Nations headquarters, and let me just point out here, there's a large improvement plan for the U.N. building that's going on now. That is not paid by the U.S. It is paid by the apportioned assessed dues of all the member countries.

This is about a perimeter cost dealing with FDR Drive that our colleagues Mr. THOMPSON and Mr. KING and the other New Yorkers who will speak on this will go into more detail on, that's a host country obligation. There is not \$180 million in that fund because \$100 million of it has been committed to the request of the New York City Police Department to securitize the perimeter of the U.N. building where FDR Drive goes under the U.N.

Secondly, it puts us back in arrears at the U.N. We tried that once. That doesn't get our agenda through. We have a big agenda and a big reform agenda at the U.N. Failing to pay our obligation is not the answer, and because of the nature of this fund and the commitments already made, I repeat what the CBO says: H.R. 519, this legislation, would have no effect on the Federal budget.

□ 1250

So we are not saving money. We are spurning the important security requests, and we are going back into a pattern of arrearages that undermines our efforts at the U.N. and does not help to achieve those goals.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to yield 5 minutes to the gentleman from Texas, Judge POE.

Mr. POE of Texas. I thank the gentleman for yielding and sponsoring this legislation.

Madam Speaker, it seems fairly simple to me: The American taxpayers have overpaid the U.N. The U.N. didn't tell anybody about it. The Heritage Foundation found out about it and published it last year; and all of a sudden, the U.N. admits, Oops, yes. We have \$180 million of American money that was overpaid. The State Department

has intervened in a letter today by saying that we not only have intervened, but we have kind of told the U.N. to spend \$100 million of that money on security in New York.

Now, no question about it, New York probably needs more security around the U.N. That's a different issue. This issue is basic honesty. It's an overpayment by taxpayers. The U.N. got caught, and they should return the money to the United States. And the United States should decide if we want to appropriate more money for security around New York City or the U.N. That is a different issue. But this is an issue of honesty.

First of all, the State Department didn't have the authority to go ahead and say, Keep a little of that money—\$100 million of it—and spend it on security. They didn't have that authority. And now there is only \$80 million left.

So I submit, we should pass this legislation. We should expect that the U.N., like everybody else, deal in basic honesty. If you make an overpayment in your private personal business, whoever you sent that money to owes you that money. Somebody else can't come in and say, Go ahead and spend it on security or something else because they overpaid the money. The money returns to that individual, just like this taxpayer money should return to the American public, and we should decide whether we want to spend more on the U.N. or not spend it or send that \$180 million someplace else.

So I am somewhat dismayed that the State Department has taken a position against basic honesty in saying that money should go ahead and stay in the U.N. because it's already spent. Somebody needs to return the \$180 million.

If the State Department spent part of it without authority by Congress, then they need to fork over another \$100 million and we get our \$80 million back from the U.N., because it's an issue of basic honesty. Then we will deal with the issue of security. And if we need more security around the U.N., then let's have legislation to deal with that and let Congress pass that legislation or vote on that legislation one way or the other. But it's simply not the U.N.'s money.

Give us back our money. It doesn't belong to the United Nations.

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MADAM CHAIRMAN: I write to express the Department of State's strong opposition to House passage of H.R. 519, the "United Nations Tax Equalization Refund Act of 2011".

The Department agrees with the goal of reducing the fiscal burden on Americans during difficult economic times and has been working with the United Nations to ensure that the UN improves its methods for estimating U.S. assessments and that UN credits attributable to U.S. contributions are applied in a fiscally responsible manner. The

approach taken in this bill, however, would undermine those efforts and thus, we oppose passage of the bill.

Contrary to assertions in the bill, the UN Tax Equalization Fund (TEF) balance attributable to U.S. contributions is now approximately \$80 million. The Administration believes that these credits should be used as offsets against future assessments for UN activities, thereby reducing the need for appropriated funds to meet vital U.S. foreign policy interests.

As the Department of State notified the Congress in December 2010, the United Nations advised the Department of its intent to apply up to \$100 million of previously existing TEF credits attributable to United States assessed contributions to fund critical security enhancements at the UN Headquarters complex in New York. New York City and the New York City Police Department had requested such enhancements given the increasing threats the United Nations has come under globally, and given the obvious potential impact of these threats on the United States, as the UN's host country, and on its citizens. The Department notified Congress of its view that upgrades are the only practical means to mitigate potential threats emanating from the public streets surrounding the UN complex to protect the safety and security of staff, visitors, delegates, and senior U.S. and foreign officials present there every day, and that the United States and the UN have a strong shared interest in having increased security against threats emanating from public rights of way along First Avenue and the FDR Drive.

Additionally, the Department of Justice advises us that subsection 3(b) of the bill, which purports to declare the "policy" of the United States with respect to the TEF overpayment, implicates the President's exclusive authority to determine the time, scope, and objectives of international negotiations or discussions and therefore would be construed by the Executive Branch as declaring the sense of Congress but not imposing binding obligations on the conduct of the President's diplomatic efforts.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised that there is no objection to the presentation of this letter from the standpoint of the Administration's legislative program.

Sincerely,

RICHARD R. VERMA,
Assistant Secretary,
Legislative Affairs.

Mr. BERMAN. Madam Speaker, I yield 3½ minutes to the gentleman from New York (Mr. ACKERMAN), the ranking member of the Middle East and South Asia Subcommittee of House Foreign Affairs.

Mr. ACKERMAN. Madam Speaker, I am opposed to this bill for one simple reason: It's not a smart thing to do. It recklessly jeopardizes the security and safety of the people of New York City, and it does so for no reason.

This is a national security issue. It will irresponsibly and indefinitely delay the vital security improvements to the perimeter of the U.N. campus in the city that the State Department wants to undertake and has the resources to commit. Why do this? Only a radical, wild-eyed obsession with taking a pound of flesh out of the U.N., which at times deserves it, and to do so

no matter what the cost to our national security.

Where is the common sense in clawing back money that is going to be used for desperately needed, long overdue security upgrades that we have the money for anyway and have the responsibility to do anyway? Where's the benefit to the taxpayer for maintaining the vulnerability of the most prominent international target which happens to be in al Qaeda's most highly targeted city?

I can see how the terrorists benefit from reduced security. But I'm having a terribly hard time seeing how New Yorkers or Americans or the 1 million tourists to the building or even the multitudes of international representatives at the United Nations, whom we have undertaken to keep safe, will benefit. The U.N.'s Capital Master Plan calls for \$100 million in security upgrades.

As the host nation, that's something about which we should be proud. We are the guarantors of the U.N.'s physical security. We have the money in the Tax Equalization Fund that we can use for the security upgrades. The State Department has already committed to do it. The U.N. wants us to do it. New York City needs us to do it. The New York City Police Department is literally on its knees begging us to do it. We have the money. We don't need further appropriations. All we need to do is to stop this bizarre and radical effort to derail the whole effort.

And you want to eliminate \$100 million in jobs? Why?

Security in New York is something I take very seriously. I think most Members do. But as this bill shows, some clearly don't. They are all too happy to rush to the floor every September 11 and boast about the amazing heroism of our police, our firefighters, our first responders. One day a year, they think New York City is part of America.

The rhetoric is all patriotism and bombast, full of promises to do "whatever it takes." And then comes the time to start paying for it. And then, Madam Speaker, some Members have a change of heart. Proudly remembering 9/11 heroism for some Members was no impediment to telling workers deathly ill from their time on "the pile" to go ahead and die. Congress didn't have any money for them—at least not until the story got out.

Those of us from New York haven't forgotten all the so-called "patriots" who fought tooth and nail to stop the passage of the James Zadroga 9/11 Health and Compensation Act. So now, instead of fighting to get Congress to do the minimally decent thing, we find ourselves on the floor of the House fighting to prevent Congress from doing the maximally stupid thing. I'm not sure this constitutes progress. Taking money from vital security upgrades is radical, irresponsible, and reckless. It's stupid.

Vote "no" on stupid.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I wish to rebut some of the arguments. To my colleagues, I ask, if this was so urgent, why didn't the Obama administration request these funds legitimately last year? Why didn't the last Congress fund it? Secondly, the CBO needs to have the actual funds reimbursed so that the savings can be tabulated.

And also, Madam Speaker, I hold out this letter from the Under Secretary of State for Management, which says that this construction is primarily the responsibility of the United Nations. They, themselves, are saying that this is not a U.S. host country responsibility.

And less than 2 hours ago, we received a letter, finally, from the State Department—even though we've asked for it repeatedly—claiming for the first time ever that the current TEF surplus is "now approximately \$80 million." It's either the new math or it took the scheduling of the bill on the floor of the House of Representatives to get the administration to effectively admit for the first time that it has already given away \$100 million owed back to the U.S. taxpayers.

This is an outrage, Madam Speaker.

Even now, the State Department doesn't have the honesty to admit its decision but tries to hide behind the U.N. In that letter, they write, "As the State Department notified the Congress in December 2010, the United Nations advised the Department of its intent to apply \$100 million of previously existing TEF credits to fund critically important security enhancements at the U.N. Headquarters complex."

But the U.N. can not and will not do any such thing without express instructions from the U.S. Don't take my word for it. This is what the State Department told Congress when we started asking these tough questions a few months ago. The U.N. "applies credits consistent with requests from the relevant member states and will not move forward with using them in other ways."

So the administration owes Congress a long overdue explanation of:

One, who instructed the U.N. to keep and spend \$100 million that were payable to the United States?

Two, when did they do it?

Three, on what basis did they make that decision?

□ 1300

After 3 months of repeatedly asking for the detailed plans and the costs and the estimates, we have received only, again, a single piece of cursory figures. This is it.

The U.N. should give U.S. taxpayers back the \$179 million that we overpaid, plain and simple. If the State Department gave most of that away to the

U.N. in some backroom deal, then we will make sure that we can recoup these funds from the Department.

Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 3 minutes to the chairman of the Homeland Security Committee, the gentleman from New York (Mr. KING).

Mr. KING of New York. Madam Speaker, I rise in opposition to this legislation. And I say that as one who has voted continually for reform at the U.N., has been critical of funding procedures involving the U.N.

But I'm here today to save lives. The fact is, contrary to what has been said, I don't want to get caught in an accounting debate. I don't want to get caught in a fight between Democrats and Republicans, between the Obama administration, the State Department, the U.N., between chairman and ranking members.

I am here because of the fact that this is not something that started 3 months ago or 4 months ago or 5 months ago. This has been an ongoing matter between the New York City Police Department and the U.N. and the State Department.

The results of an attack in this area would be catastrophic. I am not going to go into details. But anyone who wants to check the series of correspondence going back long before this became an issue here in Congress about how vital it was to have this \$100 million in construction changes and hardening made, whether we are talking about First Avenue or FDR Drive or the perimeter, the fact is, this is a disaster waiting to happen.

And I would say to Members on both sides, if there is an attack, if there is a vehicle bomb, if there is an attack in these areas that have been designated by Commissioner Kelly, and we see hundreds of lives lost or thousands of lives lost, we're going to come back and say well, that could have been taken care of, but it was in this account rather than that account; it was authorized but not appropriated, or it was spent by the U.N. at the direction of the State Department and Congress didn't have time to act in time.

The fact is, this is a matter of life and death. This is a serious matter. I was on the phone late last night at midnight with the highest-ranking people in the New York City Police Department, and how vital this is to them.

We can have our debate back and forth. We can go back and forth as to when it should have been done, who was hiding what. The fact is, I'm concerned with saving lives, not just for New Yorkers, but all the tourists that visit there, the impact this would have.

And if people are concerned about saving money, put it in very harsh economic terms what this would do to our

economy if a car bomb went off in the vicinity specified by Commissioner Kelly and we saw lives being lost, people being burned to death, we saw buildings coming down because we felt the money wasn't done exactly the appropriate way as far as which part of the balance sheet it came off.

So I am urging my colleagues to save lives, to do what has to be done for security, put partisan politics aside. And it's not just important to know the cost of something. It's important to know the value of something and the damage that can be caused if that value is impaired.

So I urge the defeat of this legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the chairman of the Foreign Affairs Subcommittee on Europe and Eurasia.

Mr. BURTON of Indiana. I thank the gentlelady for yielding, and I want to congratulate her on being the new chair of the Foreign Affairs Committee. I know she is going to do an outstanding job.

Madam Speaker, let me just start off by saying the U.N. has been a scandal-ridden mess for as far back as I can remember. I've been in Congress 28 years, and we've had scandal after scandal after scandal. The people over there that have been overpaid, comparing it to the private sector for accountants, for business, for all kinds of things, and we raise Cain about it on this floor, but nothing ever changes.

Remember the oil scandal involving Iraq? Remember Saddam Hussein and the deals that were cut and how the U.N. was involved in that?

Nothing ever changed. We keep throwing the money in the same direction and the same amounts, year after year after year. We give them 22 percent of their budget. Now, if you take all the countries in the world that are involved in the U.N., you'll find that we're sending a real disproportionate amount of money to them. Our share should not be 22 percent. Nevertheless, we do it year after year after year.

And now we find out that the U.N. Tax Equalization Fund, the TEF, was overpaid \$179 million. Why in the world should we allow them to keep our money? We're already paying them more than we should, in my opinion.

I heard what my colleague said about the security of the place and all that. We give them more than enough money to take care of the place and to pay the salaries and to do what needs to be done over there. That is, if you support everything the U.N. does.

But to allow them to keep almost \$180 million of our money when it's an overpayment makes no sense whatsoever. So what we're saying here today is, you know, we're just going to hold this money back if they don't return what they already owe us.

Now, if we had any other creditor that owes us money, or if you had a creditor in your hometown, you would expect that creditor to pay you back. You'd expect them to pay what they owe.

But the U.N. is a different thing. Why? It makes no sense to me whatsoever.

I've been here long enough to know that there has been problem after problem after problem with the U.N., and we've complained about it. We have done very little to correct that, but we've complained about it time and again.

But at the very, very least, at the very least we should expect them to pay us back the money that they owe us. So I wish my colleagues would think about this from a logical point of view. Why should we let them keep money that they owe the United States, especially at a time when we have a \$14 trillion, get that, \$14 trillion national debt? We're going to be \$1.5 trillion short this year, and the legacy we're going to leave to our kids and grandkids is unbelievably bad. And so this is a drop in the bucket, no question about it. But I think we should get our \$170 million back, and I hope my colleagues on the other side of the aisle will concur.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 3 minutes to the ranking member of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Madam Speaker, this is a fundamental principle that we developed in the Homeland Security Committee, where we work with our stakeholders to protect this country. The notion of taking the resources away from the New York City Police Department, a major stakeholder in keeping this country safe, does not make sense.

Representative KING, the new chairman of the committee, outlined in a very passionate statement how this would devastate New York City. That partnership we've created has rendered results. All of the statistics that we have gleaned on this committee indicate that New York City is the number one terrorist target in the United States. This \$100 million investment with the New York Police Department is an investment in security.

What we have here is smoke and mirrors that ultimately will render the citizens of New York City vulnerable to any potential attack. So I call upon my colleagues to oppose this unfortunate cut in the name of getting paid back, and look at it in what ultimate damage it will cause.

The New York City Police Department is known worldwide for its security investments and enhancements, but that's because of the partnership it's had with the Federal Government. We shouldn't punish the good people of

New York for some ostensive reason with the United Nations.

And let's talk a little bit about the United Nations. We're fortunate to have them on our shores here in the United States. That's worth a lot. We bring a lot of people to this country. Thousands of tourists visit that building every day. And so why all of a sudden do we want to limit the security of those individuals, among others who visit that building, just because we're trying to "get some money back."

□ 1310

Well, we are bigger than that. We have to lead by example. The best example we can do here today is to defeat this unwarranted, mean-spirited deal that does not provide any security for the good people of New York or the people who work in and around the United Nations building.

That building was put here in 1951. It has been here a long time. We have been that beacon of hope for world order. And now, all of a sudden, we jeopardize it in a document that clearly we understand will not really cost any more money. So I ask for a vote in opposition to H.R. 519.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY) in whose district these security perimeter improvements are being made.

Mrs. MALONEY. I thank the gentleman for yielding to me and for leading on so many important issues for the safety of our country and world peace.

I rise in strong opposition to this legislation which would, I believe, make New York City more vulnerable to terrorist attacks; and this includes people that I represent who are visiting or live around the U.N. compound.

The bill would divert funds that the U.N. has that the State Department, United Nations, and the New York City Police Department have planned to use for much-needed security enhancements to the U.N. compound and surrounding perimeter in Manhattan.

I just spoke earlier today with Police Commissioner Kelly, who says these funds are absolutely critical to maintain homeland security. Homeland security should be the number one priority for this country, and not having these funds would put at risk the lives of people who work there, people who visit, and people who live in the area.

We know that threats of terrorist attacks are real. New York City has been attacked twice. And the police commissioner told me today that there have been 11 attempted attacks since 9/11, which they have stopped. So it is a real threat. And as a host country, we have a responsibility to protect the diplomats and those who work in and

visit the United Nations. And we know that the U.N. is a terrorist attack target across the world, most notably in 2003 the attack in Iraq and in 2007 the attack in Algeria. So this is important. This vote, if you support the funding and the continued homeland security, will save lives.

I would like to point out very importantly and place in the RECORD a statement from the nonpartisan CBO. They have said that this "will not provide any savings to taxpayers." So if we are not providing savings to taxpayers, why are we not willing to speak out and vote for saving lives and security? I urge a strong "no" vote on this legislation.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 9, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, House
of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 519, the United Nations Tax Equalization Refund Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 519—United Nations Tax Equalization Refund Act of 2011

CBO estimates that implementing H.R. 519 would have no effect on the federal budget. Enacting H.R. 519 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The bill would establish a new policy to direct the United Nations (U.N.) to return \$179 million that the United States overpaid to the U.N. as well as any similar over-payments in future years. Under the bill, if the Secretary of State is unable to certify that the U.N. has returned \$179 million, the State Department would be required to withhold the same amount from its assessed contributions to the U.N. Those contributions are funded through annual appropriations acts.

Based on information from the Administration, CBO expects that the State Department would not seek the return of those funds and that the Secretary would thus be unable to make the necessary certification. CBO estimates that amounts appropriated in 2011 for assessed contributions to the U.N. will be obligated and expended before this bill would be enacted; therefore, there would be no funds available this year to withhold pursuant to the bill's requirement. Under current law, there are no appropriations authorized or provided for 2012 or future years for assessed contributions to the U.N.; therefore, CBO also would not attribute savings to H.R. 519 in future years. Thus, CBO estimates that implementing the bill would have no effect on the federal budget. If future appropriations are reduced by \$179 million, CBO estimates that discretionary outlays would be reduced by a corresponding amount.

H.R. 519 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Sunita D'Monte. The estimate was approved

by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Ms. ROS-LEHTINEN. I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1½ minutes to the gentleman from Minnesota, a former member of the Foreign Affairs Committee, Mr. ELLISON.

Mr. ELLISON. Madam Speaker, H.R. 519 is wrongheaded and should be defeated. This bill cuts the United Nations Tax Equalization Refund Act as part of a gimmicky House Republican YouCut proposal.

According to the CBO, our nonpartisan official scorekeeper, H.R. 519 has absolutely no effect on the Federal budget. It saves nothing. Not a penny.

So what would this bill do if enacted? It would put urgently needed security upgrades to the United Nations headquarters at risk. This bill would undermine the protection that we are trying to provide to the people who live in New York. Haven't they suffered enough already?

In fact, the State Department has already committed \$100 million from this fund to help the New York Police Department, which requests the support to secure the perimeter against terrorist threats. And these threats are serious, Madam Speaker. U.N. facilities in Iraq and Algeria have already been attacked. And I must say, Madam Speaker, this is part of an extreme agenda that is anti-United Nations from the start.

So let me just say in conclusion, often my colleague Mr. KING and I don't agree, but we agree on this one 100 percent. Mr. KING said, and I quite agree with him, that this bill would undermine security in New York City; it is wrong and indefensible. And I would say that I think he is absolutely right.

Ms. ROS-LEHTINEN. Madam Speaker, I yield for the purpose of making a unanimous-consent request to the gentleman from Florida (Mr. MACK), a gentleman you may be familiar with, who is the chairman of our Western Hemisphere Subcommittee.

Mr. MACK. Madam Speaker, I rise in support of what the chairwoman is doing on the U.N.

I think it is a disgrace that we continue to fund an organization like the U.N. when in fact they tend to hinder progress instead of help it.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1½ minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Madam Speaker, as a New Yorker and a member of the Homeland Security Committee, I rise in strong opposition to this misguided, ill-advised legislation which would limit the New York Police Department's ability to protect American citizens in the Nation's most at-risk city.

According to the State Department, up to \$100 million of the \$179 million

that the other side is seeking to cut from the U.N. Tax Equalization Fund has been reprogrammed to help enhance security around the U.N. complex in New York City.

As the only member of the Committee of Homeland Security from New York City, I know firsthand the vital role that the NYPD plays in protecting not only U.N. workers but city residents and millions of tourists that visit each year. I have a particular concern to ensure that the NYPD is adequately funded to meet the challenges of defending the U.N. and New York City.

With the broad array of threats that New York City faces, it is unfathomable that we would consider hindering the NYPD's ability to protect one of the most important areas of the city. The NYPD has protected visiting dignities and the city during the United Nations General Assembly for decades, and we must support our public safety officials and invest in the training and equipment to prevent and respond to emergencies. We should not take away the resources needed for the NYPD to protect citizens, and prevent and mitigate terrorist threats.

As we near the 10th anniversary of 9/11, we are reminded that New York City has been the target of multiple significant terrorist plots. United Nations facilities located around the globe have been targeted by terrorists. A vote for this legislation is a vote to expose New York to extreme risk and recklessness at best.

I urge my colleagues to vote against this misguided and potentially harmful legislation.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

You need to look more carefully at the YouCut program. You know, the U.S. can't withdraw from the world, nor can we be the policemen of the world; but we can protect the people who work at the U.N. in New York. Is this a YouCut for sovereignty? Will you seek to cut funds for the WTO which doesn't allow Buy America?

Let's talk real sovereignty. Will you withdraw from China trade? No. Will you withdraw from NAFTA and GATT? No. Reduce the power of the Fed? No.

Let's talk real savings. Will you cut funds from the Pentagon? No. Will you cut money for the war in Iraq? No. Will you cut funds for the war in Afghanistan? No. Will you cut money for U.S. bases around the world? No. But you are going to cut funds for the New York City Police to protect citizens. When you do that, you cut off your nose to spite your face.

□ 1320

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their remarks to the Chair.

Ms. ROS-LEHTINEN. I continue to reserve.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, as we meet here this afternoon, there are 15 million Americans unemployed, and yet we are passing up yet another opportunity to work together to try to create jobs in our country. And what are we doing? We are passing a spending reduction bill that the Congressional Budget Office says doesn't have any impact on the budget at all, so we are not saving any money.

We are passing a bill, or some of us are going to pass a bill, that the New York City Police Commissioner, who is entrusted with defending people around the U.N., says is dangerous because it impairs his ability to do that. And at a time when the most dangerous area of the world is literally in flames and calling out for cooperation between our country and other countries around the world to try to calm things down, we are sending a signal to the most important international institution that our participation is somehow contingent upon domestic politics.

We should be doing a jobs bill, not putting our imprimatur today on a bill that is yet another exercise in politics. The right vote for the country is "no."

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 519.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 2¼ minutes to the gentleman from California (Mr. ROYCE), the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Madam Speaker, we do get \$179 million back into the Treasury, which the CBO does not count as a savings, but if we pass this, we do get the money back. It is obvious that these security upgrades should be funded through the U.N. capital master plan, that is, the \$2 billion 5-year effort to renovate the U.N. headquarters in New York. We do know that by raiding the TEF overpayments owed to American taxpayers, rather than funding the construction properly through the capital master plan, we do know that the State Department and the U.N. will stick American taxpayers with 100 per-

cent of the bill rather than the 22 percent we would owe if it was funded through proper channels.

That is what this debate is about. It is not about whether U.N. headquarters in New York should have adequate security. It is about how the costs of that security should be apportioned and whether the funding process can bear even minimal scrutiny. U.S. overpayments into the tax equalization fund are owed to the United States and the State Department should instruct the U.N. to return that money.

Now, when the U.N. is sitting on hundreds of millions of dollars—in this case the U.N. actually told us about it. That is good to know. But one thing has kept it from being returned to the Treasury, and that is the U.S. hasn't asked for its money back. When we Americans are overassessed or overpay the IRS, we get a refund. Well, when the Obama administration overpays the United Nations, they say, keep the check.

We had a Foreign Affairs meeting the other week. We were told the U.N. can't really give us an honest accounting of their annual budget. The budget is somewhere between \$5 billion and \$6 billion annually. Hundreds of millions is literally considered a rounding error there. But this is no rounding error to U.S. taxpayers. It is \$179 million.

We carry 22 percent of that budget over there. China carries less than 3 percent. They should at least be asked to carry their 3 percent of the costs going forward.

So let's take this step. Let's ask for the money back that they have told us at the U.N. that we have overpaid, and let's put it into Treasury at a time when we are running a \$1.5 trillion budget deficit.

Mr. BERMAN. Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 45 seconds to my colleague, the gentleman from Florida (Mr. RIVERA).

Mr. RIVERA. I thank the chairman.

Madam Speaker, I rise today in support of making it policy that the U.N. return the \$179 million. The U.S. is the United Nation's largest financial supporter. We pay most of the costs of U.N. peacekeeping operations, we pay for most of its security costs, and now the Obama administration refuses to let the United Nations pay us back.

Just one example: in 2005, then-U.N. Secretary General Kofi Annan acknowledged the core failings of the U.N. Human Rights Council by stating that the countries who sought membership on the Human Rights Council did so not to strengthen human rights, but to protect themselves against criticism. This is still the case today as some of the world's worst terrorist regimes and enemies of freedom and individual liberty, including Cuba and China, hold powerful seats on the Human Rights Commission.

The U.N. needs to reform. It is time to end their dependency on the U.S. They should be an organization for peace, human rights, and freedom across the world.

Mr. BERMAN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let's go through some of the issues and sort of disaggregate all of this.

We have a bill that seeks to withhold funds unless the Secretary of State certifies she has gotten back \$179 million from the fund. The fund doesn't have \$179 million, because \$100 million has been designated to this perimeter security on FDR Drive at the request of the New York Police Department. Why did they do it that way? Because to do it now in the context of the overall U.N. reconstruction will save at least \$100 million over doing it when we finish appropriating.

Well, why didn't we do an appropriation? Well, if anyone has noticed, the Congress didn't exactly do appropriations this fiscal year. So we are left in a situation where the administration makes a decision to designate \$100 million from the fund to do something that if they don't do it now will cost twice as much to do it later through the appropriations process and to take the rest of that fund and offset it against our fiscal year 2012 dues.

But the strangest part of this bill, in addition to all the arguments that have been made, it seeks to withhold the payment of dues that the CBO says will have already been paid and there will be nothing to withhold. Fiscal year 2011 dues will be paid before this bill is ever law. You can ask the Secretary and require the Secretary to withhold a certain amount of dues, but once you have paid it all, there is nothing to withhold.

It is really a poorly crafted bill, not contemporaneous with the situation that exists now that seeks to jeopardize an important security project and start us going down the road towards simply trying to not pay; but it won't even work to not pay the dues that we owe through our assessed contributions.

I urge a "no" vote.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. DUNCAN).

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 30 seconds.

Mr. DUNCAN of South Carolina. Only in Washington can we have the debate over how desperately New York and the U.N. needs \$100 million, while simultaneously arguing that not giving that money to the U.N. would not result in any savings for the U.S. taxpayer. If money is vital in one account, how can it be worthless in another?

The truth is that CBO is restrained in its analysis; and because of those rules

it is forced to observe, it reached the conclusion that having the U.N. repay the U.S. \$179 million would have no impact on our balance book. How can getting \$179 million from the U.N. not be counted as savings? Does any person who has ever balanced a checkbook believe this to be true? Of course not.

Mr. McDERMOTT. Madam Speaker, the legislation introduced by House Republicans to return \$179 million from the United Nations Tax Equalization Fund, TEF, is both factually inaccurate and diverts Congress' attention from far more pressing national security considerations facing the 112th Congress, such as Afghanistan.

The bill incorrectly states that there is \$179 million in the TEF to date, when in fact there is \$79 million. The legislation fails to take into account the \$100 million that United States has already committed to support critical security upgrades at the U.N. Headquarters, as requested by the City of New York. Forcefully transferring \$179 million to Treasury—as this bill dictates—would make it impossible for the U.S. to follow through on our commitment to fund necessary security enhancements that we as the host nation are responsible for, not to mention place U.N. personnel at risk.

At a time when U.S. taxpayers are spending a staggering \$100 billion per year in Afghanistan, it seems odd that the Republicans would choose this as a top priority.

I do not support this bill and urge my colleagues to vote against it. I also urge my Republican colleagues to follow through on their number 1 campaign promise and focus on creating jobs and growing our economy—something they have yet to do in any meaningful way since assuming control of the House.

Mr. BLUMENAUER. Madam Speaker, today I will vote against H.R. 519. This bill would direct the United Nations to return \$180 million of previously allocated credits to the United States.

U.S. citizens who work at the U.N. pay taxes on their salaries—unlike other nations. To offset this difference in pay and put American employees on an equal level with their foreign counterparts, we pay money into the United Nations Tax Equalization Fund. Over the years, the U.S. has overpaid by \$180 million in credits. Since the TEF funds are in the form of credits, not cash, they cannot simply be refunded as H.R. 519 proposes.

As a result, the State Department—in consultation with both Democratic and Republican members of Congress—has offset future appropriations by shifting the funds towards areas of spending that ought to be a high priority for everyone: American security and peace keeping operations abroad. \$100 million will be directed towards enhanced security at the U.N. Headquarters in New York to better protect the men and women who work there. The remaining \$80 million will reduce future spending on U.S. peacekeeping dues, a policy supported by the current and previous administrations.

The nonpartisan Congressional Budget Office (CBO) states that this bill will not save taxpayers one dime. The money has long been allocated for other purposes and should not be taken away. In this protracted recess-

sion, Congress should spend its time on legislation creating jobs and strengthening our economy.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong opposition to H.R. 519, a bill that would prevent vital upgrades to security around the United Nations building and break America's promise to pay legally-mandated U.N. dues. This legislation does not—as my Republican colleagues claim—reduce the deficit. In fact, the nonpartisan Congressional Budget Office determined that "implementing H.R. 519 would have no effect on the federal budget." Unfortunately, H.R. 519 would undercut America's global leadership at a time when international cooperation is urgently needed to safeguard America's interests. I urge my colleagues to oppose this legislation.

The United Nations Tax Equalization Fund (TEF) compensates American employees of the U.N. for U.S. taxes paid. Surplus credits remain in the TEF until the U.N. is instructed by the U.S. how they should be applied. The Department of State has instructed the U.N. to use \$100 million of these credits to increase security around the U.N. complex during the current U.N. building renovation, based on recommendations from the New York Police Department. As the host nation, the U.S. is responsible for the security of the U.N. Ignoring this problem, as the bill would have us do, endangers American lives, and the lives of our foreign guests. Under current law, the remaining \$80 million in credits will be applied to offset upcoming U.N. assessments for critical peacekeeping operations in Haiti and elsewhere. This reduces the need for appropriated funds and lessens the burden on American taxpayers.

If this bill is enacted into law, America would fail to pay its U.N. dues. Choosing to break promises the American people have made to the world could come at a high cost. With new competition on the world stage from China and other emerging nations, and during a time of hope and uncertainty in the Middle East, this is a terrible time to play political games with America's global standing.

I urge my colleagues to join me in opposing H.R. 519, and preventing an ideological and imprudent assault on America's commitments to the United Nations.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 519.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1330

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 188, by the yeas and nays;

H.R. 519, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

JOHN M. ROLL UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 188) to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the “John M. Roll United States Courthouse”, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 429, nays 0, not voting 5, as follows:

[Roll No. 27]

YEAS—429

Ackerman	Canseco	Diaz-Balart
Adams	Cantor	Dicks
Aderholt	Capito	Dingell
Akin	Capps	Doggett
Alexander	Capuano	Dold
Altmire	Cardoza	Donnelly (IN)
Amash	Carnahan	Doyle
Andrews	Carney	Dreier
Austria	Carson (IN)	Duffy
Baca	Carter	Duncan (SC)
Bachmann	Cassidy	Duncan (TN)
Baldwin	Castor (FL)	Edwards
Barletta	Chabot	Ellison
Barrow	Chaffetz	Ellmers
Bartlett	Chandler	Emerson
Barton (TX)	Chu	Engel
Bass (CA)	Cicilline	Eshoo
Bass (NH)	Clarke (MI)	Farenthold
Becerra	Clarke (NY)	Farr
Benishesk	Clay	Fattah
Berg	Cleaver	Finer
Berkley	Clyburn	Fincher
Berman	Coble	Fitzpatrick
Biggart	Coffman (CO)	Flake
Bilirakis	Cohen	Fleischmann
Bishop (GA)	Cole	Fleming
Bishop (NY)	Conaway	Flores
Bishop (UT)	Connolly (VA)	Forbes
Black	Conyers	Fortenberry
Blackburn	Cooper	Fox
Blumenauer	Costa	Frank (MA)
Bonner	Costello	Franks (AZ)
Bono Mack	Courtney	Frelinghuysen
Boren	Cravaack	Fudge
Boswell	Crawford	Gallely
Boustany	Crenshaw	Garamendi
Brady (PA)	Critz	Gardner
Brady (TX)	Crowley	Garrett
Braley (IA)	Cuellar	Gerlach
Brooks	Culberson	Gibbs
Broun (GA)	Cummings	Gibson
Brown (FL)	Davis (CA)	Gingrey (GA)
Buchanan	Davis (IL)	Gohmert
Bucshon	Davis (KY)	Gonzalez
Buerkle	DeFazio	Goodlatte
Burgess	DeGette	Gosar
Burton (IN)	DeLauro	Gowdy
Butterfield	Denham	Granger
Calvert	Dent	Graves (GA)
Camp	DesJarlais	Graves (MO)
Campbell	Deutch	Green, Al

Green, Gene	Manzullo	Ross (FL)
Griffin (AR)	Marchant	Rothman (NJ)
Griffith (VA)	McCaul	Roybal-Allard
Grijalva	Markey	Royce
Grimm	Matheson	Runyan
Guinta	Matsui	Ruppersberger
Guthrie	McCarthy (NY)	Rush
Gutierrez	McCaul	Ryan (OH)
Hall	McClintock	Ryan (WI)
Hanabusa	McCollum	Sánchez, Linda
Hanna	McCotter	T.
Harper	McDermott	Sanchez, Loretta
Harris	McGovern	Sarbanes
Hartzler	McHenry	Scalise
Hastings (FL)	McIntyre	Schakowsky
Hastings (WA)	McKeon	Schiff
Hayworth	McKinley	Schilling
Heck	McMorris	Schmidt
Heinrich	Rodgers	Schock
Heller	McNerney	Schrader
Hensarling	Meehan	Schwartz
Herger	Meeks	Schweikert
Herrera Beutler	Mica	Scott (SC)
Higgins	Michaud	Scott (VA)
Himes	Miller (FL)	Scott, Austin
Hinchey	Miller (MI)	Scott, David
Hinojosa	Miller (NC)	Sensenbrenner
Hirono	Miller, Gary	Serrano
Holden	Miller, George	Sessions
Holt	Moore	Sewell
Honda	Moran	Sherman
Hoyer	Mulvaney	Shimkus
Huelskamp	Murphy (CT)	Shuler
Huizenga (MI)	Murphy (PA)	Shuster
Hultgren	Myrick	Simpson
Hunter	Nadler	Sires
Hurt	Napolitano	Slaughter
Inslee	Neal	Smith (NE)
Israel	Neugebauer	Smith (NJ)
Issa	Noem	Smith (TX)
Jackson (IL)	Nugent	Smith (WA)
Jackson Lee	Nunes	Southerland
(TX)	Nunnelee	Speier
Jenkins	Olson	Stark
Johnson (GA)	Olver	Stearns
Johnson (IL)	Owens	Stivers
Johnson (OH)	Palazzo	Stutzman
Johnson, E. B.	Pallone	Sullivan
Johnson, Sam	Pascrell	Sutton
Jones	Pastor (AZ)	Terry
Jordan	Paul	Thompson (CA)
Kaptur	Paulsen	Thompson (MS)
Keating	Payne	Thompson (PA)
Kelly	Pearce	Thornberry
Kildee	Pelosi	Tiberi
Kind	Pence	Tierney
King (IA)	Perlmutter	Tipton
King (NY)	Peters	Tonko
Kingston	Peterson	Towns
Kinzinger (IL)	Petri	Tsongas
Kissell	Pingree (ME)	Turner
Kline	Pitts	Upton
Kucinich	Platts	Van Hollen
Labrador	Poe (TX)	Velázquez
Lamborn	Polis	Visclosky
Lance	Pompeo	Walberg
Landry	Posey	Walden
Langevin	Price (GA)	Walsh (IL)
Lankford	Price (NC)	Walz (MN)
Larsen (WA)	Quayle	Wasserman
Larson (CT)	Quigley	Schultz
Latham	Rahall	Waters
LaTourette	Rangel	Watt
Latta	Reed	Waxman
Lee (CA)	Rehberg	Bucshon
Lee (NY)	Reichert	Buerkle
Levin	Renacci	Burgess
Lewis (CA)	Reyes	Welch
Lewis (GA)	Ribble	West
Lipinski	Richardson	Westmoreland
LoBiondo	Richmond	Whitfield
Loeback	Rigell	Wilson (FL)
Lofgren, Zoe	Rivera	Wilson (SC)
Long	Roby	Wittman
Lowey	Roe (TN)	Wolf
Lucas	Rogers (AL)	Womack
Luetkemeyer	Rogers (KY)	Woodall
Lujan	Rogers (MI)	Woolsey
Lummis	Rohrabacher	Wu
Lungren, Daniel	Rokita	Yarmuth
E.	Rooney	Yoder
Lynch	Ros-Lehtinen	Young (AK)
Mack	Roskam	Young (FL)
Maloney	Ross (AR)	Young (IN)

NOT VOTING—5

Bachus	Giffords	McCarthy (CA)
Bilbray	Harman	

□ 1355

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED NATIONS TAX EQUALIZATION REFUND ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 519) to secure the return to the United States the \$179 million overpaid into the United Nations Tax Equalization Fund as of December 31, 2009, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 259, nays 169, not voting 6, as follows:

[Roll No. 28]

YEAS—259

Adams	Cooper	Griffin (AR)
Aderholt	Costello	Griffith (VA)
Akin	Cravaack	Guinta
Alexander	Crawford	Guthrie
Altmire	Crenshaw	Hall
Amash	Critz	Hanna
Austria	Culberson	Harper
Bachmann	Davis (KY)	Harris
Barletta	DeFazio	Hartzler
Bartlett	Denham	Hastings (WA)
Barton (TX)	Dent	Hayworth
Bass (NH)	DesJarlais	Heck
Benishesk	Diaz-Balart	Heinrich
Berg	Dold	Heller
Biggart	Donnelly (IN)	Hensarling
Bilirakis	Dreier	Herger
Bishop (UT)	Duffy	Herrera Beutler
Black	Duncan (SC)	Himes
Blackburn	Duncan (TN)	Holden
Bonner	Ellmers	Huelskamp
Bono Mack	Emerson	Huizenga (MI)
Boren	Farenthold	Hultgren
Boustany	Fincher	Hunter
Brady (TX)	Fitzpatrick	Hurt
Brooks	Flake	Issa
Broun (GA)	Fleischmann	Jenkins
Buchanan	Fleming	Johnson (IL)
Bucshon	Flores	Johnson (OH)
Buerkle	Forbes	Johnson, Sam
Burgess	Fortenberry	Jones
Burton (IN)	Fox	Jordan
Calvert	Franks (AZ)	Kelly
Camp	Frelinghuysen	King (IA)
Campbell	Gallely	Kingston
Canseco	Gardner	Kinzinger (IL)
Cantor	Garrett	Kissell
Capito	Gerlach	Kline
Carney	Gibbs	Labrador
Carter	Gibson	Lamborn
Cassidy	Gingrey (GA)	Lance
Chabot	Goodlatte	Landry
Chaffetz	Gosar	Lankford
Chandler	Gowdy	Larsen (WA)
Coble	Granger	Latham
Coffman (CO)	Graves (GA)	LaTourette
Cole	Graves (MO)	Latta
Conaway	Green, Gene	Lee (NY)

Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen

Pearce
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schneider
Schweikert

Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz

Waters
Watt
Waxman
Weiner
Wilson (FL)

Woolsey
Wu
Yarmuth

NOT VOTING—6

Bachus
Bilbray

Giffords
Gohmert

Harman
Lewis (GA)

□ 1404

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BACHUS. Madam Speaker, on February 9, 2011, I missed rollcall votes Nos. 27 and 28 due to the funeral of a very close friend in Athens, Georgia. Had I been present, I would have voted "yea" on No. 27 and "yea" on No. 28.

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. HENSARLING. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Mr. Woodall.

(2) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Mr. Hultgren, Mr. Cravaack, Mr. Bucshon, and Mr. Benishek.

Mr. HENSARLING (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 536

Mr. COLE. Madam Speaker, I ask unanimous consent that the following cosponsors be removed from the permanent record as cosponsors of H.R. 536: JEFF DUNCAN, South Carolina 3; VIRGINIA FOXX, North Carolina 5; ADRIAN SMITH, Nebraska 3.

These Members intended to cosponsor my legislation, H.R. 455, the 10th Amendment Regulatory Reform Act. A clerical error led to their names being added as original cosponsors of this legislation. These Members never agreed to cosponsor H.R. 536, and I ask

that the RECORD reflect that they were never cosponsors of this legislation.

The SPEAKER pro tempore. Without objection, the cosponsors will be removed.

There was no objection.

THE HOUSTON DYNAMO'S NEW STADIUM

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Let me say, Madam Speaker, that on many occasions, we come to speak of the needs of our constituents, and sometimes we come to celebrate. And I'm delighted to rise to celebrate the groundbreaking for our very favorite Houston soccer team, Houston Dynamo, that has broken ground for a 22,000-seat stadium in the 18th Congressional District, serving all of Texas.

I am congratulating them for many reasons. First of all, for the outstanding team wins that they have had but also because of the community outreach and the inspiration that they have provided. I am delighted to have been with the mayor of the City of Houston, the county judge, and elected officials celebrating the fact that we are creating \$100 million in economic opportunity, creating jobs, and also joining in partnership with the historically black college Texas Southern University, where they will be playing their football games. They are the 2010 SWAC winners. So congratulations to the Houston Dynamo.

And we are excited to have one of our champs in our community, Mr. De La Hoya, who will also be bringing boxing programs into the stadium.

It's a family event. We love soccer. It's a growing, growing sport in this country. And maybe Texas—even though it may not be at that stadium—will get the World Cup. But I am congratulating our local community. I was very glad to be a part of it in early support of this stadium and working with Mr. Oliver Luck.

I congratulate all of the present leadership. We in the Federal Government will work with them to continue to build jobs and to provide an economic engine for our community.

Again, congratulations to the Houston Dynamo.

□ 1410

OUR BORDER SECURITY PLAN IS NOT WORKING

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Christmas is supposed to be the happiest time of the year, especially for children. But it wasn't for an 8-year-old girl who was raped by an outlaw in her own home. Her rapist was

NAYS—169

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Courtney
Crowley
Cuellar
Cummins
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Grimm
Gutierrez
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George

Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarella
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen

Salvador Portillo-Saravia, a known criminal who was illegally living in the United States.

In 2003, Portillo-Saravia was an MS-13 gang member. He was arrested and deported back to El Salvador. But since we have open borders, the child rapist was able to come back into the United States very easily and unnoticed.

In November of 2010 he was arrested for public intoxication in Virginia, but rather than be held in jail and deported, he was released back into the streets of America because his illegal status was not discovered by a computer system. One month later, Salvador Portillo-Saravia raped an innocent 8-year-old girl. This disgusting crime would have been prevented if we really secured our borders, we deported criminal aliens and then kept them from returning to the United States.

Tell the parents of this 8-year-old girl that our border security plan is working.

And that's just the way it is.

MAKE IT IN AMERICA

The SPEAKER pro tempore (Mr. DENHAM). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, today I rise to discuss what's on every American's mind, and that is a job. My own family, they're thinking constantly about will they be able to keep their job, what's going to happen in the school system, are there going to be layoffs?

I know that in the communities I represent that have very high unemployment, on the minds of every family is, will there be a job for me?

Over the last more than 2½ years now, the Democratic majority, and now the Democratic minority, has focused on this issue. Like a laser, our focus was on creating jobs in America. Immediately upon taking office in 2009, President Obama and the Democratic majority here in this House put forward the American Recovery and Reinvestment Act. That law created, by most every economist's estimate, more than 2 million jobs, or maintained more than 2 million jobs in America. It was an enormous boost to the American economy. That, together with other programs that were developed during that period of 2009, stabilized the American economy. It certainly didn't get us out of the recession, but it prevented the great depression that could have occurred.

We're now, this year, in 2011, once again focusing, like a laser, on creating jobs in America. It's the President's intent. He spoke to this issue here when he spoke to us at the State of the

Union. He was across the street from the White House just 2 days ago talking to the Chamber of Commerce about this issue of creating jobs, jobs in America. And this is where we're coming from. If America's going to make it, we're going to have to make it in America. Great examples of this are once again being seen. I see that my colleague from Detroit is here, and if he would care to join us in a few moments, we'll be talking about a very unique advertisement that occurred at the Super Bowl, one in which Imported from Detroit is now the message across America. It's not that Chrysler disappeared; it's actually that Chrysler continues to exist, along with General Motors, because the Obama administration and the Democrats here in the Congress reached out and gave a boost up for those two great American corporations. And today they continue, they continue to produce jobs in America because they are making cars in America. So our theme is Make It in America. There's a whole series of policies that are encompassed in this schematic of Make It in America, so that America can make it.

Trade policies. We're all for trade. We think it's an extremely important element in growing jobs and growing the economy. But it has to be fair trade. And when we look to countries such as China, we question whether indeed it is fair trade.

The Democrats in this House last year—and we will try once again this year to pass a currency reform piece of legislation that would force the Department of Commerce to take into account the unfair currency manipulation that China is engaged in. Economists estimate that it's perhaps 40 percent undervalued. Who can compete against that? Not very many. And therefore, we see goods flowing into America and America cash flowing into China.

Tax policy, extremely important. Last year, without the help of any of our Republican colleagues, we passed legislation that became law that ended a \$12 billion a year tax break for American corporations that are shipping jobs offshore. What was that all about? You mean to tell me that American corporations actually got a reduction in their taxes when they shipped jobs offshore? Yes, they did. But not anymore, because of the Democratic determination to keep jobs in America.

Energy policy, labor policy, education policy, intellectual property, infrastructure. All of these elements, all seven of these elements, are key ingredients in creating jobs in America.

You can hear some people say, well, it's all about the private sector; just let the private sector go and there will be plenty of jobs. It doesn't happen, never happened. You can go back into the history of this Nation, and it's always been solid, good public policy

connected to the private sector that created the great surges in the American economy.

Take, for example, the railroads in America in the 19th century. In the mid-1800s, during the great Civil War, a bill was passed here in Congress signed by President Abraham Lincoln that did two things. That piece of legislation created the intercontinental rail system by giving government land to the rail companies so that they would be encouraged to build those intercontinental railroads.

The second bill that was passed created the research, and that's the intellectual side of this, and that's the land grant institutions. We must continue that long history of America, private sector working in concert with public policy to create jobs in America. And that's what we want to do with our Make It in America program that creates strong middle class jobs.

I'd like now to turn to my colleague from the great state of Ohio, MARCY KAPTUR. If you would join us and tell us what's happening in the great industrial belt of America that we intend to rebuild.

Ms. KAPTUR. Congressman GARAMENDI, I want to thank you for your leadership. You are such an addition to this Congress. The people of California certainly made the right decision in sending you here.

And you know, this happens to be the week of the Super Bowl. And as we think about America as a super Nation, with made in America at the heart of our economic prowess, the big winner in the Super Bowl this year was actually the commercial by Chrysler Corporation for its innovative 2-minute spot featuring the Chrysler 200, to the soundtrack of Detroit and rap artist Eminem. The commercial is really a celebration of the greatness of Detroit and the resilience of this incredible, incredible city.

□ 1420

Mr. GARAMENDI. If you would be so kind as to yield. I notice that Representative CLARKE just arrived, new to Congress, not new to Detroit. And what's going on in Detroit? Should I import my car from Tokyo or from Detroit?

Mr. CLARKE of Michigan. Absolutely not from Tokyo, definitely from Detroit. I want to thank you so much, Representative GARAMENDI, for making it a priority that we make it in America.

Yesterday I did talk about the great TV ad that was aired during the Super Bowl where the rapper Eminem highlighted the grittiness and ingenuity of Detroiters that have given us the ability to make some of the finest vehicles in the world. And I also mentioned how that spirit of Detroit is really rooted in American values, those values that cherish our God-given rights, to life, to liberty, to the pursuit of happiness.

I'm not just bringing these up as a constitutional exercise or as a discussion of American history. If you don't mind, I would like to share with you; this is really about my dad. My dad would be 100 years old if he were living today.

Back during the 1930s, during the Great Depression, he risked everything to emigrate to the U.S. from India. He risked everything to come over here, and he was attracted to Detroit so he could get a chance to build cars in the Ford foundry.

The heart that he brought to his job was the same heart that transformed the city of Detroit into the arsenal of democracy that helped save this country and save this world from fascism. And as I mentioned, it's that same heart that I believe will restore financial prosperity to our country and financial security to American families if we make it in America, because we've got the insight, we've got the hard work, we have the research and the capability to build those cars that are going to be powered by electricity, to help build those homes and those buildings that will be heated by the sun, and to manufacture the best products in the world that will provide economic stability to our country but also provide prosperity to the world.

There are many people here watching us whose family came here to this country because they had a dream. There are others, like my mother's people, who came to this country against their will. But either way, when you come to America, you have the right to have an opportunity to pursue happiness, whether it's happiness of having the peace of mind of being comfortable here or enjoying the excitement of pursuing your own personal ambition.

The pursuit of happiness in this country means that all of us have the opportunity to live our life as full as we choose it. And, you see, that opportunity to really use our intellect, our mind, our body and our spirit, that's what makes American manufacturing the most extraordinary achievement of modern civilization, because American manufacturing is not just about cheapening costs or taking someone's technology. It's about harnessing the genius that's within all of us. It's about unleashing the ingenuity that's inherent in humankind.

So that's why I urge this Congress, when we consider these policies right here on the board, whether it's who to trade with, who to train, how to tax, that we do all of this to focus on making it in America. Because when we do that, we can truly have enduring prosperity for all Americans and American families, and right now, our families are feeling so insecure. The answer is in our roots. It's in American manufacturing.

When we make it in Detroit, we make it in America.

Mr. GARAMENDI. Thank you very much, Representative CLARKE. Your passion for this issue was well displayed in that Detroit Chrysler advertisement.

And I would just point out, before I turn back to Ms. KAPTUR, that Chrysler and General Motors were saved as an American manufacturing icon by policies of President Barack Obama. It was his policies, supported by the Democrats in the House and the Senate, that allowed for the support that those two corporations needed to reinvent themselves so that there could be jobs in America.

Now, Ms. KAPTUR, you come from an area where manufacturing has been, really, the essence of the economy for a long time, and you have been supporting legislation and introducing legislation. Could you share with us those things that you are working on now and the legislation that you are pushing through this House?

Ms. KAPTUR. Yes.

First of all, let me just say, Congressman GARAMENDI, it is such a joy to have Congressman CLARKE here from the wonderful city of Detroit. I really loved that commercial because I think it captured the struggle of our country through the lens of Detroit and, I might say, Toledo, just a few minutes south of Detroit. It talked about how the city had been to hell and back, and the trials and tribulations that manufacturing in our region has really experienced over the last quarter century.

There is, without a doubt, as Congressman CLARKE says, that Detroit was the arsenal of democracy, and it still is. All along I-75, from Detroit down through Toledo, that as you take it down through Ohio and into the areas south, the automobiles, the tanks, all of our overland vehicles, the expeditionary fighting vehicle for the Marine Corps, all of that, the Warren Tank Command, is all along that region.

In Toledo, I have to brag a little bit, my hometown, that toddlin' town, still is, for all intents and purposes, home to the Jeep, the general purpose vehicle for which General Marshall ordered production for our troops in the European and Pacific theaters and we won the war. Rosie the Riveter, she had presence in Toledo, Ohio, at places like Champion Spark Plug where our mom worked, or at then Kaiser Jeep Corporation from which our father retired.

One of the most important challenges we have in this Congress is to have patriotic capitalism, to reward investment in America through our tax code. Not to let outsourcing win, but to let insourcing win, in the way we look at the books here at the national level.

In addition to that, I have a bill to renegotiate NAFTA; because back in 1993, NAFTA gave the green light to globalization and outsourcing, and every other trade agreement that has

come down the pike has outsourced more jobs than insourced jobs for us. We got away from making it in America, and in sector after sector, closed markets in Japan, in China, in South Korea snuffed out production here as their production grew. But it has reached a breaking point. It has reached a breaking point in our country.

We have had to, through defense legislation we passed, saved the strategic metals industry, beryllium, titanium, magnesium, all of these important metals, both in defense as well as in the commercial industrial sector we could lose to other places. Our ability to do machine tooling, that was one of the first fights I had in here in the President's investment tax credit for investment in the United States to save the tooling, which is located within 300 miles of Detroit and Toledo. That's what America has. Is it any wonder that unemployment is 9 percent when you have these wacko trade deals that outsource more jobs?

The one bill I haven't mentioned, which is short-term, but we have so many people who are long-term unemployed.

This morning I asked Chairman Bernanke from the Federal Reserve, what do we do with people that want to work in Detroit, in Toledo, in places across this country? And he basically answered the question. I said, "Please give us your suggestions." And he said, "Well, you know, we ought to tie unemployment compensation to somehow job training so people can be retooled back into the workforce in a very productive way, because I think we could lose the value of the work ethic itself."

So the issue of training, the issue of education is a very important one, Congressman GARAMENDI, that you have well outlined there.

Mr. GARAMENDI. If I might interrupt for just a second and pick up on that subject of education. We are now, in this Chamber on this floor in Congress and the Senate, engaging in a debate about how the Federal Government can support these critical educational investments. The proposal that we anticipate being made tomorrow by our Republican colleagues would significantly reduce the funding for the workforce investment boards across the Nation. These are local organizations put together in counties and cities to support reeducating workers who have been laid off from jobs that have gone offshore. Those educational programs, career educational, vocational education programs are crucial to upgrade the skills of our current workforce and the workforce of tomorrow.

So as we go through this debate about deficits versus taxes versus cuts, we need to keep in mind the critical investments that are made every year,

and have been for decades, by the Federal Government to support things like education.

□ 1430

Without education, which is the most crucial of all investments, this Nation cannot compete. So the point you brought up, Ms. KAPTUR, is so critically important that the reeducation, the upgrading of skills and the support, I would add, from the Federal Government is going to be debated here.

So watch carefully, America. Watch carefully what is happening here in Congress, and make sure that you participate in this debate. It is not just about balancing the budget; it is about giving Americans the opportunity to get a job, in this case education.

Thank you for allowing me to interrupt.

Ms. KAPTUR. Oh, it is my privilege. I wanted to reinforce what you were saying about education and the Workforce Investment Act. In the counties that I represent, whether it is the Source in Lucas County or One Shop Stopping in Ottawa County, every single county has workforce investment boards that try to connect to our community colleges and institutions beyond high school in order to help people transition into education, as well as those who fall out of the workforce and have to retool.

I was shocked to hear today that on the other side of the aisle, they can't bring up a bill to extend trade adjustment assistance to workers who have been booted out of their jobs because their companies moved to Mexico or to Korea or to China and workers are thrown out of work. That program expires February 13, and they were not able to bring up a bill to extend that for the millions of people across our country who have lost their jobs in manufacturing because they moved abroad. I just think that that is simply unconscionable.

I say to the gentleman that the important issue of linking our community colleges, our apprenticeship programs, our university programs, our GED programs to help people move into, and, frankly, many of our small business programs, to help people move into the private sector is something that is so vitally needed and cannot be done in this economy in areas of high unemployment without the Federal Government partnering with them.

Mr. GARAMENDI. I know that you have spent much time on energy policy issues. It is a critical issue for the Nation's security. It is an issue that really speaks not only to climate change, which some people believe isn't real, but I happen to think it is a fundamental problem facing us and future generations.

But even if you are not into climate change, you have to be aware that we have a very serious energy security

issue in the United States, one that really puts our Nation at risk. At any moment we could see the shutdown of the flow of oil from one or another part of the world and, bam, we have got a crisis in America.

We also know that we are shipping off to countries, many of whom are not our friends, \$1 billion a day; \$1 billion a day of hard-earned American money is flowing offshore as oil from the petro-dictators of the world flows into our country.

So the American energy policy is of profound importance; and all across this Nation, and you have spoken to this also in the past, all across this Nation people are saying, we need an American energy policy that brings our energy sources onshore and gives us the opportunity to capture the green technologies of the future. Solar, solar-wind, solar-photovoltaic, solar-thermal systems, nuclear, all of these potential energy sources, biofuels, are out there in the future for us if we aggressively put in place the public policies that support the creation of these new technologies and the production of those machines, of those solar systems, of those wind turbines, of those advanced biofuels, produce them, manufacture them in America.

Now, I think you were telling me that in your area there is an effort to build some of these pieces of equipment. Could you share with us what is happening in Ohio?

Ms. KAPTUR. For 25 years we have been trying to give birth to the solar sector, and the Toledo region, northern Ohio, is home to one of the three solar platforms on the continent.

People go, well, but you don't live in California. I said, no, but I historically represent the glass industry, which advanced into the photovoltaic industry. So the hottest act on Wall Street a couple of years ago was First Solar. A company called Xunlight is about to send out its first shipment to Italy this spring. We have other companies, like Kelsey-Hayes, that are in the process of bringing up their factory floors. There is Nextronics, one of the solar inverter companies that is hiring and looking for financing to expand their operation. There are many companies that didn't exist 25 years ago when we started. So I actually have seen what is happening.

But my fear, my fear is that the intellectual property will be stolen; that it will be no different than the automotive industry; that you can't staple it down; that we have to have a balanced trade policy and very tough intellectual property protections. I see your intellectual property proposal up there. I completely agree with that, because if they take our property, our intellectual property, we lose our ability to continue to manufacture and be suppliers globally.

So I wanted to say, Congressman GARAMENDI, you referenced oil. People

say, well, why should we incentivize solar and hydrogen and biofuels and all these sectors, as if we weren't subsidizing the petroleum industry by allowing them to book their royalties or not book their royalties and be charged taxes, as though our entire military establishment wasn't deployed around the globe in order to protect those sea lanes so that petroleum can get in here for refining.

We have to realize we are already subsidizing a sector that is going to be more diminished as this 21st century moves forward. So either you live in the shell of the past, or you break out of it and create a whole new independent America, again, from an energy standpoint; and that is why we need to move.

Mr. GARAMENDI. But let me just add a couple of things. You hit one of my hot buttons there. I am on the House Armed Services Committee, and I asked, how much money do we spend protecting the flow of oil? Well, the Department of Defense didn't come up with an answer, but Rand Corporation, one of the consulting firms, said, I think we can do that.

They came back with a number that is about 15 percent of the total defense budget. So we are talking over \$100 billion a year to protect the flow of oil. That is in addition to the \$1 billion a day, which is almost what, \$365 billion, that we are also sending overseas. So we are looking at somewhere near half a trillion dollars a year because we are, as you said, stuck in the last two centuries' energy policy.

Now, here in this Chamber just a couple of weeks ago standing behind me was the President of the United States; and when he said we should end the subsidies we are giving to oil companies and transfer those subsidies to the energy of the future, the green technologies, I stood up and cheered. My friend, I guess it was my date for the night, is that the word, my date for the night, a good Republican, kind of stood up and clapped his hands, because he is a moderate Republican.

But, nonetheless, it is really true. It is billions and billions of dollars a year that we are subsidizing a very successful industry. We don't need to do that. They don't need our subsidy. They are the richest industry in the world. Fine, end the subsidies, bring that money back and put it into the green energy so that in your area your solar voltaic manufacturers will have the opportunity.

I am going to add just one thing here and keep this microphone for a second. At this moment, tomorrow the House Republicans will put forth their budget which calls for, we anticipate, I hope I am wrong, I will be happy to apologize tomorrow if I am wrong, but it is anticipated that their proposal will terminate many of the tax breaks that are given to encourage solar, wind, photovoltaic, advanced biofuels, all of those

new green energy technologies. I hope I am wrong. I really hope I am wrong, because how else can we build our future energy security unless we create the new energy sources? And if we fail, those jobs will be created overseas and we will import.

□ 1440

Ms. KAPTUR. Will the gentleman be kind enough to yield?

Mr. GARAMENDI. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. You know, there are some people that live in the past and there are others that are involved in inventing the future. And when you have the major trade deficit category "imported petroleum," and you have marines and soldiers dying all over the world to protect that, pretty soon you begin to think, You know what? This picture has to change.

Every time our country's gas prices go up over \$4 a gallon, we go into deep, deep recession. We are trying to crawl out of one just now. And in 2007-2008, gas prices went over \$4 a gallon. People forget that. The mortgage foreclosure crisis followed that. But the point was it happened to us again. How many times do our people have to suffer before we realize the source of the problem?

And I had a great experience. I had to go back to the University of Wisconsin, my alma mater, and I gave a commencement address a few weeks ago. It was not a bad speech. It was a pretty good speech. But one of the lines I used was: And America just simply must grasp the future and restore our energy independence. That was the loudest applause I got in this massive audience. And I thought, The American people know it. They know it. We have to do it. We have to make it happen.

Mr. GARAMENDI. The people of America understand that our future lies in a secure energy source.

I'm carrying two bills this year that I actually introduced last year.

I'm going to say good-bye to my good friend from Ohio (Ms. KAPTUR). Thank you so very much for joining us.

I introduced two bills last year that deal with this issue. Our tax money has, in the past, been used to buy photovoltaic cell systems for houses and businesses, wind turbines, and other green energy equipment that is manufactured offshore so that our tax money is actually used to subsidize businesses and manufacturing that is in other parts of the world. And I'm going, What sense is that? Let's use our tax money to help American businesses who manufacture wind turbines here in America.

In my own district we have two major wind farms, huge operations, producing enormous amounts of power. However, many of those turbines in recent years—and great steel towers, 400 feet high—are made overseas. And yet

our tax money subsidizes the importation of the steel towers, the importation of the turbines, and all of the equipment that goes with it. And I say, Time out. Time out. This makes no sense at all.

So, one of the bills that I've introduced simply says that if you want to take advantage of a Federal tax subsidy—which I hope will continue in the future—to put a photovoltaic system on your roof, to install a wind turbine, to do advanced biofuels, or to build a solar thermal system out in the deserts in the West, then it must be American-made equipment. No more buying offshore equipment using our tax dollars. Now, you want to use your own money? I don't care where you get that photovoltaic system or that wind turbine. But if you're using American tax dollars, it must be made in America.

The other piece of legislation is similar. In my own district, one of the transit districts that buys buses and moves people around decided that they needed new buses. Well and good. They're using the local tax dollars. They're using some Federal tax dollars from the gasoline and diesel tax, excise tax that all of us pay when we buy a gallon of gas. It's 18.4 cents. If you're buying diesel, it's 24.4 cents for every gallon you buy. Much of that money goes into building and maintaining our roads. Good. About \$3 billion of it a year goes into buying buses and trains and supporting public transportation. Good.

I asked him, Where's the bus being made? Oh, we got a wonderful bus built in Belgium. And I go, No. Don't you understand that in the San Francisco Bay area, one of the very few bus manufacturing areas left in your own area, people who commute on your buses work in that factory, and you're buying a bus from Belgium rather than buying a locally made bus that is just as good?

They said, Well, we like the size of the back window.

There ought to be a law. There ought to be a law that if it's our tax dollars that are being used to buy equipment—buses, trains, planes, whatever—it must be made in America. After all, how can we create and reestablish the great manufacturing sector of America if we simply export our dollars and get a bus—good bus, no doubt about it, has a nice back window—but it's not made in America?

I am very thankful that this Congress, in passing the American Recovery and Reinvestment Act, known as the stimulus bill, put in a provision concerning high-speed rail. Since 1988, when I was in the California Legislature, and together with my colleague here, JIM COSTA, we offered legislation then that established the High-Speed Rail Commission in California. We're patient people. It was 23 years ago. But in the Recovery Act there's money for high-speed rail and a provision that says that this money can only be spent

on equipment manufactured in America. Good. Wonderful. That's the kind of law we need. We need to support American manufacturers.

Now, they don't build high-speed rail systems in America. They're built in China. They're built in Japan. They're built in the European countries. Good for them. But if they want part of this action, if they want to build the train sets or other pieces of the equipment, then establish your manufacturing plant in America. Come to America.

And I'll note—and I've seen it in the full-page advertisements in Roll Call and Politico—some of these companies are advertising, We'll make it in America. Excellent. Here's where public policy intersects with the private sector to create good middle class manufacturing jobs in America. It's the public policy that sets the stage. Let the businesses go out and build it; but remember, it's public policy.

I'm looking for one of my friends who's supposed to join us here from Iowa, and he may show up, but I want to go back through this again. These are critical public policies that affect the manufacturing sector in America. Trade policies. Fair trade, free trade. There's a difference. It's easy to harm—and Ms. KAPTUR talked about this earlier—to harm American workers with trade policies that allow jobs to be shipped offshore without an opportunity for American manufacturers to participate here at home.

Also, this is an issue of currency policy. China. Many people, including me, believe—and economists believe—that China's currency is undervalued by as much as 40 percent. Who's going to be able to compete with China when that kind of currency policy is in place? So we passed a bill here—it didn't pass the Senate; it's being reintroduced and hopefully will go to the Senate and to the President—that forces the Department of Commerce to institute a tariff when these kinds of currency policies persist.

Taxes. We talked earlier about the tax policy of ending tax subsidies for American corporations that ship jobs offshore. That's done. In the tax bill of last year was another incentive for big businesses and small businesses to invest in capital equipment now. It's the law. Capital equipment purchased by a business this year and the last 3 months of 2010 can be written off against profits in the first year; that is, the year in which it is invested. An enormous encouragement to businesses in America to invest in American capital equipment that creates jobs down the way.

I just heard from some farmers in my district that they're out buying irrigation systems, replacing pumps, irrigation pipe, and other kinds of systems because they want to take advantage of that tax law. And so they are encouraging the production of those facilities. We just talked about energy

policy at length here, and there's much more to discuss on energy.

The labor issues. We must have a well-educated labor force, and that ties into education. The most fundamental of all investments is education. If we don't have a well-educated workforce, one that's prepared to compete in every sector, this Nation will not be able to compete. So if we want to make it in America, we have got to make sure that our current labor force is trained and retrained to take the new jobs that are going to be created; and for tomorrow's labor force, the men and women that are in school today, that they have the very best education.

It's not happening. This is a great tragedy in America. We are not adequately educating our children. It is a very serious problem. It's pervasive. And in the discussions in this House, in the committees over the next month and a half, this issue is going to come back many, many times as the effort to cut the Federal budget in education goes forward.

I will add that, in the education sector, for those that are in higher education, a very, very important bill passed the Congress, again, without Republican support, signed into law by the President, that would end the subsidy given to private banks to run the student loan programs.

□ 1450

Those subsidies are over. The money is plowed back into the student loans, increasing the availability of student loans and decreasing the interest rates on student loans—a wise policy that creates a much more efficient Student Loan Program for kids that are in the higher education system.

Discussed by my colleague MARCY KAPTUR was intellectual property, which is critically important in California with the high-tech industries—the computer industry and the like.

Then this last one down here, infrastructure, is profoundly important. America moves on infrastructure. It moves on streets and highways, on rails and airlines, and in airports. All of those infrastructure systems are financed, in part, by local governments, by State governments, and by the Federal Government.

One of the very first actions taken in the new 112th Congress was a rule from the Rules Committee that would significantly reduce the availability of money for infrastructure. Once again, as we begin to debate the expenditure, tax and deficit issue, this issue will come back.

So, for Americans, please listen. Listen to what is happening in Washington with regard to the budget issues.

It's not just cut and slash and burn. It's what is the money being used for. What are we using the money for? Are we using it to build our roads, to build

our transportation, to build our infrastructure, our water systems, our levee protection/flood protection systems, or are we using it in some wasteful way?

If it's wasteful, don't do it. But if it's a critical investment, what happens if we don't make that investment? What happens if we don't educate our kids? What happens if we don't build the water system or the sanitation system? We have to think about what happens if we don't make these investments.

We also have to think about what happens when we invest over \$100 billion a year to fight a war in Afghanistan. Do you want to make a cut? I'll tell you where I'll cut. I'll cut right there. Over \$100 billion. What if we took that money, left some in Afghanistan for economic/social development, focused like a laser on the terrorist organizations—some there, some in Pakistan, some in Yemen, some in Somalia, and some in America—but got our military out of Afghanistan and brought that money home and invested in our own infrastructure.

Personally, for me, I live in the Sacramento-San Joaquin Delta. We are dependent upon the levees for flood protection, so we go to the Army Corps of Engineers and say, We need to have these systems designed.

Well, we can't do it right now.

Why can't you do it right now?

We don't have the personnel.

Where are the personnel?

Well, they're building things in Afghanistan and Iraq.

Okay, life's about choices.

On this floor, this Congress is going to make some really serious choices in the weeks ahead. Those choices are going to be before us. As this issue of the deficit and as this issue of budget cuts come into focus, what will be cut?

Pay attention to this: When we do a tax policy that gives a \$750 billion tax break to the wealthiest 1 percent of Americans, don't come back to this floor and tell me that that's a good thing but a bad thing to educate our children. When we are on this floor and we want to spend \$100 billion or more fighting what will ultimately be an unsuccessful war in Afghanistan but then tell me that we cannot build our infrastructure to protect our people from floods or that we cannot build our transportation system, it's about choices.

It's about choices, and we're going to make those choices here on this floor.

Over the next several weeks and months ahead, I can guarantee you that the Democratic minority in this House will be talking about this issue of Make It In America, because if America is going to make it, we have to once again make it in America. We have to make sure that General Motors and Ford—the great manufacturing sector of America—is strong and vibrant and that it has the support it needs, that it has the Federal policies

in place that support those manufacturing jobs so that it no longer puts American manufacturing at a disadvantage.

So stay tuned. This is going to be a constant thematic that we will be carrying in the weeks ahead because we are determined that the Federal policies will support making it in America.

APPOINTMENT OF MEMBER TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Member of the House to the Commission on Security and Cooperation in Europe:

Mr. BURGESS, Texas.

HONORING PRESIDENT RONALD WILSON REAGAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GALLEGLY) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, as the author of the legislation creating the Ronald Reagan Centennial Commission, I was asked by the Reagan Foundation to host a Special Order this afternoon, and I am honored to have many of my colleagues here to join us on this floor today.

As a fellow Californian, I had the great privilege of spending some time with President Reagan in my early years here in Congress, and I can tell you that those times will be etched in my mind forever. Coincidentally, my own personal residence happens to be almost adjacent to the Ronald Reagan Library—in fact, only a few hundred yards away—in Simi Valley, California.

I simply can't say enough about how grateful I am for the opportunity to have known Ronald Reagan. I could go on for hours, but we have other Members to whom I want to yield this afternoon, Members from all across the country. So I will stand back and yield to my colleagues, and then have enough time so maybe I can wrap it up.

At this point, I yield to my good friend STEVE STIVERS from the State of Ohio.

Mr. STIVERS. I thank the gentleman from California for yielding.

Mr. Speaker, in my office, I have a picture of President Ronald Reagan, with a quote from January 25, 1988. It reads: After all our hard-fought victories earned through the patience and courage of every citizen, we cannot—must not—turn back. We will finish our job. How could we do anything else? We are Americans.

These thought-provoking words from President Reagan still inspire us today. We are facing a number of challenges in our country: a tough economy, fierce competition for jobs from nations like India and China, and the fighting of two wars with determined enemies who are committed to destroying the American way of life.

□ 1500

President Reagan's words remind us that while we face difficult challenges, we must face them together, not as Democrats or Republicans, but as Americans because we're all in this together.

His actions lived up to his own words. He rolled up his sleeves, worked with Members on both sides of the aisle, and provided leadership to move America forward.

Today, with a Republican House, a Democratic-led Senate and administration, we only need to look to President Reagan's work with Speaker Tip O'Neill on Social Security reform in 1983 to learn an important lesson. It shows us today that you can be successful in making a good faith effort to work together toward a common goal if you work together and don't lose sight of your core principles.

America is a shining city on a hill, and we will always be living President Reagan's legacy. You know, we need to honor his optimistic spirit by living and leading by his example.

I'd like to join my colleagues in honoring President Reagan on the 100th anniversary of his birth. He was truly one of our great Presidents, a man who understood what it meant to be an American leader.

Mr. GALLEGLY. Thank you very much, STEVE. At this point I'd like to yield to the gentleman from California on the other side of the aisle, my good friend, JOHN GARAMENDI.

Mr. GARAMENDI. Mr. Speaker, I was on my way out the door when I realized that this Special Order was going to be on President Reagan, and as I was walking out the door, I recalled a picture that's been on my family's wall for a long time. It was a picture of President Ronald Reagan. I'm kind of standing to one side, and he's bending over, and he's shaking the hand of my daughter. It was in the White House. This was in the 1980s when I was in the California legislature.

Embodied in that picture is so much the character of Ronald Reagan, the smile, the bright eyes, the enthusiasm, greeting a young girl. She was about 7

years old at the time, and you can just see that he wanted to spend that moment with her and to give to her his enthusiasm for life, his enthusiasm for America.

That picture has always been there, and every now and then some of my Democratic friends, including the President, see it; what's that doing in this house? And I say, that's a very special moment in the life of my daughter Christina. But that's the way Ronald Reagan was. I was in California when he became the President and actually came into the legislature the day he left office, and he set the stage in California for much of what is good there, and he certainly did that for America, also.

So I join with my colleagues on the Republican side and colleagues on the Democratic side to say a very special man, a very special man in the life of America and a very special man in my life and in my daughter's life. Thank you for the time.

Mr. GALLEGLY. I thank JOHN very much. I'd just like to say, in listening to the gentleman from California, when we were working on this bill, it got a little complicated at the end, but you know what the simplest part of making this bill work was? I did not have one individual on either side of the aisle say, no, ELTON, I can't be a cosponsor. I don't think there's anytime in history that I've had as many people agree on—we can't get that many people to agree on what day of the week it is around here.

Mr. GARAMENDI. That's true.

Mr. GALLEGLY. And it was very special to me to hear the comments from the folks on the other side of the aisle. While they may have disagreed with him on certain policy, I don't know that anyone disagreed on the man's integrity and his compassion for this country and how committed he was to make it a better place, and with that, he was able to get a lot of things done on the other side of the aisle that he wouldn't otherwise have been able to do. Thank you very much, JOHN.

At this time, I'd like to yield to my friend, the gentlelady from Kansas, LYNN JENKINS.

Ms. JENKINS. Mr. Speaker, I thank the gentleman from California for yielding to me.

"Mr. Gorbachev, tear down this wall." With those words, President Reagan felled not only a wall dividing a city but an ideology that divided the world. I carry a piece of that wall with me today, and though 20 years have passed, I am struck by the enormity of what this used to represent and the courage, conviction, and character of the man who stared down the Soviet empire and won.

President Reagan was not just "a," he was "the" Great Communicator, but it wasn't his style that made the difference. It was his content and cor-

responding action. Too often rhetoric is turned around in this town with little thought and even less action.

As we celebrate this 100th birthday of President Reagan, I desire that we can remember that not only did President Reagan inspire us with hope for a new morning in America, that he took real action that led a country waiting in gas lines, on the brink of nuclear war, and reminded us all that we truly are a shining city on the hill.

Mr. GALLEGLY. Thank you very much, LYNN.

I now yield to the gentleman from South Carolina, JEFF DUNCAN.

Mr. DUNCAN of South Carolina. Mr. Speaker, I want to thank my colleague from California for hosting us out there recently at the Reagan library. What an inspiration it was to be at the Reagan library and to understand what President Reagan did and the man, Ronald Reagan, did for liberty, not just in the United States but also around the world.

Today, I join my colleagues in honoring one of my true heroes, Ronald Reagan. It's fitting that we pay tribute to Reagan during a time when conservatives are once again waging battle against dangerous and out-of-control Federal spending. President Reagan understood the dangers of government expansion all too well. In his famous "A Time for Choosing" speech, he called America to action because, "If we lose freedom here, there's no place to escape to. This is the last stand on Earth." This was our "rendezvous with destiny."

As we in the Congress who uphold Reagan's values continue toward that rendezvous with destiny, we should keep Reagan's thoughts about government at the forefronts of our minds.

As I walk the Halls of Congress, his words reverberate in my ears every day that "man is not free unless government is limited." You have to wonder what Reagan would say to out-of-control government growth as we see in this administration.

I learned a lot about politics from President Reagan, and one particular quote has resonated with me about how we should live our lives. He said that "We should not carry a banner of pale pastels but of bold colors which makes it unmistakably clear where we stand on the issues."

I've always tried to live my life that way, so let me be bold today and say, in honor of President Reagan, I believe in God; I believe in the United States Constitution; I believe that government spends too much money, borrows too much money, and indebts the American people; and I believe that by protecting liberty in this country that our Nation once again will be a shining city on the hill.

When President Reagan spoke of that shining city, it inspired Americans to greatness. It inspired them to strive for

something that is beyond comprehension at times. He spoke about a new day in America. I think that honoring President Reagan and remembering what he did inspires me as a Congressman and others to help us, once again, be a shining city for America, a shining city for liberty, a shining city for those who believe in freedom. Let us once again strive for a new day in America.

Thank you, Mr. Reagan.

Mr. GALLEGLY. Thank you very much, JEFF, and I really enjoyed you coming out to California and getting an opportunity to really enjoy the Reagan library. It's truly a place that every American should have an opportunity to visit one time or another. It's pretty inspiring. Thank you, JEFF.

At this point I'd like to recognize the gentleman from New York, MICHAEL GRIMM.

□ 1510

Mr. GRIMM. Mr. Speaker, I would like to join my colleagues in celebrating the 100th anniversary of the birth of President Ronald Reagan this past Sunday.

President Reagan has left a lasting mark on our world, inspiring people to turn to democracy. He often spoke of freedom and made it a driving force behind his foreign policy. During his Presidency, Reagan was instrumental in the collapse of the Soviet Union. He worked tirelessly; and with the words, "Mr. Gorbachev, tear down this wall," he helped bring freedom to people under Soviet control. He left behind a legacy known for the spread of democracy and freedom throughout the world.

Reagan also understood the value of conservative economic policies. In a 1982 address, he said, "We don't have a trillion-dollar debt because we haven't taxed enough; we have a trillion-dollar debt because we spend too much." Thirty years later, this message couldn't be more true.

While Reagan may be best known for leading our country through a strong economic recovery or for the fall of the Soviet Union, the Great Communicator was known for his optimism. I hope that Americans can once again find that optimism as we move forward to put power back into the hands of the people. By returning to the same conservative principles on which Reagan relied, I am optimistic that we can restore the honor, individual liberties, and economic prosperity that once defined our great Nation.

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Mr. GALLEGLY. Thank you very much, MICHAEL. We know MICHAEL is from the great State of New York, so we have got both coasts covered today, from sea to shining sea.

At this point, I have another great Californian and a new Member. It's my honor and pleasure to recognize my good friend from California, JEFF DENHAM.

Mr. DENHAM. Mr. Speaker, I rise today to pay tribute to one of our Nation's greatest leaders, President Ronald Reagan. And Congressman GALLEGLY, you truly are privileged to live so close to Ronald Reagan, in the area, as well as to his library.

This past weekend, on his 100th birthday, Americans in Simi Valley and across the country remembered President Reagan's legacy not only as Governor of California but as the 40th President of the United States.

In tough times, President Reagan was a true leader who inspired millions of Americans with a bold vision to return greatness to our country. While focusing on shrinking the size of the Federal Government, reducing taxes, and growing our economy, he played an influential role in unifying a divided Europe and spreading the principles of democracy across the world.

A true believer in liberty and freedom and limited government, President Reagan taught us important lessons and led with a conviction that continues to encourage us today in the 112th Congress. President Reagan will always be remembered and celebrated not only by Californians but by individuals worldwide.

Mr. GALLEGLY. Thank you very much, JEFF.

At this point, I yield to RICK CRAWFORD from the great State of Arkansas.

Mr. CRAWFORD. Mr. Speaker, it is with great pride that I rise today to

speak in honor of the legacy of President Ronald Reagan.

While running for this office, I was often asked, "Why are you conservative? Why are you conservative?" My answer was always, "Ronald Reagan."

As a soldier, I was stationed in a bomb disposal unit in Pennsylvania, and I was tasked several times with Secret Service details protecting the President. And there was one in particular that I remember, September 17, 1987, when he gave the address at the bicentennial of the Constitution at Independence Hall in Philadelphia. I was literally standing in the shadow of history and, as a 21-year-old soldier, didn't fully appreciate it. And as I look back on that moment now, I fully appreciate what President Reagan had to say.

In his speech, he said the Founding Fathers had the presence of something higher that enabled them to write the Constitution. He said, "It was that ideal that enabled them to rise above politics and self-interest, to transcend their differences, and together create this document, this Constitution that would profoundly and forever alter not just these United States but the world."

We can learn a lot by looking back at President Reagan's speech. President Reagan always remembered the principles and sacrifices this country was built upon. In my opinion, the best way we can honor President Reagan's legacy is to walk these Halls with the sacrifices of our Founding Fathers in mind, just as President Ronald Reagan did.

Mr. GALLEGLY. Now, from Ronald Reagan's home State, the great State of Illinois, RANDY HULTGREN.

Mr. HULTGREN. Thank you, Congressman.

Mr. Speaker, it is a privilege to be with you today to honor one of my heroes. And I bring greetings to the United States Capitol from Tampico, Illinois, Ronald Reagan's birthplace, and Dixon, Illinois, Ronald Reagan's boyhood home. I am privileged to represent those areas back in Illinois. I was there over this weekend and was able to be in Ronald Reagan's birthplace and also his boyhood home. And I heard from them again all the memories that they have and the incredible roots that were developed there in Illinois into one of our greatest Presidents ever, Ronald Reagan.

As I look back about 30 years ago to 1981, I see that times are similar today as they were when Ronald Reagan took office. It was desperate economic times. There was very discouraging unemployment news. It also was a very dangerous world that we faced. And yet Ronald Reagan came in and had an impact in turning our world around, bringing hope once again.

I see in Ronald Reagan several things:

First of all, he clearly was a man of faith. It was almost exactly 30 years ago next month when, tragically, Ronald Reagan was shot. We are so grateful that he survived and did well through that. And through that lesson and through that horrible experience, Ronald Reagan said he dedicated his life and his Presidency to God. He was a man of faith.

He was also a man of optimism. He saw that the opportunity in America's future was not in government but in the American people.

He was also a man of vision. I appreciate his statement that "it's morning in America again," and I see that same opportunity today, where our days are brighter ahead than they were in the past because of the great American people and their spirit.

Ronald Reagan had three big goals when he entered the Presidency, and he had incredible focus on these three goals. When you talked to people who were here at that time, it was amazing that oftentimes he was the only one talking about these things or had the idea that we could be successful.

One of those was restoring our economy, getting things turned around again, getting people working again. He also wanted to restore American exceptionalism, and he fought diligently to do that, to recognize that we are a great Nation because of our great people. He also was committed to defeating communism. And his strong voice and strong presence against the USSR showed and was successful ultimately because of his diligence and his focus and his vision. And we are so thankful. It is a different world today because of Ronald Reagan.

I look back at so much that he accomplished. Let's go back to the roots that he developed, the Midwestern roots in Illinois that went so deep. I see it still in the people there—a commitment to America, a commitment to service, a commitment to a brighter future. All of those things were born and bred into Ronald Reagan in Tampico and Dixon, Illinois, and continued on through his life out in California and right here in Washington, DC.

It is my honor to recognize one of my heroes just a couple days after his 100th birthday and say, Thank you, President Reagan. Thank you for all that you've done. Thank you for the hope and the future that we all enjoy because of what you have done.

Mr. GALLEGLY. Thank you very much, RANDY.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. DUNCAN of South Carolina). The gentleman has 39 minutes remaining.

Mr. GALLEGLY. At this point, I yield to the gentleman from Maryland, ANDY HARRIS, a freshman Member and good friend.

Mr. HARRIS. I thank the gentleman from California for giving me this opportunity.

"Mr. Gorbachev, tear down this wall." Mr. Speaker, perhaps those were Ronald Reagan's most famous words, words which meant a great deal to millions of people. But his speech at the Brandenburg Gate in Berlin that June afternoon touched me and my family personally.

As many of you may know, my immigrant parents were victims of communist regimes in Eastern Europe. My Hungarian father served 2 years in a Siberian gulag for his anticommunist views, and my Ukrainian mother fled just before the Red Army seized control of her native country. They, like Ronald Reagan, understood that communism, especially the Soviet brand of communism, meant a life of restriction, oppression, and in many cases violence or cold-blooded murder.

□ 1520

While some derided President Reagan when he took on the USSR to win the Cold War, it was a point of inspiration for the Harris family. His courage and unwavering belief that freedom must always conquer evil has forever immortalized him to those who witnessed and lived through one of the most despicable and deadly regimes in the history of mankind.

Mr. Speaker, on behalf of the Harris family, I want to thank President Reagan. May his legacy always remain a beacon for those around the world who seek the asylum of freedom and liberty.

Mr. GALLEGLY. At this time, Mr. Speaker, I would like to yield to my very good friend from the State of Texas, Tyler, Texas, as a matter of fact, Judge LOUIE GOHMERT.

Mr. GOHMERT. Thank you, my friend from California. At Fort Benning, Georgia, in 1978-1980, we saw the military being cut, demoralized and marginalized. Our U.S. embassy in Iran was attacked and our diplomats taken hostage, while the sad administration wrung its hands and begged Iran to let them go. The U.S. seemed pathetic in the face of a vicious enemy.

Interest rates were rising from 12 percent up to 20 percent as my wife and I purchased our first home. Inflation and unemployment were both in double digits.

The Carter administration decided to deal with an over-reliance on foreign oil by asking people to wear sweaters at home and leave the heat turned down lower. Then, as now, the President waged a private war against producing our own energy, so then, as now, the price of gasoline skyrocketed.

We in the U.S. Army could not publicly express our dismay over our dismal leadership because it is a military crime to be disrespectful of the Commander in Chief.

Then in 1980, a new day dawned with the election of Ronald Reagan. Our hostages were released when President

Reagan took office, and we had a newfound respect from other countries. As Reagan's tax-cutting policies took over, double-digit inflation, unemployment, and interest rates all came down.

Our military began to be respected again and feared again, which provided much needed protection for America.

The Bible says, "Joy comes in the morning." It truly was morning in America. Thank God for the life and the gift of Ronald Reagan.

Mr. GALLEGLY. Thank you very much, LOUIE. And now I would like to yield to the gentleman from California, my good friend, KEN CALVERT, who played an instrumental role in helping to bring Air Force One to Simi Valley.

Mr. CALVERT. I want to thank my good friend, ELTON GALLEGLY, from Simi Valley, California, where, of course, our library for Ronald Reagan is located. We're very proud of it.

Mr. Speaker, today I rise to honor and pay tribute to the 100th birthday of the late President of the United States, Ronald Reagan, a man who deeply loved our country and who, through the course of his life, changed the world to a better place.

Upon taking office, President Reagan initiated sweeping economic reforms to combat double-digit unemployment and inflation. His policies ended the recession and provided one of the longest peacetime economic booms in our history. I wish we can do that again very soon.

America was also facing a 35-year-long war at that time, the Cold War, and President Reagan never shied away from speaking in defense of freedom. He delivered his courageous address near the infamous Berlin Wall and demanded, "Mr. Gorbachev, tear down this wall." This was the beginning of the end of the Cold War and the wall would come down 1 year after President Reagan left office.

President Reagan brought so much greatness to the world; and 2 years ago, as a Californian, working with my friend, ELTON GALLEGLY, and others, I had the privilege of initiating the effort to bring the statue of President Reagan to our Nation's Capitol. So those of you who visit the Capitol, I encourage you to go visit the statue. It's a fitting tribute to our former President of the United States. The statue is a constant reminder of his legacy. Today, as we honor his life, we will always remember his words and pledge to forever preserve his vision of America as a shining city on a hill for all mankind to see. God bless America. God bless Ronald Reagan, and thank you for the time.

Mr. GALLEGLY. Thank you, KEN.

I'd now like to yield time to my next-door neighbor in the Rayburn Building and a friend of mine, I think the only senior Member to me here today, the gentleman from Indianapolis, Indiana,

DAN BURTON, who personally knew Ronald Reagan very well.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Let me just say that we all talk about what Ronald Reagan did as President and the great things he did for the country and for the world. But I want to tell you a story that's a personal story of mine.

My mother was a waitress for 18 years, and my stepfather only went to the seventh grade. And I told them when I entered politics one day I was going to run for Congress, and if I got elected to Congress, I was going to take them in the front door of the White House and introduce them to the President of the United States. So finally I got elected to Congress after quite a while.

And I called the White House and I got a hold of Reagan's secretary, and I told her the story about how I'd promised this to my mother and how she'd worked for 18 years as a waitress, and about my stepfather. And she says, well, let me talk to the President about it. So I got a call about a day or two later, and she said, the President can see you on this particular day. So I called my mother and my stepfather and I said, I want you to come out, I want to take you in the front door of the White House to meet the President.

Well, it came out my mother loved Ronald Reagan as an actor. He was her favorite. And so here she was coming in the front door of the White House, and I've got her hand in one hand and my stepfather in the other, and they're both shaking because here they are very common folks, and they're going to meet the most powerful man in the world, and her great favorite actor.

So we go in. And when we walked in the Oval Office, Ronald Reagan stole my heart forever, and I want to tell you why. He came up and he looked at my mother and he looked at me and he put his arm around me and he says, Ms. Kelly, I want you to know your son is one of the brightest young men we have in Congress, and he's going to do great things for America. And I know you had to wait on tables, and I know he shined shoes and I know you had a tough time. We had a tough time in my family like that. And he says, but I know things are going to be great from here on out, and you ought to be very proud of him.

And I kept thinking, how does he know all this? And he had called my office to get information so he'd make my mother feel really, really proud and happy. And they took those pictures, and my mother carried those pictures with her till the day she died. And from that moment on, I'd have done anything for that guy. He could walk on water. He was not only a great President; he was a great human being. Thanks for the time.

Mr. GALLEGLEY. Thank you, DANNY.

I now yield to a Member from Ronald Reagan's home State, BOB DOLD from Illinois.

Mr. DOLD. I thank the gentleman for yielding.

Times have changed, but familiar challenges remain. We must strive to make our government smarter, protect America in a dangerous world, and create jobs here at home. As we enter a new era, we look to the past for guidance, to the man from Dixon, Illinois, who redefined our party and who reshaped the world, and we look forward always with the optimism and competence of our 40th President.

At a time when the world stood at the intersection between freedom and tyranny, President Reagan's leadership made it clear that the American path was the right way to go. As we work to create jobs and rein in spending right now, it is critical that this Congress, and indeed all Americans, stay committed to his vision.

Ronald Reagan trusted the American people, believing that we possess the strength of character to freely lead our lives, to grow our businesses and to create jobs. As I talk with people back home in my district, one constant I hear is the desire for the Federal Government to simply stop making things so difficult on them, to get out of the way.

Today we face great challenges, massive deficits, a weakened economy, and businesses struggling to provide jobs. Moving forward, we need not just a dose but a full commitment to the principles of individual liberty and free markets championed by President Reagan. I believe we need to empower our citizens to create new opportunities for growth.

Today we admire President Reagan for his eternal optimism and his firm belief in American exceptionalism.

□ 1530

Mr. GALLEGLEY. One of the things that creates a challenge for us on a Special Order like this is we have so many folks that want to speak and reminisce about what a great man Ronald Reagan was and I only have so much time. So if you will be sensitive to that, I want to make sure everyone has an opportunity to recognize Ronald Reagan this afternoon that would like to.

At this point, I yield to my neighbor from California and good friend, GARY MILLER.

Mr. GARY G. MILLER of California. Thank you for giving me the time, Mr. GALLEGLEY. I know you are honored to represent the library and are personal friends with the family, and that speaks volumes for your character.

I rise today to honor the remembrance of the most beloved figure and inspiring man I know of in politics, the late Ronald Reagan.

I think many Members of Congress and politicians speak volumes for the

man when they stand before a crowd and say, "I'm a Reagan Republican." When you can leave a legacy like that behind, because not many people say they're a Miller Republican or a Gallegly Republican, but a Reagan Republican, speaks volumes for who the man was.

As we commemorate Ronald Reagan's centennial birthday, I am honored to have the opportunity to reflect on his many accomplishments as a leader and a person. As President, Ronald Reagan believed in the American Dream. And when he talked about the American Dream, he always had this huge smile on his face because he believed in the American Dream.

His wisdom and leadership in promoting freedom, prosperity, and compassionate respect for all individuals guided our great Nation during times of both tranquility and turmoil.

President Reagan's strong belief in a limited government and fiscal responsibility should serve as a model for us today. As President, he refused to deviate from his principles and strong belief in the power of the free market. His success in reducing taxes and government spending led to a period of unprecedented economic growth and prosperity.

In the area of foreign policy, Ronald Reagan's support for a strong national defense strengthened America's standing in the world. His belief that America should serve as a beacon for democracy and freedom was unrelenting. The Reagan administration's tough stance against communist regimes and the negotiation of treaties with Soviet Leader Mikhail Gorbachev culminated in the symbolic end of the Cold War and the liberation of millions across the globe.

As we reflect on the life and legacy left by President Reagan, his resounding words of resolve bring hope to our Nation through these times of trial and tribulation. It is my hope that President Reagan's vision for our Nation will long be remembered and revered.

I am honored to represent this man in California and say he is a hero.

Mr. GALLEGLEY. I thank the gentleman.

The next gentleman I would like to introduce is SCOTT TIPTON from the State of Colorado. I had the real honor of showing SCOTT and his wife, Jean, around the library just last weekend. We had a great time, and I am sure you can attest to what a great venue that is and a tribute to a great man.

Mr. TIPTON. I thank the gentleman for yielding. And, indeed it was. Thank you so much for your hospitality. That was exceptional.

Members, in 1976, I had the honor and pleasure of serving as the youngest delegate to the Republican National Convention. At that convention, I listened to Ronald Reagan tell us, "Go out and communicate to the world that we may

be fewer in numbers than we have ever been, but we carry the message that they are waiting for." His words inspired me to the realization that ours is a Nation of ascendancy, and filled me with hope for the future.

Like then, the future of our country now depends upon our present actions and our ability to deliver a powerful message. Our message is, and must be, clear. We cannot continue down a path of reckless spending that satisfies government excess while enslaving future generations to insurmountable debt. It is time that we roll up our sleeves. For while many may have never met a government program that they do not like, it is time that we get to work cutting spending.

We must embrace Reagan's prudence and heed his warning that government always finds a need for whatever money it gets, and remember that it is our responsibility to tend that fragile flame of liberty so that our children and grandchildren may know brighter days.

Mr. GALLEGLY. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from South Carolina, TREY GOWDY.

Mr. GOWDY. Thank you, Mr. Chairman.

Mr. Speaker, I rise to honor a modern-day forefather who rekindled the foundational beliefs of our country, a leader who earnestly believed in American exceptionalism and the durable power of individual aspirations.

At a time when the prevailing mood in our country suggested that our best days were in the past, a time when the challenges seemed larger than our capacity to meet them, President Reagan gave us a reason to hope.

Through his words, through his actions, he forced us to take a hard look at ourselves and, in doing so, recapture the ideals that made this Nation great: Hard work, perseverance, personal responsibility, the collective belief that, when working together, greatness is always within our grasp. One by one, he re-inspired the robust American spirit of optimism that sustains us as individuals and unifies us as a country. He was a founding father of the New America, and for that we honor his memory and remain forever grateful.

Mr. GALLEGLY. I thank the gentleman.

Mr. Speaker, would you be kind enough to advise me how much time is remaining?

The SPEAKER pro tempore. The gentleman has 22 minutes left.

Mr. GALLEGLY. Thank you, Mr. Speaker.

At this time, it is my distinct honor and pleasure to introduce another Californian, the gentlelady, the leader of the minority, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from California for calling this Special

Order to give us the opportunity to join in a bipartisan way to celebrate and pay tribute to what would be the 100th birthday of President Ronald Reagan, and to do so with great pride as members of the California delegation.

In August of 2006, the California legislature passed a law in a bipartisan way to have President Reagan representing our State as one of the two statues in the Capitol. Just a year-and-a-half ago, again in a bipartisan way, we celebrated the life of President Reagan by welcoming this statue to the Capitol. So for the last few years we have been building in a tribute to the President.

It is impossible to talk about President Reagan and the optimism he had for life and the love he had for our country and his patriotism without talking about Mrs. Reagan. They shared one of the great love stories of our time. Mrs. Reagan in recent years has turned that love into action, speaking out powerfully about stem cell research. In doing so, she has saved lives, found cures, and given hope to millions. Today, as we pay tribute to President Reagan, we also honor Mrs. Reagan for her service to our Nation and for her love of her husband.

On what would be his 100 birthday, we remember President Reagan's optimism for our Nation, always believing that America's best days are ahead, and we share his patriotism, his life of service to our country.

To honor him, a Ronald Reagan Centennial Commission has been established, and I am pleased to recognize three House appointments—two Republican, one Democrat—to the Reagan Centennial Commission and thank them for their service to the legacy of President Reagan: Congressman GALLEGLY, congratulations to you; Congressman AARON SCHOCK, one of the newest Members of Congress and youngest; and Congressman SILVESTRE REYES, who proudly serves in that capacity.

Again, as a Californian, we take great pride in the fact that Ronald Reagan was not born in California but from California, that his life of service and patriotism is recognized in the Capitol, and that today we send our deepest regards and respect to Mrs. Reagan in celebration of the President's 100th birthday.

Mr. GALLEGLY. I thank the gentlelady, our leader of the minority, and fellow Californian.

I now yield to PAUL GOSAR from the great State of Arizona.

□ 1540

Mr. GOSAR. I thank the gentleman from California for yielding.

Mr. Speaker, I stand here today to honor President Ronald Reagan and to commemorate his hope, optimism, and eternal belief that America is truly the greatest country in the world.

Reagan once said, "It is not my intention to do away with government. It is rather to make it work—work with us, not over us; stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it."

I can think of no better time than the present to listen to the wisdom of Reagan's words. We are at a turning point in our Nation and the American people are asking for a government that works with the people, not one that picks winners and losers. I am forever encouraged by the words of Reagan and will always be inspired to keep his dream of a smaller, more nimble government alive.

Mr. GALLEGLY. I now yield to DIANE BLACK, a new Member from the great State of Tennessee.

Mrs. BLACK. I thank the gentleman from California for yielding.

Mr. Speaker, I rise today to recognize the great legacy of our 40th President, Ronald Wilson Reagan. As I watched some of the coverage of the President's centennial, I found myself filled with the same hope and idealism that he inspired in me over 20 years ago.

During the 8 years he was in the White House, President Reagan faced great challenges but was always optimistic that the greatness of our country and its people would bring us to a brighter day. A truly one-of-a-kind leader, President Reagan inspired freedom throughout the world and kept the American dream alive and burning brightly for all of us.

He reminded us that democracy is a precious gift, but one that is dependent on the dedication of all Americans. He believed strongly in American exceptionalism and reminded us that as citizens of such a great Nation, we had a responsibility to be a beacon of hope to all of those around the world who do not enjoy the same freedoms. All of these years later, his ideals still stand true for all of us, and his message is just as urgent today as it was in the past, perhaps even more so.

President Reagan is a personal hero of mine, and I want to work with my colleagues to keep his ideals of a smaller government, a commonsense government, alive here in Washington.

President Reagan believed that the people of this country are the best hope for the future, not the government or its bureaucrats. He believed that the ideal of self-government that this Nation was founded on was one of the greatest ideas of history, and that by giving government back to the people, our Nation would become stronger and more prosperous.

Like Reagan, I too am optimistic. I believe that our best days are still ahead of us and that a smaller government that answers to the people will let America thrive again. As we face the challenges ahead of us today, let us remember President Reagan, and with

hard work we can get this country back on track to a brighter morning.

Mr. GALLEGLY. I would now yield to my good friend and freshman Member from the great State of Florida, DENNIS ROSS, and also, I might add, a fellow member on our Committee on the Judiciary.

Mr. ROSS of Florida. Thank you, Mr. Chairman.

Mr. Speaker, today I rise to pay tribute to President Reagan on his centennial celebration. As our country's 40th President, no leader in modern history has had a more lasting and greater impact in shaping America's policy on economics, national defense, and social issues. Throughout his time as a public servant, President Reagan championed the core values of lower taxes and less burdensome government that stimulated the economy and brought this country out of a long recession.

Reagan's firm belief in a strong national defense inspired future democracies all over Europe and led to the defeat of the "evil empire," which ended the Cold War and brought peace with Russia.

He became a role model for all Americans with his sense of humor, his sense of compassion, untiring belief in unlimited freedom and respect for the unborn. President Reagan was a leader of extraordinary character, courage, and vision. He changed our great nation and never tired of firmly believing that America's best days were ahead.

Happy birthday, Mr. President.

Mr. GALLEGLY. Thank you very much, DENNIS.

I would now yield to LARRY BUCSHON, a new Member from Indiana. Indiana is well represented here this afternoon for President Reagan.

Mr. BUCSHON. I thank the gentleman for yielding.

Mr. Speaker, I rise today in celebration of our Nation's 40th President. Today, we honor Ronald Reagan's 100th birthday on the floor of the U.S. House of Representatives. This is the People's House, and Ronald Reagan was the people's President.

President Reagan championed the individual by lowering the tax burden on America's citizens and promoting free markets, actions that resonated with me as a young college student. As a 19-year-old in 1981, it was President Reagan's optimism about our future and clear conservative message that guided me to become a Republican.

What stood out the most to me about President Ronald Reagan was his conviction and steadfast leadership in pulling us out of the Cold War. I am honored to be able to stand here today on the House floor in celebration of a great leader, President Ronald Reagan.

Mr. GALLEGLY. I would now yield to KEVIN BRADY from Texas, a longtime friend and one of our best baseball players on the congressional baseball team.

Mr. BRADY of Texas. Thank you, Mr. Chairman. Thanks for your leadership as well.

"Before I refuse to take your questions, I have an opening statement."

Mr. Speaker, that was one of the many quips we remember from the Great Communicator, Ronald Reagan. As we mark the 100th anniversary of his birth this week on Capitol Hill, we reflect on President Reagan's many accomplishments, his leadership in tough economic times, and his ability to bring us together, which was good humor.

During his presidency, Ronald Reagan worked across the aisle to grow our economy by cutting tax rates and getting Washington off the backs of our job creators. He believed, as he said, "entrepreneurs and their small enterprises are responsible for almost all the economic growth in the United States." He said, "concentrated power has always been the enemy of liberty."

Those two statements of President Reagan's were never more true than today, as we have a much greater and bigger Washington bureaucracy than we could have ever imagined or could ever afford.

President Reagan believed that we grow our economy by getting Washington out of the way, not by spending more tax dollars borrowed from our children and grandchildren. President Reagan knew that fiscal responsibility was key to our freedom, and he said, "if we lose freedom here, there is no place to escape to."

The American economy is at a crossroads, and the good news is we have been here before, and we know the way to a stronger future, thanks to Ronald Reagan.

Mr. GALLEGLY. May I again inquire of the time remaining, Mr. Speaker.

The SPEAKER pro tempore (Mr. DENHAM). The gentleman has 10 minutes remaining.

Mr. GALLEGLY. I would now yield to TIM WALBERG, making his second tour as a Member from the great State of Michigan.

Welcome back, TIM.

Mr. WALBERG. Thank you, my friend and colleague from California. I am delighted to be here.

Mr. Speaker, I rise today to remember a great man and a great President, Ronald Reagan. Although President Reagan's 100th birthday would have been celebrated this year, I am reminded how clear and timeless his principles of limited government and individual freedom remain. Many of his ideas ring as true today as they did when I first heard him speak so many years ago.

Beginning in 1984, I had the pleasure of meeting President Reagan several times as a member of the Michigan legislature. The first time I met him was when I had the honor of welcoming him to Michigan on behalf of the House of

Representatives and the Republican caucus. Though I forgot most of my planned speech in greeting him, he treated me as a colleague and expressed a genuine interest in our agenda for the State.

His warmth and disarming kindness is what I will always remember about him personally. I always left, after subsequent meetings, believing more strongly in America's exceptionalism and knowing that his commonsense principles would always succeed here and abroad when attached to character, courage, and grace. I am certain that his timeless principles when followed will endure for many, many years to come.

May God bless the history and memory of Ronald Reagan and the country he loved.

Mr. GALLEGLY. I would now yield to SCOTT DESJARLAIS from the great State of Tennessee, a new Member.

Mr. DESJARLAIS. Thank you, Mr. Chairman.

My colleagues have done an excellent job today in eloquently paying tribute to Ronald Reagan's life and the many accomplishments he achieved throughout his presidency. I would like to take a moment, though, to recognize one of the most instrumental figures in shaping the Reagan legacy, Nancy Reagan.

In the immutable words of John Donne, "No man is an island, entire of itself," and with all the accolades we bestow on President Reagan, we must remember that Nancy was a key part of the Reagan team.

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She was an uncommon confidant and was always there to provide the President with unconditional support, which no doubt served as a source of his strength.

I believe President Reagan would find any tribute to him inadequate without also recognizing the person he described as the "companion without whom I'm never quite complete or happy." So, thank you, Mrs. Reagan for the role that you played in guiding our country through difficult times and ensuring that America forever remains a shining city upon a hill.

Mr. GALLEGLY. I would now yield to BOBBY SCHILLING from President Reagan's home State. Illinois is very well represented today.

Mr. SCHILLING. Today, we remember our Nation's 40th President, President Ronald Wilson Reagan. He would have been 100 this year. President Reagan hails from my home State of Illinois. He spent much of his childhood growing up in the Dixon area and also worked with WOC Radio in Davenport, Iowa. And our area, we believe, had a little bit to do with forming the Great Communicator.

Ronald Reagan was famous for saying, Government is not the solution to our problem. Government is the problem. Reagan stared down the Soviet

Union and demanded that they tear down the wall. He nominated the first female Supreme Court Justice in Judge Sandra Day O'Connor.

President Reagan is one of my heroes because he showed what can be accomplished when the best interest of the country are placed ahead of party affiliation. And we need more of this.

Mr. Speaker, I am proud to be standing here today to celebrate President Ronald Wilson Reagan's 100th birthday.

Mr. GALLEGLY. Now it's my distinct honor and pleasure to recognize the gentleman from Illinois.

AARON, I don't know if you were even born when Ronald Reagan was first elected, were you?

Mr. SCHOCK. Mr. GALLEGLY, I was not.

Mr. GALLEGLY. But you knew who he was, and I have heard you speak about him.

It is an honor to yield to the gentleman from Illinois, AARON SCHOCK.

Mr. SCHOCK. To my friend from California (Mr. GALLEGLY), I appreciate the deference. No, I was not born when Ronald Reagan became President, but what a tribute to President Ronald Reagan this is. Rarely in Congress do we run out of time when we're talking about an issue, but Democrat-Republican time has expired. I had prepared all kinds of flowery remarks that I was going to make in tribute to the President who hails from my home State of Illinois that I represent—Eureka College, his alma mater—but I can't think of anything more to say other than the fact that so much has been said that we've run out of time. And I can't think of a greater tribute. It's why east coast, west coast, Midwest, Republican, Democrat, the oldest Member, the youngest Member have taken time to come to the floor today. And I thank you, Mr. GALLEGLY from California for organizing this hour.

Mr. GALLEGLY. I'd just also like to recognize your tribute to Ronald Reagan the other night at the Reagan Library. It was very inspiring. And it was an honor to have you there.

Mr. SCHOCK. I like California weather.

Mr. GALLEGLY. I would now yield to the gentleman from Georgia, AUSTIN SCOTT.

Mr. AUSTIN SCOTT of Georgia. Ladies and gentlemen of the House, I just want to say this about President Reagan. He understood that it is the American, not the government, that will make America the greatest Nation on Earth. It's time for this body to tackle some tough issues and follow through on tough decisions. And if I can just read his words, the Gipper's own words: Let us be sure that those who come after will say of us in our time that in our time we did everything that could be done. We finished the race; we kept them free; we kept the faith.

Mr. GALLEGLY. Next, we have my good friend from the State of Virginia, and seat partner for the last 20 years on Judiciary, BOB GOODLATTE.

Mr. GOODLATTE. I thank the gentleman from California for yielding. I also want to tell him how much I enjoyed visiting his congressional district less than 2 weeks ago and visiting the Reagan Presidential Library, which is a fabulous recounting of the life of the man who I think was the greatest President of the 20th century. He led America to win the Cold War. He re-instilled the economic greatness of this country from the malaise of the 1970s. And, most importantly, he instilled in us his eternal optimism in America.

In his farewell address, Reagan described how he envisioned the "shining city" he invoked countless times. He observed of his time in office, "We weren't just marking time. We made a difference. We made the city stronger, we made the city freer, and we left her in good hands. All in all, not bad; not bad at all."

"Not bad," reflects the modesty of the man but not the magnitude of his accomplishments.

Asked what Americans saw in him, Ronald Reagan replied, "Would you laugh if I told you that I think, maybe, they see themselves . . . ?"

Hardly would we laugh.

A few years ago I visited Rancho del Cielo, Reagan's beloved "Ranch in the Sky". The home reflects the man . . . with Nancy's and his TV trays still standing by their respective recliners, both facing the old black and white television. It seems they've just gone out for a trail ride and will return at any moment.

At purchase the ranch was a mere 600 sq. feet. Reagan labored diligently to remodel and expand it. Even so, the only thing grand about it is the natural surroundings. Asked once to explain the ranch's almost magnetic appeal for him, Reagan replied with a quote from the Psalms: "I look to the hills from whence cometh my strength."

Mikhail Gorbachev, Margaret Thatcher and Queen Elizabeth were among the notables he hosted there. Gorbachev was disappointed by the humble ranch, knowing the lavish palaces of European leaders. However, it's fitting that the place at which Reagan felt most at ease disarmed the world's dignitaries . . . he always related best with common folks.

And yet he was far from ordinary. To the contrary he lived an extraordinary life which had a profound impact on the span of human history.

He left us on the eve of the 60th anniversary of D-Day, and almost 20 years to the day of one of his most beloved speeches, where he offered a compelling picture of how "the boys of Point du Hoc," struck a death knell to the Nazism and Fascism gripping Europe.

He extended this same moral clarity to the great conflict of his day, possessing a steadfast commitment to not just contain communism, but defeat it. In rebuilding the military, and facing down the tyranny of communism, he relegated the Evil Empire to the ash heap of history. In restoring our faith in

the free enterprise system through cutting taxes he encouraged innovation.

And most importantly he instilled in us his eternal optimism in America.

In his farewell address Reagan described how he envisioned the "shining city," he had invoked countless times. He observed this of his time in office, "We weren't just marking time. We made a difference. We made the city stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all."

Not bad reflects the modesty of the man but not the magnitude of his accomplishments. He set this Nation on a new course that still inspires us. We have a right to dream great dreams he said . . . because after all we are Americans.

Yes, Mr. President we do see ourselves in you.

Mr. GALLEGLY. Thank you very much, BOB.

At this time I yield to the gentlelady from New York, NAN HAYWORTH.

Ms. HAYWORTH. Mr. Chairman, thank you so very much.

What inspires me about President Reagan so greatly is that the power of his vision was so strong that a mere 20 minutes after he took the oath of office on January 20, 1981, our Iranian hostages left the airspace of that hostile country because they knew when he was elected that America would not stand down from its commitment to them, nor its commitment to democracy. And now is the time for all of us to take renewed inspiration from President Reagan's example. He articulated American exceptionalism and the American Dream more eloquently than any President in decades. And now is the time for us to take his example and let it strengthen us as we face tremendous challenges in this country today.

Mr. GALLEGLY. I would now yield to the gentleman from Louisiana, STEVE SCALISE.

Mr. SCALISE. I thank the gentleman from California for yielding.

It's such an honor to be able to pay tribute to Ronald Reagan here on the House floor, especially remembering his 100th birthday. It was special about a week and a half ago to be in the gentleman from California's district, going to the Presidential Library—Ronald Reagan's library; actually walking through that Air Force One plane that, among other places, took President Reagan to Germany, where he gave that famous speech and demanded, Mr. Gorbachev, tear down this wall.

It was Reagan's optimism that pulled our country out of the malaise of the 1970s. We need some more of that optimism here today. But while he is no longer with us, Ronald Reagan's legacy still endures today as an example of how we can get to that "shining city on a hill" again.

Mr. GALLEGLY. Thank you, STEVE.

Mr. Speaker, there are so many things that I would like to express, but I thought it was really important that

we had this Nation represented from sea to shining sea. And I think we did that this afternoon with all of our speakers from States from California to New York and everywhere in between.

In closing, and it just seemed appropriate this morning as I was pulling into the Rayburn garage, I came in a little early this morning, and there was a car that had to stop for something for a minute—and I don't normally read bumper stickers, but that bumper sticker said it all: I miss Ronald Reagan.

Mr. LEWIS of California. Mr. Speaker, I rise to celebrate the 100th birthday of Ronald Reagan. Or as he would have preferred 61st anniversary of his 39th birthday.

Our friendship began when he was Governor of California and I was a newly elected Assemblyman. We had a private meeting about a complex childcare issue. I walked away impressed by his grasp of the subject and how we shared a belief in the importance of the mother's involvement to early childhood development.

I was also impressed by Reagan's efforts to ease the impact of automobile exhaust in California. For too long, a dense layer of smog hid the gorgeous California landscape. Reagan worked tirelessly to make sure that, along with curtailing factory pollution, automobile emissions were kept in check.

President Reagan's leadership style blended deeply held conviction with an ability to transcend partisanship. His friendships with those across the aisle are a timely reminder of how the governing process should work. Reagan meant it when he said "There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit."

Reagan's contributions on behalf of freedom around the world are unparalleled since the end of World War II. There is no more Cold War, there is no more Berlin Wall, there is no worldwide threat of Communist dictatorship because of the leadership of President Reagan.

When the history of our time is written, the accomplishments of President Reagan will shine out. He made America the land of opportunity once again, and brought the breath of freedom to millions of people around the world who had spent decades under the yoke of tyranny. His memory will live on among all the freedom-loving people around the world.

For me, the most endearing of his traits was his eternal optimism. Ronald Reagan truly believed that America was a "shining city on a hill." His ability to see that, despite tough times, America is a nation of limitless potential was an inspiration to all.

I am honored to have both known and worked with Ronald Reagan, one of the great leaders of the 20th century. On behalf of all my Congressional colleagues, I wish him the happiest of birthdays.

Mr. YOUNG of Florida. Mr. Speaker, one hundred years ago, an ambitious little boy named Ronald Reagan was born in Tampico, Illinois; a little boy who was determined to be someone important. When that little boy became this nation's 40th president, he told us that America was too great for small dreams,

and that there was purpose and worth in every life.

President Reagan believed in the individual character of the American people. He believed in the great power that human liberty and freedom had to change the lives of citizens not only in this country, but of those around the world. Ronald Reagan acknowledged that oppression, tyranny, and evil anywhere in the world was a threat to us all, and he was not afraid to call it by its proper name. He was determined to not merely contain communism, but to conquer it. In his 1982 speech to the British Parliament, President Reagan predicted "The march of freedom and democracy will leave Marxism-Leninism on the ash-heap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people." In his unwavering determination to defeat communism through initiatives like his foreign policy offensive, pro-democratic public diplomacy, along with what became known as the Reagan Doctrine, President Reagan brought communism to its knees. The most symbolic result of his efforts came on the 9th of November, 1989, when the Berlin Wall separating Western and Eastern Germany came crumbling down. Pieces of that wall can now be found beneath the feet of President Reagan's statue in the Capitol Rotunda, a reminder that Tyranny must be temporary in order for human liberty to prevail.

President Reagan also believed that a prosperous nation relied on economic freedom; that the entrepreneur and their small enterprises were the driving force behind economic growth in America. This belief was reflected in his policies of freedom and his "common sense" approach to economics that laid the foundation for a prosperous nation. On August 17, 1981, President Reagan signed the Economic Recovery Tax Act into law, cutting all income taxes by 25 percent and reducing the top marginal tax rate from 70 percent to 50 percent. President Reagan's policies reduced inflation, lowered unemployment, cut the prime interest rate in half, and increased economic growth by 6 percent only two years into his administration. In addition to those accomplishments, nearly 17 million new jobs were created by the time Reagan left office.

Mr. Speaker, today we not only honor a former President, but a remarkable American who truly loved his country. And through his impeccable character and leadership, his generosity and humor, the American people loved him. Throughout his eight years in office, we laughed together and we cried together. Even in its darkest days, President Ronald Reagan recognized that American character and generosity, ideas and ingenuity, liberty and individual freedom are the reasons that the United States of America is and always will be the shining city upon a hill. He believed that it is our inescapable destiny to be the leaders of the free world and that America's best days are yet to come; that our most glorious days are just ahead. On that note, Mr. Speaker, I end with this quote from President Reagan; "If you're afraid of the future, then get out of the way, stand aside. The people of this country are ready to move again."

Mr. TURNER. Mr. Speaker, I am honored to speak today in remembrance of the life and legacy of our 40th President, Ronald Reagan.

Just prior to Ronald Reagan assuming the Presidency, many people wondered whether this country's best days were behind us.

"What I'd really like to do," he said after six months in the White House, "is go down in history as the President who made Americans believe in themselves again."

He created a sense of pride in our nation that was severely lacking following the Vietnam war.

His reforms to our tax code, tax cuts and a significantly lowered rate of inflation lead to the longest peacetime economic expansion in our history.

President Reagan's longest lasting legacy remains his role in winning the Cold War.

While the common doctrine of the time called for containing Communism, Reagan boldly predicted that it would soon be "left on the ash-heap of history."

During the journey that was the Reagan Revolution, he restored prosperity, confidence, optimism, faith, and pride in America.

We along with countless others around the world will be forever grateful.

Mr. HENSARLING. Mr. Speaker, it is almost impossible to imagine what the world would be like today if Ronald Reagan had never come along. That is because so much of the past 100 years of American and world history was directly impacted by the courage and convictions of our 40th President.

As we all know, the course of the 20th century was not always a smooth ride for the United States or for freedom. At a time when we needed a hero, we got one in the Gipper.

When Ronald Reagan saw the country he loved succumb to the hubris of the welfare state, high taxation, rampant spending and crippling regulation, he set his sights on Washington to turn things around. He believed that government was not the solution but the problem. The status quo of the time begged to differ and he saw no choice but to challenge it. Against all odds, he succeeded.

That same misguided consensus also told us that Soviet communism would forever cohabit the globe with Western democracy. Again, President Reagan disagreed. To him, communism wasn't just flawed—it was evil. That conviction shaped his entire worldview. His forecast for the Cold War was simple: "We win, they lose." His optimism led him to predict a decade before the Cold War ended that "the West won't contain communism, it will transcend communism." Again, President Reagan was right.

All Americans live in a freer and more prosperous world because of Ronald Reagan.

One hundred years from now, President Reagan's legacy will continue to inspire Americans to believe in the greatness of our country. And as long as his principles are cherished and passed down to every new generation, America will remain that "shining city on a hill" and the last best hope for man on earth.

Mrs. BONO MACK. Mr. Speaker I rise today to celebrate the life of President Ronald Reagan.

This week, the nation remembers the late President Ronald Reagan as a remarkable President, beloved entertainer and, most importantly, a great American. President Reagan saw America as a beacon of hope and freedom. His strong leadership guided our nation

through a challenging and difficult chapter in America's history. He helped restore the hope that inspired the people to once again believe in themselves and carry on to achieve what was once thought the unachievable.

One of my greatest thrills was welcoming President Reagan to our desert community when I served as First Lady of Palm Springs. Considered one of the nation's best Presidents, I saw firsthand his love of country and his ability to connect with people.

Revered for his leadership and tenacity, Ronald Reagan relentlessly fought for freedom throughout the world. A man of humble origins, he became an iconic symbol for democracy and the American way of life as President of the United States.

I am thankful for President Reagan's service to our nation and what he gave this country as an entertainer and as a public servant. I extend my personal appreciation to First Lady Nancy Reagan who supported her husband so steadfastly in his work and carries on his legacy today.

Thank you, Mr. Speaker, for this opportunity to honor this great American.

Mr. WOLF. Mr. Speaker, last Sunday, February 6, marked the 100th year of Ronald Reagan's birth. I've always admired President Reagan, and as a Member elected in 1980 when his name was at the top of the ticket, my coming to Congress was described by some as "riding Mr. Reagan's coattails."

I have never considered that as a derogatory characterization. Just the opposite. I am grateful that I was serving in Congress during his Presidency and had a close-up view of his incredible influence not only in America, but on the world stage, especially in the area of human rights.

As we reflect on Ronald Reagan's life and Presidency, I want to share a Wall Street Journal column by Peggy Noonan, a Reagan speechwriter who observed that "being a good man helped him become a great one."

[From the Wall Street Journal, Feb. 3, 2011]

RONALD REAGAN AT 100

BEING A GOOD MAN HELPED HIM BECOME A GREAT ONE

(By Peggy Noonan)

Simi Valley, Calif.—At the Ronald Reagan Presidential Library, in the foothills of the Santa Susana Mountain Range where old Hollywood directors shot Westerns, they will mark Sunday's centenary of Reagan's birth with events and speeches geared toward Monday's opening of a rethought and renovated museum aimed at making his presidency more accessible to scholars and vividly available to the public. Fifty percent of the artifacts, officials note, have never been shown before—essays and short stories Reagan wrote in high school and college, the suit he wore the day he was shot, the condolence book signed by world leaders at his funeral. (Margaret Thatcher: "Well done, Thou good and faithful servant.")

Much recently has been written about who he was—a good man who became a great president—but recent conversations about Reagan have me pondering some things he was not.

He wasn't, for instance, sentimental, though he's often thought of that way. His nature was marked by a characterological sweetness, and his impulse was to be kind and generous. (His daughter Patti Davis captured this last week in a beautifully remem-

bered essay for Time.) But he wasn't sentimental about people and events, or about history. Underlying all was a deep and natural skepticism. That, in a way, is why he was conservative. "If men were angels," They are not, so we must limit the governmental power they might wield. But his skepticism didn't leave him down. It left him laughing at the human condition, and at himself. Jim Baker, his first and great chief of staff, and his friend, remembered the other day the atmosphere of merriness around Reagan, the constant flow of humor.

But there was often a genial blackness to it, a mordant edge. In a classic Reagan joke, a man says sympathetically to his friend, "I'm so sorry your wife ran away with the gardener." The guy answers, "It's OK, I was going to fire him anyway." Or: As winter began, the young teacher sought to impart to her third-graders the importance of dressing warmly. She told the heart-rending story of her little brother, a fun-loving boy who went out with his sled and stayed out too long, caught a cold, then pneumonia, and days later died. There was dead silence in the schoolroom as they took it in. She knew she'd gotten through. Then a voice came from the back: "Where's the sled?"

The biggest misunderstanding about Reagan's political life is that he was inevitable. He was not. He had to fight for every inch, he had to make it happen. What Billy Herndon said of Abraham Lincoln was true of Reagan too: He had within him, always, a ceaseless little engine of ambition. He was good at not showing it, as was Lincoln, but it was there. He was knowingly in the greatness game, at least from 1976, when he tried to take down a sitting president of his own party.

He was serious, and tough enough. Everyone who ever ran against him misunderstood this. He was an actor, they thought, a marshmallow. They'd flatten him. "I'll wipe the smile off his face." Nothing could wipe the smile off his face. He was there to compete, he was aiming for the top. His unconscious knew it. He told me as he worked on his farewell address of a recurring dream he'd had through adulthood. He was going to live in a mansion with big rooms, "high ceilings, white walls." He would think to himself in the dream that it was "a house that was as available at a price I could afford." He had the dream until he moved into the White House and never had it again. "Not once."

He ran for president four times and lost twice. His 1968 run was a flop—it was too early, as he later admitted, and when it's too early, it never ends well. In 1976 he took on an incumbent Republican president of his own party, and lost primaries in New Hampshire, Florida, Illinois (where he'd been born), Massachusetts and Vermont. It was hand-to-hand combat all the way to the convention, where he lost to Gerald Ford. People said he was finished. He roared back in 1980 only to lose Iowa and scramble back in New Hampshire while reorganizing his campaign and firing his top staff. He won the nomination and faced another incumbent president.

In Reagan's candidacy the American people were being asked to choose a former movie star (never had one as president) who was divorced (ditto) and who looked like he might become the most conservative president since Calvin Coolidge. To vote for Reagan was not only to take a chance on an unusual man with an unusual biography, but also to break with New Deal-Great Society assumptions about the proper relationship between the individual and the state. Ameri-

cans did, in a landslide—but only after Jimmy Carter's four years of shattering failure.

None of it was inevitable. The political lesson of Ronald Reagan's life: Nothing is written.

He didn't see himself as "the great communicator." It was so famous a moniker that he could do nothing but graciously accept the compliment, but he well understood it was bestowed in part by foes and in part to undercut the seriousness of his philosophy: "It's not what he says, it's how he says it" He answered in his farewell address: "I never thought it was my style or the words I used that made a difference: it was the content. I wasn't a great communicator, but I communicated great things." It wasn't his eloquence people supported, it was his stands—opposition to the too-big state, to its intrusions and demands, to Soviet communism. Voters weren't charmed, they were convinced.

His most underestimated political achievement? In the spring of 1981 the Professional Air Traffic Controllers Organization called an illegal strike. It was early in Reagan's presidency. He'd been a union president. He didn't want to come across as an antiunion Republican. And Patco had been one of the few unions to support him in 1980. But the strike was illegal. He would not accept it. He gave them a grace period, two days, to come back. If they didn't, they'd be fired. They didn't believe him. Most didn't come back. So he fired them. It broke the union. Federal workers got the system back up. The Soviet Union, and others, were watching. They thought: This guy means business. It had deeply positive implications for U.S. foreign policy. But here's the thing: Reagan didn't know that would happen, didn't know the bounty he'd reap. He was just trying to do what was right.

The least understood facet of Reagan's nuclear policies? He hated the rise of nuclear weapons, abhorred the long-accepted policy of mutually assured destruction. That's where the Strategic Defense Initiative came from, his desire to protect millions from potential annihilation. The genius of his program: When developed, America would share it with the Soviet Union. We'd share it with everybody. All would be protected from doomsday.

The Soviets opposed this; the Reykjavik summit broke up over it, and in the end the Soviets' arms spending helped bankrupt them and hasten their fall. Years later I would see Mikhail Gorbachev, who became Reagan's friend. He was still grumpy about Reagan's speeches. "Ron—he loved show business!" Mr. Gorbachev blustered. The losses of those years must have still rankled, and understandably. It's one thing to be outmaneuvered by a clever man, but to be outfoxed by a good one—oh, that would grate.

Mr. RUNYAN. Mr. Speaker, I rise this evening to pay tribute to an American hero. I was only eight years old when Ronald Reagan became our Nation's 40th President. I clearly remember the optimism and patriotism he inspired in me and an entire generation of Americans who grew up during the Reagan era. His Presidency was guided by a commitment to conservative principles. He won the Cold War without firing a single shot and presided over the greatest period of economic growth and prosperity in American history. President Reagan would have had his 100th birthday this week. I urge my colleagues and all Americans to use this occasion to reflect on his life and legacy.

Ms. MATSUI. Mr. Speaker, I rise today to pay tribute to Ronald Reagan, the man who served our country as the 40th President of the United States, and who would have celebrated his 100th birthday this past Sunday.

As a Californian, I have vivid memories of Governor Reagan serving in Sacramento, my district and the capital of our great state. Much has changed in the 30 years since he left the Governor's Mansion, but the mark he left on our state, like the mark he left on our country, is immeasurable.

I am particularly reminded of his boundless optimism, and his belief that California—and America—can do anything it sets its mind to. In his State of the State Address in 1974, then Governor Reagan said, “No crisis is beyond the capacity of our people to solve; no challenge too great.”

Even as we struggle to overcome a challenging global economic downturn, Reagan's words still offer hope. “In the long sweep of history, all human progress has been based on a willingness to face the next great challenge, to seek and achieve what was seen as unattainable,” he continued. “Our people have done that in California and America, on a scale unmatched anywhere on this globe.”

Here, in our nation's Capital, we are reminded of Ronald Reagan's legacy by visiting the Capitol Rotunda, where he is represented as one of California's two statues, as chosen by the state legislature. The thousands of Californians who visit the nation's Capital are thereby reminded of his service not only to our country, but also to our state.

As we pay tribute to President Reagan, and his love for this country, we also honor Mrs. Reagan, who served our nation as First Lady with dignity and grace. Mrs. Reagan has been a passionate advocate for stem cell research, and her powerful words have helped bridge a partisan divide. Her advocacy has also helped lead to increased research funding; breathing new life into one of the most promising breakthroughs in medical research in decades—and has given hope to millions that our future IS brighter.

On what would be the celebration of Ronald Reagan's 100th birthday, I think it is most appropriate that this body acknowledges the many positive things that are synonymous with his years of service. From nominating the first woman to the Supreme Court—to helping to bring down the Berlin Wall, Ronald Reagan helped people around the world realize that tomorrow can be better than today, and that a free society is a better society. For that, we honor him, and send our best wishes to the entire Reagan family.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor the 40th President of the United States, Ronald Reagan. As Americans celebrate the 100th anniversary of his birthday this month, we not only commemorate his life, but also, and more importantly, the legacy he left to America and the world.

Throughout his life, whether as an actor, spokesperson, governor, or President, he passionately pursued his vision for America, which was rooted in freedom, opportunity, and prosperity.

President Reagan understood the greatness of our nation lies in its people—not an overbearing government. He knew the hard work,

resilience, and optimism of Americans would overcome any challenge we face.

Like many others, President Reagan is one of the reasons I entered public service. I was in 4th grade when President Reagan defeated President Carter. It was the first election I closely followed. I remember asking my parents questions about the candidates, learning the differences, and deciding to support President Reagan. While I did not understand the complexity of the issues at the time, it sparked my desire to serve.

Now, as I represent Nebraska in this great chamber, I rely on the same principles he championed. Facing deep economic challenges, like we are today, President Reagan championed solutions to reduce the size of government, promote free enterprise, and empower individuals. He knew these timeless ideals would ensure our nation always remains a “shining city on a hill.” I believe these same foundations, which to succeed rely on the individual, instead of the government, will build a stronger America in the 21st century.

Mr. SCHOCK. Mr. Speaker, it's a great honor to talk for a few minutes this afternoon about our 40th President—Ronald Reagan.

I am sure many are asking how the youngest Member of Congress can relate to the oldest President. Well, the truth is while growing up in the 80's I can only admit knowing of the President by seeing him on TV, but it was the eight years of his presidency that helped define the principles I hold today.

In my mind, President Reagan is still as relevant today as he was during his presidency. In fact, many of the issues we face today are eerily similar to those we faced in the 1980's—Tax Code reform, volatility in the Middle East, discussions about America's strength and role among the global community and our uniqueness, but most importantly the role of government in our lives.

It was Reagan who took on the daunting task of Tax Code simplification, and he got it done. He helped America regain her economic footing again; and it's the same level ground we are seeking today.

It was Reagan that always displayed that characteristic optimism of America's brilliance that was so vital to the American mindset back then. It's with that optimism that we found our strength especially during difficult times.

Communism was plaguing the world—we defeated it.

The tragedy of the *Challenger*—it was Reagan that comforted us, but reminded us that “the future doesn't belong to the faint-hearted; it belongs to the brave.”

Today, we find ourselves facing a dangerous ideology that runs counter to ours, and we are constantly reminded that the future we strive towards is no less challenging and risky than that of previous generations. We are witnesses to new and vital democratic movements around the world, and yet again today we are going through the growing pains of what government means to us.

As I conclude my remarks, I think it is only fitting to do so with a Reagan quote that encapsulated the final words of his third State of the Union, and that sums up the legacy he left behind, that we strive for again, and why my generation and I are able to stand before you today . . .

“Let us be sure that those who come after will say of us in our time; that in our time we did everything that could be done. We finished the race; we kept them free; we kept the faith.”

Well, Mr. President, job well done. We'll take it from here.

Mr. PENCE. Mr. Speaker, on February 6, 1911, America's fortieth president was born in a small midwestern town. A century later, we remember Ronald Wilson Reagan as a great man and a great leader who personified and advanced the highest ideals of the American people at home and abroad. He may have started his life with a humble beginning in America's heartland, but at a time when America longed for leadership, he answered the call to service.

After eight years of his presidency, the communism of Soviet Russia was collapsing, the American military was rebuilt, the nation's economy restored and its moral fabric renewed. As he said himself, President Reagan left America “more prosperous, more secure, and happier than it was eight years earlier.”

Many will remember him as the Great Communicator. But as the President said many times, he was not a great communicator; he communicated great things. He communicated the traditional American values anchored by his profound Christian faith.

His ideas were simple, straightforward and distinctly American. President Reagan believed that freedom depended on limited government. He fiercely advanced the principles of less government, less taxes, a strong defense and a commitment to traditional moral values.

Mr. Speaker, like many Americans, President Reagan changed the course of my life. I had the honor of meeting him in the summer of 1988 as a candidate for Congress. Determined to say something of great meaning to him, I looked the President in the eye and thanked him for all he had done to inspire my generation to believe in America again. He responded with characteristic humility by saying that “the American people decided it was time to right the ship, and I was just the captain they put on the bridge when they did it.”

In the midst of his extraordinary gifts, Ronald Reagan was a deeply humble man who believed in God and the American people with an unshakable faith. He also was able to find inspiration in his beloved Rancho del Cielo. When I had the opportunity to visit the ranch, I immediately understood why President Reagan found solace in its beauty. He spent many a day working at the ranch, and it is not difficult to believe that he contemplated many important decisions while clearing brush, fixing fences and breaking new trails in his jeep. The Young America's Foundation has since taken responsibility of the ranch, and I commend them for preserving this significant part of Ronald Reagan's legacy.

In his Farewell Address to the nation, President Reagan spoke poignantly of the distance that high office can place between the servant and the served.

He said, “One of the things about the presidency is that you're always somewhat apart. You spend a lot of time going by too fast in a car someone else is driving, and seeing the people through tinted glass—the parents holding up a child, and the wave you saw too late

and couldn't return. And so many times I wanted to stop and reach out from behind the glass, and connect."

Well, Mr. Speaker, one hundred years after his birth and two decades after he left public service, the American people are still connected to President Ronald Reagan's American ideals and values, which endure to this day.

Mr. GINGREY of Georgia. Mr. Speaker, today I rise to commemorate the legacy of President Ronald Reagan—a remarkable statesman and leader—whose 100th birthday would have been last Sunday. Recently, I visited the Reagan Library in his home state of California, and I was reminded of his steadfast leadership and significant achievements on behalf of our Nation.

President Reagan was an icon of conservative principles. He brought about sound policies of individual freedom and fiscal responsibility which showed democracy and capitalism at its best. He was a man whose belief in free enterprise changed the course of difficult economic times towards growth and prosperity.

His influence was felt not only by those at home, but also abroad, as he exemplified leadership with unwavering determination during the Cold War. His mission to achieve "peace through strength" changed the course of history as our Nation ultimately prevailed against the forces of communism.

Mr. Speaker, I ask that my colleagues join me in taking this time to reflect on the great accomplishments of our 40th President and to join me in honoring him as one of the most influential men of our time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 514, EXTENDING COUNTER-TERRORISM AUTHORITIES

Mr. DREIER (during the Special Order of Mr. GALLEGLY), from the Committee on Rules, submitted a privileged report (Rept. No. 112-8) on the resolution (H. Res. 79) providing for consideration of the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, which was referred to the House Calendar and ordered to be printed.

D.C. VOTING RIGHTS

The SPEAKER pro tempore (Mr. DESJARLAIS). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 30 minutes.

Ms. NORTON. Thank you, Mr. Speaker.

I rise to claim a half hour this afternoon to speak about the citizens of the Nation's Capital, who are full and equal citizens of the United States of America; that Nation's Capital that

was born with the Nation itself, was born with the Constitution. Among the Nation's oldest citizens are the citizens of this very city where the Congress does its work.

□ 1600

Now, there is a complicated relationship between the Federal Government and the Nation's capital, but one thing has never been complicated: The Founders and every American ever since have understood that the citizens of the Nation's capital are entitled to the same constitutional rights and democratic rights as every other American citizen.

I have come to the floor because I think many Members who are incumbents may have forgotten, and the largest class of new Members may be surprised by what they may be about to experience on this floor with respect to a local jurisdiction that they know nothing of and that they have nothing to do with.

The new Members have come with a special distaste for Federal intervention, even into Federal affairs, and I respect that. I think that they, perhaps, would be among the first Members to recognize that the powerful Federal Government should never snatch local control from a local jurisdiction. Indeed, you may be about to experience something that is so much of a surprise that it will be a kind of an out-of-body experience when you're asked to actually consider a budget that this Congress had nothing do with, a budget for which every living cent was raised by the people I represent. You may be asked to overturn local laws simply because they are different from the laws you would have passed in your own local jurisdictions and where there is no Federal imprimatur on these local laws at all.

Now, gradually, Congress has come to understand that the United States loses its own credibility as the leader of democracy around the world when it does not treat the citizens of a nation's capital as full and equal citizens. Congressional jurisdiction over the District of Columbia appears in the Constitution; but in 1973, Congress recognized that it was wrong—wrong—to rule the local jurisdiction from the Congress, so it delegated what we call home rule, or the right to self-government, to the District of Columbia. That marked an historic realization that local residents must govern themselves locally, that it was wrong that the Nation's capital was the only place—this place where Congress meets—with no local democracy, where hundreds of thousands of its citizens had no say on their own local affairs.

I know it's hard to believe that this could have ever occurred anywhere in the United States. Local control is among the very first principles of the founding of our country; but only in

1973 did your Nation's capital get an elected government, an elected Mayor, and an elected city council. A lot of that had to do with, to be fair, southern Democrats. Although the District for 150 years was a majority white district, the old-time southern Democrats saw the large African American population here as a reason to keep the District from having any local self-government. Republicans weren't much a part of that, and I hope they won't be much a part of it today.

The promise to delegate the same kind of local control to the residents of the Nation's capital, as we assume, even without thinking, is the case for every other local jurisdiction, has been mostly kept. Mayor Vincent Gray runs the city. The City Council passes the laws—except when Congress decides or, rather, when some Members of Congress decide to break the promise of democracy and intervene into the affairs of a local jurisdiction for one reason and one reason only: that they simply disagree with the decisions the local jurisdiction has made. Imagine if in your own districts, from this Congress, I disagreed with some of your decisions, and I could then overturn those decisions.

My colleagues, I am asking you not to do to us what you would not have done to you. We ask only that you apply the same standard of democracy here in the Nation's capital that you insist on in your own districts. You cannot be for one standard of democracy for the Egyptian people, who are now rising up to demand democracy, without being for the same standard in your own Nation's capital. You wouldn't intervene and tell the Egyptians what to do even when you disagreed with it.

We ask you in the name of the Founders, in the name of American democracy: Do not do that to the residents of the District of Columbia. It is impossible to justify a standard for democracy that makes an exception when you disagree with the decisions that have been made.

I respect that new Members abhor Federal intervention even in areas of legitimate Federal concern. The new Members, some of them tea party members, would like to withdraw Federal intervention from areas long understood to be of some concern to the Federal Government. Their view is that, even in these Federal matters, there is too much Federal Government.

What about Federal intervention where there is no Federal concern whatsoever? What about Federal intervention where there is no Federal money whatsoever but only billions of dollars raised by the local taxpayers? What about Federal intervention where there is no Federal law involved but only the law of the local jurisdiction?

If you think there is too much Federal Government in what we do now,

surely you would not tolerate any Federal Government in the local matters of a local jurisdiction, especially in your own Nation's capital. We raise our own funds, \$3 billion, which is more than that of several States. We want to spend it as we see fit, just as my colleagues do in their jurisdictions. Without any Federal intervention, they spend their own local funds as they see fit.

Yet, yesterday, there was a shameful, shameful experience here. There was a hearing on a Federal bill. The Federal bill had to do with restrictions on Federal funding for abortions, restrictions that some of us thought were airtight as it was. I happen to be for the right of a woman to choose, but I have always respected my colleagues who have another point of view. That matter is being decided, as it should be because it involves Federal funding, in several committees of the Congress.

What in the world was the District of Columbia doing in a bill having to do with Federal funding for abortions?

□ 1610

What was this language doing in that bill? And I am quoting: The term "Federal Government" includes the government of the District of Columbia.

It does not, my colleagues. We are a local government. We are not your colony. Declaring that the District of Columbia is part of the Federal Government for purposes of intervening into our local affairs, to tell us how to spend our local money, is an unprecedented violation of the District's right to self-government.

The District of Columbia provision was entirely unrelated to the Federal abortion funding purposes of the bill. If there is to be abortion funding in a local jurisdiction—and there is today local funding throughout the United States, using local money, in local jurisdictions—if it can be done anywhere in the United States with local funds, how could anyone justify keeping the people of the District of Columbia from using their own local funds in precisely the same way?

My Republican colleagues have come and taken control of the Congress on the wings of a promise of jobs—well, where's your jobs bill? That's what the people in my city want to know, some of them from poor wards which have 20 and 30 percent unemployment. Why are we looking at the District of Columbia, not for the jobs you said you would provide, but for how we spend our local funds on abortion for low-income women? What business is it of yours how we spend our local money?

Get out of our affairs. You've got enough to tend to here. Why focus on one local jurisdiction? If you want to deal with Federal funding of abortion, fight fair. Deal with it here, man to man, woman to woman. Don't cross the line between democracy and autocracy

and dictate; because that's what you're trying to do, dictate to a local jurisdiction how it's to spend its own local funds which you had nothing to do with raising.

Shame on the Judiciary Subcommittee, because I asked for the right to testify simply to indicate why the District of Columbia should be taken out of this bill, and I was denied the right to testify. I have been in this body for two decades. I recall no circumstance in which a Member was denied the right to make a few remarks before the hearing, and certainly no circumstance of denial of a Member to make remarks when her district and her district alone was in the bill. What are you afraid of? Would not elementary fairness and say, All right, Congresswoman NORTON, we don't have a lot of time for you, but you're in the bill, so here's 2 minutes? I was entitled to that in the name of fairness.

But you have, many of you in this Congress have given disproportionate time to the District of Columbia. There's been introduced a bill to impose private school vouchers on the District and the District alone. What's wrong with you? What are you afraid of? If you're for vouchers, put a national vouchers bill on the floor.

I know why there is no national vouchers bill on the floor; because there have been referendums in many of the States on vouchers, and every last referendum has been defeated because the people of the United States say over and over again that if you have one red cent, you better spend it on our public schools.

There's already been a compromise on this issue. The District of Columbia was singled out for vouchers, even though we have the largest alternative public charter school system in the country. Would that the Members of this body, on either side of the aisle, had almost half of their children in alternative schools, public charter schools, that residents themselves have come forward to establish as an alternative to their public schools.

Why pick on us? If vouchers are so good, I challenge you, put a bill on the floor. Let those who want it come forward. You are afraid. You don't have the guts. You pick on us because you can. It's wrong. A compromise was reached. The compromise allowed those who are now attending voucher schools to remain in those schools until they graduate. No compromise is enough for those who believe in a zero sum game.

The District's home rule public charter school alternative is a model for the Nation. Moreover, charter schools enjoy the strongest kind of bipartisan support in this Congress. What's wrong with what we're doing? Why aren't we being complimented and commended for having a public charter school system where almost half our kids attend?

In your district, you will find that your local school boards, your States keep charter schools from coming forward. That's not happened here, in part because during the last Republican Congress, under Speaker Gingrich, when he came and also discussed vouchers with me, I asked that we do a bill for charter schools instead, and out of respect for home rule, he did. Where is that respect for local control in this body today?

Our charter schools have long waiting lists. We could use any money that the Congress has to help these children find places in our own charter schools. This is the last district you want to impose vouchers on, precisely because we've heard the call that when there are children who are not being well educated in at least some of your public schools—and I am a strong supporter of our public schools. I'm a graduate of the D.C. public schools, but I do concede that there are some children who don't have access to the best education. Well, we've done something for them. Don't punish us for it by imposing a voucher system on us that we do not want.

Last year, I had asked that there be placed in the omnibus bill \$5 million for voucher parents to go to public charter schools, because when I met with my voucher parents, they said—or many of them said—they had tried to get into our public charter schools and could not because of long waiting lists. That's where the demand is. That's where the need is.

We want our choices to be respected. Sure, we respect that there may be jurisdictions who would, in fact, wish vouchers. Give them the opportunity. Don't impose vouchers on people who have chosen another alternative.

I'm not sure why one local jurisdiction would command so much attention from a new majority who convinced the American people that they would put jobs first. I'm not sure why, but I am sure of this, that if you want to direct your attention someplace else, there must be a lot of places you can go besides the District of Columbia. I am going to be on this floor often making sure that Members understand who the District of Columbia is, what it expects, and how it expects to be treated.

Now, I see on the floor the gentleman from New York (Mr. SERRANO), and I appreciate that he's come down, because it's one thing for me to try to get all of the riders, the anti-home rule riders, unfair home rule riders off of the District of Columbia, but I certainly could not do that by myself.

□ 1620

I'm not even a member of the Appropriations Committee, but we sure had a true patriot on that committee who did not rest until he saw to it that all the riders, riders which violated the self-

government rights of the District of Columbia in the worst way, were removed.

So citizens of the District of Columbia will be forever grateful for the work of Representative SERRANO, the then chairman, now ranking member of the Appropriations Subcommittee on Financial Services which has jurisdiction over the District of Columbia as well. We will be forever grateful for the extraordinary way that he kept at it year by year until he had removed each and every one of those attachments.

And I am pleased to relinquish some time to the gentleman, but I do need to know how much time I have.

The SPEAKER pro tempore. The gentlewoman has 9 minutes.

Ms. NORTON. I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I thank you for the time, and I congratulate you for continuing to be the Representative that you are for the District of Columbia.

Let me, in the short time that I have, be very brief and to the point. This may be one of the least-known issues in the United States, the whole issue of how Congress treats the District of Columbia. It is understood that there are constitutional provisions, but constitutional provisions for Congress to oversee the District of Columbia do not mean that you should mistreat the District of Columbia.

And I think it's important to note something that happened when I became chairman of the subcommittee that oversees the District of Columbia, and that is that I took it very personal. For you see, like so many New Yorkers, I was not born in New York. I was born in Puerto Rico and I was raised in New York, and I represent the Bronx in Congress. Puerto Rico, as everyone should know, is a territory of the United States; some would say a colony of the United States. So the one thing I didn't want to do was be chairman of this committee and treat Washington, D.C., the way the Federal Government sometimes has treated my birthplace.

Where I found myself, as so many other folks, was with the United States as this country you love and then Puerto Rico as your loving birthplace, knowing they are attached, but somehow Puerto Rico doesn't get treated equally. So I said publicly, to the amazement of some and to the laughter of others, that I was going to be the first Member of Congress to ever relinquish power. I didn't want more power. I wanted to give up power. I wanted less and less to do with the District of Columbia. Let them govern themselves.

And so the first thing we did is we found out that we were not allowing the District of Columbia to have a sensible approach to the HIV/AIDS issue epidemic by not allowing a syringe ex-

change program. Now, it's important to note what we're talking about here. You have moneys that are raised locally by Washington, D.C., and then you have Federal dollars. And what happened was that Congress, for years, was saying that you can't use Federal dollars for certain programs, and you can't use local dollars either for certain programs. Now, this is the part that gets a little political, and I am going to try to be as fair and as balanced as possible, to quote somebody else.

I believe that some Members of Congress who did not wish to discuss these issues back home or could not fight these issues back home used the District of Columbia as the experiment by which they could say, "Abortion, I'm against abortion."

"Where?"

"In the District of Columbia."

"Needle exchange."

"Oh, I don't accept that."

"Where?"

"In the District of Columbia."

"Same-sex marriage?"

"Oh, I'm totally against that."

"Where?"

"In the District of Columbia."

And they couldn't go back home and accomplish these things in their districts, but they imposed it on the District of Columbia.

My role, I felt—and I did accomplish it, but unfortunately that may change soon—was that little by little I got bipartisan support from both parties to remove, under your leadership—and I'm being honest about that because you pushed, and you pushed and you pushed under your leadership—to remove these riders, to let them decide what to do with the HIV crisis, to let Washington, D.C.-elected council members and Mayor decide what to do with so many issues. That's all we did. We still kept the constitutional provisions. I don't go around rewriting the Constitution.

Now what I think will happen—and we begin to see—is a desire to once again use Washington, D.C. as the experiment or the place where you do these things that you can't do back home.

So I would say to my colleagues, if you're strong—and I respect you on the issue of school vouchers. If you are strong on the issue of not letting women make choices in their lives, if you're strong on the issues of what rights or lack of rights gays should have, if you're strong on all of these issues, fight them at the national level, fight them back home. Don't single out the District of Columbia as this experimental ground by which you can say that you accomplished these things when, in fact, you did not.

The last one we had is the one that the public would really understand. The last one, which got lost in this budget that we just did, is the one that

simply said that they could approve their own local budget without having Congress say "yes" or "no."

Now, picture throughout this country—there are people watching us right now throughout this country who have local school board budgets, who have local fire department budgets, who have local town and city and county budgets. They get their dollars from Federal funds, from local funds, from State funds, but they don't come at the end of the budget process and say, Members of Congress from all over the world, can you please approve my budget? No. And I don't think they should be treated that way.

So I hope that the changes we made remain in place. But above all, I hope that we respect the citizens, the American citizens who live in the District of Columbia, the residents who live here.

And lastly, we were elected to be Members of Congress. But I was not elected to be the Mayor of Washington, D.C., and I was not elected to be a member of the Washington, D.C. City Council. They have their own government. They can govern themselves well. They have their own finances. Let's give them the respect they deserve. And I hope as time goes on, these victories that we had, not for us—it's not going to get me reelected in my district—but for the people in Washington, D.C., that they stay in place.

And again, to my colleagues, if you want to make these points, make them back home, make them on the national level. Don't pick on the residents of D.C. to make your point.

Ms. NORTON. I very much thank the gentleman not only for his remarks today but for the extraordinary work he did. He's right. I was pushing, but he was the real pusher. He was the man at the steering wheel, and he kept doing it until all those riders got off. And I want to thank the gentleman, yes, from New York, but who has not forgotten his roots, the gentleman's roots in Puerto Rico, because his roots have enabled him to empathize with people who may not have the kind of democracy he holds to be emblematic of this country.

So you don't have to be one of us, it seems to me, to feel what we are feeling. You have to think about your own roots, about what matters to you, and particularly about the issues that have driven you in your life. And I think you will come to the conclusion that you should not expect for others what you would not have wanted for yourself.

And when the gentleman from New York mentioned Puerto Rico, he also reminds me—

The SPEAKER pro tempore. The time of the gentlewoman from the District of Columbia has expired.

□ 1630

THE UPCOMING CONTINUING RESOLUTION AND REPEAL OF OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege of being recognized to address you here on the floor of the House. And there's been some dramatic changes that have taken place in this country and dramatic changes that have taken place in this Congress.

I believe that as we move forward we're going to have some significant debates here on the floor. I look forward to the regular order component of this that's being initiated by Speaker BOEHNER, the process of using the committee process, the hearing process before committees, the markup before subcommittees, the markup before full committees, and bills going up to the Rules Committee after they've been approved by the actual standing committees, and that be the same bills that are passed by the committees that arrive at the Rules Committee where the Rules Committee can work their will and, wherever possible, provide for an open rule so that we can have the maximum amount of debate on the floor, so that Members can have their will debated and require an up-or-down vote, recorded vote on their issues.

That's not something that has been going on in this Congress. It's diminished each of the last 4 years. And the more than two centuries old, not necessarily a rule, not necessarily something written into the rules, but the practice and the tradition of open rules on appropriations has been essential to allow Members to have their voice. And I am thankful that that's the new tone of this Congress. It's been a great frustration to me and many other Members, Democrats and Republicans alike.

So we're here today, Mr. Speaker, on the cusp of a great big decision for this Congress; and as we make this transition from the era of Speaker PELOSI to the era of Speaker BOEHNER, and as he lays out the parameters of let the House work its will and let's go back to a regular order as it was devised and approved in the constitutional structure by our Founding Fathers, with all of those parameters in mind, we have coming up before us a continuing resolution. And the pressure points that we have, the opportunity to bring leverage has been envisioned as the Constitution sets up article I, II, and III of the Constitution. And here we are. Taxes and appropriations need to start here in the House of Representatives.

And, Mr. Speaker, I'd just make this point, and it's an unequivocating point, and that is that unless the House approves of Federal appropriations, there

shall be not a dime spent by the Federal Government otherwise. So whatever we do here, and we will bring a budget through and it will be a far more fiscally responsible budget than the nonbudgets that have been processed in previous Congresses and the extension by CR, not by the legitimate appropriations process, but there will be a budget and that budget will cut current spending significantly. And it probably won't be enough to satisfy me, but the budget process is another essential component of what we're doing here.

And another component of it is to be able to legitimately fund the balance of this fiscal year. If we do nothing, if this Congress doesn't act, if the House of Representatives doesn't act, Mr. Speaker, then the Federal Government will go into an immediate and automatic shutdown at midnight on the night of March 4 of this year. That was the provision that was written into the continuing resolution last December, when Democrats and Republicans got together and compromised.

If you remember, the Senate was going to pass that huge omnibus bill, all of the wish lists of the departing Senators and those that hadn't been up for election, the big spending bill that was just grotesque in its vision when you look through all the dollars they were going to spend in the Senate and send it over here.

Thankfully, the American people rose up, jammed the switchboards in the Senate, and even those hanging on the fence decided that they would get a hold of their better responsible nature and they decided to pull down that huge omnibus spending bill. And so we ended up with a small continuing resolution, a continuing resolution that funded the government from, I don't remember the exact date of the expiration of the last one, but in December, whenever we passed this, through January and February and into the 4th of March.

Now, some of us anticipated they would try to pass a CR for the end of the fiscal year, and that didn't happen. And a lot of us would have liked to have spent less money up to this point. But in that CR there isn't any funding that funds ObamaCare. Even though ObamaCare has passed and it's been signed into law and it's the law of the land, there's not funding going forward in the CR that we're operating the government on today. If that had been, the funding that was called for had been in the CR, there would have been about a billion dollars appropriated in the continuing resolution that passed last December and expires this March 4.

That money was not put into the bill because they needed the votes of then the seated Republicans and some Democrats to vote for the continuing resolution. So the old Congress, the 111th Congress, didn't vote to willfully

fund the implementation of ObamaCare.

Now we're faced with the prospect of a continuing resolution coming before this Congress that's been announced to be five times greater than any appropriations bill ever voted on by this Congress before, and perhaps four times greater than any cuts that have been offered before. Well, that's because the whole string of 13-or-so appropriations bills gets packed up into one, and all that spending that's normally spread out over about 13, and perhaps a supplemental or two, packaged up into one bill with all that money in it. That's why it's that big.

Now in it, well, I think it's unlikely that there will be a line item anywhere in it that will fund ObamaCare. But I don't see resistance either from someone bringing an amendment that would declare that none of the funds in this CR shall be used to implement or enforce ObamaCare. That's pretty close to the language that I have advocated for, oh, ever since last March when I first introduced the repeal legislation to ObamaCare.

And by the way, MICHELE BACHMANN and I were within 3 minutes of each other in exactly the same language to initiate the repeal of ObamaCare. We've worked together on this, with others, CONNIE MACK and others. JERRY MORAN of the United States Senate today has been one of the leaders on repealing ObamaCare without hesitation and actively and aggressively. There are a lot of supporters across the board.

But, Mr. Speaker, I want to lay out the strategy that I have planned here on the repeal of ObamaCare in sequence so that people that think chronologically like myself can put this into the right context, and that is this:

I spent about a half a year of my life fighting the passage of ObamaCare. When it finally passed and was signed by the President, the night it passed here, I went out off the balcony and down into the lawn on the south lawn where there were thousands of people yet there pleading, keep your hands off my health care. And I said to them that night that we would start the repeal process the next day.

Now, I went home exhausted, thinking I would sleep until I was rested up. That didn't last very long. I got up and wrote the request for the repeal, as did the Congresswoman from Minnesota, Mrs. BACHMANN; and we submitted those repeal requests at the opening of business that same day because it was after midnight when ObamaCare passed.

It was on that time, the strategy that I put together then was that we would file a repeal bill, seek the maximum number of cosponsors to repeal ObamaCare and then, Mr. Speaker, move forward with the discharge petition to seek to get 218 signatures on

that so that then-Speaker PELOSI couldn't block the repeal from coming to the floor. We followed through on all of that to the point where we peaked out at 178 signatures on the discharge petition that could have circumvented the Speaker seeking to block the repeal of ObamaCare.

That discharge petition was one of the tools that was useful in winning the majority on November 2 of this past year. And there are Members here that openly say they wouldn't be here if they didn't have the discharge petition to point to their opponent and say, sign the discharge petition if you're serious. If you're against ObamaCare, here's the vehicle to repeal it. Sign it.

□ 1640

A number of those who did not and would not be voted out of office, and we have a new freshman class here that is 96 strong, 87 of them are Republicans, and I know of none of the 87 that did not run on the repeal of Obamacare. I don't have confirmation, Mr. Speaker, but I believe that every one of the freshmen Republicans, the 87, ran at least in part, if not centrally, on working to repeal Obamacare.

After winning the majority, so we could actually bring legislation to repeal Obamacare, the next phase was to bring a repeal bill here to the floor of the House. I wanted it to be H.R. 1. It turned out to be H.R. 2. I don't know what H.R. 1 is yet, Mr. Speaker, but I'm very, very happy that the leadership took that high a priority to hold a vote here in the House to repeal Obamacare so early in the first session of the 112th Congress. We saw a vote here that was bipartisan and it was unanimous among Republicans to repeal Obamacare.

That is a very sound, a ringing, sound rejection of Obamacare by the American people as a result of the election of November 2, by the people they sent here, 87 new freshmen Republican, many of them very, very solid.

Then, after H.R. 2 passed the House with unanimous Republican support and bipartisan support, Mr. Speaker, it went over to the Senate, where they said, "It could never pass over here, and it's a symbolic vote." Well, the Republican leader MITCH MCCONNELL did force a vote on the repeal of Obamacare. It would have taken 60 votes to break the filibuster under those rules. Well, every Republican in the United States Senate voted to repeal Obamacare.

So we are in this situation today, Mr. Speaker, where, if you look in the House and in the Senate, with far larger Republican numbers than we have had in past years, every Republican in the House and the Senate has voted to repeal Obamacare. Every single one. They are serious, and they want to get the job done, and their constituents insist that we get the job done as well.

So now that we have taken this position that we are, all of us, for repealing Obamacare, and consistent with two thirds of the American people, if we voted to repeal it, it would be completely inconsistent for us to vote then to turn around and fund Obamacare.

Well, if the CR has language in it that allows for funding of Obamacare, then a vote in support of the continuing resolution is a vote that funds the very thing that we voted to repeal, which would be inconsistent. And I do not believe that we will have inconsistent members here in the House of Representatives.

I think they voted to repeal Obamacare, I think they are happy to vote to cut off the funding to Obamacare, and I believe that we will have universal support for that among our conference. And I believe the Senate, if they have an opportunity for the vote, would do the same thing. Down party lines, perhaps, but they would do the same thing.

But herein is the difficulty, Mr. Speaker, and it's this: That the funding that might otherwise be in this continuing resolution or may perhaps actually come out tomorrow in it is not very large in comparison to the overall cost.

The chairman of the Budget Committee has said that the spending under Obamacare is \$2.6 trillion—\$2.6 trillion. Now, there are taxes enacted by it, and we know how the CBO scored the information that they were given. But \$2.6 trillion in spending would be shut off if we repealed Obamacare today. We have voted to do so in the House. The Senate wasn't successful. The President likely would veto. It is his signature bill; it is his identity. He is the one that called it "Obamacare" at the Blair House February 25, and now it's in our dictionary. My spell check spells it out for me: Obamacare.

But in any case, the \$1 billion or so that might be cut out of Obamacare in the CR, if we say none of the funds that are written into this bill can be used to implement or enforce Obamacare, that \$1 billion pales by comparison to the funds that are automatically appropriated that are written into the Obamacare bill itself, and it is an unusual practice to have that happen.

When you have a large authorization bill like Obamacare come through, generally it authorizes the appropriations. They are authorized to be appropriated under this section, X many dollars, to go to implement or enforce the various provisions of Obamacare. That's where the money is. And the real money that's up in that, that's automatically appropriated, Obamacare anticipates and authorizes trillions of dollars to be appropriated to fund it, and it authorizes the collection of, I believe, trillions of dollars in fees and taxes to fund it over time. But the automatic appropriations that are unusual but

written into Obamacare that a lot of people didn't know was in there when it was voted on, they will automatically appropriate a number that approaches or exceeds \$100 billion in automatic appropriations.

We are crunching these numbers now, and I have to qualify these numbers, Mr. Speaker. Our low number is down around \$65.3 billion; our upper number is up around \$107 billion. CRS doesn't have a number, CBO doesn't have a number. Apparently, nobody has pressed them to produce the numbers of the automatic appropriations in Obamacare in all this time. So we are taking this apart and putting it back together, and that's why the range is, it's my shop doing the math on this range, \$65.3 billion on the low side, \$107 billion on the high side. Let's just call it around \$100 billion for round figures, Mr. Speaker.

We could come here on the floor next week and debate a CR, and we could see an amendment come that's in order that would cut off all funding in the CR that would be used to fund Obamacare. If we do that, we are cutting off about \$1.2 billion in spending.

If we bring an amendment that shuts off all the funding that's automatically appropriated in Obamacare, and if we are successful, we shut off maybe \$100 billion that would be used to implement and enforce Obamacare.

One billion versus \$100 billion. A 1 percent solution versus a 100 percent solution. And if we don't use the 100 percent solution, then \$100 billion, as much as or perhaps more, will be aggressively used by the Obama administration to implement and enforce Obamacare. And if they do that, the cancerous tumor that's growing because of what it does to our liberty and our freedom sends its roots down deeper, and it gets bigger and stronger and harder to eradicate. That is part of the strategy.

So, Mr. Speaker, I am hopeful that leadership and the chairman of the Appropriations Committee will get together, and sometime tonight, as they put the finishing touches on the CR legislation that they say will come out tomorrow, that they will write into the bill the language that I have proposed. And since we deal with 2,500 page bills here in the House, and we are chastised if we don't read and understand every word of them, I have an amendment here that I can read every word of, and perhaps it could be understood by everyone in America. This is the amendment that shuts off the automatic appropriations to Obamacare. It is this, and I quote:

"Notwithstanding any other provision of law, none of the funds made available in this act or any previous or subsequent act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either such public law."

That's the amendment, Mr. Speaker, that shuts off not just the funding in the CR to Obamacare, but it shuts off the self-enacting automatic appropriations that were, I believe, inappropriately written into the Obamacare bill and the reconciliation package that came over from the Senate as part of their deal. That is why I gave you two bill numbers instead of one, but they encompass what we commonly refer to as Obamacare.

That is the amendment that needs to be made in order here on the floor that allows the House to work its will, that allows the House to work within order under the rules. And, by the way, regular order is holding committee meetings, holding hearings, holding subcommittee markups and subcommittee appropriations. Chairman REHBERG would be seated at one of those markups, I would think, and that would be useful, a full Appropriations Committee markup at all of those stops. There would be an opportunity to introduce this language in committee, and then succeed, I believe, in dealing with a parliamentary challenge. Or, if it's written into the base bill, certainly there would be no parliamentary challenge. And if this goes out of the Appropriations Committee up to the Rules Committee and doesn't have my language in it, at that point the Rules Committee can protect this language, Mr. Speaker, from a point of order.

But if I bring this language to the floor under an appropriations bill, I know that I am facing a parliamentary challenge to this language. And it will be hard for the House to work its will if we get to the point where we have a parliamentary challenge on a piece of language that mirrors the will of the American people, mirrors the wishes of the American people, and mirrors the will and wishes of the Members of Congress, the majority of the Members of Congress, and mirrors the will and the wishes and the votes of 100 percent of the Republicans in the United States House and the United States Senate, and is bipartisan, at least in the House.

□ 1650

That is the endeavor that we need to be successful with, Mr. Speaker, and I am very determined to have this kind of debate and find a way to have this vote. If we are blocked from a vote that is essential to work the will of the House, how then can we say, how then can we say that the House has worked its will, if the House has been denied an opportunity to work its will?

I know there are arguments on both sides, Mr. Speaker, but I would point out that the language that I have read into the RECORD is not a precedent. It doesn't stretch the rules or the history or the traditions of this House. It doesn't stretch any written rule that I know of, and it is this. There is ample precedent, ample precedent in the form

of the appropriations bills that were used to shut off the funding for the Vietnam War.

Now, I disagreed with the decision back then. I remember reading about it in the news in 1973 and 1974. In fact, my recollection says also 1975, but I don't happen to have those notes, Mr. Speaker, but I do have the notes to draw from a report by CRS out of the CONGRESSIONAL RECORD.

I am saying that we can bring an amendment that shuts off all funding, notwithstanding any other section. All of the automatic funding that was enacted by ObamaCare can be shut off in an appropriations bill in a continuing resolution. It can happen next week in the United States Congress, and we can put an end to ObamaCare then until such time as we elect a President who will sign the repeal as, hopefully, the first act of office in January of 2013. That is my hope and my wish and my work.

But for those who might wonder that this is language that stretches the parameters of tradition, it completely does not; and here are two examples of the House of Representatives and the Senate concurring.

Here is one, a supplemental appropriations bill, not a CR, but a supplemental appropriations bill that is in 1973, and actually the date on it is August 15, 1973. It says this: "None of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose."

So, Mr. Speaker, this supplemental appropriations bill that is dated enactment of August 15, 1973, and signed by the President July 1, 1973, says that none of these funds and no funds in the pipeline can be used to support directly or indirectly combat activities in Vietnam. If there were bullets that were on the way to be unloaded on the dock at Da Nang, they put the brakes on them and they went back. Those funds were on the way. They shut them down.

That doesn't mean they stopped everything, but none of those funds that were unobligated, would be a better way to put that, were allowed to be used by this act of Congress in a supplemental appropriations bill. Yes, the precedent exists. Yes, we can do this. Yes, it is a common practice, Mr. Speaker.

Those who might think this is a rare exception, I would go on down the line to another piece of legislation which actually was a CR, a continuing resolution. This is dated 1974, July 1, 1974; and this language in the continuing resolution then says this: "Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein

or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

There is the language again: "No funds herein and no funds heretofore appropriated may be obligated or expended directly or indirectly." That is an all-encompassing example of language that we have used as a template to shut off the funding that is automatically appropriated within ObamaCare and, I think, inappropriately automatically appropriated within ObamaCare.

That is where I stand on this, Mr. Speaker. And for those who think that is an ancient piece of legislative history and something that hasn't been used in the modern era and so therefore isn't a model or precedent, we go back 200-plus years for those things. I don't have trepidation about the Constitution that was ratified in 1789.

But just in the 110th Congress, the first 2 years of NANCY PELOSI's Congress, Mr. Speaker, she forced 44 votes. They might have been some in the Rules Committee, most of them came to the floor; 44 votes by this United States Congress that were designed to unfund, underfund or undermine our troops. I have those all on record and spreadsheet with hyperlinks to the language and the vote results.

We stood here and fought this off through the 110th Congress because the effort by the then-Speaker was to end the war in Iraq by shutting off all the funding and forcing us to bring our troops back home again. I am very thankful that George Bush prevailed in the surge and we have the optimistic situation in Iraq that we have today because of that decision that was made by George Bush. But it wasn't with any help from Speaker PELOSI, who forced 44 votes. Many of them, and I have not scored it in this fashion, but probably most of them follow down the same lines as the legislative procedure that I am advocating here.

So, Mr. Speaker, this is a very sound practice. It is a very constitutional practice. It is tried and it is true and it has been effective. It put the end to the Vietnam War, and we can put an end to ObamaCare if we bring language either as written into the bill or if we go back and have an Appropriations Committee, which I don't expect will happen, or if the Rules Committee protects my language so that the amendment can be legitimately debated here on the floor of the House and we can have a recorded vote. We can shut off 100 percent of the implementation and enforcement of ObamaCare.

If we don't take those steps, this Congress will not be allowed then, will not have been allowed at that point to work its will; and we have at best the

chance to shut off \$1 billion, which amounts to 1 percent of the overall appropriations that are automatically enacted by ObamaCare. So we can come with a 1 percent solution and posture ourselves as we provided a solution, or we can come with a 100 percent solution with the best tools that the House has now to do the best job, to write the toughest bill that we can, send it over to the Senate, because we know this: it is going to get worse in the Senate, and they are going to leverage back on us.

If it were just me, we could hold our ground. But; it isn't just me. So, Mr. Speaker, my advice to my colleagues whom I adore the privilege of serving with and whose judgment and statesmanship I greatly respect is this: We can't have people blink in this Congress, not when the destiny of America is at stake. And if you are wondering about blinking, just sign up with me, wait until I blink, and when I do, I guarantee my eyeballs will be dry and so will yours. But we must hold our ground. We must not blink.

We must send the language over to the Senate that cuts off all of the funding of that up to and perhaps exceeding \$100 billion that would be used to implement and enforce ObamaCare, that will be used aggressively by the Obama administration to send the roots down and grow this malignant tumor and metastasize this malignant tumor. We can pull it all out by the roots. We can do so if we move my amendment and make it in order under the rule or write it into the bill. If not, the America people will look back on this time and say, Where were you when it was time to stand up for the will of the American people?

Mr. Speaker, I have had my say. I appreciate the privilege of addressing you here this afternoon, to be on the floor of the House of Representatives. I entreat my colleagues to join with me, and let's get this job done. Let's repeal ObamaCare; let's pull it out by the roots, lock, stock and barrel, a 100 percent repeal, not a 1 percent repeal.

□ 1700

THE FUTURE OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. WALZ) is recognized for 30 minutes.

Mr. WALZ of Minnesota. Thank you, Mr. Speaker.

Over the past several weeks, I have had the incredible privilege and honor to be traveling up and across my district, the First District of Minnesota, from the plains of Worthington to the Mississippi River Valley at Winona, listening and holding grocery store stops and hearing what the American people are talking about. They're not talking a lot about ObamaCare. They're talk-

ing a lot about jobs. They're talking a lot about moving the country forward. And this is a place that, I have to tell you, it was 18 below zero yesterday when I left. These are hardy folks. They're used to weathering tough times.

They're also the place that gave root to, in a collective effort, the Mayo Clinic. They're also a place that is one of the top leading producers of food in this Nation in feeding the world. Also, a place where we generate—the fourth largest of any State in the country—the fourth largest amount of wind power and innovating down that road. To be able to walk those streets, to go to those grocery stores—and in Mankato, where my office is located, you hear a lot of people talk about Main Street. That was the Main Street Sinclair Lewis was talking about. That's where he lived when he wrote his famous novel about what it means to grow up in rural America and what it means to collaborate together to grow this country.

And listening to those folks talk about things like the national debt, talk about how we invest in our infrastructure, how do we keep our schools strong, how do we make sure we care for our veterans, how do we keep this Nation safe by adhering to our ideals of freedoms and liberties and being that beacon for the rest of the world, those are things that people are talking about while we're seeing improvements in the economy that no one would argue by early 2008 was the worst economy we had seen since the Great Depression. And for those who said, I guess we should have done nothing, I'm here to tell you today I'm glad we're not repeating the Great Depression. I'm glad we're not seeing our markets collapse all the way. And I'm proud of the work we did to move back.

Now we're seeing exports grow. We're seeing GDP grow. We're seeing consumer spending strong over the holidays. But I have to be very honest with you. The people who came to see me in those groceries stores in Owatonna and Worthington, Minnesota, those don't really matter if you don't have a job. If you don't have a job to pay for groceries, if you don't have a job to pay for the gas in your car to get to work, those are the things that matter.

So I have to tell you these people know something about struggling through tough times. Their ancestors went to those plains of Minnesota and carved out not only a living, they carved out world-class agriculture production, world-class delivery of health care, world-class innovations in manufacturing and energy on the premise that this country provided incredible opportunities. But we couldn't do it alone. We needed to do it in a collective effort to view the future and to bring the best out in individuals.

So as we face these challenges and as we pay down debts that have been gen-

erated for decades, and when Dick Cheney sat in the Vice President's office and said, We proved deficits and debt don't matter, he couldn't have been more wrong. They do matter. But we can't be penny wise and pound foolish with our children's future. It makes no sense to talk about paying down the debt if we're going to collapse our education system, our investment in science and technology. If we're going to let our infrastructure deteriorate, we will never pay the debt down, because what's happened is the revenues have shrunk. The pie has shrunk.

Instead of trying to figure out how to carve up a smaller and smaller pie, let's bake a bigger pie. Let's get a handle on our energy needs. Let's create homegrown energy and quit sending a billion dollars a day to foreign nations who hate us. They will hate us for free. We can keep the money at home and create jobs. We can create the security we need to make sure that when great revolutions on democracy rise up in Egypt, we're watching it based on what's best for human rights, what's best for the stability of the world, not worrying about what the price of oil is going to do when we can get that right out of the Midwest with our innovation.

I do think there's lessons to be learned there. Going out and getting back to traveling throughout my district, the one thing I can tell you, the countries watch this, and the folks who sit in this institution we get even enamored with.

I had no illusions. When I was elected in 2006, with no elected experience—a high school teacher; never ran for office, didn't know my county chair, and I think most of my students didn't know my political affiliation. What they knew was I cared for the community, I served in the National Guard, and I wanted to get things right. I wasn't under any illusion that people elected me based on Democratic ideology. They elected me because they wanted to hear about solutions; they wanted to hear how we work together to solve things.

And when they did that in 2008 and expanded that, and then when the country swung back in 2010, I think my colleagues, Mr. Speaker, need to recognize the American public wasn't talking about critiques on ObamaCare. And I heard my colleague mention we need to rip that cancer out by its roots. The cancer being treated is a young boy who sits in New Hope, Minnesota, who didn't have care before and now is seen at the Mayo Clinic and is actually having a real cancer treated with the best quality care. And the Mayo Clinic said this bill was a step forward and we should not step backwards.

So I think what I'm hearing from my constituents is, Can't we get beyond the partisanship? Can't we focus on those things that aren't imagined

about ourselves and find the 90 percent of things that we share in common? And we should never give our passions on differences. We should never compromise on our core principal values. But we should always recognize the interesting thing about this great country is the previous Speaker's district—and is a good friend of mine—borders mine. You might, when you hear us speak, think we're on opposite sides of the world. We are not. Neither are our constituents. But we need to come together with a recognition that the things we do here are meant to lay the framework, and that framework is the thing that's always made this country great—opportunity.

Yes, there's safety nets when we're down. Yes, those things need to be there. And we talk about those things in a tough economy. But what the middle class cares about is opportunity. No one guarantees you success in this country. But we should guarantee the opportunity to achieve success on your own. And the way we do that is by ensuring we have world-class educational institutions. That no matter if you're in Windom, Minnesota, New York City, or Tampa, Florida, that child has access to it. Not only is it the right thing to do; it strengthens our Nation.

We can bring those things today. We can continue to innovate. The can-do spirit that has been here since the inception of this country understood that's how we needed to move forward. We need to find those common grounds. We need to lay the groundwork. Unfortunately, that rung of opportunity, that ladder of opportunity by having safe and quality schools, by having transportation systems that serve all, by having affordable housing, by having access to basic health care, those were the rungs that allowed a person to pull themselves up and achieve success.

I think of my own family in this case. When my father died and my brother was 8 and I was a young man out of high school, Social Security survivor benefits were there for my mother and my young brother. When people say in this country you should pull yourselves up by your bootstraps, I agree. We just didn't have any boots. They were lent to us by Social Security. And we have paid it back ever since—my mother going on becoming a nurse, my younger brother going in and becoming a teacher like myself. I used the GI Bill that was afforded that was not just about enticing people to serve their Nation. It was the idea that those who are willing to serve are going to be assets to our community and to our country.

At this time of tough economic solutions the easy thing to do is say, Posture. We're going to have spending freezes. Well, here, that's fine. We have to get a control on spending. But don't leave the other side of the ledger out. The economy shrunk. And don't tell

people this. If you freeze those numbers, be honest. You have just frozen programs that should be cut to zero, and you've just frozen programs that provide opportunity.

We've got people now that seem to think after they climb that ladder, after they believe they built that ladder themselves, they want to pull it up behind them. What we're talking about here is creating those opportunities, unleashing the American spirit, and winning the future. And I have seen it. I heard it in my district.

There's a company called Angie's Kettle Corn. Somebody might have seen it—my colleagues here, Mr. Speaker. It's sold in Costco and sold across the country. It started as a mom-and-pop business literally in a garage in Mankato, Minnesota. And this last week they were on with Martha Stewart. They sold it at the Twins Stadium, and it's selling across the country now. That started with a passion, with a dream. It started with the ability to have local input and local ability to entice businesses to be there. It started by investments in transportation that allow you to move goods made and manufactured in Mankato, Minnesota, to the coast as efficiently as possible. That's how we've always competed. That's how we've always out-produced the rest of the world.

And at this tough time when people are saying, We can't spend any money now because we have a national debt, I agree we need to get a handle on the debt. I have been saying it needed to be paid down for years. But if we make the mistake and don't invest in infrastructure, don't invest in the correct ways in the future of providing opportunities, we are going to make drastic mistakes that will be hard to overcome.

□ 1710

There is another great company in my district, a company called Peerless Chain. This one is fascinating because I think these are things that people forget about, one of which is the idea that you can no longer compete in manufacturing in America because other countries simply are going to pay their workers less.

Well, I'm not interested in a race to the bottom. Yeah, we're probably never going to be able to pay low enough wages to compete with China on its wages, but we can beat them on innovation; we can beat them on quality products; we can beat them on moving things to market.

Peerless Chain is now one of the top producers of all forms of chain in the world. In fact, they provided all the chain to the booms after the oil spill in the gulf, protecting the gulf coast. This is a company founded by immigrant veterans after World War I, a company which is now hiring veterans and is manufacturing large, heavy-duty steel

chains in Winona, Minnesota, stamping them "made in America," and shipping them to China.

That's a future that makes sense. That's a future that creates jobs. That's something we can embrace. I've got to tell you, as to the people working there, I don't give a dang if they're Democrats or Republicans. They don't care either. They have American jobs with American security. They are living the American Dream.

Do you know what that dream is? Having the chance for an opportunity to maybe own your own home, to maybe make it and, by the time you get there, to be able to buy a boat—or a snowmobile in our case—and be able to put your kids through school, and know that those children have that opportunity.

It's not good enough for us in this place to make policies that incentivize work to go overseas, to give tax breaks to those companies, and to make it harder for Peerless Chain to produce right here. Those are the things that we can do together. Those are the things that we can agree upon. Small businesses make it. They're the things that make it in America. They've provided the jobs. They've done the things that need to be there.

What you're hearing here—and I have to be very honest with you—and what the false dichotomy of choices here is that the government can't do anything right—the government is us. It's the schoolteacher from Mankato. It's the construction manager from Iowa. It's all of us together trying to decide. No, we're not going to do everything right, but together we can create something that is bigger than any individual person here. I think, as we move forward, we're going to have to be willing, all of us—myself looking in the mirror first—to be able to reach across and find common ground, to be able to find those things that create opportunity and to then have the courage to go forward and talk about investing.

I want to give a couple of examples of this investing. When people say that the government can't do anything right, the trick is not to have the argument about big versus small government. The argument is about effective government. Does it do what the people want at the most efficient/effective cost available? Anything less, and now the police don't respond when you call 911. Now we aren't correctly making sure we're managing the ingredients in the food that people eat, and we have contaminated food, or we have lead in our children's toys as anything more will hamper business growth.

So, when I watched the President sit right up here underneath where the Speaker is and talk about "let's get smart reforms," it's not an either/or about getting regulation one way or adding regulation on.

An example of what we can do together to make things work happened

in a hearing today. One of this Nation's major banks, for whatever reason—and it will be determined in time—was foreclosing on the houses of servicemembers who were deployed overseas. This Congress has determined that one of the things we will do if you're willing to serve this Nation is to give you protections while you're there, serving in a war zone, against excessive interest rates, foreclosure and things like that.

Since the beginning of this country, we've understood if you're fighting in a war zone and if you're worried about your family—your wife and child—being thrown out of your house, it's pretty difficult to focus on your job. Yet they continue to do it, and they continue to make it happen.

Well, that young marine and his wife came today to testify in front of Congress, Democrats and Republicans. They said, no, there need to be safeguards over that; there needs to be oversight; and yes—a horrible word I'm hearing here—there need to be some regulations enforced so that we don't do that to our members. That's not antibusiness. That's not hampering business growth. That's coming up with the collective decision that, if you're going to serve this Nation in war, then we should have a business ethic that says we're going to do the right thing since it's law. I have to tell you those are compromises we can come to.

Investments. We have a project in southwest Minnesota. It's in combination with the gentleman who spoke before me and with our friends in South Dakota. In southwest Minnesota, northwest Iowa and southeast South Dakota, about 800,000 people altogether in rural areas do not have access to drinking water.

In 2009, I met with a woman who, still today, gets her drinking water by collecting it in a cistern when it rains and snows. It's not poverty. It's necessity. There is no wealth. So a project was designed, an incredible project, of bringing together local municipalities, States, and the Federal Government to divert water from the Missouri River to the Lewis and Clark Rural Water Project. This is not a "nice to have" thing if you think it's an amphitheater or something. This is drinking water and water for businesses. I have communities in my district that cannot add one single home because they don't have the capacity for water in order to hook up to the sanitary sewers. I have businesses, large ones—some of the largest packing plants in the country—that can't continue to expand and create jobs because they don't have access to water.

So we came together on this, and here is what happened: the local municipalities and the States agreed in concert with the Federal Government to pay their taxes ahead to accelerate

a project with the promise that the Federal Government would fund the program. Those promises were made, and then they were broken.

What ends up happening then, as a Member of Congress and those who posture on this floor that we certainly can't have earmarks, is elected Representatives of the people of South Dakota, Minnesota and Iowa don't have the access to redress the grievance that we have invested millions of dollars, with our citizens paying ahead, with the idea there would be some help.

Yes, those tax dollars will come from across the country, but my State is one that is a net return on tax dollars. We send more to the rest of the country, but I understand how that benefits us all. We can create food and export it elsewhere. Manufactured goods are created elsewhere and sent to my district. That's the idea of the 50 United States. That's the idea of federalism. In many cases, I think some of my colleagues get confused, between the Articles of Confederation and the Constitution, of where we're at. That's a project where people say, We can't spend a penny on that. Now we will end up spending more money, stopping economic growth, and making sure that people in this country don't have access to drinking water, all with the idea that we're going to be fiscally responsible.

It will do nothing but add to the debt. It will do nothing but deprive people of a basic commodity in this country, a basic commodity that you'd like to believe you have access to, which is water, and it was paid for ahead of time locally.

Those are the types of things that we need to have honest discussions about. There is no doubt that we've got budgeting situations. If we do not handle the national debt, our children and grandchildren will pay a heavy price for it. They will pay a price in some very simple things. As interest rates begin to climb, their buying power will become less. Their ability with the dollars they make are already shrinking for the middle class. As our real wages decline, they will have a lower standard of living. It will be harder to go to college. It will be harder to buy a house. It will be harder to buy a car. That all translates into the American Dream slipping a little further away.

So we have a responsibility to pay our fair share. That's why, when the bill came up in December, asking for changes to the Tax Code or whatever, I don't think it was that bad to ask for 140 million people to get the tax cut in a time of economic downturn. That had to happen. That cost us money. There is no doubt about that. It will add to the debt. The idea behind that is that money will be spent. Businesses will only grow if consumers spend money and if there is a demand for goods. The problem many of us had was that the other half of that money went to 6,600

families; \$154 million to 6,600 families. Yeah, let's slice it down the middle.

There has always been a sense of fairness in this country. We applaud success. We applaud people who achieve greatness. If you have a large business and if you're employing a large number of people, we're happy for you, but keep in mind we're educating those children in our schools; we're getting those people to your jobs on our roads that all of us are paying for. There has always been the assumption that there would be a fairness to our Tax Code, that you would pay it back.

All of those things create a balanced budget; they create economic growth, and they have done the one thing that America has done better than anybody else—provided innovation and opportunity for growth for the middle class to continue to be able to achieve.

So what we're going to see over the next couple of years is a turning point in this country. I believe we are going to get it and are going to figure out what the American people said on November 2. I'll tell you they didn't say in 2006, "Do it all the Democratic way." They didn't say in 2008, "Do it all the Democratic way." I can tell you they did not say on November 2 of last year, "Do it the Republican way."

They said, Solve problems. Get together. Move us forward. Create the infrastructure and the opportunities for the middle class. Then get out of our way. Stay out of our civil liberties. Stay out of our personal business. Allow us to do that and create the type of country that we were founded on, one that understood that the Constitution was not a static document.

The Constitution was one about the birth of a new Nation and the idea, the audacious idea, that you could take a high school teacher from Minnesota and plop him down in the very place where Abraham Lincoln spoke and say, Go and speak.

I will tell you, when you sit down on this floor, Mr. Speaker, and when you wonder, how in the world did I ever get here? the good thing is you meet all of your other colleagues, and you say, how did they get here? Then you understand the great diversity of this country. Then you understand that our strength lies in our ability to have different and competing opinions with a common goal—a strong, fair country with equal opportunities, a country that rewards hard work, that rewards achievement, but that understands you can't always control life's circumstances.

□ 1720

At times, there is going to need to be a safety net, and the idea that we're going to rip out ObamaCare, please keep in mind, I don't want to go back to the days when 47 million of my fellow citizens had no access to health care, for several reasons. One, I don't

think it's ethically right. Two is I know I'm paying for it anyway when they go to the emergency room and it's more expensive. So why not get the preventive care in the best possible manner, deliver that care, and quit spending twice as much as any other nation, and start using that money to invest in innovation and job creation. That's how we pay down the debt. That's how we move forward. That's how we start to get a handle on what the core values of this country are and the things that have always made us great.

So we're going to have an opportunity to discuss these issues. I'm disappointed. When I was back home and I heard people talk about all these things, jobs, jobs, jobs, the economy and the future, I came back last night to a bill that was never debated. You heard about this new open rule. Well, here is the fact: not a single debate on it, not a single amendment, not a single minute of discussion on this floor, and you know what that bill was? The Patriot Act, determining if you as an American citizen, if the government can listen on you. I don't know about you, but I hold a lot of those values that I am very, very nervous when somebody is listening to my conversation. And I don't buy this, you don't have anything to hide, you don't have anything to worry about. That's nobody's business. There's legal ways to go about this. We can keep this Nation safe by doing that.

But the new majority, who told us about how things have been done so poorly, the first time we had the Patriot Act up on the floor, we debated it for weeks. We talked about it. It was discussed. Last night, it came in on a suspension calendar, and I have to tell you this, I applaud the people here who said "no" and those people didn't say "no" to national security. They didn't say "no" to stopping terrorists. What they said "no" to was we are not willing to sacrifice our liberties for a little bit of false security. We want that balance to be struck, talked about here, and agreed upon.

So as we talk about jobs, as we talk about what's going to be going forward, bringing in the Patriot Act on Tuesday evening with no debate and voting for it on the floor just that quickly, when a Member of the Republican majority, a new Member, somebody who I know because they ran against me on this, asked, did you read the bill, did you read the bill, said he hadn't read the bill, but he voted "yes" anyway, and he said, well, we will have time to work it out.

That's what America was tired of. That's what America, if they were speaking out on November 2, was; and here's the thing. We have a choice and I say "we" being me. We have a choice that's said on this floor: Are we going to be part of the solution, or are we

going to continue to push problems forward? I think the American people deserve better.

I think that listening to that soldier today who did his duty, he needs a government that's speaking for him. It doesn't matter how big that bank is to get it right, and then here's the thing. I'm not saying that bank can't do good. In this instance, they did not, and I simply don't want to leave it to them to make the decision.

So together we've got some opportunities. We're going through some growing pains, but here's the thing. Our grandparents and our forebearers made it through civil wars. They made it through the Great Depression. They made it through the civil rights movement. They made it through there. We are the product of all that struggle. We are the ones that now have to rise to that challenge. We are the ones that have to get beyond the petty political bickering that can divide us for short-term political gain that's not looking towards the next generation.

We have an opportunity. I saw it everywhere across southern Minnesota last week. I saw Republican and Democrat come together, and those people coming in that grocery store, one man came to me and said, at least I got the courage to come up here and tell you, TIM, I didn't vote for you. I'm like, well, that's no big deal, almost half the people didn't vote for me, but you're here. You're expressing your citizenship. You're expressing solutions that can go forward. That's how the country gets back together, and we shook hands. We talked about things that can be better, and we walked out of that grocery store thinking that tomorrow can be a better day.

That's what the thought in this country has always been. The future and the ability for our children can be better than we're at today. We can handle our energy needs, and we can create those jobs at home. We can make health care accessible, pay for it, continue to innovate. We can manufacture and make it here at home and out-compete any nation in the world if we choose to invest in our greatest natural resource, our people.

So now is the time to be smart on budgeting, pay the debt down, get a handle on things, get a handle on spending, make taxation fair but don't shortchange the next generation, invest in education, invest in infrastructure, invest in research.

And I'm looking forward to the next 2 years, and I think the American public deserves nothing less than the best that we have to offer here, the voices across this country offering up solutions, debating them in a fair manner on this floor, voting for them, and then realizing that just because you disagree with someone doesn't mean they don't love this country. Just because they don't vote the way you wanted to

doesn't mean they're a communist or a socialist or un-American.

What it means is we have the golden gift of being able to disagree, to debate on this House floor, and to take that debate to the American public in a civil, respectful manner with the understanding our neighbors love this country every bit as much as we do.

HOW BUSINESS GETS DONE IN WASHINGTON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 30 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this evening I want to take some time to talk about how business gets done here in Washington. Now, I guess you can call this the lessons of a rookie. I'm starting my third year here, my second term; and during my first two years in the 111th Congress, frankly, it was like it was politics as usual, and I think the American people have had enough of that.

The American people are at a point where it's not about Republicans, it's not about Democrats. What they're looking for are problem solvers; and, fundamentally, I think that is what's most important as we go forward as problem solvers because we know this country is facing some tremendous issues. We are at record unemployment, the highest sustained level of unemployment since the Great Depression. We have a national debt that has amassed to over \$14 trillion, impacting our children and our grandchildren's future.

We have all kinds of significant issues facing this Nation, and we need solutions; but the solutions, they have to be solutions, I believe, that are not politics as usual. They need to be solutions that are, frankly, based on what I call the principle of leadership. It's the very foundation of how we make our decisions, not based on a political agenda, not based on the whims or the will of a few or many but, frankly, based on principles; and that's what I want to spend some time this evening talking about, principled leadership.

In my time in Congress, I've seen us make a lot of decisions, an awful lot of decisions. Many of those impact not just the Nation but the world, and I see decisions made by different Members using different methodology. For me, I really do fall back on principled leadership. I actually fall back on values, principles that I learned as a youth. Frankly, I take them from my experience in Scouting, 41 years. This is my 41st year in Scouting. It's a great organization. It serves boys and girls and develops them into fine young people, productive, active citizens.

When I make a decision, I ask myself four questions, and it may sound a little old fashioned for some folks, but,

frankly, it works for me and it works consistently. I ask myself four questions, principles that come from the Scout promise, actually. The first question I take from that Scout promise, that first question is when I'm making a decision, I'm faced with an issue and I need to decide, first question is, what is my duty to God? Is the decision I'm making, is it righteous according to God's word? Is it according to my faith? Frankly, if the answer is "no," I don't go any further on to question two, three, and four.

If I do go on, the next question is, what is my duty to the country? That is, frankly, what does the Constitution say about the decision that I'm about to make?

□ 1730

Is it according to the law? Is it according to those liberties, those freedoms, those rights, and the distribution of powers that are outlined within the Constitution? Because there are certain things the Federal Government is supposed to do, according to the Constitution. That amount of responsibility is literally very tiny, though, compared to what the States have retained for rights; and that is small compared to what we, as individual citizens, have as all those rights that are provided through our creator.

So my second question I ask, what is my duty to country? The third question I ask myself in terms of principles is, what is my duty to others? Now, others for me are what I call the 660,000 really smart people that I work for in the Pennsylvania Fifth Congressional District. It's pretty easy to determine what the intended consequence is and the intended impact on the citizens that I serve and, frankly, that all of my colleagues serve. Because on the first page of any bill—I don't care if it's a one-page bill or it's 2,000 pages, that intended consequence is pretty easily and clearly articulated. It's the unintended consequences, however, that you have to work at. It's the unintended consequences that can have the most impact on the lives of the people that we serve. And that's why communication is such an incredibly important responsibility with our constituents, including why we're here in Washington using different methods and an open-door policy and receiving, soliciting input, feedback from our constituents.

But also certainly when we're back in the district, and we're in those communities and we're communicating with people, and they're talking about the situations that they're in, and how the Federal Government—the things that are going on are impacting their lives. That is tremendous, valuable information that we gain when we are back in the district, and that is what district work weeks are all about. It's about communications and feedback

with your employer, and it's the people that you work for.

Finally, for me, the fourth question I ask myself in terms of principles and principled leadership has to do with duty to self. And, again, I borrow from Scouting, my years and decades in Scouting. The questions I ask myself are: am I prepared to do my best on each and every decision I make? And that is, have I worked hard to get all the information that I need? Have I worked hard to reach out to my constituents to find out, as I've read a bill, to make sure that they have access to it so that they understand and I can determine and solicit from them their feedback and what the unintended consequences are. Am I prepared to do my best?

Those are principles that have served me well these first 2 years, and I certainly continue my commitment and follow principled leadership going forward in serving both this country and certainly the citizens of the Pennsylvania Fifth Congressional District.

Another set of principles that I'm pleased to share tonight came from a group of citizens within the area of the Pennsylvania Fifth Congressional District, and these are principles that were outlined by citizens who were concerned. They were concerned over the past 2 years with the things that they saw going on in their Nation, in their country. They came together because they were afraid. They were afraid of what the future held. And this was in Lycoming County of the Pennsylvania Fifth Congressional District. But you know what, these are principles that I have actually seen put forward by everyday citizens all over the Nation, certainly throughout my congressional district.

And I appreciate the fact that they took the time to put this together. I have a scroll here with—I'm not going to roll this out completely because it would definitely be a hazard. It is a wonderful scroll with over 4,000 names on it of individuals who have put their signatures to standing for principles and expectations from government.

The principles, as put forward, were: "We, the people of the city of Williamsport, the Commonwealth of Pennsylvania, and the United States of America, declare that we are free and independent citizens, and that we are entitled to inherent and inalienable rights for which our ancestors fought to protect and for which they established governments to ensure." Rights that, within our founding documents, come from our creator.

"In the charters of those governments, our rights have been clearly and undeniably established to the exclusion of any encroachment by the civil servants elected to carry out the people's business. However, a long train of abuses and usurpations has evinced a clear trend which, if followed to its log-

ical conclusion, would reduce the People under absolute Despotism. We protest these encroachments upon our natural and inalienable rights and liberties and demand that they be redressed." And among the abuses, they outlined seven principles, you know, principles that I think are incredibly important, things that you've heard about already on the floor tonight. And as you tune in, these are issues that have taken front stage in terms of our national debate.

Starting with taxation. You know, taxes have grown both continuously and geometrically both in the number and scope, such as greater than half of all of one's income is now claimed by the government. Taxes are something that we battle on here. And it's a fundamental decision of, first of all, the scope of government, what government should be in the business of doing, what constitutionally are those issues that should be funded. We are going to be engaging in significant debate through the rest of this week and certainly next week as we look at a continuing resolution of what is the proper role of government, and we will certainly be looking at how we fund that and the amount of taxes that are levied on individuals.

We had that debate at the end of the 111th Congress. In the 111th Congress, this country was facing the largest tax increase in its history, and it would have been devastating. It would have raised taxes on every American. It would have raised taxes on individuals, on families, on job creators, on small businesses. And I am pleased that in the 12th hour we were able to at least extend what's called the "Bush-era tax cuts," and that's been good for America. Frankly, we should have been able to make them permanent. That is something I think we need to obviously continue to work towards.

But at least by extending those, we were able to restore some certainty, some certainty for families, for individuals and, frankly, for job creators so that they could do their business plans and at least restore some confidence going forward in this economy, confidence to allow small businesses to be able to invest their resources, to invest in capital, expanding and building a new site or business by expanding a product line or a service line, and hiring, creating jobs.

Frankly, many of the individuals over the past year and a half, as I've traveled around in my congressional district—and I talk with folks who I know are the job creators. These are individuals that every year would take their resources, their profit—and that's not a bad word; that's a good sign of good economic times—and they would reinvest a good portion of that profit back into their businesses, and they would create jobs.

You know, in the past 2 years, because of uncertainty—much of it

around taxation—they have been sitting on the sidelines. They didn't know what was coming. Health care, the ObamaCare that would raise taxes would put mandates. If you are an employer with more than 50 employees, that means that more financial burdens are going to be placed on you, more mandates, so there is no encouragement to grow your business. I was very pleased when we were able to extend those tax cuts. That's the American people's money. They have had that for almost a decade, so we need to continue that.

The second principle that these good folks have identified is national debt. The public credit has been tapped beyond any reasonable ability to repay within the current generation. I think our national debt is somewhere around—every man, woman, and child. I go out into schools, and I like to read to the kindergarten kids. But I love getting out to the seniors because they are getting ready to go out into the world. They are just on the threshold of life. And I usually open up by saying, First of all, I work for you. I'm your Member of Congress. I work for you. And each of you owes \$143,000, and I don't take checks.

□ 1740

And that's a good icebreaker, for a sad notation of that really is how much each of them, each of them owes towards our national debt. And so we are approaching over \$14 trillion at this point. What that does, I think, is, frankly, it's probably our largest threat that we have to national security, the fact that we have that much debt accumulated, and that 60 percent of that debt is held by foreign countries. Our number one lender is China. And I think that just puts us in a very, very dangerous situation for the future.

So I am joined this evening by a good friend of mine who lives in Lycoming County. Mr. MARINO, if you want to step up and talk a little bit about your thoughts on national debt and what that means to us going forward that would be great. Go ahead and join me at the podium there. This is a great Member, TOM MARINO. He represents a neighboring district of mine. We share two counties. I've known TOM for a long time. I worked in health care in Lycoming County for about 28 years. TOM's a former district attorney there, a native son, and I was real glad, real proud to see him come to Congress. And so I'm going to yield to the gentleman from Pennsylvania.

Mr. MARINO. Mr. Speaker, I come to the floor this evening to applaud my good colleague and friend from Pennsylvania. In fact, our districts border one another. And we have the same philosophies because we're so close—our districts overlap. We share a couple of counties. And we both share the sen-

timents of our constituents, the people who voted for us, the people who didn't vote for us. We have a job to do. We've been hired and directed to be sent to Washington and very clearly told what we need to do, and that is, to continue to cut taxes, cut the spending, and downsize Washington, which a combination of those three will create jobs.

Like my good friend from Pennsylvania, we need to get back to a simple time when we look at the Constitution, we apply the Constitution, we follow the Constitution, and in doing that, I'm confident that we are on the right track. I know our constituents from Williamsport may be watching us and from around the district. And I want to tell those individuals, as well as anyone else watching around the country, that we work for you. We know what the message was, and we have started that process.

I look forward to, as my good colleague does, us reaching across the aisle, working with our colleagues there to improve the quality of life for people in this country, to make sure that our children hopefully have a better life than we do, and to make certain that we do not strap them with this unbelievable cost and debt that I'm afraid if we do not take control of this now, we will absolutely lose total control of it. And we just have no idea of how far our finances can be plunged into total chaos.

So, again, I want to thank my colleague for having me here. I'm going to sit and listen to more of this debate. I appreciate the time.

I want to say hello to my friends back in my hometown of Williamsport, Pennsylvania, and the people in the 10th Congressional District, and also my friends in the adjoining district of my good colleague from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I thank the gentleman for joining me tonight on the floor to kind of share about principles and the needs that we have there that we're faced with. Again, these are difficult times. One of the things in terms of this much debt that's out there, it reminds me of, we just hit kind of a milestone of being married for 30 years not long ago. And soon after my wife and I were married, we bought a house, and it was a time where the country was facing a similar situation, such high unemployment and, frankly, high inflation. And this is a tremendous concern that I have that with all this borrowing and this debt, inflation will naturally follow. And, in fact, frankly this was at the term of President Jimmy Carter. We were looking at real estate. It was a time of stagflation, both high inflation and high unemployment. And my wife and I bought a home. We got a great deal because real estate wasn't selling, much like today. And we thought we got a—we got a first-time state mortgage rate, and we thought we were just

doing great because we got this interest rate. I believe it was 18 percent, which was pretty good because at the time the banks under this type of inflation that naturally comes from this kind of borrowing and spending, the banks were lending at 20, 21 percent interest. So it's something we have a responsibility, not just to today's generation, but our children, our grandchildren, to get this national debt under consideration.

The next principle I wanted to touch on was national defense. And the principles as presented here talk about, you know, frankly the placement of troops without formal acts of war and the concern with that. But it also goes on the fact that we put so much into fears of war. I happen to believe—I've got a son and a daughter-in-law in the United States Army. They were just married yesterday, actually. They're in Washington here with us a couple of days. And I'm very proud of our troops and what they do. I believe that constitutionally, the national defense really is our most important job. It's up front in the Constitution that that's what we should do.

Within the principles outlined here before you, it also—this is the finer print, it's hard to read, but it talks about the fact is we can't ignore national defense here at home. And we've got threats here. We know that. When you look at the southern border, in particular, and just the unchecked illegal immigration into this country, and I realize many of those folks are coming in search of a better way of life. But frankly, there are folks coming in here that I think could easily come across the borders, and probably have, that seek to do us harm, and the things that they can carry across that border. And so we need to make sure that we are securing that border. We should be doing everything we possibly can. I think that this principle speaks to that. And I think that this country's been failing at making sure that our ports and our borders are ultimately safe. This is a different day. This is when our enemies don't wear a uniform and don't march under a specific flag. We have to take the measures and the precautions to make sure that the American people stay safe. That is our number one job in this country, safety and security.

The fourth principle under here to be addressed is political corruption. That is something that, frankly, we need individuals at all levels of government that are public servants, that approach their jobs with a servant's heart, as opposed to being self-serving. And I know that Mr. MARINO, who is now in Congress, has that servant's heart. Many of my new Members, new colleagues, and certainly folks I've served with for the past 2 years have that focus and commitment, frankly, of service and sacrifice to our constituents. And so I

think that is something that I respect, the fact that that is on here. That is certainly something that's important; that the people that are here are serving, not just at the Federal level but the State level and local level, for the right reasons.

Central banking and money. I'm going to switch these charts just to be able to read them a little better.

□ 1750

The fact that the U.S. Congress really has delegated, and I think illegally, their vested powers, coining money, taxation, regulation of commerce, making treaties, appropriating public money, all of the things that the powers of the House in particular is in the legislative branch.

We have three branches of government, but they are not equal. They are co-sovereign, but they are not coequal. And we have delegated over, not just 2 years but many years, much of our authority, much of our responsibility as the legislative branch to the administrative branch. Much of that has been very inappropriate, and I think it's a time of going back to our roots and making sure we go back to those founding principles and looking at what is it that we are supposed to be doing that we have deferred, that we have designated and allowed the administrative branch to now do.

Certainly principle number six, the central planning: The constant intervention of the economy through regulations, subsidies, tariffs, taxes, policies have altered the fabric of the Nation's free market economy in just these past 2 years, and we are dealing with it now. We voted to repeal the Patient Protection Affordable Health Care Act. The media sometimes refers to that as the Obamacare plan, and we voted and passed on a bipartisan way to repeal that bill for that very reason of that top-down approach. Washington is famous for a top-down approach, a cookie-cutter approach. I have seen that in my service on the Education Committee where it is a cookie cutter.

No Child Left Behind believes that every child should go to college. Well, that's great. If that child has that aspiration and those attributes, that's wonderful. I'm going to be dedicated to making sure we make that as affordable and as accessible as possible. But not every child is on that path. Some children, it will be technical training. Some children, it will be going into the military and learning a skill or trade there. Some will be going right into the workforce.

We need to be empowering through education, not top down from a central planning way from the national government. We should be empowering our best resources for making sure that every child's individual potential is developed. Do you know who that is? That's the parents, the teachers, the

administrators. It's the local school board members, that governing body and the local school boards. That's the way the founders intended it, because they knew which way it would work best.

Well, I am joined by another neighbor of mine across the State line to the north, Mr. TOM REED from the great State of New York. Mr. REED, thanks for joining us tonight.

Mr. REED. Thank you very much.

I stand today to join my colleague and applaud my colleague for coming to the floor of the House to articulate what are truly our founding and our core principles. We should be going back to our Constitution on a regular basis and always recognize that what our Founding Fathers envisioned for America was a limited Federal Government; not an America that guarantees everyone success in life, but, rather, a government that guarantees that every American, every man, woman, and child in America has the opportunity to succeed.

We do not at the Federal Government level pick winners and losers. What we should do is always guarantee that the opportunity in America is there for our young men, women, and children of the generations of today and the generations of tomorrow to have the opportunity to succeed and control their own destiny.

I see an America right now, my good friend from Pennsylvania who is articulating here today, the concerns that the Nation of America truly is fighting for its existence.

We see a national debt that is at \$14 trillion in publicly held debt. You talk to people about the unfunded liability of putting that national debt at \$200 trillion, plus or minus. That's \$242,000 for each man, woman, and child in America. That is not sustainable. That will not protect this Nation for generations of today and of tomorrow and for generations that are not even contemplated as we sit here tonight.

We have an obligation to stand for this wonderful Nation, and I am proud to join my colleague from Pennsylvania and come here tonight and cry out for America to say we need to stand once again.

We need to fight for our very existence, because that existence is threatened from that financial insecurity that is brought on by this national debt. And I am so confident that when we stand together, when we come into this Chamber and we have the open and vigorous debate that we are going to have and that we will have, America will prosper. We will make the hard decisions, and we will stand proudly as one Nation for many generations to come that will be the beacon and the light to the world for so many who so need us and who so want us to succeed, and we are committed to that effort.

Mr. THOMPSON of Pennsylvania. I thank my good friend for joining us tonight.

The last principle is one I am proud to say we have taken some action on here. It has to do with legislation, the common practice for Congress to shortcut things, shortcut the process, not follow regular order, open rules, allowing all Members of Congress to offer amendments.

In my first 2 years of Congress, I never experienced one open rule. I didn't know what it was like. And I was shocked to find out that that is normally how you do business; that predominantly, most of the time, it's under open rule.

One of the things we put in place with the rules package is requiring bills to be published ahead of time so that not only us as Members of Congress but our constituents can read them, and we have that chance to solicit input from them, to get that feedback on the unintended consequences and how it may impact them; the fact that we are now requiring you have to give some evidence, some documentation of where the constitutional authority is for doing this bill now, trying to keep germaneness in terms of what we put forward versus these thousands-of-pages bills that are just a mishmash of different topics.

So I thank my colleagues tonight for joining me in this. I certainly thank the patriots, like those folks from Williamsport, Pennsylvania, who joined in sharing those principles that we have, those patriots like that all over this Nation. We are just so appreciative for what they do for this country as well.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2011.
Hon. JOHN A. BOEHNER,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I hereby give notice of my resignation from the United States House of Representatives, effective 5:00 p.m., Eastern Standard Time, Wednesday, February 9, 2011. Attached is the letter I submitted to Governor Andrew Cuomo.

Sincerely,

CHRISTOPHER J. LEE,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2011.
Hon. ANDREW M. CUOMO,
Governor of New York State, State Capitol
Building Albany, NY.

DEAR GOVERNOR CUOMO: I hereby submit my resignation as United States Representative of the 26th District of New York, effective 5:00 p.m., Eastern Standard Time, Wednesday, February 9, 2011. Attached is the

letter I submitted to Speaker of the United States House of Representatives.

Sincerely,

CHRISTOPHER J. LEE,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from New York (Mr. LEE), the whole number of the House is 434.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. CANTOR) for today on account of attending the funeral of a very close friend in Athens, Georgia.

Mr. BILBRAY (at the request of Mr. CANTOR) for today and the balance of the week on account of a family medical emergency.

ADJOURNMENT

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 10, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

297. A letter from the Deputy Assistant Secretary of Defense, Department of Defense, transmitting the Department's annual report for fiscal year 2010 on the quality of health care furnished under the health care programs of the Department of Defense; to the Committee on Armed Services.

298. A letter from the Secretary, Department of the Treasury, transmitting a report entitled "Macroeconomic Effects of Risk Retention Requirements"; to the Committee on Financial Services.

299. A letter from the Secretary, Department of the Treasury, transmitting A Study of the Effects of Size and Complexity of Financial Institutions on Capital Market Efficiency and Economic Growth; to the Committee on Financial Services.

300. A letter from the Secretary, Department of the Treasury, transmitting a report entitled "Study and Recommendations Regarding Concentration Limits on Large Financial Companies"; to the Committee on Financial Services.

301. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Health, United States, 2010"; to the Committee on Energy and Commerce.

302. A letter from the Secretary, Department of Commerce, transmitting the Depart-

ment's report on Foreign Policy-Based Export Controls for 2011; to the Committee on Foreign Affairs.

303. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2009 to September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

304. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Commission's inventory of commercial activities for fiscal year 2010; to the Committee on Oversight and Government Reform.

305. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-656, "District of Columbia Housing Authority Board of Commissioners Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

306. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-690, "Not-for-Profit Hospital Corporation Personnel Administration Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

307. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

308. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

309. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

310. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

311. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2010, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Oversight and Government Reform.

312. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Models Jetstream Series 3101 and Jetstream Model 3201 Airplanes [Docket No.: FAA-2010-0942; Directorate Identifier 2010-CE-049-AD; Amendment 39-16535; AD 2010-25-02] (RIN: 2120-AA64) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

313. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No.: FAA-2010-0850; Directorate Identifier 2010-NM-076-AD; Amendment 39-16536; AD 2010-25-03] (RIN: 2120-AA64)

received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

314. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-30, DC-9-40, and DC-9-50 Series Airplanes, Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes, and Model MD-88 and MD-90-30 Airplanes [Docket No.: FAA-2008-0934; Directorate Identifier 2008-NM-113-AD; Amendment 39-16537; AD 2010-25-04] (RIN: 2120-AA64) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

315. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Models DA 40 and DA 40F Airplanes [Docket No.: FAA-2010-0845; Directorate Identifier 2010-CE-044-AD; Amendment 39-16534; AD 2010-25-01] (RIN: 2120-AA64) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

316. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-111 and A318-112 Airplanes and Model A319, A320, and A321 Series Airplanes [Docket No.: FAA-2008-0670; Directorate Identifier 2007-NM-339-AD; Amendment 39-16526; AD 2010-24-07] (RIN: 2120-AA64) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

317. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DASSAULT AVIATION Model MYSTERE-FALCON 50 Airplanes [Docket No.: FAA-2010-1155; Directorate Identifier 2010-NM-238-AD; Amendment 39-16527; AD 2010-24-08] (RIN: 2120-AA64) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

318. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes; Airbus Model A330-330 Series Airplanes; and Airbus Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2010-0952; Directorate Identifier 2010-NM-131-AD; Amendment 39-16555; AD 2011-01-02] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

319. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2010-1023; Directorate Identifier 2010-CE-055-AD; Amendment 39-16557; AD 2011-01-04] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

320. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328-100 and -300 Airplanes [Docket No.: FAA-2010-0955; Directorate Identifier 2010-NM-013-AD; Amendment 39-16560; AD 2011-01-07] (RIN: 2120-AA64)

received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

321. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2010-0854; Directorate Identifier 2009-NM-261-AD; Amendment 39-16559; AD 2011-01-06] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

322. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0100 Airplanes [Docket No.: FAA-2010-0701; Directorate Identifier 2010-NM-017-AD; Amendment 39-16561; AD 2011-01-08] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

323. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model MD-90-30 Airplanes [Docket No.: FAA-2010-0953; Directorate Identifier 2010-NM-010-AD; Amendment 39-16565; AD 2011-01-11] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

324. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; B/E Aerospace Protective Breathing Equipment (PBE) Part Number 119003-11 Installed on Various Transport Airplanes [Docket No.: FAA-2010-0797; Directorate Identifier 2010-NM-141-AD; Amendment 39-16562; AD 2011-01-09] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

325. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Cessna) (Type Certificate A00003SE Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company)) Models LC41-550FG and LC42-550FG Airplanes [Docket No.: FAA-2010-1297; Directorate Identifier 2010-CE-068-AD; Amendment 39-16569; AD 2010-26-54] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

326. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-700-1A10 and BD-700-1A11 Airplanes [Docket No.: FAA-2010-0959; Directorate Identifier 2010-NM-119-AD; Amendment 39-16564; AD 2011-01-10] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

327. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2010-0855; Directorate Identifier 2010-NM-066-AD; Amendment 39-16566; AD 2011-01-12] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

328. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; ROLLADEN-SCHNEIDER Flugzeugbau GmbH Model LS6 Gliders [Docket No.: FAA-2010-1286; Directorate Identifier 2010-CE-064-AD; Amendment 39-16563; AD 86-25-07 R1] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

329. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No.: FAA-2010-0827; Directorate Identifier 2010-CE-029-AD; Amendment 39-16552; AD 2010-17-18 R1] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

330. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-200, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2010-0437; Directorate Identifier 2009-NM-130-AD; Amendment 39-16539; AD 2010-25-06] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

331. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-300 Series Airplanes [Docket No.: FAA-2010-0805; Directorate Identifier 2010-NM-042-AD; Amendment 39-16553; AD 2010-26-13] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

332. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Model PA-28-161 Airplanes [Docket No.: FAA-2010-1006; Directorate Identifier 2009-CE-057-AD; Amendment 39-16543; AD 2010-26-04] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

333. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated December 30, 2010); jointly to the Committees on Appropriations and Armed Services.

334. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Evaluation of the Rural PACE Provider Grant Program", pursuant to Public Law 109-171, section 5302; jointly to the Committees on Energy and Commerce and Ways and Means.

335. A letter from the Secretary, Department of Agriculture, transmitting a report entitled "Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project"; jointly to the Committees on Natural Resources and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 79. Resolution providing for consideration of the bill (H.R. 514) to extend ex-

piring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011 (Rept. 112-8). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BONO MACK:

H.R. 566. A bill to close the National Drug Intelligence Center; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES (for himself, Mr. RYAN

of Wisconsin, Mr. ISSA, Mr. SMITH of Texas, Mr. HERGER, Mr. BRADY of Texas, Mr. LEE of New York, Mr. GARRETT, Mr. CALVERT, Mr. MCCLINTOCK, Mr. CHAFFETZ, Mr. RIBBLE, Mr. FLORES, Mr. MCHENRY, Mr. MACK, Mr. GOSAR, Mr. LABRADOR, Mr. ROSS of Florida, Mr. SENSENBRENNER, Mrs. McMORRIS RODGERS, Mrs. MYRICK, Mr. DUNCAN of South Carolina, Mr. ROHRBACHER, Mr. GALLEGLY, Mr. MCCOTTER, Mr. JONES, Mr. COBLE, Mr. SCALISE, Mr. BARTLETT, Mr. MCKINLEY, Mr. ROONEY, Mr. POSEY, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. NUGENT, Mr. COFFMAN of Colorado, Mr. LAMBORN, Mrs. BACHMANN, and Mr. WESTMORELAND):

H.R. 567. A bill to amend the Internal Revenue Code of 1986 to provide for reporting and disclosure by State and local public employee retirement pension plans; to the Committee on Ways and Means.

By Mr. HELLER:

H.R. 568. A bill to require that the Government give priority to payment of all obligations on the debt held by the public and payment of Social Security benefits in the event that the debt limit is reached; to the Committee on Ways and Means.

By Mr. LANKFORD:

H.R. 569. A bill to end unemployment payments to jobless millionaires; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. TERRY, Mrs. MILLER of Michigan, Mr. TOWNS, Mr. SHIMKUS, Mr. ROSS of Arkansas, Mr. GINGREY of Georgia, Mr. ENGEL, Mr. PALLONE, Mr. PAYNE, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BUTTERFIELD, Mr. MCCOTTER, Mrs. BLACKBURN, Mr. RUNYAN, Mr. CASSIDY, Mr. SCALISE, Mr. LEE of New York, Mr. GUTHRIE, Mr. LATTI, Mr. STEARNS, Mr. WHITFIELD, and Mr. DOLD):

H.R. 570. A bill to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HIRONO (for herself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. PAYNE, Ms. WOOLSEY, Mr. GRIJALVA, and Mr. COURTNEY):

H.R. 571. A bill to require a heightened review process by the Secretary of Labor of

State occupational safety and health plans, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Ms. MOORE, Mr. SCHIFF, Ms. LEE of California, Mr. ACKERMAN, Mr. STARK, Mr. FILNER, Mr. WU, Ms. ZOE LOFGREN of California, Ms. SPEIER, Mrs. MALONEY, Mr. WEINER, Mr. BERMAN, Mrs. NAPOLITANO, Mr. SERRANO, Mr. HOLT, Mr. GRIJALVA, Mr. MORAN, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. SIRE, Ms. WOOLSEY, Mr. HIGGINS, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. BISHOP of New York, Mr. CONNOLLY of Virginia, Mr. ELLISON, Ms. SLAUGHTER, Mr. HONDA, Ms. HIRONO, Ms. MATSUI, Ms. ROYBAL-ALLARD, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, Mr. CAPUANO, Ms. LINDA T. SANCHEZ of California, Ms. VELAZQUEZ, Mr. THOMPSON of California, Mrs. LOWEY, Mr. GARAMENDI, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. MCNERNEY, Mr. CRITZ, Mr. ROTHMAN of New Jersey, Mr. PAYNE, and Mr. INSLEE):

H.R. 572. A bill to amend title 49, United States Code, to provide certain port authorities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. JONES, Mr. CONYERS, Mr. MCGOVERN, Mr. LUJÁN, Mr. WALZ of Minnesota, Mr. WAXMAN, Mr. ROSS of Florida, Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. FILNER, Mr. TURNER, Mr. COURTNEY, Mr. YARMUTH, Mr. HANNA, Mr. MICHAUD, and Mr. SCHIFF):

H.R. 573. A bill to amend section 310 of the Supplemental Appropriations Act, 2009 to extend the period of time during which claims for retroactive stop-loss special pay may be submitted; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 574. A bill to prohibit the Secretary of the Interior and the Secretary of Commerce from authorizing commercial finfish aquaculture operations in the Exclusive Economic Zone except in accordance with a law authorizing such action; to the Committee on Natural Resources.

By Mr. PEARCE:

H.R. 575. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to enter into contracts with community health care providers to improve access to health care for veterans in highly rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BACA:

H.R. 576. A bill to amend section 9A of the Richard B. Russell National School Lunch Act to require each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966 to include under the local school wellness policy established by the agency a requirement that students receive 50 hours of school nutrition education per school year; to the Committee on Education and the Workforce.

By Mr. CHANDLER:

H.R. 577. A bill to prevent the abuse and exploitation of older individuals; to the Committee on the Judiciary.

By Mr. CHANDLER:

H.R. 578. A bill to ensure that sex offenders and sexually violent predators are not eligible for parole; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, Mr. FALCONE, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 579. A bill to require the Secretary of the Interior to assemble a team of technical, policy, and financial experts to address the energy needs of the insular areas of the United States and the Freely Associated States through the development of action plans aimed at reducing reliance on imported fossil fuels and increasing use of indigenous clean-energy resources, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:

H.R. 580. A bill to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:

H.R. 581. A bill to convey certain submerged lands to the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN (for herself and Ms. BORDALLO):

H.R. 582. A bill to extend the supplemental security income benefits program to Guam and the United States Virgin Islands; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. BURTON of Indiana, Mr. COSTA, and Mr. POE of Texas):

H.R. 583. A bill to amend title 18, United States Code, to strengthen enforcement of spousal court-ordered property distributions, and for other purposes; to the Committee on the Judiciary.

By Mr. COURTNEY (for himself, Ms. BERKLEY, Mrs. CAPPS, Mr. CARNEY, Mr. COHEN, Ms. EDWARDS, Ms. HANABUSA, Mr. HEINRICH, Mr. HINOJOSA, Mr. KEATING, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. MCCOLLUM, Ms. MOORE, Mr. PETERS, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. WELCH, Ms. DELAURO, Mr. MICHAUD, Ms. SUTTON, Mr. ROTHMAN of New Jersey, and Mr. CUELLAR):

H.R. 584. A bill to repeal the information reporting requirements added by the Patient Protection and Affordable Care Act; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri (for himself and Mr. SMITH of Texas):

H.R. 585. A bill to amend the Small Business Act to provide for the establishment and approval of small business concern size standards by the Chief Counsel for Advocacy of the Small Business Administration; to the Committee on Small Business.

By Mr. GRIJALVA (for himself, Mr. PASTOR of Arizona, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GOSAR, Mr. QUAYLE, and Mr. SCHWEIKERT):

H.R. 586. A bill to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA (for himself and Mr. MARKEY):

H.R. 587. A bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce,

and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARPER:

H.R. 588. A bill to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; to the Committee on Natural Resources.

By Ms. LEE of California (for herself,

Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Ms. NORTON, Mr. PAYNE, Mr. LOEBACK, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. MOORE, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. ELLISON, Ms. BROWN of Florida, Mr. SERRANO, Mr. JOHNSON of Georgia, Mr. NADLER, Mr. CLEAVER, Mr. RANGEL, Mr. FILNER, Mrs. MALONEY, Ms. ROYBAL-ALLARD, Mr. BRADY of Pennsylvania, Mr. FATTAH, Ms. SCHAKOWSKY, Ms. WATERS, Mr. COHEN, Ms. WOOLSEY, Mr. STARK, Ms. EDWARDS, Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. CLARKE of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACA, Mrs. NAPOLITANO, Mr. TOWNS, Mr. MEEKS, Ms. KAPTUR, Mr. GEORGE MILLER of California, Mr. CARSON of Indiana, Ms. BASS of California, Mr. HONDA, Mr. THOMPSON of Mississippi, and Mr. RUSH):

H.R. 589. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for additional weeks of first-tier emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mrs. CAPPS, Mr. COSTA, Ms. ESHOO, Mr. FARR, Mr. HONDA, Ms. LEE of California, Ms. MATSUI, Mr. SHERMAN, Mr. STARK, Mr. FILNER, and Mr. SCHIFF):

H.R. 590. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York (for herself and Mr. CICILLINE):

H.R. 591. A bill to require criminal background checks on all firearms transactions occurring at gun shows; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 592. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. OLSON:

H.R. 593. A bill to require States to report information on Medicaid payments to abortion providers; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself and Ms. PINGREE of Maine):

H.R. 594. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REED (for himself, Ms. HAYWORTH, Mr. OWENS, and Ms. RICHARDSON):

H.R. 595. A bill to amend title 36, United States Code, to designate the musical piece commonly known as "Taps" as the National Song of Remembrance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mr. YOUNG of Alaska, and Mr. CARNAHAN):

H.R. 596. A bill to amend title 49, United States Code, to permit certain revenues of private providers of public transportation by vanpool received from providing public transportation to be used for the purpose of acquiring rolling stock, and to permit certain expenditures of private vanpool contractors to be credited toward the local matching share of the costs of public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. ROHRBACHER:

H.R. 597. A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Ms. LEE of California, Ms. BROWN of Florida, and Ms. SPEIER):

H.R. 598. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOODALL:

H.R. 599. A bill to repeal the American Recovery and Reinvestment Act of 2009 and rescind all unobligated funds made available in such Act; to the Committee on Appropriations.

By Mrs. CHRISTENSEN (for herself, Ms. BORDALLO, and Mr. SABLAN):

H.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H. Con. Res. 15. Concurrent resolution expressing the sense of the Congress that the United States Fish and Wildlife Service should incorporate consideration of global warming and sea-level rise into the comprehensive conservation plans for coastal national wildlife refuges, and for other pur-

poses; to the Committee on Natural Resources.

By Mr. HOYER (for himself, Mr. CONNOLLY of Virginia, Ms. EDWARDS, Mr. MORAN, Ms. NORTON, Mr. VAN HOLLEN, and Mr. WOLF):

H. Con. Res. 16. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. HENSARLING:

H. Res. 78. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. CHRISTENSEN:

H. Res. 80. A resolution expressing support for the goals and ideals of National Marine Awareness Day; to the Committee on Natural Resources.

By Mr. STARK:

H. Res. 81. A resolution expressing support for designation of February 12, 2011, as Darwin Day and recognizing the importance of science in the betterment of humanity; to the Committee on Science, Space, and Technology.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 28 memorializing the Congress to enact legislation to have the 2020 Census gather data on sexual orientation and gender identity; to the Committee on Oversight and Government Reform.

2. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 3 decrying the recent shooting in Tucson; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GENE GREEN of Texas introduced A bill (H.R. 600) for the relief of Enrique Soriano and Areli Soriano; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. BONO MACK:

H.R. 566.

Congress has the power to enact this legislation pursuant to the following:

The authority for enactment of this Bill flows from Article I, Section 8, Clause 1 of the U.S. Constitution. Congress may prescribe by statute the procedures which are reasonably necessary to effectuate its constitutional purpose of spending for the general Welfare of the United States.

By Mr. NUNES:

H.R. 567.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.

By Mr. HELLER:

H.R. 568.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution enumerates the power of Congress to pay the debt.

By Mr. LANKFORD:

H.R. 569.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. BURGESS:

H.R. 570.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to provide this coordination under the power to "provide for the common defence" as articulated in the Preamble as well as the power of Congress to make rules for the government, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Ms. HIRONO:

H.R. 571.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. NADLER:

H.R. 572.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution and Clause 18 of Section 8 of Article I of the Constitution.

By Ms. SUTTON:

H.R. 573.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. YOUNG of Alaska:

H.R. 574.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mr. PEARCE:

H.R. 575.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. BACA:

H.R. 576.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution.

By Mr. CHANDLER:

H.R. 577.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. CHANDLER:

H.R. 578.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mrs. CHRISTENSEN:

H.R. 579.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 and Article IV, Section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

By Mrs. CHRISTENSEN:

H.R. 580.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 and Article IV, Section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

By Mrs. CHRISTENSEN:

H.R. 581.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

By Mrs. CHRISTENSEN:

H.R. 582.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 relating to expending funds for the general welfare of the United States and Article IV, Section 3 of the Constitution of the United States granting Congress the authority to enact this bill.

By Mr. COHEN:

H.R. 583.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 of the U.S. Constitution.

By Mr. COURTNEY:

H.R. 584.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

By Mr. GRAVES of Missouri:

H.R. 585.

Congress has the power to enact this legislation pursuant to the following:

Art. I, §1; Art. I, 8, Cl. 1; Art. I, §8, Cl. 3; and Art. I, §8, Cl. 18.

By Mr. GRIJALVA:

H.R. 586.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. GRIJALVA:

H.R. 587.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate commerce among the several states), and Clause

18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. HARPER:

H.R. 588.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution.

By Ms. LEE of California:

H.R. 589.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII of the United States Constitution.

By Ms. ZOE LOFGREN of California:

H.R. 590.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the Constitution of the United States gives Congress the power to enact laws governing the time, place, and manner of elections for Members of the House of Representatives.

Section 5 of the Fourteenth Amendment to the Constitution gives Congress the power to enact laws to enforce Section 2 of such Amendment, which requires Representatives to be apportioned among the several States according to their number.

By Mrs. MCCARTHY of New York:

H.R. 591.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. NADLER:

H.R. 592.

Congress has the power to enact this legislation pursuant to the following:

Clauses 9 and 18 of section 8 of Article I and Section 1 of Article III of the Constitution.

By Mr. OLSON:

H.R. 593.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (Necessary and Proper Regulations to Effectuate Powers).

By Mr. PALLONE:

H.R. 594.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. REED:

H.R. 595.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 14 of United States Constitution, which grants Congress the power "To make Rules for the Government and Regulation of the land and naval Forces."

By Mr. ROGERS of Michigan:

H.R. 596.

Congress has the power to enact this legislation pursuant to the following:

Our nation's workforce plays a vital role in commerce and getting them to and from work safely and efficiently is granted in the constitution under "instrumentalities of

commerce" within the Commerce Clause (Art. I, §8, Cl. 3).

By Mr. ROHRBACHER:

H.R. 597.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17, granting Congress the power to exercise exclusive legislation in all cases whatsoever over the District constituting the Seat of Government of the United States;

Section 2 of the 14th Amendment, providing that Representatives shall be apportioned among the several states according to their respective numbers; and

Both sections of the 23rd Amendment, which grant Congress the authority to direct the appointment of presidential electors from the District of Columbia and to enforce the 23rd Amendment by appropriate legislation.

By Mr. THOMPSON of Mississippi:

H.R. 598.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, including Article I, Section 8.

By Mr. WOODALL:

H.R. 599.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the procedural power granted to the House of Representatives pursuant to Article I, Section 7, Clause 1 of the United States Constitution.

This bill is enacted pursuant to the appropriations powers enumerated to Congress in Article I, Section 9, Clause 7 of the United States Constitution.

This bill is enacted in fidelity to the powers vested in Congress in Article I, Section 1 of the United States Constitution and to prohibit encroachment of individual rights granted in Amendment IX and state's rights granted in Amendment X of the United States Constitution.

Mr. GENE GREEN of Texas:

H.R. 600.

Congress has the power to enact this legislation pursuant to the following:

Nationalization Clause: Article I, Section 8, Clause 4 of the Constitution. The Congress shall have Power * * * To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Mrs. CHRISTENSEN:

H.J. Res. 25.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution relating to Congress proposing Amendments to the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. WOODALL.

H.R. 10: Mr. RIBBLE, Mr. THORNBERRY, Mr. GRAVES of Georgia, Mr. HUIZENGA of Michigan, Mr. HULTGREN, and Mr. YOUNG of Florida.

H.R. 21: Mr. LATHAM and Mr. RIGELL.

H.R. 27: Mr. HIGGINS, Mr. GUTIERREZ, Mr. HONDA, Mr. MARKEY, Ms. LEE of California, and Mr. KUCINICH.

H.R. 29: Mr. BACA, Mr. FILNER, Mr. KISSELL, Mr. JONES, Ms. KAPTUR, Mr. CAPUANO, Mr. PAUL, Mr. DEFAZIO, and Ms. WOOLSEY.

H.R. 49: Mr. GOODLATTE, Mr. ISSA, Mr. DUNCAN of South Carolina, and Mr. GIBBS.

H.R. 85: Mr. CONYERS.
 H.R. 121: Mr. GOSAR.
 H.R. 123: Mr. FRANKS of Arizona.
 H.R. 178: Mr. SCHOCK, Mr. BARROW, Mr. LATHAM, Mr. COBLE, Mr. LARSEN of Washington, Mr. WALZ of Minnesota, Mr. LOBIONDO, Mr. GALLEGLY, Mr. KIND, Mr. ROGERS of Alabama, Mr. DEFazio, Mr. ALEXANDER, Mr. OLVER, Mrs. BACHMANN, Mr. GOHMERT, Mr. CARTER, Mr. KISSELL, Ms. SUTTON, Mr. BOSWELL, Mr. CRITZ, Mr. MORAN, Mr. WITTMAN, Mr. FRANK of Massachusetts, Mr. BARTLETT, Mr. BUCHANAN, Mr. BRADY of Pennsylvania, Mr. SMITH of New Jersey, Mr. McDERMOTT, Ms. BORDALLO, Mr. CONAWAY, and Mr. HULTGREN.
 H.R. 179: Mr. ROGERS of Alabama.
 H.R. 181: Mr. LATHAM, Mr. LOBIONDO, Mr. ROGERS of Alabama, and Mr. ALTMIRE.
 H.R. 186: Mr. WEST and Mr. WITTMAN.
 H.R. 187: Mr. ROE of Tennessee, Mr. MARCHANT, Mr. FLORES, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. CRAWFORD, Mr. LATTA, Mr. POSEY, Mr. KING of Iowa, and Mr. GOSAR.
 H.R. 198: Mr. FARR.
 H.R. 207: Mr. FORBES.
 H.R. 217: Mr. MARINO, Mr. SMITH of Nebraska, Mr. STEARNS, and Mr. BARTON of Texas.
 H.R. 238: Mr. BARROW, Mr. ROGERS of Alabama, Mr. MILLER of Florida, and Mr. BISHOP of New York.
 H.R. 263: Ms. ROYBAL-ALLARD and Mrs. MCCARTHY of New York.
 H.R. 264: Ms. WOOLSEY.
 H.R. 303: Mr. GALLEGLY, Mr. PAUL, Mr. MICA, Mr. BONNER, Mr. WU, Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. SMITH of New Jersey, Mr. MCINTYRE, Ms. BROWN of Florida, Ms. BERKLEY, Mr. SIMPSON, and Mr. LATTA.
 H.R. 344: Mr. CHAFFETZ, Mr. DUNCAN of South Carolina, and Mr. MCCLINTOCK.
 H.R. 350: Mr. CONYERS.
 H.R. 358: Mrs. MYRICK, Ms. FOXX, Mr. MARINO, Mr. TURNER, Mr. RIBBLE, Mr. CALVERT, Mr. YODER, Mr. BARTLETT, Mr.

FINCHER, Mr. GARY G. MILLER of California, Mr. LATOURETTE, Mr. TIBERI, Mr. PLATTS, Mr. BERG, Mr. LANKFORD, Mr. ALEXANDER, and Mr. RAHALL.
 H.R. 365: Mr. SOUTHERLAND and Ms. CHU.
 H.R. 384: Mr. FARR.
 H.R. 390: Ms. WOOLSEY.
 H.R. 401: Mr. TOWNS, Mr. RANGEL, Ms. BROWN of Florida, Ms. MOORE, Ms. FUDGE, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Ms. JACKSON LEE of Texas.
 H.R. 406: Mr. OWENS.
 H.R. 412: Mr. KINZINGER of Illinois and Mr. CALVERT.
 H.R. 413: Ms. WATERS.
 H.R. 414: Ms. SCHAKOWSKY.
 H.R. 418: Ms. NORTON, Mr. FILNER, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, and Ms. LEE of California.
 H.R. 421: Mr. WOODALL, Mr. POSEY, Mr. MACK, Mr. ROSS of Florida, Mr. BROWN of Georgia, Mr. BISHOP of Utah, Mr. KINZINGER of Illinois, Mr. AKIN, Mrs. McMORRIS RODGERS, Mr. YOUNG of Indiana, Mr. QUAYLE, Mr. CONAWAY, Mr. SCOTT of South Carolina, Mr. MULVANEY, Mr. REED, Mr. HULTGREN, Mr. STEARNS, Mr. GOSAR, Mr. POMPEO, Mr. KELLY, Mr. DUNCAN of South Carolina, Mr. LUETKEMEYER, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. HUELSKAMP, Mr. HARRIS, Mr. PEARCE, Ms. BUERKLE, Mr. FLEMING, Mr. HERGER, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, and Mr. WESTMORELAND.
 H.R. 432: Mr. KILDEE and Mrs. CHRISTENSEN.
 H.R. 436: Mr. PRICE of Georgia, Mrs. MILLER of Michigan, and Mr. ROSKAM.
 H.R. 439: Mr. CONYERS.
 H.R. 445: Mr. HECK, Mr. STEARNS, and Mr. INSLEE.
 H.R. 452: Mr. MCCLINTOCK, Mr. HECK, Mr. TIBERI, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. FLORES, and Mrs. ELLMERS.
 H.R. 455: Mr. DUNCAN of South Carolina, Ms. FOXX, and Mr. SMITH of Nebraska.
 H.R. 458: Ms. NORTON, Mr. HOLT, Mr. PAS-
 TOR of Arizona, Ms. MCCOLLUM, Ms. JACKSON LEE of Texas, and Mrs. CHRISTENSEN.

H.R. 470: Mr. FRANKS of Arizona, Ms. BERKLEY, Mr. SCHIFF, Ms. RICHARDSON, Mr. McKEON, Mr. COSTA, Mr. HONDA, Mr. GALLEGLY, and Mr. HELLER.
 H.R. 484: Mr. HOLT.
 H.R. 509: Mr. CRAVAACK and Mr. HERGER.
 H.R. 512: Mrs. CHRISTENSEN.
 H.R. 539: Mr. OLVER and Mr. FARR.
 H.R. 547: Mr. GOHMERT, and Mr. STEARNS.
 H.J. Res. 13: Mr. KEATING, Mr. SMITH of New Jersey, and Mr. LATHAM.
 H.J. Res. 23: Mr. LAMBORN.
 H. Res. 61: Mr. FORTENBERRY, Mr. PAYNE, Mr. KING of Iowa, Mr. GRIMM, Mr. HOLT, Ms. ROYBAL-ALLARD, Mr. MCHENRY, Mr. YARMUTH, Mr. QUIGLEY, Mr. REYES, Mr. COSTELLO, Mr. MCCOTTER, Mr. GINGREY of Georgia, Mr. FORBES, and Mr. FRANKS of Arizona.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. SMITH OF TEXAS

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 514 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 536: Mr. DUNCAN of South Carolina, Ms. FOXX, and Mr. SMITH of Nebraska.

EXTENSIONS OF REMARKS

TRIBUTE TO WENDEL W. TUCKER,
PH.D.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Superintendent of Schools Dr. Wendel Tucker is one of these individuals. On June 30, 2011, Dr. Tucker will retire after 45 years of dedicated service to the students of the Alvord Unified School District.

For the last 18 years, Dr. Tucker has worked for the Alvord Unified School District. He started his career there as an Intermediate School Principal and worked his way up to the Assistant Superintendent of Operational Support Services and finally as the Superintendent of Schools. Dr. Tucker has worked in both the Adventist School system and in public education. He also teaches at the college level and is involved in a variety of community activities. Dr. Tucker is an active member of various boards including the California Baptist University Board of Visitors, La Sierra University Foundation, the City of Riverside's Mayor's Higher Education Business Council, Trustee for the Riverside Public Library and Member of the Parkview Community Hospital Foundation Board and Executive Committee.

Dr. Tucker's professionalism and dedication to the education profession are highly respected not only throughout Alvord, but by the greater educational community in the Inland Empire. Dr. Tucker's name is also well known by institutions of higher education, and by the County Office of Education and the City and County of Riverside. Most importantly, Dr. Tucker has touched the lives of countless students and employees of the Alvord Unified School District during his years of dedicated service.

In light of all Dr. Wendel Tucker has done for the community of Riverside a dinner will be held in his honor on April 28, 2011. Dr. Tucker's tireless passion for education has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of the Alvord Unified School District and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

HONORING REVEREND DR. GEORGE
MOORE

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, Reverend Dr. George Moore is celebrating fifty-five (55) years in ministry this year and has provided stellar leadership to his church on an international level; and

Whereas, Reverend Dr. George Moore, under the guidance of God has pioneered and sustained Saint Philip AME Church, as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Reverend Dr. George Moore is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Reverend Dr. George Moore as he celebrates fifty-five years in ministry and to salute him as he retires from pastoral leadership; A true Man of Excellence;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim September 10, 2010 as Reverend Dr. George Moore Day in the 4th Congressional District.

Proclaimed, this 10th day of September, 2010.

IN MEMORY OF MARTIN JUREDINE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. KUCINICH. Mr. Speaker, it is with great sadness that I report the passing of one of Cleveland's most important promoters of the local and live music scene, Martin Juredine, co-owner of the Barking Spider Tavern on the campus of Case Western Reserve University. Martin died on February 1, 2011, after a long illness.

Martin founded the Barking Spider with partner Bruce Madorsky in 1986. The Spider is tucked away along the footpath between Juniper and Bellflower Avenues in an old coach house. Always an art lover and appreciator of music and musicians, the idea behind the Spider was to have a place for people to meet for

drinks and to play and hear live music. His vision was fulfilled. Upon opening the Spider in 1986, Martin provided a venue for live music without a cover charge on Sundays and Tuesdays. By 1991, the Barking Spider boasted live music 7 nights a week and sometimes during the day on weekends, never charging a cover, but always passing around the jar so the musicians got paid.

A recently created memorial Facebook page already boasts hundreds of friends writing tributes, many of them musicians who got their start at the Barking Spider. All had the opportunity, through Martin's vision and inspiration, of getting up on a friendly stage while reaching for the stars. Others were simply looking for a place to hear music and found like-minded souls. All found warmth in Martin's smile, a warm room in which to get together, and in warm weather, a fantastic patio in the heart of University Circle.

Martin Juredine grew up in Cleveland Heights, played football with the Heights Tigers, and went on to Colgate University. He traveled the world with his then-wife Nancy. While on the road, they started their family. They returned to Cleveland to raise their daughters Shisha and Jenna. Martin worked a variety of jobs, including milkman and railroader. But in 1986, he realized his dream when he opened the Barking Spider.

Mr. Speaker and colleagues, please join me in mourning the loss of Martin Juredine. Our thoughts and prayers go out to his daughters Jenna and Shisha Adorjan, his granddaughter Aiyanna Adorjan, his son-in-law Ricky Adorjan, his ex-wife Nancy, his brother David, his sister-in-law Carol and nephews Adam and Jason.

HONORING THE LIFE AND SERVICE
OF CYRIL O'BRIEN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life and service of Cyril "Cy" John O'Brien, a veteran of the Second World War and Captain in the United States Marine Corps, for his dedication and service to our community and country. Cy passed away on January 31, 2011 in Bethesda, Maryland. As we mourn his loss, we recognize him for his contributions to our community.

Cy was born in Newfoundland, Canada in 1919 and graduated from St. Joseph's University in Philadelphia, Pennsylvania in June of 1942. One month later he enlisted in the United States Marine Corps. He was a member of the 3rd Marine Division during World War II and served as a Combat Correspondent in Bougainville, Guam, and Iwo Jima. His coverage of the Liberation of Guam,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the bravery of American Marines, soldiers, sailors, and airmen, and the experiences of war survivors during the Liberation provided Americans with a unique perspective of Guam's Liberation for all who study the history of the Second World War in the Pacific.

Following his return from duty during the Second World War, Cy worked as a Washington correspondent for several New Jersey-based newspapers. He covered matters pertaining to Capitol Hill, writing stories on the House of Representatives and U.S. Senate. He went on to work at the Johns Hopkins University Applied Physics Laboratory and served as its Director of Media Affairs until his retirement in 1983.

Cy is the author of "Liberation," which chronicles the 3rd Marine Division's recapture of Guam during the summer of 1944, and was published by the Marine Corps Historical Center. Cy was also a founding member of the 3rd Marine Division Association. Additionally, he has returned to Guam on many occasions to join the people of Guam in celebrating and recognizing the importance of our Liberation Day. He has remained true to his Chamorro friends and worked hard to educate Members of Congress and Senators on the importance of Guam War Claims.

Cy will be remembered by his four children—Tony, Bridget, Johnine, and Patsy—as well as many loved ones and friends. I offer my condolences, sympathies, and prayers to his family and all who knew him. On behalf of the people of Guam, I express a sincere *Un dangkulo na si Yu'os Ma'ase* for his service and sacrifice to our island. He will be missed.

TRIBUTE TO THE AMERICAN BUS
ASSOCIATION ON THE OCCASION
OF ITS 85TH ANNIVERSARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. OLVER. Mr. Speaker, I rise to congratulate the American Bus Association, the trade association for the private over-the-road bus and motorcoach industry, on its 85th anniversary in this year of 2011. The ABA represents 800 bus operating companies (along with 3200 other travel, tour and motorcoach manufacturing companies). The members of the ABA provide all manner of transportation services to millions of Americans. Specifically, ABA members provide scheduled service, commuter operations, charter and tour services and airport shuttle services to all parts of the country. A gauge of how well and thoroughly ABA members do their jobs is found in the amazing statistic that the industry provides 760 million passenger trips each year.

A few other facts about this industry are in order. The private bus industry is the clear choice for environmental travel. A recent study by the Union of Concerned Scientists documents that for an individual or family traveling anywhere from 100 to 1000 miles motorcoach travel is the cleanest form of transportation available. Moreover, each motorcoach can take 55 cars off of our nation's highways, a testament to the industry's ability to aid us in

overcoming the congestion on the nation's highways. In fact, as a recent *Forbes Magazine* article detailed, the motorcoach industry's environmental record translates into saving Americans a total of forty-four million gallons of fuel each year.

Less recognized is the industry's record in fostering tourism and travel in the nation. Each motorcoach may in effect leave some \$13,000 behind in communities visited by those passengers in just a 24-hour period. The ABA has documented on its website the number of jobs motorcoach travel and tourism supports, both directly and indirectly, and the amount of money that motorcoach leaves in every Congressional district. The ABA Research Foundation has documented that motorcoach tourism is a vital part of the U.S. economy, employing over one million Americans and creating over \$112 billion in economic activity.

The ABA began its service to the nation as the bus division of the American Automobile Association in 1926. At that time buses were the main transportation choice for the overwhelming majority of Americans, providing service to all parts of the nation, urban and rural. Buses took Americans to work, school, jobs, and hospitals; they allowed us to meet our families, see friends, and make a living.

Today, that role as the chief private transportation mode is being reprised by the industry. The industry has begun new point to point routes, serving city pairs as never before. We have seen bus services allowing Americans to see families, travel for business and pleasure and see their nation as never before. A study cited in a recent U.S.A. Today article documented that motorcoach transportation is the fastest growing mode of transportation in the nation for the last three years in a row, growing by six percent this last year alone. I want to congratulate the American Bus Association on its anniversary and wish it continued success.

HONORING MAYOR HOWARD
"TREY" TYGRET

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, our lives have been touched by the life of this one man . . . who has given of himself in order for others to stand; and

Whereas, Mayor Howard "Trey" Tygrett work is present in Clarkston, Georgia for all to see, being a man of action for the citizens of Clarkston and DeKalb County; and

Whereas, this giant of a man was elected as Mayor of the city of Clarkston in 2009, he accomplished much during his time in office; and

Whereas, this remarkable man gave of himself, his time, his talent and his life; he never asked for fame or fortune to uplift those in need, he just wanted to move his beloved city forward and to inspire the citizens to do the same by witnessing him walk the walk and talk the talk; and

Whereas, Mayor Tygrett led by doing behind the scenes and on the front lines for the city

of Clarkston, be it traveling to Washington, DC, the Georgia Gold Dome or downtown Decatur to represent and advocate for the city of Clarkston; Mayor Tygrett was a husband, a father, a son, a friend; he was our warrior, our patriarch, a man of great integrity who remained true to the uplifting of our community until his end; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow an honorable mention and recognition on Mayor Howard "Trey" Tygrett for his leadership, friendship and service to all of the citizens in Georgia and throughout the Nation; a citizen of great worth and so noted distinction;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby attest to the 112th Congress that Mayor Howard "Trey" Tygrett of Clarkston, DeKalb County, Georgia, is deemed worthy and deserving of this "Congressional Honorable Mention".

Mayor Howard "Trey" Tygrett, U.S. Citizen of Distinction in the 4th Congressional District.
Proclaimed This 22nd day of January, 2011.

IN REMEMBRANCE OF VICTOR J.
LABUTTA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Victor J. Labutta and in recognition of his devotion to family, community and country.

Victor was born in Collier, Pennsylvania. He attended both the California University of Pennsylvania and the University of Pittsburgh, where he earned a master's degree in school administration. He entered the armed forces and fought on the sands of Iwo Jima. He was honored for his service during World War II in 1995 by the Joint Veteran's Commission of Cuyahoga County.

After returning from the war, he took up teaching back home in Fayette County, Pennsylvania. In 1956, he moved to Parma, Ohio, where he would spend the rest of his life teaching and assisting the community. He taught shop class at Pleasant Valley Junior High, Hillside Junior High and at Parma Senior High. He was known to his students as Mr. La-Bow-Tie, for the trademark bow tie he wore to class every day.

Victor also served on Parma's City Council for 16 years. He assisted his community by securing tax abatements for General Motors, a major employer in his district. He also fed the livelihood of the community by supporting housing integration in his city. Furthermore, Tim Dobeck, a colleague of his, commented that Victor "took every new councilman under his wing."

Mr. Labutta was not only a leader in his community, he was also an active member among his neighbors. He was a member of the Parma American-Slovak Club for over 30 years. Victor was a devoted catholic and one of Kildare Catholic Church's founding members.

Mr. Speaker and colleagues, please join me in remembering Victor Labutta, whose legacy

of dedication to family, city and country serve as an example. I extend my sincere condolences to Victor's wife, Mary Ann Steiger; his three sons; his daughter; ten grandchildren and two great-grandchildren.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. MICA. Mr. Speaker, pursuant to clause 2(a)(2) of rule XI of the Rules of the House of Representatives and clause (b) of Rule I of the Rules of the Committee on Transportation and Infrastructure, I submit the Rules of the Committee on Transportation and Infrastructure for the 112th Congress. On January 26, 2011, the Committee on Transportation and Infrastructure met in open session and adopted these Committee Rules by voice vote with a quorum present.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, UNITED STATES HOUSE OF REPRESENTATIVES, 112TH CONGRESS, ADOPTED JANUARY 26, 2011

RULE I. GENERAL PROVISIONS

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Chairman of the Committee is authorized to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(b) PUBLICATION OF RULES.—Pursuant to clause 2(a) of Rule XI of the Rules of the House, the Committee's rules shall be publicly available in electronic form and published in the Congressional Record not later than 30 days after the Chairman is elected in each odd-numbered year.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

(a) REGULAR MEETINGS.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its

business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman, there is no need for the meeting. This paragraph shall not apply to meetings of any subcommittee.

(b) ADDITIONAL MEETINGS.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) NOTICE.—

(1) MINIMUM NOTICE PERIOD.—Pursuant to clause 2(g)(3) of Rule XI of the Rules of the House, the Chairman shall make a public announcement of the date, place, and subject matter of a Committee or subcommittee meeting, which may not commence earlier than the third day on which members have notice thereof.

(2) CHANGES IN MEETING TIMES.—A meeting may commence sooner than announced if the Chairman, with concurrence of the ranking minority member, determines there is good cause to begin the meeting sooner or the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business. The Chairman shall make a public announcement of the meeting time change at the earliest possible opportunity.

(3) NOTIFICATION OF DAILY DIGEST CLERK.—The clerk of the Committee shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after a public announcement of a time change for a Committee or subcommittee meeting is made under this paragraph.

(e) PROHIBITION ON SITTING DURING JOINT SESSION.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY

(a) MINIMUM PERIOD FOR AVAILABILITY OF COMMITTEE MARKUP TEXT.—Pursuant to clause 2(g)(4) of Rule XI of the Rules of the House, the Chairman of shall make publicly

available, in electronic form, the text of any legislation to be marked up at least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of a meeting announcement under paragraph (a)(2)(B) of Committee Rule II if made within 24 hours before such meeting.

(b) OPEN MEETINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(c) MEETINGS TO BEGIN PROMPTLY.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(d) ADDRESSING THE COMMITTEE.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes, or for a period of time designated by the Chairman with concurrence of the ranking minority member, until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(e) PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS AND HEARINGS.—All members of the Committee who are not members of a particular subcommittee may, by unanimous consent of the members of such subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the subcommittee may not vote on any matter before the subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(f) BROADCASTING.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee Internet broadcast system shall be fair and non-partisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House. Further, pursuant to clause 2(e)(5) of Rule XI of the Rules of the House, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings. The Committee shall also maintain the recordings of such coverage in a manner that is easily accessible to the public.

(g) ACCESS TO THE DAIS AND LOUNGES.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(h) USE OF CELLULAR TELEPHONES.—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

(i) AVAILABILITY OF TEXT OF AMENDMENTS IN ELECTRONIC FORM.—Pursuant to clause 2(e) of Rule XI of the Rules of the House, not

later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee, the Chairman shall cause the text of the amendment to be made publicly available in electronic form.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER

(a) **AUTHORITY TO SIT AND ACT.**—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) **AUTHORITY TO CONDUCT INVESTIGATIONS.**—

(1) **IN GENERAL.**—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) **MAJOR INVESTIGATIONS BY SUBCOMMITTEES.**—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) **OATHS.**—The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(d) **ISSUANCE OF SUBPOENAS.**—

(1) **IN GENERAL.**—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) **ENFORCEMENT.**—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) **EXPENSES OF SUBPOENAED WITNESSES.**—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES

(a) **WORKING QUORUM.**—One-third of the members of the Committee or a sub-

committee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) **QUORUM FOR REPORTING.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) **APPROVAL OF CERTAIN MATTERS.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding \$15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) **QUORUM FOR TAKING TESTIMONY.**—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) **RECORD VOTES.**—A record vote may be demanded by one-fifth of the members present.

(f) **POSTPONEMENT OF VOTES.**—

(1) **IN GENERAL.**—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) **RESUMPTION OF PROCEEDINGS.**—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(g) **AVAILABILITY OF RECORD VOTES IN ELECTRONIC FORM.**—Pursuant to clause 2(e)(1)(B)(i) of Rule XI of the Rules of the House, the Chairman shall make the result of any record vote publicly available for inspection at reasonable times in the offices of the Committee and in electronic form within 48 hours of such record vote.

RULE VI. HEARING PROCEDURES

(a) **ANNOUNCEMENT OF HEARING.**—

(1) **MINIMUM NOTICE PERIOD.**—Pursuant to clause 2(g)(3) of Rule XI of the Rules of the House, the Chairman shall make a public an-

nouncement of the date, place, and subject matter of a Committee or subcommittee hearing, which may not commence earlier than the one week after such notice.

(2) **CHANGES IN HEARING TIMES.**—A hearing may commence sooner than announced if the Chairman, with concurrence of the ranking minority member, determines there is good cause to begin the hearing sooner or the Committee so determines by majority vote, a quorum being present for the transaction of business. The Chairman shall make a public announcement of the hearing time change at the earliest possible opportunity.

(3) **NOTIFICATION OF DAILY DIGEST CLERK.**—The clerk of the Committee shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after a public announcement of a time change for a Committee or subcommittee hearing is made under this paragraph.

(b) **WRITTEN STATEMENT; ORAL TESTIMONY.**—

(1) **FILING OF STATEMENT.**—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(2) **TRUTH IN TESTIMONY INFORMATION.**—Pursuant to clause 2(g)(5) of Rule XI of the Rules of the House, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(3) **AVAILABILITY OF INFORMATION IN ELECTRONIC FORM.**—Statements filed under this paragraph, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(c) **MINORITY WITNESSES.**—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) **SUMMARY OF SUBJECT MATTER.**—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) **QUESTIONING OF WITNESSES.**—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and

shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) PROCEDURES FOR QUESTIONS.—

(1) IN GENERAL.—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(2) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) EXTENDED QUESTIONING OF WITNESSES BY STAFF.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.—Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) ADDITIONAL HEARING PROCEDURES.—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS

(a) FILING OF REPORTS.—

(1) IN GENERAL.—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) REQUESTS FOR REPORTING.—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) QUORUM; RECORD VOTES.—

(1) QUORUM.—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) RECORD VOTES.—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) REQUIRED MATTERS.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) ACTIVITIES REPORT.—

(1) IN GENERAL.—Not later than the 30th day after June 1 and December 1, the Committee shall submit to the House a semi-annual report on the activities of the Committee.

(2) CONTENTS.—The report shall include—

(A) separate sections summarizing the legislative and oversight activities of the Committee under Rules X and XI of the Rules of the House during the applicable period;

(B) in the case of the first such report, a summary of the oversight plans submitted by the Committee under clause 2(d) of Rule X of the Rules of the House;

(C) a summary of the actions taken and recommendations made with respect to the oversight plans specified in subdivision (B);

(D) a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon; and

(E) a delineation of any hearings held pursuant to clauses 2(n), (o), or (p) of Rule XI of the Rules of the House.

(3) SECOND AND FOURTH REPORTS.—After an adjournment sine die of a regular session of a Congress, or after December 15, whichever occurs first, the Chairman may file the second or fourth semiannual report described in subparagraph (1) with the Clerk of the House at any time and without approval of the Committee, provided that—

(A) a copy of the report has been available to each member of the Committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

(f) OTHER COMMITTEE MATERIALS.—

(1) IN GENERAL.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or

subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Transportation and Infrastructure (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(4) COMPILATIONS OF LAWS.—To the maximum extent practicable, the Committee shall publish a compilation of laws under the jurisdiction of each subcommittee.

(g) AVAILABILITY OF PUBLICATIONS.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (30 Members: 17 Majority and 13 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (16 Members: 9 Majority and 7 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (18 Members: 10 Majority and 8 Minority).

(4) Subcommittee on Highways and Transit (43 Members: 24 Majority and 19 Minority).

(5) Subcommittee on Railroads, Pipelines, and Hazardous Materials (32 Members: 18 Majority and 14 Minority).

(6) Subcommittee on Water Resources and Environment (34 Members: 19 Majority and 15 Minority).

(b) EX OFFICIO MEMBERS.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is

of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) **GENERAL REQUIREMENT.**—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) **RECALL FROM SUBCOMMITTEE.**—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) **MULTIPLE REFERRALS.**—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT

(a) **PURPOSE.**—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) **OVERSIGHT PLAN.**—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plan for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) **REVIEW OF LAWS AND PROGRAMS.**—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of

which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) **REVIEW OF TAX POLICIES.**—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) **ENSURING ANNUAL APPROPRIATIONS.**—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) **REVIEW OF MULTI-YEAR APPROPRIATIONS.**—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) **VIEWS AND ESTIMATES.**—In accordance with clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) **BUDGET ALLOCATIONS.**—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) **RECONCILIATION.**—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the

Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS

(a) **KEEPING OF RECORDS.**—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is demanded.

(b) **PUBLIC INSPECTION.**—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) **PROPERTY OF THE HOUSE.**—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) **AVAILABILITY OF ARCHIVED RECORDS.**—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) **AUTHORITY TO PRINT.**—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS

(a) **BIENNIAL BUDGET.**—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) **ADDITIONAL EXPENSES.**—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) **TRAVEL REQUESTS.**—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) **MONTHLY REPORTS.**—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the

Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF

(a) **APPOINTMENT BY CHAIRMAN.**—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) **APPOINTMENT BY RANKING MINORITY MEMBER.**—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) **INTENTION REGARDING STAFF.**—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF

(a) **APPROVAL.**—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

- (1) The purpose of the travel.
- (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.
- (3) The location of the event for which the travel is to be made.
- (4) The names of members and staff seeking authorization.

(b) **SUBCOMMITTEE TRAVEL.**—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) **TRAVEL OUTSIDE THE UNITED STATES.**—

(1) **IN GENERAL.**—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and

conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) The purpose of the travel.
- (B) The dates during which the travel will occur.
- (C) The names of the countries to be visited and the length of time to be spent in each.
- (D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.
- (E) The names of members and staff for whom authorization is sought.

(2) **INITIATION OF REQUESTS.**—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(d) **REPORTS BY MEMBERS AND STAFF.**—Within 15 legislative days from the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each member and staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(e) **APPLICABILITY OF LAWS, RULES, POLICIES.**—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

HONORING JOHNNY ROSS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, thirty four years ago a tenacious man of God accepted his calling to serve in the Internal Revenue Service in Atlanta, Georgia; and

Whereas, Mr. Johnny Ross began his career with the IRS as a Control Clerk in the Collection Branch and today retires as a Case Advocate in the Taxpayer Advocate Service Team; and

Whereas, Mr. Ross has shared his time and talents, giving the citizens of our District a friend to help those in need, a fearless leader and a servant to all who wants to insure that the system works for everyone; and

Whereas, Mr. Johnny Ross is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Johnny Ross on his retirement from the Internal Revenue Service and to wish him well in his new endeavors;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim September 24, 2010, as Mr. Johnny Ross Day in the 4th Congressional District.

Proclaimed, This 24th day of September, 2010.

IN MEMORY OF AMANDA ROS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Amanda Ros, the mother of our colleague ILEANA ROS-LEHTINEN. Amanda was a proud mother, who taught her daughter ILEANA to live life to the fullest.

Amanda was known for her loving personality and her positive outlook on life. ILEANA has said that her mother was the glue that held her family together and that she always placed ILEANA and her brother in the center of her universe.

Amanda was a devoted and faithful wife. She was married to her husband, Enrique Ros, for 65 years, overcoming the naysayers that said a marriage between a Catholic man and Jewish woman could not last. In fact, Enrique held his wife in the highest esteem and has stated that she was always able to bring out the best in him.

Amanda's life was also marked by her devotion to freedom and democracy. Throughout her life she strove with her husband to bring freedom, democracy and liberty to Cuba.

Mr. Speaker and colleagues, please join me in remembering Amanda Ros, whose legacy as a loving mother and wife, and firm believer in freedom and liberty will continue to benefit others well into the future. I extend my sincerest condolences to our colleague ILEANA ROS-LEHTINEN, her brother, her father Enrique Ros and Amanda's four grandchildren.

HONORING THE CAREER OF RHETT BICKLEY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. WILSON of South Carolina. Mr. Speaker, for over 40 years Rhett Bickley has dedicated his time and effort to ensuring the preservation of South Carolina's ecosystem. From 1966 to 2000, Rhett worked for the South Carolina Forestry Commission where he served in numerous capacities ranging from Urban and District Forester to Director of Training and Safety.

From 2000 to 2010, Rhett served as the Lexington County Landscape Administrator. In addition to his roles with the South Carolina Forestry Commission and as the Lexington

County Landscape Administrator, Rhett served as Chairman of the Lexington County Soil and Water Conservation District and as Vice-chairman of the Greater Columbia Landscaper Association. He has encouraged community leaders such as attorney Jake Moore of IRMO to promote Labor Day tree plantings. Rhett also served as Commissioner of the Lexington County Soil and Water Conservation District from 2000–2010 and as Treasurer of the South Carolina Association of Conservation Districts from 2003–2008.

Throughout his esteemed career Rhett has been the recipient of many distinguished awards. He was a Clemson University Outstanding Forestry Alumnus in 1982 and the South Carolina Wildlife Federation Forest Conservationist of the Year in 1985. Moreover, Rhett received the prestigious honor of being named a Certified Forester by the Society of American Foresters in 1999.

Recently, Rhett retired from a 44 year career dedicated to ensuring the well-being of South Carolina's ecosystem. I appreciate Rhett's steadfast dedication to the Palmetto State and I wish him all the best in his future endeavors.

HONORING CHARLES DARWIN AND RECOGNIZING THE IMPORTANCE OF SCIENCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. STARK. Mr. Speaker, I rise to introduce a resolution in support of designating February 12th as "Darwin Day." Charles Darwin was born on February 12, 1809, and his life has had a profound impact on the course of human history. Darwin's theory of evolution by natural selection has not only provided a compelling explanation for the diversity of life, it is also the foundation of modern biology and genetics. Darwin exemplified the scientific curiosity that has led to new scientific breakthroughs that have helped humanity solve numerous problems and improve our quality of life.

Charles Darwin is worthy of recognition and honor. His birthday should be a time for us to celebrate the advancement of human knowledge and the achievements of reason and science. It should also be a time for Congress and other elected officials to ensure that children are being taught scientific facts and not religious dogma in our public schools. It is also an opportunity to push back against those that seek to undermine the science of climate change for political ends.

I urge all of my colleagues celebrate Darwin Day on February 12th and recognize the important role of science in our society.

HONORING THE KINGS DAUGHTERS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, since its founding, the Kings Daughters continues to be a worthy instrument for good; and

Whereas, the Kings Daughters through Word Church International, has enhanced the lives of young girls in DeKalb County; and

Whereas, the Kings Daughters goals are to provide a safe, structured and conducive environment for the youth to express themselves, learn and grow; to teach girls to love themselves as God does; and

Whereas, this unique organization has seen its members give of themselves tirelessly and unconditionally to provide support for all the young ladies involved; and

Whereas, the Kings Daughters continues to serve by tutoring and mentoring our youth; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Kings Daughters for their outstanding leadership and service to our District;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 16, 2010, as the Kings Daughters Day, in the 4th Congressional District.

Proclaimed, This 16th day of October, 2010.

HONORING DAGMAR WILSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. KUCINICH. Mr. Speaker, the promise of peace in our society begins with our own personal commitment to living a life of non-violence—by rejecting our nation's reliance on weapons and war, and by making a commitment to more peaceful methods of conflict resolution.

During the U.S.-Soviet nuclear arms race, a homemaker named Dagmar Wilson picked up the telephone and organized a group of over 50,000 women across the country for a one-day demonstration calling on President Kennedy to end the arms race. Demonstrations were held in 60 cities across the country.

Through the simple use of person-to-person communication, Wilson and her allies created a movement for nonproliferation at a time when the nation most needed it. She later went on to co-found Women Strike for Peace, a group with around 500,000 members.

Mrs. Wilson died earlier this week, but her legacy of grass roots organizing for peace remains. As the cosponsor of legislation to establish a cabinet-level Department of Peace, I believe that government has a role in addressing violence and lessening its impact on our lives. Let us all act as Mrs. Wilson did and reach out to our family and friends and organize for peace.

RULES OF THE COMMITTEE ON RULES FOR THE 112TH CONGRESS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. DREIER. Mr. Speaker, pursuant to clause 2(a)(2) of rule XI, I submit the rules of the Committee on Rules for printing.

RULE 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

Regular meetings

(a)(1) The Committee shall regularly meet at 10:00 a.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

Notice for regular meetings

(b) The Chair shall notify in electronic or written form each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting:

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of—

(A) the bill or resolution;

(B) any committee reports thereon; and

(C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

Emergency meetings

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next

ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

Special meetings

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3—MEETING AND HEARING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Quorum

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)), or of taking any other action.

Voting

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each record vote on any measure or matter before the Committee shall be made publicly available in electronic form within 48 hours, and with respect

to any record vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing procedures

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable:

(A) each witness who is to appear before the Committee shall file with the Committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the Rules of the House shall apply to any hearing conducted by the Committee.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Oversight and Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 5—SUBCOMMITTEES

Establishment and responsibilities of subcommittees

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Rules and Organization of the House, which shall have general

responsibility for measures or matters related to process and procedures of the House, relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of measures and matters to subcommittees

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of subcommittees

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full Committee shall designate a member of the majority party on each subcommittee as its vice chairman.

Subcommittee meetings and hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

Quorum

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

Effect of a vacancy

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the

Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

In general

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

Associate staff

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under clause 9 of rule X of the Rules of the House.

Subcommittee staff

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

Compensation of staff

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

Certification of staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the Rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made—

(A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and

(B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7—BUDGET, TRAVEL, PAY OF WITNESSES

Budget

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

Pay of witnesses

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of rule XI of the Rules of the House.

RULE 8—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution. Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

(3) In the case of a resolution providing for consideration of a measure, the Committee report accompanying such resolution shall include an accurate explanation of any waivers of points of order, including a detailed explanation of all points of order.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed

to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Audio and video coverage

(c) The Chair shall provide, to the maximum extent practicable—

(1) Complete and unedited audio and video broadcasts of all committee hearings and meetings; and

(2) For distribution of such broadcasts and unedited recordings thereof to the public and for the storage of audio and video recordings of the proceedings. Proceedings shall be broadcast live on the Majority Committee website and recordings shall be made available on such website within one calendar day of the proceeding.

Committee publications on the internet

(d) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

Calendars

(e)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf):

(A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and

(B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other procedures

(f) The Chair may establish such other Committee procedures and take such actions

as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

HONORING LILLIE MCGOWAN

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, reaching the age of 80 years is a remarkable milestone; and

Whereas, Ms. Lillie McGowan was born on December 16, 1930, and is celebrating that milestone; and

Whereas, Ms. McGowan has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Ms. McGowan is celebrating her 80th Birthday with her family members, church members and friends here in DeKalb County, Georgia, on December 16, 2010, at William Booth Towers; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; and

Whereas, we are honored that she is celebrating the milestone of her 80th birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Lillie McGowan for an exemplary life which is an inspiration to all,

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim December 16, 2010, as Ms. Lillie McGowan Day in the 4th Congressional District of Georgia.

Proclaimed, This 16th day of December, 2010.

IN REMEMBRANCE AND HONOR OF CONGRESSMAN TOM LANTOS ON THE ANNIVERSARY OF HIS 83RD BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of one of our most esteemed colleagues, Congressman Tom Lantos, on the anniversary of his 83rd birthday on February 1, 2011.

In 1980, Tom was elected to the House of Representatives, the first and only Holocaust

survivor to serve in the United States Congress. He was a staunch supporter of an enlightened foreign policy and human rights. Tom served as Chairman of the U.S. House Committee on Foreign Affairs and was a co-founder of the Congressional Human Rights Caucus. The work he began and his legacy live on today through the great work of the Tom Lantos Human Rights Commission and the Lantos Foundation for Human Rights and Justice.

Three years ago, we lost a trusted colleague and very good friend. Mr. Speaker and colleagues, please join me in remembrance of our honorable and esteemed friend. He humbly served the country in this chamber for more than 25 years. It has been three years since we lost Tom and he is greatly missed by his colleagues, friends, family and the countless lives his work has touched.

IN RECOGNITION OF THE 70TH ANNIVERSARY OF MILDRED HEMMONS-CARTER RECEIVING HER PILOT'S LICENSE AS THE FIRST AFRICAN-AMERICAN FEMALE PILOT IN ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special Alabamian today, Mrs. Mildred Hemmons-Carter.

Mrs. Hemmons-Carter was born in Benson, Alabama, on September 12, 1921. She began her college career at Tuskegee Institute at the young age of 15 and graduated in 1941 with a degree in Business. Mrs. Hemmons-Carter was a work study student under Mr. G.L. Washington, who, along with Tuskegee Institute President Dr. Patterson, spearheaded the Civilian Pilot Training Program and received her pilot's license on February 1, 1941.

Mrs. Hemmons-Carter was the first African-American woman to receive her pilot's license in the State of Alabama.

She continued her interest in aviation, and has lived her dreams of flying through her husband, Ret. Col. Herbert E. Carter, an original Tuskegee Airman.

I am proud to honor the 70th anniversary of this important milestone and applaud Mildred Hemmons-Carter for her work in aviation as a trailblazer in Alabama.

TRIBUTE TO RICHARD "RICK" GRAMMIE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. CALVERT. Mr. Speaker, the United States has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent and make our country a better place to live and work. I rise today to recognize and honor one of those individuals, Richard "Rick" Grammier.

Rick passed away on Sunday, January 22, 2011. He will be deeply missed.

Rick was the beloved son of Joseph and Elizabeth Grammier. After high school, Rick received his Bachelor of Science degree from the U.S. Military Academy at West Point in 1977. Rick was a commissioned officer in the U.S. Army and served with a field artillery unit as a Captain. Following his honorable discharge, Rick began working in Executive Management with the Jet Propulsion Laboratory (JPL) in Pasadena, California. He earned his Master's Degree in computer and electrical engineering from Cal Poly Pomona.

Rick joined JPL in 1989 and was the Director for Solar System Exploration. Previously, he had served as the Deputy Director for Solar System Exploration and he has contributed to numerous flight projects including as the Command and Data Subsystem Manager for Cassini, the Project Engineer and Deputy Project Manager for Stardust, the Project Manager for Deep Impact, and the Project Manager for Juno. Rick also managed the Laboratory's Office of Mission Assurance.

Rick was awarded the NASA Exceptional Achievement Medal for Cassini, as well as two NASA Outstanding Leadership Medals for his accomplishments on Stardust and Deep Impact. JPL Director Charles Elachi believed that, "Rick brought great strength to the Executive Council in his leadership role overseeing the Laboratory's robotic missions to the planets and small bodies. This is a great personal loss for me and for the Laboratory."

Rick leaves behind his beloved wife, Laura, children, Daniel, Dave, Matthew, Jackson and Jessica, his stepmother, Jeaneal Grammier, and a special nephew, Chris Grammier.

Although I never had the privilege of meeting Rick, in reading about his life I have no doubt that he will always be remembered for his incredible intelligence, work ethic, generosity, and love of family. His dedication to his work and family is a testament to a life lived well and a legacy that will continue. I extend my condolences to Rick's family, friends and co-workers; although Rick may be gone, the light and goodness he brought to the world remain and will never be forgotten.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mrs. EMERSON. Mr. Speaker, on rollcall Nos. 17, 18, 19, 20, 21, 22, 23, 24 and 25, I am not recorded because I was absent due to an injury. Had I been present the week of January 24th, I would have voted aye on rollcall Nos. 17, 18, 20, 21, 22, and 23. I would have voted nay on rollcall Nos. 19, 24 and 25.

A TRIBUTE IN HONOR OF THE
LIFE OF ROBERT SARGENT
SHRIVER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of Robert Sargent Shriver, founding Director of the Peace Corps and driving force behind the War on Poverty, who entered eternal life on Tuesday, January 18, 2011, just two days before the 50th anniversary of the inauguration of his brother-in-law, John F. Kennedy. Beloved by all who met him, Sargent Shriver embodied the greatness of his generation, devoting his 95 years to fighting for peace and against poverty.

The scion of a prominent Maryland family, Sargent Shriver received his bachelor's and law degrees from Yale before becoming a successful businessman, lawyer, and Newsweek editor. He met Eunice Kennedy and began managing the Merchandise Mart in Chicago, marrying Eunice in 1953. A savvy organizer and staunch civil rights advocate, Sargent Shriver quickly became both an indispensable part of the Kennedy family and an outstanding public servant in his own right. Kennedy called for service and sacrifice; Shriver answered and animated that clarion call.

A World War II Navy Lieutenant and Purple Heart recipient, Sargent Shriver understood service in his soul. When Kennedy created the Peace Corps in 1961, he handed Shriver the signing pen and the opportunity to direct a new force for peace and engagement with the world. Sargent Shriver undertook this effort with his typical energy and zeal, working tirelessly to bring a small measure of peace to the world, and a piece of the world to the thousands of young Americans who shouldered backpacks and the responsibilities of global citizenship. My son Paul was one of them, and his Peace Corps service in Nepal lit his life and continues to guide his vision and his values today.

"The Peace Corps door is open to all who are willing to enter," Shriver once said. "All they have to do is volunteer." Many who walked through that door began a life dedicated to service, including a number of colleagues in Congress—Senator Christopher Dodd, Congressmen MIKE HONDA, SAM FARR, JOHN GARAMENDI, STEVE DRIEHAUS, and THOMAS PETRI. While critics scoffed that Sargent Shriver's fledgling organization wouldn't last five minutes, Shriver used his unparalleled organizational and motivational skills to shepherd and shape it for five years. As we prepare to celebrate the 50th anniversary of the Peace Corps next month, over 200,000 Americans will have dedicated themselves to the education, environmental protection, public health, and economic development of 139 countries around the globe.

As committed to progress at home as abroad, Sargent Shriver became the primary architect of President Lyndon B. Johnson's War on Poverty. As Director of the Office of Economic Opportunity, he created much of the framework of our modern social safety net, including Head Start, VISTA, Job Corps, Up-

ward Bound, and Legal Services. For a time, he continued to direct the Peace Corps even while waging the War on Poverty. Twelve-hour days and seven-day work weeks meant little to Shriver when it came to helping people. His biographer Scott Stossel writes that Shriver's colleagues believed he was always "expanding the Horizons of the Possible," in his own life and others.

Continuing his illustrious career, Shriver served with distinction as Ambassador to France. In 1972, he was the Democratic Vice-Presidential nominee, and he was a presidential candidate in 1976. In more recent years he aided his wife's work on the Special Olympics, and founded the Sargent Shriver Peace Institute, the Shriver Center at the University of Maryland, Baltimore County, and the Shriver Center on Poverty Law. For his lifetime of leadership and service, President Bill Clinton awarded Sargent Shriver the Presidential Medal of Freedom, joining Eunice who was a previous recipient. They became the only spouses to receive the award separately.

Mr. Speaker, I ask my colleagues to extend our deepest sympathies to Sargent Shriver's family. He is survived by his five children, California's former First Lady, Maria Shriver; Robert Sargent Shriver III; The Honorable Mark Shriver; Timothy Perry Shriver; Anthony Paul Shriver; and 19 wonderful grandchildren.

Accepting the 1972 Vice Presidential nomination, Sargent Shriver invoked the words of the French Jesuit, Teilhard de Chardin:

One day after mastering the winds, the waves, the tides and gravity, after all the scientific and technological achievements, we shall harness for God the energies of love. And then, for the second time in the history of the world, man will have discovered fire.

With Sargent Shriver's help, America glimpsed the glow from that fire, and in his absence we must strive to discover it once again. I'm honored to pay tribute to one of the most faith-filled, compassionate, humane and effective public servants of our time. The Sargent Shriver legacy is an unparalleled, timeless inspiration to our nation's citizens and citizens of the world.

IN RECOGNITION OF THE VIETNAMESE NEW YEAR: TET, 2011:
YEAR OF THE CAT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Vietnamese New Year: Tet, 2011, Year of the Cat. As the Vietnamese community in Greater Cleveland gathers to celebrate, I join them in honoring their rich history and culture.

Tet is the time of the year to pay homage to ancestors, reconnect with friends and family and celebrate every hope and possibility rising with the new year. This year's gathering will once again honor community volunteers and leaders, showcasing many Vietnamese cultural treasures including Vietnamese culinary cuisine, music and dance.

2011 also marks thirty-six years of service to the community by the Vietnamese Commu-

nity in Greater Cleveland, Inc. This organization has been an invaluable resource for hundreds of Clevelanders of Vietnamese descent, linking them to needed resources and preserving the rich heritage of the Vietnamese people.

I would also like to take this opportunity to recognize Le Nguyen, President of the Vietnamese Community in Greater Cleveland, Inc., and every member, past and present, for their dedication to Vietnamese-Americans of Northeast Ohio.

Mr. Speaker and colleagues, please join me in celebration of the Vietnamese New Year, Tet 2011: Year of the Cat. May every American of Vietnamese heritage hold memories of their past forever in their hearts, and find peace and happiness within every new day of the rising new year.

SUPPORT FUNDING FOR USAID

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. FARR. Mr. Speaker, I rise today in opposition to the Republican Study Commission's proposed cuts to the U.S. Agency for International Development. This proposal comes as USAID undergoes systemic reforms that will bolster American power, fortify our national security, and realize long-term savings. Budget slashing now cuts these reforms off at the knees and seriously jeopardizes our international security and standing.

USAID is transforming itself into a modern development enterprise. Like any good business enterprise, USAID has put a laser-sharp focus on delivering the highest possible value to its shareholders, the American taxpayers. Already, USAID has launched efforts to increase efficiency, dramatically reduce contracting, strengthen evaluation and oversight, and promote capacity development. Taken together, these complex initiatives will enable USAID to achieve better results faster at lower costs.

And lower costs mean that USAID can be a better steward of taxpayer dollars. As Defense Secretary Robert Gates said, "Development is a lot cheaper than sending in soldiers." Truly, an ounce of prevention is worth a pound of cure. USAID civilian efforts do the essential front-end work to prevent violence in the first place by strengthening democratic governance, promoting rule of law, and supporting infrastructure growth to eliminate the root causes of conflict and develop peaceful, secure states. When countries are stable, the likelihood of extremist elements diminishes and vibrant economic markets and partnership for U.S. exports emerges. USAID is helping to create strong local capacity so that development assistance is no longer necessary. USAID is truly working itself out of a job. What could be more cost-effective than that?

Finally, international development is not a partisan issue. It is an American value that reflects our fundamental belief in progress and peace. When we invest in foreign assistance, we promote international stability and build strong allies. USAID has laid the foundation to

become a more effective, efficient, transparent instrument of our national security apparatus and diplomacy toolbox. Now more than ever, USAID needs Congressional support to fully realize these reforms and restore American power abroad. I strongly urge my colleagues to reconsider this misguided proposal.

**HONORING THE LIFE OF RICHARD
J. SOLOVE**

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. TIBERI. Mr. Speaker, I rise today to honor and recognize the life and achievements of Mr. Richard J. Solove.

I was proud to know Richard Solove for more than 25 years; and I was proud to call Dick my friend.

Richard J. Solove's name is well known in Central Ohio and in the health care community, but his incredible life story of generosity and compassion may not be as commonly known. The Ohio State University's renowned Comprehensive Cancer Center, Arthur G. James Cancer Hospital and Richard J. Solove Research Institute that bears his name is where doctors perform groundbreaking research in the fight against cancer.

Richard Solove was inspired by his father's battle with cancer and later his sister's to help bring about a cure for cancer and provide cancer patients with the very best care. A pharmacist by training, Mr. Solove had a vision to help create a state-of-the-art cancer research and care facility at his alma mater, The Ohio State University. His donation of \$20 million, the largest private donation The Ohio State University Medical Center had ever received, is helping make his vision a reality.

According to the Columbus Dispatch, "Dr. Michael Caligiuri, director of the OSU Comprehensive Cancer Center called Solove a hero for his passion, drive, tenacity, and vision . . .," while OSU President E. Gordon Gee said "Solove was among the university's most-generous alumni and that he created an 'enduring legacy' in working to find a cure for cancer."

His generosity didn't end with the one-time donation; he gave a total of \$27 million to the Medical Center. He served as the board chairman of the James Cancer Hospital's Research Institute Foundation from 1989–1994 and remained on the board until his death last month at the age of 85. Quite literally, thousands of lives have been touched by Mr. Solove.

His commitment to fighting cancer nearly matched his devotion to Central Ohio. He had the foresight to envision the growth and expansion of this region back in the 1960s. Ending his career as a pharmacist, he began to develop shopping centers, office buildings and apartment buildings as I-270 was being built.

Growing his business, R.J. Solove and Associates, and creating Columbus Realty Investments, his 500 employees now stretch across seven states. He played a major role in developing Central Ohio's economy, leaving his footprint on the region for decades to come.

The son of Russian immigrants, a graduate of Columbus Public Schools and The Ohio State University, Richard Solove was also a son of Ohio. He lived the American dream and his legacy will be felt for years to come.

HONORING MAYOR RAY JENKINS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, we are saddened by the untimely death of Mayor Ray Jenkins because our lives have been touched by the life of this one man . . . who gave of himself in order for others to stand; and

Whereas, Mayor Ray Jenkins' work is present in Doraville, Georgia, for all to see, being one of Doraville's favorite sons; and

Whereas, this highly effective public servant was elected as Mayor of the city of Doraville in 2003 and again in 2007; and

Whereas, he gave of himself, his time, his talent and his life as he served our nation in the U.S. Navy, with two tours during the Korean Conflict and served in the U.S. Postal Service until his retirement in 1986; and

Whereas, Mayor Jenkins was a husband, a father, a grandfather, a friend and a man of great integrity who remained true to the uplifting of our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a special recognition on Mayor Ray Jenkins for his leadership, friendship and service to all of the citizens of Georgia and throughout the Nation as a citizen of great worth and so noted distinction;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby attest to the 112th Congress of the United States that Mayor Ray Jenkins of Doraville, DeKalb County, Georgia is deemed worthy and deserving of this "Congressional Recognition" by declaring Mayor Ray Jenkins, U.S. Citizen of Distinction in the 4th Congressional District.

Proclaimed, This 7th day of February, 2011.

**INTRODUCING THE ENSURING
WORKER SAFETY ACT**

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Ms. HIRONO. Mr. Speaker, today I introduce the Ensuring Worker Safety Act as a means to help keep workers safe in Hawaii and across the country.

In September of 2010, the U.S. Department of Labor (DOL) found that under former Governor Linda Lingle, Hawaii had under-funded and systematically neglected its State Occupational Safety and Health Act plan (OSHA State plan). As a result, Hawaii did not have enough workplace inspections or on-site consultations to keep workers safe. Hawaii was the only State in the nation found breaking its State plan obligations.

Unfortunately, for Hawaii and the 27 States/territories with approved State plans, DOL is extremely limited in its authority to help State plans improve. If DOL determines that an approved State plan is not "at least as effective as" Federal standards and enforcement, its only recourse is to terminate the State plan, a drastic step that would remove State control, leave State and local government employees unprotected, and add costs to DOL for funding and running a health and safety program in the State.

To help States respond to this challenge, today I introduce the Ensuring Worker Safety Act, which would give Federal DOL options other than completely terminating an underperforming State plan.

Specifically, the Ensuring Worker Safety Act:

Establishes a formal mechanism for OSHA to identify a problem with a State plan and compel a remedy without beginning the process for withdrawing approval.

Ensures continued application of health and safety regulations by providing OSHA with concurrent enforcement authority while a State plan is remedying deficiencies or being withdrawn, after 30 days notice of official Federal action and an opportunity for a public hearing.

Holds Federal OSHA accountable for providing strong oversight and guidance to State plans by establishing a regular Government Accountability Office (GAO) study—one every five years—to look at the effectiveness of State plans and the Secretary of Labor's oversight of such plans.

For her work on this bill in the 111th Congress, I thank my former colleague Congresswoman Dina Titus of Nevada. I look forward to her continued contributions to public service.

HONORING KAYLAN POINDEXTER

HON. JOSEPH J. HECK

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. HECK. Mr. Speaker, I rise today to congratulate and honor a young student from Henderson, NV, who achieved national recognition for exemplary volunteer service. Kaylan Poindexter was named a Nevada finalist in the 2011 Prudential Spirit of Community Awards program, an annual honor given to the most impressive student volunteers in each state and the District of Columbia.

A senior at College Southern Nevada High School, Kaylan served as the assistant activities coordinator for Sunrise Assisted Living of Henderson. She assisted elderly residents and brightened their day with activities like baking, creating art, gardening, traveling and other special events.

Kaylan also served as a student ambassador for the 2010 Alzheimer's Association Memory Walk, and raised awareness about the disease by reaching out to students in the Clark County School District.

Given the difficult circumstances facing Nevadans today, Kaylan is an example of what makes our country great. She defies the statistics that indicate Americans today are less involved in their communities than they once were.

Kaylan, her family, friends and community should be proud of her accomplishments. The fact she was singled out from thousands of dedicated volunteers who participated in this year's program is truly praiseworthy. I applaud Kaylan for her commitment to making Henderson a better place to live, and for the positive impact she made on the lives she touched.

HONORING GRANDPARENTS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, the Grandparents of our Nation give of themselves to better the families and communities of our District; and

Whereas, Grandparents teach our children, raise our leaders and Grandparents demonstrate a spirit of giving, service and leadership to our District; and

Whereas, our District, families and communities have benefited from our Grandparents working to build a strong foundation in the lives of our community; and

Whereas, our Grandparents have worked tirelessly to give their best to support our community mentally, spiritually and physically; to be a resource for our future and by being the bridge to our past; and

Whereas the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Grandparents at Peace Baptist Church in Decatur, Georgia, for their service, love and leadership;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim Sunday, September 12th as Grandparents Day in the 4th Congressional District of Georgia.

Proclaimed, This 12th day of September, 2010.

REMEMBERING ARTHUR W. "NICK" ARUNDEL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. WOLF. Mr. Speaker, I want to share with our colleagues the sad news of the passing yesterday of Arthur W. "Nick" Arundel, founder of the Times Community newspapers and publisher of the Loudoun Times-Mirror and Fauquier Times-Democrat, at age 83 at his home at Merry Oak Farm near The Plains, Virginia, in the 10th Congressional District.

I had the honor and pleasure of knowing Nick Arundel, a decorated Marine Corps officer, acclaimed local newspaper owner and publisher, community leader, land preservationist, animal conservationist, and philanthropist who leaves a legacy of accomplishment that may never be matched.

On behalf of 10th District residents I offer sincere condolences to his wife, Peggy, their five children, and 11 grandchildren. Their son, Peter, is president and chairman of the board of Times Community newspapers.

Mr. Speaker, I submit the obituary of Nick Arundel published in the Loudoun-Times Mirror of February 8.

ARTHUR W. "NICK" ARUNDEL, 1928-2011

On the eve of yet another honor in a long list of local, state, national and international acclaims, Loudoun Times-Mirror and Fauquier Times-Democrat publisher Arthur W. "Nick" Arundel died at his beloved Merry Oak Farm near The Plains, on Feb. 8. He was 83, and was to be named the Outstanding Virginian of 2011 by the Virginia General Assembly today.

The son of Russell M. Arundel, a Pepsi-Cola executive and fox hunting enthusiast who once served as the chairman of the National Steeplechase and Hunt Association, and Marjorie Arundel, a renowned conservationist, Mr. Arundel took inspiration from both sides of the family.

He played polo and raced steeplechase horses, was an avid rider and fox hunter and founded Great Meadow Field Events Center.

Mr. Arundel raced Sugar Bee, the only Virginia-bred horse to win both the Maryland Hunt Cup and the Virginia Gold Cup at Great Meadow. In his career, Sugar Bee earned Timber Horse of the Year and National Stock Horse Association Horse of the Year honors.

Mr. Arundel also was an early enthusiast and a lifelong energetic supporter of land conservation programs, helping launch and nurture conservation easement programs that have done much to preserve open space, agriculture and forestry in the northern Piedmont.

Wildcat Mountain, site of Merry Oak Farm, was one of the first large tracts of land to be put in conservation easement in Fauquier County. Altogether, the Arundel family has put more than 5,000 acres under conservation easement.

"Growth over the years just ahead here will probably be greater than in all of the combined history of Fauquier County," Mr. Arundel wrote in a front-page statement of purpose in his first issue as owner of The Fauquier Democrat, which he bought in November 1974.

"It has the promise of creating opportunity for work and careers for young people here, which have not always been present. Growth must not and shall not happen at the price of destroying this county's beauty, natural heritage and its vital farm industry."

Great Meadow perhaps is the Fauquier County crown jewel that perfectly aligns Mr. Arundel's interest in equestrian sport and land conservation.

The 540-acre tract had been destined for houses on one-acre lots when Mr. Arundel purchased the boggy, low-lying property.

"In an increasingly crowded nation with such large pieces of land for these events gradually disappearing," Great Meadow Foundation trustees said in accepting Mr. Arundel's gift of the land, "Great Meadow will provide a permanent, open-space green theater preserved from development to engage the graceful drama and color of these sports for the general public . . . For the community and legacy of these great sports, we are grateful for Mr. Arundel's characteristic thoughtfulness in making this possible."

Born in Washington, D.C., on Jan. 12, 1928, Mr. Arundel grew up there and in Mason City, Iowa. He graduated from Harvard in 1951, a friend and classmate of Robert F. Kennedy, and served as a Marine Corps paratrooper officer in Korea, where he was wounded, earning the Purple Heart.

In 1954, Mr. Arundel parachuted behind the lines into Hanoi, leading a clandestine team

to successfully destroy key installations there before Ho Chi Minh took over the city after the French loss at Dien Bien Phu. That would not be his last mission in southeast Asia.

Mr. Arundel left the Marine Corps in 1955 with the rank of captain, but returned to serve his country as a paramilitary officer attached to the CIA in Vietnam. He was wounded there as well, earning a second Purple Heart.

Mr. Arundel was fond of telling the story of convincing Edward R. Murrow that he had the skills and drive necessary to become a reporter. Murrow was apparently swayed by the young former Marine and sent Mr. Arundel to work as a Defense Department correspondent in the Washington bureau of CBS News. Mr. Arundel later joined United Press International, also covering the Defense Department.

After a stint as a special assistant to the Secretary of Commerce, and with a bank loan of \$75,000 and the courage of his convictions, Mr. Arundel purchased D.C.-area radio station WARL, a country music station, changing the name to WAVA. Arundel and his staff began reading wire service stories on the air when the popular morning announcer was killed in a car crash on his way to work.

WAVA became, "the first all-news station in the world," Mr. Arundel said. "It's very pleasing to see that being carried on today . . . in television."

Over the ensuing years, Mr. Arundel built Arundel Communications (ArCom, now Times Community Media), adding radio, television and, with the 1963 purchase of the Loudoun Times-Mirror, newspapers.

"I fell in love with print journalism and left broadcasting," Mr. Arundel said. "I sold out of it."

The money was in broadcasting, but the joy was in print. I was never in print journalism till I bought my first newspaper and walked in the door, sight unseen."

Mr. Arundel bought what was then called the Fauquier Democrat in 1974. At the pinnacle of his career as a newspaper publisher, ArCom operated 17 weekly community newspapers in Fauquier, Culpeper, Prince William, Clarke, Loudoun and Fairfax counties.

Politically active, Mr. Arundel was on a first-name basis with virtually every prominent Virginia politician and many others who walk the national stage.

While still at Harvard, he served in an internship with then-U.S. Sen. Lyndon Johnson on Capitol Hill. He also ran the Virginia presidential campaign for Harvard classmate Robert F. Kennedy and threw his own hat into the ring for election to the Virginia Senate in the early '70s as a Democrat.

Pragmatic and more concerned about leadership than party labels, Mr. Arundel endorsed a variety of candidates for public office on the editorial pages of his newspapers, including, most recently, Republican John McCain for president in 2008.

"In the first part of your life, you learn," Mr. Arundel said of the development of Great Meadow, which he donated to the nonprofit Great Meadow Foundation. "In the second, you earn, and in the third, you give it all back."

He remained in active pursuit of the last-named goal until the end of his life.

Recent projects included the establishment of Morningside Training Farm, a 120-acre equestrian center at the very foot of the Merry Oak driveway. There, Mr. Arundel was building a training facility for every facet of equestrian sport.

He also was actively engaged in the Journey Through Hallowed Ground, which he founded and for which he served as chairman.

Mr. Arundel was a founder and president of Friends of the National Zoo; the first chairman of George Mason College (now George Mason University); a founder and president of Piedmont Environmental Council; founder of the U.S. Marine Corps Heritage Center in Quantico; co-founder of the National Press Foundation; co-founder of the Washington Journalism Center, co-founder and past president of the African Wildlife Foundation; and a member of the Board of Visitors of Harvard's Kennedy Center of Government, Duke University's Public Affairs Institute, the Monticello Founders Board, the Virginia Higher Education Business Council, National Sporting Library, National Military History Museum, Virginia Museum of Fine Arts, George Washington University, Waterford Foundation, Fresh Air/Full Call Campaign, the Virginia Racing Commission, and the Americans at War Foundation. He was inducted into the Hall of Fame of Virginia Communications in 2001.

Mr. Arundel was married for 53 years to his wife Peggy, nee Margaret C. McElroy, of Philadelphia, who survives him.

The couple had five children, all of whom also survive—Mrs. Donald DeWees, of Wilmington, Del.; Peter W. Arundel, of McLean; Wendy Arundel, of Sherborn, Mass.; John Arundel, of Alexandria; Thomas B. Arundel, of Washington, D.C.; and 11 grandchildren.

Peter Arundel is president and chairman of the board of Times Community Media, the parent company of the Loudoun Times-Mirror, as well as the Fauquier Times-Democrat, the Culpeper Times and the Gainesville Times.

HONORING THE LIFE AND ACCOMPLISHMENTS OF CLARK MAXWELL, JR.

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. MICA. Mr. Speaker, I rise today to honor the life and accomplishments of an educator, a statesman and a friend, Clark Maxwell, Jr., who passed away on January 18th.

Clark was born August 21, 1934, in St. Petersburg. He grew up in Winter Park and graduated from Florida Southern College in 1956. After serving in the Army, he moved to Melbourne in 1959 and worked for Pan Am during the beginning years of the space program.

After leaving the private sector, Clark began his public service while serving as Member of the Brevard County School Board. Moving forward, as he always did, Clark decided to run for and won election to the Florida House of Representatives in 1974 and finally the Florida Senate in 1978. He served six years in that body and was eventually elected Republican Leader.

His passion was always education. It began at the local level, progressed to a regional level, and matured at the state level, when he resigned from the Florida Senate in 1984 to become Executive Director of the State Board of Community Colleges. He served with distinction in that position until 1997 when he formally retired. But retirement had a different

meaning to Clark. After moving to Flagler County, Clark continued to support education and even hosted a television program called "Eyes on Education"; an appropriate name as Clark always did have his eye out for improving the educational system in Florida.

To Clark's wife Margo and his three children, Clark III, Judy Henderson, and Marcia Maxwell, we extend our deepest sympathies.

Clark truly made an indelible mark on education in Florida. In our community, he always stressed integrity, compassion and public service, and through that principled dedication he leaves a proud and distinguished legacy. Mr. Speaker, I ask all Members of the U.S. House of Representatives join me in recognizing Clark Maxwell's years of service and dedication to our community, our state and our Nation.

IN RECOGNITION OF THE RETIREMENT OF LTG JAMES H. PILLSBURY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to Lieutenant General James H. Pillsbury.

LTG Pillsbury was commissioned in May of 1973 and served in a myriad of key positions throughout his career, from second lieutenant platoon leader to lieutenant general and deputy commanding general of Army Materiel Command.

LTG Pillsbury served as Commander of the U.S. Army, Aviation and Missile Command at Redstone Arsenal in Alabama from 2003–2007. While there, he was instrumental in his efforts to represent the greater Tennessee Valley and Redstone Arsenal during the Base Realignment and Closure selection process. With LTG Pillsbury's support, Redstone Arsenal was successful in securing the relocation of Army Materiel Command Headquarters from Fort Belvoir, Virginia to Redstone Arsenal, Alabama.

LTG Pillsbury's presentation was inclusive of all tenants of Redstone Arsenal and included the two subordinate commands of AMCOM, Letterkenny Army Depot (PA) and Corpus Christi Army Depot (TX). His presentation focused on the value of the installation to not only the Army but all of the Department of Defense, and the ability and potential for growth beyond BRAC 2005.

He and his wife, Becky have returned to Redstone Arsenal where he'll complete his military service while assigned as the Deputy Commanding General for Army Materiel Command and will retire in May after 38 years of service.

I congratulate LTG Pillsbury on his retirement and thank him for his service to America.

HONORING JUSTICE ROBERT BENHAM

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, Justice Robert Benham, a tenacious man from Cartersville, Georgia utilizes his gifts, talents and wisdom everyday to insure that justice prevails for the citizens of the state of Georgia; and

Whereas, Justice Benham is a world renowned judicial leader, husband, father and community leader; and

Whereas, Justice Benham is the first African American to serve on the Georgia Supreme Court, and

Whereas he is a man of honor and a strong advocate of justice, education and family; and

Whereas, this wise elder and man of God has shared his time and talents for the betterment of his community and his nation and through his tireless works, words of encouragement and inspiration continues to be a beacon of light to all who know him; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Justice Robert Benham for his outstanding leadership and service to all citizens in the state of Georgia, including and especially the citizens of our district;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim February 5, 2011, as Justice Robert Benham Day in the 4th Congressional District.

Proclaimed, This 5th day of February, 2011.

RECOGNIZING MANASVI KOUL

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mrs. MYRICK. Mr. Speaker, I'd like to recognize a truly inspiring student in my district—Manasvi Koul of Waxhaw. This week, Manasvi was honored with the Prudential Spirit of Community Award, a nationwide program honoring young people for outstanding acts of volunteerism.

Manasvi, a senior at Marvin Ridge High School, founded the LIVEbeyond Foundation, a nonprofit organization that educates people about becoming bone marrow donors. Through the LIVEbeyond Foundation, more than a hundred people have registered with the national Marrow Donors Program, and even more volunteers have signed up to help recruit and register potential donors.

Her mission is a personal one—four years ago, Manasvi needed a bone marrow transplant to fight an aggressive form of cancer. Unable to find a match, she had to undergo a long and risky alternative treatment program, which ultimately proved successful. Today, she recruits and trains volunteers in chapters both in the United States and in Canada in the hope that others will not have to go through the struggle she did.

Nobody chooses to get cancer, but with Manasvi's leadership, hundreds of people are choosing to be a part of the cure. Seeing such dedication and selflessness from our country's young people truly gives me hope for the future. Manasvi's commitment to helping those with cancer is nothing short of inspirational, and it is my honor to recognize her today.

PERSONAL EXPLANATION

HON. ERIC A. "RICK" CRAWFORD

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. CRAWFORD. Mr. Speaker, unfortunately, I missed the following recorded vote on the House floor the legislative day of Tuesday, February 8, 2011. Had I been present I would have voted "yes" on rollcall vote #26 (on motion to suspend the rules and pass H.R. 514).

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,110,420,810,062.28.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,471,995,063,768.40 since then.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING JESSE AND RUTH YOUNG

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, Jesse and Ruth Young are celebrating seventy years (70) in marriage today in Decatur, Georgia; and

Whereas, on September 12, 1940, because of their union then, our community today has been blessed with a family that has enhanced our District, Mr. Young as a peace officer and Mrs. Young as a housewife and caregiver, they both are instruments in our community that uplifts the spiritual, physical, economic and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God and this phenomenal and virtuous Proverbs 31 woman have given hope to the hopeless, fed the hungry and are beacons of light to those in need, they both have been blessed with ten wonderful children, fifteen wonderful grandchildren, twenty-eight great grandchildren and four great-great grandchildren; and

Whereas, Jesse and Ruth Young are distinguished citizens of our District, they are spiritual warriors, persons of compassion, fearless leaders and servants to all, but most of all visionaries who have shared not only with their family, but with our District their passion to improve the lives of others; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Jesse and Ruth Young as they celebrate their 70th Anniversary, seventy (70) years in marital bliss;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim September 11, 2010, and September 12, 2010, as Jesse and Ruth Young Day in the 4th Congressional District.

Proclaimed, This 11th day of September, 2010.

COMMENDING WILLIAM VINCE AND VIP HONDA OF SOMERSET COUNTY, NEW JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. LANCE. Mr. Speaker, I rise today to congratulate William Vince of Bernardsville, New Jersey. This year Mr. Vince is celebrating the 50th anniversary of his dealership, VIP Honda, which is located in North Plainfield, New Jersey.

VIP Honda was founded by Mr. Vince and he continues to own and operate it to this day in the heart of the Seventh Congressional District. VIP Honda has been praised by customers for "making car buying stress-free," and it has consistently met the standards of excellence Honda and consumers expect. One customer said, "I would recommend VIP Honda to any of my family and friends." VIP Honda was among the first Honda automobile dealerships in the Nation, and its success paralleled that of Honda automobiles across the country.

From the beginning, Mr. Vince shared his success by giving back to the community. Mr. Vince is constantly ready to lend a helping hand to the community and has consistently proven his willingness to help throughout the years. His support for local police and fire departments shows his dedication to our public servants, and his involvement in community-wide events has been well documented throughout the years. Mr. Vince is also involved in a variety of charitable, nonprofit and other worthwhile organizations, for which I commend him.

Mr. Vince will be 87 on March 17. I am pleased to congratulate him and his dealership on their achievements throughout the years.

IN RECOGNITION OF THE RETIREMENT OF SERGEANT NORMAN ELDEN WILLINGHAM

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to Sergeant Norman Elden Willingham.

Sgt. Willingham grew up in Tuscaloosa County and graduated from Northside High School in 1969. After graduation, he served with honor and distinction in the U.S. Marine Corp from 1969–71 with a tour of duty in Vietnam as a machine gunner.

In 1974, he graduated from the University of Alabama with a Bachelor of Arts degree. From 1974–76, he worked as a police officer for the University of Alabama Police Department. From 1976–80, he was employed as a police officer with the City of Tuscaloosa and earned a Masters degree in criminal justice in 1979 from the University of Alabama.

In 1980, he went to work for the Birmingham Police Department. Upon graduating Birmingham Police Department's academy, Sgt. Willingham was immediately transferred into the Narcotics Unit, where he worked undercover for 2 years. In 1982, Sgt. Willingham went to work for the Northport Police Department, where he was assigned as one of the original members of the West Alabama Drug Task Force until 1985.

In 1985, he went to work with the Alabama Department of Public Safety. Sgt. Willingham was assigned as an Alabama State Trooper in Greene County, Alabama, for 3 years, where he developed a reputation as a professional law enforcement officer. In 1988, Sgt. Willingham transferred to the Alabama Bureau of Investigations where he completed assignments in the general crime investigative division and the narcotics investigation units.

In 1999, Sgt. Willingham was assigned to the Birmingham District Office of the Drug Enforcement Administration where he serves until his retirement on April 1, 2011. He has developed a reputation throughout Alabama and the United States narcotics law enforcement community as the "go to guy" in Alabama. Sgt. Willingham has been the case agent on several multi-state and international drug investigations which have led to the dismantlement of drug trafficking organizations throughout the United States.

He is preparing to slow down and work on his farm in Tuscaloosa County, Alabama, with his wife Martha, and spending time with his family. I congratulate Sgt. Willingham on his retirement and thank him for his service to America.

INTRODUCTION OF LEGISLATION
TO REFORM THE TREATMENT OF
ALASKA NATIVE CORPORATIONS
UNDER THE SBA'S 8(a) PROGRAM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, today, I am introducing legislation to level the playing field in the Small Business Administration's, SBA, 8(a) small and disadvantaged business program by eliminating the preferences and special rules that exist for Alaska Native Corporations, ANCs.

The 8(a) program was established to improve participation rates for small, minority-owned and operated, economically and socially disadvantaged businesses in the Federal marketplace.

Under the program, eligible businesses receive training, technical assistance, and Federal contracting opportunities through set-asides and contract awards without competition.

In the current economic climate, 8(a) contracting opportunities can sometimes be the difference between success and failure for small struggling businesses all across America.

Yet, all too often, small businesses are crowded out of the Federal marketplace by ANCs who, since 1986, have benefited from a carve-out which allows these firms to receive contracts under the 8(a) program with "special procurement advantages"—including the ability to win uncapped no-bid contracts. These benefits are not conferred to other 8(a) firms.

As a result, ANCs, who only make up about 2 percent of eligible firms under the 8(a) program, actually receive more than a fourth of 8(a) contracts.

Between FY2000 and FY2008, Federal contract dollars awarded to ANCs and their subsidiaries grew by 1,386 percent, and have more than tripled in recent years, from \$1.1 billion in FY 2004 to \$3.9 billion in FY 2008.

The Washington Post, and more recently Pro Publica, have published exposes that reveal the inequities of the ANC carve-out and how it has contributed to government waste.

My partner in the Senate in this effort is Senator CLAIRE MCCASKILL of Missouri has done extensive oversight of the ANC carve-out through her work on the Senate Homeland Security and Governmental Affairs Committee Ad-hoc Subcommittee on Contracting Oversight.

I have been interested in the distorting effect of the ANC carve-out since 2005, when FEMA disproportionately awarded post-Katrina recovery contracts to ANC.

At my request, the Government Accountability Office studied the program and, in 2006, reported that the SBA's oversight of ANCs has "fallen short" and as a result there is "clearly the potential for unintended consequences or abuse." GAO further found that "sizeable 8(a) revenues do not guarantee a higher level of shareholder benefits" to Alaska Natives.

The evidence for whether these revenues have benefited Native Alaskans is anecdotal

at best but, interestingly, the poverty rate in Alaska has actually gone up since 1986, from 8.8 percent to 9.4 percent.

There are many glaring inconsistencies between the treatment of ANCs and all other 8(a) firms.

For example: while awards to regular 8(a) firms are capped at \$3.5 million for services contracts (or \$5.5 million for goods), they are uncapped for ANCs and are often awarded through sole-source, no-bid contracts; while regular 8(a) firms may not participate in the program for more than nine years, ANCs can remain in the program indefinitely as long as they keep creating new subsidiaries; while regular 8(a) firms have to prove every year that they are socially and economically disadvantaged, ANCs are presumed to be socially and economically disadvantaged; while regular 8(a) firms have to be run by an economically disadvantaged minority, ANCs do not have to be minority-owned and operated and are actually often run by wealthy non-Native managers.

My legislation will: (1) standardize the eligibility requirements for all 8(a) firms; (2) require ANCs to show that they are actually economically and socially disadvantaged, as is required by other 8(a) firms; (3) require all 8(a) firms, including ANCs, to show, on an annual basis, that they are owned and operated by social and economical disadvantaged persons; (4) require the SBA to ensure that the size of ANCs participating in the 8(a) program meet the same "small business" definition as other 8(a) firms; (5) require ANCs to submit an annual report indicating 8(a) program-related payments, total revenue, and the total amount of benefits paid to ANC shareholders; (6) strike the provision that allows ANCs to receive sole-source contracts in excess of \$3.5 million for services and \$5.5 million for goods; and (7) remove the provision that allows ANCs to participate in the 8(a) program beyond 9 years, the limitation in place on other 8(a) firms.

I urge Members to review my legislation and cosponsor this bill to ensure that eligible small businesses, in your community and mine, can reap the full benefit of the 8(a) program.

TRIBUTE TO SAN CLEMENTE CITIZEN OF THE YEAR LORI DONCHAK

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California are exceptional. San Clemente has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Lori Donchak is one of these individuals. On February 24, 2011, Lori will receive a prestigious honor when the San Clemente Chamber of Commerce names her the 2010 Citizen of the Year at the organization's annual awards and installation dinner at the Talega Golf Club.

Lori Donchak graduated from Northwestern University with a B.S. in Linguistics and Education. She received an MBA from Kellogg Graduate School of Management and enjoyed a 20-year career as a business executive in the communications industry. She currently teaches English at St. Margaret's Episcopal School. She also serves on the San Clemente City Council and is currently the Mayor.

As part of her city council duties, Lori is chair of the Traffic Task Force, CUSD Liaison, member of the Safety/Quiet Zone Committee, Housing Element Committee, Courtney's Sandcastle Committee and the Watershed Task Force. She is a member of the San Clemente Chamber of Commerce, Rotary Club, San Clemente Historical Society and Friends of the Casa.

Lori's contributions to the community of San Clemente are numerous. She has contributed countless hours to beach clean-up projects; participated in litter clean-up throughout San Clemente; volunteers at St. Margaret's Episcopal School Library; she is a graduate of the "Leadership San Clemente Education Program;" voluntarily examines San Clemente and reports gang graffiti; remains involved in programs with Camp Pendleton to aesthetically rejuvenate South San Clemente.

Lori's tireless passion for community service has contributed immensely to the betterment of the community of San Clemente, California. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her, along with her family, as she receives this prestigious award.

HONORING PASTOR GRACE C. WASHINGTON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following.

Whereas, twenty-five (25) years ago a virtuous woman of God accepted her calling to serve as Senior Pastor, and

Whereas, Pastor Grace C. Washington has served twenty-five (25) years as a Senior Pastor with faithful service and devotion that has and continues to improve the lives of citizens in our district; and

Whereas, this great woman has shared her time and talents as a Teacher, Counselor, Friend and Pastor, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who wants to advance the lives of our community; and

Whereas, Pastor Grace C. Washington service to the Love Life Christian Church speaks volume not only to our community, but to the nation as a whole; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Grace C. Washington on her anniversary as a Senior Pastor and to wish her well in her endeavors; as Pastor Grace C. Washington Day in the 4th Congressional District.

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 9, 2010, Proclaimed, this 9th day of October, 2010.